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

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W10a

To: Coastal Commissioners and Interested Persons
From: Dan Carl, North Central Coast District Director
Nancy Cave, North Central Coast District Manager
Jeannine Manna, North Central Coast District Supervisor
Shannon Fiala, North Central Coast District Planner

Subject: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1 (Marin LCP Update).

SUMMARY OF STAFF RECOMMENDATION

Procedural Note

The County of Marin is proposing to comprehensively update its Local Coastal Program (LCP)'s Land Use Plan (LUP) and Implementation Plan (IP), thus completely updating their LCP. The current LCP was originally certified, with the County assuming coastal development permitting (CDP) authority, in May of 1982. In 2008, the County embarked on a comprehensive LCP update, and following nearly five years of public involvement, hearings, and extensive deliberation by both the Marin County Planning Commission and Board of Supervisors, the County submitted that update for Coastal Commission consideration. In May of 2014, the Commission conditionally certified the LUP portion of the update following a public hearing in Inverness, and in April of 2015 considered the IP portion of the update at a public hearing in San Rafael. At that 2015 hearing, the County withdrew its proposed IP update, preferring to spend more time addressing their concerns with the Commission-certified LUP and staff's recommendations on the IP.

Ultimately, the County chose to submit a revised LCP update (i.e., both a revised LUP Update, different from that conditionally certified by the Commission, and a revised IP Update, different from that previously proposed) for Commission consideration. During 2015 and 2016, Commission staff met with representatives of the agricultural community and other interested parties, while also participating in monthly coordination meetings and several community workshops with County staff during the C-SMART (Collaboration – Sea-Level Rise Marin Adaptation Response Team) process. The Marin County Board of Supervisors also held two additional public hearings on the newly revised LCP Update, on August 25, 2015 and April 19, 2016, before transmitting their revised LCP Update proposal to the Commission for consideration on October 8, 2015 and April 22 and 25, 2016. This staff report and the November 2, 2016 hearing are intended to cover both the proposed updated LUP and IP together.

At the onset, Commission staff notes that the County has offered an open, inclusive, and collaborative dialogue with staff, including early consultation on issues to be addressed in the

update. The County's consultation and hearing process has significantly informed Commission staff's recommendation, especially given that the County's record contains extensive public comments about the County's proposed revisions. The Commission staff recommendation has also benefitted from public comment received by the Commission from interested stakeholders and community groups on issues raised by the County's submittal and the Commission's previous action. Commission staff has worked extensively and inclusively with County staff both prior to and subsequent to submittal of the revised LCP update package. Commission staff has also worked closely with members of the public, including meeting with stakeholder groups to understand their particular concerns, and soliciting public comments on draft LCP amendment language. The result of this public outreach is an LCP update, as suggested to be modified, that attempts to address the issues raised by a broad swath of Marin County constituents, including agricultural interests, environmental groups, property owners, and Marin County Community Development Agency staff, among others, in a manner that is consistent with the Coastal Act.

Background

Marin County contains approximately 106 miles of coastline stretching from the Sonoma County border in the north to Point Bonita near the Golden Gate Bridge in the south. The coastal zone totals roughly 128 square miles (82,168 acres) of the County's 520 square miles of total land area. Of this coastal zone total, approximately 53 square miles (33,913 acres) are owned and managed by the federal government, contained mostly within either Point Reyes National Seashore or the Golden Gate National Recreation Area. The remaining 75 square miles (48,255 acres) comprise the County's LCP jurisdiction. Marin's coastal zone is incredibly rich in coastal resources, including a thriving agricultural economy dominated by existing family farming operations; a rich tapestry of sensitive biological resources including dunes, woodlands, open meadows, bluffs, and riparian areas; extensive visitor-serving uses that provide both vital recreational (e.g., trails, parks, beaches) and commercial (e.g., walkable commercial districts and visitor accommodations) opportunities for the nearly eight million residents of the greater San Francisco Bay Area and visitors from around the world; and broad swaths of land subject to coastal hazards, including development protected by structural armoring, low-lying areas subject to flooding, and bluffs susceptible to erosion, all exacerbated by the effects of sea level rise.

Staff is recommending approval with suggested modifications of an updated LUP and an updated IP, for a fully updated LCP. Staff believes the modifications are necessary to achieve consistency with the Coastal Act, and provides a summary of key aspects of the County's submittal and the staff recommendation below.

Coastal Hazards

Marin County's shoreline is a highly dynamic place. The coast is subject to forces that include shoreline and bluff erosion, storms and waves, tsunamis, landslides, and potential seismic events, all of which represent hazards for existing and new development. Rising sea levels are expected to exacerbate coastal hazards such as these, leading to such problems as more frequent storms, increased erosion, permanent or periodic inundation of lower lying areas, loss of coastal wetlands, and salt water intrusion. Structures located along the shoreline and atop bluffs that are susceptible to erosion and in areas that already flood during higher tides will likely experience an increase in these hazards due to accelerated sea level rise. Such hazards and the effects of sea level rise also threaten the integrity of roads and important infrastructure.

Coastal zone development, whether located along the shoreline, on a bluff, or further inland, can be vulnerable to one or more of these coastal hazards, including rising sea levels. As a response, significant portions of California's coastline have been armored with rock revetments, seawalls, and other shoreline protective devices. Marin County's shoreline includes relatively few areas where such devices are in place, but shoreline armoring is not absent from the County's coastal zone, and many homes are already elevated atop raised foundations due to coastal flooding along the shoreline. Although shoreline protective devices may offer protection to existing homes and other structures from ocean waves and storms, the devices can have negative impacts on recreational beach uses, scenic resources, natural landforms, and the supply of sand to shoreline areas, as well as the character of the County's coastal areas. All of these issues are exacerbated by ongoing sea level rise. Thus, it is critical that the LCP acknowledge these issues, seek to avoid the use of shoreline-altering protective devices wherever feasible (and include appropriate mitigations if not feasible), and respond to a future that includes elevated sea levels that are expected to drastically change the shoreline environs over time, including critically in terms of public recreational beach areas.

In response to these issues, the proposed LCP prioritizes minimizing risks to life and property, and more generally focuses on making development safe from potential hazards. These potential hazards are identified, relying heavily on existing mapping. Specific proposed standards for evaluating, siting, and designing development, including timeframes for establishing safety, vary based on the type of hazard and the location of the development. For example, blufftop development would be required to demonstrate that it would be safe from erosion hazards for 100 years, while shoreline development subject to potential coastal flooding would be required to demonstrate safety based on elevating three feet above the Federal Emergency Management Agency's (FEMA) 100-year storm event.[1]

With respect to redevelopment criteria and existing armoring, the proposed LCP eliminates redevelopment criteria that the Commission included in the 2014 conditionally certified LCP and proposes using repair and maintenance criteria, and allows for existing armoring to be used when considering setbacks and other hazard mitigations. In addition, the proposed LCP allows existing armoring to be left in place with new development, and does not consider deep pier/caisson super structure foundations along the shoreline to be a shoreline-altering protective device. The proposed LCP allows for maximum heights to be exceeded when development is elevated to address coastal flooding, and explicitly identifies that lesser permitting processes (i.e., exemptions and exclusions from CDP requirements) are to be used to facilitate such elevation, going so far as to indicate that raising existing structures to address coastal flooding will not require LCP consistency review, but rather stating such elevation projects shall be deemed to comply with LCP policies.

Finally, applying some of the work that has come out of the County's sea level rise LCP grant, the proposed LCP commits the County to a reevaluation of LCP sea level rise hazard policies by 2026, including directing the County to update data as necessary, to research a managed retreat program, to support efforts to monitor sea level rise impacts to natural systems and ESHA, to

[1] Elevation of two feet to address sea level rise plus an additional foot of "freeboard" for a total of three feet.

promote green infrastructure pilot projects, to update standards for ESHA buffers and setbacks to account for sea level rise, and to explore alternatives to structural elevation as a means of mitigating coastal hazards. In other words, the proposed LCP generally allows a continuation of redevelopment, elevation, and armoring in light of hazards and sea level rise, and largely relies on future adaptation planning to deal with the difficult decisions that affect low lying areas.

While the proposed LCP represents a comprehensive update to the existing certified LCP's hazards policies from 1982, it also differs in significant ways from the LUP hazard policies unanimously certified by the Commission in 2014. These differences are perhaps most pronounced in terms of the elimination of the Commission-certified concepts associated with defining coastal redevelopment and armoring,[2] including with respect to disallowing use, and requiring removal of, armoring that was no longer required in certain situations. On the latter, the Commission-certified 2014 hazard policies required that armoring *not* be countenanced when considering setbacks and other hazard mitigations, and required that such armoring be *removed* in certain circumstances. These provisions are eliminated in the County's current proposal.

Similarly, the 2014 Commission-certified LCP recognized that elevation of structures to address coastal hazards (such as sea level rise and coastal flooding) was likely to occur in low lying areas where such development could not meet setback requirements. In such cases, the Commission recognized that elevated structures (i.e., on pier and caisson superstructure foundations) were being used as a proxy for setbacks; that this proxy resulted in shoreline-altering development; that such application constituted a shoreline protective device; and the Commission-certified policies only allowed such elevation until April 2017. After that date, and if the LCP was not updated to modify the requirement,[3] elevation was prohibited as a hazard response in the Commission's certified policies. The now proposed LCP relies heavily on elevation in the low lying areas as a hazard and sea level rise response, and in place of seeking more thorough analysis and review of same, includes language to facilitate lesser reviews, including the above-mentioned proposed language indicating that such elevation projects are deemed to comply with LCP policies without actually requiring an analysis.

And finally, questions regarding what to do about development in low lying areas that is expected to result in significant problems for public trust and other shoreline coastal resources, and in particular public recreational beach areas, are generally deferred in the County's current proposal as opposed to addressed now. While some deferment of hazards issues to a future LCP amendment could be appropriate in light of the County's ongoing adaptation efforts, allowing the core questions related to shoreline and beach impacts to be deferred for ten years is at variance with the Commission-certified approach from 2014. And it means that impacts and conditions are likely to accrue during the course of those ten years that will make such planning all the more difficult at that future time. Similarly, in place of evaluating hazards in light of sea level rise over 100 years in these low lying areas, the County now proposes adding a static two feet of

[2] That is, when development associated with a structure is significant enough that the entire structure needs to be evaluated against all applicable LCP policies, including related to hazards.

[3] At the time the County was in the early stages of its adaptation planning, and anticipated that those efforts would yield policies that would be able to address these kinds of issues more holistically in light of sea level rise by 2017.

elevation to address sea level rise.[4] Given projections for sea level rise over the next 100 years that are almost three times higher than the two-foot proposed, these proposed standards would appear to underestimate potential impacts, and, absent associated parameters to address future scenarios (such as when the usable beach areas themselves migrate under elevated structures), would appear insufficient to address anticipated coastal resource impacts in these areas. In other words, the proposed LCP generally allows a continuation of redevelopment, elevation, and armoring in light of hazards and sea level rise, and largely relies on future adaptation planning to deal with the difficult decisions that affect low lying areas.

Thus, staff is recommending a series of modifications to the County proposed hazard policies to address these core problems. The overwhelming majority of these modifications are intended to reapply the core standards that the Commission previously certified in 2014, including as identified above. Importantly, these modifications also take into account changes that the County has made in the time since, and thus represent a hybrid of those more recent changes and the Commission-certified framework. For example, the modifications track and continue the County's proposed reliance on elevation of three feet (for freeboard and sea level rise) for shoreline development as an appropriate response for now, but also include standards that provide triggers for removing such structures in the future if hazards and sea level rise related impacts occur in such a way as to lead to elimination of public trust and beach areas. In addition, three feet of elevation is allowed for now, but must be updated through the County proposed LCP amendment in 10 years, where the intent is to provide a means for other approaches to potentially be used in the future.

Importantly, the suggested modifications are intended to provide a framework designed to address the very difficult questions we confront along eroding shorelines affected by rising sea levels, particularly in terms of public recreational beach space, and to identify measures to do something about it. Those measures include a suite of tools, including the redevelopment and armoring concepts above, but also including measures requiring property owners to internalize some of the true costs of development in hazardous areas, including by limiting elevation to a one-time hazard response, and only allowing development to remain until it is declared unsafe, it encroaches onto public trust resources, it can no longer be served by necessary infrastructure, or it is loses its required blufftop setback. These types of removal 'triggers' have become a more common approach for the Commission in its permitting program[5] that recognizes that there is some inherent uncertainty relative to coastal hazards, and puts the onus on the private property owners as opposed to the public to account for future coastal resource impacts, thus better protecting core public benefits such as those associated with continued sandy beach use.

In addition, suggested modifications build on the County's proposed adaptation planning policies to include sandy beach management plans as part of the proposed 2026 LCP update, where these plans can provide additional standards to address protection of sandy beaches in Marin, including through potential application of zoning overlays and an analysis of beach widths necessary to

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[4] Plus an additional foot of 'freeboard' as is typically applied to flood elevation cases via FEMA and otherwise, for a total of three feet.

[5] Including the Monterey Bay Shores Resort in Sand City in CDP Number A-3-SNC-98-114, the Winget residence in Humboldt County in CDP Number 1-12-023, and, in Marin County, the Marshall Tavern in Marshall in CDP Number 2-06-017. These kind of provisions are also similar to recent certified LCP language in this regard (e.g., in the recently certified Seaside LCP).

ensure the continuation of sandy beaches in Marin County. As more is learned, including through ongoing adaptation planning by the County, and new ideas and tools are identified, this can all be synthesized and added to the LCP at that time, thus allowing for refinement and update to the policies being put in place now. The LCP amendment horizon is ten years, but the County could choose to do it earlier, and in any event represents a more timely revision than the thirty years that have passed since the hazard policies were last certified in the LCP in 1982.

Agriculture

Nearly two-thirds of the Marin County coastal zone is zoned Coastal Agricultural Production Zone (C-APZ), the LCP's primary agricultural zoning designation. This single zoning district contains the vast majority of Marin's existing agricultural lands, much of which is used primarily for livestock grazing rather than row crops because Marin's coastal zone contains little prime agricultural land suitable for row crop farming, and has limitations on water supply availability. Thus, the LCP's policies addressing agricultural protection, including allowable land uses on C-APZ land and the applicable resource protection standards that development must meet, are of paramount concern and importance in ensuring development within Marin's coastal zone is consistent with the Coastal Act.

Fortunately, Commission and County staff have largely reached agreement on the LCP's agricultural provisions, stemming from the 2014 Commission conditionally-certified LUP efforts and refinements since. Critically, that 2014 LUP identifies the C-APZ zoning district as the LCP's primary agricultural zone, specifies the allowable uses within the zone and lists a hierarchy of required development standards. A fundamental concept in the Commission's 2014 conditionally-certified LUP was the allowance for one farmhouse, or a combination of one farmhouse and up to two intergenerational homes, per "farm," as opposed to per "legal lot." The Commission found in 2014 that allowing a farmer with multiple legal lots to have multiple farmhouses in the agricultural production zone would frustrate the agricultural production purpose of the C-APZ, especially since there are other agricultural zones in the County wherein residential development could be concentrated in order to maintain the maximum amount of land in agricultural production. In the time since, Commission and County staff refined the limitations on the number of agricultural dwelling units per farm to per "farm tract," defined as all contiguous legal lots under common ownership. The County's revised LCP Update accordingly allows as a principally permitted use within C-APZ one farmhouse or a combination of one farmhouse and one intergenerational home per farm tract. In order to be consistent and to establish the standard of review, suggested modifications recommended by Commission staff add the definition of "farm tract" to Policy C-AG- 2 and C-AG-5 and conforms the references to "legal lot" and "legal parcel" with "farm tract," where appropriate, throughout the LUP and IP.

Another area of significant discussion has been related to agricultural activities and CDP requirements. This is because the Coastal Act defines "development" to include changes in use, changes in intensity of use, and grading, including for agricultural activities. Staff has worked diligently with County staff to try to come to agreement on those activities that would constitute "ongoing agricultural activities" not requiring a CDP, and have made much progress. The current suggested modification to this effect describes these activities as existing legally established activities (such as crop rotation, plowing, tilling, planting, harvesting, seeding, etc.) that haven't been expanded into never before used areas. Other activities, such as preparation or planting of

land for viticulture, would require CDP review. Staff expects that the vast majority of existing agricultural activities in the County's coastal zone will fall into the category of ongoing agricultural activities not requiring any permitting. For those that wouldn't fall into that category, the LCP would include a series of tools to ensure that CDP requirements are not overly burdensome, including that many agricultural activities would be excluded from CDP requirements by the county's Categorical Exclusion (previously adopted for the County by the Commission). For those that weren't excluded, staff has included in this LCP a waiver process and a minor development process that will significantly streamline coastal permitting in the County.

In short, the suggested modifications related to agriculture refine the concepts originally certified by the Commission in 2014, and are designed with the unique attributes of agriculture in Marin in mind (e.g., the concept of allowing intergenerational homes). The County and the County's LCP have long protected this critical resource, and every indication is that the County and its agricultural community will continue this long history of stewardship moving forward. The updated LCP should serve to support and encourage this critical way of life in Marin for now and into the future.

Biological Resources

The proposed LCP includes a detailed set of policies that define ESHA, specify the uses allowed within it, specify the required buffers from ESHA and the allowed uses within those buffers, identifies biological assessment requirements, and also identifies the process for obtaining a buffer reduction. Specifically, the LCP protects the County's significant sensitive habitats primarily through updated and refined designation and protection of ESHA, including limiting allowed uses consistent with the Coastal Act, and requiring ESHA buffers (a minimum of 100 feet for streams and wetlands and 50 feet for other types of ESHA). Importantly, the Commission-certified LUP from 2014 allows buffers to be reduced (to an absolute minimum of 50 feet for wetlands and streams and 25 feet for other types of ESHA), provided the reduced buffer meets stringent conditions, including that it adequately protects the habitat, and that the project creates a net environmental improvement over existing conditions. With fairly minor modifications, the LCP should function to appropriately protect biological resources.

CDP Procedures

Although the proposed LCP offers a detailed set of CDP procedures, staff continues to recommend suggested modifications relating to the process by which certain notices will be distributed to the public and the Commission, which is a very important step in ensuring that the Commission and interested stakeholders can weigh in on County permit category determinations and CDP decisions. Accordingly, recommended suggested modifications clarify and enhance hearing and noticing procedures as well as the ability of interested persons to track and if necessary challenge or appeal County decisions. Other modifications to the CDP procedures chapters address emergency permits, temporary events, definition of the principally permitted use, land divisions, and nonconforming structures. As modified, the LCP's procedural provisions adequately define the process by which it will carry out its LCP, including by specifying the different types of CDPs and their corresponding hearing and noticing requirements, and allows for a meaningful program of challenge and appeal, all with the goal of maximizing public participation consistent with the LUP and Coastal Act.

Other
In addition to the agriculture, biological resources, hazards, and coastal development permit procedures provisions summarized above, the proposed LCP also implements important Coastal Act considerations related to the provision of adequate public services, visual resource protection, public recreation, public access, and other coastal resource concerns. In general, most of the staff's suggested modifications clarify terms and requirements, and refine concepts certified by the Commission in 2014.

In conclusion, Marin County has prepared and submitted a significant update to the LCP, one that has been evaluated at the local level through dozens of public forums over the past seven years. Commission staff has worked closely with County staff over the course of this time, including providing directive comments and input at critical junctures, and has continued to work closely with both the County and with the public after the proposed updated LCP was submitted to the Commission for consideration. The end result of this collaboration is an LCP as suggested to be modified that should serve to ably protect the significant coastal resources of the Marin County coastal zone for years to come, as well as maximize the public's participation in this coastal resource protection process. If modified as suggested in this report, staff believes that the LCP is consistent with the Coastal Act.

Staff recommends that the Commission hold a public hearing and approve the LCP subject to modifications. This will require the Commission to **deny** the LUP and IP as submitted, and then **approve** the LUP and IP if modified to incorporate the suggested modifications. The motions to accomplish this are found on page 10, below.

Staff Note
The proposed LCP Update was filed as complete on July 1, 2016 after the County transmitted materials to Commission staff on June 3, June 8 and July 1, 2016. The proposed amendment affects the LUP and IP and the 90-day action deadline was originally September 29, 2016. On August 11, 2016, the Commission extended the action deadline from September 29, 2016 until September 29, 2017. Thus, the Commission has until September 29, 2017 to take a final action on this LCP amendment pursuant to Coastal Act Section 30517.

For further information on the County's proposed LCP or this report, please contact Shannon Fiala, North Central Coastal Planner, at (415) 904-5266. Correspondence should be sent to the North Central Coast District Office in San Francisco at 45 Fremont Street, San Francisco, CA 94105.

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I. MOTIONS AND RESOLUTIONS

Staff is recommending that the Commission approve the LUPA if modified. The Commission needs to take two separate actions to effect this recommendation.

1. Denial of LUPA as Submitted

Staff recommends a **NO** vote on the following motion. Failure of this motion will result in denial of the LUP amendment as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

> ***Motion:*** *I move that the Commission certify Land Use Plan Amendment LCP-2-MAR-15-0029-1 as submitted by County of Marin. I recommend a no vote.*
>
> ***Resolution:*** *The Commission hereby denies certification of Land Use Plan Amendment LCP-2-MAR-15-0029-1 as submitted by the County of Marin and adopts the findings set forth below on the grounds that the amendment does not conform with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan amendment would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures which could substantially lessen any significant adverse impact which the Land Use Plan Amendment may have on the environment.*

2. Approval of LUPA with Suggested Modifications

Staff recommends a **YES** vote on the following motion. Passage of the motion will result in the certification of the LUP amendment with suggested modifications and adoption of the following resolution and findings. The motion to certify with suggested modifications passes only upon an affirmative vote of the majority of the appointed Commissioners.

> ***Motion:*** *I move that the Commission certify Land Use Plan Amendment LCP-2-MAR-15-0029-1 for the County of Marin if it is modified as suggested in this staff report. I recommend a yes vote.*
>
> ***Resolution:*** *The Commission hereby certifies Land Use Plan Amendment* ***LCP-2-MAR-15-0029-1*** *for the County of Marin if modified as suggested and adopts the findings set forth below on the grounds that the Land Use Plan amendment with suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan amendment if modified as suggested complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts which the Land Use Plan Amendment may have on the environment.*

Staff recommends that the Commission approve the IP amendment if modified. The Commission needs to take two separate actions to effect this recommendation.

1. Denial of the IPA as Submitted

Staff recommends a **YES** vote on the following motion. Passage of this motion will result in denial of the IP amendment as submitted and adoption of the following resolution and findings. The motion passes only upon an affirmative vote of a majority of the Commissioners present.

> ***Motion.*** *I move that the Commission reject Implementation Plan Amendment* ***LCP-2-MAR-15-0029-1*** *as submitted by County of Marin, and I recommend a yes vote.*
>
> ***Resolution.*** *The Commission hereby denies certification of the Implementation Plan Amendment* ***LCP-2-MAR-15-0029-1*** *as submitted by County of Marin and adopts the findings set forth below on grounds that the Implementation Plan as submitted does not conform with, and is inadequate to carry out, the provisions of the Land Use Plan as amended. Certification of the Implementation Plan as submitted would not meet the requirements of the California Environmental Quality Act, as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Plan as submitted.*

2. Approval of the IPA with Suggested Modifications

Staff recommends a **YES** vote on the following motion. Passage of the motion will result in the certification of the IP amendment with suggested modifications and adoption of the following resolution and findings. The motion to certify with suggested modifications passes only upon an affirmative vote of the majority of the Commissioners present.

> ***Motion.*** *I move that the Commission certify Implementation Plan Amendment* ***LCP-2-MAR-15-0029-1*** *for County of Marin if it is modified as suggested in this staff report, and I recommend a yes vote.*
>
> ***Resolution.*** *The Commission hereby certifies the Implementation Plan Amendment* ***LCP-2-MAR-15-0029-1*** *submitted by the County of Marin, if modified as suggested, and adopts the findings set forth below on grounds that the Implementation Plan with the suggested modifications conforms with, and is adequate to carry out, the provisions of the Land Use Plan as amended. Certification of the Implementation Plan if modified as suggested complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Implementation Plan if modified as suggested.*

II. SUGGESTED MODIFICATIONS

The Commission suggests that the following changes to the submitted County of Marin LCP are necessary to make the requisite findings. If the County accepts the suggested modifications within six months of Commission action (i.e., by March 1, 2017), by formal resolution of the Board of Supervisors, the County's LCPA will become effective upon Commission concurrence with the Executive Director finding that this has been properly accomplished.

1. **Modify LUP.** Amend the proposed Land Use Plan as shown in **Exhibit 12** (changes shown in ~~strike-out~~ are to be deleted, and changes shown in <u>underline</u> are to be added).

2. **Modify IP.** Amend the proposed Land Use Plan as shown in **Exhibit 13** (changes shown in ~~strike-out~~ are to be deleted, and changes shown in <u>underline</u> are to be added).

3. Amend the policies of the LCP Maps as shown in **Exhibit 15.**

III. FINDINGS AND DECLARATIONS

A. Description of Proposed LCP Amendment

1. 2014 Commission conditionally-certified LUP and Commission staff-suggested modifications to the IP

In May of 2014, the Commission conditionally-certified the LUP portion of the Marin County LCP update. In April of 2015, the Commission conducted a public hearing to consider the County's updated IP. Commission staff recommended approval of the updated IP, subject to suggested modifications, in order for the IP to conform with and adequately carry out the Commission's conditionally approved updated LUP. However, citing the need for additional time to consider the proposed IP modifications, the County withdrew the submitted IP prior to the Commission taking a vote on the submittal. Ultimately, the County chose to resubmit a modified LCP update proposal (i.e., both a revised LUP, different from that conditionally certified by the Commission, and a revised IP, different from that previously proposed) for Commission consideration. On August 25, 2015 and April 19, 2016, the Marin County Board of Supervisors held two additional public hearings, concluding with approval of the modified, LCP Update in 2016 and subsequent submittal to the Commission for consideration on October 8, 2015 and April 22 and 25, 2016. This report is focused on the resubmittal of the conditionally-certified LUP portion of the update, as well as the new IP portion of the update.

The 2014 conditionally-certified LUP suggested modifications to provisions related to the protection of agriculture, ESHA, and wetland areas, public recreational access, and visual resources; adequacy of public services (including transportation, water, and wastewater capacities, particularly for Coastal Act priority land uses); and coastal hazards protection policies, including for both new development by requiring hazards issues to be studied and addressed in the siting and design of new development and existing development (e.g., defining what types of improvements to existing structures constitute new development and therefore require adherence to all applicable LCP policies). These modifications ranged from targeted revisions needed to ensure that the objectives of the Coastal Act are clearly articulated (e.g., the

modifications to shoreline hazards protection as stated above), to minor changes, such as clarifying that certain development standards (for example, height and density) are maximums and not entitlements. Before the original IP Update was withdrawn by the County, the Commission staff recommended suggested modifications to conform the IP to the conditionally-certified changes to the LUP.

See **Exhibit 3** for the 2014 Commission conditionally-certified LUP and adopted LUP findings and **Exhibit 4** for the Commission staff-recommended IP and the findings.

a) Proposed LUP Resubmittal

In its resubmittal, the County incorporated the vast majority of the 2014 conditionally-certified LUP suggested modifications, made minor changes to some approved modifications and also replaced certain suggested modifications with alternative language that achieves the same goals and objectives that were intended by the Commission's suggested modifications. However, other standards have been proposed again, deleted or significantly modified. For example, the County substantially updated the Environmental Hazards chapter to reflect the outcomes of the Collaboration – Sea-Level Marin Adaptation Response Team Vulnerability Assessment and Adaptation Report planning process, as well as the Federal Emergency Management Agency's updated Flood Insurance Rate Maps. The proposed LUP Update resubmittal is explained in more detail, below.

As provided in the Resolution, the Amendments would not take effect until further action by the Board after Coastal Commission approval. Specifically, the revised LCP Update consists of the following Amendments:

Amendment 1: All Chapters of the LUPA except for Agriculture and Hazards

Amendment 2: The Agriculture Chapter of the LUPA

Amendment 3: Specified Chapters and Sections of the Marin County Development Code comprising a portion of the IPA for the LUPA Agriculture Chapter.

Amendment 4: The Environmental Hazards (EH) Chapter of the Land Use Plan Amendment (LUPA):

Amendment 5: Specified Chapters and Sections of the Marin County Development Code comprising a portion of the Implementation Program Amendment (IPA) for the LUPA Environmental Hazards Chapter.

Amendment 6: Coastal Permitting and Administration sections of the IPA Code

Amendment 7: All remaining Chapters and Sections of the Marin County Development Code comprising the IPA for the LUPA

i) Environmental Hazards

The revised LUP Update proposes substantial changes to the 2014 conditionally-certified LUP environmental hazards chapter. For example, the revised LUP Update expands on the assumption and disclosure of risk to require the applicant to acknowledge that the site is not only subject to coastal hazards and that future shoreline protective devices are prohibited, but that the recorded document also acknowledge that public funds may be insufficient or unavailable to remedy damage to public roadways and infrastructure, that Housing Code may prohibit occupancy of structures where sewage disposal and water systems are rendered inoperable, and that the applicant assumes all risks and waives claim of damage or liability. The proposed LUPA includes specific standards for evaluating, siting, and designing development, including timeframes for establishing safety, which vary based on the type of hazard and the location of the development. For shoreline development, the proposed LUPA requires applicants to demonstrate that the development will comply with construction standards contained in the County's Floodplain Management Ordinance, and that the minimum floor elevation accommodates 3 feet of potential sea level rise. The proposed LUPA deletes the definition and all references to coastal redevelopment in the hazard policies and throughout LUP.

The LUPA resubmittal also includes new policies, such as Policy C-EH-8, which establishes a minimum elevation of construction for development in flood hazard areas mapped by the Federal Emergency Management Agency (FEMA) and additional areas mapped by the County on Potential Sea Level Rise Maps[6] and Policy C-EH-9, which allows for additional building height above the LCP required maximum in flood hazard areas. Policy C-EH-13 generally maintains the required criteria for allowing shoreline protective devices, including that the device is to protect a coastal-dependent use, that sand supply impacts are mitigated, and also requires a finding that no other non-structural alternative (such as beach nourishment or managed retreat) is feasible. Policy C-EH-22 commits the County to a reevaluation of the LCP's Environmental Hazards policies in 2026. Finally, Programs C-EH-22.a and b direct the County to update Potential Sea Level Rise Maps as necessary, to research a managed retreat program, to support efforts to monitor sea level rise impacts to natural systems and ESHA, to promote green infrastructure pilot projects, to update standards for ESHA buffers and setbacks to account for sea level rise, to explore alternatives to structural elevation as a means of mitigating coastal hazards and to periodically update bluff retreat analysis as needed.

ii) Other

The proposed LUP resubmittal includes proposed revisions to other chapters, including modifications to agricultural, community development, public access and public facilities and services policies. With regard to the agricultural policies, the resubmittal clarifies that one farmhouse or a combination of one farmhouse and up to two intergenerational home is allowable per farm tract, rather than per legal lot in C-AG-2 and -5; restores Program C-AG-2.b, which acknowledges that the County will evaluate the efficacy of permitting limited non-agricultural residential development within the C-APZ zone ; and includes

[6] See **Exhibit 9** for the County's supplemental "Potential Sea Level Rise" Maps.

clarifications to C-AG-7 regarding the requirements for clustered development areas. In the community development chapter, the resubmitted LUP restores Policy C-CD-15 discouraging the conversion of residential to commercial uses in coastal villages. In the Public Facilities Chapter, the resubmitted LUP also eliminates the conditionally-certified modification to Policy C-PFS-4 requiring that new development for non-priority uses in areas with limited service capacity shall only be allowed if adequate capacity is reserved for visitor-serving and other Coastal Act priority land uses, such as agriculture. .

The resubmitted LUP also includes maps and an Appendix, which contains nine documents, including the County's three Commission-adopted Categorical Exclusion Orders. With the exception of Appendix 9 and 7a, all of the documents within the Appendix are carried over from the existing certified LCP, and, with the exception of the Inventory of Visitor Serving Facilities (which has been updated to reflect existing conditions), none of these documents have been amended in the resubmitted LUPA.

The Appendix consists of the following documents:

Appendix 1:	List of Recommended Public Coastal Accessways
Appendix 2:	Inventory of Visitor-Serving, Commercial, and Recreation Facilities in the Coastal Zone
Appendix 3:	Coastal Village Community Character Review Checklist (Local Coastal Program Historic Review Checklist)
Appendix 4:	Design Guidelines for Construction in Areas of Special Character and Visitor Appeal and For Pre-1930's Structures
Appendix 5:	Seadrift Settlement Agreement
Appendix 6:	1977 Wagner Report "Geology for Planning, Western Marin County"
Appendix 7:	Categorical Exclusions Orders and Maps a. Zoning in effect in Marin County on August 4th, 1981 (Date of approval of E-81-2)
Appendix 8:	Certified Community Plans: a. Dillon Beach Community Plan b. Bolinas Gridded Mesa Plan
Appendix 9:	Hillside Subdivision Design Ordinance (Marin County Development Code Section 22.82.050)

The County has three Commission-adopted Categorical Exclusion Orders: E-81-2, E-81-6, and E-82-6. Generally speaking, the Orders exclude certain types of development from needing a coastal development permit, some coastal zone-wide and others within specified boundaries, subject to meeting specified standards. For example, Orders E-81-2 and E-82-6 exclude certain agriculturally-related development, including barns, fences, and electric utility lines on land zoned C-APZ. The exclusion applies throughout the entire coastal zone, except for the area between the sea and first public road paralleling the sea, or a half-mile inland from the sea, whichever is less. These Orders are not being amended.

> Finally, the proposed LUP includes 28 sets of maps showing the location of the coastal zone, protected agricultural lands, vegetation communities and special-status species, wetlands and streams, flood zones, categorical exclusion areas, and land use policy maps. These maps are meant to be illustrative and solely for general informational purposes. They are not intended to, for example, show precisely where ESHA is located, or which parcels will be inundated by sea level rise. They are also not meant to show where a particular Categorical Exclusion applies; only the maps adopted by the Commission per the Orders themselves are the official exclusion maps. The LUP resubmittal does not propose to re-designate the land use of any coastal zone parcel.

See **Exhibit 5** for the County-adopted proposed LUP, **Exhibit 7** for the County-adopted Proposed LCP appendices and **Exhibit 8** for the County-adopted proposed LCP maps.

b) Proposed IP Update

Although the Commission conducted a public hearing to consider the County's updated IP in April of 2015, the County withdrew the submitted IP prior to the Commission taking a vote on the submittal, citing the need for additional time to consider the proposed IP modifications. Thus, the proposed IP has not been voted on by the Commission. However, the County chose to use the Commission-staff suggested modifications as the basis for their proposed IP update with additional modifications. Similar to the LUP resubmittal, the County incorporated the vast majority of the Commission-staff IP suggested modifications, made minor changes to some suggested modifications and also replaced certain suggested modifications with alternative language that achieves the same goals and objectives that were intended by the Commission's suggested modifications. However, other standards have been restored, deleted or significantly modified.

The proposed IP includes zoning district maps and nine chapters:

- Chapter 22.32 (Standards for Specific Land Uses)
- Chapter 22.60 (Purpose and Applicability of Coastal Zone Regulations)
- Chapter 22.62 (Coastal Zoning Districts and Allowable Land Uses)
- Chapter 22.64 (Coastal Zone Development and Resource Management Standards)
- Chapter 22.65 (Coastal Zone Planned District Development Standards)
- Chapter 22.66 (Coastal Zone Community Standards)
- Chapter 22.68 (Coastal Permit Requirements)
- Chapter 22.70 (Coastal Permit Administration)
- Chapter 22.130 (Definitions)

The proposed IP is structured in such a way as to list the allowable land uses for each of the coastal zone's fourteen zoning districts (specified in Chapter 22.62, with the uses defined in Chapter 22.130), with a progression of required resource protection and development standards applicable to all allowable development coastal zone-wide (Chapter 22.64), additional standards particular to the coastal zone's nine designated coastal villages (Chapter 22.66), standards applicable to each zoning district (Chapter 22.65), and standards applicable for particular land uses (Chapter 22.32). Chapters 22.68 and 22.70 specify the different types of CDPs, and the hearing and noticing specifications required for the particular CDP type.

Each of the proposed IP chapters are located in Title 22 (Development Code) of the Marin County Municipal Code, which describes and implements the land use planning and development standards throughout the County. Within Title 22, there are eight "Articles." Article V, titled "Coastal Zones—Development and Resource Management Standards," includes proposed IP Chapters 22.60-22.70 and is meant to serve as the primary location for the IP's requirements and lists the standards that solely apply to development within the coastal zone. Chapter 22.32 lists the standards for particular land uses and applies throughout the County, both coastal and inland, and is located within Article III—Site Planning and General Development Standards. Finally, Chapter 22.130 is located in Article VIII—Development Code Definitions, and again applies to development throughout the County, coastal and inland alike.

Each of the nine chapters is explained in more detail, below.

i) Chapter 22.32 (Standards for Specific Land Uses)
Chapter 22.32 describes the development standards applicable to 32 individual land uses. This chapter represents an entirely new Chapter when compared to the existing certified IP, which lists general development standards applicable to all uses throughout the coastal zone, but does not include additional use-specific provisions. The 32 listed uses in proposed Chapter 22.32 are either commonly proposed and/or offer their own particular set of impacts/issues, including agricultural dwelling units and solar energy systems.

The standards provide additional details on required development parameters specific to the particular use, specify in which coastal zoning district the use is allowed, and/or identify additional performance standards/permit requirements, including other local permits and authorizations that a particular use/development may need (in addition to a CDP in the coastal zone), such as Design Review approval, Use Permit authorization, or a Second Unit Permit. Many of the development standards repeat and build upon applicable Land Use Plan policies specific to those uses.

Additionally, Chapter 22.32 includes provisions to ensure implementation of and compliance with corresponding LUP requirements, such as recordation of a restrictive covenant and licensing/reporting requirements from the State Department of Housing and Community Development to ensure that all agricultural worker housing is maintained and operated for its permitted use (including, for example, being occupied by agricultural workers). Other provisions for particular uses in Chapter 22.32 go beyond traditional land use parameters (e.g., height, density, permitting status) and instead specify required operating standards. These include requirements for Home Occupations that specify an allowance for a maximum of one nonresident employee and prohibit such uses from creating fumes, glare, light, noise, odor, or other such public nuisances.

ii) Chapter 22.60 (Purpose and Applicability of Coastal Zone Regulations)
Chapter 22.60 is the introductory chapter of the LCP's IP, setting forth the County's intention that all development within the coastal zone must be consistent with the Marin County LCP in order to carry out the statutory requirements of the California Coastal Act. Chapter 22.60.020 also states that while all policies and regulations specified in the Marin County Development Code apply in the coastal zone (including, for example, non-

CDP permit requirements and standards for particular land uses (including those specified in Chapter 22.32)), in the event of any perceived conflict between those standards and the ones specifically required of Article V (i.e. Chapters 22.60-22.70), Article V shall control.

iii) Chapter 22.62 (Coastal Zoning Districts and Allowable Land Uses)
Chapter 22.62 divides the coastal zone into fourteen zoning districts, includes the list of allowable land uses and their corresponding permitting status for each of those zoning districts, and cross-references the required development standards applicable for those listed uses. This structure is similar to that of the existing certified IP, which also divides the coastal zone into the same fourteen zoning districts. The proposed Chapter describes the intent of each of the zoning districts, lists their allowable land uses, and then lists the permitting category of those uses. The Chapter divides the allowable land uses into five permit categories: categorically excluded for which no CDP is required (denoted with "E"), principally permitted (noted with "PP"), permitted ("P"), conditional ("U"), and use not allowed ("_").

Chapter 22.62.040 describes the five uses, where categorically excluded projects ("E") are those that are specified in applicable Coastal Commission-certified Categorical Exclusion orders as not requiring a CDP, development denoted "PP" is only appealable to the Coastal Commission if located within the geographic appeals area or if the project constitutes a major public works project or major energy facility, "P" uses that meet the definition of development require a coastal permit that is appealable to the Coastal Commission, "U" uses are conditional uses requiring both a County Use Permit and, if it meets the definition of development, a CDP which is appealable to the Coastal Commission, and "_" uses are not allowed in the zoning district. The fourteen zoning districts, their intended purpose, and some of their proposed allowed land uses, are set forth in Attachment A.

Chapter 22.62 includes Tables 5-1, 5-2, and 5-3, which list each of the fourteen zoning districts and lists the land uses allowable in each. The tables categorize land uses into eight types, as follows:

- Agriculture, Mariculture: including agricultural accessory activities, agricultural production, agricultural worker housing, farmhouse, and mariculture.
- Manufacturing and Processing Uses: including cottage industries, boat manufacturing and sales, and recycling facilities.
- Recreation, Education, and Public Assembly Uses: including campgrounds, equestrian facilities, libraries and museums, and schools.
- Residential Uses: including single-family dwellings, home occupations, affordable housing, and residential second units.
- Resource and Open Space Uses: including nature preserves, mineral resource extraction, timber and tree production, and water conservation dams and ponds.
- Retail Trade Uses: including grocery stores, bars and drinking places, restaurants, and farmer's markets.
- Service Uses: including hotels and motels, offices, warehousing, banks and financial

services, and construction yards.

- Transportation and Communications Uses: including harbors, marinas, telecommunications facilities, and transit stations and terminals.

The proposed IP does not include any parcel rezonings. However, the IP does propose to revise some of the uses allowed within existing certified zoning districts by adding/deleting certain uses from particular zoning districts, and/or revising the required permitting status of those listed uses (e.g., where a development that was previously classified as a conditional use is now proposed to be principally permitted, and vice versa). Specifically, within the C-APZ zone, which is the LCP's primary agricultural zoning district, the IP proposes newly allowable land uses such as Intergenerational Homes (which is defined as a type of agricultural land use meant to house members of the farm owner's or operator's immediate family), Group Homes (defined as a dwelling unit providing non-medical 24-hour care for persons who are not disabled, and includes drug abuse recovery centers), and Educational Tours (defined as interactive excursions for groups to experience the unique aspects of a property, including agricultural operations). Other uses within the C-APZ have different permitting standards, including Agricultural Processing Uses and Agricultural Product Sales, both of which are classified as conditional uses in the existing certified IP, but are now proposed to be principally permitted uses so long as they meet certain criteria (including sizing requirements).

Within the Coastal Visitor Commercial Residential Zone (C-VCR), which is the IP's primary zoning district along the commercial streets within the coastal zone's nine designated villages, a broad swath of land uses are proposed as allowable, ranging from Recycling Facilities, Cemeteries, and Seafood Processing and Sales facilities (all proposed as conditional uses) to new principally permitted uses, such as Affordable Housing. Other zoning district changes include Public Buildings and Equestrian Facilities as allowable uses within the Coastal Single Family Planned district (C-RSP), Recycling Facilities and Affordable Housing as newly allowable in the Coastal Resort and Commercial Recreation district (C-RCR), and allowing Farmers' Markets and Vehicle Repair and Maintenance facilities in the Coastal Limited Roadside Business district (C-H1).

iv) Chapter 22.64 (Coastal Zone Development and Resource Management Standards), Chapter 22.65 (Coastal Zone Planned District Development Standards), and Chapter 22.66 (Coastal Zone Community Standards)

These proposed three IP chapters provide the standards for proposed development, including those that apply throughout the coastal zone, those that are specific to a particular zoning district, and those that are specific to a particular community. Sections 22.64.030 and 22.64.040 include Tables 5-4 and 5-5, which list the siting and design parameters applicable to development within each zoning district, including minimum lot area, maximum residential density, minimum setback requirements, height limits, and maximum floor area ratio (FAR). These standards are identical to those specified in the existing certified IP, and generally reflect standard planning practice (e.g., 7,500 square feet minimum lot areas in single-family residential neighborhoods, 25-foot height limits for primary structures throughout the coastal zone, and zero front yard setbacks for

structures within urbanized commercial districts). The tables also include footnotes to other chapters of the Development Code that may apply to the proposed development, including Design Review in Development Code Chapter 22.42, and height and setback requirements (including provisions specified in Chapter 22.20).

Proposed Sections 22.64.050 through 22.64.180 implement the LUP's coastal resource protection standards for biological resources; environmental hazards; water resources; community design; community development; energy; housing; public facilities and services; transportation; historic and archeological resources; parks, recreation and visitor-serving uses; and public coastal access. In general, these proposed Sections implement the corresponding LUP policy via cross-reference, which is a similar construct as the existing certified IP. For example, Section 22.64.050(B)(1) states that "The resource values of ESHAs shall be protected by limiting development per Land Use Policies C-BIO-1, C-BIO-2, and C-BIO-3." These LUP policies in turn describe in detail the types of ESHA, the buffers required to protect the resource, and the allowable uses within both the ESHA itself and its buffer.

Proposed Section 22.64.060 implements the LUP environmental hazard policies. Section 22.64.060(A) describes the application requirements for development in areas subject to hazards and Section 22.64.060(B) lists the required environmental hazards standards that development must meet. This Section also includes additional detail on the applicants' assumption of risk, the prohibition on the creation of new parcels abutting coastal waters, the removal of major vegetation, and the Seadrift Settlement Agreement.

Finally, proposed Chapter 22.65 provides detailed site planning, development, and land use standards for particular zoning districts specified as planned zoning districts, which include C-APZ, C-ARP, C-RSP, C-RSPS, C-RMP, C-CP, C-RMPC, and C-RCR. This chapter includes additional requirements for these particular zoning districts, including specifying the development and resource protection standards for the C-APZ district.

v) Chapter 22.68 (Coastal Permit Requirements), Chapter 22.70 (Coastal Permit Administration), and Chapter 22.130 (Definitions)

Chapter 22.68 identifies what development requires a CDP, and conversely, what types of development would qualify for categorical exclusion, exemption, or waiver from CDP requirements. Per proposed Section 22.68.040, development is categorically excluded if it is consistent with Coastal Act Chapter 30610(e) and the Commission's implementing regulations. Proposed Section 22.68.050 lists the types of projects that are exempt from CDP requirements. The IP's CDP exemption provision is intended to track the Coastal Act and Regulation's detailed CDP exemption provisions with respect to minor improvements, repair and maintenance, replacement after disaster, and emergency work, among others. The corresponding "non-exempt development" provision specified in Section 22.68.060 is also intended to track the Coastal Act and Regulations in this regard, and prohibits such exemption where the proposed development has the potential to impact sensitive or important coastal resources (e.g., improvements and repair and maintenance to structures located within 50 feet of the edge of a coastal bluff, within ESHA, etc.).

Finally, Section 22.68.070 includes a "de minimis waiver" procedure that allows the County to waive the requirement for obtaining a CDP for certain types of projects and when certain findings are made, including that the project cannot involve potential for adverse effects on coastal resources, must be consistent with the LCP, and cannot be of a type or in a location where the project would be subject to a CDP by the Coastal Commission. The waiver is then also subject to certain procedural requirements, including public notice and opportunities for public comment, the concurrence of the Coastal Commission's Executive Director, and a Notice of Final Action sent to the Commission within seven days of waiver issuance.

Chapter 22.70 proposes the procedures for filing, processing, and acting on CDPs, de minimis waivers, and categorical exclusions. Once an application is received, the Director is required to determine the permit category type, including whether the development is: (1) categorically excluded; (2) eligible for de minimis waiver; (3) qualifies as an administrative CDP application that does not require a public hearing; (4) qualifies as a public hearing application because the development is defined as appealable to the Coastal Commission; or (5) though appealable, qualifies for a public hearing waiver in which the public hearing may be waived when certain findings are made (the findings of which mirror the Coastal Act's hearing waiver allowance as specified in Section 30624.9, including that the development is consistent with the LCP, requires no other discretionary approvals other than the CDP, and will have no adverse effect on coastal resources). Proposed Section 22.70.040 allows an applicant or interested person to challenge determinations for categorical exclusions, non-public hearing applications, or public hearing applications to the Coastal Commission within 10 working days of the date of sending public notice as required by Chapter 22.70. The permit category determination may also be challenged to the Coastal Commission in compliance with Section 13569 of the Commission's regulations, which allows the Executive Director or other interested person to challenge a permit category determination subject to specified criteria and process.

The proposed IP also lists the requirements for public noticing of CDP decisions (e.g., notice must be sent at least 10 days prior to a hearing or action and sent to all owners of property within 300 feet of the proposed development, among other requirements), as well as a process for appealing those CDP decisions to both the Planning Commission and/or Board of Supervisors, and to the Coastal Commission. Finally, the Chapter contains provisions related to required findings for CDP approval (Section 22.70.070), sending a Notice of Final Action to the Coastal Commission after the County's action is considered final and no local appeals have been filed (Section 22.70.090), requirements for processing permit amendments (Section 22.70.130), emergency permits (Section 22.70.140), and coastal zone variances (Sections 22.70.150-22.70.170), among others.

Finally, Chapter 22.130 provides a detailed glossary of terms and phrases used in the LCP. As previously stated, this chapter is located within Article VIII of the Development Code, and therefore applies to development both within and outside of the coastal zone. The zoning maps (LCP Map Set 29) are included in the proposed IPA.

The proposed IP update would replace the existing IP in its entirety with new provisions designed to implement corresponding policies of the updated LUP.

See **Exhibit 6** for the County-adopted proposed IP.

B. Consistency Analysis

The standard of review for the proposed LUP amendment is the Coastal Act and the standard of review for the proposed IP amendment is whether it is consistent with and adequate to carry out the LUP with suggested modifications.

1. Coastal Hazards

Marin County's shoreline is a highly dynamic place. The coast is subject to forces that include shoreline and bluff erosion, storms and waves, tsunamis, landslides, and potential seismic events, all of which represent hazards for existing and new development. Rising sea levels are expected to exacerbate coastal hazards such as these, leading to more frequent storms, increased erosion, permanent or periodic inundation of low-lying areas, loss of coastal wetlands, and salt water intrusion. Structures located along bluffs, including those in Muir Beach and Bolinas, may become susceptible to accelerated erosion, and areas that already flood during high tides, including portions of Stinson Beach, will likely experience an increase in these hazards from accelerated sea level rise. Structures located along the shoreline and atop bluffs that are susceptible to erosion and in areas that already flood during higher tides will likely experience an increase in these hazards due to accelerated sea level rise. Sea level rise also threatens the integrity of roads and other infrastructure, such as Highway 1.

Coastal zone development, whether located along the shoreline, on a bluff, or farther inland, can be vulnerable to one or more of these coastal hazards, including rising sea levels. As a response, significant portions of California's coastline have been armored with rock revetments, seawalls, and other shoreline protective devices. Marin County's shoreline includes relatively few areas where such devices are in place, but shoreline armoring is not absent from the County's coastal zone. Although shoreline protective devices may offer protection to existing homes and other structures from ocean waves and storms, the devices can have negative impacts on recreational beach uses, scenic resources, natural landforms, and the supply of sand to shoreline areas, as well as the character of the County's coastal areas. Thus, it is critical that the LCP acknowledge these issues, seek to avoid the use of shoreline altering protective devices wherever feasible (and include appropriate mitigations if not feasible), and respond to a future that includes elevated sea levels that are expected to drastically change the shoreline environs over time, including critically in terms of public recreational beach areas.

a) Applicable Coastal Act Policies

The standard of review for the proposed LUP is the Coastal Act. The Coastal Act recognizes that development along the California shoreline can be affected by a wide variety of coastal hazards, ranging from strong storms and wave uprush to landslides and liquefaction. Thus, the Act places a strong emphasis on minimizing risks associated with such hazards, and assuring stability for development over time in such a way as to avoid adverse impacts to natural processes and

coastal resources. The latter concept is particularly important at the shoreline and bluff interface where shoreline-altering development is often undertaken to protect private and public development, oftentimes with significant coastal resource consequences. Such shoreline altering development can lead to coastal resource impacts of many types, perhaps most critically in terms of a loss of beach and shoreline recreation areas. Thus, the Coastal Act prohibits most shoreline protective devices with new development, and only allows them in limited circumstances and subject to impact avoidance and mitigation. Applicable Coastal Act coastal hazard policies include:[7]

> ***Section 30235.*** *Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.*
>
> ***Section 30253.*** *New development shall do all of the following:*
> *(a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
> *(b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. …*
>
> ***Section 30210.*** *In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*
>
> ***Section 30211.****Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*

Coastal Act Section 30235 acknowledges that certain types of development (such as seawalls, revetments, retaining walls, groins and other such structural or "hard" methods designed to forestall erosion) can alter natural shoreline processes. Accordingly, with the exception of new coastal-dependent uses, Section 30235 authorize such construction if "required to protect existing structures or public beaches in danger from erosion." Further, although Coastal Act Section 30235 only authorizes shoreline protective devices when specified criteria are met, permissible shoreline protective devices must be conditioned to achieve compliance with all otherwise applicable Coastal Act requirements. The Coastal Act limits authorization of shoreline protective devices because such devices and similar development can have a variety of negative

[7] Note that the Coastal Act's other coastal resource protective policies are also coastal hazards policies inasmuch as these other resource protection policies also come into play when considering development that may be contemplated in light of hazards (e.g., a seawall). Thus, although not listed here, they are also applicable in this sense.

impacts on coastal resources including adverse effects on sand supply, public access, coastal views, natural landforms, and overall shoreline beach dynamics on and off site.

Coastal Act Section 30253 requires that risks be minimized, long-term stability and structural integrity be provided, and that new development be sited, designed, and built to avoid substantially altering natural landforms along bluffs and cliffs. Therefore, in cases where shoreline protection can be approved, the coastal permit authorization must ensure that the public will not lose public beach access, sand supply, ESHA, visual resources, and natural landforms, and that the public will not be exposed to hazardous structures or be held responsible for any future stability problems that may affect the development.

Thus, these Coastal Act policies require that the proposed LUP address both existing development that may need shoreline protection, as well as new development that must be sited and designed to avoid the need for shoreline altering protection in the future. The LUP needs to effectively translate these requirements in a way that addresses the types and ranges of coastal hazards found in Marin County's coastal zone.

b) 2014 Commission conditionally-certified LUP

The Commission's conditionally certified LUP from 2014 required new development to be safe from geologic and other hazards for a minimum of 100 years without the need for shoreline protective devices. Development within blufftop and shoreline areas were required to prepare a coastal hazards analysis as part of the CDP process that ensures its stability and structural integrity, and ensures that development is appropriately setback from the shoreline/bluff edge for a minimum of 100 years without factoring in any existing or proposed shoreline protective devices. The Commission's conditionally certified LUP detailed the criteria for both allowing shoreline protective devices (including what uses are allowed structural protection, mitigation requirements, and design standards) and when such devices must be removed. Finally, the Commission-certified LUP included a suite of policies addressing existing development currently located in hazardous areas. For example, such development was allowed to be repaired and maintained, but when 50% or more of the major structural components were altered, the structure was considered to be redeveloped and the entire structure required to be found consistent with all applicable LCP policies. In short, the Commission-certified LUP included an extensive, detailed, and encompassing policy framework that mirrored many of the suggested policy mechanisms and best practices outlined in the Commission's Sea-Level Rise Policy Guidance.

See the Commission's conditionally certified LUP and the findings in **Exhibit 3**.

c) Proposed LUP

The County's now proposed LUP Update substantially changes the Commission-certified LUP hazards chapter from 2014. The most critical change is in terms of the Commission-certified versus now County-proposed policy structure; the time frame for hazards evaluation, including in light of sea level rise; redevelopment policies; standards for development subject to hazards, including mitigation measures associated with armoring; and adaption planning. In terms of the latter, the County has taken the Commission's certified additional planning provisions and

expanded on them significantly, building upon their ongoing vulnerability and adaptation work.[8] While this is a positive step, it has also eliminated the limitation that the Commission applied to elevated structures in shoreline areas, wherein the Commission only allowed such elevation until April 2017 and now the County proposes allowing such elevation of structures indefinitely. Similarly, in place of Commission-certified provisions requiring 100 years of stability in shoreline areas, the County now instead would require new development to be safe from shoreline erosion and flooding hazards through elevating above the 100-year flood elevation plus an additional static three feet (two feet for sea level rise and another foot of freeboard).[9] Finally, whereas the Commission-certified LUP only allowed redevelopment that could meet current standards, including disallowing use and requiring removal of existing armoring in certain circumstances, the County's current proposal would allow such armoring to be used for such redevelopment indefinitely.

Specifically, proposed Policy C-EH-1 removes the timeframe for which new development must ensure safety. Whereas the Commission-certified LUP requires that new development be safe for at least 100 years, proposed Policy C-EH-1 eliminates the timeframe requirement and more generally requires new development to ensure that it is safe from, and would not contribute to, geologic or other hazards. More specific standards for evaluating, siting, and designing development, including timeframes for establishing safety, are included within subsequent policies and vary based on the type of hazard and the location of the development.

As proposed, Policy C-EH-2 generally expands on the details included in the applicants' assumption and disclosure of risk document, acknowledging that the site is subject to coastal hazards, that public funds may be insufficient to remedy damage to public infrastructure resulting from erosion or sea level rise, and that housing code provisions prohibit the occupancy of structures where sewage disposal or water systems are rendered inoperable. Proposed Policy C-EH-2 also requires disclosure of the development site's vulnerability to potential sea level rise, where applicable, by incorporating the County's sea level rise hazard map.[10] Proposed new LUP Policies C-EH-3 and -4 describe the specific findings required to approve development in flood and geologic hazard areas, which cross reference other sections of the Marin County Development Code, such as Chapter 23.09 (Floodplain Management), as well as the requirements of the Federal Emergency Management Agency (FEMA) and the Alquist-Priolo Act. These policies require that development not create a hazard or diminish the stability of the area and require consistency with additional standards outlined in Policy C-EH-5 if the development is located in a shoreline or blufftop area. Policy C-EH-3 defines flood hazard areas to include those areas shown on the FEMA flood insurance rate maps as well as areas potentially inundated by sea level rise as shown on the "Potential Sea Level Rise Maps" prepared by Marin County.

Proposed Policy C-EH-5 modifies the Commission-certified LUP policy to instead define shoreline development according to a subset of FEMA flood zones, to require new development to be safe from shoreline erosion and flooding hazards taking into account the 100-year flood

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[8] Partially funded through an LCP grant from the Commission.

[9] Where three feet equates to approximately 50 years of sea level rise based on current estimates.

[10] See **Exhibit 9** for the County's supplemental "Potential Sea Level Rise" Maps.

elevation plus an additional three feet to account for projected sea level rise and freeboard,[11] and states that development consisting solely of raising an existing structure to meet FEMA requirements is deemed sufficient to comply with coastal hazard, public view, community character, and related provisions of the LCP, eliminating the need to analyze these types of projects' coastal resource impacts. The proposed LUP also eliminates the aspect of the Commission-certified policies prioritizing the avoidance of environmental hazards. More specifically, all references to setbacks as a first step in minimizing risk to hazards for shoreline development and accessory structures have been removed. Proposed Policy C-EH-5 also removes the requirement that evaluations for blufftop and shoreline development do not factor existing shoreline protection into the required hazards analysis, and other changes eliminate the Commission-certified requirement that armoring be removed in certain circumstances. In addition, the Commission-certified LUP policy on coastal redevelopment, as well as all references to redevelopment in the hazards and throughout the LUP, have been removed.

Proposed new Policies C-EH-8 and C-EH-9 establish minimum finished floor elevations and maximum allowable building heights in flood hazard areas, respectively. Specifically, new development must conform with FEMA's Base Flood Elevation in areas mapped by FEMA or as shown on the County's proposed "Potential Sea Level Rise Maps". Maximum building heights would be increased from the Commission-certified LUP limit of 25 feet to a height of 30 feet where necessary to accommodate the requirements of proposed Policy C-EH-8, and allowed above 30 feet if findings can be made that the development would not impact public views and community character.

Finally, proposed Policy C-EH-22 commits the County to a reevaluation of LCP hazards policies by 2026. Proposed Program C-EH-22.a has been expanded to direct the County to update hazard data as necessary, to research a managed retreat program, to support efforts to monitor sea level rise impacts to natural systems and ESHA, to promote green infrastructure pilot projects, to update standards for ESHA buffers and setbacks to account for sea level rise, and to explore alternatives to structural elevation as a means of mitigating coastal hazards, and Program C-EH-22.b directs the County to periodically update bluff retreat analysis as needed, expanding on the work done through the Marin County vulnerability assessment and adaptation report.

c) Consistency Analysis

In May 2014, the Commission conditionally certified the County's then proposed LUP (see attached Commission-conditionally certified LUP and adopted LUP findings in **Exhibit 3**). Except as revised herein, the Commission's adopted 2014 LUP findings are incorporated herein by reference as part of these findings, including as the County's proposed LUP resubmittal is based on the Commission's conditionally certified version.[12] Thus, the findings in this section

[11] Defined by FEMA as 'a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed. Freeboard is not required by NFIP standards, but communities are encouraged to adopt at least a one-foot freeboard to account for the one-foot rise built into the concept of designating a floodway and the encroachment requirements where floodways have not been designated. Freeboard results in significantly lower flood insurance rates due to lower flood risk.' See also https://www.fema.gov/freeboard.

[12] The County accepted all the Commission's 2014 modifications as the underlying "clean" version of their proposed LUP, and made changes in cross through and underline to that version showing what they now propose – see **Exhibit 5**.

build upon the Commission's referenced and incorporated 2014 LUP findings, as modified in this report, while also describing the proposed submittal and analyzing changes now proposed and other comments received.

The LUP as proposed contains some elements that are not Coastal Act consistent because they are internally inconsistent or need further refinement in order to achieve consistency with the requirements of Coastal Act policies related to hazards. These issues include appropriately defining hazard areas, ensuring the protection of coastal resources while siting and designing development subject to hazards, defining coastal redevelopment, establishing criteria for removal of development in hazardous locations and where it impacts certain coastal resources (such as public trust areas), and defining criteria for both approving allowable shoreline armoring and removing armoring under certain circumstances. Therefore, the County's proposed LUP must be denied as submitted and only approved as modified as discussed specifically below.

Identifying Coastal Hazards

Coastal Act Section 30253 requires new development to minimize risks in high geologic, flood, and fire areas, and thus the LUP needs to be flexible enough to allow identification of such hazards at the time of a permit application (not only by maps), and comprehensive enough to clearly identify the types of hazards in question. As now proposed by the County, the way the majority of policies are structured implies that the only hazards to be avoided and addressed under these policies are those that are mapped by the County at the time of coastal permit application. Although hazards maps can be a great reference for hazards identification, there is no guarantee that the maps are complete, including whether they have been recently updated to reflect the best known science and information. This is a particularly critical issue for sea level rise, since assumptions and projections for future inundation are continuously being refined and amended to reflect new data. As a result of the reference to mapped hazards, the proposed LUP will not necessarily capture all the cases where hazards need to be addressed in a CDP context.

In addition, the list in proposed Policy C-EH-1 of "geologic, sea level rise and other hazards," does not spell out some of the types of hazards known to occur along the coast (e.g., episodic events, tidal scour, etc.). The list of geologic hazards in proposed Policy C-EH-4, identifies known hazard types more comprehensively as follows, "include Alquist-Priolo earthquake hazard zones and areas subject to landslides, liquefaction, steep slopes averaging greater than 35%, and unstable slopes regardless of steepness," while the flood hazard and shoreline development policies only specify areas, or subsets of areas, found on maps and the blufftop development standards do not specify an area at all. Regarding the maps, these can and should still be used as a resource for hazards identification, but the language needs to make clear they are not the only way a hazard is identified. In this way, the LUP's coastal hazard identification process will be clarified to ensure that all such hazards are identified and addressed through the CDP process.

As such, the suggested modifications add a new Policy C-EH-1, which defines areas potentially subject to hazards by incorporating hazard areas defined by the County in proposed Policies C-EH-3, -4, and -5, as well as other types of hazard areas known to occur along the coast (e.g., areas subject to high velocity wave and tidal action from storms or high seas, ocean and stream inundation and flooding, tsunamis, etc.) in one location for ease of reference. In addition,

suggested modifications to new Policy C-EH-1 clarify that while hazards maps can be used as a resource for hazard identification, there is no guarantee that the maps are complete, including whether they have been recently updated to reflect the best available science and information, and local site conditions must be examined. In these ways, the LCP will ensure that all areas potentially subject to hazards are identified so that the potential effects of such hazards, including over time, can be appropriately evaluated during CDP application review processes.

Similarly, suggested modifications to the County proposed policies define shoreline development and flood hazard areas more broadly to ensure that areas subject to these types of hazards are identified and evaluated as well. The County proposes to define flood hazard areas to include FEMA's special flood hazard area maps,[13] as well as "those areas potentially inundated by sea level rise as shown on "Potential Sea Level Rise Maps" prepared and adopted by the County of Marin". There are two issues with these maps. First, although County staff submitted the draft maps as a part of their proposed LCP submittal, those maps were not adopted by the County Board of Supervisors, and thus their status is uncertain.[14] Second, these maps are not dynamic, and rather only represent a static snapshot of sea level rise risk based on the County's assumptions and time frames in effect when they were produced. As such, their usefulness as a key LCP tool appears somewhat limited, and reliance on them could lead to inadequate identification of development potentially subject to coastal hazards over time, as well as inadequate mitigations for related coastal resource impacts.

Suggested modifications thus define shoreline development subject to flood and erosion hazards as development in those areas shown to be vulnerable to flooding according to FEMA and County-adopted LCP maps, *as well as* areas potentially subject to inundation by sea level rise based on best available science at the time of the application. This modification accommodates advancements in our understanding of sea level rise risks over time, rather than restricting the definition of hazard areas to static maps that may quickly become out of date. These suggested modifications ensure that best available science is applied in evaluating hazards along the shoreline, particularly in light of sea level rise, so that new development will be designed appropriately to minimize risk and assure stability and structural integrity over the life of the development consistent with Coastal Act Section 30253.

Hazards Avoidance

Coastal Act Section 30253 requires that new development be sited and designed such that it will not require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs, and Section 30235 authorizes such devices if required to protect existing structures and but not new development generally.[15] Section 30253 also requires that new development minimize risks to life and property in areas subject to hazards. The proposed LUP takes a slightly different approach, and focuses on "safety", stating in proposed Policy C-EH-1

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[13] Which reflect current flood risks, but do not include anticipated coastal hazard risks due to sea level rise.

[14] The Board-adopted hazards policies reference "100 year time frame sea level rise hazard map" and "potential sea level rise" maps (see proposed LUP Policies C-EH-2, EH-3, and EH-8 in **Exhibit 5**). However, the referenced maps were not presented to the Board of Supervisors during its April 2016 hearing. When transmitted to the Commission, County staff indicated that the draft maps showed buildings that may need to be elevated for SLR – both within and out of FEMA Zones, along with ranges of potential elevations.

[15] Section 30235 also allows such devices to serve coastal-dependent uses and to protect public beaches in danger from erosion.

("Safety of New Development") that development is to minimize risk to life and to be "safe from" hazards. While such safety is a legitimate concern, the proposed policy framework makes this essentially the LCP's hazards objective, from which the remainder of the proposed LUP hazard policies flow. However, the focus on safety is different from that of Section 30253. Although that section too requires that risks to life and property be minimized, and requires that structural stability and integrity be assured, it also prohibits development that would create or contribute significantly to erosion, geologic stability, or destruction of the site or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. As proposed, and as carried out in the remainder of the proposed policies, this critical Section 30253 limitation on armoring is missing, and the focus on safety without any caveats could be used to justify otherwise Coastal Act-prohibited development. As such, proposed Policy C-EH-1 and related measures do not adequately account for this issue, including in light of redevelopment projects (see also below). Suggested modifications correct these deficiencies, and provide needed Coastal Act prohibitions and criteria related to armoring.

In addition, taken as a whole, Section 30253 provides a Coastal Act objective that is focused on avoiding hazards and associated issues, including the potential need for shoreline altering protective devices. Similarly, the Coastal Act's other resource protection policies (such as for public access and recreation, views, habitats, etc.) require that such hazards evaluations not occur in a hazard policy vacuum. Simply stated, it is essential under the Coastal Act that new development consider the *avoidance* of hazards as a first step in minimizing risk for new development, as well as the need for shoreline protective devices, consistent with Coastal Act hazards policies, and that new development also avoid coastal resource impacts as much as possible and, if unavoidable, mitigate for same. This is a critical Coastal Act framework that is generally missing from the proposed hazards policies, and thus suggested modifications provide for additional detail on this point, including making such objectives and requirements explicit in Policy C-EH-2.

In addition, suggested modifications are recommended to the shoreline and blufftop development policies to require setbacks as the first option for addressing hazards, to allow a one-time allowance for elevating structures, and to disallow existing shoreline protective devices from being incorporated into analyses when establishing appropriate siting. In this manner, new shoreline and blufftop development will be sited outside hazardous areas when possible and will not be able to rely on armoring that no longer meets the provisions of Section 30235 of the Coastal Act (see further discussion on this in the standards for shoreline protective devices section below).

Redevelopment

The proposed LUP policies have removed the significant policy framework that the 2014 conditionally certified LUP provided relating to redevelopment within coastal hazard areas, and thus do not explicitly address the concept of redevelopment in areas potentially subject to hazards, including along the shoreline and on blufftops. Because the Coastal Act only authorizes shoreline protective devices for *existing* development, the point at which existing development becomes new development (that must meet all applicable LCP policies, including those for addressing hazards) is a critical distinction. Without clear direction on this point, the proposed LUP is not adequate to carry out the Coastal Act's coastal hazards requirements. In fact,

redevelopment projects may entail renovations, additions, alterations, etc., but typically fall short of a completely new structure.

Thus, a suggested modification adds Policy C-EH-4, to reapply a definition of redevelopment consistent with the 2014 conditionally certified LUP and other recent Commission actions.[16] The policy ensures that all new development in areas potentially subject to hazards meet applicable LCP policies, and defines when an existing development has been altered to the point at which it no longer is classified as existing development but rather constitutes new development requiring that it be found consistent with the LCP, including the provisions that it not include shoreline altering protective devices. See proposed modification that reestablishes the redevelopment definition on page 216 of **Exhibit 13**.

The County argues that the Coastal Act does not define redevelopment, and that it is inappropriate to use such terminology and requirements in this LCP. Instead, the County argues that the section in the Commission's regulations that identifies when development no longer constitutes repair and maintenance should be sufficient for this purpose.[17] However, the concept of redevelopment is actually firmly grounded in that regulation and the Coastal Act. Specifically, that regulation identifies the replacement of 50% or more (of a residence, seawall, revetment, etc.) as the threshold for development no longer constituting repair and maintenance but rather replacement. But, it does not explain, exactly, how to calculate "50%". And that lack of explanation has made it difficult in past cases to clearly identify when the threshold has been exceeded. In light of these difficulties, the Commission has attempted to provide clarity on the 50% threshold through a more specific redevelopment framework in order to best achieve Coastal Act objectives and policy consistency.[18] Thus, the suggested definition of redevelopment provides detail on calculating 50%, reflecting Coastal Act Section 30610(d), which requires CDPs for repair and maintenance activities that result in an addition, enlargement, or expansion of the object of those repair and maintenance activities.[19]

For example, in recent LCP decisions, including for Solana Beach, the Commission defined "redevelopment" as the point at which additions and expansions, or any demolition, renovation or replacement, result in alteration or reconstruction of 50% or more of an existing structure. The definition suggested here builds on that redevelopment definition to bring in any development resulting in 50% or more of market cost of the structure to better align with FEMA practices. In

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[16] In addition to the Commission-certified Marin County LUP from 2014, LCP policies for Solana Beach (in 2014), San Diego (in process at local level), and Newport Beach in 2016 include redevelopment policies. Various forms of the redevelopment definition have been used by the Commission in recent shoreline and bluff development decisions up and down the state (e.g., 2-14-0673 (Lundberg)).

[17] CCR Section 13252(b) that states "unless destroyed by natural disaster, the replacement of 50 percent or more of a single family residence, seawall, revetment, bluff retaining wall, breakwater, groin or any other structure is not repair and maintenance under section 30610(d) but instead constitutes a replacement structure requiring a coastal development permit."

[18] Importantly, the Commission's regulations recognize the potential for ambiguity, and specially require that "Each of these regulations shall be interpreted and liberally construed to accomplish the purposes and carry out the objectives of the California Coastal Act of 1976" (CCR Section 13003 ("Use and Effect")).

[19] Section 30610(d) states "Repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of those repair or maintenance activities; provided, however, that if the commission determines that certain extraordinary methods of repair and maintenance involve a risk of substantial adverse environmental impact, it shall, by regulation, require that a permit be obtained pursuant to this chapter."

each case, the definition suggested here, like that in Solana Beach, also includes a cumulative component. Thus, the definition requires that if an applicant submits an application to remodel 30% of the existing structure (or 30% of the market cost), then, for example, five years later seeks approval of an application to remodel an additional 30% of the structure (or 30% of the market cost), this would constitute redevelopment, triggering the requirement to ensure that the redeveloped structure is in conformance with LCP policies, independent of any shoreline protection. The intent is to meet Coastal Act objectives in a way that can be readily understood and calculated, while still emanating from the 50% threshold in the Commission's regulations and the provisions of Coastal Act Section 30610.

Within the redevelopment framework, questions have been raised regarding the way in which major structural components are to be calculated. The intent in this respect is for these to be understood on a cumulative basis within each component (i.e., they are not additive between different components). With respect to major structural components for example, if an applicant proposed to modify 25% of the exterior walls and 30% of the roof structure, even though together these add up to more than 50%, this would not be considered redevelopment because it relates to two different major structural components. However, if the applicant were to come back for a subsequent CDP to modify an additional 25% of the exterior walls or an additional 20% of the roof structure, the project would be considered redevelopment because it would result in a cumulative alteration to 50% for both of these two major structural component, either of which is sufficient to trigger "redevelopment" and the need for the entire structure to be made consistent with all LCP policies, including with respect to setbacks and armoring.

In addition, consistent with recommendations set forth in the Commission's Adopted Sea Level Rise Guidance, the suggested modifications to Policy C-EH-4 specify that changes be calculated cumulatively from the effective date of the Coastal Act (i.e., January 1, 1977), so that Coastal Act (and LCP) objectives are realized for coastal redevelopment as envisioned by Coastal Act Section 30610(d). The effective date of the Coastal Act also aligns with the approach that the Commission recently identified for when a structure is existing for the purposes of allowing shoreline protective devices per Coastal Act Section 30235 (see also further discussion on this in the standards for shoreline protective devices section). If the dates are different, then it may be argued that potential redevelopment over that time frame (e.g., turning a one-bedroom cottage in 1977 into a 3-bedroom two-story house in 2016) does not count towards the evaluation of existing structures for purposes of shoreline armoring, frustrating those related policies in the process..

In short, the County's LUP must address redevelopment in a way that requires it to be evaluated consistent with Coastal Act hazard policies, including those that disallow the construction of shoreline protective devices that would substantially alter natural processes, and thus modifications are necessary to provide definition to this type of development in the shoreline and bluff areas of the County.

Elevation

Proposed Policies C-EH-8 and C-EH-9 allow for new development to accommodate the requirements of FEMA to elevate structures above the Base Flood Elevation, in combination with two feet of sea level rise plus one foot of freeboard. This concept is carried over into the

suggested modifications to reformatted Policies C-EH-5 and EH-6, which provide standards for shoreline and blufftop development, respectively. As proposed by the County, blufftop development is required to demonstrate that it would be safe from erosion hazards for 100 years taking into account acceleration of bluff retreat due to continued sea level rise, which reflects the recommendations in the Coastal Commission's adopted Sea Level Rise Policy Guidance. However, as proposed, shoreline development instead must demonstrate that it would be safe from the current estimated 100-year storm event, plus three feet in areas affected by sea level rise, where three feet accounts for two feet of sea level rise and one-foot of freeboard. Under the best available science, designing new houses to accommodate two feet of sea level rise represents a time period roughly between 45 to 75 years. In any case, new Policy C-EH-11 addresses this uncertainty through a suite of tools, such as the redevelopment and armoring concepts described above, as well as other measures, e.g. requiring property owners to internalize some of the true costs of development in hazardous areas, as described below. Further, the policies as proposed do not explicitly require adherence to other LUP policies, including those for the protection of scenic views and community character. Proposed Policy C-EH-3 goes as far as including a statement that elevation projects shall be facilitated by application of CDP exemptions and exclusions, and such projects "shall be deemed sufficient to comply with coastal hazard, public view, community character, and related provisions of the LCP". In other words, the proposed policies are designed to facilitate elevation through lesser processing and review, and essentially identify them as consistent by definition through such proposed LUP language without actually requiring an analysis. Such policies are inappropriate in light of the significant policy and coastal resource issues engendered in such reviews, and would allow for impacts not allowed by the Coastal Act.

Elevation requirements are most likely to affect structures within Seadrift, Stinson Beach, and other low-elevation shoreline communities where the protection of views to and along the coast is of great importance, as required by Coastal Act Section 30251 and proposed LUP policies (such as Policy C-DES-2),. Thus, a suggested modification is required to state that a resulting building height that would exceed the zoning district height maximum, or 15 feet above base flood elevation, whichever is greater, may only be allowed if the additional height does not adversely affect significant public views or community character. Further, the description of coastal permit procedures in proposed Policy C-EH-24 is more appropriately located in the Implementation Program Chapters 22.68 and 22.70, and thus a suggested modification deletes this reference.

Shoreline development is development at or near the ocean-sand interface and/or at very low lying elevations along the shoreline, generally seaward of bluffs (e.g., such as at Seadrift and Stinson Beach in Marin County), and/or directly at the water's edge (e.g., such as along the east shore of Tomales Bay). Although there are some existing developments in these shoreline areas that have not been built with deep caisson/pier foundations or elevated as a response to coastal hazards, including in light of FEMA requirements, many have been, including some of the development at Seadrift and Stinson Beach. As discussed above, the proposed LUP addresses shoreline flooding hazards by requiring that development be safe from the current estimated 100-year storm event, plus three feet to address sea level rise and freeboard. In the majority of these cases, it is difficult to set these types of shoreline developments back a sufficient distance to ensure their stability and structural integrity and to eliminate the need for extraordinary

engineering, such as through pier and caisson elevation and other such measures designed to address hazards, as would be the case for many blufftop development cases. The difficulty with this framework is that shoreline properties typically do not have area within which to allow for traditional setbacks sufficient to address coastal hazard concerns. Instead of siting such development inland and away from the coastal hazards, including to provide adequate area for natural erosion processes to occur without armoring, the traditional setback has been replaced with a superstructure type of foundation designed to withstand hazards and to have structures (e.g., residences) above the hazardous areas. These superstructures are typically made up of deep caisson/pier foundations that can themselves constitute shoreline protective devices. Thus, a policy that required siting and design to avoid such hazards without shoreline protective devices would lead to a situation where a new development (e.g., a new house) or a project that met the redevelopment definition (discussed above) would need to be sited without the need for shoreline protective devices, when the only way to do so was via such superstructure, which would likely constitute a shoreline protective device, which would not be allowed. In other words, projects like this would be required to be denied absent a takings evaluation that required some form of approval.

In recognition of these factors, the Commission suggested modifications concur with the County proposed LUP policies in part, including that shoreline development be treated similarly to blufftop development, except that a one-time elevation may be considered as a strategy for shoreline redevelopment. In other words, in cases where there is insufficient space on a property to feasibly meet setback requirements, redevelopment would be allowed to meet the minimum safety requirements through both setbacks and the use of caisson/pier foundations and elevation (if necessary to meet FEMA flood requirements). As described above, based on current estimates, designing new houses to accommodate two feet of sea level rise represents a time period roughly between 45 to 75 years.

In addition, the proposed provisions deeming elevated development as LCP consistent and subject to lesser reviews is eliminated. Suggested modifications ensure that elevation/caisson systems and supported structures are fully evaluated for consistency with the policies of the LCP, including in terms of protecting public access, shoreline dynamics, natural landforms, beaches, and public views, including as project impacts continue and/or change over time, including in response to sea-level rise. Such evaluations would necessarily need to focus not only on the elevated structure, but also on ingress/egress to structures and provision of services (e.g., water, wastewater, etc.), as all of these affect and are affected by changes in shoreline dynamics over time, including beach/shoreline inland migration, and can have their own coastal resource issues as a result.[20] In short, the burden would be on each individual applicant to show why elevation/caisson systems and supported structures and any related development would be appropriate under the LCP, including in terms of fully mitigating any unavoidable coastal resource impacts over time. As with blufftop development, these parameters would explicitly state that no other type of shoreline protective device would be allowed (including additional elevation), and approval for such development must be accompanied by conditions necessary to achieve compliance with the policies (e.g., appropriate provisions to ensure that all permitted development is relocated and/or removed before other types of shoreline protection are needed).

[20] In some areas of the County, such as Stinson Beach, it appears likely that infrastructure flooding problems may occur before any potential triggers for future removal.

Importantly, the suggested modifications are intended to provide a framework designed to address the very difficult questions we confront along eroding shorelines affected by rising sea levels, particularly in terms of public recreational beach space, and to identify measures to do something about it. Those measures include a suite of tools, including the redevelopment and armoring concepts above, but also including measures requiring property owners to internalize some of the true costs of development in low lying shoreline areas, including by limiting elevation to be a one-time hazard response, and only allowing development until it is declared unsafe, it encroaches onto public trust resources, and/or it can no longer be served by necessary infrastructure. These types of removal 'triggers' have become a more common approach for the Commission in its permitting program.[21] This approach recognizes that there is some inherent uncertainty relative to coastal hazards, and puts the onus on the private property owners as opposed to the public to account for future coastal resource impacts, thus better protecting core public benefits such as those associated with continued sandy beach use.

Mitigation Measures

Natural processes at any particular site will dictate when a structure has reached the end of its economic life because it will be endangered by coastal hazards at that point. Because new development will be sited and designed to avoid shoreline armoring, including meeting Section 30253 tests, it is at that juncture that economic life is reached (and removal and/or relocation is necessary). Many structures, particularly residential structures, along the California coast remain in place for many decades, and it is appropriate to ensure that initial siting and design takes this into account so that they are safe without a reliance on shoreline altering armoring over their lifetime. The County's proposal to use 100 years for blufftop development and 100-year flood levels with an additional 3 feet for sea level rise and freeboard for shoreline development is appropriate in this regard for evaluation only so far as commensurate "end of life" requirements are put in place, as is the case with the suggested modifications (see also above). CDP decisions need to be made with the best available information. However, estimating future impacts from coastal hazards, especially in light of sea level rise, has proven an exercise fraught with uncertainty, and there is always the possibility that hazards issues lead to development being endangered sooner than anticipated. Without clearly defined triggers to address future coastal resource impacts, such impacts will accrue to the public.

In addition, to ensure that CDP's appropriately address the "end of life" of such development, it is important for the LUP to include provisions for addressing such situations. Namely, because the Coastal Act and the proposed LUP do not allow development to rely on shoreline altering development to maintain stability and structural integrity, this must be assured when such development is endangered by coastal hazards, including if this occurs earlier than the 100-year setback would prescribe. Thus, the LUP update must specify that such development must be relocated and/or removed at that time.[22]

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[21] Including the Monterey Bay Shores Resort in Sand City in CDP Number A-3-SNC-98-114, the Winget residence in Humboldt County in CDP Number 1-12-023, and, in Marin County, the Marshall Tavern in Marshall in CDP Number 2-06-017. These kind of provisions are also similar to recent certified LCP language in this regard (e.g., in the recently certified Seaside LCP).

[22] Similar to the way in which several recent cases have been conditioned in recent Commission actions, including the Monterey Bay Shores Resort in Sand City in CDP No. A-3-SNC-98-114, the Winget residence in Humboldt County in CDP No. 1-12-023, and, in Marin County, the Marshall Tavern in Marshall in CDP No. 2-06-017. These kind of provisions are also similar to recent certified LCP language in this regard (e.g., in the recently certified Seaside LCP).

Suggested modifications are needed to adequately mitigate the coastal hazard impacts that cannot be avoided or minimized. Suggested modifications carry over some of the Commission's previously certified concepts from 2014 that were conditionally certified by the Commission in 2014, and the County's proposed provisions related to public services, while refining others, including related to the public trust, blufftop setbacks, and applicability of future adaptation planning. Such relocation requirements have been adopted by the Commission in recent actions to ensure that development appropriately and proactively addresses "end of life" concerns.

Suggested modifications to address existing armoring are also consistent with the Commission-adopted Sea Level Rise Policy Guidance, which states: "Major renovations, redevelopment, or other new development should not rely upon existing shore protective devices for site stability or hazard protection. Where feasible, existing shoreline protection that is no longer being relied upon in this way, or no longer needed otherwise, should be phased out… Also, consider acknowledging that any rights to retain the existing protective device(s) apply only to the structure that existed at the time the protective device was constructed or permitted." However, on intensely developed, urbanized shorelines, where the removal of armoring would put existing development at risk and not otherwise result in significant protection or enhancement of coastal resources, the Guidance recommends allowing properly designed shoreline armoring to remain for the foreseeable future, subject to conditions that provide for potential future removal in coordination with surrounding development.

Thus, these suggested modifications require removal of existing armoring with new development/redevelopment projects unless such removal would endanger adjacent principal structures. Such armoring must be removed in new development/redevelopment cases to meet Coastal Act requirements. Specifically, when new development (including redevelopment) is proposed on a site protected by existing armoring, the development must be found consistent with Coastal Act/LCP policies. Those policies don't allow shoreline altering armoring with such development. Although that armoring may have been allowed to protect the existing structure to which it is associated, as soon as that existing structure is no longer, the armoring is no longer covered by the Coastal Act's existing structure framework and needs to be removed for the same reasons the new development must conform to Coastal Act/LCP policies.

In addition such armoring removal principles emanating from Coastal Act limitations on armoring are part of a growing literature on the subject. And, separate from Coastal Act armoring limitations that require removal, there are other principles that apply to such situations, including the principles of public nuisance. For example, as described in *'California Coastal Armoring Report: Managing Coastal Armoring and Climate Change Adaptation in the 21st Century'* (2015):

> *In addition,* ***private property rights never include the right to create a nuisance****.105 See Cal. Civ. Code § 3479 (defining nuisance); see also Aminzadeh, supra note 6, at 544-545 (noting that "****a public nuisance can be found for activities that endanger public life or health, obstruct the free use of property, interfere with the enjoyment of life or property, or unlawfully obstruct the free passage or use of navigable waters.****") Under California law, local governments have the authority to prevent and to abate nuisances;* ***this includes the authority to declare armoring which encroaches on public land to be***

> ***a public nuisance and to require its removal without providing just compensation*** *106. (Scott v. City of Del Mar, 58 Cal. App. 4th 1296, 1305-06 (1997) (holding that the city's removal of a seawall did not constitute inverse condemnation because the "legislature has the power to declare certain uses of property a nuisance and such use thereupon becomes a nuisance per se.") See also Cal. Pub. Res. Code § 30005 (providing that the Coastal Act does not limit a city or county's ability to declare, abate, or prohibit nuisances).*[23]*(emphasis added)*

Similarly, as described in *'No Day at the Beach: Sea Level Rise, Ecosystem Loss, and Public Access Along the California Coast'* (2007):

> *Finally, basic nuisance principles can bolster both the argument against armoring and for removing poorly designed or harmful existing armoring structures. A rolling easement can, in other words, be supported as a way of averting or mitigating a public nuisance.* ***California defines nuisances as including, among other things, "an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, or unlawfully obstruct the free passage or use . . . of any navigable . . . bay, stream, canal, or basin, or any public park, square, street, or highway." This definition clearly encompasses damage to the coast—seawalls that interfere with public use of coastal public lands would "unlawfully obstruct" such use and "interfere with the comfortable enjoyment of life or property."*** *By articulating the harms caused by seawalls—increased erosion, visual blight, loss of public beaches and ecosystem services, and creation of physically hazardous situations—they could likely be prosecuted as public nuisances. In addition, because waves can refract off barriers, thereby altering the surf's impact on neighboring properties, seawalls also may be a private nuisance due to their effect on nearby coastal properties.*
>
> *Because "[t]he legislature has the power to declare certain uses of property a nuisance and such use thereupon becomes a nuisance per se," governments can also simply define armoring in vulnerable locations as a nuisance. A California court upheld such a legislative definition in a case where the city of Del Mar removed coastal armoring because the city found that a seawall constituted a public nuisance. The court, however, did not reach the question of whether erosion caused by the structures at issue was a nuisance, instead deciding the case on public access grounds. While anchoring an armoring ban in public nuisance law should not be difficult given the considerable damage done by excessive erosion control structures, agencies should support such actions with well-documented findings since many courts will not be familiar with this construction of nuisance.*[24] *(emphasis added)*

It is clear that most all shoreline armoring will adversely affect public use of shoreline and beach areas, not only in terms of blocking use of the area in which the armoring is located, but also in terms of the way the armoring affects use of the remaining area. In the latter case, armoring reduces available shoreline and beach area, which reduces its utility to the detriment of users of

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[23] Caldwell et al.; Environment and Natural Resources Law & Policy Program, Stanford Law School.

[24] Caldwell et al. 2007.

that resource. Further, at higher tides (and in some cases at all tides) armoring eliminates the ability for such areas to be used. In addition, over time, armoring halts erosion of the armored area, but not the shoreline and beach in front of it (i.e., the concept of 'passive erosion'). And armoring also blocks the transport of sand generating materials from bluffs and armored shore areas, reducing sand supply. All of these adverse impacts to use are exacerbated by sea level rise that only makes the problems more acute. Over time, armoring will in most all cases eventually result in the complete loss of shoreline and sandy beach use areas. As a result of such impacts, armoring can be considered a public nuisance that interferes with such public use. Thus, when armoring is no longer justified by the Coastal Act because a project includes new development/redevelopment that can no longer be supported by armoring, it also may independently cause a public nuisance that also directs its removal.

Furthermore, armoring adversely affects public trust areas the same way it adversely affects shoreline and beach areas, which often at the least overlap. The public trust areas are 'squeezed" and their utility reduced in much the same way. In addition, ocean recreation in such public trust areas (such as surfing, skimboarding, bodysurfing, and swimming) can be even more acutely affected, particularly as sea levels rise, as armoring can make such pursuits dangerous or even impossible, and when still possible armoring has been known to reduce surf utility, including through "muddling" waves. Further, as sea levels rise, armoring prevents the inland migration of shorelines, which also prevents the inland migration of the tripping features that create surf in the first place. In cases of elevation, public trust areas can migrate underneath such elevated structures.[25] Similarly, the loss of sand generating materials due to armoring means such materials don't make it into the offshore system, where they also affect surf dynamics (e.g., sandbar formation). These are all public trust impacts. Thus, when armoring is no longer justified by the Coastal Act, and when it also may independently cause a public nuisance that also directs its removal, it also independently adversely affects public trust resources that also require its removal.

Standards for Shoreline Protective Devices

In addition to coastal dependent uses, Coastal Act Section 30235 only authorizes shoreline protective devices to protect existing structures or public beaches in danger from erosion. Suggested modifications to the standards for shoreline protective devices transfers prior approved language to a single policy, and includes refinements to language throughout to provide clarity. Since as discussed herein, armoring would adversely impact beaches inconsistent with various Coastal Act policies, suggested modifications limit armoring to that authorized under Coastal Act Section 30235. The proposed LUP allows shoreline protective devices to be "authorized for a specified time period, depending on the nature of the project and other possible changing conditions". In other words, the proposed LUP allows for such structures indefinitely. This is not only not consistent with Section 30235 requirements associated with potential removal that ties the armoring to the development it is authorized to protect (as described above), but also in terms of public nuisance and protecting the public trust. A suggested modification is required to state that a shoreline protective device is only authorized until the time that the structure being protected by the device is either no longer present, no longer requires armoring, or constitutes coastal redevelopment. Modifications further require a CDP application to remove

[25] And hard armoring may block the natural formation of public trust areas.

the shoreline protective device; mitigation for all associated coastal resource impacts, such as those related to public views and public access, in 20 year increments, consistent with recent Commission practice in both LCPs (e.g., Solana Beach) and CDPs (e.g., Land's End, CDP 2-10-039).

As suggested to be modified, Policy C-EH-12 combines and reformats proposed Policies C-EH-13 and C-EH-14 and identifies the standards for allowable shoreline protective devices. These standards are mostly retained from the certified LUP with some refinements. The proposed policies, though, raise a series of issues related to the time frame when such protective devices are allowed consistent with Section 30235. As previously described, this section of the Coastal Act limits such shoreline protective devices to those that are required to protect existing structures and public beaches in danger from erosion, and to serve coastal-dependent uses. However, the proposed policy does not provide a mechanism for ensuring that such structures are only allowed during the time that the danger exists. For example, if the shoreline protective device is being reconstructed, expanded, and/or replaced, then the device is a new project that must be found consistent with the Coastal Act with respect to allowing shoreline armoring. Without clear statements to this effect, there is the risk of inappropriate retention of such devices inconsistent with Coastal Act Sections 30235 and 30253, along with their attendant negative impacts on coastal resources, including adverse effects on sand supply, public access, coastal views, natural landforms, and overall shoreline beach dynamics on and off site, including ultimately resulting in the loss of beach.

In addition, the proposed policy states that shoreline protective devices may be authorized for a specified time period, depending on the nature of the project and other possible changing conditions. However, this policy lacks the specificity identified in Section 30235, which states that such devices are authorized for existing development when such development is in danger from erosion. Again, absent more explicit definition, this policy does not ensure that the device is only present under the conditions that allow for it under the Coastal Act. In certain past cases, the Commission set a fixed armoring authorization term, such as twenty years. In more recent cases, the Commission has refined its approach, and has limited the length of a shoreline protective device's development authorization to be as long as it is required to protect a legally authorized existing structure. If an applicant must seek reauthorization of the armoring before the structure that it was constructed to protect is demolished or redeveloped, then Section 30235 authorizes the Commission to approve the shoreline protective device if it is still required to protect an existing structure in danger of erosion. However, once the existing structure that the armoring is required to protect is demolished or redeveloped, the armoring is no longer authorized by the provisions contained in Section 30235 of the Coastal Act. Accordingly, if there is no existing structure in danger from erosion, then an otherwise inconsistent shoreline protective device (i.e., in terms of coastal resource impacts, such as on public access) cannot be allowed relying on the provisions of Section 30235 of the Coastal Act.

Another reason to limit the authorization of shoreline protective devices is to ensure that Coastal Act Section 30253 is properly implemented together with Section 30235. If a landowner is seeking new development on a blufftop lot, Section 30253 requires that such development be sited and designed such that it will not require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. Sections 30235 and 30253 prohibit

such armoring devices for new development and require new development to be sited and designed so that it does not require the construction of such armoring devices. These sections do not permit landowners to rely on such armoring devices when siting new structures on blufftops and/or along shorelines. If a shoreline protective device exists in front of a lot, but is no longer required to protect the existing structure it was authorized to protect, it cannot accommodate future redevelopment of the site in the same location relying on the provisions of 30235. Otherwise, if a new structure is able to rely on shoreline armoring which is no longer required to protect an existing structure, then the new structure can be sited without a sufficient setback, perpetuating an unending reconstruction/redevelopment loop that prevents proper siting and design of new development, as required by Section 30253. By limiting the length of development authorization of a new shoreline protective device to the existing structure it is required to protect, Section 30253 is more effectively applied when new development is proposed.
Thus, the length of any authorization for a shoreline protective device needs to be coincident with the time frame when the existing structures it is authorized to protect are present, and requires removal of the armoring when the structures it was authorized to protect are demolished or redeveloped. In this manner, new development will not be able to rely on armoring that no longer meets the provisions of Section 30235 of the Coastal Act.

Marin County Adaptation Planning
The vast majority of the language in suggested modification Policy C-EH-17 is the same as proposed Policy C-EH-22, with refinements for clarity. The exception is Sandy Beach Management subsection, which brings in some language from County-approved policies (see, for example, County subsection 7 which has essentially been moved to new subsection 8). However, significant suggested modifications add specific adaptation planning goals related to sandy beaches by providing additional detail to County-proposed adaptation planning that is ongoing in order to ensure that future planning efforts capture this critical resource through the County-proposed LCP amendment in ten years. The beaches of Marin are valuable coastal resources both in providing recreational and ecological value. Sea level rise will increase the rate of shoreline erosion along the County coast, and along unprotected shorelines, will cause the inland migration of the beach. Along protected shorelines, sea level rise will cause the beach to narrow until it is eliminated. According to Marin's vulnerability assessment (Marin Ocean Coast Sea Level Rise Vulnerability Assessment Public Review Draft (October 2015)), the elimination of beaches along many areas of Marin's coast could begin as soon as 2030. The number of beach visitors is likely to increase as population increases and as heat waves become more common due to climate change. As demand for beaches increases, if supply is further limited, public access will be adversely impacted. The Coastal Act requires maximum public access and recreational opportunities be provided, and prohibits development from interfering with the public's right to public access, including the public's right to use dry sand and rocky coastal beaches. Therefore, new development that results in the elimination of beaches is inconsistent with the Coastal Act. Thus, this suggested modification requires further County planning to describe sandy beach values and establish enforceable parameters for development that is located in an area that might affect such values, consistent with Coastal Act requirements, including Chapter 3 policies requiring maximum public access and recreational use by protecting beaches and other coastal areas:
The beaches of Marin are valuable coastal resources. The sandy beach area of Stinson Beach is particularly valuable given its size, and its proximity to the Bay Area and the relative lack of

other large sandy beaches nearby. The LCP must seek to provide more specific policy direction associated with such beaches, including through tracking requirements in a future LCP amendment. Thus, suggested modifications also build on the County's proposed adaptation planning policies to include sandy beach management plans as part of the proposed 2026 LCP update, where these plans can provide additional standards to address protection of sandy beaches in Marin, including through potential application of zoning overlays and identifying minimum sandy beach widths that need to be respected as development continues so as to ensure the continuation of sandy beaches in Marin County. As more is learned, including through ongoing adaptation planning by the County, and new ideas and tools are identified, this can all be synthesized and added to the LCP at that time, thus allowing for refinement and update to the policies being put in place now. The LCP amendment horizon is ten years, but the County could choose to do it earlier, and in any event will be a more timely revision than the over thirty years that has passed since the hazard policies were last changed in the LCP in 1982.

Conclusion
While the County's proposed LUP represents a comprehensive update to the existing certified LUP's hazards policies from 1982, it also differs significantly from the LUP hazard policies conditionally certified unanimously by the Commission in 2014. These differences are perhaps most pronounced in terms of the elimination of the Commission-certified concepts associated with defining coastal redevelopment and addressing issues associated with existing and new armoring. On the latter, the Commission-certified 2014 hazard policies required that armoring *not* be countenanced when considering setbacks and other hazard mitigations, and required that such armoring be *removed* in certain circumstances. These provisions are eliminated in the County's current proposal.

Similarly, the 2014 Commission-certified LUP recognized that elevation of structures to address coastal hazards (such sea level rise and coastal flooding) was likely to occur in low lying areas where such development could not meet more standard setback requirements. In such cases, the Commission recognized that elevated structures (i.e., on pier and caisson superstructure foundations) were being used as a proxy for setbacks; that this proxy resulted in shoreline altering development; that such application constituted a shoreline protective device; and the Commission-certified policies only allowed such elevation until April 2017. After that date, and if the LUP was not updated to modify the requirement, elevation was prohibited as a hazard response in the Commission's conditionally certified policies. The now proposed LUP relies heavily on elevation in the low lying areas as a hazard and sea level rise response, and in place of seeking more thorough analysis and review of same, includes language to facilitate lesser reviews, including the above-mentioned proposed language indicating that such elevation projects are deemed to comply with LUP policies without actually requiring an analysis.

And finally, questions regarding what to do about development in low lying areas that is expected to result in significant problems for public trust and other shoreline coastal resources, and in particular public recreational beach areas, are generally deferred in the County's current proposal as opposed to addressed now. While some deferment of hazards issues to a future LCP amendment could be appropriate in light of the County's ongoing adaptation efforts, allowing the core questions related to shoreline and beach impacts to be deferred for ten years runs counter to the Commission-certified approach from 2014. And it means that impacts and conditions are

likely to accrue during the course of those ten years that will make such planning all the more difficult at that future time. Similarly, in place of evaluating hazards in light of sea level rise over 100 years in these low lying areas, the County now proposes adding a static two feet of elevation to address sea level rise.[26] Given projections for sea level rise over the next 100 years that are almost three times higher than the two-foot proposed, these proposed standards would appear to underestimate potential impacts, and, absent associated parameters to address future scenarios (such as when the usable beach areas themselves migrate under elevated structures), would appear insufficient to address anticipated coastal resource impacts in these areas. In other words, the proposed LUP generally allows a continuation of redevelopment, elevation, and armoring in light of hazards and sea level rise, and largely relies on future adaptation planning to deal with the difficult decisions that affect low lying areas.

Thus, suggested modifications to the County proposed hazard policies to address these core problems are required. The overwhelming majority of these modifications are intended to reapply the core standards that the Commission previously certified in 2014, including as identified above. Importantly, these modifications also take into account changes that the County has made in the time since, and thus represent a hybrid of those more recent changes and the Commission-certified framework. For example, the modifications track and continue the County's proposed reliance on elevation of three feet (for freeboard and sea level rise) for shoreline development as an appropriate response for now, but also include standards that provide triggers for removing such structures in the future if hazards and sea level rise related impacts occur in such a way as to lead to significant adverse impacts to public trust and beach areas. In addition, such three-foot of elevation is allowed for now, but must be updated through the County proposed LCP amendment in 10 years, where the intent is to provide a means for other approaches to potentially be used in the future.

Importantly, the suggested modifications are intended to provide a framework designed to address the very difficult questions we confront along eroding shorelines affected by rising sea levels, particularly in terms of public recreational beach space, and to identify measures to do something about it. Those measures include a suite of tools, including the redevelopment and armoring concepts above, but also including measures requiring property owners to internalize some of the true costs of development in hazardous areas, including by limiting elevation to be a one-time hazard response, and only allowing development until it is declared unsafe, it encroaches onto public trust resources, it can no longer be served by necessary infrastructure, and/or it is loses its required blufftop setback. These types of removal 'triggers' have become a more common approach for the Commission in its permitting program that recognizes that there is some inherent uncertainty relative to coastal hazards, and puts the onus on the private property owners as opposed to the public to account for future coastal resource impacts, thus better protecting core public benefits such as those associated with continued sandy beach use.

And finally, suggested modifications also build on the County's proposed adaptation planning policies to include sandy beach management plans as part of the proposed 2026 LCP update, where these plans can provide additional standards to address protection of sandy beaches in Marin, including through potential application of zoning overlays and identifying minimum

[26] Plus an additional foot of 'freeboard' as is typically applied to flood elevation cases via FEMA and otherwise, for a total of three feet.

sandy beach widths that need to be respected as development continues so as to ensure the continuation of sandy beaches in Marin County.

The as modified LUP represents an important step forward that refines LUP hazards policies to better protect coastal resources and achieve Coastal Act consistency. At the same time, it needs additional specificity and structure, particularly around the questions regarding development at the shoreline interface and involving shoreline protective devices, to be able to be found consistent with Coastal Act Sections 30210, 30211, 30235 and 30253. As modified, the LUP's coastal hazards policies are consistent with and adequate to carry out Coastal Act Sections 30210, 30211, 30235 and 30253.

d) Applicable Land Use Plan Policies

> ***C-EH-4 Coastal Redevelopment.*** *An existing structure located in an area potentially subject to hazards shall be considered redeveloped (and deemed new development under this LCP that must be made to conform with all applicable LCP policies), when such development consists of: (1) alteration (including interior and/or exterior remodeling and renovations, demolition or partial demolition, etc.) of 50% or more of major structural components (including exterior walls, floor and roof structure, and foundation) considered individually (i.e., percentages are calculated by the individual structural component being altered, and are not additive between different structural components); (2) additions and alterations to such development that lead to a 50% or more increase in floor area for the development; and/or (3) additions and alterations to such development that costs 50% or more of the market value of the existing structure before construction. Changes to floor area and individual major structural components and the costs of such changes are measured cumulatively over time starting from January 1, 1977.*

The standard of review for the proposed IP Update is that it be consistent with and adequate to carry out the conditionally certified (i.e., as modified above) LUP Update. In this case, the County's proposed LUP related to hazards has been denied, and thus this evaluation is based on the as-modified LUP (see preceding section). See **Exhibit 14** for Commission staff suggested modifications to the hazards chapter of the LUP and hazards section of the IP (without cross through and underline).

e) Proposed IP

The staff-recommended IP from 2015 basically mapped to the Commission-certified LUP, and thus provided for similar parameters as described above. It also provided additional implementation detail on key provisions, such as in terms of the process for applying and evaluating hazards, and significant additional specify regarding evaluating redevelopment projects. See the staff recommended IP and the findings supporting same in **Exhibit 4**.

Similar to the proposed LUP, the County proposed IP Update omits the same development standards as it omitted in the proposed LUP Update. As a result, it eliminates the time frame for hazards evaluation, it eliminates the concept of redevelopment, it eliminates requirements related to armoring removal, and it more broadly relies heavily on FEMA standards for finding LCP

consistency, including stating that certain types of elevation are to be considered LCP consistent without any evaluation.

Specifically, the proposed IP implements the aforementioned proposed LUP policies primarily through Section 22.64.060 (Environmental Hazards). Section 22.64.060(A) describes the application requirements required for proposed development as a two-step process, the first being an initial site assessment to determine whether the site is and will be subject to environmental hazards. Where the site assessment reveals that the proposed development is in an area potentially subject to hazards, the second step requires the preparation of more detailed environmental hazards reports, including specific requirements for proposed development in FEMA flood zones, in areas subject to sea level rise and geologic hazards.

Specifically, this IP Section requires additional coastal hazard analysis for blufftop development, which must demonstrate that the proposed project is safe from bluff retreat, without the need for shoreline protective devices for the development's lifetime and a minimum of 100 years, and for shoreline development, which must demonstrate that proposed development will be safe from shoreline erosion and flooding hazards, taking into account three feet of projected sea level rise and freeboard without the need for shoreline protective devices. The Section also includes additional requirements for drainage plans in support of proposed blufftop development, and engineering reports in support of proposed shoreline protective devices. Section 22.64.060(B) lists the required hazards standards that development must meet, such as blufftop setbacks. Consistent with the general construct of the proposed IP, the listed standards cross-reference the applicable LUP policy. For example, Section 22.64.050(B)(3) implements the proposed LUP's hazard policies by stating that "shoreline access facilities, such as stairways and ramps, may only be permitted per Land Use Plan Policy C-EH-7 and C-EH-16." This Section also includes additional detail on the applicants' assumption of risk, the prohibition on the creation of new parcels abutting coastal waters, the removal of major vegetation, and the Seadrift Settlement Agreement. In addition, hazards-related definitions are located in Chapter 22.130. Specifically, the definition of 'blufftop' applies to areas within 150 feet of the bluff edge, and definitions for 'existing' and 'existing structure' clarify that 'existing' means extant at the time of CDP application and 'existing structure' means a structure in existence since May 13, 1982.

f) Consistency Analysis

In April 2015, the County's then proposed IP was heard by the Commission. At that time, Commission staff had suggested a series of proposed IP modifications to the proposed IP, and a set of findings supporting those changes (see attached Commission staff IP recommendation in **Exhibit 4**). As modified herein, the Commission staff recommended 2015 IP findings are incorporated herein by reference as part of these findings, including as the County's proposed IP is based on the Commission staff's recommended certified version.[27] Thus, the findings in this section build upon the referenced and incorporated 2015 IP findings, as modified in this report, while also describing the proposed submittal and analyzing changes now proposed and other comments received. In addition, because the proposed IP Update essentially mimics the proposed LUP Update and includes similar requirements, the above consistency findings also apply in the same way to the proposed IP Update.

[27] The County accepted all the Commission staff's 2015 modifications as the underlying "clean" version of their proposed IP, and made changes in cross through and underline to that version showing what they now propose – see **Exhibit 6**.

The proposed IP as suggested to be modified appropriately implements the as-modified LUP's coastal hazards policies. The IP requires adherence to the LUP's policies, which themselves are very detailed in terms of defining the types of coastal hazards, their identification, and required parameters that development must meet. The IP also clarifies what types of proposed development would be required to prepare hazards analyses, as well as definitions of certain terms, including "Coastal Redevelopment," which build upon the substantial detail in this regard in the suggested modifications to the LUP, and articulates what elements are/are not considered to be "major structural components." Furthermore, in order to address concerns about differing standards between the LCP and those that are mandated per FEMA, which calculates "new development" based on a *cost* model, the structure is also considered to be coastal redevelopment when the alteration meets applicable FEMA requirements. Therefore, the coastal redevelopment policy is triggered when the development includes work on the major structural components (e.g., when 50% of the linear length of a wall is removed), or if it meets applicable FEMA thresholds (i.e., based on 50% cost relative to market value).

Furthermore, while the proposed IP includes some specificity with respect to process, including application requirements, required reports and studies, and definition of terms, there remains uncertainty about how LUP policies and requirements would be appropriately implemented. For example, public comments have asserted that it remains unclear what types of proposed projects would be required to prepare an Environmental Hazards Report and/or a Coastal Hazards Analysis, including a lack of specificity with respect to what criteria would be used to ascertain whether a proposed project was located in an area subject to hazards, or that certain terms are undefined and/or vague. These provisions are in need of refinement to assure implementation clarity.

Finally, LUP Policy C-EH-4 as recommended through suggested modifications requires "coastal redevelopment" to be found consistent with all applicable LCP policies, and states that a structure shall constitute coastal redevelopment (i.e., the structure has been "redeveloped") when alterations, including additions, renovations, demolition, or replacement, are performed on 50% or more of an existing structure's major structural components.[28] The policy states that when a proposed development consists of alteration to 50% or more of an existing structure's major structural components, the existing structure meets the coastal redevelopment definition, whereby the *entire* structure must conform to all applicable LCP policies. For example, if half of a structure's wall is demolished and then replaced, the structure is considered redeveloped and the entire structure must be consistent with all LCP policies. Furthermore, while all additions must conform with all applicable LCP policies since additions are considered new development, if the addition necessitates removal of 50% or more of the existing structure (e.g., 50% of the existing structure's walls have been demolished to accommodate the addition/improvement), then the *entire* structure, and not just the addition itself, must conform with all LCP policies. Conversely, if only 25% of the walls are demolished, then only the addition itself must conform since the structure is not considered to be redeveloped.

The definition also defines redevelopment to include additions and expansions, or any

[28] The definition acknowledges the Commission's regulations which identify the 50% threshold as the point at which the replacement of 50% or more constitutes a new replacement structure (CCR Section 13252(b)).

demolition, renovation or replacement, which would result, cumulatively, in alteration or reconstruction of 50 percent or more of an existing structure. Thus, the definition requires that if an applicant submits an application to remodel 30% of the existing structure, then, for example, five years later seeks approval of an application to remodel an additional 30% of the structure, this would constitute redevelopment, triggering the requirement to ensure that the redeveloped structure is sited safely, independent of any shoreline protection. In terms of major structural components, these too are meant to be understood on a cumulative basis within each component (i.e., they are not additive between different components). For example, if an applicant proposed to modify 25% of the exterior walls and 30% of the roof structure, even though together these add up to more than 50%, this would not be considered redevelopment because it relates to two different major structural components. However, if the applicant were to come back for a subsequent CDP to modify an additional 25% of the exterior walls or an additional 20% of the roof structure, the project would be considered redevelopment because it would result in a cumulative alteration to 50% for both of these two major structural component, either of which is sufficient to trigger "redevelopment" and the need for the entire structure to be made consistent with all LCP policies, including with respect to setbacks and armoring.

In order to further define what certain terms of the coastal redevelopment policy mean, including what constitutes the "major structural components" and the work performed on them that would constitute redevelopment, a definition of the term "Coastal Redevelopment" is added to the definitions chapter of Chapter 22.130. In terms of major structural components, the proposed definition states that work on exterior cladding and framing systems, building structural support, and sheer walls/studs constitutes the major structural components of a wall; work on the structural framing system, including trusses, joists, and rafters, and structural support components including beams/joists/rafters constitutes the major structural components of the floor and roof; and structural slabs, piers, caissons, and grade beams may constitute the major structural components of the foundation.

Alterations to these identified elements are calculated as follows:

> *For exterior walls, when (a) exterior cladding and/or framing systems are altered in a manner that requires removal and/or replacement of 50% or more of the elements of those cladding and framing systems, normally considered as linear length of wall; or (b) reinforcement is needed for any remaining portions of the wall to provide structural support in excess of 50% of existing support elements (e.g. addition of 50% or more of beams, shear walls, or studs whether alone or alongside the existing/retained elements).*
>
> *For floor or roof structure, when (a) the roof or floor framing is altered in a manner that requires removal and/or replacement of structural elements (e.g. trusses, joists, rafters) supporting 50% or more of the square footage of the roof or floor; or (b) the roof or floor structural framing system requires additional reinforcement to any remaining portions of the roof or floor system to provide structural support (e.g. addition of 50% or more of beams, joists, and/or rafters, etc., whether alone or alongside existing/retained system elements).*
>
> *For foundation, when 50% or more work is done on any of the following: (a) 50% or more*

> *of the horizontal surface area of a slab foundation; (b) 50% or more of the floor area of a structure supported by a pier/post and/or caisson/grade beam foundation; (c) 50% or more of a perimeter foundation.*

Additionally, the definition includes a list of components that are *not* structural and which will not be considered in the calculation of coastal redevelopment: roof coverings, replacement of glass windows, doors, chimneys, exterior siding[29], and interior elements such as non-structural walls, insulation, fixtures, and mechanical/electrical/plumbing elements. This definition emanates from recent Commission actions[30] that have sought to better identify which components of an existing structure constitute its major structural components, and thus work on 50% or greater on those identified elements constitutes an entirely new structure which must be found consistent with all applicable LCP policies, including the provisions that it not lead to shoreline protective devices in the future.

Thus, only if modified as suggested will the IP be consistent with and adequate to carry out the LUP.

Conclusion
Marin County's shoreline is a highly dynamic place. The coast is subject to forces that include shoreline and bluff erosion, storms and waves, tsunamis, landslides, and potential seismic events, all of which represent hazards for existing and new development. Rising sea levels are expected to exacerbate coastal hazards such as these, leading to such problems as more frequent storms, increased erosion, permanent or periodic inundation of lower lying areas, loss of coastal wetlands, and salt water intrusion. Structures located along the shoreline and atop bluffs that are susceptible to erosion and in areas that already flood during higher tides will likely experience an increase in these hazards due to accelerated sea level rise. Such hazards and the effects of sea level rise also threaten the integrity of roads and important infrastructure.

The LCP hazards provisions, as modified, acknowledge these issues, seek to avoid the use of shoreline altering protective devices wherever feasible (and include appropriate mitigations if not feasible), and respond to a future that includes elevated sea levels that are expected to drastically change the shoreline environs over time, including critically in terms of public recreational beach areas. These measures, together with required additional adaptation planning and LCP amendments no later than 2026, should allow Marin County to appropriately address and respond to coastal hazards consistent with the Coastal Act.

2. Agriculture

a) Applicable Coastal Act Policies

[29] Cladding is a type of exterior material applied to a structure to primarily protect its elements from moisture (weather proofing). Siding may also be applied as cladding; however, siding is often applied over cladding on a structure for aesthetic purposes.

[30] Santa Cruz County LCP Amendment SCO-1-12 Part 1 (Nonconforming Regulations), approved by the Commission in October 2012.

Section 30241 Prime agricultural land; maintenance in agricultural production
The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas' agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:

> *(a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.*
>
> *(b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.*
>
> *(c) By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250.*
>
> *(d) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.*
>
> *(e) By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.*
>
> *(f) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.*

Section 30241.5 Agricultural land; determination of viability of uses; economic feasibility evaluation

> *(a) If the viability of existing agricultural uses is an issue pursuant to subdivision (b) of Section 30241 as to any local coastal program or amendment to any certified local coastal program submitted for review and approval under this division, the determination of "viability" shall include, but not be limited to, consideration of an economic feasibility evaluation containing at least both of the following elements:*
>
> > *(1) An analysis of the gross revenue from the agricultural products grown in the area for the five years immediately preceding the date of the filing of a proposed local coastal program or an amendment to any local coastal program.*

(2) An analysis of the operational expenses, excluding the cost of land, associated with the production of the agricultural products grown in the area for the five years immediately preceding the date of the filing of a proposed local coastal program or an amendment to any local coastal program. For purposes of this subdivision, "area" means a geographic area of sufficient size to provide an accurate evaluation of the economic feasibility of agricultural uses for those lands included in the local coastal program or in the proposed amendment to a certified local coastal program.

(b) The economic feasibility evaluation required by subdivision (a) shall be submitted to the commission, by the local government, as part of its submittal of a local coastal program or an amendment to any local coastal program. If the local government determines that it does not have the staff with the necessary expertise to conduct the economic feasibility evaluation, the evaluation may be conducted under agreement with the local government by a consultant selected jointly by local government and the executive director of the commission.

Section 30242 Lands suitable for agricultural use; conversion
All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (l) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.

Section 30100.2. *"Aquaculture" means a form of agriculture as defined in Section 17 of the Fish and Game Code. Aquaculture products are agricultural products, and aquaculture facilities and land uses shall be treated as agricultural facilities and land uses in all planning and permit-issuing decisions governed by this division.*

Section 30233. *(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:*
…
(7) Nature study, aquaculture, or similar resource dependent activities.

Sections 30241, 30241.5, 30242 and 30250 of the Coastal Act require the protection of agricultural lands within the coastal zone by, among other means, requiring that the maximum amount of prime agricultural land be maintained in agricultural production. To protect the agricultural economy, Section 30241 of the Coastal Act requires conflicts between agricultural and urban uses to be minimized by establishing stable urban-rural boundaries, providing agricultural buffers, ensuring that non-agricultural development is directed first to lands not suitable for agriculture or to transitional lands on the urban-rural boundary and that adjacent development does not diminish agricultural productivity, restricting land divisions, and

controlling public service or facility expansions. Other lands suitable for agricultural use and productivity of soils and timberlands are to be protected as well, with certain exceptions. These requirements are implemented in order to protect an area's agricultural economy and concentrate development in and around existing developed areas. For example, non-prime lands often physically buffer the more valuable prime lands from conflicts with other uses. Thus protection of non-prime agricultural lands also serves to protect agricultural production on prime lands. Conversion and fragmentation of any agricultural land not only diminishes opportunities for economies of scale, but also increases the exposure of the remaining farm operations to conflicts with nearby urban users over such matters as noise, odor, pesticide use, smoke, and animals.

Conversions of agricultural lands to non-agricultural uses are only allowed under limited circumstances, such as when they are surrounded by urban uses. Conversions of agricultural lands around the periphery of urban areas may occur only where the viability of agricultural is severely limited or where conversion would complete a logical and viable neighborhood and contribute to a stable urban limit. Pursuant to Coastal Act Section 30242, conversions of "other lands suitable for agricultural use," i.e. conversions other than those governed by Coastal Act Section 30241, are allowed only when continued or renewed agricultural use is infeasible, when they would preserve prime land or where they would concentrate development.

Finally, Coastal Act Section 30250, cited in Sections 30241 and 30242, also works to protect rural agricultural lands by directing that new development be located in existing developed areas and that land divisions outside of urban areas, other than for agricultural leases, not result in parcel sizes that can compromise agricultural viability.

b) 2014 Commission conditionally-certified LUP

Agriculture is one of the primary uses of land within the Marin coastal zone. The LCP implements its agricultural protection standards primarily through the Coastal Agricultural Production Zone (C-APZ) zoning district. This single zoning district comprises nearly two-thirds of the non-federally owned coastal zone (30,781 acres out of a total of 48,255 acres), and contains the vast majority of Marin's existing agricultural lands, much of which is used primarily for livestock grazing rather than row crops because Marin's coastal zone contains little prime agricultural land suitable for row crop farming, and has limitations on water supply availability.

The 2014 Commission conditionally-certified LUP identified the C-APZ zoning district as the LCP's primary agricultural zone, specified the allowable uses within the zone and the permitting status for those uses, and listed a hierarchy of required development standards. The Commission focused the approved LUP policies on the protection and enhancement of the family farm, and thus the family farm became the metric by which the Coastal Act's agricultural protection standards would be based. As such, the LUP's agricultural protection policies were the subject of numerous modifications made by the Commission, including in terms of defining the types of development that would be designated as a principally permitted agricultural uses and the required development standards.

The 2014 Commission conditionally-certified LUP allowed one farmhouse or a combination of one farmhouse and up to two intergenerational homes per farmer, regardless of how many parcels the farmer owned. The concept was centered around the family farming operation, in that

a farmer is allowed one farmhouse on their farm. A farm may consist of one legal lot, or it may consist of multiple legal lots that together constitute one unified farming operation. Regardless of how many lots constitute the farm, the farmer was allowed one farmhouse. However, in order to allow for others to live on that farm, including family members, the farmer is also allowed to build up to two intergenerational housing units. Thus, the 2014 conditionally-certified LUP sets up a structure by which protection of the family farm is the primary mandate, and a farmer is allowed up to three dwellings (a farmhouse and up to two intergenerational homes) on that farm. However, no more than 27 Intergenerational homes would be allowed in the agricultural production zone unless and until another LCPA was approved.

c) Proposed LUP

The proposed LUP update includes minor changes to the 2014 Commission conditionally-certified LUP agricultural chapter. In addition to formatting changes, the County has carried over the fundamental concept in the Commission-adopted LUP allowing one farmhouse, or a combination of one farmhouse and up to two intergenerational homes, per "farm", as opposed to per legal lot, through insertion of the term "farm tract" in C-AG-2, C-AG-5, and C-AG-9. The proposed LUP update also bundles the C-APZ principal permitted uses of farmhouses, intergenerational homes, and agricultural worker housing into "agricultural dwelling units."

Deviating from the Commission-certified LUP, the proposed LUP distinguishes permitting requirements for educational tours based on who is conducting the tour instead of based on for-profit revenue generation by eliminating the term "not-for-profit" from principally permitted educational tours. Thus, as proposed, all educational tours would be principally permitted even if the land owner operates the tour for profit as a commercial use unless the for profit tour is operated by a third party. The proposed LUP clarifies Program C-AG-2.a to specify that categorical exclusions are distinguished by exclusions for particular categories of development and exclusions for particular geographic areas and restores Program C-AG-2.b which acknowledges that the County plans to evaluate the efficacy of permitting limited non-agricultural residential development within the C-APZ zone. Finally, the proposed LUP Update adds the term "non-prime land" in C-AG-7 and clarifies the clustering requirements in C-AG-7(A)(4).

d) Consistency Analysis

In May 2014, the Commission conditionally certified the County's then proposed LUP. The County and the Commission were in agreement on the suggested modifications at the hearing, and it was approved unanimously (see attached Commission-adopted LUP findings in **Exhibit 3**). Except as revised herein, the Commission's adopted 2014 LUP findings are incorporated herein by reference as part of these findings, including as the County's proposed LUP resubmittal is based on the Commission's conditionally certified version with minor changes.[31] Thus, the findings in this section build upon the referenced and incorporated 2014 LUP findings, as modified in this report, while also describing the proposed submittal and analyzing changes now proposed and other comments received.

[31] The County accepted all the Commission's 2014 modifications as the underlying "clean" version of their proposed LUP, and made changes in cross through and underline to that version showing what they now propose – see **Exhibit 5**.

The primary intent of the Commission-certified LUP's agriculture policies is, as stated in Policy C-AG-1: to protect agricultural land, continued agricultural uses, family farming, and the agricultural economy. It seeks to do so by maintaining parcels large enough to sustain agricultural production, preventing conversion to non-agricultural uses, providing for diversity in agricultural development, facilitating multi-generational operation and succession, and prohibiting uses that are incompatible with long-term agricultural production or the rural character of the coastal zone. The protection of both agricultural production and the agricultural economy, including in relation to allowing uses that are incidental to and supportive of agricultural production, are clear objectives for the Commission-certified agriculture policies.

One of the primary differences between the existing and the 1982 Commission-certified LUP is which development is designated as a principally permitted use (PPU) in the Agricultural Production Zone (C-APZ) and which development is considered a conditional or permitted use in this zone. Currently, the existing LCP does not designate any one principally permitted use in the C-APZ zone. Development designated as principally permitted in the C-APZ zone includes agricultural uses (defined as uses of land to grow and/or produce agricultural commodities for commercial purposes), one single-family residential dwelling, and agricultural accessory structures (including barns, fences, stables, and utility facilities). In addition to agricultural and residential uses, the certified zoning code identifies a visitor serving B&B as another type of PPU in the C-APZ zone. In contrast, conditional uses include farm worker housing and facilities for the processing of agricultural products. Thus, several types of agricultural development are considered conditional in the agricultural production zone, and thereby appealable to the Coastal Commission, even where such development is clearly necessary to agricultural production. Conversely, some currently certified principally permitted uses in the C-APZ zone are not agricultural uses.

The currently proposed LUP Update designates a single use, agriculture, as the PPU for the C-APZ zone. By confining the PPU in the C-APZ zone to one PPU, agriculture, agricultural development designated as principally permitted is not appealable to the Commission. Moreover, the protection of both agricultural production and the agricultural economy is strengthened. The proposed LUP Update would include several new types of agricultural development within the C-APZ's PPU designation of agriculture, but would confine the development types to agriculture. The types of agricultural development which are considered within the PPU designation of agriculture encompass activities that in support of agricultural operations and thereby the long-term preservation of agriculture. In an area characterized by farms, such as Marin County, agricultural dwellings located on the property for farm workers, owners or operators are an essential part of the agricultural operation. For example, to adequately tend livestock or milk cows, the operator must be in close proximity to the agricultural operation. Visitor serving uses and residential uses unrelated to agricultural production would become conditional uses while some of the agricultural uses that are currently conditional would become principally permitted.

Another primary goal for the County is fostering multi-generational succession in family farming operations. Thus, the proposed LUP Update includes a new type of agricultural land use within the umbrella of the C-APZ's PPU of agriculture: intergenerational homes. The intent of these homes is to allow for the preservation of family farms by facilitating multi-generational

operation and succession by allowing family members to live on the farm. While the currently certified LUP allows one single-family residence per parcel, as proposed in Policy C-AG-5, one intergenerational home (in addition to a farmhouse) would be permitted per "farm tract" for the farm operator or owner as a principally permitted agricultural use. As stated above, "farm tract" is defined as "all contiguous legal lots under common ownership in the C-APZ." A second intergenerational home may be permitted as a conditional agricultural use (thereby subject to appeal to the Commission), subject to density and other LCP limitations. As proposed, agricultural dwellings cannot be divided from the rest of the agricultural legal lot, and must maintain the C-APZ district's required 60 acre density, meaning that an intergenerational home would only be allowed when a parcel is at least 120 acres, and a second intergenerational home is only allowed when the parcel is at least 180 acres. Proposed provisions also clarify that the sale of legal lots comprising the farm tract is not prohibited and that restrictive covenants only apply to the legal lot within the farm tract on which development is approved. Future development on other legal lots comprising any farm tract is subject to these same requirements of the proposed Update. Finally, the proposed LUP Update further requires a proposed restriction on the combined total size of homes allowed on C-APZ land: 7,000 square feet. The 7,000 square foot maximum is a cap on the aggregate size of all homes allowed, meaning that a farmhouse and intergenerational home would have to average 3,500 square feet or less in order to be consistent with the LUP's home size limit.

For intergenerational homes, 27 units of such homes are the projected maximum number of potentially allowable.[32] Proposed Policy C-AG-5 places a cap on the total number of intergenerational homes throughout the coastal zone at 27. Once this threshold is reached, a LUP amendment authorizing additional units, and analyzing the impact such additional units would have on coastal resources, including findings of consistency with Coastal Act policies, would be required.

As conditionally certified by the Commission in 2014, C-AG-2 required that the principal use of C-APZ lands be agricultural, and in order to ensure that the principal use of C-APZ land was agricultural, any development be "accessory and incidental to, in support of, compatible with and necessary for" agricultural production. As now proposed by the County, C-AG-2 no longer includes the "and necessary for" language instead stating that in order to assure that the principal use of C-APZ land is agricultural, any development shall be "accessory to, in support of, and compatible with agricultural production." However, C-AG-2 remains consistent with sections 30241 and 30242 of the Coastal Act because: (1) all development must still be "in support of agricultural protection;" (2) the proposed C-APZ zone would no longer include non-agricultural development as principally permitted as does the currently certified LCP; and (3) the agriculturally-related development designated as principally permitted in the C-APZ zone is defined as development that is "necessary and appurtenant" to the operation of agriculture.

Further, the principal permitted use of the C-APZ is agriculture, defined to include agricultural production, and the structures that truly support agricultural production (agricultural accessory structures, agricultural dwelling units, agricultural sales and processing facilities). In order to

[32] Including a total of 153 privately-owned C-APZ parcels, the required 120 acres necessary to meet the density requirements for the first such home, and the assumption that parcels currently under Williamson Act contract and/or agricultural conservation easement held by MALT (Marin Agricultural Land Trust) are not allowed any intergenerational homes.

classify development other than agricultural production itself as a principally permitted use of agricultural land, development must in fact be supporting agricultural production. Further, suggested modifications in the proposed LCP's Implementation Plan (IP) definitions section (discussed below) ensure that these permitted agricultural uses must meet all the following criteria "accessory and incidental to, in support of, compatible with agricultural production" to even be considered such agricultural uses under the LCP. These suggested modifications together will ensure that a cattle rancher, for example, cannot lease a portion of their land to a wine producer who could then turn an existing barn on the property into a wine processing facility because that use is not accessory and incidental to, in support of, compatible with the cattle ranching operation.

However, the LUP as proposed contains some elements that are not Coastal Act consistent because they are internally inconsistent or need further refinement in order to achieve consistency with the requirements of Coastal Act Sections 30241-30242. These inconsistencies range from consistently modifying the terms 'legal lot,' 'legal parcel,' and 'parcel,' to 'farm tract,' where necessary, to adding the definition of 'farm tract' to C-AG-2 and C-AG-5. Therefore, the LUPA must be denied as submitted and only approved as modified as discussed specifically below. (See also **Exhibit 12** for the Suggested Modifications discussed in this section)

Proposed Policy C-AG-7(A) defines the term "non-prime land" to indicate that such land is referred to in the Coastal Act as "other lands suitable for agriculture." However, this characterization of non-prime land is not correct and must be deleted in order to achieve consistency with the Coastal Act because the Coastal Act reference to "other land suitable for agriculture" in Section 30242 instead refers to agricultural land *other than* agricultural land governed by Section 30241, i.e. agricultural land *not* on the urban rural boundary. As modified, Policy C-AG-7's requirements to protect and maintain agricultural production are consistent with Coastal Act Sections 30241 and 30242. Further, agricultural homestays and bed and breakfast facilities must be deleted from Part (A)(4) because such facilities are only allowed in otherwise allowable agricultural dwelling units, per the proposed language in C-AG-9, and by definition LCP provisions only apply prospectively to new development. In Part (B), the statement that the County shall determine the density of permitted agricultural dwelling units or land divisions *only upon* applying Policy C-AG-6 must be changed to *including* to eliminate exclusivity because density is determined by development limitations other than those listed in C-AG-6.

As discussed above, the definition of farm tract is added to C-AG-2 and C-AG-5, in order to establish this definition as the standard of review for the IP. The references to the terms 'legal lot,' 'legal parcel,' and 'parcel' are changed to 'farm tract' in C-AG-2, -5, and -9, where applicable.[33] Further, the statement that "the reviewing authority shall consider all contiguous properties under the same ownership to achieve the requirements of the LCP" is restored in C-AG-5 to address legal lots that are less than the minimum parcel size. Similarly, the requirement that "the reviewing authority shall consider all contiguous properties under the same ownership to achieve the requirements of the LCP" is also restored in C-AG-2 because the limitations on

[33] See **Exhibit 11** for Commission staff's build-out analysis.

agricultural dwelling units are based on the "farm tract" defined in both C-AG-2 and C-AG-5 as "all legal lots under a common ownership in the C-APZ."

Further modifications are needed for educational tours occurring in the C-APZ zoning district. If owner/operator or third parties, including non-profits, do not charge a fee for tours or charge a fee that covered the costs associated with the tour, i.e. the tour does not generate revenue, then the use is a principally permitted; if owner/operator or third parties charge a fee that generates revenue, then the use is permitted because a tour that operates for profit is a commercial use and does not qualify as principally permitted when the PPU is agriculture in the C-APZ zoning district. Thus, suggested modifications are necessary within C-AG-2 to ensure that even though uses such as not-for-profit educational tours can be considered agricultural, for profit tours are commercial uses subject to a conditional use permit that will help ensure that any such permissible commercial use protects and maintains land designated for agricultural production consistent with the requirements of Coastal Act sections 30240 and 30241. Additional clarification is needed in Program C-AG-2.a because contrary to the County's proposed language, categorical exclusions for particular types of development only occur in a specific geographic area limited by Coastal Act section 30610.5(b) and further proscribed within the Categorical Exclusion Order itself.

In the C-APZ, the County's agricultural production zone, the principal permitted use of the land is agriculture, and while farmhouses and other agricultural dwellings are permitted, residential development is neither a permitted nor a conditional use in the agricultural production zone. County staff recommends, in Program C-AG-2.b, that the County continue to research the use of affirmative agricultural easements, including in conjunction with residential development. Although the County and its staff are free to undertake the research County staff identify in Program C-AG-2.b, a subsequent LCP amendment would be required before any residential development could occur. Program references do not mean that residential development will eventually become a conditional use in C-APZ, especially given that the County has not yet conducted its study.[34]

Regarding the specifics of the study to be conducted through Program C-AG-2.b, Commission staff have previously recommended that any such study take into account the results and recommendations of the Marin County Agricultural Economic Analysis undertaken for the

[34] In its staff report to the Board, County staff point to the Commission's action on the Chan CDP (CDP #A-2-SMC-06-021) as support for allowing residential development, in conjunction with affirmative agricultural easements, on land located in the agricultural production zone. Commission staff notes that the Chan dwelling did not convert agricultural land to a residential use because the dwelling approved by the Commission was sited in a non-farmed area with an existing concrete pad and access road. Also, the Applicant voluntarily proposed to record an affirmative agricultural easement over all of the property outside the development envelope because the property was actively being farmed. Another Commission action on CDP# A-2-SMC-07-001, the Sterling application also cited by County staff in its staff report, authorized a residential structure on agricultural lands along the urban rural boundary where agricultural lands may be converted in order to concentrate development and protect the agricultural productivity of rural agricultural lands. These are very particular circumstances whose outcome should not be "lumped" into an expectation that affirmative agricultural easements can appropriately offset and allow residential use in all cases. We recommend any County study clearly evaluate and explain the types of circumstances where the County believes such uses and easements are appropriate in Marin County's agricultural production zone.

County by Strong Associates in November 2003,[35] especially those recommendations that may help keep land values in balance with agricultural income in order to maintain long-term agricultural viability. As County staff is aware, one of the properties it identifies in its draft staff report as having an affirmative agricultural easement was the subject of the Strong Report, the Moritz property. According to a Property Detail Report now available on Realquest, the 84-acre Moritz property sold for $5.2 million dollars in 2013, highlighting that land costs can be driven up beyond a current or subsequent farmer's ability to pay for the taxes, insurance and maintenance costs associated with the land, thus discouraging maintenance of the agricultural operation. Therefore, another farmland conservation tool Commission staff recommends that the County consider during its study to help ensure land-affordability for farmers is known as Options to Purchase at Agricultural Value ("OPAV"). An OPAV allows easement holders to step in any time a farm property threatens to sell for estate value, and as such, provides a substantial deterrent to non-farm buyers as well as an opportunity for land trusts to help farmers purchase the farms each time land is transferred. OPAVs also protect affordable housing in agricultural areas and serve as an enforcement mechanism for affirmative agricultural language included within easements.

As discussed above, the LUP's proposed policies and standards, taken together with the suggested modifications, protect agricultural production and ensure a sustainable agricultural economy, and can be found consistent with the Coastal Act.

e) Applicable Land Use Plan Policies

> ***C-AG-2 Coastal Agricultural Production Zone (C-APZ).*** *Apply the Coastal Agricultural Production Zone (C-APZ) to preserve agricultural lands that are suitable for land-intensive or land-extensive agricultural productivity, that contain soils classified as Prime Farmland, Farmland of Statewide Importance, Farmland of Local Importance, or Grazing Land capable of supporting production agriculture, or that are currently zoned C-APZ. Ensure that the principal use of these lands is agricultural, and that any development shall be accessory and incidental to, in support of and compatible with agricultural production.*
>
> *A. In the C-APZ zone, the principal permitted use shall be agriculture, limited to the following:*
> *1. Agricultural Production:*
> *a. Uses of land for the breeding, raising, pasturing, and grazing of livestock;*
> *b. The production of food and fiber;*
> *c. The breeding and raising of bees, fish, poultry, and other fowl;*

[35] The Strong Study stated*: "The wild card in the agricultural land/cost/income balance is property value increase for new residential development. High value estate development on the County's agricultural lands drives up the land ownership costs for both property taxes and insurance. This can tip the scales so that the cost of land ownership exceeds (by orders of magnitude) what the agricultural income can cover. This may result in the owner of the new estate having little motivation to continue the traditional grazing use. ….if agricultural income is no longer significant in offsetting ownership costs, the agricultural use becomes less likely, especially into the future as high value parcels change ownership."*

d. The planting, raising, harvesting and producing of agriculture, aquaculture, mariculture, horticulture, viticulture, vermiculture, forestry crops, and plant nurseries.

2. Agricultural Accessory Structures;

3. Agricultural Accessory Activities;

4. Agricultural Dwelling Units, consisting of:

a. One farmhouse or a combination of one farmhouse and one intergenerational home per farm tract, defined in this LCP as all contiguous legal lots under a common ownership within a C-APZ zoning district, consistent with C-AG-5, including combined total size limits;

b. Agricultural worker housing, providing accommodations consisting of no more than 36 beds in group living quarters per legal lot or 12 units or spaces per legal lot for agricultural workers and their households;

5. Other Agricultural Uses, appurtenant and necessary to the operation of agriculture, limited to:

a. Agricultural product sales and processing of products grown within the farmshed, provided that for sales, the building(s) or structure(s), or outdoor areas used for sales do not exceed an aggregate floor area of 500 square feet, and for processing, the building(s) or structure(s) used for processing activities do not exceed an aggregate floor area of 5,000 square feet;

b. Not for profit educational tours.

B. Conditional uses in the C-APZ zone include a second intergenerational home per farm tract, for-profit tours, agricultural homestay facilities, agricultural worker housing above 36 beds in group living quarters per legal lot or 12 units or spaces per legal lot for agricultural works and their households, and additional agricultural uses and non-agricultural uses consistent with Policies C-AG-5, 6, 7, 8 and 9.

Development shall not exceed a maximum density of 1 agricultural dwelling_unit per 60 acres. Densities specified in the zoning are not entitlements but rather maximums that may not be achieved when the standards of the Agriculture policies below and other relevant LCP policies are applied. The County (and the Coastal Commission on appeal) shall include all contiguous properties under the same ownership when reviewing a Coastal Permit application that includes agricultural dwelling units.

C-AG-5 Agricultural Dwelling Units (Farmhouses, Intergenerational Housing, and Agricultural Worker Housing). *Support the preservation of family farms by facilitating multi-generational operation and succession.*

A. Agricultural dwelling units may be permitted on C-APZ lands subject to the policies below, as well as any applicable requirement in C-AG-6, 7, 8, and 9. Agricultural dwelling units must be owned by a farmer or operator actively and

directly engaged in agricultural use of the property. No more than a combined total of 7,000 sq ft (plus 540 square feet of garage space and 500 square feet of office space in the farmhouse used in connection with the agricultural operation) may be permitted as an agricultural dwelling per farm tract, defined in this LCP as all contiguous legal lots under common ownership within a C-APZ zoning district, whether in a single farmhouse or in a combination of a farmhouse and intergenerational homes(s). Intergenerational farm homes may only be occupied by persons authorized by the farm owner or operator, shall not be divided from the rest of the legal lot, and shall be consistent with the standards of C-AG-7 and the building size limitations of C-AG-9. Such intergenerational homes shall not be subject to the requirement for an Agricultural Production and Stewardship Plan (C-AG-8), or permanent agricultural conservation easement (C-AG-7). A density of 60 acres per unit shall be required for each farmhouse and intergenerational house (i.e. at least 60 acres for a farmhouse, 120 acres for a farmhouse and an intergenerational house, and 180 acres required for a farmhouse and two intergenerational homes), including any existing homes. The reviewing authority shall consider all contiguous properties under the same ownership to achieve the requirements of the LCP. No Use Permit shall be required for the first intergenerational home on a qualifying farm tract , but a Use Permit shall be required for a second intergenerational home. No more than 27 intergenerational homes may be allowed in the County's coastal zone.

B. Agricultural worker housing providing accommodations consisting of no more than 36 beds in group living quarters per legal lot or 12 units or spaces per legal lot for agricultural workers and their households shall not be included in the calculation of density in the following zoning districts: C-ARP, C-APZ, C-RA, and C-OA. Additional agricultural worker housing above such 36 beds or 12 units shall be subject to the density requirements applicable to the zoning district. An application for agricultural worker housing above such 36 beds or 12 units shall include a worker housing needs assessment and plan, including evaluation of other available worker housing in the area. The amount of approved worker housing shall be commensurate with the demonstrated need. Approval of agricultural worker housing shall require recording a restrictive covenant running with the land for the benefit of the County ensuring that the agricultural worker housing will continuously be maintained as such, or, if no longer needed, for non-dwelling agricultural production related uses.

f) Proposed IPA

The proposed IP Update implements the aforementioned LUP agricultural protection policies in various sections. Chapter 22.32 includes standards for specific development, including agricultural dwellings units such as farmhouses, intergenerational housing, and agricultural worker housing. The section describes the standards applicable to those listed development types, including specifying in which zoning district they are allowed, limitations on use (including that intergenerational homes shall not be subdivided from the rest of the agricultural legal lot), clustering requirements and permitting requirements, including requiring a restrictive covenant for agricultural worker housing ensuring that such housing will be continuously maintained as such. Chapter 22.62 includes Table 5-1 that lists the allowable land uses and their

permitting status for the C-APZ district. The table designates specified types of agricultural development as principally permitted, including accessory activities and structures, one intergenerational home, one farmhouse, and agricultural production, with additional permitted agricultural development (such as a second intergenerational home and agricultural processing facilities of greater than 5,000 square feet), all subject to certain criteria. Table 5-1 also classifies non-agricultural development such as campgrounds and public parks/playgrounds as permitted or conditional uses. The table cross-references other applicable IP sections that may apply to development allowed within C-APZ, including the use-specific standards specified in Chapter 22.32, the resource protection standards that apply coastal zone-wide in Chapter 22.64, and the zoning district-specific standards specified in Chapter 22.65. Chapter 22.130 defines all uses and in some cases, such as for "agriculture, ongoing" identifies when the development associated with a certain use requires a permit. Finally, as discussed earlier, Section 22.65.040 describes the specific standards for the C-APZ, and lists the required development standards applicable for non-agricultural development (including that permanent conservation easements shall be required to preserve undeveloped land).

Changes to previously proposed Chapter 22.32 from 2015 from include the removal of "and necessary for" from certain references governing development within the C-APZ zone. Section 22.32.024 was reformatted to address standards for all agricultural dwelling units, defined to include farmhouses, intergenerational homes, and agricultural worker housing, consistent with the organization of proposed LUP Policy C-AG-2. Likewise, Section 22.62.060(B) regarding the C-APZ zoning district was reformatted to be consistent with C-AG-2. Development standards for agricultural dwelling units have been moved from 22.65.040(C)(1)(e) to 22.32.024 and standards for agricultural processing and retail sales have been moved from 22.65.040(C)(1)(e) to 22.32.026 and 22.32.027, respectively. In Section 22.32.024(J), the term 'agricultural dwelling cluster' was added to clarify the clustering requirements for farmhouses and intergenerational homes. Likewise, Section 22.65.040(C)(1)(d) has been modified to clarify which structures should be placed with a clustered development area and when exceptions are allowable. Other changes include the deletion of 'not-for-profit' as determining whether or not an educational tour is a principal permitted use and the addition of 'for-profit tours operated by a third party' as conditional uses in Section 22.32.062, consistent with proposed LUP Policy C-AG-2. In Table 5-1-a in Chapter 22.62, agricultural accessory activities and structures, farmhouses, agricultural processing uses, agricultural production, agricultural retail sales, and agricultural worker housing are types of development designated as the principal permitted use in the C-ARP zoning district. In Section 22.65.050, subsection (C) was added to clarify that residential is principal permitted use for all parcels with land use designation of C-AG3 and agriculture is the principal permitted use for all parcels with the land use designation of C-AG1 and C-AG2.

In the definitions Chapter 22.130, agriculturally related definitions have been added, deleted and modified since the 2015 proposed version. Definitions of 'actively and directly engaged ,' 'agricultural dwelling cluster,' 'average agricultural slope,' and 'initial vineyard planting work' have been added. The definition of "actively and directly engaged" includes a lease to a bona fide farm operator. The definitions of 'agricultural production' and 'agriculture' are proposed to more closely match C-AG-2. The definition of 'agriculture, ongoing' was modified to include all-routine agricultural cultivation practices and conservation practices required by a government agency. The definition of 'grading' was modified to add a 50 cubic yard threshold.

g) Consistency Analysis
In April 2015, the County's then proposed IP was heard by the Commission. At that time, Commission staff had suggested a series of proposed IP modifications to the proposed IP, and a set of findings supporting those changes (see attached Commission staff IP recommendation in **Exhibit 4**). Except as revised herein, the Commission staff recommended 2015 IP findings are incorporated herein by reference as part of these findings, including as the County's proposed IP is based on the Commission staff's recommended certified version with minor changes. Thus, the findings in this section build upon the referenced and incorporated 2015 IP findings, as modified in this report, while also describing the proposed submittal and analyzing changes now proposed and other comments received.[36]

The IP's agricultural protection policies as proposed are based upon implementing the Land Use Plan *before* it was modified by the Commission with suggested modifications as described above. Therefore, the proposed IP is not consistent with, and is not adequate to carry out, the LUPA with suggested modification and must be denied as submitted. The IP can be approved only with the following suggested modifications that are necessary to carry out the proposed LUP as modified above.

As described above, "farm tract" has been defined to consist of all contiguous legal parcels owned by the applicant. Those identified parcels are then allowed one farmhouse and up to two intergenerational homes, if they meet certain criteria. Thus, suggested modifications are necessary in order to achieve consistency with LUP Policies C-AG-2, -5 and -9 to change the terms 'legal parcel' and 'legal lot' to 'farm tract,' where applicable throughout the IP.[37] Similarly, in order to achieve consistency with C-AG-2, a suggested modification is necessary for IP Section 22.32.062 to clarify that educational tours are considered an agricultural use and are therefore principally permitted if no revenue is generated in excess of the reimbursement costs related to the educational tour, whereas tours that generate a profit are considered a commercial use that require an appealable coastal permit and a use permit.

Permitting of Agricultural Development
Proposed IP Section 22.68.030 (Coastal Permit Required) states that a CDP is required for all development in the coastal zone, and provides a list of activities that do or do not fall under the definition of development. Section 30106 of the Coastal Act states that the removal or harvesting of major vegetation for agricultural purposes is not development, but that any change in the intensity of use of land or water is development, as is grading. The County has offered an interpretation of the definition of development prescribed by the Coastal Act such that "development" would exclude any routine agricultural activities which are not expanded into ESHA, ESHA buffers or never before used areas.

The Commission has grappled with the question of what types of agricultural activities constitutes development numerous times, and on March 19, 1981, the Commission issued a

[36] The County accepted all the Commission staff's 2015 modifications as the underlying "clean" version of their proposed IP, and made changes in cross through and underline to that version showing what they now propose – see **Exhibit 6**.

[37] See **Exhibit 11** for Commission staff build-out analysis.

policy statement clarifying that it had jurisdiction over *expansion* of agricultural activities located in areas containing major vegetation. The Commission determined that expansion of agricultural uses into areas of native vegetation constitutes a "change in the intensity of the use of land" and is therefore development under the Coastal Act. New and expanded agriculture is also a change in the intensity of the use of land and water for a variety of additional reasons, including because preparing land for new agricultural use requires clearing the land of existing vegetation, and growing crops and livestock requires a significant amount of additional water, unlike the land's water needs in its natural state. Thus, removal of major vegetation in association with new and expanded agricultural operations requires a CDP, so such activities cannot be exempted from CDP requirements in the LCP. In addition, because the Coastal Act and LCP definitions of development do not exclude *grading* for agricultural purposes (as they do for the *removal of major vegetation* for agricultural purposes), all grading requires a CDP, unless it is otherwise exempt or excluded. To the extent the rotational crop farming or grazing has been part of a regular pattern of agricultural practices, it is not a change in intensity of use of the land despite the fact that the grazing and crop growing are rotationally occurring on different plots of land.

As proposed, the IP Update is inconsistent with Section 30106 including because it does not differentiate between different types of agricultural activities (including converting grazing land to row crops such as viticulture) that independently constitute development because they are a change in the intensity of use of land and/or require grading; and does not require that the ongoing agricultural activities be lawfully established. Suggested modifications are therefore required that do not eliminate a permit requirement for either agricultural activities that independently require a CDP because they involves grading or a change in intensity of use or agricultural activities that were not lawfully established.

Further, in recognition of the fact that agricultural activities, including cattle grazing, have historically been occurring on properties in Marin for decades, the Commission's definition acknowledges that determinations of ongoing activities may be supported with information from the Marin County Department of Agriculture, Weights and Measures.

It has been presumed that the suggested modification would institute a *new* coastal permit program for agriculture where one never existed, inconsistent with the Coastal Act and the Commission's own guidance on this point. The Commission respectfully disagrees with this characterization and wishes to clarify the record. Since 1982, the County's certified LCP has included agricultural production as the principal permitted use in the Coastal Agricultural Production Zone. However, even development that is designated as principally permitted is not exempt from coastal permitting requirements. Therefore, since certification in 1982, proposed changes in the intensity of the use of agriculturally zoned land, as well as agricultural grading into areas not previously farmed, required County-issued coastal permits. Thus, Commission suggested modifications do not "establish" a new coastal permitting requirement for agricultural production in Marin County. Rather, such a permit process has existed in the C-APZ since 1982 (and prior to LCP certification through the Commission). In short, the definition proffered by the Commission recognizes the unique attributes of farming in Marin, and responds appropriately, including to public comments received on this topic. It also respects both the Coastal Act and the Commission's guidance related to agricultural activities over the years.

Even if an agricultural development is found to require a CDP, the LCP offers many tools to streamline the permitting process for the agricultural community. For example, the Commission issued the County Categorical Exclusion Orders E-81-2 and E-81-6, which exclude from coastal permit requirements agriculturally-related development, including production activities, barns and other necessary buildings, fencing, storage tanks and water distribution lines, and water impoundment projects. These exclusions apply to parcels zoned C-APZ at the time of the exclusion orders' adoption that are located outside the areas prohibited by Coastal Act section 30610.5(b) and outside of the area between the sea and the first public road or a half-mile inland, whichever is less. Also, such excludable development must still be found consistent with the zoning in effect at the time of the orders' adoption (meaning the 1982 certified LCP). As such, in order for development to be excluded, it would need to meet the 1982 certified LCP's requirements that development be clustered on no more than five percent of the gross acreage, to the extent feasible; be outside of wetlands, streams and their 100-foot buffers; and have adequate water supply, among other requirements. In addition, intergenerational homes, for example, cannot be excluded because they were not an allowed use on C-APZ lands when the Orders were adopted. Even with these caveats, much of the agricultural development within the County's coastal zone can be excluded from coastal permit requirements per the Exclusion Orders.

Public commenters have expressed concern that application of the County Categorical Exclusion Orders E-81-2 and E-81-6 in conjunction with the new expanded definition of agriculture in the proposed LCPA will result in future development of agricultural land with limited oversight potentially leading to scenic and visual resource impacts, intensification of uses, and development of agricultural dwelling units that are not necessary for agricultural production. County Categorical Exclusion Orders E-81-2 and E-81-6, exclude from coastal permit requirements agriculturally-related development, including production activities, barns and other necessary buildings, fencing, storage tanks and water distribution lines, and water impoundment projects. However, these exclusions only apply to parcels zoned C-APZ at the time of the exclusion orders' adoption if those parcels are located outside the statutorily proscribed exclusion areas as well as outside of the area between the sea and the first public road or half-mile inland, whichever is less. Also, such excludable development must still be found consistent with the zoning in effect at the time of the orders' adoption.

To ensure that the applicable zoning is applied to such categorically excluded development, the Commission has required the addition of Appendix 7a, Title 22 of the Marin County Code Zoning Ordinance from April 1981. Suggested modifications to 22.68.040 (A) clarify that Appendix 7a represents the zoning in effect at the time of the categorical exclusions adoption and requires that any application for excludable development establish zoning consistency. As such, categorically excluded development must still meet the 1981 LCP's requirements that development be clustered on no more than five percent of the gross acreage, to the extent feasible; be outside of wetlands, streams and their 100-foot buffers; and have adequate water supply, among other requirements. Further, development must be also be consistent with April 1981 zoning requirements which include that dwellings be incidental to the primary and principle agricultural use of the land as demonstrated by the applicant and requires design review for agricultural buildings unless they meet certain criteria. Any conversion of an agricultural structure constructed under the categorical exclusion order to a principally permitted use without a public hearing would need to meet all above-identified statutory and regulatory requirements .

These standards in part would address issues related to intensification including parking standards and the size of the facility.

Additionally, even if an agricultural development is found to require a CDP, the IP as proposed to be modified offers new tools to streamline the permitting process. These streamlined procedures include the County's use of the de minimis waiver of CDP requirements process for non-appealable development (IP Section 22.68.070), and public hearing waivers for appealable development (IP Section 22.70.030(B)(5)). With respect to de minimis waivers, as suggested to be modified, any non-appealable development, if it is found to be consistent with the LCP and does not have potential for any adverse effect on coastal resources, can have CDP requirements waived by the Board of Supervisors. The proposed waiver must be noticed to the Executive Director of the Commission, and he/she has the right to request that waiver not be issued and that a regular CDP be obtained, consistent with the process for de minimis waivers specified in the Commissions regulations. The new IP allowance for a de minimis waiver process stems from Coastal Act Section 30624.7, while the new IP allowance for a waiver of a public hearing for appealable development stems from Section 30624.9. Since all appealable development is required to have one public hearing (and therefore cannot be waived), 30624.9 allows for certain types of development, defined as "minor" development, to be allowed without the otherwise required public hearing if notice is provided and nobody specifically requests a hearing. Minor development must still be found consistent with the certified LCP, cannot require any other discretionary approval, and cannot have any adverse effect on coastal resources or public access to and along the coast.

Buildout

Public comments have asserted that the Commission-approved LUP, and the proposed IP, would increase development potential on C-APZ lands, in part because of the new allowance for intergenerational housing units. However, as described at the Commission hearing on the conditionally certified LUP, the development potential on C-APZ land will only be reduced under the proposed LCP language.

Policy C-AG-5 and IP section 22.65.040(C)(1)(e)(3) only allow a single farmhouse/two intergenerational homes per farm tract, which may consist of multiple separate legal lots. Whereas, under the existing certified IP, a farmer is potentially allowed up to a maximum one farmhouse per legal lot, under both the 2014 conditionally certified LUP and the proposed LUP, the farmer is only allowed one farmhouse per farm tract, defined as all contiguous legal lots under common ownership . Therefore, the development potential on each lot is not increased under the proposed LCP Update .

As part of its submittal, the County calculated a buildout analysis in order to understand the cumulative impact the new LCP policies would have on C-APZ parcels. The County reviewed parcel data and found that there are 193 privately owned C-APZ parcels in the coastal zone. Of the 193 parcels, 40 are subject to easements held by the Marin Agricultural Land Trust (MALT), and 123 are subject to Williamson Act contracts. Based on County assessor's data, 125 of the 193 parcels are currently held in common ownership over 40 ranches (i.e., of the 193 total C-APZ parcels, 68 of them are owned by an owner that does not own any other C-APZ parcels, while 125 parcels are owned by owners that own multiple parcels that together constitute 40

"ranches"). In calculating buildout, the County excluded all existing parcels that currently have a farmhouse, excluded all lands subject to MALT easement or Williamson Act contract from being allowed an intergenerational home, assumed that a substandard lot (i.e., one below 60 acres) would be allowed a farmhouse, and then calculated allowable intergenerational homes by the acreage of the parcels (i.e., one intergenerational unit allowed if the parcel is 120 acres, and second allowed if 180 acres). Based on these assumptions, the County found that there was the potential to build a maximum of 83 additional farmhouses and 27 intergenerational units. This 27 unit assumption became the basis for the 27 intergenerational unit cap in the coastal zone as approved by the Commission in Policy C-AG-5 (and implemented in proposed IP Section 22.65.050(C)(1)(e)(7)).

However, the County's buildout estimates assumed that a farmhouse would be allowed on every parcel. The analysis did not reflect that some parcels might not be legal lots or that some parcels are contiguous legal lots owned by one farmer, who would only be allowed one farmhouse under both the 2014 conditionally certified LUP and the proposed LUP. .

In 2015, in order to further document buildout based on the conditionally certified LUP and the IP as suggested to be modified, Commission staff prepared an updated buildout analysis. In order to ascertain the total number of C-APZ parcels that would be allowed dwelling units, staff excluded publicly-owned parcels and parcels subject to permanent MALT agricultural conservation easement, included parcels that touch the coastal zone boundary where the majority of the parcel is located within the coastal zone, and also included parcels subject to Williamson Act contracts since such contracts can expire. The County did not include split-zoned nor Williamson Act parcels in its analysis, which explains why, including these parcels, Commission staff found that there are **232** total privately-owned C-APZ parcels in the coastal zone, as opposed to the County's estimate of 193. Of the 232 privately owned C-APZ parcels, the average size is 152 acres, 35 parcels are under 60 acres in size, and 197 are above 60 acres.[38] Of the 40 sub-60 acre parcels, 27 are the only parcel owned by the owner, while 13 are held in common ownership with other parcels. Of the 193 parcels over 60 acres, 39 are the only parcel owned by the owner, and 153 are owned by people that own multiple parcels. Finally, of the 50 owners that own the 153 parcels, six owners own parcels that are non-contiguous (meaning that, under Section 22.65.050(C)(1)(e)(3), these six owners could pursue additional farmhouses if the findings could be made that those non-contiguous parcels constitute wholly independent farming operations).

Under the assumptions that parcels with existing farmhouses were not allowed an additional one, including commonly owned contiguous parcels (consistent with conditionally certified and currently proposed C-AG-5), and that sub-60 acre parcels where the parcel was the only parcel owned by that owner were allowed a farmhouse, staff calculated a total of 48 potential new farmhouses allowed under the IP's proposed standards, as modified. Furthermore, without the conditionally certified cap of 27 intergenerational homes, a total of 94 intergenerational units could be allowed, highlighting the importance of the approved LUP's 27 unit cap on intergenerational homes.

[38] There are a total of 287 C-APZ parcels within the coastal zone, including 232 that are privately owned and 55 there are publicly owned. Of the total number of C-APZ parcels, 100 have been built with at least one farmhouse (35%), and of the 232 privately owned parcels, 99 (43%) have been developed with at least one farmhouse.

Thus, under the County's analysis, there would be a maximum potential of 83 additional farmhouses and 27 intergenerational units (84 intergenerational units if including Williamson Act parcels), for a total of up to an additional 110 units. Under both the conditionally certified and currently proposed LUP, there would be a maximum potential of up to 48 new farmhouses and up to 27 intergenerational units, for a total of up to 75 units. In comparison, under the existing certified LCP, which allows up to a maximum of one farmhouse per legal lot and does not allow intergenerational units, there is the potential for a maximum of 83 additional farmhouses per the County's analysis.[39] Therefore, the conditionally certified LUP and the proposed LUP, as modified, significantly reduce the maximum potentially allowable buildout of agricultural dwelling units.

Finally, Commission staff's analysis is based on consideration of a larger number of C-APZ parcels (232) as compared with the County's analysis (193), because of the inclusion of Williamson Act parcels and parcels bisecting the coastal zone. As a result, the difference is even greater, relatively speaking, between the County's analysis under the proposed IP Update, and the IP Update as it would be modified. Thus, it is clear that the IP Update, as suggested to be modified, reduces the maximum potentially allowable buildout in the coastal zone, and, as described earlier, will ensure that permissible dwelling units are clustered together as opposed to spread out on individual legal lots.

Viticulture

Public comments have also discussed adding additional standards that viticulture must meet, including additional standards for water usage, habitat impacts, and water quality. As discussed in this report, the IP Update states that ongoing agricultural production activities do not require a CDP, but that new or expanded agricultural production activities constitute development requiring a CDP. Therefore, expanding agricultural activities into never before farmed areas, including viticulture development, constitutes development requiring a CDP that is consistent with all applicable LCP policies, including the standards and findings listed in IP Section 22.65.040(C)(1). This IP Update section applies to all agricultural development within C-APZ lands and requires findings that there is adequate water supply, sewage disposal, road access and capacity, and other public services to serve the development after taking into account the needs of existing agricultural production activities; that the development shall have no significant adverse impacts on environmental quality or natural habitats and meet all other LCP policies (including those that prohibit new agricultural development within ESHA and its buffer); and that the production activity shall not adversely impact stream or wetland habitats, have significant effects on groundwater resources, or significantly reduce freshwater inflows to water bodies including Tomales Bay, either individually or cumulatively. Therefore, the LCP Update includes development standards adequate to carry out the LCP's coastal resource protection policies while also offering streamlining of required permitting to ensure that this Coastal Act and LUP priority use is appropriately encouraged and strengthened. Thus, additional standards

[39] Because the County did not include Williamson Act parcels and parcels bisected by the coastal zone boundary, but Commission staff's analysis did, it is likely that the County's estimates would increase by some 50 units if those parcels were added, leading to a total of some 133 additional units for the current LCP, and a total of some 160 (110 + 50) additional units under the LCP as proposed under County methodology, as opposed to 75 additional units under the Commission-approved LUP and IP as estimated by staff. In other words, as proposed to be modified, the buildout potential would be reduced by more than half as compared to the existing LCP.

specific to viticulture are not necessary as the existing standards, as proposed to be modified, adequately address potential coastal resource concerns.

Thus, the LCP as modified sets up a structure in which, in terms of agricultural development, a CDP is not required for ongoing agricultural activities, many new agricultural activities may be excluded from a CDP (including production and grading activities and other structural development if it meets specific criteria), and, even if a CDP is required, it can be waived (including if it is a principally permitted and non-appealable use) or deemed minor. As such, as modified, the LCP provides numerous tools to streamline permitting requirements for the County's agricultural community and maximize public participation in the protection of the agricultural economy, all consistent with the Coastal Act and the conditionally certified LUP.

3. Habitat Resources

a) Applicable Coastal Act Policies

Section 30107.5. *"Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.*

Section 30240. *(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

Section 30233. *(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:*

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.
(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.
(3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreation.
(4) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.
(5) Mineral extraction, including sand for restoring beaches, except in

environmentally sensitive areas.
(6) Restoration purposes.
(7) Nature study, aquaculture, or similar resource dependent activities.
(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable longshore current systems.
(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. …

Section 30236: *Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.*

Section 30250(a): *New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.*

The Marin County coastal zone contains an extraordinary variety of habitat types and geologic features, including a broad range of estuarine and marine environments, tidal marshes, freshwater wetlands, streams, upland forests, chaparral, grasslands, dunes, and beaches. Because so much of the coastal zone is rural, the protection of these habitats, including through policies that specify allowable uses within them and clearly defined development standards, is critical.

Coastal Act requirements emphasize the importance of protecting, maintaining, enhancing, and restoring coastal waters, wetlands, and ESHA. For example, with regard to sensitive habitats, Coastal Act Section 30240 requires that ESHA be protected against any significant disruption of habitat values, prohibits all but resource dependent uses, and requires areas adjacent to ESHA be sited and designed to prevent impacts that would significantly degrade ESHA. In addition to requiring protection to habitats designated as ESHA, Section 30233 provides that the diking, filling, or dredging of open coastal waters, wetlands, or estuaries may only be permitted where there is no less environmentally damaging alternative and when such actions are only for those uses specifically listed, including new or expanded port facilities, boating facilities and public recreational piers, incidental public service purposes, and mineral extraction. Section 30236 limits channelizations, dams, or other substantial alterations of rivers and streams to only three purposes: necessary water supply; protection of existing structures where there is no feasible

alternative; or improvement of fish and wildlife habitat. Finally, Section 30250(a) requires, in part, new residential, commercial, and industrial development to be located within existing developed areas, or, in other areas where it will not have adverse effects on coastal resources, including biological resources. Thus, the LUPA must contain appropriate standards, such as avoidance of ESHA for all but resource dependent uses, maintaining adequate habitat buffers, and full mitigation for all unavoidable impacts. Any allowed land uses within wetlands and streams must also be consistent with the specific uses allowed within them by Coastal Act Sections 30233 and 30236, respectively, and all development must be consistent with coastal resource protection.

b) 2014 Commission conditionally-certified LUP

The 2014 conditionally-certified LUP's proposed biological resources policies retained the existing LUP's requirements that limit the allowable uses within the particular resource type, including for wetlands, streams, and terrestrial ESHA, but also provide additional detail and clarity over the existing LUP in terms of biological resource protection standards. Foremost, the 2014 conditionally-certified LUP required development proposals within or adjacent to ESHA to prepare a biological site assessment prepared by a qualified biologist. The purpose of the assessment was to confirm the existence of ESHA, document site constraints, and recommend precise buffer widths and siting/design techniques required to protect and maintain the biological productivity of the ESHA. The 2014 conditionally-certified LUP retained the 1981 certified requirements for buffers around ESHA, 100 feet for wetlands and streams and a newly defined 50 feet for terrestrial ESHA, and also maintained the requirement that the uses allowed within buffers are only those that are allowed within the ESHA itself (except for terrestrial ESHA, wherein any use is allowed within the buffer so long as it does not significantly degrade the habitat). However, while the 1981 certified LUP allows for a reduction in buffer width only for streams, the 2014 conditionally-certified LUP allowed for a reduction in the required buffer to an absolute minimum of 50 feet for both wetlands and streams, and no absolute minimum for terrestrial ESHA. Any buffer reduction was only be allowed upon required findings of the biological site assessment and upon a project condition that there be a net environmental improvement (including elimination of non-native or invasive species) over existing conditions.

The 2014 conditionally-certified LUP policies have been reviewed, and were developed with recommendations from, the Commission's Senior Ecologist, Dr. John Dixon, and generally reflect the Commission's best practices in terms of LCP requirements for resource protection. The 2014 conditionally-certified LUP provided an encompassing definition of ESHA, required detailed site-specific biological assessments to protect it, and required the allowed land uses within such resources to be fully consistent with those specified by the Coastal Act.

c) Proposed LUPA

For the most part, the LUP's proposed biological resources policies have not been modified from the 2014 conditionally-certified LUP and are consistent with applicable Coastal Act policies. The only two proposed changes are deletions of references to Environmental Hazards policies in C-BIO-4 regarding the protection of major vegetation and C-BIO-9 regarding Stinson Beach Dune and Beach Areas.

d) Consistency Analysis

The proposed modification to C-BIO-4 is not Coastal Act consistent because it needs further refinement in order to achieve internal consistency with the rest of the LUP and with the requirements of Coastal Act related to habitat resources. Therefore, the LUP must be denied as submitted and only approved as modified as discussed specifically below.

Coastal Act Section 30240 requires that ESHAs are protected against any significant disruption of habitat values and limits uses allowed within ESHAs to those dependent on the resource. Thus, a suggested modification is required for C-BIO-4 to state that major vegetation removal will first and foremost avoid ESHA, rather than just avoiding impacts to an ESHA. In order to achieve internal consistency throughout the LUP for how shoreline protection is referred to and defined, a suggested modification to C-BIO-9 changes the term 'protective works' to 'shoreline protective device.'

Public comment has raised the issue of the Coastal Act consistency of wetland buffers reductions allowed in the proposed LUP. However, the proposed LUP clarifies that such a reduction can only be applied to legally constructed wetlands (meaning they were authorized by coastal permit or pre-dated coastal permit requirements). Further, in recognition of the fact that constructed wetlands can provide important habitat value that must be protected consistent with Coastal Act resource protection policies, the proposed LUP Update states that wetland buffers can only be reduced for wetlands that were legally created, and for wetlands that have no habitat value.
If modified as described above, the LUPA's proposed Biological Resources chapter would include a clear, comprehensive and appropriate set of policies to meet the goal of protecting, maintaining, enhancing, and restoring coastal streams, wetlands, and ESHA, consistent with and adequate to carry out the biological resource policies of Coastal Act.

e) Applicable Land Use Plan Policies

> ***C-BIO-1 Environmentally Sensitive Habitat Areas (ESHAs).***
> *1. An environmentally sensitive habitat area (ESHA) is any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.*
>
> *2. ESHA consists of three general categories: wetlands, streams and riparian vegetation, and terrestrial ESHAs. Terrestrial ESHA includes non-aquatic habitats that support rare and endangered species; coastal dunes as referenced in C-BIO-7 (Coastal Dunes); roosting and nesting habitats as referenced in C-BIO-10 (Roosting and Nesting Habitats); and riparian vegetation that is not associated with a perennial or intermittent stream. The ESHA policies of C-BIO-2 (ESHA Protection) and C-BIO-3 (ESHA Buffers) apply to all categories of ESHA, except where modified by the more specific policies of the LCP.*
>
> ***C-BIO-2 ESHA Protection.***
> *1. Protect ESHAs against disruption of habitat values, and only allow uses within those areas that are dependent on those resources or otherwise specifically provided in C-BIO-14 (Wetlands), C-BIO-15 (Diking, Filling, Draining and Dredging) or C-*

BIO-234 (Coastal Streams and Riparian Vegetation). Disruption of habitat values includes when the physical habitat is significantly altered or when species diversity or the abundance or viability of species populations is reduced. The type of proposed development, the particulars of its design, and its location in relation to the habitat area, will affect the determination of disruption.

2. Accessways and trails that are fundamentally associated with the interpretation of the resource are resource dependent uses that shall be sited and designed to protect ESHAs against significant disruption of habitat values in accordance with Policy C-BIO-2.1. Where it is not feasible to avoid ESHA, the design and development of accessways and trails shall minimize intrusions to the smallest feasible area and least impacting routes. As necessary to protect ESHAs, trails shall incorporate measures to control the timing, intensity or location of access (e.g., seasonal closures, placement of boardwalks, limited fencing, etc.).

3. Avoid fence types, roads, and structures that significantly inhibit wildlife movement, especially access to water.

4. Development proposals within or adjacent to ESHA will be reviewed subject to a biological site assessment prepared by a qualified biologist hired by the County and paid for by the applicant. The purpose of the biological site assessment is to confirm the extent of the ESHA, document any site constraints and the presence of other sensitive biological resources, recommend buffers, development timing, mitigation measures including precise required setbacks, provide a site restoration program where necessary, and provide other information, analysis and modifications appropriate to protect the resource.

C-BIO-3 ESHA Buffers.
1. In areas adjacent to ESHAs and parks and recreation areas, site and design development to prevent impacts that would significantly degrade those areas, and to be compatible with the continued viability of those habitat and recreation areas.

2. Provide buffers for wetlands, streams and riparian vegetation in accordance with C-BIO-19 and C-BIO-24, respectively.

3. Establish buffers for terrestrial ESHA to provide separation from development impacts. Maintain such buffers in a natural condition, allowing only those uses that will not significantly degrade the habitat. Buffers for terrestrial ESHA shall be 50feet, a width that may be adjusted by the County as appropriate to protect the habitat value of the resource, but in no case shall be less than 25 feet. Such adjustment shall be made on the basis of a biological site assessment supported by evidence that includes but is not limited to:

a. Sensitivity of the ESHA to disturbance;
b. Habitat requirements of the ESHA, including the migratory patterns of affected species and tendency to return each season to the same nest site or breeding colony;

c. Topography of the site;
d. Movement of stormwater;
e. Permeability of the soils and depth to water table;
f. Vegetation present;
g. Unique site conditions;
h. Whether vegetative, natural topographic, or built features (e.g., roads, structures) provide a physical barrier between the proposed development and the ESHA; and
i. The likelihood of increased human activity and disturbance resulting from the project relative to existing development.

C-BIO-19 Wetland Buffer Adjustments and Exceptions.

1. *A buffer adjustment to less than 100 feet may be considered only if it conforms with zoning and:*

- ***a.*** *It is proposed on a legal lot of record located entirely within the buffer; or*
- ***b.*** *It is demonstrated that permitted development cannot be feasibly accommodated entirely outside the required buffer; or*
- ***c.*** *It is demonstrated that the permitted development outside the buffer would have greater impact on the wetland and the continuance of its habitat than development within the buffer; or*
- ***d.*** *The wetland was constructed out of dry land for the treatment, conveyance or storage of water, its construction was authorized by a coastal permit (or pre-dated coastal permit requirements), it has no habitat value, and it does not affect natural wetlands.*

2. *A buffer adjustment may be granted only if supported by the findings of a site assessment which demonstrate that the adjusted buffer, in combination with incorporated siting, design or other mitigation measures, will prevent impacts that significantly degrade the wetland and will be compatible with the continuance of the wetland ESHA.*

3. *A Coastal Permit authorizing a buffer adjustment shall require measures that create a net environmental improvement over existing conditions, in addition to what is otherwise required by minimum applicable site development standards. Such measures shall be commensurate with the nature and scope of the project and shall be determined at the site level, supported by the findings of a site assessment or other technical document. Work required in accordance with this Policy shall be completed prior to occupancy. Appropriate measures may include but are not limited to:*

- ***a.*** *Retrofitting existing improvements or implementing new measures to reduce the rate or volume of stormwater run-off and improve the quality of stormwater run-off (e.g., use of permeable "hardscape" materials and landscape or site features designed to capture, absorb and filter stormwater; etc.);*
- ***b.*** *Elimination of on-site invasive species;*

c. *Increasing native vegetation cover (e.g., expand continuous vegetation cover, reduce turf areas, provide native groundcover, shrubs and trees; etc.);*
d. *Reduction in water consumption for irrigation (e.g., use of drought-tolerant landscaping or high efficiency irrigation systems, etc.); and*
e. *Other measures that reduce overall similar site-related environmental impacts.*

4*. The buffer shall not be adjusted to a distance of less than 50 feet in width from the edge of the wetland.*

C-BIO-25 Stream Buffer Adjustments and Exceptions.

1. A buffer adjustment to less than that required by C-BIO-TBD 24 may be considered only if it conforms with zoning and:

a. It is proposed on a legal lot of record located entirely within the buffer; or
b. It is demonstrated that permitted development cannot be feasibly accommodated entirely outside the required buffer; or
c. It is demonstrated that the permitted development outside the buffer would have greater impact on the stream or riparian ESHA and the continuance of its habitat than development within the buffer.

2. A buffer adjustment may be granted only if supported by the findings of a site assessment which demonstrate that the adjusted buffer, in combination with incorporated siting, design or other mitigation measures, will prevent impacts that significantly degrade the stream or riparian vegetation, and will be compatible with the continuance of the stream/riparian ESHA.

3. A Coastal Permit authorizing a buffer adjustment shall require measures that create a net environmental improvement over existing conditions, in addition to what is otherwise required by minimum applicable site development standards. Such measures shall be commensurate with the nature and scope of the project and shall be determined at the site level, supported by the findings of a site assessment or other technical document. Work required in accordance with this Policy shall be completed prior to occupancy. Appropriate measures may include but are not limited to:

a. Retrofitting existing improvements or implementing new measures to reduce the rate or volume of stormwater run-off and improve the quality of stormwater run-off (e.g., permeable "hardscape" materials and landscape or site features designed to capture, absorb and filter stormwater);
b. Elimination of on-site invasive species;
c. Increasing native vegetation cover (e.g., expand continuous riparian vegetation cover;, reduce turf areas;, provide native groundcover, shrubs and trees; etc.);
d. Improvement of streambank or in-stream conditions (e.g., remove hard bank armoring, slope back streambanks, create inset floodplains, install large woody debris structures, etc.), in order to restore habitat and more natural stream conditions;

e. Reduction in water consumption for irrigation (e.g., use of drought-tolerant landscaping or high efficiency irrigation systems, etc.);
f. Other measures that reduce overall similar site-related environmental impacts.

4. The buffer shall not be adjusted to a distance of less than 50 feet in width from the edge of the stream/riparian ESHA.

f) Proposed IPA

The proposed IP Update implements the aforementioned LUP Update policies primarily through Chapter 22.64.050 (Biological Resources). Section 22.64.050(A) describes the submittal requirements applicable for proposed development, including the process by which the required biological resource assessments are to be undertaken, the factors to be studied in order to determine appropriate ESHA buffer widths, required habitat mitigation for development allowed within ESHA, and the requirements for restoration and monitoring plans. Specifically, this IP section requires the Marin County Community Development Agency to conduct an initial site assessment screening of all new development applications, using the LCP's resource maps, past coastal permit actions, site inspections, and other necessary resources to determine the potential presence of ESHA. Should this initial study reveal the potential presence of ESHA within 100 feet of the proposed project site, then a biological site assessment shall be required. Per subsection (b), the assessment is to be prepared by a qualified biologist, confirming both the existence and extent of ESHA, and recommending appropriate siting and design measures, buffer widths and include mitigation measures if significant impacts are identified, in order to protect the resource. Section 22.64.050(B) lists the required biological resources standards that development must meet. Consistent with the general construct of the IP, the listed standards cross-reference the applicable LUP policy. For example, Section 22.64.050(B)(1) implements the LUP's ESHA protection policies by stating that "the resource values of ESHAs shall be protected by limiting development per Land Use Policies C-BIO-1, C-BIO-2, and C-BIO-3." As discussed above, these three LUP policies describe in detail the types of ESHA, the uses allowed within them, and required buffers. The proposed IP allows reductions to buffers to be considered only when supported by evidence that the reduction is the minimum necessary and will prevent impacts that degrade ESHA.

g) Consistency Analysis

In April 2015, the County's then proposed IP was heard by the Commission. At that time, Commission staff had suggested a series of proposed IP modifications to the proposed IP, and a set of findings supporting those changes (see attached Commission staff IP recommendation in **Exhibit 4**). The Commission staff recommended 2015 IP findings are incorporated herein by reference as part of these findings, including as the County's proposed IP is based on the Commission staff's recommended certified version with minor changes. Thus, the findings in this section build upon the referenced and incorporated 2015 IP findings, as modified in this report, while also describing the proposed submittal and analyzing changes now proposed and other comments received.[40]

[40] The County accepted all the Commission staff's 2015 modifications as the underlying "clean" version of their proposed IP, and made changes in cross through and underline to that version showing what they now propose – see **Exhibit 6**.

In general, the proposed IP submitted by the County for Commission consideration implements the LUP's required biological resource protection standards and offers additional details on the CDP submittal requirements necessary to ensure such sensitive habitat protection. Section 22.64.050(B) cross-references corresponding LUP policies, thereby ensuring that the LUP's detailed provisions for defining the different types of ESHA, listing the allowable uses within them, and noting their required buffers, are appropriately implemented. Furthermore, Section 22.64.050(A)'s listing of the required CDP submittal materials describes the necessary steps and process the County must employ in order to determine when a project needs a biological site assessment, as well as a listing of the required parameters the assessment must analyze in order to determine whether ESHA is protected. For example, while LUP Policy C-BIO-2 states that a biological site assessment is required, IP Section 22.64.050(A)(1) implements the policy by identifying the process by which the assessment is to be performed, including describing what resources the County is to review when assessing the initial project submittal, stating that the assessment is required when the County's initial screening review shows that ESHA may be located within 100 feet of the project location, and then listing the required parameters for the assessment (including that it may only be prepared by a qualified biologist).

However, certain modifications are required in order for this Section of the IP to be fully LUP consistent. First, in terms of Section 22.64.050(A)(1)(b)'s requirements for site assessments, the standard as written by the County states that the report shall identify appropriate mitigation measures when potential ESHA impacts are identified. As written, this standard is inconsistent with LUP Policy C-BIO-2, which specifically states ESHAs must be protected against disruption of habitat values. Therefore, a modification is required in Section 22.64.050(A)(1)(b) to state that mitigating for ESHA habitat loss/adverse impacts is only allowed as a mitigation strategy when there are no feasible alternatives that would avoid otherwise permissible ESHA impacts. Public comments have asserted that the IP should narrow the list of uses allowed a reduction in buffers, suggesting that only uses designated as the principally permitted use specified for the particular zoning district be allowed buffer reductions. However, this suggestion would not be consistent with LUP Policies C-BIO-3, C-BIO-20, and C-BIO-25, which specify in detail the uses allowed buffer reductions for ESHA, wetlands, and streams, respectively. These policies state that any use is allowed a buffer reduction so long as it is consistent with zoning, as well as additional requirements for wetlands and streams. Thus, the LUP already includes a detailed process for identifying appropriate buffers, and limiting buffer reductions to only the principally permitted use in the zoning district would be inconsistent with the LUP criteria. Thus, no suggested modification is made in this respect. However, a modification is added, as requested by public comment, to further clarify standards that buffer reductions must meet. As such, modifications are added to Section 22.64.050(A)(1)(c) to state that, for buffer reductions, the applicant has provided clear and convincing evidence that the reduction is not necessary, but unavoidable, and the reduction will be compatible with the continuance of the ESHA, consistent with C-BIO-1. As modified, the IP includes a clear set of policies and standards that defines ESHA, specifies the allowable uses within it, required buffers, and the habitat mitigation requirements. The IP is thus adequate to carry out the LUP.

4. Water Resources

a) Applicable Coastal Act policies

> ***Section 30230.*** *Marine resources; maintenance.*
> *Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*
>
> ***Section 30231****. Biological productivity; water quality.*
> *The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

Coastal Act Section 30230 requires that marine resources be maintained, enhanced, and restored. New development must not interfere with the biological productivity of coastal waters or the continuance of healthy populations of marine species. Coastal Act Section 30231 requires that the productivity of coastal waters necessary for the continuance of healthy populations of marine species shall be maintained and restored by minimizing waste water discharges and entrainment and controlling runoff.

b) 2014 Commission conditionally-certified LUP Update

The 2014 Commission conditionally-certified LUP Update included a variety of important policies to address water quality issues, including policies that require the protection of natural drainage systems, site planning to address drainage and polluted runoff, and the use of Best Management Practices (BMPs). The storm water and water quality provisions were coordinated through Commission water quality staff, including insuring that they address current water quality planning standards such as the prevention of non-point source pollution. The 2014 Commission conditionally-certified LUP incorporated robust and quantitative storm water and water quality protection provisions to mitigate both construction and post-construction water quality impacts. In addition to general provisions that required all development to minimize grading and impervious surface area through measures such as Low Impact Development (LID), the conditionally-certified LUP also targeted specific types of development, defined as high-impact projects (i.e. any development that results in the creation of 5,000 square feet of impervious surface and occurs within 200 feet of the ocean or coastal wetlands, streams, or ESHA) for their particularly acute water quality impairment potential. These requirements complemented other LCP policies, including protections against development in and surrounding coastal waters and limiting allowable land uses in coastal waters, such as mariculture operations, to those that meet specific LUP water quality protections.

c) Proposed LUP

The proposed LUP's water resources policies have not been modified from the Commission-certified LUP and again are proposed consistent with applicable Coastal Act policies.

d) Consistency Analysis

In May 2014, the Commission conditionally certified the County's then proposed LUP. It was approved unanimously (see attached Commission-adopted LUP findings in **Exhibit 3**). Except as revised herein, the Commission's adopted 2014 LUP findings are incorporated herein by reference as part of these findings, including as the County's proposed LUP resubmittal is based on the Commission's conditionally certified version with minor changes.[41] Thus, the findings in this section build upon the referenced and incorporated 2014 LUP findings, as modified in this report, while also describing the proposed submittal and analyzing changes now proposed and other comments received.

The proposed LUP Update defines a High-Impact Project in Policy C-WR-14 as any development that results in the creation of 5,000 square feet of impervious surface and occurs within 200 feet of the ocean or coastal wetlands, streams, or ESHA. Because there are rarely development projects allowed within 100 feet of ESHA due to required buffers and hence directly affecting the sensitive resource, impacts tend to occur offsite and are potentially carried to sensitive habitats through runoff and other drainage. As proposed, C-WR-14 is consistent with Coastal Act Sections 30230-33 and 30240 because it would require stormwater and grading restrictions to apply within 200 feet of a watercourse allowing for required buffers to be maintained in a more natural condition and restricting potential offsite impacts.
Proposed Policy C-WR-14 also requires High-Impact Projects, where feasible and appropriate, to connect to sanitary sewer systems as a means of treating polluted runoff that cannot be addressed by typical BMPs. Because BMPs and other siting and design measures may not be adequate to meet necessary water quality objectives, directing runoff to the sanitary sewer system, in cases where there is a sanitary sewer system present and available for this purpose, may be required in order for the development to meet the LCP's policies. Finally, proposed Policy C-WR-6 requires all High-Impact Projects to prepare an erosion and sedimentation control plan, thereby ensuring that High-Impact Projects' construction-phase water quality impacts are appropriately addressed. Therefore, the proposed LUP policies relating to protection of coastal waters are consistent with 30230-30231 of the Coastal Act.

e) Applicable Land Use Plan Policies

> ***C-WR-2 Water Quality Impacts of Development Projects.*** *Site and design development, including changes in use or intensity of use, to prevent, reduce, or remove pollutant discharges and to minimize increases in stormwater runoff volume and rate to prevent adverse impacts to coastal waters to the maximum extent practicable. All coastal permits, for both new development and modifications to existing development, and including those for developments covered by the current National Pollutant Discharge Elimination System (NPDES) Phase II permit, shall be subject to this review. Where required by the nature and extent of a proposed project and where deemed appropriate by County staff, a project subject to this review shall have a plan which addresses both temporary (during*

[41] The County accepted all the Commission's 2014 modifications as the underlying "clean" version of their proposed LUP, and made changes in cross through and underline to that version showing what they now propose – see **Exhibit 5**.

construction) and permanent (post-construction) measures to control erosion and sedimentation, to reduce or prevent pollutants from entering storm drains, drainage systems and watercourses, and to minimize increases in stormwater runoff volume and rate.

C-WR-5 Cut and Fill Slopes. *Design cut and fill slopes so that they are no steeper than is safe for the subject material or necessary for the intended use. A geotechnical report may be required.*

f) Proposed IP

The proposed IP implements the water resource policies through Section 22.64.080 which outlines application requirements for projects which may have a potential impact on water quality, water quality standards for new development, and grading and excavation standards.

g) Consistency Analysis

In April 2015, the County's then proposed IP was heard by the Commission. At that time, Commission staff had suggested a series of modifications to the proposed IP, and a set of findings supporting those changes (see attached Commission staff IP recommendation in **Exhibit 4**). Except as revised herein, the Commission staff recommended 2015 IP findings are incorporated herein by reference as part of these findings, including as the County's proposed IP is based on the Commission staff's recommended certified version with minor changes. Thus, the findings in this section build upon the referenced and incorporated 2015 IP findings, as modified in this report, while also describing the proposed submittal and analyzing changes now proposed and other comments received.[42]

In general, the IP implements corresponding water quality protection policies via its general construct of cross-referencing the corresponding LUP policy. For example, 22.64.080(2) requires that development meet the site design and source control measures contained in LUP Policy C-WR-2. Therefore, LUP requirements that specify the requirement of plans to address both temporary (during construction) and permanent (post-construction) measures to control erosion and sedimentation, to reduce or prevent pollutants from entering storm drains, drainage systems and watercourses, and to minimize increases in stormwater runoff volume and rate, will be implemented.

However, in order to achieve consistency with requirements of the land use plan, IP Section 22.64.080(A)(1) and (2), requiring water quality impair assessments, is needed to ensure that all projects for new development and modifications to existing development are first reviewed for their potential water quality impacts and that drainage plans are required for any project shown to impair water quality through the initial assessment consistent with LUP water resources protection policies. As modified, the IP Update conforms with and is adequate to carry out the 2016 conditionally certified LUP.

[42] The County accepted all the Commission staff's 2015 modifications as the underlying "clean" version of their proposed IP, and made changes in cross through and underline to that version showing what they now propose – see **Exhibit 6**.

5. New Development, Visual Resources and Community Character

a) Applicable Coastal Act Policies

Section 30250(a). *New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.*

Section 30251. *The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

Section 30253 (part). *New development shall do all of the following:*

(e): Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.

The Marin coastal zone contains small-scale communities, farms, scattered residences, and businesses. The built environment is subordinate to the natural environment; natural landforms, streams, forests, and grasslands are dominant. Yet the residential, agricultural, and commercial buildings, as well as the community services that support them, have particular significance, both as the scene of daily life and for their potential impacts on natural resources. Visitors enjoy coming to Marin's coast because of the small-scale character of its built environment surrounded by agricultural and open space lands that offer a pastoral, rural character.

The Coastal Act requires new residential, commercial, and industrial development to be located within, contiguous with, and in close proximity to existing development, or in other areas where it will not have significant adverse impacts, either individually or cumulatively, on coastal resources. Additionally, Section 30250 establishes that land divisions outside existing developed areas can only be permitted where fifty percent of existing parcels have already been developed and that the new parcels are no smaller than the average size of existing parcels. For otherwise allowable development, one of the primary objectives of the Coastal Act is the protection of scenic and visual resources, particularly as viewed from public places. Section 30251 requires that development be sited and designed to protect views to and along the ocean and other scenic coastal areas. New development must minimize the alteration of natural landforms and be sited

and designed to be visually compatible with the character of surrounding areas. Where feasible, development shall include measures to restore and enhance visual quality in visually degraded areas.

b) 2014 Commission conditionally-certified LUP

The 2014 Commission conditionally-certified LUP implemented these Coastal Act requirements primarily through two LUP chapters, Community Design and Community Development, which contain general policies and standards that apply coastal zone-wide, as well as additional community-specific policies that contain particular standards for the nine coastal villages. For example, Policy C-DES-2 requires the protection of visual resources, including requiring development to be sited and designed to protect significant views (defined as including views both to and along the coast as seen from public viewing areas such as highways, roads, beaches, parks, etc.). This policy applies coastal zone-wide to all development, while, for example, Policy C-PRS-2, which encourages commercial infill within and adjacent to existing commercial uses in Point Reyes Station, only applies within the village itself. Community development policies focused on the land use constraints and opportunities in each coastal zone planning area, as well as the appropriate location and intensity of new development, and ways to assure that development will not have significant adverse effects, either individually or cumulatively, on coastal resources. These policies ensure community character and significant views are protected; that new development be located within, next to, or in close proximity of existing development areas; and that development within coastal villages reflect the unique character of those communities.

c) Proposed LUP

The majority of the proposed LUP's community development and community design policies have not been modified from the 2014 Commission-certified LUP and are proposed consistent with applicable Coastal Act policies.

d) Consistency analysis

In May 2014, the Commission conditionally certified the County's then proposed LUP. It was approved unanimously (see attached Commission-adopted LUP findings in **Exhibit 3**). Except as revised herein, the Commission's adopted 2014 LUP findings are incorporated herein by reference as part of these findings, including as the County's proposed LUP resubmittal is based on the Commission's conditionally certified version with minor changes.[43] Thus, the findings in this section build upon the referenced and incorporated 2014 LUP findings, as modified in this report, while also describing the proposed submittal and analyzing changes now proposed and other comments received.

The LUP Community Design and Community Development policies as proposed, other than those discussed further below/above in the hazards and/or public recreation and access sections, and the one exception outlined below, are consistent with the requirements of Coastal Act policies related to visual resources and community character.

Coastal Act Section 30251 requires that scenic and visual qualities of coastal areas shall be

[43] The County accepted all the Commission's 2014 modifications as the underlying "clean" version of their proposed LUP, and made changes in cross through and underline to that version showing what they now propose – see **Exhibit 5**.

considered and protected as a resource of public importance and that development be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. These provisions are implemented through a number of the proposed LUP policies for various types of development including signs and telecommunications facilities. Proposed LUP Policy C-DES-2 requires the protection of significant public views throughout the coastal zone defined as "views both to and along the ocean and scenic coastal areas as seen from public viewing areas such as highways, roads, beaches, parks, coastal trails and accessways, vista points, and coastal streams and waters used for recreational purposes" which in part mirrors language from the Coastal Act provision. Policy C-PFS-9 requires telecommunications facilities be designed and constructed to minimize impacts on coastal views, community character, and natural resources using measures such as co-location and stealth design and requires protection of significant public views to the extent feasible, as is defined in Policy C-DES-2. Policy C-DES-5 retains a policy from the existing LUP that requires all signs (including reconstructed and/or modified signs) to be of a size, location, and appearance so they do not detract from scenic areas or views from public roads and other viewing points.

Several policies address exterior lighting and adequately ensure that the impacts of exterior lighting are avoided and minimized, as required by Coastal Act Policies 30250 and 30251 including Policy C-DES-7 and Policy C-CD-18 because they ensure that lighting will not have adverse impacts on significant public views, community character (including the coastal zone's rural character defined by dark skies), and other coastal resources. Proposed Policy C-DES-3 requires the protection of visually prominent ridgelines and allows development in a ridgeline-protected area only if there is no other buildable site, and if such development is in the area least visible from public viewing areas. This policy also requires any structure built in the protected area to be sited and designed to limit public view impacts to the maximum extent feasible, including through landscaping and screening and that such development must reduce its visual impacts to the maximum feasible extent. Thus, the proposed policies are consistent with Coastal Act Sections 30250 and 30251 because they require development to avoid adverse impacts on public views and other coastal resources.

Other proposed policies address potential visual impacts by placing limits on the height of new construction more broadly which can only be exceeded under certain conditions. Specifically, Policy C-DES-4 limits the maximum height of all development to 25 feet and clarifies that such structures may only exceed the 25 foot height limit, when findings of consistency with can be made with other LUP policies, including the protection of significant views and community character. Policy C-DES-4 also clarifies that height limits are maximums and not entitlements and that all structures may be limited to lower than the maximum height allowed in order to achieve consistency with LUP view and character policies. These policies together ensure view protection through the siting and design on new development consistent with Coastal Act Section 30251.

The proposed community development policies establish consistency with Coastal Act policies dealing with concentration of development in existing developed areas. Coastal Act Section 30250 requires new development to be located within, contiguous with, or in close proximity to,

existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. The Section specifies that "land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels." In Marin County, 50% of usable parcels in the area have not been developed. Thus, land divisions outside existing developed areas shall not be permitted. Policy C-CD-2 implements this provision and states that land divisions must conform with the land use categories and densities of the LUPA and Coastal Act Section 30250(a)'s as well as a general requirement that all new parcels be consistent with all LUPA policies (and not just density). This policy ensures that no land division is allowed if the resulting parcel configuration cannot accommodate LUP-consistent development.

In addition, Policy C-CD-10 lists the required criteria to be considered for any proposed boundary changes to the nine coastal villages. These criteria include: boundaries of existing and proposed public open space (including local, state, and federal parks), areas zoned for agriculture, natural and man-made barriers, and floodplains and includes Coastal Act Section 30254's requirement that coastal resources, including those protected by the LUP (including public views, public service capacities, and ESHA), be protected. Thus, proposed LUP's Community Design and Community Development chapters would include appropriate policies related to land use and development, including related to the kinds, intensities, and densities of uses, consistent with the Coastal Act.

LUP Policy C-CD-21 establishes criteria that apply to commercial/mixed-use development, but allows an exemption from those criteria for renovations that do not result in additional square footage and that are consistent with the Marin County Jobs Housing Linkage Ordinance (Chapter 22.22 of the Marin County Development Code). Because this ordinance is not included in the proposed LCP, this reference must be removed.

e) Applicable Land Use Plan Policies

> ***C-DES-2 Protection of Visual Resources.*** *Development shall be sited and designed to protect significant views, including views both to and along the ocean and scenic coastal areas as seen from public viewing areas such as highways, roads, beaches, parks, coastal trails and accessways, vista points, and coastal streams and waters used for recreational purposes. The intent of this policy is the protection of significant public views rather than coastal views from private residential areas. Require development to be screened with appropriate landscaping provided that when mature, such landscaping shall not interfere with public views to and along the coast. The use of drought tolerant, native coastal plant species is encouraged. Continue to keep road and driveway construction, grading, and utility extensions to a minimum, except that longer road and driveway extensions may be necessary in highly visible areas in order to avoid or minimize other impacts.*
>
> ***C-CD-8 Division of Beachfront Lots.*** *No land division of beachfront lots shall be permitted in recognition of the cumulative negative impacts such divisions would have on*

both public and private use of the beach. Similarly, the erection of fences, signs, or other structures seaward of any existing or proposed development and the modification of any dune or sandy beach area shall not be permitted except as provided in the Environmental Hazards policies in order to protect natural shoreline processes, the scenic and visual character of the beach, and the use of dry sand areas in accordance with Section 30211 of the Coastal Act.

f) Proposed IP

The proposed IP implements these LUP policies primarily through Section 22.64.100: Community Design and 22.64.110: Community Development, which cross-references the applicable LUP policy. For example, Section 22.64.100(A)(2) requires that "development shall be sited and designed to protect visual resources per Land Use Policy C-DES-2" and 22.64.110(A)(2) requires " division of beachfront lots shall be restricted per Land Use Policy C-CD-8." Additionally, Tables 5-4 and 5-5 within Section 22.64.030 lists the coastal zone development standards including maximum residential density, minimum setbacks, and height, with footnotes clarifying when exceptions can be made or when design review may be required. More specific requirements for land divisions and non-conforming uses and structures are implemented in Section 22.70.190 and 22.70.160.

g) Consistency Analysis

In April 2015, the County's then proposed IP was heard by the Commission. At that time, Commission staff had suggested a series of proposed IP modifications to the proposed IP, and a set of findings supporting those changes (see attached Commission staff IP recommendation in **Exhibit 3**). Except as revised herein, the Commission staff recommended 2015 IP findings are incorporated herein by reference as part of these findings, including as the County's proposed IP is based on the Commission staff's recommended certified version with minor changes. Thus, the findings in this section build upon the referenced and incorporated 2015 IP findings, as modified in this report, while also describing the proposed submittal and analyzing changes now proposed and other comments received.[44]

In general, the IP implements corresponding LUP visual resource protection policies and community development policies via its general construct of cross-referencing the corresponding LUP policy or adds the necessary specificity to implement the corresponding LUP policy. Therefore, LUP requirements that specify the need to protect views to and along the ocean, and direct the location of new development, are implemented.

For example, with respect to signs, the IP requires that signs be of a size, location, and appearance so as to protect significant public views, including from public roads and other public viewing points, and provides the specificity needed to be effectively implemented, including defining what types of signs are prohibited through Section 22.64.100(A)(5). This Section also requires that signs shall protect and enhance coastal resources, including significant public views and community character consistent with the related LUP policies. Finally, since some signs may be exempt from CDP requirements per Coastal Act Section 30610's exemption for improvements to existing structures, the proposed IP requires a CDP for any sign that could

[44] The County accepted all the Commission staff's 2015 modifications as the underlying "clean" version of their proposed IP, and made changes in cross through and underline to that version showing what they now propose – see **Exhibit 6**.

result in a change in the availability of public recreational access, including signs indicating restrictions on parking and signs stating no public coastal access allowed consistent with Coastal Act Section 30106 which qualifies a change in access to coastal waters as development. Section 22.64.110 requires that development conform to the land use categories and density provisions of the LUP Land Use Maps, and clarifies that these are maximums and to not represent an entitlement, consistent with the language of C-CD-10. Section 22.64.110 also allows non-conforming structures to be maintained when consistent with 22.70.165, and more specifically directs development and the allowance of subdivisions in sensitive locations such as the Tomales Bay shoreline, on public trust lands, beachfront lots, and within villages to ensure the protection of coastal resources and consistency with LUP policies.

Therefore, generally speaking, the proposed IP conforms with and adequately implements the conditionally certified LUP visual resource and community character policies, including specifying the types of views that are protected, where development is allowed in relation to ridgelines, and the process by which building height and setback is determined. However, there are some minor modifications made within these sections that clarify and refine policy language and more significant modification which are further addressed in other sections of the staff report (see hazards for changes to 22.64.110A(4), public access and recreation 22.64.110A(11), and coastal development permit procedures 22.70.160 and 22.70.190).

As modified, the IP Update conforms with and adequately implements the 2016 conditionally certified LUP development, visual resource and community character policies. Therefore, the IP, as modified, conforms with and is adequate to implement the 2016 conditionally certified LUP.

6. Public Services

a) Applicable Coastal Act Policies

Section 30250(a). *New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.*

Section 30254. *New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted, consistent with the provisions of this division; provided, however, that it is the intent of the Legislature that State Highway 1 in rural areas of the coastal zone remain a scenic two-lane road. Special districts shall not be formed or expanded, except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential*

public services, and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation and visitor-serving land uses shall not be precluded by other development.

Section 30260 (part). *Coastal-dependent industrial facilities shall be encouraged to locate or expand within existing sites and shall be permitted reasonable long-term growth where consistent with this division….*

The Coastal Act policies listed above address the provision of adequate public services to serve new development, the requirement that Highway 1 remain a scenic two-lane road in rural areas of the coastal zone, that development of new or expanded public works facilities be designed and limited only to serve LCP-envisioned growth, and that, if public services are limited, certain land uses, including coastal dependent and visitor-serving uses, be given priority for those scarce services over other kinds of development.

b) 2014 Commission conditionally-certified LUP

The 2014 Commission conditionally-certified LUP implemented Coastal Act Sections 30250 and 30254 by requiring a finding for all proposed development that adequate public services are available to serve such development. Required services included water, sewage disposal, and transportation (i.e., road access, public transit, parking, bicycle/pedestrian facilities). Lack of such services constituted grounds for denial or a reduction in the density/size of the proposed project. Additionally, public service expansions were to be limited to the minimum necessary to adequately serve development otherwise allowed for in the LCP, and not induce additional growth that either is not allowed or that cannot be handled by other public services.

The 2014 conditionally-certified LUP contained numerous other required findings and standards for particular services, including a requirement that development located within a public or private water system service area connect to that system (and not rely on a private well) and a new requirement that development located within a village limit boundary connect to the public sewer system (and not rely on a private septic system). While Policy C-PFS-14 allowed for certain exceptions to the requirement that no wells be allowed within a water service boundary, it clarified some of the potentially allowed exceptions, including for agricultural or horticultural use if allowed by the water provider, if the water provider is unwilling or unable to provide service, or if extension of physical distribution improvements to serve such development is economically or physically infeasible. No exception is allowed, however, because of a water shortage caused by periodic drought. For allowable wells, the 2014 conditionally-certified LUP required a CDP for all wells, with additional standards for wells serving five or more parcels. In terms of other public services, Policy C-PFS-18 prohibited desalination facilities in the coastal zone. For transportation, the 2014 conditionally-certified LUP required all roads in the coastal zone to remain two-lane roads per Policy C-TR-1. Additional transportation policies included new provisions for bicycle and pedestrian facilities (Policies C-TR-4 through 9), as well as a new policy for the County to consult with Caltrans on the impacts of sea level rise on Highway 1, including by studying structural and non-structural solutions (including relocation of the roadway) to protect access should the highway be at risk to flooding.

c) Proposed LUPA Update

For the most part, the LUP's currently proposed public facilities and services policies have not been modified from the 2014 conditionally-certified LUP and are consistent with applicable Coastal Act policies. However, the proposed LUP deletes the portion of C-PFS-4 that limited new development for non-priority uses in areas with limited service capacity unless adequate capacity remained for visitor-serving and other Coastal Act priority land uses.

d) Consistency analysis

In May 2014, the Commission conditionally certified the County's then proposed LUP. It was approved unanimously (see attached Commission-adopted LUP findings in **Exhibit 3**). Except as revised herein, the Commission's adopted 2014 LUP findings are incorporated herein by reference as part of these findings, including as the County's proposed LUP resubmittal is based on the Commission's conditionally certified version with minor changes.[45] Thus, the findings in this section build upon the referenced and incorporated 2014 LUP findings, as modified in this report, while also describing the proposed submittal and analyzing changes now proposed and other comments received.

Most Public Facilities Policies are consistent with the relevant Coastal Act policies as proposed. For example, proposed Policy C-TR-1 limits all roads in the coastal zone to two lanes, and only allows for shoulder widening for bicycles, turn lanes at intersections, turnouts for slow-moving traffic or at scenic vistas, traffic calming, and similar improvements, and states that such projects may be appropriate provided they are also consistent with the LCP's other coastal resource protection policies. As proposed Policy C-PFS-18 states that desalination facilities are only prohibited consistent with the limitations of Public Resources Code Sections 30260 and 30515.

Proposed Policy C-TR-2 requires the protection of the scenic qualities of Highway 1 by ensuring that road improvements, including the improvements listed previously, do not detract from its rural scenic characteristics. Much of Highway 1 traverses state and federal parkland, including Tomales Bay State Park, Point Reyes National Seashore, and Golden Gate National Recreation Area. Thus, Policy C-TR-2 also states that any improvement, particularly for turn-outs, shoulders, and other expansions, must also minimize encroachment into parkland to the maximum extent feasible. Lastly, in terms of the LUP's transportation policies, the County, Coastal Commission, National Park Service, Department of Parks and Recreation and Caltrans coordinated to develop a set of design guidelines for the repair of Highway 1 in Marin County. These *State Route 1 Repair Guidelines Within Marin County* define the allowable parameters for the repair of Highway 1, including allowable shoulder and lane widths, engineering requirements, and drainage features. Program C-TR-2.a. requires the County to continue working with the relevant agencies and stakeholders in refining and implementing the *State Route 1 Repair Guidelines Within Marin County*, which will ultimately be used to help guide the future physical improvement of Highway 1 in the Marin coastal zone. As described above, consistent with Coastal Act Sections 30254 and 30260, these policies ensure that the expansion of public and industrial facilities is done in a manner consistent with the LUP's coastal resource protection policies. However, The LUP Update as proposed contains some elements that require modification in order to achieve consistency with the requirements of Coastal Act policies related to public services. Therefore, the LUP Update must be denied as submitted and only

[45] The County accepted all the Commission's 2014 modifications as the underlying "clean" version of their proposed LUP, and made changes in cross through and underline to that version showing what they now propose – see **Exhibit 5**.

approved as modified as discussed specifically below.

Policy CPFS-4 requires any extension or enlargement of a water or sewage treatment facility to reserve capacity for properties zoned C-VCR (Coastal Village Commercial/Residential), C-RCR (Coastal Resort and Commercial Recreation), coastal-dependent uses, agriculture, essential public services, and public recreation and requires a finding for all non-priority land uses that adequate capacity remains for priority uses. Additionally, public service expansions must be limited to the minimum necessary to adequately serve development otherwise allowed for in the LCP, and not induce additional growth that either is not allowed or that cannot be handled by other public services. The LUP then contains numerous other required findings and standards for particular services, including a requirement that development located within a public or private water system service area connect to that system (and not rely on a private well) and a new requirement that development located within a village limit boundary connect to the public sewer system (and not rely on a private septic system). While Policy C-PFS-14 allows for certain exceptions to the requirement that no wells be allowed within a water service boundary, it clarifies some of the potentially allowed exceptions, including for agricultural or horticultural use if allowed by the water provider, if the water provider is unwilling or unable to provide service, or if extension of physical distribution improvements to serve such development is economically or physically infeasible. No exception is allowed, however, because of a water shortage caused by periodic drought. For allowable wells, the LUP requires a CDP for all wells, and includes required standards such as a sustained pumping rate of 1.5 gallons per minute and that there are no adverse impacts to coastal resources.

The Coastal Act requires new development to be served by adequate public services, including water, sewer, and traffic (Coastal Act Section 30250). In areas with limited public services, Section 30254 explicitly requires that service capacity be reserved for certain priority land uses, including agriculture, public recreation, and visitor-serving uses. As mentioned above, proposed Policy C-PFS-4 requires any extension or enlargement of a water or sewage treatment facility to reserve capacity for properties zoned C-VCR (Coastal Village Commercial/Residential) and C-RCR (Coastal Resort and Commercial Recreation), other visitor serving uses, and other Coastal Act priority land uses. The intent behind the policy is to reserve service capacity for priority uses. However, the policy as written does not address the reservation of water, sewer and traffic for priority uses in areas with limited service capacity. Thus, a suggested modification is required for Policy C-PFS-4 to require a finding in areas of limited service capacity for all non-priority land uses that adequate capacity remains for priority uses, as required by Section 30254. As modified, Policy C-PFS-4 is consistent with the Coastal Act, including Section 30254.

In conclusion, the proposed LUP's Public Service policies, if modified as suggested, would be consistent with the relevant Coastal Act policies related to the provision of public services, and ensures that new development and its attendant service requirements will be consistent with all relevant Coastal Act policies.

e) Applicable Land Use Plan Policies

C-PFS-1 Adequate Public Services. *Ensure that adequate public services (that is, water supply, on-site sewage disposal or sewer systems, and transportation including public transit as well as road access and capacity if appropriate) are available prior to approving new development, including land divisions. In addition, ensure that new structures and uses are provided with adequate parking and access. Lack of available public services, or adequate parking and access, shall be grounds for project denial or for a reduction in the density otherwise indicated in the land use plan.*

C-PFS-2 Expansion of Public Services. *Limit new or expanded roads, flood control projects, utility services, and other public service facilities, whether publicly owned or not, to the minimum necessary to adequately serve development as identified by LCP land use policies, including existing development. Take into account existing and probable future availability of other public services so that expansion does not accommodate growth which cannot be handled by other public service facilities. All such public service projects shall be subject to the LCP.*

C-PFS-4 High-Priority Visitor-Serving and other Coastal Act Priority Land Uses. *In acting on any coastal permit for the extension or enlargement of community water or community sewage treatment facilities, determine that adequate capacity is available and reserved in the system to serve VCR- and RCR-zoned property, other visitor-serving uses, and other Coastal Act priority land uses (i.e. coastal-dependent uses, agriculture, essential public services, and public recreation). In areas with limited service capacity (including limited water, sewer and/or traffic capacity), new development for a non-priority use, including land divisions, not specified above shall only be allowed if adequate capacity remains for visitor-serving and other Coastal Act priority land uses, including agricultural uses.*

C-PFS-4.a Reservation of Capacity for Priority Land Uses. *Coordinate with water service and wastewater service providers to develop standards to allocate and reserve capacity for Coastal Act priority land uses.*

C-PFS-14 Adequacy of Water Supply Within Water System Service Areas. *Ensure that new development within a water system service area is served with adequate, safe water supplies. Prohibit development of individual domestic water wells or other individual water sources to serve new development, including land divisions, on lots in areas served or within the boundaries of a public or private water system, with the following exceptions:*

1. For agricultural or horticultural use if allowed by the water system operators;

2. The community or mutual water system is unable or unwilling to provide service; or,

3. Extension of physical distribution improvements to the project site is economically or physically infeasible.

The exceptions specified in 1, 2, or 3 shall not be granted because of a water shortage that is caused by periodic drought. Additionally, wells or water sources shall be at least 100 feet from property lines, or a finding shall be made that no development constraints are placed on neighboring properties.

f) Proposed IPA

The proposed IP implements the aforementioned LUP policies through Section 22.64.140, which includes public facility and service standards. These standards define the process for how adequacy of services is determined, with provisions specific to development receiving water/wastewater from either a public provider (i.e. a water system operator or community sewer system) or from an individual private well or private septic system. The standards also place limitations on the expansion of public services to the minimum necessary to adequately serve planned development. To address the need for water and wastewater service providers to develop standards to allocate and reserve capacity for Coastal Act priority land uses, the proposed IP includes a program in Section 22.64.140.

g) Consistency Analysis

In April 2015, the County's then proposed IP was heard by the Commission. At that time, Commission staff had suggested a series of proposed IP modifications to the proposed IP, and a set of findings supporting those changes (see attached Commission staff IP recommendation in **Exhibit 4**). Except as revised herein, the Commission staff recommended 2015 IP findings are incorporated herein by reference as part of these findings, including as the County's proposed IP is based on the Commission staff's recommended certified version with minor changes. Thus, the findings in this section build upon the referenced and incorporated 2015 IP findings, as modified in this report, while also describing the proposed submittal and analyzing changes now proposed and other comments received.[46]

The Coastal Act requires new development to be served by adequate public services, including water, sewer, and traffic (Coastal Act Section 30250). In areas with limited public services, Section 30254 explicitly requires that service capacity be reserved for certain priority land uses, including agriculture, public recreation, and visitor-serving uses. These Coastal Act requirements are mostly embodied in LUP Policies C-PFS-1 and C-PFS-4 as modified by the Commission. Detailed implementing language in IP Section 22.64.140 articulates the process by which such determinations would be made including specific findings for public water and wastewater systems, new or increased well production, private sewage disposal systems, and areas with limited water supply.

However, as currently proposed, private wells would be held to a different standard (i.e. consistency with Marin County Code Chapter 7.28) which is a provision outside the LCP that would not consider potential impacts to the water source for agricultural production or other priority land uses. Certain modifications are needed in order for Section 22.64.140 of the IP to be fully LUP consistent. To ensure consistency with PFS-4, modifications are needed to Section 22.64.140(A)(1)(b) to require applications for new or increased well production for a public or private water supply meet the same standards including that applications have a report

[46] The County accepted all the Commission staff's 2015 modifications as the underlying "clean" version of their proposed IP, and made changes in cross through and underline to that version showing what they now propose – see **Exhibit 6**.

demonstrating that the well yield meets the LCP-required minimum pumping rate of 1.5 gallons per minute, the water quality meets safe drinking water standards, and that the extraction will not adversely impact other wells located within 300 feet of the proposed well; adversely impact adjacent or hydrogeologically-connected biological resources including streams, riparian habitats, and wetlands on the subject lot or neighboring lots; and will not result in insufficient water supply available for existing and continued agricultural production or for other priority land uses on the same parcel or served by the same water source. These standards, as modified, emanate from other IP Sections (including requirements specified in Section 22.65.050(C)(1)(b) that all development within C-APZ have adequate public services *after* provisions have been made for existing and continued agricultural production) or from other LCPs that address these issues, including the 300 feet well standard which is included in Mendocino County's LCP. As a minor modification, the proposed program in Section 22.64.140 has been moved to the LUP to maintain consistency with the location of all other programs in the LCP. Therefore, as amended, the IP includes a series of standards that describe the process and required findings for determining whether new development is able to be served with water and wastewater consistent with Policies C-PFS-1 and C-PFS-4 as modified by the Commission.

The County has asserted that the recommended above requirements would be time-consuming and expensive and a more appropriate regulatory framework for individual private wells is the existing Marin County Code Section 7.28 regulations. While Marin County Code Section 7.28 includes standards for wells, it does not require that applications for new or expanded wells demonstrate that the well would not have significant adverse effects, either individually or cumulatively, on coastal resources. These standards also would not address the availability of water supply for LCP priority land uses. Thus, Marin County Code Section 7.28 is insufficient to carry out the proposed LUP policies.

Public commenters have raised concerns that the standards are insufficient to protect groundwater resources and request additional requirements for new or increased well production to include that sustainable yield be demonstrated during the dry season, that the extraction will not impact hydro-geologically connected wells or resources such as wetlands, and that limits be placed on groundwater extraction. The County has also requested more clarity on Commission recommended modifications referring to "adjacent" resources. In response, the Commission's suggested modifications provide greater specificity which in part address these concerns by requiring that the applicant demonstrate that the extraction would not, "adversely impact adjacent or hydrogeologically-connected biological resources including streams, riparian habitats, and wetlands on the subject lot or neighboring lots."

In preparation of updating the LCP, the County prepared a Land Use Analysis Report, documenting the status of existing and projected public services, including water, sewer, and traffic. While the analysis showed that there remains adequate capacity within the coastal zone's roads and highways to accommodate planned growth, the report showed that water and sewer capacities in many locations are already burdened and will most likely not be able to accommodate planned growth. In particular, the buildout analysis says that "Most of the water agencies are strained to meet peak demands in summer and seek additional supply or storage to meet peak demands" (page 5 of the Land Use Analysis Report). Specifically, the report states that Coast Springs Water Company and Bolinas Public Utility District (which serve water to

parts of Dillon Beach and Bolinas, respectively) have moratoria on new water connections, while Stinson Beach County Water District, North Marin Water District-West Marin, Inverness Public Utility District, Estero Mutual Water Company, and private wells serving Marshall are all straining to meet existing capacity and are projected to not be able to serve buildout. Of particular water supply concern is the East Shore of Tomales Bay/Marshall area, where Coastal Act priority agriculture and visitor-serving uses are predominant, where the report states that the area relies on individual wells or springs and four Transient, Non-Community Water Systems: Hog Island Oyster Company, Marshall Boat Works, Nick's Cove, Tony's Seafood. Page 30 of the report states that:

> *"There continues to be* ***major public service constraints*** *on new shoreline development as well. Water is lacking and most lots cannot support on-site sewage disposal systems consistent with established standards from the County and the Regional Water Quality Control Board….Except for a few locations, such as the canyon behind Marconi Cove marina, most of the east side of Tomales Bay has little known potential for development of additional water supplies. The ability of surface sources to provide supply is limited by the fact that many east side streams are intermittent and thus cannot be used year-round. Some of these* ***streams are already used for agriculture****, a use which has priority over private residential development in the Coastal Act. The potential for obtaining water from groundwater supplies also appears quite limited. Studies of water supply undertaken in the late 1960's by the North Marin County Water District determined that there are* ***no dependable supplies of groundwater in any quantity in the geologic formations on the east side of the Bay and that groundwater supplies along Walker Creek are severely limited****." (emphasis added)*

Thus, the provision of water and other public services is a key issue in Marin's coastal zone, including ensuring that there remains adequate water supply for Coastal Act priority land uses such as agriculture.

County Staff conducted an analysis of the commercial and mixed use zoning districts in the Coastal Zone to determine their locations relative to water and wastewater service areas. These include the C-VCR, C-H1, C-CP, C-RMPC, and C-RCR zoning districts. This analysis concluded that in terms of water, all of the areas containing visitor-serving zoning are served by a water district, except for the village of Tomales and two small commercial areas located in the East Shore/Marshall areas along Tomales Bay, which rely on wells for water service. With regards to wastewater, many of the areas with visitor-serving zoning are not within the boundaries of wastewater service district and, thus, are served by individual septic systems. This includes the mixed use areas in Dillon Beach, Point Reyes Station, East Shore/Marshall, Inverness, Olema, and Muir Beach. However, the commercial areas in Tomales, Stinson Beach, and Bolinas are provided wastewater services from the Tomales Village Community Services District, Stinson Beach County Water District, and the Bolinas Community Public Utility District, respectively.

Most of the water and wastewater service providers have sufficient water on an average annual basis and expect to meet existing and future water demand. Those that do not, such as the Bolinas Community Public Utility District and the privately run California Water Service Company (formerly Coast Springs Water Company) serving Dillon Beach, have moratoriums

on new service hookups and expect to maintain them. However, some of the water service providers are strained to meet peak demands during the summer or would experience supply deficits during extended drought periods. The proposed IP mandates that project applicants in areas of limited public water service capacity must offset their anticipated water usage through the retrofit of existing water fixtures. The proposed IP also allows water service providers flexibility to select additional methods to offset water usage beyond replacement of water fixtures, given the diversity of incentives and programs utilized by the different water service providers. Water in the Marin Coastal Zone is provided by a number of small community water districts, each of which may offer a variety of incentives and programs to encourage water conservation tailored to budget and customer needs, and thus, the IP allows for that flexibility.

As modified, the IP Update conforms with and adequate carries out the public services provisions of the 2016 conditionally certified LUP.

7. Visitor Serving Recreational Facilities

a) Applicable Coastal Act Policies

Section 30210. *In carrying out the requirement of Section 24 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people, consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

Section 30211. *Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*

Section 30212(a). *Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources; (2) adequate access exists nearby; or (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.*

Section 30212.5 *Wherever appropriate and feasible, public facilities including parking areas or facilities, shall be distributed throughout an area so as to mitigate against impacts - social and otherwise - of overcrowding or overuse by the public of any single area.*

Section 30213. *Lower cost visitor and recreational facilities shall be protected, encouraged and, where feasible, provided. Developments providing public recreational opportunities are preferred. The commission shall not: (1) require that overnight room rentals be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private lands; or (2)*

establish or approve any method for the identification of low or moderate income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.

Section 30214(a). *The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following: (1) Topographic and geologic site characteristics; (2) The capacity of the site to sustain use and at what level of intensity; (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses; (4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter. (b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution. (c) In carrying out the public access policies of this article, the commission and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.*

Section 30220. *Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.*

Section 30221. *Oceanfront land suitable for recreational uses shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for the area.*

Section 30222. *The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.*

Section 30224. *Increased recreational boating use of coastal waters shall be encouraged in accordance with this division by developing dry storage areas, increasing public launch facilities, providing additional berthing space in existing harbors, limiting non-water dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.*

Section 30234. *Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing*

> *and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.*

The Coastal Act requires the protection of public access and recreation opportunities, one of its fundamental objectives. The Act requires maximum public access to and along the coast, prohibits development from interfering with the public's rights of access, and protects recreational opportunities and land suitable for recreational use. Several policies contained in the Coastal Act work to meet these objectives. The Coastal Act requires that development not interfere with the public right of access to the sea (Section 30211); provides for public access in new development projects with limited exceptions (Section 30212); encourages the provision of lower cost visitor and recreational facilities (Section 30213); addresses the need to regulate the time, place, and manner of public access (30214); requires coastal areas suited for water-oriented recreational activities to be protected (30220); specifies the need to protect ocean front land suitable for recreational use (Section 30221); gives priority to the use of land suitable for visitor-serving recreational facilities over certain other uses (Section 30222); requires the protection of upland areas to support coastal recreation, where feasible (Section 30223); and provides the location and amount of new development should maintain and enhance public access to the coast through various means (Section 30252).

b) 2014 Commission-conditionally certified LUP

The 2014 Commission-certified LUP includes goals, objectives, and policies designed to protect, maintain, and improve a multitude of public access and recreational opportunities in the Marin County coastal zone. It contained policies that facilitate the development of visitor-serving uses, and also listed recommendations for development within the numerous local, state, and federal parks that would help further increase coastal recreational opportunities and access. Specifically, Policy C-PA-2 required all new development between the shoreline and first public road to be evaluated for impacts on public access to the coast, and required new public access to be provided, if appropriate. Policies C-PA-19 and -20 required parking and signage at coastal accessways, including evaluating whether closure of public parking facilities at accessways could impact public access requiring mitigation for any access impact, and stating that changes to parking timing and availability and any signage indicating parking restrictions, must be evaluated for project alternatives or mitigation.

In terms of the Parks, Recreation and Visitor-Serving Uses chapter, Policy C-PK-1 required priority for visitor-serving commercial and recreational facilities over private residential or general commercial development. Policy C-PK-3: 1) designated commercial uses as the sole principal permitted use and residential uses as permitted or conditional uses; 2) directed new residential uses in the commercial core area to either the upper floor of a mixed-use building or the lower floor if not located on the road-facing side of the street; and 3) required a finding for any residential development on the ground floor of a new or existing structure on the road-facing side of the property that the development maintains and/or enhances the established character of village commercial areas. This zoning district is used in the coastal villages to facilitate the development of walkable, mixed-use commercial districts along primary streets, including Highway 1. In many ways, this zoning district implements a type of "Main Street" feel to the

coastal villages because it allows a variety of local and visitor serving commercial uses and allows structures to be sited and designed (including through no building setback requirements, for example) so as to facilitate walkability within the village center.

c) Proposed LUPA Update

For the most part, the LUPA's proposed public coastal access and recreation policies have not been modified from the Commission's 2014 conditionally-certified LUP and are consistent with applicable Coastal Act policies. The proposed LUPA restores policy, C-CD-14, a policy that had been deleted by the Commission in 2014 because it discouraged the conversion of residential to commercial uses.

d) Consistency analysis

In May 2014, the Commission conditionally certified the County's then proposed LUP. It was approved unanimously (see attached Commission-adopted LUP findings in **Exhibit 3**). Except as revised herein, the Commission's adopted 2014 LUP findings are incorporated herein by reference as part of these findings, including as the County's proposed LUP resubmittal is based on the Commission's conditionally certified version with minor changes.[47] Thus, the findings in this section build upon the referenced and incorporated 2014 LUP findings, as modified in this report, while also describing the proposed submittal and analyzing changes now proposed and other comments received.

First, consistent with the requirements of Coastal Act Sections 30210 and 30211 that require maximum public access be provided and conspicuously posted and that development not interfere with the public's right of access to the sea, public access signage and parking is important because it provides the public with the opportunity to access coastal resources. Proposed Policy C-PA-20 clarifies that changes to parking timing and availability and any signage indicating parking restrictions must be evaluated for project alternatives or mitigation.

Second, consistent with the requirements of Coastal Act Section 30213 that all lower-cost visitor and recreational facilities be protected, proposed Policy C-PK-7 states that conversion of all existing lower-cost overnight facilities is prohibited unless replaced in kind and conversion of an existing visitor-serving facility on public land to private membership use is also prohibited.

Third, proposed Policy C-PK-11 clarifies that all development, even those recommended projects listed in the policy and in the parks' General Plans, are simply recommended projects and still must meet all applicable LCP standards.

Fourth, proposed Policy C-CD-8 states that on-site public access, or alternative and commensurate public access, shall be provided for all new piers or similar recreational structures, consistent with Coastal Act Sections 30210-30212 and LUPA Policy C-PA-2 (which requires all development between the sea and first public road to provide access if an impact to public access is found).

Finally, proposed Policy C-PA-10 requires full avoidance of significant adverse impacts to

[47] The County accepted all the Commission's 2014 modifications as the underlying "clean" version of their proposed LUP, and made changes in cross through and underline to that version showing what they now propose – see **Exhibit 5**.

agriculture and sensitive environmental resources, consistent with Coastal Act Sections 30240 (which allows only resource dependent uses within ESHA and only when such uses prevent significant disruption of the habitat) and 30241-30242, which protects agricultural land and strictly limits the ability for non-agricultural uses to convert such land.

However, the LUP as proposed contains policies that are not Coastal Act consistent because they are internally inconsistent or need modification in order to achieve consistency with the requirements of Coastal Act policies related to public access and recreation. Therefore, the proposed LUPA must be denied as submitted and only approved as modified as discussed specifically below.

The C-VCR zoning district implements key Coastal Act and LUPA objectives of prioritizing visitor-serving commercial uses (Section 30222) in existing developed areas (Section 30250). Policy C-PK-3, as proposed, states that the principal permitted use of the C-VCR zone shall include commercial uses. However, under Section 30603(a)(4) of the Coastal Act, in coastal counties, development not designated in the zoning district as *the* principally permitted use is appealable to the Commission. Thus, unless a zoning district identifies one type of principal permitted use, all development in the zoning district would be appealable to the Commission. To avoid this result, suggested modifications identify commercial as "the principal permitted use" in the C-VCR zoning district. Although modifications are required that designate commercial uses as the sole principal permitted use in C-VCR to avoid all development in C-VCR being appealable to the Commission consistent with Coastal Act Section 30603, other permissible uses in C-VCR need not be conditional. Instead, the zoning district can also designate "permitted uses" which though appealable to the Commission do not require a conditional use permit. As modified, commercial would be the principally permitted use and designated commercial development would not be appealable to the Commission. Other uses, such as residential, that are listed as "permitted" would not require a conditional use permit but would be appealable to the Commission. And those uses listed as conditional would continue to require a conditional use permit and be appealable to the Commission. The suggested modifications to PK-3 also help ensure that commercial uses remain the primary use in the zoning district and that residential uses will only be allowed consistent with the requirements of Coastal Act section 30222. Similarly, a modification is needed to C-CD-14 to clarify that the conversion of residential to commercial uses in coastal villages must be consistent with the limitations in C-PK-3.

In addition, proposed Policy C-PK-3 must be modified to define the core commercial areas within the C-APZ zone wherein residential uses will only be allowed on the ground floor of a new or existing structure on the road-facing side of the property and where a finding must be made that the development maintains and/or enhances the established character of village commercial areas. Unless application of the proposed policy is limited to a defined commercial core area, it would apply to all areas designated C-VCR in the commercial areas of Stinson Beach, Bolinas, Olema, Point Reyes Station, Marshall/East Shore, and Tomales. Since the intent is to govern the commercial core of the villages, which does not necessarily include all areas designated C-VCR, it is appropriate to limit the required finding that ground-floor residential uses enhance the established character of village commercial areas to development within the village commercial core.

County staff presented draft maps of the village core commercial area to the Board of Supervisors during its August Board hearing. When transmitted to the Commission, the County indicated that the Maps were intended to be illustrative only and a delineation would only be final after a subsequent rezoning process. Further, the County will be considering how to better address the conversion of existing residential uses to short term vacation rentals through a subsequent LCP amendment.

In the interim, suggested modifications have been added defining the village commercial textually to include the central portion of each village that is predominantly commercial, i.e. Stinson Beach, Bolinas, Olema, Point Reyes Station, Marshall/East Shore, and Tomales. Defining the village core commercial area as the central portion of each village that is predominantly commercial is consistent with Section 30222 of the Coastal Act because it clarifies which private lands are suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation. It is important to note that C-PK-3 does not prohibit new or existing residential uses. Existing legal residences are allowed to continue in these areas without any further requirements. Going forward, the policy would allow residential uses located on the upper floors, or on the ground floor of a new or existing structure not fronting the street in the commercial area, as a permitted use. However, if a new residential use is proposed on the ground floor of a road-facing property, a finding would be required to ensure that the residential use maintains and/or enhances the established character of village commercial areas. Residential and Affordable housing would continue to be a permitted use in the C-VCR zoning district, as well as within the proposed village commercial core area.

Suggested modifications also have been made to the PK chapter background section to more accurately describe when a non-federal entity applying for a license or other type of authorization from the federal government is subject to the requirements of the Coastal Zone Management Act. Other minor modifications to C-PA-2, C-PA-3, C-PA-4, and C-PA-12 have been made to clarify the intent of the policies and/or achieve better consistency with the requirements of Coastal Act Sections including Sections 30214 and 30212.

As modified, the LUPA's Public Coastal Access and Recreation policies protect and provide for public access and visitor-serving uses and are consistent with the Chapter 3 access, recreation and visitor serving policies of the Coastal Act.

e) Applicable Land Use Plan Policies

> ***C-CD-14 Residential Character in Villages.*** *Consistent with the limitations to the village core commercial area outlined in C-PK-3, discourage the conversion of residential to commercial uses in coastal villages. If conversion of a residence to commercial uses is allowed under applicable zoning code provisions, the architectural style of the home should be preserved.*
>
> ***C-PK-3 Mixed Uses in the Coastal Village Commercial/Residential Zone.*** *Continue to permit a mixture of residential and commercial uses in the C-VCR zoning district to maintain the established character of village commercial areas. Principal permitted use*

of the C-VCR zone shall be commercial. Residential uses shall be limited to: (a) the upper floors, and/or (b) the lower floors if not located on the road-facing side of the property within the commercial core area (i.e. the central portion of each village that is predominantly commercial). Residential uses on the ground floor of a new or existing structure of the road-facing side of the property shall only be allowed provided that the development maintains and/or enhances the established character of village commercial core areas. Existing legally established residential uses in the C-VCR zone on the ground floor and road-facing side of the property can be maintained.

C-PA-2 Provide New Public Coastal Access in New Development. *Where the provision of public access is related in nature and extent to the impacts of the proposed development, require dedication of a lateral and/or vertical accessway, including to provide segment(s) of the California Coastal Trail as provided by Policy C-PK-14, as a condition of development, in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following: (1) Topographic and geologic site characteristics. (2) The capacity of the site to sustain use and at what level of intensity. (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses. (4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter,. Impacts on public access include, but are not limited to, intensification of land use resulting in overuse of existing public accessways, creation of physical obstructions or perceived deterrence to public access, and creation of conflicts between private land uses and public access.*

C-PA-3 Exemptions to Providing New Public Coastal Access. *The following are exempt from the requirements to provide new public coastal access pursuant to Policy C-PA-2:*

1. *Improvement, replacement, demolition or reconstruction of certain existing structures, as specified in Section 30212 (b) of the Coastal Act, and*
2. *Any new development upon specific findings under Section 30212 (a) of the Coastal Act that (1) public access would be inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate public access exists nearby, or (3) agriculture would be adversely affected.*

C-PA-12 Agreements for Maintenance and Liability Before Opening Public Coastal Accessways. *Dedicated coastal accessways shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.*

C-PA-18 Parking and Support Facilities at Public Coastal Accessways. *Where appropriate and feasible, provide parking areas for automobiles and bicycles and appropriate support facilities in conjunction with public coastal accessways. The location and design of new parking and support facilities shall minimize adverse impacts*

on any adjacent residential areas. The need for parking shall be determined based on existing parking and public transit opportunities in the area, taking into account resource protection policies. Consider opportunities for reducing or eliminating parking capacities if transit service becomes available or increases.

C-PA-19 Explanatory Signs at Public Coastal Accessways. *Sign existing and new public coastal accessways, trails, and parking facilities where necessary, and use signs to minimize conflicts between public and private land uses. Where appropriate, signs posted along the shoreline shall indicate restrictions, such as that no fires or overnight camping are permitted, and that the privacy of homeowners shall be respected. Where public access trails are located adjacent to agricultural lands, signs shall indicate appropriate restrictions against trespassing, fires, camping, and hunting. Where only limited public access or use of an area can be permitted to protect resource areas from overuse, such signing should identify the appropriate type and levels of use consistent with resource protection. The County and CALTRANS shall, as resources permit, post informational signs at appropriate intersections and turning points along visitor routes, in order to direct coastal visitors to public recreation and nature study areas in the Coastal Zone.*

C-PA-20 Effects of Parking Restrictions on Public Coastal Access Opportunities. *When considering a coastal permit for any development that could reduce public parking opportunities near beach access points or parklands, including any changes in parking timing and availability, and any signage reducing public access, evaluate options that consider both the needs of the public to gain access to the coast and the need to protect public safety and fragile coastal resources, including finding alternatives to reductions in public parking and ways to mitigate any potential loss of public coastal access.*

f) Proposed IPA

The proposed IP implements the LUP's public access and recreation policies in Section 22.64.170, requiring that all development be consistent with the Parks, Recreation and Visitor Serving Uses policies of the LUP, including that development of visitor-serving and commercial recreation facilities shall have priority over residential or general commercial development, and that a mixture of residential and commercial uses shall be permitted in the C-VCR district. Additionally, Section 22.64.180 addresses public coastal access and likewise mandates that development be consistent with all Public Coastal Access policies of the LUP, including those cited above. Consistent with C-PA-2, Section 22.64.180(B)(1) requires that new development located between the shoreline and first public road be evaluated for impacts on public access, and a requirement to dedicate lateral, vertical and or bluff top access where such requirement is related in nature and extent to the impacts of the proposed development. Section 22.64.180(B)(10) provides that parking, signage and support facilities shall be provided in conjunction with public coastal accessways where appropriate and feasible consistent with LUP Policies C-PA-18 and 19, and also requires that that any proposal to restrict public parking near beach access points be evaluated per LUP Policy C-PA-20. Section 22.32.150 provides standards for residential uses in commercial/mixed use areas, which was modified to apply only to commercial development, rather than any type of development.

Finally, Table 5-3 in Chapter 22.62 lists the allowable land uses and their permitting status for

the coastal zone's five Coastal Commercial and Mixed-Use Districts, including the Coastal Village Commercial Residential (C-VCR) district and the Coastal Resort and Commercial Recreation (C-RCR) district, two primary districts meant to prioritize visitor-serving and commercial recreation development. Table 5-3 allows residential uses, such as single-family dwellings, and retail trade uses, such as grocery stores, and service uses, such as banks, as either principally permitted or permitted uses in the C-VCR zoning district, with a footnote specifying that commercial uses shall be the principal permitted use within the village commercial core area of the C-VCR zone and residential shall be a permitted use in all parts of the C-VCR zone.

g) Consistency Analysis

In April 2015, the County's then proposed IP was heard by the Commission. At that time, Commission staff had suggested a series of proposed IP modifications to the proposed IP, and a set of findings supporting those changes (see attached Commission staff IP recommendation in **Exhibit 4**). Except as revised herein, the Commission staff recommended 2015 IP findings are incorporated herein by reference as part of these findings, including as the County's proposed IP is based on the Commission staff's recommended certified version with minor changes. Thus, the findings in this section build upon the referenced and incorporated 2015 IP findings, as modified in this report, while also describing the proposed submittal and analyzing changes now proposed and other comments received.[48]

The proposed IP incorporates, by cross-reference, relevant LUP policies applicable to Parks, Recreation and Visitor Serving Uses and Public Access. However, modifications must be made to 22.64.170 (B) and 22.62's use charts which do not adequately prioritize visitor-serving development. For example, while only commercial uses can be categorized as the principally permitted use in these commercial zoning districts to avoid all development in that zoning district being appealable to the Commission (per Coastal Act Section 30603's provision that, in coastal counties, development not designated in the zoning district as *the* principally permitted use is appealable to the Commission), as proposed, non-commercial uses such as residential uses including single-family dwellings are proposed to be principally permitted in the C-VCR zone. Thus, suggested modifications are required to IP Section 22.64.170 to specify that commercial uses are the principal permitted use in the C-VCR zone, regardless of whether you are in the village commercial core area or not, and to change the non-commercial uses from principally permitted uses to permitted uses in Table 5-3 consistent with requirements of PK-3. Finally, some uses that are inconsistent with the purpose of the zoning district designation must also be deleted. For example, recycling facilities, defined as facilities involved with the collection, sorting and processing of recyclable materials, must not be allowed in a pedestrian-oriented, visitor-serving commercial district such as C-VCR.

Although proposed IP Section 22.64.180 carries out the public coastal access policies by specifying application requirements, such as site plans and establishing public coastal access standards, suggested modifications are necessary to achieve consistency with LUP coastal access policies and ensure that as a first step, development avoids negatively impacting public recreational access facilities and opportunities and if impacts are unavoidable, commensurate public access mitigation consistent with the requirements of state and federal law. Similarly, the

[48] The County accepted all the Commission staff's 2015 modifications as the underlying "clean" version of their proposed IP, and made changes in cross through and underline to that version showing what they now propose – see **Exhibit 6**.

addition of Section 22.64.150(A)(6) is needed, to ensure that roads, driveways, parking, and sidewalks associated with new development will not adversely impact existing public parking facilities nor the ability of the public to access existing development or existing coastal resource areas.

In response to public comment regarding the need for community centers in residential zoning districts to be owned and operated by non-profits, the County-adopted proposed IP requires community centers to be designed to enhance public recreational access and visitor-serving opportunities. Thus, regardless of ownership, community centers will serve public recreational access purposes, consistent with Coastal Act Section 30222.

As modified, the IP conforms with and adequately implements the 2016 conditionally certified LUP's public coastal access and recreation policies.

8. Coastal Development Permitting Procedures

The Coastal Act defines the activities that constitute development and requires a coastal development permit (CDP) that is consistent with the Coastal Act or the local government's Commission-certified LCP for the activities that meet the definition of development. The Coastal Act's implementing regulations then offer detailed provisions that specify permitting procedures, including required noticing, hearing dates, and appeals procedures. The revised LUP Update provides policies and provisions to protect coastal resources, and it includes a section describing coastal permits in the Introduction chapter, stating that coastal permits are the primary tool for implementing the LCP, that development requires a coastal permit unless exempted or excluded from permit requirements, and that the Marin County Community Development Agency is responsible for implementing the LCP and for reviewing coastal permit applications.

The implementation and processing of CDPs for all development (with the exception of development that is exempt or excluded from the CDP requirement) is one of the most critical means of implementing the coastal resource protection policies of the LUP. The CDP provisions of the IP are divided into two chapters: Chapter 22.68 (Coastal Permit Requirements) and Chapter 22.70 (Coastal Permit Administration). Collectively, these chapters list coastal development permitting procedures, including specifying what activities in the coastal zone constitute development and therefore require a CDP, the different types of available CDP processes and the types of projects that can processed according to those CDP types, the applicable noticing and hearing requirements, and the findings required for each permit. In general, the proposed implementation sections are consistent with the Coastal Act and its implementing regulations, and suggested modifications to these Chapters are solely to add terms or requirements that are explicitly stated in the Act and/or its implementing regulations. These modifications include ensuring that certain Categorical Exclusion Orders require development to be consistent with the zoning ordinances in effect at the time that the Categorical Exclusion Order was adopted; and that the types of improvements and repair and maintenance activities that ordinarily are exempted from CDP requirements per Coastal Act Section 30610 are specifically listed in IP Section 22.68.050 and those that are not exempt are specifically listed in IP Section 22.68.060. Suggested modifications implementing both the coastal resource protection policies and the procedural requirements of the Coastal Act are described below.

Noticing of Exempt Development
IP Section 22.68.050 establishes when a proposed development may be determined to be exempt from the requirement for a coastal permit. However, as submitted, the IP does not provide for any mechanism for noticing of such determination to either the public or the Commission. The provision of public notice is especially critical because Section 30625 of the Coastal Act grants the Commission appellate jurisdiction to hear an appeal of a decision rendered by a local government on either a coastal development permit or a claim of exemption from Coastal Act permitting requirements. Further, public comments have repeatedly asserted the critical importance of adequate and effective noticing of CDP exemption determinations. Section 30006 of the Coastal Act provides that "the public has a right to fully participate in decisions affecting coastal planning, conservation and development; that achievement of sound coastal conservation and development is dependent upon public understanding and support; and that the continuing planning and implementation of programs for coastal conservation and development should include the widest opportunity for public participation."

A suggested modification is therefore added to ensure that the Commission and members of the public are made aware of any determination by the Director as to whether a proposed development can be exempt from the coastal permitting requirement by requiring that the County provide notice of all exemption determinations to the applicant, the Commission, and any known interested parties. The notice must include a project description, reasons supporting the exemption/exclusion determination, and the date of the Director's determination. Additionally, all exemption determinations may be challenged under the IP process specified in Section 22.70.040. Therefore, as modified, the IP ensures that the public and the Commission are appropriately notified of CDP exemption determinations, including a process for potential appeal.

Public Notice of Categorical Exclusion Orders
The County's Commission-adopted Categorical Exclusion Orders are listed within LCP Appendix 7. However, because all of the Exclusion Orders state that the specified development in the specified geographic area must be consistent with all terms and conditions of the Categorical Exclusion, and some of the Categorical Exclusions require that development be consistent with the zoning ordinances in effect at the time the Categorical Exclusion Order was adopted, a suggested modification also requires that all local zoning ordinances in effect at the time each Categorical Exclusion Order was adopted also be provided within Appendix 7 as Appendix 7a. As modified, the public will both be able to see the types of the development in the specified geographic areas that may be categorically excluded from CDP requirements, and then be able to review the actual Order itself[49] to understand all terms and conditions of the Orders that development must meet in order for the exclusion to apply to the proposed development.

Determination and Challenges to Permit Category Determination
Section 22.70.030 sets forth the procedure in which the Director determines the appropriate permit category (including five types: categorically excluded, de minimis, administrative, public hearing, and public hearing waiver) and Section 22.70.040 sets forth the procedures for challenging such determinations to the Coastal Commission. Article 17 of the Commission's

[49] The County's three Categorical Exclusion Orders: E-81-2, E-81-6, and E-82-6; are contained within LCP Appendix 7.

regulations identifies the minimum standards of notice and hearing requirements for LCPs. Section 13569 of the Commission's regulations includes a process to challenge whether a development should be processed as a categorical exclusion or non-appealable or appealable development. As stated above, the provision of public notice in conjunction with an exemption determination is especially critical because Section 30625 of the Coastal Act grants the Commission appellate jurisdiction to hear an appeal of a decision rendered by a local government on either a coastal development permit or a claim of exemption from Coastal Act permitting requirements.

As proposed, the list of permit categories is not complete because it does not include exemption determinations. Therefore, modifications to Section 22.70.030 are required to list exemptions determinations as a type of permit category determination made by the Director that is subject to challenge. Therefore, as amended, the IP includes a process by which the County determines in which of six permit categories a proposed development falls, as well as a process by which those determinations can be challenged, consistent with the Coastal Act and its regulations.

Notice of Final Action
Coastal Act section 30603(d) of the Coastal Act requires that when a local government takes an action on an appealable coastal development permit, the local government shall send notification of its final action to the Commission by certified mail within seven calendar days from the date of making the decision. Section 13571 of the Commission's regulations specify the required materials to be included in the notice, including conditions of approval, written findings, and the procedures for appeal of the local decision to the Coastal Commission. IP Section 22.70.090 lists the process for sending the Notice of Final Action on a CDP, mirroring §13571's requirement that within 7 calendar of the final decision the County is to send to the Commission the conditions, findings, and appeal procedures. However, the Section as proposed does not conform with the requirement in Coastal Act section 30603(d) that notification of final local action be sent by certified mail. In addition, the proposed section does not adequately implement the regulations' requirements, including by not clearly specifying what materials are to be sent to the Commission identifying the development approved and the County's factual basis for determining its consistency with the LCP. Such information is necessary, particularly for appealable development, in order for the Commission and the public to clearly understand both the development approved and the basis for finding it consistent with the certified LCP. Therefore, a modification is required in IP Section 22.70.090 to include the required details. As modified, the IP describes a clear process by which the County is to send the Commission and interested parties notice of their final CDP decisions consistent with the requirements of the Coastal Act and its implementing regulations.

Nonconforming Structures and Uses
The LCP contains one policy for nonconforming uses and structures, Policy C-CD-4, which states that lawfully established uses and structures may be maintained and continued, but cannot be enlarged, intensified, moved to another site, or redeveloped without being brought into conformance with the LCP. The policy is implemented in IP Section 22.64.110(A)(3), which cross-references Section 22.70.160 regarding nonconforming uses and structures. The Section uses language from the County's own nonconforming ordinance (including that such structures can be repaired and maintained, and that they can be enlarged so long as the addition itself

conforms with the LCP) but also includes LCP-specific requirements, including describing allowable development on nonconforming structures located in hazardous locations.

A suggested modification is added to the non-conforming use and structure provisions adding to the County's proposed list of actions that would require that nonconforming uses and structures be brought into compliance with all LCP policies. In addition to enlargement, intensification, or relocation triggering the need for a non-conforming use or structure to be brought into LCP conformity as proposed by the County's provisions, redevelopment would also trigger such compliance. Specifically, the modification states that repair and maintenance that replaces 50% of the nonconforming structure, or that constitute redevelopment, result in the structure losing its legal nonconforming status and requires the *entire* structure to be brought into compliance with all LCP policies. Thus, this provision ensures consistency with both the definition of coastal redevelopment in Land Use Plan Policy C-EH-xx and §13252(b)'s language specifying that replacement of 50% or more of a structure is not considered repair and maintenance but instead constitutes a replacement structure requiring a coastal development permit. Therefore, as modified, the IP implements and clarifies the LUP's requirements pertaining to nonconforming structures and uses.

Land Divisions

The LUP includes numerous policies that are either directly or indirectly applicable to land division, including those that direct new development into already existing developed areas (Policy C-CD-1); require land divisions to be consistent with LCP density, resource protection, and rural land division criteria (C-CD-2); allow land division only where there is adequate water, sewer, traffic, and other public services available to serve it (C-PFS-1); and prohibit land division in sensitive coastal resource areas, including ESHA (Policy C-BIO-2 only allows resource dependent development in ESHA, and land division is a type of development that is not resource dependent).

Modifications to Section 22.70.190 are necessary to implement these LUP policies to clarify the types of land divisions that are considered to be development, including subdivision (through parcel map, tract map, grant deed), lot line adjustments (LLAs), and certificates of compliance. Modifications to Section 22.70.190(B) identify the required criteria that land divisions must meet (in addition to other applicable LCP policies), including a prohibition on land division if located outside of designated village limit boundaries and within an area found to have limited public service capacities (thereby ensuring no new parcels are created in rural areas with limited public services, consistent with both the Coastal Act and the LUP), and that land divisions outside village limit boundaries shall only be permitted where 50% of the usable parcels within the area have been developed and the created parcels would be no smaller than the average size of the surrounding legal parcels . Modifications to the Section also make clear that land divisions, though constituting development, are never the principal permitted use in any zoning district; therefore, all land divisions within the Marin County coastal zone are appealable to the Coastal Commission. Therefore, as modified, the IP provisions conform with and are adequate to carry out the LUP policies governing land divisions as they include a clear and concise Section that specifies what types of land divisions constitute development requiring a CDP, and the standards that are required to be met.

Finally, a suggested modification was added to Section 22.70.175, a section regarding violations of coastal zone regulations and enforcement of LCP provisions and penalties, that implements the provisions of section 13053.4 of the Commission's regulations. The suggested modification states that no CDP application shall be approved unless all unpermitted development on the property that is functionally related to the development being proposed is proposed to be removed or retained consistent with the LCP.

Public comments have asserted that the IP as suggested to be modified does not provide for maximum public participation consistent with the Coastal Act, particular with respect to a lack of required public hearings. However, as discussed further below, while development that is reviewed by the Planning Director is not subject to a public hearing, if that initial decision is appealed to the Planning Commission, a public hearing will occur. Interested persons are thereby afforded the opportunity to appeal a Planning Director's action and participate in a public hearing because a CDP that is locally appealable is still required even though the Planning Director's action without a hearing was the first step in the process.

More specifically, the Commission's regulations only require a public hearing for CDPs involving development appealable to the Commission (see Title 14 of the California Code of Regulations (CCR) Sections 13566 and 13568, and Marin County's currently certified IP Section 22.70.080(B)). By designating development as principally permitted, such development will only be appealable to the Commission if it is otherwise appealable based on its geographic location (which, as discussed in detail on page 51 of this report, is a primary reason for suggested modifications to ensure that principally permitted development within the C-APZ district meets objective, enforceable standards). However, even though the County does not require the Planning Director to have a hearing for a CDP involving non-appealable development if no other local hearing is required (again, as is allowed per CCR Sections 13566 and 13568), the Planning Director's action is internally appealable, and if appealed locally, will result in a public hearing before the Planning Commission and/or the Board of Supervisors. Furthermore, development designated as principally permitted that is not otherwise appealable to the Commission and requires no other local hearing still requires a CDP and the Planning Director must still provide interested persons with notice of the Planning Director's prospective action.

As modified, IP Section 22.70.030(B) requires the County to notice all permit category determinations based on the type of determination. Once the County determines and notices the permit category, IP Section 22.70.040, as modified, allows all such determinations to be challenged to the Commission. For example, if an interested person dispute's the County determination to classify a particular development project as non-appealable, arguing instead that the project should be considered appealable to the Coastal Commission, they may challenge the County's determination to the Commission, where ultimately the Commission would decide on the proper determination.

Next, IP Section 22.70.080, as modified, allows *all* CDP decisions to be appealed to either the Planning Commission and/or the Board of Supervisors, triggering a required public hearing. Thus, if an interested person disputes the Director's decision on a non-public hearing CDP application, he/she may appeal that decision to the Planning Commission for public hearing. Finally, after exhausting all local appeals, if the development meets the criteria set forth in IP

Section 22.70.080(B)(1), which mirrors Coastal Act Section 30603's listing of the types of projects that are appealable to the Coastal Commission, the interested person may also appeal the County's decision to the Commission.

Therefore, the IP as modified sets up a very robust CDP processing program that allows for maximum public involvement in CDP decisions, including articulating required noticing procedures, allowing a challenge to the Commission regarding the appropriate processing of each of the six types of CDP processes, and allowing for local appeal of all CDP actions, thereby ensuring an interested person's ability to trigger a public hearing.

As modified, the IP's Chapter 22.68 and 22.70 identify what constitutes development requiring a CDP, what is exempt, the six different CDP categories, and the standards that must be met, all consistent with Coastal Act and LUP requirements. In addition, the IP, as modified, maximizes public involvement in coastal permitting decisions, consistent with public comments highlighting the clear need for such maximum public participation. Because the IP Update, as modified, contains permit processing procedures that are necessary to implement the coastal resource protection policies of the LUP consistent with the requirements of the Coastal Act, the IP as modified conforms with, and is adequate to carry out, the conditionally certified Land Use Plan.

9. Appendices and Maps

The Appendix of the LCP includes the following eight items:

- Appendix 1: List of Recommended Public Coastal Accessways
- Appendix 2: Inventory of Visitor-Serving, Commercial, and Recreation Facilities in the Coastal Zone
- Appendix 3: Coastal Village Community Character Review Checklist (Local Coastal Program Historic Review Checklist)
- Appendix 4: Design Guidelines for Construction in Areas of Special Character and Visitor Appeal and For Pre-1930's Structures
- Appendix 5: Seadrift Settlement Agreement
- Appendix 6: 1977 Wagner Report "Geology for Planning, Western Marin County"
- Appendix 7: Categorical Exclusions Orders and Maps
- Appendix 8: Certified Community Plans:
  - a. Dillon Beach Community Plan
  - b. Bolinas Gridded Mesa Plan

As previously discussed, nearly all of these documents are not being amended and are simply being retained as is from the existing certified LCP (the exception being the updated inventory of visitor serving facilities). Because IP Sections 22.64.045(4)(A) and (G) reference the Marin County Hillside Subdivision Design Ordinance (Marin County Development Code Section 22.82.050), a suggested modification would add the ordinance as Appendix 9. As mentioned above, the County's Commission-adopted Categorical Exclusion Orders are listed within LCP Appendix 7. However, because all of the Exclusion Orders state that the specified development in the specified geographic area must be consistent with all terms and conditions of the Categorical Exclusion, and some of the Categorical Exclusions require that development be

consistent with the zoning ordinances in effect at the time the Categorical Exclusion Order was adopted, a suggested modification also requires that all local zoning ordinances in effect at the time each Categorical Exclusion Order was adopted also be provided within Appendix 7 as Appendix 7a.

The maps included within the County's revised Update show, among other things, the boundary of the coastal zone; locations of special-status species, wetlands, and areas subject to sea level rise and flooding; land use and zoning maps; and maps showing the boundaries of the categorical exclusion orders. However, as stated by the County in the information accompanying their revised Update, the maps are intended to be for planning purposes only and are not intended to be definitive delineations of ESHA or coastal hazards, nor for actual boundaries of the coastal zone. Therefore, suggested modifications are thus necessary to clearly state as such. Thus, a suggested modification is required for all maps to state that they are illustrative only, and also include the following disclaimer (from the Commission's mapping unit):

> *The Coastal Zone Boundary depicted on this map is shown for illustrative purposes only and does not define the Coastal Zone. The delineation is representational, may be revised at any time in the future, is not binding on the Coastal Commission, and may not eliminate the need for a formal boundary determination made by the Coastal Commission.*

Further, a series of suggested modifications are required to ensure the maps are used appropriately. In addition, Maps 28a and b do not accurately depict the location of the first public road. Even though the maps would only be illustrative since the appeal and jurisdiction boundaries are determined by the maps certified by the Commission and on file in the Commission's offices, the maps must be corrected to avoid misinformation. Therefore, a suggested modification is required to replace the proposed maps 28a and b with maps that accurately depict the location of the first public road. See **Exhibit 15** for suggested modifications pertaining to the LCP's maps. As modified, the proposed appendices and maps contained within the LCP Update are consistent with the requirements Coastal Act.

10. OTHER

Remaining Area of Deferred Certification
Marin County's Area of Deferred Certification was created on June 3, 1981, and includes 24 parcels totaling 3 1/2 acres on the north side of Calle del Arroyo, adjacent to Bolinas Lagoon at Stinson Beach. At the time the Commission certified the Marin LCP with an area of deferred certification, the principal issues involved the buildout of ten vacant parcels and their inadequacy in size for individual septic systems while maintaining a 100-foot protective setback from the Bolinas Lagoon edge. These issues remain unresolved. Thus, Marin County has not begun work on the LCP for this area. No change in status has occurred.

Response to Miscellaneous Public Comments
Regarding requests for the Marin LCP hearing to be held in Marin County, the hearing in Half Moon Bay was the nearest location planned for the remainder of 2016. Alterative hearing location options were all further away, such as October in Ukiah and December in Ventura.

See **Exhibit 16** for all correspondence received prior to October 21, 2016.

C. California Environmental Quality Act (CEQA)

The Marin County Board of Supervisors conducted public hearings on August 25, 2015 and April 19, 2016 and approved the submittal of the proposed LCP Update amendments to the Marin County Local Coastal Program to the California Coastal Commission. As part of their local action on the subject LCP Update amendments, on April 19, 2016, the County of Marin Board of Supervisors found, per Title 14, Sections 15250 and 15251(f) of the California Code of Regulations ("CEQA Guidelines,") that the preparation, approval, and certification of the Local Coastal Program Amendment is exempt from the requirement for preparation of an Environmental Impact Report (EIR) because the California Coastal Commission's review and approval process has been certified by the Secretary of Resources as being the functional equivalent of the EIR process required by CEQA in Sections 21080.5 and 21080.9 of the Public Resources Code. (See Attachment B for a summary of the local hearing process.)

Section 21080.9 of the California Public Resources Code – within the California Environmental Quality Act (CEQA) – exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its activities and approvals necessary for the preparation and adoption of a local coastal program. Instead, the CEQA responsibilities are assigned to the Coastal Commission and the Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under CEQA Section 21080.5, the Commission is relieved of the responsibility to prepare an EIR for each LCP.

Nevertheless, the Commission is required, in approving an LCP submittal to find that the approval of the proposed LCPA, as amended, does conform with CEQA provisions, including the requirement in CEQA section 21080.5(d)(2)(A) that the amended LCP will not be approved or adopted as proposed if there are feasible alternative or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. 14 C.C.R. §§ 13540(f) and 13555(b).

The County's LCP Update amendments consists of a Land Use Plan amendment (LUP) and an Implementation Plan (IP) amendment. As discussed herein, the Land Use Plan amendment as originally submitted does not conform with, and is not adequate to carry out Chapter 3 of the Coastal Act. The Commission conditionally certified, with modifications, the LUP Amendment and hereby incorporates its findings on Coastal Act and LUP conformity into this CEQA finding as it is set forth in full. . The Commission has, therefore, modified the proposed Land Use Plan to include all feasible measures to ensure that such significant environmental impacts of new development are minimized to the maximum extent feasible consistent with requirements of the Coastal Act. These modifications represent the Commission's detailed analysis and thoughtful consideration of all public comments received, including with regard to potential direct and cumulative impacts of the proposed LUP amendments, as well as potential alternatives to the proposed amendment, including the no project alternative. As discussed in the preceding sections, the Commission's suggested modifications represent the most environmentally

protective alternative to bring the proposed amendment into conformity with the policies of the Coastal Act

Further, the Implementation Plan amendment as originally submitted does not conform with, and is not adequate to carry out, the policies of the conditionally certified LUP. The Commission has, therefore, modified the proposed Implementation Plan to include all feasible measures to ensure that such significant environmental impacts of new development are minimized to the maximum extent feasible consistent with the requirements of the Coastal Act. These modifications represent the Commission's detailed analysis and thoughtful consideration of all public comments received, including with regard to potential direct and cumulative impacts of the proposed IP amendments, as well as potential alternatives to the proposed amendment, including the no project alternative. As discussed in the preceding sections, the Commission's suggested modifications represent the most environmentally protective alternative to bring the proposed amendment into conformity with the conditionally certified LUP consistent with the requirements of the Coastal Act. As modified, the Implementation Plan code provisions and zoning maps carry out the policies and programs in the LUP by indicating which land uses are appropriate in each part of the Coastal Zone.

The IP also contains specific requirements that apply to development projects and detailed procedures for applicants to follow in order to obtain a coastal permit. Thus, future individual projects would require coastal development permits, issued by the County of Marin, and in the case of areas of original jurisdiction, by the Coastal Commission. Throughout the coastal zone, specific impacts to coastal resources resulting from individual development projects are assessed through the coastal development review process; thus, any individual project will be required to undergo environmental review under CEQA. Therefore, the Commission finds that there are no other feasible alternatives or mitigation measures under the meaning of CEQA which would further reduce the potential for significant adverse environmental impacts.

ATTACHMENT A
SUMMARY OF COUNTY ZONING DISTRICTS

The fourteen zoning districts, their intended purpose, and some of their proposed allowed land uses, are as follows:

- Coastal Agricultural and Resource-Related Districts: Section 22.62.060 states that the purpose of these three zoning districts is to protect agricultural land, continued agricultural uses and the agricultural economy by maintaining parcels large enough to sustain agricultural production, preventing conversion to non-agricultural uses, and prohibiting uses that are incompatible with long-term agricultural production, among others.
    - Coastal Agricultural Production Zone (C-APZ): The intent of this district is to preserve privately owned agricultural lands that are suitable for land-intensive or land-extensive agricultural production. Principally permitted uses include Agricultural production, Farmhouse, and Agricultural Worker Housing; permitted uses include Home occupations; conditional uses include Mineral resource extraction; and uses not allowed include Residential second units.
    - Coastal Agriculture, Residential Planned (C-ARP): This district provides flexibility in lot size and building locations to concentrate development to maintain the maximum amount of land for agricultural use, and to maintain the visual, natural resource and wildlife habitat values of subject properties and surrounding areas. Principally permitted uses include Agricultural production, Single-family dwellings, and Agricultural product sales facilities of under 500 square feet; permitted uses include Agricultural processing uses within structures of under 5,000 square feet; conditional uses include Schools; and Agricultural Intergenerational housing is not allowed.
    - Coastal Open Area (C-OA): This district provides for open space, outdoor recreation, and other open lands, including areas particularly suited for park and recreational purposes, access to beaches, natural drainage channels, and areas that serve as links between major recreation and open space reservations. Principally permitted uses include Agricultural accessory activities and structures; permitted uses include Agricultural production; conditional uses include Campgrounds; and uses not allowed include Waste disposal sites.
- Coastal Residential Districts: Section 22.62.070 describes the purpose of the six residential zoning districts, as follows:
    - Coastal Residential, Agricultural (C-RA): This district provides areas for residential use within the context of small-scale agricultural and agriculturally-related uses, subject to specific development standards. Principally permitted uses include Agricultural production and Single-family dwellings; permitted uses include Home occupations and Bed and Breakfasts of three or fewer guest rooms; conditional uses include the Sale of agricultural products grown on site; and uses not allowed include Multi-family dwellings.
    - Coastal Residential, Single-Family (C-R1): This district provides areas for detached single-family homes, similar and related compatible uses. Principally permitted uses include Single-family dwellings and Affordable housing; permitted

uses include Agricultural production; conditional uses include Libraries and Museums; and uses not allowed include Agricultural processing facilities.

  - Coastal Residential, Single-Family Planned (C-RSP): This district provides areas for detached single-family homes, similar and related compatible uses, which are designed in compliance with Marin County LCP policies, with maximum compatibility with sensitive site characteristics. Principally permitted uses include Single-family dwellings and Residential second units; permitted uses include Commercial gardening; conditional uses include Community Centers; and uses not allowed include Agricultural worker housing and Two-family dwellings.
  - Coastal Residential, Single-Family Planned Seadrift Subdivision (C-RSPS): This district is applied to areas within the Seadrift Subdivision intended for detached single-family homes, similar and related compatible uses, which are designed for maximum compatibility with sensitive site characteristics unique to the Seadrift sandpit and lagoon, Bolinas lagoon, and the beaches adjacent to the subdivision. Principally permitted uses include Single-family dwellings and Residential second units; permitted uses include Home occupations; and conditional uses include Public Parks and Playgrounds. Uses not allowed include Agricultural production and Multi-family dwellings.
  - Coastal Residential, Two-Family (C-R2): This district provides areas for attached two-family housing units, detached single-family homes consistent with Land Use Plan Policy C-CD-20, and similar and related compatible uses. Principally permitted uses include Two-family dwellings and Affordable housing; permitted uses include Home occupations; conditional uses include Commercial gardening and Plant nurseries; and uses not allowed includes Equestrian facilities.
  - Coastal Residential, Multiple Planned (C-RMP): This district provides for areas for varied types of residential development, and similar and related compatible uses, designed for maximum compatibility with sensitive site characteristics. Principally permitted uses include Single-family and Multi-family dwellings; permitted uses include Bed and Breakfasts of three or fewer guest rooms; conditional uses include Child day-care centers; and uses not allowed include Agricultural processing facilities.

- <u>Coastal Commercial and Mixed-Use Districts</u> Section 22.62.080 describes the purpose of the five commercial and mixed-use zoning districts, as follows:
  - Coastal Village Commercial/Residential (C-VCR): This district is intended to: maintain the established historical character of village commercial areas; promote village commercial self-sufficiency; foster opportunities for village commercial growth, including land uses that serve coastal visitors; maintain a balance between resident-serving and non-resident-serving commercial uses; protect established residential, commercial, and light industrial uses; and maintain community scale. Principally permitted uses include Single-family dwellings, Restaurants of 40 patrons or less, and General merchandise retail stores; permitted uses include Plant nurseries and Business support services; conditional uses include Bars and drinking places, Used auto sales, and Construction yards; and uses not allowed include Homeless shelters, Tobacco retail establishments, and Residential second units.
  - Coastal Limited Roadside Business (C-H1): This district is intended for rural

areas suitable for businesses that serve the motoring public. Principally permitted uses include Affordable housing and Restaurants serving 40 patrons or less; permitted uses include ATM machines; conditional uses include bed and breakfasts of up to five guest rooms; and uses not allowed include banks and financial services.

- Coastal Planned Commercial (C-CP): This district is intended to create and protect areas suitable for a full range of commercial and institutional uses. Principally permitted uses include restaurants of 40 patrons or less; permitted uses include mariculture/aquaculture; conditional uses include beverage production facilities; and uses are not allowed include golf courses/country clubs.
- Coastal Residential/Commercial Multiple Planned (C-RMPC): This district is intended to create and protect areas suitable for a mixture of residential and commercial uses. Principally permitted uses include grocery stores; permitted uses include business support services; conditional uses include bars and drinking places; and uses not allowed include tobacco retail establishments.
- Coastal Resort and Commercial Recreation (C-RCR): The C-RCR zoning district is intended to create and protect areas for resort facilities, with emphasis on public access to recreational areas within and adjacent to developed areas. Principally permitted uses include hotels and motels; permitted uses include telecommunications facilities; conditional uses include transit stations; and uses not allowed include offices.

ATTACHMENT B
SUMMARY OF LOCAL HEARING PROCESS

In October 2008 the Board of Supervisors approved a work program and schedule to prepare amendments to the Marin County LCP. The update process included extensive input from the public. There were over 50 meetings and hearings open to the public regarding the LCPA. Comments and participation were sought from County residents, California Native American Indian tribes, public agencies, public utility companies, and various local community groups and organizations. The LCPA was referred to the California Coastal Commission, National Park Service, California State Department of Fish and Game, public water agencies, the Federated Indians of Graton Rancheria, and a number of other public agencies.

Beginning on March 16, 2009, the Marin County Planning Commission conducted the first of a series of 19 public issue workshops to obtain the public's input on issues of concern in the development of the LCPA. Input was obtained through public meetings on April 27, May 26, June 22, July 13, July 27, August 24, September 28, October 26, and November 23, 2009, and January 25, February 8, March 8, April 12, April 26, June 14, June 28 and July 29, 2010 and through correspondence and consultations through that period. Written correspondence was placed on the LCPA website and made available to all.

A preliminary Public Review Draft of the LCPA was released on June 2011, which was followed by four community workshops that were held on July 12, 18, 20 and 25 to present the Public Review Draft to the public. In conjunction with the release of the Public Review Draft for the LCPA Amendment, the Board of Supervisors and Planning Commission met on June 28, 2011, and adopted a schedule for public hearings to obtain public comment on the LCPA.

Beginning on August 31, 2011, a series of public hearings were held by the Planning Commission to receive testimony on the LCPA and to provide the public and affected agencies and districts with the maximum opportunity to participate in the LCP Amendment process, consistent with California Code of Regulations Sec. 13515 and Public Resources Code Sec. 30503. Public hearings were held on September 19, October 10 and 24, November 7, and December 1, 2011, and January 9 and 23, 2012. Oral and written comments were presented and considered at the hearings.

Following the close of the November 7, 2011, public hearing, the Commission directed that the June 2011 Public Review Draft be revised to reflect the initial recommendations of the Commission at that time. These revisions were presented in the January 2012 Public Review Draft, which was made available for the January 9 and 23, 2012 public hearings. At the close of the January 23, 2012 public hearing, the Planning Commission directed staff to compile all the changes made by the Commission in a new, complete document entitled the "Planning Commission Recommended Draft."

Prior to the February 13, 2012 hearing, the Commission was provided with the complete contents of the Local Coastal Program consisting of the following documents: (1) Marin County Planning Commission Recommended Local Coastal Program Draft LUP Amendments (February, 2012); and (2) Marin County Planning Commission - Recommended Proposed Development Code

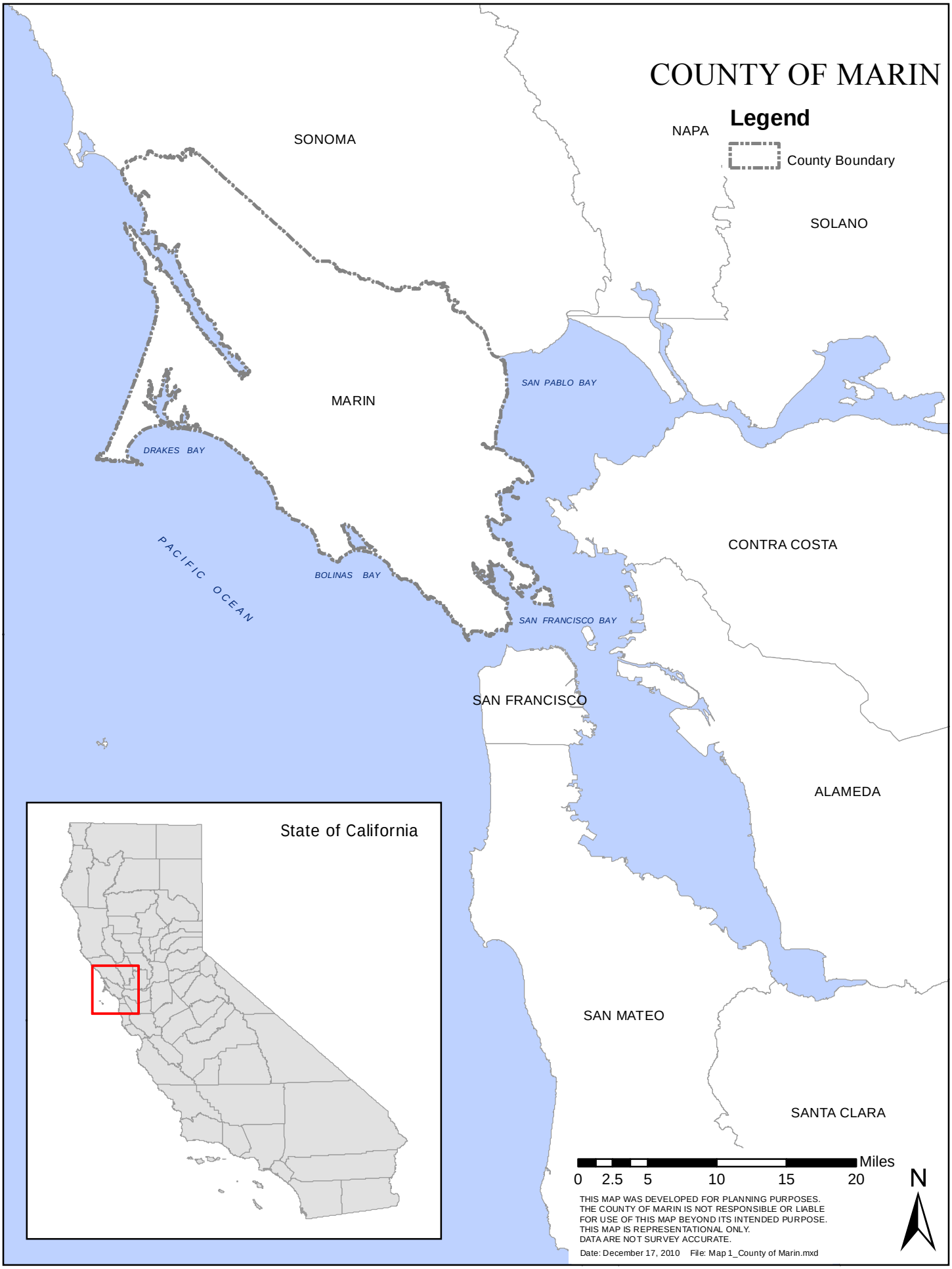
Amendments (February 2012). Land Use and Zoning Maps; and Appendices had been previously distributed in June 2012. Both Planning Commission Recommended Amendment documents were also mailed to interested parties who had requested them. All documents were additionally made available to the public on the LCPA website at www.MarinLCP.org.

On February 13, 2012 the Marin County Planning Commission approved the LCPA and directed staff to incorporate all changes into the Planning Commission Approved Draft, Recommended to the Board of Supervisors, dated February 13, 2012. This draft document was mailed to interested parties, posted in all Marin County libraries, posted on the MarinLCP.org website, and available to the public at the Marin County Community Development Agency front reception desk.

Beginning on October 2, 2012, a series of public hearings were held by the Board of Supervisors to receive testimony on the LCPA and to provide the public and affected agencies and districts with the maximum opportunity to participate in the update to the LCPA, consistent with California Code of Regulations Sec. 13515 and Public Resources Code Sec. 30503. Public hearings were held on November 13 and December 11, 2012, and January 14, February 26, April 16, and July 30, 2013. Oral and written comments were presented and considered at the hearings.

On May 15, 2014, the Coastal Commission unanimously approved, subject to suggested modifications, the County's updated LUP. On April 16, 2015, the Commission conducted a public hearing to consider the County's updated IP. Commission staff recommended approval of the updated IP, subject to suggested modifications, in order for the IP to conform with and adequately carry out the Commission's conditionally approved updated LUP. However, citing the need for additional time to consider the proposed IP modifications, the County withdrew the submitted IP prior to the Commission taking a vote on the submittal. Ultimately, the County chose to resubmit a modified LCP update proposal for Commission consideration.

On August 25, 2015 and April 19, 2016, the Marin County Board of Supervisors held two additional public hearings to receive testimony on the LCPA, concluding with approval of the modified, updated LCP in 2016 and subsequent submittal to the Commission for consideration.


COUNTY OF MARIN
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DRAKES BAY
PACIFIC OCEAN
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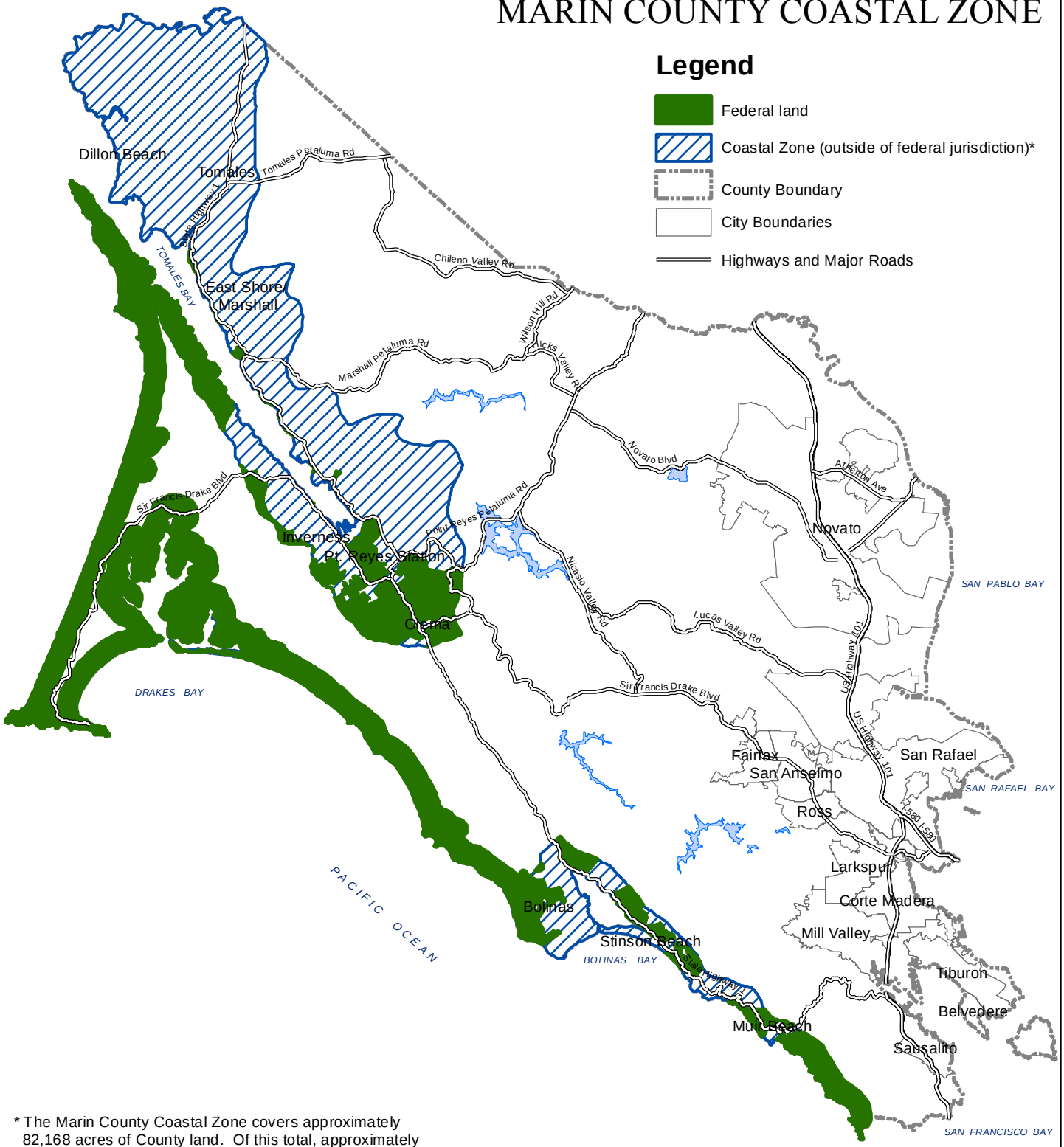
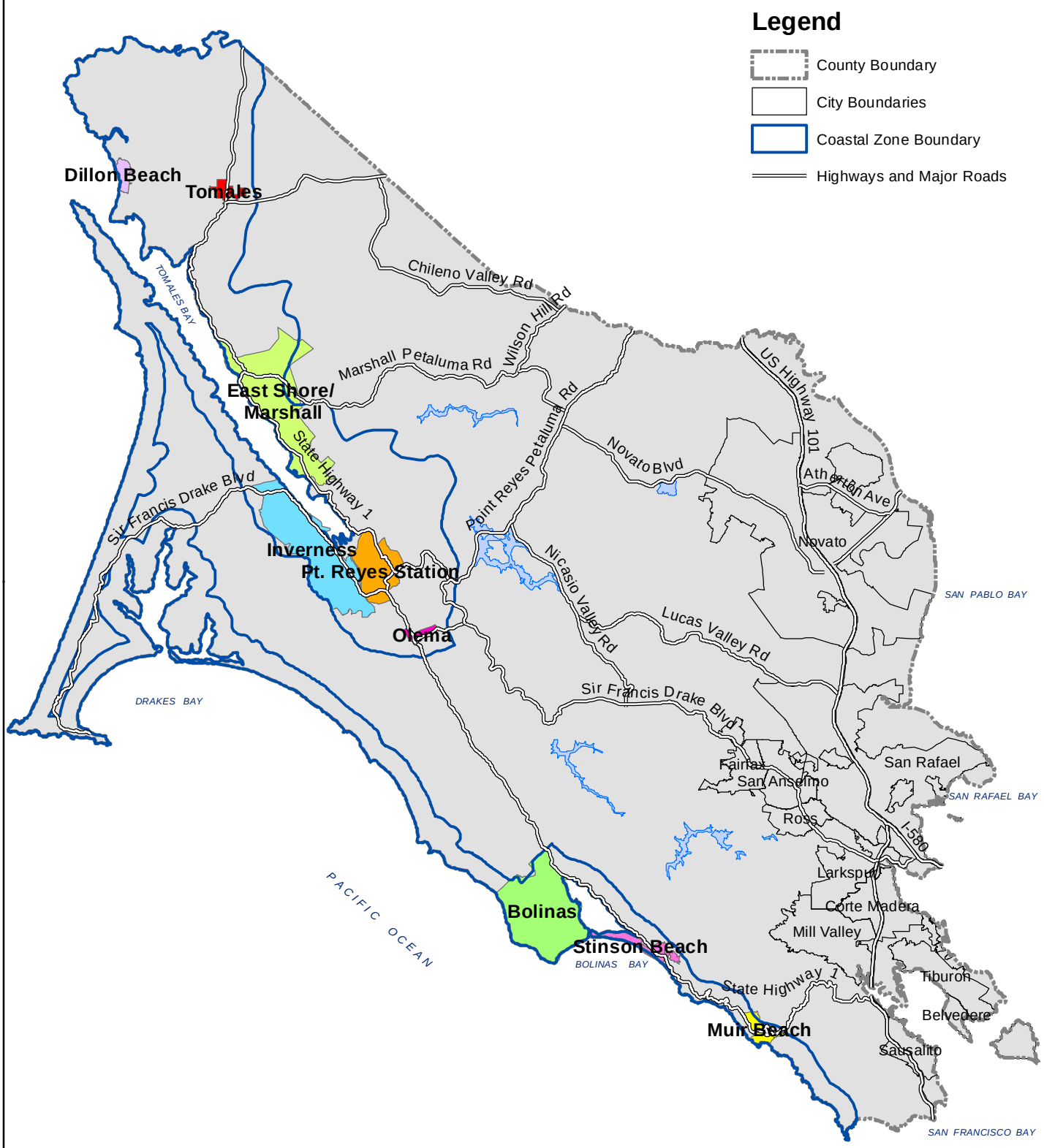
MARIN COUNTY COASTAL ZONE



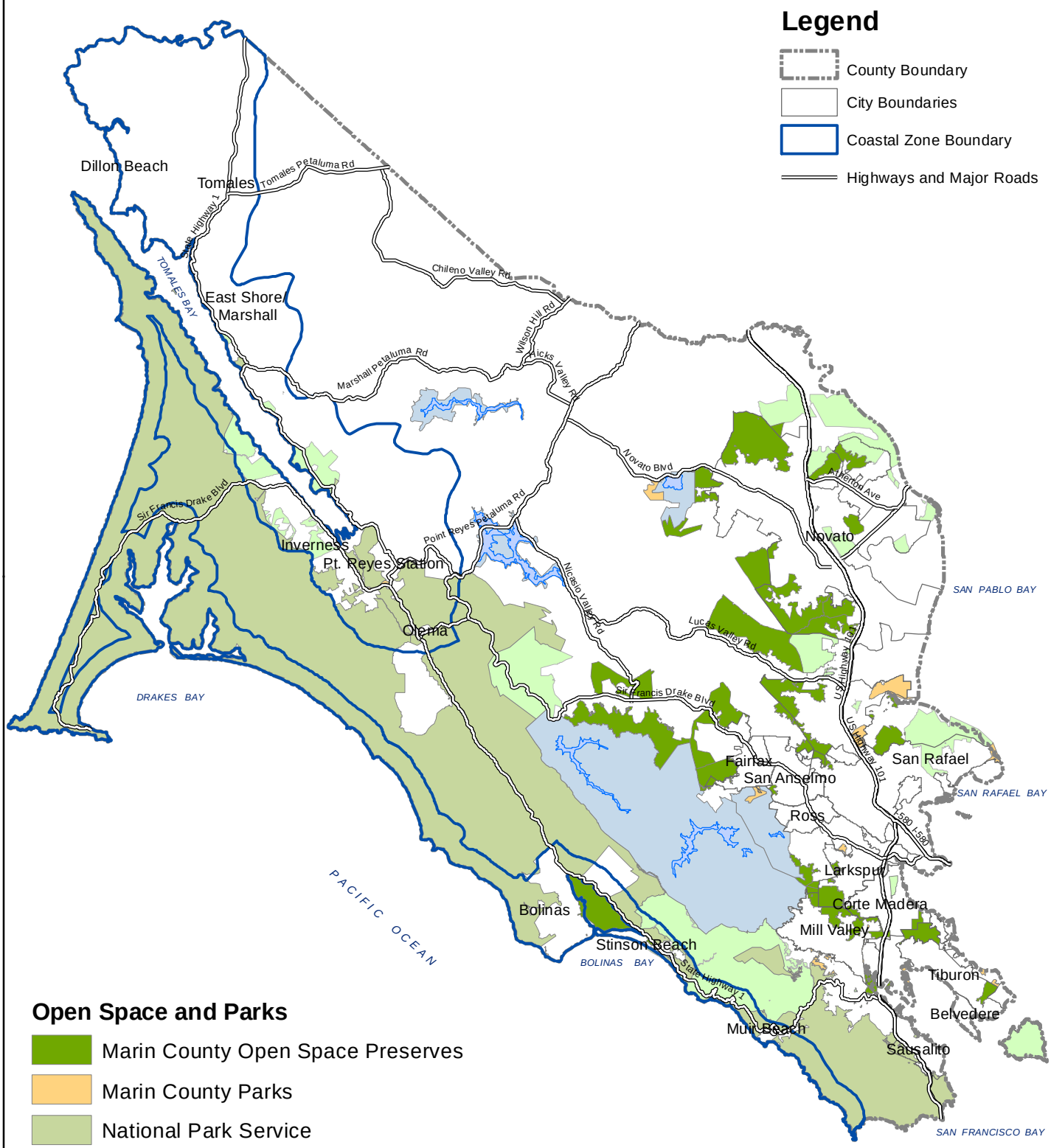
* The Marin County Coastal Zone covers approximately 82,168 acres of County land. Of this total, approximately 33,913 acres are owned and managed by the federal government (National Park Service). This leaves 48,255 acres of the Coastal Zone under County jurisdiction.

COMMUNITY AREAS



SOURCE: Marin County Community Development Agency

OPEN SPACE AND PARKS



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

Click here for Addendum #1

Click here for original staff report

Prepared May 14, 2014 (for May 15, 2014 hearing)

Th12a

To: Coastal Commissioners and Interested Persons

From: Madeline Cavalieri, District Manager
Kevin Kahn, District Supervisor, LCP Planning

Subject: STAFF REPORT ADDENDUM NUMBER 2 for Th12a
Marin County Local Coastal Program Amendment Number LCP-2-MAR-13-0224-1 Part A (Marin Land Use Plan Update)

Staff previously distributed an addendum to the staff report covering issues associated with agricultural protection, viewshed protection, village commercial protection, and a range of other topics (e.g., LUP background text, community plans, etc.). That addendum modified the staff recommendation in a number of ways, exclusively to make it more protective of coastal resources. This addendum, addendum number 2, is focused entirely on issues related to coastal hazards. Specifically, several questions have arisen regarding coastal hazards and staff's suggested modifications to the proposed LUP Environmental Hazards chapter. These questions regard the proposed definition of redevelopment and the way in which shoreline development would be treated under the LUP as suggested to be modified.

1. Redevelopment

With respect to the definition of redevelopment, questions have been raised about the manner in which cumulative development is tallied towards the 50% redevelopment threshold, and about the nature of the differences between the proposed suggested modification redevelopment definition and the redevelopment definition used by the Commission in other cases (e.g., Solana Beach, as referenced in the staff report). With respect to the former, the staff report describes the concept of cumulative additions being additive (i.e., an initial 30% addition would not be considered redevelopment, but a subsequent 30% addition would result in a cumulative 60% increase in floor area, and would thus constitute redevelopment; see staff report page 60). What the staff report doesn't explicitly do is specify the way in which other cumulative accounting is meant to work for major structural components. Thus, the following is added to the end of the second paragraph on page 60:

> *In terms of major structural components, these too are meant to be understood on a cumulative basis within each component (i.e., they are not additive between different components). For example, if an applicant proposed to modify 25% of the exterior walls and 30% of the roof structure, even though together these add up to more than 50%, this would not be considered redevelopment because it relates to two different major structural components. However, if the applicant were to come back for a subsequent CDP to modify an additional 25% of the exterior walls or an additional 20% of the roof structure, the project would be considered redevelopment because it would result in a cumulative*

alteration to 50% for both of these two major structural component, either of which is sufficient to trigger "redevelopment" and the need for the entire structure to be made consistent with all LCP policies, including with respect to setbacks and armoring.

With respect to the difference between the suggested redevelopment definition in this case and the definition approved by the Commission in the Solana Beach LUP case, the differences are mostly subtle, but are substantive in terms of the cumulative accounting issue discussed above. The suggested definition left open the possibility of 'cross-major structural component' cumulative accounting, which is not what was done in Solana Beach, and not what staff intended here. To be clear on this point, the suggested modification that adds the definition of redevelopment to a portion of LUP Policy C-EH-5 (see page 41 of Exhibit 6 of the staff report) is replaced in its entirety with the following definition that tracks the same requirements as the definition that was approved by the Commission in the Solana Beach LUP case:

Coastal redevelopment must be found consistent with all applicable LCP policies. Coastal redevelopment is development that is located on top of bluffs or at or near the ocean-sand interface and/or at very low lying elevations along the shoreline that consists of alterations including (1) additions to an existing structure, (2) exterior and/or interior renovations, and/or (3) demolition of an existing bluff home or other principal structure, or portions thereof, which results in:

(1) Alteration of 50% or more of major structural components including exterior walls, floor and roof structure, and foundation, or a 50% increase in floor area. Alterations are not additive between individual major structural components; however, changes to individual major structural components are cumulative over time from the date of certification of the LUP.

(2) Demolition, renovation or replacement of less than 50% of a major structural component where the proposed alteration would result in cumulative alterations exceeding 50% or more of a major structural component, taking into consideration previous alterations approved on or after the date of certification of the LUP; or an alteration that constitutes less than 50% increase in floor area where the proposed alteration would result in a cumulative addition of greater than 50% of the floor area, taking into consideration previous additions approved on or after the date of certification of the LUP.

2. Shoreline Development

With respect to shoreline development, questions have been raised about the way in which the proposed suggested modifications to proposed LUP Policy C-EH-5 (see page 41 of Exhibit 6 of the staff report) would work when applied in a shoreline as opposed to a blufftop situation. The following is added to the staff report at the bottom of page 60 as a new subsection G (causing other subsections to be renumbered accordingly) as findings to address these issues:

G. Shoreline Development

Shoreline development is development at or near the ocean-sand interface and/or at very low lying elevations along the shoreline, generally seaward of bluffs (e.g., such as at Seadrift and Stinson Beach in Marin County), and/or directly at the water's edge (e.g., such as along the

east shore of Tomales Bay). Although there remain some existing developments in these shoreline areas that have not been built with deep caisson/pier foundations and elevated as a response to coastal hazards, including in light of FEMA requirements, many have, including as is evidenced by some of the development at Seadrift and Stinson Beach. The proposed LUP does not explicitly address shoreline development past stating that all development must avoid hazards and meet the 100-year minimum stability requirements. This is problematic as it is unclear how such development at the dynamic and critical shoreline interface is to be addressed.

In such cases, it is difficult to set these types of shoreline developments back a sufficient distance to ensure their stability and structural integrity for a minimum of 100 years, and to eliminate the need for shoreline protective devices, as would be the case for blufftop development. The difficulty with this framework is that shoreline properties typically do not have area within which to allow for traditional setbacks sufficient to address coastal hazard concerns. Instead of siting such development inland and away from the coastal hazards, including to provide adequate area for natural erosion processes to occur without armoring, the traditional setback has been replaced with a superstructure type of foundation designed to withstand hazards and to have structures (e.g., residences) above the hazardous areas. These superstructures are typically made up of deep caisson/pier foundations that can themselves constitute shoreline protective devices. Thus, a policy that required siting and design to avoid such hazards for a minimum of 100 years without shoreline protective devices would lead to a situation where a new development (e.g., a new house) or a project that met the redevelopment definition (discussed above) would need to be sited without the need for shoreline protective devices, when the only way to do so was via such superstructure, which would likely constitute a shoreline protective device, which would not be allowed. In other words, projects like this would be required to be denied absent a takings evaluation that required some form of approval.

The problems with this scenario are multifaceted. First, in recent years these shoreline areas in Marin have been developed with these types of elevated structures on superstructure foundations, many of which were approved by the Commission (e.g., in retained jurisdiction areas in Seadrift). Therefore, an existing pattern of such development has been established to a certain degree. Second, absent a vision for what the policies are meant to achieve with respect to shoreline development, it is unclear both what might be approved in a takings scenario, and whether it would achieve long-term LCP goals. For example, it is clear in a blufftop scenario that the intent is to avoid armoring and to allow for natural processes to continue, including so that beaches can move inland as shorelines and bluffs do. In a shoreline scenario, these developments are, at times, on or near the beach itself, and the analytic framework is a little less clear in this regard, including as beaches might migrate under superstructure foundations themselves in some cases. Third, the shoreline interface presents a somewhat different set of issues for which there has been limited Commission engagement on an LCP planning level elsewhere. Although there are areas up and down the state where the superstructure foundation/elevated residence is fairly common (e.g., south Santa Cruz County, etc.), LCP policies geared towards addressing this phenomenon are more tied into FEMA flood elevation requirements than more traditional coastal resource

protection frameworks. As a result, there is limited LCP experience from which to draw and apply to Marin.

Finally, and related to all of those, Marin County itself did not engage this topic in the five plus years of local deliberations on the proposed LUP. In addition, just as the Commission's approach to addressing coastal hazards has evolved over that time frame, so has Commission staff's recommendations to the County on this point as the LUP was pending. As a result, although staff provided the County with a clear general framework based on hazards and shoreline protective device avoidance, and on retaining natural shoreline processes as much as possible, it proved elusive to provide more precise potential LUP language to the County for consideration during that time frame, including because such language was constantly evolving. The language that was provided also did not, as a general rule, apply explicitly to the shoreline development phenomenon.

As detailed earlier, the County recently was awarded grant funds to evaluate such low lying areas and to develop appropriate policies for addressing coastal hazards issues, including in light of sea-level rise. Per the Commission's grant to the County, this effort is meant to culminate in an LCP amendment submittal to the Commission in early 2016.[1] *In other words, this upcoming assessment and LCP amendment project appears to be exactly the type of vehicle appropriate for identifying the issues and developing a response, including providing for a local public participation process that can help form the basis for objectives and a vision for this shoreline interface moving forward.*

In recognition of all of these factors, the Commission chooses to suggest a modification that would generally provide for shoreline development to be treated similarly to blufftop development, except that elevation may be considered as a strategy for shoreline redevelopment. In other words, in cases where there is insufficient space on a property to feasibly meet setback requirements, redevelopment would be allowed to meet the minimum 100-year stability and structural integrity requirements through both setbacks and the use of caisson/pier foundations and elevation (including if elevation of the structure is necessary to meet FEMA flood requirements). However, other new development (such as new development on vacant/undeveloped properties, and new additions) would be required to meet all hazards avoidance policies, including avoiding the use of shoreline protective devices to ensure stability and structural integrity for the minimum 100 year period. In this way, minor modifications to existing structures (such as repair, maintenance and minor alterations that don't result in an addition or meet the redevelopment definition) would be allowed consistent with meeting all other LCP consistency policies, but these more significant types of new development would also have to meet the LUP's hazards requirements. This is consistent with the Commission's general approach to such development on bluffs. The only difference here is that the Commission here recognizes the above factors and chooses to allow shoreline redevelopment to meet hazards requirements through setbacks and the use of caisson/pier foundations and elevation for a limited time, tied to the upcoming grant project (see below).

[1] The grant commits the County to submitting an LCP amendment by April 30, 2016.

Any elevation/caisson systems and supported structures would need to be fully evaluated for consistency with the other policies of the LCP, including in terms of protecting public access, shoreline dynamics, natural landforms, and public views, including as project impacts continue and/or change over time, including in response to sea-level rise. Such evaluations would necessarily need to focus not only on the elevated structure, but also on ingress/egress to structures and provision of services (e.g., water, wastewater, etc.), as all of these affect and are affected by changes in shoreline dynamics over time, including beach/shoreline inland migration, and can have their own coastal resource issues as a result. In short, the burden would be on each individual case to show why elevation/caisson systems and supported structures and any related development would be appropriate under the LCP, including in terms of fully mitigating any unavoidable coastal resource impacts over time. As with blufftop development, these parameters would explicitly state that no other type of shoreline protective device would be allowed, and approval for such development must be accompanied by conditions necessary to achieve compliance with the policies (e.g., appropriate provisions to ensure that all permitted development is relocated and/or removed before other types of shoreline protection are needed).

The intent would be to treat shoreline development like blufftop development except that elevation may be considered as a strategy for shoreline redevelopment as an interim strategy. For the longer term, the Commission recognizes that the upcoming grant-funded work is expressly meant to provide a means of addressing such issues more specifically. Such grant/LCP amendment analysis will need to identify what is likely to occur in the shoreline environment given sea-level rise and shoreline erosion, how the shoreline and beach and low-lying areas will change over time in this regard, what the implications are for shoreline development and development patterns, what the alternatives are for addressing identified coastal resource issues, what the County's vision is for these areas, and a proposed policy framework to implement the vision, including to replace the shoreline development portion of Policy C-EH-5 if appropriate. Thus, the modification includes a provision to only allow the use of caissons/piers and elevation for shoreline redevelopment until such time as the LCP is amended or until April 30, 2017 (i.e., a full year after the grant requires the LCP amendment to be submitted to the Commission to allow time for Commission processing). To address unforeseen issues, the sunsetting clause provides for the Executive Director to extend the sunset clause date for good cause. See page 41 of Exhibit 6 for the suggested modifications to Policy C-EH-5.

In tandem with the new shoreline development findings above that are being added to the staff report, the suggested modifications related to Policy C-EH-5 would change. Specifically, Policy C-EH-5 would be modified to provide more clarity on the differences and similarities between shoreline and blufftop development, as follows:

C-EH-5 New Shoreline and Blufftop Development.

A. Blufftop Development*. Ensure that new blufftop development, including coastal redevelopment (see below) and additions to existing structures, is safe from bluff retreat and other coastal hazards without a reliance on shoreline protective devices. ~~New structures e~~Except as provided for by Policies C-EH-7, C-EH-15, and C-EH-16,*

~~including accessory structures and infill development (i.e., new development between adjacent developed parcels),~~ new blufftop development shall be set back from the bluff edge a sufficient distance to ~~reasonably~~ ensure ~~their~~ its stability and structural integrity for a minimum of 100 years ~~the economic life of the development~~ and to eliminate the need for shoreline protective ~~works~~devices. Any approval for such development shall be accompanied by conditions necessary to achieve compliance with this policy (e.g., appropriate provisions to ensure that all permitted development is relocated and/or removed before shoreline protection is needed). A coastal hazards analysis shall evaluate the effect of geologic and other hazards at the site to ensure its stability and structural integrity for a minimum of 100 years. ~~Such assurance~~ The coastal hazards analysis shall ~~take the form of~~ include a quantitative slope stability analysis demonstrating a minimum factor of safety against sliding of 1.5 (static) or 1.2 (pseudostatic, k=0.15 or determined through analysis by the geotechnical engineer). ~~Such~~ Safety and stability must be demonstrated for the predicted position of the bluff following bluff recession ~~during the 100-year economic life~~ over at least 100 years ~~of the development~~. The predicted bluff ~~retreat~~ position shall be evaluated considering not only historical bluff retreat data, but also acceleration of bluff retreat due to continued and accelerated sea level rise, and other climate impacts according to best available science. The effect of any existing shoreline protective devices shall not be factored into the required stability analysis.

B. ***Shoreline Development****. New shoreline development (including new development on vacant/undeveloped lots, additions to existing structures, and coastal redevelopment (see below)) shall be set back a sufficient distance from the shoreline to ensure stability and structural integrity for a minimum of 100 years without the need for shoreline protective devices. For coastal redevelopment, if there is insufficient space on a property to feasibly meet the setback requirements, then such development may meet the minimum 100-year stability and structural integrity requirement through setting back as far as feasible in tandem with the use of caisson/pier foundations and elevation (including if elevation of the structure is necessary to meet Federal Emergency Management Agency (FEMA) flood requirements) but no other type of shoreline protective device is allowed. Any approval for new shoreline development shall be accompanied by conditions necessary to achieve compliance with this policy (e.g., appropriate provisions to ensure that all permitted development is relocated and/or removed before shoreline protection (other than caisson/pier foundations and elevation where allowed for redevelopment) is needed). A coastal hazards analysis shall evaluate the effect of geologic and other hazards to ensure stability and structural integrity for the minimum 100 year period, and such analysis shall not factor in the presence of any existing shoreline protective devices. The coastal hazards analysis shall also evaluate the effect of the project over time on coastal resources (including in terms of protecting public access, shoreline dynamics, natural landforms, and public views, including as project impacts continue and/or change over time, including in response to sea-level rise), including in terms of not only the impacts associated with the elevated structure, but also in terms of the effects of related development, such as required ingress/egress to structures and the provision of services (e.g., water, wastewater, etc.). The provisions of this subsection allowing the use of caisson/pier foundations and elevation for shoreline redevelopment in certain circumstances shall apply until April 30, 2017 or until this subsection is amended,*

whichever occurs first. If this subsection is not amended by April 30, 2017, then shoreline redevelopment will no longer be allowed to meet minimum 100-year stability and structural integrity requirements through the use of caisson/pier foundations and elevation. The April 30, 2017 deadline may be extended for good cause by the Executive Director of the Coastal Commission.

C. ***Coastal Redevelopment****. Coastal redevelopment must be found consistent with all applicable LCP policies. Coastal redevelopment is development that is located on top of bluffs or at or near the ocean-sand interface and/or at very low lying elevations along the shoreline that consists of alterations including (1) additions to an existing structure, (2) exterior and/or interior renovations, and/or (3) demolition of an existing bluff home or other principal structure, or portions thereof, which results in:*

(1) Alteration of 50% or more of major structural components including exterior walls, floor and roof structure, and foundation, or a 50% increase in floor area. Alterations are not additive between individual major structural components; however, changes to individual major structural components are cumulative over time from the date of certification of the LUP.

(2) Demolition, renovation or replacement of less than 50% of a major structural component where the proposed alteration would result in cumulative alterations exceeding 50% or more of a major structural component, taking into consideration previous alterations approved on or after the date of certification of the LUP; or an alteration that constitutes less than 50% increase in floor area where the proposed alteration would result in a cumulative addition of greater than 50% of the floor area, taking into consideration previous additions approved on or after the date of certification of the LUP.

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

Click here to go to original staff report

Prepared May 14, 2014 (for May 15, 2014 hearing)

Th12a

To: Coastal Commissioners and Interested Persons

From: Madeline Cavalieri, District Manager
Kevin Kahn, District Supervisor, LCP Planning

Subject: STAFF REPORT ADDENDUM for Th12a
Marin County Local Coastal Program Amendment Number LCP-2-MAR-13-0224-1 Part A (Marin Land Use Plan Update).

The purpose of this addendum is to both supplement the recommended findings with additional clarification and to modify the staff recommendation on particular policies. Specifically, this addendum provides added clarification in relation to the LUPA's agricultural protection policies, and makes modifications to the staff recommendation related to agriculture, visual resources and community character. It also makes certain changes to the proposed suggested modifications, as shown below (where applicable, text in double underline format indicates additional text that is being suggested, and text in ~~double strikethrough~~ format indicates additional text suggested for deletion. A separate addendum will be prepared and distributed regarding coastal hazards.

The findings below are hereby incorporated by reference into the relevant sections of the staff report dated May 2, 2014 and would appear as Commission findings rather than staff statements if adopted by the Commission.

1. Response to comments related to Agriculture. Insert the following "Response to Comments" Section as Section III.B.9 on page 73 of the Staff Report:

Development Potential
Public comments assert that the proposed LUP modifies the definition of a parcel from "all contiguous assessor's parcels owned by one individual or group" to a legal lot, and that this change in definition results in increased development potential on agricultural lands throughout the County's coastal zone because it means that the County will no longer have the ability to consider commonly held contiguous properties when evaluating development proposals. This assertion is not accurate for several reasons. First, although the terminology has been updated, the LCP's intended definition of a parcel remains the same. Second, the County's ability to review contiguous ownership in order to achieve the agricultural protection policies of the LCP has been strengthened through the LUPA, as modified, not weakened.

With regard to the parcel definition, the existing LCP defines a parcel as all contiguous assessor's parcels under common ownership, unless legally divided. This definition differentiates between an assessor's parcel and a legally divided lot, in part because it is not uncommon for landowners to request separate assessor's parcels for tax purposes, and separate assessor's

parcels can be provided without a land division occurring. Thus, a legal lot may consist of multiple assessor's parcels because an assessor's parcel does not in and of itself determine lot legality. Therefore, rather than rely on the contiguity of assessors parcels or other properties of unknown legal status, suggested modifications to C-AG-2 rely on a 'legal lot,' thereby improving the clarity of the existing LCP. Thus, the LUPA, as modified, provides the same standard unit of measurement at its core, the legal lot, and comments indicating that the LUPA is somehow increasing development potential by referring to legal lots as the unit of measurement are incorrect.

Also, as further clarified in additional suggested modifications to LUP Policy C-AG-5, the County retains and arguably strengthens its ability to consider all commonly held contiguous parcels, regardless of lot configuration. For example, under the existing LCP the requirement for a master plan can be waived at any time, at the discretion of the Planning Director, and in fact, according to County staff, the master plan requirement has never been utilized. In contrast to the unutilized master plan requirement, the LUPA includes clear and certain criteria that must be adhered to in order for development to be allowed. These criteria emanate from the prior master plan requirements, which have been refined to be more protective of coastal resources in the new as modified LUP. Moreover, the farmhouse must be owned by the farm owner or operator, and all development, including farmhouses, must protect and maintain renewed and continued agricultural production and viability on-site and on adjacent agricultural lands.

Regarding the combined total size limits applicable to every farm owner or operator, C-AG-5, as initially modified, limits each farm owner or operator to a combined total limit of 7,000 square feet. Additional modifications to C-AG-5 make explicit the requirement that this combined total limit applies to every farm owner or operator regardless of whether that farm owner or operator owns multiple legal lots. The combined total size limit thus serves to allow each farm owner or operator the ability to live on the land they are farming. However, the combined total size limit also serves to protect agricultural productivity by ensuring that, for example, a farmer owning five legal parcels does not build five different farmhouses. This is because each farm owner or operator is limited by the 7,000 square foot maximum, as well as the need to maintain agricultural land in agricultural production.

In short, the existing and proposed LUP are both based on a legal lot framework, despite assertions to the contrary, and thus there is no change in terms of this standard. Moreover, suggested modifications make it clear that all legal lots in common ownership are to be considered when agricultural dwelling units are proposed, guarding against the possibility that farmers could attempt to develop farmhouses on each legal lot under their ownership. Further, there is little indication that farmers might want to pursue such development schemes. In fact, the County indicates that there have only been six homes approved in the last fifteen years on C-APZ land under the LUP in Marin. Given that the allowance for one farmhouse per legal lot is not changing, and given that the standards for how such farmhouses can be sited and designed are being refined to better protect agricultural operations (including requirements to cluster, to limit aggregate size to 7,000 square feet or less for all dwelling units in the cluster, to require farm owner/operator ownership, to prohibit division of dwelling units, etc.), it is clear that with respect to the first farmhouse on a legal lot issue, the amended LUP is, if anything, more

restrictive with respect to allowing such farmhouses than is the existing LUP, and thus such development potential is, if anything, the same or reduced.

Thus, with the exception of intergenerational homes, discussed further below, the first farmhouse development potential of agricultural land in the County's coastal zone is similar, if not reduced, under the LUPA, as compared to under the existing LCP.

Use Permits
Unless categorically excluded, all new agricultural dwellings will require a discretionary coastal permit. No agricultural dwellings are either allowed by right or constitute an entitlement. The "allowed by right" concept is utilized by local governments to distinguish whether a use permit is or is not required. If a use is principally permitted, no use permit will be required and the proposed use will be assessed based on applicable CDP standards, such as maximum potentially allowable density requirements, buffer setback requirements, and clustering requirements. However, the fact that no use permit is required by no means results in a building entitlement. Other applicable development standards must still be met whether or not a use permit is required. For example, just because a farmhouse is a principally permitted use in an agricultural zone does not mean it can be built inconsistent with the CDP requirements limiting permissible uses in a wetland. Nor can the farmhouse ignore the minimum density requirements applicable to the agricultural production zone.

From a Coastal Act perspective, the fact that an agricultural use is a principally permitted use in an agricultural zone only means that the principally permitted agricultural use will not be appealable to the Commission based solely on the fact that it did or did not require a use permit. Not requiring a use permit for an agricultural use in an agricultural production zone is appropriate as long as there are sufficient protections in place to assure that the farmhouse indeed remains an agricultural use utilized by the farm owner or operator and does not result in a conversion of agricultural land to a residential use inconsistent with the limitations on conversion contained in sections 30241-30242 of the Coastal Act. Suggested modifications to C-AG-5 clarify these points. Furthermore, as currently certified and proposed, and as described in more detail below, any CDP issued by the Planning Director at the outset because no use permit was required is still internally appealable to the Planning Commission and the Board of Supervisors.

Intergenerational Homes
One of the primary goals for the County in terms of the LUP's agricultural protection policies is fostering multi-generational succession in family farming operations. This goal is specifically stated in Policy C-AG-1 and largely implemented in Policy C-AG-2 and C-AG-5, which allow for the concept of intergenerational housing. The intent of these dwelling units is to allow for the preservation of family farms by facilitating multi-generational operation and succession by allowing family members to both live and work on the farm. Thus, the proposed LUPA, as modified, allows for either one farmhouse up to 7,000 square feet in size, or a combination of one or two intergenerational homes in addition to the farmhouse, but within the aggregate 7,000 square foot size limit. Intergenerational homes must be also clustered together with the farmhouse. As such, farm owners or operators and their designees can choose to live in either one large farmhouse, or a group of smaller houses.

The County has found, based on their extensive work with the farming community and other agricultural stakeholders (including Marin County Farm Bureau and University of California Cooperative Extension), that intergenerational homes would provide a necessary avenue for family farming operations to continue. Throughout the LUP update process, the agricultural community expressed a need for greater flexibility with respect to farm housing, particularly since the majority of Marin's coastal agricultural operations are third and fourth generation family farms with the average age of the farm owner at nearly 60 years old. The need to allow a younger generation to take over the agricultural operation without either forcing them or their retired parents to live off the land is the overall intent of intergenerational homes. The currently certified LCP does not allow for more than one home per C-APZ parcel; thus, the property owner must divide his/her property into a separate lot in order to allow for the family member to live and work on the property. The County expects that allowing for intergenerational homes on the agricultural parcel will relieve the pressure to divide agricultural property, and therefore help keep the maximum amount of land in parcels large enough to support agricultural production.

Further, the proposed LUPA, as modified, provides numerous restrictions with clear and enforceable development parameters to limit the development footprint and coastal resource impacts of intergenerational homes. As proposed, the homes cannot be divided from the rest of the agricultural legal lot, and must maintain the C-APZ district's required 60 acre density, meaning that an intergenerational home would only be allowed when a lot is at least 120 acres, and a second intergenerational home is only allowed when the lot is at least 180 acres. The LUPA further requires a new restriction on the combined total size of homes allowed on C-APZ land: 7,000 square feet. The LUPA also proposes to retain the existing requirement that agricultural dwellings be placed, along with other permissible development, on a total of no more than 5% of the gross acreage, with the remaining 95% of land used for agricultural production or open space. As modified, C-AG-5 also requires that intergenerational homes only be occupied by persons authorized by the farm owner or operator and that they not be divided from the rest of the legal lot, which means that intergenerational homes remain tied to the farm owner or operator and cannot be sold to another party.

In the existing LCP, there is no limit on the size of a house in the C-APZ zone. The overall size limit required by C-AG-5, in conjunction with the ability to develop up to 3 homes within that size limit, support the continued operation of a farm or ranch and reduce the likelihood of a ranch being sold off to a buyer who may be more interested in using the property as an estate rather than maintaining ag operations. Thus, whereas a single home could be allowed at 8,000 square feet under the existing LUP, the amended LUP would limit the home to 7,000 square feet, and in fact would limit all of the homes to this aggregate limit. Another way of looking at the intergenerational homes in this context is that they are simply clustered homes that together might be as large as might be pursued for a single home under the current LUP.

Finally, the County analyzed the development potential of each agricultural parcel in the coastal zone, finding that of the 193 parcels not in public ownership, 40 are restricted by Marin Agricultural Land Trust (MALT) easements, and 123 are restricted by Williamson Act parcels. Assuming that MALT parcels would not be allowed additional development, and Williamson Act

parcels are only allowed one farmhouse per parcel, the County determined that the maximum potential number of intergenerational units that could be allowed in the coastal zone is 27. As modified, the LUPA would cap the total number of units at 27. Therefore, the total number of intergenerational units is strictly limited. This limit, together with the size limits and cluster requirement, ensures that intergenerational housing will not adversely impact agricultural resources, and that future changes, such as the loss of Williamson Act contracts, will not lead to a proliferation of intergenerational homes.

Principally Permitted Uses (PPUs)
Public comments assert that the proposed LUPA, as modified, would greatly increase the amount of development that could be principally permitted, and that such a change will impact the public's ability to participate in the coastal development permit process in the County. However, the proposed LUPA, as modified, actually narrows the amount of development that would be principally permitted, as compared to the existing LCP. Further, both the existing certified and proposed implementation plan allows all coastal development permits to be appealed to the County Planning Commission for a full public hearing, and therefore, the public has the ability to participate in the process for all coastal development permits, not just appealable coastal development permits.

Coastal Act Section 30603 authorizes appeals to the Commission of development approved by the County that is not designated as the principally permitted use (PPU) under the LCP. The Commission's past practice has been to encourage local governments that designate more than one PPU in the same zoning district (for example visitor serving, agriculture and residential) to confine their PPU to one type of use per zoning district or at least designate one type of use in each zoning district as the PPU for purposes of appeal to the Commission. Under the existing LCP, Marin has designated three different types of uses as principally permitted in the C-APZ district: single-family residences (a residential use); bed and breakfasts (a visitor-serving use); and agricultural uses. Although the LCP also requires a master plan approval prior to approving principally permitted uses, the master plan can be waived in any case that the Planning Director thinks is appropriate. In addition, the LCP expressly allows for waivers of the master plan requirement for single-family residential development. On the other hand, the LUPA only allows for one type of use – agriculture – as the principally permitted use on C-APZ lands, consistent with Section 30603. Specifically related to residential uses, single-family residences are currently principally permitted, but in the LUPA, only farmhouses owned by the farm owner or operator are principally permitted. In addition, the LUPA provides clear limits on development of agricultural dwelling units, while the existing LCP relies on the master plan requirement to ensure appropriate standards are met, but also allows the master plan requirement to be waived. As stated previously, according to the County, the master plan requirement has never been utilized, because it has always been waived.

Moreover, allowing both agricultural production and the facilities necessary to support agricultural production as forms of the principally permitted use of agriculture is appropriate in Marin County's agricultural production zone not only because sustainable agricultural operations are critical to the long-term viability of agriculture in Marin but also because development of agricultural uses does not involve a conversion of agricultural land to a non-

agricultural use. As such, these uses do not involve a conversion of agricultural land to a non-agricultural use that is regulated by Coastal Act Sections 30241 and 30242.

In addition, in order for a farmhouse owned by a farm owner or operator to be considered a PPU, the farmhouse is subject to limitations and development standards including a combined total square footage maximum per farmer or operator, a limitation on subdivision of the property containing the farmhouse, a minimum parcel size of 60 acres, and clustering requirements. As currently modified, C-AG-5 limits every farm owner or operator to a combined total of 7,000 square feet that may be used as an agricultural dwelling, whether in a single farmhouse or combination of smaller farm dwellings. While a farm owner or operator are by definition involved in agricultural use of the property, the proposed implementation plan that will come before the Commission expressly includes the requirement that the farm owner or operator be "actively and directly engaged" in agricultural use of the property. An additional suggested modification to C-AG-5 imports this proposed implementation standard directly into C-AG-5. By ensuring that the farm owner or operator is "actively and directly engaged" in agricultural use of the property, the proposed LUPA as modified further ensures that the farm owner is using the property for an agricultural use rather than converting the property to a non-agricultural residential use.

Finally, classifying employee housing as a form of the PPU of agriculture is consistent with other state laws that decree employee housing to be an agricultural use such as Health and Safety Code section 17021.6 which states that: "any employee housing consisting of no more than 36 beds in a group quarters or 12 units or spaces for use by a single family or household shall be deemed an agricultural land use designation" and "employee housing shall not be deemed a use that implies that the employee housing is an activity that differs in any other way from an agricultural use."

Categorical Exclusions

Several public comments indicate that agricultural activities should require CDP authorization. However, much agriculturally related development is categorically excluded from permit requirements unless it is located in sensitive geographic locations which are otherwise appealable. In Marin County, the Commission issued the County Categorical Exclusion Orders E-81-2 and E-81-6, which exclude from coastal permit requirements agriculturally-related development, including production activities, barns and other necessary buildings, fencing, storage tanks and water distribution lines, and water impoundment projects. These exclusions apply to parcels zoned C-APZ at the time of the exclusion orders' adoption if those parcels are located outside the statutorily proscribed exclusion areas as well as outside of the area between the sea and the first public road or half-mile inland, whichever is less. Also, such excludable development must still be found consistent with the zoning in effect at the time of the orders' adoption (meaning the existing certified LCP). As such, development must still meet the LUP's requirements that development be clustered on no more than five percent of the gross acreage; be outside of wetlands, streams, and their 100 foot buffers; not obstruct significant views as seen from public viewing places; and have adequate water supply, among other requirements. In addition, intergenerational homes cannot be excluded because they were not an allowed use on C-APZ lands when the Orders were adopted. Even with these caveats, much of the agricultural development within the coastal zone can be excluded per the Exclusion Orders.

2. Modify C-AG-2, C-AG-5 and C-AG-7 on Exhibit 6, as follows:
Amend Policy C-AG-2(4) on Page 16 of Exhibit 6 as follows:

> 4) One farmhouse or a combination of one farmhouse and one intergenerational home per legal lot, consistent with ~~the size limits of~~ C-AG-5, including combined total size limits ~~and C-AG-9~~;
>
> 5) Agricultural worker housing, providing accommodations consisting of no more than 36 beds in group living quarters per legal parcel or 12 units or spaces per legal lot ~~parcel~~ for agricultural workers and their households;
>
> …
>
> Conditional uses in the C-APZ zone include a second intergenerational home per legal lot, agricultural product sales and processing of products not grown on-site, for-profit educational tours, agricultural homestay facilities, agricultural worker housing above 12 units per legal lot, and additional agricultural uses and non-agricultural uses ~~including residential development potentially up to the zoning density,~~ consistent with Policies C-AG-5, 6, 7, 8 and 9.

Amend Policy C-AG-5 on Page 18 of Exhibit 6 as follows:

> **C-AG-5 Agricultural Dwelling Units (Farmhouses, Intergenerational Housing, and Agricultural Worker Housing).** Support the preservation of family farms by facilitating multi-generational operation and succession. Agricultural dwelling units may be permitted on C-APZ lands subject to the policies below, as well as any applicable requirement in C-AG-6, 7, 8, and 9, and all other applicable requirements in the LCP. Agricultural dwelling units must be owned by a farmer or operator actively and directly engaged in agricultural use of the property. No more than a combined total of 7,000 sq ft may be used as an agricultural dwelling by the farm owner or operator, whether in a single farmhouse or in a combination of a farmhouse and intergenerational homes(s). Only a single farmhouse or a combination of a farmhouse and intergenerational home(s) with the combined total of 7,000 square feet may be allowed for each farm owner or operator actively and directly engaged in agriculture, regardless of the number of legal lots each farm owner or operator owns…~~Where a legal lot is less than 60 acres, t~~The reviewing authority shall consider all contiguous properties under the same ownership to achieve the requirements of the LCP….

Amend Policy C-AG-7(A)(4) on Page 19 of Exhibit 6:

> In order to retain the maximum amount of land in agricultural production or available for future agricultural ~~uses~~ production, ~~farmhouses, intergenerational homes, and agricultural homestay facilities~~ all infrastructure and structural development (e.g. agricultural accessory structures, other agricultural uses, and roads) shall be placed ~~in one or more groups along with any nonagricultural development on~~ within a clustered development area of a total of no more than five percent of the gross acreage, to the extent feasible,

with the remaining acreage retained in or available for agricultural production or open space.

All new structural development shall be clustered within existing developed areas, except when:

(a) placement outside such areas is necessary for agricultural operations (e.g. when a more remote barn is required in a different part of the property to allow for efficient agricultural operations); or

(b) when placement inside such areas would be inconsistent with applicable LCP standards (e.g. when such placement would be within a required stream setback area).

In the latter case, new development shall be placed as close as possible to the existing clustered development area in a way that also meet applicable LCP standards.

Development shall be located close to existing roads, and shall not require new road construction or improvements resulting in significant impacts on agriculture, natural topography, major vegetation, or significant natural visual qualities of the site. Development shall be sited to minimize impacts on coastal resources and adjacent agricultural operations and shall be designed and sited to avoid hazardous areas.

3. Add findings to the Agriculture Section "G. Other" on Page 35 of the staff report, as follows:

G. Other

Further, as modified, when reviewing a coastal permit application for development, the County retains the right to look at all contiguous properties under common ownership to determine impacts to coastal resources and consistency with LCP requirements. This provision is particularly important for agricultural operations, which often consist of multiple separate legal ~~parcels~~ lots owned by one or more owners but altogether constitute one unified farming operation. Thus, in order to meet LUP agricultural protection policies, including a finding that development is necessary for on-site production, it may be necessary to review all of the parcels that altogether constitute the farming operation, including by stating that on-site farming operations may include multiple separate legal parcels. Thus, a ~~suggested modification is included in Policy C-AG-2 to clarify the IP's requirement that the County (and Coastal Commission on appeal) may include all contiguous properties under the same ownership when reviewing a coastal permit application. A~~ suggested modification is ~~also~~ required in Policy C-AG-5 that states that~~, when reviewing applications for farmhouses where the legal lot is less than the required 60 acre density,~~ the reviewing authority shall consider all contiguous properties under the same ownership to achieve the requirements of the LCP. The intent behind this suggested modification is to require development proposals on substandard lots to consider whether such development can be accommodated on contiguous legal lots.

Further, Policy C-AG-7(A)(4), as modified, requires all infrastructure and structural development to be placed within a clustered development area of a total of no more than five percent of the gross acreage, to the extent feasible. The policy also requires all structural development to be clustered within existing developed areas, with two exceptions: when placement elsewhere is necessary for agricultural operations or when placement would create

an inconsistency with other LUP policies, such as for stream/wetland setbacks. However, the suggested modifications as written are contained in one paragraph and therefore group different requirements together. Instead, the policy needs to group different requirements into different paragraphs to make clear that, for example, all development (and not just development outside the developed cluster area) needs to be located close to existing roads and minimize impacts on coastal resources. This modification does not change the substantive language of the policy; it simply changes its grammatical structure to more clearly list the applicable development standards.

…

4. LUP Background Text

The staff report included a suggested modification to clarify that the background text at the beginning of each LUP chapter provides broad context for the issue area, including, for example, describing the existing conditions and general issues facing agriculture in coastal Marin, but that the background text in and of itself shall not be used for coastal permit decisions. In further discussion with County staff, they recommend a modification to the proposed language by removing the terms "by itself" to further clarify the County's original intent that only the numbered policies would be the standard of review for issuance of coastal permits. Commission staff concurs with the County's recommendation, since the terms "by itself" are not necessary, including because in all situations an enumerated policy would be the standard of review for determining whether a project is consistent with the LUP. Thus, the staff report dated prepared May 2, 2014 is modified as follows:

Amend the following text before "Affordable Housing" and just below "8. Other" on Page 72 of the staff report as follows:

> *The LUP begins with a chapter titled "Interpretation of the Land Use Plan", which describes how the LCP works in conjunction with other local, state, and federal laws. It also provides guidelines for how to interpret LUP policies, including clarifying that LCP policies take precedence and supersede any conflicting non-LCP policy in the coastal zone. However, the policy does not address how language within the LCP should be interpreted, including how background text at the beginning of each LUP chapter relates to the chapters' subsequent enumerated policy language. The County has stated that its intention is to have the background text be used for broad guidance, and that only the policies themselves would be used as legal standards of review. To eliminate potential confusion in how to interpret LCP provisions, a suggested modification is thus required in Policy C-INT-2 to clarify that the introductory background text in each chapter provides broad context for the issue areas, but shall not be used ~~by itself~~ as the legal standard of review for coastal permit decisions.*

Amend Policy C-INT-2 on Page 9 of Exhibit 6 as follows:

> C-INT-2 Precedence of LCP. In the coastal zone, T~~t~~he LCP supersedes and takes precedence over other local plans, policies and regulations, including any conflicting provisions of the Countywide Plan, Community Plans and relevant sections of the Marin

County Code. Provisions that are not addressed by the Coastal Act and the LCP (e.g., policies that address education, diversity, public health, etc.) that apply throughout the County, also apply within the Coastal Zone, but not in a coastal permit context. Broader policies which, for example, serve to concentrate development in close proximity to urban and employment centers may be more protective, overall, than specific wildlife habitat and other similar resource policies. The introductory background text in each chapter provides some broad context for each chapter, but shall not be used as the legal standard of review ~~by itself~~ for coastal permit decisions.

6. Protection of Visual Resources

Policy C-DES-2, as modified, requires development to be sited and designed to protect significant views, and defines significant views to include views both to and along the coast as seen from public viewing areas such as highways, roads, beaches, parks, coastal trails and accessways, vista points, and coastal streams and water used for recreational purposes. Since the staff report was published, staff has received correspondence from the public requesting that the policy's term "to and along the coast" be replaced with "to and along the ocean and scenic coastal areas", since the latter language is directly from Coastal Act Section 30251. Since the suggested language is directly from the Coastal Act, staff concurs and recommends that the staff report dated prepared May 2, 2014 be modified as follows:

Add the following text as the third paragraph after the words "…(see page 107 of Exhibit 6)." and before "Third, Policy C-DES-2 requires…" on Page 45 of the staff report as follows:

Furthermore, Policy C-DES-2 requires development to be sited and designed to protect significant views, and defines significant views to include views both to and along the coast as seen from public viewing areas such as highways, roads, beaches, parks, coastal trails and accessways, vista points, and coastal streams and water used for recreational purposes. While the policy's term "to and along the coast" is expansive, it does not exactly match Coastal Act Section 30251's language of "to and along the ocean and scenic coastal areas". As such, a suggested modification is required in Policy C-DES-2 to replace the term "to and along the coast" with "to and along the ocean and scenic coastal areas," thereby ensuring that Section 30251's precise language is listed in the LUP and ensuring that all scenic coastal areas, and not just those directly along the water, are protected.

Amend Policy C-DES-2 on Page 64 of Exhibit 6:

C-DES-2 Protection of Visual Resources. ~~Ensure appropriate~~ Development shall be sited~~ing~~ and designed ~~of structures~~ to protect significant views, including views both to and along the ocean and scenic coastal areas ~~coast~~ as seen from public viewing areas such as highways, roads, beaches, parks, coastal trails and accessways, vista points, and coastal streams and waters used for recreational purposes. The intent of this policy is the protection of significant public views rather than coastal views from private residential areas. Require development to be screened with appropriate landscaping provided that when mature, such landscaping shall not interfere with public views to and along the coast. The use of drought tolerant, native coastal plant species is encouraged. Continue to

keep road and driveway construction, grading, and utility extensions to a minimum, except that longer road and driveway extensions may be necessary in highly visible areas in order to avoid or minimize other impacts.

7. Residential Uses in Coastal Villages

Policy C-PK-3, as modified, only allows residential uses on the ground floor of a new or existing structure on the road-facing side of the property where a finding is made that the development maintains and/or enhances the established character of village commercial areas. This policy applies to all development zoned Coastal Village Commercial/Residential (C-VCR), which contains structures located along the primary commercial streets in the coastal zone's villages, but also along side streets that include residential development as well as commercial development, including single-family residences. In further discussions with County staff, the intent is to govern the commercial core of the villages, which does not necessarily include all areas designated C-VCR. Thus, it is appropriate to limit the required finding that ground-floor residential uses enhance the established character of village commercial areas to development within the village commercial core. In addition, the suggested modification added language allowing existing legally established residential uses in the C-VCR zone on the ground floor and road-facing side of the property to be maintained *where otherwise LCP consistent.* This last provision of "where otherwise LCP consistent" is redundant since the policy already only applies to "existing legally established residential uses." Therefore, the phrase "where otherwise LCP consistent" can be deleted. Thus, the staff report dated prepared May 2, 2014 is modified as follows:

Amend the following text on Page 52 of the staff report as follows:

> *The C-VCR zoning district implements key Coastal Act and LUPA objectives of providing visitor-serving commercial uses (Section 30222) in existing developed areas (Section 30250). … Thus, modifications are required that: 1) designate commercial uses as the sole principal permitted use and residential uses as permitted or conditional uses (to be consistent with Coastal Act Section 30603 that each zoning district contain one principal permitted use and to recognize that commercial uses are the primary uses sought for this zoning district); 2) directs new residential uses to either the upper floor of a mixed-use building or the lower floor if not located on the road-facing side of the street; and 3) requires a finding for any residential development <u>in the village commercial core area</u> on the ground floor of a new or existing structure on the road-facing side of the property that the development maintains and/or enhances the established character of village commercial areas...*

Policy C-PK-3 on page 123 of Exhibit 6:

> C-PK-3 Mixed Uses in the Coastal Village Commercial/Residential Zone. Continue to permit a mixture of residential and commercial uses in the C-VCR zoning district to maintain the established character of village commercial areas. Principal permitted use of the C-VCR zone shall include commercial ~~and residential~~ uses. ~~Require a Use Permit for r~~<u>R</u>esidential uses <u>shall be limited to: (a) the upper floors, and/or (b) the lower floors if not located on the road-facing side of the property. In the village commercial core area, ~~R~~residential uses on the ground floor of a new or existing structure of the road-facing side of the property shall only be allowed subject to a use permit where a finding</u>

can be made that the development maintains and/or enhances the established character of village commercial areas. Existing legally established residential uses in the C-VCR zone on the ground floor and road-facing side of the property can be maintained ~~where otherwise LCP consistent~~. ~~proposed on the ground floor of a new or existing structure on the road-facing side of the property. Replacement, maintenance and repair of any legal existing residential use shall be exempt from the above provision and shall be permitted.~~

8. Community Plans

Commission staff has received public comments addressing the status of the Muir Beach Community Plan. As discussed on Page 22 of the staff report, the only two community plans that have been certified by the Coastal Commission to be part of the LCP are the Bolinas Gridded Mesa Plan and the Dillon Beach Community Plan. While the Muir Beach Community Plan was never specifically certified by the Commission, in *Hyman v. California Coastal Commission,* the Marin County Superior Court held that the Muir Beach Community Plan was incorporated into the certified Unit 1 Land Use Plan. The County decided not to submit the Muir Beach Plan as part of its LUP, thus effectively proposing to remove it from the LUP to the extent the court case means it is currently a part of the existing LUP. In its place, the proposed LUP includes many of the Muir Beach Plan's applicable standards directly into the LUP, including Policy C-MB-1, which requires the maintenance of the small-scale character of Muir Beach. Therefore, to clarify the status of the Muir Beach Community Plan, the staff report dated prepared May 2, 2014 is modified as follows:

Add the following text after "…development within the zone would not be exposed to coastal hazards)." on Page 23 of the staff report as follows:

The Muir Beach Community Plan was never specifically certified by the Commission; however, the Marin County Superior Court in Hyman v. California Coastal Commission held that the Muir Beach Community Plan was incorporated into the certified Unit 1 Land Use Plan. The County has not submitted the Muir Beach Plan as part of its comprehensive LUP amendment, thus effectively proposing to remove it from the LUP to the extent the court case means it is currently a part of the existing LUP. In its place, the proposed LUP incorporates many of the Muir Beach Plan's applicable standards directly into the LUP, including Policy C-MB-1, which requires the maintenance of the small-scale character of Muir Beach. Other LUP policies, including those for building height and significant view protections, are also partly derived from the Muir Beach Community Plan.

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

Prepared May 2, 2014 (for May 15, 2014 hearing)

Th12a

To: Coastal Commissioners and Interested Persons

From: Madeline Cavalieri, District Manager
Kevin Kahn, District Supervisor, LCP Planning

Subject: **Marin County Local Coastal Program Amendment Number LCP-2-MAR-13-0224-1 Part A (Marin Land Use Plan Update).** Proposed major amendment to the certified Marin County Local Coastal Program's Land Use Plan to be presented for public hearing and Commission action at the California Coastal Commission's May 2014 meeting in Inverness. The amendment comprehensively updates the existing certified LCP's Land Use Plan.

DESCRIPTION OF SUBMITTAL

The County of Marin is proposing to comprehensively update its Local Coastal Program (LCP)'s Land Use Plan (LUP). The current LCP was originally certified, with the County assuming coastal development permitting (CDP) authority, in May of 1982. The proposed LUP is the result of nearly five years of public involvement, formal hearings, and extensive deliberation by the Marin County Planning Commission and Marin County Board of Supervisors. The Planning Commission conducted nineteen public workshops between 2009 and 2011, followed by nine public hearings to evaluate the proposed draft. Subsequent to Planning Commission approval in early 2012, the Board of Supervisors held seven additional public hearings, concluding with approval of the LCP in 2013. County staff has offered an open, inclusive, and collaborative dialogue with Commission staff, including early consultation on issues to be addressed in the update.

The County's extensive consultation and hearing process has informed the staff's recommendation, especially given that the County's record contains extensive public comments about the County's proposed revisions. The staff recommendation has also benefitted from public comment that was received from interested stakeholders and community groups over recent years on issues raised by the submittal, such as the public input provided during the Commission's Workshop on Agriculture a year ago. For example, the public provided significant input to the Commission and its staff during the Commission's Workshop on Agriculture including: (1) numerous requests by the farming community to maximize the use of the Coastal Act's procedural tools to exempt and streamline permit processing; (2) requests by interested persons to safeguard the public participation and appeal rights of the public in conjunction with that streamlining; and (3) requests by local governments to maximize their ability to tailor their LCP to their particular local government situation.

SUMMARY OF STAFF RECOMMENDATION

Marin County contains approximately 106 miles of coastline from the Sonoma County border in the north to Point Bonita near the Golden Gate Bridge in the south. The coastal zone totals roughly 130 square miles (82,168 acres) of the County's 520 square miles of total land area. Of this total, approximately 53 square miles (33,913 acres) are owned and managed by the federal government, mostly within either Point Reyes National Seashore or Golden Gate National Recreation Area. Approximately 75 square miles (48,255 acres) comprise the County's LCP jurisdiction. Nearly two-thirds of the County's LCP jurisdictional area (30,781 acres out of the total 48,255 acres) is zoned Coastal Agricultural Production Zone (C-APZ), the LCP's primary agricultural zoning classification, making agriculture, and its protection, a primary LUP concern.

Staff's recommendation for approval with modifications addresses LUP provisions related to the protection of agriculture, ESHA, and wetland areas; provision of public recreational access; protection of visual resources; adequacy of public services (including related to transportation, water, and wastewater capacities, particularly for Coastal Act priority land uses); and coastal hazards protection policies, including for both new development (by requiring hazards issues to be studied and addressed in the siting and design of new development) and existing development (e.g., defining what types of improvements to existing structures constitute new development and therefore require adherence to all applicable LCP policies). These modifications range from targeted revisions needed to ensure that the objectives of the Coastal Act are clearly articulated (e.g., the modifications to shoreline hazards protection as stated above), to minor changes, such as clarifying that certain development standards (for example, height and density) are maximums and not entitlements. The following contains an overview of the County's submittal and the suggested modifications required to achieve Coastal Act consistency.

Agriculture

Nearly two-thirds of the Marin County coastal zone is zoned Coastal Agricultural Production Zone (C-APZ), the LCP's primary agricultural zoning designation. Thus, the LUP's policies addressing agricultural protection, including allowable land uses on C-APZ land and the applicable resource protection standards that development must meet, are of paramount concern and importance in ensuring development within Marin's coastal zone is consistent with the Coastal Act.

The primary intent of the proposed LUP's agriculture policies is, as stated in Policy C-AG-1: to protect agricultural land, continued agricultural uses, family farming, and the agricultural economy. It seeks to do so by maintaining parcels large enough to sustain agricultural production, preventing conversion to non-agricultural uses, providing for diversity in agricultural development, facilitating multi-generational operation and succession, and prohibiting uses that are incompatible with long-term agricultural production or the rural character of the coastal zone. The protection of both agricultural production and the agricultural economy, including in relation to allowing uses that are incidental to and supportive of agricultural production, are clear objectives for the County's proposed agriculture policies.

One of the primary differences between the existing and proposed LUP is which uses are considered a principally permitted use (PPU) in the Agricultural Production Zone (C-APZ) and which are considered a conditional use in this zone. Currently, the certified LCP does not

designate any one principally permitted use in the C-APZ zone. Principally permitted uses in the C-APZ zone include agricultural uses (defined as uses of land to grow and/or produce agricultural commodities for commercial purposes), one single-family residential dwelling, and agricultural accessory structures (including barns, fences, stables, and utility facilities). In addition to agricultural and residential uses, the certified zoning code identifies a visitor serving B&B as another type of PPU in the C-APZ zone. In contrast, conditional uses include farm worker housing and facilities for the processing of agricultural products. Thus, several types of agricultural development are considered conditional in the agricultural production zone, and thereby appealable to the Coastal Commission, even where such development is clearly necessary to agricultural production. Conversely, some currently certified principally permitted uses in the C-APZ zone are not agricultural uses.

The proposed LUPA designates a single use, agriculture, as the PPU for the C-APZ zone. By confining the PPU in the C-APZ zone to one PPU, agriculture, the protection of both agricultural production and the agricultural economy is strengthened. The proposed LUPA would include several new types of agricultural development within the C-APZ's PPU designation of agriculture, but would confine the development types to agriculture. The types of agricultural development which is considered within the PPU designation of agriculture encompass activities essential to the viability of agricultural operations and thereby the long-term preservation of agriculture. In an area characterized by farms, such as Marin County, agricultural dwellings located on the property for farm workers, owners or operators are an essential part of the agricultural operation. For example, to adequately tend livestock or milk cows, the operator must be in close proximity to the agricultural operation. Visitor serving uses and residential uses unrelated to agricultural production would become conditional uses while some of the agricultural uses that are currently conditional would become principally permitted.

Another primary goal for the County is fostering multi-generational succession in family farming operations. Thus, the LUPA proposes a new type of agricultural land use within the umbrella of the C-APZ's PPU of agriculture: intergenerational homes. The intent of these homes is to allow for the preservation of family farms by facilitating multi-generational operation and succession by allowing family members to live on the farm. While the current LUP only allows one single-family residence per parcel, as proposed in Policy C-AG-5, one intergenerational home (in addition to a farmhouse) would be permitted for members of the farm operator's or owner's immediate family as a principally permitted agricultural use. A second intergenerational home may be permitted as a conditional agricultural use (thereby subject to appeal to the Commission). As proposed, the homes cannot be divided from the rest of the agricultural legal lot, and must maintain the C-APZ district's required 60 acre density, meaning that an intergenerational home would only be allowed when a parcel is at least 120 acres, and a second intergenerational home is only allowed when the parcel is at least 180 acres. The LUPA further requires a new restriction on the combined total size of homes allowed on C-APZ land: 7,000 square feet. The 7,000 square foot maximum is a cap on the aggregate size of all homes allowed, meaning that a farmhouse and intergenerational home would have to average 3,500 square feet or less in order to be consistent with the LUPA's home size limit. The LUPA also proposes to retain the requirement that agricultural dwellings be placed, along with other permissible development, on a total of no more than 5% of the gross acreage, with the remaining 95% of land used for agricultural production or open space.

Many aspects of the proposed LUPA's policies on agricultural protection are consistent with the Coastal Act and provide added resource protection as compared with the existing certified LUP. For example, even though the existing certified LUP contains strong standards that apply to all development pursuant to its master plan requirement, because of the master plan's ability to be waived at the Planning Director's discretion, such standards have, in practice, rarely been implemented. The proposed LUPA replaces the rather uncertain implementation of the master plan with definitive CDP standards that cannot be waived. This change inherently strengthens the LUPA because it provides for more objective and more consistently applied standards as compared with the current LUP.

Staff has suggested modifications to further strengthen the proposed LUPA consistent with the Coastal Act policies requiring the protection and maintenance of agricultural production and the agricultural economy. Proposed LUPA Policy C-AG-7(A) defines the PPU of agriculture to include not only land in agricultural production but also structural development needed to conduct those agricultural operations. However, as proposed, agricultural processing facilities would not be required to minimize their footprint on the rural landscape or be incidental to the primary function of the C-APZ: the growing of food and fiber. Thus, suggested modifications are necessary throughout Policy C-AG-7 to ensure that even though uses such as barns and processing facilities may be necessary for agricultural production and are considered agricultural, all development must protect and maintain land for agricultural production consistent with the requirements of Coastal Act sections 30240 and 30241.

Other modifications are required to further refine the development parameters that particular uses must meet in order to be found necessary for agricultural production. These modifications include requiring only the processing and sale of agricultural products grown on-site to be considered a type of development within the principally permitted use of agriculture, requiring an agricultural worker housing needs assessment for any application for worker housing greater than the 12 units authorized by state housing law, and classifying agricultural homestay facilities, which are similar to bed and breakfasts, as conditional agricultural uses since this type of use brings in supplemental income but is not necessary for agricultural production itself. In terms of dwellings allowed on C-APZ land (i.e. farmhouses, intergenerational homes, and agricultural worker housing), modifications are required to clarify that only one farmhouse and one intergenerational home subject to the 7,000 square foot aggregate size cap, and only agricultural worker housing subject to the LUPA's (and state housing law's) density standard of twelve units per parcel, are principally permitted agricultural land uses. The LUPA's requirement that occupants of intergenerational homes can only be family members and do not have to be actively or directly engaged in agricultural use is also suggested for removal, including because state and federal housing laws prohibit regulating housing based on familial status. Instead, the agricultural dwelling or dwellings, if owned by a farm owner or operator, may be occupied by any person authorized by that farm owner or operator, as long as the aggregate dwelling size of all agricultural dwellings is confined to no more than 7,000 square feet, the dwelling meets the 60 acre minimum density requirements and the agricultural dwelling is not divided from the rest of the legal lot. Thus, as modified, if the required 120 acre density is met (60 acres per unit), the owner/operator is thus allowed either one 7,000 square foot farmhouse, or one 3,500 square foot

farmhouse and one 3,500 square foot intergenerational home clustered together (the clustering requirement is proposed by the County). These limitations supplement an already certified limitation retained by the County in its proposed LUPA that development be clustered on no more than 5% of the gross acreage of the parcel, to the extent feasible.

Further, in order to account for any change in future conditions (including changes to Williamson Act laws, rezonings, subdivisions, etc.) such that the allowance for intergenerational homes does not overburden the coastal zone with additional intergenerational homes unforeseen under today's conditions, a suggested modification is required in Policy C-AG-5 to place a cap of no more than 27 intergenerational homes allowed throughout the coastal zone, which is the amount of such homes estimated by the County to be possible for all the County's C-APZ coastal zone lands. Once this threshold is reached, an LUP amendment authorizing additional units, and analyzing the impact such additional units would have on agricultural resources as protected by the Coastal Act, is required.

In its review of the proposed LUP amendment, Commission staff recognizes that the Commission issued the County Categorical Exclusion Orders E-81-2 and E-81-6, which exclude from coastal permit requirements agriculturally-related development, including production activities, barns and other necessary buildings, fencing, storage tanks and water distribution lines, and water impoundment projects. By statute, Categorical Exclusion Orders do not apply to tide and submerged lands, beaches, lots immediately adjacent to the inland extent of any beach, or lands and waters subject to the public trust. Further, the Exclusion Orders only apply to parcels zoned C-APZ at the time of the exclusion orders' adoption if those parcels are outside of the area between the sea and the first public road or a half-mile inland, whichever is less, and if such excludable development is consistent with the zoning in effect at the time of the orders' adoption (meaning the existing certified LCP). As such, development must still meet the LUPA's requirements that new development be clustered, be outside of wetlands and their buffers, and not be built on steep slopes above 35%. Even so, there is a significant amount of agricultural development within the coastal zone that is excluded from coastal development permit requirements pursuant to the Exclusion Orders adopted by the Commission in 1981-1982.

Where appropriate, the processing of agricultural development that has not been categorically excluded pursuant to a Commission-approved Exclusion Order (such as intergenerational homes because it was not an allowed use when the Orders were adopted) is also eligible for streamlining in the certified LCP. Several of these streamlining measures will be considered by the Commission when it reviews the procedures proposed by the County in its implementation plan amendment. These streamlined procedures include de minimis waivers of CDP requirements for non-appealable development (proposed IP Section 22.68.070) and public hearing waivers for appealable development (proposed IP Section 22.70.030(B)(5)). The ability of the County to use a de minimis waiver stems from Coastal Act Section 30624.7, while the ability of the County to use a waiver of a public hearing for appealable development stems from Coastal Act Section 30624.9.

The main streamlining tool available for the County in the context of its proposed LUPA is its ability to identify a use as the principally permitted use. For example, as discussed above, agriculture is the principally permitted use in the C-APZ zone. The permit processing of

principally permitted uses involves a more streamlined process than the permit processing conditionally permitted uses, because the latter also require action on use or other discretionary permits. If a County approves a type of development that is designated as the principally permitted use under the zoning ordinance, it will not be appealable to the Commission unless it is otherwise appealable pursuant to Coastal Act section 30603. Accordingly, even though development types which comprise the principally permitted use of agriculture are not appealable based on their use type, the appeal rights of the public are still protected if such development is appealable on a different basis, such as the development's geographic location.

Finally, as stated above, the proposed LUPA also streamlines the permit requirements for agricultural uses in the C-APZ district by maintaining the Coastal Permit requirement, but removing the need to obtain a Master Plan. The requirement to obtain a Coastal Permit and meet applicable development standards prior to approval accomplishes the function of a master plan without unnecessary and confusing duplication.

As modified, the LUPA's agricultural policies protect agricultural land, promote the agricultural economy, and foster family farming operations, all consistent with the County's objectives and the requirements of the Coastal Act.

Biological Resources and ESHA Protection

The Marin County coastal zone contains an extraordinary variety of habitat types and geologic features, including a broad range of estuarine and marine environments, tidal marshes, freshwater wetlands, streams, upland forests, chaparral, grasslands, dunes, and beaches. Because so much of the coastal zone is rural, the protection of these habitats, including through policies that specify allowable uses within them and clearly defined development standards, is critical.

The existing LUP defines the allowable uses within wetlands, streams, and other ESHA; requires buffers around them; and designates the allowable uses within the buffers. Specifically, the allowable uses within wetlands are those specifically allowed by Section 30233 of the Coastal Act, including commercial fishing facilities, incidental public service purposes, aquaculture, and resource-dependent uses. Allowable uses within streams are those specified by Coastal Act Section 30236, including necessary water supply projects, flood control projects, and fish and wildlife enhancement projects. No development is allowed within coastal dunes, and for "other ESHA," defined to include habitats of rare or endangered species and unique plant communities, only resource-dependent uses are allowed, consistent with Coastal Act Section 30240. In terms of buffers, the LUP requires 100 foot buffers around wetlands and streams, and the only allowed uses within the buffers are those that are allowed within the wetland/stream itself. For other ESHA, the LUP requires development to be set back a sufficient distance to minimize impacts on the habitat area.

The LUPA's proposed biological resources policies retain the existing LUP's requirements that limit the allowable uses within the particular resource type, including for wetlands, streams, and terrestrial ESHA, but also provide additional detail and clarity over the existing LUP in terms of biological resource protection standards. Foremost, the LUPA now requires development proposals within or adjacent to ESHA to prepare a biological site assessment prepared by a qualified biologist. The purpose of the assessment is to confirm the existence of ESHA,

document site constraints, and recommend precise buffer widths and siting/design techniques required to protect and maintain the biological productivity of the ESHA. Such a requirement is a new program in the LUPA and will help provide detailed site-specific development parameters so as to protect sensitive coastal resources. The LUPA retains the existing requirements for buffers around ESHA, 100 feet for wetlands and streams and a newly defined 50 feet for terrestrial ESHA, and also maintains that the uses allowed within buffers are only those that are allowed within the ESHA itself (except for terrestrial ESHA, wherein any use is allowed within the buffer so long as it does not significantly degrade the habitat). However, while the existing LUP allows for a reduction in buffer width only for streams, the proposed LUPA allows for a reduction in the required buffer to an absolute minimum of 50 feet for both wetlands and streams, and no absolute minimum for terrestrial ESHA. Any buffer reduction may only be allowed upon required findings of the biological site assessment and upon a project condition that there be a net environmental improvement (including elimination of non-native or invasive species) over existing conditions.

The LUPA policies have been reviewed and developed with recommendations from the Commission's Senior Ecologist, Dr. John Dixon, and generally reflect the Commission's best practices in terms of LCP requirements for resource protection. While a few suggested modifications are required to clarify terms and strengthen some standards (e.g. requiring an absolute minimum buffer of 25 feet around terrestrial ESHA), the LUPA as proposed and as modified provides a more encompassing definition of ESHA, requires detailed site-specific biological assessments to protect it, and the allowed land uses within such resources are fully consistent with those specified by the Coastal Act.

Coastal Hazards

As stated above, Marin County contains 106 miles of coastline, stretching from just outside the Golden Gate Bridge, north to Bolinas Bay and Drakes Bay, around the Point Reyes Peninsula, south along Tomales Bay, and north to the Sonoma County line at Estero Americano near Bodega Bay. Communities including Stinson Beach/Seadrift, parts of Bolinas, and Marshall are all low-lying communities near the shoreline, while parts of Bolinas and Muir Beach are set upon large coastal bluffs subject to wave and tidal action. Thus, the protection from coastal hazards of the homes and infrastructure, including Highway 1, within these communities, including flooding, sea level rise, tsunami, and bluff retreat, is a critical issue area of the LUPA.

The existing certified LUP requires all development within areas subject to geologic or other hazards to demonstrate that the area of construction is stable for development, that the development will not create a hazard or diminish the stability of the area, and that the development will not require the construction of protective devices. It defines "geologic or other hazards" as areas mapped as earthquake zones, areas subject to tsunami runup, landslides, liquefaction, beach and bluff erosion, over 35% slopes, and flood hazard areas. The LUP then contains specific requirements for blufftop development, including requiring new development to be setback a sufficient distance from the Bolinas and Muir Beach bluffs to ensure with reasonable certainty that development is not threatened from bluff retreat within its economic life expectancy, defined as 50 years. The existing LUP also requires all proposed development within 150 feet of a bluff or in mapped hazardous areas to produce a geotechnical investigation determining the bluff retreat rate and the appropriate siting and design necessary to ensure

protection against hazards. In terms of shoreline development and flooding, new development is to be sited and designed so that no protective shoreline structures, including seawalls, groins, and breakwaters, will be necessary to protect structures during a 50 year economic life. The existing LUP allows shoreline protective structures subject to seven requirements that must all be met, including that the device is required to serve a coastal-dependent use or to protect existing endangered development, no other non-structural alternative is practical or preferable, the condition causing the problem is site specific and not attributable to a general erosion trend, and public access is not reduced, among others. If each of these tests can be met and the protective device is therefore allowed, the LUP requires the device to meet five design standards, including that it be as visually unobtrusive as possible, respect natural landforms, and minimize the impairment and movement of sand supply.

The proposed LUPA generally maintains and strengthens the existing certified LUP's hazards policies by requiring new development to be safe from geologic or other hazards. These policies include Policies C-EH-1 and -2, which ensure that new development during its economic life (now increased and defined as 100 years) is safe from and does not contribute to geologic or other hazards and that the development within its economic lifetime will not require a shoreline protective device. All applications for new development within identified hazard areas must include specific geotechnical studies to determine the extent and type of hazards on a site, and the specific siting and design measures that must be implemented to ensure hazards are addressed. For blufftop development, Policy C-EH-5 requires new structures to be set back a sufficient distance from the bluff edge, as determined by a geotechnical engineer, to reasonably ensure stability for its economic life and eliminate the need for a protective device. Policy C-EH-3 requires any development within a mapped hazardous area to record a document that specifically prohibits shoreline protective device protection. Policy C-EH-13 generally maintains the required criteria for allowing shoreline protective devices, including that the device is to protect a coastal-dependent use, that sand supply impacts are mitigated, and also requires a finding that no other non-structural alternative (such as beach nourishment or managed retreat) is feasible. Policy C-EH-14 maintains the required design standards for otherwise allowable devices, including that such devices blend visually with the natural shoreline and respect natural landforms to the greatest degree possible.

The LUPA also contains new policies meant to address new coastal hazards concerns and/or to expand on existing policies. Policies C-EH-7 and C-EH-16 prohibit permanent structures on bluff faces, with the exception of public beach access facilities, while Policy C-EH-15 allows accessory structures, including patios and gazebos, to be built within required hazard setback areas so long as they are built in a manner such that they could be relocated should they become threatened. Policies C-EH-11 and -12 address FEMA flooding requirements, including by allowing the height of new development in the Seadrift Subdivision to be measured from the base flood elevation (BFE) as opposed to existing grade, and by allowing existing structures that are non-conforming with respect to required yard setbacks to be raised above FEMA's required BFE without a variance. Finally, Program C-EH-22.a directs the County to prepare a vulnerability assessment from the potential impacts of sea level rise in the coastal zone. The assessment will identify the areas, assets, and infrastructure of the County most at risk from sea level rise, along with recommended responses to identified threats, including potential amendment of LCP policies to address coastal resource protection. The Commission recently

provided a LCP assistance grant to the County to do vulnerability assessment and develop LCP amendments to address such issues.

While the LUPA as submitted represents a comprehensive update to the hazards policies as compared to the existing certified LUP, certain modifications are necessary to ensure compliance with the Coastal Act, including in terms of articulating when a geologic hazards assessment is required and in defining how such policies apply to existing development, particularly for coastal redevelopment. The LUPA only allows shoreline protective devices to protect principal structures, residences, or second residential units in existence prior to May 13, 1982, the date in which the LCP was originally certified and CDP issuing responsibility was transferred to the County. However, missing from the LUPA are policies that address the point at which an "existing" structure has been improved so much that it no longer can be classified as existing but instead constitutes a new structure (one that must meet all applicable LUPA policies, including those for hazards protection). For example, in recent LCPs, including for Solana Beach, the Commission has defined "redevelopment" as the point at which additions and expansions, or any demolition, renovation or replacement, result in alteration or reconstruction of 50 percent or more of an existing structure. The intent is to require structures that are, for example, completely torn down and rebuilt to conform with applicable existing LCP policies, including being setback a sufficient distance so as to not be in a hazardous location and not require protection from shoreline devices. Thus, suggested modifications are required to add a definition of coastal redevelopment.

Coastal Act Section 30235 only allows shoreline protective devices to protect existing development in danger from erosion. However, the proposed LUPA allows shoreline protective devices to be authorized for a specified time period, depending on the nature of the project and other possible changing conditions. Thus, the LUPA as proposed is not consistent with Section 30235 because it does not tie the armoring to the development it is authorized to protect. A suggested modification is required to state that a shoreline protective device is only authorized until the time that the structure being protected by the device is either no longer present, no longer requires armoring, or constitutes coastal redevelopment thereby triggering LCP policies that only allow for shoreline protective device protection for structures built before May 1982. The modification further requires a CDP application to remove the shoreline protective device.

Finally, while proposed Policy C-EH-13 includes requirements that applications for shoreline protective devices mitigate for effects on local shoreline sand supply, the policy is modified to state that mitigation is required for all associated coastal resource impacts, such as those related to public views and public access, and that such mitigation is required in 20 year increments, consistent with recent Commission practice in both LCPs (e.g., Solana Beach) and CDPs (e.g., Land's End, CDP 2-10-039).

Other suggested modifications in the LUPA's coastal hazards policies include requiring development that must be elevated to meet FEMA flood requirements to also meet applicable LUPA visual resources and community character policies, and ensuring that new development is sited and designed so as to avoid the need for fuel modification and brush clearance for fire safety. As modified, the LUPA provides new requirements for the protection of development against coastal hazards and is consistent with the Coastal Act.

In addition to the agricultural, biological, and hazards policies discussed above, the proposed LUPA also updates policies related to housing, transportation, public facilities and services, public recreation, public access, and others. Many of the proposed LUPA's policies are carried over from the existing LUP, some with slight modifications and others updated to reflect on-the-ground conditions today, including deleting policies with recommendations specific to individual communities and/or parcels since such recommendations have been implemented. The LUPA also contains new policies to address new coastal resource protection issues, including more detailed policies pertaining to the protection of water quality for new development, new protections for visually prominent ridgelines, and policies requiring provision of bicycle and pedestrian amenities in new development to help foster multi-modal access. In general, the policies within these LUPA chapters are consistent with the Coastal Act, and most of the suggested modifications are minor in nature and simply clarify terms and requirements. Thus, if modified as suggested in this report, the LUPA is in conformity with the Chapter 3 policies of the Coastal Act.

In conclusion, Marin County has prepared and submitted a significant update to the LUP, one that has been vetted thoroughly at the local level through dozens of public forums over the past five years. Commission staff have worked closely with County staff over the course of this time, including providing directive comments and input at critical junctures, and has continued to work closely even after the proposed LUP was submitted to the Commission for consideration. The end result of this close collaboration is a robust LUP as submitted and as suggested to be modified; one that should serve to very ably protect the significant coastal resources of the Marin County coastal zone for years to come.

If modified as suggested in this report, staff believes that the LUPA is in conformity with the Chapter 3 policies of the Coastal Act.

Staff recommends that the Commission hold a public hearing and approve the LUPA subject to modifications. This will require the Commission to **deny** the LUPA as submitted, and then **approve** the LUPA if modified to incorporate the suggested modifications. The motions to accomplish this are found on page 12 below.

Staff Note: The proposed LCP amendment was filed as complete on April 28, 2014. The proposed amendment affects the LUP and IP and the 90-day action deadline is July 27, 2014. Thus, unless the Commission extends the action deadline (it may be extended by up to one year), the Commission has until July 27, 2014 to take a final action on this LCP amendment. The County would have six months (i.e., until November 15, 2014) to accept the modifications or only the denials would stand. While the County's original submittal included updates to both the LUP and Implementation Plan (IP), the County and Commission staff recently agreed to process the two documents separately, including for clarity purposes so that the Commission-certified LUPA can readily be used as the standard against which the proposed IP amendment will be reviewed.

ADDITIONAL INFORMATION

For further information on the County's proposed LCP or this report, please contact Kevin Kahn, Central Coast District Supervisor for LCP Planning, at (831) 427-4863. Correspondence should be sent to the Central Coast District Office in Santa Cruz at 725 Front Street, Suite 300, Santa Cruz, CA 95060.

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EXHIBITS

Exhibit 1: Existing LUP Text
Exhibit 2: Proposed LUPA Appendices
Exhibit 3: Proposed LUPA Maps
Exhibit 4: Cross-through and Underline of Existing and Proposed LUPA Agriculture, Biological Resources, and Environmental Hazards chapters
Exhibit 5: County's Comparison of the Existing Versus Proposed LUPA
Exhibit 6: Proposed LUPA Text with Suggested Modifications in Cross-through and Underline
Exhibit 7: Correspondence
Exhibit 8: Location Maps

Additional correspondence since initial distribution of staff report

I. MOTIONS AND RESOLUTIONS

Staff is recommending that the Commission approve the LUPA if modified. The Commission needs to take two separate actions to effect this recommendation.

1. Denial of LUPA as Submitted

Staff recommends a **NO** vote on the following motion. Failure of this motion will result in denial of the LUP amendment as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

Motion:

I move that the Commission certify Land Use Plan Amendment LCP-2-MAR-13-0224-1 as submitted by the County of Marin. I recommend a no vote.

Resolution:

The Commission hereby denies certification of Land Use Plan Amendment LCP-2-MAR-13-0224-1 as submitted by the County of Marin and adopts the findings set forth below on the grounds that the amendment does not conform with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan amendment would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures which could substantially lessen any significant adverse impact which the Land Use Plan Amendment may have on the environment.

2. Approval of LUPA with Suggested Modifications

Staff recommends a **YES** vote on the following motion. Passage of the motion will result in the certification of the LUP amendment with suggested modifications and adoption of the following resolution and findings. The motion to certify with suggested modifications passes only upon an affirmative vote of the majority of the appointed Commissioners.

Motion:

I move that the Commission certify Land Use Plan Amendment LCP-2-MAR-13-0224-1 for the County of Marin if it is modified as suggested in this staff report. I recommend a yes vote.

Resolution:

The Commission hereby certifies Land Use Plan Amendment LCP-2-MAR-13-0224-1 for the County of Marin if modified as suggested and adopts the findings set forth below on the grounds that the Land Use Plan amendment with suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan amendment if modified as suggested complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives or mitigation

measures that would substantially lessen any significant adverse impacts which the Land Use Plan Amendment may have on the environment.

II. SUGGESTED MODIFICATIONS

The Commission suggests that the following changes to the submitted County of Marin Land Use Plan are necessary to make the requisite findings. If the County accepts the suggested modifications within six months of Commission action (i.e., by November 15, 2014), by formal resolution of the Board of Supervisors, the County's LUPA will become effective upon Commission concurrence with the Executive Director finding that this has been properly accomplished.

1. **Amend the policies of the LUPA's Agriculture chapter as shown on pages 15-23 of Exhibit 6.**
2. **Amend the policies of the LUPA's Biological Resources chapter as shown on pages 28-38 of Exhibit 6.**
3. **Amend the policies of the LUPA's Community Design chapter as shown on pages 64-66 of Exhibit 6.**
4. **Amend the policies of the LUPA's Community Development chapter as shown on pages 68-78 of Exhibit 6.**
5. **Amend the policies of the LUPA's Community Specific Policies chapter as shown on pages 80-91 of Exhibit 6.**
6. **Amend the policies of the LUPA's Historical and Archaeological Resources chapter as shown on pages 118-120 of Exhibit 6.**
7. **Amend the policies of the LUPA's Parks, Recreation and Visitor-Serving Uses chapter as shown on pages 122-130 of Exhibit 6.**
8. **Amend the policies of the LUPA's Public Coastal Access chapter as shown on pages 132-137 of Exhibit 6.**
9. **Amend the policies of the LUPA's Environmental Hazards chapter as shown on pages 40-48 of Exhibit 6.**
10. **Amend the policies of the LUPA's Public Facilities and Services chapter as shown on pages 102-107 of Exhibit 6.**
11. **Amend the policies of the LUPA's Transportation chapter as shown on pages 110-113 of Exhibit 6.**
12. **Amend the policies of the LUPA's Housing chapter as shown on pages 98-100 of Exhibit 6.**

13. **Amend the policies of the LUPA's Water Resources chapter as shown on pages 54-59 of Exhibit 6.**

14. **Amend the policies of the LUPA's Mariculture chapter as shown on pages 50-51 of Exhibit 6.**

15. **Amend the policies of the LUPA's Maps as shown in Exhibit 6.**

Please see Exhibit 6 for the suggested modifications to the County of Marin LUPA.

III. FINDINGS AND DECLARATIONS

A. Description of Proposed LCP Amendment

The County's submittal intends to update the Land Use Plan by refining existing certified policies and by including new ones to address current and future coastal resource protection issues. In terms of general structure, the County's LCP was originally certified in May 1982 and segmented the coastal zone in two units: Unit 1 and Unit 2. Unit 1 consists of the southern portion of the coastal zone, including the communities of Bolinas, Stinson Beach, and Muir Beach, while Unit 2 consists of the northern coastal zone from Olema to the Sonoma County border. This structure results in essentially two LUPs, with both units containing separate policies addressing Coastal Act requirements (i.e. the Unit 1 and Unit 2 LUPs both contain separate chapters containing policies for agricultural protection, biological resources, coastal hazards, etc.). However, since the corresponding policies in both units are nearly identical to each other, the LUPA submittal proposes to combine the two units' standards into one LUP that applies throughout the County's coastal zone area.

The LUPA contains three major sections: Natural Systems and Agriculture, Built Environment, and Socioeconomic. The Natural Systems and Agriculture section contains chapters for Agriculture; Biological Resources; Environmental Hazards; Mariculture; and Water Resources. The Built Environment section contains chapters for Community Design; Community Development; Community Specific Policies; Energy; Housing; Public Facilities and Services; and Transportation. Finally, the Socioeconomic section contains chapters for Historical and Archaeological Resources; Parks, Recreation and Visitor-Serving Uses; and Public Coastal Access. The Land Use Policy maps (Map Set 19a–19m) also form part of the Land Use Plan.

The proposed LUPA retains many of the standards contained in the existing certified LUP as is, updates existing standards to reflect current conditions, and adds new policies meant to address issues that were not addressed in the existing LUP. For example, the proposed LUPA maintains the existing certified LUP's prohibition on major energy and industrial development in the coastal zone because of its potential for adverse coastal resource impacts. This policy has been carried forward unmodified. Meanwhile, other certified standards have been retained but with alterations in language. For example, whereas the certified LUP requires all development to be safe from geologic or other hazards, and defines those hazards as including earthquakes, tsunami, landslides, and floods, the proposed LUPA specifically adds sea level rise to the list of hazards

from which new development must be deemed safe. Finally, to be consistent with today's planning standards and to respond to the needs particular to Marin, the LUPA proposes some new policies. These policies include a new type of allowed land use on agricultural lands, intergenerational homes, meant to allow family members of the farm operator or owner to live in a home on the farm (separate from and in addition to an allowed farmhouse), as well as new requirements for the preparation of a biological site assessment for any development proposal within or adjacent to ESHA that identifies the site-specific parameters that development must conform to in order to be found consistent with the LUPA's biological resources protection standards.

The LUP amendment is explained in more detail, below.

Agriculture

The proposed LUPA defines agriculture to include not only agricultural production (defined in the IP as the growing and/or producing of agricultural commodities) and agricultural accessory structures (defined as uninhabited structures to store farm animals, supplies, and/or products and including barns, fences, stables, etc.), but also those uses identified as appurtenant and necessary to the operation of agriculture, including one farmhouse, one intergenerational home for the farm operator's or owner's immediate family, agricultural worker housing, agricultural processing and sales of such products, educational tours, and agricultural homestays. Since the LCP defines these uses as agricultural, they are mostly proposed to be a type of development comprising the principally permitted use of agriculture within the LCP's primary agricultural zoning district: Coastal Agricultural Production Zone (C-APZ) (and therefore CDPs for such uses approved by the County would not be appealable to the Coastal Commission unless they were located within the geographic appeal areas specified in Coastal Act Section 30603).

Intergenerational homes are a newly proposed type of agricultural dwelling unit in the LUP. The intent of these homes is to allow for the preservation of family farms by facilitating multi-generational operation and succession. As proposed in Policy C-AG-5, one intergenerational home (in addition to a farmhouse) may be permitted for members of the farm operator's or owner's immediate family as a principally permitted agricultural use. A second intergenerational home may be permitted as a conditional agricultural use (thereby subject to appeal to the Commission). The homes cannot be divided from the rest of the agricultural legal lot, and must maintain the C-APZ district's required 60 acre density, meaning that an intergenerational home is only allowed when a parcel is at least 120 acres, and a second intergenerational home is only allowed when the parcel is at least 180 acres. As proposed, the intergenerational home can only be occupied by the immediate family of the farm owner or operator and the LUP specifically states that occupants are not required to be actively or directly engaged in the agricultural use of the land. Policy C-AG-9 contains additional standards for intergenerational homes and other residences including a 60-acre minimum density for each residence, and a 7,000 square foot cap on the total size of all residences. While the farmhouse and first intergenerational home are principally permitted, a second intergenerational home is classified as a conditional (and therefore appealable) use. Policy C-AG-9 also requires additional specific findings for nonagricultural development, including that such development shall not be allowed to diminish current or future agricultural use or convert the parcel to a residential use, and that any residence must ensure its mass and scale reflect site constraints, including meeting the LUP's ridge

protection and grading standards.

The LUPA contains standards for proposed development on C-APZ lands, including findings that all development must protect and maintain continued agricultural use and contribute to agricultural viability. In addition to the required standards and findings for agricultural development listed above, non-agricultural development would be required to make findings that such development is necessary because agricultural use of the property would no longer be feasible and that the proposed development will not conflict with the continuation or initiation of agricultural uses on the remainder of the subject property and on agricultural parcels within one mile of the parcel. Where non-agricultural development is otherwise permissible, including a land division, the LUPA proposes to retain the requirement that, consistent with state and federal laws, the remaining undeveloped part of the parcel be placed under an agricultural conservation easement.

Together, these policies are intended to protect and enhance the existing agricultural economy in the Marin coastal zone, and ensure its preservation into the future. As such, the LUPA generally proposes to meet coastal resource protection goals and protect agricultural production, within the framework established by the Coastal Act.

Habitat Resources

The existing LUP defines the allowable uses within wetlands, streams, and other ESHA; requires buffers around them; and designates the allowable uses with the buffer. Specifically, the allowable uses within wetlands are those allowed by Section 30233 of the Coastal Act, including commercial fishing facilities, incidental public service purposes, aquaculture, and resource-dependent uses. Allowable uses within streams are those specified by Coastal Act Section 30236, including necessary water supply projects, flood control projects, and fish and wildlife enhancement projects. No development is allowed within coastal dunes, and for "other ESHA," defined to include habitats of rare or endangered species and unique plant communities, only resource-dependent uses are allowed, consistent with Coastal Act Section 30240. In terms of buffers, the LUP requires 100 foot buffers around wetlands and streams, and the only allowed uses within the buffers are those that are allowed within the wetland/stream itself. For other ESHA, the LUP requires development to be set back a sufficient distance to minimize impacts on the habitat area, but does not specify a numeric buffer width or particular types of allowed uses. Buffers for wetlands cannot be reduced from the required 100 feet, but buffers for streams may be reduced if either the entire parcel is located within the buffer, or if a finding is made that development outside the buffer would be more impactful than within the buffer. No buffer reduction is allowed for other ESHA, but there is also no minimum required numeric width.

The proposed LUPA generally maintains the same standards from the existing LUP above, but also includes new requirements detailing specific biological resource protections. The proposed LUPA protects the County's significant natural habitats primarily through the designation and protection of ESHA. The LUPA defines three types of ESHA: wetlands, streams and riparian vegetation, and terrestrial. Terrestrial ESHA is defined as those habitats that support rare and endangered species: coastal dunes; roosting and nesting habitat; and riparian vegetation not associated with a perennial or intermittent stream. This definition for what constitutes terrestrial ESHA is an expansion of what is listed under the existing LUP, including because resources like

roosting and nesting habitats and coastal dunes will now specifically be identified as ESHA.

Allowable uses within the three types of ESHA mirror those allowed in the existing LUP and Coastal Act. For terrestrial ESHA: those uses that are resource dependent; within wetlands: commercial fishing facilities, incidental public service uses, mineral extraction, restoration, aquaculture, and agriculture if used for such agricultural purposes prior to April 1, 1981; and, within streams and riparian vegetation: necessary water supply projects, flood control projects, and fish and wildlife improvement projects. Furthermore, the LUPA requires buffers surrounding such ESHA, a minimum of 100 feet for streams and wetlands and 50 feet for terrestrial ESHA, and the only uses allowed within the buffer are those otherwise allowed within the ESHA itself (except that uses within terrestrial buffers are those that will not significantly degrade the habitat).

New LUPA policies include the requirement to prepare a site-specific biological assessment. As proposed, any development proposal within or adjacent to ESHA is required to prepare a biological site assessment that identifies the extent of ESHA, documents any site constraints and sensitive biological resources, recommends precise buffer widths to protect the habitat, and recommends appropriate restoration/mitigation (generally 2:1 for on-site mitigation, 3:1 off-site, or 4:1 in-lieu fee). The site assessment is also required for any project that seeks to reduce the width of the buffer. If supported by assessment findings that a reduced buffer will be compatible with and prevent significant degradation of the ESHA, buffers may be reduced to a minimum of 50 feet for wetlands and streams/riparian vegetation (there is no absolute minimum buffer for terrestrial ESHA). Any buffer reduction for wetlands and streams must provide a net environmental improvement over existing conditions, including increasing native vegetation cover, retrofitting existing features for improved stormwater quality, or eliminating on-site invasive species.

Visual Resources and Community Character

The existing LUP requires development to protect the scenic and visual qualities of the coastal zone, and contains specific policies that new development must meet. These policies include a general requirement that the height, scale, and design of new structures are to be compatible with the character of the surrounding natural or built environment, including by following the natural contours of the landscape so as to limit grading, and also ensuring that structures are sited so as to not obstruct significant views as seen from public viewing places. Views of the ocean are given extra protection by requiring that new development, to the maximum extent feasible, not impair or obstruct any such view. The LUP also limits building heights to 25 feet, and contains additional standards specific to particular villages or communities. These standards include specific parcel rezonings to provide for additional visitor-serving commercial uses within Olema, and requirements that structures in Paradise Ranch Estates in Inverness use dark earth-tones to ensure the least amount of visual intrusion into the landscape, among other detailed community-specific requirements.

The proposed LUPA also requires that all development ensure its use, height, scale, and design is compatible with the character of the surrounding natural or built environment. It implements this policy by maintaining some of the existing LUP's policies, including height restrictions of a maximum of 25' (which is generally two stories). The proposed LUPA also adds new policies or

refines existing ones, including a new policy that prohibits development on top of, within 300 feet horizontally, or 100 feet vertically (whichever is more restrictive) of visually prominent ridgelines. The LUP now specifically defines what a significant view is (including those views to and along the coast as seen from public viewing areas such as highways, roads, beaches, parks, coastal trails and accessways, vista points, and coastal streams and waters used for recreational purposes), and requires new development to be sited and designed to ensure protection of these views. The LUPA also retains policies specific to the coastal zone's nine villages (Muir Beach, Stinson Beach, Bolinas, Olema, Point Reyes Station, Inverness, East Shore/Marshall, Tomales, and Dillon Beach), including the protection of the tree canopy in Inverness, and promoting infill development of visitor-serving and commercial uses within Point Reyes Station. These policies have been updated to reflect on-the-ground conditions today, including by deleting some of the existing LUP's recommended rezonings since they have been implemented and therefore are no longer necessary in the LUPA. Village-specific policies are intended to work in tandem with the broader policies that apply throughout the entire coastal zone, such as for the protection of coastal views.

Public Access and Recreation

The existing LUP requires the protection and enhancement of public access opportunities to the coast, including through the provision of public recreational opportunities and visitor-serving facilities. The existing LUP's Public Access policies require public access in all development proposals located between the sea and the first public road, unless access would be inconsistent with the protection of public safety, fragile coastal resources, agricultural production, or privacy of existing homes. Coastal permit applications are to include evidence showing potential prescriptive rights on the subject property, and if historic use is determined to exist, the development can only be approved if equivalent access is provided. Parking and signage should be provided in areas with public access easements and trails. The LUP also provides guidance on the types of recommended development within local, state, and federal parks, including additional hiking trails, improved parking, and potentially a hostel within Mount Tamalpais State Park, for example. The LUP also requires the provision of visitor-serving commercial uses within coastal villages. The Coastal Village Commercial Residential (C-VCR) zoning district is a primary district within the coastal zone's villages that allows a broad range of local and visitor-serving uses, including shops and restaurants. Residential uses are also allowed, but Unit 1 Recreation and Visitor Serving Facilities Policy 14 only allows residential uses when they are incidental to the primary commercial use of the property. Further, the policy only allows exclusive residential uses on no more than 25% of the lots vacant as of April 1980.

The proposed LUPA policies also place a high priority on the development of visitor-serving and commercial recreational facilities, including a new requirement that lower-cost visitor serving uses be protected and maintained. It lists recommendations for future development within park and recreational lands, including Tomales Bay State Park and Mount Tamalpais State Park, requires protection of public parks for recreational access and opportunities, and lists recommendations for the siting and design of the California Coastal Trail (CCT). In terms of public access, the LUPA requires development between the sea and first public road to be examined for potential impacts on public access. Such impacts include potential overuse of existing public access caused from new development, creation of physical obstructions or perceived deterrence to public access, and creation of conflicts between private land uses and public access. A lateral and/or vertical accessway, including potential segments of the CCT, is

required for new development if an impact is found and there is a nexus between the impact and the public access provision. Other access policies include requirements for protection of existing coastal accessways, evaluation of the effects on access from changes or reductions in public parking, and placing appropriate signage identifying public coastal accessways.

Coastal Hazards

The existing certified LUP requires all development within areas subject to geologic or other hazards to demonstrate that the area of construction is stable for development, that the development will not create a hazard or diminish the stability of the area, and that the development will not require the construction of protective devices. It defines "geologic or other hazards" as areas mapped as earthquake zones, areas subject to tsunami runup, landslides, liquefaction, beach and bluff erosion, greater than 35% slopes, and flood hazard areas. The LUP then contains specific requirements for blufftop development, including requiring new development to be setback from the Bolinas and Muir Beach bluffs a sufficient distance to ensure with reasonable certainty that it is not threatened from bluff retreat within its economic life, defined as 50 years. The existing LUP requires all development within 150 feet of a bluff or in mapped hazardous areas to produce a geotechnical investigation determining the bluff retreat rate and the appropriate siting and design to ensure protection against hazards. In terms of shoreline development and flooding, new development is to be sited and designed so that no protective shoreline structures, including seawalls, groins, and breakwaters, will be necessary to protect the building during its 50 year economic life. The existing LUP allows shoreline protective structures subject to seven requirements that must all be met, including that the device is required to serve a coastal-dependent use or to protect existing endangered development, no other non-structural alternative is practical or preferable, the condition causing the problem is site specific and not attributable to a general erosion trend, and public access is not reduced, among others. If each of these tests can be met and the protective device is therefore allowed, the LUP requires the device to meet five design standards, including that it be as visually unobtrusive as possible, respect natural landforms, and minimize the impairment and movement of sand supply.

The proposed LUPA generally strengthens the existing LUP's hazards policies through the protection against coastal hazards and flooding by requiring development for its economic life (now increased and defined to be 100 years) to be set back a sufficient distance so as to be safe from geologic and other hazards and not require shoreline protective devices (including through recording a document prohibiting the development of such devices from protecting the subject property). The hazards setback is to be determined via an Environmental Hazards Report prepared by a qualified engineer that describes potential hazards (defined to include earthquake hazard zones; areas subject to tsunami runup, landslides, liquefaction, and beach/bluff erosion; slopes above 35%; unstable slopes; and flood hazards areas, including areas potentially inundated by accelerated sea level rise) and recommends specific siting, design, and construction techniques to make the following requisite findings: that the area is safe for development, the development will not create a hazard or diminish the stability of the area, and that the development will not require a shoreline protective device. The proposed LUPA also retains the existing LUP's required findings for what types of structures are allowed protection from shoreline protective devices (i.e. those listed in Coastal Act Section 30235: coastal-dependent uses, public beaches in danger from erosion, and existing endangered development, defined as that which has existed prior to the adoption of the LCP: 5/13/1982), as well as required design

standards, mitigation for sand supply and wildlife impacts, and a new standard that such devices shall only be authorized for specific time periods depending on the nature of the proposed project. Finally, all development located on a blufftop parcel or within mapped bluff hazard zones is required to submit a blufftop geotechnical report that identifies the required setback so as to be protected from erosion for 100 years, using the best available information including historic retreat rates and projected rates from sea level rise.

Transportation and Circulation

The existing LUP contains a few policies specific to roads and transportation in the Marin coastal zone. Highway 1 traverses the coastal zone and is its only major north-south transportation corridor, including for public recreational and visitor use. Foremost, the LUP currently requires Highway 1 to remain a scenic, two-lane roadway, and requires improvements to not, individually or cumulatively, detract from the rural scenic characteristics of the highway. Only repair and maintenance and improvements such as slope stabilization, drainage control, minor safety improvements, signage, and scenic vista turn-outs are allowed, and only when there will be no filling of streams or wetlands. Sir Francis Drake Boulevard, the primary east-west coastal zone road, is also required to be maintained as two-lanes. Alternative transportation modes, including public transit and bicycling, are encouraged.

The LUPA expands the existing LUP's two-lane road requirement to all roads in the coastal zone, while maintaining the requirement of preserving the scenic, rural, twisty characteristics of Highway 1. These characteristics will be preserved by ensuring that improvements are limited to slope stabilization, drainage control, minor safety improvements, and improvements for accommodating bicycle and pedestrian travel and turn-outs at vista points and for slow moving traffic. The LUPA adds a new policy for the County to work with Caltrans on studying and identifying the impacts of sea level rise on Highway 1, including analyzing the relocation and/or structural preservation of the highway in flood-prone areas. Finally, the LUPA requires more detailed requirements for the provision of adequate parking and bicycle facilities in new development, expansion of bike and pedestrian trails, provision of public transportation (including developing stable funding streams for transit operations), and requires a finding for all new development that adequate road capacity, parking, and other transportation services are available.

Public Services

The existing LUP requires a finding for all new development that adequate public services, including water supply, sewage disposal, and road capacity, are available to serve the proposed development. Lack of such services is grounds for denial of the project or for a reduction in the density otherwise potentially allowed. The existing LUP also contains detailed requirements for water, sewer, and road capacity, including that new development within a water system's boundaries can only use a private well if the water system is unable or unwilling to provide service or if the extension of physical distribution improvements necessary to serve the development is economically or physically infeasible. When wells are allowed, the LUP requires a CDP, with progressively tighter standards depending on how many parcels the well is to serve. Individual wells must demonstrate a sustained yield of 1.5 gallons per minute, while wells serving five or more parcels must provide detailed engineering studies demonstrating that groundwater basins, streams, aquifers, and other coastal resources will not be adversely affected. In terms of sewage capacity, the LUP requires all on-site septic systems to meet the performance

standards adopted by the Regional Water Quality Control Board. For other types of industrial development, the existing LUP, in Unit 2 New Development and Land Use Policy 7, prohibits the development of major energy and industrial facilities, both on- and off-shore. The policy states that the coastal zone's priceless unique natural resources and recreational opportunities of nationwide significance may be adversely impacted by the potential development of such facilities.

The proposed LUPA describes the County's public infrastructure and offers policies for its future improvements and maintenance. Foremost, the LUPA requires a finding for all new development (including land divisions) that adequate public services (water supply, sewage disposal, and transportation) are available to serve it. It also limits public service capacity expansions to the minimum necessary and requires it to neither induce growth not authorized by the LUPA nor expand greater than the capacities of other services (i.e., the capacity of drinking water cannot be expanded to serve additional development that cannot be handled by existing roads or sewage disposal). The proposed LUPA prohibits private drinking water wells if located within a public or private water system, unless the well is to serve agricultural/horticultural uses if allowed by the water system operator, if extension of water service infrastructure is economically or physically infeasible, or if the water system operator is unable or unwilling to provide service. However, no such well exception shall be granted because of a water shortage or drought. A CDP is required for all well development, with findings that there will be no impacts on coastal resources, with additional engineering studies required for wells serving 5 or more parcels. In terms of sewage disposal, the LUPA requires connection to a public sewer system if within a village limit boundary and 400 feet from the system. Private septic systems are allowed outside of these areas so long as the biological productivity of coastal streams, wetlands, and other waters is protected.

The LUPA maintains the existing LUP's prohibition on the development of major energy and industrial facilities due to their significant adverse impacts on coastal resources, and specifically states that desalination facilities are also prohibited for the same potential adverse coastal resource impacts.

Water Quality

In terms of water quality protection, the existing LUP includes rather broad policies requiring "sediment, erosion, runoff control, and revegetation measures" and "maximum groundwater recharge" (Unit I Grading Policy 26). The proposed LUPA includes more robust storm water and water quality protection provisions to mitigate both construction and post-construction water quality impacts, and targets specific types of development, defined as high-impact projects, for their particularly acute water quality impairment potential. The storm water and water quality provisions were coordinated through Commission water quality staff, including to ensure that they address current water quality planning standards such as the prevention of non-point source pollution. Non-point source pollution, including pollutants from roads, parking lots, and other impervious surfaces, is a leading cause of water quality impairment. The LUPA addresses these issues by requiring Best Management Practices (BMPs) to prevent pollutants from entering coastal waters both during construction and, for certain land uses, post-construction (including auto repair shops, uncovered parking lots, and outdoor storage areas). Development is also required to filter, treat, or infiltrate stormwater runoff from the 85th percentile 24-hour storm event (or 85th percentile 1-hour storm event for flow-based BMPs, both commonly accepted

water quality metrics). These requirements complement other LUPA policies, including protections against development in and surrounding wetlands and streams and keeping grading and cuts/fills to the minimum necessary, that altogether ensure the protection of the biological productivity of coastal waters.

Other

The existing LUP contains a few policies related to the protection of existing housing and provisions for new housing, particularly low and moderate income housing. These policies include a requirement that demolishing existing low and moderate income housing is only allowed in rare circumstances, including for health and safety reasons or when the units are replaced on a one-for-one basis. These policies also direct such housing, using appropriate zoning tools such as small parcel sizes, into coastal villages. The LUPA retains policies protecting existing housing for very low, low, and moderate income households, but also includes new policies addressing the provision of housing in the coastal zone. These policies include requiring 20% of the units in residential developments consisting of two more units to be affordable, allowing second units in residential neighborhoods, and allowing for density bonuses for affordable housing, so long as the density increase is consistent with other applicable LUP requirements.

The proposed LUPA also includes maps and an Appendix, which contains eight documents, including the County's three Commission-adopted Categorical Exclusion Orders. All of the documents within the Appendix are carried over from the existing certified LCP, and, with the exception of the Inventory of Visitor Serving Facilities (which has been updated to reflect existing conditions), none of these documents have been amended in the proposed LUPA.

The Appendix consists of the following documents:

Appendix 1: List of Recommended Public Coastal Accessways
Appendix 2: Inventory of Visitor-Serving, Commercial, and Recreation Facilities in the Coastal Zone
Appendix 3: Coastal Village Community Character Review Checklist (Local Coastal Program Historic Review Checklist)
Appendix 4: Design Guidelines for Construction in Areas of Special Character and Visitor Appeal and For Pre-1930's Structures
Appendix 5: Seadrift Settlement Agreement
Appendix 6: 1977 Wagner Report "Geology for Planning, Western Marin County"
Appendix 7: Categorical Exclusions Orders and Maps
Appendix 8: Certified Community Plans:
a. Dillon Beach Community Plan
b. Bolinas Gridded Mesa Plan

In general, these documents provide additional background information and/or requirements to implement LUPA policies. For example, the List of Recommended Public Coastal Accessways is carried over from the existing certified LCP and contains a detailed list of specific parcels in which the County has determined lateral and/or vertical public access easements may be of particular importance (in addition to the general LUPA requirement that all new development be analyzed for public access impacts). Meanwhile, the two community plans for Bolinas Gridded

Mesa and Dillon Beach were certified by the Commission in 1985 and 1990, respectively, and provide additional background information and policy language to refine LUPA requirements specific to those two communities. For example, while the existing certified LUP contains policies for the protection against coastal hazards, including in terms of being set back a sufficient distance from the Bolinas bluffs, Policy LU-1.1 of the Bolinas Gridded Mesa Plan provides additional bluff setback requirements, including establishing a Bluff Erosion Zone based on 100 years of erosion and prohibiting new construction within this zone (although such restriction can be waived if a site specific engineering report shows that development within the zone would not be exposed to coastal hazards).

The County has three Commission-adopted Categorical Exclusion Orders: E-81-2, E-81-6, and E-82-6. Generally speaking, the Orders exclude certain types of development from needing a coastal development permit, some coastal zone-wide and others within specified boundaries, subject to meeting specified standards. For example, Orders E-81-2 and E-82-6 exclude certain agriculturally-related development, including barns, fences, and electric utility lines on land zoned C-APZ. The exclusion applies throughout the entire coastal zone, except for the area between the sea and first public road paralleling the sea, or a half-mile inland from the sea, whichever is less. These Orders are not being amended.

Finally, the proposed LUPA includes 29 sets of maps showing the location of the coastal zone, protected agricultural lands, vegetation communities and special-status species, wetlands and streams, flood zones, categorical exclusion areas, and land use and zoning maps. These maps are meant to be illustrative and solely for general informational purposes. They are not intended to, for example, show precisely where ESHA is located, or which parcels will be inundated by sea level rise. They are also not meant to show where a particular Categorical Exclusion applies; only the maps adopted by the Commission per the Orders themselves are the official exclusion maps. The LUPA does not propose the re-designation of any coastal zone parcel.

B. Consistency Analysis

1. Agriculture

A. Applicable Coastal Act Policies

Section 30241 Prime agricultural land; maintenance in agricultural production

The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas' agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:

> *(a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.*
>
> *(b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands*

would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.

(c) By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250.

(d) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.

(e) By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.

(f) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.

Section 30241.5 Agricultural land; determination of viability of uses; economic feasibility evaluation

(a) If the viability of existing agricultural uses is an issue pursuant to subdivision (b) of Section 30241 as to any local coastal program or amendment to any certified local coastal program submitted for review and approval under this division, the determination of "viability" shall include, but not be limited to, consideration of an economic feasibility evaluation containing at least both of the following elements:

(1) An analysis of the gross revenue from the agricultural products grown in the area for the five years immediately preceding the date of the filing of a proposed local coastal program or an amendment to any local coastal program.

(2) An analysis of the operational expenses, excluding the cost of land, associated with the production of the agricultural products grown in the area for the five years immediately preceding the date of the filing of a proposed local coastal program or an amendment to any local coastal program. For purposes of this subdivision, "area" means a geographic area of sufficient size to provide an accurate evaluation of the economic feasibility of agricultural uses for those lands included in the local coastal program or in the proposed amendment to a certified local coastal program.

(b) The economic feasibility evaluation required by subdivision (a) shall be submitted to the commission, by the local government, as part of its submittal of a local coastal program or an amendment to any local coastal program. If the local

government determines that it does not have the staff with the necessary expertise to conduct the economic feasibility evaluation, the evaluation may be conducted under agreement with the local government by a consultant selected jointly by local government and the executive director of the commission.

Section 30242 Lands suitable for agricultural use; conversion
All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (l) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.

Section 30100.2. *"Aquaculture" means a form of agriculture as defined in Section 17 of the Fish and Game Code. Aquaculture products are agricultural products, and aquaculture facilities and land uses shall be treated as agricultural facilities and land uses in all planning and permit-issuing decisions governed by this division.*

Section 30233. *(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:*

…

(7) Nature study, aquaculture, or similar resource dependent activities.

Sections 30241, 30241.5 and 30242 of the Coastal Act require the protection of agricultural lands within the coastal zone by, among other means, requiring that the maximum amount of prime agricultural land be maintained in agricultural production and that all other lands suitable for agricultural use not be converted to nonagricultural uses. To protect the agricultural economy, the Act requires conflicts between agricultural and urban uses to be minimized by establishing stable urban-rural boundaries, providing agricultural buffers, ensuring that non-agricultural development is directed first to lands not suitable for agriculture or to transitional lands on the urban-rural boundary, restricting land divisions, and controlling public service or facility expansions.

B. LUP Background

As previously discussed, agriculture is one of the primary land uses of the Marin coastal zone. Nearly two-thirds of the coastal zone is zoned for agricultural production. The LUP's Agriculture chapter describes the coastal zone's agricultural landscape and economy. Agriculture is the predominant land use of the Marin coastal zone. Nearly two-thirds of the coastal zone is zoned for agricultural production. Animal agriculture makes up the greatest part of the County's total agricultural production, including beef cattle, sheep, poultry and eggs, as well as dairy cows and the milk, yogurt, and cheese they yield. A number of farms, many of them organic, raise fruits, vegetables, flowers, nuts and other crops.

The existing certified LCP contains strong agricultural resource protection standards. The LUP (Unit 2 Policy 6a) defines agricultural uses as those to grow and/or produce agricultural commodities for commercial purposes, including:

- Livestock and poultry: cattle, sheep, poultry, goats, rabbits, and horses (unless horses are the primary animals raised)
- Livestock and poultry products: milk, wool, eggs
- Field, fruit, nut, and vegetable crops: hay grain, silage, pasture, fruits, nuts, and vegetables
- Nursery products: nursery crops, cut plants

These agricultural uses, as well as one single-family dwelling, agricultural accessory structures (including barns, fences, stables, and utility facilities), and bed and breakfasts are all classified as principally permitted uses within the Coastal Agricultural Production Zone (C-APZ), while uses such as agricultural processing facilities, agricultural worker housing, and retail sales of agricultural products are all conditional uses. The C-APZ zoning district includes agricultural protection standards such as 60 acre density minimums per parcel as well as preparation of a master plan for all development (including land divisions) subject to specific standards and requirements, including that:

- Development would protect and enhance continued agricultural use and contribute to agricultural viability;
- All development, including all land converted from agricultural use, such as roads and residences, shall be clustered on no more than 5% of the gross acreage, to the extent feasible;
- Permanent conservation easements over that portion of the property not used for physical development are required, with only agricultural uses allowed;
- The creation of a homeowner's or other organization and/or the submission of agricultural management plans may be required.

Although these master plan requirements are part of the LUP, the Implementation Plan (in Section 22.56.026) allows the Planning Director to waive the master plan when one single-family dwelling is proposed and/or when he/she determines that the proposed development is minor and within the intent and objectives of the LCP.

The proposed LUPA continues to implement its agricultural protection standards primarily through the C-APZ district. This single zoning district comprises nearly two-thirds of the non-federally owned coastal zone (30,781 acres out of a total of 48,255 acres), and contains the vast majority of Marin's agricultural lands, much of which is used primarily for grazing (Marin's coastal zone contains very little prime agricultural land; almost all of the C-APZ land is classified as land suitable for agriculture). The LUPA does not propose any redesignation or of C-APZ parcels (or of any parcels within the coastal zone for that matter) and retains the existing certified LCP's requirement for a minimum 60 acre density for any residence. Proposed Policy C-AG-7 lists the required CDP development standards which nearly mirror those standards previously required for master plan approval from the existing certified LCP, as listed above.

The LUP's other agricultural district is the Coastal Agricultural Residential Planned zone (C-ARP). This zoning district is a quasi-agricultural, quasi-residential zone of parcels that are located predominantly within the boundaries of the coastal villages. Policy C-AG-3 describes C-ARP lands as those adjacent to residential areas, which because of their transitional location do not necessitate the protective standards afforded C-APZ parcels. The C-ARP district allows flexibility in lot size and building locations so that residential uses are concentrated, minimizing impacts on agricultural resources.

As discussed above, one of the primary differences between the existing and proposed LUPA is the LUPA's proposal to designate one principally permitted use, agriculture, for the APZ and classify more types of agricultural development as principally permitted, non-appealable uses. While many of these types of agricultural development are currently allowed within C-APZ land in the existing LUP, they are mostly classified as conditional uses (and therefore appealable to the Coastal Commission). In comparison, the existing LUP does not designate any one principally permitted use but instead designates three different use types as principally permitted. The existing LUP's list of principally permitted land uses within C-APZ lands includes agricultural uses (defined as the use of land to grow and produce agricultural commodities for commercial purposes), one single-family residential dwelling, agricultural accessory structures (including barns, fences, and stables), and visitor-serving bed and breakfast facilities of three or fewer guest rooms.

Another difference between the existing and proposed LUPA is that while the certified LUP requires the same standards and findings through the master plan for all development, the proposed LUP now contains two different sets of standards: standards for agricultural development and additional standards for non-agricultural development. Thus, while most of the existing certified C-APZ development standards are retained in the proposed LUP in Policy C-AG-7, the standards no longer apply to all development.

As previously discussed, the proposed LUPA contains enhanced additional standards (as compared with the existing certified LUP) for individual land uses that must be met in order for them to be classified as agricultural (and principally permitted). Of particular importance is the 7,000 square foot cap on all agricultural homes. As proposed, no home within the C-APZ can be greater than 7,000 square feet. When an intergenerational home is allowed in addition to a farmhouse, the *total* size of both homes still must be capped at no more than 7,000 square feet (i.e. the two homes would average a maximum of 3,500 square feet). When a second intergenerational home is allowed, *all three* must still all be within the 7,000 square foot cap (i.e. the three homes would have to average a maximum of ~2,333 square feet). Additionally, the size requirements of the homes work in concert with the density requirements of the parcel. The C-APZ zoning district requires a 60 acre density for each home. Thus, a parcel must be 120 acres in order for an intergenerational home to be allowable, and 180 acres for a second intergenerational home. Further, Policy C-AG-7(A)(4) requires all farmhouses and intergenerational homes to be placed in one or more groups along with any non-agricultural development on a total of no more than five percent of the gross acreage, to the extent feasible, with the remaining acreage retained in or available for agricultural production or open space. This standard helps ensure that structural development, including farmhouses and intergenerational homes, is limited to a small

portion of the agricultural operation. These standards, as proposed by the County, help ensure that such development retains and preserves the agricultural economy, including by developing quantitative, objective criteria that help limit the amount of land used for such residences, minimizing their impact on agricultural land.

While the existing LUP requires all development to be consistent with an approved master plan (which can be waived by the Planning Director), the proposed LUPA removes the master plan provisions and instead replaces it with the enumerated standards discussed above. Additionally, non-agricultural development may be required to prepare an Agricultural Production and Stewardship Plan (APSP), described in Policy C-AG-8. This plan is meant to ensure that permissible non-agricultural development will promote long-term agricultural productivity and substantially contribute to Marin's agricultural economy by identifying and describing existing and planned agricultural uses, and identifying on-site resources and infrastructure, among other requirements.

As proposed, many aspects of the proposed LUPA's policies on agricultural protection are consistent with the Coastal Act and provide added resource protection as compared with the existing certified LUP. For example, even though the existing certified LUP contains very strong standards that apply to all development pursuant to a master plan requirement, because the master plan requirement can be waived at the Planning Director's discretion, such standards have, in practice, rarely been implemented. The proposed LUP replaces the rather uncertain implementation of the master plan with definitive standards that cannot be waived. This change inherently strengthens the LUP because it provides for more objective and more consistently applied standards as compared with the current LUP.

Finally, the protection of both agricultural production and the agricultural economy, including in relation to allowing for uses that are incidental and supportive of agricultural production, are clear objectives for the County's proposed agriculture policies. Defining the PPU for C-APZ as agriculture and including both production (the physical use of land to grow a commodity) and structures necessary for its operation (barns, worker housing, and facilities used for storage and processing of the commodity) furthers the Coastal Act's objective of protecting agricultural viability in the state's coastal zone. For example, allowing farmers the opportunity to not only grow commodities but also create and sell products on site is an increasingly important way to keep farms viable and therefore keep land in active production. This concept is particularly important in Marin's coastal zone, where many small family farms not only produce milk but also create value-added products such as cheese. Further, ensuring that agricultural operations have a stable workforce includes the ability to house workers in agricultural worker housing, which is particularly important in rural West Marin which is far from affordable housing opportunities in the more urban parts of the County and Bay Area. In fact, the Health and Safety Code expressly declares the first 36 beds or 12 units of employee housing to be an agricultural use by law (Health &Safety Code 17021.6). Thus, it is appropriate to classify development other than agricultural production itself as a form of the principally permitted use of agricultural, so long as there are appropriate standards to ensure that they are in fact necessary to agricultural operations.

C. Denial As Submitted and Approval with Suggested Modifications

However, the LUP as proposed contains some elements that are not Coastal Act consistent because they are internally inconsistent or need further refinement in order to achieve consistency with the requirements of Coastal Act sections 30241-30242) . These inconsistencies range from adding non-specific principally permitted uses to a lack of defined development standards for individual land uses, to development standards that do not coincide with the different types of allowable uses within agricultural lands, all as discussed below. Therefore the LUPA must be denied as submitted and only approved as modified as discussed specifically below. (See pages 15-23 of Exhibit 6 for the Suggested Modifications discussed in this section)

D. Allowed Uses on Agricultural Land

Principally-Permitted Use

Proposed Policy C-AG-2 states that the principal permitted use on C-APZ parcels is agriculture, including the following:

> **1.** Uses of land for the breeding, raising, pasturing, and grazing of livestock;
> **2.** The production of food and fiber;
> **3.** The breeding and raising of bees, fish, poultry, and other fowl;
> **4.** The planting, raising, harvesting and producing of agriculture, aquaculture, horticulture, viticulture, vermiculture, forestry crops, and plant nurseries;
> **5.** Substantially similar uses of an equivalent nature and intensity; and
> **6.** Accessory structures or uses appurtenant and necessary to the operation of agriculture, including one farmhouse per legal lot, one intergenerational home, agricultural worker housing, limited agricultural product sales and processing, educational tours, agricultural homestay facilities with three or fewer guest rooms, barns, fences, stables, corrals, coops and pens, and utility facilities (not including wind energy conversion systems and wind testing facilities).

The first four items constitute agricultural production, the fifth is intended to provide for uses similar to agricultural production, and the sixth is development that is appurtenant and necessary to the operation of agriculture. The proposed list of principally permitted uses revises the existing certified LCP, which allows for a single-family dwelling and bed and breakfast in addition to agricultural uses. As discussed above, the proposed LUPA eliminates the principally permitted single-family residential dwelling and replaces it with a farmhouse. However, although the proposed LUPA refines the list of PPUs in some ways, it also proposes to expand the list of uses to include "substantially similar" uses, a term that is not specific enough to be characterized as a principally permitted agricultural use.

The suggested modifications relating to the principally permitted use of agriculture first clarify that the first four uses are types of agricultural production, and deletes the fifth listed principally permitted use (substantially similar uses of an equivalent nature and intensity) since the definition of what constitutes agricultural production is broad enough so as to include the raising of all types of agricultural products and commodities. It is unclear what other type of use would not be classified under the first four listed types of agricultural production but would instead be considered "substantially similar". (See page 16 of Exhibit 6)

Next, the proposed policy establishes that the uses listed as being appurtenant and necessary to

agricultural production (barns, stables, etc.) are appurtenant and necessary because it defines them to be. However, these uses should only be considered appurtenant and necessary when they are found to meet specific criteria, including the needs of the particular farming operation, and when they meet specific LUP criteria, including clustering, for example. Thus, a suggested modification is required in proposed Policy C-AG-2(6) to define the principally permitted agricultural uses in C-APZ as those other agricultural uses *if* found appurtenant and necessary to the operation of the farm ("if" being whether such uses meet the LUP's specified criteria and standards for both the individual land use and the general overall development standards for C-APZ parcels). (See page 16 of Exhibit 6)

The modification also further clarifies the specific sub-types of uses that are principally permitted. For example, the LUP as proposed does not state that products used for processing must only come from the parcel on which they are grown. Instead, the LCP specifically allows products grown from other farms in the County to be used. In order to meet the LUP's principally permitted use test (i.e. whether the use is necessary to the operation of the farm and whether such development protects and maintains on-site agricultural production), such processing can only use products grown on-site. While using off-site products may be appropriate in some situations and should be allowable, this type of processing use, as modified, is a conditional agricultural use because it may not always be necessary for *on-site* agricultural production. Thus, a suggested modification in Policy C-AG-2(6) is required to specify that the processing and sales of products grown *on-site* is a principally permitted use, while those using products grown off-site are conditional. (See page 16 of Exhibit 6)

In addition, Policy C-AG-2(6) includes "limited agricultural product sales and processing" facilities as part of the principally permitted use. The intent of the term "limited" is to ensure that these facilities are of an appropriate size and scale to meet LUP agricultural protection and community character policies. However, the policy as proposed does not provide adequate detail to clearly define what is meant by "limited". While, for example, the LUP as proposed defines a 7,000 square foot cap on the allowable size of the farmhouse and any allowed intergenerational homes, this level of detail is missing for agricultural processing and sales facilities. As written, any size could potentially be allowed so long as it was determined to be "limited". However, the proposed IP specifies that the principally permitted use for sales and processing facilities is limited to 5,000 square feet or less for processing uses and 500 square feet for sales facilities. Any facilities above these thresholds are conditional. These size limits are aggregates of the total size of all allowed structures, and are based on provisions that have been in effect outside the coastal zone for approximately ten years. The County has found these square footage limits to be successful in meeting the goals of considering small processing and sales facilities as appropriate agricultural uses and requiring larger facilities to meet more strict criteria. Therefore, a suggested modification is required to Policy C-AG-2(6) to indicate that processing and sales facilities are a type of development within the principally permitted use of agriculture provided the structure(s) used for these activities do not exceed an aggregate square footage of 5,000 square feet or 500 square feet, respectively (see page 16 of Exhibit 6).

Additionally, while the proposed policy states that all educational tours and agricultural homestay facilities of three guest rooms or fewer are principally permitted, these uses also require further refinement. An educational tour that operates for-profit and any homestay facility

(which is similar to a bed and breakfast except that the offering of meals is an incidental function) are commercial uses and do not qualify as a PPU when the PPU is agriculture. While permissible uses, these uses instead provide supplemental income to the farming operation and are not inherently necessary for agricultural production. Thus, these uses are modified to be changed from Policy C-AG-2(6)'s list of appurtenant and necessary agricultural uses to conditional uses.

Thus, as modified, Policy C-AG-2 defines the principally permitted uses in C-APZ to be agriculture, limited to: agricultural production; agricultural accessory structures and activities; other agricultural uses if appurtenant and necessary to the farm: agricultural processing of products grown on-site and processed in structures 5,000 square feet or below, agricultural product sales of products grown on-site and sold in structures 500 square or below, and not-for-profit educational tours; and, as described below, agricultural dwelling units. (See page 16 of Exhibit 6)

Conditional Uses

Policy C-AG-2 states that conditional uses (i.e. uses that would be appealable to the Coastal Commission) within C-APZ lands include additional agricultural uses and non-agricultural uses including residential development potentially up to the zoning density. The policy as written does not specify what these additional agricultural uses are. It also does not reflect the uses that have been changed to conditional per the previously discussed suggested modifications, such as agricultural homestay facilities and processing of products grown off site. As such, a suggested modification is required to clearly list some of the types of conditional agricultural uses, including a second intergenerational home, agricultural product sales and processing of products not grown on-site, for-profit educational tours, agricultural homestay facilities, and agricultural worker housing above 12 units per legal lot. The modification also deletes residential development as a type of conditional non-agricultural use, as discussed subsequently. As modified, conditional uses include non-agricultural development and the more impactful agricultural uses that are not considered principally permitted, such as a second intergenerational housing unit and agricultural worker housing above the 12 unit/36 bed density threshold.

E. Development Standards on Agricultural Land

Proposed LUP Policy C-AG-7 contains two types of standards for proposed development within the C-APZ: standards for agricultural uses and additional standards for non-agricultural uses. However, the County has proposed a permitting structure in which land uses fall into one of three types: principally permitted uses (which include agricultural uses), permitted uses (which include some agricultural and non-agricultural uses), and conditional uses (which also include some agricultural and non-agricultural uses). Thus, while the LUP contains three types of permitted uses, it only contains two types of standards (agricultural and non-agricultural). This structure can become problematic, for example, for the potentially more impactful agricultural uses (e.g. the second intergenerational home and large processing facilities), since the proposed LUP does not apply additional standards to these uses beyond their appealability; it only classifies them as agricultural and requires the same findings as for barns, for example. Thus, suggested modifications are necessary to revise Policy C-AG-7 from two sets of standards to three, including Policy C-AG-7(A): Standards for All Uses; -7(B): Standards for Non-Principally Permitted Uses; and -7(C): Standards for Non-Agricultural Conditional Uses. Such a revised

permitting structure provides a hierarchy of standards, including a progression of more stringent requirements for more potentially impactful uses, for the three types of allowable uses on C-APZ lands. (See pages 19-21 of Exhibit 6)

However, while much of the language for the standards specified within Policy C-AG-7 is carried over from the existing LCP, some standards have been weakened or amended, as discussed below. As proposed, policies that seek to protect agriculture do not fully meet Coastal Act Sections 30241 and 30242 requirements that protect against conversion of prime agricultural land and land suitable for agricultural uses because they do not specifically protect land in agricultural production. As discussed above, since the policies protect structural development (i.e. barns, farmhouses, and processing facilities) as well as agricultural production, suggested modifications are necessary throughout Policy C-AG-7 to ensure that while, even though uses such as barns and processing facilities may be necessary for agricultural production and are considered agricultural uses, all development in the C-APZ zone must protect and maintain land for agricultural production. Thus, the standards and findings required for all development must be that the maximum amount of land suitable for agricultural production is conserved; otherwise, agricultural processing facilities, farmhouses, and other such agriculturally-related development would not be required to minimize their footprint on the rural landscape or be incidental to the primary function of the C-APZ: the growing of food and fiber. As modified, Policy C-AG-7's requirements to protect and maintain agricultural production are consistent with Coastal Act Sections 30241 and 30242.

Next, the proposed LUP weakens the existing LUP's requirement that development on C-APZ land cluster. The current LUP (in Unit II Policy 5a) requires all development (including agricultural development such as barns and farm roads) to be clustered within 5% of the parcel to the extent feasible, and the remaining 95% to be left in production (i.e. on a standard 60 acre parcel, a maximum of 3 acres would be allowed to be used for structural development and 57 acres left in open space for grazing). However, while the 95% requirement is being retained, the proposed LUP requires only agricultural residences and non-agricultural development to cluster in one or more groups within 5% of the parcel, thereby excluding uses such as processing and sales facilities. In order for principally permitted agricultural uses to be protect agricultural production, and to retain standards from the existing certified LUP, suggested modifications are needed in Policy C-AG-7(A)(4) to require all development (with the exception of certain agricultural structures, such as water tanks and barns, when necessary for production) to be clustered within 5% of the parcel. Additionally, the policy's proposed language of "in one or more groups" must be deleted for two reasons: one, because of the need for objective and enforceable standards for development to be classified as principally permitted; and two, retaining such language is unnecessary since the modification already allows some agricultural structures to be placed outside of the cluster if necessary for agricultural operations. Further, while the term "cluster" is used in the existing LUP, it is not precisely defined, nor does it allow for site specific conditions to be taken into consideration to further protect coastal resources (i.e. if the existing developed cluster is within a wetland or stream buffer, development would have to be located within the buffer, creating an internal LCP inconsistency). Thus, suggested modifications are required in Policy C-AG-7(A)(4) to further refine the "cluster" concept by stating that, while all development must cluster within existing developed areas, if such action would create an inconsistency with the LUP (such as wetland or scenic view protection

requirements), development shall be placed as close as possible to the existing development while meeting all LUP objectives and eliminating the inconsistency. (See page 19-20 of Exhibit 6).

Next, while the proposed LUP (in Policy C-AG-7(B)(1)) retains the existing LUP's language requiring development within C-APZ lands to minimize impacts on scenic resources, wildlife habitat, and streams, the proposed LUP now only requires this finding to be applied to non-agricultural development. This change is a large deviation from the existing certified standard, which required all development to meet this standard. Additionally, this list does not encompass all LUP requirements (including those for steep slopes, etc.). The Coastal Act requires all development, including agricultural development, to meet all applicable Coastal Act requirements. Thus, as proposed, the policy is inconsistent with the Coastal Act because it only requires non-agricultural development to meet other LUP requirements. Suggested modifications are thus required to move the standards listed in Policy C-AG-7(B)(1) to Policy C-AG-7(A)(4), thereby ensuring that all development, and not just non-agricultural development, must minimize impacts on coastal resources. This modification retains the existing standard that both agricultural and non-agricultural development must meet LUP requirements, and broadens those requirements to include all coastal resource protection policies, not just those listed few. (See pages 19-20 of Exhibit 6)

Proposed Policy C-AG-7(B) lists the requirements for non-agricultural uses. Both the existing and proposed LCPs allow certain non-agricultural uses within the C-APZ, including such uses as campgrounds, waste disposal sites, and marinas. The Coastal Act contains strong standards against the conversion of agricultural land for non-agricultural land uses. As such, the LUP requires strong findings for any such proposal, including that such development is necessary because agricultural use would no longer be feasible, and a permanent agricultural conservation easement be placed on the remaining portion of the property not used for physical development. However, since Policy C-AG-7(B) has been modified to instead apply to all non-principally permitted uses, some agricultural land uses, including those non-principally permitted agricultural uses discussed above, would be subject to these required conversion findings and requirements, which is unnecessary since these uses are by definition agricultural (i.e. the Coastal Act's and LCP's required conversion findings only apply for non-agricultural uses). Thus, suggested modifications are necessary to move such findings to newly inserted Policy C-AG-7(C), which contains standards for *non-agricultural* conditional uses. (See pages 20-21 of Exhibit 6).

Thus, as modified, the LCP has three sets of development standards: those for principally permitted uses; those for non-principally permitted uses; and those for non-agricultural conditional uses. These required findings and standards are cumulative, with the most restrictive standards and findings required for the land uses that have the most potential adverse impact on coastal resources. Additionally, as opposed to the existing certified LCP, these standards are required for all applicable development on C-APZ parcels; they cannot be waived by the decision-maker. The standards are thus consistent with Coastal Act Sections 30241 and 30242 because they require the maximum amount of prime agricultural land and land suitable for agricultural use to be maintained in agricultural production, while requiring non-agricultural development to only be allowed when agricultural use is not feasible.

As stated earlier, in addition to the general development standards specified in Policy C-AG-7, the proposed LUP also contains new standards that apply for individual land uses. These include the aforementioned requirements for housing, processing, and sales facilities. However, while some of these standards, as proposed, are adequate to achieve conformity with Section 30241-30242, other allowed land uses need more specific standards to ensure that they are agricultural uses. Without the added specificity, the proposed LUPA does not achieve conformity with Section 30241-30242 and must be denied.

F. Housing

As proposed, the LUP allows four types of housing on C-APZ lands: farmhouses, intergenerational homes, agricultural worker housing, and residential development potentially up to the zoning density. Residential development is classified as a non-agricultural conditional use, while the other three housing types are considered agricultural land uses. One farmhouse, one intergenerational home, and up to 12 units of agricultural worker housing per parcel are considered principally permitted agricultural uses. As discussed earlier, allowing dwellings on agricultural lands for a farm owner or operator to further agricultural production of that land protects the area's agricultural viability and economy. However, the LUP must assure that such agricultural dwellings are not converted to residential uses. For example, though clearly intended to be in support of agriculture, the LUP as proposed refers to the agricultural dwellings as residential units. For example, the LUP consistently calls these land uses "residential" uses (see Policy C-AG-9, the title of which is "Residential Development Impacts and Agricultural Use"). If these uses are to be classified as agricultural uses, with some of them principally permitted agricultural uses, they cannot be treated as if they were residential uses and must contain standards that ensure they are necessary for agricultural production. Otherwise, they must be considered residential uses and would be subject to the conversion findings of Coastal Act Section 30242 and LUP Policy C-AG-7(C). As such, suggested modifications are required in Policies C-AG-5 and C-AG-9, as well as throughout the LUP, that state that these three types of agricultural residential uses (farmhouses, intergenerational homes, and agricultural worker housing) are all classified as "agricultural dwelling units". In order for agricultural dwelling units to be considered agricultural land uses, they must meet specified criteria in the LUP to ensure as much, including the proposed cap on the aggregate size of all allowed agricultural dwelling units at 7,000 square feet (except for agricultural worker housing). Single-family residences owned by persons unrelated to the farming operation cannot meet the required test that such use is necessary for agricultural production. Since single-family dwellings are inherently not necessary for agricultural production, nor can they meet Coastal Act 30241's requirements, they must be deleted as an allowable land use. Thus, a suggested modification is required in Policy C-AG-2 which deletes such residential development as an allowed conditional use.

Other modifications are necessary to the required findings and standards to ensure that agricultural dwelling units are indeed agricultural. For intergenerational homes, a type of agricultural dwelling unit, suggested modifications are necessary to delete the explicit statement that occupants are not required to be actively and directly engaged in the agricultural use of the land. A suggested modification is also required to indicate that occupants do not necessarily need to be members of the farm operator's or owner's immediate family, by deleting the requirement that only the immediate family of the farm owner or operator can live in such homes (including

because regulating housing based on familial status is inconsistent with state and federal housing laws). Instead, the Commission chooses to regulate the permissibility of intergenerational homes based on relation to the farm owner or operator and based on land use parameters, including minimum parcel sizes and maximum square footage limits. Further, in terms of intergenerational homes, based off the required LUP criteria and assumptions, 27 units of such homes are the projected maximum number potentially allowed.[1] However, in order to account for any change in future conditions (including changes to Williamson Act laws, rezonings, subdivisions, etc.) such that the allowance for intergenerational homes does not overburden the coastal zone with additional residences unforeseen under today's conditions, a suggested modification is required in Policy C-AG-5 to place a cap on the total number of intergenerational homes throughout the coastal zone at 27. Once this threshold is reached, a LUP amendment authorizing additional units, and analyzing the impact such additional units would have on coastal resources, including findings of consistency with Coastal Act policies, would be required. In terms of agricultural worker housing, another type of agricultural dwelling unit, a suggested modification is necessary to require applications for agricultural worker housing above 36 beds or 12 units to include a worker housing needs assessment demonstrating the need for such housing.

G. Other

Further, as modified, when reviewing a coastal permit application for development, the County retains the right to look at all contiguous properties under common ownership to determine impacts to coastal resources and consistency with LCP requirements. This provision is particularly important for agricultural operations, which often consist of multiple separate legal parcels owned by one or more owners but altogether constitute one unified farming operation. Thus, in order to meet LUP agricultural protection policies, including a finding that development is necessary for on-site production, it may be necessary to review all of the parcels that altogether constitute the farming operation, including by stating that on-site farming operations may include multiple separate legal parcels. Thus, a suggested modification is included in Policy C-AG-2 to clarify the IP's requirement that the County (and Coastal Commission on appeal) may include all contiguous properties under the same ownership when reviewing a coastal permit application. A suggested modification is also required in Policy C-AG-5 that states that, when reviewing applications for farmhouses where the legal lot is less than the required 60 acre density, the reviewing authority *shall* consider all contiguous properties under the same ownership. The intent behind this suggested modification is to require development proposals on substandard lots to consider whether such development can be accommodated on contiguous legal lots.

Finally, while the LUP as proposed allows for certain uses such as agricultural homestays to be allowable within the C-APZ, it does not specify that such uses must be within otherwise allowable agricultural dwelling units. Therefore, it is possible the LUP could be interpreted to allow a separate structure for the sole purpose of providing such a use. Thus, a suggested modification to Policy C-AG-9 clarifies that all such uses must operate within otherwise allowable agricultural dwelling units and cannot be within additional separate structures built for

[1] Including a total of 153 privately-owned C-APZ parcels, the required 120 acres necessary to meet the density requirements for the first such home, and the assumption that parcels currently under Williamson Act contract and/or agricultural conservation easement held by MALT (Marin Agricultural Land Trust) are not allowed any intergenerational homes.

the sole purpose of housing the non-agricultural use.

The LUP's proposed policies and standards, taken together with the suggested modifications, protect agricultural production and ensure a sustainable agricultural economy, and can be found consistent with the Coastal Act.

2. Habitat Resources

A. Applicable Coastal Act Policies

Section 30107.5. *"Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.*

Section 30240. *(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

Section 30233. *(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:*

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

(3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreation.

(4) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

(5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(6) Restoration purposes.

(7) Nature study, aquaculture, or similar resource dependent activities.

(b) Dredging and spoils disposal shall be planned and carried out to avoid significant

disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable long shore current systems.

(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. …

Section 30236: *Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.*

Section 30250(a): *New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.*

Coastal Act requirements emphasize the importance of protecting, maintaining, enhancing, and restoring coastal waters, wetlands, and ESHA. For example, with regard to sensitive habitats, Coastal Act Section 30240 requires that ESHA be protected against any significant disruption of habitat values, prohibits all but resource dependent uses, and requires areas adjacent to ESHA be sited and designed to prevent impacts that would significantly degrade ESHA. In addition to requiring protection to habitats designated as ESHA, Section 30233 provides that the diking, filling, or dredging of open coastal waters, wetlands, or estuaries may only be permitted where there is no less environmentally damaging alternative and when such actions are only for those uses specifically listed, including new or expanded port facilities, boating facilities and public recreational piers, incidental public service purposes, and mineral extraction. Section 30236 limits channelizations, dams, or other substantial alterations of rivers and streams to only three purposes: necessary water supply; protection of existing structures where there is no feasible alternative; or improvement of fish and wildlife habitat. Finally, Section 30250(a) requires, in part, new residential, commercial, and industrial development to be located within existing developed areas, or, in other areas where it will not have adverse effects on coastal resources, including biological resources. Thus, the LUPA must contain appropriate standards, such as avoidance of ESHA for all but resource dependent uses, maintaining adequate habitat buffers, and full mitigation for all unavoidable impacts. Any allowed land uses within wetlands and streams must also be consistent with the specific uses allowed within them by Coastal Act Sections 30233 and 30236, respectively, and all development must be consistent with coastal resource protection.

B. LUP Background

The Background section of the LUPA's Biological Resources chapter describes the natural habitats and environment of the Marin coastal zone as containing a broad range of estuarine and marine environments, tidal marshes, freshwater wetlands, stream corridors, upland forests, chaparral, grasslands, dunes, and beaches. These sensitive biological resources are easily disturbed and support communities of rare plants and protected species of fish and wildlife such as Snowy Plover (*Charadrius alexandrinusnivosus*), Myrtle's silverspot butterfly (*Speyeria zerene myrtleae*), California red-legged frog (*Rana draytonii*), and Central California coast steelhead (*Oncorhynchus mykiss*). Bolinas Lagoon and Tomales Bay are part of a larger, relatively undisturbed complex of wetlands along the Marin/Sonoma coast that includes Drakes and Limantour Esteros, Abbotts Lagoon, Estero Americano, Estero de San Antonio, and Bodega Harbor. Tomales Bay, Bolinas Lagoon, and the waters along much of the County's ocean shoreline are also part of the Gulf of the Farallones National Marine Sanctuary. The area is within the Pacific flyway and supports approximately 20,000 wintering shorebirds, seabirds, and waterbirds both seasonally and year-round. Subtidal areas and extensive mudflats support diverse populations of invertebrates and provide nursery and feeding habitat for resident and migratory fish, while steelhead and coho salmon access streams in the watershed. In Tomales Bay, eelgrass beds occur within the shallow waters at the northern end of the Bay that are critical for particular species of migratory birds, and for fish species such as Pacific herring. The rocky points, intertidal areas, and shoreline substrate in Tomales Bay provide habitat for many distinct invertebrate communities. The wetlands areas in Tomales Bay also serve as corridors to valuable spawning nurseries for the Coho salmon and Steelhead. Estero Americano and Estero de San Antonio are "seasonal estuaries" and their unique morphology result in a fjord-like quality which is not found in other California wetlands and results in a wide variety of species diversity and habitats. The coastal zone also includes unique terrestrial habitats such as serpentine grasslands, chaparral habitat that contain endemic plants such as Mount Tamalpais Manzanita *(Arcostaphylos hookeri Montana)*, and coastal terrace prairie grasslands.

For the most part, the LUPA's proposed biological resources policies provide additional detail and clarity over the existing LUP and are consistent with applicable Coastal Act policies (including the designation of ESHA, the specified allowable uses within ESHA, and the requirements for buffers around ESHA). The LUPA proposes to designate three types of ESHA: wetlands, streams and riparian habitat, and terrestrial; establishes allowable uses within each ESHA type; requires buffers around the ESHA; and establishes allowable uses within those buffers. For terrestrial ESHA, the allowed uses are only those that are resource dependent (consistent with Coastal Act Section 30240), while the allowed uses within wetlands and streams/riparian are those that are specifically allowed for by Coastal Act Sections 30233 and 30236, respectively (including expanded boating facilities, incidental public service purposes, aquaculture, and flood control projects). The LUPA requires buffers surrounding all such ESHA, defined as at least 100 feet around wetlands and streams and 50 feet for terrestrial ESHA. However, these widths may increase depending on the findings of a required biological assessment and report. As proposed by the County, development proposals within or adjacent to ESHA will be required to prepare a biological site assessment prepared by a qualified biologist. The purpose of the assessment is to confirm the existence of ESHA, document site constraints, and recommend precise buffer widths and siting/design techniques required to protect and

maintain the biological productivity of the ESHA. This requirement is a new requirement in the LUPA and will help provide detailed site-specific development parameters.

Another modified approach of note as compared with the existing LUP are Policies C-BIO-3(3), C-BIO-20, and C-BIO-25, which all allow for a reduction in the buffer width required for the particular ESHA type. As proposed, a reduction to the required 100 foot buffer for wetlands and streams to an absolute minimum of 50 feet may be allowed, subject to required findings of the biological site assessment that the project will prevent impacts that significantly degrade the wetland/stream. In addition, for any buffer reduction, the LUPA requires additional measures that result in a net environmental improvement over existing conditions (including elimination of non-native or invasive species). Terrestrial ESHA's 50-foot buffer may also be reduced with the same findings and requirements, although there is no absolute minimum buffer distance. The existing certified LUP treats ESHA buffers less consistently than the proposed LUPA. For example, the existing LUP allows for a stream buffer reduction, with no absolute minimum, if a parcel is entirely within the stream buffer or where a finding is made that development outside the buffer would be more environmentally damaging than within (Unit 2 Natural Resources Policy 3(d)). In addition, the existing LUP does not allow for any buffer adjustment for wetlands, and does not specify any required buffer for "other ESHA" (now called "terrestrial ESHA"). Thus, the proposed LUPA provides for a more consistent approach to buffers and potential width reductions between the three types of ESHA, and, in particular for streams and terrestrial ESHA, provides tighter standards than currently exist. The approach proposed by the County, in terms of allowable buffer reductions, is consistent with other certified LCPs, including San Mateo County (100' buffer may be adjusted to a minimum of 50' with biological assessment findings).

C. Denial as Submitted and Approval with Suggested Modifications

However, the LUP as proposed contains some elements that are not Coastal Act consistent because they are internally inconsistent or need further refinement in order to achieve consistency with the requirements of Coastal Act related to habitat resources. Therefore the LUPA must be denied as submitted and only approved as modified as discussed specifically below. (See pages 28-38 of Exhibit 6 for the Suggested Modifications discussed in this section)

D. Habitat Buffers

First, although the proposed LUPA includes an absolute minimum buffer of 50 feet from streams and wetlands, it does not include a minimum buffer from terrestrial ESHA, such as coastal dunes and endangered plant habitats. Buffers function as important transition zones between development and adjacent habitat areas, serving to protect the habitat from the direct effects of nearby disturbance. Buffer areas provide protection for habitat from adjacent development in a number of ways (e.g., sheer distance, setback configuration, topographic changes, vegetation in the setback, fences at setback edges, etc.), where the methods chosen depend in part on the desired functions of the buffer (e.g., reducing human impacts, preserving habitat, water quality filtration, etc.). When more intensive urban uses are proposed adjacent to habitat areas, a primary method to protect the habitat is to provide adequate distance so as to limit direct contact and reduce the conveyance of human-generated impacts (such as noise, lights, movements, odors, debris, and other edge effects). Vegetation planted or present within the buffer can often help to reduce the absolute distance necessary for buffer width. Depending upon their design, buffers can also be a functional part of the ESHA acting as a transition zone from the more sensitive to

less sensitive parts of a site. Moreover, species numbers of both plants and animals increase at buffer edges, due to the overlap from adjacent habitats and the creation of unique edge habitat niches. By minimizing disturbance to the resource from adjacent development, and by providing transitional habitat areas, buffers protect the health and vitality of functioning habitat areas. Therefore, buffers are an essential tool in carrying out Section 30240(b), which requires development to be sited and designed to prevent impacts that would significantly degrade ESHA, and requires development to be compatible with the continuance of ESHAs. As proposed, habitat buffers could be eliminated entirely for development adjacent to terrestrial ESHAs, inconsistent with Section 30240. To address this inconsistency, suggested modifications to proposed policy C-BIO-3 establish an absolute minimum buffer of 25 feet from terrestrial ESHA (see page 29 of Exhibit 6).

Also related to buffers, as proposed, policy C-BIO-20 allows wetland buffers to be reduced to no less than 50 feet, in certain circumstances. The policy allows such a reduction for wetlands that were constructed for the treatment, conveyance or storage of water, where the constructed wetland does not affect natural wetlands. However, it is important to clarify that such a reduction can only be applied to legally constructed wetlands (meaning they were authorized by coastal permit or pre-dated coastal permit requirements). Further, in some cases, constructed wetlands can provide important habitat value that must be protected consistent with Coastal Act resource protection policies. Therefore, suggested modifications are necessary to clarify that wetland buffers can only be reduced for wetlands that were legally created, and for wetlands that have no habitat value (see page 34 of Exhibit 6).

E. Other

While the LUPA allows all accessways and trails in ESHA, Coastal Act Section 30240 only allows resource-dependent uses to be located within ESHA, and therefore, accessways and trails can only be allowed if they are resource-dependent. Therefore, accessways and trails that can be placed elsewhere and do not require location within ESHA to function are not allowed in ESHA, pursuant to 30240. As proposed, this policy may allow trails within ESHA that are not dependent on the ESHA itself, inconsistent with Section 30240, and a suggested modification is necessary within C-BIO-2 to clarify that only trails “fundamentally associated with the interpretation of the resource” can be allowed within ESHA (see page 28 of Exhibit 6).

Further, Policy C-BIO-14 prohibits grazing or other agricultural uses in a wetland, except in those areas used for such activities prior to April 1, 1981, the date on which the LCP was first certified. While the intent of the policy is to retain certified LCP Policy 4A (Unit 2 Natural Resources Policy), allowing existing agricultural activities to remain in wetlands and their buffers, the policy as proposed would allow for any agricultural activity in wetlands so long as the agricultural activity had been conducted in the wetland at some point prior to 1981. The policy does not clarify that such activities must be ongoing. Therefore, as proposed, any agricultural activity performed prior to 1981 could be resumed in a wetland, even if the wetland had not been used for agricultural activities since. As drafted, the policy could result in significant adverse impacts to wetlands, and allow new development in wetlands that is not resource-dependent, inconsistent with Coastal Act Section 30240. A suggested modification is thus required to Policy C-BIO-14 clarifying that only ongoing agricultural activities may continue to be allowed within a wetland or its buffer (See page 32 of Exhibit 6).

In addition, Policy C-BIO-14 allows for agricultural activities in wetlands that emerged as a result of agricultural activities, such as from livestock management or tire ruts, and specifically states that the LUPA's wetland buffer requirements do not apply for these wetland types. The policy is inconsistent with Coastal Act policies because it excludes some wetlands from required wetland protections. Further, while the policy's intent is to allow for continued agricultural use in wetlands created by agricultural activities, this is already provided for in the preceding paragraph of the policy. As modified above, the policy already allows agricultural activities within wetlands so long as the agricultural activity is an ongoing use. Therefore, a wetland created by ongoing agricultural activities would still be allowed to be used for those ongoing agricultural operations. For these reasons, a suggested modification is required to delete the paragraph addressing wetlands created by agricultural activities.

In addition, as proposed, policy C-BIO-4 requires coastal permits for the removal or harvesting of all major vegetation, and requires the County to allow the management or removal of major vegetation where it is necessary to minimize risks to life and property or to promote the health and survival of surrounding native vegetation. First, the Coastal Act's definition of development does not include the removal or harvesting of major vegetation for agricultural purposes, and therefore, coastal permits are not required for such work. Therefore, suggested modifications to C-BIO-4 clarify that a coastal permit is not required for the removal or modification of major vegetation if it is for agricultural purposes. Second, although the policy states that the management or removal of vegetation to minimize risks to life and property should avoid adverse impacts to ESHA, as written, it is not clear that such avoidance is a requirement. Therefore, suggested modifications to C-BIO-4 are also required to clarify that all permits for the removal of major vegetation must avoid adverse impacts to ESHA and other coastal resources (see page 29 of Exhibit 6).

Finally, there are a series of suggested modifications throughout the habitat resources policies that clarify minor inconsistencies or ambiguities. For example, Policy C-BIO-9 requires development in Stinson Beach and Seadrift to be set back behind the first line of terrestrial vegetation to the maximum extent feasible. However, this policy may lead to inconsistencies with policies in the Environmental Hazards chapter that require development to be set back a sufficient distance so as to be safe from environmental hazards, including flooding, and not require a shoreline protective device during its economic life. Thus, as proposed, there are two potentially competing standards. A suggested modification is required for Policy C-BIO-9 to state that development within these communities must be set back so as to meet *both* policies (i.e., development must be set back behind the first line of terrestrial vegetation as far as is necessary to also meet Policy C-EH-2's hazards protection requirements).

In addition, Policy C-BIO-1 states that terrestrial ESHA "refers to those" non-aquatic habitats that support rare and endangered species. Coastal Act Section 30107.5 defines ESHA as "any" area in which plant or animal life or their habitats are either rare or especially valuable. The Coastal Act definition does not give a specific list limiting ESHA to a narrow type; instead, site-specific conditions must be analyzed to determine the extent that such habitat is rare or especially valuable. While the definition as proposed offers a broad list of what constitutes ESHA, by limiting it solely to those listed types, the definition may preclude other types of especially valuable habitats and is thus inconsistent with the Coastal Act. A suggested modification is required for Policy C-BIO-1 to state that terrestrial ESHA "includes" (and is not

limited to) non-aquatic habitats that support rare and endangered species, etc.. As modified, the proposed definition for terrestrial ESHA offers a list of habitats that require protection, including habitats that support rare and endangered species, coastal dunes, groves of trees that provide colonial nesting and roosting habitat for butterflies or other wildlife, and riparian vegetation that is not associated with an ephemeral watercourse.

Further, in terms of ESHA buffer adjustments, Policy C-BIO-19 states that a buffer greater than 100 feet may be required based on the results of a site assessment, if a site assessment is determined to be necessary. However, per Policy C-BIO-2(4), all development proposals within or adjacent to ESHA require a biological site assessment, thereby making C-BIO-19's statement of "if such an assessment is determined to be necessary" internally inconsistent. To fix the inconsistency, a suggested modification is required to delete this sentence since all development within and adjacent to wetlands and their buffers require a biological site assessment.

Additional clarifications are provided in suggested modifications to policies C-BIO-2, C-BIO-5, C-BIO-7, C-BIO-8, C-BIO-9, C-BIO-11, C-BIO-21, C-BIO-"TBD", C-BIO-25 and C-BIO-26. These modifications are minor and further clarify terms and standards, including, for example, that the buffer width required for coastal streams in Policy C-BIO-"TBD" is either (a) 50 feet landward from the outer edge of riparian vegetation; (b) 100 feet from the top of the stream bank; or (c) as recommended by the biological site assessment. The suggested modification added (c) to ensure consistency with Policy C-BIO-2(4), which requires a biological site assessment for all development within or adjacent to ESHA to, in part, determine precise buffer widths. See pages 28 to 38 of Exhibit 6 for all suggested modifications to the Biological Resources chapter.

If modified as described above, the LUPA's proposed Biological Resources chapter would include a clear, comprehensive and appropriate set of policies to meet the goal of protecting, maintaining, enhancing, and restoring coastal streams, wetlands, and ESHA, consistent with and adequate to carry out the Coastal Act.

3. Visual Resources and Community Character

A. Applicable Coastal Act Policies

Section 30250(a). *New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.*

Section 30251. *The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually*

degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Section 30253 (part). *New development shall do all of the following:*

(e): Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.

Section 30244. *Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.*

The Coastal Act requires new residential, commercial, and industrial development to be located within, contiguous with, and in close proximity to existing development, or in other areas where it will not have significant adverse impacts, either individually or cumulatively, on coastal resources. Additionally, Section 30250 establishes that land divisions outside existing developed areas can only be permitted where fifty percent of existing parcels have already been developed and that the new parcels are no smaller than the average size of existing parcels. For otherwise allowable development, one of the primary objectives of the Coastal Act is the protection of scenic and visual resources, particularly as viewed from public places. Section 30251 requires that development be sited and designed to protect views to and along the ocean and other scenic coastal areas. New development must minimize the alteration of natural landforms and be sited and designed to be visually compatible with the character of surrounding areas. Where feasible, development shall include measures to restore and enhance visual quality in visually degraded areas. Finally, Section 30244 requires the protection of archaeological and paleontological resources.

B. LUP Background

The Background section of the Community Design chapter describes the character of the Marin coastal zone as containing small-scale communities, farms, scattered residences, and businesses. The built environment is subordinate to the natural environment; natural landforms, streams, forests, and grasslands are dominant. Yet the residential, agricultural, and commercial buildings, as well as the community services that support them, have particular significance, both as the scene of daily life and for their potential impacts on natural resources. Visitors enjoy coming to Marin's coast because of the small-scale character of its built environment surrounded by agricultural and open space lands that offer a pastoral, rural character.

The proposed LUPA implements these Coastal Act requirements primarily through two LUPA chapters, Community Design and Community Development, containing general policies and standards that apply coastal zone-wide, as well as additional community-specific policies that contain particular standards for the nine coastal villages. For example, Policy C-DES-2 requires the protection of visual resources, including requiring development to be sited and designed to protect significant views (defined as including views both to and along the coast as seen from public viewing areas such as highways, roads, beaches, parks, etc.). This policy applies coastal zone-wide to all development, while, for example, Policy C-PRS-2, which encourages

commercial infill within and adjacent to existing commercial uses in Point Reyes Station, only applies within the village itself. However, such commercial infill would still have to meet the requirements of C-DES-2, as well as other LUPA policies that apply throughout the coastal zone (including Policy C-DES-1 which ensures that all structures be compatible with the character of the surrounding built and natural environment).

Much of the policy language in these two chapters is carried over from the existing certified LUP, including the requirement that structures be limited to a 25' height limit (15' in Seadrift and the shoreline of Tomales Bay; 17' in Stinson Beach Highlands) and that utilities be placed underground in new development. While both the existing and proposed LUPA contain broad policy language to ensure the height, scale, and design of structures are compatible with community character, the proposed LUPA now contains additional policies that contain more objective standards. Such standards include Policy C-DES-3, which prohibits new development on top of, within 300 feet horizontally, or 100 feet vertically of visually prominent ridgelines. The proposed LUPA also contains new policies that address key planning issues, such as Policy C-CD-5 addressing nonconforming structures and uses. Whereas the existing LUP does not contain policies or standards on how to address such structures and uses, the proposed policy states that these structures and uses can be maintained or continued so long as they are not enlarged, intensified, or moved to another site. Finally, the LUPA's Historic and Archaeological Resources chapter provides policies that have been incorporated from the existing certified LUP for the identification and monitoring of archaeological and paleontological resources, including requirements for any development within an area of known or likely significance of such resources to provide a field survey to determine the extent of those resources on the site. Mitigation measures, including avoidance and permanent protection as open space, are required for any identified resources. Additionally, Policy C-HAR-5 requires all development located in historic areas and/or involving pre-1930 structures to conform with the Commission-certified "Design Guidelines for Construction in Areas of Special Character and Visitor Appeal and for Pre-1930 Structures" and "Coastal Village Community Character Review Checklist". Both of these documents are part of the LUPA's Appendix and are unmodified from the existing LUP.

In general, the relevant LUPA policies focus on the land use constraints and opportunities in each coastal zone planning area, as well as the appropriate location and intensity of new development, and ways to assure that development will not have significant adverse effects, either individually or cumulatively, on coastal resources. These policies ensure community character and significant views are protected; that new development be located within, next to, or in close proximity of existing development areas; and that development within coastal villages reflect the unique character of those communities.

C. Denial as Submitted and Approval with Suggested Modifications

However, the LUP as proposed contains some elements that are not Coastal Act consistent because they are internally inconsistent or need further refinement in order to achieve consistency with the requirements of Coastal Act policies related to visual resources and community character. Therefore the LUPA must be denied as submitted and only approved as modified as discussed specifically below. (See pages 68 to 91 and 118 to 120 of Exhibit 6 for the Suggested Modifications discussed in this section)

D. Consistency Analysis

First, Policy C-DES-4 requires all development to be a maximum of 25 feet. However, this height limit does not account for certain land uses that are allowed in the proposed LUPA, such as telecommunications facilities and agricultural structures, and therefore, the policy creates an internal inconsistency. Thus, a suggested modification is necessary in Policy C-DES-4 to clarify that such structures may exceed the 25' height limit, but that any height allowance requires findings of consistency with other LUPA policies, including the protection of significant views and community character. The modification also adds that specified height limits are maximums and not entitlements and that all structures may be limited to lower than the maximum height allowed in order to achieve consistency with LUPA view and character policies.

Second, Policy C-PFS-19 provides new additional policies specific to telecommunications facilities. The policy requires telecommunications facilities to be designed and constructed to minimize impacts on coastal views, community character, and natural resources by measures including co-location and stealth design. While this proposed list of requirements is appropriate, it does not include protection of significant public views, as is defined in Policy C-DES-2 to include views to and along the coast as seen from public viewing areas. A suggested modification therefore is necessary to require telecommunications facilities to be located outside of significant public views, to the extent feasible. Additionally, while federal law regulates telecommunications facilities to large extent, including by prohibiting a public agency from applying regulations that have the effect of prohibiting the provision of personal wireless services, other than the federally enumerated limitations on a public agency's authority, the facility still must meet otherwise applicable land use regulations. For example, telecommunications facilities must meet applicable LUPA requirements, including being located outside of significant public views, unless denial would be inconsistent with federal law. However, the policy as written does not acknowledge federal law requirements nor discuss how to apply the LUPA policies in conjunction with federal law. Therefore, suggested modifications to Policy C-PFS-19 are required to clearly state that a coastal permit consistent with all applicable LCP policies is required for all telecommunications facilities unless denial of such facility would be inconsistent with federal law (see page 107 of Exhibit 6).

Third, Policy C-DES-3 requires the protection of visually prominent ridgelines. The policy allows development in a ridgeline-protected area only if there is no other buildable site, and if such development is in the area least visible from public viewing areas. However, the policy does not require structures built within the protected ridgeline to be sited and designed to limit public view impacts to the maximum extent feasible. As written, the policy only requires the structure to be in the least visible location, but does not also address the siting and design of the structure itself. Therefore, a suggested modification is required in this policy to require any structure built in the protected area to be sited and designed to limit public view impacts to the maximum extent feasible, including through landscaping and screening. The modification adds additional clarity that such development must reduce its visual impacts to the maximum feasible extent. Thus, as modified, the policy is consistent with Coastal Act Sections 30250 and 30251 because it requires development to avoid adverse impacts on public views and other coastal resources.

Fourth, several policies address exterior lighting, but do not adequately ensure that the impacts of exterior lighting are avoided and minimized, as required by Coastal Act Policies 30250 and 30251. Policy C-DES-7 requires exterior lighting to be the minimum for public safety and

downcast to prevent glare. However, a suggested modification is required to also state that such lighting must limit its visibility from public viewing places as much as possible, consistent with the LUPA's overall objective of protecting significant public views per Policy C-DES-2, as well as Coastal Act Policy 30251. In addition, Policy C-CD-20 prohibits night lighting for privately-owned recreational facilities such as tennis courts, and only allows such lighting for publicly-owned facilities. However, in order to provide additional clarification and consistency with the Coastal Act and other LUPA policies, including those protecting visual and biological resources, a suggested modification is required to state that any night lighting, even if for a publicly-owned facility (such as a park), can only be allowed if it is designed to protect against impacts to coastal resources as required by the LUPA. As modified, these policies that address exterior lighting are consistent with Coastal Act Sections 30250 and 30251 because they ensure that lighting will not have adverse impacts on significant public views, community character (including the coastal zone's rural character defined by dark skies), and other coastal resources.

Fifth, several suggested modifications are necessary to address Coastal Act policies dealing with concentration of development in existing developed areas. Policy C-CD-3 states that land divisions must conform with the land use categories and densities of the LUPA. However, missing from this policy is Coastal Act Section 30250(a)'s requirement that land divisions outside of developed areas shall only be permitted when 50% of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels, as well as a general requirement that all new parcels be consistent with all LUPA policies (and not just density). This last insertion ensures that no land division is allowed if the resulting parcel configuration cannot accommodate LUP-consistent development.

In addition, Policy C-CD-11 lists the required criteria to be considered for any proposed boundary changes to the nine coastal villages. These criteria include: boundaries of existing and proposed public open space (including local, state, and federal parks), areas zoned for agriculture, natural and man-made barriers, and floodplains. However, while the list is extensive, it does not include Coastal Act Section 30254's requirement that coastal resources, including those protected by the LUPA (including public views, public service capacities, and ESHA), be protected. Thus, a suggested modification is required to add a tenth criteria: potential impacts to coastal resources, to the required issues and constraints needed to be reviewed in any village limit boundary adjustment.

Finally, Policy C-INV-3 contains additional guidelines for development within Paradise Ranch Estates, a community in the hills above Inverness on the western slopes of Tomales Bay. While the policy retains much of the language from the existing certified LUP, it does not retain the additional requirements for parcels identified for acquisition into Point Reyes National Seashore or those parcels identified for lot consolidation in the Paradise Ranch Lot Consolidation Plan. In the current LUP, if development is proposed on any lot that is identified within either of these plans, the County is to notify either Point Reyes National Seashore or the Coastal Conservancy, whichever is applicable, of such development. Thus, a suggested modification is required to reinsert this requirement in the LUPA, stating that the appropriate entity shall be notified of pending development proposals on any identified parcels.

In addition to these issues, a series of suggested modifications are required throughout the policies related to visual resources and community character to ensure clarity and internal

consistency. For example, Policy C-CD-5 allows existing, lawfully established non-conforming structures and uses to be maintained or continued, so long as they are not enlarged, intensified, or moved to another site. However, missing from this policy is a reference to the redevelopment definition provided in Environmental Hazards Policy C-EH-5, which defines the point at which an existing structure has been altered to the point at which it is now new development (resulting in the entire structure needing to conform with applicable LUPA policies). Thus, the modification to Policy C-CD-5 adds this cross-reference to the non-conforming policy.

In addition, Policy C-DES-5 retains a policy from the existing LUP that requires new signs to be of a size, location, and appearance so they do not detract from scenic areas or views from public roads and other viewing points. However, a suggested modification is required in this policy to clarify that the standards apply to all signs, including reconstructed and/or modified signs, and not just "new" signs.

Further, in the Community Development chapter, Policy C-CD-7 allows existing structures on public trust lands along the shoreline of Tomales Bay to be rebuilt if damaged or destroyed by natural disaster, in conformance with Section 30610(g) of the Coastal Act. However, 30610(g) only allows for structures *destroyed* by natural disaster to be rebuilt without a coastal development permit. *Damaged* structures requiring repair and maintenance within coastal waters are required to obtain a CDP per Section 13252 of the Commission's regulations. Thus, a suggested modification to this policy is required to delete the allowance for damaged structures on public trust lands to be exempt from CDP requirements.

Policy C-CD-15 discourages the conversion of residential to commercial uses in coastal villages. The policy as proposed may preclude the ability to provide for commercial uses in existing developed areas, inconsistent with Coastal Act Sections 30222 (which prioritizes visitor-serving commercial recreational facilities over private residential development) and 30250, which directs development to already developed areas. Additionally, any potential issues from overdevelopment of commercial uses can be appropriately addressed by other LUPA policies, including policies that protect the character of the villages. Thus, as proposed by Marin County staff, a suggested modification would delete Policy C-CD-15.

Finally, with respect to the Community Specific Policies chapter, while a few minor modifications are required to clarify terms (see suggested modifications to Policy C-PRS-4, for example, which modifies the policy to read that there *appears to be* development potential for *up to* a 20-unit motel on a particular parcel in Point Reyes Station, as opposed to the language as proposed which offers a definitive statement that the site can accommodate such development), a few modifications are more substantive. For example, Policy C-PRS-5 describes additional criteria for new development within Point Reyes Station. The policy allows for potential exceptions to the maximum permitted floor area (designated at 4,000 square feet) subject to a list of five criteria, including that adequate setbacks are retained, the parcel is large enough to accommodate the additional floor area, and sun and light exposure on adjacent properties is not significantly limited. While the list is appropriate, a suggested modification is required to include protection of significant views and compatibility with the natural and built environment. This modification ensures that any development exceeding 4,000 square feet protects significant public views and is sited and designed so as to be compatible with the surrounding environment, consistent with Coastal Act Section 30251.

If modified as described above, the LUPA's Community Design and Community Development chapters would include appropriate policies related to land use and development, including related to the kinds, intensities, and densities of uses, consistent with the Coastal Act.

4. Public Recreational Access

A. Applicable Coastal Act Policies

Section 30210. *In carrying out the requirement of Section 24 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people, consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

Section 30211. *Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*

Section 30212(a). *Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources; (2) adequate access exists nearby; or (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.*

Section 30212.5 *Wherever appropriate and feasible, public facilities including parking areas or facilities, shall be distributed throughout an area so as to mitigate against impacts - social and otherwise - of overcrowding or overuse by the public of any single area.*

Section 30213. *Lower cost visitor and recreational facilities shall be protected, encouraged and, where feasible, provided. Developments providing public recreational opportunities are preferred. The commission shall not: (1) require that overnight room rentals be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private lands; or (2) establish or approve any method for the identification of low or moderate income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.*

Section 30214(a). *The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following: (1) Topographic and geologic site characteristics; (2) The capacity of the site to sustain use and at what level of intensity; (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses; (4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter. (b) It is the intent of the Legislature that the*

public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution. (c) In carrying out the public access policies of this article, the commission and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.

Section 30220. *Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.*

Section 30221. *Oceanfront land suitable for recreational uses shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for the area.*

Section 30222. *The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.*

Section 30224. *Increased recreational boating use of coastal waters shall be encouraged in accordance with this division by developing dry storage areas, increasing public launch facilities, providing additional berthing space in existing harbors, limiting non-water dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.*

Section 30234. *Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.*

The Coastal Act requires the protection of public access and recreation opportunities, one of its fundamental objectives. The Act requires maximum public access to and along the coast, prohibits development from interfering with the public's rights of access, and protects recreational opportunities and land suitable for recreational use. Several policies contained in the Coastal Act work to meet these objectives. The Coastal Act requires that development not interfere with the public right of access to the sea (Section 30211); provides for public access in new development projects with limited exceptions (Section 30212); encourages the provision of lower cost visitor and recreational facilities (Section 30213); addresses the need to regulate the time, place, and manner of public access (30214); requires coastal areas suited for water-oriented

recreational activities to be protected (30220); specifies the need to protect ocean front land suitable for recreational use (Section 30221); gives priority to the use of land suitable for visitor-serving recreational facilities over certain other uses (Section 30222); requires the protection of upland areas to support coastal recreation, where feasible (Section 30223); and provides the location and amount of new development should maintain and enhance public access to the coast through various means (Section 30252).

B. LUP Background

The background section of the Parks, Recreation and Visitor-Serving Uses chapter describes the coastal zone as home to a myriad of protected natural communities and some of the region's most popular national, state and County parks, including Point Reyes National Seashore and the Golden Gate National Recreation Area. Much of the coastal zone lies within publicly-owned and protected parks and recreation areas. In addition to extensive shoreline parks, limited areas are held by non-governmental entities, such as Audubon Canyon Ranch, that also provide opportunities for public coastal access, while protecting wildlife habitat and open space. Communities in the southern part of the coastal zone are in close proximity to the City of San Francisco, and tend to generally have higher demand for day-use opportunities and lower demand for overnight accommodations than communities farther north. Parks throughout the County are critical in providing access to represent a low-cost option for recreational pursuits. Commercial visitor-serving facilities provide much of the supply of overnight accommodations throughout the coastal zone, and generally consist of small inns and bed and breakfast facilities in villages and rural areas. Overnight accommodations are a key element in the provision of coastal recreational opportunities, since many coastal visitors travel long distances to reach the variety of recreation options found throughout the County.

The Public Coastal Access chapter states that opportunities for creating new public coastal accessways are limited in Marin County, given that much of the ocean shoreline is already under public ownership. The shoreline from Point Bonita near the Golden Gate extending north around the Point Reyes Peninsula to Point Reyes Station is largely public parkland. Within this stretch of the coastal zone are the small communities of Muir Beach, Stinson Beach, Bolinas, Inverness, Olema and Point Reyes Station. Within most of these communities, some private land adjoins the shoreline, but even so there are locations at which public shoreline access is available. From Point Reyes Station north along the east shore of Tomales Bay to the Sonoma County line lies a patchwork of public and private land, some of which is within the coastal communities of East Shore/Marshall, Tomales, and Dillon Beach. Within this northern reach of the Coastal Zone, shoreline access opportunities are available at only limited locations, and the dominant land use is agriculture.

The existing LUP requires the protection and enhancement of public access opportunities to the coast, including through the provision of public recreational opportunities and visitor-serving facilities. The existing LUP's Public Access policies require coastal access in all development proposals located between the sea and the first public road, unless access would be inconsistent with the protection of public safety, fragile coastal resources, agricultural production, or privacy of existing homes. Coastal permit applications are required to include evidence showing potential prescriptive rights on the subject property, and if historic use is determined to exist, the development can only be approved if equivalent access is provided. Parking is encouraged in

areas with public access easements and trails, and the County is required to post all County-owned public shoreline accessways. The LUP also provides guidance on the types of recommended development within local, state, and federal parks, including additional hiking trails, improved parking, and potentially a hostel within Mount Tamalpais State Park. The LUP also requires the provision of visitor-serving commercial uses within coastal villages. The Coastal Village Commercial Residential (C-VCR) zoning district is a primary district within the coastal zone's villages that allows a broad range of local and visitor-serving uses, including shops and restaurants. Residential uses are also allowed, but Unit 1 Recreation and Visitor Serving Facilities Policy 14 only allows residential uses when they are incidental to the primary commercial use of the property. Further, the policy only allows exclusive residential uses on no more than 25% of the lots vacant as of April 1980. The Unit 2 coastal zone does not contain this explicit requirement to only allow residential uses on particular vacant lots, but does require (in Unit 2 Recreation and Visitor Serving Uses Policy 3) commercial development to be compatible with the character of the community in which it is located.

The proposed LUPA includes goals, objectives, and policies designed to protect, maintain, and improve a multitude of public access and recreational opportunities in the Marin County coastal zone. The LUPA contains policies that facilitate the development of visitor-serving uses, and also lists recommendations for development within the numerous local, state, and federal parks that would help further increase coastal recreational opportunities and access. Specifically, Policy C-PA-2 requires all new development between the shoreline and first public road to be evaluated for impacts on public access to the coast, and requires new public access to be provided, if appropriate. Policy C-PA-3 allows for potential exemptions from the access provision requirement, including whether the access would be inconsistent with public safety or the protection of fragile coastal resources, adequate public access exists nearby, agriculture would be adversely affected, or the access would seriously interfere with the privacy of adjacent residents. Existing coastal accessways are protected by numerous policies, including Policy C-PA-15, which requires new development to be sited and designed to avoid impacts to users of public coastal access and recreation areas; Policy C-PA-16, which requires public accessways to be maintained and only closed if authorized by a coastal permit and only after the County has offered the accessway to another public or private entity; and Policies C-PA-18 through 20, which require parking and signage at coastal accessways, including evaluating whether closure of public parking facilities at accessways could impact public access requiring mitigation for any access impact. Finally, Policy C-PA-7 ensures development does not interfere with prescriptive rights, by either siting development to avoid the area subject to prescriptive rights or by requiring public easements to protect the types of use.

In terms of the Parks, Recreation and Visitor-Serving Uses chapter, Policy C-PK-1 requires priority for visitor-serving commercial and recreational facilities over private residential or general commercial development. Policy C-PK-7 requires the protection of existing lower-cost visitor and recreational facilities. Additionally, new development of an overnight visitor-serving accommodation must provide 20 percent of its units as lower-cost, including campgrounds, RV parks, hostels, and lower cost hotels, or pay an in-lieu fee. Policies C-PK-10, -11, and -12 list recommendations for development within federal, state, and local parks, respectively, and Policy C-PK-14 supports the completion of the California Coastal Trail, including by listing standards that should be followed in the trail's acquisition, siting, and design. These standards include: locating the trail along or as close to the shoreline as feasible, making the trail continuous and

linking it with other public trails, and avoiding the trail along roads with motorized vehicle traffic.

C. Denial as Submitted and Approval with Suggested Modifications

However, the LUP as proposed contains some elements that are not Coastal Act consistent because they are internally inconsistent or need further refinement in order to achieve consistency with the requirements of Coastal Act policies related to public access and recreation. Therefore the LUPA must be denied as submitted and only approved as modified as discussed specifically below. (See pages 122 to 137 of Exhibit 6 for the Suggested Modifications discussed in this section)

D. Suggested Modifications

First, Coastal Act Sections 30210 and 30211 require maximum public access to be provided and conspicuously posted and requires development to not interfere with the public's right of access to the sea. To carry out these requirements, public access signage and parking is important because it provides the public with the opportunity to access coastal resources. Policy C-PA-20 requires any development that could reduce public parking opportunities to evaluate alternatives and ways to mitigate any potential loss of public coastal access. The policy as written, however, does not specify the types of development that could result in losses of public coastal access. As written, the policy is not clear as to what types of parking and access changes could require mitigation. As such a suggested modification in Policy C-PA-20 is required to clarify that changes to parking timing and availability and any signage indicating parking restrictions, must be evaluated for project alternatives or mitigation. As modified, the proposed LUPA's requirements and protections for public access signage and parking are consistent with Coastal Act policies 30210 and 30211.

Second, the Coastal Act protects visitor-serving uses because they are important to public access and recreation. Coastal Act Section 30222 gives priority to the use of land suitable for visitor-serving recreational facilities over private residential, general industrial, or general commercial development. Proposed Policy C-PK-3 states that commercial and residential uses shall be principally permitted in the C-VCR zone, while residential uses on the ground floor of the road-facing side of the building are a conditional use. As stated earlier, this zoning district is used in the coastal villages to facilitate the development of walkable, mixed-use commercial districts along primary streets, including Highway 1. In many ways, this zoning district implements a type of "Main Street" feel to the coastal villages because it allows a variety of local and visitor serving commercial uses and allows structures to be sited and designed (including through no building setback requirements, for example) so as to allow density and walkability in the village center.

The C-VCR zoning district implements key Coastal Act and LUPA objectives of providing visitor-serving commercial uses (Section 30222) in existing developed areas (Section 30250). Policy C-PK-3, as proposed, amends the existing certified policy by deleting the requirement that only residences incidental to the commercial use shall be allowed. The C-VCR zoning district also applies to some parcels that are not immediately along primary commercial streets, where the residential uses are more appropriate as opposed to along Highway 1 within Point Reyes Station, for example. Thus, residential uses can be an appropriate land use in some areas of C-VCR. However, as proposed, the policy does not provide enough of a priority for commercial

uses to remain the primary use within commercial districts. The policy requires a Use Permit (meaning a conditional, appealable use) for any residence proposed on the ground floor of a structure on the road-facing side of the property, but does not specify any additional requirements or findings that must be made in order to preserve the commercial orientation of the street. Because Coastal Act Section 30222 prioritizes visitor-serving commercial recreational uses over private residential uses, modifications are necessary to ensure that residential uses do not convert village commercial areas to primarily residential districts. Thus, modifications are required that: 1) designate commercial uses as the sole principal permitted use and residential uses as permitted or conditional uses (to be consistent with Coastal Act Section 30603 that each zoning district contain one principal permitted use and to recognize that commercial uses are the primary uses sought for this zoning district); 2) directs new residential uses to either the upper floor of a mixed-use building or the lower floor if not located on the road-facing side of the street; and 3) requires a finding for any residential development on the ground floor of a new or existing structure on the road-facing side of the property that the development maintains and/or enhances the established character of village commercial areas. Such modifications help ensure that commercial uses remain the primary use in the zoning district and that residential uses can only be allowed when they will be found to not impair the commercial orientation of the area.

Third, Policy C-PK-7 requires the protection of existing lower cost visitor and recreation facilities, and also requires 20% of new overnight visitor accommodations to be lower cost. However, the policy as proposed does not protect against the conversion of existing lower-cost facilities to higher-cost or other uses, or require mitigation for such conversions. Coastal Act Section 30213 requires all lower-cost visitor and recreational facilities to be protected. Thus, a suggested modification is required in Policy C-PK-7 to state that conversion of all existing lower-cost overnight facilities is prohibited unless replaced in kind. In addition, the suggested modification prohibits conversion of an existing visitor-serving facility on public land to private membership use.

Finally, a series of clarifications are required to ensure the proposed LUPA is entirely consistent with the Coastal Act's public access and recreation policies. For example, Policy C-PK-11 lists recommendations for future development in the two state parks that are located in the coastal zone: Mount Tamalpais State Park and Tomales Bay State Park. While the recommendations in general appear to improve public access and recreational opportunities and may be appropriate in the future, the policy as written makes a determinative statement that such recommendations are consistent with the LCP. The policy also states that development must be similar to those proposed in the two park's General Plans, which are not part of the LCP. Thus, a suggested modification is required in Policy C-PK-11 to clarify that all development, even those recommended projects listed in the policy and in the parks' General Plans, are simply recommended projects and still must meet all applicable LCP standards.

Policy C-CD-9 requires public access to new piers or similar recreational or commercial structures unless such access would interfere with commercial fishing operations or be hazardous to public safety. However, while such exceptions to public access requirements may be appropriate in certain situations, public access must still be provided, consistent with Coastal Act Sections 30210-30212 and LUPA Policy C-PA-2 (which requires all development between the sea and first public road to provide access if an impact to public access is found). Thus, a suggested modification is required to state that on-site public access, or alternative and

commensurate public access, shall be provided for all new piers or similar recreational structures.

Finally, Policy C-PA-7 requires the protection of prescriptive rights. When prescriptive rights are found to exist, and the requirement of an access easement would preclude all reasonable private use of the property, the County or the Commission shall seek a court determination to confirm such rights. In the absence of a determination, the policy allows the County to issue a coastal permit provided that all impacts on public access are mitigated in the same vicinity substantially in accordance with the LUPA's access policies. However, the policy as written does not provide enough direction or specificity as to how to protect public access. Suggested modifications are required to delete the language that requires "mitigation in the same vicinity" and instead replace it with language clarifying that a coastal permit can only be approved in such a situation if alternative access is provided in an equivalent time, place, and manner so as to assure that such prescriptive rights are protected.

Policy C-PA-10 requires coastal accessways and parking facilities to avoid, if feasible, and only then to minimize significant adverse impacts to sensitive environmental resources and agriculture. However, these resources, such as ESHA, require full avoidance and have strict limits on the type of uses allowed within them. As such, the policy must be modified to require full avoidance of significant adverse impacts to agriculture and sensitive environmental resources, consistent with Coastal Act Sections 30240 (which allows only resource dependent uses within ESHA and only when such uses prevent significant disruption of the habitat) and 30241-30242, which protects agricultural land and strictly limits the ability for non-agricultural uses to convert such land.

As modified, the LUPA's Parks, Recreation and Visitor-Serving Uses and Public Coastal Access chapters protect and provide for public access and recreational amenities and are consistent with Chapter 3 of the Coastal Act.

5. Coastal Hazards

A. Applicable Coastal Act Policies

The Coastal Act recognizes that development along the California shoreline can be affected by a dynamic range of coastal hazards, ranging from strong storms and wave uprush to landslides and liquefaction. Thus, the Act places a strong emphasis on minimizing risks associated with such hazards, and assuring stability for development over time in such a way as to avoid adverse impacts to natural processes. The latter concept is particularly important at the shoreline and bluff interface where shoreline altering development is often necessary to protect endangered structures. Such shoreline altering development can lead to coastal resource impacts of many types, perhaps most critically in terms of a loss of beach and shoreline recreation areas. Thus, the Coastal Act does not generally allow shoreline protective devices with new development, and only allows them in limited circumstances and subject to mitigation. Applicable Coastal Act coastal hazard policies include:

> ***Section 30235 Construction altering natural shoreline***
> *Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger*

from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.

Section 30253 Minimization of adverse impacts
New development shall do all of the following:

(a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. …

Coastal Act Section 30235 acknowledges that certain types of development (such as seawalls, revetments, retaining walls, groins and other such structural or "hard" methods designed to forestall erosion) alter natural shoreline processes. Accordingly, with the exception of new coastal-dependent uses, Section 30235 limits such construction to that which is "required to protect existing structures or public beaches in danger from erosion." The Coastal Act provides this limitation because shoreline protective devices and similar development can have a variety of negative impacts on coastal resources including adverse effects on sand supply, public access, coastal views, natural landforms, and overall shoreline beach dynamics on and off site.

Coastal Act Section 30253 requires that risks be minimized, long-term stability and structural integrity be provided, and that new development be sited, designed, and built to allow for natural shoreline processes to occur without shoreline altering protective devices. Therefore, in cases where shoreline protection can be approved, the coastal permit authorization must ensure that the public will not lose public beach access, sand supply, ESHA, visual resources, and natural landforms, and that the public will not be exposed to hazardous structures or be held responsible for any future stability problems that may affect the development.

Thus, these Coastal Act policies require that the proposed LUPA address both existing development that may need shoreline protection, as well as new development that must be sited and designed to avoid the need for shoreline protection at any point in the future. The LUPA needs to effectively translate these requirements in a way that addresses the types and ranges of coastal hazards found in Marin County's coastal zone.

B. LUP Background

Marin County's coastal zone, and particularly the shoreline interface, is affected by a variety of coastal hazards, including shoreline and bluff retreat and erosion, ocean storms and waves, tsunamis, potential seismic events and liquefaction, and long-term sea level rise, all of which represent hazards for new and existing development. The Marin coastal zone contains numerous geologic features, including bluffs, steep slopes, and low-lying development subject to flooding, including along Tomales Bay, Stinson Beach, Seadrift, and Bolinas. Significant portions of California's coastline have been armored with rock revetments, seawalls, or other shoreline protective devices. While Marin's shoreline includes relatively few shoreline protective devices as compared with many other coastal communities, shoreline armoring is not absent from the

County's coastal zone. Structures within Bolinas and Seadrift in Stinson Beach rely in part on shoreline protective devices to ensure protection against ocean flooding and shoreline retreat. Sea level rise is expected to lead to increased erosion, loss of coastal wetlands, permanent or periodic inundation of low-lying areas, increases in coastal flooding, and salt water intrusion into stormwater systems and aquifers. Structures located along bluffs, including those in Muir Beach and Bolinas, may become susceptible to accelerated erosion, and areas that already flood during high tides, including portions of Stinson Beach, will likely experience an increase in these hazards from accelerated sea level rise. Sea level rise also threatens the integrity of roads and other infrastructure, such as Highway 1. The proposed LUPA recognizes these issues, including providing a background on such hazards in the Environmental Hazards chapter (see pages 39 to 40 of Exhibit 6).

The existing certified LUP requires all development within areas subject to geologic or other hazards to demonstrate that the area of construction is stable for development, the development will not create a hazard or diminish the stability of the area, and that the development will not require the construction of protective devices. It defines "geologic or other hazards" as areas mapped as earthquake zones, areas subject to tsunami runup, landslides, liquefaction, beach and bluff erosion, 35% slopes, and flood hazard areas. The LUP then contains specific requirements for blufftop development, including requiring new development to be setback from the Bolinas and Muir Beach bluffs a sufficient distance to ensure with reasonable certainty that it is not threatened from retreat within its economic life expectancy, currently defined as 50 years. It requires all development within 150 feet of a bluff or on mapped hazardous areas to be supported by a geotechnical investigation that identifies bluff retreat and the appropriate siting and design to ensure protection against hazards. New development is also required to be sited and designed so that no shoreline protective devices (including seawalls, groins, and breakwaters) will be necessary to protect the development during what the LUP calls its 50-year economic life. The existing LUP allows shoreline protective devices subject to seven requirements that must all be met, including that the device is required to serve a coastal-dependent use or existing endangered development, no other non-structural alternative is practical or preferable, the condition causing the problem is site specific and not attributable to a general erosion trend, and public access is not reduced, among others. If each of these tests can be met and the protective device is therefore allowed, the LUP requires the device to meet five design standards, including that they be as visually unobtrusive as possible, respect natural landforms, and minimize the impairment and movement of sand supply.

As stated earlier, the proposed LUPA generally maintains and strengthens the existing certified LUPA's hazards policies by requiring new development to be safe from geologic or other hazards. These policies include Policies C-EH-1 and C-EH-2, which ensure that new development during its economic life (now defined as 100 years, an increase as compared to the existing LUP's 50-year minimum requirement) is safe from and does not contribute to geologic or other hazards (including earthquake, tsunami, landslides, slopes above 35%, beach and bluff erosion, and flooding, including flooding from accelerated sea level rise), and that the development within its economic lifetime will not require a shoreline protective device. All applications for new development within identified hazard areas must include specific geotechnical studies for new development to determine the extent and type of hazards on a site, and the specific siting and design measures that must be implemented to ensure hazards are addressed. For blufftop development, Policy C-EH-5 requires new structures to be set back a

sufficient distance from the bluff edge, as determined by a geotechnical evaluation, to reasonably ensure stability for a minimum of 100 years and to eliminate the need for a protective device during the project's economic life. Policy C-EH-3 requires any development within a mapped hazardous area to record a document that both exempts the County from liability for any damage from hazards and that prohibits shoreline protective devices over the project's economic lifetime. Policy C-EH-13 generally maintains the required criteria for allowing shoreline protective devices, including that the device is to protect a coastal-dependent use, that sand supply impacts are mitigated, and a finding that no other non-structural alternative (such as beach nourishment or managed retreat) is feasible. Policy C-EH-14 maintains the required design standards for otherwise allowable devices, including that such devices blend visually with the natural shoreline and respect natural landforms to the greatest degree possible.

The LUPA also contains new policies meant to address new coastal hazards concerns and/or to expand on existing policies. For example, Policies C-EH-7 and C-EH-16 prohibit new permanent structures on bluff faces, with the exception of engineered public beach access facilities, while Policy C-EH-15 allows accessory structures, including patios and gazebos, to be built within required hazard setback areas so long as they are considered temporary, and they are built in a manner that they could be relocated should they become threatened. Policies C-EH-11 and -12 address FEMA flooding requirements, including by allowing the height of new development in the Seadrift Subdivision to be measured from the base flood elevation (BFE) as opposed to existing grade, and by allowing existing structures that are non-conforming with respect to required yard setbacks to be raised above FEMA's required base flood elevation without a variance. Policy C-EH-19 refers inquiries regarding the Seadrift revetment, permitted by the Coastal Commission in CDP A-1-MAR-87-235-A, to the Commission, and puts in language that exempts certain maintenance work on the revetment from CDP requirements. Policy C-EH-25 requires new development to be sited and designed to minimize the need for fire clearance, while allowing for the removal of major vegetation and ESHA if necessary to address fire safety. Finally, Program C-EH-22.a directs the County to prepare a vulnerability assessment from the potential impacts of sea level rise in the coastal zone. The assessment is to identify the areas, assets, and infrastructure of the County most at risk from sea level rise, along with recommended responses to identified threats, including potential amendment of LCP policies to address coastal resource protection.[2]

Thus, it is clear that the proposed LUPA represents an improvement with respect to addressing coastal hazards as compared to the existing LUP. For example, the time period for the safety and stability analysis has been increased to 100 years from 50 years, which brings the County up to the timeframe typical of newer LCPs statewide. It also includes many of the best practices as spelled out in the Commission's Draft Sea-Level Rise Policy Guidance,[3] which in tandem with the County's current seal-level rise planning efforts should translate into future focused LCP amendments on this topic.

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[2] The County was awarded $54,000 in grant funds from the Coastal Commission's FY2013-2014 LCP grant fund program to help in this effort which, all told, is nearly a half a million dollar exercise leveraging a variety of funds (e.g., $200,000 from OPC, etc.), including some $170,000 invested by the County itself.

[3] Such as incorporating sea-level rise into planning and permitting decisions, avoiding significant coastal hazards, and avoiding armoring of the coast.

C. Denial as Submitted and Approval with Suggested Modifications

However, the LUP as proposed contains some elements that are not Coastal Act consistent because they are internally inconsistent or need further refinement in order to achieve consistency with the requirements of Coastal Act policies related to hazards. These issues include defining the actual hazards themselves, clarification of economic lifetime expectations for shoreline and blufftop development (including redevelopment), criteria for approving shoreline armoring, accessory structures in hazardous areas, FEMA requirements, and specifications for fire safety. Therefore the LUPA must be denied as submitted and only approved as modified as discussed specifically below. (See pages 40-48 of Exhibit 6 for the Suggested Modifications discussed in this section)

D. Identifying Coastal Hazards

Proposed Policy C-EH-2 is the primary overall policy directing avoidance of hazards (see page 40 of Exhibit 6). However, the way it is structured implies that the only hazards to be avoided and addressed under this policy are those that are "mapped by the County at the time of coastal permit application". Although hazards maps can be a great reference for hazards identification, there is no guarantee that the maps are complete, including whether they have been recently updated to reflect the best known science and information. This is a particularly critical issue for sea level rise, since assumptions and projections for future inundation are continuously being refined and amended to reflect new data. As a result of the reference to mapped hazards, the proposed LUPA will not necessarily capture all the cases where hazards need to be addressed in a CDP context.

In addition, the list in C-EH-2 of "geologic and other hazards", which is the term the LUPA uses for coastal hazards,[4] even though it uses the qualifier of "including" does not spell out some of the types of hazards known to occur along the coast (e.g., episodic events, tidal scour, etc.). Coastal Act Section 30253 requires new development to minimize risks in high geologic, flood, and fire areas, and thus the LUPA needs to be flexible enough to allow identification of such hazards at the time of a permit application (not only by maps), and comprehensive enough to clearly identify the types of hazards in question. The proposed LUPA can be easily modified to address these issues and allow for a finding of Coastal Act consistency. Regarding the maps, these can and should still be used as a resource for hazards identification, but the language needs to make clear they are not the only way a hazard is identified. Similarly, the list of hazards can be expanded so that it reads "including Alquist-Priolo earthquake hazards zones, and areas subject to tsunami runup, landslides, liquefaction, episodic and long-term shoreline retreat (including beach or bluff erosion), high seas, ocean waves, storms, tidal scour, flooding, steep slopes averaging greater than 35%, unstable slopes regardless of steepness, and flood hazard areas, including those areas potentially inundated by accelerated sea level rise". In this way, the LUPA's coastal hazard identification process will be clarified to ensure that all such hazards are identified and addressed through the CDP process. See suggested modifications to Policy C-EH-2 on page 40 of Exhibit 6. As modified, the proposed LUPA will ensure all hazards are evaluated when reviewing new development, pursuant to 30253.

E. Timeframe For Hazards Evaluation

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[4] Note that the changes to the title of C-EH-2 are required to conform the title to the referenced "geologic and other hazards" so as to avoid any confusion in implementation.

As identified earlier, the proposed LUPA increases the time frame for hazards evaluation from 50 to 100 years, which represents a significant improvement over the current LUP and is consistent with numerous other certified LCPs. The LUPA identifies this evaluation period as the "economic life" of the development in C-EH-1, and then references back to the economic life in the provisions of C-EH-2 and C-EH-5, the main hazard avoidance policies of the proposed LUPA, as well as the provisions of C-EH-3 (see pages 40 to 41 of Exhibit 6). Combining the disparate concepts of the economic life of a structure and the time period upon which hazards are to be evaluated presents several issues. As written, there is an expectation that a structure's economic life is 100 years in all circumstances, and the policy may be interpreted to mean that a structure has a right to exist for 100 years, even if it is threatened by hazards sooner than that. Further, this could potentially allow for an argument that shoreline armoring could be authorized to protect the development for a 100-year economic life. Related, the LUPA does not include any measures to identify what happens at the end of a structure's economic life, such as a requirement for removal or other "end of life" contingencies. Thus, as written, the LUPA could result in shoreline altering development contrary to Sections 30235 and 30253.

This issue can be readily addressed within the proposed LUPA framework. It is not the LUP that should be defining an economic life, it is the conditions of the site in question. In other words, natural processes at any particular site will dictate when a structure has reached its economic life because it will be endangered by coastal hazards at that point. Because new development will be sited and designed to avoid shoreline armoring, including to meet Section 30253 tests, it is at that juncture that economic life is reached (and removal and/or relocation is necessary).

It is clear that many structures, particularly residential structures, along the California coast remain in place for many, many decades, and it is appropriate to ensure that initial siting and design takes this into account so that they are safe without a reliance on shoreline altering armoring over their lifetime. The County's proposal to use 100 years is appropriate in this regard but the time period is only the planning horizon for evaluation. CDP decisions need to be made with the best available information, but estimating future impacts from coastal hazards has proven an exercise fraught with uncertainty, and there is always the possibility that hazards issues lead to development being endangered sooner than anticipated.

In addition, to ensure that CDP's appropriately address the "end of life" of such development, it is important for the LUPA to include provisions for addressing such situations. Namely, because the Coastal Act and the proposed LUPA do not allow development to rely on shoreline altering development to maintain stability and structural integrity, this must be assured when such development is endangered by coastal hazards, including if this occurs earlier than the 100-year setback would prescribe. Thus, the LUPA must specify that such development must be relocated and/or removed at that time.[5]

Each of these issues is addressed by suggested modifications to C-EH-1, C-EH-2, C-EH-3, and C-EH-5 (see pages 40 to 41 of Exhibit 6).

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[5] Similar to the way in which several recent cases have been conditioned in recent Commission actions, including the Monterey Bay Shores Resort in Sand City in CDP No. A-3-SNC-98-114, the Winget residence in Humboldt County in CDP No. 1-12-023, and, in Marin County, the Marshall Tavern in Marshall in CDP No. 2-06-017. These kind of provisions are also similar to recent certified LCP language in this regard (e.g., in the recently certified Seaside LCP).

F. Redevelopment

The proposed LUPA policies do not explicitly address the concept of redevelopment along the shoreline and blufftops. Redevelopment projects may entail renovations, additions, alterations, etc., but typically fall short of a completely new structure. Because the Coastal Act only allows shoreline protective devices for existing development, the point at which existing development becomes new development that must meet all applicable LCP policies, including those for addressing hazards, is a critical distinction.[6] Without clear direction on this point, the proposed LUPA is not adequate to carry out the Coastal Act's coastal hazards requirements.

For example, in recent LCP decisions, including for Solana Beach, the Commission has defined "redevelopment" as the point at which additions and expansions, or any demolition, renovation or replacement, result in alteration or reconstruction of 50% or more of an existing structure.[7] The definition also defines redevelopment to include additions and expansions, or any demolition, renovation or replacement which would result, cumulatively, in alteration or reconstruction of 50 percent or more of an existing structure. Thus, the definition requires that if an applicant submits an application to remodel 30% of the existing structure, then, for example, five years later seeks approval of an application to remodel an additional 30% of the structure, this would constitute redevelopment, triggering the requirement to ensure that the redeveloped structure is sited safely, independent of any shoreline protection.

Thus, Policy C-EH-5 has been modified to include a definition of redevelopment (tailored to this LCP to define the starting point at the time the policy goes into effect [e.g. May 2014]). The modified policy ensures that all new development meets applicable LCP policies, and defines when an existing development has been altered to the point at which it no longer is classified as existing development but rather new development, requiring that it be found consistent with the LCP, including the provisions that it not lead to shoreline altering development in the future.

In addition, existing shoreline protective devices cannot be relied upon in hazards evaluations for new development, including redevelopment. Those protective devices can only be understood in terms of their connection to the existing structures being protected (see also discussion below). When considering new development, the existing shoreline armoring cannot be used to make a case for stability consistent with Section 30253. Thus, a change must be made to C-EH-2 and C-EH-5 to make this point clear.

In short, the LUPA must address redevelopment in a way that requires it to be evaluated consistent with Coastal Act policies that disallow the construction of shoreline protective devices that would substantially alter natural processes, and thus modifications are necessary to provide definition to this type of development in the County. In addition, existing shoreline armoring cannot be relied on to demonstrate stability as it would then allow armoring for the protection of new development. See suggested modifications to C-EH-2, C-EH-5, C-EH-13, and C-CD-5 (see pages 40, 41, 42, and 69 of Exhibit 6).

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[6] The County defines existing development in Policy C-EH-13 as only those principal structures, residences, or second residential units in existence prior to May 13, 1982, the date in which the LCP was originally certified and CDP issuing responsibility was transferred to the County.

[7] The definition acknowledges the Commission's regulations which identify the 50% threshold as the point at which the replacement of 50% or more constitutes a new replacement structure (CCR Section 13252(b)).

G. Shoreline Protective Device Lifetime

Policy C-EH-13 identifies the standards for allowable shoreline protective devices. These standards are mostly retained from the existing LUP with some refinements. The proposed policies, though, raise a series of issues related to the time frame when such protective devices are allowed consistent with Section 30235. As previously described, this section of the Coastal Act limits such shoreline protective devices to those that are required to protect existing structures and public beaches in danger from erosion, and to serve coastal-dependent uses. The proposed LUPA policy states as much. However, it does not provide a mechanism for ensuring that such structures are only allowed during the time that the danger exists. For example, if the shoreline protective device is being reconstructed, expanded, and/or replaced, then the device is a new project that must be found consistent with the Coastal Act with respect to allowing shoreline armoring. Without clear statements to this effect, there is the risk of inappropriate retention of such devices inconsistent with Coastal Act Sections 30235 and 30253, along with their attendant negative impacts on coastal resources, including adverse effects on sand supply, public access, coastal views, natural landforms, and overall shoreline beach dynamics on and off site, including ultimately resulting in the loss of beach. The suggested modification to Policy C-EH-13, subsection 8, resolves this problem (see page 43of Exhibit 6).

In addition, the proposed policy states that shoreline protective devices may be authorized for a specified time period, depending on the nature of the project and other possible changing conditions. However, this policy lacks the specificity identified in Section 30235, which states that such devices are only allowed for existing development when such development is in danger from erosion. Again, absent more explicit definition, this policy does not ensure that the device is only present under the conditions that allow for it under the Coastal Act. In certain past cases, the Commission set a fixed armoring authorization term, such as twenty years. In more recent cases, the Commission has refined its approach, and has limited the length of a shoreline protective device's development authorization to be as long as it is required to protect a legally authorized existing structure. If an applicant must seek reauthorization of the armoring before the structure that it was constructed to protect is demolished or redeveloped, then Section 30235 authorizes the Commission to approve the shoreline protective device if it is still required to protect an existing structure in danger of erosion. However, once the existing structure that the armoring is required to protect is demolished or redeveloped, the armoring is no longer authorized by the provisions contained in Section 30235 of the Coastal Act. Accordingly, if there is no existing structure in danger from erosion, then an otherwise inconsistent shoreline protective device (i.e., in terms of coastal resource impacts, such as on public access) cannot be approved relying on the provisions of Section 30235 of the Coastal Act.

Another reason to limit the authorization of shoreline protective devices is to ensure that Coastal Act Section 30253 is properly implemented together with Section 30235. If a landowner is seeking new development on a blufftop lot, Section 30253 requires that such development be sited and designed such that it will not require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. Sections 30235 and 30253 prohibit such armoring devices for new development and require new development to be sited and designed so that it does not require the construction of such armoring devices. These sections do not permit landowners to rely on such armoring devices when siting new structures on blufftops and/or along shorelines. If a shoreline protective device exists in front of a lot, but is no longer required to protect the existing structure it was authorized to protect, it cannot accommodate

future redevelopment of the site in the same location relying on the provisions of 30235. Otherwise, if a new structure is able to rely on shoreline armoring which is no longer required to protect an existing structure, then the new structure can be sited without a sufficient setback, perpetuating an unending reconstruction/redevelopment loop that prevents proper siting and design of new development, as required by Section 30253. By limiting the length of development authorization of a new shoreline protective device to the existing structure it is required to protect, Section 30253 is more effectively applied when new development is proposed.

Thus, the length of any authorization for a shoreline protective device needs to be coincident with the time frame when the existing structures it is authorized to protect are present, and requires removal of the armoring when the structures it was authorized to protect are demolished or redeveloped. In this manner, new development will not be able to rely on armoring that no longer meets the provisions of Section 30235 of the Coastal Act. See suggested modifications to Policy C-EH-13 subsection 9 (see page 43of Exhibit 6).

H. Shoreline Protective Device Mitigation

As described above, Coastal Act Sections 30235 and 30253 acknowledge that shoreline protective devices can alter natural landforms and natural shoreline processes, and have a variety of negative coastal resource impacts. In addition, Coastal Act Section 30235 explicitly requires otherwise approvable devices to be designed to eliminate or mitigate the adverse impacts on shoreline sand supply. And even where a shoreline protective device is determined to be necessary and designed in a manner protective of shoreline sand supply, the structure will often result in other significant adverse coastal resource impacts, such as to beach access and recreation.

The proposed LUPA policies recognize this, and provide reference to the Section 30235 shoreline sand supply requirements, but do not provide additional detail relative to this point. In addition, the time frame for the duration of any required mitigation is not stated. Although it can be implied that mitigation is required for the entire time that the device is present, the policy lacks certainty on this point. Both of these issues could lead to improperly mitigated shoreline protective devices inconsistent with the Chapter 3 policies of the Coastal Act. The proposed policies lend themselves to adjustment to address these problems. In terms of the coastal resource mitigation framework issue, this is easily addressed by ensuring that approvable projects mitigate impacts to shoreline sand supply, public access and recreation, and any other relevant coastal resource impacts. By providing a more complete and encompassing list, it can be assured that projects are mitigated against the range of coastal resource impacts that may be engendered.

In terms of the time frame for mitigation, the issue is not whether to mitigate, it is how. For example, one method of applying the mitigation is to tie the length of the armoring approval to a certain set time frame (e.g., twenty years). In that way, the device is only authorized in increments, and the mitigation is also evaluated in the same increments. As discussed above, though, the life of the armoring needs to be tied to the life of the structure it is designed to protect, which is dependent on physical circumstances and cannot be specified with certainty in advance. Thus, this method is not an effective time frame for mitigation.

Another method that is designed to address that uncertainty is to mitigate yearly (e.g., an in-lieu

fee paid every year to remediation fund). This method has the advantage of neatly addressing the issue because it mitigates in a 'real-time' way, and because it addresses the inherent uncertainty in the length of time when an existing structure warranting protection still exists, but it is cumbersome procedurally, including necessitating systems to provide and account for the yearly mitigation. It also does not respond well to changing circumstances (e.g., changing erosion rates that lead to increased impacts). It also has the disadvantage of applying mitigation in smaller increments, which may mean that the impacts are not effectively mitigated for some time because of a lack of overall mitigation 'banked' (e.g., less pulled funds in a remediation account).

The method used by the Commission in recent cases is to apply a twenty-year mitigation time period. Using a time period of twenty years for the mitigation calculations ensures that the mitigation will cover the likely initial impacts from the device, and then allows a recalculation of the impacts based on better knowledge of future erosion rates and associated impacts accruing to the armoring when the twenty years is up. Efforts to mitigate for longer time periods would require the use of much higher erosion rates and would bring a higher amount of uncertainty into a situation where a single, long-term mitigation effort is not necessary to be effective. To be clear, the twenty-year period applies just to the mitigation aspect of a shoreline protective device, not the duration that it is permitted. As discussed above, the duration is tied to the time period the structure being protected is present. The twenty year mitigation framework just allows for mitigation in twenty year increments, not that the authorization must be renewed in twenty years.

Thus, consistent with both recent Commission practice in LCPs (e.g., Solana Beach LCP) and CDPs (e.g., Land's End, CDP 2-10-039), the amended policy requires mitigation for shoreline protective devices in 20 year increments, starting at the building permit certification date. A CDP amendment is required prior to the end of each 20-year period to address the next increment of mitigation. It is not required to extend the duration of the armoring approval, only for the mitigation aspect. Such mitigation reevaluation also provides for the opportunity to consider potential new and innovative ways to reduce impacts, including in response to changing information, ideas, and best practices relative to mitigation (e.g., new techniques for beach nourishment). In this way, allowable armoring can be appropriately mitigated as required by the Coastal Act. See suggested modifications to Policy C-EH-13 subsection 10 (see page 43 of Exhibit 6).

I. Accessory and Access Structures In Hazardous Areas

Policy C-EH-15 allows accessory structures, including patios and gazebos, to be located within a hazards setback so long as the structures are designed and constructed in a way that they could be relocated if threatened, and if the applicant agrees per a condition of permit approval that no shoreline protective device is allowed to protect the accessory structure. Similarly, Policy C-EH-16 allows shoreline access facilities to be located within bluff setback areas. As written, however, the policies would allow all accessory structures to be built within a hazards setback, potentially including structures that have deep structural foundations that may be difficult to relocate. The policies also only require the structure to be removed, but do not also require site restoration. Thus, in order to meet Coastal Act 30253(b)'s requirements that new development assure stability and structural integrity, and neither create nor contribute to erosion or geologic instability, suggested modifications are required in Policy C-EH-15 to define accessory structures as those without structural foundations (including decks and patios but not including

guesthouses, pools, or septic systems). Policy C-EH-15 and -16 must also be modified to require any accessory structure to be sited and designed to be easily relocatable and/or removable without damage to shoreline and/or bluff areas, to require restoration of the site after the structure be relocated. In this way, these types of minor structures and access facilities can be allowed in way that does not compromise Coastal Act requirements. See suggested modifications to Policy C-EH-13 subsection 10 (see page 43of Exhibit 6).

J. FEMA Flood Hazard Requirements

Policies C-EH-11 and -12 require structures in flood hazard zones to be built from the base flood elevation, which is the flood elevation of a 100-year storm, and also allow existing structures that are non-conforming with regard to yard setbacks to be raised above the base flood elevation without the need for a variance. The policy as written does not also explicitly require adherence to other LUPA policies, including those for the protection of scenic views and community character. FEMA flood elevation requirements are most likely to affect structures within Seadrift, Stinson Beach, and other low-elevation shoreline communities where the protection of views to and along the coast, as required by Coastal Act Section 30251 and LUPA Policy C-DES-2, is of great importance. Thus, a suggested modification is required in both Policies C-EH-11 and -12 to state that maximum allowable building heights shall protect community character and scenic resources, thereby ensuring that meeting FEMA flood requirements does not inappropriately lead to significant visual impacts. See suggested modifications to Policies C-EH-11 and C-EH-12 (see page 42 of Exhibit 6).

K. Fire Safety

The LUPA contains numerous policies that address safety from fire hazards, including Policy C-BIO-4 (allowing for removal of major vegetation to minimize risks to life and property), Policy C-DES-11 (requiring new development to minimize fuel modification, particularly within ESHA), Policy C-EH-23 (requiring new development to meet all applicable fire safety standards), and Policy C-EH-25 (allowing for removal of major vegetation for fire safety purposes and siting new development to minimize need for future fire safety clearance).

Fire safety is an important consideration for both existing and proposed new development. Generally, difficulties arise when fire safety requirements impinge on ESHA areas. For new development, the policies need to clearly state that development, including its fire safety requirements, needs to be sited and designed in such a way as to avoid ESHA, per the Coastal Act's ESHA requirements. For existing development, it must be clear that fuel modification and brush clearance techniques are required in accordance with applicable fire safety regulations and are being carried out in a manner which reduces impacts to the maximum feasible extent. In addition, removal of vegetation that constitutes ESHA, or is in an ESHA, or is in an ESHA buffer, for fire safety purposes may only be allowed if there are no other feasible alternatives for achieving compliance with required fire safety regulations and all ESHA and related impacts are appropriately mitigated, preferably as near as possible to the impact area and in a manner that leads to no net loss of ESHA resource value. See suggested modifications to Policies C-EH-23 and C-EH-25 (see page 47 of Exhibit 6).

L. Other

The proposed coastal hazards provisions also raise a series of other issues that could render them less effective and inadequate to carry out Coastal Act requirements. These include only

addressing blufftop development (and not also shoreline development) when talking about the main types of issues associated with development at the dynamic shoreline/bluff interface (see C-EH-5); allowing infill development (identified as new development between adjacent developed parcels) that does not need to meet the setback requirements for addressing hazards (see C-EH-5); limiting the hazards evaluation to erosion, episodic events, and slope stability, while not also addressing other types of hazards (e.g., coastal flooding, wave uprush, etc.), the interaction of such hazards combined, and the potential for sea-level rise to exacerbate all of them (see C-EH-5); limiting the requirements for protecting against erosion to drainage beyond the setback as opposed to erosion in general (see C-EH-6); limiting the prohibition against structures on bluff faces to additional permanent structures as opposed to all structures (see C-EH-7); a series of design standards for shoreline protective devices that are not fully defined (see C-EH-14); limiting the prohibition against land division to areas abutting bodies of water, as opposed to areas at the shoreline/bluff interface (see C-EH-17); providing prescriptive language for the way in which the Commission needs to evaluate shoreline armoring at Seadrift under the Commission's continuing authority to implement its CDP applicable to the revetment there as opposed to leaving that to the Commission's discretion (see C-EH-19); emergency permit language that does not fully track the parameters for emergency permitting, including limiting its applicability to the County's permit jurisdiction, identifying that emergency projects can be retained (and not necessarily permanently) through a regular CDP process, and requiring complete application submittal (see C-EH-21); explicitly tying the LUPA's sea level rise policy to the coastal hazards analysis required in C-EH-5 (see C-EH-22a); and limiting further study to bluff retreat, and not to shoreline/bluff retreat (see C-EH-22b). Along with the other suggested modifications, changes can readily be made to ensure that these issues do not result in the LUPA not being able to fully address Coastal Act hazard policies. See suggested modifications to C-EH-5, C-EH-6, C-EH-7, C-EH-14, C-EH-17, C-EH-19, C-EH-21, C-EH-22a, and C-EH-22b on pages 41 to 42 and 44 to 47 of Exhibit 6.

M. Conclusion

The proposed LUPA represents an important step forward that refines LCP hazards policies to better protect coastal resources. At the same time, it needs additional specificity and structure, particularly around the questions regarding development at the shoreline interface and involving shoreline protective devices, to be able to be found consistent with Coastal Act Sections 30235 and 30253. As modified, the LUPA's Coastal Hazards policies are consistent with and adequate to carry out Coastal Act Sections 30235 and 30253.

6. Public Services

A. Applicable Coastal Act Policies

Section 30250(a). *New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.*

> ***Section 30254.*** *New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted, consistent with the provisions of this division; provided, however, that it is the intent of the Legislature that State Highway 1 in rural areas of the coastal zone remain a scenic two-lane road. Special districts shall not be formed or expanded, except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services, and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation and visitor-serving land uses shall not be precluded by other development.*
>
> ***Section 30260 (part).*** *Coastal-dependent industrial facilities shall be encouraged to locate or expand within existing sites and shall be permitted reasonable long-term growth where consistent with this division….*

The Coastal Act policies listed above address the provision of adequate public services to serve new development, the requirement that Highway 1 remain a scenic two-lane road in rural areas of the coastal zone, that development of new or expanded public works facilities be designed and limited only to serve LCP-envisioned growth, and that, if public services are limited, certain land uses, including coastal dependent and visitor-serving uses, be given priority for those scarce services over other kinds of development.

B. LUP Background

The Background section of the Public Facilities and Services chapter describes the coastal zone's water, wastewater, and transportation infrastructure, as well as other components of the built environment. It states that most development in the coastal zone receives water and sewage services through individual property-specific systems managed by private landowners, since community water supply and sewage disposal systems are limited and exist only in some of the villages. This limited community service capacity is largely due to the local soil conditions and aquifer characteristics. Small water districts provide service in a number of areas, including Bolinas Community Public Utility District (BCPUD), Stinson Beach County Water District (SBCWD), Inverness Public Utility District (IPUD), and Muir Beach Community Services District (MBCSD). The community of Dillon Beach is served by two small independent water companies: the California Water Service Company (formerly Coast Springs Water Company) and the Estero Mutual Water System (EMWS). SBCWD, MBCSD, and the Dillon Beach area primarily use groundwater for their water supplies while IPUD and BCPUD rely mainly on surface water. Beyond the current water service district boundaries, private wells or small mutual water systems rely on individual groundwater wells, surface water, or small spring-based sources. Many of these sources occur in the limited areas of high water-yielding sediments in alluvial valleys, while much of the rest of the area is characterized by low-permeability fractured bedrock and thin alluvial deposits with too little saturated thickness to produce meaningful supplies of water. Sewage disposal is generally provided by individual on-site systems, including along the East Shore of Tomales Bay, Point Reyes Station, Inverness Ridge, Olema, Stinson Beach, and Muir Beach, parts of Dillon Beach, and most of Bolinas. Other areas are served by community sewer facilities, or in a few cases, small package treatment plants. Soil and groundwater conditions can affect the feasibility of new on-site systems or, in some cases, the

functioning of existing systems. In terms of transportation, the scenic character of the County's coastal zone is based in part on the small-scale, winding nature of Highway One and other rural coastal roads. To preserve the visual quality of the coast, it is necessary to maintain Highway One as a two-lane scenic road and to minimize the impacts of roads on wetlands, streams, and the scenic resources of the Coastal Zone.

The existing LUP requires a finding for all new development that adequate public services, including water supply, sewage disposal, and road capacity, are available to serve the proposed development. Lack of such services is grounds for denial of the project or for a reduction in the density otherwise potentially allowed. The existing LUP also contains detailed requirements for water, sewer, and road capacity, including that new development within a water system's boundaries can only use a private well if the water system is unable or unwilling to provide service or if the extension of physical distribution improvements necessary to serve the development is economically or physically infeasible. In terms of sewage capacity, the LUP requires all on-site septic systems to meet the performance standards adopted by the Regional Water Quality Control Board, and, finally, the LUP requires Highway 1 and Sir Francis Drake Boulevard, the two main thoroughfares in the coastal zone, to remain two lanes. Finally, the existing LUP contains a few policies related to the protection of existing and provision for new housing, particularly low and moderate income housing. These policies include a requirement that demolishing existing low and moderate income housing is only allowed in rare circumstances, including for health and safety reasons or when the units are replaced on a one-for-one basis. It also directs such housing, using appropriate zoning tools such as small parcel sizes, into coastal villages.

The proposed LUPA maintains many of the certified LUP's policies, and in many cases updates them with additional clarity and requirements. Foremost, Policies C-PFS-1 and C-PFS-2 implement Coastal Act Sections 30250 and 30254 by requiring a finding for all proposed development that adequate public services are available to serve such development. Required services include water, sewage disposal, and transportation (i.e., road access, public transit, parking, bicycle/pedestrian facilities). Lack of such services constitutes grounds for denial or a reduction in the density/size of the proposed project. Additionally, public service expansions must be limited to the minimum necessary to adequately serve development otherwise allowed for in the LCP, and not induce additional growth that either is not allowed or that cannot be handled by other public services. The LUPA then contains numerous other required findings and standards for particular services, including a requirement that development located within a public or private water system service area connect to that system (and not rely on a private well) and a new requirement that development located within a village limit boundary connect to the public sewer system (and not rely on a private septic system). While Policy C-PFS-14 allows for certain exceptions to the requirement that no wells be allowed within a water service boundary, it clarifies some of the potentially allowed exceptions, including for agricultural or horticultural use if allowed by the water provider, if the water provider is unwilling or unable to provide service, or if extension of physical distribution improvements to serve such development is economically or physically infeasible. No exception is allowed, however, because of a water shortage caused by periodic drought. For allowable wells, the LUPA maintains the existing LUP's policies that require a CDP for all wells, with additional standards for wells serving five or more parcels. In terms of other public services, the LUPA contains a new policy, Policy C-PFS-18, which prohibits desalination facilities in the coastal zone. For transportation, the LUPA

expands the certified LUP's requirement that Highway 1 and Sir Francis Drake Boulevards remain two-lane roads by extending this provision to all roads in the coastal zone per Policy C-TR-1. Additional transportation policies include new provisions for bicycle and pedestrian facilities (Policies C-TR-4 through 9), as well as a new policy for the County to consult with Caltrans on the impacts of sea level rise on Highway 1, including by studying structural and non-structural solutions (including relocation of the roadway) to protect access should the highway be at risk to flooding.

C. Denial as Submitted and Approval with Suggested Modifications

However, the LUP as proposed contains some elements that are not Coastal Act consistent because they are internally inconsistent or need further refinement in order to achieve consistency with the requirements of Coastal Act policies related to public services. Therefore the LUPA must be denied as submitted and only approved as modified as discussed specifically below. (See pages 102 through 113 of Exhibit 6 for the Suggested Modifications discussed in this section)

D. Suggested Modifications

First, Policy C-PFS-4 requires any extension or enlargement of a water or sewage treatment facility to reserve capacity for properties zoned C-VCR (Coastal Village Commercial/Residential) and C-RCR (Coastal Resort and Commercial Recreation). The intent behind the policy is to reserve service capacity for visitor-serving uses within coastal villages. However, the policy as written omits other uses given priority for scarce public resources under Section 30254, including coastal-dependent uses, agriculture, essential public services, and public recreation. Thus, a suggested modification is required for Policy C-PFS-4 to add these other Coastal Act priority land uses and to require a finding for all non-priority land uses that adequate capacity remains for priority uses, as required by Section 30254 (see page 103 of Exhibit 6). As modified, policy C-PFS-4 is consistent with the Coastal Act, including Section 30254.

Second, Policy C-TR-2 requires the protection of the scenic qualities of Highway 1 by ensuring that road improvements, including the improvements listed previously, do not detract from its rural scenic characteristics. Much of Highway 1 traverses state and federal parkland, including Tomales Bay State Park, Point Reyes National Seashore, and Golden Gate National Recreation Area. Thus, a suggested modification is required in Policy C-TR-2 to state that any improvement, particularly for turn-outs, shoulders, and other expansions, must also minimize encroachment into parkland to the maximum extent feasible. Lastly, in terms of the LUPA's transportation policies, the County, Coastal Commission, National Park Service, and Caltrans have been coordinating to develop a set of design guidelines for the repair of Highway 1 in Marin County. These *State Route 1 Repair Guidelines Within Marin County* will define the allowable parameters for the repair of Highway 1, including defining allowable shoulder and lane widths, engineering requirements, and drainage features. While the guidelines are still being prepared and are not available to be incorporated into the LUPA at this time, a suggested modification adds Program C-TR-2.a. This program requires the County to continue working with the relevant agencies and stakeholders in refining and implementing the *State Route 1 Repair Guidelines Within Marin County*, which will ultimately be used to help guide the future physical improvement of Highway 1 in the Marin coastal zone.

Third, Policy C-PFS-18 is a new policy that prohibits desalination facilities within the coastal zone, as discussed above. However, the Coastal Act, in sections 30260 and 30515, places a high priority on the provision of coastal-dependent industrial facilities, potentially including desalination facilities in some situations. Thus, while the LUPA can state its intent to prohibit such facilities in the coastal zone because of the potential adverse impacts to coastal resources, the Commission, rather than the local government is likely to have jurisdiction over such facilities and a blanket prohibition on this coastal-dependent use is not fully consistent with the Coastal Act.[8] Thus, a suggested modification is required in Policy C-PFS-18 to state that desalination facilities are only prohibited consistent with the limitations of Public Resources Code Sections 30260 and 30515.

Further, clarifications are required to ensure that transportation projects, including those for Highway 1, meet all applicable LCP policies. Policy C-TR-1 limits all roads in the coastal zone to two lanes, and only allows for shoulder widening for bicycles, turn lanes at intersections, turnouts for slow-moving traffic or at scenic vistas, traffic calming, and similar improvements. While these improvements may certainly be appropriate, the policy as written may be interpreted to state that these projects are appropriate at all times and do not need to meet other applicable LCP requirements (including for protection of visual, biological, and/or agricultural resources). Thus, a suggested modification is required for Policy C-TR-1 to state that such projects may be appropriate provided they are also consistent with the LCP's other coastal resource protection policies.

In conclusion, the proposed LUPA's Public Services, Transportation, Energy, and Housing chapters, if modified as suggested, would be consistent with the relevant Coastal Act policies related to the provision of public services, and ensures that new development and its attendant service requirements will be consistent with all relevant Coastal Act policies.

7. Water Quality and Mariculture

A. Applicable Coastal Act Policies

Section 30230. *Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

Section 30231. *The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of wastewater discharges and entertainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging wastewater reclamation, maintaining natural vegetation buffer areas that protect riparian habitats,*

[8] Including because Coastal Act Section 30515 specifically mandates a local government or the Commission to hear a request by any person authorized to undertake a public works project or energy facility development to amend a LCP to allow for such facilities.

and minimizing alteration of natural streams.

The Commission shares responsibility for regulating non-point source water pollution in the coastal zone with the State Water Resources Control Board (SWRCB) and the coastal Regional Water Quality Control Boards (RWQCBs). The Commission has primary responsibility for protecting many coastal resources, including water quality, from the impacts of development in the coastal zone. The SWRCB and RWQCBs have primary responsibility for regulating discharges that may impact waters of the state through issuance of discharge permits, investigating water quality impacts, monitoring discharges, setting water quality standards and taking enforcement actions where standards are violated. Coastal Act Sections 30230 and 30231 mandate the protection of the biological productivity and quality of coastal waters, including through both direct discharge of wastewater and runoff and through limiting the types of uses allowed in and around coastal waters and their riparian habitats.

B. LUP Background

Tomales Bay, Walker Creek, and Lagunitas Creek have been designated by the State Water Resources Control Board as impaired water bodies, based on the presence of pollutants such as sediments and nutrients. Other pollutants, such as oil, grease, and heavy metals, are also present in the watersheds of the coastal zone. Land development and construction activities are key contributors to sedimentation and nutrient inputs to coastal waterways. Furthermore, sewage disposal methods may contribute to nutrient loads in waterways, and parking and transportation facilities can contribute oil, grease, and heavy metals to coastal waters.

As previously discussed, the County's LUPA submittal includes a variety of important policies to address water quality issues, including policies that require the protection of natural drainage systems, site planning to address drainage and polluted runoff, and the use of Best Management Practices (BMPs). The storm water and water quality provisions were coordinated through Commission water quality staff, including to ensure that they address current water quality planning standards such as the prevention of non-point source pollution. Whereas the existing LUP requires rather broad policies requiring "sediment, erosion, runoff control, and revegetation measures" and "maximum groundwater recharge" (Unit I Grading Policy 26), the proposed LCP includes more robust and quantitative storm water and water quality protection provisions to mitigate both construction and post-construction water quality impacts. In addition to general provisions that require all development to minimize grading and impervious surface area through measures such as Low Impact Development (LID), the proposed LUPA also targets specific types of development, defined as high-impact projects, for their particularly acute water quality impairment potential. Policy C-WR-14 defines eight types of High-Impact Projects, including commercial facilities, automotive repair shops, restaurants, uncovered parking lots, any development impacting 10,000 square feet or more of impervious surface area, and any other development determined by the County to have a high potential for generating pollutants. These projects are required to prevent pollutants from entering coastal waters both during construction and post-construction by filtering, treating, or infiltrating stormwater runoff from the 85th percentile 24-hour storm event (or 85th percentile 1-hour storm event for flow-based BMPs, both commonly accepted water quality metrics). These requirements complement other LCP policies, including protections against development in and surrounding coastal waters and requiring allowed land uses in coastal waters, such as mariculture operations, to only be allowed when they meet specific LUPA water quality protections. For example, Policy C-MAR-3 requires

mariculture operations to protect eelgrass beds, provide for public shoreline access on facilities that serve mariculture operations, and also requires the protection of visual resources and water quality. All of the policies within the LCP work together to ensure the protection of the biological productivity of coastal waters.

C. Denial as Submitted and Approval with Suggested Modifications

However, the LUP as proposed contains some elements that are not Coastal Act consistent because they are internally inconsistent or need further refinement in order to achieve consistency with the requirements of Coastal Act related to water quality. Therefore the LUPA must be denied as submitted and only approved as modified as discussed specifically below. (See pages 50-51 and 54-59 of Exhibit 6 for the Suggested Modifications discussed in this section)

D. Water Quality

Several modifications are necessary to clarify terms and ensure that specific types of development meet particular water quality requirements. These modifications include defining a High-Impact Project in Policy C-WR-14 as any development that results in the creation of 5,000 square feet of impervious surface and occurs within 200 feet (instead of 100 feet as proposed) of the ocean or coastal wetlands, streams, or ESHA (as opposed to simply coastal waters). This modification is necessary because the LUPA's Biological Resources policies define the area within 100 feet of wetlands, streams, and ESHA as buffers. Coastal Act Section 30240 and the LUPA require buffers to be maintained in a natural condition and restrict the types of allowable development within them. Because there are rarely development projects allowed within 100 feet of ESHA and hence directly affecting the sensitive resource, impacts tend to occur offsite and are potentially carried to sensitive habitats through runoff and other drainage. To address this problem, the Commission has recently required similar stormwater and grading restrictions to apply within 200 feet of a watercourse, not within 100 feet. In order to meet these ESHA buffer protection requirements, all development in and around the buffer must be subject to the LUPA's strictest water quality protection criteria. Additionally, the policy as written only requires protection around the ocean and coastal waters but not other ESHA; thus, the modification adding any development around ESHA is necessary because all ESHA requires strict LCP protection. Another suggested modification is required in Policy C-WR-14 to require High-Impact Projects, where feasible and appropriate, to connect to sanitary sewer systems as a means of treating polluted runoff that cannot be addressed by typical BMPs. This modification is necessary because BMPs and other siting and design measures may not be adequate to meet necessary water quality objectives, and therefore, directing runoff to the sanitary sewer system, in cases where there is a sanitary sewer system present and available for this purpose, may be required in order for the development to meet the LCP's policies. Finally, a suggested modification is required in Policy C-WR-6 requiring all High-Impact Projects to prepare an erosion and sedimentation control plan, thereby ensuring that High-Impact Projects' construction-phase water quality impacts are appropriately addressed.

E. Mariculture

Although the LUPA's mariculture policies, as proposed, protect mariculture and generally require it to be operated in a manner that protects other coastal resources, several suggested modifications are necessary to clarify terms and requirements. Policy C-MAR-1 states that mariculture must provide for other uses, such as commercial fishing and protection of coastal

wildlife. However, the policy's requirement that mariculture operations solely "provide for" other uses does not adequately reflect the importance of other Coastal Act priority uses and may be interpreted to mean that mariculture operations should be given preference over other Coastal Act priority uses. A suggested modification is therefore required in Policy C-MAR-1 to clarify that mariculture operations must be consistent with other Coastal Act priority uses and standards, such as commercial fishing and the protection of marine biological resources. In addition, Policy C-MAR-3 states that the coastal permitting agency, whether it is the Coastal Commission and/or Marin County, shall apply the listed standards and procedures for mariculture operations. However, mariculture operations are for the most part located in coastal waters below the mean high tide, including public trust lands. As such, per Coastal Act Section 30519(b), they are located within the Commission's retained coastal permitting jurisdiction and regulated by Chapter 3 of the Coastal Act, not the LCP. Therefore, the LUP's policies for mariculture operations would be advisory only in a coastal permit context. Thus, a suggested modification is required to delete Policy C-MAR-3's statement that the listed standards apply to the Coastal Commission. Finally, Policy C-MAR-3 states that mariculture operations should avoid interference with eelgrass beds in Tomales Bay, in conformance with Section 30.10, Title 14, California Code of Regulations. However, the policy as written is not consistent with Section 30.10's language that prohibits disturbance or cut of eelgrass along the entire coast, and not just limited to Tomales Bay. Thus, a suggested modification is required in Policy C-MAR-3(1) to state that mariculture operations shall avoid disturbance or damage to eelgrass beds, and deleting the requirement that it only apply to those operations within Tomales Bay.

If modified as described above, the LUPA's Water Resources and Mariculture chapters would include a comprehensive and appropriate set of policies to meet the goal of protecting and enhancing water quality of local coastal waters from adverse impacts related to development, consistent with the Chapter 3 policies of the Coastal Act.

8. Other

Affordable Housing

The LUPA's Housing chapter provides new policies for the provision of housing within the coastal zone, including Policies C-HS-2, -3, -5, and -9, which allow for affordable housing (including by requiring 20% of the units in new development consisting of two or more units to be affordable, by allowing for second units in residential neighborhoods, and by allowing for density bonuses consistent with Coastal Act 30604(f).While the policies as proposed for the most part are consistent with the Coastal Act, including by ensuring that second units are only built within existing residential neighborhoods, a few modifications are necessary to clarify terms and delete cross-references to non-LCP provisions. For example, suggested modifications are required in Policies C-HS-3 and C-HS-9 to delete references to the County's affordable housing and density bonus ordinances, which are not proposed to be part of the LCP (see pages 98-100 of Exhibit 6.

Appendices and Maps

The Appendix of the LCP includes the following seven items:

Appendix 1: List of Recommended Public Coastal Accessways
Appendix 2: Inventory of Visitor-Serving, Commercial, and Recreation Facilities in the Coastal Zone

Appendix 3: Coastal Village Community Character Review Checklist (Local Coastal Program Historic Review Checklist)
Appendix 4: Design Guidelines for Construction in Areas of Special Character and Visitor Appeal and For Pre-1930's Structures
Appendix 5: Seadrift Settlement Agreement
Appendix 6: 1977 Wagner Report "Geology for Planning, Western Marin County"
Appendix 7: Categorical Exclusions Orders and Maps
Appendix 8: Certified Community Plans:
a. Dillon Beach Community Plan
b. Bolinas Gridded Mesa Plan

As previously discussed, nearly all of these documents are not being amended and are simply being retained as is from the existing certified LCP (the exception being the updated inventory of visitor serving facilities). The proposed maps, however, are new and show, among other things, the boundary of the coastal zone; locations of special-status species, wetlands, and areas subject to sea level rise and flooding; land use and zoning maps; and maps showing the boundaries of the categorical exclusion orders. Since these maps are intended to be for planning purposes only and are not intended to be definitive delineations of ESHA or coastal hazards, nor for actual boundaries of the coastal zone, for example, suggested modifications are thus necessary to clearly state as such. Thus, a suggested modification is required for all maps to state that they are illustrative only, and also include the following disclaimer (from the Commission's mapping unit):

> *The Coastal Zone Boundary depicted on this map is shown for illustrative purposes only and does not define the Coastal Zone. The delineation is representational, may be revised at any time in the future, is not binding on the Coastal Commission, and may not eliminate the need for a formal boundary determination made by the Coastal Commission.*

Further, a series of corrections are required to ensure the maps are used appropriately (see pages 38-39 of Exhibit 6). In addition, Maps 28a and b do not accurately depict the location of the first public road. Again, while these would only be illustrative since the appeal and jurisdiction boundaries are determined by the maps certified by the Commission and on file in the Commission's offices, the maps must be corrected to ensure clarity. Therefore, a suggested modification is required to replace the proposed maps 28a and b with maps that accurately depict the location of the first public road. See pages 38-39 of Exhibit 6 for suggested modifications pertaining to the LCP's maps.

As modified, the proposed maps and Appendix are consistent with the Coastal Act.

C. California Environmental Quality Act (CEQA)

Section 21080.9 of the California Public Resources Code – within the California Environmental Quality Act (CEQA) – exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its activities and approvals necessary for the preparation and adoption of a local coastal program. Instead, the CEQA responsibilities are assigned to the Coastal Commission and the Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus,

under CEQA Section 21080.5, the Commission is relieved of the responsibility to prepare an EIR for each LCP.

Nevertheless, the Commission is required, in approving an LCP submittal, or, as in this case, an LUP amendment submittal, to find that the approval of the proposed LUPA, as amended, does conform with CEQA provisions, including the requirement in CEQA section 21080.5(d)(2)(A) that the amended LUP will not be approved or adopted as proposed if there are feasible alternative or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. 14 C.C.R. §§ 13540(f) and 13555(b). In this particular case, all of the proposed amendments are being approved as submitted. Thus, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact on the environment. Therefore, the Commission finds the subject LUP, as amended, conforms with CEQA provisions.

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

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Th7a

Prepared April 15, 2015 (for April 16, 2015 hearing)

To: Coastal Commissioners and Interested Persons

From: Nancy Cave, District Manager
Kevin Kahn, District Supervisor

Subject: STAFF REPORT ADDENDUM for Th7a
Marin County Local Coastal Program Amendment Number LCP-2-MAR-13-0224-1 Part B (Marin Implementation Plan Update).

The purpose of this addendum is to supplement the recommended findings with additional clarification and to change some of the staff recommendation on particular suggested modifications, both as presented in the staff report dated prepared April 2, 2015. Specifically, this addendum supplements and makes minor changes to the staff recommended findings related to agriculture, hazards, visual resources, and coastal development permit (CDP) procedures. It also makes certain changes to the staff recommended suggested modifications, as shown below (where applicable, text in double underline format indicates additional text that is being suggested, and text in ~~double strikethrough~~ format indicates additional text suggested for deletion.

The findings below are hereby incorporated by reference into the relevant sections of the staff report dated April 2, 2015 and will appear as Commission findings if the staff recommendation is adopted by the Commission.

1. Additional response to comments
Insert the following in Section III.B.8 "Response to Public Comments" on page 89 of the Staff Report, after the sentence ending with "…even if the proposed development is development that is principally permitted or eligible for streamlined permit processing, including though local appeals.":

Agricultural Dwelling Units
County staff has expressed concern about the IP's agricultural dwelling provisions, claiming that the policies as modified will encourage farmers to sell their lots, break up their farms, and risk their agricultural enterprise in order to circumvent the IP's requirements and build additional dwellings. However, as explained in detail elsewhere in this staff report, staff does not believe that the IP's policies pertaining to agricultural dwelling units will encourage farmers to sell or divide their legal lots. First, because the IP requires 60 acre densities in order to build a

farmhouse, including requiring a lot to be 120 acres in order to build a farmhouse and an intergenerational home, a farmer has an incentive to retain large lot size. If a farmer had two legal lots of 60 acres each, he/she would have to voluntarily merge the two parcels in order to build a farmhouse and intergenerational home; otherwise he/she would only be allowed the one farmhouse. Therefore, the policies serve as an incentive to retain large parcel size. Second, because the IP requires deed restrictions as a condition of farmhouse/intergenerational home approval requiring the owner to continuously be actively and directly engaged in agricultural use and ensuring that the lot remains confined to agriculture (in addition to suggested modifications that prohibit allowing single-family residences up to the zoning density as an allowed use), land values are driven agriculturally as opposed to residentially. Therefore, the threat of converting agricultural lands to places suitable for large residential estates owned and occupied by residents who have no intention of actively farming the land is reduced. And finally, Marin County farmers have an economic incentive to retain large land holdings. Agricultural production is their livelihood, and it does not appear likely that a farmer would voluntarily sell his or her land and put their livelihood at risk.

Coastal Hazards

The County has expressed concern with both the LUP as certified the by Commission and the modified IP's environmental hazards policies and standards. County staff believes that the policies are complex and will take time to fully understand. The Commission concurs with the County's assessment, and recognizes that LCP policies addressing hazards is a continuously evolving endeavor based on new scientific evidence. The Commission issued grant monies to the County for this particular purpose: study the threats facing Marin's coastline and develop appropriate policy responses in a public setting and through a robust public process to address and proactively abate those threats. The Commission expects that the County will submit a thorough and robust LCP amendment submittal at the conclusion of this coastal hazards process that will address any remaining issues with the LCP update's hazards policies. In the interim, however, the Commission-certified LUP and the IP as suggested to be modified offers a detailed and encompassing hazards response framework that is based largely on the Commission's Draft Sea-Level Rise Policy Guidance and is consistent with recent LCP amendments approved by the Commission on these complicated land use planning issues.

Public comments have stated that requiring an Environmental Hazards Report for areas potentially inundated by sea level rise for a 100 year period is tantamount to requiring such analysis for all low-lying areas, since the level of uncertainly with respect to projected sea levels on such a long time horizon is certain to result in a conclusion that the site may be subject to hazards within the timeframe, and therefore must prepare the required report. The commenters request that 100 years not be used as the time horizon, and also that the IP provide more specificity about sea levels. However, 100 years is the LUP standard as proposed by the County and approved by the Commission last May; therefore, it would not be consistent with the LUP to proffer a different timeframe. Furthermore, the fact that sea-level rise is subject to such uncertainty, as the commenters acknowledge, is the precise reason why the IP is structured in a manner as to require the Environmental Hazards Report.

IP Section 22.64.060(A)(1)(a) requires an initial site assessment screening of all CDP applications to ascertain whether the site may be subject to hazards. The section requires the use

of the best available science, and offers a definition of what the best available science is as it relates to sea-level rise. Per Section 22.64.060(A)(1)(b), if the site is located in an area that may be subject to those hazards, based on the initial review, then the Environmental Hazards Report is required. It is certainly possible, that after further review and study of the site's particulars by qualified engineering professionals, and with the inclusion of specified geologic recommendations, that the Environmental Hazards Report determines that the site can be safely developed and meet the LCP's structural stability tests without shoreline protection. Conversely, the report may reach the opposite conclusion. In essence, the IP is structured in a manner so as to cast a wider net with respect to the initial site assessment's hazards screening, and to have the more specific determination that a site can be safely developed be made by qualified engineers in an Environmental Hazards Report. The IP takes a cautious approach in hazards evaluation, particularly as a response to such uncertainty with sea-level rise, and no additional modifications are required.

Public Hearing Requirements

Public comments have asserted that the IP as suggested to be modified does not provide for maximum public participation consistent with the Coastal Act, particular with respect to a lack of required public hearings. However, as discussed further below, while development that is reviewed by the Planning Director is not subject to a public hearing, if that initial decision is appealed to the Planning Commission, a public hearing will occur. Interested persons are thereby afforded the opportunity to appeal a Planning Director's action and participate in a public hearing because a CDP that is locally appealable is still required even though the Planning Director's action without a hearing was the first step in the process.

More specifically, the Commission's regulations only require a public hearing for CDPs involving development appealable to the Commission (see Title 14 of the California Code of Regulations (CCR) Sections 13566 and 13568, and Marin County's currently certified IP Section 22.56.070(B)). By designating development as principally permitted, such development will only be appealable to the Commission if it is otherwise appealable based on its geographic location (which, as discussed in detail on pages 36-38 of this report, is a primary reason for suggested modifications to ensure that principally permitted development within the C-APZ district meets objective, enforceable standards). However, even though the County does not require the Planning Director to have a hearing for a CDP involving non-appealable development if no other local hearing is required (again, as is allowed per CCR Sections 13566 and 13568), the Planning Director's action is internally appealable, and if appealed locally, will result in a public hearing before the Planning Commission and/or the Board of Supervisors. Furthermore, development designated as principally permitted that is not otherwise appealable to the Commission and requires no other local hearing still requires a CDP and the Planning Director must still provide interested persons with notice of the Planning Director's prospective action.

As modified, IP Section 22.70.030(B) requires the County to notice all permit category determinations based on the type of determination (i.e., the notice must be sent within 5 working days for a determination that a proposed development is categorically excluded; at least 10 days prior to a hearing or action for de minimis waivers, non-public hearing applications, and public hearing applications; at least 15 working days before the required Planning Commission hearing for a public hearing waiver application; and within 30 days of an exemption determination).

Once the County determines and notices the permit category, IP Section 22.70.040, as modified, allows all such determinations to be challenged to the Commission. For example, if an interested person dispute's the County determination to classify a particular development project as non-appealable, arguing instead that the project should be considered appealable to the Coastal Commission, they may challenge the County's determination to the Commission, where ultimately the Commission would decide on the proper determination.

Next, IP Section 22.70.080, as modified, allows *all* CDP decisions to be appealed to either the Planning Commission and/or the Board of Supervisors, triggering a required public hearing. Thus, if an interested person disputes the Director's decision on a non-public hearing CDP application, he/she may appeal that decision to the Planning Commission for public hearing. Finally, after exhausting all local appeals, if the development meets the criteria set forth in IP Section 22.70.080(B)(1), which mirrors Coastal Act Section 30603's listing of the types of projects that are appealable to the Coastal Commission, the interested person may also appeal the County's decision to the Commission.

Therefore, the IP as modified sets up a very robust CDP processing program that allows for maximum public involvement in CDP decisions, including articulating required noticing procedures, allowing a challenge to the Commission regarding the appropriate processing of each of the six types of CDP processes, and allowing for local appeal of all CDP actions, thereby ensuring an interested person's ability to trigger a public hearing.

Mariculture Facilities
Public comments have requested that onshore facilities used in mariculture operations be limited to shellfish cultivated and harvested solely in Tomales Bay. However, LUP Policy C-AG-2 and IP Chapter 22.130 define mariculture as a type of agricultural production use. Therefore, to the extent that such mariculture activities are subject to the LCP (and not the Coastal Act because they are located within the Commission's retained CDP permitting jurisdiction), the LCP's agricultural policies would apply, including those that allow for products to come from the Marin and Sonoma County farmshed to be principally permitted, and those from outside to be appealable. Therefore, it would be internally inconsistent to have a different, more limiting standard for mariculture facilities, and no additional modifications to the IP's mariculture standards are suggested in this respect.

Viticulture Development
Public comments have discussed adding additional standards that viticulture must meet, including additional standards for water usage, habitat impacts, and water quality. As discussed in pages 39-42 of this report, the IP states that ongoing agricultural production activities do not require a CDP, but that new or expanded agricultural production activities constitute development requiring a CDP. Therefore, expanding agricultural activities into never before farmed areas, including viticulture development, constitutes development requiring a CDP that is consistent with all applicable LCP policies, including the standards and findings listed in IP Section 22.65.040(C)(1). This IP section applies to all agricultural development within C-APZ lands and requires findings that there is adequate water supply, sewage disposal, road access and capacity, and other public services to serve the development after taking into account the needs of existing agricultural production activities; that the development shall have no significant

adverse impacts on environmental quality or natural habitats and meet all other LCP policies (including those that prohibit new agricultural development within ESHA and its buffer); and that the production activity shall not adversely impact stream or wetland habitats, have significant effects on groundwater resources, or significantly reduce freshwater inflows to water bodies including Tomales Bay, either individually or cumulatively. Therefore, the LCP already includes numerous policies to ensure that new or expanded agricultural production activities, including viticulture, are considered to be development and therefore required to meet the LCP's coastal resource protection standards, while also offering streamlining of required permitting to ensure that this Coastal Act and LUP priority use is appropriately encouraged and strengthened. Thus, additional standards specific to viticulture are not necessary as the existing standards, as proposed to be modified, appropriately address potential coastal resource concerns.

Coastal Development Permit Exclusions and Exemptions
Some public comments have requested adding additional parameters for the types of development that may be exempted or excluded from CDP requirements, including adding additional findings that excluded development meet visual resource protection standards. IP Chapters 22.68 and 22.70 specify in detail the types of activities that are excluded or exempt from CDP requirements. Since state law prescribes what is or is not exempt from CDP requirements and Commission-adopted Categorical Exclusion Orders prescribe what is or is not excluded, these IP chapters must either reflect the exact language set forth in the Coastal Act and its implementing regulations or refer to the Categorical Exclusion Order adopted by the Commission. Thus, suggested changes to these sections that do not conform in that way cannot be found consistent with the Act and the LUP. The suggested modifications are designed to conform exemptions and exclusions to what is prescribed by the law and/or already adopted in an Exclusion Order. Should the County wish to exempt additional categories of development from CDP requirements that aren't covered by the law or the existing Exclusion Orders, then the County, whether prompted by public commenters or not, would need to apply to the Commission to change the existing Exclusion Orders and/or to adopt new Exclusion Orders. Any such changes or new Orders are subject to a two-thirds majority vote of the Commission, and would need to meet the required findings for such Orders (as previously described).

De Minimis Waivers
Several public comments assert that the Coastal Act does not authorize the Commission to delegate to the County the authority to issue de minimis waivers that is provided by Coastal Act Section 30624.7 and incorporated into IP Section 22.68.070. However, these public comments are inaccurate because Section 30519 of the Coastal Act expressly authorizes delegation to the local government of all of the development review authority provided for in Chapter 7 of the Coastal Act, the Chapter containing Coastal Act Section 30624.7. In addition, the IP process identified allows the Executive Director to object to a waiver, which serves to codify the Executive Director's function and authority with respect to waivers (that is identified in CCR Section 13238) in the LCP.

Public Hearing Waivers
Several public comments request that the Commission require public hearing waivers, allowed for certain types of development meeting criteria for consideration as minor development, be supported by written determinations. However, Coastal Act Section 30624.9, which identifies the

process for consideration of such minor development without a hearing, does not require that the local government determine in writing whether development is minor and therefore qualifies for a hearing waiver. Additionally, under both the statute and IP Section 22.70.030, a public hearing waiver can only be authorized if interested persons decline to request the otherwise required public hearing. If a public hearing for minor development is requested, the waiver procedure will not be utilized and the otherwise required public hearing will occur, as is specified by the Coastal Act.

Emergency Coastal Development Permit Issuance
Several public comments assert, based on Coastal Act Section 30624(c), that IP Section 22.70.140 impermissibly authorizes the Planning Director to issue an emergency CDP without that permit subsequently being agendized on the agenda of the governing body. The section cited by the public commenters, Section 30624(c), references a process unique to local governments issuing CDPs pursuant to Section 30600.5, a section of the Coastal Act governing the issuance of CDPs by local governments pursuant to a Commission-certified Land Use Plan and without an Implementation Plan. This unique processing situation is not applicable to Marin County, and the IP section addressing emergency CDPs, as suggested to be modified, is consistent with the Coastal Act.

Criteria To Avoid a Takings
Several public comments assert that criteria to avoid a takings should not be inserted into the LCP because neither the Commission nor the local government can adjudicate a takings claim and therefore deviation from otherwise applicable LCP standards should not be authorized in order to avoid a takings. The Commission has approved numerous LCPs that implement the mandate of Coastal Act Section 30010, directing that the Coastal Act shall not be construed as authorizing neither the Commission nor the local government to exercise their power to grant or deny a permit in a manner that will "take private property for public use without the payment of just compensation." The Commission itself has a longstanding practice of applying the Coastal Act, on a case by case basis, in a manner consistent with Section 30010 if there is substantial evidence that no development consistent with the Coastal Act or LCP policies might avoid a taking. This practice is both reasonable and entitled to great weight. To do otherwise, regardless of the seriousness of a particular takings risk, would subject the Commission, and a local government implementing its LCP, to the risk of the permit action being overturned, liability for takings damages, and the payment of attorney's fees.

In addition, although a local government is bound by Coastal Act Section 30010 whether or not takings avoidance criteria are set forth in a LCP, the addition of such criteria serves to provide all interested persons with a more systematic approach to evaluate whether there is substantial evidence of a takings risk and decreases the possibility of variability in implementation. Therefore, the Commission finds that the proposed takings avoidance criteria in IP Section 22.70.180, as modified, will assist the County in more effectively carrying out the provisions of its LCP consistent with the directives of Coastal Act Section 30010.

Visual Resource Protection
Public comments have asserted that the IP's visual resource protection standards are insufficient since they simply cross-reference back to LUP policies. Specifically, they suggest that there be a

more detailed definition of public viewshed as scenic areas seen from public waters, recreation areas, beaches, and trails. However, LUP Policy C-DES-2 already defines scenic views to include these areas, stating that "significant views" are defined to include "views both to and along the ocean and scenic coastal areas as seen from public viewing areas such as highways, roads, beaches, parks, coastal trails and accessways, vista points, and coastal streams and waters used for recreational purposes". Therefore, the LCP sufficiently addresses public view protection. Finally, comments have suggested adding in a required standard that development not impair or obstruct the public viewshed. However, this language would be inconsistent with LUP Policy C-DES-2, which states that "development shall be sited and designed to protect significant views…", which is consistent with the terminology used in Coastal Act Section 30251 of which this LUP policy derives. Furthermore, other LUP and IP provisions, including those that require development within C-APZ (which totals nearly two-thirds of the non-federal coastal zone) to be clustered within existing structures, that prohibit development along ridgelines, and that limit heights to 25 feet throughout the coastal zone sufficiently address visual resource protection requirements, and no additional modifications are required.

2. Agricultural Dwelling Units

Marin County staff has requested that language be added within IP Section 22.65.040(C)(1)(e)(4) to clarify that legal lots zoned C-APZ that comprise a farm may be sold, and to clarify that the required deed restriction for a farmhouse/intergenerational home approval is only recorded against the legal lot upon which the dwelling unit is located and not on the other legal lots that comprise the farm. This IP section allows only one farmhouse or a combination of one farmhouse and up to two intergenerational homes per farm, regardless of the number of legal lots the farm owner or operator owns that comprise the farm. Furthermore, per subsection (e)(5), the lot containing the approved farmhouse/intergenerational home would be required to record a deed restriction against the legal lot specifying that the owner of the dwelling unit will be actively and directly engaged in agricultural use of that property, and that the property shall remain confined to agriculture, all as more detailed on pages 31-33 of the staff report. The IP is not, however, meant to in any way preclude the ability of farmers to sell their legal lots, whether it be the lot containing the agricultural dwelling unit or any other lot that constitutes the farm, nor is it structured in a manner as to record a restriction against any of the other legal lots making up the farm.

County staff has expressed concern about the IP's agricultural dwelling provisions, claiming that the policies as modified will encourage farmers to sell their lots, break up their farms, and risk their agricultural enterprise in order to circumvent the IP's requirements and build additional dwellings. However, as explained in detail on pages 31 and 85-87 of the staff report, and based off the existing certified LCP's requirements, staff does not believe that the proposed IP's policies pertaining to agricultural dwelling units will encourage farmers to sell or divide their legal lots. First, because the IP requires 60 acre densities in order to build a farmhouse, including requiring a lot to be 120 acres in order to build a farmhouse and an intergenerational home, a farmer has an incentive to retain large lot size. If a farmer had two legal lots of 60 acres each, he/she would have to voluntarily merge the two parcels in order to build a farmhouse and intergenerational home; otherwise he/she would only be allowed the one farmhouse. Therefore, the policies serve as an incentive to retain large parcel size. Second, because the IP requires deed restrictions as a condition of farmhouse/intergenerational home approval requiring the owner to

continuously be actively and directly engaged in agricultural use and ensuring that the lot remains confined to agriculture (in addition to suggested modifications that prohibit allowing single-family residences up to the zoning density as an allowed use), land values are driven agriculturally as opposed to residentially. Therefore, the threat of converting agricultural lands to places suitable for large residential estates owned and occupied by residents who have no intention of actively farming the land is reduced. And finally, Marin County farmers have an economic incentive to retain large land holdings. Agricultural production is their livelihood, and to suggest that a farmer would voluntarily sell his or her land and put their livelihood at risk fails to acknowledge and understand the bona fine agriculturalists working Marin's coastal agricultural lands.

Nevertheless, to make these points clearer, the County requested, and staff concurs on inserting, the following language to be added to the IP:

Amend IP Section 22.65.040(C)(1)(e)(4) in Exhibit 1 as follows:

> *Only one farmhouse or a combination of one farmhouse and up to two intergenerational homes with the combined total of 7,000 square feet (plus the allowed 540 square feet of garage space and 500 square feet of office space in the farmhouse used in connection with the agricultural operation) is allowed for the farm identified in subsection (3) above, regardless of the number of legal lots the farm owner or operator owns that comprise the farm. Nothing in this subsection shall be construed to prohibit the sale of any legal lot comprising the farm, nor require the imposition of any restrictive covenant on any legal lot comprising the farm other than the legal lot upon which development of one farmhouse and up to two intergenerational homes is approved. Future development of other legal lots comprising the farm shall be subject to the provisions of the LCP and Development Code, including but not limited to Section 22.65.040.*

3. Agricultural Processing Facilities

Numerous public comments have addressed agricultural processing facilities and retail sales facilities within C-APZ lands, specifically with respect to from where products used in such facilities may originate. LUP Policy C-AG-2 was modified by the Commission at the May 15, 2014 LUP hearing to designate processing and sales facilities that use products grown within the farmshed as principally permitted. The intent was to give the agricultural community more flexibility in their processing and sales facilities, including by allowing for products to come from beyond that which they produce themselves on their immediate farm. In talks with the agricultural community, they suggested defining the "farmshed" as Marin or Sonoma Counties, which became the basis for staff's recommendation in IP Sections 22.65.040(C)(1)(f)(2) and (6) to allow for agricultural products used in processing and sales to be grown in these two counties. Some public comments have suggested that allowing for products to be grown off-site and on farms not owned by the person proposing to process and sell the product will change the character of the agricultural lands into industrial and commercial centers. In further discussion with the County, the County recommends adding language to ensure that the products coming from the farmshed in Marin and Sonoma be limited to that which the owner of the processing or sales facility is directly involved in agricultural production. Staff concurs that this requirement will ensure that the products being processed and sold will appropriately ensure that agriculture

is enhanced, and recommends that the staff report dated prepared April 2, 2015 be modified as follows:

Modify the following text in the second paragraph on Page 38 of the staff report, after the sentence "These standards include the aforementioned requirements that such facilities not be located on prime agricultural lands, be located within the designated five percent cluster area, and not require any coastal zone variance", as follows:

> *Additionally, the section specifies that principally permitted processing and sales facilities shall only use products grown/produced on the same site or on other properties located within Marin County or Sonoma County that the owner of the processing/sales facility is directly involved in agricultural production (thereby defining the "farmshed" concept specified in Policy C-AG-2).*

Amend IP Section 22.65.040(C)(1)(f) in Exhibit 1 as follows:

f. Other Agricultural Uses: Agricultural Processing Uses and Agricultural Retail Sales Facilities/Farm Stands shall be classified as principally permitted agricultural uses only when also consistent with the following standards:

Agricultural Processing Uses:

1. *The building(s) or structure(s) used for processing activities do not exceed an aggregate floor area of 5,000 square feet;*

2. *With the exception of incidental additives or ingredients, agricultural products to be processed are produced within the farmshed, defined as the same farm as the proposed processing facility or on other agricultural properties located in Marin County or Sonoma County.*

3. *The operator of the processing facility is directly involved in the agricultural production on the property on which the processing facility is located and other properties located in the farmshed which provide agricultural products to the processing facility;*

4. *Sufficient parking, ingress, and egress is provided. In addition, conditions as to the time, place, and manner of use of the processing facility may be applied as necessary through the Coastal Permit process to ensure consistency with provisions of the LCP.*

Agricultural Retail Sales Facility/Farm Stand:

5. *The building(s) or structure(s) or outdoor areas used for retail sales do not exceed an aggregate floor area of 500 square feet;*

6. *Agricultural products to be sold are produced within the farmshed, defined as the same farm as the proposed sales facility, or on other agricultural properties located in Marin County or Sonoma County;*

7. *The operator of the sales facility is directly involved in the agricultural production on the property on which the sales facility is located, and other properties located in the farmshed which provide agricultural products to the retail sales facility;*

…

4. Environmental Hazard Types

Public comments have asserted that the inclusion of the term "storms" as a defined type of environmental hazard is ambiguous and would mean that all development throughout the coastal zone would be classified as hazardous because it would inevitably be subject to a "storm". While the term "storm" is used in LUP Policy C-EH-2, the intent is to classify areas subject to the *effects* of those storms, including related to high seas, ocean waves, tidal scour, flooding, and sea-level rise, to be classified as hazardous. Therefore, since all of these other parameters are already accounted for under defined hazards types, "storm" does not need to be included. Staff recommends that the staff report dated prepared April 2, 2015 be modified as follows:

Add the following text in the third paragraph after the words "…The screening shall include a review of reports, resource maps, aerial photographs, site inspection, and the County's hazards maps, all using the best available science…" and before "With respect to sea-level rise …" on Page 61 of the staff report as follows:

> *In terms of the types of defined environmental hazards, while the term "storm" is used in LUP Policy C-EH-2, the intent is to classify areas subject to the* effects *of those storms, including related to high seas, ocean waves, tidal scour, flooding, and sea-level rise, to be classified as hazardous. Therefore, since all of these other parameters are already accounted for under defined hazards types, "storm" does not need to be included and is thus deleted as a defined hazard type.*

Amend IP Section 22.64.060(A)(1)(a) in Exhibit 1 as follows:

> *…Geological or other hazards are defined to include Alquist-Priolo earthquake hazards zones; areas subject to tsunami runup, landslides, liquefaction, episodic and long-term shoreline retreat (including beach or bluff erosion), high seas, ocean waves, ~~storms,~~ tidal scour, flooding; steep slopes averaging greater than 35 percent; unstable slopes regardless of steepness; and flood hazard areas, including those areas potentially inundated by future sea level rise. …*

5. Environmental Hazards Report and Coastal Hazards Analysis

Public comments have suggested that the IP as modified should more clearly define the types of development that requires preparation of an Environmental Hazards Report and a Coastal Hazards Analysis. In particular, comments suggest that the definition of "shoreline development" should be more clearly articulated, including a more precise explanation of what is meant by "near the shoreline". IP Section 22.64.060(A)(1)(b) requires the preparation of an Environmental Hazards Report and a Coastal Hazards Analysis for development that is near the shoreline, defined as "at or near the ocean-sand interface and/or at very low lying elevations in areas near the shoreline", which is the precise language used in LUP Policy C-EH-5(C). As described on page 62 of the staff report, IP Chapter 22.130 defines "shoreline" to be "the intersection of the

ocean or sea with land", and defines "sea" to be "the Pacific Ocean and all harbors, bays, channels, estuaries, salt marshes, sloughs, and other areas subject to tidal action through any connection with the Pacific Ocean….". Therefore, the intent of the policy is to require the preparation of such site-specific hazards reports for all low-lying areas along the shoreline that may be subject to inundation (from storms surges, high tides, sea-level rise, etc.) in order to understand the particular hazards associated with the site, and recommend siting and design measures to ensure that the development can be built without shoreline protective devices. However, staff concurs that the definition could be clearer in order to better articulate this concept. Staff recommends that the staff report dated prepared April 2, 2015 be modified as follows:

Modify the following text in the last paragraph on Page 61 of the staff report, after the sentence "However, any other document that meets the above definition may be used for planning purposes in Marin's coastal zone", as follows:

> *Where the initial site assessment screening indicates that the proposed development is ~~within a b~~"Blufftop Development" or ~~s~~ "Shoreline Development"~~parcel~~ (as those terms are defined in IP Sections 22.64.060(A)(2)(b) and (c), respectively),or within 100 feet of an area subject to geologic or other hazards (100 feet is the standard used for biological assessments), then the project is required to prepare an Environmental Hazards Report.*
>
> …
>
> *While the Environmental Hazards Report applies to development subject to the broad range of LUP-identified hazards (e.g. earthquake zones, steep slopes), for development located on a blufftop or near the shoreline, a Coastal Hazards Analysis is required as well, which is consistent with that which is required in Land Use Plan Policy C-EH-5. ~~The areas where such analysis would be required are defined in Land Use Plan Policy C-EH-5: on blufftops, and at or near the ocean-sand interface and/or at very low-lying elevations along the shoreline. Thus, per the LUP and IP's definitions,~~ As modified, the IP defines "Blufftop Development" as development located 1) on a blufftop; or 2) on a site located in stability zone 2, 3, or 4 as indicated on the Slope Stability of the Bolinas Peninsula Study Area map which accompanies Wagner's 1977 report, "Geology for Planning, Western Marin County"; and defines "Shoreline Development" as development located at or near the ocean-sand interface, and/or at very low-lying elevations along the intersection of the ocean or sea with land, that may be inundated by environmental hazards in the 100 year evaluation timeframe ~~the analysis would be required of any development proposed to be located on a blufftop, or located at low-lying areas adjacent to and/or near the shoreline~~.*

Amend IP Section 22.64.060(A)(1)(b) in Exhibit 1 as follows:

> *b. Environmental Hazards Report. Where the initial site assessment reveals that the proposed development is ~~located on a blufftop~~ "Blufftop Development" (as defined in subsection (2)(b), below), ~~near the shoreline (i.e., at or near the ocean-sand interface and/or at very low lying elevations in areas near the shoreline)~~"Shoreline Development" (as defined in subsection (2)(c), below), or within 100 feet of an area potentially subject to geologic or*

other hazards over the 100 year assessment time frame, the project shall include an Environmental Hazards Report prepared by a qualified registered civil or structural engineer or licensed geologist or engineering geologist.

…

All development located within hazardous areas, including all "Blufftop Development" and "Shoreline Development" ~~development located on blufftops and near the shoreline~~, shall also comply with the requirements of Section 22.64.060.B.8. In addition to the Environmental Hazards Report requirement of this subsection A(1), "Blufftop Development" and "Shoreline Development" ~~development on blufftops or near the shoreline~~ must also meet the requirements of subsections A(2) and A(3), below, including requiring supplementary analyses within the Environmental Hazards Report. (Land Use Plan Policy C-EH-2)

Amend IP Section 22.64.060(A)(2)(c) in Exhibit 1 as follows:

c. Shoreline Development. In addition to the requirements for the Environmental Hazards Report identified in subsection A(1) above, Coastal Permit applications for shoreline development (defined as development located at or near the ocean-sand interface, and/or at very low-lying elevations along the intersection of the ocean or sea with land, that may be inundated by environmental hazards in the 100 year evaluation timeframe), including new development on vacant/undeveloped lots…

6. Modify IP Section 22.68.040(B)

Modify IP Section 22.68.040(B) on Page 156 of Exhibit 1 of the Staff Report as follows:

> *…In addition, t~~T~~he Director shall maintain, post on the Agency's website at least weekly, and regularly transmit to the Coastal Commission a list and summary of development projects determined to be categorically excluded…*

7. Planted Hedges and Vegetation

IP Section 22.64.045(2)(C), as modified, requires planted hedges and vegetated screens to be subject to the LCP's height limits, setback requirements, and public view protection standards. In discussion with Marin County staff, while they are amenable to the concept of proactively specifying standards for such vegetation as a tool to ensure that significant public views are protected, they would like more time to delve into the nuances of such a policy. As such, they have recommended deleting this explicit IP section for now, and hope to address the issue more thoroughly via a future LCP amendment. Because LUP Policy C-DES-2, as certified by the Commission, requires landscaping to "not interfere with public views to and along the coast", staff believes that the LCP includes appropriate controls in the interim to address any potential issues in this regard, and concurs with County staff's suggestion to delete the IP section. Staff therefore recommends the following change to the IP:

Amend IP Section 22.64.045 in Exhibit 1 as follows:

2. Fencing and Similar Structure Standards

In addition to other applicable LCP provisions, the following standards shall apply to the installation of all fences, walls, trellises, ~~planted hedges and vegetated screens,~~ and similar structures:

…

~~C. **Planted Hedges and Vegetated Screens**. Planted hedges and vegetated screens shall be subject to the same height limitations and setback requirements specified above, and shall only be allowed so long as such hedges and screens protect significant public views, including views both to and along the ocean and scenic coastal areas as seen from public viewing areas.~~

…

3. Height Limits and Exceptions.

In addition to other applicable LCP provisions, all structures shall meet the following standards relating to height, except for fences, walls, trellises, ~~planted hedges and vegetated screens,~~ and similar structures,…

…

4. Setback Requirements and Exceptions.

…

D. **Exceptions from setback requirements.** The minimum setback requirements of this Development Code shall apply to all development except the following.

1. Fences, walls, trellises, ~~planted hedges and vegetated screens,~~ and similar structures that comply with the height limits specified in Fencing and Similar Structure Standards;…

8. Public Hearing Waiver for Minor Development

The County requests that the public hearing waiver provision specified in IP Section 22.70.030(B)(6) apply to both appealable and non-appealable development. Staff concurs that doing so is consistent with Coastal Act Section 30624.9, and recommends the following suggested modification:

Amend IP Section 22.70.030(B)(6) in Exhibit 1 as follows:

6~~5~~. Public hearing waiver for minor development, including development appealable to the Commission. A public hearing that would otherwise be required for ~~a~~the below

identified minor development, including development appealable to the Commission under 22.70.080(B) shall be waived if both the following occur:

9. Repair and Maintenance

The County requests that proposed IP Chapter 22.68.050(B)'s CDP exemption language track Coastal Act Section 30610(d) by removing the term "or change to". Staff concurs with the request and recommends the following modification:

Amend IP Section 22.70.030(B) in Exhibit 1 as follows:

B. Repair and maintenance. Repair and maintenance activities that do not result in the addition ~~or change~~ to, or enlargement or expansion of, the object of repair or maintenance.

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

Th7a

Prepared April 2, 2015 (for April 16, 2015 hearing)

To: Coastal Commissioners and Interested Persons

From: Dan Carl, North Central Coast District Director
Nancy Cave, North Central Coast District Manager
Kevin Kahn, Central Coast District Supervisor
Shannon Fiala, Coastal Planner

Subject: Marin County Local Coastal Program Amendment Number LCP-2-MAR-13-0224-1 Part B (Marin Implementation Plan Update).

SUMMARY OF STAFF RECOMMENDATION

Procedural Note
Marin County's current Local Coastal Program (LCP) was originally certified, with the County assuming coastal development permit (CDP) authority, in May of 1982. In 2008, the County embarked on a comprehensive LCP update, and following nearly five years of public involvement, hearings, and extensive deliberation by both the Marin County Planning Commission and Board of Supervisors, the County submitted that update for Coastal Commission consideration. In May of last year, the Commission conditionally approved the Land Use Plan (LUP) portion of the update, and now is evaluating the Implementation Plan (IP) portion of the update. The standard of review for the IP update is the LUP that was conditionally approved by the Commission last year.

At the onset, Commission staff notes that the County has offered an open, inclusive, and collaborative dialogue with staff, including early consultation on issues to be addressed in the update. The County's consultation and hearing process has significantly informed Commission staff's recommendation, especially given that the County's record contains extensive public comments about the County's proposed revisions. The Commission staff recommendation has also benefitted from public comment received by the Commission from interested stakeholders and community groups over recent years and months on issues raised by the County's submittal. Commission staff has worked extensively and inclusively with County staff both prior to and subsequent to submittal of the LCP amendment package. Commission staff has also worked closely with members of the public, including meeting with stakeholder groups to understand their particular concerns, soliciting public comments on draft LCP amendment language, and presenting proposed modified LCP language at local community forums. The result of this public outreach is an IP amendment, as suggested to be modified, that attempts to address the issues

raised by a broad swath of Marin County constituents, including agricultural interests, environmental groups, property owners, and Marin County Community Development Agency staff, among others, in a manner that is consistent with, and is adequate to carry out the LUP as that document was conditionally approved by the Coastal Commission last year.

As the Commission evaluates the proposed IP update, it is important to note that because the proposed IP submittal (some 205 pages) implements the LUP as it was originally submitted to the Commission and before the Commission conditionally approved the LUP with changes, the IP, as submitted, does not fully reflect the May 2014 conditionally approved LUP. In addition, the original County IP submittal contained many County Municipal Code sections as cross-references, but the County did not include these cross-referenced Code sections as proposed changes to the IP (an additional 477 pages in a "soft submittal", thus bringing the total County IP update submittal to some 682 pages of materials). Instead, the County submitted these additional sections as sections to potentially be added to the LCP through Commission suggested modifications. As a result, though shown as modifications in the Commission staff's recommendation, many of the changes staff recommends actually come from the language of this County soft submittal. Staff estimates that approximately one-third of the suggested modifications reflect the need to conform IP language to Commission-approved LUP language, and that about one-third come from the County's soft submittal, and thus that only one-third reflects additional changes that staff believes are necessary for the IP to adequately carry out the LUP as approved by the Commission last year. The staff recommendation should be understood in this context and, all told, the IP that staff recommends that the Commission approve would constitute some 254 pages in total.

Marin County has until November 15, 2015 to accept the Commission-approved LUP, and should the Commission approve the IP at this hearing, the County would have until October 16, 2015 to accept the Commission-approved IP. The County has indicated that it intends to take the entire Commission-approved LCP, both the LUP and the IP, back to the Board of Supervisors shortly after the Commission's IP hearing. If the Board accepts all of the Commission's approved changes, then the updated LCP would be certified when that Board action is reported to the Commission. If the Board does not accept all of the changes, then the existing certified LCP would remain in place, and the County could choose to rely on the existing certified LCP or could choose to resubmit a modified LCP update proposal for future Commission consideration.

LCP Update Background

Marin County contains approximately 106 miles of coastline stretching from the Sonoma County border in the north to Point Bonita near the Golden Gate Bridge in the south. The coastal zone totals roughly 130 square miles (82,168 acres) of the County's 520 square miles of total land area. Of this total, approximately 53 square miles (33,913 acres) are owned and managed by the federal government, contained mostly within either Point Reyes National Seashore or the Golden Gate National Recreation Area. Approximately 75 square miles (48,255 acres) comprise the County's LCP jurisdiction. Marin's coastal zone is incredibly rich in coastal resources, including a thriving agricultural economy dominated by existing family farming operations; a rich tapestry of sensitive biological resources including dunes, woodlands, open meadows, bluffs, and riparian areas; extensive visitor-serving uses that provide both vital recreational (e.g., trails, parks, beaches) and commercial (e.g., walkable commercial districts and visitor accommodations) opportunities for the nearly eight million residents of the greater San Francisco Bay Area and

visitors from around the world; and broad swaths of land subject to coastal hazards, including development protected by structural armoring, low-lying areas subject to flooding, and bluffs susceptible to erosion, all exacerbated by the effects of sea-level rise.

The following contains an overview of the County's IP submittal, including highlighting particularly important coastal resource protection issues, and the suggested modifications required to achieve LUP consistency.

Agriculture

Agriculture is one of the primary uses of land within the Marin coastal zone. The LCP implements its agricultural protection standards primarily through the Coastal Agricultural Production Zone (C-APZ) zoning district. This single zoning district comprises nearly two-thirds of the non-federally owned coastal zone (30,781 acres out of a total of 48,255 acres), and contains the vast majority of Marin's existing agricultural lands, much of which is used primarily for livestock grazing rather than row crops because Marin's coastal zone contains little prime agricultural land suitable for row crop farming, and has limitations on water supply availability.

The Commission-approved LUP identifies the C-APZ zoning district as the LCP's primary agricultural zone, specifies the allowable uses within the zone and the permitting status for those uses, and lists a hierarchy of required development standards. The Commission focused the approved LUP policies on the protection and enhancement of the family farm, and thus the family farm became the metric by which the Coastal Act's agricultural protection standards would be based. As such, the LUP's agricultural protection policies were the subject of numerous modifications made by the Commission, including in terms of defining the types of principally permitted agricultural uses and the required development standards. The IP as proposed by the County does not contain all of the updated LUP's development parameters and must be denied as submitted and only approved with suggested modifications, as summarized below.

Many suggested IP modifications only rearrange in which IP section the standards are listed for clarity purposes, make a change required for consistency with the corresponding LUP policy, or further refine the standards that certain agricultural development must meet in order to be principally permitted (for which CDP approval would not be appealable to the Coastal Commission). However, some LUP policies, as acted upon by the Commission, require further clarification in order to be properly implemented, including those that address farmhouses and intergenerational homes. The LUP allows one farmhouse or a combination of one farmhouse and up to two intergenerational homes per farmer, regardless of how many parcels the farmer owns. The concept is centered around the family farming operation, in that a farmer is allowed one farmhouse on their farm. A farm may consist of one legal lot, or it may consist of multiple legal lots that together constitute one unified farming operation. Regardless of how many lots constitute the farm, the farmer is allowed one farmhouse. However, in order to allow for others to live on that farm, including family members, the farmer is also allowed to build up to two intergenerational housing units.

Thus, the LUP sets up a structure by which protection of the family farm is the primary mandate, and a farmer is allowed up to three dwellings (a farmhouse and up to two intergenerational

homes) on that farm. The IP, as modified, defines the process by which the farmhouse/intergenerational home allowance is implemented, including the application and permitting process. First, the applicant must identify the farm. The IP defines "farm" to be all parcels owned by the applicant. However, if non-contiguous parcels are determined to be a wholly independent farming operation, based on specified criteria, they may constitute an independent farm. Thus, the applicant may be allowed a farmhouse/two intergenerational homes combination on each farm if the applicant demonstrates that non-contiguous parcels are independent farming operations. This construct is consistent with, and helps implement, the County's and Commission's desires to protect and enhance Marin's family farming operations.

With respect to principally permitted use (PPU) status, only the farmhouse and the first intergenerational home could be considered a PPU, and any second intergenerational home (capped per the LUP as a total of 27 such homes in the County's coastal zone overall) would not be principally permitted. In addition, farmhouses and intergenerational homes would need to certain criteria to be a PPU (including that they are clustered in the developed portion of the farm, not involve development of new roads, etc.). In this way, the IP implements the approved LUP by ensuring that these types of agricultural dwelling units must meet the same rigorous criteria established in the LUP through an implementation program designed around such criteria in the IP.

In terms of questions regarding buildout potential and to what effect the approved LUP and this IP affect such potential, it is clear to staff that the changes proposed and as suggested to be modified appropriately contain potential buildout at levels lower than allowed under the existing LCP. These changes strike a balance between providing for the expressed needs of family farmers (e.g., in terms of farmhouses and intergenerational homes) and ensuring that such development is clearly in support of such farming operations overall. By providing for such development, including circumscribing it in such a way as to protect against other sorts of potential coastal resource impacts, the IP provides a cautious approach to allowing such development. Staff's analysis indicates that, at potential buildout, a maximum of up to 48 additional farmhouses and up to 27 intergenerational homes may be possible in the Marin County coastal zone. As detailed in the LUP findings, there is little expectation of a development rush, and this is a maximum, and the expected development of such units is expected to likely be lower, particularly over the short term.

Finally, with respect to permitting associated with agricultural activities, the IP defines development to include changes in use, changes in intensity of use, and grading, including into an area that has not previously been farmed. Thus, ongoing agricultural production activities (i.e., activities such as grading and other routine agricultural practices on land where such activities have been routinely performed) do not require a CDP. As modified, ongoing agricultural activities is defined as existing legally established agricultural production activities, including all ongoing grading and routine agricultural cultivation practices (e.g., plowing, tilling, planting, harvesting, seeding, etc.), which have not been expanded into never before used areas and have not been discontinued for more than the previous 10 years. Therefore, conversion of grazing to crop production (except on land used for ongoing rotational grazing and crop production) on land not used for crop production purposes within the previous 10 years would constitute a change in the intensity of use of land or water, along with any associated grading for

such production activity, would constitute new development requiring a CDP. Staff expects that most existing farming operations and activities in the County's coastal zone will fall into the category of ongoing agricultural production activities.

However, even if an agricultural activity requires a CDP, the IP offers many tools to streamline the permitting process and make it less onerous for the agricultural community. For example, the Commission issued the County Categorical Exclusion Orders E-81-2 and E-81-6, which exclude from coastal permit requirements, subject to specified criteria, agriculturally-related development, including production activities, barns, and other necessary buildings.
For those projects that cannot be excluded, the IP offers many other tools to streamline the permitting process, including the use of the de minimis waiver CDP process for non-appealable development, and a public hearing waiver process for certain minor appealable development. Thus, the IP as modified sets up a structure in which a CDP is not required for ongoing agricultural production activities, many new agricultural activities may be excluded from requiring a CDP, and, even if a CDP is required, it can be waived or deemed minor. As such, the IP provides numerous tools to expedite permitting requirements for the County's agricultural community while meeting coastal resource protection goals and enhancing agricultural operations, all consistent with the Coastal Act's objectives.

Biological Resources
The conditionally approved LUP includes a detailed set of policies that define ESHA, specify the uses allowed within it, specify the required buffers from ESHA and the allowed uses within those buffers, identifies biological assessment requirements, and also identifies the process for obtaining a buffer reduction. Specifically, the LUP protects the County's significant sensitive habitats primarily through updated and refined designation and protection of ESHA, including limiting allowed uses consistent with the Coastal Act, and requiring ESHA buffers (a minimum of 100 feet for streams and wetlands and 50 feet for other types of ESHA). Importantly, the approved LUP allows buffers to be reduced (to an absolute minimum of 50 feet for wetlands and streams and 25 feet for other types of ESHA), provided the reduced buffer meets stringent conditions, including that it adequately protects the habitat, and that the project creates a net environmental improvement over existing conditions.

In general, the proposed IP implements the conditionally approved LUP's biological resource protection standards and offers additional details on the CDP submittal requirements necessary to ensure such sensitive habitat protection. However, certain modifications are necessary for the IP to be fully LUP consistent. These changes are mostly minor in nature, and are made in order to ensure that the IP conforms to the LUP as approved. Several, however, are more substantive. For example, the proposed IP standard indicates that development must be sited and designed to avoid impacts to ESHA, but then goes on to state that if there is no feasible alternative that can avoid significant impacts to ESHA, then the alternative that results in the least impacts to ESHA shall be selected. As proposed, this standard could be interpreted to mean that any development could be allowed within ESHA so long as the County determines that it is the least environmentally damaging with respect to ESHA impacts. However, mitigating for ESHA habitat loss/adverse impacts is only allowed as a mitigation strategy for those uses allowed in ESHA per the LUP when there are no feasible alternatives, including the no project alternative,

which would avoid ESHA impacts. Thus, the proposed IP modification is LUP consistent on this point.

Similarly, an additional modification further clarifies standards that projects proposing buffer reductions must meet. The buffer reduction concept has raised some concern for public commenters, and staff concurs that such reductions must be allowed only where exacting criteria and requirements are met, including so that the habitat is appropriately protected as directed by the LUP. As such, modifications are added to state that buffer reductions must be supported by clear and convincing findings of the need for the reduction, that buffers may only be reduced by the absolute minimum necessary, and that buffer reductions must prevent impacts that degrade the ESHA and be compatible with the continuance of the ESHA. Other modifications are minor in nature and simply add/delete terms for clarity purposes or fix typographical errors. As modified, the IP includes a clear set of policies and standards for protecting biological resources as directed by the approved LUP.

Coastal Hazards

The conditionally approved LUP requires new development to be safe from geologic or other hazards for a minimum of 100 years without the need for shoreline protective devices. Development within blufftop and shoreline areas must prepare a coastal hazards analysis as part of the CDP process that ensures its stability and structural integrity, and ensures that development is appropriately setback from the shoreline/bluff edge, for a minimum of 100 years without factoring in any existing or proposed shoreline protective devices. The LUP details the criteria for allowing shoreline protective devices, including what uses are allowed structural protection, mitigation requirements, and design standards. Finally, the conditionally approved LUP includes a suite of policies addressing existing development currently located in hazardous areas. For example, such development may be repaired and maintained, but when 50% or more of the major structural components are altered, the structure is considered redeveloped and the entire structure must be found consistent with all applicable LCP policies.

Thus, the conditionally certified LUP includes an extensive, detailed, and encompassing policy framework that mirrors many of the suggested policy mechanisms and best practices outlined in the Commission's Draft Sea-Level Rise Policy Guidance.

The proposed IP as suggested to be modified appropriately implements the LUP's coastal hazards policies. The IP requires adherence to the LUP's policies, which themselves are very detailed in terms of defining the types of coastal hazards, their identification, and required parameters that development must meet. The IP also clarifies what types of proposed development would be required to prepare hazards analyses, as well as definitions of certain terms. Modifications are thus added to clearly articulate the process for such hazards evaluation. As modified, an initial screening assessment would be undergone for each CDP application to determine whether the site proposed for development may be subject to hazards. The assessment would include a review of reports, resource maps, aerial photographs, site inspection, and the County's hazards maps, all using the best available science.

Where the initial site assessment screening indicates that the proposed development is located in an area that may be subject to geologic or other hazards, then the project is required to prepare an Environmental Hazards Report. The Report must be prepared by a qualified professional, and is

intended to describe the extent of potential hazards on the site over the minimum 100 year timeframe, and to ensure that the development meets applicable hazards criteria. Development within blufftop and shoreline areas must also prepare a Coastal Hazards Analysis, which, among other requirements, lists the required CDP conditions necessary to ensure that the structure is relocated and/or removed (and the site restored) whenever the development is deemed hazardous and unsafe for human occupancy. Such relocation requirements have been commonly used by the Commission in recent actions[1] to ensure that development appropriately and proactively addresses "end of life" concerns.

Finally, a definition of "Coastal Redevelopment" is proposed that builds upon the substantial detail in this regard in the approved LUP, and articulates what elements are/are not considered to be "major structural components", and the alterations to them that would trigger the coastal redevelopment policy (which requires non-conforming structures to be brought into conformance when such threshold is crossed). Furthermore, in order to address concerns about differing standards between the LCP and those that are mandated per Federal Emergency Management Agency (FEMA) requirements, which calculates "new development" based on a *cost* model, the structure is also considered to be coastal redevelopment when the alteration meets applicable FEMA requirements. Therefore, the coastal redevelopment policy is triggered when the development includes work on the major structural components (e.g., when 50% of the linear length of a wall is removed), or if it meets applicable FEMA thresholds (i.e., based on 50% cost relative to market value).

Thus, as modified, the IP implements corresponding conditionally approved LUP policies, which state the required parameters, metrics, and findings that must be made to ensure new development is safety located.

CDP Procedures

The Coastal Act defines the activities that constitute development, requires a CDP that is consistent with the Coastal Act or the local government's Commission-certified LCP for the activities that meet the definition of development, and then lists the different types of CDPs. The Coastal Act's implementing regulations then offer detailed provisions that specify permitting procedures, including required noticing, hearing dates, and appeals procedures.

While the IP as submitted by the County offers a detailed set of CDP procedures, it is not always clear, particularly with respect to the process by which certain notices will be distributed to the public and the Commission, which is a very important step in ensuring that the Commission and interested stakeholders can weigh in on County permit category determinations and CDP decisions. Accordingly, recommended suggested modifications clarify and enhance noticing procedures as well as the ability of interested persons to track and if necessary challenge or appeal County decisions. For example, similar to what has been approved in other recent LCPs,[2]

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[1] Including the Monterey Bay Shores Resort in Sand City in CDP Number A-3-SNC-98-114, the Winget residence in Humboldt County in CDP Number 1-12-023, and, in Marin County, the Marshall Tavern in Marshall in CDP Number 2-06-017. These kind of provisions are also similar to recent certified LCP language in this regard (e.g., in the recently certified Seaside LCP).

[2] See, for example, Santa Cruz County LCP Amendment Number LCP-3-SCO-13-0228-1 Part A (Regulations Update), approved by the Commission in February 2014.

a modification requires that the County provide notice of all categorical exclusion determinations within five working days to the applicant, the Commission, and any known interested parties. For exemption determinations, the modification requires the County to maintain a list of all exemption determinations, which shall be updated at least weekly and provided for public review at the Community Development Agency's front counter and webpage, transmitted weekly to the Commission, and made available upon request otherwise. The list shall identify the items' posting date, which shall be the date from which challenges are allowed within the next 30 days. For both exemptions and exclusions, the notice shall include a project description, reasons supporting the determination, and the date of the Director's determination. Additionally, all permit category determinations are subject to challenge to the Commission, and all County CDP decisions are appealable locally, triggering a required public hearing, and some may also be appealable to the Commission after all local appeals have been exhausted.

Other modifications to the CDP procedures chapters address emergency permits, temporary events, definition of the principally permitted use (including clarifying that any use that requires the granting of a variance is not a principally permitted use), land divisions, nonconforming structures, and potential takings analysis.

As modified, the IP identifies the process by which it will carry out its LCP, including by specifying the different types of CDPs and their corresponding hearing and noticing requirements, and allows for a robust program of challenge and appeal, all with the goal of maximizing public participation consistent with the LUP and Coastal Act.

Other

In addition to the agriculture, biological resources, environmental hazards, and coastal development permit procedures provisions summarized above, the proposed IP also implements updated LUP policies related to the provision of adequate public services, visual resource protection, public recreation, public access, and other coastal resource concerns. In general, the standards within these IP chapters cross-reference the corresponding LUP policy, and are therefore consistent with the LUP. In these IP chapters, most of the staff's suggested modifications clarify terms and requirements. Thus, if modified as suggested in this report, the IP is consistent with and adequate to carry out the policies of the conditionally approved LUP, as it was approved with suggested modifications by the Commission at its May 15, 2014 hearing.

In conclusion, Marin County has prepared and submitted a significant update to the IP, one that has been evaluated at the local level through dozens of public forums over the past five years. Commission staff has worked closely with County staff over the course of this time, including providing directive comments and input at critical junctures, and has continued to work closely with both the County and with the public after the proposed IP was submitted to the Commission for consideration. The end result of this collaboration is an IP as suggested to be modified that should serve to ably protect the significant coastal resources of the Marin County coastal zone for years to come, as well as maximize the public's participation in this coastal resource protection process. If modified as suggested in this report, staff believes that the IP is consistent with and adequate to carry out the policies of the conditionally approved LUP.

Staff recommends that the Commission hold a public hearing and approve the IP subject to

modifications. This will require the Commission to **deny** the IP as submitted, and then **approve** the IP if modified to incorporate the suggested modifications. The motions to accomplish this are found on page 10, below.

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ATTACHMENTS
Attachment A: Summary of Marin County Zoning Districts
Attachment B: Summary of Marin County Hearing Process

EXHIBITS
Exhibit 1: Proposed IP Text with Coastal Commission Suggested Modifications
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Exhibit 3: Coastal Commission-Approved Land Use Plan
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Exhibit 5: Correspondence
Exhibit 6: Coastal Agricultural Production Zone (C-APZ) Buildout Analysis

ADDITIONAL INFORMATION

For further information on Marin County's proposed LCP update or this report, please contact Kevin Kahn, Central Coast District Supervisor, at (831) 427-4863. Correspondence should be sent to the North Central Coast District Office in San Francisco at 45 Fremont Street, Suite 2000, San Francisco, CA 94105-2219.

I. MOTION AND RESOLUTION

Staff recommends that the Commission approve the IP amendment if modified. The Commission needs to take two separate actions to effect this recommendation.

1. Denial of the Implementation Plan as Submitted

Staff recommends a **YES** vote on the following motion. Passage of this motion will result in denial of the IP amendment as submitted and adoption of the following resolution and findings. The motion passes only upon an affirmative vote of a majority of the Commissioners present.

> ***Motion.*** *I move that the Commission reject Implementation Plan Amendment LCP-2-MAR-13-0224-1 Part B as submitted by Marin County, and I recommend a yes vote.*
>
> ***Resolution to Deny as Submitted.*** *The Commission hereby denies certification of the Implementation Plan as submitted by Marin County and adopts the findings set forth below on grounds that the Implementation Plan as submitted does not conform with, and is inadequate to carry out, the provisions of the Land Use Plan, as approved with suggested modifications on May 15, 2014. Certification of the Implementation Plan as submitted would not meet the requirements of the California Environmental Quality Act, as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Plan as submitted.*

2. Approval of the Implementation Plan with Suggested Modifications

Staff recommends a **YES** vote on the following motion. Passage of the motion will result in the certification of the IP amendment with suggested modifications and adoption of the following resolution and findings. The motion to certify with suggested modifications passes only upon an affirmative vote of the majority of the Commissioners present.

> ***Motion.*** *I move that the Commission certify Implementation Plan Amendment LCP-2-MAR-13-0224-1 Part B for Marin County if it is modified as suggested in this staff report, and I recommend a yes vote.*
>
> ***Resolution to Approve if Modified.*** *The Commission hereby certifies the Implementation Plan submitted by the County of Marin, if modified as suggested, and adopts the findings set forth below on grounds that the Implementation Plan with the suggested modifications conforms with, and is adequate to carry out, the provisions of the Land Use Plan, as approved with suggested modifications on May 15, 2014. Certification of the Implementation Plan if modified as suggested complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Implementation Plan if modified as suggested.*

II. SUGGESTED MODIFICATIONS

The Commission finds and suggests that the following changes (i.e., "suggested modifications") to the submitted Marin County Implementation Plan (IP) are necessary to ensure that the IP is consistent with and adequate to carry out the Commission-approved Land Use Plan (LUP). If the County accepts the prior suggested modifications on the LUP, and accepts these suggested modifications on the IP within six months of Commission action (i.e., by October 16, 2015), by formal resolution of the County Board of Supervisors, the County's LUP and IP will become effective upon Commission concurrence with the Executive Director finding that this has been properly accomplished.

1. **Modify IP.** Amend the standards of the proposed Implementation Plan as shown in Exhibit 1 (changes shown in ~~strike-out~~ are to be deleted, and changes shown in <u>underline</u> are to be added).

2. **Categorical Exclusion Orders.** Prior to any final Board of Supervisors action on the Commission-approved IP, the County shall either:

   a. **Add Historic Standards.** Submit for Executive Director review and approval two copies of each set of zoning ordinances and any other standards in effect at the time that the Categorical Exclusion Orders were adopted for each category of development requiring consistency/compliance with such standards in effect at that time, in a form and content that allows straightforward assessment of Categorical Exclusion Order consistency, and upon Executive Director approval add such standards to the IP as part of Appendix 7; or

   b. **Modify Orders.** Submit for Executive Director review and approval two copies of Commission-adopted Categorical Exclusion Order amendments that allow for updated LCP standards to be used as a basis for Categorical Exclusion Order consistency, and upon Executive Director approval add such amended Categorical Exclusion Orders to the IP as Appendix 7.

III. FINDINGS AND DECLARATIONS

A. DESCRIPTION OF PROPOSED LCP AMENDMENT

Existing LCP
The County's LCP was originally certified in May 1982 and currently consists of three parts: two Land Use Plans (LUPs) (one for Unit 1 and another for Unit 2), and one Implementation Plan (IP). The LUP for Unit 1 applies to the southern portion of the County's coastal zone, including the communities of Bolinas, Stinson Beach, and Muir Beach, while the LUP for Unit 2 applies to the County's northern coastal zone from Olema to the Sonoma County border. The certified IP consists of implementing ordinances codified in Chapters 22.56 and 22.57 of the Marin County Municipal Code. Chapter 22.56 describes the process for issuing coastal development permits (CDPs), including defining development (which mirrors the definition in Coastal Act Section 30106) and stating that a CDP is required for development within the coastal zone, lists the types of development that are exempt from CDP requirements (which generally mirror those listed in Coastal Act Section 30610 and Sections 13250-13253 of the Commission's regulations), and lists the hearing and noticing requirements applicable to the types of CDPs (including whether or not a CDP is appealable to the Coastal Commission, the project requires another discretionary permit, etc.). Chapter 22.56.130(A-Q) also lists the required coastal resource protection standards that all development must meet. These standards mirror the policies that are included in the LUP, including requirements for adequacy of public services, buffers for streams and wetlands, grading standards, and provision of public coastal access. IP Chapter 22.57 lists the allowable uses and their corresponding permitting status for each of the coastal zone's fourteen zoning districts. The chapter includes two types of uses: principally permitted uses (PPUs) and conditional uses. PPUs are the uses specifically identified to be the primary use for the listed zoning district. Conditional uses are additional uses that may be allowed in the listed district. County CDP approvals where multiple types of PPUs are identified[3], and in all cases of conditional uses, are appealable to the Coastal Commission per Coastal Act Section 30603.

LCP Update
In 2008, the County embarked on a comprehensive LCP update, and following nearly five years of public involvement, hearings, and extensive deliberation by both the Marin County Planning Commission and Board of Supervisors, the County submitted that update for Coastal Commission consideration. In May of 2014, the Commission conditionally approved the LUP portion of the update. This report is focused on the IP portion of the update. The standard of review for the IP update is the LUP that was conditionally approved by the Commission last year.

The proposed IP update would replace the existing IP in its entirety with new provisions designed to implement corresponding policies of the updated LUP. It is important to note that the County approved and submitted the LUP and IP components of the LCP update to the

[3] The Coastal Act and its implementing regulations require that a single PPU be identified per zoning district for purposes of appeal to the Commission. If multiple PPUs are identified, they can only meet this test if they are all of the same type of use (e.g., a variety of residential uses in a residential zoning district). If instead the multiple PPUs are different types of uses (e.g., both residential and commercial uses are identified in a residential zoning district), or if a single PPU has not been identified otherwise, then none of the uses have been identified as the single PPU for purposes of appeal, and all are appealable.

Commission together at the same time as two parts of one LCP amendment submittal package. As a result, the proposed IP does not reflect the Commission-approved changes to the LUP, and changes are necessary in that regard in order to simply conform the IP to the Commission-approved LUP. In addition, the original County IP submittal included many County Code sections as cross-references, but did not include them as proposed changes to the IP. Instead, the County submitted these additional sections as sections to potentially be added to the LCP through Commission suggested modifications. As a result, changes to incorporate the cross-referenced sections are also necessary. In addition, additional refinements to adequately implement the approved LUP are also necessary. Each of these types of changes are discussed in the findings that follow.

Marin County has until November 15, 2015 to accept the Commission-approved LUP, and the County would have until October 16, 2015 to accept the Commission-approved IP. The County has indicated that it intends to take the entire Commission-approved LCP, both the LUP and the IP, back to the Board of Supervisors shortly after the Commission's IP hearing. If the Board accepts all of the Commission's approved changes, then the updated LCP would be certified when that Board action is reported to the Commission. If the Board does not accept all of the changes, then the existing certified LCP would remain in place, and the County could choose to rely on the existing certified LCP or could choose to resubmit a modified LCP update proposal for Commission consideration.

Proposed IP Update
The proposed IP includes zoning district maps and nine chapters:

- Chapter 22.32 (Standards for Specific Land Uses)
- Chapter 22.60 (Purpose and Applicability of Coastal Zone Regulations)
- Chapter 22.62 (Coastal Zoning Districts and Allowable Land Uses)
- Chapter 22.64 (Coastal Zone Development and Resource Management Standards)
- Chapter 22.65 (Coastal Zone Planned District Development Standards)
- Chapter 22.66 (Coastal Zone Community Standards)
- Chapter 22.68 (Coastal Permit Requirements)
- Chapter 22.70 (Coastal Permit Administration)
- Chapter 22.130 (Definitions)

The proposed IP is structured in such a way as to list the allowable land uses for each of the coastal zone's fourteen zoning districts (specified in Chapter 22.62, with the uses defined in Chapter 22.130), with a progression of required resource protection and development standards applicable to all allowable development coastal zone-wide (Chapter 22.64), additional standards particular to the coastal zone's nine designated coastal villages (Chapter 22.66), standards applicable to each zoning district (Chapter 22.65), and standards applicable for particular land

uses (Chapter 22.32). Chapters 22.68 and 22.70 specify what types of activities constitute development requiring a CDP, the different types of CDPs, and the hearing and noticing specifications required for the particular CDP type.

Each of the proposed IP chapters are located in Title 22 (Development Code) of the Marin County Municipal Code, which describes and implements the land use planning and development standards throughout the County. Within Title 22, there are eight "Articles". Article V, titled "Coastal Zones—Development and Resource Management Standards", includes proposed IP Chapters 22.60-22.70 and is meant to serve as the primary location for the IP's requirements and lists the standards that solely apply to development within the coastal zone. Chapter 22.32 lists the standards for particular land uses and applies throughout the County, both coastal and inland, and is located within Article III—Site Planning and General Development Standards. Finally, Chapter 22.130 is located in Article VIII—Development Code Definitions, and again applies to development throughout the County, coastal and inland alike.

Each of the nine chapters is explained in more detail, below.

Chapter 22.32 (Standards for Specific Land Uses)
Chapter 22.32 describes the development standards applicable to 34 individual land uses. This chapter represents an entirely new section when compared to the existing certified IP, which lists general development standards applicable for all uses throughout the coastal zone, but does not include additional use-specific provisions. The 34 listed uses in proposed Chapter 22.32 are either commonly proposed and/or offer their own particular set of impacts/issues, including agricultural intergenerational homes, guest houses, residential second units, and telecommunications facilities.

As stated above, this chapter includes standards that apply to development in both the coastal zone and outside of it. Some uses are denoted with "(Coastal)", meaning that the standards specified for that particular use apply solely within the coastal zone, while standards without the "(Coastal)" denotation apply to that development type both within and outside of the coastal zone. The standards provide additional details on required development parameters specific to the particular use, specify in which coastal zoning district the use is allowed, and/or identify additional performance standards/permit requirements, including other local permits and authorizations that a particular use/development may need (in addition to a CDP in the coastal zone), such as Design Review approval, Use Permit authorization, or a Second Unit Permit. Many of the development standards repeat and build upon applicable Land Use Plan policies specific to those uses (including, for example, IP Section 22.32.028's specification that Agricultural Worker Housing is type of development designated as principally permitted within the Coastal Agricultural Production Zone (C-APZ) so long as the housing consists of no more than 36 beds or 12 units (mirroring that which is described in LUP Policy C-AG-2)).

Additionally, Chapter 22.32 includes provisions to ensure implementation of and compliance with corresponding LUP requirements, such as recordation of a restrictive covenant and licensing/reporting requirements from the State Department of Housing and Community Development to ensure that all agricultural worker housing is maintained and operated for its permitted use (including, for example, being occupied by agricultural workers). Other provisions for particular uses in Chapter 22.32 go beyond traditional land use parameters (e.g., height,

density, permitting status) and instead specify required operating standards. These include requirements for Home Occupations that specify an allowance for a maximum of one nonresident employee and prohibit such uses from creating fumes, glare, light, noise, odor, or other such public nuisances.

Chapter 22.60 (Purpose and Applicability of Coastal Zone Regulations)
Chapter 22.60 is the introductory chapter of the LCP's IP, setting forth the County's intention that all development within the coastal zone must be consistent with the Marin County LCP in order to carry out the statutory requirements of the California Coastal Act. Section 22.60.020 also states that while all policies and regulations specified in the Marin County Development Code apply in the coastal zone (including, for example, non-CDP permit requirements and standards for particular land uses (including those specified in Chapter 22.32)), in the event of any perceived conflict between those standards and the ones specifically required of Article V (i.e. Chapters 22.60-22.70), Article V shall control.

Chapter 22.62 (Coastal Zoning Districts and Allowable Land Uses)
Chapter 22.62 divides the coastal zone into fourteen zoning districts, includes the list of allowable land uses and their corresponding permitting status for each of those zoning districts, and cross-references the required development standards applicable for those listed uses. This structure is similar to that of the existing certified IP, which also divides the coastal zone into the same fourteen zoning districts. The proposed Chapter describes the intent of each of the zoning districts, lists their allowable land uses, and then lists the permitting category of those uses. The Chapter divides the allowable land uses into five permit categories: categorically excluded for which no CDP is required (denoted with "E"), principally permitted (noted with "PP"), permitted ("P"), conditional ("U"), and use not allowed ("_").

Section 22.62.040 describes the five uses, where categorically excluded projects ("E") are those that are specified in applicable Coastal Commission-certified Categorical Exclusion orders as not requiring a CDP, development denoted "PP" is only appealable to the Coastal Commission if located within the geographic appeals area or if the project constitutes a major public works project or major energy facility, "P" uses that meet the definition of development require a coastal permit that is appealable to the Coastal Commission, "U" uses are conditional uses requiring both a County Use Permit and, if it meets the definition of development, a CDP which is appealable to the Coastal Commission, and "_" uses are not allowed in the zoning district. The fourteen zoning districts, their intended purpose, and some of their proposed allowed land uses, are set forth in Attachment A.

Chapter 22.62 includes Tables 5-1, 5-2, and 5-3, which list each of the fourteen zoning districts and lists the land uses allowable in each. The tables categorize land uses into eight types, as follows:

- <u>Agriculture, Mariculture</u>: including agricultural accessory activities, agricultural production, agricultural worker housing, farmhouse, and mariculture.

- <u>Manufacturing and Processing Uses</u>: including cottage industries, boat manufacturing and sales, and recycling facilities.

- Recreation, Education, and Public Assembly Uses: including campgrounds, equestrian facilities, libraries and museums, and schools.
- Residential Uses: including single-family dwellings, home occupations, affordable housing, and residential second units.
- Resource and Open Space Uses: including nature preserves, mineral resource extraction, timber and tree production, and water conservation dams and ponds.
- Retail Trade Uses: including grocery stores, bars and drinking places, restaurants, and farmer's markets.
- Service Uses: including hotels and motels, offices, warehousing, banks and financial services, and construction yards.
- Transportation and Communications Uses: including harbors, marinas, telecommunications facilities, and transit stations and terminals.

The proposed IP does not include any parcel rezonings. However, the IP does propose to revise some of the uses allowed within existing certified zoning districts by adding/deleting certain uses from particular zoning districts, and/or revising the required permitting status of those listed uses (e.g., where a development that was previously classified as a conditional use is now proposed to be principally permitted, and vice versa). Specifically, within the C-APZ zone, which is the LCP's primary agricultural zoning district, the IP proposes newly allowable land uses such as Intergenerational Homes (which is defined as a type of agricultural land use meant to house members of the farm owner's or operator's immediate family), Group Homes (defined as a dwelling unit providing non-medical 24-hour care for persons who are not disabled, and includes drug abuse recovery centers), and Educational Tours (defined as interactive excursions for groups to experience the unique aspects of a property, including agricultural operations). Other uses within the C-APZ have different permitting standards, including Agricultural Processing Uses and Agricultural Product Sales, both of which are classified as conditional uses in the existing certified IP, but are now proposed to be principally permitted uses so long as they meet certain criteria (including sizing requirements).

Within the Coastal Visitor Commercial Residential Zone (C-VCR), which is the IP's primary zoning district along the commercial streets within the coastal zone's nine designated villages, a broad swath of land uses are newly allowable, ranging from Recycling Facilities, Cemeteries, and Seafood Processing and Sales facilities (all proposed as conditional uses) to new principally permitted uses such as Affordable Housing. Other zoning district changes include Public Buildings and Equestrian Facilities as allowable uses within the Coastal Single Family Planned district (C-RSP), Recycling Facilities and Affordable Housing as newly allowable in the Coastal Resort and Commercial Recreation district (C-RCR), and allowing Farmers' Markets and Vehicle Repair and Maintenance facilities in the Coastal Limited Roadside Business district (C-H1).

Chapter 22.64 (Coastal Zone Development and Resource Management Standards), Chapter 22.65 (Coastal Zone Planned District Development Standards), and Chapter 22.66

(Coastal Zone Community Standards)
These proposed three IP chapters provide the standards for proposed development, including those that apply throughout the coastal zone, those that are specific to a particular zoning district, and those that are specific to a particular community. Chapters 22.64.030 and 22.64.040 include Tables 5-4 and 5-5, which list the siting and design parameters applicable to development within each zoning district, including minimum lot area, maximum residential density, minimum setback requirements, height limits, and maximum floor area ratio (FAR). These standards are identical to those specified in the existing certified IP, and generally reflect standard planning practice (e.g., 7,500 square feet minimum lot areas in single-family residential neighborhoods, 25-foot height limits for primary structures throughout the coastal zone, and zero front yard setbacks for structures within urbanized commercial districts). The tables also include footnotes to other chapters of the Development Code that may apply to the proposed development, including Design Review in Development Code Chapter 22.42, and height and setback requirements (including provisions specified in Chapter 22.20).

Proposed Sections 22.64.050 through 22.64.180 implement the LUP's coastal resource protection standards for biological resources; environmental hazards; water resources; community design; community development; energy; housing; public facilities and services; transportation; historic and archeological resources; parks, recreation and visitor-serving uses; and public coastal access. In general, these proposed sections implement the corresponding LUP policy via cross-reference, which is a similar construct as the existing certified IP. For example, Section 22.64.050(B)(1) states that "The resource values of ESHAs shall be protected by limiting development per Land Use Policies C-BIO-1, C-BIO-2, and C-BIO-3." These LUP policies in turn describe in detail the types of ESHA, the buffers required to protect the resource, and the allowable uses within both the ESHA itself and its buffer.

Finally, proposed Chapter 22.65 provides detailed site planning, development, and land use standards for particular zoning districts specified as planned zoning districts, which include C-APZ, C-ARP, C-RSP, C-RSPS, C-RMP, C-CP, C-RMPC, and C-RCR. This chapter includes additional requirements for these particular zoning districts, including specifying the development and resource protection standards for the C-APZ district.

Coastal Agricultural Production Zone (C-APZ)
The LUP's Agriculture chapter includes a series of detailed provisions particular to the C-APZ zoning district, which is the LCP's primary agricultural zone. The LUP, as modified by the Commission (and all as explained in more detail subsequently in this report), defines what constitutes agricultural uses, specifies what permitting status those uses may fall under (i.e., principally permitted, conditional, etc.), and identifies the required standards that development must meet (e.g., 60-acre minimum densities for a farmhouse, requirements that all development be clustered on no more than 5% of the land, and that adequate water be available to serve the proposed development). Since the conditionally approved LUP agricultural protection policies almost exclusively apply to the C-APZ, the IP proposes to implement these LUP policies within the zoning district-specific provisions of Chapter 22.65 as opposed to 22.64 (which, as stated above, lists the resource protection standards that apply to all development throughout the coastal zone, regardless of zoning district). Chapter 22.65.040(C) thus implements the standards specified in LUP Policies C-AG-2 through C-AG-10 largely by repeating and refining the

corresponding LUP policy.

Specifically, Section 22.65.040(C)(1) lists the required development standards for agricultural development, including that development protect and maintain continued agricultural use, that it avoid being sited on prime agricultural land if possible, that adequate public services are available to serve the proposed development after provision has been made for existing and continued agricultural operations, and that farmhouses, intergenerational homes, and agricultural homestay facilities be placed in clusters along with non-agricultural development on a total of no more than five percent of the gross acreage, to the extent feasible. Section 22.65.040(C)(2) lists the standards and findings that must be made in order to permit non-agricultural development, including requirements for conservation easements, findings that agricultural use is no longer feasible, and that the non-agricultural development will not conflict with the continuation of agricultural uses on the remaining portions of the property, on adjacent parcels, or on other agricultural parcels within one mile of the proposed development.

LUP Policies C-AG-5 and C-AG-9, which specify detailed parameters for agricultural dwelling units located within C-APZ parcels, defined as farmhouses, intergenerational homes, and agricultural worker housing, are implemented in the IP both in Chapter 22.65 and in Chapter 22.62.060(E). As stated earlier, Chapter 22.62 introduces each of the coastal zone's zoning districts and lists the allowable uses within those districts. Section 22.62.060(E) prohibits permissible dwellings within the C-APZ zone from exceeding 7,000 square feet in size cumulatively, and from diminishing current or future agricultural use, among other requirements.

Finally, Chapter 22.66 provides development standards for the coastal zone's nine designated coastal villages. These standards cross-reference the Community Specific Policies chapter of the LUP, which are meant to preserve each coastal village's unique community character.

Chapter 22.68 (Coastal Permit Requirements), Chapter 22.70 (Coastal Permit Administration), and Chapter 22.130 (Definitions)

Chapter 22.68 defines what development requires a CDP, and conversely, and what types of development would qualify for categorical exclusion, exemption, or waiver from CDP requirements. Per proposed Section 22.68.040, development is categorically excluded if it is consistent with Coastal Act Section 30610(e) and the Commission's implementing regulations. Proposed Section 22.68.050 lists the types of projects that are exempt from CDP requirements. The IP's CDP exemption provision is intended to track the Coastal Act and Regulation's detailed CDP exemption provisions with respect to minor improvements, repair and maintenance, replacement after disaster, and emergency work, among others. The corresponding "non-exempt development" provision specified in Section 22.68.060 is also intended to track the Coastal Act and Regulations in this regard, and prohibits such exemption where the proposed development has the potential to impact sensitive or important coastal resources (e.g., improvements and repair and maintenance to structures located within 50 feet of the edge of a coastal bluff, within ESHA, etc.).

Finally, Section 22.68.070 includes a "de minimis waiver" procedure that allows the County to waive the requirement for obtaining a CDP for certain types of projects and when certain findings are made, including that the project cannot involve potential for adverse effects on

coastal resources, must be consistent with the LCP, and cannot be of a type or in a location where the project would be subject to a CDP by the Coastal Commission. The waiver is then also subject to certain procedural requirements, including public notice and opportunities for public comment, the concurrence of the Coastal Commission's Executive Director, and a Notice of Final Action sent to the Commission within seven calendar days of waiver issuance.

Chapter 22.70 provides the procedures for filing, processing, and acting on CDPs, de minimis waivers, exemptions, and categorical exclusions. Once an application is received, the Director is required to determine the permit category type, including whether the development is: (1) categorically excluded; (2) eligible for de minimis waiver; (3) qualifies as an administrative CDP application that does not require a public hearing; (4) qualifies as a public hearing application because the development is defined as appealable to the Coastal Commission; or (5) though appealable, qualifies for a public hearing waiver in which the public hearing may be waived when certain findings are made (the findings of which mirror the Coastal Act's hearing waiver allowance as specified in Section 30624.9, including that the development is consistent with the LCP, requires no other discretionary approvals other than the CDP, and will have no adverse effect on coastal resources). Proposed Section 22.70.040 allows an applicant or interested person to challenge this determination to the Planning Commission or Board of Supervisors within 10 business days of the determination. The permit category determination may also be challenged to the Coastal Commission in compliance with Section 13569 of the Commission's regulations, which allows the Executive Director or other interested person to challenge a permit category determination subject to specified criteria and process.

The proposed IP also lists the requirements for public noticing of CDP decisions (e.g., notice must be sent at least 10 days prior to a hearing or action and sent to all owners of property within 300 feet of the proposed development, among other requirements), as well as a process for appealing those CDP decisions to both the Planning Commission and/or Board of Supervisors, and to the Coastal Commission. Finally, the Chapter contains provisions related to required findings for CDP approval (Section 22.70.070), sending a Notice of Final Action to the Coastal Commission after the County's action is considered final and no local appeals have been filed (Section 22.70.090), requirements for processing permit amendments (Section 22.70.130), emergency permits (Section 22.70.140), and coastal zone variances (Sections 22.70.150-22.70.170), among others.

Finally, Chapter 22.130 provides a detailed glossary of terms and phrases used in the LCP. As previously stated, this chapter is located within Article VIII of the Development Code, and therefore applies to development both within and outside of the coastal zone. Terms denoted with "(Coastal)" apply solely within the coastal zone, while those without such denotation apply both within and outside of the coastal zone.

B. CONSISTENCY ANALYSIS

The standard of review for the proposed IP amendment is whether it is consistent with and adequate to carry out the conditionally certified LUP as that plan was approved with suggested modifications by the Commission at its May 15, 2014 hearing.

1. AGRICULTURE

A. Applicable Land Use Plan Policies

Policy C-AG-2 Coastal Agricultural Production Zone (C-APZ). *Apply the Coastal Agricultural Production Zone (C-APZ) to preserve agricultural lands that are suitable for land-intensive or land-extensive agricultural productivity, that contain soils classified as Prime Farmland, Farmland of Statewide Importance, Farmland of Local Importance, or Grazing Land capable of supporting production agriculture, or that are currently zoned C-APZ. Ensure that the principal use of these lands is agricultural, and that any development shall be accessory and incidental to, in support of, compatible with, and necessary for agricultural production.*

In the C-APZ zone, the principal permitted use shall be agriculture, limited to the following:

1) *Agricultural Production:*
   - *Uses of land for the breeding, raising, pasturing, and grazing of livestock;*
   - *The production of food and fiber;*
   - *The breeding and raising of bees, fish, poultry, and other fowl;*
   - *The planting, raising, harvesting and producing of agriculture, aquaculture, mariculture, horticulture, viticulture, vermiculture, forestry crops, and plant nurseries.*

2) *Agricultural Accessory Structures;*

3) *Agricultural Accessory Activities;*

4) *One farmhouse or a combination of one farmhouse and one intergenerational home per legal lot, consistent with C-AG-5, including combined total size limits;*

5) *Agricultural worker housing, providing accommodations consisting of no more than 36 beds in group living quarters per legal parcel or 12 units or spaces per legal lot for agricultural workers and their households;*

6) *Other Agricultural Uses, if appurtenant and necessary to the operation of agriculture, limited to:*

   - *Agricultural product sales and processing of products grown within the farmshed, provided that for sales, the building(s) or structure(s), or outdoor areas used for sales*

do not exceed an aggregate floor area of 500 square feet, and for processing, the building(s) or structure(s) used for processing activities do not exceed an aggregate floor area of 5,000 square feet;

- *Not-for-profit educational tours.*

Conditional uses in the C-APZ zone include a second intergenerational home per legal lot, for-profit educational tours, agricultural homestay facilities, agricultural worker housing above 12 units per legal lot, and additional agricultural uses and non-agricultural uses consistent with Policies C-AG-5, 6, 7, 8 and 9.

Development shall not exceed a maximum density of 1 agricultural dwelling unit per 60 acres. Densities specified in the zoning are not entitlements but rather maximums that may not be achieved when the standards of the Agriculture policies below and other relevant LCP policies are applied. The County (and the Coastal Commission on appeal) may include all contiguous properties under the same ownership when reviewing a Coastal Permit application.

Policy C-AG-5 Agricultural Dwelling Units (Farmhouses, Intergenerational Housing, and Agricultural Worker Housing). *Support the preservation of family farms by facilitating multi-generational operation and succession. Agricultural dwelling units may be permitted on C-APZ lands subject to the policies below, as well as any applicable requirement in C-AG-6, 7, 8, and 9, and all other applicable requirements in the LCP. Agricultural dwelling units must be owned by a farmer or operator actively and directly engaged in agricultural use of the property. No more than a combined total of 7,000 sq ft may be used as an agricultural dwelling by the farm owner or operator, whether in a single farmhouse or in a combination of a farmhouse and intergenerational homes(s). Only a single farmhouse or a combination of a farmhouse and intergenerational home(s) with the combined total of 7,000 square feet may be allowed for each farm owner or operator actively and directly engaged in agriculture, regardless of the number of legal lots each farm owner or operator owns. Intergenerational farm homes may only be occupied by persons authorized by the farm owner or operator, shall not be divided from the rest of the legal lot, and shall be consistent with the standards of LCP Policy C-AG-7 and the building size limitations of Policy C-AG-9. Such intergenerational homes shall not be subject to the requirement for an Agricultural Production and Stewardship Plan (C-AG-8), or permanent agricultural conservation easement (C-AG-7). A density of 60 acres per unit shall be required for each farmhouse and intergenerational house (i.e. at least 60 acres for a farmhouse, 120 acres for a farmhouse and an intergenerational house, and 180 acres required for a farmhouse and two intergenerational homes), including any existing homes. The reviewing authority shall consider all contiguous properties under the same ownership to achieve the requirements of the LCP. No Use Permit shall be required for the first intergenerational home on a qualifying lot, but a Use Permit shall be required for a second intergenerational home. No more than 27 intergenerational homes may be allowed in the County's coastal zone. Agricultural worker housing providing accommodations consisting of no more than 36 beds in group living quarters per legal parcel or 12 units or spaces per legal parcel for agricultural workers and their households shall not be included in the calculation of density in the following zoning districts: C-ARP, C-APZ, C-RA, and C-OA. Additional agricultural*

worker housing above 36 beds or 12 units shall be subject to the density requirements applicable to the zoning district. An application for agricultural worker housing above 36 beds or 12 units shall include a worker housing needs assessment and plan, including evaluation of other available worker housing in the area. The amount of approved worker housing shall be commensurate with the demonstrated need. Approval of agricultural worker housing shall require recording a restrictive covenant running with the land for the benefit of the County ensuring that the agricultural worker housing will continuously be maintained as such, or, if no longer needed, for non-dwelling agricultural production related uses.

Policy C-AG-6 Non-Agricultural Development of Agricultural Lands. *Non-agricultural development is defined to include division of agricultural lands and any development not classified as Agriculture. Require that non-agricultural development shall only be allowed upon demonstration that long-term agricultural productivity, including on each parcel created in the case of a land division, would be maintained and enhanced as a result of such development, and that agricultural productivity on adjacent parcels would be maintained. In considering divisions of agricultural lands in the Coastal Zone, the County may approve fewer parcels than the maximum number of parcels allowed by the Development Code, based on site characteristics such as topography, soil, water availability, environmental constraints and the capacity to sustain viable agricultural operations.*

Policy C-AG-7 Development Standards for the Agricultural Production Zone (C-APZ) Lands. *Proposed development in the C-APZ zone shall be designed and constructed to preserve agricultural lands and to be consistent with all applicable standards and requirements of the LCP, and in particular the policies of the Natural Systems and Agriculture Element of the LUP. In addition to the requirements applicable to a specific land use and all other applicable requirements specified in the LCP, the following shall apply to development in the C-APZ:*

A. <u>Standards for All Development in the C-APZ:</u>

All of the following development standards apply:

1. *Permitted development shall protect and maintain renewed and continued agricultural production and viability on-site and on adjacent agricultural lands. Development shall be sited to avoid agricultural land (i.e., prime agricultural land or other land suitable for agriculture) whenever possible, consistent with the operational needs of agricultural production. If use of such land is necessary, prime agricultural land shall not be utilized if it is possible to utilize other lands suitable for agricultural use. In addition, as little agricultural land as possible shall be used for structural development.*

2. *Development shall be permitted only where adequate water supply, sewage disposal, road access and capacity and other services are available to support the proposed development after provision has been made for existing and continued agricultural production. Water diversions or use for a proposed development shall not adversely impact stream or wetland habitats, have significant effects on groundwater resources,*

or significantly reduce freshwater inflows to water bodies, including Tomales Bay, either individually or cumulatively.

3. *Permitted development shall have no significant adverse impacts on environmental quality or natural habitats, and shall meet all other applicable policies, consistent with the LCP.*

4. *In order to retain the maximum amount of land in agricultural production or available for future agricultural production, all infrastructure and structural development (e.g. agricultural accessory structures, other agricultural uses, and roads) shall be placed within a clustered development area of a total of no more than five percent of the gross acreage, to the extent feasible, with the remaining acreage retained in or available for agricultural production or open space.*

   All new structural development shall be clustered within existing developed areas, except when:

   (a) placement outside such areas is necessary for agricultural operations (e.g. when a more remote barn is required in a different part of the property to allow for efficient agricultural operations); or

   (b) when placement inside such areas would be inconsistent with applicable LCP standards (e.g. when such placement would be within a required stream setback area).

   In the latter case, new development shall be placed as close as possible to the existing clustered development area in a way that also meet applicable LCP standards.

   Development shall be located close to existing roads, and shall not require new road construction or improvements resulting in significant impacts on agriculture, natural topography, major vegetation, or significant natural visual qualities of the site. Development shall be sited to minimize impacts on coastal resources and adjacent agricultural operations and shall be designed and sited to avoid hazardous areas.

B. <u>Standards for Non-Principally Permitted Uses</u>:

In addition to the standards of Section A. above, all of the following development standards apply to non-principally permitted uses. The County shall determine the density of permitted agricultural dwelling units or land divisions only upon applying Policy C-AG-6 and the following standards and making all of the findings listed below.

1. *Non-principally permitted uses shall only be allowed when such uses will serve to maintain and enhance agricultural production.*

2. *The creation of a homeowners' or other organization and/or the submission of an Agricultural Production and Stewardship Plan (APSP) may be required to provide*

for the proper utilization of agricultural lands, including their availability on a lease basis or for the maintenance of the community's roads, septic or water systems.

C. <u>Standards for Non-Agricultural Conditional Uses:</u>

In addition to the standards of Sections A and B above, all of the following development standards apply to non-agricultural conditional uses.

1. *Where consistent with state and federal laws, a permanent agricultural conservation easement over that portion of the property not used for physical development or services shall be required for otherwise permissible land divisions and other non-agricultural development to promote the long-term preservation of these lands. Only agricultural and compatible uses shall be allowed under the easement. In addition, the County shall require the execution of a covenant not to divide for the parcels created under this division so that each will be retained as a single unit and will not be further subdivided.*

2. *Proposed development shall only be approved after making the following findings:*

    a. *The development is necessary because agricultural use of the property would no longer be feasible. The purpose of this standard is to permit agricultural landowners who face economic hardship to demonstrate how development on a portion of their land would ease this hardship or enhance agricultural operations on the remainder of the property.*

    b. *The proposed development will not conflict with the continuation or initiation of agricultural uses on that portion of the property that is not proposed for structural development, on adjacent parcels, or on other agricultural parcels within one mile of the perimeter of the proposed development.*

    c. *Appropriate public agencies are able to provide necessary services (fire protection, police protection, schools, etc.) to serve the proposed development without extending urban services.*

Policy C-AG-9 Agricultural Dwelling Unit Impacts and Agricultural Use. *Ensure that lands designated for agricultural use are not de facto converted to residential use, thereby losing the long-term productivity of such lands, by the following means:*

1. *Agricultural dwelling units, other than principally permitted agricultural dwelling units, shall be reviewed to ensure they do not diminish current or future agricultural production on the property or convert it to primarily residential use.*

2. *Any proposed agricultural dwelling unit and related development subject to a Coastal Permit shall comply with LCP policies including ensuring that the mass and scale of new or expanded structures respect environmental site constraints and the character of the surrounding area. Such development must be compatible with ridge protection policies and avoid tree-cutting and grading wherever possible. All such development shall be*

clustered with existing structures and development on the farm, pursuant to C-AG-7, and shall be sited and designed to protect significant public views.

When considering proposed agricultural dwelling units, other than principally permitted agricultural dwelling units, the reviewing authority shall exercise its discretion in light of some or all of the following criteria for the purpose of ensuring that the land does not de facto convert to residential use:

a. The applicant's history of production agriculture.

b. How long term agricultural use of the property will be preserved — for example, whether there is an existing or proposed dedication or sale of permanent agricultural easements or other similar protective agricultural restrictions such as Williamson Act contract or farmland security zone.

c. Whether long term capital investment in agriculture and related infrastructure, such as fencing, processing facilities, market mechanisms, agricultural worker housing or agricultural leasing opportunities have been established or are proposed to be established.

d. Whether sound land stewardship practices, such as organic certification, riparian habitat restoration, water recharge projects, fish-friendly farming practices, or erosion control measures, have been or will be implemented.

e. Whether the proposed development will facilitate the ongoing viability of agriculture such as through the transfer or lease of existing agricultural operations.

3. In no event shall agricultural dwellings subject to these provisions exceed 7,000 square feet in size. Where a farmhouse and one or two intergenerational residence units are allowed in the C-APZ zone, the aggregate development of all homes on the subject legal lot shall not exceed 7,000 square feet.

4. However, agricultural worker housing, up to 540 square feet of garage space for each farmhouse, agricultural accessory structures, and up to 500 square feet of office space in the farmhouse used in connection with the agricultural operation on the property shall be excluded from the 7,000 square foot limitation.

5. The square footage limitations noted in the above criteria represent maximum agricultural dwelling unit sizes and do not establish a mandatory entitlement or guaranteed right to development; rather, site constraints and resource protection standards may require reduced size limits in any particular case.

6. Agricultural homestays, bed & breakfasts, home occupations, care facilities, group homes and similar uses allowed in the C-APZ zone may only occur within otherwise allowable agricultural dwelling units and not within additional separate structures.

B. LUP Background

As previously discussed, agriculture is one of the primary uses of land within the Marin coastal

zone. Nearly two-thirds of the County's coastal zone is zoned for agricultural production, supporting a healthy agricultural economy dominated by family farming operations. The LCP implements its agricultural protection standards primarily through the Coastal Agricultural Production Zone (C-APZ) zoning district. This single zoning district comprises nearly two-thirds of the non-federally owned coastal zone (30,781 acres out of a total of 48,255 acres), and contains the vast majority of Marin's existing agricultural lands, much of which is used primarily for livestock grazing rather than row crops because Marin's coastal zone contains little prime agricultural land suitable for row crop farming, and has limitations on water supply availability.

The conditionally certified LUP includes a chapter entitled Agriculture containing ten policies specific to the protection of agricultural lands and the enhancement of the agricultural economy. The policies specify both the allowable uses within the C-APZ district, the permitting status for those uses, and their required resource protection standards. The protection of both agricultural production and the agricultural economy, including in relation to allowing for uses that are incidental and supportive of agricultural production, are clear objectives for the conditionally certified LUP's agriculture policies, furthering the Coastal Act's objective of protecting agricultural viability in the state's coastal zone. Policy C-AG-2 states that the C-APZ district shall be the coastal zone's primary agricultural zoning district, and shall be applied to preserve agricultural lands that are suitable for intensive or land-extensive agricultural productivity, to areas that contain soils classified as Prime Farmland, Farmland of Statewide Importance, Farmland or Local Importance, or Grazing Land capable of supporting production agriculture, and to any areas currently designated as C-APZ. Furthermore, the C-AG-2 requires all development within C-APZ to be accessory and incidental to, in support of, compatible with, and necessary for agricultural production.

Therefore, LUP Policy C-AG-2 designates one principally permitted use, Agriculture, for the C-APZ and lists the six types of agricultural development that are designated as principally permitted in the C-APZ when consistent with applicable LCP policies. The six types of development designated as principally permitted in C-APZ are:

- Agricultural production (defined to include a broad range of activities that use land for the production of food and fiber, including grazing, planting and harvesting of crops, and breeding of fowl, among others)
- Agricultural accessory structures
- Agricultural accessory activities
- One farmhouse or a combination of one farmhouse and one intergenerational home per legal lot, consistent with Policy C-AG-5, including combined total size limits and a limitation of one farmhouse per farmer or operator regardless of the number of legal lots each farmer or operator owns
- Agricultural worker housing, providing accommodations consisting of no more than 36 beds in group living quarters per legal parcel or 12 units or spaces per legal lot for agricultural workers and their households

- Other agricultural uses if appurtenant and necessary to agriculture, defined as agricultural processing of products grown within the farmshed and processed in structures 5,000 square feet or below, agricultural product sales of products grown within the farmshed and sold in structures 500 square feet or below, and not-for-profit educational tours.

Finally, LUP Policy C-AG-2 states that conditional uses (i.e., uses where County CDP decisions would be appealable to the Coastal Commission) within C-APZ lands include non-agricultural uses and development (such as land division) and additional agricultural uses that are not considered principally permitted, such as a second intergenerational housing unit, agricultural worker housing above the 12 unit/36 bed density threshold, agricultural product sales and processing of products not grown within the farmshed and/or not meeting the specified sizing limits, for-profit educational tours, and agricultural homestay facilities.

Next, the conditionally certified LUP lists the required standards that development must meet. Policy C-AG-7 contains three sets of standards for proposed development within the C-APZ: Policy C-AG-7(A): Standards for All Development; Policy C-AG-7(B): Standards for Non-Principally Permitted Uses; and Policy C-AG-7(C): Standards for Non-Agricultural Conditional Uses. Policy C-AG-7(A) lists the standards and findings required for all development within C-APZ lands, including that the maximum amount of land suitable for agricultural production is conserved and that prime agricultural land is not utilized for structural development if it is possible to utilize other lands, that development shall only be permitted where adequate water supply and other public services are able to support the proposed development after provision has been made for existing and continued agricultural production, and that development cannot have significant adverse impacts on environmental quality or natural habitats. Further, Policy C-AG-7(A)(4) requires all infrastructure and structural development to be placed within a clustered development area of a total of no more than five percent of the gross acreage, to the extent feasible. The policy also requires all structural development to be clustered within existing developed areas, with two exceptions: when placement elsewhere is necessary for agricultural operations or when placement would create an inconsistency with other LUP policies, such as for LCP-required 100-feet stream/wetland setbacks.

Policy C-AG-7(B) lists the additional standards for non-principally permitted uses and development (such certain agricultural development such as a second intergenerational home and for-profit educational tours), including that such development shall only be allowed with findings that they will serve to maintain and enhance agricultural production. Policy C-AG-7(C) also lists the requirements for non-agricultural, conditional uses and development, including land division. The LUP requires strong findings for any such proposal, including that such development is necessary because agricultural use would no longer be feasible; that such non-agricultural development not conflict with continued or initiated agricultural uses on that portion of the property that is not proposed for structural development, on adjacent parcels, or on other agricultural parcels within one mile of the perimeter of the proposed development; and a permanent agricultural conservation easement be placed on the remaining portion of the property not used for physical development.

Finally, the LUP also includes Policies C-AG-5 and C-AG-9, which list additional standards that agricultural dwelling units must meet, defining such units as farmhouses, intergenerational homes, and agricultural worker housing that must be owned by a farmer or operator actively and

directly engaged in agricultural use of the property. Farmhouses and intergenerational homes are allowed within the C-APZ so long as the aggregate size of such units on a legal parcel does not exceed 7,000 square feet (plus an allowed 540 square feet of garage space and 500 square feet of office space in the farmhouse used in connection with the agricultural operation), they meet required 60 acre densities (i.e., a farmhouse is only allowed on a parcel of at least 60 acres and a farmhouse and intergenerational home are only allowed on parcels of 120 acres) and no more than a maximum of 27 intergenerational units are allowed in the County's coastal zone. Policy C-AG-5 also requires all intergenerational units to be consistent with any applicable requirements in Policies C-AG-6, C-AG-7, C-AG-8, and C-AG-9, which include the aforementioned standards on clustering, public service availability, and prime agricultural land avoidance.

Finally, Policy C-AG-5 allows only a single farmhouse or combination Farmhouse/intergenerational home(s) within the 7,000 square foot maximum for each farm owner or operator actively and directly engaged in agriculture, regardless of the number of legal lots the owner or operator owns. The policy's intent is to limit the proliferation of agricultural dwelling units in the coastal zone thereby protecting the agricultural economy and the long-term productivity of the agricultural lands. Instead of allowing the same farmer multiple farmhouses spread across multiple parcels, including contiguously owned legal parcels that are under common ownership, the policy only allows for one farmhouse, or one farmhouse and up to two intergenerational homes to allow for family members (or any other person authorized by the owner) to live on the farm property, regardless of how many parcels he/she owns.

Finally, it is important to note that because the LUP defines agriculture to include both agricultural *production* (i.e., the physical use of the land to grow/produce a commodity), as well as the structural development and activities incidental and accessory to agricultural production (i.e., barns, farmhouses, processing facilities, etc.), the LUP includes particular policies specific to the protection of either agricultural *production* or agricultural *use.* For example, Policy C-AG-7(A)(4) requires all development to retain the maximum amount of land in agricultural *production*, since the policy's intent is to limit the amount of land used for structural development. If the policy simply protected agricultural use, then structural development such as farmhouses and processing facilities would not need to minimize their footprint on the land since they are defined as agriculture. Conversely, Policy C-AG-5 requires agricultural dwelling units to be owned by a farmer or operator actively and directly engaged in agricultural use of the property. The term agricultural *use* is used here to allow for the owner to be engaged in the broad agricultural activities undertaken on the farm, including presiding over agricultural leases, without having to be actively working the fields for production activities. Thus, the terms agricultural use and agricultural production are distinct terms that have different meanings with respect to the LUP's policies.

In summary, the LUP identifies the C-APZ zoning district as the LCP's primary agricultural zone, specifies the allowable uses and the permitting requirements for development designated as permissible within that zone, and lists a hierarchy of required development standards. The conditionally certified LUP policies thus serve as a strong agricultural protection base upon which the IP must conform and adequately implement.

C. Proposed Implementation Plan

The proposed IP implements the aforementioned LUP agricultural protection policies in various sections. Chapter 22.32 includes standards for specific development, including agricultural dwellings such as farmhouses, intergenerational housing, and agricultural worker housing. The section describes the standards applicable to those listed development types, including specifying in which zoning district they are allowed, limitations on use (including that intergenerational homes shall not be subdivided from the rest of the agricultural legal lot), and permitting requirements, including requiring a restrictive covenant for agricultural worker housing ensuring that such housing will be continuously maintained as such. Chapter 22.62 includes Table 5-1 that lists the allowable land uses and their permitting status for the C-APZ district. The table designates specified types of agricultural development as principally permitted, including accessory activities and structures, one intergenerational home, one farmhouse, and agricultural production, with additional agricultural development (such as a second intergenerational home and agricultural processing facilities of greater than 5,000 square feet), all subject to certain criteria. Table 5-1 also classifies non-agricultural development such as campgrounds and public parks/playgrounds as permitted or conditional uses. The table cross-references other applicable IP sections that may apply to development allowed within C-APZ, including the use-specific standards specified in Chapter 22.32, the resource protection standards that apply coastal zone-wide in Chapter 22.64, and the zoning district-specific standards specified in Chapter 22.65. Finally, as discussed earlier, Section 22.65.040 describes the specific standards for the C-APZ, and lists the required development standards applicable for agricultural development (including that permitted development shall protect and maintain continued agricultural use and contribute to agricultural viability) and non-agricultural development (including that permanent conservation easements shall be required to preserve undeveloped land).

D. Consistency Analysis

As with the rest of the proposed IP submitted by the County at the same time as it submitted its updated LUP, the IP's agricultural protection policies as proposed are based upon implementing the Land Use Plan *before* it was certified by the Commission with suggested modifications on May 15, 2014. The LUP's agricultural protection policies were the subject of numerous modifications made by the Commission, including in terms of defining the types of development that would be designated principally permitted within C-APZ and the required development standards within the C-APZ. As such, the IP as proposed by the County does not implement all of the LUP's conditionally certified development parameters. For example, LUP Policy C-AG-7 specifies that *all* structural development must be clustered within five percent of the gross acreage, while proposed IP Section 22.65.040(C)(1)(d) requires only non-agricultural development, farmhouses, intergenerational homes, and agricultural homestay facilities to cluster. Similarly, while the LUP was amended by the Commission to state that all development must protect and maintain agricultural *production* (and not just agricultural *use*, since, as described above, the LUP's definition of agriculture encompasses structural development such as agricultural dwelling units), the corresponding modification is not proposed in the IP. Finally, and perhaps most substantively, the LUP requirement that only a single farmhouse be allowed per farm owner or operator, regardless of the number of legal lots he/she owns, is not reflected in the proposed IP, which instead maintains up to a maximum of one farmhouse per legal lot.

Therefore, the proposed IP is not consistent with, and is not adequate to carry out, the

conditionally certified LUP as approved by the Commission and must be denied as submitted. The IP can be approved only with the following suggested modifications that add in all the newly amended and conditionally certified LUP requirements, further clarify the meaning and procedural requirements of those terms and standards, and also refine the necessary parameters that principally permitted agricultural development must meet.

Development Standards
As previously discussed, while Section 22.65.040(C) lists some of the required standards that proposed development must meet within the C-APZ, it does not include all of the LUP's provisions, either because the corresponding LUP modification has yet not been reflected in the IP, or because some LUP standards are listed in other sections of the IP. For example, Policy C-AG-9, which lists requirements for agricultural dwelling units (including that all such units shall be clustered with existing development and sited and designed to avoid significant public views, as well as requirements that agricultural homestays and other home occupations in C-APZ shall only be within otherwise allowable dwelling units and not within additional separate structures), is implemented in IP Section 22.62.060(E), a section that introduces the C-APZ zoning district's purpose and intent and includes Table 5-1 which lists its allowable land uses. Additionally, some standards specific to particular agricultural land uses, such as intergenerational homes, are listed in Chapter 22.32, such as Section 22.32.024(B) that states that intergenerational homes shall not be divided or sold separately from the primary agricultural legal lot (as required of LUP Policy C-AG-5).

In order to implement all applicable LUP provisions for development within the C-APZ district in one IP section, and not disjointed in various parts, Section 22.65.040(C)(1) is thus modified to list all standards applicable for development within C-APZ. The standards mirror the structure of LUP Policy C-AG-7(A-C) which contains three sets of development standards: those for all development, those for development that is not designated as principally permitted, and those for non-agricultural conditional uses and development, including land divisions. Akin to what the conditionally certified LUP requires, the IP is thus modified to state that all development shall protect and maintain renewed and continued agricultural production, shall not be located on prime agricultural lands when possible, shall only be permitted when public services are available to serve it after provision has been made for existing and continued agricultural production, and that all structural development shall be placed within a clustered development area of a total of no more than five percent of the gross acreage of the farm, to the extent feasible.

Additionally, the various sections that implement LUP policies pertaining to certain agricultural development within C-APZ lands that are listed in multiple IP sections are deleted and instead inserted directly into Section 22.65.040. For example, Section 22.62.060(E)'s listing of standards for agricultural dwelling units are deleted and instead inserted into Section 22.65.040(C)(4), while some of the various policy standards listed for specific land uses in Chapter 22.32 (including for farmhouses, intergenerational homes, agricultural worker housing, and agricultural product sales and processing facilities) are also moved into Sections 22.65.040(C)(1)(e) and (f). Consolidating many of the provisions applicable to these agricultural dwellings at the same time these provisions are made consistent with the conditionally certified LUP results in the IP better conforming and carrying out all of the LUP requirements specific to agricultural dwelling units

and agricultural processing and sales facilities, respectively, including that no more than 27 intergenerational homes may be allowed in the coastal zone (per LUP Policy C-AG-5).

Clustering
The above mentioned suggested IP modifications primarily rearrange the IP standards for clarity purposes and/or make a change required for consistency with the corresponding LUP policy as that policy was conditionally certified. However, some LUP policies require further clarification in order to be properly implemented. For example, while LUP Policy C-AG-7(A)(4) and modified IP Section 22.65.040(C)(1)(d) require that all infrastructure and structural development be placed within a clustered development area of a total of no more than five percent of the farm's acreage to the extent feasible, the proposed IP does not define the process by which the reviewing authority shall ensure that development is placed within this allowable building area. Therefore, a suggested modification defines such a process, including that an application for development must include a map of the development area. The development area shall include all existing structural development and cannot exceed five percent of the farm's acreage. Development outside of this demarcated area is only allowed when found to be consistent with allowed exceptions, including that placing development outside the area is necessary for agricultural operations or when it would be inconsistent with other LCP policies (including, for example, when placing development within the clustered development area would result in placement within a required wetland or stream buffer). As modified, the IP includes a clear process for identifying and implementing the LUP's clustering requirements.

Agricultural Dwelling Units
Policy C-AG-5 allows only a single farmhouse or a combination of one farmhouse and up to two intergenerational homes per farm owner or operator, regardless of the number of legal lots he/she owns. As discussed previously, the conditionally certified LUP policy examines all legal parcels under common ownership that together constitute one unified farming operation. The policy is consistent with and implements other LUP policies that require the maximum amount of land be left in agricultural production and that all development within C-APZ be necessary for agricultural production. Since Policy C-AG-5 requires a farmhouse to be owned by a farmer or operator actively and directly engaged in agricultural use of the property, and since the IP as proposed by the County (see Section 22.32.025(B)) requires the farmhouse to be designed for and/or occupied by the farm operator or owner who makes day-to-day management decisions for the agricultural operation and is directly engaged in the production of agricultural commodities for commercial purposes on the property, findings could never be made that a second farmhouse on the same farm for the same farmer is necessary for agricultural production and retains the maximum amount of land in agricultural production. As such, the policy serves as a proactive mechanism to avoid the potential for a farmer to own multiple farmhouses spread across multiple legal agricultural lots.

Furthermore, because of the allowance for up to two intergenerational homes on the same parcel as the farmhouse (if the required 180 acre density is met and the aggregate size of the units does not exceed 7,000 square feet, among other requirements), Policy C-AG-5 essentially serves as a clustering tool. Instead of multiple farmhouses spread across multiple legal lots, the policy allows up to three dwelling units clustered together on one parcel. If a farmer owned two contiguous legal parcels of 60 acres each, the farmer would only be allowed one farmhouse on

one parcel and, unless the farmer voluntarily merged his or her two legal lots, would not be allowed any other units since the intergenerational home must be on the same parcel as the farmhouse (i.e., a 120 acre parcel). Thus, the policy also serves as an incentive to retain large parcel size in order to meet the density requirements.

As described above, Policy C-AG-5 necessitates detailed implementing procedures in order to effectively implement its requirements. Therefore, suggested modifications have been added to IP Section 22.65.040(C)(1)(e), as follows. First, subsection (e)(1) requires the agricultural dwelling unit to be owned by a farmer or operator actively and directly engaged in agricultural use of the property, and requires the applicant for an agricultural dwelling unit to identify that he/she is actively and directly engaged. In order to define precisely what "actively and directly engaged" means, the suggested modifications utilize the same terms used by the County in Section 22.32.025(B) (pertaining to who may live in a farmhouse), specifying that it means the person makes day-to-day management decisions for the agricultural operation and is directly engaged in production of agricultural commodities for commercial purposes on the property. Thus, the County's own language is inserted in subsection (e)(1) to clarify and define what "actively and directly engaged" means. Subsection (e)(2) lists C-AG-5's requirement that no more than 7,000 square feet may be used for agricultural dwellings, whether in one farmhouse or in one farmhouse and two intergenerational homes.

Subsection (e)(3) is the primary mechanism to ensure that only a single farmhouse per farm is allowed. The standard requires the applicant, as part of his application for a farmhouse or intergenerational home, to identify the farm, which shall consist of all parcels owned (in either total or partial fee ownership) by the same owner of the property upon which the proposed farmhouse is located. Once those parcels are identified, the applicant shall identify all existing agricultural dwelling units on those parcels, and shall demonstrate that the proposed unit will be located on a legal lot. This requirement ensures that an additional farmhouse will not be located on parcels where a farmhouse currently exists, and to ensure that a proposed intergenerational home will be located on the same legal lot as the existing farmhouse, all as required by subsection (e)(5). Subsection (e)(5) also requires the execution of a covenant on the legal lot containing the proposed farmhouse or intergenerational home specifying that the agricultural dwelling may not be divided from the rest of the legal lot, and that future land division of that legal lot is prohibited. The prohibition on land division is a tool to ensure that the legal lot containing the agricultural dwelling unit both retains its required density in perpetuity (i.e., remains at least 60 acres if just a farmhouse, 120 acres if a farmhouse and one intergenerational home, etc. and therefore will not become nonconforming with respect to density/parcel size), while also ensuring that the land the dwelling is located upon remains actively used for agricultural production. The standard cross-references IP Sections 22.32.024 and 22.32.025, which contains the detailed requirements for the restrictive covenant required of all farmhouse and intergenerational home approvals. The covenant must include assurance that the legal lot containing the agricultural dwelling not be divided and continue to be used for agricultural production, and that the owner of such dwelling remain actively and directly engaged in agricultural use of the property, as that term has been defined in the IP. Essentially, the prohibition on land division and the covenant codify what the County has already done in practice since original LCP approval in 1982: disallow subdivision of C-APZ parcels when houses are developed and ensure that the occupants/owners of agricultural dwellings be bona

fide farmers working the land for production purposes. These requirements implement LUP policies that require the maximum amount of land remain in agricultural production, and that all development be necessary to, and protect and maintain continued agricultural production.

In summary, LUP Policy C-AG-5's requirements are implemented in modified IP Section 22.65.040(C)(1)(e). The section requires an applicant to identify the parcels he/she owns that constitute the farm, identify that he/she is a farmer actively and directly engaged in agricultural use of the property, and identify whether and where agricultural dwellings currently exist on those parcels. An intergenerational home must be located on the same parcel as the existing farmhouse, and any approval for a farmhouse or intergenerational home must include a deed restriction that ensures that use of the legal lot containing the agricultural dwelling remain confined to agriculture, the owner of such dwelling remain actively and directly engaged in agricultural use of the farm, and that the property containing the dwelling not be further divided. These standards ensure implementation of C-AG-5's detailed agricultural dwelling unit requirements.

Definition of Farm
As described above, IP section 22.65.040(C)(1)(e)(3) requires the applicant to identify his/her "farm". As the section describes, the "farm" shall consist of all legal parcels owned in either total or partial fee ownership by the applicant. Those identified parcels are then allowed one farmhouse and up to two intergenerational homes, if they meet certain criteria. However, in discussion with members of the agricultural community, concern has arisen about the ability to develop a second farmhouse if the applicant owns non-contiguous parcels. Essentially, if an applicant owns one parcel or a group of contiguous parcels in one part of the coastal zone, but then also owns a separate parcel or group of parcels elsewhere in the coastal zone, which may entail a separate, independent farming operation, then he/she should be able to develop both "farms" (i.e., both sets of parcels) with the allowed farmhouse/two intergenerational units.

Because a primary intent of Policy C-AG-5 is to view agricultural dwellings from a "farm" perspective, including because the genesis of the policy is to ensure that all development must be necessary for agricultural production, if non-contiguous parcels under common ownership are indeed separate, wholly independent farming operations, then allowing agricultural dwelling units on both "farms" is consistent with LUP agricultural protection policies. Therefore, the language of this section defines "farm" to be all properties owned by the applicant, and at a minimum shall consist of all contiguous legal parcels under common ownership (to guard against the possible abuse that a claim is made that, for example, three contiguously owned legal parcels constitute three separate farming operations necessitating three farmhouses, thereby circumventing the entire intent of Policy C-AG-5). However, if non-contiguous parcels are determined to be a wholly independent farming operation, they may constitute an independent farm. The key, then, is what factors should be considered to determine whether non-contiguous parcels do indeed constitute an independent farm. Policy C-AG-9, as proposed by the County, as well as the Agricultural Stewardship Plan requirements currently utilized by the County, lists some of the criteria used to determine whether certain agricultural dwelling units will convert agricultural lands to residential use. These criteria, as listed in Policy C-AG-9(3)(a-e), include whether long-term capital investment in agriculture and related infrastructure has been undertaken, including processing facilities, agricultural worker housing, or agricultural leasing.

Thus, these County-utilized standards that are already used to determine the compatibility and consistency of agricultural dwelling units on agricultural lands have been inserted into 22.65.040(C)(1)(e)(3). Thus, as modified, the farm owner or operator may be allowed a farmhouse and up to two intergenerational homes only if the farm owner or operator can demonstrate, including by such measures as the type of products grown, the history of the operations, leasing, and infrastructure, that non-contiguous parcels are indeed wholly independent farming operations.

Buildout

Public comments have asserted that the Commission-approved LUP, and the proposed IP, would increase development potential on C-APZ lands, both because of the way in which "parcel" is defined in the existing and Commission-approved LUP, and because of the new allowance for intergenerational housing units. However, as described at the Commission hearing on the conditionally certified LUP, the development potential on C-APZ land will only be reduced under the proposed LCP language. First, the existing certified IP defines a parcel as all contiguous assessor's parcels under common ownership, unless legally divided. An assessor's parcel is not necessarily a legal lot in part because it is not uncommon for landowners to request separate parcels for tax purposes, and separate assessor's parcels can be provided without a land division occurring. Thus, an assessor's parcel does not in of itself constitute a separate legal lot, which is why the existing IP uses the phrase "all contiguous assessor's parcels under common ownership, unless legally divided" to ensure that separate legal parcels are the unit of measurement. Therefore, the language of the existing IP is meant to ensure that a group of assessor's parcels owned by the same entity are not automatically considered a legal lot. The Commission-approved LUP and the IP amendment, as modified, simplifies the language by using the term legal lot.

Furthermore, Policy C-AG-5 and IP section 22.65.040(C)(1)(e)(3) only allow a single farmhouse/two intergenerational homes per farm, which may consist of multiple separate legal lots. Whereas, under the existing certified IP, a farmer is potentially allowed up to a maximum one farmhouse per legal lot, under the conditionally certified LUP and the proposed IP as modified, the farmer is only allowed one farmhouse per farm, regardless of the number of legal lots that constitute that farm. Therefore, the development potential on each lot is not increased under either the conditionally certified LUP or the IP as modified.

As part of its submittal, the County calculated a buildout analysis in order to understand the cumulative impact the new LCP policies would have on C-APZ parcels. The County reviewed parcel data and found that there are 193 privately owned C-APZ parcels in the coastal zone. Of the 193 parcels, 40 are subject to easements held by the Marin Agricultural Land Trust (MALT), and 123 are subject to Williamson Act contracts. Based on County assessor's data, 125 of the 193 parcels are currently held in common ownership over 40 ranches (i.e., of the 193 total C-APZ parcels, 68 of them are owned by an owner that does not own any other C-APZ parcels, while 125 parcels are owned by owners that own multiple parcels that together constitute 40 "ranches"). In calculating buildout, the County excluded all existing parcels that currently have a farmhouse, excluded all lands subject to MALT easement or Williamson Act contract from being allowed an intergenerational home, assumed that a substandard lot (i.e., one below 60 acres) would be allowed a farmhouse, and then calculated allowable intergenerational homes by the

acreage of the parcels (i.e., one intergenerational unit allowed if the parcel is 120 acres, and second allowed if 180 acres). Based on these assumptions, the County found that there was the potential to build a maximum of 83 additional farmhouses and 27 intergenerational units. This 27 unit assumption became the basis for the 27 intergenerational unit cap in the coastal zone as approved by the Commission in Policy C-AG-5 (and implemented in proposed IP Section 22.65.050(C)(1)(e)(7)).

However, the County's buildout estimates assumed that a farmhouse would be allowed on every legal lot. Thus, the analysis did not reflect that some parcels might not be legal lots or that some parcels are contiguous lots owned by one farmer or operator, who would only be allowed one farmhouse under the LUP as conditionally approved by the Commission.

Thus, in order to further document buildout based on the conditionally certified LUP and the IP as suggested to be modified, Commission staff prepared an updated buildout analysis. In order to ascertain the total number of C-APZ parcels that would be allowed dwelling units, staff excluded publicly-owned parcels and parcels subject to permanent MALT agricultural conservation easement, included parcels that touch the coastal zone boundary where the majority of the parcel is located within the coastal zone, and also included parcels subject to Williamson Act contracts since such contracts can expire. The County did not include split-zoned nor Williamson Act parcels in its analysis, which explains why, including these parcels, Commission staff found that there are 232 total privately-owned C-APZ parcels in the coastal zone, as opposed to the County's estimate of 193. Of the 232 total C-APZ parcels, the average size is 152 acres, forty parcels are under 60 acres in size, and 192 are above 60 acres.[4] Of the 40 sub-60 acre parcels, 27 are the only parcel owned by the owner, while 13 are held in common ownership with other parcels. Of the 193 parcels over 60 acres, 39 are the only parcel owned by the owner, and 153 are owned by people that own multiple parcels. Finally, of the 50 owners that own the 153 parcels, six owners own parcels that are non-contiguous (meaning that, under Section 22.65.050(C)(1)(e)(3), these six owners could pursue additional farmhouses if the findings could be made that those non-contiguous parcels constitute wholly independent farming operations).

Under the assumptions that parcels with existing farmhouses were not allowed an additional one, including commonly owned contiguous parcels (consistent with C-AG-5 and Section 22.65.040(C)(1)(e)(3)), and that sub-60 acre parcels where the parcel was the only parcel owned by that owner were allowed a farmhouse, staff calculated a total of 48 potential new farmhouses allowed under the IP's proposed standards, as modified. Furthermore, without the conditionally certified cap of 27 intergenerational homes, a total of 94 intergenerational units could be allowed, highlighting the importance of the approved LUP's 27 unit cap on intergenerational homes.

Thus, under the County's analysis, there would be a maximum potential of 83 additional farmhouses and 27 intergenerational units (84 intergenerational units if including Williamson Act parcels), for a total of up to an additional 110 units. Under the conditionally certified LUP and the IP as suggested to be modified by the Commission, there would be a maximum potential

[4] There are a total of 287 C-APZ parcels within the coastal zone, including 232 that are privately owned and 55 there are publicly owned. Of the total number of C-APZ parcels, 100 have been built with at least one farmhouse (35%), and of the 232 privately owned parcels, 99 (43%) have been developed with at least one farmhouse.

of up to 48 new farmhouses and up to 27 intergenerational units, for a total of up to 75 units. Finally, under the existing certified LCP, which allows up to a maximum of one farmhouse per legal lot and does not allow intergenerational units, there is the potential for a maximum of 83 additional farmhouses per the County's analysis.[5] Therefore, the conditionally certified LUP and the proposed IP, as modified, significantly reduce the maximum potentially allowable buildout of agricultural dwelling units.

Finally, Commission staff's analysis is based on consideration of a larger number of C-APZ parcels (232) as compared with the County's analysis (193), because of the inclusion of Williamson Act parcels and parcels bisecting the coastal zone. As a result, the difference is even greater, relatively speaking, between the County's analysis under the proposed IP, and the IP as it would be modified. Thus, it is clear that the IP, as suggested to be modified, reduces the maximum potentially allowable buildout in the coastal zone, and, as described earlier, will ensure that permissible dwelling units are clustered together as opposed to spread out on individual legal lots.

Principally Permitted Uses (PPUs)
As previously discussed, LUP Policy C-AG-2 lists the six types of agricultural development that are principally permitted when they meet applicable criteria and standards. In addition to meeting all applicable LCP standards (including those specified in LUP Policy C-AG-7, and implemented in modified IP Section 22.65.040(C)), Policy C-AG-2 lists additional specific standards required to be met in order to be considered a principally permitted agricultural use. For example, Policy C-AG-2(1) states that agricultural production is a type of development that is principally permitted in C-APZ, and then lists the types of uses that constitute agricultural production, including the raising of all types of agricultural products and commodities (including the use of land for the production of food and fiber; the breeding and grazing of livestock; as well as the planting, raising, and harvesting of agriculture, viticulture, and crop nurseries). Policy C-AG-2(6) specifies that the processing and sales of products grown within the farmshed and processed within facilities of 5,000 square feet or less and sold within facilities 500 square feet or less also comprise development that is principally permitted in the C-APZ zoning district. Any facilities above these thresholds are conditional.

Of particular importance and specificity is Policy C-AG-2(4)'s designation of one farmhouse or a combination of one farmhouse/one intergenerational home per legal lot as principally permitted when consistent with Policy C-AG-5, including its specified sizing limits. As previously discussed, Policy C-AG-5 includes detailed requirements for agricultural dwelling units, defined as a farmhouse, intergenerational home, and agricultural worker housing. Among these requirements is a 7,000 square foot aggregate sizing limit on agricultural dwelling units, meaning that no home within the C-APZ can be greater than 7,000 square feet. When an intergenerational home is allowed in addition to a farmhouse, the total size of both homes still must be capped at

[5] Because the County did not include Williamson Act parcels and parcels bisected by the coastal zone boundary, but Commission staff's analysis did, it is likely that the County's estimates would increase by some 50 units if those parcels were added, leading to a total of some 133 additional units for the current LCP, and a total of some 160 (110 + 50) additional units under the LCP as proposed under County methodology, as opposed to 75 additional units under the Commission-approved LUP and IP as estimated by staff. In other words, as proposed to be modified, the buildout potential would be reduced by more than half as compared to the existing LCP.

no more than 7,000 square feet (i.e., the two homes would average a maximum of 3,500 square feet). Additionally, the size requirements of the homes work in concert with the density requirements of the parcel. The C-APZ zoning district requires a 60-acre density for each home. Thus, a parcel must be 120 acres in order for an intergenerational home to be allowable. Finally, C-AG-5 allows only one 7,000 square foot allotment of agricultural dwelling units per farm owner or operator, regardless of the number of legal lots the owner/operator owns, all as described previously.

In conditionally certifying the Land Use Plan's agricultural protection policies in May 2014, the Commission found that it is appropriate to classify other types of agricultural development beyond agricultural production and accessory structures such as barns as a type of agricultural development that is principally permitted within the C-APZ, so long as there are quantitative, objective criteria to ensure that such development protects and enhances agricultural production. Essentially, because such development will not be appealable, they must be subject to readily implementable standards. Therefore, the LUP sets up a structure in which certain development is designated as principally permitted when it meets certain specified LCP criteria; when it does not, it is classified as appealable or is not allowed.

However, the IP as proposed by the County does not adequately specify all the requirements that the six types of agricultural development must meet in order to be classified as principally permitted. First, the proposed IP's use charts in Table 5-1 within Chapter 22.62 do not specify all the standards that agricultural development that is designated as principally permitted must meet. Instead, the Table only lists some of the required standards, such as specifying that agricultural processing facilities 5,000 square feet and under are principally permitted, and that those above that size threshold are conditional. Missing from the table are additional LUP requirements that permissible development must meet in order to be considered principally permitted, including that such products must be grown within the farmshed. Additionally, while Chapter 22.65.040(C), as modified, lists all applicable LUP provisions for development within C-APZ lands, it does not implement the LUP's requirement that principally permitted agricultural development be subject readily implementable standards. In other words, the IP does not adequately define certain LUP policies as they apply to principally permitted development in the C-APZ so that it meets clear, enforceable, and objective standards.

As such, suggested modifications are required to be made to the submitted IP that list such standards. Specifically, Section 22.65.040(C)(1)(e)(9) lists the applicable requirements that principally permitted agricultural dwelling units must meet. The subsection includes five such standards, some of which are inserted directly from LUP Policy C-AG-2, including that only one farmhouse or one farmhouse/one intergenerational home with the combined total of 7,000 square feet is allowed for the farm identified in 22.65.040(C)(1)(e)(9), regardless of the number of legal lots the farm owner or operator owns that constitute the farm, and that agricultural worker housing must consist of no more than 36 beds or 12 units per legal lot. There are also three additional standards that agricultural dwelling units must meet, all derived from the existing requirements that all development must meet per both LUP Policy C-AG-7 and modified Section 22.65.040(C): that the agricultural dwelling is not placed on land designated as prime; is placed within the mapped clustered development area and not require any new road construction; the intergenerational home is within 100 feet of the farmhouse; and the dwelling does not require

any coastal zone variance (see IP Section 22.65.040(C)(1)(e)(9)(a-e)). These four standards ensure that development designated as principally permitted in the C-APZ is subject to readily implementable, objective standards. For example, while LUP Policy C-AG-7(A)(1) states that all development shall avoid prime agricultural lands *when feasible,* and LUP Policy C-AG-7(A)(4) requires all structural development to be placed within the five percent clustered development area *except when* placing outside the area is necessary for agricultural purposes or otherwise LCP inconsistent, allowing such broad discretion for principally permitted agricultural development is not consistent with LUP mandates that such principally permitted development be subject to unambiguous standards. Furthermore, while the LUP and IP require that all development meet the LCP's visual resource protection standards and be sited and designed to avoid grading and road construction, the specificity required to implement such policies is stated in the IP's requirements that principally permitted intergenerational houses must be within 100 feet of the farmhouse and not require any new road construction. These are quantitative, objective metrics that ensure that certain standards are implemented in a manner that reflects the necessary specificity needed to ensure that specified non-appealable development is being appropriately sited and designed. Finally, development requiring the approval of a coastal variance is not designated as principally permitted, particularly in a zoning district such as C-APZ that encompasses such a great expanse of the Marin coastal zone and contains protected agricultural lands.

Similar to the standards for agricultural dwelling units, principally permitted agricultural products sales and processing facilities must meet the specified standards listed in IP Section 22.65.040(C)(1)(f). These standards include the aforementioned requirements that such facilities not be located on prime agricultural lands, be located within the designated five percent cluster area, and not require any coastal zone variance. Additionally, the section specifies that principally permitted processing and sales facilities shall only use products grown/produced on the same site or on other properties located within Marin County or Sonoma County (thereby defining the "farmshed" concept specified in Policy C-AG-2).

Therefore, as modified, IP Section 22.65.040(C) includes a series of standards that implement applicable LUP requirements, including specifying the required standards that principally permitted agricultural development must meet. The standards are then cross-referenced in Chapter 22.62's Table 5-1, which specifies that principally permitted agricultural development must meet all standards in Section 22.65.040(C)(1)(e)(1-9). Those that only meet the standards specified in subsections (e)(1-8) are classified as permitted uses (which are appealable to the Coastal Commission), and those that do not meet all of (e)(1-8)'s standards are not allowed. All of these standards are meant to ensure that principally permitted agricultural development meets the highest of standards and offers little interpretation to allow for deviations from those defined standards. When development meets such specificity, then it appropriately ensures that agriculture is protected, consistent with the Commission's approval of the Land Use Plan. Therefore, the IP as modified is consistent with and adequate to carry out the conditionally certified Land Use Plan as it relates to principally permitted development within the C-APZ district.

Permitting of Agricultural Development
Proposed IP Section 22.68.030 (Coastal Permit Required) states that a CDP is required for all development in the coastal zone, and provides an interpretation of activities that do or do not fall under the definition of development. Section 30106 of the Coastal Act states that the removal or harvesting of major vegetation for agricultural purposes is not development, but that any change in the intensity of use of land or water is development, as is grading. The County has offered an interpretation of these provisions that ongoing agricultural operations including cultivation, crop and animal management, and grazing that exist presently or historically and do not entail new encroachment within 100 feet of the edge of a wetland, stream, or riparian vegetation is not considered to be development or a change in the intensity of use of land.

The Commission has grappled with the question of what types of agricultural activities constitutes development numerous times, and on March 19, 1981, the Commission issued a policy statement clarifying that it had jurisdiction over *expansion* of agricultural activities located in areas containing major vegetation. The Commission determined that expansion of agricultural uses into areas of native vegetation constitutes a "change in the intensity of the use of land" and is therefore development under the Coastal Act. The Commission's determination concerned vegetation removal that changes the use of the land from open space or another natural use to a cultivated agricultural use. The Commission recommended various criteria to determine whether adverse impacts are possible, including considering the steepness of slopes, proximity to wetlands, streams and other habitat, and the effect of the proposed expanded agricultural operation on water resources and supply. New and expanded agriculture is also a change in the intensity of the use of land and water for a variety of additional reasons, including because preparing land for new agricultural use requires clearing the land of existing vegetation, and growing crops and livestock requires a significant amount of additional water, unlike the land's water needs in its natural state. Thus, removal of major vegetation in association with new and expanded agricultural operations requires a CDP, so such activities cannot be exempted from CDP requirements in the LCP. In addition, because the Coastal Act and LCP definitions of development do not exclude *grading* for agricultural purposes (as they do for the *removal of major vegetation* for agricultural purposes), all grading requires a CDP, unless it is otherwise exempt or excluded. Thus, activities for ongoing agricultural production operations can be exempt from CDPs consistent with the LCP's definition of development, but activities for new and expanded agricultural production operations cannot be exempt from CDP requirements because, as described above, they constitute a change in the intensity of the use of land and water.

Thus, as proposed, the IP is inconsistent with Section 30106 including because it does not differentiate between different types of agricultural activities (including converting grazing land to row crops such as viticulture) that constitute development because they are a change in the intensity of use of land and/or require grading; does not state that any expansion of agricultural uses into areas not previously used for agricultural purposes requires a CDP (it only states that expansion within 100 feet of a wetland, stream, or riparian vegetation requires a CDP, which by itself is inconsistent with the LCP because, according to the LCP's biological resources provisions, new agricultural uses are not allowed within these areas); and only defines grading as 150 cubic yards or more of material (where under the Coastal Act any grading is development).

Thus, suggested modifications are required that: delete the 150 cubic yard threshold for defining what constitutes grading; state that conversion from grazing to row crops (except for land used for ongoing rotational farming between grazing and crop production) constitutes development because it involves grading and/or is a change in the intensity of use of land or water; and that state, as described below, that all expansion of agricultural uses to areas not having been previously used for agricultural purposes within the past 10 years requires a CDP.[6]

In response to public comments that have been received on this topic, the Commission finds that ongoing legally established agricultural production activities that have been part of a regular pattern of agricultural practices that has not been discontinued (such as ongoing rotational grazing and crop farming) does not constitute a change in intensity of use but is a recognized agricultural practice that helps to further productive use of the land. Therefore, to the extent the rotational crop farming or grazing has been part of a regular pattern of agricultural practices, it is not a change in intensity of use of the land despite the fact that the grazing and crop growing are rotationally occurring on different plots of land. Therefore, ongoing agricultural activities are defined to include an established pattern of agricultural production activities such as ongoing rotational grazing and crop farming.

Further, in recognition of the fact that agricultural activities, including cattle grazing, have historically been occurring on properties in Marin for decades, the Commission ascribes a presumption that on-going agricultural activities that have not been discontinued for more than the previous 10 years remain on-going. In addition, if an agricultural activity has been discontinued for more than the previous 10 years, the permit issuing authority may allow an applicant to overcome the presumption that the agricultural production activity is no longer ongoing if the applicant demonstrates his or her ongoing intention to reinstate the agricultural production activity based on the history of agricultural production on the property, the long-term investment in the agricultural production activity on the property, and the existence of infrastructure to support the agricultural production activity.

Thus, as recommended to be modified by the Commission, ongoing agricultural activities is defined as existing legally established agricultural production activities, including all ongoing grading and routine agricultural cultivation practices (e.g., plowing, tilling, planting, harvesting, seeding, etc.), which have not been expanded into never before used areas and have not been discontinued for more than the previous 10 years. Ongoing agricultural production activities that have been part of a regular pattern of agricultural practices that has not been discontinued for the prescribed period (such as ongoing rotational grazing and crop farming) does not constitute a change in intensity of use. Conversion of grazing to crop production or any other new or expanded activity involving grading or a change in the intensity of use of land or water that has

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[6] In LCP amendment SLO-1-10, approved in August 2012, the Commission approved a 5 year time limit to establish whether the production activity was considered to be ongoing. As explained in the staff report, the San Luis Obispo County Agricultural Commissioner's office determined that a five-year dormancy period was appropriate based on experience that it is uncommon for fields in the County to be left fallow for more than five years, as well as research of other approved or proposed ordinances using a five year period, including in San Diego County and Ventura County. The five-year dormancy period was appropriate because it allows farmers to fallow their fields, but it is not so long that significant changes in habitat or other coastal resource values are expected to occur. In Marin, after discussion with the County and stakeholder groups, while disagreement remained for some, 10 years was generally deemed appropriate since farmers generally would not let their fields lay fallow longer than this time period.

not been part of a regular pattern of agricultural practices or has been discontinued for more than the period of time prescribed above is not an ongoing agricultural production activity but rather constitutes new development requiring a coastal permit consistent with Chapters 22.68 and 22.70, unless such development is categorically excluded by a Coastal Commission-adopted Categorical Exclusion Order.

As indicated above, other public comments regarding permit requirements for agricultural activities requested that permits not be required for specified amounts of grading or terracing. However, because the Coastal Act does not prescribe what is and is not development based on quantitative limits, such a request must instead be processed by the County as a Categorical Exclusion Order. Once approved, Categorical Exclusion Orders exclude from permit requirements specified types of development in specified geographic areas. The County has already received approval of several Categorical Exclusion Orders that exclude specified types of development from otherwise applicable permit requirements.

Even if an agricultural development is found to require a CDP, the LCP offers many tools to streamline the permitting process for the agricultural community. For example, the Commission issued the County Categorical Exclusion Orders E-81-2 and E-81-6, which exclude from coastal permit requirements agriculturally-related development, including production activities, barns and other necessary buildings, fencing, storage tanks and water distribution lines, and water impoundment projects. These exclusions apply to parcels zoned C-APZ at the time of the exclusion orders' adoption and only if those parcels are outside of the area between the sea and the first public road or half-mile inland, whichever is less. Also, such excludable development must still be found consistent with the zoning in effect at the time of the orders' adoption (meaning the existing certified LCP). As such, development must still meet the existing LCP's requirements that development be clustered on no more than five percent of the gross acreage, to the extent feasible; be outside of wetlands, streams and their 100-foot buffers; and have adequate water supply, among other requirements. In addition, intergenerational homes cannot be excluded because they were not an allowed use on C-APZ lands when the Orders were adopted. Even with these caveats, much of the agricultural development within the County's coastal zone can be excluded from coastal permit requirements per the Exclusion Orders.

Additionally, even if an agricultural development is found to require a CDP, the IP as proposed to be modified offers new tools to streamline the permitting process. These streamlined procedures include the County's use of the de minimis waiver of CDP requirements process for non-appealable development (IP Section 22.68.070), and public hearing waivers for appealable development (IP Section 22.70.030(B)(5)). With respect to de minimis waivers, as suggested to be modified, any non-appealable development, if it is found to be consistent with the LCP and does not have potential for any adverse effect on coastal resources, can have CDP requirements waived by the Board of Supervisors. The proposed waiver must be noticed to the Executive Director of the Commission, and he/she has the right to request that waiver not be issued and that a regular CDP be obtained, consistent with the process for de minimis waivers specified in the Commissions regulations. The new IP allowance for a de minimis waiver process stems from Coastal Act Section 30624.7, while the new IP allowance for a waiver of a public hearing for appealable development stems from Section 30624.9. Since all appealable development is required to have one public hearing (and therefore cannot be waived), 30624.9 allows for certain

types of development, defined as "minor" development, to be allowed to waive the public hearing requirement if notice is provided and nobody specifically requests a hearing. Minor development must still be found consistent with the certified LCP, cannot require any other discretionary approval, and cannot have any adverse effect on coastal resources or public access to and along the coast.

Thus, the LCP as modified sets up a structure in which, in terms of agricultural development, a CDP is not required for ongoing agricultural activities, many new agricultural activities may be excluded from a CDP (including production and grading activities and other structural development if it meets specific criteria), and, even if a CDP is required, it can be waived (including if it is a principally permitted and non-appealable use) or deemed minor. As such, as modified, the LCP provides numerous tools to minimize permitting requirements for the County's agricultural community and maximize public participation in the protection of the agricultural economy, all consistent with the Coastal Act and the conditionally certified LUP.

2. HABITAT RESOURCES

A. Applicable Land Use Plan Policies

C-BIO-1 Environmentally Sensitive Habitat Areas (ESHAs).

1. *An environmentally sensitive habitat area (ESHA) is any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.*

2. *ESHA consists of three general categories: wetlands, streams and riparian vegetation, and terrestrial ESHAs. Terrestrial ESHA includes non-aquatic habitats that support rare and endangered species; coastal dunes as referenced in C-BIO-7 (Coastal Dunes); roosting and nesting habitats as referenced in C-BIO-10 (Roosting and Nesting Habitats); and riparian vegetation that is not associated with a perennial or intermittent stream. The ESHA policies of C-BIO-2 (ESHA Protection) and C-BIO-3 (ESHA Buffers) apply to all categories of ESHA, except where modified by the more specific policies of the LCP.*

C-BIO-2 ESHA Protection.

1. *Protect ESHAs against disruption of habitat values, and only allow uses within those areas that are dependent on those resources or otherwise specifically provided in C-BIO-14 (Wetlands), C-BIO-15 (Diking, Filling, Draining and Dredging) or C-BIO-24 (Coastal Streams and Riparian Vegetation). Disruption of habitat values includes when the physical habitat is significantly altered or when species diversity or the abundance or viability of species populations is reduced. The type of proposed development, the particulars of its design, and its location in relation to the habitat area, will affect the determination of disruption. …*

…

4. *Development proposals within or adjacent to ESHA will be reviewed subject to a biological site assessment prepared by a qualified biologist hired by the County and paid for by the applicant. The purpose of the biological site assessment is to confirm the extent of the ESHA, document any site constraints and the presence of other sensitive biological resources, recommend buffers, development timing, mitigation measures including precise required setbacks, provide a site restoration program where necessary, and provide other information, analysis and modifications appropriate to protect the resource.*

C-BIO-3 ESHA Buffers.

1. *In areas adjacent to ESHAs and parks and recreation areas, site and design development to prevent impacts that would significantly degrade those areas, and to be compatible with the continued viability of those habitat and recreation areas.*

2. *Provide buffers for wetlands, streams and riparian vegetation in accordance with C-BIO-19 and C-BIO-24, respectively.*

3. *Establish buffers for terrestrial ESHA to provide separation from development impacts. Maintain such buffers in a natural condition, allowing only those uses that will not significantly degrade the habitat. Buffers for terrestrial ESHA shall be 50feet, a width that may be adjusted by the County as appropriate to protect the habitat value of the resource, but in no case shall be less than 25 feet. Such adjustment shall be made on the basis of a biological site assessment supported by evidence that includes but is not limited to:*

- ***a.*** *Sensitivity of the ESHA to disturbance;*
- ***b.*** *Habitat requirements of the ESHA, including the migratory patterns of affected species and tendency to return each season to the same nest site or breeding colony;*
- ***c.*** *Topography of the site;*
- ***d.*** *Movement of stormwater;*
- ***e.*** *Permeability of the soils and depth to water table;*
- ***f.*** *Vegetation present;*
- ***g.*** *Unique site conditions;*
- ***h.*** *Whether vegetative, natural topographic, or built features (e.g., roads, structures) provide a physical barrier between the proposed development and the ESHA; and*
- **i.** *The likelihood of increased human activity and disturbance resulting from the project relative to existing development.*

C-BIO-15 Diking, Filling, Draining and Dredging. *Diking, filling, draining and dredging of coastal waters can have significant adverse impacts on water quality, marine habitats and organisms, and scenic features. Limit strictly the diking, filling, and dredging of open coastal waters, wetlands, and estuaries to the following purposes:*

1. *New or expanded commercial fishing facilities.*

2. *Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.*

3. *Incidental public service purposes, including burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.*

4. *Mineral extraction, including sand for restoring beaches, except in ESHAs.*

5. *Restoration purposes.*

6. *Nature study, aquaculture, or similar resource-dependent activities.*

7. *Excluding wetlands, new or expanded boating facilities and the placement of structural pilings for public recreation piers that provide public access and recreational opportunities may be permitted.*

8. *In the Esteros Americano and de San Antonio, limit any alterations to those for the purposes of scientific study and restoration.*

C-BIO-19 Wetland Buffers. *Consistent with Policy C-BIO-3.1 (ESHA Buffers), maintain a buffer area, a minimum of 100 feet in width, in a natural condition along the periphery of all wetlands. A wider buffer may be required based on the results of a site assessment,-that evidences that a buffer greater than 100 feet in width is necessary to protect wetland resources from the impacts of the proposed development, including construction and post-construction impacts. No development shall be permitted within the wetland buffer, unless such development is authorized by C-BIO-2 (ESHA Protection), C-BIO-14 (Wetlands), C-BIO-15 (Diking, Filling, Draining and Dredging), or C-BIO-20 (Wetland Buffer Adjustments).*

C-BIO-20 Wetland Buffer Adjustments and Exceptions.

1. *A buffer adjustment to less than 100 feet may be considered only if it conforms with zoning and:*

    a. *It is proposed on a legal lot of record located entirely within the buffer; or*
    b. *It is demonstrated that permitted development cannot be feasibly accommodated entirely outside the required buffer; or*
    c. *It is demonstrated that the permitted development outside the buffer would have greater impact on the wetland and the continuance of its habitat than development within the buffer; or*
    d. *The wetland was constructed out of dry land for the treatment, conveyance or storage of water, its construction was authorized by a coastal permit (or pre-dated coastal permit requirements), it has no habitat value, and it does not affect natural wetlands.*

2. *A buffer adjustment may be granted only if supported by the findings of a site assessment which demonstrate that the adjusted buffer, in combination with incorporated siting, design or other mitigation measures, will prevent impacts that significantly degrade the wetland and will be compatible with the continuance of the wetland ESHA.*

3. *A Coastal Permit authorizing a buffer adjustment shall require measures that create a net environmental improvement over existing conditions, in addition to what is otherwise required by minimum applicable site development standards. Such measures shall be commensurate with the nature and scope of the project and shall be determined at the site level, supported by the findings of a site assessment or other technical document. Work required in accordance with this Policy shall be completed prior to occupancy. Appropriate measures may include but are not limited to:*

- ***a.*** *Retrofitting existing improvements or implementing new measures to reduce the rate or volume of stormwater run-off and improve the quality of stormwater run-off (e.g., use of permeable "hardscape" materials and landscape or site features designed to capture, absorb and filter stormwater; etc.);*
- ***b.*** *Elimination of on-site invasive species;*
- ***c.*** *Increasing native vegetation cover (e.g., expand continuous vegetation cover; reduce turf areas: provide native groundcover, shrubs and trees; etc.);*
- ***d.*** *Reduction in water consumption for irrigation (e.g., use of drought-tolerant landscaping or high efficiency irrigation systems, etc.); and*
- ***e.*** *Other measures that reduce overall similar site-related environmental impacts.*

4. *The buffer shall not be adjusted to a distance of less than 50 feet in width from the edge of the wetland.*

C-BIO-24 Coastal Streams and Riparian Vegetation.

1. *<u>Stream alterations.</u> Limit channelizations, diversions, dams, or similar substantial alterations of coastal streams to the following purposes:*

- ***a.*** *Necessary water supply projects where no other less environmentally damaging method of water supply is feasible;*
- ***b.*** *Flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development; or*
- ***c.*** *Developments where the primary function is the improvement of fish and wildlife habitat.*

…

C-BIO-"TBD" Coastal Stream and Riparian Vegetation Buffers. *Consistent with Policy C-BIO-3.1 (ESHA Buffers), establish buffers to protect streams from the impacts of adjacent uses including development impacts from construction and post-construction activities, and maintain such buffers in a natural condition. The buffer shall be the wider of the following on both sides of the stream: (a) the area 50 feet landward from the outer edge of the riparian vegetation, or (b) the area 100 feet landward from the top of the stream banks, or (c) as recommended by the biological site assessment per C-BIO-2. No development shall be permitted in the stream or riparian vegetation buffer unless such development is authorized by C-BIO-2 (ESHA Protection), C-BIO-24 (Coastal Streams and Riparian Vegetation) or C-BIO-25 (Stream and Riparian Buffer Adjustments).*

C-BIO-25 Stream Buffer Adjustments and Exceptions.

1. *A buffer adjustment to less than that required by C-BI0-TBD may be considered only if it conforms with zoning and:*

a. *It is proposed on a legal lot of record located entirely within the buffer; or*

b. *It is demonstrated that permitted development cannot be feasibly accommodated entirely outside the required buffer; or*

c. *It is demonstrated that the permitted development outside the buffer would have greater impact on the stream or riparian ESHA and the continuance of its habitat than development within the buffer.*

2. *A buffer adjustment may be granted only if supported by the findings of a site assessment which demonstrate that the adjusted buffer, in combination with incorporated siting, design or other mitigation measures, will prevent impacts that significantly degrade the stream or riparian vegetation, and will be compatible with the continuance of the stream/riparian ESHA.*

3. *A Coastal Permit authorizing a buffer adjustment shall require measures that create a net environmental improvement over existing conditions, in addition to what is otherwise required by minimum applicable site development standards. Such measures shall be commensurate with the nature and scope of the project and shall be determined at the site level, supported by the findings of a site assessment or other technical document. Work required in accordance with this Policy shall be completed prior to occupancy. Appropriate measures may include but are not limited to:*

a. *Retrofitting existing improvements or implementing new measures to reduce the rate or volume of stormwater run-off and improve the quality of stormwater run-off (e.g., permeable "hardscape" materials and landscape or site features designed to capture, absorb and filter stormwater);*

b. *Elimination of on-site invasive species;*

c. *Increasing native vegetation cover (e.g., expand continuous riparian vegetation cover; reduce turf areas; provide native groundcover, shrubs and trees; etc.);*

d. *Improvement of streambank or in-stream conditions (e.g., remove hard_bank armoring, slope back streambanks, create inset floodplains, install large woody debris structures, etc.), in order to restore habitat and more natural stream conditions;*

e. *Reduction in water consumption for irrigation (e.g., use of drought-tolerant landscaping or high efficiency irrigation systems, etc.);*

f. *Other measures that reduce overall similar site-related environmental impacts.*

4. *The buffer shall not be adjusted to a distance of less than 50 feet in width from the edge of the stream/riparian ESHA.*

B. LUP Background

The Background section of the Land Use Plan's Biological Resources chapter describes the natural habitats and environment of the Marin County coastal zone as containing a broad range of estuarine and marine environments, tidal marshes, freshwater wetlands, stream corridors, upland forests, chaparral, grasslands, dunes, and beaches. These sensitive biological resources are easily disturbed and support communities of rare plants and protected species of fish and wildlife such as Western snowy plover (*Charadrius alexandrinusnivosus*), Myrtle's silverspot butterfly (*Speyeria zerene myrtleae*), California red-legged frog (*Rana draytonii*), and Central California coast steelhead (*Oncorhynchus mykiss*). Bolinas Lagoon and Tomales Bay are part of a larger, relatively undisturbed complex of wetlands along the Marin/Sonoma coast that includes Drakes and Limantour Esteros, Abbotts Lagoon, Estero Americano, Estero de San Antonio, and Bodega Harbor. Tomales Bay, Bolinas Lagoon, and the waters along much of the County's ocean shoreline are also part of the Gulf of the Farallones National Marine Sanctuary. The area is within the Pacific Flyway and supports approximately 20,000 shorebirds, seabirds, and waterbirds both seasonally and year-round. Subtidal areas and extensive mudflats support diverse populations of invertebrates and provide nursery and feeding habitat for resident and migratory fish, while steelhead and coho salmon access streams in the watershed. In Tomales Bay, eelgrass beds occur within the shallow waters at the northern end of the Bay that are critical for particular species of migratory birds, and for fish species such as Pacific herring. The rocky points, intertidal areas, and shoreline substrate in Tomales Bay provide habitat for many distinct invertebrate communities. The wetlands areas in Tomales Bay also serve as corridors to valuable spawning nurseries for the Coho salmon and Steelhead. Estero Americano and Estero de San Antonio are "seasonal estuaries" and their unique morphology result in a fjord-like quality which is not found in other California wetlands and results in a wide variety of species diversity and habitats. The coastal zone also includes unique terrestrial habitats such as serpentine grasslands, chaparral habitat that contain endemic plants such as Mount Tamalpais Manzanita *(Arcostaphylos hookeri Montana)*, and coastal terrace prairie grasslands.

As listed above, the LUP includes a detailed set of policies that define ESHA, specify the uses allowed within it, specify the required buffers around the ESHA and the allowed uses within those buffers, and then clearly identifies the process for obtaining a reduction in standard buffer width. The LUP protects the County's significant natural habitats primarily through the designation and protection of ESHA. Policy C-BIO-1 defines three types of ESHA: wetlands, streams and riparian vegetation, and terrestrial. Terrestrial ESHA is defined as those habitats that support rare and endangered species; coastal dunes; roosting and nesting habitat; and riparian vegetation not associated with a perennial or intermittent stream. Allowable uses within the three types of ESHA mirror those allowed in the Coastal Act. For terrestrial ESHA, as specified in Policy C-BIO-2: those uses that are resource dependent; within wetlands, as specified in Policies C-BIO-14 and -15: commercial fishing facilities, incidental public service uses, mineral extraction, restoration, aquaculture, and ongoing agriculture; and, within streams and riparian vegetation, as specified in Policy C-BIO-24: necessary water supply projects, flood control projects, and fish and wildlife improvement projects.

Furthermore, the LUP requires buffers surrounding such ESHA, a minimum of 100 feet for

streams and wetlands and 50 feet for terrestrial ESHA. Policies C-BIO-3, -14, and -15 specify the allowed uses within the buffers for the three types of ESHA: only those uses otherwise allowed within the ESHA itself for wetlands and streams, and uses that will not significantly degrade the habitat within terrestrial habitat buffers. Policies C-BIO-3, -20, and -25 allow reductions to the required buffer widths to an absolute minimum of 50 feet for wetlands and stream and 25 feet for terrestrial ESHA. Any allowed reduction must be for a use that otherwise conforms with zoning and is either proposed on a legal lot located entirely within the buffer, when the development cannot be accommodated entirely outside the required buffer, when the development would have more impact on the ESHA outside the buffer than within, or, for wetlands, when the wetland was created to treat stormwater (such as a filtration basin). A buffer adjustment may only be allowed when supported by findings of a biological site assessment that demonstrates that the adjusted buffer, in combination with siting and design measures, will prevent any significant impact to the ESHA. Finally, any allowed buffer reduction must also require measures that create a net environmental improvement over existing conditions. Such an improvement, including additional stormwater measures, eradication of invasive species, and reduction in water use, must be provided in addition to other mitigation measures that would be otherwise required of the project.

Finally, the LUP requires new development proposals within or adjacent to ESHA to prepare a site-specific biological assessment. Per Policy C-BIO-3, the assessment is to identify the extent of ESHA, document any site constraints and sensitive biological resources, recommend precise buffer widths to protect the habitat, and recommend appropriate restoration/mitigation (generally 2:1 for on-site mitigation, 3:1 off-site, or 4:1 in-lieu fee). As stated above, the site assessment is also required for any project that seeks to reduce the width of the required ESHA buffer.

Thus, the LUP's Biological Resources chapter includes a clear, comprehensive and appropriate set of policies to meet the goal of protecting, maintaining, enhancing, and restoring coastal streams, wetlands, and ESHA.

C. Proposed Implementation Plan

The proposed IP implements the aforementioned LUP policies primarily through Chapter 22.64.050 (Biological Resources). Section 22.64.050(A) describes the submittal requirements applicable for proposed development, including the process by which the required biological resource assessments are to be undertaken, the factors to be studied in order to determine appropriate ESHA buffer widths, required habitat mitigation for development allowed within ESHA, and the requirements for restoration and monitoring plans. Specifically, this IP section requires the Marin County Community Development Agency to conduct an initial site assessment screening of all new development applications, using the LCP's resource maps, past coastal permit actions, site inspections, and other necessary resources to determine the potential presence of ESHA. Should this initial study reveal the potential presence of ESHA within 100 feet of the proposed project site, then a biological site assessment shall be required. Per subsection (b), the assessment is to be prepared by a qualified biologist hired by the County and paid for by the applicant, confirming both the existence and extent of ESHA, and recommending appropriate siting and design measures, buffer widths, and mitigation measures in order to protect the resource. Section 22.64.050(B) lists the required biological resources standards that development must meet. Consistent with the general construct of the IP, the listed standards cross-reference the applicable LUP policy. For example, Section 22.64.050(B)(1) implements the

LUP's ESHA protection policies by stating that "the resource values of ESHAs shall be protected by limiting development per Land Use Policies C-BIO-1, C-BIO-2, and C-BIO-3." As discussed above, these three LUP policies describe in detail the types of ESHA, the uses allowed within them, and required buffers.

D. Analysis

In general, the proposed IP submitted by the County for Commission consideration implements the LUP's required biological resource protection standards and offers additional details on the CDP submittal requirements necessary to ensure such sensitive habitat protection. As discussed above, Section 22.64.050(B) cross-references corresponding LUP policies, thereby ensuring that the LUP's detailed provisions for defining the different types of ESHA, listing the allowable uses within them, and noting their required buffers, are appropriately implemented. Furthermore, Section 22.64.050(A)'s listing of the required CDP submittal materials describes the necessary steps and process the County must employ in order to determine when a project needs a biological site assessment, as well as a listing of the required parameters the assessment must analyze in order to determine whether ESHA is protected. For example, while LUP Policy C-BIO-2 states that a biological site assessment is required, IP Section 22.64.050(A)(1) implements the policy by identifying the process by which the assessment is to be performed, including describing what resources the County is to review when assessing the initial project submittal, stating that the assessment is required when the County's initial screening review shows that ESHA may be located within 100 feet of the project location, and then listing the required parameters for the assessment (including that it may only be prepared by a qualified biologist that the County, not the applicant, selects).

In addition to detailing the site assessment process and parameters, the IP also details the necessary steps for habitat mitigation and restoration, when it is allowed or required otherwise. Specifically, Section 22.64.050(A)(1)(d) requires mitigation for any proposed new development that impacts ESHA at the minimum ratio of 2:1 on-site, 3:1 off-site, and 4:1 in-lieu fee, or as determined by the findings of the required site assessment. This IP section also describes how to measure the acreage of ESHA potentially being disturbed, stating that it will be measured based on the approved development area, road/driveway area, and any required fuel modification clearance. Thus, the IP ensures that all areas on the property possibly impacted by a proposed project, and not just a proposed project's specific footprint, are appropriately and adequately accounted for when the County permits new development. Additionally, the IP ensures the success of any required mitigation by requiring a Restoration and Monitoring Plan. Section 22.64.050(A)(3) lists its requirements, including a clear description of the ESHA habitat restoration goals, quantitative description of the chosen restoration site, designation of a qualified restoration biologist to be the restoration manager, and preparation of a Final Monitoring Plan that specifies performance criteria for determining whether the restoration has successfully been implemented. Therefore, in essence, the IP lists the required resource protection standards in Section 22.64.050(B), and includes the necessary details on how to accomplish those requirements via Section 22.64.050(A)'s listing of permit requirements.

However, certain modifications are required in order for this section of the IP to be fully LUP consistent. First, in terms of Section 22.64.050(A)(1)(d)'s requirements for habitat mitigation, the standard as written by the County states that development shall be sited and designed to avoid impacts to ESHA, but then goes on to state that if there is no feasible alternative that can

eliminate significant impacts to ESHA, then the alternative that results in the least impacts to ESHA shall be selected. As written, this standard could be interpreted to mean that any development could be allowed within ESHA so long as the County determines that it is the least environmentally damaging with respect to ESHA impacts. Allowing potentially any type of new development within ESHA is inconsistent with LUP Policy C-BIO-2, which specifically states that the only allowed uses to be sited within ESHA are those that are resource-dependent, or, for wetlands and streams, those uses allowed in Policies C-BIO-14, -15, and -24, respectively. Therefore, a modification is required in Section 22.64.050(A)(1)(d) to state that the only allowed uses to be considered for siting within ESHA, wetlands, and streams are those specifically identified to be allowable within ESHA per applicable LUP policies. Mitigating for ESHA habitat loss/adverse impacts is only allowed as a mitigation strategy for otherwise permissible uses specifically identified in the LUP when there are no feasible alternatives, including the no project alternative, that would avoid ESHA impacts. A similar modification is also required in Section 22.64.050(B)(11), which clarifies that new development proposed within coastal streams and riparian vegetation is only permitted for the uses identified in LUP Policy C-BIO-24, and not for other types of proposed uses. These modifications make clear that any new development proposed to be sited within ESHA, and the mitigation standards required for it, is only for specifically allowed land uses, and not just for all development, consistent with the LUP.

Other modifications are minor in nature and simply add/delete terms for clarity purposes or fix typographical errors, including in Sections 22.64.050(B)(6) and (7), which delete cross-references to LUP Policies C-BIO-11 and -12 since those policies no longer exist. Public comments have asserted that the IP should narrow the list of uses allowed a reduction in buffers, suggesting that only uses designated as the principally permitted use specified for the particular zoning district be allowed buffer reductions. However, this suggestion would not be consistent with LUP Policies C-BIO-3, C-BIO-20, and C-BIO-25, which specify in detail the uses allowed buffer reductions for ESHA, wetlands, and streams, respectively. These policies state that any use is allowed a buffer reduction so long as it is consistent with zoning, as well as additional requirements for wetlands and streams. Thus, the LUP already includes a detailed process for identifying appropriate buffers, and limiting buffer reductions to only the principally permitted use in the zoning district would be inconsistent with the LUP criteria. Thus, no suggested modification is made in this respect. However, a modification is added, as requested by public comment, to further clarify standards that buffer reductions must meet. As such, modifications are added to Section 22.64.050(A)(1)(c) to state that, for buffer reductions, the applicant has provided clear and convincing findings of the need for the reduction, the reduction allowed is the absolute minimum necessary, and the reduction will prevent impacts that degrade the ESHA and will be compatible with the continuance of the ESHA. As modified, the Implementation Plan includes a clear set of policies and standards that defines ESHA, specifies the allowable uses within it, required buffers, and the habitat mitigation requirements. The IP is thus adequate to carry out the LUP.

3. COASTAL HAZARDS

A. Applicable Land Use Plan Policies

C-EH-2 Avoidance of Geologic and Other Hazards. *Require applicants for development in areas potentially subject to geologic or other hazards (including Alquist-Priolo earthquake hazards zones, and areas subject to tsunami runup, landslides, liquefaction, episodic and long-term shoreline retreat (including beach or bluff erosion), high seas, ocean waves, storms, tidal scour, flooding, steep slopes averaging greater than 35%, unstable slopes regardless of steepness, and flood hazard areas, including those areas potentially inundated by accelerated sea level rise, to demonstrate that:*

1. *The area of construction is stable for development for a minimum of 100 years,*
2. *The development will not create a hazard or diminish the stability of the area, and*
3. *For shoreline and/or coastal bluff development, see Policy C-EH-5.*

The County's hazards maps can be used as a resource for identification of hazard areas; however, absence of mapping alone cannot be considered absence of hazard and local site conditions must be examined using the best available science.

C-EH-3 Applicant's Assumption of Risk. *As a condition of coastal permit approval for development in hazardous areas, require the applicant to record a document exempting the County from liability for any personal or property damage caused by ~~natural~~ geologic or other hazards on such properties and acknowledging that future shoreline protective devices to protect structures authorized by such coastal permit are prohibited.*

C-EH-5 New Shoreline and Blufftop Development.

A. ***Blufftop Development.*** *Ensure that new blufftop development, including coastal redevelopment (see below) and additions to existing structures, is safe from shoreline/bluff retreat and other coastal hazards without a reliance on shoreline protective devices. Except as provided for by Policies C-EH-7, C-EH-15, C-EH-16, and C-EH-19, new development shall be set back from the shoreline and bluff edge a sufficient distance to ensure its stability and structural integrity for a minimum of 100 years and to eliminate the need for shoreline protective devices. A coastal hazards analysis shall evaluate the effect of geologic and other hazards at the site to ensure its stability and structural integrity for a minimum of 100 years. The coastal hazards analysis shall include a quantitative slope stability analysis demonstrating a minimum factor of safety against sliding of 1.5 (static) or 1.2 (pseudostatic, k=0.15 or determined through analysis by the geotechnical engineer). Safety and stability must be demonstrated for the predicted position of the shoreline/bluff following shoreline/bluff recession over at least 100 years. The predicted shoreline/bluff position shall be evaluated considering not only historical shoreline and bluff retreat data, but also acceleration of shoreline and bluff retreat due to continued and accelerated sea level rise, and other climate impacts according to best available science. The effect of any existing shoreline protective devices shall not be factored into the required stability analysis.*

B. ***Shoreline Development****. New shoreline development (including new development on vacant/undeveloped lots, additions to existing structures, and coastal redevelopment (see below)) shall be set back a sufficient distance from the shoreline to ensure stability and structural integrity for a minimum of 100 years without the need for shoreline protective devices. For coastal redevelopment, if there is insufficient space on a property to feasibly meet the setback requirements, then such development may meet the minimum 100-year stability and structural integrity requirement through setting back as far as feasible in tandem with the use of caisson/pier foundations and elevation (including if elevation of the structure is necessary to meet Federal Emergency Management Agency (FEMA) flood requirements) but no other type of shoreline protective device is allowed. Any approval for new shoreline development shall be accompanied by conditions necessary to achieve compliance with this policy (e.g., appropriate provisions to ensure that all permitted development is relocated and/or removed before shoreline protection (other than caisson/pier foundations and elevation where allowed for redevelopment) is needed). A coastal hazards analysis shall evaluate the effect of geologic and other hazards to ensure stability and structural integrity for the minimum 100 year period, and such analysis shall not factor in the presence of any existing shoreline protective devices. The coastal hazards analysis shall also evaluate the effect of the project over time on coastal resources (including in terms of protecting public access, shoreline dynamics, natural landforms, and public views, including as project impacts continue and/or change over time, including in response to sea-level rise), including in terms of not only the impacts associated with the elevated structure, but also in terms of the effects of related development, such as required ingress/egress to structures and the provision of services (e.g., water, wastewater, etc.). The provisions of this subsection allowing the use of caisson/pier foundations and elevation for shoreline redevelopment in certain circumstances shall apply until April 30, 2017 or until this subsection is amended, whichever occurs first. If a complete LCP amendment to amend this subsection is not submitted as of April 30, 2017 (including where subsequent withdrawal of such LCP amendment will deem it to have not been submitted), then shoreline redevelopment will no longer be allowed to meet minimum 100-year stability and structural integrity requirements through the use of caisson/pier foundations and elevation. The April 30, 2017 deadline may be extended for good cause by the Executive Director of the Coastal Commission.*

C. ***Coastal Redevelopment.*** *Coastal redevelopment must be found consistent with all applicable LCP policies. Coastal redevelopment is development that is located on top of bluffs or at or near the ocean-sand interface and/or at very low lying elevations along the shoreline that consists of alterations including (1) additions to an existing structure, (2) exterior and/or interior renovations, and/or (3) demolition of an existing bluff home or other principal structure, or portions thereof, which results in:*

(1) Alteration of 50% or more of major structural components including exterior walls, floor and roof structure, and foundation, or a 50% increase in floor area. Alterations are not additive between individual major structural components; however, changes to individual major structural components are cumulative over time from the date of certification of the LUP.

(2) Demolition, renovation or replacement of less than 50% of a major structural component where the proposed alteration would result in cumulative alterations exceeding 50% or more of a major structural component, taking into consideration previous alterations approved on or after the date of certification of the LUP; or an alteration that constitutes less than 50% increase in floor area where the proposed alteration would result in a cumulative addition of greater than 50% of the floor area, taking into consideration previous additions approved on or after the date of certification of the LUP.

C-EH-13 Shoreline Protective Devices. *Discourage shoreline protective devices in the Coastal Zone, including encouraging their removal and site restoration where feasible, due to their coastal resource impacts (including visual impacts, obstruction of public access, interference with natural shoreline processes and water circulation, and effects on marine habitats and water quality).*

Allow the construction, reconstruction, expansion, and/or replacement of a shoreline protective device, including revetments, breakwaters, groins, seawalls, bluff retention devices, deep piers/caissons, or other artificial structures for coastal erosion control and hazards protection, only if each of the following criteria is met:

1. *The shoreline protective device is required to serve a coastal-dependent use or to protect a principal structure, residence, or second residential unit in existence prior to the adoption of the Local Coastal Program (May 13, 1982) or a public beach in danger from erosion.*
2. *No other non-structural alternative, such as sand replenishment, beach nourishment, or managed retreat is feasible, and the device is the least environmentally damaging feasible alternative.*
3. *The condition causing the problem is site specific and not attributable to a general erosion trend, or the project reduces the need for a number of individual projects and solves a regional erosion problem.*
4. *It can be shown that a shoreline protective device will successfully eliminate or mitigate its effects on local shoreline sand supply and that the device will not adversely affect adjacent or other sections of the shoreline.*
5. *The shoreline protective device will not be located in wetlands or other significant resource or habitat area, and will not cause significant adverse impacts to fish or wildlife.*
6. *There will be no reduction in public access, use, or enjoyment of the natural shoreline environment, and construction of a shoreline protective device will preserve or provide access to related public recreational lands or facilities.*
7. *The shoreline protective device will not restrict navigation, mariculture, or other coastal use and will not create a hazard in the area in which it is built.*

8. *For existing shoreline protective devices that are being reconstructed, expanded, and/or replaced, the coastal permit application shall include a re-assessment of the need for the device, the need for any repair or maintenance of the device, and the potential for removal based on changed conditions. The coastal permit application shall at a minimum include an evaluation of: the age and condition of the existing principal structure being protected; changed geologic site conditions including but not limited to changes relative to sea level rise; and impacts to coastal resources, including but not limited to public access and recreation.*
9. *The shoreline protective device shall only be authorized until the time when the existing structure that is protected by such a device: 1) is no longer present; 2) no longer requires armoring; or 3) is redeveloped (i.e. coastal redevelopment pursuant to C-EH-5).*

   The permittee is required to submit a coastal permit application to remove the authorized shoreline protective device within six months of a determination that the shoreline protective device is no longer authorized to protect the structure it was designed to protect because the structure is no longer present or no longer requires armoring. In the case of coastal redevelopment, removal of the authorized shoreline protective device shall be required prior to construction of the redeveloped structure.
10. *Shoreline protective devices shall be required to mitigate impacts to shoreline sand supply, public access and recreation, and any other relevant coastal resource impacts in 20-year increments, starting with the building permit completion certification date. Permittees shall apply for a coastal permit amendment prior to expiration of each 20-year mitigation period, proposing mitigation for coastal resource impacts associated with retention of the shoreline protective device beyond the preceding 20-year mitigation period, and such application shall include consideration of alternative feasible mitigation measures in which the permittee can modify the shoreline protective device to lessen its impacts on coastal resources.*
11. *The shoreline protective device shall be regularly monitored by an engineer or engineering geologist familiar and experienced with coastal structures and processes. Monitoring reports to the County and the Coastal Commission shall be required every five years from the date of coastal permit issuance until coastal permit expiration, which shall evaluate whether or not the shoreline protective device is still required to protect the existing structure it was designed to protect.*

C-EH-14 Design Standards for the Construction of Shoreline Protective Devices. *Ensure that the design and construction of any shoreline protective device shall:*

1. *Be sited, designed, and treated to blend in visually with the natural shoreline;*
2. *Respect and integrate into natural landforms to the greatest degree possible;*
3. *Include mitigation measures to offset any impacts on fish and wildlife resources caused by the project;*
4. *Minimize and mitigate for the impairment and interference with shoreline sand supply and the circulation of coastal waters;*

5. *Address the geologic hazards presented by construction in or near Alquist-Priolo earthquake hazard zones;*
6. *Protect, and enhance where feasible, public recreational access as much as possible, including by minimizing the displacement of beach; and*
7. *If necessary, be combined with efforts to control erosion from surface and groundwater flows.*

C-EH-15 Minor Accessory Structures in Hazardous Areas. *Minor accessory structures, which are structures that do not require structural foundations, such as decks, patios, and walkways (and not including structures such as guesthouses, pools, tennis courts, cabanas, and septic systems, etc.) may be allowed within the shoreline/blufftop setback established by C-EH-5 provided they meet all of the following criteria:*

1. *Such accessory structures shall only be allowed if consistent with all other applicable LCP policies.*
2. *Such accessory structures shall be sited and designed to be easily relocatable and/or removable without significant damage to shoreline and/or bluff areas, and shall be sited no closer than 5 feet from the blufftop edge.*
3. *Such accessory structures shall be relocated and/or removed and affected areas restored to natural conditions when threatened by erosion, geologic instability, or other coastal hazards, including as determined by Marin County*
4. *No shoreline protective device will be allowed for the purpose of protecting such accessory structure(s).*

C-EH-25 Existing Development and Fire Safety. *Removal of major vegetation around existing development for fire safety purposes shall only be allowed upon a finding that fuel modification and brush clearance techniques are required in accordance with applicable fire safety regulations and are being carried out in a manner which reduces impacts to the maximum feasible extent. In addition to the foregoing requirements, removal of major vegetation that constitutes ESHA, or is in an ESHA, or is in an ESHA buffer, shall only be allowed for fire safety purposes if there are no other feasible alternatives for achieving compliance with required fire safety regulations and all ESHA and related impacts are mitigated as near as possible to the impact area and in a manner that leads to no net loss of ESHA resource value.*

B. LUP Background

Marin County's coastal zone, and particularly the shoreline interface, is affected by a variety of coastal hazards, including shoreline and bluff retreat and erosion, ocean storms and waves, tsunamis, potential seismic events and liquefaction, and long-term sea level rise, all of which represent hazards for new and existing development. The Marin County coastal zone contains numerous geologic features, including bluffs, steep slopes, and low-lying development subject to flooding, including along Tomales Bay, Stinson Beach, Seadrift, and Bolinas. Significant portions of California's coastline have already been armored with rock revetments, seawalls, or other shoreline protective devices. While Marin's shoreline includes relatively few shoreline

protective devices as compared with many other coastal communities, shoreline armoring is not absent from the County's coastal zone. Structures within Bolinas and Seadrift in Stinson Beach rely in part on shoreline protective devices to ensure protection against ocean flooding and shoreline retreat. Sea level rise is expected to lead to increased erosion, loss of coastal wetlands, permanent or periodic inundation of low-lying areas, increases in coastal flooding, and salt water intrusion into stormwater systems and aquifers. Structures located along bluffs, including those in Muir Beach and Bolinas, may become susceptible to accelerated erosion, and areas that already flood during high tides, including portions of Stinson Beach, will likely experience an increase in these hazards from accelerated sea level rise. Sea level rise also threatens the integrity of roads and other public infrastructure, such as Highway 1. The LUP recognizes these issues, including providing a background on such hazards in the Environmental Hazards chapter.

New Development
As stated earlier, the LUP requires new development to be safe from geologic or other hazards, defined to include Alquist-Priolo earthquake hazards zones; areas subject to tsunami runup, landslides, liquefaction, episodic and long-term shoreline retreat (including beach or bluff erosion), high seas, ocean waves, storms, tidal scour, and flooding; steep slopes averaging greater than 35%; unstable slopes regardless of steepness; and flood hazard areas, including those areas potentially inundated by accelerated sea level rise. Policy C-EH-2 requires new development to be safe from these hazards for a minimum of 100 years, including requiring findings that the area of construction is stable for development, the development will not create a hazard or diminish the stability of the area, and is sufficiently set back from coastal bluffs and the shoreline so as to ensure stability and structural integrity and not require a shoreline protective device. Policy C-EH-3 requires all development within hazardous areas to, as a condition of coastal permit approval, record a document exempting the County from liability for damage caused by geologic or other hazards, and acknowledging that future shoreline protective devices to protect such structure are prohibited.

Policy C-EH-5 addresses additional requirements and standards that development on blufftops and along the shoreline must meet. All development within these areas must prepare a coastal hazards analysis that evaluates the effect of geologic and other hazards at the site to ensure its stability and structural integrity for a minimum of 100 years, without factoring in any existing or proposed shoreline protective devices. For blufftop development, Policy C-EH-5(A) requires new structures (including additions to existing structures and to coastal redevelopment, as that term is defined) to be set back a sufficient distance from the bluff edge to ensure stability and structural integrity for a minimum of 100 years and to eliminate the need for any shoreline protective device. The bluff setback determination must be evaluated based on bluff retreat data from both historic and future sea level rise, as well as other climate impacts using the best available science.

Shoreline development is similarly required to be set back a sufficient distance so as to not require structural protection. Per C-EH-5(B), new shoreline development, including development on vacant/undeveloped lots, additions to existing structures, and coastal redevelopment, must be setback a sufficient distance from the shoreline to ensure stability and structural integrity for a minimum of 100 years without the need for shoreline protective devices. The required coastal hazards analysis must evaluate the effect of the development over time (taking into account sea level rise) on coastal resources, including impacts to public access, shoreline dynamics, natural

landforms, and public views, and the analysis shall consider the entire structure, including driveways and utilities. Any approval for new shoreline development is required to be accompanied by conditions necessary to ensure that development is safe from hazards and does not need future shoreline protection, including appropriate provisions to ensure that all permitted development is relocated and/or removed before shoreline protection is needed.

Shoreline Protective Devices
Policy C-EH-13 lists the required criteria for allowing shoreline protective devices,[7] including that the device is required to serve a coastal-dependent use or to protect a public beach, or to protect a principal structure, residence, or second residential unit in existence prior to the adoption of the LCP (May 13, 1982, the date on which CDP-issuing authority was transferred to the County); that sand supply impacts are adequately mitigated; that the condition causing the problem is site specific and not attributable to a general erosion trend or that the device would solve a regional erosion problem; there will be no reduction in public access; and there is a finding that no other non-structural alternative (such as beach nourishment or managed retreat) is feasible. Additionally, Policy C-EH-13(10) requires devices to mitigate impacts to shoreline sand supply, public access and recreation, and any other coastal resource impacts in 20-year increments. Permittees shall be required to apply for a CDP amendment prior to the 20-year impact mitigation period and shall propose additional mitigation associated with retention of the device beyond the initial 20 year period. Policy C-EH-14 lists the required design standards for otherwise allowable devices, including that such devices blend visually with the natural shoreline and respect natural landforms to the greatest degree possible, and that the device mitigate any impacts on fish and wildlife resources, among others.

Existing Development
Finally, the LUP includes a suite of policies addressing existing development currently located in hazardous areas, the improvements and repair/maintenance opportunities that owners of existing development are allowed to undertake, and how such development interfaces with LUP hazards policies. Policy C-EH-5(C) defines coastal redevelopment as development that is located on top of bluffs or along the shoreline that consists of alterations including additions, exterior and/or interior renovations, and/or demolition of an existing structure which results in alteration of 50% or more of its major structural components (including exterior walls, floor and roof structure, and foundation), or a 50% increase in floor area. In addition, coastal redevelopment also includes demolition, renovation, or replacement of less than 50% of a major structural component when the alteration results in cumulative alterations exceeding 50% (i.e., when previous alterations cumulatively add up to 50% or greater of the major structural components). When any of these thresholds are triggered, the entire structure must be found consistent with all applicable LCP policies, including being set back a sufficient distance so as to not require shoreline protective devices (except for the particular, interim allowance for existing shoreline structures to use elevation as a protection strategy in certain circumstances, as discussed below). If the existing structure proposed to be redeveloped has a shoreline device protecting it, Policy C-EH-13(9) requires that the existing protective device be removed within six months of the determination that the device is no longer needed to protect the redeveloped structure.

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[7] The policy defines shoreline protective devices as including revetments, breakwaters, groins, seawalls, bluff retention devices, deep piers/caissons, or other similar such structures used for coastal erosion control and hazards protection.

At the time of the May 15, 2014 hearing on the submitted LUP, the Commission received comments of concern from residents of the Seadrift and Stinson Beach communities concerning application of LUP Policy C-EH-5 when applied to a shoreline as opposed to a blufftop situation. As a result of those comments, the Commission revised its suggested modification language and adopted a revised LUP Policy C-EH-5 that generally provides for shoreline development to be treated similarly to bluff top development, except that elevation may be considered as a strategy for shoreline redevelopment for a limited period of time. In cases where there is insufficient space on a property to feasibly meet setback requirements, redevelopment would be allowed to meet the minimum 100-year stability and structural requirements by both utilization of setbacks and the use of caisson/pier foundations and elevation (including if elevation is necessary to meet FEMA flood requirements) subject to criteria.

Thus as adopted by the Commission, Policy C-EH-5(B) allows existing shoreline development that is redeveloped, that otherwise must meet all applicable LCP policies, including those that prohibit shoreline protective devices, to use elevation as a mechanism to meet the 100-year structural stability test. Specifically, if there is insufficient space on a property to feasibly meet the setback requirements (e.g., if it is a residential structure on a small, constrained shoreline lot), then the redeveloped structure may use caisson/pier foundations or other elevation strategies to achieve the LCP's hazards requirements. However, this provision applies until April 30, 2017 or until the policy is amended, whichever comes first.

The April 30, 2017 date was chosen, in part, because the County was awarded funding from the Commission's FY2013-2014 LCP grant fund program to evaluate low lying areas and to develop appropriate policies for addressing coastal hazards issues, including in light of sea-level rise for shoreline development. The Commission's grant to the County is meant to culminate in an LCP amendment submittal to the Commission in early 2016. In other words, this upcoming assessment and LCP amendment project is an appropriate vehicle for further identifying relevant issues and developing a more comprehensive response to the particular needs of shoreline structures along Marin's coast, including providing for a local public participation process that can help form the basis for objectives and a vision for this shoreline interface moving forward. The LUP is structured in a manner that allows existing shoreline structures to be elevated in order to meet the LUP's shoreline policies in the interim under certain circumstances until the County develops a more holistic hazards planning approach via its future LCP amendment.

Thus, the only difference between bluff top and shoreline redevelopment requirements is that the LUP as adopted by the Commission in May 2014 allows shoreline redevelopment to meet hazards requirements through setbacks and the use of caisson/pier foundations and elevation for a limited time, tied to an upcoming LCP grant project which would evaluate such low lying areas and would develop appropriate policies for addressing coastal hazards, including in light of sea-level rise. Thus, such development on shoreline lots may, until April 30, 2017, utilize caisson/pier foundations and elevation after exhausting setback alternatives to the maximum extent feasible.

Since the Commission acted upon the County's LUP in May 2014, additional questions have been raised by the shorefront Seadrift Association property owners regarding the existing permitted 7,400-foot long rip-rap revetment located between actual residences and the sea. On March 16, 1994, the Commission approved CDP A-1-MAR-87-235 subject to conditions,

permitting after-the-fact a rip-rap revetment for the oceanfront property owners in the Seadrift Subdivision. The Commission's approval came after the Commission, along with other parties (State Lands Commission, Federal Department of the Interior, property owners and title companies) settled a litigation dispute regarding public rights to the sandy shore at the Seadrift Subdivision. The settlement provided for a fixed line to determine a public easement for low intensity recreational purposes measured 60 feet from the top of the existing 7,400-foot long rip-rap revetment or 25 feet from the toe of natural sand dunes, and the public would have the right to pass and repass landward of the easement area when the area is covered with water. The Settlement was viewed to be a fair compromise between private and public interests as it pertained to public access and allowed for the eventual CDP action undertaken by the Commission on the 7,400 ft. long riprap revetment.

In its findings, the Commission found that the rip-rap revetment was designed and installed with the express purpose of protecting the existing homes along the ocean side of the Seadrift sandspit, almost all of which were in existence in 1979, and therefore consistent with the shoreline protection policies of the LCP. In recognition of the settlement and the underlying CDP, the IP includes a proposed section acknowledging these facts, and stating that specific IP environmental hazard standards are not intended to override or otherwise preclude compliance with any entitlements that may exist under the Seadrift settlement agreement and Coastal Commission Coastal Permit A-1-MAR-87-235 as amended (through and including Coastal Permit Amendment A-1-MAR-87-235-A) (see Section 22.64.060(B)(1))

Thus, the LUP includes an extensive, detailed, and encompassing policy framework that mirrors many of the suggested policy mechanisms and best practices outlined in the Commission's Draft Sea-Level Rise Policy Guidance. The LUP addresses hazards avoidance in the siting and design of new development, includes parameters for protecting existing development, and defines when existing development must conform with current LUP policies, thereby ensuring that hazards avoidance and protection is an ongoing exercise to ensure not only protection of coastal resources but also protection of the public's health and welfare in addressing and accounting for development and human activity in inherently hazardous areas.

C. Proposed Implementation Plan

The proposed IP implements the aforementioned environmental hazards policies in a similar structure as the Biological Resources section, as previously discussed. IP Section 22.64.060 includes two subsections, one of which lists the application requirements and the other listing the required coastal resource protection standards as they pertain to hazards avoidance. Specifically, Section 22.64.060(B) cross-references the applicable Land Use Plan policy standards that development must meet, including, for example, that "…shoreline protective devices shall only be allowed subject to the criteria contained in Land Use Plan Policy C-EH-13 and the design standards contained in Land Use Plan Policy C-EH-14…." (IP Section 22.64.060(B)(5)). Thus, this IP provision refers back to the LUP policy specific to the permitting of shoreline protective devices, which itself contains the detailed standards that specify the uses that are allowed protection, the point at which such devices must be removed, and mitigation requirements for impacts to public access, among others. Other standards contain additional details with respect to process and/or findings that must be made in order to implement the corresponding LUP policy. For example, LUP Policy C-BIO-4 requires a CDP for the removal or harvesting of major vegetation other than for agricultural purposes. Proposed IP Section 22.64.060(B)(10) then states

that a CDP application to remove major vegetation must meet the listed criteria, including that the removal does not adversely affect any ESHA, coastal waters, public views, or conflict with a previous CDP's conditions of approval, *and* at least one of a series of other requirements, including that the major vegetation is diseased, is an identified fire hazard, or a public nuisance interfering with public utilities.

In terms of application requirements, Section 22.64.060(A) describes the submittal requirements based upon the location and type of development proposed. Subsection (1) requires the preparation of an Environmental Hazards Report for all development proposed within mapped areas of geological instability and hazards, including earthquake hazard zones, slopes averaging 35% or greater, and flood hazard areas, including those inundated by sea level rise. The purpose of the report is to describe the hazards on site, and recommend siting and design measures so that the development will be safe from the hazard and not require a shoreline protective device during its 100 year economic life. While this report is required for all proposed development within hazardous areas, Subsections (2) and (3) describe the additional requirements for development located on blufftops, including requirements for a geotechnical investigation and drainage plan to determine the retreat rate and appropriate setbacks, as well as analysis on how rainwater and irrigation will affect bluff stability. Finally, subsection (3) requires an engineering report for any work proposed on a shoreline protective device, including revetments, breakwaters, groins, and seawalls. The report is to include an analysis of alternatives to structural protection, including no action, beach nourishment, and relocation, as well as information needs such as the amount of beach that will be covered, total lineal feet of the device, and provisions for future maintenance.

D. Analysis

Consistent with other sections of the IP and its general construct overall, the proposed IP generally implements the LUP's coastal hazards policies. The IP requires adherence to the LUP's policies, which themselves are very detailed in terms of defining the types of coastal hazards and the required parameters that development must meet in order to achieve the LUP's defined performance standard of 100 year stability and safety without shoreline protective devices. However, because the proposed IP implements the pre-modified LUP, certain IP standards must be modified to reflect those changes. Furthermore, while the proposed IP includes some specificity with respect to process, including application requirements, required reports and studies, and definition of terms, there remains uncertainty about how LUP policies and requirements would be appropriately implemented. For example, public comments have asserted that it remains unclear what types of proposed projects would be required to prepare an Environmental Hazards Report and/or a Coastal Hazards Analysis, including a lack of specificity with respect to what criteria would be used to ascertain whether a proposed project was located in an area subject to hazards, or that certain terms are undefined and/or vague. Therefore, the proposed IP is not consistent with, and is not adequate to carry out, the conditionally certified LUP as approved by the Commission and must be denied as submitted. The IP can be approved only with the following suggested modifications that add in all the newly amended and conditionally certified LUP requirements.

Coastal Hazards Protection Standards and Application Requirements

Many of the suggested modifications are necessary changes to reflect the modification made to the corresponding Land Use Plan policy. For example, 22.64.060(A)(1)'s requirement that an environmental hazards report be prepared only for development within *mapped* hazardous areas

does not reflect the modification made in LUP Policy C-EH-2 that deleted this same mapping requirement and replaced it with language stating that the County's hazards maps can be used as a resource for identification of hazard areas, but that absence of mapping does not in and of itself determine absence of hazard, so local site conditions using the best available science must be analyzed to determine the presence of a hazardous condition. Therefore, the language must be changed in 22.64.060(A)(1) to match the corresponding LUP policy. Similarly, since amended LUP Policy C-EH-5 extended the requirements for the preparation of a coastal hazards analysis for both blufftop development *and* shoreline development, IP Section 22.64.060(A)(1) must also be similarly modified.

However, other modifications are more substantive in that they are necessary refinements to clearly articulate application requirements and process, as well as definitions of certain terms for more clarity. As stated previously, these refinements address comments from the public that stated that it was unclear the process by which the reviewing authority would ascertain whether a proposed development was subject to hazards, and therefore whether the applicant must prepare the required studies and reports in order for the reviewing authority to make the requisite LCP findings. In addition, these revisions address certain definitions of terms so as to reduce ambiguity about particular mandates.

With respect to application requirements, while section 22.64.060(A) describes that a required Environmental Hazards Report is required for all development potentially subject to geologic or other hazards, it does not identify how that latter determination would be made. Thus, a new section is proposed to clearly articulate a process for such evaluation. The process mirrors County-proposed requirements for biological reports per 22.64.050(A)(1) that determine the presence of and protection for ESHA, including an initial site assessment screening of all CDP applications to determine whether the site is potentially subject to hazards over the LUP-required 100 year timeframe. The screening shall include a review of reports, resource maps, aerial photographs, site inspection, and the County's hazards maps, all using the best available science. With respect to sea-level rise, the County-proposed IP describes development potentially inundated by "accelerated" sea level rise as a type of development that must prepare the Environmental Hazards Report. However, as has been highlighted by public comment, it is not exactly clear what "accelerated" means. Therefore, the term accelerated is replaced with the term "future", as the intent is to understand future sea levels and to plan and permit development accordingly. Second, because such sea-level rise studies may evolve in the future, a definition is added that indicates that "best available science" means peer-reviewed and well-documented climate science using empirical and evidence based data that establishes a range of locally-relevant future sea-level rise projections. At this current time, the best available science on sea-level rise in California is the 2012 National Research Council (NRC) Report, *Sea-Level Rise for the Coasts of California, Oregon, and Washington: Past, Present, and Future* (NRC, 2012). However, any other document that meets the above definition may be used for planning purposes in Marin's coastal zone.

Where the initial site assessment screening indicates that the proposed development is within a blufftop or shoreline parcel, or within 100 feet of an area subject to geologic or other hazards (100 feet is the standard used for biological assessments), then the project is required to prepare an Environmental Hazards Report. The report must be prepared by a qualified registered civil or

structural engineer or licensed geologist or engineering geologist, and shall describe the extent of potential hazards on the site over the minimum 100 year timeframe. The report shall recommend construction, siting, and other techniques, including drainage techniques or other measures, for example, to minimize hazards and to make the requisite findings: (1) that the development will be sited and designed to assure stability and structural integrity for the development's lifetime and a minimum of 100 years; (2) that the development will be set back a sufficient distance from identified hazard areas so as to not create a hazard or diminish the stability of the area; and (3) that the development will not require the construction of shoreline protective devices during its lifetime, including at the time of the initial development proposal.

While the Environmental Hazards Report applies to development subject to the broad range of LUP-identified hazards (e.g. earthquake zones, steep slopes), for development located on a blufftop or near the shoreline, a Coastal Hazards Analysis is required as well. The areas where such analysis would be required are defined in Land Use Plan Policy C-EH-5: on blufftops[8], and at or near the ocean-sand interface and/or at very low-lying elevations along the shoreline[9]. Thus, per the LUP and IP's definitions, the analysis would be required of any development proposed to be located on a blufftop, or located at low-lying areas adjacent to and/or near the shoreline. Per section 22.64.060(A)(2), an application for improvements and/or repair and maintenance to an existing structure must clearly identify the major structural components that are being altered, including identifying any previous CDPs authorizing alteration on the subject structure. The purpose of this requirement is to understand and quantify whether the proposed project will alter

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8 Chapter 22.130 defines the terms as follows, which have been reviewed and/or written by the Commission's Staff Geologist, Dr. Mark Johnsson (Commission suggested modifications shown in strikethrough and underline):

Bluff (coastal). ~~A high bank or bold headland with a broad, precipitous, sometimes rounded cliff face overlooking a plain or body of water. A bluff may consist of a steep cliff face below and a more sloping upper bluff above.~~ Those bluffs, the toe of which is now or was historically (generally within the last 200 years) subject to marine erosion; and those bluffs the toe of which is not now or was not historically subject to marine erosion, but the toe of which lies within an area otherwise identified in Public Resources Code Section 30603(a)(1) or (2).

Bluff Edge (coastal). The upper termination of a bluff, cliff, or seacliff. In cases where the top edge of the bluff is rounded away from the face of the bluff as a result of erosional processes related to the presence of the steep bluff face, the bluff line or edge shall be defined as that point nearest the bluff beyond which the downward gradient of the surface increases more or less continuously until it reaches the general gradient of the bluff. In a case where there is a steplike feature at the top of the bluff face, the landward edge of the topmost riser shall be taken to be the bluff edge. Bluff edges typically retreat landward due to coastal erosion, landslides, development of gullies, or by grading (cut). In areas where the bluff top or bluff face has been cut or notched by grading, the bluff edge shall be the landwardmost position of either the current or historic bluff edge. In areas where fill has been placed near or over the historic bluff edge, the original natural bluff edge, even if buried beneath fill, shall be taken to be the bluff edge.

Blufftop (coastal). The upper surface of a bluff extending inland from the bluff edge.

9 **Sea (coastal).** The Pacific Ocean and all harbors, bays, channels, estuaries, salt marshes, sloughs, and other areas subject to tidal action through any connection with the Pacific Ocean, excluding non-estuarine rivers, streams, tributaries, creeks, and flood control and drainage channels. "Sea" does not include the area of jurisdiction of the San Francisco Bay Conservation and Development Commission, established pursuant to Title 7.2 (commencing with Section 66600) of the Government Code, including any river, stream, tributary, creek, or flood control or drainage channel flowing directly or indirectly into such area.

Shoreline (coastal). The intersection of the ocean or sea with land; the line delineating the shoreline on National Ocean Service nautical charts and surveys approximates the mean low water line from the time the chart was prepared.

50% or more of its major structural components, including whether the proposed project in conjunction with previous CDP approvals will cumulatively exceed 50%, thereby triggering the LCP's coastal redevelopment provisions that require the structure to be considered an entirely new structure that must meet all applicable LCP policies.

For blufftop development, the Coastal Hazards Analysis must evaluate the site's hazards and ensure the development's stability and structural integrity, and to ensure that the development is safe from bluff retreat, without the need for shoreline protective devices for a minimum of 100 years. For shoreline development, the analysis must demonstrate as well that the proposed development will be set back a sufficient distance from the shoreline to ensure stability and structural integrity for a minimum of 100 years without the need for shoreline protection. Finally, for both blufftop and shoreline development, because of the uncertainty with respect to such hazards determinations, including in light of future sea-level rise and the long time horizon upon which such analysis for hazards avoidance must be made, all development located within these areas must, as part of its Coastal Hazards Analysis, list the required CDP conditions necessary to ensure that the structure is relocated and/or removed (and the site restored) whenever the development is deemed hazardous and unsafe for human occupancy. Per section 22.64.060(A)(2)(d), structural development within blufftop and shoreline areas shall be designed and built in a manner that facilitates removal and/or relocation of the structure, foundation, and all other related development, including utilities and driveways. All CDPs shall include conditions that require the structure to be relocated and/or removed outside of the area subject to coastal hazards if an appropriate government agency determines that any portion of the structure is not to be occupied or used due to any coastal hazards, and such safety concerns cannot be abated by ordinary repair and maintenance. Such relocation requirements have been commonly used by the Commission in recent actions[10] to ensure that development appropriately and proactively addresses "end of life" concerns. Namely, because the Coastal Act, LUP, and IP do not allow new development to rely on shoreline protective devices, the development must either be removed or relocated if is endangered by coastal hazards earlier that the 100-year setback/safety tests would prescribe. Thus, the removal/restoration plan ensures that endangered structures are not abandoned or otherwise left neglected and blighted to the detriment of coastal resources.

Thus, as modified, IP section 22.64.060(A) specifies in detail the process required of all CDP applications, including identifying whether a site is potentially subject to hazards, the required reports and analysis for the particular hazard type, and removal/restoration conditions for development within areas of particular coastal resource concern: blufftop and shoreline areas. All such analyses are meant to understand the issues facing the particular development at hand, including understanding the broad range of hazards that the proposed development may be subject to, the risks and probabilities associated with those hazards, and recommended ways, including appropriate siting and design techniques, to ensure that the proposed development is built in a manner that minimizes such risks and can meet the LCP's structural stability tests. Good public policy necessitates an understanding of the risks and impacts of building in areas that are determined to be hazardous so as to protect the public's health and welfare, as well as

[10] Including the Monterey Bay Shores Resort in Sand City in CDP No. A-3-SNC-98-114, the Winget residence in Humboldt County in CDP No. 1-12-023, and, in Marin County, the Marshall Tavern in Marshall in CDP No. 2-06-017. These kind of provisions are also similar to recent certified LCP language in this regard (e.g., in the recently certified Seaside LCP).

protect coastal resources. Thus, a removal and/or relocation condition for all development within shoreline and blufftop parcels is a critical piece of the LCP because it puts the property owner on notice that he/she is building in an inherently hazardous area subject to great uncertainty, and that once the structure is deemed hazardous and no longer safe for occupancy, then the burden is on them, the private property owner, to remove the structure and restore the site to the betterment of the public's coastal resources.

Coastal Redevelopment
LUP Policy C-EH-5(C) requires "coastal redevelopment" to be found consistent with all applicable LCP policies, and states that a structure shall constitute coastal redevelopment (i.e. the structure has been "redeveloped") when alterations, including additions, renovations, demolition, or replacement, are performed on 50% or more of an existing structure's major structural components[11]. The policy states that when a proposed development consists of alteration to 50% or more of an existing structure's major structural components, the existing structure meets the coastal redevelopment definition, whereby the *entire* structure must conform to all applicable LCP policies. For example, if half of a structure's wall is demolished and then replaced, the structure is considered redeveloped and the entire structure must be consistent with all LCP policies. Furthermore, while all additions must conform with all applicable LCP policies since additions are considered new development, if the addition necessitates removal of 50% or more of the existing structure (e.g. 50% of the existing structure's walls have been demolished to accommodate the addition/improvement), then the *entire* structure, and not just the addition itself, must conform with all LCP policies. Conversely, if only 25% of the walls are demolished, then only the addition itself must conform since the structure is not considered to be redeveloped. The definition also defines redevelopment to include additions and expansions, or any demolition, renovation or replacement which would result, cumulatively, in alteration or reconstruction of 50 percent or more of an existing structure. Thus, the definition requires that if an applicant submits an application to remodel 30% of the existing structure, then, for example, five years later seeks approval of an application to remodel an additional 30% of the structure, this would constitute redevelopment, triggering the requirement to ensure that the redeveloped structure is sited safely, independent of any shoreline protection. In terms of major structural components, these too are meant to be understood on a cumulative basis within each component (i.e., they are not additive between different components). For example, if an applicant proposed to modify 25% of the exterior walls and 30% of the roof structure, even though together these add up to more than 50%, this would not be considered redevelopment because it relates to two different major structural components. However, if the applicant were to come back for a subsequent CDP to modify an additional 25% of the exterior walls or an additional 20% of the roof structure, the project would be considered redevelopment because it would result in a cumulative alteration to 50% for both of these two major structural component, either of which is sufficient to trigger "redevelopment" and the need for the entire structure to be made consistent with all LCP policies, including with respect to setbacks and armoring.

In order to further define what certain terms of the coastal redevelopment policy mean, including what constitutes the "major structural components" and the work performed on them that would constitute redevelopment, a definition of the term "Coastal Redevelopment" is added to the

[11] The definition acknowledges the Commission's regulations which identify the 50% threshold as the point at which the replacement of 50% or more constitutes a new replacement structure (CCR Section 13252(b)).

definitions section of Chapter 22.130. In terms of major structural components, the proposed definition states that work on exterior cladding and framing systems, building structural support, and sheer walls/studs constitutes the major structural components of a wall; work on the structural framing system, including trusses, joists, and rafters, and structural support components including beams/joists/rafters constitutes the major structural components of the floor and roof; and structural slabs, piers, caissons, and grade beams may constitute the major structural components of the foundation.

Alterations to these identified elements are calculated as follows:

> For exterior walls, when (a) exterior cladding and/or framing systems are altered in a manner that requires removal and/or replacement of 50% or more of the elements of those cladding and framing systems, normally considered as linear length of wall; or (b) reinforcement is needed for any remaining portions of the wall to provide structural support in excess of 50% of existing support elements (e.g. addition of 50% or more of beams, shear walls, or studs whether alone or alongside the existing/retained elements).
>
> For floor or roof structure, when (a) the roof or floor framing is altered in a manner that requires removal and/or replacement of structural elements (e.g. trusses, joists, rafters) supporting 50% or more of the square footage of the roof or floor; or (b) the roof or floor structural framing system requires additional reinforcement to any remaining portions of the roof or floor system to provide structural support (e.g. addition of 50% or more of beams, joists, and/or rafters, etc., whether alone or alongside existing/retained system elements).
>
> For foundation, when 50% or more work is done on any of the following: (a) 50% or more of the horizontal surface area of a slab foundation; (b) 50% or more of the floor area of a structure supported by a pier/post and/or caisson/grade beam foundation; (c) 50% or more of a perimeter foundation.

Additionally, the definition includes a list of components that are *not* structural and which will not be considered in the calculation of coastal redevelopment: roof coverings, replacement of glass windows, doors, chimneys, exterior siding[12], and interior elements such as non-structural walls, insulation, fixtures, and mechanical/electrical/plumbing elements. This definition emanates from recent Commission actions[13] that have sought to better identify which components of an existing structure constitute its major structural components, and thus work on 50% or greater on those identified elements constitutes an entirely new structure which must be found consistent with all applicable LCP policies, including the provisions that it not lead to shoreline protective devices in the future. Furthermore, in order to address concerns about differing standards between the LCP and those that are required per Federal Emergency Management Agency (FEMA) requirements, which calculates "new development" when the *cost* of a proposed project equals or exceeds 50% of the market value of the structure before the start

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[12] Cladding is a type of exterior material applied to a structure to primarily protect its elements from moisture (weather proofing). Siding may also be applied as cladding; however, siding is often applied over cladding on a structure for aesthetic purposes.

[13] Santa Cruz County LCP Amendment SCO-1-12 Part 1 (Nonconforming Regulations), approved by the Commission in October 2012.

of construction, the structure also may be considered coastal redevelopment when the alteration meets applicable FEMA requirements. Therefore, the coastal redevelopment policy may be triggered when the development includes work on the major structural components as calculated above (e.g. when 50% of the linear length of a wall is removed), *or* if it meets applicable FEMA thresholds (i.e. based on cost relative to market value).

Thus, as modified, the IP implements corresponding LUP policies that state the required parameters, metrics, and findings that must be made to ensure new development is located outside of hazardous areas, the standards for shoreline protective devices, and the specificity needed to determine when a structure is redeveloped to the point at which it no longer is classified as existing but instead constitutes new development. For all of the above reasons, the IP as modified is thus consistent with and adequate to carry out the conditionally certified LUP.

4. COASTAL DEVELOPMENT PERMITTING PROCEDURES

The Coastal Act defines the activities that constitute development, requires a coastal development permit (CDP) that is consistent with the Coastal Act or the local government's Commission-certified LCP for the activities that meet the definition of development, and then lists the different types of coastal development permits. The Coastal Act's implementing regulations then offer detailed provisions that specify permitting procedures, including required noticing, hearing dates, and appeals procedures. The approved Land Use Plan does not contain detailed policies regarding coastal development permit processing or procedures. The LUP does, however, provide policies and provisions to protect coastal resources, and it includes a section describing coastal permits on Page 6 of the Introduction chapter, stating that coastal permits are the primary tool for implementing the LCP, that most types of development activities require a coastal permit, and that the Marin County Community Development Agency is responsible for implementing the LCP and for reviewing coastal permit applications. The implementation and processing of CDPs for all development (with the exception of development that is exempt or excluded from the CDP requirement) is one of the most critical means of implementing the coastal resource protection policies of the LUP.

The CDP provisions of the IP are divided into two chapters: Chapter 22.68 (Coastal Permit Requirements) and Chapter 22.70 (Coastal Permit Administration). Collectively, these chapters list coastal development permitting procedures, including specifying what activities in the coastal zone constitute development and therefore require a CDP, the different types of CDPs and the types of projects that can processed according to those CDP types, the applicable noticing and hearing requirements, and the findings required for each permit. In general, the proposed sections are consistent with the Coastal Act and its implementing regulations, and suggested modifications to these sections are solely to add terms or requirements that are explicitly stated in the Act and/or its implementing regulations. These modifications include ensuring that the types of improvements and repair and maintenance activities that ordinarily are excluded from CDP requirements per Coastal Act Section 30610 but are instead specifically listed as requiring a CDP per Sections 13250, 13252, and 13253 of Title 14 of the California Code of Regulations are all accounted for (including, for example, inserting the routine maintenance dredging of 100,000 cubic yards or more within a twelve month period as a type of project that requires a CDP); that an aggrieved person can only appeal a local CDP decision directly to the Coastal Commission if

the County charges an appeal fee (consistent with §13573 of the Commission's regulations); and that emergency CDPs can only authorize the minimum amount of work necessary to address the emergency. However, some modifications are more substantive, as described below.

"*Development" versus "Project"*
The IP establishes that a Coastal Permit is required for "development" in the Coastal Zone. However, as submitted, the IP cross-references the definition of "development" to Chapter 22.130 (Definitions), which does not exactly track the definition of development provided in Coastal Act Section 30106. A modification is therefore required in Section 22.68.030 to include the complete Coastal Act definition of "development" in this chapter. Additionally, other sections in both Chapters 22.68 and 22.70 reference the term "project," as opposed to "development," with reference to coastal permitting requirements. The term project has a specific definition under the California Environmental Quality Act whereas the term development is Coastal Act specific. Several modifications are therefore suggested that substitute the term "development" for "project" throughout these sections.

Noticing of Categorically Excluded and Exempt Development
IP Sections 22.68.040 and 22.68.050 establish when a proposed development may be determined to be categorically excluded or exempt from the requirement for a coastal permit, respectively. However, as submitted, the IP does not provide for any mechanism for noticing of such determination to either the public or the Commission besides "post(ing) on the Agency' website, and regularly transmit(ing) to the Coastal Commission…". As proposed, it is not clear the process by which such notices will be distributed to the public and the Commission, including timing and information provided, which is a very important step in ensuring that the Commission and interested stakeholders concur on County exemption and exclusion determinations. Public comments have repeatedly asserted the critical importance of adequate and effective noticing of CDP exclusion and exemption determinations. Section 30006 of the Coastal Act provides that "the public has a right to fully participate in decisions affecting coastal planning, conservation and development; that achievement of sound coastal conservation and development is dependent upon public understanding and support; and that the continuing planning and implementation of programs for coastal conservation and development should include the widest opportunity for public participation." A proposed modification is therefore suggested to ensure that the Commission and members of the public are made aware of any determination by the Director as to whether a proposed development can be categorically excluded or exempt from the coastal permitting requirement. Similar to what has been approved in other recent LCPs[14], the modification requires that the County provide notice of all exclusion determinations within five working days to the applicant, the Commission, and any known interested parties. The notice is to include a project description, reasons supporting the exemption/exclusion determination, and the date of the Director's determination. For exemption determinations, modification requires the County to maintain a list of all exemption determinations, which shall be updated at least weekly and provided for public review at the Community Development Agency's front counter and webpage, transmitted weekly to the Coastal Commission, and made available upon request otherwise. The list shall include the applicant's name, project description and location, the reason supporting the exemption determination (including evidentiary information and other materials

[14] Santa Cruz County LCP Amendment No. LCP-3-SCO-13-0228-1 Part A (Regulations Update), approved by the Commission in February 2014.

(i.e., location maps, site plans, etc.)), the date of the Director's determination for each project, and the procedures for challenging the Director's determination. The list shall identify its posting date, which shall be the date from which challenges are allowed within the next 30 days. Additionally, as discussed subsequently, all exemption and exclusion determinations may be challenged under the IP process specified in Section 22.70.040. Therefore, as modified, the IP ensures that the public and the Commission are appropriately notified of CDP exclusion and exemption determinations, including a process for potential appeal.

Finally, the County's Commission-adopted Categorical Exclusion Orders are listed within LCP Appendix 7. However, because all of the Exclusion Orders state that the specified development in the specified geographic area must be consistent with all terms and conditions of the Categorical Exclusion, and some of the Categorical Exclusions require that development be consistent with the zoning ordinances in effect at the time the Categorical Exclusion Order was adopted, a suggested modification also requires that all local zoning ordinances in effect at the time each Categorical Exclusion Order was adopted also be provided within Attachment 7. As modified, the public will both be able to see the types of the development in the specified geographic areas that may be categorically excluded from CDP requirements, and then be able to review the actual Order itself[15] to understand all terms and conditions of the Orders that development must meet in order for the exclusion to apply to the proposed development.

De Minimis Waivers

Section 22.68.070 of the proposed IP authorizes the Director of the Marin County Community Development Agency to waive the requirements for a CDP when certain criteria and procedural requirements are met. The ability of the County to issue a de minimis waiver stems from Coastal Act Section 30624.7, which allows the Executive Director of the Commission to waive the requirement for a coastal development permit on a project that otherwise would require one if it: involves no potential for any adverse effect, either individually or cumulatively, on coastal resources, and that it is consistent with the policies of Chapter 3 of the Coastal Act. The de minimis waiver process is thus one tool to help local governments streamline certain types of development with no coastal resource impacts that are not otherwise covered by the County's exclusion orders nor the statutory exemptions listed in the Coastal Act and its regulations. The proposed IP requires findings similar to those specified in Coastal Act 30624.7 in order to waive CDP requirements, including that it involves no potential for adverse effects, either individually or cumulatively, on coastal resources; is consistent with the certified Marin County LCP; and is not of a type or in a location where the project would be subject to a Coastal Permit issued by the Coastal Commission. The Director is also to notify the Executive Director of the proposed waiver, and if he/she determines that a waiver should not be issued, the applicant is required to obtain a regular CDP.

However, modifications are required that clearly state that a waiver cannot be issued for a project that is *appealable* to the Coastal Commission (i.e. those projects specified in Coastal Act Section 30603) and not just those that are "subject to a Coastal Permit issued by the Coastal Commission", which may be interpreted to mean projects located within the Commission's retained CDP-issuing jurisdiction (i.e. those specified in Coastal Act Section 30519(b): within

[15] The County's three Categorical Exclusion Orders: E-81-2, E-81-6, and E-82-6; are contained within LCP Appendix 7.

tidelands, submerged lands, public trust lands, etc.). This distinction is critical because applications for appealable development are required to have at least one public hearing (per §13566), unless the hearing may be waived per Coastal Act Section 30624.9. Additionally, while the proposed language requires the Executive Director to be notified of the waiver determination, it does not spell out a process for doing so. Therefore, a modification is required that states that the notification shall be sent to the Executive Director no later than 10 days prior to the required Board of Supervisors hearing. Finally, consistent with 30624.7's requirement that a waiver not be effective until it has been reported to the Coastal Commission (and only issued so long as one-third of the appointed membership does not request a regular CDP), modifications are required to specify that a waiver is not deemed effective until reported to the Board, in which case if two or more Supervisors object, the waiver shall not be issued. Therefore, as modified, the IP includes a process by which the County may streamline the processing of certain types of development by waiving the otherwise required need for a CDP, so long as it meets specific criteria, findings, and noticing requirements, all consistent with Coastal Act Section 30624.7.

Determination and Challenges to Permit Category Determination
Section 22.70.030 sets forth the procedure in which the Director determines the appropriate permit category (including five types: categorically excluded, de minimis, administrative, public hearing, and public hearing waiver) and Section 22.70.040 sets forth the procedures for challenging such determinations to the Coastal Commission. The Coastal Commission appeals process cross-references Section 13569 of the Commission's regulations. As proposed, the list of permit categories is not complete because it does not include exemptions and categorical exclusion determinations. Therefore, modifications to Section 22.70.030 are required to list both exemptions and categorical exclusion determinations as a type of permit category determination made by the Director that is subject to challenge. Additionally, instead of cross-referencing §13569, the regulation governing dispute resolution procedures, a modification lays out this process to challenge the type of permit processing that is utilized in full within IP Section 22.70.040, providing clarifying language which makes clear that all such permit category determinations are subject to the Commission's dispute resolution process, whereby disputes between the Commission's Executive Director and the County regarding permit category and CDP processing are heard before and decided by the Coastal Commission. Therefore, as amended, the IP includes a process by which the County determines in which of six permit categories a proposed development falls, as well as a process by which those determinations can be challenged, consistent with the Coastal Act and its regulations.

Appeals of Coastal Permit Decision
Section 22.70.080 provides that County actions on CDPs (i.e., non-public hearing, public hearing, and public hearing waiver applications) are appealable to the Planning Commission and the Board of Supervisors in accordance with Chapter 22.114. However, Chapter 22.114, which lists the process by which internal appeals of County permit decisions are made, is not part of the proposed IP. Therefore, to eliminate a cross-reference to a non-LCP section, a modification is required that lays out this procedure in full in the IP. The modification's language mirrors that of Chapter 22.114 (including that any aggrieved person affected by the determination or decision can appeal such decision, and that decisions made by the Director or Zoning Administrator may be appealed to the Planning Commission, and Planning Commission decisions appealed to the Board of Supervisors, or an allowance for the Director to bring an appeal directly before the

Board), except that a suggested modification is required for the insertion of language in Section 22.70.080(A)(5) stating that no fees are required for appeals of CDP decisions and challenges to permit category determinations, thereby allowing maximum public participation in the locals appeals process and eliminating the need for CDP decisions to be appealed directly to the Coastal Commission (as would result under §13573 when a local government charges a fee for appeals). As amended, the IP thus maximizes the public's ability to receive notice of CDP decisions and appeal those decisions locally, and through the Coastal Commission.

Notice of Final Action
Section 13571 of the Commission's regulations states that when a local government takes an action on a coastal development permit, the local government shall send notification of its final action to the Commission by certified mail within seven calendar days from the date of making the decision. The regulations specify the required materials to be included in the notice, including conditions of approval, written findings, and the procedures for appeal of the local decision to the Coastal Commission. IP Section 22.70.090 lists the process for sending the Notice of Final Action on a CDP, mirroring §13571's requirement that within 7 calendar of the final decision the County is to send to the Commission the conditions, findings, and appeal procedures. However, the section as proposed does not adequately implement the regulations' requirements, including by not clearly specifying what materials are to be sent to the Commission identifying the development approved and the County's factual basis for determining its consistency with the LCP. Such information is necessary, particularly for appealable development, in order for the Commission to clearly understand both the development approved and the basis for finding it consistent with the certified LCP. Therefore, a modification is required in IP Section 22.70.090 to include the required details. As modified, the IP describes a clear process by which the County is to send the Commission and interested parties notice of their final CDP decisions and the materials used to support them.

Nonconforming Structures and Uses
The LCP contains one policy for nonconforming uses and structures, Policy C-CD-5, which states that lawfully established uses and structures may be maintained and continued, but cannot be enlarged, intensified, moved to another site, or redeveloped without being brought into conformance with the LCP. The policy is implemented in IP Section 22.64.110(A)(3), which cross-references Chapter 22.112 of the Marin County Municipal Code. This chapter, not part of the proposed IP, addresses nonconforming structures, uses and lots. Therefore, in order to delete the cross-reference and insert these critically important provisions directly into the IP, a new section is added to 22.70, Section 22.70.160: Nonconforming Uses and Structures. The section uses language from the County's own nonconforming ordinance (including that such structures can be repaired and maintained, and that they can be enlarged so long as the addition itself conforms with the LCP) but also includes LCP-specific requirements, including describing allowable development on nonconforming structures located in hazardous locations. Specifically, the modification states that repair and maintenance that replaces 50% of the nonconforming structure, or that constitute redevelopment[16], result in the structure losing its legal nonconforming status and requires the *entire* structure to be brought into compliance with all LCP policies. Thus, this provision ensures consistency with both the definition of coastal

[16] "Redevelopment (coastal)" has been added to the definitions section in Chapter 22.130, and mirrors the definition of "Redevelopment, Coastal (coastal)" as used for blufftop and shoreline development.

redevelopment in Land Use Plan Policy C-EH-5 and §13252(b)'s language specifying that replacement of 50% or more of a structure is not considered solely repair and maintenance of an existing structure but instead constitutes an entirely new replacement structure. Therefore, as modified, the IP implements and clarifies the LUP's requirements pertaining to nonconforming structures and uses.

Land Divisions
The LUP includes numerous policies that are either directly or indirectly applicable to land division, including those that direct new development into already existing developed areas (Policy C-CD-2); require land divisions to be consistent with LCP density, resource protection, and rural land division criteria (C-CD-3); allow land division only where there is adequate water, sewer, traffic, and other public services available to serve it (C-PFS-1); and prohibit land division in sensitive coastal resource areas, including ESHA (Policy C-BIO-2 only allows resource dependent development in ESHA, and land division is a type of development that is not resource dependent). However, the IP does not include a separate chapter that is specific to land division, instead relying on cross-references to Chapter 22.86 which is a non-LCP Marin County Municipal Code chapter that implements the State Subdivision Map Act. Therefore, in order to delete the cross-reference and insert provisions directly into the LCP that are specific to how land division interfaces with LCP requirements, a new section is added to Chapter 22.70: Section 22.70.190: Land Divisions. The section clarifies what types of land division are considered to be development, including subdivision (through parcel map, tract map, grant deed), lot line adjustments (LLAs), redivisions, mergers, and certificates of compliance. Section 22.70.190(B) lists the required criteria that land divisions must meet (in addition to other applicable LCP policies), including a prohibition on land division if located outside of designated village limit boundaries and within an area found to have limited public service capacities (thereby ensuring no new parcels are created in rural areas with limited public services, consistent with both the Coastal Act and the LUP), and that lot line adjustments shall only be approved if the resulting parcels protect coastal resources in a manner equal to or better than their existing configuration. The section also states that land division is never a principal permitted use in any zoning district; therefore, all land divisions within the Marin County coastal zone are appealable to the Coastal Commission. Therefore, as modified, the IP includes a clear and concise section that specifies what types of land divisions constitute development requiring a CDP, and the standards that are required to be met.

Other modifications include adding a new section 22.70.175: Violations of Coastal Zone Regulations and Enforcement of LCP Provisions and Penalties, which specify the County's authority in enforcing Coastal Act and LCP violations. Of particular note is the requirement that no CDP application shall be approved unless all unpermitted development on the property affected by the application is proposed to be removed or retained consistent with the LCP.

Chapter 22.70.160: Coastal Zone Variance Exemptions is suggested for deletion because it impermissibly exempts up to a 35% increase in floor area, or 300 feet, from variance requirements, as well as up to a 30% increase in floor area when the structure is required to be raised above the base flood elevation. In addition, since all development that requires the granting of a variance is not principally permitted in any zoning district, a suggested

modification is necessary to ensure such development is therefore appealable to the Coastal Commission.

Finally, section 22.70.180 includes detailed requirements for the economic evaluation of a takings analysis. However, as proposed, the analysis only is required for development that raises takings issues based on ESHA constraints. A suggested modification broadens the applicability of the takings provisions, facilitating the analysis for any development that raises takings concerns, including, for example, development subject to coastal hazards.

As modified, the IP's Chapters 22.68 and 22.70 identify what constitutes development requiring a CDP, what is exempt, the six different CDP categories, and the standards that must be met, all consistent with Coastal Act and LUP requirements. In addition, the IP, as modified, maximizes public involvement in coastal permitting decisions, consistent with public comments highlighting the clear need for such maximum public participation. The IP as modified as it pertains to coastal development permitting procedures is thus consistent with, and adequate to carry out, the conditionally certified Land Use Plan.

5. PUBLIC SERVICES AND NEW DEVELOPMENT

The IP includes a series of standards meant to implement the Land Use Plan's broad swath of coastal resource protection policies, including adequacy of public services to serve new development, protection of visual resources and community character, and the provision of public access and recreation.

A. Applicable Land Use Plan Policies

C-PFS-1 Adequate Public Services. *Ensure that adequate public services (that is, water supply, on-site sewage disposal or sewer systems, and transportation including public transit as well as road access and capacity if appropriate) are available prior to approving new development, including land divisions. In addition, ensure that new structures and uses are provided with adequate parking and access. Lack of available public services, or adequate parking and access, shall be grounds for project denial or for a reduction in the density otherwise indicated in the land use plan.*

C-PFS-2 Expansion of Public Services. *Limit new or expanded roads, flood control projects, utility services, and other public service facilities, whether publicly owned or not, to the minimum necessary to adequately serve development as identified by LCP land use policies, including existing development. Take into account existing and probable future availability of other public services so that expansion does not accommodate growth which cannot be handled by other public service facilities. All such public service projects shall be subject to the LCP.*

C-PFS-4 High-Priority Visitor-Serving and other Coastal Act Priority Land Uses. *In acting on any coastal permit for the extension or enlargement of community water or community sewage treatment facilities, determine that adequate capacity is available and reserved in the system to serve VCR- and RCR-zoned property, other visitor-serving uses, and other Coastal Act priority land uses (i.e. coastal-dependent uses, agriculture, essential public services, and*

public recreation). In areas with limited service capacity (including limited water, sewer and/or traffic capacity), new development for a non-priority use, including land divisions, not specified above shall only be allowed if adequate capacity remains for visitor-serving and other Coastal Act priority land uses, including agricultural uses.

C-PFS-14 Adequacy of Water Supply Within Water System Service Areas. *Ensure that new development within a water system service area is served with adequate, safe water supplies. Prohibit development of individual domestic water wells or other individual water sources to serve new development, including land divisions, on lots in areas served or within the boundaries of a public or private water system, with the following exceptions:*

1. *For agricultural or horticultural use if allowed by the water system operators;*
2. *The community or mutual water system is unable or unwilling to provide service; or,*
3. *Extension of physical distribution improvements to the project site is economically or physically infeasible.*

The exceptions specified in 1, 2, or 3 shall not be granted because of a water shortage that is caused by periodic drought. Additionally, wells or water sources shall be at least 100 feet from property lines, or a finding shall be made that no development constraints are placed on neighboring properties.

C-PFS-16 Standards for Water Supply Wells and Other Water Sources.

1. *In areas where individual water wells or other individual domestic water sources are permitted, require on-site tests that demonstrate a sustained pumping rate, or equivalent, of 1.5 gpm for each residential unit or subdivided parcel. Higher yields, storage and other facilities may be required for fire protection purposes, as recommended by the appropriate fire protection agency.*
2. *Require that well or water sources shall be at least 100 feet from property lines, unless a finding is made that no development constraints are placed on neighboring properties.*
3. *Allow a well only where a finding is made that it will not have adverse direct or cumulative impacts on coastal resources.*
4. *Within the Inverness Planning Area, allow no individual wells on parcels less than 2.8 acres in size, unless a specific exception is granted based on findings required by the coastal permitting chapter of the Development Code and on a demonstration to the satisfaction of the Health Officer that a well can be developed on the substandard size parcel in a completely safe and sanitary manner.*
5. *Within the Inverness Public Utility District (IPUD), permit no individual wells for domestic use in the same watershed, at an elevation higher than the IPUD surface water sources existing as of June 14, 1983.*

B. LUP Background

The Background section of the Public Facilities and Services chapter describes the coastal zone's water, wastewater, and transportation infrastructure, as well as other components of the built environment. It states that most development in the coastal zone receives water and sewage

services through individual property-specific systems managed by private landowners, since community water supply and sewage disposal systems are limited and exist only in some of the villages. This limited community service capacity is largely due to the local soil conditions and aquifer characteristics. Small water districts provide service in a number of areas, including Bolinas Community Public Utility District (BCPUD), Stinson Beach County Water District (SBCWD), Inverness Public Utility District (IPUD), and Muir Beach Community Services District (MBCSD). The community of Dillon Beach is served by two small independent water companies: the California Water Service Company (formerly Coast Springs Water Company) and the Estero Mutual Water System (EMWS). SBCWD, MBCSD, and the Dillon Beach area primarily use groundwater for their water supplies while IPUD and BCPUD rely mainly on surface water. Beyond the current water service district boundaries, private wells or small mutual water systems rely on individual groundwater wells, surface water, or small spring-based sources. Many of these sources occur in the limited areas of high water-yielding sediments in alluvial valleys, while much of the rest of the area is characterized by low-permeability fractured bedrock and thin alluvial deposits with too little saturated thickness to produce meaningful supplies of water. Sewage disposal is generally provided by individual on-site systems, including along the East Shore of Tomales Bay, Point Reyes Station, Inverness Ridge, Olema, Stinson Beach, and Muir Beach, parts of Dillon Beach, and most of Bolinas. Other areas are served by community sewer facilities, or in a few cases, small package treatment plants. Soil and groundwater conditions can affect the feasibility of new on-site systems or, in some cases, the functioning of existing systems.

In preparation of updating the LCP, the County prepared a Land Use Analysis Report, documenting the status of existing and projected public services, including water, sewer, and traffic. While the analysis showed that there remains adequate capacity within the coastal zone's roads and highways to accommodate planned growth, the report showed that water and sewer capacities in many locations are already burdened and will most likely not be able to accommodate planned growth. In particular, the buildout analysis says that "Most of the water agencies are strained to meet peak demands in summer and seek additional supply or storage to meet peak demands" (page 5 of the Land Use Analysis Report). Specifically, the report states that Coast Springs Water Company and Bolinas Public Utility District (which serve water to parts of Dillon Beach and Bolinas, respectively) have moratoria on new water connections, while Stinson Beach County Water District, North Marin Water District-West Marin, Inverness Public Utility District, Estero Mutual Water Company, and private wells serving Marshall are all straining to meet existing capacity and are projected to not be able to serve buildout. Of particular water supply concern is the East Shore of Tomales Bay/Marshall area, where Coastal Act priority agriculture and visitor-serving uses are predominant, where the report states that the area relies on individual wells or springs and four Transient, Non-Community Water Systems: Hog Island Oyster Company, Marshall Boat Works, Nick's Cove, Tony's Seafood. Page 30 of the report states that:

> *"There continues to be **major public service constraints** on new shoreline development as well. Water is lacking and most lots cannot support on-site sewage disposal systems consistent with established standards from the County and the Regional Water Quality Control Board….Except for a few locations, such as the canyon behind Marconi Cove marina, most of the east side of Tomales Bay has little known potential for development of additional water supplies. The ability of surface sources to provide supply is limited by the*

> *fact that many east side streams are intermittent and thus cannot be used year-round. Some of these* ***streams are already used for agriculture****, a use which has priority over private residential development in the Coastal Act. The potential for obtaining water from groundwater supplies also appears quite limited. Studies of water supply undertaken in the late 1960's by the North Marin County Water District determined that there are* ***no dependable supplies of groundwater in any quantity in the geologic formations on the east side of the Bay and that groundwater supplies along Walker Creek are severely limited****." (emphasis added)*

Thus, the provision of water and other public services is a key issue in Marin's coastal zone, including ensuring that there remains adequate water supply for Coastal Act priority land uses such as agriculture.

Land Use Plan Policies C-PFS-1 and C-PFS-2 implement Coastal Act Sections 30250 and 30254 by requiring a finding for all proposed development that adequate public services are available to serve such development. Required services include water, sewage disposal, and transportation (i.e., road access, public transit, parking, bicycle/pedestrian facilities). Lack of such services constitutes grounds for denial or a reduction in the density/size of the proposed project. Policy C-PFS-4 requires any extension or enlargement of a water or sewage treatment facility to reserve capacity for properties zoned C-VCR (Coastal Village Commercial/Residential), C-RCR (Coastal Resort and Commercial Recreation), coastal-dependent uses, agriculture, essential public services, and public recreation and requires a finding for all non-priority land uses that adequate capacity remains for priority uses. Additionally, public service expansions must be limited to the minimum necessary to adequately serve development otherwise allowed for in the LCP, and not induce additional growth that either is not allowed or that cannot be handled by other public services. The LUP then contains numerous other required findings and standards for particular services, including a requirement that development located within a public or private water system service area connect to that system (and not rely on a private well) and a new requirement that development located within a village limit boundary connect to the public sewer system (and not rely on a private septic system). While Policy C-PFS-14 allows for certain exceptions to the requirement that no wells be allowed within a water service boundary, it clarifies some of the potentially allowed exceptions, including for agricultural or horticultural use if allowed by the water provider, if the water provider is unwilling or unable to provide service, or if extension of physical distribution improvements to serve such development is economically or physically infeasible. No exception is allowed, however, because of a water shortage caused by periodic drought. For allowable wells, the LUP requires a CDP for all wells, and includes required standards such as a sustained pumping rate of 1.5 gallons per minute and that there are no adverse impacts to coastal resources.

C. Proposed Implementation Plan

The proposed IP implements the aforementioned LUP policies through Section 22.64.140, which cross-reference the corresponding LUP policy. However, while this construct is appropriate where LUP policies themselves offer necessary details (including, for example, Policy C-PFS-14's standards for water supply wells, including requirements that the well demonstrate a sustained pumping yield of 1.5 gallons per minute, be located at least 100 feet from property lines, and others), it is not adequate when the LUP policy itself lists broad goals and statements without the necessary details on how to implement those policy goals. For example, Policy C-

PFS-1 requires new development to be served by adequate public services, and Policy C-PFS-4 requires that Coastal Act priority land uses be given priority over other types of development in areas with limited service capacities. However, missing from the proposed IP are terms that define when public services are adequate, and the process by which LUP certified priority uses (such as agricultural production) will be given priority over other types of development (such as residential and general industrial) in areas with defined service inadequacies. Therefore, the IP as proposed is not adequate to implement the conditionally certified LUP policies, and must therefore be denied as submitted and approved with suggested modifications that define these terms.

D. Denial as Submitted and Approval with Suggested Modifications

Specifically, modifications are added to IP Section 22.64.140(A)(1). The modification defines the process for how adequacy of services is determined, with provisions specific to development receiving water/wastewater from either a public provider (i.e. a water system operator or community sewer system) or from an individual private well or private septic system. For public water/wastewater, subsection (a) requires written evidence from the service provider documenting that there is adequate capacity to serve the development given the other outstanding commitments. Subsection (b) describes the requirements for a private well, stating that applications must have a report demonstrating that the well yield meets the LCP-required minimum pumping rate of 1.5 gallons per minute, the water quality meets safe drinking water standards, and that the extraction will not adversely impact other wells located within 300 feet of the proposed well; adversely impact adjacent biological resources including streams, riparian habitats, and wetlands; and will not result in insufficient water supply available for existing and continued agricultural production or for other priority land uses (i.e. coastal-dependent uses, public recreation, essential public services, and within village limit boundaries only, visitor-serving uses and commercial recreation uses). These standards emanate from other IP sections (including requirements specified in Section 22.65.050(C)(1)(b) that all development within C-APZ have adequate public services *after* provision has been made for existing and continued agricultural production) or from other LCPs that address these issues, including the 300 feet well standard which is included in Mendocino County's LCP. Next, Subsection (c) describes the standards for private septic systems, stating that such systems must be approved by the Environmental Health Services Division of the Community Development Agency and comply with all applicable requirements for individual septic disposal systems by the Regional Water Quality Control Board. All of these listed standards emanate from recent Commission actions on LCP amendments pertaining to adequacy of public services[17]. Therefore, as amended, the IP includes a series of standards that describe the process and required findings for determining whether new development is able to be served with water and wastewater.

Additionally, the modification offers a definition of "limited service capacity" for both water system operators and for public/community sewer systems. Subsection (d) states that limited service capacity shall be defined as follows: for water systems operators, limited capacity is defined when projected demand based upon both outstanding water commitments to existing development and projected development exceeds available supply; and for public/community

[17] See San Mateo County LCP Amendment No. SMC-1-11 (Midcoast Update), approved by the Commission at its August 2012 meeting, which provided new standards for water and sewer provision in the urban Midcoast area of San Mateo County's coastal zone.

sewer systems, when projected demand for service based upon both outstanding sewer commitments to existing development and projected development exceeds available capacity. The basic framework behind these definitions is that supply is limited when demand exceeds supply/capacity. Within such designated areas, subsection (d) then describes how Coastal Act priority uses (including agricultural production, coastal-dependent uses, public recreation, essential public services, and, within village limit boundaries only, visitor-serving uses and commercial recreation uses) are to be prioritized in areas with a defined limited service capacity. Specifically, non-priority uses (i.e. any use not listed above), if otherwise allowable, shall be required to offset their anticipated water usage through the retrofit of existing water fixtures within the same service area of the water system operator. Reducing such water usage both ensures that water is reserved in areas of limited water supply, but also addresses areas with limited sewer capacity because it reduces the amount of water that is being consumed and therefore would necessitate subsequent treatment. This retrofit requirement has been used in other water scarce coastal communities to ensure adequacy of water supplies, and essentially ensures that non-priority development does not usurp scarce water supplies and sewage treatment capacity. For example, in the Cambria community of San Luis Obispo County, North Coast Area Plan (a component of the LCP's Land Use Plan) Policy 4(B) requires "new development resulting in increased water use shall offset such increase through the retrofit of existing water fixtures within the Cambria Community Service District's service area, or through other verifiable actions to reduce existing water use in the service area (e.g. the replacement of irrigated landscaping with xeriscaping)." The modification ensures that non-priority uses are water neutral, thereby reserving any existing capacity for priority uses. Finally, as required in IP section 22.70.190, land division is prohibited in areas outside of designated village limit boundaries and found to have limited public service capacities, thereby ensuring areas with limited public services and outside of the LCP's designated urban/rural boundaries are not expanding development potential by creating new parcels that necessitate usage of scarce public services.

Thus, as modified, the IP includes a series of standards meant to implement the conditionally certified LUP public service policies by defining the process by which adequacy of public services is to be determined, as well as definitions for "limited public services" and the additional requirements that non-Coastal Act and LCP priority land uses must meet in order to ensure that priority uses aren't precluded. Therefore, the IP, as modified, thus conforms with and is adequate to carry out the conditionally certified Land Use Plan.

6. VISUAL RESOURCES AND COMMUNITY CHARACTER

A. Applicable Land Use Plan Policies

C-DES-1 Compatible Design. *Ensure that the siting, height, scale, and design (including materials and color) of new structures are compatible with the character of the surrounding natural and built environment. Structures shall be designed to follow the natural contours of the land and shall limit reflectivity of glass and other surfaces.*

C-DES-2 Protection of Visual Resources. *Development shall be sited and designed to protect significant views, including views both to and along the ocean and scenic coastal*

areas as seen from public viewing areas such as highways, roads, beaches, parks, coastal trails and accessways, vista points, and coastal streams and waters used for recreational purposes. The intent of this policy is the protection of significant public views rather than coastal views from private residential areas. Require development to be screened with appropriate landscaping provided that when mature, such landscaping shall not interfere with public views to and along the coast. The use of drought tolerant, native coastal plant species is encouraged. Continue to keep road and driveway construction, grading, and utility extensions to a minimum, except that longer road and driveway extensions may be necessary in highly visible areas in order to avoid or minimize other impacts.

C-DES-3 Protection of Ridgeline Views. *Require new development proposed on or near visually prominent ridgelines to be grouped below the ridgeline on the least visually prominent portion of the site. Prohibit new development on top of, within 300 feet horizontally, or within one hundred feet vertically of visually prominent ridgelines, whichever is more restrictive, if other suitable locations are available on the site. If structures must be placed within this restricted area because of site size or similar constraints, they shall be in locations that are least visible from public viewing areas, shall be sited and designed to limit public view impacts to the maximum extent feasible (including through landscaping and screening), and shall not exceed 18 feet in height.*

C-DES-4 Limited Height of New Structures. *Limit all new construction to a maximum height of twenty-five (25) feet with the following exceptions:*

1. *In the Highlands neighborhood of Stinson Beach, the maximum height shall be no more than seventeen (17) feet (see Map 17 – Stinson Beach Highlands Subdivision).*
2. *In FEMA special flood hazard (V) zones within the Seadrift Subdivision, the maximum building height of 15 feet shall be measured from the minimum floor elevation required by the flood hazard zone designation (see also Environmental Hazards Policy C-EH-11: Minimum Floor Elevations in the Flood Velocity Zone at Seadrift).*
3. *On the shoreline of Tomales Bay, the maximum height shall be fifteen (15) feet. (See also Community Development Policy C-CD-6: Standards for Development on the Shoreline of Tomales Bay).*
4. *Telecommunications facilities, spires, water tanks, and similar structures may exceed such height limits above. However, any structure that exceeds the 25 foot height limit shall only be authorized upon specific findings of consistency with other applicable policies of the LCP, including C-DES-1, 2, and 3.*

In all cases, the height limits specified in this policy are maximums and not entitlements. Heights may be limited to less than the maximum allowed if necessary to achieve consistency with LCP policies, including in relation to the protection of public views and community character.

C-DES-5 New Signs. *Ensure that new signs (including reconstructed and/or modified signs) are of a size, location, and appearance so they do not detract from scenic areas or views from public roads and other viewing points.*

C-PFS-19 Telecommunications Facilities. *Require a coastal permit, in addition to any other required permit, for all telecommunications facilities, unless exempt per Section 22.68. Require facilities to be consistent with all provisions of certified LCP unless denial would be prohibited by federal law. Ensure through siting, co-location, "stealth" design and other measures that telecommunications facilities are designed and constructed to minimize impacts on coastal views, community character, natural resources, wildlife, and public safety. To the extent feasible, such facilities shall be located outside of significant public views.*

B. LUP Background

The Background section of the Community Design chapter describes the character of the Marin coastal zone as containing small-scale communities, farms, scattered residences, and businesses. The built environment is subordinate to the natural environment; natural landforms, streams, forests, and grasslands are dominant. Yet the residential, agricultural, and commercial buildings, as well as the community services that support them, have particular significance, both as the scene of daily life and for their potential impacts on natural resources. Visitors enjoy coming to Marin's coast because of the small-scale character of its built environment surrounded by agricultural and open space lands that offer a pastoral, rural character.

Policy C-DES-1 requires new development to be compatible with the character of the surrounding natural and built environment, including its siting, height, scale, and design. Policy C-DES-2 requires development to be sited and designed to protect significant views, and defines significant views to include views both to and along the ocean and scenic coastal areas as seen from public viewing areas such as highways, roads, beaches, parks, coastal trails and accessways, vista points, and coastal streams and water used for recreational purposes. Policy C-DES-3 requires the protection of visually prominent ridgelines. The policy prohibits new development on top of, within 300 feet horizontally, or 100 feet vertically of visually prominent ridgelines, and allows development in a ridgeline-protected area only if there is no other buildable site, and if such development is in the area least visible from public viewing areas. Policy C-DES-4 limits all development to be a maximum of 25 feet, with some stated exceptions, including 15 feet in Seadrift and along the Tomales Bay shoreline, 17 feet in Stinson Beach Highlands, and greater than 25 feet for structures such as telecommunications facilities when they are found to have no significant impacts to visual resources and community character. Policy C-DES-5 requires new signs to be of a size, location, and appearance so they do not detract from scenic areas or views from public roads and other viewing points. Finally, visually prominent and potentially obtrusive structures such as telecommunications facilities are required to minimize impacts to natural resources, community character, and be located outside of significant public views, including by such measures as co-location on existing facilities.

C. Proposed Implementation Plan

The proposed IP implements these LUP policies primarily through Section 22.64.100: Community Design, which cross-references the applicable LUP policy. For example, Section 22.64.100(A)(2) requires that "development shall be sited and designed to protect visual resources per Land Use Policy C-DES-2". As previously mentioned, this LUP policy ensures that development protects significant public views, including views to and along the shoreline. Additionally, Tables 5-4 and 5-5 within Section 22.64.030 list the maximum height limits for

each zoning district as 25 feet, with limited exceptions to the 25 feet height limit specified in cross-referenced Section 22.20.060.

D. Analysis

In general, the IP implements corresponding LUP visual resource protection policies via its general construct of cross-referencing the corresponding LUP policy. Therefore, LUP requirements that specify the need to protect views to and along the ocean, and that protect significant ridgelines by directing new development outside of the area 300 feet vertically or 100 feet horizontally of those ridgelines, are implemented. However, certain terms and standards need additional clarification, including those pertaining to signs and telecommunications facilities, as well as the need to insert a process by which height, setback, and other development standards are implemented.

With respect to signs, while the IP requires that signs be of a size, location, and appearance so as to protect significant public views, including from public roads and other public viewing points, it does not provide the specificity needed to be effectively implemented, including defining what types of signs are prohibited. Therefore, suggested modifications are added in Section 22.64.100(A)(5) that use language from the County's non-LCP sign ordinance, including specifying that billboards, digital commercial displays, animated signs, and signs using reflective material are all prohibited in the coastal zone. The modification also adds language that all signs shall protect and enhance coastal resources, including significant public views and community character. Finally, since some signs may be exempt from CDP requirements per Coastal Act Section 30610's exemption for improvements to existing structures, a modification is required to state that a CDP is required for any sign that could result in a change in the availability of public recreational access, including signs indicating restrictions on parking and signs stating no public coastal access allowed. The modification thus clarifies that such signs constitute a change in access to coastal waters, which is development per Coastal Act Section 30106 that requires a CDP.

With respect to telecommunications facilities, Section 22.32.165 implements LUP Policy C-PFS-19's requirements that ensure, through siting, co-location, "stealth" design and other measures that telecommunication facilities are designed and constructed to protect coastal resources, including significant public views. Section 22.32.165 lists the requirements for telecommunications facilities; however, the policy as proposed only cross-references the Marin County Telecommunications Facilities Policy Plan, a non-LCP policy document. Therefore, the section as proposed does not adequately implement the LUP's requirements, nor does it list the standards generally found in LCPs pertaining to telecommunications facilities[18], including strong requirements for co-location on existing facilities, siting new facilities outside of significant public view areas to protect views to and along the coast, and 10 year CDP authorizations. Thus, a suggested modification adds a new telecommunication facilities standard applicable only in the coastal zone, which, in general, requires the aforementioned policies, as well as some language pulled from the County's own Telecommunication Facilities Policy Plan (including a prohibition on new facilities from being located in Ridge and Upland Greenbelt areas and requirements that support facilities be placed underground or blend visually with the landscape). As modified, the

[18] Including the most recent telecommunications facilities amendment for the City of Half Moon Bay (LCP-2-HMB-13-0221-2 Part 3, approved by the Commission in April 2014).

telecommunications requirements provide enhanced requirements for these types of facilities and are consistent with the LUP's visual, biological, and agricultural policies.

Finally, while Tables 5-4 and 5-5 in Section 22.64.030 list the allowed height limit in the coastal zone at 25 feet, and list required building setbacks (which vary depending on zoning district), they cross-reference non-LCP Municipal Code Sections 22.20.060 and 22.20.090. These two sections describe the process by which certain height standards may be increased, including for telecommunications facilities, chimneys, and water tanks, as well as how height is to be measured, including on slopes, as well as the process for measuring setbacks and their allowed exceptions. In essence, these sections include the necessary details that describe the process by which building height and setback are measured, including their allowed exceptions and the findings that must be made. Therefore, a modification is required to delete the cross-references and instead insert application provisions directly into the IP in a new section 22.64.045: Property Development and Use Standards. The modified section states that any height limit exceedance for a telecommunication facility or other similar structure may only be allowed upon findings of consistency with LUP policies that protect significant public views and ridgelines. Finally, the section clarifies that no setback reduction may be allowed for those required to protect ESHA nor for setbacks required for hazards protection, thereby ensuring that these key Coastal Act and LCP requirements are not weakened.

Public comments have asserted that the IP should include more objective, quantitative standards to ensure implementation of LUP policies that require protection of community character. Indeed, community character is a rather subjective term in which reasonable minds may differ. Specifically, members of the public have suggested that in all zoning districts except C-APZ, the maximum building area for a single-family residence, including garage and accessory buildings, be capped at 4,500 square feet, and the maximum size of all new or reconstructed single-family dwellings be capped at 3,500 square feet plus up to 500 square feet for a garage. While the language proposed by public commenters does indeed offer objective, quantitative criteria, the proposed language does not substantiate how such sizing requirements adequately implement Land Use Plan Policy C-DES-1, which requires that the siting, height, scale, and design of new structures be compatible with the character of the surrounding natural and built environment. A proposed policy capping the size of single-family residences requires a detailed site specific analysis of each particular community subject to the proposed development, including evaluating the size of the proposed residence in relation to the size of other homes in that community. For example, the 7,000 square foot cap on the aggregate size of agricultural dwelling units in the C-APZ zone was developed after a detailed analysis performed by the County identified that the average size of farmhouses in agricultural zoning districts was around 2,000 square feet. Unlike the cap for agricultural dwellings in the C-APZ, the uniform cap proposed for all single-family residences elsewhere in the County does not adequately address how communities within the County differ in character. Thus, absent an analysis, including a summary of the size of all homes in each of the County's communities, the sizing requirements proposed by public commenters represent a one-size-fits-all approach to an inherently localized community issue. Also, size is but one of many factors that determine community character, and residences may be designed in ways that reduce their impacts on the surrounding environment. Finally, the proposed cap on all single-family residences is a limitation that should originate with the County and be subject to local hearings; it is not a suggested modification that should originate with the Commission without that local process first being undertaken. For all these reasons, the numeric

sizing requirements of all homes in the coastal zone is not included as a suggested modification to the IP as submitted.

As modified, the IP conforms with and adequately implements the conditionally certified LUP visual resource and community character policies, including specifying the types of views that are protected, where development is allowed in relation to ridgelines, and the process by which building height and setback is determined. Therefore, the IP, as modified, conforms with and is adequate to implement the conditionally certified LUP.

7. PUBLIC RECREATION AND PUBLIC COASTAL ACCESS

A. Applicable Land Use Plan Policies

C-PK-1 Opportunities for Coastal Recreation. *Provide high priority for development of visitor-serving and commercial recreational facilities designed to enhance public opportunities for lower-cost coastal recreation. On land designated for visitor-serving commercial and/or recreational facilities, ensure that higher priority shall be given to such uses over private residential or general commercial development. New visitor-serving uses shall not displace existing lower-cost visitor-serving uses unless an equivalent replacement is provided.*

C-PK-3 Mixed Uses in the Coastal Village Commercial/Residential Zone. *Continue to permit a mixture of residential and commercial uses in the C-VCR zoning district to maintain the established character of village commercial areas. Principal permitted use of the C-VCR zone shall include commercial uses. In the village commercial core area, residential uses shall be limited to: (a) the upper floors, and/or (b) the lower floors if not located on the road-facing side of the property. Residential uses on the ground floor of a new or existing structure of the road-facing side of the property shall only be allowed subject to a use permit where a finding can be made that the development maintains and/or enhances the established character of village commercial areas. Existing legally established residential uses in the C-VCR zone on the ground floor and road-facing side of the property can be maintained.*

C-PA-2 Public Coastal Access in New Development. *Examine proposed new development between the shoreline and the first public road, whether or not it is mapped as the first public road for purposes of coastal permit appeals, for impacts on public access to the coast. Where the provision of public access is related in nature and extent to the impacts of the proposed development, require dedication of a lateral and/or vertical accessway, including segment(s) of the California Coastal Trail as provided by Policy C-PK-14, as a condition of development, unless Policy C-PA-3 provides an exemption. Impacts on public access include, but are not limited to, intensification of land use resulting in overuse of existing public accessways, creation of physical obstructions or perceived deterrence to public access, and creation of conflicts between private land uses and public access.*

C-PA-19 Explanatory Signs at Public Coastal Accessways. *Sign existing and new public coastal accessways, trails, and parking facilities where necessary, and use signs to minimize conflicts between public and private land uses. Where appropriate, signs posted along the*

shoreline shall indicate restrictions, such as that no fires or overnight camping are permitted, and that the privacy of homeowners shall be respected. Where public access trails are located adjacent to agricultural lands, signs shall indicate appropriate restrictions against trespassing, fires, camping, and hunting. Where only limited public access or use of an area can be permitted to protect resource areas from overuse, such signing should identify the appropriate type and levels of use consistent with resource protection. The County and CALTRANS shall, as resources permit, post informational signs at appropriate intersections and turning points along visitor routes, in order to direct coastal visitors to public recreation and nature study areas in the Coastal Zone.

C-PA-20 Effects of Parking Restrictions on Public Coastal Access Opportunities. *When considering a coastal permit for any development that could reduce public parking opportunities near beach access points or parklands, including any changes in parking timing and availability, and any signage reducing public access, evaluate options that consider both the needs of the public to gain access to the coast and the need to protect public safety and fragile coastal resources, including finding alternatives to reductions in public parking and ways to mitigate any potential loss of public coastal access.*

B. LUP Background

The background section of the Parks, Recreation and Visitor-Serving Uses chapter describes the coastal zone as home to a myriad of protected natural communities and some of the region's most popular national, state and County parks, including Point Reyes National Seashore and the Golden Gate National Recreation Area. Much of the coastal zone lies within publicly-owned and protected parks and recreation areas. In addition to extensive shoreline parks, limited areas are held by non-governmental entities, such as Audubon Canyon Ranch, that also provide opportunities for public coastal access, while protecting wildlife habitat and open space. Communities in the southern part of the coastal zone are in close proximity to the City of San Francisco, and tend to generally have higher demand for day-use opportunities and lower demand for overnight accommodations than communities farther north. Parks throughout the County are critical in providing access to represent a low-cost option for recreational pursuits. Commercial visitor-serving facilities provide much of the supply of overnight accommodations throughout the coastal zone, and generally consist of small inns and bed and breakfast facilities in villages and rural areas. Overnight accommodations are a key element in the provision of coastal recreational opportunities, since many coastal visitors travel long distances to reach the variety of recreation options found throughout the County.

The Public Coastal Access chapter states that opportunities for creating new public coastal accessways are limited in Marin County, given that much of the ocean shoreline is already under public ownership. The shoreline from Point Bonita near the Golden Gate extending north around the Point Reyes Peninsula to Point Reyes Station is largely public parkland. Within this stretch of the coastal zone are the small communities of Muir Beach, Stinson Beach, Bolinas, Inverness, Olema and Point Reyes Station. Within most of these communities, some private land adjoins the shoreline, but even so there are locations at which public shoreline access is available. From Point Reyes Station north along the east shore of Tomales Bay to the Sonoma County line lies a patchwork of public and private land, some of which is within the coastal communities of East Shore/Marshall, Tomales, and Dillon Beach. Within this northern reach of the Coastal Zone,

shoreline access opportunities are available at only limited locations, and the dominant land use is agriculture.

The conditionally certified LUP includes goals, objectives, and policies designed to protect, maintain, and improve a multitude of public access and recreational opportunities in the Marin County coastal zone. The conditionally certified LUP contains policies that facilitate the development of visitor-serving uses, and also lists recommendations for development within the numerous local, state, and federal parks that would help further increase coastal recreational opportunities and access. Specifically, Policy C-PA-2 requires all new development between the shoreline and first public road to be evaluated for impacts on public access to the coast, and requires new public access to be provided, if appropriate. Policies C-PA-19 and -20 require parking and signage at coastal accessways, including evaluating whether closure of public parking facilities at accessways could impact public access requiring mitigation for any access impact, and stating that changes to parking timing and availability and any signage indicating parking restrictions, must be evaluated for project alternatives or mitigation.

In terms of the Parks, Recreation and Visitor-Serving Uses chapter, Policy C-PK-1 requires priority for visitor-serving commercial and recreational facilities over private residential or general commercial development. Policy C-PK-3: 1) designates commercial uses as the sole principal permitted use and residential uses as permitted or conditional uses (to be consistent with Coastal Act Section 30603 that each zoning district contain one principal permitted use and to recognize that commercial uses are the primary uses sought for this zoning district); 2) directs new residential uses in the commercial core area to either the upper floor of a mixed-use building or the lower floor if not located on the road-facing side of the street; and 3) requires a finding for any residential development on the ground floor of a new or existing structure on the road-facing side of the property that the development maintains and/or enhances the established character of village commercial areas. As stated earlier, this zoning district is used in the coastal villages to facilitate the development of walkable, mixed-use commercial districts along primary streets, including Highway 1. In many ways, this zoning district implements a type of "Main Street" feel to the coastal villages because it allows a variety of local and visitor serving commercial uses and allows structures to be sited and designed (including through no building setback requirements, for example) so as to allow density and walkability in the village center.

C. Proposed Implementation Plan

The proposed IP implements the LUP's public access and recreation policies in Section 22.64.170, requiring that all development be consistent with the Parks, Recreation and Visitor Serving Uses policies of the LUP, including that development of visitor serving and commercial recreation facilities shall have priority over residential or general commercial development, and that a mixture of residential and commercial uses shall be permitted in the C-VCR district. Additionally, Section 22.64.180 addresses public coastal access and likewise mandates that development be consistent with all Public Coastal Access policies of the LUP, including those cited above. Consistent with C-PA-2, Section 22.64.180(B)(1) requires that new development located between the shoreline and first public road be evaluated for impacts on public access, and a requirement to dedicate lateral, vertical and or bluff top access where such requirement is related in nature and extent to the impacts of the proposed development. Section 22.64.180(B)(10) provides that parking, signage and support facilities shall be provided in conjunction with public coastal accessways where appropriate and feasible consistent with LUP

Policies C-PA-18 and 19, and also requires that that any proposal to restrict public parking near beach access points be evaluated per LUP Policy C-PA-20. Finally, Table 5-3 in Chapter 22.62 lists the allowable land uses and their permitting status for the coastal zone's five Coastal Commercial and Mixed-Use Districts, including the Coastal Village Commercial Residential (C-VCR) district and the Coastal Resort and Commercial Recreation (C-RCR) district, two primary districts meant to prioritize visitor-serving and commercial recreation development.

D. Analysis

The proposed IP incorporates, by cross-reference, relevant LUP policies applicable to Parks, Recreation and Visitor Serving Uses and Public Access. However, 22.62's use charts do not adequately prioritize visitor-serving development. For example, while only commercial uses are allowed to be categorized as principally permitted in these commercial zoning districts (per Coastal Act Section 30603's requirement that only one use per zoning district be designated as principally permitted), as proposed, non-commercial uses such as residential uses including single-family dwellings are proposed to be principally permitted in the C-VCR zone, while affordable housing is principally permitted in the C-RCR district. Thus, a modification is required to change these non-commercial uses from PPU to permitted uses. Finally, some uses that are inconsistent with the purpose of the zoning district designation must also be deleted. For example, recycling facilities, construction yards, and vehicle repair and maintenance facilities (all industrial uses) must not be allowed in a pedestrian-oriented, visitor-serving commercial district such as C-VCR, while homeless shelters, and cemetaries cannot be allowed uses in the Coastal Planned Commercial (C-CP) district, of which parcels abutting the Tomales Bay shoreline are designated (thereby inconsistent with LCP policies that place a special priority for visitor serving water-related uses along the shoreline, including LUP Policy C-ES-3).

As modified, the IP conforms with and adequately implements the conditionally certified LUP's public coastal access and recreation policies.

8. RESPONSE TO PUBLIC COMMENTS

Agricultural Dwelling Units

Most of the public comments related to agriculture center on the LCP's Coastal Agricultural Production Zone district (C-APZ). This is the zoning district wherein agriculture is grown as a commodity for commercial purposes. The County's other two agriculturally related zones allow for residential development within the context of small-scale agriculture and serve to concentrate residential development to maintain the maximum amount of land in agricultural production. The primary issue when the Commission acted on the County's LUP submittal was whether to certify farm houses and intergenerational homes as principally permitted in the County's agricultural production zone. When the Commission acted on the County's LUP, the Commission agreed with the County that within the C-APZ, farm owners should have the ability to live on the land they farm. Therefore, farmhouses were conditionally certified as development that was principally permitted. In addition, to provide farmers with additional flexibility and support the family farm, the Commission also conditionally certified LUP policy language that provided farm owners with the ability to use up to a maximum of 7,000 square feet with a mixture of a single farmhouse and up to two intergenerational homes. The rest of the land zoned for production was to remain in production. While the Commission did not conditionally certify up

to one single-family residence as a potentially permitted use on each and every legal lot within the C-APZ, it did conditionally certify a farmhouse and up to two intergenerational homes as principally permitted.

When staff recommended certifying intergenerational homes as a new form of agricultural dwelling within the C-APZ, in addition to farmhouses, public commenters expressed concerns about expanded development potential and decreased appellate oversight by the Commission. The Commission addressed these concerns by specifically confining agricultural dwellings to one farmhouse and up to two intergenerational homes per farm owner or operator, regardless of the number of legal lots the farm owner owns. In other words, the Commission focused the approved LUP policies on the family farm, including as protection of the family farm, including for intergenerational homes, which in large measure formed the basis for the County's original LCP submittal with respect to agriculture.

While some public commenters expressed concern about expanded development potential and decreased appellate oversight by the Commission due to such changes in the C-APZ, other public commenters expressed concern that they would no longer be able to build a single-family residence on each and every lot a farmer owned. These public comments expressed concern that they had a right to build a single-family residence on each and every legal lot in the C-APZ and to be deprived of this entitlement was tantamount to a taking. However, these public comments fail to acknowledge the existing limitations in the certified LCP that apply to development in the C-APZ. First, the County has other areas of the coastal zone designated residential as well as two other agricultural zones wherein residential development is to be concentrated. Second, there was never an entitlement to develop a single-family residence in the C-APZ; the County's agricultural production zone is not a residential zone and the denial of a single-family residence would still leave the farmer with the ability to grow agriculture as a commodity for commercial purposes. Third, single-family residences in the County's agricultural production zone are currently subject to stringent use limitations, including that any permissible residence must "protect and enhance continued agricultural use and contribute to agricultural viability". If this standard could be met, permanent conservation easements were to be recorded over the portion of the property not used for physical development, and a prohibition on further division of the property was executed as a covenant against the property.

Therefore, rather than deviate from the framework set up in the currently certified LCP, the conditionally approved LUP policy (that only allows one farmhouse and up to two intergenerational homes for each farm owner or operator actively and directly engaged in agriculture, regardless of how many individual legal parcels he/she owns), serves to limit the proliferation of agricultural dwelling units in the coastal zone by acknowledging that the entire "farm" can consist of multiple legal parcels that together constitute one unified farming operation. Instead of allowing the potential for the same farmer to develop multiple farmhouses spread across multiple parcels, including contiguously owned legal parcels that are under common ownership, the conditionally approved LUP policy (C-AG-5) only allows for one farmhouse, or one farmhouse and up to two intergenerational homes to allow for family members (or any other person authorized by the owner) to live on the farm property, regardless of how many parcels he/she owns. As observed in the currently certified LCP, the agricultural policies are intended to avoid buildout spread evenly across the zoning district, inefficiently utilizing the agriculturally productive land and requiring large investments for public service.

Instead, both the current and conditionally approved LUP policies seek to cluster development and direct new construction to existing communities where it can be accommodated.

As did the Commission when it conditionally approved the County's LUP in May of 2014, the Commission finds its recommended IP modifications protect and enhance the agricultural productivity and viability of the County's agricultural production zone. By limiting dwellings within the agricultural production zone to farmhouses, land values are driven agriculturally rather than residentially, helping to sustain the long term viability of agriculture and prevent large residential estates from driving up the cost of the agricultural land. For example, staff notes that starting in 2011, the Marin Agricultural Land Trust (MALT) started purchasing affirmative agricultural easements, stating it was necessary to curb the emerging trend of estate development in places like West Marin, "which provides picturesque rolling hills and an easy drive to the City for the Bay Area's wealthy." Affirmative agricultural easements require the farmer to actively farm their property and such easements are more restrictive than the easements MALT has purchased that prohibit land division and other types of non-agricultural development. Though the Commission's suggested modifications require deed restrictions and do not require affirmative agricultural easements, the fact that MALT provides additional compensation for farmers who voluntarily execute affirmative agricultural easements demonstrates the value agricultural restrictions can have on the agricultural economy overall.

The Commission's recommended suggested modifications also acknowledge the possibility that one farmer could own two wholly independent farming enterprises on non-contiguous property. As discussed above, the Commission's recommended suggested modifications define the "farm" as consisting of all legal parcels owned in either total or partial fee ownership by the applicant. Those identified parcels are then allowed one farmhouse and up to two intergenerational homes. However, in discussion with members of the agricultural community, concern has arisen about the ability to develop a second farmhouse if the applicant owns non-contiguous parcels and those non-contiguous parcels are an independent farming operation (i.e. two farms). Since the intent of conditionally certified Policy C-AG-5 is to view agricultural dwellings from a "farm" perspective, including because the genesis of the policy is to ensure that all development must be necessary for agricultural production, if non-contiguous parcels under common ownership are indeed separate, independent farming operations, then allowing agricultural dwelling units on both "farms" is consistent with LUP agricultural protection policies. Therefore, the language of this section defines "farm" to be all properties owned by the applicant. However, if non-contiguous parcels are determined to be a wholly independent farming operation, they may constitute an independent farm. The factors considered to determine whether non-contiguous parcels do indeed constitute an independent farm emanate from conditionally approved LUP Policy C-AG-9 and the County's Agricultural Stewardship Plan standards, including whether long-term capital investment in agriculture and related infrastructure has been undertaken, including processing facilities, agricultural worker housing, or agricultural leasing. Thus, these County-utilized standards have been inserted into 22.65.040(C)(1)(e)(3). Thus, as modified, the applicant may be allowed a farmhouse/two intergenerational homes on wholly independent non-contiguous farms only if the applicant demonstrates, including by such measures as the type of products grown, the history of the operations, leasing, and infrastructure, that non-contiguous parcels are indeed wholly independent farming operations. This construct is consistent with, and helps implement, the County's and Commission's desires to further the objectives of Marin's family farming operations.

Permitting of Agricultural Development
Several commenters have questioned why a CDP is required at all for agricultural uses on agriculturally zoned property. First, it is not that ongoing legally established agricultural uses require a coastal permit. What requires a coastal permit is development that constitutes either a change in use or intensity of use or new grading into an area that has not previously been farmed. In response to public comments that have been received on this topic, the Commission's suggested modifications expressly acknowledge that existing legally established ongoing agricultural production activities that have been part of a regular pattern of agricultural practices that has not been discontinued (such as ongoing rotational grazing and crop farming) does not constitute a change in intensity of use but is a recognized agricultural practice that helps to further productive use of the land. Therefore, to the extent the rotational crop farming or grazing has been part of a regular pattern of agricultural practices, it is not a change in intensity of use of the land despite the fact that the grazing and crop growing are rotationally occurring on different plots of land. Therefore, ongoing agricultural activities are defined to include an established pattern of agricultural production activities such as ongoing rotational grazing and crop farming.

Further, in recognition of the fact that agricultural activities, including cattle grazing, have historically been occurring on properties in Marin for decades, the Commission's recommended suggested modifications defining ongoing agricultural activities provide a presumption that ongoing agricultural activities that have not been discontinued for more than the previous 10 years remain ongoing. In addition, if an agricultural activity has been discontinued for more than the previous 10 years, the permit-issuing authority may allow an applicant to overcome the presumption that the agricultural production activity is no longer ongoing if the applicant demonstrates his or her ongoing intention to reinstate the agricultural production activity based on the history of agricultural production on the property, the long-term investment in the agricultural production activity on the property, and the existence of infrastructure to support the agricultural production activity.

Thus, as recommended to be modified by the Commission, ongoing agricultural activities is defined as existing legally established agricultural production activities, including all ongoing grading and routine agricultural cultivation practices (e.g. plowing, tilling, planting, harvesting, and seeding), which have not been expanded into never before used areas and have not been discontinued for more than the previous 10 years. Ongoing agricultural production activities that have been part of a regular pattern of agricultural practices that has not been discontinued for the prescribed period (such as ongoing rotational grazing and crop farming) does not constitute a change in intensity of use. Conversion of grazing to crop production or any other new or expanded activity involving grading or a change in the intensity of use of land or water that has not been part of a regular pattern of agricultural practices or has been discontinued for more than the period of time prescribed above is not an ongoing agricultural production activity but rather constitutes new development requiring a coastal permit consistent with Chapters 22.68 and 22.70, unless such development is categorically excluded by a Coastal Commission-approved Categorical Exclusion Order.

As indicated above, other public comments regarding permit requirements for agricultural activities requested that permits not be required for specified amounts of grading or terracing. However, because the Coastal Act does not prescribe what is and is not development based on

quantitative limits, such a request must instead be processed by the County as a Categorical Exclusion Order. Once approved, Categorical Exclusion Orders exclude from permit requirements specified types of development in specified geographic areas. The County has already received approval of several Categorical Exclusion Orders that exclude specified types of development from otherwise applicable permit requirements.

Principally Permitted Uses
Although farmhouses and the first intergenerational home are principally permitted in the C-APZ, implementation of the Coastal Act with regard to development designated as principally permitted differs from traditional zoning applications wherein principal uses are sometimes considered to be allowed "by right," without further review and without any limitations other than the bulk and intensity requirements of the zoning district. Under the Coastal Act, there can only be one principal permitted use designated by zoning districts for purposes of determining appealability to the Commission. However, a proposed development that is designated as principally permitted will still need to be authorized by a coastal permit (unless the proposal is exempt or excluded) through the coastal permit process that evaluates the proposed development for consistency with LCP policies and development standards. For example, if the proposed principally permitted development cannot be found or made to comply with other IP provisions, such as habitat or view protection, it could be denied or conditioned to ensure LCP compliance. Further, though not appealable if it is characterized as development that is principally permitted in the zoning district, it still may be appealable to the Commission if it is appealable based on one of the other bases for appealability set forth in Section 30603 of the Coastal Act.

Finally, as described in the findings regarding the IP's coastal development permit procedures, the Commission has recommended suggested modifications to increase the public's awareness of, and ability to participate in, the coastal permitting process, even if the proposed development is development that is principally permitted or eligible for streamlined permit processing, including though local appeals.

C. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The Marin County Board of Supervisors conducted a public hearing on July 30, 2013 and approved submitting the proposed amendments to the Marin County Local Coastal Program to the California Coastal Commission. As part of their local action on the subject LCP amendment, on July 30, 2013, the County of Marin Board of Supervisors found, per Title 14, Sections 15250 and 15251(f) of the California Code of Regulations ("CEQA Guidelines,") that the preparation, approval, and certification of the Local Coastal Program Amendment is exempt from the requirement for preparation of an Environmental Impact Report (EIR) because the California Coastal Commission's review and approval process has been certified by the Secretary of Resources as being the functional equivalent of the EIR process required by CEQA in Sections 21080.5 and 21080.9 of the Public Resources Code. (See Attachment B for a summary of the local hearing process.)

Section 21080.9 of the California Public Resources Code – within the California Environmental Quality Act (CEQA) – exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its activities and approvals necessary for the preparation and adoption of a local coastal program. Therefore, local governments are not

required to prepare an EIR in support of their proposed LCP amendments, although the Commission can and does use any environmental information that the local government submits in support of its proposed LCPA. Instead, the CEQA responsibilities are assigned to the Coastal Commission and the Commission's LCP review and approval program has been found by the Resources Agency to be the functional equivalent of the environmental review required by CEQA, pursuant to CEQA Section 21080.5. Therefore the Commission is relieved of the responsibility to prepare an EIR for each LCP.

Nevertheless, the Commission is required, in approving an LCP amendment submittal, to find that the approval of the proposed LCP, as amended, does conform with CEQA provisions, including the requirement in CEQA section 21080.5(d)(2)(A) that the amended LCP will not be approved or adopted as proposed if there are feasible alternative or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. 14 C.C.R. §§ 13542(a), 13540(f), and 13555(b).

The County's LCP Update consists of a Land Use Plan amendment (LUP) and an Implementation Plan (IP) amendment. The Commission previously conditionally certified, with modifications, the LUP Amendment and hereby incorporates its findings on Coastal Act and LUP conformity into this CEQA finding as it is set forth in full.

As discussed herein, the Implementation Plan amendment as originally submitted does not conform with, and is not adequate to carry out, the policies of the conditionally certified LUP. The Commission has, therefore, modified the proposed Implementation Plan to include all feasible measures to ensure that such environmental impacts of new development are minimized to the maximum extent feasible. These modifications represent the Commission's detailed analysis and thoughtful consideration of all public comments received, including with regard to potential direct and cumulative impacts of the proposed IP amendments, as well as potential alternatives to the proposed amendment, including the no project alternative. As discussed in the preceding sections, the Commission's suggested modifications bring the proposed amendment into conformity with the conditionally certified LUP and represent the most environmentally protective alternative. As modified, the Implementation Plan code provisions and zoning maps carry out the policies and programs in the LUP by indicating which land uses are appropriate in each part of the Coastal Zone.

The IP also contains specific requirements that apply to development projects and detailed procedures for applicants to follow in order to obtain a coastal permit. Thus, future individual projects would require coastal development permits, issued by the County of Marin, and in the case of areas of original jurisdiction, by the Coastal Commission. Throughout the coastal zone, specific impacts to coastal resources resulting from individual development projects are assessed through the coastal development review process; thus, any individual project will be required to undergo environmental review under CEQA. Therefore, the Commission finds that there are no other feasible alternatives or mitigation measures under the meaning of CEQA which would further reduce the potential for significant adverse environmental impacts.

ATTACHMENT A
SUMMARY OF COUNTY ZONING DISTRICTS

The fourteen zoning districts, their intended purpose, and some of their proposed allowed land uses, are as follows:

- Coastal Agricultural and Resource-Related Districts: Section 22.62.060 states that the purpose of these three zoning districts is to protect agricultural land, continued agricultural uses and the agricultural economy by maintaining parcels large enough to sustain agricultural production, preventing conversion to non-agricultural uses, and prohibiting uses that are incompatible with long-term agricultural production, among others.
    - Coastal Agricultural Production Zone (C-APZ): The intent of this district is to preserve privately owned agricultural lands that are suitable for land-intensive or land-extensive agricultural production. Principally permitted uses include Agricultural production, Farmhouse, and Agricultural Worker Housing; permitted uses include Home occupations; conditional uses include Mineral resource extraction; and uses not allowed include Residential second units.
    - Coastal Agriculture, Residential Planned (C-ARP): This district provides flexibility in lot size and building locations to concentrate development to maintain the maximum amount of land for agricultural use, and to maintain the visual, natural resource and wildlife habitat values of subject properties and surrounding areas. Principally permitted uses include Agricultural production, Single-family dwellings, and Agricultural product sales facilities of under 500 square feet; permitted uses include Agricultural processing uses within structures of under 5,000 square feet; conditional uses include Schools; and Agricultural Intergenerational housing is not allowed.
    - Coastal Open Area (C-OA): This district provides for open space, outdoor recreation, and other open lands, including areas particularly suited for park and recreational purposes, access to beaches, natural drainage channels, and areas that serve as links between major recreation and open space reservations. Principally permitted uses include Agricultural accessory activities and structures; permitted uses include Agricultural production; conditional uses include Campgrounds; and uses not allowed include Waste disposal sites.
- Coastal Residential Districts: Section 22.62.070 describes the purpose of the six residential zoning districts, as follows:
    - Coastal Residential, Agricultural (C-RA): This district provides areas for residential use within the context of small-scale agricultural and agriculturally-related uses, subject to specific development standards. Principally permitted uses include Agricultural production and Single-family dwellings; permitted uses include Home occupations and Bed and Breakfasts of three or fewer guest rooms; conditional uses include the Sale of agricultural products grown on site; and uses not allowed include Multi-family dwellings.
    - Coastal Residential, Single-Family (C-R1): This district provides areas for detached single-family homes, similar and related compatible uses. Principally permitted uses include Single-family dwellings and Affordable housing; permitted

uses include Agricultural production; conditional uses include Libraries and Museums; and uses not allowed include Agricultural processing facilities.

- Coastal Residential, Single-Family Planned (C-RSP): This district provides areas for detached single-family homes, similar and related compatible uses, which are designed in compliance with Marin County LCP policies, with maximum compatibility with sensitive site characteristics. Principally permitted uses include Single-family dwellings and Residential second units; permitted uses include Commercial gardening; conditional uses include Community Centers; and uses not allowed include Agricultural worker housing and Two-family dwellings.
- Coastal Residential, Single-Family Planned Seadrift Subdivision (C-RSPS): This district is applied to areas within the Seadrift Subdivision intended for detached single-family homes, similar and related compatible uses, which are designed for maximum compatibility with sensitive site characteristics unique to the Seadrift sandpit and lagoon, Bolinas lagoon, and the beaches adjacent to the subdivision. Principally permitted uses include Single-family dwellings and Residential second units; permitted uses include Home occupations; and conditional uses include Public Parks and Playgrounds. Uses not allowed include Agricultural production and Multi-family dwellings.
- Coastal Residential, Two-Family (C-R2): This district provides areas for attached two-family housing units, detached single-family homes consistent with Land Use Plan Policy C-CD-26, and similar and related compatible uses. Principally permitted uses include Two-family dwellings and Affordable housing; permitted uses include Home occupations; conditional uses include Commercial gardening and Plant nurseries; and uses not allowed includes Equestrian facilities.
- Coastal Residential, Multiple Planned (C-RMP): This district provides for areas for varied types of residential development, and similar and related compatible uses, designed for maximum compatibility with sensitive site characteristics. Principally permitted uses include Single-family and Multi-family dwellings; permitted uses include Bed and Breakfasts of three or fewer guest rooms; conditional uses include Child day-care centers; and uses not allowed include Agricultural processing facilities.

- <u>Coastal Commercial and Mixed-Use Districts</u> Section 22.62.080 describes the purpose of the five commercial and mixed-use zoning districts, as follows:
  - Coastal Village Commercial/Residential (C-VCR): This district is intended to: maintain the established historical character of village commercial areas; promote village commercial self-sufficiency; foster opportunities for village commercial growth, including land uses that serve coastal visitors; maintain a balance between resident-serving and non-resident-serving commercial uses; protect established residential, commercial, and light industrial uses; and maintain community scale. Principally permitted uses include Single-family dwellings, Restaurants of 40 patrons or less, and General merchandise retail stores; permitted uses include Plant nurseries and Business support services; conditional uses include Bars and drinking places, Used auto sales, and Construction yards; and uses not allowed include Homeless shelters, Tobacco retail establishments, and Residential second units.
  - Coastal Limited Roadside Business (C-H1): This district is intended for rural

areas suitable for businesses that serve the motoring public. Principally permitted uses include Affordable housing and Restaurants serving 40 patrons or less; permitted uses include ATM machines; conditional uses include bed and breakfasts of up to five guest rooms; and uses not allowed include banks and financial services.

- Coastal Planned Commercial (C-CP): This district is intended to create and protect areas suitable for a full range of commercial and institutional uses. Principally permitted uses include restaurants of 40 patrons or less; permitted uses include mariculture/aquaculture; conditional uses include beverage production facilities; and uses are not allowed include golf courses/country clubs.
- Coastal Residential/Commercial Multiple Planned (C-RMPC): This district is intended to create and protect areas suitable for a mixture of residential and commercial uses. Principally permitted uses include grocery stores; permitted uses include business support services; conditional uses include bars and drinking places; and uses not allowed include tobacco retail establishments.
- Coastal Resort and Commercial Recreation (C-RCR): The C-RCR zoning district is intended to create and protect areas for resort facilities, with emphasis on public access to recreational areas within and adjacent to developed areas. Principally permitted uses include hotels and motels; permitted uses include telecommunications facilities; conditional uses include transit stations; and uses not allowed include offices.

ATTACHMENT B
SUMMARY OF LOCAL HEARING PROCESS

In October 2008 the Board of Supervisors approved a work program and schedule to prepare amendments to the Marin County LCP. The update process included extensive input from the public. There were over 50 meetings and hearings open to the public regarding the LCPA. Comments and participation were sought from County residents, California Native American Indian tribes, public agencies, public utility companies, and various local community groups and organizations. The LCPA was referred to the California Coastal Commission, National Park Service, California State Department of Fish and Game, public water agencies, the Federated Indians of Graton Rancheria, and a number of other public agencies.

Beginning on March 16, 2009, the Marin County Planning Commission conducted the first of a series of 19 public issue workshops to obtain the public's input on issues of concern in the development of the LCPA. Input was obtained through public meetings on April 27, May 26, June 22, July 13, July 27, August 24, September 28, October 26, and November 23, 2009, and January 25, February 8, March 8, April 12, April 26, June 14, June 28 and July 29, 2010 and through correspondence and consultations through that period. Written correspondence was placed on the LCPA website and made available to all.

A preliminary Public Review Draft of the LCPA was released on June 2011, which was followed by four community workshops that were held on July 12, 18, 20 and 25 to present the Public Review Draft to the public. In conjunction with the release of the Public Review Draft for the LCPA Amendment, the Board of Supervisors and Planning Commission met on June 28, 2011, and adopted a schedule for public hearings to obtain public comment on the LCPA.

Beginning on August 31, 2011, a series of public hearings were held by the Planning Commission to receive testimony on the LCPA and to provide the public and affected agencies and districts with the maximum opportunity to participate in the LCP Amendment process, consistent with California Code of Regulations Sec. 13515 and Public Resources Code Sec. 30503. Public hearings were held on September 19, October 10 and 24, November 7, and December 1, 2011, and January 9 and 23, 2012. Oral and written comments were presented and considered at the hearings.

Following the close of the November 7, 2011, public hearing, the Commission directed that the June 2011 Public Review Draft be revised to reflect the initial recommendations of the Commission at that time. These revisions were presented in the January 2012 Public Review Draft, which was made available for the January 9 and 23, 2012 public hearings. At the close of the January 23, 2012 public hearing, the Planning Commission directed staff to compile all the changes made by the Commission in a new, complete document entitled the "Planning Commission Recommended Draft."

Prior to the February 13, 2012 hearing, the Commission was provided with the complete contents of the Local Coastal Program consisting of the following documents: (1) Marin County Planning Commission Recommended Local Coastal Program Draft LUP Amendments (February, 2012); and (2) Marin County Planning Commission - Recommended Proposed Development Code

Amendments (February 2012). Land Use and Zoning Maps; and Appendices had been previously distributed in June 2012. Both Planning Commission Recommended Amendment documents were also mailed to interested parties who had requested them. All documents were additionally made available to the public on the LCPA website at www.MarinLCP.org.

On February 13, 2012 the Marin County Planning Commission approved the LCPA and directed staff to incorporate all changes into the Planning Commission Approved Draft, Recommended to the Board of Supervisors, dated February 13, 2012. This draft document was mailed to interested parties, posted in all Marin County libraries, posted on the MarinLCP.org website, and available to the public at the Marin County Community Development Agency front reception desk.

Beginning on October 2, 2012, a series of public hearings were held by the Board of Supervisors to receive testimony on the LCPA and to provide the public and affected agencies and districts with the maximum opportunity to participate in the update to the LCPA, consistent with California Code of Regulations Sec. 13515 and Public Resources Code Sec. 30503. Public hearings were held on November 13 and December 11, 2012, and January 14, February 26, April 16, and July 30, 2013. Oral and written comments were presented and considered at the hearings.

MARIN COUNTY
LOCAL COASTAL PROGRAM

Land Use Plan

Board of Supervisors Adopted

August 25, 2015 & April 19, 2016

1. The changes approved by the California Coastal Commission on May 15, 2014 agreed to by the County have been "accepted" (i.e. not shown in track changes)

2. Modification to LUP text approved by the Marin County Board of Supervisor on August 25, 2015 and April 19, 206 are shown in blue text (double-underlined for additions and ~~*italized strike out*~~ for deletions).

Marin County Board of Supervisors

Judy Arnold, President, District #5
Kathrin Sears, Vice-President, District #3
Katie Rice, 2nd Vice President, District #2
Susan L. Adams, District #1
Steve Kinsey, District #4

Prepared by the
Marin County Community Development Agency

Brian C. Crawford, Director

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Project Staff

Tom Lai, Assistant Director
Jack Liebster, Principal Planner
Kristin Drumm, Senior Planner
Christine Gimmler, Senior Planner
Jeremy Tejirian, Principal Planner
Alisa Stevenson, Assistant Planner
Suzanne Thorsen, Planner
Steve Scholl, Consulting Planner

Copies of this report may be obtained by contacting the Marin County Community Development Agency

3501 Civic Center Drive, Room 308
San Rafael, CA 94903
Phone (415) 499-6269
MarinLCP@marincounty.org
www.MarinLCP.org

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These documents are bound separately and are available for reference from the Marin County Community Development Agency and on the Local Coastal Program website at www.MarinLCP.org

Introduction

The Marin County Local Coastal Program (LCP) is made up of the following documents. These documents are available online at: www.MarinLCP.org.

- The "Land Use Plan (LUP)" document includes policies and programs, as well as background and introductory text for each policy section.

- The "Development Code" document is a means of implementing the policies and programs of the LCP Land Use Plan.

- Policy maps and zoning maps for the Coastal Zone.

- Appendices:

    - Appendix 1: List of Recommended Public Coastal Accessways
    - Appendix 2: Inventory of Visitor-Serving, Commercial, and Recreation Facilities in the Coastal Zone
    - Appendix 3: Coastal Village Community Character Review Checklist (Local Coastal Program Historic Review Checklist)
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        b. Bolinas Gridded Mesa Plan

The Local Coastal Program (LCP)

The Marin County Coastal Zone is a landscape of unsurpassed variety and beauty. Much of the area is encompassed within federal, state, and county parks, which provide habitat protection and opportunities for public recreation. The Coastal Zone also includes several small villages, productive agriculture and mariculture areas, scattered residences, bed-and-breakfast inns, and significant amounts of open space. The Marin County Local Coastal Program (LCP) is designed to preserve the unique environment of the Coastal Zone and to encourage the protection and restoration of its coastal resources, while encouraging public enjoyment of its coastal recreation opportunities.

The LCP is the primary document that governs land development in the Marin County Coastal Zone. The LCP guides both public and private activities that constitute "development" on land or in water. In general, constructing a dwelling, a commercial building, a road, a boat dock, or other improvements constitutes "development" that requires a coastal permit, with specific exceptions. Furthermore, "development" includes changes in the use of land or water, even where construction is not involved. The definition of "development" in its entirety is as follows:

Development. On land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973(commencing with Section 4511 of the Public Resources Code). As used in this section, "structure" includes any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line. Any activity meeting the definition of development within the Coastal Zone requires a Coastal Permit, unless the development is categorically excluded, exempt, or qualifies for a de minimis waiver, consistent with Chapter 22.68.

The Coastal Zone

The Marin County Coastal Zone is a strip of land and water defined by the California Coastal Act of 1976 that extends along the Pacific Ocean coastline. The Coastal Zone extends seaward from the shore a distance of three miles, and a variable distance landward, depending on topography (see Map 2 - Marin County Coastal Zone; only the land portion of the Coastal Zone is shown on Map 2).

Purpose of the Local Coastal Program

The purpose of the LCP is to carry out the coastal resource protection policies of the California Coastal Act of 1976. Each coastal city and county in California is required by that law to prepare and implement an LCP for its portion of the Coastal Zone. Like other counties in California, Marin County has also adopted a comprehensive land use plan for its entire jurisdiction area, which extends landward well beyond the Coastal Zone boundary. Adopted in 2007, the Marin Countywide Plan and its related Community Plans guide land development throughout the County. However, in the Coastal Zone, the LCP takes precedence over these plans. Where the LCP contains specific provisions applicable to land and water development, such LCP provisions govern development activities. Policies of the Countywide Plan that are not addressed by the Coastal Act and the LCP (e.g. policies that address education, diversity, and public health) apply throughout the entire County, both within and outside the Coastal Zone.

Components of the Local Coastal Program

As required by Coastal Act Section 30500, an LCP comprises a Land Use Plan, an Implementation Program, accompanying land use and zoning maps, and, where necessary, other implementing actions including those represented in the Appendices. The Land Use Plan contains written policies that indicate which land uses are appropriate in the various parts of the Coastal Zone. The LUP policies and programs also guide how natural resources shall be protected when land is developed, how public access to the coast shall be preserved, and how other coastal resources shall be maintained and enhanced.

Marin County's LCP Land Use Plan contains three major sections: Natural Systems and Agriculture, Built Environment, and Socioeconomic. The Natural Systems and Agriculture section contains the policy chapters of Agriculture; Biological Resources; Environmental Hazards; Mariculture; and Water Resources. The Built Environment section contains the policy chapters of Community Design; Community Development; Community Specific Policies; Energy; Housing; Public Facilities and Services; and Transportation. Finally, the Socioeconomic section contains the policy chapters of Historical and Archaeological Resources; Parks, Recreation and Visitor-Serving Uses; and Public Coastal Access. The Land Use Policy maps (Map Set 19a–19m) also form part of the Land Use Plan.

Marin County's LCP_Implementation Program (IP)–consists of the coastal zone–specific portion of the Marin County Development Code and the zoning maps for the Coastal Zone (Map Set 29a–29l). The IP plays a central role in carrying out the policies and programs of the Land Use Plan by indicating which land uses are appropriate in each part of the Coastal Zone. Furthermore, the Code provisions of the IP contain specific requirements that apply to development projects, as well as detailed procedures for applicants to follow in order to obtain a coastal permit.

Finally, Marin County's LCP includes the resource and other maps found in the published set of maps and Appendices 1 through 8, as described above.

The Coastal Permit

The primary tool for implementing the LCP is the "coastal permit." Most types of development activities require that a coastal permit be issued by Marin County. Certain projects, such as those that involve work on tidelands around the margin of Tomales Bay, require a coastal permit from the California Coastal Commission (a state agency) rather than from the County, although other Marin County non-coastal permit requirements may still apply.

The Marin County Community Development Agency (CDA) is responsible for implementing the LCP and for reviewing coastal permit applications. The CDA assists property owners and developers to determine whether their proposed project requires a coastal permit, whether the coastal permit should be obtained from Marin County or the Coastal Commission, and whether other types of permits from the County may also be required. Certain coastal permits approved by Marin County are appealable to the California Coastal Commission by an interested party who does not agree with the County's decision regarding the permit. Such permits are known as permits for "appealable" development (see appeal and permit jurisdiction areas on Maps 28a and 28b and Section 30603 of the Coastal Act).

Appendices

As noted previously, Appendices 1 through 8 constitute part of the LCP. These Appendices contain elements that are essential to the interpretation and application of Land Use Plan policies. For instance, Appendix 1 contains the list of recommended Public Coastal Accessways referred to in Land Use Plan Policy C-PA-6 "Acquisition of New Public Coastal Accessways through Suitable Means." To improve readability of the Land Use Plan, this detailed list has been placed in an Appendix rather than in the body of the Land Use Plan itself.

Additional historical and background information is available on the www.marinlcp.org website. This information is not part of the LCP.

The Appendices are as follows:

Appendix 1: List of Recommended Public Coastal Accessways
Appendix 2: Inventory of Visitor-Serving, Commercial, and Recreation Facilities in the Coastal Zone
Appendix 3: Coastal Village Community Character Review Checklist (Local Coastal Program Historic Review Checklist)
Appendix 4: Design Guidelines for Construction in Areas of Special Character and Visitor Appeal and For Pre-1930's Structures
Appendix 5: Seadrift Settlement Agreement
Appendix 6: 1977 Wagner Report "Geology for Planning, Western Marin County"
Appendix 7: Categorical Exclusions Orders and Maps
Appendix 8: Certified Community Plans:
a. Dillon Beach Community Plan
b. Bolinas Gridded Mesa Plan

Interpretation of the Land Use Plan (INT)

Background

The Marin County Local Coastal Program (LCP) is the primary document that governs land development in the Marin County Coastal Zone. However, the policies of the LCP must be applied and interpreted within the context of other applicable Local,-State, and Federal laws, as well as other local plans, policies and regulations. The following policies apply to the interpretation of the LCP.

Policies

C-INT-1 Consistency with Other Law. The policies of the Local Coastal Program are bound by all applicable State and Federal laws, and none of the provisions of the LCP will be interpreted by the County in a manner which violates those laws. In particular, as required by the Coastal Act, Public Resources Code Section 30010, Marin County shall not grant or deny a permit in a manner that will take or damage private property for public use, without the payment of just compensation. This policy is not intended to increase or decrease the rights of any property owner under the Constitutions of the State of California or the United States. When Marin County acts on a coastal development permit application pursuant to its certified LCP, it is implementing a statewide statute governing development by any person, including other state agencies.

C-INT-2 Precedence of LCP. In the coastal zone, the LCP supersedes and takes precedence over other local plans, policies and regulations, including any conflicting provisions of the Countywide Plan, Community Plans and relevant sections of the Marin County Code. Provisions that are not addressed by the Coastal Act and the LCP (e.g., policies that address education, diversity, public health, etc.) that apply throughout the County, also apply within the Coastal Zone, but not in a coastal permit context. Broader policies which, for example, serve to concentrate development in close proximity to urban and

employment centers may be more protective, overall, than specific wildlife habitat and other similar resource policies. The introductory background text in each chapter provides some broad context for each chapter, but shall not be used as the legal standard of review for coastal permit decisions.

C-INT-3 Community Plans. Community plans are part of the Marin Countywide Plan (CWP), and are implemented through measures such as Design Review and Use Permits. When separate from the LCP, community plans remain as important and relevant guides for development in their respective communities. The existing Dillon Beach and Bolinas Gridded Mesa community plans have been certified by the Coastal Commission and made part of the LCP; all other community plans have not. Only the policies of the LUP, IP, and the two certified community plans in Dillon Beach and Bolinas Gridded Mesa can be used as legal standards of review for the issuance of coastal permits.

C-INT-4 Terminology. The following rules of interpretation shall apply, consistent with Marin County Development Code Sec.20.02.020.

1. Where the imperative form of a verb is used to start a policy, the policy will be interpreted as being a mandatory requirement which, if written in a “subject-verb” format, would incorporate the term “shall.”
2. The words "shall," “must,” "will," "is to," and "are to" are always mandatory.
3. "Should" is not mandatory but is strongly recommended; and
4. "May" is permissive.
5. The present tense includes the past and future tenses; and the future tense includes the present.
6. The singular number includes the plural number, and the plural the singular, unless the natural construction of the word indicates otherwise.
7. "Including" means ". . . including but not limited to. . .".
8. Policy headings and titles are provided for convenience only. To the degree that these headings or titles conflict with the text they accompany, the text shall govern.

Natural Systems and Agriculture

Introduction

In the Marin County Coastal Zone, development is closely intertwined with the natural environment. Villages, homes, farms, and parks co-exist with natural communities of plants and animals. Water and biological resources are abundant, providing sustenance to wildlife as well as beauty and pleasure to residents and visitors. Agriculture, mariculture and open space are mainstays of both community character and the local economy. Yet these resources are vulnerable. Poorly planned land development and construction can degrade or eliminate the values of sensitive habitat areas, agricultural productivity, and the open, unspoiled character of the Marin County Coastal Zone. The Local Coastal Program (LCP) therefore includes strong policies requiring that new development is undertaken in a way that assures the protection of natural resources.

The Natural Systems and Agriculture section addresses the following subjects:

- Agriculture (AG)
- Biological Resources (BIO)
- Environmental Hazards (EH)
- Mariculture (MAR)
- Water Resources (WR)

Agriculture (AG)

Background

The rolling coastal hills and stream valleys of the Marin County Coastal Zone provide an exceptional environment for a distinctive type of agriculture that takes advantage of high quality grasslands sustained by the cool, moist conditions that prevail much of the year. Animal agriculture makes up the greatest part of the County's total agricultural production. This includes beef cattle, sheep, poultry and eggs, as well as dairy cows and the milk, yogurt, and cheese they yield. While the hilly terrain, pervasiveness of non-prime soils, and scarcity of dependable water sources limit intensive row crop cultivation through most of the Coastal Zone, a number of farms, many of them organic, raise fruits, vegetables, flowers, nuts and other crops.

In Marin County, coastal agriculture is important as an essential livelihood, a foundation for regional economic activity, and a wholesome, local source of food for residents of the Bay Area and beyond. It is estimated that every dollar of agricultural production yields a multiple of 2.5 additional dollars contributed to the local economy in employment opportunities, support industries, and tourism. In addition to economic benefits, agricultural land use also provides crucial ecosystem services such as the maintenance of soil fertility and structure, wildlife habitat and biodiversity, watershed benefits, nutrient cycling, and carbon sequestration. Finally, the working agricultural landscape provides world-class views, a pastoral frame for Marin's distinctive coastal villages, and an extraordinary open space backdrop for the myriad of recreational activities offered throughout the Coastal Zone. For all these reasons, the Local Coastal Program (LCP) policies seek to preserve viable agriculture as a permanent part of the fabric of coastal Marin for the benefit of residents, visitors, and the environment itself (see Map 3 - Protected Agricultural Lands).

The Coastal Act protects coastal agriculture as a high priority coastal resource and~~. *Toward this end, the Act*~~ supports the renewal and continuation of agriculture on suitable lands in Sections 30241, 30241.5,

and 30242. The conversion of land with prime agricultural soils to non-agricultural uses, such as residential or commercial development, is strictly limited by the Act; however, very little of the land in Marin County's Coastal Zone is classified as prime (see Map 4 - Agricultural Land). The Coastal Act mandates that all other lands suitable for agricultural use shall not be converted to nonagricultural uses unless continued or renewed agricultural use is not feasible, or such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.

Achieving these goals depends on interdependent resources: the land itself, and the people and systems that make it agriculturally productive. Marin is fortunate to have a strong community dedicated to agriculture and its future, comprised of hard-working, experienced, and resourceful people. However, some important trends point to the need for certain LCP provisions to help assure that future.

In an era of corporate, industrialized agriculture, the great majority of Marin farms and ranches are family owned and operated, with most of those the third or fourth generation working the land. Fluctuating commodity prices, the expense of investments needed to stay competitive, and the rising cost of farmland are only some of the challenges casting doubt over the future viability of coastal agriculture. One clear need is the ability to pass the reins to the younger generation, while providing for the retiring one. In 1997 the average age of Marin's principal agricultural operators was 55.7 years. By 2002 it had risen to 58.4, and in 2007, to 59.7. At the same time, the family unit itself is a critical part of maintaining agriculture. More than 85% of Marin farms had between one and four family members involved in their operation, and 71% had a family member interested in continuing ranching or farming. Providing policies that support current agriculture while responding to these important trends was ~~*is*~~ one of the key objectives of the 2015 Amendments ~~*2014 revisions*~~ to the LCP, including the provisions for intergenerational homes (Policy C-AG-5).

Other policies similarly provide for the essentials sustaining agriculture. Over half our farms and ranches report hiring farm labor, but securing additional farmworker housing has been a challenge. Many agricultural activities, especially dairying, require workers close at hand. As with other commercial and visitor-serving support workers, the lack of suitable housing leads to longer commutes with attendant traffic congestion, pollution and greenhouse gas emissions. The LCP recognizes that farmworker housing is an integral part of many agricultural operations (Programs C-AG-2.b and 2.c).

Prices for commodities such as milk and beef are notoriously volatile and unreliable, often placing Marin's relatively small producers in jeopardy. Recently, one of Marin's historical dairies had to go out of business. Marin agriculture has responded with innovation and creativity to secure its future. Responding to a Cooperative Extension survey, 29% of Marin operations report having added new productions or enterprises to their farm or ranch over recent years, and 24% are making value-added products. This LCP's policies will help support such agricultural diversification, including making it easier for small scale direct to consumer sales (Program C-AG-2.e).

While strengthening the economic vitality and long-term protection of agriculture, LCP policies work equally hard to deter the incursion of non-agricultural uses that would convert agricultural land and impair agricultural productivity now and in the future. A key measure to continue the preservation of agriculture is the Agricultural Production Zone (C-APZ), which limits the use of land to agriculture, or uses that are accessory to, in support of, compatible with, or ~~and~~ necessary for agricultural production. Additional LCP policies protect the land itself, by limiting land divisions and non-agricultural uses, providing for long-term agricultural and stewardship plans, and by controlling the size of agricultural dwelling units. Together, the LCP agricultural policies shape a balanced strategy to assure the protection of agricultural lands and to continue agricultural uses throughout the Marin County Coastal Zone for generations into the future.

Policies

C-AG-1 Agricultural Lands and Resources. Protect agricultural land, continued agricultural uses, family farming, and the agricultural economy by maintaining parcels large enough to sustain agricultural production, preventing conversion to non-agricultural uses, providing for diversity in agricultural development, facilitating multi-generational operation and succession, prohibiting uses that are incompatible with long-term agricultural production or the rural character of the County's Coastal Zone, and other innovative means. Preserve important soils, agricultural water sources, and forage to allow continued agricultural production on agricultural lands.
[Adapted from Unit II Agriculture Policy 1, p. 98, and CWP Goal AG-1, p. 2-157]

C-AG-2 Coastal Agricultural Production Zone (C-APZ). Apply the Coastal Agricultural Production Zone (C-APZ) to preserve agricultural lands that are suitable for land-intensive or land-extensive agricultural productivity, that contain soils classified as Prime Farmland, Farmland of Statewide Importance, Farmland of Local Importance, or Grazing Land capable of supporting production agriculture, or that are currently zoned C-APZ. Ensure that the principal use of these lands is agricultural, and that any development shall be accessory and incidental to, in support of and compatible with agricultural production.

A. In the C-APZ zone, the principal permitted use shall be agriculture, limited to the following:

1. ~~1)~~ Agricultural Production:

- **a.** ~~1.~~ Uses of land for the breeding, raising, pasturing, and grazing of livestock;
- **b.** ~~2.~~ The production of food and fiber;
- **c.** ~~3.~~ The breeding and raising of bees, fish, poultry, and other fowl;
- **d.** ~~4.~~ The planting, raising, harvesting and producing of agriculture, aquaculture, mariculture, horticulture, viticulture, vermiculture, forestry crops, and plant nurseries.~~;~~

2 ~~6. 2)~~ Agricultural Accessory Structures;

3. ~~3)~~ Agricultural Accessory Activities;

4. Agricultural Dwelling Units, consisting of:

a. ~~4)~~ One farmhouse or a combination of one farmhouse and one intergenerational home per ~~legal lot~~ farm tract, consistent with C-AG-5, including combined total size limits;

b. ~~5)~~ Agricultural worker housing, providing accommodations consisting of no more than 36 beds in group living quarters per legal parcel or 12 units or spaces per legal lot for agricultural workers and their households;

5. ~~6)~~ Other Agricultural Uses, ~~if~~ appurtenant and necessary to the operation of agriculture, limited to:

a. Agricultural product sales and processing of products grown within the farmshed, provided that for sales, the building(s) or structure(s), or outdoor areas used for sales do not exceed an aggregate floor area of 500 square feet, and for processing, the building(s) or structure(s) used for processing activities do not exceed an aggregate floor area of 5,000 square feet;

b. ~~Not for profit~~ ~~e~~Educational tours.

B. Conditional uses in the C-APZ zone include a second intergenerational home per legal lot, for-profit ~~educational~~ tours operated by a third party, agricultural homestay facilities, agricultural worker housing above 12 units per legal lot, and additional agricultural uses and non-agricultural uses consistent with Policies C-AG-5, 6, 7, 8 and 9.

Development shall not exceed a maximum density of 1 agricultural dwelling unit per 60 acres. Densities specified in the zoning are not entitlements but rather maximums that may not be achieved when the standards of the Agriculture policies below and other relevant LCP policies are applied. The County (and the Coastal Commission on appeal) may include all contiguous properties under the same ownership when reviewing a Coastal Permit application.
[Adapted from Unit II Agriculture Policies 2 and 3, p. 98, and CWP Program AG-1.g, p. 2-162]

Program C-AG-2.a Allowed Uses: No permit required. Seek to clarify for the agricultural community those agricultural uses for which no permit is required. These include the Agricultural Exclusions from the existing ~~CCC~~ adopted Categorical Exclusion Orders. Review aspects of agricultural operations that are not currently excluded from coastal permit requirements to determine if there are additional categories of agricultural developments, either in type or in specific geographic areas, that have no potential for any significant adverse effect, either individually or cumulatively, on

coastal resources or on public access and, hence, could be eligible additions to the categorical exclusion.
[New program, 2015]
[

Program C-AG-2.b Option to Secure Affirmative Agricultural Easements Through Restricted Residences. Evaluate the efficacy of permitting limited non-agricultural residential development within the C-APZ zone as a means of securing permanent affirmative agricultural easements over the balance of the legal lot. Characteristics of the program could include (a) prohibiting residential development on a legal lot where an Agricultural Dwelling or Dwelling Unit Cluster is located, (b) restricting the development envelope to the minimum feasible size (e.g. 10,000 sq. ft) (c) limiting house size to less than amount allowed for agricultural dwellings, but permitting transfer of development credits to increase allowable house size by securing affirmative agricultural easements on additional agricultural lands. The program and associated policies have no effect until certified as an LCP Amendment by the Coastal Commission.
[New program, 2015]

Program C-AG-2.e Community-Specific Retail Sales Policies. Policies should be developed in the LCP's Community Development section, as appropriate, to address the concerns of specific communities with respect to retail sales (roadside especially). As necessary, greater constraints on these activities could be specified for individual communities or roadway segments than the general provisions in the LCP's Agriculture section (up to and including, for example, the possibility of specifying an outright prohibition of roadside agricultural sales in a particular area or along a particular stretch of roadway).
[New program, 2015]

Program C-AG-2.f Facilitate Agricultural Tourism. Review agricultural policies and zoning provisions and consider seeking to add educational tours, homestays and minor facilities to support them as a Categorical Exclusion.
[New program, 2015]

C-AG-3 Coastal Agricultural Residential Planned Zone (C-ARP). Apply the Coastal Agricultural Residential Planned Zone (C-ARP) designation to lands adjacent to residential areas in the Coastal Zone that have potential for agricultural production but do not otherwise qualify for protection under Policy C-AG-2. The intent of the C-ARP Zone is to provide flexibility in lot size and building locations in order to:

1. Promote the concentration of residential and accessory uses to maintain the maximum amount of land available for agricultural use, and

2. Maintain the visual, natural resource and wildlife habitat values of subject properties and surrounding areas. The C-ARP district requires proposed development to be clustered to avoid or minimize impacts to environmental and other coastal resources, such as natural topography, native vegetation and public views of the coast.

Residential use shall be the principal permitted use in all parcels with the land use designation of C-AG3. Agriculture shall be the principal permitted use in all parcels with the C-AG1 and C-AG2 land use designations.
[Adapted from Interim County Code Section 22.57.040. This policy also carries forward the concept of Unit I Agriculture Policy 30, p. 35]

C-AG-4 C-R-A (Coastal, Residential, Agricultural) District. Apply the C-R-A zoning district to provide areas for residential use within the context of small-scale agricultural and agriculturally-related uses, subject to specific development standards.
[Adapted from Interim County Code Section 22.57.020]

C-AG-5 Agricultural Dwelling Units (Farmhouses, Intergenerational Housing, and Agricultural Worker Housing). Support the preservation of family farms by facilitating multi-generational operation and succession.

A. Agricultural dwelling units may be permitted on C-APZ lands subject to the policies below, as well as any applicable requirement in C-AG-6, 7, 8, and 9, ~~*and all other applicable requirements in the LCP*.~~ Agricultural dwelling units must be owned by a farmer or operator actively and directly engaged in agricultural use of the property. No more than a combined total of 7,000 sq ft (plus 540 square feet of garage space and 500 square feet of office space in the farmhouse used in connection with the agricultural operation) may be permitted ~~*used*~~ as an agricultural dwelling per farm tract ~~*by the farm owner or operator*~~, whether in a single farmhouse or in a combination of a farmhouse and intergenerational homes(s). ~~*Only a single farmhouse or a combination of a farmhouse and intergenerational home(s) with the combined total of 7,000 square feet may be allowed for each farm owner or operator actively and directly engaged in agriculture, regardless of the number of legal lots each farm owner or operator owns. In addition to the farmhouse, up to two additional dwelling units per legal lot may be permitted in the C-APZ designation*.~~ Intergenerational farm homes may only be occupied by persons authorized by the farm owner or operator, shall not be divided from the rest of the legal lot, and shall be consistent with the standards of *LCP Policy C-AG-7*and the building size limitations of *Policy C-AG-9*. Such intergenerational homes shall not be subject to the requirement for an Agricultural Production and Stewardship Plan (*C-AG-8*), or permanent agricultural conservation easement (*C-AG-7).* A density of 60 acres per unit shall be required for each farmhouse and intergenerational house (i.e. at least 60 acres for a farmhouse, 120 acres for a farmhouse and an intergenerational house, and 180 acres required for a farmhouse and two intergenerational homes), including any existing homes. ~~*The reviewing authority shall consider all contiguous properties under the same ownership to achieve the requirements of the LCP.*~~ No Use Permit shall be required for the first intergenerational home on a qualifying lot, but a Use Permit shall be required for a second intergenerational home. No more than 27 intergenerational homes may be allowed in the County's coastal zone.

B. Agricultural worker housing providing accommodations consisting of no more than 36 beds in group living quarters per legal parcel or 12 units or spaces per legal parcel for agricultural workers and their

households shall not be included in the calculation of density in the following zoning districts: C-ARP, C-APZ, C-RA, and C-OA. Additional agricultural worker housing above 36 beds or 12 units shall be subject to the density requirements applicable to the zoning district. An application for agricultural worker housing above 36 beds or 12 units shall include a worker housing needs assessment and plan, including evaluation of other available worker housing in the area. The amount of approved worker housing shall be commensurate with the demonstrated need. Approval of agricultural worker housing shall require recording a restrictive covenant running with the land for the benefit of the County ensuring that the agricultural worker housing will continuously be maintained as such, or, if no longer needed, for non-dwelling agricultural production related uses.
[New policy, 2015]

C-AG-6 Non-Agricultural Development of Agricultural Lands. Non-agricultural development is defined to include division of agricultural lands and any development not classified as Agriculture~~.~~ Require that non-agricultural development, shall only be allowed upon demonstration that long-term agricultural productivity~~, *including on each parcel created in the case of a land division,*~~ would be maintained and enhanced as a result of such development, on the subject parcel and any new ~~each~~ parcel created, and that agricultural productivity on adjacent parcels would be maintained. In considering divisions of agricultural lands in the Coastal Zone, the County may approve fewer parcels than the maximum number of parcels allowed by the Development Code, based on site characteristics such as topography, soil, water availability, environmental constraints and the capacity to sustain viable agricultural operations.
[Adapted from CWP Policy AG-1.5, p. 2-158, and consistent with Coastal Act Policy 30241 and 30242]

C-AG-7 Development Standards for the Agricultural Production Zone (C-APZ) Lands. Proposed development in the C-APZ zone shall be designed and constructed to preserve agricultural lands and to be consistent with all applicable standards and requirements of the LCP, and in particular the policies of the Natural Systems and Agriculture Element of the LUP. In addition to the requirements applicable to a specific land use ~~*and all other applicable requirements specified in the LCP,*~~ the following requirements shall apply to development in the C-APZ;

A. Standards for All Development in the C-APZ:
All of the following development standards apply:

1. Permitted development shall protect and maintain renewed and continued agricultural production and viability on site and shall not impact ~~*on*~~ adjacent agricultural lands. Development shall be sited to avoid agricultural land (i.e., prime agricultural land or "non-prime land" [referred to in the Coastal Act as "other land suitable for agriculture"]) whenever possible, consistent with the operational needs of agricultural production. If use of such land is necessary, prime agricultural land shall not be utilized if it is possible to utilize non-prime lands ~~*other lands suitable for agricultural use*~~. In addition, as little agricultural land as possible shall be used for structural development.
2. Development shall be permitted only where adequate water supply, sewage disposal, road access and capacity and other services are available to support the proposed development after provision has been made for existing and continued agricultural production. Water diversions or use for a proposed development shall not adversely impact stream or wetland habitats, have significant effects on groundwater resources, or significantly reduce freshwater inflows to water bodies, including Tomales Bay, either individually or cumulatively.
3. Permitted development shall have no significant adverse impacts on environmental quality or natural habitats, and shall meet all other applicable policies, consistent with the LCP.

4. In order to retain the maximum amount of land in agricultural production or available for future agricultural production, farmhouses, intergenerational homes, agricultural worker housing, agricultural homestay or bed and breakfast facilities ~~*all infrastructure and structural development (e.g.*~~ agricultural accessory structures, and agricultural product processing facilities ~~*other agricultural uses, and roads)*~~ shall be placed within a clustered development area~~*, of a total of no more than five percent of the gross acreage, to the extent feasible, with the remaining acreage retained in or available for agricultural production or open space.*~~~~*All new structural development shall be clustered within existing developed areas*~~ except when:

(a) placement outside such areas is necessary for agricultural operations (e.g. when a more remote barn is required in a different part of the property to allow for efficient agricultural operations); or

(b) when placement inside such areas would be inconsistent with applicable LCP standards (e.g. when such placement would be within a required stream setback area). In this ~~*the latter*~~ case, new development shall be placed as close as possible to the existing clustered development area in a way that also meet applicable LCP standards.

The clustered development area, in combination with roads, agricultural product sales facilities and all other structural development, shall total ~~*of*~~ no more than five percent of the gross acreage, to the extent feasible, with the remaining acreage retained in or available for agricultural production or open space.

Development shall be located close to existing roads, and shall not require new road construction or improvements resulting in significant impacts on agriculture, natural topography, major vegetation, or significant natural visual qualities of the site. Development shall be sited to minimize impacts on coastal resources and adjacent agricultural operations and shall be designed and sited to avoid hazardous areas.

B. Standards for Non-Principally Permitted Uses:

In addition to the standards of Section A. above, all of the following development standards apply to non-principally permitted uses. The County shall determine the density of permitted agricultural dwelling units or land divisions only upon applying Policy C-AG-6 and the following standards and making all of the findings listed below.

1. Non-principally permitted uses shall only be allowed when such uses will serve to maintain and enhance agricultural production.

2. The creation of a homeowners' or other organization and/or the submission of an Agricultural Production and Stewardship Plan (APSP) may be required to provide for the proper utilization of agricultural lands, including their availability on a lease basis or for the maintenance of the community's roads, septic or water systems.

C. Standards for Non-Agricultural Conditional Uses:

In addition to the standards of Sections A and B above, all of the following development standards apply to non-agricultural conditional uses.

~~3~~1. Where consistent with state and federal laws, a permanent agricultural conservation easement over that portion of the property not used for physical development or services shall be required for otherwise permissible land divisions, and other non-agricultural development to promote the long-term preservation of these lands. Only agricultural and compatible uses shall be allowed under the easement. In addition, the County shall require the execution of a covenant not to divide for the parcels created under this division so that each will be retained as a single unit and will not be further subdivided.

~~4~~2. Proposed development shall only be approved after making the following findings:

- **a.** The development is necessary because agricultural use of the property would no longer be feasible. The purpose of this standard is to permit agricultural landowners who face economic hardship to demonstrate how development on a portion of their land would ease this hardship or enhance agricultural operations on the remainder of the property.
- **b.** The proposed development will not conflict with the continuation or initiation of agricultural uses on that portion of the property that is not proposed for structural development, on adjacent parcels, or on other agricultural parcels within one mile of the perimeter of the proposed development.
- **c.** Appropriate public agencies are able to provide necessary services (fire protection, police protection, schools, etc.) to serve the proposed development without extending urban

[Adapted from Unit II Agricultural Policies 4 and 5, pp. 98-99. This policy also carries forward Unit I Agriculture Policy 30, p.35.]

C-AG-8 Agricultural Production and Stewardship Plans.

A~~1~~. Submission of an Agricultural Production and Stewardship Plan (APSP) shall be required for approval of land division or other non-agricultural development of Agricultural Production Zone (C-APZ) lands, except as provided for in (3) below.

B~~2~~. The purpose of an APSP prepared and submitted for land division or other non-agricultural development of C-APZ lands is to ensure that long-term agricultural productivity will occur and will substantially contribute to Marin's agricultural industry. Such a plan shall clearly identify and describe existing and planned agricultural uses for the property, explain in detail their implementation, identify on-site resources and agricultural infrastructure, identify product markets and processing facilities (if appropriate), and demonstrate how the planned agricultural uses substantially contribute to Marin's agricultural industry. An APSP shall provide evidence that at least 95% of the land will remain in agricultural production or natural resource protection and shall identify stewardship activities to be undertaken to protect agriculture and natural resources. An APSP shall be prepared by qualified professionals with appropriate expertise in agriculture, land stewardship, range management, and natural resource protection. The approval of a development proposal that includes an APSP shall include conditions ensuring the proper, long-term implementation of the plan.

C~~3~~. The requirement for an APSP shall not apply to the farmhouse, agricultural worker housing or to intergenerational homes. The APSP may also be waived for non-agricultural land uses when the County finds that the proposal will enhance current or future agricultural use of the property and will not convert the property to primarily residential or other non-agricultural use, as evidenced by such factors as bona fide commercial agricultural production on the property, the applicant's history and experience in production agriculture, and the fact that agricultural infrastructure (such as fencing,

processing facilities, marketing mechanisms, agricultural worker housing, or agricultural land leasing opportunities) has been established or will be enhanced.

D~~4~~. Projects subject to the potential requirement of preparing an APSP shall be referred to such individuals or groups with agricultural expertise as appropriate for analysis and a recommendation. Such individuals or groups shall also be requested to periodically review and evaluate the effectiveness of the APSP program.

[Adapted from CWP Program AG-1.b, pp. 2-160 and 2-161]

Program C-AG-8.a Commercial Agricultural Production. Develop criteria and standards for defining commercial agricultural production so that APSPs can differentiate between commercial agricultural production and agricultural uses accessory to residential or other non-agricultural uses.
[New program, 2015]

C-AG-9 -Agricultural Dwelling Unit Impacts and Agricultural Use. Ensure that lands designated for agricultural use are not de facto converted to residential use, thereby losing the long-term productivity of such lands, by the following means:

A~~1~~. Agricultural dwelling units, other than principally permitted agricultural dwelling units, shall be reviewed to ensure they do not diminish current or future agricultural production on the property or convert it to primarily residential use.

B~~2~~. Any proposed agricultural dwelling unit and related development subject to a Coastal Permit shall comply with LCP policies including ensuring that the mass and scale of new or expanded structures respect environmental site constraints and the character of the surrounding area. Such development must be compatible with ridge protection policies and avoid tree-cutting and grading wherever possible. All such development shall be clustered with existing structures and development on the farm, pursuant to C-AG-7, and shall be sited and designed to protect significant public views.

When considering proposed agricultural dwelling units, other than principally permitted agricultural dwelling units, the reviewing authority shall exercise its discretion in light of some or all of the following criteria for the purpose of ensuring that the land does not de facto convert to residential use:

1~~a~~. The applicant's history of production agriculture.

2~~b~~. How long term agricultural use of the property will be preserved - for example, whether there is an existing or proposed dedication or sale of permanent agricultural easements or other similar protective agricultural restrictions such as Williamson Act contract or farmland security zone.

3~~c~~. Whether long term capital investment in agriculture and related infrastructure, such as fencing, processing facilities, market mechanisms, agricultural worker housing or agricultural leasing opportunities have been established or are proposed to be established.

4~~d~~. Whether sound land stewardship practices, such as organic certification, riparian habitat restoration, water recharge projects, fish-friendly farming practices, or erosion control measures, have been or will be implemented.

5~~e~~. Whether the proposed development will facilitate the ongoing viability of agriculture such as through the intergenerational transfer or lease of existing agricultural operations.

C3. In no event shall agricultural dwellings subject to these provisions exceed 7,000 square feet in size. Where a farmhouse and one or two intergenerational residence units are allowed in the C-APZ zone, the aggregate development of all homes on the subject legal lot shall not exceed 7,000 square feet.

D4. However, agricultural worker housing, up to 540 square feet of garage space for each farmhouse, agricultural accessory structures, and up to 500 square feet of office space in the farmhouse used in connection with the agricultural operation on the property shall be excluded from the 7,000 square foot limitation.

E5. The square footage limitations noted in the above criteria represent maximum agricultural dwelling unit sizes and do not establish a mandatory entitlement or guaranteed right to development; rather, site constraints and resource protection standards may require reduced size limits in any particular case.

F6. Agricultural homestays, bed & breakfasts, home occupations, care facilities, group homes and similar uses allowed in the C-APZ zone may only occur within otherwise allowable agricultural dwelling units and not within additional separate structures.

[Adapted from CWP Program AG-1.a, pp.2-159 and 2-160]

C-AG-10 Marin Agricultural Land Trust (MALT) and Other Methods of Preserving Agriculture. Support the objectives of the Marin Agricultural Land Trust (MALT) to protect agricultural lands through the transfer, purchase, or donation of development rights or agricultural conservation easements on agricultural lands. Support and encourage action by MALT in the Coastal Zone to preserve agricultural land for productive uses. Support the use of the County's adopted model agricultural easement, implementation of Transfer of Development Rights (TDR) programs and similar innovative techniques to permanently preserve agricultural lands.
[Adapted from Unit II Agriculture Policy 7, p. 101]

Biological Resources (BIO)

Background

The Marin County Coastal Zone contains a broad range of estuarine and marine environments, tidal marshes, freshwater wetlands, stream corridors, upland forests, chaparral, and grasslands.

Much of the Coastal Zone in Marin County is managed by the National Park Service, California Department of Parks and Recreation, and California Department of Fish and Game. These agencies place a high priority on resource stewardship along with serving recreation purposes. Various state and federal laws and regulations govern the definition and protection of biological resources, including the state and federal Endangered Species Acts and the federal Migratory Bird Treaty Act.

Despite a wealth of protections, biological resources remain vulnerable. Land development, if not well-planned and executed, can result in degradation of resources through loss or fragmentation of wildlife habitat, filling of crucial wetlands, and displacement of plant communities.

The Coastal Act places a high priority on the protection of biological resources. Strict limits are placed on development in environmentally sensitive habitat areas (ESHA). The Act defines such areas to encompass habitats that are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments. Only land uses that are dependent on the habitat resources are allowable within ESHAs.

Wetlands are one class of ESHA and in California approximately 92 percent of our wetlands have been lost. The Coastal Act defines wetlands broadly and addresses both areas of substantial size, such as Bolinas Lagoon, and smaller, isolated wetlands, such as those formed by seeps or springs. Very limited types of development are allowed in wetlands and then only where there is no feasible less environmentally damaging alternative and feasible mitigation measures have been adopted.

Streams are another type of ESHA. Many species of animals and plants are dependent on them and on their associated riparian corridors, which are especially valuable as habitat connectors. The Coastal Act allows very limited types of development within streams, including necessary water supply projects, flood control projects, and habitat improvement projects.

Other sensitive biological resources in the County's coastal zone include dunes and beaches, salt marshes, fresh water marshes, tidal freshwater wetlands, riparian corridors, chaparral, and grasslands, which are fragile habitats that are easily disturbed, as well as communities of rare plants, and essential habitats for protected species of fish and wildlife such as Snowy Plover (*Charadrius alexandrinusnivosus*), Myrtle's silverspot butterfly (*Speyeria zerene myrtleae*), California red-legged frog (*Rana draytonii*) and Central California coast steelhead (*Oncorhynchus mykiss*). This list is not exhaustive, but is meant to highlight those habitats that are prevalent in the Coastal Zone (see Map 5 – Vegetation, Map 6 – Special-status Species and Sensitive Natural Communities, and Map 7 – Wetlands and Streams).

The biological resources of Marin County include unique habitat areas that support wildlife and plants that maintain the function and integrity of the ecosystem. These areas not only serve an important ecological function, but they also have an intrinsic and aesthetic value to residents and visitors. The ecological importance of these areas has been recognized, such as the special designation of Bolinas Lagoon and Tomales Bay as "Wetlands of International Significance" by the Convention on Wetlands of International Importance, called the Ramsar Convention. This intergovernmental treaty provides the framework for national action and international cooperation for the conservation and wise use of wetlands and their resources. Bolinas Lagoon received its recognition on September 1, 1998, and Tomales Bay on September 30, 2002.

Bolinas Lagoon and Tomales Bay are part of a larger, relatively undisturbed complex of wetlands along the Marin/Sonoma coast that includes Drakes and Limantour Esteros, Abbotts Lagoon, Estero Americano, Estero de San Antonio, and Bodega Harbor. Tomales Bay, Bolinas Lagoon, and the waters along much of the County's ocean shoreline are also part of the Gulf of the Farallones National Marine Sanctuary. The area is within the Pacific flyway and supports approximately 20,000 wintering shorebirds, seabirds, and waterbirds both seasonally and year-round. Subtidal areas and extensive mudflats support diverse populations of invertebrates and provide nursery and feeding habitat for resident and migratory fish, while steelhead and coho salmon access streams in the watershed.

In Tomales Bay, eelgrass beds occur within the shallow waters at the northern end of the Bay that are critical for particular species of migratory birds, and for fish species such as Pacific herring. The rocky points, intertidal areas, and shoreline substrate in Tomales Bay provide habitat for many distinct invertebrate communities. The wetlands areas in Tomales Bay also serve as corridors to valuable spawning nurseries for the Coho salmon and Steelhead. Estero Americano and Estero de San Antonio are "seasonal estuaries" and their unique morphology result in a fjord-like quality which is not found in other California wetlands and results in a wide variety of species diversity and habitats.

The Coastal Zone also includes unique terrestrial habitats such as serpentine grasslands, chaparral habitat that contain endemic plants such as Mount Tamalpais Manzanita *(Arcostaphylos hookeri Montana)*, and

coastal terrace prairie grasslands. In California, there has been a loss of 99% of native grasslands which offer valuable foraging and dispersal habitat for many wildlife species. The coastal dune communities provide habitat for several species of plants and animals that have adapted to the harsh environment of the shoreline and provide protection to inland areas from wave run-up generated by prolonged storms and high seas. The list of unique species and habitats of the Coastal Zone is extensive, which is evident in the amount of literature and research that has been produced in the region, as highlighted in the 1980 Marin County Local Coastal Programs, Unit I and Unit II.

In 1980 and 1981, respectively, the Marin County Local Coastal Program, Unit I and Unit II were certified by the State Coastal Commission. These original plans contain important information regarding the natural resources, geology, and historical development of the Coastal Region. This plan is a continuation of the direction and foundation of knowledge established in the original plans. Since approval of the original LCPs, certain programs have been completed and new knowledge gained; yet, there is still much more to learn. The policies in this chapter are based on the foundation of the original LCP's commitment to conservation and protection of our biological resources, while providing for development that is allowed under the Coastal Act and preserving the function and values of these areas. These policies are to be implemented in light of the best available science, including reports, studies, or plans that are now available or may be available in the future regarding environmental findings, such as:

- Bolinas Lagoon Ecosystem Restoration Project: Recommendations for Restoration and Management, Gulf of the Farallones National Marine Sanctuary Advisory Council, Bolinas Lagoon Restoration Project Working Group, 2008.
- Fisheries Assessment for Bolinas Lagoon Tributaries within the Golden Gate Area, Golden Gate National Park Service, 2002.
- Projecting the Future Evolution of Bolinas Lagoon, Marin County Open Space District, 2006
- Tidal Marsh Birds of the San Francisco Bay Region, Status, Distribution and Conservation of 5 Category 2 Taxa, USGS, 1997.

Implementation of the Local Coastal Program (LCP) is carried out, in part, through the use of mapped data. Maps of biological resources, including special status species, wetlands, and streams, are included in the LCP document. While these maps are important indicators of the presence of significant resources that require protection under LCP policies, additional information regarding such resources will become available through site-specific review of proposed projects, through future map updates, and through other means. Thus, protection of biological resources is not limited to those that are mapped in this document. Furthermore, LCP policies address areas adjacent to ESHAs and parks and recreation areas, and as knowledge about those areas increases or as park boundaries change through land acquisitions, the LCP policies will be applied accordingly.

This region is also home to nonprofit research organizations and institutions such as the Audubon Canyon Ranch and PRBO Conservation Science (formerly the Point Reyes Bird Observatory) Palomarin Field Station and Wetland Center that actively contribute to the growing body of research on conservation science which can be used to address problems related to watershed protection, habitat management, recreational pressures, invasive species, and other coastal management issues, and these databases of knowledge should be included in relevant discussion related to ESHAs.
Marin County's biological resources are intertwined with villages, farms, homes, and roads. LCP policies are designed to support the protection and enhancement of biological resources, while also allowing the activities of coastal residents and visitors to continue to flourish.

Policies

C-BIO-1 Environmentally Sensitive Habitat Areas (ESHAs).

1. An environmentally sensitive habitat area (ESHA) is any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.
2. ESHA consists of three general categories: wetlands, streams and riparian vegetation, and terrestrial ESHAs. Terrestrial ESHA includes non-aquatic habitats that support rare and endangered species; coastal dunes as referenced in C-BIO-7 (Coastal Dunes); roosting and nesting habitats as referenced in C-BIO-10 (Roosting and Nesting Habitats); and riparian vegetation that is not associated with a perennial or intermittent stream. The ESHA policies of C-BIO-2 (ESHA Protection) and C-BIO-3 (ESHA Buffers) apply to all categories of ESHA, except where modified by the more specific policies of the LCP.

[Adapted from Unit I Habitat Protection Policies 24 and 25, p. 34, and Unit II Natural Resources Policy 5, p. 74]

C-BIO-2 ESHA Protection.

1. Protect ESHAs against disruption of habitat values, and only allow uses within those areas that are dependent on those resources or otherwise specifically provided in C-BIO-14 (Wetlands), C-BIO-15 (Diking, Filling, Draining and Dredging) or C-BIO-24 (Coastal Streams and Riparian Vegetation). Disruption of habitat values includes when the physical habitat is significantly altered or when species diversity or the abundance or viability of species populations is reduced. The type of proposed development, the particulars of its design, and its location in relation to the habitat area, will affect the determination of disruption.

2. Accessways and trails that are fundamentally associated with the interpretation of the resource are resource dependent uses that shall be sited and designed to protect ESHAs against significant disruption of habitat values in accordance with Policy C-BIO-2.1. Where it is not feasible to avoid ESHA, the design and development of accessways and trails shall minimize intrusions to the smallest feasible area and least impacting routes. As necessary to protect ESHAs, trails shall incorporate measures to control the timing, intensity or location of access (e.g., seasonal closures, placement of boardwalks, limited fencing, etc.).

3. Avoid fence types, roads, and structures that significantly inhibit wildlife movement, especially access to water.

4. Development proposals within or adjacent to ESHA will be reviewed subject to a biological site assessment prepared by a qualified biologist hired by the County and paid for by the applicant. The purpose of the biological site assessment is to confirm the extent of the ESHA, document any site constraints and the presence of other sensitive biological resources, recommend buffers, development timing, mitigation measures including precise required setbacks, provide a site restoration program where necessary, and provide other information, analysis and modifications appropriate to protect the resource.

[Adapted from the concept of Unit II Natural Resources Policy 5.b, p. 74]

C-BIO-3 ESHA Buffers.

1. In areas adjacent to ESHAs and parks and recreation areas, site and design development to prevent impacts that would significantly degrade those areas, and to be compatible with the continued viability of those habitat and recreation areas.
2. Provide buffers for wetlands, streams and riparian vegetation in accordance with C-BIO-19 and C-BIO-24, respectively.
3. Establish buffers for terrestrial ESHA to provide separation from development impacts. Maintain such buffers in a natural condition, allowing only those uses that will not significantly degrade the habitat. Buffers for terrestrial ESHA shall be 50feet, a width that may be adjusted by the County as appropriate to protect the habitat value of the resource, but in no case shall be less than 25 feet. Such adjustment shall be made on the basis of a biological site assessment supported by evidence that includes but is not limited to:
   - **a.** Sensitivity of the ESHA to disturbance;
   - **b.** Habitat requirements of the ESHA, including the migratory patterns of affected species and tendency to return each season to the same nest site or breeding colony;
   - **c.** Topography of the site;
   - **d.** Movement of stormwater;
   - **e.** Permeability of the soils and depth to water table;
   - **f.** Vegetation present;
   - **g.** Unique site conditions;
   - **h.** Whether vegetative, natural topographic, or built features (e.g., roads, structures) provide a physical barrier between the proposed development and the ESHA; and
   - **i.** The likelihood of increased human activity and disturbance resulting from the project relative to existing development.

[New policy, 2015]

C-BIO-4 Protect Major Vegetation. Require a Coastal Permit for the removal or harvesting of major vegetation other than for agricultural purposes. Such major vegetation removal shall avoid adverse impacts to an ESHA, ~~or~~ its buffer, coastal waters, and public views, and shall not conflict with prior conditions of approval, and shall be consistent with Policy C-DES-11 (Minimization of Fuel Modification) ~~*and Policy C-EH-25 (Vegetation Management in an ESHA).*~~
[Adapted from Unit I Habitat Protection Policy 22, p. 34, and Interim County Code Section 22.56.055]

Program C-BIO-4.b Integrated Planning for Fire Risk, Habitat Protection, and Forest Health. Develop a Coastal Permit process that protects coastal resources and allows for expedited review of projects related to the management or removal of major vegetation to minimize risks to life and property or to promote the health and survival of surrounding vegetation native to the locale.
[New program, 2015]

C-BIO-5 Ecological Restoration. Encourage the restoration and enhancement of degraded ESHAs and the creation of new ESHAs, and streamline regulatory processes whenever possible to facilitate the successful completion of restoration projects.
[New policy, 2015]

Program C-BIO-5.a Determine Locations of ESHAs. Continue to update the process for determining whether projects are within or adjacent to ESHAs. The process shall continue to be based on the best available scientific and geographic information and assure an adequate level of review commensurate with the nature and scope of the project and the potential existence of an ESHA.
[New program, 2015]

Program C-BIO-5.b "Safe Harbor" for Expansion of ESHA. Consider a future work item to encourage the expansion of ESHAs by establishing policies, procedures and criteria that would allow such enhancements and protect sensitive resources while maintaining pre-existing buffers. The size of any buffer designated as a result of this program would not be a precedent for the size of any buffer on any other development site. This program would lead to policies and implementing measures that would be subject to review and certification as an amendment to the LCP.
[New program, 2015]

C-BIO-6 Invasive Plants. Where feasible, require the removal of non-native, invasive plant species such as pampas grass, brooms, iceplant, thistles and other invasive plant species on the list maintained by the California Invasive Plant Council in the areas of development and revegetate those areas with native plants as specified in Coastal Permit approvals. Ensure that required landscaping avoids use of non-native, invasive trees and plants in accordance with Policy C-DES-9 Landscaping. This policy does not apply to agricultural crops and pastures.
[Adapted from Unit I Habitat Protection Policy 28, p. 34]

C-BIO-7 Coastal Dunes. Prohibit development in coastal dunes to preserve dune formations, vegetation, and wildlife habitats. Prevent overuse in dune areas by mechanisms such as restricting parking, and directing pedestrian traffic through signage and sand fencing to areas capable of sustaining increased use. Prohibit motor vehicles in dune areas except for emergency purposes, and prohibit motor vehicles in non-dune beach areas except for emergency and essential maintenance purposes and where previously coastal permitted.
[Adapted from Unit II Natural Resources Policy 5.a, p. 74]

C-BIO-8 Stringline Method of Preventing Beach Encroachment. In a developed area where most lots are developed and where there are relatively few vacant lots, no part of a proposed new development (other than an allowable shoreline protective device), including decks, shall be built farther onto a beachfront than a line drawn between the most seaward portions of the adjacent structures. Enclosed living space in a new unit or addition shall not extend farther seaward than a second line drawn between the most seaward portions of the enclosed living space of the adjacent structures.
[New policy, 2015]

C-BIO-9 Stinson Beach Dune and Beach Areas. Prohibit development that would adversely impact the natural sand dune formation and sandy beach habitat in the areas west of the paper street Mira Vista and the dry sand areas west of the Patios. Prohibit development west of Mira Vista, including erection of fences, signs, or other structures, to preserve the natural dune habitat values, vegetation and contours, as well as the natural sandy beach habitat. Continue to pursue a land trade between the lots seaward of Mira Vista and the street right-of-way to more clearly establish and define the public beach boundaries.

Site development of other shorefront lots within the Stinson Beach and Seadrift areas outside of the natural sand dune formations, consistent with LUP Policy C-BIO-7 (Coastal Dunes). Where no dunes are evident, any new development on shorefront lots shall be set back behind the first line of terrestrial vegetation as far as is necessary to demonstrate required stability and hazards protection ~~*per Policy C-EH-2*~~, avoid the need for protective works, protect sandy beach habitat, and provide a buffer area between private and public use areas to protect both the scenic and visual character of the beach, and the public right of access to the use and enjoyment of sand areas.
[Adapted from Unit I Natural Dune and Sandy Beach Protection Policies 19 and 20, p. 29]

C-BIO-10 Roosting and Nesting Habitat. Prohibit the alteration or removal of groves of trees that provide colonial nesting and roosting habitat for monarch butterflies or other wildlife, except where the trees pose a threat to life or property.
[Adapted from Unit I Habitat Protection Policy 22, p. 34]

C-BIO-11 Development Adjacent to Roosting and Nesting Habitat. Development adjacent to wildlife nesting and roosting areas shall be set back a sufficient distance to protect against disruption in nesting and roosting activities and designed to avoid impacts on the habitat area. Time such development activities so that disturbance to nesting and breeding wildlife is avoided. To the extent feasible, use native vegetation for landscaping.
[Adapted from Unit I Habitat Protection Policy 23, p. 34]

Program C-BIO-11.a **Grassy Uplands Surrounding Bolinas Lagoon.** Collect and evaluate data and studies to determine the habitat values of upland grassland feeding areas around Bolinas Lagoon for shorebirds, and develop effective policies to protect these areas against significant disruption of habitat values. Limited agricultural use of these lands may be permitted consistent with all other applicable policies.
[Adapted from Unit I Habitat Protection Policy 26, p. 34]

C-BIO-14 Wetlands. Preserve and maintain wetlands in the Coastal Zone as productive wildlife habitats and water filtering and storage areas, and protect wetlands against significant disruption of habitat values. Prohibit grazing or other agricultural uses in a wetland, except for ongoing agricultural activities.
[Adapted from Unit II Natural Resources Policy 4 (a – c), p. 74]

C-BIO-15 Diking, Filling, Draining and Dredging. Diking, filling, draining and dredging of coastal waters can have significant adverse impacts on water quality, marine habitats and organisms, and scenic features. Limit strictly the diking, filling, and dredging of open coastal waters, wetlands, and estuaries to the following purposes:

1. New or expanded commercial fishing facilities.
2. Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.
3. Incidental public service purposes, including burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.
4. Mineral extraction, including sand for restoring beaches, except in ESHAs.
5. Restoration purposes.
6. Nature study, aquaculture, or similar resource-dependent activities.
7. Excluding wetlands, new or expanded boating facilities and the placement of structural pilings for public recreation piers that provide public access and recreational opportunities may be permitted.
8. In the Esteros Americano and de San Antonio, limit any alterations to those for the purposes of scientific study and restoration.

[Adapted from Unit II Diking, Filling and Dredging Policies 1 and 2, p. 136]

C-BIO-17 Conditions and Standards for Diking, Filling, Draining, and Dredging. Diking, filling, draining or dredging may be permitted for the purposes specified in policy C-BIO-15 above provided that all of the following conditions and standards are met:

1. There is no feasible less environmentally damaging alternative.
2. Mitigation measures have been provided in accordance with Policy C-BIO-21 (Wetland Impact Mitigation) in order to minimize adverse environmental effects.
3. The activities are planned, scheduled, and carried out to avoid significant disruption to marine and wildlife habitats, fish and bird breeding and migrations, and water circulation.
4. The need for both initial and maintenance dredging shall be minimized by careful design and location of facilities with respect to existing water depths, water circulation, siltation patterns, and by efforts to reduce controllable sedimentation.
5. In estuaries and wetlands, the diking, filling, or dredging shall maintain or enhance the functional capacity of the wetland or estuary.

[Adapted from Unit II Diking, Filling and Dredging Policy 3, p. 137]

C-BIO-18 Disposal of Dredged Materials. Require the disposal of dredged sediments to conform to the following standards:

1. The dredged materials disposal site has been approved by all relevant agencies.
2. Disposal of dredged materials shall be planned and carried out to avoid disruption to marine and wildlife habitats and water circulation.
3. Dredged materials suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable longshore current systems.
4. The disposal of dredged materials shall conform to the most recently approved dredging requirements promulgated or adopted by the State or Regional Water Quality Control Board.

[Adapted from Unit II Diking, Filling and Dredging Policy 4, p. 137]

C-BIO-19 Wetland Buffers. Consistent with Policy C-BIO-3.1 (ESHA Buffers), maintain a buffer area, a minimum of 100 feet in width, in a natural condition along the periphery of all wetlands. A wider buffer may be required based on the results of a site assessment that evidences that a buffer greater than 100 feet in width is necessary to protect wetland resources from the impacts of the proposed development, including construction and post-construction impacts. No development shall be permitted within the wetland buffer, unless such development is authorized by C-BIO-2 (ESHA Protection), C-BIO-14 (Wetlands), C-BIO-15 (Diking, Filling, Draining and Dredging), or C-BIO-20 (Wetland Buffer Adjustments).
[Adapted from Unit I Lagoon Protection Policy 18, p. 28, and Unit II Natural Resources Policy 4.d, p. 74]

C-BIO-20 Wetland Buffer Adjustments and Exceptions.

1. A buffer adjustment to less than 100 feet may be considered only if it conforms with zoning and:
   - **a.** It is proposed on a legal lot of record located entirely within the buffer; or
   - **b.** It is demonstrated that permitted development cannot be feasibly accommodated entirely outside the required buffer; or
   - **c.** It is demonstrated that the permitted development outside the buffer would have greater impact on the wetland and the continuance of its habitat than development within the buffer; or
   - **d.** The wetland was constructed out of dry land for the treatment, conveyance or storage of water, its construction was authorized by a coastal permit (or pre-dated coastal permit requirements), it has no habitat value, and it does not affect natural wetlands.

2. A buffer adjustment may be granted only if supported by the findings of a site assessment which demonstrate that the adjusted buffer, in combination with incorporated siting, design or other mitigation measures, will prevent impacts that significantly degrade the wetland and will be compatible with the continuance of the wetland ESHA.

3. A Coastal Permit authorizing a buffer adjustment shall require measures that create a net environmental improvement over existing conditions, in addition to what is otherwise required by minimum applicable site development standards. Such measures shall be commensurate with the nature and scope of the project and shall be determined at the site level, supported by the findings of a site assessment or other technical document. Work required in accordance with this Policy shall be completed prior to occupancy. Appropriate measures may include but are not limited to:

   - **a.** Retrofitting existing improvements or implementing new measures to reduce the rate or volume of stormwater run-off and improve the quality of stormwater run-off (e.g., use of

permeable "hardscape" materials and landscape or site features designed to capture, absorb and filter stormwater; etc.);

b. Elimination of on-site invasive species;

c. Increasing native vegetation cover (e.g., expand continuous vegetation cover, reduce turf areas, provide native groundcover, shrubs and trees; etc.);

d. Reduction in water consumption for irrigation (e.g., use of drought-tolerant landscaping or high efficiency irrigation systems, etc.); and

e. Other measures that reduce overall similar site-related environmental impacts.

4~~1~~. The buffer shall not be adjusted to a distance of less than 50 feet in width fron the edge of the wetland.

[New policy, 2015]

C-BIO-21 Wetland Impact Mitigation. Where any dike and fill development is permitted in wetlands in conformity with this section, require mitigation measures to include, at a minimum, either acquisition of required areas of equal or greater biological productivity or opening up equivalent areas to tidal action; provided, however, that if no appropriate restoration site is available, an in-lieu fee sufficient to provide an area of equivalent productive value or surface areas shall be dedicated to an appropriate public agency, or such replacement site shall be purchased before the dike or fill development may proceed. A minimum ratio of 2:1 in area is required for on-site mitigation, a minimum ratio of 3:1 is required for off-site mitigation, and a minimum ratio of 4:1 is required for an in-lieu fee. Mitigations shall meet the following criteria:

1. No net losses shall occur in wetland acreage, functions, or values. This includes both direct impacts on wetlands and essential buffers, and consideration of potential indirect effects of development due to changes in available surface water and nonpoint water quality degradation. Detailed review of the adequacy of a proposed mitigation plan shall be performed as part of any environmental and permit review of the proposed development project to allow for a thorough evaluation of the anticipated loss, as well as the replacement acreage, functions, and values.

2. Restoration of degraded wetlands is generally preferred to creation of new replacement wetlands, due to the greater likelihood of success.

3. Mitigation shall be implemented prior to and/or concurrently with the project activity causing the potential adverse impact to minimize any short-term loss and modification to wetlands.

4. An area of adjacent upland habitat shall be protected to provide an adequate buffer for wetland functions and values. Development shall be set back the minimum distance specified in Policy C-BIO-19 (Wetland Buffers) to create this buffer, unless an adjustment is allowed and appropriate mitigation is provided where necessary, pursuant to Policy C-BIO-20 (Wetland Buffer Adjustments).

5. Mitigation sites shall be permanently protected and managed for open space and wildlife habitat purposes.

6. Mitigation projects must to the extent feasible minimize the need for ongoing maintenance and operational manipulation (e.g., dredging, artificial water-level controls, etc.) to ensure long-term success. Self-sustaining projects with minimal maintenance requirements constitute the primary objective and are encouraged.

7. All plans to mitigate or minimize adverse impacts to wetland environments shall include provisions to monitor the success of the restoration project. The measures taken to avoid adverse impacts may be modified if the original plans prove unsuccessful. Performance bonds shall be required for all mitigation plans involving habitat creation or enhancement, including the cost of monitoring for at least five years post-completion, or as long as necessary to ensure success criteria are achieved.

8. Mitigation must be commensurate with adverse impacts of the wetland alteration and consist of providing similar values and greater wetland acreage than those of the wetland area adversely affected. All restored or created wetlands shall be provided at the minimum replacement ratio specified in this Policy (C-BIO-21) and shall have the same or increased habitat values as the wetland proposed to be impacted.

Such mitigation measures shall not be required for temporary or short-term fill or diking; provided that a bond or other evidence of financial responsibility is provided to assure that restoration will be accomplished in the shortest period of time not to exceed 12 months.
[New policy, 2015]

C-BIO-22 Tomales Bay Shoreline. As part of the application for a coastal permit on any parcel adjacent to Tomales Bay, except where there is no evidence of wetlands, require the applicant to submit supplemental biological information prepared by a qualified biologist at a scale sufficient to identify the extent of the existing wetlands, based on Section 30121 of the Coastal Act and the area of the proposed buffer areas.
[Adapted from Unit II Natural Resources Policy 4.e, p. 74]

C-BIO-23 Marine Resources. Maintain, enhance, and, where feasible, restore marine resources. Provide special protection to areas and species of special biological or economic significance. Carry out uses of the marine environment in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.
[New policy, 2015]

C-BIO-24 Coastal Streams and Riparian Vegetation.

1. Stream alterations. Limit channelizations, diversions, dams, or similar substantial alterations of coastal streams to the following purposes:

   a. Necessary water supply projects where no other less environmentally damaging method of water supply is feasible;

   b. Flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development; or

   c. Developments where the primary function is the improvement of fish and wildlife habitat.

   Before any such substantial alterations that would significantly disrupt the habitat value of a stream are permitted, minimum flows necessary to maintain fish habitat and water quality, and to protect downstream resources (e.g. riparian vegetation, groundwater recharge areas, receiving

waters, spawning habitats, etc.) and downstream users shall be determined by the Department of Fish and Wildlife and the Division of Water Rights of the State Water Resources Control Board. Prohibit new impoundments which, individually or cumulatively, would decrease streamflows below the minimum.

2. Access and Utility Crossings. Access and utility crossings shall be accomplished by clear span bridging, unless other methods are determined to be less disruptive to the stream and/or riparian ESHA. Wherever possible, shared bridges or other crossings shall be used to provide access and utilities to groups of lots covered by this policy. Bridge abutments shall be located outside stream channels and designed to minimize disturbance of riparian vegetation.
3. Conditions. Minimize the alteration of streams allowed for the purposes listed in (1) and (2) above in order to protect streamwater quality and the volume and rate of streamflow. Require all developments to incorporate the best mitigation measures feasible, including erosion and runoff control measures, and re-vegetation of disturbed areas with native species. Minimize the disturbance of riparian vegetation and require revegetation.

[Adapted from Unit I Stream Protection Policies 1 and 2, p. 19, and Unit II Natural Resources Policy 3, p. 72]

C-BIO-"TBD" Coastal Stream and Riparian Vegetation Buffers. Consistent with Policy C-BIO-3.1 (ESHA Buffers), establish buffers to protect streams from the impacts of adjacent uses including development impacts from construction and post-construction activities, and maintain such buffers in a natural condition. The buffer shall be the wider of the following on both sides of the stream: (a) the area 50 feet landward from the outer edge of the riparian vegetation, or (b) the area 100 feet landward from the top of the stream banks, or (c) as recommended by the biological site assessment per C-BIO-2. No development shall be permitted in the stream or riparian vegetation buffer unless such development is authorized by C-BIO-2 (ESHA Protection), C-BIO-24 (Coastal Streams and Riparian Vegetation) or C-BIO-25 (Stream and Riparian Buffer Adjustments).
[Adapted from Unit I Stream Protection Policy 3, p. 19, and Unit II Natural Resources Policy 3, p. 72]

C-BIO-25 Stream Buffer Adjustments and Exceptions.

1. A buffer adjustment to less than that required by C-BI0-TBD may be considered only if it conforms with zoning and:
   - **a.** It is proposed on a legal lot of record located entirely within the buffer; or
   - **b.** It is demonstrated that permitted development cannot be feasibly accommodated entirely outside the required buffer; or
   - **c.** It is demonstrated that the permitted development outside the buffer would have greater impact on the stream or riparian ESHA and the continuance of its habitat than development within the buffer.
2. A buffer adjustment may be granted only if supported by the findings of a site assessment which demonstrate that the adjusted buffer, in combination with incorporated siting, design or other mitigation measures, will prevent impacts that significantly degrade the stream or riparian vegetation, and will be compatible with the continuance of the stream/riparian ESHA.
3. A Coastal Permit authorizing a buffer adjustment shall require measures that create a net environmental improvement over existing conditions, in addition to what is otherwise required by minimum applicable site development standards. Such measures shall be commensurate with the nature and scope of the project and shall be determined at the site level, supported by the findings of a site assessment or other technical document. Work required in accordance with this Policy shall be completed prior to occupancy. Appropriate measures may include but are not limited to:
   - **a.** Retrofitting existing improvements or implementing new measures to reduce the rate or volume of stormwater run-off and improve the quality of stormwater run-off (e.g.,

permeable "hardscape" materials and landscape or site features designed to capture, absorb and filter stormwater);

b. Elimination of on-site invasive species;

c. Increasing native vegetation cover (e.g., expand continuous riparian vegetation cover; reduce turf areas; provide native groundcover, shrubs and trees; etc.);

d. Improvement of streambank or in-stream conditions (e.g., remove hard bank armoring, slope back streambanks, create inset floodplains, install large woody debris structures, etc.), in order to restore habitat and more natural stream conditions;

e. Reduction in water consumption for irrigation (e.g., use of drought-tolerant landscaping or high efficiency irrigation systems, etc.);

f. Other measures that reduce overall similar site-related environmental impacts.

4. The buffer shall not be adjusted to a distance of less than 50 feet in width from the edge of the stream/riparian ESHA.

[Adapted from Unit I Stream Protection Policy 4, p. 19]

C-BIO-26 Diversions Outside the Coastal Zone. Require that the impacts from diversion projects, especially on the two major tributaries to Tomales Bay, Walker and Lagunitas Creeks, be fully studied through the CEQA and coastal permit process before they are permitted to proceed and in all cases, require mitigation and enhancement measures to ensure that coastal resources influenced by freshwater inflows are not significantly damaged.
[Adapted from Unit II Natural Resources Policy 3.e, p. 73]

C-BIO-27 Federal Projects. Federal projects which require the modification or alteration of natural resources shall be evaluated by the Coastal Commission through the consistency review process.
[Adapted from Unit II Federal Parklands Policy 3, p. 61]

C-BIO-28 California Parks and Recreation. Support and encourage the environmental conservation, land and easement acquisition, and habitat restoration efforts of the California Department of Parks and Recreation.
[New policy, 2015]

C-BIO-29 Marin County Parks. Support and encourage the environmental conservation, land and easement acquisition, and habitat restoration efforts of the Marin County Parks Department. In particular, conservation activities related to beach areas, lagoons, wetlands, streams, existing and potential boat launching sites, recreational areas, and Tomales Bay and its shoreline are considered a high priority in the Coastal Zone.
[New policy, 2015]

Environmental Hazards (EH)

Background

Marin County's shoreline, like all of California's coast, is a highly dynamic place. The coast is subject to forces that include shoreline erosion, storms and waves, long-term sea level rise, tsunamis, and potential seismic events, all of which represent hazards for existing and new development (see Maps 9 – 15). Coastal zone development, whether located at sea level, on a bluff, or farther inland, is vulnerable to one or more of these hazards.

Significant portions of California's coastline have been armored with rock revetments, seawalls, or other shoreline protective devices. Marin County's shoreline includes relatively few such devices, but shoreline armoring is not absent from the County's coastal zone. Although shoreline protective devices may offer protection to existing homes and other structures from ocean waves and storms, the devices can have negative impacts on recreational beach uses, scenic resources, and the natural supply of sand to other shoreline areas.

Sea level rise is expected to lead to increased erosion, loss of coastal wetlands, permanent or periodic inundation of low-lying areas, increase in coastal flooding, and salt water intrusion into stormwater systems and aquifers. Structures located along bluffs susceptible to erosion and in areas that already flood during high tides will likely experience an increase in these hazards from accelerated sea level rise. Sea level rise also threatens the integrity of roads and other infrastructure (see Map 15 - Sea Level Rise).

Coastal Act policies provide that new development shall minimize risks to life and property in hazardous areas. Furthermore, new development shall assure stability and structural integrity and not create or contribute significantly to geologic instability or other hazards. Coastal Act policies recognize that

shoreline protective devices ~~are~~ can be appropriate in certain instances, to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion. Under the Coastal Act, such devices, when allowable, however, must be designed to eliminate or mitigate adverse impacts on local shoreline sand supply.

Local Coastal Program (LCP) policies would enhance the safety of residents and visitors in potentially hazardous areas, while allowing carefully designed and sited development to proceed. The LCP acknowledges the threat of sea level rise and supports appropriate responses, while recognizing that sea level rise is a global rather than a purely local issue. The impacts of sea level rise will vary according to local factors, such as shoreline characteristics, land movement driven by plate tectonics, and local wind patterns. Strategies to reduce impacts are most appropriately designed and implemented at the local level.

Policies

C-EH-1 Safety of New Development. Ensure that risks to life are minimized and that new development is safe from, and does not contribute to, geologic, sea level rise, or other hazards. ~~for a period of at least 50 years *100 y ears.*~~
[Adapted from Unit II New Development and Land Use Policy 5.a, p. 207]

C-EH-~~3~~2 Applicant's Assumption and Disclosure of Risk. As a condition of coastal permit approval for development in hazardous areas, require the applicant to record a document: ~~*exempting the County from liability for any personal or property damage caused by geologic or other hazards on such properties and acknowledging that future shoreline protective devices to protect structures authorized by such coastal permit are prohibited.*~~

1. Acknowledging that the site is subject to coastal hazards which may include coastal erosion, shoreline retreat, flooding, and other geologic hazards;
2. Acknowledging that future shoreline protective devices to protect authorized structures are prohibited;
3. Acknowledging that public funds may be insufficient or unavailable to remedy damage to public roadways, infrastructure, and other facilities resulting from natural events such as sea level rise and bluff erosion;
4. Acknowledging that Housing Code provisions prohibit the occupancy of structures where sewage disposal or water systems are rendered inoperable; and
5. Assuming all risks and waiving any claim of damamge or liability against the County for personal or property damage resulting from such coastal hazards.

The recorded document shall also disclose potential vulnerability of the development site to long term sea level rise by incorporating the County's 100 year time frame sea level rise hazard map for the subject property and surrounding area, where applicable.
[Adapted from Unit I Shoreline Protection and Hazard Policy 4, p. 41, and Unit II New Development and Land Use Policy 5.a, p. 207]

C-EH-3 Flood Hazards. Require applicants for development in flood hazard areas to demonstrate that:

1. The development will comply with construction standards contained in Chapter 23.09 (Floodplain Management);
2. The minimum floor elevation of development incorporates additional freeboard to accommodate potential sea level rise as provided for by Policy C-EH-8 (Miminum Floor Elevations in Flood Hazard Areas);
3. The development will not create a hazard or diminish the stability of the area; and
4. Shoreline development, conforms to Policy C-EH-5.B.

Flood hazard areas are defined as: 1) those areas shown on Federal Emergency Management Agency (FEMA) "Flood Insurance Rate Maps" (FIRM) and "Flood Boundary Water Maps" for Marin Couny which have been determined to be subject to flooding from a flood which has a one percent chance of occurrence in any one year (further designated as Zone A, AO, A1-30, AE, A99, AH, VO, V1-V30, VE, or V); and 2) those areas potentially inundated by sea level rise as shown on "Potential Sea Level Rise Maps" prepared and adopted by the County of Marin.

To minimize risks to life and property, and assure stability and structural integrity of existing structures, modifications of such structures consistent with this Policy shall be facilitated by application of Coastal Permit Exemptions, Categorical Exclusions, and Coastal Permits. Raising the structure as provided in Policies C-EH-5, 8, and 9 and limiting the height to that required to provide for BFE and/or sea level rise elevation shall be deemed sufficient to comply with coastal hazard, public view, community character and related provisions of the LCP.
[New policy, 2016]

C-EH-4 ~~*Seismic*~~ Geologic Hazards ~~*Standards*~~. Require applicants for development in areas potentially subject to geologic hazards (which include Alquist-Priolo earthquake hazard zones and areas subject to landslides, liquefaction, steep slopes averaging greater than 35%, and unstable slopes regardless of steepness) to evaluate the extent of those hazards and demonstrate that:

1. ~~*Require*~~ The development shall comply with ~~*to meet*~~ the seismic safety standards of the Alquist Priolo Act (Calif. Public Resources Code Section 2621. et seq.) and all applicable seismic provisions and criteria contained in the most recent version of State and County codes;
2. Development shall incorporate contruction and siting techniques to mitigate the geologic hazards identified above;
3. The development shall not create a hazard or diminish the stability of the area; and
4. Blufftop development, confirms to Policy C-EH-5.A.

[Adapted from Unit II New Development and Land Use Policy 5.a, p. 207]

C-EH-5 New Shoreline and Blufftop Development

A. **Blufftop Development.** Ensure that new blufftop development, ~~*including coastal redevelopment (see below) and additions to existing structures,*~~ is safe from ~~*shoreline/*~~bluff retreat and other coastal hazards without a reliance on shoreline protective devices. Except as provided for by Policies C-EH-7, C-EH-15, and C-EH-16~~*, and C-EH-19,*~~ new blufftop development shall be set back from the ~~*shoreline and*~~ bluff edge a sufficient distance to ensure its stability and structural integrity for a minimum of 100 years and to eliminate the need for shoreline protective devices. A coastal hazards analysis shall evaluate the effect of erosion, geologic and other hazards at the site to ensure ~~*its stability and*~~ structural integrity for a minimum of 100 years. The coastal hazards analysis shall include a quantitative slope stability analysis demonstrating a minimum factor of safety against sliding of 1.5 (static) or 1.2 (pseudostatic, k=0.15 or determined through analysis by the geotechnical

engineer). Safety and stability must be demonstrated for the predicted position of the ~~shoreline/~~bluff following ~~shoreline/~~bluff recession over at least 100 years. The predicted ~~shoreline/~~bluff position shall be evaluated considering not only historical ~~shoreline and~~ bluff retreat data, but also acceleration of ~~shoreline and~~ bluff retreat due to continued and accelerated sea level rise, and other climate impacts. according to potential sea level rise estimates prepared and adopted by the County of Marin for use in coastal hazards analyses. ~~best available science~~. ~~The effect of any existing shoreline protective devices shall not be factored into the required stability analysis~~.

~~B.~~ **Shoreline Development**. Ensure that new shoreline development (defined as development located in a VO, V1-V30, VE or V zone as mapped by the Federal Emergency Management Agency [FEMA]) ~~(including new development on vacant/undeveloped lots, additions to existing structures, and coastal redevelopment (see below)) shall be set back a sufficient distance from the shoreline to ensure stability and structural integrity~~ is safe from shoreline erosion and flooding hazards, taking into account 3 feet of projected sea level rise, ~~for a minimum of 100~~ 50 ~~years~~ without the need for new shoreline protective devices. ~~For coastal redevelopment, if there is insufficient space on a property to feasibly meet the setback requirements, then such development may meet the minimum 100-year stability and structural integrity requirement through setting back as far as feasible in tandem with~~ Allow the use of caisson/pier foundations and elevation (including if elevation of the structure is necessary to meet Federal Emergency Management Agency (FEMA) flood requirements. ~~) but no other type of shoreline protective device is allowed~~. Any approval for new shoreline development shall be accompanied by conditions necessary to achieve compliance with this policy ~~(e.g., appropriate provisions to ensure that all permitted development is relocated and/or removed before shoreline protection (other than caisson/pier foundations and elevation where allowed for redevelopment) is needed)~~. A ~~coastal~~ hazards analysis shall evaluate the effect of geologic and other hazards to ensure stability and structural integrity taking into account 3 feet of projected sea level rise, ~~for a minimum of 100~~ 50 ~~years and such analysis shall not factor in the presence of any existing shoreline protective devices~~. The ~~coastal~~ hazards analysis shall also evaluate the effect of the project over time on coastal resources. Where development consists solely of raising an existing structure to meet the Base Flood Elevation (BFE) established by FEMA and any additional elevation required by Policy C-EH-8, compliance with Policy C-EH-3 shall be deemed sufficient to comply with coastal hazard, public view, community character and related provisions of the LCP.

~~**including** in terms of protecting public access, shoreline dynamics, natural landforms, and public views, **including** as project impacts continue and/or change over time, **including** in response to sea-level rise), **including** in terms of not only the impacts associated with the elevated structure, but also in terms of the effects of related development, such as required ingress/egress to structures and the provision of services (e.g., water, wastewater, etc.)~~. ~~The provisions of this subsection allowing the use of caisson/pier foundations and elevation for shoreline redevelopment in certain circumstances shall apply until April 30, 2017 or until this subsection is amended, whichever occurs first. If a complete LCP amendment to amend this subsection is not submitted as of April 30, 2017 (including where subsequent withdrawal of such LCP amendment will deem it to have not been submitted), then shoreline redevelopment will no longer be allowed to meet minimum 100-year stability and structural integrity requirements through the use of caisson/pier foundations and elevation. The April 30, 2017 deadline may be extended for good cause by the Executive Director of the Coastal Commission.~~

~~C.~~ ~~**Coastal Redevelopment.** Coastal redevelopment must be found consistent with all applicable LCP policies. Coastal redevelopment is development that is located on top of bluffs or at or near the ocean-sand interface and/or at very low lying elevations along the shoreline that consists of alterations including (1) additions to an existing structure, (2) exterior and/or interior renovations,~~

~~*and/or (3) demolition of an existing bluff home or other principal structure, or portions thereof, which results in:*~~

~~*(1) Alteration of 50% or more of major structural components including exterior walls, floor and roof structure, and foundation, or a 50% increase in floor area. Alterations are not additive between individual major structural components; however, changes to individual major structural components are cumulative over time from the date of certification of the LUP.*~~

~~*(2) Demolition, renovation or replacement of less than 50% of a major structural component where the proposed alteration would result in cumulative alterations exceeding 50% or more of a major structural component, taking into consideration previous alterations approved on or after the date of certification of the LUP; or an alteration that constitutes less than 50% increase in floor area where the proposed alteration would result in a cumulative addition of greater than 50% of the floor area, taking into consideration previous additions approved on or after the date of certification of the LUP*~~.
[Adapted from Unit I Shoreline Protection and Hazard Policy 1, p. 40-41, and Unit II New Development and Land Use Policy 5.b, p. 207]

C-EH-6 Proper Drainage on Blufftop Parcels. Ensure that surface and subsurface drainage associated with development of any kind shall not contribute to the erosion of the bluff face or the stability of the bluff itself.
[Adapted from Unit II New Development and Land Use Policy 5.c, p. 208]

C-EH-7 New Structures on Bluff Faces. Prohibit structures on bluff faces, except for public access structures where no feasible alternative means of public access exists. Such structures shall be designed and constructed to be visually compatible with the surrounding area to the maximum extent feasible and to minimize effects on erosion of the bluff face.
[New policy, 2016]

C-EH-8 Minimum Floor Elevations in Flood Hazard Areas. For new development within Flood Hazard Areas as defined by Policy C-EH-3, the minimum elevation of construction shall incorporate additional height to accommodate potential sea level rise as follows:

1. Within flood hazard areas mapped by the Federal Emergency Management Agency (FEMA), additional elevation up to a maximum of three feet to accommodate identified sea level rise as depicted on "Potential Sea Level Rise Maps" prepared and adopted by the County of Marin, shall be added to the Base Flood Elevation (BFE) when establishing the minimum elevation required for proposed construction.

2. Within areas that are not within FEMA mapped flood zones but are shown as potentially inundated by sea level rise identified on "Potential Sea Level Rise Maps" prepared and adopted by the County of Marin, new development shall be constructed such that the lowest finished floor exceeds the highest natural elevation of the ground surface next to the proposed walls of the structure prior to construction (i.e., "highest adjacent grade") by an amount equal to or greater than the projected sea level rise as depicted on the above referenced maps.

[New policy, 2016]

C-EH-9 Maximum Building Heights in Flood Hazard Areas. For new development within Flood Hazard Areas as defined by Policy C-EH-3, the maximum allowable building height shall be 25 feet above grade, or 15 feet above the minimum floor elevation as required by Policy C-EH-8, whichever is greater (see Policy C-EH-11 for Maximum Building Heights within the Seadrift Subdivision) except:

Where development consists soley of raising an existing structure by the minimum amount necessary to meet the Base Flood Elevation (BFE) established by FEMA plus any additional elevation require by Policy C-EH-8:

1. A resulting building height of up to 30 feet above grade shall be deemed sufficient to comply with coastal hazard, public view, community character and related provisions of the LCP. Such Coastal Permits shall be subject to conditions of approval prohibiting future increases in the height, mass, and bulk of the structure.

2. A resulting building height which would exceed 30 feet above grade may only be permitted after an individual evaluation of conformance with public view, community character and related provisions of the LCP.

[New policy, 2016]

C-EH-11 Maximum Building Heights ~~*Minimum Floor Elevations*~~ in the Flood Velocity Zone at Seadrift. For new development within the Seadrift Subdivision located in the special flood hazard (V zone) as mapped by the Federal Emergency Management Agency, measure the maximum allowable building height of 15 feet from the minimum floor elevation required by Policy C-EH-8. ~~*the special flood hazard zone designation. Maximum allowable building heights shall protect community character and scenic resources.*~~
[New policy, 2016]

C-EH-12 Floor Elevations Requirements for Non-conforming ~~*Existing*~~ Buildings in Flood Hazard Areas ~~*Zones*~~. Within Flood Hazard Areas as defined by Policy C-EH-3, ~~*as mapped by the Federal Emergency Management Agency*~~, allow existing legal non-conforming buildings that are encroaching into a required yard setback to be raised consistent with Policy C-EH-8 ~~*above the base flood elevation*~~ without the need for a variance to setback requirements, as long as ~~*the finished floor is not more than 18 inches above the base flood elevation and*~~ the extent of the encroachment is not expanded. ~~*Maximum allowable building heights shall protect community character and scenic resources.*~~
[New policy, 2016]

> ~~**Program C-EH-12.a Address Tsunami Potential.** *Review tsunami wave run-up and inundation maps, when available, along with other applicable information to be considered in coastal planning and development.*~~

C-EH-13 Shoreline Protective Devices. Discourage shoreline protective devices in the Coastal Zone, including encouraging their removal and site restoration where feasible, due to their coastal resource impacts (including visual impacts, obstruction of public access, interference with natural shoreline processes and water circulation, and effects on marine habitats and water quality)

Allow the construction, reconstruction, expansion, and/or replacement of a shoreline protective device, including revetments, breakwaters, groins, seawalls, bluff retention devices, deep piers/caissons, (deep piers/caissons are not considered to be a shoreline protective device when they are designed and used for architectural foundations and not for erosion protection or to prevent beach retreat) or other artificial structures for coastal erosion control and hazards protection, only if each of the following criteria is met:

1. The shoreline protective device is required to serve a coastal-dependent use or to protect a principal structure, residence, or second residential unit in existence prior to the adoption of the Local Coastal Program (May 13, 1982) or a public beach in danger from erosion.
2. No other non-structural alternative, such as sand replenishment, beach nourishment, or managed retreat is feasible, and the device is the least environmentally damaging feasible alternative.
3. It can be shown that a shoreline protective device will successfully eliminate or mitigate its effects on local shoreline sand supply and that the device will not adversely affect adjacent or other sections of the shoreline.
4. The shoreline protective device will not be located in wetlands or other significant resource or habitat area, and will not cause significant adverse impacts to fish or wildlife.
5. There will be no reduction in public access, use, or enjoyment of the natural shoreline environment, and construction of a shoreline protective device will preserve or provide access to related public recreational lands or facilities.
6. The shoreline protective device will not restrict navigation, mariculture, or other coastal use and will not create a hazard in the area in which it is built.
7. For existing shoreline protective devices that are being reconstructed, expanded, and/or replaced, the coastal permit application shall include a re-assessment of the need for the device, the need for any repair or maintenance of the device, and the potential for removal based on changed conditions. The coastal permit application shall at a minimum include an evaluation of: the age and condition of the existing principal structure being protected; changed geologic site conditions including but not limited to changes relative to sea level rise; and impacts to coastal resources, including but not limited to public access and recreation.
8. The shoreline protective device shall only be authorized for a specified time period depending on the nature of the project and other possible changing conditions. Maintenance beyond the specified time period, modification, or expansion of the approved device shall require approval of an amendment to the Coastal Permit. ~~*until the time when the existing structure that is protected by such a device: 1) is no longer present; 2) no longer requires armoring; or 3) is redeveloped (i.e. coastal redevelopment pursuant to C-EH 5).*~~

    a. ~~*The permittee is required to submit a coastal permit application to remove the authorized shoreline protective device within six months of a determination that the shoreline protective device is no longer authorized to protect the structure it was designed to protect because the structure is no longer present or no longer requires armoring. In the case of coastal redevelopment, removal of the authorized shoreline protective device shall be required prior to construction of the redeveloped structure.*~~

9. Shoreline protective devices shall be required to mitigate impacts to shoreline sand supply, public access and recreation, and any other relevant coastal resource impacts in 20-year increments, starting with the building permit completion certification date. Permittees shall apply for a coastal permit amendment prior to expiration of each 20-year mitigation period, proposing mitigation for coastal resource impacts associated with retention of the shoreline protective device beyond the preceding 20-year mitigation period, and such application shall include consideration of alternative feasible mitigation measures in which the permittee can modify the shoreline protective device to lessen its impacts on coastal resources.
10. The shoreline protective device shall be regularly monitored by an engineer or engineering geologist familiar and experienced with coastal structures and processes. Monitoring reports to the County and the Coastal Commission shall be required every five years from the date of

coastal permit issuance until coastal permit expiration, which shall evaluate whether or not the shoreline protective device is still required to protect the existing structure it was designed to protect.

[Adapted from Unit I Shoreline Protection and Hazard Policy 5, p. 42, and Unit II Shoreline Structures Policies 1 and 2, p. 132]

C-EH-14 Design Standards for the Construction of Shoreline Protective Devices. Ensure that the design and construction of any shoreline protective device shall:

1. Be sited, designed, and treated to blend in visually with the natural shoreline;
2. Respect and integrate into natural landforms to the greatest degree possible;
3. Include mitigation measures to offset any impacts on fish and wildlife resources caused by the project;
4. Minimize and mitigate for the impairment and interference with shoreline sand supply and the circulation of coastal waters;
5. Address the geologic hazards presented by construction in or near Alquist-Priolo earthquake hazard zones;
6. Protect, and enhance where feasible, public recreational access as much as possible, including by minimizing the displacement of beach; and
7. If necessary, be combined with efforts to control erosion from surface and groundwater flows.

[Adapted from Unit II Shoreline Structures Policy 5, p. 133]

C-EH-15 ~~*Minor*~~ Accessory Structures in Hazardous Areas. ~~*Minor accessory structures, which are structures that do not require structural foundations, such as decks, patios, and walkways (and not including structures such as guesthouses, pools, tennis courts, cabanas, and septic systems, etc.) may be allowed within the shoreline/blufftop setback established by C-EH-5 provided they meet all of the following criteria*~~ In areas subject to shoreline and/or blufftop erosion per Policy C-EH-5, accessory structures, including patios and gazebos, may be allowed provided they meet all of the following criteria :

1. Such accessory structures shall only be allowed if consistent with all other applicable LCP policies.
2. Such accessory structures shall be sited and designed to be easily relocatable and/or removable without significant damage to shoreline and/or bluff areas, and shall be sited no closer than 5 feet from the blufftop edge.
3. Such accessory structures shall be relocated and/or removed and affected areas restored to natural conditions when threatened by erosion, geologic instability, or other coastal hazards, including as determined by Marin County.
4. No shoreline protective device will be allowed for the purpose of protecting such accessory structure(s).

[New policy, 2016]

C-EH-16 Shoreline Public Access Facilities in Hazardous Areas. Shoreline and bluff area public access facilities, including walkways, overlooks, stairways and/or ramps, may be allowed within the shoreline/blufftop setback established by C-EH-5 provided they meet all of the following criteria:

1. Such public access facilities shall only be allowed if consistent with all other applicable LCP policies.

2. Such public access facilities shall be sited and designed to be easily relocatable and/or removable without significant damage to shoreline and/or bluff areas.
3. Such public access facilities shall only be allowed when they will not cause, expand, or accelerate instability of a bluff.

[New policy, 2016]

C-EH-17 Creation of New Parcels of Land that Would Require Protection Against Coastal Erosion and Other Hazards. Prohibit the division of land near the shoreline, including along the shoreline and bluffs, and including abutting the ocean, bays, lagoons, or other coastal water bodies, unless the new or reconfigured parcels can be developed safe from geologic and other hazards for a minimum of 100 years, and unless shoreline protective devices are prohibited to protect development on the resultant parcels.
[New policy, 2016]

C-EH-18 Re-Establishment of Dunes in Conjunction with Shoreline Protective Devices. To minimize visual and shoreline sand supply impacts, require that any permit granted to construct a shoreline protective device shall include the re-establishment of the former dune contour and appearance, where feasible.
[Adapted from Unit I Shoreline Protection and Hazard Policy 6, p. 42]

C-EH-19 Maintenance Needs for the Shoreline Protective Device at Seadrift. Refer inquiries regarding permit requirements for maintenance of the rock revetment as permitted by Coastal Commission permit #A-1-MAR-87-235-A issued August 31, 1994 to the Coastal Commission. (For more information, see the Seadrift settlement agreement in Appendix 9.)
[New policy, 2016]

C-EH-20 Advance Planning for Emergency Shoreline Protection Needs. Encourage property owners subject to ocean-front erosion hazards to develop responses to such hazards prior to emergency conditions. Where contiguous properties are subject to generally similar erosion hazards, joint program development should occur.
[Adapted from Unit I Shoreline Protection and Hazard Policy 8, p. 42. This policy also carries forward the concept of Unit I Shoreline Protection and Hazard Policy 7, p. 42]

C-EH-21 Emergency Shoreline Protective Devices in County Coastal Permit Jurisdiction. Upon receipt of a request for an emergency shoreline protective device within the County's coastal permit jurisdiction, notify the Coastal Commission. Approve emergency shoreline protective devices on a temporary basis only and require removal of the structure unless a regular coastal permit is approved for retention of the structure. A complete coastal permit application must be submitted within 60 days following construction of the shoreline protective device. If dunes are present on the project site, require that re-establishment of the former dune contour and appearance shall occur within 60 days following construction of a shoreline protective device.
[Adapted from Unit I Shoreline Protection and Hazard Policy 9, p. 43]

C-EH-22 Sea Level Rise and Marin's Coast. The County shall consider t~~T~~he best available and most recent scientific information with respect to the effects of long-range sea level rise when establishing sea level rise maps, scenarios, and assumptions for use in ~~*shall be considered in the preparation of findings and recommendations for all*~~ geologic, geotechnical, hydrologic and engineering investigations, including the coastal hazards analysis identified in C-EH-5. Support scientific studies that increase and refine the body of knowledge regarding potential sea level rise in Marin, and possible

responses to it. LCP Policies related to sea level rise (including C-EH-2, 3, 5, 8, 9, 11, 12, 13, 15, 17, and 22) shall be reevaluated and modified and readopted, as necessary, through an LCP Amendment in 2026. *[New policy, 2016]*

Program C-EH-22.a Research and Respond to the Impacts of Sea Level Rise on Marin County's Coastal Zone Shoreline.

1. Building upon the C-SMART Vulnerability Assessment, c~~C~~ontinue to gather information on the effects of sea level rise on Marin County's Coastal Zone shoreline, including identifying the most vulnerable areas, structures, facilities, and resources; specifically areas with priority uses such as public access and recreation resources, including the California Coastal Trail, Highway 1, significant ESHA such as wetlands or wetland restoration areas, open space areas where future wetland migration would be possible, and existing and planned sites for critical infrastructure.

Updates to the ~~*Any*~~ vulnerability assessment shall use best available science and multiple scenarios including best available scientific estimates of expected sea level rise, such as by the Ocean Protection Council [e.g. 2011 OPC Guidance on Sea Level Rise], Nation Research Council, Intergovernmental Panel on Climate Change, and the West Coast Governors Association.

2. **Update potential Sea Level Rise Maps (referenced in Policy C-EH-8).** Modify the current and future hazard areas every five years or as necessary to allow for the incorporation of new sea level rise science, monitoring results, and information on coastal conditions.

3. **Research the potential for relocation of existing or planned development to safer locations**. Explore the feasibility of a managed retreat program, which may involve protecting vacant land through zoning or conservation easements and/or removing development from areas vulnerable to sea level rise and restoring those areas to a natural state for open space or recreation. Identify potential mechanisms and incentives for implementation, which may include:

   a. Acquire vacant vulnerable properties.

   b. Acquire developed vulnerable properties before damage occurs.

   c. Acquire developed vulnerable properties only after significant damage by storms or high tides.

   d. Explore the feasibility of a public parkland exchange programs that encourage landowners to move out of hazardous areas.

   e. Identify and make available (eg. through rezoning) land outside the hazard areas to allow owners of vulnerable properties to relocate nearby.

   f. Explore Transferable Development Credit programs.

   g. Explore possibility of amortization of homes in coastal hazard areas.

Work with entities that plan or operate infrastructure, such as Caltrans and PG&E, to plan for potential realignment of public infrastructure impacted by sea level rise, with emphasis on critical accessways including affected segments of Shoreline Highway and Sir Francis Drake Boulevard.

4. **Support efforts to monitor sea level rise impacts to natural resources and ESHA**, including Bolinas Lagoon, Tomales Bay, Esteros San Antonio and Americano and other wetland areas; and Lagunitas, Walker, Estero Americano, Dillon, Stemple and other creeks; rocky intertidal areas, beaches and other habitat types vulnerable to sea level rise. Collaborate with Greater Farallones National Marine Sanctuary (GFNMS), Tomales Bay Watershed Council and other local, regional, state and federal entities to establish monitoring methods and track the effects of sea level rise.

5. **Promote green infrastructure pilot projects** (horizontal levees, dune restoration, etc.) with environmental benefits that may help protect assets from sea level rise and increased storm surges. Study and monitor such projects over time and share lessons learned with other jurisdictions.

6. **Update standards for ESHA buffers and setbacks to account for sea level rise**, based on the best available science and considering the effects of shoreline development on landward migration of wetlands.

7. **Design Alternatives to Elevating Structures**. Support efforts to develop and implement innovative design alternatives that reduce or eliminate flood damage, especially those which would qualify through FEMA as acceptable alternatives to elevation under the National Flood Insurance Program (NFIP). Encourage homeowners to implement voluntary floodproofing measures in conjunction with development that is not required to be elevated.

~~*2. Based on information gathered over time, propose additional policies and other actions for inclusion in the LCP in order to address the impacts of sea level rise. As applicable, recommendations may include such actions as:*~~

~~***a.** relocation of existing or planned development to safer locations, working with entities that plan or operate infrastructure, such as Caltrans;*~~

~~***b.** changes to LCP land uses, and siting and design standards for new development, to avoid and minimize risks;*~~

~~***c.** changes to standards for wetland, ESHA, and stream buffers and setbacks;*~~

~~***d.** changes to standards for erosion rates;*~~

~~***e.** modifications to the LCP Access Component to ensure long-term protection of the function and connectivity of existing public access and recreation resources; and*~~

~~***f.** modifications to the Regional Transportation Plan.*~~

[New program, 2016]

Program C-EH-22.b ~~***Study***~~ ***Periodically Update*** ***Retreat*** ***Analysis***. ~~*The County shall seek funds for a study to identify threats of bluff shoreline retreat, including bluff retreat, taking into account accelerated sea level rise*~~. Analysis of increased erosion potential and shoreline retreat due to sea level rise is included in the Marin Ocean Coast Vulnerability Assessment. The coastal erosion hazard maps present the results of models that predict the geomorphic evolution of cliffs, beaches, marshes, Easkoot Creek flooding and FEMA flood hazards. Update the shoreline retreat analysis every 5 years or as needed.
[New program, 2016]

C-EH-23 New Development and Fire Safety. Coastal Permit applications shall demonstrate that the development meets all applicable fire safety standards. Site and design new development to minimize required initial and future fuel modification and brush clearance in general, and to avoid such activities within ESHA and ESHA buffers on site and on neighboring property, including parkland.
[Adapted from Unit II Public Services Policy 2.f., p. 189]

C-EH-24 Permit Exemption for Replacement of Structures Destroyed by Disaster. Exempt from the requirement for a coastal permit the replacement of any structure, other than a public works facility, destroyed by a disaster, if the replacement structure:

1. Conforms to applicable existing zoning requirements;
2. Is for the same use as the destroyed structure;
3. Does not exceed the floor area of the destroyed structure by more than 10 percent or 500 square feet, whichever is less, or the height or bulk of the destroyed structure by more than 10 percent (the applicant must provide proof of pre-existing height and bulk); and
4. Is sited in the same location on the affected property as the destroyed structure.

[Adapted from Unit II New Development and Land Use Policy 8.f910, p. 216]

C-EH-25 Existing Development and Fire Safety. Removal of major vegetation around existing development for fire safety purposes shall ~~*only*~~ be allowed with a coastal permit waiver upon a finding that fuel modification and brush clearance techniques are required in accordance with applicable fire safety regulations and are being carried out in a manner which reduces impacts to the maximum feasible extent. In addition to the foregoing requirements, removal of ~~*major vegetation that constitutes*~~ ESHA, ~~*or is in an ESHA*~~, or is in an ESHA buffer, shall only be allowed for fire safety purposes if there are no other feasible alternatives for achieving compliance with required fire safety regulations and all ESHA and related impacts are mitigated ~~*as near as possible to the impact area and*~~ in a manner that leads to no net loss of ESHA resource value.
[New policy, 2016]

Mariculture (MAR)

Background

Mariculture represents an important economic activity in the Marin County Coastal Zone, and its products such as oysters and other shellfish provide an important source of protein. Locally raised shellfish, along with local agricultural products, draw visitors to the area and makes the Coastal Zone a more desirable place to live and visit. Oyster farms in Marin County are abundant and expansive, providing local jobs and acting as a major source of local food production. Mariculture exists as a vital component of the Coastal Zone community, as an essential element in local food production and a significant provider of visitor-serving uses, and should thus be protected and supported to ensure its continued vitality.

There is increasing interest in sustainable food production methods in California and beyond, including mariculture operations. The use of coastal waters for food production also heightens interest in protecting the quality of coastal waters, because healthy shellfish depend in part on unpolluted waters. According to the California Department of Fish and Game, Drakes Estero and Tomales Bay are among California's leading mariculture settings. Although the shucked weight of oysters raised has fluctuated widely over past decades, their dollar value has climbed steadily, reflecting increased consumer interest in oysters produced for the half-shell trade rather than shucked and jarred product.[1]

Coastal Act policies place a high priority on coastal-dependent land uses such as aquaculture, and protect oceanfront lands suitable for such uses. Aquaculture facilities that require diking, filling, or dredging of coastal waters are allowed under Coastal Act policies, which in general strictly limit such activities. In cases where such activities are allowed, they are required to be carried out in a way that minimizes or avoids potentially harmful impacts.

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[1] California Department of Fish and Game (2008). *Marine Status Report.* Retrieved from http://www.dfg.ca.gov/marine/status/report2008/entire.pdf

LCP policies support food production, including mariculture, while protecting other resources such as wildlife, water quality, and visual resources. Because existing mariculture operations in Marin County take place in submerged areas that are under the permit jurisdiction of agencies such as the Coastal Commission and the Department of Fish and Game, the LCP emphasizes general support for mariculture, while avoiding site-specific policy provisions.

Policies

C-MAR-1 Support Mariculture. Support and encourage mariculture in the Coastal Zone for the purposes of producing food, enhancing and restoring fisheries stocks, and contributing to the economy of the state and Marin County, consistent with the protection of other priority uses, such as commercial fishing, coastal recreation~~al~~ such as clamming and boating, and the protection of marine biological resources, water quality, and visual resources. Support provision for onshore facilities necessary to support mariculture operations in coastal waters.
[Adapted from Unit II Mariculture Policy 1, p. 113]

C-MAR-3 Apply General Standards to Mariculture Operations. Marin County shall apply the following standards and procedures to all mariculture operations:

1. Protection of eelgrass beds. The siting of oyster allotments, mariculture leases, and mariculture structures shall avoid disturbance or damage to eelgrass beds.
2. Operator access. Public agencies should be encouraged to consider operator access to mariculture leaseholds.
3. Shoreline access. Mariculture operations and onshore support facilities shall incorporate provisions for public access to and along the shoreline unless such access would interfere with mariculture and the impacts from access cannot be mitigated to less than significant levels. In evaluating coastal permits for mariculture, the County shall consider the location of existing accessways and potential conflicts between mariculture and public use of the shoreline.
4. Boating access. The placement of structures within new or existing allotments and leases shall not interfere with public boating access at high tide to state lands within the leased areas. If boat passages are proposed, they shall be spaced at a minimum of one passage per 1/2 mile of shoreline.
5. Onshore support facilities. Applicants for a coastal permit shall specify what access points and onshore support facilities (e.g., boat launch, loading dock, etc.) are required for the proposed mariculture operation, where such facilities will be located, and the timing of use. If private lands will be used for access or support facilities, the applicant shall submit a written statement from

the property owner(s) agreeing to such use. If public lands will be used for access or support facilities, the applicant shall arrange a lease with the appropriate public agency specifying the type, location, and timing of use which is acceptable.

6. Visual impacts. Mariculture structures shall be sited and designed to minimize visual impacts, especially in areas which are highly visible from public roads, parks, or other public viewing areas.

[Adapted from Unit II Mariculture Policy 2, pp. 113-116]

Water Resources (WR)

Background

Coastal residents and visitors depend on healthy watersheds, as do wildlife and plant communities. Drinking water in the Marin County Coastal Zone comes from local springs, streams, and wells. Wildlife depends on uncontaminated water sources for healthy growth and reproduction. Coastal visitors provide significant economic benefits to coastal communities and are drawn by the unspoiled nature of the County's resources, including its lakes, streams, bays, and other waters (see Map 8 – Major Watersheds).

Past and present development practices and land uses have created adverse impacts to water quality and water resources. Tomales Bay, Walker Creek, and Lagunitas Creek have been designated by the State Water Resources Control Board as impaired water bodies, based on the presence of pollutants such as sediments and nutrients. Other pollutants, such as oil, grease, and heavy metals, are also present in the watersheds of the Coastal Zone. Land development and construction activities are key contributors to sedimentation and nutrient inputs to coastal waterways, and consequently land use regulations are an important way of reducing those pollutants. Furthermore, sewage disposal methods may contribute to nutrient loads in waterways, and parking and transportation facilities can contribute oil, grease, and heavy metals to coastal waters.

The predominant land use in the coastal zone is agriculture. Stormwater discharge from poorly managed grazing operations may contain pathogens, ammonia, salts, and excess sediment. The State and Regional Water Quality Control Boards regulate various aspects of agricultural wastewater management, and a variety of programs are available for ranchers to minimize impacts on water quality. The San Francisco Bay Regional Water Quality Control Board received a status report in June 2011 that shows that substantial progress was being made in implementation of the Tomales Bay Watershed Grazing Waiver. The Grazing Waiver implements the Tomales Bay pathogen Total Maximum Daily Load (TMDL) and the Walker Creek Mercury TMDL, adopted by the Regional Board, and the State Water Board's Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program. The goals of the Grazing Waiver are to improve and protect water quality and biological resources while promoting sustainable grazing. According to the report to the Regional Board, nearly all active grazing lands in the

Tomales Bay watershed are now covered by the Grazing Waiver. A partnership of entities in the watershed is providing valuable compliance assistance to the ranchers, and grant and contract funds have been awarded to assist the ranchers.

Upstream diversions, some of them outside the coastal zone, of coastal streams such as Lagunitas Creek have reduced vital freshwater inflows to both Tomales Bay and Bolinas Lagoon. Malfunctioning septic systems form a source of pollution for coastal waters.

The Coastal Act mandates protection and, where feasible, the restoration of biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health. In January 2000, the Coastal Commission, along with the State Water Resources Control Board, adopted the Nonpoint Source Program Strategy and Implementation Plan 1998-2013. The Plan states that nonpoint source pollution is the leading cause of water quality impairment in California and elsewhere in the nation, and that land use activities are a primary contributor to nonpoint source pollution in California. The Coastal Commission has emphasized the incorporation of land use measures into Local Coastal Programs to address the impacts of polluted runoff and to protect coastal water quality.

The Local Coastal Program (LCP) aims to improve the protection of coastal waters by addressing all phases of development, including design, construction, and post-construction maintenance of facilities. LCP policies incorporate the concept of Best Management Practices, in order to acknowledge continuing improvements in technology and development practices.

Policies

C-WR-1 Water Quality Protection and Biological Productivity. Monitor, protect, and enhance the quality of coastal waters for the benefit of natural communities, human health, recreational users, and the local economy. Maintain and, where feasible, restore the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health through means such as minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alterations of natural streams.
[New policy, 2015]

C-WR-2 Water Quality Impacts of Development Projects. Site and design development, including changes in use or intensity of use, to prevent, reduce, or remove pollutant discharges and to minimize increases in stormwater runoff volume and rate to prevent adverse impacts to coastal waters to the maximum extent practicable. All coastal permits, for both new development and modifications to existing development, and including those for developments covered by the current National Pollutant Discharge Elimination System (NPDES) Phase II permit, shall be subject to this review. Where required by the nature and extent of a proposed project and where deemed appropriate by County staff, a project subject to this review shall have a plan which addresses both temporary (during construction) and permanent (post-construction) measures to control erosion and sedimentation, to reduce or prevent pollutants from entering storm drains, drainage systems and watercourses, and to minimize increases in stormwater runoff volume and rate.

Permanent Best Management Practices (BMPs) that protect water quality and minimize increases in runoff volume and rate shall be incorporated in the project design of developments. Site design and source control measures shall be given high priority as the preferred means of controlling pollutant discharges and runoff volume and rate. Typical measures shall include:

1. Minimizing impervious area;
2. Limiting site disturbance;
3. Protecting areas that are particularly susceptible to erosion and sediment loss, ensuring that water runoff beyond pre-project levels is retained on site whenever possible, and using other Low Impact Development (LID) techniques; and
4. Methods that reduce potential pollutants at their sources and/or avoid entrainment of pollutants in runoff. Such methods include scheduling construction based on time of year, prohibiting erosion-causing practices, and implementing maintenance and operational procedures. Examples include covering outdoor storage areas, using efficient irrigation, and minimizing the use of landscaping chemicals.

[Adapted from Unit II New Development and Land Use Policy 6, p. 208]

Program C-WR-2.a Apply Appropriate Best Management Practices to Coastal Permits. The Community Development Agency shall conduct a review with the Department of Public Works to determine appropriate water quality design standards, performance criteria, and Best Management Practices (BMPs), which shall be incorporated in applicable coastal permits.
[New program, 2015]

C-WR-3 Storm Water Runoff. Where a project would add or create a total of 10,000 square feet or more of impervious surface (collectively over the entire project site) or where altered or increased flows from a project site have the potential to accelerate erosion or affect beneficial uses downstream, incorporate drainage controls so that the post-project peak flow and velocity of runoff from the project site for 2- and 10-year intensity storms do not exceed the peak flow and velocity of runoff from the site in its pre-project (existing) state. Where a drainage problem unrelated to a proposed project already exists, the project applicant and neighboring property owners shall be encouraged to develop a solution.
[Adapted from Unit I New Development and Land Use Policy 26, p. 67, and Unit II New Development and Land Use Policy 6.f, p. 208]

C-WR-4 Grading and Vegetation Removal. Design development to fit a site's topography, soils, geology, hydrology, and any other existing conditions. Orient development so that grading, cut and fill operations, and other site preparation are kept to an absolute minimum. Natural features, landforms, and native vegetation shall be preserved to the maximum extent feasible. Areas of a site which are not suited to development because of known soil, geologic, flood, erosion or other hazards shall be kept undeveloped.
[Adapted from Unit I New Development and Land Use Policy 24, p. 66, and Unit II New Development and Land Use Policy 6.a, p. 208]

C-WR-5 Cut and Fill Slopes. Design cut and fill slopes so that they are no steeper than is safe for the subject material or necessary for the intended use. A geotechnical report may be required.
[Adapted from County Code Section 24.04.640]

C-WR-6 Soil Exposure. Allow any necessary grading operations only such that the smallest practicable area of land shall be exposed at any one time during development and the length of exposure shall be kept to the shortest practicable time. Erosion and sedimentation control measures shall be

incorporated in development plans. An erosion and sedimentation control plan, subject to approval by the Department of Public Works, shall be required for development of any site of 1 acre or more in size or, at the discretion of the Department of Public Works, for any site of less than 1 acre because of a high risk of erosion and sedimentation. Such plan is also required for projects listed under Policy C-WR-14 that involve grading.
[Adapted from Unit I New Development and Land Use Policy 25, p. 66, and Unit II New Development and Land Use Policy 6.b, p. 208]

C-WR-7 Wintertime Clearing and Grading. Avoid land clearing and grading during the winter rainy season (i.e., October 15th through April 15th). Ensure that all measures for removing sediments and stabilizing slopes shall be in place before the beginning of the rainy season. Permit land clearing and grading during the rainy season only upon prior approval by the Department of Public Works of an erosion control plan, which shall demonstrate that at no stage of the work will there be any substantial risk of increased sediment discharge from the site.
[Adapted from Unit I New Development and Land Use Policy 25, p. 66, Unit II New Development and Land Use Policy 6.b, p. 208, and from County Code Sections 22.70.070.C.3 and 24.04.625]

C-WR-8 Disturbed Soils. Use temporary vegetation, seeding or hydroseeding with non-invasive native seeds, mulching, or other suitable stabilization methods to protect soils that have been exposed during grading or development. Stabilize cut and fill slopes immediately with plantings of native species, or with accepted landscaping practices.
[Adapted from Unit I New Development and Land Use Policy 26, p. 66, and Unit II New Development and Land Use Policy 6.d, p. 209]

C-WR-9 Topsoil. Where topsoil is removed by grading operations, stockpile it for reuse and protect it from compaction and wind or erosion during stockpiling.
[Adapted from Unit I New Development and Land Use Policy 26, p. 66, and Unit II New Development and Land Use Policy 6.e, p. 209]

C-WR-10 Construction-Phase Sediment Basins. Install sediment basins (including debris basins, desilting basins, or silt traps) required by erosion control plans or otherwise necessary to control sedimentation during construction on the project site in conjunction with initial grading operations. Maintain sediment basins throughout the development process to remove sediment from runoff waters. All sediment shall be retained on site unless removed to an approved dumping location.
[Adapted from Unit II New Development and Land Use Policy 6.c, p. 208]

C-WR-12 Maintenance of Water Quality Control Facilities. If structural and/or treatment control facilities are incorporated in a project, require the applicant to submit a monitoring and maintenance plan indicating how such facilities will be adequately maintained by the applicant and any subsequent property owner after construction is complete. Where a proposed development project involves a land division or homeowners' association, require assignment of responsibility for maintenance of structural and treatment control measures to a homeowners' association or other appropriate entity.
[New policy, 2015]

C-WR-13 Site Plan Contents – Post-Construction Element. At the discretion of the Department of Public Works based on the scale or potential water quality impacts of a proposed project, require that a coastal permit application for new development be accompanied by a site plan containing a Post-Construction Element. This Post-Construction Element shall detail how storm water and polluted runoff will be managed or mitigated following project construction, utilizing both source control and treatment control measures, and both structural and non-structural measures.
[New policy, 2015]

C-WR-14 Design Standards for High-Impact Projects. For developments that have a high potential for generating pollutants (High-Impact Projects), incorporate treatment control Best Management Practices (BMPs) or ensure that the requirements of the current NPDES Municipal Stormwater permit are met, whichever is stricter. The applicant shall submit a preliminary plan with a post-construction element prepared by an appropriately licensed California professional. The plan shall address erosion, sedimentation, and pollutants of concern. Developments to be considered as High-Impact Projects shall include the following:

1. Development of commercial facilities shall incorporate BMPs to minimize polluted runoff from structures, landscaping, parking areas, repair and maintenance areas, loading/unloading areas, vehicle/equipment wash areas, and other components of the project.
2. Development of automotive repair shops and retail motor vehicle fuel outlets shall incorporate BMPs to minimize oil, grease, solvents, car battery acid, coolant, petroleum products, and other pollutants from entering storm water runoff from any part of the property including fueling areas, repair and maintenance areas, loading/unloading areas, and vehicle/equipment wash areas.
3. Development of restaurants and other food service establishments shall incorporate BMPs to minimize runoff of oil, grease, solvents, phosphates, suspended solids, and other pollutants.
4. Development of outdoor storage areas for materials that contain toxic compounds, oil and grease, heavy metals, nutrients, suspended solids, or other pollutants shall be designed with a roof or awning cover to minimize runoff.
5. Development of uncovered parking lots shall incorporate BMPs to minimize runoff of oil, grease, car battery acid, coolant, petroleum products, sediments, trash, and other pollutants.
6. Development that will:
   a. Result in the creation, addition, or replacement of 5,000 square feet or more of impervious surface, and
   b. Occur within 200 feet of the ocean, coastal wetlands or streams, or ESHA, or discharge runoff directly to the ocean, coastal waters, or to a stream or wetland buffer as defined by the Biological Resource policies of the LCP.

      "Discharge runoff directly" is defined as runoff that flows from the development to the ocean, coastal waters, or to a stream or wetland buffer that is not first combined with flows from any other adjacent areas.
7. Development that will result in the creation, addition, or replacement of 10,000 square feet or more of impervious surface area, regardless of its location.
8. Any other development determined by the County to have a high potential for generating pollutants.

The applicant for a High-Impact Project shall be required to submit a preliminary plan with a post-construction element with the application during the initial planning process. Prior to issuance of a

building or grading permit the applicant shall submit a final plan with a post-construction element prepared by an appropriately licensed California professional for approval by the County. The plan shall include the following where applicable (applicability will be determined by County staff)):

1. Pre-project and post-project stormwater runoff hydrograph (runoff flow rate plotted as a function of time) for the project site for 2- and 10-year storm events;
2. A description of how the treatment control BMPs (or suites of BMPs) have been sized and designed to treat, infiltrate, or filter stormwater runoff from each storm event, up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, or the 85th percentile, 1-hour storm event (with an appropriate safety factor of 2 or greater) for flow-based BMPs;
3. A description of Low-Impact Development (LID) techniques that will be incorporated into the project in order to minimize negative impacts to stormwater quality and quantity from the project development;
4. If the applicant asserts that treatment control BMPs are not feasible for the proposed project, the plan shall document why those BMPs are not feasible and provide a description of alternative management practices to protect water quality; and
5. A long-term plan and schedule for the operation and maintenance of all treatment control BMPs specifying that treatment control BMPs shall be inspected, cleaned, and repaired as necessary to ensure their effective operation for the life of the development. In addition:
   - **a.** Owners of these devices shall be responsible for ensuring that they continue to function properly, and additional inspections should occur after storms as needed throughout the wet season, and
   - **b.** Repairs, modifications, or installation of additional BMPs, as needed, shall be carried out prior to the next wet season.

6. Where feasible and appropriate, development shall include connections to sanitary sewer systems as a means of treating particularly polluted runoff not readily addressable by more typical BMPs, and so as to not allow such polluted runoff to make its way into coastal waters, streams, and wetlands.

[New policy, 2015]

Program C-WR-14.a Participate in Broad-Based Efforts to Improve Coastal Water Quality. Provide information to applicants and the public, including materials prepared by the Marin County Stormwater Pollution Prevention Program (MCSTOPPP), to address developments both large and small for potential impacts to the quality of coastal waters. Applicants shall be encouraged to incorporate in proposed developments measures to minimize effective impervious area and landform alteration and to maximize use of natural vegetation, along with other measures as provided by Marin County programs and codes. The Community Development Agency shall encourage retrofit of existing development through measures such as the removal of existing impermeable surfaces and replacement with permeable surfaces and the creation of drainage features or landscaping that incorporate natural infiltration mechanisms, with the goal of enhancing water quality in existing developed areas.
[New program, 2015]

Program C-WR-14.b Apply Policy C-WR-14 to Projects with the Highest Risk of Water Quality Impacts. Amend the Development Code to include guidelines that define types of developments that have a high potential for generating pollutants in order to supplement the development types that are regulated by the revised NPDES Phase II permit.
[New program, 2015]

C-WR-15 Construction-Phase Pollution. Manage construction sites to prevent contact between runoff and chemicals, fuel and lubricants, cleansers, and other potentially harmful materials.
[New policy, 2015]

C-WR-16 Construction Non-sediment Pollution. Minimize runoff of pollutants from construction sites (e.g., solvents, adhesives, preservatives, soluble building materials, vehicle lubricant and hydraulic fluids, concrete truck wash-out slurry, and litter) to the maximum extent feasible.
[New policy, 2015]

C-WR-17 Erosion and Flood Control Facilities. Consider placement of sediments collected by erosion and flood control facilities at appropriate points on the shoreline where these sediments will enhance shoreline access and characteristics, will not cause adverse impacts to coastal resources, and the placement can be accomplished in accordance with other applicable provisions of this chapter. Before issuing a coastal development permit for these purposes, consider the physical, chemical, and biological qualities of the sediment, the proposed method of placement, time of year of placement, and sensitivity of the placement area.
[New policy, 2015]

Built Environment

Introduction

In the Marin County Coastal Zone, the built environment is subordinate to the natural environment. Natural landforms, streams, forests, and grasslands are dominant. Yet the residential, agricultural, and commercial buildings, as well as the community services that support them, have particular significance, both as the scene of daily life and for their potential impacts on natural resources. The pattern and intensity of development are inextricably linked with protection of coastal resources, energy use, and recreational opportunities, all of which are addressed by the Local Coastal Program ("LCP").

The Built Environment section addresses the following subjects:

- Community Design (DES)
- Community Development (CD)
  - Community Specific Policies
  - Muir Beach (MB)
  - Stinson Beach (SB)
  - Bolinas (BOL)
  - Olema (OL)
  - Point Reyes Station (PRS)
  - Inverness (INV)
  - East Shore/ Marshall (ES)
  - Tomales (TOM)
  - Dillon Beach (DB)

- Energy (EN)
- Housing (HS)
- Public Facilities and Services (PFS)
- Transportation (TR)

Community Design (DES)

Background

The Marin County Coastal Zone is a place of singular beauty. It is also the home of small-scale communities, farms, scattered residences, and businesses. Visitors enjoy coming to Marin's coast because of its balance of natural and built environments. Maintaining that balance, and maintaining the character of existing communities while accommodating economic activity, is the focus of the Community Design policies of the Local Coastal Program (LCP).

Rising land values in many parts of California have led to an increase in the scale of new development, accompanied by ever-greater impacts on the surrounding community. Such trends also impact local visual resources that are enjoyed by residents and visitors. Furthermore, new development is increasingly proposed in visually sensitive locations, such as on ridgelines, as well as within already developed communities.

The Coastal Act mandates that scenic and visual qualities of the coast shall be considered and protected as a resource of public importance. In particular, views to and along the coast shall be protected. New development shall be visually compatible with the character of surrounding areas. In addition, those communities that are visitor destinations because of their unique characteristics shall be protected. The villages of the Marin County Coastal Zone are among such communities that are desirable to visitors, as well as to residents.

LCP policies ensure that new structures are compatible with the height, scale, and design of existing buildings. Significant views to and along the coast continue to be protected by LCP policies, and the preservation of visually prominent ridgelines is also addressed. The LCP protects the existing character of the Coastal Zone, while still accommodating compatible new development.

Policies

C-DES-1 Compatible Design. Ensure that the siting, height, scale, and design (including materials and color) of new structures are compatible with the character of the surrounding natural and_built environment. Structures shall be designed to follow the natural contours of the land and shall limit reflectivity of glass and other surfaces.
[Adapted from Unit II New Development and Land Use Policy 3.a, p. 207]

C-DES-2 Protection of Visual Resources. Development shall be sited and designed to protect significant views, including views both to and along the ocean and scenic coastal areas as seen from public viewing areas such as highways, roads, beaches, parks, coastal trails and accessways, vista points, and coastal streams and waters used for recreational purposes. The intent of this policy is the protection of significant public views rather than coastal views from private residential areas. Require development to be screened with appropriate landscaping provided that when mature, such landscaping shall not interfere with public views to and along the coast. The use of drought tolerant, native coastal plant species is encouraged. Continue to keep road and driveway construction, grading, and utility extensions to a minimum, except that longer road and driveway extensions may be necessary in highly visible areas in order to avoid or minimize other impacts.
[Adapted from Unit I New Development and Land Use Policy 21, p. 65, and Unit II New Development and Land Use Policy 3.b, p. 207]

C-DES-3 Protection of Ridgeline Views. Require new development proposed on or near visually prominent ridgelines to be grouped below the ridgeline on the least visually prominent portion of the site. Prohibit new development on top of, within 300 feet horizontally, or within one hundred feet vertically of visually prominent ridgelines, whichever is more restrictive, if other suitable locations are available on the site. If structures must be placed within this restricted area because of site size or similar constraints, they shall be in locations that are least visible from public viewing areas, shall be sited and designed to limit public view impacts to the maximum extent feasible (including through landscaping and screening),_and shall not exceed 18 feet in height.
[Adapted from CWP Program DES-4.d, p. 3-67, and Interim County Code Section 22.57.020.1.b]

> ***Program C-DES-3.a Map Visually Prominent Ridgelines.*** Work with key community groups to identify and map visually prominent ridgelines, both developed and undeveloped, and identify Ridge and Upland Greenbelt Areas as appropriate.
> [Adapted from CWP Program DES-4.e, p. 3-67]

C-DES-4 Limited Height of New Structures. Limit all new construction to a maximum height of twenty-five (25) feet with the following exceptions:

1. In the Highlands neighborhood of Stinson Beach, the maximum height shall be no more than seventeen (17) feet (see Map 17 – Stinson Beach Highlands Subdivision).
2. In FEMA special flood hazard (V) zones within the Seadrift Subdivision, the maximum building height of 15 feet shall be measured from the minimum floor elevation required by the flood hazard zone designation (*see also Environmental Hazards Policy C-EH-11: Minimum Floor Elevations in the Flood Velocity Zone at Seadrift*).
3. On the shoreline of Tomales Bay, the maximum height shall be fifteen (15) feet. *(See also Community Development Policy C-CD-6: Standards for Development on the Shoreline of Tomales Bay).*

4. Telecommunications facilities, spires, water tanks, and similar structures may exceed such height limits above. However, any structure that exceeds the 25 foot height limit shall only be authorized upon specific findings of consistency with other applicable policies of the LCP, including C-DES-1, 2, and 3.

In all cases, the height limits specified in this policy are maximums and not entitlements. Heights may be limited to less than the maximum allowed if necessary to achieve consistency with LCP policies, including in relation to the protection of public views and community character.

[Adapted from Unit I New Development and Land Use Policy 21, p. 65. This policy also carries forward the concept of Unit I Location and Density of New Development Policy 35, p. 81]

C-DES-5 New Signs. Ensure that new signs (including reconstructed and/or modified signs) are of a size, location, and appearance so they do not detract from scenic areas or views from public roads and other viewing points.
[Adapted from Unit II New Development and Land Use Policy 3.c, p. 207]

> ***Program C-DES-5.a Develop A-Frame Sign Standards.*** Consider amending the sign ordinance to allow limited use of A-frame signs within village areas subject to standards related to number, location, size, height and design.
> [New program, 2015]

C-DES-6 Underground Utilities. Require that utility lines are placed underground in new development to protect scenic resources except where costs of undergrounding would be so high as to deny service or where undergrounding would result in greater environmental impacts.
[Adapted from Unit II New Development and Land Use Policy 3.d, p. 207]

C-DES-7 Minimized Exterior Lighting. Exterior lighting shall be the minimum consistent with safety and shall be low wattage, hooded, and downcast to prevent glare and limit impacts on public views as much as possible.
[New policy, 2015]

C-DES-8 Protection of Trees. Site structures and roads to avoid removal of trees that contribute to the area's scenic and visual resources, except where required to maintain defensible space for structures or eliminate diseased trees that threaten surrounding structures or vegetation and where removal is otherwise consistent with LCP policies. Dead trees may serve as valuable habitat for some species, so avoid complete removal where appropriate.
[Adapted from Unit II New Development and Land Use Policy 6.a, p. 208]

C-DES-9 Landscaping. Ensure that required landscaping uses native species of trees and plants and avoids using non-native, invasive trees and plants. (*See also Biological Resources Policy C-BIO-6: Invasive Plants,* which may require the removal of any non-native invasive plant species).
[Adapted from Unit II New Development and Land Use Policy 6.d, p. 209]

C-DES-10 Prohibition of Gated Communities. Prohibit the establishment of gated communities.
[Adapted from CWP Policy DES-3.c, p. 3-65]

C-DES-11 Minimization of Fuel Modification. Site and design new development to avoid required initial and future fuel modification and brush clearance in general, and to avoid such activities within ESHAs and ESHA buffers, in order to avoid habitat disturbance or destruction, removal or modification of natural vegetation, and irrigation of natural areas.

(See also Policies C-BIO-3, C-BIO-19 and C-BIO-24 (ESHA, Wetland, Stream Buffers), C-BIO-4 (Protect Major Vegetation) and C-EH-25 (Vegetation Management in Environmentally Sensitive Habitat Areas).) [Adapted from Malibu LCP Policy 3.59]

Community Development (CD)

Background

In the Marin County Coastal Zone, the built environment is subordinate to the natural surroundings. Agricultural lands and open space are the predominate features of the area, whereas coastal communities are small and few in number (see Map 16 – Community Areas). Development of homes, farms, and commercial buildings, along with the community services that support them, can nevertheless have significant impacts on their surroundings, and community development is therefore inextricably linked with the protection of coastal resources.

The pace of land development in recent decades throughout the Marin County Coastal Zone has been relatively modest in comparison to that of coastal communities in other parts of California. Limitations on public service availability and the existence of extensive public land holdings in the Coastal Zone have undoubtedly played a part in that result, along with strong LCP policies that encourage agriculture and protection of community character.

Coastal Act policies provide that new residential, commercial, or industrial development, in general, shall be located within, contiguous with, or in close proximity to existing developed areas. If existing developed areas are not able to accommodate it, then development may be located elsewhere as long as adequate public services are available and significant adverse effects on coastal resources will not result. Furthermore, Coastal Act policies set certain priorities and standards for new development, for instance by limiting strictly the types of land uses that may be allowed in wetlands or other sensitive areas.

The Coastal Act defines "development" broadly, to include not only construction of houses and commercial buildings, but also changes in intensity of use of land or water, including the division of land into separate lots, and changes in public access to the shoreline. The LCP addresses the wide range of

development activities in the Coastal Zone that have the potential to affect coastal resources, including shoreline access, and requires that all new development comply with LCP standards and policies. The number of commercial and other non-residential projects in the area over the past few decades has been modest in comparison with the number of residential projects. Among the residential projects considered in the past three decades, fewer than half involved new dwellings on vacant sites. The remaining residential projects included additions and repairs/replacements, which can generally involve fewer impacts to coastal resources than new construction on vacant property.

The community character of Marin County's coastal villages is important to both residents and visitors. The LCP continues to guide proposed development toward existing villages in an effort to preserve the natural landscape. LCP policies ensure that new development is consistent with the character of the surrounding community and maintains village limit boundaries in order to concentrate development and avoid sprawl. In addition, service constraints and the large amount of publicly owned land will act as a natural constraint to future development.

The pace of residential development in recent decades has been generally modest and remains well within the estimated ultimate residential buildout for the Coastal Zone. Provisions for the siting and intensity of new development are reflected in the LCP land use policy maps (see Maps 19a – 19m). In addition, LCP policies in other chapters provide for improved resource protection that, taken together, will reduce impacts of the built environment on Coastal Zone resources.

Policies

C-CD-2 Location of New Development. Locate new development within, next to, or in close proximity to existing developed areas with adequate public services and where it will not have significant adverse impacts, either individually or cumulatively, on environmental and natural resources, including coastal resources.
[Adapted from Coastal Act Section 30250(a)]

C-CD-3 Appropriate New Development. Ensure that the type and intensity of new development, including land divisions, conform to the land use categories and density provisions of the LCP and Land Use Policy Maps. Allowable densities are stated as maximums and do not establish an entitlement to buildout potential. In addition, land divisions outside village limit boundaries shall only be permitted where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels. Land divisions shall be prohibited if the resulting lots cannot be developed consistent with the LCP. (*See also C-PFS-1: Adequate Services)*
[New policy, 2015]

C-CD-4 Protection of Open Lands, Existing Communities, and Recreational Opportunities. Work with individual landowners; local, state, and federal agencies; and non-governmental organizations to preserve rural character, agriculture, and open lands, and protect existing communities and recreational opportunities in the Coastal Zone.
[Adapted from CWP Program CD-1.d, p. 3-13]

C-CD-5 Non-Conforming Structures and Uses. Allow existing, lawfully established non-conforming structures or uses to be maintained or continued, provided that such structures or uses are not enlarged, intensified, ~~or~~ moved to another site~~, *or redeveloped, as defined by Policy C-EH-5.*~~ Structures or uses that are enlarged, intensified, moved to another site ~~*or redeveloped as defined in C-EH-5*~~ must be brought into conformance with the LCP. If a nonconforming use of land or a nonconforming use of a conforming structure is discontinued for a continuous period of one year, the use shall be deemed to have been abandoned and shall lose its legal nonconforming status.
[Adapted from County Code Section 22.112.020]

C-CD-6 Standards for Development on the Shoreline of Tomales Bay. New construction along the shoreline of Tomales Bay shall be limited in height to 15 feet above grade. Exceptions to this height limit may be permitted where topography, vegetation, or character of existing development is such that a higher structure would not create additional interference with coastal views either to, along, or from the shoreline or water.
[Adapted from Unit II New Development and Land Use Policy 8.f, p. 216, and County Code Section 22.20.060.a]

C-CD-7 Structures on Public Trust Lands. Allow existing structures on public trust lands along the shoreline of Tomales Bay to be rebuilt if destroyed by natural disaster, in conformance with development standards specified in Section 30610(g) of the Coastal Act and other County policies. Construction of new residential dwellings on public trust lands is not considered an appropriate public trust use and is not allowed. It should be noted that development on public trust lands is within the Coastal Permit jurisdiction of the California Coastal Commission. However, other County permit requirements (such as Design Review or Tidelands Permit approval) may also apply.
[Adapted from Unit II Public Trust Lands Policies 2 and 3, p. 129]

C-CD-8 Shoreline Structures and Piers. Limit the location of piers and other recreational or commercial structures to sites located within existing developed areas or parks. New piers shall be permitted only if all of the following criteria are met:

1. The structure will be used to serve a coastal-dependent use or will preserve or provide access to related public recreational lands or facilities.
2. The structure will not be located in wetlands or other significant resource or habitat area and will not, individually or cumulatively, cause significant adverse impacts on fish or wildlife.
3. The structure will not interfere with public access, use, and enjoyment of the natural shoreline environment.
4. The structure will not restrict navigation, mariculture, or other coastal use and will not create a hazard in the area in which it is built.
5. There is no pier with public access within ½ mile, or use of a nearby pier would not be feasible due to its size, location, or configuration.

Allow reconstruction and maintenance of existing piers provided that the pier is of the same size and in the same location as the original pier. Enlargements or changes in design or location shall be evaluated based on criteria stated above.
[Adapted from Unit II Shoreline Structures Policy 3, p. 132]

C-CD-9 Access to Shoreline Structures. Require public access to new piers or similar recreational or commercial structures unless it can be demonstrated that such access would significantly interfere with commercial fishing or similar operations on the pier or be hazardous to public safety, in which case alternative and commensurate public access shall be provided. A public access easement from the first public road across the applicant's property to the pier shall be required.
[Adapted from Unit II Shoreline Structures Policy 4, p. 132]

C-CD-10 Division of Beachfront Lots. No land division of beachfront lots shall be permitted in recognition of the cumulative negative impacts such divisions would have on both public and private use of the beach, except if a finding is made that such a land division will be consistent with the development of shoreline lots within the Stinson Beach and Seadrift areas in Biological Resources Policy C-BIO-9. Similarly, the erection of fences, signs, or other structures seaward of any existing or proposed development and the modification of any dune or sandy beach area shall not be permitted except as provided in the Environmental Hazards policies in order to protect natural shoreline processes, the scenic and visual character of the beach, and the use of dry sand areas in accordance with Section 30211 of the Coastal Act.
[Adapted from Unit I Natural Dune and Sandy Beach Protection Policy 21, p. 30]

C-CD-11 Maintenance of Village Limit Boundaries. Maintain existing village limit boundaries to preserve existing agricultural lands for agricultural use while allowing for reasonable growth and infill within the village limit boundaries. These boundaries depict existing developed areas for purposes of Section 30250 (a) of the Coastal Act. The following issues shall be considered if changes in village limit boundaries are proposed:

- Boundaries of existing developed areas. In some cases, infilling within these areas is the only expansion recommended.
- Boundaries within which villages should be allowed to expand in the future. Criteria for setting these boundaries are described below.

Criteria used in setting village limit boundaries:

1. Boundaries of existing and proposed public open space (e.g. Golden Gate National Recreation Area, Point Reyes National Seashore);
2. Boundaries used in studies by the Community Development Agency and local planning groups;
3. Areas under agricultural zoning and/or use;
4. Service area boundaries of utility districts;
5. Watershed boundaries;
6. Natural barriers including: terrain, water, cliffs, and open space separating developed areas;
7. Man-made barriers including: roads, dikes;
8. Existing subdivisions;
9. Floodplains and areas subject to seismic hazards.

10. Potential impacts to coastal resources (including public views, public service capacities, environmentally sensitive habitat, and agriculture) due to buildout under expanded boundary.

[Adapted from CWP Policy PA-7.4, p. 3-242]

C-CD-12 Describe Village Limit Boundaries. The village limit boundaries are described as follows and shown on the accompanying maps for the following communities:

1. Muir Beach. Village limit boundary shall be defined by surrounding federal and state parklands, as shown on the Muir Beach Land Use Policy Map 19a.
2. Stinson Beach. Village limit boundary shall be defined by surrounding state and federal parklands, Bolinas Lagoon, and Pacific Ocean, as shown on the Stinson Beach Land Use Policy Map 19b. The beachfront area along Mira Vista owned by the County of Marin is also excluded.
3. Bolinas. Village limit boundary shall be defined by surrounding federal parklands in addition to County-owned lands adjacent to the Bolinas Lagoon, as shown on the Bolinas Land Use Policy Map 19c.
4. Olema. Village limit boundary shall be defined by surrounding federal parklands, as shown on the Olema Land Use Policy Map 19d.
5. Point Reyes Station. Village limit boundary shall be defined as shown on the Point Reyes Station Land Use Policy Map 19e except that lands acquired by the federal government for inclusion in the GGNRA shall be excluded. These lands shall be rezoned to C-OA (Coastal Open Area).
6. Inverness Ridge. Village limit boundary shall be determined by the location of public parklands to the north, west, and south, and by Tomales Bay to the east as shown on the Inverness Land Use Policy Map 19f.
7. Marshall/East Side of Tomales Bay. Village limit boundary shall be defined to include the area from the Hog Island Oyster Company to the north and the Marshall Boat Works to the south. On the east of Highway One, the village limit boundary shall include the small existing subdivided parcels abutting Highway One between Marshall-Petaluma Road and the Marshall Boat Works, as shown on the East Shore Land Use Policy Map 19h.
8. Tomales. Village limit boundary shall be defined as shown on the Tomales Land Use Policy Map 19j.
9. Dillon Beach/Oceana Marin. Village limit boundary shall be drawn from the northern boundary of the Oceana Marin subdivision on the north to the southern end of Lawson's Dillon Beach Resort on the south, and from the shoreline on the west to the eastern side of Oceana Marin, the Village, and Lawson's Dillon Beach Resort, as shown on the Dillon Beach Land Use Policy Map 19i. Lawson's Dillon Beach Resort parcel 100-100-47 is included within this area.

[Adapted from Unit II New Development and Land Use Policies 8.a(1) through 8.h(1), pp. 209-216]

C-CD-13 Chain Store Operations. Discourage the establishment of chain store operations that are not consistent with the existing character and scale of the surrounding community.
[Adapted from the Stinson Beach Community Plan, 1983, Land Use Policy E, p. 33]

C-CD-14 Limited Conversion of Overnight Visitor-Serving Enterprises. Visitor-serving enterprises, particularly those which offer and provide places of overnight accommodation, shall remain available to any prospective guest on a space available basis. Proposed conversion of such places of overnight accommodations into a more limited type of occupancy shall be discouraged**.** *(See also Parks, Recreation and Visitor-Serving Uses Policies C-PK-1 through C-PK-8)*

[Adapted from the Inverness Ridge Communities Plan, Commercial Land Use Policy 2.01.C, p. 38]

C-CD-15 Residential Character in Villages. Discourage the conversion of residential to commercial uses in coastal villages. If conversion of a residence to commercial uses is allowed under applicable zoning code provisions, the architectural style of the home should be preserved.
[Adapted from the Point Reyes Station Community Plan, Policy PA-2.4, p. 13]

C-CD-16 Maintenance of the Rural Character of Roadways. Roadways and accessways shall reflect the character of coastal communities and shall be context and location sensitive. The primary areas to be considered for sidewalks, curbs, and similar roadway improvements shall be within designated village boundaries.
[Adapted from Point Reyes Station Community Plan, Circulation and Transportation Policies T-1.1 and T-3.1, pp. 50-51; and Tomales Community Plan, Policy TR-1.1, p. IV-16]

C-CD-18 Visitor Notification. Provide real-time information of highway congestion and parking conditions in coastal communities to coastal visitors before they commit to Highway One. Use electronic signs located near Highway 101 or other appropriate locations, a regularly updated website, and other telecommunication methods.
[Adapted from the Stinson Beach Community Plan,1983, Circulation Policy D, p. 16]

C-CD-19 Windbreaks. Discourage new wind breaks along Highway One to preserve public views. Consider the effects of proposed wind breaks at initial planting as well as at maturity on sunlight, coastal views, and traffic safety related to visibility.
[Adapted from Point Reyes Station Community Plan, Policy PA-3.9, p. 14]

C-CD-20 Lighting for Recreational Use. Prohibit night lighting for privately-owned recreational facilities such as tennis courts, sport courts, and other similar outdoor recreational activity areas to avoid glare and noise intrusion from the nighttime use of such areas and to minimize disruption of the natural ecology. Allow night lighting for publicly-owned facilities subject to a use permit, only if such lighting can be designed to protect against impacts to coastal resources, including biological and visual resources, as required by the LCP.
[Adapted from the Point Reyes Station Community Plan, Program RL-3.4b, p. 34]

C-CD-22 Agricultural Land Use Categories. Establish agriculture land use categories to preserve and protect a variety of agricultural uses, and to enable potential for agricultural production and diversification. Historically, 60 acres has been the minimum parcel size for most agricultural lands in the county. Various policies regarding agricultural productivity, water availability, effects on water quality, and other factors govern the division of such lands, along with the intensities described below. The effect is that land divisions of agricultural lands are rare. The zoning designations listed are examples of consistent zoning and are not the only possible consistent zoning designations. The following Agricultural land use categories are established:

Agriculture 1 (C-AG1). This land use category is established to preserve agricultural lands that are suitable for agricultural productivity, that contain soils capable of supporting production agriculture, or that are currently zoned C-APZ. The principal permitted use of these lands shall be agriculture, and any development shall be accessory and incidental to, in support of, and compatible with agricultural production. A maximum density of one dwelling unit per 60 acres is permitted, and all development shall be consistent with applicable LCP policies.

Consistent Zoning: C-APZ-60
C-ARP-31 to C-ARP-60

Agriculture 2 (C-AG2). The principal permitted use of these lands shall be agriculture. This land use category is established for agricultural uses on lands adjacent to residential areas, and at the edges of Agricultural Production Zones in the Coastal Zone that have potential for agricultural production and can provide flexibility in lot size and building locations subject to the standards of the LCP in order to:

1. Promote the concentration of residential and accessory uses to maintain the maximum amount of land available for agricultural use, and
2. Maintain the visual, natural resource and wildlife habitat values of subject properties and surrounding areas. The C-ARP district requires the grouping of proposed development.

Consistent Zoning: C-ARP-10 to C-ARP-30

Agriculture 3 (C-AG3). The principal permitted use of these lands shall be residential. This land use category is established for residential use within the context of small-scale agricultural and agriculturally-related uses, subject to the standards of the LCP.

Consistent Zoning: C-ARP-1 to C-ARP-9

[Adapted from CWP Policy CD-8.5 pg. 3-35]

C-CD-23 Residential Land Use Categories and Densities. Establish residential land use categories for residential development at a full range of densities, with emphasis on providing more affordable housing including incentives for low and very low income units, while also recognizing that physical hazards, fire risk, development constraints, protection of natural resources, and availability of public services and facilities can limit housing development in most areas.

The following categories are established for residential land uses. Standards of population density and building intensity are established for each category. Density ranges expressed as dwelling units per acre are provided for residential uses. For nonresidential uses permitted in a residential land use category, the FAR established for that land use category shall apply.

Some examples of zoning designations that are consistent with various residential land use designations are provided below (these may not be the only possible consistent zoning designations). Zoning maps and the Development Code provide additional details regarding allowed uses and development standards. Other uses that may be permitted in residential land use designations include, but are not limited to, parks, playgrounds, crop and tree farming, nurseries and greenhouses, home occupations, schools, libraries, museums, community centers, places of worship, hospitals, retreats, educational institutions, philanthropic and charitable institutions, facilities for nonprofit organizations, cemeteries, golf courses, country clubs, stables and riding academies, and family day care homes.

Very Low Density Residential

The following very low density residential land use categories (minimum lot sizes of 5 to 60 acres) are established for single-family residential development on large properties in rural areas where public services are very limited or nonexistent and on properties where significant physical hazards and/or natural resources significantly restrict development.

Land Use Category	Minimum Lot Size	Maximum FAR	Consistent Zoning
Single-Family 1 (C-SF1)	20 to 60 acres	.01 to .09	C-RSP-0.05 to C-RSP-0.016
Single-Family 2 (C-SF2)	5 to 19 acres	.01 to .09	C-RSP-0.02 to C-RSP-0.05

Rural/Residential
The following Rural/Residential land use categories (minimum lot sizes of 20,000 square feet to 5 acres) are established for single-family residential development in areas where public services are limited and on properties where physical hazards and/or natural resources may restrict development.

Land Use Category	Minimum Lot Size/ Density Ranges	Maximum FAR	Consistent Zoning
Single-Family 3 (C-SF3)	1 to 5 acres	.01 to .09	C-R1:B4 C-R1:B5 C-RA:B4 C-RA:B5 C-RA:B6 C-ARP-2 C-RSP-0.2 to C-RSP-1 C-A2:BD C-A2:B4
Single-Family 4 (C-SF4)	20,000 sq. ft. to 1 acre (1–2 du/ac)	.01 to .15	C-RA:B3 C-RSP-1.1 to C-RSP-2 C-R1:BD C-R1:B3 C-RR:B3 C-RE:B3
Planned Residential (C-PR)	1 unit per 1 to 10 acres	.01 to .09	C-RMP-0.1 to C-RMP-1

Low Density Residential
The following low density residential land use categories (minimum lot sizes of 20,000 square feet or less) are established for single-family and multi-family residential development in areas where public services and some urban services are available and where properties are not typically limited by physical hazards or natural resources.

Land Use Category	Minimum Lot Size/ Density Ranges	Maximum FAR	Consistent Zoning
Single-Family 5 (C-SF5)	10,000 to 20,000 sq. ft. (2–4 du/ac)	.01 to .25	C-R1:B2 C-RA:B2 C-RR:B2 C-RSP-2.1 to RSP-4 C-A2:B2
Single-Family 6 (C-SF6)	Less than 10,000 sq. ft. (4–7 du/ac)	.01 to .3	C-R1 C-R1:B1 C-RA:B1 C-RSP-4.1 to C-RSP-0.5
Multi-Family 2 (C-MF2)	1 to 4 du/ac	.01 to .3	C-R2 C-RMP-1 to C-RMP-4

Low to Medium Density Residential
The following low to medium density residential land use categories (from 5 to 10 units per acre) are established where moderate density single-family and multi-family residential development can be accommodated in areas that are accessible to a range of urban services near major streets, transit services, and neighborhood shopping facilities.

Land Use Category	Density Range	Maximum FAR	Consistent Zoning
Multi-Family 3 (C-MF3)	5 to 10 du/ac	.1 to .3	C-RMP-5 to C-RMP-10

[Adapted from CWP Policy CD-8.6, pp. 3-35 to 3-39]

C-CD-24 Commercial/Mixed-Use Land Use Categories and Intensities. Establish commercial/mixed-use land use categories to provide for a mix of retail, office, and industrial uses, as well as mixed-use residential development, in a manner compatible with public facilities, natural resource protection, environmental quality, and high standards of design. Mixed-use developments are intended to incorporate residential units on commercial properties, including on-site housing for employees, thereby contributing to affordable housing and reduced commutes. The following criteria shall apply to any mixed-use development:

1. For parcels larger than 2 acres in size, no more than 50% of the new floor area may be developed for commercial uses, and the remaining new floor area shall be developed for new housing.

   For parcels 2 acres and less in size, no more than 75% of the new floor area may be developed for commercial uses, and the remaining new floor area shall be developed for new housing.

2. Projected peak-hour traffic impacts of the proposed mixed-use development are no greater than that for the maximum commercial development permissible on the site under the specific land use category.

3. Priority shall be given to the retention of existing visitor and neighborhood serving commercial uses.

4. The site design fits with the surrounding neighborhood and incorporates design elements such as podium parking, usable common/open space areas, and vertical mix of uses, where appropriate. In most instances, residential uses shall be considered above the ground floor or located in a manner to provide continuity of store frontages, while maintaining visual interest and a pedestrian orientation.

5. For projects consisting of low income and very low income affordable units, the FAR may be exceeded to accommodate additional units for those affordable categories. For projects consisting of moderate income housing, the FAR may only be exceeded in areas with acceptable traffic levels of service - but not to an amount sufficient to cause an LOS standard to be exceeded. In all cases, FAR may only be exceeded if coastal resources are otherwise protected, consistent with applicable LCP policies.

Renovations not resulting in additional square footage will be exempt from the above requirements if consistent with the requirements of the Marin County Jobs-Housing Linkage Ordinance, Chapter 22.22 of the Development Code. The following categories shall be established for commercial land uses:[1]

General Commercial/Mixed Use (C-GC). The General Commercial mixed-use land use category is established to allow for a wide variety of commercial uses, including retail and service businesses, professional offices, and restaurants, in conjunction with mixed-use residential development. The Development Code includes permitted and conditional uses and development standards for the zoning districts consistent with this designation. The Land Use Policy Maps provide maximum_floor area ratio (FAR) standards for this designation. Residential development located in a mixed-use development within this designation shall be included in the permissible amount of development under these maximum_FARs. For projects consisting of low and very low income affordable units, the maximum_FAR may be exceeded to accommodate additional units for those affordable categories. For projects consisting of moderate income housing, the maximum_FAR may be exceeded in areas with acceptable traffic levels of service – but not to an amount sufficient to cause an LOS standard to be exceeded. Any maximum FAR exceedances shall only be allowed if coastal resources are otherwise protected, as indicated above.

Consistent Zoning: C-CP
C-H-1
C-RMP-.1 to C-RMP-30

Neighborhood Commercial/Mixed Use (C-NC). The Neighborhood Commercial/Mixed Use land use category is established to encourage smaller-scale retail and neighborhood and visitor-serving office and service uses in conjunction with residential development oriented toward pedestrians and located in close proximity to residential neighborhoods. The Development Code includes permitted and conditional uses and development standards for the zoning districts consistent with this designation. The Land Use Policy Maps provide for maximum floor area ratio (FAR) standards for this designation. Residential development located in a mixed-use development within this designation shall be included in the permissible amount of development under these maximum_FARs. For projects consisting of low and very low income affordable units, the maximum FAR may be exceeded to accommodate additional units for those affordable categories. For projects consisting of moderate income housing, the maximum FAR may be exceeded in areas with acceptable traffic levels of service – but not to an amount sufficient to cause an LOS standard to be exceeded. Any maximum FAR exceedances shall only be allowed if coastal resources are otherwise protected, as indicated above.

Consistent Zoning: C-VCR
C-RMPC
C-VCR:B2

Recreational Commercial (C-RC). The Recreational Commercial land use category is established to provide for resorts, lodging facilities, restaurants, and privately owned recreational facilities, such as golf courses and recreational boat marinas. See the Development Code for a complete list of permitted and conditional uses and development standards. Refer to the Land Use Policy Maps for commercial maximum_Floor Area Ratio (FAR) standards. For projects consisting of low and very low income affordable units, the maximum_FAR may be exceeded to accommodate additional units for those affordable categories. For projects consisting of moderate income housing, the maximum_FAR

[1]Note that the zoning designations listed in each category are examples of consistent zoning and are not the only possible consistent zoning designations. A complete list of permitted and conditional uses and development standards can be found in the Development Code. Educational, charitable, and philanthropic institutions such as schools, libraries, community centers, museums, hospitals, child care centers, and places of worship may be permitted in any commercial area.

may be exceeded in areas with acceptable traffic levels of service – but not to an amount sufficient to cause an LOS standard to be exceeded. Any maximum FAR exceedances shall only be allowed if coastal resources are otherwise protected, as indicated above.

Consistent Zoning: C-RCR

[Adapted from CWP Policy CD-8.7, pp. 3-39 to 3-41]

C-CD-25 Public Facility, Quasi-Public Facility, and Open Space Land Use Categories. Lands used for public facilities and quasi-public institutional purposes, including airports, schools, hospitals, cemeteries, government facilities, correctional facilities, power distribution facilities, sanitary landfills, and water facilities, are designated Public Facility or Quasi-Public Facility, depending on the nature of their use. The Public Facility category is established for land owned by a governmental agency and used as a public institution. The Quasi-Public Facility category is provided for land owned by a nongovernmental agency that is used as an institution serving the public. A Public Facility or Quasi-Public Facility designation may be combined with another land use designation. In such instances, the applicable standard of building intensity is that for Public or Quasi-Public Facility, as depicted on the Land Use Policy Maps. Lands in public ownership for open space purposes, such as recreation, watershed, and habitat protection and management, are designated Open Space. In addition, private lands may be designated Open Space when subject to deed restrictions or other agreements limiting them to open space and compatible uses. Lands designated Open Space are subject to maximum_FAR of .01 to .09. The following categories shall be established for public and quasi-public land use. The zoning designations listed are examples of consistent zoning and are not the only possible consistent zoning designations.

Public (C-PF) Consistent zoning: PF
PF-RSP-.05 to PF-RSP-7
PF-RMP-.01 to PF-RMP-16
PF-ARP-20
C-PF-ARP-20

Quasi-Public (C-QPF) Consistent zoning: C-RMP-.1
C-RA:B-1

Open Space (C-OS) Consistent zoning: C-OA

[Adapted from CWP Policy CD-8.9, pp. 3-45 to 3-46]

C-CD-26 Multi-family Residential Development in Multi-family Zones. Require multi-family development in certain multi-family zoning districts consistent with the C-MF2, C-MF3 and C-NC land use designations, including the C-R2, C-RMP and C-RMPC zoning districts, if parcel size and density permit. Prohibit development of single-family dwellings in multi-family zones unless the Director finds that multi-family development is infeasible or impractical based on physical site constraints, environmental constraints, or significant incompatibility with neighborhood character.

[Adapted from November 2009 Draft Housing Element Program 1.f, p. V-3]

Community Specific Policies

Background

The Marin County Coastal Zone is home to distinctive towns and villages that have a strong sense of place (see Map 16 – Community Areas). The character of these communities depends in large part on their physical setting, the nature of land uses within them, and their visual appearance. The desire to maintain local community character is reflected in the various Community Plans that have been prepared for these communities with strong resident participation. The Community Specific policies that follow have been drawn from the County-adopted Community Plans, and their inclusion here is a means of ensuring that applicable land use policies of the Plans are firmly rooted in the Local Coastal Program (LCP). In this way, these policies will be applied to the review of coastal permits for development proposed within the Coastal Zone.

Although Marin County's coastal communities reflect a long-standing commitment to maintain the characteristics that draw residents and visitors to them, changing economics and land development practices could threaten community character. Achieving a balance between local- and visitor-serving businesses continues to be a challenge in Marin County, as elsewhere along California's coast. At the same time, the Coastal Act places a high priority on visitor-serving facilities, particularly lower-cost facilities, and visitors as an important part of the local economy.

The Coastal Act provides that permitted development shall be visually compatible with the character of surrounding areas. Furthermore, special communities and neighborhoods that are popular visitor destination points are to be protected. Marin County's coastal villages draw visitors because of their special characteristics, beautiful natural surroundings, and close proximity to the coast. The protection of such features is an important goal of Coastal Act policies.

The character of Marin County's coastal villages is an important factor in their desirability as places to live and visit. The LCP strongly protects community character, in part through the policies drawn from the Community Plans, some of which are highly specific to particular neighborhoods or sites. Protection is also provided through more general Community Development policies, which are applicable throughout the entire Coastal Zone.

Policies

Muir Beach:

C-MB-1 Community Character of Muir Beach. Maintain the small-scale character of Muir Beach as a primarily residential community with recreational, small scale visitor, and limited agricultural use. [New policy, 2015]

Stinson Beach:

C-SB-1 Community Character of Stinson Beach. Maintain the existing character of residential, small-scale commercial and visitor-serving recreational development in Stinson Beach. New development must be designed to be consistent with community character and protection of scenic resources.
[Adapted from Unit I New Development and Land Use Policy 29, p. 79]

C-SB-2 Limited Access in Seadrift. Allow only limited public access across the open space area generally located north of Dipsea Road and adjacent to Bolinas Lagoon in the Seadrift subdivision to protect wildlife habitat subject to the Deed of an Open Space and Limited Pedestrian Easement and Declaration of Restrictions as recorded March 26, 1986 as Instrument No. 86-15531. This area includes parcels 195-070-35 and 36; 195-080-29; 195-090-44; 195-320-62 and 78; and 195-340-71, 72, and 73.
[Concept adapted from Unit I New Development and Land Use Policy 33, p. 80]

C-SB-3 Density and Location of Development in Seadrift. Development of the approximately 327 lots within the Seadrift Subdivision shall be allowed consistent with the provisions of the July 12, 1983 Memorandum of Understanding for the settlement of the litigation between Steven Wisenbaker and the William Kent Estate Company, and the County of Marin, and consistent with the terms of the March 16, 1994, Settlement Agreement in the litigation titled Kelly et al. v. California Coastal Commission, Marin County Superior Court Case No. 152998 between the Seadrift Association and the County of Marin. Minimum lot sizes shall be as shown on the final subdivision maps approved by Marin County, as modified by the referenced settlement agreements. See Appendix 5: Seadrift Settlement Agreement.
[Adapted from Unit I Location and Density of New Development Policy 36, p. 81]

C-SB-4 Easkoot Creek. Restore Easkoot Creek to improve habitat and support natural processes.
[Adapted from Stinson Beach Community Plan, 1983, Environmental Land Use Policy D, p. 28]

C-SB-6 R-2 Zoning. Maintain the existing R-2 zoning in Stinson Beach in order to protect and maintain the existing character of the community. Site and design development so as to minimize septic tank problems and the cumulative impacts of such development on public access.
[Adapted from Unit I Location and Density of New Development Policy 29, p. 79]

C-SB-7 Repair or Replacement of Structures. Allow the repair or replacement of existing duplex residential uses on parcels less than 7,500 square feet in the R-2 zoning district that are damaged or destroyed by natural disaster in Stinson Beach, so long as such repair/replacement is consistent with other applicable LCP policies.
[Adapted from Unit I Location and Density of New Development Policy 29, pg. 79]

Bolinas

C-BOL-1 Community Character of Bolinas. Maintain the existing character of residential, small-scale commercial and visitor-serving, and agricultural uses in Bolinas.
[Adapted from the Bolinas Community Plan, Tourist Accommodations Policy 1, p. 12]

C-BOL-3 New Development on the Bolinas Gridded Mesa. Permit new construction and redevelopment and rehabilitation of existing structures on the Bolinas Mesa where consistent with the LCP and in accordance with adopted policies of the Bolinas Gridded Mesa Plan, which has been certified by the California Coastal Commission.
[Adapted from Unit I Location and Density of New Development Policy 40, p. 86]

Olema

C-OL-1 Community Character of Olema. Maintain Olema's existing mix of residential, small-scale commercial and visitor-serving, and open space land uses and small-scale, historic community character. Minimize impacts of future development in the hillside area of Olema with the following design standards:

1. Cluster structures on more level areas away from steep road cuts on Highway One and off upper grassy slopes, which shall be maintained open to protect their visual character.
2. Incorporate and reflect the historic character of Olema and existing recreational uses in project design. The height of structures shall be in keeping with the character and scale of the surrounding community to minimize –impacts on public views, including those associated with adjacent federal parklands, Highway One, and Sir Francis Drake Boulevard.
3. Provide pedestrian paths as appropriate to nearby federal park activity areas.

[Adapted from Unit II Recreation and Visitor-Serving Facilities Policy 3.b(5), p. 45]

Point Reyes Station

C-PRS-1 Community Character of Point Reyes Station. Maintain the existing mix of residential and small-scale commercial and visitor-serving development and small-scale, historic community character in Point Reyes Station.
[New policy, 2015]

C-PRS-2 Commercial Infill. Promote commercial infill within and adjacent to existing commercial uses.
[Adapted from Unit II Recreation and Visitor-Serving Facilities Policy 3.c, p. 46]

C-PRS-3 Visitor-Serving and Commercial Facilities. Encourage development of additional visitor-serving and commercial facilities, especially overnight accommodations. Establish overnight accommodations in the Grandi Building (Assessor Parcel Number 119-234-01) and Assessor Parcel Number 119-240-55, located at the junction of Highway One and Point Reyes – Petaluma Road (See also C-PRS-4 below).
[Adapted from Unit II Recreation and Visitor-Serving Facilities Policy 3.c, p. 46]

C-PRS-4 Junction of Highway One and Point Reyes – Petaluma Road. Permit visitor-serving and commercial uses on APN 119-240-55, located at the junction of Highway One and the Point Reyes – Petaluma Road, which appears to have development potential for up to a small 20-unit motel, cottages, hostel, or similar facility. This site also may be a suitable location for up to 15 units of affordable housing. To protect the site's visual and environmental qualities, new development shall be sited and designed to minimize view and traffic impacts on nearby public roads, protect Lagunitas Creek and adjacent riparian vegetation from the impacts of erosion and water quality degradation, and minimize slope disturbance. Development shall be clustered, limited in height and scale to that which is compatible with the surrounding area, and shall provide adequate waste disposal on site.
[Adapted from Unit II Recreation and Visitor-Serving Facilities Policy 3.c, p. 46]

C-PRS-5 Criteria for New Development in Point Reyes Station. New residential development in Point Reyes Station shall meet the following criteria:

1. Building Height. The height limit for residential structures shall be regulated as follows: In areas other than ridgeline lots, no part of a primary building shall exceed 25 feet above natural grade and no part of an accessory building shall exceed 15 feet above natural grade. New development near ridgelines shall be sited and designed so that rooflines are below the visual plane of ridges when viewed from Point Reyes-Petaluma Road or Highway One. Where a ridge lot is too flat to allow placement of new construction below the visual plane of the ridge, up to a maximum of 18 feet above natural grade shall be imposed.

2. Building Size. The maximum floor area allowed on any lot located in the planning area shall be 4,000 square feet. For purposes of this community-specific policy, "floor area" includes the sum of the gross horizontal areas of all floors of the building or buildings measured from exterior faces of exterior walls excluding only unenclosed horizontal surfaces, such as balconies, courts, decks, porches, and terraces. To clarify the intent of the preceding two sentences, "floor area" is defined to include the total floor area of any detached structures and the total floor area of any garage. It is not the intention of this program to make any existing building, which complied with building regulations at the time of its construction, nonconforming with respect to floor area limitations (see Development Code Chapter 22.130 for definitions of "floor area" and "building area" applicable outside of the Point Reyes Station Community Area).

3. Building Size Exceptions. Exceptions to maximum permitted floor area may be permitted upon a determination by the Community Development Agency Director, in consultation with the Point Reyes Station Community, that the proposed development:

   a. Maintains adequate setbacks from property lines and surrounding development;

   b. Is located on a parcel which is large enough (generally greater than one acre) to accommodate the additional floor area while maintaining consistency with the surrounding built environment with respect to height, mass, and bulk;

   c. Is adequately screened by existing and proposed vegetation;

   d. Is adequately screened by the topography of the property or of surrounding properties; and

   e. Would not significantly limit or reduce sun and light exposure to adjacent properties.

   f. Protects significant public views and is compatible with the natural and built environment, including through siting and design.

4. Landscaping. Require landscape and irrigation plans for all new developments or major modifications to existing buildings. Where applicable, preservation of natural habitats and installation of additional plants native to the Point Reyes Station area is encouraged. Proposed trees and shrubs, when mature, should not deprive adjoining properties of views or sunlight. Weedy and/or invasive plants such as Eucalyptus, Acacia, Monterey Pine and Pampas Grass are discouraged. The choice of plants shall be native and non-invasive species generally similar to native species in the area. Non-native trees and shrubs which traditionally have been grown in the developed portions of Point Reyes Station are allowed. By incorporating these plants in new landscaping plans, owners can achieve a pleasing continuity with the existing landscape pattern of the community. These non-native species include:

Common name	Scientific name
Black locust	Robinia pseudoacacia
California black walnut	Juglans hindsii
Fruit trees (particularly apple, plum, persimmon)	
Hawthorn	Crataegus laevigata
Magnolia	Magnoliaceae (several species)
Shrub roses	Rosa spp.

[Adapted from the Point Reyes Station Community Plan Programs RL-3.3b, c and e, pp. 32 - 33]

C-PRS-6 Lighting. Light fixtures shall be mounted at low elevations (eight feet or less) and fully shielded to direct lighting downward. Lighting along walkways should be mounted on low elevation bollards or posts. Floodlighting shall be discouraged. Exterior lighting fixtures should complement the architectural style of structures and be the minimum necessary for public safety.

[Adapted from the Point Reyes Station Community Plan Policy CL-4.1.o, p. 21, and Program RL-3.4a, p. 34]

C-PRS-7 Point Reyes Affordable Homes Project. Development of the 18.59-acre property consisting of Assessor's Parcels 119-260-02 through 06 (formerly 119-240-45), 119-240-02 through 13 (formerly 119-240-46, 57 and 58) and consisting of Areas A, B, C, D, E and F as depicted on Exhibit E, shall be subject to the following land use designations, as shown in Appendix G to the LCP: The land use designation for Areas A and B shall be C-MF-2 (Coastal, Multiple-Family, one to four units per acre maximum residential density). The land use designation for Area C shall be C-SF-4 (Coastal, Single-family Residential, one to two units per acre). The land use designation for Areas D and E shall be C-NC (Coastal, Neighborhood Commercial, one to 20 units per acre maximum residential density, 30% to 50% commercial floor area ratio). The land use designation for Area F shall be C-OS (Coastal, Open Space).

The entire 18.59 acres shall be subject to a single site development plan consisting of Areas A, B, C, D, E and F. The site development plan shall be subject to review and approval by the California Coastal Commission as an amendment to the LCP. Any coastal development permit or permits for development of any portion of the site shall be consistent with the approved site development plan. The site development plan shall indicate the kinds, locations, and intensities of uses allowable in accordance with the following requirements:

1. Total number of residential units on the entire 18.6 acre site shall not exceed 36.
2. Area A shall be developed with a maximum of seven detached affordable and/or market rate for-sale units ranging in size from approximately 900 to 1,155 square feet.
3. Area B shall be developed with a maximum of 27 rental affordable units ranging in size from approximately 1,440 to 1,720 square feet and a manager's unit/community building of approximately 2,180 square feet.
4. No more than two residential units may be developed within Area C.
5. A minimum of 12 public parking spaces shall be provided within Area D.
6. A minimum of two acres shall be reserved for a future community-serving use or project that provides a significant public benefit, as demonstrated by the Review Authority within Area E.
7. Future use of the approximate 18.59 acre area depicted on Exhibit E, including all wetlands shall be consistent with the LCP, including provisions which mandate a 100-foot minimum buffer as measured landward from the edge of the wetlands.

[Adapted from Unit II New Development and Land Use Policy 8.b, p. 210]

Inverness

C-INV-1 Community Character of Inverness. Maintain the existing character of residential and small-scale commercial and visitor-serving development in the Inverness Ridge communities. [New policy, 2015]

C-INV-3 Paradise Ranch Estates Design Guidelines. Future development in Paradise Ranch Estates should be consistent with maintaining the existing exclusively residential nature of the community, and should consider the community's unique characteristics such as substandard roads and the need to protect public views from adjacent parklands and other public areas. Apply the following guidelines for development within Paradise Ranch Estates:

1. Protection of Visual Resources.

   a. In areas where structures may be seen from adjacent parklands (primarily the north, south and west sides of the subdivision) structures shall be screened by existing vegetation to the maximum extent possible. Structures on or near ridgelines shall not be higher than the tree canopy, even if the Zoning Ordinance would otherwise permit taller buildings. The purpose of this measure is to prevent the presently tree-covered silhouette of the ridgeline from being visually disrupted. In addition, the structures will be better-screened. It is noted that the west side is adjacent to Park Wilderness areas.

   b. In areas where structures may be visible, dark earth tones shall be used to ensure the least amount of visual intrusion into the landscape.

   c. To minimize grading and visual impacts from adjacent parkland, new structures along Pine Crest Road shall be located within 150 feet of the front property line.

   d. To minimize visual impacts on adjacent parkland, structures visible from the park on the northwest (Pine Crest and Upper Roberts) and southwest (Elizabeth Place, ends of Sunnyside and Dover) sides of the subdivision shall be oriented such that the narrower end of the structure faces the park to ensure the maximum opportunity to take advantage of the existing tree cover.

   e. An analysis of the visual impacts from structures that might result from the siting and construction of the septic system shall be included with development applications. The septic system shall be designed and sited to minimize tree removal which could have a visual impact.

   f. Use of colors and materials consistent with the woodland character of the subdivision and the vernacular building style of the area should be observed to avoid obtrusive visual impact.

2. Public Service Guidelines. Paving and drainage improvements along the road frontage of a property may be required for all-new structures. Off-site improvements may also be required in areas where roadways presently do not meet County standards. These areas include the following:

   a. Certain segments of Upper Roberts Road.

   b. Douglas Drive adjacent to Assessor Parcel Numbers 114-130-34 and 114-130-24.

   c. Dover Drive adjacent to Assessor Parcel Number 114-130-25.

   If parcels that presently are not part of the Paradise Ranch Estates Permanent Road Division acquire access over subdivision roadways in the future, joining the assessment district shall be a condition of approval.

3. Protection of Trees. Structures and roads should be sited to avoid tree removal. However, where it is necessary to clear existing vegetation, ecological principles of natural plant success should be observed. In some circumstances, removal of dead or older diseased trees may be desirable for siting purposes, thus promoting success of younger, more vigorous vegetation. However, dead trees also serve as valuable habitat for some species, so their complete removal should be avoided as appropriate. Such tree removal is only allowed consistent with other LCP policies.

4. Lot Consolidation and Acquisition. The County shall process coastal permit applications affecting lots identified for consolidation in the Paradise Ranch Estates Lot Consolidation Plan and lots identified for acquisition into Point Reyes National Seashore in accordance with all applicable policies and standards of the LCP, and will notify the Coastal Conservancy and Point Reyes National Seashore of such development proposals, respectively.

[Adapted from Unit II New Development and Land Use Policy 8.c(4)(c)(2), pp. 212-214]

C-INV-4 Road and Path Maintenance in Inverness. Maintain existing residential streets at current improvement standards. Unimproved residential roadways should be improved to minimal all-weather travel standards such as crushed rock by owners of land whose frontages abut such roadways. Continue to maintain existing paths and encourage new pathways.

[Adapted from Inverness Community Plan, Policy 7.00, p. 102-103]

East Shore

C-ES-1 Community Character of the East Shore of Tomales Bay. Maintain the existing character of low-density, residential, agriculture, mariculture, visitor-serving, and fishing or boating-related uses. Allow expansion or modification of development for visitor-serving or commercial development on previously developed lots along the east shore of Tomales Bay, provided that such expanded uses are compatible with the small scale and character of existing development along the Bay.

1. Nick's Cove. Continue to support visitor-serving uses on this site, which includes a restaurant and overnight guest accommodations. Overnight accommodations, such as bed and breakfast facilities, are encouraged consistent with availability of water supply, sewage disposal, and parking facilities. Any expansion or reconstruction of Nick's Cove restaurant shall

be designed to minimize visual impacts and provide maximum public physical and visual access to the shoreline. Structures on the upland property shall be limited in height to that which is compatible with the scale and character of surrounding development, while those on the bayside of Highway One shall not exceed the height of the existing restaurant.

2. Marshall. Maintain and encourage the present residential/commercial mixed use and encourage locally serving commercial uses.
3. Marshall Boatworks. Continue to support the Marshall Boatworks area as a residential/commercial mixed use area and as a potential community activity center and gathering place.
4. Marconi Conference Center State Historic Park. Continue to support the Marconi Conference Center and State Historic Park to provide meeting and retreat services for the Bay Area, consistent with historic and natural resource protection guidelines in the Marconi Conference Center State Historic Park General Plan.
5. Marconi Cove Marina. Support visitor- and local-serving, as well as marine-related, facilities at the Marconi Cove property. Expanded marina facilities, including additional boat slips, fishing pier, and storage space may also be desirable.

[Adapted from Unit II Recreation and Visitor-Serving Facilities Policy 3.e, pp. 48-51]

C-ES-2 Protection of Trees. Identify and protect significant stands of trees in the Planning Area.
[Adapted from the East Shore Community Plan, Program EQ-2-1, p. 48]

C-ES-3 Prioritization of Water-Related Uses. Prioritize mariculture, boat repair, fishing, water-related public recreation and scenic resources over other uses along the shoreline.
[Adapted from the East Shore Community Plan, Policy CD-7, p. 51]

C-ES-4 Commercial Land Use. Limit development of commercial and public facilities to existing activity centers, such as Nick's Cove, historic Marshall or near the Post Office/Marshall Boatworks and Marconi area.
[Adapted from the East Shore Community Plan, Policy CD-21, p. 55]

C-ES-5 Local-Serving Facilities. Consider incorporating local-serving facilities in new development, where appropriate.
[Adapted from the East Shore Community Plan, Policy CD-24, p. 56]

C-ES-6 New Marina Development. New marina development shall make provision for use of facilities by local commercial and recreation boats.
[Adapted from the East Shore Community Plan Program CD-24-2, p. 56]

Tomales

C-TOM-1 Community Character of Tomales. Maintain the existing character of residential and small-scale commercial and visitor-serving development in the community of Tomales. No expansion of commercial zoning is recommended since there is adequate undeveloped land zoned for visitor-serving and commercial development for anticipated future needs. Encourage development of overnight accommodations such as a motel, cottages, and a hostel. New development shall reflect the historic character of the town's architecture and shall be set back from the creek which flows through commercially zoned areas.
[Adapted from Unit II Recreation and Visitor-Serving Facilities Policy 3.f, p. 51]

Dillon Beach

C-DB-1 Community Character of Dillon Beach. Maintain the existing character of residential and small-scale commercial and visitor-serving development in Dillon Beach and Oceana Marin. Dillon Beach Resort, including all properties zoned C-RCR and C-RMPC between Dillon Beach Road and Dillon Creek, would be an appropriate site for new development of a modest scale motel, cafe, delicatessen, or restaurant, and/or day-use facilities. Due to its proximity to the shoreline, the former Pacific Marine Station is an especially suitable area for facilities where many people can enjoy its prime location. The site offers opportunities, for example, for community services, a conference center, and/or a youth hostel. Limited residential development would be appropriate at the Dillon Beach Resort, provided it were developed as a secondary use in conjunction with visitor-serving uses. All development shall demonstrate adequate water supply and sewage disposal, and shall be sited out of sand dunes and other environmentally-sensitive areas. Building heights shall be limited to that which is compatible with the scale and character of the area. Existing C-RCR and C-RMPC zoning shall be maintained. Maintain existing C-RCR and C-APZ-60 zoning at Lawson's Landing.
[Adapted from Unit II Recreation and Visitor-Serving Facilities Policy 3.g(1) & (2), pp. 51 – 52]

C-DB-2 Lawson's Landing. Retain Lawson's Landing as an important source of lower cost visitor serving access and recreational opportunities, including coastal-dependent water oriented activities such as boating and fishing. Pursuant to the Dillon Beach Community Plan and project approvals, require Sand Haul Road to be evaluated as a means to provide primary vehicular access to Lawson's Landing and to provide relief from traffic congestion in Dillon Beach Village, subject to full environmental review.
[Adapted from the Coastal Commission staff report for Lawson's Landing Appeal No. A-2-MAR-08-028]

C-DB-3 Oceana Marin. The zoning designations for the C-RMP parcels in Oceana Marin represent the low end of the residential density ranges specified in the Dillon Beach Community Plan for the respective parcels. Development at higher density ranges may be approved if subsequent studies demonstrate that additional development can be accommodated in accordance with Policies CD-4.6 and CD-10.6 through CD-10.16 of the Dillon Beach Community Plan, which has been certified by the California Coastal Commission.

[Adapted from Unit II New Development and Land Use Policy 8.h(7), p. 218]

C-DB-4 Dillon Beach Community Plan. Refer to the Dillon Beach Community Plan, which has been certified by the California Coastal Commission, when reviewing Coastal Permits in the Dillon Beach area.
[New policy, not in Unit I or II]

Energy (EN)

Background

Energy plays a critical role in the function of society. The way it is acquired, produced and utilized can have significant impacts on the health of the economy and community. With the continued commitment to environmental quality and resource conservation, and mounting concerns about the effects of greenhouse gas emissions on climate change, it is necessary to create a sustainable framework within which energy can serve its purpose with minimal impact.

Most of the energy used in Marin County is imported from outside California, and is drawn from non-renewable resources such as nuclear power, natural gas and coal. The necessity for a shift to renewable energy has grown considerably in recent years. Through increased public awareness of climate change and related energy issues and the establishment of energy-related legislation, the transition to renewable resources is slowly becoming a reality. In addition to shifting energy consumption to more renewable resources, the use of energy continues to become more efficient. Energy efficiency significantly reduces the rate at which limited non-renewable resources are consumed, which consequently reduces negative health and environmental impacts.

The Local Coastal Program (LCP) encourages improved energy efficiency through the implementation of specific energy standards for development, by providing public information about ways to increase energy efficiency, and by offering incentives for practicing energy efficiency and conservation in homes and businesses. The shift to renewable energy resources and the development of energy production facilities are also encouraged as deemed appropriate. While the LCP strongly supports renewable energy, it requires that any production facilities be carefully designed and sited to avoid and minimize potential impacts.

While the continued support of renewable energy has become a priority both locally and nationwide, there remains a concern that energy production facilities may pose a significant threat to important coastal resources. Nowhere is this more evident than in the Coastal Zone of Marin County, where the abundance of sensitive natural resources creates a setting susceptible to the potentially harmful effects that some facilities may impose. For instance, facilities such as power plants and those related to oil and gas drilling are known to inflict serious adverse impacts upon the surrounding environment, and therefore are not appropriate for Marin's Coastal Zone. However, it is recognized that certain small scale renewable energy

facilities (example: small scale solar and wind energy conversion) may be necessary for the greater public benefit, and thus may be allowed where appropriate.

The Coastal Act stresses the protection of coastal resources, although it acknowledges that some development of energy facilities and resources may be necessary. Sections 30260 through 30265 of the Act contain provisions for several types of energy development, including oil and gas development, thermal power plants, liquefied natural gas, and other related facilities. Renewable energy facilities such as those for the use of solar and wind resources are not directly addressed, however any proposals for facilities of this nature would be subject to Chapter 3 of the Coastal Act, which address development in the Coastal Zone.

The Marin County Coastal Zone currently has no major energy or industrial facilities, although the possibility of two types of major energy development has been considered in the past: power plants and offshore oil development. The Coastal Act requires the Coastal Commission to designate specific areas of the Coastal Zone that are not suitable for siting new power plants or related facilities. In September 1978, the State Commission adopted "negative designations" for the Coastal Zone (subsequently revised in 1982). In Marin County, non-federal lands generally north of Olema were negatively designated (or excluded) for potential power plant development except those agricultural lands located north of Walker Creek, despite a recommendation from the Regional Commission supporting total exclusion of all lands north of Olema. This would have left these agricultural areas potentially open for possible development of power plants. The LCP maintains its previously certified prohibition on major energy and industrial development in the Coastal Zone.

In addition, the Gulf of the Farallones and Monterey Bay National Marine Sanctuaries have been established to border the Marin County Coastal Zone since the original LCP certification. The Sanctuaries enforce federal regulations that protect the bay and ocean waters adjacent to Marin. These federal regulations (CFR, Title 15, §922) prohibit harmful activities such as "exploring for, developing, or producing oil, gas, or minerals…" within the Sanctuaries to protect the sensitive resources found therein. Given the prohibition of such activities offshore, at least to the seaward extent of the Sanctuaries, it is less likely there would be any proposals for related on-shore facilities in the Coastal Zone in the foreseeable future.

Policies

C-EN-1 Energy Efficiency Standards. Integrate energy efficiency and conservation, and renewable energy requirements into the development review and building permit process where technically and financially feasible.
[Adapted from CWP Policies EN-1.1 and EN-2.2, pp. 3-82 and 3-85]

C-EN-2 Public Information and Education on Energy Efficiency. Provide information, marketing, training, and education to support energy efficiency and conservation, and renewable resource use.
[Adapted from CWP Policies EN-1.3 and EN-2.4, pp. 3-82 and3-85]

C-EN-3 Incentives for Energy Efficiency. Continue to offer incentives that encourage energy efficiency and conservation, and renewable energy practices.
[Adapted from CWP Policy EN-1.2, p. 3-82]

C-EN-4 Renewable Energy Resource Priority. Utilize local renewable energy resources and shift imported energy to renewable resources where technically and financially feasible at a scale that is consistent with the sensitivity of coastal resources. Preserve opportunities for development of renewable energy resources only where impacts to people, natural resources and views would be avoided or minimized. Support appropriate renewable energy technologies, including solar and wind conversion, wave and tidal energy, and biogas production through thoughtfully streamlined planning and processing, rules and other incentives that are all consistent with Policy C-EN-5.
[Adapted from CWP Goal EN-2 and CWP Policies EN-2.1, 2.2 and 2.3, p. 3-85]

Program C-EN-4.a Study Renewable Energy Resource Potential. Work with other agencies to study the potential for renewable energy generation in the Coastal Zone, and identify areas with adequate capacity for renewable resources such as wind and solar power. Within areas identified, specify sites suitable for locating renewable energy facilities with the least possible impact, and evaluate mechanisms for protecting such sites for appropriate renewable energy facilities.
[Adapted from CWP Policy BIO-1.a, p. 2-16, and CWP Program AG-1.f, p. 2-162]

Program C-EN-4.b Consider Policy to Allow the Creation of Local-Serving Renewable Energy Systems. Evaluate the future implementation of a policy that would allow local-serving renewable energy systems in the Coastal Zone. Such systems would provide energy service exclusively from renewable energy resources such as solar or wind power to one or more coastal communities.
[New program, 2015]

C-EN-5 Energy Production Facility Impacts. Ensure through siting, design, scale, and other measures that all energy production facilities are constructed to avoid where possible, and minimize where avoidance is not possible, impacts on public health, safety and welfare, public views, community character, natural resources, agricultural resources, and wildlife, including threatened or endangered species, bat populations, and migratory birds.
[Adapted from CWP Program PFS-5.d, p. 3-209]

C-EN-6 Energy and Industrial Development. The Coastal Zone contains unique natural resources and recreational opportunities of nationwide significance. Because of these priceless resources and the very significant adverse impacts which would result if major energy or industrial development were to occur, such development, both on and offshore, is not appropriate and shall not be permitted. The development of alternative energy sources such as solar or wind energy shall be exempted from this policy.
[Continued from LCP Unit II New Development and Land Use Policy 7, p. 209. This policy also carries forward Unit I Public Services Policy 2, p. 48]

Housing (HS)

Background

Housing is a vital component of Marin's coastal communities and it is important to respond to current and future housing needs in the Coastal Zone, particularly in planning for sustainable communities by supplying housing affordable to the full range of the Coastal Zone's diverse community and workforce.

Provision of affordable and diverse housing opportunities in the Coastal Zone is important to provide decent housing for residents. The challenge of providing new housing compatible with existing community character and quality, as well as environmental constraints and resources, is ever-present. At the same time, the County is required to meet federal and state law with respect to providing low- and moderate-income housing, replacement housing, or any other obligation related to housing imposed by existing laws.

Assuring housing choices at prices within reach is also important indirectly in carrying out Coastal Act resource protection goals. The Coastal Act places a high priority on maintaining agriculture and mariculture as viable land uses in the Coastal Zone, and encourages provision of visitor-serving facilities including overnight accommodations. These land uses depend on the availability of local labor, and pay scales for workers in these industries tend to be relatively low. Provision of housing opportunities for those employed in the Coastal Zone is thus essential if these high-priority land uses are to be maintained.

The Coastal Act addresses housing in several ways. Section 30500.1 provides that the LCP is not required to include housing policies and programs. However, Section 30007 states that local governments are not exempt from meeting requirements of state and federal law with respect to providing low- and moderate-income housing or other obligations related to housing. Furthermore, as defined in Section 30108.5, the Coastal Act requires that the land use plan component of the LCP indicates types, location, and intensity of land uses and applicable resource protection and development policies.

Because the adopted Marin County Housing Element and Development Code include measures such as density bonuses and reduction in site development standards, which affect the intensity of land uses that can be allowed in the Coastal Zone, the LCP contains select housing policies. These policies achieve compliance with housing-related requirements of the Government Code and the Marin Countywide Plan's Housing Element, and with the Coastal Act requirement to specify the potential density of future development in the Coastal Zone, including residential development.

The LCP provides several measures to address low and moderate income housing needs in the Coastal Zone, such as affordable housing provisions and retention of zoning for small lots of 6,000 to 10,000 square feet. These needs are also addressed by LCP policies that support development of second units and agricultural worker housing where appropriate. To protect existing lower income units, the LCP also limits conditions under which such units can be demolished, although hazardous structures may be demolished even if no replacement housing is built. Finally, it should be noted that the County's draft Housing Element identifies several sites in the Coastal Zone that could potentially accommodate affordable housing.

Policies

C-HS-1 Protection of Existing Affordable Housing. Continue to protect and provide affordable housing opportunities for very low, low, and moderate income households. Prohibit demolition of existing deed restricted very low, low, and moderate income housing except when:

1. Demolition is necessary for health and safety reasons; or
2. Costs of rehabilitation would be prohibitively expensive and impact affordability of homes for very low, low and moderate income households; and
3. Units to be demolished are replaced on a one-for-one basis with units of comparable rental value on site or within the immediate Coastal Zone area.

[Adapted from Unit I New Development and Land Use Policy 22, p. 66, and Unit II New Development and Land Use Policy 4.a, p. 207]

C-HS-2 Density for Affordable Housing. Allow the maximum range of density for deed-restricted housing developments that are affordable to extremely low, very low or low income households and that have access to adequate water and sewer services.
[Adapted from the November 2009 Draft Housing Element Program 1.d]

C-HS-3 Affordable Housing Requirement. Require residential developments in the Coastal Zone consisting of 2 or more units to provide 20 percent of the total number of units to be affordable by households of very low or low income or a proportional "in-lieu" fee to increase affordable housing construction.
[Adapted from the November 2009 Housing Element Policy H3.19, and County Code Section 22.22.020]

C-HS-4 Retention of Small Lot Zoning. Preserve small lot zoning (6,000 – 10,000 square feet) in Tomales, Point Reyes Station, and Olema for the purposes of providing housing opportunities at less expense than available in large-lot zones.
[Adapted from Unit II New Development and Land Use Policy 4.b, p. 207]

C-HS-5 Second Units. Consistent with the requirements of California Government Code Section 65852.2, continue to enable construction of well-designed second units in both new and existing residential neighborhoods as an important way to provide workforce and special needs housing. Ensure

that adequate services and resources, such as water supply and sewage disposal, are available consistent with Policy C-PFS-1 Adequate Services.
[Adapted from the November 2009 Draft Housing Element Program 1.i]

C-HS-6 Regulate Short-Term Rental of Primary or Second Units. Regulate the use of residential housing for short term vacation rentals.
[Adapted from the November 2009 Draft Housing Element Program 1.j]

***Program C-HS-6.a* Vacation Rental Ordinance**

1. Work with community groups to develop an ordinance regulating short-term vacation rentals.
2. Research and report to the Board of Supervisors on the feasibility of such an ordinance, options for enforcement, estimated program cost to the County, and the legal framework associated with rental properties.

[Adapted from the November 2009 draft Housing Element Program 1.j]

C-HS-7 Williamson Act Modifications to the Development Code. Allow farm owners in a designated agricultural preserve to subdivide up to 5 acres of the preserved land for sale or lease to a nonprofit organization, a city, a county, a housing authority, or a state agency in order to facilitate the development and provision of agricultural worker housing. Section 51230.2 of the Williamson Act requires that the parcel to be sold or leased must be contiguous to one or more parcels that allow residential uses and developed with existing residential, commercial, or industrial uses. The parcel to be sold or leased shall be subject to a deed restriction that limits the use of the parcel to agricultural laborer housing facilities for not less than 30 years. That deed restriction shall also require that parcel to be merged with the parcel from which it was subdivided when the parcel ceases to be used for agricultural laborer housing.
[Adapted from the November 2009 Draft Housing Element Program 2.j and Government Code Section 51230.2]

C-HS-8 Development of Agricultural Worker Housing Units in Agricultural Zones. Support policy changes that promote development of agricultural worker units in agricultural zones.
[Adapted from the November 2009 Draft Housing Element Program 2.l]

Program C-HS-8.a Administrative Review for Agricultural Worker Housing Units. Establish an administrative Coastal Permit review process for applications for agricultural worker units in order to expedite the permitting process and facilitate development of legal agricultural worker units.
[Adapted from the November 2009 Draft Housing Element Program 2.l]

C-HS-9 Density Bonuses. Provide density bonuses for affordable housing in the Coastal Zone consistent with Government Code Section 65915 and Coastal Act Section 30604(f), to the extent that such increases in density are consistent with the provisions of the LCP.
[New policy, 2015]

Public Facilities and Services (PFS)

Background

The villages of Marin County's Coastal Zone are surrounded by extensive public open space and agricultural land, with scattered farm-related housing. Most development in the Coastal Zone receives water and sewage services through individual property-specific systems managed by private landowners, since community water supply and sewage disposal systems are limited and exist only in some of the villages. This limited community service capacity is largely due to the local soil conditions and aquifer characteristics. Maintaining a balance between level of development and capacity of public services is essential to preserve service quality and avoid provision shortages. Without this balance, communities can experience such impacts as water pollution that could result from inadequate on-site sewage disposal, as well as public safety problems associated with an inadequate water supply.

Availability of water to support development in Marin's Coastal Zone depends on a variety of interrelated factors, including annual weather patterns, long-term climate trends, development of new facilities, as well as water conservation and management practices. Much of the water supply within the Coastal Zone is provided by public and private entities not under the direct jurisdiction of the County (see Map 20 – Public Facility Service Areas). Small water districts provide service in a number of areas, including Bolinas Community Public Utility District (BCPUD), Stinson Beach County Water District (SBCWD), Inverness Public Utility District (IPUD), and Muir Beach Community Services District (MBCSD). The community of Dillon Beach is served by two small independent water companies: the California Water Service Company (formerly Coast Springs Water Company) and the Estero Mutual Water System (EMWS).

SBCWD, MBCSD, and the Dillon Beach area primarily use groundwater for their water supplies while IPUD and BCPUD rely mainly on surface water. Beyond the current water service district boundaries, private wells or small mutual water systems rely on individual groundwater wells, surface water, or small

spring-based sources. Many of these sources occur in the limited areas of high water-yielding sediments in alluvial valleys, while much of the rest of the area is characterized by low-permeability fractured bedrock and thin alluvial deposits with too little saturated thickness to produce meaningful supplies of water.

Water supplies in some areas are currently constrained, including those served by the BCPUD and California Water Service Company (CWSC), where connection moratoria are in place. Other systems have frequent summer peaking problems in dry years, as do some individual wells. Most of the water service areas are projected to experience water supply deficits during extreme droughts, according to the Marin Countywide Plan environmental documents.

Sewage disposal is generally provided by individual on-site systems in much of the Coastal Zone, including along the East Shore of Tomales Bay, Point Reyes Station, Inverness Ridge, Olema, Stinson Beach, and Muir Beach, parts of Dillon Beach, and most of Bolinas. Other areas are served by community sewer facilities, or in a few cases, small package treatment plants. Soil and groundwater conditions can affect the feasibility of new on-site systems or, in some cases, the functioning of existing systems.

The Coastal Act connects the amount of new residential, commercial, and industrial development with the availability of adequate services. New development is directed by the Coastal Act to existing developed areas that are able to accommodate it or to other locations outside developed areas where adequate public services are available. Thus, whether within or outside existing developed areas, new development must be supported by adequate public services. Furthermore, the Coastal Act requires that public works facilities shall be designed and limited to accommodate needs generated by development permitted consistent with the Act. In other words, such facilities should be sized so as to provide adequate service to development, but not sized in such a way as to create growth-inducing effects. Where public works facilities can accommodate only limited new development, high priority should be accorded to coastal-dependent land uses, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, agriculture, and visitor-serving land uses.

The LCP proposes no new sewage treatment plants, water production facilities, or other public services or facilities. Instead, new development shall continue to rely on existing community service facilities, where capacity is adequate, or on new on-site water and sewage facilities, where those are feasible and can be developed consistent with LCP policies.

Policies

C-PFS-1 Adequate Public Services. Ensure that adequate public services (that is, water supply, on-site sewage disposal or sewer systems, and transportation including public transit as well as road access and capacity if appropriate) are available prior to approving new development, including land divisions. In addition, ensure that new structures and uses are provided with adequate parking and access. Lack of available public services, or adequate parking and access, shall be grounds for project denial or for a reduction in the density otherwise indicated in the land use plan.
[Adapted from Unit II Public Services Policy 1, p. 187, and CWP Goal PFS-1, p. 3-198]

C-PFS-2 Expansion of Public Services. Limit new or expanded roads, flood control projects, utility services, and other public service facilities, whether publicly owned or not, to the minimum necessary to adequately serve development as identified by LCP land use policies, including existing development. Take into account existing and probable future availability of other public services so that expansion does

not accommodate growth which cannot be handled by other public service facilities. All such public service projects shall be subject to the LCP.
[Adapted from Unit I Public Services Policy 1, p. 48]

C-PFS-3 Formation of Special Districts. Ensure that special districts are formed or expanded only where assessment for, and provision of, service would not induce new development inconsistent with policies of the LCP.
[Adapted from Coastal Act Section 30254]

C-PFS-4 High-Priority Visitor-Serving and other Coastal Act Priority Land Uses. In acting on any coastal permit for the extension or enlargement of community water or community sewage treatment facilities, determine that adequate capacity is available and reserved in the system to serve VCR- and RCR-zoned property, other visitor-serving uses, and other Coastal Act priority land uses (i.e. coastal-dependent uses, agriculture, essential public services, and public recreation). ~~*In areas with limited service capacity (including limited water, sewer and/or traffic capacity), new development for a non-priority use, including land divisions, not specified above shall only be allowed if adequate capacity remains for visitor-serving and other Coastal Act priority land uses, including agricultural uses.*~~
[Adapted from Unit I Public Services Policies 6 and 12, pp. 48-49]

C-PFS-5 Community Sewer Systems. Require new development within a village limit boundary to connect to a public sewer system if the sewer system is within 400 linear feet of the parcel on which development is proposed, unless the County Health Officer or applicable sewer service provider finds that such connection is legally prohibited, physically impossible, or otherwise infeasible.
[Adapted from County Code Section 18.06.050]

C-PFS-6 Sewage Disposal Systems and Protection of Water Quality. Require new and expanded sewage disposal systems to be designed, constructed, and maintained so as to protect the biological productivity and quality of coastal streams, wetlands, and other waters.
[New policy, 2015]

C-PFS-7 Adequately Sized Sewage Disposal Systems. Require new and expanded sewage disposal systems to be sized adequately to meet the needs of proposed development, including any changes in type or intensity in use of an existing structure.
[Adapted from Unit I Public Services Policy 9, p. 49]

C-PFS-8 Sewage Disposal Systems Requirements for New Lots. Require all sewage disposal systems on newly created lots to comply in all respects, without variance, with applicable County and state septic system regulations.
[Adapted from Unit I Public Services Policies 7 and 9, pp. 48-49, Unit II Public Services Policy 3.a, p. 189, and County Regulations Section 301]

C-PFS-9 Preference for On-Site Individual Sewage Disposal Systems. Require an individual sewage disposal system serving a building or buildings to be located on the same building site, lot, or parcel as the building(s). Where an existing legal parcel is found by the County Health Officer or designee to be unsuitable for an onsite sewage disposal system, the system may be located on a contiguous lot (provided the contiguous lot has sufficient replacement area) or parcel within a non-revocable easement specifically designated for such sewage disposal system. The non-revocable easement shall be surveyed and recorded with the County Recorder, and the easement shall provide for access to the site for maintenance of the sewage disposal system.
[Adapted from County Regulations Section 306]

C-PFS-10 Adequate On-Site Sewage Disposal Systems for Existing Development. Ensure that existing on-site sewage disposal systems function properly by complying with all rules and regulations of the Regional Water Quality Control Board, including any requirements adopted pursuant to AB 885. Where repairs to existing systems are necessary, take corrective action in the following priority order as appropriate:

1. Require connection to a public sewer, if the property is within 400 feet of a public sewer main and it is physically and legally possible to connect to such main; or
2. Require system repair using a standard drainfield; or
3. Require construction of an alternative or innovative system.

[Adapted from Unit I Public Services Policy 7, p. 48, and County Regulations Section 304]

Program C-PFS-10.a Continue Stinson Beach Water Quality Monitoring Program. Support the existing water quality monitoring program conducted by the Stinson Beach County Water District, consistent with the agreement with the Regional Water Quality Control Board.
[Adapted from Unit I Public Services Policy 11, p. 49, and Unit I Location and Density of New Development Policy 34, p. 81]

Program C-PFS-10.b Support Septic Inspection, Monitoring, and Maintenance District(s) other than Stinson Beach. Support establishment of one or more Septic Inspection, Monitoring and Maintenance District(s), drawing from the successful performance of the Stinson Beach County Water District that would include all or portions of unincorporated areas with septic systems. Modify applicable codes to enable inspection and monitoring of on-site septic systems in a risk-based, comprehensive, and cost-effective way.
[Adapted from CWP Program WR-2.i, p. 2-61]

Program C-PFS-10.c Update Septic Standards. Consider revising County septic regulations to streamline the regulatory process, prioritize monitoring of on-site wastewater systems, and provide incentives (such as reduced permit fees) for homeowners to repair their systems.
[Adapted from CWP Program PFS-3.c, p. 3-206]

C-PFS-11 Alternative On-Site Sewage Disposal Systems. Approve alternative on-site sewage disposal systems where the County Health Officer or designee determines that (a) sewage cannot be disposed of in a sanitary manner by a standard septic system, or (b) that an alternative system will protect the public health in a manner equal to or better than a standard system.

Approval of an alternative system shall require, at a minimum:

1. Design plans signed by a professional who is knowledgeable and experienced in the field of on-site sewage disposal;
2. Submittal of a site-specific contingency plan which shall outline specific actions to be taken to repair, expand, or replace the system, should it fail to operate as planned;
3. Operation, maintenance, and monitoring instructions for the system owner; and
4. A written statement granting permission to the Health Officer to access the property to periodically assess system functioning.

In addition to a construction permit, an operating permit shall be required for all alternative systems. The operating permit shall be renewed annually or as otherwise specified by the Health Officer. The Health

Officer has discretion to exempt from the operating permit requirement alternative systems installed solely for repair of existing systems.
[Adapted from Unit I Public Services Policy 8, p. 49, Unit II Public Services Policy 3.a, p. 189, and County Regulations Sections 801, 802, and 803]

Program C-PFS-11.a Continue Alternative Septic System Monitoring. Monitor the operation of alternative systems and recommend use of new innovative systems if they perform well.
[Adapted from CWP Program WR-2.f, p. 2-61]

Program C-PFS-11.b Research And Implement Safe, Effective, And Innovative Waste Water Disposal Options. Research the potential to expand the use of innovative waste water disposal methods—such as pretreatment drip dispersal septic systems, gray water systems, waterless urinals, and other techniques—and community systems to help reduce potential for contaminants and nutrients to pollute water bodies, create human health hazards, and cause algal blooms. Continue to allow carefully monitored demonstration projects for experimental systems to ensure consistency with local public health protection standards. Revise applicable Codes to permit technologies and practices that prove safe and effective. As soon as innovative waste water disposal options are approved, allow their use as appropriate.
[Adapted from CWP Program WR-2.c, p. 2-60]

C-PFS-12 Limited Use of Off-Site Septic Systems. Allow construction of an off-site individual or community septic system (that is, on a site other than as allowed by LCP Policy C-PFS-9) only where the system would:

1. Provide for correction of one or more failing sewage disposal systems that serve existing development where the County Health Officer has determined that no other reasonable corrective action exists, or
2. Serve one of the following land uses that cannot be constructed feasibly in any other way: coastal-dependent land use, shoreline public access facility, or affordable housing within a village limit boundary.

Approval of an off-site septic system requires voluntary participation by property owners and findings that (1) it would comply with all applicable provisions of the LCP, including that it would not interfere substantially with existing or continued agricultural operations, and (2) that legal and funding mechanisms are in place to ensure proper future operation of the system, and (3) that proposed development would either avoid or minimize and fully mitigate impacts. Use of an off-site septic system for development other than as provided by this policy, is not allowed.
[New policy, 2015]

C-PFS-13 New Water Sources Serving Five or More Parcels. Professional engineering or other studies are required for coastal permit applications for new water wells or other sources serving 5 or more parcels. These studies must demonstrate that such groundwater or stream withdrawals will not have adverse direct or cumulative impacts on coastal resources, including groundwater basins, aquifers, and streams, and shall include as necessary, long-term monitoring programs, in-stream flow studies, or hydrologic studies. Such studies shall provide the basis for establishing safe sustained yields from these sources. Wells or water sources shall be at least 100 feet from property lines, or a finding shall be made that no development constraints are placed on neighboring properties.
[Adapted from Unit I Public Services Policy 4, p. 48, and Unit II Public Services Policies 2.a and 2.e (3), pp. 187-189]

C-PFS-14 Adequacy of Water Supply Within Water System Service Areas. Ensure that new development within a water system service area is served with adequate, safe water supplies. Prohibit development of individual domestic water wells or other individual water sources to serve new development, including land divisions, on lots in areas served or within the boundaries of a public or private water system, with the following exceptions:

1. For agricultural or horticultural use if allowed by the water system operators;
2. The community or mutual water system is unable or unwilling to provide service; or,
3. Extension of physical distribution improvements to the project site is economically or physically infeasible.

The exceptions specified in 1, 2, or 3 shall not be granted because of a water shortage that is caused by periodic drought. Additionally, wells or water sources shall be at least 100 feet from property lines, or a finding shall be made that no development constraints are placed on neighboring properties.
[Adapted from Unit I Public Services Policy 3, p. 48, and Unit II Public Services Policy 2.a, p. 187]

C-PFS-15 Development of Water Sources including Wells, Streams, and Springs. Require a coastal permit for wells and borings unless otherwise exempt or categorically excluded.
[Adapted from Unit II Public Services Policies 2.a and 2.e(1), pp. 187-189]

C-PFS-16 Standards for Water Supply Wells and Other Water Sources.

1. In areas where individual water wells or other individual domestic water sources are permitted, require on-site tests that demonstrate a sustained pumping rate, or equivalent, of 1.5 gpm for each residential unit or subdivided parcel. Higher yields, storage and other facilities may be required for fire protection purposes, as recommended by the appropriate fire protection agency.
2. Require that well or water sources shall be at least 100 feet from property lines, unless a finding is made that no development constraints are placed on neighboring properties.
3. Allow a well only where a finding is made that it will not have adverse direct or cumulative impacts on coastal resources.
4. Within the Inverness Planning Area, allow no individual wells on parcels less than 2.8 acres in size, unless a specific exception is granted based on findings required by the coastal permitting chapter of the Development Code and on a demonstration to the satisfaction of the Health Officer that a well can be developed on the substandard size parcel in a completely safe and sanitary manner.
5. Within the Inverness Public Utility District (IPUD), permit no individual wells for domestic use in the same watershed, at an elevation higher than the IPUD surface water sources existing as of June 14, 1983.

[Adapted from Unit I Public Services Policy 5, p. 48, Unit II Public Services Policies 2.a and 2.e(2), pp. 187-189; and Interim County Code Section 22.56.130.A]

C-PFS-17 Conservation of Water. To minimize generation of wastewater and encourage conservation of Coastal water resources, require use of water saving devices, including as prescribed by the local water provider in all new developments.
[Adapted from Unit I Public Services Policy 10, p. 49]

C-PFS-18 Desalination Facilities. Due to the Coastal Zone's unique natural resources and recreational opportunities of nationwide significance, prohibit development of desalination facilities, consistent with the limitations of Public Resources Code Sections 30260 and 30515. This policy applies to the desalination of ocean water and is not intended to prohibit the treatment of existing surface or ground water supplies for purposes of maintaining water quality.
[Adapted from Unit II New Development and Land Use Policy 7, p. 209]

C-PFS-19 Telecommunications Facilities. Require a coastal permit, in addition to any other required permit, for all telecommunications facilities, unless exempt per Section 22.68. Require facilities to be consistent with all provisions of certified LCP unless denial would be prohibited by federal law. Ensure through siting, co-location, "stealth" design and other measures that telecommunications facilities are designed and constructed to minimize impacts on coastal views, community character, natural resources, wildlife, and public safety. To the extent feasible, such facilities shall be located outside of significant public views.
[Adapted from CWP Goal PFS-5, p. 3-208]

Transportation (TR)

Background

Transportation networks and facilities are important not only for the efficient movement of people and goods but also in establishing the character of a community. The scenic character of the Marin County Coastal Zone is based in part on the small-scale, winding nature of Highway One and other rural coastal roads. As one progresses along these roads, incredible and often dramatic views of the ocean, beaches, mountains, and baylands come into view. To preserve the visual quality of the coast, it is necessary to maintain Highway One as a two-lane scenic road and to minimize the impacts of roads on wetlands, streams, and the scenic resources of the Coastal Zone.

In order to carry out the Coastal Act priority to maximize public coastal access while still protecting these resources, it is necessary to maintain and expand alternatives to auto transportation in the Coastal Zone. Public transit, especially services oriented to recreation sites that draw heavy visitation, is an essential component in a balanced transportation network (see Map 21 – Transit Corridors). Bicycle and pedestrian facilities are not only an alternative to auto-dependent transportation but also are compatible with maintaining the rural, scenic character of the Coastal Zone (see Maps 26a and 26b – Bikeways). Bicycles and pedestrians can be accommodated with smaller facilities, and those on foot or bicycle experience more of the sights and sounds of the coastal environment around them.

Since 1997, Highway One has operated at Level of Service 'A.' The Level of Service (LOS) measure is used to evaluate the adequacy of a given transportation feature, typically highways, by determining the level of traffic congestion and corresponding safety of driving conditions. A rating of 'LOS A' is the most ideal score a highway can receive, and is generally given when there exists a steady free flow of traffic and no approach area is fully utilized by traffic. This evaluation reflects a minimal level of traffic congestion and would not justify any widening of Highway One or other coastal roads. Furthermore, the rural character in which the natural environment predominates throughout the area would be changed

irrevocably by such alterations. Therefore, road widening is not a viable option for enhancing transportation capacity in the Coastal Zone.

Section 30254 of the Coastal Act establishes that Highway One shall remain a scenic two-lane road in rural areas of the Coastal Zone. However, Section 30210 requires maximizing access to the coast. Helping to reconcile these policies, Section 30252 encourages measures such as providing non-automobile circulation and minimizing the use of coastal access roads. Also related to the preservation of existing roads is Coastal Act Section 30251, which provides for the protection of the scenic and visual qualities of coastal areas, and 30253(5), which protects special communities that are popular visitor destination points for recreational users because of their unique characteristics.

The policies and programs of the Local Coastal Program (LCP) are consistent with the Coastal Act in that they prohibit the construction of additional highway lanes and ensure that road improvements are limited and undertaken in a way that respects their scenic environment. Instead of providing for an increase in vehicular traffic, the LCP encourages reduction of congestion through alternative means, such as limiting local parking and providing shuttle service to popular destinations. This goal is furthered by policies encouraging the expansion of the bicycle and pedestrian and supporting facilities. As a condition of new development, the LCP also encourages the procurement of new trails, roadways or paths. To further maximize coastal access, LCP policies encourage the expansion of trails and bikeways on National Park Service lands. Transportation policies of the LCP also recognize and attempt to minimize the impacts of sea level rise on Highway One using the least environmentally damaging means.

Policies

C-TR-1 Roads in the Coastal Zone. Limit roads in the Coastal Zone to two lanes. Work with state and federal agencies and local communities to enhance road safety, improve pedestrian, bicycle, and transit access, and stabilize or reduce congestion through means such as limiting local parking, creating a multipurpose path from West Marin to the City-Centered Corridor, and providing shuttle service to popular destinations. Shoulder widening for bicycles, turn lanes at intersections, turnouts for slow-moving traffic or at scenic vistas, traffic calming measures, and similar improvements are permitted, provided that such improvements are consistent with the coastal resource protection policies of the LCP. However, projects will not be undertaken to increase the motorized vehicular capacity of these roads.
[Adapted from Unit II Public Services Policy 4.a, p. 191, and CWP Program TR-1.o, p. 3-157]

C-TR-2 Scenic Quality of Highway One. Ensure that Highway One shall remain a scenic two-lane roadway throughout Marin's Coastal Zone. Maintain the existing narrow, twisty two-lane roadway that successfully complements the rugged, open character unique to the coastal area from the southern boundary of Marin's Coastal Zone northward to the Bolinas Lagoon. Ensure that improvements shall not, either individually or cumulatively, detract from the rural scenic characteristics of the highway throughout the Coastal Zone, shall minimize encroachment into parklands to the maximum extent feasible, and shall be limited to improvements necessary for the continued use of the highway: e.g., slope stabilization,

drainage control, and minor safety improvements such as guardrail placement, signing, etc.; expansion of shoulder paving to accommodate bicycle or pedestrian traffic; creation of slow traffic and vista turn-outs, as a safety and convenience improvement; and other minor improvements necessary to adequately accommodate public transit. Avoid incursions and other adverse impacts in ESHAs and their buffers. These improvements shall limit the site alterations to the minimum amount necessary to carry out the project, minimize environmental impacts and incorporate related compensatory visual or landform restorations where feasible.
[Adapted from Unit I Public Services Policy 13, p. 49, and Unit II Public Services Policy 4.a, p. 191]

Program C-TR-2.a State Route 1 Repair Guidelines Within Marin County. Coordinate with Caltrans, National Park Service and other appropriate entities in refining and implementing *State Route 1 Repair Guidelines Within Marin County* consistent with these policies.
[New program, 2015]

C-TR-3 Impacts to Highway One from Sea Level Rise. Consult with the California Department of Transportation to protect access to the coast and to minimize impacts of sea level rise on Highway One. Identify areas that will regularly be inundated by the ocean or are at risk of periodic inundation from storm surge and sea level rise. A combination of structural and non-structural measures should be considered with a preference towards non-structural solutions, including relocating the Highway, unless the structural solutions are less environmentally damaging. *(See also Environmental Hazards Program C-EH-22.a: Research and Respond to the Impacts of Sea Level Rise on Marin County's Coastal Zone Shoreline)*
[New policy, 2015]

C-TR-4 Expansion of Bicycle and Pedestrian Access. Expand bicycle and pedestrian facilities and access in and between neighborhoods, employment centers, shopping areas, schools, public lands, and recreational sites.
[Adapted from Unit II Public Services Policy 4.a, p. 191, and CWP Goal TR-2, p. 3-159]

C-TR-5 Bicycle and Pedestrian Network. Ensure that the Coastal Zone has adequate bicycle and pedestrian links, both internally and to other parts of the county, and that streetscape improvements and standards are safe and pedestrian and bicycle friendly. Consistent with LCP natural resource policies, avoid incursions into environmentally sensitive areas unless such incursions are dependent on the resource and the environmentally sensitive area is protected from significant disruption of habitat values. In addition, minimize impacts to active agricultural lands or operations. (See also Policy C-PK-14 Appropriate Alignment of the California Coastal Trail).
[Adapted from CWP Policy TR-2.1, p. 3-150]

Program C-TR-5.a Add Bicycle Lanes. Identify roads with shoulders wide enough to be designated as bicycle lanes and where feasible, stripe and sign appropriate roadway segments as bike lanes and bike routes.

[Adapted from CWP Policy TR-2.1, p. 3-150]

C-TR-6 New Bicycle and Pedestrian Facilities. Encourage, and where appropriate, require new development to provide trails or roadways and paths for use by bicycles and/or on-street bicycle and pedestrian facilities. Consider facilities that achieve the following:

1. Connect to the existing bikeway or trail system, including linkages to and between communities and recreation areas.
2. Link to federal and state park trail systems, where feasible.
3. Include trails designed to accommodate multiple use (hiking, biking, and/or equestrian) where multiple use can be provided safely for all users and where impacts to coastal resources are minimized.
4. Allow for flexible, site specific design and routing to minimize impacts on adjacent development and fragile habitat. In particular, ensure that trails located within or adjacent to Environmentally Sensitive Habitat Areas are designed to protect fish and wildlife resources.
5. Provide connections with populated areas.
6. Provide diverse recreational and aesthetic experiences.

[Adapted from CWP Policy TR-2.2, p. 3-159, and Malibu LCP Policy 2.45]

C-TR-7 New Bicycle Storage Facilities. Where appropriate, encourage the installation of bike racks, lockers, or other devices for securing bicycles in convenient locations at beach parks, parking lots, trailheads and other staging areas.
[New policy, 2015]

C-TR-8 Expansion of the Countywide Trail System. Acquire additional trails to complete the proposed countywide trail system, providing access to or between public lands and enhancing public trail use opportunities for all user groups, including multi-use trails, as appropriate.
[Adapted from CWP Policy TRL-1.2 p. 2-136]

C-TR-9 Bikeways on National Park Service Lands. Consult with the National Park Service (NPS) regarding the feasibility of bikeways on county-maintained roads within NPS park lands.
[New policy, 2015]

C-TR-10 Adequate and Affordable Public Transportation. Provide efficient, affordable public transportation service in and to the Coastal Zone and support expansion of alternative modes of transportation.
[Adapted from Unit I Public Services Policy 14, p. 49, Unit II Public Services Policy 4.c, p. 191, and CWP Goal TR-3, p. 3-162]

Program C-TR-10.a Encourage Additional Transit Service. Encourage programs, such as the development of new transit service routes and associated loading and turning areas, parking management and enforcement, and other programs as listed below, consistent with the goal of utilizing public transit to meet current and future increased use of coastal access and recreational areas. Develop stable funding streams for such programs, potentially including congestion or parking fees, in cooperation with appropriate county, regional, state and federal agencies.

1. Support continuation and expansion of Marin Transit's Stagecoach service to West Marin;
2. Seek installation of transit waiting shelters as appropriate;

3. Post transit schedules at transit stops; and
4. Consider utilizing the principle of "flag stops" to receive or discharge transit patrons along the transit route as a further inducement to transit patronage.

[Adapted from Unit I Public Services Policy 14, p. 49, and Unit II Public Services Policy 4.c, p. 192]

C-TR-11 Reduction of Visitor Traffic Congestion in West Marin. Consult with Caltrans, local, state, and federal parkland agencies, and local communities to provide alternatives to private automobile travel to recreational areas in the Coastal Zone.
[Adapted from Unit I Public Services Policy 14, p. 49, Unit II Public Services Policy 4.c, p. 191, and CWP Policy TR-3.6, p. 3-163]

C-TR-12 Consultation with Regional, State, and Federal Agencies. Consult with nearby counties, state and federal agencies, and special districts regarding regional land use and transportation planning. Encourage transit providers to minimize service gaps by linking services, such as the West Marin Stagecoach and shuttle services provided by the National Park Service, where feasible. *(See also C-PK-9 "Coordinate with Federal and State Parks Agencies" in the Parks, Recreation and Visitor-Serving Uses section)*
[New policy, 2015]

Socioeconomic

Introduction

The people of Marin County enjoy a high quality of life, due in part to the abundance of natural and cultural resources found throughout the area. Residents and visitors in the Coastal Zone have tremendous opportunity to learn about the history of the area, as well as to take advantage of the extensive variety of parks, beaches and other recreation areas. Protection and enjoyment of coastal resources and recreational opportunities are essential components in continuing and enhancing the quality of the Marin County Coastal Zone experience. The Local Coastal Program (LCP) seeks to protect resources that reflect the history of the coast, to preserve recreational opportunities for both coastal residents and visitors, and to maintain and expand opportunities for the public to access the ocean shoreline and other coastal water bodies.

The Socioeconomic section addresses the following subjects:

- Historical and Archaeological Resources (HAR)
- Parks, Recreation and Visitor-Serving Uses (PK)
- Public Coastal Access (PA)

Historical and Archaeological Resources (HAR)

Background

Coastal Marin has played a significant role in California's extensive history. Before the first arrival of Europeans in the 1500s, the local coast experienced thousands of years of Native American settlement by the Coast Miwok. The 1849 California Gold Rush brought an influx of people seeking their fortune to San Francisco. To support the rapid growth of the area, the North Pacific Coast Railway was completed in 1875, connecting Tomales to San Quentin and Sausalito, and ensuring efficient transport of lumber, dairy, and other agricultural products. During this hasty transformation of Marin County, the Coast Miwok culture collapsed and a new kind of society began to emerge. Families established new roots throughout the Coastal Zone, building homes in a variety of architectural styles including Greek Revival, Italianate, Queen Anne and Mission Revival. By the late nineteenth century, half of Marin County's population lived in or near the village of Tomales. This growth began to slow following the abandonment of the railroad in the 1930s. The rich history of Marin County serves as an important record of the past and should be preserved through the protection of local historical and archaeological resources.

Today, the Marin County coastal landscape is dotted with small rural communities, many of which are historically important and aesthetically unique (refer to Map 22 - Historic Resources to see properties in the Coastal Zone that are on the National or California Register). These communities have remained substantially intact due to their rural, isolated locations throughout the Coastal Zone and the strong historical preservation policies that protect their distinctive character. The historic architecture and village character of these communities are not only important historically, but also contribute to their attractive quality for visitors and residents alike. Improper land development activities can damage if not destroy such qualities, and should not be left unregulated.

The Coastal Act does not explicitly address protection of historical resources; however Sections 30244 and 30253(5) of the Act mandate protection of archaeological and paleontological resources as well as protection of coastal communities that draw visitors because of their special characteristics, including in

terms of the way in which historic resources contribute to an area's character. Similarly, Section 30251 protection for visual resources extends to the manner in which history affects and informs such resources. The Local Coastal Program (LCP) carries out these requirements, in part, through policies that protect key historical, archaeological, and paleontological resources. These policies accommodate future development in a way that preserves the area's unique historical character.

The LCP provides for protection of key Coastal Zone resources that reflect the legacy of the past. In furtherance of this goal, LCP policies protect historic buildings and ensure that new development will be compatible with the existing character of the surrounding community (see Maps 23a through 23g). The success of these measures relies on broad public participation, as well as use of design-review groups to evaluate coastal permits involving or affecting historic structures.

The LCP also protects archaeological and paleontological resources when development projects that might affect them are proposed, by requiring development applications to be reviewed for potential impacts to archaeological and paleontological resources. If potential impacts are found during the review, the LCP requires their avoidance through means such as re-siting the proposed development. When construction activity is allowed at archaeologically sensitive sites, the LCP requires that such activities be carefully monitored and any mitigation measures be properly implemented in the event that archaeological resources are discovered during construction.

Policies

C-HAR-1 Maintenance of Information on Archaeological and Paleontological Resources. Maintain a file on known and suspected archaeological and paleontological sites in the Coastal Zone, in cooperation with the area clearinghouse, for use in carrying out Policy C-HAR-2. Additional information on such sites that becomes available through the EIR process or by other means shall be added to the file and forwarded to the Northwest Information Center (NWIC). The file shall be kept confidential in order to prevent vandalism of sites.
[Adapted from Unit I New Development and Land Use Policy 18, p. 64, and Unit II New Development and Land Use Policy 2.a, p. 206]

C-HAR-2 Potential Impacts of Development on Archaeological and Paleontological Resources. Prior to the approval of a coastal ~~project~~ permit for any development proposed within an area of known or likely archaeological or paleontological significance, including sites identified in the file described in Policy C-HAR-1, require a field survey by a state-qualified archaeologist recommended by the Sacred Sites Protection Committee of the Federated Indians of Graton Rancheria or by a qualified paleontologist at the applicant's expense to determine the extent of archaeological or paleontological resources on the site. Where development would adversely impact identified resources, require mitigation measures, as appropriate, including avoidance and permanent protection as open space, if feasible, as recommended in the field survey.
[Adapted from Unit I New Development and Land Use Policy 19, p. 64, Unit II New Development and Land Use Policy 2.b, p. 206, and Countywide Plan Programs HAR-1.d and HAR-1.3]

C-HAR-3 Monitoring of Construction on Archaeological Sites by Appropriate Experts. As a condition of coastal permit approval, require that new development on sites identified as archaeologically sensitive include on-site monitoring by a qualified archaeologist(s) and appropriate Native American consultant(s) of all grading, excavation, and site preparation that involves earth moving. Provide for implementation of mitigation measures if significant resources are discovered by on-site monitors.
[New policy, 2015]

C-HAR-4 Structures of Special Character and Visitor Appeal. Preserve and restore structures with special character and visitor appeal in coastal communities.
[Adapted from Unit I New Development and Land Use Policy 15, p. 64, and Unit II New Development and Land Use Policy 1.a, p. 206]

C-HAR-5 Proposed Development that Affects Areas and Structures of Special Character and Visitor Appeal. Review all coastal permits for projects that (1) are located within the boundaries of those areas designated as having special character and visitor appeal, including historic areas, and (2) involve pre-1930 buildings, to ensure that such projects conform to:

1. "Design Guidelines for Construction in Areas of Special Character and Visitor Appeal and for pre-1930 Structures" and,
2. "Coastal Village Community Character Review Checklist", both located in the Appendix of the LCP.

[Adapted from Unit I New Development and Land Use Policy 16, p. 64, and Unit II New Development and Land Use Policy 1.b, p. 206]

C-HAR-6 Alterations and Additions to Structures of Special Character and Visitor Appeal. Require a coastal permit for substantial alterations or additions to any structure built prior to 1930 that would otherwise be exempt from a coastal permit, except for (a) maintenance or repair to any pre-1930's structure consistent with its original architectural character and (b) maintenance or repair that includes replacement-in-kind of building components. Alterations or additions to any pre-1930's structure shall retain the scale and original architectural character of the structure, especially for the front facade.
[Adapted from Unit I New Development and Land Use Policy 15.b, p. 64, and Unit II New Development and Land Use Policy 1.a(2), p. 206]

C-HAR-7 Proposed Demolition of Structures of Special Character and Visitor Appeal. Review the proposed demolition of any structure built prior to 1930 for its impacts on community character, except that demolition of any secondary or agricultural building built prior to 1930 may be exempted from this requirement upon a finding by the Planning Director or appropriate hearing body that such structure is not a significant resource. Issuance of a coastal permit for the demolition of any pre-1930 structure may provide for such demolition to be delayed for a period not to exceed six months. During this period, the property owner or local historic group or society may attempt to find a purchaser or alternate location for the structure. This six month period may be waived by the Planning Director or appropriate hearing body upon a finding that the structure is not significant to community character or to visitor appeal or cannot be rehabilitated.
[Adapted from Unit I New Development and Land Use Policy 15.c, p. 64, and Unit II New Development and Land Use Policy 1.a(3), p. 206]

C-HAR-8 Village Areas with Special Character and Visitor Appeal. Ensure that all new development conforms in siting, scale, design, materials and texture with surrounding community character within areas having special character and visitor appeal including mapped historic areas in Stinson Beach, Bolinas, Tomales, Marshall, Point Reyes Station, Olema, and Inverness.

[Adapted from Unit I New Development and Land Use Policy 15.a, p. 64, and Unit II New Development and Land Use Policy 1.a(1), p. 206]

Parks, Recreation and Visitor-Serving Uses (PK)

Background

The spectacular Marin County coast is distinguished by its windswept rolling hills, coastal bluffs, dense redwood forests, tidal flats, rural communities and cool, frequently foggy weather. The Coastal Zone is home to a myriad of protected natural communities and some of the region's most popular national, state and county parks, including Point Reyes National Seashore and the Golden Gate National Recreation Area (see Map 24 – Open Space and Parks).

Provision of recreational opportunities in the Coastal Zone is important as a means to preserve the natural landscape, as well as to enable the public to use and enjoy its many parks and recreation areas. Enjoyment of coastal resources increases public knowledge about the value of the natural environment and the need to protect it. Overnight accommodations are a key element in the provision of coastal recreational opportunities, since many coastal visitors travel long distances to reach the variety of recreation options found throughout the County. By supporting lower cost overnight facilities and public recreation, the Local Coastal Program (LCP) is helping to ensure that everyone, regardless of economic status, can take advantage of such opportunities.

Communities in the southern part of the Coastal Zone are in close proximity to the City of San Francisco, and tend to generally have higher demand for day-use opportunities and lower demand for overnight accommodations than communities farther north. As the population of the Bay Area grows, demand for local recreational opportunities rises. Availability of both private and public recreational opportunities ensures that these growing demands may be met in a variety of ways. Parks throughout the County are critical in providing access to these activities and represent a low-cost option for recreational pursuits, allowing all people an equal opportunity to participate. Commercial visitor-serving facilities provide much of the supply of overnight accommodations throughout the Coastal Zone, and generally consist of small inns and bed and breakfast facilities in villages and rural areas.

The Coastal Act places a high priority on the provision of recreation and visitor-serving facilities, especially lower cost and public facilities, including as reflected in Sections 30213, 30220, 30221, 30222, 30223, and 30224 of the Act. Section 30222 states that use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industries. Regarding development of recreational facilities within state parks, as well as those maintained by the County and special districts, the Coastal Act establishes that it is the responsibility of the County to review coastal permits for such development.

The LCP encourages provision of a wide range of recreational opportunities, while balancing recreational use with protection of natural resources and community character. The LCP addresses growing demand for coastal recreational opportunities through policies and programs that support both public recreational and commercial facilities, including overnight accommodations of low or moderate cost. Furthermore, the LCP discourages conversion of visitor-serving enterprises, particularly those that provide overnight accommodation, into time-sharing, club, condominium or similarly restricted or limited access type of occupancy. The LCP also restricts conversion of second units and affordable housing to bed and breakfast inns.

Federal park projects in the Coastal Zone are not subject to County-issued coastal permits. LCP policies regarding recreational uses within Point Reyes National Seashore and Golden Gate National Recreation Area simply provide guidance to both the National Park Service and California Coastal Commission, which typically review federal projects under what is known as the federal consistency review authority. Although federal park activities are not within the County's coastal permit authority, the County does have the responsibility to review non-federal projects that take place within the boundaries of National Park Service lands. For instance, private development that occurs on a leasehold within Point Reyes National Seashore is subject to coastal development permit review.

Policies

C-PK-1 Opportunities for Coastal Recreation. Provide high priority for development of visitor-serving and commercial recreational facilities designed to enhance public opportunities for lower-cost coastal recreation. On land designated for visitor-serving commercial and/or recreational facilities, ensure that higher priority shall be given to such uses over private residential or general commercial development. New visitor-serving uses shall not displace existing lower-cost visitor-serving uses unless an equivalent replacement is provided.
[Adapted from Unit II Recreation and Visitor-Serving Facilities Policy 1, p. 42, and Malibu LCP Policy 2.33]

C-PK-2 Compatible Commercial Recreation Facilities. Ensure that new visitor-serving and commercial development is compatible in architectural character, scale, and function with the character of the community in which it is located, including to preserve the integrity and special qualities of coastal

villages in the Coastal Zone. Site and design visitor-serving and commercial development to minimize impacts on the environment and other uses in the area, and assure its conformance with LCP policies on natural resources, agriculture, visual quality, public access, and public services, among others.
[Adapted from Unit II Recreation and Visitor-Serving Facilities Policies 1, p. 42, and 3.a, p. 43]

C-PK-3 Mixed Uses in the Coastal Village Commercial/Residential Zone. Continue to permit a mixture of residential and commercial uses in the C-VCR zoning district to maintain the established character of village commercial areas. Principal permitted use of the C-VCR zone shall include commercial uses. In the village commercial core area, residential uses shall be limited to: (a) the upper floors, and/or (b) the lower floors if not located on the road-facing side of the property. Residential uses on the ground floor of a new or existing structure of the road-facing side of the property shall only be allowed subject to a use permit where a finding can be made that the development maintains and/or enhances the established character of village commercial areas. Existing legally established residential uses in the C-VCR zone on the ground floor and road-facing side of the property can be maintained.
[Adapted from Unit I Recreation and Visitor-Serving Facilities Policy 14, p. 13]

C-PK-4. Balance of Visitor-Serving and Local-Serving Facilities. Support a level of local-serving facilities such that an adequate infrastructure can be maintained to ensure the health, vitality, and survival of the visitor-serving segment of the coastal economy.
[New policy, 2015]

C-PK-5 Small-Scale Tourist Facilities. Permit small-scale tourist-oriented businesses, rather than large tourist facilities, within coastal villages. Small-scale uses that serve visitors to major public recreation areas include campgrounds, hotels, shops, and restaurants. Ensure that the siting height, scale, intensity, and design are compatible with surrounding community character.
[Adapted from CWP Policy PA-7.8, p. 3-243]

C-PK-6 Bed and Breakfast Inns. Support bed and breakfast facilities in the Coastal Zone as a means of providing visitor accommodations, while minimizing their impacts on surrounding communities. Restrict the conversion of second units and affordable housing to bed and breakfast inns. In addition, support the location of bed and breakfast inns in areas that are easily and directly accessible from usual tourist travel routes and where there is adequate off-street parking for guests and where the problem of nearby residents being inconvenienced by noise and increased transient traffic is minimized. Bed and breakfast inns shall be permitted to host or provide facilities for gatherings, such as weddings, receptions, private parties, or retreats if located in the C-APZ, C-ARP or C-R-A and if such activities are otherwise LCP consistent. Each bed and breakfast inn must be operated by a householder who is the sole proprietor of the enterprise and whose primary residence is on the premises where the inn accommodations are located.
[Adapted from Unit I Recreation and Visitor-Serving Facilities Policy 15, p. 14, and Unit II Recreation and Visitor-Serving Facilities Policy 3.h, p. 52]

C-PK-7 Lower Cost Recreational Facilities. Protect and retain existing lower cost visitor and recreational facilities. Prohibit conversion of an existing lower-cost overnight facility unless replaced in kind. Prohibit conversion of an existing visitor serving facility on public land to private membership use. Ensure that new development of overnight visitor-serving accommodations (other than bed and breakfast inns), provides a component of lower cost overnight visitor accommodations open to the public, such as a campground, RV park, hostel, or lower cost hotel. The required component of lower cost overnight accommodations should be equivalent to at least 20 percent of the number of high-cost or private membership overnight accommodations. This requirement may be met on site, off site, or by means of

payment of an in lieu fee to the County for deposit into a fund to subsidize the construction of lower-cost overnight facilities in the Coastal Zone.
[Adapted from Malibu LUP Policy 2.35]

C-PK-8 Appropriate Public Recreation Opportunities. Ensure that public recreational development is undertaken in a manner which preserves the unique qualities of Marin's coast and is consistent with the protection of natural resources and agriculture. Generally, recreational uses shall be low-intensity, such as hiking, camping, and fishing, in keeping with the character of existing uses in the Coastal Zone.
[Adapted from Unit II Recreation and Visitor-Serving Facilities Policy 1, p. 42]

C-PK-9 Coordination with Federal and State Parks Agencies. Encourage coordination between the County and federal and state parks agencies in planning and maintaining parks, recreation areas, and coastal accessways within the Coastal Zone. Coordinate with the National Park Service in the development of a Transportation Demand Management Program designed to reduce commute traffic generated by tenants and employees located within park facilities.
[New policy, 2015]

C-PK-10 Appropriate Uses of Federal Parks. The following policies shall be advisory for development on federal parklands within the Coastal Zone.

1. Public access and transportation.

- **a.** Provide additional coastal access trails and bike paths where feasible and consistent with protection of the park's natural resources. Non-vehicular accessways should connect to points accessible by both automobile and transit.
- **b.** Give priority to frequent and convenient transit service from outside the parks to the most heavily used areas in the parks in transit planning and funding. Encourage the National Park Service to expand shuttle services within the parks.

2. Recreation and visitor-serving facilities.

- **a.** Give priority to development of new facilities in the most heavily used areas of the parks which are close to park interpretive, educational, and other programs and which are easily accessible by transit.
- **b.** If any unused buildings within the parks, such as military structures, still exist, review their potential for overnight accommodations before they are converted to other cultural or institutional uses.

3. Natural resources.

Encourage evaluation of federal projects which involve the modification or alteration of natural resources by the Coastal Commission through the consistency review process using the LCP as a guide.

4. Agriculture and mariculture.

a. Encourage continuation of agricultural land uses in the Golden Gate National Recreation Area and Point Reyes National Seashore, at locations and levels compatible with protection of natural resources and public recreational use. Agricultural operations should be monitored to ensure that they are compatible with resource carrying capacity. Where issues arise between agriculture and resource protection or public access or recreational uses, they should be resolved to protect resources and public access while still allowing the continuation of the agricultural operation.

b. Encourage the National Park Service to develop uniform procedures and standards to use in dealing with all agricultural tenants, including use of long-term lease arrangements of at least ten years. Encourage review of existing agricultural leases and special use permits for compatibility with park goals five years prior to their expiration. Operators should be notified at that time whether or not their leases will be renewed and what revisions in operating arrangements, if any, are necessary. Provisions for automatic lease renewals should be supported.

5. Development/historic preservation.

Whenever possible, utilize existing structures and existing developed areas for new or expanded development. Historic structures should be preserved, restored, and formally designated as historic resources where appropriate. Work with the National Park Service to coordinate historic preservation activities in the Coastal Zone. The majority of park development should be concentrated in the southern GGNRA due to its proximity and accessibility to urban population centers, and availability of existing facilities. New backcountry campgrounds should be developed with minimum impacts on visual and habitat resources.

[Adapted from Unit II Federal Parkland Policies 1 through 6, pp. 61-62]

C-PK-11 State Parks. The State Department of Parks and Recreation has numerous holdings in the Coastal Zone, several of which have not been developed. Collectively, these holdings form Tomales Bay State Park and limited portions of Mount Tamalpais State Park. The Department has prepared a general Plan for both Tomales Bay State Park, which includes most of the state park lands in Marin County's Coastal Zone, as well as Mount Tamalpais State Park. Development within the state parks should be consistent with their adopted General Plans as described below, as long as such development is fully consistent with all applicable LCP policies.

Mount Tamalpais State Park. The development of additional recreational and visitor services on those portions of the Mount Tamalpais State park within the Coastal Zone, including hiking trails, equestrian trails, a "primitive" hostel at the Steep Ravine Cabins and improved parking and support facilities at Red Rock are recommended. Such facilities shall be similar in design, size and/or location as those proposed by the Mount Tamalpais State Park Plan as long as such facilities can be found fully consistent with applicable LCP standards. Consistent with the protection of significant resources, additional trail development to improve access to public tidelands is encouraged.

Tomales Bay State Park. The Tomales Bay State Park General Plan states that it "aims to preserve what works well now in the park and only recommends changes to park management, activities, and

recreational and administrative facilities that can harmonize with the area's sensitive values and support valuable visitor experiences of Tomales Bay and its surrounding landscape." Support the following_at Tomales Bay State Park, so long as such development can be found fully consistent with applicable LCP standards:

1. Focus and anchor east shore recreation at Marconi Cove and west shore recreation at Heart's Desire area.
2. Manage the greater part of park areas for their habitat, watershed, and aesthetic values and for low-impact and low-density recreation opportunities such as trail use, nature observation, and picnicking.
3. Enhance trail connections with Point Reyes National Seashore in the Heart's Desire and Inverness areas.
4. Improve recreational opportunities along the Highway One corridor where recent acquisitions present new opportunities.
5. Formalize small-scale camping opportunities in previously developed areas.
6. Provide watercraft and sailboard launching opportunities at Marconi Cove and provide hiking and mountain biking recreational opportunities at the proposed trail in the Millerton Uplands.
7. Use sustainable design in siting, construction, and maintenance of park facilities. Furthermore, apply the following guidelines:

Heart's Desire Area

1. Preserve and enhance the forest structure and age classes of the Jepson Grove/Bishop pine forest and forest growth by improving Pinus muricata growth.
2. Continue to manage Heart's Desire Beach as the only "drive-up" beach access in the park.
3. Preserve and enhance the Indian Beach estuary and protect its cultural attributes including the midden site.
4. Restore the natural outlet of the estuary that was lost when the parking lot was built at Heart's Desire Beach in the 1960s.
5. Redesign and relocate picnic facilities to better blend with the natural environment and to provide a sense of seclusion where appropriate.
6. Adapt former hike-bike campground to a group campground.
7. Develop small walk-in campground (maximum of 15 sites) above the entrance station provided, however, that accommodation may be made for vehicles to provide any necessary disability access.
8. Encourage the Point Reyes National Seashore to extend its trail system to help complete the California Coastal Trail in two locations: connect the Indian Beach Trail to Marshall Beach Trail, and connect the Johnstone Trail to the Mount Vision Road and Inverness Ridge Trail.

Inverness Area

1. Manage these parcels as natural watershed, viewshed and wildlife habitat.
2. On the North Dream Farm property, consider developing a day-use trailhead, a self-guided nature trail loop, and an extension of the nature trail which would connect with the ridgetop trails of Point Reyes National Seashore.
3. Consider acquisitions from willing sellers, land exchanges, or land-use agreements to consolidate the park's three discontinuous Inverness Area parcels and make them more usable for public hiking both on the Tomales Bay side and to connect with trails in the Point Reyes National Seashore.

4. Encourage the State Department of Parks and Recreation to consider transferring to the Inverness Public Utility District the management or ownership of the three Assessors Parcels located around the District's watershed lands.

Millerton Area

1. Preserve and protect the Tomasini Point estuary area as habitat for native plants and animals.
2. Create a Millerton Uplands trail as part of a new segment of the California Coastal Trail.
3. Consider establishment of two trailheads to support the proposed Millerton Uplands trail—a southern trailhead near Millerton Point and a northern trailhead at Tomasini Point, including, if necessary for safety, a modest-sized and sensitively located and screened parking lot and restroom facilities on the east side of the highway near the entrance to Sheep Ranch Road.
4. Encourage the State Department of Parks and Recreation to maintain existing agricultural operations on acquired lands on the east shore of Tomales Bay until such time as the lands are developed for recreational purposes.

Marconi Cove Area

1. Provide day-use picnicking and boating facilities, including boat launch ramp, at this former marina/campground site.
2. Provide environmental campsites which could accommodate, but would not be limited to, camping needs of bicyclists, boaters, and users of the California Coastal Trail.
3. Consider adaptation of the bathhouse (potentially historic) along Highway One to use as staff or campground host housing or for another park use.
4. Provide parking facilities, park entrance, restrooms, landscaping, interpretive signage, pathways, fencing, lighting, and campground amenities such as fire rings, tables, and food lockers.
5. Retain natural values, especially where the property is narrowest, on the south end.
6. Ensure that development and operation of recreational facilities at Marconi Cove consider potential impacts to freshwater and baywater quality, wildlife, and to existing state water bottom leases utilized for commercial shellfish aquaculture.

North Marshall Area

1. Preserve the natural resources and open space character of this property and consider future potential for low-intensity public access and use.
2. Since this property is remote from the park's other holdings and has limited recreational potential, explore the environmental and operational benefits that may be available through land exchanges, memoranda of understandings, or other arrangements with interested organizational stakeholders to achieve common goals of protecting and managing the natural resources and open space of this area.

[Adapted from Unit II Recreation and Visitor-Serving Facilities Policy 2.b, p. 42]

C-PK-12 Existing County Parks in the Coastal Zone. Continue to operate the eight Marin County Parks facilities in the Coastal Zone, Miller Park, Whitehouse Pool, Chicken Ranch Beach, Bolinas Park, Upton Beach, Agate Beach, and Village Green I and II, which offer boating, fishing, swimming, and recreational opportunities in key locations. If possible, supply water to Miller Park for the benefit of those

who use the facility. Maintain existing roadside parking for Chicken Ranch Beach on Sir Francis Drake Boulevard, and add handicapped parking, if feasible.
[Adapted from Unit II Public Parklands Policy 2.c, p. 43]

C-PK-13 Future Acquisition of County Coastal Parks through the County Parks Master Plan. In preparing a future Countywide Parks Master Plan, identify any potential coastal parks that would be of particular value to Marin County residents, for inclusion in the LCP through an LCP amendment. A future Marin County Parks Master Plan Update may include an implementation schedule and plan, incorporating means of acquisition such as public purchase, voluntary donation, tax default sale, or others. [New policy, 2015]

C-PK-14 Appropriate Alignment of the California Coastal Trail. Support completion of the California Coastal Trail system through Marin County, including as shown generally on Map 25, and including through working with willing sellers or donors and other entities. To the extent that an interim inland bypass is necessary for the route from Tomales north to the County line, that route should follow Highway One, as appropriate.

Acquisition, siting, and design of the California Coastal Trail should reflect the following standards:

1. Seek needed trail segments from willing sellers at fair market value, by donation, or through the regulatory process, including pursuant to Policy C-PA-2;
2. Locate trail segments along or as close to the shoreline as feasible;
3. Incorporate a "braided trail" concept, if necessary, in which there are separate routes for different non-motorized users;
4. Make the trail continuous and link it to other public trail systems;
5. Where not feasible to locate the trail along the shoreline due to natural landforms, sensitive natural resources, or agricultural operations, locate inland bypass segments as close to the shoreline as possible;
6. Consider use of an inland bypass trail, including braided trail segments where opportunities exist to create them, that assures a continuous coastal trail in the short-term, while providing for potential realignment to better locations as conditions change in the future. Seek opportunities over time to move such segments closer to the shoreline, including where willing landowners agree;
7. Wherever possible, avoid locating trail segments along roads with motorized vehicle traffic. If it is necessary to site trail segments along such roads, provide for separation of the trail from traffic as much as possible.

[Adapted from Unit II Recreation and Visitor-Serving Facilities Policy 4, p. 52, and Malibu LCP Policy 2.57]

Program C-PK-14.a Collaborate to Complete the California Coastal Trail.

1. Collaborate with state and federal parkland agencies, coastal communities, Caltrans, Transportation Authority of Marin, the Coastal Conservancy, the Coastal Commission, and other organizations to identify gaps in the California Coastal Trail located within Marin County;
2. Working with public agencies, non-governmental organizations, and private landowners, propose methods to complete identified gaps in the California Coastal Trail; and

3. Identify and strengthen links from the California Coastal Trail to other paths contained in the Marin County Unincorporated Bicycle and Pedestrian Master Plan.

[New program, 2015]

C-PK-15 Commercial Fishing and Recreational Boating. Support and protect commercial fishing and recreational boating on Tomales Bay. Protect and, where feasible, upgrade facilities on the shoreline of the Bay which support such uses. Design and locate proposed recreational boating facilities, where feasible, so as not to interfere with the needs of the commercial fishing industry.
[Adapted from Unit II Commercial Fishing and Recreational Boating Policy 1, p. 122, and Coastal Act Section 30234]

C-PK-16 Standards for New Boating Facilities. Apply the following standards to the development of new boating facilities on the Tomales Bay shoreline:

1. Co-locate new marinas or boat works within or adjacent to existing facilities and where adequate public services, such as parking and sewage disposal, exist. Where co-location is not feasible, limit new boating facilities in undeveloped areas to small scale facilities such as launching ramps. In addition, adequate waste pump-out facilities shall be provided.
2. Direct new or expanded marinas to deeper water areas with good tidal flushing in order to minimize the need for dredging and the risk of water pollution and stagnation.
3. Provide adequate berthing space for commercial fishing boats in new or expanded marinas to ensure protection of this coastal dependent industry.
4. Incorporate provisions for public access to and along the shoreline in the design of marina facilities, and minimize alteration of the natural shoreline in conformance with LCP policies on public access and wetlands protection.
5. Prohibit "live aboards" and houseboats on Tomales Bay.

[Adapted from Unit II Commercial Fishing and Recreational Boating Policy 2, p. 122]

Public Coastal Access (PA)

Background

Physical access to the shoreline is necessary to allow residents and visitors full enjoyment of California's coast. Much of the Marin County Coastal Zone lies within federal, state, or County parks and recreation areas. Coastal parks provide numerous opportunities for public access to the coast, in addition to providing public recreation and protecting wildlife habitats, open space and cultural resources. In addition to extensive shoreline parks, limited areas of the Coastal Zone are held by non-governmental entities, such as Audubon Canyon Ranch, that also provide opportunities for public coastal access, while protecting wildlife habitat and open space.

The shoreline from Point Bonita near the Golden Gate extending north around the Point Reyes Peninsula to Point Reyes Station is largely public parkland. Within this stretch of the Coastal Zone are the small communities of Muir Beach, Stinson Beach, Bolinas, Inverness, Olema and Point Reyes Station. Within most of these communities, some private land adjoins the shoreline, but even so there are locations at which public shoreline access is available. From Point Reyes Station north along the east shore of Tomales Bay to the Sonoma County line lies a patchwork of public and private land, some of which is within the coastal communities of East Shore/Marshall, Tomales, and Dillon Beach. Within this northern reach of the Coastal Zone, shoreline access opportunities are available at only limited locations, and the dominant land use is agriculture.

The California coast and its beaches are popular destinations for both residents and visitors, and the Marin County Coastal Zone is no exception. While the statewide population of California continues to expand, so do the number of out-of-state visitors, who serve as an important contributor to the state's economic well-being. Although visitation is already high and expected to grow, the length of California's shoreline remains fixed. Providing additional sites for coastal access fulfills several purposes, including lessening the impacts of overuse of any one public coastal access site, affording visitors a variety of coastal experiences, and increasing healthy outdoor recreational opportunities.

The Coastal Act of 1976 places a high priority on the provision of opportunities for public access to and along the coast, including requiring that such opportunities be maximized. Protection of existing access opportunities and the creation of new ones are also encouraged. Each Local Coastal Program (LCP) is required to include a specific public access component, in order to assure that maximum public access to the coast is provided and that public recreation areas are available to everyone.

Coastal public accessways are generally of two types: lateral, meaning an accessway that runs parallel to the shoreline, and vertical, meaning an accessway that leads from Highway One or other public road to the shoreline. Public accessways are owned and managed in several different ways. Some are on public land and thus owned in fee by a government entity, whereas others consist of a government-held easement over private land. Still others are managed by non-governmental entities that provide coastal access opportunities for the general public.

LCP policies support protection of existing public coastal accessways. Policies are designed to protect public rights of access where acquired through use (where prescriptive rights may exist), as well as accessways that are managed as part of existing parks and recreation areas. LCP policies also address restoration of existing public coastal accessways that may become degraded through use, as well as the protection of existing coastal access where it might be affected by construction of new shoreline protective devices (e.g., seawalls).

Opportunities for creating new public coastal accessways are limited in Marin County, given that much of the ocean shoreline is already under public ownership. Nevertheless, LCP policies support the creation of new opportunities for public access to and along the shoreline. Key elements of the LCP require the provision of public access in new development projects, where warranted and where consistent with the protection of other coastal resources. Additional policies encourage acquisition of public coastal accessways through a variety of means, including public purchase and voluntary donation.

Policies

C-PA-1 Public Coastal Access. Support and encourage the enhancement of public access opportunities to and along the coast, including in conformance with Sections 30210 through 30214 of the Coastal Act.
[Adapted from Unit II Public Access Policy 1, p. 13]

C-PA-2 Public Coastal Access in New Development. Examine proposed new development between the shoreline and the first public road, whether or not it is mapped as the first public road for purposes of coastal permit appeals, for impacts on public access to the coast. Where the provision of public access is related in nature and extent to the impacts of the proposed development, require dedication of a lateral and/or vertical accessway, including segment(s) of the California Coastal Trail as provided by Policy C-PK-14, as a condition of development, unless Policy C-PA-3 provides an exemption. Impacts on public access include, but are not limited to, intensification of land use resulting in overuse of existing public accessways, creation of physical obstructions or perceived deterrence to public access, and creation of conflicts between private land uses and public access.

[Adapted from Unit II Public Access Policy 1, p. 13]

C-PA-3 Exemptions to Public Coastal Access Requirements. The following are exempt from the public coastal access requirements of Policy C-PA-2 ~~*only if access design measures (such as setbacks from sensitive habitats, trails, or stairways) or management measures (such as regulated hours, seasons, or types of use) cannot adequately mitigate potential adverse impacts associated with public coastal access requirements*~~:

1. Improvement, replacement, demolition or reconstruction of certain existing structures, as specified in Section 30212 (b) of the Coastal Act, and
2. Any new development upon specific findings under Section 30212 (a) that (1) public access would be inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate public access exists nearby, or (3) agriculture would be adversely affected.

[Adapted from Unit II Public Access Policies 2.d, p. 15, and 5, p. 23]

C-PA-4 Direct Dedication of Public Coastal Access, if Feasible. If a coastal accessway is required as a condition of development pursuant to Policy C-PA-2, require, if feasible, direct dedication of an easement or fee title interest to the County, another public agency, or other suitable entity. If direct dedication is not feasible, require that a twenty-year irrevocable offer to dedicate the required easement(s) shall be recorded by the applicant prior to the issuance of a final County permit to commence construction. Upon recordation, immediately notify the California State Coastal Conservancy of such offers to dedicate. The County may process irrevocable offers according to the Coastal Commission's centralized coastal access program. In the event that a property owner is willing to accept responsibility for public use of a defined area of the property, and such public use can be assured in the future, a deed restriction may be required, rather than direct dedication of access or an offer to dedicate access.
[New policy, 2015]

C-PA-5 Acceptance of Offers to Dedicate Public Coastal Accessways. Accept offers to dedicate easements or fee title interests in coastal accessways and, as resources permit, place first priority on opening such accessways when the offer to dedicate is made pursuant to evidence of prescriptive rights or where the offer to dedicate is in a developed area. The County shall accept an offer to dedicate within 9 months of recordation. If the County does not accept an easement within this time period, it shall attempt to find an appropriate public or private agency to do so. Notwithstanding the above, the County may at any time accept a valid offer to dedicate an easement that has not been accepted by another entity.
[Adapted from Unit I Public Access Policy 6, p. 8, and Unit II, Public Access Policy 2.c, p. 14]

C-PA-6 Acquisition and Location of New Public Coastal Accessways through Suitable Means. Acquire additional public coastal accessways in order to enhance opportunities to reach public tidelands, to link publicly accessible beaches via lateral trails, and to avoid impacts of overuse of any single area. Acquisition shall be pursued through available means including, public purchase, tax default acquisitions, agreements with nonprofit management entities, voluntary donation, or, when permissible, dedication as a condition of a coastal permit. When available funds or other acquisition opportunities are limited, accessways listed in the Appendix shall receive first priority. Acquisition and location of accessways shall take into account the need to protect public safety, military security, fragile coastal resources, and agriculture.
[Adapted from Unit I Public Access Policies 9, 11, 12, and 13, pp. 8-9, and Unit II Public Access Policies 3, 4, and 5, pp. 15-22]

Program C-PA-6.a Review and Revise List of Recommended Public Coastal Accessways. Review and revise as appropriate priority coastal access sites in the List of Recommended Accessways to reflect current suitability, environmental characteristics, and ownership status. [New program, 2015. The current detailed list of recommended accessways is now contained in "Appendix 5" of the LCPA.]

C-PA-7 Protection of Prescriptive Rights. Ensure that development does not interfere with the public's right of access to the sea where acquired through use. Where evidence (including historic public use) of prescriptive rights is found in reviewing a coastal permit application, take one or more of the following actions:

1. Consider approval of the coastal permit application, while siting development to avoid the area potentially subject to prescriptive rights and/or by requiring public easements to protect the types and intensities of historic/prescriptive use as a condition of project approval.
2. If requirement of an access easement to protect areas of historic/prescriptive use would preclude all reasonable private use of the project site, the County or the Coastal Commission and the Attorney General at the request of the County shall, subject to the availability of staff and funds, seek a court determination and confirmation of such public rights.
3. In the absence of a final court determination, the County may proceed to consider approval of development on areas potentially subject to prescriptive rights (except those used for lateral access), if alternative access is provided equivalent in time place and manner so as to assure that potential rights of public access are protected in accordance with the LCP's Access policies. Such mitigation may include securing an accessway on another property in the same vicinity, or providing an in-lieu fee to a public agency or private association approved by the County and Coastal Commission for acquisition, improvement, or maintenance of access in the same vicinity. Same vicinity is considered to be within 1,000 feet of the project site (parcel).

[Adapted from Unit I Public Access Policy 3, p. 7, Unit II Public Access Policy 2.a, p. 13, and Coastal Act Section 30211]

C-PA-8 Bolinas Mesa. Public use of the two access trails across Bolinas Mesa to the RCA beach and the beach area itself shall be protected and shall be limited to the level and character of the historic use of the property (including use for beach access, hiking, swimming, and horseback riding) to protect the natural resources of Duxbury Reef. Limited signing shall be provided to identify the access trails and caution trail users of the fragile coastal resources of the area.
[Adapted from Unit I Public Access Policy 11, p. 9]

C-PA-9 Variety of Public Coastal Accessways. When requiring public coastal access, include any of the following types of accessways, either singularly or in combination:

1. Vertical accessways to the ocean or shoreline;
2. Lateral accessways along the ocean or shoreline that extend in width from the ambulatory mean high tide line landward to a defined line, such as the intersection of the sand with the toe of a revetment, vertical face of a seawall, toe of a bluff, or other feature;
3. Bluff top accessways along bluffs for public viewing or trail purposes or where no continuous sandy beach exists.

[Adapted from Unit I Public Access Policy 2, p. 7, and Unit II Public Access Policy 2.b, p. 14]

C-PA-10 Impacts of Public Coastal Accessways on their Surroundings. Site and design coastal accessways and parking and other support facilities to avoid significant adverse impacts to sensitive environmental resources, agriculture, and the surrounding community. A vertical accessway should generally be ten feet in width unless site conditions warrant otherwise and should be located at least 10 feet from residential structures. Control public access to sensitive habitat areas, including timing, intensity, and location of such access, to minimize disturbance to wildlife.
[Adapted from Unit II Public Access Policy 2, p. 14, and Unit II Natural Resources Policy 5.b, p. 75]

C-PA-11 Privacy of Neighbors. In determining appropriate management measures for public coastal accessways, including hours of operation, the Marin County Parks department or other managing entity should take into account the need to respect the privacy of neighboring residents.
[Adapted from Unit I Public Access Policy 1, p. 7]

C-PA-12 Agreements for Maintenance and Liability Before Opening Public Coastal Accessways. Open dedicated coastal accessways to public use only upon agreement of a public agency or private association to accept responsibility for restoration, maintenance and liability for the accessway.
[New policy, 2015]

C-PA-13 Needs of Persons with Disabilities. Ensure that new public coastal accessways are compliant with California Title 24 and accessible to persons with disabilities, to the maximum extent feasible.
[New policy, 2015]

C-PA-14 Consultation with Appropriate Land Management Agencies. Refer new development proposals adjacent to existing public coastal accessways to appropriate federal, state, county, and other managing entities for review and comment.
[New policy, 2015]

C-PA-15 Impacts of New Development on Public Use of Coastal Accessways. Site and design new development so as to avoid, if feasible, and, if unavoidable, to minimize impacts to users of public coastal access and recreation areas. Measures to mitigate impacts to users of public coastal access and recreation areas shall be implemented prior to or concurrent with construction of the approved development.
[New policy, 2015]

C-PA-16 Protection of Existing Public Coastal Accessways. Recognize existing public coastal accessways, both public and private, as an integral part of the County's overall access program. Maintain existing public accessways. Consider closure of existing County-managed accessways only if authorized by a coastal permit and only after the County has offered the accessway to another public or private entity.
[Adapted from Unit II Public Access Policy 1, p. 13]

C-PA-17 Restoration of Public Coastal Access Areas, Where Necessary. The Marin County Parks department should restore areas under its control that become degraded through public access use, including by such means as revegetation, trail improvements, installation of boardwalks, and informational signing, as funds and staffing or volunteer support permit.
[New policy, 2015]

C-PA-18 Parking and Support Facilities at Public Coastal Accessways. Where appropriate and feasible, provide parking areas for automobiles and bicycles and appropriate support facilities in

conjunction with public coastal accessways. The location and design of new parking and support facilities shall minimize adverse impacts on any adjacent residential areas. The need for parking shall be determined based on existing parking and public transit opportunities in the area, taking into account resource protection policies. Consider opportunities for reducing or eliminating parking capacities if transit service becomes available or increases.
[Adapted from Unit I Public Access Policies 5 and 9, pp. 7-8, and Unit II Public Access Policy 2.c, p. 14]

C-PA-19 Explanatory Signs at Public Coastal Accessways. Sign existing and new public coastal accessways, trails, and parking facilities where necessary, and use signs to minimize conflicts between public and private land uses. Where appropriate, signs posted along the shoreline shall indicate restrictions, such as that no fires or overnight camping are permitted, and that the privacy of homeowners shall be respected. Where public access trails are located adjacent to agricultural lands, signs shall indicate appropriate restrictions against trespassing, fires, camping, and hunting. Where only limited public access or use of an area can be permitted to protect resource areas from overuse, such signing should identify the appropriate type and levels of use consistent with resource protection. The County and CALTRANS shall, as resources permit, post informational signs at appropriate intersections and turning points along visitor routes, in order to direct coastal visitors to public recreation and nature study areas in the Coastal Zone.
[Adapted from Unit I Public Access Policies 7 and 8, p. 8, and Unit II Public Access Policy 2.c, p. 14]

C-PA-20 Effects of Parking Restrictions on Public Coastal Access Opportunities. When considering a coastal permit for any development that could reduce public parking opportunities near beach access points or parklands, including any changes in parking timing and availability, and any signage reducing public access, evaluate options that consider both the needs of the public to gain access to the coast and the need to protect public safety and fragile coastal resources, including finding alternatives to reductions in public parking and ways to mitigate any potential loss of public coastal access.
[New policy, 2015]

C-PA-21 Shoreline Structures on or Near Public Coastal Accessways. Ensure that construction of shoreline protection measures otherwise permitted by LCP policies maintains the same or similar shoreline access as previously existed.
[Adapted from Unit I Public Access Policy 4, p. 7]

C-PA-22 Protection Against Encroachments on Public Coastal Accessways and Offers to Dedicate Easements. Seek assistance from the Coastal Commission or other entities as appropriate in order to enforce the terms of public access easements and/or offers to dedicate easements that have been blocked by private development.
[New policy, 2015]

IMPLEMENTING PROGRAM AMENDMENTS (IPA)

(Compilation of LCP IP Amendments 2015-#3 and 2016- #5, #6, #7)

Color Code	Amendments 1,7	Amends. 2.3	Amends. 4,5	Amend. 6

CCC and CCC-staff-suggested Modifications are shown as baseline (i.e. accepted into the text)
Marin Board of Supervisors changes are indicated in blue by *~~italic strike-outs~~* and underlining

The following sections of the Development Code implement the Local Coastal Program Land Use Plan Amendments currently pending before the California Coastal Commission. For purposes other than Coastal Permits additional Development Code sections may apply. All standards listed below are applicable in the coastal zone. The standards denoted with (Coastal) do not apply outside the coastal zone, and those standards denoted with (non-Coastal) do not apply in the coastal zone. In addition, this Chapter specifies permitting requirements that may be applicable for particular land uses, including Design Review, Sign Permits, and Second Unit Permits. In all cases, these permit requirements apply independent of and in addition to the Coastal Permit requirements identified in Chapter 22.68 for development (coastal), as defined in Chapter 22.130 of Article VIII, proposed to be undertaken within the Coastal Zone.

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Chapter 22.32 – Standards for Specific Land Uses

22.32.010 – Purpose of Chapter

This Chapter provides site planning and development standards for land uses that are allowed by Article II (Zoning Districts and Allowable Land Uses) and Article V (Coastal Zone Development and Resource Management Standards) in individual or multiple zoning districts (e.g., in residential, commercial, and industrial districts and in residential and commercial, and/or in commercial and industrial districts).

22.32.020 – Accessory Retail Uses

The retail sales of food and other products may be allowed in a restaurant, store, or similar facility within a health care, hotel, office, or industrial complex for the purpose of serving employees or customers in compliance with this Section.

A. **Limitation on use.** Accessory retail uses shall be limited to serving employees and customers in pharmacies, gift shops, and food service establishments within institutional uses (e.g., hospitals and schools); convenience stores, gift shops, and restaurants/bars within hotels and resort complexes; restaurants within office and industrial complexes; and/or other uses determined to be similar by the Director.

B. **External appearance.** There shall be no external evidence (e.g., signs, windows with merchandise visible from streets or sidewalks external to the site, etc.) of any commercial activity other than the primary use of the site (except in the case of a restaurant/bar within a hotel).

22.32.021 – Agricultural Accessory Activities (Coastal)

The standards of this Section shall apply to agricultural accessory activities defined in Section 22.130.030.

(Coastal) In the C-APZ, C-ARP and C-OA zones agricultural accessory activities shall be accessory and incidental to, in support of, compatible with, ~~*and, within the C-APZ zone, necessary for*~~ agricultural production, and may be allowed as a Principal Permitted Use. Where applicable under Chapter 22.68 (Coastal Permit Requirements), agricultural accessory activities within the C-APZ zone may be exempt from coastal permit requirements.

22.32.022 – Agricultural Accessory Structures (Coastal)

The standards of this Section shall apply to agricultural accessory structures defined in Section 22.130.030.

(Coastal) In the C-APZ, C-ARP and C-OA zones agricultural accessory structures shall be accessory and incidental to, in support of, compatible with, ~~*and, within the C-APZ zone*~~, ~~*necessary for*~~ agricultural production, and may be allowed as a Principal Permitted Use. Where applicable under Chapter 22.68 (Coastal Permit Requirements), agricultural accessory structures within the C-APZ zone may be exempt from coastal permit requirements.

22.32.023 – Agricultural Homestays (Coastal)

The standards of this Section shall apply to agricultural homestays defined in Section 22.130.030.

(Coastal) Agricultural Homestays shall be accessory and incidental to, in support of, and compatible with agricultural production.

A. Permit requirements. Agricultural Homestays are allowable in the zoning districts and with the permit requirements determined by Article V (Coastal Zones—Permit Requirements and Development Standards), including the development standards specified in Chapter 22.65~~*.040 for Agricultural Homestays within the C-APZ district.*~~

B. Land Use Requirements. An Agricultural Homestay shall:

1. Have no more than five guest rooms and host no more than 15 registered guests,

2. Provide overnight transient accommodations,.

3. Offer meals only to overnight guests as an incidental, and not as the primary, function of the establishment,

4. Be located on, and be a part of, a farm that produces agricultural products as its primary source of income,.

5. Operate within an otherwise allowable agricultural dwelling unit and not within an additional separate structure ,

6. Be limited to one per legal lot,. and

7. Shall not be allowed if there is already a bed and breakfast on the lot.

C. Site requirements. The proposed site shall conform to all standards of the applicable zoning district.

D. Appearance. For new structures, ~~*T*~~the exterior appearance of the structure used for the Agricultural Homestay shall maintain a rural character consistent with ~~*the surrounding environment and the*~~ farm buildings on the property.

E. Limitation on services provided. The services provided guests by the Agricultural Homestay shall be limited to the rental of bedrooms and the provision of meals at any time to registered guests. The price of food shall be included in the overnight transient occupancy accommodation. There shall be no separate/additional food preparation facilities for guests. Homestay guests may also participate in agricultural activities at the discretion of the homestay operator.

F. Business license required. A current business license shall be obtained/posted, in compliance with Title 5, Chapter 5.54 (Business Licenses) of the County Code.

G. Occupancy by permanent resident required. All Agricultural Homestays shall have one household in permanent residence.

H. Transient Occupancy Tax. Agricultural Homestays shall be subject to the Transient Occupancy Tax, in compliance with Chapter 3.05 (Uniform Transient Occupancy Tax) of the County Code.

I. Signs. Signs shall be limited to one on-site sign not to exceed four square feet in area and shall be installed/maintained in compliance with Chapter 22.64.100(A)(5) (New Signs). Signs

shall also be installed/maintained in compliance with Chapter 22.28 in addition to and independent of Coastal Permit requirements.

J. Fire safety. The Agricultural Homestay shall meet all of the requirements of the County Fire Department or local Fire Protection District, as applicable.

K. Parking. On-site parking shall be provided in compliance with 22.64.150 (Transportation). Parking shall also be provided in compliance with 24.04.330 through .400 (Parking and Loading) of the County Code in addition to and independent of Coastal Permit requirements.

L Sewage disposal. Any on-site sewage disposal shall be provided in compliance with 22.64.140 (Public Facilities and Services). Sewage disposal shall also be provided in compliance with Title 18 (Sewers) of the County Code in addition to and independent of Coastal Permit requirements.

22.32.024 – Agricultural ~~*Intergenerational Homes*~~ Dwellings Units (Coastal)

The standards of this Section shall apply in the C-APZ Zone to Farmhouses, agricultural Intergenerational Homes defined in Section 22.130.030.

A. An Agricultural Dwelling Cluster consists of a farmhouse or a combination of one farmhouse and up to two intergenerational homes with the combined total of 7,000 square feet, up to an additional 540 square feet of garage space, and up to 500 square feet of office space in the farmhouse used in connection with the agricultural operation. *Each a*gricultural dwelling unit must be owned by a farmer or operator actively and directly engaged in agriculture on the property. See Section 22.130.030 for definition of "Actively and directly engaged."

B No more than one Agricultural Dwelling Cluster may be permitted per farm tract, whether it contains a single farmhouse or in a combination of a farmhouse and one or two intergenerational homes.

C. An application for a farmhouse or intergenerational home shall identify all parcels owned by the same owner of the property upon which the proposed farmhouse or intergenerational home is located including all contiguous legal lots under common ownership (the "farm tract"). The application shall identify all existing agricultural dwellings on the identified parcels, and shall demonstrate that the proposed farmhouse or intergenerational house is located on a legal lot.

D. Nothing in this subsection shall be construed to prohibit the sale of any legal lot comprising the farm, nor require the imposition of any restrictive covenant on any legal lot comprising the farm other than the legal lot upon which development of one farmhouse and up to two intergenerational homes is approved. Future development of other legal lots comprising the farm shall be subject to the provisions of the LCP and Development Code, including but not limited to Section 22.65.040.

~~**E.** *(deleted)*~~

F. No allowable farmhouse or intergenerational home may be divided from the rest of the legal lot. As a condition of permit approval for a farmhouse and/or intergenerational home, future land division of the legal lot containing the farmhouse and/or intergenerational home(s) is prohibited except that lease of the rest of the legal lot at a level of agricultural use that will sustain the agricultural capacity

of the site is not prohibited (see restrictive covenant requirements specified in Sections 22.32.024 and 22.32.025).

G. A density of 60 acres per unit shall be required for each farmhouse and intergenerational house (i.e., a parcel must be at least 60 acres for a farmhouse, 120 acres for a farmhouse and intergenerational house, and at least 180 acres for a farmhouse and two intergenerational homes).

H. Agricultural dwelling units shall not be placed on land designated as prime agricultural land, and shall be placed within the mapped clustered development area required in subsection 22.65.040.C.1.d.

I. Agricultural dwelling units may be permitted only if they do not require any Coastal Zone Variance.

J. ~~**(Coastal)**~~ **Intergenerational Homes**. Agricultural Intergenerational Homes shall be accessory and incidental to, in support of, *and* compatible with, ~~and necessary for~~ agricultural production. The intent of these provisions is to allow intergenerational homes in order to support agricultural operations, ensure the viability of agriculture in the Coastal Zone and facilitate multi-generational family farm operation and succession. ~~*Agricultural Intergenerational housing is considered a component type of the agricultural activities of the property dwelling unit.*~~

1. ~~**A.**~~ **Permitted use, zoning districts.** Up to two Agricultural intergenerational homes in addition to the farmhouse may be permitted in the C-APZ, consistent with Table 5-1-a in Chapter 22.62.

2~~**C**~~**. Permit Requirements.** Agricultural intergenerational homes are allowable in the C-APZ zoning district with the permit requirements determined by Article V (Coastal Zones—Permit Requirements and Development Standards), including the development standards specified in Chapter 22.65.040, and subsections 3 and 4 below.

3. **Location**. Intergenerational homes shall be placed on the same legal lot of record as the legally permitted farmhouse, and shall be located immediately adjacent (i.e., within 100 feet) to an existing farmhouse within the Agricultural Dwelling Cluster. ~~*development area and not require any new road construction*~~. When immediately adjacent placement would be inconsistent with applicable LCP standards (such as placement within an ESHA buffer) the intergenerational home shall be placed as close as possible to the farmhouse in a way that also meets applicable LCP standards.

4. ~~**F.**~~ **Restrictive Covenant.** Agricultural Intergenerational housing requires the preparation and recordation of a restrictive covenant running with the land for the benefit of the County.. The covenant must include, at a minimum, the following:

a. A detailed description of the intergenerational home or homes.

b. Assurance that any use will be in conformance with applicable zoning, building and other ordinances and noting that all appropriate permits must be issued and completed prior to any change in use.

c. Assurance that the intergenerational housing will not be divided or sold separately from the rest of the agriculturally zoned legal lot. As a condition of permit approval for an intergenerational home, future land division of the legal lot containing the intergenerational home is prohibited except that lease of the rest of the legal lot at a level of agricultural use that will sustain the agricultural capacity of the site is not prohibited.

d. Language demonstrating that the restriction shall run with the land and shall be binding on all heirs, successors and assigns to the property, and its provisions shall be enforced by the County of Marin.

e. Assurance that the owner of the intergenerational home shall be actively and directly engaged in agricultural use of the agriculturally zoned legal lot and that the use of the agriculturally zoned legal lot shall remain confined to agriculture. See Section 22.130.030 for definition of "Actively and directly engaged" and "Agricultural use." ~~*"Actively and directly engaged" means making day-to-day management decisions for the agricultural operation and being directly engaged in production of agricultural commodities for commercial purposes on the property. "Agricultural use" shall be defined as: breeding, raising, pasturing, and grazing livestock of every nature and description for the production of food and fiber; breeding and raising bees, fish, poultry, and other fowl; planting, raising, harvesting, and producing agricultural, aquacultural, horticultural, and forestry crops and products of every nature and description; and the processing, storage, and sale, including direct retail sale to the public, of crops and products harvested and produced principally on the farm; further provided, however, that all agricultural uses and activities are consistent with applicable laws, including those of the Local Coastal Program.*~~

5. **Development limit.** No more than 27 intergenerational homes may be allowed in the County's coastal zone without being authorized in an LCP Amendment.

22.32.025 – Farmhouse (Coastal)

The standards of this Section shall apply in the C-APZ Zone to farmhouses defined in Section 22.130.030.

(Coastal) In addition to the provisions of Section 22.32.024 pertaining to Agricultural Dwelling Units (coastal), t~~T~~he standards of this Section shall apply to farmhouses. Farmhouses shall be accessory and incidental to, in support of, and compatible with agricultural production.The intent of these provisions is to facilitate farmhouses that are integral with and necessary to support agricultural operations and that are consistent with the provisions of the Marin County Local Coastal Program (LCP). In the C-APZ, farmhouses also shall be considered necessary for agricultural production.

A. Principal permitted use, zoning districts. A farmhouse is a type of agricultural dwelling unit that may be allowed by Article V, Table 5-1 (Coastal Zones – Permit Requirements and Development Standards), and subject to development standards, including those set forth in Sections 22.32.024 and 22.65.040 in the C- APZ zone.

B. Restrictive Covenant. Development of a farmhouse requires recording a restrictive covenant running with the land for the benefit of the County ensuring that the agricultural farmhouse will continuously be maintained as such. The covenant must include, at a minimum, the following:

1. A ~~*detailed*~~ description of the farmhouse.
2. Assurance that any use will be in conformance with applicable zoning, building and other ordinances and noting that all appropriate permits must be issued and completed prior to any change in use.
3. Language demonstrating that the restriction shall run with the land and shall be binding on all heirs, successors and assigns to the property, and its provisions shall be enforced by the County of Marin.

4. Assurance that the farmhouse will not be divided or sold separately from the rest of the agriculturally zoned legal lot. As a condition of permit approval for a farmhouse, future land division of the legal lot containing the farmhouse is prohibited except that lease of the rest of the legal lot at a level of agricultural use that will sustain the agricultural capacity of the site is not prohibited.
5. Assurance that the owner of the farmhouse shall be actively and directly engaged in agricultural use of the agriculturally zoned legal lot and that the use of the agriculturally zoned legal lot remains confined to agriculture. "Actively and directly engaged" means making day-to-day management decisions for the agricultural operation and being directly engaged in the production of agricultural commodities for commercial purposes on the property. "Agricultural use" shall be defined as: breeding, raising, pasturing, and grazing livestock of every nature and description for the production of food and fiber; breeding and raising bees, fish, poultry, and other fowl; planting, raising, harvesting, and producing agricultural, aquacultural, horticultural, and forestry crops and products of every nature and description; and the processing, storage, and sale, including direct retail sale to the public, of crops and products harvested and produced principally on the farm; further provided, however, that all agricultural uses and activities are consistent with applicable laws, including those of the Local Coastal Program.

22.32.025x – Airparks

Airparks may be located where allowed by Article II (Zoning Districts and Allowable Land Uses) and Article V (Coastal Zoning Districts and Allowable Uses) of this Development Code, for business or emergency purposes, subject to the following standards:

A. **State permit required.** A ~~*Use P*~~permit or exemption shall be obtained from the California Department of Transportation, Division of Aeronautics, and evidence of the permit or exemption shall be presented to the Agency, prior to establishing any airpark.

B. **Nuisance mitigation.** A proposed airpark shall be located so that neither air or related surface traffic constitute a nuisance to neighboring uses. The applicant shall demonstrate that adequate controls or measures will be taken to mitigate offensive bright lights, dust, noise, or vibration.

Airparks shall not constitute a nuisance resulting from frequency and timing of flights, location of landing area, or departure and approach patterns that conflict with surrounding land uses.

22.32.026 – Agricultural Processing Uses (Coastal)

The standards of this Section shall apply to agricultural processing defined in Section 22.130.030 ("Agricultural Processing").

For Agricultural and Resource-Related Districts outside the Coastal Zone, see Section 22.08.040.E.

A. Agricultural processing is allowed as a Principal Permitted Use in the C-APZ zoning district provided it meets all of the standards set forth ~~*in Section 22.65.040*~~ below~~:~~ .

1. The building(s) or structure(s) used for processing activities do not exceed an aggregate floor area of 5,000 square feet;

2. With the exception of incidental additives or ingredients, agricultural products to be processed are produced within the farmshed, defined as the same farm as the proposed processing facility or on other agricultural properties located in Marin County or Sonoma County.

3. The operator of the processing facility is directly involved in the agricultural production on the property on which the processing facility is located. ~~*and other properties located in the farmshed which provide agricultural products to the processing facility*;~~ For the purposes of this Section, "directly involved" means actively and directly engaged in making day-to-day management decisions for the agricultural operation and being directly engaged in the production of agricultural commodities for commercial purposes on the property.

4. Sufficient parking, ingress, and egress is provided. In addition, conditions as to the time, place, and manner of use of the processing facility may be applied as necessary through the Coastal Permit process to ensure consistency with provisions of the LCP.

A Coastal Permit appealable to the Coastal Commission and Use Permit approval is required for an agricultural processing use which exceeds an aggregate floor area of 5,000 square feet or for an agricultural processing use of any size that does not comply with standards in Section 22.32.026.A.1 to A.3.~~*one or more of the four standards*~~ listed above.

B. Coastal Permit and Design Review for a processing facility.

1. Any processing facility, regardless of size, shall require a Coastal Permit.

2. Any processing facility shall require Design Review independent of and in addition to the Coastal Permit, unless it satisfies all the following conditions:

(a) ~~*It qualifies as a Principal Permitted Use;*~~
~~**(b)**~~ It will be developed and operated wholly within an existing permitted, legal nonconforming, or categorically excluded structure; and
(b~~c~~) Its development will not include any significant alteration of the exterior appearance of the existing structure.

22.32.027 – Agricultural Retail Sales Facilities/Farm Stands (Coastal)

(Coastal) The standards of this Section shall apply to the sale of agricultural products as defined in Section 22.130.030 ("Agricultural Retail Sales Facility/Farm Stand"). For Agricultural and Resource-Related Districts outside the Coastal Zone, see Section 22.08.040.F.

A. The sale of agricultural products is allowed as a Principal Permitted Use in the C-APZ zoning district provided it meets all of the development standards set forth ~~*in Section 22.65.040*~~ below~~:~~
.
~~*A Coastal Permit appealable to the Coastal Commission and a Use Permit approval is required for agricultural retail sales which exceeds an aggregate floor area of 500 square feet or for an agricultural retail sales facility of any size which does not comply with one or more of the four standards listed above.*~~

1~~5~~. The building(s) or structure(s) or outdoor areas used for retail sales do not exceed an aggregate floor area of 500 square feet;

2~~6.~~ Agricultural products to be sold are produced ~~*within the farmshed, defined as*~~ *by the operator on* the same farm as the proposed sales facility, or on *the operator's* other agricultural properties located in Marin County or Sonoma County;

3 The operator of the sales facility is directly involved in the agricultural production on the property on which the sales facility is located, and other properties located in the farmshed which provide agricultural products to the retail sales facility. For the purposes of this Section, "directly involved" means actively and directly engaged in making day-to-day management decisions for the agricultural operation and being directly engaged in the production of agricultural commodities for commercial purposes on the property.

B. All Agricultural Retail Sales Facilities~~y~~ and Farm Stands shall meet the following standards~~:~~

1~~8~~. Sufficient parking, ingress, and egress is provided. In addition, conditions as to the time, place, and manner of use of the sales facility may be applied as necessary through the Coastal Permit process to ensure consistency with provisions of the LCP.

~~*Both Uses:*~~

~~*9. In addition to the required standards specified above:*~~

2~~*a.*~~ The sales-facility and the building(s) or structure(s) or outdoor areas used for retail sales are not placed on land designated as prime agricultural land.

A Coastal Permit appealable to the Coastal Commission and Use Permit approval is required for agricultural retail sales which exceeds an aggregate floor area of 500 square feet or for an agricultural retail sales facility of any size that does not comply with standards in Section 22.32.027.A.1 to A.3.~~*one or more of the four standards*~~ listed above.

22.32.028 – Agricultural Worker Housing (Coastal)

The standards of this Section shall apply to agricultural worker housing as defined in Section 22.130.030. The intent of these provisions is to permit and encourage the development and use of sufficient numbers and types of agricultural worker housing units necessary to support agricultural operations and in conformance with the applicable provisions of state law. Agricultural worker housing is a type of agricultural dwelling unit.

A. Permitted use, zoning districts. Agricultural worker housing may be a permitted agricultural land use when allowed by Article V, Table 5-1 (Coastal Zones – Permit Requirements and Development Standards), and when found consistent with required development standards, including those specified in Section 22.65.040 in the C-APZ zoning district. Agricultural worker housing providing accommodations consisting of no more than 36 beds in group living quarter or 12 units or spaces for agricultural workers and their households shall not be included in the calculation of residential density in the following zoning districts: C-ARP, C-APZ, C-RA, and C-OA.

Up to and including 36 beds or 12 units of agricultural worker housing is allowed per legal lot. In the C-APZ Zone, a~~A~~gricultural worker housing above 36 beds or 12 units per legal lot. shall be subject to the density limits of one unit per 60 acres and the application shall include a worker housing needs assessment and plan, including evaluation of other available worker housing in the area. The amount of worker housing approved shall be commensurate with the demonstrated need in the surrounding area. Agricultural worker housing requires recording a restrictive covenant running with the land for the benefit of the County ensuring that the

agricultural worker housing will continuously be maintained as such, or, if no longer needed, for non-dwelling agricultural production related uses~~.~~

B. Limitations on use:

1. **Referrals.** Prior to making a determination that agricultural worker housing which exceeds the maximum density for a specific site is necessary to support agriculture, the review authority may consult with such individuals or groups with agricultural expertise as appropriate for a recommendation.

2. **Temporary mobile home.** Temporary mobile homes not on a permanent foundation and used as living quarters for five or more farmworkers and their households that is otherwise LCP consistent is also permitted subject to the requirements of the State Department of Housing and Community Development.

3. **Annual Verification.** All agricultural worker housing shall require the submittal of an annual verification form to the County.

4. **Licensing.** Licensing by the Department of Housing and Community Development and compliance with the Employee Housing Act are required for all Agricultural Worker Housing for five or more farmworkers and their households.

5. **Restrictive Covenant.** Agricultural Worker housing requires recording a restrictive covenant running with the land for the benefit of the County ensuring that the agricultural worker housing will continuously be maintained as such, or, if no longer needed, for non-dwelling agricultural production related uses. The covenant must include, at a minimum, the following:

   (a) A detailed description of the dwelling units or spaces.

   (b) Assurance that any change in use will be in conformance with applicable zoning, building and other ordinances and noting that all appropriate permits must be issued and completed prior to any change in use.

   (~~d~~c) Language demonstrating that the restriction shall run with the land and shall be binding on all heirs, successors and assigns to the property, and its provisions shall be enforced by the County of Marin.

22.32.030 – Animal Keeping

The standards of this Section shall apply to the keeping of animals in specified zoning districts and their Coastal Zone counterparts, in addition to the standards in Chapter 8.04 (Animal Control) of the County Code.

A. General standards. The following general standards shall apply:

1. **Requirements.** All animal keeping activities shall comply with the general requirements in Tables 3-6 and 3-7; and

2 **Household pets.** Household pets are allowed in all zoning districts.

TABLE 3-6
GENERAL REQUIREMENTS FOR THE KEEPING OF SMALL ANIMALS

(Chickens, Ducks, Exotics, Geese, Guinea Fowl, Pea-fowl, Rabbits, Roosters, and Similar Animals)

Zoning Districts	**Applicable Standards**	**Standards**
A2, A3 to A60 ARP, APZ	All animals allowed subject to Standard 4	1. Maximum 12 animals, unless approved by a Use Permit.
RSP, RMP, RMPC	All standards apply	
RA and RE RR, R1, R2, R3	All standards apply	2.In R zoning districts, the keeping of small animals shall be an accessory use to the primary residential use of the parcel. 3.Roosters, quacking ducks, geese, guinea fowl, and pea fowl are not permitted 4.A Use Permit is required for the keeping of exotic animals outdoors in all zoning districts where permitted.

TABLE 3-7

GENERAL REQUIREMENTS FOR THE KEEPING OF LARGE ANIMALS, HORSES, DONKEYS, MULES, AND PONIES

(Cows, Exotics, Goats, Pigs, Sheep, Llamas & Similar Animals)

Zoning Districts	Allowed Animals and Applicable Standards	Standards
A3 to A60 and APZ to ARP	All animals allowed subject to standards 1, 4, and 5	1. Livestock sales/feed lots and stockyards require a Use Permit in all zoning districts where permitted. 2. Livestock operations for grazing and large animals are allowed in the RSP, RMP, and RMPC zoning districts only where the site is three acres or more, and only with a Use Permit. 3. The keeping of livestock and large animals is allowed in compliance with Section 22.32.030.B. 4. A Use Permit is required for the keeping of exotic animals outdoors in all zoning districts where permitted. 5. A Use Permit is required for keeping more than five horses, donkeys, mules, or ponies within the APZ zoning district where these are the primary or only animals raised.
A2, RSP, RMP, RMPC	All animals allowed and all standards apply.	
RA	All animals allowed and all standards apply.	1. Maximum: Three animals unless approved by a Use Permit. 2. Large dairy animals for a dairy operation allowed in RA zoning district only on parcels of five acres or more. 3. Equestrian facilities require a Use Permit. 4. The keeping of livestock and large animals is allowed in compliance with Section 22.32.030.B. 5. A Use Permit is required for the keeping of exotic animals outdoors in all zoning districts where permitted.
RR, R1, R2, R3, RE	Allowed animals limited to donkeys, horses, mules and ponies, subject to all standards.	1. Only donkeys, horses, mules and ponies allowed in compliance with Section 22.32.030.B. 2. In R zoning districts, the keeping of animals shall be an accessory use to the primary residential use of the parcel.
OA	All animals allowed and all standards apply.	1. Large animals allowed in conjunction with dairies and grazing. Horses, donkeys, mules, and ponies allowed in compliance with Section 22.32.030.B. 2. A Use Permit is required for the keeping of exotic animals outdoors in all zoning districts where permitted

B. Standards for livestock, horses, donkeys, mules, and ponies The following standards, which do not apply in the A-3 to A-60, ARP or APZ zoning districts, shall apply to the keeping of livestock, horses, donkeys, mules, and ponies in addition to those in 22.32.030.A (General Standards), above:

1. **Location of animals and structures.** No animal or any structure for animals shall be located closer than 30 feet to:

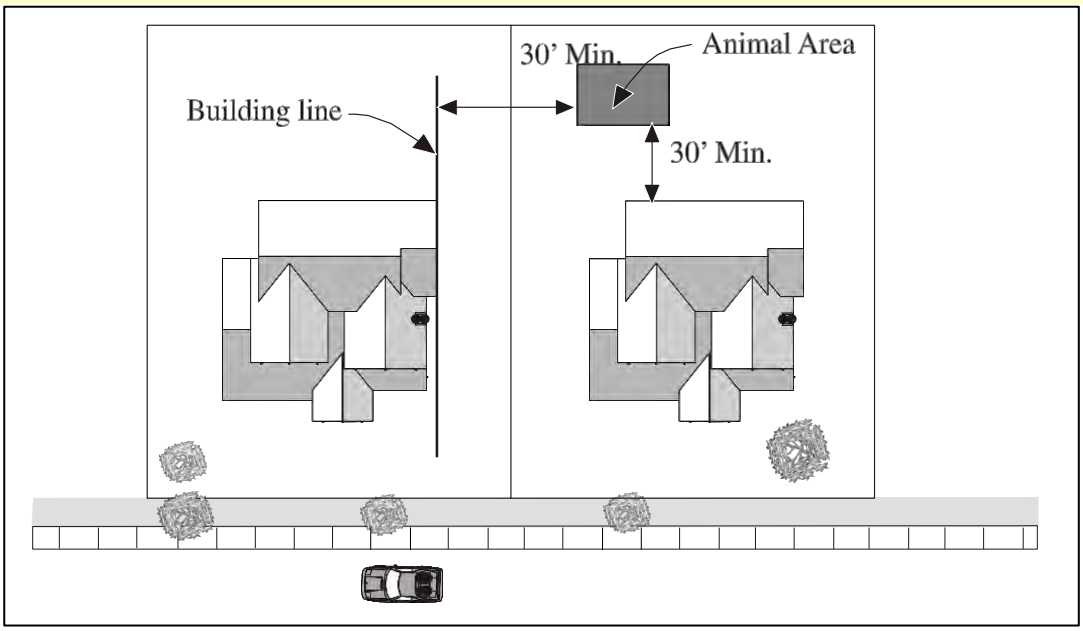
   a. The public right-of-way upon which the parcel faces;

   b. Any dwelling;

   c. Any building line on an adjoining parcel (the boundary extended from the nearest edge of a primary or accessory structure or the required setback line on the adjoining parcel, whichever is closer to the property line). (See Figure 3-13); and

   d. Additionally, no animal or any structure for animals shall be located in a required setback area, or closer than 10 feet to a property line.

FIGURE 3-13
LOCATION OF ANIMALS AND ANIMAL STRUCTURES



2. **Minimum area and slope standards.** The keeping of livestock, horses, donkeys, mules, and ponies shall comply with the following standards:

   a. The minimum lot area for the keeping of one animal shall be 15,000 square feet for properties with one percent through 15 percent slope. For each percent of slope over 15 percent, the minimum lot area shall be increased by 1,000 square feet.

   b. For each additional animal, an additional 5,000 square feet of lot area shall be provided.

c. No animals shall be allowed on slopes exceeding 50 percent.

3. **Erosion and drainage control plan required.** An erosion and drainage control plan shall be submitted and approved by the County Department of Public Works for the keeping of animals on sites over 25 percent in slope.

4. **Site maintenance.** The property owner shall submit a manure management plan that should require periodic manure collection and composting or removal of manure from the premises, subject to the approval of the County Health Officer.

5. **Water supply.** An adequate supply of fresh water shall be available to animals at all times, subject to the approval of the County Health Officer.

6. **Exceptions by Use Permit.** The keeping of horses, donkeys, mules, or ponies may be allowed with Use Permit approval, in compliance with Chapter 22.48 (Use Permits), in any zoning district not listed in this Section or for an exception from any of the standards.

7. **Existing uses conforming.** Any residential property where horses, donkeys, mules, or ponies are legally kept as of the effective date of this Development Code shall be deemed to be conforming. Any expansion of use shall be subject to the provisions of this Section.

22.32.040 – Bed and Breakfast Inns

Bed and breakfast inns (B&Bs) are subject to the requirements of this Section. The intent of these provisions is to ensure that compatibility between the B&B and any adjoining zoning district or use is maintained or enhanced.

A. **Permit requirement.** B&Bs are allowable in the zoning districts and with the permit requirements determined by Articles II (Zoning Districts and Allowable Land Uses), and V (Coastal Zone Development and Resource Management Standards).

B. **Site requirements.** Except for minimum lot size requirements, the proposed site shall conform to all standards of the applicable Residential, Commercial, Coastal, or Agricultural zoning district.

C. **Appearance.** The exterior appearance of the structure used for the B&B shall maintain single-family residential or, in the case of B&Bs on agricultural land, rural farm, characteristics.

D. **Limitation on services provided.** The services provided guests by the B&B shall be limited to the rental of bedrooms and the provision of breakfast and light snacks for registered guests. There shall be no separate/additional food preparation facilities for guests. No receptions, private parties, retreats, or similar activities, for which a fee is paid shall be allowed.

E. **Business license required.** A current business license shall be obtained/posted, in compliance with Title 5, Chapter 5.54 (Business Licenses) of the County Code.

F. **Occupancy by permanent resident required.** All B&Bs shall have one household in permanent residence.

G. **Transient Occupancy Tax.** B&Bs shall be subject to the Transient Occupancy Tax, in compliance with Chapter 3.05 (Uniform Transient Occupancy Tax) of the County Code.

H. **Signs.** Signs shall be limited to one on-site sign not to exceed four square feet in area and shall be installed/maintained in compliance with Chapter 22.64.100(A)(5) (Signs) Signs shall also be installed/maintained in compliance with Chapter 22.28 in addition to and independent of Coastal Permit requirements..

I. **Fire safety.** The B&B shall meet all of the requirements of the County Fire Department.

J. **Parking.** On-site parking shall be provided in compliance with 22.64.150 (Transportation). Parking shall also be provided in compliance with 24.04.330 through .400 (Parking and Loading) of the County Code in addition to and independent of Coastal Permit requirements.

K. **Sewage disposal.** Any on-site sewage disposal shall be provided in compliance with 22.64.140 (Public Facilities and Services). Sewage disposal shall also be provided in compliance with Title 18 (Sewers) of the County Code in addition to and independent of Coastal Permit requirements.

22.32.050 – Child Day-Care Facilities

This Section establishes standards for the County review of child day-care facilities, in conformance with State law (Health and Safety Code Section 1596.78), including the limitations on the County's authority to regulate these facilities.

These standards apply in addition to all other applicable provisions of this Development Code and any requirements imposed by the California Department of Social Services through its facility licensing procedures. Licensing by the Department of Social Services is required for all child daycare facilities.

A. **Applicability.** Where allowed by Article II (Zoning Districts and Allowable Land Uses) and Article V (Coastal Zoning Districts and Allowable Land Uses) child day-care facilities shall comply with the standards of this Section. As provided by State law (Health and Safety Code Sections 1596.78, et seq.), small and large family day-care homes are allowed within any single-family residence located in an agricultural or residential zoning district. ~~*In the coastal zone, small and large family day-care homes must be within otherwise allowable dwellings and not within additional separate structures.*~~ Child day-care centers are allowed in the zoning districts determined by Article II (Zoning Districts and Allowable Land Uses), subject to Use Permit approval, in compliance with Chapter 22.48 (Use Permits), and all of the standards in Subsection D, below.

These standards apply in addition to all other applicable provisions of this Development Code and any requirements imposed by the California Department of Social Services. Licensing by the Department of Social Services is required for all child day-care facilities. A California Department of Social Services license for a child day-care facility shall be obtained and evidence of the license shall be presented to the Agency prior to establishing any child day-care facility.

B. **Definitions. Definitions** of the child day-care facilities regulated by this Section are in Article VIII (Development Code Definitions) under "Child Day-Care Facilities".

C. Large family day-care homes.

1. Permit requirement. A large family day-care home shall require the approval of a Large Family Day-care Permit by the Director.

2. Standards for large family day-care homes. As allowed by Health and Safety Code Sections 1597.46 et seq., a large family day-care home shall be approved if it complies with the criteria for Large Family Day-care Permit in Chapter 22.58 of this Development Code.

D. Standards

In the coastal zone, small and large family day-care homes must be within otherwise allowable dwellings and not within additional separate structures.

~~D~~E. Child day-care centers.

1. Permit requirement. A child day-care center shall require approval of a Use Permit in compliance with Chapter 22.48 (Use Permits).

2. Standards for child day-care centers. The following standards apply to child daycare centers in addition to the standards in Subsection 22.32.050.C.2.

a. Fencing. A six-foot high fence or wall shall be constructed on all property lines or around the outdoor activity areas, except in the front yard or within a traffic safety visibility area. ~~*or where there would be significant impacts to coastal resources, including public views*~~. All fences or walls shall provide for safety with controlled points of entry in compliance with 22.20.050 (Fencing and Screening Standards). In the coastal zone, all fences and walls shall also comply with Chapter 22.64.045(2) (Fencing and Similar Structure Standards).

b. Outdoor lighting. On-site exterior lighting shall be allowed for safety purposes only, shall consist of low wattage fixtures, and shall be directed downward and shielded, subject to the approval of the Director.

c. Swimming pools/spas prohibited. No swimming pool/spa shall be installed on the site after establishment of the child day-care center, due to the high risk and human safety considerations. Any pool/spa existing on the site prior to application for approval of a child day-care center shall be removed prior to establishment of the use, unless the Director determines that adequate, secure separation exists between the pool/spa and the facilities used by the children.

22.32.060 – Cottage Industries

A. Limitation on use. Cottage industries shall be limited to activities involving the design, manufacture, and sale of the following products and services, or others determined by the Director to be similar. See 22.02.020.E (Rules of Interpretation—Allowable Uses of Land).

1. Antique repair and refinishing;

2. Baking and the preparation of food specialties for consumption at locations other than the place of preparation;

3. Catering;

4. Ceramics;

5. Cloth decorating by batik, dyeing, printing, silk screening, or other similar techniques;

6. Clothing production, including dressmaking, etc.;

7. Furniture and cabinet making and other woodworking;

8. Jewelry making;

9. Painting and sculpture;

10. Photography;

11. Sewing;

12. Weaving; and

13. Other handicrafts.

B. Permit requirement. Use Permit approval, in compliance with Chapter 22.48 (Use Permits), is required for a cottage industry. During review of the application, the Zoning Administrator shall consider the adequacy of on- and off-site parking, the degree and intensity of any proposed retail sales, and shall first find that the proposed cottage industry would not result in any adverse impacts on the neighborhood. In the coastal zone, cottage industries must be within otherwise allowable dwellings or accessory structures.

C. Equipment, noise. Approved cottage industries may use mechanical equipment or processes as necessary, provided that no noise shall be audible beyond the property line of its site.

D. Employees. A cottage industry established in a dwelling or a detached accessory structure may have employees as authorized by the review authority, provided the number of employees does not exceed limitations established in an adopted community or specific plan.

E. Other codes. Cottage industries shall comply with all applicable health, sanitary, and fire codes, and shall obtain a County Business License.

22.32.062 – Educational Tours (Coastal)

(Coastal) Limitations on use. As defined in Section 22.130.030, educational tours are interactive excursions for groups and organizations for the purpose of informing them of the unique aspects of a property, including agricultural operations and environmental resources. In the C-APZ zoning district, ~~*not for profit*~~ educational tours operated by non-profit organizations or the owner/operator of the agricultural operation are a principal permitted use ~~(except as provided in Section~~

~~22.32.026.A.4~~); for-profit tours operated by a third party ~~*those operated for commercial profit*~~ require a Conditional Coastal Permit appealable to the Coastal Commission and a Use Permit.

22.32.070 – Floating Home Marinas

This Section provides for the creation and protection of floating home marinas in pleasing and harmonious surroundings, through the control of water coverage, vessel spacing, and height of structures, with emphasis on usable public access to the shoreline. Floating Home Marinas are not allowed in the Coastal Zone.

22.32.075 – Floating Homes

This Section provides standards for the floating homes that may be located within floating home marinas. Floating Homes are not allowed in the Coastal Zone.

22.32.080 – Group Homes and Residential Care Facilities

The standards of this Section shall apply to group homes and residential care facilities. Group homes and residential care facilities are dwellings licensed or supervised by any Federal, State, or local health or welfare agency that provide 24-hour non-medical care of unrelated persons, who are in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual in a family-like environment.

A. **Permitted use, zoning districts**. Group homes and residential care facilities are permitted in all zoning districts where dwellings are allowed by Articles II (Zoning Districts and Allowable Land Uses) and V (Coastal Zone Development and Resource Management Standards). In the coastal zone, group homes and residential care facilities must be within otherwise allowable dwellings.

B. **Limitations on use:**

1. **Group homes.** Group homes are for persons who are not disabled.

2. **Residential care facilities.** Residential care facilities are for persons who are disabled, as defined in Article VIII, (Development Code Definitions).

C. **Permit requirements:**

1. **Small group homes (six or fewer persons).** A small group home is a permitted use in all zoning districts where dwellings are allowed.

2. **Large group home (seven or more persons).** A large group home is a permitted use in all zoning districts where dwellings are allowed, subject to Use Permit approval in compliance with Chapter 22.48 (Use Permits).

3. **Residential care facilities.** A residential care facility is a permitted use in all zoning districts where dwellings are allowed.

4. **Multiple group homes or residential care facilities.** Two or more group homes or residential care facilities occupying a lot are a permitted use, subject to:

a. Use Permit approval in compliance with Chapter 22.48 (Use Permits) and, where required, Master Plan approval in compliance with Chapter 22.44 (Master Plans and Precise Development Plans); and

b. Compliance with minimum lot area per unit and maximum density requirements of the zoning district where the dwellings are located.

22.32.090 – Guest Houses

A "guest house" is allowed to be located on the same lot as the primary residential structures, for use by occupants of the premises or guests without a payment of a fee. Only one guest house may be allowed on each legal lot. The guest house shall have no food preparation facilities and shall not be rented or otherwise used as a separate dwelling.

22.32.095 – Homeless Shelters

This section establishes standards for the County review of homeless shelters, in conformance with State law.

A. Applicability. Where allowed by Article II (Zoning Districts and Allowable Land Uses) and Article V (Coastal Zone Development and Resource Management Standards), homeless shelters shall comply with the standards of this Section. Homeless shelter means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. In the coastal zone, homeless shelters must be within otherwise allowable dwellings. No individual or household may be denied emergency shelter because of an inability to pay.

B. Permit requirement. The use of a homeless shelter shall require the ministerial approval of a Homeless Shelter Permit by the Director, in compliance with Chapter 22.59 (Homeless Shelters), if it complies with the standards of 22.32.095.C.

C. Standards.

1. A homeless shelter shall not provide more than a maximum of 40 beds or serve 40 persons total.

2. The number of parking spaces required on-site for residents shall be based on 25% of the total beds and staff parking shall be the total number of beds divided by 10.

3. Shelters shall provide 5 square feet of interior waiting and client intake space per bed. Waiting and intake areas may be used for other purposes as needed during operations of the shelter.

4. Management. On-site management must be provided during hours of operation. 5. Proximity to other emergency shelters. Emergency shelters shall be at least 300 feet apart.

6. Maximum length of stay. Maximum of 6 months.

22.32.100 – Home Occupations

The following provisions allow for home occupations that are secondary to a residential use, and compatible with surrounding uses. A "Home Occupation" is any use customarily conducted entirely on properties where residences are authorized and carried on only by its residents.

A. **Permit requirement.** A business license shall be obtained/posted in compliance with Title 5, Chapter 5.54 (Business Licenses) of the County Code for home occupations, which are allowed as accessory uses in all residential zoning districts. Home occupations shall comply with all health, sanitary, and fire codes. In the coastal zone, home occupations must be within otherwise allowable dwellings or accessory structures.

B. **Operating standards**. Home occupations shall comply with all of the following operating standards.

1. **Accessory use.** The home occupation shall be clearly secondary to the full-time residential use of the property, and shall not cause noise, odors, and other activities not customarily associated with residential uses.

2. **Visibility.** The use shall not require any modification not customarily found in a dwelling, nor shall the home occupation activity be visible from the adjoining public right-of-way or from neighboring properties.

3. **Display, signs.** There shall be no window display or advertising sign(s), other than one name plate not exceeding one square foot in area. There shall be no display of merchandise or stock in trade or other identification of the home occupation activity on the premises.

4. **Parking.** The use shall not impact the on-street parking in the neighborhood.

5. **Safety.** Activities conducted and equipment or material used shall not change the fire safety or occupancy classifications of the premises. The use shall not employ the storage of flammable, explosive, or hazardous materials unless specifically approved by the County Fire Department, in compliance with Title 16 (Fire) of the County Code.

6. **Off-site effects.** No home occupation activity shall create dust, electrical interference, fumes, gas, glare, light, noise, odor, smoke, toxic/hazardous materials, vibration, or other hazards or nuisances as determined by the Director.

7. **Employees.** A home occupation may be authorized to have a maximum of one nonresident employee with a Use Permit, in compliance with Chapter 22.48.

C. **Prohibited home occupation uses.** The following are examples of uses that are not incidental to or compatible with residential activities, and are therefore prohibited as home occupations:

1. Adult businesses;

2. Dance or night clubs;

3. Mini storage;

4. Storage of equipment, materials, and other accessories for the construction and service trades;

5. Vehicle repair (body or mechanical), upholstery, automobile detailing and painting;

6. Welding and machining;

7. Any use which generates more than one client appointment at a time; and

8. Any other use not incidental to or compatible with residential activities as determined by the Director.

22.32.105 – Mariculture (Coastal)

This Section applies to the culture and husbandry of aquatic organisms including shellfish, mollusks, crustaceans, kelp, and algae.

A. Support Mariculture. As applicable, Marin County shall support and encourage mariculture in the Coastal Zone for the purposes of producing food, enhancing and restoring fisheries stocks, and contributing to the economy of the state and Marin County, consistent with the protection of other priority uses, such as commercial fishing, coastal recreation such as clamming and boating, and the protection of marine biological resources , water quality, and visual resources. Support provision of onshore facilities necessary to support mariculture operations in coastal waters.

B. Apply General Standards to Mariculture Operations. Marin County shall apply the following standards and procedures to all mariculture operations:

1. **Protection of eelgrass beds.** The siting of oyster allotments, mariculture leases, and mariculture structures shall avoid disturbance or damage to eelgrass beds , including in conformance with Section 30.10, Title 14, California Code of Regulations.

2. **Operator access.** Public agencies should be encouraged to consider operator access to mariculture leaseholds.

3. **Shoreline access.** Mariculture operations and onshore support facilities shall incorporate provisions for public access to and along the shoreline unless such access would interfere with mariculture and the impacts from access cannot be mitigated to less than significant levels. In evaluating coastal permits for mariculture, the County shall consider the location of existing accessways and potential conflicts between mariculture and public use of the shoreline.

4. **Boating access.** The placement of structures within new or existing allotments and leases shall not interfere with public boating access at high tide to state lands within the leased areas. If boat passages are proposed, they shall be spaced at a minimum of one passage per 1/2 mile of shoreline.

5. **Onshore support facilities.** Applicants for a coastal permit shall specify what access points and onshore support facilities (e.g., boat launch, loading dock, etc.) are required for the proposed mariculture operation, where such facilities will be located, and the timing of use. If private lands will be used for access or support facilities, the applicant shall submit a written statement from the property owner(s) agreeing to such use. If public lands will be used for access or support facilities, the applicant shall submit a lease from the appropriate public agency allowing such use, and specifying the type, location, and timing of use which is acceptable.

6. **Visual impacts.** Mariculture structures shall be sited and designed to minimize visual impacts, especially in areas which are highly visible from public roads, parks, or other public viewing areas.

22.32.110 – Mobile Home Parks (non-Coastal)

This Section applies to areas set aside for mobile home parks in locations that are properly integrated with adjoining neighborhoods, in a way which will ensure the optimum benefit of residents of the mobile home park and of the larger community.

A. Allowable uses. Mobile home parks may include the primary uses normally associated with a mobile home park. The following accessory uses may be established in compliance with the applicable standards of this Development Code:

1. Car washing facilities, for residents, only;
2. Chapel;
3. Coin-operated laundry and dry cleaning facilities, for residents;
4. Home occupations;
5. Management office and maintenance equipment storage;
6. Non-commercial recreation, meeting halls, club houses, etc.;
7. Overnight accommodations, for guests of residents;
8. Storage facilities, for residents, only;
9. Vending machines, for residents, only; and
10. Any other use determined by the Director to be clearly incidental and subordinate to the primary use.

B. Large parks. The following additional accessory uses may be allowed in a mobile home park with over 200 mobile homes:

1. Convenience goods shopping and personal service establishments primarily for residents, only; and
2. One doctor's and one dentist's office.

C. Standards and criteria. Mobile home parks shall comply with the following standards.

1. **Minimum site area:** 10 contiguous acres.

2. **Maximum density.**

   a. The maximum density for a mobile home park in the RX zoning district shall be set by the Board as part of rezoning to the RX district and simultaneous Master Plan approval (see Section 22.32.110.D (Submission Requirements), below), but shall not exceed the density provided by Section 22.32.110.C.2.b below.

   In determining the appropriate density, the Board shall consider any adopted Community Plan or the Countywide Plan, any Master Plan for the area in which the RX zoning district is to be established, existing zoning and development in the area, and any applicable parcel slope.

   b. Maximum density, determined by Master Plan approval, shall not exceed 10 mobile homes of 750 square feet or less in gross floor area per acre or eight mobile homes of more than 750 square feet in gross floor area per acre; or a combination of both.

3. **Completion of construction.** Prior to occupancy of the first mobile home, not less than 50 mobile home lots shall be prepared and available for occupancy.

4. **Parking requirements.** The overall parking ratio shall be two parking spaces for each mobile home lot. At least one parking space shall be provided on, or immediately adjoining to, each mobile home lot, in compliance with Sections 24.04.330 through
.400 (Parking and Loading) of the County Code.

5. **Setbacks.** All structures and mobile homes shall be set back at least 25 feet from all property lines and streets or public rights-of-way. If a greater building line has been established by ordinance, it shall be observed. The setback area shall be landscaped and maintained as a buffer strip, in compliance with Chapter 22.26 (Landscaping).

6. **County Health requirements.** A County Health Department permit shall be obtained in compliance with Chapter 7.44 (Mobile Home Parks) of the County Code.

7. **Utilities.** All utilities shall be installed underground. Individual exposed antennae shall not be allowed.

8. **Height limits.** The maximum height for:
   a. Mobile homes shall be 15 feet;

   b. Accessory **structures** shall be 15 feet;

   and c. **Service** facilities shall be 30 feet.

Plan and Precise Development Plan approval, in compliance with Chapter 22.44 (Master Plans and Precise Development Plans), a petition for a zoning district change for an RX district and a Master Plan for the mobile home park shall be filed simultaneously with the Agency.

For the purpose of this Section, the rezoning and the Master Plan shall be considered as one application and shall be considered in compliance with Chapter 22.116 (Development Code, Zoning Map, Community Plan and Countywide Plan Amendments).

22.32.115 – Determination of Non-Agricultural (Coastal)

This Section applies only in those instances where Table 5-1 expressly refers to this Section. Non-agricultural development is defined to include division of agricultural lands and any development not classified as "Agriculture, Mariculture" in Table 5-1 in Chapter 22.62. The purpose of applying the following standards is to determine whether a specific non-agricultural development, ~~*including land use,*~~ is accessory and incidental to, in support of, and compatible with, ~~*and necessary for*~~ the primary use of land for agricultural production. The intent of these provisions is to ensure that non-agricultural development only be allowed where long-term agricultural productivity, ~~*including on each parcel created in the case of a land division*~~, would be maintained and enhanced.

A. Permitted use, zoning districts. Non-agricultural development may be allowed as a principal permitted land use as allowed by Article V (Coastal Zones - Permit Requirements and Development Standards) subject to the requirements of this section. This Section does not apply to the following zoning districts: ARP-1 to ARP-5.

B. Limitations:

1. **General.** Require that non-agricultural development, including division of agricultural lands, shall only be allowed upon demonstration that long-term agricultural productivity~~*, including on each parcel created in the case of a land division,*~~ would be maintained and enhanced as a result of such development, on the subject parcel and any new ~~each~~ parcel created, and that agricultural productivity on adjacent parcels would be maintained. ~~*Non-agricultural development shall only be allowed upon demonstration that long-term agricultural productivity, including on each parcel created in the case of a land division, would be maintained and enhanced as a result of such development, and that agricultural productivity on adjacent parcels would be maintained*~~. In considering divisions of agricultural lands in the Coastal Zone, the County may approve fewer parcels than the maximum number of parcels allowed by the Development Code, based on site characteristics such as topography, soil, water availability, environmental constraints and the capacity to sustain viable agricultural operations.

2. **Referrals.** In determining whether a non-agricultural development is allowable, the review authority may refer such a question to such individuals or groups with agricultural expertise as appropriate for a recommendation prior to making a determination. In making such a determination, among other things the review authority may consider the following:

   (a) Whether the areal extent of land dedicated to agriculture is sufficient to support agricultural production; and

   (b) Whether the agricultural producer can demonstrate that agricultural products are sold commercially; and

   (c) Whether the use intensity and income generation of the agricultural land is consistent with similar agricultural activities in the County and state.

22.32.130 – Residential Accessory Uses and Structures

When allowed in the zoning district applicable to a site, see Section 22.10.030 (Residential District Land Uses and Permit Requirements) or Section 22.62 (Coastal Zoning Districts and Allowable Land Uses), ~~specific~~ residential accessory uses and structures are subject to the provisions of this Section. ~~*In the coastal zone, the standards in this section governing residential accessory uses and structures shall also apply to agricultural dwelling units*~~. Residential accessory uses and structures include any uses and structures customarily related to a residence, including swimming pools, workshops, studios, storage sheds, small greenhouses, and garages.

A. General requirements. All residential accessory uses and structures are subject to the following standards, and may also be subject to more restrictive requirements where established by other provisions of this Section.

1. Relationship of accessory use to primary use. Residential accessory uses and structures shall be incidental to and not alter the character of the site from that created by the primary use. Accessory uses and structures shall not be allowed until a primary use or structure has been established on the site.

2. Attached structures. A residential accessory structure that is attached to a primary structure shall comply with all requirements of this Development Code applicable to the primary structure, including setbacks, height, and floor area ratio.

3. Detached structures:

a. Height. Residential accessory structures shall be in compliance with Section 22.20.060 (Height Measurement and Height Limit Exceptions).In the coastal zone, residential accessory structures shall be in compliance with Section 22.64.045(3) (Height Limits and Exceptions). A residential accessory structure shall not exceed a height of 15 feet; except that an accessory structure may be constructed to the maximum height allowed by the applicable zoning district for a primary structure, where the structure is located at least 40 feet from any property line and it meets any other applicable requirements (e.g., those protecting public views). Further, where floor area is developed beneath a detached parking structure in conformance with Section 22.32.130.A.3.b below, the maximum height of the detached structure shall be 30 feet.

b. Setback requirements: Residential accessory structure(s) shall be in compliance with Section 22.20.090 (Setback Requirements and Exceptions). In the coastal zone, residential accessory structures shall be in compliance with Section 22.64.045(4) (Setback Requirements and Exceptions). Floor area directly beneath a parking structure that is built in reliance on Section 22.32.130.B.2 may be built to within three feet of the front property line that abuts the adjoining street from which vehicular access is taken, provided the floor area does not extend beyond the footprint of the parking structure.

c. Coverage. The total aggregate floor area of all detached accessory structures shall not exceed 30 percent of the area contained within the boundaries of the setback required in the rear yard except with Design

Review approval, which shall be required in addition to and independent of Coastal Permit requirements. See Chapter 22.42 (Design Review).

d. **Floor Area Ratio (FAR).** A detached residential accessory structure shall be subject to the FAR requirements of the applicable zoning district, as FAR is defined in Article VIII (Development Code Definitions).

B. **Parking structures.** The following additional requirements shall also apply to detached garages and other residential accessory parking structures for parking.

1. **Floor area ratio.** A parking structure shall be subject to the FAR requirements, of the applicable zoning district, as FAR is defined in Article VIII (Development Code Definitions).

2. **Front setback exception**. Where the slope of the one-half of the parcel beginning at the street-access side is 20 percent or more, or where the elevation of the parcel at the property line from which vehicular access is taken is five feet or more above or below the elevation of the adjoining street, a garage, carport, or cardeck may be built to within three feet of the front and side property lines that abut the adjoining street from which vehicular access is taken. All portions of the dwelling other than the parking structure shall maintain the setbacks applicable to the primary dwelling in the applicable zoning district. No portion of a residential parking structure, including eaves or roof overhangs, shall extend beyond a property line or into an access easement or street right-of-way.

C. **Home occupations.** Home occupations are subject to Section 22.32.100 (Home Occupations).

D. **Tennis and other recreational uses.** Private non-commercial outdoor tennis courts and courts for other sports (e.g., racquetball, etc.) accessory to a residential use may be established with Design Review approval in addition to and independent of Coastal Permit requirements, in compliance with Chapter 22.42, and are subject to the following requirements:

1. **Fencing.** Court fencing shall be subject to the height limits of Section 22.20.050 (Fencing and Screening Standards). In the coastal zone, court fencing shall be subject to Section 22.64.045(2) (Fencing and Similar Structure Standards).

2. **Lighting.** Court lighting may be prohibited, as a condition of the Design Review approval. If allowed, the court lighting may be installed with a height not exceeding 10 feet, measured from the court surface. The lighting shall be directed downward, shall only illuminate the court, and shall not illuminate adjacent property.

E. **Vehicle storage.** The storage of vehicles, including incidental restoration and repair, shall be in compliance with Section 22.20.090.F (Restrictions on the Use of Front Yard Setbacks in Residential Districts), and Chapter 7.56 (Abandoned Vehicles) of the County Code, in addition to and independent of Coastal Permit requirements.

F. **Workshops or studios.** A residential accessory structure intended for engaging in artwork, crafts, handcraft manufacturing, mechanical work, etc. may be constructed or used as a workshop or studio in a residential zoning district solely for: non-commercial hobbies or amusements; maintenance of the primary structure or yards; artistic endeavors (e.g., painting, photography or sculpture); maintenance or mechanical work on vehicles owned or operated by the occupants; or other similar purposes.

Any use of accessory workshops for a commercial activity shall comply with the requirements for Home Occupations in Section 22.32.100 (Home Occupations) or, where applicable Cottage Industries in Section 22.32.060 (Cottage Industries).

22.32.140 – Residential Second Units

A. **Purpose.** This Section is intended to accomplish the following:

1. Meet the County's projected housing needs and provide diverse housing opportunities;

2. Provide needed income for homeowners;

3. Provide second units which are safe and built to code;

4. Provide second units which are compatible with the neighborhood and the environment; and

5. Comply with provisions of State law, including those contained in Section 65852.2 of the California Government Code.

B. **Applicability.** The provisions of this Section shall apply to single-family and multi-family residential zoning districts, including the R1, R-2, RA, RR, RE, RSP, C-R1, C-R2, C-RA, CRSP, C-RSPS, A, A2, ARP, C-ARP, RMP, and C-RMP districts in the unincorporated portions of the County.

C. **Design Characteristics.** A second residential unit shall be designed and constructed as a permanent residence with a minimum of 220 square feet of floor area, including: food preparation facilities which may include kitchen counters and cabinets, a stove, oven, hot plate, microwave, refrigerator, or sink, as determined by the Director; both a separate bathroom and separate entrance intended for the use of the occupants, as determined by the Director. A second unit may be established by:

1. The alteration of a single-family unit whereby food preparation facilities are not shared in common;

2. The conversion of an attic, basement, garage, or other previously uninhabited portion of a single-family unit;

3. The addition of a separate unit onto the existing single-family unit; or

4. The conversion or construction of a separate structure on the parcel in addition to the existing single-family unit.

5. ~~*With the exception of density, all*~~ Second units ~~*must*~~ shall be ~~*found*~~ consistent with all lot coverage and other site development standards per the applicable residential zoning district where such standards are considered on a cumulative basis that include accounting for any existing buildings on site. Second Units shall conform to all of the zoning and development standards (i.e., lot coverage, height, setbacks, design, FAR, etc.) of the residential zoning district which governs the lot. A Second Unit attached to the principal residence shall be subject to the height, setback, and coverage regulations of the principal residence. ~~*A Second Unit detached from the principal dwelling shall be treated as a residential accessory structure in regard to height, and setbacks*~~.

D. **Limitation on sale.** A second unit may be rented but shall not be sold **separately** from the single-family unit.

E. **Second Unit Permitting Procedure.** Applications for Second Unit Permits that are not otherwise subject to a discretionary permit (e.g., Coastal Permit, Design Review, Variance) shall be approved ministerially without discretionary review or public hearing, pursuant to the Second Unit Permit requirements established in Chapter 22.56 (Second Unit Permits). ~~*All second units in the coastal zone shall also require coastal permit approval consistent with the LCP (see additional standards in 22.64.130(A)(5)).*~~

F. **Recordation of Residential Second Unit Permits**. Any Residential Second Unit Permit granted in compliance with this Section may be recorded in the County Recorder's Office as an informational document in reference to the title of the subject property.

G. **Periodic report.** The Agency shall periodically prepare a report to the Commission and Board on the status of this Section. The report shall include information about the number, size, type, and rent, as available, of each second unit by neighborhood. The report shall provide a basis for an evaluation of the effectiveness of this Section.

22.32.150 – Residential Uses in Commercial/Mixed Use Areas (Coastal)

This section applies to commercial development projects that include residential floor area in the C-VCR, CH1, C-CP, C-RMPC, and C-RCR zoning districts.

A. **Permit requirement.** Any allowable dwellings shall be accessory to the primary commercial use, if any, and shall be designed and sited in a manner that does not conflict with the continuity of store frontages, while maintaining visual interest and a pedestrian orientation. Residential development within the C-VCR zone must also comply with the specific standards contained in 22.64.170(A)(3).

~~**22.32.150 – Residential Uses in Commercial/Mixed Use Areas (non-Coastal)**~~

~~…~~

22.32.160 – Service Stations/Mini-Markets

The retail sales of food and beverage products and other general merchandise in conjunction with a motor vehicle service station is allowed subject to Use Permit approval, in compliance with Chapter 22.48 (Use Permits), and the following standards.

A. **Sales area.** The maximum allowable floor area for retail sales shall be 175 square feet or 15 percent of the total floor area of the structure whichever is greater. These area limitations may be increased through Use Permit approval provided that the following findings are made:

1. Retail sales shall be subordinate to the primary motor vehicle service station use(s);

2. The proportion of retail sales to total floor area of the structure(s) shall be limited to an amount that is reasonable to allow sales of a limited number of items for the convenience of travelers as permitted by Subsection B, below.

3. The size, extent and operation of retail sales shall not conflict with the predominant character of the area surrounding the service station.

4. The size, extent, and operation of retail sales shall not cause a significant increase in traffic and noise in the area surrounding the service station. B. Allowed products. Retail sales of non-automotive products shall be limited to items for the convenience of travelers, including film, personal care products, and packaged food and beverage items.

C. **Signs.** No exterior signs are allowed to advertise specific items for sale. All on-site signs shall be in compliance with Chapters 22.28 (Signs) and Title 5, Chapter 5.40 (Posting of Gasoline Prices) of the County Code, in addition to and independent of Coastal Permit requirements, including those specified in Chapter 22.64.100(A)(5).

D. **Parking.** On-site parking shall comply with Sections 24.04.330 through .400 (Parking and Loading) of the County Code, in addition to and independent of Coastal Permit requirements, including those specified in 22.64.150, and shall include sufficient spaces for all employees on a single shift.

E. **Restrooms.** Restrooms shall be provided and available to the public.

F. **Self-service stations**. Establishment of self-service stations or the conversion of existing full-service stations to self-service stations shall require an additional finding by the Zoning Administrator, that the establishment of a self-service station will not adversely affect public health, safety, and welfare by either diminishing the availability of minor emergency help and safety services, including minor motor vehicle repair and public restrooms, or discriminating against individuals needing refueling assistance.

22.32.161 – Solar Energy Systems (Coastal)

The installation of any solar energy system, as defined in Section 22.130.030, must be sited and designed to be consistent with all required setbacks and height limits of the specific zoning district in which it is proposed. In addition, ground area coverage of the system shall have no significant impacts on environmental quality or wildlife habitats, and shall meet all other applicable policies and standards of the LCP.

A. **Roof-Mounted Solar Energy System:**

1. Allowed as a Principal Permitted Use in all coastal zoning districts.

2. May be exempt from the Coastal Permit requirement, consistent with Section 22.68.050.

3. May exceed the required height limit of the zoning district in which the project is proposed by no more than two feet. If any part of the solar energy system structure exceeds the required height limit by greater than two feet, findings of consistency with the LCP~~*, including Policies C-DES-1-3*~~, shall be required, in addition to and independent of any required Design Review.

B. Free-Standing Solar Energy System:

1. Allowed as a Permitted Use in all coastal zoning districts.

2. Exempt from the minimum yard setback requirements of the zoning district in which the project is proposed if the structure does not exceed a height of eighteen inches above grade at any point.

22.32.165 – Telecommunications Facilities (Coastal)

This Section establishes permit requirements and standards for the development and operations of telecommunications facilities in compliance with State and Federal law, and the LCP.

A. Permit requirements. Telecommunications facilities are allowable in all zoning districts. All new telecommunications facilities shall require CDP approval, unless exempt pursuant to 22.68.050.

B. Electromagnetic fields. The electromagnetic field (EMF) strengths or equivalent planewave power densities generated by the approved facility, in combination with other existing ambient sources of EMF, shall not expose the general public to EMF levels which exceed the Maximum Permitted Exposure levels for electric and magnetic field strength and equivalent plane-wave power density in the EMF emission guidelines adopted by the Federal Communications Commission (FCC). In the event the FCC adopts a more restrictive Maximum Permitted Exposure Level, or the County adopts a more restrictive EMF exposure standard if allowed by future changes in Federal law, the applicant shall demonstrate compliance with the more restrictive standard unless such a requirement is preempted by State or Federal law.

C. Development standards. In addition to all applicable required standards and findings, including those in the LCP's Community Design and Public Facilities and Services chapters, the following additional development standards shall apply for telecommunications facilities. All telecommunications facilities shall comply with all applicable LCP policies, including those specified below, except when denial would be inconsistent with the Federal Telecommunications Act (FTA) and the reviewing authority finds there is no feasible alternative location. Where denial would be inconsistent with FTA and the reviewing authority finds there is no feasible alternative, approval of the facilities is also subject to all of the following written findings: (1) There is no alternative facility configuration that would avoid impacts inconsistent with all other applicable standards of the certified LCP; (2) Impacts are avoided to the maximum extent feasible; (3) Unavoidable impacts are minimized and mitigated to the maximum extent feasible; and (4) The facility can be found consistent with all otherwise applicable LCP standards.

1. New telecommunication facilities shall not be permitted where co-location on existing facilities would provide equivalent coverage with less impact to coastal resources.

2. The placement of co-located facilities on an existing wireless telecommunication facility shall require a CDP, except that if a CDP was issued for the original wireless telecommunication facility and that CDP authorized the proposed new co-location facility, the terms and conditions of the underlying CDP shall remain in effect and no additional CDP shall be required.

3. New telecommunications facilities shall not be permitted in Ridge and Upland Greenbelt areas, unless no other technically feasible and available site exists; provided, wireless communications facilities should be permitted in ridge and upland greenbelt areas where they are co-located with existing structures and are consistent with the policies and programs of the LCP. Applications for new telecommunications facilities in Ridge and Upland Greenbelt areas shall include technical information prepared by qualified professionals that sufficiently demonstrates that no other technically feasible site is available to provide adequate coverage consistent with Federal law requirements. For the purposes of this section, any determination that no other technically feasible site is available shall be made in writing and supported by evidence.

4. New or expanded sites shall ensure co-location and other efficient use of facilities to minimize the need for new sites, particularly on ridgeline and/or visually sensitive locations. Site users and operators shall be encouraged to share and/or consolidate facilities to the greatest extent possible. Facilities that may be shared include buildings, access roads, parking areas, utilities, transmitters, towers and other structures, and antennas.

5. All telecommunication facilities shall be sited and designed to avoid, and where unavoidable, to minimize, visual impacts to the maximum extent feasible, including by visually blending with the predominant landscape, co-locating with existing facilities, landscaping consisting of non-invasive/native plants, coloring and materials to blend with the existing landscape, and shall be the minimum height necessary to provide adequate service coverage consistent with Federal law requirements. A visual analysis of the facility shall be submitted with the application materials to assess the proposed facility at design capacity. The visual analysis shall include a photo-montage or photosimulation, and/or poles erected at the proposed site. The analysis shall address views of the proposed facility from public vantage points, including views from public roads, trails, lookouts, parks, and beaches. The analysis shall also depict cumulative conditions by including information on existing, approved, and proposed telecommunications facilities that will or may eventually be approved at the proposed site.

6. Telecommunications support facilities such as vaults and equipment rooms, utilities and other support structures shall be placed underground, depressed, earth bermed, or sited below ridgelines or other significant public line of sight to the greatest extent feasible. All facilities shall visually blend with the surrounding built and natural environments.

7. New telecommunications facilities shall protect significant public views as required by Policy C-DES-2.

8. New telecommunications facilities proposed on parcels restricted by agricultural, open space, scenic or other public easement or restriction will only be permitted in accordance with the terms of such public easement or restriction.

9. Applications for new or expanded telecommunications facilities shall contain long range plans which project market demand and long-range facility expansion needs.

10. Development of telecommunications facilities shall be consistent with LCP policies requiring the protection of coastal resources, including ESHA and prime agricultural land. Such facilities shall be evaluated for the potential for significant adverse effects on plant and animal species, including the potential to interfere with the migratory flyway or flight path used by resident bird species, and where clearing native vegetation is required for facility construction or expansion. Where potential significant effects are identified, appropriate mitigation including siting, design, and monitoring shall be required to avoid, and/or offset if unavoidable, such effects.

11. All coastal permit approvals granted for telecommunications facilities shall include a condition that the permit be authorized and renewed via a new CDP at least every 10 years. When reviewing requests for permit renewal, the Applicant shall incorporate all feasible new or advanced technologies that will reduce previously unavoidable impacts to the maximum extent feasible or the permit will not be renewed.

~~**22.32.165 – Telecommunications Facilities (non-Coastal)**~~

…

22.32.170 – Tobacco Retail Establishments

This Section establishes permit requirements and standards for the development and operation of tobacco retail establishments.

A. Permit requirements. Notwithstanding any provision of this title, a tobacco retailer may be established in the following zoning districts subject to securing a Use Permit or Master Plan where required: C1, CP, OP, H1, IP, C-H1, or C-CP.

B. Development standards. No significant tobacco retailer shall be located within 1,000 feet from a parcel occupied by the following uses:

1. Public or private kindergarten, elementary, middle, junior high or high schools;

2. Licensed child day-care facility or preschool other than a small or large family daycare home;

3. Public playground or playground area in a public park (e.g., a public park with equipment such as swings and seesaws, baseball diamonds or basketball courts);

4. Youth or teen center;

5. Public community center or recreation center;

6. Arcade;

7. Public park;

8. Public library; or

9. Houses of worship conducting youth programs or youth oriented activities.

C. **Exceptions.** Notwithstanding any other provisions of this code, nothing in this section shall prohibit the County from approving any of the uses specified above in Subsection B, if they are subsequently proposed to be located within 1,000 feet of an existing significant tobacco retailer, if the appropriate decision-making body finds that the establishment of such uses is necessary to protect the public, health, safety, and welfare, or other substantial governmental interest is thereby served.

22.32.180 – Wind Energy Conversion Systems (WECS) ~~(non-Coastal)~~

This Section establishes permit requirements for planned zoning districts and non-planned zoning districts and standards for the development and operation of Wind Energy Conversion Systems (WECS) in compliance with Marin County policies and State and Federal laws and allows and encourages the safe, effective, and efficient use of WECS in order to reduce consumption of utility supplied electricity. Wind Energy Conversion Systems (WECS) are not allowed in the Coastal Zone.

Chapter 22.60 – Purpose and Applicability of Coastal Zone Regulations

Sections:

22.60.010 – Purpose of Article
22.60.020 – Applicability
22.60.030 – Consistency with Coastal Act

22.60.010 – Purpose of Article

This Article identifies permit requirements and development standards for proposed development, as defined in Article VIII, in the unincorporated areas of Marin County within the Coastal Zone established by the California Coastal Act of 1976. This Article implements applicable provisions of the Coastal Act and the Marin County Local Coastal Program (LCP) Land Use Plan (LUP), which, among other things identify the location and density of development, provide for visitor-serving facilities, provide for public access to and along the coast, and protect significant public views and natural resources. Chapters 22.60 through 22.70 inclusive, along with portions of Chapters 22.32 (Standards for Specific Land Uses) and 22.130 (Definitions) that apply in the coastal zone, and zoning district maps together constitute the LCP's Implementation Plan.

22.60.020 – Applicability

The requirements of this Article apply to all proposed development, as defined in Article VIII, within the Coastal Zone. These requirements apply in addition to all other applicable provisions of this Development Code. In the event of any perceived conflict between the requirements of the LCP's Implementation Plan and any other provisions of this Development Code, the Implementation Plan shall control.

22.60.030 – Consistency with Coastal Act

All development in the Coastal Zone within the County's coastal permitting jurisdiction shall be consistent with the Marin County LCP and, where located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone, be supported by a specific finding that the development is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act.

Chapter 22.62 – Coastal Zoning Districts and Allowable Land Uses

Sections:

22.62.010 – Purpose of Chapter
22.62.020 – Applicability
22.62.030 – Coastal Zoning Districts Established
22.62.040 – Allowable Land Uses and Permit Requirements
22.62.050 – Coastal Zoning District Regulations
22.62.060 – Coastal Agricultural and Resource-Related Districts
22.62.070 – Coastal Residential Districts
22.62.080 – Coastal Commercial and Mixed-Use Districts
22.62.090 – Coastal Special Purpose and Combining Districts

22.62.010 – Purpose of Chapter

This Chapter establishes the zoning districts in areas of the County within the Coastal Zone as mapped on the certified maps for the Marin County Local Coastal Program, identifies allowable uses within those zoning districts, and identifies permit requirements within those zoning districts.

22.62.020 – Applicability

The provisions of this Chapter apply to all property within the Coastal Zone, including county, state, school, and special district property, but not including federal property. Consistent with Coastal Act Section 30519(b), for development proposed or undertaken on any tidelands, submerged lands, or on public trust lands, whether filled or unfilled, development shall be reviewed against the Coastal Act by the Coastal Commission and the County LCP in those cases may provide non-binding guidance.

22.62.030 – Coastal Zoning Districts Established

The unincorporated areas of Marin County within the Coastal Zone shall be divided into zoning districts which consistently implement the Marin Countywide Plan and Marin County Local Coastal Program.

The following coastal zoning districts are established, and shall be shown on the official Zoning Map (Section 22.06.030 (Zoning Map Adopted)).

A.	**Agricultural and Resource-Related Districts**	**Map Symbol**
	Coastal, Agricultural Production Zone	C-APZ
	Coastal, Agricultural, Residential Planned	C-ARP
	Coastal, Open Area	C-OA
B.	**Residential Zoning Districts**	
	Coastal, Residential, Agricultural	C-RA
	Coastal, Residential, Single-Family	C-R1
	Coastal, Residential, Single-Family Planned	C-RSP
	Coastal, Residential, Single-Family Planned, Seadrift Subdivision	C-RSPS
	Coastal, Residential, Two-Family	C-R2
	Coastal, Residential, Multiple Planned	C-RMP
C.	**Commercial and Mixed-Use Zoning Districts**	
	Coastal, Village Commercial/Residential	C-VCR
	Coastal, Limited Roadside Business	C-H1
	Coastal, Planned Commercial	C-CP
	Coastal, Residential/Commercial Multiple Planned	C-RMPC
	Coastal, Resort and Commercial Recreation	C-RCR
D.	**Special Purpose and Combining Districts**	
	Coastal, Public Facilities	C-PF
	Coastal, Minimum Lot Size	B

22.62.040 – Allowable Land Uses and Coastal Permit Requirements

A. **General requirements for allowed uses.** Proposed development, as defined in Article VIII, located within the Coastal Zone shall be consistent with definitions in Article VIII, and comply with Chapter 22.32 (Standards for Specific Land Uses) and other applicable provisions of this Article.

B. **Coastal zone permit requirements.** Unless exempted or Categorically Excluded, proposed development within the Coastal Zone shall require approval of a Coastal Permit in compliance with Chapter 22.68 (Coastal Permit Requirements), in addition to any non-coastal permits required by the Development Code and Section 22.62.040.B.

The uses of land allowed by this Chapter in each coastal zoning district are identified in Tables 5-1, 5-2, and 5-3 (Allowable Land Uses for the Coastal Agricultural and Resource Related Districts, Coastal Residential Districts, and Coastal Commercial and Mixed/Use Districts, respectively) as being:

1. Uses for which no Coastal Permit is required are those as specified in applicable Categorical Exclusion Orders issued by the California Coastal Commission or determined exempt under Coastal Permit Requirements herein

(Chapter 22.68). These uses are shown as "E" in the tables and are only exempt if they meet the conditions and limitations set forth in the applicable Exclusion Order and Chapter 22.68.

2. Principally permitted uses, subject to compliance with all applicable provisions of this Development Code, Coastal Permit approval where required, and subject to first obtaining any Building Permit and other non-coastal permits required by the County Code. A Coastal Permit decision for a principal permitted use is appealable to the Coastal Commission only if the project is located in a geographic appeals area as defined by Section 22.70.080(B)(1)(a) and (b), or if the project constitutes a major public works project or major energy facility. ~~*Any development that also requires the granting of a Coastal Zone Variance shall not be considered a principal permitted use. Land divisions are not the principally permitted use in any zoning district.*~~ Principal permitted uses are shown as "PP" uses in the tables.

3. Permitted uses, subject to compliance with all applicable provisions of this Development Code, Coastal Permit approval where required, and subject to first obtaining any Building Permit and other non-coastal permits required by the County Code. A Coastal Permit decision for a permitted use is appealable to the Coastal Commission. Permitted uses are shown as "P" uses in the tables.

4. Conditional uses, subject to compliance with all applicable provisions of this Development Code, Coastal Permit approval where required, and subject to first obtaining any Building Permit and other non-coastal permits required by the County Code, including approval of a Use Permit (Chapters 22.48 and 22.50). The Use Permit is not part of the Coastal Permit and is not subject to appeal to the Coastal Commission; however, any Coastal Permit decision for a conditional use is appealable to the Coastal Commission. Conditional uses are shown as "U " uses in the tables. [See Section 22.70.080 for Appeal of Coastal Permit Decisions]

5. Land uses that are not listed in Tables 5-1, 5-2, and 5-3 or are not shown in a particular zoning district are not allowed, except where otherwise provided by Section 22.68.050 (Exempt Projects).

C. Master Plan and Other Non-Local Coastal Program Permit Requirements. In addition to and independent of permits required for conformance with the Marin County Local Coastal Program, a Master Plan and/or other local permit such as a Second Unit Permit may be required for certain uses. Please refer to Articles II-IV, VI, and VII for development standards that govern these uses. A Master Plan is required only for the following uses:

1. A subdivision which does not exhaust the potential for residential development based on the Countywide Plan and zoning district densities and floor area ratios.

2. Airparks

3. Cemeteries, columbariums, mausoleums

4. Marinas and harbors

5. Mineral resource extraction

6. Waste disposal sites

22.62.050 – Coastal Zoning District Regulations

A. **Purpose.** Sections 22.62.0460 through 22.62.080 and Chapter 22.64 determine which land uses are allowable in each zoning district, what land use permits are is required to establish each use, and the basic development standards that apply to allowed land uses in each of the zoning districts established by Section 22.62.030 (Coastal Zoning Districts Established).

B. **Single parcel in two zoning districts.** In the event two or more parcels are consolidated through the approval of a lot line adjustment, merger, parcel or Tentative Map, or reversion to acreage in compliance with Article VI (Subdivisions), where a single parcel is covered by two or more zoning districts, the consolidated parcel should be reviewed by the Director to determine whether the parcel should be rezoned to a single zoning district.

C. **Measurements, calculations.** Explanations of how height limits, site coverage requirements, and floor area ratios (FAR) apply to sites and projects are in Chapter 22.64 (Coastal Zone Development and Resource Management Standards).

22.62.060 – Coastal Agricultural and Resource-Related Districts

A. Purpose of Section. This Section provides regulations for development, as defined in Article VIII, proposed within the coastal agricultural and resource-related zoning districts established by Section 22.62.030 (Coastal Zoning Districts Established). The purpose of these zoning districts is to protect agricultural land, continued agricultural uses and the agricultural economy by maintaining parcels large enough to sustain agricultural production, preventing conversion to non-agricultural uses, and prohibiting uses that are incompatible with long-term agricultural production or the rural character of the County's Coastal Zone and to preserve important soils, agricultural water sources, and forage to allow continued agricultural production on agricultural lands. (Policy C- AG-1)

B. **Purposes of zoning districts.** The purposes of the individual zoning districts are as follows.

1. **C-APZ (Coastal, Agricultural Production Zone) District.** The C-APZ zoning district is intended to preserve agricultural lands that are suitable for land-intensive or land-extensive agricultural production. (Policy C-AG-2)

The principal permitted use of lands in the C-APZ district is agriculture, ~~is~~ limited to the types of agricultural development set forth below and in Land Use Plan Policy C-AG-2, and only allowed when consistent with the development standards set forth in Section
22.65.040:

a. –Agricultural production: use of land for the breeding, raising, pasturing, and grazing of livestock; the production of food and fiber; the breeding and raising of bees, fish, poultry, and other fowl; the planting, raising, harvesting and producing of agriculture, aquaculture, mariculture, horticulture, viticulture, vermiculture, forestry crops, and plant nurseries;

b.-Agricultural accessory structures and agricultural accessory activities; ~~*appurtenant and necessary to the operation of agricultural uses for agricultural production, including one farmhouse per legal lot, one intergenerational home, agricultural worker housing, limited agricultural product sales and processing, educational tours, agricultural homestay facilities with three or fewer guest rooms, barns, fences, stables, corrals, coops and pens, and utility facilities (not including wind energy conversion systems and wind testing facilities);*~~

c. Agricultural dwelling units, consisting of

(1). One farmhouse~~s~~ or a combination of one farmhouse and one intergenerational home per farm tract, consistent with C-AG-5, including combined total size limits~~;, *intergenerational homes,*~~ and;

(2) A~~a~~gricultural worker housing, providing accommodations consisting of not more than 36 beds in group living quarters per legal parcel or 12 units or spaces per legal lot for agricultural workers and their households;

d. Other Agricultural Uses, if appurtenant to the operation of agriculture, limited to:

(1) Agricultural product sales and processing~~; *and*~~ of products grown within the farmshed, provided that for sales, the building(s) or structure(s) or outdoor areas used for sales do not exceed an aggregate floor area of 500 square feet, and for processing, the building(s) or structure(s) used for processing activities do not exceed an aggregate floor area of 5,000 square feet:

(2) ~~*Not for profit*~~ ~~*e*~~Educational tours.

Conditional uses in the C-APZ zone, as specified in Table 5-1 of Chapter 22.62, include a second intergenerational home per legal lot, for-profit ~~*educational*~~ tours operated by a third party, agricultural homestay facilities, agricultural worker housing above 12 units or 36 beds per legal lot, and additional agricultural uses and non- agricultural uses including land division, ~~*and residential development potentially up to the zoning density*~~ consistent with Section 22.65.040. Development shall not exceed a maximum density of 1 unit per 60 acres. Densities specified in the zoning are maximums and not entitlements, and may not be achieved when the standards of the Agriculture policies and, as applicable, other LCP policies are applied. (Policy C-AG-1, 2).

The C-APZ zoning district is consistent with the Agriculture 1 land use category of the Marin County Land Use Plan.

2. **C-ARP (Coastal, Agricultural, Residential Planned) District.** The C-ARP district applies to lands adjacent to residential areas in the Coastal Zone that have potential for agricultural production but promote the concentration of residential development to maintain the maximum amount of land available for agricultural use. The C-ARP district provides flexibility in lot size and building locations to concentrate development to maintain the maximum amount of land for agricultural use, and to maintain the visual, natural resource and wildlife habitat values of subject properties and surrounding areas. The C-ARP district requires the clustering of proposed development. The C-ARP zoning district is consistent with the Agriculture 1, 2, and 3 land use categories of the Marin County Land Use Plan. Residential use shall be the principal permitted use in all parcels with the land use designation of C-AG3; Agriculture shall be the principal

permitted use in all parcels with the C-AG1 and C-AG2 land use designations. (Policy C-AG-3)

3. **C-OA (Coastal, Open Area) District.** The C-OA District provides for open space, outdoor recreation, and other open lands, including areas particularly suited for park and recreational purposes, access to beaches, natural drainage channels, and areas that serve as links between major recreation and open space reservations. The C-OA zoning district is consistent with the Public and Quasi Public - Open Space land use category of the Marin County Land Use Plan.

C. Allowed land uses and permit requirements in agricultural/resource districts. Table 5-1 lists the land uses allowed in the agricultural/resource zoning districts within the Coastal Zone, in compliance with Chapter 22.62 (Coastal Zoning Districts and Allowable Land Uses).

D. Development standards for agricultural- and resource-related districts. Proposed development, as defined in Article VIII, shall comply with all provisions of the LCP, including Chapters 22.32 as applicable (Standards for Specific Land Uses), this Chapter, Chapter 22.64 (Coastal Zone Development and Resource Management Standards), 22.65 (Coastal Zone Planned District Development Standards), 22.66 (Coastal Zone Community Standards), and 22.68 (Coastal Permit Requirements).

TABLE 5-1-a - ALLOWED USES AND PERMIT REQUIREMENTS FOR COASTAL AGRICULTURAL & RESOURCE-RELATED DISTRICTS

LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT			See Standards in Section:
	C-APZ Agricultural Production	C-ARP Agricultural Residential Planned	C-OA Open Area	
AGRICULTURE, MARICULTURE				
Agricultural accessory activities	PP (6~~8~~), E	PP(10), P~~P, E~~	PP	22.32.021
Agricultural accessory structures	PP (6~~8~~), E	PP(10),P~~P, E~~	PP	22.32.022
Agricultural homestays, 3 or fewer guest rooms	U (6)	P(10)	|	22.32.023
Agricultural homestays, 4 or 5 guest rooms	U (6)	U(10)	|	22.32.023
Agricultural Intergenerational Home (first) ~~on legal lots 120 acres or larger and meeting all development standards set forth in 22.65.040(C)(1)(e)(1-9) and 22.32.024~~	PP ~~(8)~~	--	|	22.32.024
~~Agricultural Intergenerational Home (first) on legal lots 120 acres or larger and meeting all development standards set forth in 22.65.040(C)(1)(e)(1-8) and 22.32.024~~	~~P~~		—	~~22.32.024~~
Agricultural Intergenerational Home (second) ~~on legal lots 180 acres or larger~~	U	--	|	22.32.024
Farmhouse ~~(for C-APZ parcels only: on legal lots 60 acres or larger and meeting all development standards set forth in 22.65.040(C)(1)(e)(1-9) and~~	PP ~~(8)~~	PP(10) P	|	22.32.024; 22. 32.025
~~Farmhouse (for C-APZ parcels only: on legal lots 60 acres or larger and meeting development standards set forth in 22.65.040(C)(1)(e)(1-8) and 22.32.025)~~	~~P~~		—	~~22.32.025~~

Agricultural processing uses (<5000sq.ft.) (~~for C-APZ parcels only: meeting all development standards set forth in 22.65.040(C)(1)(f)~~)	PP ~~(8)~~	PP(10) U	|	22.32.026
Agricultural processing uses (>5000sq.ft.) ~~(for C-APZ parcels only: not meeting all development standards set forth in 22.65.040(C)(1)(f)~~	U	U(10) ~~U~~	|	22.32.026
Agricultural production	PP ~~(8),~~ E	PP(10),P~~P, E~~	P	22.~~32~~130.030
Agricultural Retail Sales Facility/Farm Stand (<500 sq.ft.) ~~meeting all development standards set forth in 22.65.040(C)(1)(f)~~	PP ~~(8),~~	PP(10),P~~PP~~		22.32.027
Agricultural Retail Sales Facility/Farm Stand (>500 sq.ft.) not meeting development standards set forth in 22.65.040(C)(1)(f)	U	U(10),		22.32.027
Agricultural worker housing up to and including 12 units/36 beds ~~(for C-APZ parcels only: meeting all development standards set forth in 22.65.040(C)(1)(e)(1-9) and 22.32.023)~~	PP ~~(8),~~	PP(10), P	U	22.32.028
Agricultural worker housing above 12 units/36 beds ~~(for C-APZ parcels only: meeting all development standards set forth in 22.65.040(C)(1)(e)(1-8) and 22.32.023)~~	U	U	U	22.32.028
Commercial gardening	PP, E	P	P	
Dairy operations	PP, E	P	P(4)	22.32.030
Educational tours (not-for-profit or by owner/operator))	PP	P	PP	22.32.062
Educational tours (for-profit by third party)	U	P	P	22.32.062
Fish hatcheries and game reserves	U	P	P	
Livestock operations, grazing	PP, E(5)	P(5)	P	22.32.030
Livestock operations, large animals	PP, E(5)	P(5)	|	22.32.030
Livestock operations, sales/feed lots, stockyards	P(5)	P(5)	|	22.32.030
Livestock operations, small animals	PP, E(5)	P(5)	|	22.32.030
Mariculture/aquaculture	PP	P	|	22.32.105
Plant nurseries	PP	P		
Raising of other food and fiber producing animals not listed under "agricultural production"	U	U	|	22.32.030

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirements
E	Certain uses may be exempt or Categorically Excluded from permit requirements.
PP	Principal permitted use. (2)
P	Permitted use. (2)
U	Conditional use, Use Permit required. (2)
|	Use not allowed. (See 22.02.020.E regarding uses not listed.)

Notes:

(1) Listed land uses must be consistent with definitions in Article VIII (Development Code Definitions). Design review requirements are contained in Chapter 22.42 rather than in the LCP and such design review requirements apply independent of, and in addition to, coastal permit requirements. (4) Dairy operations allowed only on a site of 50 acres or larger.

(5) Permit requirements are determined by Section 22.32.030 (Animal Keeping).

(6) Only allowed where an agricultural dwelling is first approved.

~~(8) Only one single family dwelling per legal lot allowed (does not include intergenerational homes or agricultural worker housing). To create additional parcels and additional single family homes, see also 22.86 (Subdivisions). The principal permitted use of land in the C-APZ district is agriculture, limited to the types of agricultural development set forth in Section 22.65.040~~.

(10) Only allowed as a principally permitted use when the ~~primary~~ legal lot is zoned C-ARP-10 to C-ARP-60. which provide that the principally permitted use of the property shall be ~~is~~ for agriculture . ~~The non-agricultural standards contained in Section 22.32.115 do not apply to C-ARP zoned properties with an assigned density of one unit per 1-5 acres.~~

Development shall also be consistent, as applicable, with Chapters 22.130 (Definitions), 22.32 (Standards for Specific Land Uses), 22.64 (Coastal Zone Development and Resource Management Standards), 22.65 (Coastal Zone Planned District Development Standards), 22.66 (Coastal Zone Community Standards), and
22.68 (Coastal Permit Requirements).

TABLE 5-1-b - ALLOWED USES AND PERMIT REQUIREMENTS FOR COASTAL AGRICULTURAL & RESOURCE-RELATED DISTRICTS (Continued)

LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT			See Standards in Section:
	C-APZ Agricultural Production	C-ARP Agricultural Residential Planned	C-OA Open Area	
MANUFACTURING AND PROCESSING USES				
Cottage industries	|	U	|	22.32.060
Recycling - Scrap and dismantling yards	|	U	|	
RECREATION, EDUCATION, AND PUBLIC ASSEMBLY USES				
Campgrounds	U	U	U	
Educational Tours (for profit)	U	U	P	22.32.115
Equestrian facilities	U	P (9)	U	22.32.030
Golf courses/country clubs	|	|	U	
Horses, donkeys, mules, ponies	P/U(5)	P/U(5)	U(5)	22.32.030
Hunting and fishing facilities (Private)	U	P	U	
Hunting and fishing facilities (Public)	U	U	U	
Libraries and museums	|	U		
Off-road vehicle courses	|	U	|	
Private residential recreational facilities	U	U	U	
Public Parks and playgrounds	U	U	P	
Religious places of worship	|	U		
Rural recreation	|	U	U	
Schools	|	U	U	

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirements
E	Certain uses may be exempt or Categorically Excluded from permit requirements.
PP	Principal permitted use. (2)
P	Permitted use. (2)
U	Conditional use, Use Permit required. (2)
|	Use not allowed. (See 22.02.020.E regarding uses not listed.)

Notes:

(1) Listed land uses must be consistent with definitions in Article VIII (Development Code Definitions).
Design review requirements are contained in Chapter 22.42 rather than in the LCP and such design review requirements apply independent of, and in addition to, coastal permit requirements.
(5) Permit requirements are determined by Section 22.32.030 (Animal Keeping).
(9) Equestrian employee housing is permitted with Use Permit approval (See Chapter 22.48 Use Permits)

Development shall also be consistent, as applicable, with Chapters 22.130 (Definitions), 22.32 (Standards for Specific Land Uses), 22.64 (Coastal Zone Development and Resource Management Standards), 22.65 (Coastal Zone Planned District Development Standards), 22.66 (Coastal Zone Community Standards), and 22.68 (Coastal Permit Requirements).

TABLE 5-1-c – ALLOWED USES AND PERMIT REQUIREMENTS FOR COASTAL AGRICULTURAL & RESOURCE-RELATED DISTRICTS (Continued)

LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT			See Standards in Section:
	C-APZ Agricultural Production	C-ARP Agricultural Residential Planned	C-OA Open Area	
RESIDENTIAL USES				
Affordable housing		P	U	Chapter 22.22
Group homes, 6 or fewer residents	P (6)	P	|	22.32.080
Group homes, 7 or more residents	U (6)	U	|	22.32.080
Guest houses	|	P(6)	P(6)	22.32.090
Home occupations	P (6),	P	P(6)	22.32.100 22.32.115
Religious residential retreats	|	U	|	
~~Residential~~Agricultural Dwelling Unit accessory uses and structures	P(6)	P(6)	P(6)	22.32.130
Residential care facility, 6 or fewer individuals	P (6)	P	|	22.32.080
Residential care facility, 7 or more individuals	U (6)	U	|	22.32.080
Residential second units	|	P	|	22.32.140 22.32.115
Room rentals	P (6)	P	|	
Single-family dwellings, attached or detached		PP U(10)	U(7)	22.62.060 Chapter 22.65
Tennis and other recreational uses	U (6)	U	U	22.32.130

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirements	Procedure is in Section:
E	Certain uses may be exempt or Categorically Excluded from permit requirements.	Chapter 22.68
PP	Principal permitted use. (2)	
P	Permitted use. (2)	
U	Conditional use, Use Permit required. (2)	Chapter 22.48
|	Use not allowed. (See 22.02.020.E regarding uses not listed.)	

Notes:

(1) Listed land uses must be consistent with definitions in Article VIII (Development Code Definitions).

Design review requirements are contained in Chapter 22.42 rather than in the LCP and such design review requirements apply independent of, and in addition to, coastal permit requirements.

(6) Only allowed where an allowed single family or ~~an~~ agricultural dwelling is first approved.

(7) Only dwellings for teachers or custodial staff, or dwellings clearly accessory to the primary use of the site for agricultural purposes allowed.

(10) Only allowed as a principally permitted use when the ~~primary~~ legal lot is zoned C-ARP-10 to C-ARP-60. which provide that the principally permitted use of the property shall be ~~is~~ for agriculture . ~~The non-agricultural standards contained in Section 22.32.115 do not apply to C-ARP zoned properties with an assigned density of one unit per 1-5 acres.~~

Development shall also be consistent, as applicable, with Chapters 22.130 (Definitions), 22.32 (Standards for Specific Land Uses), 22.64 (Coastal Zone Development and Resource Management Standards), 22.65 (Coastal Zone Planned District Development Standards), 22.66 (Coastal Zone Community Standards), and 22.68 (Coastal Permit Requirements).

TABLE 5-1-d - ALLOWED USES AND PERMIT REQUIREMENTS FOR COASTAL AGRICULTURAL & RESOURCE-RELATED DISTRICTS (Continued)

LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT			See Standards in Section:
	C-APZ Agricultural Production	C-ARP Agricultural Residential Planned	C-OA Open Area	
RESOURCE, OPEN SPACE USES				
Mineral resource extraction	U	U	|	Chapter 23.06
Nature preserves	U	P	P	
Water conservation dams and ponds	U	P	P	
Timber harvesting	U	U		23.04
Solar energy systems (coastal), roof-mounted	PP	PP	PP	22.32.161 22.42.055(2)
Solar energy systems (coastal), free-standing	P	P	P	22.32.161
RETAIL TRADE USES				
Building materials stores	|	U	|	
Commercial storage and sale of garden supply products	U	U	|	
Sales of agricultural products (see Agriculture Use)	____	P(10)	U	22.32.027
Bed and breakfast inns, 3 or fewer guest rooms	U(6),	P(10)	|	22.32.040 22.32.115
Bed and breakfast inns, 4 or 5 guest rooms	U(6),	U(10)	|	22.32.040 22.32.115
Child day-care centers	U(6)	U	|	22.32.050
Child day-care - Large family day-care homes	P(6)	P	|	22.32.050
Child day-care - Small family day-care homes	P(6)	P	|	22.32.050
Cemeteries, columbariums, mausoleums	|	U	___	
Kennels and animal boarding	U	U	|	
Public safety/service facilities	U	U	U	
Public utility facilities	U	U	U	
Storage, accessory	P	P	P	
Veterinary clinics and animal hospitals	|	U	|	
Waste disposal sites	U	U	|	

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirements	Procedure is in Section:
E	Certain uses may be exempt or Categorically Excluded from permit requirements.	Chapter 22.68
PP	Principal permitted use (2)	
P	Permitted use. (2)	
U	Conditional use, Use Permit required. (2)	Chapter 22.48
|	Use not allowed. (See 22.02.020.E regarding uses not listed.)	

Notes:

(1) Listed land uses must be consistent with definitions in Article VIII (Development Code Definitions)

Design review requirements are contained in Chapter 22.42 rather than in the LCP and such design review requirements apply independent of, and in addition to, coastal permit requirements.

(6) Only allowed where an agricultural dwelling is first approved.
(10) Only allowed when the primary use of the property is for agriculture; see Chapter
22.32.115 (Non-Agricultural Uses). The non-agricultural standards contained in Section 22.32.115 do not apply to C-ARP zoned properties with an assigned density of one unit per 1 – 5 acres.

Development shall also be consistent, as applicable, with Chapters 22.130 (Definitions), 22.32 (Standards for Specific Land Uses), 22.64 (Coastal Zone Development and Resource Management Standards), 22.65 (Coastal Zone Planned District Development Standards), 22.66 (Coastal Zone Community Standards), and 22.68 (Coastal) Permit Requirements.

TABLE 5-1-e - ALLOWED USES AND PERMIT REQUIREMENTS FOR COASTAL AGRICULTURAL & RESOURCE-RELATED DISTRICTS (Continued)

LAND USE (1)	**PERMIT REQUIREMENT BY DISTRICT**			**See Standards in Section:**
	C-APZ Agricultural Production	**C-ARP** Agricultural Residential Planned	**C-OA** Open Area	
TRANSPORTATION & COMMUNICATIONS USES				
Airparks	|	U		
Marinas and harbors	|	U	U	
Pipelines and utility lines	P(9)	P(9)	P	
Telecommunications facilities	P/U(9)	P/U(9)	P/U(9)	**22.32.165**

KEY TO PERMIT REQUIREMENTS

Symbol	**Permit Requirements** (see Section 22.62.040.B)	**Procedure is in Section:**
E	Certain uses are exempt or Categorically Excluded from permit requirements	Chapter 22.68
PP	Principal permitted use	
P	Permitted use. (2)	
U	Conditional use, Use Permit required. (2)	Chapter 22.48
|	Use not allowed. (See 22.02.020.E regarding uses not listed.)	

Notes:
(1) Listed land uses must be consistent with definitions in Article VIII (Development Code Definitions).
Design review requirements are contained in Chapter 22.42 rather than in the LCP and such design review
requirements apply independent of, and in addition to, coastal permit requirements.
(9) Use Permit approval may be required for aboveground telecommunications facilities per Section 22.32.165.
Development shall also be consistent, as applicable, with Chapters 22.130 (Definitions), 22.32 (Standards for Specific Land Uses), 22.64 (Coastal Zone Development and Resource Management Standards), 22.65 (Coastal Zone Planned District Development Standards), 22.66 (Coastal Zone Community Standards), and 22.68 (Coastal Permit Requirements).

22.62.070 – Coastal Residential Districts

A. **Purpose of Section.** This Section provides regulations for development and new land uses, as defined in Article VIII, in the coastal residential zoning districts established consistent with Marin County Local Coastal Program policies by Section 22.62.020 (Coastal Zoning Districts Established).

B. **Purposes of zoning districts.** The purposes of the individual zoning districts are as follows:

1. **C-RA (Coastal, Residential, Agricultural) District.** The C-RA zoning district provides areas for residential use within the context of small-scale agricultural and agriculturally related uses, subject to specific development standards. The C-RA zoning district is consistent with the Single-Family Residential 3, 4, 5, and 6 land use categories of the Marin County Land Use Plan.

2. **C-R1 (Coastal, Residential, Single-Family) District.** The C-R1 zoning district provides areas for detached single-family homes, similar and related compatible uses. The C-R1 zoning district is consistent with the Single-Family Residential 3, 4, 5, and 6 land use categories of the Marin County Land Use Plan.

3. **C-RSP (Coastal, Residential, Single-Family Planned) District.** The C-RSP zoning district provides areas for detached single-family homes, similar and related compatible uses, which are designed in compliance with Marin County Local Coastal Program policies. This Section establishes no specific setback requirements, so that development may be designed for maximum compatibility with sensitive site characteristics. The CRSP zoning district is consistent with all Single-Family Residential land use categories of the Marin County Land Use Plan.

4. **C-RSPS (Coastal, Residential, Single-Family Planned) District (Seadrift Subdivision).** The C-RSPS zoning district is applied to areas within the Seadrift Subdivision intended for detached single-family homes, and similar and related compatible uses, which are designed in compliance with Marin County Local Coastal Program policies. This Section establishes no specific setback requirements, so that development may be designed for maximum compatibility with sensitive site characteristics unique to the Seadrift sandspit and lagoon, Bolinas lagoon, and the beaches adjacent to the Subdivision. The C-RSPS zoning district is consistent with all Single-Family Residential land use categories of the Marin County Land Use Plan.

5. **C-R2 (Coastal, Residential, Two-Family) District.** The C-R2 zoning district provides areas for attached two-family housing units, detached single-family homes consistent with Land Use Plan Policy C-CD-26, and similar and related compatible uses. The C-R2 zoning district is consistent with the Multi-Family Residential 2 land use category of the Marin County Land Use Plan.

6. **C-RMP (Coastal, Residential, Multiple Planned) District.** The C-RMP zoning district provides areas for varied types of residential development, and similar and related compatible uses, designed in compliance with Marin County Local Coastal Program policies. This Section establishes no specific setback

requirements, so that development may be designed for maximum compatibility with sensitive site characteristics. The CRMP zoning district is consistent with the Planned Residential and other Multi-Family Residential land use categories of the Marin County Land Use Plan.

C. Allowable land uses and permit requirements in residential districts. Table 5-2 (Allowed Uses and Permit Requirements for Coastal Residential Districts) lists the land uses allowed in the residential zoning districts within the Coastal Zone, in compliance with Section 22.62.040 (Allowable Land Uses and Permit Requirements).

D. Development standards for residential districts. Proposed development and new land uses, as defined in Article VIII, shall be consistent with the land use definitions in Article VIII, and shall comply with the provisions of Chapters 22.32 as applicable (Standards for Specific Land Uses) and all other applicable provisions of this Article.

TABLE 5-2-a - ALLOWED USES AND PERMIT REQUIREMENTS FOR COASTAL RESIDENTIAL DISTRICTS

LAND USE (1)	**PERMIT REQUIREMENT BY DISTRICT**						**See Permit Requirements and Standards**
	C-RA Residential Agri-cultural	**C-R1** Single Family	**C-R2** Two Family	**C-RSPS** Single Family Seadrift Sub-division	**C-RSP** Single Family Planned	**C-RMP** Multiple Planned	
AGRICULTURAL							
Agricultural accessory structures	P	P	P	—	P	P	22.32.022
Agricultural processing	U	—	—	—	—	—	
Agricultural production	P	P	P	—	P	P	
Agricultural worker housing	P	—	—	—	—	—	22.32.028
Commercial gardening	P	P	P	—	P	P	
Livestock operations, grazing	—	—	—	—	U(4,5)	U(4,5)	22.32.030
Livestock operations, large animals	P(5)	—	—	—	—	—	22.32.030
Livestock operations, small animals	P(5)	P(5)	P(5)	—	P(5)	P(5)	22.32.030
Mariculture/aquaculture	U	—	—	—	U	U	22.32.105
Plant nurseries, with on-site sales	U	U	U	—	U	U	
Plant nurseries, without on-site sales	P	P	P	—	P	P	
MANUFACTURING & PROCESSING USES							
Cottage industries	U	U	U	U	U	U	22.32.060

KEY TO PERMIT REQUIREMENTS

Symbol	**Permit Requirements**	**Procedure is in Section:**
PP	Principal permitted use	
P	Permitted use. (2)	
U	Conditional use, Use Permit required. (2)	Chapter 22.48

—	Use not allowed. (See 22.02.020.E regarding uses not listed.)	

Notes:
(1) Listed land uses must be consistent with definitions in Article VIII (Development Code Definitions).
(2) Design review requirements are contained in Chapter 22.42 rather than in the LCP and such design review requirements apply independent of, and in addition to, coastal permit requirements.
(4) Allowed only where a maximum density of one unit per three acres or larger is required.
(5) Permit requirement determined by Section 22.32.030 (Animal Keeping).

Development shall also be consistent, as applicable, with Chapters 22.130 (Definitions), 22.32 (Standards for Specific Land Uses), 22.64 (Coastal Zone Development and Resource Management Standards), 22.65 (Coastal Zone Planned District Development Standards), 22.66 (Coastal Zone Community Standards), and 22.68 (Coastal Permit Requirements).

TABLE 5-2-b - ALLOWED USES AND PERMIT REQUIREMENTS FOR COASTAL RESIDENTIAL DISTRICTS (Continued)

LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT						See Permit Requirements and Standards in Section:
	C-RA Residential Agri-cultural	C-R1 Single Family	C-R2 Two Family	C-RSPS Single Family Seadrift Sub-division	C-RSP Single Family Planned	C-RMP Multiple Planned	
RESOURCE, OPEN SPACE USES							
Nature preserves	P	P	P	P	P	P	
Solar energy systems (coastal), roof-mounted	PP	PP	PP	PP	PP	PP	22.32.161 22.42.055 (2)
Solar energy systems (coastal), free-standing	P	P	P	P	P	P	22.32.161
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES							
Community centers	U	U	U	U	U	U	
Equestrian facilities	U	—	—	—	U	U	22.32.030
Horses, donkeys, mules, ponies	P(4)	P(4)	P(4)	—	U(4)	U(4)	22.32.030
Libraries and museums	U	U	U	U	U	U	
Private residential recreation facilities	U	U	U	U	U	U	
Public parks and playgrounds	U	U	U	U	U	P	
Public buildings	U	U	U	U	U	U	
Religious places of worship	U	U	U	U	U	U	
Schools	U	U	U	U	U	U	

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirements	Procedure is in Section:
PP	Principal permitted use	
P	Permitted use. (2)	
U	Conditional use, Use Permit required. (2)	Chapter 22.48
—	Use not allowed. (See 22.02.020.E regarding uses not listed.)	

Notes:

(1) Listed land uses must be consistent with definitions in Article VIII (Development Code Definitions).

(2) Design review requirements are contained in Chapter 22.42 rather than in the LCP and such design review requirements apply independent of, and in addition to, coastal permit requirements.

(4) Permit requirement determined by Section 22.32.030 (Animal Keeping).

Development shall also be consistent, as applicable, with Chapters 22.130 (Definitions), 22.32 (Standards for Specific Land Uses), 22.64 (Coastal Zone Development and Resource Management Standards), 22.65 (Coastal Zone Planned District Development Standards), 22.66 (Coastal Zone Community Standards), and 22.68 (Coastal Permit Requirements).

TABLE 5-2-c - ALLOWED USES AND PERMIT REQUIREMENTS FOR COASTAL RESIDENTIAL DISTRICTS (Continued)

LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT						See Permit Requirements and Standards in Section:
	C-RA Residential Agri-cultural	C-R1 Single Family	C-R2 Two Family	C-RSPS Single Family Seadrift Sub-division	C-RSP Single Family Planned	C-RMP Multiple Planned	
RESIDENTIAL USES							
Affordable housing	PP	PP	PP	PP	PP	PP	22.32.080
Group homes. 6 or fewer residents	P	P	P	P	P	P	22.32.080
Group homes, 7 or more residents	U	U	U	U	U	U	22.32.080
Guest houses	P	P	P	P	P	P	22.32.090
Home occupations	P	P	P	P	P	P	22.32.100
Multi-family dwellings	—	—	—	—	—	PP	
Organizational houses	U	U	U	----	U	U	
Room rentals	PP	PP	PP	PP	PP	PP	
Residential accessory uses and structures	PP	PP	PP	PP	PP	PP	22.32.130
Residential care facility, 6 or fewer individuals	P	P	P	P	P	P	
Residential care facility, 7 or more individuals	U	U	U	U	U	U	
Residential second units	PP	PP	PP	PP	PP	PP	22.32.140
Single-family dwellings	PP	PP	PP	PP	PP	PP	
Two-family dwellings	—	—	PP	—	—	PP	

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirements	Procedure is in Section:
PP	Principal permitted use	
P	Permitted use. (2)	
U	Conditional use, Use Permit required. (2)	Chapter 22.48
—	Use not allowed. (See 22.02.020.E regarding uses not listed.)	

Notes:

(1) Listed land uses must be consistent with definitions in Article VIII (Development Code Definitions).

(2) Design review requirements are contained in Chapter 22.42 rather than in the LCP and such design review requirements apply independent of, and in addition to, coastal permit requirements.

Development shall also be consistent, as applicable, with Chapters 22.130 (Definitions), 22.32 (Standards for Specific Land Uses), 22.64 (Coastal Zone Development and Resource Management Standards), 22.65 (Coastal Zone Planned District Development Standards), 22.66 (Coastal Zone Community Standards), and 22.68 (Coastal Permit Requirements).

TABLE 5-2-d - ALLOWED USES AND PERMIT REQUIREMENTS FOR COASTAL RESIDENTIAL DISTRICTS (Continued)

LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT						See Permit Requirements and Standards in Section:
	C-RA Residential Agri-cultural	C-R1 Single Family	C-R2 Two Family	C-RSPS Single Family Seadrift Sub-division	C-RSP Single Family Planned	C-RMP Multiple Planned	
RETAIL TRADE USES							
Sale of agricultural products produced on site	U	U	U	—	U	U	
SERVICE USES							
Bed and breakfast, 3 or fewer guest rooms	P	P	P	P	P	P	22.32.040
Bed and breakfast, 4 or 5 guest rooms	U	U	U	U	U	U	22.32.040
Child day-care centers	U	U	U	U	U	U	22.32.050
Child day-care, large family day-care homes	P	P	P	P	P	P	22.32.050
Child day-care, small family day-care homes	P	P	P	P	P	P	22.32.050
Kennels and animal boarding	U	—	—	—	—	—	
Public utility or safety facilities	U	U	U	U	U	U	
TRANSPORTATION & COMMUNICATIONS USES							
Pipelines and utility lines	U	U	U	U	U	U	
Telecommunications facilities	P/U	P/U	P/U	P/U	P/U	P/U	22.32.165

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirements	Procedure is in Section:
PP	Principal permitted use	
P	Permitted use. (2)	
U	Conditional use, Use Permit required. (2)	Chapter 22.48
—	Use not allowed. (See 22.02.020.E regarding uses not listed.)	

Notes:
(1) Listed land uses must be consistent with definitions in Article VIII (Development Code Definitions).
(2) Design review requirements are contained in Chapter 22.42 rather than in the LCP and such design review requirements apply independent of, and in addition to, coastal permit requirements.

Development shall also be consistent, as applicable, with Chapters 22.130 (Definitions), 22.32 (Standards for Specific Land Uses), 22.64 (Coastal Zone Development and Resource Management Standards), 22.65 (Coastal Zone Planned District Development Standards), 22.66 (Coastal Zone Community Standards), and 22.68 (Coastal Permit Requirements).

22.62.080 – Coastal Commercial and Mixed-Use Districts

A. **Purpose of Section.** This Section provides regulations for development, as defined in Article VII, in the coastal commercial and mixed-use zoning districts established by Section 22.62.030 (Coastal Zoning Districts Established).

B. **Purposes of zoning districts.** The purposes of the individual coastal commercial and mixed use zoning districts are as follows:

1. **C-VCR (Coastal, Village Commercial/Residential) District.** The C-VCR zoning district is intended to: maintain the established historical character of village commercial areas; promote village commercial self-sufficiency; foster opportunities for village commercial growth, including land uses that serve coastal visitors; maintain a balance between resident-serving and non-resident-serving commercial uses; protect established residential, commercial, and light industrial uses; and maintain community scale. The C-VCR zoning district is consistent with the Neighborhood Commercial land use category of the Marin County Land Use Plan.

2. **C-H1 (Coastal, Limited Roadside Business) District.** The C-H1 zoning district is intended for rural areas suitable for businesses that serve the motoring public. The C-H1 zoning district is consistent with the General Commercial/Mixed-Use land use category of the Marin County Land Use Plan.

3. **C-CP (Coastal, Planned Commercial) District.** The C-CP zoning district is intended to create and protect areas suitable for a full range of commercial and institutional uses in compliance with the Marin County Local Coastal Program. The C-CP zoning district is consistent with the General Commercial/Mixed-Use land use category of the Marin County Land Use Plan.

4. **C-RMPC (Coastal, Residential/Commercial Multiple Planned) District.** The C-RMPC zoning district is intended to create and protect areas suitable for a mixture of residential and commercial uses in compliance with the Marin County Local Coastal Program. The C-RMPC zoning district is consistent with the General Commercial/Mixed-Use land use category of the Marin County Land Use Plan.

5. **C-RCR (Coastal, Resort and Commercial Recreation) District.** The C-RCR zoning district is intended to create and protect areas for resort facilities, with emphasis on public access to recreational areas within and adjacent to developed areas. The C-RCR zoning district is consistent with the Recreational Commercial land use category of the Marin County Land Use Plan.

C. **Allowed land uses and permit requirements in commercial/mixed use districts.** Table 5-3 (Allowed Use and Permit Requirements for Coastal Commercial/Mixed-Use Districts) lists the land uses allowed in the commercial zoning districts within the Coastal Zone, in compliance with Section 22.62.040 (Allowable Land Uses and Permit Requirements).

D. **Development standards for Commercial/Mixed-use districts.** Proposed development, as defined in Article VIII, shall comply with the LCP, including the provisions of Chapters 22.32 as applicable (Standards for Specific Land Uses), 22.64

(Coastal Zone Development and Resource Management Standards), 22.65 (Coastal Zone Planned District Development Standards), 22.66 (Coastal Zone Community Standards), and 22.68 (Coastal Permit Requirements).

TABLE 5-3-a - ALLOWED USES AND PERMIT REQUIREMENTS FOR COASTAL COMMERCIAL/MIXED-USE DISTRICTS

LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT					See Permit Requirements and Standards in Section
	C-VCR Village Commercial Residential	C-H1 Limited Roadside Business	C-CP Planned Commercial	C-RMPC Residential Commercial Multiple Planned	C-RCR Resort and Commercial Recreation	
AGRICULTURAL, RESOURCE & OPEN SPACE						
Agricultural production	P	P	P	P	—	
Commercial gardening	P	P	P	P	—	
Mariculture/aquaculture	P	P	P	P	—	22.32.105
Plant nurseries, with or without on-site sales	P	P	P	P	—	
Solar energy systems (coastal), roof-mounted	PP	PP	PP	PP	PP	22.32.161 22.42.055(2)
Solar energy systems (coastal), free-standing	P	P	P	P	P	22.32.161
MANUFACTURING & PROCESSING USES						
Beverage production	U	—	U	U	—	
Boat manufacturing and sales	U	—	U	U	—	
Cottage Industries	U	—	—	U	—	22.32.060
Food products	U	U	U	U	—	
Furniture and fixtures	U	—	U	U	—	
Laundries and dry cleaning plants	U	—	—	U	—	
Recycling facilities	U	U	U	U	P	
Recycling – Reverse vending machines	P	P	P	P	P	
Seafood processing and sales	U	—	U	U	—	

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirements	Procedure is in Section:
PP	Principal permitted use	
P	Permitted use. (2)	
U	Conditional use, Use Permit required. (2)	Chapter 22.48
—	Use not allowed. (See 22.02.020.E regarding uses not listed.)	

Notes:
(1) Listed land uses must be consistent with definitions in Article VIII (Development Code Definitions).
(2) Design review requirements are contained in Chapter 22.42 rather than in the LCP and such design review requirements apply independent of, and in addition to, coastal permit requirements.

Development shall also be consistent, as applicable, with Chapters 22.130 (Definitions), 22.32 (Standards for Specific Land Uses), 22.64 (Coastal Zone Development and Resource Management Standards), 22.65 (Coastal Zone Planned District Development Standards), 22.66 (Coastal Zone Community Standards), and 22.68 (Coastal Permit Requirements).

TABLE 5-3-b – ALLOWED USES AND PERMIT REQUIREMENTS FOR COASTAL COMMERCIAL/MIXED USE DISTRICTS (Continued)

LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT					See Permit Requirements and Standards in Section
	C-VCR Village Commercial Residential	C-H1 Limited Roadside Business	C-CP Planned Commercial	C-RMPC Residential Commercial Multiple Planned	C-RCR Resort and Commercial Recreation	
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES						
Community centers	U	P	U	U	U	
Golf courses/country clubs	—	—	—	—	U	
Health/fitness facilities	U	—	U	U	U	
Indoor recreation centers	U	—	U	U	U	
Libraries and museums	U	P	U	U	U	
Membership organization facilities	U	U	U	U	—	
Outdoor commercial recreation	—	U	—	—	U	
Public parks and playgrounds	U	U	U	U	U	
Religious places of worship	U	U	U	U	U	
Schools	U	U	U	U	U	
Sport facilities and outdoor public assembly	U	U	U	U	U	
Studios for dance, art, music, photography, etc.	U	U	U	U	U	
Theaters and meeting halls	U	U	U	U	U	

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirements	Procedure is in Section:
PP	Principal permitted use	
P	Permitted use. (2)	
U	Conditional use, Use Permit required. (2)	Chapter 22.48
—	Use not allowed. (See 22.02.020.E regarding uses not listed.)	

Notes:
(1) Listed land uses must be consistent with definitions in Article VIII (Development Code Definitions).
(2) Design review requirements are contained in Chapter 22.42 rather than in the LCP and such design review requirements apply independent of, and in addition to, coastal permit requirements.

Development shall also be consistent, as applicable, with Chapters 22.130 (Definitions), 22.32 (Standards for Specific Land Uses), 22.64 (Coastal Zone Development and Resource Management Standards), 22.65 (Coastal Zone Planned District Development Standards), 22.66 (Coastal Zone Community Standards), and 22.68 (Coastal Permit Requirements).

TABLE 5-3-c - ALLOWED USES AND PERMIT REQUIREMENTS FOR COASTAL COMMERCIAL/MIXED USE DISTRICTS (Continued)

LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT					See Permit Requirements and Standards in Section
	C-VCR Village Commercial Residential (3)(4)	C-H1 Limited Roadside Business	C-CP Planned Commercial	C-RMPC Residential Commercial Multiple Planned	C-RCR Resort and Commercial Recreation	
RESIDENTIAL USES						
Affordable housing	P,PP	U	U	P	P (9)	

Group homes, 6 or fewer residents	P~~,~~PP	U	—	P	—	22.32.080
Group homes, 7 or more residents	U	U	—	U	—	22.32.080
Guest houses	P~~,~~PP	U	—	P	—	22.32.090
Home occupations	P~~,~~PP	U	—	P	—	22.32.100
Multi-family dwellings	U	U	U	P	—(9)	22.32.150
Organizational houses	U	U	—	U	—	
Residential accessory uses and structures	P~~,~~PP	U	—	P	—	22.32.130
Residential Second Units	— P~~,~~PP	— P	— P	— P	—	22.32.140
Room rentals	P~~,~~PP	U	—	P	—	
Single-family dwellings	P~~,~~PP	U	U	P	—(9)	22.32.150
Tennis and other recreational uses	U	U	U	P	—	22.32.130
Two-family dwellings	U	U	U	P	—(9)	22.32.150

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirements	Procedure is in Section:
PP	Principal permitted use	
P	Permitted use. (2)	
U	Conditional use, Use Permit required. (2)	Chapter 22.48
—	Use not allowed. (See 22.02.020.E regarding uses not listed.)	

Notes:

(1) Listed land uses must be consistent with definitions in Article VIII (Development Code Definitions).

(2) Design review requirements are contained in Chapter 22.42 rather than in the LCP and such design review requirements apply independent of, and in addition to, coastal permit requirements.

(3) Commercial shall be the Principal Permitted use within the mapped village commercial core area of the C-CVR zone and residential shall be Principal Permitted use in all other parts of the C-VCR zone. In the village commercial core area, residential shall be limited to: (a) upper floors, and/or (b) the lower floors if not located on the road-facing side of the property. Residential uses on the ground floor of a new or existing structure of the road-facing side of the property shall only be allowed subject to a finding that the development maintains and/or enhances the established character of village commercial areas.

The replacement, maintenance and repair of any legal existing residential use shall be exempt from the above provision and shall be permitted.

(4) Development on parcels zoned C-VCR must also meet the requirements of Land Use Plan Policy C-PK-3.

(8) All dwellings in these zoning districts shall be accessory to the primary commercial use. See 22.32.150 (Residential Uses in Commercial/Mixed Use Areas).

(9) Employee housing is permitted with Design Review requirements independent of and in addition to Coastal Permit requirements. See Chapter 22.42 (Design Review). Such housing would be a Conditional Use.

Development shall also be consistent, as applicable, with Chapters 22.130 (Definitions), 22.32 (Standards for Specific Land Uses), 22.64 (Coastal Zone Development and Resource Management Standards), 22.65 (Coastal Zone Planned District Development Standards), 22.66 (Coastal Zone Community Standards), and 22.68 (Coastal Permit Requirements).

TABLE 5-3-d - ALLOWED USES AND PERMIT REQUIREMENTS FOR COASTAL COMMERCIAL/MIXED USE DISTRICTS (Continued)

LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT					See Permit Requirements and Standards in Section
	C-VCR Village Commercial Residential (3)	C-H1 Limited Roadside Business	C-CP Planned Commercial	C-RMPC Residential Commercial Multiple Planned	C-RCR Resort and Commercial Recreation	
RETAIL TRADE USES						
Accessory retail uses	PP,P	U	PP	PP	—	22.32.020
Auto, mobile home, vehicle and parts sales, new	U	—	—	U	—	
Auto sales, used	U	—	—	U	—	
Bars and drinking places	U	—	U	U	U	
Building material stores	U	U	U	U	—	
Farmers' markets	U	U	U	U	—	
Fuel and ice dealers	U	U	U	U	—	
Furniture, furnishings, and equipment stores	PP,P	U	PP	PP	—	
Grocery stores	PP,P	U	PP	PP	—	
Liquor stores	PP,P	U	PP	PP	—	
Outdoor retail sales and activities	U	U	U	U	—	
Outdoor retail sales, temporary	U	U	U	U	—	
Restaurants, 40 patrons or less	PP,P	PP	PP	PP	U	
Restaurants, more than 40 patrons	U	U	U	U	U	
Restaurants, with liquor and/or entertainment	U	U	U	U	U	
Restaurants, take-out, fast food	U	U	U	U	U	
Retail stores, general merchandise	PP,P	U	PP	PP	—	
Retail stores, visitor/collector	U	U	U	U	—	
Second hand stores	U	U	U	U	—	
Shopping centers	U	U	U	U	—	
Tobacco retail establishments	—	U	U	—	—	22.32.170

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirements	Procedure is in Section:
PP	Principal permitted use	
P	Permitted use. (2)	
U	Conditional use, Use Permit required. (2)	Chapter 22.48
—	Use not allowed. (See 22.02.020.E regarding uses not listed.)	

Notes:

(1) Listed land uses must be consistent with definitions in Article VIII (Development Code Definitions).

(2) Design review requirements are contained in Chapter 22.42 rather than in the LCP and such design review requirements apply independent of, and in addition to, coastal permit requirements.

(3) Commercial shall be the Principal Permitted use within the mapped village commercial core area of the C-CVR zone and residential shall be Principal Permitted use in all other parts of the C-VCR zone. In the village commercial core are, residential shall be limited to: (a) upper floors, and/or (b) the lower floors if not located on the road-facing side of the property. Residential uses on the ground floor of a new or existing structure of the road-facing side of the property shall only be allowed subject to a finding that the development maintains and/or enhances the established character of village commercial areas.

The replacement, maintenance and repair of any legal existing residential use shall be exempt from the above provision and shall be permitted.

Development shall also be consistent, as applicable, with Chapters 22.130 (Definitions), 22.32 (Standards for Specific Land Uses), 22.64 (Coastal Zone Development and Resource Management Standards), 22.65 (Coastal Zone Planned District Development Standards), 22.66 (Coastal Zone Community Standards), and 22.68 (Coastal Permit Requirements).

TABLE 5-3-e - ALLOWED USES AND PERMIT REQUIREMENTS FOR COASTAL COMMERCIAL/MIXED USE DISTRICTS (Continued)

LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT					See Permit Requirements and Standards in Section
	C-VCR Village Commercial Residential (3)	C-H1 Limited Roadside Business	C-CP Planned Commercial	C-RMPC Residential Commercial Multiple Planned	C-RCR Resort and Commercial Recreation	
SERVICE USES						
Automatic teller machine (ATM), not at bank	PP, P	P	PP	PP	P	
Banks and financial services (no drive-thru)	PP, P	—	PP	PP	—	
Bed and breakfast, 3 or fewer guest rooms	PP, P	U	—	PP	—	22.32.040
Bed and breakfast, 4 or 5 guest rooms	U	U	—	U	—	22.32.040
Business support services	P	—	P	P	—	
Cemeteries, columbariums and mortuaries	—	U	—	U	—	
Child day-care centers	U	U	U	U	—	22.32.050
Child day-care, large family day-care homes	P	P	P	P	—	22.32.050
Child day-care, small family day-care homes	P	P	P	P	—	22.32.050
Construction yards	—	—	—	U	—	
Homeless shelters	—	—	— P	—	—	22.32.095
Hotels and motels	U	U	U	U	PP	
Medical services - Clinics and laboratories	U	U	— U	U	—	
Medical services - Hospitals and extended care	U	U	— U	U	U	
Offices	PP, P	U	— PP	PP	—	
Personal services	PP, P	—	PP	PP	—	
Public utility or safety facilities	U	U	U	U	U	
Repair and maintenance – consumer products	P	—	P	P	—	
Repair and maintenance – vehicles	U	U	— U	U	—	
Service stations	U	U	U	U	U	22.32.160
Storage, accessory	P	P	P	P	U	
Veterinary clinics and animal hospitals	U	U	U	U	—	
Warehousing	U	—	U	U	—	

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirements	Procedure is in Section:

PP	Principal permitted use	
P	Permitted use. (2)	
U	Conditional use, Use Permit required. (2)	Chapter 22.48
—	Use not allowed. (See 22.02.020.E regarding uses not listed.)	

Notes:
(1) Listed land uses must be consistent with definitions in Article VIII (Development Code Definitions).
(2) Design review requirements are contained in Chapter 22.42 rather than in the LCP and such design review requirements apply independent of, and in addition to, coastal permit requirements.
(3) Commercial shall be the Principal Permitted use within the mapped village commercial core area of the C-CVR zone and residential shall be Principal Permitted use in all other parts of the C-VCR zone. In the village commercial core are, residential shall be limited to: (a) upper floors, and/or (b) the lower floors if not located on the road-facing side of the property. Residential uses on the ground floor of a new or existing structure of the road-facing side of the property shall only be allowed subject to a finding that the development maintains and/or enhances the established character of village commercial areas.

The replacement, maintenance and repair of any legal existing residential use shall be exempt from the above provision and shall be permitted.

Development shall also be consistent, as applicable, with Chapters 22.130 (Definitions), 22.32 (Standards for Specific Land Uses), 22.64 (Coastal Zone Development and Resource Management Standards), 22.65 (Coastal Zone Planned District Development Standards), 22.66 (Coastal Zone Community Standards), and 22.68 (Coastal Permit Requirements).

TABLE 5-3-f - ALLOWED USES AND PERMIT REQUIREMENTS FOR COASTAL COMMERCIAL/MIXED USE DISTRICTS (Continued)

LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT					See Permit Requirements and Standards in Section
	C-VCR Village Commercial Residential (3)	C-H1 Limited Roadside Business	C-CP Planned Commercial	C-RMPC Residential Commercial Multiple Planned	C-RCR Resort and Commercial Recreation	
TRANSPORTATION & COMMUNICATIONS USES						
Commercial parking and vehicle storage	U	—	U	U	—	
Harbors	U	—	U	U	U	
Marinas	U	—	U	U	U	
Pipelines and utility lines	U	U	U	U	U	
Telecommunications facilities	P/U	P/U	P/U	P/U	P/U	22.32.165
Transit stations and terminals	U	—	U	U	U	
Transit stop shelters	P,PP	P	P	P	P	
Vehicle and freight terminals	—	—	P	U	—	

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirements	Procedure is in Section:
PP	Principal permitted use	
P	Permitted use. (2)	
U	Conditional use, Use Permit required. (2)	Chapter 22.48
—	Use not allowed. (See 22.02.020.E regarding uses not listed.)	

Notes:
(1) Listed land uses must be consistent with definitions in Article VIII (Development Code Definitions).

(2) Design review requirements are contained in Chapter 22.42 rather than in the LCP and such design review requirements apply independent of, and in addition to, coastal permit requirements.

(3) Commercial shall be the Principal Permitted use within the mapped village commercial core area of the C-CVR zone and residential shall be Principal Permitted use in all other parts of the C-VCR zone. In the village commercial core are, residential shall be limited to: (a) upper floors, and/or (b) the lower floors if not located on the road-facing side of the property. Residential uses on the ground floor of a new or existing structure of the road-facing side of the property shall only be allowed subject to a finding that the development maintains and/or enhances the established character of village commercial areas.

The replacement, maintenance and repair of any legal existing residential use shall be exempt from the above provision and shall be permitted.

Development shall also be consistent, as applicable, with Chapters 22.130 (Definitions), 22.32 (Standards for Specific Land Uses), 22.64 (Coastal Zone Development and Resource Management Standards), 22.65 (Coastal Zone Planned District Development Standards), 22.66 (Coastal Zone Community Standards), and 22.68 (Coastal Permit Requirements).

22.62.090 – Coastal Special Purpose and Combining Districts

A. Purpose of Section. This Section provides regulations for development, as defined in Article VIII, in the coastal special purpose and combining zoning districts established by Section 22.62.030 (Coastal Zoning Districts Established).

B. Purpose and applicability of zoning districts.

1. General Applicability.

a. Special purpose districts. Special purpose zoning districts are intended to identify sites suitable for types of land uses that are different from but that can be accommodated along with certain land uses allowed within the other coastal agricultural, residential, and commercial zoning districts established by Section 22.62.030.

b. Combining districts. Combining districts are applied to property together with one of the other agricultural, residential, or commercial zoning districts, to highlight areas where important site, neighborhood, or area characteristics require particular attention in project planning.

(1) The combining districts established by this Chapter provide standards that apply to development, as defined in Article VIII, in addition to those of zoning districts.

(2) The applicability of a combining district to property is shown by its map symbol established by Section 22.62.030 (Coastal Zoning Districts Established) being shown as a suffix to the symbol for the primary zoning district. A site designated within a combining district shall be subject to all applicable provisions of this Chapter, in addition to the requirements of the primary zoning district. If provisions of this Chapter conflict with any requirements of a primary zoning district, this Chapter shall control.

2. C-PF (Coastal, Public Facilities) Zoning/Combining District.

a. The Coastal Public Facilities "C-PF" zoning/combining district is applied to land in the Coastal Zone suitable for public facilities and public institutional uses, including where a governmental, educational, or other institutional facility is the primary use of the site, in compliance with the Marin County Local Coastal Program. The C-PF district is consistent with the Public Facility and Quasi-Public Facility land use categories of the Marin County Land Use Plan.

b. The C-PF district may be applied to property as a primary zoning district if it is sufficiently different from surrounding land uses as to warrant a separate C-PF zoning district, and as a combining district where a publicly-owned site accommodates land uses that are similar in scale, character, and activities, to surrounding land uses.

3. **B (Coastal, Minimum Lot Size) Combining District.** See Section 22.64.040 (Coastal Minimum Lot Size (-B) Combining District) for the purpose and applicability of this district.

C. **Development standards for special purpose/combining districts.** Proposed development, as defined in Article VIII, shall comply with the provisions of Chapter 22.32 (Standards for Specific Land Uses) as applicable and all other applicable provisions of this Article.

Chapter 22.64 – Coastal Zone Development and Resource Management Standards

Sections:

22.64.010 – Purpose of Chapter
22.64.020 – Applicability
22.64.030 – General Site Development Standards
22.64.040 – Coastal Minimum Lot Size (-B) Combining District
22.64.050 – Biological Resources
22.64.060 – Environmental Hazards
22.64.080 – Water Resources
22.64.100 – Community Design
22.64.110 – Community Development
22.64.120 – Energy
22.64.130 – Housing
22.64.140 – Public Facilities and Services
22.64.150 – Transportation
22.64.160 – Historical and Archaeological Resources
22.64.170 – Parks and Recreation
22.64.180 – Public Coastal Access

22.64.010 – Purpose of Chapter

This chapter provides general standards for proposed development, including site planning, and appropriate land use, for the following coastal zoning districts: C-APZ (Coastal, Agricultural Production Zone), C-ARP (Coastal, Agricultural, Residential Planned), C-OA (Coastal, Open Area), C-RA (Coastal, Residential, Agricultural), C-R1 (Coastal, Residential, Single-Family), CRSP (Coastal, Residential, Single-Family Planned), C-RSPS (Coastal, Residential, Single-Family Planned, Seadrift Subdivision), C-R2 (Coastal, Residential, Two-Family), C-RMP (Coastal, Residential, Multiple Planned), C-VCR (Coastal, Village Commercial/ Residential), C-H1 (Coastal, Limited Roadside Business), C-CP (Coastal, Planned Commercial), C-RMPC (Coastal, Residential/Commercial Multiple Planned) zoning districts, and the -B (Minimum Lot Size) combining district.

22.64.020 – Applicability

The provisions of this Chapter apply to proposed development, as defined in Article VIII, in all coastal zoning districts, which requires Coastal Permit approval in addition to the requirements of Chapters 22.62 (Coastal Zoning Districts and Allowable Land Uses), 22.65 (Coastal Zone Planned District Development Standards), 22.66 (Coastal Zone Community Standards), and all other applicable provisions of this Development Code. In addition to specific standards applicable to a particular land use, all other LCP requirements also apply.

22.64.030 –General Site Development Standards

Proposed development within the coastal zoning districts established by Section 22.62.030 (Coastal Zoning Districts Established) shall be sited, designed, constructed in compliance with the minimum lot area, density, setback requirements, height, and floor area ratio requirements shown in Table 5-4 (Coastal Zone Development Standards), as well as all other applicable LCP requirements.

TABLE 5-4-a – COASTAL ZONE DEVELOPMENT STANDARDS

Zoning District	Minimum Lot Area (1)	Maximum Residential Density (2,6)	Minimum Setback Requirements (1, 3)			Maximum Height (4)		Maximum FAR (5,7)
			Front	Sides	Rear	Primary	Accessory	
C-RA	7,500 sq. ft.	Not applicable	25 ft.	6 ft., 10 ft. on street side	20% of lot depth to 25 ft. max.	25 ft.	15 ft.	0.30
C-R1								
C-R2								
C-VCR		1 unit per 2,000 sq. ft. of lot area	0 ft.	0 ft. for commercial use, 5 ft. for residential use	0 ft. for commercial use, 15 ft. for residential use			See Notes 5, 7
C-H1		1 unit per 7,500 sq. ft. of lot area	30 ft.	6 ft. adjacent to residential district, none otherwise	12 ft. adjacent to residential district, none otherwise			

Notes:

(1) Minimum lot area and setback standards may change, as follows:

a. Minimum lot area and setback standards may change when such district is combined with a "-B" district in compliance with the provisions of Section 22.64.040 (Coastal "-B" Combining District Development Standards).

b. Minimum lot area may change in areas of sloping terrain, including those districts combined with "-B" districts, in compliance with the provisions of Section 22.82.050 (Hillside Subdivision Design).

(2) In C-RA, C-R1, C-R2, and C-H1 districts, maximum residential density is based on one unit per the minimum lot area required.

(3) See (1) above. See Section 22.64.045(4) (Setback Requirements and Exceptions) for setback measurement, allowed projections into setbacks, and exceptions to required setbacks. Setback exceptions for ESHA and hazards are only allowed per the LCP's Biological Resources and Environmental Hazards policies, respectively.

(4) See Section 22.64.045(3) (Height Limits Exceptions) for height measurement and exceptions. Building height limits may change, as follows:

a. In C-R1 districts of the Stinson Beach Highlands, the primary building height limit is 17 feet.

b. Single-family dwellings over 25 feet in height shall require Design Review (in addition to and independent of Coastal Permit requirements) and Variance approval in compliance with Chapters 22.42 (Design Review) and 22.70.150 (Coastal Zone Variances), in addition to a Coastal Permit.

~~c. *All height limit exceptions must be found consistent with Land Use Plan Policies C-DES-1, 2, and 3.*~~

c. Nothwithstanding "a" and "b" above, where an increase in height in the coastal zone consists solely of raising an existing structure by the minimum amount necessary to meet the Base Flood Elevation (BFE) established by FEMA plus any additional elevation required by Policy C-EH-8, the maximum height limit allowable (without a variance) shall be increased by that height.

(5) See Chapter 22.42 (Design Review) for other conditions that may require Design Review approval in addition to and independent of a Coastal Permit. In C-VCR and C-H1 districts, maximum floor area may be determined through the Design Review Process in compliance with Chapter 22.42 (Design Review) in addition to and independent of a Coastal Permit.

(6) The maximum residential density for proposed ~~*land*~~ divisions of land for that portion or portions of properties with Environmentally Sensitive Habitat Areas and buffers, ~~*hazardous areas and setbacks*~~, and properties that lack public water or sewer systems, shall be calculated at the lowest end of the density range as established by the governing Land Use Category, except for projects that provide significant public benefits, as determined by the Review Authority, or lots proposed for affordable housing, if it can be demonstrated that ~~*all resulting*~~ the development ~~*will*~~ can ~~*avoid and protect all ESHA and ESHA buffers, can avoid all hazardous areas and hazard setbacks, and can*~~ be served by on-site water and sewage disposal systems.

(7) The maximum non-residential and non-agricultural floor area for that portion or portions of properties with Environmentally Sensitive Habitat Areas and buffers, ~~*hazardous areas and setbacks,*~~ and properties that lack public water or sewer systems, shall be calculated at the lowest end of the ~~*FAR*~~ density range as established by the governing Land Use Category, except for projects that provide significant public benefits, as determined by the Review Authority, or where it can be demonstrated that the development ~~*will*~~ can ~~*avoid and protect all ESHA and ESHA buffers, avoid all hazardous areas and hazard setbacks, and*~~ be served by on-site water and sewage disposal systems.

See Article VIII (Development Code Definitions) for definitions of the terms used above.

TABLE 5-4-b – COASTAL ZONE DEVELOPMENT STANDARDS (Continued)

Zoning District	**Minimum Lot Area** (1)	**Maximum Residential Density** (2, 6)	**Minimum Setback Requirements** (3)			**Maximum Height ~~Limit~~** (4)		**Maximum FAR** (5,7)
			Front	**Sides**	**Rear**	**Primary**	**Accessory**	
C-OA	See Note 1	See Notes 2 and 6	See Note 3			25 ft.	15 ft.	See Notes 5 and 7
C-APZ		See Zoning Map						
C-ARP								
C-RMP								
C-RMPC								
C-RSP								
C-RSPS						See 22.66.070.D		
C-CP		Not permitted				25 ft.	15 ft.	
C-RCR								

Notes:

(1) Minimum lot area is determined through the Coastal Permit. The review authority will determine whether the lot area is adequate for a proposed land use.

(2) Where dwellings are permitted, the following standards apply:

a. In C-OA districts, maximum density is determined through the Coastal Permit.

b. In C-APZ, C-ARP, C-RMP, C-RMPC, C-RSP, and C-RSPS districts, when determining the maximum density allowed, any fraction of a dwelling unit of 0.90 or greater will be counted as a whole unit.

c. C-APZ districts shall have a maximum density of one unit per 60 acres.

d. In considering division of agricultural lands in the Coastal Zone, the County may approve fewer parcels than the maximum number of parcels allowed by this Code, based on site characteristics such as topography, soil, water availability, environmental constraints, and the capacity to sustain viable agricultural operations. {See also LUP Policy C-AG-6}

(3) Setbacks are determined through the Coastal Permit. ~~*Exceptions to Setback Requirements are not allowed for setbacks required for ESHA or hazards per the LCP's Biological Resources and Environmental Hazards policies, respectively.*~~

(4) See Section 22.64.045(3) (Height Limits and Exceptions) for height measurement and exceptions. Building height limits may change, as follows:

a. In C-RSP districts on the shoreline of Tomales Bay, building height limits shall comply with Section 22.65.060.C (C-RSP Zoning District Height Limit - Tomales Bay).

b. In C-RSPS districts, building height limits shall comply with Section 22.65.070.D (C-RSPS Zoning District Height Limit - Seadrift Subdivision).

~~*c. All height limit exceptions must be found consistent with Land Use Plan Policies C-DES-1, 2, and 3.*~~

c. Nothwithstanding "a" and "b" above, where an increase in height in the coastal zone consists solely of raising an existing structure by the minimum amount necessary to meet the Base Flood Elevation (BFE) established by FEMA plus any additional elevation required by Policy C-EH-8, the maximum height limit allowable (without a variance) shall be increased by that height.

(5) Maximum floor area is determined through the Coastal Permit.

(6) The maximum residential density for proposed ~~*land*~~ divisions of land for that portion or portions of properties with Environmentally Sensitive Habitat Areas and buffers, ~~*hazardous areas and setbacks*~~, and properties that lack public water or sewer systems, shall be calculated at the lowest end of the density range as established by the governing Land Use Category, except for projects that provide significant public benefits, as determined by the Review Authority, or lots proposed for affordable housing, if it can be demonstrated that ~~*all resulting*~~ the development ~~*will*~~ can ~~*avoid and protect all ESHA and ESHA buffers, can avoid all hazardous areas and hazard setbacks, and can*~~ be served by on-site water and sewage disposal systems.

(7) The maximum non-residential and non-agricultural floor area for that portion or portions of properties with Environmentally Sensitive Habitat Areas and buffers, ~~*hazardous areas and setbacks,*~~ and properties that lack public water or sewer systems, shall be calculated at the lowest end of the ~~*FAR*~~ density range as established by the governing Land Use Category, except for projects that provide significant public benefits, as determined by the Review Authority, or where it can be demonstrated that the development ~~*will*~~ can ~~*avoid and protect all ESHA and ESHA buffers, avoid all hazardous areas and hazard setbacks, and*~~ be served by on-site water and sewage disposal systems.

22.64.040 – Coastal Minimum Lot Size (-B) Combining District

A. Purpose. The Coastal Minimum Lot Size "-B" combining district is intended to establish lot size, area, and setback requirements for ~~*land divisions*~~ division of land that are different from those normally applied by the primary zoning district applicable to a site; and to configure development on existing lots, where desirable, because of specific characteristics of the area.

B. Development standards. Where the -B combining district is applied, the minimum lot area, average lot width, and depths of front, side, and rear yards in Table 5-5 shall be required, instead of those that are normally required by the primary zoning district. The maximum residential density for proposed ~~*land division*~~ division of land for that portion or portions of properties with Environmentally Sensitive Habitat Areas and buffers, ~~*hazardous areas and setbacks*~~, and properties that lack public water or sewer systems, shall be calculated at the lowest end of the density range as established by the governing Land Use Category, except for projects that provide significant public benefits, as determined by the Review Authority, or lots proposed for affordable housing, and where it can be demonstrated that the development can avoid and protect all ESHA and ESHA buffers~~*, can avoid all hazardous areas and hazard setbacks*~~, and can be served by on-site water and sewage disposal systems.

TABLE 5-5 – COASTAL -B COMBINING DISTRICT DEVELOPMENT STANDARDS

Zoning	Minimum	Minimum Setback Requirements (2)	Maximum Height (3)	Maximum

District	Lot Area (1)	Front	Sides	Rear	Primary	Accessory	FAR (4, 5)
B1	6,000 sq.ft.	25 ft.	5 ft., 10 ft. on street side	20% of lot depth to 25 ft. max.	25ft.	15 ft.	0.30
B2	10,000 sq.ft.		10 ft.				
B3	20,000 sq.ft.	30 ft.	15 ft.				
B4	1 acre		20 ft.				
B5	2 acres		20 ft., 30 ft. on street side	30 ft.			
B6	3 acres						
BD	See Section 22.66.110						

Notes:

(1) Minimum lot area shown applies except where Section 22.82.050 (Hillside Subdivision Design) establishes a lower minimum lot area standard.

(2) See (Setback Requirements and Exceptions~~)~~ for setback measurement, allowed projections into setbacks, and exceptions to required setbacks. ~~*Setback exceptions for ESHA and hazards are only allowed per the LCP's Biological Resources and Environmental Hazards policies, respectively.*~~

(3) See Section 22.64.045(3) (Height Limits and Exceptions) for height measurement and exceptions. Primary building height limit in the Stinson Beach Highlands is 17 feet, not 25 feet. Single-family dwellings over 25 feet in height shall require ~~*Design Review (in addition to and independent of Coastal Permit requirements) and Variance approval in compliance with Chapters 22.42 (Design Review) and*~~ approval in compliance with 22.70.150 (Coastal Zone Variances), in addition to a Coastal Permit. ~~*All height limit exceptions must be found consistent with Land Use Plan Policies C-DES-1, 2, and 3.*~~

(4) Design review requirements are contained in Chapter 22.42 rather than in the LCP and such design review requirements apply independent of, and in addition to, coastal permit requirements.

(5) The maximum residential density for proposed ~~*land*~~ divisions of land for that portion or portions of properties with Environmentally Sensitive Habitat Areas and buffers, ~~*hazardous areas and setbacks*~~, and properties that lack public water or sewer systems, shall be calculated at the lowest end of the density range as established by the governing Land Use Category, except for projects that provide significant public benefits, as determined by the Review Authority, or lots proposed for affordable housing, if it can be demonstrated that ~~*all resulting*~~ the development ~~*will*~~ can ~~*avoid and protect all ESHA and ESHA buffers, can avoid all hazardous areas and hazard setbacks, and can*~~ be served by on-site water and sewage disposal systems.

See Article VIII (Development Code Definitions) for definitions of the terms used above.

22.64.045--Property Development and Use Standards

1. Applicability—General Standards.

A. All proposed development, including new land uses, shall conform with all of the standards of this Chapter and all applicable LCP provisions unless exempted from coastal permit requirements by Chapter 22.68.

2. Fencing and Similar Structure Standards

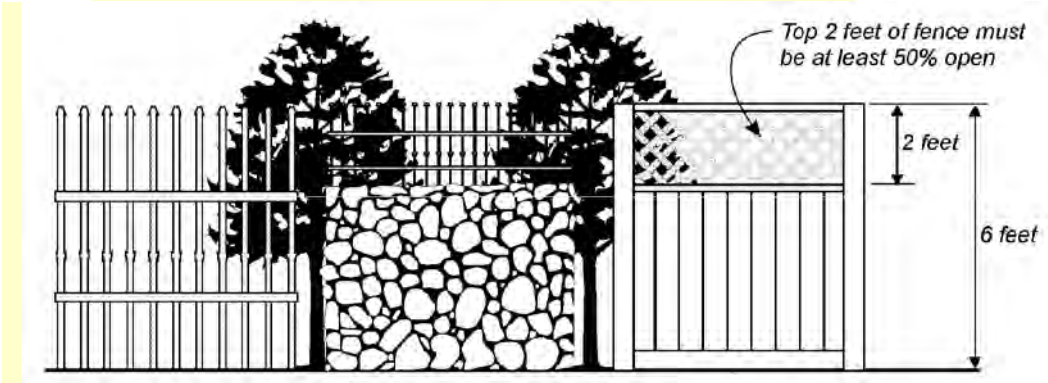
In addition to other applicable LCP provisions, the following standards shall apply to the installation of all fences, walls, trellises, and similar structures:

A. **Height limitations.** Fences, walls, trellises, and similar structures are subject to the following height limitations.

1. **General height limit.** A fence or wall having a maximum height of four feet or less above grade may be located within a required setback for a front yard or side yard that abuts a street. A fence or wall having a maximum height exceeding four feet but no more than six feet above grade may be located within a required setback for a front yard or side yard that abuts a street if the entire section or portion of the fence or wall above four feet in height above grade has a surface area that is at least 50% open and unobstructed by structural elements. (See Figure 3-1.) A solid fence or wall having a maximum height of six feet above grade may be located within a required interior yard setback, a rear yard setback, a rear yard setback of a through lot, or on the property line defining such yards. A trellis above a gate or opening along the line of a fence, not exceeding a maximum height of eight feet above grade and a width of six feet, is permitted within a required setback for a front, side, or rear yard that abuts a street. ~~*In all cases, such fences, walls, trellises, or other similar structures shall only be allowed so long as such structures protect significant public views, including views both to and along the ocean and scenic coastal areas as seen from public viewing areas.*~~

FIGURE 3-1

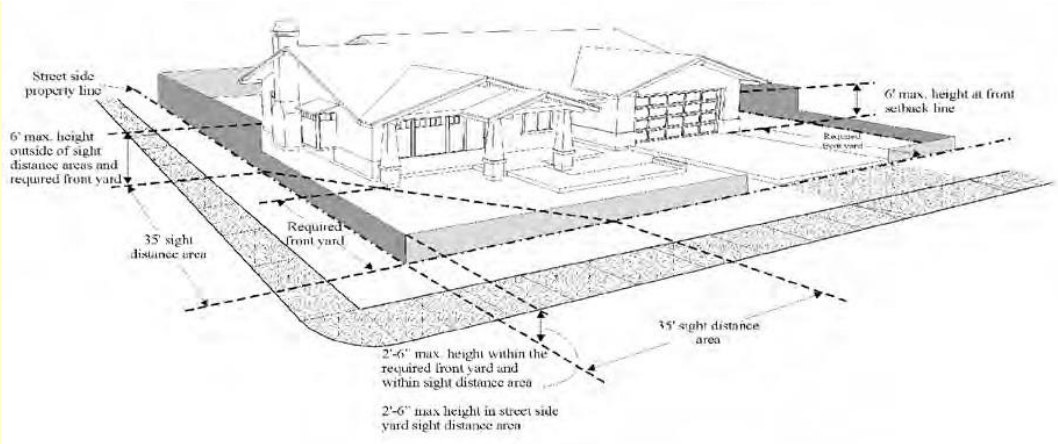
EXAMPLES OF FENCE, WALL, TRELLIS, AND SIMILAR STRUCTURES WITH THE AREA ABOVE FOUR FEET AT LEAST 50 % OPEN



2. **Corner lots.** In addition to the general provisions described above, fences within the front and/or street side setbacks of a corner lot shall not exceed a height of two feet, six inches above the street level of an adjacent intersection, within the area between the property lines and a diagonal line joining points on the property lines which are 35 feet from their intersection. See Figure 3-2.

FIGURE 3-2

HEIGHT LIMITATIONS FOR FENCES, WALL, TRELLIS, AND SIMILAR STRUCTURES ON CORNER LOTS



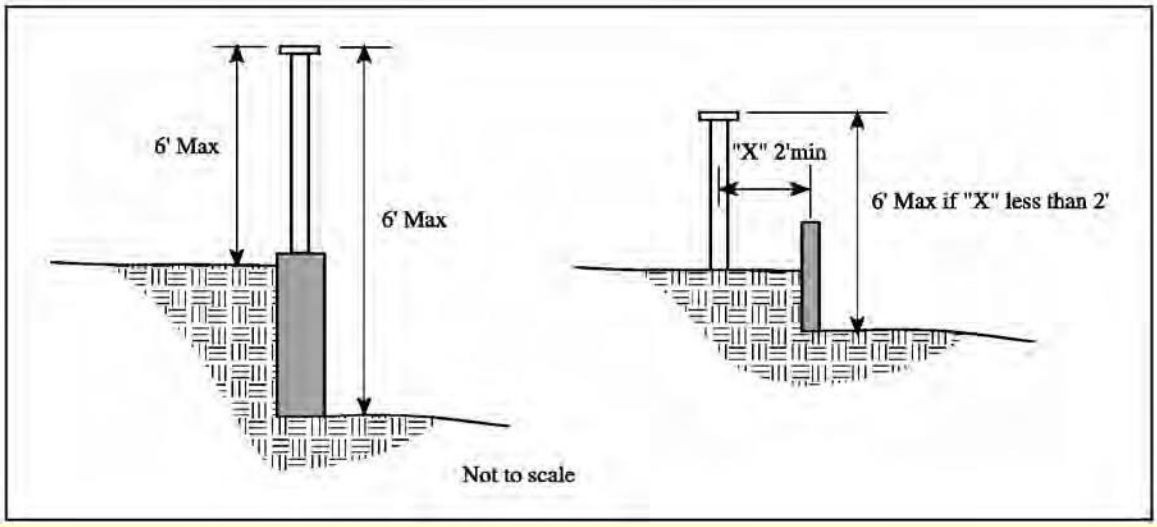
3. **Lots with grade differential.** In addition to the general provisions described above, where there is a difference in the ground level between two adjoining lots, the height of the fence, wall, trellis, or other similar structure shall not exceed six feet as measured from grade on either side of the structure. See Figure 3-3 (Fence Height Limits).

4. **Parallel fences and walls.** In addition to the general provisions described above, two approximately parallel fences, walls, trellises, or other similar structures shall maintain a separation of at least two feet to encourage landscaping between the separation, or the height of both structures shall be computed as one structure, subject to the six foot height limitation. See Figure 3-3 (Fence Height Limits).

B. **Setback requirements.** Fences, walls, trellises, or other similar structures up to four feet in height or six feet in height above grade may be located within a required setback or on property lines in compliance with the height limits of Subsection A., above. Fences, walls, trellises, or other similar detached structures exceeding the height limits specified in Subsection A, shall be subject to the same setback requirements of this Implementation Plan applicable to the primary structure. ~~Fences, walls, trellises, or other similar structures shall be sited and designed to protect significant public views.~~

FIGURE 3-3

FENCING AND SIMILAR STRUCTURES HEIGHT LIMITS



…

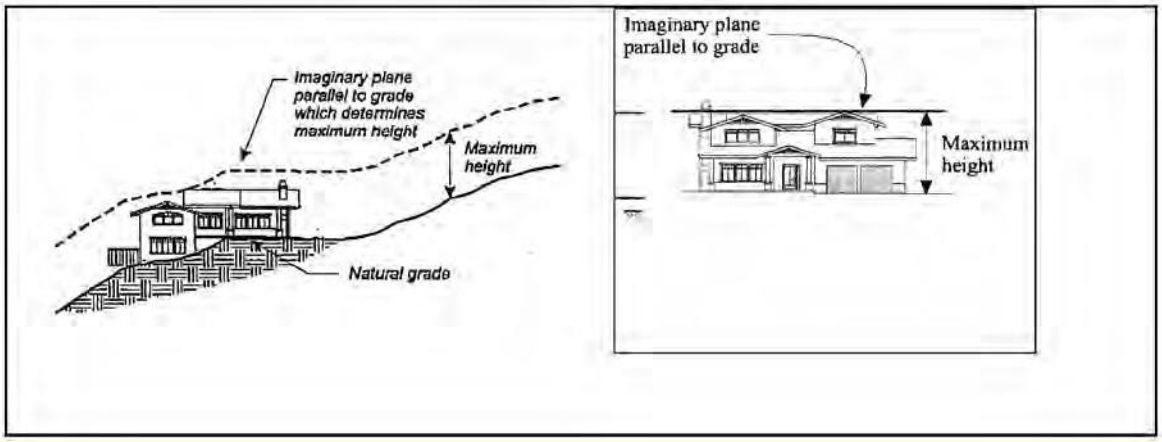
3. Height Limits and Exceptions.

In addition to other applicable LCP provisions, all structures shall meet the following standards relating to height, except for fences, walls, trellises, and similar structures, which shall comply with Fencing and Similar Structure Standards, above.

A. Maximum height. The height of any structure shall not exceed the maximum height standard established by the applicable zoning district in the LCP. Maximum height shall be measured as the vertical distance from grade to an imaginary plane located the maximum number of feet above and parallel to the grade. See Figure 3-4 (Measurement of Maximum Height) and definition of "Grade" in Article VIII (Definitions).

FIGURE 3-4

MEASUREMENT OF MAXIMUM HEIGHT



B. Detached accessory structures. A detached accessory structure shall not exceed 15 feet in height above grade. However, a detached accessory structure may be constructed to the height allowed for primary structures by the

applicable zoning district if the accessory structure is located at least 40 feet from all property lines.

C. **Structures for parking.** A detached parking structure is subject to the same maximum height limit as detached accessory structures, above.

D. **Height Exceptions:**

1. **Spires, towers, water tanks, etc.** Chimneys, cupolas, flag poles, gables, monuments, spires, towers (e.g., transmission, utility, etc.), water tanks, necessary mechanical appurtenances, and similar structures may be allowed to exceed the height limit established for the applicable zoning district, subject to all of the following standards:

a. The structure shall not cover more than 15 percent of the lot area at any level.

b. The area of the base of the structure shall not exceed 1,600 square feet.

c. No gable, spire, tower or similar structure shall be used for sleeping or eating quarters or for any commercial purpose other than that which is incidental to the allowed uses of the primary structure.

d. No structure shall exceed a maximum height of 150 feet above grade.

~~*e. Such height shall be found consistent with all other applicable LCP policies, including policies C-DES-1, 2, and 3.*~~

2. **Roof-mounted Solar Energy Systems.** Roof-mounted solar energy systems may exceed the required height limit by no more than two feet.

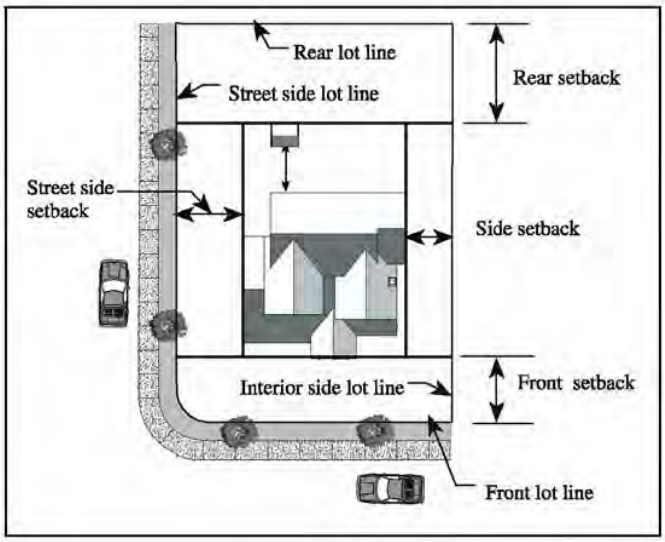
3. **Flood Hazard and Sea Level Rise Safety.** Where an increase in height in the coastal zone consists solely of raising an existing structure by the minimum amount necessary to meet the Base Flood Elevation (BFE) established by FEMA plus any additional elevation required by Policy C-EH-8, the maximum height limit allowable (without a variance) shall be increased by that height.

4. **Setback Requirements and Exceptions.**

A. In addition to other applicable LCP provisions, this section establishes setback standards, including those related to allowed uses in setbacks, minimum sizes for setbacks, and exceptions to setback standards (Additional setbacks may be required by the Hillside Ordinance). These standards are intended to provide for open areas around structures, including but not limited for: visibility and traffic safety; access to and around structures; access to natural light, ventilation and direct sunlight; separation of incompatible land uses; space for privacy, landscaping, and recreation; water quality protection; space to account for fire safety; and protection of significant public views, including views both to and along the ocean and scenic coastal areas as seen from public viewing

areas. ~~*All setbacks are minimums and may be increased in order to meet LCP provisions, including those related to water quality and community character. Setback requirements and exceptions for coastal permits involving ESHA and coastal hazards are listed in 22.64.050 and 22.64.060, respectively.*~~

FIGURE 3-5
LOCATION AND MEASUREMENT OF SETBACKS



B. **Measurement of Setbacks.** Setbacks shall be measured from property lines, as shown by Figure 3-5 (Location and Measurement of Setbacks), and as follows; however, if an access easement or street right-of-way line extends into or through a yard setback, the measurement shall be taken from the nearest point of the easement or right-of-way line, not the more distant property line. See Figure 3-6 (Front and Side Setbacks with Easements).

1. **Front yard setbacks.** The front yard setback shall be measured at right angles in from the front property line of the lot, establishing a setback line parallel to the front property line.

a. **Flag lots.** For a lot with a fee ownership strip extending from a street or right-ofway to the building area of the parcel, the measurement shall be taken in from the point where the access strip meets the bulk of the lot along a continuous line, establishing a setback line parallel to it. See Figure 3-7 (Flag Lot Setbacks).

FIGURE 3-6
FRONT AND SIDE SETBACKS WITH EASEMENTS

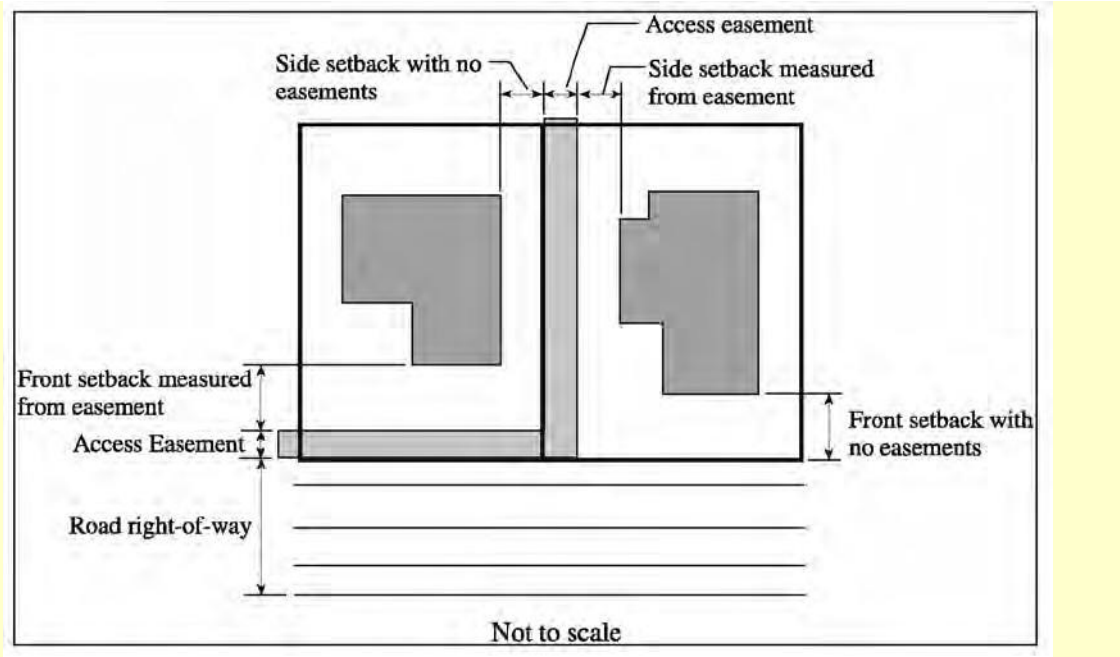
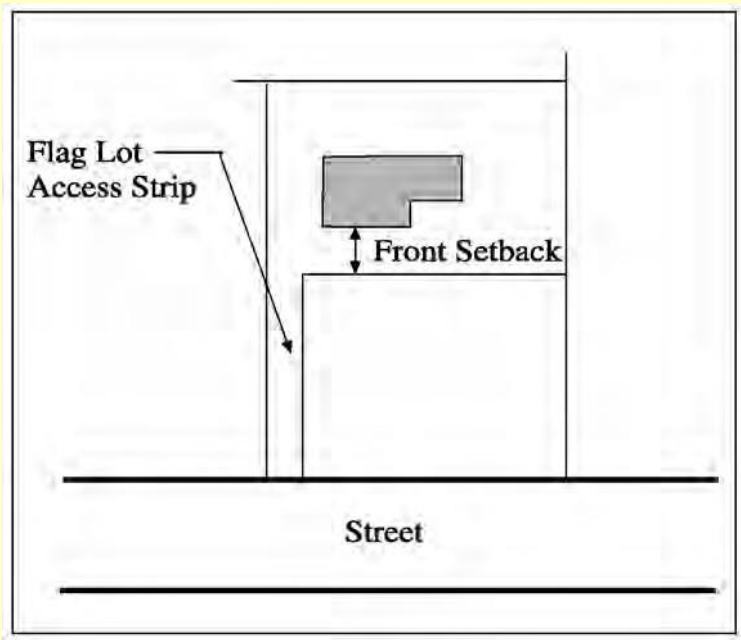


FIGURE 3-7
FLAG LOT SETBACKS



b. **Corner lots.** The measurement shall be taken in from the property line adjoining the street to which the property is addressed and the street from which access to the property is taken.

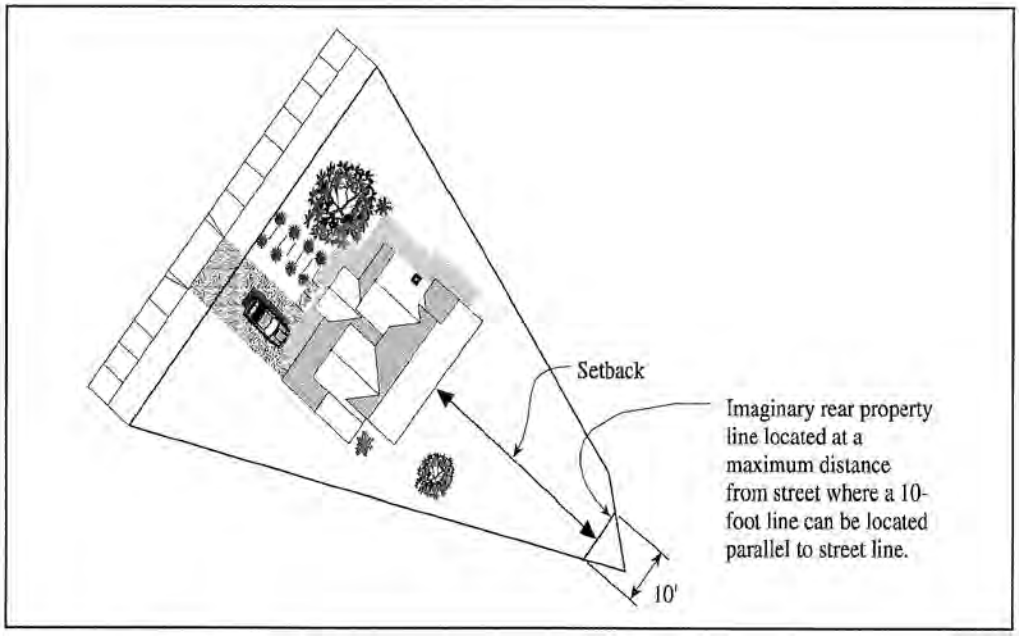
2. **Side yard setbacks.** The side yard setback shall be measured at right angles in from the nearest point on the side property line of the lot; establishing a setback line parallel to the side property line which extends between the front and rear yards.

3. **Street side yard setbacks.** The side yard on the street side of a corner lot shall be measured at right angles in from the nearest point of the side property line adjoining the street, establishing a setback line parallel to the side property line which extends between the front and rear yards.

4. **Rear yard setbacks.** The rear yard shall be measured at right angles in from the nearest point on the rear property line, establishing a setback line parallel to the rear property line.

5. **Rear yard setbacks for irregular shaped lots.** On an irregular, triangular, or gore-shaped lot, where it is difficult to identify a rear lot line, the rear yard shall be measured at right angles from a line ten feet in length within the lot, parallel to and at a maximum distance from the front property line. See Figure 3-8 (Rear Setback in Irregular Parcels).

FIGURE 3-8
REAR SETBACK IN IRREGULAR PARCELS



C. **Setback requirements.** Unless exempted in compliance with Subsections D and E, below, all structures shall conform with the setback requirements established for each zoning district by Article V (Coastal Zone Development and Resource Management Standards), and with any special setbacks established for specific uses by this Development Code, except as otherwise provided by this Section.

1. **General requirements.** In no case shall any portion of a structure, including eaves or roof overhangs, extend beyond a property line, or into an access easement or street right of-way.

2. **Accessory structures.** Detached accessory structures shall comply with the same setback requirements established by the applicable zoning district for primary structures, except as follows:

a. The minimum rear yard setback for a detached accessory structure shall equal the minimum side setback, and no less than ten feet; except that the rear setback on a through lot shall be 20 percent of the lot depth to a maximum of 25 feet.

b. The total aggregate floor area of all detached accessory structures shall not exceed 30 percent of the area contained within the boundaries of the setback required in the rear yard.

3. **Detached site elements.** Detached decks, swimming pools and spas, steps, terraces, and other site design elements that are placed at or below grade, and which exceed a height of 18 inches above grade at any point, shall conform with the setback requirements of this Chapter for detached accessory structures. Hand railings and other safety features required by the Uniform Building Code and attached directly to a detached site element shall not be included in the measurement of the maximum height of the detached site element.

4. Site design elements less than 18 inches above grade are exempt from setback requirements in compliance with Subsection D (Exemptions from setback requirements), below. Examples of site design elements less than 18 inches above grade include ponds, shuffleboard courts, and water elements (e.g., fountains, sprays, etc.).

D. Exceptions from setback requirements. The minimum setback requirements of this Development Code shall apply to all development except the following.

1. Fences, walls, trellises, and similar structures that comply with the height limits specified in Fencing and Similar Structure Standards;

2. Detached energy efficiency devices located within required rear yard and side yards that do not exceed a height of four feet in height above grade;

3. Decks, freestanding solar devices, swimming pools and spas, steps, terraces, and other site design elements which are placed at or below grade and do not exceed a height of 18 inches above grade at any point. Hand railings and other safety features required by the Uniform Building Code and attached directly to a detached site element which meets the criteria herein are exempt from the minimum setback requirements;

4. Flag poles that do not exceed a height of 30 feet above grade; and

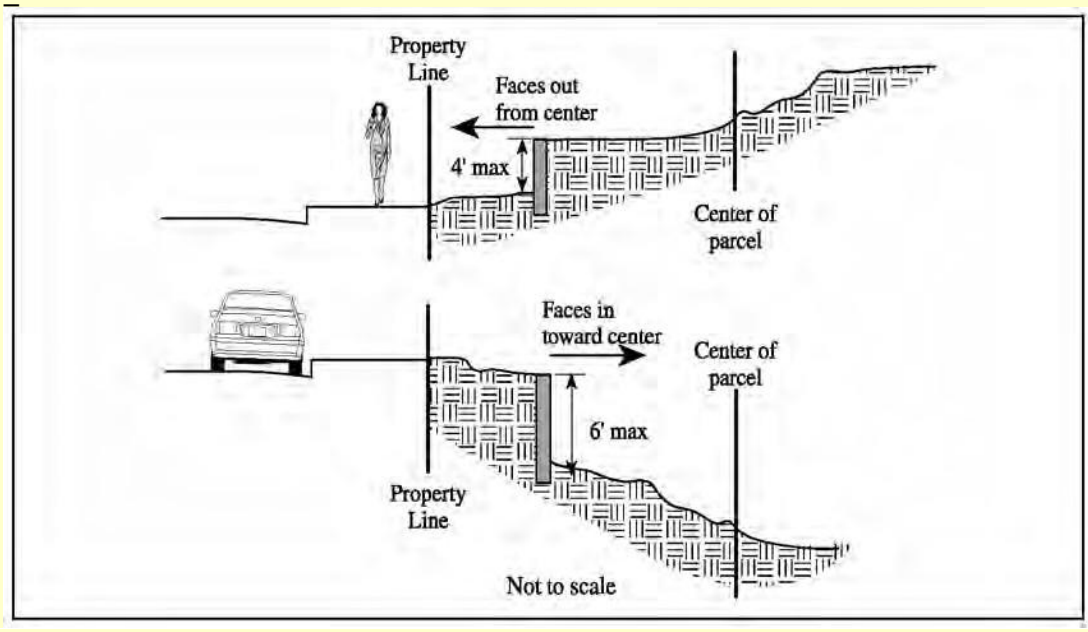
5. Retaining walls. The following standards shall apply to all retaining walls. See Figure 3-9 (Maximum Height for Retaining Walls Exempt from Setbacks):

a. Retaining walls greater than six feet in height above grade shall be subject to the same setback requirements as the primary structure if the exposed face of the retaining wall faces into the center of the property.

b. Retaining walls greater than four feet in height above grade shall be subject to the same setback requirements as the primary structure if the exposed face of the retaining wall faces outward from the center of the property.

FIGURE 3-9

MAXIMUM HEIGHT FOR RETAINING WALLS EXEMPT FROM SETBACKS



E. Allowed projections into setbacks. Attached architectural features and certain detached structures may project into or be placed within a required setback in compliance with the following requirements:

1. Architectural features. Architectural features attached to the primary structure may extend beyond the wall of the structure and into the front, side and rear yard setbacks, in compliance with Table 3-1 (Allowed Projections into Setbacks). See also Figure 3-10 (Examples of Allowed Projections into Required Setbacks).

TABLE 3-1
ALLOWED PROJECTIONS INTO SETBACKS

Feature	Allowed Projection into Specified Setback		
	Front Setback	Side Setback	Rear Setback
Chimney (1)	30 in.	30 in.	30 in.

Cantilevered architectural features (2)	30 in.	30 in.	30 in.
Deck (3)	6 ft.	3 ft. (1)	6 ft.
Porch (4)	6 ft.	3 ft. (1)	6 ft.
Solar devices and tankless water heaters	30 in.	30 in.	30 in.
Stairway (5)	6 ft.	3 ft. (1)	6 ft.

Notes: (1) Feature may project no closer than three feet to the property line.

(2) Cantilevered architectural features including balconies, bay windows, cornices, eaves and roof overhangs may project into setbacks as shown.

(3) Decks less than 18 inches above grade are exempt, in compliance with Exceptions from Setback Requirements, above.

~~*(4) A porch may project into a setback, provided it is enclosed only by a railing and is located at the same level as the entrance floor of the structure. An additional projection into the front yard setback may be allowed, provided it does not exceed 40% of the required porch setback permitted by Table 3-1. (For example, in a R-1 zoning district, Table 3-1 would allow the porch to maintain a 19-foot front yard setback. An additional 7.6-foot encroachment (representing 40% of the 19-foot setback) resulting in an 11.4-foot front yard setback may be permitted.)*~~

(~~5~~4) A stairway may project into a setback, provided it is not roofed or enclosed above the steps.

2. **Parking structures on steep lots.** In any zoning district allowing residential uses, where the slope of the one-half of the parcel beginning at the street-access side is 20 percent or more, or where the elevation of the parcel at the property line from which vehicular access is taken is five feet or more above or below the elevation of the adjoining street, a parking structure may be built to within three feet of the front and side property lines that abut the adjoining street from which vehicular access is taken.

3. **Trellises.** See Fencing and Similar Structure Standards - Height Limitations.

FIGURE 3-10

EX Not to scale S_

F. **Restrictions on the use of front yard setbacks in residential districts**. No junk or scrap shall be allowed in the front yard on any lot in any residential zoning district. This restriction includes the storage of operable or inoperable vehicles in other than improved parking or driveway areas.

G. Additional setbacks may be required by the Hillside Ordinance

22.64.050 – Biological Resources

A. **Submittal requirements**.

1. Biological studies.

a. Initial Site Assessment Screening. The Marin County Community Development Agency (CDA) shall conduct an initial site assessment screening of all development proposals to determine the potential presence of Environmentally Sensitive Habitat Area (ESHA). The initial site assessment screening shall include a review of reports, resource maps, aerial photographs, site inspection and additional resources as necessary to determine the presence of ESHA.

b. Site Assessment. A site assessment shall be submitted for those Coastal Permit applications where the initial site assessment screening reveals the potential presence of an Environmentally Sensitive Habitat Area (ESHA) within 100 feet of any portion of the proposed development. The permit will be subject to a level of review that is commensurate with the nature and scope of the development. A site assessment shall be prepared by a qualified biologist ~~*hired by the County and paid for by the applicant*~~, and shall confirm the extent of the ESHA, document any site constraints and the presence of other sensitive resources, recommend buffers, and development timing~~*, and mitigation measures*~~, including required setbacks, and provide other information, analysis and potential modifications necessary to protect the resource. ~~*The site assessment shall thoroughly discuss alternatives and mitigation measures to avoid impacts to ESHA, and any finding that there is no feasible alternative to avoid ESHA impacts shall be supported by such analysis.*~~ If the site assessment identifies significant impacts, then the report shall identify appropriate mitigation measures. Where habitat restoration or creation is required to eliminate or offset potential impacts to an ESHA, a detailed Restoration and Monitoring Plan shall be required, as provided in this section.

c. Buffer Areas. Buffers shall be provided for ESHAs in accordance with the policies of C-BIO-3 (ESHA Buffers), C-BIO-19 (Wetland Buffers), or C-BIO-24 (Coastal Streams and Riparian Vegetation), in combination with the findings of a site assessment, as necessary to ensure the biological integrity and preservation of the habitat they are designed to protect. Maintain ESHA buffers in their natural condition, except as provided in C-BIO-20 (Wetland Buffer Adjustments), C-BIO-25 (Stream Buffer Adjustments) or C-BIO-4 (Protect Major Vegetation).

Determination of ESHA buffer requirements shall consider the following:

1) Habitat requirements of the ESHA, including the migratory patterns of affected species and tendency to return each season to the same nest site or breeding colony;

2) Sensitivity of the ESHA to disturbance;

3) Topography of the site;

4) Movement of stormwater;

5) Permeability of the soils and depth to water table;

6) Vegetation present;

7) Unique site conditions;

8) Whether vegetative, natural topographic, or built features (e.g., roads, structures) provide a physical barrier between the proposed development and the ESHA; and

9) The likelihood of increased human activity and disturbance resulting from the project relative to existing development.

10) ~~*For buffer reductions, the applicant has provided clear and convincing findings of the need for the reduction, the reduction allowed is absolute minimum necessary, and the reduction will prevent impacts that degrade the ESHA and will be compatible with the continuance of the ESHA.*~~ A buffer reduction shall be considered only when supported by evidence that the reduction is necessary, is the minimum necessary, and will prevent impacts that degrade the ESHA.

d. Habitat Mitigation. ~~*The only allowed development within ESHA, wetlands, and streams shall be those uses specifically identified in Land Use Plan Policies C-BIO-2, 14, 15, and 24, respectively.*~~ New development shall be sited and designed to avoid impacts to ESHA. If proposed development is a permissible use but there is no feasible alternative, including the no project alternative, that can avoid significant impacts to ESHA, then the alternative that would result in the fewest or least significant impacts shall be selected. Residual adverse impacts to ESHA shall be fully mitigated, with priority given to on-site habitat mitigation. Off-site or fee-in-lieu habitat mitigation measures shall only be approved when it is not feasible to fully mitigate impacts on-site or where off-site habitat mitigation is more protective in the context of a biological analysis prepared by a qualified scientist and approved by the County of Marin. Any determination that it is infeasible to mitigate impacts onsite shall be supported by written findings. Mitigation shall not substitute for implementation of the project alternative that would avoid impacts to ESHA.

Allowable habitat mitigation shall occur in accordance with the provisions of C-BIO21 (Wetland Impact Mitigation) for wetlands or the findings of a site assessment, and shall be provided at a minimum ratio of 2:1 for on-site mitigation; 3:1 for off-site mitigation or 4:1 for an in-lieu fee where applicable. In determining required mitigation, the acreage of habitat impacted shall be determined based on the size of the approved development area, road/driveway area, required fuel modification on the project site, and required vegetation clearance, if any, on adjacent properties. Habitat mitigation may be required at an adjusted ratio or through other appropriate techniques as commensurate

with the extent of habitat disruption, based on the specific requirements of the ESHA as determined through the site assessment.

2. **Site map.** Coastal Permit applications shall contain a detailed site plan showing existing and proposed construction, with major vegetation, water courses, natural features, and other probable wildlife areas.

3. **Restoration and Monitoring Plan.** Restoration and Monitoring Plans shall include the following:

a. A clear statement of the ESHA habitat restoration goals. Characterization of the desired habitat, including an actual habitat, that can act both as a model for the restoration and as a reference site for developing success criteria.

b. Sampling of reference habitat using the methods that will be applied to the restoration site with reporting of resultant data.

c. Quantitative description of the chosen restoration site.

d. Requirements for designation of a qualified restoration biologist as the restoration manager who will be personally responsible for all phases of the restoration. Phases of the restoration shall not be assigned to different contractors without onsite supervision by the restoration manager.

e. A specific Grading Plan if the topography must be altered.

f. A specific Erosion Control plan if soil or other substrate will be significantly disturbed during the course of the restoration.

g. A Weed Eradication Plan designed to eradicate existing weeds and to control future invasion by exotic species that is carried out by hand weeding and supervised by a restoration biologist.

h. A Planting Plan that specifies a detailed plant palette based on the natural habitat type that is the model for the restoration, using local native and non-invasive stock and requiring that if plants, cuttings, or seed are obtained from a nursery, the nursery must certify that they are of local origin and are not cultivars. The Planting Plan should provide specifications for preparation of nursery stock and include technical details of planting methods (e.g., spacing, mycorrhizal inoculation, etc.)

i. An Irrigation Plan that describes the method and timing of watering and ensures removal of watering infrastructure by the end of the monitoring period.

j. An Interim Monitoring Plan that includes maintenance and remediation activities, interim performance goals, assessment methods, and schedule.

k. A Final Monitoring Plan to determine whether the restoration has been successful that specifies:

1) A basis for selection of the performance criteria,

2) Types of performance criteria,

3) Procedure for judging success,

4) Formal sampling design,

5) Sample size,

6) Approval of a final report, and

7) Provision for possible further action if monitoring indicates that initial restoration has failed.

4. Additional information. Based on review of the provided information, the County may request additional information to address site-specific conditions and/or as part of the environmental review process.

B. Biological Resource standards. Development shall be consistent with the Biological Resources Policies of the LUP, including, but not limited to:

1. Environmentally Sensitive Habitat Areas (ESHAs). The resource values of ESHAs shall be protected by limiting development per Land Use Plan Policies C-BIO-1, C-BIO-2, and C-BIO-3.

2. Habitats of rare or endangered species and unique plant communities. Habitats of rare and endangered species and unique plant communities shall be protected by limiting development in those areas and providing adequate buffers surrounding those areas per Land Use Plan Policy C-BIO-3.

3. Ecological restoration. Encourage restoration of degraded ESHAs per Land Use Plan Policy C-BIO-5.

4. Invasive plants. Where feasible, require the removal of non-native, invasive plant species, revegetation of denuded areas with native and non-invasive plants, and provision of primarily native, drought-tolerant plant species for areas of new or replacement planting, per Land Use Plan Policy C-BIO-6.

5. Coastal dunes and beaches. Coastal dunes and beaches shall be preserved by limiting development in those areas per Land Use Plan Policies C-BIO-7, C-BIO-8, and C-BIO-9.

6. Roosting and nesting habitat. Roosting and nesting habitat and the grassy shorebird feeding areas adjacent to Bolinas Lagoon shall be protected by limiting development per Land Use Plan Policies C-BIO-10~~,~~ and C-BIO-11~~, and C-BIO-12~~.

7. Biological productivity. The biological productivity and quality of coastal waters, coastal streams, coastal wetlands, coastal estuaries and coastal lakes shall be maintained, and where feasible, enhanced.

8. **Coastal wetlands.** Coastal wetlands shall be preserved and maintained as productive wildlife habitats, water filtering and storage areas, and, as appropriate, recreational open space, by limiting diking, dredging, and draining per Land Use Plan Policies C-BIO-14, CBIO-15, C-BIO-16, and C-BIO-17, disposing of dredged materials per Land Use Plan Policy C-BIO-18 and mitigating wetland impacts per Land Use Plan Policy C-BIO-21.

9. **Coastal wetland buffers**. Adequate buffers shall be maintained surrounding coastal wetlands per Land Use Policy C-BIO-19 unless an adjustment to standard buffers is granted per Land Use Plan Policy C-BIO-20.

10. **Marine resources.** Marine resources shall be maintained, enhanced, and where feasible, restored and special protection shall be provided to areas and species of special biological or economic significance per Land Use Plan Policy C-BIO-23.

11. **Coastal streams, riparian vegetation, and buffers.** Alterations to coastal streams and riparian vegetation shall be limited to the uses specified in Land Use Plan Policy C-BIO-24, and adequate buffers shall be provided surrounding those resources per Land Use Plan Policy C-BIO-"TBD", unless an adjustment to the standard buffers is granted per Land Use Plan Policy C-BIO-25. Any alteration of riparian vegetation which is allowed under these policies shall require an erosion control plan and re-vegetation plan that incorporates native species to the maximum extent feasible.

22.64.060 Environmental Hazards

A. Application requirements.

1. Environmental Hazards Evaluation.

a. Initial Site Assessment. The reviewing authority shall conduct an initial site assessment screening of all Coastal Permit applications to determine whether the site is or will be subject to geologic or other hazards ~~*over a timeframe of a minimum of 100*~~ 50 ~~*years*~~. Geological or other hazards are defined to include Alquist-Priolo earthquake hazards zones; ~~*areas subject to tsunami runup*~~, landslides, liquefaction, ~~*episodic and long-term*~~ shoreline retreat, ~~*(including beach or*~~ bluff erosion~~*)*~~, ~~*high seas, ocean waves, tidal scour*~~, ~~*flooding*~~; steep slopes averaging greater than 35 percent; unstable slopes regardless of steepness; and flood hazard areas, including those areas potentially inundated by future sea level rise. The screening shall include as applicable a review of available reports, resource maps, aerial photographs, site inspection, and the County's adopted hazards maps. ~~*The County's hazard mapping program can be used as a resource for identification of hazard areas; however, absence of mapping cannot alone be considered absence of hazard and local site conditions must be examined at the time of permit application using the best available science. Best available science with respect to sea level rise means peer-reviewed and well-documented climate science using empirical and evidence based data that establishes a range of locally-relevant future sea level rise projections. At the time of this LCP certification (2015), the best available science on sea level rise in California is the 2012 National Research Council (NRC) Report, Sea Level Rise for the Coasts of California, Oregon, and Washington: Past, Present, and Future (NRC, 2012). However, any other document that meets the above definition may be used for planning purposes in Marin's coastal zone.*~~

b. **Environmental Hazards Reports**. Where the initial site assessment reveals that the proposed development is ~~*"Blufftop Development (as defined in 2.b. below), "Shoreline Development" (as defined in 2.c below), or* **within 100 feet of***~~ in an area potentially subject to geologic~~, fire~~, sea level rise, flooding, blufftop and shoreline erosion or other hazards~~ *over the 100 50 year assessment time frame*~~, the project shall include applicable reports prepared by a qualified professional ~~*an Environmental Hazards Report prepared by an architect, qualified registered civil or structural engineer or licensed geologist or engineering geologist*~~. The reports shall describe the extent of potential environmental hazards ~~*on the site over the minimum 100 50 year timeframe*~~, and recommend best available construction, siting and other techniques to avoid and minimize risks to life and property in areas of high environmental hazards. Where applicable, the following shall apply:

1) FEMA Flood Zones: On properties within mapped **on Federal Emergency Management Agency (FEMA) "Flood Insurance Rate Maps" (FIRM) and "Flood Boundary Water Maps" for Marin County which have been determined to be subject to flooding from a flood which has a one percent chance of occurrence in any one year (further designated as Zone A, AO, A1-30, AE, A99, AH, VO, V1-V30, VE, or V); and 2)** the report shall identify the extent to which:

a). Development will comply with construction standards contained in Chapter 23.09 (Floodplain Management) including the requirement to add up to a maximum of three feet to the Base Flood Elevation (BFE) to accommodate identified sea level rise as depicted on "Potential Sea Level Rise Maps" prepared and adopted by the County of Marin when establishing the minimum elevation required for proposed construction; and

b). Development will not create a hazard or diminish the stability of the area.

c). For additional requirements for shoreline development (properties within VO, V1-V30, VE, and V zones), see Section 22.64.060.A.2.b below.

2) Sea Level Rise: On properties outside mapped FEMA flood zones but within areas potentially inundated by sea level rise as shown on adopted "Potential Sea Level Rise Maps", the report shall describe the extent to which:

a). Development will be constructed such that the lowest finished floor of development exceeds the highest natural elevation of the ground surface next to the proposed walls of the structure prior to construction (i.e. "highest adjacent grade") by an amount equal to or greater than the projected sea level rise as depicted on "Potential Sea Level Rise Maps".

b). Development will not create a hazard or diminish the stability of the area.

3) Reliance on Best Available Science. To minimize risks to life and property, and assure stability and structural integrity of existing structures, in recognition of the scientific information represented by FEMA and Potential Sea Level Rise data, modifications of structures consistent with this Policy shall be facilitated by application of Coastal Permit Exemptions, Categorical Exclusions, and Coastal Permits. Raising structures as provided in Policies C-EH-5, 8 and 9 and limiting the height to that required to provide for BFE and/or sea level rise elevation shall be deemed sufficient to comply with coastal hazard, public view, community character and related provisions of the LCP

4) Geologic Hazards: On properties in potential geologic hazards areas (which include Alquist-Priolo earthquake hazard zones, and areas subject to landslides, liquefaction,

steep slopes averaging greater than 35% and unstable slopes regardless of steepness), the report shall describe the extent to which:

a). Development shall comply with the seismic safety standards of the Alquist-Priolo Act (Calif. Public Resources Code Section 2621, et seq.) and all applicable seismic provisions and criteria contained in the most recent version of State and County codes;

b). Development shall incorporate construction and siting techniques to mitigate the applicable geologic hazard; and

c). Development shall not create a hazard or diminish the stability of the area.

d). For additional requirements for blufftop development, see Section 22.64.060.A.2.a below.

~~*Reports addressing tsunami runup, beach or bluff erosion, wave impacts and flood hazards shall include evaluation of potential changes to the hazard due to sea level rise that might occur over the life of the development and the 100 year assessment time frame. Existing shoreline protective devices shall not be factored into the required analysis. The Report shall be required to demonstrate that, subject to the Report's recommended measures, all of the following findings can be made: (1) that the development will be sited and designed to assure stability and structural integrity for the development's lifetime and a minimum of 100 years, (2) that the development will be set back a sufficient distance from identified hazard areas so as to not create a hazard or diminish the stability of the area, and (3) that the development will not require the construction of shoreline protective devices during its lifetime, including at the time of the initial development proposal. All development located within hazardous areas, including all "Blufftop Development" and "Shoreline Development", shall also comply with the requirements of Section 22.64.060.B.8. In addition to the Environmental Hazards Report requirement of this subsection A(1), "Blufftop Development" and "Shoreline Development" must also meet the requirements of subsections A(2) and A(3), below, including requiring supplementary analyses within the Environmental Hazards Report. (Land Use Plan Policy C-EH-2)*~~

2. Additional Coastal Hazards Analysis for Blufftop and Shoreline Development.

~~*a. Additional Application Requirements. All Coastal Permit applications for alterations to existing structures (including additions, exterior and/or interior renovations, repair and maintenance, and demolition) shall clearly identify: (1) all major structural components that are being altered; and (2) the cost of the alteration project and the market value of the existing structure being altered before construction. Major structural components are defined and identified in the definition of "Redevelopment, Coastal (coastal)" in Article VIII. The application must also identify any previous changes to such major structural components since February 1973, including identifying all associated Coastal Permits.*~~

a.~~*b*~~. Blufftop Development. In addition to the requirements for the Environmental Hazards Report identified in subsection A(1) above, Coastal Permit applications for development, ~~*including coastal redevelopment and additions to existing structures*~~ proposed: 1) on a blufftop; or 2) on a site located in stability zone 2, 3, or 4 as indicated on the Slope Stability of the Bolinas Peninsula Study Area map which accompanies Wagner's 1977 report, "Geology for Planning, Western Marin County" (hereby incorporated by reference as part of this Development Code), shall be required to supplement the Environmental Hazards Report with an analysis that evaluates the effect of geologic and other hazards at

the site to ensure the proposed development's ~~*stability and*~~ structural integrity, and to ensure that the blufftop development is safe from bluff retreat, without the need for shoreline protective devices for the development's lifetime and a minimum of 100 years. The supplementary analysis shall include an evaluation of the long-term average annual bluff erosion rate, and shall include a quantitative slope stability analysis demonstrating a minimum factor of safety against sliding of 1.5 (static) or 1.2 (pseudostatic, k = 0.15 or determined through analysis by the geotechnical engineer). The erosion rate and slope stability shall be determined using the best available science, including being based upon an examination of the historic and projected rates of bluff retreat associated with wave, wind and/or surface runoff erosion, continued and future sea level rise estimates adopted by the County and, to the maximum extent feasible, to take into account the effect of strong seismic shaking. ~~*Existing shoreline protective devices shall not be factored into the required analyses.*~~ The erosion rate and slope stability information shall be used to determine the appropriate blufftop setback as specified in Section 22.64.060.B.2 below. The supplementary analysis shall also list ~~*the required Coastal Permit*~~ conditions necessary ~~*to ensure that the structure is relocated and/or removed (and the site restored) whenever*~~ if the development is deemed hazardous and unsafe for human occupancy.~~*, as specified in subsection (d), below. (Policy C-EH-5)*~~

b.~~*c.*~~ Shoreline Development. In addition to the requirements for the ~~*Environmental H*~~hazards ~~*R*~~report identified in subsection A(1) above, Coastal Permit applications for shoreline development (defined as development located in a VO, V1-V30, VE, or V zone as mapped by the Federal Emergency Management Agency) (~~*defined as development located at or near the ocean-sand interface, and/or at very low-lying elevations along the intersection of the ocean or sea with land, that may be inundated by environmental hazards in the 100-year evaluation time frame*~~), ~~*including new development on vacant/undeveloped lots, additions to existing structures, and coastal redevelopment*~~ shall be required to supplement the ~~*Environmental H*~~hazards ~~*R*~~reportwith an analysis that demonstrates that the proposed development will be safe from shoreline erosion and flooding hazard, taking into account 3 feet of projected sea level rise~~*set back a sufficient distance from the shoreline to ensure stability and structural integrity for the development's lifetime and a minimum of 100 years*~~ without the need for shoreline protective devices, ~~*and such analysis shall not factor in the presence of any existing shoreline protective devices. For coastal redevelopment, if there is insufficient space on a property to feasibly meet the setback requirements, then such development may meet the minimum 100-year stability and structural integrity requirement through setting back as far as feasible in tandem with the*~~

Allow the use of caisson/pier foundations and elevation (including if elevation of the structure is necessary to meet Federal Emergency Management Agency (FEMA) flood requirements) ~~*but no other type of shoreline protective device is allowed.*~~ The supplementary analysis shall also evaluate the effect of the project over time ~~*(including in response to sea level rise)*~~ on coastal resources. ~~*(including protection of public access, shoreline dynamics, natural landforms, and public views). The analysis shall consider not only the primary structure, but also the effects of related development, such as required ingress/egress to structures and the provision of services (e.g., water, wastewater, etc.). The supplementary analysis shall also list the required Coastal Permit conditions necessary to ensure that the structure is relocated and/or removed (and the site restored) whenever the development is deemed hazardous and unsafe for human occupancy, as specified in subsection (d), below. The provisions of this subsection allowing the use of caisson/pier foundations and elevation for shoreline redevelopment in certain circumstances shall apply until April 30, 2017 or until this subsection is amended, whichever occurs first. If a complete LCP amendment to amend this subsection is not submitted as of April 30, 2017 (including where subsequent withdrawal of such LCP amendment will deem it to have not*~~

~~been submitted), then shoreline redevelopment will no longer be allowed to meet minimum 100-year stability and structural integrity requirements through the use of caisson/pier foundations and elevation. The April 30, 2017 deadline may be extended for good cause by the Executive Director of the Coastal Commission.~~

~~c.d. Removal and Restoration. Development located on blufftops and/or shoreline development as defined in Section 22.64.060.A.2.b near the shoreline shall be sited, designed, and built in a manner that facilitates removal and/or relocation of the development (including its foundation, and all other related development (e.g., utilities and driveways)) before a shoreline protective device is needed. In addition to the requirements for the Environmental Hazards Report identified in subsection A(1) above, Coastal Permit applications for development located on blufftops and/or near the shoreline shall identify all measures to be taken to facilitate such future removal and/or relocation. All Coastal Permits shall be conditioned to require the approved development to be relocated and/or removed outside of the area subject to coastal hazards if an appropriate government agency determines that any portion of the approved development is not to be occupied or used due to any coastal hazards, and such hazard concerns cannot be abated by ordinary repair and/or maintenance. The Coastal Permit conditions shall require that, prior to removal/relocation, the Applicant shall prepare a Removal and Restoration Plan for review and approval by the Reviewing Authority. If the Reviewing Authority determines that an amendment to the Coastal Permit or a separate Coastal Permit is legally required, the Applicant shall immediately submit the required application, including all necessary supporting information to ensure it is complete. The Removal and Restoration Plan shall clearly describe the manner in which such development is to be relocated and/or removed and the affected area restored so as to best protect coastal resources, and shall be implemented immediately upon Reviewing Authority approval, or approval of the Coastal Permit or amendment application, if necessary.~~

3. **Drainage plan for blufftop development**. Coastal Permit applications for development proposed on a blufftop parcel shall include a drainage plan prepared by a civil engineer, which indicates how rainwater and irrigation runoff will be directed away from the top of the bluff or handled in a manner which prevents damage to the bluff by surface and percolating water. Blufftop landscaping shall be required to use drought tolerant native species with minimal irrigation.

4. **Engineering report for shoreline protective devices.** Coastal Permit applications for the construction or reconstruction of any shoreline protective device, including revetments, breakwaters, groins, seawalls, bluff retention devices, deep piers/caissons that are designed for erosion protection or to prevent beach retreat rather than as architectural foundations or to elevate structures above flooding, or other artificial structures for coastal erosion control and hazards protection shall include a report from a professional civil engineer or certified engineering geologist experienced with coastal processes and structures verifying that the device is necessary and explaining how the device will perform its intended function and the extent to which it will meet the criteria and standards contained in Section 22.64.060.B.7 below. The report shall include information on the existing structure/public beach that is being threatened by erosion; likely time period when the structure/public beach will be in danger from erosion; and an analysis of alternatives to a shoreline protective device that are capable of protecting existing threatened structures/beaches from erosion including: no action, involvement in regional beach nourishment, a different type of shore protection, options for bioengineering and groundwater controls, and modification to, resizing or relocation of the threatened structure. In addition, the report shall include the following information:

(a) For the shoreline in question: long term and seasonal erosion trends, the effects of future sea level rise on future erosion rates, and the potential effects of infrequent storm events, such as a 100-year storm;

(b) The amount of beach that will be covered by the shoreline protective device;

(c) The amount of beach that will be lost through passive erosion over the life of the shoreline protective device;

(d) The amount of sand generating materials that will be contained and not allowed into the shoreline system over the life of the shoreline protective device;

(e) Total lineal feet of shoreline protective devices within the littoral zone where the device is proposed;

(f) The cumulative impact of added shoreline protective devices to the littoral cell within which the proposed device will be located;

(g) Measures to reduce or minimize visual impacts for the shoreline protective device;

(h) Measures to modify or adapt the shoreline protective device in the event it is not adequate to provide protection in the future due to changes in sea level or storm conditions;

(i) Impacts to beach access, recreation, beach habitat, and shoreline ecosystems from the shoreline protective device; and

(j) Provision for future maintenance of the shoreline protective device, for future removal of the shoreline protective device if and when it reaches the end of its economic or functional life, and for changes in the shoreline protective device if needed to respond to alterations in the development for which the device was installed.

5. **New development and fire safety.** Coastal Permit applications shall demonstrate that the new development meets all applicable fire safety standards, including accounting for all necessary defensible space within the developable area of a site.

B. Environmental Hazard standards. Development shall be consistent with the Environmental Hazard Policies of the LUP, including ~~*but not limited to:*~~

2. **Determination of blufftop setbacks**. The geologic setback, as measured from the bluff edge, shall be sufficient to maintain a minimum factor of safety against sliding of at least 1.5 for the expected life of the development, or a minimum of 100years. Thus the distance from the bluff edge where a minimum factor of safety of 1.5 is achieved today shall be added to the expected bluff retreat over the next 100 years.

3. **Shoreline access facilities on blufftop parcels**. Shoreline access facilities, such as stairways and ramps, may only be permitted per Land Use Plan Policy C-EH-7 and C-EH-16.

~~***4. Bolinas Bluff Erosion Zone setback exceptions and waivers.*** *Within established Bluff Erosion Zones on the Bolinas Mesa, no new construction shall be permitted on vacant lots. Residential additions no greater than 10 percent of the existing floor area or 120 square feet (whichever is greater) may be permitted on a one time basis so long as such additions conform with all applicable LCP policies.*~~

4. **Shoreline Development.** New shoreline development~~ *(including new development on vacant/undeveloped lots, additions to existing structures, and coastal redevelopment)*~~ shall be consistent with Land Use Policy C-EH-5.~~*, including being set back a sufficient distance from the shoreline to ensure stability and structural integrity for the development's lifetime and a minimum of 100 years without the need for shoreline protective devices.*~~

5. **Drainage on Blufftop Parcels.** Surface and subsurface drainage associated with development of any kind shall not contribute to the erosion of the bluff face or the stability of the bluff itself consistent with Land Use Policy C-EH-6.

6. **Criteria and design standards for shoreline protective devices.** Shoreline protective devices in the Coastal Zone are discouraged due to their visual impacts, obstruction of public access, interference with natural shoreline processes and water circulation, and effects on marine habitats and water quality. The construction or reconstruction of shoreline protective devices shall only be allowed subject to the criteria contained in Land Use Plan Policies C-EH-13, C-EH-14, and C-EH-18. Emergency Coastal Permit applications for shoreline protective devices may be considered in compliance with Section 22.70.130 (Emergency Coastal Permits) consistent with the Land Use Plan Policy C-EH-21.

7. **Accessory structures in hazardous areas.** Accessory structures on blufftop/shoreline parcels shall be designed and constructed in conformance with Land Use Plan Policy C-EH-15.

~~***7. Seismic safety standards.*** *Proposed structures*~~*Development* ~~*shall meet the seismic safety standards of the Alquist-Priolo Act (Land Use Plan Policy C-EH-4).*~~

8. **Applicant's assumption of risk.** The owner of property proposed for development in hazardous areas shall be required as a condition to the issuance of a Coastal Permit to record a Deed Restriction and Liability Waiver ~~*and Acknowledgement exempting the County from liability for any personal or property damage caused by geologic or other hazards*~~ per Land Use Plan Policy C-EH-~~*3*~~2 on behalf of the permittee and any co-owners, co-developers, assigns, purchasers, and successors in interest, which acknowledges and agrees to the following: ~~*In addition, for blufftop and shoreline development, the owner shall be required to record a deed restriction acknowledging that future shoreline protective devices to protect structures authorized by such Coastal Permit are prohibited per Land Use Plan Policy C-EH-3 and waiving any right that may exist to construct such devices.*~~

a) **Coastal Hazards**: The property is subject to coastal hazards which may include coastal erosion, shoreline retreat, flooding, and other geologic hazards;
b) **No Future Shoreline Projective Devices**: No additional protective structures shall be constructed to protect the development approved pursuant to the subject Coastal Permit in the event that the approved development is threatened with damage or destruction from waves, erosion, bluff retreat, ground subsidence, or other natural hazards in the future;

c) **Public Services**; Public funds may be insufficient or unavailable to remedy damage to public roadways, infrastructure, and other facilities resulting from natural events such as sea level rise and bluff erosion;

d) **Health and Safety Codes**: California State Health and Safety Codes prohibit the occupancy of habitable buildings where sewage disposal or water systems are rendered inoperable;

e) **Assumption of Risk**: The permittee assumes all risks of injury and damage from coastal hazards; and

f) **Waiver of Liability**: The permittee unconditionally waives any claim of damage or liability against the County, its officers, agents, and employees for injury or property damage resulting from such coastal hazards;

The recorded document shall also disclose potential vulnerability of the development site to long term sea level rise by incorporating the County's 100 year time frame sea level rise hazard map for the subject property and surrounding area, where applicable.

9. Prohibition on Creation of new parcels abutting coastal waters. Creation of new parcels on lands abutting the shoreline shall be prohibited unless the new parcel can be developed consistent with all applicable LCP provisions, including that development on the created parcel will not require a shoreline protective device during its lifetime.

10. Major Vegetation. Coastal Permit applications for the removal of major vegetation must meet criterion (a) below, and at least one of criteria (b) through (k) for removal. Major vegetation removal around existing development for fire safety purposes shall comply with Land Use Plan Policy C-EH-25.

(a) The major vegetation removal shall: 1) not adversely affect any environmentally sensitive habitat areas; 2) not adversely impact coastal waters; 3) protect significant public views, including views both to and along the ocean and scenic coastal areas as seen from public viewing areas; and 4) not conflict with conditions of approval of a prior coastal permit.

(b) The general health of the major vegetation is so poor due to disease, damage, or age that efforts to ensure its long-term health and survival are unlikely to be successful, or removal of the major vegetation is necessary to ensure the health and survival of surrounding vegetation native to the locale;

(c) The major vegetation is infected by a pathogen or attacked by insects that threaten surrounding major vegetation as determined by an arborist report or other qualified professional;

(d) The major vegetation is a potential public health and safety hazard due to risk of falling and its structural instability cannot be remedied;

(e) The major vegetation is a public nuisance by causing damage to improvements, such as building foundations, retaining walls, roadways/driveways, patios, sidewalks and decks, or interfering with the operation, repair or maintenance of public utilities;

(f) The major vegetation has been identified by a Fire Inspector as a fire hazard that requires removal;

(g) The major vegetation was planted for a commercial enterprise, such as a Christmas tree farm or orchard;

(h) The major vegetation is located on land which is zoned for agriculture (C-ARP or C-APZ) and is being used for commercial agricultural purposes;

(i) The major vegetation removal is proposed by a public agency to provide for the routine management and maintenance of public land or to construct a fuel break;

(j) The major vegetation is non-native and is not defined as a "protected and heritage tree" in Article VIII (Definitions).

11. **Seadrift.** The Environmental Hazard standards listed above are not intended to override or otherwise preclude compliance with any entitlements that may exist under the Seadrift Settlement Agreement and Coastal Commission Coastal Permit A-1-MAR-87-235 as amended (through and including Coastal Permit Amendment A-1-MAR-87-235-A).

22.64.080 – Water Resources

A. Application requirements.

1. ~~***Water Quality Impairment Assessment****. The Reviewing Authority shall conduct a water quality assessment of all development proposals, including for both new development and modifications to existing development, to identify potential water quality impacts. Where the assessment reveals the potential for water quality impairment, the project shall be required to have a plan which addresses both temporary (during construction) and permanent (post-construction) measures to control erosion and sedimentation, to reduce or prevent pollutants from entering storm drains, drainage systems and watercourses, and to minimize increases in stormwater runoff volume and rate.~~

~~**2**~~ **1.** **Drainage plans.** Coastal permit applications for development that would add or create a total of 10,000 square feet or more of impervious surface (collectively over the entire project site) or would alter drainage patterns, shall be accompanied by a preliminary drainage plan. The plan shall include existing and proposed drainage patterns and storm drain improvements for the site, all structures and impervious areas, and any other improvements. The plan must indicate the direction of surface runoff and method of on-site runoff dispersal for existing and proposed drainage channels or facilities. Draining to existing watercourses or detention basins may be allowed if negative impacts to biological resources, water quality, channel stability or flooding of surrounding properties can be avoided or if existing soil conditions do not allow infiltration. Hydrologic calculations shall be required to determine whether there would be any additional surface run-off resulting from the development.

~~**3**~~ **2.** **Structural and/or treatment control facilities: monitoring and maintenance plans.** If structural and/or treatment control facilities are incorporated in a project, the applicant shall submit a monitoring and maintenance plan indicating how such facilities will be adequately maintained by the applicant and any subsequent property owner after construction is complete. (Policy C-WR-12)

~~**4**~~ **3.** **Site Plan – Post Construction Element.** At the discretion of the County based on the scale or potential water quality impacts of a proposed project, the

applicant shall submit a site plan containing a Post-Construction Element. This plan shall detail how stormwater and polluted runoff will be managed or mitigated following project construction, utilizing both source control and treatment control measures, and both structural and non-structural measures. (Policy C-WR-13)

~~5~~ 4. **Grading plans.** Coastal permit applications for any cut, fill, or grading shall be accompanied by a preliminary grading plan that indicates existing and proposed contours across the building site and existing and proposed average lot slope.

~~6~~ 5. **Geotechnical reports.** A geotechnical report may be required if the Department of Public Works determines that proposed cut and fill slopes ~~*are determined to*~~ would be steeper than is safe for the subject material or determines that the report is necessary for the intended use. The geotechnical report shall be subject to review and approval by the Department of Public Works. (Policy C-WR-5)

~~7~~ 6. **Erosion and sedimentation control plans.** An erosion and sedimentation control plan, subject to approval by the Department of Public Works, shall be required for development of any site of 1 acre or more in size or, at the discretion of the Department of Public Works, for any site of less than 1 acre because of a high risk of erosion and sedimentation. Such plan is also required for ~~all~~ projects listed under Policy C-WR-14 that involve grading. (Policy C-WR-6)

~~8~~ 7. **Site Plan Contents – Construction Phase.** All projects that would add or create a total of 10,000 square feet or more of impervious surface (collectively over the entire project site), projects that may impact environmentally sensitive habitat (i.e. projects within, directly adjacent to or discharging directly to an environmentally sensitive habitat area), county defined high-impact projects or other projects that the county staff finds to be a threat to coastal water quality, shall require a Construction-Phase element shown on the site plan. The Construction-Phase element shall specify which interim Best Management Practices (BMPs) will be implemented to minimize erosion and sedimentation during construction and address potential construction runoff contamination with fuels, lubricants, cleaning agents and/or other potential construction-related pollutants or chemicals.

In the application and initial planning process, the applicant shall submit for review and approval a Construction-Phase element that shall include, at a minimum, a narrative report describing all interim erosion, sedimentation, and polluted runoff control BMPs to be implemented during construction, including the following where applicable:

(a) Controls to be implemented on the amount and timing of grading;

(b) BMPs to be implemented for staging, storage, and disposal of excavated materials;

(c) Design specifications for treatment control BMPs, such as sedimentation basins;

(d) Revegetation or landscaping plans for graded or disturbed areas;

(e) Methods to manage affected onsite soils;

(f) Other soil stabilization BMPs to be implemented;

(g) Methods to infiltrate or treat stormwater prior to conveyance off-site during construction;

(h) Methods to eliminate or reduce the discharge of other stormwater pollutants resulting from construction activities (e.g., paints, solvents, vehicle fluids, asphalt and cement compounds, and debris) into stormwater runoff;

(i) Plans for the clean-up of spills and leaks;

(j) BMPs to be implemented for staging, storage, and disposal of construction chemicals and materials;

(k) Proposed methods for minimizing land disturbance activities, soil compaction, and disturbance of natural vegetation;

(l) A site plan showing the location of all temporary erosion control measures; and

(m) A schedule for installation and removal of the temporary erosion control measures.

B. **Water quality standards.** Development shall be consistent with the Water Quality Policies of the LUP, including, but not limited to:

1. **Water quality protection.** The quality of coastal waters shall be monitored, protected, and enhanced for the benefit of natural communities, human health, recreational users, and the local economy (Land Use Plan Policy C-WR-1).

2. **Site design and source control measures.** Development shall meet the standards contained in Land Use Plan Policy C-WR-2.

3. **Drainage standards.** Development shall meet the standards contained in Land Use Plan Policy C-WR-3.

4. **Structural and/or treatment control facilities: proper maintenance.** Structural and/or treatment control facilities shall meet the requirements of Land Use Plan Policy C-WR-12.

5. **High impact projects: design standards.** Development that has a high potential for generating pollutants (High Impact Projects) shall incorporate treatment control Best Management Practices (BMPs) or ensure that the requirements of the current NPDES Municipal Stormwater permit are met, whichever is stricter, to address the particular pollutants of concern, including the requirements of Land Use Plan Policy C-WR-14.

6. **Construction Non-sediment Pollution.** Construction site practices shall be carried out consistent with Land Use Plan Policy C-WR-16.

7. **Construction Phase Pollution.** The construction site shall be managed to prevent contact between runoff and chemicals, fuel and lubricants, cleansers, and other potentially harmful materials.

C. Grading and excavation standards.

1. **Site planning.** Development shall meet the standards contained in Land Use Plan Policy C-WR-4.

2. **Preservation of landforms and native vegetation**. Development shall meet the standards contained in Land Use Plan Policies C-WR-4 and C-WR-5. Grading shall not take place on slopes greater than 35%, to the extent feasible.

3. **Extent and timing of grading.** Development shall meet the standards contained in Land Use Plan Policies C-WR-6 and C-WR-7.

4. **Erosion and sedimentation control.** Development shall meet the standards contained in Land Use Plan Policies C-WR-10 and C-WR-8.

5. **Impervious surfaces, runoff control.** Development shall meet the standards contained in Land Use Plan Policy C-WR-2.

6. **Sediment basins during construction.** Development shall meet the requirements of Land Use Plan Policy C-WR-10.

7. **Pollutants.** Pollutants, including chemicals, fuels and other harmful materials shall be collected and disposed of in an approved manner.

8. **Topsoil.** Development shall meet the requirements of Land Use Plan Policy C-WR-9.

9. **Removal of construction debris.** All debris shall be removed from the site upon the completion of the project.

10. **Erosion and Flood Control Facilities.** Consider placement of sediments collected by erosion and flood control facilities at appropriate points on the shoreline, consistent with Land Use Plan Policy C-WR-17.

22.64.100 – Community Design

A. Community Design standards. Development shall be consistent with the Community Design policies of the LUP, including, but not limited to:

1. Compatible Design. The height, scale, and design of new structures shall be compatible with the character of the surrounding natural or built environment per Land use Policy CDES-1.

2. Protection of visual resources. Development shall be sited and designed to protect visual resources per Land Use Policy C-DES-2.

3. Protection of ridgeline views. New development proposed on or near visually prominent ridgelines shall be sited and designed per Land Use Policy C-DES-3.

4. Height limits. Structures in the Coastal Zone shall be limited ~~*to a maximum height of 25 feet, unless a lower maximum height is required for other LCP reason (e.g., for specific zoning districts or types of development, etc.)*~~ as provided in Tables 5-4-a, 5-4-b, and 5-5, with the exceptions provided for by Land Use Policy C-DES-4 and by this Code.

5. New Signs. New Signs shall be of a size, location, and appearance so as not to detract from scenic areas or views from public roads and other viewing points (Land Use Policy C-DES-5). A Coastal Permit is required for any sign that could impact public recreational access, including parking opportunities near beach access points or parklands, such as any changes in parking cost, timing or availability, and any signage prohibiting public parking, trespassing, and/or public coastal access. Coastal Permits for signs shall be consistent with all applicable LCP provisions, including the following additional objectives and standards:

A. Objective: Signs shall be sited and designed to:

• Protect public safety within the County and the visual quality of its communities;

• Protect uses, which are adequately and appropriately identified and advertised, from the installation of too many and too large signs;

• Protect commercial districts from visual chaos and economic detriment;

• Protect the public's ability to identify uses and premises without confusion;

• Eliminate unnecessary distractions that may diminish driving and pedestrian safety;

• Enhance and improve properties and their neighborhoods by encouraging signs that are compatible with and complementary to

related structures and uses and harmonious with their surroundings; and

• Protect and enhance coastal resources, including, but not limited to, significant public views and community character.

B. Standards:

1. Freestanding signs. Freestanding signs shall be designed and located to be viewed primarily from the immediately surrounding public streets.

2. Prohibited Signs. The following types of signs, including in terms of illumination, sound, materials, and forms are prohibited:

A. Prohibited types of signs.

1. Private use signs located on public land or in a public right-of-way;
2. Signs cut, burned or otherwise marked on a cliff, hillside or tree;
3. Signs in storage or in the process of assemblage or repair, that are located outside of the premises other than that advertised in the sign, and are visible from a public right-of-way;
4. Billboards;
5. Digital commercial displays that can distract drivers;
6. Signs advertising a use no longer in operation; and
7. Roof top signs.

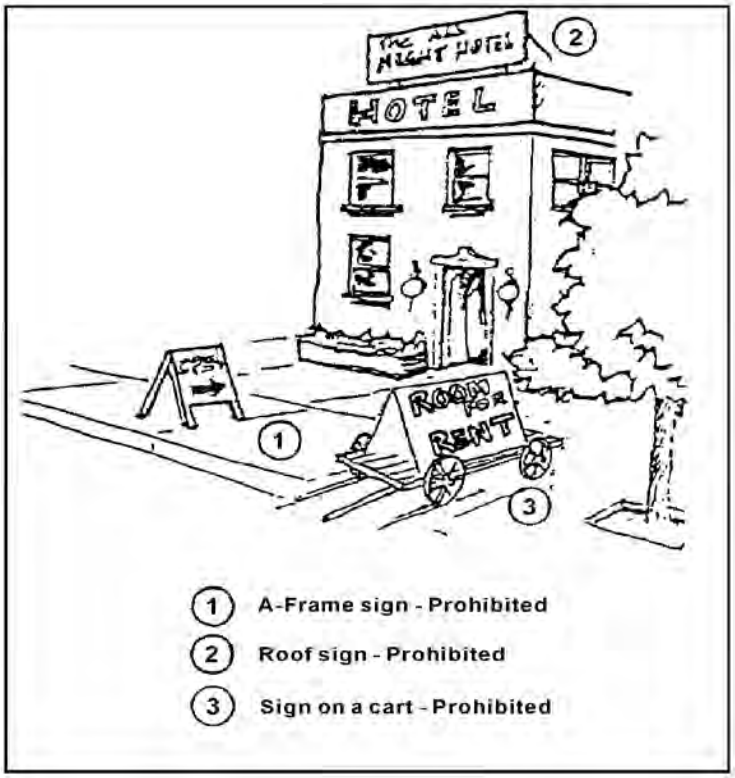
B. Prohibited types of illumination and sound. No electrical sign shall blink, flash or emit a varying intensity of color or light which would cause glare, momentary blindness or other annoyance, disability or discomfort to persons on surrounding properties or passing by.

C. Prohibited types of material and form.

1. Sign with reflective material;
2. Banners, pennants, streamers except in conjunction with an athletic event, carnival, circus, fair, or during the first 30 days of occupancy of a new structure or operation of a new business;
3. Signs, other than clocks or meteorological devices, having moving parts or parts so devised that the sign appears to move or to be animated; and

4. Portable signs including "A" frame sign, or a sign on a balloon, boat, float, vehicle, or other movable object designed primarily for the purpose of advertising.

FIGURE 3-11
PROHIBITED TYPES OF SIGNS



~~***4. Removal of Dangerous Signs.***~~

~~*Notwithstanding any other provisions of this Chapter, the Director or any authorized County employee may, without notice, remove any sign which:*~~

~~*A. Is a physical danger to the public health and safety;*~~

~~*B. Is located within public lands or the public rights-of-way; or*~~

~~*C. Obstructs traffic signals or otherwise constitutes a hazard to roadside traffic.*~~

6. Underground Utilities. Utility lines should be undergrounded per Land Use Policy CDES-6.

7. Minimized exterior lighting. Exterior lighting shall be the minimum consistent with safety and shall be low wattage, hooded, and downcast to

prevent glare and shall limit visibility from public viewing places as much as possible (Land Use Policy C-DES-7).

8. **Protection of trees.** Structures and roads should shall be sited to avoid tree removal per Land Use Policy C-DES-8.

9. **Landscaping.** Required landscaping shall predominantly use native species of trees and plants and shall avoid using non-native, invasive trees and plants (Land Use Policy CDES-9).

10. **Prohibition of Gated Communities.** The establishment of gated communities shall be prohibited (Land Use Policy C-DES-10).

11. **Minimization of fuel modification.** New development should shall be sited and designed to avoid the need for fuel modification per Land Use Policy C-DES-11.

22.64.110 – Community Development

A. **Community development standards.** Development, as defined in Article VIII, shall be consistent with all Community Design Policies of the LUP, including, but not limited to:

1. **Location of new development.** New development shall be located within, next to, or in close proximity to developed areas with adequate public services and where it will not have significant adverse impacts, either individually or cumulatively, on environmental and natural resources, including coastal resources (Land Use Policy C-CD-2).

2. **Appropriate new development.** The type and intensity of new development, including land divisions, shall conform to the land use categories and density provisions of the LCP Land Use Maps. Allowable densities are stated as maximums and do not establish an entitlement to buildout potential~~*, including because such maximums may need to be reduced to address site constraints, including coastal resource protection*~~. (Land Use Policy C-CD-3).

3. **Non-conforming structures and uses.** Allow lawfully established non-conforming structures and uses to be maintained or continued in conformance with the requirements of Section 22.70.165.

4. **Development standards for Tomales Bay shoreline.** New construction along the shoreline of Tomales Bay shall be limited in height to 15 feet above grade except as provided for per Land Use Policy C-CD-6.

5. **Structures on public trust lands.** The construction of new residential dwellings shall not be permitted on public trust lands. Along the shoreline of Tomales Bay, existing structures on public trust lands may be rebuilt if destroyed by natural disaster per Land Use Policy C-CD-7.

6. **Shoreline Structures and Piers.** The location of piers and other recreational or commercial shoreline structures shall be limited per Land Use Policy C-CD-

8 and public access to such structures shall be required per Land Use Policy C-CD-9.

7. **Division of beachfront lots.** The division of beachfront lots shall be restricted per Land Use Policy C-CD-10.

8. **Maintenance of village limit boundaries.** Village limit boundaries shall be set and maintained per Land Use Policies C-CD-11 and C-CD-12.

9. **Chain store operations.** Discourage the establishment of chain store operations that are not consistent with the existing character and scale of the surrounding community (Land Use Policy C-CD-13).

10. **Limit conversion of overnight visitor-serving enterprises.** Visitor-serving uses shall remain available to the public on a space available basis; conversion of overnight accommodations into a more limited type of occupancy shall be discouraged (Land Use Policy C-CD-14).

11. **Residential character in villages.** Consistent with the limitations to the village core commercial area outlined in C-PK-3, discourage the conversion of residential to commercial uses in coastal villages per Land Use Policy C-CD-15.

~~12~~ 11. **Rural character of roadways.** Roadways, accessways and bridges shall reflect the character of coastal communities and shall be context and location ~~*specific*~~ sensitive. The primary areas to be considered for sidewalks, curbs, and similar roadway improvements shall be within designated village limit boundaries (Land Use Policy C-CD-16).

13. **Windbreaks.** Discourage new wind breaks along Highway One to preserve public views. Consider the effects of proposed wind breaks at initial planting as well as at maturity on sunlight, public views, and traffic safety related to visibility (Land Use Policy C-CD-19).

14. **Lighting for recreational use.** Prohibit night lighting for privately-owned recreational facilities per Land Use Policy C-CD-20.

22.64.120 – Energy

A. **Energy efficiency standards.** Development, as defined in Article VIII, shall be consistent with all Energy Policies of the LUP, including, but not limited to:

1. **Energy efficiency standards**. Complement coastal permit requirements with the application of Marin County Energy Efficiency Ordinance 3494 and Green Building Requirements to integrate energy efficiency and conservation, and renewable energy requirements into the development review and building permit process per Land Use Policy C-EN-1.

2. **Renewable energy resource priority.** Utilize renewable energy resources and support appropriate renewable energy technologies per Land Use Policy C-EN-4.

3. **Energy production facility impacts.** Energy production facilities shall be designed and constructed to minimize impacts to public health and coastal resources per Land Use Policy C-EN-5.

4. **Energy and Industrial Development.** Major energy or industrial development, both on and offshore, shall not be permitted per Land Use Policy C-EN-6.

22.64.130 – Housing

A. Affordable housing standards. Development, as defined in Article VIII, shall be consistent with all Housing Policies of the LUP, including, but not limited to:

1. **Protection of existing affordable housing.** Protect and provide affordable housing opportunities for very low, low, and moderate income households. The demolition of existing deed restricted very low, low, and moderate income housing is prohibited except as provided for per Land Use Policy C-HS-1.

2. **Density for affordable housing.** Allow the maximum range of density for deed-restricted housing developments that are affordable to extremely low, very low or low income households and that have access to adequate water and sewer services, provided that such density will not result in adverse coastal resource impacts and is consistent with all applicable LCP policies (Land Use Policy C-HS-2). Density bonuses for affordable housing consistent with Coastal Act Section 30604(f) and Government Code Section 65915 may be provided to the extent that such increases in density are consistent with the provisions of the LCP per Land Use Policy C- HS-9. The reviewing authority may approve a density greater than that allowed by the underlying land use and zone district designations for affordable residential projects only if the following criteria are met:

   (a) The housing development is located in a residential or commercial/mixed-use land use and zone district designation. ~~*; and*~~

   ~~*(b) The project is found to be in conformity with the Local Coastal Program (including but not limited to sensitive habitat, agriculture, public viewshed, public services, public recreational access and open space protections), with the exception of the density provisions.*~~

3. **Affordable housing requirement.** Residential developments in the Coastal Zone consisting of 2 or more units shall be required to provide 20 percent of the total number of units to be affordable by households of very low or low income or a proportional "in-lieu" fee to increase affordable housing construction. (Land Use Policy C-HS-3

4. **Retention of small lot zoning.** Preserve small lot zoning (6,000 to 10,000 square feet) in Tomales, Point Reyes Station, and Olema for the purposes of providing housing opportunities at less expense than available in large-lot zones (Land Use Policy C-HS-4).

5. **Second units.** Enable the construction of well-designed second units in single-family and multifamily residential zoning districts consistent with Land Use

Policy C-HS-5 and the standards below. ~~*With the exception of density, all*~~ Second units ~~*must*~~ shall be ~~*found*~~ consistent with all lot coverage and other site development standards per the applicable residential zoning district where such standards are considered on a cumulative basis that include accounting for any existing buildings on site. Second Units shall conform to all of the zoning and development standards (lot coverage, height, setbacks, design, floor area ratio, etc.) of the residential zoning district which governs the lot. A Second Unit attached to the principal residence shall be subject to the height, setback, and coverage regulations of the principal residence. ~~*A Second Unit detached from the principal dwelling shall be treated as a residential accessory structure in regard to height, and setbacks*~~.

22.64.140 – Public Facilities and Services

Program 22.64.140 ***Reservation of Capacity for Priority Land Uses***. Coordinate with water service and wastewater service providers to develop standards to allocate and reserve capacity for Coastal Act priority land uses.

A. **Public facility and service standards.** Development, as defined in Article VIII, shall be consistent with all Public Facilities and Services Policies of the LUP, including, but not limited to:

1. **Adequate public services**. Adequate public services (that is, water supply, on-site sewage disposal or sewer systems, and transportation, including public transit as well as road access and capacity if appropriate) shall be available prior to approving new development per Land Use Policy C-PFS-1.

No permit for development may be approved unless it can be demonstrated, in writing and supported by substantial evidence, that it will be served with adequate water supplies and wastewater treatment facilities, consistent with the subsections below:

a. Development receiving water from a water system operator and/or wastewater treatment from a public/community sewer system shall only be approved if there is: (i) sufficient water and wastewater public works capacity within the system to serve the development given the outstanding commitments by the service provider; or, (ii) evidence that the entity providing the service can provide such service for the development. ~~*Such evidence may include a*~~ A will-serve letter from the service provider shall constitute substantial evidence that adequate service capacity is available.

b. ~~*The*~~ An application for new or increased well production to increase ~~development receiving water from~~ a public water supply ~~well~~ shall include a report prepared by ~~a~~ State Licensed Well Drilling Contractors, General (Class A License) Engineering Contractors, Civil Engineers, or Geologists ~~*California Registered Geologist or Registered Civil Engineer*~~ which demonstrates, to the satisfaction of the Director, that:

1) The sustainable yield of the well meets the LCP-required sustained pumping rate (minimum of 1.5 gallons per minute) and must be equal to or exceed the project's estimated water demand.

2) The water quality meets safe drinking water standards.

3) The extraction will not adversely impact other wells located within 300 feet of the proposed well; adversely impact adjacent biological resources including streams, riparian habitats, and wetlands; and will not adversely impact water supply available for existing and continued agricultural production or for other priority land uses (i.e. coastal-dependent uses, public recreation, essential public services basic industries vital to economic health of the region, state, or nation, and, within village limit boundaries only, visitor-serving uses and commercial recreation uses).

c. The application for a development receiving water from a private well shall include a report prepared by State Licensed Well Drilling Contractors, General (Class A License) Engineering Contractors, Civil Engineers, or Geologists. The report shall demonstrate, to the satisfaction of the Director, all standards in Marin County Code Chapter 7.28, are met. The sustainable yield of private wells shall also meet the LCP-required sustained pumping rate (minimum of 1.5 gallons per minute).

~~c~~d. The application for development utilizing a private sewage disposal system shall only be approved if the disposal system:

1) Is approved by the Environmental Health Services Division of the Community Development Agency or other applicable authorities.

2) Complies with all applicable requirements for individual septic disposal systems by the Regional Water Quality Control Board.

e~~d~~.. Limited Public Service Capacity. Limited service capacity shall be defined as follows:

1) For water system operators, when projected demand for service based upon both outstanding water commitments to existing development and projected development exceeds available supply.

2) For public/community sewer systems, when projected demand for service based upon both outstanding sewer commitments to existing development and projected development exceeds available capacity.

In areas with limited water service capacity, when otherwise allowable, new development for a non-Coastal Act and LCP priority use (i.e., a use other than agricultural production, coastal-dependent uses, public recreation, essential public services, and, within village limit boundaries only, visitor-serving uses and commercial recreation uses) shall only be allowed if adequate capacity remains for the above-listed priority land uses. In such limited service capacity areas, in order to minimize the reduction in service for and reserve capacity to priority land uses, applications for non-priority uses shall be required to offset their anticipated water usage through the retrofit of existing water fixtures or other appropriate measures within the same service area of the water system

operator or the public/community sewer system of the proposed development, whichever is applicable. All Coastal Permits authorizing development that results in increased water usage shall be conditioned to require applicants to provide to the Reviewing Authority for review and approval the following:

1) A list of all existing fixtures to be retrofitted and their present associated water flow (e.g. gallons/second);

2) A list of all proposed fixtures to be installed and their associated water flow; and;

3) The estimated annual water savings resulting from the proposed retrofit, showing all calculations and assumptions.

The County shall require certification from water service providers that all measures to reduce existing water usage has been *implemented* ~~*inspect the water fixtures prior to and following the retrofit to confirm that the retrofit has reduced existing water use*~~ in an amount equal or greater to the anticipated water use of the proposed project.

2. **Expansion of public services.** Limit new or expanded roads, flood control projects, utility services, and other public service facilities, whether publicly owned or not, to the minimum necessary to adequately serve planned development per Land Use Policy C-PFS2.

a. Permit requirements: Every new major public works facility or capacity expansion shall be required to go through the Coastal Permit review process. ~~*Any Coastal Permit for development of public works facilities shall require that the development be phased if necessary in order to ensure that permitted public works capacity is limited to serving needs generated by development that is consistent with the Land Use Plan policies*~~. Expansion of public works facilities, including but not limited to water supply and transmission, sewage treatment and transmission, and the regional transportation system, shall ~~*only*~~ be permitted after considering the availability of other public works facilities, and establishing whether capacity increases would overburden the existing and probable future capacity of those other public works facilities.

b. ~~*Timing for New or Expanded Public Works Facilities. The amount of new or expanded capacity shall be determined by: (i) considering the availability of related public works to establish whether capacity increases would overburden the existing and probable future capacity of other public works; (ii) considering the availability of funding; and (iii) considering all applicable policies of the LUP*~~.

3. **Formation of special districts**. Ensure that special districts are formed or expanded only where assessment for, and provision of, the service would not induce new development inconsistent with the policies of the LCP (Land Use Policy C-PFS-3).

4. **High-priority visitor-serving and Coastal Act priority land uses.** In acting on any coastal permit for the extension or enlargement of community water or

community sewage treatment facilities, adequate capacity shall be made available and reserved in the system to serve VCR- and RCR-zoned property, other visitor-serving uses, and other Coastal Act priority land uses (i.e., coastal-dependent uses, agriculture, essential public services, public recreation, etc.) (Land Use Policy C-PFS-4).

5. **Community sewer systems.** New development within a village limit boundary shall connect to a public sewer system within 400 feet of the parcel, unless such connection is prohibited, physically impossible, or otherwise infeasible (Land Use Policy C-PFS-5). Any determination that connection to the public sewer system is infeasible shall be made in writing.

6. **Sewage disposal systems and protection of water quality.** Require new and expanded sewage disposal systems to be designed, constructed, and maintained so as to protect the biological productivity and quality of coastal streams, wetlands, and other waters (Land Use Policy C-PFS-6).

7. **Adequately sized sewage disposal systems.** New and expanded sewage disposal systems shall be sized adequately to meet the needs of development that can be approved consistent with the certified LCP (Land Use Policy C-PFS-7). ~~*Any new or expanded sewage treatment and distribution capacity to serve new development shall only be permitted when existing capacity has been consumed or will be consumed within the time period required to construct additional sewage treatment capacity, and only when capacity increases would not overburden the existing and probable future capacity of other public works facilities.*~~

8. **Sewage disposal system requirements for new lots.** All sewage disposal systems on newly created lots shall comply in all respects, without variance, with applicable County and state regulations (Land Use Policy C-PFS-8).

9. **Preference for on-site individual sewage disposal systems.** An individual sewage disposal system shall be located on the same parcel as the building or buildings it serves per Land Use Policy C-PFS-9.

10. **Adequate on-site sewage disposal systems for existing development**. Ensure that existing on-site sewage disposal systems function properly by complying with all rules and regulations of the Regional Water Quality Control Board, including any requirements adopted pursuant to AB885, so long as such requirements are consistent with the LCP. Where repairs to existing systems are necessary, corrective actions shall be taken per Land Use Policy C-PFS-10.

11. **Alternative on-site sewage disposal systems.** Alternative on-site sewage disposal systems shall be considered and approved per Land Use Policy C-PFS-11.

12. **Limited use of off-site septic systems.** Allow construction of off-site individual or community septic systems only in compliance with Land Use Policy C-PFS-12.

13. **New water sources serving five or more parcels.** Applicants for new water wells or other sources serving 5 or more parcels shall demonstrate that no

adverse impacts on coastal resources shall result per Land Use Policy C-PFS-13.

14. **Adequacy of water supply within water system service areas**. Development of individual domestic water wells or other individual water sources to serve new development in areas served by public or private water systems is prohibited except in limited cases per Land Use Policy C-PFS-14.

15. **Development of water sources including wells, streams and springs.** Coastal Permit approval is required for wells and borings unless otherwise exempt or categorically excluded per Land Use Policy C-PFS-15.

16. **Standards for water supply wells and other water sources.** Water supply wells and other water sources shall comply with the standards contained in the LCP, including Land Use Policy C-PFS-16.

17. **Conservation of water.** To minimize the generation of wastewater and to encourage the conservation of coastal water resources, the use of water saving devices, including as prescribed by the local water provider, shall be required in all new development (Land Use Policy C-PFS-17).

18. **Desalination facilities.** Due to the Coastal Zone's unique natural resources and recreational opportunities of nationwide significance, development of desalination facilities shall be prohibited, consistent with the limitations of Public Resources Code sections 30260, 30262 and 30515, with the exception of treatment of existing surface or ground water supplies for purposes of maintaining water quality (Land Use Policy C-PFS-18).

19. **Telecommunications facilities.** Ensure through siting, co-location, "stealth" design, and other measures that telecommunications facilities are designed and constructed to protect coastal resources, including significant public views, consistent with all applicable LCP policies and development standards, including those specified in 22.32.165. (Land Use Policy C-PFS-19).

22.64.150 – Transportation

A. **Transportation standards.** Development, as defined in Article VIII, shall be consistent with all Transportation Policies of the LUP, including, but not limited to:

1. **Roads in the Coastal Zone.** The motorized vehicular capacity of roads in the Coastal Zone shall be limited per Land Use Policy C-TR-1.

2. **Scenic quality of Highway One**. The scenic quality of Highway One shall be maintained consistent with LCP provisions, including per Land Use Policy C-TR-2.

3. **New bicycle and pedestrian facilities.** New development shall be encouraged or required to provide new bicycle and pedestrian facilities per Land Use Policy C-TR-6. Where appropriate, the installation of bike racks, lockers and other bike storage facilities shall be encouraged per Land Use Policy C-TR-7.

(a) Bikeway Design Guidelines. For bikeway planning and design requirements, refer to the Marin County Unincorporated Area Bicycle and Pedestrian Master Plan Supplemental Bikeway Design Guidelines, where otherwise LCP consistent.

4. **Expansion of the Countywide Trail System.** Acquire additional trails to complete the proposed countywide trail system, providing access to or between public lands and enhancing public trail use opportunities for all user groups, including multi-use trails, as appropriate (Land Use Policy C-TR-8).

5. **Complete Streets.** Consistent with the local implementation of the State of California's Complete Streets policy, at the outset of all projects, other than routine maintenance, an analysis shall be performed to ensure the inclusion of all necessary, appropriate and reasonable multi-modal facilities and improvements, including transit, bike and pedestrian access, disabled access, and traffic safety. (See also Department of Public Works Directive 2006-1, dated January 23, 2006)

~~***6.*** ***Roads, Driveways, Parking, Sidewalks.*** *Roads, driveways, parking, and sidewalks shall be provided in a manner that best protects coastal resources and is consistent with all applicable LCP provisions, including by meeting applicable agricultural, biological resources, environmental hazards, visual resources, transportation, and public facilities and services policies. Adequate parking and transportation facilities (including bicycle and pedestrian facilities) shall be provided. New development shall not adversely impact existing public parking facilities nor the ability to access existing development or existing coastal resource areas.*~~

22.64.160 – Historical and Archaeological Resources

A. Application requirements.

1. **Archaeological Resource Survey.** Coastal permit applications for development proposed within an area of known or likely archaeological or paleontological significance shall include a field survey by a state-qualified archaeologist recommended by the Sacred Sites Protection Committee of the Federated Indians of Graton Rancheria or by a qualified paleontologist which determines the extent of archaeological or paleontological resources on the site and evaluates the project's potential impacts to those resources. Where adverse impacts are possible, the report shall identify reasonable mitigation measures, including avoidance and permanent protection as open space, if feasible. (Land Use Plan Policy CHAR-2)

B. **Historical and Archaeological Resource standards.** Development, as defined in Article VIII, shall be consistent with all Historical and Archaeological Resources Policies of the LUP, including, but not limited to:

1. **Implementation of mitigation measures.** Implement appropriate mitigation measures, including avoidance and permanent protection as open space, if feasible, as recommended in the field survey prepared per Land Use Plan Policy C-HAR-2.

2. **Monitoring of construction activities on archaeological sites.** New development on sites identified as archaeologically sensitive shall be monitored per Land Use Plan Policy C-HAR-3.

3. **Structures of special character and visitor appeal.** Preserve and restore structures with special character and visitor appeal in coastal communities (Land Use Plan Policy C-HAR4).

4. **Development affecting structures and areas of special character and visitor appeal.** Coastal Permit applications for projects that involve pre-1930 buildings or are located in areas designated as having special character and visitor appeal, including historic areas, shall be evaluated per Land Use Plan Policy C-HAR-5.

5. **Alterations and additions to structures of special character and visitor appeal.** Applications for substantial alterations or additions to any structure built prior to 1930 shall be evaluated per Land Use Plan Policy C-HAR-6.

6. **Proposed demolition of structures of special character and visitor appeal.** Proposed demolition of any structure built prior to 1930 shall be evaluated and processed per Land Use Plan Policy C-HAR-7.

7. **Villages with special character and visitor appeal.** New construction in mapped areas having special character and visitor appeal, including historic areas, shall comply with Land Use Plan Policy C-HAR-8.

22.64.170 – Parks, Recreation, and Visitor-Serving Uses

A. **Parks and Recreation and Visitor-Serving Use standards.** Development, as defined in Article VIII, shall be consistent with all Parks, Recreation and Visitor Serving Use Policies of the LUP, including, but not limited to:

1. **Coastal recreation opportunities.** The development of visitor-serving and commercial recreation facilities shall have priority over residential or general commercial development per Land Use Plan Policy C-PK-1.

2. **Compatible commercial recreation facilities.** New visitor-serving and commercial development shall be sited and designed per Land Use Plan Policy C-PK-2.

3. **Mixed uses in coastal village commercial/residential zones**. A mixture of residential and commercial uses shall be permitted in the C-VCR zoning district ~~*per Land Use Plan Policy C-PK-3*~~as follows:

Continue to permit a mixture of residential and commercial uses in the C-VCR zoning district to maintain the established character of village commercial areas. Commercial shall be the principal permitted use within the mapped village commercial core area of the C-VCR zone and residential shall be the principal permitted use~~s~~ in all other parts of the C_VCR zone In the village commercial core area, residential uses shall be limited to: (a) the upper floors, and/or (b) the lower floors if not located on the road-facing side of the property. Residential uses on the ground floor of a new or existing structure of the road-facing side of the property shall only be allowed subject

to a finding that the development maintains and/or enhances the established character of village commercial areas. Replacement, maintenance and repair of any legal existing residential use shall be exempt from the above provision and shall be permitted.

4. **Balance of visitor-serving and local-serving facilities.** Support a level of local-serving facilities such that an adequate infrastructure can be maintained to ensure the health, vitality, and survival of the visitor-serving segment of the coastal economy (Land Use Plan Policy C-PK-4).

5. **Small-scale tourist facilities.** Small-scale tourist-oriented businesses, rather than large tourist facilities, shall be permitted per Land Use Plan Policy C-PK-5.

6. **Bed and breakfast inns**. Support bed and breakfast facilities in the Coastal Zone as a means of providing visitor accommodations per Land Use Plan Policy C-PK-6.

7. **Lower-cost recreational facilities.** Lower cost visitor and recreational facilities shall be protected and encouraged per Land Use Plan Policy C-PK-7.

8. **Appropriate public recreation opportunities.** Public recreational development shall be undertaken in a manner which preserves the unique qualities of Marin's coast per Land Use Plan Policy C-PK-8.

9. **Appropriate uses of federal parks.** Uses and facilities within federal parklands should comply with Land Use Plan Policy C-PK-10.

10. **State parks.** Support management of Tomales Bay State Park and Mount Tamalpais State Park consistent with the adopted General Plan per Land Use Plan Policy C-PK-11.

11. **County parks in the Coastal Zone.** Continue to operate existing Marin County park facilities in the Coastal Zone per Land Use Plan Policy C-PK-12 and support future acquisition of park areas per Land Use Plan Policy C-PK-13.

12. **California Coastal Trail.** Support completion of the California Coastal Trail through Marin County per Land Use Plan Policy C-PK-14.

13. **Commercial fishing and recreational boating.** Support and protect commercial fishing and recreational boating on Tomales Bay per Land Use Plan Policy C-PK-15.

14. **Standards for new boating facilities.** The development of new boating facilities on Tomales Bay shall comply with the standards contained in Land Use Plan Policy C-PK-16.

22.64.180 – Public Coastal Access

A. Application requirements.

1. **Site Plan.** Coastal permit applications for development on property located between the shoreline and the first public road shall include a site plan showing

the location of the property and proposed development in relation to the shoreline, tidelands, submerged lands or public trust lands. All easements and/or other similar restrictions associated with the property shall be mapped, and the associated legal document provided. Any evidence of historic public use should also be indicated.

B. **Public Coastal Access standards.** Development, as defined in Article VIII, shall be consistent with all Public Coastal Access Policies of the LUP, including, but not limited to:

1. **Public coastal access in new developments.** New development located between the shoreline and the first public road shall be evaluated for impacts on public access to the coast per Land Use Plan Policy C-PA-2. Where a requirement to dedicate public access is related in nature and extent to the impacts of the proposed development, the dedication of a lateral, vertical and/or bluff top accessway shall be required per Land Use Plan Policy C-PA-9, unless Land Use Plan Policy C-PA-3 provides an exemption. A finding that an accessway can be located ten feet or more from an existing single-family residence or be separated by a landscape buffer or fencing if necessary shall be considered to provide adequately for the privacy of existing homes. All coastal development permits subject to conditions of approval pertaining to public access and open space or conservation easements shall be subject to the procedures specified in Section 13574 of the Coastal Commission's Administrative Regulations.

2. **Direct dedication of public coastal access.** If feasible, direct dedication of an easement or fee title interest for a required coastal accessway is preferred per Land Use Plan Policy C-PA-4.

3. **Acquisition of new public coastal accessways**. The acquisition of additional public coastal accessways shall be pursued through available means per Land Use Plan Policy CPA-6.

4. **Protection of prescriptive rights.** New development shall be evaluated to ensure that it does not interfere with the public's right of access to the sea where acquired through historic use per Land Use Plan Policy C-PA-7.

5. **Bolinas Mesa.** Public use of the two access trails across Bolinas Mesa to the RCA beach and of the RCA beach area itself shall be protected per Land Use Plan Policy C-PA-8.

6. **Impacts of public coastal accessways on their surroundings**. Coastal accessways and their support facilities shall be sited and designed to avoid impacts to environmental resources, agriculture, and surrounding neighbors per Land Use Plan Policy C-PA-10 and C-PA-11.

7. **Public coastal accessway maintenance and liability agreements.** Maintenance and liability responsibilities for coastal accessways shall conform to Land Use Plan Policy CPA-12.

8. **Accessibility of public coastal accessways.** New public coastal accessways shall comply with California Title 24 and be accessible to persons with disabilities to the maximum extent feasible (Land Use Plan Policy C-PA-13).

9. **Impacts of new development on public coastal accessways.** New development shall be sited and designed to avoid impacts to users of coastal access and recreation areas per Land Use Plan Policy C-PA-15.

10. **Parking, signage, and support facilities at public coastal accessways.** Where appropriate and feasible, parking, signage, and support facilities shall be provided in conjunction with public coastal accessways per Land Use Policy C-PA-18 and C-PA-19. Proposals to restrict public parking near beach access points or parklands shall be evaluated per Land Use Plan Policy C-PA-20.

11. **Shoreline protection structures near public coastal accessways.** The construction of shoreline protection structures shall maintain existing shoreline access per Land Use Plan Policy C-PA-21.

Chapter 22.65 – Coastal Zone Planned District Development Standards

Sections:

22.65.010 – Purpose of Chapter
22.65.020 – Applicability of Planned District Standards
22.65.030 – Planned District General Development Standards
22.65.040 – C-APZ Zoning District Standards
22.65.050 – C-ARP Zoning District Standards
22.65.060 – C-RSP Zoning District Standards
22.65.070 – C-RSPS Zoning District Standards (Seadrift Subdivision)

22.65.010 – Purpose of Chapter

A. This Chapter provides detailed site planning, development, and land use standards for the planned zoning districts within the Coastal Zone. These districts include C-APZ, C-ARP, CRSP, C-RSPS, C-RMP, C-CP, C-RMPC, and C-RCR.

B. These standards are intended to ensure that proposed development is designed and constructed in a manner compatible with, and sensitive to, the important environmental characteristics and visual features of lands designated within coastal planned zoning districts.

22.65.020 – Applicability of Planned District Standards

A. Compliance with standards required. Proposed development, as defined in Article VIII, shall be designed and constructed in conformity with:

1. All standards and requirements established through the approval of a Coastal Permit;

2. Any provisions of this Chapter applicable to a specific planned coastal zoning district;

3. The provisions of Chapter 22.64 (Coastal Zone Development and Resource Management Standards); and

4. All provisions of Sections 22.62.060 (Coastal Agricultural and Resource Related Districts), 22.62.070 (Coastal Residential Districts), or 22.62.080 (Coastal Commercial and Mixed-Use Districts).

5. All applicable provisions of the Implementation Plan, as defined in 22.60.010 and Article VIII.

22.65.030 – Planned District General Development Standards

A. Access:

1. Roads. Road designs shall minimize road length and maximize the amount of undivided agricultural land, except that longer road extensions may be necessary in highly visible areas in order to avoid or minimize other impacts. Roads shall be designed with not more than 18 feet pavement width, except when safety requirements require otherwise. If otherwise LCP consistent, a minimum of 16 feet may be permitted in certain very low use areas, as provided in the improvement standards established in compliance with Sections 24.04.020 et seq. of the County Code (Roads).

2. Driveways. Driveways shall be designed in compliance with Sections 24.04.240 et seq. of the County Code (Driveways), in addition to and independent of Coastal Permit requirements. Driveway length shall be minimized, consistent with the clustering requirements of Subsection D.1 below (Building Location - Clustering Requirement). Applicants are encouraged, to the extent permitted by applicable laws, to utilize pervious surface materials (e.g., turfblock, pavers, porous asphalt and gravel) for new or modified driveways to reduce the area of impervious surface and the extent of storm water runoff.

B. Fire protection. In areas without water systems, on-site water storage capacity may be required for each single-family dwelling, subject to the requirements of the County Fire Department or local Fire Protection District, as applicable. Where feasible, the design of planned or cluster developments should include provisions for common water storage facilities and distribution systems. Maintenance of these water storage facilities and distribution systems should be performed according to a plan prepared by the applicant and approved by the County Fire Department or local Fire Protection District, as applicable.

C. Building design:

1. Height limits for structures:

(a) The height limit is 25 feet for primary structures and 15 feet for accessory structures. (See also height limit provisions for the Seadrift

Subdivision in Section 22.65.070.D and the shoreline of Tomales Bay in Sections 22.66.080.D and 22.66.090.B).

(b) The floor level of the first floor shall not exceed 10 feet above natural grade at the lowest corner, unless otherwise required by FEMA standards.

(c) Structures located within the ridgeline areas pursuant to Subsection D.2 below shall be limited to a maximum height of 18 feet.

(d) The Director may adjust these requirements based on site characteristics, consistent with the intent of LUP policies.

2. Materials and colors. Building materials and colors should incorporate earth tones ~~*and natural materials*~~, and be chosen to blend into the natural and built environment unobtrusively, to the greatest extent possible. Traditional colors for agricultural structures (natural wood, red, whitewash, etc.) are appropriate for these structures in agricultural zoning districts.

D. Building location:

1. Clustering requirement. Structures shall be clustered in a geologically stable, accessible location on the site where their visual prominence is minimized, consistent with the maximum protection of agricultural lands and other coastal resources. Clustering is especially important on open grassy hillsides; however, a greater scattering of buildings on wooded hillsides may be approved, if consistent with all other applicable provisions of the LCP. Construction shall be minimized by placing buildings so that they will be screened by existing vegetation, rock outcroppings or depressions in topography.

Proposed development shall be located close to existing roads, and shall not require new road construction or improvements resulting in significant impacts on agriculture, significant vegetation, significant scenic resources, or natural topography of the site. Proposed development shall be sited to minimize impacts on scenic resources, wildlife habitat and streams, and adjacent agricultural operations.

2. Development near ridgelines. No construction shall occur on top of, or within 300 feet horizontally, or within 100 feet vertically, of visually prominent ridgelines, whichever is more restrictive, unless no other suitable locations are available on the site or the lot is located substantially within the ridgeline area as defined herein. If structures must be placed within this restricted area because of site constraints or because siting the development outside of the ridgeline area will result in greater visual or environmental impacts, they shall be in locations that are the least visible from public viewing areas.

3. Energy conservation. Solar access shall be considered in the location, design, height and setbacks of all structures. Generally, structures should be oriented in a north/south fashion with the majority of glazing on the south wall or walls of the buildings.

4. **Noise mitigation.** Noise impacts on residents in nearby areas shall be minimized through the placement of buildings, recreation areas, roads and landscaping.

E. ~~*Land*~~ **Division of Agricultural Lands.** Permissible ~~*land*~~ divisions of land affecting agricultural lands shall be designed consistent with the requirements of this Article and the LUP ~~*LCP*~~. In considering divisions of agricultural lands in the Coastal Zone, the County may approve fewer parcels than the maximum number of parcels allowed by both the Development Code and the LUP ~~*LCP*~~, based on site characteristics such as topography, soil, water availability, environmental constraints and the capacity to sustain viable agricultural operations, and coastal resource protection.

F. **Landscaping.** Introduced landscaping shall be designed to minimally disturb natural areas, and shall be compatible with the native plant setting. Landscaping plans shall be prepared with consideration for fire protection, water quality protection, solar access, the use of native and drought tolerant species, and minimal water use. Planting should not block public views or scenic views from adjacent properties or disturb wildlife trails.

G. **Open space areas:**

1. **Dedication required.** Land to be preserved as open space may be dedicated by fee title to the County or an agency or organization designated by the County before issuance of any construction permit or may remain in private ownership with appropriate scenic and/or open space easements or other encumbrances acceptable to the County, and the County may require reasonable public access across lands remaining in private ownership, consistent with federal and state law.

2. **Maintenance.** The County or other designated agency or organization wishall maintain all open space lands accepted in fee title, as well as public access and trail easements across private property. Where open space lands remain in private ownership with scenic easements, these lands shall be maintained in compliance with the adopted policies of the Marin County Open Space District and may require the creation of a homeowners' association or other organization to maintain private open space lands where appropriate.

3. **Open space uses.** Uses in open space areas shall be in compliance with policies of the Marin County Open Space District, in addition to complying with the LCP, and shall have no significant impact on the natural environment and coastal resources. Pedestrian and equestrian access shall be provided where possible and reasonable and LCP consistent.

H. **Site preparation:**

1. **Grading.** Grading is permitted in compliance with Chapter 22.64.080(C) and shall be minimized. Every reasonable effort shall be made to retain the natural features of the land: skylines and ridgetops, rolling land forms, knolls, native vegetation, trees, rock outcroppings, and watercourses. Where grading is required, it shall not create flat planes and sharp angles of intersection with natural terrain. Slopes shall be rounded and contoured to blend with existing topography.

2. **Drainage.** The areas adjacent to creeks shall be kept as much as possible in their natural state. All construction shall ensure drainage into the natural watershed in a manner that will avoid significant erosion or damage to creeks and adjacent properties. Impervious surfaces shall be minimized. At creek crossings, bridges shall be utilized instead of culverts consistent with 22.64.050.B.11.

3. **Trees and vegetation.** Every effort shall be made to avoid tree removal, and changes or construction that would cause the death of existing trees, rare plant communities, and wildlife habitats.

4. **Fire hazards.** Development shall be permitted in areas subject to wildfire threat only where the review authority determines there are good access roads, and adequate water supply, and vegetation management plans are required and adopted.

5. **Geologic hazards.** Construction shall not be permitted on identified seismic or geologic hazards, including slides, natural springs, identified fault zones, or on bay mud, without approval from the Department of Public Works, based on acceptable soils and geologic reports. Development subject to coastal hazards shall be sited and designed to avoid such hazards consistent with 22.64.060.

6. **Watershed areas.** All projects within water district watershed areas shall be referred to the appropriate district for review and comment. Damaging impoundments of water shall be avoided.

I. **Utilities.** In ridge land areas, street lights shall be of low level intensity and low in profile. In all areas, power and telephone lines shall be underground where feasible. Any determination that undergrounding of utilities is not feasible shall be made in writing.

22.65.040 – C-APZ Zoning District Standards

A. Purpose. This Section provides additional development standards for the C-APZ zoning district designed to preserve productive lands for agricultural use, and ensure that development is accessory and incidental to, in support of, and compatible with~~, *and or necessary for*~~ agricultural ~~*production*~~ use . "Necessary for agricultural production" means that the proposed development is needed to sustain an efficient and productive agricultural operation and to ensure continued agricultural viability.

B. Applicability. The requirements of this Section apply to proposed development in addition to the standards established by Section 22.65.030 (Planned District General Development Standards) and Chapter 22.64 (Coastal Zone Development and Resource Management Standards), and all other applicable provisions of this Development Code.

C. Development standards. Development permits in the C-APZ district shall be subject to the following standards and requirements in addition to section 22.65.030:

1. Standards for all development in the C-APZ:

a. Permitted development shall protect and maintain renewed and continued agricultural ~~*production*~~ use and agricultural viability on-site and shall not impact ~~*on*~~

adjacent agricultural lands. Permitted d~~D~~evelopment shall be sited to avoid land suitable for agricultural production (i.e., prime agricultural land or other land suitable for agriculture) whenever possible, consistent with the operational needs of agricultural production. If use of such land is necessary, prime agricultural land shall not be utilized ~~*for structural development*~~ if it is possible to utilize other lands suitable for agricultural use. In addition, as little agricultural land as possible shall be used for structural development.

b. Development shall be permitted only where adequate water supply, sewage disposal, road access and capacity and other public services are available to support the proposed development after provision has been made for existing and continued agricultural production. Water diversions or use for a proposed development shall not adversely impact stream or wetland habitats, have significant effects on groundwater resources, or significantly reduce freshwater inflows to water bodies including Tomales Bay, either individually or cumulatively.

c. Permitted development shall have no significant adverse impacts on environmental quality or natural habitats, and shall meet all other applicable policies, consistent with the LCP.

d. In order to retain the maximum amount of land in agricultural production or available for future agricultural ~~*production*~~ use, farmhouses, intergenerational homes, agricultural worker housing, agricultural homestay or bed and breakfast facilities, ~~*all infrastructure and structural development (e.g.,*~~ agricultural accessory structures, and agricultural product processing facilities ~~*other agricultural uses, and roads)*~~ shall be placed within a clustered development area ~~*offarm (as that term is defined in subsection (e)(3), below) to the extent feasible, with the remaining acreage retained in or available for agricultural production or open space. All applications for development within the C-APZ shall include a map of thedevelopment area. The development area shall include all existing structuraldevelopment and shall total no more than five percent of the farm's total acreage,subject to the allowed exceptions specified below. All new structural developmentshall be clustered within the identified development area,*~~ except when:

(1) ~~*P lacing development outside such development*~~ Placement outside such areas is necessary for agricultural operations (e.g., when a more remote barn is required in a different part of the property to allow for efficient agricultural operations or a retail sales facility needs to be close to a public road); or

(2) When placement inside such areas ~~*placing development within such development area*~~ would be inconsistent with applicable LCP standards (e.g., when such placement would be within a required stream setback area). In this case, new development shall be placed as close as possible to the existing clustered development area in a way that also meets applicable LCP standards.

The clustered development area, in combination with roads, agricultural sales facilities, and other structure development shall total no more than five percent of the gross acreage, to the extent feasible with the remaining acreage retained in or available for agricultural production or open space.

Development shall be located close to existing roads, and shall not require new road construction or improvements resulting in significant impacts on agriculture, natural topography, major vegetation, or significant natural visual qualities of the site.

Development shall be sited to minimize impacts on coastal resources and adjacent agricultural operations and shall be designed and sited to avoid hazardous areas.

e. Agricultural dwelling units shall ~~also~~ meet the ~~following~~ standards, ~~below, including those~~ specified in Chapter 22.32.

~~1. The agricultural dwelling unit must be owned by a farmer or operator actively and directly engaged in agricultural use on the property. All coastal permit applications for agricultural dwelling units must identify that the owner is actively and directly engaged in agricultural use of the property. "Actively and directly engaged" means making day-to-day management decisions for the agricultural operation and being directly engaged in the production of agricultural commodities for commercial purposes on the property. "Agricultural use" shall be defined as: breeding, raising, pasturing, and grazing livestock; of every nature and description for the production of food and fiber; breeding and raising bees, fish, poultry, and other fowl; planting, raising, harvesting, and producing agricultural, aquacultural, , horticultural, and forestry crops, and products of every nature and description; and the processing, storage, and sale, including direct retail sale to the public, of crops and products harvested and produced principally on the farm; further provided, however, that all agricultural uses and activities are consistent with applicable laws, including those of the Local Coastal Program.~~

~~2. No more than a combined total of 7,000 square feet may be used for agricultural dwellings, whether in a single farmhouse or in a combination of a farmhouse and one or two intergenerational homes (agricultural worker housing, up to 540 square feet of garage space in the farmhouse, and up to 500 square feet of office space in the farmhouse used in connection with the agricultural operation shall be excluded from the 7,000 square foot limitation).~~

~~3. An application for a farmhouse or intergenerational home shall identify the farm, which shall consist of all parcels owned (in either total or partial fee ownership) by the same owner of the property upon which the proposed farmhouse or home is located A farm shall consist of no less than all contiguous properties under common ownership Non-contiguous property may constitute a separate farm when determined to be a wholly independent farming operation, as evidenced by such factors as independent types of bona fide commercial agricultural production, the history of such agricultural production on the property, and the long-term capital investment in independent agricultural operations and infrastructure (such as fencing, processing facilities, marketing mechanisms, and agricultural worker housing). The application shall identify all existing agricultural dwellings on the identified parcels that constitute the farm, and shall demonstrate that the proposed farmhouse or intergenerational house is located on a legal lot.~~

~~4. Only one (A farmhouse or a combination of one farmhouse and up to two intergenerational homes with the combined total of 7,000 square feet [plus the allowed 540 square feet of garage space and 500 square feet of office space in the farmhouse used in connection with the agricultural operation]) is allowed for the farm identified in subsection (3) above, regardless of the number of legal lots the farm owner or operator owns that comprise the farm~~

~~5. Intergenerational homes shall be placed on the same legal lot of record as the legally permitted farmhouse. No allowable farmhouse or intergenerational home may be divided from the rest of the legal lot. As a condition of permit approval for a farmhouse and/or intergenerational home, future land division of the legal lot containing the farmhouse and/or intergenerational home(s) is prohibited except that lease of the rest of the legal lot at~~

~~a level of agricultural use that will sustain the agricultural capacity of the site is not prohibited (see restrictive covenant requirements specified in Sections 22.32.024 and 22.32.025).~~

~~6. A density of 60 acres per unit shall be required for each farmhouse and intergenerational house (i.e., a parcel must be at least 60 acres for a farmhouse, 120 acres for a farmhouse and intergenerational house, and at least 180 acres for a farmhouse and two intergenerational homes).~~

~~7. No more than 27 intergenerational homes may be allowed in the County's coastal zone .~~

~~8. Up to and including 36 beds or 12 units of agricultural worker housing is allowed per legal lot. Agricultural worker housing above 36 beds or 12 units per legal lot shall be subject to the density limits of one unit per 60 acres and shall include a worker housing needs assessment and plan, including evaluation of other available worker housing in the area. The amount of additional worker housing approved shall be commensurate with the demonstrated need . Agricultural worker housing requires recording a restrictive covenant running with the land for the benefit of the County ensuring that the agricultural worker housing will continuously be maintained as such, or, if no longer needed, for non-dwelling agricultural production related uses.~~

~~9. In addition to the required standards specified in subsections 1 through 8 above, principally permitted agricultural dwelling units must meet the following standards:~~

~~a. Only one (Afarmhouse or a combination of one farmhouse and up to two intergenerational homes with the combined total of 7,000 square feet [plus the allowed 540 square feet of garage space and 500 square feet of office space in the farmhouse used in connection with the agricultural operation]) and on a parcel of at least 120 acres is allowed for the farm identified in subsection (3) above as a principally permitted use, regardless of the number of legal lots the farm owner or operator owns that comprise the farm.~~

~~b. Agricultural worker housing must provide accommodations consisting of no more than 36 beds in group living quarters or 12 units or spaces per legal lot for agricultural workers and their households, and shall not be included in the calculation of density.~~

~~c. The agricultural dwelling unit is not placed on land designated as prime agricultural land.~~

~~d. The agricultural dwelling unit is placed within the mapped clustered development area required in subsection (d) and does not require any new road construction. An intergenerational home must be placed immediately adjacent (i.e., within 100 feet) to an existing farmhouse within the mapped development area and not require any new road construction.~~

~~e. The agricultural dwelling unit does not require any Coastal Zone Variance.~~

~~f. Other Agricultural Uses: Agricultural Processing Uses and Agricultural Retail Sales Facilities/Farm Stands shall be classified as principally permitted agricultural uses only when also consistent with the following standards:~~

~~*Agricultural Processing Uses:*~~

1. ~~*The building(s) or structure(s) used for processing activities do not exceed an aggregate floor area of 5,000 square feet;*~~
2. ~~*With the exception of incidental additives or ingredients, agricultural products to be processed are produced within the farmshed, defined as the same farm as the proposed processing facility or on other agricultural properties located in Marin County or Sonoma County.*~~
3. ~~*The operator of the processing facility is directly involved in the agricultural production on the property on which the processing facility is located;*~~
4. ~~*Sufficient parking, ingress, and egress is provided. In addition, conditions as to the time, place, and manner of use of the processing facility may be applied as necessary through the Coastal Permit process to ensure consistency with provisions of the LCP.*~~

~~*Agricultural Retail Sales Facility/Farm Stand:*~~

5. ~~*The building(s) or structure(s) or outdoor areas used for retail sales do not exceed an aggregate floor area of 500 square feet;*~~
6. ~~*Agricultural products to be sold are produced within the farmshed, defined as the same farm as the proposed sales facility, or on other agricultural properties located in Marin County or Sonoma County;*~~
7. ~~*The operator of the sales facility is directly involved in the agricultural production on the property on which the sales facility is located;*~~
8. ~~*Sufficient parking, ingress, and egress is provided. In addition, conditions as to the time, place, and manner of use of the sales facility may be applied as necessary through the Coastal Permit process to ensure consistency with provisions of the LCP.*~~

~~*Both Uses:*~~

~~*9. In addition to the required standards specified above:*~~

~~*a. The processing facility and the building(s) or structure(s) or outdoor areas used for retail sales are not placed on land designated as prime agricultural land.*~~

~~*1 The processing facility and the building(s) or structure(s) or outdoor areas used for retail sales are placed within the mapped clustered development area required in subsection (d) and do not require any new road construction.*~~

~~*2. The processing facility and the building(s) or structure(s) or outdoor areas used for retail sales do not require a Coastal Zone Variance.*~~

2. Standards for Non-Principally Permitted Uses and Development

In addition to the standards of Section 1, above, all of the following development standards apply to non-principally permitted uses and development

a. Non-principally permitted uses and development shall only be allowed when such uses will serve to maintain and enhance agricultural production.

b. The creation of a homeowners' or other organization and/or the submission of an Agricultural Production and Stewardship Plan (APSP) may be required to provide for the proper utilization of agricultural lands, including their availability on a lease basis or for the maintenance of the community's roads, septic or water systems.

3. Standards for Non-Agricultural Conditional Uses and Development

In addition to the standards of Sections 1 and 2 above, all of the following development standards apply to non-agricultural conditional uses and development.

a. **Conservation easements.** Consistent with state and federal laws, the approval of non-agricultural conditional development, including land divisions, shall include measures for the long-term preservation of lands proposed or required to remain undeveloped. Preservation shall be accomplished by permanent conservation easements or other encumbrances acceptable to the County. Only agricultural uses shall be allowed under these encumbrances. In addition, the County shall require the execution of a covenant prohibiting further division of parcels created in compliance with this Section and Article VI (Subdivisions), so that each is retained as a single unit.

b. **Agricultural Production and Stewardship Plans.** The creation of a homeowners' association or other organization and/or the submission of an Agricultural Production and Stewardship Plan (APSP) may be required to provide for the proper use and management of agricultural lands, including their availability for lease, and/or for the maintenance of community roads or mutual water systems. Submission of an APSP shall be required for approval of all land division and shall be required for all other non-agricultural development of C-APZ lands, except as provided for in (2) below.

(1) The purpose of an Agricultural Production and Stewardship Plan prepared and submitted for land division or other non-agricultural development of C-APZ lands is to ensure that long-term agricultural productivity will occur and will substantially contribute to Marin's agricultural industry. Such a plan shall clearly identify and describe existing and planned agricultural uses for the property, explain in detail their implementation, identify on-site resources and agricultural infrastructure, identify product markets and processing facilities (if appropriate), and demonstrate how the planned agricultural uses substantially contribute to Marin's agricultural industry. An APSP shall provide evidence that at least 95% of the land will remain in agricultural production or natural resource protection and shall identify stewardship activities to be undertaken to protect agriculture and natural resources. An APSP shall be prepared by qualified professionals with appropriate expertise in agriculture, land stewardship, range management, and natural resource protection. The approval of a development proposal that includes an APSP shall include conditions ensuring the proper, long- term implementation of the plan.

(2) The requirement for an Agricultural Production and Stewardship Plan shall not apply to the farmhouse, agricultural worker housing or to intergenerational homes ~~otherwise permissible agricultural dwellings~~ The ASPS may also be waived for non-agricultural land uses ~~It may also be waived for otherwise permissible non-agricultural land uses development other than land divisions~~ when the County finds that the proposal will enhance current or future agricultural use of the property and will not convert the property to primarily residential or other non-agricultural use, as evidenced by such factors as bona fide commercial agricultural production on the property, the applicant's history and experience in production agriculture, and the fact that agricultural infrastructure (such as fencing, processing facilities, marketing mechanisms, agricultural worker housing, or agricultural land leasing opportunities) has been established or will be enhanced.

(3) Projects subject to the potential requirement of preparing an Agricultural Production and Stewardship Plan shall be referred to such individuals or groups

with agricultural expertise as appropriate for analysis and a recommendation. Such individuals or groups shall also be requested to periodically review and evaluate the effectiveness of the APSP program.

c. Required findings. Review and approval of Coastal Permits for non- agricultural development, including land divisions and determinations of allowed density in the C-APZ zoning district, shall be subject to the following written findings, in addition to others required by this LCP:

1. The proposed development is necessary because the agricultural use of the property is no longer feasible. Any determination that agricultural use of the property is no longer feasible shall be made in writing and be supported by evidence. The purpose of this standard is to permit agricultural landowners who face economic hardship to demonstrate how development on a portion of their land would ease the hardship and enhance agricultural operations on the remainder of the property.

2. The proposed development will not conflict with the continuation or initiation of agricultural uses on the portion of the property that is not proposed for such development, on adjacent parcels, or on other agricultural parcels within one mile of the perimeter of the proposed development.

3. Appropriate public agencies are able to provide necessary services (fire protection, police protection, schools, etc.) to serve the proposed development without extending urban services.

4. ~~*If a proposed land division, the land division will not*~~ No land division shall result in any parcel less than 60 acres. Land divisions are prohibited unless the agricultural productivity of any resulting lots and on adjacent parcels is not reduced. Land divisions shall only be allowed upon demonstration that the long-term agricultural productivity, including on each parcel to be created, would be maintained and enhanced and that agricultural productivity on adjacent parcels would be maintained.

~~***6.*** *Land divisions shall only be permitted where 50% of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels, except that lease of a legal parcel at a level of agricultural use that will sustain the agricultural capacity of the site is not prohibited.*~~

~~***7.*** *Land divisions shall be prohibited if the resulting lots cannot be developed consistent with the LCP.*~~

d. Transfer of development rights (TDR). Proposed development within the C-APZ district may use the TDR provisions of Chapter 22.34 (Transfer of Development Rights), so long as such a transfer is ~~*provisions are*~~ otherwise LCP consistent.

4. Agricultural Dwelling Unit Impacts and Agricultural Use. Ensure that lands designated for agricultural use are not de facto converted to residential use, thereby losing the long-term productivity of such lands, by the following means:

1. Agricultural dwelling units, other than principally permitted agricultural dwelling units, shall be reviewed to ensure they ~~*serve to maintain and enhance agricultural*~~

~~production and~~ do not diminish current or future agricultural production on the property or convert it to primarily residential use.

2. Any proposed agricultural dwelling unit and related development subject to a Coastal Permit shall comply with LCP policies including ensuring that the mass and scale of new or expanded structures respect environmental site constraints and the character of the surrounding area. Such development must be compatible with ridge protection policies and avoid tree-cutting and grading wherever possible. All such development shall be clustered with existing structures and development on the farm, pursuant to Section 22.65.040(C)(1)(d), and shall be sited and designed to protect significant public views.

When considering proposed agricultural dwelling units, other than principally permitted agricultural dwelling units, the reviewing authority shall exercise its discretion in light of some or all of the following criteria for the purpose of ensuring that the land does not de facto convert to residential use:

a. The applicant's history of production agriculture.

b. How long term agricultural use of the property will be preserved — for example, whether there is an existing or proposed dedication or sale of permanent agricultural easements or other similar protective agricultural restrictions such as Williamson Act contract or farmland security zone.

c. Whether long term capital investments in agriculture and related infrastructure, such as fencing, processing facilities, market mechanisms, agricultural worker housing or agricultural leasing opportunities has been established or is proposed to be established.

d. Whether sound land stewardship practices, such as organic certification, riparian habitat restoration, water recharge projects, fish-friendly farming practices, or erosion control measures, have been or will be implemented.

e. Whether the proposed development will facilitate the ongoing viability of agriculture such as through the intergenerational transfer or lease of existing agricultural operations.

3. In no event shall an agricultural dwelling subject to these provisions exceed 7,000 square feet in size. Where a farmhouse and one or two intergenerational dwellings are allowed in the C-APZ zone, the aggregate development of all such agricultural dwellings on the subject legal lot shall not exceed 7,000 square feet. However, agricultural worker housing, up to 540 square feet of garage space for each farmhouse, agricultural accessory structures, and up to 500 square feet of office space in the farmhouse used in connection with the agricultural operation on the property shall be excluded from the 7,000 square foot limitation.

4. The square footage limitations noted in the above criteria represent maximum agricultural dwelling unit sizes and do not establish a mandatory entitlement or guaranteed right to development; rather, site constraints and resource protection standards may require reduced size limits in any particular case.

5. Agricultural homestays, bed & breakfasts, home occupations, care facilities, group homes and similar permissible uses allowed in the C-APZ zone may only occur within otherwise allowable agricultural dwelling units and not within additional separate structures.

22.65.050 – C-ARP Zoning District Standards

A. Purpose. This Section provides development standards for the C-ARP zoning district designed to preserve productive lands for agricultural use through the clustering of allowed development.

B. Applicability. Proposed development shall comply with the provisions of Section 22.65.030 (Planned District General Development Standards), and Chapter 22.64 (Coastal Zone Development and Resource Management Standards).

C. Allowable land uses. Residential use shall be the principal permitted use in all parcels with the land use designation of C-AG3. Agriculture shall be the principal permitted use in all parcels with the C-AG1 and C-AG2 land use designations.

D.~~C.~~ Land division requirements. Where otherwise consistent with the standards specified in Chapter 22.70.190, land divisions of small agricultural holdings within the C-ARP zoning district shall conform to the following standards:

1. Land division applications shall include information demonstrating to the Director that the design of proposed parcels provides the maximum feasible concentration of clustering.

2. Clustered development shall be located both to provide for the retention of the maximum amount of land in agricultural use and to protect important wildlife habitat areas.

   Development clusters shall also be located to maintain the visual resources and environmentally sensitive areas of the site and surrounding areas.

3. Open space easements or other restrictions shall be required to designate intended use and restrictions on the property being subdivided.

E.~~D.~~ Agricultural and open space uses. Agricultural uses shall be encouraged in the C-ARP zoning district.

1. As part of the Coastal Permit review process, usable agricultural land should be identified and efforts made to preserve and/or promote its use to the maximum extent feasible. Agricultural land not presently in production shall be preserved to the maximum extent feasible as undeveloped private open space to be made available on a lease basis in the future for compatible agricultural uses. The primary intent shall be to preserve open lands for agricultural use, not to provide open space/recreational land uses that will interfere or be in conflict with agricultural operations.

2. Lands to be preserved for agriculture and/or open space use may require the creation of a homeowners' association or other organization for their maintenance.

3. The nature and intensity of large scale agricultural uses should be described in the form of an Agricultural Production and Stewardship Plan (APSP). The APSP should consider intensity of grazing, runoff protection, chemical and fertilizer use and, in order to preserve agricultural land practices, separation from existing or proposed residential uses.

4. Pedestrian and/or equestrian access shall be provided across lands remaining in private ownership where consistent with adopted County and coastal plans, and where consistent with federal and state law.

22.65.060 – C-RSP Zoning District Standards

A. **Purpose.** This Section provides development standards for the C-RSP zoning district that are intended to allow for site planning with careful consideration to sensitive site characteristics.

B. **Applicability.** Proposed development, as defined in Article VIII, shall comply with the provisions of Section 22.65.030 (Planned District General Development Standards), and Chapter 22.64 (Coastal Zone Development and Resource Management Standards).

C. **C-RSP zoning district height limit - Tomales Bay.** New residential construction on the shoreline of Tomales Bay shall be limited in height to 15 feet. Additional height may be permitted where the Director determines, based on topography, vegetation or character of existing development, that a higher structure would not create additional interference with coastal views either to, along, or from the water.

22.65.070 – C-RSPS Zoning District Standards (Seadrift Subdivision)

A. **Purpose.** This Section provides development standards for the C-RSPS zoning district (Seadrift Subdivision) that provide for site planning with careful consideration of sensitive site characteristics.

B. **Applicability.** Proposed development, as defined in Article VIII, shall comply with the provisions of Section 22.65.030 (Planned District General Development Standards) and Chapter 22.64 (Coastal Zone Development and Resource Management Standards).

C. **Ocean setbacks.** On those lots fronting the ocean and south of Seadrift Road, no development shall be located seaward of the building setback line as shown on the map of Seadrift Subdivision Number One, RM, Bk. 6, Pg. 92 and Seadrift Subdivision Number Two, RM, Bk. 9, Pg. 62, and as described in the Subdivision's covenants, conditions and restrictions in effect as of June 19, 1981 (Ordinance 2637).

D. **Height limit.** Development on all lots in Seadrift shall be limited to a maximum height as follows:

1. In Seadrift Subdivision One (with the exception of lots 01 through 03) and Two, and lots 01 and 02 of Parcel 1 in the Lands of Sidney J. Hendrick, finished floor elevations shall not exceed 19.14 feet above NAVD (North American Vertical Datum), except on those portions of lots or parcels where the Federal Emergency Management Agency (FEMA) requires minimum finished floor elevations to be set at a higher level. In the areas of lots or parcels where FEMA requires minimum finished floor elevations to be set at levels higher than 19.14 feet above NAVD, minimum floor elevations shall comply with FEMA requirements. The height of any structure shall not exceed 34.14 feet above NAVD, provided that in those portions of lots and parcels where FEMA requires minimum finished floor elevations to be set at a level higher than 19.14 feet above NAVD, the height of any structure shall not be greater than 15 feet above the level of the minimum finished floor elevation required by FEMA. Maximum allowable heights identified above may be modified by the minimum amount necessary to meet the Base Flood Elevation (BFE) established by FEMA plus any additional elevation required by Policy C-EH-8. ~~*shall be reduced and/or limited as necessary to protect community character and scenic resources.*~~

2. In Seadrift Lagoon Subdivisions One and Two, Seadrift Subdivision Three, Norman's Seadrift Subdivisions, and Lots 01 through 03 in Seadrift Subdivision One, finished floor elevation shall not exceed 14.14 feet above NAVD. Total height of a structure shall not exceed 29.14 feet above NAVD. Maximum allowable heights identified above may be modified by the minimum amount necessary to meet the Base Flood Elevation (BFE) established by FEMA plus any additional elevation required by Policy C-EH-8. ~~*shall be reduced and/or limited as necessary to protect community character and scenic resources.*~~

E. **Public access requirements.** Public access within the Seadrift Subdivision and on the ocean beach adjacent to Seadrift shall comply with the provisions of the March 16, 1994 Settlement Agreement between the Seadrift Association and the County of Marin, et al., in Kelley et al. v. California Coastal Commission, Marin County Superior Court Case No. 152998, and as set forth in that certain Deed of Open Space and Limited Pedestrian Easement and Declaration of Restrictions dated November 1, 1985, and recorded March 26, 1986, Marin County Recorder's Office.

Chapter 22.66 – Coastal Zone Community Standards

Sections:

22.66.010 – Purpose of Chapter
22.66.020 – Applicability
22.66.030 – Muir Beach Community Standards
22.66.040 – Stinson Beach Community Standards
22.66.050 – Bolinas Community Standards
22.66.060 – Olema Community Standards
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22.66.080 – Inverness Community Standards
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22.66.010 – Purpose of Chapter

This Chapter provides development standards for Coastal Permits in specific communities within the Coastal Zone ~~*designed for*~~ where the preservation of unique community character requires standards for development that differ from the general coastal zoning district requirements of this Article.

22.66.020 – Applicability

The provisions of this Chapter apply to Coastal Permits for proposed development, as defined in Article VIII, in addition to the general site planning standards for the coastal zoning districts in Chapter 22.64 (Coastal Zone Development and Resource Management Standards) and all other applicable provisions of this Development Code and LCP. In the event of any perceived conflict between the requirements of this Chapter and any other provisions of this Development Code, this Chapter shall control.

22.66.030 – Muir Beach Community Standards

A. **Community character.** Maintain the small-scale character of Muir Beach as a primarily residential community with recreational, small-scale visitor-serving and limited agricultural use (Land Use Policy C-MB-1).

22.66.040 – Stinson Beach Community Standards

A. **Community character.** Maintain the existing character of residential, small-scale commercial and visitor-serving recreational development in Stinson Beach (Land Use Policy C-SB-1).

B. **Limited access in Seadrift.** Allow only limited public access across the open space area generally located north of Dipsea Road and adjacent to Bolinas Lagoon in the Seadrift Subdivision to protect wildlife habitat, subject to the Deed of an Open Space and Limited Pedestrian Easement and Declaration of Restrictions as recorded March 26, 1986 as Instrument No. 86-15531. This area includes parcels 195-070-35 and 36; 195-080-29; 195090-44; 195-320-62 and 78; and 195-340-71, 72, and 73 (Land Use Plan Policy C-SB-2).

C. **Density and location of development in Seadrift.** Development within the Seadrift Subdivision shall be subject to the standards contained in Land Use Plan Policy C-SB-3.

D. **Easkoot Creek.** Easkoot Creek shall be restored, as feasible, to improve habitat and support natural processes (Land Use Plan Policy C-SB-4).

~~***E. Height limit in Highlands Subdivision.*** *In the Highlands Subdivision of Stinson Beach, the maximum height shall be no more than seventeen (17) feet per Land Use Plan Policy C-DES4.*~~

~~***F. Height measurement in Seadrift Subdivision****. In FEMA special flood hazard (V) zones within the Seadrift Subdivision, the maximum building height of 15 feet shall be measured from the minimum floor elevation required by the flood hazard zone designation per Land Use Plan Policies C-DES-4 and C-EH-11.*~~

~~**G**~~ **E.** **Stinson Beach dune and beach areas.** Development of shorefront lots within the Stinson Beach and Seadrift areas shall be limited per Land Use Plan Policy C-BIO-9.

~~**H**~~ **F.** **R-2 zoning.** Existing R-2 zoning in Stinson Beach shall be maintained per Land Use Plan Policy C-SB-6.

~~**I**~~ **G.** **Repair or Replacement of Structures.** The repair or replacement of existing duplex residential structures shall be permitted per Land Use Plan Policy C-SB-7.

22.66.050 – Bolinas Community Standards

A. **Community character.** Maintain the existing character of small-scale residential, commercial, and agricultural uses in Bolinas (Land Use Plan Policy C-BOL-1).

B. **New development on the Bolinas Gridded Mesa.** New construction and the redevelopment and rehabilitation of existing structures on the Bolinas Mesa shall be permitted in accordance with the policies of the Bolinas Gridded Mesa Plan which has been certified by the California Coastal Commission (Land Use Plan Policy C-BOL-3).

22.66.060 – Olema Community Standards

A. **Community character.** Maintain Olema's existing mix of residential, commercial, and open space land uses and the small-scale, historic community character. The impacts of future development on the hillside area of Olema shall be minimized through application of the design standards contained in Land Use Plan Policy C-OL-1.

22.66.070 – Point Reyes Station Community Standards

A. **Community character.** Maintain the existing mix of residential and small-scale commercial development and the small-scale, historic community character in Point Reyes Station (Land Use Plan Policy C-PRS-1).

B. **Commercial infill.** Commercial infill development should be promoted within and adjacent to existing commercial uses per Land Use Plan Policy C-PRS-2.

C. **Visitor-serving and commercial facilities.** The development of additional visitor-serving and commercial facilities, especially overnight accommodations, shall be encouraged per Land Use Plan Policy C-PRS-3.

D. **Junction of Highway One and Point Reyes Petaluma Road (APN 119-240-55).** The development of APN 119-240-55 shall comply with standards contained in Land Use Plan Policy C-PRS-4.

E. **New residential development in Point Reyes station**. New residential development in Point Reyes Station shall comply with the building height, building size, and landscaping criteria specified in Land Use Plan Policy C-PRS-5.

F. **Lighting.** Exterior lighting shall comply with Land Use Plan Policy C-PRS-6.

G. **Point Reyes Affordable Homes Project.** Development of the 18.59 acre property consisting of Assessor's parcels 119-260-02 through -06 (formerly 119-240-45) and 119240-02 through -13 (formerly 119-240-46, 57 and 58) shall conform to the provisions of Land Use Plan Policy C-PRS-7.

22.66.080 – Inverness Community Standards

A. **Community character.** Maintain the existing character of residential and small-scale commercial development in the Inverness Ridge communities (Land Use Plan Policy C-INV1).

B. **Paradise Ranch Estates design guidelines**. Development in Paradise Ranch Estates should maintain the existing exclusively residential nature of the community and should consider the community's unique factors such as substandard roads and the need to protect public views from adjacent parklands and other public areas. The guidelines

contained in Land Use Plan Policy C-INV-3 regarding protection of visual resources, public services, and tree protection shall apply to development within Paradise Ranch Estates.

C. **Tomales Bay shoreline development standards.** New construction along the shoreline of Tomales Bay shall be limited in height to 15 feet above grade except as provided for per Land Use Plan Policy C-CD-6.

D. **Road and Path Maintenance.** Existing residential streets and pathways shall be maintained consistent with Land Use Plan Policy C-INV-4.

22.66.090 – East Shore Community Standards

A. **Community character.** Maintain the existing character of low-density residential, agriculture, mariculture and fishing or boating-related uses. The expansion or modification of visitor-serving or commercial development on previously developed lots along the east shore of Tomales Bay should be allowed consistent with Land Use Plan Policy C-ES-1.

B. **Tomales Bay shoreline development standards.** New construction along the shoreline of Tomales Bay shall be limited in height to 15 feet above grade except as provided for per Land Use Plan Policy C-CD-6.

C. **Protection of trees.** Significant stands of trees should be identified and protected (Land Use Plan Policy C-ES-2).

D. **Prioritization of water-related uses**. Mariculture, boat repair, fishing, water-related public recreation and scenic resources shall have priority over other uses along the shoreline (Land Use Plan Policy C-ES-3).

E. **Commercial land use.** The development of commercial and public facilities should be limited to existing activity centers, such as Nick's Cove, historic Marshall or near the Post Office/Marshall Boatworks and Marconi area (Land Use Plan Policy C-ES-4).

F. **Local serving facilities**. Local serving facilities should be incorporated in new development, where appropriate (Land Use Plan Policy C-ES-5).

G. **New marina development.** New marina developments shall make provisions for the use of the facilities by local commercial and recreational boats (Land Use Plan Policy C-ES-6).

22.66.100 – Tomales Community Standards

A. **Community character.** Maintain the existing character of residential and small-scale commercial development in the community of Tomales consistent with the provisions of Land Use Plan Policy C-TOM-1.

22.66.110 – Dillon Beach Community Standards

A. **Community character.** Maintain the existing character of residential and small-scale commercial development in Dillon Beach and Oceana Marin consistent with the provisions of Land Use Plan Policy C-DB-1 and C-DB-3.

B. **C-R-1:B-D Zoning standards.** The following standards shall apply in those areas of Dillon Beach governed by the C-R-1:B-D zoning district.

1. **Minimum lot size.** Parcels proposed in new land divisions shall have a minimum area of 1,750 square feet for each single-family dwelling.

2. **Setback requirements.** Structures shall be located in compliance with the following minimum setbacks (See Section 22.64.045(4), Setback Requirements and Exceptions):

(a) **Front.** The minimum front yard setback shall be 10 feet.

(b) **Sides.** The minimum side yard setbacks shall be 5 feet; 10 feet for a street side setback on a corner lot.

(c) **Rear.** The minimum rear yard setback shall be 10 feet.

3. **Height limits.** Structures shall not exceed a maximum height of 20 feet (See Section 22.64.045(3) Height Limits and Exceptions)

4. **Floor area ratio (FAR).** Parcels in this district are exempt from this limitation.

C. **Lawson's Landing.** Lawson's Landing shall be retained as an important lower cost visitor serving facility per Land Use Plan Policy C-DB-2.

D. **Dillon Beach Community Plan.** Refer to the Dillon Beach Community Plan, which has been certified by the California Coastal Commission, when reviewing Coastal Permits per Land Use Plan Policy C-DB-4.

Amendment 6

IP SECTIONS RELATED TO PERMIT REQUIREMENTS AND ADMINISTRATION
(Chapters 22.68 and 22.70)

CCC staff-suggested Modifications (April 2015 staff report including 4/15/15 Addendum) are shown as baseline (i.e. accepted into the text)
CDA changes are indicated in blue by *~~italic strike-outs~~* and underlining

CHAPTER 22.68 – COASTAL PERMIT REQUIREMENTS

Sections:

22.68.010 – Purpose of Chapter
22.68.020 – Applicability
22.68.030 – Coastal Permit ~~*Requirement for Development*~~ Required
22.68.040 – **Coastal Permit Not Required:** Categorically Excluded Development
22.68.050 – **Coastal Permit Not Required:** Exempt Development
22.68.060 – **Coastal Permit Required:** Non-Exempt Development
22.68.070 – De Minimis Waiver of Coastal Permit
22.68.080 – Development Requiring a Coastal Commission **Coastal** Permit
22.68.090 – Consolidated Coastal Permit

22.68.010 – Purpose of Chapter

This Chapter identifies Coastal Permit requirements for proposed development in the County's Coastal Zone.

22.68.020 – Applicability

The provisions of this Chapter apply to proposed development in the Coastal Zone as defined by Article VIII.

22.68.030 – Coastal Permit Required

A Coastal Permit is required for development in the Coastal Zone that is undertaken by any person, including a private entity or a state or local agency, unless the development is categorically excluded (per Section 22.68.040), exempt (per Section 22.68.050), or qualifies for a De Minimis Waiver (per Section 22.68.070).

Development (coastal), defined in Article VIII of this Development Code, means:

On land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act

(commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511 of the Public Resources Code).

As used in this section, "structure" includes any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

~~*Development includes installation of water or sewage disposal systems, the closure of public accessways, changes in public access to the water including parking availability, and significant landform alteration. Significant landform alteration includes the removal or placement of vegetation on a beach, wetland, or sand dune, or within 100 feet of the edge of a coastal bluff, stream, or in environmentally sensitive habitat areas (ESHA).*~~

~~*For agricultural uses, a "change in the intensity of use of water, or access thereto" includes the development of new water sources such as construction of a new or expanded well or expansion of a surface impoundment.*~~

22.68.040 – Coastal Permit Not Required: Categorically Excluded Development

A. Development specifically designated as categorically excluded from the requirement for a Coastal Permit by Public Resources Code Section 30610(e) and implementing regulations is not subject to Coastal Permit requirements if such development is consistent with all terms and conditions of the Categorical Exclusion Order. A Coastal Permit is not required for the categories of development identified in Categorical Exclusion Orders E-81-2, E-81-6, and E-82-6 (see Appendix 7), and are only excluded provided that the Exclusion Orders themselves remain valid, the development is proposed to be located within the approved categorical exclusion area, and provided that the terms and conditions of the Exclusion Orders are met. ~~*For those Categorical Exclusions that require development to be consistent with the zoning ordinances in effect at the time the Categorical Exclusion Order was adopted, all local zoning ordinances in effect at the time each Categorical Exclusion Order was adopted are provided within Appendix 7.*~~

B. Categorical Exclusion Noticing. The County shall ~~*provide notice of all categorical exclusion determinations within five working days of such determinations. The exclusion notice shall be provided*~~ **post on the Community Development Agency's website and on the same day transmit** to the applicant, the Coastal Commission, and any known interested parties (including those who have specifically requested such *notice* ~~*or have requested to be kept informed regarding the type of development subject to the categorical exclusion and/or development at the location and/or within the particular zoning district). In addition, t*~~*The Director shall maintain, post on the Agency's website at least weekly, and regularly transmit to the Coastal Commission a list and summary*~~ **a notice** of development projects determined to be categorically excluded from the requirements of obtaining a Coastal Permit. The notice~~*, list and summary shall be available for public inspection and*~~ shall include the applicant's name, project description and location, the reasons supporting the categorical exclusion determination ~~*(including evidentiary information and other materials (i.e., location maps,*~~

~~site plans, etc.))~~, and the date of the **Director's** exclusion determination for each project, and the procedures for challenging the Director's determination.

C. Categorical Exclusion Challenge. The determination of whether a development is categorically excluded from the requirements for a Coastal Permit can be challenged pursuant to Section 22.70.040.

22.68.050 – Coastal Permit Not Required: Exempt Development

The following development, as determined by the Director, shall be exempt from ~~*Coastal Permit*~~ *the* requirements *of Section 22.68.030* unless ~~*it is identified*~~ **listed** as non-exempt by Section 22.68.060. ~~*The County shall maintain a list of all exemption determinations, which shall be updated at least weekly and provided for public review at the Community Development Agency's front counter and webpage, transmitted weekly to the Coastal Commission, and made available upon request otherwise. The list shall include the applicant's name, project description and location, the reason supporting the exemption determination (including evidentiary information and other materials (i.e., location maps, site plans, etc.)), the date of the Director's determination for each project, and the procedures for challenging the Director's determination. The list shall identify its posting date, which shall be the date from which challenges are allowed within the next 30 days. The Director's determination of whether a proposed development is exempt from Coastal Permit requirements can be challenged pursuant to Section 22.70.040.~~

A. Improvements ~~*on developed lots*~~ **to existing single-family residences.** ~~*The following i*~~ Improvements ~~*on developed lots*~~ **to existing single-family residences** are exempt from Coastal Permit requirements **(see Sec. 22.68.060 for limitations). An existing single-family residence includes:**

1. ~~*Improvements to existing*~~ **All** fixtures and other structures directly attached to ~~*an existing structure, including improvements resulting in an increase of less than 10 percent of the floor area of the existing structure*~~ **a residence**; ~~*and*~~

2. ~~*Improvements to existing*~~ **S**~~s~~tructures on ~~*a residential lot*~~ **the property** normally associated with a single-family residence, such as garages, swimming pools, fences, and storage sheds~~;~~**,** but not including guest houses or self-contained residential units; and

3. ~~*Improvements to existing*~~ **L**~~*l*~~andscaping on the lot.

B. Improvements to existing structures other than a single-family residence or public works facility. Improvements to existing structures other than a single-family residence or public works facility are exempt from Coastal Permit requirements (see Sec. 22.68.060 for limitations). An existing structure includes:

1. All fixtures and other structures directly attached to the structure.

2. Landscaping on the lot.

~~*B*~~**C. Repair and maintenance.** Repair and maintenance activities that do not result in ~~*the*~~ **an** addition to, or enlargement or expansion of, the object of repair or maintenance.

Unless destroyed by a ~~*natural*~~ disaster, the replacement of 50 percent or more of a single family residence, seawall, revetment, bluff retaining wall, breakwater, groin, or any other structure is not considered repair and maintenance, but instead constitutes a replacement structure requiring a Coastal Permit ~~*(see also "Redevelopment (coastal)" and "Redevelopment, Coastal (coastal)")*~~.

~~C~~D. **Replacement after disaster.** The replacement of any legal structure, **other than a public works facility,** destroyed by a disaster. The replacement structure shall:

1. Conform to applicable existing zoning requirements;

2. Be for the same legal use as the destroyed structure;

3. Not exceed the floor area of the destroyed structure by more than 10 percent or 500 square feet, whichever is less, or the height or bulk of the destroyed structure by more than 10 percent (the applicant must provide proof of pre-existing floor area, height and bulk); and

4. Be sited in the same location on the site as the destroyed structure.

As used in this section:

(A): "Disaster" means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owner.

(B): "Bulk" means total interior cubic volume as measured from the exterior surface of the structure.

(C): "Structure" includes landscaping and any erosion control structure or device which is similar to that which existed prior to the occurrence of the disaster.

~~D~~E. **Emergency work.** Immediate emergency work necessary to protect life or property or immediate emergency repairs to public service facilities necessary to maintain service as a result of a disaster in a disaster-stricken area in which a state of emergency has been proclaimed by the Governor pursuant to Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Calif. Government Code.

~~E~~F. **Emergency highway repair.** Emergency projects undertaken, carried out, or approved by a public agency to maintain, repair, or restore an existing highway, as defined in Section 360 of the Vehicle Code, except for a highway designated as an official state scenic highway pursuant to Section 262 of the Streets and Highways Code, within the existing right-of-way of the highway, damaged as a result of fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide, within one year of the damage. This paragraph does not exempt any project undertaken, carried out, or approved by a public agency to expand or widen a highway damaged by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide.

~~F~~G. **Time-Share.** Any activity that involves the conversion of any existing multiple-unit residential structure to a time-share project, estate, or use, as defined in Section 11212 of the Calif. Business and Professions Code.

~~G~~H. **Maintenance dredging.** Maintenance dredging of existing navigation channels or moving dredged material from those channels to a disposal area outside the coastal zone, pursuant to a permit from the US Army Corps of Engineers.

~~H~~I. **Utility connection.** The installation, testing, and placement in service or the replacement of any necessary utility connection between an existing service facility and any development for which a Coastal Permit has been approved, provided, however, that the Director may,

where necessary, require reasonable conditions to mitigate any adverse impacts on coastal resources, including scenic resources.

~~I~~J. **Temporary event.** All temporary events, except those which meet all of the following criteria:

1. Are held between Memorial Day weekend and Labor Day; and

2. Would occupy all or a portion of a sandy beach; and

3. Would involve a charge for general public admission or seating where no fee is currently charged for use of the same area (not including booth or entry fees).

The Planning Director (or the Coastal Commission's Executive Director if the Planning Director's determination is challenged) may determine that a temporary event, even an event that might otherwise not require a Coastal Permit per this section, shall require a Coastal Permit if he/she determines that the exercise of jurisdiction is necessary to implement the coastal resource protection policies of Chapter 3 of the Coastal Act, and/or that unique or changing circumstances exist relative to a particular temporary event that have the potential for significant adverse impacts on coastal resources. Such circumstances may include the following:

a) The event, either individually or together with other temporary events scheduled before or after the particular event, precludes the general public from use of a public recreational area for a significant period of time;

b) The event and its associated activities or access requirements will either directly or indirectly impact environmentally sensitive habitat areas, rare or endangered species, significant scenic resources, or other coastal resources as defined in Chapter 22.130.

c) The event is scheduled between Memorial Day weekend and Labor Day and would restrict public use of roadways or parking areas or otherwise significantly impact public use or access to coastal waters;

d) The event has historically required a Coastal Permit to address and monitor associated impacts to coastal resources.

~~J~~K. **Nuisance Abatement**. Nuisance abatement actions by the County that are necessary to protect public health and safety, when such abatement must occur more quickly than could occur if authorized by a Coastal Permit. If exempt from a Coastal Permit, a nuisance abatement action shall involve the minimum level of development activity necessary to successfully abate the nuisance. ~~*Exempt nuisance abatement only applies to temporary development that is the minimum necessary to abate the nuisance, and only provided such development is removed if a regular Coastal Permit is not obtained that authorizes such development.*~~

~~K~~L. **Ongoing Agricultural Activities**. **See Chapter 22.130 for definition.** ~~*Existing legally established agricultural production activities, including all ongoing grading and routine agricultural cultivation practices (e.g., plowing, tilling, planting, harvesting and seeding), which have not been expanded into never before used areas and have not been discontinued for more than the previous 10 years. Agricultural production activities may include the conversion of grazing to crop production or other ongoing activity involving a change in the intensity of use of land or water (such as ongoing rotational grazing or crop farming) if the ongoing production activity has been part of a regular pattern of agricultural practices that*~~

~~*has not been discontinued for more than the previous 10 years. If the ongoing production activity has been discontinued for more than the previous 10 years, the permit issuing authority may allow an Applicant to overcome the presumption that the agricultural production activity is no longer ongoing if the Applicant demonstrates his or her ongoing intention to reinstate the agricultural production activity based on the history of agricultural production on the property, the long-term investment in the agricultural production activity on the property and the existence of infrastructure to support the agricultural production activity.*~~

~~*Conversion of grazing to crop production or any other new or expanded activity involving grading or a change in the intensity of use of land or water that has not been part of a regular pattern of agricultural practices or has been discontinued for more than the period of time prescribed herein is not an ongoing agricultural production activity but rather constitutes new development requiring a coastal permit consistent with Chapters 22.68 and 22.70, unless such development is categorically excluded by a Coastal Commission approved Categorical Exclusion Order.*~~

22.68.060 – Coastal Permit Required: Non-Exempt Development

Notwithstanding the provisions of Section 22.68.050 – Exempt Development, a Coastal Permit shall be required for all of the following types of development unless the specific type of development in the specific geographic area is otherwise categorically excluded by a Commission adopted categorical exclusion order **or qualifies for a De Minimis Waiver**:

A. Improvements to an existing structures. Improvements to an existing structure if the structure is located on a beach; in a wetland, stream, or lake; seaward of the mean h**igh** tide line; **in** an ESHA; or within 50 feet of the edge of a coastal bluff.

B. Improvements to a public works facility.

C~~B~~. Improvements to an existing structure ~~*within specific areas*~~ **not included in Paragraph A above.** On property that is located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, an improvement that would result in an increase of 10 percent or more of floor area of an existing structure (or an additional improvement of 10 percent or less where an improvement to the structure had previously been exempt from Coastal Permit requirements), an increase in height by more than 10 percent of an existing structure **and/or any significant non-attached structure such as garages, fences, shoreline protective works or docks.**

~~*D. Shoreline protective devices. Those repair and maintenance activities which involve seawalls and similar shoreline structures.*~~

~~*E*~~**D. Changes in intensity of use.** Improvements to a structure, other than a single-family residence, which increase or decrease the intensity of use of the structure**, as determined by the Director**.

~~*F*~~**E. Conversions.** Improvements carried out in conjunction with the conversion of an existing structure from a multi-family residential rental or visitor-serving commercial use to a use involving a fee ownership or long-term leasehold, including a condominium conversion, stock cooperative conversion or motel/hotel conversion.

~~G~~F. **Structures of special character and visitor appeal.** Demolition of, or substantial alterations or additions to any structure built prior to 1930, except for maintenance or repair consistent with its original architectural character and maintenance or repair that includes replacement-in- kind of building components.

~~H~~G. **Water wells and septic systems.** The expansion or construction of water wells or septic systems.

~~I~~H. **Landform alterations**. Any significant alteration of land forms, including grading (as defined in Section 22.130.030) and the removal or placement of vegetation on a beach or sand dune; in a wetland or stream; within 100 feet of the edge of a coastal bluff or stream; or in environmentally sensitive habitat areas (ESHA).

~~J~~I. **Future Improvements**. Any improvements to a single-family residence or other structure where the Coastal Permit issued for the original structure indicated that any future improvements would require a Coastal Permit.

~~K~~J. **Repair and maintenance activities**. Repair and maintenance activities as follows:

1. Any method of repair or maintenance of a seawall, revetment, bluff retaining wall, breakwater, groin, culvert, outfall, or similar shoreline work that involves[1]:

   (a) Repair or maintenance involving substantial alteration of the foundation of the protective work including pilings and other surface or subsurface structures;

   (b) The placement, whether temporary or permanent, of rip-rap, artificial berms of sand or other beach materials, or any other forms of solid materials, on a beach or in coastal waters, streams, wetlands, estuaries and lakes or on a shoreline protective work except for agricultural dikes within enclosed bays or estuaries;

   (c) The replacement of 20 percent or more of the materials of an existing structure with materials of a different kind; or

   (d) The presence, whether temporary or permanent, of mechanized construction equipment or construction materials on any sand area, bluff, or ESHA, or within 20 feet of coastal waters or streams.

2. Any method of routine maintenance dredging that involves:

   (a) The dredging of 100,000 cubic yards or more within a twelve (12) month period;

   (b) The placement of dredged spoils of any quantity within an ESHA, on any sand area, within 50 feet of the edge of a coastal bluff or ESHA, or within 20 feet of coastal waters or streams; or

   (c) The removal, sale, or disposal of dredged spoils of any quantity that would be suitable for beach nourishment in an area the Coastal Commission has declared by resolution to have a critically short sand supply that must be maintained for protection of structures, coastal access or public recreational use.

[1] Inquiries regarding permit requirements for maintenance of the Seadrift rock revetment permitted by Coastal Commission Permit #A-1-MAR-87-235-A issued August 31, 1994 should be referred to the Coastal Commission.

3. Any repair or maintenance to facilities or structures or work located in an ESHA, any sand area, within 50 feet of the edge of a coastal bluff or ESHA, or within 20 feet of coastal waters or streams that includes:

(a) The placement or removal, whether temporary or permanent, of rip-rap, rocks, sand or other beach materials or any other forms of solid materials; or

(b) The presence, whether temporary or permanent, of mechanized equipment or construction materials.

22.68.070 – De Minimis Waiver of Coastal Permit

The Director may waive the requirement for a Coastal Permit through a De Minimis Coastal Permit Waiver in compliance with this Section upon a written determination that thedevelopment meets all of the criteria and procedural requirements set forth in A. through G. below:

A. No Adverse Coastal Resource Impacts. The development has no potential for adverse effects, either individually or cumulatively, on coastal resources,

B. LCP Consistency. The development is consistent with the certified Marin County Local Coastal Program,

C. Not Appealable to CCC. The development isnot of a type or in a location where an action on the development would be appealable to the Coastal Commission,

D. Notice. Public notice of the proposed De Minimis Waiver of Coastal Permit and opportunities for public comment shall be provided as required by Section 22.70.050, including provision of notice to the Coastal Commission.

E. Executive Director Determination. The Director shall provide a notice of determination to issue a De Minimis Waiver to the Executive Director of the Coastal Commission no later than 10 days prior to the required Board of Supervisors hearing. If the Executive Directornotifies the Director that a waiver should not be issued, the applicant shall be required to obtain a Coastal Permit if the applicant wishes to proceed with the development.

F. Review and Concurrence. The Director's determination to issue a De Minimis Waiver shall be subject to review and concurrence by the Board of Supervisors. The Director shall not issue a De Minimis Waiver until the public comment period, including at a minimum through and including the required Board of Supervisor hearing, has expired. No De Minimis Waiver may be issued unless it has been reported to the Board of Supervisors at a regularly scheduled meeting where the public shall have the opportunity to testify and otherwise participate in a hearing on the De Minimis Waiver. If two or more Supervisors so request at this hearing, the De Minimis Waiver shall not be issued and, instead, an application for a Coastal Permit shall be required and processed in accordance with the provisions of this chapter. Otherwise, the Waiver shall be deemed approved, effective, and issued the day of the Board of Supervisors hearing. In addition to the noticing requirements above, within seven (7) ~~calendar~~ days of effective date of a De Minimis Waiver of Coastal Permit, the Director shall notify the Coastal Commission and any persons who specifically requested notice of such action via first class mail~~,~~ a Notice of Final Action describing the issuance and effectiveness of the De Minimis Waiver.

G. Waiver Expiration. A De Minimis Waiver shall expire and be of no further force and effect if the authorized development is not completed within ~~two~~ **three** years of the effective date of the waiver. In this event, a Coastal Permit shall be required for the development.

22.68.080 – Development Requiring a Coastal Commission Coastal Permit

A. Coastal Commission approval required. Development, as defined in Article VIII, proposed on tidelands, submerged lands, or public trust lands~~, or otherwise located within the California Coastal Commission's retained coastal permitting jurisdiction,~~ shall require a Coastal Permit from the Coastal Commission in compliance with Public Resources Code Section 30519(b). Also under the Coastal Commission's continuing jurisdiction are amendments or extensions to Coastal Permits issued by the Coastal Commission; thermal power plants of 50 megawatts or greater along with the transmission lines, fuel supply lines, and related facilities to serve them; state university or college projects; and both federal and non-federal projects on federal land.

B. Determination of jurisdiction. The determination of jurisdiction shall be made by the Coastal Commission based upon maps and other descriptive information that the Applicant, the County, Coastal Commission and/or State Lands Commission may supply.

~~D~~**C. County land use designations and zoning districts.** County land use designations and zoning districts on ~~public trust lands and federal lands~~ **lands defined above in (A)** shall be advisory only for purposes of the Coastal Commission's review of a coastal permit application.

~~E~~**D**. **County Approvals.** For Coastal Commission Coastal Permit applications, the Applicant shall still be required to obtain all other non-Coastal Permit approvals necessary for a proposed development, and any required non-ministerial approvals must be obtained and submitted as part of the Coastal Permit application to the Commission.

22.68.090 – Consolidated Coastal Permit

Consolidated Coastal Permit. If a proposed development requires two separate Coastal Permits, one from the County and one from the Coastal Commission, a consolidated Coastal Permit application may be considered by the Coastal Commission according to the following procedure:

A. The Director, with agreement of the applicant, may request the Coastal Commission, through its executive director, to process a consolidated Coastal Permit. The standard of review for a consolidated Coastal Permit application shall follow Chapter 3 of the Coastal Act (commencing with Public Resources Code Section 30200), with the Marin County Local Coastal Program used as guidance. The application fee for a consolidated Coastal Permit shall be determined by reference to the Coastal Commission's permit fee schedule.

B. Prior to making a request for a consolidated Coastal Permit, the Director shall first determine that public participation would not be substantially impaired by that review process.

CHAPTER 22.70 – COASTAL PERMIT ADMINISTRATION

Sections:

22.70.010 – Purpose of Chapter
22.70.020 – Applicability
22.70.030 – Coastal Permit Filing, Initial Processing
22.70.040 – ~~*Appeal of Permit*~~ **Challenges to Processing** Category Determination
22.70.050 – Public Notice
22.70.060 – Decision on Coastal Permit
22.70.070 – Required Findings
22.70.080 – Appeal of Coastal Permit Decision
22.70.090 – Notice of Final Action
22.70.100 – Notice of Failure to Act
22.70.110 – Effective Date of Final Action
22.70.120 – Expiration Date and Time Extensions
22.70.130 – Amendments to Coastal Permits
22.70.140 – Emergency Coastal Permits
22.70.150 – Coastal Zone Variances
22.70.160 – ~~*Coastal Zone Variance Exemptions*~~ **Non-Conforming Uses and Structures**
~~*22.70.170 – Decision and Findings*~~
22.70.175---Violations of Coastal Zone Regulations and Enforcement of LCP Provisions and Penalties (Coastal)
22.70.180 – Potential Takings ~~*Economic*~~ Evaluation
22.70.190 – Property Modifications

22.70.010 – Purpose of Chapter

This Chapter provides procedures for processing Coastal Permit applications, including Coastal Permit Exclusions~~, *Exemptions,*~~ and De Minimis Waivers as described in Chapter 22.68.

22.70.020 – Applicability

The provisions of this Chapter apply to the preparation, filing, review, and approval or denial of all applications for development in Marin County, whether such approval or denial occurs through a Coastal Permit, De Minimis Waiver, ~~Exemption,~~ or Categorical Exclusion.

22.70.030 – Coastal Permit Filing, Initial Processing

A. Application and filing. Coastal Permit application submittals shall include all information and other materials required by the Coastal Permit application forms, provided by the Agency**, including any information identified as necessary for specific categories of development or for development proposed in specific geographic areas**. The application and accompanying materials shall be filed with the Agency before or concurrent with an application for any land use permit required by this Article. The Coastal Permit application shall include:

1. Project plans and supporting materials sufficient to determine whether the project complies with all relevant policies of the Local Coastal Program;

2. Documentation of the applicant's legal interest in all the property upon which work is proposed to be performed, and all contiguous properties under the same ownership. The area subject to the Coastal Permit may include such contiguous properties where the Director finds that necessary to achieve the requirements of the Local Coastal Program. The reviewing authority shall consider all contiguous properties under the same ownership when reviewing development in the C-APZ zoning district. The area covered by a proposed project may also include multiple ownerships.

3. A dated signature by or on behalf of each of the applicants, attesting to the truth, completeness and accuracy of the contents of the application and, if the signer of the application is not the applicant, written evidence that the signer is authorized to act as the applicant's representative and to bind the applicant in all matters concerning the application: and

~~*4. Any additional information deemed by the Director to be required for specific categories of development or for development proposed from specific geographic areas.*~~

B. Determination of processing category. The Director shall determine if the proposed development is categorically excluded, ~~*exempt,*~~ qualifies for a De Minimis Waiver, is or is not appealable to the Coastal Commission and/or requires a Coastal Permit that does or does not require a public hearing as set forth below. ~~*Notice of processing category determination shall be sent in compliance with the requirements specified for the particular permit category (i.e. within 5 working days of such determination for exclusions; at least 10 days prior to a hearing or action for de minimis waivers, non public hearing applications, and public hearing applications; and at least 15 working days before the required Planning Commission hearing for public hearing waiver applications), and for exemptions shall be posted (and challenges shall be allowed within 30 days of such posting date*~~~~)~~. All such determinations regarding permit category may be challenged in compliance with Section 22.70.040 – Challenges to Processing Category Determination.

1. Categorical exclusion. A determination that development is categorically excluded shall comply with Section 22.68.040 – Coastal Permit Not Required: Categorically Excluded Development.

~~***2. Exemption.*** *A determination that development is exempt from the requirement to obtain a Coastal Permit shall comply with Section 22.68.050 – Coastal Permit Not Required: Exempt Development and with Section 22.68.060 – Coastal Permit Required: Non-Exempt Development.*~~

~~*3*~~**2. De Minimis Waiver.** A determination that a project qualifies for a De Minimis Waiver shall comply with 22.68.070 – De Minimis Waiver of Coastal Permit.

~~*4*~~**3. Non-public hearing applications.** A public hearing shall not be required when an application is not appealable to the Coastal Commission by 22.70.080 - Appeal of Coastal Permit Decision, unless a public hearing is required for another discretionary planning permit for the same project or as determined by the Director. ~~*Such applications shall be accompanied by a statement of why County decisions on the proposed development would not be appealable to the Coastal Commission, and the reasons supporting such a determination.*~~

~~*5*~~**4. Public hearing applications.** A public hearing shall be required when a project is defined as appealable to the Coastal Commission by 22.70.080 - Appeal of Coastal Permit Decision, unless the proposed project only entails the approval of a second unit in a

residential zone or if it qualifies for a public hearing waiver. ~~*Such applications shall be accompanied by a statement of whether County decisions on the proposed development would be appealable to the Coastal Commission, and the reasons supporting such a determination.*~~

~~*6*~~**5. Public hearing waiver for minor development** ~~*including development appealable to the Commission*~~. A public hearing that would otherwise be required for the below identified minor development ~~*including development appealable to the Commission under 22.70.080(B)*~~ shall be waived if both the following occur:

(a) Notice is provided as required by Section 22.70.050 – ~~"~~Public Notice~~"~~ that a public hearing shall be held upon request by any person, and

(b) No written request for a public hearing is received within 15 working days from the date of sending the notice required by Section 22.70.050.

In addition to the requirements of Section 22.70.050, the notice shall include a statement that the hearing will be cancelled if no person submits a **written** request for a public hearing as provided above, and a statement that failure by a person to request a public hearing may result in the loss of that person's ability to appeal to the Coastal Commission any action taken by the County of Marin on the Coastal Permit application.

For purposes of this Section, "minor development" means a development that the Director determines satisfies all of the following requirements:

(1) As proposed, is consistent with the certified Local Coastal Program,

(2) Requires no discretionary approvals other than a Coastal Permit, and

(3) As proposed, has no adverse effect either individually or cumulatively on coastal resources or public access to the shoreline or along the coast.

Notwithstanding the waiver of a public hearing, any written comments submitted regarding a coastal permit application shall be made part of the permit application record. ~~*Such applications shall be accompanied by a statement of whether County decisions on the proposed development would be appealable to the Coastal Commission, and the reasons supporting such a determination*~~.

C. Initial processing. A Coastal Permit shall be processed concurrently with other permit applications required for the project, and shall be evaluated as provided by Chapter 22.40 (Application Filing and Processing, Fees).

22.70.040 – Challenges to Processing Category Determination

Where an applicant or interested person disputes the Director's processing category determination (Section 22.70.030.B – Determination of Processing Category), the determination may be challenged as follows:

A. Challenges to Processing Category Determination. The Director's determination that a proposed development is to be processed as a categorical exclusion, ~~*exemption, de minimis waiver,*~~ non-public hearing application, **or** public hearing application~~*, or public hearing waiver application*~~ may be challenged.

B. Timing of Challenge. A determination regarding processing category by the Director may be challenged to the Coastal Commission within 10 ~~*business*~~ **working** days of the date of sending **public notice as required by this Chapter** ~~*the notice of determination for exclusions, within 10 days of the date of sending the notice for de minimis waivers, non-public hearing applications, and public hearing applications; within 15 working days of the date of sending the notice for public hearing waiver applications; and within 30 days of its posting date for exemptions.*~~

C. Coastal Commission Challenge Procedures. Where an applicant, interested person, the County, or the Coastal Commission's Executive Director has a question as to any processing category determination under Section 22.70.030 for a proposed development, the following procedures shall provide an administrative resolution process for determining the appropriate permit category:

(1) The County shall make its determination as to the processing category for the proposed development in accordance with the procedure set forth in Section 22.70.030.

(2) If the County's processing category determination is challenged by the applicant, an interested person, or the Coastal Commission's Executive Director, or if the County wishes to have a Coastal Commission determination as to the appropriate processing category, the County shall notify the Commission of the dispute/question and shall request an Executive Director's opinion. County processing of the permit application shall cease if a challenge is received by the County and/or the Coastal Commission.

(3) The Executive Director shall provide his or her opinion to the County, the applicant and any other known interested parties ~~*as soon as possible*~~ **within 10 working days of the County's request unless the applicant and the County agree to an extension**. ~~*There are three possible outcomes of a challenge:*~~

(a) If the Executive Director agrees with the County's determination, then the determination shall be final and shall apply to the proposed development;

(b) If the Executive Director disagrees with the County's determination, and the County then agrees with the Executive Director's opinion, then the review and permit procedures associated with the Executive Director's opinion shall apply to the proposed development; or

(c) If the Executive Director disagrees with the County's determination, and the County disagrees with the Executive Director's opinion, then the matter shall be set for public hearing for the Coastal Commission to make the final determination of applicable review and permit procedures, and the Coastal Commission's determination shall apply to the proposed development.

(4) The challenge period shall be deemed concluded if no challenge is received within the time periods specified in 22.70.040(B), or when the Executive Director provides his or her opinion to the County in outcomes (a) or (b) above, or when the Executive Director provides the Coastal Commission's determination to the County in outcome (c) above.

The operation and effect of any application shall be stayed until the challenge period is concluded.

22.70.050 – Public Notice

Notice to the public of a pending action on a Coastal Permit or De Minimis Waiver or on a public hearing waiver for minor development shall be given as follows:

A. Form of notice. Permit applications shall be noticed at least 10 days prior (15 working days for public hearing waiver applications) to a hearing or action on the proposed project by posting notice in at least one location that is conspicuously visible to the general public ~~*(and as many locations as necessary to ensure that the public is appropriately provided notice)*~~ on or adjacent to the property which is the subject of the permit ~~*(where the contents of the notice shall at a minimum be consistent with the Content of Notice section below)*~~ and by mailing notice to:

1. The owner(s) or owner's agent of all properties for which development is proposed, the applicant, and any applicant representatives;

2. Each local agency expected to provide essential facilities or services to the project;

3. Any person who has filed a **written** request for notice **for a specific project or for a specific geographic area** ~~*(e.g., for the site, for the particular development, for the type of development, development in general)*~~ with the Director;

4. All owners of real property within three hundred feet of the properties on which the development is proposed, as shown on the County's latest equalized assessment roll, if the zoning for such property requires a minimum lot area of less than twenty thousand square feet or a maximum density higher than two units per acre, or all owners of real property within six hundred feet of the properties on which development is proposed, as shown on the County's latest equalized assessment roll, if the zoning for such property requires a minimum lot area of twenty thousand square feet or greater, or a maximum density of two units per acre or lower~~*, but at a minimum all owners of real property adjacent to the propertiesy on which the development is proposed shall be provided with notice*~~*;*

5. ~~*All owners and*~~ **Where home mail delivery is available**, all occupants ~~*of parcels*~~ of real property located within 100 feet (not including roads) of the perimeter of the real properties on which the development is proposed.

6. All agencies for which an approval for the proposed development may be required.

~~*7. The Supervisor for the District.*~~

~~*8. All known interested parties.*~~

~~*9*~~**7.** The Coastal Commission.

Notices to the above recipients shall be provided whether or not a public hearing is required on the permit. If a public hearing is required, notice shall also be published at least once in a local newspaper of general circulation in the County.

The Director may also require additional means of notice that is reasonably determined necessary to provide adequate public notice of the application for the proposed project.

B. Content of notice. The required notice may be combined with other required project permit notice(s), shall be mailed by First Class mail and shall include the following information:

1. A statement that the project is within the Coastal Zone, and that the project decision will include a determination on a Coastal Permit;

2. The date of filing of the application;

3. The name of the applicant;

4. The number assigned to the application;

5. A description of the proposed project and its location;

6. A determination of whether the project is appealable to the Coastal Commission under Section 30603(a) of the Public Resources Code;

7. The date, time and place of the hearing and/or decision on the application;

8. A brief description of the procedures for public comment and decision on the application, including listing ~~*what*~~ **which** review authority is to decide on the Coastal Permit application, as well as the system of **challenge and** appeal if applicable;

9. If no public hearing is held, a description of the applicable public comment period sufficient to allow for the submission of comments by mail prior to the local decision; and

10. If a public hearing is proposed to be waived, a description of the public hearing waiver process as provided in Section 22.70.030.B.5.

~~*11. All procedures for challenge and appeal associated with the type of application being considered*.~~

C. Renoticing required. If a decision on a Coastal Permit is continued by the review authority to a date or time not specific, the item shall be renoticed in the same manner and within the same time limits established by this Section. If a decision on a Coastal Permit is continued to a specific date and time, then no renoticing is required.

D. State Lands Commission notification. Notice shall be provided to the State Lands Commission when an application for a Coastal Permit is submitted to the County on property identified as potentially subject to the public trust.

22.70.060 – Decision on Coastal Permit

A. Review authority. A decision to approve, conditionally approve, or deny a Coastal Permit shall be by the applicable review authority.

1. The Director shall take action on a non-hearing Coastal Permit application.

2. Where the decision required for the permit by this Development Code or other County Code provision is to be by the Zoning Administrator, Planning Commission, or Board, that review authority shall conduct a public hearing and take action on the Coastal Permit application.

3. Where the decision required for the permit by this Development Code or other County Code provision is to be by the Director or other County officer, and a public hearing is required, the Zoning Administrator shall hold a public hearing and approve or deny the Coastal Permit application.

4. For projects requiring multiple approvals under various provisions of the County Code, and where at least one approval is required by the Zoning Administrator or Planning Commission, the Zoning Administrator or Planning Commission may hold the public hearing and approve or deny the Coastal Permit application at the same time as taking action on the other applications.

5. For appealable projects or other public hearing coastal projects for which the County permit requirements do not identify a review authority, the Coastal Permit application shall be heard, and approved or denied by the Zoning Administrator.

22.70.070 – Required Findings

Findings. The applicable review authority shall approve a Coastal Permit only when it first makes the findings below in addition to any findings required by this Article. Findings of fact establishing that the project conforms to all requirements of the Marin County Local Coastal Program shall be made and shall include all of the findings enumerated below. The findings shall reference applicable policies of the Marin County Local Coastal Program where necessary or appropriate including those identified below.

A. **Coastal Access.** The proposed project, as conditioned, is consistent with the applicable policies contained in the Public Coastal Access section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.180 (Public Coastal Access). Where the project is located between the nearest public road and the sea, a specific finding must be made that the proposed project, as conditioned, is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act (commencing with Section 30200 of the Public Resources Code).

B. **Biological Resources**. The proposed project, as conditioned, is consistent with the applicable policies contained in the Biological Resources section of the Marin County Land Use Plan-and the applicable standards contained in Section 22.64.050 (Biological Resources).

C. **Environmental Hazards**. The proposed project, as conditioned, is consistent with the applicable policies contained in the Environmental Hazards section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.060 (Environmental Hazards).

D. **Agriculture and Mariculture**. The proposed project, as conditioned, is consistent with the applicable policies contained in the Agriculture and Mariculture sections of the Marin County Land Use Plan and the applicable agricultural and maricultural standards contained in Chapter 22.32.

E. **Water Resources**. The proposed project, as conditioned, is consistent with the applicable policies contained in the Water Resources section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.080 (Water Resources).

F. Community Design. The proposed project, as conditioned, is consistent with the applicable policies contained in the Community Design section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.100 (Community Design).

G. Community Development. The proposed project, as conditioned, is consistent with the applicable policies contained in the Community Development section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.110 (Community Development).

H. Energy. The proposed project, as conditioned, is consistent with the applicable policies contained in the Energy section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.120 (Energy).

I. Housing. The proposed project, as conditioned, is consistent with the applicable policies contained in the Housing section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.130 (Housing).

J. Public Facilities and Services. The proposed project, as conditioned, is consistent with the applicable policies contained in the Public Facilities and Services section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.140 (Public Facilities and Services).

K. Transportation. The proposed project, as conditioned, is consistent with the applicable policies contained in the Transportation section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.150 (Transportation).

L. Historical and Archaeological Resources. The proposed project, as conditioned, is consistent with the applicable policies contained in the Historical and Archaeological Resources section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.160 (Historical and Archaeological Resources).

M. Parks, Recreation, and Visitor-Serving Uses. The proposed project, as conditioned, is consistent with the applicable policies contained in the Parks, Recreation, and Visitor-Serving Uses section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.170 (Parks, Recreation, and Visitor-Serving Uses).

~~*N. LCP Consistency. The proposed project, as conditioned, is consistent with all applicable provisions of the Marin County LCP.*~~

22.70.080 – Appeal of Coastal Permit Decision

A. County appeal procedure. Decisions of the County on a Coastal Permit (Section 22.70.060 – Decision on Coastal Permit) may be appealed to the Planning Commission and Board as follows:

1. Decisions made by the Director or Zoning Administrator may be appealed to the Planning Commission, and decisions made by the Planning Commission may be appealed to the Board of Supervisors. However, the Director may refer an appeal directly to the Board of Supervisors.

2. An appeal may be filed by any ~~*aggrieved*~~ person.

3. All appeals for Coastal Permit decisions per 22.70.060 shall be filed with the Agency, in writing on a County appeal application form, prior to close of the Planning Division's public information counter on the tenth ~~*business*~~ **working** day after the decision that is the subject of the appeal, and shall specifically state the pertinent facts of the case and the basis for the appeal.

4. When an appeal is filed, the Director shall prepare a staff report on the matter, and schedule the matter for a public hearing by the appropriate appeal authority. At the public hearing, the appeal authority may consider any issue involving the matter that is the subject of the appeal, in addition to the specific grounds for the appeal.

   a. The appeal authority may affirm, affirm in part, or reverse the decision or determination that is the subject of the appeal, based upon findings of fact about the particular case. The findings shall identify the reasons for the action on the appeal, and verify the compliance or noncompliance of the subject of the appeal with the provisions of the LCP.

   b. When reviewing a decision on a Coastal Permit application, the appeal authority may adopt additional conditions of approval that may address other issues or concerns than the basis of the appeal.

   c. The action from which an appeal is taken may be reversed or modified only by the affirmative vote of a majority of the full membership of the Planning Commission (i.e. four affirmative votes). The action or appellate determination from which an appeal is taken may be reversed or modified by the affirmative vote of a majority of the membership of the Board.

~~*5. No such appeals shall require a fee.*~~

B. Appeals to the Coastal Commission. An action on a Coastal Permit may be appealed to the Coastal Commission by an aggrieved person, including the applicant, or two members of the Coastal Commission, as follows:

1. Appealable Development. For purposes of appeal to the Coastal Commission, appealable development includes the following:

(a) Development approved between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance;

(b) Development approved, not included in paragraph (a) above, that is located on tidelands, submerged lands, public trust lands, within 100 feet of any coastal wetland, estuary, or coastal stream, or within 300 feet of the top of the seaward face of any coastal bluff;

(c) Development approved that is not designated as the Principal Permitted Use (PP) by Tables 5-1, 5-2, or 5-3 in Chapter 22.62 – Coastal Zoning Districts and Allowable Land Uses ~~*(any use that also requires the granting of a Coastal Zone Variance shall not be considered a principal permitted use; land divisions are not the principally permitted use in any zoning district);*~~ *and*

(d) Development approved or denied that constitutes a major public works project ~~*(including a publicly financed recreational facility and/or a special district development)*~~ or a major energy facility.

2. **Filing.** Appeals must be filed in the office of the Coastal Commission prior to the close of business on the 10th working day after receipt by the Coastal Commission of the notice of final County action on the Coastal Permit that is the subject of the appeal. In the case of an appeal by an applicant or other aggrieved person, the appellant must exhaust all appeals to the County in compliance with Subsection A above (County Appeal Procedure) ~~*to be considered an aggrieved person*~~, unless:

   ~~*(1)*~~ **(a)** The County requires an appellant to appeal to more local appellate bodies than have been ~~*certified*~~ **recognized by the Local Coastal Program** as appellate bodies for permits in the coastal zone.

   ~~*(2)*~~ **(b)** An appellant was denied the right of the initial local appeal by a local ordinance which restricts the class of person who may appeal a local decision.

   ~~*(3)*~~ **(c)** An appellant was denied the right of local appeal because local notice and hearing procedures for the development did not comply with the provisions of this Chapter.

   ~~*(4)*~~ **(d)** The County charges an appeal fee for the filing or processing of appeals.

3. **Appeal by Coastal Commissioners.** When two Coastal Commissioners file an appeal of a County action by other than the Board of Supervisors, the Board of Supervisors may elect to consider the appeal before any action by the Coastal Commission. The Board of Supervisors shall notify the Coastal Commission of its decision to consider such an appeal within 12 days of the County's receipt of notice of an appeal by two Coastal Commissioners. County action on an appealable project shall not be deemed final if the Board elects to consider the appeal. Notice and hearing on these appeals by the Board of Supervisors shall comply with Chapter 22.70.080 – Appeals. After action by the Board of Supervisors (or failure or refusal to act within sixty days of the County's receipt of the appeal), notice of final action shall be provided to the Coastal Commission pursuant to Section 22.70.090, which shall trigger a new Coastal Commission appeal period. If the decision of the Board modifies or reverses the previous County decision, the Commissioners may be required to file a new appeal.

C. Stay of Approval. The operation and effect of an approved Coastal Permit shall be stayed until all applicable appeal periods expire or, if appealed, until all appeals, including any appeals to the Coastal Commission, have been exhausted.

22.70.090 – Notice of Final Action

~~*Within 7 calendar days of a decision on an application for a Coastal Permit, the Director shall provide for public review a list of all decisions at the Community Development Agency's front counter and webpage. The list shall include a project description, the reviewing authority's decision, and procedures for appeal. After all local appeals have been exhausted,*~~ Within 7 ~~*calendar*~~ days of a final County decision on an application for a Coastal Permit, the Director shall provide notice of the action by First Class mail to the Coastal Commission, **and** to any persons who specifically requested notice and provided a self-addressed stamped envelope or other designated fee covering mailing costs~~*, and provided for public review at the Community Development Agency's front counter and webpage*~~ **and shall provide additional public notice via the Community Development Agency's webpage**. ~~*The*~~ **Both mailed and webpage** notice **shall**

include conditions of approval, written findings and the procedures for appeal of the County decision to the Coastal Commission. ~~*shall be in two parts: (1) a cover sheet or memo summarizing the relevant action information and (2) materials that further explain and define the action taken. The cover sheet/memo shall be sent to all recipients of the notice, and the cover sheet/memo shall be sent in hard copy to the Coastal Commission, with supporting materials sent either via hard copy or electronically (see below).*~~

~~***A. Cover Sheet/Memo**: The cover sheet/memo shall be dated and shall clearly identify the following information:*~~

1. ~~*All project applicants and project representatives and their address and other contact information.*~~
2. ~~*Project description and location.*~~
3. ~~*County decision making body, County decision, and date of decision.*~~
4. ~~*All local appeal periods and disposition of any local appeals filed.*~~
5. ~~*Whether the County decision is appealable to the Coastal Commission, the reason why the development is or is not appealable to the Coastal Commission, and procedures for appeal to the Coastal Commission.*~~
6. ~~*A list of all supporting materials provided to the Coastal Commission as part of the final local action notice (see Subsection (B) below).*~~
7. ~~*All recipients of the notice.*~~

~~***B. Supporting Materials**: The supporting materials shall include the following information:*~~

1. ~~*Final adopted findings and final adopted conditions (must be provided hard copy).*~~
2. ~~*Final staff report (must be provided hard copy).*~~
3. ~~*Approved project plans (may be provided in hard copy and/or electronic format).*~~
4. ~~*All other substantive documents cited and/or relied upon in the decision including any environmental review documents prepared in accordance with the California Environmental Quality Act, technical reports (geologic reports, biological reports, etc.), correspondence, etc. (may be provided in hard copy and/or electronic format)*~~

A 10 working day appeal period to the Commission shall commence the day following receipt by the Commission of a valid Notice of Final Local Action that meets all requirements of this Chapter.

22.70.100 – Notice of Failure to Act

A. Notification by applicant. If the County has failed to act on an application within the time limits set forth in Government Code Sections 65950 et seq. any person claiming a right to proceed in compliance with Government Code Section 65950 et seq. (i.e., the Applicant), shall notify the County and the Coastal Commission in writing of the claim that the development has been approved by operation of law. The notice shall specify the application which is claimed to be approved. Even if deemed approved in compliance with Government Code Section 65950, the development must still comply with all applicable standards of the LCP and this Development Code.

B. Notification by County. Upon a determination that the time limits established in compliance with Government Code Section 65950 et. seq. have expired, and the notice required by Government Code Section 65950 et seq. has been provided by the Applicant, the Director shall, within five days of the determination, notify persons entitled to receive

notice in compliance with Section 22.70.050 (Public Notice) that it has taken final action by operation of law in compliance with Government Code Section 65956. The Coastal Commission appeal period for development approved by operation of law shall begin only upon receipt of the County's final action notice (which notice shall comply with all requirements of Section 22.70.090) in the office of the Coastal Commission.

22.70.110 – Effective Date of Final Action

A final decision by the applicable review authority on an application for an appealable development shall become effective after the 10 working day appeal period to the Coastal Commission has expired ~~*or after the 21st calendar day following the final County action if no appeal to the Coastal Commission is filed,*~~ unless ~~*any*~~ **either** of the following occur~~*in which case the County action shall not be considered effective:*~~

A. An appeal is filed in compliance with Section 22.70.080 – Appeal of Coastal Permit Decision.

B. The notice of final Coastal Permit approval does not meet the requirements of Section 22.70.090 (Notice of Final Action) or Section 22.70.100 (Notice of Failure to Act).

Where any of the above circumstances occur, the Coastal Commission shall, within five days of receiving notice of that circumstance, notify the County and the applicant that the effective date of the County action has been suspended.

22.70.120 – Expiration Date and Time Extensions

A. Time limits, vesting, extensions. Coastal permit time limits, vesting requirements, and extension provisions shall comply with the following:

1. Time limits, vesting. Coastal permits not vested within three years of the date of approval shall expire and become void. The permit shall not be deemed vested until the permit holder has actually obtained a Building Permit or other construction permit and has substantially completed improvements in accordance with the approved permits, or has actually commenced the allowed use on the subject property, in compliance with the conditions of approval, or has recorded a Parcel or Final Map.

2. Extensions of time. Upon request by the applicant, the Director may extend the time for an approved permit to be vested.

    a. Filing. The applicant shall file a written request for an extension of time with the Agency, at least ten days prior to the expiration of the permit, together with the filing fee required by the County Fee Ordinance.

    b. Review of extension request. The Director shall determine whether the permit holder has attempted to comply with the conditions of the permit. The burden of proof is on the permittee to establish, with substantial evidence, that the permit should not expire. The Director may instead refer the extension request to the Commission for review.

3. Action on extension.

a. If the Director (or the Coastal Commission if the request is referred) determines that the applicant has proceeded in good faith and has exercised due diligence in complying with the conditions in a timely manner, the Director (or Coastal Commission) may extend the permit for a maximum period of three years following the original expiration date. If the approval was granted concurrently with a Tentative Map, the maximum amount of time extensions would be determined by Section 22.84.140 (Extensions of Time for Tentative Maps).

4. Hearing on extension. If the Director finds that significant policy questions are at issue, including changed circumstances that may affect the consistency of the development with the policies of the LCP, the Director may refer the application to the Commission for a public hearing in compliance with Section 22.70.060 and noticing requirements of 22.70.050.

5. Coordination of expiration date among multiple permits. If a Building Permit, or other permit or entitlement, is issued during the time the Coastal Permit remains in effect, the expiration date of the Building Permit or other permit or entitlement shall be automatically extended to coincide with the expiration date of the Coastal Permit.

B. Findings. In addition to the requirements of Section 22.70.120.A, Coastal Permit extensions may be granted by the Director upon a finding that the project continues to be in conformance with the requirements and objectives of the Marin County Local Coastal Program and Coastal Act as applicable.

C. Appeal. Coastal Permit extensions must be noticed (Section 22.70.090) and may be appealed in compliance with Section 22.70.080 (Appeal of Coastal Permit Decision).

22.70.130 – Amendments to Coastal Permits

A Coastal Permit may be amended in the same manner required for initial approval. Amendment requests shall be subject to the appeal provisions of Section 22.70.080 (Appeal of Coastal Permit Decision).

22.70.140 – Emergency Coastal Permits

In the event of an emergency, the Director may issue an ~~e~~**Emergency** Coastal Permit to authorize emergency work in compliance with this Section, Section 30624 of the Coastal Act and Section 13329 of Title 14 of the California Code of Regulations. The Director shall not issue an ~~e~~**Emergency** Coastal Permit for any work to be conducted on any tidelands, submerged lands, on public trust lands, whether filled or unfilled, or any other area within the Coastal Commission's retained coastal permit jurisdiction; requests for emergency work in these areas shall be referred to the Coastal Commission. The emergency approval shall conform to the objectives of this chapter and the Local Coastal Program. The emergency permit process is intended to allow for emergency situations to be abated through use of the minimum ~~*amount of temporary*~~ measures necessary to address the emergency in the least environmentally damaging, short- and long-term manner. The Director may request, at the applicant's expense, verification by a qualified professional of the nature of the emergency and the range of potential solutions to the emergency situation, including the ways such solutions meet these criteria.

A. Application. An application for an ~~e~~**E**mergency Coastal Permit shall be filed with the

Director in writing if time allows, or in person or by telephone if time does not allow.

B. Required information. The applicant shall report to the Director the following information, either during or as soon after the emergency as possible (and in all cases before the ~~e~~**Emergency** Coastal Permit expires):

1. The nature and location of the emergency;

2. The cause of the emergency, insofar as this can be established;

3. The remedial, protective, or preventive work required to deal with the emergency; and

4. The circumstances during the emergency that appeared to justify the course(s) of action taken, including the probable consequences of failing to take action.

5. An application for an emergency shoreline protective device shall be accompanied by an engineering report as described in Section 22.64.060.A.4. If the applicant is unable to provide all such information due to the nature of the emergency, then the applicant shall provide at a minimum: (a) a description of what measures, if any, were taken in advance in order to mitigate the hazard and (b) an analysis of alternatives, including the "no action" alternative.

6. All required technical reports and project plans.

The Director shall verify the facts, including the existence and nature of the emergency, as time allows.

C. Notice. The Director shall provide public notice of the proposed emergency work, and determine the extent and type of notice based on the nature of the emergency. The Director shall notify the Executive Director of the Coastal Commission as soon as possible about potential emergency coastal permits, and shall report, in writing, to the Executive Director after the emergency coastal permit has been issued, the nature of the emergency, and the work involved.

D. Emergency permit approval. The Director may grant an emergency permit upon reasonable terms and conditions, including an expiration date **and the necessity for a Coastal Permit application later,** if the Director finds that:

1. An emergency (~~*i.e.,*~~ **defined as** a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential services) exists that requires action more quickly than permitted by the procedures of this Article for a Coastal Permit, and the work can and will be completed within 30 days unless otherwise specified by the emergency permit;

2. Public comment on the proposed emergency action has been reviewed, if time allows; and

3. The proposed work is consistent with applicable Marin County Local Coastal Program policies.

~~***4.*** *The proposed work is the minimum amount of temporary development necessary to abate the emergency in the least environmentally damaging short- and long-term manner.*~~

The decision to issue an ~~e~~**E**mergency **Coastal** ~~p~~**P**ermit is at the sole discretion of the Director, provided that subsequent Coastal Permits required for the project shall comply with all applicable provisions of this Development Code.

E. Coastal Permit required. ~~*All emergency Coastal Permits shall expire ninety (90) days after issuance, unless extended for good cause by the Planning Director, such extension is limited as much as possible in duration, and such extension is subject to challenge provisions per Section 22.70.040.*~~ All emergency development pursuant to this section is considered temporary and must be removed and the affected area restored if it is not recognized by a regular ~~e~~**C**oastal ~~p~~**P**ermit within 6 (six) months of the date of permit issuance, unless the Director authorizes an extension of time for good cause~~*, where such extension of time may be challenged according to Section 22.70.040)*~~. Within 30 days of issuance of the ~~e~~**E**mergency Coastal Permit, the applicant shall apply for a regular Coastal Permit. Failure to file the applications and obtain the required permits shall result in enforcement action in compliance with Chapter 22.70.175 (Enforcement).

22.70.150 – Coastal Zone Variances

A. This Section provides procedures for the adjustment from the development standards of Article V of this Development Code only when, because of special circumstances applicable to the property, including location, shape, size, surroundings, or topography, the strict application of this Article denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts. Any Coastal Zone Variance granted shall be subject to conditions that will ensure that the Variance does not constitute a granting of special privilege(s) inconsistent with the limitations upon other properties in the vicinity and zoning district in which the property is situated.

Coastal Zone Variances provide relief from standards relating to height, floor area ratio, and yard setbacks. Coastal Zone Variances shall not be granted for relief from ~~*Land Use Plan Policies,*~~ use limitations or minimum lot size and density requirements.

1. **Filing**. An application for a Coastal Zone Variance shall be submitted, filed, and processed in compliance with and in the manner described in Chapter 22.70.030 (Coastal Permit Filing, Initial Processing). It is the responsibility of the applicant to establish evidence in support of the findings required by Section 22.70.070 – Required Findings.

2. **Project review procedure**. Each application shall be analyzed by the Agency to ensure that the application is consistent with the purpose and intent of this Section.

3. **Action on Variances.** Decisions on Coastal Zone Variances shall be issued by the Director or the same review authority that issues the decision on the Coastal Permit for the project.

4. **Notice of action and/or hearing date.** Administrative decisions and public hearings on a proposed Coastal Zone Variance application shall be noticed in compliance with Chapter 22.70.050.

B. Decision and Findings on Coastal Zone Variance~~:~~. Following notice for an administrative Coastal Zone Variance, or a public hearing for a Public Hearing Coastal Zone Variance, the Review Authority shall issue a notice of decision in writing with the findings upon which the decision is based, in compliance with state law (Government Code Section 65906). The

Review Authority may approve an application, with or without conditions, only if all of the following findings are made:

1. There are special circumstances unique to the property (e.g., location, shape, size, surroundings, or topography), so that the strict application of this Development Code denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts.

2. Granting the Variance does not grant relief from the ~~*Land Use Plan Policies,*~~ use limitations or minimum lot size and density requirements governing the subject parcel.

3. Granting the Variance does not result in special privileges inconsistent with the limitations upon other properties in the vicinity and zoning district in which the real property is located.

4. Granting the Variance will not be detrimental to the public interest, health, safety, convenience, or welfare of the County, or injurious to the property or improvements in the vicinity and zoning district in which the real property is located.

~~***C. Appeal of Coastal Permit For Development Requiring a Coastal Zone Variance.*** *Any development that also requires granting of a Variance shall not be considered a Principally Permitted Use per 22.70.080(B)(1)(c) and approval of any coastal permits for development that also requires a coastal zone variance shall be appealable in compliance with Section 22.70.080.*~~

22.70.160. Nonconforming Uses and Structures.

A. Application. This section shall apply to: (1) any existing and lawfully established and authorized use of land; or (2) any existing and lawfully established and authorized structures, that do not conform to the policies and development standards of the certified LCP. ~~*Development that occurred after the effective date of the Coastal Act or its predecessor, the Coastal Zone Conservation Act, if applicable, that was not authorized in a coastal permit or otherwise authorized under the Coastal Act, is not lawfully established or lawfully authorized development, is not subject to the provisions of Section 22.70.160, but is subject to the provisions of Section 22.70.030 (Coastal Permit Filing, Initial Processing).*~~

B. Burden to Establish Legal Status on Owner. Nonconforming uses and structures may be continued only in conformity with the provisions of this Section. The owner of property on which a nonconforming use or structure is claimed shall have the burden of proof in establishing to the satisfaction of the Director the legal nonconforming status claimed. The Director may charge a fee, as established in the County Fee Schedule, for the review of evidence submitted to meet the owner's burden of proof.

C. Nonconforming Uses. A nonconforming use means a use of a structure or land that was legally established and maintained prior to the adoption, revision, or amendment of the ~~*current*~~ **certified** LCP, but does not conform to the ~~*current*~~ **certified** LCP use and/or density standards. A nonconforming use is not a nonconforming structure. Nonconforming uses shall not be expanded nor intensified. For nonresidential uses, intensification shall include, but not be limited to, any change or expansion which is determined by the Director likely to result in a significant new or increased impact due to potential traffic generation, noise, smoke, glare, odors, hazardous materials, water use, and/or sewage generation. ~~*For residential uses, intensification shall be defined as an increase in the*~~

~~number of bedrooms.~~ If any nonconforming use is abandoned for a continuous period of 12 months or longer, the use shall relinquish its legal nonconforming status and any subsequent use of such land shall be in conformity with the regulations specified by the LCP.

D. Nonconforming Structures. A nonconforming structure means a structure that was lawfully erected prior to the adoption, revision, or amendment of the ~~*current*~~ **certified** LCP, but that does not conform with standards for lot coverage, setbacks, height, ~~*number of stories,*~~ distance between structures, or floor area ratio prescribed in the ~~*current*~~ **certified** LCP. Nonconforming structures may be repaired and maintained. However, repair and maintenance involving demolition and/or replacement of 50 percent or more of the nonconforming structure~~*, or that constitutes "Redevelopment (coastal)" as defined in Chapter 22.130,*~~ is not permitted unless the entire structure is brought into conformance with the policies and standards of the LCP. ~~*The 50 percent calculation shall be cumulative, so that any repair and maintenance of a structure after the effective date of this ordinance shall be counted towards the total calculation figure.*~~ For blufftop and shoreline structures, see Subsection F, below.

E. Additions and Improvements. Improvements which enlarge and/or expand a nonconforming structure, including additions, may be authorized, provided that the additions and/or improvements themselves comply with the current policies and standards of the LCP. However, improvements involving demolition and/or replacement of 50 percent or more of the existing structure~~*, or that constitute "Redevelopment (coastal)" as defined in Chapter 22.130,*~~ are not permitted unless the entire structure is brought into conformance with all applicable LCP policies. ~~*The 50 percent calculation shall be cumulative over time from the date of certification of this ordinance.*~~ For blufftop and shoreline structures, see Subsection F, below.

F. Blufftop and Shoreline Development. For nonconforming structures located on a blufftop or along the shoreline, including such structures that are nonconforming with respect to required blufftop and shoreline setbacks, such structures may be repaired, maintained, and improved consistent with Subsections D and E, above. ~~*However, when the repair, maintenance, and/or improvement constitutes "Redevelopment, Coastal (coastal)", as defined in Chapter 22.130, the repair, maintenance, and/or improvement is not permitted unless the entire structure is brought into conformance with all applicable LCP policies.*~~

G. Natural Disasters. If a nonconforming use or structure is destroyed by natural disaster, replacement shall be subject to provisions of 22.68.050(C) in accordance with LUP Policy C-EH-24 (Permit Exemption for Replacement of Structures Destroyed by Disaster).

22.70.175---Violations of Coastal Zone Regulations and Enforcement of LCP Provisions and Penalties (Coastal)

A. Any person who performs or undertakes development in violation of the LCP or inconsistent with any coastal permit previously issued may, in addition to any other penalties, be civilly liable in accordance with the provisions of Public Resources Code section 30820.

B. In addition to all other available remedies, the County may seek to enforce the provisions of the LCP and the Coastal Act pursuant to the provisions of Public Resources Code section 30800-30822.

C. Development may only be undertaken on a legal lot.

~~*D. No coastal development permit application (including all coastal permits, coastal permit exclusions and exemptions, and de minimis waivers) shall be approved unless all unpermitted development on the property affected by the application also is proposed to be removed or retained consistent with the requirements of the certified LCP, and the approval includes full resolution of violations associated with the property affected by the application.*~~

22.70.180 – Potential Takings Evaluation

If the application of the policies, standards or provisions of the Local Coastal Program to proposed development would potentially constitute a taking of private property, then a development that is not consistent with the LCP may be allowed on the property to avoid a taking, provided such development is as consistent as possible with all applicable policies and is the minimum amount of development necessary to avoid a taking as determined through a takings evaluation, including an evaluation of the materials required to be provided by the applicant as set forth below. The applicant shall supplement their application materials to provide the required information and analysis as specified below.

A. **Filing.** The evaluation shall, at a minimum, include the entirety of all parcels that are geographically contiguous and held by the applicant in common ownership at the time of the application. All other nearby property owned by the Applicant may also be considered. Before any decision on a coastal development permit, the applicant shall provide the following information, unless the Director determines that one or more of the particular categories of information is not relevant to the analysis:

1. The date the applicant purchased or otherwise acquired the properties, and from whom.

2. The purchase price paid by the applicant for the properties.

3. The fair market value of the properties at the time the applicant acquired them, describing the basis upon which the fair market value is derived, including any appraisals done at the time.

4. The general plan, zoning or similar land use designations applicable to the properties at the time the applicant acquired them, as well as any changes to these designations that occurred after acquisition.

5. Any development restrictions or other restrictions on use, other than government regulatory restrictions described in subsection (4) above, that applied to the properties at the time the applicant acquired it them, or which have been imposed after acquisition.

6. Any change in the size of the properties since the time the applicant acquired them, including a discussion of the nature of the change, the circumstances and the relevant dates.

7. A discussion of whether the applicant has sold or leased a portion of, or interest in, the properties since the time of purchase, indicating the relevant dates, sales prices, rents, and nature of the portion or interests in the properties that were sold or leased.

8. Any title reports, litigation guarantees or similar documents in connection with all or a portion of the properties of which the applicant is aware.

9. Any offers to buy all or a portion of the properties which the applicant solicited or received, including the approximate date of the offers and offered price.

10. The applicant's costs associated with the ownership of the properties, annualized for each of the last five (5) calendar years, including property taxes, property assessments, debt service costs (such as mortgage and interest costs), and operation and management costs.

11. Apart from any rents received from the leasing of all or a portion of the properties, any income generated by the use of all or a portion of the properties over the last five (5) calendar years. If there is any such income to report it should be listed on an annualized basis along with a description of the uses that generate or has generated such income.

12. Any additional information that the County requires to make the determination.

B. **Evaluation**. To evaluate whether application of the LCP would potentially result in a taking, an applicant shall provide information about coastal resources present on the properties and/or affected by the application sufficient to determine whether all of the properties, or which specific area of the properties, is subject to the restriction on development, so that the scope and nature of development that could be allowed on any portions of the properties that are not subject to the restriction can be determined.

Based upon this analysis, the least environmentally damaging feasible alternative shall be identified. Impacts to coastal resources that cannot be avoided through the implementation of siting and design alternatives shall be mitigated to the maximum extent feasible, with priority given to on-site mitigation. Off-site mitigation measures shall only be approved when it is not feasible to mitigate impacts on-site. Mitigation shall not substitute for implementation of the feasible project alternative that would avoid LCP inconsistencies, including adverse coastal resource impacts.

C. **Supplemental Findings for Approval of Coastal Development Permit.** A Coastal Permit that allows a deviation from a policy or standard of the LCP to avoid a taking may be approved or conditionally approved only if the appropriate governing body, either the Planning Commission or Board of Supervisors, makes the following supplemental findings in addition to the findings required in Section 22.70.070 (Required Findings):

1. Based on the information provided by the applicant, as well as any other relevant evidence, there is no potential development consistent with the LCP policies, standards and provisions that would avoid a taking of the applicant's property.

2. The use proposed by the applicant is consistent with the applicable zoning.

3. The use and project design, siting, and size are the minimum necessary to avoid a taking.

4. The project is the least environmentally damaging alternative and is consistent with all provisions of the certified LCP other than the provisions for which the exception(s) is (are) necessary to avoid a taking.

5. The development will not result in a public nuisance. If it would be a public nuisance, the development shall be denied.

22.70.190 – ~~*Land Divisions*~~ Property Modifications

This section shall provide standards for the issuance of coastal permits for **development as a result of property modifications such as** ~~*land divisions. Land division is a type of development, defined to include*~~ subdivisions (through parcel map, tract map, grant deed), resubdivisions, lot line adjustments, ~~*redivisions, mergers,*~~ and **conditional** certificates of compliance.

A. Certificates of Compliance:

A conditional certificate of compliance issued pursuant to Government Code section 66499.35 shall require a Coastal Permit.

~~*1) For issuance of a certificate of compliance pursuant to Government Code section 66499.35 for a land division that occurred prior to the coastal permits being required (i.e., prior to February 1, 1973 for certain properties pursuant to the Coastal Initiative (Proposition 20) of 1972, and prior to January 1, 1977 otherwise under the Coastal Act of 1976), where the parcel was created in compliance with the law in effect at the time of its creation and the parcel has not been subsequently merged or otherwise altered, no coastal development permit is required.*~~

~~*2) For issuance of a certificate of compliance pursuant to Government Code section 66499.35 for a land division that occurred prior to coastal permits being required (i.e., prior to February 1, 1973 for certain properties pursuant to the Coastal Initiative (Proposition 20) of 1972, and prior to January 1, 1977 otherwise under the Coastal Act of 1976), where the parcel was not created in compliance with the law in effect at the time of its creation, or the parcel has subsequently been merged or altered, a coastal development permit that complies with the certified LCP (or the Coastal Act if located in the Coastal Commission's permitting jurisdiction) is required to legalize the parcel.*~~

~~*3) For issuance of a certificate of compliance pursuant to Government Code section 66499.35 for a land division that occurred after the effective date of the Coastal Act, a coastal development permit that complies with the certified LCP (or the Coastal Act if located in the Coastal Commission's permitting jurisdiction) is required to legalize the parcel.*~~

B. Criteria for ~~Land~~ Divisions of Land

~~*1) Land divisions shall be prohibited if located outside of designated village limit boundaries and within an area found to have limited public service capacities (as specified by Section 22.64.140).*~~

~~*2*~~**1**) ~~*Land d*~~ **D**ivisions **of land** shall be designed to minimize impacts on coastal resources. **Except for environmental subdivisions pursuant to Section 66418.2 of the Subdivision Map Act,** ~~*A*~~**a** ~~*land*~~ division of land shall not be approved if it creates a parcel that would not contain an identified building site that can be developed consistent with all policies of the certified LCP.

~~*3) The minimum lot size in all land use designations shall not allow land divisions, except mergers and lot line adjustments, where the created parcel would be smaller than the average size of surrounding legal parcels.*~~

~~*4*~~**2**) ~~*Land d*~~ **D**ivisions **of land** ~~*outside existing developed areas*~~ shall be permitted only in areas with adequate public services, and where they will not have a significant adverse effect, either individually or cumulatively, on coastal resources. ~~*In addition, land divisions outside village limit boundaries shall only be permitted where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding legal parcels, except that lease of a legal parcel at a level of agricultural use that will sustain the agricultural capacity of the site is not prohibited.*~~

~~*5*~~**3**) ~~*Land d*~~ **D**ivisions **of land** shall be designed to cluster development in order to minimize site disturbance, landform alteration, and fuel modification.

~~*6) Lot line adjustments are limited to four or fewer parcels. A lot line adjustment shall not be approved or conditionally approved unless the existing parcels are legal and the new parcels*~~

~~*resulting from the lot line adjustment will conform to the Local Coastal Program. In addition to all applicable LCP standards, a lot line adjustment shall only be approved with a finding that the resulting parcels protect coastal resources in a manner equal to or better than their existing configuration.*~~

~~*7) The reviewing authority shall not approve a land division if any parcel being created would not be consistent with the certified LCP, including the maximum density designated by the Land Use Plan.*~~

~~*8*~~**4**) ~~*Land d*~~ **D**ivisions **of land** are not the principally permitted use in any zoning district.

C. Criteria for Lot Line Adjustments

Lot line adjustments are limited to four or fewer parcels. A Coastal Permit for a lot line adjustment shall not be approved or conditionally approved unless the existing parcels are legal and the new parcels resulting from the lot line adjustment will conform to the Local Coastal Program. In addition to all applicable LCP standards, a lot line adjustment shall only be approved with a finding that the resulting parcels protect coastal resources in a manner equal to or better than their existing configuration.

Article VIII

Chapter 22.130 – Definitions

Sections:

22.130.010 – Purpose of Chapter
22.130.020 – Applicability
22.130.030 – Definitions of Specialized Terms and Phrases

22.130.010 – Purpose of Chapter

This Chapter provides definitions of terms and phrases used in this Development Code that are technical or specialized, or that may not reflect common usage.

22.130.020 – Applicability

If any of the definitions in this Chapter conflict with definitions in other chapters of the Marin County Code, except for Article V, Chapters 22.60 – 22.70 in which case which any definition contained therein shall prevail, these definitions shall prevail for the purposes of this Development Code. If a word used in this Development Code is not defined in this Chapter, or other Titles of the County Code, the most common dictionary definition is presumed to be correct.

22.130.030 – Definitions of Specialized Terms and Phrases

Definitions are listed in alphabetical order…

A. Definitions, "A."

Accessory Retail Uses (land use). This land use consists of the retail sale of various products (including food) in a store or similar facility that is located within a health care, hotel, office, or industrial complex, for the purpose of serving employees or customers, and is not visible from a public street. These uses include pharmacies, gift shops, food service establishments within hospitals, convenience stores and food service establishments within hotels, and office and industrial complexes.

Accessory Structure. A structure that is physically detached from, secondary and incidental to, and commonly associated with the primary structure or use. Physically detached means independent of any type of substantial connection with the primary structure. A substantial connection means having a continuous foundation and a connecting roof.

Acres, Gross and Net. See "Lot Area."

Actively and directly engaged. means making day-to-day management decisions for the agricultural operation and being directly engaged in production of agricultural commodities for commercial purposes on the property or maintaining a lease to a bona fide commercial agricultural producer.

Adult Entertainment Establishment (land use). This land use consists of any adult bookstore, adult hotel or motel, adult motion picture arcade, adult motion picture theater, cabaret, sexual encounter center, or any other business or establishment that offers its patrons services or entertainment characterized by an emphasis

on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," but not including those uses or activities, the regulation of which is preempted by state law.

Affordable Housing. Dwelling units that are income restricted and rented or sold at rates that are affordable to households with income qualifying as low, very low or extremely low income, as described in Chapter 22.22 (Affordable Housing Regulations) or Chapter 22.24 (Affordable Housing Incentives) and defined by Health and Safety Code Sections 50052.5 and 50053. Affordable Housing includes Transitional and Supportive housing consistent with qualifying income requirements.

Affordable Ownership Cost. Figure at which affordable housing must be provided for purchase, which is calculated as annual housing costs, during the first calendar year of a household's occupancy, including mortgage payments, property taxes, homeowners insurance, and homeowners association dues, if any, which do not exceed the following:

1. For inclusionary units required by Chapter 22.22, annual housing costs cannot exceed 30 percent of 60 percent of area median income, adjusted for household size.

2. For affordable housing that qualifies a project for a state density bonus, annual housing costs cannot exceed the following:

   (a) for moderate income households: 35 percent of 110 percent of area median income, adjusted for household size.

   (b) for low income households: 30 percent of 70 percent of area median income, adjusted for household size.

   (c) for very low income households: 30 percent of 50 percent of area median income, adjusted for household size.

Affordable Rent. Annual rent, including utilities and all fees for housing services, which does not exceed the following:

1. For inclusionary units required by Chapter 22.22, annual rent cannot exceed 30 percent of 50 percent of median area income, adjusted for household size.

2. For affordable housing that qualifies a project for a state density bonus, annual rent cannot exceed the following:

   (a) for low income households: 30 percent of 60 percent of area median income, adjusted for household size.

   (b) for very low income households: 30 percent of 50 percent of area median income, adjusted for household size.

Agency. The Marin County Community Development Agency.

Agent. A person authorized in writing by the property owner to represent and act for a property owner in contacts with County employees, committees, Commissions, and the Board, regarding matters regulated by this Development Code.

Aggrieved Person (coastal). Any person who, in person or through a representative, appeared at a public hearing of the Coastal Commission or County of Marin in connection with a decision or action appealed, or who, by other appropriate means prior to a hearing, informed the Coastal Commission or County of Marin of the nature of his concerns or who for good cause was unable to do either. “Aggrieved person” includes the applicant for a permit.

Agricultural Accessory Activities (land use) (coastal). Activities customarily accessory and incidental to, in support of, compatible with, and, within the C- APZ zone, necessary for agricultural production, and which involve agricultural products produced on site or elsewhere in Marin County, including:

-corn shelling

-custom milling of flour, feed and grain

-drying of corn, rice, hay, fruits, and vegetables

-sorting and packaging of fruits and vegetables

-grain cleaning and grinding

-hay baling and cubing

-pre-cooling and packaging of fresh or farm dried fruits and vegetables

-tree nut hulling and shelling

-preparation and packaging of animal byproduct

(such as eggs and wool) produced on site

Any of the above activities performed in the field with mobile equipment not involving permanent structures are included under the definition of "Crop Production".

Agricultural Accessory Structures (land use) (coastal). Uninhabited structures that are customarily accessory and incidental to, in support of, compatible with, and, within the C-APZ zone, necessary for agricultural production, and that are for the storage of farm animals, implements, supplies or products, and that contains no residential use, are not accessory to a residential use, and are not open to the public, including:

- barns
- coops
- corrals
- grain elevators
- facilities for milking
- fences
- pens
- silos
- stables
- facilities for cleaning, drying, pre-cooling, and packaging of fruits and vegetables produced on site
- greenhouses
- utility facilities
- other similar structures

Agricultural accessory structures do not include commercial greenhouses (which are under "Plant Nurseries") or structures for agricultural processing activities (which are under "Agricultural Processing") or retail sales of agricultural products.

Agricultural District or Zone. Any of the agricultural zoning districts established by Chapter 22.08 (Agricultural and Resource-Related Districts), or Coastal Zoning Districts established by Article V (Coastal Zones – Permit Requirements and Development Standards), including A (Agriculture and Conservation), A2 (Limited Agriculture), ARP (Agricultural, Residential Planned), C-APZ (Coastal, Agricultural Production Zone), and C-ARP (Coastal, Agricultural, Residential Planned).

Agricultural Dwelling Cluster (Coastal). A farmhouse or a combination of one farmhouse and up to two intergenerational homes with the combined total of 7,000 square feet, plus up to ~~the~~ allowed 540 square feet of garage space and up to 500 square feet of office space in the farmhouse used in connection with the agricultural operation. (see 22.32.024 for development standards)

Agricultural Dwelling Unit (coastal). A farmhouse, intergenerational house, or agricultural worker housing located in the C-APZ district.

Agricultural Homestays (coastal). An agriculturally oriented overnight accommodation operation that meets all of the following requirements: (a) Has not more than five guest rooms and accommodates not more than 15 guests; (b) Provides overnight transient accommodations; (c) Serves food only to its registered guests and serves meals at any time, and includes the price of food in the price of the overnight transient occupancy accommodation; and (d) occurs only within otherwise allowable agricultural dwelling units and not within additional separate structures.

Agricultural Processing (land use). Agricultural Processing consists of the processing of harvested crops and other agricultural products, including the following:

- production of butter, cheese, and other dairy products
- processing of milk
- milling
- processing of fruit products
- food oil production, including olive oil
- shellfish processing
- wine production
- processing of honey

Agricultural processing also includes structures used in connection with the above activities.

Agricultural Production (land use) (Coastal). ~~R~~Breeding, raising, pasturing, and grazing of animals ~~used in farming~~ or the planting, growing and/or producing and harvesting of food, fiber and agricultural commodities for commercial purposes, including the following and substantially similar uses of an equivalent nature and intensity:

1. Livestock and poultry- cattle, sheep, poultry, goats, rabbits, and horses provided that horses are accessory and incidental to, in support of, and compatible with the property's agricultural production.
2. Livestock and poultry products (such as milk, wool, eggs).
3. Field, fruit, nut, and vegetable crops – hay, grain, silage, pasture, fruits, nuts, seeds, and vegetables.
4. Plant nurseries and nursery products - nursery crops, cut plants.
5. Aquaculture and mariculture
6. Viticulture
7. Vermiculture
8. Forestry crops (not including Timber Harvesting)
9. Commercial gardening
10. Beekeeping

Agricultural Production and Stewardship Plan (coastal). A plan that identifies existing and proposed agricultural uses and resources for a property. The intent of these plans is to demonstrate the following: (1) the long-term agricultural use of the property will be preserved; (2) agricultural infrastructure has been established or will be enhanced; (3) the proposed development triggering plan preparation is

compatible with protection and/or enhancement of agricultural uses; (4) sound land stewardship has been implemented or will be enacted; and (5) at least 95% of the property will be engaged in agricultural production.

Agricultural Retail Sales Facility/Farm Stand (coastal). A temporary or permanent structure used for the display and sale of agricultural products.

Agricultural use. The breeding, raising, pasturing, and grazing livestock of every nature and description for the production of food and fiber; breeding and raising bees, fish, poultry, and other fowl; planting, raising, harvesting, and producing agricultural, aquacultural, horticultural, and forestry crops and products of every nature and description; and the processing, storage, and sale, including direct retail sale to the public, of crops and products harvested and produced principally on the farm; further provided, however, that all agricultural uses and activities are consistent with applicable laws, including those of the Local Coastal Program.

Agricultural Worker. An employee who is engaged in services associated with an agricultural use, including: cultivation and tillage of soil; dairying; the production, cultivation, growing, and harvesting of any agricultural or horticultural commodity; and the preparation, delivery, or storage of any agricultural or horticultural commodity for market.

Agricultural Worker Housing. Any attached or detached dwelling unit ~~***used***~~ required to house agricultural workers and their family members, including temporary mobile homes. For the purpose of calculating density, no more than one food preparation area shall be provided for each agricultural worker housing unit.

Agriculture (coastal). This land use consists of the "Agriculture,Mariculture" category of Table 5-1-a, including agricultural production for commercial purposes, and the facilities that are accessory and incidental to, in support of, ~~and~~ and compatible with~~, and, within the C-~~ ~~APZ zone~~, ~~*or necessary for*~~ the property's agricultural production:~~, *including*~~ agricultural accessory structures and agricultural accessory activities, agricultural dwelling units ~~one farmhouse per legal lot, intergenerational housing, agricultural worker housing,~~ agricultural product sales and processing, non- profit and owner-operator conducted agricultural tours, and agricultural homestay facilities.

~~***Agricultural Production Activities, Ongoing (Coastal).*** *Existing legally established agricultural production activities, including all ongoing grading and routine agricultural cultivation practices (e.g. plowing, tilling, planting, harvesting, and seeding), which have not been expanded into never before used areas and have not been discontinued for more than the previous 10 years. Agricultural production activities may include the conversion of grazing to crop production or other ongoing activity involving a change in the intensity of use of land or water (such as for ongoing rotational grazing and crop farming) if the ongoing production activity has been part of a regular pattern of agricultural practices that has not been discontinued for more than the previous 10 years. If the ongoing production activity has been discontinued for more than the previous 10 years, the permit issuing authority may allow an Applicant to overcome the presumption that the agricultural production activity is no longer ongoing if the Applicant demonstrates his or her ongoing intention to reinstate the agricultural production activity based on the history of agricultural production on the property, the long-term investment in the agricultural production activity on the property, and the existence of infrastructure to support the agricultural production activity.~~

~~*Conversion of grazing to crop production or any other new or expanded activity involving grading or a change in the intensity of use of land or water that has not been part of a regular pattern of agricultural practices or has been discontinued for more than the period of time prescribed herein is not an ongoing agricultural production activity but rather constitutes new development requiring a coastal permit consistent with Chapters 22.68 and 22.70, unless such*~~

~~development is categorically excluded by a Coastal Commission approved Categorical Exclusion Order.~~

Agriculture Ongoing (Coastal) means the following agricultural activities:

1. All-routine agricultural cultivation practices (e.g. plowing, tilling, planting, harvesting, and seeding), which are not expanded into Environmentally Sensitive Habitat Areas (ESHAs) and ESHA buffers, Oak woodlands or areas never before used areas for agriculture, and

2. Conservation practices required by a governmental agency including, but not limited to, the State Water Resources Control Board or Regional Water Quality Control Board, in order to meet requirements to protect and enhance water quality and soil resources.

The following activities shall not be considered ongoing agriculture for the purposes of the definition of "Development:" and constitute~~s~~ new development requiring a coastal permit consistent with Chapters 22.68 and 22.70, unless such development is categorically excluded by a Coastal Commission approved Categorical Exclusion Order.

1. Development of new water sources such as construction of a new or expanded well or surface impoundment.
2. Installation or extension of irrigation systems
3. Terracing of land for agricultural production;
4. Preparation or planting of land for viticulture, including any initial vineyard planting work as defined in Chapter 22.130;
5. Preparation or planting of land for growing or cultivating the genus cannabis .
6. Routine agricultural cultivation practices on land with an average agricultural slope of more than 15%.

Airpark (land use). This land use consists of airfields, landing strips, and/or heliports, in compliance with the regulations of the Federal Aviation Administration (FAA), and California Division of Aeronautics.

Alley. A public or private roadway, not intended for general vehicle traffic circulation, that provides secondary vehicle access to the rear or side of lots having other public street frontage.

Alteration. Any construction or physical change in the internal arrangement of rooms or the supporting members of a structure, or a change in the external appearance of any structure, not including painting. ~~***For the purposes of Coastal Redevelopment, "alteration" includes additions, exterior and/or interior renovations, repair and maintenance, and demolition associated with existing structures.***~~

Animal Sales Lot. See "Livestock Operations, Sales Lots, Feedlots, Stockyards."

Antennas. See "Telecommunications Facilities."

Apartment. See "Multi-Family Housing."

Appealable Area. The areas described by Public Resources Code 30603,a.1 and .a.2, within which a County decision to approve a Coastal Permit for development may be appealed to the California Coastal Commission.

Appealable Development (coastal): ~~*Any local action on*~~ Approval by the County of a Coastal Permit application for development that is located (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance; (2) within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff; and/or (3) on tidelands, submerged lands, ~~*and*~~ or

public trust lands. In addition, ~~any local action~~ a County decision on a ~~CDP~~ Coastal Permit application for the following types of development ~~are~~ is also appealable: (1) approval of a Coastal Permit~~s~~ for any ~~type of~~ development that is not designated as the principal permitted use under the zoning ordinance; and (2) approval or denial of ~~any~~ a Coastal Permit~~s~~ for any development which constitutes a major public works project ~~(including a publicly financed recreational facility)~~ or a major energy facility.

Appeals Area Maps: For geographically-based appeals, t ~~T~~he official Coastal Commission certified maps on file with the Community Development Agency which identify areas within the Coastal Zone where County decisions on Coastal Permit applications may be appealed to the Coastal Commission. Maps are illustrative but not determinative and Title 14 CCR Section 13577 is also utilized to determine the boundaries of appeal areas.

Armoring Project (Coastal). See "Shoreline Protective Device.".

Applicant. Any person, firm, partnership, association, joint venture, corporation, or any entity or combination of entities, which seeks County permits and approvals.

Applicant (coastal). Any "person" applying for a coastal permit as required by Public Resources Code Section 30600 in order to undertake development. See definition of person.

Approval. An official sanction that includes both approval and approval with conditions.

Aquaculture (land use). A form of agriculture as defined in Section 17 of the Fish and Game Code. Aquaculture products are agricultural products, and aquaculture facilities and land uses shall be treated as agricultural facilities and land uses in all planning and permit-issuing decisions.

Arborist. An arborist is 1) a person currently certified by the Western Chapter of the International Society of Arboriculture as an expert on the care of trees; 2) a consulting arborist who satisfies the requirements of the American Society of Consulting Arborists; or 3) such other qualified professionals who the Director determines has gained through experience the qualifications to evaluate (a) tree health and necessary steps to protect same, and/or (b) safety issues with tree health and configuration, including to identify when hazardous tree removal may be necessary, including developing recommendations on when and how to remove or replace trees.

Architectural Deviation (non-coastal). A discretionary land use permit established by Chapter 22.46 (Floating Home Adjustments and Deviations) to evaluate floating homes that are between 16 and 20 feet in height. The review considers the appropriateness of project design as it relates to the aesthetics and scale of neighboring floating homes, as well as views within and to the marina.

Area Median Income. Median income for Marin County as published by the U.S. Department of Housing and Urban Development (HUD) or the California Department of Housing and Community Development (HCD) with adjustments for household size. Applicable schedule to be applied at the discretion of the Director.

Ark. Any vessel, boat, craft, or structure originally designed to float that is now permanently grounded or supported by a foundation or piling.

Assessor's Parcel. A unit of real property recognized by the Marin County Assessor's Office for tax purposes, mapped and assigned an Assessor's Parcel Number by the Assessor's Office.

Auto, Mobile Home, Vehicle, Parts Sales (land use). This land use consists of the retail sale and/or rental of the following (vehicles may be new or used):

- automobiles
- boats
- campers
- dealerships
- golf carts
- jet skis
- mobile homes

- motorcycles
- motorized farm equipment
- recreational and utility trailers
- repair shops with new car
- snowmobiles
- tires
- trucks
- vans
- vehicle accessories
- vehicle parts

Does not include: bicycle and moped sales (see "Retail Stores, General Merchandise"); tire recapping establishments (see "Repair and Maintenance - Vehicle"); businesses dealing exclusively in used parts, (see "Recycling, Scrap and Dismantling Yards"); or "Service Stations," which are separately defined.

Automatic Teller Machine (ATM) (land use). This land use consists of machines used by bank and financial service patrons for conducting transactions, including deposits, withdrawals and fund transfers, without contact with financial institution personnel. The machines may be located at or within banks, or in other locations, in compliance with this Development Code.

Automobile Dismantling Yard. See "Recycling Facilities, #6, Scrap, and Dismantling Yards."

Automobile Repair. See "Repair and Maintenance, Vehicle."

Average agricultural slope. The average percent slope of new or existing agricultural land prior to the commencement of any agricultural planting work. All average slopes shall be calculated using the most recent data from the United States Geological Survey (USGS), field-based documentation surveyed cross-sections, or computer generated topographic mapping.

Avian Migratory Concentration Point. Avian migratory concentration point refers to both the place of departure and the destination of birds from one region to another, especially as a result of seasonal or periodic movement in order to breed, seek food, or to avoid unsuitable weather conditions.

B. Definitions, "B."

Banks and Financial Services (land use). This land use consists of financial institutions including:

- banks and trust companies
- credit agencies
- holding (but not primarily operating) companies
- lending and thrift institutions
- other investment companies
- securities/commodity contract brokers and dealers
- security and commodity exchanges
- vehicle finance (equity) leasing agencies

See also, "Automatic Teller Machine," above.

Bars and Drinking Places (land use). This land use consists of the sale of alcoholic beverages for on- site consumption, not as part of a larger restaurant. Includes bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. May include entertainment (e.g., live music and/or dancing). May also include beer brewing as part of a microbrewery, and other beverage tasting facilities.

Base Density. This definition applies only to projects that seek a density bonus. The base density is either 1) the number of units/lots that are calculated using the minimum lot area or maximum density associated with the zoning district ~~*after taking into consideration all building constraints (e.g. including LCP requirements for steep slopes, buffers for wetlands and sensitive habitats, and setbacks for geologic hazards);*~~ or, ~~*outside the coastal zone*~~, 2) the maximum density allowed by the Built Environment Element of the Countywide Plan including provisions applicable to sites with sensitive habitat, or located within the Ridge and Upland Greenbelt, or lacking public water or sewer systems, or if the project will result in an exceedance to the Level of Service Standards. Where the density allowed outside the coastal zone under the zoning ordinance is inconsistent with the density allowed under the Built Environment Element, the Built Environment Element density shall prevail.

Basement. A story which is partly or completely below grade.

Bay Window. A window enclosure that projects from an exterior wall and is at least 18 inches above the adjoining finished floor as measured to the lowest horizontal plane of the projection. To be considered a bay window for the purposes of allowed exemptions and floor area, the windowed enclosure shall not occupy an area greater than 25 percent of any individual wall element of the building for each story or extend more than 30 inches from the exterior wall.

Beach (coastal). The expanse of sand, gravel, cobble or other loose material that extends landward from the low water line to the place where there is distinguishable change in physiographic form, or to the line of permanent vegetation. The seaward limit of a beach (unless specified otherwise) is the mean low water line.

Bed and Breakfast Inns (land use). This land use consists of providing up to five guest bedrooms for overnight lodging, where the use is clearly secondary and incidental to the use of the property as a single-family residence, or, in agricultural zoning districts and agricultural dwelling units, clearly secondary and incidental to the use of the property for agricultural production. County requirements applicable to Bed and Breakfast Inns are in Section 22.32.040 (Bed and Breakfast Inns), and applicable Health Department regulations, and the LCP. A Bed and Breakfast Inn with more than five guest rooms is considered a hotel or motel, and is not permitted in a residential or agricultural zoning district. Refer to the definition of "Room Rental" to distinguish between a Bed and Breakfast Inn and room rental in a "boarding house" situation.

Below Market Rate. Housing that is sold or rented at a price which is below the prevailing rate for equivalent housing units within the same community.

Beneficial Use of Water (coastal). Use of waters of the state including domestic, municipal, agricultural and industrial supply; power generation; recreation; aesthetic enjoyment; navigation; and preservation and enhancement of fish, wildlife, and other aquatic resources or preserves.

Best Management Practices (BMPs) (coastal). Methods that have been determined to be the most effective, practical means of preventing, reducing, and treating pollutants found in runoff-such as pollutants carried by stormwater and irrigation runoff.

Beverage Production (land use). This land use consists of manufacturing facilities including bottling plants, breweries, coffee roasting, soft drink production, and wineries. Does not include milk processing; see "Food Products." May include tasting and accessory retail sales of beverages produced on site. A tasting facility separate from the manufacturing facility is included under the definition of "Bars and Drinking Places" if alcoholic beverages are tasted, and under "Restaurant" if beverages are non-alcoholic.

Billboard. Any sign advertising, indicating, or identifying a use, activity, or other entity not on the same premises as the sign.

Block. A group of lots surrounded by streets or roads, or streets or roads and railroad right-of-way, mean high tide line or unsubdivided acreage.

Blue Line Stream. A watercourse shown as a blue line (perennial or intermittent) on the most recent appropriate USGS data.

Bluff (coastal). ~~*Those bluffs, the toe of which is now or was historically (generally within the last 200 years) subject to marine erosion; and those bluffs the toe of which is not now or was not historically subject to marine erosion, but the toe of which lies within an area otherwise identified in Public Resources Code Section 30603(a)(1) or (2).*~~ A high bank or bold headland with a broad, precipitous, sometimes rounded cliff face overlooking a plain or body of water. A bluff may consist of a steep cliff face below and a more sloping upper bluff above.

Bluff Edge (coastal). The upper termination of a bluff, cliff, or seacliff. In cases where the top edge of the bluff is rounded away from the face of the bluff as a result of erosional processes related to the presence of the steep bluff face, the bluff line or edge shall be defined as that point nearest the bluff beyond which the downward gradient of the surface increases more or less continuously until it reaches the general gradient of the bluff. In a case where there is a steplike feature at the top of the bluff face, the landward edge of the topmost riser shall be taken to be the bluff edge. Bluff edges typically retreat landward due to coastal erosion, landslides, development of gullies, or by grading (cut). In areas where the bluff top or bluff face has been cut or notched by grading, the bluff edge shall be the landwardmost position of either the current or historic bluff edge. In areas where fill has been placed near or over the historic bluff edge, the original natural bluff edge, even if buried beneath fill, shall be taken to be the bluff edge.

Blufftop (coastal). The upper surface of a bluff extending 150 feet inland from the bluff edge.

Blufftop Parcel (coastal). A parcel located wholly or partially on a blufftop.

Board, Board of Supervisors. The Board of Supervisors of the County of Marin, State of California.

Board, Board of Commissioners of the Housing Authority. The Board of Commissioners of the Housing Authority of the County of Marin, State of California.

Broadcasting Studios (land use). This land use consists of commercial and public communications facilities entirely within buildings, including radio and television broadcasting and receiving stations and studios. Transmission and receiving apparatus, including antennas and towers, are included under the definition of "Telecommunications Facilities."

Buffer Zone. An area which separates ~~*one land use from another, or*~~ development from some identified constraint and/or resource ~~*(e.g. coastal hazard buffers, ESHA buffers, etc.)*~~ for purposes of safety, environmental protection or compatibility.

Building. Any structure, having a roof supported by columns or walls and usable for shelter, housing, or enclosure of any person, animal, equipment or material.

Building Area. The sum of the floor area of all floors in all buildings on a site. Unlike "Floor Area", building area includes garages, carports, storage buildings, and other attached or detached accessory structures

Building Envelope. An area of real property identified for the construction of buildings ~~*and related development.*~~

Building, Main. See "Structure, primary."

Building Material Stores (land use). This land use consists of the retail sale of lumber and other large building materials, where most display and sales activities occur indoors. Products sold may include paint, wallpaper, glass, fixtures, nursery stock, and lawn and garden supplies. Includes stores selling to the general public, even if contractor sales account for a major proportion of total sales. Includes incidental retail ready-mix concrete operations, except where excluded by a specific zoning district. Establishments primarily selling electrical, plumbing, heating, and air conditioning equipment and supplies are classified in "Wholesaling and Distribution." Hardware stores are listed in the definition of "Retail Stores, General Merchandise," even if they sell some building materials.

Building Site. ~~*That portion of a*~~A lot or parcel that is recognized by the Community Development Agency as having been created in compliance with the governing zoning and development standards ~~*that includes an area where LCP-consistent development can occur*~~.

Bulk. When quantified, total interior cubic volume as measured from the exterior surfaces of the structure.

Business Support Services (land use). This land use consists of establishments located primarily within buildings, providing other businesses with services including maintenance, repair and service, testing, rental, etc. Examples of these services include:

- blueprinting
- business equipment repair services (except vehicle repair, see "Repair and Maintenance - Vehicle")
- commercial art and design (production)
- computer-related services (rental, repair)
- copying, quick printing, and blueprinting services
- equipment rental businesses within buildings (rental yards are "Storage Yards and Sales Lots")
- equipment repair services where repair occurs on the client site
- film processing laboratories
- graphic design
- janitorial services
- mail advertising services (reproduction and shipping)
- outdoor advertising services
- photocopying
- photofinishing
- secretarial and personnel services
- security services
- soils and materials testing laboratories
- window cleaning

C. Definitions, "C."

Cabinet Shop. See "Furniture and Fixtures" (land use).

California Environmental Quality Act (CEQA). See California Public Resources Code Sections 21000 et seq.

Campground (land use). This land use consists of land that is used or intended for use by camping parties, which may include individual campsites, but where utility hookups for recreational vehicles are typically not provided at campsites. See also "Recreational Vehicle Parks."

Car Deck. See "Parking Structure."

Cargo Container. A portable, rectangular metal storage container, generally with a height greater than five feet and with doors on one end, designed to be transported on trucks, rail cars, or ships, individually or stacked.

Carport. See "Parking Structure."

Categorical Exclusion. Any category of development, or any category of development within a specifically defined geographic area, that the Coastal Commission, after public hearing, and by two- thirds vote of its appointed members, has described or identified and with respect to which the Coastal Commission has found that there is no potential for any significant adverse effect, either individually or cumulatively, on coastal resources including public access to or along the coast, subject to the terms and conditions of the adopted exclusion.

Cemeteries, Columbariums and Mortuaries (land use). This land use consists of internment establishments engaged in subdividing property into cemetery lots and offering burial plots or air space for sale. Includes animal cemeteries; cemetery, mausoleum, crematorium and columbarium operations, and full-service funeral parlors, whether accessory to or separate from a cemetery or columbarium.

CEQA. See California Environmental Quality Act (CEQA).

Certificate of Compliance. A Certificate of Compliance is a document recorded by the County Recorder, which acknowledges that the subject parcel, which was typically created prior to current subdivision map requirements, is considered by the County to be a legal lot of record pursuant to the Subdivision Map Act. A Conditional Certificate of Compliance is a document recorded by the County Recorder, which acknowledges that a parcel was not legally divided pursuant to the Subdivision Map Act. Procedures for Certificates of Compliance may be found in Chapter 22.96 (Certificates of Compliance) of this Development Code. ~~*In the coastal zone, approval of a certificate of compliance does not alter the need for any required coastal permit. (See definitions of illegal lot and land division.).*~~

Chemical Products (land use). This land use consists of the manufacture of chemicals and other products created predominantly by chemical processes. This definition includes the manufacture of three general classes of products: (1) basic chemicals, such as acids, alkalies, salts, and organic chemicals; (2) chemical products to be used in further manufacture, such as synthetic fibers, plastic materials, dry colors, and pigments; and (3) finished chemical products to be used for ultimate consumption, such as drugs and cosmetics, or to be used as materials or supplies in other industries such as paints, fertilizers, and explosives. Also includes sales and transportation establishments handling the chemicals described above in other than one of the uses included in the Retail Trade Group on the land use and permit tables.

Child Day-Care Facilities (land use). This land use consists of the provision of nonmedical care and supervision of minor children for periods of less than 24 hours. This land use includes the following types of facilities, all of which are required to be licensed by the California State Department of Social Services:

1. **Child Day-Care Center (land use).** This land use consists of commercial or non-profit child day-care facilities designed and approved to accommodate 15 or more children. Includes infant centers, preschools, sick-child centers, and school-age day-care facilities. These may be operated in conjunction with other approved land uses, or as an independent land use.

2. **Large Family Day-Care Home (land use).** This land use consists of a day-care facility located in a single-family residence where an occupant of the residence provides care and supervision for eight to 14 children. Children under the age of 10 years who reside in the home count as children served by the day-care facility.

3. **Small Family Day-Care Home (land use).** This land use consists of a day-care facility located in a single-family residence where an occupant of the residence provides care and supervision for either six or fewer children, or eight or fewer children provided that no more than two of the children are under the age of two and at least two of the children are over the age of six. Children under the age of 10 years who reside in the home count as children served by the day-care facility.

Churches. See "Religious Places of Worship."

Clothing Products (land use). This land use consists of the manufacture of clothing, and the fabrication of products by cutting and sewing purchased textile fabrics, and related materials such as leather, rubberized fabrics, plastics and furs. Custom tailors and dressmakers not operating as a factory and not located on the site of a clothing store ("Retail Stores, General Merchandise") are instead included under "Personal Services." See also, "Textile and Leather Products."

Coastal Act. The California Coastal Act of 1976, enacted by the legislature in response to the 1972 ballot initiative known as Proposition 20. See Public Resources Code Section 30000 et seq.

Coastal Commission. The California Coastal Commission as established by the California Coastal Act of 1976.

Coastal Dependent Use. Any development or use that requires a site on, or adjacent to the ocean to function.

Coastal Permit. A discretionary land use permit, required pursuant to Public Resources Code Section 30600(a), that may be granted in compliance with Article V (Coastal Zones – Permit Requirements and Development Standards), and which authorizes development on a specific site, subject to compliance with any conditions of approval imposed on the permit.

Coastal-Related Development (coastal). Any use that is dependent on a coastal-dependent development or use.

Coastal Resources (coastal): Include, but are not limited to:: public access and public access facilities and opportunities, recreation areas and recreational facilities and opportunities (including for recreational water-oriented activities), public views, natural landforms, marine resources, watercourses (e.g., rivers. streams, creeks~~. *etc.*~~) and their related corridors, waterbodies (e.g., wetlands. estuaries. lakes~~. *etc.*~~) and their related uplands, groundwater resources, biological resources, environmentally sensitive habitat areas, agricultural lands, and archaeological or paleontological resources.

Coastal Stream (coastal). See "Stream (coastal)"

Coastal Zone (coastal). That land and water area, which includes parts of the County of Marin, specified on the maps identified and set forth in Section 17 of that chapter of the Statutes of the 1975-76
Regular Session enacting the California Coastal Act of 1976, extending seaward to the state's outer limit of jurisdiction, including all offshore islands, and extending inland generally 1,000 yards from the mean high tide line of the sea. In significant coastal estuarine, habitat, and recreational areas it extends inland to the first major ridgeline paralleling the sea or five miles from the mean high tide line of the sea, whichever is less, and in developed urban areas the zone generally extends inland less than 1,000 yards.
The coastal zone does not include the area of jurisdiction of the San Francisco Bay Conservation and Development Commission, established pursuant to Title 7.2 (commencing with Section 66600) of the Government Code, nor any area contiguous thereto, including any river, stream, tributary, creek, or flood control or drainage channel flowing into such area.

Coastal Zoning Districts. Any of the coastal zoning districts established by Article V (Coastal Zones – Permit Requirements and Development Standards), including:

C-ARP (Coastal, Agricultural Residential Planned) C-APZ (Coastal, Agricultural Production Zone)

C-RA (Coastal, Residential Agricultural) C-R1 (Coastal, Single-Family Residence) C-R2 (Coastal, Two-Family Residence)

C-RMP (Coastal, Residential Multiple Planned)

C-RSP (Coastal, Residential Single-Family Planned) C-RSPS (Coastal, Residential Single-Family Planned, Seadrift Subdivision)

C-CP (Coastal, Planned Commercial)

C-H1 (Coastal, Limited Roadside Business) C-VCR (Coastal, Village Commercial Residential)

C-OA (Coastal, Open Area)

C-RMPC (Coastal, Residential Multiple Planned Commercial)

C-RCR (Coastal, Resort Commercial Recreation)

Co-Located. A telecommunications facility site where ~~*the facility accommodates more than one provider, such as*~~ a structure contains antennas for more than one telecommunications service or service providers.

Combining District. A combining district is a supplementary zoning designation that is applied to property in addition to a primary zoning district to highlight special regulations that apply to properties within the combining district. The combining districts established by Section 22.06.020 (Zoning Districts Established), include -B (Minimum Lot Size), and -BFC (Bayfront Conservation). In the coastal zone, combining districts are specified in 22.62.090 – Coastal Special Purpose and Combining Districts.

Commercial District or Zone. Any of the commercial zoning districts established by Sections 22.06.020 (Zoning Districts Established), or Article V (Coastal Zones – Permit Requirements and Development Standards) including:

VCR (Village Commercial/Residential)	C-VCR (Coastal, Village Commercial/ Residential)
RMPC (Residential/Commercial Multiple Planned)	C-RMPC (Coastal, Residential/Commercial Multiple Planned)
C1 (Retail Business)	C-H1 (Coastal, Limited Roadside Business)
CP (Planned Commercial)	C-CP (Coastal, Planned Commercial)
AP (Administrative and Professional)	C-RCR (Coastal, Resort and Commercial
OP (Planned Office)	

H1 (Limited Roadside Business)	Recreation)
RCR (Resort and Commercial Recreation)	

Commercial Gardening (land use). This land use consists of small-scale truck gardening, tree farming, and other similar agricultural production activities, where products are sold off-site.

Commercial Parking and Vehicle Storage (land use). This land use consists of service establishments in the business of storing operative cars, buses, recreational vehicles, and other motor vehicles for clients. Includes both day use and long-term public and commercial garages, parking lots and structures, except when accessory to a principal use. Includes sites where vehicles are stored for rental or leasing. All principal uses are considered to include any customer or public use off-street parking required by this Development Code. Does not include dismantling yards; see "Recycling, Scrap and Dismantling Yards."

Commercial Recreational Facilities (coastal). Facilities such as riding stables, chartered fishing boats, amusement or marine parks, operated for private profit.

Commission. See "Planning Commission."

Common Interest Development. A condominium, community apartment project, planned development or stock cooperative, as provided by California Civil Code Section 1351, where individually-owned housing units are located together on a parcel or within a building that is owned in common by all owners of individual units.

Community Apartment Project. A development in which an undivided interest in land is coupled with the right of exclusive occupancy of any apartment located thereon; as defined in Business and Professions Code Section 11004 and Civil Code Section 1351(d).

Community Centers (land use). This land use consists of multi-purpose meeting and recreational facilities that are designed to enhance public recreational access and visitor-serving opportunities, and typically consist of one or more meeting or multi-purpose rooms, kitchen and/or outdoor barbecue facilities, that are available for use by various groups for such activities as meetings, parties, receptions, dances, etc.

Community Garden (land use). This land use consists of public or private gardening for non- commercial neighborhood or community use where there is usually a formal or informal sharing of cultivation and maintenance responsibilities. Unlike parks and playgrounds, where plantings are often ornamental and ecological, community gardens emphasize planting of vegetables and agricultural crops.

Community Plan. A planning document which sets forth goals, objectives, policies, and programs to address specific issues related to a particular unincorporated community. Community Plans are considered part of the Marin Countywide Plan.

Completeness Determination. The review of a land use permit application and all supporting materials to determine whether the submittal includes all information and materials required by the Agency to analyze a proposed development's compliance with the relevant standard of review.

Concrete, Gypsum, and Plaster Products (land use). This land use consists of the manufacture of bulk concrete, concrete building block, brick and all types of precast and prefab concrete products. Also includes ready-mix concrete batch plants, lime manufacturing, and the manufacture of gypsum products, such as plasterboard. A retail ready-mix concrete operation as an incidental use in conjunction with a building materials outlet is defined under "Building Material Stores."

Conditional Use (coastal). A land use allowed in the applicable zoning district by Article 5 (Zoning Districts and Allowable Land uses) which is not otherwise permitted in that district, but which may be permitted by the County through a Use Permit under conditions set forth in the Development Code County decisions on Coastal Permits allowing such uses are appealable to the California Coastal Commission. [See Section 22.70.080.B.1 for Appeal of Coastal Permit Decisions

Conditions, Covenants, and Restrictions (CC&Rs). A declaration recorded with the title to a parcel that may establish private provisions governing how a property shall be held, conveyed, encumbered, leased, rented, used, occupied, and/or improved. Private CC&Rs are not administered or enforced by the County, but CC&Rs emanating from permitting terms and conditions may be.

Condominium. As defined by Civil Code Section 1351.f, a development where undivided interest in common in a portion of real property is coupled with a separate interest in space called a unit, the boundaries of which are described on a recorded final map, parcel map, or condominium plan. The area within the boundaries may be filled with air, earth, or water, or any combination, and need not be physically attached to any land except by easements for access and, if necessary, support.

Construction Equipment Sales (land use). This land use consists of the retail sale or rental of heavy construction equipment, including cranes, earth moving equipment, heavy trucks, etc.

Construction Yard (land use). This land use consists of the outdoor storage of vehicles and large equipment, or other materials commonly used in the construction business; storage of scrap materials used for repair and maintenance of construction equipment; and buildings or structures for uses including offices and repair facilities.

Contiguous Properties. For the purposes of Chapter 22.92 (Merger of Parcels) and for all Coastal Permit purposes, all adjoining land owned or controlled by the applicant, the property lines of which touch or join at more than one point, or the property lines of which are separated only by a public or private street, road or other public or private right-of-way, or separated only by other land owned by the applicant.

Conventional District. Any zoning district established by Sections 22.06.020 (Zoning Districts Established), and Article V (Coastal Zones – Permit Requirements and Development Standards), that is not included under the definition of "Planned District" provided by this Chapter. The conventional districts include:

A (Agriculture and Conservation)	C-R2 (Coastal, Residential, Two-Family)
A2 (Limited Agriculture)	VCR (Village Commercial/Residential)
RA (Residential, Agricultural)	C1 (Retail Business)
C-RA (Coastal, Residential, Agricultural)	AP (Administrative and Professional)
RR (Residential, Restricted)	H1 (Limited Roadside Business)
RE (Residential, Estate)	C-VCR (Coastal, Village Commercial/Residential)
R1 (Residential, Single-Family)	C-H1 (Coastal, Limited Roadside Business)
C-R1 (Coastal, Residential, Single-Family)	OA (Open Area)
R2 (Residential, Two-Family)	C-OA (Coastal, Open Area)
	PF (Public Facilities)

Cottage Industry (land use). This land use consists of the design, light manufacturing or product assembly, and the sale of products and services inside a dwelling or within an accessory building located on the same site as the dwelling, by the inhabitants of the dwelling. This land use involves the design, manufacture, and sale of the following products and services, or other uses determined by the Director to be similar in nature including: See Section 22.32.060 (Cottage Industries).

- antique repair and refinishing
- jewelry making

- baking & food preparation for off-site consumption
- batik and tie dyeing
- catering
- ceramics
- dress making, cloth decoration, etc.
- furniture and cabinet making, other woodworking
- painting and sculpture
- photography
- sewing
- weaving
- other handcrafts

County. The County of Marin, State of California, referred to in this Development Code as "the County."

County Boundary. The boundary of the unincorporated limits of the County of Marin.

County Code. The Marin County Code.

Countywide Plan. The Marin Countywide Plan, including all of its elements and amendments, and all Community Plans, as adopted by the Board of Supervisors under the provisions of the Government Code (Sections 65300 et seq.), and referred to in this Development Code as the "Countywide Plan." The Countywide Plan is not a part of the LCP.

Coverage. See "Site Coverage."

Crop Production (land use). This land use consists of commercial agricultural field and orchard uses, including production of:

- field crops
- flowers and seeds
- fruits
- grains
- melons
- ornamental crops
- tree nuts
- trees and sod
- vegetables

Also includes associated crop preparation services and harvesting activities, such as mechanical soil preparation, irrigation system construction, spraying, and crop harvesting

Cumulative Effects (coastal). The incremental effects of an individual project reviewed ~~*when considered in tandem*~~ in connection with the effects of past projects, the effects of other current projects, and the effects of planned or probable future projects.

D. Definitions, "D."

DBH. See "Diameter at breast height"

Dairy Operations (land use). This land use consists of specialized and intensive commercial animal facilities for the raising and keeping of dairy animals, including facilities for milking.

Demolition. The act of tearing down, removing, or replacing an existing building, structure, or other physical improvement.

Density. The number of dwellings per acre of lot area, unless otherwise stated, for residential uses.

Density Bonus. An increase in the number of dwelling units over the base density.

Design Review. See Chapter 22.42 (Design Review). Design review requirements are contained in Chapter 22.42 rather than in the LCP and such design review requirements apply independent of, and in addition to, coastal permit requirements.

Development (coastal). On land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973(commencing with Section 4511 of the Public Resources Code).

As used in this section, "structure" includes any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

~~*Any activity meeting the definition of development within the Coastal Zone requires a Coastal Permit, consistent with Chapter 22.68, unless exempt, categorically excluded, or qualifies for a de minimis waiver.*~~

Development Code. The Marin County ~~***Coastal***~~ Development Code, Title 22 of the Marin County Code, referred to herein as "this Development Code."Development Code Sections 22.60 through 22.70, the portions of 22.32 and 22.130 that apply in the coastal zone, and all associated zoning maps, constitutes the LCP Implementation Plan.

Development Permit. See "Land Use Permit."

Development Project (non-coastal). "Development project" includes a project involving the issuance of a permit for construction or reconstruction but not a permit to operate. "Development project" does not include any ministerial projects proposed to be carried out or approved by public agencies.

Diameter at Breast Height (DBH). DBH means the diameter of a tree trunk measured in inches at a height of 4.5 feet above ground while standing on level ground or from the uphill side of the tree. If a tree splits into multiple trunks below 4.5 feet, the trunk is measured at its most narrow point beneath the split.

Director. The Director of the Marin County Community Development Agency or designee of the Director, referred to throughout this Development Code as "Director."

Disabled. A person with: (1) a physical or mental impairment which substantially limits one or more of a person's major life activities; (2) a record of having such an impairment; or (3) being regarded as having such an impairment.

Disaster (coastal). Any situation in which the force or forces which destroy a structure were beyond the control of its owner. (Adapted from Public Resources Code Section 30610(g)(2)(A)).

Discretionary Permit. A permit granted by a review authority in response to a land use permit application after applying the exercise of judgment or deliberation prior to making a decision. Includes any of the following entitlements/approvals established by Article IV (Land Use and Development Permits): Coastal Permits, Design Review, Floating Home Adjustment Permits, Floating Home Architectural Deviations, Master Plans and Precise Development Plans, Use Permits, Sign Review, Temporary Use Permits, Tentative Maps, Tidelands Permits, and Variances. See also "Ministerial Permit."

Discretionary Project. A development project which requires the exercise of judgment or deliberation when the public agency or body decides to approve or disapprove a particular activity ~~*project*~~, as distinguished from situations where the public agency or body merely determines whether there has been conformity with applicable statutes, ordinances, or regulations. A timber harvesting plan submitted to the State Forester for approval under the requirements of the Z'berg-Nejedly Forest Practice Act of 1973 (Pub. Res. Code Sections 4511 et seq.) constitutes a discretionary project within the meaning of the California Environmental Quality Act Section 21065(c).

Disruption of habitat values (coastal). Disruption of habitat values may occurs when the physical habitat is significantly altered or when species diversity or the abundance or viability of species populations is reduced. The type of the proposed development, the particulars of its design, and location in relation to the habitat area, will affect the determination of disruption.

Division of Land (coastal). Creation of one or more lots including subdivision (through parcel map, tract map, grant deed), lot line adjustments, redivisions, mergers and certificates of compliance.

Domestic Water Use (coastal). Domestic water use is approved, potable water used for indoor and outdoor household and other non-residential purposes including drinking, cooking, personal hygiene, irrigation and the general operation of plumbing fixtures.

Dripline. A vertical line extending from the outermost edge of the tree canopy to the ground.

Drive-in and Drive-thru Sales (land use). This land use consists of the retail sale of food or other products to motorists who do not leave their vehicles to complete their purchases. Examples of facilities included under this land use are fast-food restaurants, drive-through photo processing facilities, coffee sales, dairy product stores, pharmacies, etc.

Drive-in and Drive-thru Services (land use). This land use consists of services provided to motorists who do not leave their vehicles to obtain the services. Examples of facilities included under this land use are drive-up bank teller windows, dry cleaners, etc. Does not include: automatic teller machines (ATMs) or automobile service stations, which are separately defined; or car washes (see "Repair and Maintenance - Vehicle").

Driveway. A vehicular access extending from an improved street to a building site.

Dune (coastal). Ridges or mounds of loose, wind-blown material, usually sand. A dune structure often has a back and foredune area. Stable dunes are often colonized by vegetation.

Dwelling, or Dwelling Unit. A room or group of internally connected rooms that have sleeping, food preparation, eating, and sanitation facilities, but typically not more than one kitchen, which constitute an independent housekeeping unit, occupied by or intended for one household on a long-term basis. Types of dwellings include single-family dwellings, two-family dwellings, multi-family dwellings, mobile homes, condominiums and townhouses, floating homes, and independent living units for the elderly

E. Definitions, "E."

Easement, Conservation or Scenic. A grant of partial title from a landowner to a public or nonprofit agency for the purpose of protecting on-site environmental resources or scenic features by limiting the future development of the property.

Educational Tours (land use). Interactive excursion for groups and organizations for the purpose of informing them of the unique aspects of a property, including agricultural operations and environmental resources.

Effective Date of the Coastal Act (Coastal). February 1, 1973 for areas subject to the Coastal Zone Conservation Act and January 1, 1977 for areas identified as the Coastal Zone and subject to the Coastal Act.

Electrical and Electronic Equipment, Instruments (land use). This land use consists of the manufacture of manufacturing machinery, apparatus, and supplies for the generation, storage, transmission, transformation and use of electrical energy. Examples of these products include:

- appliances including stoves/ovens, refrigerators, freezers, laundry equipment, fans, vacuum cleaners, sewing machines
- aviation instruments
- computers, computer components, peripherals
- electrical transmission and distribution equipment
- electronic components and accessories, semiconductors, integrated circuits, related devices
- electrical welding apparatus
- lighting and wiring equipment such as lamps and fixtures, wiring devices, vehicle lighting
- industrial controls, instruments for measurement, testing, analysis and control, associated sensors and accessories, miscellaneous electrical machinery, equipment and supplies such as batteries, X-ray apparatus and tubes, electromedical and electrotherapeutic apparatus, electrical equipment for internal combustion engines
- motors and generators
- optical instruments and lenses
- photographic equipment and supplies
- radio and television receiving equipment
- surgical, medical and dental instruments, equipment, and supplies
- storage media, blank and pre-recorded, including magnetic, magneto-optical, and optical products such as compact disks (CDs), computer diskettes and hard drives, digital versatile disks (DVDs), magnetic tape products, phonograph records, etc.
- surveying and drafting instruments
- telephone and telegraph apparatus
- transformers, switch gear and switchboards
- watches and clocks

Does not include testing laboratories (soils, materials testing, etc.) (see "Business Support Services"), or research and development facilities separate from manufacturing (see "Research and Development").

Emergency. A sudden, unexpected occurrence demanding immediate action to prevent or mitigate loss of, or damage to life, health, property, or essential public services.

Employee Housing. An accessory residential dwelling unit located in a commercial building on a parcel having a primary commercial land use and occupied by an employee of the commercial use on the same property or a family member who is actively engaged in such commercial use.

Endangered Species. An Endangered Species is an animal or plant species in danger of extinction throughout all or a significant portion of its range, as determined by the U.S. Fish and Wildlife Service or National Oceanic and Atmospheric Administration consistent with the Endangered Species Act of 1973, or as designated by the California Department of Fish and Wildlife consistent with the California Endangered Species Act.

Energy Production Facility (coastal). Any public or private processing, producing, generating, storing, transmitting, or recovering facility for renewable or non-renewable energy resources, electricity, natural gas, petroleum, coals, solar or wind conversion, wave and tidal energy, biogas, or other source of energy.

Environmental Impact Report (EIR). An informational document prepared pursuant to the California Environmental Quality Act (CEQA). Please refer to CEQA Section 21061 for a complete definition of an EIR.

Environmental Impact Statement (EIS). An informational document that analyzes a project's significant environmental effects and identifies mitigation measures and reasonable alternatives, prepared pursuant to the National Environmental Policy Act (NEPA).

Environmentally Sensitive Habitat Area (ESHA) (coastal). Areas in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments. ESHAs include wetlands, coastal streams and riparian vegetation, and terrestrial ESHA.

Environmentally Sensitive Habitat Area (ESHA), Terrestrial (coastal). Includes non-aquatic ESHA, including habitats of plant and animal species listed under the Federal or California Endangered Species Act and existing populations of the plants listed as 1b or 2 by the California Native Plant Society; coastal dunes; groves of trees that provide colonial nesting and roosting habitat for butterflies or other wildlife; and riparian vegetation that is not associated with watercourse. Does not include "Stream (coastal)" or "Wetland (coastal)". See also, "Environmentally Sensitive Habitat Area (ESHA)(coastal)" and "Riparian Vegetation (coastal)".

Equestrian Facilities (land use). This land use consists of the commercial keeping of horses, donkeys, and mules in facilities, including:

- horse ranches
- boarding stables
- riding schools and academies
- horse exhibition facilities
- pack stations

This land use includes barns, stables, corrals, and paddocks accessory and incidental to the above uses. Noncommercial facilities of this type are included in the definition of "Agricultural Accessory Structures." This land use does not include the boarding of up to five horses on property in the ARP, C-ARP and C-APZ zones as indicated in Standard 5 of Table 3-7 (General Requirements for the Keeping of Large Animals).

ESHA (coastal) – See "Environmentally Sensitive Habitat Area."

Estuarine Habitats. A habitat made up of a mixture of fresh and salt waters.

Estuary (coastal). A coastal water body, usually semi-enclosed by land, having open, partially obstructed, or intermittent exchange with the open ocean, and in which ocean water is at least occasionally diluted by freshwater from the land. The salinity level may be periodically increased to above that of the open ocean due to evaporation. The mean high tide line shall be defined as the statistical mean of all the high tides over the cyclical period of 18.6 years, and shall be determined by reference to the records and elevations of tidal benchmarks established by the National Ocean Survey. In areas where observations covering a period of 18.6 years are not available, a determination may be made based on observations covering a shorter period, provided they are corrected to a mean value by comparison with observations made at some suitably located control tide station.

Existing (coastal). Extant at the time that a particular Coastal Permit application is accepted for filing.

Existing Residential Second Unit. A ~~*legally constructed and established*~~ second unit existing prior to March 27, 1987, or the effective dates of resolutions establishing Second Unit Use Permit standards in specific communities (September 29, 1983 in Bolinas, January 10, 1984 in the Tamalpais Area, and June 25, 1985 in Stinson Beach). Also, see Residential Second Unit.

Existing Structure (coastal). A structure that is legal or legal non-conforming. For the purpose of implementing LCP policies regarding shoreline protective devices, a structure in existence since May 13, 1982..

Exotic Animals. Non-domesticated animals that are carnivorous, poisonous, or not native to North America, commonly displayed in zoos as per Chapter 8.04 of the Marin County Code

F. Definitions, "F."

Factor of Safety (coastal). The quotient of the forces tending to resist a potential landslide divided by the forces tending to drive a potential landslide.

Family. One or more persons occupying a dwelling and living as a single, domestic housekeeping unit, as distinguished from a group occupying a hotel or motel, club, fraternity or sorority house.

Farm (coastal). A place of agricultural production for commercial purposes which has annual sales of agricultural products of one thousand dollars ($1,000) or more. For the C-APZ zoning district, the farm shall consist of all parcels owned (in either total or partial fee ownership) by the same owner of the property upon which a farmhouse is located. A farm shall consist of no less than all contiguous properties under common ownership. Non-contiguous property may constitute a separate farm when determined to be a wholly independent farming operation, as evidenced by such factors as independent types of bona fide commercial agricultural production, the history of such agricultural production on the property, and the long-term capital investment in independent farming operations and infrastructure (such as fencing, processing facilities, marketing mechanisms, and agricultural worker housing).

Farm Equipment and Supplies Sales (land use). This land use consists of the retail sale, rental, or repair of agricultural machinery, equipment, and supplies for use in soil preparation and maintenance, the planting and harvesting of crops, and other operations and processes pertaining to farming and ranching.

Farm Operator (Coastal). The farm operator is the property owner or lessee who makes the day to day management decisions for the agricultural operation and is directly engaged in the production of agricultural commodities on the property.

Farm tract (coastal). All contiguous legal lots under a common ownership within a C-APZ zoning district.

Farm Worker Housing. See "Agricultural Worker Housing."

Farmer's Markets (land use). This land use consists of the temporary and/or occasional outdoor retail sale of farm produce from vehicles or temporary stands, located within a parking lot, or a public right- of-way (where authorized by encroachment permit).

Farmhouse (coastal). A farmhouse consists of a building owned by the farm owner or operator actively and directly engaged in agricultural use of the property. Such buildings may include factory built, modular housing units, constructed in compliance with the Uniform Building Code (UBC), and mobile homes/manufactured housing on permanent foundations.

Feasible. That which is capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.

Fill (coastal). Earth or any other substance or material, including pilings placed for the purpose of placing structures thereon, placed in a submerged area. Also, a deposit of earth material placed by artificial means; any act by which earth, sand, gravel, rock, or any other material is placed, pushed, dumped, pulled, transported, or moved to a new location above the natural surface of the ground, on top of the stripped surface, or in a submerged area.

Final Map. A subdivision map prepared in compliance with Subdivision Map Act, Article 2, Chapter 2, and approved in compliance with Subdivision Map Act, Article 4, Chapter 3.

Fire Inspector. A person empowered by the chief of a fire department to inspect property for fire safe landscape, wildland management or fire protection.

Fish Hatcheries and Game Reserves (land use). This land use consists of commercial fish hatcheries, rearing ponds, aquaculture, fish and game preserves, and game propagation. (See "Mariculture" for shellfish, kelp, algae, etc.)

Flag lot. See "Lot or Parcel."

Floating Home (land use). This land use consists of any boat, craft, living accommodation, or structure supported by means of flotation, designed to be used without a permanent foundation, that is used or intended for human habitation.

Floating Home Adjustment Permit. See Chapter 22.46 (Floating Home Adjustments and Deviations).

Floating Home Architectural Deviation. See Chapter 22.46 (Floating Home Adjustments and Deviations).

Floating Home Fairway. An area of water within a floating home marina that is used exclusively for access to other waters for vessels permanently moored in the floating home marina. A fairway shall not be used for the permanent mooring of any vessel or for piers, docks, ramps, walkways or other exit ways.

Floating Home Marina (land use). This land use consists of a facility that contains one or more berthing spaces for floating homes.

Flood Hazard Zone (coastal). Geographic areas defined by the Federal Emergency Management Agency according to varying levels of flood risk which are depicted on a community's Flood Insurance Rate Map (FIRM). Flood Hazard Zones with a "V" designation are located in coastal areas which have a one percent or greater chance of annual flooding and an additional hazard associated with storm waves (also referred to as the "V Zone").

Flood Velocity Zone (coastal). See "Flood Hazard Zone."

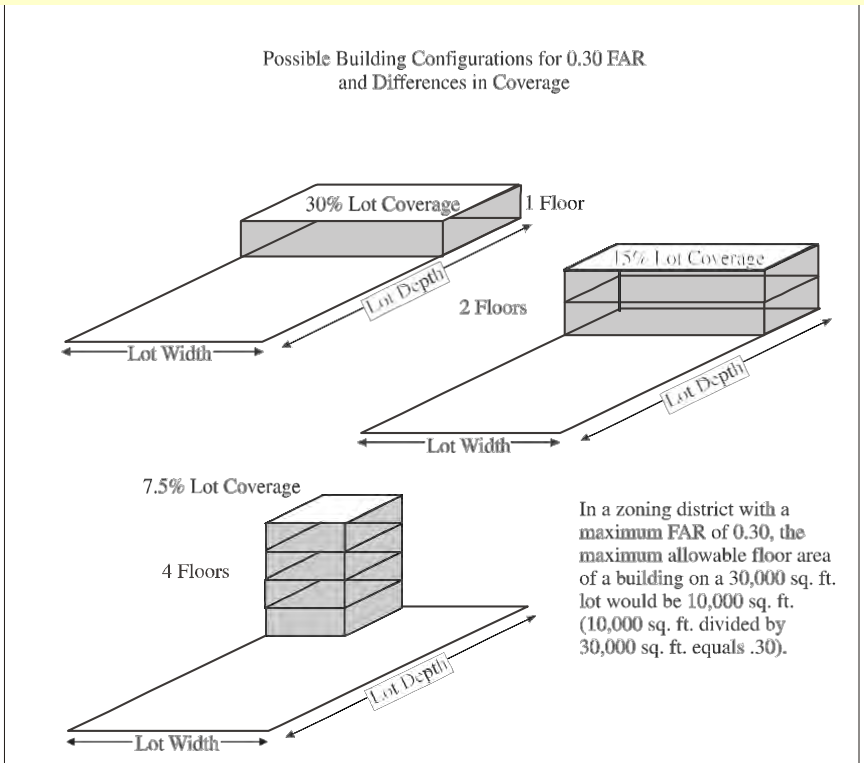
Floor Area. Except as specified by the Tamalpais Area Community Plan for development in that Plan area, the sum of the gross area of all floors in all buildings on a site, measured from the exterior faces of the exterior walls, including enclosed understory, basement, and attic space that can be easily converted to living area, but excluding:

1. All unenclosed horizontal surfaces, including balconies, courts, decks, porches, terraces;
2. For single-family residential structures, the first 250 square feet of floor area of all detached accessory structures not designed for and/or used for habitable space;
3. For single-family residential structures, the first 540 square feet of garage areas permanently allocated for vehicle parking;
4. For two-family, multi-family, and non-residential structures, all floor area that is required to meet minimum parking standards under Title 24;
5. Exterior wall thickness of greater than 6 inches, where the additional wall thickness results in greater energy efficiency (e.g. straw bale construction or earthen wall construction), as demonstrated by the applicant and subject to the approval of the Director; and
6. Bay windows.

The floor area of stairways, elevators, and other vertical accesses, is included in the total floor area only as to the "footprint" (area at the base) of the vertical access, and is not counted at each floor of a building. In order to qualify as an unenclosed horizontal surface, at least one of the longest wall planes of the space shall be kept open with the exception that railings with a surface area that is at least 50% open and unobstructed by structural elements and that are necessary for safety or convenience purposes may be allowed within the open wall plane. As defined herein, understory, basement, and attic space that can be easily converted to living area include: (1) unconditioned and unimproved spaces that yield a minimum clear room area of 7 feet by 7 feet and a minimum ceiling height of 7 ½ feet or higher; and (2) all attic areas with a minimum ceiling height of 5 feet or higher.

Floor Area Ratio (FAR). The total floor area of all buildings on a lot, divided by the area of that lot. For example, a building with 3,000 square feet of floor area on a 10,000 square foot lot has a FAR of 0.30. See Figure 8-1 (Floor Area Ratio).

FIGURE 8-1
FLOOR AREA RATIO



Food Preparation Facilities. Food preparation facilities may include, but are not limited to, a stove, oven, microwave, hot plate, refrigerator, sink, counters, or cabinets. Wet bars and snack bars are not considered food preparation facilities.

Food Products (land use). This land use consists of the manufacture of or processing foods for human consumption, and certain other related products. Examples of the products included in this land use are:

- bakery products
- candy, sugar and confectionery products
- catering services separate from stores or restaurants
- dairy products
- fats and oil products
- fruit and vegetable canning, preserving, related processing
- grain mill products and by-products
- meat, poultry, and seafood canning, curing, byproduct processing
- miscellaneous food item preparation from raw products

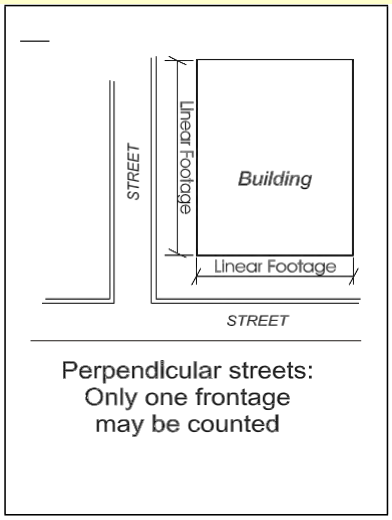
Does not include: bakeries which sell all products on site (see "Retail Stores, General Merchandise"); beer brewing as part of a brew pub, bar or restaurant (see "Bars and Drinking Places"); beverage production other than dairy products (see "Beverage Production"); slaughterhouses and rendering plants (see "Slaughterhouses and Rendering Plants"); or operations on crops after harvest (see "Agricultural Processing Uses").

Footprint. The horizontal surface area covered by a structure.

Forestry (coastal). The practice of cultivating, managing, using, and conserving forests.

Front Wall. The wall of the building or other structure nearest the street upon which the building faces.

Front Wall (Signs). For the purposes of Chapter 22.28 (Signs), the front wall is the wall of a structure that contains the primary entrance or entrances to the premises. If there are entrances in more than one wall, the longest of the walls in which primary entrances are located shall be the front wall. The front wall includes not only the wall itself, but all doors, windows, and other openings and projections. See Figure 8-2.



Frontage. See "Lot Frontage."

Fuel and Ice Dealers (land use). This land use consists of the retail sale to consumers of ice, bottled water, fuel oil, butane, propane and liquefied petroleum gas (LPG), bottled or in bulk, as a principal use.

Fully Protected Species. Fully Protected species is a classification of fish, amphibians, reptiles, birds and mammals established by the California Department of Fish and Wildlife prior to the Federal Endangered Species Act of 1973, to identify and provide additional protection to those animals that were rare or faced possible extinction at the time. Fully Protected species may not be taken or possessed at any time and no licenses or permits may be issued for their take except for collecting these species for necessary scientific research and relocation of the bird species for the protection of livestock. Species provided this classification are listed under the California Fish and Wildlife Code Sections 3511, 4700, 5050, and 5515, however some of the listed species names are no longer consistent with current scientific nomenclature.

Functional Capacity, Self-Sustaining Habitat (coastal). The ability of a habitat to be self-sustaining and to maintain natural species diversity or special-status species.

Furniture and Fixtures Manufacturing (land use). This land use consists of the manufacture of products including:

- bedsprings and mattresses
- drapery hardware
- household appliances
- lockers
- office furniture
- partitions
- shades
- shelving
- store furniture
- window blinds
- wood and metal household furniture

Includes wood and cabinet shops, but not sawmills or planing mills, which are instead included under "Lumber and Wood Products."

Furniture, Furnishings and Equipment Stores (land use). This land use consists of the retail sale of products including:

- draperies
- floor coverings
- furniture
- glass and chinaware
- home furnishings
- home sound systems
- large musical instruments
- lawn furniture
- movable spas and hot tubs
- office furniture
- other household electrical and gas appliances
- outdoor furniture
- refrigerators
- stoves
- televisions

G. Definitions, "G."

Garage, Carport, or Car Deck. See "Parking Structure."

General Plan. See "Marin Countywide Plan."

Glass Products (land use). This land use consists of the manufacture of flat glass and other glass products that are pressed, blown, or shaped from glass produced in the same establishment. Does not include artisan and craftsman type operations of a larger scale than home occupations; see "Handcraft Industries and Small Scale Manufacturing."

Golf Courses/Country Clubs (land use). This land use consists of golf courses, and accessory facilities and uses including: clubhouses with bar and restaurant, locker and shower facilities; driving ranges; "pro shops" for on-site sales of golfing equipment and clothing; and golf cart storage and sales facilities.

Grade. The ground elevation used as the basis for measurement of allowed structure height. Grade shall be the elevation of the natural or finished grade at the exterior surface of the structure, whichever is more restrictive, and the elevation of the natural grade within the footprint of the structure ~~*using a topographic map prepared by a licensed Civil Engineer or Land Surveyor. Retaining walls cannot be used to raise the "Grade" and increase the allowable height of a structure*~~.

Grading (coastal) – Any excavation, stripping, cutting, filling, or stockpiling of soil material, or any combination thereof that exceeds 50 cubic yards of material. As **used in this Development Code, grading does not include plowing, tilling, harrowing, aerating, disking, planting, seeding,** weeding, fertilizing or other similar routine agricultural cultivation practices for ongoing agricultural operations (see "Agricultural Production Activities, Ongoing").

Grantee/Grantor Index. The index to real property transfer transactions maintained by the Marin County Recorder.

Group Homes (land use). This land use consists of a dwelling unit licensed or supervised by any federal, state, or local health/welfare agency which provides 24-hour nonmedical care of unrelated persons who are not disabled but are in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual in a family-like environment. Includes: children's homes; rehabilitation centers; self-help group homes. Medical care may be provided in conjunction with group homes that provide alcoholism or drug abuse recovery or treatment services. Convalescent homes, nursing homes and similar facilities providing medical care are included under the definition of "Medical Services - Extended Care."

Guest House (land use). This land use consists of a detached structure that has a bathroom and that contains more than 400 square feet of floor area that is subject to building permit requirements under the residential occupancy code. To be a guest house, the structure cannot contain food preparation facilities ~~*and shall not be rented or otherwise used as a separate dwelling*~~.

H. Definitions, "H."

Handcraft Industries, Small-Scale Manufacturing (land use). This land use consists of the manufacture of products not classified in another major manufacturing group, including: jewelry; musical instruments; toys; sporting and athletic goods; pens, pencils, and other office and artists' materials; buttons, costume novelties, miscellaneous notions; brooms and brushes; and other miscellaneous manufacturing industries.

Harbors (land use). This land use consists of facilities providing a full range of services related to: commercial and recreational fishing; fisheries and hatcheries; seafood processing; ship and boat building and repair; marine hardware sales and service; petroleum storage and handling; boat storage and miscellaneous storage activities. Facilities primarily oriented toward recreational activities are included under the definition of "Marinas."

Hazardous Waste Facility. A state-licensed facility for the temporary storage and/or processing of hazardous waste.

Health/Fitness Facilities (land use). This land use consists of fitness centers, gymnasiums, health and athletic clubs including sauna, spa or hot tub facilities; tennis, handball, racquetball, archery and shooting ranges and other sports activities.

Health Officer. The Marin County Health Officer.

Height, Structure (coastal). The vertical distance from grade, as defined herein, to the highest point of a structure. Maximum height shall be measured as the vertical distance from grade to an imaginary plane located the allowed number of feet above and parallel to the grade. The maximum height of buildings located in areas subject to tidal action shall be measured from MSL. The height measurement for structures within Seadrift Subdivision in the special Flood Hazard (V-zone) shall be measured according to the requirements of LCP Policy C-EH-11.

Highway. State Route 1, State Route 101, and Panoramic Highway.

Historic Area. Areas mapped and described as historic areas in the Marin County Local Coastal Program, including those within Bolinas, Inverness, Marshall, Olema, Point Reyes Station, Stinson Beach, and Tomales.

Historic Lot. A unit of real property that was formerly a legal lot of record.

Home Occupation (land use). This land use consists of the conduct of a business within a dwelling, or, ~~*where allowable*~~, within an accessory building located on the same site as the dwelling, employing the occupant of the dwelling, with the business activity being subordinate to the residential use of the property. See Section 22.32.100 (Home Occupations).

Historic Public Use (coastal). Use of private land as if it were public land in a manner that is substantial (rather than minimal) and continual, although not necessarily continuous, over a long period of time.

Historic Structure. As determined by the Marin County Local Coastal Program, any building constructed prior to 1930, including any accessory structures on a site.

Holiday Product Sales. See "Outdoor Retail Sales, Temporary

Home Occupation (land use). This land use consists of the conduct of a business within a dwelling, or, ~~*where allowable*~~, within an accessory building located on the same site as the dwelling, employing the occupant of the dwelling, with the business activity being subordinate to the residential use of the property. See Section 22.32.100 (Home Occupations).

Homeless Shelter. Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. In order for a facility to be a homeless shelter, no person may be denied emergency shelter because of an inability to pay, per Health and Safety Code Section 50801(e).

Homestay (coastal). See "Agricultural Homestay Facility."

Horses, Donkeys, Mules, Ponies (land use). This land use consists of the raising or keeping of horses, donkeys, mules, and/or ponies for domestic/recreational or agricultural purposes.

Hotel or Motel (land use). This land use consists of facilities with guest rooms and/or suites, provided with or without meals or kitchen facilities, rented to the general public for overnight or other temporary lodging (less than 30 days). Hotels provide access to most guest rooms from an interior walkway. Motels provide access to most guest rooms from an exterior walkway. Also includes accessory guest facilities such as swimming pools, tennis courts, indoor athletic facilities, accessory retail uses, etc.

Household Income. The gross annual household income considering household size, income of all wage earners, elderly or disabled family members, and all other sources of household income.

Household Pets (land use). This land use consists of the keeping of cats, dogs, and other domesticated animals, determined by the Director to be comparable based on factors including size, sanitation requirements, odor, noise, etc., accessory and incidental to a residential use.

Housing Authority. The Marin County Housing Authority, a nonprofit public corporation.

Housing Costs. The monthly mortgage principal and interest, property taxes, homeowners insurance, and condominium fees, where applicable, for ownership units; and the monthly rent for rental units.

Housing Director. The Executive Director of the Marin County Housing Authority.

Housing Project. A development of housing units at one location, including all units for which permits have been applied for or approved within a 12-month period.

HUD. The United States Department of Housing and Urban Development, or its successor.

Hunting and Fishing Clubs - Private (land use). This land use consists of hunting of wildlife, fishing, and accessory structures where such activities are undertaken by the property owner(s) and their guests without a fee being charged.

Hunting and Fishing Clubs - Public (land use). This land use consists of hunting of wildlife, fishing, and accessory structures where such activities are undertaken by guests or members of the public for a fee.

I. Definitions, "I."

~~***Illegal Lot, Use or Structure (Coastal).*** *A lot, use or structure that did not receive a required coastal permit or did not lawfully exist on the effective date of the Coastal Act.*~~

Immediate Family~~*(coastal)*~~. A person's spouse, registered domestic partner, child, stepchild, parent, stepparent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse, child, stepchild or guardian of any of those persons.

Implementation Plan (coastal). Development Code Sections 22.60 through 22.70, the portions of 22.32 and 22.130 that apply in the coastal zone, and all associated zoning maps, constitutes the LCP Implementation Plan.

Impoundments and Diversions. Impoundments and diversions refers to alterations in stream flows through holding or diverting water supply.

Including. Means "including but not limited to . . ."

Inclusionary Unit/Lot. A housing unit or lot that is required by Chapter 22.22 (Affordable Housing Regulations) to be affordable to extremely low, very low or low income households, as specified or that has been proposed by an applicant and approved by the County to meet the requirements of Chapter 22.22.

Income Qualifying Household. Household whose income is defined as extremely low, very low, low or moderate-income for Marin County as published by the U.S. Department of Housing and Urban Development (HUD) or the California Department of Housing and Community Development (HCD) with adjustments for household size. Current or applicable schedule to be applied is at the discretion of the Director.

- **a**. Moderate income, 80 to 120 percent of area median income.
- **b**. Low income, 50 to 60 percent of area median income.
- **c**. Very low income, 30 to 50 percent of area median income.
- **d**. Extremely low income, 30 percent and less of area median income.

Income Restricted Housing. Dwelling units with long-term income restriction which restrict occupancy to households at or below a specific income.

Individual Sewage Disposal System (Coastal). The term "individual sewage disposal system" means and includes any system of piping, treatment devices or other facilities (excluding chemical toilets) that store, convey, treat or dispose of sewage onsite, which is discharged anywhere other than into a public sewer system.

A. Standard Individual Sewage Disposal System (Coastal). Any individual sewage disposal system which includes a septic tank (with or without the use of sump chamber and pump) by which method subsurface effluent is disposed of through leach lines.

B. Alternative Individual_Sewage Disposal System (Coastal). Any individual sewage disposal system which may or may not include a standard septic tank for treatment, or does not include standard leaching trenches for effluent disposal, which has been demonstrated to function in such a manner as to protect water quality and preclude health hazards and nuisance conditions.

Indoor Recreation Centers (land use). This land use consists of facilities providing indoor amusement/entertainment services for a fee or admission charge, such as:

- bowling alleys
- card rooms
- coin-operated amusement arcades
- dance halls, clubs and ballrooms
- electronic game arcades
- ice skating and roller skating rinks
- pool and billiard rooms

Five or more electronic games or coin-operated amusements in any establishment is considered an electronic game arcade as described above. Four or less machines are not considered a land use separate from the primary use of the site.

Infant. An infant is a child less than 12 months of age.

Initial Study. A preliminary analysis to determine whether an Environmental Impact Report (EIR), Mitigated Negative Declaration or a Negative Declaration must be prepared, and to identify any potentially significant environmental effects that are to either be mitigated or further analyzed.

Initial vineyard planting work. The removal of existing vegetation or agricultural plants, vines, or trees, grading, disking, ripping, soil chiseling, terracing, and other major soil conditioning and recontouring, vineyard field road construction, installation of underground drainage systems, grassed waterways, diversion ditches, and other drainage improvements, installation/development of vineyard water supply systems, installation of temporary and permanent erosion and sediment control measures and other activities undertaken as part of the initial land preparation phase of an authorized vineyard planting or re-planting.

In-Lieu Fee. A fee paid to the County by developers in lieu of providing required on-site inclusionary units or lots, or a fee paid to the County by developers in lieu of dedicating parkland, or a fee paid to the County to comply with other Code requirements.

Institutional Structure, or Use. A publicly-owned structure accommodating a public facility; or a private structure designed and operated as a church, hospital, school, or similar facility

Intergenerational Home (coastal). In the C-APZ land use designation and zoning district, a type of agricultural dwelling unit allowed subject to certain criteria and which may only be occupied by occupants authorized by the farm owner or operator actively and directly engaged in agricultural use of the property.

J. Definitions, "J."

Junk. Materials that characterize junk typically include automotive parts, vehicle body parts, inoperable vehicles, household furniture, appliances, household trash, building materials, scrap wood, scrap metal, and machine parts.

Junk Yard (land use). This land use consists of outdoor storage occupying an area of 200 square feet or more, or the storage of junk in any yard adjoining a street, for collecting and assembling, storing, breaking up, sorting, and the temporary storage and distribution of recyclable or reusable scrap and waste materials, including auto wreckers engaged in dismantling automobiles for scrap, and the incidental wholesale or retail sales of parts from those vehicles. In no case shall the stored junk exceed a height of five feet.

K. Definitions, "K."

Kennels and Animal Boarding (land use). This land use consists of the keeping, boarding or maintaining of six or more household pets at least four months of age or older, except for household pets in pet shops or animal hospitals. "Kennel" does not mean and does not include any lot or premises on which a person has been issued a dog hobbyist or ranch dog permit in compliance with the provisions of Sections 8.04.245 or 8.04.246 of the Marin County Code.

Kitchen. See "Food Preparation Facilities."

L. Definitions, "L."

Lagoon (coastal). A shallow body of water, such as a pond, lake or seasonally closed river mouth, usually located near or connected to the sea.

Lake (coastal). A relatively large and deep confined perennial water body that is mapped by the USGS.

Land Division (coastal). See "Division of Land (coastal)" ~~*A type of development requiring a coastal permit and including subdivision (through parcel map, tract map, grant deed), lot line adjustments, redivisions, mergers and certificates of compliance.*~~

Land Use. The purpose for which land or a building or other development thereon is occupied.

Land Use Permit. Any of the entitlements/approvals described by Article IV (Land Use and Development Permits), including Design Review, Floating Home Adjustment Permits, Use Permits, Temporary Use Permits, Tidelands Permits, Variances, Master Plans, or Precise Development Plans.

Landscaped Area. The entire planting area within a parcel affected by new plantings and supporting irrigation, excluding building footprints, paved driveways, parking areas, decks, patios, walkways and undisturbed natural areas. Water features may be included in the landscaped area.

Large Family Day Care Home (land use). See "Child Day Care Facilities."

Laundries and Dry Cleaning Plants (land use). This land use consists of service facilities engaged primarily in high volume laundry and garment services, including: power laundries (family and commercial); garment pressing and dry cleaning; linen supply; diaper service; industrial laundries; and carpet and upholstery cleaners. Does not include coin-operated laundries or dry cleaning pick-up stores without dry cleaning equipment; see "Personal Services."

LCP. See "Local Coastal Program."

Lead Agency. The public agency which has the principal responsibility for carrying out or approving a project which may have a significant effect upon the environment.

Legal Lot (coastal). ~~*A lot that was lawfully created under both the Subdivision Map Act and the Coastal Act and has received the necessary Map Act approval and a Coastal Permit.*~~ (See "Legal Lot of Record")

Legal Lot of Record. A parcel is considered to be a legal lot of record ~~*under the Subdivision Map Act*~~ if it was created in conformance with any of the following criteria:

A. Recorded subdivision. The lot was created through a subdivision Final map or Parcel map recorded on or after January 1, 1930. Antiquated subdivisions may ~~*shall*~~ not be deemed to have created lots. A lot ~~*depicted*~~ created on a subdivision Final map or Parcel map recorded before January 1, 1930 may be considered a legal lot ~~*only*~~ if it has been reconveyed subsequent~~*ly to January 1, 1930*~~ with references made to the original subdivision Final map or Parcel map.

B. Individual lot legally created by deed. The lot was legally created by deed ~~*conveyance into separate ownership and was*~~ in compliance with the zoning and subdivision requirements that applied at the time of creation.

C. Government conveyance. The lot was created by conveyance to a governmental entity.

When historic lots were merged by agency action or pursuant to applicable state law, the merged historic lots comprise a single legal lot of record.

Libraries and Museums (land use). This land use consists of public or quasi-public facilities including aquariums, arboretums, art exhibitions, botanical gardens, historic sites and exhibits, libraries, museums, and planetariums, which are generally non-commercial in nature.

Liquor Store (land use). A retail store offering beer, wine, and/or distilled spirits for off-premise consumption which either devotes 20% or more of the floor area or display area to, or derives 75% or more of gross sales receipts from, the sale of these products.

Livestock Operations, Grazing (land use). This land use consists of the raising or keeping of cattle, or other animals of similar size, where feed is provided primarily by grazing when on-site resources are available. Does not include the keeping of horses, donkeys, mules, or ponies, (see "Horses, Donkeys, Mules and Ponies").

Livestock Operations, Large Animals (land use). This land use consists of the raising or keeping of cattle, goats, ostriches, sheep, hogs, or other farm or exotic animals of similar size, in corrals or other similar enclosures. Does not include the keeping of horses, donkeys, mules, or ponies, (see "Horses, Donkeys, Mules and Ponies") or the grazing or pasturing of large animals on open rangeland (see "Livestock Operations, Grazing"). See also, "Dairy Operations."

Livestock Operations, Sales/Feed Lots, Stockyards (land use). This land use consists of specialized and intensive commercial animal facilities including animal sales yards, stockyards, and cattle feedlots. Feedlots are any site where cattle are held and maintained for the purposes of feeding/fattening, for market, and where at least 60 percent of the feed is imported or purchased. Does not include slaughterhouses or rendering plants; see "Slaughterhouses and Rendering Plants." See also, "Dairy Operations."

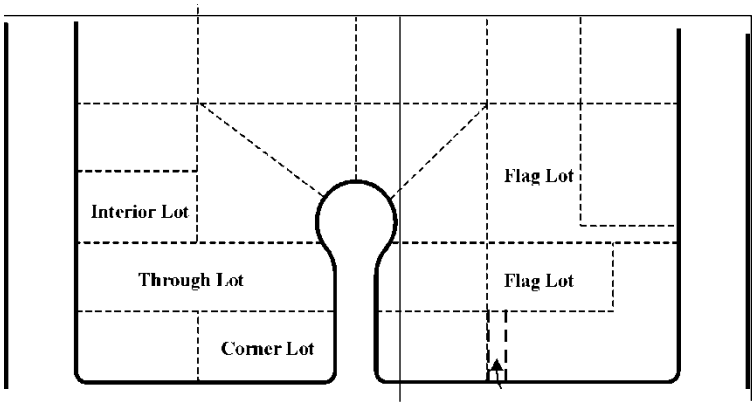
Livestock Operations, Small Animals (land use). This land use consists of the raising or keeping of up to 12 fowl and/or 12 rabbits or similar animals. Does not include hog raising, dairying or the raising or keeping for commercial purposes of cattle, horses, or similar livestock, as determined by the Director; see "Livestock Operations, Large Animals."

Local Coastal Program (LCP). A document that consists of a Land Use Plan and Implementing actions consisting of relevant portions of the County's Development Code, zoning Ordinances and Zoning District maps prepared and adopted by the County and certified by the Coastal Commission in compliance with the California Coastal Act of 1976 (Division 20 of the Public Resources Code).

Lot. A legal lot of record. Types of lots include the following. See Figure 8-3 (Lot Types).

1. **Corner Lot.** A lot located at the intersection of two or more streets, bounded on two or more sides by street lines.
2. **Flag Lot.** A lot having access from the building site to a public street by means of private right-of-way strip that is owned in fee or by means of an access easement.
3. **Interior Lot.** A lot abutting only one street.
4. **Through Lot.** A lot with frontage on two generally parallel streets.

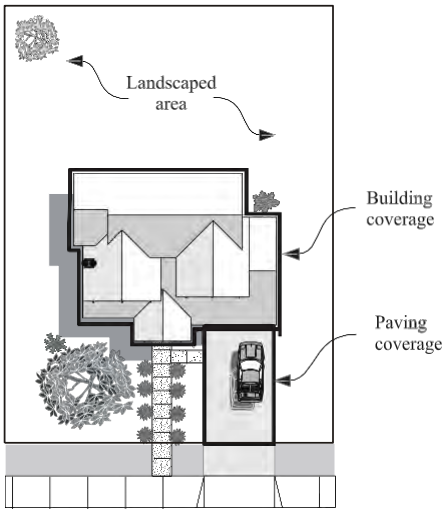
FIGURE 8-3
LOT TYPES



Lot Area. Lot area is the total area included within the lot lines of a lot, exclusive of adjacent street rights of way and any portion of the property located below mean high tide that is subject to tidal action.

Lot Coverage. Lot coverage is the percentage of total site area occupied by structures, and paving for vehicle and pedestrian use. Structure/building coverage includes the primary structure, all accessory structures (e.g., carports, garages, patio covers, storage sheds, trash dumpster enclosures, etc.) and architectural features (e.g., chimneys, balconies, decks, porches, stairs, etc.). Structure/building coverage is measured from exterior wall to exterior wall. Pavement coverage includes areas necessary for the ingress, egress, outdoor parking, and circulation of motor vehicles and pedestrians. See Figure 8-4 (Lot Coverage).

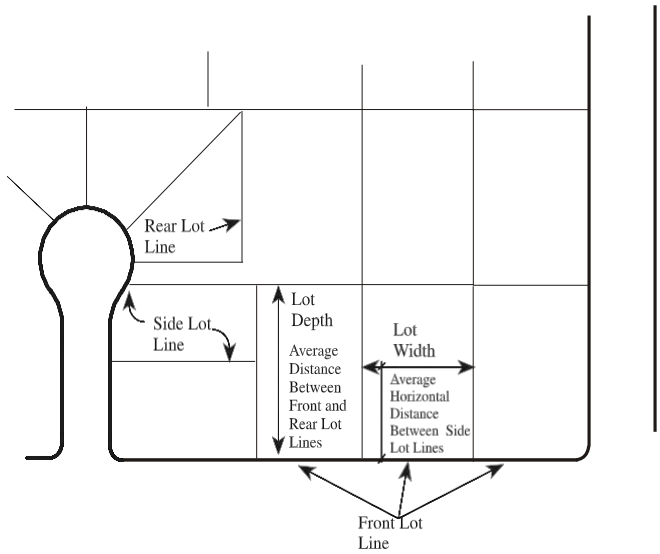
FIGURE 8-4
LOT COVERAGE



Lot Depth. The average linear distance between the front and the rear lot lines or the intersection of the two side lot lines if there is no rear line. See Figure 8-5 (Lot Lines and Lot Features). The Director shall determine lot depth for parcels of irregular configuration.

FIGURE 8-5

LOT LINES AND LOT FEATURES



Lot Frontage. The boundary of a lot adjacent to a public or private street right-of-way.

Lot Line, or Property Line. Any recorded boundary of a lot. Types of lot lines are as follows (see Figure 8-5 (Lot Lines and Lot Features)):

1. **Front Lot Line.** On an interior lot, the property line separating the parcel from the street. The front lot line on a corner lot is the property line bounding the street to which the property is addressed and the street from which access is taken. On a through lot, both lot lines are front lot lines and the lot is considered to have no rear lot line.

2. **Interior Lot Line.** Any lot line not abutting a street.

3. **Rear Lot Line.** A property line that does not intersect the front lot line, which is most distant from and most closely parallel to the front lot line.

4. **Side Lot Line.** Any lot line that is not a front or rear lot line.

Lot Width. The average horizontal distance between the side lot lines. See Figure 8-5 (Lot Lines and Lot Features). The Director shall determine lot width for parcels of irregular shape.

Low Impact Development (LID): A development site-design strategy with a goal of maintaining or reproducing the site's pre-development hydrologic functions of storage, infiltration, and groundwater recharge, as well as maintaining the volume and rate of stormwater discharges and protecting water quality. Low Impact Development strategies use small-scale integrated and distributed management practices, including minimizing impervious surfaces, infiltrating stormwater close to its source, and preserving permeable soils and native vegetation.

Low Income. See "Income Qualifying Household"

Lumber and Wood Products (land use). This land use consists of the manufacture, processing, and sale of milled forest products, including rough and finished lumber and other wood materials for use in other manufacturing, craft, or construction processes. Includes the following processes and products:

- containers, pallets and skids
- milling operations
- trusses and structural beams
- turning and shaping of wood products
- wholesaling of basic wood products
- wood product assembly

Craft-type shops are included in "Handcraft Industries and Small-Scale Manufacturing." Other wood and cabinet shops are included under "Furniture and Fixture Manufacturing." The indoor retail sale of building materials, construction tools and equipment is included under "Building Material Stores."

M. Definitions, "M."

Machinery Manufacturing (land use). This land use consists of the manufacture of machinery and equipment for purposes and products including the following:

-bulldozers
- carburetors
- construction
- conveyors
- cranes
- die casting
- dies
- dredging
- engines and turbines
- farm and garden
- food products manufacturing
- gear cutting
- heating, ventilation, air conditioning
- industrial trucks and tractors
- industrial furnaces and ovens
- industrial molds
- laundry and dry cleaning
- materials handling
- mining
- oil field equipment
- paper manufacturing
- passenger and freight elevators
- pistons
- printing
- pumps
- refrigeration equipment
- textile manufacturing

Major Energy Facility (coastal). Any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal, or other source of energy that costs more than one hundred thousand dollars ($100,000) with an automatic annual increase in accordance with the Engineering News Record Construction Cost Index, except for those governed by the provisions of Public Resources Code Section 30610, 30610.5, 30611 or 30624.

Major Public Works ~~*Project*~~ (coastal). (1) Publicly financed recreational facilities that serve, affect, or otherwise impact regional or statewide use of the coast by increasing or decreasing public recreational opportunities or facilities; and (2) Public Works facilities (see definition of "Public Works (coastal)") that cost more than one hundred thousand dollars ($100,000) with an automatic annual increase in accordance with the Engineering News Record Construction Cost Index, except for those governed by the provisions of Public Resources Code Section 30610, 30610.5, 30611 or 30624.

Major Vegetation (coastal). Any vegetation that is ~~*a sensitive species, or is*~~ located in an ESHA, on a beach or sand dune, within fifty feet of the edge of a coastal bluff, in an environmentally sensitive habitat area (ESHA) or its buffer, or heritage trees or vegetation that is visually prominent and/or a~~–~~significant part of the public viewshed. Agricultural crops, and nonnative ornamental vegetation ~~not meeting the above criteria,~~ are not considered to be major vegetation.

Map Act. See "Subdivision Map Act."

Mariculture (land use). This land use consists of agricultural activities dedicated to the culture and husbandry of aquatic organisms including shellfish, mollusks, crustaceans, kelp, and algae. (See "Fish Hatcheries and Game Reserves," for activities related to fish.)

Marin Countywide Plan. The Marin Countywide Plan, including all its elements and all amendments, adopted as the General Plan by the Board of Supervisors under the provisions of Government Code Sections 65300 et seq.

Marinas (land use). This land use consists of recreationally-oriented small craft harbors that may include mooring and launching facilities and accessory facilities for boat servicing. Mooring, launching, and service facilities oriented primarily toward the needs of commercial fishing are included under the definition of "Harbors." Marinas accommodating floating homes are defined as "Floating Home Marinas."

Marine Environment (coastal). The marine environment consists of the ocean, the high-energy coastline, and bays, inlets, lagoons, and estuaries subject to the tides. Marine habitats are affected by the waves and currents of the open ocean and the water regimes are determined primarily by the ebb and flow of oceanic tides.

Master Plan. See Chapter 22.44 (Master Plans and Precise Development Plans).

Medical Services - Clinics and Laboratories (land use). This land use consists of businesses primarily engaged in furnishing outpatient medical, mental health, surgical and other personal health services, but which are separate from hospitals, including:

- health management organizations (HMOs)
- medical and dental laboratories
- medical, dental and psychiatric offices
- out-patient care facilities
- other allied health services

Counseling services by other than medical doctors or psychiatrists are included under "Offices."

Medical Services – Extended Care (land use). This land use consists of the provision of nursing and health-related care as a principal use, with in-patient beds. This land use includes: board and care homes; convalescent and rest homes; extended care facilities; and skilled nursing facilities that are licensed or supervised by any federal, state, or local health/welfare agency. Long-term personal care facilities that do not emphasize medical treatment are included under "Residential Care Facilities," and "Group Homes."

Medical Services - Hospitals (land use). This land use consists of the provision of diagnostic services and extensive medical treatment, including surgical and other related services. These establishments have an organized medical staff, inpatient beds, and equipment and facilities to provide complete health care services. May include on-site accessory clinics and laboratories, accessory retail uses and emergency heliports (see the separate definition of "Accessory Retail Uses").

Membership Organization Facilities (land use). This land use consists of permanent headquarters and meeting facilities for organizations operating on a membership basis for the promotion of the interests of the members, including facilities for:

- business associations
- civic, social and fraternal organizations
- country clubs (golf courses separately defined)
- labor unions and similar organizations
- political organizations
- professional membership organizations
- other membership organizations

Metal Fabrication, Machine and Welding Shops (land use). This land use consists of the assembly of metal parts, including the following uses that produce metal duct work, tanks, towers, cabinets and enclosures, metal doors and gates, and similar products.

- blacksmith and welding shops
- sheet metal shops
- machine shops and boiler shops

Mezzanine. An intermediate floor placed within any story or room. If the total floor area of a mezzanine is more than one-third of the total floor area of the room, it shall be considered an additional story.

Mineral Resource Extraction (land use). This land use consists of the extraction from the ground of hydrocarbons, gravel, or sand resources, or other commercial surface mining or underground mining and processing activity. Oil and gas well drilling, geothermal wells, production operations and related facilities are not permitted.

Mini Mart. A convenience retail store on the site of a service station, which typically sells food products and other products serving the needs of travelers.

Ministerial Permit. A permit granted for a development after applying fixed, objective standards with little or no subjective evaluation as to the wisdom or manner of carrying out the ~~*development*~~ project. Examples are Sign Permit, Large Family Day-care Permit, Homeless Shelter Permit, Certificate of Compliance, Second Unit Permit, Final Map approval, and Building Permits. See also "Discretionary Permit."

Minor. Any person under 18 years of age.

Mixed Use. An existing or proposed development that includes more than one type of land use.

Mobile Home. A trailer, transportable in one or more sections, that is certified under the National Manufactured Housing Construction and Safety Standards Act of 1974, which is over eight feet in width and 40 feet in length, with or without a permanent foundation and not including recreational vehicle, commercial coach or factory-built housing. A mobile home on a permanent foundation is included under the definition of "Single-Family Dwellings."

Mobile Home Park (land use). This land use consists of any site that is planned and improved to accommodate two or more mobile homes used for residential purposes, or on which two or more mobile home lots are rented, leased, or held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate mobile homes used for residential purposes.

Moor. The fixing of a vessel in one location, temporarily or permanently, by mooring, anchoring, grounding, or any other means.

Motel. See "Hotel or Motel."

Multi-Family Dwellings (land use). This land use consists of multiple detached dwellings on the same lot, or a building or a portion of a building used and/or designed as residences for two or more families living independently of each other. Includes: duplexes, triplexes, fourplexes and apartments (five or more units under one ownership in a single building); and townhouse development (three or more attached single-family dwellings where no unit is located over another unit. Second units and farm worker housing are not considered in the calculation of the number of units for this definition and do not convert a single-family development into a multi-family development.

Mutual Water Company. A state-licensed water purveyor providing domestic water to multiple residences, where the owners of property being served are shareholders in the company.

N. Definitions, "N."

NAVD (North American Vertical Datum). A vertical elevation control datum used in height measurements.

Native Tree. Any tree in the list "Trees Native to Marin County," maintained and provided by the Marin County Community Development Agency~~, *or any other tree native to the State of California and the Marin County area*~~.

Native Tree Removal ~~***(non-coastal).***~~ Generally means the destruction of any protected tree or the alteration of any protected tree which may adversely affect the health and survival of the tree. Includes "removal of a tree." Routine trimming and pruning is not considered tree removal for the purpose of this Chapter.

Natural Disaster. Any situation in which the natural force or forces which destroyed a structure were beyond the control of the owner, including fire, flood, storm, explosion, landslide, earthquake, or other similar conditions.

Nature Preserves (land use). This land use consists of sites with environmental resources intended to be preserved in their natural state.

Negative Declaration. A written statement describing the reasons that a proposed project that is not otherwise exempt from the California Environmental Quality Act (CEQA) will not have a significant adverse effect on the environment and, therefore, does not require the preparation of an Environmental Impact Report (EIR). Please refer to CEQA Guidelines Section 15369.5 for a complete definition of a Negative Declaration.

New Development (coastal). For purposes of applying Section 30212 of the Coastal Act only, new development consists of any development other than the following:

(1) Replacement of any structure pursuant to the provisions of subdivision (g) of Coastal Act

Section 30610

(2) The demolition and reconstruction of a single-family residence; provided, that the reconstructed residence shall not exceed either the floor area, height or bulk of the former structure by more than 10 percent, and that the reconstructed residence shall be sited in the same location on the affected property as the former structure.

(3) Improvements to any structure which do not change the intensity of its use, which do not increase either the floor area, height, or bulk of the structure by more than 10 percent, which do not block or impede public access, and which do not result in a seaward encroachment by the structure.

(4) The reconstruction or repair of any seawall; provided, however, that the reconstructed or repaired seawall is not seaward of the location of the former structure.

(5) Any repair or maintenance activity for which the Coastal Commission has determined by regulation, pursuant to Coastal Act Section 30610, that a coastal development permit will be required unless the Coastal Commission determines that the activity will have an adverse impact on lateral public access along the beach.

As used in this definition "bulk" means total interior cubic volume as measured from the exterior surface of the structure.

Nonconforming Lot. A lot of record that was legally created, but does not conform with this Development Code because the lot is of a size, shape, or configuration no longer allowed in the zoning district that applies to the site, as a result of the adoption of, or amendments to this Development Code.

Nonconforming Structure. A structure that was legally constructed, but does not conform with this Development Code because amendments to this Development Code or the previous Marin County Zoning Ordinance made the structure nonconforming in its size, location on its site, separation from other structures, number of parking spaces provided, or other features.

Nonconforming Use A use of land, and/or within a structure, that was legally established, but does not conform with this Development Code because the use is no longer allowed in the zoning district that applies to the site, as a result of amendments to this Development Code or the previous Marin County Zoning Ordinance.

O. Definitions, "O."

Oak Woodland Management Guidelines. The Oak Woodland Management Guidelines adopted by the Board and on file with the Agency.

Occupancy. The use or operation of a site or structure for an approved land use.

Off-Road Vehicle Courses (land use). This land use consists of areas set aside for the use of off-road vehicles, including dirt bikes, motorcycles, and four-wheel drive vehicles. Does not include sports assembly facilities (see "Sports Facilities and Outdoor Public Assembly"), or simple access roads that are usable only by four-wheel or two-wheel drive vehicles in conjunction with a permitted land use.

Off-Site Product. A product that is produced on property other than the site where it is offered for sale.

Offices, Business (land use). This land use consists of the provision of direct services to consumers. This land use includes establishments such as insurance agencies, real estate offices, and post offices (not including bulk mailing distribution centers, which are included under "Vehicle and Freight Terminals").

Does not include: medical offices (see "Medical Services - Clinics and Laboratories"); or offices that are incidental and accessory to another business or sales activity that is the principal use. Incidental offices that are customarily accessory to another use are allowed as part of an approved principal use.

Offices, Professional (land use). This land use consists of professional or government offices including:

- accounting, auditing and bookkeeping services
- advertising agencies
- architectural, engineering, planning and surveying services
- attorneys
- counseling services
- court reporting services
- data processing and computer services
- detective agencies and similar services

- educational, scientific and research organizations
- employment, stenographic, secretarial and word processing services
- government offices including agency and administrative office facilities
- management, public relations and consulting services
- photography and commercial art studios
- writers and artists offices outside the home

Does not include: medical offices (see "Medical Services - Clinics and Laboratories") or offices that are incidental and accessory to another business or sales activity that is the principal use. Incidental offices that are customarily accessory to another use are allowed as part of an approved principal use.

Offices, Property Management (land use). This land use consists of accessory offices on the site of an apartment complex, mobile home park, or commercial facility, for the purpose of providing tenant services.

Offices, Temporary (land use). This land use consists of a mobile home, recreational vehicle or modular unit used as a temporary office facility. Temporary Offices may include: construction supervision offices on a construction site or off-site construction yard; a temporary on-site real estate office for a development project; or a temporary business office in advance of permanent facility construction.

Offices, Temporary Real Estate (land use). This land use consists of the temporary use of a dwelling unit within a residential development project as a sales office for the units on the same site, which is converted to residential use at the conclusion of its office use

On-Site Product. A product that is produced on the same property where it is offered for sale.

Open Coastal Waters (coastal). The marine environment in the Coastal Zone.

Open Water. In conjunction with a Floating Home Marina, a privately owned or controlled water area, which is devoid of any structure or appurtenances including mooring facilities for any vessels or piers, docks, ramps, walkways or other exit ways.

Organizational Houses (land use). This land use consists of residential lodging houses operated by membership organizations for their members and not open to the general public. Includes fraternity and sorority houses.

Original Lot. A contiguous area of real property under one ownership, which is proposed for division in compliance with Article VI (Subdivisions) of this Development Code.

Outdoor Commercial Recreation (land use). This land use consists of facilities for various outdoor participant sports and types of recreation where a fee is charged for use, including:

- amusement and theme parks
- drive-in theaters
- go-cart and miniature auto race tracks
- golf driving ranges separate from golf courses
- health and athletic club outdoor facilities
- miniature golf courses
- skateboard parks
- swim and tennis clubs
- tennis courts
- water slides
- zoos

May also include commercial facilities customarily associated with the above outdoor commercial recreational uses, including bars and restaurants, fast-food restaurants, video game arcades, etc. Spectator facilities are included in the definition of "Sport Facilities and Outdoor Public Assembly."

Outdoor Retail Sales and Activities (land use). This land use consists of the outdoor retail sale or rental of autos and other vehicles and equipment, lumber, and other uses where the business is not conducted entirely within a structure.

Outdoor Retail Sales, Temporary (land use). This land use consists of the temporary outdoor retail sales activities, examples of which include:

- Christmas trees, pumpkins or the sale of other seasonal items
- semi-annual sales of art/handcrafted items in conjunction with community festivals or art shows
- sidewalk or parking lot sales longer than one weekend
- retail sales in temporary locations outside the public right-of-way

Farmer's markets are separately defined.

P. Definitions, "P."

Paper Products (land use). This land use consists of the manufacture of paper and paperboard, from both raw and recycled materials, and their conversion into products such as paper bags, boxes, envelopes, wallpaper, etc.

Paper Street. Any street, road, or public vehicular access, or portion thereof, shown on a subdivision map recorded prior to April 3, 1953, which is undeveloped and/or unimproved, excluding "driveways", as previously defined.

Parcel. A unit of real property.

Parcel (coastal). ~~*See "Legal Lot (coastal)"*~~ A unit of real property.

Parcel Map. The subdivision map described by the Subdivision Map Act, Article 3, Chapter 2, which is required by Article VI (Subdivisions) of this Development Code to complete a subdivision of four or fewer lots.

Parking Structure. Parking space or shelter for automobiles or other vehicles.

1. A garage is an attached or detached accessory structure, which is enclosed on at least three sides;

2. A carport is an attached or detached accessory structure, which is enclosed on no more than two sides;

3. A car deck is an unenclosed and uncovered platform providing off-street parking spaces, normally constructed at the street level of a sloping lot.

Parks and Playgrounds (land use). This land use consists of public parks, play lots, playgrounds, and athletic fields for non-commercial neighborhood or community use, including tennis courts. If privately-owned, the same facilities are included under the definition of "Private Residential Recreation Facilities." See also "Golf Courses/Country Clubs," "Outdoor Commercial Recreation," and "Sport Facilities and Outdoor Public Assembly."

Paving and Roofing Materials (land use). This land use consists of the manufacture of various common paving and petroleum-based roofing materials, including bulk asphalt, paving blocks made of asphalt, creosote wood and various compositions of asphalt and tar. The manufacture of wood roofing materials (shingles, shakes, etc.) is included under "Lumber and Wood Products."

Permitted Use. A land use allowed by Article II (Zoning Districts and Allowable Land Uses) subject to compliance with all applicable provisions of this Development Code, and subject to first obtaining any building permit or any other permit required by the County Code.

Permitted Use (coastal). As used in the Land Use Tables, a land use allowed by Article V (Zoning Districts and Allowable Land Uses) subject to compliance with all applicable provisions of the LCP, and subject to first obtaining any building permit or any other permit required by the County Code. County actions on Coastal Permits allowing such uses are appealable to the California Coastal Commission. [See Section 22.70.080.B.1 for Appeal of Coastal Permit Decisions]

~~***Person.*** *Any natural person, partnership, cooperative association, private corporation, public corporation, personal representative, receiver, trustee, assignee, or any other legal entity.*~~

Person ~~***(coastal)***~~**:** Any individual, organization, partnership, limited liability company, or other business association or corporation, including any utility, and any federal, state, local government, or special district or an agency thereof.

Personal Services (land use). This land use consists of the provision of non-medically related services. Examples of facilities included in this land use include: beauty and barber shops; clothing rental; dry cleaning pick-up stores; laundromats (self-service laundries); psychic readers; shoe repair shops; tanning salons. These uses may also include accessory retail sales of products related to the services provided.

Pipelines and Utility Lines (land use). This land use consists of transportation facilities for the conveyance of water or commodities other than petroleum. Also includes pipeline surface and terminal facilities, including pump stations, bulk stations, surge and storage tanks. Utility lines include facilities for the transmission of electrical energy for sale, including transmission lines for a public utility company. Also includes telephone, telegraph, cable television and other communications transmission facilities utilizing direct physical conduits. Does not include offices or service centers (see "Offices"), or distribution substations (see "Public Utility Facilities").

Planned District. Any zoning district established by Sections 22.06.020 (Zoning Districts Established), and Article V (Coastal Zones – Permit Requirements and Development Standards), that is not included under the definition of "Conventional District" provided by this Chapter. The planned districts include:

C-APZ (Coastal, Agricultural Production Zone)
ARP (Agricultural, Residential Planned)
C-ARP (Coastal, Agricultural, Residential Planned)
RSP (Residential, Single-Family Planned)
C-RSP (Coastal, Residential, Single-Family Planned)
C-RSPS (Coastal, Residential, Single-Family Planned, Seadrift Subdivision)
RMP (Residential, Multiple Planned)
C-RMP (Coastal, Residential, Multiple Planned)
RX (Residential, Mobile Home Park)RF (Residential, Floating Home Marina)
RMPC (Residential/Commercial Multiple Planned)
CP (Planned Commercial)
OP (Planned Office)
RCR (Resort and Commercial Recreation)
C-RCR (Coastal, Resort and Commercial Recreational)
C-RMPC (Coastal, Residential/Commercial Multiple Planned)
C-CP (Coastal, Planned Commercial)
I-P (Industrial, Planned)
RF (Floating Home Marina)

Planning Commission. The Marin County Planning Commission, appointed by the Board of Supervisors as provided by Government Code Section 65101, and Title 2 of the Marin County Code, referred to throughout this Development Code as the "Commission."

Plant Nurseries (land use). This land use consists of the commercial production of ornamental plants and other nursery products, grown under cover or outdoors. May include establishments engaged in the sale of such products, and commercial scale greenhouses. The sale of house plants or other nursery products is also included under "Retail Stores, General Merchandise." Home greenhouses are included under "Residential Accessory Uses and Structures."

Plastics and Rubber Products (land use). This land use consists of the manufacture of rubber products such as: tires; rubber footwear; mechanical rubber goods; heels and soles; flooring; and other rubber products from natural, synthetic or reclaimed rubber. Also includes establishments engaged primarily in manufacturing tires. Also includes: establishments engaged in molding primary plastics for other manufacturers, and manufacturing miscellaneous finished plastics products; fiberglass manufacturing, and fiberglass application services. Establishments engaged primarily in recapping and retreading automobile tires are classified in "Auto, Mobile home, Vehicle and Supplies Sales."

Playground. See “Parks and Playgrounds.”

Poster Board. A sign consisting of a framed or unframed surface, freestanding or attached to a wall or fence or other structure, designed and located only for the display of announcements of coming performances of cultural, educational, and athletic events.

Precise Development Plan. See Chapter 22.44 (Master Plans and Precise Development Plans).

Premise(s). The site of a land use or activity subject to the requirements of this Development Code.

Prescriptive Rights (coastal). Public rights that are acquired over private lands through use as defined by California law.

Primary Structure. See "Structure, primary."

Primary Zoning District. One of the agricultural, residential, commercial, or special purpose zoning districts established by Sections 22.06.020 (Zoning Districts Established) and Article V (Coastal Zones – Permit Requirements and Development Standards), that is applied to a site by the Zoning Map in addition to one or more of the combining districts established by Section 22.06.020.

Principal Permitted Use (coastal). The principal land use allowed by Article V (Zoning Districts and Allowable Land Uses) and as used in the Land Use Tables, including activities which are functionally related to one another so as to be viewed as effectively one use type or group. Such uses are subject to compliance with all applicable provisions of this Development Code, and subject to first obtaining any building permit or any other permit required by the County Code. ~~*Any use that requires a Coastal Zone Variance shall not be considered a principal permitted use.*~~ [See Section 22.70.080.B.1 for Appeal of Coastal Permit Decisions]

Principal Structure (coastal). The primary structure on the property.

Printing and Publishing (land use). This land use consists of printing by letterpress, lithography, gravure, screen, offset, or electrostatic (xerographic) copying, and other "quick printing" services; and other establishments serving the printing trade such as bookbinding, typesetting, engraving, photoengraving and electrotyping. This use also includes establishments that publish newspapers, books and periodicals; and establishments manufacturing business forms and binding devices.

Private Residential Recreation Facilities (land use). This land use consists of privately-owned, non-commercial outdoor recreation facilities provided for members or project/neighborhood residents, including swim and tennis clubs, park and sport court facilities. Does not include golf courses/country clubs, which are separately defined.

Private Road. A street or right-of-way owned and maintained by a private person(s) or entity(ies).

Project. See "Development, or Project."

Property Line. See "Lot Line or Property Line."

Proposed Parcel(s). Each separate parcel shown on a tentative map or lot line adjustment, as proposed by an applicant.

Protected Tree and Heritage Tree. Any one of the following as indicated in the table below:

Common Name	Botanical Name	Protected Size Diameter at Breast Height	Heritage Size Diameter at Breast Height
Arroyo willow	*S. lasiolepis*	6 inches	18 inches
Big-leaf maple	*Acer macrophyllum*	10 inches	30 inches
Bishop pine	*Pinus muricata*	10 inches	30 inches
Blue oak	*Q. douglasii*	6 inches	18 inches

Box elder	*A. negundo var. californicum*		
California bay	*Umbellularia californica*		
10 inches	30 inches		
10 inches	30 inches		
California black oak	*Q. kelloggii*	6 inches	18 inches
California buckeye	*Aesculus californica*	10 inches	30 inches
California nutmeg	*Torreya california*	10 inches	30 inches
Canyon live oak	*Q. chrysolepis*	6 inches	18 inches
Chaparral oak	*Q. wislizeni*	6 inches	18 inches
Coast live oak	*Quercus agrifolia*	6 inches	18 inches
Coast redwood	*Sequoia sempervirens*	10 inches	30 inches
Douglas-fir	*Pseudotsuga menziesii*	10 inches	30 inches
Giant Chinquapin	*Castanopsis chrysophylla*	10 inches	30 inches
Hawthorn	*Crataegus douglasii*	10 inches	30 inches
Mountain-mahogany	*Cercocarpus betuloides*	10 inches	30 inches
Narrow leaved willow	*Salix exigua*	6 inches	18 inches
Oak	*Q. parvula var. shrevei*	6 inches	18 inches
Oregon ash	*Fraxinus latifolia*	10 inches	30 inches
Oregon oak	*Q. garryana*	6 inches	18 inches
Pacific madrone	*Arbutus menziesii*	6 inches	
Pacific yew	*Taxus brevifolia*	10 inches	30 inches
Red alder	*A. rubra*	10 inches	30 inches
Red elderberry	*Sambucus callicarpa*	10 inches	30 inches
Red willow	*S. laevigata*	6 inches	18 inches
Sargent cypress	*Cupressus sargentii*	6 inches	18 inches
Scoulier's willow	*S. scouleriana*	6 inches	18 inches
Service-berry	*Amelanchier alnifolia*	10 inches	30 inches
Shining willow	*S. lucida ssp. lasiandra*	6 inches	18 inches
Silk tassel	*Garrya elliptica*	10 inches	30 inches
Sitka willow	*S sitchensis*	6 inches	18 inches
Tanbark oak	*Lithocarpus densiflorus*	10 inches	30 inches

Valley oak	*Q. lobata*	6 inches	18 inches
Wax myrtle	*Myrica californica*	10 inches	30 inches
White alder	*Alnus rhombifolia*	10 inches	30 inches

Public Access Deed Restriction (coastal). A legal document that places responsibilities upon the landowner relative to public use within a specifically defined area of the property, in order to allow for a public accessway.

Public Access Offer to Dedicate (OTD) (coastal). A legal document that offers an easement across private land for a future public accessway. In order to effectuate the OTD and open the accessway or stairway for public use, it must be accepted for management by a responsible agency and then improved, if necessary, and opened.- ~~*No offer of dedication shall be used or construed to allow anyone, prior to acceptance of the Offer, to interfere with any rights of public access acquired through use that may exist on the Property or use the property in a manner that would prevent effectuation of the Offer to Dedicate.*~~

Public Road. A street or highway owned and maintained by the County, a City, the State, or the federal government.

Public Safety/Service Facilities (land use). This land use consists of facilities operated by public agencies including fire stations, other fire prevention and firefighting facilities, police and sheriff substations and headquarters, including interim incarceration facilities, and civic buildings.

Public Utility Facilities (land use). This land use consists of fixed-base structures and facilities serving as junction points for transferring utility services from one transmission voltage to another or to local distribution and service voltages. These uses include any of the following facilities that are not exempted from land use permit requirements by Government Code Section 53091:

- corporation and maintenance yards
- electrical substations and switching stations
- natural gas regulating and distribution facilities
- public water system wells, treatment plants and storage
- telephone switching facilities
- wastewater treatment plants, settling ponds and disposal fields

These uses do not include office or customer service centers (classified in "Offices").

Public Works (Coastal).
(a) All production, storage, transmission, and recovery facilities for water, sewerage, telephone, and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the Public Utilities Commission, except for energy facilities.
(b) All public transportation facilities, including streets, roads, highways, public parking lots and structures, ports, harbors, airports, railroads, and mass transit facilities and stations, bridges, trolley wires, and other related facilities.
(c) All publicly financed recreational facilities, all projects of the State Coastal Conservancy, and any development by a special district.
(d) All community college facilities.

See also “Major Public Works (coastal)”.

Q. Definitions, "Q."

Quarry. See "Surface Mining."

R. Definitions, "R."

Recreational Vehicle (RV). A motor home, travel trailer, truck camper, or camping trailer, with or without motive power, originally designed for human habitation for recreational, emergency, or other occupancy, which is not used for other than transient use, and which meets all of the following criteria:

1. It contains less than 320 square feet of internal living room area, excluding built-in equipment, including wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms;

2. It contains 400 square feet or less of gross area measured at maximum horizontal projections;

3. It is built on a single chassis; and

4. It is either self-propelled, truck-mounted, or permanently towable on the highways without a towing permit.

Recreational Vehicle Park (land use). This land use consists of a site where one or more lots are used, or are intended to be used, by campers with recreational vehicles or tents on a transient basis. Recreational vehicle parks may include public restrooms, water, sewer, and electric hookups to each lot and are intended as a higher density, more intensively developed use than campgrounds. May include accessory retail uses where they are clearly incidental and intended to serve RV park patrons only.

Recycling Facilities (land use). This land use type includes a variety of facilities involved with the collection, sorting and processing of recyclable materials.

1. **Mobile Recycling Unit.** An automobile, truck, trailer, or van used for the collection of recyclable materials, and carrying bins, boxes, or other containers for such materials.

2. **Processing Facility.** A structure or enclosed space used for the collection and processing of recyclable materials for shipment, or to an end-user's specifications, by such means as baling, briquetting, cleaning, compacting, crushing, flattening, grinding, mechanical sorting, remanufacturing and shredding. Processing facilities include the following types, both of which are included under the definition of "Scrap and Dismantling Yards:"

   a. Light processing facility occupies an area of under 45,000 square feet of collection, processing and storage area, and averages two outbound truck shipments each day. Light processing facilities are limited to baling, briquetting, compacting, crushing, grinding, shredding and sorting of source separated recyclable materials sufficient to qualify as a certified processing facility. A light processing facility shall not shred, compact, or bale ferrous metals other than food and beverage containers; and

   b. A heavy processing facility is any processing facility other than a light processing facility.

3. **Recycling Facility.** A center for the collection and/or processing of recyclable materials. A "certified" recycling or processing facility is certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986. A recycling facility does not include storage containers located on a residentially, commercially or industrially designated site used solely for the recycling of material generated on the site. See "Collection Facility" above.

4. **Recycling or Recyclable Material.** Reusable domestic containers and other materials which can be reconstituted, remanufactured, or reused in an altered form, including glass, metals, paper and plastic. Recyclable material does not include refuse or hazardous materials.

5. **Reverse Vending Machine.** An automated mechanical device which accepts at least one or more types of empty beverage containers and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value, as determined by state law. These vending machines may accept aluminum cans, glass and plastic bottles, and other containers.

A bulk reverse vending machine is a reverse vending machine that is larger than 50 square feet, is designed to accept more than one container at a time, and issues a cash refund based on total weight instead of by container.

6. **Scrap and Dismantling Yards.** See "Junk Yard."

~~***Redevelopment (coastal).*** *Development that is located outside of blufftop or shoreline areas that meet criteria A or B below:*~~

~~*A. Development that consists of alterations including (1) additions to an existing structure, (2) exterior and/or interior renovations, and/or (3) demolition of an existing bluff home or other principal structure, or portions thereof, which results in:*~~

~~*(1) Alteration of 50% or more of major structural components including exterior walls, floor and roof structure, and foundation, or a 50% increase in floor area. Alterations are not additive between individual major structural components; however, changes to individual major structural components are cumulative over time from the date of certification of the LUP.*~~

~~*(2) Demolition, renovation or replacement of less than 50% of a major structural component where the proposed alteration would result in cumulative alterations exceeding 50% or more of a major structural component, taking into consideration previous alterations approved on or after the date of certification of the LUP; or an alteration that constitutes less than 50% increase in floor area where the proposed alteration would result in a cumulative addition of greater than 50% of the floor area, taking into consideration previous additions approved on or after the date of certification of the LUP.*~~

~~*B. Development that consists of any alteration of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction, as per National Flood Insurance Program (NFIP) requirements administered by the Federal Emergency Management Agency (FEMA).*~~

~~*For the purposes of this definition:*~~

~~*An exterior wall is considered to be altered 50% or more when any of the following occur either above or below grade:*~~

~~*(a) Exterior cladding and/or framing systems are altered in a manner that requires removal and/or replacement of 50% or more of the elements of those cladding and framing systems, normally considered as linear length of wall.*~~

~~*(b) Reinforcement is needed for any remaining portions of the wall to provide structural support in excess of 50% of existing support elements (e.g. addition of 50% or more of beams, shear walls, or studs whether alone or alongside the existing/retained elements).*~~

~~*A floor or roof structure is considered to be altered 50% or more when any of the following occur:*~~

~~*(a) The roof or floor framing is altered in a manner that requires removal and/or replacement of structural elements (e.g. trusses, joists, rafters) supporting 50% or more of the square footage of the roof or floor.*~~

~~*(b) The roof or floor structural framing system requires additional reinforcement to any remaining portions of the roof or floor system to provide structural support (e.g. addition*~~

~~*of 50% or more of beams, joists, and/or rafters, etc., whether alone or alongside existing/retained system elements).*~~

~~*A foundation is considered to be altered 50% or more when any work is done on any of the following:*~~

~~*(a) 50% or more of the horizontal surface area of a slab foundation.*~~

~~*(b) 50% or more of the floor area of a structure supported by a pier/post and/or caisson/grade beam foundation.*~~

~~*(c) 50% or more of a perimeter foundation.*~~

~~*Major structural component alterations generally do not include changes to roof coverings; replacement of glass or doors in existing window or door openings; replacement of window or door framing when the size and location of the window/door remains unchanged; repair of roofs or foundations without any change to structural supporting elements; changes to exterior siding; repair, maintenance, and replacement of chimneys; and interior changes to non-structural interior walls and sheetrock, insulation, fixtures, and mechanical, electrical and plumbing elements.*~~

~~***Redevelopment, Coastal (coastal).*** *Development that is located on blufftops or at or near the ocean-sand interface and/or at very low lying elevations along the shoreline that meet criteria A or B below:*~~

~~*A. Development that consists of alterations including (1) additions to an existing structure, (2) exterior and/or interior renovations, and/or (3) demolition of an existing bluff home or other principal structure, or portions thereof, which results in:*~~

~~*(1) Alteration of 50% or more of major structural components including exterior walls, floor and roof structure, and foundation, or a 50% increase in floor area. Alterations are not additive between individual major structural components; however, changes to individual major structural components are cumulative over time from the date of certification of the LUP.*~~

~~*(2) Demolition, renovation or replacement of less than 50% of a major structural component where the proposed alteration would result in cumulative alterations exceeding 50% or more of a major structural component, taking into consideration previous alterations approved on or after the date of certification of the LUP; or an alteration that constitutes less than 50% increase in floor area where the proposed alteration would result in a cumulative addition of greater than 50% of the floor area, taking into consideration previous additions approved on or after the date of certification of the LUP.*~~

~~*B. Development that consists of any alteration of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction, as per National Flood Insurance Program (NFIP) requirements administered by the Federal Emergency Management Agency (FEMA).*~~

~~*For the purposes of this definition:*~~

~~*An exterior wall is considered to be altered 50% or more when any of the following occur either above or below grade:*~~

~~*(a) Exterior cladding and/or framing systems are altered in a manner that requires removal and/or replacement of 50% or more of the elements of those cladding and framing systems, normally considered as linear length of wall.*~~

~~*(b) Reinforcement is needed for any remaining portions of the wall to provide structural support in excess of 50% of existing support elements (e.g. addition of 50% or more of beams, shear walls, or studs whether alone or alongside the existing/retained elements).*~~

~~*A floor or roof structure is considered to be altered 50% or more when any of the following occur:*~~

~~*(a) The roof or floor framing is altered in a manner that requires removal and/or replacement of structural elements (e.g. trusses, joists, rafters) supporting 50% or more of the square footage of the roof or floor.*~~

~~*(b) The roof or floor structural framing system requires additional reinforcement to any remaining portions of the roof or floor system to provide structural support (e.g. addition of 50% or more of beams, joists, and/or rafters, etc., whether alone or alongside existing/retained system elements).*~~

~~*A foundation is considered to be altered 50% or more when any work is done on any of the following:*~~

~~*(a) 50% or more of the horizontal surface area of a slab foundation.*~~

~~*(b) 50% or more of the floor area of a structure supported by a pier/post and/or caisson/grade beam foundation.*~~

~~*(c) 50% or more of a perimeter foundation.*~~

~~*Major structural component alterations generally do not include changes to roof coverings; replacement of glass or doors in existing window or door openings; replacement of window or door framing when the size and location of the window/door remains unchanged; repair of roofs or foundations without any change to structural supporting elements; changes to exterior siding; repair, maintenance, and replacement of chimneys; and interior changes to non structural interior walls and sheetrock, insulation, fixtures, and mechanical, electrical and plumbing elements.*~~

Referral. Any transmittal, notification, posting, consultation, request for or distribution of information, initiated by the Agency to communicate with other agencies, organizations, groups or the public that pertains to a proposed project.

Religious Places of Worship (land use). This land use consists of religious facilities operated by organizations for worship, or the promotion of religious activities, including:

- churches
- synagogues
- mosques
- religious schools

Includes accessory uses on the same site, such as living quarters for ministers and staff, and child day care facilities where authorized by the same type of land use permit required for the religious facility itself. Does not include other establishments maintained by religious organizations, such as full-time educational institutions, hospitals and other potentially related operations (such as a recreational camp), which are defined under their respective activities.

Religious Residential Retreat (land use). This land use consists of convents, monasteries, and other facilities where members of religious organizations set themselves apart from the external community for short- or long-term periods to participate in worship and other religious activities.

Repair and Maintenance (coastal). Development which does not result in an addition to, enlargement or expansion of the object of the repair and maintenance. Unless destroyed by natural disaster, the replacement of 50 percent or more of a single family residence, seawall, revetment, bluff retaining wall, breakwater, groin or any other structure is not repair and maintenance but instead constitutes a replacement structure ~~*(see also "Redevelopment (coastal)" and "Redevelopment, Coastal (coastal)").*~~

Repair and Maintenance - Consumer Products (land use). This land use consists of the repair of consumer products as the principal business activity. Examples of establishments included in this land use are: electrical repair shops; television and radio and other appliance repair; watch, clock and jewelry repair; re-upholstery and furniture repair. Does not include shoe repair (see "Personal Services"), or businesses serving the repair needs of heavy equipment (see "Business Support Services").

Repair and Maintenance - Vehicle (land use). This land use generally consists of the repair, alteration, restoration, towing, painting, cleaning (including self-service and attended car washes), or finishing of automobiles, trucks, recreational vehicles, boats and other vehicles as a principal use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This use includes major and minor facilities. Major vehicle repair facilities deal with entire vehicles. Minor facilities specialize in limited aspects of repair and maintenance (i.e., muffler and radiator shops, quick-lube, etc.).

Includes tire recapping establishments. Does not include automobile parking (see "Commercial Parking and Vehicle Storage"), repair shops that are part of a vehicle dealership on the same site (see "Auto, Mobile home, Vehicle and Parts Sales"); automobile service stations, which are separately defined; or automobile dismantling yards, which are included under "Recycling, Scrap and Dismantling Yards."

Resale Controls. Legal restrictions by which the price of affordable housing units will be controlled to ensure that the units remain affordable to extremely low, very low, low or moderate-income County households, as applicable, over a specified period of time.

Research and Development (land use). This land use consists of scientific research, and the design, development and testing of computer software, and electrical, electronic, magnetic, optical and mechanical components in advance of product manufacturing, not associated with a manufacturing facility on the same site. Includes chemical and biotechnology research and development. Does not include soils and other materials testing laboratories (see "Business Support Services"), or medical laboratories (see "Medical Services - Clinics and Labs").

Residence. See "Dwelling, or Dwelling Unit."

Residential Accessory Uses and Structures (land use). This land use consists of and includes any use that is customarily a part of, and clearly incidental and secondary to, a residence and does not change the character of the residential use. These uses include the following accessory structures, and other similar structures and uses normally associated with a residential use of property:

- garages
- gazebos
- greenhouses
- spas and hot tubs
- roof-mounted WECS
- solar collectors
- rainwater cisterns and collectors
- storage sheds
- studios
- swimming pools
- workshops

Also includes community gardens and the indoor storage of owner or occupant owned automobiles (including their incidental restoration and repair), personal recreational vehicles and other personal property, accessory to a residential use. Does not include home satellite dish and other receiving antennas for earth-based TV and radio broadcasts; see "Telecommunications Facilities."

Residential Care Facilities (land use). This land use consists of a dwelling unit licensed or supervised by any federal, state, or local health/welfare agency which provides 24-hour nonmedical care of unrelated persons who are disabled and in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual in a family-like environment. This land use includes licensed senior care facilities. For purposes of calculating residential densities, a unit that contains a food preparation area is not counted as a separate residential unit if meal service is provided at least twice a day as part of the residential care component.

Residential District or Zone. This designation includes any of the residential zoning districts established by Sections 22.06.020 (Zoning Districts Established) and Article V (Coastal Zones – Permit Requirements and Development Standards), including:

RA (Residential, Agricultural)
RR (Residential, Restricted)
RE (Residential, Estate)
R1 (Residential, Single-Family)
RSP (Residential, Single-Family Planned)
R2 (Residential, Two-Family)
RMP (Residential, Multiple Planned)
RX (Residential, Mobile Home Park)
RF (Residential, Floating Home Marina)

C-RA (Coastal, Residential, Agricultural)
C-R1 (Coastal, Residential, Single-Family)
C-RSP (Coastal, Residential, Single-Family Planned)
C-RSPS (Coastal, Residential, Single-Family Planned, Seadrift Subdivision)
C-R2 (Coastal, Residential, Two-Family)
C-RMP (Coastal, Residential, Multiple Planned)

Residential Second Unit (land use). This land use consists of a second permanent dwelling that is accessory to a primary dwelling on the same site. A residential second unit provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, food preparation, sanitation, and parking. The primary criterion for defining a second unit shall be the existence of separate food preparation facilities which may include but are not limited to stove, oven, hot plate, refrigerator or sink. Also see Existing Residential Second Units.

Restaurant (land use). This land use consists of the retail sale of prepared food and beverages for on- site consumption. This Development Code distinguishes between restaurants (including cafes and coffee shops) designed to accommodate 40 or fewer patrons, more than 40 patrons, and restaurants that serve alcohol and/or provide live entertainment.

Restaurant, Fast Food (land use). This land use consists of restaurants where customers are served prepared food from a walk-up ordering counter, or drive-through window, for either on- or off-site consumption.

Resubdivision. Changing the street alignment, lot configuration, or drainage of an existing subdivision, except through the Lot Line Adjustment process described in Chapter 22.90 (Lot Line Adjustments). Resubdivision constitutes development for the purposes of this LCP.

Retail Stores, General Merchandise (land use). This land use consists the retail sale of many lines of merchandise. Examples of the types of merchandise, and stores included within this land use are:

- artists' supplies
- auto parts (not repair or machine shops)
- bakeries (retail only)
- bicycles
- books
- cameras and photographic supplies
- clothing and accessories
- department stores
- drug and discount stores

- hobby materials
- jewelry
- luggage and leather goods
- musical instruments, parts and accessories
- newsstands
- orthopedic supplies
- pet stores
- religious goods
- shoe stores
- dry goods
- fabrics and sewing supplies
- florists and houseplant stores
- garden supply stores and sale of houseplants and nursery products
- general stores
- grocery stores
- hardware
- small wares
- specialty shops
- sporting goods and equipment
- stationery
- toys and games
- variety stores

Retail Stores, Visitor/Collector (land use). This land use consists of the retail sale of products oriented primarily toward visitors to Marin County and/or collectors other than local resident populations. Examples of the stores and products included under this land uses are antiques, art galleries, gift, souvenir, and curio shops, and handcraft sales (stores may include crafting subordinate to sales).

Retreat Rate. The rate at which wave action and other coastal hazard and erosion processes will cause a coastal bluff or shoreline to erode and/or retreat.

Review Authority. The Board of Supervisors, Health Officer, Planning Commission, Zoning Administrator, Community Development Director, and, in cases of Coastal Permit appeals, the Coastal Commission, where designated by this Development Code as having the responsibility and authority to review, approve, or deny land use and development applications in compliance with this Development Code.

Ridge and Upland Greenbelts. The uppermost portions of hills, and the wooded hillsides identified in the Built Environment Element of the Marin Countywide Plan.

Right-to-Farm Ordinance. An ordinance that was adopted in compliance with the Marin Countywide Plan for the purpose of protecting existing or future agricultural uses.

Riparian Vegetation (coastal). Vegetation associated with a watercourse and relying on the higher level of water provided by the watercourse. Riparian vegetation can include trees, shrubs, and/or herbaceous plants. Woody riparian vegetation includes plants that have tough, fibrous stems and branches covered with bark and composed largely of cellulose and lignin. Herbacious riparian vegetation includes grasses, sedges, rushes and forbs – broad-leaved plants that lack a woody skeleton.

Room Rental (land use). This land use consists of the rental of bedrooms within a dwelling or accessory structure, excluding a guest house, where meals are not provided. This use is subordinate to the primary residential use of the property.

Rural Recreation (land use). This land use consists of facilities for outdoor recreational activities including: outdoor archery, pistol, rifle, and skeet shooting ranges and clubs; rodeo facilities; guest ranches; and health resorts including outdoor hot springs or hot tub facilities. Hunting and fishing clubs are separately defined.

S. Definitions, "S."

Sale of Agricultural Products (land use). This land use consists of retail sales of agricultural products. Includes seasonal structures, such as roadside stands, which are open structures for retail sales, and permanent structures for year-round sales. Does not include hay, grain and feed sales (see "Farm Equipment and Supplies").

SCA. See "Stream Conservation Area."

Schools (land use). This land use consists of public and private educational institutions, including:

- boarding schools
- business, secretarial, and vocational schools
- community colleges, colleges and universities
- elementary, middle, and junior high schools
- establishments providing courses by mail
- high schools
- military academies
- professional schools (law, medicine, etc.)
- seminaries/religious ministry training facilities
- pre-schools

Also includes specialized non-degree granting schools offering instruction in:

- art
- ballet and other dance
- computers and electronics
- drama
- driver education
- language
- music

Also includes facilities, institutions and conference centers that offer specialized programs in personal growth and development, such as fitness, environmental awareness, arts, communications, and management. Includes child day-care facilities where authorized by the same type of land use permit required for the school itself.

Scrap. See "Junk."

Sea (coastal). The Pacific Ocean and all harbors, bays, channels, estuaries, salt marshes, sloughs, and other areas subject to tidal action through any connection with the Pacific Ocean, excluding non- estuarine rivers, streams, tributaries, creeks, and flood control and drainage channels. "Sea" does not include the area of jurisdiction of the San Francisco Bay Conservation and Development Commission, established pursuant to Title 7.2 (commencing with Section 66600) of the Government Code, including any river, stream, tributary, creek, or flood control or drainage channel flowing directly or indirectly into such area.

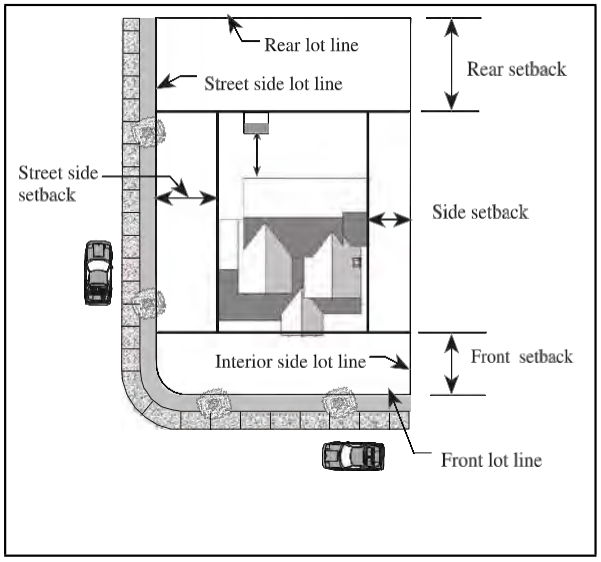
Second Hand Stores (land use). This land use consists of the purchase and retail sale of used products, including books, clothing, furniture and household goods. The sale of antiques is included under "Retail Stores, Visitor/Collector." The sale of cars and other used vehicles is included under "Auto, Mobile Home, Vehicle and Parts Sales."

Second Unit (coastal). See “Residential Second Unit”

Septic System. An on-site sewage disposal system consisting of a septic tank, and a soil infiltration leach field, evapotranspiration mound, or other approved disposal facility. See also “Individual Sewage Disposal System (Coastal).”

Setback (front, side and rear). The distance by which a structure is required to be separated from a lot line, measured perpendicular to the lot line. Setbacks from private streets and driveways are measured from the edge of the easement. See also "Yard." Figure 8-6 (Setbacks) shows the location of front, side, street side, and rear setbacks.

FIGURE 8-6
SETBACKS



Service Station (land use). This land use consists of the retail sale of gasoline or other motor vehicle fuels, which may also include services incidental to fuel sales. These incidental services may include vehicle engine maintenance and repair, towing and trailer rental services. Does not include the storage or repair of wrecked or abandoned vehicles, vehicle painting, body or fender work, or the rental of vehicle storage or parking spaces.

Sewage Disposal System (coastal). See "Individual Sewage Disposal System (Coastal)"

Shopping Center (land use). This land use consists of structures with six or more independently operated retail uses whose combined gross floor area totals at least 20,000 square feet, and which are located on a site where any underlying separate lots are tied together by a binding legal agreement providing rights of reciprocal parking and access.

Shoreline (coastal). The intersection of the ocean or sea with land; the line delineating the shoreline on National Ocean Service nautical charts and surveys approximates the mean low water line from the time the chart was prepared.

Shoreline Parcel (coastal). A parcel located wholly or partially along the shoreline.

Shoreline Protective Device (coastal). A device (such as a seawall, revetment, riprap, bulkhead, ~~deep piers/caissons,~~ or bluff retention device~~, etc.~~) built for the purpose of serving a coastal-dependent use, or protecting an existing structure or public beach in danger from erosion.

Sign. Any display or device which is intended to or may, in the judgment of the Director, communicate an advertisement, announcement, direction, identity, or other message to attract, and/or distract, hold, direct, or focus the attention of, persons on public property or on private property generally open to members of the public. A sign includes any moving part, lighting, sound equipment, framework, background material, structural support, or any other part. (See, Sign Area). A display or device need not contain any lettering to be considered a sign.

Sign Area. Sign area consists of the message, background and any frame or outline and does not include any material used exclusively for structural support. Where a sign message has no background material or where the background is an undifferentiated wall, the area shall consist of the smallest convex shape which encompasses the total message. The area of a conic, cylindrical, spheric or multifaced sign

shall be its maximum projection on the vertical plane (e.g., for a two-faced sign, only one side shall be measured).

Significant Tobacco Retailer. Any tobacco retailer engaged in the sale and/or distribution of tobacco products or paraphernalia to the general public, excluding wholesale businesses, that either devotes 20% or more of floor area or display area to, or derives 75% or more of gross sales receipts from, the sale or exchange of tobacco products and/or tobacco paraphernalia.

Single-Family Dwellings (land use). This land use consists of a building designed for and/or occupied exclusively by one family. Also includes factory-built, modular housing units, constructed in compliance with the California Building Code (CBC), and mobile homes/manufactured housing on permanent foundations.

Single-Family Residential Zoning District. A zoning district listed in Articles II (Zoning Districts and Allowable Land Uses) and V (Coastal Zones - Permit Requirements and Allowable Land Uses) which allows single-family dwellings, but not two-family or multi-family dwellings. These zoning districts include:

RA (Residential, Agricultural)	C-RA (Coastal, Residential, Agricultural)
RR (Residential, Restricted)	C-R1 (Coastal, Residential, Single Family)
RE (Residential, Estate)	C-RSP (Coastal, Residential, Single-Family Planned)
R1 (Residential, Single-Family)	
RSP (Residential, Single-Family Planned)	C-RSPS (Coastal, Residential, Single-Family Planned, Seadrift Subdivision)
RX (Residential, Mobile Home Park)	
RF (Residential, Floating Home Marina)	A2B (Agriculture, Limited)

Districts zoned A for agricultural uses, other than those listed above, are not included in this definition.

Site. A lot or parcel, or adjoining lots or parcels under single ownership or single control, which is considered a unit for the purposes of development or other use.

Site Coverage. See "Lot Coverage."

Skilled Nursing Facility. A medical care facility providing care for physically or mentally disabled persons, where care is less than that provided by a hospital or other acute care facility. See "Medical Services - Extended Care."

Slaughterhouses and Rendering Plants. Slaughterhouses are establishments primarily engaged in slaughtering cattle, hogs, sheep, lambs, calves, rabbits and fowl for meat to be sold or to be used on the same site in canning, curing and freezing, and in the making of sausage, lard, and other products. Rendering plants are engaged in the rendering of inedible stearin, grease, and tallow from animal fat, bones, and meat scraps.

Slope. The average slope of a lot, or portion thereof, expressed as a percent, which is calculated as follows:

$$S = (L \times I \times 100) / A$$

Where:

S = The average slope of natural ground expressed as a percent
I = The topographic contour interval in feet (i.e., 2-foot contour intervals, 5-foot contour intervals, etc.)
L = The sum of the length of the contour lines expressed in feet
A = The area of the lot, or portion thereof, expressed in square feet

This definition assumes that slope calculations are based on accurate topographic survey maps drawn to a scale of not less than one inch equals 100 feet, with contour lines at maximum 10-foot intervals for ground slope over 15 percent, and at five-foot intervals for ground slope of 15 percent or less.

Slope Ordinance. Minimum lot area requirements established based on slope. See Section 22.82.050 (Hillside Subdivision Design).

Small Family Day-Care Homes (land use). See "Child Day-Care Facilities."

Snack Bar. An area within a residence that accommodates small food preparation appliances, such as a toaster, microwave, and refrigerator and may include a small wetbar-type sink, but not a full-sized refrigerator, stove, or food preparation area. A snack bar is accessory to the primary food preparation facility within the residential unit and is not treated as a separate food preparation facility for purposes of calculating the residential density on the lot.

Solar Energy System (coastal). As used in the Marin County Local Coastal Program, "solar energy system" means either of the following:

(1) Any solar collector or other solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electricity generation, or water heating.
(2) Any structural design feature of a building, whose primary purpose is to provide for the collection, storage and distribution of solar energy for electricity generation, space heating or cooling, or water heating.

Solid Waste. Unwanted materials discarded by the occupants of homes and businesses, which may include recyclable materials.

Special Purpose District or Zone. Any of the special purpose zoning districts established by Section 22.06.020 (Zoning Districts Established), including PF (Public Facilities) and OA (Open Area); and by Section 22.62.030 (Coastal Zoning Districts Established), including the C-PF (Coastal, Public Facilities) zone as defined in Section 22.62.090 (Coastal Special Purpose and Combining Districts).

Species of Special Concern. As determined by the California Department of Fish and Wildlife, a Species of Special Concern (SSC) is a species, subspecies, or distinct population of fish, amphibian, reptile, bird, or mammal native to California that currently satisfies one or more of the following (not necessarily mutually exclusive) criteria~~, *as determined by the California Department of Fish and Wildlife*~~:

a. is extirpated from the state or, in the case of birds, in its primary seasonal or breeding role;
b. is listed as federally-, but not state-, threatened or endangered;
c. meets the state definitions of threatened or endangered but has not formally been listed;
d. is experiencing, or formerly experienced, serious (noncyclical) population declines or range retractions (not reversed) that, if continued or resumed, could qualify it for state threatened or endangered status;

e. has naturally small populations exhibiting high susceptibility to risk from any factor(s), that if realized, could lead to declines that would qualify it for state threatened or endangered status.

Specific Plan. A detailed plan for the systematic implementation of the general plan, for all or part of the area covered by the general plan, as authorized by Government Code Sections 65450 et seq.

Sport Facilities and Outdoor Public Assembly (land use). This land use consists of indoor and outdoor facilities for spectator-oriented sports and other outdoor public assembly facilities for such activities as outdoor theater productions and concerts. These facilities include: amphitheaters; stadiums and coliseums; arenas and field houses; race tracks; motorcycle racing and drag strips; and other sports facilities that are considered commercial.

State. The State of California.

Stealth Design. A telecommunications facility that is designed or located in such a way that the facility is not readily recognizable as telecommunications equipment, and so that it blends into the existing built and natural environment in such a way as to avoid significant public view and community character impacts.

Stock Cooperative. A development defined by the Business and Professions Code, Section 11003.2 and the Civil Code, Section 1351.m, where a corporation is formed to hold title to improved real property and the shareholders of the corporation receive a right of exclusive occupancy in a portion of the real property.

Stone and Cut Stone Products (land use). This land use consists of the cutting, shaping, and finishing of marble, granite, slate, and other stone for building and miscellaneous uses. Also includes establishments engaged primarily in buying or selling partly finished monuments and tombstones.

Stop Work Order. A notice issued by the Building Official, or other designated official, that directs the property owner to cease work that was undertaken without proper permits.

Storage, Accessory (land use). This land use consists of the storage of various materials in support of a residential, commercial, or industrial land use on the same site, where the primary use of the site is not a storage facility.

Storage, Personal Storage Facility (land use). This land use consists of a structure or group of structures containing generally small, individual, compartmentalized stalls or lockers rented as individual storage spaces and characterized by low parking demand.

Story. That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

Story (floating home). That portion of the superstructure located between the upper surface of any deck and the upper surface of the deck or ceiling next above.

Stream (coastal). Streams in the Coastal Zone, perennial or intermittent, which are mapped by the United States Geological Survey (USGS) in the National Hydrographic Dataset.

Stream Bank (coastal). The bank of a stream shall be defined as the watershed and relatively permanent elevation or acclivity at the outer line of the stream channel which separates the bed from the adjacent upland, whether valley or hill, and serves to confine the water within the bed and to preserve the course of the stream. In areas where a stream has no discernible bank, the boundary shall be measured from the line closest to the stream where riparian vegetation is permanently established. In areas where a stream has no discernible bank or riparian vegetation, the stream boundary shall be considered the stream's thalweg ~~*ordinary high water mark*~~.

Street, public. A public right-of-way or access normally used for vehicular traffic, excluding vehicular driveways serving a single lot or parcel and trails or paths used for pedestrian access purposes only.

Structural Alterations. Any change in the supporting members of a building, including bearing walls, columns, beams or girders.

Structural Clay and Pottery Products (land use). This land use consists of the manufacture of brick and structural clay products, including pipe, china plumbing fixtures, and vitreous china articles, fine earthenware and porcelain products. Artist/craftsman uses are included in "Cottage Industries," "Handcraft Industries and Small Scale Manufacturing," "Home Occupations."

Structure. Anything constructed or erected, the use of which requires attachment to the ground or attachment to something located on the ground. For the purposes of this Development Code, the term "structure" includes "buildings." Examples of structures include, but are not limited to:

- residence/guest house
- garage/carport/car deck
- swimming pool/spa
- barn
- arbor/gazebo
- retaining wall
- fence/trellis

(Coastal) In the Coastal Zone, examples of structures also include a road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

Structure, Accessory. See "Accessory Structures."

Structure, Primary. A structure in which the principal use of the site is conducted. On sites with multiple structures, the Director shall determine which is the primary structure based on zoning, use, floor area, owner occupancy, etc.

Studios for Art, Dance, Music, Photography, etc. (land use). This land use consists of the provision of individual and group instruction and training in: the arts; production rehearsal; photography, and the processing of photographs produced only by users of the studio facilities; and martial arts training studios.

Subdivider. A person, firm, corporation, partnership or association, a governmental agency, public entity or public utility, or the grantor to any such agency, entity, utility or subsidiary, who proposes to subdivide real property for themselves or for others, except employees and consultants or these persons or entities acting in this capacity.

Subdivision. The division, by any subdivider, of any unit or portion of land shown on the latest equalized Marin County assessment roll as a unit or contiguous units, for the purpose of sale, lease or financing, whether immediate or future. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easement or railroad rights-of-way. Subdivision includes a condominium project, as defined in Section 1351.f of the Civil Code, and a community apartment project, as defined in Section 1351.d of the Civil Code. ~~*(In the coastal zone, See definition of land division, (coastal).)*~~

Subdivision Map. A Tentative, Parcel or Final Map, as described in Article VI (Subdivisions).

Subdivision Map Act. Division 2, Title 7 of the California Government Code, commencing with Section 66410 as presently constituted, and any amendments to those provisions.

Substantial Evidence (coastal). Enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Argument, speculation, unsubstantiated opinion or narrative, or evidence which is clearly erroneous or inaccurate, does not constitute substantial evidence.

Superstructure (floating home). The portion of a floating home or ark above the lowest deck or the level of floatation.

Supportive Housing. Housing with no limit on length of stay, that is occupied by the target population as defined in subdivision (d) of Health and Safety Code section 53260, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community per Health and Safety Code section 50675.14(b).

Surface Mining. All or any part of the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incident to an underground mine.

T. Definitions, "T."

Telecommunications Facilities (land use). This land use consists of public, commercial and private electromagnetic and photoelectrical transmission, broadcast, repeater and receiving stations and equipment, including:

- cellular telephone and personal communications services (PCS) facilities, and enhanced specialized mobile radio facilities
- commercial earth stations for satellite-based communications
- data network communications facilities
- radio and television broadcast facilities, including ham radio facilities
- telephone and telegraph microwave facilities

Includes antennas, microwave dishes or horns, structures or towers to support receiving and/or transmitting devices, accessory development and structures, and the land on which they are situated. Does not include telephone, telegraph and cable television transmission facilities utilizing hard-wired or direct cable connections (see "Pipelines and Utility Lines").

Temporary Construction Yard. A site for the storage of construction materials other than the construction site.

Temporary Event (coastal): An activity or use that constitutes development of limited duration that involves the placement of non-permanent structures, and/or an activity or use that involves exclusive use of a sandy beach, parkland, filled tideland, water area, street, or parking area otherwise open and available for general public use.

Temporary Mobile Home (land use). This land use consists of a mobile home used as a temporary residence during the construction of a permanent residence on the same site.

Temporary Use Permit. A discretionary land use permit that may be granted in compliance with Chapter 22.50 (Temporary Use Permits), which authorizes a specific use of land on a specific site for a limited time, subject to compliance with any conditions of approval imposed on the permit.

Tennis and Other Recreational Uses (land use). Non-commercial facilities constructed for private use on properties developed with homes or other residences. See also "Hotel/Motel", "Outdoor Commercial Recreation", Private Recreational Facility, and "Sports Facilities and Outdoor Public Assembly".

Tentative Map. A map made for the purpose of showing the design and improvement of a proposed subdivision and the existing conditions in and around it.

Textile and Leather Products (land use). This land use consists of any of the following manufacturing activities:

- coating, waterproofing, or otherwise treating fabric
- dyeing and finishing fiber, yarn, fabric, and knit apparel
- manufacture of knit apparel and other finished products from yarn
- manufacture of felt goods, lace goods, non-woven fabrics and miscellaneous textiles
- manufacturing of woven fabric, carpets and rugs from yarn
- preparation of fiber and subsequent manufacturing of yarn, threads, braids, and twine cordage
- upholstery manufacturing

Thalweg (coastal). A line connecting the lowest or deepest points along a stream bed or valley bottom.

Theaters and Meeting Halls (land use). This land use consists of indoor facilities for public assembly and group entertainment, other than sporting events, including:

- civic theaters, meeting halls and facilities for "live" theater and concerts
- exhibition and convention halls
- meeting halls for rent
- motion picture theaters
- public and semi-public auditoriums
- similar public assembly uses

Does not include outdoor theaters, concert and similar entertainment facilities, and indoor and outdoor facilities for sporting events; see "Sport Facilities and Outdoor Public Assembly."

Threatened Species. A Threatened Species is an animal or plant species likely to become endangered within the foreseeable future throughout all or a significant portion of its range, as determined by the U.S. Fish and Wildlife Service or National Oceanic and Atmospheric Administration consistent with the Federal Endangered Species Act of 1973, or as designated by the California Department of Fish and Wildlife consistent with the California Endangered Species Act.

Tidelands. Lands which are located between the lines of mean high tide and mean low tide.

Tidelands Permit. A discretionary permit that may be granted in compliance with Chapter 22.52 (Tidelands Permits) of this Development Code, which may authorize fill, excavation, or structures within the tidelands of the County, subject to compliance with any conditions of approval imposed on the permit.

Timber Harvesting. The cutting of timber and/or removal of forest products for commercial purposes, together with all the work incidental to those operations, including road building, tree marking, hazard reduction, etc.

Tobacco Paraphernalia. Cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette-rolling machines, and any other item designed for the smoking, use or ingestion of tobacco products.

Tobacco Products. Any substance containing any tobacco leaf, including cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, and smokeless tobacco.

Tobacco Retailer. Any person who sells, offers for sale, or offers to exchange for any form of consideration, tobacco, tobacco products, and/or tobacco paraphernalia.

Transfer of Development Rights (TDR). The process established by Chapter 22.34 (Transfer of Development Rights), which allows some or all of the number of dwelling units potentially allowed by the zoning applicable to a "donor" site, to be transferred and built on another "receiving" site, in addition to the number of units potentially allowed by the zoning of the receiving site.

Transit Stations and Terminals (land use). This land use consists of passenger stations for vehicular, ferry, and rail mass transit systems; also terminal facilities providing maintenance and service for the vehicles operated in the transit system. Includes buses, taxis, railway, etc.

Transit Stop Shelter (land use). This land use consists of a small-scale covered waiting area for busses, taxis, and rail/mass transit stops.

Transitional Housing. Buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months per Health and Safety Code section 50675.2(h).

Two-Family Dwelling (land use). This land use consists of detached residential structures under single ownership containing two dwellings. This land use does not include residential second units, which are separately defined.

U. Definitions, "U."

Unincorporated Community. A concentration of structures and population within the unincorporated areas of the County identified by the Countywide Plan as a community.

Use. The purpose for which land or a building thereon is designed, or for which it may be occupied. Each business, administrative, professional, industrial, or other establishment, which is separate from another establishment, both in fact and in the appearance presented to the public, shall be considered a separate use.

Use Permit. A discretionary land use permit that may be granted by the review authority in compliance with Chapter 22.48 (Use Permits), which authorizes a specific use of land on a specific site, subject to compliance with any conditions of approval imposed on the permit.

V. Definitions, "V."

Vacant Lot (non-coastal). A lot which is not developed with a primary structure, or is developed only with one or more accessory structures. As used in this Code, development of a lot which entails demolition exceeding 75 percent of the linear sum of the primary structure's exterior walls for each story shall be subject to the regulations for developing a vacant lot.

Variance. See Chapter 22.54 (Variances).

Vehicle and Freight Terminals (land use). This land use consists of the provision of services incidental to air, motor freight, and rail transportation. Examples of these services and related facilities include:

- freight forwarding services
- freight terminal facilities
- joint terminal and service facilities
- packing, crating, inspection and weighing services
- postal service bulk mailing distribution centers
- transportation arrangement services
- trucking facilities, including transfer and storage

Vermiculture (coastal). The raising and production of earthworms and their by-products.

Vessel. Any watercraft of any type or size, including barges, ferry boats, yachts, houseboats, floating homes, and rafts.

Vest. To obtain a right by completing an action required by law.

Vesting Tentative Map. A map that is filed and processed in the same manner as a Tentative Map except as otherwise provided by Section 22.84.110 (Tentative Map Time Limits), or the Subdivision Map Act. A Vesting Tentative Map shall have the words "Vesting Tentative Map" printed conspicuously on its face at the time it is filed with the Agency.

Veterinary Clinics and Animal Hospitals (land use). This land use consists of office and entirely indoor medical treatment facilities used by veterinarians, including large and small animal veterinary clinics, and animal hospitals. See also, "Kennels and Animal Boarding."

Visitor-Serving Facility. Facilities that cater to visitors, including stores, shops, businesses, bed and breakfast inns, public and private recreational facilities that provide accommodations, food and service facilities. Includes hotels and motels, campgrounds, parks, nature preserves, restaurants, and commercial recreational development such as shopping, eating and amusement areas which are geared toward and used by the traveling public.

Visually Prominent Ridgeline (coastal). A line connecting the topographic highpoints along a ridge that separates watersheds and is visible from public viewpoints ~~*(e.g., from open space areas, parks, trailheads, highways, arterial roads, the bay and other water bodies)*~~.

Viticulture (coastal). The cultivation of grapes.

V-Zone (coastal). See "Flood Hazard Zone.

W. Definitions, "W."

Warehouse Retail Stores (land use). This land use consists of the retail stores that emphasize the packaging and sale of products in large quantities or volumes, some at discounted prices, where products are typically displayed in their original shipping containers. Sites and buildings are usually large and industrial in character. Patrons may or may not be required to pay membership fees.

Warehousing (land use). This land use consists of facilities for the storage of farm products, furniture, household goods, or other commercial goods of any nature. Includes cold storage. Does not include: warehouse, storage or mini-storage facilities offered for rent or lease to the general public (see "Storage, Personal Storage Facilities"); warehouse facilities in which the primary purpose of storage is for wholesaling and distribution (see "Wholesaling and Distribution"); or terminal facilities for handling freight (see "Vehicle and Freight Terminals").

Waste Disposal Sites (land use). This land use consists of County-approved or operated refuse dumps, sanitary landfills and other solid waste terminal disposal facilities, not including facilities for hazardous materials.

Water Conservation Dams and Ponds (land use). This land use consists of water impoundment reservoirs constructed for watering stock, groundwater recharge, and other conservation purposes.

Watershed (coastal). The geographical area drained by a river and its connecting tributaries into a common source. A watershed may, and often does, cover a very large geographical region.

WECS (land use). See "Wind Energy Conversion Systems (WECS)."

Wet Bar. An area that includes a bar sink not exceeding a maximum dimension of 12-inches by 12- inches and adjoining cabinets and counters not exceeding an aggregate length of six feet. Electrical service in a wet bar area shall be limited to general purpose receptacles. The maximum size of the trap arm and drain for the bar sink shall not exceed 1.5 inches. Dedicated electrical circuits, gas lines, gas stubouts, and additional plumbing stubouts are prohibited as part of the wet bar area. Wet bars are not considered food preparation facilities.

Wetland (coastal). Lands within the Coastal Zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens. "Wetland" shall be defined as:

A. Land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to, vegetated wetlands or deep-water habitats. For purposes of this section, the upland limit of a wetland shall be defined as:
    1. The boundary between land with predominantly hydrophytic cover and land with predominantly mesophytic or xerophytic cover;
    2. The boundary between soil that is predominantly hydric and soil that is predominantly nonhydric; or
    3. In the case of wetlands without vegetation or soils, the boundary between land that is flooded or saturated at some time during years of normal precipitation, and land that is not.

B. The term "wetland" shall not include wetland habitat created by the presence of and associated with agricultural ponds and reservoirs or by drainage ditches where:
    1. The pond or reservoir was in fact constructed by a farmer or rancher for agricultural purposes; and
    2. There is no evidence (e.g., aerial photographs, historical survey, etc.) showing that wetland habitat pre-dated the existence of the pond or reservoir. Areas with drained hydric soils that are no longer capable of supporting hydrophytes shall not be considered wetlands; or

3. The drainage ditch is a narrow (usually less than 5-feet wide), constructed nontidal ditch excavated from dry land, which is not a replacement for a natural drainage feature

Wholesaling and Distribution (land use). This land use consists of establishments engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm, or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Includes such establishments as:

- agents, merchandise or commodity brokers, and commission merchants
- assemblers, buyers and associations engaged in the cooperative marketing of farm products
- merchant wholesalers
- stores primarily selling electrical, plumbing, heating and air conditioning supplies and equipment

Wild Animal Ranches (land use). This land use consists of the keeping or raising of wild animals for commercial agricultural purposes.

Williamson Act. Formally the California Land Conservation Act of 1965, this Act was designed as an incentive to retain prime agricultural land and open space in agricultural use, thereby slowing its conversion to urban and suburban development. The program entails a 10-year contract between the County and an owner of land whereby the land is taxed on the basis of its agricultural use rather than the market value. The land becomes subject to certain enforceable restrictions, and certain conditions need to be met prior to approval of an agreement.

Wind Energy Conversion System (WECS) (land use). This land use consists of a wind turbine, windmill, or similar machine, which converts the kinetic energy in the wind into a usable form. The WECS consists of all parts of the system, including the wind turbine tower and the transmission equipment.

Wind Testing Facility (coastal). Wind testing facilities are those facilities or structures that have been temporarily installed to measure wind speed and directions and collect other data relevant to siting WECS.

X. Definitions, "X."

No definitions beginning with the letter "X" are used at this time.

Y. Definitions, "Y."

Yard. An area between a lot line and a setback, unobstructed and unoccupied from the ground upward, except for projections permitted by this Development Code. See Section 22.20.100 (Setback Requirements and Exceptions) and Figure 8-7 (Setbacks).

1. **Front Yard.** An area extending across the full width of the lot between the front lot line and the nearest line of the building.

2. **Rear Yard.** An area extending the full width of the lot between a rear lot line and the nearest line of the building.

3. **Side Yard.** An area extending from the front yard to the rear yard between the nearest side lot line and the nearest line of the building.

4. **Interior Yard.** An area between a lot line and the nearest line of the building that does not abut a street or right-of-way.

Z. Definitions, "Z."

Zoning Administrator. The employee of the Marin County Community Development Agency appointed by the Board of Supervisors as Zoning Administrator, with duties and authority as described in Section 22.110.040 (Zoning Administrator).

Zoning Code. Articles I through V, and VII through VIII of this Development Code.

Zoning District. An area identified on the County Zoning Map within which certain uses of land and structures are permitted, and regulations are specified by this Development Code. The zoning districts established by this Development Code are described in Sections 22.06.020 (Zoning Districts Established), and Article V (Coastal Zones – Permit Requirements and Development Standards).

Zoning Map. The official map or maps of Marin County that identify the specific zoning districts located in the unincorporated areas of the County. The Zoning Map is on file with the Marin County Community Development Agency.

Local Coastal Program Amendment (LCPA)

APPENDIX

Appendix 1: List of Recommended Public Coastal Accessways

Appendix 2: Inventory of Visitor-Serving, Commercial, and Recreation Facilities in the Coastal Zone

Appendix 3: Coastal Village Community Character Review Checklist (Local Coastal Program Historic Review Checklist)

Appendix 4: Design Guidelines for Construction in Areas of Special Character and Visitor Appeal and For Pre-1930's Structures

Appendix 5: Seadrift Settlement Agreement

Appendix 6: "Geology for Planning in Western Marin County" by David L.Wagner, 1977

Appendix 7: Categorical Exclusions Orders and Maps

a. Zoning in effect in Marin County on August 4th, 1981 (Date of approval of E-81-2)

Appendix 8: Certified Community Plans:

a. Dillon Beach Community Plan
b. Bolinas Gridded Mesa Plan

Appendix 9: Hillside Subdivision Design Ordinance (Marin County Development Code Section 22.82.050)

Appendix 1

List of Recommended Public Coastal Accessways

(Arranged by APN)

Sources: Unit I and Unit II Local Coastal Programs,
CDA/County Parks research,
California Coastal Commission (CCC) records

Unit I/II LCP recommendations for acquiring or maintaining public access (LCP p. #)	Coastal Commission-required Public Access Offers to Dedicate (OTDs) or deed restrictions	APN, if changed	Status/Notes
100-040-33 (Public pedestrian access shall be maintained to Estero de San Antonio on dirt road north of Oceana Marin; Unit II, p. 22; see also 100-100-57)			
100-100-30 (Vertical access shall be provided next to Oceana Marin; Unit II, p. 22)			*100-100-30 owned by Saint Antony Monastery. Deed Number 99-072481, Parcel number three carries an easement for general road purposes.*
100-100-46 (Lateral and/or blufftop access shall be required on all parcels north of 100-100-46/north of Oceana Marin; Unit II, p. 22; LCP also states that lateral access shall be required on all parcels between 100-100-46 and Walker Creek delta at 104-040-03, p. 21)			*All parcels north of 100-100-46 are owned by Saint Antony Monastery.*
100-100-48	CCC Permit #1-86-021, Lawson		*Lateral public access OTD accepted by Marin Co. 1/22/1998; Document 1998-003901*

100-100-57 (Public pedestrian access shall be maintained to Estero de San Antonio on dirt road north of Oceana Marin; Unit II, p. 22; see also 100-040-33)			*Owned by Saint Antony Monastery?*
104-030-02 (Vertical and lateral access should be provided consistent with resource protection; Unit II, p. 18)			*Owned by Audubon Canyon Ranch; no public access*
104-030-05 (Vertical and lateral access should be provided consistent with resource protection; Unit II, p. 18)			*Owned by State of California as part of Keys Creek Fishing Access (public)*
104-030-08 (Vertical and lateral access should be provided consistent with resource protection; Unit II, p. 18)			*Owned by State of California as part of Keys Creek Fishing Access (public)*
104-040-03 (Lateral access shall be required between 100-100-46 and 104-040-03; Unit II, p. 21)			*No public access*
104-040-08 (Vertical and lateral access should be provided consistent with resource protection; Unit II, p. 18)			*Owned by State of California as part of Keys Creek Fishing Access (public)*
104-040-12 (Vertical and lateral access should be provided consistent with resource protection; Unit II, p. 18)			*Owned by State of California as part of Keys Creek Fishing Access (public)*
104-040-25 (LCP acknowledges previous OTD for lateral access and recommends acceptance; Unit II, p. 21)	CCC Permit #183-77, 3225 Dillon Beach Rd.		*Lateral public access OTD accepted by Marin Co. 1/22/1998*

104-110-08 (Vertical and lateral access recommended at Jensens Oyster facility; Unit II, p. 18; purchase of easement also recommended by Policy 4, p. 22)			*Property apparently owned by GGNRA*
104-150-01 (Nick's Cove; vertical and lateral access shall be maintained; Unit II, p. 18)	CCC Permit #A-2-MAR-03-019, 23115 Shoreline Hwy.		*Lateral and vertical OTDs have not been accepted*
104-150-02 (Nick's Cove; vertical and lateral access shall be maintained; Unit II, p. 18)		Renumbered as 104-150-11	*No public access*
104-150-07 and 08 (South of Nick's Cove; access shall be required; Unit II, p. 18)			*No public access*
104-160-01 (Vertical and lateral access plus parking shall be required if use changes; Unit II, p. 19)			*Owned by Audubon Cyn. Ranch; no public access*
104-160-15 and 16 (Vertical and lateral access shall be provided; Unit II, p. 19)		Parcels merged? Renumbered?	*No public access*
104-180-13 (Lateral access shall be provided; Unit II, p. 19)	CCC Permit #51-81, 22495 Shoreline Hwy., Tomales Bay		*Lateral public access OTD accepted by Marin Co. 4/9/2002; Document 2002-0028221*
104-180-14 (Lateral access shall be provided; Unit II, p. 19)	CCC Permit #36-81, 22485 Shoreline Hwy., Tomales Bay		*Lateral access OTD accepted by Marin Co. 4/9/2002; Document 2002-0028221*
104-180-15 (Existing OTD acknowledged and recommended for acceptance to provide lateral access; Unit II, p. 19)		Renumbered as 104-180-17, perhaps merged with 104-180-16	*CCC records do not show this OTD. Perhaps the OTD referred to in the LCP was actually on APN 104-180-13 or 14, as noted above?*

104-180-16 (Existing OTD acknowledged and recommended for acceptance to provide lateral access; Unit II, p. 19)			*Perhaps the OTD referred to in the LCP was actually on APN 104-180-13 or 14, as noted above?*
104-190-31 (Vertical and lateral access shall be provided; Unit II, p. 19)			*No public access*
104-190-32 (Vertical and lateral access shall be provided; Unit II, p. 19)			*Owned by Audubon Cyn. Ranch; public access allowed*
104-190-43 (Shoulder parking for viewing purposes shall be maintained; Unit II, p. 19)			*No public access*
104-190-44 (Shoulder parking for viewing purposes shall be maintained; Unit II, p. 19)			*No public access*
104-190-45 (Shoulder parking for viewing purposes shall be maintained; Unit II, p. 19)			*No public access*
104-190-46 (Shoulder parking for viewing purposes shall be maintained; Unit II, p. 19)			*No public access*
104-210-09 (Purchase of easement recommended, Unit II Policy 4, p. 22; see also Unit II p. 19)			*Owned by GGNRA*
104-220-01 (Shoulder parking for viewing purposes shall be maintained; Unit II, p. 19)			*No public access*

104-220-05 (At least three vertical accessways shall be provided from #104-220-05 south through 104-210-90, at one-quarter-mile intervals, plus lateral access shall be required on all these lots and shoulder parking shall be maintained in at least three locations; Unit II, p. 19)			• *104-210-09 owned by GGNRA* • *104-210-15 owned by Audubon Cyn. Ranch* • *No public access on 104-220-05;* • *Marin Co. owns 104-220-06;* • *No public access on 104-220-07 or 104-230-08;* • *104-230-09 owned by GGNRA, but is largely a marsh;* • *104-230-10 owned by Pt. Reyes Nat'l. Seashore Assoc. but largely marsh* • *No public access on 104-230-17, 18* • *104-230-21 owned by Audubon Cyn. Ranch* • *No public access on 104-230-22* • *104-230-23 owned by GGNRA; may have informal parking area*
104-230-03 (Purchase of easement recommended, Unit II Policy 4, p. 22)		Renumbered as 104-230-23, together with old 104-230-04	*Owned by GGNRA*
104-230-04 (Purchase of easement recommended, Unit II Policy 4, p. 22)		See 104-230-03	*Owned by GGNRA*
106-020-12 (Lateral and maybe vertical access recommended; Unit II, p. 20; purchase of easement also recommended by Policy 4, p. 22)			*No public access*

106-020-17 (Lateral and maybe vertical access recommended; Unit II, p. 20; purchase of easement also recommended by Policy 4, p. 22)			*No public access*
106-020-31 and 32 (Marshall area; LCP acknowledges state ownership of two parcels in this area; Unit II, p. 20)			
106-020-33 (Lateral and maybe vertical access recommended; Unit II, p. 20)			*Owned by Audubon Cyn. Ranch*
106-030-16 (Vertical and lateral access shall be required; Unit II, p. 20; purchase of easement also recommended by Policy 4, p. 22)			*No public access*
106-040-01 (Vertical and lateral access shall be required; Unit II, p. 20; purchase of easement also recommended by Policy 4, p. 22)			*Owned by Marin Co. Open Space District*
106-040-02 (Vertical and lateral access shall be required; Unit II, p. 20; purchase of easement also recommended by Policy 4, p. 22)			*Owned by Marin Co.*
106-040-03 (Vertical and lateral access shall be required; Unit II, p. 20; purchase of easement also recommended by Policy 4, p. 22)			*No public access*
106-040-06 (Vertical and lateral access shall be required; Unit II, p. 20)			*No public access*

106-050-10 (Lateral access shall be provided; Unit II, p. 20)			*Owned by Audubon Cyn. Ranch; public access allowed*
106-210-33 (Vertical and lateral access shall be required; Unit II, p. 20; public purchase also recommended by Policy 4, p. 22)		Renumbered as 106-301-06	*Owned by GGNRA*
106-210-41 (LCP states that previous CCC permit required an OTD, but that the OTD need not be accepted due to access on adjacent property at Marconi Cove; Unit II, p. 20)		Parcel apparently renumbered as 106-301-11	*No record of OTD being recorded or accepted*
106-210-46 (Vertical and lateral access shall be required; Unit II, p. 20; purchase of easement also recommended by Policy 4, p. 22)			*Owned by GGNRA*
106-210-58	CCC Permit #462-74, Cypress Point Farm, Shoreline Hwy., Tomales Bay		*Deed restriction allowing public access recorded 11/14/1974*
106-270-04 (Lateral access shall be extended south from Marconi Cove; Unit II, p. 21)			*No public access*
106-270-07 (Lateral access shall be extended south from Marconi Cove; Unit II, p. 21)			*Owned by GGNRA*
106-270-08 (Lateral access shall be extended south from Marconi Cove; Unit II, p. 21)			*No public access*

106-270-09 (Lateral access shall be extended south from Marconi Cove; Unit II, p. 21)		Renumbered as 106-270-14	*Owned by GGNRA*
106-270-10 (Lateral access shall be extended south from Marconi Cove; Unit II, p. 21)			
106-280-02 (Lateral access shall be required; Unit II, p. 21)			*No access*
106-280-03 (Lateral access shall be required; Unit II, p. 21)			*No access*
106-280-05 (Lateral access shall be required; Unit II, p. 21)	CCC Permit #2-82-003, 17523 Shoreline Hwy., Tomales Bay		*Lateral access OTD accepted by Marin Co. 9/24/2002; Document 2002-008368*
106-280-06 (Lateral access shall be required; Unit II, p. 21)			*Public access easement confirmed; Document 2002-008368*
106-280-07 (Lateral access shall be required; Unit II, p. 21)		Renumbered as 106-280-16	*No public access*
106-280-10 (Lateral access shall be required; Unit II, p. 21)			*No public access*
106-280-14 (Lateral access shall be required; Unit II, p. 21)			*No public access*
106-290-01 (Lateral and vertical access shall be required; Unit II, p. 21)		Renumbered as 106-290-03?	*Owned by GGNRA?*

112-042-03 (Chicken Ranch Beach; existing public access OTD acknowledged including possible acceptance; Unit II, p. 15)		Renumbered as 112-042-07	*112-042-07 is a developed parcel; nearby parcel 112-142-05 (Chicken Ranch Beach) is owned by State Lands Commission*
112-091-04 (Lateral access shall be required; Unit II, p. 15; purchase of easement also recommended by Policy 4, p. 22)			*Parcels or easements owned by County of Marin*
112-091-06 (Lateral access shall be required; Unit II, p. 15; purchase of easement also recommended by Policy 4, p. 22)			*Parcels or easements owned by County of Marin*
112-091-09 (Lateral access shall be requireed; Unit II, p. 15; purchase of easement also recommended by Policy 4, p. 22)			*Parcels or easements owned by County of Marin*
112-101-01	CCC Permit #2-82-020, Golden Hinde Boatel		*Vertical and lateral public access OTDs accepted by Marin Co. on 7/24/2001*
112-101-05 (Lateral access shall be requireed; Unit II, p. 16)	CCC Permit 1-92-33, south of Golden Hinde Boatel		*Parcel or easement owned by Inverness Foundation; deed restriction for public access recorded 6/26/1992*
112-101-06 (South of Golden Hinde Boatel; lateral access shall be required; Unit II, p. 16)			*No public access*
112-101-09, 10, or 11 (Vertical access shall be provided over existing trail; Unit II, p. 16)			*No public access*

112-101-16 (Existing public access OTD acknowledged and recommended for acceptance; Unit II, p. 15)	CCC Permit #657-75, 12000 Sir Francis Drake Blvd., Inverness		*Vertical public access OTD accepted by Marin Co. 4/13/1981*
112-101-16 (Existing public access OTD acknowledged and recommended for acceptance; Unit II, p. 15)	CCC Permit #657-75, 12000 Sir Francis Drake Blvd., Inverness		*Lateral OTD accepted by Marin Co. 4/13/1981; Document 81-00554102*
112-123-01 (Vertical access shall be provided over existing trail; Unit II, p. 16; see parcel 112-101-09 above)			*No public access*
112-123-04, 05, 06, and 07 (Lateral access shall be requireed; Unit II, p. 16)			*Access easement confirmed on 112-123-05; Document 2010-000223; Unclear if 112-123-07 ever existed*
112-151-01 (Owned by Audubon Cyn. Ranch; should be maintained open, Unit II, p. 16)		Parcel renumbered to 112-151-21	*Open to public use, managed by Audubon Cyn. Ranch*
112-193-03 (Children's Beach; access shall be maintained; Unit II, p. 16)			*Due to tidal/storm action, public access is virtually nonexistent on this parcel*
112-256-03 (Children's Beach; access shall be maintained; Unit II, p. 16)			
112-310-04 (Children's Beach; access shall be maintained; Unit II, p. 16)			
112-310-06 (Children's Beach; lateral access shall be provided; Unit II, p. 16)		112-310-06 and 112-310-05 together were renumbered as 112-310-38, then again renumbered as 112-310-39 and 40, respectively	*112-310-39 is owned by the National Park Service*

112-310-19 (Inverness Store)	CCC Permit #2-81-50, Inverness Store		*Vertical and lateral public access OTDs accepted by Marin Co. 7/24/2001*
112-310-20 (Adjacent to Inverness Store; vertical and lateral access shall be provided; Unit II, p. 17)			*Owned by Inverness Foundation as Martinelli Park*
112-310-25 (Next to former Inverness Library; both vertical and lateral access shall be provided; Unit II, p. 16)			*Owned by GGNRA*
112-310-33	CCC Permit #1-90-58, 12794 Sir Francis Drake Blvd., Inverness		*Vertical and lateral public access OTDS accepted by Marin Co. 7/24/2001*
114-062-11 & 12 (Existing public access OTD is acknowledged, but not recommended for access due to sensitive habitat and because Shields Saltmarsh is adjacent; Unit II, p. 17)		The two parcels were renumbered as 114-062-13	*Owned by Audubon Cyn. Ranch as part of Shields Saltmarsh public access*
114-072-23 (12650 Sir Francis Drake Blvd.; existing public access OTD acknowledged and recommended for acceptance; Unit II, p. 17)	CCC Permit #210-79, 12650-54 Sir Francis Drake Blvd., Inverness	Parcel apparently renumbered as 114-072-24 and 25	*Lateral and vertical public access OTDs accepted by Marin Co. on7/21/2001*
114-072-23 to 119-040-13 (Levee trail running between these parcels recommended for limited public use with closure during spring nesting season, Unit II, p. 17)		119-040-13 was renumbered as 119-040-28	*Owned by NPS (part of former Giacomini wetlands)*
114-082-02 (Vertical easement shall be provided, to connect to levee trail; Unit II, p. 17)			*No public access*

(114-082-01 and 03) (Vertical access shall be provided as an alternative to 114-082-02 above; Unit II, p. 17)			*No public access; Audubon Cyn. Ranch owns 114-082-01*
193-142-07	CCC Permit #277-79, 49 Terrace Ave., Bolinas		*Lateral public access OTD accepted by Bolinas Public Utilities District, 11/5/1997*
193-142-15	CCC Permits #219-79 and #1-88-016, 100 Brighton Ave., Bolinas		*Lateral public access OTDs (2) accepted by Bolinas Public Utilities District, 11/5/1997 and 10/4/2001*
193-142-24	CCC Permit #2-83-24, 65, 71, 75, 77, 79, 81 Crescente Ave., Bolinas		*Combined lateral public access OTD accepted by Bolinas Public Utilities District, 7/11/2006*
193-151-04, 11, 16, 17, 18, 19, 20, 21	CCC Permit #2-83-24, 65, 71, 75, 77, 79, 81 Crescente Ave., Bolinas		*Combined lateral public access OTD accepted by Bolinas Public Utilities District, 7/11/2006*
195-032-52	CCC Permit #2-84-013, Seadrift Rd.		*Deed restriction for lateral public access recorded 3/26/1986*
195-062-08 (The Unit I LCP states that vertical access at Walla Vista shall be opened and maintained, p. 8)	CCC Permit #179-79, Walla Vista, Stinson Beach		*Deed restriction for vertical public access recorded 12/31/79*
195-062-09	CCC Permit #180-79, Walla Vista, Stinson Beach		*Deed restriction for vertical public access recorded 12/31/79*
195-062-11	CCC Permit #182-79, Walla Vista, Stinson Beach		*Deed restriction for vertical public access recorded 12/31/79*
195-070-36	CCC Permit #2-84-013, Seadrift Rd.		*Deed restriction for lateral public access recorded 3/26/1986*

195-132-14 (The Unit I LCP states that in addition to Walla Vista an accessway shall be opened and maintained at an unspecified location in the Calles, p. 8)	CCC Permit #82-30, 21 & 29 Calle del Occidente, Stinson Beach. Note also Marin Co. Permit #96-266 for development at seaward end of Calle del Onda adjacent to Upton Beach which required lateral and vertical public access OTD on AP# 195-162-36 and 37, recorded on March 20, 2000.		*Lateral public access OTD required by Permit #82-30 was accepted by Marin Co. 1/22/1998;* *Status of OTD required by Permit #96-266 unclear.*
195-162-40	CCC (or Marin Co.?) Permit #MAR-85-061, 26 and 28 Calle del Sierra, Stinson Beach		*Lateral public access OTD accepted by Marin Co. 1/22/1998*
195-163-29	CCC Permit #2-82-31, 33 Calle del Sierra, Stinson Beach		*Deed restriction recorded 5/5/1984*
??111-042-03 (See Unit I Access Policy #11, p. 9)	CCC Permit #31-78, Commonweal, 451 Mesa Rd., Bolinas	There is no book 111; perhaps this is meant to be APN 188-170-60?	*Vertical and lateral OTDs accepted by US Government 1/15/1980*

TABLE 1
Food, Beverage, and Other Commercial Services in the Coastal Zone

Location, Name	Grocery	Restaurant and/or Bar	Gas and/or auto repair	Other
DILLON BEACH				
Dillon Beach Resort	Y			
Dillon Beach Café		Y		
Link System ATM				Y
Post Office				Y
TOMALES				
Diekmann's General Store	Y			
Tomales Deli and Café		Y		
William Tell House Restaurant		Y		
MARSHALL/ EAST SHORE				
Marshall Store	Y			
Nicks Cove		Y		
Baring Witness		Y		
Post Office				Y
Link System ATM				Y
INVERNESS				
Manka's Inverness Lodge		Y		
Vladimir's Czech Restaurant		Y		
Golden Hinde		Y		
Priscilla's Café		Y		
Barnaby's by the Bay		Y		
Post Office				Y
Inverness Store	Y			
POINT REYES STATION				
Palace Market	Y			
Golden Point Produce	Y			
Old Western Saloon		Y		
Whale of a Deli		Y		
Indian Peach Food Co		Y		
Stellina Pizza		Y		
Pine Cone Diner		Y		
Osteria Stellina		Y		
Café Reyes		Y		
Rosie Cowboy Cookhouse		Y		
Bracken Auto Service				
Cheda Chevrolet				
Post Office				Y
Wells Fargo				Y
First Savings Bank				Y
Greater Bay Bank				Y
Local ATM				Y
OLEMA				
Olema Farm House		Y		
Roundstone Farm Inn		Y		
Farm House & Deli		Y		
Lynk Systems ATM				Y
RV Resort and Campground				Y
Local ATM				Y
Post Office				Y
BOLINAS				
Bolinas Supermarket	Y			

Location, Name	Grocery	Restaurant and/or Bar	Gas and/or auto repair	Other
Bolinas People Store	Y			
Blue Heron Inn Restaurant		Y		
Coast Café		Y		
Post Office				Y
First Federal Savings				Y
Smiley's Saloon and Hotel		Y		
STINSON BEACH				
Parkside Snack Bar		Y		
Parkside Café		Y		
Post Office				Y
First Federal Savings ATM				Y
Stinson Beach Grill		Y		
Sand Dollar Restaurant		Y		
Stinson Beach Market	Y			
MUIR BEACH				
Pelican Inn		Y		
TOTALS	**9**	**29**	**0**	**18**

TABLE 2
Public Parks and Recreation Facilities in the Coastal Zone

Jurisdiction, Name	**Park Acres** *Coastal Zone*	**Park Acres** *Marin County*	**Shoreline** (miles)	**Campsites/ hostel** (sites / beds)	**Parking**	**Other Amenities**
Federal						
Golden Gate National Recreation Area (GGNRA)	6,503	24,753	14		1,885 spaces	
Point Reyes National Seashore (PRNS)	27,410	54,717	85	115 hostel rooms; 4 campgrounds (~40 sites)	Y	restrooms, showers, picnic areas, vista points, trails, open space, 3 visitor centers, 2 educational centers
State						
Keys Creek Fishing Area	27	40	0.38	n/a	Lot	restrooms, picnic areas
Marconi Conference Center	58	58	0	40 guestrooms	Lot	restrooms, showers, 4 conference centers, dining
Mount Tamalpais State Park	1,168	6,392	3	9 cabins, 7 campsites	Lot	
Stinson Beach Facility	2	2	0	No	Lot	restrooms, showers, picnic areas
Tomales Bay Fishing Area	50	52	1	No		
Tomales Bay State Park	2,347	2,427	6	No	Lot	
Walker Creek Marsh	11	13	0.3			
County						
Agate Beach	14	14	0.46	No	Lot	restrooms, vista points, trails, open space
Bolinas Lagoon	132	1,107	8	No	Street	
Bolinas Park	1	1	0	No	Street	restrooms, tennis courts, drinking fountain
Chicken Ranch Beach	3	6	0.21	No	Lot	restrooms, vista points, trails, open space, kayak access, benches
Miller Park Boat Launch	3	6	0.14	No	Lot	restrooms, picnic areas, vista points, overnight parking
Point Reyes Playground	1	1	0	No	Street	restrooms, picnic areas, playground
Upton Beach	6	13	0.66	No	Street	
Village Green	0.62	0.62	0	No	Street	picnic areas, trails, benches, drinking fountain, picnic tables, basketball
Whitehouse Pool	23	23	0	No	Lot	restrooms, picnic areas, vista points, trails, open space
Vedanta Trail	n/a	n/a	0	No	Street	
Total	**37,757**	**89,627**	**118**	---	---	---

TABLE 3
Overnight Accommodations in the Coastal Zone
updated 11/20/2012

Location, Name	Hotel/ Motel/ Inn/ Bed and Breakfast (rooms)	Private Rentals (units)	Campsites	Trailer RV (spaces)	Hostel (beds)	Capacity (# of ppl)
DILLON BEACH						
Abalone Alcove		1				6
Absolute Vista		1				10
Beachnest		1				6
Breaking Waves		1				5
C's		1				12
Canyon Del Sol		1				10
Coastal Cottage		1				5
Dancing Moon		1				9
Dill n' Thyme		1				6
Dillon Beach Old Town		1				10
Dillon Beach Resort		3				6
Dillon Beach Yacht Club		1				12
Duncan's Dunes		1				9
Etoile de Mer		1				10
Knot-a-Care		1				10
Lawson's Resort & RV Park at Lawson's Landing*			650	see campsites*		1300
Lindo Mar		1				6
Memories by the Sea		1				9
Nautical Nook		1				6
Osprey Landing		1				10
Petersen's Beach House		1				2
Point of View		1				8
Sea Breeze		1				8
The Sea Captain		1				6
Sea Crest		1				6
Seas the Day		1				11
Surf View		1				8
Surly Clam		1				9
Treasure Box		1				8
Uli Kohola - The Blue Whale		1				8
Wabi Tei		1				10
Whale Watcher		1				12
Windmist Cottage		2				10
Other Vacation Rentals (10)		14				46
TOMALES						
The Continental Inn	10					20
Not-a-Bank		1				4
Other Vacation Rentals (none)		0				0
MARSHALL / EAST SHORE OF TOMALES BAY						
Ann's View on Tomales Bay		2				4
Bayglow Cottage		1				6
Blue Bay Beach Cottage		1				6

Location, Name	Hotel/ Motel/ Inn/ Bed and Breakfast (rooms)	Private Rentals (units)	Campsites	Trailer RV (spaces)	Hostel (beds)	Capacity (# of ppl)
Coal & Feed		1				8
High Tide Cottage		1				6
Inn at Tomales Bay	5					10
Marconi Conference Center	40					80
The Mermaid's House		2				4
Nick's Cove Cottages		12				48
Poet's Loft		2				4
Ravensview Cottage		1				5
Sea Mist Cottage		2				6
Other Vacation Rentals (2)		2				4
INVERNESS						
Bayshore Cottage		1				2
Boat-In Camping on Tomales Bay (PRNS)**			20			241
Dancing Coyote Beach B&B	3					6
Inverness Secret Garden Cottage		1				2
Inverness Valley Inn	20					40
Ladderloft Cottage		1				4
Manka's Inverness Lodge	6					12
Motel Inverness	7					16
On the Waterfront B&B	1					2
Osprey Peak B&B	2					4
Point Reyes Farmstay		1				6
Point Reyes Hostel					56	56
Seahaven Vista		1				8
Smitty's Cottage on the Beach		2				4
Ten Inverness Way	5					10
Tomales Bay Resort	35					70
The Trees by Tomales Bay		1				7
Other Vacation Rentals (3)		3				6
POINT REYES STATION						
Abalone Inn	3					8
Annie's Garden Cottage		1				2
Apple Cottage		1				2
Artist's Retreat		1				3
Bay View Cottage		1				2
Berry Patch Cottage & Hideaway		2				6
Black Heron Inn	3					6
The Blackthorne		1				12
Coast Campground (PRNS)			14			28
Egret's Overlook Home		1				4
Ferrando's Hideaway Cottages	2					4
Frank's Place		1				5
Gallery Cottage		1				2
Holly Tree Inn & Cottages	7					17
Jasmine Cottage		1				2
Knob Hill Cottage		3				6
Laurel Ridge Cottage		1				2

Location, Name	Hotel/ Motel/ Inn/ Bed and Breakfast (rooms)	Private Rentals (units)	Campsites	Trailer RV (spaces)	Hostel (beds)	Capacity (# of ppl)
Laveder House Cottage		1				4
Lingonberry Farm B&B	3					6
Lone Fir Cottage		1				4
Marsh Cottage B&B	1					3
Morning Glory Cottage		1				2
Neon Rose		1				2
Old Creamery Cottage		2				9
Old Point Reyes Schoolhouse Compound		5				25
One Mesa Bed & Breakfast	6					17
Owl Hollow Cottage		1				2
Pinecrest		1				2
Point Reyes Country Inn and Stables	10					20
Point Reyes Station Inn	5					10
Point Reyes Vineyard Inn	3					8
Point Reyes Vista		1				6
Rosemary Cottages B&B	2					11
Seven Grey Foxes B&B	2					4
Sky Campground (PRNS			12			24
Terri's Homestay		1				2
Tree House		3				6
Waldo's Ranch House		1				10
Wildcat Campground (PRNS)			8			16
Windsong Cottage		1				2
Other Vacation Rentals (5)		5				10
OLEMA						
Alta Olema B&B	6					14
Bear Valley Inn	4					12
Inn at Roundstone Farm	5					10
Olema Cottages		8				28
Olema Druids Hall	4					8
Olema Inn	6					12
Olema Ranch Campground			107	80		374
Point Reyes Seashore Lodge	24					48
Other Vacation Rentals (none)		0				0
BOLINAS						
Blue Heron Inn	2					4
The Bolinas Cottage		1				4
Briarcombe		3				14
The Garden Room		1				4
The Grand Hotel		2				4
Juniper House		1				5
Lavender Hill		1				4
Loft at Woodville Ranch		1				4
Mornell Estate		1				7
The Perch		1				6
Smiley's Schooner Saloon & Hotel	6					12
Other Vacation Rentals (7)		8				32

Location, Name	Hotel/ Motel/ Inn/ Bed and Breakfast (rooms)	Private Rentals (units)	Campsites	Trailer RV (spaces)	Hostel (beds)	Capacity (# of ppl)
STINSON BEACH						
Anchorage Inn B&B	1					2
Crispin's Cottage		1				2
The Landsburgh Chevalier Estate		1				11
Ocean Court Motel	14					28
Ocean View House		1				4
Patterson Sand Castle		1				2
Redwoods Haus Inn	3					11
Rocky Point-Steep Ravine Environmental Camp (Mt Tam State Park)			7			14
Sandpiper Motel	10					34
Serenity at Seadrift		1				2
Steep Ravine Cabins (Mt Tam State Park)			9			18
Stinson Beach Motel	6					12
Stinson Beachfront		2				6
Wit's End		1				8
Other Vacation Rentals (192)		192				1236
MUIR BEACH						
Pelican Inn	7					14
The Cottage at Muir Beach		1				4
Bicentennial Campground (GGNRA)			3			9
Other Vacation Rentals (none)		0				0
TOTALS	**279**	**357**	**830**	**80***	**56**	**4659**
LCP Unit I/II Totals	**84**	n/a	**235**	**331**	**40**	n/a
Difference (#)	**195**	n/a	**595**	**-251**	**16**	n/a
Difference (%)	**232%**	n/a	**253%**	**-76%**	**40%**	n/a

**Per the Dec 2011 Revised CCC Findings on Lawson's Landing, it is estimated that Lawson's can accommodate approximately 650 total campsites as follows:*

Area 1: 3.75 acres; ~81 RVs/tents; 21.6 density (sites/acre)
Area 2: 12.06 acres; ~233 Travel Trailers/RVs/tents; 19.3 density
Area 3: 5.84 acres; ~86 tents; 14.7 density
Area 4: 11.88 acres; ~250 RVs/tents; 21.04 density
Totals: 33.53 acres; ~650 campsites; 19.4 density

***Boat-in camping is allowed on national park beaches on the west side of Tomales Bay north of Tomales Bay State Park's Indian Beach. There are 17 individual beach sites where camping is allowed, and twenty permits are available each day as follows: 9 permits for 1-6 people; 8 permits for 7-14 people; 3 permits for 15-25 people.*

MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY
BRIAN C. CRAWFORD, DIRECTOR

LOCAL COASTAL PROGRAM HISTORIC REVIEW CHECKLIST

This checklist must be completed for all new construction, alterations, and additions in historic areas designated in the Local Coastal Program and for individual pre-1930 structures located in the coastal zone but outside of the boundaries of the historic areas. The checklist applies to all structures, including signs. For more information, please consult the Marin County Local Coastal Program Historic Study.

Please check the appropriate box in applicable categories.

YES	NO	N/A		
			A.	**NEW CONSTRUCTION, ALTERATIONS AND ADDITIONS**
				Does the Project:
☐	☐	☐	1.	Preserve distinguishing original qualities or character of the structure or site and its environment?
☐	☐	☐	2.	Retain or preserve any previous modifications that evidence the history and development of the structure or site?
☐	☐	☐	3.	Retain or preserve distinctive stylistic features or examples of skilled craftsmanship which characterize the building's structure or site?
☐	☐	☐	4.	Has every reasonable effort been made to provide a compatible use for the property in this community?
☐	☐	☐	5.	Give consideration to harmonizing street furniture and signs?
			B.	**NEW CONSTRUCTION**
☐	☐	☐	1.	Is the roof shape similar to adjacent structures?
☐	☐	☐	2.	Is the building height consistent with surrounding structures?
☐	☐	☐	3.	Do the front facades give similar directional expressions (vertical or horizontal)?
☐	☐	☐	4.	Are building setbacks similar to adjacent structures?
☐	☐	☐	5.	Will new landscape features (including parks, gardens, fencing, benches, walkways and signs), be compatible with the character of the neighborhood?
☐	☐	☐	6.	Is the design compatible in scale, design, materials and texture with surrounding structures?

3501 CIVIC CENTER DRIVE, ROOM 308 – SAN RAFAEL, CA 94903-4157 – 415-499-6269 – FAX 415-499-7880

YES	NO	N/A		
☐	☐	☐	7.	Will a contemporary design that is compatible with the mood and character of the surrounding neighborhood be used?
☐	☐	☐	8.	Will mechanical equipment such as air conditioners and television antennae be placed in conspicuous locations?

C. ALTERATIONS, RESTORATIONS

☐	☐	☐	1.	Has the applicant applied for designation of a historic structure?
☐	☐	☐	2.	Does the State Historic Building Code apply?

Will the proposed project:

☐	☐	☐	3.	Retain the front of the building to preserve the architectural and historic character of the building?
☐	☐	☐	4.	Retain distinctive features such as the size, scale, mass and building materials, including roofs, ponches and stairways that give the community its character?
☐	☐	☐	5.	Retain landscape features (including parks, gardens, fencing, benches, signs walkways), that reflect the structure's development and history?
☐	☐	☐	6.	Place new additions without destroying local point views?
☐	☐	☐	7.	Preserve or duplicate original details (such as cornices, brackets, windows, doors, shutters, siding, railing) of architectural significance)?
☐	☐	☐	8.	Repair or stabilize weakened structural members and systems?
☐	☐	☐	9.	Retain original materials where possible?
☐	☐	☐	10.	Preserve the original roof shape and material?
☐	☐	☐	11.	Retain or replace, where necessary, architectural features in the roof such as dormer windows, chimneys, cornices and brackets?
☐	☐	☐	12.	Improve the thermal performance of the building through weather-stripping without damaging window and door frames?
☐	☐	☐	13.	Improve or repair drainage to prevent damage to the structure or foundation where necessary?
☐	☐	☐	14.	Retain any previous modifications that evidence the history and development of the structure?

☐ ☐ ☐ 15. Make alterations and new additions in such manner that they can be removed in the future without impairing the essential form and integrity of the structure?

YES	NO	N/A		
			D.	**RESTORATION**
☐	☐	☐	1.	Are any deteriorated architectural features being repaired rather than replaced, where possible?
☐	☐	☐	2.	Where replacement of deteriorated architectural features is necessary, do new materials match the material being replaced in color, texture, composition and design?
☐	☐	☐	3.	Will cleaning methods undertaken damage the historic building materials?
			E.	**DEMOLITION**
☐	☐	☐	1.	Is the building or structure of such architectural or historic interest that its removal would be to the detriment of public interests?
☐	☐	☐	2.	Is the building or structure of such interest or significance that it could be designated as a National, State or local historic landmark?
☐	☐	☐	3.	Is the building of such old and unusual or uncommon design, texture and/or material that it could not be reproduced or be reproduced only with great difficulty and/or expense?
☐	☐	☐	4.	Would retention of the building or structure help preserve and protect an historic place or area of historic interest in the County?
☐	☐	☐	5.	Would retention of the building or structure promote the general welfare of the community by encouraging study of local history, architecture and design or by developing an understanding of the importance and value of the local culture and heritage?
☐	☐	☐	6.	Can the structure be converted to another use?
☐	☐	☐	7.	Is the structure in a state of major disrepair?
☐	☐	☐	8.	Has the local historical group or society been contacted?
☐	☐	☐	9.	Has the State Historic Preservation Office been contacted?
☐	☐	☐	10.	Has an attempt been made to locate a purchaser for the property?
☐	☐	☐	11.	Has an alternative site for the structure been researched?

Forms/applications/Historic-checklist.doc

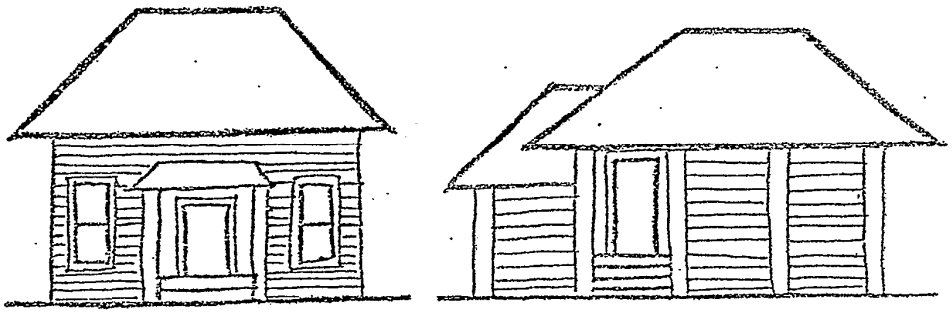
Appendix 4

DESIGN GUIDELINES FOR CONSTRUCTION IN AREAS OF SPECIAL CHARACTER AND VISITOR APPEAL AND FOR PRE-1930"S STRUCTURES

Technology has quickened the pace of change and introduced a great variety of building materials and construction methods. Since personal tastes and social attitudes often govern today's choice of materials and methods, design review has been introduced to guarantee carefully executed design solutions.

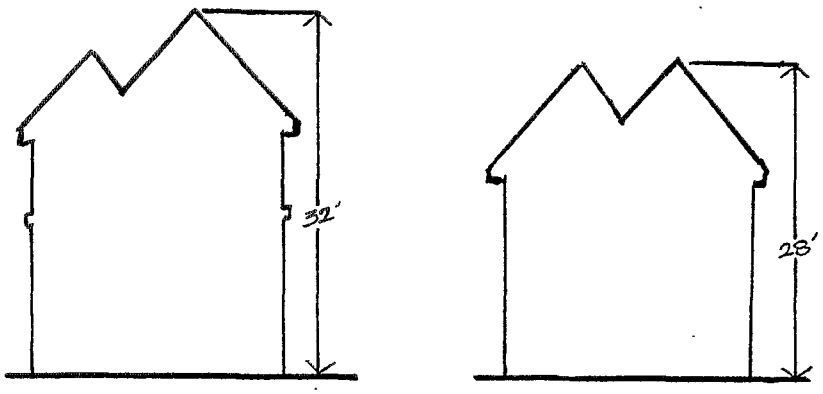
The landscape and buildings of a healthy community exhibit continuity of a community's past and present. In recognition of this concept, a properly instituted design review program aims to insure guided freedom for future growth in historic areas. Design review will vary according to conditions in particular communities, but should insure that new buildings conform in scale, proportions and texture to existing community form.

The design principles and standards below are intended to insure maximum compatibility of remodeling and new construction with older buildings in historic districts.



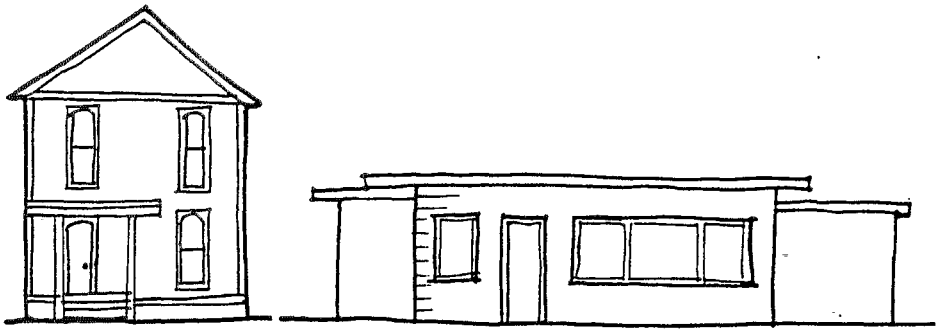
REPETITION OF ROOF SHAPE

Similarity of roof shapes is often the most important means for achieving continuity in design between new and old buildings in historic areas. Roofs are an important factor in the overall design of a building to help relate items such as height and scale to those adjacent structures:



CONSISTENT BUILDING HEIGHT

New buildings should be constructed to a height within a reasonable average height of existing adjacent buildings.



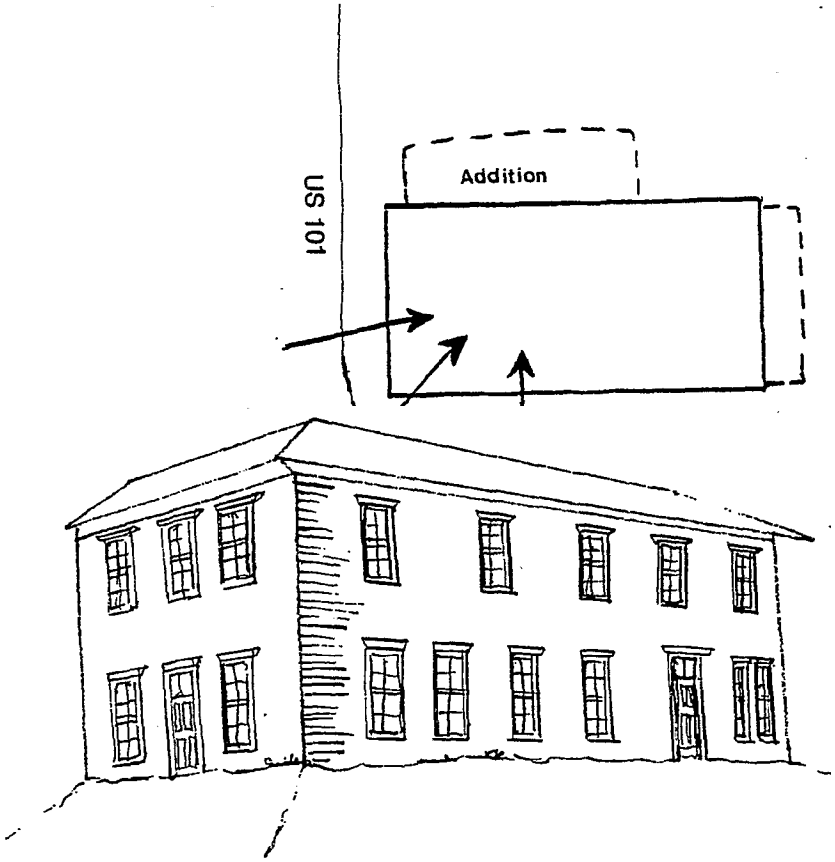
DIRECTIONAL EXPRESSION OF FRONT ELEVATIONS

Structural shape, placement of openings, and architectural details may give a predominantly vertical, horizontal, or a non-directional character to a building's facade. If buildings in a historic district are predominantly vertical expressions, then new buildings should be vertical expressions also.

19th century buildings tend to be vertical while 20th century buildings often have a horizontal emphasis.

PLACEMENT OF NEW ADDITIONS TO HISTORIC BUILDINGS

The most important facade of any building is generally the frontal facade; this is particularly true when viewing a streetscape. The front elevation, and side elevation on a corner building, should not have additions added that destroy a building's historic character.

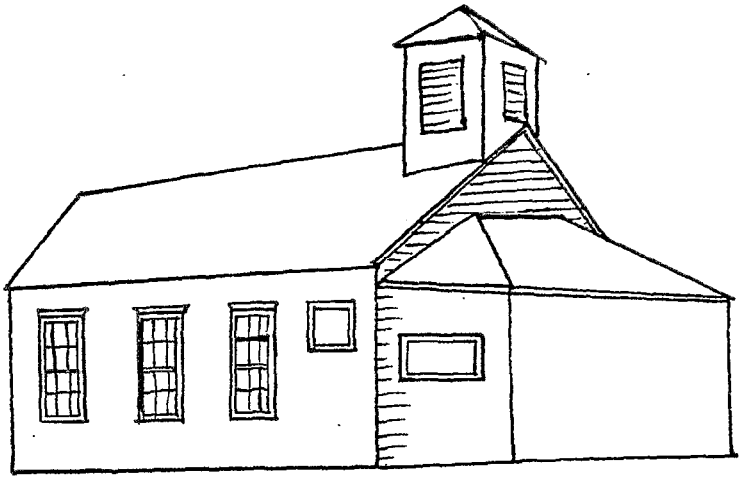


GOOD EXAMPLE
Focal Points of Olema Inn.

Additions were made to the Olema Inn, but these additions left the focal point facades intact.

BAD EXAMPLE

Greek Revival school house with addition on front facade, destroys the focal point view.



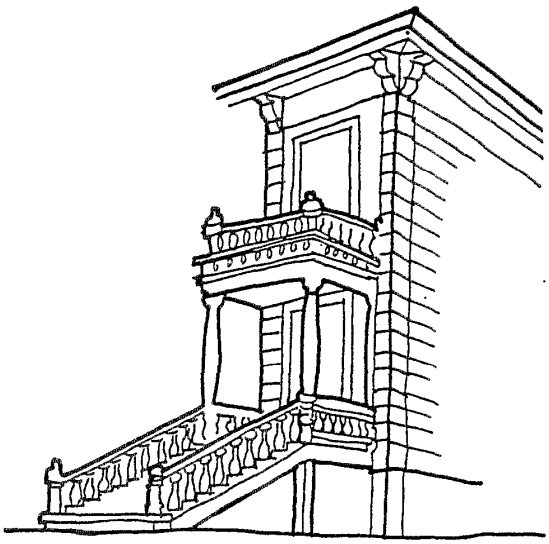
BAD EXAMPLE

Italianate commercial structure with front facade addition.

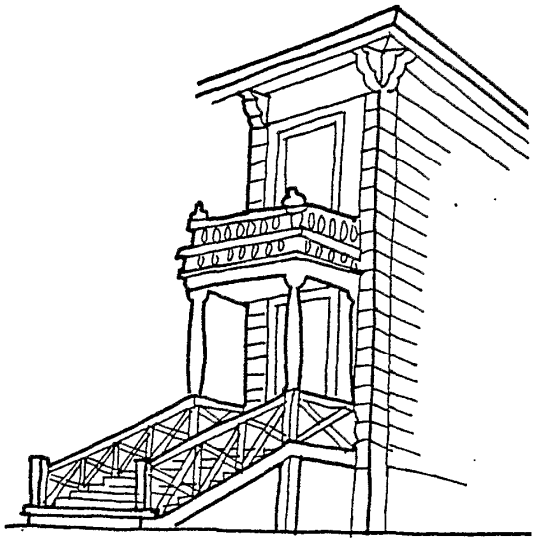
BUILDING SETBACK

Setback is an important consideration in harmonizing new with old in rural historic areas.

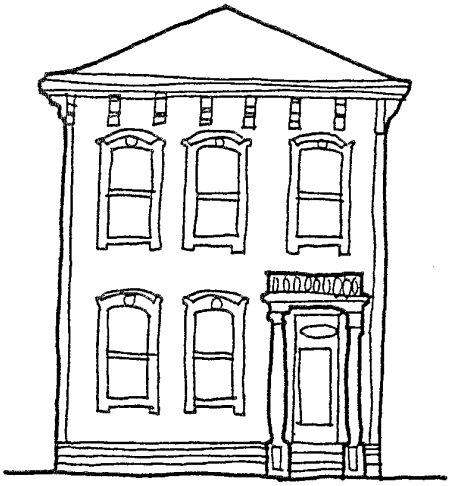
PRESERVE OR REPLICATE HISTORIC DETAILS



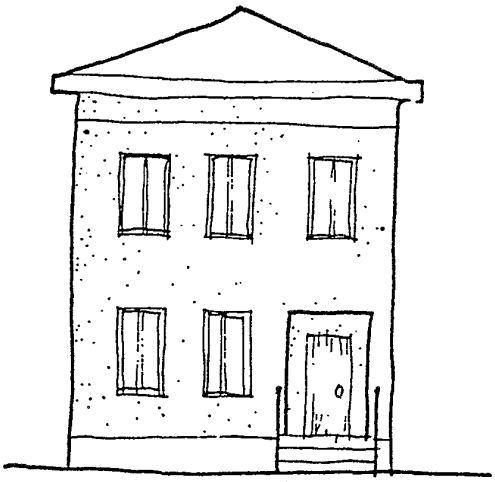
Original: Sympathetic treatment of stairway railing.



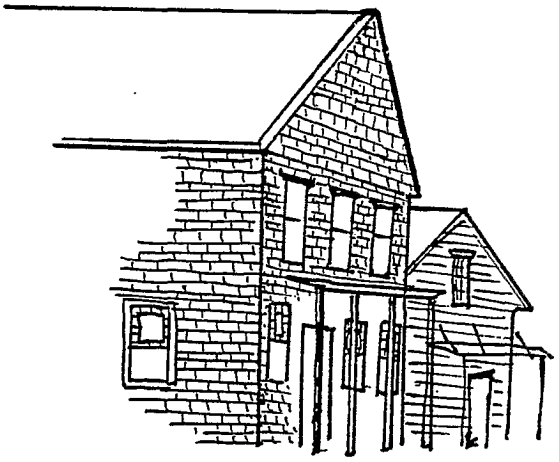
Remodeled: Unsympathetic treatment of stairway railing



Original: Precise wooden details around windows, doors, cornice line, at building edges, horizontal lap siding.



Remodeled: Stucco facade destroys integrity of historic structure.



The front facade of the Greek Revival commercial building (in foreground to left) has been "modernized" with the addition of wood shingles and brick. These exterior coverings are not appropriate for Greek Revival. Its next-door neighbor (smaller building to left) retains the Greek Revival feeling.

RELATIONSHIP OF TEXTURES

The texture of a building is an important factor in the overall appearance of a neighborhood. The predominant texture may be smooth (stucco), or rough (brick with tooled joints), or horizontal wood siding, or other textures. Whatever texture is used, its appearance must be considered in relation to the neighborhood to insure a compatible blending with other styles.

The front facade on the Greek Revival commercial building (in foreground to left) has been "marinated" with the addition of wood shingles and brick. These exterior coverings are not, appropriate for Greek Revival. Its next-door neighbor (smaller building to right) retains the Greek Revival feeling, with the original horizontal siding.

REPETITION OF DETAILS

Repetition of details, such as choice of exterior building materials, proportions of windows and doors, gingerbread porch posts and trim, window and door moldings, cornices, lintels, and arches, is extremely important in insuring compatible appearance in new construction in historic areas.

There has been a general misunderstanding about 19th century styles because of the weather-beaten appearance of many vintage buildings. Greek Revival, Queen Anne, Italianate, and Stick architectural styles are precise in their detailing and consistency of proportions. There is a great difference between these precise, albeit weathered, architectural statements, and contemporary efforts to create vintage-style buildings by constructing badly proportioned, indistinctive, rough-shod buildings of rough-sawn plywood or board and batten.

---

[1] "Marinated" - the fad in Marin County currently is to add wood shingles whether appropriate or not.

RELATIONSHIP OF COLORS

The proper application of a color scheme to a building or a series of buildings can highlight important features and increase their overall appearance. Accent or blending colors on building details is also desirable in creating compatibility of neighboring structures.

Use of exterior color is of particular importance in the case of a wood frame house where the combination of wall and trim colors usually decides its basic character.

A good color scheme should be neighborly as well as effective in itself, so that both the house and the environment benefit.

RELATIONSHIP OF LANDSCAPING AND PHYSICAL FEATURES

Landscaping should be placed to emphasize design and should enhance a structure rather than detracting from it or obscuring it. Physical features such as picket fences, building facades, beaches, lamp posts, and signs or combinations of these features provide continuity and cohesiveness to a neighborhood.

Efforts to achieve continuity should not be so restrictive that they force mere imitation. However, the design of new buildings in and adjacent to historic areas, and new additions to old buildings must be carefully executed to achieve harmony between old and new. The challenge, particularly in special design districts, is to create contemporary buildings whose flavor and scale compliments, rather than imitates, the predetermined images of the historic setting.

SIGNS AND STREET FURNITURE

Commercial signs are an effective tool for enhancing the historic quality and can be designed to harmonize with the structure. All too often, oversized or modernistic signs are used and detract from the overall charm. For this reason, strict design review for signs is recommended.

Similarly, street furniture (benches, light fixtures and litter containers) should be designed to embellish the historic grace and conform to existing architectural styles. Ingenuity may be required, but these details can provide cohesion and grace.

DOUGLAS J. MALONEY
COUNTY COUNSEL

COUNTY COUNSEL OF MARIN COUNTY
SUITE 342 CIVIC CENTER
SAN RAFAEL, CALIFORNIA 94903
TELEPHONE
(415) 499-6117

THOMAS G. HENDRICKS
ASSISTANT
ALLEN A. HAIM
CHIEF DEPUTY
ROBERT H. SAN CHEZ
DOROTHY R. JONES
RUTH W. ROSEN
PATRICK K. FAULKNER
JOHN F. GOVI
JAMES G. FLAGEOLLET
DEPUTIES

July 9, 1984

Board of Supervisors
County of Marin
Suite 315, Civic Center
San Rafael, CA 94903

RE: Stipulation for Judgment
Weisenbaker, Kent Estate v. Coastal Commission
County Of Marin Superior Ct. No. 98592

Dear Board Members:

Background:

The captioned action concerning the Coastal Plan and zoning as it affected the Seadrift Subdivision was commenced in May 1980.

Your Board has previously adopted amendments to the Coastal Plan and Zoning Ordinance upon the recommendations of the Planning Director and this office in order to settle this protracted litigation. The Coastal Commission has approved the amendments to the L.C.P.

The parties have now negotiated the language to be contained in the Judgment to be entered in the captioned Superior Court action.

Recommended Action:

Authorize County Counsel to execute the Stipulation for Judgment and have the Judgment entered into the record for Marin County Superior Court Action No. 98592.

Authorize County Counsel, as soon as practicable, to enter into a similar Stipulation and Judgment for Action No. C-82-4379 RHS on file in the United States District Court in San Francisco.

Very truly yours,

ROBERT H. SAN CHEZ
Deputy County Counsel

RHSC:jb
cc: Mark Riesenfeld
Planning
Attachment - Proposed Stipulated Judgment

APPROVED
Meeting of Board of Supervisors
JUL 17 1984
VAN GILLESPIE, Clerk

41

BIANCHI, HOSKINS,
STONE, PAXTON & ENGEL
Courthouse Square, Suite 600
1000 Fourth Street
San Rafael, California 94901
Telephone: (415) 456-6020

Attorneys for Petitioners

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF MARIN

STEVEN WISENBAKER, et al., Petitioners, vs. CALIFORNIA COASTAL COMMISSION, et al., Respondents.	No. ~~95892~~ 98592 JUDGMENT (On Stipulation)

STIPULATION

It is hereby stipulated by and between petitioners Steven W. Wisenbaker, Terry K. Wisenbaker, and the William Kent Estate Company, and respondents California Coastal Commission, County of Marin, and Board of Supervisors of the County of Marin, through their respective counsel, that judgment in the above cause be entered in the form hereinafter set forth.

Dated: ~~May~~ July 9, 1984.

BIANCHI, HOSKINS,
STONE, PAXTON & ENGEL

by Albert Bianchi
Albert Bianchi
Attorneys for Petitioners

Dated: July 26, 1984.

JOHN VAN DE KAMP, Attorney General
of the State of California

by _____
Patricia Sheehan Peterson,
Deputy Attorney General
Attorneys for Respondents
California Coastal Commission

Dated: July 18, 1984.

DOUGLAS J. MALONEY,
Marin County Counsel

by _____
Robert H. San Chez,
Deputy County Counsel
Attorneys for Respondents
County of Marin and Board
of Supervisors of the
County of Marin

* * * * *

JUDGMENT

The Court being advised in the premises, and accepting the foregoing stipulation; now, therefore,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

1. The number of legal lots of record to be permitted on the Wisenbaker/Kent parcel (already subdivided property across Dipsea Road from Bolinas Lagoon) will be 56 residential parcels including 9 sites already sold to third parties, known as lots Nos. 146-7-8, 150-1, 154, 158, 164-5, 176-7-8, 180-1, 183, 191-2 and marked with an "X" on a drawing entitled "Rezoning Proposal for Seadrift 12/1/83," which drawing is incorporated herein by reference. Each legal lot of record (56) may be developed in accordance with LCP Policies and Provisions of Marin County Code now existing.

2. The land division pertaining to the prior sale of the Norman parcel also shown on the referenced drawing shall be processed through the normal planning procedures, and the allocation of residential units shall be seven as per current LCP policies, plus the new entrance gate facility and office hereinafter described in paragraph 6, subject to meeting all code requirements now existing.

3. The front property line for lots abutting the private roadway known as Dipsea Road shall not be considered property lines for the purposes of establishing setbacks for leach field areas; accordingly, the private road right-of-way or portions thereof may be used for leach field areas for lots abutting that private roadway. Additionally, the owners of such lots shall have and reserve the right to cross the private right-of-way to the unsubdivided parcel for the installation of leach field areas. In each instance, however, said lot owners must first obtain the consent of the owner of the private right-of-way to install such leach fields. This may only be done in a manner consistent with Marin County Code Seciton 18.06 and "Septic Tank and Leach Field Waivers" dated November 27, 1978, Marin County Department of Public Works and policies of the LCP Unit 1 now existing.

4. Where a developed or developable lot is adjacent to a parcel which is not to be developed, the owner of the developed or developable lot will have the right to purchase the undevel

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oped parcel and to thereafter use the combined parcels as a single lot.

5. The developer of the Norman parcel and/or the developer of the William Kent Estate/Wisenbaker parcels, shall dedicate all of their present right, title and interest in the land for a roadway over the general area of the old causeway from Highway 1 to the northerly boundary of the Norman parcel, in accordance with now existing polices of the Local Coastal Program and the Stinson Beach Community Plan. The timing and location of the roadway dedication shall be determined during the tentative map review process. The developer of the Norman parcel and the developer of the Kent/Wisenbaker parcels shall also participate financially in the construction of the roadway and bridge. The cost of such participation shall be determined by County policy established by resolution or ordinance, and shall be proportionate to projected use, unless otherwise agreed.

6. In connection with development of the Norman parcel, and without reducing or affecting the number of lots otherwise referred to herein, and subject to any and all permits and proceedings required at the time of construction, petitioners shall be allowed to construct a new replacement entrance gate facility and a building of not less than 1,500 square feet in size to be strictly limited to use as a real estate sales office and property owners' administration office.

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7. A master plan, tentative map, and final map for the re-subdivision of the existing sites to be reviewed and approved by the County of Marin shall be required.

8. Consideration of the master plan and the tentative map or maps may be accomplished concurrently through review by the Planning Commission and the Board of Supervisors.

9. A coastal permit for the master plan and tentative map shall be secured from the California Coastal Commission, which shall grant the same consistently with the California Coastal Act and the certified LCP.

10. The fees to process the master plan and the tentative map or maps are estimated at approximately $8,000 to $10,000. Wisenbaker/Kent request, and the Board of Supervisors has agreed, that such fees be waived as an offset against the substantial fees incurred by Wisenbaker/Kent in pursuing the within litigation.

11. With regard to the 26-acre (Kent/Norman) parcel, a tentative map and parcel map may be filed at any time to divide said property in a manner consistent with the current Local Coastal Plan. Processing of the tentative map will require review and decision by either the Planning Director or the Planning Commission. Any decision on the tentative map may be appealed to the Planning Commission and/or the Board of Supervisors. In addition, the processing of such map will require a coastal permit to be issued by the California Coastal Commission, which shall

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grant the same consistently with the California Coastal Act and the certified LCP.

12. An open space easement shall be created as a condition of approval of the Kent/Norman tentative map. This easement shall be perfected at or prior to recordation of the parcel map.

13. The main purpose of the master plan and subdivision map referred to in Paragraphs 1 and 7 above is to realign the lot boundaries to conform to the amended Local Coastal Plan policies. For such purpose, the County shall not impose any requirements other than those required by the master plan/subdivision map process referenced herein.

14. Each party shall bear its own costs, disbursements, and attorney fees in this matter.

15. In the event that petitioners do not receive final approval for development of the items described in paragraphs 1, 2, 3, 4, 6, 10, and 13 above, then petitioners shall have the right to initiate and pursue such legal action or actions as they may wish in order to secure whatever rights, if any, they hold on the date hereof, and any statute of limitations which would otherwise bar the same shall be deemed waived.

Dated: May ____, 1984.

.....

Judge of the Superior Court

BIANCHI, HOSKINS,
STONE, PAXTON & ENGEL
Courthouse Square, Suite 600
1000 Fourth Street
San Rafael, California 94901
Telephone: (415) 456-6020

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

STEVEN W. WISENBAKER, an individual, TERRY K. WISENBAKER, an individual, and the WILLIAM KENT ESTATE COMPANY, a California corporation, Plaintiffs, vs. CALIFORNIA COASTAL COMMISSION, an agent of the State of California, COUNTY OF MARIN, a subdivision of the State of California, BOARD OF SUPERVISORS OF THE COUNTY OF MARIN, BARBARA BOXER, individually, DENIS RICE, GAIL WILHELM, individually, and DOES I through XXV, inclusive, Defendants.	No. C 82 4379 RHS STIPULATION FOR DISMISSAL OF ACTION

It is hereby stipulated by plaintiffs Steven W. Wisenbaker, Terry K. Wisenbaker, and the William Kent Estate Company, and each of the defendants named above (other than those fictitiously named), through their respective counsel of record herein, that

the within action may be dismissed, all parties to bear their own costs and disbursements.

It is further stipulated that this disposition of the pending case is predicated on entry of judgment by stipulation in Marin County Superior Court action no. 95892; and each of the parties hereto does hereby release and discharge each of the other parties, their counsel and other representatives, from any and all further claims which any such party may have by reason of this litigation or the aforesaid Marin County Superior Court action no. 95892 or relating to either or arising therefrom.

Dated: July __, 1984.

BIANCHI, HOSKINS,
STONE, PAXTON & ENGEL

by _____
Albert Bianchi
Attorneys for Petitioners

Dated: July 26, 1984

JOHN VAN DE KAMP, Attorney General
of the State of California

by _____
Patricia Sheehan Peterson,
Deputy Attorney General
Attorneys for Respondent
California Coastal Commission

Dated: July 18, 1984

DOUGLAS J. MALONEY,
Marin County Counsel

by _____
Robert H. San Chez,
Deputy County Counsel
Attorneys for Respondents
County of Marin, Board of
Supervisors of the County of
Marin, Barbara Boxer, Denis Rice,
and Gail Wilhelm

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Exhibits to Settlement Agreement

A. Bolinas Sandspit description (from IBLA record).

B. Seadrift Sandspit description (calling for mean high tide line along Seadrift beach to end of spit, then calling for mean low tide line along Bolinas Lagoon as set forth in 1950 court decree).

C. Fee title owners of lots on Seadrift Sandspit.

D. Escrow instructions.

E. State judgment.

F. Federal judgment.

G. Grant of Easement.

H. County acceptance of easement.

I. Sign(s).

J. Permit for seawall.

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That certain land commonly known as the Bolinas Sandspit, depicted as "Sand Bar or Arenal" on the Official Plat of the Rancho Las Baulines, a copy of which is attached hereto as Exhibit A-1, and depicted as "Sand Beach" on the Official Plat of the Rancho Sausalito, a copy of which is attached hereto as Exhibit A-2.

EXHIBIT A

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EXHIBIT "A"

YES PBS

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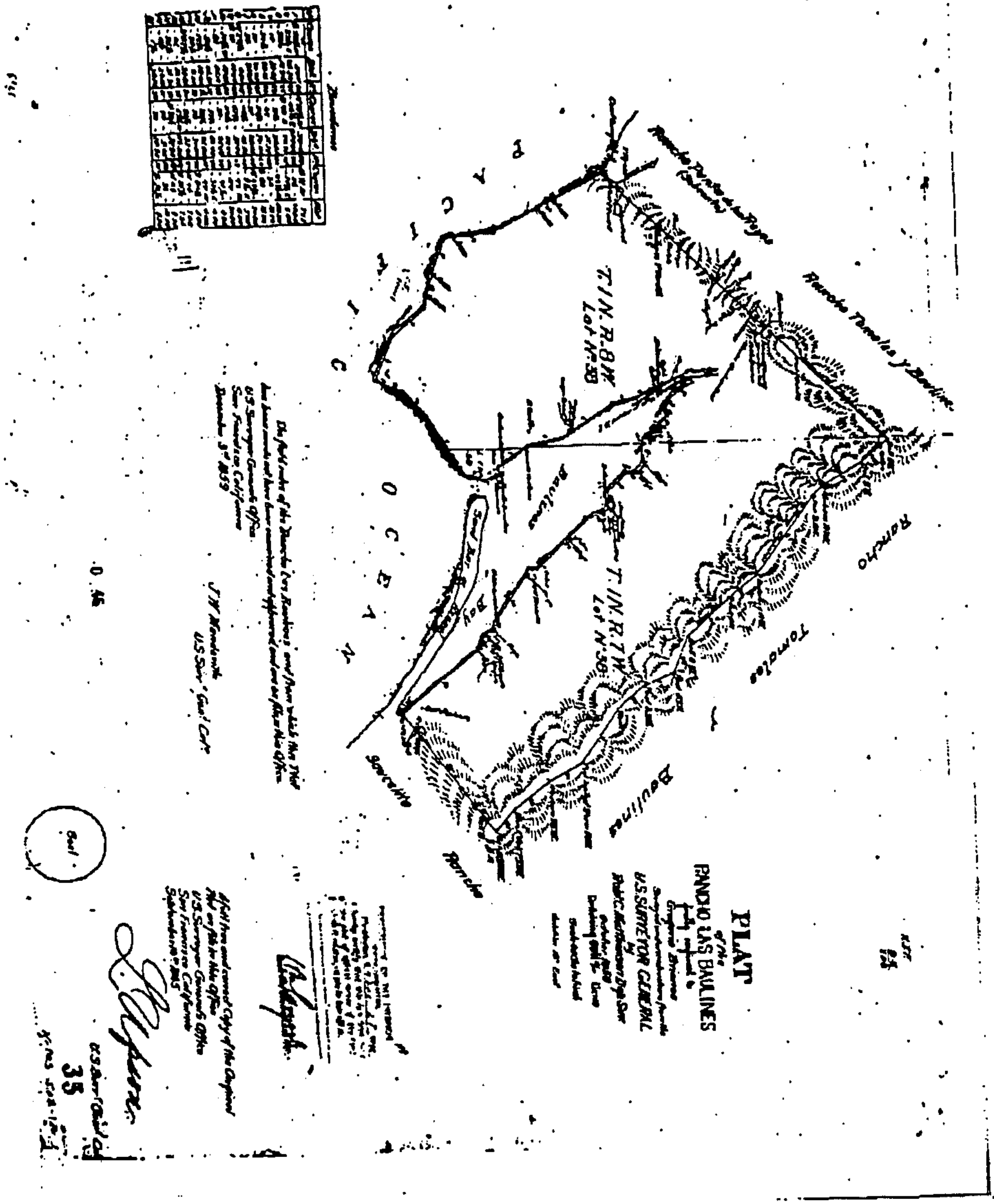

EXHIBIT A-1

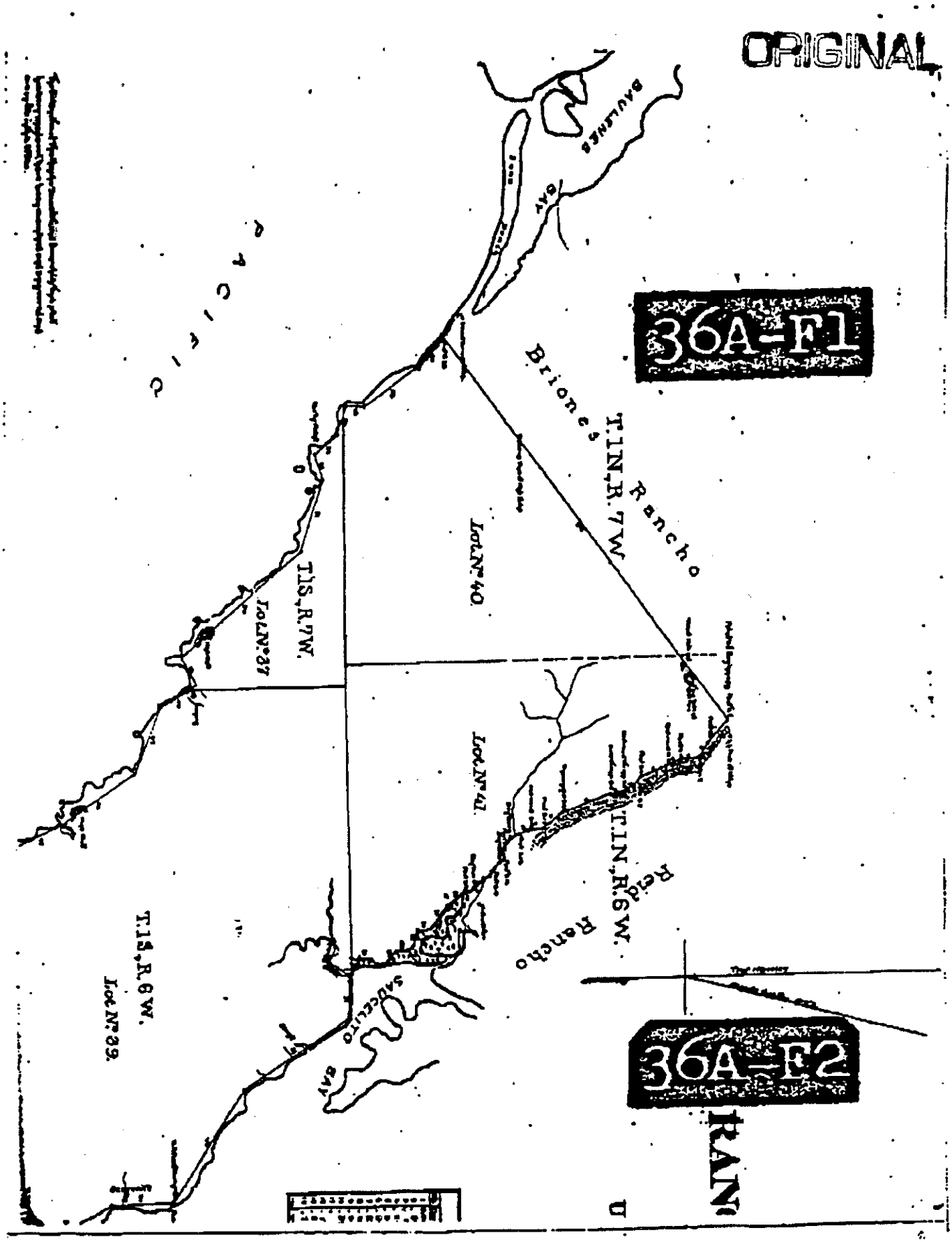

EXHIBIT A-2

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EXHIBIT "B"

KLS PBS

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EXHIBIT B

SEADRIFT SANDSPIT

A parcel of land situated in Marin County, State of California on the Bolinas Sandspit in T. 1 N., R. 7 W., M.D.M. known as "Seadrift Sandspit" lying between Bolinas Lagoon and the Pacific Ocean more particularly described as follows:

BEGINNING at the northwesterly corner of the exterior boundary of the "Upton Tract" as shown on that map recorded in Volume 5 of Official Maps at page 61 as filed August 11, 1931 in the office of the County Recorder of said County; thence along the northeasterly boundary of said "Upton Tract", South 56° 31' 14" East 41.529 feet; thence leaving said "Upton Tract" North 45° 10' 29" East 507.151 feet to the Mean Low Water Line of Bolinas Lagoon as described in Book 633 at pages 438 and 439 filed Feb. 10, 1950 in the office of the County Recorder of said County; thence westerly and southerly along said Mean Low Water Line of Bolinas Lagoon the following courses and distances:

North	52° 19' 31"	West,	693.79 feet,
North	67° 06' 44"	West,	2789.80 feet,
North	77° 35' 14"	West,	1322.30 feet,
North	80° 29' 18"	West,	1339.85 feet,
South	78° 07' 19"	West,	892.45 feet,
South	73° 28' 27"	West,	413.40 feet,
South	87° 37' 53"	West,	411.35 feet,
North	75° 51' 50"	West,	278.43 feet,
North	62° 27' 50"	West,	395.84 feet,
North	58° 39' 02"	West,	305.62 feet,
North	68° 03' 24"	West,	149.86 feet,
South	86° 19' 19"	West,	140.29 feet,
South	64° 49' 35"	West,	110.49 feet,
South	43° 48' 53"	West,	205.10 feet,
South	05° 09' 20"	East,	133.54 feet,

to STA. 1 shown as on the Mean Low Water Line on that "Survey of the Ordinary High Water Mark and portion of Mean Low Water Line Bolinas Lagoon Sandspit" recorded August 1, 1949 in Book 2 Records of Surveys at page 144 in the office of the County Recorder of said County; thence leaving said Mean Low Water Line of Bolinas Lagoon along an east-west line passing through said STA. 1 to the Line of Mean High Tide of the Pacific Ocean; thence Easterly along said Line of Mean High Tide to its intersection with the Westerly boundary of said "Upton Tract"; thence North 39° 56' 46" East to the Point of Beginning

END OF DESCRIPTION

LICENSED LAND SURVEYOR
Rand D. La Force
Exp. 6/30/96
No. 3631
STATE OF CALIFORNIA

Prepared by California State Lands Commission
SFB & CC Boundary Unit
Supervisor Rand La Force, Nov. 8, 1993

KES PBS

SETTLEMENT AGREEMENT

MARCH 16, 1994

RE: SEADRIFT SANDSPIT

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SETTLEMENT AGREEMENT

This Agreement for settlement of litigation is made between the parties as set forth below.

A. The Property

The property that is the subject of this agreement is a sandspit located in Marin County, California, known as "Bolinas Sandspit" which is more particularly described in Exhibit "A", a portion of which is known as "Seadrift Sandspit," which is more particularly described in Exhibit "B".[1]/ The area of the Seadrift Sandspit which immediately adjoins the Pacific Ocean is referred to herein as the "Seadrift Sandspit Beach."

B. Purposes

The purposes of this Agreement are as follows:

1. To resolve the disputes between the parties about the nature and extent of public right, title and interest in and to the Bolinas Sandspit by reason of the following claims:

a. that all or a portion of the Bolinas Sandspit is unpatented public domain land owned by the United States; and

b. that the public has no rights, title or interest in all or any portion of the Seadrift Sandspit under the doctrine of implied dedication and/or public prescriptive rights,

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[1]/ By generally describing the property at issue, the parties do not intend to create or give up substantive rights that they may have in the subject properties. Any such substantive rights created or given up are specifically set forth in the following sections. The general descriptions in this paragraph are made for ease of reference only.

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as claimed in the action known as Kelly et al. v. California Coastal Commission, Marin County Superior Court Case No. 152998 (the "State Action");

2. To resolve the administrative appeal now pending before the California Coastal Commission regarding the grant, by the County of Marin, of a permit for installation of a rock revetment seawall on the Seadrift Sandspit Beach;

3. To assure that future use of the Seadrift Sandspit Beach continues to be limited to low intensity, passive recreational uses; and

4. To assure continued protection of the environmentally sensitive dune and sandy beach areas of the Seadrift Sandspit.

This Agreement is not intended to be utilized as precedent for claims in other disputes unrelated to the Bolinas Sandspit, whether between the current parties or others.

C. Parties

The parties to this agreement, which include the parties to the State Action and the action known as California Coastal Commission, State Lands Commission v. United States Department of the Interior, et al., U.S. District Court No. CIV-S-92-0702 GEB GGH (Eastern District of California), (the "Federal Action") are:

1. The United States of America acting by and through the Department of the Interior ("DOI") and approved as to form by

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the Office of the United States Attorney, Eastern District of California;[2]/

2. The State of California acting by and through:

a. The California Coastal Commission ("CCC"),

b. The State Lands Commission ("SLC"), and

c. The California Attorney General[3]/ ("CAG");

3. The County of Marin[4]/ by and through its Board of Supervisors;

4. The Seadrift Association on its own account;

5. The record owners of lots and parcels in the Seadrift subdivisions, Stinson Beach, California, which are more particularly listed and described in Exhibit "C" ("Lot Owners");

6. The title insurance companies appearing in the Federal Action: First American Title Insurance Company, Chicago Title Insurance Company, Ticor Title Insurance Company, Fidelity Title Insurance Company, Transamerica Title Insurance Company, Commonwealth Land Title Insurance Company, and Title Insurance Company of Minnesota ("Title Companies").[5]/

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[2]/ The United States is not a party to the State Action and disclaims any interest in that Action.

[3]/ The CAG appeared in the administrative proceedings leading to the Federal Action, but is a party neither to the Federal Action nor to the State Action.

[4]/ The County of Marin is neither a party to the Federal Action nor to the State Action.

[5]/ The Title Companies are not a party to the State action and disclaim any interest in the terms and conditions of this Agreement insofar as they apply to or are made in reference to the State Action. The sole purpose for which the Title Companies

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D. Effective Date and Final Disposition

This Agreement will become effective when executed by the Lot Owners of at least seventy-five percent (75%) of the Seadrift Sandspit beach-front lots and all of the other parties described in Sub-Paragraphs C. 1, 2, 3, 4 and 6 above, when all documents called for by this Agreement have been duly executed and placed in escrow, and when the escrow officer has duly recorded and delivered said documents in accordance with the escrow instructions (Exhibit "D" hereto).

If this Agreement does not become effective, it shall be null and void. No administrative permits or conveyances contemplated by this Agreement shall be issued unless the Agreement becomes effective. In the event that the Agreement does not become effective, the parties shall resume their positions in the Federal and State Actions as if the Agreement had not existed, and any permits, or conveyances issued shall be null and void. In the event that the Agreement does not become effective, with the exception of information that was of public record, or was otherwise not disclosed or generated as a result of settlement negotiations, nothing said or disclosed in connection with this Agreement may be used for any purpose, either in connection with the State Action or the Federal Action or otherwise; and the Agreement and any drafts, correspondence or

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are parties to this Agreement is that of memorializing their commitment and obligation to undertake those actions set forth herein which are intended to and will result in the final adjudication of the Federal Action, and no other.

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other communications related to it shall be deemed to be an offer to compromise pursuant to Section 1152 of the California Evidence Code.

NOW THEREFORE, based upon the foregoing premises, the parties agree as follows:

1. Escrow

An escrow shall be opened with Old Republic Title Insurance Company, and the escrow officer shall be directed to implement this agreement in accordance with the escrow instructions which are attached as Exhibit "D". When all of the documents described in Exhibits "E", "F", "G", "H", and "J" have been executed and placed in escrow, the escrow officer shall record and/or deliver to the appropriate parties the appropriate documents as set forth in the escrow instructions.

2. Judgments

Upon the deposit in escrow of all documents called for by this Agreement (other than the Judgments referred to in this paragraph), the parties in the State Action shall execute a stipulation and proposed judgment (in the form of Exhibit "E"), and submit it to the state court for approval. The proposed form of judgment shall incorporate the provisions of this Agreement, but shall provide that it shall take effect only in the event that the Federal Action is concluded in accordance with the provisions of this paragraph. Upon approval of the proposed judgment by the state court, the parties to the Federal Action shall execute a stipulation that the State parties will not

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refile (or will withdraw, as appropriate) their Motion for Summary Judgment and their opposition to the motions of Defendants and Intervenors for Summary Judgment in the Federal Action, and the motions of Defendants and Intervenors for Summary Judgment shall thereupon be submitted to the United States District Court for decision. If the Court grants such motions and enters judgment (substantially in the form of Exhibit "F" hereto), the judgment in the State Action shall thereupon automatically become effective and escrow will close in accordance with Exhibit "D". If the United States District Court fails to enter judgment in accordance with Exhibit "F", this Agreement shall thereupon be null and void as provided above, the judgment in the State Action shall be ineffective, the State parties' Motion for Summary Judgment in the Federal Action may be re-noticed, and both the State Action and the Federal Action shall proceed in due course.

3. Public Easement For Low Intensity Recreational Purposes

a. General

The Lot Owners of at least seventy-five per cent (75%) of the Seadrift Sandspit beach-front lots and the Association shall execute and place in escrow a grant of easement more particularly described below and in Exhibit "G" and substantially in the form of Exhibit "G". The easement shall define and limit the nature and extent of public right, title and interest in and to the Seadrift Sandspit Beach above the mean

high tide line, provided however, nothing in the easement or this Agreement is intended to expand or diminish any rights, if any, the public may have in the area of the Seadrift Sandspit Beach seaward of the mean high tide line.

b. Easement Area

Except as expressly noted herein, the area of the easement ("easement area") shall extend over the Seadrift Sandspit Beach from the easterly end to the westerly end of the last developable beach-front lot and then continue approximately one-half the distance around the headlands (to a precise point to be determined and marked on the ground).[6]/ The width of the easement area is determined as follows:

> an area extending along the length of the beach, subject to the public easement end points, which is bounded on the ocean side by the mean high tide line and on the landward side as follows: by the further seaward of (a) a line 60 feet measured perpendicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) a line 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall, and thereafter continuing around the headlands bounded by a line 60 feet measured

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[6]/ The point shall be located at the Bolinas channel edge of the presently existing vegetation on an East-West line passing through STA. 1 shown on the Mean Low Water Line on that "Survey of the Ordinary High Water Mark and portion of Mean Low Water Line Bolinas Lagoon Sandspit" recorded August 1, 1949 in Book 2 Records of Surveys at page 144 in the office of the County Recorder of Marin County. A State Lands Commission monument bears east 200± feet along said line.

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perpendicularly from the seaward edge of the presently existing vegetation area of the headlands.[7]/

The public may pass and repass landward of the easement area during such times and in such locations that high water covers the easement area, provided that, the public shall in no event have the right to pass and repass closer than the further seaward of 25 feet from the top vertical centerline of the seawall or the toe of the sand dunes except in time of emergency, and then only in order to leave the beach.

c. Permitted Uses

The easement to be granted is a non-exclusive public easement for low intensity, passive recreation uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment,[8]/ audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association

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[7]/ The border of the vegetation area of the headlands is an approximate, but somewhat irregular, arc of 180 degrees.

[8]/ The restriction on recreational equipment does not apply to fishing gear, surfboards, kayaks and other non-motorized, water-oriented equipment.

and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

d. Time of Use

The easement will not be available for public use during the period from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

e. Burden of Easement

In the event that public use of the easement area substantially increases from the historic use of the easement area, the parties agree that the Seadrift parties or their successors shall thereupon be entitled to limit public use of the easement area to the historic use by filing an appropriate action in a court of competent jurisdiction and proving by a preponderance of the evidence such increased use.

4. Acceptance and Recordation of Easement

The County shall execute and place into escrow an acceptance of the grants of public easement in the form of Exhibit "H". The escrow officer shall be directed to record the grants of easement and their acceptance by the County of Marin upon close of escrow.

5. Compliance

The Seadrift Association and its successors, and the fee title owners of the easement area shall be empowered, but not obligated, to monitor the Seadrift Sandspit Beach for compliance

with these easement provisions. The Marin County Sheriff shall have the authority to enforce the easement provisions. The Marin County Department of Public Works shall post and from time to time maintain signs on the Seadrift Sandspit Beach, in form and style and location acceptable to the Seadrift Association and approved by the appropriate governmental agency, communicating the open hours and conditions of use of the easement in accordance with the provisions of this Agreement, together with "no trespassing" as to private property.[9]/ Signs may include language making it clear that use of the easement area shall be at sole risk of the user.

6. Agreement Pursuant to Civil Code § 1009

This Agreement, when effective, shall be deemed to constitute an agreement with a public agency within the meaning of Section 1009(f)(3) of the California Civil Code.

7. Attorneys' Fees and Costs

All parties shall bear their own attorneys' fees and costs.

8. Permit for the Seawall

If approved by the CCC after a public hearing in accordance with applicable procedures, the CCC shall place into

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[9]/ One or more forms of signs shall be attached as Exhibit "I" to the settlement agreement which sign or signs shall be prepared and posted by the County within 60 days of the effective date of this Agreement. The signs may be revised from time to time as circumstances may warrant, if agreed to in writing by the CCC, the County of Marin, and the Seadrift Association.

escrow a permit authorizing installation and maintenance of the seawall substantially in the form of Exhibit "J".[10]/

9. Cancellation of Offers of Dedication

Any prior offers of dedication to the public, the State of California, or to the County of Marin relating to any part of the Seadrift Sandspit Beach, which offers have not been accepted as of the date this Agreement is effective, shall be deemed extinguished and of no further force or effect. The parties hereby agree to deliver appropriate instructions and any other appropriate documents to the escrow officer in order to accomplish such cancellation. If legally permissible, and in consideration of the Seadrift parties' execution of this Agreement, offers of dedication of public easements on the beach which have previously been accepted will be abandoned and/or reconveyed to the fee title owner as soon as practicable.

10. Agreement to Refrain From Making Other Claims

The parties agree that none of the parties shall in any manner challenge this Agreement nor file or make, or assist or encourage any third party to file or make, any claim or demand in any proceeding, before any public or private entity or agency, including, but not limited to, any court of law or equity,

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[10]/ In the event that there is in the future a foreclosure with respect to any Lot which is subject to the easement (Exhibit "G"), the easement shall not be abrogated because it is a condition of the permit for the seawall. The easement shall be binding on all successors in interest, including purchasers at foreclosure sales. Any successor in interest who successfully contests the easement shall not have the benefits of Sections 6, 8, 9, 10 and 11 of this Agreement.

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seeking to: impose any condition or requirement that would allow pedestrian, equestrian or vehicular use by members of the public over the internal roads of the Seadrift Sandspit, except in cases of emergencies; provide access by members of the public to any part of the Seadrift Lagoon, or to those portions of the Seadrift Sandspit comprised, as of the effective date hereof, of filled lands, or (other than as specifically provided in this Agreement) to any other part of the Seadrift Sandspit located above the mean high tide line; authorize any increase or change from those agreed to in this Agreement in the permitted uses by the public on the Seadrift Sandspit Beach; or establish that a public prescriptive easement or implied dedication has ever been created or established through adverse possession, adverse use, or otherwise, over all or any portion of the Seadrift Sandspit. So long as the Seadrift subdivisions continue to be substantially used for residential purposes in the form of single family residences, so that the kind and intensity of uses are not substantially changed,[11]/ the CCC, SLC and the County of Marin agree that none of them will impose in any permit for improvements to the Seadrift Sandspit any condition which requires greater public access to the Seadrift Sandspit than

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[11]/ It is understood and agreed that there are a substantial number of buildable lots remaining within the Seadrift subdivisions. Construction of single family residences on those lots, and remodeling or replacement of single family residences on the lots which presently have such structures, shall not be deemed to constitute a change in "kind and intensity of uses" as such term is used in this Agreement.

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required by this Agreement. Neither the CCC nor the SLC will participate in establishing public transportation facilities or vehicle parking which are designed or intended to increase public use of the Seadrift Sandspit Beach. The parties further agree that, in the event that any agency commences eminent domain proceedings for any portion of the Seadrift Sandspit, the property affected by the condemnation shall be valued as if it were not burdened by the easement established by this Agreement. The State parties agree to use all efforts reasonably within their respective jurisdictions to assure that the channel from the Pacific Ocean into the Bolinas Lagoon remains open, provided that, they do not hereby agree to expend any public funds for the dredging of said channel. Notwithstanding anything in this Paragraph to the contrary, the State Parties reserve the right to assert public prescriptive rights and implied dedication claims over those Seadrift Sandspit beach-front lots whose owners have not conveyed an easement pursuant to paragraph 3 hereof.

11. Enforcement of the Agreement

The state judgment which is to be entered pursuant to this Agreement shall contain a provision providing that the state court shall retain jurisdiction for the purpose of enforcing the terms of this Agreement, provided that, the state court shall have no jurisdiction over the terms or the effect of the judgment in the Federal Action. The parties agree, and the state judgment shall so provide, that the breach by any party of any of the terms and provisions set forth in this Agreement shall be deemed

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to cause irreparable injury to the party seeking enforcement of such terms and provisions, and the parties further agree that no bond or undertaking shall be required in connection with the entry of an order by the court requiring any party to comply with the terms and provisions hereof.

12. Recitals to be Incorporated

The Recitals to this Agreement are incorporated herein by this reference and shall be deemed an integral part of this Agreement.

13. Additional Parties

Additional Lot Owners or others having an interest in the Seadrift Sandspit may become parties to this Agreement by executing a conformed copy of this agreement, provided that, the right of Lot Owners or others under paragraph 14 hereof to become parties to this Agreement shall expire 90 years from the effective date of this Agreement.

14. Lot Owners Not Having Benefits of this Agreement

Any Lot Owner who owns a beach-front lot or lots who has not executed this Agreement and conveyed an easement in accordance with paragraph 3 hereof within one year from the effective date hereof shall be deemed to have waived and relinquished any right and entitlement to the benefits of Sections 6, 8, 9, 10 and 11 of this Agreement, provided that, new purchasers of any such lots shall have one year from the date of purchase to execute this Agreement and such new purchasers shall

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thereupon be entitled to the full benefits of all of the terms and provisions of this Agreement.

15. Counterparts

This Agreement may be executed in counterparts, each one of which shall be deemed an original hereof.

DATED: 8/8/94

UNITED STATES DEPARTMENT OF THE INTERIOR

By: Ed Hastey
Title: State Director, BLM California

DATED: 2/12/94

Approved as to form by:
OFFICE OF THE U.S. ATTORNEY,
EASTERN DISTRICT OF CALIFORNIA

By: [signature]
Title: _____

DATED: _____

CALIFORNIA COASTAL COMMISSION

By: _____
Title: _____

DATED: _____

STATE LANDS COMMISSION

By: _____
Title: _____

DATED: _____

CALIFORNIA ATTORNEY GENERAL

By: _____
Title: _____

KES PD

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thereupon be entitled to the full benefits of all of the terms and provisions of this Agreement.

15. Counterparts

This Agreement may be executed in counterparts, each one of which shall be deemed an original hereof.

DATED: _____

UNITED STATES DEPARTMENT OF THE INTERIOR

By: _____
Title: _____

DATED: _____

Approved as to form by:
OFFICE OF THE U.S. ATTORNEY,
EASTERN DISTRICT OF CALIFORNIA

By: _____
Title: _____

DATED: 8/5/94

CALIFORNIA COASTAL COMMISSION

By: Peter Douglas
Title: Executive Director

DATED: _____

STATE LANDS COMMISSION

By: _____
Title: _____

DATED: _____

CALIFORNIA ATTORNEY GENERAL

By: _____
Title: _____

KES PD

ORIGINAL

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned, Seadrift Association, a California non-profit corporation, owner of Parcel 2 and a portion of Parcel 3, Parcel Map, Lands of William Kent Estate Co., filed March 11, 1968 in Book 2 of Parcel Maps at Page 62, Marin County Records, hereby grants to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Parcels for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the owner.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over the seaward or westerly portion of said Parcels 2 and 3 and is bounded on the west or seaward side by the mean high tide line and on the landward side by a line extending

Approved

ORIGINAL

along the length of the seaward or westerly portion of said Parcels 2 and 3 which line is located 60 feet from and parallel with the seaward or westerly edge of the presently existing vegetation area of said Parcels 2 and 3.

The easement extends from the easterly boundary line of said Parcel 2 to an East-West line passing through STA. 1 shown as on the Mean Low Water Line on that "Survey of the Ordinary High Water Mark and portion of Mean Low Water Line Bolinas Lagoon Sandspit" recorded August 1, 1949 in Book 2 Records of Surveys at page 144 in the office of the County Recorder of Marin County.

DATED:

_____

GRANTOR

SEADRIFT ASSOCIATION, A California non-profit Corporation

By: _____

Its: _____

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On _____ before

me, _____,
personally appeared

_____

_____

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed same in his/her/their authorized capacity(ies), and that by his/her/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. WITNESS my hand and official seal.

(This area for official notarial seal.)

Signature _____

Approved:

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deann Nielsen
Deputy CLERK

THIS STAMP CONFIRMS
RECORDING DATA ONLY

RECORDING REQUESTED BY 94-069830

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned owner(s) of Lot 5, as shown on that certain map entitled "Map of Seadrift subdivision No. One, Marin County, California," filed November 10, 1949, in Map Book 6, Page 92, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpen-

dicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:
July 21, 1994

GRANTORS

ROBERT A. MILLS and ROBERT A. SCHLESINGER, Trustees of the EDNAH ROOT REVOCABLE TRUST dated January 9, 1987

BY: Robert A. Mills, Trustee
ROBERT A. MILLS, Trustee

Robert A. Schlesinger
ROBERT A. SCHLESINGER, Trustee

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On July 21, 1994 before

me, Shirlyn J. S. Kim,
personally appeared

Robert A. Mills

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed same in his/her/their authorized capacity(ies), and that by his/her/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

(This area for official notarial seal.)

WITNESS my hand and official seal.

Signature Shirlyn J. S. Kim

SHIRLYN J. S. KIM
COMM. #962154
Notary Public-California
SAN FRANCISCO COUNTY
My comm. expires MAR 25,1996

STATE OF CALIFORNIA)
) ss.
COUNTY OF RIVERSIDE)

On July 29, 1994 before me, Rochelle Chandrasena, a Notary Public, personally appeared ROBERT A. SCHLESINGER personally known to me

- OR - ___ proved to me on the basis of satisfactory evidence to be the person(~~s~~) whose name is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(~~ies~~) and that by his/~~her/their~~ signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted,executed the instrument.

OFFICIAL SEAL
R. CHANDRASENA
NOTARY PUBLIC CALIFORNIA
RIVERSIDE COUNTY
My Comm. Expires June 9, 1995

WITNESS my hand and official seal.

R. Chandrasena
Signature of Notary Public

OPTIONAL SECTION

CAPACITY CLAIMED BY SIGNER

__ Individual
__ Corporate Officer(s)

_____
(Title)
__ Partner(s) __ Limited
__ General
__ Attorney-in-Fact
__ Trustee(s)
__ Guardian/Conservator
__ Other _____

Title of Type of Document_____
Number of Pages _____ Date of Document_____
Signer(s) other Than Named Above_____

ORIGINAL

DATED: _____

COMMONWEALTH LAND TITLE
INSURANCE COMPANY

By: _____
Title: _____

DATED: 6-15-94

TITLE INSURANCE COMPANY OF
MINNESOTA

By: _____
Title: Vice President

KRS PBS

SEADRIFT PROPERTY OWNERS

PRINT NAME	SIGNATURE	DATE
JAMES C. ALLEN	James C. Allen	7/25/94
NANCY P. ALLEN	Nancy P. Allen	7/23/94

ORIGINAL

NOTE RE EXHIBIT "C"

THE LIST OF SEADRIFT PROPERTY OWNERS, EXHIBIT "C", SHALL BE REVISED SO AS TO PROVIDE AN ACCURATE LIST OF THE FEE TITLE OWNERS OF EACH PARCEL AND LOT WITHIN THE SEADRIFT SPIT AS OF THE DATE OF CLOSE OF ESCROW. ANY NECESSARY AMENDMENTS TO THE ATTACHED LIST, EXHIBIT "C", SHALL BE MADE ACCORDINGLY AT THAT TIME WITHOUT FURTHER APPROVAL BEING REQUIRED BY ANY PARTY OTHER THAN BY THE ATTORNEYS WHO HAVE EXECUTED THE ESCROW INSTRUCTIONS (EXHIBIT "D" TO THIS AGREEMENT).

EXHIBIT "C"

KLS PBS

Seadrift Property Owners

#	Lot #	Sub #	Property Owner(s)	Recorded Easement Instrument Number
1	L 190	SL 2	DENNY ABRAMS	
2	O 053	S 2	JAMES C. ALLEN and NANCY P. ALLEN (See also 63)	94-070896
3	O 048	S 1	THOMAS S. ADAMS and SALLY C. ADAMS, as Trustees of the THOMAS S. AND SALLY C. ADAMS REVOCABLE TRUST dated January 5, 1990	94-069865
4	L 153	SL 2	HAROLD ALSTROM	
5	L 015	SL 1	CLARENCE O. AMONETTE, JR. and MARY J. AMONETTE, Trustees of the AMONETTE REVOCABLE TRUST u/a dated May 18, 1987	
6	O 103	S 2	FREDERICK E. ANDERSON, JR. and PATRICIA D. ANDERSON	94-069909
7	O 112	S 2	JOSEPH ARRIGHI and PATRICIA ARRIGHI	
8	O 051	S 1	PETER R. ARRIGONI and PATRICIA A. ARRIGONI	
9	L 078	SL 1	JOSEPHINE BADALAMENTI	
10	L 067	SL 1	JOHN T. BADHAM, JR.	
11	O 049	S 1	JAMES M. BARRINGTON, Trustee of the 1987 BARRINGTON FAMILY TRUST under the provisions of a Trust Agreement dated June 15, 1987	94-069866
12	L 066	SL 1	PETER A. BARRY and JANICE D. BARRY	
13	L 023	SL 1	THOMAS J. BAUCH and ELLEN BAUCH	
13-A	O 079	S 2	THOMAS J. BAUCH and ELLEN BAUCH	
14	L 019	SL 1	CAROLYN M. BAULSIER	
15	L 070	SL 1	RONNY BAXTER	
16	BL 129	S 3	GARY RIFKIND and JOYCE RIFKIND, ANTHONY COMPAGNO & BEVERLY COMPAGNO; MONARCH BANK CUST. FBO DOMINIC POMILIA #60764901; MONARCH BANK CUSTODIAN FBO SUSAN WEBER POMILIA #60765001; GERALD PIRO CUST. for MARC PIRO; and JAMES PLESSAS INC., PENSION & PROFIT SHARING TRUST	
17	O 096	S 2	NANCY HELLMAN BECHTLE and JOACHIM BECHTLE, Co-Trustees of the BECHTLE REVOCABLE TRUST dated October 18, 1991	94-069903
18	L 158	SL 2	LYNNE A. JONES and ROBERT J. BEGLEY Trustee of the JONES and BEGLEY FAMILY LIVING TRUST (1994), dated May 16, 1994 or Successor Trustee(s)	
19	L 062 Ely 1/2 61	SL 1	WILLIAM J. BELARDI and PATRICIA BELARDI, in trust, as Co-Trustees of the "BELARDI FAMILY 1993 TRUST", dated June 26, 1993	
20	O 008	S 1	BARBARA C. H. BELLAMY, Trustee of the declaration of Trust dated January 23, 1990, DOUGLAS L. HAMILTON, CINDY H. HARDY, H. KIMBALL HAMILTON and WILLIAM L. HAMILTON	94-079426
21	O 080	S 2	SUSAN BENTLY	94-069890
21-A	L 022	SL 2	SUSAN BENTLY	
22	L 059	S 1	ROBERT H. BERRY and JOANE H. BERRY, Trustees OF THE BERRY LIVING TRUST dated May 15, 1992	
23	O 001	PM HENDRICKS	INICE J. BEVERLY and KEITH J. BEVERLY	94-069926
24	L 173	SL R	PAUL A. BISSINGER, JR. and KATHLEEN B. BISSINGER, husband and wife, as Trustees of the PAUL AND KATHLEEN BISSINGER REVOCABLE TRUST dated September 30, 1987	
25	O 088	S 2	W. DOUGLASS SMITH and SANDRA S. MOSBACHAR	94-073026
26	BL 133	S 3	DIANNE FEINSTEIN, Trustee under Declaration of Trust dated June 2, 1978, and RICHARD BLUM	
27	L 003	SL 1	ROGER BOAS and NANCY BOAS, JOHN ROGER BOAS, JR., CHRISTOPHER B. BOAS, ANTHONY L. BOAS, LUCY ANNE BOAS	
27-A	O 099	S 2	ROGER BOAS, NANCY BOAS	94-069905
28	L 197	SL 2	GREGORY BONFILIO and CAROLE L. BRILL	

29	L	201	SL	R	PAULINE H. SECOR and FREDERICK H. BORDEN and DEL[illegible] S. BORDEN	
30	O	093	S	2	MARILYN M. BOSWELL, Trustee U/T/A dated April 20, 1990	94-069900
31	L	009	SL	1	JAMIE J. BOSWELL	
		025	SL	1	ELIAS H. BOTVINICK and CARROLL L. BOTVINICK	
33	L	016	SL	1	BARBARA BOUCKE, as Trustee or the successor Trustee or Trustees, U/A/D November 15, 1990, as amended creating the BARBARA BOUCKE SEPARATE PROPERTY TRUST	
33-A	L	017	SL	1	BARBARA BOUCKE also knows as BARBARA BOUCKE RICE, a married woman as her sole and separate property	
34	O	101	S	2	JOHN G. BOWES, FRANCES F. BOWES	94-069907
35	O	095	S	2	WILLIAM K. BOWES, JR., UTE C. BOWES	94-069902
35-A	L	007	SL	1	WILLIAM K. BOWES, JR., UTE C. BOWES	
36	O	116	S	2	GILBERT C. POWERS, Trustee of the Testamentary Trust under the terms of the Will of CHARLES R. BOWMAN, aka, CHUCK BOWMAN, Deceased, as established by Decree of Distribution filed November 1, 1993 in Case Number 36886 Probate, Superior Court of California, County of Marin	94-069920
37	0	078	S	2	JEAN H. BRIGGS, Trustee of the BRIGGS RESIDENCE TRUST U/A/D July 29, 1993, and Successor Trustees thereunder	94-069889
37-A	L	024	SL	1	JEAN H. BRIGGS, Trustee of the JEAN H. BRIGGS REVOCABLE TRUST dated July 15, 1993, and Successor Trustees thereunder	
38	L	082	SL	1	JANE MC ANDREW BROWN	
39	L	128	SL	2	DAWNA PRESNELL	
40	BL	143	S	3	WILLIAM N. BUCKLIN, III, LINDA HALE BUCKLIN	
41	L	060 1/2 lot	SL	1	MAYNARD GARRISON, JR. and MARY SPALDING GARRISON (See also 103)	
42	L	094	SL	1	LOLA G. BUSH	
42-A	L	093	SL	1	LOLA G. BUSH	
	L	055	SL	1	LEWIS H. BUTLER, SHEANA W. BUTLER	
43-A		047	S	1	LEWIS H. BUTLER, SHEANA W. BUTLER	94-069864
44		032	S	1	DAVID WEINSTEIN and DENISE WEINSTEIN (See also 180)	94-069852
45	L	032	SL	1	JOHN E. CAHILL, JR., GERALD K. CAHILL, EDWARD L. CAHILL (See also 46)	
46	L	032	SL	1	JOHN E. CAHILL, JR., GERALD K. CAHILL, EDWARD L. CAHILL (See also 45)	
46-A	O	070	S	2	JOHN E. CAHILL, JR., GERALD K. CAHILL, EDWARD L. CAHILL	94-069883
47	L	149	SL	2	SHARON CALL	
48	O	113	S	2	SHERWOOD B. STOCKWELL and MARY C. STOCKWELL, Trustees of the SHERWOOD B. STOCKWELL and MARY C. STOCKWELL Living Trust Agreement dated March 6, 1992	94-069917
49	L	058	SL	1	CHARLES HUGH CARRUTHERS and MARJORIE S. CARRUTHERS, as Trustees of the CHARLES HUGH CARRUTHERS and MARJORIE S. CARRUTHERS Trust Under Declaration of Trust dated June 28, 1991	
50	L	118	SL	R	REVELS M. CAYTON and MIYE T. CAYTON	
51	O	107	S	2	LILLIAN M. CECIL, Trustee of the LILLIAN CECIL TRUST	94-069913
52	L	002	SL	1	CLAUDIA B. CHAPLINE, Trustee of the CLAUDIA B. CHAPLINE Declaration of Trust dated May 9, 1989	
53	O	017	S	1	BRYAN CHAPMAN and GENEVIEVE H. CHAPMAN, as Trustors and as Trustees of the BRYAN CHAPMAN and GENEVIEVE H. CHAPMAN TRUST under Agreement dated October 10, 1984	94-069840
54	L	013	SL	1	CAROLEE HOBBS CHARLTON	
55	O	021	S	1	ROBERT W. CHEATHAM and KAY C. CHEATHAM as Trustees	94-069844
[illegible]-A	L	083	SL	1	LAGOON PARTNERS, A GENERAL PARTNERSHIP	

56	L	203	SL	2	Estate .. SHERMAN CHICKERING, deceased and JEAN R. CI. ERING; N.R. CHICKERING, Trustee, NICHOLAS R. CHICKERING REVOCABLE LIVING TRUST dated 12/1/88; A. LAWRENCE CHICKERING III; NANCY C. RHODA; SHERMAN CHICKERING, Trustee, 1987 ANNUAL EXCLUSION TRUST FOR CHRISTOPHER HALL CHICKERING dated 12/17/87; SHERMAN CHICKERING, Trustee, 1987 ANNUAL EXCLUSION TRUST FOR MEREDITH C. RHODA dated 12/17/87; SHERMAN CHICKERING, Trustee, 1987 ANNUAL EXCLUSION TRUST FOR NICHOLAS M. RHODA dated 12/1/87; N.R. CHICKERING, Trustee, NICHOLAS R. CHICKERING, Revocable Living Trust dated 12/1/88; N.R. CHICKERING, and A.L. CHICKERING III, Trustees, 1987 Annual Exclusion Trust for CHRISTOPHER HALL CHICKERING, dated 12/17/87; N.R. CHICKERING and A.L. CHICKERING, III, Trustees, 1987 Annual Exclusion Trust for MEREDITH C. RHODA, dated 12/17/87; N.R. CHICKERING, and A.L. CHICKERING III, 1987 Annual Exclusion Trust for NICHOLAS R. CHICKERING, dated 12/17/87	
57	L	028	SL	1	DENNIS G. CIOCCA, MARY F. CIOCCA	
57-A	L	029	SL	1	ALAMEDA MEDICAL GROUP TTEE FBO BILL LONGWELL, ALAMEDA MEDICAL GROUP TTEE ROBERT N. BOOTH, ALAMEDA MEDICAL GROUP TTEE FBO JAMES GRUMAN	
58	O	097	S	2	CLAIRE B. CLARK; CATHERINE W. PICKERING; CHRISTOPHER C. WILES; JOHN M. WILES; CLAIRE B. CLARK as Trustee of the CLAIRE B. CLARK REVOCABLE TRUST dated 5/22/92	94-070899
58-A	L	044	SL	1	CLAIRE B. CLARK; CATHERINE W. PICKERING; CHRISTOPHER C. WILES; JOHN M. WILES; CLAIRE B. CLARK as Trustee of the CLAIRE B. CLARK REVOCABLE TRUST dated 5/22/92	
59	O	001	RS S 1 1[14]		MARY ANN COBB	
60	O	118	S	2	ROBERT M. COLE and VIRGINIA L. COLE, Trustees under Agreement dated December 30, 1988	94-069922
61	L	172	SL	2	FRANCIS COLLINS and CATHERINE COLLINS	
62	L	106	SL	R	RICHARD J. CARCIONE, or SUCCESSORS IN TRUST, as TRUSTEES OF THE RICHARD J. CARCIONE REVOCABLE TRUST dated September 18, 1991, ALBERT R. COMPAGLLA and DONNA E. COMPAGLLA	
63	O	053	S	2	TOM L. COOK and PATRICIA M. COOK (see also 2)	94-070897
64	O	054	S	2	HAROLD W. COOKSON, JR. and HAROLD W. COOKSON JR. as Trustee of a separate property Trust Agreement dated December 12, 1967; SUSAN KENNEDY COOKSON FESUS; KATHERINE SINNOTT COOKSON SKINNER	
64-A	L	048	SL	1	HAROLD W. COOKSON, JR. and HAROLD W. COOKSON JR. as Trustee of a separate property Trust Agreement dated December 12, 1967; SUSAN KENNEDY COOKSON FESUS; KATHERINE SINNOTT COOKSON SKINNER	
65	O	102	S	2	PHILIP A. CRANE, JR. and ROSEMARY PRATT CRANE, Trustees (and any Successor Trustee) of the "PHILIP A. CRANE, JR. and ROSEMARY PRATT CRANE DECLARATION OF TRUST", dated January 3, 1992	94-069908
66	L	159	S	2	EDWARD A. CUTTER, Trustee of the EDWARD A. CUTTER 1973 TRUST AGREEMENT	
67	L	047	SL	1	ROBERT P. DANIELSON and ANNE KENT DANIELSON as Trustees Under the ROBERT P. and ANNE K. DANIELSON TRUST dated March 21, 1988	
68	L	004	SL	1	THOMAS L. DAVIS and MARDEN N. PLANT	
69	L	069	SL	1	WILFRED A. DE COOK and BOBBYE J. CULLEN	
70	L	125	SL	R	ANDREW DELFINO, Trustee of the DELFINO 1993 TRUST dated June 17, 1993	
71	L	179	SL	2	PAUL A. DILLMAN and FRANCESCA A. DILLMAN	
72	O	115	S	2	JOHN BEVERLY JONES, II, THEODORE A. GRIFFINGER, JR. and MICHAEL S. MONTEITH, as Trustees of JONES DIPSEA TRUST dated December 25, 1976	94-069919
72-A	O	114	S	2	JOHN BEVERLY JONES, II, THEODORE A. GRIFFINGER, JR. and MICHAEL S. MONTEITH, as Trustees of JONES DIPSEA TRUST dated December 25, 1976	94-069918
73	L	034	SL	1	JOSEPH F. DONOHUE, JANE H. DONOHUE	
74	O	009	S	1	JOHN DOUGHTY and WENDY DOUGHTY, Co-Trustees of the JOHN DOUGHTY and WENDY DOUGHTY TRUST dated January 8, 1988	94-069832
75	O	042	S	1	MILLARD S. DREXLER and PEGGY F. DREXLER	94-069859
76	L	115	SL	R	MICHAEL DRIVER and KAREN DRIVER, Co-Trustees of the MICHAEL and KAREN DRIVER FAMILY TRUST u/d/t/ dated April 11, 1991; f/b/o the MICHAEL and KAREN DRIVER FAMILY	
77	L	087	SL	1	RICHARD B. WARD and ELIZABETH A. LEVY	
78	L	104	SL	R	BRUCE DUNLAP, SUSAN P. DUNLAP	
79	L	160	SL	2	PARKER DUSSEAU and NANCY S. DUSSEAU	
80	L	188	SL	2	CHARLES H. DUTKIN and CYNTHIA WHITSELL DUTKIN, Trustees of the WHITSELL/DUTKIN FAMILY TRUST AGREEMENT dated January 24, 1991	

81	O 010	S 1	RONYA A. EHRLICH, or her successors in trust, not individually but as trustee under the provisions of a declaration of trust known as the "RONYA A. EHRLICH REVOCABLE TRUST dated June 22, 1989, as amended	94-069833
82	L 201	S 2	PAULINE H. SECOR, FREDERICK H. BORDEN and DELANIE S. BORDEN	
	O 108	S 2	WILLIAM G. ELLIOTT, JR. and ROSE E. ELLIOTT, WILLIAM G. ELLIOTT, III, STEPHEN R. ELLIOTT, MICHELE T. (ELLIOTT) PEDERSEN	94-073658
84	L 170	SL 2	GEORGE R. ELWELL, THERESE L. ELWELL	
85	O 038	S 1	FIRST AMERICAN TITLE COMPANY OF MARIN, a California corporation	
85-A	O 040	S 1	MARIE V. ERTOLA and CHADWICK C. ERTOLA, as Trustees of the Testamentary Trust of CHARLES A. ERTOLA, deceased	
86	L 075	SL 1	JOHN A. ERTOLA, SHIRLEY ERTOLA, Vendees, DEPARTMENT OF VETERAN'S AFFAIRS OF THE STATE OF CALIFORNIA, Vendor (Contract #270199)	
87	L 119	SL 2	JACK EDWARD FALVEY and PATRICIA RUSSELL FALVEY, Trustees U/A dated 1/31/88	
88	L 199	SL 2	VIRGINIA CLAYTON AND WILLIAM C. FELCH, JR	
89	L 196	SL 2	ALLEN P. FIELDS and SELMA M. FIELDS	
90	L 107	SL R	JOSEPH A. FITZPATRICK and PHYLLIS A. FITZPARTICK	
91	O 075	S 2	JOSEPH H. FLAHAVEN, MARY J. FLAHAVEN	94-069887
92	L 085	SL 1	BERNELL V. FLATH, Trustee of the BERNELL V. FLATH REVOCABLE TRUST created by Declaration of Trust dated September 7, 1988	
93	L 165	PM 8 JENCKS	JON H. FRANCIS and SANDRA THOMAS FRANCIS	
94	O 019	S 1	KENNETH FRANKEL	94-069842
95	L 137	SL R	ARTHUR FRASCO AND CAROLYNE B. FRASCO, Husband and Wife as Community Property and ALEXANDER FRASCO and ANN MARIE FRASCO, Husband and Wife as Community Property	
96	L 014	SL 1	MILLER FREEMAN, III and LINDA D. FREEMAN	
	BL 132	S 3	EDWARD C. FRENCH	
98	L 122	SL R	JONATHAN M. FREUDMAN, JOAN B. COLLINS	
99	L 184	SL 2	EDWIN J. GALLAGHER and PATRICIA J. GALLAGHER, MARY GALLAGHER MC GLYNN, PATRICIA ANNE HELLER, FRANK C. GALLAGHER, EDWIN J. GALLAGHER, JR., JAMES J. GALLAGHER	
100	O 002 (O-B)	PM 10 Hendricks	LINDA GALLANTER	94-069927
101	L 144	SL 2	RICHARD F. GAMBLE, JOAN R. GAMBLE	
102	O 012	S 1	ANNA GARDNER and RICHARD E. GARDNER, Trustees of the ANNA and RICHARD E. GARDNER REVOCABLE TRUST	94-069835
103	L 060 1/2 lot	SL 1	MAYNARD GARRISON, JR., and MARY SPALDING GARRISON (See also 41)	
104	L 098	SL 1	RICHARD J. ONGARO and DIANE L. ONGARO, LINDA L. GHILOTTI (see also 194)	
105	L 086	SL 1	SUSAN P. GLANDER	
106	O 004	S 1	IDA L. GLASS aka IDA LOU GLASS, an unmarried woman	94-069829
106-A	L 138	SL 2	IDA L. GLASS aka IDA LOU GLASS, an unmarried woman	
107	L 189	SL 2	WILLIAM M. GOODMAN and VICTORIA C. BELCO, as Trustees of the GOODMAN FAMILY LIVING TRUST	
108	O 035	S 1	MARGARET W. GRAHAM, as Trustee of the Trust Created Under Paragraph SIXTH of The Will of CLARK B. GRAHAM, deceased	94-069854
109	L 146	20 PM 97 19	JAMES E. GRANT and NANCY P. GRANT, Trustees of the GRANT FAMILY TRUST, ANTHONY LEIGH GRANT, DEVIN ALEXANGER GRANT	
110	O 037	S 1	JOHN JOSEPH GRAY and FRANCES FAIRCLOTH GRAY, husband and wife	94-069856
1	L 065	SL 1	LAWRENCE E. GREEN and GERALDINE G. GREEN	
112	O 100	S 2	RICHARD B. HAM and LOUISE B. HAM as Trustee of the 1994 HAM FAMILY TRUST	94-069906
113	L 056	SL 2	The WILLIAM WINFRED HARKNESS and SHIRLEY STETSON HARKNESS TRUST	

114	L	057	SL	1	HARLAN WILLIAM HARKNESS and VIRGINIA EDITH HARKNESS, RICHARD STETSON HARKNESS	
115	O	077	S	2	ANTOINETTE HARLEY; DIANE HARLEY RICHTER; KIM ANTOINETTE HARLEY SEEFELD; CHRISTOPHER LUKE HARLEY; CHRISTOPHER LUKE HARLEY (or his Successor in Trust), as Trustee of the MALCOLM MARK HARLEY IRREVOCABLE TRUST dated February 16, 1993	
116	L	049	SL	1	ARTHUR S. HARRIS and EVELYN L. HARRIS, as Trustees of the ARTHUR S. and EVELYN L. HARRIS TRUST, created by Declaration of Trust made on March 10, 1992	
117	BL	128	S	3	MARIA S. HARTMAN and GEORGE F. HARTMAN, Co-Trustees, MARIA and GEORGE HARTMAN REVOCABLE TRUST, dated December 18, 1985	
118	L	076	SL	1	GEORGE T. HASLER and JOANNE F. HASLER, Trustees U.D.T. dated April 25, 1985	
118-A	L	077	SL	1	GEORGE T. HASLER, JR.	
119	BL	138	S	3	ELIZABETH HAZARD and GEOFFREY C. HAZARD, JR., as Trustees of the ELIZABETH HAZARD REVOCABLE TRUST INDENTURE, dated February 21, 1989	
120	L	130	SL	2	JAMES R. HELDMAN, CHRISTINE M. HELDMAN	
121	O	121	S	2	PATRICIA CHRISTINA HELLMAN, as Trustee, or the successor Trustee of the PATRICIA CHRISTINA HELLMAN QUALIFIED PERSONAL RESIDENCE TRUST	
122	O	041	S	1	CECILIA H. HERBERT and JAMES H. HERBERT, II	94-069858
123	BL	134	S	3	JOHN S. HERRINGTON, LOIS H. HERRINGTON	
124	L	182	SL	2	BETTY C. HEWLETT, as Trustee of the BETTY C. HEWLETT TRUST	
125	O	013	S	1	IRA MICHAEL HEYMAN and THERESE THAU HEYMAN, as Trustees of the IRA MICHAEL and THERESE HEYMAN FAMILY TRUST established by Declaration of Trust dated January 7, 1983	94-069836
126	L	054	SL	1	HENRY GAYLORD DILLINGHAM and NICOLE A. DILLINGHAM	
127	L	166	SL	2	DAGGETT H. HOWARD, JR. and SARA G. HOWARD, ANTHONY J. SIMPSON and WENDY W. SIMPSON	
128	L	195	SL	2	JEFFREY M. HOWSON, ANNE K. HOWSON	
129	L	031	SL	1	WILLIAM L. HUDSON, NANCY R. HUDSON	
130	L	110	SL	R	BARBARA M. HUNT, Trustee Under The HUNT DECLARATION OF TRUST dated May 5, 1993	
131	O	015	S	1	JOHN C. HUTCHINSON and BEVERLY F. HUTCHINSON as initial Trustees of the JOHN C. & BEVERLY F. HUTCHINSON REVOCABLE LIVING TRUST of June 22, 1993	94-069838
131-A	L	090	SL	1	JOHN C. HUTCHINSON and BEVERLY F. HUTCHINSON as initial Trustees of the JOHN C. & BEVERLY F. HUTCHINSON REVOCABLE LIVING TRUST of June 22, 1993	
132	L	155	SL	2	NILS INGEMANSSON and DOLORES J. INGEMANSSON, Trustees of INGEMANSSON 1993 TRUST	
133	L	200	SL	2	RICHARD C. JANSON and BETTY M. JANSON	
134	L	001	SL	1	CHARLES L. JENKS and MARGARET M. JENKS, Trustees under the JENKS Declaration of Trust dated March 24, 1994	
135	O	020	S	1	CHARLES K. JOHNSON	94-069843
136	L	121	SL	2	LOT 121 DIPSEA PARTNERS, a California Limited Partnership	
137	O	110	S	2	JOHN LOWELL JONES and CHARLOTTE J. JONES, as Trustees Of Trust Under Agreement dated July 26, 1986	94-069915
137-A	BL	131	SL	2	JOHN LOWELL JONES and CHARLOTTE J. JONES, as Trustees Of Trust Under Agreement dated July 26, 1986	
138	L	193	SL	2	LAWRENCE W. JONES and MARILYN L. JONES	
139	BL	135	SL	2	PROCTOR P. JONES and MARTHA M. JONES	
140	L	176	SL	23	FERNANDO FLORES, Trustee of the FERNANDO FLORES 1994 Irrevocable Personal Resident Trust No. 1 under Declaration of Trust dated October 23, 1994	

141	O	094	S	2	EAMONN P. KEEGAN and DOROTHY L. KEEGAN, Co-Trustees or Successor Trustee of the KEEGAN FAMILY 1992 REVOCABLE TRUST dated 6/15/92	94-069901
142	L	018	SL	1	SUSANNA R. KELHAM also known as SUSANNA KELHAM (See also 185-A)	
[illegible]	O	085	S	2	JOHN M. KELLY	
144	O	025	S	1	JAMES KELSO and NANCY KELSO, Trustees Under That Revocable Trust Agreement dated June 25, 1979 and Amended June 12, 1981	94-069848
144-A	L	079	SL	1	KELSOLAND PARTNERS	
145	BL	141	S	3	MASON WILLRICH and PATRICIA R. WILLRICH	
146	BL	137	S	3	THEODORA SHAW KING, as Trustee of the KING RESIDENCE 1992 TRUST	
147	L	167	SL	R	WILMA F. LEONARD and MARK LEONARD, also known as MARK G. LEONARD, in Trust, as Trustees of the WILMA F. LEONARD REVOCABLE *INTER VIVOS* TRUST dated March 31, 1992	
148	L	100	SL	2	STEVEN MAYER and NANCY MAYER	
149	L	053	SL	1	JUNE R. LILIENTHAL	
150	O	034	S	1	KAREN K. LINDFORS; PATRICK A. MOORE; KAREN K. LINDFORS, as Custodian for KENDRA ANN MOORE under the California Uniform Transfers to Minors Act; KAREN K. LINDFORS, as Custodian For JARED LINDFORS MOORE under the California Uniform Transfers to Minors Act;	94-083514
151	O	055	S	2	DAVID E. LOMBARDI, JR., SUZANNE W. LOMBARDI	94-069870
152	L	029	SL	1	ALAMEDA MEDICAL GROUP TTEE FBO BILL LONGWELL, ALAMEDA MEDICAL GROUP TTEE ROBERT N. BOOTH, ALAMEDA MEDICAL GROUP TTEE FBO JAMES GRUMAN	
153	O	090	S	2	MARY R. LOWREY or Her Successor(s), Trustee(s) Under Revocable Trust Agreement dated March 13, 1985 as amended	94-069897
[illegible]-A	O	091	S	2	MARY R. LOWREY or Her Successor(s), Trustee(s) Under Revocable Trust Agreement dated March 13, 1985 as amended	94-069898
153-B	O	092	S	2	MARY R. LOWREY or Her Successor(s), Trustee(s) Under Revocable Trust Agreement dated March 13, 1985 as amended	94-069899
153-C	L	010	SL	1	MARY R. LOWREY or Her Successor(s), Trustee(s) Under Revocable Trust Agreement dated March 13, 1985 as amended	
153-D	L	011	SL	1	MARY R. LOWREY or Her Successor(s), Trustee(s) Under Revocable Trust Agreement dated March 13, 1985 as amended	
153-E	L	012	SL	1	MARY R. LOWREY or Her Successor(s), Trustee(s) Under Revocable Trust Agreement dated March 13, 1985 as amended	
154	O	006	S	1	RICHARD S. LOWRY, JR., MOLLY W. LOWRY	94-079425
155	L	136	SL	2	JAMES J. LUDWIG, TRUSTEE, J. and E. LUDWIG TRUST dated November 11, 1988	
156	O	062	S	2	WILLIAM B. Mac COLL, JR. and STEPHANIE C. Mac COLL, as Trustees of the WILLIAM AND STEPHAINE Mac COLL Revocable Trust, IAN COATES Mac CALL, LAUREN Mac COLL	94-082735
156-A	L	040	SL	1	WILLIAM B. Mac COLL, JR. and STEPHANIE C. Mac COLL, as Trustees of the WILLIAM AND STEPHAINE Mac COLL Revocable Trust, IAN COATES Mac CALL, LAUREN Mac COLL	
157	O	065	S	2	RICHARD B. MADDEN and JOAN F. MADDEN, Trustees of the RICHARD MADDEN 1992 LAND TRUST and RICHARD B. MADDEN and JOAN F. MADDEN, Trustees of the JOAN MADDEN 1992 LAND TRUST	94-069878
[illegible]58	O	111	S	2	RICHARD B. MADIGAN, JEAN R. MADIGAN	94-069916
[illegible]59	L	143	SL	R	JOE MADRIGALI, GRACE MADRIGALI	
160	O	028	S	1	MARGERY L. MAGNANI, as Trustee of the MARGERY L. MAGNANI 1994 Family Trust dated August 3, 1994	94-069850
161	L	154	SL	2	JAMES W. MANOOGIAN	

162	L	129	SL	2	DANIEL G. MARR and MARCIA J. VALLADARES	
163	O	002	S	1	NANCY J. MC CARTHY, Trustee of That Revocable Living Trust known as the NANCY J. MC CARTHY FAMILY TRUST established by Declaration of Trust executed September 18, 1986	
164	O	003	S	1	HAROLD J. MC CURRY, JR. and BETTY MC CURRY as Co-Trustees of the HAROLD J. MC CURRY, JR. Trust Number 1972-1, established October 9, 1972	
165	L	116	SL	R	GEORGE DOUBLEDAY, II and LUCINDA B. DOUBLEDAY	
166	L	123	SL	2	JAMES R. MC DONALD and MARY-LOUISE MC DONALD	
167	L	131	SL	2	HAROLD J. MC ELHINNY and ELLEN MC ELHINNY	
168	O	083	PM SETRAKIAN	7	JOHN C. MC GUIRE and ELINOR S. MC GUIRE, Co-Trustees of the MC GUIRE LIVING TRUST U/A dated February 10, 1986	94-069893
168-A	L	186	SL	2	JOHN C. MC GUIRE and ELINOR S. MC GUIRE, Co-Trustees of the MC GUIRE LIVING TRUST U/A dated February 10, 1986; DON MC GUIRE; and CLAY MC GUIRE	
169	L	068	SL	1	JEFFREY G. MC KINLEY and CAMERON MC KINLEY	
170	N	006	NORMAN'S SUB	20	MALCOLM E. MC LORG, LINDSEY J. MC LORG (See also 201, 202, 208)	
171	O	011	S	1	JON E. MC MAHON and SUZANNE B. MC MAHON, Trustees, or their Successors in Trust, under the MC MAHON LIVING TRUST, dated January 14, 1994	94-069834
171-A	L	092	SL	1	JON EDWARD MC MAHON; JON E. MC MAHON and SUZANNE B. MC MAHON, Trustees, or their Successors in Trust, under the MC MAHON LIVING TRUST, dated January 14, 1994	
172	L	198	SL	2	JOHN F. MC MAHON and JANET BROUN MC MAHON, Trustees Under Declaration of Trust dated April 13, 1982	
173	L	169	SL	R	J. DENNIS MC QUAID an unmarried man	
174	L	035	SL	1	HELEN L. MC VEA, as General Partner or Her successors-In-Interest Under the EURO-ISLAND INVESTMENT PARTNERS L.P. a Nevada Limited Partnership dated July 28, 1994	
175	L	112	SL	R	LUCINDA W. MEHRAN	
176	L	101	SL	R	F. EUGENE METZ, MARY S. METZ	
177	O	022	S	1	MARJORIE TRYON MICHAEL	94-069845
178	O	058	S	2	EUGENE MIRONOFF, VERONICA C. MIRONOFF	94-069872
179	L	161	SL	2	ALLEN B. MITCHELL and SHIRLEY T. MITCHELL	
180	O	032	S	1	DAVID WEINSTEIN and DENISE WEINSTEIN (See also 44)	94-069852
181	O	050	S	1	JOSEPH A. MOORE and GLADYS GILLIG MOORE, as Trustees under that certain Trust Agreement dated December 14, 1993	94-069867
181-A	L	051	SL	1	JOSEPH A. MOORE and GLADYS GILLIG MOORE, as Trustees under that certain Trust Agreement dated December 14, 1993	94-069868
181-B	L	052	SL	1	JOSEPH A. MOORE and GLADYS GILLIG MOORE, as Trustees under that certain Trust Agreement dated December 14, 1993	
182	O	073	S	2	MARION L. MORGAN and STEVEN D. MORGAN, Trustees of the Marion L. Morgan Trust One	94-069885
183	L	194	SL	2	JANET MORGAN	
184	O	072	S	2	MARVIN MORGENSTEIN	94-069884
185	O	084	S	2	SUSANNE KING MORRISON	
185-A	L	018	SL	1	SUSANNA R. KELHAM, also known as SUSANNA KELHAM (See also 142)	
186	O	069	S	2	THOMAS E. MORTON and ANNE L. MORTON, WILLIAM M. WARA and DIANE W. WARA (See also 265)	94-069882
186-A	L	033	SL	1	THOMAS E. MORTON and ANNE L. MORTON, WILLIAM M. WARA and DIANE W. WARA (See also 265)	

187	O	089	S	2	SANDRA S. MOSBACHER, as Trustee of the MOSBACHER Trust Agreement, dated December 11, 1992, and including any valid amendments or restatements of such Trust Agreement	94-069896
188	BL	130	S	3	SHIRLEY R. MOYCE, Trustee, or her Successor in Trust, under the MOYCE FAMILY TRUST (8/10/93), SHIRLEY R. MOYCE, Trustee, or her Successor in Trust, under the MOYCE MARITAL TRUST (8/10/93)	
189	L	145	SL	2	LAWRENCE E. MULRYAN, ELIZABETH J. MULRYAN	
190	O O	060 061	S	2	The HERBERT T. NADAI REVOCABLE TRUST, HERBERT T. NADAI, Trustee dated April 29, 1993	94-069874 94-069875
190-A	L L	041 042	SL	1	The HERBERT T. NADAI REVOCABLE TRUST, HERBERT T. NADAI, Trustee dated April 29, 1993	
191	N	003	NORMAN'S SUB	20	VICKIE NORMAN (See also 226)	
191-A	N	005	NORMAN'S SUB	20	VICKIE L. NORMAN, JANET R. NORMAN (See also 226)	
192	L	095	SL	1	JOSEPH H. OAKEY and BETTY H. OAKEY, Trustees under the Oakey Declaration of Trust dated May 4, 1993	
193	O	045	S	1	WILLIAM H. ORRICK, JR., Trustee u/t/a dated September 26, 1989	94-069862
193-A	O	046	S	1	WILLIAM H. ORRICK, JR., Trustee u/t/a dated September 26, 1989	94-069863
194	L	098	SL	2	RICHARD J. ONGARO and DIANE L. ONGARO, LINDA L. GHILOTTI (see also 104)	
195	BL	125	SL	3[15]	JOHN S. OSTERWEIS, as Trustee of the OSTERWEIS Revocable Trust	
196	BL	139	S	3	NELLO PACE, Trustee of the NELLO and MARY JO PACE TRUST	
197	L	152	SL	2	JAMES E. PALMER and JEAN LATTNER PALMER, husband and wife, as Trustee of the PALMER Family Revocable Trust (created by an agreement dated April 5, 1991; MARTHA PALMER CALLAN; CAROLINE CLEAVELAND PALMER; SUZANNE ELWELL PALMER; MANUEL FREDRIC PALMER	
198	L	127	SL	2	ERIC A. PEDLEY and JANE L. PEDLEY, Trustees of the E/J PEDLEY FAMILY TRUST	
199	O	052	S	2	GEORGE W. PASHA, III and JANET M. PASHA, Trustees of the GEORGE W. PASHA III, and JANET M. PASHA 1980 LIVING TRUST DATED OCTOBER 31, 1980 AND AMENDED AND RESTATED IN ITS ENTIRETY ON OCTOBER 16, 1987	94-069869
199-A	L	050	SL	1	GEORGE W. PASHA, III and JANET M. PASHA, Trustees of the GEORGE W. PASHA III and JANET M. PASHA 1980 LIVING TRUST DATED OCTOBER 31, 1980 AND AMENDED AND RESTATED IN ITS ENTIRETY ON OCTOBER 16, 1987	
200	L	163	SL	2	HELEN MARIE PEREIRA	
201	N	006	NORMAN'S SUB	20	RICHARD W. PETERSON, JR. and SUSAN E. PETERSON (See also 170, 202, 208)	
202	N	006	NORMAN'S SUB	20	ROBERT M. PETERSON and CYNTHIA L. PETERSON (See also 170, 201, 208)	
203	L	113	SL	R	RONALD W. PHARIS and MARY L. PHARIS, Trustees of the PHARIS 1988 TRUST, dated November 16, 1988, as to an undivided 50% interest and ARTHUR ALFREDO GIOVARA and COLLEEN CAROLE GIOVARA Trustees of the GIOVARA FAMILY LIVING TRUST, dated June 17, 1988, as to an to an undivided 50% interest	
204	L	124	SL	R	ANDREA T. PORTER, DICK M. OKADA	
205	O	117	S	2	RICHARD ANTHONY POWELL and KATHLEEN SULLIVAN POWELL, Co-Trustees or Successor Trustee of the POWELL FAMILY 1992 REVOCABLE TRUST dated August 21, 1992	94-069921
206	L	071	SL	1	LAURENCE E. POWER, ELIZABETH L. POWER	
207	L	157	SL	2	MARGARET QUIGLEY, Trustee under that REVOCABLE TRUST AGREEMENT dated June 14, 1993	

208	N	006	NORMAN'S SUB	20	ARTHUR J. QUINN and BARNEY QUINN (See also 170, 201, 202)	
209	O	056	S	2	CHRISTINE RANDEL, AGNES SHAPRIO (See also 235)	94-069871
209-A	L	046	SL	1	CHRISTINE RANDEL, AGNES SHAPRIO (See also 235)	
210	L	030	SL	1	HENRY E. RAAB, CATHERINE R. RAAB, Trustees U.D.T. (Under Declaration of Trust) dated February 29, 1988	
211	O	023	S	1	BETTY RADER	94-069846
212	O	120	S	2	EDWARD L. RATHBUN and LAURIE C. RATHBUN, husband and wife	94-069924
213	BL	126	S	3	DAVID R. RAWSON and ANDREA M. RAWSON, husband and wife as joint tenants	94-069841
214	O	018	S	1	PATRICK G. RILEY and ROBERTA J. SMITH RILEY	94-069841
215	L	183	SL	2	RALPH ROBINSON and LESLY ROBINSON	
216	BL	127	S	3	GERALD C. STERNS and ELIZABETH WALKER STERNS, also known as ELIZABETH STERNS	
217	L	162	SL	2	MICHAEL D. REYNOLDS and ROBIN REYNOLDS	
218	L	073	SL	1	KAREN ROGERS and WALTER I. ROGERS	
219	O	007	S	1	BENSON B. ROE (or his Successor in Trust), as Trustee of the BENSON B. ROE Residence Trust, U/T/A dated January 8, 1993, and JANE ST. JOHN ROE (or her Successor in Trust), as Trustee of the JANE ST. JOHN ROE Residence Trust, U/T/A dated January 8, 1993	94-069831
220	O	005	SL	1	ROBERT A. MILLS and ROBERT A. SCHLESINGER, Trustees of the EDNAH ROOT REVOCABLE TRUST dated January 9, 1987	94-069830
221	L	084	SL	1	EDNA CAILA ROSSENAS	
222	O	016	S	1	CATHERINE P. ROSEN, Trustee U/T/A dated May 12, 1988	94-069839
223	L	109	SL	R	SIDNEY J. HENDRICKS; DENNIS R. HORNE	
224	BL	140	S	3	HENRY F. SAFRIT and KARIN C. SAFRIT	
225	L	156	SL	2	PETER B. SANDMAN, PAULINE H. TESLER	
226	N	001	NORMAN'S SUB	20	JANET NORMAN	
226-A	N	002	NORMAN'S SUB	20	JANET NORMAN	
226-B	N	004	NORMAN'S SUB	20	JOHN CORIN TRUSTEE FOR SISTER'S TRUST	
226-C	N	005	NORMAN'S SUB	20	JANET NORMAN	
227	0	057	S	2	FRANCIS J. SCHNUGG and MARY S. SCHNUGG Trustees under the SCHNUGG FAMILY TRUST dated the 14th day of December, 1988; STEPHEN JOSEPH SCHNUGG; MARY SCHNUGG BROWN; PETER HAYDEN SCHNUGG; SUSAN SCHNUGG TAYLOR; NANCY SCHNUGG SCHLATTER; JANE SCHNUGG ALLEN; PATRICIA SCHNUGG TRENKWALDER; SARAH SCHNUGG LAUGHLIN; JOHN MICHAEL SCHNUGG; MARGARET SCHNUGG STEFFENS; THOMAS JEFFREY SCHNUGG; ELIZABETH JANE SCHNUGG	
228	O	039	S	1	ROBERT J. SCHWEITZER, AUDREY SCHWEITZER	94-069857
228-A	L	063	S	2	ROBERT J. SCHWEITZER, AUDREY SCHWEITZER	
229	0	036	S	1	PETER T. DUNN and LAURA E. DUNN, Trustees of the DUNN FAMILY TRUST AGREEMENT dated October 3, 1986	94-069855
230	L	088	SL	1	JOSEPH L. SELIGMAN, JR. and PEGGY VAN HORNE SELIGMAN, husband and wife, as community property	

230-A	L	089	SL	1	JOSEPH L. SELIGMAN, JR. and PEGGY VAN HORNE SELIGMAN, husband and wife, as community property	
230-B	O	014	S	1	JOSEPH L. SELIGMAN, JR. and PEGGY VAN HORNE SELIGMAN Trustees of the SELIGMAN 1986 REVOCABLE TRUST u/t/a August 1, 1986 or Successor Trustee	94-069837
231	O	030	S	1	RONALD A. SELTZER and ADELE W. SELTZER, Co-Trustees of that certain Trust entitled the SELTZER REVOCABLE LIVING TRUST dated September 12, 1984	94-069851
232	O	119	S	2	PORTER SESNON, JR.	94-069923
233	O	082	S	2	ROBERT SETRAKIAN and SCOTT HOWARD SETRAKIAN, Trustees of the ROBERT SETRAKIAN 1987 TRUST dated November 30, 1987	94-069892
233-A	L	020	SL	1	ROBERT SETRAKIAN and SCOTT HOWARD SETRAKIAN, Trustees of the ROBERT SETRAKIAN 1987 TRUST dated November 30, 1987	
234	L	045	SL	1	H. BOYD SEYMOUR and DEBORAH G. SEYMOUR	
235	O	056	S	2	CHRISTINE RANDEL, AGNES SHAPRIO (See also 209)	94-069871
235-A	L	046	S	1	CHRISTINE RANDEL, AGNES SHAPRIO (See also 209)	
236	L	066	S	2	WILLIAM F. SHARON, Trustee of the WILLIAM F. SHARON SEPARATE PROPERTY TRUST	94-069879
237	L	103	SL	2	DAVID SHERBON and EDNA SHERBON	
238	L	008	SL	1	HARRY B. SKINNER	
239	O	123	S	2	ROBERT E. SKJEI, ANN W. SKJEI	94-070900
239-A	O	124	S	2	ROBERT E. SKJEI, ANN W. SKJEI	94-070901
240	L	036	SL	1	JAMES P. SLAUGHTER and BARBARA ADAMS SLAUGHTER	
241	O	104	S	2	CHARLES W. SNOOK and BARBARA R. SNOOK	94-069910
2	L	005	SL	1	STEPHEN V. R. SPAULDING III and ELSA YANNOPOULOS SPAULDING, as Trustees Pursuant to *Inter Vivos* Trust Agreement dated January 23, 1986	
243	O	067	S	2	LEONARD M. SPERRY, JR. and RITA L. SPERRY, Trustees of the SPERRY FAMILY TRUST UNDER AGREEMENT dated August 5, 1992	94-069880
243-A	O	068	S	2	LEONARD M. SPERRY, JR. and RITA L. SPERRY, Trustees of the SPERRY FAMILY TRUST UNDER AGREEMENT dated August 5, 1992	94-069881
244	L	097	SL	R	HOWARD P. SPINDLER and EDITH H. SPINDLER	
245	O	071	S	2	MYRA MAY STAPLER and DANIEL O. ABBOTT, Trustees of the MYRA MAY STAPLER TRUST dated February 22, 1991	94-070898
246	L	175	SL	R	NORMAN C. STAUB, SR. and EILEEN C. STAUB, Trustees of the NORMAN C. STAUB, SR. and EILEEN C. STAUB 1989 Living Trust created by declaration of trust, dated May 31, 1989	
247	BL	127	S	3	GERALD C. STERNS and ELIZABETH WALKER STERNS, also known as ELIZABETH STERNS, husband and wife	
248	L	091	SL	1	EDWARD A. STEWART, JANET MONTECALVO	
249	O	105	S	2	WILLIAM A. STIMSON, Trustee and Successor Trustee of the WILLIAM A. STIMSON TRUST dated November 7, 1972	94-069911
250	O	113	S	2	SHERWOOD B. STOCKWELL and MARY C. STOCKWELL, Trustees of the SHERWOOD B. STOCKWELL and MARY C. STOCKWELL Living Trust Agreement dated March 6, 1992	94-069917
251	L	185	SL	2	BRIAN A. WIEBER and ROXANNE T. WIEBER	
252	L	140	SL	2	RICHARD STRAUSS and KATHLEEN HONAN STRAUSS, Trustees of the STRAUSS TRUST	
253	L	141	SL	R	G. CRAIG SULLIVAN and MAUREEN O'BRIEN SULLIVAN, Trustee, or the Successor Trustee, of the CRAIG and MAUREEN SULLIVAN LIVING TRUST dated May 27, 1992	
254	O	044	S	1	CHARLES ZOOK F. SUTTON; ANNE C. SUTTON; GARRETT ZOOK SUTTON; AMY PUCCINELLI; JOHN DAVIES SUTTON; MARY PINKUS	94-069861

255	L	135	SL	2	LORR... C. TARLTON, JR. and MARILYN L. TARLTON	
256	L	006	SL	1	ONNIE WEGMAN TAYLOR, DIANA TAYLOR, PAUL WEGMAN TAYLOR, SETH TAYLOR	
257	L	191	SL	2	ROBERT G. TEMER and JULIANN J. TEMER	
257-A	L	192	SL	2	ROBERT G. TEMER and JULIANN J. TEMER	
258	O	059	S	2	MARTIN TERPLAN and ELIZABETH S. TERPLAN, Trustees of the TERPLAN 1992 FAMILY TRUST, established by Declaration of Trust dated June 8, 1992	94-069873
258-A	L	043	SL	1	MARTIN TERPLAN and ELIZABETH S. TERPLAN, Trustees of the TERPLAN 1992 FAMILY TRUST, established by Declaration of Trust dated June 8, 1992	
259	L	202	SL	2	ALICE PALMER THOMAS	
260	O	033	S	1	NANCY J. THOMPSON	94-069853
261	L	133	SL	R	DAVID K. TODD and CAROLINE L. TODD, Trustees of the TOOD TRUST dated May 9, 1979, or Successor Trustee of the TODD ESTATE	
262	O	024	S	1	ROBERT R. TUFTS and JOYCE A. TUFTS, Trustees U/A dated September 18, 1987	94-069847
263	L	134	SL	2	JEFFREY A. VANCE and PATRICIA R. VANCE	
264	O	109	S	2	RICHARD R. VOLK and MARI ANN VOLK	94-069914
265	O	069	S	2	THOMAS E. MORTON and ANNE L. MORTON, WILLIAM M. WARA and DIANE W. WARA (See also 186)	
265-A	L	033	SL	1	THOMAS E. MORTON and ANNE L. MORTON, WILLIAM M. WARA and DIANE W. WARA (See also 186)	
266	O	027	S	1	MURRAY J. WALDMAN, a Trustee of Trust B Under the Will of JEAN WALDMAN, deceased	94-069849
267	L	021	SL	1	BROOKS WALKER, JR. and JOHN CLINTON WALKER as Trustees Under That Certain Agreement dated December 21, 1989	
267-A	L	026	SL	1	BROOKS WALKER, JR. and JOHN CLINTON WALKER as Trustees Under That Certain Agreement dated December 21, 1989	
267-B	L	027	SL	1	BROOKS WALKER, JR. and JOHN CLINTON WALKER as Trustees Under That Certain Agreement dated December 21, 1989	
267-C	O	076	S	2	BROOKS WALKER, JR. and JOHN CLINTON WALKER as Trustees Under That Certain Agreement dated December 21, 1989	94-069888
267-D	O	122	S	2	BROOKS WALKER, JR. and JOHN CLINTON WALKER as Trustees Under That Certain Agreement dated December 21, 1989	94-069925
267-E	O	081	S	2	BROOKS WALKER, JR. and JOHN CLINTON WALKER as Trustees Under That Certain Agreement dated December 21, 1989	94-069891
267-F	BL	142	S	3	BROOKS WALKER, JR. and JOHN CLINTON WALKER as Trustees Under That Certain Agreement dated December 21, 1989	
268	O	098	S	2	EDWARD M. WALSH, GUNILD E. WALSH	94-069904
269	L	080	SL	1	WENDY W. KISTLER and CHARLES G. STEPHENSON, as Trustees of the WEAVER FAMILY TRUST dated November 16, 1989	
269-A	L	081	SL	1	WENDY W. KISTLER and CHARLES G. STEPHENSON, as Trustees of the WEAVER FAMILY TRUST dated November 16, 1989	
269-B	O	086	S	2	WENDY W. KISTLER and CHARLES G. STEPHENSON, as Trustees of the WEAVER FAMILY TRUST dated November 16, 1989	94-069894
269-C	O	087	S	2	CHARLES R. WEAVER and DONNA L. WEAVER, Husband and Wife as their community property	94-069895
270	0	031	S	1	BARRETT H. WEBER, and ELISE BROUN WEBER, Trustees of the WEBER FAMILY REVOCABLE TRUST dated January 19, 1989, PETER B. WEBER, DAVID H. WEBER, ROBERT W. WEBER, BARRETT F. WEBER	94-080407

270-A	L	072	SL	1	BARRETT H. WEBER, and ELISE BROUN WEBER, Trustees of the WEBER FAMILY REVOCABLE TRUST dated January 19, 1989, PETER B. WEBER, DAVID H. WEBER, ROBERT W. WEBER	
271	L	180	SL	2	LENARD G. WEISS and NANCY P. WEISS	
271-A	L	181	SL	2	LENARD G. WEISS and NANCY P. WEISS	
272	L	150	19 PM	85 16	CLARENCE H. WHITBECK and EDWINA WHITBECK	
272-A	L	151	SL	2	CLARENCE H. WHITBECK and EDWINA WHITBECK	
273	O	064	S	2	DONALD F. WILCOX and SHARON K. WILCOX, as Trustees of the DONALD and SHARON WILCOX TRUST dated August 20, 1987	94-069877
274	L	037	SL	1	LYNN P. WILCOX and LISA A. WILCOX, DONALD F. WILCOX and SHARON K. WILCOX, as Trustees of the DONALD and SHARON WILCOX TRUST dated August 20, 1987	
275	L	037	SL	1	LYNN P. WILCOX and LISA A. WILCOX, DONALD F. WILCOX and SHARON K. WILCOX, as Trustees of the DONALD and SHARON WILCOX TRUST dated August 20, 1987	
276	O	026	S	1	JOHN WILLHALM, SR., also known as JOHN A. WILHALM. ROBERT E. WILLHALM, JOHN R. WILLHALM, LAURIE A. WILLHALM, MARY WILLHALM LOPES, LAWRENCE M. WILLHALM	
277	O	074	S	2	STEVEN W. WISENBAKER, Trustee WISENBAKER 1992 TRUST	94-069886
278	O	106	S	2	BARBARA R. WITTER and THOMAS K. WITTER, Trustees of the BARBARA R. WITTER Trust under an agreement dated June 9, 1992	94-069912
279	L	171	SL	2	WARREN WOLFF as Trustee of the WARREN WOLFF 1988 TRUST (A Revocable *Inter Vivos* Trust)	
280-A	O	063	S	2	CLARENCE J. WOODARD	94-069876
280	L	039	SL	1	CLARENCE J. WOODARD, CLARENCE J. WOODARD as to a Life Estate, SARAH WOODARD and THOMAS WOODARD as to the Remainder	
281	O	043	S	1	AKIHIRO YOSHIKAWA and NANCY DAWN KNAPPENBERGER, Trustees of the YOSHIKAWA 1992 LIVING TRUST dated March 3, 1992	94-069860
282	O	029	S	1	PETER H. ZISCHKE, MARIAN OLIVER ZISCHKE and HUGH W. DITZLER, JR., Trustees Under A Trust Agreement dated April 13, 1988; PETER H. ZISCHKE, MARIAN O. ZISCHKE, MICHAEL H. ZISCHKE, KURT W. ZISCHKE, MARIAN ZISCHKE, KAREN ZISCHKE	
282-A	L	074	SL	1	PETER H. ZISCHKE, MARIAN OLIVER ZISCHKE and HUGH W. DITZLER, JR., Trustees under a Trust Agreement dated April 13, 1988, all of his right and title and interest in and to	
283	L/O	3/4	PM	Kent	SEADRIFT LAGOON PROPERTY OWNERS ASSOCIATION and SEADRIFT BEACH & TENNIS CLUB	
284	L/O	2/3	PM	Kent 17	SEADRIFT ASSOCIATION, a California non-profit corporation	94-069928
285				18	ROBERT A. ROUMIGUIERE, BARBARA N. ROUMIGUIERE, DONALD A. BEACOCK, KATHERINE M. BEACOCK, ROBERT A. ROUMIGUIERE and BARBARA N. ROUMIGUIERE, Trustees of the ROBERT A. ROUMIGUIERE and BARBARA N ROUMIGUIERE REVOCABLE *INTER VIVOS* AGREEMENT dated November 7, 1991	

Footer Key

#	Subdivision		Description
1	S	1	Seadrift Subdivision #1: Reference is made to the Official Map entitled, "Map of Seadrift Subdivision No. One, Marin Country, California", filed November 10, 1949 in Map Book 6 at Page 92, Marin County Records.
2	S	2	Seadrift Subdivision #2: Reference is made to the Official Map entitled, 'Map of Seadrift Subdivision No. Two, in the County of Marin, California", filed for record November 5, 1956 in Volume 9 of Maps, at Page 62, Marin County Records.
3	S	3	Seadrift Subdivision #3: Reference is made to the Official Map entitled, "Map of Seadrift Subdivision No. Three", filed August 20, 1964 in Book 12 of Maps at Page 90, Marin County Records.
4	SL	1	Seadrift Lagoon Subdivision #1: Reference is made to the Official Map entitled, "Map of Seadrift Lagoon Subdivision No. One, recorded January 3, 1961 Map Book 10, Page 95, Marin County Records.
5	SL	2	Seadrift Lagoon Subdivision #2: Reference is made to the Official Map entitled, "Map of Seadrift Lagoon Subdivision No. Two, Marin County, California", recorded in the Office of the County Recorder of said County of Marin on December 3, 1962 in Map Book 11 at Page 51.
6	PM	KENT	Parcel Map, Lands of Wm. Kent Estate Co.: Filed March 11, 1968 in Book 2 of Parcel Map at Page 62.
7	PM	SETRAKIAN	Parcel Map of Setrakian: Reference is made to the Official Map entitled "Parcel Map Lands of Setrakian 1812 O.R. 433" filed May 7, 1980 in Parcel Map Book 18 at Page 8, Marin County Records.
8	PM	JENCKS	Parcel Map of Jencks: Reference is made to the Official Map entitled, "Parcel Map Lands of Jencks, Series No. 81-05488, eliminating the common lot line of Lots 164 and 165 Map of Seadrift Lagoon Subdivision No. Two 11 R.M. 51 Stinson Beach, Marin County, California", filed for record August 12, 1982 in Book 20 of Parcel Maps at Page 61, Marin County Records.
9	SLR		Seadrift Lagoon Re-subdivision: Reference is made to the Official Map entitled, "Map of Re-subdivision of Portions of Seadrift Lagoon Subdivisions No. One and Two" filed for record March 24, 1986 in Volume 19 of Maps at Page 80, Marin County Records.
10	PM	HENDRICK	Parcel Map of Hendrick: Reference is made to the Official Map entitled "Parcel Map of Lands of Sidney J. Hendrick, a Division of Parcel 1, as shown on 2 Parcel Map 62, Seadrift, Stinson Beach, Marin County, California", filed for record October 10, 1985 in Volume 22 of Parcel Maps at Page 91, Marin County Records.
11	PM	ROUMIQUIERE	Parcel Map Lands of Robert A. and Barbara N. Roumiquiere, *et al*: Reference is made to "Parcel Map Lands of Robert A. Roumiquiere & Barbara N. Roumiquiere, Donald A. & Katherine M. Beacock, James L. Norman & John Corins Trust, Seadrift, Stinson Beach Marin County, California, as described in 592 O.R. 290, 3659 O.R. 619, 3670 O.R. 133 & Document Number 84-059680," filed March 26, 1986 in Book 23 of Parcel Maps at page 25, Marin County Records.
12	O		Ocean
13	L		Lagoon
14	O	1	Record Survey Seadrift Subdivision No. One of said Map of Seadrift Subdivision No. One, as said lot is shown on Record of Survey Lot No. 1, Seadrift Subdivision No. One, filed April 8, 1970 in Book 9 of Surveys at Page 10, Marin County Records.

#	Subdivision	Description
15	SL 3	Said land is situated in the County of Marin, State of California. BEGINNING at a point on the Northerly line of Lot 125, as said lot is shown on that certain Map entitled "Map of Seadrift Subdivision No. Three in the County of Marin, California", filed August 20, 1964 in Book 12 of Maps at Page 90, Marin County Records, said point being distant thereon South 78 deg 07′ 19″ West 40.51 feet from the Northeasterly corner thereof; thence along said line South 78 deg 07′ 19′ West 49.11 feet to the Northwest corner of said Lot 125; thence leaving said line and running along the Westerly line of said lot, South 0 deg 02′ West 383.25 feet to the Southwest corner thereof; thence along the Southerly line of said Lot 125, South 89 deg 58′ East 50.00 feet; thence leaving said line and running along the arc of a curve to the left with a radius of 20 feet, through a central angle of 87 deg 21′ for an arc distance of 30.49 feet; thence along the Easterly line of said Lot, North 2 deg 41′ East 176.76 feet; thence leaving said Easterly line and running along the Northwesterly line of Dipsea Road, said road is shown on that certain Map entitled, "Map of Seadrift Lagoon Subdivision No. Two", filed in Book 11 of Maps at Page 51, Marin County Records, along a curve to the right tangent to a line which bears North 2 deg 41′ East, having a radius of 200.00 feet, through a central angle of 36 deg 48′ 10″ an arc length of 128.47 feet; thence leaving said Northwesterly line running North 43 deg 08′ 35″ West 110.24 feet to the point of beginning. BEING a portion of the above mentioned Lot 125 and a portion of the lands described as "Lands of William Kent Estate Co." and "William Kent Estate Co." which lie Northerly and Northwesterly of Dipsea Road, as said parcels and said road are shown on that certain Map entitled "Map of Seadrift Lagoon Subdivision No. Two", filed December 3, 1962 in Book 11 of Maps at Page 51, Marin County Records.
16	19 PM 85	Lot 150: as shown upon "Parcel Map, Lands of Clarence H. Whitbeck, Serial No. 81-24550", filed for record October 9, 1981 in Book 19 of Parcel Maps at Page 85, Marin County Records.
17	PM KENT	Parcels 1 and 2 as shown on the Parcel Map, Lands of William Kent Estate Co. Lands designated as "Seadrift Lagoon Property Owners Association" on the Seadrift Lagoon Subdivision No. One. Parcel of land bounded by the lands of Seadrift Lagoon Property Owners Association and Lots 1 and 2, as shown on the Map of Seadrift Lagoon Subdivision No. One, and Dipsea Road and Lots 202 and 203, as shown on the Map of Seadrift Lagoon Subdivision No. Two.
18		Parcel One: All of that portion of the lands depicted as "Lands of William Kent Estate Co., and "William Kent Estate Co.", which lies Northerly and Northeasterly of Dipsea Road and all of Dipsea Road, as said parcels and road are shown on that certain Map entitled "Map of Seadrift Lagoon Subdivision No. Two", filed December 3, 1962 in Book 11 of Maps at Page 51, Marin County Records. Excepting therefrom a portion of the lands depicted as "Lands of William Kent Estate Co." and "William Kent Estate Co.", as described in the Deed from William Kent Estate Co., a corporation, to Proctor P. Jones, *et ux*, recorded March 22, 1972 in Book 2551 of Official Records at Page 479, Marin County Records. Parcel Two: Seadrift Road, as shown on that certain Map entitled "Map of Seadrift Subdivision No. One, Marin County, California", filed November 10, 1949 in Book 6 of Maps at Page 92, Marin County Records. Parcel Three: Seadrift Road, as shown on that certain Map entitled "Map of Seadrift Subdivision No. Two", filed November 5, 1956 in Book 9 of Maps at Page 62, Marin County Records.
19	20 PM 97	Lot 146, as shown upon that certain parcel Map entitled "Parcel Map Lands of Grant 3806 O.R. 361, Eliminating the Common Lot Lines of Lots 146, 147, 148 Map of Seadrift Lagoon Subdivision No. Two 11 R.M. 51, Stinson Beach, Marin County, California", filed for record January 10, 1983 in Book 20 of Parcel Maps, at Page 97, Marin County Records.
20	NORMAN'S SUB	Norman's Subdivision: Reference is made to the Official Map entitled "Map of Norman's Seadrift Subdivision" filed for record March 12, 1987, in Volume 20 of Maps at Page 6, Marin County Records.

ORIGINAL

EXHIBIT "D"

YES PBS

ORIGINAL

M E M O R A N D U M

DATE: June 1, 1994

TO: Old Republic Title Company
Attn: Carl Lago
545 Fourth Street
San Rafael, CA 94901

FROM: Peter B. Sandmann, Esq.
Katherine E. Stone, Esq.
Frederick Ludlow, Esq.

RE: Sandspit Settlement Escrow

We are counsel for the parties in a California Superior Court action known as Kelly et al. v. California Coastal Commission, et al., Civil No. 152 998. The parties to the Action, along with a number of other interested parties, have entered into a Settlement Agreement which calls for the delivery and recordation of certain documents.

This Memorandum constitutes Escrow Instructions for your use with regard to the above referenced escrow. These instructions are to be followed by you unless you receive other instructions, in writing, signed by or on behalf of all of the undersigned.

We will deliver to you the following:

1. A written statement, signed by or on behalf of all of the undersigned, that all necessary parties have executed the Settlement Agreement, a copy of which (unexecuted) is attached to these instructions for your information.

2. Grants of Easement, in the form of Exhibit "G" to the attached Settlement Agreement, duly acknowledged and suitable for recording, and executed by not less than 75% of the owners of beach front lots within the Seadrift development at Stinson Beach, California, and by the Seadrift Association. (Each Grant of Easement is accompanied by an instruction, executed by the Grantor(s), instructing you to record the easement in accordance with these instructions.) The fee title owners of said lots are set forth in Exhibit "C" of the attached Settlement Agreement. All of the undersigned will inform you, in writing, when you are in possession of the requisite number of Grants of Easement. You have no duty or responsibility to make any independent determination regarding the form of the easement, the number of

Approved:
KEL PBS

ORIGINAL

Grants of Easement required under the terms of the Settlement Agreement, nor the effectiveness of the Grants of Easement as legal documents.

3. Acceptance of the Grants of Easement described in paragraph 2 hereof, duly issued by the County of Marin and suitable for recording, substantially in the form of Exhibit "H" to the Settlement Agreement. (The Acceptance of the Grants of Easement are accompanied by instructions, on behalf of the County of Marin, instructing you to record the Acceptances in accordance with these instructions.) All of the undersigned will inform you, in writing, when you are in possession of the necessary Acceptances of Grants of Easement. You have no duty or responsibility to make any independent determination regarding the form of the acceptances, their number, nor the effectiveness of the Acceptances of the Grants of Easement as legal documents.

4. A Permit, duly granted by the California Coastal Commission, substantially in the form of Exhibit "J" to the attached Settlement Agreement. Escrow shall not close until 60 days have elapsed without the filing of an appeal from the grant of Permit being filed in a California Superior Court, provided that, in the event that any such appeal is filed, upon written authorization from the undersigned, escrow shall remain open until such appeal is finally resolved, at which time if the appeal is resolved in favor of the parties to the Settlement Agreement in that the permit is allowed to issue substantially in the form of Exhibit "J", escrow shall forthwith close without the necessity for further action by any of the undersigned. All of the undersigned will inform you, in writing, when said 60 day period has elapsed without such filing of an appeal, or alternatively, when such appeal has been finally resolved.

5. A copy of a Judgment, duly filed and entered by the Superior Court of the State of California, County of Marin, substantially in the form of Exhibit "E" to the attached Settlement Agreement.

6. A copy of a Judgment, duly filed and entered by the United States District Court, Eastern District of California, substantially in the form of Exhibit "F" to the attached Settlement Agreement.

When you have received all of the above-described documents, you are to take the following steps in the following order:

- Record the Grants of Easement in the Marin County Recorder's Office;

- Record the County of Marin Acceptances of the Grants of Easement in the Marin County Recorder's Office; and

Approved:
KG RBS

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- Deliver the California Coastal Commission Permit to the Seadrift Association, c/o Peter B. Sandmann, 16 Buena Vista, Mill Valley CA 94941.

- Notify all of the undersigned that these steps have been accomplished.

In the event that you have not received all of the above-described documents within six months of the date hereof, or in the event that any one or more of the undersigned instructs you, in writing, to cancel this escrow (regardless of your receipt of contrary instructions from any of the other signatories hereto), you shall cancel the escrow and return the documents in your possession to the party that provided them to you.

Any of the undersigned may designate a person to act on behalf of and/or in the stead of the undersigned by a writing, signed by such undersigned who is making such designation. Thenceforth, you shall follow the instructions of the person so designated, as fully as if instructed by any of the undersigned.

Dated: July 28, 1994

Peter B. Sandmann, Esq.
Attorney for Plaintiffs

Dated: July 28, 1994

Katherine E. Stone, Esq.
Attorney for Defendant
California Coastal Commission

Dated: July 28, 1994

Frederick Ludlow, Esq.
Attorney for Defendant
State Lands Commission

Approved:
KES PBS

M E M O R A N D U M

DATE: September 23, 1994

TO: Old Republic Title Company
Attn: Carl Lago
545 Fourth Street
San Rafael, CA 94901

FROM: Peter B. Sandmann, Esq.
Katherine E. Stone, Esq.
Frederick Ludlow, Esq.

RE: Sandspit Settlement Escrow
Supplemental Escrow Instructions

These supplemental escrow instructions are supplemental to, where necessary amend the instructions which we previously submitted to you, dated June 1, 1994.

This is to inform you, as called for in our prior escrow instructions to you, that the Settlement Agreement has been executed by all of the necessary parties, that you are now in receipt of the requisite number of Grants of Easement and Acceptances, that the Permit granted by the California Coastal Commission has been delivered to you and there is no legal action pending which restricts issuance of said Permit, that the judgment called for in the Settlement Agreement in the California Superior Court action known as Kelly et al. v. California Coastal Commission, et al., Civil No. 152 998 has now been entered and a copy will be delivered to you under separate cover. As soon as a copy of the judgment in the United States District Court action known as California Coastal Commission v. United States Department of Interior, CIV-S-92-0702 has been delivered to you, you are authorized and instructed to record with the Marin County Recorders office the Seadrift beach-front lot owners' easements and Marin County acceptances which we delivered to you on Monday, September 19, 1994. Upon the recording by the Marin County Recorders Office of not less than 93 of those easements and acceptances, you are authorized and instructed to do the following:

1. Deliver the original Settlement Agreement and all of the original signature pages to Frederick Ludlow, Esq.

2. Deliver the original Coastal Commission Permit to Peter B. Sandmann, Esq.

Approved:

___ ___

ORIGINAL

EXHIBIT "E"

KLP P35

Peter B. Sandmann, Esq., No. 49012
TESLER, SANDMANN & FISHMAN
16 Buena Vista Avenue
Mill Valley, California 94941
Telephone: (415) 383-5600

Attorneys for plaintiffs and petitioners

FILED
SEP 21 1994
HOWARD JOHNSON
MARIN COUNTY CLERK
BY: E. Keswick, Deputy

THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF MARIN

JOHN M. KELLY; JAMES M. BARRINGTON; et al. Petitioners and Plaintiffs, vs. THE CALIFORNIA COASTAL COMMISSION, STATE LANDS COMMISSION, ALL PERSONS UNKNOWN, CLAIMING ANY LEGAL OR EQUITABLE RIGHT, TITLE, ESTATE, LIEN OR INTEREST IN THE PROPERTY DESCRIBED IN THE COMPLAINT ADVERSE TO PLAINTIFFS' TITLE, OR ANY CLOUD UPON PLAINTIFFS' TITLE THERETO, and DOES 1 through 500, inclusive, Respondents and Defendants.	CASE NO. 152988 ~~(PROPOSED)~~ JUDGMENT

This matter has been submitted to the Court pursuant to a Settlement Agreement between the parties which has also been executed by additional parties having an interest in the subject matter of this and related disputes.

Plaintiffs are represented in this action by Peter B. Sandmann, Tesler, Sandmann & Fishman. Defendant California Coastal Commission is represented by Katherine E. Stone, Myers, Widders & Gibson; defendant State Lands Commission is represente by Frederick Ludlow. No other parties have appeared in this

action. The Settlement Agreement provides by its own terms that it shall be effective only upon the entry, in the United States District Court, of a judgment substantially in the form of Exhibit "F" to the Settlement Agreement.

Good cause appearing, the Court hereby approves the Settlement Agreement, a copy of which is attached hereto as Exhibit "A" and incorporated herein by this reference, and hereby ORDERS, ADJUDGES and DECREES, as follows:

1. This Judgment, including the Settlement Agreement (Exhibit "A" hereto), is hereby entered as the judgment of this Court in this action;

2. The parties shall bear their own costs, including attorneys' fees;

3. This Court shall retain jurisdiction over this matter to enforce the provisions of the Settlement Agreement in accordance with its terms; and

4. In the event that the United States District Court for the Eastern District of California, fails to enter judgment in the action known as California Coastal Commission, et al. v. United States Department of the Interior, et al., Civil No. S-92-702 GEB, substantially in the form of Exhibit "F" to the Settlement Agreement (Exhibit "A" hereto) within 180 days of the date hereof, any party to this action may, upon noticed motion, move that this Judgment be vacated, and upon a showing that the United States District Court has failed to so act, this Judgment shall be vacated forthwith. In the event that the United States

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EXHIBIT "E"

KLP P35

District Court does enter judgment as set forth herein, any party to this action may, upon noticed motion, move that this Judgment be confirmed, and upon a showing that the United States District Court has so acted, this Judgment shall be confirmed forthwith, by re-entry of this Judgment without the condition set forth in this paragraph, provided that, no such motion to confirm this judgment shall be required for this judgment to be fully effective in the event that no timely motion is made to vacate this judgment within 180 days pursuant to the terms hereof.

Dated: SEP 21 1994

GARY W. THOMAS

Judge, Superior Court
Signed by the presiding Judge in the absence of the hearing Judge

APPROVED AS TO FORM:

Katherine E. Stone, Esq.
Attorney for California Coastal Commission

Frederick Ludlow, Esq.
Attorney for State Lands Commission

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EXHIBIT "F"

ORIGINAL

EDGAR B. WASHBURN
SEAN E. McCARTHY
WASHBURN, BRISCOE & McCARTHY
A Professional Corporation
770 L Street, Suite 990
Sacramento, California 95814
Telephone: (916) 447-0700

Attorneys for Intervenor Title Insurance Company

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

CALIFORNIA COASTAL COMMISSION; and STATE LANDS COMMISSION, Plaintiffs, v. UNITED STATES DEPARTMENT OF THE INTERIOR; INTERIOR BOARD OF LAND APPEALS; BUREAU OF LAND MANAGEMENT CALIFORNIA STATE OFFICE; et al., Defendants.	CIV-S-92-702GEB (GGH) STIPULATION WITHDRAWING MOTION BY THE PLAINTIFFS AND SUBMITTING MOTIONS BY DEFENDANTS AND INTERVENORS
FIRST AMERICAN TITLE INSURANCE COMPANY, etc., Intervenors.	
SEADRIFT ASSOCIATION, etc., Intervenors.	

The parties to the above-captioned matter, by and through their respective attorneys, hereby stipulate the plaintiffs shall withdraw their motion for summary judgment and withdraw their opposition to the defendants' and intervenors' motions for

WASHBURN, BRISCOE & McCARTHY A PROFESSIONAL CORPORATION

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summary judgment. It is further stipulated that the motions shall be submitted for decision on the moving papers.

Respectfully submitted,

DATED:

SEAN E. McCARTHY
Intervenors First American Title Insurance Company, et al.

DATED:

EDMUND F. BRENNAN
Assistant U.S. Attorney

DATED:

PETER L. TOWNSEND
Seadrift Association

DATED:

KATHERINE E. STONE
California Coastal Commission

DATED:

ROBERT HIGHT
State Lands Commission

IT IS SO ORDERED:

DATED:

GARLAND E. BURRELL, JR.
United States District Judge

WASHBURN, BRICOE & McCARTHY
A PROFESSIONAL CORPORATION

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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

CALIFORNIA COASTAL COMMISSION; and STATE LANDS COMMISSION, Plaintiffs, v. UNITED STATES DEPARTMENT OF THE INTERIOR; INTERIOR BOARD OF LAND APPEALS; BUREAU OF LAND MANAGEMENT CALIFORNIA STATE OFFICE; et al., Defendants.	CIV-S-92-702GEB (GGH) SUMMARY JUDGMENT
FIRST AMERICAN TITLE INSURANCE COMPANY, etc., Intervenors.	
SEADRIFT ASSOCIATION, etc., Intervenors.	

This action is before the Court on motions for summary judgment submitted by defendants and intervenors, pursuant to the Administrative Procedures Act, 5 U.S.C. § 701 et seq. (APA). The case presents the question of whether the final decision of the Secretary of the Interior not to reopen the Secretary's 1904

WASHBURN, BUSCOE & McCARTHY A PROFESSIONAL CORPORATION

KEL p25

ORIGINAL

decision in the case of John Lawler is an abuse of discretion or contrary to law. 5 U.S.C. § 706(2)(A). The Secretary's 1904 Lawler decision determined that the United States has no ownership interest in the Bolinas Sandspit, the land which forms the basis for the underlying dispute in this action (hereafter referred to as the "subject lands").

The Court has carefully considered the moving papers of the defendants and intervenors, and good cause appearing therefor, the Court grants the motions of the defendants and intervenors. Accordingly,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

1. The decision of the Interior Board of Land Appeals ("IBLA"), IBLA No. 89-369, which represents the final decision of the Secretary of the Interior, is not an abuse of discretion, is not arbitrary or capricious, and is correct as a matter of law; accordingly, the decision is affirmed.

2. The United States has no right, title or interest in the subject lands except for any federal interest which may have accrued or attached by donation, purchase or exchange, or by operation of law not associated with the claims made by the State parties in this litigation.

3. Each party shall bear its own attorneys' fees and costs.

DATED:

GARLAND E. BURRELL, JR.
United States District Judge

WASHBURN, BRISCOE & McCARTHY
A PROFESSIONAL CORPORATION

ORIGINAL

EXHIBIT "G"

HS P35

ORIGINAL

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned owner(s) of Lot ____, as shown on that certain map entitled "Map of Seadrift subdivision No. One, Marin County, California," filed November 10, 1949, in Map Book 6, Page 92, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on

Approved:

ORIGINAL

the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpendicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:

_____

GRANTORS

_____

_____

_____

_____

STATE OF CALIFORNIA)
) ss.
COUNTY OF MARIN)

On _____ before

me, _____,
personally appeared

_____

_____

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed same in his/her/their authorized capacity(ies), and that by his/her/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

(This area for official notarial seal.)

WITNESS my hand and official seal.

Signature _____

Approved:
RBS

ORIGINAL

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned owner(s) of Lot ____, as shown on that certain map entitled "Map of Seadrift, Sub. No. Two, in the County of Marin, California," filed November 5, 1956, in Map Book 9 at Page 62, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on

Approved:
XLS PBS

ORIGINAL

the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpendicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:

_____

GRANTORS

_____

_____

_____

_____

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On _____ before

me, _____,
personally appeared

_____

_____

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed same in his/her/their authorized capacity(ies), and that by his/her/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

(This area for official notarial seal.)

WITNESS my hand and official seal.

Signature _____

Approved:
RBS

94-069829

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RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned owner(s) of Lot 4, as shown on that certain map entitled "Map of Seadrift subdivision No. One, Marin County, California," filed November 10, 1949, in Map Book 6, Page 92, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpen-

dicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:

June 27 1994

GRANTORS

IDA L. GLASS aka IDA LOU GLASS,
an unmarried woman

BY: Ida L. Glass Ida Lou Glass
IDA L. GLASS aka IDA LOU GLASS

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On JUNE 27, 1994 before me, DIANNE B. CHUTE, personally appeared

IDA L. GLASS AKA

IDA LOU GLASS

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed same in his/her/their authorized capacity(ies), and that by his/her/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

(This area for official notarial seal.)

DIANNE B. CHUTE
COMM. #978994
NOTARY PUBLIC-CALIFORNIA
MARIN COUNTY
My Comm. Expires Nov. 22, 1996

WITNESS my hand and official seal.

Signature Dianne B. Chute

ORIGINAL

EXHIBIT "H"

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguière, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deann Nielsen
Deputy CLERK

94-069831

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RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned owner(s) of Lot 7, as shown on that certain map entitled "Map of Seadrift subdivision No. One, Marin County, California," filed November 10, 1949, in Map Book 6, Page 92, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpen-

dicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:

May 20, 1994

GRANTORS

BENSON B. ROE (or his Successor in Trust), as Trustee of the BENSON B. ROE Residence Trust, U/T/A dated January 8, 1993, and JANE ST. JOHN ROE (or her Successor in Trust), as Trustee of the JANE ST. JOHN ROE Residence Trust, U/T/A dated January 8, 1993

BY: Benson B. Roe, TRUSTEE

Benson B. Roe, Trustee

Jane St. John Roe Trustee

Jane St. John Roe, Trustee

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On MAY 20 1994 before me, ALBERT K ENGEL, personally appeared

BENSON B. ROE, TRUSTEE AND

JANE ST JOHN ROE, TRUSTEE

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~/are subscribed to the within instrument and acknowledged to me that ~~he/she~~/they executed same in ~~his/her~~/their authorized capacity(ies), and that by ~~his/her~~/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

(This area for official notarial seal.)

Albert K. Engel
Comm. #1005256
NOTARY PUBLIC CALIFORNIA
MARIN COUNTY
Comm. Expires Dec. 7 1997

WITNESS my hand and official seal.

Signature Albert K Engel

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deann Nielsen
Deputy CLERK

481630

94-083629

94-079430

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[No fees required pursuant to Goverr

Recorded
Official Records
County of
MARIN
JAMES DAL BON
Recorder
8:00am 16-Nov-94

OREP GP 6

AND WHEN RECORDED MAIL TO

Name California Coastal Commission
Attention Legal Dept.
Street 45 Fremont Street, Suite 2000
City & State San Francisco, CA 94105-2219

195-051-04

GRANT OF EASEMENT

The undersigned owner(s) of Lot 8, as shown on that certain map entitled "Map of Seadrift subdivision No. One, Marin County, California," filed November 10, 1949, in Map Book 6, Page 92, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpen-

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1994 DEC 12 AM 8:00

dicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED: 10/29/94

GRANTORS

BARBARA C.H. BELLAMY, Trustee of the declaration of Trust dated January 23, 1990, DOUGLAS L. HAMILTON, CINDY H. HARDY, H. KIMBALL HAMILTON and WILLIAM L. HAMILTON

Barbara C.H. Bellamy, Trustee
BARBARA C.H. BELLAMY, Trustee

Douglas L. Hamilton by Barbara C.H. Bellamy His Attorney in Fact
DOUGLAS L. HAMILTON, (His Attorney in Fact)

Cindy H. Hardy AKA Cynthia H. Hardy Barbara C.H. Bellamy Her Attorney in Fact
CINDY H. HARDY (Her Attorney in Fact)

H. Kimball Hamilton by Barbara C.H. Bellamy His Attorney in Fact
H. KIMBALL HAMILTON, (His Attorney in Fact)

William L. Hamilton by Barbara C.H. Bellamy His Attorney in Fact
WILLIAM L. HAMILTON, (His Attorney in Fact)

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On OCTOBER 29, 1994 before me, ALBERT K. ENGEL, personally appeared

BARBARA C.H. BELLAMY, TRUSTEE

personally known to me or ~~proved to me on the basis of satisfactory evidence~~ to be the person(~~s~~) whose name(~~s~~) is/~~are~~ subscribed to the within instrument and acknowledged to me that ~~he~~/she/~~they~~ executed same in ~~his~~/her/~~their~~ authorized capacity(~~ies~~), and that by ~~his~~/her/ ~~their~~ signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

(This area for official notarial seal.)

Albert K. Engel
Comm. #1005256
NOTARY PUBLIC CALIFORNIA
MARIN COUNTY
Comm. Expires Dec. 7, 1997

WITNESS my hand and official seal.

Signature Albert K. Engel

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

No. 5907

State of CALIFORNIA

County of MARIN

On OCTOBER 29, 1994 (DATE) before me, ALBERT K ENGEL, NOTARY PUBLIC (NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC")

personally appeared H. KIMBALL HAMILTON BY BARBARA C.H. BELLAMY (NAME(S) OF SIGNER(S)) HIS ATTORNEY IN FACT

☒ personally known to me - OR - ☐ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

MGC1 Albert K. Engel Comm. #1005256 NOTARY PUBLIC CALIFORNIA MARIN COUNTY Comm. Expires Dec. 7, 1997 MGC1

WITNESS my hand and official seal.

Albert K Engel
SIGNATURE OF NOTARY

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

☐ INDIVIDUAL
☐ CORPORATE OFFICER

TITLE(S)

☐ PARTNER(S) ☐ LIMITED ☐ GENERAL
☒ ATTORNEY-IN-FACT
☐ TRUSTEE(S)
☐ GUARDIAN/CONSERVATOR
☐ OTHER:

SIGNER IS REPRESENTING:
NAME OF PERSON(S) OR ENTITY(IES)

DESCRIPTION OF ATTACHED DOCUMENT

GRANT OF EASEMENT
TITLE OR TYPE OF DOCUMENT

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NUMBER OF PAGES

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SIGNER(S) OTHER THAN NAMED ABOVE

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CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

No. 5907

State of CALIFORNIA

County of MARIN

On OCTOBER 29, 1994 (DATE) before me, ALBERT K. ENGEL, NOTARY PUBLIC (NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC")

personally appeared WILLIAM L. HAMILTON BY BARBARA C.H. BELLAMY, HIS ATTORNEY IN FACT (NAME(S) OF SIGNER(S))

☒ personally known to me - **OR** - ☐ proved to me on the basis of satisfactory evidence to be the person(~~s~~) whose name(~~s~~) is/~~are~~ subscribed to the within instrument and acknowledged to me that ~~he~~/she/~~they~~ executed the same in ~~his~~/her/~~their~~ authorized capacity(~~ies~~), and that by ~~his~~/her/~~their~~ signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

Albert K. Engel
Comm. #1005256
NOTARY PUBLIC CALIFORNIA
MARIN COUNTY
Comm. Expires Dec. 7, 1997

WITNESS my hand and official seal.

Albert K. Engel
SIGNATURE OF NOTARY

OPTIONAL

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CAPACITY CLAIMED BY SIGNER

☐ INDIVIDUAL
☐ CORPORATE OFFICER

_____
TITLE(S)

☐ PARTNER(S) ☐ LIMITED ☐ GENERAL
☒ ATTORNEY-IN-FACT
☐ TRUSTEE(S)
☐ GUARDIAN/CONSERVATOR
☐ OTHER: _____

SIGNER IS REPRESENTING:
NAME OF PERSON(S) OR ENTITY(IES)

_____

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CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

No. 5907

State of CALIFORNIA

County of MARIN

On OCTOBER 29, 1994 (DATE) before me, ALBERT K. ENGEL NOTARY PUBLIC (NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC")

personally appeared CINDY H. HARDY AKA CYNTHIA H. HARDY BY BARBARA C.H. BELLAMY, HER ATTORNEY IN FACT (NAME(S) OF SIGNER(S)),

☒ personally known to me - **OR** - ☐ proved to me on the basis of satisfactory evidence to be the person(~~s~~) whose name(~~s~~) is/~~are~~ subscribed to the within instrument and acknowledged to me that ~~he~~/she/~~they~~ executed the same in ~~his~~/her/~~their~~ authorized capacity(~~ies~~), and that by ~~his~~/her/~~their~~ signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

Albert K. Engel
Comm. #1005256
NOTARY PUBLIC CALIFORNIA
MARIN COUNTY
Comm. Expires Dec. 7, 1997

Albert K. Engel
Comm. #1005256
NOTARY PUBLIC CALIFORNIA
MARIN COUNTY
Comm. Expires Dec. 7, 1997

WITNESS my hand and official seal.

Albert K Engel
SIGNATURE OF NOTARY

OPTIONAL

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CAPACITY CLAIMED BY SIGNER

☐ INDIVIDUAL
☐ CORPORATE OFFICER

TITLE(S)

☐ PARTNER(S) ☐ LIMITED ☐ GENERAL
☒ ATTORNEY-IN-FACT
☐ TRUSTEE(S)
☐ GUARDIAN/CONSERVATOR
☐ OTHER:

SIGNER IS REPRESENTING:
NAME OF PERSON(S) OR ENTITY(IES)

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CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

No. 5907

State of CALIFORNIA

County of MARIN

On OCTOBER 29 1994 (DATE) before me, ALBERT K. ENGEL, NOTARY PUBLIC (NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC")

personally appeared DOUGLAS L. HAMILTON BY BARBARA C. H. BELLAMY, HIS ATTORNEY IN FACT (NAME(S) OF SIGNER(S))

☒ personally known to me - **OR** - ☐ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

MGC1 Albert K. Engel Comm. #1005256 NOTARY PUBLIC CALIFORNIA MARIN COUNTY Comm. Expires Dec. 7 1997 MGC1

WITNESS my hand and official seal.

Albert K. Engel

SIGNATURE OF NOTARY

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

☐ INDIVIDUAL
☐ CORPORATE OFFICER

TITLE(S)

☐ PARTNER(S) ☐ LIMITED ☐ GENERAL

☒ ATTORNEY-IN-FACT
☐ TRUSTEE(S)
☐ GUARDIAN/CONSERVATOR
☐ OTHER:

SIGNER IS REPRESENTING:
NAME OF PERSON(S) OR ENTITY(IES)

DESCRIPTION OF ATTACHED DOCUMENT

GRANT OF EASEMENT
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NUMBER OF PAGES

DATE OF DOCUMENT

4
SIGNER(S) OTHER THAN NAMED ABOVE

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RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Donna Nielsen
Deputy CLERK

94-069832

THIS STAMP CONFIRMS
RECORDING DATA ONLY

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned owner(s) of Lot 9, as shown on that certain map entitled "Map of Seadrift subdivision No. One, Marin County, California," filed November 10, 1949, in Map Book 6, Page 92, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpen-

dicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:

6/25/94

GRANTORS

JOHN DOUGHTY and WENDY DOUGHTY, Co-Trustees of the JOHN DOUGHTY and WENDY DOUGHTY TRUST dated January 8, 1988

BY: John J. Doughty Trustee
JOHN DOUGHTY, Trustee

Wendy Doughty Trustee
WENDY DOUGHTY, Trustee

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On JUNE 25, 1994 before me, ALBERT K. ENGEL, personally appeared

JOHN DOUGHTY, TRUSTEE

AND WENDY DOUGHTY, TRUSTEE

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~/are subscribed to the within instrument and acknowledged to me that ~~he/she~~/they executed same in ~~his/her~~/their authorized capacity(ies), and that by ~~his/her~~/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

(This area for official notarial seal.)

Albert K. Engel
Comm. #1005256
NOTARY PUBLIC CALIFORNIA
MARIN COUNTY
Comm. Expires Dec. 7, 1997

WITNESS my hand and official seal.

Signature Albert K. Engel

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deanna Nielsen
Deputy CLERK

94-069833

THIS [illegible] RECORDING DATA ONLY

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned owner(s) of Lot 10, as shown on that certain map entitled "Map of Seadrift subdivision No. One, Marin County, California," filed November 10, 1949, in Map Book 6, Page 92, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpen-

dicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:

July 8, 1994

GRANTORS

RONYA A. EHRLICH, or her successors in trust, not individually but as trustee under the provisions of a declaration of trust known as the "RONYA A. EHRLICH REVOCABLE TRUST dated June 22, 1989, as amended

BY: Ronya A. Ehrlich, Trustee

RONYA A. EHRLICH, Trustee

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On JULY 8, 1994 before me, ALBERT K. ENGEL personally appeared RONYA A. EHRLICH, TRUSTEE

personally known to me or proved to me on the basis of satisfactory evidence to be the person(~~s~~) whose name(~~s~~) is/~~are~~ subscribed to the within instrument and acknowledged to me that ~~he~~/she/~~they~~ executed same in ~~his~~/her/~~their~~ authorized capacity(~~ies~~), and that by ~~his~~/her/ ~~their~~ signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

(This area for official notarial seal.)

WITNESS my hand and official seal.

Signature

Albert K. Engel
Comm. #1005256
NOTARY PUBLIC CALIFORNIA
MARIN COUNTY
Comm. Expires Dec. 7 1997

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deanna Nielsen
Deputy CLERK

94-069834

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned owner(s) of Lot 11, as shown on that certain map entitled "Map of Seadrift subdivision No. One, Marin County, California," filed November 10, 1949, in Map Book 6, Page 92, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpen-

dicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED: 7/30/94

GRANTORS

JON E. MCMAHON and SUZANNE B. MCMAHON, Trustees, or their Successors in Trust, under the MCMAHON LIVING TRUST, dated January 14, 1994

Jon E. McMahon Trustee
JON E. MCMAHON, Trustee

Suzanne B McMahon, trustee
SUZANNE B. MCMAHON, Trustee

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On July 30, 1994 before

me, ALBERT K ENGEL,
personally appeared
JON E. McMAHON, TRUSTEE
AND SUZANNE B McMAHON, TRUSTEE

personally known to me or ~~proved to me on the basis of satisfactory evidence~~ to be the person(s) whose name(s) ~~is~~/are subscribed to the within instrument and acknowledged to me that ~~he/she~~/they executed same in ~~his/her~~/their authorized capacity(ies), and that by ~~his/her~~/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

(This area for official notarial seal.)

WITNESS my hand and official seal.

Signature Albert K Engel

Albert K. Engel
Comm. #1005256
NOTARY PUBLIC CALIFORNIA
MARIN COUNTY
Comm. Expires Dec. 7 1997

MGC1

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Joann Nielsen
Deputy CLERK

94-069835

RECORDING DATA ONLY

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned owner(s) of Lot 12, as shown on that certain map entitled "Map of Seadrift subdivision No. One, Marin County, California," filed November 10, 1949, in Map Book 6, Page 92, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpen-

dicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:

May 31, 1994

GRANTORS

ANNA GARDNER and RICHARD E. GARDNER, Trustees of the ANNA and RICHARD E. GARDNER REVOCABLE TRUST

BY: Anna Gardner, Trustee

Anna Gardner, Trustee

Richard E. Gardner, Trustee

Richard E. Gardner, Trustee

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On MAY 31, 1994 before me, ALBERT K. ENGEL, personally appeared

ANNA GARDNER, TRUSTEE

AND RICHARD E. GARDNER, TRUSTEE.

personally known to me ~~or proved to me on the basis of satisfactory evi-~~dence to be the person(s) whose name(s) ~~is~~/are subscribed to the within instrument and acknowledged to me that ~~he/she~~/they executed same in ~~his/her~~/their authorized capacity(ies), and that by ~~his/her~~/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

(This area for official notarial seal.)

Albert K. Engel
Comm. #1005256
NOTARY PUBLIC CALIFORNIA
MARIN COUNTY
Comm. Expires Dec. 7 1997

WITNESS my hand and official seal.

Signature Albert K. Engel

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deann Nielsen
Deputy CLERK

94-069850

THIS STAMP CONFIRMS RECORDING DATA ONLY

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned owner(s) of Lot 13, as shown on that certain map entitled "Map of Seadrift subdivision No. One, Marin County, California," filed November 10, 1949, in Map Book 6, Page 92, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpen-

dicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:

June 6, 1994

GRANTORS

IRA MICHAEL HEYMAN and THERESE THAU HEYMAN, as Trustees of the IRA MICHAEL and THERESE HEYMAN FAMILY TRUST established by Declaration of Trust dated January 7, 1983

BY: Ira Michael Heyman, Trustee

Ira Michael Heyman, Trustee

Therese Thau Heyman, Trustee

Therese Thau Heyman, Trustee

STATE OF CALIFORNIA)
)ss.
COUNTY OF ~~MARIN~~ Alameda)

On June 6, 1994 before me, Jacqueline M. Collins, personally appeared Ira Michael Heyman, Trustee and Therese Thau Heyman, Trustee

~~personally known to me or~~ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed same in his/her/their authorized capacity(ies), and that by his/her/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

(This area for official notarial seal.)

Jacqueline M. Collins
Comm #987345
NOTARY PUBLIC CALIFORNIA
ALAMEDA COUNTY
Comm. Expires March 19, 1997

WITNESS my hand and official seal.

Signature

Page 2 of 2.

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deann Nielsen
Deputy CLERK

94-0[illegible]337

THIS STAMP CONFIRMS
RECORDING DATA ONLY

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned owner(s) of Lot 14, as shown on that certain map entitled "Map of Seadrift subdivision No. One, Marin County, California," filed November 10, 1949, in Map Book 6, Page 92, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpen-

dicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED: 6/28/94

GRANTORS

JOSEPH L. SELIGMAN, JR. and PEGGY VAN HORNE SELIGMAN Trustees of the SELIGMAN 1986 REVOCABLE TRUST u/t/a August 1, 1986 or Successor Trustee

BY: Joseph L. Seligman Jr Trustee
JOSEPH L. SELIGMAN, JR., Trustee

Peggy Van Horne Seligman Trustee
PEGGY VAN HORNE SELIGMAN, Trustee

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On JUNE 28, 1994 before me, ALBERT K. ENGEL, personally appeared

JOSEPH L. SELIGMAN, JR TRUSTEE

AND PEGGY VAN HORNE SELIGMAN, TRUSTEE

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~/are subscribed to the within instrument and acknowledged to me that ~~he/she~~/they executed same in ~~his/her~~/their authorized capacity(ies), and that by ~~his/her~~/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

(This area for official notarial seal.)

Albert K. Engel
Comm. #1005256
NOTARY PUBLIC CALIFORNIA
MARIN COUNTY
Comm. Expires Dec. 7, 1997

WITNESS my hand and official seal.

Signature Albert K. Engel

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deann Nielsen
Deputy CLERK

94-069838

THIS STAMP CONFIRMS RECORDING DATA ONLY

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned owner(s) of Lot 15, as shown on that certain map entitled "Map of Seadrift subdivision No. One, Marin County, California," filed November 10, 1949, in Map Book 6, Page 92, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpen-

dicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED: 24 June 1994

GRANTORS

JOHN C. HUTCHINSON and BEVERLY F. HUTCHINSON as initial Trustees of the JOHN C. & BEVERLY F. HUTCHINSON REVOCABLE LIVING TRUST of June 22, 1993

BY: John C. Hutchinson Trustee
JOHN C. HUTCHINSON, Trustee

Beverly F. Hutchinson Trustee
BEVERLY F. HUTCHINSON, Trustee

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On JUNE 24, 1994 before me, ALBERT K. ENGEL, personally appeared

JOHN C. HUTCHINSON TRUSTEE,

AND BEVERLY F. HUTCHINSON TRUSTEE

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~/are subscribed to the within instrument and acknowledged to me that ~~he/she~~/they executed same in ~~his/her~~/their authorized capacity(ies), and that by ~~his/her~~/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

(This area for official notarial seal.)

WITNESS my hand and official seal.

Signature Albert K Engel

Albert K. Engel
Comm. #1005256
NOTARY PUBLIC CALIFORNIA
MARIN COUNTY
Comm. Expires Dec. 7 1997

MGC1

Page 2 of 2.

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deanna Nielsen
Deputy CLERK

94-069839

THIS STAMP CONFIRMS
RECORDING DATA ONLY

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned owner(s) of Lot 16, as shown on that certain map entitled "Map of Seadrift subdivision No. One, Marin County, California," filed November 10, 1949, in Map Book 6, Page 92, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpen-

dicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:

July 25, 1994

GRANTORS

CATHERINE P. ROSEN, Trustee
U/T/A dated May 12, 1988

BY: Catherine P. Rosen Trustee
CATHERINE P. ROSEN, Trustee

STATE OF CALIFORNIA)
San Francisco)ss.
COUNTY OF ~~MARIN~~)

On July 25, 1994 before me, Helena Leung, personally appeared Catherine P. Rosen

personally known to me or proved to me on the basis of satisfactory evidence to be the person(~~s~~) whose name(~~s~~) is/~~are~~ subscribed to the within instrument and acknowledged to me that ~~he~~/she/~~they~~ executed same in ~~his~~/her/~~their~~ authorized capacity(ies), and that by ~~his~~/her/ ~~their~~ signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

HELENA LEUNG
Comm. #1030818
NOTARY PUBLIC - CALIFORNIA
City & County of San Francisco
Comm. Expires July 6, 1998

(This area for official notarial seal.)

WITNESS my hand and official seal.

Signature Helena Leung

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deanna Nielsen
Deputy CLERK

94-069840

THIS STAMP CONFIRMS RECORDING DATA ONLY

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name: California Coastal Commission
Attention Legal Dept.
Street: 45 Fremont Street, Suite 2000
City & State: San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned owner(s) of Lot 17, as shown on that certain map entitled "Map of Seadrift subdivision No. One, Marin County, California," filed November 10, 1949, in Map Book 6, Page 92, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpen-

dicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:
July 2, 1994

GRANTORS

BRYAN CHAPMAN and GENEVIEVE H. CHAPMAN, as Trustors and as Trustees of the BRYAN CHAPMAN and GENEVIEVE H. CHAPMAN TRUST under Agreement dated October 10, 1984

BY: Bryan Chapman, Trustee
BRYAN CHAPMAN, Trustee

Genevieve H. Chapman, Trustee
GENEVIEVE H. CHAPMAN, Trustee

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On JULY 2, 1994 before me, ALBERT K. ENGEL personally appeared

BRYAN CHAPMAN TRUSTEE AND

GENEVEIVE H. CHAPMAN TRUSTEE

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~/are subscribed to the within instrument and acknowledged to me that ~~he/she~~/they executed same in ~~his/her~~/their authorized capacity(ies), and that by ~~his/her~~/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

(This area for official notarial seal.)

WITNESS my hand and official seal.

Signature Albert K. Engel

MGC1 Albert K. Engel
Comm. #1005256
NOTARY PUBLIC CALIFORNIA
MARIN COUNTY
Comm. Expires Dec. 7 1997 MGC1

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deanna Nielsen
Deputy CLERK

94-069841

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned owner(s) of Lot 18, as shown on that certain map entitled "Map of Seadrift subdivision No. One, Marin County, California," filed November 10, 1949, in Map Book 6, Page 92, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpen-

dicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED: 8/14/94

GRANTORS

PATRICK G. RILEY and ROBERTA J. SMITH RILEY, husband and wife as joint tenants

PATRICK G. RILEY

ROBERTA J. SMITH RILEY

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On AUGUST 14, 1994 before me, ALBERT K. ENGEL, personally appeared

PATRICK G RILEY AND

ROBERTA J SMITH RILEY

personally known to me ~~or proved to me on the basis of satisfactory evidence~~ to be the person(s) whose name(s) ~~is~~/are subscribed to the within instrument and acknowledged to me that ~~he/she~~/they executed same in ~~his/her~~/their authorized capacity(ies), and that by ~~his/her~~/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

(This area for official notarial seal.)

Albert K. Engel
Comm. #1005256
NOTARY PUBLIC CALIFORNIA
MARIN COUNTY
Comm. Expires Dec. 7, 1997

WITNESS my hand and official seal.

Signature

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deann Nielsen
Deputy CLERK

94-069842

THIS STAMP CONFIRMS RECORDING DATA ONLY

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

1994 SEP 27 AM 9:40

GRANT OF EASEMENT

The undersigned owner(s) of Lot 19, as shown on that certain map entitled "Map of Seadrift subdivision No. One, Marin County, California," filed November 10, 1949, in Map Book 6, Page 92, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpen-

dicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED: August 30, 1994

GRANTORS

KENNETH FRANKEL

Kenneth Frankel

KENNETH FRANKEL

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On AUGUST 30, 1994 before me, SHARON FREDRIKSSON, NOTARY PUBLIC, personally appeared

KENNETH FRANKEL

personally known to me or proved to me on the basis of satisfactory evidence to be the person~~(s)~~ whose name~~(s)~~ is~~/are~~ subscribed to the within instrument and acknowledged to me that he~~/she/they~~ executed same in his/~~her/their~~ authorized capacity~~(ies)~~, and that by his~~/her/ their~~ signature~~(s)~~ on the instrument the person~~(s)~~, or the entity upon behalf of which the person~~(s)~~ acted, executed the instrument.

OFFICIAL NOTARY SEAL
SHARON FREDRIKSSON
Notary Public — California
MARIN COUNTY
My Comm. Expires MAR 10,1995

(This area for official notarial seal.)

WITNESS my hand and official seal.

Signature

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deann Nielsen
Deputy CLERK

94-069843

DOCUMENT CONTAINS
RECORDING DATA ONLY

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

1994 SEP 27 PM 9:40

GRANT OF EASEMENT

The undersigned owner(s) of Lot 20, as shown on that certain map entitled "Map of Seadrift subdivision No. One, Marin County, California," filed November 10, 1949, in Map Book 6, Page 92, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpen-

dicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:

6/21/94

GRANTORS

CHARLES K. JOHNSON

BY: Charles K Johnson

CHARLES K. JOHNSON

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On JUNE 21, 1994 before me, ALBERT K. ENGEL personally appeared

CHARLES K. JOHNSON

personally known to me or proved to me on the basis of satisfactory evidence to be the person(~~s~~) whose name(~~s~~) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed same in his/~~her~~/~~their~~ authorized capacity(~~ies~~), and that by his/her/ their signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

(This area for official notarial seal.)

Albert K. Engel
Comm. #1005256
NOTARY PUBLIC CALIFORNIA
MARIN COUNTY
Comm. Expires Dec. 7 1997

WITNESS my hand and official seal.

Signature Albert K Engel

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deann Nielsen
Deputy CLERK

94-069844

THIS STAMP CONTAINS RECORDING DATA ONLY

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned owner(s) of Lot 21, as shown on that certain map entitled "Map of Seadrift subdivision No. One, Marin County, California," filed November 10, 1949, in Map Book 6, Page 92, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpen-

dicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED: 6/30/94

GRANTORS

ROBERT W. CHEATHAM and KAY C. CHEATHAM as Trustees

BY: Robert W. Cheatham, ROBERT W. CHEATHAM, Trustee

Kay C. Cheatham, KAY C. CHEATHAM, Trustee

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On June 30, 1994 before me, Annette Nicki Skovronski, personally appeared

Robert W. Cheatham

Kay C. Cheatham

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed same in his/her/their authorized capacity(ies), and that by his/her/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

OFFICIAL SEAL
Annette Nicki Skovronski
NOTARY PUBLIC - CALIFORNIA
City & County of San Francisco
My Comm. Expires Feb. 10, 1995

(This area for official notarial seal.)

WITNESS my hand and official seal.

Signature Annette Nicki Skovronski

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deann Nielsen
Deputy CLERK

94-069845

THIS STAMP COVERS RECORDING DATE ONLY

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

1994 SEP 27 AM 9:40

GRANT OF EASEMENT

The undersigned owner(s) of Lot 22, as shown on that certain map entitled "Map of Seadrift subdivision No. One, Marin County, California," filed November 10, 1949, in Map Book 6, Page 92, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpen-

dicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:

7-18-94

GRANTORS

MARJORIE TRYON MICHAEL

BY: Marjorie Tryon Michael
MARJORIE TRYON MICHAEL

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On 7-18-94 before me, M.C. Brown, personally appeared

Marjorie Tryon Michael

personally known to me ~~or proved to me on the basis of satisfactory evidence~~ to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed same in his/her/their authorized capacity(ies), and that by his/her/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

(This area for official notarial seal.)

M. C. BROWN
COMM. #997905
NOTARY PUBLIC - CALIFORNIA
MARIN COUNTY
My Comm. Expires July 10, 1997

WITNESS my hand and official seal.

Signature M.C. Brown

Page 2 of 2.

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deanna Nielsen
Deputy CLERK

94-069846

THIS STAMP CONFIRMS RECORDING DATA ONLY

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

1994 SEP 27 PM 3:40

GRANT OF EASEMENT

The undersigned owner(s) of Lot 23, as shown on that certain map entitled "Map of Seadrift subdivision No. One, Marin County, California," filed November 10, 1949, in Map Book 6, Page 92, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpen-

dicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED: July 1, 1994

GRANTORS

BETTY RADER

BY: Betty Rader
BETTY RADER

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On July 1, 1994 before me, ALBERT K. ENGEL, personally appeared BETTY RADER.

personally known to me or proved to me on the basis of satisfactory evidence to be the person(~~s~~) whose name(~~s~~) is/~~are~~ subscribed to the within instrument and acknowledged to me that ~~he~~/she/~~they~~ executed same in ~~his~~/her/~~their~~ authorized capacity(~~ies~~), and that by ~~his~~/her/ ~~their~~ signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

(This area for official notarial seal.)

WITNESS my hand and official seal.

Signature Albert K. Engel

Albert K. Engel
Comm. #1005256
NOTARY PUBLIC CALIFORNIA
MARIN COUNTY
Comm. Expires Dec. 7, 1997

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deann Nielsen
Deputy CLERK

94-069847

THIS STAMP CONFIRMS RECORDING DATA ONLY

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

1994 SEP 27 AM 9:40

GRANT OF EASEMENT

The undersigned owner(s) of Lot 24, as shown on that certain map entitled "Map of Seadrift subdivision No. One, Marin County, California," filed November 10, 1949, in Map Book 6, Page 92, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpen-

dicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:

JULY 7, 1994

GRANTORS

ROBERT R. TUFTS and JOYCE A. TUFTS, Trustees U/A dated September 18, 1987

BY: Robert R. Tufts, Trustee
ROBERT R. TUFTS, Trustee

Joyce A. Tufts, trustee
JOYCE A. TUFTS, Trustee

STATE OF CALIFORNIA)
COUNTY OF ~~MARIN~~ SAN FRANCISCO) ss.
)

On JULY 7, 1994, before me, ALVERINE MARSH, personally appeared

ROBERT R. TUFTS AND JOYCE A. TUFTS

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~/are subscribed to the within instrument and acknowledged to me that ~~he/she~~/they executed same in ~~his/her~~/their authorized capacity(ies), and that by ~~his/her/~~ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

(This area for official notarial seal.)

OFFICIAL NOTARY SEAL
ALVERINE MARSH
Notary Public — California
SAN FRANCISCO COUNTY
My Comm. Expires AUG 21,1995

WITNESS my hand and official seal.

Signature Alverine Marsh

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deann Nielsen
Deputy CLERK

94-069848

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned owner(s) of Lot 25, as shown on that certain map entitled "Map of Seadrift subdivision No. One, Marin County, California," filed November 10, 1949, in Map Book 6, Page 92, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpen-

dicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:

June 21, 1994

GRANTORS

JAMES KELSO and NANCY KELSO, Trustees Under That Revocable Trust Agreement dated June 25, 1979 and Amended June 12, 1981

BY: James Kelso Trustee

JAMES KELSO, Trustee

Nancy V. Kelso Trustee

NANCY KELSO, Trustee

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On JUNE 21, 1994 before me, ALBERT K. ENGEL, personally appeared

JAMES KELSO TRUSTEE

AND NANCY KELSO TRUSTEE

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~/are subscribed to the within instrument and acknowledged to me that ~~he/she~~/they executed same in ~~his/her~~/their authorized capacity(ies), and that by ~~his/her~~/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

(This area for official notarial seal.)

Albert K. Engel
Comm. #1005256
NOTARY PUBLIC CALIFORNIA
MARIN COUNTY
Comm. Expires Dec. 7 1997

WITNESS my hand and official seal.

Signature Albert K. Engel

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deann Nielsen
Deputy CLERK

94-069849

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned owner(s) of Lot 27, as shown on that certain map entitled "Map of Seadrift subdivision No. One, Marin County, California," filed November 10, 1949, in Map Book 6, Page 92, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpen-

dicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:
July 22, 1994

GRANTORS

MURRY J. WALDMAN, a Trustee of Trust B Under the Will of JEAN WALDMAN, deceased

Murry J. Waldman, Trustee

MURRY J. WALDMAN, Trustee

STATE OF CALIFORNIA)
COUNTY OF ~~MARIN~~ San Francisco) ss.
)

On July 22, 1994 before me, Nancy R. McLaughlin personally appeared

Murry J. Waldman

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed same in his/her/their authorized capacity(ies), and that by his/her/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

Nancy R. McLaughlin
Comm #993674
NOTARY PUBLIC CALIFORNIA
City & County of San Francisco
Comm. Expires June 11 1997

(This area for official notarial seal.)

WITNESS my hand and official seal.

Signature Nancy R. McLaughlin

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deann Nielsen
Deputy CLERK

94-069850

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

1994 SEP 27 AM 9 40

GRANT OF EASEMENT

The undersigned owner(s) of Lot 28, as shown on that certain map entitled "Map of Seadrift subdivision No. One, Marin County, California," filed November 10, 1949, in Map Book 6, Page 92, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpen-

dicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED: August 10, 1994

GRANTORS

MARGERY L. MAGNANI

Margery L. Magnani

MARGERY L. MAGNANI

STATE OF CALIFORNIA)
) ss.
COUNTY OF MARIN)

On AUGUST 10 1994 before me, ALBERT K ENGEL, personally appeared MARGERY L. MAGNANI

personally known to me ~~or proved to me on the basis of satisfactory evidence~~ to be the person(~~s~~) whose name(~~s~~) is/~~are~~ subscribed to the within instrument and acknowledged to me that ~~he~~/she/~~they~~ executed same in ~~his~~/her/~~their~~ authorized capacity(~~ies~~), and that by ~~his~~/her/ ~~their~~ signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

(This area for official notarial seal.)

Albert K. Engel
Comm. #1005256
NOTARY PUBLIC CALIFORNIA
MARIN COUNTY
Comm. Expires Dec. 7, 1997

WITNESS my hand and official seal.

Signature Albert K Engel

Page 2 of 2.

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deann Nielsen
Deputy CLERK

94-069851

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned owner(s) of Lot 30, as shown on that certain map entitled "Map of Seadrift subdivision No. One, Marin County, California," filed November 10, 1949, in Map Book 6, Page 92, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpen-

dicularly from the present location of the top vertical centerline of the seawall which runs the length of the develcped and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:

7-13-94

GRANTORS

RONALD A. SELTZER and ADELE W. SELTZER, Co-Trustees of that certain Trust entitled the SELTZER REVOCABLE LIVING TRUST dated September 12, 1984

BY: Ronald A. Seltzer Trustee
RONALD A. SELTZER, Trustee

Adele W. Seltzer Trustee
ADELE W. SELTZER, Trustee

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On JULY 13, 1994 before SHAUNA R. BISHOP me, _____, personally appeared

Adele W. Seltzer

RONALD A Seltzer

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed same in his/her/their authorized capacity(ies), and that by his/her/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

(This area for official notarial seal.)

OFFICIAL NOTARY SEAL
SHAUNA R BISHOP
Notary Public — California
ALAMEDA COUNTY
My Comm Expires MAR 24 1995

WITNESS my hand and official seal.

Signature Shauna R. Bishop

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deanna Nielsen
Deputy CLERK

94-080407

THE STAMP CONFIRMS RECORDING DATA ONLY

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

A.P.N. 195-041-08

GRANT OF EASEMENT

The undersigned owner(s) of Lot 0-31, as shown on that certain map entitled "Map of Seadrift subdivision No. One, Marin County, California," filed November 10, 1949, in Map Book 6, Page 92, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on

Approved:

the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpendicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:

June 3, 1994

GRANTORS

Barrett H Weber — BARRETT H WEBER

Elise B Weber — ELISE B. WEBER

Barrett F. Weber — BARRETT F. WEBER

Peter B Weber — PETER B WEBER

David H. Weber — DAVID H. WEBER

Robert W. Weber — ROBERT W. WEBER

STATE OF CALIFORNIA)
COUNTY OF ~~MARIN~~ San Francisco) ss.
)

On June 3, 1994 before me, NAS LOZANI, personally appeared

Barrett H. Weber – Elise B. Weber – Barrett F. Weber. ——

Peter B. Weber – David H. Weber – Robert W. Weber ——

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~/are subscribed to the within instrument and acknowledged to me that he/she/they executed same in his/her/their authorized capacity(ies), and that by his/her/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

(This area for official notarial seal.)

WITNESS my hand and official seal.

Signature Nas Lozani

Approved:

—— ——

NAS LOZANI
COMM. # 1005794
Notary Public — California
SAN FRANCISCO COUNTY
My Comm. Expires SEP 26, 1997

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deann Nielsen
Deputy CLERK

94-069852

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned owner(s) of Lot 32, as shown on that certain map entitled "Map of Seadrift subdivision No. One, Marin County, California," filed November 10, 1949, in Map Book 6, Page 92, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpen-

dicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:

July 5, 1994

GRANTORS

DAVID WEINSTEIN and DENISE WEINSTEIN

BY:

DAVID WEINSTEIN

DENISE WEINSTEIN

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On July 5, 1994 before me, Jacqueline Davies Watson, personally appeared

David Weinstein and

Denise Weinstein

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed same in his/her/their authorized capacity(ies), and that by his/her/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

JACQUELINE DAVIES WATSON
COMM. # 995282
Notary Public — California
SAN FRANCISCO COUNTY
My Comm. Expires AUG 6, 1997

(This area for official notarial seal.)

WITNESS my hand and official seal.

Signature

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deann Nielsen
Deputy CLERK

94-069853

THIS STATEMENT [illegible] RECORDING DATA ONLY

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

1994 SEP 27 AM 9:40

GRANT OF EASEMENT

The undersigned owner(s) of Lot 33, as shown on that certain map entitled "Map of Seadrift subdivision No. One, Marin County, California," filed November 10, 1949, in Map Book 6, Page 92, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpen-

dicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:

7/22/94

GRANTORS

NANCY J. THOMPSON

BY: Nancy J. Thompson
NANCY J. THOMPSON

Nancy J. Thompson

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On July 22 1994 before

me, CHERYL L. CARTER NOTARY PUBLIC
personally appeared

Nancy Jean Thompson

personally known to me or proved to me on the basis of satisfactory evidence to be the person(~~s~~) whose name(~~s~~) is/~~are~~ subscribed to the within instrument and acknowledged to me that ~~he~~/she/~~they~~ executed same in ~~his~~/her/t~~heir~~ authorized capacity(~~ies~~), and that by ~~his~~/her/ ~~their~~ signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

(This area for official notarial seal.)

WITNESS my hand and official seal.

Signature Cheryl L. Carter

CHERYL L. CARTER
NOTARY PUBLIC-CALIFORNIA
COMMISSION # 942343
MARIN COUNTY
My Comm. Exp. March 29, 1996

862 Sir Francis Drake Blvd. San Anselmo, CA 94960-1914

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Joann Nielsen
Deputy CLERK

94-083514

THIS STAMP CONFIRMS RECORDING DATA ONLY

RECORDING REQUESTED BY1

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

195-031-16

GRANT OF EASEMENT

The undersigned owner(s) of Lot 34, as shown on that certain map entitled "Map of Seadrift subdivision No. One, Marin County, California," filed November 10, 1949, in Map Book 6, Page 92, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpen-

dicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED: 11/2/94

GRANTORS

KAREN K. LINDFORS; PATRICK A. MOORE; KAREN K. LINDFORS, as Custodian for KENDRA ANN MOORE under the California Uniform Transfers to Minors Act; KAREN K. LINDFORS, as Custodian for JARED LINDFORS MOORE under the California Uniform Transfers to Minors Act;

Karen K. Lindfors
KAREN K. LINDFORS

Patrick A. Moore
PATRICK A. MOORE

Karen K. Lindfors
KAREN K. LINDFORS, as Custodian for KENDRA ANN MOORE under the California Uniform Transfers to Minors Act

Karen K. Lindfors
KAREN K. LINDFORS, as Custodian for JARED LINDFORS MOORE under the California Uniform Transfers to Minors Act

STATE OF CALIFORNIA)
SACRAMENTO)ss.
COUNTY OF ~~MARIN~~)

On 11-02-94 before me, a Notary Public, personally appeared Karen K. Lindfors

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed same in his/her/their authorized capacity(ies), and that by his/her/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

ORA LEE CUNNINGHAM
Comm. # 999705
NOTARY PUBLIC - CALIFORNIA
Sacramento County
My Comm. Expires Aug. 2, 1997

(This area for official notarial seal.)

WITNESS my hand and official seal.

Ora Lee Cunningham

Page 2 of 2.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

No. 5907

State of California

County of Sacramento

On 4/21/94 (DATE) before me, Ava Grimes (NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"),

personally appeared Patrick A. Moore (NAME(S) OF SIGNER(S)),

☑ personally known to me - **OR** - ☐ proved to me on the basis of satisfactory evidence to be the person(~~s~~) whose name(~~s~~) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/~~her/the~~ir authorized capacity(ie~~s~~), and that by his/h~~er/their~~ signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

NNA1 AVA GRIMES
COMM. # 1023453
Notary Public — California
SACRAMENTO COUNTY
My Comm. Expires APR 17, 1998 NNA1

WITNESS my hand and official seal.

Ava Grimes
SIGNATURE OF NOTARY

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

☐ INDIVIDUAL
☐ CORPORATE OFFICER

_____ TITLE(S)

☐ PARTNER(S) ☐ LIMITED ☐ GENERAL

☐ ATTORNEY-IN-FACT
☐ TRUSTEE(S)
☐ GUARDIAN/CONSERVATOR
☐ OTHER: _____

SIGNER IS REPRESENTING:
NAME OF PERSON(S) OR ENTITY(IES)

_____

DESCRIPTION OF ATTACHED DOCUMENT

_____ TITLE OR TYPE OF DOCUMENT

_____ NUMBER OF PAGES

_____ DATE OF DOCUMENT

_____ SIGNER(S) OTHER THAN NAMED ABOVE

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RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Joann Nielsen
Deputy CLERK

94-069854

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned owner(s) of Lot 35, as shown on that certain map entitled "Map of Seadrift subdivision No. One, Marin County, California," filed November 10, 1949, in Map Book 6, Page 92, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpen-

dicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:

June 28, 1994

GRANTORS

MARGARET W. GRAHAM, as Trustee of the Trust Created Under Paragraph SIXTH of The Will of CLARK B. GRAHAM, deceased

BY:

MARGARET W. GRAHAM, Trustee

Margaret W. Graham
Trustee

STATE OF CALIFORNIA)
Monterey)ss.
COUNTY OF ~~MARIN~~)

On June 28, 1994 before me, Susan M. Ainuu, personally appeared

Margaret W. Graham, trustee

personally known to me or proved to me on the basis of satisfactory evidence to be the person(~~s~~) whose name(~~s~~) is/~~are~~ subscribed to the within instrument and acknowledged to me that ~~he~~/she/~~they~~ executed same in ~~his~~/her/~~their~~ authorized capacity(~~ies~~), and that by ~~his~~/her/ ~~their~~ signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

(This area for official notarial seal.)

SUSAN M. AINUU
COMM. #1023624
Notary Public-California
Monterey County
My Comm. Exp. April 17, 1998

WITNESS my hand and official seal.

Signature Susan M. Ainuu

Page 2 of 2.

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deann Nielsen
Deputy CLERK

94-069855

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

1994 SEP 27 AM 9:40

GRANT OF EASEMENT

The undersigned owner(s) of Lot 36, as shown on that certain map entitled "Map of Seadrift subdivision No. One, Marin County, California," filed November 10, 1949, in Map Book 6, Page 92, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpen-

dicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:

7-12-94

GRANTORS

PETER T. DUNN and LAURA E. DUNN, Trustees of the DUNN FAMILY TRUST AGREEMENT dated October 3, 1986

BY: Peter T. Dunn, Tee
PETER T. DUNN, Trustee

Laura E. Dunn, Tee
LAURA E. DUNN, Trustee

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On JULY 12, 1994 before me, ALBERT K. ENGEL personally appeared PETER T DUNN, TRUSTEE AND LAURA E. DUNN, TRUSTEE

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~/are subscribed to the within instrument and acknowledged to me that ~~he/she~~/they executed same in his/her/their authorized capacity(ies), and that by ~~his/her~~/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

(This area for official notarial seal.)

Albert K. Engel
Comm. #1005256
NOTARY PUBLIC CALIFORNIA
MARIN COUNTY
Comm. Expires Dec. 7, 1997

WITNESS my hand and official seal.

Signature Albert K. Engel

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deanna Nielsen
Deputy CLERK

94-069856

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

1994 SEP 27 AM 8:40

GRANT OF EASEMENT

The undersigned owner(s) of Lot 37, as shown on that certain map entitled "Map of Seadrift subdivision No. One, Marin County, California," filed November 10, 1949, in Map Book 6, Page 92, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpen-

dicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:

7-15-94

GRANTORS

JOHN JOSEPH GRAY and FRANCES FAIRCLOTH GRAY, husband and wife

BY:

JOHN JOSEPH GRAY

FRANCES FAIRCLOTH GRAY

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On JULY 15, 1994 before me, ALBERT K. ENGEL, personally appeared

JOHN JOSEPH GRAY AND

FRANCES FAIRCLOTH GRAY

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~/are subscribed to the within instrument and acknowledged to me that ~~he/she~~/they executed same in ~~his/her~~/their authorized capacity(ies), and that by ~~his/her~~/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

(This area for official notarial seal.)

Albert K. Engel
Comm. #1005256
NOTARY PUBLIC CALIFORNIA
MARIN COUNTY
Comm. Expires Dec. 7, 1997

WITNESS my hand and official seal.

Signature

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Roann Nielsen
Deputy CLERK

94-069857

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

1994 SEP 27 PM 9:40

GRANT OF EASEMENT

The undersigned owner(s) of Lot 39, as shown on that certain map entitled "Map of Seadrift subdivision No. One, Marin County, California," filed November 10, 1949, in Map Book 6, Page 92, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpen-

dicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:

7-2-94

GRANTORS

ROBERT J. SCHWEITZER, AUDREY SCHWEITZER

BY:

ROBERT J. SCHWEITZER

AUDREY SCHWEITZER

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On JULY 2 1994 before me, ALBERT K. ENGEL, personally appeared

ROBERT J SCHWEITZER AND

AUDREY SCHWEITZER

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~/are subscribed to the within instrument and acknowledged to me that ~~he/she~~/they executed same in ~~his/her~~/their authorized capacity(ies), and that by ~~his/her~~/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

(This area for official notarial seal.)

WITNESS my hand and official seal.

Signature

Albert K. Engel
Comm. #1005256
NOTARY PUBLIC CALIFORNIA
MARIN COUNTY
Comm. Expires Dec. 7 1997

MGC1

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deann Nielsen
Deputy CLERK

94-069858

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

1994 SEP 27 AM 8:40

GRANT OF EASEMENT

The undersigned owner(s) of Lot 41, as shown on that certain map entitled "Map of Seadrift subdivision No. One, Marin County, California," filed November 10, 1949, in Map Book 6, Page 92, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpen-

dicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:

6/23/94

GRANTORS

CECILIA H. HERBERT and
JAMES H. HERBERT, II

BY: Cecilia H. Herbert
CECILIA H. HERBERT

J. H. Herbert
JAMES H. HERBERT, II

STATE OF CALIFORNIA)
)ss.
COUNTY OF ~~MARIN~~ San Francisco

on June 23, 1994 before me, Cecelia Mauck, personally appeared

Cecilia H. Herbert and

James H. Herbert, II

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed same in his/her/their authorized capacity(ies), and that by his/her/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

OFFICIAL SEAL
CECELIA MAUCK
NOTARY PUBLIC CALIFORNIA
City & County of San Francisco
My Comm. Expires Aug. 15 1995

(This area for official notarial seal.)

WITNESS my hand and official seal.

Signature Cecelia Mauck

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis.

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deann Nielsen
Deputy CLERK

94-069859

REQUEST OF FILING
RECORDING DATA ONLY

RECORDING REQUESTED BY

1994 SEP 27 AM 9:40

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned owner(s) of Lot 42, as shown on that certain map entitled "Map of Seadrift subdivision No. One, Marin County, California," filed November 10, 1949, in Map Book 6, Page 92, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpen-

dicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:

6/28/94

GRANTORS

MILLARD S. DREXLER and PEGGY F. DREXLER

BY: Millard S. Drexler
MILLARD S. DREXLER

Peggy F. Drexler
PEGGY F. DREXLER

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On June 28, 1994, before me, Kristine D. Rose, personally appeared

Millard S. Drexler

Peggy F. Drexler

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed same in his/her/their authorized capacity(ies), and that by his/her/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

KRISTINE D. ROSE
COMM. #977488
NOTARY PUBLIC-CALIFORNIA
SAN FRANCISCO COUNTY
My Comm. Expires Nov. 8, 1996

(This area for official notarial seal.)

WITNESS my hand and official seal.

Signature

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deann Nielsen
Deputy CLERK

94-069860

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

1994 SEP 27 AM 9:40

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned owner(s) of Lot 43, as shown on that certain map entitled "Map of Seadrift subdivision No. One, Marin County, California," filed November 10, 1949, in Map Book 6, Page 92, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpen-

State of CALIFORNIA
County of SAN MATEO

On August 19, 1994 (DATE) before me, Louisa T. Tuilagi, Notary Public (NAME, TITLE OF OFFICER - I.E., "JANE DOE, NOTARY PUBLIC"),

personally appeared Akihiro Yoshikawa and Nancy Dawn Knappenberger (NAME(S) OF SIGNER(S))

☐ personally known to me - OR - ☒ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

Witness my hand and official seal.

Louisa T. Tuilagi
Comm. #978084
NOTARY PUBLIC - CALIFORNIA
SANTA CLARA COUNTY
Comm Expires Nov 29, 1996

(SEAL) (SIGNATURE OF NOTARY)

RIGHT THUMBPRINT (OPTIONAL)
TOP OF THUMB HERE

CAPACITY CLAIMED BY SIGNER(S)
☐ INDIVIDUAL(S)
☐ CORPORATE _____
OFFICER(S) _____ (TITLE(S))
☐ PARTNER(S)
☐ ATTORNEY IN FACT
☒ TRUSTEE(S)
☐ GUARDIAN/CONSERVATOR
☐ OTHER: _____

SIGNER IS REPRESENTING:
(NAME OF PERSON(S) OR ENTITY(IES))
Yoshikawa 1992 Living Trust

ATTENTION NOTARY: The information requested below is **OPTIONAL**. It could, however, prevent fraudulent attachment of this certificate to any unauthorized docur

THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED AT RIGHT:

Title or Type of Document GRANT OF EASEMENT
Number of Pages 2 Date of Document 8.19.94
Signer(s) Other Than Named Above

WOLCOTTS FORM 57240 — ALL PURPOSE ACKNOWLEDGMENT WITH SIGNER CAPACITY/REPRESENTATION/FINGERPRINT — Rev. 12-92
©1992 WOLCOTTS FORMS, IN

dicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:

8/19/94

GRANTORS

AKIHIRO YOSHIKAWA and NANCY DAWN KNAPPENBERGER, Trustees of the YOSHIKAWA 1992 LIVING TRUST dated March 3, 1992

BY: Akihiro Yoshikawa, trustee

AKIHIRO YOSHIKAWA, Trustee

Nancy Dawn Knappenberger, Trustee

NANCY DAWN KNAPPENBERGER, Trustee

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On _____ before

me, _____,
personally appeared

_____

_____

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed same in his/her/their authorized capacity(ies), and that by his/her/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

(This area for official notarial seal.)

WITNESS my hand and official seal.

Signature _____

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deanne Nielsen
Deputy CLERK

94-069861

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned owner(s) of Lot 44, as shown on that certain map entitled "Map of Seadrift subdivision No. One, Marin County, California," filed November 10, 1949, in Map Book 6, Page 92, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpen-

(Single Form)
Effective 1/1/91

STATE OF CALIFORNIA
COUNTY OF Alameda } SS.

On 6-16-1994 before me, the undersigned, a Notary Public in and for said State, personally appeared Anna C. Sutton and Mary Pokus

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Harold L. Hoffman

Name HAROLD L. HOFFMAN
(typed or printed)

HAROLD L. HOFFMAN
COMM. #971011
NOTARY PUBLIC-CALIFORNIA
ALAMEDA COUNTY
My Comm. Exp. Sept. 2, 1996
1207 Solano Avenue, Albany, CA 94706

FTG-3197

(This area for official notarial seal)

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

No. 519

State of California

County of Alameda

On 30 June 1994 (DATE) before me, Mary E. McNeill (NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"),

personally appeared James C. Sutton (NAME(S) OF SIGNER(S)),

☐ personally known to me - OR - ☑ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that ~~he~~/she/~~they~~ executed the same in ~~his~~/her/~~their~~ authorized capacity(ies), and that by ~~his~~/her/~~their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Mary E. McNeill

SIGNATURE OF NOTARY

MARY E. MC NEILL
COMM. # 1004222
Notary Public — California
ALAMEDA COUNTY
My Comm. Expires SEP 6, 1997

NNA1 NNA1

OPTIONAL SECTION

CAPACITY CLAIMED BY SIGNER

Though statute does not require the Notary to fill in the data below, doing so may prove invaluable to persons relying on the document.

☑ INDIVIDUAL

☐ CORPORATE OFFICER(S)

TITLE(S)

☐ PARTNER(S) ☐ LIMITED ☐ GENERAL

☐ ATTORNEY-IN-FACT

☐ TRUSTEE(S)

☐ GUARDIAN/CONSERVATOR

☐ OTHER:

SIGNER IS REPRESENTING:

NAME OF PERSON(S) OR ENTITY(IES)

Self

OPTIONAL SECTION

THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED AT RIGHT:

Though the data requested here is not required by law, it could prevent fraudulent reattachment of this form.

TITLE OR TYPE OF DOCUMENT Grant of Conservation

NUMBER OF PAGES 2 Pages DATE OF DOCUMENT 14 June 94

SIGNER(S) OTHER THAN NAMED ABOVE Exhibit 7 (Quarry Reserved Appendices and Suggested Appendices)

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dicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:

6/14/94

GRANTORS

CHARLES ZOOK F. SUTTON; ANNE C. SUTTON; GARRETT ZOOK SUTTON; AMY PUCCINELLI; JOHN DAVIES SUTTON; MARY PINKUS

BY:

Charles Zook F. Sutton

Charles Zook F. Sutton

Anne C. Sutton (A.C.S.) Aug 30, 19

Anne C. Sutton

Garrett Zook Sutton

Garrett Zook Sutton

Amy Puccinelli

Amy Puccinelli

John Davies Sutton

John Davies Sutton

Mary Pinkus

Mary Pinkus

STATE OF CALIFORNIA)
) ss.
COUNTY OF ~~MARIN~~ Alameda)

On 6. 14. before me, Harold L. Hoffman, personally appeared

Charles Zook F. Sutton; Garrett Zook Sutton; Amy Puccinelli; John Davies Sutton, ~~and~~

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed same in his/her/their authorized capacity(ies), and that by his/her/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

(This area for official notarial seal.)

WITNESS my hand and official seal.

Signature Harold L. Hoffman

HAROLD L HOFFMAN
COMM. #971911
NOTARY PUBLIC-CALIFORNIA
ALAMEDA COUNTY
My Comm. Exp. Sept. 2, 1996

Page 2 of 2.

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deann Nielsen
Deputy CLERK

94-069862

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

1994 SEP 27 AM 9:40

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned owner(s) of Lot 45, as shown on that certain map entitled "Map of Seadrift subdivision No. One, Marin County, California," filed November 10, 1949, in Map Book 6, Page 92, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpen-

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

No. 5193

State of California
County of San Francisco

On 6-28-94 (DATE) before me, Dennis Beers: Notary (NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"),

personally appeared William H. Orrick (NAME(S) OF SIGNER(S)),

☒ personally known to me - OR - ☒ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Dennis Beers
SIGNATURE OF NOTARY

[redacted]
[redacted]
Notary Public — California
SAN FRANCISCO COUNTY
My Comm. Expires JUN 27, 1997

OPTIONAL SECTION

CAPACITY CLAIMED BY SIGNER

Though statute does not require the Notary to fill in the data below, doing so may prove invaluable to persons relying on the document.

☒ INDIVIDUAL
☐ CORPORATE OFFICER(S) _____ TITLE(S)
☐ PARTNER(S) ☐ LIMITED ☐ GENERAL
☐ ATTORNEY-IN-FACT
☐ TRUSTEE(S)
☐ GUARDIAN/CONSERVATOR
☐ OTHER: _____

SIGNER IS REPRESENTING:
NAME OF PERSON(S) OR ENTITY(IES)

_____

OPTIONAL SECTION

THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED AT RIGHT:

Though the data requested here is not required by law, it could prevent fraudulent reattachment of this form.

TITLE OR TYPE OF DOCUMENT Grant of Easement

NUMBER OF PAGES 2 DATE OF DOCUMENT 6-28-94

SIGNER(S) OTHER THAN NAMED ABOVE

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dicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:

June 28, 1994

GRANTORS

WILLIAM H. ORRICK, JR. , Trustee
u/t/a dated September 26, 1989

BY: William H. Orrick Jr. Trustee
WILLIAM H. ORRICK, JR. , Trustee

_____

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On _____ before

me, _____,
personally appeared

_____

_____

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed same in his/her/their authorized capacity(ies), and that by his/her/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

(This area for official notarial seal.)

WITNESS my hand and official seal.

Signature _____

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Joann Nielsen
Deputy CLERK

94-069863

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned owner(s) of Lot 46, as shown on that certain map entitled "Map of Seadrift subdivision No. One, Marin County, California," filed November 10, 1949, in Map Book 6, Page 92, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpen-

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

No. 5193

State of California
County of San Francisco

On 6-28-94 (DATE) before me, Dennis Beers: Notary (NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"),

personally appeared William H. Orrick (NAME(S) OF SIGNER(S)),

☒ personally known to me - OR - ☒ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Dennis Beers
SIGNATURE OF NOTARY

[illegible]
[illegible]
Notary Public — California
SAN FRANCISCO COUNTY
My Comm. Expires JUN 27,1997

OPTIONAL SECTION

CAPACITY CLAIMED BY SIGNER

Though statute does not require the Notary to fill in the data below, doing so may prove invaluable to persons relying on the document.

☒ INDIVIDUAL
☐ CORPORATE OFFICER(S)
_____ TITLE(S)
☐ PARTNER(S) ☐ LIMITED ☐ GENERAL
☐ ATTORNEY-IN-FACT
☐ TRUSTEE(S)
☐ GUARDIAN/CONSERVATOR
☐ OTHER: _____

SIGNER IS REPRESENTING:
NAME OF PERSON(S) OR ENTITY(IES)

_____

OPTIONAL SECTION

THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED AT RIGHT:

Though the data requested here is not required by law, it could prevent fraudulent reattachment of this form.

TITLE OR TYPE OF DOCUMENT Grant of Easement
NUMBER OF PAGES 2 DATE OF DOCUMENT 6-28-94
SIGNER(S) OTHER THAN NAMED ABOVE _____

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dicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:

June 28, 1994

GRANTORS

WILLIAM H. ORRICK, JR. , Trustee
u/t/a dated September 26, 1989

BY: William H. Orrick Jr. Trustee
WILLIAM H. ORRICK, JR. , Trustee

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On _____ before

me, _____,
personally appeared

_____

_____

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed same in his/her/their authorized capacity(ies), and that by his/her/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

(This area for official notarial seal.)

WITNESS my hand and official seal.

Signature _____

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deann Nielsen
Deputy CLERK

94-069864

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

1994 SEP 27 AM 9:40

AND WHEN RECORDED MAIL TO

Name California Coastal Commission
Attention Legal Dept.
Street 45 Fremont Street, Suite 2000
City & State San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned owner(s) of Lot 47, as shown on that certain map entitled "Map of Seadrift subdivision No. One, Marin County, California," filed November 10, 1949, in Map Book 6, Page 92, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpen-

dicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:

Aug 13, 1994

GRANTORS

LEWIS H. BUTLER, SHEANA W. BUTLER

BY: Lewis H. Butler
LEWIS H. BUTLER

Sheana W. Butler
SHEANA W. BUTLER

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On AUGUST 13 1994 before me, ALBERT K. ENGEL, personally appeared

LEWIS H. BUTLER AND

SHEANA W. BUTLER

personally known to me ~~or proved to me on the basis of satisfactory evidence~~ to be the person(s) whose name(s) ~~is~~/are subscribed to the within instrument and acknowledged to me that ~~he~~/~~she~~/they executed same in ~~his/her~~/their authorized capacity(ies), and that by ~~his/her~~/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

(This area for official notarial seal.)

WITNESS my hand and official seal.

Signature Albert K. Engel

Albert K. Engel
Comm. #1005256
NOTARY PUBLIC CALIFORNIA
MARIN COUNTY
Comm. Expires Dec. 7, 1997
MGC1

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deann Nielsen
Deputy CLERK

94-069865

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

1994 SEP 27 AM 9:40

AND WHEN RECORDED MAIL TO

Name California Coastal Commission
Attention Legal Dept.
Street 45 Fremont Street, Suite 2000
City & State San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned owner(s) of Lot 48, as shown on that certain map entitled "Map of Seadrift subdivision No. One, Marin County, California," filed November 10, 1949, in Map Book 6, Page 92, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpen-

dicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:

June 28, 1994

GRANTORS

THOMAS S. ADAMS and SALLY C. ADAMS, as Trustees of the THOMAS S. AND SALLY C. ADAMS REVOCABLE TRUST dated January 5, 1990

BY: Thomas S. Adams Trustee
THOMAS S. ADAMS, Trustee

Sally C. Adams Trustee
SALLY C. ADAMS, Trustee

STATE OF ~~CALIFORNIA~~ Nevada)
COUNTY OF ~~MARIN~~ Douglas) ss.
)

On June 28, 1994 before me, JANE B. WILSON, personally appeared

THOMAS A. ADAMS, Trustee

SALLY C. ADAMS, TRUSTEE

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed same in his/her/their authorized capacity(ies), and that by his/her/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

(This area for official notarial seal.)

JANE B. WILSON
Notary Public — Nevada
Douglas County
My Appointment Expires July 20, 1997

WITNESS my hand and official seal.

Signature Jane B. Wilson

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deann Nielsen
Deputy CLERK

94-069866

RECORDING REQUESTED BY

1994 SEP 27 AM 9:40

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned owner(s) of Lot 49, as shown on that certain map entitled "Map of Seadrift subdivision No. One, Marin County, California," filed November 10, 1949, in Map Book 6, Page 92, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpen-

dicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:

7-15-94

GRANTORS

JAMES M. BARRINGTON, Trustee of the 1987 BARRINGTON FAMILY TRUST under the provisions of a Trust Agreement dated June 15, 1987

BY: Trustee

JAMES M. BARRINGTON, Trustee

STATE OF CALIFORNIA)
) ss.
COUNTY OF MARIN)

On JULY 15, 1994 before me, ALBERT K. ENGEL, personally appeared

JAMES M. BARRINGTON, TRUSTEE.

personally known to me or proved to me on the basis of satisfactory evidence to be the person(~~s~~) whose name(~~s~~) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed same in his/~~her/their~~ authorized capacity(~~ies~~), and that by his/~~her/their~~ signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

(This area for official notarial seal.)

Albert K. Engel
Comm. #1005256
NOTARY PUBLIC CALIFORNIA
MARIN COUNTY
Comm. Expires Dec. 7, 1997

WITNESS my hand and official seal.

Signature Albert K Engel

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Beann Nielsen
Deputy CLERK

94-069867

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned owner(s) of Lot 50, as shown on that certain map entitled "Map of Seadrift subdivision No. One, Marin County, California," filed November 10, 1949, in Map Book 6, Page 92, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpen-

dicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:

5/28/94

GRANTORS

JOSEPH A. MOORE and GLADYS GILLIG MOORE, as Trustees under that certain Trust Agreement dated December 14, 1993

BY: Joseph A. Moore, Trustee
Joseph A. Moore, Trustee

Gladys Gillig Moore, Trustee
Gladys Gillig Moore, Trustee

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On MAY 28, 1994 before me, ALBERT K. ENGEL, personally appeared

JOSEPH A. MOORE TRUSTEE

AND GLADYS GILLIG MOORE, TRUSTEE.

personally known to me ~~or proved to me on the basis of satisfactory evidence~~ to be the person(s) whose name(s) ~~is~~/are subscribed to the within instrument and acknowledged to me that ~~he/she/they~~/they executed same in ~~his/her~~/their authorized capacity(ies), and that by ~~his/her~~/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

(This area for official notarial seal.)

Albert K. Engel
Comm. #1005256
NOTARY PUBLIC CALIFORNIA
MARIN COUNTY
Comm. Expires Dec. 7, 1997

WITNESS my hand and official seal.

Signature Albert K Engel

Page 2 of 2.

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Doann Nielsen
Deputy CLERK

94-069868

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned owner(s) of Lot 51, as shown on that certain map entitled "Map of Seadrift subdivision No. One, Marin County, California," filed November 10, 1949, in Map Book 6, Page 92, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpen-

dicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:

July 1, 1994

GRANTORS

PETER R. ARRIGONI and PATRICIA A. ARRIGONI

BY: Peter R. Arrigoni
PETER R. ARRIGONI

Patricia A. Arrigoni
PATRICIA A. ARRIGONI

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On _____ before

me, _____,
personally appeared

_____

_____

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed same in his/her/their authorized capacity(ies), and that by his/her/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

(This area for official notarial seal.)

WITNESS my hand and official seal.

Signature _____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

No. 5907

State of CALIFORNIA

County of MARIN

On 7/1/94 (DATE) before me, NANCY KRATZER NOTARY, (NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC")

personally appeared Peter R ARRigoni AND PATRICIA L ARRigoni (NAME(S) OF SIGNER(S)),

☐ personally known to me - **OR** - ☒ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~/are subscribed to the within instrument and acknowledged to me that ~~he/she~~/they executed the same in ~~his/her~~/their authorized capacity(ies), and that by ~~his/her~~/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

NANCY KRATZER
COMM. # 1000077
Notary Public — California
MARIN COUNTY
My Comm. Expires MAR 13, 1998

NNA1

WITNESS my hand and official seal.

Nancy Kratzer
SIGNATURE OF NOTARY

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

☐ INDIVIDUAL
☐ CORPORATE OFFICER

_____
TITLE(S)

☐ PARTNER(S) ☐ LIMITED ☐ GENERAL
☐ ATTORNEY-IN-FACT
☐ TRUSTEE(S)
☐ GUARDIAN/CONSERVATOR
☐ OTHER: _____

SIGNER IS REPRESENTING:
NAME OF PERSON(S) OR ENTITY(IES)

_____

DESCRIPTION OF ATTACHED DOCUMENT

_____
TITLE OR TYPE OF DOCUMENT

_____
NUMBER OF PAGES

_____
DATE OF DOCUMENT

_____
SIGNER(S) OTHER THAN NAMED ABOVE

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RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deann Nielsen
Deputy CLERK

94-069869

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned owner(s) of Lot 52, as shown on that certain map entitled "Map of Seadrift, Sub. No. Two, in the County of Marin, California," filed November 5, 1956, in Map Book 9 at Page 62, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on

the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpendicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:

June 28, 1994

GRANTORS

GEORGE W. PASHA, III and JANET M. PASHA, Trustees of the GEORGE W. PASHA III and JANET M. PASHA 1980 LIVING TRUST DATED OCTOBER 31, 1980 AND AMENDED AND RESTATED IN ITS ENTIRETY ON OCTOBER 16, 1987

GEORGE W. PASHA, III, Trustee

JANET M. PASHA, Trustee

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On June 28, 1994 before me, JOELLE C. VOSSBRINK, personally appeared

GEORGE W. PASHA, III

JANET M. PASHA

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

JOELLE C. VOSSBRINK
COMM. 9968370
Notary Public-California
MARIN COUNTY
My Comm. Exp. June 29, 1996

(This area for official notarial seal.)

WITNESS my hand and official seal.

Signature

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deann Nielsen
Deputy CLERK

481630

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

1994 OCT -3 PM 1:30

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

94-070896

THIS STAMP CONFIRMS RECORDING DATA ONLY

GRANT OF EASEMENT

The undersigned owner(s) of Lot 53, as shown on that certain map entitled "Map of Seadrift, Sub. No. Two, in the County of Marin, California," filed November 5, 1956, in Map Book 9 at Page 62, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on

the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpendicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED: 7-25-94

GRANTORS
JAMES C. ALLEN and NANCY P. ALLEN

JAMES C. ALLEN

NANCY P. ALLEN

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On 7/25/94 before me, Ann Spelling,

personally appeared

James C. Allen &
Nancy P. Allen

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~/are subscribed to the within instrument and acknowledged to me that ~~he/she~~/they executed same in ~~his/her~~/their authorized capacity(ies), and that by ~~his/her~~/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

(This area for official notarial seal.)

ANN SPELLING
COMM. #997872
NOTARY PUBLIC - CALIFORNIA
MARIN COUNTY
My Comm. Expires Jan. 7, 1998

WITNESS my hand and official seal.

Signature Ann Spelling

ANN SPELLING
COMM. #997872
NOTARY PUBLIC - CALIFORNIA
MARIN COUNTY
My Comm. Expires Jan. 7, 1998

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Joann Nielsen
Deputy CLERK

4816

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

1994 OCT -3 PM 1:30

94-070897

THIS STAMP CONFIRMS RECORDING DATA ONLY

GRANT OF EASEMENT

The undersigned owner(s) of Lot 53, as shown on that certain map entitled "Map of Seadrift, Sub. No. Two, in the County of Marin, California," filed November 5, 1956, in Map Book 9 at Page 62, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on

the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpendicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED: 9/26/94

GRANTORS
TOM L. COOK and PATRICIA M. COOK

Tom L Cook
TOM L. COOK

Patricia M Cook
PATRICIA M. COOK

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On September 26, 1994 before me, GAIL ANNE GEARY, personally appeared

TOM L. COOK
PATRICIA M. COOK.

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed same in his/her/their authorized capacity(ies), and that by his/her/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

(This area for official notarial seal.)

GAIL ANNE GEARY
COMM.#1034111
NOTARY PUBLIC-CALIFORNIA
MARIN COUNTY
My Comm. Expires July 31, 1998

WITNESS my hand and official seal.

Signature Gail Anne Geary

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deanna Nielsen
Deputy CLERK

94-069870

RECORDING REQUESTED BY

1994 SEP 27 AM 9:40

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned owner(s) of Lot 55, as shown on that certain map entitled "Map of Seadrift, Sub. No. Two, in the County of Marin, California," filed November 5, 1956, in Map Book 9 at Page 62, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on

the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpendicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:

August 4, 1994

GRANTORS

DAVID E. LOMBARDI,JR., SUZANNE W. LOMBARDI

DAVID E. LOMBARDI,JR.

SUZANNE W. LOMBARDI

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On August 8, 1994 before

me, E. Ridgway,
personally appeared

Suzanne W. Lombardi

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed same in his/her/their authorized capacity(ies), and that by his/her/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

(This area for official notarial seal.)

E. RIDGWAY
Comm. #985190
NOTARY PUBLIC - CALIFORNIA
MARIN COUNTY
Comm. Expires Feb. 19, 1997

WITNESS my hand and official seal.

Signature E. Ridgway

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

No. 5907

State of California

County of San Francisco

On August 4, 1994 (DATE) before me, Mary Ellen Demarais Notary Public (NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC")

personally appeared David E. Lombardi, Jr (NAME(S) OF SIGNER(S))

☒ personally known to me - **OR** - ☐ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

MARY ELLEN DEMARAIS
COMM. # 1028604
Notary Public — California
SAN FRANCISCO COUNTY
My Comm. Expires JUN 24, 1998

WITNESS my hand and official seal.

Mary Ellen Demarais
SIGNATURE OF NOTARY

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

☒ INDIVIDUAL
☐ CORPORATE OFFICER

_____
TITLE(S)

☐ PARTNER(S) ☐ LIMITED ☐ GENERAL
☐ ATTORNEY-IN-FACT
☐ TRUSTEE(S)
☐ GUARDIAN/CONSERVATOR
☐ OTHER: _____

SIGNER IS REPRESENTING:
NAME OF PERSON(S) OR ENTITY(IES)

_____

DESCRIPTION OF ATTACHED DOCUMENT

Grant of Easement
TITLE OR TYPE OF DOCUMENT

two (2)
NUMBER OF PAGES

August 4, 1994
DATE OF DOCUMENT

none
SIGNER(S) OTHER THAN NAMED ABOVE

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RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deann Nielsen
Deputy CLERK

94-069871

RECORDING REQUESTED BY

1994 SEP 27 AM 9:40

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned owner(s) of Lot 56, as shown on that certain map entitled "Map of Seadrift, Sub. No. Two, in the County of Marin, California," filed November 5, 1956, in Map Book 9 at Page 62, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on

the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpendicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:

11, July, 1994

GRANTORS

CHRISTINE RANDEL, AGNES SHAPIRO

Christine Randel

CHRISTINE RANDEL

Agnes Shapiro

AGNES SHAPIRO

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On 11, July, 1994 before me, DANIEL F. CAMPBELL, personally appeared

CHRISTINE RANDEL

AGNES SHAPIRO

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

OFFICIAL SEAL
Daniel F. Campbell
NOTARY PUBLIC CALIFORNIA
MARIN COUNTY
My Comm. Expires May 30, 1995

(This area for official notarial seal.)

WITNESS my hand and official seal.

Signature Daniel F. Campbell

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deann Nielsen
Deputy CLERK

94-069872

RECORDING REQUESTED BY

1994 SEP 27 AM 9:40

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned owner(s) of Lot 58, as shown on that certain map entitled "Map of Seadrift, Sub. No. Two, in the County of Marin, California," filed November 5, 1956, in Map Book 9 at Page 62, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on

the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpendicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:

July 3, 1994

GRANTORS

EUGENE MIRONOFF
VERONICA C. MIRONOFF

Eugene Mironoff

EUGENE MIRONOFF

Veronica C. Mironoff

VERONICA C. MIRONOFF

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On July 3, 1994 before me, ALBERT K. ENGEL personally appeared

EUGENE MIRONOFF AND

VERONICA C. MIRONOFF

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~/are subscribed to the within instrument and acknowledged to me that ~~he/she~~/they executed same in ~~his/her~~/their authorized capacity(ies), and that by ~~his/her~~/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

(This area for official notarial seal.)

Albert K. Engel
Comm. #1005256
NOTARY PUBLIC CALIFORNIA
MARIN COUNTY
Comm. Expires Dec. 7 1997

WITNESS my hand and official seal.

Signature Albert K Engel

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deann Nielsen
Deputy CLERK

94-069873

RECORDING REQUESTED BY

1994 SEP 27 AM 9:40

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned owner(s) of Lot 59, as shown on that certain map entitled "Map of Seadrift, Sub. No. Two, in the County of Marin, California," filed November 5, 1956, in Map Book 9 at Page 62, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on

the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpendicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED: 7/30/94

GRANTORS

MARTIN TERPLAN and ELIZABETH S. TERPLAN, Trustees of the TERPLAN 1992 FAMILY TRUST, established by Declaration of Trust dated June 8, 1992

Martin L. Terplan, Trustee

MARTIN TERPLAN, Trustee

Elizabeth S. Terplan, Trustee

ELIZABETH S. TERPLAN, Trustee

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On July 30, 1994 before me, ALBERT K. ENGEL, personally appeared

MARTIN TERPLAN, TRUSTEE

AND ELIZABETH S. TERPLAN, TRUSTEE

personally known to me ~~or proved to me on the basis of satisfactory evidence~~ to be the person(s) whose name(s) ~~is~~/are subscribed to the within instrument and acknowledged to me that ~~he/she~~/they executed same in ~~his/her~~/their authorized capacity(ies), and that by ~~his/her~~/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

(This area for official notarial seal.)

Albert K. Engel
Comm. #1005256
NOTARY PUBLIC CALIFORNIA
MARIN COUNTY
Comm. Expires Dec. 7, 1997

WITNESS my hand and official seal.

Signature Albert K. Engel

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deann Nielsen
Deputy CLERK

94-069874

RECORDING REQUESTED BY

1994 SEP 27 AM 9:40

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned owner(s) of Lot 60, as shown on that certain map entitled "Map of Seadrift, Sub. No. Two, in the County of Marin, California," filed November 5, 1956, in Map Book 9 at Page 62, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on

the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpendicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:
June 24, 1994

GRANTORS

The HERBERT T. NADAI REVOCABLE TRUST, HERBERT T. NADAI, Trustee dated April 29, 1993

H T Nadai, Trustee

HERBERT T. NADAI, Trustee

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On JUNE 24, 1994 before me, ALBERT K. ENGEL, personally appeared

HERBERT T. NADAI, TRUSTEE

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed same in his/~~her/their~~ authorized capacity(~~ies~~), and that by his/~~her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

(This area for official notarial seal.)

Albert K. Engel
Comm. #1005256
NOTARY PUBLIC CALIFORNIA
MARIN COUNTY
Comm. Expires Dec. 7 1997

WITNESS my hand and official seal.

Signature Albert K. Engel

Page 2 of 2.

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deanne Nielsen
Deputy CLERK

94-069875

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned owner(s) of Lot 61, as shown on that certain map entitled "Map of Seadrift, Sub. No. Two, in the County of Marin, California," filed November 5, 1956, in Map Book 9 at Page 62, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on

the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpendicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED: June 24, 1994

GRANTORS

The HERBERT T. NADAI REVOCABLE TRUST, HERBERT T. NADAI, Trustee dated April 29, 1993

H.T. Nadai, Trustee

HERBERT T. NADAI, Trustee

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On JUNE 24, 1994 before me, ALBERT K. ENGEL, personally appeared

HERBERT T. NADAI, TRUSTEE

personally known to me or proved to me on the basis of satisfactory evidence to be the person(~~s~~) whose name(~~s~~) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed same in his/~~her/their~~ authorized capacity(~~ies~~), and that by his/~~her/their~~ signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

(This area for official notarial seal.)

Albert K. Engel
Comm. #1005256
NOTARY PUBLIC CALIFORNIA
MARIN COUNTY
Comm. Expires Dec. 7 1997

WITNESS my hand and official seal.

Signature Albert K Engel

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deann Nielsen
Deputy CLERK

94-082735

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

THIS STAMP CONFIRMS RECORDING DATA ONLY

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

195-331-11

GRANT OF EASEMENT

The undersigned owner(s) of Lot 62, as shown on that certain map entitled "Map of Seadrift subdivision No. Two, Marin County, California," filed November 5, 1956, in Map Book 9, Page 62, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpen-

dicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:
10/1/94

GRANTORS

WILLIAM B. MACCOLL, JR. AND STEPHANIE C. MACCOLL AS TRUSTEES OF THE WILLIAM AND STEPHANIE MACCOLL REVOCABLE TRUST, IAN COATS MACCOLL, LAUREN MACCOLL

William B. MacColl Trustee
WILLIAM B. MACCOLL, JR., TRUSTEE

Stephanie C. MacColl Trustee
STEPHANIE C. MACCOLL, TRUSTEE

IAN COATS MACCOLL

Lauren MacColl
LAUREN MACCOLL

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On OCTOBER 1, 1994. before me, ALBERT K ENGEL, personally appeared WILLIAM B MACCOLL JR TRUSTEE STEPHANIE C MACCOLL TRUSTEE AND LAUREN MACCOLL

personally known to me ~~or proved~~ to ~~me on the basis of satisfactory evi-~~ dence to be the person(s) whose name(s) ~~is~~/are subscribed to the within instrument and acknowledged to

me that ~~he/she~~/they executed same in ~~his/her~~/their authorized capacity(ies), and that by ~~his/her~~/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

(This area for official notarial seal.)

WITNESS my hand and official seal.

Signature Albert K Engel

MGC1 Albert K. Engel Comm. #1005256 NOTARY PUBLIC CALIFORNIA MARIN COUNTY Comm. Expires Dec. 7 1997 MGC1

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

No. 5907

State of California

County of San Francisco

On 10-31-94 (DATE) before me, Giuliana Marciano (NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"),

personally appeared Fan Coats Maccoll (NAME(S) OF SIGNER(S)),

☐ personally known to me - **OR** - ☒ proved to me on the basis of satisfactory evidence to be the person(~~s~~) whose name(~~s~~) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/h~~er/their~~ authorized capacity(~~ies~~), and that by his/h~~er/their~~ signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

GIULIANA MARCIANO
COMM. #997650
Notary Public-California
SAN FRANCISCO COUNTY
My Comm. Exp. July 20, 1997

WITNESS my hand and official seal.

Giuliana Marciano
SIGNATURE OF NOTARY

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

☐ INDIVIDUAL
☐ CORPORATE OFFICER

_____
TITLE(S)

☐ PARTNER(S) ☐ LIMITED ☐ GENERAL
☐ ATTORNEY-IN-FACT
☐ TRUSTEE(S)
☐ GUARDIAN/CONSERVATOR
☐ OTHER: _____

SIGNER IS REPRESENTING:
NAME OF PERSON(S) OR ENTITY(IES)

DESCRIPTION OF ATTACHED DOCUMENT

Grant Easement
TITLE OR TYPE OF DOCUMENT

2
NUMBER OF PAGES

10-31-94
DATE OF DOCUMENT

SIGNER(S) OTHER THAN NAMED ABOVE

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RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deann Nielsen
Deputy CLERK

94-069876

ORIGINAL

RECORDING REQUESTED BY

1994 SEP 27 AM 9:40

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned owner(s) of Lot 63, as shown on that certain map entitled "Map of Seadrift subdivision No. Two, Marin County, California," filed November 5, 1956, in Map Book 9, Page 62, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on

Approved:

ORIGINAL

the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpendicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:

5-13-94

GRANTORS

CLARENCE J. WOODARD

Clarence J. Woodard

STATE OF CALIFORNIA)
Contra Costa) ss.
COUNTY OF ~~MARIN~~)

On May 13, 1994 before me, Karen Pengelly, personally appeared

CLARENCE J. WOODARD

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed same in his/her/their authorized capacity(ies), and that by his/her/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

(This area for official notarial seal.)

OFFICIAL SEAL
KAREN PENGELLY
NOTARY PUBLIC CALIFORNIA
CONTRA COSTA COUNTY
My Comm Expires Nov 25 1994

WITNESS my hand and official seal.

Signature Karen Pengelly

Approved:
RBS

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: Supervisors Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: Supervisors Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deann Nielsen
Deputy CLERK

94-069877

RECORDING REQUESTED BY

1994 SEP 27 AM 9:40

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned owner(s) of Lot 64, as shown on that certain map entitled "Map of Seadrift, Sub. No. Two, in the County of Marin, California," filed November 5, 1956, in Map Book 9 at Page 62, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on

the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpendicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED: 7-14-94

GRANTORS
DONALD F. WILCOX and SHARON K. WILCOX, as Trustees of the DONALD and SHARON WILCOX TRUST dated August 20, 1987

Donald F. Wilcox Trustee
DONALD F. WILCOX, Trustee

Sharon K. Wilcox Trustee
SHARON K. WILCOX, Trustee

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On July 14 before me, Susan M. Williamsen, personally appeared

Donald F. Wilcox
Sharon K. Wilcox

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed same in his/her/their authorized capacity(ies), and that by his/her/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

(This area for official notarial seal.)

SUSAN M. WILLIAMSEN
Comm. # 960347
NOTARY PUBLIC - CALIFORNIA
Marin County
My Comm. Expires Mar. 12, 1996

WITNESS my hand and official seal.

Signature Susan M. Williamsen

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deanna Nielsen
Deputy CLERK

94-069878

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned owner(s) of Lot 65, as shown on that certain map entitled "Map of Seadrift, Sub. No. Two, in the County of Marin, California," filed November 5, 1956, in Map Book 9 at Page 62, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on

the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpendicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED: 8/4/94

GRANTORS
RICHARD B. MADDEN and JOAN F. MADDEN, Trustees of the RICHARD MADDEN 1992 LAND TRUST and RICHARD B. MADDEN and JOAN F. MADDEN, Trustees of the JOAN MADDEN 1992 LAND TRUST

Richard B. Madden, Trustee
RICHARD B. MADDEN, Trustee

Joan F. Madden, Trustee
JOAN F. MADDEN, Trustee

Richard B. Madden, Trustee
RICHARD B. MADDEN, Trustee

Joan F. Madden, Trustee
JOAN F. MADDEN, Trustee

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On AUGUST 4, 1994 before me, LARA VASQUEZ, personally appeared

RICHARD B. MADDEN
JOAN F MADDEN

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed same in his/her/their authorized capacity(ies), and that by his/her/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

(This area for official notarial seal.)

WITNESS my hand and official seal.

Signature Lara Vasquez

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: Supervisors Annette Rose, Harold Brown, Gary Giacomini

NOES: none

ABSENT: Supervisors Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deann Nielsen
Deputy CLERK

94-069879

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

1994 SEP 27 AM 9:40

GRANT OF EASEMENT

The undersigned owner(s) of Lot 66, as shown on that certain map entitled "Map of Seadrift subdivision No. Two, Marin County, California," filed November 5, 1956, in Map Book 9, Page 62, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpen-

dicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED: 8-18-94

GRANTORS

WILLIAM F. SHARON, Trustee of the WILLIAM F. SHARON SEPARATE PROPERTY TRUST

William F. Sharon Tr.

WILLIAM F. SHARON, Trustee

STATE OF CALIFORNIA)
)ss.
COUNTY OF ~~MARIN~~ ALAMEDA)

On August 19, 1994 before

me, Susan L. McCreary,
personally appeared
William F. Sharon, Trustee

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to

me that he/she/they executed same in his/her/their authorized capacity(ies), and that by his/her/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

SUSAN L. McCREARY
COMM. #990967
NOTARY PUBLIC-CALIFORNIA
COUNTY OF ALAMEDA
My Comm. Expires May 17, 1997

(This area for official notarial seal.)

WITNESS my hand and official seal.

Signature Susan L. McCreary

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Revis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deann Nielsen
Deputy CLERK

94-069880

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

1994 SEP 27 AM 9:40

GRANT OF EASEMENT

The undersigned owner(s) of Lot 67, as shown on that certain map entitled "Map of Seadrift, Sub. No. Two, in the County of Marin, California," filed November 5, 1956, in Map Book 9 at Page 62, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on

the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpendicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:

Aug 5, 1994
the

GRANTORS

LEONARD M. SPERRY, JR. and RITA L. SPERRY, Trustees of the SPERRY FAMILY TRUST UNDER AGREEMENT dated August 5, 1992

Leonard M Sperry Jr Trustee
LEONARD M. SPERRY, JR., Trustee

Rita L Sperry, Trustee
RITA L. SPERRY, Trustee

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On August 5, 1994 before me, Kyoko M. Wills, personally appeared

Leonard M. Sperry, Jr.
and Rita L. Sperry

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Kyoko M. Wills

MGC1 Kyoko M. Wills Comm. #1015423 NOTARY PUBLIC - CALIFORNIA MARIN COUNTY Comm. Expires Jan. 23, 1998 MGC1

(This area for official notarial seal.)

MGC1 Kyoko M. Wills Comm. #1015423 NOTARY PUBLIC CALIFORNIA MARIN COUNTY Comm. Expires Jan. 23, 1998 MGC1

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Joann Nielsen
Deputy CLERK

THIS STAMP CONFIRMS
RECORDING DATA ONLY

94-069881

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

1994 SEP 27 PM 3:40

GRANT OF EASEMENT

The undersigned owner(s) of Lot 68, as shown on that certain map entitled "Map of Seadrift, Sub. No. Two, in the County of Marin, California," filed November 5, 1956, in Map Book 9 at Page 62, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on

the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpendicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:

Aug 5, 1994
the

GRANTORS

LEONARD M. SPERRY,JR. and RITA L. SPERRY, Trustees of the SPERRY FAMILY TRUST UNDER AGREEMENT dated August 5, 1992

Leonard M Sperry Jr, Trustee
LEONARD M. SPERRY, JR., Trustee

Rita L Sperry, Trustee
RITA L. SPERRY, Trustee

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On August 5, 1994 before me, Kyoko M. Wills, personally appeared

Leonard M. Sperry, Jr.
and Rita L. Sperry

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

(This area for official notarial seal.)

Kyoko M. Wills
Comm. #1015423
NOTARY PUBLIC - CALIFORNIA
MARIN COUNTY
Comm. Expires Jan. 23, 1998

WITNESS my hand and official seal.

Signature Kyoko M. Wills

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Joann Nielsen
Deputy CLERK

94-069882

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned owner(s) of Lot 69, as shown on that certain map entitled "Map of Seadrift, Sub. No. Two, in the County of Marin, California," filed November 5, 1956, in Map Book 9 at Page 62, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on

the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpendicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:

June 30, 1994

GRANTORS

THOMAS E. MORTON and ANNE L. MORTON, WILLIAM M. WARA and DIANE W. WARA

Thomas E. Morton
THOMAS E. MORTON

Anne L. Morton
ANNE L. MORTON

William M. Wara
WILLIAM M. WARA

Diane W. Wara
DIANE W. WARA

STATE OF CALIFORNIA)
COUNTY OF ~~MARIN~~ San Francisco) ss.
)

On June 30, 1994 before me, KATHLEEN A. CHRISTENSEN personally appeared

Thomas E. Morton and

Anne L. Morton

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed same in his/her/their authorized capacity(ies), and that by his/her/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

OFFICIAL SEAL
Kathleen A. Christensen
NOTARY PUBLIC
SAN FRANCISCO COUNTY, CALIFORNIA
My commission expires Sept. 23, 1994

(This area for official notarial seal.)

WITNESS my hand and official seal.

Signature Kathleen A. Christensen

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

No. 5907

State of CALIFORNIA

County of SAN FRANCISCO

On 7-5-94 (DATE) before me, Joseph E. Libs (NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"),

personally appeared William M Wara, Diane W. Wara (NAME(S) OF SIGNER(S)),

☐ personally known to me - **OR** - ☒ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

JOSEPH EDWARD LIBS
COMM. # 1018117
Notary Public — California
SAN FRANCISCO COUNTY
My Comm. Expires FEB 21, 1998

WITNESS my hand and official seal.

Joseph E Libs
SIGNATURE OF NOTARY

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

☐ INDIVIDUAL
☐ CORPORATE OFFICER

TITLE(S)

☒ PARTNER(S) ☐ LIMITED ☐ GENERAL

☐ ATTORNEY-IN-FACT
☐ TRUSTEE(S)
☐ GUARDIAN/CONSERVATOR
☐ OTHER:

SIGNER IS REPRESENTING:
NAME OF PERSON(S) OR ENTITY(IES)
selves

DESCRIPTION OF ATTACHED DOCUMENT

beachfront settlement agreement
TITLE OR TYPE OF DOCUMENT

five
NUMBER OF PAGES

6-3-94
DATE OF DOCUMENT

Thomas E Morton, Anne L. Morton
SIGNER(S) OTHER THAN NAMED ABOVE

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RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Joann Nielsen
Deputy CLERK

94-069883

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned owner(s) of Lot 70, as shown on that certain map entitled "Map of Seadrift, Sub. No. Two, in the County of Marin, California," filed November 5, 1956, in Map Book 9 at Page 62, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on

the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpendicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:

June 30, 1994
~~the~~

GRANTORS

JOHN E. CAHILL, JR., GERALD K. CAHILL, EDWARD L. CAHILL

JOHN E. CAHILL, JR.

GERALD K. CAHILL

EDWARD L. CAHILL

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On JUNE 30, 1994 before me, ELVIRA S. CORPUZ, personally appeared

JOHN E. CAHILL JR

GERALD K. CAHILL

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed same in his/her/their authorized capacity(ies), and that by his/her/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

(This area for official notarial seal.)

ELVIRA S. CORPUZ
COMM. #972518
NOTARY PUBLIC-CALIFORNIA
City & County of San Francisco
My Comm. Expires SEPT. 2, 1996

WITNESS my hand and official seal.

Signature Elvira S. Corpuz

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT No. 5907

State of CALIFORNIA

County of MARIN

On JULY 2, 1994 (DATE) before me, ALBERT K. ENGEL NOTARY PUBLIC (NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC")

personally appeared EDWARD L. CAHILL (NAME(S) OF SIGNER(S)),

☐ personally known to me - **OR** - ☒ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

Albert K. Engel
Comm. #1005256
NOTARY PUBLIC CALIFORNIA
MARIN COUNTY
Comm. Expires Dec. 7 1997
MGC1

WITNESS my hand and official seal.

Albert K. Engel
SIGNATURE OF NOTARY

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

☒ INDIVIDUAL
☐ CORPORATE OFFICER

TITLE(S)

☐ PARTNER(S) ☐ LIMITED ☐ GENERAL
☐ ATTORNEY-IN-FACT
☐ TRUSTEE(S)
☐ GUARDIAN/CONSERVATOR
☐ OTHER:

SIGNER IS REPRESENTING:
NAME OF PERSON(S) OR ENTITY(IES)

DESCRIPTION OF ATTACHED DOCUMENT

GRANT OF EASEMENT
TITLE OR TYPE OF DOCUMENT

2.
NUMBER OF PAGES

6-30-94.
DATE OF DOCUMENT

GERALD K. CAHILL AND JOHN E. CAHILL, JR.
SIGNER(S) OTHER THAN NAMED ABOVE

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RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deann Nielsen
Deputy CLERK

481630

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

94-070898

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

THIS STAMP CONFIRMS RECORDING DATA ONLY

GRANT OF EASEMENT

The undersigned owner(s) of Lot 71, as shown on that certain map entitled "Map of Seadrift, Sub. No. Two, in the County of Marin, California," filed November 5, 1956, in Map Book 9 at Page 62, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on

the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpendicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:

July 6, 1994

GRANTORS

MYRA MAY STAPLER and DANIEL O. ABBOT , Trustees of the MYRA MAY STAPLER TRUST dated February 22, 1991

Myra May Stapler - Trustee

MYRA MAY STAPLER, Trustee

Daniel O. Abbot

DANIEL O. ABBOT , Trustee

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On July 6th 1994 before me, Marie E McAdams, ~~person~~ally appeared

Myra May Stapler - Trustee

~~personally known to me~~ or proved to me on the basis of satisfactory evidence to be the person(~~s~~) whose name(~~s~~) is/~~are~~ subscribed to the within instrument and acknowledged to me that ~~he~~/she/~~they~~ executed same in ~~his~~/her/~~their~~ authorized capacity(~~ies~~), and that by ~~his~~/her/ ~~their~~ signature(s) on the instrument the person(~~s~~), or the entity upon behalf of which the person(s) acted, executed the instrument.

OFFICIAL SEAL -1020074
MARIE E. McADAMS
NOTARY PUBLIC - CALIF.
COUNTY OF MARIN
My Comm. Exp. Mar. 13, 1998

(This area for official notarial seal.)

WITNESS my hand and official seal.

Signature Marie E McAdams

Page 2 of 2.

STATE OF CALIFORNIA

County of San Bernardino

Title or type of Document Grant of Easement
Number of Pages 2 Date of Document 7/6/94
Signer(s) Other than named below Myra May Stapler

On July 8, 1994 before me Patricia Ann Moedl personally appeared
DANIEL O. ABBOT----------

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(ies), and that by his/~~her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Patricia Ann Moedl (Seal)
Notary Public in and for said County and State

PATRICIA ANN MOEDL
Comm. # 1013598
NOTARY PUBLIC - CALIFORNIA
San Bernardino County
My Comm. Expires Jan. 13, 1998

UD01 (Rev. 4/94)

STATE OF CALIFORNIA

County of _____

Title or type of Document _____
Number of Pages _____ Date of Document _____
Signer(s) Other than named below _____

On _____ before me _____ personally appeared

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by this/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature _____ (Seal)
Notary Public in and for said County and State

UD01 (Rev. 4/94)

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deann Nielsen
Deputy CLERK

94-069884

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

1994 SEP 27 AM 8:40

GRANT OF EASEMENT

The undersigned owner(s) of Lot 72, as shown on that certain map entitled "Map of Seadrift, Sub. No. Two, in the County of Marin, California," filed November 5, 1956, in Map Book 9 at Page 62, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN FRANCISCO)

(SEAL)

On July 14, 1994, before me, Leslie I. Ochoa, Notary Public, personally appeared

Marvin D. Morgenstein,

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Leslie I. Ochoa

Notary's Signature

the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpendicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED: July 14, 1994

GRANTORS
MARVIN MORGENSTEIN

Marvin Morgenstein
MARVIN MORGENSTEIN

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On _____ before

me, _____,

personally appeared

_____

_____

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed same in his/her/their authorized capacity(ies), and that by his/her/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

(This area for official notarial seal.)

WITNESS my hand and official seal.

Signature _____

Page 2 of 2.

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis .

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deann Nielsen
Deputy CLERK

94-069885

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned owner(s) of Lot 73, as shown on that certain map entitled "Map of Seadrift, Sub. No. Two, in the County of Marin, California," filed November 5, 1956, in Map Book 9 at Page 62, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

No. 515

State of California
County of San Francisco

On 7/15/94 (DATE) before me, John Noble (NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"),

personally appeared Steven D. Morgan (NAME(S) OF SIGNER(S)),

[X] personally known to me - OR - [ ] proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

OFFICIAL SEAL
JOHN NOBLE
NOTARY PUBLIC - CALIFORNIA
City & County of San Francisco
My Comm. Expires April 28, 1995

WITNESS my hand and official seal.

SIGNATURE OF NOTARY

OPTIONAL SECTION

CAPACITY CLAIMED BY SIGNER

Though statute does not require the Notary to fill in the data below, doing so may prove invaluable to persons relying on the document.

- [ ] INDIVIDUAL
- [ ] CORPORATE OFFICER(S) _____ TITLE(S)
- [ ] PARTNER(S) [ ] LIMITED [ ] GENERAL
- [ ] ATTORNEY-IN-FACT
- [X] TRUSTEE(S)
- [ ] GUARDIAN/CONSERVATOR
- [ ] OTHER: _____

SIGNER IS REPRESENTING:
NAME OF PERSON(S) OR ENTITY(IES)

OPTIONAL SECTION

THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED AT RIGHT:

Though the data requested here is not required by law, it could prevent fraudulent reattachment of this form.

TITLE OR TYPE OF DOCUMENT Easement

NUMBER OF PAGES _____ DATE OF DOCUMENT _____

SIGNER(S) OTHER THAN NAMED ABOVE _____

the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpendicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:

July 6, 1994

GRANTORS

MARION L. MORGAN and STEVEN D. MORGAN, Trustees of the Marion L. Morgan Trust One

Marion L. Morgan, Trustee
MARION L. MORGAN, Trustee

Trustee
STEVEN D. MORGAN, Trustee

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On JULY 6, 1994 before me, ALBERT K. ENGEL personally appeared

MARION L. MORGAN, TRUSTEE

personally known to me or proved to me on the basis of satisfactory evidence to be the person(~~s~~) whose name(~~s~~) is/~~are~~ subscribed to the within instrument and acknowledged to me that ~~he~~/she/~~they~~ executed same in ~~his~~/her/~~their~~ authorized capacity(~~ies~~), and that by ~~his~~/her/ ~~their~~ signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

(This area for official notarial seal.)

Albert K. Engel
Comm. #1005256
NOTARY PUBLIC CALIFORNIA
MARIN COUNTY
Comm. Expires Dec. 7 1997

WITNESS my hand and official seal.

Signature Albert K. Engel

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deann Nielsen
Deputy CLERK

94-069886

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

1994 SEP 27 AM 9:40

GRANT OF EASEMENT

The undersigned owner(s) of Lot 74, as shown on that certain map entitled "Map of Seadrift, Sub. No. Two, in the County of Marin, California," filed November 5, 1956, in Map Book 9 at Page 62, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on

the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpendicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:
June 27 1994

GRANTORS

STEVEN W. WISENBAKER, Trustee
WISENBAKER 1992 TRUST

Steven W. Wisenbaker
STEVEN W. WISENBAKER, Trustee
Trustee

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On June 27, 1994 before me, Diana G. DeGraff, personally appeared

Steven W. Wisenbaker

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed same in his/her/their authorized capacity(ies), and that by his/her/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

DIANA G. DE GRAFF
COMM. # 975487
Notary Public — California
MARIN COUNTY
My Comm. Expires OCT 18, 1996

(This area for official notarial seal.)

WITNESS my hand and official seal.

Signature Diana G. DeGraff

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deann Nielsen
Deputy CLERK

94-069887

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned owner(s) of Lot 75, as shown on that certain map entitled "Map of Seadrift, Sub. No. Two, in the County of Marin, California," filed November 5, 1956, in Map Book 9 at Page 62, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on

the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpendicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:

the July 2, 1994

GRANTORS

JOSEPH H. FLAHAVEN, MARY J. FLAHAVEN

Joseph H. Flahaven
JOSEPH H. FLAHAVEN

Mary J. Flahaven
MARY J. FLAHAVEN

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On JULY 2. 1994 before me, ALBERT K. ENGEL personally appeared

JOSEPH H. FLAHAVEN AND MARY J FLAHAVEN

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~/are subscribed to the within instrument and acknowledged to me that ~~he/she~~/they executed same in ~~his/her~~/their authorized capacity(ies), and that by ~~his/her~~/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

(This area for official notarial seal.)

Albert K. Engel
Comm. #1005256
NOTARY PUBLIC CALIFORNIA
MARIN COUNTY
Comm. Expires Dec. 7, 1997

WITNESS my hand and official seal.

Signature Albert K. Engel

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis.

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deann Nielsen
Deputy CLERK

94-069888

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned owner(s) of Lot 76, as shown on that certain map entitled "Map of Seadrift, Sub. No. Two, in the County of Marin, California," filed November 5, 1956, in Map Book 9 at Page 62, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on

the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpendicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:

July 19, 1994

GRANTORS

BROOKS WALKER, JR. and JOHN CLINTON WALKER as Trustees Under That Certain Agreement dated December 21, 1989

Brooks Walker Trustee

BROOKS WALKER, JR., Trustee

TRUSTEE

JOHN CLINTON WALKER, Trustee

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On July 19, 1994 before me, Audrey S Dodic, personally appeared

Brooks Walker Jr
John Clinton Walker

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~/are subscribed to the within instrument and acknowledged to me that ~~he/she~~/they executed same in ~~his/her~~/their authorized capacity(ies), and that by ~~his/her~~/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

OFFICIAL SEAL
AUDREY S. DODIC
Notary Public-California
SAN FRANCISCO COUNTY
My Comm. Exp. Sept. 26, 1995

(This area for official notarial seal.)

WITNESS my hand and official seal.

Signature Audrey S Dodic

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Doann Nielsen
Deputy CLERK

94-069889

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned owner(s) of Lot 78, as shown on that certain map entitled "Map of Seadrift, Sub. No. Two, in the County of Marin, California," filed November 5, 1956, in Map Book 9 at Page 62, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on

the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpendicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:

7-18-94

GRANTORS

JEAN H. BRIGGS, Trustee of the BRIGGS RESIDENCE TRUST U/A/D July 29, 1993, and Successor Trustees thereunder

Jean H. Briggs Trustee

JEAN H. BRIGGS, Trustee

STATE OF CALIFORNIA)
)ss.
COUNTY OF ~~MARIN~~ Contra Costa)

On July 18, 1994 before me, Susan F. Divjak, personally appeared

Jean H. Briggs

~~personally known to~~ me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

Susan F. Divjak
Comm. #994360
NOTARY PUBLIC - CALIFORNIA
CONTRA COSTA COUNTY
Comm. Expires May 9, 1997

(This area for official notarial seal.)

WITNESS my hand and official seal.

Signature Susan F. Divjak

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deann Nielsen
Deputy CLERK

94-069890

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name California Coastal Commission
Attention Legal Dept.
Street 45 Fremont Street, Suite 2000
City & State San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned owner(s) of Lot 80, as shown on that certain map entitled "Map of Seadrift, Sub. No. Two, in the County of Marin, California," filed November 5, 1956, in Map Book 9 at Page 62, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on

Approved:

the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpendicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:

2 June 94

GRANTORS

Susan Bently

Susan Bently

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On JUNE 2, 1994 before me, ALBERT K. ENGEL, personally appeared

SUSAN BENTLY

personally known to me ~~or proved~~ to me ~~on the basis of satisfactory~~ evidence to be the person(~~s~~) whose name(~~s~~) is/~~are~~ subscribed to the within instrument and acknowledged to me that ~~he~~/she/~~they~~ executed same in ~~his~~/her/~~their~~ authorized capacity(~~ies~~), and that by ~~his~~/her/ ~~their~~ signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

(This area for official notarial seal.)

Albert K. Engel
Comm. #1005256
NOTARY PUBLIC CALIFORNIA
MARIN COUNTY
Comm. Expires Dec. 7 1997

WITNESS my hand and official seal.

Signature Albert K. Engel

Approved:

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deann Nielsen
Deputy CLERK

94-069891

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned owner(s) of Lot 81, as shown on that certain map entitled "Map of Seadrift, Sub. No. Two, in the County of Marin, California," filed November 5, 1956, in Map Book 9 at Page 62, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on

the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpendicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:

July 19, 1994

GRANTORS

BROOKS WALKER, JR. and JOHN CLINTON WALKER as Trustees Under That Certain Agreement dated December 21, 1989

Brooks Walker Jr. Trustee

BROOKS WALKER, JR., Trustee

TRUSTEE

JOHN CLINTON WALKER, Trustee

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On July 19, 1994 before me, Audrey S. Dodic, personally appeared

Brooks Walker, Jr.
John Clinton Walker

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~/are subscribed to the within instrument and acknowledged to me that ~~he/she~~/they executed same in ~~his/her~~/their authorized capacity(ies), and that by ~~his/her~~/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

(This area for official notarial seal.)

OFFICIAL SEAL
AUDREY S. DODIC
Notary Public-California
SAN FRANCISCO COUNTY
My Comm. Exp. Sept. 26, 1995

WITNESS my hand and official seal.

Signature Audrey S. Dodic

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deann Nielsen
Deputy CLERK

94-069892

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

1994 SEP 27 AM 9:40

GRANT OF EASEMENT

The undersigned owner(s) of Lot 82, as shown on that certain map entitled "Map of Seadrift, Sub. No. Two, in the County of Marin, California," filed November 5, 1956, in Map Book 9 at Page 62, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on

the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpendicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:

July 11, 1994

GRANTORS

ROBERT SETRAKIAN and SCOTT HOWARD SETRAKIAN, Trustees of the ROBERT SETRAKIAN 1987 TRUST dated November 30, 1987

ROBERT SETRAKIAN, Trustee

SCOTT HOWARD SETRAKIAN, Trustee

STATE OF CALIFORNIA)
SAN FRANCISCO) ss.
COUNTY OF ~~MARIN~~)

On 11 July 1994 before me, James D. Phillips, personally appeared

Scott Howard Setrakian

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed same in his/her/their authorized capacity(ies), and that by his/her/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

(This area for official notarial seal.)

JAMES D. PHILLIPS 1000748 NOTARY PUBLIC CALIFORNIA City and County of San Francisco MY COMM. EXPIRES NOV. 10, 1997

WITNESS my hand and official seal.

Signature James D. Phillips

Page 2 of 2.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

No. 5907

State of CALIFORNIA

County of SAN FRANCISCO

On August 04, 1994 (DATE) before me, Lee D. Seifert (NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"),

personally appeared Robert Setrakian (NAME(S) OF SIGNER(S)),

☒ personally known to me - **OR** - ☒ proved to me on the basis of satisfactory evidence to be the person(~~s~~) whose name(~~s~~) is/are subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(ies), and that by his/~~her/their~~ signature(s) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

LEE D. SEIFERT
COMM. # 946766
Notary Public — California
SAN FRANCISCO COUNTY
My Comm. Expires OCT 31, 1995

WITNESS my hand and official seal.

Lee D. Seifert
SIGNATURE OF NOTARY

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

☐ INDIVIDUAL
☐ CORPORATE OFFICER

_____ TITLE(S)

☐ PARTNER(S) ☐ LIMITED ☐ GENERAL
☐ ATTORNEY-IN-FACT
☐ TRUSTEE(S)
☐ GUARDIAN/CONSERVATOR
☐ OTHER: _____

SIGNER IS REPRESENTING:
NAME OF PERSON(S) OR ENTITY(IES)

_____

DESCRIPTION OF ATTACHED DOCUMENT

_____ TITLE OR TYPE OF DOCUMENT

_____ NUMBER OF PAGES

_____ DATE OF DOCUMENT

_____ SIGNER(S) OTHER THAN NAMED ABOVE

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RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deann Nielsen
Deputy CLERK

94-069893

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

1994 SEP 27 AM 9:40

GRANT OF EASEMENT

The undersigned owner(s) of Lot 83, as shown on that certain map entitled "Map of Seadrift, Sub. No. Two, in the County of Marin, California," filed November 5, 1956, in Map Book 9 at Page 62, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on

the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpendicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:

Aug. 28, 1994

GRANTORS

JOHN C. MCGUIRE and ELINOR S. MCGUIRE, Co-Trustees of the MCGUIRE LIVING TRUST U/A dated February 10, 1986

John C. McGuire Trustee
JOHN C. MCGUIRE, Trustee

Elinor S. McGuire Trustee
ELINOR S. MCGUIRE, Trustee

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On AUGUST 28, 1994 before me, ALBERT K. ENGEL, personally appeared

JOHN C. MCGUIRE, TRUSTEE
AND ELINOR S. MCGUIRE, TRUSTEE

personally known to me or ~~proved to me on the basis of satisfactory evidence~~ to be the person(s) whose name(s) ~~is~~/are subscribed to the within instrument and acknowledged to me that ~~he/she~~/they executed same in ~~his/her~~/their authorized capacity(ies), and that by ~~his/her~~/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

(This area for official notarial seal.)

Albert K. E[illegible]
Comm. #1005256
NOTARY PUBLIC CALIFORNIA
MARIN COUNTY
Comm. Expires Dec. 7, 1997

WITNESS my hand and official seal.

Signature Albert K Engel

Albert K. Engel
Comm. #1005256
NOTARY PUBLIC CALIFORNIA
MARIN COUNTY
Comm. Expires Dec. 7, 1997

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis .

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deann Nielsen
Deputy CLERK

94-069894

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

1994 SEP 27 AM 9:40

GRANT OF EASEMENT

The undersigned owner(s) of Lot 86, as shown on that certain map entitled "Map of Seadrift, Sub. No. Two, in the County of Marin, California," filed November 5, 1956, in Map Book 9 at Page 62, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on

the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpendicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED: August 5, 1994

GRANTORS
WENDY W. KISTLER and CHARLES G. STEPHENSON, as Trustees of the WEAVER FAMILY TRUST dated November 16, 1989

Wendy W. Kistler Trustee
WENDY W. KISTLER, Trustee

Charles D. Stephenson, Trustee
CHARLES G. STEPHENSON, Trustee

STATE OF ~~CALIFORNIA~~ IDAHO)
COUNTY OF ~~MARIN~~ Kootenai) ss.

On August 5, 1994 before me, Sandra L. Armand, personally appeared

Wendy W. Kistler, Trustee

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed same in his/her/their authorized capacity(ies), and that by his/her/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

SANDRA L. ARMAND NOTARY PUBLIC STATE OF IDAHO

(This area for official notarial seal.)

WITNESS my hand and official seal.

Signature Sandra L. Armand

ALL-PURPOSE ACKNOWLEDGMENT

NO 209

State of CALIFORNIA
County of SAN FRANCISCO

On August 8, 1994 (DATE) before me, Alverine Marsh, Notary Public (NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"),

personally appeared CHARLES G. STEPHENSON (NAME(S) OF SIGNER(S)),

☒ personally known to me - OR - ☐ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

Witness my hand and official seal.

OFFICIAL NOTARY SEAL
ALVERINE MARSH
Notary Public — California
SAN FRANCISCO COUNTY
My Comm. Expires AUG 21,1995

Alverine Marsh
SIGNATURE OF NOTARY

CAPACITY CLAIMED BY SIGNER

- ☐ INDIVIDUAL(S)
- ☐ CORPORATE OFFICER(S) _____ TITLE(S)
- ☐ PARTNER(S)
- ☐ ATTORNEY-IN-FACT
- ☒ TRUSTEE(S)
- ☐ SUBSCRIBING WITNESS
- ☐ GUARDIAN/CONSERVATOR
- ☐ OTHER: _____

SIGNER IS REPRESENTING:
NAME OF PERSON(S) OR ENTITY(IES)
Weaver Family Trust

ATTENTION NOTARY: Although the information requested below is **OPTIONAL**, it could prevent fraudulent attachment of this certificate to unauthorized document.

THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED AT RIGHT:

Title or Type of Document Grant of Easement
Number of Pages 5 plus this one Date of Document August 5, 1994
Signer(s) Other Than Named Above Wendy W. Kistler

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RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deann Nielsen
Deputy CLERK

94-069895

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned owner(s) of Lot 87, as shown on that certain map entitled "Map of Seadrift subdivision No. Two, Marin County, California," filed November 5, 1956, in Map Book 9, Page 62, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpen-

dicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED: 8/30/94

GRANTORS

CHARLES R. WEAVER and DONNA L. WEAVER, Husband and Wife as their community property

Charles R. Weaver
CHARLES R. WEAVER

Donna L. Weaver
DONNA L. WEAVER

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On _____ before

me, _____,
personally appeared

_____

_____

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to

me that he/she/they executed same in his/her/their authorized capacity(ies), and that by his/her/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

(This area for official notarial seal.)

WITNESS my hand and official seal.

Signature _____

IMPORTANT NOTE: Effective January 1, 1993, use of the all-purpose certificate becomes mandatory for all acknowledgments, regardless of the signer's capacity. (On page 9 of this chapter, see the NNA's widely used version of the all-purpose form, which allows the signer's capacity to be noted on a special addendum to the form.) The certificates below, prescribed in CCC 1189 through 1192 are outlawed, effective January 1, 1993.

'ALL-PURPOSE' ACKNOWLEDGMENT (N.N.A. ADAPTATION)

The "all-purpose" acknowledgment certificate prescribed by California Civil Code Section 1189 (a), which becomes the mandatory certificate form for all acknowledgments starting January 1, 1993, does not specify the acknowledging signer's exact capacity (i.e., individual, partner, attorney-in-fact, etc.).

Because it is often vital that the signer's exact capacity be expressly stated, the National Notary Association has designed an all-purpose form with an addendum allowing the "Capacity Claimed By Signer" to be noted on the form. Like all NNA notarial certificates, this form also allows insertion of data at the bottom to deter the certificate's fraudulent attachment to an unintended document. The all-purpose form should not be used for subscribing witnesses and will not be accepted by California recorders for that purpose.

ALL-PURPOSE ACKNOWLEDGMENT

State of Idaho
County of Kootenai
On Aug 30, 1994 (DATE) before me, Sandra L. Armand (NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC")
personally appeared Charles R. & Donna L. Weaver (NAME(S) OF SIGNER(S))

☒ personally known to me - OR - ☐ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

SANDRA L. ARMAND NOTARY PUBLIC STATE OF IDAHO

Witness my hand and official seal.

Sandra L. Armand
SIGNATURE OF NOTARY

CAPACITY CLAIMED BY SIGNER
☒ INDIVIDUAL
☐ CORPORATE OFFICER(S) _____ (TITLE(S))
☐ PARTNER(S) ☐ LIMITED ☐ GENERAL
☐ ATTORNEY-IN-FACT
☐ TRUSTEE(S)
☐ GUARDIAN/CONSERVATOR
☐ OTHER: _____

SIGNER IS REPRESENTING:
(NAME OF PERSON(S) OR ENTITY(IES))
_____

ATTENTION NOTARY: Although the information requested below is OPTIONAL, it could prevent fraudulent attachment of this certificate to an unauthorized document.

THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED AT RIGHT:

Title or Type of Document _____
Number of Pages _____ Date of Document _____
Signer(s) Other Than Named Above _____

1991 NATIONAL NOTARY ASSOCIATION • 8236 Remmet Ave. P.O. Box 7184 • Canoga Park, CA 91306-7184

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deanna Nielsen
Deputy CLERK

481630

94-073026

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned owner(s) of Lot 88, as shown on that certain map entitled "Map of Seadrift subdivision No. Two, Marin County, California," filed November 5, 1956, in Map Book 9, Page 62, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpen-

dicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED: September 23, 1994

GRANTORS

W. Douglas Smith and Sandra S. Mosbacher, husband and wife as Community Property

W. Douglas Smith

Sandra S. Mosbacher

STATE OF CALIFORNIA)
COUNTY OF ~~MARIN~~ San Francisco) ss.
)

On September 23, 1994 before me, Sterrett Burges, personally appeared W. Douglas Smith and Sandra S Mosbacher

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is/~~are subscribed to the within instrument and acknowledged to

me that ~~he/she~~/they executed same in ~~his/her~~/their authorized capacity(ies), and that by ~~his/her~~/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

(This area for official notarial seal.)

STERRETT BURGES
COMM. # 1021752
Notary Public — California
SAN FRANCISCO COUNTY
My Comm. Expires JUL 19, 1998

WITNESS my hand and official seal.

Signature

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deann Nielsen
Deputy CLERK

94-069896

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned owner(s) of Lot 89, as shown on that certain map entitled "Map of Seadrift, Sub. No. Two, in the County of Marin, California," filed November 5, 1956, in Map Book 9 at Page 62, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on

the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpendicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED: Aug 10, 1998

GRANTORS

SANDRA S. MOSBACHER, Successor Trustee of the Wildcat Trust

S.

Sandra S. Mosbacher

SANDRA S. MOSBACHER, Trustee

Trustee

STATE OF CALIFORNIA)
COUNTY OF ~~MARIN~~ San Francisco) ss.
)

On Aug 10, 1998 before me, Sterrett Burges personally appeared

Sandra S Mosbacher, Trustee

personally known to me or proved to me on the basis of satisfactory evidence to be the person~~(s)~~ whose name~~(s)~~ is/~~are~~ subscribed to the within Grant of Easement and acknowledged to me that ~~he~~/she/~~they~~ executed same in ~~his~~/her/~~their~~ authorized capacity~~(ies)~~, and that by ~~his~~/her/ ~~their~~ signature~~(s)~~ on said instrument the person~~(s)~~, or the entity upon behalf of which the person~~(s)~~ acted, executed said instrument.

(This area for official notarial seal.)

WITNESS my hand and official seal.

Signature Sterrett Burges

STERRETT BURGES
COMM. # 1021752
Notary Public — California
SAN FRANCISCO COUNTY
My Comm. Expires JUL 19, 1998

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deanna Nielsen
Deputy CLERK

94-069897

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

1994 SEP 27 AM 9:40

GRANT OF EASEMENT

The undersigned owner(s) of Lot 90, as shown on that certain map entitled "Map of Seadrift, Sub. No. Two, in the County of Marin, California," filed November 5, 1956, in Map Book 9 at Page 62, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on

the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpendicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:

June 24, 1994

GRANTORS

MARY R. LOWREY or Her Successor(s), Trustee(s) Under Revocable Trust Agreement dated March 13, 1985 as amended

Mary R. Lowrey, Trustee
MARY R. LOWREY, Trustee

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On JUNE 24, 1994 before me, ALBERT K. ENGEL, personally appeared

MARY R. LOWREY, TRUSTEE

personally known to me or proved to me on the basis of satisfactory evidence to be the person(~~s~~) whose name(~~s~~) is/~~are~~ subscribed to the within instrument and acknowledged to me that ~~he~~/she/~~they~~ executed same in ~~his~~/her/~~their~~ authorized capacity(~~ies~~), and that by ~~his~~/her/ ~~their~~ signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

(This area for official notarial seal.)

WITNESS my hand and official seal.

Signature Albert K. Engel

Albert K. Engel
Comm. #1005256
NOTARY PUBLIC CALIFORNIA
MARIN COUNTY
Comm. Expires Dec. 7 1997

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deann Nielsen
Deputy CLERK

94-069898

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned owner(s) of Lot 91, as shown on that certain map entitled "Map of Seadrift, Sub. No. Two, in the County of Marin, California," filed November 5, 1956, in Map Book 9 at Page 62, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on

the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpendicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:

June 24, 1994

GRANTORS

MARY R. LOWREY or Her Successor(s), Trustee(s) Under Revocable Trust Agreement dated March 13, 1985 as amended

Mary R. Lowrey, Trustee
MARY R. LOWREY, Trustee

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On JUNE 24, 1994 before me, ALBERT K. ENGEL, personally appeared

MARY R. LOWREY, TRUSTEE

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

(This area for official notarial seal.)

Albert K. Engel
Comm. #1005256
NOTARY PUBLIC CALIFORNIA
MARIN COUNTY
Comm. Expires Dec. 7 1997

WITNESS my hand and official seal.

Signature Albert K. Engel

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deann Nelson
Deputy CLERK

94-069899

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

1994 SEP 27 AM 8:40

GRANT OF EASEMENT

The undersigned owner(s) of Lot 92, as shown on that certain map entitled "Map of Seadrift, Sub. No. Two, in the County of Marin, California," filed November 5, 1956, in Map Book 9 at Page 62, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on

the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpendicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:

June 24, 1994

GRANTORS

MARY R. LOWREY or Her Successor(s), Trustee(s) Under Revocable Trust Agreement dated March 13, 1985 as amended

Mary R Lowrey, Trustee
MARY R. LOWREY, Trustee

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On JUNE 24, 1994 before me, ALBERT K. ENGEL, personally appeared

MARY R. LOWREY, TRUSTEE

personally known to me or proved to me on the basis of satisfactory evidence to be the person(~~s~~) whose name(~~s~~) is/~~are~~ subscribed to the within instrument and acknowledged to me that ~~he~~/she/~~they~~ executed same in ~~his~~/her/~~their~~ authorized capacity(~~ies~~), and that by ~~his~~/her/ ~~their~~ signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

(This area for official notarial seal.)

Albert K. Engel
Comm. #1005256
NOTARY PUBLIC CALIFORNIA
MARIN COUNTY
Comm. Expires Dec. 7 1997

WITNESS my hand ~~and~~ official seal.

Signature Albert K Engel

Page 2 of 2.

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis .

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deann Nielsen
Deputy CLERK

94-069900

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

1994 SEP 27 AM 8 40

GRANT OF EASEMENT

The undersigned owner(s) of Lot 93, as shown on that certain map entitled "Map of Seadrift, Sub. No. Two, in the County of Marin, California," filed November 5, 1956, in Map Book 9 at Page 62, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on

the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpendicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:

July 16, 1994

GRANTORS

MARILYN M. BOSWELL, Trustee
U/T/A dated April 20, 1990

Marilyn M. Boswell

MARILYN M. BOSWELL, Trustee

TRUSTEE

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On JULY 16, 1994 before me, ALBERT K. ENGEL, personally appeared

MARILYN M. BOSWELL, TRUSTEE

personally known to me or proved to me on the basis of satisfactory evidence to be the person(~~s~~) whose name(~~s~~) is/~~are~~ subscribed to the within instrument and acknowledged to me that ~~he~~/she/~~they~~ executed same in ~~his~~/her/~~their~~ authorized capacity(~~ies~~), and that by ~~his~~/her/ ~~their~~ signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

(This area for official notarial seal.)

Albert K. Engel
Comm. #1005256
NOTARY PUBLIC CALIFORNIA
MARIN COUNTY
Comm. Expires Dec. 7 1997

WITNESS my hand and official seal.

Signature Albert K. Engel

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deann Nielsen
Deputy CLERK

94-069901

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned owner(s) of Lot 94, as shown on that certain map entitled "Map of Seadrift, Sub. No. Two, in the County of Marin, California," filed November 5, 1956, in Map Book 9 at Page 62, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on

STATE OF CALIFORNIA

COUNTY OF San Francisco

On August 1, 1994 before me, Frances E. Sutherland, personally appeared Eamonn P. Keegan, personally known to me (or proved on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed in the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

OFFICIAL SEAL
FRANCES E. SUTHERLAND
NOTARY PUBLIC - CALIFORNIA
CITY & COUNTY OF SAN FRANCISCO
My Comm. Expires Sept. 19, 1995

WITNESS my hand and official seal.

Frances E. Sutherland

Notary public in and for said State.

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Cowdery's Form No. 10G — ACKNOWLEDGMENT — General (Civil Code 1189(a)) (Revised 1/93)

the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpendicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED: 7.29.94

GRANTORS

EAMONN P. KEEGAN and DOROTHY L. KEEGAN, Co-Trustees or Successor Trustee of the KEEGAN FAMILY 1992 REVOCABLE TRUST dated 6/15/92

EAMONN P. KEEGAN, Trustee

DOROTHY L. KEEGAN, Trustee

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On JULY 29 1994 before me, ALBERT K. ENGEL, personally appeared

DOROTHY L. KEEGAN, TRUSTEE

personally known to me ~~or proved to me on the basis of satisfactory evidence~~ to be the person(~~s~~) whose name(~~s~~) is/~~are~~ subscribed to the within Grant of Easement and acknowledged to me that ~~he~~/she/~~they~~ executed same in ~~his~~/her/~~their~~ authorized capacity(~~ies~~), and that by ~~his~~/her/ ~~their~~ signature(~~s~~) on said instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed said instrument.

(This area for official notarial seal.)

Albert K. Engel
Comm. #1005256
NOTARY PUBLIC CALIFORNIA
MARIN COUNTY
Comm. Expires Dec. 7 1997

WITNESS my hand and official seal.

Signature Albert K. Engel

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deanna Nielsen
Deputy CLERK

94-069902

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned owner(s) of Lot 95, as shown on that certain map entitled "Map of Seadrift, Sub. No. Two, in the County of Marin, California," filed November 5, 1956, in Map Book 9 at Page 62, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on

the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpendicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:

June 28, 1994

GRANTORS

WILLIAM K. BOWES, JR., UTE C. BOWES

WILLIAM K. BOWES, JR.

UTE C. BOWES

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On June 28, 1994 before

me, Susan M. Banke, Notary Public
personally appeared

William K. Bowes, Jr.

Ute C. Bowes

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~/are subscribed to the within instrument and acknowledged to me that ~~he/she~~/they executed same in ~~his/her~~/their authorized ~~capacity~~(ies), and that by ~~his/her~~/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

SUSAN M. BANKE
COMM. #1014790
NOTARY PUBLIC - CALIFORNIA
SAN MATEO COUNTY
My Commission Expires January 23, 1998

(This area for official notarial seal.)

WITNESS my hand and official seal.

Signature Susan M. Banke

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Joann Nielsen
Deputy CLERK

94-069903

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

1994 SEP 27 AM 9:40

GRANT OF EASEMENT

The undersigned owner(s) of Lot 96, as shown on that certain map entitled "Map of Seadrift, Sub. No. Two, in the County of Marin, California," filed November 5, 1956, in Map Book 9 at Page 62, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on

Lot and located the further seaward of (a) 60 feet measured perpendicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:

July 5, 1994

GRANTORS

RICHARD ANTHONY POWELL and KATHLEEN SULLIVAN POWELL, Co-Trustees or Successor Trustee of the POWELL FAMILY 1992 REVOCABLE TRUST dated August 21, 1992

Richard Anthony Powell, Trustee

RICHARD ANTHONY POWELL, Trustee

Kathleen Sullivan Powell Trustee

KATHLEEN SULLIVAN POWELL, Trustee

STATE OF ~~CALIFORNIA~~ Ill)
) ss.
COUNTY OF ~~MARIN~~ Cook)

On 5th of July 1994 before me; RICHARD ANTHONY POWELL personally appeared

AND KATHLEEN SULLIVAN POWELL.

_____

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed same in his/her/their authorized capacity(ies), and that by his/her/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

(This area for official notarial seal.)

WITNESS my hand and official seal.

Signature Mildred Rosado

"OFFICIAL SEAL"
MILDRED ROSADO
Notary Public, State of Illinois
My Commission Expires: 5/19/96

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deann Nielsen
Deputy CLERK

94-069922

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned owner(s) of Lot 118, as shown on that certain map entitled "Map of Seadrift, Sub. No. Two, in the County of Marin, California," filed November 5, 1956, in Map Book 9 at Page 62, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on

the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpendicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED: July 1, 1994

GRANTORS

ROBERT M. COLE and VIRGINIA L. COLE, Trustees under Agreement dated December 30, 1988

Robert M. Cole, Trustee
ROBERT M. COLE, Trustee

Virginia L. Cole, Trustee
VIRGINIA L. COLE, Trustee

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On July 1, 1994 before me, Albert K. Engel, personally appeared

Robert M. Cole, Trustee

and Virginia L. Cole, Trustee

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~/are subscribed to the within instrument and acknowledged to me that ~~he/she~~/they executed same in ~~his/her~~/their authorized capacity(ies), and that by ~~his/her~~/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

(This area for official notarial seal.)

Albert K. Engel
Comm. #1005256
NOTARY PUBLIC CALIFORNIA
MARIN COUNTY
Comm. Expires Dec. 7 1997

WITNESS my hand and official seal.

Signature Albert K. Engel

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deanna Nielsen
Deputy CLERK

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned owner(s) of Lot 119, as shown on that certain map entitled "Map of Seadrift, Sub. No. Two, in the County of Marin, California," filed November 5, 1956, in Map Book 9 at Page 62, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on

the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpendicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED: 8-5-94

GRANTORS

PORTER SESNON, JR.

S.

PORTER SESNON, JR.

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On AUGUST 5, 1994 before me, ALBERT K. ENGEL, personally appeared

PORTER SESNON JR

personally known to me or ~~proved to me on the basis of satisfactory evidence~~ to be the person(~~s~~) whose name(~~s~~) is/~~are~~ subscribed to the within Grant of Easement and acknowledged to me that he/~~she~~/~~they~~ executed same in his/~~her~~/~~their~~ authorized capacity(~~ies~~), and that by his/~~her~~/ ~~their~~ signature(~~s~~) on said instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed said instrument.

(This area for official notarial seal.)

Albert K. Engel
Comm. #1005256
NOTARY PUBLIC CALIFORNIA
MARIN COUNTY
Comm. Expires Dec. 7, 1997
MGC1

WITNESS my hand and official seal.

Signature Albert K Engel

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deann Nielsen
Deputy CLERK

94-069924

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned owner(s) of Lot 120, as shown on that certain map entitled "Map of Seadrift, Sub. No. Two, in the County of Marin, California," filed November 5, 1956, in Map Book 9 at Page 62, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on

the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpendicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:

August 6, 1994

GRANTORS

EDWARD L. RATHBUN and LAURIE C. RATHBUN, husband and wife

Edward L. Rathbun
EDWARD L. RATHBUN

Laurie C. Rathbun
LAURIE C. RATHBUN

STATE OF CALIFORNIA)
)ss.
COUNTY OF ~~MARIN~~ San Mateo)

On August 6, 1994 before me, R.S. Wyman, Jr. - Notary Public, personally appeared

Edward L. Rathbun

Laurie C. Rathbun

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~/are subscribed to the within instrument and acknowledged to me that ~~he~~/she/~~they~~ executed same in ~~his~~/~~her~~/their authorized capacity(ies), and that by ~~his~~/~~her~~/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

(This area for official notarial seal.)

R. S. WYMAN JR
COMM. # 975171
Notary Public — California
SAN MATEO COUNTY
My Comm. Expires OCT 12, 1996

WITNESS my hand and official seal.

Signature R.S. Wyman Jr.

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deann Nielsen
Deputy CLERK

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned owner(s) of Lot 122, as shown on that certain map entitled "Map of Seadrift, Sub. No. Two, in the County of Marin, California," filed November 5, 1956, in Map Book 9 at Page 62, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on

the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpendicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:

July 19, 1994

GRANTORS

BROOKS WALKER, JR. and JOHN CLINTON WALKER as Trustees Under That Certain Agreement dated December 21, 1989

Brooks Walker Trustee

BROOKS WALKER, JR., Trustee

TRUSTEE

JOHN CLINTON WALKER, Trustee

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On July 19, 1994 before me, Audrey S. Dodic, personally appeared

Brooks Walker Jr
John Clinton Walker

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~/are subscribed to the within instrument and acknowledged to me that ~~he/she~~/they executed same in ~~his/her~~/their authorized capacity(ies), and that by ~~his/her~~/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

(This area for official notarial seal.)

OFFICIAL SEAL
AUDREY S. DODIC
Notary Public-California
SAN FRANCISCO COUNTY
My Comm. Exp. Sept. 26, 1995

WITNESS my hand and official seal.

Signature Audrey S. Dodic

OFFICIAL SEAL
AUDREY S. DODIC
Notary Public-California
SAN FRANCISCO COUNTY
My Comm. Exp. Sept. 26, 1995

OFFICIAL SEAL
AUDREY S. DODIC
Notary Public-California
SAN FRANCISCO COUNTY
My Comm. Exp. Sept. 26, 1995

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deann Nielsen
Deputy CLERK

481630

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.	94-070900
Street	45 Fremont Street, Suite 2000	THIS STAMP CONFIRMS
City & State	San Francisco, CA 94105-2219	RECORDING DATA ONLY

GRANT OF EASEMENT

The undersigned owner(s) of Lot 123, as shown on that certain map entitled "Map of Seadrift, Sub. No. Two, in the County of Marin, California," filed November 5, 1956, in Map Book 9 at Page 62, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on

the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpendicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED: Sept. 24, 1994

GRANTORS
ROGER E. SKJEI, ANN W. SKJEI

ROGER E. SKJEI

ANN W. SKJEI

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On SEPTEMBER 24, 1994 before me, ALBERT K. ENGEL, personally appeared

ROGER E SKJEI AND
ANN W. SKJEI

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~/are subscribed to the within instrument and acknowledged to me that ~~he/she~~/they executed same in ~~his/her~~/their authorized capacity(ies), and that by ~~his/her~~/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

(This area for official notarial seal.)

Albert K. Engel
Comm. #1005256
NOTARY PUBLIC CALIFORNIA
MARIN COUNTY
Comm. Expires Dec. 7 1997

WITNESS my hand and official seal.

Signature

Page 2 of 2.

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deanna Nielsen
Deputy CLERK

481630

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

94-070901

THIS STAMP CONFIRMS RECORDING DATA ONLY

GRANT OF EASEMENT

The undersigned owner(s) of Lot 124, as shown on that certain map entitled "Map of Seadrift, Sub. No. Two, in the County of Marin, California," filed November 5, 1956, in Map Book 9 at Page 62, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on

the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpendicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED: Sept. 24, 1994

GRANTORS
ROGER E. SKJEI, ANN W. SKJEI

ROGER E. SKJEI

ANN W. SKJEI

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On SEPTEMBER 24, 1994 before me, ALBERT K. ENGEL, personally appeared

ROGER E. SKJEI AND
ANN W. SKJEI

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~/are subscribed to the within instrument and acknowledged to me that ~~he/she~~/they executed same in ~~his/her~~/their authorized capacity(ies), and that by ~~his/her~~/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

(This area for official notarial seal.)

Albert K. Engel
Comm. #1005256
NOTARY PUBLIC CALIFORNIA
MARIN COUNTY
Comm. Expires Dec. 7, 1997

WITNESS my hand ~~and~~ official seal.

Signature

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguière, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Joann Nielsen
Deputy CLERK

94-069926

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name California Coastal Commission
Attention Legal Dept.
Street 45 Fremont Street, Suite 2000
City & State San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned owner(s) of PARCEL ONE, as shown upon that certain parcel map entitled, "Parcel Map Lands of Sidney J. Hendrick, a Division of Parcel 1, as shown on 2 P.M. 62, Seadrift, Stinson Beach, Marin County, California", filed for record October 10, 1985 in Volume 22 of Parcel Maps at Page 91, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot

Approved:

which is bounded on the ocean side by the mean high tide line and on the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpendicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:

8/16/94

GRANTORS

Inice J. Beverly

Keith J. Beverly

STATE OF CALIFORNIA)
) ss.
COUNTY OF MARIN)

On AUGUST 16, 1994 before me, ALBERT K. ENGEL, personally appeared

INICE J. BEVERLY AND

KEITH J. BEVERLY

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~/are subscribed to the within instrument and acknowledged to me that ~~he/she~~/they executed same in ~~his/her~~/their authorized capacity(ies), and that by ~~his/her~~/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

(This area for official notarial seal.)

Albert K. Engel
Comm. #1005256
NOTARY PUBLIC CALIFORNIA
MARIN COUNTY
Comm. Expires Dec. 7 1997

WITNESS my hand and official seal.

Signature Albert K Engel

Approved:

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deann Nielsen
Deputy CLERK

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned owner(s) of PARCEL TWO, as shown upon that certain parcel map entitled, "Parcel Map Lands of Sidney J. Hendrick, a Division of Parcel 1, as shown on 2 P.M. 62, Seadrift, Stinson Beach, Marin County, California", filed for record October 10, 1985 in Volume 22 of Parcel Maps at Page 91, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot

Approved:

___ ___

which is bounded on the ocean side by the mean high tide line and on the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpendicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:

x May 18, 1994

GRANTORS

Linda Gallanter

Linda Gallanter

Sanford Gallanter

Sanford Gallanter

STATE OF CALIFORNIA)
San Francisco) ss.
COUNTY OF ~~MARIN~~)

On May 19, 1994 before me, Michele J. Donnelly, personally appeared

Linda Gallanter

Sanford Gallanter

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed same in his/her/their authorized capacity(ies), and that by his/her/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

MICHELE J. DONNELLY
NOTARY PUBLIC-CALIFORNIA
CITY AND COUNTY OF
SAN FRANCISCO
My Commission Expires May 12,1995

(This area for official notarial seal.)

WITNESS my hand and official seal.

Signature Michele J. Donnelly

Approved:

___ ___

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguière, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Joann Nielsen
Deputy CLERK

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name California Coastal Commission
Attention Legal Dept.
Street 45 Fremont Street, Suite 2000
City & State San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned, Seadrift Association, a California non-profit corporation, owner of Parcel 2 and a portion of Parcel 3, Parcel Map, Lands of William Kent Estate Co., filed March 11, 1968 in Book 2 of Parcel Maps at Page 62, Marin County Records, hereby grants to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Parcels for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the owner.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over the seaward or westerly portion of said Parcels 2 and 3 and is bounded on the west or seaward side by the mean high tide line and on the landward side by a line extending along the length of the seaward or westerly portion of said Parcels 2

481630

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

1994 OCT -3 PM 1:30

94-070899

THIS STAMP CONFIRMS RECORDING DATA ONLY

GRANT OF EASEMENT

The undersigned owner(s) of Lot 97, as shown on that certain map entitled "Map of Seadrift subdivision No. Two, Marin County, California," filed November 5, 1956, in Map Book 9, Page 62, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpen-

dicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED: 9-27-1994

GRANTORS

CLAIRE B. CLARK AS TRUSTEE OF THE
CLAIRE B. CLARK REVOCABLE TRUST
DATED 5/22/92

Claire B. Clark, Trustee
CLAIRE B. CLARK, TRUSTEE

STATE OF CALIFORNIA)
) ss.
COUNTY OF MARIN)

On SEPT 27. 1994 before me, ALBERT K. ENGEL, personally appeared CLAIRE B. CLARK.

personally known to me or ~~proved to me on the basis of satisfactory evidence~~ to be the person(~~s~~) whose name(~~s~~) is/~~are~~ subscribed to the within instrument and acknowledged to

me that ~~he~~/she/~~they~~ executed same in ~~his~~/her/~~their~~ authorized capacity(~~ies~~), and that by ~~his~~/her/ ~~their~~ signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

(This area for official notarial seal.)

WITNESS my hand and official seal.

Signature Albert K Engel

Albert K. Engel
Comm. #1005256
NOTARY PUBLIC CALIFORNIA
MARIN COUNTY
Comm. Expires Dec. 7, 1997

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deann Nielsen
Deputy CLERK

94-069904

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

1994 SEP 27 AM 9:40

GRANT OF EASEMENT

The undersigned owner(s) of Lot 98, as shown on that certain map entitled "Map of Seadrift, Sub. No. Two, in the County of Marin, California," filed November 5, 1956, in Map Book 9 at Page 62, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on

the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpendicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:
July 3rd 1994

GRANTORS

EDWARD M. WALSH, GUNILD E. WALSH

EDWARD M. WALSH

GUNILD E. WALSH

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On July 3, 1994 before me, ALBERT K. ENGEL personally appeared

EDWARD M WALSH AND
GUNILD E WALSH

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~/are subscribed to the within instrument and acknowledged to me that ~~he/she~~/they executed same in ~~his/her~~/their authorized capacity(ies), and that by ~~his/her~~/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

(This area for official notarial seal.)

Albert K. Engel
Comm. #1005256
NOTARY PUBLIC CALIFORNIA
MARIN COUNTY
Comm. Expires Dec. 7 1997

WITNESS my hand and official seal.

Signature Albert K Engel

Page 2 of 2.

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deann Nielsen
Deputy CLERK

94-069905

THIS STAMP CONFORMS TO ORIGINAL

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

1994 SEP 27 AM 9:40

GRANT OF EASEMENT

The undersigned owner(s) of Lot 99, as shown on that certain map entitled "Map of Seadrift, Sub. No. Two, in the County of Marin, California," filed November 5, 1956, in Map Book 9 at Page 62, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on

the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpendicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:

7/11/94

GRANTORS

ROGER BOAS, NANCY BOAS

ROGER BOAS

NANCY BOAS

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On 7/11/94 before

me, June M. Naganuma,
personally appeared

Roger Boas

Nancy Boas

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed same in his/her/their authorized capacity(ies), and that by his/her/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

(This area for official notarial seal.)

WITNESS my hand and official seal.

Signature

OFFICIAL SEAL
June M. Naganuma
NOTARY PUBLIC CALIFORNIA
City & County of San Francisco
My Comm Expires Dec 12 1994

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguière, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deanna Nielsen
Deputy CLERK

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned owner(s) of Lot 100, as shown on that certain map entitled "Map of Seadrift, Sub. No. Two, in the County of Marin, California," filed November 5, 1956, in Map Book 9 at Page 62, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on the landward side as follows: by a line running the width of said

Lot and located the further seaward of (a) 60 feet measured perpendicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED: 5/21/94

GRANTORS

RICHARD B. HAM and LOUISE B. HAM as Trustee of the 1994 HAM FAMILY TRUST

BY: Richard B. Ham, Trustee
Richard B. Ham, Trustee

Louise B. Ham, Trustee
Louise B. Ham, Trustee

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On MAY 21. 1994 before me, ALBERT K. ENGEL., personally appeared

RICHARD B. HAM, TRUSTEE AND

LOUISE B. HAM, TRUSTEE

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~/are subscribed to the within instrument and acknowledged to me that ~~he/she~~/they executed same in ~~his/her~~/their authorized capacity(ies), and that by ~~his/her~~/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

(This area for official notarial seal.)

Albert K. Engel
Comm. #1005256
NOTARY PUBLIC CALIFORNIA
MARIN COUNTY
Comm. Expires Dec. 7 1997

WITNESS my hand and official seal.

Signature Albert K. Engel

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguière, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Joann Nielsen
Deputy CLERK

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned owner(s) of Lot 101, as shown on that certain map entitled "Map of Seadrift, Sub. No. Two, in the County of Marin, California," filed November 5, 1956, in Map Book 9 at Page 62, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on

the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpendicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:

July 5, 1994

GRANTORS

JOHN G. BOWES, FRANCES F. BOWES

JOHN G. BOWES

FRANCES F. BOWES

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On July 5, 1994 before me, Linda Fontana, personally appeared

John G. Bowes

Frances F. Bowes

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~/are subscribed to the within instrument and acknowledged to me that ~~he/she~~/they executed same in ~~his/her~~/their authorized capacity(ies), and that by ~~his/her~~/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

LINDA FONTANA
COMM. # 976039
Notary Public — California
SAN FRANCISCO COUNTY
My Comm. Expires NOV 16, 1996

(This area for official notarial seal.)

WITNESS my hand and official seal.

Signature Linda Fontana

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deann Nielsen
Deputy CLERK

94-069908

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

1994 SEP 27 AM 9:40

GRANT OF EASEMENT

The undersigned owner(s) of Lot 102, as shown on that certain map entitled "Map of Seadrift, Sub. No. Two, in the County of Marin, California," filed November 5, 1956, in Map Book 9 at Page 62, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on the landward side as follows: by a line running the width of said

Lot and located the further seaward of (a) 60 feet measured perpendicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED: May 20, 1994

GRANTORS

PHILIP A. CRANE, JR. and ROSEMARY PRATT CRANE, Trustees (and any Successor Trustee) of the "PHILIP A. CRANE, JR. and ROSEMARY PRATT CRANE DECLARATION OF TRUST", dated January 3, 1992

BY: Philip A. Crane, Jr. Trustee
Philip A. Crane, Jr., Trustee

Rosemary Pratt Crane, Trustee
Rosemary Pratt Crane, Trustee

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On MAY 20, 1994 before

me, ALBERT K. ENGEL,
personally appeared

PHILIP A. CRANE, JR, TRUSTEE AND

ROSEMARY PRATT CRANE, TRUSTEE

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~/are subscribed to the within instrument and acknowledged to me that ~~he~~/~~she~~/they executed same in ~~his~~/~~her~~/their authorized capacity(ies), and that by ~~his~~/~~her~~/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

(This area for official notarial seal.)

Albert K. Engel
Comm. #1005256
NOTARY PUBLIC CALIFORNIA
MARIN COUNTY
Comm. Expires Dec. 7 1997

WITNESS my hand and official seal.

Signature Albert K Engel

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deann Nielsen
Deputy CLERK

94-069909

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

1994 SEP 27 AM 8:40

GRANT OF EASEMENT

The undersigned owner(s) of Lot 103, as shown on that certain map entitled "Map of Seadrift, Sub. No. Two, in the County of Marin, California," filed November 5, 1956, in Map Book 9 at Page 62, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on

STATE OF CALIFORNIA

COUNTY OF Sacramento

On this 1st day of July in the year of 1994, before me, the undersigned, a Notary Public in and for said State, personally appeared Frederick E. Anderson, Jr. and Patricia D. Anderson personally known to me (or proved on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Denise Schedler

Notary Public in and for said State.

DENISE SCHEDLER
COMM. #1025627
NOTARY PUBLIC
SACRAMENTO COUNTY, CALIFORNIA
My Commission Expires June 20, 1996

the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpendicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED: May 1, 1994

GRANTORS

FREDERICK E. ANDERSON,JR. and
PATRICIA D. ANDERSON

FREDERICK E. ANDERSON,JR.

PATRICIA D. ANDERSON

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On _____ before

me, _____,
personally appeared

_____

_____

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed same in his/her/their authorized capacity(ies), and that by his/her/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

(This area for official notarial seal.)

WITNESS my hand and official seal.

Signature _____

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deann Nielsen
Deputy CLERK

94-069910

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

1994 SEP 27 AM 8:40

GRANT OF EASEMENT

The undersigned owner(s) of Lot 104, as shown on that certain map entitled "Map of Seadrift, Sub. No. Two, in the County of Marin, California," filed November 5, 1956, in Map Book 9 at Page 62, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on the landward side as follows: by a line running the width of said

Lot and located the further seaward of (a) 60 feet measured perpendicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED: 5/28/94

GRANTORS

CHARLES W. SNOOK and BARBARA R. SNOOK

BY: Charles W. Snook
Charles W. Snook

Barbara R. Snook
Barbara R. Snook

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On MAY 28, 1994 before me, ALBERT K. ENGEL, personally appeared

CHARLES W. SNOOK AND

BARBARA R. SNOOK

personally known to me ~~or proved to me on the basis of satisfactory evidence~~ to be the person(s) whose name(s) ~~is~~/are subscribed to the within instrument and acknowledged to me that ~~he/she~~/they executed same in ~~his/her~~/their authorized capacity(ies), and that by ~~his/her~~/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

(This area for official notarial seal.)

Albert K. Engel
Comm. #1005256
NOTARY PUBLIC CALIFORNIA
MARIN COUNTY
Comm. Expires Dec. 7 1997

WITNESS my hand and official seal.

Signature Albert K. Engel

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguière, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deann Nielsen
Deputy CLERK

94-069911

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

1994 SEP 27 AM 9:40

GRANT OF EASEMENT

The undersigned owner(s) of Lot 105, as shown on that certain map entitled "Map of Seadrift, Sub. No. Two, in the County of Marin, California," filed November 5, 1956, in Map Book 9 at Page 62, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on

the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpendicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED: July 1 1994

GRANTORS

WILLIAM A. STIMSON, Trustee and Successor Trustee of the WILLIAM A. STIMSON TRUST dated November 7, 1972

WILLIAM A. STIMSON, Trustee
The William A. Stimson Trust
dated November 7, 1972

STATE OF CALIFORNIA)
SAN FRANCISCO)ss.
COUNTY OF ~~MARIN~~)

On July 1, 1994 before

me, Lillian D. Cafferata,
personally appeared

William A. Stimson, Trustee

personally known to me ~~or proved to me on the basis of satisfactory evidence~~ to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed same in his/~~her/their~~ authorized capacity(~~ies~~), and that by his/~~her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

Lillian D. Cafferata
Comm #977130
NOTARY PUBLIC CALIFORNIA
City & County of San Francisco
Comm. Expires Nov 5, 1996

(This area for official notarial seal.)

WITNESS my hand and official seal.

Signature Lillian D. Cafferata

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguière, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deanna Nielsen
Deputy CLERK

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

1994 SEP 27 PM 3:40

GRANT OF EASEMENT

The undersigned owner(s) of Lot 106, as shown on that certain map entitled "Map of Seadrift, Sub. No. Two, in the County of Marin, California," filed November 5, 1956, in Map Book 9 at Page 62, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT No. 5907

State of California

County of Alameda

On August 3, 1994 (DATE) before me, Mary E. McNeill, (NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC")

personally appeared Thomas K. Walter, (NAME(S) OF SIGNER(S))

☐ personally known to me - **OR** - ☒ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(ies), and that by his/~~her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

MARY E. MC NEILL
COMM. # 1004222
Notary Public — California
ALAMEDA COUNTY
My Comm. Expires SEP 6, 1997

WITNESS my hand and official seal.

Mary E. McNeill
SIGNATURE OF NOTARY

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

☒ INDIVIDUAL
☐ CORPORATE OFFICER

TITLE(S)

☐ PARTNER(S) ☐ LIMITED ☐ GENERAL

☐ ATTORNEY-IN-FACT
☐ TRUSTEE(S)
☐ GUARDIAN/CONSERVATOR
☐ OTHER:

SIGNER IS REPRESENTING:
NAME OF PERSON(S) OR ENTITY(IES)

DESCRIPTION OF ATTACHED DOCUMENT

Grant of Easement
TITLE OR TYPE OF DOCUMENT

4 Pgs
NUMBER OF PAGES

June 1, 1994
DATE OF DOCUMENT

(2)
SIGNER(S) OTHER THAN NAMED ABOVE

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the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpendicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:
July 16, 1994

GRANTORS
BARBARA R. WITTER and THOMAS K. WITTER, Trustees of the BARBARA R. WITTER Trust under an agreement dated June 9, 1992

Barbara R. Witter (Trustee)
BARBARA R. WITTER, Trustee

Thomas K. Witter (Trustee)
THOMAS K. WITTER, Trustee

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On July 16, 1994 before me, ALBERT K. ENGEL,

personally appeared

BARBARA R. WITTER, TRUSTEE

personally known to me or proved to me on the basis of satisfactory evidence to be the person(~~s~~) whose name(~~s~~) is/~~are~~ subscribed to the within instrument and acknowledged to me that ~~he~~/she/~~they~~ executed same in ~~his~~/her/~~their~~ authorized capacity(~~ies~~), and that by ~~his~~/her/ ~~their~~ signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

(This area for official notarial seal.)

Albert K. Engel
Comm. #1005256
NOTARY PUBLIC CALIFORNIA
MARIN COUNTY
Comm. Expires Dec. 7, 1997

WITNESS my hand and official seal.

Signature Albert K. Engel

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deann Nielsen
Deputy CLERK

94-069913

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

1994 SEP 27 AM 8:40

GRANT OF EASEMENT

The undersigned owner(s) of Lot 107, as shown on that certain map entitled "Map of Seadrift subdivision No. Two, Marin County, California," filed November 5, 1956, in Map Book 9, Page 62, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on the landward side as follows: by a line running the width of said

Lot and located the further seaward of (a) 60 feet measured perpendicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:
Aug 19, 1994

GRANTORS

LILLIAN M. CECIL, Trustee of the
LILLIAN CECIL TRUST

Lillian M Cecil, Trustee
LILLIAN M. CECIL, Trustee

STATE OF ~~CALIFORNIA~~ Washington)
)ss.
COUNTY OF ~~MARIN~~ King)

On August 19, 1994 before

me, Angela Vogt,
personally appeared
Lillian M Cecil

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to

me that he/she/they executed same in his/her/their authorized capacity(ies), and that by his/her/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

(This area for official notarial seal.)

ANGELA VOGT
STATE OF WASHINGTON
NOTARY -- o -- PUBLIC
My Commission Expires 9-7-97

WITNESS my hand and official seal.

Signature Angela Vogt

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguière, Brady Bevins

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deann Nielsen
Deputy CLERK

94-073658

OCT 17 1994

THIS STAMP RECORDING DATA ONLY

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]
Escrow #481630
AND WHEN RECORDED MAIL TO

Name California Coastal Commission
Attention Legal Dept.
Street 45 Fremont Street, Suite 2000
City & State San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned owner(s) of Lot 108, as shown on that certain map entitled "Map of Seadrift subdivision No. Two, Marin County, California," filed November 5, 1956, in Map Book 9, Page 62, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on the landward side as follows: by a line running the width of said

Lot and located the further seaward of (a) 60 feet measured perpendicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED: Oct. 4, 1994

GRANTORS

ROSE E. ELLIOTT, AS TRUSTEE OF THE FAMILY TRUST CREATED UNDER THE WILL OF WILLIAM G. ELLIOTT, JR., DECEASED, PROBATE CASE NUMBER P33447 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SOLANO AND ROSE E. ELLIOTT, WILLIAM G. ELLIOTT, III, STEPHEN R. ELLIOTT, MICHELE T. (ELLIOTT) PEDERSEN

Rose E. Elliott - Trustee

ROSE E. ELLIOTT, TRUSTEE

Rose E. Elliott

ROSE E. ELLIOTT

William G. Elliott III

WILLIAM G. ELLIOTT, III

Stephen R. Elliott

STEPHEN R. ELLIOTT

Michelle T. Elliott Pedersen

MICHELLE T. (ELLIOTT) PEDERSEN

STATE OF CALIFORNIA)
)ss.
COUNTY OF ~~MARIN~~ SOLANO)

On Oct. 4, 1994 before me, the undersigned, personally appeared Rose E. Elliott, William G. Elliott, III Michelle T. (Elliott) Pedersen

Stephen R. Elliott

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to

me that he/she/they executed same in his/her/their authorized capacity(ies), and that by his/her/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Roberta M. Collins

PWR1 ROBERTA M. COLLINS Comm. # 977503 NOTARY PUBLIC - CALIFORNIA Solano County My Comm. Expires Nov. 8, 1996 PWR1

(This area for official notarial seal.)

My Commission Expires 11-8-96

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguière, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deann Nielsen
Deputy CLERK

94-069914

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned owner(s) of Lot 109, as shown on that certain map entitled "Map of Seadrift, Sub. No. Two, in the County of Marin, California," filed November 5, 1956, in Map Book 9 at Page 62, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on

the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpendicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:

July 18, 1994

GRANTORS

RICHARD R. VOLK and MARI ANN VOLK

RICHARD R. VOLK

MARI ANN VOLK

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On July 18, 1994 before me, ALBERT K. ENGEL, personally appeared

RICHARD R. VOLK AND

MARI ANN VOLK

personally known to me or ~~proved to me on the basis of satisfactory evidence~~ to be the person(s) whose name(s) ~~is~~/are subscribed to the within instrument and acknowledged to me that ~~he/she~~/they executed same in ~~his/her~~/their authorized capacity(ies), and that by ~~his/her~~/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

(This area for official notarial seal.)

Albert K. Engel
Comm. #1005256
NOTARY PUBLIC CALIFORNIA
MARIN COUNTY
Comm. Expires Dec. 7 1997

WITNESS my hand and official seal.

Signature

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguière, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deann Nielsen
Deputy CLERK

94-069915

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned owner(s) of Lot 110, as shown on that certain map entitled "Map of Seadrift, Sub. No. Two, in the County of Marin, California," filed November 5, 1956, in Map Book 9 at Page 62, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on

the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpendicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED: 6/24/94

GRANTORS

JOHN LOWELL JONES and CHARLOTTE J. JONES, as Trustees of Trust Under Agreement dated July 26, 1986

Trustee

JOHN LOWELL JONES, Trustee

Trustee

CHARLOTTE J. JONES, Trustee

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On JUNE 24, 1994 before

me, ALBERT K. ENGEL,
personally appeared

JOHN LOWELL JONES, TRUSTEE

AND CHARLOTTE J. JONES, TRUSTEE

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~/are subscribed to the within instrument and acknowledged to me that ~~he/she~~/they executed same in ~~his/her~~/their authorized capacity(ies), and that by ~~his/her~~/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

(This area for official notarial seal.)

Albert K. Engel
Comm. #1005256
NOTARY PUBLIC CALIFORNIA
MARIN COUNTY
Comm. Expires Dec. 7, 1997

WITNESS my hand and official seal.

Signature Albert K. Engel

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deanna Nielsen
Deputy CLERK

94-069916

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned owner(s) of Lot 111, as shown on that certain map entitled "Map of Seadrift, Sub. No. Two, in the County of Marin, California," filed November 5, 1956, in Map Book 9 at Page 62, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on

the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpendicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:

July 1, 1994

GRANTORS

RICHARD B. MADIGAN, JEAN R. MADIGAN

Richard B Madigan
RICHARD B. MADIGAN

Jean R. Madigan
JEAN R. MADIGAN

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On July 1, 1994 before me, Albert K. Engel, personally appeared

Richard B Madigan

and Jean R. Madigan

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~/are subscribed to the within instrument and acknowledged to me that ~~he/she~~/they executed same in ~~his/her~~/their authorized capacity(ies), and that by ~~his/her~~/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

(This area for official notarial seal.)

Albert K. Engel
Comm. #1005256
NOTARY PUBLIC CALIFORNIA
MARIN COUNTY
Comm. Expires Dec. 7, 1997

WITNESS my hand and official seal.

Signature Albert K Engel

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguière, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deann Nielsen
Deputy CLERK

94-069917

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned owner(s) of Lot 113, as shown on that certain map entitled "Map of Seadrift subdivision No. Two, Marin County, California," filed November 5, 1956, in Map Book 9, Page 62, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on the landward side as follows: by a line running the width of said

Lot and located the further seaward of (a) 60 feet measured perpendicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED: 8/19/94

GRANTORS

Sherwood B. Stockwell and Mary C. Stockwell, Trustees of the Sherwood B. Stockwell and Mary C. Stockwell Living Trust Agreement dated March 6, 1992

Sherwood B. Stockwell, TRUSTEE

Sherwood B. Stockwell, Trustee

Mary C. Stockwell Trustee

Mary C. Stockwell, Trustee

STATE OF CALIFORNIA)
San Francisco)ss.
COUNTY OF ~~MARIN~~)

On August 19 1994 before me, Gerda Levy (Notary Public) personally appeared Sherwood B. Stockwell & Mary C. Stockwell

~~personally known to me~~ or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~/are subscribed to the within instrument and acknowledged to

me that he/she/they executed same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Gerda Levy

(This area for official notarial seal.)

GERDA LEVY
COMM. # 975949
NOTARY PUBLIC CALIFORNIA
SAN FRANCISCO COUNTY
My Comm. Expires October 22, 1996

USD1 USD1

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deann Nielsen
Deputy CLERK

94-069918

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned owner(s) of Lot 114, as shown on that certain map entitled "Map of Seadrift, Sub. No. Two, in the County of Marin, California," filed November 5, 1956, in Map Book 9 at Page 62, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on

Acknowledgement

State of CALIFORNIA

County of Los Angeles } SS.

On July 6, 1994 before me, Richard Glaser Notary Public

personally appeared John Bowlby Davis, II

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

RICHARD GLASER
COMM. # 1000721
Notary Public — California
LOS ANGELES COUNTY
My Comm. Expires AUG 15, 1997

NNA1 NNA1

(This area for official seal)

Signature

ATTENTION NOTARY: Although the information requested below is **OPTIONAL**, it could prevent fraudulent attachment of this certificate to another document

THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED AT RIGHT:

Title or Type of Document Grant of Easement

Number of Pages 2 Date of Document N/A

Signer(s) Other Than Named Above Theodore T. Gettmann Jr. Trustee and Michael S. Monticelli, Trustee

TT-1100 (11/90)

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

STATE OF CALIFORNIA)

COUNTY OF San francisco)

On 6-30-94 before me, Jennifer A. C. Jones (Notary Public)
DATE NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"

personally appeared, Michael S. Monteith, Trustee
personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Jennifer Jones (SEAL)
NOTARY PUBLIC SIGNATURE

Jennifer A. C. Jones
Comm. #1014445
NOTARY PUBLIC - CALIFORNIA
City & County of San Francisco
Comm. Expires Jan. 30, 1996

OPTIONAL INFORMATION

TITLE OR TYPE OF DOCUMENT Grant of Easement

DATE OF DOCUMENT 6-30-94 NUMBER OF PAGES (2) Two

SIGNER(S) OTHER THAN NAMED ABOVE John Beverly Jones II (Trustee) Thomas A Griffin

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

No. 5907

State of California

County of San Francisco

On June 30, 1994, (DATE) before me, Douglas C. Sievers, (NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC")

personally appeared Theodore A. Greiffinger, Jr., (NAME(S) OF SIGNER(S))

☑ personally known to me - **OR** - ☐ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

DOUGLAS C. SIEVERS
COMM. #953245
Notary Public-California
SAN FRANCISCO COUNTY
My comm. expires JAN 20,1996

WITNESS my hand and official seal.

SIGNATURE OF NOTARY

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

☐ INDIVIDUAL
☐ CORPORATE OFFICER

TITLE(S)

☐ PARTNER(S) ☐ LIMITED ☐ GENERAL
☐ ATTORNEY-IN-FACT
☐ TRUSTEE(S)
☐ GUARDIAN/CONSERVATOR
☐ OTHER:

SIGNER IS REPRESENTING:
NAME OF PERSON(S) OR ENTITY(IES)

DESCRIPTION OF ATTACHED DOCUMENT

TITLE OR TYPE OF DOCUMENT

NUMBER OF PAGES

DATE OF DOCUMENT

SIGNER(S) OTHER THAN NAMED ABOVE

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the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpendicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:

July 6, 1994

GRANTORS

JOHN BEVERLY JONES,II,THEODORE A. GRIFFINGER,JR. and MICHAEL S. MONTEITH,as Trustees of JONES DIPSEA TRUST dated December 25, 1976

Trustee

JOHN BEVERLY JONES,II, Trustee

Trustee

THEODORE A. GRIFFINGER,JR.,Trustee

Michael S. Monteith, TRUSTEE 6/30/9

MICHAEL S. MONTEITH, Trustee

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On _____ before

me, _____,
personally appeared

_____

_____

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed same in his/her/their authorized capacity(ies), and that by his/her/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

(This area for official notarial seal.)

WITNESS my hand and official seal.

Signature _____

Page 2 of 2.

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deann Nielsen
Deputy CLERK

94-069919

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned owner(s) of Lot 115, as shown on that certain map entitled "Map of Seadrift, Sub. No. Two, in the County of Marin, California," filed November 5, 1956, in Map Book 9 at Page 62, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on

Acknowledgement

State of CALIFORNIA

County of Los Angeles } SS.

On 8-22-94 before me, RICHARD GLASER, NOTARY PUBLIC,

personally appeared JOHN BEVERLY JONES, II.

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

RICHARD GLASER
COMM. # 1000721
Notary Public — California
LOS ANGELES COUNTY
My Comm. Expires AUG 15, 1997

(This area for official seal)

Signature

ATTENTION NOTARY: Although the information requested below is **OPTIONAL**, it could prevent fraudulent attachment of this certificate to another document

THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED AT RIGHT:

Title or Type of Document GRANT of EASEMENT

Number of Pages 2 Date of Document N/A

Signer(s) Other Than Named Above THEODORE H. GEITHNER JR. and MICHAEL S. MONTEITH

TT-1100 (11/90)

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

STATE OF CALIFORNIA)

COUNTY OF San Francisco)

On 9-8-94 (DATE) before me, Jennifer Jones Notary Public (NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"),

personally appeared, Michael S. Monteith, Trustee

personally known to me (~~or proved to me on the basis of satisfactory evidence~~) to be the person(~~s~~) whose name(~~s~~) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(~~ies~~), and that by his/~~her/their~~ signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Jennifer A. C. Jones (SEAL)

NOTARY PUBLIC SIGNATURE

MGC1 Jennifer A. C. Jones Comm. #1014445 NOTARY PUBLIC CALIFORNIA City & County of San Francisco Comm. Expires Jan. 20, 1996 MGC1

OPTIONAL INFORMATION

TITLE OR TYPE OF DOCUMENT Grant of Easement

DATE OF DOCUMENT 8-22-1994 NUMBER OF PAGES two (2)

SIGNER(S) OTHER THAN NAMED ABOVE John Beverly Jones II and Theodore Wolfinger

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

No. 5907

State of California

County of San Francisco

On 8-17-94 (DATE) before me, Douglas C. Sievers (NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"),

personally appeared Theodore A. Griffinger, Jr. (NAME(S) OF SIGNER(S)),

☑ personally known to me - **OR** - ☐ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

NNAT DOUGLAS C. SIEVERS
COMM. #953245
Notary Public-California
SAN FRANCISCO COUNTY
My comm. expires JAN 20,1996 NNAT

WITNESS my hand and official seal.

SIGNATURE OF NOTARY

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

☐ INDIVIDUAL
☐ CORPORATE OFFICER

TITLE(S)

☐ PARTNER(S) ☐ LIMITED ☐ GENERAL

☐ ATTORNEY-IN-FACT
☑ TRUSTEE(S)
☐ GUARDIAN/CONSERVATOR
☐ OTHER:

SIGNER IS REPRESENTING:
NAME OF PERSON(S) OR ENTITY(IES)

DESCRIPTION OF ATTACHED DOCUMENT

Grant of Easement
TITLE OR TYPE OF DOCUMENT

2
NUMBER OF PAGES

DATE OF DOCUMENT

John Beverly Jones II and Michael S. Monteith
SIGNER(S) OTHER THAN NAMED ABOVE

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the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpendicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:
AUGUST 23 1994

GRANTORS

JOHN BEVERLY JONES,II, THEODORE A. GRIFFINGER, JR. and MICHAEL S. MONTEITH, as Trustees of JONES DIPSEA TRUST dated December 25, 1976

Trustee
JOHN BEVERLY JONES,II, Trustee

Trustee
THEODORE A. GRIFFINGER, JR., Trustee

Trustee
MICHAEL S. MONTEITH, Trustee

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On _____ before

me, _____,
personally appeared

_____

_____

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within Grant of Easement and acknowledged to
me that he/she/they executed same in his/her/their authorized capacity(ies), and that by his/her/ their signature(s) on said instrument the person(s), or the entity upon behalf of which the person(s) acted, executed said instrument.

(This area for official notarial seal.)

WITNESS my hand and official seal.

Signature _____

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguière, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deanna Nielsen
Deputy CLERK

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned owner(s) of Lot 116, as shown on that certain map entitled "Map of Seadrift, Sub. No. Two, in the County of Marin, California," filed November 5, 1956, in Map Book 9 at Page 62, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on

the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpendicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED: 7-26-94

GRANTORS

Gilbert C. Powers, Trustee of the Testamentary Trust under the terms of the Will of Charles R. Bowman, aka, Chuck Bowman, Deceased, as established by Decree of Distribution filed November 1, 1993 in Case Number 36886 Probate, Superior Court of California, County of Marin.

Gilbert C. Powers, Trustee

Gilbert C. Powers, Trustee

STATE OF ~~CALIFORNIA~~ Washington)
) ss.
COUNTY OF ~~MARIN~~ King)

on July 26, 1994 before me, ~~Gilbert Powers~~, Sgt. Sherry Gifford Archer personally appeared

Gilbert Powers

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within Grant of Easement and acknowledged to me that he/she/they executed same in his/her/their authorized capacity(ies), and that by his/her/ their signature(s) on said instrument the person(s), or the entity upon behalf of which the person(s) acted, executed said instrument.

(This area for official notarial seal.)

WITNESS my hand and official seal.

Signature Sherry Gifford Archer
Expires 8-19-96

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deann Nielsen
CLERK

94-069921

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned owner(s) of Lot 117, as shown on that certain map entitled "Map of Seadrift, Sub. No. Two, in the County of Marin, California," filed November 5, 1956, in Map Book 9 at Page 62, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on the landward side as follows: by a line running the width of said

Lot and located the further seaward of (a) 60 feet measured perpendicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:

July 5, 1994

GRANTORS

RICHARD ANTHONY POWELL and KATHLEEN SULLIVAN POWELL, Co-Trustees or Successor Trustee of the POWELL FAMILY 1992 REVOCABLE TRUST dated August 21, 1992

Richard Anthony Powell, Trustee

RICHARD ANTHONY POWELL, Trustee

Kathleen Sullivan Powell, Trustee

KATHLEEN SULLIVAN POWELL, Trustee

STATE OF ~~CALIFORNIA~~ Ill)
) ss.
COUNTY OF ~~MARIN~~ Cook)

on 5th of July, 1994 before me; RICHARD ANTHONY POWELL personally appeared

AND KATHLEEN SULLIVAN POWELL.

_____

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed same in his/her/their authorized capacity(ies), and that by his/her/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

(This area for official notarial seal.)

WITNESS my hand and official seal.

Signature Mildred Rosado

"OFFICIAL SEAL"
MILDRED ROSADO
Notary Public, State of Illinois
My Commission Expires: 5/19/96

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deann Nielsen
Deputy CLERK

94-069922

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned owner(s) of Lot 118, as shown on that certain map entitled "Map of Seadrift, Sub. No. Two, in the County of Marin, California," filed November 5, 1956, in Map Book 9 at Page 62, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on

the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpendicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED: July 1, 1994

GRANTORS

ROBERT M. COLE and VIRGINIA L. COLE, Trustees under Agreement dated December 30, 1988

Robert M. Cole, Trustee
ROBERT M. COLE, Trustee

Virginia L. Cole, Trustee
VIRGINIA L. COLE, Trustee

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On July 1, 1994 before me, Albert K. Engel, personally appeared

Robert M. Cole, Trustee

And Virginia L. Cole, Trustee

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~/are subscribed to the within instrument and acknowledged to me that ~~he/she~~/they executed same in ~~his/her~~/their authorized capacity(ies), and that by ~~his/her~~/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

(This area for official notarial seal.)

Albert K. Engel
Comm. #1005256
NOTARY PUBLIC CALIFORNIA
MARIN COUNTY
Comm. Expires Dec. 7 1997

WITNESS my hand and official seal.

Signature Albert K. Engel

Page 2 of 2.

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deann Nielsen
Deputy CLERK

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned owner(s) of Lot 119, as shown on that certain map entitled "Map of Seadrift, Sub. No. Two, in the County of Marin, California," filed November 5, 1956, in Map Book 9 at Page 62, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on

the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpendicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED: 8-5-94

GRANTORS

PORTER SESNON, JR.

S.

PORTER SESNON, JR.

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On AUGUST 5, 1994 before me, ALBERT K. ENGEL, personally appeared

PORTER SESNON JR

personally known to me or ~~proved to~~ me on the basis of ~~satisfactory evi~~dence to be the person(~~s~~) whose name(~~s~~) is/~~are~~ subscribed to the within Grant of Easement and acknowledged to me that he/~~she~~/~~they~~ executed same in his/~~her~~/~~their~~ authorized capacity(~~ies~~), and that by his/~~her~~/ ~~their~~ signature(~~s~~) on said instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed said instrument.

(This area for official notarial seal.)

Albert K. Engel
Comm. #1005256
NOTARY PUBLIC CALIFORNIA
MARIN COUNTY
Comm. Expires Dec. 7, 1997

WITNESS my hand and official seal.

Signature Albert K. Engel

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deann Nielsen
Deputy CLERK

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned owner(s) of Lot 120, as shown on that certain map entitled "Map of Seadrift, Sub. No. Two, in the County of Marin, California," filed November 5, 1956, in Map Book 9 at Page 62, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on

the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpendicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:

August 6, 1994

GRANTORS

EDWARD L. RATHBUN and LAURIE C. RATHBUN, husband and wife

Edward L. Rathbun
EDWARD L. RATHBUN

Laurie C. Rathbun
LAURIE C. RATHBUN

STATE OF CALIFORNIA)
COUNTY OF ~~MARIN~~ San Mateo) ss.
)

On August 6, 1994 before me, R.S. Wyman, Jr. - Notary Public, personally appeared

Edward L. Rathbun

Laurie C. Rathbun

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~/are subscribed to the within instrument and acknowledged to me that ~~he~~/she/~~they~~ executed same in ~~his~~/~~her~~/their authorized capacity(ies), and that by ~~his~~/~~her~~/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature R.S. Wyman Jr.

(This area for official notarial seal.)

R. S. WYMAN JR
COMM. # 975171
Notary Public — California
SAN MATEO COUNTY
My Comm. Expires OCT 12, 1996

Page 2 of 2.

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Doann Nielsen
Deputy CLERK

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned owner(s) of Lot 122, as shown on that certain map entitled "Map of Seadrift, Sub. No. Two, in the County of Marin, California," filed November 5, 1956, in Map Book 9 at Page 62, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on

the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpendicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:

July 19, 1994

GRANTORS

BROOKS WALKER, JR. and JOHN CLINTON WALKER as Trustees Under That Certain Agreement dated December 21, 1989

Brooks Walker Jr Trustee

BROOKS WALKER, JR., Trustee

TRUSTEE

JOHN CLINTON WALKER, Trustee

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On July 19, 1994 before me, Audrey S. Dodic, personally appeared

Brooks Walker Jr
John Clinton Walker

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~/are subscribed to the within instrument and acknowledged to me that ~~he/she~~/they executed same in ~~his/her~~/their authorized capacity(ies), and that by ~~his/her~~/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

(This area for official notarial seal.)

OFFICIAL SEAL
AUDREY S. DODIC
Notary Public-California
SAN FRANCISCO COUNTY
My Comm. Exp. Sept. 26, 1995

WITNESS my hand and official seal.

Signature Audrey S. Dodic

OFFICIAL SEAL
AUDREY S. DODIC
Notary Public-California
SAN FRANCISCO COUNTY
My Comm. Exp. Sept. 26, 1995

OFFICIAL SEAL
AUDREY S. DODIC
Notary Public-California
SAN FRANCISCO COUNTY
My Comm. Exp. Sept. 26, 1995

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Joann Nielsen
Deputy CLERK

481630

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.	94-070900
Street	45 Fremont Street, Suite 2000	THIS STAMP CONFIRMS
City & State	San Francisco, CA 94105-2219	RECORDING DATA ONLY

GRANT OF EASEMENT

The undersigned owner(s) of Lot 123, as shown on that certain map entitled "Map of Seadrift, Sub. No. Two, in the County of Marin, California," filed November 5, 1956, in Map Book 9 at Page 62, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on

the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpendicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED: Sept. 24, 1994

GRANTORS
ROGER E. SKJEI, ANN W. SKJEI

ROGER E. SKJEI

ANN W. SKJEI

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On SEPTEMBER 24, 1994 before me, ALBERT K. ENGEL, personally appeared

ROGER E SKJEI AND
ANN W. SKJEI

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~/are subscribed to the within instrument and acknowledged to me that ~~he/she~~/they executed same in ~~his/her~~/their authorized capacity(ies), and that by ~~his/her~~/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

(This area for official notarial seal.)

Albert K. Engel
Comm. #1005256
NOTARY PUBLIC CALIFORNIA
MARIN COUNTY
Comm. Expires Dec. 7 1997

WITNESS my hand and official seal.

Signature

Page 2 of 2.

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deann Nielsen
Deputy CLERK

481630

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name	California Coastal Commission Attention Legal Dept.
Street	45 Fremont Street, Suite 2000
City & State	San Francisco, CA 94105-2219

94-070901

THIS STAMP CONFIRMS RECORDING DATA ONLY

GRANT OF EASEMENT

The undersigned owner(s) of Lot 124, as shown on that certain map entitled "Map of Seadrift, Sub. No. Two, in the County of Marin, California," filed November 5, 1956, in Map Book 9 at Page 62, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on

the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpendicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED: Sept. 24, 1994

GRANTORS
ROGER E. SKJEI, ANN W. SKJEI

ROGER E. SKJEI

ANN W. SKJEI

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On SEPTEMBER 24, 1994 before me, ALBERT K. ENGEL, personally appeared

ROGER E. SKJEI AND
ANN W. SKJEI

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~/are subscribed to the within instrument and acknowledged to me that ~~he/she~~/they executed same in ~~his/her~~/their authorized capacity(ies), and that by ~~his/her~~/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

(This area for official notarial seal.)

Albert K. Engel
Comm. #1005256
NOTARY PUBLIC CALIFORNIA
MARIN COUNTY
Comm. Expires Dec. 7, 1997

WITNESS my hand and official seal.

Signature

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguière, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Joann Nielsen
Deputy CLERK

94-069926

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name California Coastal Commission
Attention Legal Dept.
Street 45 Fremont Street, Suite 2000
City & State San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned owner(s) of PARCEL ONE, as shown upon that certain parcel map entitled, "Parcel Map Lands of Sidney J. Hendrick, a Division of Parcel 1, as shown on 2 P.M. 62, Seadrift, Stinson Beach, Marin County, California", filed for record October 10, 1985 in Volume 22 of Parcel Maps at Page 91, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot

Approved:

which is bounded on the ocean side by the mean high tide line and on the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpendicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:

8/16/94

GRANTORS

Inice J. Beverly

Keith J. Beverly

STATE OF CALIFORNIA)
)ss.
COUNTY OF MARIN)

On AUGUST 16, 1994 before me, ALBERT K. ENGEL, personally appeared

INICE J. BEVERLY AND

KEITH J. BEVERLY

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~/are subscribed to the within instrument and acknowledged to me that ~~he/she~~/they executed same in ~~his/her~~/their authorized capacity(ies), and that by ~~his/her~~/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

(This area for official notarial seal.)

Albert K. Engel
Comm. #1005256
NOTARY PUBLIC CALIFORNIA
MARIN COUNTY
Comm. Expires Dec. 7 1997

WITNESS my hand and official seal.

Signature Albert K. Engel

Approved:

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguiere, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deanna Nielsen
Deputy CLERK

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name California Coastal Commission
Attention Legal Dept.
Street 45 Fremont Street, Suite 2000
City & State San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned owner(s) of PARCEL TWO, as shown upon that certain parcel map entitled, "Parcel Map Lands of Sidney J. Hendrick, a Division of Parcel 1, as shown on 2 P.M. 62, Seadrift, Stinson Beach, Marin County, California", filed for record October 10, 1985 in Volume 22 of Parcel Maps at Page 91, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot

Approved:

which is bounded on the ocean side by the mean high tide line and on the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpendicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:

x May 18, 1994

GRANTORS

Linda Gallanter

Linda Gallanter

Sanford Gallanter

STATE OF CALIFORNIA)
San Francisco) ss.
COUNTY OF ~~MARIN~~)

On May 19, 1994 before me, Michele J. Donnelly, personally appeared

Linda Gallanter

Sanford Gallanter

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed same in his/her/their authorized capacity(ies), and that by his/her/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

MICHELE J. DONNELLY
NOTARY PUBLIC-CALIFORNIA
CITY AND COUNTY OF
SAN FRANCISCO
My Commission Expires May 12,1995

(This area for official notarial seal.)

WITNESS my hand and official seal.

Signature Michele J. Donnelly

Approved:

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994, certain easements for low-intensity recreational purposes have been offered to the County; and

WHEREAS, Government Code Section 27281 requires that the County indicate its acceptance of said easements prior to their recordation; and

WHEREAS, this Board believes that acceptance of said easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of Easement, to which this Resolution is attached, over that certain property described in said Grant and for the purposes set forth therein be and the same is hereby accepted, and the County of Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held this 13th day of September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Roumiguière, Brady Bevis

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: Deann Nielsen
Deputy CLERK

94-069928

RECORDING REQUESTED BY

California Coastal Commission
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name California Coastal Commission
Attention Legal Dept.
Street 45 Fremont Street, Suite 2000
City & State San Francisco, CA 94105-2219

GRANT OF EASEMENT

The undersigned, Seadrift Association, a California non-profit corporation, owner of Parcel 2 and a portion of Parcel 3, Parcel Map, Lands of William Kent Estate Co., filed March 11, 1968 in Book 2 of Parcel Maps at Page 62, Marin County Records, hereby grants to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Parcels for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the owner.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over the seaward or westerly portion of said Parcels 2 and 3 and is bounded on the west or seaward side by the mean high tide line and on the landward side by a line extending along the length of the seaward or westerly portion of said Parcels 2

and 3 which line is located 60 feet from and parallel with the seaward or westerly edge of the presently existing vegetation area of said Parcels 2 and 3.

The easement extends from the easterly boundary line of said Parcel 2 to an East-West line passing through STA. 1 shown as on the Mean Low Water Line on that "Survey of the Ordinary High Water Mark and portion of Mean Low Water Line Bolinas Lagoon Sandspit" recorded August 1, 1949 in Book 2 Records of Surveys at page 144 in the office of the County Recorder of Marin County.

DATED:

July 27, 1994

GRANTOR

SEADRIFT ASSOCIATION, A California non-profit Corporation

By: Alan C. Johnston

Its: President

STATE OF CALIFORNIA)
)ss.
COUNTY OF ~~MARIN~~ Santa Clara)

On July 27, 1994 before me, Marilyn B. McKenna, personally appeared

Alan C. Johnston

personally known to me or proved to me on the basis of satisfactory evidence to be the person(~~s~~) whose name(~~s~~) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she~~/~~they~~ executed same in his/~~her~~/~~their~~ authorized capacity(~~ies~~), and that by his/~~her~~/ their signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument. WITNESS my hand and official seal.

Signature Marilyn B. McKenna

(This area for official notarial seal.)

OFFICIAL SEAL
MARILYN B. MC KENNA
Notary Public-California
SAN MATEO COUNTY
My Commission Expires
October 20, 1995

ORIGINAL

EXHIBIT "I"

ORIGINAL

Signs:
[TO BE PLACED ON WALLA VISTA AT ENTRANCE TO SEADRIFT BEACH (WHERE PRESENT SIGN IS LOCATED):]

← PUBLIC BEACH
Picnicking permitted.

SEADRIFT BEACH →

Public use of dry beach area
not closer than 60 feet from top of seawall
is permitted for uses such as strolling, jogging
bird watching, fishing and general viewing.

County of Marin

[TO BE PLACED ON THE BEACH, WHERE SEADRIFT BEACH BEGINS, AT BASE OF AND ALSO 75' FROM TOP OF ROCK SEAWALL:]

SEADRIFT BEACH
(beyond this point)

Public use of dry beach area
not closer than 60 feet from top of seawall
is permitted for uses such as strolling, jogging
bird watching, fishing and general viewing.

PUBLIC BEACH
(up to this point)
Picnicking permitted.

County of Marin

TO BE PLACED AT END OF BEACH, WHERE EASEMENT ENDS:]

SEADRIFT BEACH

Public easement ends -- no public use
above mean high tide line beyond this point.

County of Marin

Approved:
TJS PBS

ORIGINAL

EXHIBIT "J"

PPS

CALIFORNIA COASTAL COMMISSION
NORTH COAST AREA
45 FREMONT, SUITE 2000
AN FRANCISCO, CA 94105-2219
(415) 904-5260

Date: August 31, 1994
Permit No. **A-1-MAR-87-235-A**

AMENDED COASTAL DEVELOPMENT PERMIT

On March 16, 1994, the California Coastal Commission granted to

SEADRIFT ASSOCIATION

this permit subject to the Standard and Special conditions (Special Condition #1 later amended on July 13, 1994), for development consisting of

construction of a 7,400-foot long rip-rap revetment,

more specifically described in the application file in the Commission offices.

The development is within the coastal zone in Marin County at Seadrift Subdivision, Stinson Beach.

Issued on behalf of the California Coastal Commission by

PETER DOUGLAS
Executive Director

By: STEVEN F. SCHOLL

Title: Assistant District Director

ACKNOWLEDGMENT:

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions thereof.

The undersigned permittee acknowledges that Government Code Section 818.4 which states in pertinent part, that: "A public entity is not liable for injury caused by the issuance. . . of any permit. . ." applies to the issuance of this permit.

IMPORTANT: THIS PERMIT IS NOT VALID UNLESS AND UNTIL A COPY OF THE PERMIT WITH THE SIGNED ACKNOWLEDGEMENT HAS BEEN RETURNED TO THE COMMISSION OFFICE. 14 Cal. Admin. Code Section 13158(a).

September 29, 1994
Date

Signature of Permittee
President, Seadrift Association

A6: 4/88

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.

4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.

6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

SPECIAL CONDITIONS:

1. The provisions of the Settlement Agreement dated February 8, 1994, as revised, relating to the public use of a portion of the sandy beach area seaward of the rock revetment that is the subject of this permit shall constitute the public access conditions of this permit and shall be incorporated by reference into this permit. This permit shall not be issued unless and until (1) judgment has been entered as called for in the Settlement Agreement in both the state action, Kelly, et al. v. California Coastal Commission, et al., Marin County Superior Court No. 152988, and the federal action, California Coastal Commission, State Lands Commission v. United States Department of the Interior, et al., U.S. District Court No. CIV-S-92-0702 GEB GGH (Eastern District of California), which actions involve public and private rights and interests to the Bolinas Sandspit, and (2) the 60-day statute of

limitations relative to the filing of any litigation challenging the approval of this permit has expired or alternatively until any such litigation has been resolved in favor of the parties to the Settlement Agreement such that the permit is allowed to issue substantially in the form herein. **However, this requirement (2) above shall not apply with respect to the case of Citizens for Open Access to Sand and Tide, et al. v. California Coastal Commission, Marin County Superior Court No. 160383, so that notwithstanding the pendency of that case, the permit may be issued upon mutual agreement of the applicant and the Executive Director.** Any future request to amend this permit shall be accompanied by evidence that the request is consistent with the Settlement Agreement as it relates to public use of the Seadrift Sandspit Beach. This permit shall not be valid as to or inure to the benefit of any Seadrift Sandspit Beach Lot Owner who has not granted the easement provided for in the Settlement Agreement.

2. By signing this permit, the applicants agree to be responsible for future maintenance of the rock revetment which is the subject of this permit. Such future maintenance shall include both "ordinary maintenance" for which no coastal development permit shall be required and "extraordinary maintenance" for which a coastal development permit may be required, pursuant to the provisions of the certified Marin County Local Coastal Program.

"Ordinary maintenance" shall be defined to include the following activities: removal from the beach of any rocks or other material which become dislodged from the revetment or moved seaward from the identified footprint, replacement of such materials on the revetment, minor placement of sand over the revetment from a source other than the Bolinas Sandspit Beach, planting of dune grass on the revetment, and similar activities.

"Extraordinary maintenance" shall be defined to include placement of any material on or adjacent to the seaward face of the revetment (other than replacement of dislodged material as described above) and/or which expands the height or length of the revetment.

In the event any rock is dislodged from the revetment, it shall be replaced on the revetment within two months after the event which caused it to become dislodged.

3. Prior to issuance of the coastal development permit, the applicant shall submit plans of the rock revetment prepared by a registered professional engineer for the review and approval of the Executive Director. Such plans shall indicate the dimensions of the revetment and its footprint in relation to at least two monuments, one to be placed near each end of the rock revetment, for future maintenance and monitoring, as well as in relation to the applicants' property boundaries adjacent to Seadrift Road. The relationship of the monuments to the standard of MSL (Mean Sea Level) or NGVD (National Geodetic Vertical Datum) shall be indicated on the plans. Within three months following issuance of the coastal development permit, the applicants shall establish the monuments as indicated on the plans.

4. The applicants shall be responsible for providing to the Executive Director on a regular basis (at least every other year) for the life of the project a monitoring report prepared by a registered professional engineer following the winter storm season which will evaluate the effectiveness of the revetment and the impacts of the revetment on the adjacent beach, including the beach profile. This monitoring report shall also include recommendations for and a schedule for future routine and extraordinary maintenance as well as an assessment of the effectiveness of previous maintenance activities. If storms of magnitude similar to or greater than the 1982/83 storms occur, monitoring and inspection by an engineer as described above shall take place as soon as safely possible following the storm event.

SFS/ltc
6668p

STATE OF CALIFORNIA—THE RESOURCES AGENCY

PETE WILSON, *Governor*

CALIFORNIA COASTAL COMMISSION
NORTH COAST AREA
45 FREMONT, SUITE 2000
AN FRANCISCO, CA 94105-2219
(415) 904-5260

NOTICE OF COMMENCEMENT OF CONSTRUCTION

I/We hereby notify the CALIFORNIA COASTAL COMMISSION that I/We began the development authorized by Permit Number **A-1-MAR-87-235-A** on July 1983 and that
Date Construction Began

the development will be completed in accordance with any conditions imposed in the permit.

Signature of Applicant or Representative

September 29, 1994
Date

EXHIBIT J

ORIGINAL

Draft Coastal Development Permit Conditions for Seadrift Seawall

[The following draft conditions are provided pursuant to paragraph 8 of the Settlement Agreement and should not be construed as waiving the Coastal Commission's authority to exercise its discretion after public hearing. In addition, details of the conditions set forth below may be further developed and/or modified, and additional conditions may be added depending on the results of a more detailed review of the subject files and after public hearing.]

STANDARD CONDITIONS

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.

4. Interpretation. Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.

5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.

6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

11/3/93

KLS PBS

ORIGINAL

SPECIAL CONDITIONS

1. The provisions of the Settlement Agreement dated February 8, 1994, as revised, relating to the public use of a portion of the sandy beach area seaward of the rock revetment that is the subject of this permit shall constitute the public access conditions of this permit and shall be incorporated by reference into this permit. This permit shall not be issued unless and until (1) judgment has been entered as called for in the Settlement Agreement in both the state action, Kelly, et al. v. California Coastal Commission, et al., Marin County Superior Court No. 152998, and the federal action, California Coastal Commission, State Lands Commission v. United States Department of the Interior, et al., U.S. District Court No. CIV-S-92-0702 GEB GGH (Eastern District of California), which actions involve public and private rights and interests to the Bolinas Sandspit, and (2) the 60-day statute of limitations relative to the filing of any litigation challenging the approval of this permit has expired or alternatively until any such litigation has been resolved in favor of the parties to the Settlement Agreement such that the permit is allowed to issue substantially in the form herein. Any future request to amend this permit shall be accompanied by evidence that the request is consistent with the Settlement Agreement as it relates to public use of the Seadrift Sandspit Beach. This permit shall not be valid as to or inure to the benefit of any Seadrift Sandspit Beach Lot Owner who has not granted the easement provided for in the Settlement Agreement.

2. By signing this permit, the applicants agree to be responsible for future maintenance of the rock revetment which is the subject of this permit. Such future maintenance shall include both "ordinary maintenance" for which no coastal development permit shall be required and "extraordinary maintenance" for which a coastal development permit may be required, pursuant to the provisions of the certified Marin County Local Coastal Program.

"Ordinary maintenance" shall be defined to include the following activities: removal from the beach of any rocks or other material which become dislodged from the revetment or moved seaward from the identified footprint, replacement of such materials on the revetment, minor placement of sand over the revetment from a source other than the Bolinas Sandspit Beach, planting of dune grass on the revetment, and similar activities.

"Extraordinary maintenance" shall be defined to include placement of any material on or adjacent to the seaward face of the revetment (other than replacement of dislodged material as described above) and/or which expands the height or length of the revetment.

In the event any rock is dislodged from the revetment, it shall be replaced on the revetment within two months after the event which caused it to become dislodged.

11/3/93 (as modified 3-14-94)

3. Prior to issuance of the coastal development permit and in any event within three months of Commission approval of this permit, the applicants shall take the following steps: (1) establish at least two permanent monuments, one near each end of the rock revetment, for future maintenance and monitoring; and (2) submit plans of the rock revetment prepared by a registered professional engineer for the review and approval of the Executive Director. Such plans shall indicate the dimensions of the revetment and its footprint in relation to the monuments as well as to the applicants' property boundaries adjacent to Seadrift Road. The relationship of the monuments to the standard of MSL (Mean Sea Level) or NGVD (National Geodetic Vertical Datum) shall be indicated on the plans.

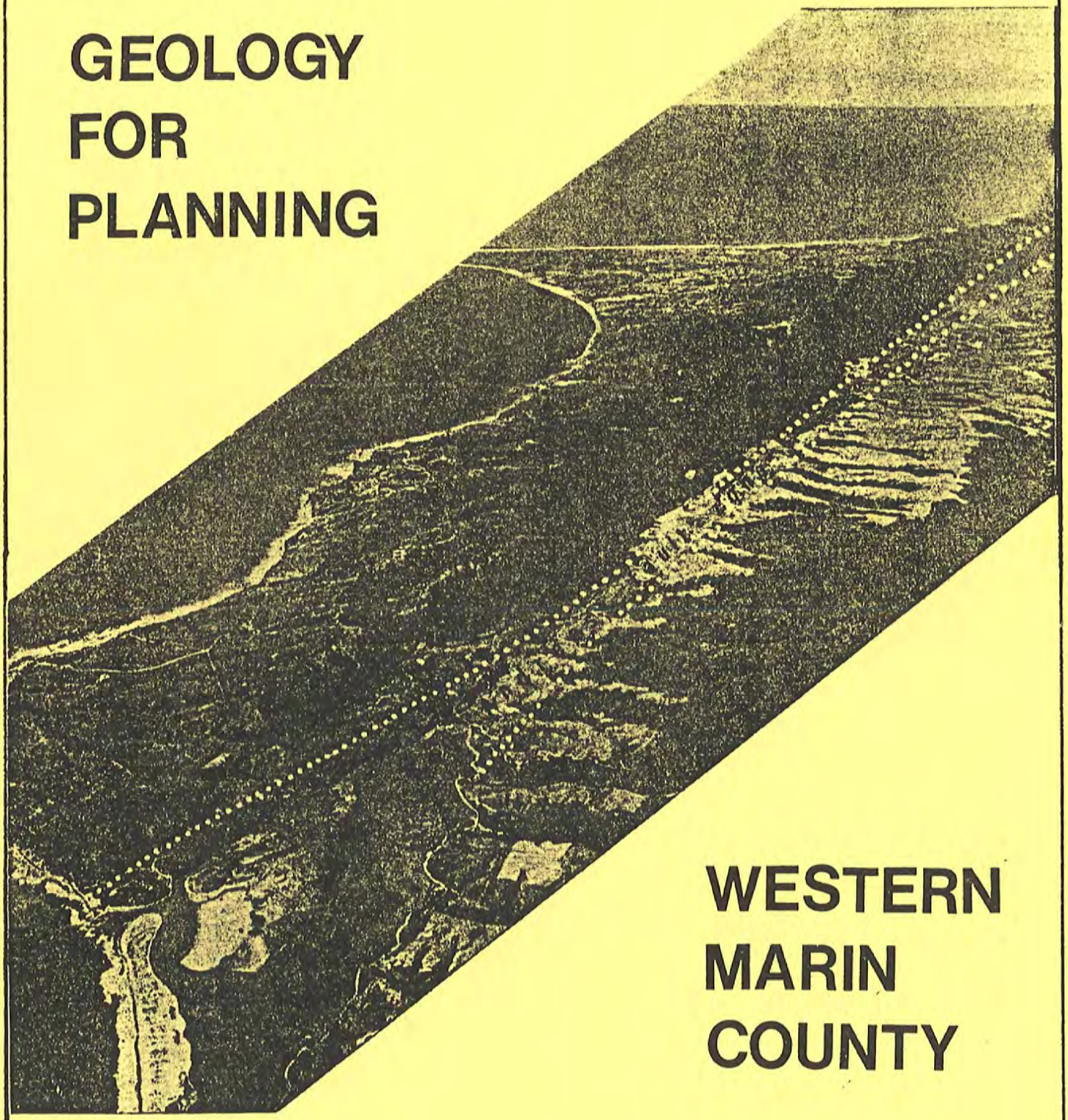
4. The applicants shall be responsible for providing to the Executive Director on a regular basis (at least every other year) for the life of the project a monitoring report prepared by a registered professional engineer following the winter storm season which will evaluate the effectiveness of the revetment and the impacts of the revetment on the adjacent beach, including the beach profile. This monitoring report shall also include recommendations for and a schedule for future routine and extraordinary maintenance as well as an assessment of the effectiveness of previous maintenance activities. If storms of magnitude similar to or greater than the 1982/83 storms occur, monitoring and inspection by an engineer as described above shall take place as soon as safely possible following the storm event.

11/3/93

6132p

YCES PBS

GEOLOGY FOR PLANNING



WESTERN MARIN COUNTY

GEOLOGY FOR PLANNING IN WESTERN MARIN COUNTY, CALIFORNIA

by

David L. Wagner

1977

California Division of Mines and Geology

Resources Building, Room 1341

1416 Ninth Street, Sacramento 95814

State of California
EDMUND G. BROWN JR., Governor

Department of Conservation
PRISCILLA C. GREW, Director

The Resources Agency
HUEY D. JOHNSON, Secretary

Division of Mines and Geology
THOMAS E. GAY JR., State Geologist

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SUMMARY OF FINDINGS

Geologic setting of western Marin County

The salient geologic feature of western Marin is the San Andreas fault zone, a fracture zone along which great segments of the earth's crust (the Pacific plate on the west and the North American plate on the east) are moving past one another. This plate movement has continued for millions of years at an average rate of about 2 cm per year. West of the fault Late Cenozoic (see geologic time scale, figure 2) marine and continental rocks rest upon Cretaceous granitic basement rock. East of the fault is a melange (Hsu, 1968) unit of the Franciscan Complex; this chaotic unit has undergone intense deformation for tens of millions of years. This unit is overlain in places by the Pleistocene Millerton Formation and other Quaternary deposits, such as terrace gravel, alluvium, and bay mud (see plates 1 and 2).

Slope stability in western Marin County

The western part of Marin County presents a wide range of slope stability problems (see plates 3 and 4), some of which are of particular concern:

(1) the rapidly retreating sea cliffs at Bolinas,

(2) moderate to steep slopes underlain by Merced Formation (Bolinas),

(3) areas underlain by melange matrix of the Franciscan Complex, and

(4) areas in Inverness where thick vegetation masks or anchors unstable, steep slopes.

Seismic activity in western Marin County

The San Andreas fault zone traverses western Marin County from Bolinas Lagoon to Tomales Bay. Numerous fault-produced features, as well as the documented fault displacement during the 1906 earthquake, show that the zone is active and capable of producing devastating earthquakes. All of the active faults observed during this investigation are within the Alquist-Priolo Special Studies Zones (see plates 1 and 2).

Hazards related to earthquakes

Surface fault rupture - Ground rupture with displacements ranging from 3.4 to 6.1 meters occurred along the 1906 fault trace. Historically, strike-slip faults, such as the San Andreas, tend to break along lines of previous rupture. Therefore, when another major earthquake occurs along this segment of the fault, surface fault rupture will most likely occur on or near the trace of the 1906 break (see plates 1 and 2).

Ground shaking - Severe ground shaking, the most widespread, destructive aspect of earthquakes, is a function of the magnitude of the earthquake, distance from the fault, and the nature of the underlying earth materials. The earth materials of the study areas are placed in one of three categories. These categories, in order of expected increasing shaking severity, are bedrock, alluvium, and bay mud. Areas expected to experience particularly severe shaking are areas around Tomales Bay and Bolinas Lagoon that are underlain by bay mud, the delta of Pine Gulch Creek, and the alluviated valley bottoms (see table 2, p. 32).

Liquefaction - Seismic shaking can induce liquefaction, a transformation of a granular material to a liquified state. Liquefaction can cause ground failures such as flow landslides, lateral spreading, and loss of foundation strength. Flow landslides can be expected in areas underlain by the Merced Formation (Bolinas Peninsula). Lateral spreading was not reported during the 1906 earthquake but may be expected where liquefiable material occurs near a free face. Loss of foundation strength was not reported during 1906 but can occur in any water-saturated, liquefiable material.

Tsunami - Low-lying areas around Tomales Bay and Bolinas Lagoon could experience inundation by a tsunami (a seismic sea wave). Areas likely to be affected by a tsunami with a 6 m (~ 20 feet) runup are shown on figure 12.

RECOMMENDATIONS

All of the areas investigated during this project are within, or immediately adjacent to, the San Andreas fault zone. Any decisions regarding land-use in these areas should be made with full cognizance of this fact. Specific recommendations are as follows:

(1) The County should consider not permitting the siting of critical structures, especially those for involuntary occupancy (e.g. schools, hospitals), within the San Andreas fault zone. The State Mining and Geology Board has recommended more restrictive criteria for critical structures than for other structures in Alquist-Priolo Special Studies Zones. For practical purposes, within the study area, the San Andreas fault zone and the Special Studies Zones can be considered to be coincident.

(2) Complete geotechnical investigations should be required prior to tentative tract approval in areas designated 4, 3, and selected parts of those areas designated 2 on the slope stability maps accompanying this report. Parts of stability zone 2 should be evaluated where there is a reasonable likelihood that the site may be undermined by failure on an adjacent slope.

(3) Setbacks along the seacliffs of the Bolinas peninsula should be based on a site-specific determination of cliff retreat rate as a part of the geotechnical investigation recommended for sites in stability zones 3 or 2. Then the minimum setback distance can be determined by multiplying the expected life of the structure by the average rate of cliff retreat:

setback (meters) = structure life (yrs.) x retreat rate (meters/yr.).

The geotechnical report may recommend an additional setback distance where landsliding is vigorous.

(4) Sites on or adjacent to steep slopes (greater than 27°) underlain by Merced Formation (Bolinas) will likely experience slope failure and should be evaluated accordingly.

(5) Strict grading regulations should be enacted to minimize the impact of development on the steep, wooded slopes of Inverness.

(6) Structures should not be permitted on marshland or in areas underlain by bay mud unless the site is properly engineered for the specific stability problems these deposits present.

(7) Sites on the Pine Gulch delta should be evaluated with respect to surface fault rupture (already covered by the Alquist-Priolo Special Studies Zones Act), shaking, liquefaction and tsunami. Single family, wood frame dwellings may be exempted from this requirement.

Uses and limitations of this report

It is the purpose of this report to present information about the geologic factors affecting development to those charged with the responsibility of making land-use decisions in western Marin County, as well as to those who are interested in such decisions. This report and the accompanying maps should be used to determine what stability or seismic problems might affect the site and, therefore, should be investigated prior to development. This report should not be used in place of evaluation of specific sites.

INTRODUCTION

General discussion

The geologic environment of Marin County is complex and diverse. It is an area of intense tectonic activity because of its location along the active margin of the North American continent. Such margins are among the most geologically active areas to be found anywhere on the earth. Though most geologic processes occur too slowly for us to perceive, some of them are quite rapid, causing damage and loss of life. Obviously, it is beneficial for society to know where geologic processes are occurring, or are likely to occur that pose a hazard to human endeavor.

Marin County, recognizing the need for detailed information about geologic factors which can affect engineering development and land-use planning, entered into an agreement with the California Division of Mines and Geology to conduct an investigation of the geology in various parts of the County. This report presents the results of such an investigation of the Bolinas Peninsula and selected areas around Tomales Bay. This and previous reports prepared for the County by the Division are indexed on figure 1.

Most of the data generated by this investigation are depicted graphically on maps showing the basic geology (plates 1 and 2) and relative slope stability (plates 3 and 4) at a scale of 1:12,000. Other aspects of the areas affecting land-use planning are elaborated upon in this text.

Methods

Geologic field mapping, at a scale of 1:12,000, was the primary investigative technique used in this project. The Point Reyes Station area was mapped by Theodore C. Smith in 1976 as part of an earlier co-operative agreement. David L. Wagner mapped the other study areas in western Marin County during the fall and winter of 1976-77. Extensive aerial photo interpretation was used to augment the field mapping.

Acknowledgements

I would like to extend gratitude to Theodore C. Smith for his careful mapping of the Point Reyes Station area; N. Timothy Hall of Foothill College, who supplied photographs and geologic mapping data; and to Joel Berquist of the U.S. Geological Survey for data on the location of the 1906 fault trace in Bolinas Lagoon. Richard R. Moar and Donald R. Anderson provided drafting support; Josephine M. Territo, Marianne K. Roja and Delores Fuller provided clerical support. Many

FIGURE 1. INDEX MAP SHOWING SOURCES OF MAPPING USED TO COMPILE THE GEOLOGIC MAPS ACCOMPANYING THIS AND PREVIOUS MARIN COUNTY REPORTS.

CDMG-MARIN COUNTY CO-OP PROJECTS

PERSON ASSIGNED & YEAR	PERSON ASSIGNED & YEAR
RICE, 1971	SMITH, 1973-74
STRAND, 1971	RICE, 1975
RICE, 1972-73	SMITH, 1975
RICE, 1973-74	WAGNER, 1976 - THIS REPORT

OTHER SOURCES

BANGERT, J.C., UNPUBLISHED THESIS (ON FILE WITH CITY OF LARKSPUR).

BEDROSSIAN, T.L., APRIL 1974, GEOLOGY OF THE MARIN HEADLANDS AREA IN CALIFORNIA GEOLOGY, P. 75-86.

RICE, S.J., UNPUBLISHED MAPPING.

SCHLOCKER, J., BONILLA, M.G., RADBRUCH, D.H., KAYE, C.A., AND KONKOFF, W.I., GEOLOGIC MAP OF THE SAN FRANCISCO NORTH QUADRANGLE, IN SCHLOCKER, 1974 (WITH MINOR CHANGES).

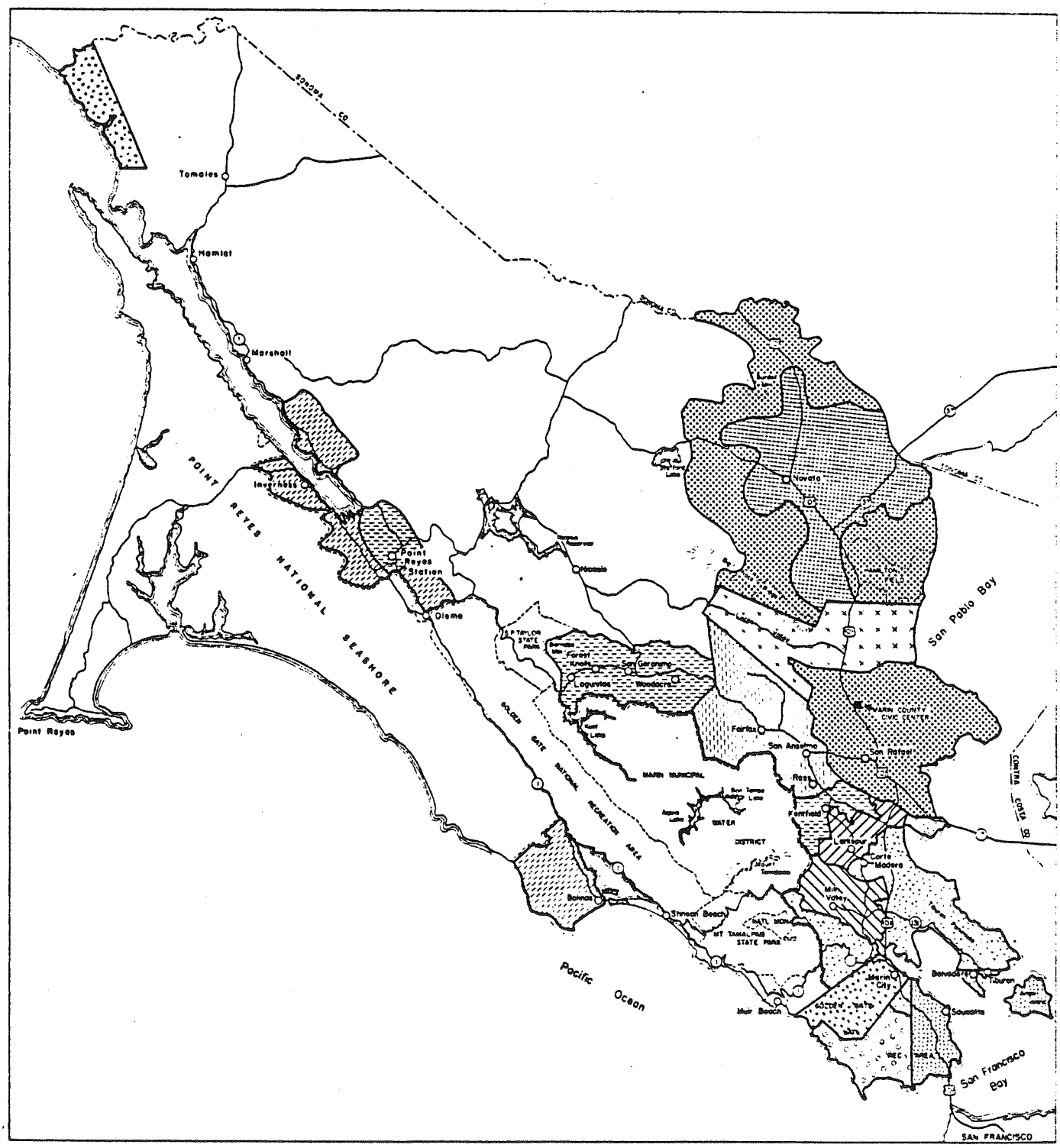


Figure 1. Index map.

helpful suggestions were offered by Salem J. Rice, Charles C. Bishop, Richard M. Stewart, and Theodore C. Smith.

Previous geologic studies in western Marin County

The geology of western Marin was first described by F.M. Anderson (1899). The basic framework established by Anderson is still used today. G.K. Gilbert compiled a remarkable account of the effects of the earthquake of April 18, 1906, which was included in the now classic report of the State Earthquake investigation Commission (Lawson, 1908). The earlier geologic mapping was revised by Weaver (1944). Because their fragile nature, Bolinas Lagoon and Tomales Bay have been the subject of many technical studies some of which are referenced in the bibliography of this report. Perhaps the most comprehensive report on the geology west of the San Andreas fault is the work of Alan Galloway (in press). His map has recently been released but the text is still in press.

GEOLOGY OF THE STUDY AREAS

Geology of the Bolinas Peninsula

The picturesque Bolinas Peninsula is the southernmost extension of the Point Reyes Peninsula. It is unique in that it is a pocket of privately owned land bounded by water on three sides and on the north by lands of the Point Reyes National Seashore. Consequently, the pressure for development is intense, and issues related to land-use are volatile subjects. The geology of the peninsula has been, and will continue to be, an important consideration in land-use planning.

Most of the peninsula is a broad, relatively flat, gently sloping terrace, ranging in elevation from 48 to 67 meters. This terrace, known as the Mesa, was cut by wave action tens of thousands of years ago and has subsequently been uplifted. Duxbury Reef is forming now as a wave-cut platform. Two flat-topped hills east of the Mesa, one called the Little Mesa and the other unnamed, are wave cut platforms; that is, they are not capped by terrace deposits of sand and gravel as is found on much of the Mesa. The town of Bolinas is nestled in a narrow, alluviated valley between the Mesa and the two platforms. Occupying the center of the peninsula is the uninhabited uplands called Stewarts Point. The alluviated Paradise Valley lies east of the uplands, and farther to the east is a hilly area known as Horseshoe Hill. Pine Gulch Creek flows through Paradise Valley and forms a delta, a flat, alluviated area which fronts much of Bolinas Lagoon.

GEOLOGIC TIME SCALE

	RELATIVE GEOLOGIC TIME			TIME millions of years before present	TIME OF APPEARANCE OF DIFFERENT FORMS OF LIFE
	Era	Period	Epoch		
Age of Mammals	Cenozoic	Quaternary	Holocene	0.011*	Historic record in California, 200 years Post-glacial period
			Pleistocene	2-3	Ice age.
		Tertiary	Pliocene	5-7**	Age of mammoths.
			Miocene	23-26**	Spread of anthropoid apes.
			Oligocene	37-38	Origin of more modern families of mammals, grazing animals.
			Eocene	53-54	Origin of many modern families of mammals, giant mammals.
			Paleocene	65	Origin of most orders of mammals, early horses.
Age of Reptiles	Mesozoic	Cretaceous	Late Early	136	Appearance of flowering plants; extinction of dinosaurs at end; appearance of a few modern orders and families of mammals.
		Jurassic	Late Middle Early	190-195	Appearance of some modern genera of conifers; origin of mammals and birds; height of dinosaur evolution.
		Triassic	Late Middle Early	225	Dominance of mammal-like reptiles.
	Paleozoic	Permian	Late Early	280	Appearance of modern insect orders.
		Carboniferous Systems: Pennsylvanian	Late Middle Early		Dominance of amphibians and of primitive tropical forests which formed coal; earliest reptiles.
		Carboniferous Systems: Mississippian	Late Early	345	Earliest amphibians.
		Devonian	Late Middle Early	395	Earliest seed plants; rise of bony fishes.
		Silurian	Late Middle Early	430-440	Earliest land plants.
		Ordovician	Late Middle Early	500	Earliest known vertebrates.
		Cambrian	Late Middle Early		Appearance of most phyla of invertebrates.
	Precambrian				Origin of life; algae, worm burrows.

Modified from G. Ledyard Stebbins, *Processes of organic evolution*, 1966. Prentice-Hall, Inc., Englewood Cliffs, New Jersey.

*11,000 years, Zíony *et al.* (1973)

**Geological Society of London (1964), Berggren (1972)

Figure 2.

Monterey Formation - The Mesa and the Stewarts Point area is underlain by strata of the Monterey Formation of Miocene age. Here, the Monterey Formation is composed of brown to gray siltstone and light-colored siliceous shale. Bedding strikes about N 40° W and usually dips 40° to 60° to the west. This bedding orientation exerts a strong influence on the stability of the unit and will be discussed later (see figure 3). In addition, the Monterey Formation is pervasively fractured and crumbles readily when exposed on slopes. In some areas, the Monterey seems stable while in other areas, many slides are evident.

Merced Formation - Massive blue siltstone; blue clay; loosely consolidated, buff-colored sandstone; and gravel of the Plio-Pleistocene Merced Formation occur in a linear belt underlying the eastern part of the Bolinas Peninsula. A section of this formation is exposed in the sea cliffs along the channel entrance to Bolinas Lagoon. This section, about 70 meters thick, is composed of sandstone, gravel, blue siltstone, and blue clay (Galloway, in press). In the Horseshoe Hill area, water wells have penetrated 85 to 91 meters of Merced without reaching its base. Bedding planes in the Merced strike slightly to the northeast and dip gently to moderately (5° to 35°) to the east. The poorly consolidated sediments of the Merced are easily eroded and are very susceptible to debris-flow landslides.

Terrace deposits - Discontinuous deposits of unconsolidated sand, silt, and gravel occur on the uplifted terrace levels that were cut into the Monterey Formation during Late Pleistocene time. For the most part, these terrace deposits consist almost entirely of detritus from the underlying Monterey Formation. However, some boulders, more than a meter across, are derived from the Franciscan rocks to the east of the San Andreas fault. The terrace deposits are essentially flat-lying, range in thickness from less than a meter to more than 15 meters, but are usually three to six meters thick. Terrace deposits are weak and easily erodible, so small slumps and gullies commonly occur in such material. However, most terrace deposits occur in areas of low relief not conducive to large landslides.

Older alluvium - Older alluvium, of Late Pleistocene age, is composed of pebbles, cobbles, and boulders with varying amounts of sand matrix. Most of the older alluvium occurs within the San Andreas fault zone and overlying the Merced Formation in the eastern part of the study area. Gluskoter (1969) examined this material and concluded it was an uplifted, dissected fluvial deposit derived from rocks on both sides of the San Andreas fault. The alluvium is composed primarily of gravel derived from the Franciscan terrane to the east, but material derived from the Merced and Monterey Formations is very abundant in the western part of the deposit. Slumps in the older alluvium are common along the steep sides of deeply incised streams.

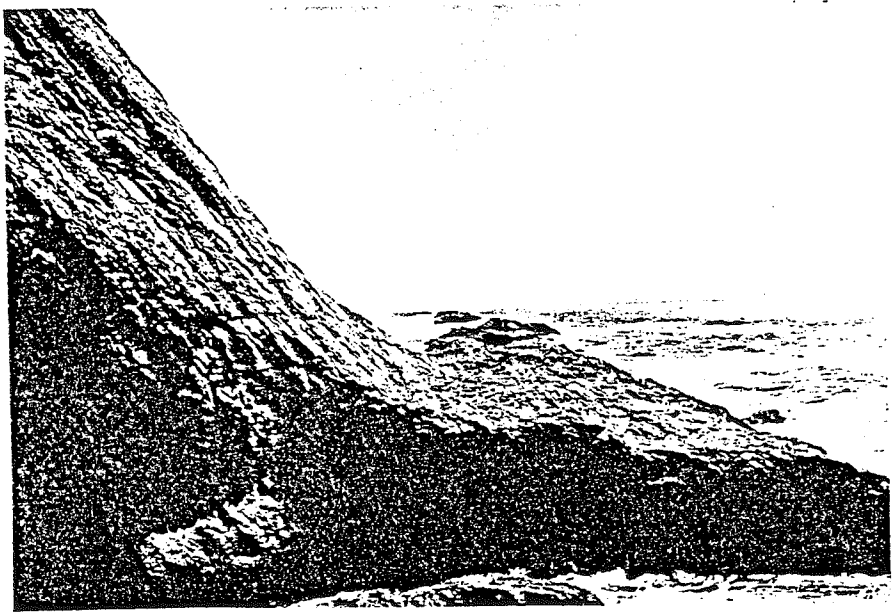


Figure 3. Photograph of Duxbury Reef. The surf is cutting a wave-cut platform in rocks of the Monterey Formation. The planar structure evident in the rock is bedding which dips seaward. As the waves remove support at the base of the cliff, the rocks fail along these planar features causing rock falls.

Landslide deposits - Landslide deposits are masses of earth materials which have become detached from the substrate and have moved downslope. More recent landslides can be recognized by jumbled, irregular topography characterized by closed depressions, ridges, scarps, poorly drained areas, disturbed trees, and disrupted drainage. Some older slides which have been eroded can be recognized by their rubbled, disrupted appearance. The stability aspects of landslides will be covered in detail in the stability section of this report.

Bay mud - Water-saturated bay mud occupies much of Bolinas Lagoon. The mud consists of mixtures of silt, clay, sand, shells, and organic material. Mud has physical properties similar to jelly, so it is subject to subsidence and severe shaking during earthquakes. The town of Bolinas is situated in a narrow valley occupied by mud overlain by a thin veneer of alluvium. This probably accounts for the large amount of damage that occurred in the town during the 1906 earthquake. A thorough treatment of the hazards of bay mud can be found in reports by Rice (1973) and Rice, Smith and Strand (1976).

Alluvium - Alluvial deposits of sand, silt, and gravel occur in significant accumulations along Pine Gulch Creek in the eastern part of the study area. The delta of Pine Gulch Creek is broad, flat area of thick alluvium. Alluvial valley fill extends northwestward from the deltaic area forming the floor of Paradise Valley. Other deposits of alluvium occur in the broad stream courses that dissect the wave-cut terrace of the western part of the peninsula. Alluvium occurs in low-lying areas, so it does not present much of a slope stability problem. However, it is poorly consolidated and may be subject to severe shaking during earthquakes.

Beach sand - Sand, with some pebbles and gravel, occurs in discontinuous patches along the shoreline and near the entrance to Bolinas Lagoon. These beaches are quite mobile; the distribution of sand changes rapidly, sometimes daily, in response to various interacting coastal processes.

Geology of the Tomales Bay study areas

General statement - In the Tomales Bay study areas, two entirely different bedrock terranes are juxtaposed along the San Andreas fault. Only the geologically young, surficial units are common to both sides.

Rock units east of the San Andreas fault

Franciscan Complex - Thoroughly disrupted rocks of the Franciscan Complex known as melange (Hsu, 1968) are the oldest and most abundant rocks east of Tomales Bay. Melange is a chaotic mixture of material characterized by masses of hard rocks embedded in an intensely sheared, clayey matrix. Landscapes underlain by melange often have a distinctive

appearance, with the resistant rock masses jutting out of gently rounded grassy slopes like huge monoliths. These hard masses, often referred to as "knockers", consist of a variety of rocks including sandstone, greenstone, chert, and complex metamorphic rocks. The fact that these rocks have radically different origins, yet occur together embedded in a thoroughly pulverized matrix, indicates that the melange has had a geologically turbulent history.

Underlying the smooth, grassy slopes is the melange matrix in which the knockers are imbedded. This matrix is so weak and erodible that it is not exposed except in areas of intense erosion or in artificial exposures. The melange, with its hard resistant knockers, and weak matrix, erode at different rates, yielding a jumbled topography, esthetically pleasing, but one fraught with stability problems.

No new evidence relating to age of these particular Franciscan rocks emerged from this study, but the Franciscan is known to range from Late Jurassic to Early Tertiary (136 to 50 million years before the present). Most of the Franciscan rocks of this area are probably of Cretaceous age (65-136 million years before the present). The smooth appearance of the Franciscan terrain in this particular area (see figure 4) indicates these rocks have been subject to subaerial erosion for millions of years. In addition, there is subtle geologic evidence of marine erosion, and deposition has taken place in what are now uplands.

Millerton Formation - Fossiliferous clay, silt, sand and gravel, at least 30 meters thick, overlie the Franciscan rocks along the east side of Tomales Bay. The Millerton Formation, best exposed along promontories which extend into Tomales Bay, is restricted to the eastern side of the San Andreas fault zone. Some of the rocks mapped as undifferentiated terrace deposits around Point Reyes Station probably are correlative with the Millerton Formation. Most of the water wells drilled near Point Reyes Station encountered rocks similar to the Millerton Formation after penetrating one to ten meters of terrace gravel. To the south, near Olema, a water well penetrated blue clay typical of the Millerton Formation at a depth of 6 meters. It is possible that the Millerton Formation may continue southward beneath alluvial cover in the Olema Valley to exposures of the Olema Creek Formation, which Galloway (in press) considered to be partly correlative with the Millerton Formation.

The Millerton Formation is Late Pleistocene in age, and was deposited in a bay very similar to Tomales Bay today (Johnson, 1962). Richard and Thurber (1966) obtained carbon-14 dates from the Millerton Formation of around 37,000 years, but they felt the true age is greater than 50,000 years. A sample from the Millerton Formation dated during this study, is older than 40,000 years, which supports this older age. In 1947, students from the College of Marin recovered bones of a Late Pleistocene buffalo, *Bison antiqus*, from the Millerton Formation at

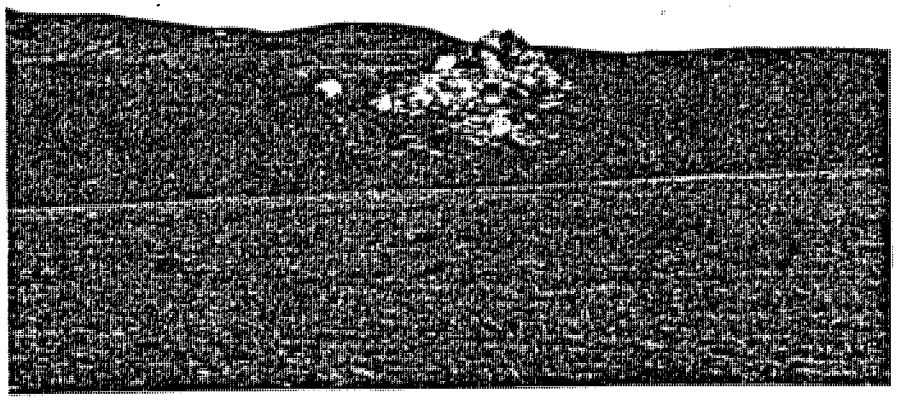


Figure 4. Typical Franciscan melange landscape east of Tomales Bay. A "knocker" of radiolarian chert crops out prominently, and the smooth area is underlain by erodible matrix.

Millerton Head. Bison antiqus is commonly found in the La Brea pits in Los Angeles. Additional vertebrate fossils from the Millerton include a femur bone from a giant ground sloth and an elephant tooth (Merriam, 1900).

Terrace deposits - Between Olema and Bivalve, loosely consolidated silt, sand and gravel, are deposited on benches cut by wave action or streams. Some of the rocks mapped as terrace deposits in and around Point Reyes Station are estuarine deposits, probably correlative with the Millerton Formation.

Gravels in the terrace deposits are composed of subangular to rounded pebbles and cobbles, primarily derived from the Franciscan terrane on the east, although granitic clasts and shale chips from the Monterey Formation to the west are present also. In some areas, notably in roadcuts near the Pacific Gas and Electric substation at Olema, small pockets of terrace gravels containing nearly 100 percent granitic material are exposed.

The most extensive terrace deposits mapped occur along Lagunitas Creek near Point Reyes Station. The town of Point Reyes Station is situated on a stream-cut terrace which is overlain by a layer of gravel about 6 meters thick. As pointed out by Hall and Hughes (1977), there are at least five terrace levels incised in Bolinas Ridge. Each of the terraces either has a deposit capping it, or a residue of pebbles and sand in the soil showing a deposit once existed.

Rock units west of the San Andreas fault

Metamorphic rocks - Schist, gneiss, quartzite, limestone, and marble occur as discontinuous inclusions in the granitic rock which underlies the Inverness area. These rocks are by far the oldest rocks studied here, possibly Paleozoic age, greater than 200 million years old (Galloway, in press). These ancient rocks were engulfed by molten material which later solidified to form the granitic basement rock of what is now the Point Reyes Peninsula. Only a few scattered exposures of these old metamorphic rocks remain today.

Granitic rocks - Granitic rocks underlie most of the area studied west of the San Andreas fault. Granitic rock is igneous, that is, rock that has crystallized from molten material called magma. This magma intruded pre-existing sedimentary rocks and solidified about 90 million years ago (Curtis and others, 1958). In an area of relatively high rainfall, such as Inverness, granitic rocks decompose readily. Accordingly, in most exposures these rocks are very deeply weathered, and it is difficult to obtain an unaltered specimen. Wells and core holes drilled in the area usually penetrate several tens of feet of decomposed granite before reaching fresh rock.

Laird sandstone - The Laird sandstone (Galloway, in press) which overlies the granitic basement of the peninsula, is exposed along Drake's Summit road. This unit consists of sandstone that is rich in feldspar and biotite and a granitic basal conglomerate, showing that this unit was derived from the underlying granite. Excellent exposures of the basal contact of the Laird sandstone can be observed along the Bear Valley-Limontour road, above Haggerty Gulch. Here the Laird sandstone overlies an old erosion surface of very deeply weathered granitic rock. Large landslides occur along this contact, because weathering has weakened the granitic rock.

Monterey Formation - Siliceous shales of the Monterey Formation overlie the Laird sandstone at the crest of the Drake's Summit Road. This shale outlier is a remnant of beds that were once continuous with the Monterey Formation west of Inverness Ridge.

Rock units common to the entire Tomales Bay study area

Older alluvium - Deposits of older alluvium were mapped on the medial ridge in the San Andreas fault zone and along streams flowing into Tomales Bay from the west. Older alluvium west of the San Andreas fault is composed primarily of subangular chips of shale from the Monterey Formation, granitic and metamorphic rock from the Inverness area, and a small amount of resistant rock such as chert from the Franciscan terrane east of the fault zone. Most of the older alluvium was deposited at a time when the sea level was higher than the present, possibly during an interglacial period. Now, with a lower sea level, the streams have been rejuvenated and have cut through these older alluvial deposits. The older alluvium is relatively stable, except along the medial ridge, where active faults have disrupted the gravel causing landslides.

Colluvium - Colluvium is a mixture of soil and rock debris which accumulates on or at the base of slopes. The soil and weathered rock which make up the colluvium are derived from the underlying bedrock and have not been transported any great distance. Colluvium collects in significant amounts in swales and small drainages; also colluvium usually blankets heavily wooded, north-facing slopes. Colluvial deposits are subject to gullying during vigorous storms and commonly are subject to landsliding. This material is highly dependent upon plant roots to help bind it together, so that clearing of vegetation by grading, fire, or other means, can cause it to become extremely unstable.

Alluvium - Alluvium is poorly consolidated, poorly sorted clay, silt, sand, and gravel which usually fills stream and valley floors. In contrast to colluvium, alluvium has been transported some distance and is mixed with material from other areas. Alluvium can accumulate to considerable depths as evidenced by the "P.M.I." oil well drilled southwest of the intersection of Highway 1 and Lagunitas Creek. This well penetrated 35 meters of alluvium before encountering bay sediments.

Alluvium is a weak material, easily erodible and susceptible to gullying, and may present stability problems during earthquake shaking. It does not create slope stability problems, because it usually is restricted to lowlands.

Bay mud - Bay mud of unknown thickness occupies the southernmost end of Tomales Bay and underlies the marshy area south of Sir Francis Drake Blvd. near its intersection with Bear Valley Road. Its composition is similar to that in the Bolinas area, and it presents the same types of problems, previously described.

Landslide deposits - Landslide deposits are masses of earth materials that have become detached from the substrate and have moved downslope. Their characteristics here are the same as for landslides described in the Bolinas area.

Artificial deposits - Artificial (man-made) deposits include dumps, areas of fill, earth dams, dikes, and in some places, the road-bed of an abandoned railroad. Artificial fills that have not been properly compacted are susceptible to failure during earthquakes.

The San Andreas fault zone - fault activity

The San Andreas fault zone dominates the geology of western Marin County. Consisting of many interconnected faults of varying degrees of recency, the zone occupies the long, straight valley between Inverness Ridge on the west and Bolinas Ridge on the east. As imposing as it is, the fault zone in Marin is but a small segment of a fracture in the earth's crust which extends from Cape Mendocino southward to the Salton Sea (Jennings, 1975). The San Andreas, as we know it today, has been active for 10 to 20 million years with the rocks west of the fault being displaced about 300 km to the northwest toward Alaska (Nilsen, 1977).

Nature and extent of the fault zone in Marin - According to Galloway (in press) the San Andreas zone is about 2100 meters wide along Tomales Bay, narrows to about 450 meters in the rift valley, and widens again to about 2400 meters at Bolinas. The western boundary of the zone is a fault that juxtaposes Monterey shales against various rock units of the fault zone. In the Bolinas area, the western boundary fault (Galloway, in press) juxtaposes the Monterey Formation against the Merced Formation. Thus, all of the Bolinas Peninsula underlain by Merced Formation should be considered to lie within the San Andreas fault zone. In the Tomales area, the remarkably straight western shoreline of Tomales Bay probably is a consequence of the Western Boundary fault. The eastern limit of the zone is less obvious. It more or less coincides with Highway 1 from the Olema Cemetery southward for 8 km (Brown and Wolfe, 1972), where it becomes obscure. A fault mapped by Gluskoter (1969) east of Highway 1 to Bolinas Lagoon seems to be a continuation of that noted by Brown and Wolfe and probably is the eastern boundary of the zone. In this area, this fault juxtaposes the Merced Formation of the fault zone with Franciscan rocks on the east.

The fault probably extends along the eastern edge of Bolinas Lagoon and passes out to sea beneath Seadrift (Galloway, in press; additional work by Berquist, U.S.Geological Survey, personnal communication, 1977). In the Tomales Bay-Olema area the eastern extent of the zone is not known. The boundary fault probably is buried immediately west of Olema, extends northward beneath the alluvium of Olema Creek, and possibly connects with the faults that cut the Millerton Formation along the east side of Tomales Bay.

Between the two boundary faults, the zone abounds with features produced by recent fault movements (see figure 5). These features include linear ridges, sag ponds, disrupted drainage, offset fences, and other features indicating recurrent faulting, most likely accompanied by large earthquakes.

Fault activity - Although the San Andreas was recognized as a fault before 1906 (Anderson, 1899), it took the earthquake of that year to demonstrate its activity. This earthquake is believed to have been centered near Olema and had a magnitude of 8.3 on the Richter scale (Richter, 1958). The effects of the event were carefully chronicled by G.K. Gilbert (in Lawson, 1908). Bolinas, Inverness, and Point Reyes Station suffered severe damage, and the ground ruptured nearly continuously from Bolinas Lagoon to Tomales Bay. Much of this ground rupture still can be traced today. Offsets along this rupture ranged between 3.3 and 6.1 meters (see table 1). A row of eucalyptus trees planted along a fence prior to the earthquake was offset 4 meters during the event. This offset can still be seen along the boundary of the National Seashore at Dogtown (Woodville).

Along the 1906 trace, sag ponds, linear ridges, and scarps indicate that displacements have occurred repeatedly in the last 10,000 years or so. An impressive collection of fault-related topographic features can be observed along Highway 1, showing that displacements have occurred along at least part of the eastern boundary fault repeatedly in the last 10,000 years. The western boundary fault does not exhibit such well-defined fault features, but it does cut older alluvium, it has been active in Late Quaternary time. Moreover, the offshore extension of the western boundary fault may connect with the active Seal Cove fault (Cooper, 1973; Jennings, 1975) in San Mateo County. This interpretation suggests then, that the western boundary should be considered active. All of the active faults observed during this study are within the Alquist-Priolo Special Studies Zones.

Sag ponds, linear ridges, and other fault-related topographic features (see figure 6) are formed by displacements of the ground. These geomorphic features are transient aspects of the landscape and would surely be destroyed by erosion if fault displacement were not occurring frequently in geologic time (Herd and Helley, 1977). With this geologic evidence of frequent earthquakes in western Marin, it is very strange that microearthquakes do not now occur along this segment of the fault. To the south, many small earthquakes have occurred along

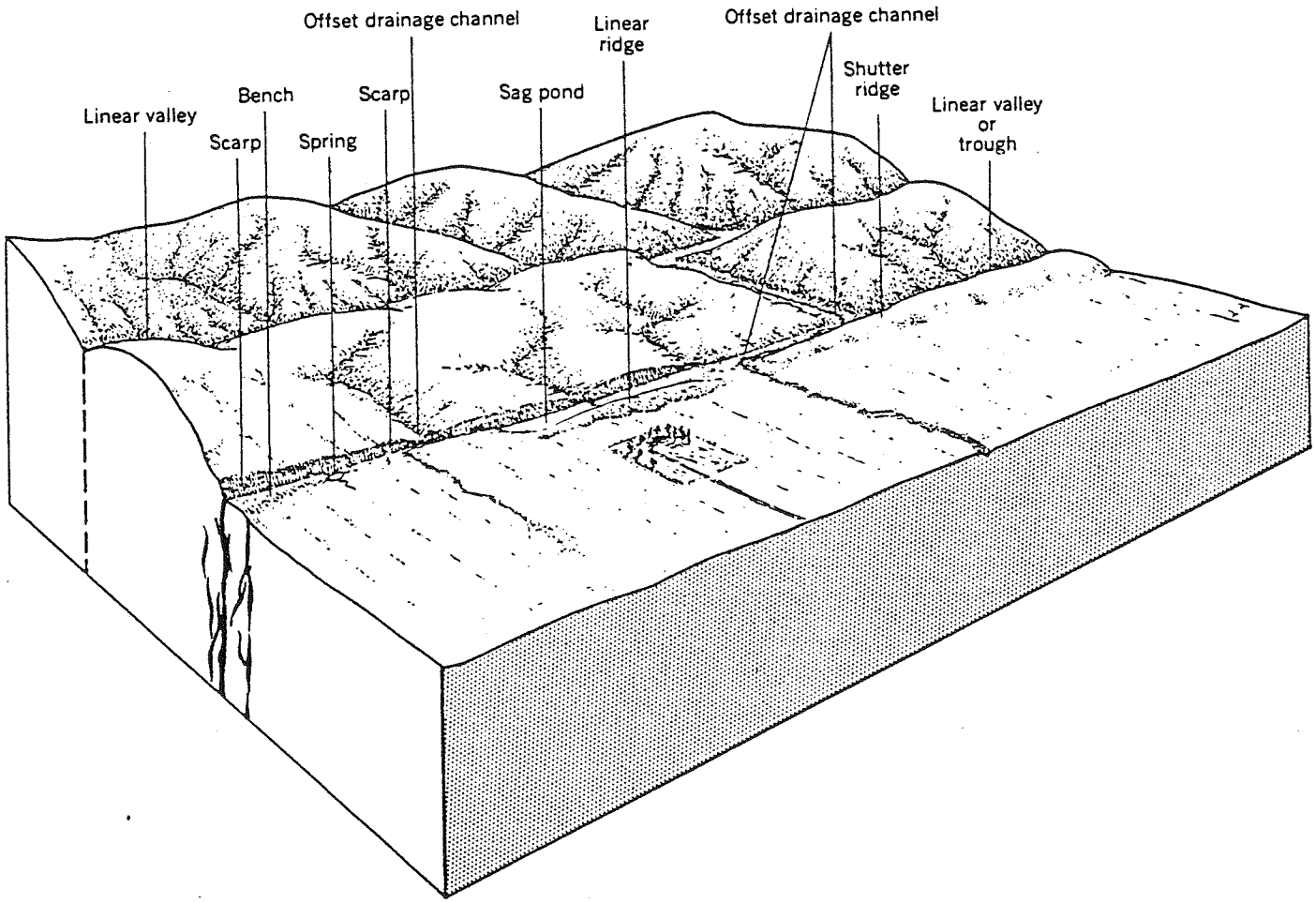


Figure 5. Block diagram showing geomorphic features found along recently active strike-slip faults (modified from Herd and Helley, MF-818, 1977).

Displacements during the 1906 earthquake

Location	Displacement
Eucalyptus trees at Dogtown (Woodville)	4.1 m
Fence near Bolinas Lagoon	3.7 m
"R. Strain's Place" (now Texeira Ranch) fences	4.6; 3.4 m
"Skinner's place" (National Seashore, H.Q.)	average 4.6 m
Road southwest of Point Reyes Station	6.1 m

Table 1. Displacements which occurred during the 1906 earthquake in Marin County. List of the displacements compiled from Lawson (1908) by Galloway (in press). (Measurements converted to the metric system.)

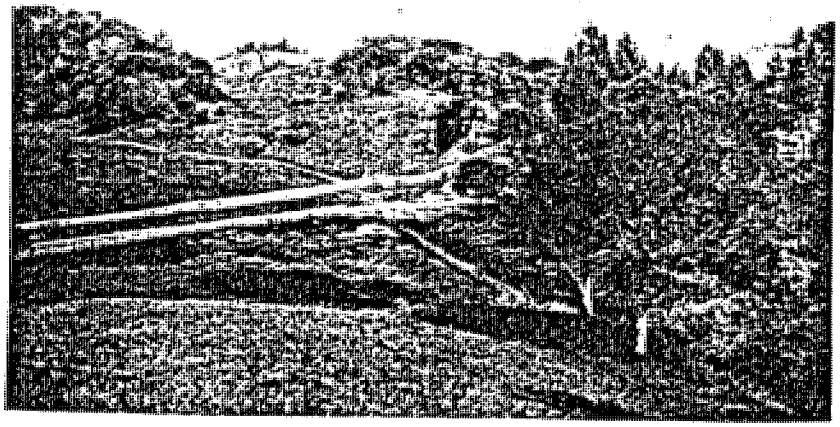


Figure 6. Photograph taken by G.K. Gilbert of the 1906 fault break. The trace runs through the linear depression, to the right of the gate and into the trees at the lower right. (Photograph courtesy of the U.S. Geological Survey and N.T. Hall.)

Figure 7. A photograph of the 1906 trace as it looks today about 1 km north of Bolinas Lagoon. This is a closer view of the fault photographed by Gilbert in figure 6.

the San Andreas, but north of the Golden Gate, the fault is seismically quiet. Thus, it appears that strain is released along the northern San Andreas fault primarily by large, 1906-type events rather than by many small earthquakes. Just when the next earthquake will occur is unknown, but its coming is inevitable. Effective planning should take into account the inevitability, of an earthquake of about the same magnitude as 1906, with ground rupture occurring within the fault zone probably on or very close to the trace of the 1906 break.

EVALUATION OF SLOPE STABILITY

General discussion of slope stability

Earth materials move down slopes in response to the pull of gravity. The movement can be subtle down-slope creep of surficial soil or the slope itself may fail, in whole or in part, producing a landslide. Slope failure usually is the result of one or more factors. Some of the more important are described briefly below.

1) Association with ancient landslide deposits - In a study of the distribution of landslides in the Bay Area, Nilsen and others (1976) found that of 153 Marin County landslides reported during the winters of 1968-69 and 1972-73, 75 percent were associated with ancient landslide deposits. The same study concluded that more than 60 percent of all slides that damaged structures in the Bay Area during 1968-69 and 1972-73 were associated with ancient landslide deposits. In general, any area underlain by landslide deposits should be considered hazardous, but this does not necessarily preclude development. Many ancient slides may have achieved equilibrium and become quite stable. In any case, careful geologic site studies should be conducted prior to developing any area on or very near ancient landslide deposits.

2) Slope angle - Landslides are natural phenomena by which materials on a slope reach equilibrium by adjusting to a lower, more stable angle. In general, the stability of a slope decreases as the slope angle increases. In the San Francisco Bay area, most landslides occur on slopes greater than 27 degrees; few landslides occur on slopes 9 to 27 degrees; and almost no slides occur on slopes less than 9 degrees (Nilson and Brabb, 1975). It must be remembered, however, that in some instances, slope angle can be misleading. For example, some slopes are steep because the underlying bedrock is resistant to erosion and landsliding, or a slope angle is low because it is underlain by an active landslide.

3) Bedrock and surficial geology - Some earth materials are more susceptible to slope failure than others. Franciscan melange is composed of blocks imbedded in a sheared matrix. In some of the more sheared parts of the melange, dominated by matrix or weak rock, landslides abound. Some of the blocks are resistant rock which are quite large and, therefore, are very stable. Geologic structures, particularly bedding planes and fractures, exert a profound influence upon the stability of slopes. If such planar features are orientated parallel with a slope, any disturbance at the slope base may trigger a failure along these planes.

The manner in which rocks weather is an important aspect of slope stability. Some rocks, notably greenstone, weather readily, producing thick, clay-rich soils. Many of the clays swell when wet and shrink when dry. When wet, the swelling clays are very susceptible to slope failure.

4) Rainfall - Nilsen and others (1976) showed a definite relationship between rainfall and landsliding in Marin (and the Bay area as a whole). They found the most critical rainfall factors to be (1) duration of the storm, (2) the intensity of the storm, and (3) the accumulation of rainfall for a particular season. Virtually all landsliding takes place during the rainy season. Apparently, landsliding can be expected when about 6 to 8 inches of rain falls continuously on ground saturated by 10 to 15 inches of rainfall accumulated in a single season (Nilsen and others, 1976).

5) Vegetation - Slopes that are heavily forested may be stable at angles from five to ten degrees steeper than a sparsely vegetated hillside (Cleveland, 1971, p. 20). If the forest is removed, the oversteepened, bare slopes will begin to adjust themselves to achieve a lower, more stable, slope angle.

6) Erosion - Vigorous erosion, either by rapidly eroding streams or by pounding surf removed support from the base of the slope and causes slopes to become oversteepened.

7) Human activity - Human endeavors have triggered landslides largely because of disregard of the above factors. For example, improper grading of house pads, cut-and-fill operations, or other such projects may decrease slope stability by loading or oversteepening slopes. The leach field from a septic tank, inadequate storm drainage, or even lawn watering may saturate a slope thus decreasing the stability to a critical point.

8) Seismic activity - In the Bay area, one of the most seismically active areas of the world, seismic events must not be ignored as a landslide triggering mechanism. Slopes will be more susceptible to landslides during an earthquake. Therefore, some slopes with marginal stability can be expected to fail during a major earthquake and the hazard of rock falls may be of particular concern.

Results of slope stability evaluation

The results of the slope stability evaluation are presented graphically on plates 3 and 4 of this report. What follows here is a discussion of the considerations used to prepare the map and the strengths, weaknesses, and limitations of the maps.

Slope stability maps represent the sums of many interpretative judgments made in cognizance of the interrelated factors affecting the stability of slopes. As such, a slope stability map is essentially a generalization which should be considered only a first approximation in determining hazards facing any development. It does not specify any particular problem with an area, but rather it is intended to convey the level of concern that should be exercised in one area relative to another. Because of their generalized character, the maps included in this report should not be considered definitive regarding the development of a particular site.

On the maps, four categories were established to rate the relative stability of each area studied. A fifth category for areas of bay mud was established because bay mud does not occur on slopes, but it is a very unstable material and should be recognized as such. The criteria for the division of land into a particular category is explained on the maps.

Slope stability around Tomales Bay

Slope characteristics contrast dramatically around Tomales Bay because of the different rock types on either side of the San Andreas fault. This being the case, the stability of slopes on each side of the fault will be considered separately.

Slope stability east of the San Andreas fault - Franciscan melange underlies most of the study area east of the San Andreas fault and dominates the stability situation. As discussed by Rice, Smith, and Strand (1976), the melange is erratic in terms of slope stability because of its structural diversity, resulting in uneven distribution of unstable areas. In the northern part of the area, near Marconi Cove for example, there is a large block of extremely hard, resistant, metamorphic rock. The block itself is very stable, but landslides are common on the periphery of the block. Another aspect of stability also is exhibited in the same area, where large, closed depressions appear to be the result of a large block landslide. This feature is interpreted as a slide, that has reached equilibrium and is stable. Slumping of the Millerton Formation commonly occurs on the low cliffs along the shores of Tomales Bay.

Slope stability west of San Andreas fault - Evaluation of the slope stability of the area west of the fault is a difficult task. The rugged terrain and dense vegetation hamper observations both in the field and on aerial photographs. Virtually all of the area is underlain by deeply weathered granitic rock. During weathering, the hard feldspar minerals decompose to soft clay minerals, significantly decreasing the strength of the rock. In view of the steep slopes in the area, landslides should be quite prevalent, but the dense vegetation, composed of large trees and lush undergrowth, has a profound stabilizing effect on the slopes. However, the vegetation also can mask the areas underlain by ancient landslide deposits, thus hampering their recognition. When large cuts are made across these ancient deposits and remove the vegetative anchor, old and new slides may be activated. A good example of this phenomenon can be observed along the Park Service road from Bear Valley to Limontour Beach. Here, large steep cuts have been made in deeply weathered granitic rock. Many of the cuts have failed by slumping (see figure 8), and some old slides have been reactivated.

Slope stability of the Bolinas Peninsula

Virtually every causitive factor of landslides can be observed somewhere on the Bolinas Peninsula. Though most of the inhabited parts of the peninsula are flat and relatively stable, some of the most esthetically pleasing lots may be the most hazardous.

About half of the peninsula is a flat terrace surface beveled across relatively stable Monterey Formation. Except for some minor slumping along streams, this area is very stable. The uplands of Stewarts Point also are underlain by Monterey Formation, but they are not as stable as the Mesa because of steep slopes. Although some large slides were observed in the uplands, the area as a whole is considered moderately stable.

By far the most pressing stability problem at Bolinas is the coastal sliding, which is nearly continuous along the seacliffs. Structural weaknesses, inherent in the Monterey shale, and the energetic erosion by the surf combine to cause active landsliding of the seacliffs. Between Bolinas and Duxbury Point, landsliding has caused the cliff to retreat an average of 0.3 to 0.6 meter per year (Wahrhaftig, 1970). This has destroyed the foundation of at least one house that had been moved earlier. Overlook Drive, a cliff-front road, has been closed due to landsliding (see figure 9). West of Audubon Grove, numerous cliff-front homes are perched precariously on the advancing edge of the slides (figure 10). The Monterey shale involved in this sliding is intensely fractured, which significantly reduces its stability. As the landslide debris reaches the beach, it is rapidly removed by wave action and currents, thus making room for more debris. The surf along this part of the cliff is brown and muddy, showing that it is laden with material being removed from the cliff.

Figure 8. Failure of weathered granitic rock along the Park Service road to Limontaur. The broad cuts made for the road have failed extensively.

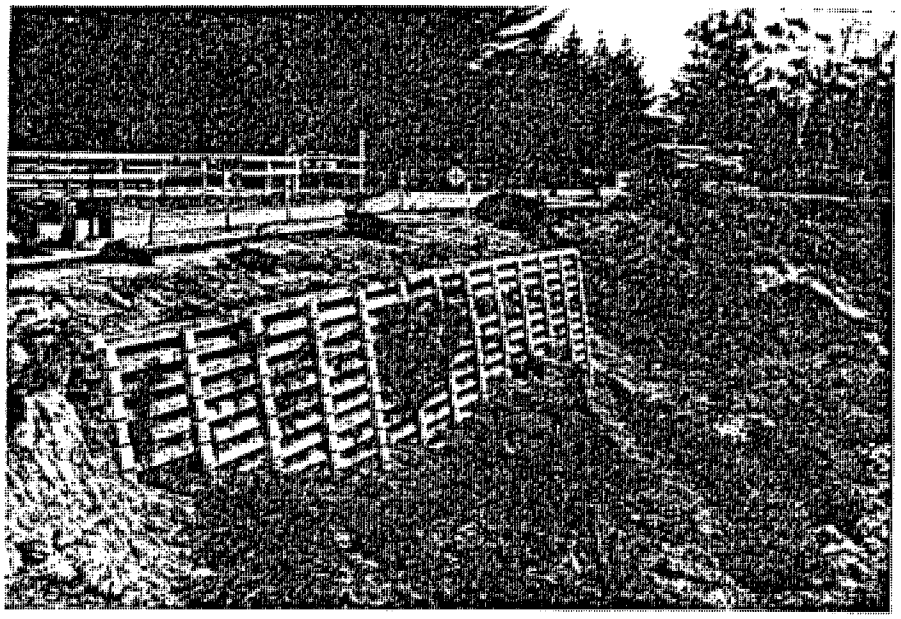


Figure 9. Coastal slide at Bolinas. The bulkhead is an attempt to save Overlook Drive. Parts of the road have failed and this segment has been closed.

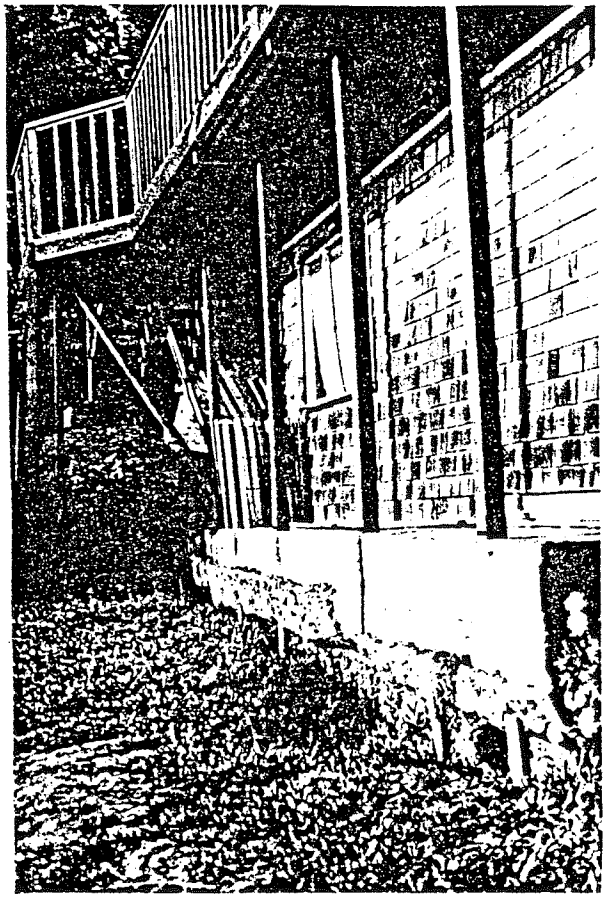


Figure 10. This house is threatened by the coastal slides at Bolinas. The ground has pulled away from the house and is moving downslope (to the left in this picture).

Along the west-facing cliffs, exposed to the open sea, bedding planes in the Monterey shale strike parallel to the shoreline and dip 40 to 60 degrees seaward. As waves remove support at the base of the cliffs, the shale fails along the bedding planes, causing rock falls. The blocks of shale are quickly pulverized by the waves and removed, clearing the way for a new cycle to begin.

Cliff retreat in this area has been monitored since 1859 and has progressed at a rate of about .75 meters per year (Galloway, in press). Observations during this investigation suggest that, in some areas, the retreat rate far exceeds the overall average rate.

The cliffs between Brighton Street and Wharf Road are made up of the soft sediments of the Merced Formation. Galloway (in press) points out that these cliffs are protected from the open sea but bear the brunt of southerly winter storms. During these storms, waves pound the soft sediments, causing extensive falls and slumps. Despite numerous attempts to protect the cliffs with bulkheads, they have been retreating at an average rate of about a half a meter per year (Galloway, in press).

There is a need for a means to determine setback distances for developments near the retreating cliffs. The proposed Environmental Hazards Element of the Marin County Plan calls for adherence to the guidelines adopted by the California Coastal Commission. The Commission recommends a 150 foot setback for the Bolinas peninsula. This setback is based on a retreat rate of 3 feet per year multiplied by an economic life expectancy for a structure of 50 years. The Bolinas Community Plan, however, uses a 40-year structure life expectancy, which yields a setback of 120 feet. In view of the fact that the retreat rate varies markedly along the cliffs, and that the life expectancy of different kinds of structures varies greatly, these setback probably are too rigid.

Setbacks should be determined on a case by case basis to allow more flexibility. A simple formula to determine setbacks is:

setback (meters) = structure life (yrs.) x retreat rate (meters/yr.)

Using this method, a house with a 40-year life, sited along the west-facing cliffs (retreat rate = .75 m/yr.), would have a setback of 30 meters; the same house, sited above the cliffs near the Bolinas Lagoon channel (retreat rate = .5 m/yr.), would have a setback of 20 meters. In areas where vigorous sliding is taking place along the cliffs, an additional 15 meters should be added to the computed value as an additional safety factor.

EVALUATION OF HAZARDS RELATED TO EARTHQUAKES

General discussion

The hazards to be expected during an earthquake are primarily dependent on the local geologic setting. It is obvious that hard rock will behave differently than wet sand when disturbed. The hazardous earthquake phenomena to be discussed here are (1) surface fault rupture, (2) ground shaking, (3) liquefaction, (4) landslides, and (5) tsunamis.

Surface fault rupture

Ground breakage due to movement along a fault is a real concern for residents of western Marin County. Severe ground rupture occurred during the 1906 event and may have occurred during the 1838 earthquake (Louderback, 1947), but the area was uninhabitated at the time.

Any structure straddling a fault along which displacement comparable to that of 1906 occurs (see table 1) will sustain severe damage. For a strike slip fault such as the San Andreas, the ground breakage tends to be a remarkably linear zone of en echelon breaks, generally a few meters wide. Moreover, the breakage along strike-slip faults tends to occur along the most recent break (Brown and Wallace, 1968). Therefore, one can generalize that the highest probability for surface fault rupture exists along the most recently active fault trace and decreases as one moves away in either direction.

To mitigate the hazard of surface fault ruptures, the Alquist-Priolo Special Studies Zones Act of 1972 directed the State Geologist to delineate Special Studies Zones within which geologic investigations are required. The purpose of this legislation is to prevent the placement of a structure for human occupancy on an active fault (see Hart, 1977). All the active faults observed during this investigation are included within the Alquist-Priolo Special Studies Zones.

In the Inverness area, about 300 meters west of the yacht club, Gilbert (in Lawson 1908) described some ground rupture which occurred during the 1906 earthquake. He referred to the breaks as "bedrock cracks" and mentioned the possibility that they were due to a branch fault. No evidence of this fracture exists today, but there is subtle topographic evidence that parallel secondary faults may exist in rocks around Inverness.

Ground shaking

Seismic waves passing through earth material during an earthquake cause the ground to shake. Severe ground shaking is the most widespread, destructive aspect of earthquakes. The severity of shaking depends on (1) nature of the earthquake (magnitude, size of surface

rupture, type of offset), (2) distance from the rupturing fault, and (3) the nature of the underlying earth material.

Perhaps it is intuitively obvious that the severity of shaking increases as the magnitude of the earthquake increases. In general, the intensity of ground shaking decreases with increasing distance from the ground rupture associated with an earthquake. Gilbert (in Lawson 1908) observed a marked decrease in earthquake damage moving away from the 1906 ground rupture. Borcherdt and Gibbs (1976) studied the effects in the Bay area of nuclear explosions in Nevada and found that observed response decreases with distance.

Recent research, particularly by the U.S. Geological Survey (Borcherdt, 1975), has focused on the effect of local geologic conditions on ground shaking in the San Francisco Bay region. It was found that earth materials could be placed in three categories, bedrock, alluvium, or bay mud, each of which behaves differently during earthquakes (see table 2). The research also revealed that certain frequencies of bedrock shaking are amplified when the seismic waves encounter deposits of alluvium or bay mud. Moreover, the amount of amplification is strongly dependent on the contrast in ability to transmit energy from one unit to the next. For example, seismic waves passing from bedrock up through bay mud would be amplified more than the same waves passing from a unit of older alluvium to a unit of younger alluvium. Table 2 shows the map units in the study area and the relative severity of shaking to be expected.

Certain areas, including the Pine Gulch Creek delta, downtown Bolinas, and the low-lying areas around Tomales Bay, sustained heavy damage in 1906 and can be expected to experience severe shaking during a major earthquake. Gilbert (in Lawson 1908) photographed ground breakage (see figure 11) that occurred just south of Pine Gulch Creek, which he considered to be caused by movement along a branch fault. Examination of the photographs shows that the breakage could be due to lurching. Lurch cracks occur when the loosely consolidated alluvium fails due to intense shaking (Richter, 1958). According to Youd and others (1975), lurching occurs during intense shaking when sediments undergo liquefaction.

Liquefaction

Liquefaction is the transformation of a granular material from a solid into a liquefied state as a consequence of increased pore-water pressures (Youd and others, 1975). Anyone who has wiggled his or her foot in the wet sand at the beach and observed the foot sink in a sandy mush, has observed quick-condition failure from liquefaction. Ground shaking during an earthquake is one cause of natural liquefaction. This seismically induced liquefaction is most likely to occur in beds

Table 2

Geologic Units in Western Marin County Grouped in

Three Categories According to Shaking Characteristics

Increase in Ground Shaking

	Map Symbol	Occurrence
Bay mud	Qm	Tomales Bay, Bolinas Lagoon
Alluvium		
Younger alluvium	Qa	Olema, Paradise Valley, Pine Gulch Creek, Delta, Inverness
Older alluvium	Qoa	Dogtown (Woodville), Inverness Park Horseshoe Hill area
Terrace deposits	Qt	Point Reyes Station to Olema Bolinas Mesa
Millerton Formation	Qmi	East side of Tomales Bay
Bedrock		
Merced Formation	Qtmc	Bolinas
Franciscan melange	Fm	West flank of Bolinas Ridge
Monterey Formation	Tm	Bolinas, Inverness Ridge
Granitic rock	Kgr	East flank of Inverness Ridge

Figure 11. Photograph taken by G.K. Gilbert after the 1906 earthquake. This ground failure, which occurred on the Pine Gulch Creek delta, was believed by Gilbert to be a branch fault, but the fractures could be lurch cracks caused by intense shaking. In any case, the potential for ground failure during a major earthquake is a hazard in this area. (Photograph courtesy of the U.S. Geological Survey.)

of loose, water-saturated, well-sorted silt and sand within 30 meters of the surface (Lajoie and Helley, 1975). Liquefaction in itself is not a hazard unless some ground failure results from the liquefaction. Such ground failures are flow landslides, lateral spreading, and quick-condition failures.

Debris flows (flow landslides) occur when water-saturated granular sediments liquefy on slopes. This phenomenon was common on slopes underlain by the Merced Formation in Bolinas in the 1906 earthquake. Gilbert (in Lawson 1908) pointed out that many cracks that formed on slopes in 1906 became conduits for water in torrential rains of 1907 causing widespread sliding.

Lateral spreading is a type of landslide that occurs on very low, to nearly horizontal, slopes when earthquake shaking causes liquefaction. When small lateral displacements, cracks, differential settlement caused by lateral spreading occur beneath structures, costly damage can result.

Quick-condition failures occur in flat areas where shallow water table and liquefiable materials coexist. During a quick-condition failure, the ground loses its bearing strength, and surface structures sink; buried structures, such as tanks and swimming pools, are displaced upward.

Landslides

A cursory glance at the photographs in the State Earthquake Investigation Commission Report (Lawson, 1908) should convince anyone that earthquakes trigger landslides. Any landslide-prone unit will be more so during a major earthquake. Probably the most common types of slide to expect are the debris flows described in the liquefaction section, and rock or debris falls. The rock-fall slides will be particularly prevalent along sea cliffs and steep roadcuts.

Tsunami

Figure 12 shows areas in western Marin County likely to be inundated during a tsunami (a seismic sea wave sometimes erroneously called a "tidal wave") with a 3 meter (20 foot) runnup at the Golden Gate. Such a tsunami can be expected to occur about once every 200 years on a statistical basis (Ritter and Dupre, 1972).

The tsunami generated by the Alaskan earthquake of March 1964 caused widespread alarm in western Marin County but caused little damage there. Instead of a single large surge, the tsunami was a series of surges. The four largest crests occurred at half hour intervals

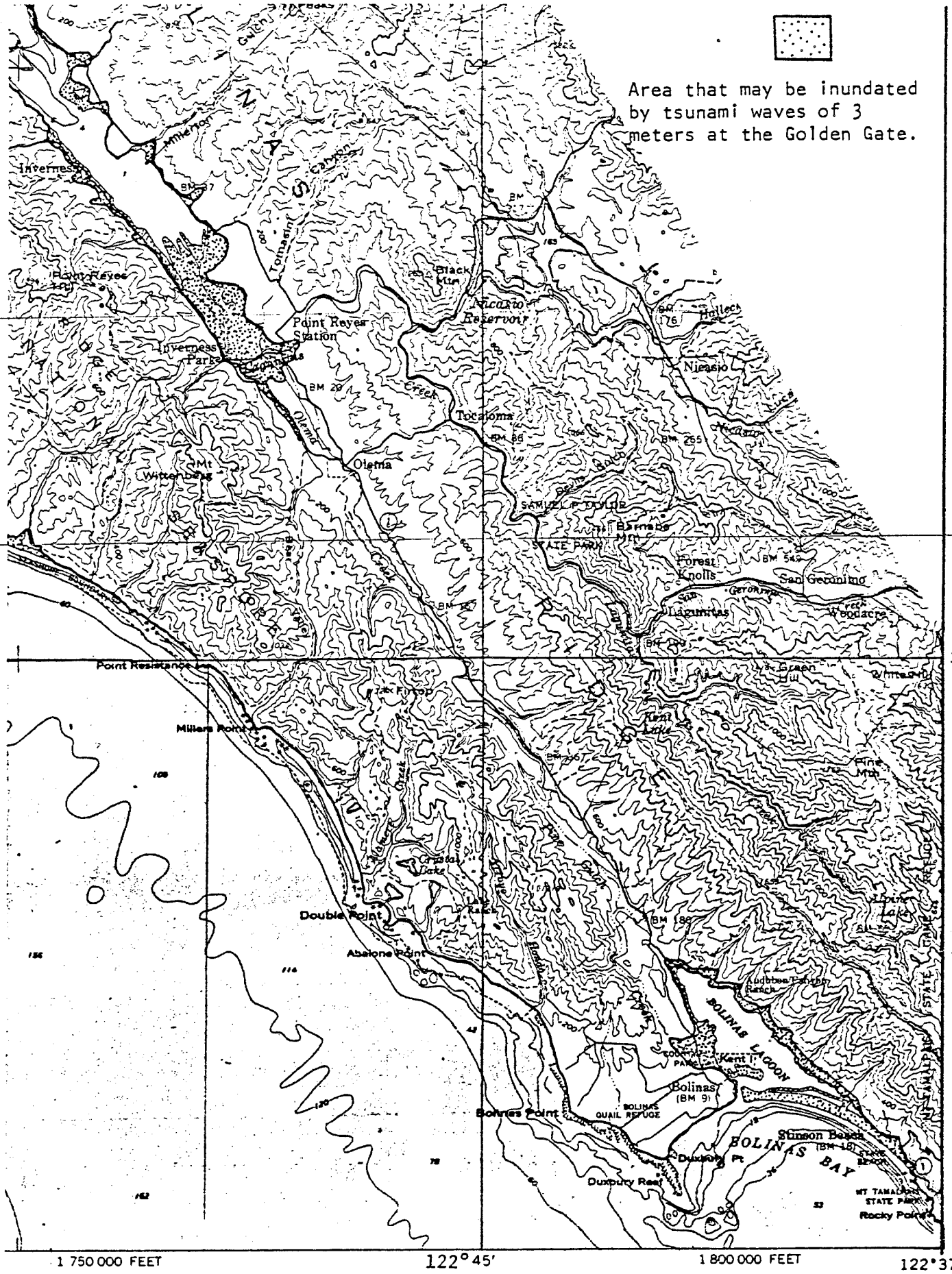

Area that may be inundated by tsunami waves of 3 meters at the Golden Gate.
Inverness
Point Reyes
Point Reyes Station
Inverness Park
Olema
Tocaloma
Nicasio
Black Mtn
Nicasio Reservoir
Mt Wittenberg
Forest Knolls
San Geronimo
Lagunitas
Woodacre
Point Resistance
Millers Point
Double Point
Abalone Point
Bolinas Point
Bolinas
Kent Lake
Bolinas Lagoon
Bolinas Bay
Stinson Beach
Duxbury Pt
Duxbury Reef
Rocky Point
38°0
1 750 000 FEET
122°45'
1 800 000 FEET
122°37'30"

Figure 12.

in the early morning hours of March 28 (Independent Journal, March 28, 1964). However, sporadic surges continued through the next day. One surge, at 3 p.m., swept a fisherman out to sea from the rocks of Duxbury Reef.

During the 1906 earthquake, a wave about 8 to 10 feet high and parallel to the axis of the Tomales Bay was reported at Marshall (Lawson, 1908), but it caused only slight damage. Such a wave probably will occur again in the event of an earthquake similar to the one of 1906.

REFERENCES CITED

Anderson, E.M., 1899, The geology of the Point Reyes Peninsula: University of California Publications Bulletin, Department of Geology, v. 2, no. 5, p. 119-153.

*Bailey, E.H., Irwin, W.P., and Jones, D.L., 1964, Franciscan and related rocks and their significance in the geology of western California: California Division of Mines and Geology Bulletin 183.

*Blake, M.C., Jr., Bartow, J.A., Frizzell, V.A., Jr., Schlocker, J., Sorg, D., Wentworth, C.M., and Wright, R.H., 1974, Preliminary geologic map of Marin and San Francisco Counties and parts of Alameda, Contra Costa, and Sonoma Counties, California: U.S. Geological Survey Miscellaneous Field Studies Map, MF-574 (scale 1:63,360).

Borcherdt, R.D., editor, 1975, Studies for seismic zonation in the San Francisco Bay Region: U.S. Geological Survey Professional Paper 941-A.

*Borcherdt, R.D., Joyner, W.B., Warrick, R.D., and Gibbs, J.F., 1975, Response of local geologic units to ground shaking, in Borcherdt, R.D., editor, Studies for seismic zonation of the San Francisco Bay Region: U.S. Geological Survey Professional Paper 941-A, p. A52-A67.

Borcherdt, R.D., and Gibbs, J.F., 1976, Effects of local geological conditions in the San Francisco Bay Region on ground motions and the intensities of the 1906 earthquake: Bulletin of the Seismological Society of America, v. 66, no. 2, p. 467-500.

*Bradley, W.W., 1916, The counties of Colusa, Glenn, Lake, Marin, Napa, Solano, Sonoma, Yolo, in Fourteenth Report of the State Mineralogist: California State Mining Bureau, p. 241-261.

*Bramlette, M.N., 1946, The Monterey Formation of California and the origin of its siliceous rocks: U.S. Geological Survey Professional Paper 212.

Brown, R.D., Jr., and Wallace, R.E., 1968, Current and historic fault movement along the San Andreas fault between Paicines and Camp Dix, California in Proceedings of the Conference on Geologic Problems of San Andreas fault system, W.R. Dickinson and A. Grantz, eds.,: Stanford University Publication, Geological Sciences, v. XI, p. 22-41.

*Useful references not cited in the text.

Brown, R.D., and Wolfe, E.W., 1972, Map showing recently active breaks along the San Andreas fault between Point Delgada and Bolinas Bay, California: U.S. Geological Survey Miscellaneous Geologic Investigations Map I-692, scale 1:24,000.

Cooper, A., 1973, Structure of the continental shelf west of San Francisco, California: U.S. Geological Survey open-file report.

*Cooper-Clark and Associates, 1968, Site reconnaissance and feasibility study, proposed earth dam on Pine Gulch Creek, Bolinas California: unpublished consulting report for the Bolinas Public Utility District.

*Cherry, J.A., 1964, Sand movement along a portion of the northern California coast: Hydraulic Engineering Laboratory, University of California Technical Report Series, HEL-4-3.

*Clague, J.J., 1969, The landslides in the southeast part of Point Reyes National Seashore: unpublished M.A. thesis, University of California, Berkeley.

Cleveland, G.B., 1971, Regional landslide prediction: California Division of Mines and Geology open file report.

*Crowell, J.C., 1962, Displacement along the San Andreas fault, California: Geological Society of America Special Paper 71.

*Corwin, R., 1972, Tomales Bay Study -- Compendium of Reports: prepared by the Tomales Bay Study Team for the Conservation Foundation, Washington, D.C.

Curtis, G.H., Evernden, J.F., and Lipson, J., 1958, Age determination of some granitic rocks in California by the potassium-argon methods: California Division of Mines and Geology Special Report 54.

Daetwyler, C.C., 1966, Marine geology of Tomales Bay, central California: unpublished Ph.D. thesis, University of California, San Diego.

*Dale, R.H., and Rantz, S.E., 1966, Hydrologic reconnaissance of Point Reyes National Seashore area, California: U.S. Geological Survey open file report.

*Dickerson, R.D., 1922, Tertiary and Quaternary history of the Petaluma, Point Reyes, and Santa Rosa quadrangles: California Academy of Science Proceedings, fourth series, v. 11, no. 19, p. 567-601.

*Douglas, J.M., 1943, Duxbury Point region, in Geologic formations and economic development of the oil and gas fields of California: California Division of Mines Bulletin 118.

*Galloway, A.J., 1961, The geology of the Point Reyes Peninsula in Land use survey, proposed Point Reyes National Seashore, San Francisco, National Park Service Region 4, p. 30-34.

*Galloway, A.J., 1962, Field trip 3, Point Reyes Peninsula and San Andreas fault zone, in Bowen, O.E., Jr., ed., Geologic guide to the gas and oil fields of northern California: California Division of Mines and Geology Bulletin 181, p. 391-398.

*Galloway, A.J., 1966, Field trip to Point Reyes Peninsula and San Andreas fault zone, in Bailey, E.H., ed., Geology of northern California: California Division of Mines and Geology Bulletin 190, p. 429-440.

Galloway, A.J., in press, Geology of Point Reyes Peninsula, Marin County, California: California Division of Mines and Geology Bulletin 202.

*Gluskoter, H.J., 1962, Geology of a portion of western Marin County, California: Ph.D. thesis, University of California Berkeley, 184 p.

Gluskoter, H.J., 1969, Geology of a portion of western Marin County, California: California Division of Mines and Geology Map Sheet 11.

*Goldman, H.B., 1975a, Preliminary engineering geologic investigation Bolinas-Stinson Union School site, Bolinas, California: unpublished consulting report (on file at the Bolinas Public Utility District).

*Goldman, H.B., 1975b, Preliminary engineering geologic investigation Bolinas-Stinson Union School District school sites, Bolinas, California: unpublished consulting report (on file at the Bolinas Public Utility District).

*Goldman, H.B., 1976, Geotechnical investigation of the proposed Bolinas substation site, Bolinas, California: unpublished report to Pacific Gas and Electric Company.

Hall, N.T., and Hughes, D.A., 1977, Quaternary geology of the San Andreas fault zone at Point Reyes National Seashore, Marin County, California: unpublished manuscript.

*Harding and Associates, 1964, Feasibility investigation, sewage effluent disposal, lands of Wilkins and Longley, Bolinas, California: unpublished consulting report (on file at the Bolinas Public Utility District).

*Harding, Miller, Lawson, 1968, Progress report on geological and seismic investigation, Bolinas school site, Marin County, California: unpublished consulting report to the Bolinas School District (on file at the Bolinas Public Utility District).

Hart, E.W., 1977, Fault hazard zones in California: California Division of Mines and Geology Special Publication 42.

Herd, D.G., and Helley, E.J., 1977, Faults with Quaternary displacement northwestern San Francisco Bay Region, California: U.S. Geological Survey Miscellaneous Field Studies Map MF-818, scale 1:125,000.

*Higging, C.G., 1961, San Andreas fault north of San Francisco, California: Geological Society of America Bulletin, v. 72, p. 51-68.

Hsu, K.J., 1968, Principles of melanges and their bearing on the Franciscan-Knoxville paradox: Geological Society of America Bulletin, v. 79, no. 8, p. 1063-1074.

Jennings, C.W., 1975, Fault map of California: California Division of Mines and Geology, California Geologic Data Map Series, map no. 1, scale 1:750,000.

Johnson, R.G., 1962, Mode of formation of marine fossil assemblages of the Pleistocene Millerton Formation of California: Geological Society of America Bulletin, v. 73, p. 113-130.

*Lajoie, K.A., and Helley, E.J., 1975, Differentiation of sedimentary deposits for purposes of seismic zonation, in Borcherdt, R.A., editor, Studies for seismic zonation of the San Francisco Bay region: U.S. Geological Survey Professional Paper 941-A, p. A39-A51.

Lawson, A.C., and others, 1908, The California Earthquake of April 18, 1906, Report of the State Earthquake Investigation Commission: Carnegie Institution of Washington Publication 87, v. 1, 254 p.

*Lawson, A.C., 1914, Description of the San Francisco district: U.S. Geological Survey Folio 193.

*Lowney-Kaldveer Associates., 1973, Geotechnical investigation of proposed wastewater treatment and disposal system, Bolinas, California. A report to the Bolinas Public Utilities District: unpublished consulting report.

Louderback, G.B., 1947, Central California earthquakes of the 1830's: Seismological Society of America Bulletin, v. 37, no. 1, p. 33-74.

*Mason, H.L., 1934, Pleistocene flora of the Tomales Formation, Carnegie Institution of Washington, Publication 415, p. 81-179.

Merriam, J.C., 1900, Ground sloths in the California Quaternary: Bulletin of the Geological Society of America, v. 11, p. 612-614.

*Minard, C.R., Jr., 1964, The erosional and depositional history of the coast of northern California: University of California Hydraulic Engineering Laboratory Technical Report no. HEL 2-10.

*McCollugh, J.E., 1968, Bolinas beach landslide investigation: California Department of Water Resources unpublished report.

Nilsen, T.H., and Brabb, E.E., 1975, Landslides, in Borcherdt, R.A., editor, Studies for seismic zonation of the San Francisco Bay region: U.S. Geological Survey Professional Paper 941-A, p. A75-A87.

Nilsen, T.H., 1977, Late Mesozoic and Cenozoic sedimentation and tectonics in California, Nilsen, T.H., ed.: San Joaquin Geological Society short course, Bakersfield, California: February 1977, p. 7-19.

*Oakeshott, G.B., 1966, San Andreas fault in the California Coast Ranges Province in Bailey, E.H., ed., Geology of northern California: California Division of Mines and Geology Bulletin 190, p. 357-373.

*Personnel of Soil Conservation Service, 1967, Report and general soil map, Marin County, California: Soil Conservation Service, Point Reyes Station, California, 40 p.

Rice, S.J., 1973, Geology and geologic hazards of the Novato area, Marin County, California: California Division of Mines and Geology Preliminary Report 21.

Rice, S.J., Smith, T.C., and Strand, R.G., 1976, Geology for planning in southeastern-central Marin County: California Division of Mines and Geology open file report 76-2SF.

Rice, S.J., and Strand, R.G., 1972, Geologic and slope stability maps of the Tennessee Valley, Lucas Valley, and north coastal area, Marin County, California: California Division of Mines and Geology, open file report 72-22, scale 1:12,000 (unpublished).

Richter, C.F., 1958, Elementary seismology: W.H. Freeman and Company, San Francisco.

Richards, H.G., and Thurber, D.L., 1966, Pleistocene age determinations from California and Oregon: Science, v. 152, no. 3725, p. 1091-1092.

*Ritter, J.R., 1970, A summary of preliminary studies of sedimentation and hydrology in Bolinas Lagoon, Marin County, California: U.S. Geological Survey Circular 627.

Ritter, J.R., and Dupre, W.R., 1972, Map showing potential inundation by tsunamis in the San Francisco Bay region, California: U.S. Geological Survey Miscellaneous Field Studies Map MF-480, scale 1:125,000.

*Ross, D.C., 1972, Petrographic and chemical reconnaissance study of some granitic and gneissic rocks near the San Andreas fault from Bodega Head to Cajon Pass, California: U.S. Geological Survey Professional Paper 698.

Smith, T.C., 1976a, Preliminary map of the geology of the Point Reyes Station study area: California Division of Mines and Geology open file report, 76-7SF, plate 1, scale 1:12,000.

Smith, T.C., 1976b, Preliminary interpretation of the relative slope stability of the Point Reyes Station study area: California Division of Mines and Geology open file report, 76-7SF, plate 2, scale 1:12,000.

*Torres, A.R., 1975, Landslides at Bolinas, Marin County, California: M.S. thesis, San Jose State University.

*Townley, S.D., and Allen, M.W., 1939, Descriptive catalog of earthquakes of the Pacific Coast of the United States 1769 to 1928: Bulletin of the Seismological Society of America, v. 29, no. 1.

*Ver Planck, W.E., 1955, Mines, mineral resources, and mineral industries of Marin County, California: California Journal of Mines and Geology, v. 51, no. 3, p. 221-289.

Wahrhaftig, Clyde, 1970, The geologic setting of Bolinas Lagoon: unpublished report for the Conservation Foundation, 26 p.

*Wahrhaftig, Clyde, and Wagner, J.R., 1972, Geologic setting of Tomales Bay study, compendium of reports: Marin County Planning Department, p. 54-73.

Weaver, C.E., 1944, Geology and mineral deposits of an area north of San Francisco Bay: California Division of Mines and Geology Bulletin 149, 135 p.

*Wilde, P., and others, 1969, Recent marine sediments of Bolinas Bay, California: University of California Hydraulic Engineering Laboratory Technical Report HEL-2-23, 86 p.

Youd, T.L., Nichols, D.R., Helley, E.J., and Lajoie, K.R., 1975, Liquefaction potential, in Borcherdt, R.D., ed., Studies for seismic zonation of the San Francisco Bay Region: U.S. Geological Survey Professional Paper 941-A, p. A68, A74.

Ziony, J.I., Wentworth, C.M., Buchanan-Banks, and Wagner, H.C., 1974, Preliminary map showing recency of faulting in coastal southern California: U.S. Geological Survey Miscellaneous Field Studies Map MF-585, scale 1:250,000.

BOARD OF SUPERVISORS OF THE COUNTY OF MARIN

RESOLUTION NO. 81-238

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING AND AGREEING TO THE CALIFORNIA COASTAL COMMISSION'S CONDITIONS OF APPROVAL FOR CATEGORICAL EXCLUSIONS IN THE UNIT I COASTAL ZONE OF MARIN COUNTY.

WHEREAS, the Marin County Board of Supervisors adopted the Unit I Local Coastal Plan on August 21, 1979, and

WHEREAS, the California Coastal Commission adopted a Resolution of Certification of the Unit I Local Coastal Plan on April 1, 1980, and

WHEREAS, as part of the final certification process of the Unit I Local Coastal Plan, the California Coastal Commission did adopt, on May 6, 1981, Categorical Exclusion Order No. E-81-2 pursuant to Public Resources Code 30610 (d), and

WHEREAS, Categorical Exclusion Order No. E-81-2 sets forth the conditions whereby specific developments are excluded from the permit requirements of the California Coastal Act of 1976.

NOW, THEREFORE, BE IT RESOLVED that the Marin County Board of Supervisors does hereby acknowledge receipt of Categorical Exclusion Order No. E-81-2, including conditions of approval, and accepts and agrees to the terms and conditions to which the categorical exclusions have been made subject.

PASSED AND ADOPTED by the Marin County Board of Supervisors at its regular meeting held on the 4th day of August, 1981, by the following vote, to wit:

AYES: SUPERVISORS - B. Roumiguiere, B. Boxer, A. Aramburu, G. Giacomini

NOES: NONE

ABSENT: SUPERVISOR - G. Wilhelm

CHAIRMAN OF THE BOARD OF SUPERVISORS
COUNTY OF MARIN

Attest:

Von Gillespie
Clerk of the Board

CATEGORICAL EXCLUSION ORDER E-81-2

(NORTH CENTRAL REGION)

The Commission by a two-thirds vote of its appointed members hereby adopts, by regulation, an order, pursuant to Public Resources Code Sections 30610(e) and 30610.5(b), categorically excluding from the permit requirements of the California Coastal Act of 1976 the categories of development within the specifically defined geographic area described below:

I. CATEGORY OF DEVELOPMENT AND GEOGRAPHIC AREA

This order categorically excludes the following development:

(a) On-site signs (as conditioned) advertising available services or products. An on-site sign is defined as an advertising structure which is located on the property or building occupied by the business, product, or services advertised.

(b) Agriculturally-related development (as conditioned) including:

1. Barns, storage, equipment and other necessary buildings.

2. Dairy pollution projects including collection, holding and disposal facilities.

3. Storage tanks and water distribution lines utilized for on-site, agriculturally-related activities.

4. Water impoundment projects in canyons and drainage areas not identified as blue line streams on USGS 7½ Minute Quad Sheets.

5. Electric utility lines.

6. New fencing for farm or ranch purposes, provided no solid fence designs are used.

Agriculture means the tilling of the soil, the raising of crops, horticulture, viticulture, livestock, farming, dairying, and animal husbandry, including all uses customarily incidential and necessary thereto.

(c) Lot line adjustments not resulting in a change in density or the creation of new parcels.

(d) Traffic control signing and minor roadway improvements (as conditioned) including:

1. Culvert replacement.

2. Guard rails, retaining walls.

3. Slope stablization.

4. Signs for traffic control and guidance including roadway markings and pavement delineation.

5. Drainage course maintenance and cleaning involving less than 50 cubic yards of excavation.

The exclusion area includes the entire coastal zone in Unit I of Marin County (Southern Marin), except that for agriculturally-related development, the exclusion area shall not include the area between the coast (mean high tide line) and the nearest public road paralleling the sea, or ½ mile inland from the coast, whichever is less. The exclusion area is shown on the notarized exclusion maps on file with the Commission, North Central Coast Regional Commission and Marin County.

II. FINDINGS

The Commission hereby finds, for the reasons set forth below, that this exclusion, as conditioned, presents no potential for any significant adverse effect, either individually or cumulatively, on coastal resources or on public access to, or along the coast, and that this exclusion will not impair the ability of local government to carry out the certified Local Coastal Program.

The Commission also finds that the categories of development excluded by this order are projects which the Secretary of Resources has determined are categorically exempt from the provisions of the California Environmental Quality Act of 1970 as having no significant effect on the environment.

The sections of the CEQA Guidelines which exempt these categories are listed below:

Category of Development Excluded	14 Cal. Adm. Code sec.
(a) On site signs	15101(g), 15111(a)
(b) Agriculturally-related development	
1. Necessary buildings	15111
2. Dairy Pollution projects	15101(i), 15102(c)
3. Agriculturally-related storage tanks	15101(m), 15104
4. Water impoundment in certain areas	15101(m), 15104
5. Electric Utility lines	15101(d), 15101(c) and (d), 15103(a)
6. New fencing for farm/ranch property	15103(e), 15104
(c) Lot line adjustments	15105(a)

Category of Development Excluded	14 Cal. Adm. Code sec.
(d) Traffic control	
1. Culvert replacement	15101(d) and (f)
2. Guard rails and retaining walls	15101(d) and (f)
3. Slope stabilization	15101(d) and (f)
4. Roadway markers	15101(f)
5. Drainage course in maintenance	15101(i), 15102(c)

The Commission finds that the categories of development proposed for exclusion are developments which have posed no significant coastal concerns in the past, and do not now require attention as possibly detrimental to coastal resources. On August 2, 1977, the Commission adopted Categorical Exclusion Order no. E-77-7 which found the categories of development now under consideration were exempt from the requirements for a Commission-issued coastal development permit pursuant to section 30610(d) (now subsection (e)) of the Act.

From the date of exclusion to the present, there have been no significant adverse effects, either individually or cumulatively, on coastal resources or on public access to, or along the coast.

On-Site Signs

Marin County has a sign ordinance governing the height, area, design, and other facets of sign development. The local regulations are lengthy, detailed, and specific. The ordinance requires a local sign permit and local design review. The following sections of the local code are relevant:

Marin County: Chapter 22.69 of Title 22 of the Marin County Code (zoning), including sections 22.69.010 through 22.69.110

Agricultural Activities

Marin County's zoning and other local controls which cover the activities recommended for exclusion are:

The "A District" section of the Marin County zoning code (Agriculutral and Conservation Districts) permits normal agricultural activities, including barns and other structures necessary to support the agricultural uses. The proposed exclusion projects are adequately covered by this zoning designation.

Water and other utility projects are permitted subject to approval by appropriate governmental agencies. Grading and excavation activities are governed by the Uniform Building Code, and supplemented by a local excavating ordinance and a dam ordinance. Any excavations in drainage courses or those excavations involving more than 500 cubic yards require a permit from the county. The dam ordinance

covers projects up to 50 acre feet of water and up to 25 feet of spillway height. Above those limits, state laws and regulations are applied.

It is recommended that in Marin County's coastal zone the categorical exclusion apply only where local zoning authorities have designated, "A" districts. Thus A-2 districts (limited agriculture) and R-A districts (suburban agriculture) will not be eligible for categorical exclusion.

Lot Line Adjustments, Traffic Control

lot line adjustments, traffic control, signing, and minor roadway improvements are routine administrative and technical activities which in and of themselves do not normally impact on actual land uses or the use of coastal resources, but actually serve to facilitate or enhance the enjoyment of approved uses and developments. The Coastal Zone Conservation Commission under Proposition 20, predecessor to the Commission, developed a Blanket Permit for roadway projects based on the experience that certain projects did not impact coastal resources.

Impact of Exclusions Upon Coastal Resources

Category a, Signs, is a development category which relates primarily to the visual resources of the coast. Since the exceptions written into the exclusion (I.B. 1-4) strictly limit excluded signs to those of a small scale, and since local controls provide for the review of even these signs, the recommended categorical exclusions will not have any adverse impacts, either individually or cumulatively, upon the visual and scenic resources of the coast.

The agricultural activities proposed for exclusion in recommendation II A. are the only ones in this referral which impact directly on actual land use and development in the coastal zone. The excluded activities involve land use, water use, water quality and visual impact considerations. This Commission finds, however, that the exclusions will not have any individual or cumulative impacts on these resources and may actually serve to enhance them. This finding is based upon Chapter 3 of the California Coastal Act which establishes policies for the preservation of prime agricultural land. Agriculture utilizes soils resources in a manner consistent with the Coastal Act. This Commission further finds that agricultural activities are a major contributor to the scenic resources of the coastal zone, and that the excluded developments will serve to enhance that resource. (Protection against public view blockage has been reserved by the language of the exceptions to the exclusion.) Similarly, the dairy disposal facilities recommended for exclusion will enhance water quality. Water supply projects will further augment agricultural activity in tune with Coastal Act policy.

Lot line adjustments, as proposed, will have no impact at all on coastal resources. The legal adjustment of existing property lines is of no coastal significance.

Category d developments, in a fashion similar to that of category G, will result in a beneficial impact on coastal resources, since they will add to public safety, facilitate access to recreational and visitor-serving uses, provide for proper drainage, limit erosion, and the like.

Impact on Public Access

The recommended categorical exclusions will neither add to nor detract from the number, location, or quality of public access points to public recreation sites or to public tidelands. They will have no effect upon road capacity or any other means of access. They will, however, in the case of category IV (roadway improvements) facilitate the use of existing and future access points by providing for signing and for public safety.

Significant Effect on the Environment

In addition, the Commission finds that, for the same reasons this exclusion will have no potential for any significant adverse effect, either individually or cumulatively, on coastal resources, this exclusion will have no significant effect on the environment for purposes of the California Environmental Quality Act of 1970.

III. CONDITIONS

In order (1) to assure that adoption of the exclusion will cause no significant change in density, height, or nature of uses in the excluded area and (2) to implement the exclusion, this order is subject to the following conditions:

1. Applicable Zoning

Development pursuant to this exclusion shall conform, unless otherwise limited by this order, to the zoning in effect in Marin County on the date this order is adopted by the Commission.

2. Agricultural Development

Agriculturally-related development permitted by this exclusion is only allowed on parcels zoned A on the date this order is adopted by the Commission.

3. Water Impoundment Projects

No impoundment project excluded by this order shall exceed 10 acre feet, either in actual water impounded or in design capacity.

4. Signs

No sign excluded by this order shall exceed 25 square feet; or use artificial lighting; or if free standing, exceed 15 feet in height; or, if attached, exceed the height of the building.

5. Traffic Control and Guidance

No roadway markings subject to this exclusion shall create more traffic lanes than existing previously.

6. Implementation

The County of Marin shall, at an appropriate stage in the local approval process for development subject to this exclusion, distribute to the applicant for such local approval an instruction sheet and form provided by the Executive Director of the Commission. After obtaining final local governmental approval but prior to commencing construction under this exclusion, such applicant shall send the completed form containing a brief description of the excluded development to the Coastal Commission.

7. Any amendment to the certified Local Coastal Program which affects the land area to which this exclusion applies shall require the approval of the California Coastal Commission pursuant to Commission Regulations and the Coastal Act of 1976 (Public Resources Code Section 30514).

8. The County of Marin shall maintain a record for any other permits which may be required for categorically excluded development which shall be made available to the Commission or any interested person upon request, pursuant to Section 00154 of the Commission Local Coastal Program Regulations.

9. This exclusion shall apply to the permit requirements of the Coastal Act of 1976, pursuant to Public Resources Code Section 30610(e) and 30610.5(b), and shall not be construed to exempt any person from the permit requirements of any other federal, state or local government agency.

10. This exclusion shall not apply to tide and submerged land, beaches, and lots immediately adjacent to the inland extent of any beach, or of the mean high tide line of the sea where there is no beach, potential public trust lands as identified by the State Lands Division in the trust claim maps, or wetlands as identified in the power plant siting wetland resource maps.

IV. RESCISSION AND REVOCATION

Pursuant to 14 Cal. Adm. Code 13243(e), the Commission hereby declares that the order granting this exclusion may be rescinded at any time, in whole or in part, if the Commission finds by a majority vote of its appointed membership after public hearing that the terms and conditions of the exclusion order no longer support the findings specified in Public Resources Code Section 30610(d). Further, the Commission declares that this order may be revoked at any time that the terms and conditions of the order are violated.

BOARD OF SUPERVISORS OF THE COUNTY OF MARIN

RESOLUTION NO. 82-162

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING AND AGREEING TO THE CALIFORNIACOASTAL COMMISSION'S CONDITIONS OF APPROVAL FOR CATEGORICAL EXCLUSIONS IN THE UNIT II COASTAL ZONE OF MARIN COUNTY

WHEREAS, the Marin County Board of Supervisors adopted the Unit II Local Coastal Plan on December 9, 1980, and

WHEREAS, the California Coastal Commission adopted a Resolution of Certification on the Unit II Local Coastal Plan on April 1, 1981, and

WHEREAS, as part of the final certification process of the Unit II Local Coastal Plan, the California Coastal Commission did adopt, on January 7, 1982, Categorical Exclusion Order No. E-81-6 pursuant to Public Resources Code 30610(e), and

WHEREAS, Categorical Exclusion Order No. E-81-6 sets forth the conditions whereby specific developments are excluded from the permit requirements of the California Coastal Act of 1976.

NOW, THEREFORE, BE IT RESOLVED that the Marin County Board of Supervisors does hereby acknowledge receipt of Categorical Exclusion Order No. E-81-6, including conditions of approval, and accepts and agrees to the terms and conditions to which the categorical exclusions have been made subject.

PASSED AND ADOPTED by the Marin County Board of Supervisors at its regular meeting held on the 11th day of May, 1982, by the following vote, to wit:

AYES: SUPERVISORS: Bob Roumiguiere, Barbara Boxer, Al Aramburu, Gail Wilhelm

NOES: SUPERVISORS: -

ABSENT: SUPERVISORS: Gary Giacomini

Gail Wilhelm

CHAIRMAN OF THE BOARD OF SUPERVISORS, COUNTY OF MARIN

ATTEST:

Van Gillespie

Clerk of the Board

CATEGORICAL EXCLUSION ORDER E-81-6
MARIN COUNTY, UNIT II

(Northern Portion of County)

The Commission by a two-thirds vote of its appointed members hereby adopts, by regulation, an order, pursuant to Public Resources Code Sections 30610(e) and 30610.5(b), categorically excluding from the permit requirements of the California Coastal Act of 1976 the categories of development within the specifically defined geographic area described below:

I. CATEOGRY OF DEVELOPMENT AND GEOGRAPHIC AREA

This order categorically excludes the following development:

1. Construction of single family residences in the community of Point Reyes Station, Marin County;

2. Land divisions in the community of Point Reyes Station, Marin County (See Exhibit 1)

3. (a) On-site signs (as conditioned) advertising available services or products. An on-site sign is defined as an advertising structure which is located on the property or building occupied by the business, product, or services advertised.

   (b) Agriculturally-related development (as conditioned) including:

      1. Barns, storage, equipment and other necessary buildings.

      2. Dairy pollution projects including collection, holding and disposal facilities.

      3. Storage tanks and water distribution lines utilized for on-site, agriculturally-related activities.

      4. Water impoundment projects in canyons and drainage areas not identified as blue line streams on USGS 7½ Minute Quad Sheets.

      5. Electric utility lines.

      6. New fencing for farm or ranch purposes, provided no solid fence designs are used.

      Agriculture means the tilling of the soil, the raising of crops, horticulture, viticulture, livestock, farming, dairying, and animal husbandry, including all uses customarily incidential and necessary thereto.

   (c) Lot line adjustments not resulting in a change in density or the creation of new parcels.

Approved 2/5/82

(d) Traffic control signing and minor roadway improvements (as conditioned) including:

1. Culvert replacement.

2. Guard rails, retaining walls.

3. Slope stablization.

4. Signs for traffic control and guidance including roadway markings and pavement delineation.

5. Drainage course maintenance and cleaning involving less than 50 cubic yards of excavation.

This category of development is excluded in the entire coastal zone of Unit II in Marin County (Northern Marin); except that for agriculturally related development, the exclusion shall not include the area between the coast and the nearest public road paralleling the sea, or 1/2 mile inland from the coast, whichever is less. The exclusion area shall be shown on the notarized exclusion maps on file with the Commission and with Marin County.

Limitations on Exclusion:

This exclusion shall apply to the permit requirements of the Coastal Act of 1976, pursuant to Public Resources Code Section 30610(e) and 30610.5(b), and shall not be construed to exempt any person from the permit requirements of any other federal, state or local government or agency.

This exclusion shall not apply to tide and submerged land, beaches and lots immediately adjacent to the inland extent of any beach, or of the mean high tide line of the sea where there is no beach, potential public trust lands as identified by the State Lands Division in the trust claims maps, wetlands as identified in the power plant siting wetland resources maps.

II. CONDITIONS

This order is subject to the following conditions:

1. Category 1: Single family dwellings in the community of Point Reyes Station Marin County, subject to the following terms and conditions:

   a. For purposes of this Categorical Exclusion, the "community of Point Reyes Station" is defined as that land area which lies within the community expansion boundary recognized by the Commission. The community expansion boundary is indicated on maps on file with the County and with the Commission. Excluded lots are shown in Exhibit 2, 1-10.

   b. Project height shall not exceed 24 feet from average finished grade. (The term "average finished grade" is defined in Attachment 1) This condition responds to Section 30251 of the Act regarding protection of scenic areas and public views, and maintenance of community character.

c. The Exclusion shall apply only to those lots of record lying within the specific Exclusion area designated on Exclusion Map Exhibit 1 and to those parcels created pursuant to Category 2 of this Exclusion Order. Coastal permit review of projects in other areas of the community is required due to issues of density, relationship to commercial uses, traffic circulation, and other coastal planning issues.

d. Prior to the issuance of a building permit, the County of Marin shall certify to the Executive Director of the Commission that the applicant for a development subject to the terms of this exclusion order has provided evidence that the height limit of the proposed development does not exceed 24 feet from the average finished grade and that the proposed residential dwelling is set back at least 50' (fifty feet) from any active fault trace as shown on the Alquist-Priolo maps on file with the County.

2. Category 2: Land divisions in the community of Point Reyes Station, Marin County, subject to the specific terms and conditions outlined below.

a. For purposes of this Categorical Exclusion, the "community of Point Reyes Station" is defined as that land area which lies within the community expansion boundary recognized in the Local Coastal Plan. The community expansion boundary is indicated on the implementation maps.

b. Where properties divided pursuant to this Exclusion Order have frontage on State Highway One, there shall be recorded by the applicant/landowner an irrevocable offer to dedicate to any public agency, or to an appropriate transportation agency or to a private association approved by the Commission, an easement consisting of a ten-foor strip contiguous with and paralleling Highway One, which shall be made available to the appropriate agency for the development of bicycle routes, intra- and intercommunity trails, and non-automobile alternatives on and through this property. The offer shall be irrevocable for a period of ten years, running from the date of recording and shall run with the land in favor of the people of the State of California, binding successors and assigns of the applicant and/or landowner. Such offer shall be recorded free of prior liens and encumbrances except tax liens. This requirement is essential for the preservation of planning options for provision of nonautomobile transportation and circulation. The requirement addresses Section 30252 of the Coastal Act regarding public access and transportation alternatives and the Transportation and Road Capacity policy under "Public Services and New Development" of the Marin County LCP.

c. The size of parcels resulting from a division under this order shall be no less than the minimum acreage allowed for the zone under the County zoning maps in effect at the time this order is adopted by the Commission.

d. The County of Marin shall forward copies of the final parcel map(s) for all projects approved pursuant to this Exclusion to the Executive Director.

3. Development pursuant to this exclusion shall conform, unless otherwise limited by this order, to the zoning in effect in Marin County on the date this order is adopted by the Commission or zoning adopted by the County pursuant to the LCP certified by the Commission.

4. Agriculturally-related development permitted by this exclusion is only allowed on parcels zoned for agricultural use on the date this order is adopted by the Commission.

5. No water impoundment project excluded by this order shall exceed 10 acre feet, either in actual water impounded or in design capacity.

6. No sign excluded by this order shall exceed 25 square feet; or use artificial lighting; or if free standing, exceed 15 feet in height; or, if attached, exceed the height of the building.

7. No roadway markings subject to this exclusion shall create more traffic lanes than existing previously.

8. This order shall be of no force and effect until the effective date of the delegation of development review authority to a local government pursuant to Public Resources Code Section 30519.

III. FINDINGS AND DECLARATIONS

The Commission hereby finds, for the reasons set forth below, that this exclusion, as conditioned, presents no potential for any significant adverse effect, either individually or cumulatively, on coastal resources or on public access to, or along the coast.

The Commission finds that for the same reasons that this exclusion will have no potential for any significant adverse effect, either individually or cumulatively, on coastal resources, this exclusion will have no significant effect on the environment for purposes of the California Environmental Quality Act of 1970.

The Commission further finds and declares as follows:

1. Provisions for Categorical Exclusions

Specifically, Public Resources Code Section 30610(d) states that no coastal development permit shall be required for...

"Any category of development or any category of development within a specifically defined geographic area, that the Commission, by regulation, after public hearing, and by two-thirds vote of its appointed members, has described or identified with respect to which the Commission has found that there is no potential for any significant, adverse effect, either individually or cumulatively, on coastal resources or on public access to, or along the coast and that such exclusion will not impair the ability of the local government to prepare a local coastal program."

Public Resources Code Section 30610.5(b) requires:

"Every exclusion granted shall be subject to terms and conditions to assure that no significant change in density, height or nature of uses will occur without further proceedings under this division and an order granting an exclusion under Subdivision (d) of Section

30610 "...may be revoked at any time by the Commission if the conditions of the exclusion are violated."

It is found that provisions for categorical exclusions are appropriately applied to the subject single family residential development and land divisions. The necessary findings are made as outlined in the following material. This is consistent with the requirement that no exclusion shall be granted for specific areas where coastal resources could be adversely impacted.

2. Visual and Scenic Resources

Public Resources Code Section 30251 states:

"The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

Section 30253(5) states:

"Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses."

The protection of the visual and scenic qualities is an important issue identified both in the Marin County Local Coastal Program and in the review of permit applications. In particular, the Coastal Act requires the protection of public views to and along the ocean and in scenic coastal areas. The approval of any significant structure in these areas requires careful consideration of the surrounding topography and the location to the development such that the public views are protected. Therefore, the Commission finds that no exclusion can be granted for certain types of development in areas where public views or scenic coastal areas could be adversely impacted.

As conditioned, this exclusion limits the height of any structure built pursuant to this exclusion within Point Reyes Station to 24 feet from the average finished grade. This condition assures compatibility with existing development structures, maintains the character of development in the area, and protects visual resources. As conditioned, the exclusion will have no potential for adverse impact on visual and scenic coastal resources.

3. Geologic Hazards

Public Resources Code Section 30253 provides:

New development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

The San Andreas Fault runs through a portion of Point Reyes Station, and specifically through the exclusion area. The most damage to life and property would occur if a structure were placed directly over an active fault trace. The lateral or vertical movement along the fault would literally tear apart the structure. Because of this potential for geologic hazard, all single family dwellings subject to this exclusion must be set back a minimum of fifty feet from any active fault trace. While the Alquist-Priolo Act exempts single-story, wood-frame structures from its setback requirements, the Guidelines of the Division of Mines and Geology recommend that such structures be set back as well. As conditioned, the exclusion will have no potential for significant adverse impact and will minimize risks to life and property in areas of geologic instability, in accordance with Section 30253.

4. Location of Development/Adequacy of Services

Public Resources Code Section 30250(a) provides:

(a) New development, except as otherwise provided in this division shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services, and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

The categorically excluded development within Point Reyes Station is development within the expansion area which the County of Marin has designated in its Local Coastal Program, and which the Commission has certified, with conditions.

Single family homes in Point Reyes Station receive water supply from the North Marin County Water District, and utilize individual septic tank systems for sewage disposal. The Water District presently has the capacity to serve 755 residential units (354 more than those now existing), with generous allocations for current demand and growth in recreational, agricultural, commercial, and governmental uses.

To ensure that the demand for water does not exceed capacity, the Local Coastal Plan requires the County to notify the Water District when 300 more meters have been hooked up in the water district service area. At that point, the Water District may plan its expansion. After a total of 755 units are connected, the County is to cease issuance of building permits. Because the Water District maintains that present capacity is adequate to serve 755 units with generous provision of coastal-priority uses, the exclusion of single-family residences under this order has no potential for adversely affecting uses which are given priority under the Coastal Act.

5. Public Access/Traffic

Public Resources Code Section 30210 provides:

> In carrying out the requirement of Section 2 of Article XV of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

The exclusion of these projects from coastal permit requirements will not affect significantly public access to or along the coast. Though some of the projects in Point Reyes Station lie between the sea and the first road, they are some distance removed from the water due to the presence of large agricultural holdings which intervene. There are several County and State owned recreation areas in the immediate vicinity of the community, such as White House Pool, Tomales Bay State Park, and Millerton Point.

Pursuant to condition 3 of this exclusion, where properties divided pursuant to this order have frontage on State Highway One, the development shall be accompanied by an offer to dedicate a ten-foot strip contiguous with and paralleling Highway One which shall be made available to an appropriate agency for the possible development of bicycle routes and community trails, and non-automobile transportation alternatives on and through the property. This requirement is essential for the preservation of planning options for provision of non-automobile transportation and circulation. The requirement addresses Section 30252 of the Coastal Act regarding public access and transportation alternatives. The Local Coastal Progran anticipates that some traffic on Highway One may be eliminated by use of non-automobile transportation alternatives.

The Marin County LCP concludes, on the basis of the Highway One capacity study, that no more than 350 units are likely to be built in the next 20 years through the Point Reyes-Olema-Inverness Park area, far below buildout maximums. If sewage disposal constraints are considered for this area, the number will probably not go much higher. Thus, excessive traffic volumes are not expected to become a serious problem. Only downtown Point Reyes Station (removed from Highway One by an arterial) may need further attention.

6. The Commission also finds that Category 3 of development excluded by this order consists of projects which the Secretary of Resources has determined are categorically exempt from the provisions of the California Environmental Quality Act of 1970 as having no significant effect on the environment.

The sections of the CEQA Guidelines which exempt these categories are listed below:

Category of Development Excluded	14 Cal. Adm. Code sec.
(a) On site signs	15101(g), 15111(a)
(b) Agriculturally-related development	

1. Necessary buildings	15111
2. Dairy Pollution projects	15101(i), 15102(c)
3. Agriculturally-related storage tanks	15101(m), 15104
4. Water impoundment in certain areas	15101(m), 15104
5. Electric Utility lines	15101(d), 15101(c) and (d), 15103(
6. New fencing for farm/ranch property	15103(e), 15104
(c) Lot line adjustments	15105(a)

Category of Development Excluded	14 Cal. Adm. Code sec.
(d) Traffic control	
1. Culvert replacement	15101(d) and (f)
2. Guard rails and retaining walls	15101(d) and (f)
3. Slope stabilization	15101(d) and (f)
4. Roadway markers	15101(f)
5. Drainage course maintenance	15101(i), 15102(c)

The Commission finds that the categories of development proposed for exclusion are developments which have posed no significant coastal concerns in the past, and do not now require attention as possibly detrimental to coastal resources. On August 2, 1977, the Commission adopted Categorical Exclusion Order No. E-77-7 which found the categories of development now under consideration were exempt from the requirements for a Commission-issued coastal development permit pursuant to section 30610(d) (now subsection (e)) of the Act.

From the date of exclusion to the present, there have been no significant adverse effects, either individually or cumulatively, on coastal resources or on public access to, or along the coast.

a) On-Site Signs

Marin County has a sign ordinance governing the height, area, design, and other facets of sign development. The local regulations are lengthy, detailed, and specific. The ordinance requires a local sign permit and local design review. The following sections of the local code are relevant:

Marin County: Chapter 22.69 of Title 22 of the Marin County Code (zoning), including sections 22.69.010 through 22.69.110

b) Agricultural Activities

Marin County's zoning and other local controls which cover the activities recommended for exclusion are:

The "A District" section of the Marin County zoning code (Agriculutral and Conservation Districts) permits normal agricultural activities, including barns and other structures necessary to support the agricultural uses. The proposed exclusion projects are adequately covered by this zoning designation.

Water and other utility projects are permitted subject to approval by appropriate governmental agencies. Grading and excavation activities are governed by the Uniform Building Code, and supplemented by a local excavating ordinance and a dam ordinance. Any excavations in drainage courses or those excavations involving more than 50 cubic yards require a permit from the county. The dam ordinance covers projects up to 50 acre feet of water and up to 25 feet of spillway height. Above those limits, state laws and regulations are applied.

It is recommended that in Marin County's coastal zone the categorical exclusion apply only where local zoning authorities have designated, "A" districts. Thus A-2 districts (limited agriculture) and R-A districts (suburban agriculture) will not be eligible for categorical exclusion.

c) Lot Line Adjustments, Traffic Control

Lot line adjustments, traffic control, signing, and minor roadway improvements are routine administrative and technical activities which in and of themselves do not normally impact on actual land uses or the use of coastal resources, but actually serve to facilitate or enhance the enjoyment of approved uses and developments. The Coastal Zone Conservation Commission under Proposition 20, predecessor to this Commission, developed a Blanket Permit for roadway projects based on the experience that certain projects did not impact coastal resources.

Impact of Exclusions Upon Coastal Resources

Category a, Signs, is a development category which relates primarily to the visual resources of the coast. Since the exceptions written into the exclusion (I.B. 1-4) strictly limit excluded signs to those of a small scale, and since local controls provide for the review of even these signs, the recommended categorical exclusions will not have any adverse impacts, either individually or cumulatively, upon the visual and scenic resources of the coast.

The agricultural activities proposed for exclusion in recommendation II A. are the only ones in this referral which impact directly on actual land use and development in the coastal zone. The excluded activities involve land use, water use, water quality and visual impact considerations. This Commission finds, however, that the exclusions will not have any individual or cumulative impacts on these resources and may actually serve to enhance them. This finding is based upon Chapter 3 of the California Coastal Act which establishes policies for the preservation of prime agricultural land. Agriculture utilizes soil

resources in a manner consistent with the Coastal Act. This Commission further finds that agricultural activities are a major contributor to the scenic resources of the coastal zone, and that the excluded developments will serve to enhance that resource. (Protection against public view blockage has been reserved by the language of the exceptions to the exclusion.) Similarly, the dairy disposal facilities recommended for exclusion will enhance water quality. Water supply projects will further augment agricultural activity in tune with Coastal Act policy.

Lot line adjustments, as proposed, will have no impact at all on coastal resources. The legal adjustment of existing property lines is of no coastal significance.

Category d, developments, in a fashion similar to that of category 6, will result in a beneficial impact on coastal resources, since they will add to public safety, facilitate access to recreational and visitor-serving uses, provide for proper drainage, limit erosion, and the like.

Impact on Public Access

The recommended categorical exclusions will neither add to nor detract from the number, location, or quality of public access points to public recreation sites or to public tidelands. They will have no effect upon road capacity or any other means of access. They will, however, in the case of category IV (roadway improvements) facilitate the use of existing and future access points by providing for signing and for public safety.

IV. IMPLEMENTATION

1. The order granting a categorical exclusion for these categories of development in Marin County, northern portion, pursuant to Public Resources Code Section 30610(e) shall not become effective until the Executive Director of the Coastal Commission has determined in writing that the local government has taken the necessary action to carry out the exclusion order pursuant to Section 13244 of the Coastal Commission regulations.

2. The County of Marin shall, at an appropriate stage in the local approval process for development subject to this Exclusion, distribute to the applicant for such local approval an instruction sheet and form provided by the Executive Director of the Commission. After obtaining final local governmental approval but prior to commencing construction under this exclusion, such applicant shall send the completed form containing a brief description of the excluded development to the Coastal Commission.

3. Maps shall be submitted for the Executive Director's review and approval before the County may implement this exclusion order. Said maps shall show:
   a. The appropriate approved zone district,
   b. areas of actual or potential public trust, and
   c. boundaries of parcels landward of the first public road parallelling the sea.

4. Prior to the issuance of a building permit for a single family residence subject to this exclusion order, the Planning Director, or appropriate official of the County of Marin shall certify to the Executive Director of the Coastal Commission that the height limit and building setback conditions of this order have been meet.

5. The County of Marin shall maintain a record for any other permits which may be required for categorically excluded development which shall be made available to the Commission or any interested person upon request, pursuant to Section 00154 of the Commission Local Coastal Program Regulations.

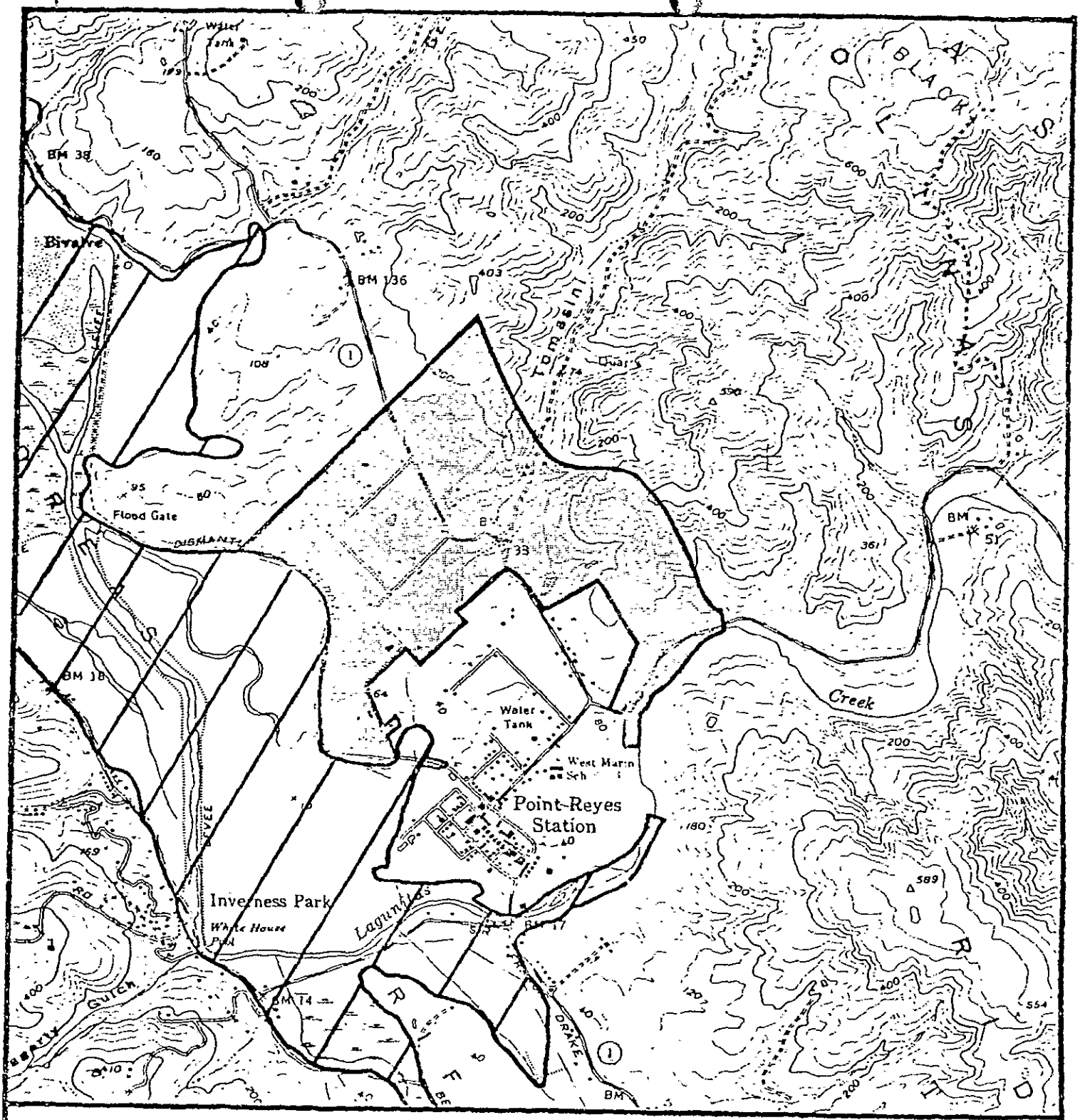
V. RECISSION AND REVOCATION

Pursuant to 14 California Administrative Code 13243(e), the Commission hereby declares that the order granting this exclusion may be rescinded at any time, in whole or in part, if the Commission finds by a majority vote of its appointed membership after public hearing that the terms and conditions of the exclusion order no longer support the findings specified in Public Resources Code Section 30610(d). Further, the Commission declares that this order may be revoked at any time that the terms and conditions of the order are violated.

ATTACHMENT I

Categorical Exclusion Order

"Average existing grade", as used in this Exclusion, is defined as the median elevation point between the highest and lowest points of existing grade within the building pad. Height shall be measured vertically from this point. The highest elevation of the roofline may not exceed the specified height (ie. 24 feet in Point Reyes Station) measured along this axis.



Categorical Exclusion E-81-6
Marin County Unit II

Exclusion Area

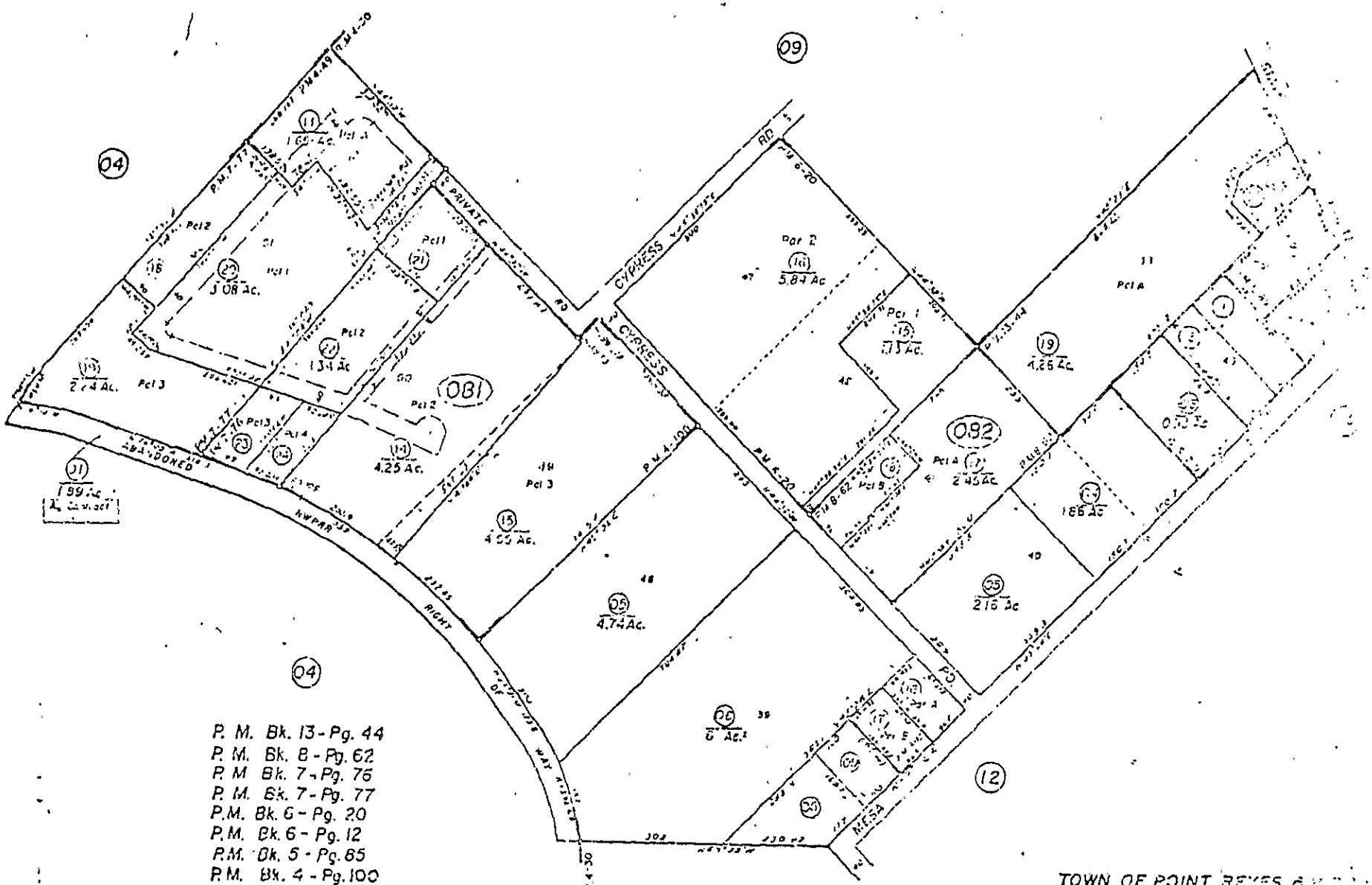
Non-excludable Area

N

0 2000
FEET

California Coastal Commission

EXHIBIT 1



P. M. Bk. 13 - Pg. 44
P. M. Bk. 8 - Pg. 62
P. M. Bk. 7 - Pg. 76
P. M. Bk. 7 - Pg. 77
P.M. Bk. 6 - Pg. 20
P.M. Bk. 6 - Pg. 12
P.M. Bk. 5 - Pg. 65
P.M. Bk. 4 - Pg. 100
P.M. Bk. 4 - Pg. 49
Pin. Lot 43 Map No. 1 Pt. Reyes Land Co., R.M. Bk. 7-Pg. 9,
Map No. 1 Point Reyes Land Co., R.M. Bk. 4 Pg. 34

TOWN OF POINT REYES & VICINITY
Assessor's Map
County of Marin
Bill Grummel - Assessor

This area is part of the Categorical Exclusion

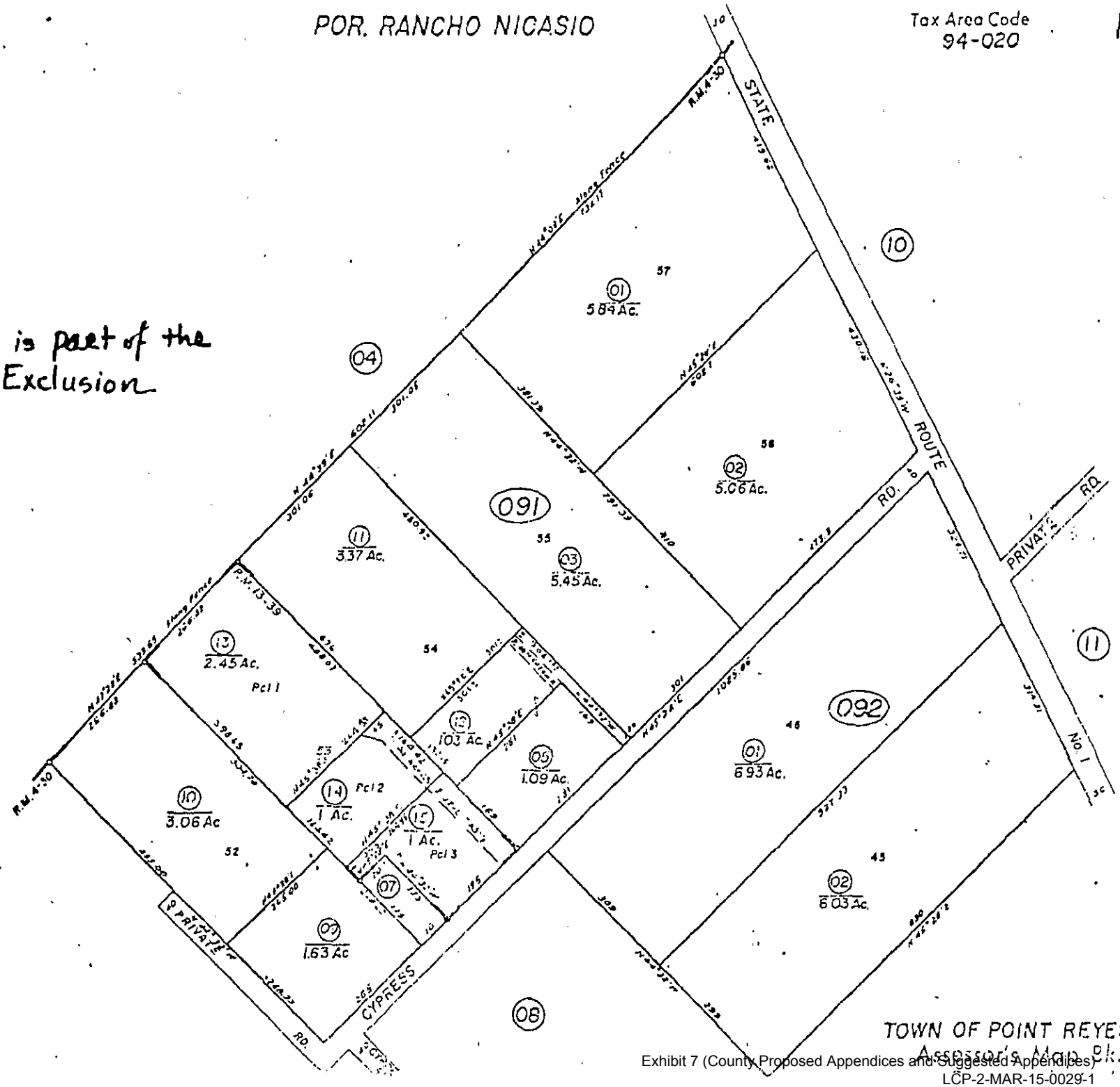
EXHIBIT NO. 2
APPLICATION NO.
E-81-6
MARIN COUNTY UNIT II
CATEGORICAL EXCLUSION

POR. RANCHO NICASIO

Tax Area Code
94-020

119-09

This area is part of the Categorical Exclusion



TOWN OF POINT REYES & VICI
Assessor's Map Bk.119 - Pg.C

POR. RANCHO NICASIO

Tax Area Code
94-020

119-10

The unshaded area is covered by the Categorical Exclusion

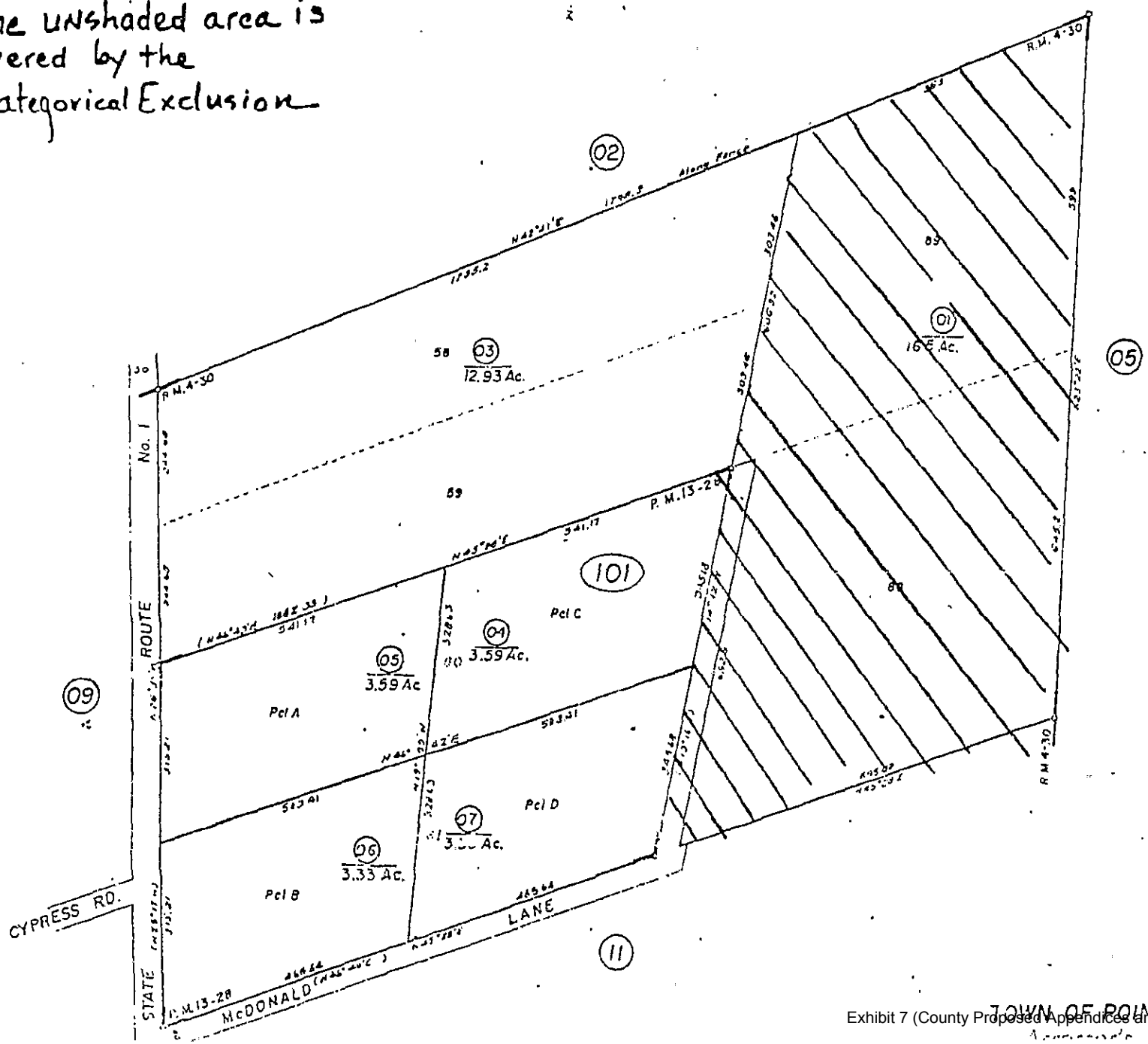
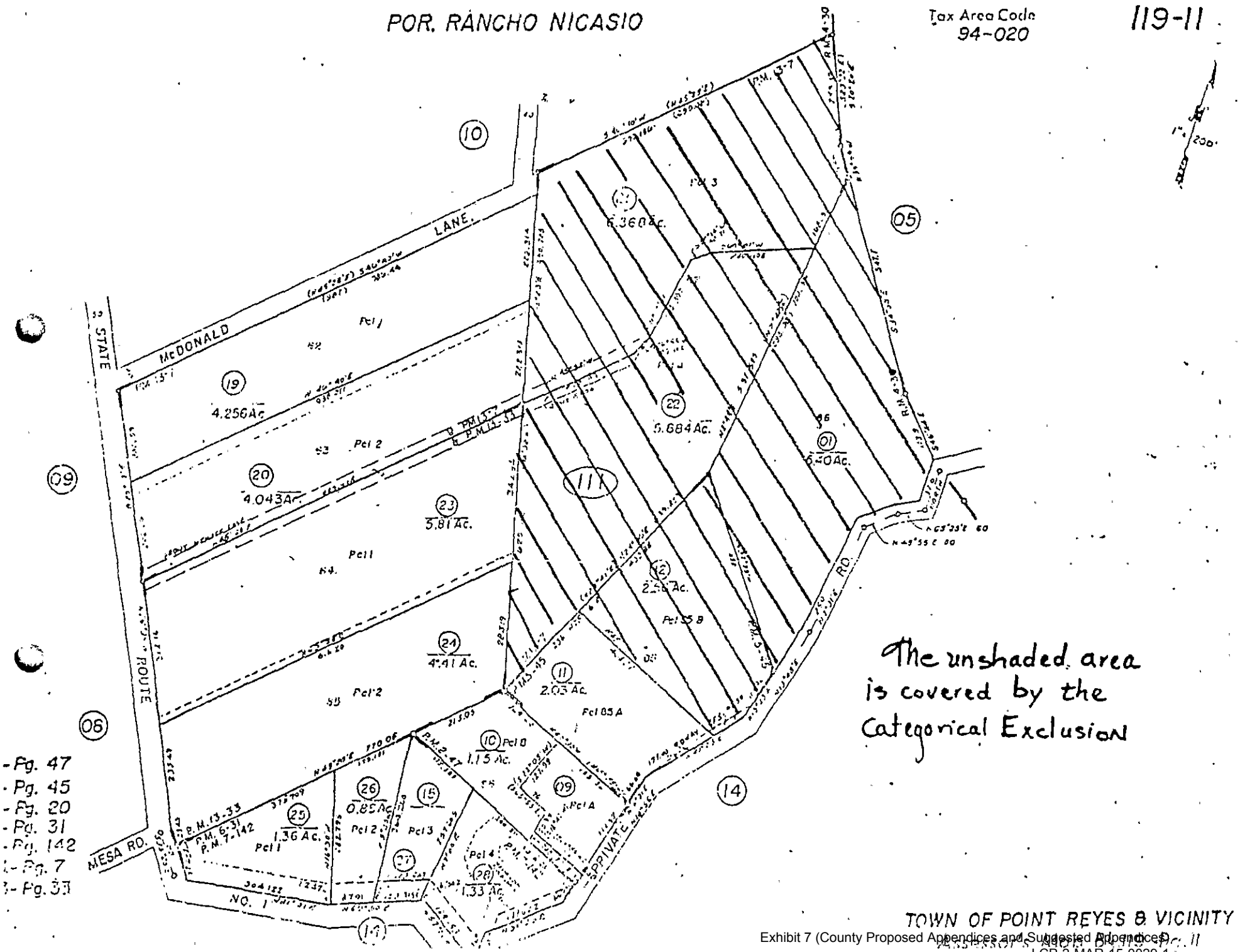
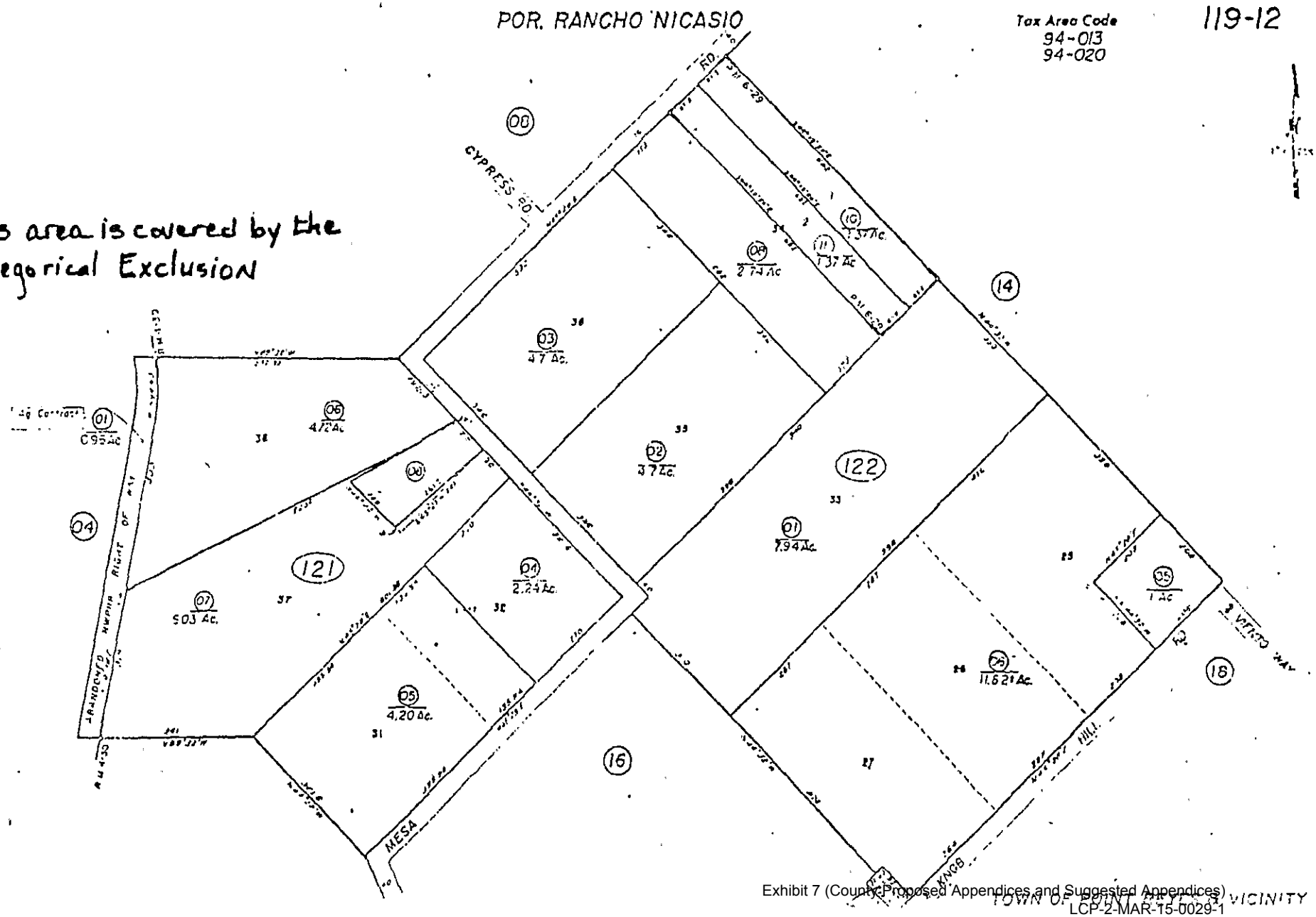


Fig. 28

TOWN OF POINT REYES & VICINITY


POR. RANCHO NICASIO
Tax Area Code
94-020
119-11
McDONALD
LANE
STATE
ROUTE
MESA RD.
NO. 1
PRIVATE
RD.
4.256 Ac.
4.043 Ac.
5.81 Ac.
4.41 Ac.
1.36 Ac.
0.85 Ac.
1.15 Ac.
2.03 Ac.
1.33 Ac.
5.684 Ac.
6.40 Ac.
The unshaded area is covered by the Categorical Exclusion
- Pg. 47
- Pg. 45
- Pg. 20
- Pg. 31
- Pg. 142
- Pg. 7
- Pg. 33
TOWN OF POINT REYES & VICINITY

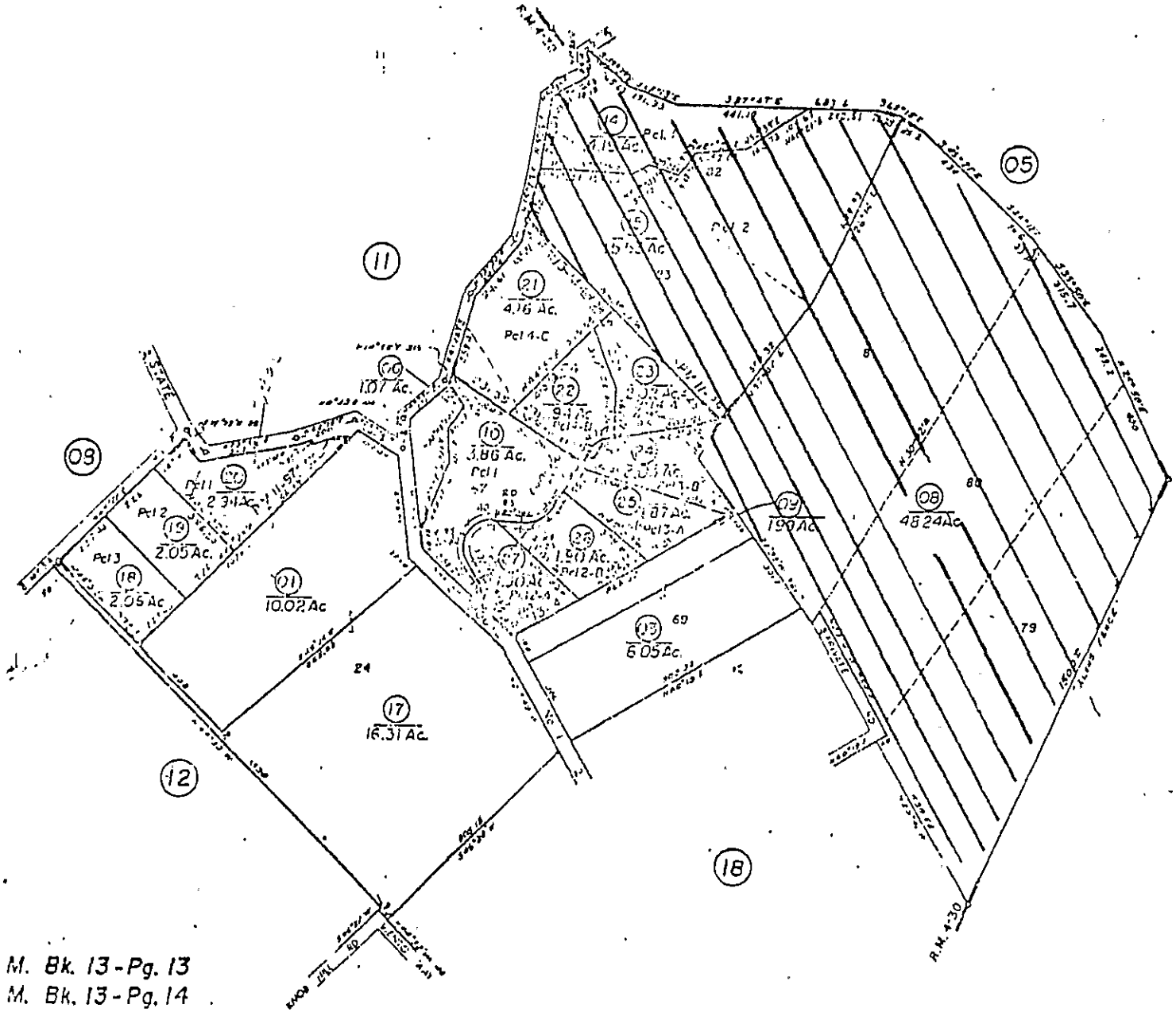
This area is covered by the Categorical Exclusion



POR. RANCHO NICASIO

Tax Area Code
94-013
94-020
94-027

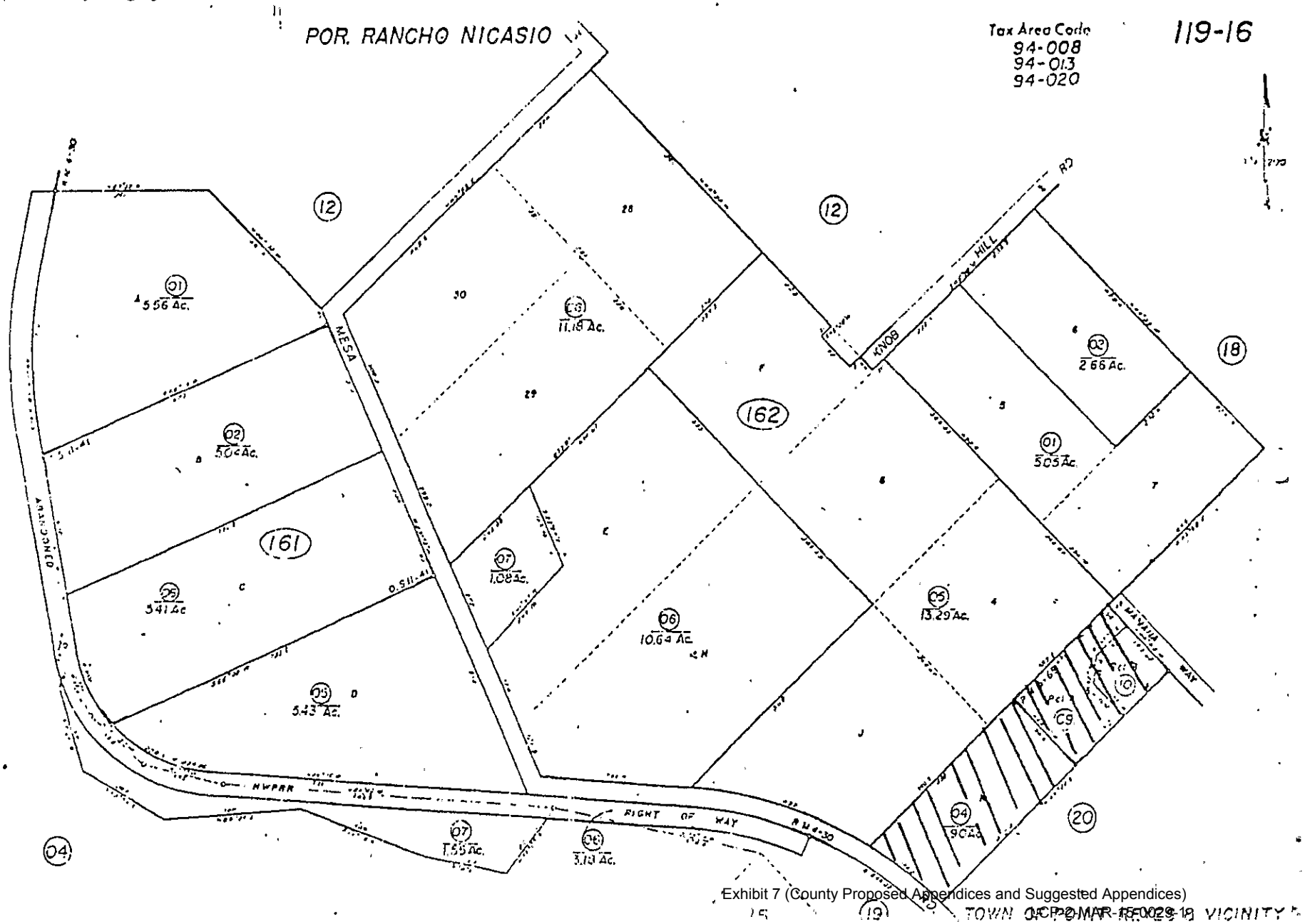
119-14



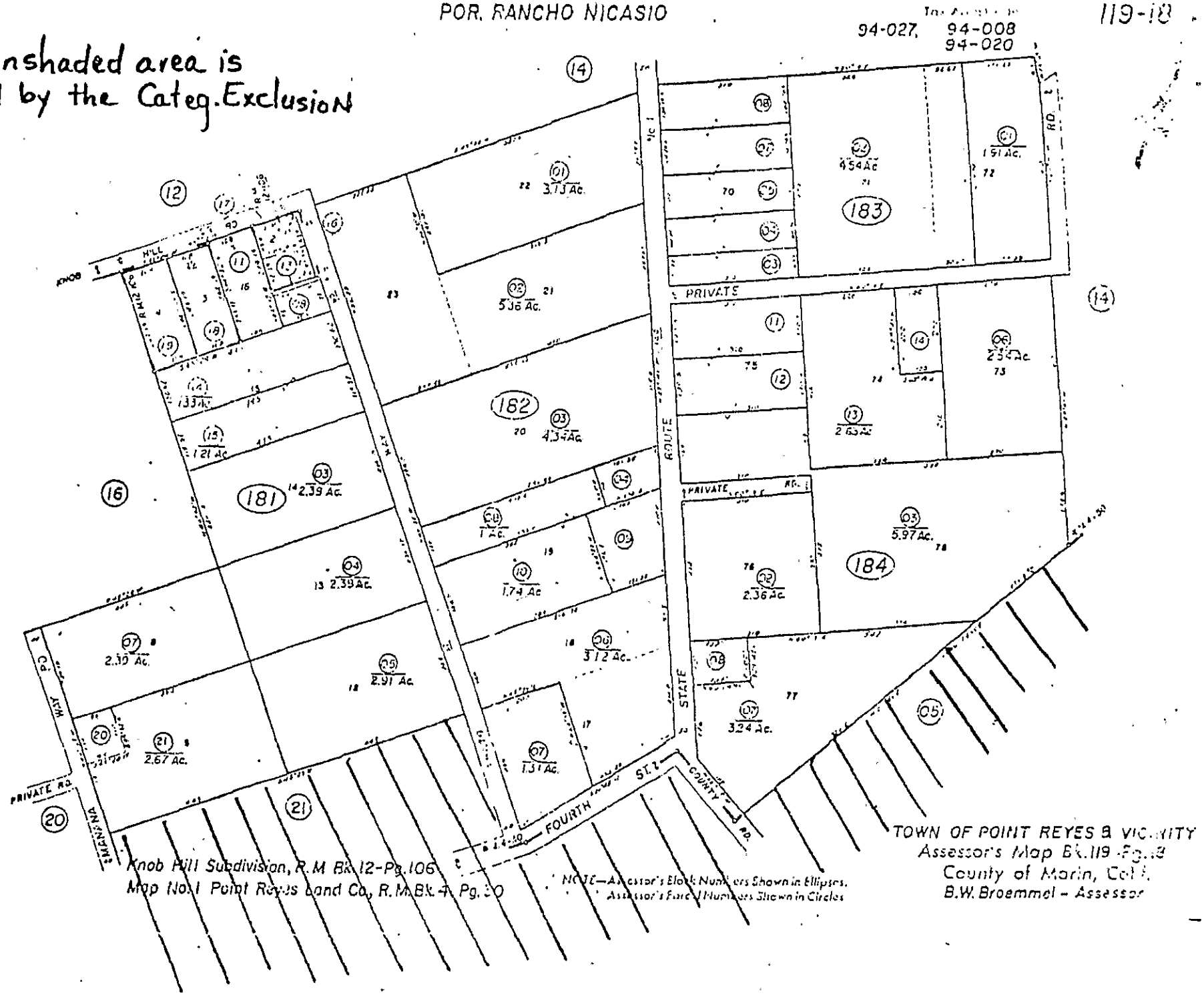
P. M. Bk. 13 - Pg. 13
P. M. Bk. 13 - Pg. 14
P. M. Bk. 11 - Pg. 97
P. M. Bk. 11 - Pg. 29

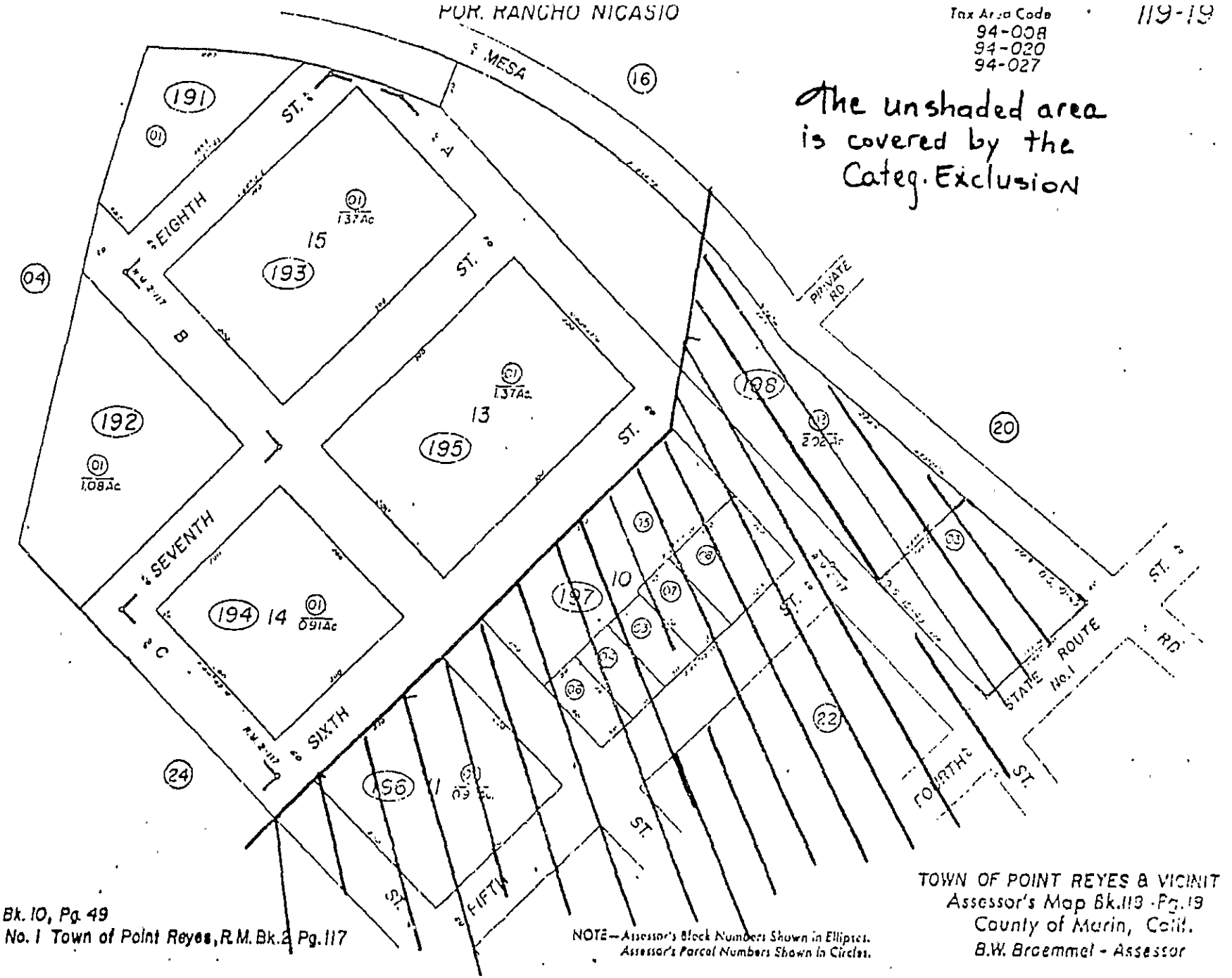
TOWN OF POINT REYES & VICINITY
Assessor's Map Bk. 119 - Pg. 14

The unshaded area is covered by the Categorical Exclusion



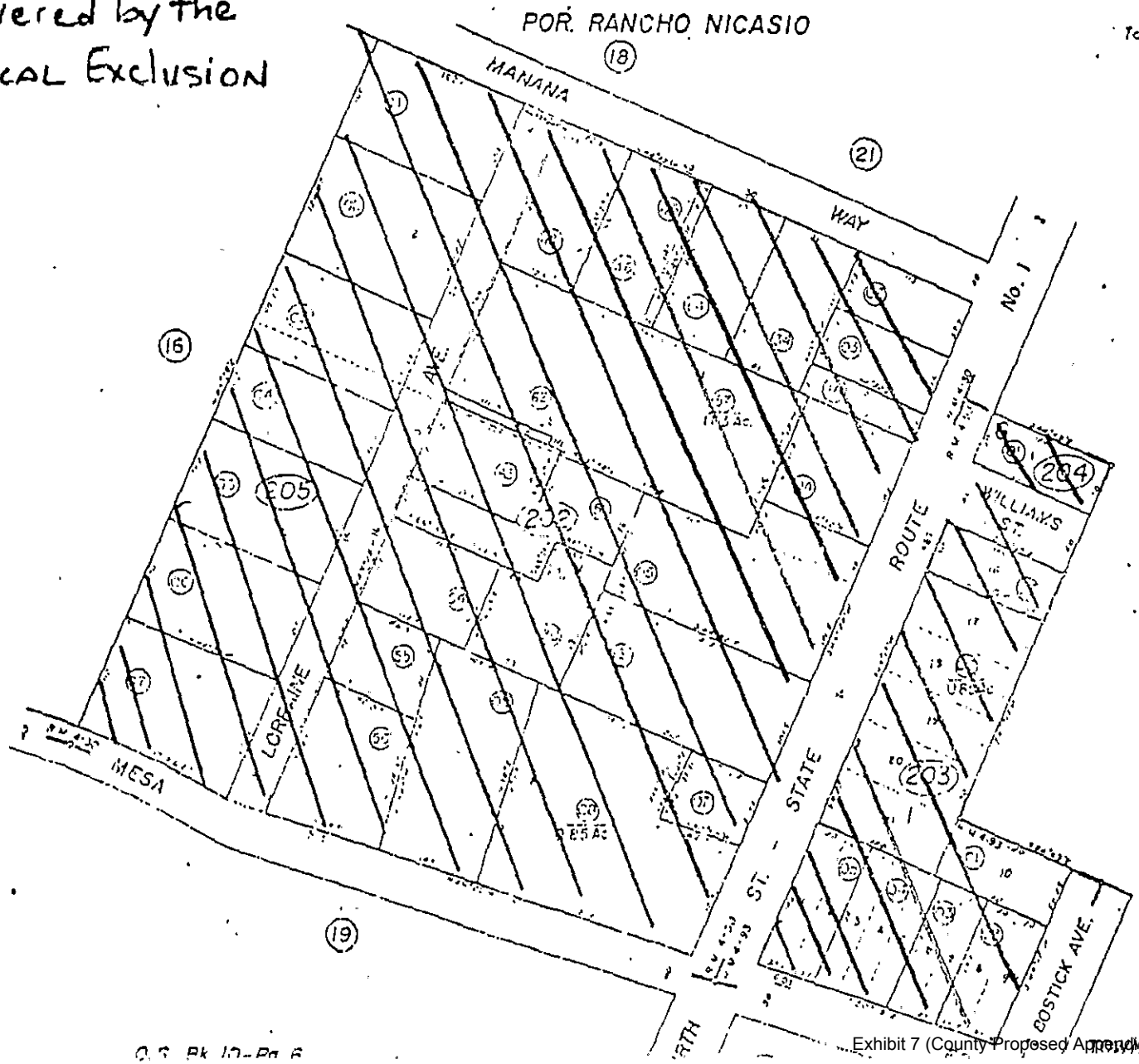
The unshaded area is covered by the Categ. Exclusion





Legend : ▨ = not part of the Exclusion

This area is
not covered by the
Categorical Exclusion



BOARD OF SUPERVISORS OF THE COUNTY OF MARIN

RESOLUTION NO. 82-330

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING AND AGREEING TO THE CALIFORNIA COASTAL COMMISSION'S CONDITIONS OF APPROVAL FOR CATEGORICAL EXCLUSIONS IN THE UNIT. II COASTAL ZONE OF MARIN COUNTY

WHEREAS, the Marin County Board of Supervisors adopted the Unit II Local Coastal Plan on December 9, 1980, and

WHEREAS, the California Coastal Commission adopted a Resolution of Certification on the Unit II Local Coastal Plan on April 1, 1981, and

WHEREAS, as part of the final certification process of the Unit II Local Coastal Plan, the California Coastal Commission did adopt, on January 7, 1982, Categorical Exclusion Order No. E-81-6 pursuant to Public Resources Code 30610(e), and

WHEREAS, at the request of the County of Marin, the California Coastal Commission did amend Categorical Exclusion Order No. E-81-6, and

WHEREAS, Categorical Exclusion Order No. E-81-6, as amended on August 12, 1982, sets forth the conditions whereby specific developments are excluded from the permit requirements of the California Coastal Act of 1976.

NOW, THEREFORE, BE IT RESOLVED that the Marin County Board of Supervisors does hereby acknowledge receipt of Categorical Exclusion Order No. E-81-6, as amended, including conditions of approval, and accepts and agrees to the terms and conditions to which the categorical exclusions have been made subject.

PASSED AND ADOPTED by the Marin County Board of Supervisors at its regular meeting held on the 17th day of August, 1982, by the following vote, to wit:

AYES: Supervisors: Bob Roumiguiere, Al Aramburu, Gary Giacomini, Gail Wilhelm

NOES: Supervisors: None

ABSENT: Supervisors: Barbara Boxer

Gail Wilhelm

CHAIRMAN OF THE BOARD OF SUPERVISORS, COUNTY OF MARIN

ATTEST:

CALIFORNIA COASTAL COMMISSION
631 Howard Street, San Francisco 94105 — (415) 543-8555

ORDER AMENDING
CATEGORICAL EXCLUSION ORDER E-81-6

I. DESCRIPTION OF EXCLUSION

The Commission by a two-thirds vote of its appointed members hereby adopts an order, pursuant to Public Resources Code Section 30610(e) and 30610.5(b), which categorically excludes from the permit requirements of the California Coastal Act of 1976 the categories of development within the specifically defined geographic area described below:

The geographic area is the coastal zone known as Unit II of the County of Marin , except for tide and submerged lands, beaches, and lots immediately adjacent to the inland extent of any beach, or of the mean high tide line of the sea where there is no beach, and all lands and waters subject or potentially subject to the public trust. Within this area the Commission hereby orders that the following developments within the specific area shall not require a coastal development permit:

> The construction of single family residences located within the community expansion boundaries of Dillon Beach (except for lots within the Oceana Marin subdivision), Tomales, and Olema, but only as previously identified for exclusion by the California Coastal Commission pursuant to section 30610.1 of the Coastal Act.
>
> The geographic area of exclusion is shown on Exhibit 1 (Map 49, Area 4: Dillon Beach Marin Co.) Exhibit 2 (Map 50, Area 5: Tomales, Marin Co.) Exhibit 3 (Map 51, Area 7: Olema, Marin Co.).

Only developments which meet all applicable policies and criteria of the Marin County Local Coastal Program, Unit II, are proposed for exclusion. Applications for development which are not consistent with the certified local coastal program remain subject to the requirement of a coastal development permit.

II. SPECIAL CONDITIONS

Notwithstanding the provisions of the certified Local Coastal Program for Marin County, the development of single family dwellings on parcels zoned CARP within the exclusion area is exempt from the requirements of a coastal development permit only if the developer complies with the master plan provisions of Chapters 22.45 and 22.47.100 of the Marin County zoning ordinance. Compliance with the master plan provisions is required notwithstanding the language of Marin Zoning Ordinance, Chapter 22.56.020.

III. CONDITIONS

1. This order of categorical exclusion shall not be implemented until the County submits to the Executive Director of the Coastal Commission and the Executive Director approves, in writing, a map depicting all of the following:

   a. The geographic area excluded by Commission order,

   b. The zoning designations of the excluded area,

   c. The areas of potential public trust (areas subject to the public trust are seaward of the line of potential public trust and will be adequately depicted),

   d. All coastal bodies of water, riparian corridors, and wetlands as may be shown on any Land Use Plan Resources Maps, or Background Studies,

   e. The boundaries of all lots immediately adjacent to the inland extent of any beach, or of the mean high tide line of the sea where there is no beach,

   f. A map note which clearly indicates that the written terms of this order should be consulted for a complete listing of non-excludable developments. The note shall, to the maximum extent practicable, indicate the topical areas which are non-excludable. It shall state that no development within one hundred feet from the upland limit of any stream, wetland, marsh, estuary, or lake, is excluded by the terms of this order, regardless of whether such coastal waters are depicted on the exclusion map, or not. The map note shall further state that where the natural resource, environmentally sensitive habitat, open space or other similar policies of the certified Local Coastal Program specify a geographically larger area of concern for natural resources, then no development shall occur in the area described in the Local Coastal Program unless authorized by a coastal development permit.

2. The order granting a categorical exclusion for these categories of development in the County of Marin , pursuant to Public Resources Section 30610, shall not become effective until the Executive Director of the State Coastal Commission has determined in writing that the local government has taken the necessary action to carry out the exclusion order pursuant to Section 13244 of the Coastal Commission regulations.

3. This exclusion shall apply to the permit requirements of the Coastal Act of 1976, pursuant to Public Resources Code Section 30610(e) and 30610.5(b), and shall not be construed to exempt any person from the permit requirements of any other federal, state or local government agency.

4. The County shall maintain a record of any other permits which may be required for categorically excluded development which shall be made available to the Commission or any interested person upon request, pursuant to Section 13248.

5. Within five (5) working days of the issuance of a permit in conformity with this order of categorical exclusion the County shall provide notification of such issuance on a form containing the following information to the office of the North Central Coast District Office, and to any persons who in writing requested such notice. Unless the County provides such notification to the District Office, the development will not be exempted from coastal development permit requirements under this order.

   i) developer's name,

   ii) street address and assessor's parcel number of property on which development is proposed

   iii) brief description of development

   iv) date of application for other local permit(s)

   v) all terms and conditions of development imposed by local government in granting its approval.

6. Development under this exclusion shall conform with the County of Marin Local Coastal Program in effect on the date this exclusion is adopted by the Commission or to the terms and conditions of this exclusion where such terms and conditions specify more restrictive development criteria.

7. In the event an amendment of the Local Coastal Program of the County of Marin is certified by the Coastal Commission pursuant to section 30514 of the Coastal Act, development under this order shall comply with the amended Local Coastal Program, except where the terms and conditions of this order specify more restrictive development criteria. However, such amendment shall not authorize the exclusion of any category of development not excluded herein, nor shall such amendment alter the geographic areas of the exclusion.

8. This order does not exempt any development within one hundred feet, measured horizontally, from the high water mark of any coastal body of water, stream, wetland, estuary, or lake, regardless of whether such coastal waters are depicted on the exclusion map, or not.

9. Any development not falling within this exclusion remains subject to the coastal development permit requirements of the Coastal Act of 1976.

IV. RESCISSION AND REVOCATION

Pursuant to Title 14 of the California Administrative Code Section 13243(e) the Commission hereby declares that the order granting this exclusion may be rescinded at any time, in whole or in part, if the Commission finds by a majority vote of its appointed membership after public hearing that the terms and conditions of the exclusion order no longer support the findings specified in Public Resources Code Section 30610(e). Further, the Commission declares that this may be revoked at any time that the terms and conditions of the order are violated.

RESOLUTION NO. 83-102

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING AND AGREEING TO THE CALIFORNIA COASTAL COMMISSION'S CONDITIONS OF APPROVAL FOR CATEGORICAL EXCLUSIONS IN THE COASTAL ZONE OF MARIN COUNTY

WHEREAS, the County of Marin has a certified Land Use Plan for the Coastal Zone of Marin County, and

WHEREAS, the County has assumed permit authority in the Coastal Zone of Marin County, and

WHEREAS, through the administration of the Coastal Permit process the County has determined that minor additions to single family dwellings generally have no potential for any significant, adverse effect, either individually or cumulatively, on coastal resources or on public access to, or along the coast, and

WHEREAS, the limitations on sewer capacity in the Ocean Marin Subdivision, as stated in Policy 3(e), page 191 for the Unit II LCP, have been addressed by the expansion of the North Marin County Water District's Community sewer system, and

WHEREAS, the Marin County Board of Supervisors did adopt Resolution 82-415 requesting the California Coastal Commission to approve a Categorical Exclusion Order for such development, and

WHEREAS, at the request of the County of Marin, the California Coastal Commission did adopt Categorical Exclusion Order No. E-82-6, and

WHEREAS, Categorical Exclusion Order No. E-82-6, as adopted on March 11, 1983, sets forth the conditions whereby specific developments are excluded from the permit requirements of the California Coastal Act of 1976.

NOW, THEREFORE, BE IT RESOLVED that the Marin County Board of Supervisors does hereby acknowledge receipt of Categorical Exclusion Order No. E-82-6, including conditions of approval, and accepts and agrees to the terms and conditions to which the categorical exclusions have been made subject.

PASSED AND ADOPTED by the Marin County Board of Supervisors at its regular meeting held on the 15th day of March, 1983, by the following vote, to wit:

AYES: Supervisors: Stockwell, Aramburu, Roumiguiere

NOES: Supervisors: None

ABSENT: Supervisors: Giacomini, Brown

Bob Roumiguiere

CHAIRMAN OF THE BOARD OF SUPERVISORS
COUNTY OF MARIN

ATTEST: Van Gillespie

CALIFORNIA COASTAL COMMISSION
631 Howard Street, San Francisco 94105 — (415) 543-8555

CATEGORICAL EXCLUSION ORDER E-82-6

Marin County

The Commission by a two-thirds vote of its appointed members hereby adopts an order, pursuant to Public Resources Code Section 30610(e) and 30610 .5(b), categorically excluding from the permit requirements of the California Coastal Act of 1976 the categories of development within the specifically defined geographic area described below:

I. BACKGROUND

Section 30610 of the Coastal Act allows the State Commission to adopt a Categorical Exclusion for a specific type of development within a defined geographic area.

Section 30610(e) states:

> "Any category of development, or any category of development within a specifically defined geographic area, that the Commission, after public hearing, and by two-thirds vote of its appointed members, has described or identified and with respect to which the Commission has found that there is no potential for any significant adverse effect, either individually or cumulatively, on coastal resources or on public access to, or along, the coast and, where such exclusion precedes certification of the applicable local coastal program, that such exclusion will not impair the ability of local government to prepare a local coastal program."

Public Resources code Section 30610.5(b) additionally requires that the following findings and provisions must be made.

Section 30610.5(b) states in part:

> "Every exclusion granted...shall be subject to terms and conditions to assure that no significant change in density, height, or nature of uses will occur without further proceedings under this division and an order granting an exclusion under Subdivision (e) of Section 30610...may be revoked at any time by the Commission if the conditions of the exclusion are violated..."

The County of Marin seeks the exclusion from coastal permit requirements of the categories of development described below. The geographic area for category A is the entire coastal zone, with exceptions as provided by Coastal Act Section

30610.5(b), and for Category B, the Oceana Marin Subdivision as shown in Exhibit 1.

II. CATEGORIES OF DEVELOPMENT, GEOGRAPHIC AREAS, AND CONDITIONS

A. Category of Development

Additions to existing single-family dwellings which would result in an an increase of no more than 50% of the floor area of the dwelling before the addition or 1,000 square feet, whichever is less.

Geographic Area of Exclusion

The entire coastal zone, except: tide and submerged lands, beaches, and lots immediately adjacent to the inland extent of any beach, or of the mean high tide line of the sea where there is no beach, and all lands and waters subject to the public trust.

Condition

1) Additions shall meet all zoning and development standards of the Marin County Code, including but not limited to the provisions of the Historic Zoning Ordinance.

B. Category of Development

Single-family dwellings in Oceana Marin Subdivision in Dillon Beach.

Geographic Area of Exclusion

Existing parcels in the Oceana Marin subdivision as shown in Exhibit 1.

Conditions

1) The exclusion shall apply only to vacant legal lots of record existing on the date of adoption of this exclusion order.

2) The applicant shall submit an engineered foundation and site-specific development recommendation prepared by a licensed soils engineer.
These recommendations shall demonstrate that the soils and geologic character of the site can support grading and construction without causing undue hazards to the site or to adjacent sites. The plan shall also include specific provisions for drainage and continuity of the natural landform.

3) The project shall have design approval from the Bodega Bay Preserve Design Committee.

4) The North Marin County Water District shall certify that sewage treatment capacity exists to serve the proposed residence.

EXHIBIT 1

"Exhibit 1", as used in this document, refers to the map of exclusion areas prepared by the County of Marin for #E-81-2 and E-81-6 and incorporated herein by this reference. The map is on file with both the County and the Commission. The map will be amended to show excludable and non-excludable areas for #E-81-2, E-81-6 and E-82-6. The map shows areas exempted from this request for categorical exclusion under Section 30610.5(b) of the Coastal Act, namely:

> Tide and submerged lands, beaches, and lots immediately adjacent to the inland extent of any beach, or of the mean high tide line of the sea where there is no beach, and all lands and waters subject to the public trust.

III. FINDINGS

The findings below support the conclusions that the exclusion has no potential for significant adverse effects, either individually or cumulatively, on coastal resources or on public access to or along the coast and that such exclusion will not result in a significant change in density, height, or nature of uses, as required by Section 30610(e) and 30610.5(b) of the Coastal Act.

A. Minor Additions to Single-Family Dwellings

The coastal zoning ordinance adopted by Marin County to implement its Local Coastal Program contains a provision which exempts from coastal permit requirements very small additions to existing structures, including single-family dwellings (except where sensitive coastal resources could be affected by the addition). To be exempt under this provision, an addition must result in an increase of no more than 10% of the interior floor area of the existing structure. This limit means that even the addition of one or two rooms to a modest-sized home requires a coastal permit. This Categorical Exclusion would eliminate the coastal permit requirement for somewhat larger but still modest-sized additions to single-family dwellings (up to 50% additions). Additions to buildings other than single-family dwellings would not be affected by this Exclusion.

1. Visual Resources. The Marin County coastal zone is a highly scenic area where construction of a dwelling may affect public views or visual quality. Protection of views and visual quality is addressed by the Local Coastal Program zoning ordinance through establishment of height limits for new construction and general policies requiring compatibility of new construction with the character of its surroundings, appropriate landscaping, and other measures. In some zoning districts, design review is required in order to allow case-by-case consideration of potential visual impacts of new construction.

The Categorical Exclusion is subject to a condition requiring that all zoning and development standards of the Marin County Code be met. Therefore, even though an addition to a single-family dwelling may be exempt from the requirement of a coastal permit, the addition must meet all height and design standards of the Marin County Code. These standards serve to protect coastal visual resources.

The historic zoning provisions of the LCP and Zoning ordinance require a coastal permit for additions to structures built prior to 1930 and to structures in designated historic communities. Standards for review of such additions are incorporated in the LCP in order to assure compatibility of new additions with existing historic structures. An addition to a house which is exempt from the requirement of a coastal permit under this Exclusion must, nevertheless, meet the requirements of the historic zoning provisions of the Marin County Code. Therefore, scenic resources based on historic value will be protected under this Categorical Exclusion. As proposed and conditioned, the exclusion of additions to single-family dwellings will not have an adverse impact, either individually or cumulatively, on coastal visual resources.

To be excluded, additions must be modest in size, measuring no more than 50% of the existing floor area or 1000 square feet, whichever is less. No change in

use is allowed by the Exclusion, and only additions to single-family dwellings are covered. Height limits of the existing zoning ordinance must be met. Therefore, this Exclusion will not result in a significant change in density, height, or nature of uses.

2. Adequacy of Services. This Exclusion applies to additions to dwellings, but not to construction of new separate dwelling units. Second, dwelling units on one lot are not covered by the Exclusion. The additional demand on water and other services that would be presented by new households would not result from this Exclusion.

Much of the residential development in the coastal zone is served by on-site sewage disposal systems. Where additions of bedrooms to existing houses are proposed, additional leachfield area for sewage disposal may be required under the Marin County Code. As conditioned, this Exclusion requires that additions to houses meet all development standards of the Marin County Code, including sewage disposal requirements. Therefore, even if a project is excluded from coastal permit requirements, sewage disposal standards must be met. As conditioned, the Exclusion will not have a potential for significant adverse effect, either individually, or cumulatively, on water quality or other resources affected by sewage disposal.

B. Single-Family Dwellings in Oceana Marin.

Under a categorical exclusion in effect prior to the takeover of coastal permit authority by Marin County (E-79-5), construction of single-family dwellings in the Oceana Marin Subdivision at Dillon Beach were exempt from Coastal permits. The County requested that this exemption be extended when the LCP was finally certified. However, limitation on sewage treatment capacity identified in the LCP prevented the Commission from approving the exclusion.

1. Sewage Treatment

Sewage treatment at Oceana Marin is the responsibility of the North Marin County Water District which operates treatment and storage ponds to dispose of sewage through evaporation. When the Unit II LCP was certified, capacity in the evaporation ponds was established to be 125 houses, or 31 houses more than the 94 sewer connections which existed at that time. Since certification of the LCP, permits have been issued for approximately 125 houses. The LCP states that improvements to the system would be necessary to handle more than 125 connections. The North Water NMCWD states as of January, 1983 that the sewage disposal system now has the capacity to safely serve at least 164 homes. The expansion in capacity has occurred through installation of irrigation facilities which accelerate the evaporation process. (Irrigation disposal has been approved for this location by the Regional Water Quality Control Board.) Irrigation was accomplished in the dry season of 1982 (from early August through mid-October) and resulted in a drawdown of the storage ponds sufficient to accommodate all sewage until the next dry season as well as rainfall collected in the ponds. On the basis of this experience, modified by projections of a one in 100 rainfall year, the Water District has calculated that sufficient reserve exists in the system to accommodate 39 additional houses besides the 125 cited in the LCP, or a total of 164 houses.

A total of 252 single-family lots exists at Oceana Marin. Therefore, sewage treatment capacity does not exist at this time to serve all subdivided lots. The Water District states that study of a long-range means of sewage disposal is continuing and that "any solution considered will provide adequate sewage disposal capacity to allow development of all currently annexed lots."

As conditioned, the Exclusion requires that the North Marin County Water District certify that sewage treatment capacity exists in order for new houses to be excluded from permit requirements. The District has so certified for a total of 164 connections. If and when the time comes that 164 connections have been made, additional certification by the District must be made in order to continue this exclusion in effect (assuming that additional improvements to the sewage disposal system have been made by that time). If the additional certification has not taken place at that time, the Exclusion shall cease to have effect, and construction of a single-family dwelling at Oceana Marin shall be subject to individual coastal permit review.

The certified LCP zoning recognized a total of 252 lots for single-family dwellings at Oceana Marin. The findings of certification of the LCP adopted by the Commission concluded that potential build-out of Oceana Marin would be consistent with protection of coastal resources, assuming sewage disposal constraints could be met. This Exclusion covers additional build-out only to the level for which sewage disposal capacity has been determined to exist. Although build-out of the subdivision will continue under this order, the development will continue to consist of a single-family dwelling on each lot. Therefore, the Exclusion will not result in a significant change in density, height or nature of land uses. Construction of a single-family dwelling is allowed by right at Oceana Marin.

2. Geological Hazards. The Oceana Marin subdivision is located on steep slopes and erodable soils where construction of houses could potentially present hazards to life and property. As conditioned, the Exclusion requires that a soils engineer investigate each building site and prepared an engineered foundation plan. The engineer's recommendation shall demonstrate that the site can support grading and construction without causing undue hazards to the site or to adjacent sites. This condition will assure that construction of additional single-family dwellings will minimize risks to life and property, consistent with Section 30253 of the Coastal Act. As proposed and conditioned, the Exclusion has no potential for significant adverse effects, either individually or cumulatively, on coastal resources or on public access to or along the coast.

3. Visual Quality. The Oceana Marin subdivision is located on steep hills where construction is visible from the beach and surrounding areas. As conditioned, the Exclusion requires design review approval by the local property owners' association. That review will assure that new construction is compatible in size and scale with existing development.

IV. CONDITIONS

1) Maps showing excluded areas with:

   a. the appropriate approved zoning district,

b. areas of actual or potential public trust, and

c. boundaries of parcels immediately adjacent to the inland extent of any beach or of the mean high tide line of the sea where there is no beach, shall be submitted for the review and concurrence of the Executive Director of the Commission before the County may implement the Exclusion.

A map note which clearly indicates that the written terms of this order should be consulted for a complete listing of non-excludable developments. The note shall, to the maximum extent practicable, indicate the topical areas which are non-excludable. The map note shall state that where the natural resource, environmentally sensitive habitat, open space or other similar policies of the certified Local Coastal Program specify a geographically larger area of concern for natural resources, then no development shall occur in the area described in the Local Coastal Program unless authorized by a coastal development permit.

2) The County of Marin shall, at an appropriate stage in the local approval process for development subject to this Exclusion, distribute to the applicant for such local approval an instruction sheet and form provided by the Executive Director of the Commission. After obtaining final local governmental approval but prior to commencing construction under this exclusion, such applicant shall send the completed form containing a brief description of the excluded development to the Coastal Commission.

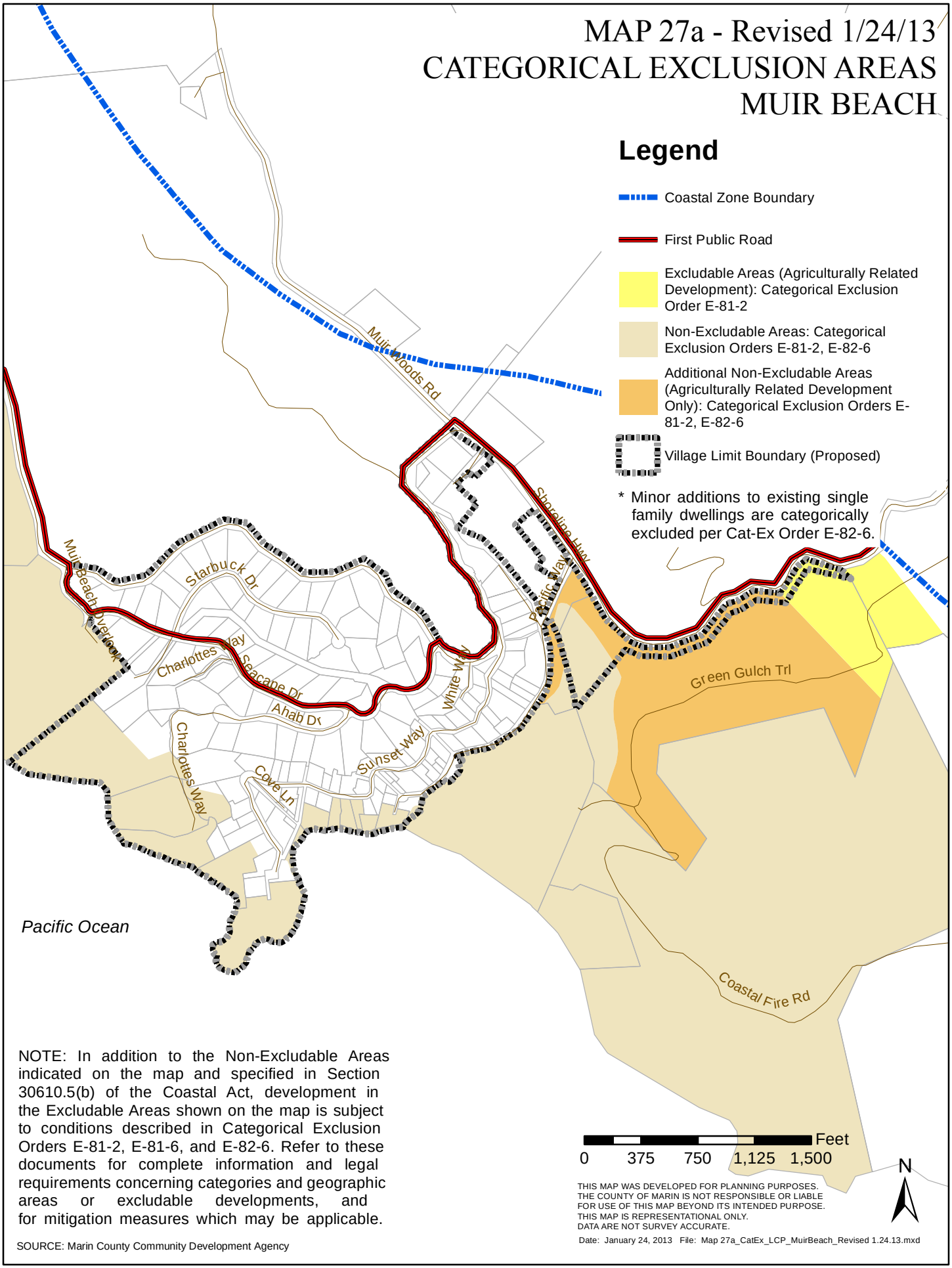
3) The County of Marin shall maintain a record for any other permit which may be required for categorically excluded development which shall be made available to the Commission or any interested person upon request, pursuant to Section 00154 of the Commission Local Coastal Program Regulations.

4) The order granting a categorical exclusion for these categories of development in Marin County pursuant to Public Resources Code Section 30610(e) shall not become effective until the Executive Director of the Coastal Commission has determined in writing that the local government has taken the necessary action to carry out the exclusion order pursuant to Section 13244 of the Coastal Commission Administrative Regulations.

5) Development under this exclusion shall conform with the County of Marin Local Coastal Program in effect on the date this exclusion is adopted by the Commission or to the terms and conditions of this exclusion where such terms and conditions specify more restrictive development criteria.

6) In the event an amendment of the Local Coastal Program of the County of Marin is certified by the Coastal Commission pursuant to section 30514 of the Coastal Act, development under this order shall comply with the amended Local Coastal Program, except where the terms and conditions of this order specify more restrictive development criteria. However, such amendment shall not authorize the exclusion of any category of development not excluded herein, nor shall such amendment alter the geographic areas of the exclusion.

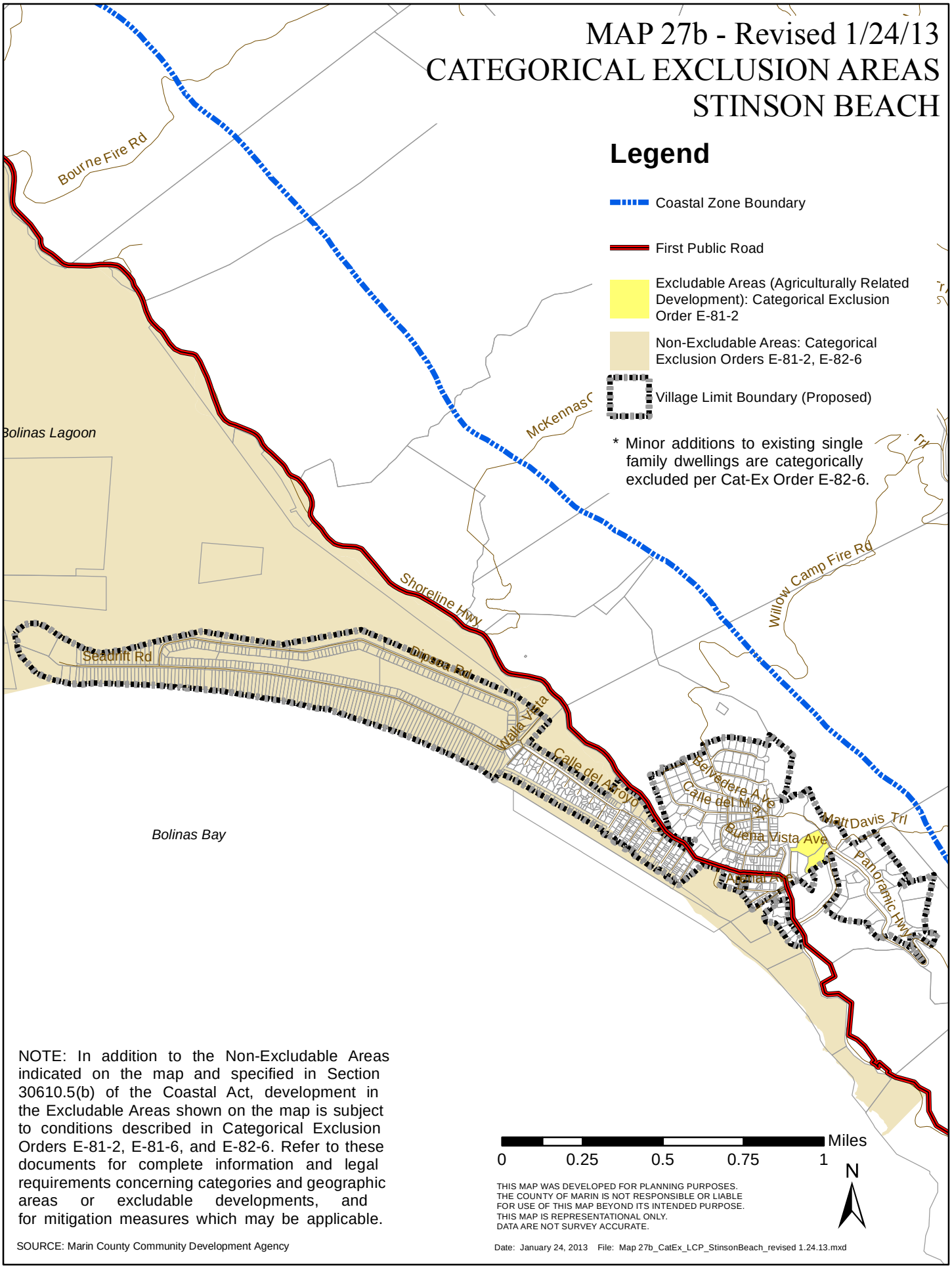
MAP 27a - Revised 1/24/13
CATEGORICAL EXCLUSION AREAS
MUIR BEACH



NOTE: In addition to the Non-Excludable Areas indicated on the map and specified in Section 30610.5(b) of the Coastal Act, development in the Excludable Areas shown on the map is subject to conditions described in Categorical Exclusion Orders E-81-2, E-81-6, and E-82-6. Refer to these documents for complete information and legal requirements concerning categories and geographic areas or excludable developments, and for mitigation measures which may be applicable.

SOURCE: Marin County Community Development Agency

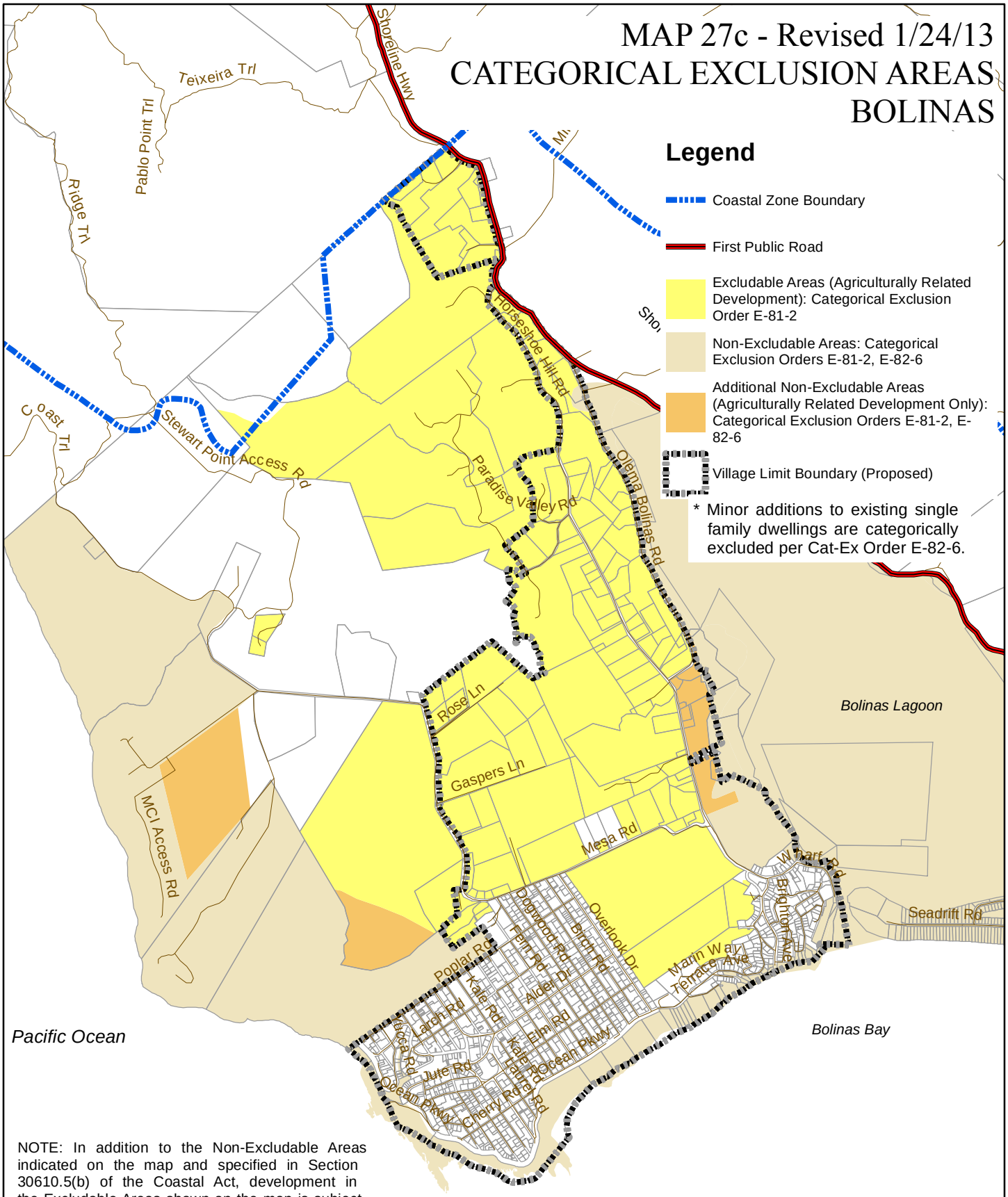
MAP 27b - Revised 1/24/13
CATEGORICAL EXCLUSION AREAS
STINSON BEACH



NOTE: In addition to the Non-Excludable Areas indicated on the map and specified in Section 30610.5(b) of the Coastal Act, development in the Excludable Areas shown on the map is subject to conditions described in Categorical Exclusion Orders E-81-2, E-81-6, and E-82-6. Refer to these documents for complete information and legal requirements concerning categories and geographic areas or excludable developments, and for mitigation measures which may be applicable.

SOURCE: Marin County Community Development Agency

MAP 27c - Revised 1/24/13
CATEGORICAL EXCLUSION AREAS
BOLINAS



NOTE: In addition to the Non-Excludable Areas indicated on the map and specified in Section 30610.5(b) of the Coastal Act, development in the Excludable Areas shown on the map is subject to conditions described in Categorical Exclusion Orders E-81-2, E-81-6, and E-82-6. Refer to these documents for complete information and legal requirements concerning categories and geographic areas or excludable developments, and for mitigation measures which may be applicable.

SOURCE: Marin County Community Development Agency

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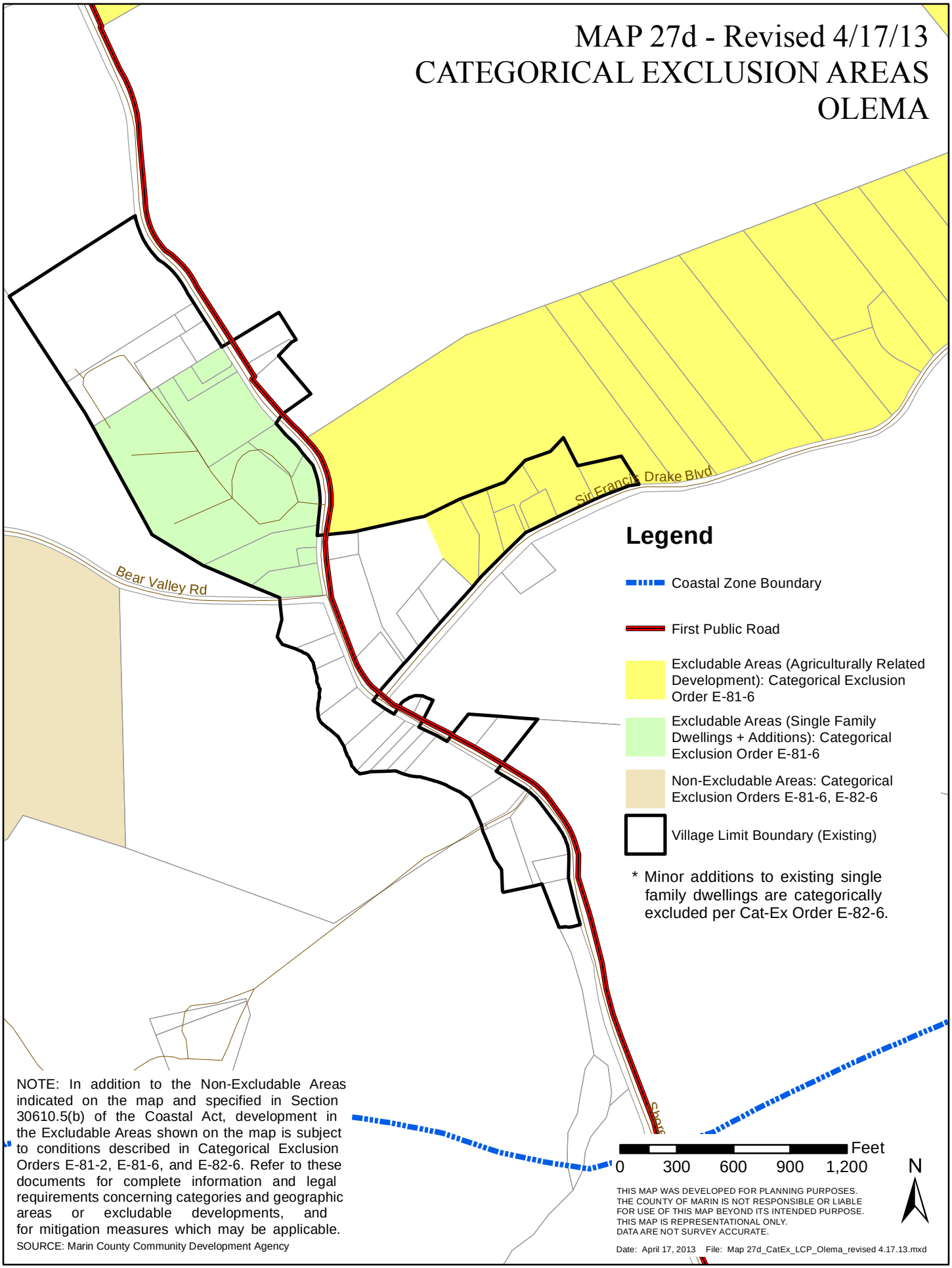
Date: January 24, 2013 File: Map 27c_CatEx_LCP_Bolinas_revised 1.24.13.mxd

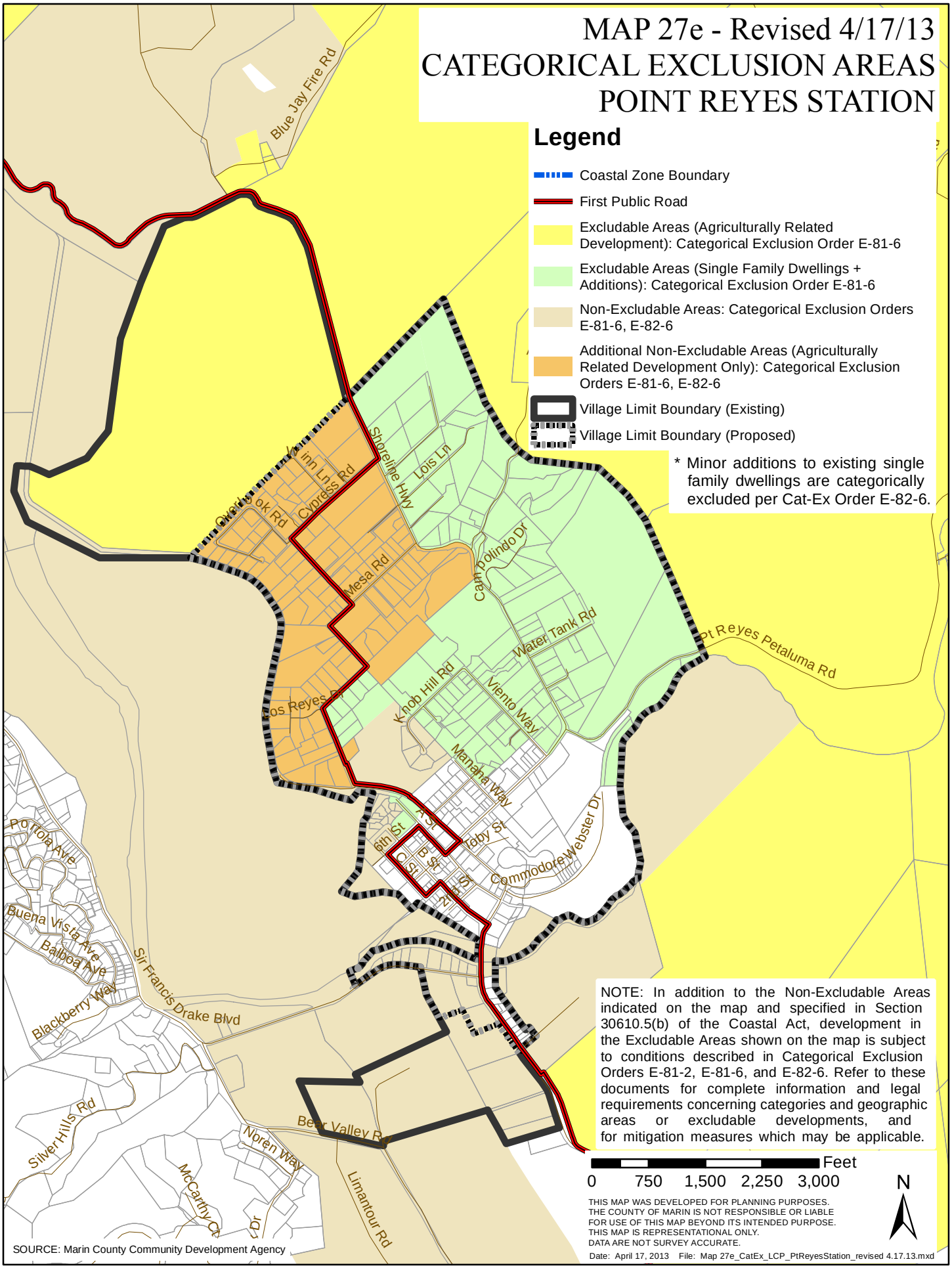
MAP 27d - Revised 4/17/13
CATEGORICAL EXCLUSION AREAS
OLEMA



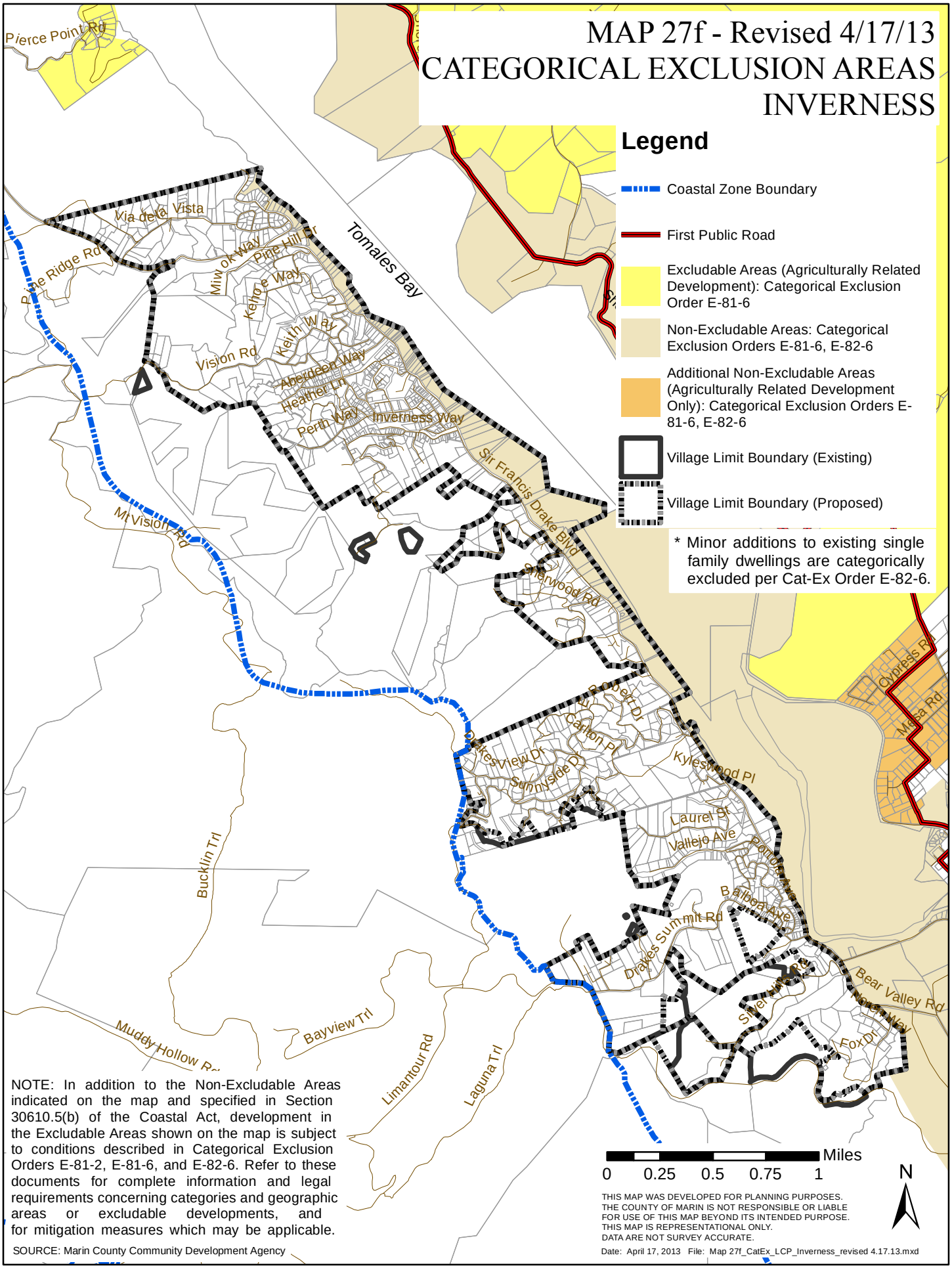
NOTE: In addition to the Non-Excludable Areas indicated on the map and specified in Section 30610.5(b) of the Coastal Act, development in the Excludable Areas shown on the map is subject to conditions described in Categorical Exclusion Orders E-81-2, E-81-6, and E-82-6. Refer to these documents for complete information and legal requirements concerning categories and geographic areas or excludable developments, and for mitigation measures which may be applicable.

SOURCE: Marin County Community Development Agency

MAP 27e - Revised 4/17/13
CATEGORICAL EXCLUSION AREAS
POINT REYES STATION



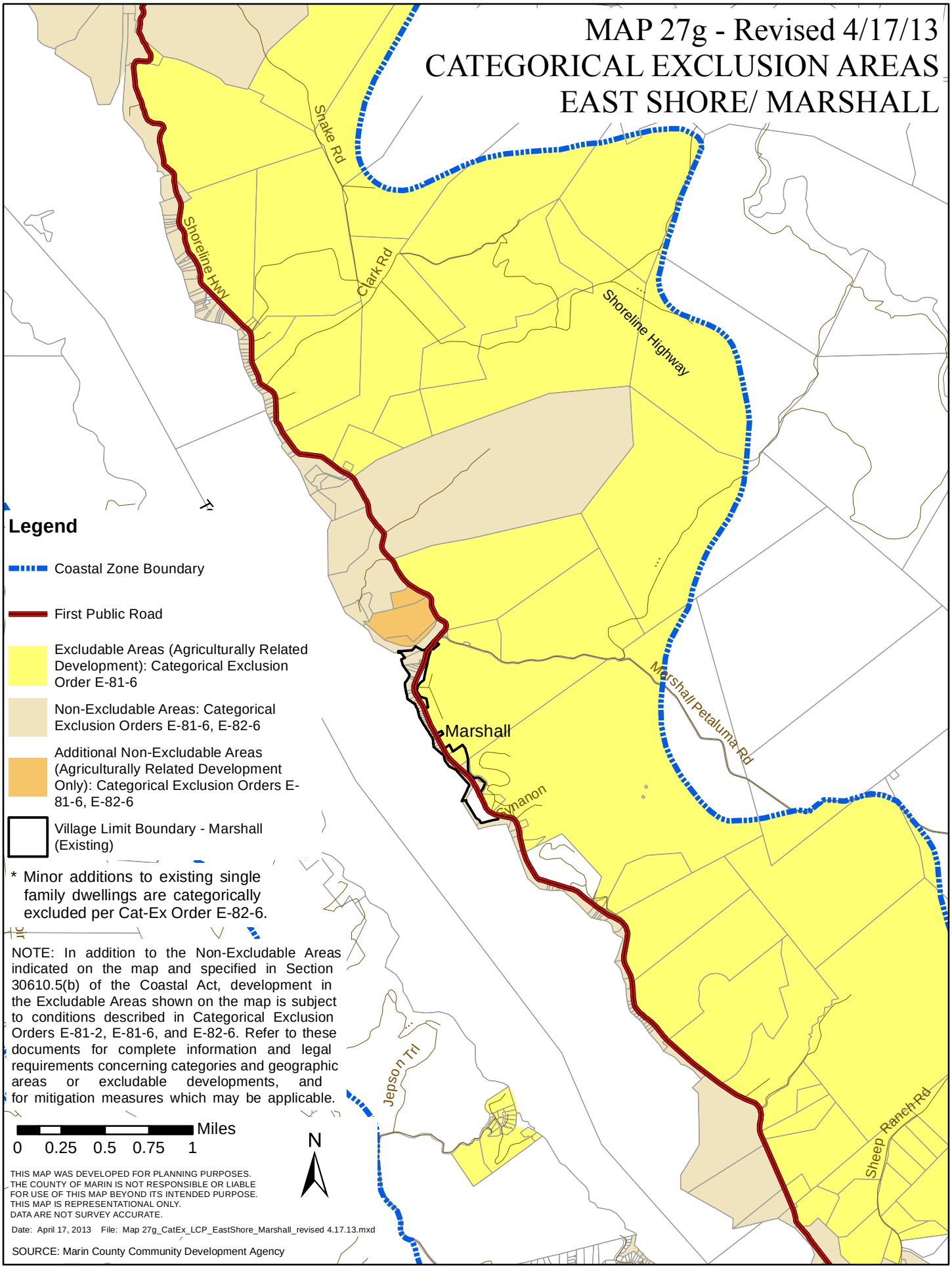
MAP 27f - Revised 4/17/13
CATEGORICAL EXCLUSION AREAS
INVERNESS

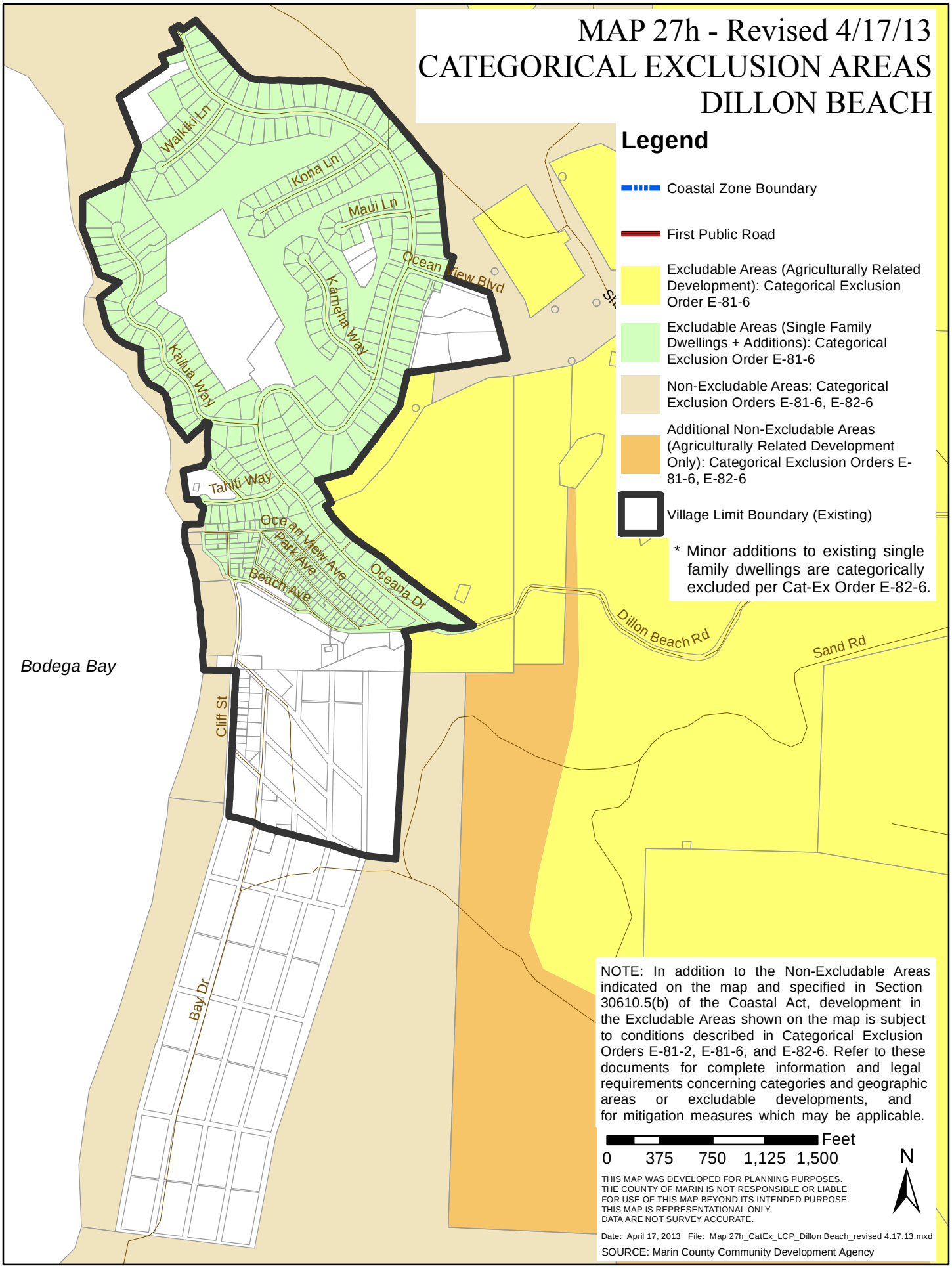


NOTE: In addition to the Non-Excludable Areas indicated on the map and specified in Section 30610.5(b) of the Coastal Act, development in the Excludable Areas shown on the map is subject to conditions described in Categorical Exclusion Orders E-81-2, E-81-6, and E-82-6. Refer to these documents for complete information and legal requirements concerning categories and geographic areas or excludable developments, and for mitigation measures which may be applicable.

SOURCE: Marin County Community Development Agency

MAP 27g - Revised 4/17/13
CATEGORICAL EXCLUSION AREAS
EAST SHORE/ MARSHALL




MAP 27h - Revised 4/17/13
CATEGORICAL EXCLUSION AREAS
DILLON BEACH
Legend
Coastal Zone Boundary
First Public Road
Excludable Areas (Agriculturally Related Development): Categorical Exclusion Order E-81-6
Excludable Areas (Single Family Dwellings + Additions): Categorical Exclusion Order E-81-6
Non-Excludable Areas: Categorical Exclusion Orders E-81-6, E-82-6
Additional Non-Excludable Areas (Agriculturally Related Development Only): Categorical Exclusion Orders E-81-6, E-82-6
Village Limit Boundary (Existing)
* Minor additions to existing single family dwellings are categorically excluded per Cat-Ex Order E-82-6.
Walkiki Ln
Kona Ln
Maui Ln
Ocean View Blvd
Kamelia Way
Kailua Way
Tahiti Way
Ocean View Ave
Park Ave
Beach Ave
Oceana Dr
Dillon Beach Rd
Sand Rd
Bodega Bay
Cliff St
Bay Dr
NOTE: In addition to the Non-Excludable Areas indicated on the map and specified in Section 30610.5(b) of the Coastal Act, development in the Excludable Areas shown on the map is subject to conditions described in Categorical Exclusion Orders E-81-2, E-81-6, and E-82-6. Refer to these documents for complete information and legal requirements concerning categories and geographic areas or excludable developments, and for mitigation measures which may be applicable.
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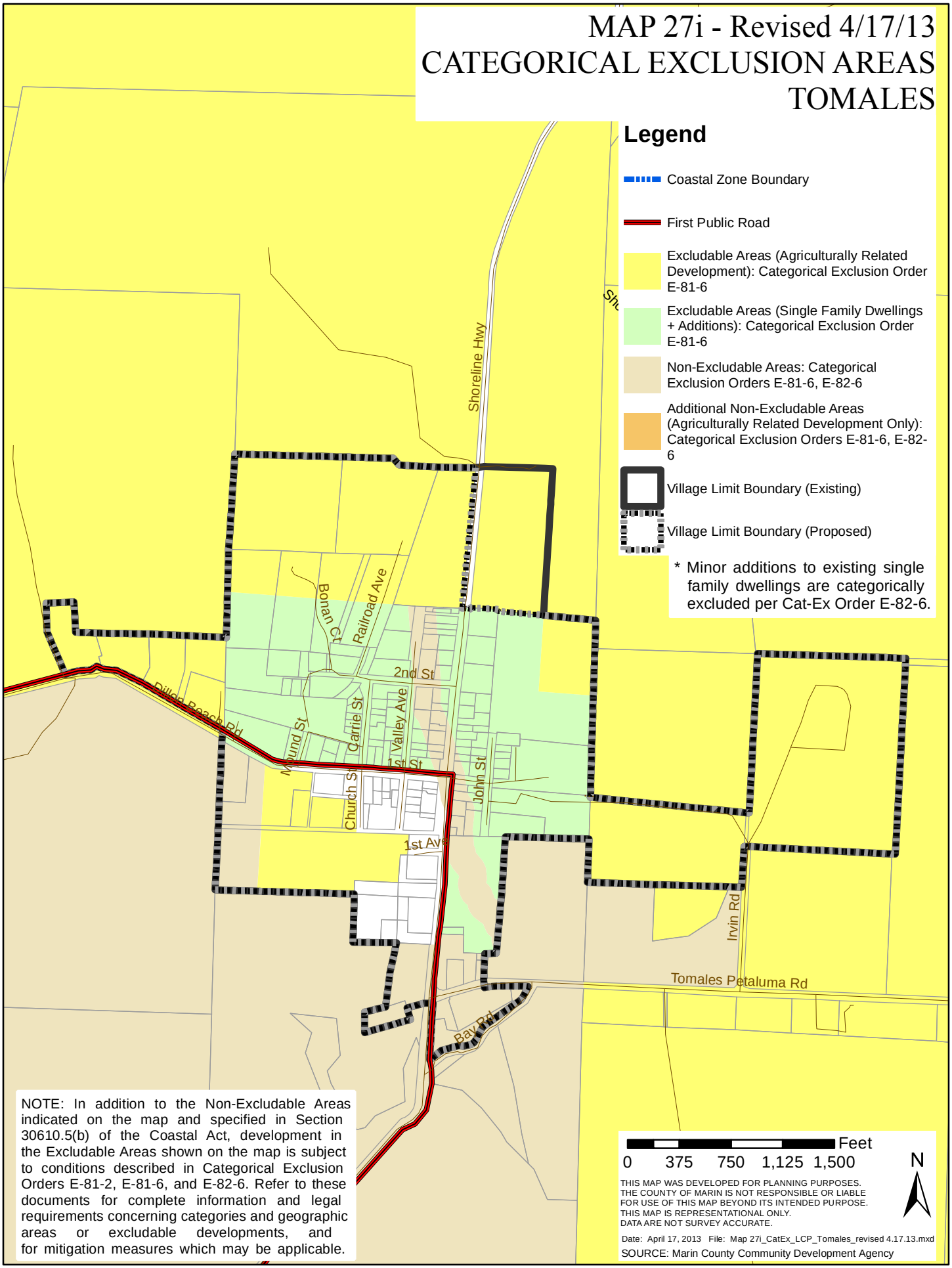
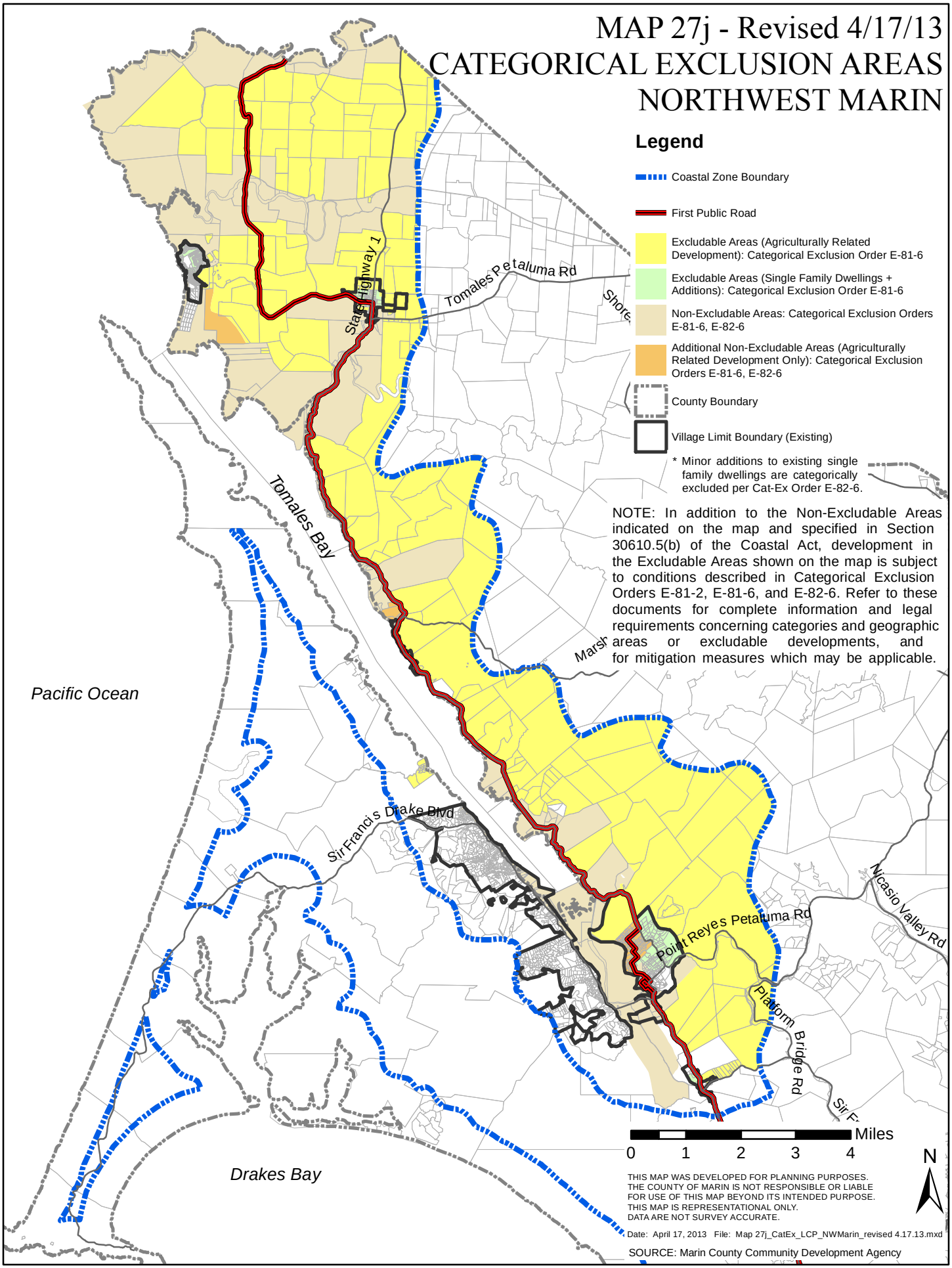
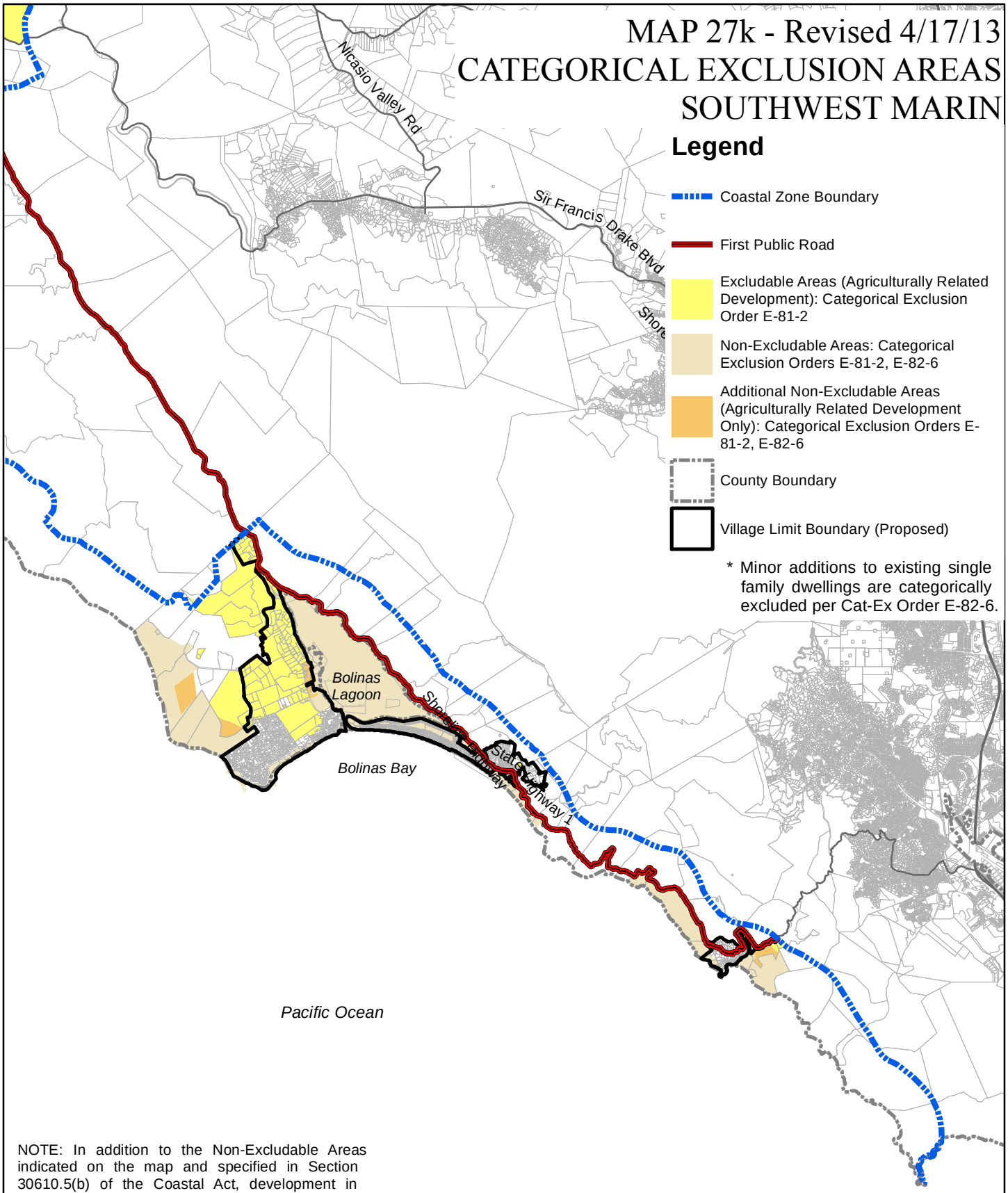
Date: April 17, 2013 File: Map 27h_CatEx_LCP_Dillon Beach_revised 4.17.13.mxd
SOURCE: Marin County Community Development Agency

MAP 27i - Revised 4/17/13
CATEGORICAL EXCLUSION AREAS
TOMALES



MAP 27j - Revised 4/17/13
CATEGORICAL EXCLUSION AREAS
NORTHWEST MARIN





NOTE: In addition to the Non-Excludable Areas indicated on the map and specified in Section 30610.5(b) of the Coastal Act, development in the Excludable Areas shown on the map is subject to conditions described in Categorical Exclusion Orders E-81-2, E-81-6, and E-82-6. Refer to these documents for complete information and legal requirements concerning categories and geographic areas or excludable developments, and for mitigation measures which may be applicable.

SOURCE: Marin County Community Development Agency

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Date: April 17, 2013 File: Map 27k_CatEx_LCP_SWMarin_revised 4.17.13.mxd

Title 22 of the Marin County Code

Zoning

REVISIONS TO APRIL 1981

PRICE: $8.00

Title 22

ZONING[1]

Chapters:

22.02 Definitions
22.04 Zoning—Plan Adoption
22.06 Enforcement and Penalties
22.08 Districts Established
22.10 A- Districts—Agricultural and Conservation Districts
22.12 A-2 Districts—Limited Agricultural Districts
22.14 R-A Districts—Suburban Agricultural Districts
22.16 H-1 Districts—Limited Roadside Business Districts
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22.02.010 Generally. For the purpose of this title certain terms used herein are defined as set forth in this chapter.

All words used in the present tense, shall include the future; all words in the plural number shall include the singular and all words in the all words in the plural number shall include the singular and all words in the wording indicates otherwise. "Lot" includes "plot"; "building" includes "structure" and "shall" is mandatory and not directory. "County" as used herein means the county of Marin, state of California; "board of supervisors" means the board of supervisors of the county of Marin; "planning commission" means the county planning commission; and "county boundary" means the boundary of the county of Marin, or the boundary of any incorporated municipality within the county. (Ord. 264 § 10; July 18, 1938).

22.02.020 Agriculture. "Agriculture" means the tilling of the soil, the raising of crops, horticulture, viticulture, small livestock farming, dairying and/or animal husbandry, including all uses customarily incidental thereto, but not including slaughterhouses, fertilizer works, bone yards or plants for the reduction of animal matter. (Ord. 264 § 10.1; July 18, 1938).

22.02.030 Alley. "Alley" means a way not exceeding thirty feet in width which affords only a secondary means of access to abutting property. (Ord. 264 § 10.2; July 18, 1938).

22.02.040 Apartment. "Apartment" means a room or suite of two or more rooms which is designated for, intended for and/or occupied by one family doing its cooking therein. (Ord. 264 § 10.3; July 18, 1938).

22.02.050 Apartment court. For the definition of "apartment court" see "dwelling group." (Ord. 264 § 10.4; July 18, 1938).

22.02.060 Apartment house. For the definition of "apartment house" see "dwelling, multiple." (Ord. 264 § 10.5; July 18, 1938).

22.02.070 Automobile camp. "Automobile camp" means land, improved or otherwise, which is used or intended to be used, let or rented for occupancy by one or more campers traveling by automobile or otherwise, or for occupancy by or of one or more trailers or movable dwellings, rooms or sleeping quarters of any kind. (Ord. 264 § 10.6, as amended by Ord. 302; May 25, 1942).

22.02.080 Automobile court. "Automobile court" means a building, or a group of two or more detached or semi-detached buildings, containing guest rooms or apartments, with automobile storage space serving such rooms or apartments provided in connection therewith, which building or group is designed, intended or used primarily for the accommodation of

automobile travels; including groups designated as auto cabins, motor lodges, and by similar designations. (Ord. 264 § 10.7; July 18, 1938).

22.02.090 **Automobile wrecking.** For the definition of "automobile wrecking" see "junk yard." (Ord. 264 § 10.8; July 18, 1938).

22.02.100 **Basement.** "Basement" means a story partly underground and having at least one-half of its height above grade. A basement shall be counted as a story if the vertical distance from grade to the ceiling is over five feet or if used for business purposes or if used for dwelling purposes by other than a janitor or domestic servants employed in the same building, including the family of the same. (Ord. 264 § 10.9; July 18, 1938).

22.02.105 **Billboard.** "Billboard" means a sign, other than a poster board or bulletin board, designed and located for the display of advertising messages pertaining to products or services not provided on the premises displaying the sign. (Ord. 1719 § 1; August 5, 1969).

22.02.110 **Block.** "Block" means that property abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, or nearest intersecting or intercepting streets and railroad right-of-way, mean high tide line or unsubdivided acreage. (Ord. 264 § 10.10; July 18, 1938).

22.02.120 **Building.** "Building" means any structure, having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of any person, animal or chattel. When any portion thereof is completely separated from every other portion thereof by a masonry division of fire wall without any window, door or other opening therein, which wall extends from the ground to the upper surface of the roof at every point, then each such portion shall be deemed to be a separate building. "Building" as described herein does not include mobile homes, house trailers, campers and similar devices and appurtenances. (Ord. 1500 § 1; March 22, 1966: Ord. 264 § 10.11; July 18, 1938).

22.02.130 **Building, accessory.** "Accessory building" means a subordinate building, the use of which is incidental to that of a main building on the same lot. On any lot upon which is located a dwelling any building which is incidental to the conducting of any agricultural use permitted in the district shall be deemed to be an accessory building. (Ord. 264 § 10.12; July 18, 1938).

22.02.140 **Building, main.** "Main building" means a building in which is conducted the principal use of the lot upon which it is situated. In any R or A district any dwelling shall be deemed to be a main building upon the lot

upon which it is situated. (Ord. 264 § 10.13, as amended by Ord. 463; December 8, 1948).

22.02.150 Building site. "Building site" means a lot as defined herein. (Ord. 264 § 10.135, added by Ord. 463; December 8, 1948).

22.02.160 Bungalow court. For the definition of "bungalow court" see "house court"; also "dwelling group." (Ord. 264 § 10.14; July 18, 1938).

22.02.170 Business. "Business" means the purchase, sale or other transaction involving the handling or disposition (other than is included in "industry", as defined herein) of any article, substance or commodity for profit or livelihood, including, in addition, automobile camps, automobile courts, garages, office buildings, offices, public stables, recreational and amusement enterprises conducted for profit, and shops for the sale of personal services, but not including dumps and junk yards. (Ord. 1719 § 2; August 5, 1969: Ord. 264 § 10.16; July 18, 1938).

22.02.180 Commercial place of amusement. "Commercial place of amusement" means any establishment maintained and operated for the purpose of providing amusement and entertainment to guests thereof, and shall further include any establishment which serves alcoholic beverages over a bar, but does not include an establishment which serves beers, wines or ales wherein the principal use conducted is a restaurant, and the service of beers, wines or ales is provided as an incidental service to the customers of the place at the counters and tables provided for normal eating purposes and provided further that there is no space set aside or music provided for dancing. (Ord. 264 § 10.155, added by Ord. 463, December 8, 1948).

22.02.190 Court. "Court" means an open, unoccupied space, other than a yard, on the same lot with a building or buildings and which is bounded on two or more sides by such building or buildings, including the open space in a house court or court apartment providing access to the units thereof. (Ord. 264 § 10.16; July 18, 1938).

22.02.200 District. "District" means: 1. A portion of the unincorporated territory of the county within which certain uses of land and buildings are permitted and certain other uses of land and buildings are not permitted and within which certain yards and other spaces are required and certain building site areas are established and certain height limits are established for buildings, all as set forth and specified in this title.

2. A portion of the unincorporated territory of the county within which are applied certain regulations designated as combining regulations as set forth in this title.

"A district" means any A-1, A-2, or R-A district. "R district" means

any R-E, R-1, R-2, or R-3 district or any of the districts with which any combining regulations are combined. "C district" means any C-1 or C-2 district or any of the districts with which any combining regulations are combined. "M district" means any M-1 or M-2 district or any of the districts with which any combining regulations are combined. "H district" means any H-1 district or any district with which an -H district is combined. "S district" means any district with which an S-1, S-2, or S-3 district is combined. (Ord. 264 § 10.17, as amended Ord. 798; January 3, 1956).

22.02.210 District, more restricted or less restricted. "More restricted or less restricted district" means that in the following list each district shall be deemed to be more restricted than the districts succeeding it and each district shall be deemed to be less restricted than the districts preceding it: R-1, R-2, R-3, C-1, C-2, M-1, M-2. (Ord. 264 § 10.18; July 18, 1938).

22.02.220 Drive-in. "Drive-in" means a refreshment stand dispensing food or drink, and catering to customers who remain in, or leave and return to, their automobiles for consumption of food or drink on the premises. (Ord. 264 § 10.187, added by Ord. 773; September 6, 1955).

22.02.230 Dump. "Dump" means a place used for the disposal, whether by deposition, abandonment, discarding, dumping, reduction, burial, incineration or by any other means, of any garbage, sewage, trash, refuse, waste material, offal or dead animals; provided that this definition does not include such means of disposal of such substances as are customarily incidental and accessory to dwellings, institutions, and commercial, industrial and agricultural uses. (Ord. 264 § 10.19; July 18, 1938).

22.02.240 Dwelling, one-family. "One-family dwelling" means a detached building designed for and/or occupied exclusively by one family. (Ord. 264 § 10.20; July 18, 1938).

22.02.250 Dwelling, two-family. "Two-family dwelling" means a detached building designed for and/or occupied exclusively by two families living independently of each other. (Ord. 264 § 10.21; July 18, 1938).

22.02.260 Dwelling, multiple. "Multiple dwelling" means a building or portion thereof used and/or designed as a residence for three or more families living independently of each other, and doing their own cooking in the building, including apartment houses, apartment hotels and flats, but not including automobile courts or automobile camps. (Ord. 264 § 10.22; July 18, 1938).

22.02.270 Dwelling group. "Dwelling group" means a group of two or more detached or semi-detached one-family, two-family or multiple

dwellings occupying a parcel of land in one ownership and having any yard or court in common, including house courts and apartment courts, but not including automobile courts. (Ord. 264 § 10.23, 1938).

22.02.280 **Family.** "Family" means one or more persons occupying a premises and living as a single, nonprofit, domestic housekeeping unit, as distinguished from a group occupying a hotel, club, fraternity or sorority house. A family shall be deemed to include necessary servants. (Ord. 264 § 10.24, 1938).

22.02.281 **Floating home.** "Floating home" is any boat, craft, living accommodation or structure supported by means of flotation, designed to be used without a permanent foundation, which is used or intended for human habitation. (Ord. 1692 § 1 (part), 1969).

22.02.282 **Floating home marina.** "Floating home marina" means a facility which contains one or more berthing spaces for floating homes. (Ord. 1692 § 1 (part), 1969).

22.02.283 **Floating home fairway.** "Floating home fairway" means an area of water within a floating home marina which is used exclusively for access to other waters for vessels permanently moored in the floating home marina. A fairway shall not be used for the permanent mooring of any vessel or for piers, docks, ramps, walkways or other exit ways. (Ord. 1692 § 1 (part), 1969).

22.02.285 **Floor area ratio.** "Floor area ratio" or "F.A.R." means the floor area of the building or buildings on a lot, divided by the area of that lot. For the purpose of determining the allowable floor area of a lot where a floor area ratio regulation is applicable, the "floor area" is the sum of the gross horizontal areas of the several floors of the building or buildings measured from the exterior faces of the exterior walls and shall exclude the following: all unenclosed horizontal surfaces such as balconies, courts, decks, porches, terraces; any detached structures not designed for and/or used for sleeping purposes and which are accessory to a dwelling on the same lot; spaces permanently allocated for automobile parking. (Ord. 1451 § 1, 1965).

22.02.290 **Front wall.** "Front wall" means the wall of the building or other structure nearest the street upon which the building faces, but excluding certain architectural features as specified in Chapters 22.66 through 22.74. (Ord. 264 § 10.25, 1938).

22.02.300 **Garage, private.** "Private garage" means an accessory building or an accessory portion of the main building designed or used only for the

shelter of vehicles owned or operated by the occupants of the main building. (Ord. 264 § 10.26. as amended by Ord. 463, 1948).

22.02.310 Garage, public. "Public garage" means any premises, except those herein defined as a private or storage garage, used for the storage or care of self propelled vehicles or where any such vehicles are equipped for operation or repair, or kept for remuneration, hire or sale. (Ord. 264 § 10.27, 1938).

22.02.320 Garage, storage. "Storage garage" means any premises, except those herein defined as a private garage, used exclusively for the storage of self-propelled vehicles. (Ord. 264 § 10.28, 1938).

22.02.330 Grade. "Grade" means: 1. For buildings adjoining one street only, the elevation of the sidewalk at the center of that wall adjoining the street.

2. For buildings adjoining more than one street, the average of the elevations of the sidewalks at the centers of all walls adjoining streets.

3. For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.

4. All walls approximately parallel to and not more than five feet from the street line shall be considered as adjoining the street. (Ord. 264 § 10.29, 1938).

22.02.340 Guest house. "Guest house" means living quarters within a detached accessory building located on the same premises with the main building, for use by guests of the occupants of the premises, such quarters having no kitchen or cooking facilities and not rented or otherwise used as a separate dwelling. (Ord. 463, 1948: Ord. 264 § 10.29, 1938).

22.02.350 Guest room. "Guest room" means a room which is intended, arranged or designed to be occupied or which is occupied by one or more guests, but not including dormitories for sleeping purposes. (Ord. 264 § 10.30, 1938).

22.02.360 Height of building. "Height of building" means the vertical distance from the natural or finished grade to the highest point of the structure. Maximum height is measured from natural or finished grade to an imaginary plane located the allowed number of feet above and parallel to the natural or finished grade. Any structure built prior to April 18, 1980, shall be exempt from becoming nonconforming, with respect to height, by the application of this section. (Ord. 2560 § 1, 1980: Ord. 264 § 10.31, 1938).

22.02.370 **Hog ranch.** "Hog ranch" means any premises used for the raising or keeping of more than six hogs. (Ord. 264 § 10.32, 1938).

22.02.380 **Home occupation.** "Home occcupation" means any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof and limited to the following uses: dressmaking, sewing, millinery, small handcraft, art work, artist's and sculptor's studio activities, the renting of rooms and/or the providing of table board not to exceed five persons, the office of a musician, tutor, writer, architect, physician, technical advisor, attorney, insurance agent and any other use which may be determined by the zoning administrator to be of the same general character as those herein enumerated and not objectionable or detrimental to the district in which located, in connection with which there is no display, no stock in trade, no persons employed and no mechanical equipment used, except such as is necessary for the above enumerated occupations, or as is necessary for housekeeping purposes. (Ord. 971, 1958: Ord. 463 (part), 1948: Ord. 264 § 10.33, 1938).

22.02.390 **House court.** "House court" means a group of two or more dwellings on the same lot, whether detached or in connected rows, having a separate outside entrance on the ground floor level for each family unit of such group. (Ord. 264 § 10.34, 1938).

22.02.400 **Hotel.** "Hotel" means any building or portion thereof containing six or more guest rooms used, designed or intended to be used, let or hired out to be occupied, or which are occupied by six or more individuals for compensation, whether the compensation be paid directly or indirectly. (Ord. 264 § 10.35, 1938).

22.02.410 **Industry.** "Industry" means the manufacture, fabrication, processing, reduction or destruction of any article, substance or commodity, or any other treatment thereof in such a manner as to change the form or character thereof, including, in addition, the following: animal hospitals, bottling works, building materials or contractors yards, cleaning and dyeing establishments, creameries, dog pounds, junkyards, laundries, lumberyards, milk bottling or distributing stations, stockyards, storage elevators, truck storage yard, warehouses, and wholesale storage. (Ord. 264 § 10.36, 1938).

22.02.420 **Junkyard.** "Junkyard" means the use of more than two hundred square feet of the area of any lot, or the use of any portion of that half of any lot (but not exceeding a depth or width, as the case may be, of one hundred feet) which half adjoins any street, for the dismantling or wrecking of automobiles or other vehicles or machinery, or for the storage or keeping of the parts or equipment resulting from dismantling or wrecking, or for the storage or keeping of junk, including scrap metals or other scrap materials. (Ord. 264 § 10.37, 1938).

22.02.430 **Kennel.** "Kennel" means any lot or premises on which four or more dogs at least four months of age are kept. For purposes of this section and Title 22, "kennel" does not mean and does not include any lot or premises on which a person has been issued a dog hobbyist or ranch dog permit in accordance with the provisions of Sections 8.04.245 or 8.04.246. (Ord. 2288 § 8, 1977: Ord. 463 (part), 1948: Ord. 264 § 10.374, 1938).

22.02.440 **Kitchen.** "Kitchen" means any room used or intended or designed to be used for cooking or the preparation of food. (Ord. 463 (part), 1948: Ord. 264 § 10.375, 1938)

22.02.450 **Livestock feed yard.** "Livestock feed yard" means any premises used for the raising, feeding or keeping of more than six head of cattle or similar livestock for the purpose of conditioning the same for marketing or slaughter. (Ord. 264 § 10.38, 1938).

22.02.460 **Lot.** "Lot" means land occupied or to be occupied by a building and its accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as may be required under the provisions of this title, having not less than the minimum area required by this title for a building site in the district in which such lot is situated, and having its principal frontage on a street. (Ord. 264 § 10.39, 1938).

22.02.470 **Lot, corner.** "Corner lot" means a lot situated at the intersection of two or more streets, or bounded on two or more adjacent sides by street lines. (Ord. 264 § 10.40, 1938).

22.02.480 **Lot, inside.** "Inside lot" means a lot other than a corner lot. (Ord. 264 § 10.41, 1938).

22.02.490 **Lot, key.** "Key lot" means the first lot to the rear of a corner lot, the front line of which is a continuation of the side line of the corner lot, exclusive of the width of any alley, and fronting on the street which intersects or intercepts the street upon which the corner lot fronts. (Ord. 264 § 10.42, 1938).

22.02.500 **Lot area.** "Lot area" means the total horizontal area included within lot lines. Areas that are below mean high tide lines of the ocean or any bay, river or stream subject to tidal action, shall not be included in the area of the lot for purposes of meeting minimum area requirements of any zone district requiring a minimum lot area. Lands excluded from tidal action by artificial structures, built prior to April 18, 1980, shall be included in the lot area. Any structure built prior to April 18, 1980, shall be exempt from becoming nonconforming with respect to yard, floor area ratio and similar property development standards by the application of this section. (Ord. 2560 § 2, 1980: Ord. 264 § 10.43, 1938).

22.02.510 **Lot depth.** "Lot depth" means the average distance from the street line of the lot to its rear line measured in the general direction of the side lines of the lot. (Ord. 164 § 10.44, 1938).

22.02.515 **Lot width, average.** "Average lot width" shall be the area of the lot in square feet divided by the length, in feet, of the longest dimension of the lot generally paralleling the longest lot lines. Any parcel of land within which an area can be inscribed which meets the square footage requirements of the zone district within which said parcel is located may use said area to determine the average lot width. The same area used to meet the square footage and average width requirements of any zone district shall also be used to determine yard areas, floor area ratio, lot coverage, open spaces and other site development requirements. (Ord. 2560 § 3, 1980).

22.02.520 **Lot frontage.** "Lot frontage" means that dimension of a lot or portion of a lot abutting on a street, except the side of a corner lot. (Ord. 264 § 10.45, 1938).

22.02.530 **Lot line.** "Lot line" means the lines bounding a lot on a lot as defined herein. (Ord. 264 § 10.46, 1938).

22.02.540 Lot line, rear. "Rear lot line" means a lot line which is opposite and most distant from the front lot line and in case of an irregular, triangular, or gore shaped lot, a line ten feet in length within the lot parallel to and at a maximum distance from the front lot line. (Ord. 264 § 10.47, as amended by Ord. 463; December 8, 1948).

22.02.545 Mobile home. "Mobile home" means a structure as defined in Section 22.02.680, exceeding four hundred square feet of gross floor area, licensed or subject to licensing by the department of motor vehicles and designed and used for human occupancy. (Ord. 1587 § 1; May 23, 1967).

22.02.550 Natural production use. "Natural production use" means any of the following uses: agriculture; mining; production, storage or distribution of water supplies; forestry; cutting and splitting of wood; extraction of minerals, building and construction materials or other natural materials. (Ord. 264 § 10.48; July 18, 1938).

22.02.560 Nonconforming use. "Nonconforming use" means a building or land occupied by a use that does not conform to the regulations for the district in which it is situated. (Ord. 264 § 10.49; July 18, 1938).

22.02.570 One ownership. "One ownership" means ownership of property (or possession thereof under a contract to purchase or under a lease the term of which is not less than ten years) by a person or persons, firm, corporation or partnership, individually, jointly, in common or in any other manner whereby such property is under a single or unified control. "Owner" means the person, firm, corporation or partnership exercising one ownership as herein defined. (Ord. 264 § 10.50; July 18, 1938).

22.02.575 Open water. "Open water" means privately owned or controlled water area, which is devoid of any structure or appurtenances including mooring facilities for any vessels or piers, docks, ramps, walkways or other exit ways. (Ord. 1692 § 1 (part); March 25, 1969).

22.02.585 Poster board. "Poster board" means a sign consisting of a framed or unframed surface, freestanding or attached to a wall or fence or other structure, designed and located only for display of announcements of coming performances of cultural, educational and athletic events. (Ord. 1719 § 3; August 5, 1969).

22.02.595 Sign. "Sign" means any display or device consisting of attached or painted letters, symbols or designs, and including any moving parts, lighting, sound equipment, framework, background material or structural support, which display or device is intended to communicate an advertisement, announcement, direction or other message and/or attract,

distract, hold, direct or focus public attention. "Sign" shall not include commodities and their attached labels and price tags. (Ord. 1719 § 4; August 5, 1969).

22.02.610 **Small livestock farming.** "Small livestock farming" means the raising or keeping of more than twelve fowl of any kind and/or twelve rabbits or twelve similar animals or any goats, sheep, or similar livestock; provided that "small livestock farming" as used in this title shall not include hog raising, dairying or the raising or keeping for commercial purposes of dogs, horses, mules, or similar livestock as determined by the zoning administrator. (Ord. 264 § 10.54, as amended by Ord. 971; April 29, 1958).

22.02.620 **Stable, private.** "Private stable" means an accessory building in which horses are kept for private use and not for remuneration, hire or sale (Ord. 264 § 10.55; July 18, 1938).

22.02.630 **Stable, public.** "Public stable" means a building in which any horses are kept for remuneration, hire or sale. (Ord. 264 § 10.56; July 18, 1938).

22.02.640 **Story.** "Story" means that portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. (Ord. 264 § 10.57; July 18, 1938).

22.02.650 **Story, half.** "Half story" means a story with at least two opposite exterior sides meeting a sloping roof not more than two feet above the floor of such story. (Ord. 264 § 10.58; July 18, 1938).

22.02.660 **Street.** "Street" means a public or private right-of-way forty feet or more in width set aside for common travel as a permanent right-of-way which affords the principal means of access to abutting properties including: avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare; or any avenue, place, way, drive, lane, boulevard, highway, road, or any other thoroughfare which is less than forty feet in width but was established as the principal means of access to abutting properties prior to January 7, 1949, or when a subdivision map or land division map showing access ways of less than forty feet has been approved subsequent to January 7, 1949. (Ord. 1628 § 1; February 20, 1968: Ord. 264 § 10.59, as amended by Ord. 463; December 8, 1948).

22.02.670 **Street line.** "Street line" means the boundary between a street and abutting property. (Ord. 264 § 10.60; July 18, 1938).

22.02.680 **Structure.** "Structure" means anything constructed or

erected the use of which requires location on the ground or attachment to something having location on the ground. (Ord. 264 § 10.61, 1938).

22.02.690 **Structural alterations.** "Structural alterations" means any change in the supporting members of a building, such as bearing walls, columns, beams or girders. (Ord. 264 § 10.62, 1938).

22.02.700 Use. "Use" means the purpose for which land or a building thereon is designed, arranged or intended or for which it is or may be occupied or maintained. (Ord. 264 § 10.63, 1938).

22.02.710 **Use, accessory.** "Accessory use" means a use incidental and accessory to the principal use of a lot or of a building located on the same lot as the accessory use. On any lot on which is located a dwelling any agricultural use permitted in the district shall be deemed to be an accessory use to the use of the lot for dwelling purposes. (Ord. 264 § 10.64, 1938).

22.02.715 **Vessel.** "Vessel" means any watercraft of any type or size, including but not limited to barges, ferry boats, arks, yachts, houseboats, floating homes, and rafts. (Ord. 1692 § 1 (part), 1969).

22.02.720 Yard. "Yard" means an open space other than a court on the same lot with a building or a dwelling group, which open space is unoccupied and unobstructed from the ground upward, except for the certain architectural features specified in Chapters 22.66 through 22.74. In measuring a yard, as hereinafter provided, the line of a building shall be deemed to mean a line parallel to the nearest lot line drawn through the point of a building or the point of a dwelling group nearest to such lot line, exclusive of the respective architectural features specified in Chapters 22.66 through 22.74 as not to be considered in measuring yard dimensions or as being permitted to extend into any front, side or rear yard, respectively; and the measurement shall be taken from the line of the building to the nearest lot line, provided, however, that if any future right-of-way line or future width line is established by the provisions of any applicable ordinances, for the street on which the lot faces, then such measurement shall be taken from the line of the building to such future right-of-way line or future width line. (Ord. 264 § 10.65, 1938).

22.02.730 Yard, front. "Front yard" means a yard extending across the front of the lot between the inner side yard lines and lying between the front line of the lot and the nearest line of the building. (Ord. 264 § 10.66, 1938).

22.02.740 Yard, rear. "Rear yard" means a yard extending across the full width of the lot and lying between the rear line of the lot and the

nearest line of the main building. When no main building is located on the lot, the rear yard is defined as the rear one-half of the depth of the lot. (Ord. 463, 1948: Ord. 264 § 10.67, 1938).

22.02.750 Yard, side. "Side yard" means a yard between the side line of the lot and the nearest line of the building and extending from the front line of the lot to the rear yard. (Ord. 264 § 10.68, 1938).

22.02.760 Marina. "Marina" means a small craft harbor which may include mooring and launching facilities and accessory facilities for boat servicing. (Ord. 1441 § 5, 1965).

22.02.770 Resort. "Resort" means an establishment comprised of permanent structures offering meals and lodging facilities for temporary or seasonal occupancy and having recreational facilities for one or more activities such as water sports, tennis, golf, riding, hiking, hunting, fishing or similar uses. (Ord. 1441 § 6, 1965).

22.02.780 Low income. "Low income" means that level of income established by the housing authority of the county for admittance into public housing. (Ord. 1871 § 2 (part), 1972).

22.02.790 Moderate income. "Moderate income" is that which is up to one hundred thirty-five percent of "low income." (Ord. 1871 § 2 (part), 1972).

22.02.800 Wild animal. "Wild animal" means any animal which is wild by nature and not customarily domesticated in the state of California. (Ord. 2407 § 1 (part), 1979).

22.02.810 Wild animal ranch. "Wild animal ranch" means the keeping or raising of wild animals for commercial agricultural purposes. (Ord. 2407 § 1 (part), 1979).

Chapter 22.04

ZONING – PLAN ADOPTION

Sections:

22.04.010 Citation.
22.04.020 Adoption of zoning plan.
22.04.030 Purpose of zoning plan.
22.04.040 Severability.

22.04.010 Citation. This title shall be known and cited as the zoning ordinance of the county. (Ord. 264 § 26, 1938).

22.04.020 Adoption of zoning plan. There is hereby adopted a zoning plan for the unincorporated territory of the county of Marin, state of California, said zoning plan being a detailed plan based on the master plan of said county and consisting of the establishment of various districts within which certain regulations shall be in effect, as set forth in this title. (Ord. 264 § 1, 1938).

22.04.030 Purpose of zoning plan. Said zoning plan is adopted to promote and protect the public health, safety, peace, morals, comfort and general welfare and for the accomplishment thereof is adopted, among other purposes, for the following more particularly specified purposes:

(1) To assist in providing a definite and comprehensive plan of development for the county, and to guide, control and regulate the future growth of the county in accordance with said plan;

(2) To protect the character and the social and economic stability of agricultural, residential, commercial, industrial and other areas within the county and to assure the orderly and beneficial development of such areas as parts of a well-coordinated community;

(3) To obviate the menace to the public safety resulting from the location of buildings, and the uses thereof and of land, adjacent to highways which are a part of the street and highway plan of the master plan of the county, or which are important thoroughfares, in such locations and in such manner as to cause interference with existing or prospective traffic movements on such highways and to impair the proper traffic functioning of such highways;

(4) To promote the public safety by controlling the location and height of buildings, and the uses thereof and of land near airports which are a part of the master plan of the county or which are important flying facilities. (Ord. 798, 1956; Ord. 264 § 2, 1938).

22.04.040 Severability. If any section, subsection, sentence, clause or phrase of this title is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this title. The board of supervisors hereby declares that it would have passed this title and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid. (Ord. 264 § 25, 1938).

Chapter 22.06

ENFORCEMENT AND PENALTIES

Sections:

22.06.010 Nonconforming permits void.
22.06.020 Planning commission's duty to enforce.
22.06.025 Office of zoning administrator.
22.06.026 Zoning administrator.
22.06.030 Sheriff's duty to enforce.
22.06.040 Penalties for violations.
22.06.050 Abatement proceedings.
22.06.060 Cumulative remedies.

22.06.010 Nonconforming permits void. All departments, officials and public employees of the county who are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this title and shall issue no permit or license for uses, buildings, or purposes where the

same would be in conflict with the provisions of this title. Any permit or license, if issued in conflict with the provisions of this title, shall be null and void. (Ord. 264 § 23 (part); July 18, 1938).

22.06.020 Planning commission's duty to enforce. It is the duty of the planning commission to enforce the provisions of this title pertaining to the erection, construction, reconstruction, moving, conversion, alteration or addition to any building or structure. (Ord. 264 § 23 (part); July 18, 1938).

22.06.025 Office of zoning administrator. Pursuant to the provisions of Title 7, Chapter 4, Article 2.2 of the Government Code of the state of California, there is hereby established the office of zoning administrator. The zoning administrator shall be nominated by the planning commission and appointed by the board of supervisors. (Ord. 264 § 20.3, added by Ord. 971; April 29, 1958).

22.06.026 Zoning administrator. The zoning administrator may appoint one or more deputy zoning administrators who shall possess the powers and may perform the duties attached by law to the office of zoning administrator. (Ord. 1676 § 1; December 10, 1968).

22.06.030 Sheriff's duty to enforce. It is the duty of the sheriff and the officers of the county herein or otherwise charged by law with the enforcement of this title to enforce the provisions of this title. (Ord. 264 § 23 (part); July 18, 1938).

22.06.040 Penalties for violations. Any person, firm or corporation whether as principal, agent, employee or otherwise, violating any of the provisions of this title shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than three hundred dollars or by imprisonment. The person, firm or corporation shall be deemed to be guilty of a separate offense for each and every day during any portion of which any violation of this title is committed, continued or permitted by the person, firm or corporation, and shall be punishable as herein provided. (Ord. 264 § 23 (part); July 18, 1938).

22.06.050 Abatement proceedings. Any building or structure set up, erected, constructed, altered, enlarged or converted, moved or maintained contrary to the provisions of this title and/or any use of any land, building or premises conducted, operated or maintained contrary to the provisions of this title is unlawful and a public nuisance and the district attorney of the county shall, upon order of the board of supervisors, immediately commence action or proceedings for the abatement and removal and enjoinment thereof in the manner provided by law and shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as

will abate and remove such building or structure and restrain and enjoin any person, firm or corporation from setting up, erecting, building, maintaining or using any such building, or structure or using any property contrary to the provisions of this title. (Ord. 1719 § 5; August 5, 1969: Ord. 264 § 23 (part); July 18, 1938).

22.06.060 Cumulative remedies. The remedies provided for herein shall be cumulative and not exclusive. (Ord. 264 § 23 (part); July 18, 1938).

Chapter 22.08

DISTRICTS ESTABLISHED

Sections:

22.08.010 Districts designated.
22.08.020 Combining regulations.
22.08.030 Establishment of districts.
22.08.040 Marginal districts.
22.08.050 Index maps.
22.08.060 Sectional district maps.
22.08.070 Effect of establishment of districts.

22.08.010 Districts designated. The districts established by this title are as follows:

NONURBAN GROUP

A-1 Districts: Open rural areas of the county.
A-2 Districts: Limited agricultural districts.
R-A Districts: Suburban agricultural districts.
H-1 Districts: Limited roadside business districts.
O-A Districts: Open area districts.
RCR Districts: Resort and commercial recreation districts.

COMMUNITY GROUP

R-R Districts: Restricted residential districts.
R-E Districts: Residential estate districts.
R-1 Districts: One-family residence districts.
R-2 Districts: Two-family residence districts.
R-3 Districts: Multiple residence districts.
R3A Districts: Multiple residence districts with area regulations.
C-1 Districts: Retail business districts.
C-2 Districts: General commercial districts.
A-P Districts: Administrative and professional districts.
M-1 Districts: Light industrial districts.
M-2 Districts: Heavy industrial districts.

PLANNED GROUP

P-C Districts: Planned community districts.
M-3 Districts: Planned industrial districts.
C-P Districts: Planned commercial districts.

R-P Districts: Planned residential districts.
RSP Districts: Residential, one-family planned districts.
RTP Districts: Residential, two-family planned districts.
RMP Districts: Residential, multiple planned districts.
(Ord. 1623 § 1; February 6, 1968: prior Ord. 1441 § 4, as amended by Ord. 1587; May 23, 1967: Ord. 264 § 3, as amended by Ord. 1227; July 31, 1962).

22.08.020 Combining regulations. In addition to the foregoing districts certain combining regulations are established as set forth in this title, the combining regulations being as follows:

-H: Highway frontage regulations.
B-1: First building site area regulations.
B-2: Second building site area regulations.
B-3: Third building site area regulations.
B-4: Fourth building site area regulations.
B-5: Fifth building site area regulations.
B-6: Sixth building site area regulations.
B-7: Seventh building site area regulations.
B-8: Eighth building site area regulations.
B-D: Special building site area regulations.
-D: Average density regulations.
S-1: First special safety regulations.
S-2: Second special safety regulations.
S-3: Third special safety regulations.
G-1: First multiple residence regulations.
G-2: Second multiple residence regulations.
G-3: Third multiple residence regulations.
G-4: Fourth multiple residence regulations.
(Ord. 1441 § 1; June 1, 1965: prior Ord. 264 § 4, as amended by Ord. 798; January 3, 1956 and Ord. 1053; December 1, 1959).

22.08.030 Establishment of districts. Establishment of districts and certain combinations thereof are hereby established insofar as the designations, locations and boundaries thereof are set forth in and indicated in Section 22.08.040 and certain other sections of this title, each of which other sections is designated by the number 22.08.040 followed by a decimal, which sections describe certain districts, and in Section 22.08.050 and certain other sections of this title, each of which other sections is designated by the number 22.08.050 followed by a decimal, which sections consist of index maps to various sectional district maps, and in Section 22.08.060 and certain other sections of this title, each of which other sections is designated by the number 22.08.060 followed by a decimal, which sections consist of the various sectional districts maps which show the designations, locations and boundaries of certain of said districts, provided, however that any and all lands in the unincorporated areas of the county which are not

described in Sections 22.08.040, 22.08.050 and 22.08.060 are hereby classified as A-2, Limited Agricultural Districts. The maps and all notations, references, data and other information shown thereon are hereby made a part of this title.

Where uncertainty exists as to the boundaries of any of the aforesaid districts as described as aforesaid or as shown on the sectional district maps, the following rules shall apply:

(a) Where boundaries are indicated as approximately following street and alley lines, the street and alley lines shall be construed to be the boundaries.

(b) Where the boundaries are indicated as approximately following lot lines, the lot lines shall be construed to be such boundaries.

(c) In unsubdivided property and where a district boundary divides a lot, the location of any boundary, unless the same is indicated by dimensions shown on the sectional district maps, shall be determined by the use of the scale appearing on the sectional district maps.

(d) In case further uncertainty exists, the zoning administrator, upon written application or upon his own motion, shall determine the location of the boundaries. (Ord. 1492 § 1; January 25, 1966: prior Ord. 264 § 5, as amended by Ord. 971; April 29, 1958).

22.08.040 Marginal districts. Sections 22.08.040.1, 22.08.040.2, etc., will describe certain districts which can be more conveniently designated by descriptions, such as marginal districts along the Redwood Highway, etc. (Ord. 264 § 7; July 18, 1938).

22.08.050 Index maps. Sections 22.08.050.1, 22.08.050.2, shall consist of index maps to sectional district maps. (Ord. 264 § 8; July 18, 1938).

22.08.060 Sectional district maps. Sections 22.08.060.1, 22.08.060.2, etc., will consist of sectional districts maps, to cover districts which can more conveniently be designated on such maps, such as community zoning for Kentfield, Homestead Valley, etc. (Ord. 264 § 9; July 18, 1938).

22.08.070 Effect of establishment of districts. Except as hereinafter otherwise provided:

(a) No building shall be erected and no existing building shall be moved, altered, added to or enlarged nor shall any land or building be used, designed or intended to be used for any purpose or in any manner other than is included among the uses hereinafter listed as permitted in the district in which the building or land is located.

(b) No building shall be erected, reconstructed or structurally altered to exceed in height the limit hereinafter designated for the district in which such building is located.

(c) No building shall be erected, nor shall any existing building be altered, enlarged or rebuilt, nor shall any open spaces surrounding any building be encroached upon or reduced in any manner, except in conformity to the yard, building location and building site area regulations hereinafter designated for the district in which the building or open space is located.

(d) No yard or other open space provided about any building for the purpose of complying with the provisions of this title shall be considered as providing a yard or open space for any other building. No yard or other open space on one lot shall be considered as providing a yard or open space for a building on any other lot. (Ord. 264 § 6, 1938).

Chapter 22.10

A- DISTRICTS–AGRICULTURAL AND CONSERVATION DISTRICTS

Sections:

22.10.010 Application of regulations.
22.10.020 Uses permitted.
22.10.030 Building site area and width required.
22.10.040 Exceptions to Section 22.10.030.
22.10.050 Distance between buildings on same lot.
22.10.060 Clustering of lots.

22.10.010 Application of regulations. The following regulations shall apply in all A- districts and shall be subject to the provisions of Chapters 22.66 through 22.74 of this title. (Ord. 1952 § 1 (part), 1973: Ord. 1842 § 1 (part), 1971).

22.10.020 Uses permitted. (a) The following uses are permitted in all A-Districts:

(1) Dairying;

(2) Grazing or breeding of cattle or sheep;

(3) Raising or keeping of poultry, fowl (including game birds), rabbits or goats or similar animals;

(4) Fish hatcheries and rearing ponds; oyster farming;

(5) Crop, vine or tree farm, truck garden, greenhouse, horticulture;

(6) Farm and ranch buildings including dwellings, stables, barns, pens, corrals, or coops; structures for killing, dressing, packing or handling products raised on the premises, but not including an abattoir for cattle, sheep or hogs; dwellings shall be incidental to the agricultural use of the land for the residence of the owner or lessee of the land and the family of the owner or lessee, or for their employees engaged in the agricultural use of the land; agricultural use of the land means agriculture as the primary or principal use of the land as demonstrated by the applicant to the satisfaction

of the planning director; the planning director shall refer any such question to the Marin County agricultural advisory committee for recommendation prior to making any such determination; the total number of dwellings shall not exceed the density permitted in the district; where dormitories or communal living quarters are proposed instead of self-contained dwelling units, accommodation of three persons shall be considered equivalent of one dwelling unit;

(7) One-family dwellings, detached or attached;

(8) Grazing, breeding or training of horses; horse stables, including riding academies and boarding facilities;

(9) The maintenance of land in its natural state for the purpose of preserving land for recreation, or for plant, animal or mineral preserves;

(10) Horseback riding or hiking trails;

(11) Public or private hunting of wildlife, or fishing;

(12) Public or private hunting or fishing clubs and accessory structures;

(13) Erection, construction, alteration or maintenance of gas, electric, water, communication or flood control facilities as approved by the appropriate governmental agencies.

(b) The following uses, subject to the securing of a use permit in each case:

(1) Hog ranch;

(2) Aircraft landing strip;

(3) Facilities for processing or retail sale of agricultural products;

(4) Commercial storage and sale of garden supply products;

(5) Animal hospitals and dog kennels;

(6) Oil and gas well drilling and production operations and facilities related thereto;

(7) Mining and quarrying; and production operations and facilities related thereto;

(8) Timber harvesting in accordance with the regulations of Title 23 of the Marin County Code;

(9) Rifle or pistol practice range, trap or skeet field, archery range or other similar use;

(10) Rodeo arena and related facilities;

(11) Golf course or driving range and related facilities;

(12) Motorcycle riding trails;

(13) Institutional uses and the facilities necessary therefor, related to educational, scientific, recreational or religious purposes;

(14) Mobile homes so long as they are used exclusively for employees of the owner who are actively and directly engaged in the agricultural use of the land;

(15) Storage and sale of building materials;

(16) Dump;

(17) Junkyard;

(18) Farm and ranch buildings including dwellings incidental to the agricultural use of the land exceeding the densities permitted in the district.

In addition to the findings required by Chapter 22.88, the zoning administrator shall find that such dwellings are required for agiculture as a primary or principal use of the land. The zoning administrator shall refer any such question to the Marin County agricultural advisory committee for recommendation prior to making any such finding;

(19) Any recreational use within the purview of Section 51050 of the Government Code, and not enumerated above;

(20) Wild animal ranch. (Ord. 2407 § 1 (part), 1979; Ord. 2345 § 1, 1978: Ord. 2066 § 1, 1974: Ord. 2017 § 1 (part), 1973; Ord. 1952 § 1 (part), 1973: Ord. 1842 § 1 (part), 1971).

22.10.030 Building site area and width required. Property development standards are subject to the following table:

	A-3	A-5	A-10	A-15	A-20	A-30	A-40	A-60
Minimum area:	3 acres	5 acres	10 acres	15 acres	20 acres	30 acres	40 acres	60 acres
Minimum width:	150 feet	200 feet	200 feet	250 feet	250 feet	400 feet	500 feet	500 feet
Building height:	35 feet	35 feet	35 feet	35 feet	35 feet	35 feet	35 feet	35 feet
Front yard:	30 feet	30 feet	30 feet	40 feet	50 feet	50 feet	50 feet	50 feet
Side yard:	30 feet	30 feet	30 feet	40 feet	50 feet	50 feet	50 feet	50 feet
Rear yard:	30 feet	30 feet	30 feet	40 feet	50 feet	50 feet	50 feet	50 feet

(Ord. 1994 § 1, 1973: Ord. 1952 § 1 (part), 1973: Ord. 1842 § 1 (part), 1971).

22.10.040 Exceptions to Section 22.10.030. Any parcel of land zoned in accordance with this chapter having an area and/or width less than required under Section 22.10.030 may be used in accordance with this chapter, provided:

(a) The parcel was under one ownership on September 2, 1971, the effective date of this chapter; and

(b) The owner thereof owned or has owned no adjoining land; and

(c) No succeeding owner has owned adjoining land; and

(d) The parcel is shown as a lot on any subdivision map or parcel map or record of survey which was recorded on or after September 2, 1938, in the office of the county recorder after approval of the map in the manner provided by law. (Ord. 1952 § 1 (part), 1973: Ord. 1842 § 1 (part), 1971).

22.10.050 Distance between buildings on same lot. On land under agreement pursuant to Section 51050 of the Government Code, no main building shall be closer than one hundred feet to any other main building on the same lot except farm or ranch buildings listed in Section 22.12.020(A)(6). (Ord. 1952 § 1 (part), 1973: Ord. 1842 § 1 (part), 1971).

22.10.060 Clustering of lots. In any A district, the county may approve or may require the clustering of one-family dwellings; the building site area, average width and yard requirements of Section 22.10.030 may be waived to allow for clustering of one-family dwellings.

(a) The number of dwelling units shall be determined by dividing the total acreage of the parcel by the number attached to the A district in which the parcel is located.

(b) The design of the cluster shall be determined in accordance with the provisions of Section 22.47.010. (Ord. 2141 § 1, 1975; Ord. 2059 § 1, 1973: Ord. 1952 § 1 (part), 1973).

Chapter 22.12

A-2 DISTRICTS – LIMITED AGRICULTURAL DISTRICTS

Sections:

22.12.010 Applications of regulations.
22.12.020 Uses permitted.
22.12.030 Yards required.
22.12.040 Building site area and width required.

22.12.010 Applications of regulations. The following regulations shall apply in all A-2 districts and shall be subject to the provisions of Chapters 22.66 through 22.74 of this title. (Ord. 264 § 11.1 (part), 1938).

22.12.020 Uses permitted. The following uses are permitted in all A-2 districts:

(1) All agricultural uses; provided, however, that no hog ranch or livestock feed yard shall be established in any A-2 district unless and until a use permit shall first have been secured therefor;

(2) Processing of agricultural products, except that where the agricultural products to be processed will not be produced wholly on the premises, a use permit shall first have been secured in each case;

(3) Stables, riding academies and dog kennels;

(4) Dog kennels having six or less dogs;

(5) Dog kennels having seven or more dogs are permitted only upon the securing of a use permit;

(6) All uses permitted in R-1 districts;

(7) Philanthropic and charitable institutions, hospitals, rest homes, sanitariums, clinics and other buildings used for similar purposes, subject to the securing of a use permit in each case;

(8) Accessory buildings and accessory uses;

(9) The same regulations as to signs shall apply as in A-1 districts;

(10) No wild animal ranch shall be established unless and until a use permit first has been secured therefor. (Ord. 2407 § 1, (part), 1979; Ord. 1468 § 1, 1965: Ord. 270 (part), 1939: Ord. 264 § 11.1(a), 1938).

22.12.030 Yards required. The following yard requirements shall apply in all A-2 districts:

Same as specified for R-1 districts. (Ord. 463 (part), 1948: Ord. 264 § 11.1(b), 1938).

22.12.040 Building site area and width required. The following building site area and width shall apply in all A-2 districts:

(1) Minimum area: Two acres;

(2) Minimum width: One hundred feet;

(3) Exceptions: Any parcel of land having an area of less than two acres and/or an average width of less than one hundred feet may be used as a building site for a one family dwelling by the owner of such parcel of land or by his successor in interest, provided:

(a) On or after September 2, 1938, the owner of the parcel owned or has owned no adjoining land, and

(b) No succeeding owner has owned adjoining land, or

(c) The parcel is shown as a lot on any subdivision map or parcel map or record of survey which was recorded on or after September 2, 1938, in the office of the county recorder after approval of the map or record of survey in the manner provided by law. (Ord. 1832 § 1, 1971: Ord. 264 § 11.1(c), 1938).

Chapter 22.14

R-A DISTRICTS–SUBURBAN AGRICULTURAL DISTRICTS

Sections:

22.14.010 Application of regulations.
22.14.020 Uses permitted.
22.14.030 Yards required.
22.14.040 Building site area required.
22.14.050 Location of livestock accessory buildings.

22.14.010 Application of regulations. The following regulations shall apply in all R-A districts and shall be subject to the provisions of Chapters 22.66 through 22.74 of this title. (Ord. 264 § 11.5 (part), 1938).

22.14.020 Uses permitted. The following uses are permitted in all R-A districts:

(1) All uses permitted in R-1 districts;

(2) Small livestock farming; provided, that not to exceed one horse or one cow, or one hog, or three goats or other similar livestock may be kept for each twenty thousand square feet of area of the parcel of land upon which the same are kept, to a maximum of three horses or three cows or

three hogs or six goats or other similar livestock maintained in any one establishment;

3. In any R-A district a dairy may be conducted on any parcel of land not less than five acres in area;

4. Sale of agricultural products produced on the premises, provided that no building or structure shall be erected or maintained primarily for any such sale, except that a temporary shelter may be erected for such sale upon the securing of a use permit therefor;

5. Public and private stables and riding academies upon the securing of a use permit for each case of any such use;

6. Accessory buildings and accessory uses;

7. The same regulations as to signs shall apply as in A-1 districts. (Ord. 463 (part), 1948: Ord. 264 § 11.5(a), 1938).

22.14.030 **Yards required.** The following yard requirements shall apply in all R-A districts:

Same as specified for R-1 districts (Ord. 264 § 11.5(b), 1938).

22.14.040 **Building site area required.** The following building site area shall be required in all R-A districts:

Same as specified for R-1 districts. (Ord. 264 § 11.5(c), 1938).

22.14.050 **Location of livestock accessory buildings.** No livestock or any building used in connection with the same shall be located or maintained on any lot closer than forty feet to the street upon which the lot faces or closer than twenty feet to any dwelling on the same lot or closer than twenty feet to any front one hundred feet of any contiguous lot. (Ord. 463 (part), 1948: Ord. 264 § 11.5(d), 1938).

Chapter 22.16

H-1 DISTRICTS–LIMITED ROADSIDE BUSINESS DISTRICTS

Sections:

22.16.010 Application of regulations.
22.16.020 Uses permitted.
22.16.030 Building site area required.
22.16.040 Front yard required.
22.16.050 Side and rear yards required.

22.16.010 **Application of regulations.** The following regulations shall apply in all H-1 districts and shall be subject to the provisions of Chapters 22.66 through 22.74 of this title. (Ord. 264 § 11.8 (part), 1938).

22.16.020 **Uses permitted.** The following uses are permitted in all H-1 districts:

1. All uses permitted in R-3 districts, except that no one family, two family or multiple dwelling may be established unless or until a use permit has been secured therefor. Such use permit shall prescribe, in each case,

standards for building height, density, access, on-site parking, landscaping, yards, minimum building site area and such other matter deemed pertinent, which standards shall apply in lieu of the regulations otherwise specified by the provisions of this section. Such use permit shall not be issued unless it is found that the establishment of the use will be compatible with the purposes of the H-1 district and the existing and anticipated uses in such district.

2. The following uses, upon the securing of a use permit in each case, which use permit shall prescribe conditions as to area of building site, dimensions of yards, provision of adequate automobile standing space, signs which may be displayed and such other matters as may be deemed to be necessary, which conditions shall be in lieu of the regulations specified by the provisions of this section for any matters covered by such conditions:

(a) Automobile courts.

(b) Automobile service stations, but not including junk yards, automobile wrecking or the storage of used automobile parts or of junk.

(c) The renting of parking space for automobiles.

(d) Restaurants, refreshment stands and retail stores.

3. Nurseries and greenhouses.

4. Accessory buildings incidental to any of the above uses. (Ord. 1462 § 1; September 14, 1965: prior Ord. 264 § 11.8(a); July 18, 1938).

22.16.030 Building site area required. The following building site area is required in all H-1 districts: Same as specified for R-1 districts. (Ord. 264 § 11.8(b); July 18, 1938).

22.16.040 **Front yard required.** The following front yard is required in all H-1 districts: Thirty feet; provided, however, that in case a building line for the street on which any lot faces is established by the provisions of any applicable ordinance, then the front yard on such lot shall have a depth of not less than the distance from the street line specified for such building line. (Ord. 264 § 11.8(c), 1938).

22.16.050 **Side and rear yards required.** The following side and rear yards are required in all H-1 districts: Same as specified for C-1 districts. (Ord. 463 (part), 1948; Ord. 264 § 11.8(d), 1938).

Chapter 22.18

R-R DISTRICTS – RESTRICTED RESIDENTIAL DISTRICTS

Sections:

22.18.010 Application of regulations.
22.18.020 Uses permitted.
22.18.030 Building height limit.
22.18.040 Building site area required.
22.18.050 Front, side and rear yard requirements.

22.18.010 **Application of regulations.** The following regulations shall apply in all R-R districts and shall with the following exceptions be subject to the provisions of Chapters 22.66 through 22.74 of this title: Sections 22.68.010, 22.68.020, 22.68.030, 22.68.040, 22.68.050, 22.70.010, 22.70.030, 22.70.040 and Section 22.72.080, the portion of the first paragraph reading as follows: ". . .; provided however that where the slope of the front half of the lot is greater than one foot rise or fall in a distance of five feet from the established street elevations at the property line, or where the elevation of the lot at the street line is five feet or more above or below the established street elevation, a private garage may be built to within three feet of the front and side lines of the lot" shall not apply to R-R districts. (Ord. 1066 (part), 1960: Ord. 264 § 11.10 (part), 1938).

22.18.020 **Uses permitted.** The following uses are permitted in all R-R districts:

(1) One-family dwellings;

(2) Nurseries and greenhouses, but not including any salesrooms or other buildings for the sale of any products unless and until a use permit is secured therefor;

(3) Golf courses, country clubs, tennis courts and similar noncommercial recreational uses subject to the securing of a use permit in each case;

(4) Accessory buildings and accessory uses. (Ord. 2060 § 1, 1973: Ord. 1066, 1960: Ord. 244 § 11.10(a), 1938).

22.18.030 **Building height limit.** The following building height limit shall apply in all R-R districts:

Same as specified for R-1 districts. (Ord. 264 § 11.10(b) added by Ord. 1066, 1960).

22.18.040 **Building site area required.** The following building site area is required in all R-R districts:

Same as specified for R-1 districts. (Ord. 264 § 11.10(c) added by Ord. 1066, 1960).

22.18.050 **Front, side and rear yard requirements.** The following front, side and rear yard requirements shall apply in all R-R districts:

Same as specified for R-1 districts. (Ord. 264 § 11.10(d) added by Ord. 1066, 1960).

Chapter 22.20

R-E DISTRICTS – RESIDENTIAL ESTATES DISTRICTS

Sections:

22.20.010 Application of regulations.
22.20.020 Uses permitted.
22.20.030 Building site area required.
22.20.040 Front, side and rear yards required.

22.20.010 **Application of regulations.** The following regulations shall apply in all R-E districts and shall be subject to the provisions of Chapters 22.66 through 22.74 of this title. (Ord. 264 § 11.11 (part), 1938).

22.20.020 **Uses permitted.** The following uses are permitted in all R-E districts:

(1) One-family dwellings;

(2) Public parks and playgrounds;

(3) Crop and tree farming and truck gardening;

(4) Nurseries and greenhouses, but not including any salesroom or other building used for the sale of the products thereof;

(5) Any agricultural use which is appurtenant to and accessory to the domestic establishment of any use permitted in the district;

(6) Home occupations, provided that there shall be no external evidence of any home occupation except a name plate not exceeding one square foot in area, and provided, further, that there shall be no red illumination of any such name plate;

(7) Schools, libraries, museums, churches, retreats, monasteries, convents, golf courses, country clubs, polo fields, tennis courts and similar noncommercial recreational uses, subject to the securing of a use permit in each case;

(8) Accessory buildings and accessory uses, including servants' quarters and noncommercial guest houses. (Ord. 2060 § 2, 1973: Ord. 264 § 11.11(a), 1938).

22.20.030 **Building site area required.** The following building site area is required in all R-E districts:

Same as specified for R-1 districts. (Ord. 264 § 11.11(b), 1938).

22.20.040 **Front, side and rear yards required.** The following front, side and rear yard requirements shall apply in all R-E districts:

Same as specified for R-1 districts. (Ord. 264 § 11.11(c), 1938).

Chapter 22.22

R-1 DISTRICTS – ONE-FAMILY RESIDENCE DISTRICTS

Sections:

22.22.010 Application of regulations.
22.22.020 Uses permitted.
22.22.030 Building height limit.
22.22.040 Building site area required.
22.22.050 Front yard required.
22.22.060 Side yard required.
22.22.070 Rear yard required.
22.22.080 Floor area ratio.

22.22.010 **Application of regulations.** The following regulations shall apply in all R-1 districts and shall be subject to the provisions of Chapters 22.66 through 22.74 of this title. (Ord. 264 § 11.12 (part), 1938).

22.22.020 **Uses permitted.** The following uses are permitted in all R-1 districts:

(1) One-family dwellings;

(2) Public parks and public playgrounds;

(3) Crop and tree farming and truck gardening;

(4) Nurseries and greenhouses, but not including any salesrooms or other buildings for the sale of any products unless and until a use permit is secured therefor;

(5) Home occupations, provided that there shall be no external evidence of any home occupation except a sign as permitted by Chapter 22.69;

(6) Schools, libraries, museums, churches, retreats, monasteries, convents, golf courses, country clubs, tennis courts and similar noncommercial recreational uses, and day child-care centers for six or more children, subject to the securing of a use permit in each case;

(7) Accessory buildings and accessory uses. (Ord. 2060 § 3, 1973: Ord.

1787 § 1, 1970: Ord. 1719 § 6, 1969: Ord. 1686 § 1, 1969: Ord. 774, 1955: Ord. 264 § 11.12(a), 1938).

22.22.030 **Building height limit.** The building height limit in all R-1 districts shall be as follows:

Two and one-half stories but not exceeding thirty-five feet in height. (Ord. 264 § 11.12(b), 1938).

22.22.040 **Building site area required.** Each one-family dwelling, together with its accessory buildings, hereafter erected, shall be located on a building site in one ownership, having an area of not less than seven thousand five hundred square feet, and an average width of not less than sixty feet; provided, however, that any parcel of land with an area of less than seven thousand five hundred square feet, and/or with an average width of less than sixty feet, which was under one ownership on September 2, 1938, which owner thereof owned or has owned no adjoining land and provided that no succeeding owner has owned adjoining land, or which parcel is shown as a lot on any subdivision map or land division or parcel map or record of survey which was recorded after approval of the map in the manner provided by law, may be used as a building site for one-family dwelling by the owner of such parcel of land or by his successor in interest, provided that all other regulations for the district, as prescribed in this title, shall be complied with; provided, further, that in lieu of the foregoing building site area regulations in any R-1 district, in which there are also applied the regulations of any B district under the provisions of this title, each one-family dwelling with its accessory buildings, hereafter erected, shall be located on a building site, in one ownership, having an area not less than specified for such B district. In no case, however, shall there be more than one dwelling on any one lot. (Ord. 1486 § 1, 1966; Ord. 463, 1948; Ord. 264 § 11.12(c), 1938).

22.22.050 **Front yard required.** Each lot shall have a front yard not less than twenty-five feet in depth, except as otherwise specified for any B district in which such lot is located; provided, however, that in case a building line for the street on which any lot faces is established by the provisions of any applicable ordinance, then the front yard on such lot shall have a depth of not less than the distance from the street line specified for such building line. (Ord. 264 § 11.12(d), 1938).

22.22.060 **Side yards required.** Each lot, except as otherwise specified

for any B district in which the lot is located, shall have side yards each having a width of not less than six feet; provided, however, that on a corner lot the side yard on the street side of the corner shall have a width equal to ten feet. (Ord. 1454 § 2; August 17, 1965: prior Ord. 264 § 11.12 (e), as amended by Ord. 463; December 8, 1948).

22.22.070 **Rear yard required.** Each lot shall have a rear yard of a depth equal to not less than twenty percent of the depth of the lot to a maximum required depth of twenty-five feet for such rear yard. (Ord. 264 § 11.12 (f); July 18, 1938).

22.22.080 **Floor area ratio.** The floor area ratio of structures hereafter constructed or enlarged shall not exceed .3, except as otherwise specified for any B district in which the lot is located. (Ord. 1454 § 3; August 17, 1965).

Chapter 22.24

R-2 DISTRICTS–TWO-FAMILY RESIDENCE DISTRICTS

Sections:

22.24.010 Application of regulations.
22.24.020 Uses permitted.
22.24.030 Building height limit.
22.24.040 Building site area requirement.
22.24.050 Front, side and rear yards required.

22.24.010 **Application of regulations.** The following regulations shall apply in all R-2 districts and shall be subject to the provisions of Chapters 22.66 through 22.74. (Ord. 264 § 11.13 (part); July 18, 1938).

22.24.020 **Uses permitted.** The following uses are permitted in all R-2 districts:

1. All uses permitted in R-1 districts, subject to the securing of a use permit for any use for which a use permit is required in an R-1 district;
2. Two-family dwellings;
3. Accessory buildings and accessory uses. (Ord. 264 § 11.13 (a); July 18, 1938).

22.24.030 **Building height limit.** The following height limits shall apply in all R-2 districts:

Two and one-half stories but not exceeding thirty-five feet in height. (Ord. 264 § 11.13 (b); July 18, 1938).

22.24.040 **Building site area requirement.** (1) A two-family dwelling may be built on either of the following parcels:

(a) A parcel having not less than seven thousand five hundred square feet and an average width of not less than sixty feet;

(b) A parcel having less than seven thousand five hundred square feet and less than sixty feet average width, but at least four thousand square feet and forty feet average width, which was under one ownership on November 29, 1968, and which owner or successive owners thereof do not own adjoining land;

(2) A one-family dwelling may be built on any parcel, subject to the requirements of Section 22.22.040. (Ord. 1670 § 1; October 29, 1968: Ord. 264 § 11.13 (c); July 18, 1938).

22.24.050 Front, side and rear yards required. The following front, side and rear yard requirements shall apply in all R-2 districts:

Same as specified for R-1 districts. (Ord. 264 § 11.13 (d); July 18, 1938).

Chapter 22.26

R-3 DISTRICTS–MULTIPLE RESIDENCE DISTRICTS

Sections:

22.26.010 Application of regulations.
22.26.020 Uses permitted.
22.26.030 Building height limit.
22.26.040 Building site area required.
22.26.050 Percentage of lot coverage.
22.26.060 Front yard required.
22.26.070 Side yard required.
22.26.080 Rear yard required.
22.26.090 Distance between buildings on same lot.
22.26.100 Dwelling groups.
22.26.110 Number of dwelling units per site.

22.26.010 Application of regulations. The following regulations shall apply in all R-3 districts and shall be subject to the provisions of Chapters 22.66 through 22.74. (Ord. 264 § 11.14 (part); July 18, 1938).

22.26.020 Uses permitted. The following uses are permitted in all R-3 districts:

1. All uses permitted in R-1 districts, without regard to the securing of a use permit for any such use, except day child-care centers of six or more children;
2. Two-family dwellings, multiple dwelling and dwelling groups;
3. Lodges and fraternity and sorority houses;
4. Museums not operated for profit;

5. In an apartment house designed, constructed or used for twenty-four or more families and in a hotel designed, constructed or used for fifty or more guest rooms, there may be conducted a business incidental thereto for the convenience of the occupants and the guests thereof; provided, that there will be no entrance to such business except from the inside of the building in which the same is located, and that the floor area used for business purposes shall not exceed twenty-five percent of the ground floor area of the building; and provided further, that no street frontage of any building shall be used for a business and that no sign shall be exhibited on the outside of a building in connection with the business;

6. The following uses, subject to the securing of a use permit in each case:

(a) Hospitals, rest homes, sanitariums, clinics and other buildings used for similar purposes,

(b) Philanthropic and charitable institutions,

(c) Automobile courts,

(d) Hotels,

(e) Day child care centers of six or more children,

(f) Offices;

7. Accesory buildings and accessory uses. (Ord. 1929 § 1, 1972: Ord. 1709 §§ 1, 2, 1969; Ord. 973 (part), 1958: Ord. 264 § 11.14(a), 1938).

22.26.030 Building height limit. The following height limitations shall apply in all R-3 districts:

Three stories but not exceeding forty-five feet in height. (Ord. 264 § 11.14(b), 1938).

22.26.040 Building site area required. The following building site area shall be required in all R-3 districts:

Same as specified for R-1 districts, except that there may be more than one dwelling on one lot. (Ord. 264 § 11.14(c), 1938).

22.26.050 Percentage of lot coverage. The buildings, including accessory buildings, on any lot shall not cover more than forty percent of the area of the lot. (Ord. 264 § 11.14(d), 1938).

22.26.060 Front yard required. Each lot shall have a front yard not less than twenty feet in depth, except as otherwise specified for any B district in which the lot is located; provided, however, that in case a building line for the street on which any lot faces is established by the provisions of any applicable ordinance, then the front yard on the lot shall have a depth of not less than the distance from the street line specified for such building line. (Ord. 264 § 11.14(e), 1938).

22.26.070 Side yard required. Side yard requirements in all R-3 districts shall be the same as specified for R-1 districts, except as hereinafter specified

for dwelling groups; provided, that for any building of three stories in height, the width herein required for each side yard shall be increased by one foot. (Ord. 264 § 11.14(f), 1938).

22.26.080 Rear yard required. Each lot shall have a rear yard of a depth of not less than fifteen feet, except as hereinafter specified for dwelling groups. (Ord. 264 § 11.14(g), 1938).

22.26.090 Distance between buildings on same lot. No main building shall be closer than twenty feet to any other main building on the same lot, except as hereinafter specified for dwelling groups. (Ord. 264 § 11.14(h), 1938).

22.26.100 Dwelling groups. The following additional regulations shall apply to dwelling groups:

(a) In case the buildings of the group are so located on the lot that the rear of the building which faces the street is faced by the front of a building to the rear, et seq. (i.e., in a front to back series), no building shall be closer than twenty feet to any other building.

(b) In case the buildings of the group are so located on the lot that the rears thereof abut upon one side yard and the fronts thereof abut upon the side yard (i.e., in a single row side-to-side series), the side yard to the rears thereof shall have a width of not less than ten feet, and the side yard to the fronts thereof shall have a width of not less than fifteen feet.

(c) In case the buildings of the group are so located on the lot that the rears thereof abut upon either side yard and the fronts thereof face a court (i.e., in a double row side-to-side series), each side yard shall have a width of not less than ten feet and the court shall have a width of not less than twenty-five feet.

(d) No building shall be so located on the lot that the rear thereof abuts on any street line.

(e) In no case shall any building of the group be closer than ten feet to any other building of the group.

(f) Each lot upon which a dwelling group is constructed shall have a rear yard of a depth of not less than ten feet; provided, however, that there may be deducted from the width a portion of the width of any public street, alley or park upon which the rear yard abuts, to an extent not exceeding five feet. (Ord. 264 § 11.14(i), 1938).

22.26.110 Number of dwelling units per site. In order to preserve the relatively low density of residential development which is characteristic of the county and deemed essential to the continued public welfare, to assure the provision of adequate open space about multiple residence structures, to encourage the landscaping of a reasonable portion of each building site, to minimize the alteration of the natural contours of the land by excessive cuts and fills and to provide for vehicular access to multiple dwellings without impairing the general use of adjacent streets,

the number of dwelling units which may hereafter be constructed on any building site in an R-3 district shall be limited by each of the regulations hereinafter set forth:

(1) On any building site, the number of dwelling units shall not exceed the number obtained by dividing the building site area in square feet by one thousand, adjusted to the nearest whole number.

(2) There shall be provided and maintained with all-weather surfacing on each building site, independently accessible parking spaces as required per Chapter 22.74. (amended by Ord. #2597, 1-6-81)

(3) The percentage of the building site area occupied collectively by buildings, accessory buildings, parking spaces, access driveways and turning areas shall not exceed eighty percent, and the application for a building permit shall show the proposed landscape treatment of the remainder of the lot.

(4) For the purpose of this subsection, the building site area shall not be deemed to include any portion of the lot which will be occupied by an artificial cut or embankment, not to be covered by the building, having a finished slope in excess of one foot rise or fall in a horizontal distance of two feet. (Ord. 264 § 11.14(j) added by Ord. 1039; September 1, 1959).

Chapter 22.28

R-3-A DISTRICTS—MULTIPLE RESIDENCE DISTRICTS

Sections:

22.28.010 Application of regulations.
22.28.020 Uses permitted.
22.28.030 Building height limit.
22.28.040 Building site area required.
22.28.050 Percentage of lot coverage.
22.28.060 Front yard required.
22.28.070 Side yard required.
22.28.080 Rear yard required.
22.28.090 Off-street parking required.
22.28.100 Distance between buildings on same lot.
22.28.110 Additional regulations.

22.28.010 Application of regulations. The following regulations shall apply in all R-3-A districts and shall be subject to the provisions of Chapters 22.66 through 22.74 of this title. (Ord. 264 § 11.141 (part) added by Ord. 903; June 18, 1957).

22.28.020 Uses permitted. The following uses are permitted in all R-3-A districts:

1. All uses permitted in R-1 districts, subject to the securing of a use permit for any use for which a use permit is required in a R-1 district.

2. Two-family dwellings, multiple dwellings and dwelling groups.

3. Accessory buildings and accessory uses. (Ord. 264 § 11.141(a) added by Ord. 903; June 18, 1957).

22.28.030 Building height limit. The following building height limitations shall apply in all R-3-A districts:

Two stories but not exceeding thirty feet in height. (Ord. 264 § 11.141(b) added by Ord. 903; June 18, 1957).

22.28.040 Building site area required. The following building site area requirements shall apply in all R-3-A districts:

Same as specified for R-1 districts, except that in any building or group of buildings there shall be a minimum land area of two-thousand five hundred square feet for each one-family dwelling unit. (Ord. 264 § 11.141(c) added by Ord. 903; June 18, 1957).

22.28.050 Percentage of lot coverage. The buildings, including accessory buildings, on any lot shall not cover more than forty per cent of the area of such lot. (Ord. 264 § 11.141(d) added by Ord. 903; June 18, 1957).

22.28.060 Front yard required. The front yard requirements shall be the same as specified for R-3 districts. (Ord. 264 § 11.141(e) added by Ord. 903; June 18, 1957).

22.28.070 Side yard required. The side yard requirements in all R-3-A districts shall be the same as specified for R-1 districts, except as hereinafter specified for dwelling groups; provided that on a corner lot the side yard on the street side of such corner lot shall have a width equal to fifteen feet for a carport or garage portion of any structure. (Ord. 264 § 11.141(f) added by Ord. 903; June 18, 1957).

22.28.080 Rear yard required. The following rear yard requirements shall apply in all R-3-A districts:

Each lot shall have a rear yard of a depth equal to not less than twenty-five feet. (Ord. 264 § 11.141(g) added by Ord. 903; June 18, 1957).

22.28.090 Off-street parking required. In addition to the off-street parking required by Chapter 22.74 of this title, there shall be provided one single carport or one single garage for each one-family dwelling unit. (Ord. 264 § 11.141(h) added by Ord. 903; June 18, 1957).

22.28.100 Distance between buildings on same lot. The distance between buildings on the same lot in all R-3-A districts shall be the same as specified for R-3 districts. (Ord. 264 § 11.141(i) added by Ord. 903; June 18, 1957).

22.28.110 Additional regulations. Additional regulations which shall apply to dwelling groups are as set forth in Section 22.26.100, subsections (a), (b), (c), (d), (e). (Ord. 264 § 11.141 (j) added by Ord. 903; June 18; 1957).

Chapter 22.30

G DISTRICTS

Sections:

22.30.010 Application of regulations.
22.30.020 G-1 districts.
22.30.030 G-2 districts.
22.30.040 G-3 districts.
22.30.050 G-4 districts.
22.30.060 Building defined.
22.30.070 Exterior walls.
22.30.080 Lot coverage.
22.30.090 Outdoor living space.

22.30.010 Application of regulations. The following G districts may be combined with an R-3 district in which case the resulting R-3:G district shall be governed by the regulations for R-3 district, by the regulations for the respective G district and by the regulations in this chapter; provided, however, that if any of the regulations specified in this chapter or for the respective G district differ from or conflict with any of the corresponding regulations specified for the R-3 district, then in such case the regulations of the respective G district and this chapter shall apply. (Ord. 264 § 11.145 (a) (part) added by Ord. 1053; December 1, 1959).

22.30.020 G-1 districts. The following regulations shall apply to G-1 districts:

(a) Distance between buildings, twelve feet;

(b) Density: On each building site, the number of dwelling units shall not exceed the number obtained by dividing the building site area in square feet by one thousand five hundred, adjusted to the nearest whole number. (Ord. 264 § 11.145 (a) (1) added by Ord. 1053; December 1, 1959).

22.30.030 G-2 districts. The following regulations shall apply in G-2 districts:

(a) Uses permitted: All uses permitted in R-3 districts except that a use permit must first be secured for any use for which a use permit is required in R-1 districts;

(b) Front yard depth: Twenty-five feet;

(c) Side yard width: Ten feet;

(d) Density: On each building site, the number of dwelling units shall

not exceed the number obtained by dividing the building site area in square feet by two thousand, adjusted to the nearest whole number;

(e) Outdoor living space for each dwelling unit: Two hundred square feet. (Ord. 1684 § 1; January 28, 1969: Ord. 264 § 11.145 (a) (2) added by Ord. 1053; December 1, 1959).

22.30.040 G-3 districts. The following regulations shall apply in G-3 districts:

(a) Uses permitted: All uses permitted in R-1 districts, two-family dwellings and multiple dwellings;

(b) Front yard depth: Twenty-five feet;

(c) Side yard width: Ten feet;

(d) Density: On each building site, the number of dwelling units shall not exceed the number obtained by dividing the building site area in square feet by two thousand five hundred, adjusted to the nearest whole number;

(e) Outdoor living space for each dwelling unit: Three hundred square feet. (Ord. 1684 § 2; January 28, 1969: Ord. 264 § 11.145 (a) (3) added by Ord. 1053; December 1, 1959).

22.30.050 G-4 districts. The following regulations shall apply in G-4 districts:

(a) Uses permitted: All uses permitted in R-1 districts, two-family dwellings and multiple dwellings;

(b) Front yard depth: Twenty-five feet;

(c) Side yard width: Ten feet for the first story and fifteen feet for the second or third story. For this provision, a half-story shall be counted the same as a full story;

(d) Density: On each building site, the number of dwelling units shall not exceed the number obtained by dividing the building site area in square feet by three thousand five hundred, adjusted to the nearest whole number;

(e) Outdoor living space for each dwelling unit: Four hundred square feet. (Ord. 1684 § 3; January 28, 1969: Ord. 264 § 11.145 (a) (4) added by Ord. 1053; December 1, 1959).

22.30.060 Building defined. For the purposes of this chapter any building, containing a dwelling unit, shall be considered a main building. (Ord. 264 § 11.145 (b) added by Ord. 1053; December 1, 1959).

22.30.070 Exterior walls. In all G-2, G-3 and G-4 districts every building shall be constructed in such a manner that each dwelling unit will have

at least two exterior walls that are not common to any other enclosed space. For this section, a surface shall be deemed a wall if it has minimum vertical and horizontal dimensions of eight feet. (Ord. 1053 (part), 1959: Ord. 264 § 11.145(c), 1938).

22.30.080 **Lot coverage.** "Lot coverage" means the horizontal space covered by all structures excluding that portion of those architectural features which is allowed to extend into any required yard as specified in Chapters 22.66 through 22.74 of this title. (Ord. 1053 (part), 1959: Ord. 264 § 11.145(d), 1938).

22.30.090 **Outdoor living space.** "Outdoor living space," as used in this chapter, shall have no other primary use and may include a deck having a minimum dimension of six feet, and ground having a slope no greater than five percent and minimum dimension of twelve feet. At least one-half the required outdoor living space shall be immediately available to and private for the occupants of each dwelling unit while the remainder may be furnished in common areas available to other occupants of the building or buildings on the site. Front yards, with the exception of allowable deck projections, may be used only as a common area. (Ord. 1053 (part), 1959: Ord. 264 § 11.145(e), 1938).

Chapter 22.31

VCR DISTRICT – VILLAGE COMMERCIAL – RESIDENTIAL DISTRICT

Sections:

22.31.010 Purposes.
22.31.020 Application of regulations.
22.31.030 Uses permitted.
22.31.040 Conditional uses.
22.31.050 Performance standards.
22.31.060 Building height limits.
22.31.070 Bulk and open space requirements.
22.31.080 Off-street parking required.
22.31.090 Yards and setbacks.
22.31.100 Signs and advertising.
22.31.110 Nonconforming uses.

22.31.010 **Purposes.** The purposes of the district created in this chapter are as follows:

(1) Maintain the established character of village commercial areas;

(2) Promote village commercial self-sufficiency;

(3) Foster opportunities for village commercial growth;

(4) Maintain a balance between resident and nonresident commercial uses;

(5) Protect, without undue controls, established residential, commercial, and light industrial uses;

(6) Maintain community scale. (Ord. 2269 § 1 (part), 1977).

22.31.020 **Application of regulations.** The regulations prescribed in this chapter shall apply in all VCR districts and shall be subject to the provisions of Chapters 22.66 through 22.74. (Ord. 2269 § 1 (part), 1977).

22.31.030 **Uses permitted.** The following are uses permitted in this district:

(1) Accessory uses and structures;

(2) Crop and tree farming, truck gardening, nurseries and greenhouses;

(3) Home occupations;

(4) Public parks and playgrounds;

(5) Single-family dwellings;

(6) Stores and shops for the conduct of the following purposes:

Barbershops, beauty shops, hardwares, laundries, dry cleaning, groceries, liquor, men's, women's, and children's clothing and furnishings, shoe stores, professional offices, banks, off-street parking facilities in conjunction with permitted uses, coffee shops and cafes which accommodate not more than twenty-five patrons and which do not serve alcoholic beverages or live entertainment, and those uses which, in the opinion of the zoning administrator, are substantially similar to the foregoing.

(7) Transit waiting shelters. (Ord. 2269 § 1 (part), 1977).

22.31.040 **Conditional uses.** The following are uses permitted by a use permit in all VCR districts:

(1) Automobile service stations;

(2) Bars and taverns;

(3) Building material sales and storage, cabinet and furniture manufacture and repair, boat manufacturing, draying or truck terminals and storage facilities, warehousing;

(4) Commercial off-street parking facilities:

(5) Drive-in restaurants and take-out food establishments;

(6) Hotels and motels exceeding twenty-five guest rooms;

(7) Meeting halls, theaters, and similar places of public assembly;

(8) Public utility uses, including electric substations, telephone exchanges, transit terminals;

(9) Restaurants accommodating more than twenty-five patrons and/or which serve alcoholic beverages and/or provide live entertainment;

(10) Sales, service, and repair of new and used vehicles, excluding junkyards and vehicle dismantlers;

(11) Schools, libraries, churches, child and day care centers, museums;

(12) Stores and shops for the conduct of the following uses: Gift and curio shops, art galleries, handcrafts, antique sales;

(13) Two-family and multiple dwellings;

(14) Veterinary hospitals and pet clinics. (Ord. 2301 § 1, 1977: Ord. 2269 § 1 (part), 1977).

22.31.050 Performance standards. All uses, whether permitted or authorized by use permit, shall conform to the following performance standards:

(1) All uses, except outdoor dining areas, agricultural uses, parks and playgrounds, new and used car sales, shall be conducted entirely within buildings or be enclosed by solid screen fences.

(2) No use shall produce or create any external evidence of interior operations such as dust, odor, noise, or vibration except for signs and advertising displays authorized by Section 22.31.100.

(3) All new uses and structures shall be subject to design review, as provided by Chapter 22.82. (Ord. 2269 § 1 (part), 1977).

22.31.060 Building height limits. Building height limit shall be two stories, but not exceeding thirty-five feet in height. (Ord. 2269 § 1 (part), 1977).

22.31.070 Bulk and open space requirements. Bulk and open space requirements shall be individually determined through design review procedures for any proposed new developments or improvemnts, alterations or additions to existing improvements; provided, however, that the minimum parcel area for any new residential parcel to be created within any VCR district shall not be less than seven thousand five hundred square feet, and the minimum density for any proposed new residential development within any VCR district shall not be less than one dwelling unit per each two thousand square feet of parcel area. (Ord. 2301 § 2, 1977: Ord. 2269 § 1 (part), 1977).

22.31.080 Off-street parking required. All new structures shall provide off-street parking pursuant to the provisions of Chapter 22.74. Required off-street parking may be screened and/or landscaped. The amount or area devoted to landscaping may include the open space required by Section 22.31.070. If practical difficulties are encountered in providing off-street parking on the same site upon which the use is located, or where design factors would be improved by elimination of on-site parking, alternate off-site parking facilities may be allowed by a use permit. Joint use of common parking facilities, which serve uses which do not have overlapping hours of operation, may be authorized by a use permit if the minimum amount of such off-street parking is equal to the amount required for the largest use. (Ord. 2269 § 1 (part), 1977).

22.31.090 Yards and setbacks. The following yards and setbacks shall be required:

Front. None;

Side. None for commercial uses, five feet minimum for residential uses;

Rear. None for commercial uses, fifteen feet minimum for residential uses. (Ord. 2269 § 1 (part), 1977).

22.31.100 **Signs and advertising.** The provisions set forth in Chapter 22.69 shall govern all uses within VCR districts. (Ord. 2269 § 1 (part), 1977).

22.31.110 **Nonconforming uses.** All uses which were lawfully established prior to the application of this district shall be conforming uses to the extent they existed at the time of application of these regulations; provided, however, that the expansion or enlargement of such preexisting uses and/or the establishment and/or construction of any new structures and uses subsequent to the application of these regulations shall conform to this chapter. (Ord. 2269 § 1 (part), 1977).

Chapter 22.32

C-1 DISTRICTS – RETAIL BUSINESS DISTRICTS

Sections:

22.32.010 Application of regulations.
22.32.020 Uses permitted.
22.32.030 Building height limit.
22.32.040 Yards required.

22.32.010 **Application of regulations.** The following regulations shall apply in all C-1 districts and shall be subject to the provisions of Chapters 22.66 through 22.74 of this title. (Ord. 264 § 11.15 (part), 1938).

22.32.020 **Uses permitted.** The following uses are permitted in all C-1 districts:

(1) All uses, other than one-family, two-family and multiple dwellings, permitted in any R district without a use permit. In any C-1 district which is entirely surrounded by R districts, or by such districts and the county boundary, a use permit shall be required for the establishment of any use for which a use permit is required in R-3 districts.

One-family, two-family and multiple dwellings may be permitted above the first floor (street) level (the first floor must be used for a nonresidential use permitted in the district) upon securing a use permit for such dwelling use. Such use permit shall prescribe, in each case, standards for building height, density, access, on-site parking, landscaping, yards, minimum building site area and such other matter deemed pertinent, which standards shall apply in lieu of the regulations otherwise specified by the provisions of this section. Such use permit shall not be issued unless it is found that the establishment of the use will be compatible with the purposes of the C-1

district and the existing and anticipated uses in such district;

(2) Stores and shops for the conduct of any retail business, excluding automobile service stations and drive-ins, and including banks, barbershops, beauty parlors, conservatories, dressmaking, millinery, shoe and tailor shops, messenger offices, professional offices, storage garages, studios (except motion picture studios), telegraph offices, theaters, the renting of parking space for automobiles and other business uses which in the opinion of the zoning administrator are of the same general character as those enumerated in this subsection and will not be obnoxious or detrimental to the district in which located;

(3) Restaurants, bars, public garages, automobile repair shops, automobile service stations, drive-ins, used car lots, undertaking establishments, and veterinary hospitals subject in each case to the securing of a use permit;

(4) Accessory buildings and accessory uses. (Ord. 2314 § 1, 1977; Ord. 1788 § 1, 1970: Ord. 1719 § 7, 1969: Ord. 1462 § 2, 1965: Ord. 971, 1958: Ord. 773, 1955: Ord. 264 § 11.15(a), 1938).

22.32.030 Building height limit. The building height limit in all C-1 districts shall be three stories, but not exceeding forty-five feet in height. (Ord. 264 § 11.15(b), 1938).

22.32.040 Yards required. No yards are required in C-1 districts except:

(1) Every building or portion thereof which is designed, intended and/or used for any purpose permitted in R-3 districts or for any automobile courts shall comply with the provisions of this title as to rear yards and side yards which are required in R-3 districts; provided, that when the ground floor of any building is used for any commercial purpose, no side yard shall be required adjacent to a street line, except as provided in this section.

(2) In the case of a C-1 district which is entirely surrounded by R districts or by R districts and the county boundary, there shall be provided on each lot in that portion of such district which is located in any one block a yard adjacent to the street bounding such block of a width or depth equal to that required for yards building is used for any commercial purpose, no side yard shall be required for yards adjacent to the street for the remaining property in the same block; except that on a corner lot in such C-1 district which is adjacent to a key lot, the side yard adjacent to the street shall be of width equal to not less than one-half of the depth required for front yards on the lots to the rear of such corner lot. In case any portion of such C-1 district occupies the entire frontage of any block, there shall be provided adjacent to the street bounding such block a yard of a depth or width equal to that required in the next adjacent block of such surrounding R districts (or in the least restricted of such surrounding R districts, in case they differ).

(3) There shall be a side yard along the side of every lot in a C-1 district which side is bordering on property in any R district, which side yard shall be of a width not less than the width of a side yard as required in R-3

districts. There shall be a rear yard on the rear of every lot in a C-1 district which rear is bordering on property in any R district, which yard shall be of a depth equal to not less than twice the width of a side yard as required in R-3 districts.

(4) No building shall hereafter be erected, nor shall any use of land be conducted, except the use of land for agricultural or landscape ornamental purposes or for private driveways so that the same will be closer to the right-of-way line of any street than any future right-of-way line or future width line or building line which is established for such street by the provisions of any applicable ordinance. (Ord. 264 § 11.15(c), 1938).

Chapter 22.34

C-2 DISTRICTS – GENERAL COMMERCIAL DISTRICTS

Sections:

22.34.010 Application of regulations.
22.34.020 Uses permitted.
22.34.030 Building height limit.
22.34.040 Yards required.

22.34.010 Application of regulations. The following regulations shall apply in all C-2 districts and shall be subject to the provisions of Chapters 22.66 through 22.74 of this title. (Ord. 264 § 11.16 (part), 1938).

22.34.020 Uses permitted. The following uses are permitted in all C-2 districts:

(1) Restaurants, bars, public garages, automobile repair shops, automobile service stations, drive-ins, used car lots, undertaking establishments, and veterinary hospitals, subject in each case to the securing of a use permit;

(2) One-family, two-family and multiple dwellings above the first floor (street) level (the first floor must be used for a nonresidential use permitted in the district), upon securing a use permit for such dwelling unit. Such use permit shall prescribe, in each case, standards for building height, density, access, on-site parking, landscaping, yards, minimum building site area and such other matter deemed pertinent, which standards shall apply in lieu of the regulations otherwise specified by the provisions of this section. Such use permit shall not be issued unless it is found that the establishment of the use will be compatible with the purposes of the C-2 district and the existing and anticipated uses in such district;

(3) All other uses not otherwise prohibited by law except the following: automobile assembly, bakery employing more than five persons, bottling works, building materials yard, carpet cleaning, chemical laboratory, clothing manufacture, contractor's yard, cooperage works, cosmetics manufacture, dairy, dyeing and cleaning works, draying terminal, electric

welding, electroplating, feed or fuel yard (distributing or storage), feed manufacture, ice plant or storage of more than fifteen tons capacity, fruit canning or packing, furniture manufacture, junkyard, laundry (other than hand), lumberyard, macaroni manufacture, machine shop, milk distributing station, manufacture of shoes, paint mixing, plumbing shop, poultry or rabbit or similar livestock raising or slaughter or live storage, stone cutting or polishing, except as an accessory to a jeweler's shop, storage elevator, tinsmith shop, truck storage yard, warehouse, and all uses excluded from M-1 districts by the terms of this title;

(4) The use of power-driven machinery incidental and accessory to any of the uses permitted in C-2 districts. (Ord. 2314 § 2, 1977: Ord. 1788 § 2, 1970: Ord. 1462 § 3, 1965: Ord. 773, 1955: Ord. 264 § 11.16(a), 1938).

22.34.030 **Building height limit.** The building height limit in all C-2 districts shall be three stories, but not exceeding forty-five feet in height. (Ord. 264 § 11.16(b), 1938).

22.34.040 **Yards required.** No yards are required in C-2 districts except:

(1) Every building or portion thereof which is designed, intended and/or used for any purpose permitted in R-3 districts or for any automobile court shall comply with the provisions of this title as to side yards and rear yards which are required in R-3 districts; provided that when the ground floor of any such building is used for any commercial purpose, no side yard shall be required adjacent to a street line.

(2) There shall be a side yard along the side of every lot in a C-2 district, which side is bordering on property in any R district, which side yard shall be of a width not less than the width of a side yard as required in R-3 districts. There shall be a rear yard on the rear of every lot in a C-2 dis-

trict which rear is bordering on property in any R district, which rear yard shall be of a depth equal to not less than twice the width of a side yard as required in R-3 districts.

3. No building shall hereafter be erected, nor shall any use of land be conducted except the use of land for agricultural or landscape ornamental purposes or for private driveways so that the same will be closer to the right-of-way line of any street than any future right-of-way line or future width line or building line which is established for such street by the provisions of any applicable ordinance. (Ord. 264 § 11.16 (c); July 18, 1938).

Chapter 22.36

M-1 DISTRICTS–LIGHT INDUSTRIAL DISTRICTS

Sections:

22.36.010 Application of regulations.
22.36.020 Uses permitted.
22.36.021 Residential use restricted.
22.36.030 Building height limits.
22.36.040 Yards required.

22.36.010 Application of regulations. The following regulations shall apply in all M-1 districts and shall be subject to the provisions of Chapters 22.66 through 22.74. (Ord. 264 § 11.18 (part); July 18, 1938).

22.36.020 Uses permited. The following uses are permitted in all M-1 districts:

All other uses not otherwise prohibited by law; except the following: bag cleaning; billboard; blast furnace; boiler or tank works; candle factory; central mixing plant for cement, mortar, plaster or paving materials; coke oven; curing, tanning or storage of raw hides or skins; distillation of bones, coal or wood; distillation of tar; drilling for oil, gas or other hydrocarbon substances; fat rendering; forge plant; foundry or metal fabrication plant; hog ranch; junk yard or the baling of rags or junk, except when conducted entirely within a building completely enclosed on all sides or when entirely enclosed within a fence approved by the planning commission; livestock feed yard; manufacture of: acetylene, acid; alcohol; alcoholic beverages; ammonia, bleaching powder, chlorine, chemicals, soda or soda compounds; brick, pottery, terra cotta or tile (except handcraft products only); candles; celluloid or pyroxlin (or treatment of same) cement, gypsum, lime or plaster of paris; chewing tobacco (or treatment of same); disinfectants; dyestuffs; emery cloth or sandpaper; explosives, fireworks or gunpowder (or storage of same); exterminators or insect poisons; fertilizer; glass; glue, size or gelatin; grease, lard or tallow (manufactured or refined from or of animal fat); illuminating or heating gas (or storage of same); lamp black; matches;

linoleum, oil cloth or oiled products; linseed oil, paint, oil, shellac, turpentine or varnish (except mixing); paper or pulp, pickles, sauerkraut or vinegar; potash products; rubber or gutta percha products (or treatment of same); shoddy; shot polish; soap (other than liquid soap); starch, glucose or dextrin; stove polish; tar roofing or water-proofing or other tar products; yeast, pumping, refining or wholesale storage of crude petroleum; reducting, canning, processing or treatment of fish or animal products of any kind; slaughtering of animals (except poultry and rabbits); smelting of copper, iron, tin, zinc or other ores; steam power plant; stock yard; stone mill or quarry; sugar refining, wool pulling or souring; and all other uses which, in the opinion of the planning commission, are similarly objectionable by reason of odor, dust, smoke, gas, noise or vibration, or would impose hazard to health or property in the neighborhood: Except the provisions of this chapter shall not exclude the use of property for the making of concrete blocks by no more than six portable block casting machines each of a daily capacity of one thousand blocks or less if a use permit for the same has been secured. (Ord. 1719 § 8; August 5, 1969: Ord. 264 § 11.18 (a), as amended by Ord. 815; April 17, 1956).

22.36.021 Residential use restricted. No residential use, except a dwelling that is accessory to an otherwise permitted use and is subordinate to and located on the same building site as the use to which it is accessory shall be permitted in M-1 districts. (Ord. 1462 § 4; September 14, 1965).

22.36.030 Building height limit. The building height limit in all M-1 districts shall be not exceeding seventy-five feet in height. (Ord. 264 § 11.18 (b); July 18, 1938).

22.36.040 Yards required. The yard requirements in all M-1 districts shall be the same as specified for C-2 districts. (Ord. 264 § 11.18 (c); July 18, 1938).

Chapter 22.38

M-2 DISTRICTS–HEAVY INDUSTRIAL DISTRICTS

Sections:

22.38.010 Application of regulations.
22.38.020 Uses permitted.
22.38.030 Building height limit.
22.38.040 Yards required.

22.38.010 Application of regulations. The following regulations shall apply in all M-2 districts and shall be subject to the provisions of Chapters 22.66 through 22.74. (Ord. 264 § 11.19 (part); July 18, 1938).

22.38.020 Uses permitted.

All uses not otherwise prohibited by law are permitted in all M-2 districts, except as follows:

(a) Dwelling is permitted only on the same basis as prescribed in Section 22.36.021;

(b) Billboard is not permitted;

(c) None of the following uses shall be established or allowed in any M-2 district unless and until a use permit in each case shall first have been secured for such use:

(1) Distillation of bones,

(2) Drilling for or removal of oil, gas or other hydrocarbon substances,

(3) Dumps,

(4) Fat rendering,

(5) Hog ranch,

(6) Junkyard, or the baling of junk, rags or paper, if such use is not conducted (A) entirely within a building completely enclosed on all sides, or (B) entirely within an area enclosed by a continuous solid fence approved by the zoning administrator,

(7) Livestock feed yard,

(8) Manufacture of acid, cement, explosives or fireworks (or storage of same), fertilizer, gas, glue, gypsum, lime or plaster of Paris,

(9) Reduction, canning, processing or treatment of fish or of animal products of any kind,

(10) Refining of petroleum or its products,

(11) Smelting of copper, iron, tin, zinc or other ores,

(12) Stockyard or slaughter of animals (except poultry and rabbits),

(13) All other uses determined by the zoning administrator to be similar to those above specified, and uses which the zoning administrator determines to be objectionable because of the production of odor, smoke, fumes, gas or noise. (Ord. 1719 § 9, 1969: Ord. 1541 § 1, 1966: Ord. 1462 § 5, 1965: Ord. 971 (part), 1958: Ord. 264 § 11.19, 1938).

22.38.030 **Building height limit.** There shall be no building height limit in M-2 districts. (Ord. 264 § 11.19(b), 1938).

22.38.040 **Yards required.** The yard requirements in all M-2 districts shall be the same as specified for C-2 districts. (Ord. 264 § 11.19(c), 1938).

Chapter 22.42
-H DISTRICTS

Sections:

22.42.010 Application of regulations.
22.42.020 Uses permitted.
22.42.030 Building location.

22.42.010 Application of regulations. The following regulations shall apply in all districts with which are combined -H districts, in addition to the regulations hereinbefore specified therefor, and shall be subject to the provisions of Chapters 22.66 through 22.74; provided, however, that if any of the regulations specified in this chapter differ from any of the corresponding regulations specified in this title for any district with which is combined an -H district, in that case the provisions of this chapter shall govern. (Ord. 264 § 11.22 (part), 1938).

22.42.020 Uses permitted. The following uses are permitted in all -H districts:

All uses permitted in the respective districts with which the -H district is combined; provided, however, as follows:

(1) No sign shall be placed and/or maintained in any -H district except in conformity with the specific provisions of Chapters 22.66 through 22.74;

(2) No junkyard shall be established in any district with which is combined an -H district unless a junkyard is permitted in such a district and unless it is completely enclosed within a building or within a continuous solid fence not less than eight feet in height and in any case of sufficient height to screen completely all the business of the junkyard, which building or fence shall be concrete, brick or stucco construction; provided that no junkyard shall be established in any such district unless and until a use permit shall first have been secured therefor;

(3) All agricultural uses except hog ranches shall be permitted in any C-2 district with which is combined an -H district;

(4) No dance hall, road house, night club, commercial club or commercial place of amusement or recreation or any other place where entertainers are provided, whether as social companions or otherwise, shall be established in any district in which the use is permitted if the district is combined with an -H district, unless and until a use permit has first

been secured for the establishment for maintenance and operation of such use. (Ord. 264 § 11.22(a), 1938).

22.42.030 **Building location.** In case no building line is established by the provisions of any applicable ordinance for a street in any district with which an -H district is combined, no building or use shall be established, erected, constructed, moved or structurally altered so that the same will be closer to the line of the street than a distance sufficient to provide adequate space for the traffic movements and standing of vehicles which will be incidental to the use or to the use of the building. The distance for any building shall be designated by the zoning administrator as a part of the action, as provided in Chapter 22.82. (Ord. 264 § 11.22(b), 1938).

Chapter 22.45

P-D DISTRICTS – PLANNED DISTRICTS

Sections:

22.45.010 Application of general regulations.
22.45.020 Application of specific regulations.
22.45.030 Plan area.
22.45.040 Submission requirements.
22.45.050 Approvals.
22.45.060 Expiration date.
22.45.070 Amendments.
22.45.100 Notification of hearings.
22.45.110 Use permits.

22.45.010 **Application of general regulations.** The following general regulations shall apply in all planned districts as noted below, and shall be subject to the provisions of Chapters 22.62 through 22.74 of this title:

R-M-P	C-P	M-3	R-M-P-C	A-RP
R-S-P	R-C-R	R-X	R-F	O-P

(Ord. 1997 § 2 (part), 1973).

* AMENDED BY ORD # 2624 3-31-91

22.45.020 **Application of specific regulations.** Specific regulations, in addition to the general regulations applicable to each planned district, are contained in the provisions for each type of district (Chapter 22.47). (Ord. 1997 § 2 (part), 1973).

22.45.030 **Plan area.** The area of the master plan and development plan shall include at least all contiguous properties under the same ownership. The area may also include multiple ownerships. (Ord. 1997 § 2 (part), 1973).

22.45.040 Submission requirements. A. Master plan. Four copies of the following maps, plans or written material, as applicable, shall be submitted to the planning director. Specific requirements may be waived by the planning director for good cause.

(1) Preliminary conceptual grading plans, showing existing and proposed grades, the extent of cut and fill, and slope angle of all banks. Preliminary grading plans may be based on a photogrametric survey to a

scale not less than one inch equals one hundred feet. Contour lines of existing grades shall have the following maximum intervals:

(a) Ten foot contour interval for ground slope over fifteen percent;

(b) Five foot contour interval for ground slope below fifteen percent.

All grades and elevations shall be based upon mean sea level datum for any property below an elevation of twenty-five feet above mean sea level.

(2) Existing use of property including building location, prominent geographic features and manmade improvements.

(3) Preliminary landscaping plan (may be combined with site plan) showing:

(a) All existing trees spaced more than thirty feet apart by common name and spread. Trees to be removed shall be indicated;

(b) In more densely wooded areas or in tree clusters, only the outline need be shown; however, outstanding trees within the clusters must be shown, if they are to be removed;

(c) A conceptual plan for proposed trees and other plant material.

(4) Proposed site plan indicating vehicle and pedestrian circulation; bicycle pathways, if the property is included in or affected by the county bicycle path master plan; paving coverage; access to adjoining streets; building configurations including existing or proposed major trees; and location and use of adjacent structures within fifty feet of the periphery of the property.

(5) Description of the proposed development including density, building heights, major open space, sewage disposal and public utilities.

(6) A conceptual drainage and flood control plan including conformance with flood plain zoning requirements if applicable.

(7) A preliminary geological reconnaissance report prepared by a registered civil engineer or a registered engineering geologist.

(8) Such additional information as may be required by the planning director.

B. Development plan. Four copies of the following maps, plans or written material as applicable shall be submitted to the planning department. If the master plan and development plan are filed concurrently, the submission requirements may be modified to avoid duplication. The selection of submission requirements shall be by the planning director.

(1) Boundary survey map.

(2) Final grading plans, showing existing and proposed grades, the extent of cut and fill, and slope angle of all banks. Contour lines of existing grades shall have the following maximum intervals:

(a) Ten foot contour interval for ground slope over fifteen percent;

(b) Five foot contour interval for ground slope below fifteen percent.

The scale shall be sufficiently large to show the details of the plan clearly (preferably one inch equals one hundred feet). All grades and elevations shall be based upon mean sea level datum for any property below an elevation of twenty-five feet above mean sea level.

(3) Precise drainage and flood control plans.

(4) Proposed site plan with precise building locations, parking spaces, public areas, vehicle and pedestrian circulation including access to adjoining streets. The number of parking spaces per parking area shall be delineated.

(5) Landscaping plans (may be combined with site plan), includes species, can size and irrigation and maintenance plans.

(6) Architectural plans for all buildings including floor plans, elevations, perspectives as necessary to illustrate design concept, color and material samples, and proposed signs.

(7) Summary statement on net and gross densities, area of public and private open space, coverage of land by structures, number and types of units, required and proposed number of parking and loading spaces, public utilities including methods of sewage disposal and maintenance of all common facilities.

(8) Preliminary land division or subdivisions where applicable (may be filed concurrently).

(9) A preliminary soils report based upon adequate test borings or excavations and prepared by a registered civil engineer.

(10) A preliminary geological report based upon adequate tests and prepared by a registered civil engineer or registered engineering geologist.

(11) Such additional information as may be required by the planning director.

C. Rezoning. If required, a rezoning application for the subject property shall be filed concurrently with the application for master plan approval. (Ord. 1997 § 2 (part), 1973).

22.45.050 Approvals.

A. Master plan. (1) Action by planning commission. The planning commission may recommend approval, conditional approval or denial of any application. The planning commission's actions may specify any condition which is likely to benefit the general welfare of future residents in the development, their environment and the purposes of the district, or ameliorate any burdens the development will otherwise thrust upon the community.

(2) Action by board of supervisors. The board of supervisors may approve, conditionally approve or deny the master plan as recommended by the planning commission. Any modification of the plan must be referred back to the planning commission in the manner specified by law. This approval shall be by ordinance which shall include, but shall not be limited to, the following:

(a) That the development, maintenance and use of the property shall be carried on in conformance with certain maps and plans as approved;

(b) That the maps and plans designated in the ordinance shall be filed in the office of the planning department of the county;

(c) That no building shall be constructed, maintained or used other than for the purpose specified on the maps and plans as filed.

B. Development plan. After approval of the master plan, no

development and/or land improvements and/or building construction except filling of land in conformance with the master plans shall commence until a development plan is approved for a portion of, or for the entire area of, the master plan. All development and/or land improvement and/or building construction shall be substantially in conformance with the approved development plan. The development plan for all or a portion of the master-planned area shall be approved by the planning commission by resolution. Its action is final unless appealed to the board of supervisors.

A mandatory finding shall be made that the development is in substantial accordance with the approved master plan. Public areas necessary for convenience and general welfare shall be dedicated or reserved for public purpose. If the development plan is in complete accordance with the approved master plan, the applicant may elect to request action thereon by the planning director rather than the planning commission. (Ord. 1997 § 2 (part), 1973).

22.45.060 **Expiration date.** If no application for a precise development plan is filed under a master plan or if no building permit is issued under a development plan, the plan shall expire two years from the date of the ordinance approving the master plan or the final approval of the development plan. One extension for a maximum period of one year from the date of initial expiration may be granted by the planning director.

If a master plan or development plan expires and if a rezoning was granted pursuant to the plans, the planning commission shall initiate a rezoning of the property to its former zoning district within three months of the expiration date of the master or development plan. One extension for a maximum period of one year from the date of initial expiration may be granted by the planning director. (Ord. 1997 § 2 (part), 1973).

22.45.070 **Amendments.** A master plan or a development plan may be amended by the board of supervisors or the planning commission, pursuant to the same procedures specified for initial approval. Amendments must be initiated within eighteen months from the date the ordinance or the plans to be amended were initially approved, otherwise the plans are void. If an extension is granted the plans may also be amended during this period. Submission requirements will be as required by the planning director. (Ord. 1997 § 2 (part), 1973).

22.45.100 **Notification of hearings.** Notice of public hearings on master plans and development plans shall be mailed to property owners within three hundred feet of the proposed planned area based on their names and addresses as they appear on the latest assessment roll. Such notices shall be mailed, by regular mail, at least ten calendar days prior to the date of the hearing. (Ord. 1997 § 2 (part), 1973).

22.45.110 **Use permits.** Uses requiring a use permit shall be permitted in

a planned district if the planning commission can make the findings required for the issuance of a use permit by Section 22.88.020. Use permits may be granted simultaneously with master plan approval. (Ord. 1997 § 2 (part), 1973).

Chapter 22.46

B DISTRICTS

Sections:

22.46.010 Regulations for B districts.
22.46.020 Conditions on regulations.

22.46.010 Regulations for B districts. In any district with which is combined any B district, the following regulations as specified for the respective B district shall apply in lieu of the respective regulations as to building site areas and average widths, depths of front and side yards, which are hereinbefore specified for such a district with which is combined such B district and shall be the minimum requirements in each case:

B-1 districts: Building site area, six thousand square feet; building site average width, fifty feet; front yard depth, twenty-five feet; side yard widths, five feet.

B-2 districts: Building site area, ten thousand square feet; building site average width, seventy-five feet; front yard depth, twenty-five feet; side yard widths, ten feet.

B-3 districts: Building site area, twenty thousand square feet; building site average width, one hundred feet; front yard depth, thirty feet; side yard widths, fifteen feet.

B-3.5 districts: Building site area, thirty thousand square feet; building site average width, one hundred feet; front yard depth, thirty feet; side yard widths, fifteen feet.

B-4 districts: Building site area, one acre; building site average width, one hundred fifty feet; front yard depth, thirty feet; side yard widths, twenty feet.

B-5 districts: Building site area, two acres; building site average width, one hundred fifty feet; front, rear and street side yard depth, thirty feet; interior side yard width, twenty feet.

B-6 districts: Building site area, three acres; building site average width, one hundred seventy-five feet; front, rear and street side yard depth, thirty feet; interior side yard width, twenty feet.

B-7 districts: Building site area, five acres; building site average width, two hundred feet; front, rear and street side yard depth, thirty feet; interior side yard width, twenty feet.

B-8 districts: Building site area, ten acres; building site average width, two hundred feet; all yards must have a minimum dimension of thirty feet.

B-D districts: As specified on the sectional districts map designating any such districts. (Ord. 2210 § 1, 1976: Ord. 1441 § 2, 1965; Ord. 463 (part), 1948: Ord. 264 § 11.24(a), 1938).

22.46.020 **Conditions on regulations.** The foregoing regulations shall be subject to the following provisions:

Any parcel of land in any B district, which parcel was under one ownership at the time of the adoption of the ordinance codified in this title, which owner thereof owned or has owned no adjoining land and provided that no succeeding owner has owned adjoining land, or which parcel is shown as a lot on any subdivision map or land division or parcel map or record of survey which was recorded on or after September 2, 1938, in the office of the county recorder after approval of the map in the manner provided by law, may be used as a building site for a dwelling of the character permitted in the district with which such B district is combined, even though such parcel is not of the area or width required for each building site in such B district; provided that all other regulations for such district, as prescribed by this title, shall be complied with. (Ord. 1486 § 2, 1966: Ord. 1454 § 4, 1965: Ord. 463 (part), 1948: Ord. 264 § 11.24(b), 1938).

Chapter 22.47

SPECIFIC REGULATIONS FOR THE VARIOUS PLANNED DISTRICTS

Sections:

22.47.010 Application of specific regulations.
22.47.020 RMP—Residential, multiple planned district.
22.47.021 Purpose.
22.47.022 Permitted uses.
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22.47.024 Design requirements.
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22.47.010 Application of specific regulations. The following specific regulations, in addition to the general regulations cited in Chapter 22.45, shall apply to all planned districts except as specifically exempted in Section 22.47.104. The requirements of Chapter 22.45 (P-D Planned Districts) may be waived by the planning director when:

(1) One single family dwelling unit is proposed for construction on a legal building site;

(2) A tentative map requiring a parcel map for four parcels or less is proposed;

(3) The Planning Director determines that a proposed development is minor or incidental in nature and within the intent and objectives of the zoning district in which the proposed development is located.

* AMENDED BY ORD # 2624 3-31-81

In granting a waiver from the requirements of Chapter 22.45, the Planning Director may designate such conditions therewith as will, in the opinion of the Planning Director, secure substantially the objectives of the regulation or provision for which such waiver is granted.

If these requirements are waived, a proposal shall be submitted which meets the requirements of Chapter 22.82 (Design Review).

22.47.020 RMP – Residential, multiple planned district.

22.47.021 Purpose. The purpose of this district is to allow residential development consisting of varied types of housing to be designed without the confines of specific yard requirements where the amenities resulting from this flexibility in design will benefit the public welfare or other properties in the community.

22.47.022 Permitted Uses. The following are subject to approval by the master plan:

(1) One family dwellings;

(2) Public parks and public playgrounds;

(3) Crop and tree farming and truck gardening;

(4) Nurseries and greenhouses, but not including any salesrooms or other buildings for the sale of any products unless and until a use permit is secured therefor;

(5) Home occupations, provided that there shall be no external evidence of any home occupation;

(6) Schools, libraries, museums, churches, retreats, monasteries, convents, golf courses, country clubs, tennis courts and similar noncommercial recreational uses and day child-care centers for six or more children;

(7) Accessory buildings and accessory uses;

(8) Two family dwellings, multiple dwellings and dwelling groups;

(9) Lodges and fraternity and sorority houses;

(10)' Museums not operated for profit;

(11) In an apartment house designed, constructed or used for twenty-four or more families and in a hotel designed, constructed or used for fifty or more guest rooms there may be conducted a business incidental thereto for the convenience of the occupants and the guests thereof; provided that there will be no entrance to such business except from the inside of the building in which the same is located, and that the floor area used for business purposes shall not exceed twenty-five percent of the ground floor area of such building; and provided, further, that no street frontage of any such building shall be used for any business, and that no signs shall be exhibited on the outside of any such building in connection with such business;

(12) The following uses, subject to the securing of a use permit in each case:

(a) Hospitals, rest homes, sanitariums, clinics, and other buildings used for similar purposes,

(b) Philanthropic and charitable institutions,

(c) Automobile courts,

(d) Hotels,

(e) Offices;

(13) Accessory buildings and accessory uses;

(14) When three or more acres per dwelling unit are required, then those land uses enumerated in Chapter 22.10 (Agricultural and Conservation Districts), Section 22.10.020(a) shall be permitted subject to the securing of a use permit in each case. Horses, donkeys, mules, and ponies shall be permitted subject to provisions of Section 22.68.040. The grazing of livestock shall not be permitted in areas where it is likely to cause damaging soil erosion or water pollution.

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22.47.023 Density. The ordinance adopting any RMP district shall specify the maximum number of dwelling units per gross acre which will be allowed within the RMP district.

In determining the number of dwelling units allowed on a parcel, any fraction of a unit, resulting from such determination, of 0.90 or greater will be counted as a whole unit.

The density thus computed shall in fact be the upper limit. The applicant must demonstrate how many units can be developed on the site consistent with the findings from the environmental reconnaissance or the environmental impact report and design requirements.

22.47.024 Design Requirements. The following requirements for site preparation, design, and use of the project shall be imposed as necessary to implement the goals and policies of the Marin countywide plan:

(1) Site Preparation.

(a) Grading. All grading shall be reviewed by the environmental protection committee or by staff members designated by the committee. Grading shall be held to a minimum. Every reasonable effort shall be made to retain the natural features of the land: skylines and ridgetops, rolling land forms, knolls, native vegetation, trees, rock outcroppings, watercourses. Where grading is required, it shall be done in such a manner as to eliminate flat planes and sharp angles of intersection with natural terrain. Slopes shall be rounded and contoured to blend with existing topography.

(b) Roads. No new roads shall be developed where the required grade is more than fifteen percent unless convincing evidence is presented that such roads can be built without environmental damage and used without public inconvenience.

(c) Erosion Control. Grading plans shall include erosion control and revegetation programs. Where erosion potential exists, silt traps or other engineering solutions may be required. The timing of grading and construction shall be controlled by the department of public works to avoid failure during construction. No initial grading shall be done during the rainy season, from November through March.

(d) Drainage. The areas adjacent to creeks shall be kept as much as possible in their natural state. All construction shall assure drainage into the natural watershed in a manner that will avoid significant erosion or damage to adjacent properties. Impervious surfaces shall be minimized.

(e) Trees and Vegetation. In all instances, every effort shall be made to avoid removal, changes or construction which would cause the death of the trees or rare plant communities and wildlife habitats.

(f) Fire Hazards. Development shall be permitted in areas of extreme wildfire hazard only where there are good access roads, adequate water supply, a reliable fire warning system, and fire protection service. Setbacks to allow for firebreaks shall be provided if necessary.

(g) Geologic Hazards. Construction shall not be permitted on identified seismic or geologic hazard areas such as on slides, on natural springs, on identified fault zones, or on bay mud without approval from the department of public works, based on acceptable soils and geologic reports.

(h) Watershed Areas. All projects within water district watershed areas shall be referred to that district for review and comment. In such areas, damaging impoundments of water shall be avoided.

(2) Project Design.

(a) Clustering. Generally, buildings should be clustered in the most accessible, least visually prominent, and most geologically stable portion or portions of the site, consistent with the need for privacy to minimize visual and aural intrusion into each unit's indoor and outdoor living area from other living areas. Clustering is especially important on open grassy hillsides. A greater scattering of buildings may be preferable on wooded hillsides to save trees. The prominence of construction can be minimized by such devices as placing buildings so that they will be screened by wooded areas, rock outcroppings and depressions in the topography.

(b) Ridgelines. There shall be no construction permitted on top or within three hundred feet horizontally, or within one hundred feet vertically of visually prominent ridgelines, whichever is more restrictive, if other suitable locations are available on the site. If structures must be placed within this restricted area because of site size or similar constraints, they shall be on locations that are least visible from nearby highways and developed areas.

(c) Landscaping, Landscaping shall minimally disturb natural areas, including open areas, and additional landscaping in a natural or seminatural area shall be compatible with the native plant setting. Fire protection and minimal water use shall be considered in landscaping plans. Planting shall not block views from adjacent properties or disturb wildlife trails.

(d) Utilities. In ridge land areas designated by the countywide plan, roads shall be designed to rural standards. (Generally, not more than eighteen feet pavement width, depending on safety requirements. A minimum of sixteen feet may be permitted in certain very low use areas, as provided in the improvement standards established pursuant to Marin County Code, Section 24.04.) In ridge land areas, street lights shall be of low level intensity, and low in profile. In all areas, power and telephone lines shall be underground where feasible.

(e) Building Height. No part of a building shall exceed thirty feet in height above natural grade, and no accessory building shall exceed fifteen

feet in height above natural grade. The lowest floor level shall not exceed ten feet above natural grade at the lowest corner. Where a ridge lot is too flat to allow placement of the house down from the ridge, a height limit of one story or a maximum of eighteen feet to the top of the roof shall be imposed. These requirements may be waived by the planning director upon presentation of evidence that a deviation from these standards will not violate the intent of Sections 22.47.020 and 22.47.030.

(f) Materials and colors shall blend into the natural environment unobtrusively, to the greatest extent possible.

(g) Noise impacts on residents and persons in nearby areas shall be minimized through placement of buildings, recreation areas, roads, and landscaping.

(h) Facilities. Where possible, facilities and design features called for in the countywide plan shall be provided on the site. These include units with three or more bedrooms, available to households with children; child-care facilities; use of reclaimed waste water; use of materials; siting; and construction techniques to minimize consumption of resources such as energy and water; use of water-conserving appliances; recreation facilities geared to age groups anticipated in the project; bus shelters; design features to accommodate the handicapped; bicycle paths linked to city-county system; and facilities for composting and recycling.

(i) Open Space Dedication. Land to be preserved as open space may be dedicated by fee title to the county of Marin prior to issuance of any construction permit, or may remain in private ownership with appropriate scenic and/or open space easements in perpetuity, and the county may require reasonable public access across those lands remaining in private ownership.

(j) Open Space Maintenance. The county of Marin or other designated public jurisdiction will maintain all open space lands accepted in fee title, as well as public access and trail easements across private property. Where open space lands remain in private ownership with scenic easements, these lands shall be maintained in accordance with the adopted policies of the Marin County open space district and may require the creation of a homeowners' association or other organization for the maintenance of these private open space lands where appropriate.

(k) Open Space Uses. Uses in open space areas shall be in accordance with policies of the Marin County open space district. Generally, uses shall have no or minimal impact on the natural environment. Pedestrian and equestrian access shall be provided where possible and reasonable. The intent is to serve the people in adjacent communites, but not attract large numbers of visitors from other areas. (Ord. 2194 § I, 1975; Ord. 2152 § I, 1975: Ord. 2100 § 1, 1974: Ord. 1997 § 2 (part), 1973).

22.47.030 RSP – Residential, one family planned district.

22.47.031 Purpose. The purpose of this district is to allow development of single family detached units to be designed without the

confines of specific yard requirements.

22.47.032 Permitted uses. The following are subject to master plan approval:

(1) One-family dwellings;

(2) Public parks and public playgrounds;

(3) Crop and tree farming and truck gardening;

(4) Nurseries and greenhouses, but not including any salesrooms or other buildings for the sale of any products unless and until a use permit is secured therefor;

(5) Home occupations provided that there shall be no external evidence of any home occupation;

(6) Schools, libraries, museums, churches, retreats, monasteries, convents, golf courses, country clubs, tennis courts and similar noncommercial recreational uses, and day child care centers for six or more children, subject to the securing of a use permit in each case;

(7) Accessory buildings and accessory uses;

(8) When three or more acres per dwelling unit are required, those land uses enumerated in Chapter 22.10 (Agricultural and Conservation Districts) Section 22.10.020(A) shall be permitted subject to the securing of a use permit in each case. Horses, donkeys, mules, and ponies shall be permitted subject to provisions of Section 22.68.040. The grazing of livestock shall not be permitted in areas where it is likely to cause damaging soil erosion or water pollution.

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* *22.47.033 Density. The ordinance adopting an RSP district shall specify the maximum number of dwelling units per gross acre which will be allowed within the RSP district. In determining the number of dwelling units allowed on a parcel, any fraction of a unit, resulting from such determination, of 0.90 or greater will be counted as a whole unit.*

22.47.034 Design requirements. Requirements for site preparation, design, and use of the project shall be imposed as necessary to implement the goals and policies of the Marin countywide plan, in accordance with Section 22.47.024 of this chapter. (Ord. 2152 § 3, 1975: Ord. 1997 § 2 (part), 1973).

22.47.040 CP – Planned commercial district.

22.47.041 Purpose. The purpose of this district is to create and protect a commercial area for commercial and institutional uses and to control the density and development of such uses to assure that each project is compatible with and in harmony with its environment.

22.47.042 Permitted uses. All commercial and institutional uses as set forth in the adopted master plan. The following uses: Gas station, car washes, drive-in establishments, motels and any other use as determined by the planning director will require a mandatory finding that the use will not be detrimental to the other uses in the CP district or its immediate environment. (Ord. 1997 § 2 (part), 1973).

22.47.050 RCR – Resort and commercial recreation district.

22.47.051 Purpose. The purpose of this district is to create and protect resort facilities in pleasing and harmonious surroundings by the control of building coverage and heights with emphasis on public access to recreational areas within and adjacent to the development.

22.47.052 Application. This district shall be employed only if the planning commission finds that the area is of sufficient size, type, location and has special features which make it a desirable resort area.

22.47.053 Permitted uses. All uses and normal accessory uses subject to the securing of a use permit, set forth in the adopted master plan, which the planning commission finds is appropriate for a resort area or which are desirable or necessary for public service, utility service or for servicing the recreation industry. Residential, industrial, institutional, general commercial uses, mobilehome parks, and floating home marinas are not permitted. (Ord. 2231 § 1, 1976; Ord. 1997 § 2 (part), 1973).

22.47.060 M-3 – Planned industrial district.

22.47.061 Purpose. The purpose of the planned industrial district is to create and protect light industrial facilities in pleasing and harmonious surroundings by the control of building coverages, heights, noxious emissions, industrial wastes and traffic access and parking and loading facilities.

22.47.062 Application. This district shall be employed if the planning commission finds that the area is of sufficient size, type, location and has special features, such as access to major transportation facilities, which make it a desirable industrial area.

22.47.063 Permitted uses. All industrial uses, including research laboratories, warehousing and storage, retail sales of heavy industrial or construction equipment, administrative offices, or any other industrial use determined by the planning commission to be compatible with the purposes of the district. Uses which require emission controls or particular health and safety requirements shall be allowed only by use permit.

22.47.064 Submission requirements. In addition to the general submission requirements for master plan and development plan approval, industrial uses for which use permit is required shall necessitate submission of technical data on emission controls, health and safety requirements, industrial waste disposal or any other information deemed pertinent by the planning director. Building configurations and location and use of adjacent structures on the periphery of the property need not be delineated on the site plan to secure master plan approval. (Ord. 1997 § 2 (part), 1973).

22.47.070 RX–Mobile home park district.

22.47.071 Purpose. The mobilehome, as a residence, is an accepted mode of living which offers certain advantages and attractions to segments of the public. The development and operation of mobile home parks, as related to adjacent areas, deserves special consideration. The purpose of this section is to create and set aside areas for mobile home parks in pleasant residential surroundings, property integrated with adjacent neighborhoods, in a way which will insure the optimum benefit of residents of the mobile home park and of the greater community.

22.47.072 Application. This district shall be employed only if the planning commission finds that the area is of sufficient size, type, location and has special features, such as access to public transportation and shopping facilities, which make it a desirable residential area.

22.47.073 Permitted uses. Those principal uses normally associated with a mobile home park. The following accessory uses may be approved, subject to appropriate conditions:

(1) Management office and maintenance equipment storage;
(2) Coin-operated laundry and dry cleaning facilities, for residents;
(3) Vending machines, for residents only;
(4) Noncommercial recreation, meeting halls, club houses, etc.;
(5) Storage facilities, for residents only;
(6) Chapel;
(7) Car washing facilities, for residents only;
(8) Overnight accommodations, for guests of residents;
(9) Any other use which is clearly incidental and subordinate to the principal use.

In mobile home park of over two hundred mobile homes, the following additional accessory uses may be permitted:

(1) One doctor's and one dentist's office;
(2) Convenience goods shopping and personal service establishments primarily for residents only.

22.47.074 Standards and criteria. Standards for mobile homes and accessory uses.

(1) Minimum site area: Ten contiguous acres.

(2) Maximum density: The density, determined by the master plan approval, shall not exceed ten mobilehomes of seven hundred fifty square feet or less in gross floor area per acre; or eight mobilehomes of more than seven hundred fifty square feet in gross floor area per acre; or a combination thereof.

(3) Prior to occupancy of the first mobilehome, not less than fifty mobilehome lots shall be prepared and available for occupancy.

(4) Parking requirements: The overall parking ratio shall be two parking spaces per mobilehome lot. At least one parking space shall be provided on, or immediately adjacent to, each mobilehome lot.

(5) Building lines: All structures and mobilehomes shall be set back at least twenty-five feet from all property lines and streets or rights-of-way. If a greater building line has been established by ordinance, it shall be observed. The setback area shall be landscaped and maintained as a buffer strip.

(6) Utilities: All utilities shall be installed underground. Individual exposed antennae shall not be permitted.

22.47.075 Submission requirements. In addition to the general submission requirements for master plan and development plan approval (Chapter 22.45), the following shall be submitted:

(1) A petition for a district change for an RX district and a master plan for the mobilehome park shall be filed simultaneously with the planning department. For the purpose of this section, the district change and the master plan shall be considered as one application and shall be considered according to the provisions of Chapter 22.90;

(2) A detailed drawing of a typical mobilehome park, including parking area. The scale shall be at least one-fourth inch equals one foot.

22.47.076 Approvals. In addition to the general approval procedures cited in Chapter 22.45, the board of supervisors, after receiving recommendations of the planning commission, shall set the maximum density, which shall not exceed the standards specified in Section 22.47.074 of this chapter. The board of supervisors, in setting the maximum density, shall consider any adopted community plan or county general plan or master plan for the area within which the RX district is located, existing zoning and development in the area, and any applicable lot slope.

22.47.077 Plan amendments. The planning commission may approve any amendment to an approved master plan or development plan without further action by the board of supervisors, except an amendment for an increase in density. Any amendment involving an increase in density may be approved by the board of supervisors after receiving recommendation of the planning commission. Prior to approving an amendment, the planning commission and, if applicable, the board of supervisors shall hold at least one public hearing.

22.47.078 Other laws, regulations and ordinances. All pertinent state and county laws and regulations concerning the development and operation of mobilehome parks shall be observed. Nothing contained in this chapter

shall be construed to abrogate, void or minimize other pertinent requirements of law. (Ord. 1997 § 2 (part), 1973).

22.47.080 R-M-P-C–Resdidential/commercial multiple planned districts.

22.47.081 Purpose. The purpose of this district is similar to that of the RMP district, except it allows the addition of commercial uses.

22.47.082 Permitted uses. All uses permitted in the RMP and C-P districts when approved by master plan.

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22.47.083. Density. The ordinance adopting an R-M-P-C district may specify the maximum number of dwelling untis per gross acre, which will be allowed within the R-M-P-C district.

22.47.090 R-F–Floating home marinas.

22.47.091 Purpose. The purpose of this district is to create and protect floating home marinas in pleasing and harmonious surroundings by the control of water coverage, spacing and height of structures, with emphasis on usable public access to the shoreline.

22.47.092 Application. This district shall be employed only if the planning commission can make the findings necessary for issuance of a use permit pursuant to Section 22.59.040 and the proposed floating home marina is consistent with any adopted general plan or master plan for the area. The planning commission must also find that the area is of sufficient size, type, location and has special features, such as access to public transportation and shopping facilities, which make it a desirable residential area. Particular emphasis shall be placed upon the view of the area from surrounding communities and protection of the water habitat. A floating home marina shall not be allowed if its presence creates adverse effects on surrounding communities or would be detrimental to water quality.

22.47.093 Permitted uses. The principal uses normally associated with a floating home marina, excepting seaworthy craft not normally designed for permanent residential use. The following accessory uses may be approved subject to appropriate conditions:

(1) Management office and maintenance equipment storage;

(2) Coin-operated laundry and dry cleaning facilities, for residents only;

(3) Vending machines, for residents only;

(4) Noncommercial recreation, meeting halls, club houses, etc.;

(5) Storage facilities, for residents only;

(6) Chapel;

(7) Car washing facilities, for residents only;

(8) Overnight accommodations, for guests of residents;

(9) Any other use which is clearly incidental and subordinate to the principal use.

In floating home marinas of over two hundred homes, the following additional accessory uses may be permitted:

(1) One doctor's and one dentist's office;

(2) Convenience goods shopping and personal service establishments primarily for residents only.

22.47.094 Standards and Criteria.

(1) Open Water. At least fifty percent of the total water area proposed for the floating home marinas shall be open water. The balance of the water area shall be used exclusively for floating homes and ramps or exitways.

(2) Spacing. The minimum distance between adjacent floating homes shall be six feet. This distance shall be increased to ten feet if either of the floating homes is in excess of one story. Each floating home shall abut a fairway with access to open water. The minimum width of the fairway shall be thirty-five feet.

(3) Type of Unit. Not more than one dwelling unit per vessel shall be permitted.

22.47.095 Submission Requirements. In addition to the general submission requirements for master plan and development plan approval (Chapter 22.65), the following shall be submitted.

(1) A petition for a district change for an RF district and a master plan for the floating home marina shall be filed simultaneously with the planning department. For the purpose of this chapter, the district change and the master plan shall be considered as one application and shall be considered according to the provisions of Chapter 22.90;

(2) A detailed drawing of a typical floating home pad, including adjacent walkways. The scale shall be at least one-fourth inch equals one foot;

(3) The location and dimension of the area proposed for open water;

(4) The location and dimension of fairways;

(5) The location and dimension of abutting public waterways.

22.47.096 Other regulations and ordinances. All pertinent federal, state and county laws and regulations concerning the development and operation of floating home marinas shall be observed. Nothing contained in this chapter shall be construed to abrogate, void or minimize such other pertinent regulations. (Ord. 1997 § 2 (part), 1973).

22.47.100 A-RP – Agricultural, residential planned. 22.47.101 Purpose. The purpose of this district is to allow residential development in agricultural areas of varied housing types designed without the confines of specific yard, height or lot area requirements, where the amenities resulting from this flexibility in design will benefit the public welfare or other properties in the community.

22.47.102 Permitted Uses.

1. All uses permitted in the A district (22.20);

2. Certain limited commercial uses which are:

(1) Included in a plan for new or continued agricultural activities on subject and surrounding properties;

(2) In all respects compatible with agricultural activities on surrounding properties; and

(3) Subject to specific approval in the adoption of an A-RP master plan. No commercial uses other than those permitted in the A district are permitted without master plan approval.

22.47.103 Density. The ordinance adopting any A-RP district shall specify the number of acres per dwelling unit which will be allowed within the A-RP district.

22.47.104 Submission Requirements. Applicant shall submit:

(1) Preliminary land division, tentative subdivision or parcel map if applicable;

(2) Site plans indicating existing and proposed uses of property;

(3) Requirements cited in Chapter 22.45, except that upon application to the planning director all or a portion of the general submission requirements for master plan and development plan approval (Chapter 22.45) may be waived. (Ord. 2408 § 2, 1979: Ord. 2141 § III, 1975).

22.47.105 **Design requirements.** The following requirements for project design, site preparation, and use shall be imposed through the master plan, development plan and/or design review process, as necessary, to implement the goals and policies of the Marin Countywide Plan and any applicable community plan:

1. Project Design:

(a) Clustering. Buildings shall be clustered or sited in the most accessible, least visually prominent, and most geologically stable portion or portions of the site. Clustering or siting buildings in the least visually prominent portion or portions of the site is especially important on open grassy hillsides. In these areas, the prominence of construction shall be minimized by placing buildings so that they will be screened by existing vegetation, rock outcroppings or depressions in topography. In areas with wooded hillsides, a greater scattering of buildings may be preferable to save trees and minimize visual impacts. In areas where usable agricultural land exists, residential development shall be clustered or sited so as to minimize disruption of existing or possible future agricultural uses.

(b) Ridgelines. No construction shall be permitted on top or within three hundred feet horizontally, or within one hundred feet vertically of ridgelines, whichever is more restrictive. If structures must be placed within this restricted area because of parcel size or other constraints including possible conflicts with existing and proposed agricultural uses, they shall be on locations that minimize the visual impact from adjacent lands and view corridors.

(c) Geologic Hazards. Development shall not be permitted on identified seismic or geologic hazard areas, such as slides, natural springs, identified fault zones, or bay mud, without approval from the department of public works, based on acceptable soils and geologic reports.

(d) Roads, Driveways and Utilities. The development of roads, driveways and utilities shall conform to the applicable standards contained in Title 24 of this code, including but not limited to Sections 24.04.020

through 24.04.320, and 24.04.840 through 24.04.860. In areas with undeveloped agricultural land, efforts shall be made to keep road and driveway construction, grading and utility extensions to a minimum. This shall be accomplished through clustering and siting development so as to minimize roadway length and maximize the amount of undivided agricultural land.

(e) Fire Protection. In rural areas, areas without water systems, on-site water storage capacity may be required for each single-family residence, subject to the requirements of the county fire department. In planned or cluster developments provisions should be made, where feasible, for common water storage facilities and distribution systems. Maintenance of these water storage facilities and distribution systems should be performed according to a plan approved by the county fire department.

(f) Landscaping. Landscaping shall minimally disturb natural areas. Fire protection, solar access, the use of indigenous species and minimal water use shall be considered in landscaping plans.

(g) Building Location/design. In addition to the above requirements, buildings to be located on existing or proposed subdivision lots, shall be sited and designed according to the following principles:

(1) Energy Conservation. Solar access shall be considered in the location, design, height and setbacks of all buildings. Generally, buildings should be oriented in a north/south fashion with the majority of glazing on the south wall or walls of the buildings.

(2) Building Height. No part of a residential building shall exceed thirty feet in height above natural grade, and no accessory structure, including water tanks, shall exceed fifteen feet in height above natural grade. In residential structures, the lowest floor level shall not exceed ten feet above natural grade at any point. Where a ridge lot is too flat to allow placement of the house down from the ridge as required in subdivision (b) of this subsection, a height limit of one story or a maximum of eighteen feet, as measured from natural grade to the top of the roof, shall be imposed. These requirements may be waived by the planning director upon presentation of evidence that a deviation from these standards will not violate the intent of Section 22.47.101 and the Environmental Quality Policies of the countywide plan. Farm and agricultural buildings located down from ridgetops may exceed these height limits upon design review approval.

(3) Access. Driveways shall be developed in accordance with the applicable standards contained in Title 24 of this code, including but not limited to Sections 24.04.240 through 24.04.320. Consistent with the clustering policies in subdivision (a) of this subsection, efforts shall be made to keep driveway length to a minimum.

(4) Materials and Colors. Fire protection, energy conservation and the use of traditional agricultural building materials and colors shall be considered in all construction.

(h) Facilities. Where possible, facilities and design features called for in the countywide plan shall be provided through the master plan/development plan process. These include use of reclaimed waste water; use

of materials, siting, and construction techniques to minimize consumption of resources such as energy and water; use of water-conserving appliances; appropriate recreation facilities; bus shelters; design features to accommodate the handicapped; bicycle paths and equestrian trails linked to city-county system; and facilities for composting and recycling.

(i) Agricultural and Open Space Uses. Agricultural uses shall be encouraged in ARP zones. As part of the development review process, usable agricultural land should be identified and efforts made to preserve and/or promote its use. Agricultural land, not presently in use, may be preserved as undeveloped private open space to be made available on a lease basis in the future for compatible agricultural uses. The primary intent shall be to preserve open lands for agricultural use, not to provide open space/recreational land uses which will interfere or be in conflict with agricultural operations. Lands to be preserved for agriculture and/or open space use may require the creation of a homeowner's association or other organization for their maintenance. The nature and intensity of large scale agricultural uses should be described in the form of an agricultural management plan. Management plans should consider intensity of grazing, runoff protection, chemical and fertilizer use and, in order to preserve agricultural land practices, separation from existing or proposed residential uses. In some cases, the county may require reasonable public access across those lands remaining in private ownership. Such pedestrian and/or equestrian access shall be provided where consistent with adopted county and coastal plans and where liability issues have been resolved. Public access for pedestrian and/or equestrian purposes shall only be required as a condition of plan approval.

(j) Open Space Dedication and Maintenance. Nonagricultural land to be preserved as open space may be dedicated by fee title to the county. The county or other designated public jurisdiction will maintain all open space lands accepted in fee title.

2. Site Preparation: Where appropriate, site preparation plans shall be referred to the North Marin Water District and/or Marin Municipal Water District for review and approval.

(a) Grading. Grading shall be held to a minimum. Every reasonable effort shall be made to retain the natural features of the land; skylines and ridgetops, rolling land forms, knolls, native vegetation, trees, rock outcroppings, watercourses. Where grading is required, it shall be done in such a manner as to eliminate flat planes and sharp angles of intersection with natural terrain. Slopes shall be rounded and contoured to blend with existing topography. All grading shall conform to the applicable standards contained in Title 24 of this code.

(b) Erosion Control. Grading plans shall include erosion control and revegetation programs. Where erosion potential exists, silt traps or other engineering solutions may be required. The timing of grading and construction shall be controlled by the department of public works to avoid failure during construction.

(c) Drainage. The areas adjacent to creeks shall be kept as much as

possible in their natural state. All construction shall assure drainage into the natural watershed in a manner that will avoid significant erosion or damage to adjacent properties. To reduce runoff, impervious surfaces shall be minimized. At major creek crossings, bridges should be utilized whenever possible, in place of culverts.

(d) Trees and Vegetation. In all instances, every effort shall be made to avoid removal, changes or construction which would cause the death of trees or rare plant communities and wildlife habitats. (Ord. 2560 § 4, 1980).

22.47.106 Transfer of Development Rights (TDR) in A-RP Districts

Notwithstanding provisions of this and other sections regarding density, the number of units permitted on one property (the donor property) may be transferred and built on another (receiving) property (either contiguous or non contiguous), resulting in a higher density than that which the (receiving) property is zoned for, under certain circumstances, as described in this section. This process, which allows development rights from one property to be determined and trasnferred to a second property, is called Transfer of Development Rights. (TDR).

(1) Purpose: The purpose of TDR is to relocate potential development from areas where environmental or land use impacts could be severe to other areas where those impacts can be minimized, while still granting appropriate development rights to each property.

(2) Application: The participation of a property owner in TDR shall be on a voluntary basis and shall be subject to approval by the County through the Master Plan Process. The property for which TDR is proposed must be located within a Community Plan or Countywide Plan area and the adopted Community Plan or Countywide Plan policy must recommend TDR as an appropriate plan implementation. Through the Master Plan approval process, the applicant(s) must demonstrate that it is necessary to conserve the property from which density is being transferred, and that the property which receives this additional density can accommodate it. This demonstration shall be consistent with the criteria for evaluation of TDR proposals described in applicable Community Plans or Countywide Plan policies.

(3) Submission requirements: In addition to the information required for a Master Plan submission under Chapter 22.45 (Marin County Code), the following additional information shall be provided where TDR is being considered.

(a) Affidavits of consent from all registered property owners of all property subject to the Master Plan. This shall include the property being conserved and the property being developed and receiving the transferred density rights.

(b) A description of the property proposed for conservation outlining how the subject property fulfills the TDR conservation criteria as set out in the appropriate Community Plan or Countywide Plan policies.

(c) A calculation of the number of units available to be transferred. The calculation shall be made as follows: The area of the parcel to be conserved divided by the

the number of acres per dwelling unit required by the zoning minus the existing number of dwellings. Any fraction of a unit, resulting from such a determination, of 0.90 or greater will be counted as a whole unit.

(d) A description of the property proposed to receive the transferred density outlining the availability of support services and infrastructure necessary for de-development and how the subject property fulfills the TDR development criteria as set out in the appropriate community plan.

(e) A description of the proposed conservation easement or restriction, as described and required in Subsection 47.106.5.

(4) Approval Process: The approval process for a Master Plan involving TDR shall require the same approval process as set forth in Subsection 22.45.05.

(5) Conservation easements or restrictions: A condition of TDR between properties is that the property proposed for restricted development or conservation shall have conservation easements or restrictions recorded against it which reflect the conditions of approval of the Master Plan and which restrict the future development or division of the donor property in accordance with those conditions.

Such conservation easements or restrictions must be recorded against the donor property prior to the recording of a parcel map or final map for the receiver property.

22.47.110 OP - Planned Office District

22.47.111 Purpose. The purpose of this district is to create and protect areas for administrative and professional office uses, in pleasing and harmonious surroundings, by the control of building coverage, height, parking and landscaping.

22.47.112 Permitted Uses. The following uses are subject to approval by Master Plan:

1. *Association, business, corporation, executive, professional and public agency offices;*

2. *Banks and Savings and Loan Associations;*

3. *Medical and dental offices, including clinics;*

4. *Prescription pharmacies in conjunction with medical or dental offices;*

5. *Organization meeting facilities;*

6. *Real Estate offices;*

7. *Residential uses, including one family, two family and multiple dwellings. Residential uses shall be subject to the design requirements of Section 22.47.024.*

8. *Other uses, as approved by the Planning Commission and Board of Supervisors in an adopted Master Plan.*

22.47.113 Building site area. The minimum parcel size in an OP district shall be 7,500 square feet. A commercial condominium pursuant to Section 66427 et seq of the Subdivision Map Act, may have smaller individual unit sizes, subject to Master Plan approval.

22.47.114 Design requirements. The following requirements for project design, site preparation and use shall be imposed through the Master Plan, Development Plan and/or Design Review process, as necessary, to implement the goals and policies of the Marin Countywide Plan and any applicable community plan:

1. Building height. The building height limit in all OP districts shall be three (3) stories, not to exceed 35 feet. This height shall in fact be the upper limit and may be reduced through the development review process based on specific policies of applicable community plans.

2. Building coverage. The buildings, including accessory buildings, on any lot shall generally not cover more than forty percent of the area of the lot. This building coverage restriction is a basic standard which may be increased or decreased depending on site constraints, location and type of surrounding uses.

3. Landscaping. The following minimum landscaping standards shall be observed for all office uses:

   a. Each unenclosed parking facility required in conjunction with an office use shall provide a perimeter landscaped strip at least five (5) feet wide where the facility adjoins a street line or property line. The perimeter landscaped strip shall be continuous, except for required access to the site or the parking facility. Where the landscaped strip adjoins a street, pedestrian walkway or adjacent property line, the landscaped strip may be required to include a fence, wall, berm or equivalent screening feature.

   b. Each unenclosed parking facility shall provide a minimum of five percent of the total parking facility area (excluding perimeter landscaping) as interior landscaping. Interior landscaping shall be distributed throughout the paved area as evenly as possible, with due regard to energy concerns.

   c. Landscaping shall consist of an appropriate mix of trees, shrubs and ground cover. Drought tolerant species shall be encouraged. Where screening is desirable, a combination of trees and shrubs shall be used.

   d. Provision shall be made for irrigating all planted areas.

   e. All landscaping shall be protected by curbs, header boards or other acceptable barriers.

Chapter 22.54

S DISTRICT

Sections:

22.54.010 Regulations.
22.54.020 S-1 districts.
22.54.030 S-2 districts.
22.54.040 S-3 districts.

22.54.010 Regulations. A. APPLICATION TO REGULATIONS. In any district with which is combined any S district, the following regulations as specified for the respective S district shall apply in lieu of the respective regulations as to uses permitted and building height limitations which are hereinbefore specified for such district with which is combined such S district.

B. PUBLIC UTILITY FACILITIES. All construction, installation, operation and maintenance of public utility, distribution and transmission lines, towers and poles for providing telephone, telegraph, television and electricity services shall be subject to provisions set forth in Section 21645 of the State Public Utilities Code. (Ord. 1522 § 1, 1966: Ord. 798 (part), 1950: Ord. 264 § 11.26 (part), 1938).

22.54.020 S-1 districts. A. USES PERMITTED. All uses permitted in the respective districts with which the S-1 districts are combined, except as follows:

(1) Residential uses where density is designed for over four families per gross acre;

(2) Hotels, auto camps, auto courts, markets, meeting halls, churches, schools, hospitals, theaters, open air viewing stands and places of public assembly and institutions;

(3) Industrial uses where more than twenty persons per any one gross acre are employed.

B. BUILDING HEIGHT LIMIT. Building height shall not exceed that specified for the district with which is combined an S-1 district, and building height shall further be limited so that no part of a building projects above the sloping approach zone surface, described as a uniformly sloping surface which is zero feet in elevation along the line of the S-1 district nearest the runway and one hundred fifty feet in elevation along the line of the S-1 district farthest from the runway. Elevations are from mean sea level. (Ord. 841 (part), 1956: Ord. 798 (part), 1950: Ord. 264 § 11.26 (part), 1938).

22.54.030 S-2 districts. A. USES PERMITTED. All uses permitted in the respective district with which the S-2 districts are combined, except as follows:

(1) Residential uses where density is designed for over four families per gross acre;

(2) Hotels, auto camps, auto courts, markets, meeting halls, churches, schools, hospitals, theaters, open air viewing stands and places of public assembly and institutions;

(3) Industrial uses where more than twenty persons per any one gross acre are employed.

B. BUILDING HEIGHT LIMIT. Building height shall not exceed that specified for the district with which is combined an S-2 district, and building height shall be further limited so that no part of a building projects no farther than the greater of the following:

(1) Fifty feet above natural ground level;

(2) One hundred fifty feet above mean sea level;

(3) Fifty feet above the highest ground elevation within a radius of one-half mile of the structure. (Ord. 1506 § 1 (part), 1966: Ord. 798 (part), 1950: Ord. 264 § 11.26 (part), 1938).

22.54.040 S-3 districts. A. USES PERMITTED. All uses permitted in the respective districts with which the S-3 districts are combined.

B. BUILDING HEIGHT LIMIT. Building height shall not exceed that specified for the district with which is combined an S-3 district, and building height shall be further limited so that no part of a building projects no farther than the greater of the following:

(1) Fifty feet above natural ground level;

(2) One hundred fifty feet above mean sea level;

(3) Fifty feet above the highest ground elevation within a radius of one-half mile of the structure. (Ord. 1506 § 1 (part), 1966: Ord. 798 (part), 1950: Ord. 264 § 11.26 (part), 1938).

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C DISTRICTS

SECTIONS:

22.56.010 Purpose

22.56.020 Application

22.56.023 Consistency with California Coastal Act of 1976

22.56.025 Application of Specific Regulations

22.56.027 Plan area for C-Planned Districts

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22.56.040 Projects Allowed by Permit

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22.56.075 County Appeals of Project Permit Action

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22.56.100 Notice of Final Action

22.56.105 Failure to Act Notice

22.56.110 Effective Date of Final Action

22.56.115 Amendments to Coastal Project Permits

22.56.120 Expiration Date and Time Extensions

22.56.130 Development Requirements, Standards and Conditions

22.56.140 Violations and Enforcement

22.56.010: PURPOSE

The purpose of this chapter is to provide the mechanisms to implement coastal policies for Marin County. This chapter implements policies which: identify the location and density of development, provide for access to and along the coast, protect significant natural resources, protect archeological and historical resources and provide standards for public and private activities.

22.56.020: APPLICATIONS

The C District shall conform to the Coastal Zone as established by the Coastal Act of 1976. The following general regulations shall apply in all C zoning districts as noted below and should be subject to the provisions of Chapters 22.62 through 22.74 of this title. The provisions of Section 22.88.010 (3), (5), (6), (7a) through (7e) and (8) shall not apply in C districts.

C DISTRICTS

C-ARP	Coastal Agricultural Residential Planned District
C-R-A	Coastal Residential Agricultural District
C-R-1	Coastal One Family Residence District
C-R-2	Coastal Two Family Residence District
C-RSP	Coastal Residential One Family Planned District
C-RSPS	Coastal Residential One Family Planned District Seadrift Subdivision
C-H-1	Coastal Limited Roadside Business District
C-VCR	Coastal Village Commercial Residential District
C-OA	Coastal Open Area District

22.56.023: CONSISTENCY WITH CALIFORNIA COASTAL ACT OF 1976

Development of all projects in the Coastal Zone of Marin County shall be generally consistent with the Coastal Act of 1976 and specifically with the Public Access and Recreational Policies (Chapter 6, Sections 30200, 30210, 30211, 30212, 30212.5, 30213, 30220, 30221, 30222, and 30223). In addition, the process of review and approval of any project shall be consistent with the Appeals section of the Coastal Act (Chapter 6, Section 30603, paragraph A and B).

22.56.025: APPLICATION OF SPECIFIC REGULATIONS

Specific regulations in addition to the general regulations applicable to all C Districts are contained in the provisions for each type of district (Chapter 22.57).

22.56.027: PLAN AREA FOR C-PLANNED DISTRICTS

The area of the master plan and development plan shall include at least all contiguous properties under the same ownership. The area may also include multiple ownerships.

22.56.030: DEFINITIONS

A. Stream Bank is the immediate watershed and relatively permanent elevation at the water line of the stream channel which separates the bed from the adjacent upland and confines and preserves the course of the stream. In areas where the bank is not readily discernable the bank boundary shall be determined by the first line of permanently established riparian vegetation closest to the stream.

B. "Discretionary action" shall mean approval or denial by a County Officer, Board, or Commission, of a project based on findings of fact.

C. "Project" shall mean, on land, in or under water:

1. The placement or creation of any solid material or structure, including but not limited to, any building, road pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line;

2. Discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste, and the mining or extraction of any material;

3. Grading, removing, dredging, mining, or extraction of any materials;

4. Change in the density or intensity of use of land, including but not limited to subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code) and any other division of land, including lot splits, except where the land division is for the purchase of such land by a public agency for public recreational use.

5. Change in the intensity or use of water, or of access thereto;

6. Construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public or municipal utility; and

7. The removal or harvesting of major trees, rare or endangered species and permanently established riparian vegetation other than for agricultural purposes

D. "Structure" shall mean any building, road, pipe, flume, conduit, siphon, well, telephone line, and electrical power transmission and distribution lines.

E. "Coastal dependent use" shall mean any development or use which requires a site on, or adjacent to, the sea to be able to function at all.

F. "Visitor-serving facility" shall mean stores, shops, businesses, bed and breakfast houses, recreational facilities (both public and private), which provide accommodations, food and services; including hotels, motels, campgrounds, parks, nature preserves, restaurants, and commercial recreational development such as shopping, eating and amusement areas which are used by the traveling public.

22.56.040 PROJECTS ALLOWED BY PERMIT

All projects including those of State and local public agencies not exempted by Section 22.56.050 or not otherwise requring a coastal project permit shall require a coastal project permit. Not withstanding other requrements of this title, the following projects shall be permitted by approval of a Coastal Project Permit:

A. Uses and structures permitted in the respective coastal districts, including but not limited to:

1. Variances
2. Use Permits
3. Master Plans and Development Plans
4. Design Review
5. Sign Permits

B. Tidelands permits processed under Chapter 22.77

C. Permits for projects processed under other chapters and titles of the Marin County Code, including but not limited to:

1. Grading and excavation permits issued under Title 23
2. Creek permits issued under Title 11
3. Dam permits issued under Title 11
4. Quarry and mining permits issued under Title 23
5. Domestic water supply permits issued under Title 7
6. Individual sewage disposal system permits issued under Title 18

D. Tentative subdivision maps processed under Title 20, and other subdivision activities as defined by the State Subdivision Map Act.

E. The issuance of building permits not exempted under Section 22.56.050.

F. Demolition of existing residential, commercial and other principle structures.

G. Those repair and maintenance activities which involve seawalls and similar shoreline structures as identified in Section 22.56.050(A).

H. Those improvements and additions to existing buildings and structures which are identified in Section 22.56.055 (A-G) as requiring a coastal project permit.

I. Projects conducted by public agencies and private individuals which would normally require a coastal project permit but which are undertaken as emergency measures for the protection of public safety during natural disasters. Such a project shall be reported to the Deputy Zoning Administrator within three working days following its commencement and a coastal project permit applied for.

J. All project including those of State and local public agencies not exempted by Section 22.56.050 or not otherwise requiring a coastal project permit.

22.56.050 PROJECTS EXEMPT FROM COASTAL PROJECT PERMIT REQUIREMENTS

The following projects in the C Districts shall be exempt from the requirements of a Coastal Project Permit:

A. Repair and maintenance activities that do not result in the addition to or enlargement or expansion of the object of such repair or maintenance except that such repair and maintenance of seawalls, breakwater groins, bluff retaining wall or similar shoreline work shall require a coastal project permit.

B. Maintenance dredging of existing navigation channels or moving dredged material from such channels to a disposal area outside the coastal zone, pursuant to a permit from the United States Army Corps of Engineers.

C. The replacement of any structure, other than a public works facility, destroyed by natural disaster. Such replacement structure shall: 1) conform to applicable existing zoning requirements; 2) be for the same use as the destroyed strucutre; 3) not exceed either the floor area, height or bulk of the destroyed structure by more than 10 percent; and 4) shall be sited in the same location on the affected property as the destroyed structure, unless the Planning Director determines that a relocation due to proximity to sensitive coastal resources is warranted.

As used in this subdivision, "natural disaster" means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owner.

As used in this subdivision, "Bulk" means total interior cubic volume as measure from the exterior surface of the structure.

D. Except as provided in 22.56.055, Improvements and additions to existing structures and buildings including:

1. All fixtures and other structures, including decks, directly attached to the structure;

2. For residential uses, structures on the property normally associated with residences, such as garages, swimming pools, fences, and storage sheds; but not inlcuding guest houses or self-contained residential units;

3. Landscaping on the lot.

4. Additions resulting in an increase of less than 10% of the internal floor area of an existing structure.

E. Tentative subdivision maps brought about in connection with the purchase of land by a public agency for recreational purposes which are consistent with Section 30106 of the Coastal Act of 1976.

F. All historic designations processed under Chapter 22.81.

G. Those projects which, pursuant to California Public Resources Code Section 30610 (d) and (f) and implementing regulations, as significantly designated as categorically excluded from the requirements of a coastal permit.

22.56.055 PROJECTS REQUIRING A COASTAL PROJECT PERMIT

The following types and classes of improvements and additions, in addition to those listed in Section 22.56.040, shall require a coastal project permit:

A. Improvements to any structure on a beach, wetland, stream or seaward of the mean high water line as established by the U.S. Coast and Geodetic Survey.

B. Any significant alteration of land forms including removal or placement of vegetation on a beach wetland or sand dune, or within 100 feet of the edge of a coastal bluff, or stream or in areas of natural vegetation designated by the Local Coastal Program as significant natural habitat;

C. The expansion or construction of water wells or septic system;

D. On property located within the "appeal jurisdiction" of the California Coastal Commission pursuant to Public Resources Code Sections 30519 (b) and 30603 (a)(1) and (a)(2), an improvement that would result in an increase of 10% or more of internal floor area of the existing structure, or constitute an additional improvement of 10% or less where an improvement to the structure has previously been undertaken pursuant to this section, and/or the construction of an additional story (including lofts) in an existing structure.

E. Any improvement to a structure where the development permit issued for the original structure by the County or Coastal Commission indicated that any future improvements would require a development permit.

F. Any improvement to a structure which increases or decreases the intensity of use of the structure, except as exempted in Section 22.56.050 D(4).

G. Any improvement made pursuant to a conversion of an existing structure from a multiple unit rental use or visitor-serving commercial use to a use involving a fee ownership or longterm leasehold including but not limited to a condominium conversion stock cooperative conversion or motel/hotel time-sharing conversion.

22.56.060 APPLICATION FOR COASTAL PERMIT

Where required by this Chapter, a coastal project permit shall be applied for prior to or concurrent with other necessary county project permit(s). Where possible, concurrent county processing shall take place. Such application shall be submitted to the Planning Director and shall be accompanied by such filing fee as established by resolution of the Board of Supervisors. The Planning Director shall provide application form (s) for project applications. Such forms shall provide for submission of a completed coastal project application. The Planning Director shall take the following actions.

A. Determine if the proposed project is subject to the requirement of a coastal project permit and if so, determine the category of permit for the project in accordance with Section 22.56.062.

B. File the application and provide notice of action on the application per Section 22.56.065.

C. For those projects requiring a public hearing, transmit an application summary and recommendation thereon to the appropriate body specified in Section 22.56.070.

22.56.062 DETERMINATION OF PERMIT CATEGORY

The Planning Director's determination of a project's permit status shall be made with reference to the certified Local Coastal Program, including maps, categorical exclusions, land use designations and implementation programs adopted as a part of the Local Coastal Program. Where the applicant or interested person disputes the Planning Director's determination, the following procedure for resolution shall be utilized.

A. Where the Planning Director determines that a coastal project is categorically excluded under the provisions of Section 22.56.050(G), such determination shall not become final until the appeal period established herein has expired. The Planning Director shall maintain a listing of those projects determined to be categorically excluded from the requirements of a coastal project permit. This listing shall be available for public inspection and shall include the applicant's name, project description and location and the date of the Planning Director's determination. If the Planning Director's determination is disputed, an appeal letter, setting forth the grounds of the appeal must be filed with the Planning Commission. Such an appeal must be filed within five (5) working days of the date of the Planning Director's original determination. The Planning Director shall notify the applicant and others who have requested such notice of the filing of such an appeal at least ten (10) working days prior to the appeal's consideration by the Planning Commission. The Planning Director's report to the Planning Commission shall include the opinion of the Coastal Commission's Executive Director on the determination under question. The Planning Commission shall consider the written and verbal testimony it finds necessary to make its determination. The Planning Commission's decision shall be final unless appealed per the provisions of Section 22.56.062(D).

B. Where the Planning Director determines that a permit does not require a public hearing or is otherwise "not apealable" per the definitions of Section 22.56.070, and such dtermination is disputed by an interested party, an appeal to the Planning Commission may be filed per the requirements and procedures set forth in Section 22.56.062(A). Upon the filing of such an appeal, the Planning Director shall prepare a report to the Planning Commission, including the determination of the Executive Director of the Coastal Commission on the disputed issue. Should the Planning Commission determine the project is subject to the requirements of a public hearing, it shall return the application to the Planning Director for processing under the requirements so determined.

C. If the Planning Director's determination that a coastal project is subject to the public hearing requirements of this Chapter is disputed by the applicant or any interested person, such dispute shall be decided by the initial hearing body prior to action on the coastal project. In the case of such dispute, an appeal letter, setting forth the grounds of the disagreement with the Planning Director's determination, must be filed with the Planning Department at least five (5) working days prior to the initial public hearing scheduled for the project. In the case of such dispute, the Planning Director shall prepare a report of the disputed issue. The report shall include the opinion of the Executive Director of the Coastal Commission on the dispute. Upon the determination of the hearing body

that a public hearing is required, the hearing and action on the project shall be set for the next available meeting. Should the project be determined not subject to public hearing, the application shall be returned to the Planning Director for processing under the requirements so determined. Where the initial hearing body is not the Planning Commission, the determination of the project's hearing status may be appealed to the Planning Commission. Such appeals shall be filed per the requirements of Section 22.56.062(A).

D. The Planning Commission's determination of Permit Category may be appealed to the Board of Supervisors within five (5) working days of the Planning Commission's decision. The Board of Supervisors may reject such an appeal where it determines the appeal raises no substantial issue or it may, following public notice, as established in Section 22.56.062(a) determine the dispute under question. The Board of Supervisor's determination of Permit Category may be appealed to the Coastal Commission. Such an appeal must be filed with that commission within ten (10) working days of the Board of Supervisor's decision.

E. Where, after final determination by the Planning Commission or the Board of Supervisors, the determination of the Executive Director of the Coastal Commission differs from the determination of the Planning Commission/Board of Supervisors, action on the proposed project shall be suspended pending a Coastal Commission decision of the permit category.

22.56.065 NOTICE REQUIRED

Notice of a pending action on a coastal permit shall be given as follows:

A. Coastal project applications requiring a public hearing under Section 22.56.070 shall be noticed by mailing notices 10 working days prior to the date of the hearing to all property owners and residents within 300 feet of the project boundary, to all interested groups and individuals which have requested such notice of coastal projects and to the California Coastal Commission.

B. Coastal project applications not requiring a public hearing under Section 22.56.070 shall be noticed by the mailing of notice at least 10 working days prior to decision of the project. Such notice shall be sent to property owners and residents within 300 feet of the project, to interested groups and individuals which have requested such notice and to the California Coastal Commission.

C. The required notice may be combined with other required project permit notice(s) but shall be mailed by first class and shall include the following information:

1. A statement that the project is within the coastal zone, and that the project decision will include a determination on a coastal project permit.

2. The date of the filing of the application, an identification number and name of the applicant.

3. A description of the proposed project and its location.

4. A determination of whether the project is appealable to the California Coastal Commission under Section 30603(a) of the California Public Resources Code.

5. The date, time and place of the hearing and/or decision on the application; and

6. A brief description of the procedures for public comment and decision on the application including the system of appeal if applicable.

D. If, in the opinion of the Planning Director, alternative and/or additional notice procedures are desirable or warranted, notice of a coastal project application shall be published in a newspaper of general circulation within the coastal zone at least seven (7) working days prior to the hearing or intended decision on the application. The Planning Director may also require additional means of notice which is reasonably determined necessary to provide adequate public notice of the proposed project decision.

E. If a decision on a development permit is continued to a date or time not specific, the item shall be renoticed in the same manner and within the same time limits as established within this section.

22.56.070 ACTION ON COASTAL PROJECT PERMIT

For the purposes of notice and processing procedures, coastal development permits are divided into two categories.

A. Public hearing coastal project applications are defined as those projects where either (1) the C zone or title of the county code requires a public hearing or other discretionary action by a county officer, board or commission including, but not limited to: Land Divisions, Subdivisions, Variances, Use Permits, Design Reviews, Master Plans, Development Plans, Sign Reviews, Tideland Permits, Excavation Permits, and Quarrying Permits or, (2) the project is defined as an appealable project per California Public Resources Code Section 30603(a).

Where the action required for the project by its C zone or other title of County Code is to be made by the Deputy Zoning Administrator, Environmental Protection Committee, Planning Commission, or Board of Supervisors, that officer, Board or Commission shall concurrently conduct a public hearing and approve or deny the application for a Coastal Project Permit.

Where the action required for the project by its C zone or other title of County Code is to be made by the Planning Director, or any other county officer, and a public hearing is required pursuant to this section, the Deputy Zoning Administrator shall hold a public hearing and approve or deny the coastal project application.

For projects requiring multiple approvals under the various titles of County Code, and where at least one approval is required by the Deputy Zoning Administrator or Planning Commission, the Deputy Zoning Administrator or Planning Commission may hold the public hearing and approve or deny the coastal project application.

For appealable projects or other public hearing coastal projects for which the county permit requirements do not identify a decision or hearing body, the coastal project application shall be heard and approved or denied by the Deputy Zoning Administrator.

OR

B. Non-Hearing Coastal Project Permits are identified as those projects for which the C zone or title does not require a public hearing or other discretionary action by a County officer, board or commission or is not appealable as defined by California Public Resources Code Section 30603(a). Where a coastal project permit application is determined a non-hearing application, the Planning Director shall approve or deny the application for the coastal project permit.

22.56.075 COUNTY APPEALS OF COASTAL PROJECT PERMIT ACTION

County action on a coastal project permit shall not be final until the appeal period(s) established in Chapter 22.89 (appeals) and this section expires, or if appealed, until all levels of appeal brought by an appellant in conformance with this section have been exhausted. Upon receipt of an appeal, the appellate body shall provide notice as required in Section 22.56.065. Appeals shall be filed with the appropriate County appellate body setting forth the grounds of appeal. The action on the coastal development permit, including any conditions may be appealed to County-Appellate bodies by any person as established in Chapter 22.89. Such appeals must be filed in the office of the appellate body not later than 5:00 P.M. of the fifth working day following the date of the action from which the appeal is taken.

22.56.080 APPEALS TO THE CALIFORNIA COASTAL COMMISSION

For those coastal project permits which are approved for developments defined as "appealable" under California Public Resources Code, Section 30603(a) an appeal may be filed with the California Coastal Commission by (1) an aggrieved party, (2) the applicant, or (3) two members of the Coastal Commission. Such appeals must be filed in the office of the California Coastal Commission not later than 5:00 P.M. of the tenth working day following the date of action from which the appeal is taken. In the case of an appeal by an applicant or aggrieved party, the appellant must have first pursued appeal to the County appellate body (or bodies) as established in Section 22.56.075 of this Chapter to be considered an aggrieved party.

Where two coastal commissioners bring an appeal against a project which was approved by a person or body other than the Board of Supervisors, the Board may, at its option, elect to consider the appeal prior to any action by the Coastal Commission. The Board of Supervisors shall notify the Coastal Commission of its decision to consider such an appeal within 12 working days of the County's receipt of notice of an appeal by two coastal commissioners. County action on an appealable project shall not be deemed final if the Board of Supervisors elects to consider such appeals. The notice requirements of Section 22.56.065 shall apply to those projects the Board of Supervisors may elect to hear.

22.56.090 PROJECTS REQUIRING A COASTAL DEVELOPMENT PERMIT FROM THE CALIFORNIA COASTAL COMMISSION

Notwithstanding other permit and appeal provisions of this chapter, development proposals which are located on lands identified as tidelands, submerged lands or public trust lands shall, pursuant to the requirements of California Public Resources Code Section 30519(b), require a coastal permit from the California Coastal Commission. Upon submittal to the County of an application for a coastal project permit, the Planning Director shall determine if the project may be located on land identified as tidelands, submerged lands and/or public trust lands. Such determination shall be based upon maps and other descriptive information identifying such lands which the California Coastal Commission and/or State Lands Commission may supply. Upon a determination that the proposed coastal project involves such lands, the Planning Director shall notify the applicant and the California Coastal Commission of the determination that a State coastal permit is required for the project. In conjunction with the County's review and decision on the project per the requirements of the C zoning District and other County codes, the County shall also include a recommendation on the project's conformance with the certified local coastal program including this chapter. The County's determination of project conformance with the objectives and requirements of the local coastal program shall be advisory only and not a final action under Section 22.56.110. Following County approval of the project, the application, supporting file documents and the County recommendation shall be forwarded to the California Coastal Commission for its action on the project permit request. Development shall not proceed until the California Coastal Commission grants a coastal permit for such a project.

22.56.095 FINDINGS

A Coastal Project Permit shall be approved only upon findings of fact establishing that the project conforms to the requirements and objectives of the Local Coastal Program. Said findings shall reference applicable policies of the Local Coastal Program where necessary or appropriate. Where the project is located between the nearest public road and the sea or the shoreline of Bolinas Lagoon, the findings shall include a determination of the project's conformity with the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Section 30200 of the Public Resources Code). For projects involving demolitions, the findings shall explicitly establish the project's conformance with the LCP policies and the requirements established by Section 22.56.130.

22.56.100 NOTICE OF FINAL ACTION

Within seven (7) calendar days of a final County decision on an application for a coastal project permit, the Planning Director shall provide notice of the action by first class mail to the California Coastal Commission and to any persons who specifically requested such notice and provided a self-addressed, stamped envelope or other designated fee covering mailing costs. Such notice shall include conditions of approval, written findings and the procedures for appeal of the County decision to the California Coastal Commission.

22.56.105 FAILURE TO ACT - NOTICE

A. Notification by Applicant: If the County has failed to act on an application within the time limits set forth in Article 5, ("Approval of Development Permits") of Title 7, Division I, Chapter 4.5 of the Government Code, commencing with 65950, thereby approving the development by operation of law, the person claiming a right to proceed pursuant to Government Code Section 65950 et seq shall notify, in writing, the County and the Coastal Commission of the claim that the development has been approved by operation of law. Such notice shall specify the application which is claimed to be approved.

B. Notification by Local Government: Upon determination that the time limits established pursuant to government Code Section 56950 et seq have expired, the Planning Director shall, within five (5) working days of such determination, notify those persons entitled to receive notice pursuant to Section 22.56.065 that it has taken final action by operation of law pursuant to Government Code Section 65956. The appeal period for projects approved by operation of law shall begin only upon receipt of the County's notice in the office of the California Coastal Commission.

22.56.110 EFFECTIVE DATE OF FINAL ACTION ON COASTAL PROJECT

A final decision of a local government on an application for an appealable development shall become effective after the ten (10) working day appeal period to the California Coastal Commission has expired or after the twenty-first (21st) calendar day following the final local action unless any of the following occur:

A. An appeal is filed in accordance with Section 22.56.080

B. The notice of final coastal project permit does not meet the requirements of Section 22.56.100

C. The notice of final action is not received in the California Coastal Commission office and/or distributed to interested parties in time to allow for the ten (10) working day appeal period within the 21 days after the County decision.

Where any of the above circumstances in (A) - (C) occur, the Coastal Commission shall, within five (5) working days of receiving notice of that circumstance, notify the local government and the applicant that the effective date of the local government action has been suspended.

22.56.115 AMENDMENTS TO COASTAL PROJECT PERMITS

A coastal project permit may be amended by the original approving officer or body in the same manner specified for initial approval. Amendment requests shall be subject to the appeal provisions established in Sections 22.56.075 and 22.56.080 as applicable.

22.56.120 EXPIRATION DATE AND EXTENSIONS

A coastal project permit shall expire one year from date of issuance unless otherwise explicitly modified by approval conditions of the project, or unless construction or use on the project is complete or is diligently being pursued. A coastal project may be extended prior to its expiration for up to 18 months from its original date of expiration. Notice of a permit extension request shall be provided as established in Section 22.56.065. For permits originally issued following a public hearing, pursuant to Section 22.56.070(A), the Deputy Zoning Administrator shall hear and decide the extension request. Extensions for Coastal Project Permits originally issued pursuant to Section 22.56.070(B) shall be issued by the Planning Director.

Coastal Project Permit extensions may be granted upon findings that the project continues to be in conformance with the requirements and objectives of the certified local coastal program. Permit extensions may be appealed as established in Section 22.56.080.

22.56.130 DEVELOPMENT REQUIREMENTS, STANDARDS AND CONDITIONS

A. Water Supply: Coastal project permits shall be granted only upon a determination that water service to the proposed project is of an adequate quantity and quality to serve the proposed use.

1) Except as provided in (a) or (b) below, new development (including division of land) within the boundaries of a community or mutual water system shall be required to utilize such water service. System water shortages shall not constitute grounds for the use of individual water wells. Approval of individual water wells within mutual/community water systems shall occur only upon specific findings that:

a) The water well will be used exclusively for agricultural and/or horticultural uses; or

b) The physical distribution system improvements are economically or physically infeasible to construct to the proposed project site.

2) Prior to the authorization of subdivision or construction of projects utilizing individual water wells, the applicant shall demonstrate a sustained water-well yield of at least 1 gallon per minute per residential unit. Additional requirements for fire protection, including increased yield rates, water storage facilities and fire hydrants shall be installed as recommended by the applicable fire protection agency.

3) New community and mutual water wells serving 5 or more parcels shall demonstrate by professional engineering studies, that such groundwater withdrawal will not adversely affect aquifer systems. Such engineering studies shall provide the basis of establishing safe sustained yields from these wells.

4) New development shall be required to incorporate low-flow water fixtures and other water saving devices.

B. *Septic System Standards:* *The following standards apply for projects which utilize septic systems for sewage disposal.*

1) All septic systems within the coastal zone shall conform with the Minimum Guidelines for the Control of Individual Wastewater Treatment and Disposal Systems adopted by the Regional Water Quality Control Board of April 17, 1979 or, Marin County Code whichever is more stringent. No waivers shall be permitted except where a public entity has formally assumed responsibility for inspecting, monitoring and enforcing the maintenance of the system in accordance with criteria adopted by the Regional Water Quality Control Board, or where such waivers have otherwise been reviewed and approved under standards established by the Regional Water Quality Control Board.

2) Alternate waste disposal systems shall be approved only where a public entity has formally assumed responsibility for inspecting, monitoring and enforcing the maintenance of the system in accordance with criteria adopted by the Regional Water Quality Control Board.

3) Where a coastal project permit is necessary for the enlargement or change in the type of intensity of use of an existing structure, the project's septic system must be determined consistent with the current Guidelines of the Regional Water Quality Control Board or such other program standards as adopted by the County of Marin.

C. Grading and Excavation: The following standards shall apply to coastal projects which involve the grading and excavation of 150 cubic yards or more of material.

1) Development shall be designed to fit a site's topography and existing soil, geological, and hydrological conditions so that grading, cut and fill operations, and other site preparation are kept to an absolute minimum and natural landforms are preserved. Development shall not be allowed on sites, or areas of a site, which are not suited to development because of known soil, geology, flood, erosion or other hazards that exist to such a degree that corrective work, consistent with these policies (including but not limited to the protection of natural landforms) is unable to eliminate hazards to the property endangered thereby.

2) For necessary grading operations, the smallest practicable area of land shall be exposed at any one time during development and the length of exposure shall be kept to the shortest practicable time. The clearing of land shall be discouraged during the winter rainy season and stabilizing slopes shall be in place before the beginning of the rainy season.

3) In addition to such standards as may be imposed under MCC Chapter 23.08.090, the following standards shall be required:

a) Sediment basins (including debris basins, desilting basins, ponding areas or silt traps), shall be installed at the beginning of grading operations and maintained throughout the development process to remove sediment from runoff waters. Temporary vegetation, seeding, mulching, or other suitable stabilization methods shall be used to protect soils which have been exposed during grading or development. Cut and fill slopes shall be permanently stabilized as soon as possible with native plants or other suitable landscaping techniques.

b) The extent of impervious surfaces shall be minimized to the greatest degree possible. Water runoff beyond natural levels shall be retained on-site whenever possible to facilitate maximum groundwater recharge. In order to prevent gullying on-site and down-stream erosion of existing stream channels, the velocity of runoff on and off the site shall be dissipated through the application of appropriate drainage controls so that the runoff rate does not exceed the storm water runoff from the area in its natural or undeveloped state. Grassed or natural waterways are preferred to concrete storm drains for runoff conveyance.

c) Pollutants such as chemicals, fuels, and other harmful materials shall be collected and disposed of in an approved manner.

d) Where topsoil is removed by grading operations, it shall be stockpiled for subsequent re-use, where appropriate.

e) All debris shall be removed from the site upon the completion of the project.

f) Permit applications for grading which involve cut slopes in excess of 8 feet or fill in excess of 5 feet shall include a report from a registered soils or civil engineer.

D. Archaeological Resources:

1) Prior to the approval of any proposed development within an area of known or probable archaeological significance, a limited field survey by a qualified professional at the applicant's expense shall be required to determine the extent of the archaeological resources on the site. Where the results of such survey indicate the potential to adversely impact probable archaeological resources, the report shall be transmitted to the appropriate clearinghouse for comment. The County Planning Department shall maintain a confidential map file of known or probable archaeological sites so as to assist in site identification.

2) Where development would adversely impact archaeological resources or paleontological resources which have been identified, reasonable mitigation measures shall be required as may be recommended by the field surveyor or by the State Historic Preservation Officer. Such mitigation shall include as necessary:

a) The resiting or redesign of development to avoide the site;

b) That, for a specified period of time prior to the commencement of development, the site be opened to qualified, approved professional/educational parties for the purpose of exploration/excavation;

c) The utilization of special construction techniques to maintain the resources intact and reasonably accessible;

d) Where specific or long-term protection is necessary, sites shall be protected by the imposition of recorded open space easements; and

e) For significant sites of unique archaeological resource value, where other mitigation techniques do not provide a necessary level of protection, the project shall not be approved until the determination is made that there are no reasonably available sources of funds to purchase the property.

E. Coastal Access:

1) All coastal project permits shall be evaluated to determine the project's relationship to the maintenance and provision of public access and use of coastal beaches, waters and tide lands.

a) Except as provided in b) below, for projects located between the sea and first public road (as established by the mapped appeal area), a coastal project permit shall include provisions to assure public access to coastal beaches and tidelands. Such access shall include, either singularly or in combination:

1) The offer of dedication of public pedestrian access easements from the public road to the ocean;

2) The offer of dedication of public access easements along the dry sand beach areas adjacent public tidelands; and

3) Bluff top trail easements where necessary to provide and maintain public views and access to coastal areas.

Such offers of easement shall be for a minimum period of 20 years and shall provide for the easement acceptance by an appropriate public agency and/or private organization. Liability issues pertaining to the access easement shall be resolved prior to acceptance of any offer of dedication.

b) Upon specific findings that public access would be inconsistent with the protection of 1) public safety, 2) fragile coastal resources or 3) agricultural production or, upon specific findings that public use of an accessway would seriously interfere with the privacy of existing homes, provision for coastal access need not be required. In determining whether access is inconsistent with the above, the findings shall specifically consider whether mitigation measures such as setbacks from sensitive habitats, trail or stairway development, or regulation of time, seasons, or types of use could be developed which would adequately mitigate any potential adverse impacts of public access. A finding that an access way can be located 10 feet or more from an existing single family residence or be separated by a landscape buffer or fencing if necessary should be considered to provide adequately for the privacy of existing homes.

c) Where evidence of prescriptive rights (historic public use) on a project site is determined to exist as a result of permit application review, public easements to protect the types, intensity and areas of historic use shall be established as a condition of project approval. Development may be allowed in an area which has been historically used by the public for vertical access to the beach only when equivalent access has been assured in the same vicinity which will accommodate the same types and intensity of use as have existed on the subject site.

d) Where development involves land which may be subject to the doctrine of public trust easements, a project description shall be forwarded to the office of the State Lands Commission for its determination of the status of the land in question. The State Lands Commission shall be requested to indicate if the project is located on tidelands or submerged lands and whether a State Lands Commission permit or lease is required for the proposed development. Such a determination shall be made prior to any authorization of construction for a coastal project. County action on proposed coastal projects identified as located upon tidelands, submerged lands or public trust lands, per the provision of Public Resources Code Section 30519(b), shall be advisory only. Such project applications including those advisory recommendations as the County deems appropriate, shall be forwarded to the California Coastal Commission for its action on the coastal project.

2) Specific Geographic Requirements - Coastal Access

a) Mt. Tamalpais State Park and Lands

The development of additional recreational and visitor services on those portions of the Mount Tamalpais State Park within the coastal zone, including hiking trails, equestrian trails, a "primitive" hostel at the Steep Ravine cabins and improved parking and support facilities at Red Rock are consistent with the LCP policies. Such facilities shall be similar in design, size and/or location as those proposed by the Mount Tamalpais State Park Plan. Consistent with the protection of significant resources, additional trail development to improve access to public tidelands is encouraged.

b). Maintenance of Existing Coastal Access: Development which may interfere with existing coastal access shall not be permitted or shall be conditioned to assure substantially the same level and location of public access is maintained. The following specific access areas shall be retained through coastal permit regulation program:

1) Stinson Beach: The County Park lands at Calle del Sierra (Upton Bea established pedestrian access ways at Walla Vista and the Calles; and the maintenance of on-street parking along the northerly side of Calle del Arroyo;

2) Bolinas: Historic public use of the two access trails across Bolinas Mesa to the RCA beach and of the beach area itself shall be protected in accordance with the access program approved by the North Central Coast Regional Commission in its action on Permit No. 31-78 (Commonweal). As provided by the conditions of the Commonweal permit approval, use of the access trails and beach areas shall be limited to the level and character of the historic use of the property (including but not limited to use for beach access, hiking, swimming, and horseback riding) in order to protect the natural resources of Duxbury Reef. The public access to Duxbury Reef shall continue under present management programs.

F. Housing: Existing residential buildings which provide housing opportunities for persons of low and moderate income (as defined by the most recent Federal Housing and Urban Development Guidelines) shall be removed or demolished only upon specific findings that:

1) The structure poses an immediate and established health or safety hazard;

2) Based upon established procedures, that the rehabilitation of the existing structure is not feasible. (Feasible shall be defined per Section 30108 of the Coastal Act); and

3) Such demolition coupled with subsequent reconstruction would provide replacement housing of comparable rental value either on site or within the immediate coastal zone area.

G. Stream and Wetland Resource Protection

The following standards shall apply to all development within or adjacent streams identified as blue-line streams on the most recent edition of the USGS 7 1/2 minute quadrangle map(s) for the project area.

1) Stream impoundments and diversions shall be limited to necessary water supply projects, flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development, or developments where the primary function is the improvement of fish and wildlife habitat. Before any such activities are permitted, minimum flows necessary to maintain fish habitat and existing water quality, and to protect downstream resources (e.g. riparian vegetation, groundwater recharge areas, receiving waters, estuarine habitats, spawning areas) and other downstream users shall be determined by the Department of Fish and Game and the Division of Water Rights of the State Water Resources Control Board. New impoundments or diversions which, individually or cumulatively, would decrease streamflows below the minimum shall not be permitted.

2) The alteration of stream channels and banks shall be allowed only for the developments identified in G-1 above in order to protect streamwater quality and the volume and rate of streamflow. All such developments shall incorporate the best mitigation measures feasible, including erosion and runoff control measures and revegetation of disturbed areas with native species.

3) For proposed projects located adjacent to streams, application submittals shall include the identification of existing riparian vegetation as a riparian protection area. No construction, alteration of land forms or vegetation removal shall be permitted within such riparian protection area. Additionally, such project applications shall identify a

stream buffer area which shall extend a minimum of 50 feet from the outer edge of riparian vegetation, but in no case less than 100 feet from the banks of the stream. Where feasible, development shall not be located within this stream buffer area. When a parcel is located entirely within a stream buffer area, design review shall be required to consider the mitigation programs necessary to protect water quality, riparian vegetation, and the rate and volume of stream flows, address the impacts of erosion and run-off, and to provide for the restoration of disturbed areas by replacement landscaping with plant species naturally found on the site.

4) Development applications on lands surrounding Bolinas Lagoon and other wetlands as identified on the appeals area map(s) shall include the designation of a wetland buffer area. The buffer area shall include those identified or apparent wetland related resources but in no case shall be less than a minimum of 100 feet in width from the subject wetland. To the maximum extent feasible, the buffer area shall be retained in a natural condition and development located outside the buffer area. Only those uses dependent upon the resources of the wetland shall be permitted within the wetland buffer area.

5) The diking, filling, dredging and other alterations of wetlands shall occur only for minor, public works projects and shall be in conformance with the Coastal Act Section 30233. No physical improvements along the County Parklands surrounding Bolinas Lagoon shall occur.

6). In order to protect the significant wetland and upland habitat value of that 11-acre property known as the Henry Wilkins property (AP #195-290-13 & 24 and any change in the present density and type of use shall be preceded by a detailed environmental investigation and assessment of the resources of the site. No development or change in use which adversely impacts these resource values shall be permitted.

H. Dune Protection - Stinson Beach

1) No development, including grading, erection of fences, signs or other primary or accessory structures shall be permitted seaward of that undeveloped right-of-way known as Mira Vista Street in Stinson Beach.

2) Except for those shoreline protective works otherwise permitted by this chapter, development, including signs, fences and grading activities shall not be permitted seaward of the established building set-back lines established by zoning districts for shoreline parcels.

3). Development of shorefront lots within the Stinson Beach and Seadrift area shall assure preservation of the existing sand dune formations in order to protect environmentally sensitive dune habitat, vegetation and to maintain the natural protection from wave runup which such natural dunes provide. Where no dunes are evident, new development shall, to the maximum extent feasible, be set back behind the first line of terrestrial vegetation. Development approvals for new projects located along such shorefront parcels shall be accompanied by findings, including mitigation conditions, establishing the project's design and location, minimizing the need for shoreline protective works, protecting sandy beach habitat, providing a buffer area between public and private use areas, protecting the scenic and recreational character of the beach and maintaining the public rights of access to and use of beach dry sand areas. Permits authorizing repair and maintenance to existing shoreline structures shall to the extent feasible, provide for the above standards and objectives.

4) Project proposals for the subdivision of beach front lots shall be permitted only upon explicit findings that the increased development density and/or location is consistent with the standards and objectives established in H-3 above.

I. Wildlife Habitat Protection

1) Proposals to remove significant vegetation on sites identified on the adopted natural resource map(s) and generally described in Section 2 of the LCP shall require a coastal permit. Significant alteration or removal of such vegetation shall not be permitted except where it poses a threat to life or property.

2) Siting of New Development. Coastal project permit applications shall be accompanied by detailed site plans indicating existing and proposed construction, major vegetation, water courses, natural features and other probable wildlife habitat areas. Development shall be sited to avoid such wildlife habitat areas and to provide buffers for such habitat areas. Construction activities shall be phased to reduce impacts during breeding and nesting periods. Development that significantly interferes with wildlife movement; particularly access to water, shall not be permitted.

J. Protection of Native Plant Communities

Where the officer or body reviewing a coastal project application determines that a project site contains a significant number or type of nonindigenous, invasive plant species which would threaten the preservation or re-establishment of native plant species, either on or off site, the project's approval shall be conditioned upon the removal of such non-indigenous plant material

K. Shoreline Protection

1. Bluff top set-backs

New structures shall be set back from the Bolinas and Muir Beach bluffs a sufficient distance to ensure with reasonable certainty that they are not threatened from cliff retreat within their economic life expectancies Adequate setback distances will be determined from information contained in required geologic reports and the setback formula established below. These setbacks will be of sufficient distance to eliminate the need for shoreline protective works. The following formula will be used to determine setbacks from the bluff for new structures:

Setback (meters) = structure life (years (normally at least 40 years) X retreat rate (meters/year). In areas where vigorous sliding is taking place, an additional 15 meters should be added as a safety factor.

The retreat rate shall be determined by a geotechnical investigation conducted by a professional engineer or registered geologist which explicity examines the sites geotechnical capability to adequately support the proposed development. The report shall include the historic and projected rate(s) of bluff retreat attributable to wave and/or surface runoff erosion. The geotechnical report shall be required in either of the following:

(1) The building or proposed development site is within 150 feet of the blufftop, or the site is located in stability zones 2, 3 or 4 or the slope stability map of the Bolinas area accompanying the report "Geology for Planning, Western Marin County".

(2) The building site is located within stability zones 2, 3, or 4 as indicated on the Slope Stability of the Bolinas Peninsula Study Area map which accompanies Wagner's 1977 report, "Geology for Planning, Western Marin County". This report and accompanying maps is incorporated by reference as part of this ordinance.

2. Standards and requirements for shoreline protective works.

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline process shall be permitted when required to serve coastal-dependent uses or to protect existing structures (constructed before adoption of the LCP), or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply.

A permit granted to construct erosion control structures shall require the re-establishment of the former dune contour and appearance. In the case of emergency permits, the property owner of record shall agree, in writing, prior to the issuance of the permit, that such restoration work will be accomplished within 60 days after the permit was issued.

In the absence of an overvall wave hazard/shoreline erosion study, any permit application for seawalls, riprap or other protective structures on beaches, shall be accompanied by engineering reports stating the nature and extent of wave erosion hazard along the beach area and an explanation of how the proposed protective works will mitigate the hazard, both on and off the project site. This requirement shall not apply to emergency permit applications applied for prior to January 1, 1983. Emergency permit applications after that date shall be subject to report requirement or shall specifically establish why the need for such protective devices was not foreseen and previously addressed through non-emergency permit applications.

Applications for placement of protective structures on beaches shall be accompanied by an engineers report unless an overall wave hazard-shoreline erosion report exists. Said engineers report shall include:

a. A statement of the nature and extent of wave erosion hazard
b. An analysis of how the proposed protective works will mitigate the hazard both on and off the site
c. An assessment of any adverse impacts to adjacent properties or resources that might reasonably be expected to result from construction of the protective structure.

12. Geologic Hazardous Areas

1) Prior to the issuance of a coastal development permit for projects located in areas depicted by the Unit I LCP geologic hazards maps, the owner (applicant) shall:

a) Execute and record a waiver of public liability holding the County, other governmental agencies and the public harmless because of loss experienced by geologic activities. The wiaver of liability shall be in a form approved by County Counsel and run with the property; and

b) Submit along with the permit application, a report from a registered civil or structural engineer briefly describing the extent of potential geologic hazards and those construction, siting and other recommended techniques to mitigate those possible geologic hazards.

The Planning Commission, following consultation with the Director of Public Works, may modify said requirement in 2 above for selected areas or types of projects where the Commission finds that:

1) The project area is of the same general geologic nature and sufficient data has been developed (such as by a "Master Engineering Report") to adequately judge the risk and resulting standards necessary for such areas; or

2) The type of project is a minor structure, not for human habitation, which presents little risk on or off site, by possible geologic hazards.

2. Flood Plain Development

Coastal project permit applications adjacent to streams which periodically flood shall include a site plan that identifies the 100 year flood plain (as described by the Army Corps of Engineers). Development of permanent structures and other significant improvements shall not be permitted within the limits of the 100 year flood plain.

M. Public Works Projects

1) Transportation

Highway 1 shall remain a scenic two-lane roadway. Roadway improvements to Highway 1 and other public roadways shall not, either individually or cumulatively, distract from rural, scenic characteristics of the existing roadway.

Improvements (beyond repair and maintenance) shall be limited to minor roadway improvements as identified below:

a - Slope stabilization, drainage control and minor safety improvements such as guard-rail placement, signings:

b - Expansion of roadway shoulder paving to accommodate bicycle/pedestrian traffic along the highway shoulder;

c - Creation of slow traffic and vista turn-outs as a safety and convenience improvement;

d Other minor selected roadway improvements necessary to adequately accommodate public transit consistent with the goals of this policy, providing, however, that no filling of streams or wetlands shall be permitted. Specifically, the development of new public transit service routes and associated off-loading and turn facilities is consistent with the LCP policy to utilize public transit to meet increased use of coastal recreational areas.

2. Water and Sewer Improvements

In the consideration of a coastal project permit for expansion of water and/or sewer treatment facilities for the Bolinas Public Utility District, the County shall determine that adequate water and/or sewer treatment capacity is guaranteed from the expanded facilities to serve VCR zoned property in the community.

3. Other Public Works Project Standards and Requirements:

Roads, floods control projects and utility service expansions shall be limited to the minimum necessary to serve development as identified by LCP land use policies. All such public works projects shall conform to the resource and visual policies of the LCP and the requirements of this chapter.

N. Land Division Standards

Land divisions of small agricultural holdings designated under ARP zoning shall conform to the following standards:

New land divisions shall demonstrate to the Planning Director that the design of the created parcels provides the maximum feasible concentration of clustering. Clustering shall be located both to provide for the retention of the maximum amount of land in agricultural use and to protect important upland feeding areas. Clustered development shall also be located in the area of least environmental sensitivity on the parcel. Open space easements or other restrictions shall be required to designate intended use and restrictions on the property being subdivided.

O. Visual Resources and Community Character

1) All new construction in Bolinas, Stinson Beach, and Muir Beach shall be restricted to a maximum height of twenty-five (25) feet; except that the Stinson Beach Highlands will have a maximum height of seventeen (17) feet, and the Seadrift Subdivision will have a maximum of fifteen (15) feet.

2) To the maximum extent feasible, new development shall be designed and sited so as not to impair or obstruct existing coastal views from Highway 1 or Panoramic Highway.

P. Recreation/Commercial/Visitor Facilities:

In order to maintain the established character of the village commercial areas in Stinson Beach and Bolinas, a mixture of residential and commercial uses shall be permitted within the VCR zone. The principal permitted use of the VCR zone in the two village centers shall include commercial and residential uses, provided, however, that new residential uses shall be permitted only if they are incidental to the commercial use. Exclusive residential uses shall also be permitted as a conditional use; however, in no case shall such use be permitted on more than 25% of the lots which are vacant at the time of adoption of this ordinance in each community. Replacement of any existing residential use destroyed by natural disaster shall be exempt from this provision and will be permitted.

Q. Historic Resource Preservation

In the issuance of any coastal permit, the Planning Director or appropriate hearing body shall make findings that the proposed project is consistent with the Historic Structure Preservation policies of the LCP Unit I. When considering any permit which pertains to any area or structure specifically cited in the adopted LCP Unit I, the following criteria shall apply:

(1) The proposed work shall not detrimentally alter, destroy or adversely affect any exterior architectural features, or

(2) In the case of construction of a new improvement, building or structure upon specifically designated historic sites, the exterior of such improvements will not adversely affect and will be compatible with the external appearance of existing designated improvements, buildings and structures on said site.

22.56.140: VIOLATIONS AND ENFORCEMENT

Any person, firm or corporation, whether as principle agent, employee or otherwise, violating any of the provisions of this chapter, shall be subject to the provisions of California Public Resources Code 30800 et.seq. and these regulations adopted pursuant to those provisions. The provisions of Public Resources Code 30800 et. seq. and implementing regulations shall apply over other provisions of the Marin County Codes in the implementation of this chapter within the coastal zone of Marin County so covered.

CHAPTER 22.57 — Ord 2637 - 5-19-81

Specific regulations for various coastal districts.

22.57.010 Application

22.57.020 C-ARP Districts. Coastal Agricultural, Residential, Planned Districts

22.57.040 C-R-A Districts. Coastal Residential, Agricultural Districts

22.57.050 C-R-1 Districts. Coastal One Family Residence District

22.57.060 C-R-2 Districts. Coastal Two Family Residence Districts

22.57.080 C-RSP Districts. Coastal Residential Single Family Planned Districts

22.57.090 C-RSPS Districts. Coastal Residential, Single Family Planned, Seadrift Subdivision Districts

22.57.110 C-H-1 Districts. Coastal Limited Roadside Business Districts

22.57.120 C-V-C-R Districts. Coastal Village Commercial Residential Districts

22.57.130 C-O-A Districts. Coastal Open Area Districts

22.57.200 Design Standards Table

22.57.201 Regulations for B Districts

22.57.010: Application of specific regulations.

The following specific regulations in addition to the general regulations cited in Chapter 22.56 shall apply to all coastal districts except as specifically exempted herein.

22.57.020: C-ARP Districts, Coastal Agricultural, Residential, Planned Districts

22.57.021: Purpose.

This zone provides flexibility in lot size and building locations and thereby promotes the concentration of residential and accessory uses to maintain the maximum amount of land available for agricultural use and to maintain the visual, natural resource and wildlife habitat values of the property and surrounding areas.

22.57.022: Principal Permitted Uses.

The following uses are permitted in all C-ARP Districts subject to an approved Master Plan:

(1) Dairying:
(2) Grazing or breeding of cattle or sheep:
(3) Raising or keeping of poultry, fowl (including game birds), rabbits or goats or similar animals:
(4) Fish hatcheries and rearing ponds; oyster farming; mariculture
(5) Crop, vine or tree farm, truck garden, greenhouse, horticulture:
(6) Farm and ranch buildings including dwelling, stables, barns, pens, corrals, or coops; structures for killing, dressing, packing or handling products raised on the premises, but not including an abattoir for cattle, sheep or hogs; dwellings shall be incidental to the agricultural use of the land for the residence of the owner or lessee of the land and the family of the owner or lessee, or for their employees engaged in the agricultural use of the land; agricultural use of the land means agriculture as the primary or principal use of the land as demonstrated by the applicant to the satisfaction of the planning director. The total number of dwellings shall not exceed the density permitted in the district.
(7) Single family dwellings:
(8) Grazing, breeding or training of horses; horse stables, including riding academies and boarding facilities incidental to these uses.
(9) The maintenance of land in its natural state for the purpose of preserving land for recreation, or for plant, animal or mineral preserves:
(10) Horseback riding or hiking trails.
(11) Public or private hunting of wildlife or fishing;
(12) Erection, construction, alteration or maintenance of gas, electric, water, communication or flood control facilities as approved by the appropriate governmental agencies.

22.57.023: Conditional Uses

The following uses are permitted in all Coastal Agricultural Districts, subject to the securing of a use permit in each case:

(1) Hog ranch:
*(2) Aircraft landing strip;
(3) Facilities for processing or retail sale of agricultural products:
(4) Commercial storage and sale of garden supply products:
(5) Animal hospitals and dog kennels:

*(6) Mining and quarrying; and production operations and facilities related thereto:
(7) Timber harvesting in accordance with the regulations of Title 23 of the Marin County Code:
(8) Rifle or pistol practice range, trap or skeet field, archery range or other similar use:
*(9) Rodeo arena and related facilities:
*(10) Institutional uses and the facilities necessary therefor, related to educational, scientific, recreational or religious purposes:

(11) Mobile homes not on permanent foundations, so long as they are used exclusively for employees of the owner who are actively and directly engaged in the agricultural use of the land:

*(12) Storage and sale of building materials:

*(13) Dump:

*(14) Junkyard:

*(15) Public and private hunting and fishing club facilities:

22.57.024: Design Standards.

The following requirements for project design, site preparation, and use shall be imposed through the Master Plan, Development Plan and/or Design Review process, as necessary, to implement the goals and policies of the LCP, the Marin Countywide Plan and any applicable community plan;

*These uses shall be subject to specific development standards to be adopted prior to issuance of use permit.

1. PROJECT DESIGN

(a) Clustering. Buildings shall be clustered or sited in the most accessible, least visually prominent, and most geologically stable portion or portions of the site. Clustering or siting buildings in the least visually prominent portion or portions of the site is especially important on open grassy hillsides. In these areas, the prominence of construction shall be minimized by placing buildings so that they will be screened by existing vegetation, rock outcroppings or depressions in topography. In areas with wooded hillsides, a greater scattering of buildings may be preferable to save trees and minimize visual impacts. In areas where usable agricultural land exists, residential development shall be clustered or sited so as to minimize disruption of existing or possible future agricultural uses.

(b) Ridgelines. There shall be no construction permitted on top of within three hundred feet horizontally, or within one hundred feet vertically of visually prominent ridgelines, whichever is more restrictive, if other suitable locations are available on the site. If structures must be placed within this restricted area because of site size or similar constraints, they shall be on locations that are least visible from nearby highways and developed areas.

(c) Geologic Hazards. Development shall not be permitted on identified seismic or geologic hazard areas, such as slides, natural springs, identified fault zones, or bay mud, without approval from the Department of Public Works, based on acceptable soils and geologic reports.

(d) Roads, Driveways and Utilities. The development of roads, driveways and utilities shall conform to the applicable standards contained in Title 24 of Marin County Code, including but not limited to Sections 24.04.020 through 24.04.320 (Roads and Driveways), and Sections 24.04.840 through 24.04.860 (Utilities). In areas with undeveloped agricultural land, efforts shall be made to keep road and driveway construction, grading and utility extensions to a minimum. This shall be accomplished through clustering and siting development so as to minimize roadway length and maximize the amount of undivided agricultural land.

(e) Fire Protection. In rural areas (areas without water systems), on-site water storage capacity may be required for each single family residence, subject to the requirements of the Marin County Fire Department, In planned or cluster developments provisions should be made, where feasible, for common water storage facilities and distribution systems. Maintenance of these water storage facilities and distribution systems should be performed according to a plan approved by the Marin County Fire Department.

(f) Landscaping. Landscaping shall minimally disturb natural areas. Fire protection, solar access, of indigenous species and minimal water use shall be considered in landscaping plans.

(g) Building Location/Design. In addition to the above requirements, buildings to be located on existing or proposed subdivision lots, shall be sited and designed according to the following principles:

1) Energy Conservation. Solar access shall be considered in the location, design, height and setbacks of all buildings. Generally, buildings should be oriented in a north/south fashion with the majority of glazing on the south wall or walls of the buildings.

2) Building Height. No part of a residential building shall exceed twenty-fi (25) feet in height above natural grade, and no accessory structure, including water tanks, shall exceed fifteen feet in height above natural grade. In residential structures, the lowest floor level shall not exceed ten feet above natural grade at any point. Where a ridge lot is too flat to allow placement of the house down from the ridge as required in 1(b), a height limit of one story or a maximum of eighteen feet, as measured from natural grade to the top of the roof, shall be imposed. These requirements may be waived by the Planning Director upon presentation of evidence that a deviation from these standards will not violate the intent of Section 22.47.101 and Environmental Quality Policies of the Countywide Plan. Farm and agricultural buildings located down from ridgetops may exceed these height limits upon Design Review approval.

3) Access. Driveways shall be developed in accordance with the applicable standards contained in Title 24 of Marin County Code, including but not limited to Sections 24.04.240 through 24.04.320. Consistent with the clustering policies in 1(a) above, efforts shall be made to keep driveway length to a minimum.

4) Materials and Colors. Fire protection, energy conservation and the use of traditional agricultural building materials and colors shall be considered in all construction.

(h) Facilities. Where possible, facilities and design features required by the Countywide Plan shall be provided through the Master Plan/Development Plan process. These include use of reclaimed waste water; use of materials, siting, and construction techniques to minimize consumption of resources such as energy and water; use of water-conserving appliances; appropriate recreation facilities; bus shelters; design features to accommodate the handicapped; bicycle paths and equestrian trails linked to city-county system; and facilities for composting and recycling.

(i) Agricultural and Open Spaces Uses. Agricultural uses shall be encouraged in ARP zones. As part of the development review process, usable agricultural land should be identified and efforts made to preserve and/or promote its use. Agricultural land, not presently in use, may be preserved as undeveloped private open space to be made available, on a lease basis, in the future, for compatible agricultural uses. The primary intent shall be to preserve open lands for agricultural use, not to provide open space/recreational land uses which will interfere or be in conflict with agricultural operations. Lands to be preserved for agriculture and/or open space use may require the creation of a homeowner's association or other organization for their maintenance. The nature and itensity of large scale agricultural uses should be described in the form of an Agricultural Management Plan.

Management plans should consider intensity of grazing, runoff protection, chemical and fertilizer use and, in order to preserve agricultural land practices, separation from existing or proposed residential uses. In some cases, the County may require reasonable public access across those lands remaining in private ownership. Such pedestrian and/or equestrian access shall be provided where consistent with adopted County and Coastal Plans and where liability issues have been resolved. Public access for pedestrian and/or equestrian purposes shall only be required as a condition of plan approval.

(j) Open Space Dedication and Maintenance. Non-agricultural land to be preserved as open space may be dedicated by fee title to the County of Marin. The County of Marin or other designated public jurisdiction will maintain all open space lands accepted in fee title.

2. Site Preparation: Where appropriate, site preparation plans shall be referred to the North Marin Water District and/or Marin Municipal Water District for review and comment.

(a) Grading. Grading shall be held to a minimum. Every reasonable effort shall be made to retain the natural features of the land, skylines and ridgetops, rolling land forms, knolls, native vegetation, trees, rock outcroppings, watercourses. Where grading is required, it shall be done in such a manner as to eliminate flat planes and sharp angles of intersection with natural terrain. Slopes shall be rounded and contoured to blend with existing topography. All grading shall conform to the applicable standards contained in Chapter 22.56 and Title 24 of the Marin County Code.

(b) Erosion Control. Grading plans shall include erosion control and revegetation programs. Where erosion potential exists, silt traps or other engineering solutions may be required. The timing of grading and construction shall be controlled by the Department of Public Works to avoid failure during construction.

(c) Drainage. The areas adjacent to creeks shall be kept as much as possible in their natural state. All construction shall assure drainage into the natural watershed in a manner that will avoid significant erosion or damage to adjacent properties. To reduce runoff, impervious surfaces shall be minimized. At major creek crossings, bridges should be utilized whenever possible, in place of culverts.

(c) Trees and Vegetation. In all instances, every effort shall be made to avoid removal, changes or construction which would cause the death of trees or rare plant communities and wildlife habitats.

22.57.025: Density.

The ordinance adopting any A-RP district shall specify the number of acres per dwelling unit, which will be allowed within the A-RP district.

22.57.026: Submission Requirements. Applicant shall submit:

(1) Requirements contained in Chapter 22.45 and 22.56 except that, all or a portion of the general submission requirements for master plan and development plan approval (Chapter 22.45) may be waived, by the Planning Director. If these requirements are waived, a proposal shall be submitted which meets the requirements of Chapter 22.62 (Design Review).

22.57.040: C-R-A Districts. Coastal Residential, Agricultural Districts

22.57.041: Purpose

The purpose of this district is to provide for residential use, combined with small scale agricultural activities, subject to specific development standards.

22.57.042: Principal Permitted Uses.

The following uses are permitted in all C-R-A Districts:

1. Single-family residence;
2. Small livestock farming; provided, that not to exceed one horse, or one cow, or one hog, or three sheep, or three goats, or other similar livestock may be kept for each twenty-thousand square feet of area of the lot, to a maximum of three horses, or three cows, or three hogs, or six sheep, or six goats or other similar livestock maintained on any one lot.
3. Crops, horticulture, nurseries and greenhouses; and
4. Accessory buildings.
5. Home occupations.

22.57.043: Conditional Uses.

The following uses are permitted in all C-R-A districts, subject to securing a use permit in each case.

1. Public and private stables and riding academies;
2. Sale of agricultural products produced on the premises;
3. Public parks and playgrounds;
4. Buildings for the sale of agricultural and nursery products;
5. Schools, libraries, museums, churches, retreats, non-commercial tennis courts, and day child-care centers for seven or more children.
6. Dog kennels
7. Livestock farming exceeding three cows, or three horses, or three hogs or six sh

22.57.044: Design Standards

Building site area and width; building setbacks, height and floor area ratio shall comply with the standards listed in Section 22.57.200, Design Standards Table.

22.57.045: Exceptions

Any parcel of land with an area of less than seven thousand five hundred square feet, and /or with an average width of less than sixty feet, which was under one ownership on September 2, 1938, which owner therof owned or has owned no adjoining land and provided that no succeeding owner has owned adjoining land, or which parcel is shown as a lot on any subdivision map or land division or parcel map or record of survey which was recorded after approval of the map in the manner provided by law, may be used as a building site for one-family dwelling by the owner of such parcel of land or by his successor in interest, provided that all other regulations for the district, as prescribed in this title, shall be complied with; provided, further, that in lieu of the foregoing building site area regulations in any C-R-A district, in which there are also applied the regulations of any B district under the provisions of this title, each one-family dwelling with its accessory buildings, hereafter erected, shall be located on a building site, in one ownership, having an area not less than specified for such B district. In no case, however, shall there be more than one dwelling on any one lot.

22.57.050: C-R-1 Districts - Coastal One Family Residence District

22.57.051: Purpose.

The purpose of this district is to allow development of single family detached units subject to specific development requirements.

22.57.052: Principal Permitted Uses.

The following uses are permitted in all C-R-1 districts:

1. One family dewelling;
2. Crops, tree and truck farming, nurseries, and greenhouses.
3. Home occupations;
4. Accessory buildings.

22.57.053: Conditional Uses.

The following uses are permitted in all C-R-1 districts, subject to securing a use permit in each case:

1. Public parks and public playgrounds;
2. Salesrooms or other buildings for the sale of nursery or agricultural products;
3. Schools, libraries, museums, churches, retreats, non-commercial tennis courts and day child-care centers for seven or more children.

22.57.054: Design Standards.

Building site area and width; building setbacks, height and floor area ratio shall comply with the standards listed in Section 27.57.200 Design Standards Table.

22.57.055: Exceptions.

Any parcel of land with an area of less than seven thousand five hundred square feet, and/or with an average width of less than sixty feet, which was under one ownership on September 2, 1938, which owner thereof owned or has owned no adjoining land and provided that no succeeding owner has owned adjoining land, or which parcel is shown as a lot on any subdivision map or land division or parcel map or record of survey which was recorded after approval of the map in the manner provided by law, may be used as a building site for one-family dwelling by the owner of such parcel of land or by his successor in interest, provided that all other regulations for the district, as prescribed in this title, shall be complied with; provided, further, that in lieu of the foregoing building site area regulations in any C-R-1 district, in which there are also applied the regulations of any B district under the provisions of this title, each one-family dwelling with its accessory buildings, hereafter erected, shall be located on a building site, in one ownership, having an area not less than specified for such B district. In no case, however, shall there be more than one dwelling on any one lot.

22.57.060: C-R-2 Districts. Coastal Two Family Residence Districts.

22.57.061: Purpose.

The purpose of this district is to allow development of two family dwellings subject to specific develoomen requirements.

22.57.062: Principal Permitted Uses.

The following uses are permitted in all C-R-2 districts:

1. One family dwelling;
2. Two family dwelling;
3. Crops, tree and truck farming, nurseries and greenhouses;
4. Home occupations;
5. Accessory buildings.

22.57.063: Conditional Uses.

The following uses are permitted in all C-R-2 districts, subject to securing a use permit in each case.

1. Public parks and public playgrounds;
2. Salesrooms or other buildings for the sale of nursery or agricultural products;
3. Schools, libraries, museums, churches, retreats, non-commercial tennis courts, and day child-care centers for seven or more children.

22.57.64: Design Standards. Building site area and width; building setbacks, height and floor area ratio shall comply with the standards listed in Section 22.57.200, Design Standards Table.

22.57.65: Exceptions.

A one family dwelling may be built on any parcel of land with an area of less than seven thousand five hundred square feet, and/or with an average width of less than sixty feet, which was under one ownership on September 2, 1938, which owner thereof owned or has owned no adjoining land and provided that no succeeding owner has owned adjoining land, or which parcel is shown as a lot on any subdivision map or land division or parcel map or record of survey which was recorded after approval of the map in the manner provided by law, may be used as a building site for one-family dwelling by the owner of such parcel of land or by his successor in interest provided that all other regulations for the district, as prescribed in this title, shall be complied with; provided, further, that in lieu of the foregoing building site area regulations in any C-R-2 district, in which there are also applied the regulations of any B district under the provisions of this title, each one-family dwelling with its accessory buildings, hereafter erected, shall be located on a building site, in one ownership, having an area not less than specified for such B district. In no case, however, shall a two family dwelling be built on any parcel of land with an area of less than 7,500 square feet, and/or with an average width of less than 60 feet.

22.57.080: C-RSP Districts. Coastal Residential Single Family Planned Districts

22.57.081. Purpose

The purpose of this district is to allow development of single-family detached units to be designed according to the policies set forth in the Local Coastal Plan and without the confines of specific yard requirements, in order to allow the greatest possible compatibility with the characteristics of the site.

22.57.082: Principal Permitted Uses.

The following uses are permitted in all C-RSP districts, subject to master plan approval.

1. One family dwelling;
2. Crops, tree and truck farming, nurseries, and greenhouses;
3. Home occupations;
4. Accessory buildings;
5. Nature reserves.

22.57.083: Conditional Uses.

The following uses are permitted in all C-RSP districts, subject to securing a use permit in each case.

1. Public parks and public playgrounds;
2. Salesrooms or other buildings for the sale of nursery and agricultural products;
3. Schools, libraries, museums, churches, retreats, noncommercial tennis courts, and day child-care centers for seven or more children.
4. Horses, donkeys, mules, and ponies shall be permitted subject to provisions of Section 22.68.040. The grazing of livestock shall not be permitted in areas where it is likely to cause damaging soil erosion or water pollution.

22.57.084: Density.

The ordinance adopting a CRSP District shall specify the maximum number of dwelling units per gross acre which will be allowed within the CRSP District.

22.57.085: Submission Requirements. Applicant shall submit:

(1) Requirements contained in Chapter 22.45 and 22.56 except that all or a portion of the general submission requirements for master plan and development plan approval (Chapter 22.45) may be waived, by the Planning Director. If these requirements are waived a proposal shall be submitted which meets the requirements of Chapter 22.82 (Design Review).

22.57.086: The following requirements for site preparation, design and use of the project shall be imposed through the Master Plan, Development Plan and/or Design Review process, as necessary, to implement the goals and policies of the LCP, the Marin Countywide Plan and any applicable community plan:

(1) Site Preparation.

(a) Grading. All grading shall be reviewed by the environmental protection committee or by staff members designated by the committee. Grading shall be held to a minimum. Every reasonable effort shall be made to retain the natural features of the land: skylines and ridgetops, rolling land forms, knolls, native vegetation, trees, rock outcroppings, watercourses. Where grading is required, it shall be done in such a manner as to eliminate flat planes and sharp angles of intersection with natural terrain. Slopes shall be rounded and contoured to blend with existing topography.

(b) Roads. No new roads shall be developed where the required grade is more than fifteen percent unless convincing evidence is presented that such roads can be built without environmental damage and used without public inconvenience.

(c) Erosion Control. Grading plans shall include erosion control and revegetation programs. Where erosion potential exists, silt traps or other engineering solutions may be required. The timing of grading and construction shall be controlled by the department of public works to avoid failure during construction. No grading shall be done during the rainy season, from November through March.

(d) Drainage. The areas adjacent to creeks shall be kept as much as possible in their natural state. All construction shall assure drainage into the natural watershed in a manner that will avoid significant erosion or damage to adjacent properties. Impervious surfaces shall be minimized.

(e) Trees and Vegetation. In all instances, every effort shall be made to avoid removal, changes or construction which would cause the death of the trees or rare plant communities and wildlife habitats.

(f) Fire Hazards. Development shall be permitted in areas of extreme wildfire hazard only where there are good access roads, adequate water supply, a reliable fire warning system, and fire protection service. Setbacks to allow for firebreaks shall be provided if necessary.

(g) Geologic Hazards. Construction shall not be permitted on identified seismic or geologic hazard areas such as on slides, on natural springs, on identified fault zones, or on bay mud without approval from the Department of public works, based on acceptable soils and geologic reports.

(h) Watershed Areas. All projects within water district watershed areas shall be referred to that district for review and comment.

(2) Project Design.

(a) Clustering. Generally, buildings should be clustered or sited in the most accessible, least visually prominent, and most geologically stable portion or portions of the site, consistent with the need for privacy to minimize visual and aural intrusion into each unit's indoor and outdoor living area from other living areas. Clustering is especially important on open grassy hillsides. A greater scattering of buildings may be preferable on wooded hillsides to save trees. The prominence of construction can be minimized by such devices as placing buildings so that they will be screened by wooded areas, rock outcroppings and depressions in the topography.

(b) Ridgelines. There shall be no construction permitted on top or within three hundred feet horizontally, or within one hundred feet vertically of visually prominent ridgelines, whichever is more restrictive, if other suitable locations are available on the site. If structures must be placed within this restricted area because of site size or similar constraints, they shall be on locations that are least visible from nearby highways and developed areas.

(c) Landscaping. Landscaping shall minimally disturb natural areas, including open areas, and additional landscaping in a natural or semi-natural area shall be compatible with the native plant setting. Fire protection and minimal water use shall be considered in landscaping plans. Planting shall not block views from adjacent properties or disturb wildlife trails.

(d) Utilities. In the ridge land areas designated by the countywide plan, roads shall be designed to rural standards. (Generally, not more than eighteen feet pavement width, depending on safety requirements. A minimum of sixteen feet may be permitted in certain very low use areas, as provided in the improvement standards established pursuant to Marin County Code, Section 24.04.) In ridge land areas, street lights shall be of low level intensity, and low in profile. In all areas, power and telephone lines shall be underground where feasible.

(e) Building Height. No part of a building shall exceed twenty-five (25) in height above natural grade, and no accessory building shall exceed fifteen feet in height above natural grade. The lowest floor level shall not exceed ten feet above natural grade at the lowest corner. Where a ridge lot is too flat to allow placement of the house down from the ridge, a height limit of one story or a maximum of eighteen feet to the top of the roof shall be imposed. These requirements may be waived by the planning director upon presentation of evidence that a deviation from these standards will not violate the intent of Sections 22.47.020 and 22.47.030.

(f) Materials and colors shall blend into the natural environment unobtrusively, to the greatest extent possible.

(g) Noise impacts on residents and persons in nearby areas shall be minimized through placement of buildings, recreation areas, roads, and landscaping.

(h) Facilities. Where possible, facilities and design features called for in the countywide plan shall be provided on the site. These include units with three or more bedrooms, available to households with children; child-care facilities; use of reclaimed waste water; use of materials; siting, and construction techniques to minimize consumption of resources such as energy and water; use of water-conserving appliances; recreation facilities geared to age groups anticipated in the project; bus shelters; design features to accommodate the handicapped; bicycle paths linked to city-county system; and facilities for composting and recycling.

(i) Open Space Dedication. Land to be preserved as open space may be dedicated by fee title to the County of Marin prior to issuance of any construction permit, or may remain in private ownership with appropriate scenic and/or open space easements in perpetuity, and the county may require reasonable public access across those lands remaining in private ownership.

(j) Open Space Maintenance. The County of Marin or other designated public jurisdiction will maintain all open space lands accepted in fee title, as well as public access and trail easements across private property. Where open space lands remain in private ownership with scenic easements, these lands shall be maintained in accordance with the adopted policies of the Marin County open space district and may require the creation of a homeowners' association or other organization for the maintenance of these private open space lands where appropriate.

(k) Open Space Uses. Uses in open space areas shall be in accordance with policies of the Marin County open space district. Generally, uses shall have no or minimal impact on the natural environment. Pedestrian and equestrian access shall be provided where possible and reasonable, and where liability issues have been resolved. The intent is to serve the people in adjacent communities without attracting large numbers of visitors from other areas.

22.57.090: C-RSPS Districts. Coastal Residential, Single Family Planned, Seadrift Subdivision Districts.

22.57.091: Application.

The following specific regulations shall apply in all C-RSPS districts in addition to the general regulations required under Sections 22.57.080 through 22.57.086 (CRSP Districts). Principal permitted uses in all C-RSPS Districts shall be as allowed in 22.57.092.

22.57.092: Principal Permited Uses.

The following uses are permitted in all C-RSPS Districts, subject to master plan approval;

1. One family dwellings;
2. Natural reserves;
3. Home occupations without external evidence of same;
4. Accessory buildings to the above uses.

22.57.093: Ocean Setbacks.

On those lots fronting the Pacific Ocean and south of Seadrift Road, no development shall be located seaward of the building setback line as shown on the map of Seadrift Subdivision Number One, RM, Bk 6, Pg 92 and Seadrift Subdivision Number Two, RM, Bk 9, Pg 62, and as described in the subdivision's Covenants, Conditions and Restrictions in effect as of the date of this ordinance.

22.57.094: Height Limit.

Development on all lots in the Seadrift Subdivision shall be limited to a maximum height of 15 feet as measured from average finished grade.

22.57.095: Lot Consolidation.

Contiguous lots under the same ownership as of June 1, 1979, shall be consolidated to achieve the minimum parcel size of this zone district. Development proposals shall be accompanied by a title report identifying adjoining ownerships as of that date. Lot consolidation shall be accomplished via recordation of a parcel map or other technique acceptable to the Planning Director. Development shall not proceed until such lot consolidation is accomplished. In computing the lot consolidation requirements for a single owner of three or more contiguous lots, an additional parcel will be permitted if, following the lot consolidation process, the remaining square footage of available land is more than 1/2 the required lot size of the zone district. Lots which are permitted under the above formula may be less than the lot size otherwise required by the zone district requirements, but the area of such permitted lots shall not vary more than 20 percent from each other.

22.57.096: Specific Master Plan Areas.

The following regulations shall apply only in Area 4 and Area 5 as depicted on Map #1. Area 4 is further defined as lots 101 through 203 of the Map of Seadrift Lagoon Subdivision No. 2, RM BK 11, Page 51. Area 5 consists of Assessor's Parcels #195-070-35,36, 195-080-29, 195-090-27, 195-320-62, 71 and 195-340-71 and 72 and 73.

1. Property owners which own more than one group of contiguous lots in Area 4 are encouraged to submit a master plan proposal for all lots under their ownership. Such master plans may be eligible for an additional development density, subject to the following requirements:

   a. That development covered by the master plan shall include all of an owner's property located within Area 4.

   b. That the master plan shall propose the relocation of the zonings allowed lot density from the westerly section (4A) of Area 4 to the easterly section (4B) of Area 4. (The westerly lot line of lot number 151 of the map of Seadrift Lagoon Subdivision No. 2, R.M. Bk 11, pg. 51 shall be the boundary between Section 4A and 4B.

   c. The increased density of development in Area 4B (that easterly) shall be computed upon the following:

Number of Building Sites Transferring from Area 4A	Additional Building Sites Sites included with transfer
Range 3-5 sites	2 additional lots
6-10 sites	4 additional lots

   d. That the master plan utilizing the increased development formula permitted by this section ~~must be submitted for County review within one year of the adoption of this ordinance.~~

   e. That parcel size configuration, and other development standards established via the master plan approval shall consider the visual impacts of the development, the impacts upon wildlife movement and habitat and the need to provide the adequate on-site disposal areas for sewerage. The building densities established by the LCP and this formula of lot consolidation may not, however be modified through the master plan review and approval process.

2. Proposals for all development within this area shall be controlled by an approved master plan covering all properties in Area 5 and providing for the following:

a. Additional development in Area 5 shall be limited to no more than 7 additional single-family, detached dwellings and shall be limited to that 6-acre portion of Area 5 located nearest Calle del Arroyo and generally identified as Assessor Parcel # 195-080-29.

b. All improvements shall be located a minimum of 100 feet from the waters of Bolinas Lagoon.

c. Development shall be limited to one story in height, not to exceed 15 feet from average finished grade.

d. Development shall be designed to provide for future vehicle and pedestrian access over the site as follows:

1. An open space and limited pedestrian access easement over the strip of Lagoon-front land (20 acres) shall be offered to the County of Marin or other approved agency/organization. This easement shall provide for open space, educational and scientific access and use of these lands as subsequently approved by the County of Marin or its designee, and

2. A recorded irrevocable offer of a roadway dedication over the general area of the old causeway. Said roadway offer shall have a common boundary with a public street. Said offer shall provide for financial participation in subsequent construction of the causeway, should it be built.

22.57.096: Public access requirements.

For those ocean front parcels within the Seadrift Subdivision, coastal development project approval shall be conditioned upon an offer of an access easement per the standards listed below:

1. An offer to the County of Marin or other public agency on behalf of the public or a non-exclusive easement for access to and use of the beach. This easement shall include the beach area between the ocean and a line 25 feet seaward of the toe of the Seadrift sand dunes, provided, however, that the easement shall not extend any closer than 100 feet to the rear of building setback line on each ocean front lot. In addition to the above easement, the grant shall also include provision for a floating 5-foot wide lateral access easement to be located landward of any wave run-up where such run-up extends further inland than the above easement. In no case, however, shall the 5-foot floating easement extend inland beyond the rear building setback line or the toe of the dunes, whichever point is the furtherest seaward.

2. Use of the easement area shall be limited to low-intensity recreational activities, such as strolling, sunbathing, birding, picnicking, fishing, and general viewing. Use of easements shall only occur where liability issues have been resolved. Structures, camping, group sports, fires, private recreational vehicles, and horses shall be prohibited in the easement areas. Use of the 5-foot lateral access easement as described above shall be limited to strolling and viewing purposes only.

22.57.110: C-H-1 Districts - Coastal Limited Roadside Business Districts

22.57.111: Purpose.

The purpose of this district is to allow the establishment of businesses oriented to serving the motoring public in both public and private transporation.

22.57.112: Principal Permitted Uses.

The following uses are permitted in all C-H-1 districts:

1. Non-profit museums;
2. Meeting halls; and
3. Restaurants and refreshment stands with seating for 30 patrons or less.
4. Transit waiting shelters.

22.57.113: Conditional Uses.

The following uses are permitted in all C-H-1 districts, subject to the securing of a use permit in each case:

1. One family, two family and multiple dwellings;
2. Service stations;
3. Public parks and public playgrounds;
4. Nurseries and greenhouses, including salesrooms or other buildings for the sale of any products;
5. Home occupations, provided that there shall be no external evidence of any home occupation except a sign as permitted by Chapter 22.69;
6. Schools, libraries, museums, churches, retreats, noncommercial tennis courts, and day child-care centers for seven or more children.
7. Lodges, fraternities and sorority houses;
8. Hospitals, rest homes, sanitariums, clinics;
9. Philanthropic and charitable institutions;
10. Hotels, motels;
11. Offices;
12. Restaurants with seating for more than 30 patrons;
13. Retail stores.

22.57.114: Design Standards

Building site area and widths and maximum building height shall comply with the standards listed in Section 22.57.200, Design Standards Table. Building setbacks and floor area ratio shall be set through the Design Review/Use Permit process.

22.57.115: Exceptions

Any parcel of land with an area of less than seven thousand five hundred square feet, and/or with an average width of less than sixty feet, which was under one ownership on September 2, 1938, which owner thereof owned or has owned no adjoining land and provided that no succeeding owner has owned adjoining land, or which parcel is shown as a lot on any subdivision map or land division or parcel map or record of survey which was recorded after approval of the map in the manner provided by law, may be used as a building site by the owner of such parcel of land or by his successor in interest, provided that all other regulations for the district, as prescribed in this title, shall be complied with; provided, further that in lieu of the foregoing building site area regulations in any C-H-1 district, in which there are also applied the regulations of any B district under the provisions of this title, each one-family dwelling with its accessory buildings, hereafter erected, shall be located on a building site, in one ownership, having an area not less than specified for such B district.

22.57.120: C-V-C-R Districts. Coastal Village Commercial Residential Districts.

22.57.121: Purpose

The purposes of the district created in this chapter are as follows:

1. Maintain the established character of village commercial areas;
2. Promote village commercial self-sufficiency;
3. Foster opportunities for village commercial growth, including those land uses that serve coastal visitors.
4. Maintain a balance between resident and non-resident commercial uses.
5. Protect, without undue controls, established residential, commercial, light industrial uses;
6. Maintain community scale.

22.57.122: Principal Permitted Uses.

The following uses are permitted in all C-VCR districts:

1. Stores, shops, businesses, for the following purposes: Barbershops, beauty shops, hardwares, laundries, dry cleaning, groceries, liquor, men's, women's and children's clothing and furnishings, shoe stores, professional offices, banks, off-street parking facilities, coffee shops, and restuarants that do not accommodate more than 40 patrons;
2. Transit waiting shelters;
3. Home occupations; and
4. Accessory uses and buildings including parking facilities.

22.57.123: Conditional Uses.

The following uses are permitted in all C-VCR districts, subject to the securing of a use permit in each case:

1. Single family dwellings;
* 2. Two family and multiple dwellings;
3. Crop and tree farming, truck gardening, nurseries and greenhouses;
4. Public parks and playgrounds;
5. Automobile service stations;
6. Bars and taverns;
7. Building material sales and storage, cabinet and furniture manufacture and repair, boat manufacturing, draying or truck terminals and storage facilities, warehousing;

8. Commerical off-street parking facilities;
9. Drive-in restaurants and take-out food establishments;
10. Hotels and motels;
11. Meeting halls, theaters, and similar places of public assembly;
*12. Public utility uses, including electric substations, major transmission lines, telephone exchanges, transit terminals;
13. Restaurants accommodating more than 40 patrons and/or which serve alcoholic beverages and/or provide live entertainment;
14. Sales, service, and repair of new and used vehicles, excluding junkyards and vehicle dismantlers;
15. Schools, libraries, churches, child and day care senters for seven or more children, musuems;
16. Stores and shops for the conduct of the following uses; gift and curio shops, art galleries, handcrafts, antique sales;
17. Veteniary hospitals and pet clinics.

*These uses shall be subject to specific development standards to be adopted prior to issuance of use permit.

22.57.124: Design Standards.

Building site area and width; building setbacks, height and floor area ratio shall comply with the standards listed in Section 22.57.200, Design Standards Table.

22.57.125: Performance standards.

All uses, whether permitted or authorized by use permit, shall conform to the following performance standards:

(1) All uses, except outdoor dining areas, agricultural uses, parks and playgrounds, new and used car sales, shall be conducted entirely within buildings or be enclosed by solid screen fences.

(2) No use shall produce or create any external evidence of interior operations such as dust, odor, noise, or vibration except for signs and advertising displays authorized by Section 22.69.030.

(3) All new uses and structures shall be subject to design review, as provided by Chapter 22.82.

22.57.126: Bulk and open space requirements.

Bulk and open space requirements shall be individually determined through design review procedures for any proposed new developments or improvements, alterations or additions to existing improvements; provided, however, that the minimum parcel area for any new residential parcel to be created within any VCR district shall not be less than seven thousand five hundred square feet, and the minimum density for any proposed new residential development within any VCR district shall not be less than one dwelling unit per each two thousand square feet of parcel area.

22.57.127: Off-street parking required.

All new structures shall provide off-street parking pursuant to the provisions of Chapter 22.74. Required off-street parking may be screened and/or landscaped. The amount of area devoted to landscaping may include the open space required by Section 22.31.070. If practical difficulties are encountered in providing off-street parking on the same site upon which the use is located, or where design factors would be improved by elimination of on-site parking, alternate off-site parking facilities may be allowed by a use permit. Joint use of common parking facilities, which serve uses which do not have overlapping hours of operation, may be authorized by a use permit if the minimum amount of such off-street parking is equal to the amount required for the largest use.

22.57.128: Signs and advertising. The provisions set forth in Chapter 22.69 shall govern all uses within VCR districts.

22.57.129: Non-conforming uses.

All uses which were lawfully established prior to the application of this district shall be conforming uses to the extent they existed at the time of application of these regulations; provided, however, that the expansion or enlargement of such pre-existing uses and/or the establishment and/or construction of any new structures and uses subsequent to the application of these regulations shall conform to this chapter.

22.57.130: C-O-A Districts, Coastal Open Area Districts.

22.57.131: Purpose.

It is the purpose of the C-OA District to provide for open space, outdoor recreation, and other undeveloped lands, including but not limited to areas particularly suited for park and recreational purposes, including access to beaches, natural drainage channels, and areas which serve as links between major recreation and open space reservations.

22.57.132: Principal Permitted Uses.

The following uses are permitted in all C-O-A districts:

1. Public parks, playgrounds and recreational areas;
2. Truck farming, gardening and animal grazing;
3. Forest preserves, wildlife reserves, equestrian and hiking areas; and
4. On 50 acres or more, the conducting of a dairy operation.

22.57.133: Conditional Uses.

The following uses are permitted in all C-O-A districts, subject to the securing of a use permit in each case:

*1. Golf courses and country clubs;
*2. The following uses, upon securing of a use permit in each case, which use permit application shall include a site plan showing all proposed buildings, uses and improvements and which use permit if granted shall prescribe conditions as are necessary to assure the prevention of hazards to life and property, to preserve and promote agriculture enterprise, to preserve scenic beauty, to preserve historic interest, to maintain such land in a permanent open state will be satisfied:

Public or private schools, public or civic buildings, private recreational uses, necessary residential accommodations for teachers or custodial staff, residences clearly accessory to the primary use of property for agricultural purposes, stables and riding academies, commercial or non-commercial marinas and appurtenant waterfront uses, public utility or public service uses, and such uses as are within the purposes and powers authorized the local agency by the enabling legislation establishing the agency; provided, however, that no use permit shall be required for gas, water, electrical and communications transmission and distribution facilities located below ground level.

22.57.134: Uses prohibited.

All uses of land unless set forth in section 22.57.132 and 22.57.133 are specifically prohibited, as are also the following uses: Commercial wood cutting or logging, removal of top soil or excavation or filling to any extent whatsoever except as such excavation or filling is approved by the County upon the finding that same is necessary in the pursuit of a permitted use within the district.

*These uses shall be subject to specific development standards to be adopted prior to issuance of use permit.

22.57.135: Building approval.

No building shall be constructed, moved or reconstructed unless and until the location, architectural appearance and character, height and bulk of same has been approved by the county as provided in Chapter 22.82.

22.57.200 Design Standards Table. The following design standards shall apply in the respective coastal districts.

ZONE DISTRICT	BUILDING SITE REQUIREMENTS LOT AREA	AVERAGE WIDTH	SETBACKS FRONT	SIDE	REAR	HEIGHT	FLOOR AREA RATIO
C-R-A	7,500 sq ft	60'	25'	6'	20% lot depth[1]	25' *	30%
C-H-1	7,500 sq ft	60'	--	--	--	25' *	--
C-R-1	7,500 sq ft	60'	25'	6'	20% lot depth[1]	25' *	30%
C-R-2	7,500 sq ft	60'	25'	6'	20% lot depth[1]	25' *	30%
C-VCR	7,500 sq ft	60'	0'	5'[2]	15'[2]	25' *	--

[1] Maximum rear yard setback of 25 feet.

* Height limit in Stinson Beach Highlands shall be 17'.

[2] Commerial uses in C-VCR zones have no side and rear setbacks required.

22.57.201 Regulations for B Districts. In any C district which is combined with any B district, the following design standard regulations, as specified for the respective B district, shall apply.

ZONE DISTRICT	BUILDING SITE REQUIREMENTS LOT AREA	AVERAGE WIDTH	SETBACKS FRONT	SIDE
B-1	6,000 sq. ft	50'	25'	5'
B-2	10,000 sq. ft.	75'	25'	10'
B-3	20,000 sq. ft.	100'	30'	15'
B-4	1 acre	150'	30'	20'
B-5	2 acres	150'	30'	20'
B-6	3 acres	175'	30'	20'

Chapter 22.58

A-P DISTRICT—ADMINISTRATIVE AND PROFESSIONAL DISTRICTS

Sections:

22.58.010 Application of regulations.
22.58.020 Uses permitted.
22.58.030 Building height limit.
22.58.040 Building site area required.
22.58.050 Percentage of lot coverage.
22.58.060 Front yard required.
22.58.070 Side yard required.
22.58.080 Rear yard required.

22.58.010 **Application of regulations.** The following regulations shall apply in all A-P districts, and shall be subject to the provisions of Chapters 22.66 through 22.74 and Chapter 22.82. (Ord. 865 (part), 1956: Ord. 264 § 11.27 (part), 1938).

22.58.020 **Uses permitted.** The following uses are permitted in all A-P districts:

Accounting services;

Advertising agencies;

Art galleries, museums (nonprofit);

Association, business, corporation, executive, professional and institutional offices;

Design studios (display, but no sale of merchandise permitted on premises);

Educational uses;

Engineering services and supplies;

Laboratories, medical and dental;

Laboratories, research;

Legal services;

Medical supplies (pharmaceutical products and other products in connection with prescribed treatment);

Photographic studios (no sale of equipment or supplies);

Radio broadcasting offices and studios;

Stenographic services;

Television offices and studios.

Uses which are allied to the above enumerated uses may be permitted upon the securing of a use permit therefor.

The sale or manufacture of merchandise or commodities on the premises shall not be permitted in connection with the above uses unless such sale or manufacture is specifically listed as a permitted use. (Ord. 865 (part), 1956: Ord. 264 § 11.27(a), 1938).

22.58.030 **Building height limit.** The building height limit in all A-P districts shall be three stories, but not to exceed thirty-six feet. (Ord. 865 (part), 1956: Ord. 264 § 11.27(b), 1938).

22.58.040 **Building site area required.** The building site area required shall be the same as specified for R-1 districts. (Ord. 865 (part), 1956: Ord. 264 § 11.27(c), 1938).

22.58.050 **Percentage of lot coverage.** The buildings, including accessory buildings, on any lot shall not cover more than forty percent of the area of the lot. (Ord. 865 (part), 1956: Ord. 264 § 11.27(d), 1938).

22.58.060 **Front yard required.** Each lot shall have a front yard not less than twenty-five feet in depth. (Ord. 865 (part), 1956: Ord. 264 § 11.27(e), 1938).

22.58.070 **Side yard required.** Each lot shall have side yards having a width of not less than six feet provided for each story in height. Above one story, an additional four feet of setback shall be provided. In no event, however, shall side yards on corner lots be less than ten feet. (Ord. 865 (part), 1956: Ord. 264 § 11.27(f), 1938).

22.58.080 **Rear yard required.** Each lot shall have a rear yard of a depth of not less than twenty feet. (Ord. 865 (part), 1956: Ord. 264 § 11.27(g), 1938).

Chapter 22.59
P-F: Public Facilities District

Sections: 22.59.010 Applicability of Regulation
22.59.020 Purpose
22.59.030 Permitted Uses
22.59.040 Conditional Uses
22.59.050 Other Uses

22.59.010 Application of Regulation. The following regulations shall apply in all P-F districts, and shall be subject to the provisions of Chapters 22.66, 22.69 and 22.74.

22.59.020 Purpose. Publicly owned land, including schools, fire houses and other government owned facilities, provide valuable public services in protecting and increasing the public health and welfare, and, in some cases, also function as open space or recreationally-used land. The purpose of this chapter is to protect these necessary social services and to describe a process whereby the most appropriate use of such lands can be determined if and when these lands are not needed for their present use.

22.59.030 Permitted Uses. The following public facilities are permitted in all P-F districts.

1. Schools and colleges

2. Fire Houses

3. Sewage and water treatment plants

4. Community meeting halls and recreation centers

5. Parks and playgrounds

6. Hospitals

7. General purpose government buildings

8. Other uses that in the opinion of the Zoning Administrator are consistent with the intent of this chapter.

22.59.040 Conditional Uses. The following private or non-profit uses shall be permitted in all P-F districts, subject to the securing of a use permit pursuant to Chapter 22.88.

1. Schools occupying, in whole or in part, publicly-owned school facilities.

2. Day care centers

3. Community centers and meeting halls

4. *Commercial recreational uses, provided such use does not substantially alter existing structures or intensity of use.*

5. *Professional, administrative and other similar office uses, provided such use does not substantially alter existing structures or intensity of use.*

6. *Other uses that in the opinion of the Zoning Administrator are consistent with the intent of this chapter.*

22.59.050 Other Uses. Any use, other than those specified in this chapter, shall require rezoning pursuant to Chapter 22.90. Criteria that will be used in determining an appropriate zoning designation shall include, but not be strictly limited to, the following:

1. *Countywide Plan and Community Plan policies*

2. *Land uses and zoning designations of adjacent properties*

3. *Access; proximity to public transit*

4. *Topography and other site-specific features*

5. *Availability of public utilities and services.*

Chapter 22.60

O-A DISTRICTS–OPEN AREA DISTRICTS

Sections:

22.60.010 Application of regulations.
22.60.020 Uses permitted.
22.60.030 Uses prohibited.
22.60.040 Building approval.

22.60.010 Application of regulations. The provisions of Chapter 22.66 through 22.74 of this title shall not apply to O-A districts.

O-A districts may include lands owned by federal, state, local agencies and privately-owned lands with the consent of the owner. (Ord. 2051 § 1, 1973: Ord. 1227 (part), 1962: Ord. 264 § 11.30(a), 1938).

22.60.020 Uses permitted. The provisions of Chapter 22.88 of this title notwithstanding, no use of land shall be established in any O-A district, except as hereinafter set forth:

(1) Public uses as follows: Parks, playgrounds and recreation areas;

(2) Crop farming, truck gardening and grazing;

(3) Golf courses, country clubs, forest preserves, wildlife reserves, equestrian and hiking areas;

(4) In an O-A district a dairy may be conducted on any parcel of land of not less than fifty acres in area;

(5) The following uses, upon the securing of a use permit in each case, which use permit application shall include a site plan showing all proposed buildings, uses and improvements and which use permit if granted shall prescribe conditions as are necessary to assure the prevention of hazards to life and property, to preserve and promote agriculture enterprise, to preserve scenic beauty, to preserve historic interest, to maintain such land in a permanent open state will be satisfied:

Public or private schools, public or civic buildings, private recreational uses, necessary residential accommodations for teachers or custodial staff, residences clearly accessory to the primary use of property for agricultural purposes, stables and riding academies, commercial or noncommercial marinas and appurtenant waterfront uses, public utility or public service uses, and such uses as are within the purposes and powers authorized the local agency by the enabling legislation establishing the agency; provided, however, that no use permit shall be required for gas, water, electrical and communications transmission and distribution facilities located below ground level. (Ord. 1457 § 1, 1965: Ord. 1227 (part), 1962: Ord. 264 § 11.30(b), 1938).

22.60.030 Uses prohibited. All uses of land unless set forth in Section 22.60.020 are specifically prohibited, as are also the following uses: Commercial wood cutting or logging, removal of top soil or excavation or

filling to any extent whatsoever except as such excavation or filling is approved by the county upon the finding that same is necessary in the pursuit of a permitted use within the district. (Ord. 1227 (part), 1962: Ord. 264 § 11.30(c), 1938).

22.60.040 **Building approval.** No building shall be constructed, moved or reconstructed unless and until the location, architectural appearance and character, height and bulk of same has been approved by the county as provided in Chapter 22.82. (Ord. 1227 (part), 1962: Ord. 264 § 11.30(d), 1938).

Chapter 22.61

D DISTRICTS–DENSITY REGULATIONS

Sections:

22.61.010 Application of regulations.
22.61.020 Average building site area.
22.61.030 Minimum building site area.
22.61.040 Subdivision maps.
22.61.050 Cluster subdivision.

22.61.010 **Application of regulations.** It is found that in some areas of the county it is desirable to control residential density for purposes that do not necessarily relate to size of building site. The zone for those areas may, when appropriate, be combined with a D district in order to allow alternative methods of development when used in conjunction with a subdivision.

D regulations may, when considered appropriate, be combined with any district having a minimum lot size required of at least ten thousand square feet. In such case the resulting D district shall be governed by the regulations of the district with which the D regulations are combined and by the regulations of this section; provided, however, that if any of the regulations specified in this section differ from or conflict with any of the corresponding regulations specified for the district with which the D regulations are combined, then the regulations for this section shall apply.

The provisions of this chapter shall apply only to those building sites created and shown on a subdivision map recorded in the manner prescribed by law, covering land in a D district, which map at the time of tentative and final approval thereof was in compliance with the regulations of this section. (Ord. 1441 § 2 (part), 1965).

22.61.020 **Average building site area.** The building site area in a D district may vary provided the minimum building site area is maintained and provided that the average building site area shall be not less than that required as a minimum building site area in the district with which the D regulations are combined.

The average building site area shall be computed by dividing the total area shown on a proposed final subdivision map, excluding street areas but including any common, open, recreation or park areas designated on such map, by the total number of building sites shown thereon. (Ord. 1441 § 3 (part), 1965).

22.61.030 **Minimum building site area.** In any D district the minimum building site area shall be six thousand five hundred square feet; the

minimum building site average width, fifty-five feet; the minimum front yard depth twenty feet; and minimum side yard widths, six feet. (Ord. 1441 § 3 (part); June 1, 1965).

22.61.040 Subdivision maps. Once a subdivision map has been recorded utilizing the provisions of this section then thereafter the minimum building site area for each building site shown thereon shall be the same as that designated within the lot line of each site respectively on such recorded map. (Ord. 1441 § 3 (part); June 1, 1965).

22.61.050 Cluster subdivision. If the provisions of this section are utilized by creating a "cluster" subdivision, wherein certain areas within the subdivision are designated on the map as being a common, recreation, park, open or other area acceptable to the planning commission, then such area shall be identified or encumbered in a manner suitable to the planning commission to assure that such area will in some manner be beneficial to the owners of building site shown on such map and the area will not be available for development in any manner inconsistent with the intent of this section. (Ord. 1441 § 3 (part); June 1, 1965).

Chapter 22.62

FUTURE WIDTH LINES

Sections:

22.62.010 Establishment generally.
22.62.020 Specified future width lines.

22.62.010 Establishment generally.[3] Future width lines are hereby established as shown on any map establishing district boundaries and adopted as a part of this title. (Ord. 264 § 12 (part); July 18, 1938).

22.62.020 Specified future width lines. In addition to any such future width lines thus established, the following specified future width lines are hereby established, such future width lines, unless otherwise specified, being measured from the centerline of the specified road or highway on each side thereof:

(1) Redwood Highway: Ninety feet;

(2) Fifty feet from the centerline of Wilson Avenue, on the east side thereof between the north and south lines of lot two hundred seven, Novato Ranch Subdivision C; and thirty feet northerly from the south line of lot two hundred seven, Novato Ranch Subdivision C, Marin County, California;

3. For future width lines established along Merrydale Road, see map filed in board of supervisors' office.

(3) Commencing at a point which bears North 65° 09′ East 47.85 feet from the intersection of the southerly line of Paradise Drive (San Celemente County Road) and the easterly line of State Highway IV-Mrn-1-C (U. S. 101) running thence South 68° 52′ East 468.27 feet: Twenty feet southerly from said line;

(4) Seventy feet southeasterly from the centerline of State Highway IV-Mrn-56-A where the following described property is adjacent thereto: Being that certain property as described as Parcels I and II in the conveyance of Neil Martin and Betty Jean Martin to William Blackfield by deed dated March 20, 1952, and filed for record in the office of the County Recorder, county of Marin, state of California, on March 21, 1952, in Volume 735, page 20, of Official Records of the county of Marin;

(5) A future width line of, parallel to, and twenty-three feet easterly of the easterly right-of-way line of Reed Boulevard insofar as the same affects the herein described property;

(6) Along Merrydale Road on the northerly side from Willow Avenue to the Highway 101 off-ramp along Assessor's Parcel 179-104-03; on the southerly side from the westerly side of Assessor's Parcel 179-103-11 to 100 feet easterly of Assessor's Parcel 179-142-18 as shown on the map filed in the board of supervisors' office and approved by the planning commission on October 13, 1969. (Ord. 1474 § 1; November 23, 1965: prior Ord. 264 § 12 (part): subsec. (2) added by Ord. 561; June 4, 1951: subsec. (3) added by Ord. 566 and amended by Ord. 594; February 4, 1952: subsec. (4) added by Ord. 581; November 5, 1951: subsec. (5) added by Ord. 627 and amended by Ord. 673; December 3, 1953: subsec. (6) added by Ord. 629; December 22, 1952: subsec. (7) added by Ord. 660; July 28, 1953: subsec. (8) added by Ord. 982; June 10, 1958: subsec. (10) added by Ord. 1733 § 2; November 18, 1969).

Chapter 22.64
BUILDING LINES

Sections:

22.64.010 Building lines established generally.
22.64.020 Specified building lines established.

22.64.010 Building lines established generally. Building lines are hereby established as shown on any map establishing district boundaries and adopted as a part of this title. (Ord. 264 § 13 (part); July 18, 1938).

22.64.020 Specified building lines established. In addition to any such building lines thus established, the following specified building lines are hereby established, such building lines, unless otherwise specified, being measured from the property line on each side of the right-of-way of the

specified street or highway and being external thereto; provided, however, that if any future right-of-way line or any future width line is established for any such street or highway by the provisions of any applicable ordinance, then such measurement shall be taken from such future right-of-way line or such future width line:

1. Sir Francis Drake Boulevard from the Redwood Highway to the easterly boundary of the Kentfield Manor tract: Ninety feet from the centerline thereof on each side thereof.

2. Old Alto to Tiburon County Road, from the southeasterly line of Knoll Road, southeasterly two hundred feet; thirty-seven and five-tenths feet from the centerline thereof on the northeasterly side thereof.

3. Knoll Road, from the northeasterly line of the old Alto to Tiburon County Road, northeasterly ninety-seven and five-tenths feet; thirty-two and five-tenths feet from the centerline thereof on the southeasterly side thereof.

4. Seventy-five feet from the southwesterly right-of-way of State Highway IV-Mrn-1-A from highway station 449 + 00 to highway station 468 + 00 and seventy-five feet from the northeasterly right-of-way line of State Highway IV-Mrn-1-A from highway station 451 + 99.70 to highway station 467 + 00.

5. Forty feet from the northeasterly right-of-way line of State Highway IV-Mrn-1-A from engineer's station 364 § 89.70 to 377 § 99.70.

6. Note: (Cancelled by right-of-way acquisition).

7. Note: (Cancelled by annexation to Corte Madera).

8. Twenty-five feet southeasterly of and parallel to the southeasterly line of the county road at Santa Venetia as said southeasterly line of said county road lies between its intersection with the northeasterly line of that said parcel of land described in deed from Karl Brooks, et ux, to I. D. Johnson, et al, recorded July 11, 1941, in liber 415 of official records, at page 355; to its intersection with the southwesterly line of that certain parcel of land described in deed from Adrain Mabry McMahan, et ux, to Guy Hardesty, et ux, recorded February 24, 1944, in liber 461 of official records, at page 62.

9. Thirty feet southeasterly of and parallel to the southeasterly line of the Old County Road, leading from Manzanita to Bolinas (now state highway route #1) as said highway lies between a point 157.079 feet from its intersection with the Old County Road leading from Sausalito to Mill Valley (now state highway route #1) and a point 263.488 feet from the same intersection.

10. That a setback of one hundred sixty feet from centerline of state highway IV-Mrn-1-C, on the following described property: Commencing at the state highway monument of U.S. Highway 101, at station 340 + 00 on De Silva Island as per state board of tideland commissioners map no. 1; thence south 58° 15′ east five hundred feet to a point in tide lot no. 311; thence 31° 45′ west two hundred ninety feet to the northeasterly boundary of the Sausalito Canal; thence north 58° 15′ west four hundred fifty feet to the easterly boundary of U.S. Highway 101; thence following that boundary northeasterly two hundred ninety-three feet to the point of commencement.

11. Note: (Cancelled by right-of-way acquisition).

12. Note: (Amended by district zoning map of Waldo-Manzanita-Alto, adopted December 22, 1948).

13. One hundred and fifteen feet easterly from and parallel to the centerline of state highway IV-Mrn-1C at Alto, and running between the northerly and southerly boundary lines of lands of Daniel Alvernaz as described in liber 291 of Marin county official records at page 472.

14. Twenty feet northerly from and parallel to the northerly right-of-way line of Central Drive as said Central Drive is shown on that certain recorded map entitled "Map of Bay View Terrace Subdivision II", and running between the northerly and southerly boundary lines of lands of Daniel Alvernaz as described in liber 291 of Marin county official records at page 472.

15. Note: (Cancelled by right-of-way acquisition.)

16. Butterfly Lane, Bachman Tract, Kentfield: twenty-five feet from the westerly right-of-way line.

17. Note: (Cancelled by right-of-way acquisition).

18. On the centerline of California state highway IV-Mrn-1-C (U.S. 101) beginning at a point which bears S. 24° 51′ east 33.23 feet from engineers station B. C. 216 + 86.35 on the centerline of said highway and running thence southerly on a curve to the right whose center bears south 65° 09′ west and whose radius is two thousand seven hundred and fifty feet distant five hundred feet: One hundred fifteen feet easterly from said line.

19. A line lying ninety feet westerly from and parallel to the easterly right-of-way line of Novato Boulevard (known as Nave Drive), said easterly right-of-way line being the westerly boundary of Nave Gardens Subdivision as recorded in volume 7, page 29 of official maps of Marin county, said line commencing at the southerly right-of-way line of Center Road as shown on "Map of Subdivision A of the Novato Ranch, Marin county, California," and recorded in volume 3 at page 36 of official maps of Marin county; and running in a southerly direction four hundred seventy feet more or less to the northerly line of the parcel conveyed by J. R. Pacheco to Edwin Nichols by deed recorded in liber "G" of deeds at page 520, Marin county records.

20. Commencing at a point on the westerly right-of-way line of California state highway IV-Mrn-I-A, said point lying south 78° 19′ west from highway station A_4 525 + 32.74 running thence northerly along said westerly line five hundred sixty-six feet more or less to a point lying south 89° 15′ west from highway station A_4 519 + 92.88: Fifteen feet westerly from said line.

21. On Eighth Street, Novato, as shown on Map of Marin Court as recorded in book 7 of maps at page 74, from Grant Avenue northerly one hundred twenty-five feet: Twenty-five feet on each side thereof.

22. Thirty feet southwesterly of and parallel to the southwesterly line of the Old County Road, leading from Sausalito to Mill Valley (now state highway route #1) as said highway lies between a point seven hundred forty-three feet from its intersection with the southerly line of the Old County Road (now state highway route #1) leading from Manzanita to Bolinas and a point 1040.68 feet from the same intersection.

23. State highway IV-Mrn-1-C from engineer's station 304 + 00 to 337 + 00 zero feet.

24. A line lying ninety feet westerly from and parallel to the easterly right-of-way line of South Novato Boulevard as established on the Map of Nave Gardens Subdivision, said line commencing at the northwesterly line of lot one hundred one of subdivision A of the "Map of Subdivision 'A' & 'B' of the Novato Ranch" and extending southerly approximately four hundred feet to the northerly end of the line described in paragraph 19 of this section. (Ord. 264 § 13 (part): subsecs. (2) and (3) added by Ord. 274; January 2, 1940: subsec. (4) added by Ord. 335; August 13, 1945: subsec. (5) added by Ord. 388; September 23, 1946: subsec. (8) added by Ord. 411; April 28, 1947: subsec. (9) added by Ord. 412; May 19, 1947. subsec. (10)

added by Ord. 419; September 22, 1947: subsecs. (13) and (14) added by Ord. 430; December 8, 1947: subsec. (16) added by Ord. 442; March 29, 1948: subsec. (18) added by Ord. 566 and amended by Ord. 594; February 4, 1952: subsec. (19) added by Ord. 581; November 5, 1951: subsec. (20) added by Ord. 592; February 4, 1952: subsec. (21) added by Ord. 636; January 12, 1953: subsec. (22) added by Ord. 653; May 26, 1953: subsec. (23) added by Ord. 746; May 3, 1955: subsec. (24) added by Ord. 893; April 23, 1957).

Chapter 22.66

INTERPRETATIONS AND EXCEPTIONS GENERALLY

Sections:

22.66.010 Application of general provisions and exceptions.
22.66.020 Minimum requirements.
22.66.030 Administrative actions and permits to continue in effect.

22.66.010 Application of general provisions and exceptions. The regulations specified in this title shall be subject to the following interpretations and exceptions which follow in Chapters 22.66 through 22.74 of this title. (Ord. 264 § 14 (part); July 18, 1938).

22.66.020 Minimum requirements. In interpreting and applying the provisions of this title, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Except as specifically herein provided, it is not intended by this title to repeal, abrogate, annul or in any way to impair or interfere with any existing provision of law or ordinance, or any rule, regulation or permit previously adopted or issued, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises or relating to the erection, construction, establishment, moving, alteration or enlargement of any building improvement; nor is it intended by this title to interfere with or abrogate or annul any easement, covenant or other agreement between parties; provided, however, that in cases in which this title imposes a greater restriction upon the erection, construction, establishment, moving, alteration or enlargement of buildings or the use of any such building or premises in said several districts or any of them, than is imposed or required by such existing provisions of law or ordinance, or by such rules, regulations or permits, or by such easements, covenants or agreements, then in such case the provisions of this title shall control. (Ord. 264 § 14 (e), as amended by Ord. 463; December 8, 1948).

22.66.030 Administrative actions and permits to continue in effect. At the time of application of the district regulations in this title, to any

lands, any administrative action taken or permit issued pursuant to zoning regulations previously affecting the land shall continue in effect only if the action or permit is equally permissible under the new regulations, except in the case of variances wherein the quantitative aspect of the regulation varied must be exactly the same in both cases. (Ord. 1491 § 1, 1966).

Chapter 22.68
USE REGULATIONS

Sections:

22.68.010 Accessory uses permitted in R districts.
22.68.020 Keeping livestock in R districts.
22.68.040 Keeping horses.
22.68.050 Excavations for building.
22.68.060 Effect of zoning regulations on easements which become private property.
22.68.070 Automobile camps.

22.68.010 Accessory uses permitted in R districts. The following accessory uses, in addition to those hereinbefore specified, shall be permitted in any R district, provided that the accessory uses do not alter the character of the premises in respect to their use for the purposes permitted in such respective districts:

(a) The renting of rooms and/or the providing of table board in the main building on a lot as an incidental use to that of its occupancy as a dwelling of the character permitted in the respective district; but not when the use requires occupancy of an accessory building or is to the extent of constituting a hotel as defined in this title, unless permitted in the district;

(b) News and refreshment stands and restaurants in connection with passenger stations;

(c) Recreation, refreshment and service buildings in public parks and playgrounds. (Ord. 1283 (part), 1963: Ord. 264 § 14(a)(1), 1938).

22.68.020 Keeping livestock in R districts. On any lot in any R district, in addition to any livestock permitted in the district by the terms of this title, there may be kept not to exceed twelve fowl other than roosters, quacking ducks, geese, guinea fowl or peafowl and there may be kept not to exceed twelve rabbits or guinea pigs; provided that no livestock shall be maintained closer than forty feet to any dwelling now existing or hereafter erected; and provided, further, that any livestock shall be kept in buildings or structures subject to the approval of the county health officer. (Ord. 264 § 14(a)(2), 1938).

22.68.040 Horses, donkeys, mules, ponies.

(a) Permitted Subject to Property Development Standards.

Horses, donkeys, mules or ponies kept for private use and housed on residential properties zoned R-1:BD (except that R-1:BD area of Sleepy Hollow covered by Ordinance 784), RA, A-2, RR, R-E, RSP, RMP, and O-A may be maintained upon the premises subject to the following property development standards:

THOUSAND (1) The minimum lot size for the keeping of one animal shall be fifteen ~~hundred~~ square feet for properties with one percent through fifteen percent slope. For each percent of slope over fifteen percent the minimum lot size shall be increased one thousand square feet.

(2) For properties over twenty-five percent in slope, an erosion and drainage plan shall be submitted and approved by the county of Marin department of public works. No animals shall be permitted on slopes exceeding fifty percent.

(3) For each additional animal, there shall be provided an additional five thousand square feet of lot area.

(4) Stables or barns shall be at least ten feet from side property lines and on corner lots at least twenty-five feet from the street property line. Stables or barns shall be at least thirty feet from any existing dwelling(s) on that lot, and at least thirty feet from any building line on any adjoining lot.

(5) Corrals and grazing areas for such animals shall be at least thirty feet from any existing dwelling(s) on that lot, and at least thirty feet from any building line on any adjoining lot. Such areas shall be enclosed by a fence of suitable materials at least four feet high.

(6) Manure should be collected at least two times weekly and disposed of, composted, or removed from the premises.

(7) An adequate supply of fresh water must be available at all times.

(b) Permitted Subject to the Securing of a Use Permit.

In any district, except an agricultural conservation district, not listed in this section, or on lots not meeting the minimum requirements stated in this section, horses, donkeys, mules or ponies kept for private use and housed on residential properties may be allowed subject to the provisions of Chapter 22.88 (Use Permit). The zoning administrator shall be advised by the Marin County horsemen's advisory committee as appointed from time to time by the board of supervisors.

(c) Any residential property where horses, donkeys, mules or ponies are legally kept as of the date of the ordinance codified in this chapter shall be deemed to be conforming. Any expansion shall be subject to the provisions of this section. (Ord. 2144 § I, 1975: Ord. 264 § 14(a)(4), 1938).

22.68.050 Excavations for building. Nothing in this title shall be deemed to prohibit the excavating of natural materials for the construction of a building permitted in the district in which it is to be located, which building is to be constructed on the same lot from which the material is excavated, and no use permit shall be required for such excavating. (Ord. 264 § 14(a)(5), 1938).

22.68.060 Effect of zoning regulations on easements which become private property. If all or any portion of any public right-of-way or easement or any other public property ever reverts to or comes into private ownership or is ever used for any purpose other than a public purpose, or if all or any portion of any right-of-way, easement or property shown on any sectional districts map as a public right-of-way or easement or as public property ever comes into or is in private ownership or is ever used for any purpose other than a public purpose, or if all or any portion of any operating property of a railroad corporation as defined in the Public Utilities Code of the state of California ever reverts to or comes into private ownership or is ever used for any purpose other than as operating property of a railroad corporation, then in that case and that time the land and any buildings or other structures which are included within the right-of-way or easement or portion thereof or within the property shall be subject to all the regulations of this title which apply within the immediately adjacent district, or within the most restricted of the immediately adjacent districts if there are more than one. (Ord. 993 (part), 1958 Ord. 264 § 14(a)(6), 1938).

22.68.070 Automobile camps. Notwithstanding any other provision of this title, an automobile camp shall not be a permitted use in any district unless and until a use permit in each case has first been secured therefor in accordance with the provisions of Chapter 22.88. (Ord 705 (part), 1954: Ord. 264 § 14(a)(7), 1938).

Chapter 22.69

SIGNS*

Sections:

22.69.010 Purpose.
22.69.020 Definitions.
22.69.030 General regulations.
22.69.040 Exempt signs.
22.69.050 Signs requiring ministerial sign permits.
22.69.060 Discretionary sign review.
22.69.070 Prohibited signs.
22.69.080 Procedures.
22.69.090 Nonconforming signs.
22.69.100 Penalties for violations.
22.69.110 Interpretation–Appeal.

22.69.010 Purpose. The purposes of this chapter include but are not limited to the following:

(a) Protection of the natural beauty of Marin County and the charm of

*Prior ordinance history: Ords. 264 §§ 15, 23, 1443 § 1, 1668 § 1, 1719 §§ 11, 12, 2052 § 1.

its communities;

(b) Protection of uses which are adequately and appropriately identified and advertised from too many and too large signs;

(c) Protection of commercial districts from visual chaos and economic detriment;

(d) Protection of the public's ability to identify uses and premises without confusion;

(e) Elimination of unnecessary distractions which may diminish driving safety;

(f) Protection of the tranquility of the community and the peace of mind of residents and visitors;

(g) Enhancement and improvement of properties and their neighborhoods by encouragement of signs which are compatible with and complementary to related buildings and uses and harmonious with their surroundings. (Ord. 2363 § 1 (part), 1978).

22.69.020 Definitions. (a) "Area of a sign" shall consist of the message, background and any frame or outline but does not include any material used exclusively for structural support. Where a sign message has no background material or where the background is an undifferentiated wall, the area shall consist of the smallest convex shape which encompasses the total message. The area of a conic, cylindrical, spheric or multifaced sign shall be its maximum projection on the vertical plan; e.g., for a two-faced sign, only one side shall be measured.

(b) "Billboard" means any sign advertising, indicating, or identifying a use, activity, or other entity not on the same premises as the sign, except as expressly permitted in this chapter.

(c) "Exempt signs" means those signs requiring neither sign review nor sign permit, as set forth in Section 22.69.040.

(d) "Front wall" means that wall of a building or structure which contains the entrance or entrances to the premises. If there are principal entrances in more than one wall, the longest of the walls in which principal entrances are located shall be the primary building face. "Front wall" includes not only the wall itself, but all doors, windows, or other openings therein and projections therefrom.

(e) "Ministerial sign permit" means that permit issued by the planning director following ministerial review of nonexempt signs, other than those requiring sign review, to assure their conformity to the regulations and criteria in Section 22.69.050 of this chapter. Signs approved by ministerial sign permit do not require public notice.

(f) "Sign" means any display, device, or thing which is intended to or may, in the judgment of the planning director, communicate an advertisement, announcement, direction, identity, or other message to, and/or attract, distract, hold, direct, or focus the attention of, persons on public property or on private property generally open to members of the public. "Sign" shall include any moving part, lighting, sound equipment,

framework, background material, structural support, or other part thereof. A display, device, or thing need not contain any lettering to be a sign, but the mere display of merchandise in a store window shall not cause that window to be considered a sign.

(g) "Sign review" means discretionary review of certain categories of signs and certain exceptions to other sign requirements under regulations and criteria of Section 22.69.040 and Section 22.69.050 of this chapter. Signs requiring sign review can be approved by the planning director of local design review board after public notice.

(h) "Use" means each business, administrative, professional, industrial, or other establishment which is separate from another establishment, both in fact and in the appearance presented to the public. (Ord. 2363 § 1 (part), 1978).

22.69.030 General regulations. Signs shall only be erected, placed, constructed, altered, maintained, or otherwise located in conformance with the regulations of this chapter.

(a) Location. Each sign shall be on the same premises as the primary activity or person identified, except as specifically provided in this chapter. Each sign shall be located on, and parallel to, the front wall of the building in which the use is conducted, except in the case of a use without a building or as permitted by sign review. All freestanding signs shall require sign review, except as specifically permitted by this chapter.

(b) Area of a Sign. No sign shall exceed the areas specified in Sections 22.69.040 and 22.69.050 for each type of sign, except as permitted by sign review.

(c) Projection. A sign mounted parallel to a front wall of a building shall not project beyond the ends of the wall to which it is attached, except by sign review. Only under sign review may a sign be permitted to project at an angle to the wall upon the findings that a sign parallel to the wall could not be effectively seen by pedestrians or slowly moving traffic on an abutting right-of-way, and that alternate sign locations on side walls are not available or equally practical.

(d) Height. Signs on buildings shall not extend to an elevation higher than the following except as may be indicated otherwise:

(1) The window sills of a floor above, except by sign review upon the findings that the sign would not impair the function of the windows nor be incompatible with the facade details;

(2) The top of the wall to which it is attached;

(3) Twenty feet above the finished grade, except by sign review in the case of a sign limited to the symbol or name of the use or building and intended for viewing primarily from the immediately surrounding public streets.

(e) Copy. Signs using changeable copy are not permitted except if approved by sign review (see Section 22.69.060(e)).

(f) Lighting. Signs using interior lighting are not permitted except if approved by sign review.

(g) Removal of Signs. The following signs may be removed through nuisance abatement procedures under Chapter 1.05 of the Marin County Code:

(1) A sign which is unsecured or a menace to the public;

(2) A sign displayed, erected, or maintained in violation of this chapter;

(3) A sign which no longer advertises a bonafide business on the premises on which the sign is located;

(4) A sign which is in a state of disrepair or dilapidated appearance due to lack of maintenance.

(h) Additional Regulations.

(1) A sign shall conform with all other applicable laws and with any regulations or conditions set forth in any applicable use permit development plan or design review approval.

(2) The owner of any sign shall maintain legal clearance from communications and electrical facilities. Notwithstanding any other provisions of this chapter, no sign shall be constructed, erected, installed, maintained or repaired in any manner that conflicts with any rule, regulation or order of the California Public Utilities Commission pertaining to the construction, operation and maintenance of public utility facilities. (Ord. 2363 § 1 (part), 1978).

22.69.040 Exempt signs. The following signs are permitted without sign review or permit, in accordance with these specific requirements.

Signs not conforming to the limits set forth in this section relating to number, size, location, height, copy or time, by this section are subject to sign review in accordance with subsection 22.69.060.

(a) Use Identification.

(1) Dwelling: one name plate not exceeding one square foot, may be freestanding;

(2) Home occupation one sign not exceeding one square foot, may be freestanding;

(3) Farm, plant nursery or ranch: one sign not exceeding twelve square feet, may be freestanding

(b) Temporary.

(1) Real estate sale and lease:

(A) Dwelling or dwelling site: one sign not exceeding four square feet;

(B) Property other than dwelling: one sign not exceeding twelve square feet;

(2) Construction: one sign identifying the proposed use and/or building and persons or firms involved during the period of construction not exceeding thirty-six square feet;

(3) Sales: temporary signs announcing sales or special features attached to or painted on the surfaces of store windows provided they do not exceed twenty-five percent of the area of the windows and provided they are removed immediately after the termination of the subject event;

(4) Political: one sign not exceeding twelve square feet located by an individual on his own or her own residence or place of business or on some part of the property; provided such sign is displayed not more than forty-five days before, or more than ten days after, the conclusion of the political campaign to which it relates;

(5) Christmas tree lot: one sign not exceeding fifty square feet; subject to sign review if freestanding;

(6) Holiday bunting, decoration and displays.

(c) Governmental.

(1) Emergency and warning signs necessary for public safety or civil defense;

(2) Traffic signs erected and maintained by an authorized public agency;

(3) Legal notices, licenses, permits and other signs required to be displayed by law;

(4) Flags and emblems of governmental jurisdictions not used for commercial advertising;

(d) Miscellaneous.

(1) Address numbers not exceeding twelve inches in height;

(2) Sign identifying a neighborhood, district or community;

(3) Symbols, pictures, patterns and illumination approved as architectural ornamentation or decoration by design review;

(4) Historical plaques erected and maintained by nonprofit organizations, memorials, building cornerstones and erection date stones;

(5) Association membership, credit card system, trading stamps given, patronage games, etc.; one sign not exceeding one square foot for each, flush on the building;

(6) Posted restaurant menu identical to those made available to diners;

(7) Poster board or bulletin board;

(8) Parking area traffic directional signs not exceeding four square feet each nor containing any advertising message;

(9) Signs located for viewing exclusively from within the premises of the use;

(10) Signs containing no product advertising with letters not exceeding six inches in height, for identification of telephones, service entrances, restrooms, litter receptacles and other similar signs as may be determined by the planning director;

(11) Signs indicating emplacement of public utility facilities. (Ord. 2363 § 1 (part), 1978).

22.69.050 Signs requiring ministerial sign permits. The following signs are allowed upon the issuance of a sign permit by the planning director; signs not conforming to the limits set forth in this section relating to number, size, location, height, copy or time, or otherwise requiring sign review by this section are subject to sign review in accordance with Section 22.69.060:

(a) Use Identification.

(1) Apartment building one sign not exceeding six square feet, may be freestanding

(2) Cemetery, country club, dog kennel, golf course, riding academy, stable, tennis court, and other similar uses: one sign not exceeding twelve square feet, may be freestanding;

(3) Institutions of an educational, religious, charitable or civic nature; hospital, rest home or sanitarium; and other similar uses: one sign not exceeding twenty-four square feet, may be freestanding;

(4) Service station: all signs subject to sign review, three signs with an aggregate area not exceeding one hundred square feet including one which may be freestanding provided its area does not exceed fifty square feet and displays only the name and/or emblem; one price sign not exceeding twelve square feet in size, which may be freestanding;

(5) Shopping center or other premises having six or more independently operated uses; signs in the aggregate not to exceed one-half square foot for each front foot of the premises, subject to sign review;

(6) Business and industry other than those specified above:

(A) Ground floor use: a maximum of two signs on the front wall not exceeding in the aggregate one square foot for each lineal foot of the wall to a maximum of fifty square feet; double frontage exception; for a use extending from one street through the building to another street parallel to the first, each of the two walls facing a street may be considered as a separate front wall;

(B) Second floor use different from ground floor use: one sign on the wall not exceeding twelve square feet;

(C) Uses not conducted in building: one sign not exceeding one-half square foot for each front foot of the land on which the use is located, to a maximum of fifty square feet;

(b) Temporary. One subdivision sign on the premises not exceeding thirty-six square feet for a period not exceeding two years unless renewed; one subdivision sign not exceeding four square feet for a period not exceeding two years, unless renewed, located at the nearest arterial intersection and giving only directions to a subdivision not abutting an arterial;

(c) Miscellaneous. Sign identifying service and religious organizations when combined in a single sign at a community entrance; subject to sign review. (Ord. 2363 § 1 (part), 1978).

22.69.060 Discretionary sign review. Signs requiring sign review under Sections 22.69.040 and 22.69.050 and exceptions to other requirements of this chapter are allowed with the approval of a sign review application by the planning director or design review board, in accordance with these specific standards. In all cases the sign review approval shall specify findings consistent with this chapter upon which the exceptional sign is approved.

(a) Oversize Signs.

(1) Under sign review the planning director or design review board may allow additional area in excess of that allowed by Sections 22.69.040 and 22.69.050 for any of the following reasons:

(A) To allow a sign to be in proper scale with its building or use;

(B) To allow a sign compatible with others in the vicinity;

(C) To overcome a disadvantage because of an exceptional setback between the street and the sign;

(D) To achieve an effect which is essentially architectural, sculptural or graphic art, through use of expanded area such as in murals or "supergraphics."

(2) In determining the total area to be allowed, the planning director or design review board shall use one of the following as a guide, as maximum sizes:

(A) One square foot for each linear foot of the front wall;

(B) One square foot for each one hundred square feet of gross floor area;

(C) One-half square foot for each front foot of the premises;

(D) For a freestanding sign, a maximum of seventy-five square feet, based on building and lot frontage, except for the following freeway oriented uses:

(i) A restaurant or lodging establishment located, designed and operated to serve freeway through traffic one hundred square feet;

(ii) A shopping center having six or more independently operated uses and abutting a freeway or freeway frontage road: one hundred square feet;

(iii) Service stations operating to serve freeway through traffic one hundred square feet.

(b) Alternative Locations Including Freestanding Signs. The allowed sign area may be transferred from the front wall to another wall or a freestanding sign location upon the finding that such alternate location is necessary to overcome a disadvantage caused by an unfavorable orientation of the front wall to the street or by an exceptional setback. In such cases the plans shall clearly indicate that the alternate location would be more practical, effective and complementary to the design of the building. Freestanding signs shall be limited to the name of the use or premises, and shall be designed and located to be viewed primarily from the immediately surrounding public streets.

(c) Additional Height. Under sign review the planning director or design review board may allow additional height for any of the reasons set forth in subsection (a)(1) above. In determining the total height to be allowed, the planning director or design review board shall use the following guide:

(1) For freeway oriented uses in subsection (a)(1) above, elevations up to twenty feet above the finished grade;

(2) For other uses, elevations up to fifteen feet above the level of the nearest street.

(d) Additional Number. Where sign review is required to allow a

number of signs higher than otherwise allowed in this chapter, any sign under consideration shall not be approved unless all the signs can be reasonably compatible in order to prevent a cluttered, chaotic or confusing appearance.

(e) Changeable Copy. Signs using changeable copy may be approved by sign review for a theater, auditorium, meeting hall, church, commercial multi-use premises or other similar use having changing programs or events, including nonflashing electronic readerboard signs, with the following restrictions:

(1) For a noncommercial use, up to fifty percent but not exceeding fifty square feet of the allowed sign area may be used for changeable copy.

(2) For a multiple commercial use, over fifty percent but not exceeding one hundred square feet of the allowed sign area may be used for changeable copy.

(f) Sign Review Criteria. In considering any sign review, the planning director or design review board shall grant approval according to the following applicable criteria in addition to any other criteria specified above:

(1) The purpose of this chapter stated in Section 22.69.010;

(2) The standards and criteria set forth in Section 22.82.040 (design review criteria) to the extent they are applicable to signs:

(3) Each sign shall be of a shape, material, style, letter type and color appropriate for the use, enhancing to the premises and harmonious with the neighborhood, and in keeping with the planning department's published design standards for sign review. (Ord. 2363 § 1 (part), 1978).

22.69.070 Prohibited signs. The following signs are prohibited:

(a) Prohibited Types of Signs.

(1) Private use sign located on public land or in a public right-of-way;

(2) Sign cut, burnt or otherwise marked on a cliff, hillside or tree;

(3) Sign in storage or in the process of assemblage or repair, which sign is located outside on premises other than that advertised in the sign and which sign is visible from a public right-of-way;

(4) Billboards.

(b) Prohibited Types of Illumination and Sound. No electrical sign shall flash, blink or emit a varying intensity of light or color which would cause glare, momentary blindness or other annoyance, disability or discomfort to persons on surrounding properties or passing by.

(c) Prohibited Types of Material and Form.

(1) Sign with reflective material;

(2) Banners, pennants, streamers except in conjunction with a fair, carnival, circus, athletic event, or during the first thirty days of occupancy of a new building or operation of a new business;

(3) Sign, other than a clock or meteorological device, having moving parts or parts so devised that the sign appears to move or to be animated;

(4) Portable sign including "A" frame sign, or a sign on a vehicle, float, boat, balloon or other movable object designed primarily for the purpose of advertising;

(5) Sign in the form or shape of a directional arrow, or otherwise displaying a directional arrow, except such a sign as may be approved by sign review or as may be required for safety and convenience and for control of vehicular and pedestrian traffic within the premises of the subject use. (Ord. 2363 § 1 (part), 1978).

22.69.080 Procedures. (a) Application for Sign Permit or Sign Review:

(1) Each person or entity desiring to erect or maintain a sign which is subject to ministerial sign permit or discretionary review shall make written application together with appropriate fees to the planning director on an application form provided by the planning director. Such application shall include the following:

(A) The plans of the sign drawn to scale, showing the proposed location of the sign;

(B) A complete color scheme for the sign, including accurate color samples;

(C) Sufficient other details of the proposed sign to show that it complies with the provisions of this chapter, or to indicate those respects in which it does not comply and for which an exception is sought;

(D) Such other information to be submittted in such reasonable number of copies as is required by the planning director or design review board.

(2) All applications shall be accompanied by the written consent of the record owner of the property upon which the sign is proposed to be erected or by other evidence that the applicant is entitled to erect and maintain the sign. Where several signs are proposed for the same use, all such signs may be included on a single application.

(3) No sign requiring a sign permit or sign review shall be erected or installed until an application for ministerial sign permit or discretionary sign review is approved, unless written approval for such work is given by the planning director.

(b) Filing Date. The filing date of an application for a sign permit or sign review shall be the date on which the office of the planning department receives the last submission, plan or other material required as a part of that application, unless the planning director agrees in writing to an earlier date.

(c) Action on Application.

(1) Action by Planning Director. The planning director shall act on an application within five working days of the filing date of the application in the case of a ministerial sign permit, and within fifteen working days in the case of a discretionary sign review, unless a longer period is agreed to by the applicant.

(2) Action by Design Review Boards. All sign review applications for uses within the jurisdiction of any design review board created pursuant to Chapter 22.83* of the Marin County Code shall be acted on by the board. The action shall be not later than the second regular meeting date after the filing date of the application unless a later date is agreed to by the applicant,

*Editor's Note: Chapter 22.83 was repealed by Ord. 2361.

but in no event shall the design review board act sooner than the first regular meeting following the date of mailing notices.

(d) Approvals – Conditions – Guarantees.

(1) An application for a sign permit shall be approved by the planning director or design review board if the application, plans, other submissions and any necessary inspection indicate that the proposed sign or signs comply with the regulations of this chapter.

(2) An application for sign review may be approved with or without modifications, conditionally approved or disapproved.

(3) Guarantees, sureties or other evidence of compliance may be required in connection with, or as a condition of, a sign review permit.

(4) An approved application, and all other related and approved plans, drawings and other supporting materials constituting a part of the approved application, shall be so endorsed by the planning director or design review board.

(e) Noncompliance. Failure to comply, in any respect, with an approved sign permit or sign review application shall constitute grounds for suspension of the permit, in which case all the work involved in the noncompliance shall be stopped until the matter is resolved.

(f) Expiration and Extension of Sign Permit or Sign Review Approval.

(1) Approval of a sign permit or sign review application shall expire one year from its effective date unless the sign has been erected or a different expiration date is stipulated at the time of approval. Prior to the expiration of a sign permit or sign review approval, the applicant may apply to the planning director or design review board for an extension of one year from the date of expiration. The planning director or design review board may make minor modifications or may deny further extensions of the approved sign at the time of extension if it is found that there has been a substantial change in circumstances.

(2) The expiration date of the sign permit or sign review approval shall be automatically extended to concur with the expiration date of building permits or other permits relating to the installation of the sign. (Ord. 2363 § 1 (part), 1978).

22.69.090 Nonconforming signs. Any sign which was legal prior to September 1, 1978, but which does not conform to the provisions of this chapter to the extent specified below shall be removed or modified to conform within the amortization period contained herein, unless approved by sign review during such period:

(a) Nonconforming Signs Subject to Removal or Modification.

(1) Sign area for an individual use:

(A) A freestanding sign for

(i) A freeway oriented service station exceeding one hundred square feet;

(ii) A freeway oriented restaurant or lodging establishment exceeding one hundred square feet;

(iii) A freeway oriented shopping center exceeding one hundred square feet;

(iv) Other use exceeding seventy-five square feet;

(B) Aggregate of signs exceeding total of two hundred fifty square feet;

(2) Location: any sign located on a roof;

(3) Projection: any sign projecting at an angle from the wall;

(4) Height: any freestanding sign higher than thirty feet.

(b) Amortization Period. A nonconforming sign shall be removed or made to conform within five years from the date of notice. Exceptions to amortization period:

(1) A sign with a terminal date specified by a use permit issued prior to September 1, 1978, shall be amortized accordingly in lieu of the above amortization period.

(2) The owner of a nonconforming sign may make application to the planning commission for an extension of the amortization period. The planning commission may grant an extension not exceeding five years upon the finding and determination of unique or unusual circumstances relative to such signs.

(c) Notice of Nonconforming Signs. The amortization period for a nonconforming sign shall commence on the date upon which the planning director gives written notice to the owner of the property on which the sign is located and any other persons whom he determines, after a reasonable investigation, to have a beneficial interest in the sign. Upon expiration of the amortization period, the planning director shall give final notice of nonconformance to the owner of the land and such other persons as he previously determined to have a beneficial interest in the sign, or their successors. If the sign is not removed or modified to conform with applicable requirements within sixty days thereafter, it shall be deemed a public nuisance and may thereafter be removed by the county in accordance with nuisance abatement procedure. (Ord. 2363 § 1 (part), 1978).

22.69.100 Penalties for violations. Any person, firm or corporation whether as principal, agent, employee or otherwise, violating any of the provisions of this title shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than three hundred dollars or by imprisonment. The person, firm or corporation shall be deemed to be guilty of a separate offense for each and every day during any portion of which any violation of this title is committed, continued or permitted by the person, firm or corporation, and shall be punishable as herein provided. (Ord. 2363 § 1 (part), 1978).

22.69.110 Interpretation – Appeal. The planning director shall decide any question involving the interpretation of any provision of this chapter. Any persons dissatisfied with or aggrieved by any decision or action of the planning director or design review board hereunder may appeal such decision or action in accordance with the provisions of Chapter 22.89 of this code. (Ord. 2363 § 1 (part), 1978)

Chapter 22.70
HEIGHT REGULATIONS

Sections:

22.70.010 Public buildings excepted from height limitations under certain conditions.
22.70.020 Height exception for one family dwellings in R-1 districts.
22.70.030 Effect of use permit on height limitations.

22.70.040 Height exceptions for towers, spires, water tanks, etc.
22.70.050 Effect of sloping lot on height limitations.
22.70.060 Height limitations for detached accessory buildings.
22.70.070 Waiver of height limitations for structures related to the drought emergency.

22.70.010 **Public buildings excepted from height limitations under certain conditions.** In any district, (other than an S-1 district or one combined with an S-1 district) where the height limitation is less than seventy-five feet, public and semipublic buildings, schools, churches, hospitals and other institutions permitted in such district may be erected to a height not exceeding seventy-five feet; provided, that the front, rear and side yards shall be increased one foot for each one foot by which such building exceeds the height limit hereinbefore established for such district. (Ord. 798 (part), 1956: Ord. 264 § 14(b)(1), 1938).

22.70.020 **Height exception for one-family dwellings in R-1 districts.** One-family dwellings in R-1 districts may be increased in height not to exceed ten feet and to a total of not exceeding three stories when two side yards of widths of not less than fifteen feet each are provided. (Ord. 264 § 14(b)(2)), 1938).

22.70.030 **Effect of use permit on height limitations.** Upon the securing of a use permit, any building may be erected to a height exceeding that specified in this chapter for the respective district; provided, that the total floor area of such building shall not exceed that possible for a building in such respective district erected within the height limit specified for such districts. (Ord. 264 § 14(b)(3), 1938).

22.70.040 **Height exception for towers, spires, water tanks, etc.** Subject to any other provisions of law, towers, gables, spires, penthouses, scenery lofts, cupolas, water tanks, similar structures and necessary mechanical appurtenances may be built and used to a greater height than the limit established for the district in which the building is located; provided, that no such exception shall cover at any level more than fifteen percent in area of the lot nor have an area at the base greater than sixteen hundred square feet; provided, further, that no tower, gable, spire, or similar structure shall be used for sleeping or eating quarters or for any commercial purpose other than such as may be incidental to the permitted uses of the main building; and provided, further, that no building or structure in any district except an A-1, A-2 or M-2 district shall ever exceed a maximum height of one hundred fifty feet. Except that the height limits of this title shall not apply to chimneys, church spires, flag poles, monuments, and radio and utility towers in other than S districts. (Ord. 798 (part), 1956: Ord. 264 § 14(b)(4), 1938).

22.70.050 **Effect of sloping lot on height limitations.** Where the average

slope of a lot is greater than one foot rise or fall in seven feet of distance from the established street elevation at the property line, one story in addition to the number permitted in the district in which said lot is situated shall be permitted on the downhill side of any building; provided, that the height of the building shall not be increased above the limit specified for said district. (Ord. 264 § 14(b)(5), 1938).

22.70.060 Height limitations for detached accessory buildings. A detached accessory building may not be over one story in height and may not exceed fifteen feet in height unless said accessory building is located at least forty feet from any property line, in which case the accessory building may be erected to a height specified in this chapter for a main building in the respective district. In the case where a garage or carport is located to within three feet of the front or side lines of the lot pursuant to Section 22.72.080, the height for such garage or carport shall be measured from the finish grade of the parking area. (Ord. 2560 § 5, 1980: 1283, 1963: Ord. 264 § 14(b)(6), 1938).

22.70.070 Waiver of height limitations for structures related to the drought emergency. During any period of drought emergency declared by the board of supervisors, the planning director may waive requirements of this chapter applying to water tanks and related structures, including provisions for public notices and public hearings; provided, that the director finds:

(a) The proposed structure is necessary in order to provide water during emergency circumstances.

(b) The waiver of zoning requirements is necessary to meet the intent and purpose of the structure effectively.

The planning director may include appropriate conditions in the waiver of requirements, including but not limited to height, placement, design, color, materials, landscaping, and time limit for removing structures. (Ord. 2268 § 1, 1977).

CHAPTER 22.72
YARD REGULATIONS - Amended by Ord 2641 - 5/26/81

22.72.010 Purpose
22.72.015 Exemptions to yard requirements
22.72.020 Measuring front yards
22.72.025 Measuring side yards
22.72.030 Measuring rear yards
22.72.035 Permitted extensions into yards
22.72.040 Use restrictions for front yards in R-1 Districts
22.72.045 Attached accessory buildings
22.72.050 Detached accessory buildings
22.72.055 Garages, carports and cardecks on steep lots
22.72.060 Fences
22.72.065 Hot tubs, swimming pools and other site design elements
22.72.070 Waiver of yard regulations for structures related to the drought emergency

22.72.010 Purpose.

This chapter establishes standards for the use and minimum size of yards. The purpose of these standards is to provide for open areas around structures for: visibility and traffic safety; access to and around buildings; access to natural light, ventilation and direct sunlight; separation of incompatible land uses; and space for privacy, landscaping and recreation.

22.72.015 Exemptions to yard requirements.

The minimum yard requirements of this chapter apply to all uses except the following:

1. Fences or walls six (6) feet or less in height above the finish grade of the site; except on corner lots as restricted in Chapter 13.18 of Marin County Code.

2. Decks, terraces, steps, earthworks, hot tubs, swimming pools, free-standing solar devices and other site design elements which are placed directly upon the finish grade and do not exceed a height of eighteen (18) inches above the surrounding finish grade at any point.

22.72.020 Measuring front yards.

The front yard shall be measured at right angles from the nearest point on the front property line of the lot to the nearest point of the wall of the building, except as follows:

1. For a lot with an access easement line or street right-of-way line extending into or through the front yard, the measurement shall be taken from the nearest point of the wall of the building to such easement line or right-of-way line.

2. For a lot with a fee-ownership access strip extending from a public street or right-of-way to the building area of the lot (flag lot), the measurement shall be taken from the nearest point of the wall of the building to the point where the access strip meets the bulk of the lot; thereby establishing a building line parallel to the lot line nearest to the public street or right-of-way.

3. For a lot situated at the intersection of two streets (corner lot), the measurement shall be taken from the nearest point of the building to the nearest point of the property line bounding the street to which the property is addressed and the street from which access to the property is taken.

22.72.025 Measuring side yards.

The side yard shall be measured at right angles from the nearest point on the side property line of the lot to the nearest line of the building; thereby establishing a setback line parallel to the side property line, which extends between the front and rear yards, except as follows:

1. The side yard on the street side of a corner lot shall be measured from the nearest point of the side property line bounding the street; provided, however, that if an access easement or street right-of-way line extends into or through a side yard, the measurement shall be taken from the nearest point of such easement or right-of-way line.

22.72.030 Measuring rear yards.

The rear yard shall be measured at right angles from the nearest point on the rear property line of the lot to the nearest line of the building; thereby establishing a setback line parallel to the rear property line, which extends between the side yards, except as follows.

1. The rear yard on the street side of a double frontage lot shall be measured from the nearest point of the rear property line bounding the street; provided, however, that if an access easement or street right-of-way line extends into or through a rear yard, the measurement shall be taken from the nearest point of such easement or right-of-way line.

22.72.035 Permitted extension into yards.

The architectural features enumerated herein may extend beyond the wall of the building and into front, side and rear yards, as follows:

1. Chimneys: A chimney may extend 30 inches into a required yard, except that no chimney may be closer than 3 feet to a property line.

2. Decks: An attached deck or uncovered landing place, exceeding eighteen (18) inches in height above the surrounding finish grade, may extend into required yards as follows (decks less than 18 inches above finish grade are exempt under Section 22.72.015):

a. Front yard: A deck may extend up to six (6) feet into a required front yard.

b. Side yard: A deck may extend up to three (3) feet into a required side yard, except that no deck may be closer than three (3) feet to a side property line.

c. Rear yard: A deck may extend up to six (6) feet into a required rear yard.

3. Cornices, Eaves and Roof Overhangs: Cantilevered architectural features including bay windows, balconies, cornices, eaves and solar devices may extend up to thirty (30) inches into a required yard.

4. Porches: A covered, unenclosed porch, located at the same level as the entrance floor of the building may extend into required yards as follows:

a. Front yard: A porch may extend up to six (6) feet into a required front yard.

b. Side yard: A porch may extend up to three (3) feet into a required side yard, provided that no porch may be closer than three (3) feet to a side property line.

5. Stairways: Stairways that are not roofed or enclosed, above or below the steps, may extend into required yards as follows:

a. Front yard: A stairway may extend up to six (6) feet into a required front yard.

b. Side yard: A stairway may extend up to three (3) feet into a required side yard, provided that no stairway may be closer than three (3) feet to a side property line.

c. Rear yard: A stairway may extend up to six (6) feet into a required rear yard.

22.72.040 Use restrictions for front yards in R-1 Districts.

On any lot in any R-1 District, no permanent storage of junk materials (as defined in Section 22.02.420, junk yards) shall be permitted in the front yard (as defined in Section 22.02.730). This restriction includes the storage of operable or inoperable vehicles in areas other than improved parking areas.

22.72.045 Attached accessory buildings.

An attached accessory building shall be structurally joined to a main building. Attached accessory buildings shall comply in all respects with the requirements of this Title applicable to the main building, including setbacks, heights, and floor area ratio.

22.72.050 Detached accessory buildings.

Detached accessory buildings shall not be closer than six (6) feet to a main building or any other accessory building. Detached accessory buildings shall be subject to the same yard requirements of this Title applicable to the main building in the respective district, except as follows:

1. A detached accessory building located entirely within the required rear yard of a lot, may be built to within three (3) feet of a side and/or rear lot line, provided, however that when a detached accessory building is designed for and/or used for sleeping purposes, no exterior wall of said building shall be nearer to any lot line than the minimum side yard setback for the main building in the respective district. For the purposes of this section, an accessory building will be considered as designed for sleeping purposes if it contains a bath or shower facility in addition to another room of more than ninety square feet.

2. The sum of the floor area(s) of the total number of detached accessory buildings may not exceed thirty percent of the area of the rear yard of the lot.

3. In no case shall any portion of an accessory building, including eaves or roof overhangs, extend beyond a property line or into an access easement or street right-of-way.

22.72.055 Garages, carports and cardecks on steep lots.

In any district allowing residential uses, where the slope of the front one-half of the lot is twenty (20) percent or greater, or where the elevation of the lot at the front property line is five (5) feet or more above or below the elevation of the established street, a private garage, carport or cardeck may be built to within three (3) feet of the front and side lines of the lot. All portions of the dwelling other than the garage, carport or cardeck shall maintain the required setback applicable to the main building in the respective district. In no case shall any portion of a garage, carport or cardeck, including eaves or roof overhangs, extend beyond a property line or into an access easement or street right-of-way.

22.72.060 Fences.

Fences or walls greater than six (6) feet but less than ten (10) feet in height above the finish grade of the site, shall be subject to the same yard requirements of this title applicable to the main building in the respective district.

22.72.065 Hot tubs, swimming pools and other site design elements.

Detached decks, terraces, steps, earthworks, hot tubs, swimming pools, free-standing solar devices and other site design elements which are placed directly upon the finish grade, and which exceed a height of eighteen (18) inches above the surrounding finish grade at any point, shall conform to the yard requirements of this Chapter for detached accessory building (site design elements less than 18 inches above finish grade are exempt under Section 22.72.015). Maximum height of such site design elements shall conform to the height limit for detached accessory structures in Chapter 22.70 of this Title.

22.72.070 Waiver of yard regulations for structures related to the drought emergency.

During any period of drought emergency declared by the Board of Supervisors, the Planning Director may waive requirements of this Chapter applying to water tanks and related structures, including provisions for public notices and public hearings; provided, that the Director finds:

a. The proposed structure is necessary in order to provide water during emergency circumstances.

b. The waiver of zoning requirements is necessary to meet the intent and purpose of the structure effectively.

The Planning Director may include appropriate conditions in the waiver of requirements, including but not limited to height, placement, design, color, materials, landscaping, and time limit for removing structures.

Chapter 22.73

LOT-SLOPE REQUIREMENTS

Sections:

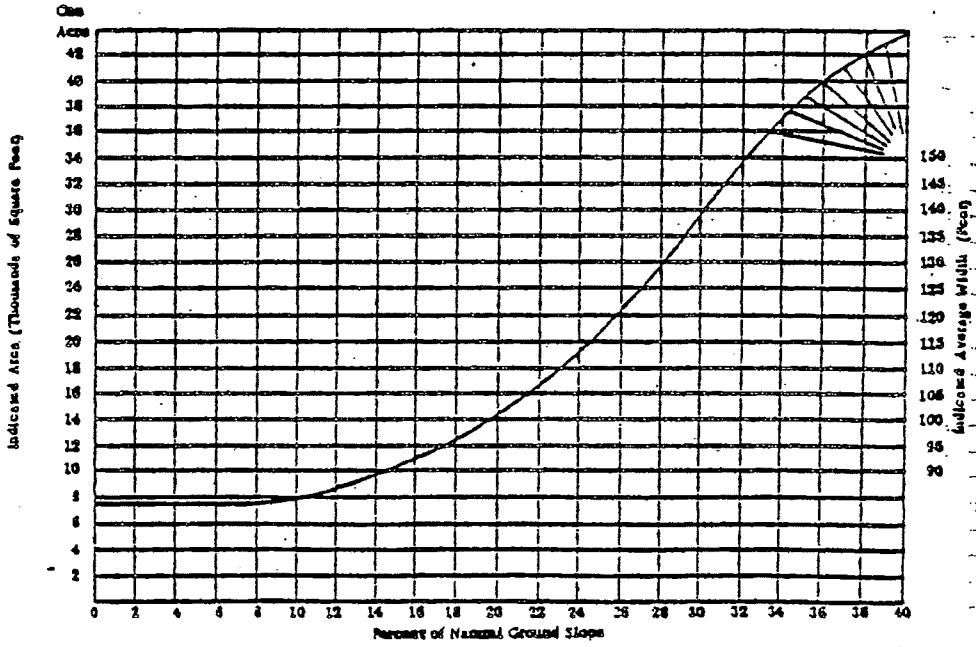
22.73.010 Application of regulations.
22.73.030 Special area lot-slope requirements.
22.73.050 Zoning regulations.

22.73.010 Application of regulations. The minimum lot area and

average lot width for all lots created from the effective date of the ordinance codified in this chapter shall be based upon the natural ground slope and shall be shown on the following slope charts:

(1) Slope Chart No. 1 shall apply to all lots in the unincorporated area of Marin County, unless Slope Chart No. 2 or any of the lot-slope requirements of Section 22.73.030 apply.

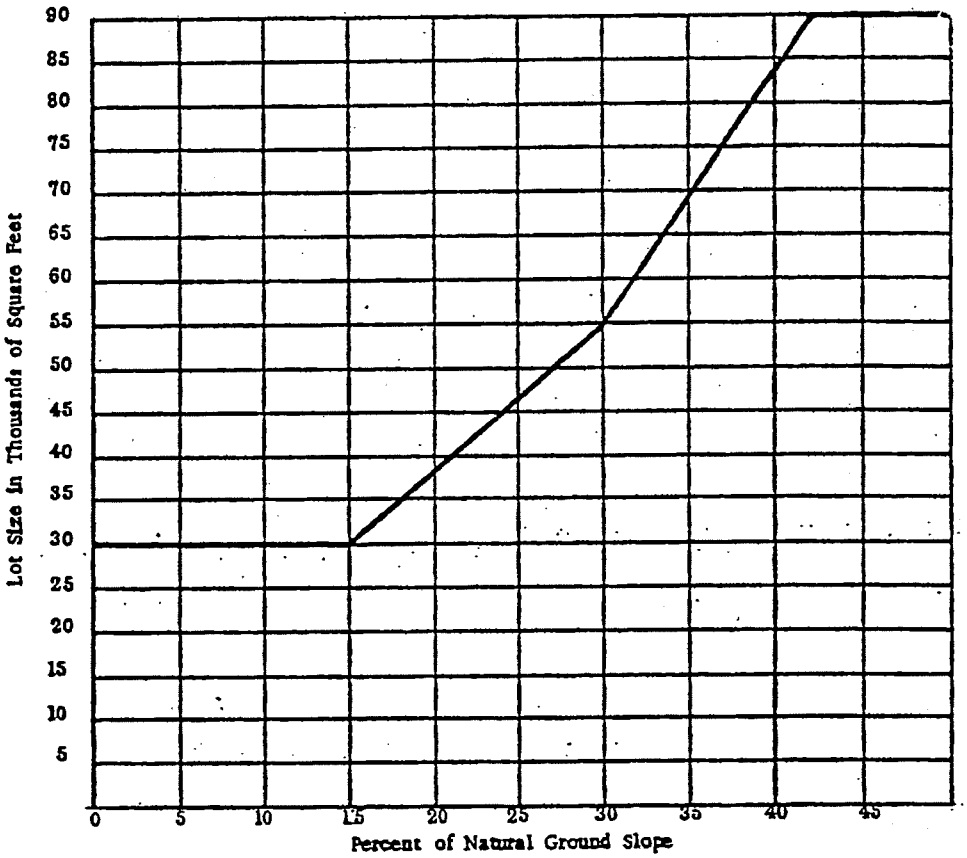
SLOPE CHART NO. 1



Example: For a lot whose natural ground slope is 28%, the indicated area is 26,000 square feet and the indicated average width is 130 feet.

(2) Slope Chart No. 2 shall apply only to those lots in zoning district with which the Slope Chart No. 2 has been combined. In this case the zoning district shall be amended, subject to the provisions of Chapter 22.90 and the notation / SC No. 2 shall be added to the zoning district designation (Example: A-2:B-3/SC No. 2).

SLOPE CHART NO. 2



Example: For a lot whose natural ground slope is 25% the required lot size is 50,000 square feet.

(Ord. 2211 § 1 (part), 1976: Ord. 2058 § 1 (part), 1973).

22.73.030 **Special area slope requirements.** The following slope requirements are applicable only in the area to which they are specifically applied to the exclusion of any other slope requirement.

(1) Sleepy Hollow. This lot slope requirement applies only in the area of the district zoning map for Sleepy Hollow, as adopted by the board of supervisors by Ordinance No. 784.

(a) Where the average natural ground slope is fifteen percent or less, the minimum lot area shall be fifteen thousand square feet.

(b) Where the average natural ground slope is more than fifteen percent, one thousand square feet additional lot area shall be added for each additional one percent of slope, to a maximum of forty-five thousand square feet.

(2) Indian Valley. This lot slope requirement applies only in the area of the Indian Valley Specific Plan, as adopted by the board of supervisors by Resolution No. 73-119.

Average Natural Slope of Lot	Minimum Lot Size
Less than 10%	1.0 acres
10% to 20%	1.5 acres
Over 20%	2.0 acres

(Ord. 2211 § 1 (part), 1976: Ord. 2058 § 1 (part), 1973).

22.73.050 **Zoning regulations.** Where the existing zoning requires a lot area or average width greater than that required by this chapter, then the zoning requirements shall prevail. (Ord. 2211 § 1 (part), 1976: Ord. 2058 § 1 (part), 1973).

Chapter 22.74

PARKING AND LOADING REQUIREMENTS

Sections:

22.74.010 General intent.

22.74.010 **General intent.** Every main building or use hereafter created or established shall be provided with minimum off-street parking and loading spaces as specified in Title 24. (Ord. 2163 § 13, 1975: Ord. 1684 § 5 (part), 1969: Ord. 1677 (part), 1968: Ord. 463 (part), 1948: Ord. 264 § 14(d) (part), 1938).

Chapter 22.77
TIDELANDS

Sections:

22.77.010 Applicability and exceptions.
22.77.020 Purposes.
22.77.030 Prohibitions.
22.77.040 Procedure.
22.77.050 Guarantees.
22.77.060 Noncompliance.
22.77.070 Appeals.

22.77.010 Applicability and exceptions. This chapter shall apply to all land and water areas within the unincorporated area of Marin County which are below or were at any time within a preceding twelve-month period, below an elevation of seven and one-half feet mean lower low water datum and to contiguous land between that elevation line, and either a point one hundred feet inland or the nearest publicly maintained road, whichever is closer. For the purpose of this chapter, all land and water area described in this section shall be in this chapter referred to as tidelands. The following items shall not be subject to this chapter:

(1) Any emergency work necessary to prevent or to minimize imminent damage to land or improvements from floodwaters. Such emergency work shall be reported on the next normal working day and confirmed in writing within ten days after the start of such work to the department of public works;

(2) Any maintenance work to buildings or structures which existed prior to the effective date of this chapter or were approved under the provisions of this chapter;

(3) Any structure, fill or excavation which the environmental protection committee finds to be minor or incidental;

(4) Any structure, fill or excavation which has been approved as part of any application, action or permit by the planning commission, the planning director or zoning administrator, except that such structure, fill or excavation shall not be deemed to have been approved by a building permit. Where a development is subject to other provisions of Title 20 and Title 22, approval of any fill, excavation, or structure within the scope of this chapter, which is contained in the development, shall be subject to the findings of Section 22.77.040(4);

(5) Any structure, fill or excavation which is behind secure dikes, which existed prior to the effective date of this chapter and which is normally not subject to tidal action by virtue of the dike, or which is only temporarily under tidal action due to the defective tide gates;

(6) Applicability of this chapter shall be limited in creeks, estuaries and rivers to areas downstream from certain defined points, as follows:

(a) Coyote Creek: State Highway No. 1 Bridge,

(b) Corte Madera Creek: Downstream end of concrete channel. (Ord. 2255 § 1, 1977: Ord. 2246 § 1, 1976: Ord. 1892 § 1, 1972: Ord. 1834 § 1, 1971; Ord. 1761 § 1 (part), 1970).

Amended by Ord. 2637 5-14-81

22.77.015 Coastal Zone. Any filling, excavation, and construction in tideland areas of the Coastal Zone as defined by the Coastal Act of 1976, may be subject to a coastal development permit pursuant to Chapters 22.56 and 22.57 of the Marin County Code. Different standards, as set forth in Chapters 22.56 and 22.57, are applicable to projects located in coastal districts.

22.77.020 Purposes. Marin County tidelands, shorelines, waterways, beaches or salt marshes are vital natural resources which can provide great benefits to present and future human generations. They offer scenic views, open space, recreational activities such as fishing, swimming, boating, walking, wildlife habitats, opportunities for water transportation and sites for homes and for water-oriented resorts and industries. They fulfill an indispensable role in preserving the climate and air purity of the county.

These benefits could be destroyed or seriously diminished by uncontrolled filling, excavation or construction. Therefore, it is the purpose of this chapter to encourage the fullest enjoyment of these potential benefits with a minimum of physical disturbance and to set forth the standards and procedures by which filling, excavation and construction in tideland areas will be contolled. (Ord. 1892 § 2, 1972: Ord. 1761 § 1 (part), 1970).

22.77.030 Prohibitions. Notwithstanding the provisions of any other county ordinance, it is unlawful for any person, firm, corporation or public agency to permit, cause to permit, do or cause to do any of the following:

(a) Construct, deposit or dump within or fill with materials, dirt, earth, mud, garbage, refuse or any material whatsoever on any of the tidelands designated in Section 22.77.010, except in compliance with Section 22.77.040;

(b) Excavate, dredge or remove any dirt, earth, mud, sand, gravel or any other material from any of the tidelands designated in Section 22.77.010, except in compliance with Section 22.77.040;

(c) Place or construct any pier, wall, bulkhead, breakwater or other structure on any of the tidelands designated in Section 22.77.010, except in compliance with Section 22.77.040. (Ord. 1761 § 1 (part), 1970).

22.77.040 Procedure. (1) Filing and Content of Application for a Tidelands Permit. Application for fill, excavation or structures within tidelands as defined in Section 22.77.010 shall be made to the department of public works in the form of a tidelands permit. The application shall include information showing existing and proposed grades, extent and amount of proposed fill or excavation, location of all existing and proposed structures, a tentative plan for the future development of the area, and sufficient detail to allow a determination of the impact of the proposal on the navigability, appearance and safety of the waterways.

(2) Action by Environmental Protection Committee. If the application includes only a structure and/or if the proposed fill or excavation covers less than one acre, the environmental protection committee, consisting of the director of public works, the director of parks and recreation, and the planning director, shall approve, conditionally approve or deny the

application. The environmental protection committee shall consider, in arriving at its decision, applicable regional and state plans for tidal waterways and the criteria, standards and policies developed by agencies administering such regional and state plans.

(3) Action by Planning Commission. If the proposed fill or excavation covers one acre or more, the environmental protection committee shall report to the planning commission its recommendations. The planning commission shall approve, conditionally approve or deny the application. The planning commission shall consider, in arriving at its decision, applicable regional and state plans for tidal waterways and the criteria, standards and policies developed by agencies administering such regional and state plans.

(4) Findings. The environmental protection committee or the planning commission shall approve or conditionally approve applications where it is found that:

(a) The encroachment of the tidelands is the minimum necessary to achieve the purpose of the proposed work;

(b) The proposed fill, excavation or construction will not unduly or unnecessarily:

(i) Inhibit navigation,

(ii) Inhibit access to publicly owned tidelands,

(iii) Cause or increase the likelihood of water pollution,

(iv) Cause or increase the likelihood of flooding of adjoining lands,

(v) Destroy or accelerate the destruction of habitats essential to species of fish, shellfish and other wildlife of substantial public benefit,

(vi) Interfere with or detract from the line of sight of the public toward the water, particularly on natural features of visual prominence,

(vii) Conflict with the scenic beauty of the shoreline due to height, bulk, form, color, materials, illumination or the extent and design of parking facilities,

(viii) Create a safety hazard in connection with settlement of fill or earthquakes, or

(ix) Diminish natural waterways by siltation, sedimentation or bank erosion;

(c) The proposal is in substantial harmony with any adopted county general plan or specific plan;

(d) Public benefits will be created to offset some of the detriments which may be caused by the nature of the proposal; however, this finding is not required:

(i) Where the application covers lands wholly above elevation 7.5 feet mean lower low water datum, or

(ii) Where the size or potential uses of the parcel are so limited that creation of a public benefit would be unfeasible and where the amount and effect of fill, excavating or structures are minimal;

These public benefits may be realized, through development of new recreational opportunities, or provision of new public access to the water, or enhancement of shoreline appearance, or establishment of water

transportation, or facilities for land or air transportation where all other alternatives have been exhausted, or construction of water-oriented industry or development of marine food supplies or other benefits considered by the planning commission to be of comparable importance.

(e) The proposed fill, excavation or construction will not adversely affect the existing public rights on the property.

(5) Filing Date. The filing date shall be deemed the date on which the department of public works receives the last submission required as part of the application unless the director of public works or his authorized representative agrees in writing to an earlier filing date.

(6) Noticing. Not later than three working days after the filing of an application, notice of the application and a brief description of its proposals shall be mailed to the owners of record of abutting properties on the adjoining and opposite shoreline within one thousand feet of the proposed work, as shown on the latest county tax roll.

(7) Expiration and Extension of Tidelands Permits. A tidelands permit shall expire one year from the effective date of the approval, unless a different expiration date is stipulated at the time of approval. Prior to the expiration of such a permit, the applicant may apply to the department of public works for an extension. The environmental protection committee may make minor modifications of the permit at the time of extension if it finds that there has been a substantial change in the circumstances surrounding the original approval. Extensions may be granted for a period of no more than one year from the time of expiration of the original permit. If a building permit or excavation permit was issued during the effective life of a tidelands permit, the expiration date of the tidelands permit shall be automatically extended to concur with the expiration date of the building permit or excavation permit. (Ord. 2255 § 2, 1977: Ord. 2246 § 2, 1976: Ord. 2050 § 1, 1973; Ord. 1892 §§ 3, 4, 1972; Ord. 1761 § 1 (part), 1970).

22.77.050 **Guarantees.** Guarantees, sureties or other evidence of compliance may be required in connection with the approval of a tidelands permit. (Ord. 1761 § 1 (part), 1970).

22.77.060 **Noncompliance.** Failure to comply in any respect with an approved permit shall constitute grounds for the immediate stoppage of work involved in the noncompliance. (Ord. 1761 § 1 (part), 1970).

22.77.070 **Appeals.** Chapter 22.89 shall apply to all appeals regarding actions taken under this chapter. (Ord. 1761 § 1 (part), 1970).

Chapter 22.78
NONCONFORMING USES

Sections:

22.78.010 Application of regulations.
22.78.020 Continuation of existing nonconforming uses.
22.78.030 Enlargement of nonconforming use.
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22.78.090 Application to changed and new districts.
22.78.100 Nonconforming lumber yard.
22.78.110 Nonconforming floating homes and floating home marinas.

22.78.010 Application of regulations. Except as otherwise provided in this chapter, the lawful use of land existing at the time of the adoption of the ordinance codified in this title, although the use does not conform to the regulations specified by this title for the district in which the land is located, may be continued; provided, however, that no nonconforming use shall be enlarged or increased, nor shall any nonconforming use be extended to occupy a greater area of land than that occupied by the use at the time of the adoption of this title, nor shall any nonconforming use be moved in whole or in part to any other portion of the lot or parcel of land occupied by the nonconforming use at the time of the adoption of the ordinance codified in this title; provided, further, that if any nonconforming use of land ceases for any period of time whatever, for any reason whatever, any subsequent use of the land shall be in conformity to the regulations specified by this title for the district in which the land is located. (Ord. 264 § 15 (part), 1938).

22.78.020 Continuation of existing nonconforming uses. Except as otherwise provided in this chapter, the lawful use of a building existing at the time of the adoption of the ordinances codified in this title, although the use does not conform to the regulations specified by this title for the district in which the building is located, may be continued. Any such use may be extended throughout the building provided no structural alterations except those required by law or ordinance are made therein, but no such use shall be extended to occupy any land outside the building. If no structural alterations are made, nonconforming use of a building may be changed to another nonconforming use, which, in the opinion of the zoning administrator, is of the same or of a more restricted nature. If any

nonconforming use of a building ceases for any reason whatever for a continuous period of not less than six months, or if the building in or on which

such use is conducted or maintained is moved for any distance whatever for any reason whatever, then, in any such case, any future use of such building shall be in conformity to the regulations specified by this title for the district in which such building is located. If any building in or on which any nonconforming use is conducted or maintained is hereafter removed, the subsequent use of the land on which such building was located shall be in conformity to the regulations specified by this title for the district in which such land is located. (Ord. 264 § 15 (part), as amended by Ord. 971; April 29, 1958).

22.78.030 Enlargement of nonconforming use. No existing building designed, arranged, intended for, or devoted to, a use not permitted under the regulations specified by this title for the district, in which such building is located, shall be enlarged, extended, reconstructed, structurally altered or moved unless such use is changed to a use permitted under the regulations specified by this title for such district in which said building is located; provided, however, that work done in any period of twelve months on ordinary structural alterations or replacements of walls, fixtures or plumbing not exceeding twenty-five percent of the building's appraised value according to the appraisal thereof by the assessor of the county for the fiscal year in which such work is done shall be permitted, provided that the cubical contents of the building as it existed at the time of the passage of the ordinance codified in this title be not increased. (Ord. 1491 § 2; January 25, 1966: prior Ord. 264 § 15 (part); July 18, 1938).

22.78.040 Rebuilding nonconforming buildings which are destroyed. If at any time any building in existence or maintained at the time of the adoption of the ordinance codified in this title, which does not conform to the regulations for the district in which it is located, shall be destroyed by any means to the extent of more than seventy-five percent of the appraised value thereof according to the appraisal thereof by the assessor of the county for the fiscal year during which such destruction occurs, or if such building is moved for any reason whatever for any distance whatever from the exact location occupied by such building at the time of the adoption of the ordinance codified in this title, then, in any case, without further action by the board of supervisors, the building and the land on which the building was located or maintained shall from and after the date of said destruction or moving be subject to all the regulations specified by this title for the district in which such land and building are located. (Ord. 1491 § 3; January 25, 1966: prior Ord. 264 § 15(part); July 18, 1938).

22.78.050 Buildings under construction. Nothing contained in this title shall be deemed to require any change in the plans, construction or designated use of any building upon which actual construction was lawfully

begun prior to the adoption of the ordinance codified in this title and upon which building actual construction has been diligently carried on. Actual construction is hereby defined to be the actual placing of construction materials in their permanent position fastened in a permanent manner, except that where a basement is being excavated, such excavating shall be deemed to be actual construction; or where demolition or removal of an existing structure has been begun preparatory to rebuilding, such demolition and removal shall be deemed to be actual construction; provided that in all cases actual construction work shall be diligently carried on until the completion of the building or structure involved. (Ord. 264 § 15(part); July 18, 1938).

22.78.060 Conformity of uses requiring use permits. Except as provided in Section 22.66.030, any use for which a use permit is required or for which a use permit may be granted, as provided in this title, which use is existing at the time of the adoption of the ordinance codified in this title in any district in which such use is specifically permitted subject to the securing of a use permit, shall be deemed to be a conforming use in such district, but only to the extent that it then existed. (Ord. 1491 § 4; January 25, 1966. prior Ord. 264 § 15(part); July 18, 1938).

22.78.062 Previous use permits in effect. Any use in existence, by virtue of a use permit issued pursuant to zoning regulations previously in effect, at the time of application of the regulations for any district in this title, which use under such new regulations is not permissible by use permit may continue in existence but only as regulated by the provisions and terms of the existing use permit. If such use permit specified a terminal date then the use shall be terminated as specified. (Ord. 1491 § 5; January 25, 1966).

22.78.070 Nonconforming junk yards. Regardless of any other provision of this title no junk yard which, after the adoption of this title, exist as a nonconforming use in any R district or in any district with which is combined an H district shall continue as herein provided for nonconforming uses, but every such junk yard shall be removed or changed to a use permitted in the respective district within a period of one year from and after the time that such junk yards becoming nonconforming use. Regardless of any other provisions of this title no junk yard which, after the adoption of the ordinance codified in this title, exists as a nonconforming use in any district other than an R district and other than any district with which is combined an H district shall continue as herein provided for nonconforming uses unless such junk yards shall, within one year after the same has become a nonconforming use, be completely enclosed within a building or within a continuous solid fence not less than eight feet in height and in any case of such height as to screen completely

all operations of such junk yard, of which building or fence the plans shall first have been approved by the zoning administrator. Subject to the provisions of this section, all other provisions of this chapter shall apply to every nonconforming junk yard. (Ord. 264 § 15 (part), as amended by Ord. 971; April 29, 1958).

22.78.080 Nonconforming signs. Any sign which was legal prior to September 4, 1969, but which does not conform to the provisions of Chapter 22.69 to the extent specified below shall be removed or modified to conform within the amortization period contained herein, unless approved by sign review during such period.

A. Nonconforming signs subject to removal or modification.

(1) Sign area for an individual use:

(a) A free standing sign for:

(i) A freeway oriented service station exceeding one hundred square feet

(ii) A freeway oriented restaurant or lodging establishment exceeding one hundred fifty square feet

(iii) A freeway oriented shopping center exceeding one hundred fifty square feet

(iv) Other use exceeding seventy-five square feet,

(b) Aggregate of signs exceeding total of two hundred fifty square feet;

(2) Location: Any sign located on a roof;

(3) Projection: Any sign projecting at an angle from the wall;

(4) Height: Any free standing sign higher than thirty feet.

B. Amortization period.

A nonconforming sign shall be removed or made to conform within five years from the date of notice. Exceptions to amortization period:

(1) A sign with a terminal date specified by a use permit issued prior to September 4, 1969, shall be amortized accordingly in lieu of the above amortization period;

(2) The owner of a nonconforming sign may make application to the planning commission for an extension of the amortization period. The planning commission may grant an extension not exceeding five years upon the finding and determination of unique or unusual circumstances relative to such sign.

C. Notice of nonconforming signs.

The amortization period for a nonconforming sign shall commence on the date upon which the planning director gives written notice to the owner of the property on which the sign is located and any other persons whom he determines, after a reasonable investigation, to have a beneficial interest in the sign. Upon expiration of the amortization period, the planning director shall give final notice of nonconformance to the owner of the land and such other persons as he previously determined to have a beneficial interest in the sign, or their successors. If the sign is not removed or modified to conform

with applicable requirements within sixty days thereafter, it shall be deemed a public nuisance and may thereafter be removed by the county in accordance with nuisance abatement procedure. (Ord. 1719 § 12; August 5, 1969; Ord. 1668 § 1; October 15, 1968: Ord. 1443 § 1; June 8, 1965: Ord. 264 § 15 (part); July 18, 1938).

22.78.090 **Application to changed and new districts.** The foregoing provisions shall also apply to nonconforming uses in districts hereafter changed and in districts hereafter established. (Ord. 264 § 15 (part); July 18, 1938).

22.78.100 **Nonconforming lumber yard.** Regardless of any other provisions of this title, no lumber yard or planing mill which exists as a nonconforming use in any R-P district shall continue for longer than three years from and after the time that the use becomes a nonconforming use, but every lumber yard or planing mill shall be removed or changed to a use permitted in a R-P district within the period of three years. (Ord. 264 § 15 (part) added by Ord. 899; June 4, 1957).

22.78.110 **Nonconforming floating homes and floating home marinas.**

(a) Nonconforming floating homes. All provisions of this chapter shall apply to nonconforming floating homes.

(b) Within six months of April 24, 1969, application for plan approval and use permit according to Section 22.59.045 and Section 22.59.090 shall be made for all floating home marinas.

(c) Within three years of the date of plan approval and use permit approval, all provisions of these amendments for floating home marinas shall be met, except that the planning commission may grant extensions not to exceed two additional years where justified by individual circumstances. (Ord. 1692 § 5; March 25, 1969).

Chapter 22.80

BUILDING PERMITS AND PLATS

Sections:

22.80.010 Application for building permit.
22.80.020 When building permit required.
22.80.030 Time limitation on permit issuance.
22.80.040 Filing applications and plats.

22.80.010 **Application for building permit.** Every application for a building permit under the provisions of the county building code shall be accompanied by an additional drawing or plat, in duplicate, drawn to scale, showing the lot and building site, the proposed location of the building on

the lot, accurate dimensions of the building, of the yards and of the lot, and such other information as may be necessary to the enforcement of this title. The building inspector shall transmit a copy of such application and the original and copy of such additional drawing or plat to the planning commission. (Ord. 264 § 16 (part), 1938).

22.80.020 **When building permit required.** No building, or work thereon, for which a building permit is not required under the provisions of the county building code, but which is situated or to be situated in an H-1 district or any district with which is combined an -H district, or if not in any district, if within a distance of three hundred feet from the right-of-way of any state highway and designed or intended to be used for any purpose other than one family residential or agricultural in character, shall be constructed, erected, reconstructed, structurally altered, enlarged or moved unless and until a permit therefor has first been secured from the planning commission or from the officer or employee thereof designated in the rules of the planning commission for such purpose. Every application shall be filed in duplicate and shall be accompanied by a drawing or plat, in duplicate, drawn to scale, and containing the information required in this section for the drawings or plats accompanying applications for building permits under the county building code. (Ord. 264 § 16 (part), 1938).

22.80.030 **Time limitation on permit issuance.** The planning commission shall act on all permits under the provisions of this chapter within forty days after receipt of the application thereof, or within such longer period as may be agreed upon between the applicant or his agent and the planning commission or the aforesaid officer or employee thereof. (Ord. 264 § 16 (part), 1938).

22.80.040 **Filing applications and plats.** Every application transmitted to the planning commission by the building inspector and the original copy of every application required under the provisions of this chapter and the original copy of every drawing or plat required hereunder shall be kept in the office of the planning commission and the duplicate thereof shall be kept at the building at all times during construction. (Ord. 264 § 16 (part), 1938).

Chapter 22.82
DESIGN REVIEW[1]

Sections:

22.82.010 Purpose.

1. Prior ordinance history—Ord. 264, § 17, as amended by Ords. 746 and 1382.

22.82.020 Matters subject to review.
22.82.030 Matters exempt from review.
22.82.040 Standards–Criteria.
22.82.050 Prohibitions.
22.82.060 Application.
22.82.070 Material accompanying application.
22.82.080 Filing date.
22.82.090 Action on application.
22.82.100 Approval–Conditions–Guarantees.
22.82.110 Noncompliance.
22.82.120 Appeals.
22.82.130 Expiration, extension of approval.
22.82.140 Prior permits.
22.82.150 Waiver of design review requirements for structures related to the drought emergency.

22.82.010 **Purpose.** (a) It is in the public interest, and necessary for the promotion and protection of the safety, convenience, comfort, prosperity, and general welfare of the citizens of this county, to:

(1) Preserve and enhance the natural beauties of the land and of the manmade environment, and the enjoyment thereof;

(2) Maintain and improve the qualities of, and relationships between, individual buildings, structures and physical developments which best contribute to the amenities and attractiveness of an area or neighborhood;

(3) Protect and insure the adequacy and usefulness of public and private developments as they relate to each other and to the neighborhood or area.

(b) In order to prevent the erosion of beauty, the decay of amenity and the dissipation of usefulness, it is necessary to:

(1) Stimulate creative design for individual buildings, groups of buildings and structures, and other physical developments;

(2) Encourage the innovative use of materials, methods and techniques;

(3) Integrate the functions, appearance and locations of buildings and improvements so as to best achieve a balance between private prerogatives, and preferences and the public interest and welfare.

(c) Pursuant to, and in furtherance of, these purposes and aims, the review and approval of certain plans and proposals for the physical development or change of land, buildings and structures is required and is designated as "design review." (Ord. 1611 § 1 (part), 1967).

22.82.020 **Matters subject to review.** All new buildings, structures and physical improvements and relocation, addition, extension and exterior changes of or to existing buildings, structures and physical improvements shall be subject to design review, whether or not a building permit is required, except as otherwise provided in Section 22.82.030. "Physical improvements" as used herein may include, but is not limited to, parking and loading areas, driveways, retaining walls, fences and garbage or

trash enclosures. Plans for signs may be considered in the course of design review in lieu of sign review when such plans are included with the plans for any of the above matters subject to design review. (Ord. 1719 § 13; August 5, 1969: Ord. 1611 § 1 (part); October 31, 1967).

* 22.82.025 Substandard size building sites. In those instances where a vacant legal lot of record is proposed for single family residential development, and when such lot of record is at least fifty percent (50%) smaller in total lot area than is otherwise required by applicable minimum zoning regulations, the following rule shall apply: The setback requirements otherwise prescribed for the applicable site shall automatically be waived, and any such proposed single family residential development shall be subject to Design Review as provided by this chapter. In such instances the exception provided by Section 22.82.030 (1) shall be null and void. Nothing in this Section is meant to imply that the applicable setback stanards shall not be applied where possible.

* **22.82.030 Matters exempt from review.** The following developments and physical improvements are exempt from design review procedures and requirements:

(1) Single-family dwellings; except as required pursuant to any section of this title.

(2) Agricultural buildings, structures, improvements, and developments which are three hundred feet or more distant from a property line of abutting property, in separate ownerships, and which, in addition, are three hundred feet or more distant from a street;

(3) Signs other than those included in plans for a matter subject to design review;

(4) Other work determined by the planning director to be minor or incidental and within the intent and objectives of this chapter. (Ord. 1719 § 14; August 5, 1969: Ord. 1611 § 1 (part); October 31, 1967).

22.82.040 Standards–Criteria. The review and approval of plans and proposals as set forth herein, shall assure that a development or physical improvement is designed and located in a manner which will best satisfy the following criteria:

(a) It will properly and adequately perform or satisfy its functional requirements without being unsightly or creating substantial disharmony with its locale and surroundings;

(b) It will not impair, or interfere with, the development, use, or enjoyment of other property in the vicinity, or the orderly and pleasing development of the neighborhood as a whole, including public lands and rights-of-way;

(c) It will not directly, or in a cumulative fashion, impair, inhibit, or limit further investment or improvements in the vicinity, on the same or other properties, including public lands and rights-of-way;

(d) It will be properly and adequately landscaped with maximum retention of trees and other natural material;

* AMENDED BY ORD. # 2597

(e) It will minimize or eliminate adverse physical or visual effects which might otherwise result from unplanned or inappropriate development, design, or juxtaposition. Adverse effects may include, but are not limited to, those produced by the design and location characterists of:

(1) the scale, mass, height, area, and materials of buildings and structres,

(2) drainage systems and appurtenant structures,

(3) cut and fill or the reforming of the natural terrain, and structures appurtenant thereto such as retaining walls and bulkheads,

(4) areas, paths, and rights-of-way for the containment, movement or general circulation of persons, animals, vehicles, conveyances, and watercraft,

(5) other developments or improvements which may result in a diminution or elimination of sun and light exposure, views, vistas, and privacy. (Ord. 1611 § 1 (part); October 31, 1967).

22.82.040(f) It may contain roof overhang, roofing material, and siding material that are compatible both with the principles of energy-conserving design and with the prevailing architectural style in the neighborhood.

* Amended by Ord. 2641 5-26-81

22.82.050 Prohibitions. No work shall be started or authorized on any matter which is subject to design review until a design review application is approved, unless written approval for the work is given by the planning director or his authorized representative. (Ord. 1611 § 1 (part); October 31, 1967).

22.82.060 Application. Applications for design review, together with the appropriate fee and required drawings and other materials, shall be filed in the office of the planning department. (Ord. 1611 § 1 (part), 1967).

22.82.070 Material accompanying application. Every application shall be accompanied by such drawings, maps, plans, specifications and graphic or written material as may be required to describe clearly and accurately the proposed work and its effect on the terrain and existing improvements. (Ord. 1611 § 1 (part), 1967).

22.82.080 Filing date. The filing date of an application for design review shall be the date on which the office of the planning department receives the last submission, plan, map or other material required as a part of that application, unless the planning director or his authorized representative agrees in writing to an earlier filing date. (Ord. 1611 § 1 (part), 1967).

22.82.090 Action on application. When filing an application, the applicant shall select one of the following procedures for action and shall clearly indicate his choice on the application form, except that where the board of supervisors has established a design review board which has jurisdiction over the area in which the use is located, then only the procedure outline in subsection (3) below shall be followed:

(1) Action by Planning Director. The planning director shall act on an application under his jurisdiction within twelve working days of the filing date of the application, unless a later date is agreed to by the applicant, but in no event shall the planning director act sooner than two working days after the date of mailing notices. In the event of denial, the planning director shall notify the applicant of the reason for denial. The time established for a particular application shall constitute approval of that application. Except, however, where the planning director finds that major policy questions are at issue, the planning director may refer the application to the planning commission for action. In the event that the application is referred to the planning commission for action, the planning commission shall take action

no later than its second regular hearing following a determination of completeness of submittal.

(2) Action by Planning Commission.

(a) The planning commission shall act on an application under its jurisdiction not later than the third regular meeting after the filing date of the application unless a later date is agreed to by the applicant, but in no event shall the planning commission act sooner than the first regular meeting following the date of mailing notices. In the event of denial, the planning commission shall notify the applicant of the reason for denial.

(b) Failure of the planning commission to act within the time established for a particular application shall constitute approval of that application.

(3) Action by Design Review Board.

(a) The design review board shall act on an application under its jurisdiction not later than the second regular meeting date after the filing date of the application unless a later date is agreed to by the applicant, but in no event shall the design review board act sooner than the first regular meeting following the date of mailing notices. In the event of denial, the design review board shall notify the applicant of the reason for denial.

(b) Failure to act shall constitute approval of that application subject to conditions recommended by advisory agencies. (Ord. 2409 § 2, 1979; Ord. 1992 § 2, 1973: Ord. 1611 § 1 (part), 1967).

22.82.100 **Approval – Conditions – Guarantees.** An application for design review may be approved, approved with modifications, conditionally approved or disapproved.

Guarantees, sureties or other evidence of compliance may be required in connection with, or as a condition of, a design review permit.

An approved application, and all other related and approved maps, drawings and other supporting materials constituting a part of the approved application, shall be so endorsed by the planning director or his authorized representative.

The planning director or his authorized representative shall review construction drawings, final plans and other similar documents for compliance with the approved design review application, any conditions attached thereto or any approved or required modifications thereof. (Ord. 1611 § 1 (part), 1967).

22.82.110 **Noncompliance.** Failure to comply in any respect with an approved design review application shall constitute grounds for the immediate stoppage of the work involved in the noncompliance until the matter is resolved. (Ord. 1611 § 1 (part), 1967).

22.82.120 Appeals. Chapter 22.89 shall apply to appeals on design review matters. (Ord. 1611 § 1 (part), 1967).

22.82.130 **Expiration, extension of approval.** Approval of a design review application shall expire one year from the effective date of approval unless a different expiration date is stipulated at the time of approval. Prior to the expiration of a design review approval, the applicant may apply to the planning director for an extension of one year from the date of expiration. Not more than one extension shall be granted. The planning director may make minor modifications of the approved design at the time of extension if he finds that there has been a substantial change in the factual circumstances surrounding the originally approved design.

If building or other permits are issued during the effective life of a design review permit, the expiration date of the design review permit shall be automatically extended to concur with the expiration date of the other permit. (Ord. 1611 § 1 (part), 1967).

22.82.140 **Prior permits.** An architectural supervision approval or permit issued prior to adoption of the ordinance codified in this chapter and still valid on the effective date hereof shall expire one year from the effective date hereof unless a different expiration date is specified as a part of the architectural supervision approval or permit. Section 22.82.130 shall apply to valid prior approvals and permits. (Ord. 1611 § 2, 1967).

22.82.150. Waiver of design review requirements for structures related to the drought emergency. During any period of drought emergency declared by the board of supervisors, the planning director may waive requirements of this chapter applying to water tanks and related structures, including provisions for public notices and public hearings; provided, that the director finds:

(a) The proposed structure is necessary in order to provide water during emergency circumstances.

(b) The waiver of zoning requirements is necessary to meet the intent and purpose of the structure effectively.

The planning director may include appropriate conditions in the waiver of requirements, including but not limited to height, placement, design, color, materials, landscaping, and time limits for removing structures. (Ord. 2268 § 3, 1977).

Chapter 22.84

CERTIFICATES OF OCCUPANCY

Sections:

22.84.010 Provisions for certificates of occupancy.

22.84.010 Provisions for certificates of occupancy. No vacant land in any district established by this title, except any A-1 or A-2 district, shall hereafter be occupied or used, except for agricultural uses other than livestock farming or dairying, and no building hereafter erected or structurally altered in any such district shall be occupied or used until a certificate of occupancy has been issued by the planning commission or by such officer or employee thereof as the commission may designate for the purpose.

Application for a certificate of occupancy for a new building or for an existing building which has been altered shall be made at the same time as the application for a permit for the building as required in Chapter 22.80 of this title. The certificate shall be issued within three days after a written request for the same has been made to the planning commission or officer or employee thereof after the erection or alteration of the building or part thereof has been completed in conformity with the provisions of this title. Pending the issuance of such a certificate, a temporary certificate of occupancy may be issued by the planning commission or the officers or employees thereof for a period of not exceeding six months during the completion.

Temporary certificates shall not be construed as in any way altering the respective rights, duties or obligations of the owners or of the county relating to the use or occupancy of the premises or any other matter except under such restrictions and provisions as will adequately insure the safety of the occupants.

Written application for a certificate of occupancy for the use of vacant land or for a change in the character of the use of land, as herein provided, shall be made before any land shall be so occupied or used, except for

agriculture purposes other than livestock farming or dairying. Such a certificate of occupancy shall be issued within three days after the application therefor has been made, provided such use is in conformity with the provisions of this title.

Every certificate of occupancy shall state that the building or proposed use of a building or land complies with all provisions of law and of this title.

A record of all certificates of occupancy shall be kept on file in the office of the planning commission and copies shall be furnished, on request, to any person having a proprietary or tenancy interest in the building or land affected. No fee shall be charged for a certificate of occupancy.

No permit for excavation of any building shall be issued before application has been made for a certificate of occupancy. (Ord. 264 § 18, 1938).

Chapter 22.86*

* AMENDED BY ORD. # 2597 1-6-81

ADJUSTMENTS AND VARIANCES

Sections:

22.86.010	Limitations on power to grant
22.86.020	Applications for adjustment or variance
22.86.025	Action on application
22.86.030	Designating conditions for issuance
22.86.040	Appeals
22.86.050	Appeals to Board of Supervisors
22.86.060	Planning Commission to interpret chapter
22.86.070	Expiration date

22.86.010

Limitation on power to grant. The Zoning Administrator, subject to appeal in each case, as hereinafter provided, shall have power to grant adjustments and variances in any of the provisions of this title to the extent of the following and no further:

1. To vary or modify the strict application of any of the regulations or provisions contained in this title in cases in which there are practical difficulties or unnecessary hardships in the way of such strict application.

2. To permit the extension of a district where the boundary line thereof divides a lot in one ownership at the time of the passage of the ordinance codified in this title.

3. A variance shall not be granted for a parcel of property which authorizes a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.

4. The provisions of Chapters 22.56 and 22.57 may not be amended or modified except as provided by procedures for such amendments as approved by the California Coastal Commission. A variance or adjustment to the requirements of any C district shall be granted only when, in addition to the other requirements of this chapter, the variance or adjustment is found consistent with requirements of Chapter 22.56 and the goals and objectives of the Local Coastal Plan. Variances to density requirements may be granted, up to an increase of 10 percent within C districts only when such variance is found consistent with the requirements of Chapter 22.56 and the policies, objectives and goals of the Local Coastal Program.

Amended by Ord. 2631 5-19-89

22.86.020

Application for adjustment or variance. Application for any adjustment or variance permissible under the provisions of this chapter shall be made to the Zoning Administrator in the form of a written application, together with the appropriate fee and required drawings.

22.86.025

Action on Application. Upon receipt of an application for Variance, the Zoning Administrator shall determine if such application requires a public hearing, as hereinafter provided. All applications shall be processed as follows:

1. Administrative Variances. All variances from the provisions of this title relating to structure height, floor area ratio and setbacks, shall be exempt from public hearing by the Zoning Administrator. However, where the Zoning Administrator finds that significant policy questions are at issue, a public hearing may be required.

2. Public Hearing Variances. All variances from the provisions of this title relating to required parcel size and width, density, slope requirements, parking and any other provision not specifically allowed under the administrative variance section, shall require a public hearing before the Zoning Administrator. However, where the Zoning Administrator finds that significant policy questions are at issue, the Zoning Administrator may refer the application to the Planning Commission for action. In the event that the application is referred to the Planning Commission for action the Planning Commission shall take action no later than its second regular meeting following a determination of completeness of submittal. The Board of Supervisors shall act as the appeal body in all variance applications referred to the Planning Commission for initial action. The Board of Supervisors shall act on any such appeal within four regularly scheduled meetings from the date of appeal.

3. Notice of Action and/or Hearing Date. Notice of all Variance applications shall be given by causing a notice thereof to be mailed to all persons whose names and addresses are shown on the last equalized assessment roll of the County as owners of real property within a distance of three hundred (300) feet of the property which is the subject of the proposed variance. A notice for Administrative Variance shall state the date on which a decision will be reached by the Zoning Administrator. A notice for a variance requiring a public hearing shall state the date, time and place for the hearing.

4. For the Zoning Administrator, Planning Commission, or Board of Supervisors to grant a variance it shall be necessary that the following findings and determinations be made:

   a. That because of special circumstances applicable to subject property, including size, shape, topography, location of surroundings, the strict application of the zoning ordinance is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.

   b. That the variance or adjustment is necessary for the preservation and enjoyment of a substantial property right of the petitioner.

   c. That the granting of the variance or adjustment will not be detrimental to the public welfare or injurious to other property in the territory in which the property is situated.

   d. Any variance or adjustment granted under the provisions of this section shall be subject to such conditions as will assure that such does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated.

   The Zoning Administrator shall make a decision on all applications for Variance within sixty days after a determination of completeness of submittal or, within such longer period as may be agreed upon between the applicant or his agent and the Zoning Administrator.

22.86.030

Designating conditions for issuance. In granting any adjustment or variance under the provision of this section, the Zoning Administrator shall designate such conditions in connection therewith as will, in his opinion, secure substantially the objectives of the regulation or provision to which such adjustment or variance is granted, as to light, air, and the public health, safety, comfort, convenience and general welfare. In all cases in which adjustments or variances are granted under the provisions of this section, the Zoning Administrator shall require such evidence and guarantees as he may deem to be necessary that the conditions designated in connection therewith are being and will be complied with.

22.86.040

Appeals. An appeal may be taken by any property owner or other person aggrieved, or by any officer, department, board, or commission of the County affected by any decision of the Zoning Administrator. Such appeal shall be taken by filing with the Planning Department and the Zoning Administrator within five (5) working days after the action of the Zoning Administrator a written notice of appeal specifying the grounds of the appeal. The Zoning Administrator shall forthwith transmit to the Planning Commission all of the papers constituting the record upon which the action appealed from was taken.

The Planning Commission shall act upon such appeal not later than its second regular meeting following the date on which the appeal was filed in its office and may sustain, modify or overrule any decision of the Zoning Administrator.

22.86.050

Appeals to Board of Supervisors. Appeals to the Board of Supervisors may be taken by any property owner or other person aggrieved, or by any officer, department, board, or commission of the County affected by any decision of the Planning Commission upon a matter appealed to the Planning Commission from the Zoning Administrator. Such appeal shall be taken by filing with the Board of Supervisors and the Planning Commission within five (5) working days after the action of the Planning Commission a written notice of appeal specifying the grounds of the appeal. The Planning Commission shall forthwith transmit to the Board of Supervisors all of the papers constituting the record upon which the action appealed from was taken. The Board of Supervisors shall act upon such appeal within four (4) regularly scheduled meetings from the filing thereof and may sustain, modify, or overrule any decision of the Planning Commission. The decision of the Board of Supervisors shall be final.

22.86.060

Planning Commission to interpret chapter. The Planning Commission shall have power to decide any questions involving the interpretation of any provision of this chapter.

22.86.070

Expiration date. Approval of a Variance shall expire one year from the effective date of the grant of variance unless a different expiration date is stipulated at the time of approval. If building or other permits are issued during the effective life of a variance, the expiration date of the variance shall be construed to concur with the expiration date of the other permits.

CHAPTER 22.88 *

USE PERMITS

* AMENDED BY ORD. #2577 1-6-81

SECTIONS:

22.88.010	Reasons for issuance
22.88.015	Application for Use Permit
22.88.020	Action on application
22.88.025	Designating conditions for issuance
22.88.030	Appeals
22.88.035	Appeals to Board of Supervisors
22.88.040	Revocation of permits upon violation
22.88.045	Procedure for revoking
22.88.050	Expiration date

22.88.010: Reasons for issuance

The Zoning Administrator, subject to appeal in each case, as hereinafter provided, shall have power to issue use permits for any of the following reasons:

1. Any of the uses or purposes for which such permits are required or permitted by the provisions of this title;
2. Public utility or public service uses or public buildings or public dumps in any district when found to be necessary for the public health, safety, convenience or welfare;
3. To classify as a conforming use any use permitted in C-2 disricts, but not in more restricted districts which use is existing at the time of the adoption codified in this title as a nonconforming use in a C-1 district;
4. To classify as a conforming use any institutional use existing in any district at the time of the establishment of such district;
5. To permit the location of any of the following uses in a district from which they are excluded by the provisions of this title: Housing for low and moderate income persons, library, community center, church, hospital, any institution of an educational, philanthropic, or charitable nature, cemetary, crematory, mausoleum or any other place for the disposal of the human dead;
6. To permit the location of a temporary tract office, within a given subdivision, in a district from which it is excluded by the provisions of this title, used exclusively for the sale of the properties of the given subdivision;
7. To permit the development of the following recreational uses and certain accessory uses as enumerated in a district from which they are excluded by the provisions of this title which must be proven to be incidental and subordinate to the main recreational use and which will not be objectionable by reasons of smoke, odor, dust, noise, and after it has been established that such uses will not in any way detract from the privacy or the harmonious development of the contiguous areas:

   a. Airparks and accessory uses to include: restaurants, concessions for the sale of oil, gas, plane repair parts, plane accessories, and airplanes; and repair shops and the rental of hanger space.

   b. Boat and yacht harbors and accessory uses to include: restaurants, concessions for the sale of oil, gas, boat repair parts, boat accessories, and boats, and boat repair shops and the rental of berthing space.

   c. Swimming and/or picnicking parks and/or fishing grounds and accessory uses to include: refreshment stands, the sale and/or rental of supplies and accessories necessary for the fulfillment and participation in any of the above enumerated recreational uses.

d. Golf courses and/or tennis courts and accessory uses to include: refreshment stands, the sale and/or rental of supplies and accessories necessary for the fulfillment and participation in either of the above enumerated recreational uses.

e. Any continuation of the above uses and other recreational uses and accessory uses which in the opinion of the zoning administrator are of the same general nature as those enumerated above, and accessory uses which are found to be an integral part of any recreational use permitted and are found to be not detrimental to the character, social and economic stability or the health, safety, comfort, convenience and welfare of the community.

8. To permit floating home marinas of not more than one floating home per lot in all districts where residential uses are permitted, provided that the floating home marina meets all the dimensional requirements of the particular district.

9. To permit detached accessory structures, solar panels, hot tubs and related decking and above grade swimming pools where such structures do not comply with required setbacks in the specific zoning district in which said improvements are proposed.

10. To permit the temporary placement and use of a mobile home in a residential or agricultural district from which mobile homes are excluded by the provisions of this title. Such a use permit shall allow placement and use of a mobile home on a parcel of land while a residence is being constructed on that parcel of land.

22.88.015: Application for Use Permit

Application for any use permit permissible under the provisions of this chapter shall be made to the Zoning Administrator in the form of a written application, together with the appropriate fee and required drawings and materials.

22.88.020: Action on Application

Upon receipt of an application for Use Permit, the Zoning Administrator shall determine if such application requires a public hearing as hereinafter provided. All applications shall be processed as follows:

1. Administrative Use Permits. Use Permit applications for accessory structures solar panels, hot tubs, swimming pools and related decking pursuant to section 22.88.010(9) and all use permit applications for mobile homes shall be exempt from public hearing by the Zoning Administrator. However, where the Zoning Administrator finds that significant policy questions are at issue, a public hearing may be required.

2. Public Hearing Use Permits. All Use Permits, permissible under the provisions of this chapter, not specifically exempted from the public hearing process shall require a public hearing by the Zoning Administrator. However, where the Zoning Administrator finds that significant policy questions are at

issue, the Zoning Administrator may refer the application to the Planning Commission for action. In the event that the application is referred to the Planning Commission for action, the Planning Commission shall take action no later than its second regular meeting following a determination of completeness of submittal. The Board of Supervisors shall act as the appeal body in all Use Permit applications referred to the Planning Commission for initial action. The Board of Supervisors shall act on any such appeal within four regularly scheduled meetings from the date of appeal.

3. Notice of Action and/or Hearing Date. Notice of all Use Permit applications shall be given by causing a notice thereof to be mailed to all persons whose names and addresses are shown on the last equalized assessment roll of the County as owners of real property within a distance of three hundred (300) feet of the property which is the subject of the proposed Use Permit. A notice for Administrative Use Permit shall state the date on which a decision will be reached by the Zoning Administrator. A notice for a Use Permit requiring a public hearing shall state the date, time and place for the hearing.

4. For the Zoning Administrator, Planning Commission or Board of Supervisors to grant a Use Permit it shall be necessary that the following findings and determinations be made:
   The establishment, maintenance or conducting of the use for which a Use Permit is sought will not, under the particular case, be detrimental to the health, safety, morals, comfort, convenience, or welfare of persons residing or working in the neighborhood of such use and will not, under the circumstances of the particular case, be detrimental to the public welfare or injurious to property or improvements in the neighborhood.

5. The Zoning Administrator shall make a decision on all applications for Use Permit within sixty days after a determination of completeness of submittal or, within such longer period as may be agreed upon between the applicant or his agent and Zoning Administrator.

<u>22.88.025</u>: Designating conditions for issuance.

In granting any Use Permit under the provisions of this section, the Zoning Administrator shall designate such conditions in connection therewith as will, in his opinion, secure substantially the objectives of the regulation or provision under which such Use Permit is granted, as to light, air, and the public health, safety, comfort, convenience and general welfare. In all cases in which Use Permits are granted under the provisions of this section, the Zoning Administrator shall require such evidence and guarantees as he may deem to be necessary that the conditions designated in connection therewith are being and will be complied with.

22.88.030: Appeals.

An appeal may be taken by any property owner or other person aggrieved, or by any officer, department, board or commission of the County affected by any decision of the Zoning Administrator. Such appeal shall be taken by filing with the Planning Department and the Zoning Administrator within five (5) working days after the action of the Zoning Administrator a written notice of appeal specifying the grounds of the appeal. The Zoning Administrator shall forthwith transmit to the Planning Commission all of the papers constituting the record upon which the action appealed from was taken. The Planning Commission shall act upon such appeal not later than its second regular meeting following the date on which the appeal was filed in its office and may sustain, modify or overrule any decision of the Zoning Administrator.

22.86.035. Appeals to Board of Supervisors.

Appeals to the Board of Supervisors may be taken by any property owner or other person aggrieved, or by any officer, department, board or commission of the County affected by any decision of the Planning Commission upon a matter appealed to the Planning Commission from the Zoning Administrator. Such appeal shall be taken by filing with the Board of Supervisors and the Planning Commission within five (5) working days after the action of the Planning Commission a written notice of appeal specifying the grounds of the appeal. The Planning Commission shall forthwith transmit to the Board of Supervisors all of the papers constituting the record upon which the action appealed from was taken. The Board of Supervisors shall act upon such appeal within four (4) regularly scheduled meetings from the filing thereof and may sustain, modify, or overrule any decision of the Planning Commission. The decision of the Board of Supervisors shall be final.

22.88.040: Revocation of permits upon violation.

In the event any person, firm or corporation holding a use permit for any of the uses or purposes for which the permits are required or permitted by the terms of this title violates any of the provisions of this title, or any other law or ordinances, or conducts or carries on the use in such a manner as to materially affect adversely the health, welfare or safety of persons residing or working in the neighborhood of the property of the permittee, or conducts or carries on the use so that the use is materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the Board of Supervisors shall have the power to revoke or suspend the Use Permit.

22.88.045: Procedure for revoking.

No permit shall be revoked or suspended until a hearing shall be held by the Planning Commission. Written notice of the hearing shall be served upon the permittee and shall state:

(1) The ground for complaint or reasons for the revocation or suspension in clear and concise language;

(2) The time when and the place where the hearing is to be held. The notice shall be served on the permittee at least five (5) and not more than ten (10) days prior to the date set for the hearing. At the hearing the permittee shall be given an opportunity to be heard and defend himself, and he may call witnesses and present evidence in his behalf. Upon conclusion of the hearing, the Planning Commission may recommend the suspension or revocation of the permit upon such terms and conditions as, in the judgment of the Commission, will be deemed proper, which action shall be subject to the confirmation of the Board of Supervisors. In case the permit is revoked, no new permit shall be granted to the person to conduct or carry on any such use within six months after revocation.

22.88.050: Expiration date.

Approval of a Use Permit shall expire one year from the effective date of the grant of Use Permit unless a different expiration date is stipulated at the time of approval. If building or other permits are issued during the effective life of a Use Permit, the expiration date of the Use Permit shall be construed to concur with the expiration date of the other permit.

Chapter 22.89

APPEALS

Sections:

22.89.020 Applicability.
22.89.040 Administrative actions appealable.
22.89.050 Design review board actions appealable.
22.89.060 Planning commission actions appealable.
22.89.080 Filing.
22.89.100 Notice of hearing.
22.89.120 Planning commission decision—Time limit—Vote.
22.89.130 Board of supervisors' decision—Time limit—Vote.
22.89.140 Failure of appellate body to act.
22.89.150 Exhaustion of remedy.
22.89.160 Board of supervisors' action.

22.89.020 **Applicability.** This chapter shall apply to all chapters in Title 22 except those wherein alternative appeal procedures are specified. (Ord. 1719 § 16, 1969: Ord. 1593 § 1 (part), 1967).

22.89.040 **Administrative actions appealable.** Any person aggrieved by any determination, interpretation, decision, conclusion, decree, judgment or similar action taken by any administrative personnel under the provisions of this title may appeal the action to the planning commission. (Ord. 1593 § 1 (part), 1967).

22.89.050 Design review board actions appealable. Actions by the design review board may be appealed to the planning commission. (Ord. 1992 § 3, 1973).

22.89.060 Planning commission action appealable. Actions or appellate determinations of the planning commission may be appealed to the board of supervisors. (Ord. 1593 § 1 (part), 1967).

22.89.080 **Filing.** Appeals shall be addressed to the appellate body, in writing, and shall state the basis of the appeal. Appeals shall be filed in the office of the appellate body not later than five p.m. of the fifth working day following the date of the action from which an appeal is taken. Appeals shall be accompanied by the filing fee as specified in Section 22.92.020. (Ord. 1593 § 1 (part); July 11, 1967).

22.89.100 **Notice of hearing.** Except as otherwise required by law, the appellate body may decide whether to give notice of the hearing on any appeal, and shall determine the manner of providing notice, if any, of the hearing. (Ord. 1593 § 1 (part); July 11, 1967).

22.89.120 **Planning commission decision – Time limit – Vote.** The planning commission shall determine an appeal not later than its second regular meeting following the date on which the appeal was filed in its office. The action from which an appeal is taken may be reversed or modified only by the affirmative vote of a majority of the authorized membership of the commission. (Ord. 1593 § 1 (part); July 11, 1967).

22.89.130 **Board of supervisors' decision – Time limit – Vote.** The board of supervisors shall determine an appeal no later than the fourth regular meeting following the date on which the appeal was filed in its office. The action, or appellate determination, from which an appeal is taken may be reversed or modified only upon an affirmative vote of a majority of the authorized membership of the board. (Ord. 1593 § 1 (part); July 11, 1967).

22.89.140 **Failure of appellate body to act.** Failure of the appellate body to act within the time specified shall sustain the action, or the appellate determination, being appealed. (Ord. 1593 § 1 (part); July 11, 1967).

22.89.150 **Exhaustion of remedy.** All rights of appeal are exhausted when the proceedings set forth herein have been consummated. (Ord. 1593 § 1 (part); July 11, 1967).

22.89.160 **Board of supervisor's action.** Notwithstanding any provision of this chapter, any matter which must ultimately be decided and/or enacted by the board of supervisors shall not be subject to the right of appeal set forth herein. (Ord. 2075 § 1, 1974).

Chapter 22.90

AMENDMENTS

Sections:

22.90.010 Initiation of amendments.
22.90.020 Hearing required.

22.90.025 Notice of hearing.
22.90.030 Report of findings.
22.90.040 Approval procedure.
22.90.050 Abandonment of proceedings.
22.90.060 District changes.

22.90.010 **Initiation of amendments.** This title may be amended by changing the boundaries of districts or by changing any other provision hereof whenever the public necessity and convenience and the general welfare require such amendment, by following the procedure specified in this section. Any such amendment may be initiated by:

(a) The verified petition of one or more owners of property affected by the proposed amendment, which petition shall be filed with the planning commission;

(b) Resolution of intention of the board of supervisors;

(c) Resolution of intention of the planning commission;

(d) Setting of hearing before the planning commission at the direction of the planning director. (Ord. 2137 § I, 1975: Ord.878, 1957: Ord. 264 § 21 (part), 1938).

22.90.020 **Hearing required.** The planning commission shall hold at least one public hearing on a proposed amendment. The time and place for the public hearing shall be set by the planning commission or the secretary of the planning commission not later than third meeting following the filing of the petition. (Ord. 1680 § 7, 1968: Ord. 1601 § 1, 1967: Ord. 264 § 21 (part), 1938).

22.90.025 **Notice of hearing.** Notice of the time and place of the hearing, including a general explanation of the matter to be considered, and including a general description of the area affected shall be given by the secretary of the commission at least ten days before the hearing in the following manner:

(a) For each proposed amendment to this title, notice shall be published at least once in a newspaper of general circulation, published and circulated in the county;

(b) If the proposed amendment would change any property from one zone to another (rezoning), notices shall be mailed to the owners of the affected property and also the owners of the property within five hundred feet from the exterior limits of the affected property. For the purpose of mailing notices, the secretary shall use the last known name and address of the owners as appear on the records of the assessor. Any failure to mail notices as set forth herein shall not invalidate any proceedings for amendment of this title;

(c) The secretary shall also cause additional notice to be given as he deems necessary or as may be directed by the board of supervisors, planning commission, or planning director. (Ord. 1601 § 2, 1967).

22.90.030 Report of findings. Following the aforesaid hearings, the planning commission shall make a report of its findings and recommendations with respect to the proposed amendment and shall file with the board of supervisors an attested copy of the report within ninety days after the date of the meeting at which the commission sets the times and places for the hearings; provided, however, that the board of supervisors may extend the period of ninety days to such longer period or periods as the board may deem to be necessary for the planning commission to give adequate consideration to the proposed amendment. Failure of the planning commission so to report within ninety days, or such longer period as aforesaid, shall be deemed to be approval of the proposed amendment by the planning commission. (Ord. 264 § 21 (part), 1938).

22.90.040 Approval procedure. Upon receipt of the report from the planning commission, or upon the expiration of ninety days or a longer period, as aforesaid, the board of supervisors, or, as the board may direct by resolution, the clerk of the board shall set the matter for public hearing after notice thereof and of the proposed amendment, given as provided by law. After the conclusion of the hearing, the board of supervisors may adopt the amendment or any part thereof set forth in the petition or in the resolution of intention in such form as the board may deem to be advisable; provided, however, that if the proceedings for amendment of the title were commenced by a petition filed pursuant to subsection (a) of Section 22.90.010, and the report of the planning commission recommends denial of the petition, the proceedings shall terminate upon the filing of the report with the board of supervisors and no further hearings need be held unless within thirty days after the filing of the report the petitioner files with the board of supervisors a written appeal of the report of the planning commission. In case of appeal, the board of supervisors shall hold the hearing provided for in this paragraph. (Ord. 2179 § 1, 1975 Ord. 872 (part), 1957: Ord. 264 § 21 (part), 1938).

22.90.050 Abandonment of proceedings. Upon consent of the planning commission, any petition for an amendment may be withdrawn upon the written application of a majority of all the persons who signed such petition. The board of supervisors or the planning commission, as the case may be, may by resolution abandon any proceedings for an amendment initiated by its own resolution of intention or by the planning director; provided that such abandonment may be made only when such proceedings are before such body for consideration and provided that any hearing of which public notice has been given shall be held. (Ord. 2137 § 2, 1975: Ord. 264 § 21 (part), 1938).

22.90.060 District changes. Any procedure to amend this title by changing the district or districts shall be considered a procedure to combine with the district or districts any of the combining regulations as established

under Section 22.08.020; provided that all notices of hearings held in connection with the procedure shall give notice of such fact. (Ord. 1053 (part), 1959: Ord. 264 § 21 (part), 1938).

Chapter 22.92

APPLICATIONS AND PETITIONS

Sections:

22.92.010 Form and verification of applications and petitions.
22.92.020 Fee schedule.
22.92.030 Time limitations of filing applications and petitions.

22.92.010 Form and verification of applications and petitions. The planning commission shall in its rules prescribe the form and scope of all petitions and applications provided for in this title, and of accompanying data to be furnished so as to assure the fullest practicable presentation of facts for proper consideration of the matter involved in each case and for a permanent record. Any petition for an adjustment or variance as provided in Chapter 22.86, or for a use permit as provided in Chapter 22.88, or for an amendment as provided in Chapter 22.90, shall include a verification by at least one of the petitioners, attesting to the truth and correctness of all facts and maps presented with the petition. Verification shall be dated and attested before a notary public or before the county clerk. (Ord. 264 § 22 (part), 1938).

22.92.020 Fee schedule. A filing fee in the amount specified in the board of supervisors' resolution establishing fees for zoning applications and petitions shall be paid at the time the application or petition is filed. In the event that any work has been undertaken or use made of the property without legal authority prior to completing the requisite procedures necessary to authorize such work, the applicant shall pay double the specified amount. (Ord. 2354 § 1, 1978 Ord. 2161 § 1, 1975: Ord. 1940 § 4, 1972: Ord. 1719 § 17, 1969: Ord. 1665 § 1, 1968: Ord. 1611 (part), 1967: Ord. 1585 (part), 1967: Ord. 1562 (part), 1967: Ord. 1535 (part), 1966: Ord. 997 (part), 1958: Ord. 849 (part), 1956: Ord. 264 § 22 (part), 1938).

22.92.030 Time limitations of filing applications and petitions. Whenever an application for an amendment to this title or for an adjustment, variance or use permit has been denied, no new application for the same relief covering all or any portion of the property involved in the original application shall be received by the planning commission or zoning administrator for a period of two years from the effective date of the final denial of the original application; provided, however, that upon a showing of a substantial change of circumstances, the planning commission or zoning

administrator may permit the filing of a new application prior to the expiration of the two-year period. Nothing contained herein shall prevent the board of supervisors or the planning commission from at any time initiating any proceedings which either of the bodies may initiate pursuant to this title. (Ord. 971 (part), 1958: Ord. 894 (part), 1957: Ord. 264 § 22.1, 1938).

Chapter 22.94

F-1 PRIMARY FLOODWAY DISTRICT

Sections:

22.94.000 Findings.
22.94.010 Purpose and scope.
22.94.020 Prohibited uses.
22.94.030 Permitted uses.

22.94.000 Findings. This board of supervisors finds that improvement of, and construction on, floodplains has caused serious flooding with attendant injury to person and property and has necessitated the construction of expensive and sometimes ecologically deleterious flood control works, largely at the general taxpayer's expense. (Ord. 1930 § 1 (part), 1972).

22.94.010 Purpose and scope. The purpose of these regulations is to insure that life and property will be protected within the designated zone and to prevent increased flooding within the zone due to random and uncontrolled development which will impede passage of ultimate floodwaters.

The F-1 district classification shall apply to those lands within a primary floodway zone, which, for the purposes of this chapter, shall be defined as the channel of a watercourse and that portion of the adjoining floodplain which is reasonably required to provide for the passage of floodwaters of the watercourse effectively. (Ord. 1930 § 1 (part), 1972).

22.94.020 Prohibited uses. No buildings or structures shall be constructed within an F-1 district. No dredging, filling or levee or dike construction shall be permitted in an F-1 district if it will tend to increase the water surface level or impede the flow of water in the F-1 district. (Ord. 1930 § 1 (part), 1972).

22.94.030 **Permitted uses.** Actual uses existing at the time of the adoption of an F-1 district for a specific area shall be permitted and shall be treated as nonconforming uses according to Chapter 22.78 of this code. Nothing herein shall prohibit placing one floating boat dock on each existing parcel of property shown on the assessor's records at the time of adoption of the F-1 district. (Ord. 1930 § 1 (part), 1972).

Chapter 22.95

F-2 SECONDARY FLOODWAY DISTRICT

Sections:

22.95.010 Purpose and scope.
22.95.020 Permitted uses.
22.95.030 Restrictions.

22.95.010 **Purpose and scope.** The purpose of these regulations is to insure that life and property will be protected within the designated zone and to prevent increased flooding within the zone due to random and uncontrolled development which will impede the capacity of secondary floodplains to receive overflow floodwaters.

The F-2 district classification shall apply to those lands lying within the secondary floodway zone, which for the purposes of this chapter shall be defined as the portion of a natural floodway between the limits of the primary floodway zone, defined in Section 22.94.010 of this code, and the limits of the floodplain where inundation may occur, but where depths and velocities are generally low. (Ord. 1930 § 2 (part), 1972).

22.95.020 **Permitted uses.** Those uses authorized by other zoning classifications imposed on lands within an F-2 district shall be permitted within the district, subject to the restrictions contained herein. (Ord. 1930 § 2 (part), 1972).

22.95.030 **Restrictions.** (a) No buildings or structures shall be constructed within an F-2 district, nor shall any leveeing, diking, filling or other activity which would reduce the ponding area and capacity of any parcel of land within an F-2 district be permitted, except within a specified encroachment area, or up to a specified percentage of the ponding capacity of each parcel, as shown on the assessor's records provided that the remaining area of each parcel is held as a ponding area to absorb the overflow of the primary floodway. The specified encroachment area or percentage of the ponding capacity shall be designated at the time of the adoption of an F-2 district for a specific area.

(b) Prior to the performance of any activities on the specified

encroachment area or specified percentage of the ponding capacity, an agreement shall be entered into between the landowner and the county, the Marin County flood control and water conservation district, or other appropriate public agency. The agreement shall include the following provisions:

(1) That the remaining area or percentage of the parcel shall be subject to ponding and overflow;

(2) Lands within any F-1 district included in the property involved shall be dedicated to the county, the Marin County flood control and water conservation district or other appropriate public agency;

(3) Drainage improvements which will enable the remaining area or percentage to serve as a ponding and overflow area shall be constructed by the landowner;

(4) A bond may be required to guarantee performance of the agreement by the landowner;

(5) Other provisions reasonably required to fulfill the purposes of Chapters 22.94 and 22.95.

(c) Full use of the entire remaining area of each individual parcel shall be permitted at such time as both of the following conditions are met:

(1) Ultimate flood control channel improvements are constructed through the parcel or parcels being developed; and

(2) The ultimate flood control channel section is constructed from the parcel to be developed, downstream to the mouth of the primary floodway.

Ultimate flood control channel improvements shall be indicated in the ordinance adopting an F-2 district for a specific area.

Subject to the review and approval of the Marin County flood control and water conservation district or other appropriate agency, alternate methods of providing flood control facilities which are equal in capacity to that of the ultimate flood control channel improvements as mentioned above, may be permitted by the county in lieu of the ultimate improvements. (Ord. 1930 § 2 (part), 1972).

Chapter 22.96

RESIDENTIAL DEVELOPMENT REVIEW

Sections:

22.96.010 Findings.
22.96.020 Establishment of residential development review areas.
22.96.030 Application of residential development review process.
22.96.035 Exemptions.
22.96.040 Residential development review board.
22.96.050 Meetings.
22.96.060 Development proposals.
22.96.070 Staff.
22.96.080 Rating.
22.96.090 Hearings.
22.96.100 Criteria.
22.96.110 Approvals.
22.96.120 Allocation time limit.
22.96.130 Number of approvals.
22.96.135 Allocations for each four-month period.
22.96.140 Staged projects.
22.96.150 Mandatory approval.
22.96.160 Judicial review.

22.96.010 Findings. The board of supervisors of the county of Marin finds and determines:

(a) Marin County has adopted a comprehensive general plan which is a highly sophisticated approach to resolution of the extraordinary complexities of suburban growth.

(b) Unregulated capricious development has caused in the past, and unless controlled in the future, will cause, severe and irremediable injury to Marin County and its environment in that:

(1) It has resulted in a severe shortage of housing for citizens of low and moderate income and sorely limited the economic heterogeneity of the population.

(2) It has wastefully compelled construction of public facilities on a crisis basis.

(3) It has sorely overtaxed municipal service districts resulting in numerous water and sewerage moratoriums.

(4) It has occasioned costs to the taxpayers far in excess of tax gains.

(5) It has engendered public skepticism concerning the ability of local governments to protect Marin's environment adequately.

(c) Standard zoning ordinances alone cannot provide the delicate types of development review procedures which will ensure a high level of environmental protection, construction of low and moderate cost housing, sequential orderly development and other goals set forth in the countywide general plan.

(d) There exist within Marin logical and readily identifiable planning areas which include both incorporated and unincorporated areas, but which must be precisely regulated by joint action of the county and the affected cities to insure coordinated compliance with the general plan.

(e) At the present time in Marin, there are numerous inadequate water and sewage systems, serious overcrowding on public transit facilities, extensive highway congestion, severe flooding and seismic hazards of indeterminate scope, all of which sorely limit the ability of the county and cities to accommodate unpaced burgeoning growth.

(f) The county, numerous cities, and special districts are diligently endeavoring to alleviate the serious problems set forth in subsection (e) and will be able to resolve them only, when essential, if growth can be properly and effectively staged in a manner which will not overextend existing community facilities and allow some respite to bring deficient services up to necessary standards.

(g) It would be highly detrimental to the welfare of Marin County and its environs to exclude, intentionally or inadvertently, minority, poor, or aged citizens from the general populace of Marin County. The only effective means to prevent such exclusion is the provision of ample low and moderate income housing. Significant federal subsidies are presently unavailable and traditional zoning has been ineffective in this regard. Although Marin is actively engaged in numerous efforts to encourage and compel construction of low and moderate cost housing, only through development review, one of the principal purposes of which is achievement of this objective, is there any likelihood of securing such housing.

(h) The public welfare requires the establishment of residential development review boards to accomplish the following:

(1) Provide significant incentives which will encourage developers to include low and moderate income housing in their undertakings;

(2) Prevent premature development in the absence of necessary utilities and municipal services;

(3) Insure that development will not exceed the environmental holding capacity of the specific land and the county generally;

(4) Coordinate city and county planning and land regulation in a manner consistent with the countywide plan and local city general plans;

(5) Facilitate and implement the realization of general plan goals which cannot be accomplished by zoning alone, principally in connection with low and moderate cost housing;

(6) Direct growth in a manner which will insure a proper relationship to community needs and capabilities;

(7) Encourage and facilitate development proposals which accomplish the objectives of the countywide general plan. (Ord. 2158 § 1 (part), 1975).

22.96.020 Establishment of residential development review areas. The provisions of this chapter shall apply only in those areas of the county designated as residential development review areas, in the following manner:

(a) The board of supervisors shall, by resolution, declare its intention to establish a residential development review area or areas encompassing any portion of Marin County. The resolution shall set out, describe and designate the proposed area or areas and shall contain a map thereof.

(b) Certified copies of the resolution shall be forwarded to each city included in the area.

(c) The county planning commission and, if a city elects to proceed, its planning commission shall conduct public hearings on said proposal in the manner provided by law for the adoption of general plans. At the conclusion of said hearings, the planning commissions shall forward their respective findings and recommendations to their governing bodies.

(d) If the city council elects to proceed, it shall adopt an appropriate ordinance creating the area, which shall include at a minimum all of its incorporated area, and imposing the restrictions of this chapter within said area, contingent upon action by the board of supervisors.

(e) If establishment of the area is approved by all included cities, the board of supervisors shall, after proper notice, conduct public hearings thereon, and may, at the conclusion of said hearings, declare the establishment of the area.

(f) Thereafter, the board of supervisors and the city councils shall enter into a joint powers agreement providing for the administration of these provisions within the residential development review area. (Ord. 2419 § 1 (1), 1979; Ord. 2158 § 1 (part), 1975).

22.96.030 Application of residential development review process. Unless a project is included in the list of exemptions contained in Section 22.96-.035, no residential building permit shall be issued nor final subdivision map recorded for residential projects, and no final approval for placement of a mobile home shall be granted within an established residential development review area unless said project has received approval from the residential development review board. (Ord. 2419 § 1 (2), 1979).

22.96.035 Exemptions. The following projects are exempt from the provisions of this chapter:

(a) Construction of a single-family residence on a lot legally in existence before the effective date of the establishment of a residential development review area;

(b) Housing constructed under Article 34 of the California State Constitution;

(c) Rehabilitation of an existing dwelling or conversion of apartments to condominiums, as long as no additional dwelling units are created;

(d) Any other specific type of residential projects as set forth in the

joint powers agreement for the applicable residential development review area. (Ord. 2419 § 1 (3), 1979: Ord. 2158 § 1 (part), 1975).

22.96.040 Residential development review board. Each residential development review area shall have a residential development review board. The review board shall be constituted in the manner set forth in the joint powers agreement authorized by Section 22.96.020(f). (Ord. 2419 § 1 (4), 1979: Ord. 2158 § 1 (part), 1975).

22.96.050 Meetings. The board shall meet three times each year, at four-month intervals, upon such dates as may be specified in the joint powers agreement. (Ord. 2158 § 1 (part), 1975).

22.96.060 Development proposals. Applications may not be submitted until the applicant has received each and every approval, other than allocating awards, requisite to the actual application for a building permit or placement of a mobile home, or in the case of bare land subdivisions, an application may not be submitted until the tentative map has been approved. The board shall consider any residential development proposal for which an application to the review board has been submitted at least three weeks prior to the scheduled date upon which the review board will meet. Proposals denied by the review board shall be considered at the next meeting of the board (unless the applicant requests a delay) up to a maximum of two times for each proposal. (Ord. 2419 § 1 (5), 1979: Ord. 2158 § 1 (part), 1975).

22.96.070 Staff. The planning staff of the county and cities shall serve as the staff of the board and shall provide necessary services in accordance with the joint powers agreement between the parties. In the discharge of the duties specified in this chapter, the staff shall consult with all involved utility districts on a regular basis. (Ord. 2158 § 1 (part), 1975).

22.96.080 Rating. All proposals shall be preliminarily rated by the review board's staff in accordance with the criteria set forth in Section 22.96.100. The developer shall be furnished with a copy of the preliminary rating prior to the hearing. (Ord. 2409 § 1 (6), 1979: Ord. 2158 § 1 (part), 1975).

22.96.090 Hearings. The review board shall conduct a separate hearing on each proposal for which approval is requested. The sole issue at said

hearing shall be the rating of the project. The board shall have no authority to modify or remand an application.

All hearings shall be public. The developer and all interested persons shall be entitled to appear, testify and present evidence.

At the conclusion of the hearing, the board shall render a decision rating the project on the basis of each criterion set forth in Section 22.96.110. (Ord. 2409 § 1 (7), 1979: Ord. 2158 § 1 (part), 1975).

22.96.100 **Criteria.** Specific rating criteria shall be set forth in the joint powers agreement for each residential development review area based upon the findings in Section 22.96.010 and the applicable countywide and city general plan policies for the review area. These criteria shall be divided into the following categories:

(1) Provision for law and moderate income housing;
(2) Evironmental quality;
(3) Public services and project design.

Ratings under these criteria shall be calculated strictly in accordance with the amplification of criteria contained in the joint powers agreement.

If the project involves the division of land only, it shall be rated solely in accordance with criteria for environmental quality and public services. For the purposes of comparing such projects with actual development proposals, the raw score shall be multiplied by a factor which would make possible a total score equal to the maximum points possible if all categories are considered. (Ord. 2419 § 1 (8), 1979: Ord. 2158 § 1 (part), 1975).

22.96.110 **Approvals.** When all rating hearings are completed, the review board shall determine, solely on the basis of numerical ratings, and the number of units to be allowed in accordance with Section 22.96.130, which projects are eligible for approval. Those projects whose ratings do not qualify them for approval shall be denied without prejudice to the applicant's ability to reapply. (Ord. 2419 § 1 (9), 1979: Ord. 2158 § 1 (part), 1975).

22.96.120 **Allocation time limit.** The grant of an allocation award shall entitle the applicant to seek final map approval in the case of bare land subdivisions. If the city council or board of supervisors find after a noticed public hearing that the applicant or his successor in interest has failed to commence work in a substantial manner on the project's improvements (the buildings) within twenty-four months of the date of publication of the project's issuance of allocation awards, such allocation award shall be revoked as shall the building permit issued as a result thereof.

The board's staff shall make periodic checks for the purpose of advising the city council or board of supervisors of the need for consideration of revocation. In the case of bare land subdivisions, commencement of work on the subdivision improvements shall serve in lieu of commencement of work on buildings. (Ord. 2419 § 1 (10), 1979: Ord. 2158 § 1 (part), 1975).

22.96.130 Number of approvals. Each year the board of supervisors and city council (or their delegate members, subject to ratification by each body) shall meet in joint session on a date specified in accordance with procedures contained in the joint powers agreement to determine the number of residential units which can be approved during the subsequent year.

These determinations shall be based upon:

(a) Any specific criteria set forth in the joint powers agreement for the residential development review area.

(b) The countywide and applicable local general plans;

(c) The number of units approved and constructed in prior years;

(d) Availability of utilities and public services;

(e) The goals, purposes and objectives contained in Section 22.96.010;

(f) The current availability of low and moderate cost housing.

Representatives of all utility districts and companies located within the review area shall be invited to the meeting and may participate in the deliberations in all respects except voting. (Ord. 2419 § 1 (11), 1979: Ord. 2158 § 1 (part), 1975).

22.96.135 Allocations for each four-month period. The allocation of units for each four-month period shall be specified at the time the annual number is set. If the number of approved units falls below the four-month allocation for one session, the difference shall be carried over to the next four-month allocation, until the final session of the year.

In order to provide flexibility and practicality in carrying out the intent of this chapter, the growth target for any four-month period may be exceeded by as much as ten percent. If a project must use this excess allowance to secure approval, at least sixty-seven percent of the total project must be within the growth target available at that review meeting. This excess allowance shall then be deducted from the unit allocation for the next review period. (Ord. 2419 § 1 (12), 1979: Ord. 2158 § 1 (part), 1975).

22.96.140 Staged projects. If a developer so requests, a project may be considered in stages, or phases, but rated as a whole. Such a request must include a phasing plan specifying the number of units to be built in the first phase and during subsequent review periods. All approvals, as specified in Section 22.96.060 of this chapter must have been obtained for all phases of the project.

The phasing plan will be subject to approval of the review board at the same time the project is rated. If the rating for the project is sufficient to obtain an allocation award for the initial phase, and the phasing plan is approved, then subsequent phases shall be deemed denied. However, if such subsequent phases are resubmitted in accordance with the approved phasing plan, they shall be given priority for allocating awards over all nonphased projects, regardless of rating. If the total of units in resubmitted phases for any meeting exceeds the number of units for which allocation awards may

be issued for that meeting, all such resubmitted phases shall be reduced by an equal percentage necessary to reduce the aggregate number of the allowable number of units.

Failure to resubmit pursuant to the approved phasing plan shall be deemed a revocation of the rating previously given to the entire project, and those portions of the project which have not received allocation awards will no longer be eligible for resubmission under this section. Any changes to the phasing plan must be submitted at least three weeks prior to the review board meeting and approved by the board. (Ord. 2419 § 1 (13), 1979: Ord. 2158 § 1 (part), 1975).

22.96.150 Mandatory approval. If the number of units in projects pending action by the board is less than the number of units to be allowed pursuant to Section 22.96.130, the board shall issue approvals for all of such units. (Ord. 2158 § 1 (part), 1975).

22.96.160 Judicial review. Any legal action to challenge any decision, procedure, approval or denial of the residential development review board must be filed in a court of competent jurisdiction within thirty days after the action challenged. (Ord. 2158 § 1 (part), 1975).

Chapter 22.97

PROVISION FOR LOW AND MODERATE INCOME HOUSING

Sections:

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22.97.000 **Findings.** The county finds that the citizens of the county are experiencing a housing shortage for low and moderate income households. A goal of the county is to achieve a balanced community with housing available for households of a range of income levels. Increasingly, persons with low and moderate incomes who work and/or live within the county are unable to locate housing at prices they can afford and are increasingly excluded from living in the county. Federal and state housing subsidy programs are not sufficient by themselves to satisfy the housing needs of low and moderate income households. The county finds that the high cost of newly constructed housing does not, to any appreciable extent, provide housing affordable by low and moderate income households, and that continued new development which does not include lower cost housing will serve to further aggravate the current housing shortage by reducing the supply of developable land. The county further finds that the housing shortage for persons of low and moderate incomes is detrimental to the public health, safety and welfare, and further that it is a public purpose of the county, and a public policy of the state of California as mandated by the requirements for a housing element of the countywide plan, to make available an adequate supply of housing for persons of all economic segments of the community. (Ord. 2572 § 1 (part), 1980).

22.97.010 **Purpose.** The purpose of this chapter is to enhance the public welfare and assure that further housing development contributes to the attainment of these housing goals by increasing the production of units affordable by households of low and moderate income, and additionally stimulating funds for development of low income housing. A limited and finite amount of land remains for development of housing in the urban areas of the county. In order to assure that the remaining developable land is utilized in a manner consistent with the county housing policies and needs, the county declares that ten percent of the total number of units of all new developments containing fifteen or more units shall be affordable by households of low or moderate income. (Ord. 2572 § 1 (part), 1980).

22.97.020 **Definitions.** For the purposes of this chapter, certain words and phrases shall be interpreted as set forth in this section unless it is apparent from the context that a different meaning is intended.

(a) "Applicant" means any person, firm, partnership, association, joint venture, corporation, or any entity or combination of entities which seeks county permits and approvals.

(b) "At one location" means all adjacent land owned or controlled by the applicant, the property lines of which are contiguous at any point, or the property lines of which are separated only by a public or private street, road or other public or private right-of-way, or separated only by other land of the applicant.

(c) "Project" means a housing development at one location including all units for which permits have been applied for or approved within a twelve-month period.

(d) "Moderate, low, and very low income levels" mean those determined periodically by the U.S. Department of Housing and Urban Development based on the San Francisco-Oakland Standard Metropolitan Statistical Area (SMSA) median income levels by family size:

(1) Moderate income, eighty percent to one hundred twenty percent of the SMSA median;

(2) Low income, fifty percent to eighty percent of the SMSA median;

(3) Very low income, under fifty percent of the SMSA median.

(e) "Density bonus" means an increase in the number of units otherwise allowed for any particular parcel.

(f) "Dwelling unit" means a dwelling designed for occupancy by one household.

(g) "Housing authority" means housing authority of the county of Marin, a nonprofit public corporation.

(h) "Housing costs" means the monthly mortgage principal and interest, property taxes, homeowners insurance, and condominium fees, where applicable, for ownership units; and the monthly rent for rental units.

(i) "Housing director" means the executive director of the housing authority of the county.

(j) "HUD" means the United States Department of Housing and Urban Development or its successor.

(k) "Inclusionary unit" means an ownership or rental housing unit as required by this chapter, which is affordable by households with low or moderate income.

(l) "Income eligibility" means the gross annual household income considering household size and number of dependents, income of all wage earners, elderly or disabled family members and all other sources of household income.

(m) "In-lieu-participation fee" means a fee paid to the county by developers subject to this chapter in-lieu of providing the required inclusionary units or lots.

(n) "Resale controls" means legal restrictions by which the price of inclusionary units will be controlled to insure that the unit is affordable by low or moderate income county households over time.

(o) "Ecumenical association of housing" means a nonprofit organization dedicated to providing affordable housing in the county. (Ord. 2572 § 1 (part), 1980).

22.97.030 General requirements for new residential developments of fifteen or more units. (a) Any new residential development involving fifteen or more parcels or dwelling units intended and designed for permanent occupancy, including but not limited to single-family dwellings, apartments, multiple dwelling structure, or group of dwellings, condominium development, townhouse development, cooperative, or land subdivisions, which is approved on or after August 8, 1980, shall be conditioned to provide ten percent of the total number of dwelling units within the development as

inclusionary units affordable by moderate, low, or very low income households, or five percent of the total number of lots in the case of land subdivisions, for the development of inclusionary units, unless the developer, in agreement with county staff, elects to make an in-lieu payment.

In applying these percentages, any decimal fraction less than or equal to 0.50 may be disregarded and any decimal fraction greater than 0.50 shall be construed as requiring one dwelling unit. The inclusionary requirement shall be imposed only once on a given development, regardless of changes in the character or ownership of the development.

(b) Any development permit for new residential construction projects of fifteen or more units shall have conditions attached which will assure compliance with the provisions of this chapter. Such conditions shall specify the timing of in-lieu fees and/or the construction of the inclusionary units, the number of inclusionary units at appropriate price levels, provision for income certification and screening of potential purchasers and/or renters of inclusionary units, a resale control mechanism, and, if applicable, density bonuses.

In addition the conditions shall require a written agreement to indicate the number, type, location, approximate size and construction scheduling of all dwelling units and such reasonable information as shall be required by the county for the purpose of determining the applicant's compliance with this chapter.

All inclusionary units in a project and phases of a project should be constructed concurrently with or prior to the construction of non-inclusionary units, unless extenuating circumstances exist.

(c) All inclusionary units shall be sold or rented to moderate, low or very low income households as certified by the Housing Authority.

(d) All inclusionary units shall be reasonably dispersed throughout the development where feasible, shall contain on average the same number of bedrooms as the non-inclusionary units in the development, and shall be compatible with the design or use of remaining units in terms of appearance, materials, and finished quality.

(e) The applicant shall have the option of reducing the interior amenity level of the inclusionary units provided such units conform to the requirements of county building and housing codes. The applicant shall have the option of reducing the square footage of the inclusionary units below that of large market rate units provided all units conform to the requirements of county building and housing codes.

(f) The applicant shall have the option, with the approval of the county, to transfer credit for inclusionary units constructed at one location within the unincorporated area of the county to any other location within the unincorporated area of the county to satisfy the requirements of this chapter. The inclusionary requirement may be satisifed with construction of units eighteen months prior to the approval of the project.

(g) The applicant shall, upon a finding by applicant with staff concurrence that the construction of the required inclusionary units is not feasible

or appropriate as part of a larger development project, have the option to construct the inclusionary units on a site or sites not contiguous with the development.

(h) The applicant shall have the option, in a homeownership project, of constructing rental units in a number sufficient to meet the inclusionary requirements of this chapter. These rental units shall be subject to Section 22.97.050. The county shall assist the applicant in obtaining available financing and/or subsidies for such a project. (Ord. 2572 § 1 (part), 1980).

22.97.050 Inclusionary unit requirements for rental developments. (a) In rental projects of fifteen or more units, ten percent of the units shall be inclusionary units affordable by moderate, low, or very low income households. The inclusionary rental units shall be offered at rent levels not exceeding the maximum housing unit rental price affordable by moderate income households at thirty percent of gross income. Where housing assistance rental subsidies are available, units should be made available to lower income households.

(b) The county shall contract with the housing authority to screen applicants for the inclusionary rental units, and to refer eligible households to the developer or owner. The developer or owner shall retain final discretion in the selection of the eligible households; provided, that the same rental terms and conditions (except rent levels and income) are applied to tenants of inclusionary units as are applied to all other tenants, except as required to comply with government subsidy programs.

(c) The housing authority shall be the designated authority on behalf of the county to require guarantees, to enter into recorded agreements with developers, and to take other appropriate steps necessary to assure that the required moderate income rental dwelling units are provided and that they are rented to moderate, low, or very low income households. When this has been assured to the satisfaction of the housing authority, the director shall prepare a certification indicating that the developer has complied with the requirements of this section, and shall transmit it to the county. (Ord. 2572 § 1 (part), 1980).

22.97.070 Inclusionary unit requirements for ownership developments. (a) In ownership residential projects of fifteen or more units, ten percent of the units shall be inclusionary units affordable by moderate or low income households. Moderate income units shall be sold at prices affordable to a range of families earning eighty percent to one hundred twenty percent of the area median income; low income shall be affordable by households earning fifty to eighty percent of the median income. The housing unit sales prices corresponding to this income range shall be established by the county or its designee.

(b) The applicant shall be required to offer to the housing authority or a county designated party all such inclusionary units as are required by this chapter for sale to eligible purchasers for a period of not less than ninety

days from the date of the county's permission to occupy. Sale and resale restrictions are removed in the event the housing authority or county designee does not complete the sale to an eligible purchaser (purchase contingent on a one percent of sales price refundable cash deposit and initiation of escrow within thirty days of submission of cash deposit) within ninety days from the date of project completion. The housing authority shall advise all prospective purchasers of the resale restriction applicable to ownership inclusionary units as specified in this chapter.

(c) The housing authority shall review the assets and income of prospective purchasers of the ownership inclusionary units on a project by project basis. The housing authority shall advertise the inclusionary units to the Marin general public. Upon notification of the availability of ownership units by the developer, the housing authority shall seek and screen qualified purchasers through a process involving applications and interviews. Where necessary, the housing authority shall hold a lottery to select purchasers. The developer/owner shall retain final approval in the selection of the qualified purchasers selected by the housing authority; provided, that the same terms and conditions (except income) are applied to purchasers of inclusionary units as are applied to all other purchasers. Preference will be given first to residents of Marin County and second to people employed in Marin County. (Ord. 2572 § 1 (part), 1980).

22.97.090 **Inclusionary requirements for land subdivisions development.** In land subdivisions of fifteen or more parcels, five percent of the developable lots or their equivalent shall be set aside for immediate or future development of moderate, low, or very low income units. Such land may be developed by the applicant or another profit or nonprofit developer, private or public, or deeded to the county of Marin or its designee. The units built on these parcels may be rental or owner occupied, and shall conform to the requirements set forth in the appropriate sections of this chapter. The method of providing inclusionary units from land subdivisions shall be specified in the conditions of approval of each such land subdivision. (Ord. 2572 § 1 (part), 1980).

22.97.100 **Eligibility requirements.** (a) In establishing moderate household income, the county or its designee shall consider, among other things, the median household income data provided periodically by HUD, household size and number of dependents, and all sources of family income and assets.

(b) Every purchaser of an inclusionary dwelling unit shall certify by a form acceptable to the county that the unit is being purchased for the purchaser's primary place of residence. The housing authority shall verify this certification. Failure, by the purchaser, to maintain eligibility for homeowners property tax exemption shall be construed to mean that the inclusionary unit is not the primary place of residence of the purchaser. (Ord. 2572 § 1 (part), 1980).

22.97.120 **Control of resale.** (a) In order to maintain the availability of the housing units as may be constructed pursuant to the requirements of this chapter, the county shall impose the following resale conditions. The price received by the seller of an inclusionary unit shall be limited to the purchase price plus an increase based on the Bay Area Consumer Price Index, an amount consistent with the increase in the median income since the date of purchase, or the fair market value, whichever is less.

(b) Homeownership inclusionary units constructed, offered for sale, or sold under the requirements of this chapter shall be offered to the housing authority or its assignee for a period of at least ninety days by the first purchaser or subsequent purchaser(s) from the date of the original sale for a price affordable to moderate income families as stipulated in this chapter. Homeownership inclusionary units shall be sold and resold from the date of the original sale only to moderate income households as determined to be eligible for inclusionary units by the housing authority according to the requirements of this chapter. The seller shall not levy or change any additional fees nor shall any "finders fee" or other monetary consideration be allowed other than customary real estate commissions and closing costs.

(c) The owners of any inclusionary unit shall attach and legally reference in the grant deed conveying title of any such inclusionary ownership unit a declaration of restrictions provided by the housing authority, stating the restrictions imposed pursuant to this chapter. The grant deed shall afford the grantor and the county the right to enforce the attached declaration of restrictions. The declaration of restrictions shall include all applicable resale controls, occupancy restrictions, and prohibitions as required by this chapter.

(d) The housing authority shall be given the responsibility of monitoring the resale of ownership inclusionary units. The housing authority or its assignee shall have a ninety-day option to commence purchase of ownership inclusionary units after the owner gives notification of intent to sell. Any abuse in the resale provisions shall be referred to the county for appropriate action. (Ord. 2572 § 1 (part), 1980).

22.97.150 **In-lieu participation fees.** (a) In-lieu participation fees may be appropriate for particular developments not suitable for inclusionary units due to factors such as, but not limited to, location, development density, accessibility to public transportation, and environmental conditions. In such cases, the county and the applicant may agree to the contribution of "in-lieu" participation fees. These in-lieu fees shall be used by the county, or its designee such as a non-profit housing development corporation for the purpose of developing affordable housing for low/very low income households elsewhere in the county.

(b) In-lieu participation fees will be used within the planning area of the project except by four-fifths vote of the board of supervisors. The eight planning areas of the county are those designated in the countywide plan.

(c) In-lieu participation fees for all residential development, including

land subdivisions, shall be calculated on the basis of the difference between the ability to pay of moderate income families (earning one hundred percent of median income) and the estimated cost of a market rate unit of appropriate size, to be determined by the county. Estimates of the cost price of a market rate unit are to be provided four times yearly by the planning director. This differential shall be multipled by the required number of inclusionary units, that is ten percent of the total number of market rate units in the development. For the purposes of applying percentages to in-lieu fees, decimal fractions of a unit shall be used.

(d) At the option of the developer, in-lieu participation fees may be paid as proceeds from sales are received or at the time of sale of the last unit or parcel. The in-lieu fees shall constitute a lien on the property, which shall be recorded as a separate document at the recordation of the subdivision map. The in-lieu fee shall be due within twenty-four months from the date of approval of the development, regardless. The lien shall include a provision for foreclosure under power of sale if the in-lieu payment is not made within twenty-four months from the recordation of the lien, regardless of whether or not the individual lots have been sold. (Ord. 2572 § 1 (part), 1980).

22.97.160 **Availability of government subsidies.** It is the intent of this chapter that the requirements for inclusionary units affordable by moderate income families shall not be determined by the availability of government subsidies. This is not to preclude the use of such programs or subsidies. This chapter is also not intended to be an undue burden on the developers of residential projects. Therefore, as detailed in succeeding sections of this chapter, incentives are given to provide inclusionary units. (Ord. 2572 § 1 (part), 1980).

22.97.180 **Density bonus.** To avoid any undue economic burden or cost to the applicant providing inclusionary units or in-lieu fees required by the provisions of this chapter, the county shall favorably consider the applicability of an increase in density up to ten percent in the proposed residential project or land subdivision; provided, that a density bonus granted does not conflict with the goals of the countywide plan. This density bonus is exclusive of and not a substitute for the other density bonus(es). Granting of a density bonus shall be based on a project-by-project analysis and determination that such an increase in density will not be detrimental to the public health, safety and/or welfare. (Ord. 2572 § 1 (part),1980).

22.97.200 **Fee waiver for inclusionary units.** In the attempt to feasibly provide moderate income affordable units, the county shall waive all park dedication, school and other county fees applicable to the inclusionary units of a proposed housing development. (Ord. 2572 § 1 (part), 1980).

22.97.210 **Technical assistance.** In order to emphasize the importance of securing low and very low income housing as a part of this program, the

county planning department, other agencies, and/or designated consultants shall provide assistance on financial subsidy programs to applicants. The county may recommend that this be a part of the environmental review process. During individual project review, consideration shall be given to an economic analysis which will indicate the most suitable methods for the terms of this chapter to be implemented. This is to be done for the purpose of increasing the feasibility and lowering the cost of units affordable to moderate, low and very low income families. (Ord. 2572 § 1 (part), 1980).

22.97.220 **Enforcement.** (a) The provisions of this chaper shall apply to all agents, successors and assignees of an applicant once only for development of the site. No building permit or occupancy permit shall be issued, nor any development approval granted, which does not meet the requirements of this chapter.

(b) In addition to, or in lieu of, the provisions of subsection (a) of this section. the county shall institute injunction, mandamus, or any other appropriate legal actions or proceedings for the enforcement of this chapter.

(c) Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or causing the violation of any of the provisions of this chapter, shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable for each offense by a fine of not more than five hundred dollars, or by imprisonment in the County Jail for a term not exceeding six months, or by both fine and imprisonment. Such person, firm, or corporation shall be deemed to be guilty of a separate offense for each and every day during any portion of which any violation of this chapter is commenced, continued, or permitted by such person, firm, or corporation, and shall be punishable as herein provided. (Ord. 2572 § 1 (part), 1980).

22.97.270 **Appeals.** (a) Any person aggrieved by any action involving denial, suspension or revocation of a building or occupancy permit or denial, suspension or revocation of any development approval may appeal such action or determination to the planning commission, with further appeal possible to the board of supervisors.

(b) Any applicant or other person who contends that his (her) interests are adversely affected by any determination or requirement of the housing authority staff in regard to this chapter may appeal to the housing director. Further appeal recourse is open to the board of commissioners of the housing authority. The appeal shall set forth specifically wherein the action of the housing authority staff fails to conform to the provisions of this chapter thereby adversely affecting the applicant's interests. Such appeal shall be filed in duplicate in the public office of the housing authority. Subsequent appeal may be made to the board of supervisors. The board of supervisors, by resolution, may reverse or modify any determination or requirement of the housing authority if they make the finding that the action under appeal does not conform with the provisions of this chapter or to the contract between the housing authority and the county. (Ord. 2572 § 1 (part), 1980).

22.97.280 **Annual report.** The county planning department shall prepare an annual report to the board of supervisors on the status of the inclusionary units constructed under the provisions of this chapter. The report shall include the number, size, type, tenure, and general location of the inclusionary units as well as the number of resales and rental vacancy rate. The report shall provide a basis for an evaluation of the overall effectiveness of this chapter. (Ord. 2572 § 1 (part), 1980).

ORDINANCE NO. 784

R-1:B-D - ONE-FAMILY RESIDENCES (SLEEPY HOLLOW AREA)

(A) Uses Permitted:

1. One-family dwellings.

2. Golf courses, country clubs, tennis courts and similar non-commercial recreation uses.

3. Public parks and playgrounds.

4. Accessory buildings and accessory uses to a one-family residence.

5. Home occupations, provided that there shall be no external evidence of any home occupations.

(B) Restrictions on use:

1. No dwelling house shall be erected, placed or maintained which shall have a living floor area, exclusive of porches and garage, of less than 1,300 feet.

2. Any building or structure commenced to be erected or placed shall be prosecuted to completion with due diligence.

3. No cows, goats, hogs, pigs, poultry or livestock of any kind, except as hereinafter provided, shall be kept or permitted, provided however, that this restriction shall not prohibit the keeping of ordinary household pets on the premises.

Horses, donkeys or ponies for the personal use of occupants of residential property may be maintained upon the premises provided, however, that the stable or barn be located not closer than ten (10) feet of the side property lines with the exception of a corner lot, in which event fifteen (15) feet shall be the minimum distance, nor closer than forty (40) feet to an existing dwelling. Further, that the running area for such animal or animals be not closer than forty (40) feet to an existing dwelling.

(C) Building Height Limit:

2 1/2 stories but not exceeding 30 feet in height at any given point.

(D) Building Site Required:

Each one-family dwelling, together with its accessory buildings hereafter erected, shall be located upon a building site in one ownership, having an area, of not less than one acre, or in the alternative, an area of not less than 15,000 square feet, and a frontage of not less than 100 feet on a public road.

(E) Front Yard Required:

Each lot shall have a front yard not less than 25 feet in depth.

(F) Side Yards Required:

1. Each lot shall have side yards having a width of not less than 10 feet.

2. On a corner lot the side yard on the street side of such corner shall have a width of not less than 15 feet. (Ord. 784; December 6, 1955).

NOTE: SEE RES 70-102 (At right)

ORDINANCE NO. 784

A-2:B-D (SLEEPY HOLLOW AREA)

(A) Uses Permitted:

1. All uses permitted in A-2 Districts.

(B) Restrictions on Use:

1. No dwelling house shall be erected, placed or maintained which shall have a living floor area, exclusive of porches and garage, of less than 1,300 feet.

2. Any building or structure commenced to be erected or placed shall be prosecuted to completion with due diligence.

(C) Building Height Limit:

2 1/2 stories but not exceeding 30 feet in height at any given point.

(D) Building Site Required:

Each one-family dwelling, together with its accessory buildings hereafter erecteded, shall be located upon a building site in one ownership, having an area of not less than one acre, or in the alternative, an area of not less than 15,000 square feet, and a frontage of not less than 100 feet on a public road.

(E) Front Yard Required:

Each lot shall have a front yard of not less than 25 feet in depth.

(F) Side Yards Required:

1. Each lot shall have side yards having a width of not less than 10 feet.

2. On a corner lot the side yard on the street side of such corner, shall have a width of not less than 15 feet.

(Ord. 784; December 6, 1965).

LOT SLOPE POLICY FOR SLEEPY HOLLOW AREA (AREA COVERED BY ORD. 784).

1. Where the natural ground slope is 15% or less, the minimum lot area shall be 15,000 square feet.

2. Where the natural ground slope is more than 15%, 1,000 square feet additional lot area shall be added for each additional one percent of slope, to a maximum of 45,000 square feet.

(Resolution 70-102 Adopted by B.O.S. 3/31/70)

ORDINANCE NO. 1109

R-1;B-D, SINGLE-FAMILY RESIDENTIAL DISTRICT WITH COMBINING SPECIAL REGULATIONS (DILLON BEACH)

(A) Building Height Limit:
Two (2) stories but not exceeding twenty (20) feet in height.

(B) Building Site Area Requirement:
Area requirement 1,750 square feet with a minimum average width of 35 feet.

(C) Front Yard Requirement:
Each lot shall have a front yard of not less than 10 feet.

(D) Side Yard Requirements:
1. Each lot shall have a side yard each having a width of not less than five (5) feet.
2. On a corner lot, the side yard on the street side of such corner shall have a width equal to 10 feet.

(E) Rear Yard Requirement:
Each lot shall have a rear yard of not less than 10 feet.

(F) Floor Area Ratio:
Lots in this district are exempt from this limitation.

(Ord. 1109; January 31, 1961)

ORDINANCE NO. 1178

A-E;B-D, LIMITED AGRICULTURAL DISTRICT WITH COMBINING SPECIAL BUILDING SITE AREA REGULATIONS. (NICASIO VALLEY)

(A) Building Site Area:
Minimum 20 acres.

(B) Building Site Average Width:
Minimum 500 feet.

(C) Front Yard:
Minimum 50 feet.

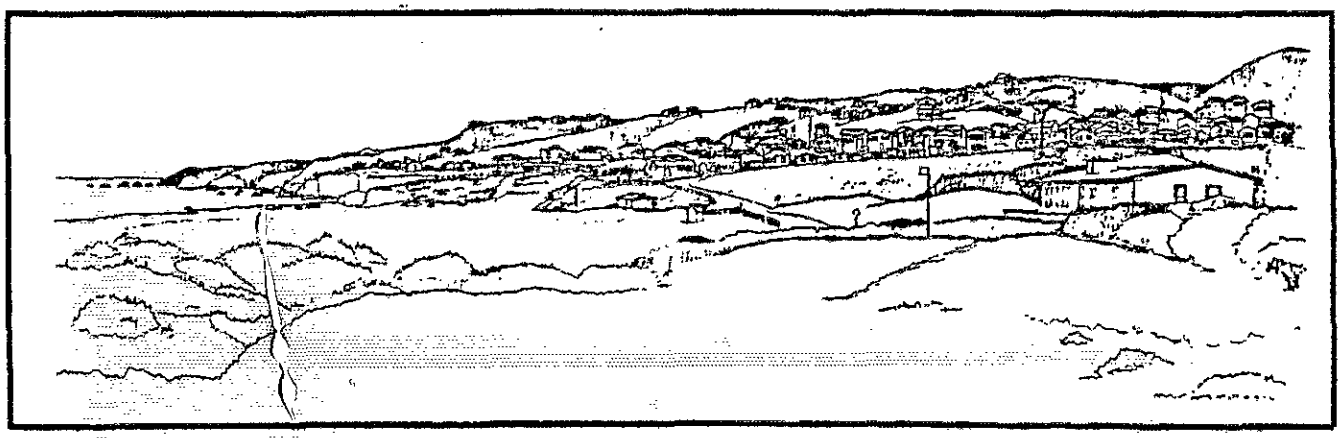
(D) Side Yards:
Minimum 50 feet.

(E) Rear Yard:
Minimum 75 feet.

(F) Roadway Slope Easements shall be considered as part of the street for the purpose of determining yard dimensions.

(Ord. 1178; January 2, 1962)

DILLON BEACH COMMUNITY PLAN



Prepared By

The Marin County Planning Department
and
Wallace Roberts & Todd

August 1989

DILLON BEACH COMMUNITY PLAN

MARIN COUNTY, CALIFORNIA

August 1989

Adopted by the County Board of Supervisors
on December 20, 1988.

Related Amendments to the Local Coastal Plan, Unit 2
approved by the California Coastal Commission in June 1989.

Prepared by the Marin County Planning Department
and Wallace Roberts & Todd.

Funded in part by a grant from the California Coastal Commission.

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DILLON BEACH COMMUNITY PLAN
EXECUTIVE SUMMARY

The Dillon Beach Community Plan provides guidance for environmental protection and development in the Dillon Beach planning area. The Plan was prepared in 1988 and 1989 with extensive community input. It was prepared, in part, with a grant from the California Coastal Commission.

The Community Plan acts in concert with the Marin Countywide Plan, Local Coastal Plan Unit 2 (LCP), and County Zoning Ordinance. Together these documents govern how Dillon Beach's unique resources are to be protected while accommodating a moderate amount of growth. The Plan includes more than forty objectives and 130 policies regarding environmental quality, environmental hazards, community development, traffic and circulation, and community facilities.

Six community workshops were held throughout the planning process. More than sixty people attended each one. Community interest in the Plan remained high and participation active. During fall 1988, the Planning Commission held three hearings on the Plan, proposed amendments to the LCP, proposed zonings and rezonings, and the related Environmental Impact Report and recommended that the Board of Supervisors approve them. The Board took action in December 1988. The California Coastal Commission then approved the LCP amendments in mid-1989.

PLANNING AREA

The area covered by the Plan includes the community of Dillon Beach on the northwest coast of Marin County and the surrounding agricultural lands. Specifically, the planning area extends from the Marin/Sonoma County border on the north to Tomales Bay on the south, and from the Pacific Ocean on the west to a north/south line that intersects with "Elephant Rocks" on the east.

The area is mostly agricultural, with a small village core and surrounding residential and resort neighborhoods. About one-third of Dillon Beach's property-owners reside in town full time. The remainder visit during weekends or vacations, or offer their homes for short-term rental. The Community Plan continues the mix of residential, coastal resort, and small-scale commercial uses.

PLAN ORGANIZATION

The Plan is organized in the following sections: (1) Introduction, (2) Background, (3) Conservation and Development Plan, (4) Environmental Quality, (5) Environmental Hazards, (6) Community Development, (7) Traffic and Circulation, and (8) Community Facilities, (9) Summary of Policies and Implementation Programs, and (10) Acknowledgments and References. Sections 4 through 8 are the working sections in that they contain the objectives, policies, and implementation programs that will govern development and environmental protection in the planning area. Sections 4 through 8 are described below.

PLAN GOALS

The goals of the Community Plan reflect both the overall goals of the Countywide Plan and LCP, and the goals of community residents as expressed throughout the planning process. The goals are to:

(1) achieve high quality in the natural and built environment through a balanced system of transportation, land use, and open space;

(2) protect the community's unique and valued environmentally-sensitive features through sound conservation and development policies;

(3) provide public access to and along the shoreline and provide public recreation opportunities in the community consistent with sound resources conservation principles and rights of private property owners;

(4) assure orderly, balanced utilization and conservation of community resources taking into account the social and economic needs of the people of the community;

(5) recognize the nature and socio-economic diversity of lifestyles in the community and provide means for their continuance; and

(6) preserve and enhance the community's visual character for the enjoyment of the permanent population and for visitors to the area.

ENVIRONMENTAL QUALITY

The planning area is rich with natural resources. Dillon Beach's steep coastal bluffs, long sand beach, tall dunes, wide esteros, streams, tidal estuaries, fishing grounds, and extensive clam beds together form a unique coastal area in Marin. And in no other part of the county are such diverse resources as readily accessible to the public. However, these resources are also highly sensitive to disturbance. The Community Plan includes policies to preserve agricultural lands for agricultural uses; and to protect the area's esteros and streams; wetlands; dunes and dune scrub; Tomales Bay and its vast fishing grounds, clam beds, and abalone stands; significant archaeological and cultural resources; and air quality.

ENVIRONMENTAL HAZARDS

Dillon Beach includes areas of unstable soil and areas subject to erosion, is along the San Andreas Fault, is subject to coastal forces of wind and wave action, contains several low-lying areas, and includes extensive grasslands. Thus the Plan's environmental hazard objectives and policies are designed to prevent or mitigate damage from landslides and erosion, groundshaking, liquefaction, tsunamis, floods, rising sea level, and fire.

COMMUNITY DEVELOPMENT

Land uses in the planning area include agriculture, single-family residences, small-scale retail, and extensive visitor-serving recreation along the coast. Multi-family residential use is permitted, but not yet developed. The Plan reinforces these uses and requires additional development to be of the same types and compatible designs. Guidelines are included in the Plan to preserve the rural coastal village and resort character of the area. Five subareas are discussed below, in general from north to south.

Agricultural Areas. Extensive agricultural lands surround the town on the north and east sides. The Plan calls for preservation and protection of all agricultural lands for agricultural uses.

Oceana Marin. Oceana Marin is the private, relatively new subdivision in the hilly, northern part of the community. About one-half of the 267 single-family lots have been developed. None of the four parcels originally designated for single- and/or multi-family uses has been developed. However, several proposals for development of the largest parcel, "Parcel K", have been submitted to the County for review.

The Plan retains the single-family lots for single-family homes. Regarding the four multi-family parcels, the Plan evaluates each one for its development potential. Based on the evaluation, the Plan revises the residential densities for each parcel to reflect its unique characteristics. The acreage of each parcel, the revised densities, corresponding number of units, original zoning, and revised zoning are shown below. Densities and zonings are indicated in units per acre.

Parcel	Parcel Acres	Density Range	Corresponding # of Units	Original Zoning	Revised Zoning
J	1.37	1.5-4.0	2-5	C-RMP-4	C-RMP-1.5
K	16.56	0.85-2.33	14-38	C-RMP-4	C-RMP-0.85
L	6.62	0.8-2.0	5-13	C-RMP-4	C-RMP-0.8
M	2.61	0.4	1	C-RMP-4	C-RSP-0.4
	27.16		22-57		

The lower end of each density range is intended for single-family development. The higher end of the density ranges is considered more appropriate for a mix of single-family and multi-family units. To reflect concerns regarding environmental hazards on these sites and the visual prominence of the sites, each parcel has been rezoned to the low end of its density range. Development approvals at higher points in the range will require zoning amendments and will be contingent on many factors, including the availability of water supply and sewage disposal and conformance with specified siting and design criteria.

The Community Plan also calls for improved public access from Oceana Marin to the shoreline. Improvements must be carefully designed and maintained to protect the fragile bluffs along the beach.

The Village. "The Village" refers to the residential neighborhood in the center of town. It is the oldest, most-tightly clustered group of houses in the planning area. Most of them are brightly painted and built on very small lots. Of the 170 lots, 151 have been developed. The Plan's policies call for additional development to be in keeping with the character of the existing houses and to protect scenic vistas. Parking and traffic circulation continue to be problematic due to the Village's narrow streets and inadequate off-street parking. The Plan calls for more stringent parking enforcement and consideration of small neighborhood parking lots.

Lawson's Dillon Beach Resort. "Lawson's Dillon Beach Resort" refers to the area from the Village south to Lawson's Landing. Within this 64-acre area are the Lawson's Store, Dillon Creek, beach parking lot and restrooms, a 17-lot residential subdivision, two parcels formerly used by the University of the Pacific as a marine lab, and extensive undeveloped areas.

This area carries the greatest development potential in the community, but also some of the most significant and sensitive environmental resources. The Community Plan evaluates the area according to seven key environmental characteristics. Based on the evaluation, the Plan identifies ten subareas, or a total of 27 acres, that are considered developable to varying degrees and for varying uses.

Approximately 10 of the developable acres are along the beach. They are to remain available to the public and are developable only for beach-related uses. On the remaining parcels, the Plan specifies appropriate development types and densities. Overall, the Plan encourages mixed-use development that retains public access to the beach, and includes single-family and multi-family residences and small-scale, resident- and visitor-serving businesses. Policies for individual subareas describe clustered residential development, a community center, eating establishments, small hotel, neighborhood convenience store, and office and studio space. The policies take into account current problems with water supply, sewage disposal, traffic and circulation, and the need to preserve views from all parts of the community.

Prescribed residential densities range from 4 to 10 units per acre in specified areas. Commercial densities range from floor area ratios of 0.2 to 0.3 (ie., 20 to 30 percent). Development within these ranges will be contingent on new water supplies, increased sewage disposal capacities, traffic considerations, and a host of siting and design standards. Based on the policies for each subarea, the Plan specifies an overall residential density of 0.7 and 1.2 units per acre. Actual development is to be clustered, however, to avoid environmental hazards, protect sensitive environmental resources, and create a balanced, pleasing development that is compatible with existing development in the community.

The Plan recognizes Dillon Creek, which runs through the center of the Resort, as a sensitive riparian zone subject to erosion. It is also recognized as an important connection between the Village and neighborhoods to the south. The Plan recommends that future Master Plans for the Resort include a pedestrian bridge across the creek and and a linear park, as well as buffers to protect sensitive areas from adjacent development.

Lawson's Landing. "Lawson's Landing" refers to the private beach, bayfront, and campground that extends from Lawson's Dillon Beach Resort on the north to Tomales Bay on the south. The Plan maintains the Landing as a recreational resort area where campsites, spaces for recreational vehicles and trailers, a pier and small store for boating, fishing, and clamming provide low-cost visitor facilities. The Landing's location, however, on a low-lying sand point near the San Andreas fault presents significant potential earthquake and flooding hazards. Given these conditions and the concern for preserving coastal sand dunes to the north and east of the trailer park and sensitive bay habitats, the Plan recommends only limited improvements or expansion of the approximately 16-acre developed portion of the Landing. Master Plan approval would be required for additional development. As water supply and sewage treatment are provided by facilities on-site, additional development would also be dependent upon the ability to increase and improve current levels of service.

TRAFFIC AND CIRCULATION

Dillon Beach Road is the only road into town. On weekends and holidays, slow-moving recreational vehicles on their way to Lawson's Landing cause long lines of traffic into and out of town, through the Village, and to and from the Landing. The Plan calls for considering pullout zones and wider shoulders along Dillon Beach Road and considering a second road into town to separate auto traffic and slower recreational vehicle traffic.

Other traffic policies address circulation within the Village, additional directional signs, greater parking enforcement, additional parking areas in the Village, and pedestrian pathways.

COMMUNITY FACILITIES

The Plan discusses eight community facilities, including emergency medical services, fire protection, library services, police services, schools, sewage treatment and disposal, solid waste disposal and recycling, and water supply. The three major areas of concern are emergency response (including medical, fire, and police services), sewage disposal, and water supply.

Emergency Response. Due to Dillon Beach's remote location and limited system of roads, the community could easily be cut off from conventional emergency services. Consequently, the Community Plan calls for retaining air- and water-borne emergency services and, at a minimum, maintaining current levels of staffing and equipment at the Tomales Fire Station and Sheriff's West Marin Substation in Point Reyes Station. Additional development in Dillon Beach that would result in substantially more residents or visitors are to be approved only when additional emergency response services can be provided.

Sewage Treatment and Disposal. Sewage treatment and disposal in Dillon Beach is provided by several independent systems. Treatment and disposal in most of Oceana Marin is provided by a centralized sewer system. Treatment and disposal in the Village, Lawson's Dillon Beach Resort, and Lawson's Landing is handled by individual on-site septic systems. Additional treatment and disposal capacity will be needed for additional development in Oceana Marin, Lawson's Dillon Beach Resort, and Lawson's Landing.

Several alternatives have been considered for expanding the system serving Oceana Marin. These alternatives include expanding capacity on the hilltop east of Oceana Marin, and constructing a treatment facility on the southwest corner of the subdivision that would then discharge treated effluent to a leachfield in the sand dunes in Lawson's Landing. Neither alternative is clearly preferable at this time, nor have they been evaluated according to potential communitywide needs. This community service will be one of the most influential factors in evaluating future Master Plan proposals throughout the community. Substantial improvements and increased capacity wili be necessary to accommodate additional development. The improvements and expansions will be subject to Plan policies regarding environmental hazards and environmental quality.

Water Supply. Water is currently supplied to Oceana Marin, the Village, and Lawson's Dillon Beach Resort by two private water companies: Coast Springs Water Company and Estero Mutual Waster Company. Lawson's Landing draws on its own system. Coast Springs' and Estero Mutual's systems are considered to be at, or very near, capacity. They have limited source capacity, but are able to serve a relatively large number of connections mainly because of the community's high level of part-time occupancy.

Additional water supply will need to be identified and developed for additional significant development in the community. The owners of Coast Springs, Estero Mutual, and Lawson's Dillon Beach Resort continue to search for and test potential sources. However, this resource may be a significant limiting factor for future development. All Master Plan approvals will be contingent on adequate water supplies. To improve water supply efficiencies, primary Plan recommendations include conducting technical studies of existing water supplies to confirm their extent, and evaluating the feasibility of forming a communitywide service district.

I. INTRODUCTION

1.1 PURPOSE OF THE PLAN

The purpose of the Dillon Beach Community Plan is to provide guidelines for protecting the quality of life now enjoyed in Dillon Beach and its unique attributes, while providing for a moderate amount of additional development that is in keeping with the community's coastal village character. The Community Plan expands upon the Marin Countywide Plan and Local Coastal Program (LCP), Unit 2 by providing more detailed information about existing conditions and planning solutions for the Dillon Beach planning area.

1.2 RELATION TO OTHER PLANS AND REGULATIONS

Two other planning documents also apply to Dillon Beach: the "Marin Countywide Plan" and the "Marin County Local Coastal Program." A summary of Countywide Plan and LCP policies is contained in Appendix A. Development in Dillon Beach is also regulated by the Marin County Zoning Code. These documents are briefly described below.

Marin Countywide Plan

The Countywide Plan was originally adopted by the County Board of Supervisors in 1973 and was last amended in 1982. It functions as a general policy plan for the entire County. Every California County is required by law to have one. It is a guide for both the city and county governments, as well as citizens, for making decisions about development in Marin County.

In general, the Plan's goals, or vision, for how the County should develop are concerned with protecting the environment; preserving agriculture and open space, keeping housing prices within reason; maintaining a stable rate of growth in jobs and housing for employees; and using energy wisely.

While each city has its own plan to guide its land use decisions, the Countywide Plan speaks most directly to those decisions to be made by the County Board of Supervisors about land use in areas lying outside any city boundary.

The Countywide Plan divides Marin County into a number of geographic areas; Dillon Beach is located in what is called the Coastal Recreation Corridor. According to the Plan, the most important issues in the Coastal Recreation Corridor are:

1. preventing rapid or disruptive growth;
2. improving housing quality without raising prices too much for residents of lower means;
3. providing appropriate tourist facilities; and
4. supporting the continuation of agriculture.

A section of the Countywide Plan talks specifically about villages such as Dillon Beach. The Plan discourages the kind of development in villages that would rapidly or drastically change their character, or which would require expensive new public utilities such as roads or sewer systems. On the other hand, the Plan encourages social and economic diversity, namely freedom of choice for residents. While tourism is allowed and even encouraged in villages, the Plan is clear that this kind of development should be small, like the villages themselves, and should protect the natural beauty which attracts visitors in the first place.

The Marin County Local Coastal Program - Unit 2

The California Coastal Act of 1976 requires that coastal cities and counties in the state have special plans to make sure that the special attributes of coastal areas are properly protected and accessible to the public. The Marin County Local Coastal Program, or LCP, was approved in 1981. The LCP is, like the Marin Countywide Plan, a set of goals and policies to guide development, specifically for land along the Coast. The Marin County LCP Unit 1 pertains to the Marin coastal zone from Olema south. LCP Unit 2 includes the Marin coastal zone north of Olema to the Sonoma border.

The important issues addressed in the LCP are:

1. public access to the shoreline;
2. recreation and tourism;
3. protecting natural resources;
4. activities in Tomales Bay (such as boating and clamming);
5. new development; and
6. public services (again, water, sewer, etc.) for such development.

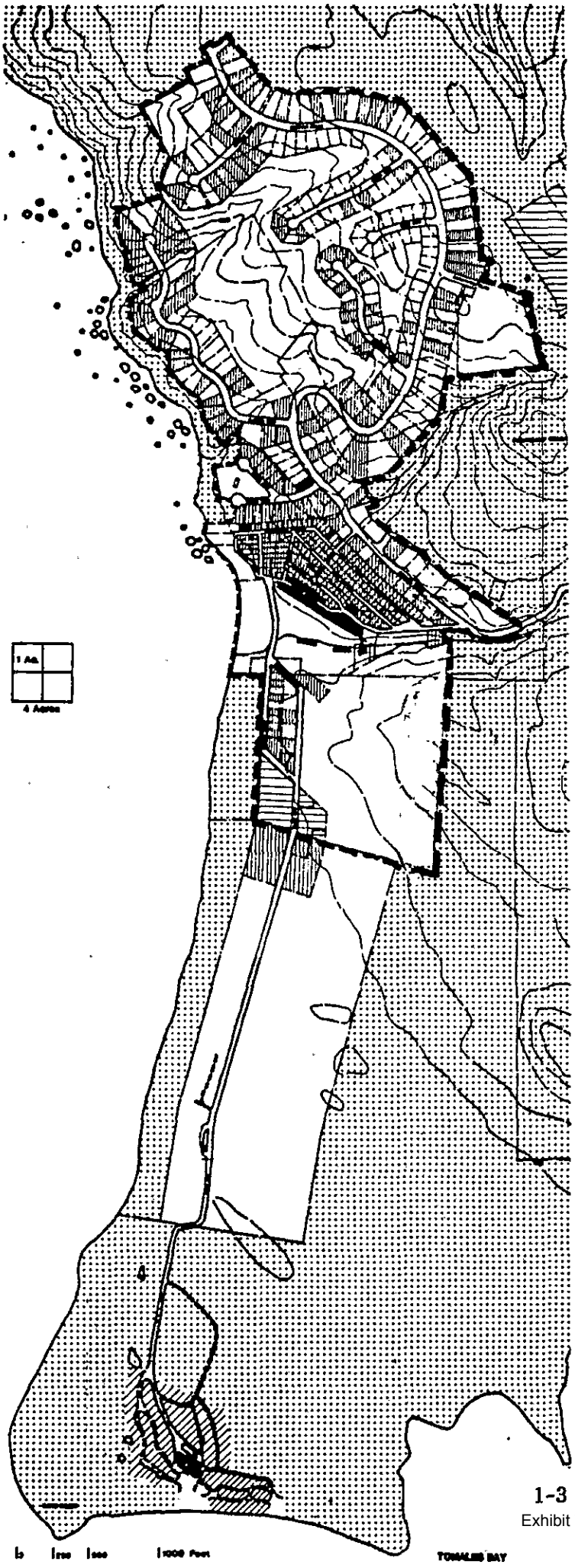
The LCP is quite specific about what activities should be located where in coastal areas. For example, public access policies recognize that particular areas people have historically used to get to the shoreline are valuable and suggest that formal pathways or "easements" be established for them. The LCP establishes community expansion boundaries within which development is to occur. The boundary provides an urban/rural delineation and is intended to preserve agricultural lands for agricultural uses. The community expansion boundary for Dillon Beach, as revised by this Plan and companion amendments to the LCP, is shown in Figure 1-1.

The LCP specifies zoning on lands in the Dillon Beach area. For example, the LCP formerly changed the zoning of the Sand Point area of Lawson's Landing from agriculture to coastal resort and recreation to allow tourist activities such as camping and boating. Lawson's Dillon Beach Resort was rezoned to permit both commercial use and some residences.

However, the LCP is also quite clear that the amount of development in Dillon Beach, and in Oceana Marin in particular, will be limited by the availability of water and sewage treatment. Development that would need water or sewage treatment beyond what is known to be available cannot occur unless additional supply of these and other essential services, such as police and fire protection, can be developed.

The LCP is most extensively concerned with protecting and preserving the natural environment. Protection measures for streams and wetlands and their special types of vegetation are carefully spelled out, as are recommendations for limiting development in dunes and agricultural areas. Policies about where and how to allow pier, breakwaters, and boat launches are intended to prevent shoreline erosion and disturbance of marine habitats.

The LCP is also concerned with keeping development safe in the face of natural hazards such as landslides, floods and earthquakes. Thus the LCP states, for example, that development on bluffs and cliffs should be carefully studied and controlled.



COMMUNITY EXPANSION BOUNDARY

Expansion Area Boundary

Figure 1-1

DILLON BEACH COMMUNITY PLAN

Marin County Planning Department
San Rafael, CA

Wallace, Roberts & Todd
Community and Environmental Planners
San Francisco, CA

Marin Zoning Code

Zoning for the Dillon Beach area is established by Title 22 of the Marin County Code. These regulations describe types of uses allowed in each zoning district and related development standards, such as lot size and building setbacks.

Nine zoning designations are used in Dillon Beach area. Each designation begins with "C" to identify it as a coastal-zone district. In addition to the specified permitted uses, other uses including crops, tree and truck farming, nurseries and greenhouses, home occupations, accessory buildings, and bed and breakfast operations are allowed in agricultural zones; sales rooms, schools, libraries, museums, churches, retreats, noncommercial tennis courts, and day childcare centers may also be permitted. Specific designations are described below.

C-APZ-60: Coastal Agricultural Production Zone, Maximum 1 Dwelling Unit per 60 Acres. This zone is intended to preserve coastal agricultural lands and their agricultural uses. Regulations for these areas are more restrictive than for inland agricultural areas in order to protect their uniqueness. Only one single-family home may be constructed per 60 acres and master plan approval is required for development. Development must be clustered on 5 percent or less of the property. Other uses must support or be accessory to the agricultural use.

C-R-1: Coastal Single-Family Residential. This district is reserved for single-family, detached homes. Minimum lot size is 7,500 square feet unless historic subdivisions have created smaller lots.

C-R-1:B-D: This is also a Coastal Single-Family Residential district, but with a smaller minimum lot size of 1,750 square feet.

C-R-1:B-2: This, too, is a Coastal Single-Family Residential district, but with a larger minimum lot size of 10,000 square feet.

C-R-A:B-5: Coastal Residential-Agricultural. This district provides for residential use, combined with small-scale agricultural activities. Single-family homes are permitted. A minimum lot size of 2 acres is required in this zone. The number of livestock allowed per lot is limited in order to maintain small-scale operations.

C-RSP-#: Coastal Single-Family Residential, Planned District, with a specified maximum number of dwelling units per acre. This district allows single-family detached units without the confines of specific setback requirements, in order to allow the greatest possible compatibility with unique site characteristics. Development in planned districts requires Master Plan approval.

C-RMP-#: Coastal, Multi-family Residential, Planned District, with a specified maximum number of dwelling units per acre. This district allows for varied forms of residential development, provided they are designed according to the policies in the Local Coastal Plan. This district also requires a County- and Coastal Commission-approved master plan for all uses. There are no building setback requirements in order to encourage housing arrangements that "benefit public welfare or other properties in the community." Uses permitted with Master Plan approval include single-and multi-family residences, public parks and playgrounds, as well as hospitals, clinics and offices.

C-RMPC-#: Coastal, Multi-family Residential, Planned District, with Commercial Development, with a specified maximum number of dwelling units per acre.. This district is similar to C-RMP, except that it also allows commercial and institutional uses. The numerical suffix indicates a maximum residential density; commercial building

densities are specified in Plan policies pertaining to the specific sites.

C-RCR: Coastal Resort and Commercial Recreation. The purpose of this district is to create and protect areas within the coastal zone for resort and visitor-serving facilities. An emphasis is placed on public access to recreation areas within and adjacent to proposed developments. Residential, industrial, institutional and general commercial uses as well as mobilehome parks and floating home marinas are specifically prohibited in these districts.

A multi-family residence refers to a building, or portion thereof, that is designed as a residence for two or more families that live independently of each other. Multi-family residences include duplexes, triplexes, four-plexes, etc., and may be owner-occupied or rented. Multi-family residences include condominiums, town-houses, apartment buildings, and time-share arrangements.

1.3 PLANNING PROCESS

The Community Plan was initiated in early 1988, with the assistance of a grant from the California Coastal Commission. During the Plan's development, the Planning Department held six community workshops, which were each well attended by sixty or more concerned residents, property owners, resort visitors, and agencies. The community's desires and concerns are addressed in the Plan via goals, objectives, policies, and implementation programs.

The Planning Commission and Board of Supervisors approved the Plan in late 1988. The Board of Supervisors also adopted rezonings and amendments to the Local Coastal Program, Unit 2 (LCP), in accordance with the policies and recommendations of the Plan. In April 1989, the California Coastal Commission approved the LCP amendments. This copy of the Plan includes all modifications made to the Plan during the Planning Commission, Board of Supervisors, and Coastal Commission hearings.

1.4 READERS' GUIDE TO THE PLAN

Following this introduction, the Community Plan is organized into seven main sections:

Section 2: Background, which presents material regarding the Dillon Beach area and its history, and delineates the planning area covered by this plan;

Section 3: Conservation and Development Plan, which presents the overall goals for the plan and community, and overall land use diagram;

Section 4: Environmental Quality;

Section 5: Environmental Hazards;

Section 6: Community Development;

Section 7: Traffic and Circulation; and

Section 8: Community Facilities, which includes emergency medical services, fire protection, library services, police services, schools, sewage treatment and disposal, solid waste recycling and disposal, and water supply.

Within Sections 3 through 8, background text regarding existing conditions and issues is first presented, then objectives, policies, and implementation programs. A summary of the implementation programs is presented in Section 9.

Reference material regarding applicable policies in the Marin Countywide Plan and Local Coastal Program, traffic analyses, sewage disposal and water supply projections, and design guidelines in Oceana Marin are included in appendices at the end of this document.

Many figures in this Plan were reduced from large-scale maps. The full-size originals are available for reference in the County Planning Department.

1.5 LIMITATIONS OF PLAN

This Plan acknowledges that private property owners are entitled to a reasonable and beneficial use of their property consonant with environmental and planning restrictions. To this end, any limitations on use shall be interpreted accordingly. Similarly, any requirements for dedications or exactions from private property owners are applicable only to the extent that the County determines that there is a reasonable nexus between the proposed development and the specified dedication or exaction.

2. BACKGROUND

2.1 REGIONAL CONTEXT

The community of Dillon Beach is located in northwest Marin County overlooking Bodega Bay. It lies approximately three miles south of the Sonoma County line and four miles west of Tomales, off Highway 1, and at the end of Dillon Beach Road (see Figure 2-1). In general, the area to the east between the coastal community of Dillon Beach and Highway 1 is open countryside. Land uses are primarily agricultural, with dairy, sheep and cattle grazing being the major industrles in the area. There are isolated farmhouses along secondary roads.

Estero de Americano forms the boundary between Marin and Sonoma Counties and is one of two brackish coastal rivers along the northernmost West Marin coastline. The second, Estero de San Antonio, is located approximately one mile to the north of Dillon Beach. The esteros are unique coastal wetland areas in that they constitute "seasonal estuaries" whose connection to the ocean is periodically closed. The surrounding land slopes steeply to the esteros. The bluffs are extremely fragile and are used almost exclusively, when at all, for grazing.

Sand Point, at the mouth of Tomales Bay, forms a second natural geographic boundary for the community approximately one mile south of the Village. Two formations of sand dunes in this area between the old University of the Pacific Marine Station and Sand Point vary in height from 10 to 200 feet. The foredunes are a series of three longitudinal dunes running parallel to the beach between it and Bay Drive, a privately-owned road leading to the Point. The generally higher rear dunes are located inland and to the east. The former, created by the planting of European beach grass, protect inland areas from wave runup and maintain a flat plain behind them which is used for grazing. Both sets of dunes are habitats for plants and animals, including the Dune Tansy, coastal dune scrub, small mammals and rodents.

Approximately one-half mile southeast of the Village in Lawson's Landing is a 23-acre sand quarry site. A County surface mining and quarry permit allows 10-15,000 tons of sand to be removed each year.

The community of Dillon Beach is surrounded by agricultural lands which are in active agricultural use. Many of the holdings, especially to the east and south, are under agriculture preserve (Williamson Act) contracts. Such contracts protect the agricultural viability of properties by allowing a lower tax assessment for a ten-year period on lands that remain in active agricultural use.

2.2 HISTORY OF DILLON BEACH

The Dillon Beach area, lying at the juncture of three ecological zones -- northern coastal highlands and bluffs, the Point Reyes Peninsula and the San Andreas fault forming Tomales Bay -- has long been known for its unique beauty and rich clam beds. In prehistoric times, it was the home of the coast-dwelling Miwok Indians who, according to evidence from several archaeological sites, used the sand dunes and a small valley on the southerly slope of Little Sugar Hill for drying shellfish, the basis for subsequent trade with inland tribes.

LOCATOR MAP

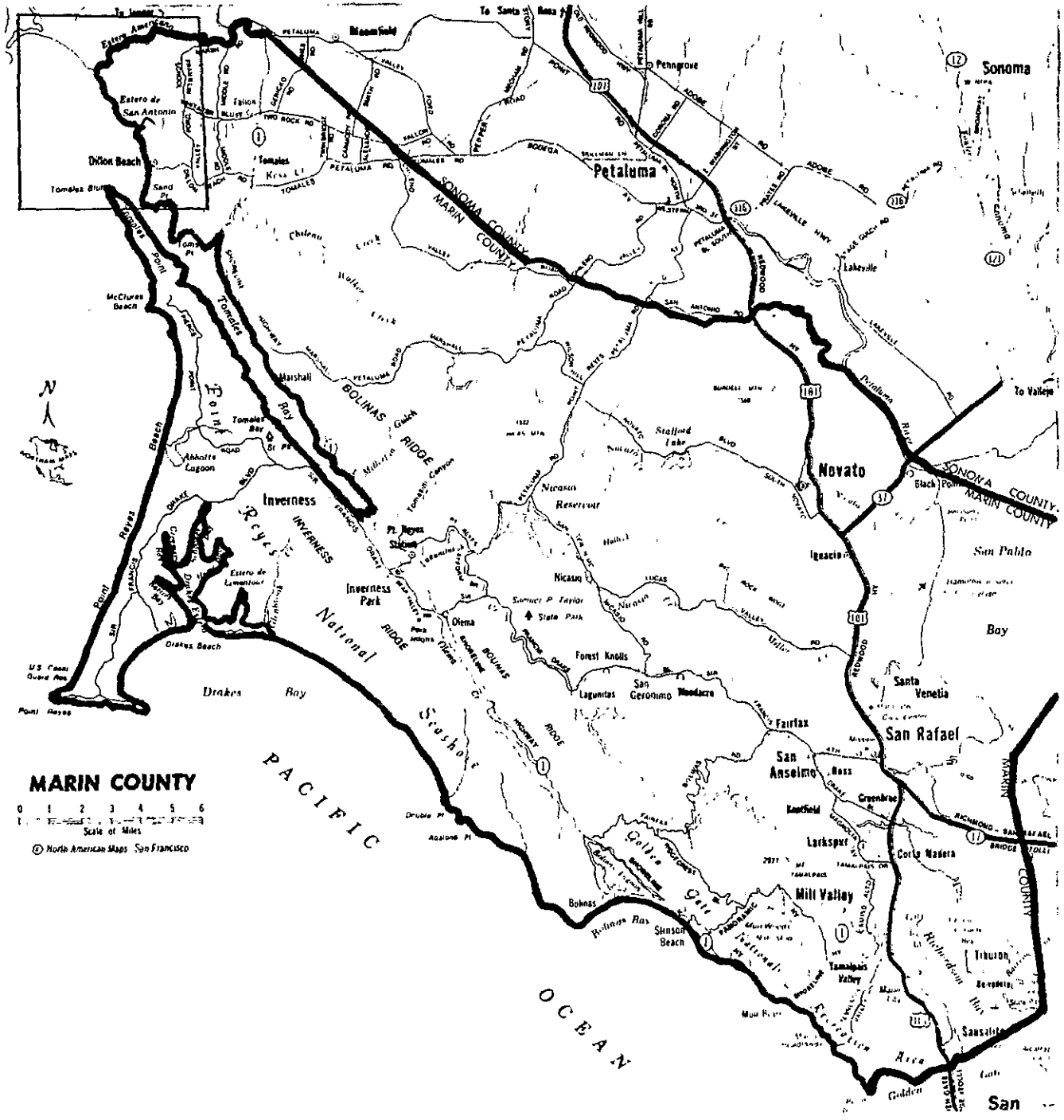


Figure 2-1

DILLON BEACH COMMUNITY PLAN

Marin County Planning Department
San Rafael, CA

Wallace, Roberts & Todd
Community and Environmental Planners
San Francisco, CA

The next known occupants of the area were Russian trappers hunting sea otters for the Russian-American Fur Company in Fort Ross to the north. At that time, Bodega Bay was called Port Romanazov. The Port flourished between 1811 and 1841, by which time the sea otter population had been extinguished.

Dillon Beach, or Dillon's Beach as many older residents know it, was settled as a resort in 1859 by an Irish immigrant, George Dillon. He was the sole owner of a 644-acre tract of land along the creek where he built and operated an 11-room hotel. As his venture prospered, he expanded his holdings. In 1903, he sold a section of beachfront to John W. Keegan who then laid out the current Village center with its small lots and narrow streets. Keegan also built a barn, a dance pavilion and a store. In 1911, Keegan sold his holdings to a San Francisco Corporation, the California Eucalyptus Plantation Company. One of the ventures of these tree merchants was a 500-lot subdivision, which was called Portola Beach, adjacent to the Village. The project was a failure. More successful was the operation of a horse drawn carriage service charging seventy-five cents a ride from the train in Tomales to the resort at Dillon's Beach.

In April, 1923, Sylvester Lawson leased the town from the corporation and began marketing its unique appeal as a vacation community. The following advertisement appeared in the Marin Herald under the title "Marvelous Marin."

> Our bathtub is the ocean
> Our lawn -- the beach so gray,
> Our children dance with kelpies
> To while the hours away.

Credit for this jingle is given to the Rev. James Mitchell, who was one of the first permanent residents of the village. Sylvester Lawson eventually bought a portion of Dillon Beach in 1926 and his sons, Howard and Walter, completed the purchase of the resort in 1942. At that time, development in Dillon Beach included the hotel and 21 rental cottages.

The Lawsons loaned one of their buildings, Point House, to the University of California and the College of the Pacific in 1933, for use as a marine research command post. Dr. Alden E. Noble, professor of zoology, is credited with establishing the facility in Dillon Beach. UC later moved to Bodega, but the University of the Pacific stayed and in August 1948, dedicated the facility as a Marine Biological Station. The abundance of marine life at Dillon Beach attracted marine scientists and students for more than 60 years. Winifred Lawson, who was postmaster from 1942 to 1960, has provided several amusing stories of the strange packages which were mailed to and from the Marine Biology Station.

The history of Dillon Beach from the 1920s is intertwined with the Lawson family history. Lawson's Dillon Beach Resort is still operated by one branch of the family. A second branch of the family established and still operates Lawson's Landing, a trailer and camping resort on Sand Point one mile south of the Village. The Landing is popular throughout the region for its fishing and clamming excursions.

World War II brought significant changes to Dillon Beach. Three days after Pearl Harbor, a Japanese submarine was sighted just outside the entrance to Tomales Bay. The community was one of a number of places along the California coast where defensive units were established. During the War, access was limited to military personnel and at one time the Army took over the Lawson resort for military use. After the War, the machine-gun emplacements were filled, the Village streets were paved and the County

road was extended down to the beach and across the creek to the southern half of the property which had been sub-divided, but never developed, as Portola Beach. A few lots were sold and houses built along Cliff and Bay Streets.

In the 1960s the Oceana Marin subdivision was established north of the Village and the most recent change of major proportion to the community was initiated. It is interesting to note that the developer of Oceana Marin was the grandson of John Keegan who had originally laid out the Village some forty years earlier.

2.3 PLANNING AREA

The Marin Countywide Plan specifies that Community Plans should establish two types of boundaries for unincorporated villages. The first is the "expansion area boundary," within which villages should be allowed to expand in the future. The second boundary defines a village's "area of interest," i.e., territory outside the expansion area, but close enough that any development or use there has significant impacts on the village.

The community expansion area boundary for Dillon Beach currently extends to the existing boundary of the Oceana Marin subdivision to the north and east and at the southerly end of the Pacific Marine Station to the south (see Figure 1-1).

The present expansion area boundary for Dillon Beach was established by the County's Local Coastal Program in consideration of agricultural zoning, utility service areas, natural barriers, needed land, subdivisions, flood plains and seismic conditions. According to the LCP, only rural or low density development, or visitor-serving activities, should be permitted outside this boundary.

The present expansion area boundary was set in order to:

- promote concentration of development,
- protect agricultural lands,
- protect water quality in the Estero de San Antonio,
- prevent development adjacent to eroding coastal bluffs and in sensitive dune habitats,
- protect scenic resources,
- protect opportunities for public recreation, and
- ensure that new development can be served by existing or planned public service capacities.

The planning area for the Dillon Beach Community Plan, which generally corresponds to the Countywide Plan's area of interest concept, incorporates the area shown in Figure 2-2. This area essentially extends to the Estero de Americano to the north, to the "elephant rocks" on Dillon Beach Road to the east and to the tip of Sand Point and Tomales Bay to the south.

Planning Subareas (See Figures 2-3 through 2-7.)

The community of Dillon Beach can be most easily described in terms of four distinctive areas from north to south: the Oceana Marin subdivision, the Village, Lawson's Dillon Beach Resort, and Lawson's Landing. These subareas therefore provide the organizational framework for this Community Plan. In general, within each major section of this plan (i.e. Community Development, Transportation and Circulation, Community Facilities etc.), background information and objectives, policies and programs are listed first for the community as a whole and then for each of the subareas.

COMMUNITY PLAN PLANNING AREA

Figure 2-2

DILLON BEACH COMMUNITY PLAN

Marin County Planning Department
San Rafael, CA

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San Francisco, CA

Exhibit 7 (County Proposed Appendices and Suggested Appendices)
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PLANNING SUBAREAS

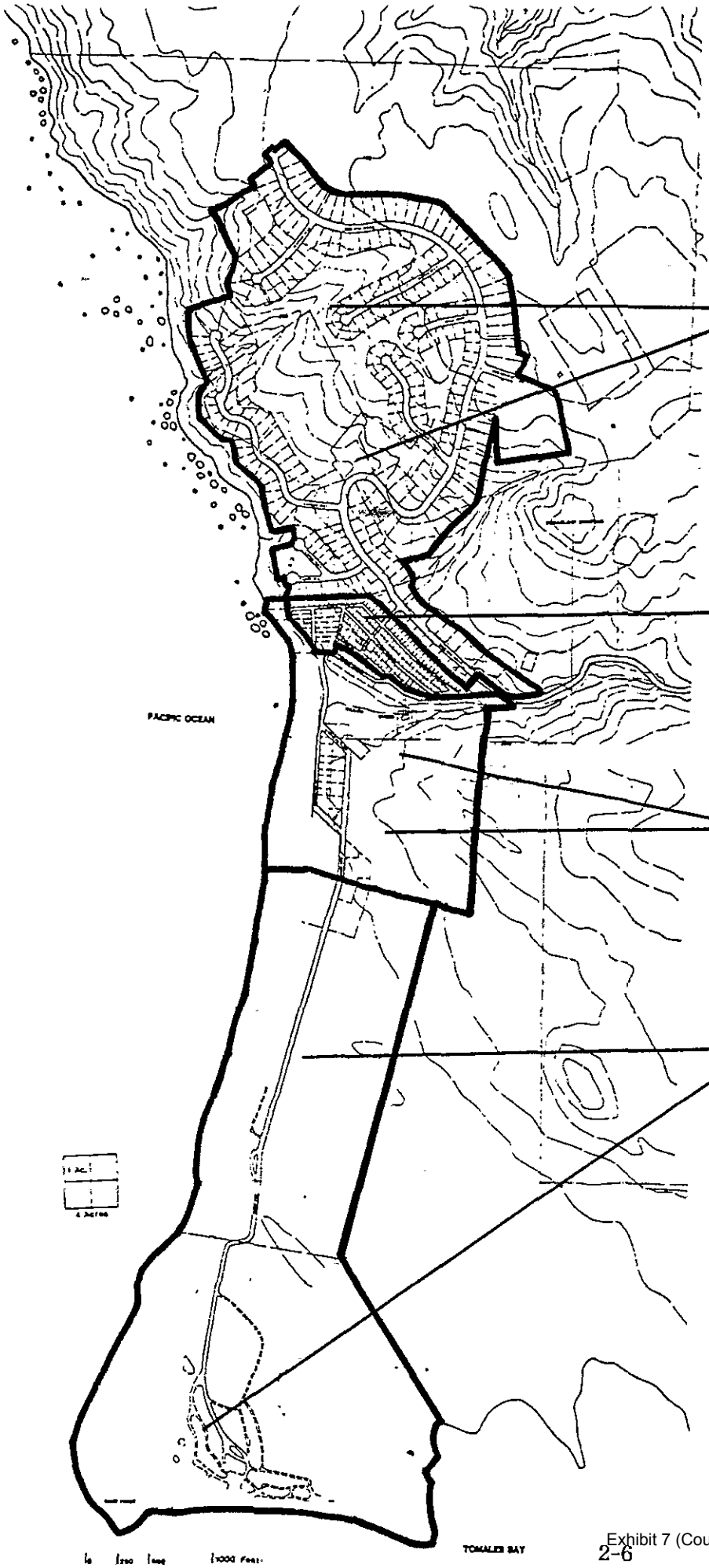

Figure 2-3

DILLON BEACH COMMUNITY PLAN

Marin County Planning Department
San Rafael, CA

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San Francisco, CA

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PLANNING SUBAREA
OCEANA MARIN

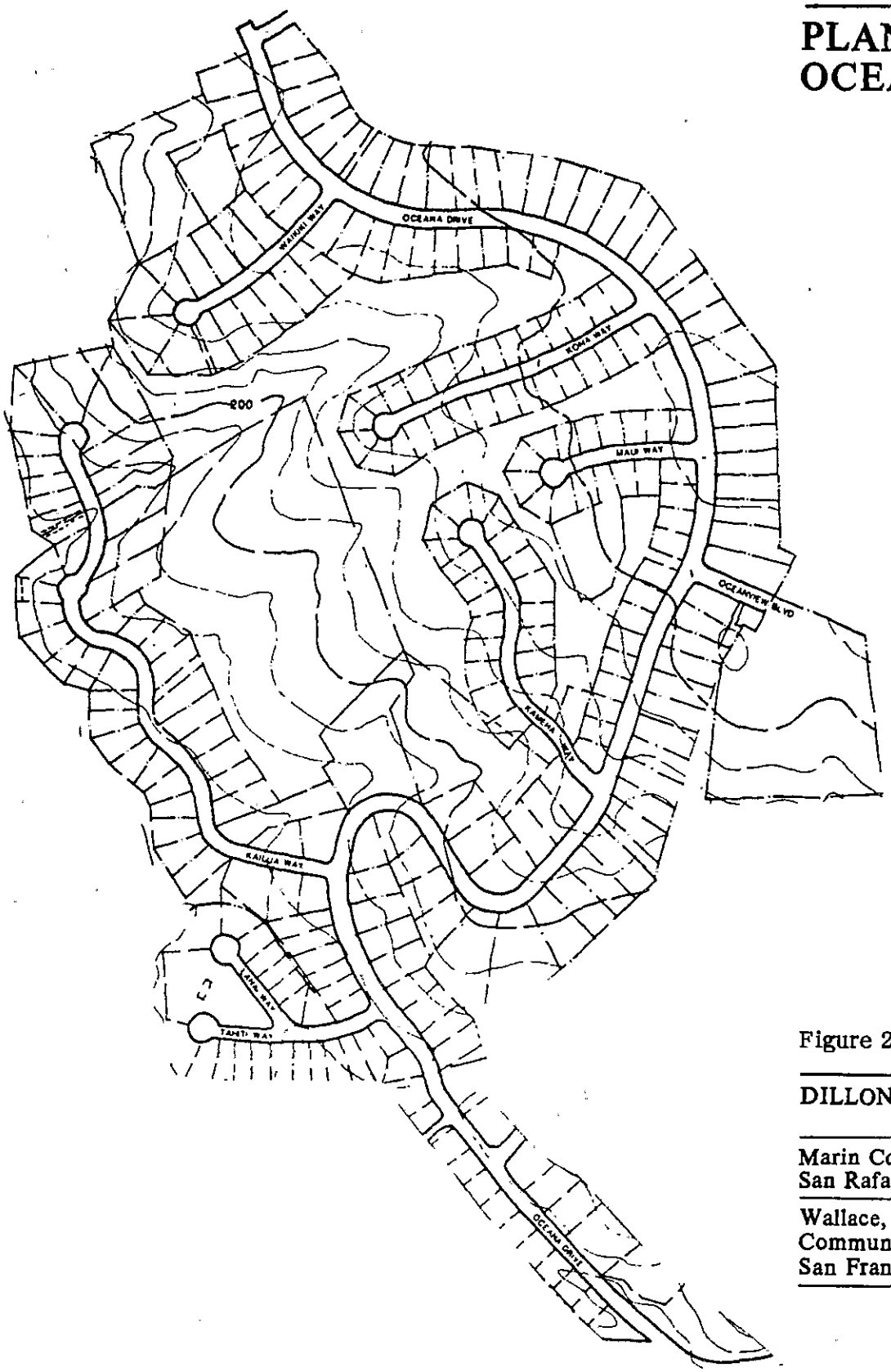

Figure 2-4

DILLON BEACH COMMUNITY PLAN

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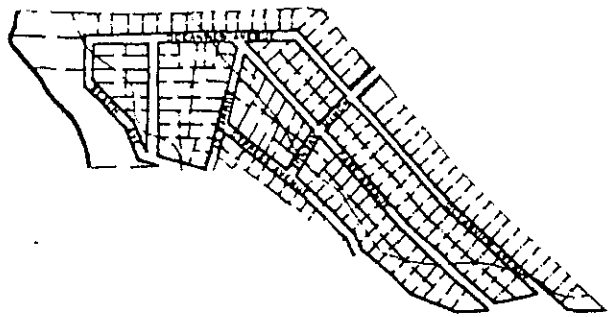
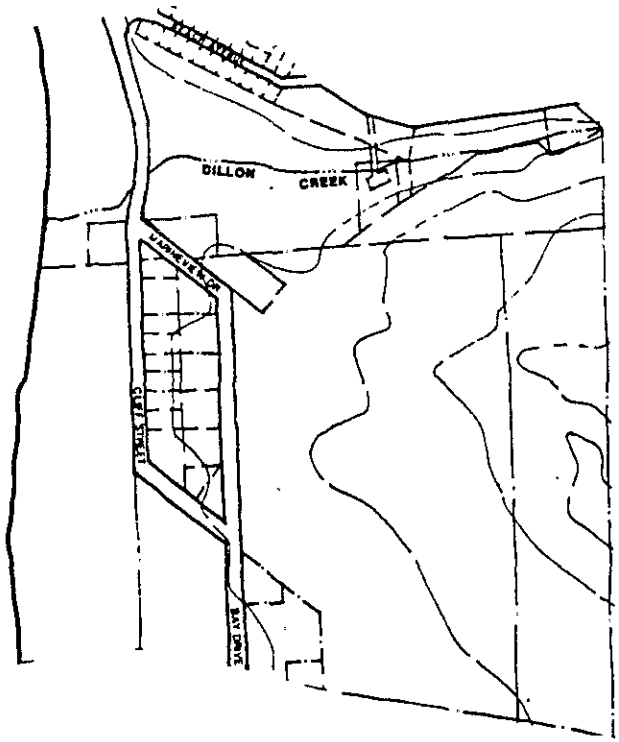
PLANNING SUBAREAS



THE VILLAGE



LAWSON'S DILLON BEACH RESORT

Figure 2-5

DILLON BEACH COMMUNITY PLAN

Marin County Planning Department
San Rafael, CA

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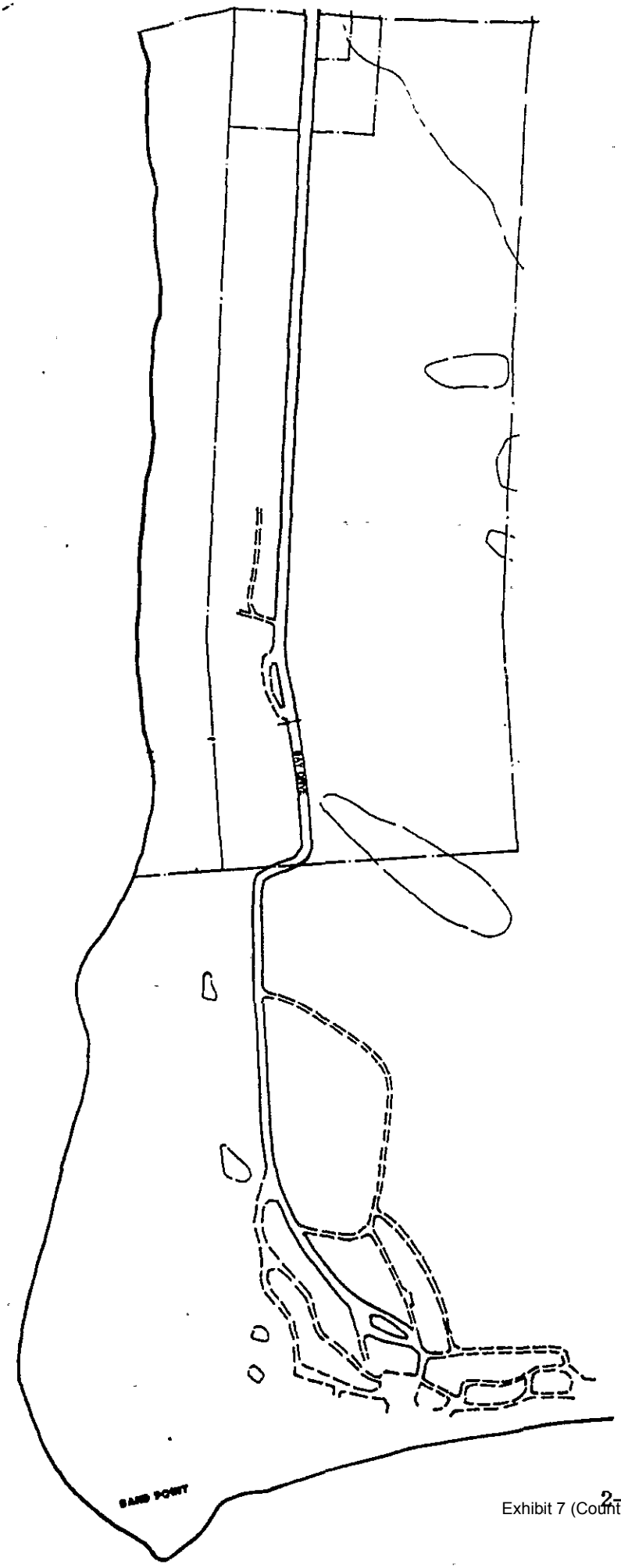
San Francisco, CA



PLANNING SUBAREA LAWSON'S LANDING

Figure 2-6

DILLON BEACH COMMUNITY PLAN

Marin County Planning Department
San Rafael, CA

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San Francisco, CA

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3. CONSERVATION AND DEVELOPMENT PLAN

This section contains a statement of community goals, a diagram for future land use, estimated existing and projected population for the community along with a discussion of the assumptions underlying the projections, and an introduction to the environmental considerations underlying the recommended plan.

3.1 GOALS

The following goals for the Dillon Beach community reflect both the overall goals of the Marin Countywide Plan and Local Coastal Program and the goals of community residents expressed through a series of community meetings and in correspondence throughout the planning process. The goals are broad statements of direction for the community, which the objectives, policies and programs in the following Plan are intended to achieve.

1. Achieve high quality in the natural and built environment through a balanced system of transportation, land use, and open space.

2. Protect the community's unique and valued environmentally sensitive features through sound conservation and development practices.

3. Provide public access to and along the shoreline and provide public recreational opportunities in the community consistent with sound resources conservation principles and rights of private property owners.

4. Assure orderly, balanced utilization, and conservation of community resources taking into account the social and economic needs of the people of the community.

5. Recognize the resort nature and socio-economic diversity of lifestyles in the community and provide means for their continuance.

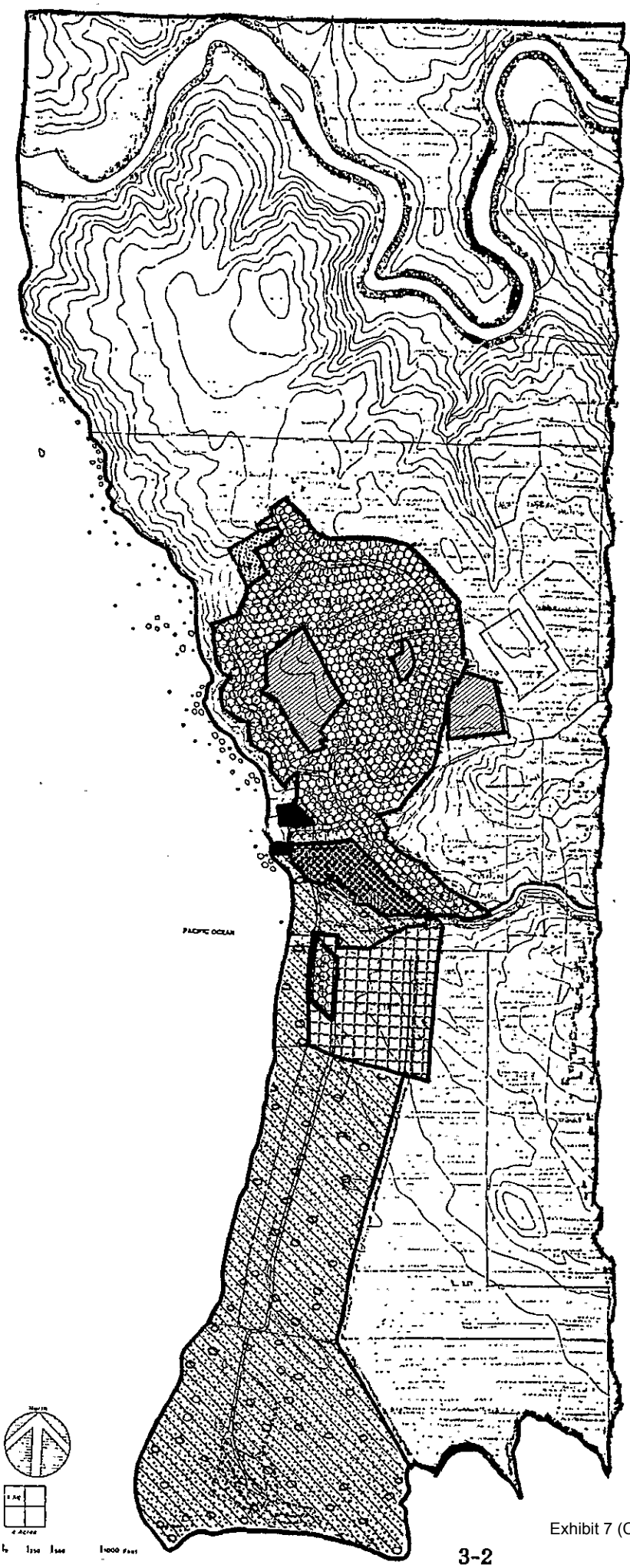
6. Preserve and enhance the community's visual character for the enjoyment of the permanent population and for visitors to the area.

3.2 LAND USE DIAGRAM

The land use diagram in this section represents an overall conservation and development plan for the community to approximately year 2010. The plan represents a future direction for the community based upon environmental considerations and the potential for development expressed in Plan goals and policies.

3.3 EXISTING AND PROJECTED POPULATION

For the purposes of the Community Plan, population estimates were calculated for areas within the original community expansion boundary. The calculations were based on estimates prepared by the North Marin Water District. An average of 48 percent occupancy was assumed, and an annual average number of occupants per household of 3.3 persons. This corresponds to 100 percent occupancy at an annual average of 1.6 persons. The methodology and assumptions for these estimates is outlined in Appendix H to this Plan.



LAND USE DIAGRAM, 1989

AGRICULTURAL USES

Agriculture
(1 du/60 acres; 0.04 people/acre)

RESIDENTIAL USES

Low-density, Single-family Residential
(2.0-6.9 du/acre; 4.6-16.0 people/acre)

Medium-density, Single-family Residential
(14 du/acre; 32 people/acre)

Planned Unit Development
Low-density, Single-family Residential
(0.4 du/acre; 0.9 people/acre)

Planned Unit Development
Single-family/Multi-family Residential
(0.8-3.6 du/acre; 1.8-8.4 people/acre)

COMMERCIAL USES

Coastal Resort and Commercial Recreation, Planned District
(average commercial FAR of 0.2 in specified areas)

MIXED USES

Residential - Agricultural
(0.8-7.7 du/acre; 1.7-17.7 people/acre)

Residential (Single/Multi-family) - Commercial, Planned District
(4-10 du/acre; 9.2-23.0 people/acre)
(average commercial FAR of 0.2-0.3 in specified areas)

OTHER USES

Public/Quasi Public
(post office)

NOTES

1. "du" refers to dwelling unit.
   "FAR" refers to floor to area ratio, expressed as a percent (eg. 0.2=20%).
2. Refer to the Plan text and policies for more specific descriptions of land use types, building intensities and population densities; see especially Section 6: Community Development.
3. All population densities assume 2.3 people per dwelling unit (ABAG, "Projections '87: Forecasts for the San Francisco Bay Area to the Year 2005").
4. All densities are based on gross acreage.
5. The commercial FARs are applicable only to specific areas within the land use areas shown (see policies for Lawson's Dillon Beach Resort in Plan Section 6).

Figure 3-1

DILLON BEACH COMMUNITY PLAN

Marin County Planning Department
San Rafael, CA

Exhibit 7 (County Proposed Appendices and Suggested Appendices)
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Total current population is estimated to be 470 people On a given day during the year, far fewer or far more people may be in town than the average population number indicates, especially as it does not account for Lawson's Landing and visitors staying overnight in trailers and campgrounds. The estimate of 470 people corresponds to an average population density of 2.1 persons per acre.

Future population at buildout, according to this Plan, is estimated to average 840 people, or 80 percent more than today. If the community experiences more full-time occupancy and more closely matches demographics in other communities, then total population could be substantially higher at 1,170 people on average, or a density of 5.2 persons per acre.

Due to the pauclty of reliable data, these current and future population estimates are crude at best. They are included in the Plan solely as baseline indicators, and have not been used in any way for developing policies for community development, traffic and circulation, nor community facilities. The population figures should be used cautiously until more accurate estimates are derived. These estimates are not suitable for determining the size of water and sewer facilities. A recommendation for acquiring more accurate data is outlined in Policy CD-14.1.

3.4 ENVIRONMENTAL CONSIDERATIONS

Environmental considerations addressed as part of this Community Plan include geology and soils, hydrology and drainage, biological resources, and cultural resources. The description of environmental conditions in the planning area contained in the next sections (Sections 4 and 5) is based on a number of sources of information including Environmental Impact Reports and Environmental Assessments prepared for projects in the area, publications of the U.S. Geological Survey and California Division of Mines and Geology, Marin County Flood Control Engineering Division, Federal Emergency Management Agency, California Natural Diversity Data Base, California Department of Fish and Game, and the California Archaeological Inventory, Northwest Information Center. Specific sources of information are cited in parentheses and listed in the Reference Material Section (Section 10).

These sections incorporate the findings of recent biologic and cultural resource records searches but no site-specific surveys by geologists, hydrologists, biologists, or archaeologists have been conducted for the Community Plan. Suggestions for further studies for specific development projects are provided in specific policies and implementation measures.

4. ENVIRONMENTAL QUALITY

This section contains descriptions of biological and cultural (archaeological) resources in the planning area. Each of these sections is then followed by objectives and policies for protecting these resources.

4.1 BIOLOGICAL RESOURCES

The planning area is characterized by a variety of biological communities, many of which are ecologically sensitive. Among the major biological communities found are mudflats, salt marsh, and marine communities along the shoreline, riparian and wetland areas along the drainageways and Estero de San Antonio, sand dunes and dune scrub to the south of Dillon Beach along Sand Point, and coastal scrub and grassland throughout the inland and upland portions of the planning area.

Vegetation

The planning area supports a range of natural vegetation communities. Due to the close proximity of the ocean and the sandy soils, the dominant plants and communities are coastal in character and are, for the most part, herbaceous or shrubby. Other common characteristics are salt and drought tolerance, low form, succulence, and extensive root systems. According to the California Department of Fish and Game's classification system, plant communities in the area include active coastal dunes, northern foredunes, central dune scrub, north coast riparian scrub, coastal prairie grassland, and wetlands. These communities are described as follows.

The active coastal dunes are typically devoid of vegetation and occur closest to the shoreline. Along the Dillon Beach coast, these dunes consist of a long ridge running parallel to the beach and transitioning into the low sandy ridge of the northern foredune community to the north. Where present, vegetation on the dunes consists of patches of lupine (Lupinus aboreus), sand verbena (Abronia latifolia and Abronia umbellata), sea rocket (Cakile maritima), fleabane (Erigeron glaucus) and yarrow (Achiilea boreaiis var. arenicola) (Del Davis Associates, 1976).

The northern foredunes community represents the first stages of dune stabilization by vegetation. It consists of a mixed pattern of bare sand, creeping perennial grasses (Elymus mollis, Ammophila arenaria), and herbaceous species such as evening-primrose (Camissonia cheiranthifolfa), sand verbena (Abronia latifolia), sea rocket (Cakile maritima), and bindweed (Calystegia soldanella). Introduced species in this community include iceplant (Mesembryanthemum spp.) and wild radish (Raphanus sativus) (WESCO, 1987).

The central dune scrub community is a relatively dense and mature vegetation type that occurs on old stable dunes in the area. The dominant plants in the community include yellow bush lupine (Lupinus chamissonis), coyote bush (Baccharis pilularis ssp. pilularis), Ericameria ericodies, fleabane (Erigeron glaucus), bicolor lupine (Lupinus bicolor ssp. umbellatus), nightshade (Solanum nodiflorum), and a thistle (Cirsium occidentale). Other species found in this community include wild strawberry (Fragaria chiloensis), evening-primrose (Camissonia micrantha and Camissonia cheiranthigolia), chickweed (Stellaria littoralis and Stellaria media), wild cucumber (Marah fabaceous), and dune tansy (Tanacetuim amphoratum). The dune tansy was previously listed as a rare and

endangered plant, but because of recent taxonomic revisions, it is no longer considered to be a distinct species and is no longer listed as rare or endangered (WESCO, 1987).

The central dune scrub community is a relatively uncommon natural community and has been designated by the California Department of Fish and Game as a sensitive community warranting protection. Dune scrub communities have been historically depleted along most of its coastal distribution, and many of the remaining areas continue to be threatened. There are only about 30 extant locations of this dune community in California, including a protected community at Point Reyes National Seashore to the south. The Dillon Beach dune scrub community is located within a generally gentle, sandy shoreline extending from outer Point Reyes to Bodega Bay. There is less dune scrub habitat to the north and south of the planning area due to rockier and steeper shoreline conditions. The central dune scrub has no official protection at the State or Federal level, but dune communities in general are specified for protection by Marin County's Local Coastal Program Unit 2 Land Use Plan (LCP) (WESCO, 1987). According to the California Natural Diversity Data Base, central dune scrub is considered to be a very rare, endangered, and unprotected community type.

North coast riparian scrub is found along the drainages in the area including Dillon Creek and Estero de San Antonio. It is dominated by coast willow (Salix hookeriana), blackberry (Rubus spectabilis), and several perennial herbs (Scirpus, Juncus, and Epilobium). This highly productive vegetation community is also considered to be depleted and sensitive by the California Department of Fish and Game and is identified by the LCP as a sensitive habitat worthy of protection.

Coastal prairie grassland occurs in the upland areas north and east of the Dillon Beach community. This vegetation type is dominated by native perennial bunchgrass. It is described as occurring in three distinct phases, "moist," "wet," and "dry." The moist phase is characterized by a wide variety of native and introduced grasses and forbs. The dominant grasses are California fescue (Festuca californica), Italian ryegrass (Lolium multiflorum), and soft chess (Bromus mollis). Prevalent forbs of the moist phase include dandelion (Agroseris hirsuta), soap plant (Chlorogalum pomeridianum), hayfield tarweed (Hemizonia luzulaefolia var. lutescens), and plantain (Plantago sp.). The wet phase is characterized by many of the same species as in the moist phase. Dominant grass species of the wet phase are reedgrass (Calamagrostis nutkaensis) and Italian ryegrass and dominant forbs include Douglas iris (Iris douglasiana), dock (Rumex spp.), and plantain. Sedges (Carex sp.) are also abundant in the wet phase. The dry phase of the coastal prairie type is dominated by yarrow (Achillea millefolium), coast buckwheat (Eriogonum latifolium), live-forever (Dudleya caespitosa), and dandelion. Although not officially considered a special interest or protected vegetation type, coastal prairie grassland is considered an important type by the California Department of Fish and Game due to its great reduction by grazing (LSA Associates, Inc., 1988).

Non-native grasslands are found throughout the planning area in numerous locations, particularly along roads and near development. This type supports a mixed, disturbed cover of introduced grasses and weeds, including brome grasses, wild barley (Hordeum sp.), bur-clover (Medicago hispida), plantain, and filarees (Erodium spp.) (WESCO, 1987).

Coastal wetlands are found in low-lying depressions to the south of the Village. These wetlands are seasonal and are characterized by species such as rush (Juncus sp.) and silverweed (Potentilla sp.). Wetlands are considered by the State and in the Unit II LCP to be a sensitive and valuable community. Any development or fill in a wetland would likely require a Section 404 permit from the U.S. Army Corps of Engineers.

There are a number of marine communities along the shoreline in the planning area including ocean strand, bay strand, sand flat, mud flat, and salt marsh. The ocean strand is devoid of any plant life and the bay strand supports beach grass. Eelgrass (Zostera marina) beds are found in the intertidal and subtidal levels at Lawson's Landing. Eelgrass is one of the prime food sources in the marine environment and supports shrimp, fish, and birds. Most of its mass is degraded by bacteria into detritus, which is ingested by shrimp, crab, clams, polychaete worms, and other species. Eelgrass also has beneficial effects on the marine environment by providing visual protection for young fish, reducing turbidity, and stabilizing the bay bottom. Salt marsh is found at Lawson's Landing and at the mouth of the Keys Creek outflow to Tomales Bay. Salt marsh is characterized by pickleweed (Salicornia Virginica) and salt grass (Distichlis spicata) (Del Davis Associates, 1976).

Wildlife

Wildlife is found in the planning area throughout the various vegetation communities. Typical animals include deer, small mammals, rabbits, skunks, badgers, foxes, songbirds, shorebirds, raptors, quail, reptiles, amphibians, mollusks, bivalves, and terrestrial and marine invertebrates.

The sand dune environment supports a small population of burrowing invertebrates who spend a great percentage of time below the surface of the sand. Beetles and the sand wasp (Bembix spinolae) are also found on the dunes. Mammals found in the foredunes include jackrabbit (Lepus californicus), brush rabbit (Sylvagus bachmani), deer mice (Peromyscus maniculatus), and California vole (Microtus californicus). Avian species seen in the dunes area include marsh hawk (Circus cyaneus), cinnamon teal (Anas cyanoptera), western meadowlark (Sturnella neglecta), western bluebird (Sialia mexicana), red-shafted flickers (Colaptes cafer), Audubon warblers (Dendroica auduboni), and white-crowned sparrows (Zonotrichia leucophrys) (Del Davis Associates, 1976).

The coastal dune scrub and coastal prairie grassland serve as the principal habitat for relatively few species, primarily small birds and mammals and are important feeding and hunting areas for a much greater number. The scrub supports black-tailed deer and Bewicks wren among other species. The grassland supports resident populations of small rodents including botta pocket gopher (Thomomys bottae), California meadow mouse (Microtus californicus), western harvest mouse, and California ground squirrel. Resident bird species include western meadowlark (Sturnella neglecta), and savannah sparrow (Passerculus sandwichensis).

Species found in the marine communities include ghost shrimp, bent-nosed clam (Macoma nasuta), white clam (Macoma secta), gaper clams, polychaete worms, amphipods, and other arthropods which are found in the sand and mud flats. The mudflats also contain bamboo worms (Axiothella rubrocincta), phoronid worms (Phoronopsis harmeri), macoma clams, ghost shrimp, diatoms, and sea lettuce (Ulva spp.). Tidal pools support kelp crabs (Pugettia producta), shrimp (Crago spp.) and commensal fish (Clevelandia ios). Subtidally, harbor seals (Phoca vitulina) frequent the area. The seasonal wetlands support macoma clams, bent-nosed clams, gaper clams, ghost shrimp, bamboo worms, and phoronid worms. Shorebirds and aquatic birds found along the coast include gulls, great blue herons (Ardea herodias), egrets, buffleheads (Bucephala albeola), ruddy ducks (Oxyura jamaicensis), American coots (Fulica americana), and western grebes (Aechmophorus occidentalis).

Important fishes of Bodega Bay and the esteros include the Pacific herring, smelts, starry flounder, surfperch, sharks and rays, and silver salmon. Species that occur in, or migrate

to, the bays and estuaries for spawning include the California halibut, starry flounder, rex sole, and, occasionally, other soles (U.S. Department of Commerce, 1980).

Gulf of the Farallones National Marine Sanctuary

The waters of Bodega Bay and Tomales Bay, the Estero Americano and the Estero de San Antonio are included within the 950-nautical mile Gulf of the Farallones National Marine Sanctuary administered by the National Oceanic Atmospheric Administration under the Marine Protection, Research and Sanctuaries Act. The sanctuary designation allows for a program of integrated management and research and strengthened protection against development and exploitation. Sanctuary status was afforded to the area due to the significant and diverse array of marine mammals and birds found in the area, as well as fishery, plant, and benthic resources (U.S. Department of Commerce, 1980).

Sensitive Species

The planning area is in a region known to support numerous sensitive plants. There are several plant species listed as sensitive by the California Department of Fish and Game and Callfornia Native Plant Society that could occur in the area. These species are listed in Table 4-1 along with their State and Federal status. Species that are listed as rare by the State include yellow larkspur (Delphinium luteum), which occurs on grassland and dune scrub, Baker's larkspur (Delphinium bakeri), which occurs in grassland, and Marin bentgrass, which occurs in grassland. None of the sensitive species shown in Table 2 were found during recent, site-specific surveys conducted for potential development projects in the area (Larry Seeman Associates, 1982; WESCO, 1987; LSA Associates, Inc., 1988).

The California black rail (Laterallus jamaicenses coturniculus), is a State-listed rare and Federally-listed candidate wildlife species which has been found in the marshes along Tomales Bay to the south of the planning area (California Natural Diversity Data Base). Riparian woodland communities in the area could support two federally listed candidate endangered wildiife species, the California red-legged frog (Rana aurora draytoni) and the western pond turtle (Clemmys marmorota).

According to a records search for the planning area conducted by the California Natural Diversity Data Base, there are nesting locations for spotted owls in the area. California freshwater shrimp are noted as an additional sensitive element in the area.

Although not afforded legal protection status, plant communities found in the area considered by the California Natural Diversity Data Base to be rare and endangered include centrai dune scrub and the coastal brackish marsh and mesosaline estuaries along the esteros. These communities are discussed above.

State and federally-listed species are protected under the California Fish and Game Code and the Endangered Species Act. Under this legislation, it is unlawful to "take" or possess any listed species. The term "take" is defined broadiy to mean "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or to attempt to engage in such conduct." The term "harm" is interpreted to include significant environmental modification or degradation and acts which annoy listed species to such an extent as to significantly disrupt essential behavior patterns. Protection from less direct threats is also accomplished through a consultation process to insure that projects do not jeopardize the continued existence of endangered or threatened species (U.S. Department of Commerce, 1980).

TABLE 4-1 RARE, ENDANGERED AND SPECIAL PLANT SPECIES

Plant Community	Species: Botanical Name	Species: Common Name	Status: DFG[1]	Status: FWS[2]
1. Northern Foredunes	Tamacetum camphoratum	dune tansy		
	Lupinus tidestromil v. layneae	lupine		C2
2. Central Dune Scrub	Fritillaria liliacea	fragrant fritillary		C2
	Tamacetum camphoratum	dune tansy		
	Delphinium leuteum	yellow larkspur	R	C2
	Lupinus tidestromii v. layneae	lupine		C2
	Orthocarpus floribundus			C2
	Trifolium amoenum	showy Indian clover		C2
3. North Coast Riparian				
	Castilleja leschkeana	paintbrush		C1
	Campanula californica	bellflower		C2
4. Wetland	Castilleja leschkeana	paintbrush		C1
	Campanula californica	bellflower		C2
5. Non Native Grasslands	Fritillaria lillacea	fragrant fritillary		C2
	Delphinium luteum	yellow larkspur	R	C2
	Delphinium bakeri	larkspur	R	
	Perideridia gairdneri	sugar root		C2
	Trifolium amoenum	showy Indian clover		C2
	Othocarpus floribundus			C2
6. Coastal Prairie Grassland	Blennosperma nanum			
	v. robustum	Pt. Reyes blennosperma	R	C2
	Agrostis blasdalei	Marin bentgrass	R	C2
	v. marinensis			C2
	Phacelia insularis	Northcoast phacelia		C2
	v. continentis			C2
	Trifolium amoenum	showy Indian clover		C2
	Fritellaria liliaceae	fragrant fritillary		C2
	Delphinium luteum	yellow larkspur	R	C2
	Orthocarpus floribundus	San Francisco owl's clover		C2

Notes:

[1] Designated by the California Department of Fish and Game:
R = Rare
E = Endangered

[2] Listed by the U.S. Fish and Wildlife Service:
C1 = Candidate species for which enough data are on file to support federal listing.
C2 = Candidate species for which threat and/or distribution data are insufficient to support federal listing.

Sources: California Natural Diversity Data Base; WESCO, 1987; LSA Associates, Inc., 1988.

4.1.2 OBJECTIVES, POLICIES, AND IMPLEMENTATION PROGRAMS

These objectives, policies, and implementation programs expand on the Local Coastal Program, Unit 2's policies on Agriculture, Natural Resources, Tomales Bay Uses, Watershed and Water Quality Protection/Grading, and Location and Density of New Development, and the Marin Countywide Plan's policies regarding Environmental Quality.

Objective EQ-1

To preserve and protect agricultural lands for agricultural uses.

Policy EQ-1.1

Agricultural zoning. The County shall maintain C-APZ-60 zoning on agricultural lands in the Dillon Beach planning area. In addition, the County shall discourage uses on surrounding lands that would jeopardize the long-term agricultural viability of these lands. Uses that shall be encouraged include raising livestock and poultry; growing field, fruit, nut, and vegetable crops; and cultivating nursery products. Uses that shall be discouraged include uses that divide agricultural areas, such as road networks; uses that disturb grazing animals and wildlife; and uses that adversely affect soil, air, and water quality, such as grading without erosion control, extensive pesticide applications, and noise.

Policy EQ-1.2

Community Expansion Boundary. The community expansion boundary for Dillon Beach shall be maintained, as shown in Figure 1-1. This boundary shall extend from the Oceana Marin subdivision on the north to the southern end of Lawson's Dillon Beach Resort on the south, and from the shoreline on the west to the eastern side of Oceana Marin, the Village, and Lawson's Dillon Beach Resort on the east.

Policy EQ-1.3

Long-term preservation of agricultural lands. This plan supports the Marin Agricultural Land Trust's (MALT's) efforts to monitor the status of agricultural lands and agricultural preserve contracts in the Dillon Beach planning area, and to acquire conservation easements in voluntary transactions with landowners in order to provide long-term preservation of agricultural lands. This plan also supports MALT's educational and technical assistance efforts to achieve this objective.

Policy EQ-1.4

Grazing. The Community Plan recognizes the classifications of the Marin County "Draft Important Farmlands Map" and supports the protection of "lands on which the existing vegetation is suited to the grazing of livestock" located to the east and south of Dillon Beach in the community's planning area.

Objective EQ-2

To protect the sensitive environmental qualities of the Estero de Americano and the Estero de San Antonio (Stemple Creek).

Policy EQ-2.1

Esteros. This plan supports the Local Coastal Program's Creekside Preservation policies and Marin Countywide Plan's Resource Conservation policies to ensure the continued protection of the Estero de Americano and the Estero de San Antonio as estuaries with significant biologic and scenic importance.

Objective EQ-3

To minimize stream alterations, as required by the Local Coastal Program, Unit 2.

Policy EQ-3.1

Stream alterations. This policy applies to perennial and intermittent streams mapped by the United State Geological Survey (U.S.G.S.) on the 7.5 minute quadrangle series. Stream impoundments, diversions, channelizations, or other substantial alterations shall be limited to:

- necessary water supply projects, including those for domestic or agricultural purposes;
- flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development; or
- development where the primary function is the improvement of fish and wildlife habitat.

Before any such activities are permitted, minimum flows necessary to maintain fish habitat and water quality, and to protect downstream resources (e.g., riparian vegetation, groundwater recharge areas, receiving waters, spawning habitats, etc.) and downstream users shall be determined by the Department of Fish and Game and the Division of Water Rights of the State Water Resources Control Board. New impoundments which, individually or cumulatively, would decrease streamflows below the minimum shall not be permitted.

The alteration of streams allowed for the purposes above shall be held at a minimum to protect streamwater quality and the volume and rate of streamflow. Development near streams shall incorporate the best mitigation measures feasible, including erosion and runoff control measures, and revegetation of disturbed areas with native species. Disturbance of riparian vegetation shall be held to a minimum.

Objective EQ-4

To establish stream buffers along all streams in the planning area, as specified by the Local Coastal Program, Unit 2.

Policy EQ-4.1

Stream buffers. This policy also applies to all perennial and intermittent streams mapped by the United States Geological Survey (U.S.G.S.) on the 7.5 minute quadrangle series.

Buffers to protect streams from the impacts of adjacent uses shall be established for each stream in the planning area. Buffers shall include the area covered by riparian vegetation on both sides of the stream and the area 50 feet landward from the edge of the riparian vegetation. In no case shall a stream buffer be less than 100 feet in width, on either side of the stream, as measured from the top of the stream banks.

No construction, alteration of land forms, or vegetation removal shall be permitted within such riparian protection area. Additionally, such project applications shall identify a stream buffer area which shall extend a minimum of 50 feet from the outer edge of the riparian vegetation, but in no case less than 100 feet from the banks of a stream. Development shall not be located in this buffer area. When a parcel is located entirely within a stream buffer area, design review shall be required to identify and implement the mitigation measures necessary to protect water quality, riparian vegetation and rate and volume of stream flows. The design process shall also address the impacts of erosion and runoff, and provide for restoration of disturbed areas by replacement landscaping with plant species naturally found on the site. Where a finding is made that development outside a riparian protection or stream buffer area would be more environmentally damaging to the riparian habitat than development within the riparian protection or stream buffer area, or the property owner will be denied all reasonable use of the property, development of principal permitted uses may occur within such area subject to design review and appropriate mitigation measures.

Objective EQ-5

To preserve and enhance Dillon Creek as an amenity for the Village and for Lawson's Dillon Beach Resort.

Policy EQ-5.1

Dillon Creek. Proposed Master Plans for areas of Lawson's Dillon Beach Resort that are just north or south of Dillon Creek shall provide for controlled, low-impact public access to Dillon Creek with creekside trails and a maintenance program to keep the Creek clear of manmade debris.

Policy EQ-5.2

Dillon Creek. Existing riparian vegetation along Dillon Creek shall be preserved and areas of bank erosion shall be stabilized and revegetated. A 100-foot setback of development from the top of the creek bank shall be observed, in accordance with the LCP Unit 2's stream buffer policies and in accordance with Policy EQ-4.1.

Objective EQ-6

To preserve and maintain wetlands in the planning area as productive wildlife habitats, recreational open space, and water filtering and storage areas, in accordance with the Local Coastal Program, Unit 2.

Policy EQ-6.1

Diking, filling, and dredging. Diking, filling and dredging of wetlands shall be permitted only in conformance with the policies contained in the LCP. Filling of wetlands for the purposes of residential or commercial development, or facilities that support residential or commercial development shall not be permitted.

Policy EQ-6.2

Activities in wetlands. Allowable resource-dependent activities in wetlands shall include fishing, recreational clamming, hiking, hunting, nature study, bird-watching, and boating.

Policy EQ-6.3

Agricultural activities in wetlands. No grazing or other agricultural uses shall be permitted in wetlands except in those reclaimed areas presently used for such activities.

Policy EQ-6.4

Wetland buffers. A minimum buffer strip of 100 feet shall be established along the periphery of all wetlands. A wider buffer may be required on parcels adjacent to Tomales Bay, as specified in the wetlands policies of the LCP Unit 2.

Objective EQ-7

To preserve coastal sand dunes and coastal dune scrub as unique and environmentally sensitive features of the West Marin coastline.

Policy EQ-7.1

Coastal dunes. Development in the foredunes and rear dunes located south of the Dillon Beach community expansion boundary shall be prohibited in order to preserve dune formations, vegetation, and wildlife habitats. The County may consider, however, a plan for treated sewage disposal in the dunes if the operating entity is a public agency, and provided the plan meets with the requirements of the Regional Water Quality Control Board - San Francisco Bay Region, the California Department of Health Services, California Coastal Commission, California Department of Fish and Game, the Gulf of the Farallones National Marine Sanctuary, and other interested agencies. Such plan shall consider communitywide needs, in accordance with Policy CF-6.2.

Policy EQ-7.2

Coastal dunes. Future development or improvements proposed for Lawson's Dillon Beach Resort or Lawson's Landing shall to the greatest extent possible be sited out of the coastal sand dune area and designed to minimize impacts on adjacent dune vegetation and habitat. Overuse in the dune area shall be prevented by such mechanisms as restricting parking, directing pedestrian traffic to areas capable of sustaining increased use, and fencing. No motor vehicles shall be permitted in beach or dune areas except for emergency and/or maintenance purposes.

Policy EQ-7.3

Dune scrub. Future development in the Lawson's Dillon Beach Resort shall avoid areas of dune scrub to the maximum extent feasible. If areas of dune scrub are proposed for development, such development shall be subject to detailed environmental assessment and additional seasonal surveys for the presence of rare or endangered species. Such development shall be subject to the mitigating measures recommended in the environmental assessment such as provision of buffer areas and enhancement or replacement of on- or off-site dune scrub.

Policy EQ-7.4

Sand quarry. Any request for expansion or relocation of the sand quarry operation shall include study of the potential for environmental impacts on dunes and dune vegetation, public recreational activities, and the extent and rate of excavation relative to the natural rate of replacement. Any permit renewal for such quarry expansion or operation shall be subject to reasonable and appropriate conditions as required to accomplish the objectives of this plan.

Objective EQ-8

To protect habitats of rare and endangered species and unique plant communities in the planning area.

Policy EQ-8.1

Rare and endangered species. Development in habitats of rare or endangered species and unique plant communities may only be permitted when it depends upon the resources of the habitat area. Development adjacent to such areas shall be set back a sufficient distance to minimize impacts on the habitat area. Public access to sensitive habitat areas, including the timing, intensity, and location of such access, shall be controlled to minimize disturbance to wildlife. Fences, roads, and structures which significantly inhibit wildlife movement, especially access to water, shall be avoided.

Policy EQ-8.2

Seasonal surveys. Master Plans shall be subject to environmental review under the California Environmental Quality Act. Environmental review should include appropriate seasonal surveys by biologists and updated records searches to determine the presence of species and communities of concern. Proposed development plans shall endeavor to follow the recommendations of these biological assessments to minimize impacts on these resources.

Objective EQ-9

To maintain and enhance the long-term health of Tomales Bay, including its rich fishing grounds, clam beds, and abalone stands.

Policy EQ-9.1

Shoreline structures. Environmental, scenic, public trust, and public safety issues shall be considered during permit review of all shoreline structures, in accordance with the County's Tidelands Ordinance.

Policy EQ-9.2

Coastal development. Proposals for coastal development at Lawson's Dillon Beach Resort, Lawson's Landing, or a dunes sewage disposal system should be reviewed by the Gulf of the Farallones National Marine Sanctuary.

Policy EQ-9.3

Tomales Bay resources. Tomales Bay's fishing grounds, clam beds, and abalone stands shall be protected from overharvesting.

PROGRAM EQ-9.3a

The County will work with other agencies, such as the California Department of Fish and Game, to monitor the effects of onshore activities on Tomales Bay and to protect the Bay's resources. Should an interagency technical advisory committee be formed for Tomales Bay, the County will participate and support efforts to protect the Bay and its resources.

4.2 CULTURAL RESOURCES

The area around Dillon Beach was occupied in prehistoric times by the Coast Miwok Indians who intensively used the coastal and riparian environments. This aboriginal use of the area is evidenced by several archaeological sites containing mortars, pestles, arrowheads, shellfish remains, fire-cracked rock, obsidian, chert flakes, projectile points, beads made of shell and human burials. These sites indicate that the sand dune area and a small valley on the southerly slope of Little Sugar Hill were used by the Indians for the drying of shellfish for subsequent trade with inland tribes.

In 1775, Bodega Bay was "discovered" and named by Spanish explorer, Lieutenant Juan Francisco de la Bodega y Cuadra. Sustained European contact with the Miwok began in 1776 with the Spanish mission at San Francisco. In 1809, the Russians established warehouses at Bodega Bay, which was temporarily named Port Romanzov. The Port was used for sea otter trapping and as a shipping point for the Russian colony at Fort Ross in Sonoma County. With the depletion of the sea otter population, the Russians abandoned Port Romanzov and Fort Ross in 1841. In the 1830s and 1840s, Mexican land grants were issued in the Dillon Beach area (WESCO, 1987). Archaeological evidence of the Indians' early contact with Europeans includes musket balls, glass beads, coins and iron spikes.

The first white settler to the area was Thomas Stood, for whom Tom's Point is named. In 1859, George Dillon, a poineer rancher from Ireland, settled in the area. By this time, the native Indian population had diminished radically due to disease and the pressures of European settlement and only 250 Coast Miwok remained.

In 1875, train service along the Tomales Bay shoreline encouraged growth in Dillon Beach. The Lawson Store was established in 1886 as a rooming house. Recreational use of the Lawson's Landing area dates back to the 1920s. Most of the houses in the Village were built in the 1930s and 1940s. Resort development in the area was undertaken in the late 1940s, after the end of World War II.

Cultural resource records searches and archaeological field surveys have been previously undertaken for the Lawson's Landing area and for the Lawson's Dillon Beach Resort. The Lawson's Landing area contains several archaeological sites and is considered to be archaeologically sensitive (Del Davis Associates, 1976). No sites have been recorded on the Lawson's Dillon Beach Resort property and no evidence of cultural resources was found during a 1987 field survey (WESCO, 1987). No archaeological field surveys have been conducted for the undeveloped portions of Oceana Marin.

An updated cultural resources records search as part of this Community Plan found within the planning area seven recorded prehistoric archaeological sites listed with the California Archaeological Inventory. Most sites are located within dune areas (shell middens) and adjacent to drainages (camps). Ridges are also considered to be sensitive in the area. According to the California Archaeological Inventory, only about five percent of the planning area has been field surveyed and there is a high possibility of unrecorded prehistoric cultural resources being located in unsurveyed portions of the area.

The California Archaeological Inventory shows no record of historic archaeological sites within the planning area. However, due to the rich history of the area, there is also a high possibility of unrecorded historic cultural resources being located in unsurveyed portions of the area. In particular, structures that are 50 years or older and/or have unique significance in history may meet criteria for eligibility to the National Register of Historic Places.

Due to the overall sensitivity of the area, archival and field studies are recommended for any proposed development in the area. Potentially historic structures, such as Lawson's Store, should be examined by an historical archaeologist to determine historic value of the structure and potential for impact. Impacts to historic structures can be indirect as well as direct. The Marin County Local Coastal Program Historic Study (1981) contains recommendations to protect pre-1930s structures within the coastal zone.

4.2.1 OBJECTIVES, POLICIES, AND IMPLEMENTATION PROGRAMS

This objective and policy corresponds to policies in the Local Coastal Program Unit 2 regarding Historical and Archaeological Resources.

Objective EQ-10

To protect significant archaeological and other cultural resources.

Policy EQ-10.1

Archaeological and cultural resources. Prior to the approval of any development proposed within an area of known or suspected archaeological or cultural significance, a field survey by a qualified professional shall be required at the applicant's expense to determine the exent of archaeological and other cultural resources on the site. Due to the suspected presence of archaelogical resources throughout the planning area, all Master Plans proposals shall be accompanied by

archaeological and cultural resource reports and field surveys. Development shall be sited and designed to avoid archaeological and cultural resources. Where development would adversely impact identified resources either directly or indirectly, mitigation measures and/or special construction techniques shall be required.

4.3 CLIMATE AND AIR QUALITY

The following discussion has been adapted from the climate and air quality assessment prepared for the Sea Haven Draft EIR (LSA Associates, Inc, 1988).

The climate of the planning area, as with all of coastal California, is dominated by the strength and position of a semi-permanent high-pressure center over the Pacific Ocean near Hawaii. This center creates the climate regime of cool summers, mild winters, and infrequent rainfall. It also drives the strong, cool daytime sea breeze, and maintains comfortable humidities.

Winds in the Dillon Beach area display two characteristic regimes. During the day, winds are from the southwest through northwest at 10 to 15 miles per hour, as air moves from the cool ocean to the heated interior. At night, especially in winter, the land becomes cooler than the water and an offshore flow developes off the local headlands. The offshore flow is also relatively strong, averaging 6 to 10 miles per hour. Winds are light during the transition period from one regime to the other.

Wind data from Jenner to the north of Dillon Beach show that one-third of all hours of the year have winds in excess of 12 miles per hour and that 6.2% of all observations have winds above 25 miles per hour. The average annual windspeed for winds from the west-north-west off the ocean is 15.8 miles per hour, and the average wind speed from the northwest is 18.5 miles per hour.

Wind data taken in Dillon Beach for close to two years show a lower average wind speed. From October 1981 to July 1983, North Marin Water District, with equipment furnished by the California Energy Commission, accumulated wind data on a weekly basis (NMWD 1983). The site of the wind station was the northern dike of the North Marin Water District's sewage treatment ponds located on top of the hill above Oceana Marin. Average wind speed in miles per hour and wind power in watts per cubic meter are shown in Table 4-2.

Table 4-2: Dillon Beach Wind Speed and Wind Power

Season	Wind Speed mph	Wind Power watts/m
Winter	9.4	143
Spring	11.2	237
Summer	10.7	149
Fall	8.8	117
Annual	10.1	167

The data were collected for a study of energy self-sufficiency, and thus estimated annual output for a wind turbine was also calculated. The estimated annual output in kilowatt hours (KWH) for a 25 kilowatt (KW) wind turbine with a blade diameter of 32 feet is as follows:

Height of Wind Turbine Above Ground	Annual KWH
30 feet	24,000
80 feet	39,000

The local wind pattern in Dillon Beach results in very good air quality due to the strong mixing from turbulence and the unpolluted character of the dominant onshore flow of air. However, winds in the area do affect comfort and limit outdoor recreation. Winds also become very strong during winter storm events and can cause personal safety concerns and property damage. Some residences in the area incorporate wind protection measures such as vegetative windbreaks, glassed-in recreation areas, and increased structural bracing.

Existing and potential levels of ambient air quality in the Dillon Beach area are not well documented and there are no air quality monitoring resources in the area. The only Marin County air quality monitoring station operated by the Bay Area Air Quality Management District (BAAQMD) is located in San Rafael, which is in a significantly different environment than Dillon Beach. According to BAAQMD data, the only clean air standard violation in 1986 was a few days of 10-micron diameter particulate matter (PM-10) levels above the California standard. Because the planning area has far less traffic and greater winds, it has cleaner air than San Rafael and clean air standards are rarely violated.

4.3.1 OBJECTIVES, POLICIES, AND IMPLEMENTATION PROGRAMS

Objective EQ-11

To minimize adverse air quality and wind impacts from construction and new development in the planning area.

Policy EQ-11.1

Airborne dust. During construction of all new development, generation of airborne dust shall be kept to a minimum through construction site watering and covering exposed ground areas.

Policy EQ-11.2

Phasing development. Where feasible, phasing of development shall proceed in the direction of primary windflow (i.e., from the west-northwest).

4.4 NOISE

This discussion of noise conditions has been adapted from the Sea Haven Master Plan EIR (LSA Associates, Inc., 1988).

Existing noise sources in the planning area consist of residential and recreational activities, traffic along local roadways, and noise generated by the wind and surf. Sensitive noise receptors in the area include residences.

Existing noise levels along Highway 1 in the Dillon Beach vicinity, at 100 feet from the roadway center, range between less than 55 dBA at curves and 58 dBA (Ldn) along straighter, high speed sections of the roadway. (dBA indicates decibels on an A-weighted scale, which reflects human judgement of loadness; Ldn indicates a time-weighted, 24-hour noise level where a 10-decibel penalty is added during nighttime hours to reflect people's greater sensitivity to noise at this time). Existing noise levels along Dillon Beach Road range between approximately 56 and 60 dBA (Ldn) at 50 feet from the road center. Noise levels along Kailua Way in the Oceana Marin subdivision are less than 55 dBA (Ldn) at 35 feet from the roadway center.

The Noise Element of the Countywide Plan recommends a maximum desirable outdoor noise level of 55 dBA (Ldn) for residential uses. In the procedures for noise review for new development proposals, an acoustical study is required where residential development is located in areas subject to noise levels above 55 dBA (Ldn). Such a noise level is associated with roads carrying volumes of 5,000 vehicles per day or more. Noise levels at residential uses throughout the planning area are below this maximum.

4.4.1 OBJECTIVES, POLICIES, AND IMPLEMENTATION PROGRAMS

Objective EQ-12

To minimize noise impacts due to construction activities.

Policy EQ-12.1

Construction noise. All new development shall minimize construction noise. Heavy equipment shall be operated only during daytime working hours (8:00 a.m. to 5:00 p.m., Monday through Friday). Stationery noise sources shall be located as far away from adjacent residences as possible. Noise control features, such as silencers, ducts, and mufflers, shall be used on loud equipment.

5. ENVIRONMENTAL HAZARDS

This section contains a description of the planning area's geology, soils, hydrology, and drainage characteristics. Each of these categories is followed by a set of objectives and policies for protection from and/or mitigation of potential hazards from existing conditions.

5.1 GEOLOGY, SOILS, HYDROLOGY, AND DRAINAGE CHARACTERISTICS

Topography

The topography of the planning area is shown in Figure 5-1. In general, the area is characterized by rolling hills with peak elevations ranging between 300 and 500 feet. The northern portion of the area is dominated by the Estero de San Antonio, a tidally influenced drowned riverbed within a sharply dissected stream canyon. The coastline to the north of the Dillon Beach community is characterized by a steep sea cliff between 300 and 350 feet above Bodega Bay. To the south of the community, the topography becomes relatively more level with the virtually flat sand dunes of Sand Point rising gently to the east.

Geologic Units

The geology of the Dillon Beach area is depicted in Figure 5-2 and Table 5-1 describes some of the engineering properties of the geologic map units. As shown in Figure 5-2, the primary bedrock of the area is composed of the Franciscan Formation melange of sandstones, greenstones, and cherts overlain by fine-grained sandstones of the Merced Formation. Alluvium is found along creek channels and the Estero de San Antonio. Along the coast, there are outcroppings of terrace deposits. To the south of the community, along Sand Point, there are beach sands and dune sands.

The Franciscan Formation is a complex, disrupted assemblage containing an abundance of sheared rock characterized by low permeability, landslides and masses of shattered sandstones. The rocks of the Franciscan Formation in the area are sheared or pulverized with a matrix or melange of incoherent and very weathered material surrounding larger masses of harder, unweathered rock. Surface erosional processes have exposed some of these rock masses in features called "knockers," that vary from a few feet to as much as a mile in length. The Franciscan melange is well exposed in the bodies and headwalls of the landslides that mantle the coastline along Dillon Beach. It can also be found in a small weathered sea stack in the Dillon Creek stream valley and in isolated outcrops immediately west of Cliff Street and north of the University of Pacific Marine Station (Rice and Strand, 1971; Wagner, 1977).

The rock strength properties and the characteristics of the associated slopes and soils of the Franciscan Formation varies significantly, sometimes within very short distances, due to the mixture of melange and competent rock material. The large blocks of rock are generally strong and mark areas that are stable or resistant to mass movement. These blocks tend to buttress the melange material and locally improve slope stability. The melange material, however, is weak and characterized by clay surface soils which shrink and swell through the seasons and encourage differential downslope soil movement or "creep" (Rice and Strand, 1971).

TOPOGRAPHY

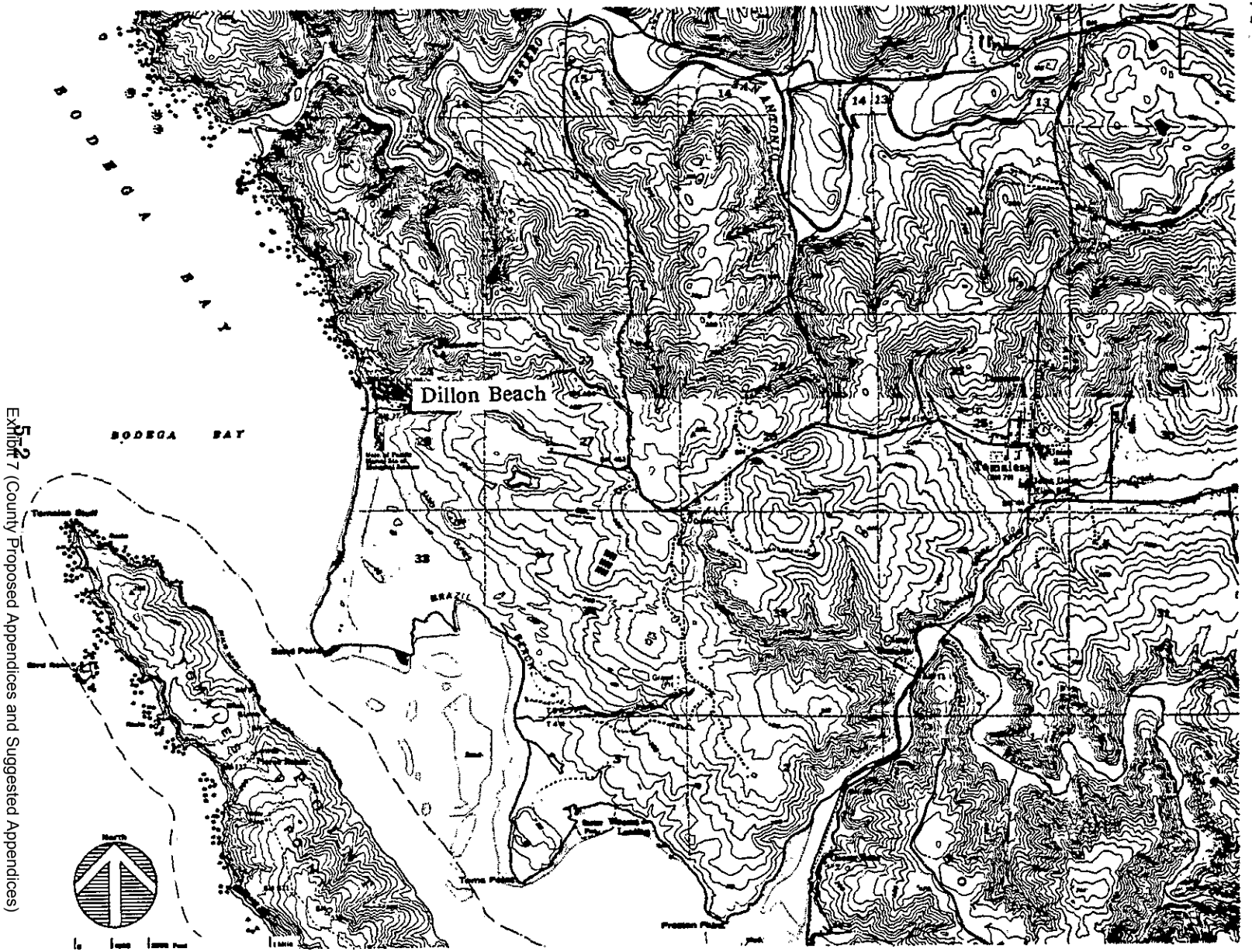


Figure 5 - 1

DILLON BEACH COMMUNITY PLAN

Marin County Planning Department
San Rafael, CA

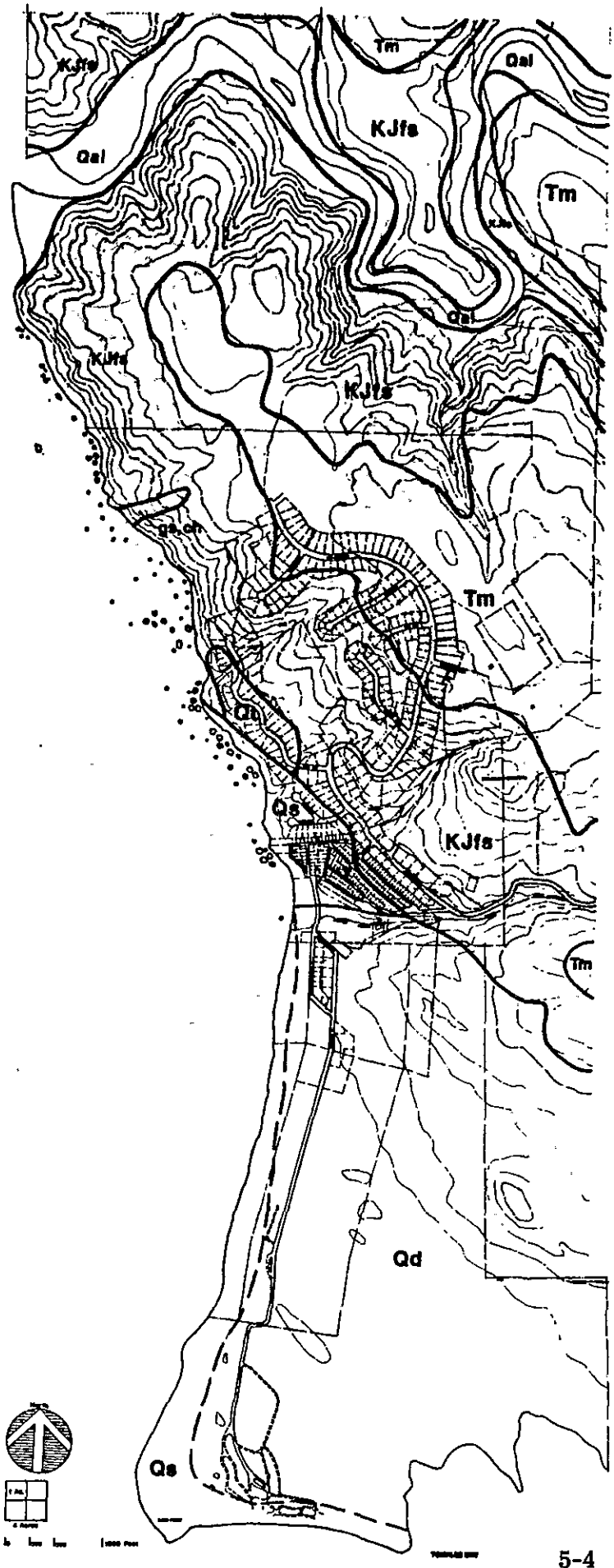
Wallace, Roberts & Todd
Community and Environmental Planners
San Francisco, CA

Base Map: U.S. Geological Survey

TABLE 5-1. ENGINEERING PROPERTIES OF GEOLOGIC UNITS

Geologic Unit	Lithology	Soil Development	Permeability	Slope Stability	Earthquake Stability
Franciscan Melange	Matrix of sheared to intensely pulverized rock material containing scattered small to large shear-resistant blocks (knockers) of various rock types, especially sand- stone, greenstone, chert, and metamorphic rocks. Melange matrix is largely ground-up sandstone and shale, but crushed debris derived from other rocks, especially greenstone, give it different properties when present. Properties given are for Melange matrix. Important "knocker" rock types.	Moderate to well-developed soils form on Melange matrix derived entirely from sandstone and shale. Abundant greenstone debris yields soils rich in swelling clays that tend to have a bluish-green subsoil. Alters and erodes so easily that exposures of Melange matrix are rare on natural slopes except in landslide scarps along sea cliffs.	Low to very low.	Low. In many places subject to down slope creep of material at and near the surface, especially where rich in swelling clays.	Moderate to high on flat or low-angle slopes. Moderate to low on steep slopes because of tendency to slope failure.
Merced Formation	Largely sandy or silty mudstone that is "cemented" only by compaction. Locally, particularly at and near its base, has beds of coarse-grained pebbly sand that is well cemented by calcite in place. Generally massive or poorly bedded.	Poor thin soils on exposed slopes because overgrazing and resulting erosion in the past. Thick black organic soils in swales and closed depressions that tend to be boggy.	Low to very low because of fine-grained nature and abundant clay. Tends to be boggy in swales.	Low, except for locally cemented sandstone (mercs). Most Merced mudstone in this area will fail even in shallow vertical cuts when saturated. Abundant natural landslides on steep to moderate slopes. Gullies readily when stripped of grass cover.	Low. Should be expected to respond to major earthquakes with high amplitude vibrations. These would precipitate land slides on steep to moderate slopes.
Alluvium	Mainly fine-grained silt rich in clay, sand & organic debris. Similar in many respects to San Francisco Bay mud.	None.	Low.	Unstable. Characteristics likely to be similar to younger San Francisco Bay mud.	Low. Subject to lurching and differential compaction.
Terrace deposits	Gravel and gravelly sand on ancient wave-cut terraces along the coast. Slightly to moderately cemented in places by brown iron oxides.	Moderately deep sandy organic soils.	Moderate to high.	Moderate to low, depending on presence or lack of cementation.	Moderate.

Source: Rice and Strand, 1971. California Division of Mines and Geology.



GEOLOGIC UNITS

Legend

KJfs	FRANCISCAN MELANGE
Tm	MERCED FORMATION
Qs	BEACH SAND
Qd	DUNE SAND
Qal	ALLUVIUM
Qt	TERRACE DEPOSITS
gs	GREENSTONE
ch	CHERT

Figure 5-2

DILLON BEACH COMMUNITY PLAN

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San Francisco, CA

Source: U.S. Geological Survey

Most of the hills and ridge crests inland from the sea cliffs are made up largely of the poorly-cemented clayey sandstone and sandy mudstone of the Merced Formation. The Formation is exposed in the quarry east of the community and in isolated outcrops further to the east. The sandstone and mudstone of the Merced Formation are generally held together only by compaction. As a result, most of these Merced materials are weak and susceptible to landsliding on moderate to steep slopes and in road cuts more than a few feet high. They are also highly susceptible to erosion when stripped of vegetative cover (Rice and Strand, 1971).

As shown in Table 5-1, the Alluvium in the area is considered unstable with slope stability characteristics similar to younger San Francisco Bay mud. The Terrace deposits have moderate to low slope stability, depending on the presence or lack of cementation.

The sand deposits to the south of the community and along Sand Point include both lateral (shoreline) and longitudinal (upland) sand dunes. The series of active lateral dunes located adjacent to Bodega Bay are oriented parallel to the shoreline with a crest to trough relief of up to 25 feet. The longitudinal dunes located to the east are oriented along a southeast to eastward axis roughly perpendicular to the shoreline. Many of the longitudinal dunes appear to be relics of an earlier environment and are now actively eroding and providing the sand supply to new lateral dunes forming between them. Fluvial and reworked sand deposits fill the flat low-lying areas between the dunes (WESCO, 1987).

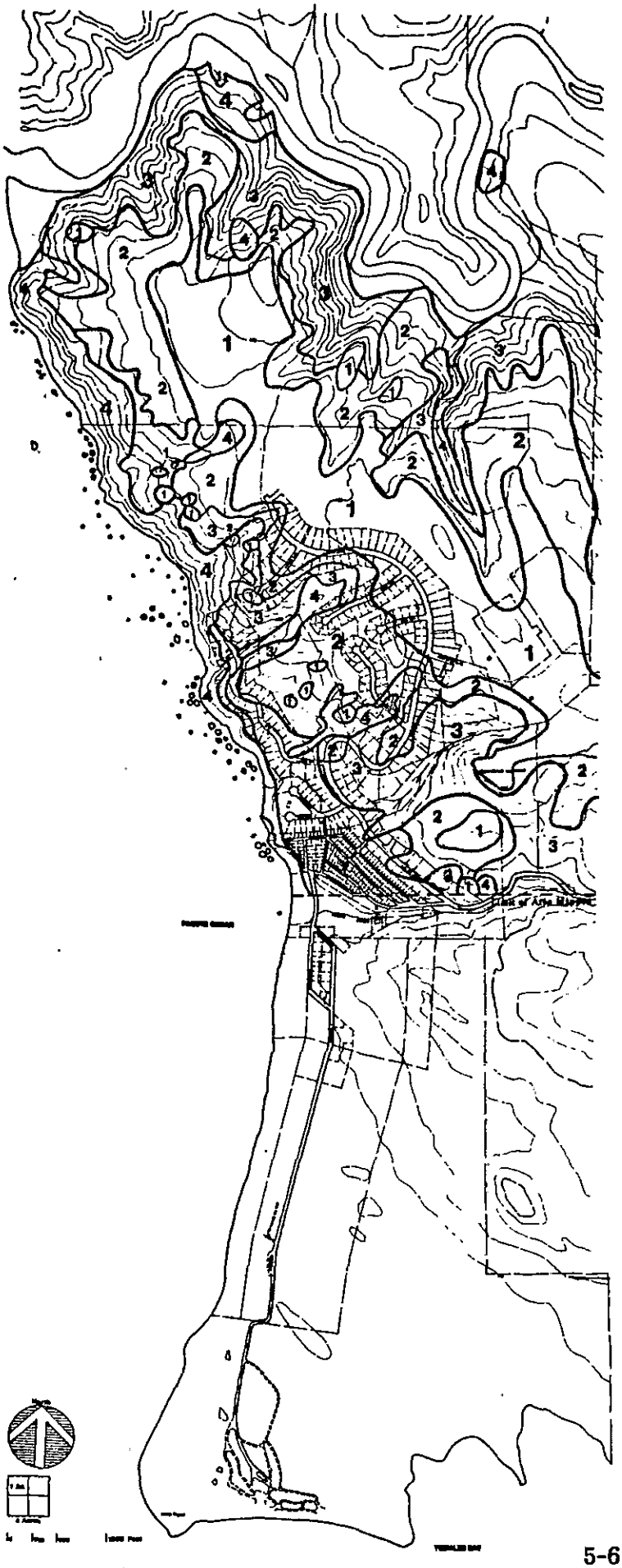
Slope Stability

Figure 5-3 depicts relative slope stability for the northern portion of the planning area, as mapped by the California Division of Mines and Geology (Rice and Strand, 1971). The factors considered in compiling this map included the stability characteristics of the basic geological materials, steepness of slope, and the presence of natural factors such as wave action, presence of swelling soils, and seismic activity. As shown, slope stability characteristics vary throughout the portion of the planning area mapped, with the most unstable slopes along the sea cliffs and banks of Estero de San Antonio and the least unstable slopes further inland in the relatively less steep areas underlain by the Merced Formation. The least stable area, Zone 4, includes active or young landslides and slopes that show evidence of downslope creep. These areas are naturally unstable and are subject to failure (Rice and Strand, 1971).

As shown in Figure 5-3, areas of low stability that could potentially be proposed for development are located in the Oceana Marin Subdivision, particularly near the coast and in the northern portion of the subdivision. Site-specific geotechnical studies and incorporation of slope stabilization measures would be necessary for any additional development proposed in these areas.

Coastal Erosion

Wave erosion of seacliffs is evident throughout the north coast of Marin County, including the coast along the Dillon Beach planning area. Waves use the explosive force of compressed air to fragment the rock at the base of cliffs and undermine the face. Cliffs made up of Franciscan melange, such as along the Dillon Beach coast, react to wave erosion by landsliding (Rice and Strand, 1971). Cliff erosion along the coast from Dillon Beach north to the Estero de San Antonio has been identified as a significant hazard by the State Department of Navigation and Ocean Development. In this area, existing homes are endangered by bluff erosion and future development may be seriously threatened (Marin County, 1980).



SLOPE STABILITY

Legend

1

2

3 DECREASING STABILITY

4

Figure 5-3

DILLON BEACH COMMUNITY PLAN

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San Francisco, CA

Source: California Division of Mines and Geology

The long-range average rate of sea cliff retreat in the Dillon Beach area is not known. However, the average rate of one to three feet per year found in Pt. Reyes Peninsula can be applied to the area. It should be noted that cliff retreat occurs by episodic increments and is not a steady erosion rate (Rice and Strand, 1971).

Coastal erosion is also caused by wind which has severely and extensively eroded the Dillon Beach sand dunes. Much of the erosion, denudation, and destabilization of the dunes began in the late 1860s due to sheep grazing. Since the 1930s the dunes have been partially stabilized through planting of European beach grass and dune grass. However, much of the dunes remain unvegetated or sparsely vegetated and is subject to wind erosion (WESCO, 1987).

Seismicity

The planning area is in an area of high seismic susceptibility, located between two major active fault zones, the San Andreas and the Hayward. As shown in Figure 5-4, the northwest-trending San Andreas Fault Zone passes within a quarter of a mile offshore of Dillon Beach and the trace of surface rupture during the great 1906 earthquake passed approximately 3,000 feet offshore of Dillon Beach. The northwest-trending Hayward Fault Zone passes about 18 miles northeast of the San Andreas Fault Zone (Rice and Strand, 1971). The closest fault of this system to the planning area is the Rodgers Creek Fault, which passes about 19 miles northeast of Dillon Beach.

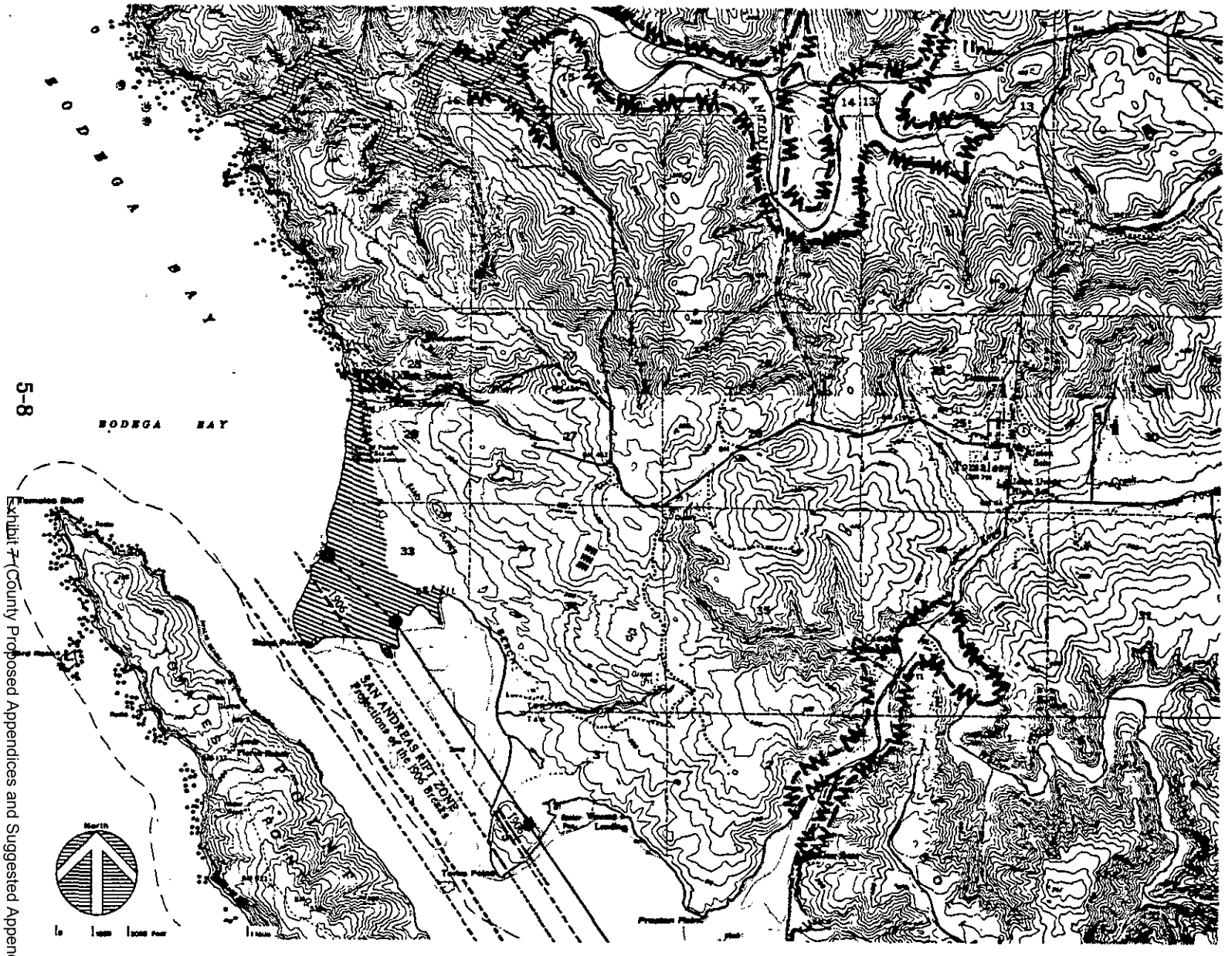
As shown in Figure 5-4, the San Andreas Fault Zone and 1906 trace passes onshore in the planning area through the southwest portion of Sand Point within the Lawson's Landing development. This area is within a State-mandated Alquist-Priolo Special Studies Zone requiring fault investigations for development and a setback of 50 feet from fault traces for any structures for human habitation.

Seismic activity in the area would pose a number of hazards including surface fault rupture, ground shaking, landslides, slope failure, lurching, differential compaction, liquefaction, and tsunami.

Table 5-1 summarizes the earthquake stability of the geologic units found in the area. In general, stability is lowest in locations with superficial unconsolidated materials such as landslide deposits and alluvium. The Alluvium and Merced Formation units in the area have the lowest earthquake stability. Although not shown in Table 5-1, the dune sand deposits in the area would have low stability during a seismic event and their unconsolidated nature could lead to slope failure. Ground shaking could destroy the holding ability of vegetation cover on the dunes or cause loose sand to slide.

As shown in Figure 5-4, there is high liquefaction potential along the Estero de San Antonio north of Dillon Beach and along Keys Creek east of the planning area. Liquefaction is the transformation of a granular material from a solid into a liquefied state as a consequence of increase pore-water pressure. Liquefaction can result in ground failure including debris flows, lateral spreading, and quick-condition failures (Wagner, 1977).

Tsunamis are high energy, long period sea waves usually caused by seismic disturbances or volcanic eruptions. Tsunamis can inundate coastal areas and may occur hundreds of miles from the source of disturbance. Figure 5-4 shows the area of potential tsunami inundation. As shown, all of Sand Point, the coastal area north of Sand Point to the Dillon Beach community, and the area along the Estero de San Antonio would be inundated by tsunami waves with a runup of 20 feet at the Golden Gate. The statistical



SEISMIC HAZARDS

Legend

- ALQUIST-PRIOLO SPECIAL STUDI ZONE BOUNDARY
- POTENTIALLY ACTIVE FAULTS
- LIQUEFACTION POTENTIAL
- TSUNAMI RUNUP TO 20 FEET

Figure 5 - 4

DILLON BEACH COMMUNITY PLAN

Marin County Planning Department
San Rafael, CA

Wallace, Roberts & Todd
Community and Environmental Planners
San Francisco, CA

Sources: California Division of Mines and Geology and U.S. Geological Survey

likelihood of this event occurring is once every 200 years (J.R. Ritter and W.R. Dupre, 1972).

A tsunami warning system is in place in Marin County to warn persons along the coast of potential danger. The California Office of Emergency Services, when informed of Impending tsunamis, alerts the Sheriff's Office, all fire and police departments with coastal boundaries, and local radio and television stations that carry the warning to the endangered areas (WESCO, 1987).

Soils

Soil types in the planning area, as mapped by the Soil Conservation Service, are shown in Figure 5-5. There are a total of 16 soil types in the area. The predominant soil types to the north of the Village include Yorkville clay loam (#207, 30 to 50 percent slope), Tomales loam (#190, 2 to 9 percent slope; and #191, 9 to 15 percent slope), and Sobega loam (#173, 9 to 15 percent slope; and #174, 15 to 30 percent slope). Rock outcrops are shown along the coast (#159). To the south of the community are dune land (#122), channeled fluvents (#127), and beaches (#104).

Yorkville clay loam is derived from shale. It has a moderately slow permeability to ten inches, runoff is rapid, and the erosion hazard is high. Yorkville clay loam has severe building constraints due to steep slopes, shrink-swell potential, and low strength. Tomales loam is formed from sandstone. It has very slow permeability, medium runoff, and a moderate erosion hazard. Tomales loam has severe constraints for building structures due to shrink-swell potential, low strength, and slope. Suitability for landscaping and shallow excavation is slightly to moderately constrained. Sobega loam is formed from coarse-grained sandstone. It has moderate permeability, medium to high runoff, and moderate to high erosion hazard, depending on slope. Sobega loam has moderate to severe building constraints, also depending on slope (Soil Conservation Service, 1985).

As shown in Figure 5-5, portions of the planning area with potential for development are located largely on steep Yorkville clay loam (Oceana Marin Subdivision) and beach and dune types (Lawson's Dillon Beach Resort). Lawson's Landing is located on sand, dune, and fluvent types.

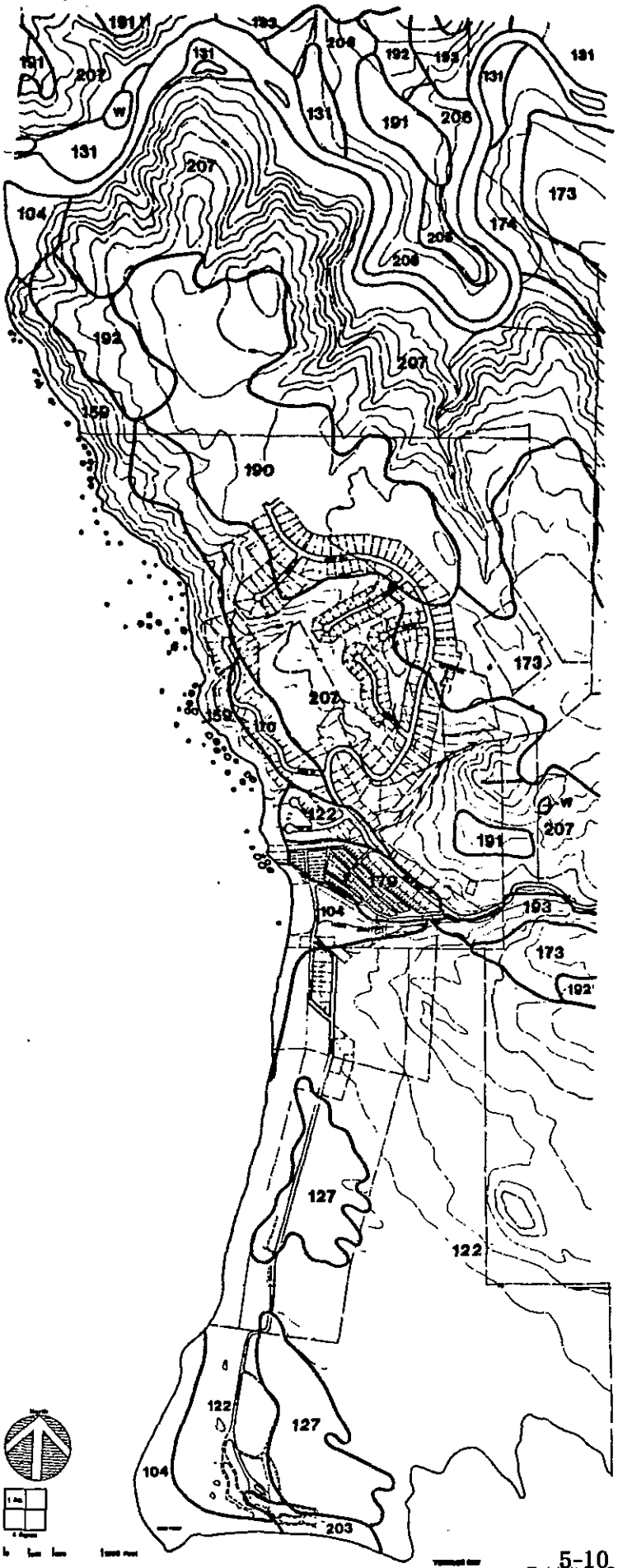
Hydrology and Drainage

The hydrologic characteristics of the planning area are depicted in Figure 5-6. As shown, there are three major drainages that drain the area: Estero de San Antonio/Stemple Creek to the north, Dillon Creek which flows through the community, and Keys Creek to the south.

Drainage Characteristics

Estero de San Antonio, known locally as Stemple Creek, is a tidally-influenced drowned riverbed. It has several unnamed tributaries flowing into it from the north and south and is fed by Stemple Creek to the east. The Estero outflows directly to Bodega Bay approximately 6,000 feet north of Dillon Beach.

Estero de San Antonio is the result of deposition of the Merced sediments during late Pliocene time (approximately four million years ago) and subsequent uplifting and downcutting into the underlying Franciscan melange. The rise in sea level since the last Ice Age flooded the deepened channels to form the fjord-like lagoon of the Estero de San



SOIL TYPES

Legend

104	BEACHES
122	DUNE LAND
127	FLUVENTS, CHANNELED
131	HYDRAQUENTS, SALINE
159	ROCK OUTCROP (50 - 75% Slope)
170	SIRDRAK SAND (2 - 15% Slope)
173	SOBEGA LOAM (9 - 15% Slope)
174	SOBEGA LOAM (15 - 30% Slope)
190	TOMALES LOAM (2 - 9% Slope)
191	TOMALES LOAM (9 - 15% Slope)
192	TOMALES LOAM (15 - 30% Slope)
193	TOMALES LOAM (30 - 50% Slope)
203	XERORTHENTS, FILL
205	YORKVILLE CLAY LOAM (9-15% Slope)
206	YORKVILLE CLAY LOAM (15-30% Slope)
207	YORKVILLE CLAY LOAM (30-50% Slope)
w	WATER

Figure 5-5

DILLON BEACH COMMUNITY PLAN

Marin County Planning Department
San Rafael, CA

Wallace, Roberts & Todd
Community and Environmental Planners
San Francisco, CA

Source: Soil Conservation Service

Antonio, which is actually the drowned Stemple Creek valley. The Estero de San Antonio has brackish water and is only slightly flushed by freshwater circulation since its tributary streams are isolated from tidal flushing during much of the year by sand bars across their entrances. This lack of flushing makes the Estero particularly subject to water quality impacts (Rice and Strand, 1971).

Numerous small drainages drain the steep slopes of Oceana Marin. While most of the runoff and seepage follow natural courses, some natural drainage areas have been altered as a result of development. Due to the erosive and unstable character of soils in the area, drainage patterns are a particular concern.

Dillon Creek has no perennial tributaries and drains directly into Bodega Bay. It flows through Dillon Beach just south of the Tomales-Dillon Beach Road, draining an area of about 400 acres to the east. Just south of the Creek headwaters is an unnamed lagoon formed by a sand dune barrier across a valley. This lagoon has no surface outlet.

Drainage in the southern portion of the planning area around Lawson's Landing and Sand Point is characterized by several small stream channels which flow southeasterly, collect in lower-lying meadows, and eventually pass through a tidal gate into Brazil Cove on Tomales Bay.

Drainage to the east and southeast of the planning area around the community of Tomales is collected by Keys Creek. Keys Creek has a confluence with Walker Creek just north of Camp Tomales where the combined drainage forms an estuary flowing into Tomales Bay.

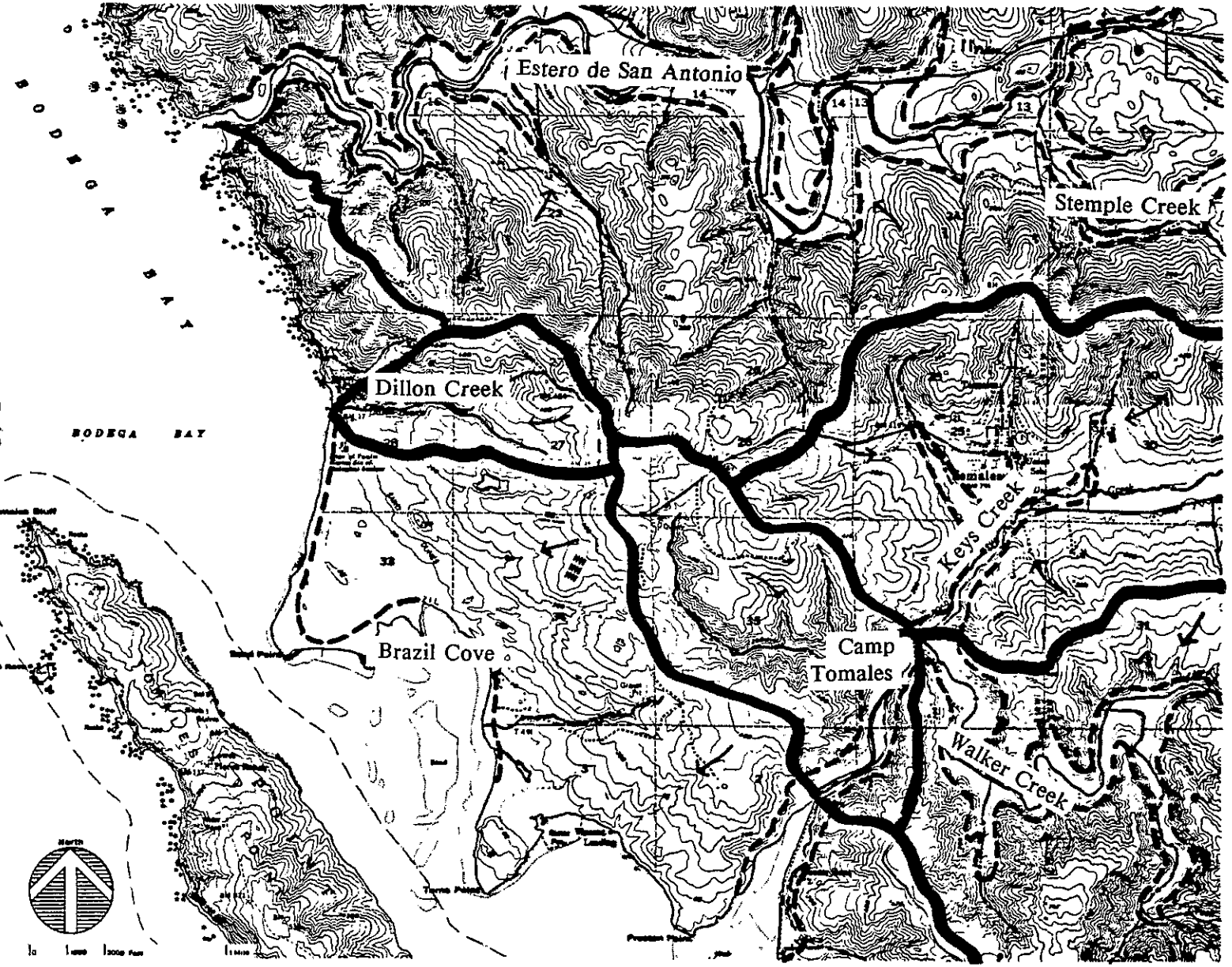
Creekbank Erosion

The banks of Estero de San Antonio, its various tributaries, Dillon Creek, and other drainages in the area are characterized by slope failures and active erosion in the ravines (see Figure 5-3 and Table 5-1). Sediment and debris from slope failures and erosion lessen the drainage capacity and can worsen flood flows. Bank erosion can also undermine development placed too close to creekbeds.

Flood Hazards

Figure 5-6 depicts the 100-year floodplain as mapped in the planning area. The flood zone follows the coastline along Brazil Cove and Bodega Bay from Sand Point to the Village, and extends inland through the study area along Estero de San Antonio, Keys Creek and Walker Creek. The floodplain extends furthest inland in areas where high water in Tomales Bay would result in flooding at the mouth of the Bay, particularly over the lowlands at Sand Point.

Marin County subscribes to the Federal Flood Insurance Program and has a Flood Plain Management Ordinance which requires that the first finished floor level of new construction be a minimum of eight feet above sea level in addition to being above the 100-year flood zone. Structures in the flood zone are recommended to be constructed of flood-proof materials and should be anchored.



HYDROLOGY

Legend

- DRAINAGE BASINS
- DRAINAGE WAYS
- FLOOD ZONE

Figure 5-6

DILLON BEACH COMMUNITY PLAN

Marin County Planning Department
San Rafael, CA

Wallace, Roberts & Todd
Community and Environmental Planners
San Francisco, CA

Sources: County of Marin and Federal Emergency Management Agency

Rising Sea Level

Considerable attention has been given recently to the potential warming of the earth's atmosphere due to the "greenhouse effect". This warming trend may be enough to melt polar icecaps and raise sea levels around the world. Some estimates indicate that sea level may rise as much as one to four feet over the next fifty to one-hundred years. Such an increase would have a substantial effect on the entire Dillon Beach planning area. Low-lying areas in Lawson's Dillon Beach Resort and Lawson's Landing could be inundated. Higher sea levels could substantially increase water and wave erosion of the bluffs from Estero de Americano to the Village, and up each of the esteros. Higher sea levels would also bring saltwater further up the esteros, Dillon Creek, and other creek inlets. Additional water in the creeks could be expected to greatly accelerate erosion along the creekbanks, especially where they are made of highly erosive soils. Higher sea levels would also alter the tsunami run-up zones shown in Figure 5-4 and flood zones shown in Figure 5-6.

Summary and Comment

The planning area contains many environmental characteristics that can be hazardous to structures and public safety. The area includes steep terrain; numerous steep and deep drainages; unstable slopes; erodible bluffs, beaches and other waterfront, creekbanks, and dunes; floodplains; and an active earthquake. In addition, extensive dry grasslands are at risk seasonally from fire hazards.

Varying degrees of protection from these hazards can be taken, but present economic and environmental trade-offs. Some engineering "solutions", for example, may be technically feasible, but also very costly and in conflict with resource protection policies. The Countywide Plan requires that construction be located and designed to avoid or minimize hazards. This policy is particularly applicable to the Dillon Beach planning area where multiple sources of environmental hazard overlap and synergistically interact. Of particular concern are unstable slopes and soils, drainage areas, bluff edges, erodible substrates, and flood zones.

5.1.2 OBJECTIVES, POLICIES, AND IMPLEMENTATION PROGRAMS

These objectives, policies, and implementation programs expand upon the Local Coastal Program Unit 2's Hazards and Shoreline Structures policies, and the Marin Countywide Plan's Environmental Hazards policies.

Objective EH-1

To prevent or minimize damage to life, property, and natural resources from landslides, earthquakes and tsunamis, erosion, floods, and fire.

Policy EH-1.1

Slope stability. Known landslides and landslide-prone deposits on steep slopes shall not be used for development except where engineering, geologic site investigations indicate such sites are stable or can be made stable providing appropriate mitigating measures are taken and such measures are consistent with the environmental quality and visual quality objectives and policies of this Plan.

Policy EH-1.2

Slope stability and seismic safety. Development proposals for areas denoted "3" and "4" on the slope stability map or underlain by dune land, sand, alluvlum or loams above 15% slope, as shown on the soils map, shall be accompanied by site-specific geological and geotechnical investigations to demonstrate feasibility of construction. Such investigations shall evaluate site conditions and set forth construction techniques and foundation recommendations to ensure the stability of development. Investigations shall include analysis of performance under a 1906-strength earthquake emanating from the San Andreas Fault.

Policy EH-1.3

Seismic safety standards. New structures shall be built to the seismic safety standards of the Uniform Building Code.

Policy EH-1.4

Tsunami zones. New structures within the 20-foot tsunami runup zone, which is shown in the Seismic Hazards map, shall incorporate flood-proofing measures, including raising the elevation of the first habitable floor above anticipated flood level, protecting against high water velocities, and appropriately storing hazardous materials.

Policy EH-1.5

Alquist-Priolo zones. As required by State law, all new structures proposed for human habitation within the Alquist-Priolo Special Studies Zone, which is shown on the Seismic Hazards map, (i.e., portions of Lawson's Landing) shall be required to have fault investigations and shall be set back at least 50 feet from fault traces.

Policy EH-1.6

Shoreline structures. Due to their interference with natural shoreline processes and water circulation, visual impacts, obstruction of public access, and effects on marine habitats and water quality, the proliferation of shoreline structures in the Unit 2 coastal zone is discouraged. When piers are allowed, multiple public and private commercial and recreational uses shall be accommodated, if feasible, to maximize the use of these structures and minimize the need for further construction.

Policy EH-1.7

Shoreline erosion control. The construction or reconstruction of revetments, breakwaters, groins, seawalls or other artificial structures for coastal erosion control shall be allowed only if each of the following criteria is met:

a. The structure is required to serve a coastal-dependent use, a coastal-related use in a developed area, or to protect existing development or public beaches.

b. No other non-structural alternative is practical or preferable.

c. The condition causing the problem is site specific and not attributable to a general erosion trend, or the project reduces the need for a number of individual

d. It can be shown that a structure(s) will successfully mitigate the effects of shoreline erosion and will not adversely affect adjacent or other sections of the shoreline.

e. The structure will not be located in wetlands or other significant resource or habitat areas, and will not cause significant adverse impacts to fish or wildlife.

f. There will be no reduction in public access, use, and enjoyment of the natural shoreline environment, and construction of a structure will preserve or provide access to related public recreational lands or facilities.

g. The structure will not restrict navigation, mariculture, or other coastal use and will not create a hazard in the area in which it is built.

Policy EH-1.8

Cliff and bluff erosion. New development in the planning area shall be sited so as to avoid areas subject to cliff and bluff erosion (as shown on slope stability map). New structures on bluff tops shall be set back from bluff areas; setback distances shall be determined in accordance with the shoreline protection requirements of Title 22 of the Marin Code, Section 22.56.130. New development shall be sited and designed so that no protective shoreline structure (e.g., seawalls, groins, breakwaters) are or will be necessary to protect the building from erosion or storm damage during its expected economic lifespan (50 years).

Policy EH-1.9

Bluff and creek edges. Development proposed within 500 feet of a coastal bluff edge or 200 feet from creek bank edge shall be subject to case-by-case review by the County Building Department of drainage, grading and site plans to ensure safety of development. Such development shall also be required to provide site-specific geotechnical investigation to determine appropriate setbacks and foundation requirements.

Policy EH-1.10

Dune erosion. Proposals for development adjacent to dunes shall include a dune stabilization program, including specific planting, maintenance, and erosion control measures. Such dune stabilization program may be on-site or off-site.

Policy EH-1.11

Flood zone. In accordance with the Federal Flood Insurance Program and the County Flood Plain Management Ordinance, the first finished floor level of new construction shall be a minimum of eight feet above sea level in addition to being above the 100-year flood zone. Structures in the flood zone, which is shown on the Hydrology map, are recommended to be constructed of flood-proof materials and should be anchored.

Policy EH-1.12

Impervious surfaces. Development shall minimize areas of impervious surface.

Policy EH-1.13

Storm Drainage. All new development shall provide storm drainage systems sufficient to accommodate storm flows from the development, and shall direct outflow away from erosive and unstable areas.

Policy EH-1.14

Fire hazards. New subdivisions and planned developments in grassland and coastal scrub areas shall be required to supply adequate on- or off-site fire suppression water supply.

(Additional fire protection policies are located in the Community Facilities section of this plan.)

Policy EH-1.15

Rising sea level. In reviewing master plan proposals for low-lying regions and along creeks, the County shall consider potential effects of rising sea levels. Requirements for development in tsunami run-up zones, along bluff and creek edges, and in flood zones shall be strictly observed.

6. COMMUNITY DEVELOPMENT

This section contains a description of community land uses in the four subareas defined for purposes of this Community Plan: Oceana Marin, the Village, Lawson's Dillon Beach Resort, and Lawson's Landing. The section also contains a visual analysis and assessment of community character, presented in both graphic and tabular form, and a description of existing shoreline public access. Objectives and policies for this topics, as well as for housing, local economy and trails, follow the existing setting description.

6.1 LAND USE

As previously explained, five subareas within the Dillon Beach planning area have been defined for purposes of this Community Plan. Three subareas are within the current expansion area boundary: the Oceana Marin subdivision, the Village, and Lawson's Dillon Beach Resort. The fourth, Lawson's Landing, is included in this section because existing development and potential development provided for by LCP policies have a direct impact on the community, particularly the Village and Lawson's Dillon Beach Resort.

Agricultural Areas. The extensive agricultural areas within the planning area are now used primarily for grazing cattle and for turkey farms. None of the lands are irrigated for commerical crop production. It is questionable whether these areas could support crop production without substantial soil improvements and pesticides.

All agricultural parcels in this area are zoned C-APZ-60. According to the zoning code, the purpose of this zoning is explicitly to "preserve lands...for agricultural use". C-APZ-60 allows up to one single-family dwelling per 60 acres, subject to master plan approval and numerous standards set forth in the zoning code. Development must be clustered on 5 percent or less of the parcel, and the remainder of the parcel must be placed under easements to preserve agricultural uses. Most parcels in the planning area are substantially larger than 60 acres, and most owners own several contiguous parcels. Thus, according to current zoning regulations, clusters of single-familiy homes may be proposed for development. However, the intent of the zoning district is to preserve agricultural uses, not to encourage residential development.

Uses that may be permitted in this zone district with a conditional use permit are listed in the zoning code (Title 22, Section 22.57.033). These "conditional uses" include veterinary facilities; fish hatcheries; facilities for recreational activities, such as hunting, fishing, and camping; and bed and breakfasts with up to 5 guest rooms. When the Planning Director determines that any of the conditional uses constitutes a major land use change, master plan approval may be required.

Oceana Marin. Adjacent to and north of the Village is the Oceana Marin subdivision. The streets are 40 feet wide and curvilinear. The westernmost street, Kailua Way, is an extended cul-de-sac which parallels the ocean and coastal bluffs. Oceana Drive, the easternmost street, "dead-ends" at the northern boundary of the subdivision and provides access to most of the developed sites either directly or by way of secondary, cul-de-sac streets.

Except for the real estate office for the Oceana Marin subdivision at the corner of Oceana Drive and Tahiti Way, existing development in Oceana Marin is exclusively detached, single-family residences, most of which are custom designed with shingle

exteriors and sited to catch spectacular views of Bodega Bay and the northern coastline. Approximately half of the 267 single-family lots have developed in a pattern that, when seen from a distance, appears scattered and random. The single-family lots in Oceana Marin range between 7,500 and 15,000 square feet. Additionally, four vacant areas, ranging in size from approximately 2 to 16.6 acres, are presently zoned for 4 units per acre, and for multi-family as well as single-family residences.

The Village. The Village is the small, older, tightly clustered area of the community defined by Ocean View Avenue, Park Avenue, Cypress Avenue, Beach Avenue, Summer Street, and the northernmost block of Cliff Street. It is characterized by brightly painted small houses and cottages built on very small lots, typically about 1,750 square feet. Most of the houses were built in the 1930s and 1940s. Streets in this area are narrow and aligned in a general grid pattern. Of the 170 lots within the Village, 151 are developed (89%). A post office is located on Cypress Avenue near the intersection with Beach Avenue.

Lawson's Dillon Beach Resort. The area referred to as Lawson's Dillon Beach Resort extends from the Village across the mouth of Dillon Creek to the former University of the Pacific (UOP) Marine Station and Lawson's Landing. Within this 52-acre parcel are a commercial strip adjacent to the Village, a privately owned and operated public beach and several residences.

The commercially developed portion of Lawson's Dillon Beach Resort is located at the entrance to the Village. The Resort currently includes the only store in Dillon Beach, located on Beach Avenue, a parking area, a gas pump, and 25 trailer sites that are rented on a yearly basis. The public beach area (4.1 acres), west of Cliff Street and extending south, provides picnic tables and restrooms. A day use parking fee is charged for automobiles and bicycles.

Approximately 24 undeveloped acres inland from Bay Drive (and including the 2.75-acre UOP site, a portion of which lies west of Bay Drive) are zoned Coastal Residential Multiple Planned Commercial (C-RMPC). This designation permits residential and commercial uses appropriate to the village scale and requires master plan approval for development.

Between Cliff Street and Bay Drive, are a small number of single-family beachfront residences built on lots that are typically 5,000 square feet or larger and aligned on a grid. Of the 17 lots within this area, 12 are developed (76%). This small subdivision has been developed more recently than the Village and is contemporary with Oceana Marin, but the siting and design of the houses is more similar to the Village than to Oceana Marin.

Lawson's Landing. Lawson's Landing, extends from Lawson's Dillon Beach Resort to Sand Point at the confluence of Tomales Bay and Bodega Bay. It is a very popular recreational vehicle and camping resort comprising 46 designated campsites (plus additional "informal" campsites on peak season weekends as demand warrants), 231 trailer sites, as well as a pier, boat launch, fuel dock, moorings, dry storage, boat and motor rentals, a clam barge, sport fishing charter boats, and a bait and tackle shop. Access to Lawson's Landing is from the north along privately-owned Bay Drive. A toll gate is located at the entrance to the Landing, which is at the southern boundary of the UOP site.

Summary. Existing residential development in Dillon Beach currently totals 298 dwelling units, excluding trailers and overnight rooms. Current approximate net and gross densities in the community's three residential areas are given below in dwelling units per acre:

Area	Net	Gross
Oceana Marin's single-family lots	1.2	1.0
Village	12.3	11.8
Lawson Resort's C-R-1 Subdivision	4.9	6.9

Other land uses account for less than 3% of the total net land area within the current Dillon Beach expansion area boundary. Commercial uses occupy a total of 1.8 acres; public uses (i.e., the post office) occupy 0.3 acres and a total of 8.5 acres are designated public open space.

VISUAL QUALITY AND COMMUNITY CHARACTER

Dillon Beach's distinctive visual qualities and community character constitute resources valued by resident and visitor alike. These qualities and characteristics make up the Dillon Beach "experience" -- one of magnificent views, natural terrain and distinctive housing styles.

A major asset of the community's character is variety of particularly scenic viewpoints within the community itself. At the same time, Dillon Beach is also visible from Pt. Reyes National Seashore across Tomales Bay and Bodega Bay.

Dillon Beach contains a variety of landscapes that play an important role in the visual experience of the place. Each landscape has its own unique characteristics which, when carefully examined, illuminate the community's character and serve as a basis for appropriate policies.

Eight landscapes have been identified: grasslands, dunes, bluffs, creekside, Village, Lawson's Resort, Oceana Marin, and Lawson's Landing. The following discussion highlights distinct and important qualities for each landscape. The sketches that follow graphically depict these (Figures 6-1 to 6-12). Table 6-1 then summarizes the distinct and important characteristics of each landscape within the following categories: landform; vegetation; siting and building form; architectural details and materials; roads, streets and parking; and predominant views.

Grasslands

Grasslands (Figures 6-2 to 6-6) make up an important part of the rugged, rural arrival experience. Rolling hills, rock outcroppings, hedgerows, narrow roads, expansive views, and a visual relationship between buildings and the land afford a strong connection with the land.

Creekside

Creeks and their surrounding riparian vegetation reveal the form of the land, a distinct natural habitat, and the seasonal water cycle. Creeksides offer a secluded environment at a low point in the land, enclosed by rising slopes and eucalyptus canopies. The creek

and its dense, riparian vegetation also separate the land to each side. Development is generally set back away from the riparian corridor. See Figures 6-5, 6-6, and 6-7.

Bluffs

Bluffs (Figure 6-8) make the dramatic and dynamic point at which land meets sea. Waves crash below eroding slopes and grassy tops. The outline of the large, angular houses in Oceana Marin are visually prominent from the south.

Oceana Marin

Oceana Marin occupies hillsides in the northernmost area of Dillon Beach. The landscape was originally grassland. Today, the rugged and dramatic features of the land are co-inhabited by large houses, widely spaced, oriented to the expansive views, and dramatic in form and siting. See Figures 6-3 to 6-6, 6-8, and 6-10.

The Village

The Village (Figures 6-7, 6-8, and 6-9) appears as a densely packed center to Dillon Beach and communicates a memorable, romantic character. The Village rests at the base of Sugarloaf Mountain, near the mouth of Dillon Beach Creek. It is characterized by small, eclectic and closely spaced cottages enclosing narrow streets. Occasional views of the surrounding landscapes appear down streets and across sideyards. Most cottages, while simple in form, display personal attention and craftsmanship.

Lawson's Dillon Beach Resort

Lawson's Dillon Beach Resort (Figures 6-8 and 6-11) occupies a waterfront site that separates the Village from Lawson's Landing, and is an important part of the experience of moving between the two. A narrow road traverses the site, enclosed by houses to the east and opening to expansive views of Bodega Bay and the Pacific Ocean to the west and Tomales Bay and Sand Point to the South. To the north, the Village and Oceana Marin can be seen while a parking lot stretches out along the beach on the western edge of the property. The houses are modest in size, wooden, and oriented towards panoramic views to the west.

Lawson's Landing

Lawson's Landing occupies the long, southern, coastal stretch of the community. Its dune landscape is inhabited both by grazing animals and a dense concentration of sheds, trailers, RV's, tents, marine-related buildings, and scattered equipment at the southern tip of Sand Point. Circulation is marked by gravel roads and dispersed parking. Views from between buildings and trailers reveal dunes, Oceana Marin, Tomales Bay, and Tomales Point. A pier and several boat moorings are the only structures in the area that extend seaward from the land.

Dunes

Dillon Beach's sand dunes are unique to Marin County and accentuate the area's recreational activities and natural elements. Drifting sand, simple buildings, RV's, narrow roads and views of dune, ocean, hills and creek offer vital clues to the dynamic, fragile and unpretentious character of this landscape. See figures 6-2, 6-10, 6-11, and 6-12.

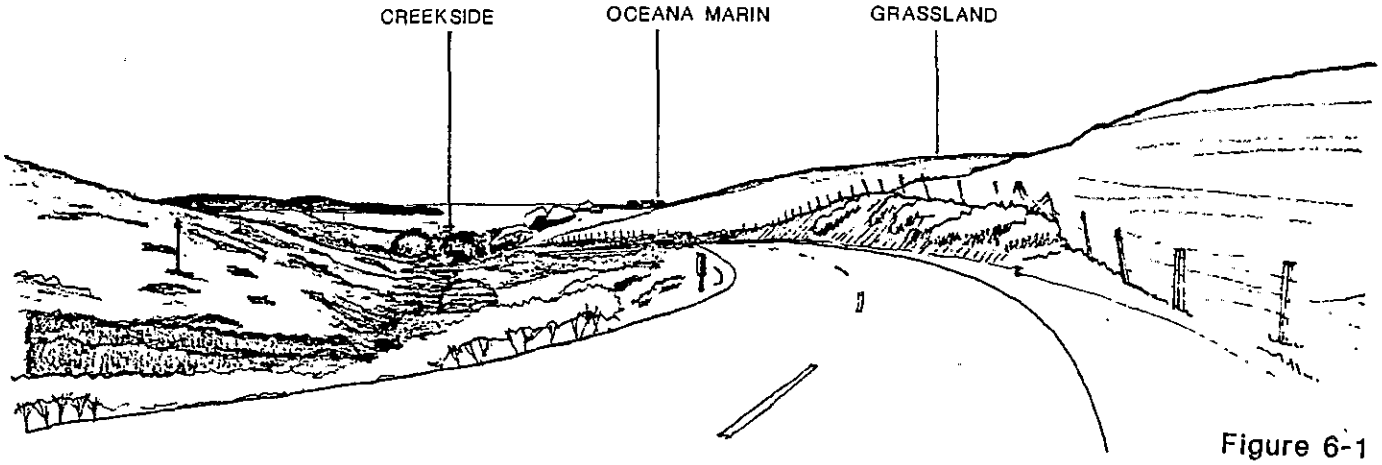


Figure 6-1

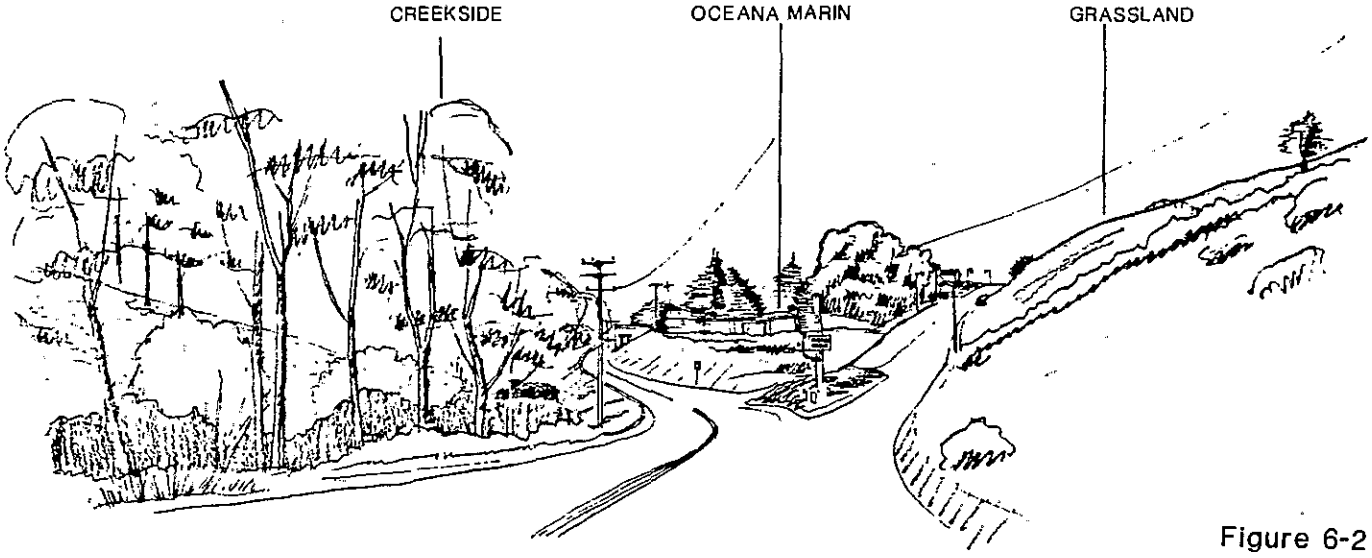
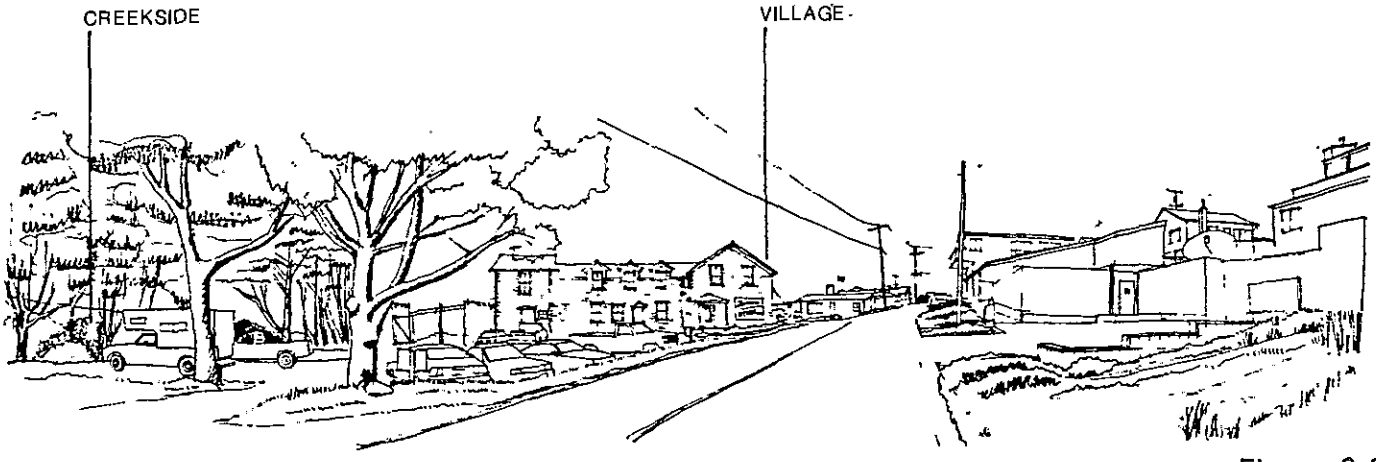


Figure 6-2



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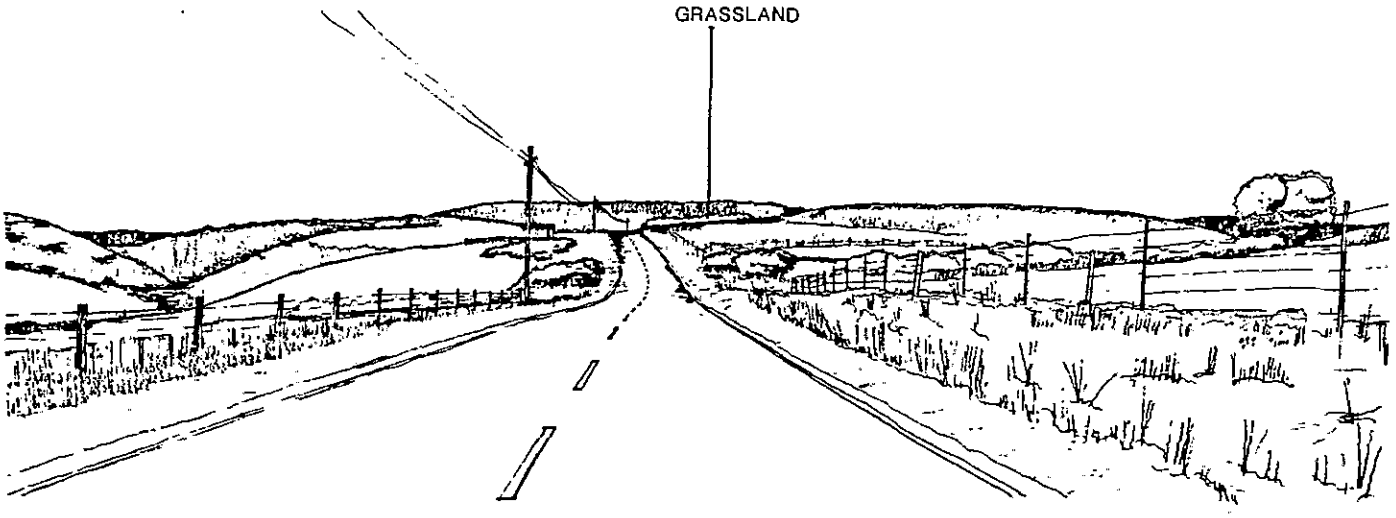

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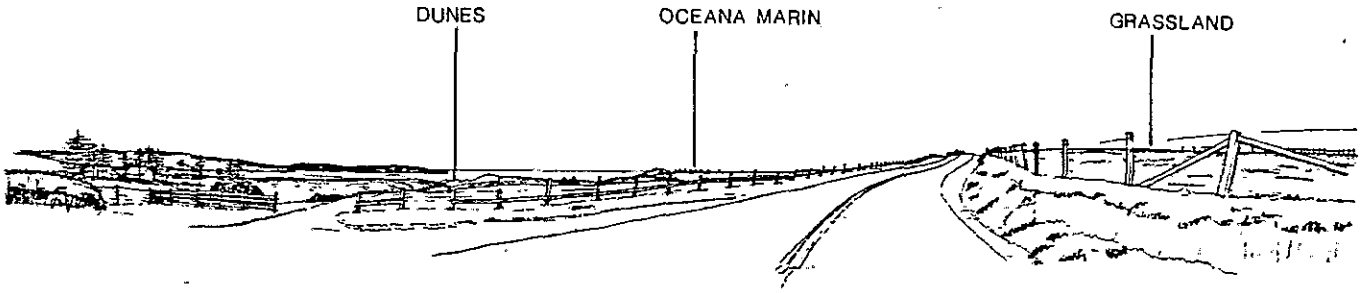

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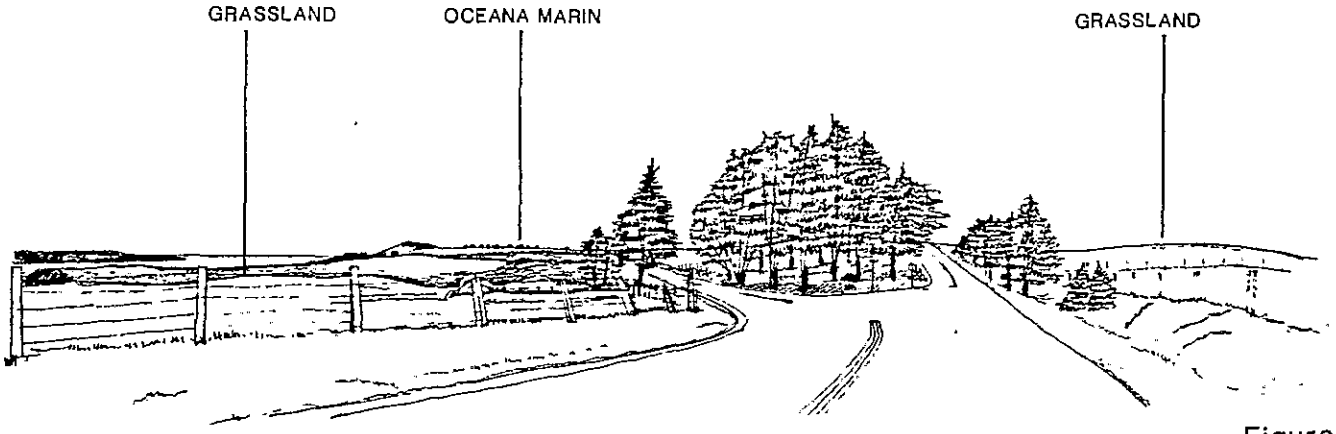

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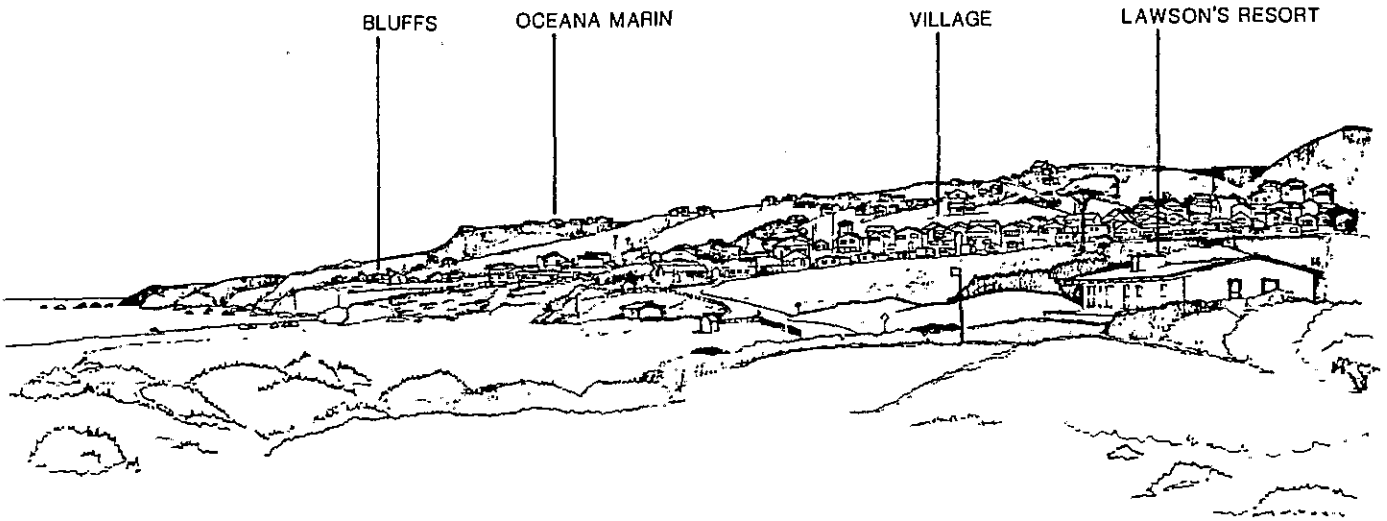

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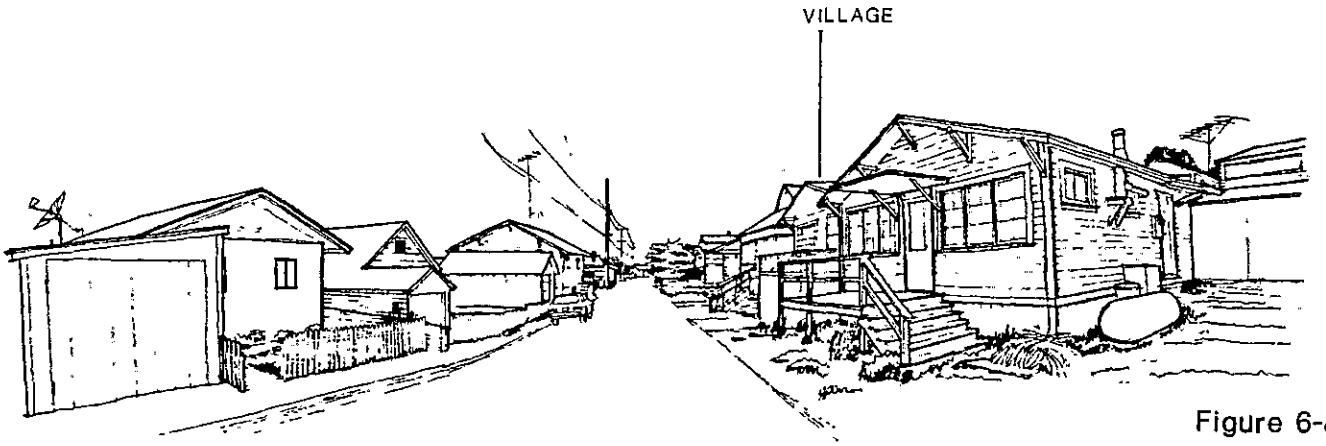
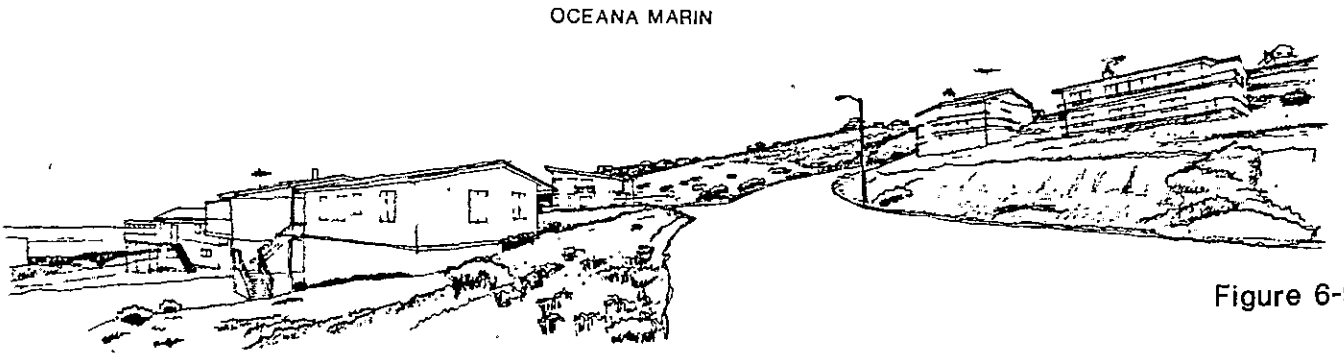


Figure 6-8



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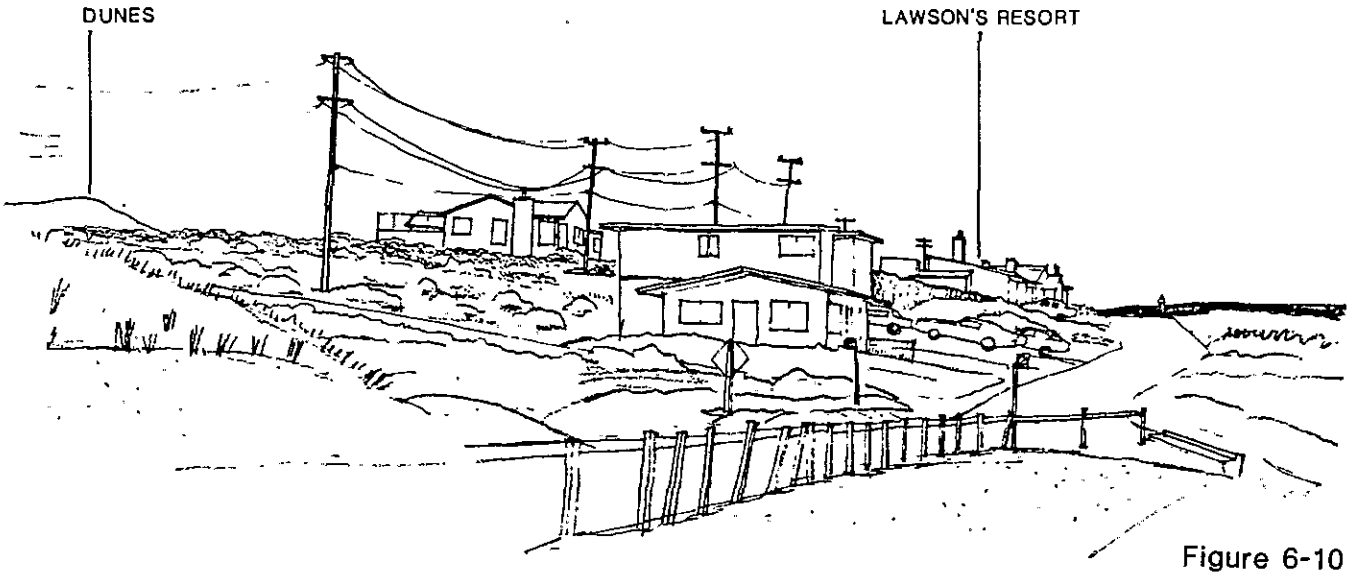


Figure 6-10

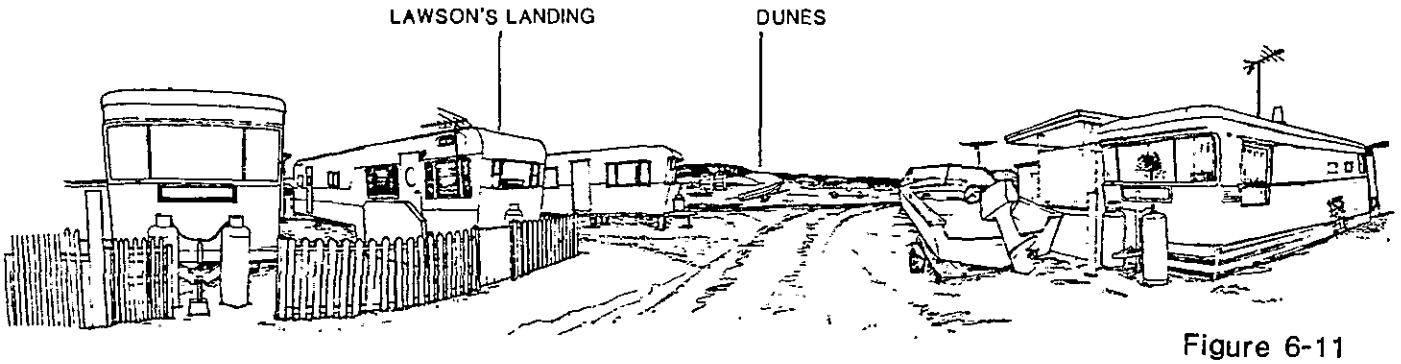


Figure 6-11

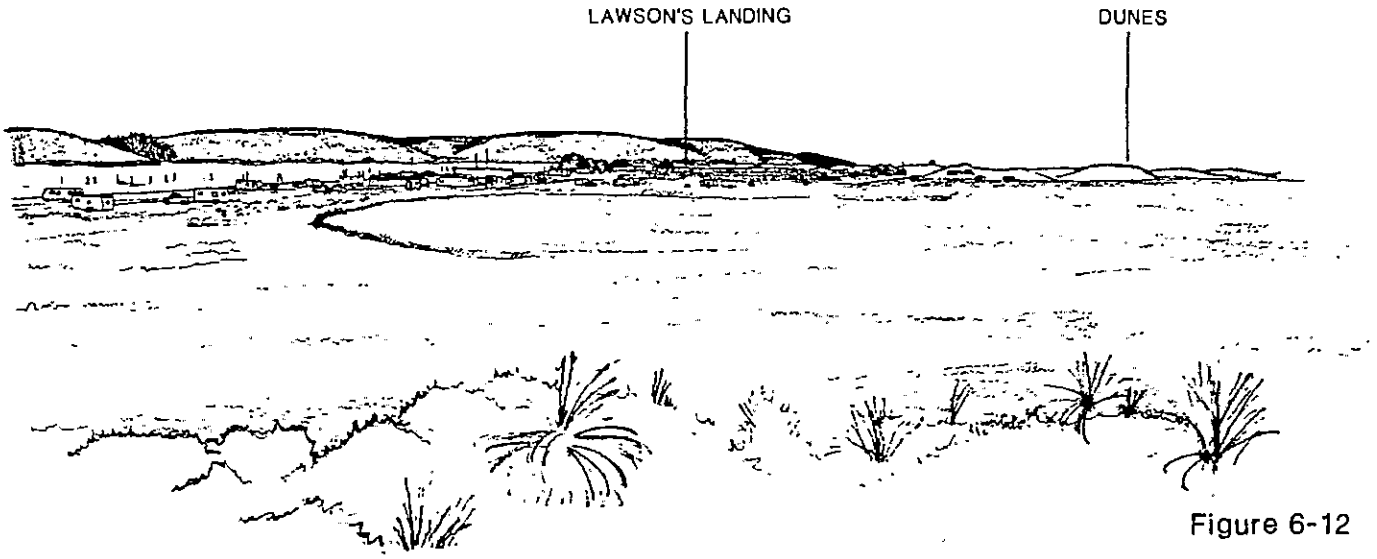


Figure 6-12

TABLE 6-1

DILLON BEACH - VISUAL ANALYSIS

	Landform	Vegetation (color)	Siting & Form of Buildings
Grasslands	Rolling Hills Steep at times; rock outcroppings	Short & tall grasses Hedgerows of Cypress and Eucalyptus	Large, shed ag. bldgs. Clustered Occasional Often within sheltered valley or swale and often with hedgerows as wind breaks Mass of bldgs. varied within cluster
Dunes	Flat and rolling Drifting sand	Sand Some low grasses	Temporary R.V.'s close to road and tucked away.
Bluffs	Dramatic slopes with flat tops Beginning of grassland	High erosion Low Clinging	Large houses at Oceana Marin Setback from bluffs by 40' - 50'
Creekside	Steep ravine with stream bed Some erosion	Tall Eucalyptus cypress Dense riparian	Road & development relate to creek Setback between road & Creek small outside of town and widens in town
Village	Gradually rising Rests at bottom of hill	Low vegetation at bases of buildings Some manicured vegetation Occasional trees	Narrow, bldgs. & lots 1 - 1½ stories Simple shed roofs Garages are separate mass Courtyards created by houses, garages & fence Utilities visible
Beachfront	Flat, low lying	Dune vegetation Some cultivation	Wider spaced setback from street 1 story
Oceana Marin	Bluff top Ridge top Steep hill Ravines Undeveloped land is grassland Edged by bluffs Rock outcropping	Grassland No trees or cultivated landscapes	Large setbacks & mass Sited on ridgetops, hillsides, blufftops Garages and decks attached 2 - 3 stories No utilities except lighting standards Irregular roofs
Lawson's Landing	Level Sandy	Sand Some low grasses	Densely spaced side setbacks &sideyards

DILLON BEACH - VISUAL ANALYSIS

	Details & Materials	Road/Street Character & Parking	Distant Views
Grasslands	Wood & concrete blocks predominate Some metal corrugation Metal framing for auxiliary structure	Winding Narrow (2 lanes) Asphalt & gravel Parking for off-road as part of cluster Fences & utilities	Distant views of ocean & bay, Oceana Marin, hills and creek
Dunes		Winding Narrow (2 lanes) Asphalt, gravel & dirt Parking adjacent to Bay Drive	Nearby views of dunes Distant views of hills & town
Bluffs	See Oceana Marin	See Oceana Marin	Distant views of ocean, Tomales Bay, bluffs to north
Creekside	Wood frame Shiplap siding predominates Some plywood Window panes Lighter colors predominate	Some parking up to edge of creek Dillon Beach Road follows creek Informal pedestrian access	In town creek's veg. blocks views to south Creeks visible from distance
Village	Wood frame Shiplap siding predominates Some plywood Window panes Lighter colors predominate	Extremely narrow Small private garages On street parking prohibited but occurs Few sidewalks Few curbs or gutters Parking with store A few pedestrian paths	Framed views of ocean, hills & Oceana Marin Otherwise enclosed
Beachfront	Wood Picture windows facing west	Narrow (2 lanes) No sidewalks Narrow shoulder Beach parking	Nearby views of ocean, dunes Distant views of Oceana Marin, Village
Oceana Marin	Wood & glass widely spaced Darker plywood sidings predominate Window panes hidden Darker colors predominate	Wide streets (4 lanes) Lighting standards Curbs & gutters No sidewalks No pedestrian circulation On street parking	Distant panoramic views of ocean, Tomales Bay, Village, creek, hills, Dunes, Sand Point, bluff to north Few other views to north
Lawson's Landing	Metal, wood, plywood Visible utilities Boats & outhouses	Narrow (2 lanes) Dirt & gravel Informal parking along beach & streets	Nearby views of Dunes, Tomales Bay; Distant views of Village & Oceana Marin Hills to east.

PUBLIC ACCESS

Dillon Beach has historically been a seasonal place of residence and vacation community for people whose primary residence is the Central Valley area including communities such as Modesto and Sacramento. Visitors, therefore, often come from these hotter inland locations to Dillon Beach for its cool, foggy climate.

Recreation facilities and shoreline public access are generally provided by privately-owned facilities. These, along with existing informal public access to the shoreline and open space within the community's area of interest are described below.

Oceana Marin. Low bluffs make access difficult directly from Oceana Marin to the beach. Several lots in the western and southern portions of Oceana Marin have been used informally for beach access. A path has been used by pedestrians along the top of the bluff at the edge of these properties and down to the northern end of the beach. Additionally, there are several dedicated pedestrian easements within Oceana Marin to provide access to the shoreline. The dedicated easements include (1) the easement from Kailua Way across AP No. 100-100-30, (2) the 20-foot easement between lots 114 and 115, (3) the 10-foot easement between lots 65 and 66, and (4) the 10-foot easement between lots 61 and 62. These easements are shown in Figure 6-14. The easements have been offered for dedication, but not "accepted" by a responsible agency who would then maintain them. However, use of these accessways is primarily by Oceana Marin residents, as roads in area are private and on-street parking is prohibited.

Lawson's Dillon Beach Resort. Lawson's Dillon Beach Resort provides public access to the wide sandy beach located just west and south of the Village. Developed facilities include picnic and restroom facilities and parking. A $3 fee is charged for day use and parking; a $1 fee is charged for motorcycle parking. Overnight accommodations are provided at the Resort by 25 trailer spaces and four cottages. The trailer spaces are usually rented a full year at a time. According to the Lawson's, the parking lot provides parking for more than 15,000 cars each year.

Lawson's Landing. Lawson's Landing is the largest recreational facility, at about 250 acres, and one of the older private coastal resorts in the region. Facilities include 231 trailer sites, boat storage and launching, a bait and tackle shop, a clam barge, a charter sport fishing boat, and about 46 informal campsites. Favored activities include clamming, fishing, camping, hiking, and picnicking and, until recently, hanggliding. Lawson's Landing is most heavily frequented on summer weekends, although fishing and clamming are popular activities there nearly year-round. Access to Lawson's Landing is on Bay Drive. At the entrance to Lawson's Landing, which is south of the former University of Pacific Marine Station, the Landing maintains a toll booth where a $4 entrance fee is collected.

Shoreline Access. In addition to the privately-owned and operated recreation facilities at Lawson's Dillon Beach Resort and Lawson's Landing, the Local Coastal Plan provides for lateral access along the entire shoreline of Dillon Beach in order to allow passage on public trust lands (i.e., tideland and submerged land) and to the esteros. Lateral access parallels the water's edge and usually extends 25 feet inland from the mean high tide line. At high tide, however, this area is covered by water and dangerous to traverse.

North of Oceana Marin, existing agricultural operations and high, steep, eroding bluffs limit vertical access to the shoreline. Vertical accessways are intended to allow public access from the first public road to the shoreline. Usually ten feet in width, they may be widened to allow for stairs, parking or other improvements, or to protect prescriptive,

(i.e., historic,) rights, however pedestrians have made use of an existing dirt road to reach the Estero de San Antonio.

6.1.1 OBJECTIVES, POLICIES, AND IMPLEMENTATION PROGRAMS

These community development objectives, policies, and implementation programs expand upon policies stated in the Local Coastal Program (LCP) Unit 2 regarding Public Access, Recreation and Visitor-Serving Facilities, and New Development and Land Use, and policies in the Marin Countywide Plan regarding Community Development, Plans for Planning Areas, Housing, and Trails.

The policies below are organized in five geographic sections: Communitywide, Oceana Marin, The Village, Lawson's Dillon Beach Resort, and Lawson's Landing. Communitywide policies apply to all subareas.

COMMUNITYWIDE

Objective CD-1

To preserve the rural/resort character of the community.

Policy CD-1.1

Agricultural land and buildings. The large expanses of agricultural land surrounding Dillon Beach shall be preserved for agricultural uses. New agricultural buildings should be incorporated into existing agricultural compounds, and, where possible, should:

a. be set back from the road;
b. preserve major views;
c. not exceed the height and bulk of traditional agricultural structures in the area; and
d. use existing contours and vegetation for shelter, or introduce new cypress hedgerows for wind shelter and visual screening.

Policy CD-1.2

Community expansion boundary. New development in Oceana Marin, the Village, and Lawson's Dillon Beach Resort shall occur within the community expansion boundary, as shown in Figure 1-1.

Policy CD-1.3

Character of surrounding areas. The height, scale, and design of all new structures shall be compatible with the character of the surrounding natural and built environment. Structures shall be designed and sited to follow the natural contours of the landscape, and not block or significantly infringe on coastal views as seen from neighboring houses and public viewing places.

Policy CD-1.4

Visitor-serving facilities. Visitor-serving businesses and facilities that are in keeping with the coastal setting and small-scale, village character of the community shall be encouraged.

Policy CD-1.5

Vegetation. Non-native vegetation should be discouraged, except in contained areas immediately adjacent to residences and businesses.

Policy CD-1.6

Natural landforms. New development shall respect natural landforms to the greatest degree possible.

Objective CD-2

To protect the significant visual assets of the community, especially ocean and shoreline vistas.

Policy CD-2.1

New construction. New construction shall not block or significantly infringe on views from existing homes or scenic overlooks of the shoreline, Tomales Bay, Bodega Bay, or ocean.

Policy CD-2.2

Landscaping. Development may be screened with appropriate landscaping, however such landscaping shall not, when mature, interfere with public views to and along the coast.

Policy CD-2.3

Hedgerows. Existing hedgerows should be preserved. New hedgerows should not obstruct views of the shoreline, Tomales Bay, Bodega Bay, or ocean.

Policy CD-2.4

Elephant Rocks. Public access to Elephant Rocks (i.e., the large rock outcroppings at the junction of Tomales/Dillon Beach Road and Franklin School/Valley Ford Road) shall be preserved.

Policy CD-2.5

Satellite dishes. Television satellite dishes should be located in backyards where feasible, and should be screened from view from neighboring properties and public right-of-ways. A community satellite dish may alleviate the visual problems created by many small dishes sprinkled around the community. The County shall consider extending Cable TV services to Dillon Beach to preclude the need for individual satellite dishes.

Objective CD-3

To preserve historic structures.

Policy CD-3.1

Pre-1930 structures. Alterations to, additions to, and demolitions of pre-1930 structures are to comply with County requirements regarding coastal zone Historic Research Preservation as specified in Title 22 of the Marin County Code, Chapter 22.56.130. Alterations and additions shall retain the scale and original architectural features of the structure, especially of the front facade. The Historic Review Checklist in the Marin County Local Coastal Program Historic Study of November 1981 is to be used as a design guideline.

OCEANA MARIN

Based on the environmental quality, environmental hazards, and visual analyses for this Plan, developable acreages have been determined for each of the multi-family areas in Oceana Marin. The developable areas, based on these analyses, are shown in Figure 6-13.

For Parcels J, L, and M, unstable slopes are identified from the California Division of Mines and Geology maps (see Plan Figure 5-3). Given the scale of the maps, however, it is not possible to determine definitive boundaries.

No unstable slopes were identified in Parcel J, nor were other factors affecting developability. Therefore, for this analysis, the entire 1.37 acres of Parcel J are considered developable.

Upon mapping the unstable slopes in Parcel L, the area calculation was made from the large-scale Community Plan base map. Total developable acreage in Parcel L has been determined to be 3.4 acres.

In addition to unstable slopes, two areas within Parcel M have extremely poor access and are, therefore, considered undevelopable. Long driveways would cut across unstable and steep portions of the site, or would have to be cut through and limit development upon single-family parcels to the south of Parcel M. The area calculation for Parcel M was made graphically from dimensions on assessors maps. Based on this analysis, a total of 0.7 acres in Parcel M is considered developable.

For Parcel K, unstable slopes, rock outcroppings, and gullies unsuitable for development have been identified from the EIR for the Sea Haven Master Plan (EIR Figure 10). Swale and storm water drainage easements, as mapped in Figure 6-13, are considered undevelopable. To develop these areas, or straddle them with a road, would be hazardous, and would adversely affect the visual character and quality of the site. From a to-scale map of the factors shown in Figure 6-13, a graphic calculation of developable area was made. Based on this analysis, a total of 9.3 acres in Parcel K has been identified as developable.

The Addendum to the EIR for the Sea Haven Master Plan included a conceptual alternative siting and design for a single-family development of only 14 units (versus 66) on Parcel K. To reduce visual impacts, the 14 units were restricted to the less visually-sensitive, lower elevations of the site, while preserving recommended visual easements between the proposed project and existing Oceana Marin lots on Kailua Way. While the

more visually-sensitive, higher elevations of Parcel K are not considered undevelopable in the Plan, development in these areas would have to be carefully sited and designed to avoid potential impacts.

Objective CD-4

To ensure that residential development on Parcels J, K, L, and M is compatible in scale and intensity with existing single-family development in Oceana Marin, is compatible with the visual features of Oceana Marin as outlined in Table 6-1, and is sited in consideration of the environmental conditions and visual qualities of the area.

Policy CD-4.1

Planned districts. Parcels J, K, and L shall be maintained as planned districts, which require Master Plan approval prior to development.

Policy CD-4.2

Developable areas. Prior to Master Plan approval, site-specific geotechnical, solls, grading, drainage, and visual impact studies shall be conducted to definitively identify areas suitable for safe and environmentally-sound development.

Policy CD-4.3

Master Plan review. Master Plans and coastal permits for development on Parcels J, K, and L shall be evaluated according to the following criteria:

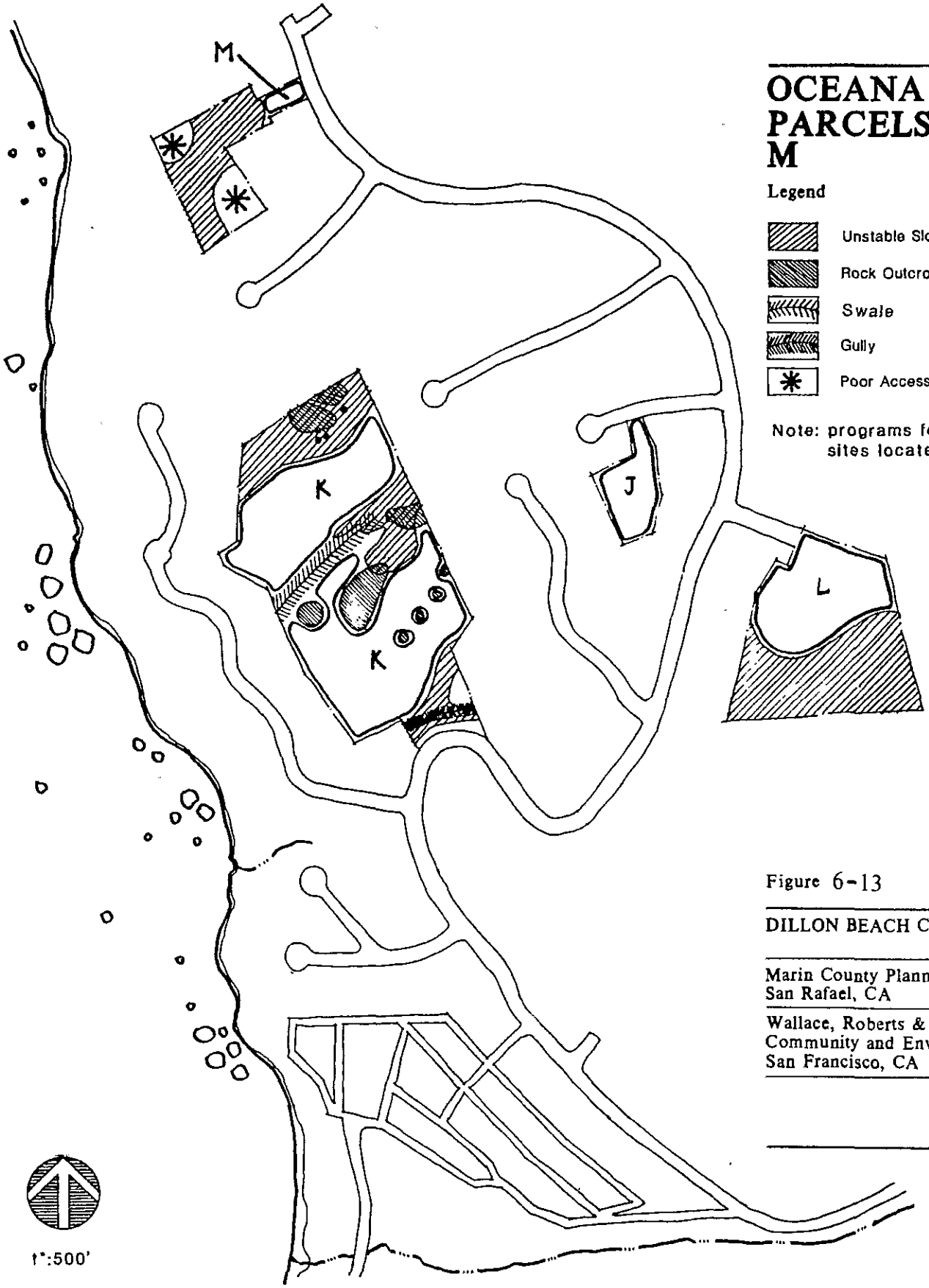
a. demonstrated availability of water, in accordance with Policy CF-8.5,
b. availability of safe and environmentally-sound sewage disposal,
c. degree of environmental impact,
d. traffic and parking impacts in Oceana Marin and other areas of the community,
e. visual impact.

In addition, proposed siting and design shall:

a. respect the natural landforms of the sites;
b. require minimal grading, and adhere to the County's requirements regarding grading and slope stability;
c. provide adequate drainage;
d. address the sites' visual prominence;
e. be compatible with the scale, bulk, and mass of existing homes in Oceana Marin; and
f. protect scenic qualities, including visually-prominent rock outcroppings, rural landscapes, topography, and views.

Policy CD-4.4

Multi-family design. Multi-family units developed in Oceana Marin shall retain the character of single-family residences.



OCEANA MARIN PARCELS J, K, L, M

Legend

- Unstable Slopes
- Rock Outcropping
- Swale
- Gully
- Poor Access

Note: programs for developable sites located within Table

Figure 6-13

DILLON BEACH COMMUNITY PLAN

Marin County Planning Department
San Rafael, CA

Wallace, Roberts & Todd
Community and Environmental Planners
San Francisco, CA

Policy CD-4.5

Roads and channels. Roads and channels should not detract from the rugged character of the landscape. A sense of the natural topography should be maintained by designing roads to cross gullies and swales, but not straddle them; by leaving natural drainage areas open and undisturbed; and by preserving natural features, such as rock outcroppings, as visible elements of the area.

Policy CD-4.6

Single-family character. Development of single-family structures should closely correlate to densities that have been constructed in Oceana Marin to date. Parcels now zoned for single-family residences shall be maintained for single-family residences. If multi-family structures are proposed for development on Parcels J, K, and L, such structures should not exceed 2- or 3-unit structures so as to maintain the small-scale character of the area. If multi-family units are proposed, a mix of 1-, 2-, and 3-unit structures should be included to maintain the single-family scale of the area.

Residential development on Parcels J, K, L, and M shall be in accordance with the following land use densities:

Parcel	Parcel Acres	Density on Gross Developable Acres	Developable Acres	Range of Developable Units	Density on Parcel Acres
J	1.37	1.5-4.0	1.37	2-5	1.5-4.0
K	16.56	1.5-4.0	9.3	14-37	0.85-2.33
L	6.52	1.5-4.0	3.4	5-13	0.8-2.0
M	2.61	1.5	0.7	1	0.4

The developable acreages are based on soils analyses and other environmental studies conducted prior to this Community Plan. If subsequent studies demonstrate to the County's satisfaction that additional acreage is suitable for development, then additional dwelling units may be considered at the same densities.

Should single-family homes be proposed, the lower densities shall be observed. The higher end of the density ranges is more appropriate for a mixture of single-family and multi-family units. If multi-family units are proposed, they shall be integrated with single-family housing on the same parcel.

To reflect the County's concern regarding environmental hazards on these sites, potential hazards created by development on these sites, and the visual prominence of the sites, the County shall rezone Parcels J, K, L, and M to the low end of the density ranges. If subsequent studies demonstrate to the County's satisfaction that additional development can be accommodated in accordance with the policies of this Plan and LCP, then development at the higher densities within the density range may be approved. Development approvals at the higher densities will require a zoning amendment.

PROGRAM CD-4.6a

The County will rezone Parcels J, K, L, and M as follows:

Location	A.P. #	Former Zoning	New Zoning
Parcel J	100-331-19	C-RMP-4	C-RMP-1.5
Parcel K	100-300-02,07	C-RMP-4	C-RMP-0.85
Parcel L	100-300-03	C-RMP-4	C-RMP-0.8
Parcel M	100-311-27	C-RMP-4	C-RSP-0.4

Objective CD-5

To encourage development on Parcel L to be sensitive to the highly visible nature of the site, location on a ridgetop, and proximity to agricultural lands.

Policy CD-5.1

Parcel L. Development on Parcel L should emulate the arrangement, and architectural character of traditional agricultural compounds in the area by tightly clustering development; by arranging buildings to articulate the spaces between them; by siting buildings across slopes to minimize grading and accentuate the site's topography; and by introducing one or two buildings of height and mass similar to modest-sized barns.

Objective CD-6

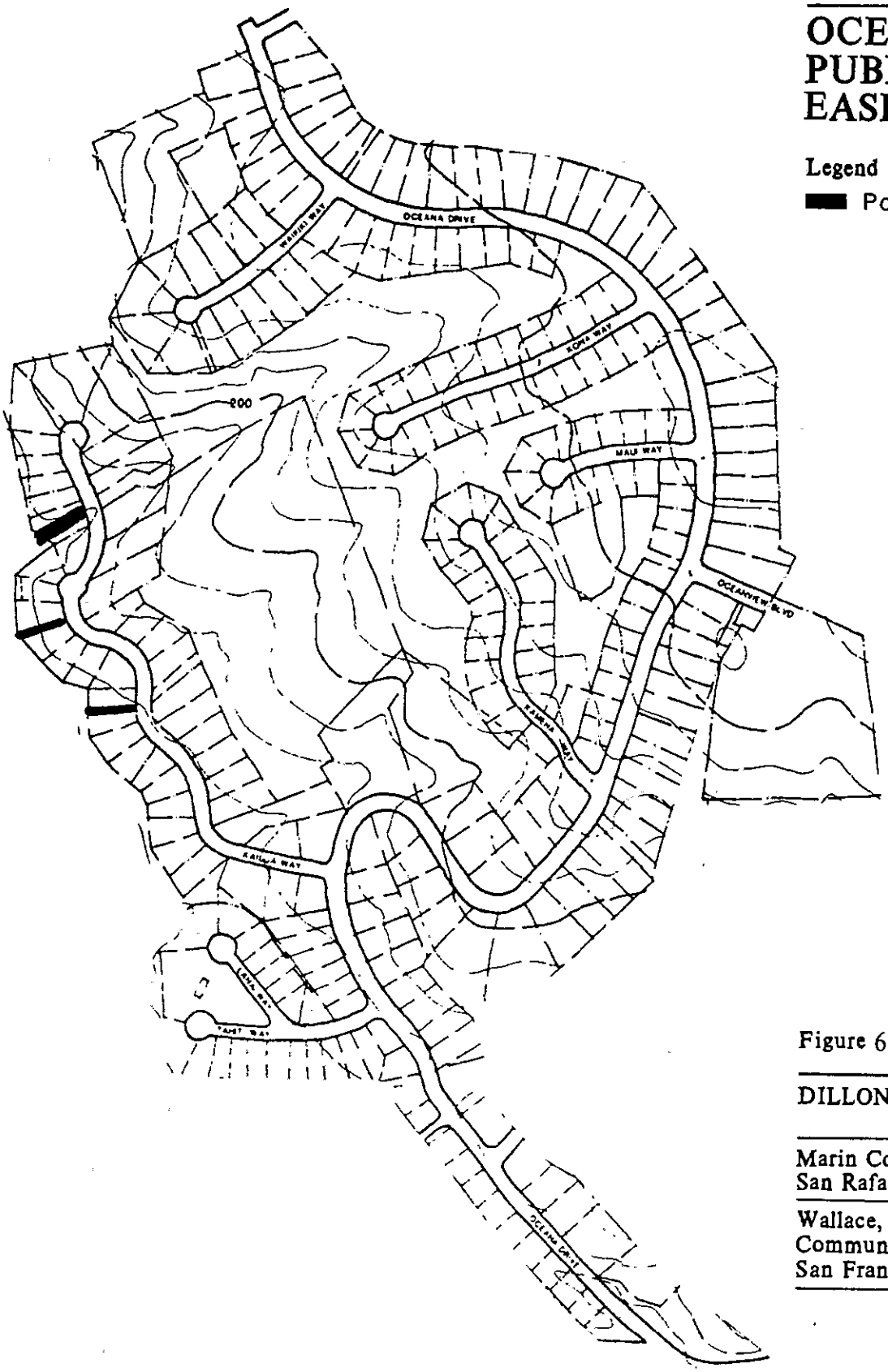
To improve public pedestrian access from Oceana Marin to the shoreline.

Policy CD-6.1

Public access. Pedestrian public access from Oceana Marin to the shoreline should be improved. At least one of the following pedestrian easements should be improved and maintained: (1) the easement from Kailua Way across assessor parcel number 100-100-30; (2) the 20-foot easement between lots 114 and 115; (3) the 10-foot easement between lots 65 and 66; or (4) the 10-foot easement between lots 61 and 62 (see Figure 6-14). Improvements might include stairs, constructed paths and hand rails where required for safety and to reduce maintenance, and signs indicating a point of public access. Such improvements, maintenance, and associated liability could be undertaken by agencies such as the California Coastal Commission, State Coastal Conservancy, and/or the County.

PROGRAM CD-6.1a

The County will coordinate with Oceana Marin residents and other agencies and organizations concerned with coastal public access to ensure that at least one easement is improved and maintained for safe public pedestrian access.



OCEANA MARIN PUBLIC PEDESTRIAN EASEMENTS

Legend

Potential Locations

Figure 6-14

DILLON BEACH COMMUNITY PLAN

Marin County Planning Department
San Rafael, CA

Wallace, Roberts & Todd
Community and Environmental Planners
San Francisco, CA

THE VILLAGE

Objective CD-7

To encourage new residential development in the Village to be consistent with the area's existing character.

Policy CD-7.1

Residential zoning. The County shall retain small-lot, single-family residential zoning in the Village.

Policy CD-7.2

New structures. New structures, and significant alterations to existing structures, shall be consistent with the scale and character of other residences in the Village. New structures should not exceed an apparent one and one-half stories, nor should their footprints exceed the largest in the vicinity. Wood shiplap should be encouraged as siding material; stucco and plywood exteriors should be discouraged. Light-colored paint should also be encouraged for building exteriors.

Objective CD-8

To improve public access to the shoreline.

Policy CD-8.1

Public access. An easement for pedestrian public access to the shoreline should be established on the western edge of AP Number 100-120-121 (zoned C-R-A:B-5), in cooperation with the property owner. The public access point should be improved and maintained by an agency that can assure safe access to the shoreline.

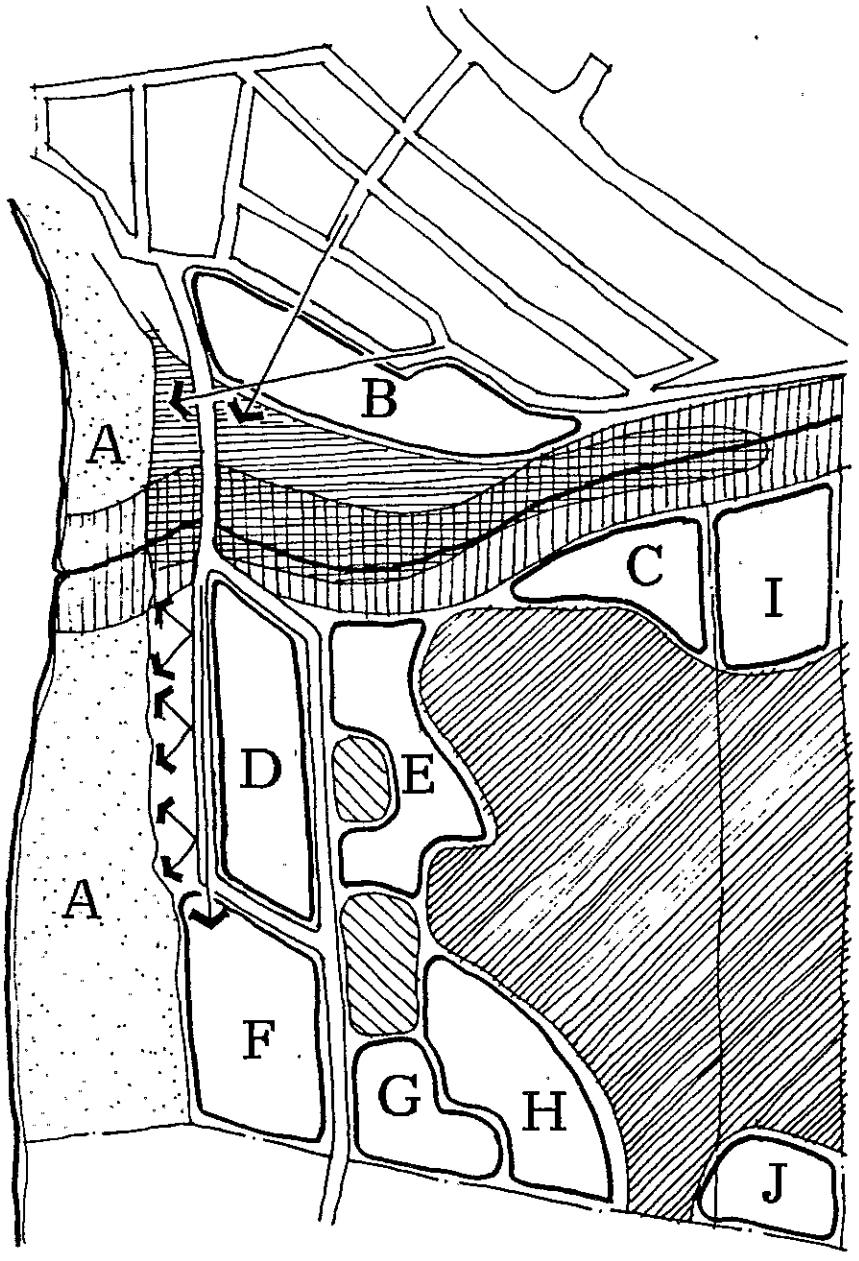
PROGRAM CD-8.1a

The County will work with the property owners to establish a public easement; coordinate with agencies able to improve and maintain public access.

LAWSON'S DILLON BEACH RESORT

"Lawson's Dillon Beach Resort" refers to a geographic area that includes property owned by the University of Pacific and individual homeowners as well as the Lawson's (Dillon Beach Inc.). These properties are referred to collectively because they describe an area defined by topography, similar zoning, and existing roadways.

To better define areas considered developable according to policies in the Marin Countywide Plan, Local Coastal Program, Unit 2, and this Community Plan, seven site characteristics have been mapped and are shown in Figure 6-15. Tsunami run-up areas, dunes, and wetlands are derived from information in an Environmental Assessment prepared by WESCO (WESCO 1987, Figure 20). The 100-foot setback for riparian areas reflects County standards. Sensitive beach area was determined by examining



LAWSON'S DILLON BEACH RESORT SUBAREAS A-J

Legend

- Tsunami Run-up
- Riparian Setback
- Dunes
- Wetland
- Beach
- Important Vistas
- Important Panoramic Views

Note: programs for developable sites located within Table .

Figure 6-15

DILLON BEACH COMMUNITY PLAN

Marin County Planning Department
San Rafael, CA

Wallace, Roberts & Todd
Community and Environmental Planners
San Francisco, CA

1":500'

topographic maps and aerial photos of the area. Areas denoted as "important vistas" indicate their visual prominence from commonly used paths and are considered areas of high aesthetic value. "Important views" refers to sites with panoramic views of the Bodega Bay, Sand Point, and the ocean. The visual character of Dillon Beach would be substantially altered if development were to occur in these view corridors.

From this mapping analysis, areas considered developable have been identified. The developable areas are described here in ten subareas that are distinguished by ownership and current land use patterns. The subareas, A-J, are shown in Figure 6-15. As the subarea boundaries have been determined in part by the results of environmental analyses conducted prior to this Community Plan, the actual delineation of areas requiring protection or areas suitable for development will be determined when Master Plans are proposed and reviewed.

Subarea A refers to the beach area west of Cliff Drive. Subarea A is bisected by a small area zoned C-RMPC; the remainder is zoned C-RCR. The entire subarea is owned by Dillon Beach Inc.

Subarea B is the northernmost portion of Lawson's Dillon Beach Resort. It is bounded by the Village on the north and Dillon Creek on the south, and is owned by Dillon Beach Inc.

Subarea C is just south of Dillon Creek, in the eastern half of the area zoned C-RMPC. Like Subareas A and B, it is owned by Dillon Beach Inc.

Subarea D refers to the parcels that are zoned C-R-1 and are generally owned by individual homeowners.

Subarea E is across Bay Drive from Subarea D, and is owned by Dillon Beach Inc.

Subareas F and G are owned by the University of the Pacific (UOP) and are the site of the former UOP Marine Station. They are bisected by Cliff Drive as it exits Lawson's Dillon Beach Resort and enters Lawson's Landing. Finally, Subarea H is directly to the east of the UOP parcels and is owned by Dillon Beach Inc.

Subareas I and J are part of a 12-acre parcel (AP #100-100-47) that is now zoned for agricultural use (C-APZ-60). The parcel is under Williamson Act contract. However, the Lawson's have filed a Notice of Nonrenewal, and the contract is due to expire in 1992. The parcel includes grassland and central dune scrub (WESCO 1987), which is considered a sensitive habitat. When the seven site characteristics that have been applied to areas of Lawson's Resort inside the community expansion boundary to determine developable acreage are applied to the 12-acre parcel, 3 acres are considered developable. The remaining acreage contains dune scrub. In addition, much of the area is "loose, potentially unstable sands on steep slopes" (WESCO 1987).

Current zoning, approximate acreage, and current ownership of each subarea are given below.

Subarea	Current Zoning	Approximate Acreage	Current Ownership
A	C-RCR and C-RMPC	9.8	Dillon Beach Inc.
B	C-RCR	3.7	Dillon Beach Inc.
C	C-RMPC	1.0	Dillon Beach Inc.
D	C-R-1	2.6	Individual Property Owners
E	C-RMPC	2.5	Dillon Beach Inc.
F	C-RMPC	1.6	UOP
G	C-RMPC	1.1	UOP
H	C-RMPC	1.5	Dillon Beach Inc.
I	C-APZ-60	2.0	Dillon Beach Inc.
J	C-APZ-60	1.0	Dillon Beach Inc.

Acreage for these 10 subareas totals 26.8 acres. Excluding the existing residential subdivision (Subarea D) and beach (Subarea A), approximately 14.4 acres are considered suitable for additional residential and commercial development.

Objective CD-9

To maintain the Lawson's Dillon Beach Resort as a multi-use area, with residences, resident-serving businesses and facilities, and visitor-serving businesses and facilities.

Policy CD-9.1

Mixed uses. Lawson's Dillon Beach Resort is an appropriate area for new, mixed-use development of a modest scale. Residential, resident-serving commercial, and visitor-serving commercial uses are all appropriate uses for this area, and shall be encouraged in a design that achieves a balance among these uses.

Objective CD-10

To encourage master planning and design that integrates development at Lawson's Dillon Beach Resort with other areas of the community, and maximizes the prime location, environmental resources, and visual assets of the Resort properties.

Policy CD-10.1

Planned district. Lawson's Dillon Beach Resort, exclusive of Subarea D (which is zoned C-R-1), shall be maintained as a planned district. Master Plan approval shall be required for substantial improvements or new development in the Resort, exclusive of Subarea D.

Policy CD-10.2

Master Plan. Dillon Beach Inc. and The University of the Pacific as property owners of all subareas except Subarea D, shall be encouraged to cooperatively participate in a Master Plan for the entire Resort, exclusive of Subarea D.

Policy CD-10.3

Phased development. If phased development is proposed, the Master Plan shall include all phases of development.

Policy CD-10.4

Environmental resources. Prior to Master Plan approval, seasonal field studies shall be conducted by the applicant to more definitively determine the location, extent, and condition of sensitive environmental resources. If accepted by the County, these studies shall become the basis for potential amendments to the Community Plan. These amendments will more definitively identify lands subject to environmental constraints and those which are not. Accordingly, development densities may be adjusted in the Community Plan, consistent with more detailed environmental constraint information.

Policy CD-10.5

Development review. Master Plans and coastal permits for development at Lawson's Dillon Beach Resort shall be evaluated according to the following criteria:

a. demonstrated availability of water, in accordance with Policy CF-8.5;

b. availability of safe and environmentally-sound sewage disposal;

c. degree of environmental impact;

d. compatibility with neighboring land uses;

e. compatibility with the scale and character of the Village;

f. traffic and parking impacts on the community, including along Dillon Beach Road, Beach Drive, Cliff Drive, and entrance to Lawson's Landing; and

g. visual character as seen from public areas, the Village, and Oceana Marin.

Policy CD-10.6

Subarea A. Subarea A shall be maintained as a beach for public use. Permanent structures shall be limited to those accessory to beach use, and shall be sited and designed to be inobtrusive. In conjunction with Master Plan approval, provision for public access to the shoreline shall be secured in perpetuity. Public parking for the 9ccess shall also be maintained in perpetuity.

Policy CD-10.7

Subarea B. Subarea B shall be maintained as a resident-serving and visitor-serving commercial strip that provides an inviting entrance to the community. Recommended uses for this subarea include a general store, gas station, small restaurant or cafe, and small motel or bed and breakfast designed in a style that is compatible with the small-scale, coastal village character of the Village.

As parking is a particular concern in this subarea, sufficient parking shall be provided on site, so that it will not spill over into neighboring residential areas.

Commercial development in Subarea B should not exceed an FAR of 0.2, which corresponds to a total of 32,000 square feet. This could accommodate, for example, a motel with 30 guest rooms and cafe for 75 to 100 people, in addition to the existing 8,000 square-foot store.

Policy CD-10.8

Beach Avenue realignment. Should Beach Avenue be realigned (see Figure 6-16, see Policy T-2.6), the small lot created west of Beach Avenue would be an appropriate site for small visitor-serving facilities. Recommended uses include a snackbar for beachgoers or small beach-oriented shop that would attract customers on foot and would not draw more traffic than could be accommodated by on-site parking. Development on this site shall be one-story only, and shall not block or substantially infringe on views to the shoreline. Development shall be designed so that run-off from impervious surfaces does not cause bluff erosion.

Policy CD-10.9

Subarea C. Subarea C is an appropriate area for single-family and/or multi-family housing. Densities in this subarea should not exceed 4 to 10 dwelling units per gross acre. Development at the higher end of the density range shall be approved only for clustered, smaller units, such as 1,200 square feet. Assuming that Subarea C does, in fact, contain 1.0 developable acre, then these densities would result in a maximum of 4 to 10 dwelling units.

Policy CD-10.10

Subarea D. Subarea D shall be maintained as single-family housing. New units shall comply with C-R-1 setback and FAR requirements. Houses on the eastern half of the subarea shall be designed to protect coastal views from properties to the east.

Policy CD-10.11

Subarea E. Subarea E is an appropriate area for single-family houses or small multi-family complexes, such as duplexes. The density and design of this subarea should be compatible with the density of Subarea D across Bay Drive. Densities in this subarea should not exceed 6 to 10 dwelling units per gross acre. Development at the higher end of the density range shall be approved only for clustered, smaller units, such as 1,200 square feet. Assuming that Subarea E contains 2.5 developable acres, this density range could result in a maximum of 15 to 25 dwelling units.

Policy CD-10.12

Subarea F. Due to Subarea F's proximity to the shoreline, it is an especially suitable area for resident-serving and visitor-serving facilities where many people can enjoy its prime location. Recommended uses include a community center with meeting rooms and exhibit space, a conference center, small restaurant or cafe for up to 150 diners, and youth hostel. Additional uses may be appropriate if they maximize community and visitor use of this location. Residences are discouraged in this subarea. As this area already experiences traffic congestion at peak visitor times, all subarea-generated parking shall be accommodated on site.

REALIGNMENT CONCEPT FOR BEACH AVENUE

Alignment concept is subject to feasibility study to assure parcel and emergency vehicle access as well as engineering design of roadway for the steep slope.

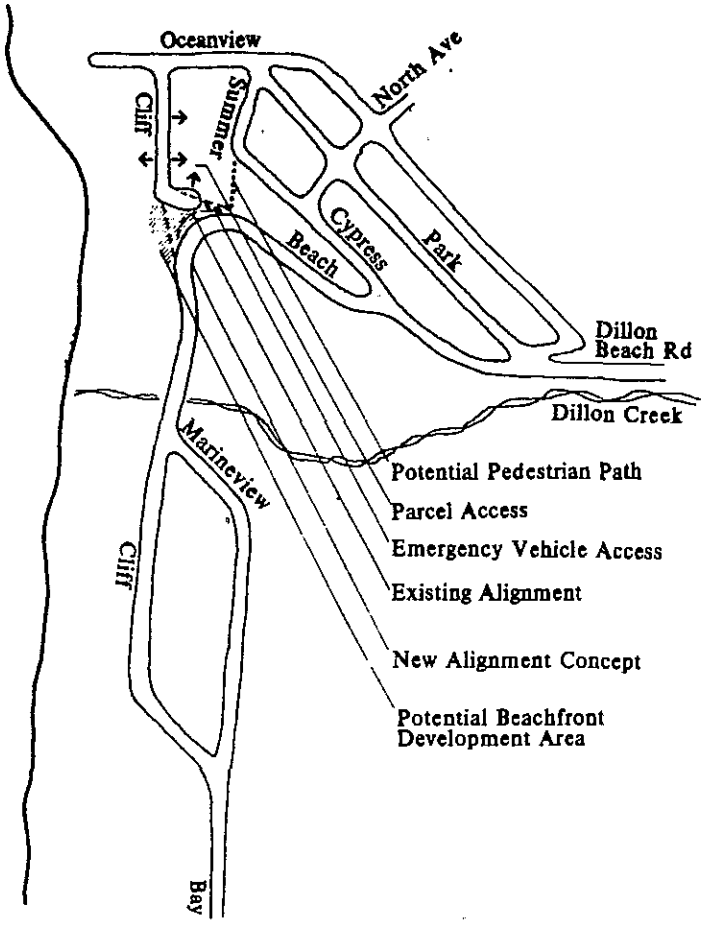


Figure 6-16

DILLON BEACH COMMUNITY PLAN

Marin County Planning Department
San Rafael, CA

Wallace, Roberts & Todd
Community and Environmental Planners
San Francisco, CA

Exhibit 7 (County Proposed Appendices and Suggested Appendices)
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Maximum building density in this subarea shall be an FAR of 0.3. This density could accommodate, for example, a series of small buildings that together equal 20,900 square feet. These buildings might include, for example, a community and conference center with rooms for 16 people and 100 people, kitchenette, and restrooms; restaurant for 180 patrons with bar for 25 patrons; and a small motel with 30 guestrooms. If through master planning, it is determined that residential uses are appropriate for this subarea, then the commercial FAR shall be commensurately reduced so that total building density in this area does not exceed a FAR of 0.3.

Policy CD-10.13

Subarea G. Subarea G is also an appropriate area for resident-serving and visitor-serving facilities. In addition, it would be an appropriate area in which to combine small-scale single-family or multi-family houses with commercial uses. Recommended uses include a small hotel, small cafe, neighborhood convenience store, studio space for artisans or performing artists, single-family cottages, and duplexes or triplexes.

A suggested balance between residential and commercial uses in this subarea is 60 percent residential to 40 percent commercial. With the 60/40 ratio, appropriate densities are 4 to 6 dwelling units per gross acre combined with an FAR of 0.2. This balance could result, for example, in a total of 2 to 4 dwelling units integrated with commercial space of 3,800 square-feet. This square footage could accommodate, for example, a motel with 10 rooms, 300 square-feet of office or studio space, delicatessen with seating for 24 patrons, a neighborhood convenience store, and youth hostel with 16 beds. Variations in this balance may be considered during Master Plan review. Should a different residential to commercial balance be proposed, a comparable building density shall be maintained.

Policy CD-10.14

Subarea H. Subarea H is one of the best sites at Lawson's Dillon Beach Resort for single- and multi-family housing. Maximum residential density in this subarea should be 4 to 6 dwelling units per acre, which is a greater density than in Oceana Marin, but lower density than in the Village. Development at the higher end of the density range shall be approved only for clustered, smaller units, such as 1,200 square feet.

Assuming that the developable portion of this subarea is 1.5 acres, then this density range may result in a maximum of 6 to 12 dwelling units.

The appropriateness of other types of uses in this subarea, such as visitor-serving commercial uses, is dependent, in part, on the traffic that would be generated by such uses, capacity of existing roadways, and potential for developing a second road into Dillon Beach. If, through Master Plan review, it is determined that commercial uses are appropriate for this subarea, then a mix of commercial development that does not exceed an FAR of 0.2 and residential density that does not exceed 4 to 10 dwelling units per acre shall be observed.

Policy CD-10.14a

Subacreas I and J. The 12-acre parcel, AP #100-100-47, may be considered for inclusion in a development Master Plan at such future time as a Master Plan is submitted for Lawson's Dillon Beach Resort, and the Master Plan clearly demonstrates appropriate uses and densities for this constrained parcel.

Policy CD-10.15

Additional acreage. Should subsequent environmental study determine that larger or additional areas are suitable for development than are described in these policies, uses and densities in the additional areas shall be comparable to uses and densities in the neighboring subareas.

Policy CD-10.16

Development density. Based on the policies above and in accordance with the Local Coastal Program Unit 2 (LCP), the County shall specify a residential zoning density for the parcels zoned C-RMPC in Lawson's Dillon Beach Resort. To reflect the County's concerns regarding the site, including its environmental characteristics, prominent location, and current lack of water supply and sewage disposal services, the County shall zone the site to the low end of the residential density range. If subsequent studies demonstrate to the County's satisfaction that additional development can be accommodated in accordance with the policies of this Plan and LCP, then development at the higher densities within the density range may be approved. Development approvals at the higher densities will require a zoning amendment.

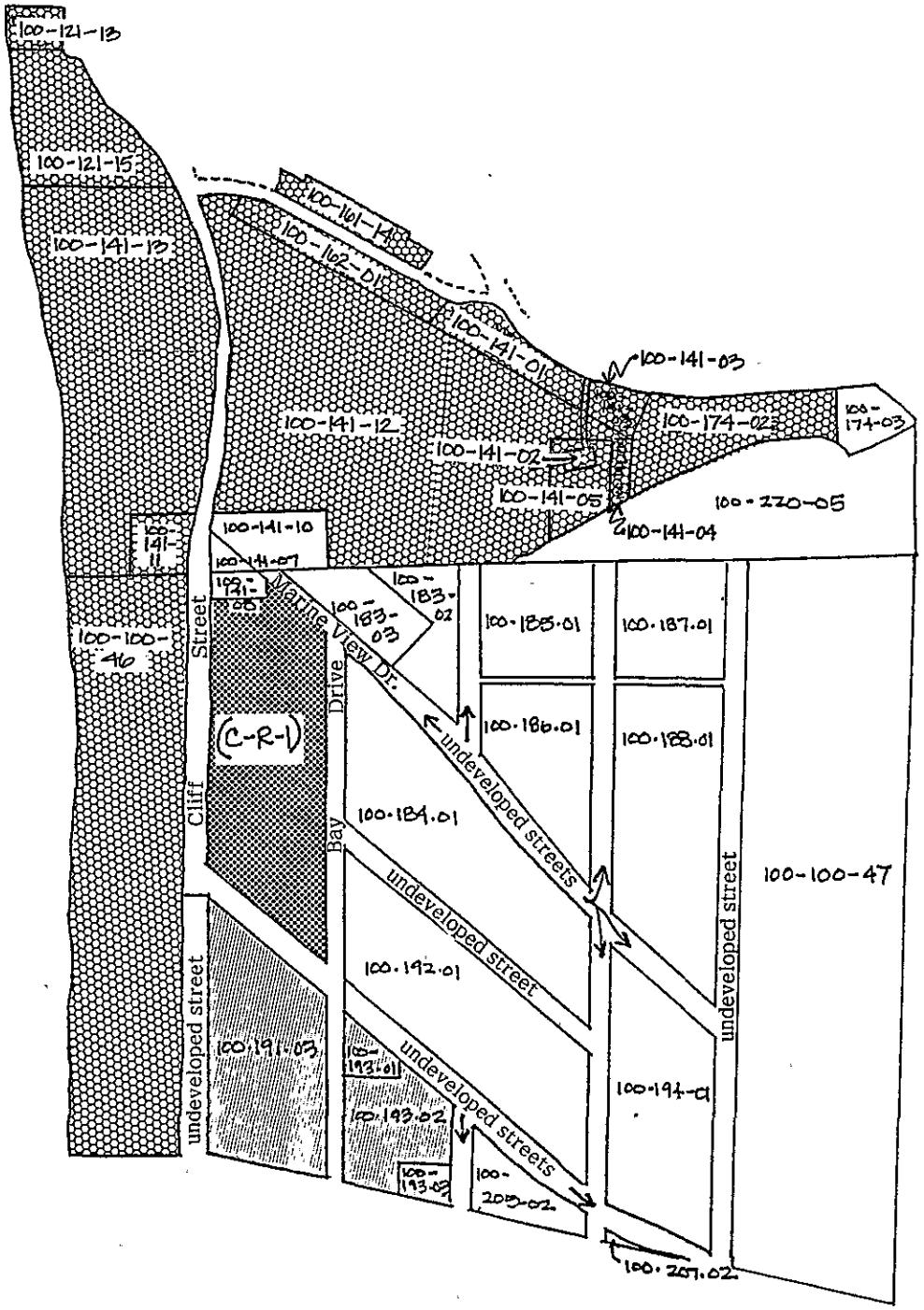
PROGRAM CD-10.16a

The County will rezone parcels in Lawson's Dillon Beach Resort as follows:

A.P. #	Location	Former Zoning	New Zoning
100-141-11	Lawson's Dillon Beach Resort	C-RMPC	C-RCR
100-141-13:			
SW corner only	Lawson's Dillon Beach Resort	C-RMPC	C-RCR
100-100-47	Lawson's Dillon Beach Resort	C-APZ-60	C-RMPC-1.2
100-141-07,08,10	Lawson's Dillon Beach Resort	C-RMPC	C-RMPC-1.2
100-174-03	Lawson's Dillon Beach Resort	C-RMPC	C-RMPC-1.2
100-183-02,03	Lawson's Dillon Beach Resort	C-RMPC	C-RMPC-1.2
100-184-01	Lawson's Dillon Beach Resort	C-RMPC	C-RMPC-1.2
100-185-01	Lawson's Dillon Beach Resort	C-RMPC	C-RMPC-1.2
100-186-01	Lawson's Dillon Beach Resort	C-RMPC	C-RMPC-1.2
100-187-01	Lawson's Dillon Beach Resort	C-RMPC	C-RMPC-1.2
100-188-01	Lawson's Dillon Beach Resort	C-RMPC	C-RMPC-1.2
100-192-01	Lawson's Dillon Beach Resort	C-RMPC	C-RMPC-1.2
100-194-01	Lawson's Dillon Beach Resort	C-RMPC	C-RMPC-1.2
100-205-02	Lawson's Dillon Beach Resort	C-RMPC	C-RMPC-1.2
100-207-02	Lawson's Dillon Beach Resort	C-RMPC	C-RMPC-1.2
100-220-05	Lawson's Dillon Beach Resort	C-RMPC	C-RMPC-1.2
100-191-03	Univ. of Pacific on Bay Dr.	C-RMPC	C-RMPC-0.7
100-193,01,02,03	Univ. of Pacific on Bay Dr.	C-RMPC	C-RMPC-0.7

These zoning densities will apply only to residential development. Density of commercial development will not be specified in the zoning designation. (Zonings are shown in Figure 6-17.)

ASSESSOR'S PARCELS & ZONINGS IN LAWSON'S DILLON BEACH RESORT (1989)



Legend

- C-R-1
- C-RCR
- C-RMPC-0.7
- C-RMPC-1.2

Note:
Development is to be clustered as shown in figure 6-15 and described in Policies CD-10.1 to CD-10.16.

Figure 6-17

DILLON BEACH COMMUNITY PLAN

Marin County Planning Department
San Rafael, CA

Wallace, Roberts & Todd
Community and Environmental Planners
San Francisco, CA

Objective CD-11

To encourage development at Lawson's Dillon Beach Resort to be sensitive to the area's outstanding natural beauty and to be appropriate in scale and architectural quality for a West Marin coastal village.

Policy CD-11.1

Compatible design. Siting and architectural design, including materials, color, scale, and siting of buildings, signs, parking configurations, and landscaping should harmonize with the existing character of Dillon Beach. Compatible design features include:

a. one- and two-story building heights;

b. a series of small structures versus individual, large, bulky structures;

c. facades that minimize the feeling of bulk;

d. periodic spaces between buildings to create visual corridors;

e. varied sizes, forms, exterior walls, fenestration, and rooflines that create the feeling of small-scale, village design;

f. rooflines that protect views from neighboring properties; and

g. individual on-site parking areas or small, inconspicuous group areas.

Objective CD-12

To encourage safe pedestrian access to all subareas of Lawson's Dillon Beach Resort and other areas of the community.

Policy CD-12.1

Pedestrian areas. Should additional development occur south of Dillon Creek in Lawson's Dillon Beach Resort, the following features shall be provided:

a. outdoor public gathering areas, particularly on sites with vistas of the shoreline, bays, and ocean;

b. a pedestrian bridge across Dillon Creek to connect the Village with homes, businesses, and public gathering areas south of Dillon Creek;

c. a network of pedestrian paths that connect residential areas, commercial areas, the beach, and parking areas; and

d. a linear park along Dillon Creek that provides opportunities for recreational activities that cause little impact to the setting, such as walking, sitting, picnicking, and birdwatching.

LAWSON'S LANDING

Objective CD-13

To encourage the continuance of visitor-serving recreational activities at Lawson's Landing, and to encourage improvements to existing facilities to be in a manner that recognizes the significant environmental hazards of the area and that protects and enhances the environmental sensitivity and outstanding visual quality of the site.

Policy CD-13.1

Coastal resort. Lawson's Landing shall be maintained as a coastal resort and commercial recreation area for the enjoyment of the rich estuarine, marine, and coastal resources in the area.

Policy CD-13.2

Master Plan. A Master Plan shall be required for any expansion or improvements to Lawson's Landing. Such Master Plan shall be in accordance with the goals, objectives, and policies of this Community Plan, Marin Countywide Plan and Zoning Code, and Local Coastal Plan.

Policy CD-13.3

Marine resources. Expansion of or improvements to Lawson's Landing shall not endanger the resources of Tomales Bay, Bodega Bay, or the Gulf of the Farallones National Marine Sanctuary.

Policy CD-13.4

Appropriate commercial uses. Small-scale, coastal, visitor-serving commercial uses, such as a grocery store or snack bar, and tackle and bait shop, are appropriate uses in the center of existing development at Sand Point and near the pier.

Policy CD-13.5

Sewage treatment. Expansion and improvements to Lawson's Landing shall be subject to confirmation of adequate sewage treatment and disposal by the Regional Water Quality Control Board and County Health Department.

Policy CD-13.6

Development review. Master plans and coastal permits for development at Lawson's Landing shall be evaluated according to the following criteria:

a. demonstrated availability of water, in accordance with Policy CF-8.5;

b. availability of safe and environmentally-sound sewage treatment and disposal;

c. degree of environmental impact;

d. traffic and parking impacts on the community, including along Dillon Beach Road, Beach Drive, Cliff Drive, and entrance to Lawson's Landing; and

e. visual character as seen from public areas, the Village, and Oceana Marin.

Policy CD-13.7

Dune areas. In order to protect fragile dune areas, vehicles, including recreational vehicles, shall be restricted to areas immediately adjacent to roadways.

Policy CD-13.8

Views. Wherever possible, roads and trailers should be sited in a way that preserves views of the surrounding landscape from trailers and along roads.

Policy CD-13.9

Center of development. New structures in the center of the trailer development at Sand Point may be one- and one-half stories tall to mark the center of the development and to provide opportunities for elevated observation.

Policy CD-13.10

Tidelands. In conformance with the Local Coastal Program, tidelands used by the public for digging clams shall remain easily accessible to the public for such use.

Policy CD-13.11

Public access. In conjunction with Master Plan approval, provision for public access to the shoreline shall be secured in perpetuity. Public parking for the access shall also be maintained in perpetuity.

Objective CD-14

To accurately assess resident and visitor occupancy patterns in Dillon Beach.

Policy CD-14.1

Population estimates. When potentially large development projects, including new community facilities, are proposed, a baseline study of current resident and visitor occupancy patterns throughout the community should be conducted. Population estimates should be based on the following factors:

a. number of homes constructed,
b. number of vacant lots,
c. number of homes occupied full time and number of occupants,
d. frequency and duration with which other homes are occupied, and number of occupants,
e. number of trailers at Lawson's Dillon Beach Resort,
f. frequency and duration with which trailers are occupied and number of occupants,
g. number of trailers at Lawson's Landing,
h. number of trailers occupied full time and number of occupants,
i. frequency and duration with which other trailers are occupied and number of occupants,
j. frequency and duration with which campgrounds at Lawson's Landing are used and number of occupants,
k. number of day visitors and cars at beach in Lawson's Dillon Beach Resort, and
l. number of day visitors and cars at Lawson's Landing.

Seasonal/occasional use and visitor information should be collected at least for each season, and should distinguish between holiday weekend, non-holiday weekend, and midweek (Tuesday, Wednesday, Thursday) patterns. A questionnaire mailed at three month intervals during a year (that is seasonally) to all property owners and the operators of the trailers and beach at Lawson's Dillon Beach Resort and facilities at Lawson's Landing would yield more accurate information than a one-time survey. A survey conducted at five-year intervals would show changing use patterns and trends toward more full-time occupancy. Data reported by planning subarea would provide essential information for designing community facilities. Additional information could also be collected regarding travel patterns and water use.

6.1.2 HOUSING

Residential Second Units: The Marin Countywide Plan and zoning code encourages residential second units as a means of providing affordable housing for renters and providing additional income to homeowners. A "residential second unit" refers to one additional, or a "second", dwelling unit on a lot or parcel zoned for single-family use.

As defined by the zoning code, a second residential unit may be in an existing house, an addition to an existing house, or a separate building on the same lot or parcel. In all cases, the second unit is designed to be a permanent residence, not a guest house. A second unit must have its own entrance, kitchen, and bathroom. It is the kitchen or cooking facilities that primarily distinguish a second unit from a guest house. It is up to the property owner to decide which of the two units on the lot or parcel is the primary unit and which is the second unit. The primary unit must be occupied by the owner. The second unit may be rented, but may not be sold separately from the primary unit.

The zoning code distinguishes between three classifications of second residential units: (1) existing legal non-conforming second units, (2) existing illegal second residential units, and (3) new second residential units. Existing legal nonconforming units must be "registered" with the County. Use permits are required for existing illegal units and new units.

In 1987, the County revised its zoning code to allow second residential units on lots and parcels in many of the county's neighborhoods, including single-family districts in Dillon Beach (C-R-1 and C-R-A). However, while residential second units are desirable as a form of affordable housing, there may be few lots in Dillon Beach suitable for a second unit. Lot size, water availability, septic/sewer capacity, traffic flow, and parking area are all severe constraints.

Objective H-1

To facilitate the supply of affordable housing in Dillon Beach.

Policy H-1.1

Multi-family housing. Parcels J, K, and L in Oceana Marin and portions of Lawson's Dillon Beach Resort shall remain zoned for multi-family housing.

Policy H-1.2

Residential second units. Residential second units shall be allowed in all single-family residential districts. Existing legal non-conforming second units should be registered in accordance with the County Residential Second Unit Ordinance, Chapter 22.98 of the County Code. Existing non-conforming second units should be legalized and new second units permitted in such a way that ensures that adequate water supply and sewage disposal can be provided for the additional demand, the character of the neighborhood is maintained, scenic views preserved, traffic and circulation problems mitigated, and demands on public services minimized. In accordance with the Ordinance, the second unit shall be located on the same lot or parcel on which the owner of record maintains his principal residence.

6.1.3 LOCAL ECONOMY

Most Dillon Beach residents rely on income earned primarily outside the area, as Dillon Beach offers few job opportunities. Many residents commute long distances to places of employment and would prefer to earn part or all of their income working at, or closer to, home. Community development policies for Lawson's Dillon Beach Resort provide for additional commercial development in the community, which would also provide additional jobs. Home occupations and cottage industries operated in residents' homes could also provide sources of local income, while maintaining the area's small-scale village character.

Home occupations are now permitted in all residential sections of Dillon Beach, i.e., in zone districts C-R-1, C-R-A, and C-RMP. In each of these districts, home occupations are considered a principal permitted use, and as such do not require a use permit. According to the County Zoning Code, home occupations are conducted completely within a home, and only by the people living there. Typical home occupations include the activities of seamstresses, handcrafters, artists, musicians, writers, architects, designers, attorneys, insurance carriers, tutors, physicians, and technical advisors. No employees are allowed.

Cottage industries are also conducted within a home or detached building on the same property, but unlike home occupations, cottage industries may hire one non-resident employee. Cottage industries include, for example, designing, manufacturing, or selling products or services related to: antique repair and refinishing, batik and tie-dyeing, sewing, furniture and cabinet making, sculpture, weaving, woodworking, photography, and food preparation and catering. Cottage industries are only permitted in communities with approved community plans that specifically include permitting language and standards for such industries.

Objective LE-1

To encourage home occupations that are in compliance with County standards.

Policy LE-1.1

Home occupations. Home occupations shall be encouraged in all residential zones in Dillon Beach, in compliance with Title 22 of the Marin County Code (Zoning).

Objective LE-2

To encourage cottage industries that are compatible with their neighborhood.

Policy LE-2.1

Cottage industries. Cottage industries may be permitted in C-R-1 and C-RMP zone districts that are within the community expansion boundary for Dillon Beach, upon securing a use permit subject to Title 22, Chapter 22.88, of the Marin County Code (Zoning) and subject to the following definition and standards.

"Cottage industry" means a use conducted within a dwelling, or within a detached accessory building on the same site as the dwelling, by the inhabitants of the dwelling and not more than one non-resident employee who is engaged in the design, manufacture, and sale of the following products and services: Antique repair and refinishing, Batik and tie dyeing, dressmaking, sewing and millinery, furniture and cabinet making, sculpture, weaving, woodworking, photography, holography, catering, baking and the preparation of food specialties for consumption at locations other than the place of preparation, and such uses as determined by the Zoning Administrator to be of the same general character and intensity. All such uses may use such mechanical equipment or processes as are necessary for the above listed uses, provided, however, that no such use shall be audible beyond the limits of the property upon which said use is conducted, shall comply with all applicable health, sanitary and fire codes, and shall not display any exterior sign which exceeds two (2) square feet in area. (Title 22, Chapter 22.02.185.)

a. The cottage industry shall be a secondary use of the parcel, that contains a dwelling occupied as the principal residence of the owner or operator of the cottage industry. Multiple uses may be permitted within the cottage industry.

b. All enclosed structures shall be calculated into the parcel's allowable Floor Area Ratio (FAR).

c. One on-premise sign is allowed, not exceeding a size of two (2) square feet in area.

d. Only merchandise produced, repaired, or refinished on the premises shall be sold or displayed on the premises.

e. Due to circulation and parking constraints throughout the community, the adequacy of water supply, sewage disposal, and parking shall be considered in granting a use permit.

f. Uses and signs that draw customers to the dwelling shall be discouraged.

6.1.4 TRAILS

Objective TR-1

To improve public access to the Estero de San Antonio.

Policy TR-1.1

Pedestrian access. The feasibility of a pedestrian public access easement across the hills north of Oceana Marin to the Estero de San Antonio shall be considered for inclusion in the Marin County Trails system. Necessary improvements and associated liability could be undertaken by agencies such as the California Coastal Commission, State Coastal Conservancy, and/or the County. These improvements might include fences, path grading and clearing, and stairs and hand rails for steep slopes where appropriate for safety and to reduce maintenance, as well as signs indicating a point of public access. Potential adverse impacts to surrounding agricultural uses must be considered and mitigated.

7. TRAFFIC AND CIRCULATION

This section contains a description of the planning area's traffic and circulation patterns, including conditions, volumes, and capacity on public and private roadways. Objectives and policies for improving traffic and circulation in the planning area follow the existing setting.

7.1 TRAFFIC AND CIRCULATION PATTERNS

Roadways

Access between the community of Dillon Beach and the regional roadway system is provided by a single road, Dillon Beach Road. This roadway extends about four miles easterly from the coast and terminates at State Highway 1 in the community of Tomales. In general, the road has two well-paved lanes, a curving alignment and moderate grades. Direct shoulder areas are provided at infrequent intervals. Speeds along Dillon Beach Road range from 25 to 40 miles per hour. Between Dillon Beach and Tomales, Dillon Beach Road is intersected by two other roadways (Valley Ford-Franklin School Road and Middle Road) which also provide access to Highway 1.

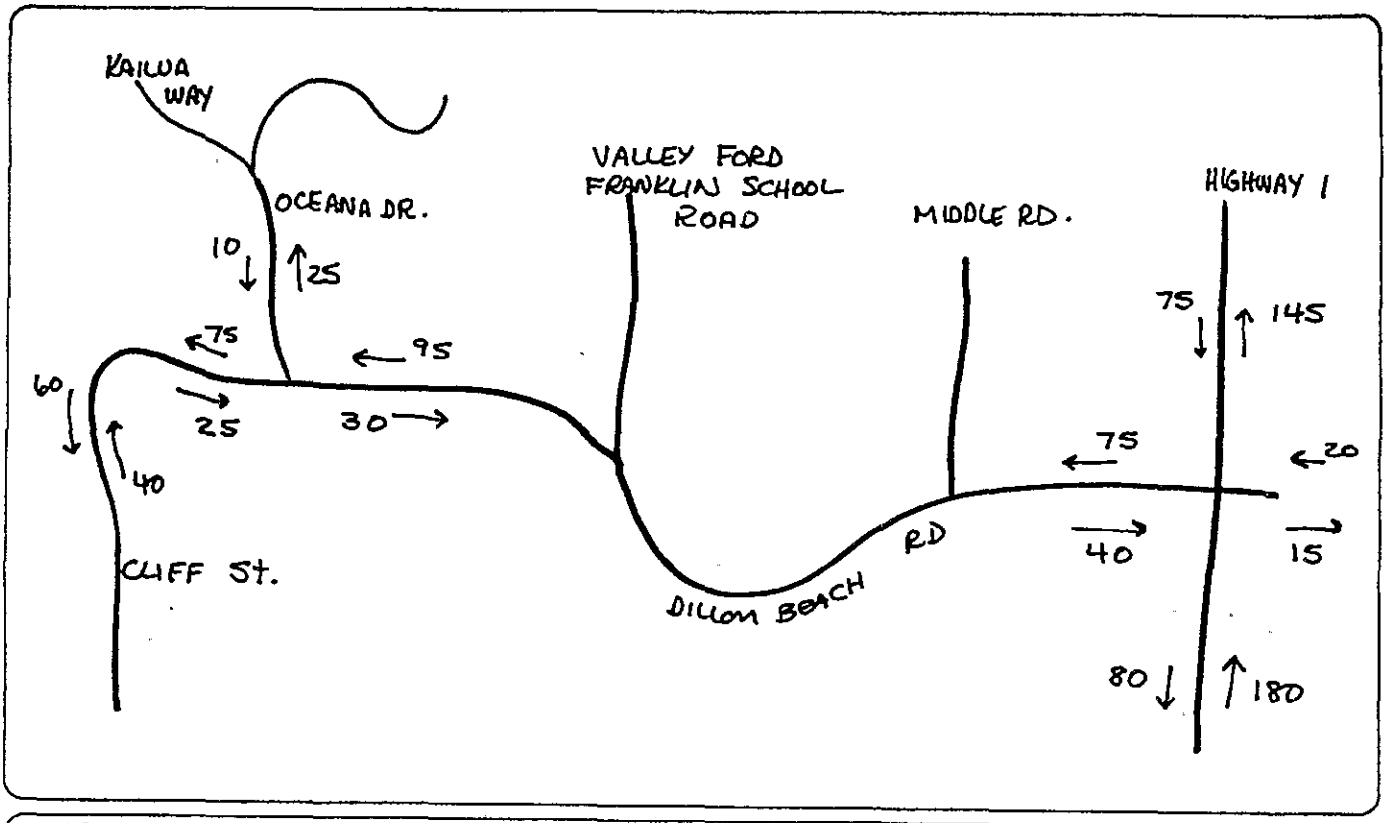
A detailed description of roadways located within the community of Dillon Beach is included in Appendix B. Typically, small single-family residential units, with varying amounts of space available for off-street parking, line the streets of the Village area of Dillon Beach. The only stop sign in the Village is at the intersection of North Avenue and Oceanview Avenue. Other than the Dillon Beach Road, North Avenue offers the only connection between Oceana Drive and the older area of the community.

Except for one block along the south side of Beach Avenue, there are no sidewalks or dirt shoulders along any roadway within Dillon Beach. The lack of sidewalks, shoulder areas or pathways forces pedestrians and bicyclists into the street.

Volumes

Existing summer weekday and summer Sunday peak hour traffic volumes within Dillon Beach are presented in Figure 7-1 and Figure 7-2 respectively. Sunday counts were taken by the Goodrich Traffic Group on October 4, 1987, and closely match counts taken along Dillon Beach Road by the Marin County Public Works Department on two weekends in early July, 1987 (including the 4th of July holiday). The peak traffic hour on Sunday was determined to be 2-3:00 PM, although times of peak weekend traffic vary widely depending upon local weather conditions (i.e., if and when fog happens to cover the beach). Weekday counts were taken on Monday, March 28, 1988, and factored to summer Friday conditions based upon the detailed 1987 summer traffic count data available along Dillon Beach Road from the Marin County Public Works Department. Friday counts are presented for 5-6:00 PM, the period when commute traffic would be mixing with recreation traffic heading for a weekend at Dillon Beach.

Figure 7-2 shows that during the peak traffic hour of a summer Sunday, two-way peak hour volumes on Dillon Beach Road range from about 265 vehicles per hour just west of Highway 1 up to 300 vehicles per hour just east of Oceana Drive in Dillon Beach. At the same time, volumes on Highway 1 range from 550 vehicles per hour south of Dillon Beach

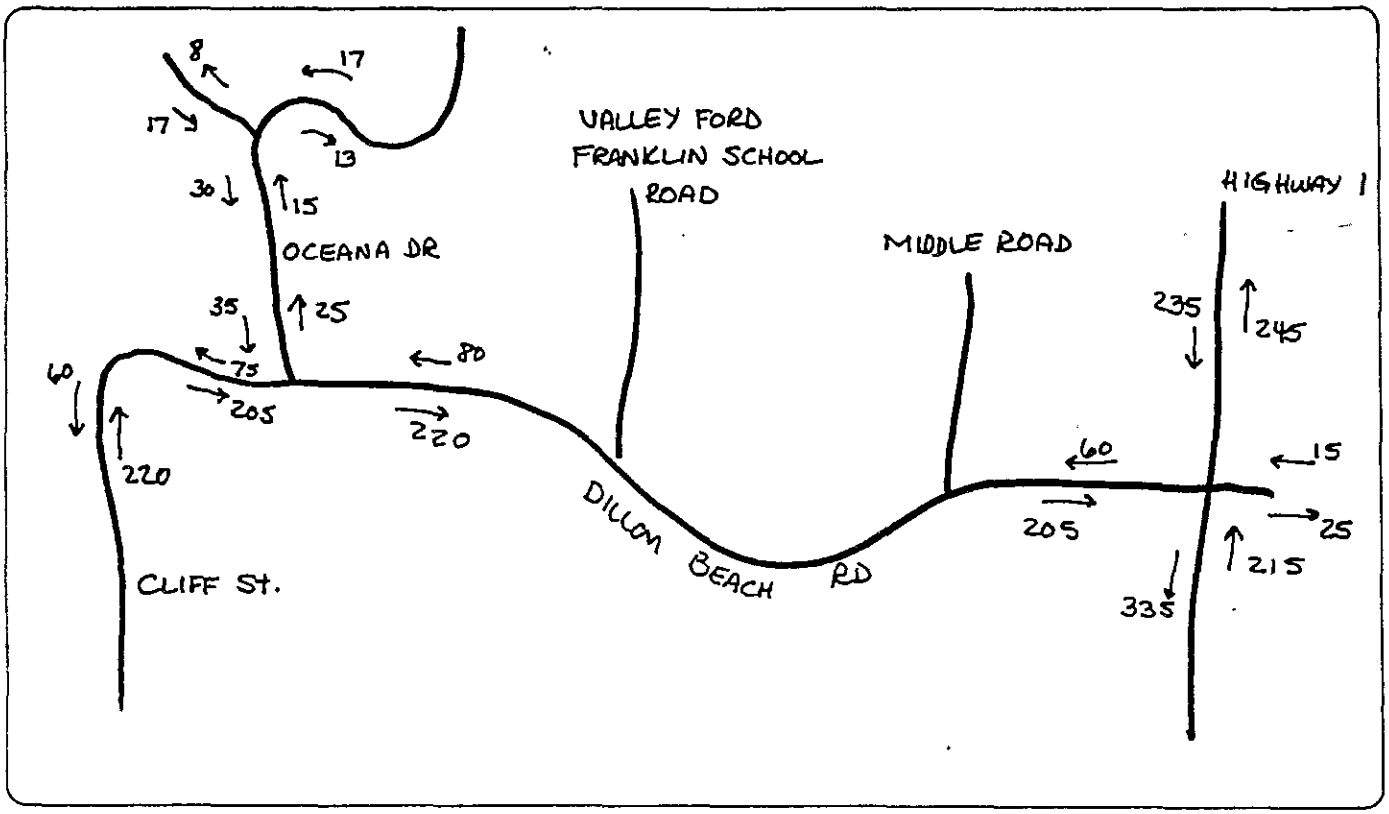


Goodrich Traffic Group

FIGURE 7-1

SUMMER FRIDAY PEAK COMMUTE HOUR VOLUMES

5:00-6:00 P.M.



Goodrich Traffic Group

FIGURE 7-2

SUMMER SUNDAY PEAK HOUR VOLUMES

2:00-3:00 P.M.

Road down to 480 vehicles per hour north of Dillon Beach Road. Within the community of Dillon Beach, the PM peak hour two-way volume on Oceana Drive is about 60 vehicles per hour while the peak hour volume on Cliff Street near the beach is about 280 vehicles per hour.

The number of recreational vehicles (either self-contained or being towed by a van or small truck) traveling along Dillon Beach Road and passing through Dillon Beach on a Friday or Sunday is sufficiently high to impede traffic. These vehicles tend to travel much more slowly than automobiles, especially on uphill grades, and frequently create traffic platoons of three to more than eight vehicles.

Intersection Operation

Intersections are usually the capacity controlling locations of any roadway system. Two intersections have been analyzed for this report to determine existing weekday and weekend operating conditions: Highway 1/Dillon Beach Road and Dillon Beach Road/Oceana Drive (see Table 7-1). Both intersections are unsignalized and have been analyzed using the 1985 Highway Capacity Manual unsignalized intersection methodology. Operation of an unsignalized intersection is graded according to a scale called "Level of Service" (LOS). The scale ranges from Level A, which indicates uncongested operation and minimal delay for drivers, to Level F, which indicates significant congestion and delay. Level of Service C is usually the poorest acceptable for rural conditions. In "unsignalized intersection" methodology, each 4-legged stop sign-controlled intersection, such as the two in Table 7-1, has 8 Levels of Service, one associated with each possible movement through the intersection. These movements are also described in the footnotes for Table 7-1.

Table 7-1

INTERSECTION LEVEL OF SERVICE

INTERSECTION	SUMMER FRIDAY	SUMMER SUNDAY
Highway 1/ Dillon Beach Road	A,A,A/[1] A,A,A/[2] A/A[3]	B,A,A/[1] B,A,A/[2] A/A[3]
Dillon Beach Road/ Oceana Drive	A,A,A[4]	A,A,A[4]

[1]Dillon Beach Road eastbound approach left, through and right turn.
[2]First Street (Dillon Beach Road east of Highway 1) westbound approach left, through and right turn.
[3]Highway 1 northbound left turn, Highway 1 southbound left turn.
[4]Left turn from Oceana Drive to Dillon Beach Road, right turn from Oceana Drive to Dillon Beach Road, left turn from Dillon Beach Road to Oceana Drive.

Table 7-1 shows that all turn movements at the Dillon Beach Road/Oceana Drive intersection operate at LOS A conditions during Friday and Sunday peak traffic conditions. Table 7-1 also shows that all turn movements at the Highway 1/Dillon Beach Road intersection operate at LOS A conditions during Friday and Sunday peak traffic periods (with the exception of left-turns from Dillon Beach Road to Highway 1 on a Sunday afternoon, which operate at LOS B).

Transit Service

There is no scheduled transit service to Dillon Beach.

Existing Area Trip Generation

Peak hour traffic counts on Oceana Drive near Dillon Beach Road indicate that the existing 134 Oceana Marin units are now generating 0.3 trips per unit on a Friday summer afternoon (5-6:00 PM) and 0.5 trips per unit on a Sunday summer afternoon (2-3:00 PM).

Existing Circulation System Characteristics

Roads in Dillon Beach are both public and privately owned. Dillon Beach Road and the Village streets are under County jurisdiction. In Oceana Marin, roadways are owned and maintained by the neighborhood homeowners' association, the Bodega Bay Club. Lawson's Dillon Beach Resort, Inc. owns the section of Bay Drive from the UOP site to the boundary of Lawson's Landing. The remainder of Bay Drive, south to Sand Point is within the Lawson's Landing holdings.

Private Roads

a. Oceana Marin: (See Figure 7-3.)

- o There are no stop signs within the Oceana Marin development.
- o There are no sidewalks or pathways along any Oceana Marin street. Pedestrians must walk in the street.
- o There are sight distance restrictions at the Oceana Drive/Oceanview Boulevard intersection (i.e., drivers turning from Oceanview Boulevard have limited sight distance to the north). See Location #1 on Figure 7-3.
- o There are sight distance restrictions at the Oceana Drive/Dillon Beach Road intersection (i.e., drivers turning left from Oceana Drive have limited sight distance to the west). See Location #2 on Figure 7-3.
- o On-street parking along both sides of Kailua Way and the other 24 to 26 foot wide streets within Oceana Marin restricts two-way flow of vehicles.

b. Lawson's Landing (See Figure 7-4)

- o The Bay Drive pavement is in need of repair.
- o Signing at the south end of Lawson's Landing does not make clear what activities are accessed via the numerous dirt and paved roadways connecting to Bay Drive (Location #8).

Public Roads

a. The Village and Northern Section of Lawson's Dillon Beach Resort (Figure 7-3)

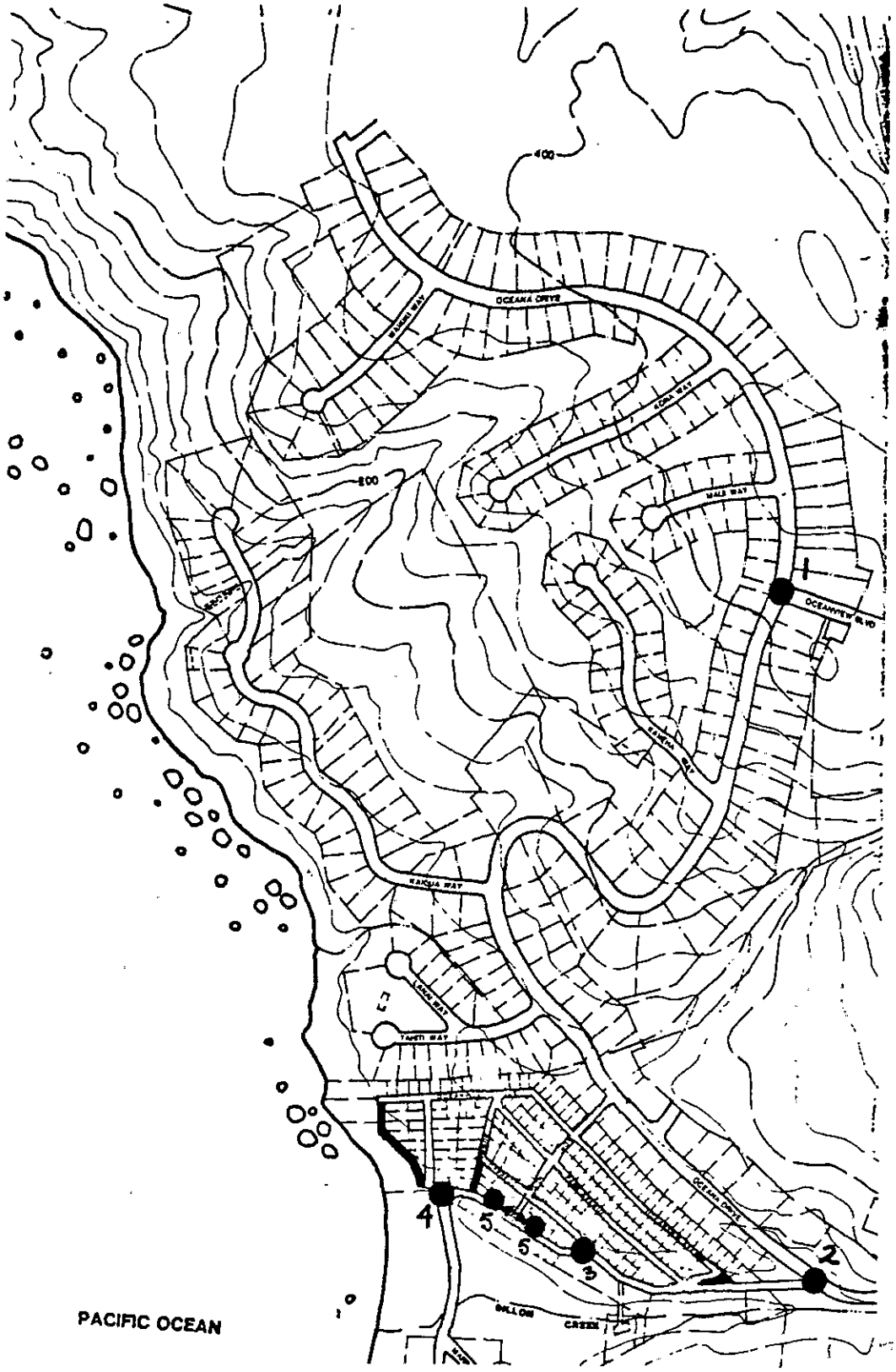
- The only stop sign is at the North/Oceanview intersection.
- Westbound drivers on Beach Avenue become confused at the Cypress Avenue intersection as to the correct route to the beach. Directional signs at this intersection are small and hard to read from a moving vehicle (Location #3).
- Many eastbound drivers on Beach Avenue become confused at the Cypress Avenue intersection and are unsure of whether or not to stop.
- Most vehicles use much of the available roadway width when making the 100 degree turn at the west end of Beach Street as it turns south and changes name to Cliff Street. This is especially true for recreation vehicles, although many autos have the same problem. The narrow pavement width, sharp turn and steep grade are responsible for the wide turns (Location #4).
- There are no sidewalks or pathways along any streets (except for one block on the south side of Beach Avenue). Pedestrians step into driveways or front yards when traffic flows in both directions.
- Ninety degree parking along one block of Beach Avenue creates minor traffic disruptions as vehicles back into the street. On weekdays this parking is not heavily used (Location #5).
- The narrow street widths in the older section of town (except Beach Avenue) together with the on-street parking situation, limit vehicle flow to one lane in many locations.
- Roadway collapse on Cliff Street near the beach has on occasion limited vehicle flow to one direction.

b. South of the Village to Lawson's Landing (See Figure 7-4).

- North or southbound vehicles tend to use most of the available, narrow pavement width at two sharp curves along Cliff Street (Locations #6 and #7).
- On-street parking along Cliff Street (south of Marinview Drive) reduces traffic flow to one direction at a time.
- There are no sidewalks or pathways along Cliff Street or Bay Drive. Pedestrians must walk in the street.

c. Dillon Beach Community

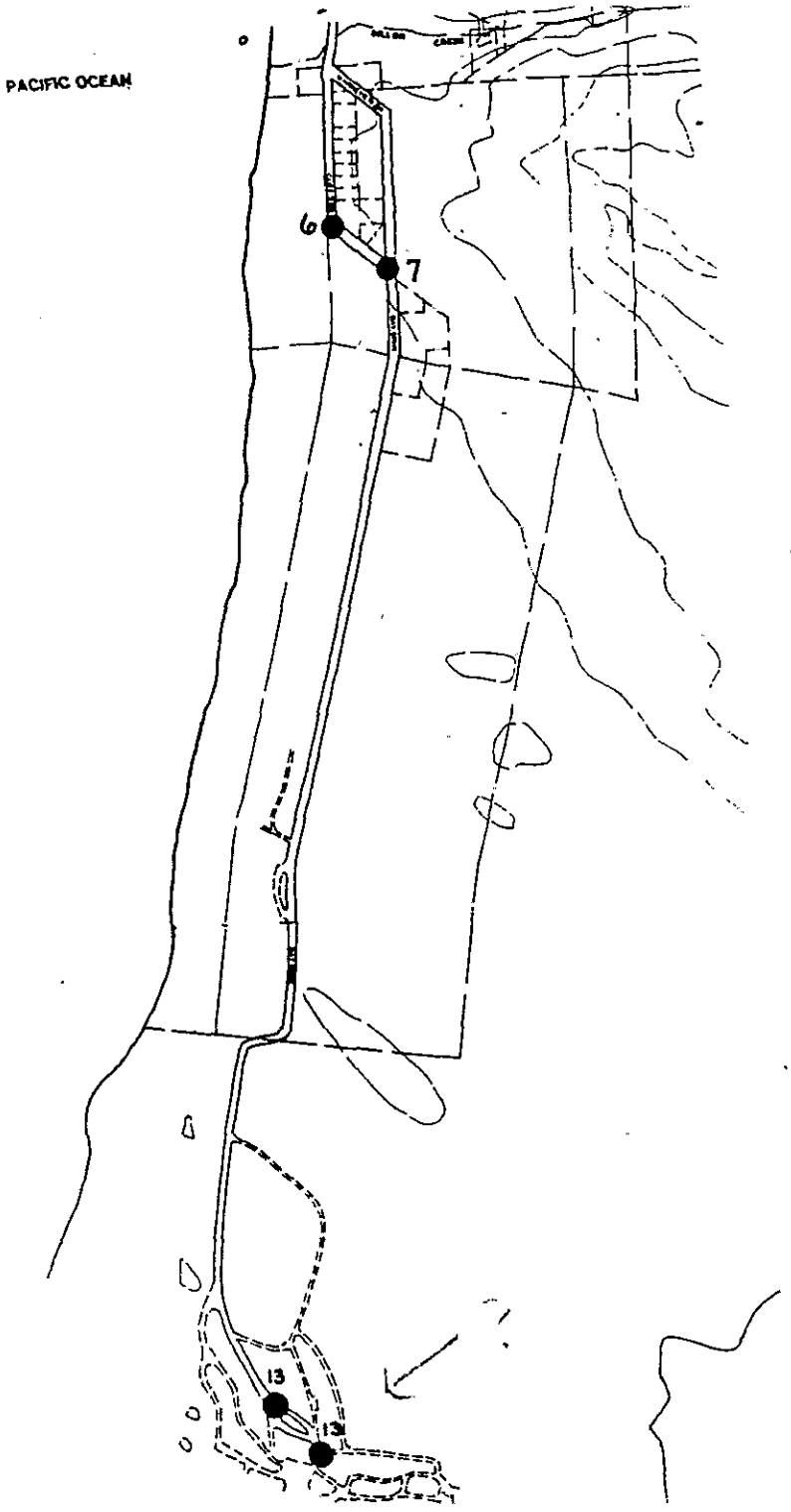
- The only alternative access to the Dillon beach area other than Dillon Beach Road is the privately-owned, unpaved quarry road which intersects Dillon Beach Road at the "elephant rocks" and extends to the sand quarry in the northeast section of Lawson's Landing. Should Dillon Beach Road be closed, access for emergency vehicles to the Village and Oceana Marin would be difficult as would evacuation of residents and recreation traffic at Lawson's Landing.



CIRCULATION SYSTEM CHARACTERISTICS:
OCEANA MARIN AND VILLAGE

FIGURE 7-3

Goodrich Traffic Group



CIRCULATION SYSTEM CHARACTERISTICS:
LAWSON'S RESORT AND LANDING

FIGURE 7-4

Goodrich Traffic Group

- There are no pullouts that would allow slow moving recreation vehicles to move out of the way of higher speed automobile traffic along Dillon Beach Road.

Roadway Capacity

Previous studies for project within the Dillon Beach area have estimated that a Level of Service E capacity for Dillon Beach Road would be 1,000 two-way vehicles per hour. This estimate has not been challenged by Caltrans or the Marin County Public Works Department. Based upon this limit, the Level of Service C capacity for Dillon Beach Road would be about 700 vehicles per hour while the LOS D capacity would be about 850 vehicles per hour. Although existing two-way volumes along Dillon Beach Road are now peaking at around 300 vehicles per hour on the weekend, well below capacity limits, slow-moving recreation vehicles can create platoons of slow-moving traffic.

A 1980 (DKS Highway Capacity Study 1980) traffic study for Highway 1 projected that the Highway was operating at LOS D conditions in central Tomales with a peak hourly two-way volume of 420 vehicles per hour. However, Highway 1 in Tomales currently operates with little observed congestion during Sunday peak traffic conditions at volumes 30% higher than those in 1980. The 1980 capacity limits were possibly set for reasons other than standard engineering practice.

In order to assess the adequacy of the existing circulation system to accommodate additional community development, Goodrich Traffic group projected Friday and Sunday peak hour (as previously identified) incremental volume increases on Dillon Beach Road and Oceana Drive. The increments were projected for two scenarios: (1) assuming residential buildout at the current occupancy rate of approximately 50 percent; and (2) buildout of existing and future residential units assuming 100 percent full-time occupancy. (See Appendix C.)

Total two-way Sunday afternoon peak hour volumes on Dillon Beach Road with existing and additional assumed development at 100 percent full-time occupancy could range from 425 to 560 vehicles per hour respectively. As previously stated, a LOS C capacity for Dillon Beach Road has been projected to be 700 vehicles per hour. Goodrich Traffic has therefore suggested that there is remaining capacity, under these conditions, for some additional traffic.

It should be noted that the projections for commercially generated traffic were based upon a preliminary assumption of future commercial uses and are probably understated since the only commercial use included in the projections was a 30-room motel, although the eventual intensity of commercial development in the community is likely to be greater. Consequently, more traffic can be expected, according to Goodrich, especially in and around particular locations of new development.

While roadway capacities and levels of service as presented in this Plan reflect a conventional approach to traffic analysis, Dillon Beach traffic and circulation conditions are unique due to the large number of slow-moving recreational vehicles using the roadways at highly predictable peak periods such as holidays, vacation periods and weekends, particularly low tides in spring and summer.

Accordingly, as previously mentioned, this Community Plan has considered an alternative access road to Lawson's Landing and Lawson's Dillon Beach Resort in order to relleve the traffic congestion caused by slow-moving recreational vehicles on Dillon Beach Road and in the Village. Appendix D shows the expected traffic diversion to a new road that would extend from the Lawson's Landing entrance to Dillon Beach Road east of the community

(at Elephant Rocks). Projections are for a summer Friday and Sunday. The projections are for existing tourist traffic accessing the Landing only and do not take into account possible additional traffic associated with any proposed development with secondary access from Lawson's Dillon Beach Resort.

7.1.1 OBJECTIVES, POLICIES, AND IMPLEMENTATION PROGRAMS

Objective T-1

To facilitate traffic flow to and from Dillon Beach on Dillon Beach Road.

Policy T-1.1

Pullouts on Dillon Beach Road. Pullout zones should be provided wherever possible along Dillon Beach Road to allow passing opportunities for traffic platoons which form behind slow-moving vehicles.

Policy T-1.2

Shoulder areas along Dillon Beach Road. Shoulder areas should be increased wherever possible along Dillon Beach Road.

PROGRAM T-1.2a

The Board of Supervisors should schedule a study to locate suitable locations for wider shoulders along Dillon Beach Road.

Objective T-2

To improve circulation and parking in the Village.

Policy T-2.1

Stop signs and sight distance restrictions in the Village. The County should undertake the following traffic and circulation improvements in the Village as feasible.

PROGRAM 2.1a

Where warranted according to the established procedures of Marin County, stop signs should be installed at key intersections throughout the Village.

PROGRAM T-2.1b

Future investigation of circulation improvements in the Village area should include a check of potential sight distance restrictions at the following intersections:

- Park Avenue/Oceanview Avenue,
- Park Avenue/North Avenue,
- North Avenue/Cypress Avenue,
- North Avenue/Oceana Drive, and
- Park Avenue/Dillon Beach Road.

Policy T-2.2

Visitor signs. Directional signs to guide visitors to points of interest (e.g. beach, store, Lawson's Landing) should be placed in the Village, especially at the Cypress and Beach Avenue intersection.

Policy T-2.3

Parking enforcement. Overnight parking of motor homes, house trailers, and boat trailers shall be prohibited on the streets in the Village. Warning signs should be posted at a minimum of two entrances to the Village.

Policy T-2.4

Parking enforcement. Parking enforcement should be provided during periods of high visitation.

Policy T-2.5

Additional parking areas. Vacant lots in the Village may be considered for community parking areas. Should a village association or community service district be formed, it should consider the desirability and feasibility of acquiring and maintaining a lot(s) for this purpose. Such parking lots should be small in scale and visually unobtrusive.

Policy T-2.6

Beach Avenue realignment. Realignment and widening of Beach Avenue to improve through movement onto Cliff Street would facilitate a separation of day-visitor and Village traffic flow through the Village center (see Figure 6-16). As the realignment may require cul-de-sacs at the south end of Summer and Cliff Streets, a feasibility study would be necessary to determine access impacts for the Village, especially for fire trucks and to fire hydrants. If feasible, such realignment could mitigate traffic impacts resulting from redevelopment or new development at Lawson's Dillon Beach Resort or Lawson's Landing and may be accomplished by formation of a community service district or assessment district.

Objective T-3

To improve pedestrian circulation and safety in the Village.

Policy T-3.1

Pedestrian paths. Existing pedestrian paths in the Village should be identified with signs and improved (i.e, leveled or widened) where necessary and feasible.

Objective T-4

To improve circulation and parking in the Lawson's Dillon Beach Resort.

Policy T-4.1

Beach Avenue sidewalk. A minimum six-foot sidewalk should be provided along the south side of Beach Avenue in conjunction with any commercial development.

Policy T-4.2

One-way traffic. Bay Drive-Marineview Drive could be made a public road for one-way traffic north; Cliff Street could then be designated as a one-way street for south-bound traffic. If Bay Drive-Marineview Drive does not become a public street, Cliff Street could be widened in sections to allow a smoother traffic flow to Lawson's Landing.

Policy T-4.3

Intersections. Improvements should be considered at angle intersections that carry large traffic volumes in order to facilitate smooth traffic flow, especially when volumes include recreational vehicles.

Policy T-4.4

New roads in Resort. New secondary roads associated with additional development in the Lawson's Dillon Beach Resort area should avoid circulation problems associated with the Village and should be planned to separate auto and recreational vehicle traffic. Safe, convenient pedestrian access to the beach should be a primary consideration.

Objective T-5

To minimize the impact of traffic destined for Lawson's Landing and future development at Lawson's Dillon Beach Resort on the rest of the community, and to minimize impacts to environmentally sensitive resources at the Landing and Resort.

Policy T-5.1

Entry gate. The entry gate to Lawson's Landing should be relocated to the south to allow sufficient area north of the gate for vehicles to stack during peak visitor periods. The precise new location should consider the circulation plan for the Lawson's Dillon Beach Resort area. Alternatively, a holding area should be provided associated with the entry gate to prevent waiting vehicles from backing up into the Beach Resort area.

Policy T-5.2

Road improvements. Extensive road improvements in the Lawson's Landing area should be avoided in consideration of the environmental sensitivity of the area.

Policy T-5.3

Informal parking. Informal parking in Lawson's Landing should be maintained.

Policy T-5.4

Roadbeds. Dirt roadbeds of moderate or high use should be stabilized with gravel or asphalt.

Policy T-5.5

New road to Lawson's Landing or Lawson's Dillon Beach Resort. A new, second road connecting Dillon Beach Road and Lawson's Landing would mitigate traffic congestion along Dillon Beach Road and in the Village during peak visitor periods. Should traffic levels increase substantially at Lawson's Landing, or new development be approved at Lawson's Dillon Beach Resort, a new road may be required to mitigate traffic impacts. All development proposals for Lawson's Landing and Lawson's Dillon Beach Resort shall be carefully reviewed for their potential contribution to traffic levels and patterns, and additional roads shall be considered as mitigation whenever potential adverse impacts are identified.

In concept, the new connection should provide direct access to the major destination, Lawson's Landing, with secondary access (for example, a "T" intersection) to Lawson's Dillon Beach Resort. A new road may be able to utilize the alignment of the current Sand Haul Road (quarry road), though a specific alignment is not being recommended. Alternative allgnments such as along and adjacent to Dillon Creek may prove more feasible for various reasons. The actual alignment and design of the new road connection would depend upon detailed environmental, geotechnical, and civil engineering studies. Such studies and their recommendations should consider and mitigate to the greatest extent possible the following:

a. noise and emission pollutants upon nearby residential properties;

b. curvatures and gradients suitable for accommodation of emergency and recreational vehicles;

c. unstable soil conditions and environmentally sensitive plant communities associated with dunes on the Lawson's Dillon Beach Resort property;

d. potential conflicts with trucks travelling to and from Dillon Beach Road and the sand quarry; and

e. sight distances at the intersection of the additional access road with Dillon Beach Road.

Objective T-6

To prevent new roads from encouraging development outside the community expansion boundary or public recreation areas of Lawson's Landing, and to protect agricultural lands for agricultural uses.

Policy T-6.1

New roads into Dillon Beach. New roads into Dillon Beach shall not be a means to invite additional growth outside the community expansion boundary or public recreation areas of Lawson's Landing.

Objective T-7

To assist travelers with locating Dillon Beach.

Policy T-7.1

Sign to Dillon Beach. The County shall encourage the Public Works Department or CalTrans to place a directional sign to Dillon Beach at the intersection of Highway 1 and Tomales/Dillon Beach Road.

8. COMMUNITY FACILITIES

This section contains a description of emergency medical, fire protection, library, police, elementary and secondary education, sewage treatment and disposal, solid waste collection, disposal and recycling, and water supply services within the planning area. Objectives and policies follow the related existing setting sections.

8.1 EMERGENCY MEDICAL SERVICES

Dillon Beach is served by emergency services in both Marin and Sonoma Counties. When a medical emergency occurs in Dillon Beach, "9-1-1" first dispatches the closest fire unit. It may come from Marin County or Petaluma. Marin County fire personnel are trained as Emergency Medical Technicians (EMT's); Petaluma fire personnel are trained as paramedics. If additional help is needed, the paramedic unit stationed at the fire house in Pt. Reyes Station is sent to the scene. The unit's response time is typically 20 to 30 minutes, if it is able to come directly from the station.

Medical helicopters are also available from Redwood Empire Helicopter (REACH), which maintains a helicopter staffed by paramedics and stationed at Sonoma County Airport; from CalStar, which maintains a helicopter staffed by nurses and stationed at Hayward; and from LifeFlight, which maintains a helicopter staffed by a doctor and stationed at Stanford. Patients transported by helicopter are generally taken to medical facilities in Sonoma County, as no hospital in Marin County currently maintains a helipad. Marin General Hospital in Greenbrae is considering installing a helipad.

The County also maintains mutual aid agreements with the U. S. Coast Guard for water and shoreline assistance. Dispatching for all of these services occurs through "9-1-1".

8.1.1 OBJECTIVES, POLICIES, AND IMPLEMENTATION PROGRAMS

Objective CF-1

To ensure that adequate emergency medical services are available.

Policy CF-1.1

Air ambulance services. The County shall continue to maintain contracts and/or mutual aid agreements with air ambulance and air rescue services to provide emergency rescue and medical services to Dillon Beach.

Policy CF-1.2

Point Reyes Fire Station. Should personnel or equipment changes be made at the Point Reyes Fire Station or Sheriff's West Marin substation, the County shall consider impacts to Dillon Beach residents and visitors.

Policy CF-1.3

Additional emergency medical services. Development in Dillon Beach that would result in substantially more residents or visitors shall be approved only when additional adequate emergency medical services can be provided.

8.2 FIRE PROTECTION

Fire protection for Dillon Beach is provided by the Marin County Fire Department from its fire station in Tomales, which is approximately 3.75 miles to the east. Two firefighters currently staff the Tomales fire station. Additionally, there is an active volunteer force in Tomales of eight or nine individuals. Response time from the station to Dillon Beach is approximately six to nine minutes, and somewhat longer to Lawson's Landing.

Although Dillon Beach is not located in a High Fire Hazard Severity Zone, the high density and wood frame construction in the Village make it a potentially serious fire hazard area. The County Fire Marshall has indicated that fire flow facilities in the Village and the area to the south, including Lawson's Landing, are also substandard. On-street parking on narrow streets further complicates fire truck access through the Village.

Current standards for new construction call for 500 to 1,000 gallons of water per minute (gpm) from hydrants. (The higher standard is for multi-family dwellings.) While development in Oceana Marin meets these standards, the only other hydrant with this capacity is in the Village and 85 to 90 percent of the Village's water mains are 2-inch pipes which would be incapable of handiing required fire flows. To the south of the Village, fire flows are only 200 to 250 gpm. The Fire Marshal has indicated that this is inadequate for new development.

According to the Fire Marshal, sprinklers can reduce fire flow requirements from hydrants up to 50 percent, delivering up to 31 gallons per minute in the very first minutes of a fire. Sprinklers become especially desirable for protection of life and property from fire when emergency vehicle response times approach 6 to 7 minutes and "flashover" (spontaneous combustion of a burning building's contents) occurs.

Estero Mutual Water Company presently has two storage tanks with a combined capacity of 310,000 gallons. This is adequate for a fire suppression flow of 1,000 gpm of water to 300 dwelling units for one hour.

Coast Springs Water Company currently has the capacity to allow a fireflow of slightly less than 500 gallons per minute for 2 hours. Additional water storage capacity is needed by Coast Springs in order to have both adequate fire protection and peak period (summer and fall) domestic use capacity.

Generally accepted standards for fire protection for development other than residential are provided by the Insurance Service Office's "Guide for Determining Fire Flows." These standards are based on type of construction, number of stories, proximity to other buildings, etc.

8.2.1 OBJECTIVES, POLICIES, AND IMPLEMENTATION PROGRAMS

Objective CF-2

To minimize fire danger in Dillon Beach, and to provide adequate fire protection services.

Policy CF-2.1

Fire flow and service. Should the community desire greater fire protection capabilities, it shall be encouraged to examine the feasibility of forming a community service district to make capital or operational improvements in water supply, storage, and fireflow, and improvements to fire truck access.

Policy CF-2.2

Fire protection for proposed development. Proposed Master Plans, building permit applications, and land divisions shall be reviewed by the County Fire Chief, or other appropriate fire protection agency, prior to the issuance of a coastal development permit so that additional requirements for fire protection, including fire resistant materials, fire retardant landscaping, clearances from structures, fire trails, fire breaks, water storage facilities, sprinkler systems, and fire hydrants may be added as necessary to protect the new development and the surrounding area.

Policy CF-2.3

Tomales Fire Station. Should personnel or equipment changes be made at the Tomales Fire Station, the County shall consider impacts to Dillon Beach residents and visitors.

Policy CF-2.4

Additional fire services. Development in Dillon Beach that would result in substantially more residents or visitors shall be approved only when adequate additional fire protection services can be provided.

8.3 LIBRARY

Library services are provided directly to Dillon Beach by the County Library's Bookmobile, which has been operating for about 20 years. The Bookmobile provides library services at 26 locations throughout the County. The current operating budget is approximately $10,000. The County Library provides a separate service for home-bound residents.

The bookmobile carries a rotating collection of 3,000 fiction and non-fiction volumes as well as several newly added book cassettes. Readers also may place requests with the library for delivery of certain volumes. As the Bookmobile also serves County schools, the collection reflects these needs.

The Bookmobile stops in Dillon Beach at Lawson's store on the first and third Monday of each month from 1:15 to 2:15 p.m. Previously, the Bookmobile stopped at Dillon Beach once a week and also visited Lawson's Landing in the summer. This service was discontinued in the summer of 1987. Book returns are located in Tomales and Marshall. Circulation in Dillon Beach averages 50 volumes per visit.

The nearest County branch library is in Point Reyes Station. Discussion is currently underway between the County and an interested citizens' group regarding development of a new branch library at the old high school in Tomales.

8.3.1 OBJECTIVES, POLICIES, AND IMPLEMENTATION PROGRAMS

Objective CF-3

To provide convenient library services to Dillon Beach residents.

Policy CF-3.1

Library services. The County shall continue to provide bookmobile services to Dillon Beach, unless a library is created in Dillon Beach.

8.4 POLICE

Police services to Dillon Beach are provided by the Marin County Sheriff's Department from the West Marin Substation in Point Reyes Station. The California Highway Patrol also routinely patrols Highway 1 and the County Roads in the area. Additional mutual aid is provided as necessary by the U. S. Department of Fish and Game, and the Sonoma County Sheriff's Department.

The West Marin substation is currently staffed by eleven people. During the week, there are two police units per shift, 24 hours per day. An additional unit is added to one shift on the weekends from May to September; however, this unit primarily serves Stinson Beach.

Primary access to Dillon Beach for patrol cars is over Dillon Beach Road. Typical response time from Point Reyes Station to Dillon Beach is approximately 20 minutes if the call is given priority and receives immediate attention. Response time also depends, however, on the location of the patrol vehicle at the time the call for assistance is received, whether the unit is occupied at the time, and the type of assistance required.

The Sheriff's Department has reported that the summer season creates the highest demand for police services in Dillon Beach. Police activities typically include issuing parking violations and responding to calls regarding theft from automobiles and individuals disturbing the peace.

The Marin County Sheriff's Department does not use typically urban standards such as personnel per capita for determining adequate levels of service. Rather, the need for additional police protection is assessed on the level and type of crime occurring over how large an area inhabited by how many people. Although the West Marin substation is sufficient in size to accommodate additional personnel, given the low crime rate in West Marin, the need for additional police protection is not anticipated by the Sheriff's Department in the foreseeable future.

Other special security protection measures recommended by the Sheriff's Department include community crime prevention programs such as neighborhood watch groups, building design that includes adequate lighting and viewing of adjacent areas, and active involvement of residents in community activities in general.

8.4.1 OBJECTIVES, POLICIES, AND IMPLEMENTATION PROGRAMS

Objective CF-4

To maintain adequate police protection in the community.

Policy CF-4.1

Sheriff services. Should personnel or equipment changes be made at the Sheriff's West Marin Substation, the County shall consider impacts to Dillon Beach residents and visitors.

8.5 SCHOOLS

Dillon Beach lies within the boundaries of the Shoreline Unified School District. Students from the community attend Tomales Elementary School (K-8) and Tomales High School (9-12).

Tomales Elementary has a current enrollment (as of March, 1988) of 197 students and a capacity for 250. Approximately 10 to 15 students in Tomales Elementary reside in Dillon Beach. Tomales High currently enrolls 203 students and has a capacity of 260 students. Dillon Beach students total 9.

Other communities served by the Shoreline Unified School District include Bodega Bay, Point Reyes Station, and Inverness. The School District Superintendent has indicated that current facilities are adequate to accommodate expected growth through 1993 and that substantial growth would be needed to warrant additional facilities in this area. This is largely due to the retirement and vacation nature of these communities.

However, the Superintendent also noted a need for demographic studies and a longer range planning process for this area. Planning is typically done on a 5-year basis.

Funding for maintenance and operation of School District facilities derives from a parcel tax and a fee for new development of $300 per dwelling unit.

8.5.1 OBJECTIVES, POLICIES, AND IMPLEMENTATION PROGRAMS

Objective CF-5

To provide quality public education to Dillon Beach students.

Policy CF-5.1

Education. The County shall ensure that Dillon Beach students receive quality elementary and secondary education.

8.6 SEWAGE TREATMENT AND DISPOSAL

Sewage treatment and disposal in most of Oceana Marin is provided by a centralized sewer system (see Figure 8-1). Treatment and disposal in the Village, Lawson's Dillon Beach Resort, and Lawson's Landing is handled by individual on site septic systems. Additional treatment and disposal capacity will be needed for additional development in Oceana Marin, Lawson's Dillon Beach Resort, and Lawson's Landing. Several alternatives have been considered for expanding the current system serving Oceana Marin. These alternatives include expanding capacity on the hilltop east of Oceana Marin, and constructing a treatment facility in the southwest corner of the subdivision that would then discharge treated effluent to a leachfield in the sand dunes in Lawson's Landing. Neither alternative is clearly preferable at this time, nor have they been evaluated considering potential communitywide needs. The background text below describes the current systems and studies conducted to date.

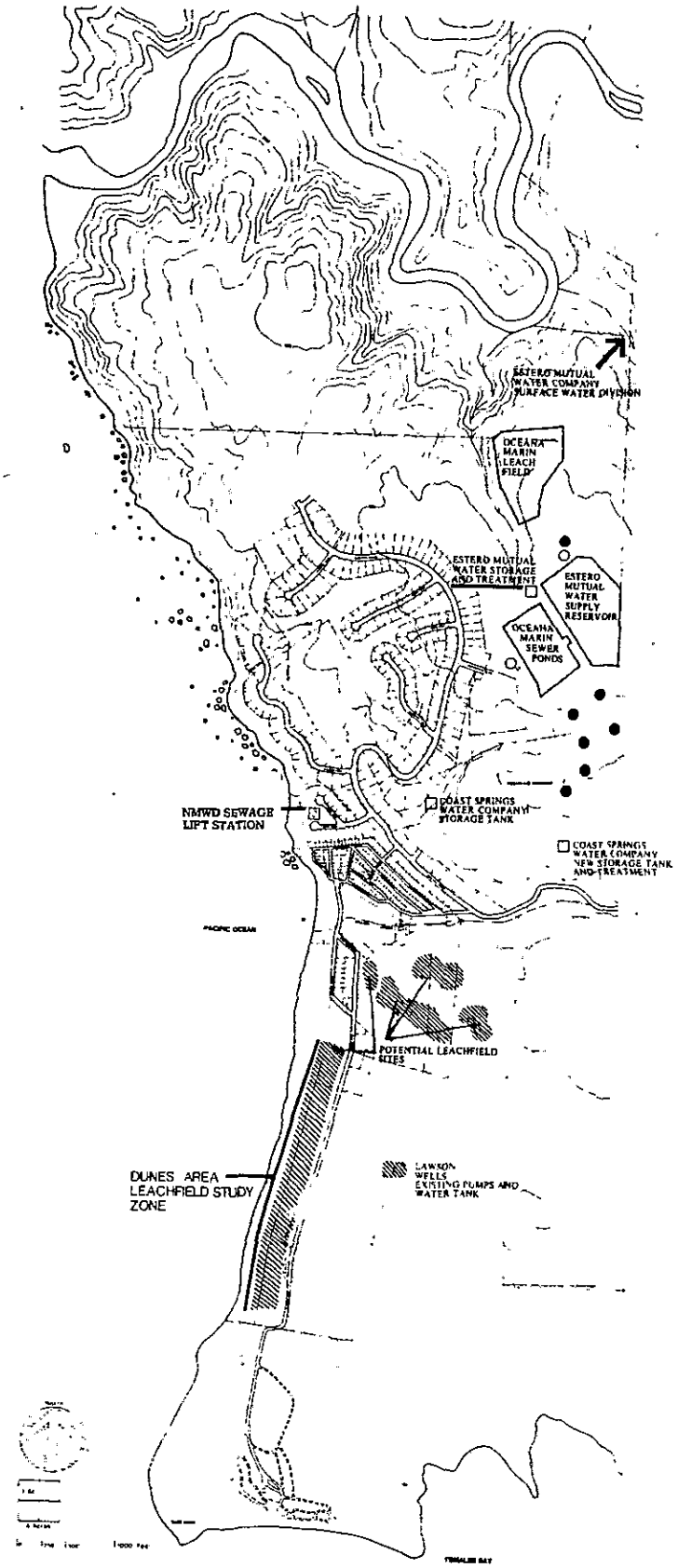
Oceana Marin Sewage Treatment. Individual wastewater systems (i.e., septic tank treatment with leaching field disposal) have been in use in Dillon Beach from its beginning. The combination of sandy soils and seasonal occupancy has so far allowed septic systems to function effectively. Although scattered system failure may exist, an area-wide problem from septic systems failure has not been identified by the Marin County Health Department. However, evidence of seepage and lush vegetation on bluff faces in the northern portion of the community suggests surfacing of combined leachate in this area.

Individual septic systems were allowed initially in the first unit of Oceana Marin, but fear of exposure to sewage effluent on the beach below the houses instigated construction of a communitywide sewer system which serves all homes (with the exception of residences on the lower side of Oceana Drive).

Sewer service to the Oceana Marin subdivision is provided by the North Marin Water District (NMWD). The gravity system flows to a lift station (located west of Oceana Drive) which has a pumping capacity of 100 gpm. Flows from the sewerage lift station are discharged into two 3-million gallon ponds located on the ridge top east of the subdivision. The ponds provide two-stage facultative treatment. Treated wastewater is pumped from the second pond to a 9-acre subsurface irrigation field located north of the ponds. Seepage occurring on the southerly perimeter of the ponds caused NMWD to install an intercepter trench. The small amount of water accumulated in this trench is also pumped to the 9-acre subsurface irrigation disposal site. A small amount of water escapes the ponds through subsurface percolation. Over time, however, the ponds have developed a seal and the amount of the water percolating by this mechanism is estimated to be relatively small.

This system was designed to be built in stages, with the original segment designed to serve 112 residences. The system currently serves 129 dwellings and, as currently configured, is capable of serving 164 dwelling units. Construction of additional phases is necessary to serve the buildout requirements of the Oceana Marin subdivision. NMWD owns the necessary land to expand the hilltop system to accomplish this purpose.

Capacity is based upon assumptions of an average daily flow of wastewater of 75 gallons per person per day, an average 48 percent occupancy rate for residents and one in 25-year seasonal precipitation total of 34 inches. Based on annual flow records of NMWD, average flow per dwelling unit in Oceana Marin is 90 gpd, including infiltration and



UTILITIES

Legend

COAST SPRINGS WATER COMPANY WELLS

ESTERO MUTUAL WATER COMPANY WELLS

The Dunes Area Leachfield Study Zone is a much larger area which was examined to determine the feasibility of a Dunes Area location. The potential Dunes Area location is a much smaller portion of the study zone at the south west corner of the UOP site.

The actual sizes of potential leachfields are not shown in the figure, only their generalized, conceptual locations. Leachfield size is a function of assumed population to be served, percolation tests and design of the system used.

Figure 8-1

DILLON BEACH COMMUNITY PLAN

Marin County Planning Department
San Rafael, CA

Wallace, Roberts & Todd
Community and Environmental Planners
San Francisco, CA

inflow. Peak summer occupancy assumes 30 percent full time residents at 2.5 persons per household, 60 percent vacationing residents at 4.5 persons per household, and 10 percent major holiday users at 8 per persons per household. Peak winter occupancy assumes the same full-time residency percentage and household size as summer, 7 percent vacationing residents at 3 persons per household, and 35 percent major holiday users at 3.5 persons per household. Although NMWD had indicated that 60 gallons per capita per day (gpcd) rates are achievable with the institution of reasonable water conservation measures (including ultra-low flush toilets), reductions in wastewater flows below this rate would be increasingly more difficult to achieve and is probably not a reliable basis for wastewater facility planning.

The present disposal system consists of a network of perforated pipe. In order to provide the 252-unit capacity, this system will need to be extended (approximately 50 percent). Other currently planned expansion to the system includes lining the sewerage ponds (if this is found necessary) and activating an aeration system in the treatment ponds to accommodate treatment of increased waste loading as the project builds out. The Oceana Marin gravity sewer system currently experiences an increase in wet weather flows of approximately 40,000 gallons per day, or 8,140 gallons per mile of sewer collection system, due to infiltration. This is well within the acceptable range of sewer collection system performance as defined by Environmental Protection Agency standards for infiltration/inflow (NMWD 1988).

Capacity Expansion Alternatives. While the gravity sewage collection system and lift station have adequate capacity to carry flows for build-out of the 252 single-family lots in the Oceana Marin subdivision, the treatment and disposal system would need expansion. Currently, no additional storage for wastewater in the wet weather season is needed. The State Water Quality Control Board can be expected to require safeguards, such as lining the ponds, to minimize potential contamination of groundwater if the existing hilltop pond facility is expanded.

State regulations require land disposal for any sewage treatment system in the area. NMWD presently owns 17.27 acres of land to the north and east of Oceana Marin for sewage ponding and irrigation disposal purposes. This is sufficient to treat and dispose of the wastes generated by the full development of Oceana Marin's 252 single-family lots. Additional development on multi-family parcels (which are currently not within the service area of North Marin Water District and would have to be annexed) will need to provide additional pond storage as well as subsurface irrigation disposal. Additional land would have to be acquired for the additional irrigation disposal area.

Several alternatives have been studied by NMWD to increase the system capacity to serve all of the 252 residential lots in the present service area. These are:

- Ponds with spray irrigation, involving lining the existing ponds, constructing an additional pond, and developing a spray irrigation system at the 8-acre disposal field.

- Ponds with subsurface disposal, involving the same pond improvements as described above, along with expansion of the network of shallow sub-surface leaching trenches to meet ultimate summer disposal needs estimated at about 85,000 gpd.

- A conventional leachfield system involving conversion of the current pond system to a back-up role and the transfer of wastewater disposal to the dune area south of the former University of the Pacific Marine Laboratory site.

Treatment would occur in a series of septic tanks followed by conventional leachfield disposal over a long stretch of the dunes.

- Secondary treatment of wastewater by an extended aeration package plant with disposal of the treated and chlorinated effluent to a seepage bed located in the dune area immediately south of the old University of Pacific Marine Laboratory site. The subsurface disposal area required would be much less than the size of a conventional leachfield system.

Dune Disposal. Initially, a NMWD study of cost comparisons and concerns about contamination of the groundwater supply for Lawson's Landing relative to a dunes disposal system favored upgrading and expanding the existing hilltop facilities. Subsequent study has satisfied the District that a subsurface seaward gradient in the dunes would protect groundwater supplies from both contamination and seawater intrusion. However, the District does not favor expansion of its hilltop facility beyond currently defined capacity because of pumping costs. A 1985 study by Bracewell Engineering for a proposed 88-unit multiple-family development in Oceana Marin concluded that secondary treatment and dune disposal was feasible and the least expensive alternative to accommodate the proposed project.

A leachfield site for a dunes disposal system has been proposed by NMWD for the foredunes immediately southwest of the former University of Pacific Marine Station. The disposal system in the dunes would consist of two parallel disposal beds constructed approximately 200 feet apart and each being 300 feet long. The area is generally bounded by the beach to the west and the Lawson's Landing Road to the east. Current land uses are recreational and limited cattle grazing.

The shape and location of the shoreline south of Dillon Beach has changed considerably since 1960. Sand accretion has gradually moved the shoreline westward 400 to 700 feet, while seasonal erosion and deposition of sand have also recurringly changed the shape and location of the shoreline on an annual basis. Moreover, the dunes, which constitute the site of the proposed leachfield, did not occur naturally, but were created by plantings of European beach grass in order to stabilize the area behind them for grazing purposes. Therefore, location of a sewerage treatment and disposal system in this area will need to carefully consider the dynamic nature of the site.

Possible impacts associated with a dune disposal system include significant wind erosion of dunes during winter storms resulting from loss of protective dune vegetation from leachfield construction; seismic hazards from the San Andreas Fault which lies just offshore; bluff erosion from the necessity for a trunkline from Oceana Marin along the cliff to the site; and major dune erosion which would expose portions of the leachfield system in the infrequent event (once in fifty years) of a tsunami large enough to breach the 20-foot foredunes. In extreme cases, major dune erosion could also result in significant changes to the physical character of the dunes, lowland flooding and potential danger to the Lawson Landing entrance road and recreational facilities.

A study by Questa Engineering Corporation to explore groundwater conditions in the proposed dune disposal area found that due to groundwater elevations, and a seaward gradient in this area, there is little likelihood of seawater intrusion into a series of wells in the area. (This conclusion assumed a static state, i.e., that water was not being drawn from these wells.) Because the nature of dune sands would not provide sufficient disinfection of effluent, especially during winter storm periods if the erosion of beach sands exposes the water table above the mean tide level, secondary treatment and

disinfection of effluent prior to dune disposal would most likely be required by the Marin County Environmental Health Services and the San Francisco Bay Regional Water Quality Control Board.

Additionally, two basic sewage disposal options have been proposed for the Lawson's Dillon Beach Resort area. One involves on-site leachfield systems (either individual or community); the other involves off-site community disposal in the dune area to the southwest of the project site (in approximately the same area proposed for the Oceana Marin dunes disposal plan). Sewer connection to the Oceana Marin hilltop treatment and disposal system for possible future development of the Lawson property is generally considered infeasible due to capacity limits. However, NMWD has indicated that annexation of the Lawson property to the District is a possibility.

An on-site leachfield system could use either individual septic systems or community systems. Individual systems would require containment of septic tanks, piping and trenches on separate parcels or easements specifically dedicated to individual residences, creating a complex situation if soil and other siting characteristics require concentration of disposal in areas which are not immediately contiguous to housing. If community systems (e.g., for five or more units) are used, joint septic tank piping and leachfield facilities would allow for a more efficient design; however, ownership and operation of such facilities by an appropriate public agency (e.g., NMWD, a County service area or a new utility district) would be required.

Other considerations for dunes wastewater disposal system on this site would be the hydraulic effects on groundwater levels, affecting existing septic systems in the area and seasonal wetlands in the southwestern portion of the area; water quality consideration for Dillon Creek, the water supply well of the Coast Springs Water Company in the Dillon Creek channel alluvium, and the existing and proposed well fields on the Lawson's Landing property to the south; substantial increases in nitrates in groundwater causing unpredictable vegetation enrichment; and disturbance of existing dune vegetation leading to possible erosion.

On-site septic tank leachfield systems are regulated by the Marin County Environmental Health Services Department and the San Francisco Bay Regional Water Quality Control Board. These agencies have standards for siting and design of septic systems which address such factors as soil depth, percolation rates, groundwater separation, slopes, and setbacks from streams and wells. (Most of the existing septic systems in Dillon Beach were developed before current regulations were in effect and probably do not conform with the requirements which would be applied to new development.) Based on the presumed coarse, sandy texture of the dune deposits, vertical separation distances of 10 to 20 feet between leachfields and groundwater would likely be required for this area.

Due, however, to the lack of fine soil particles (silt and clay) in sand dunes, these areas offer minimal protection against bacteriological contamination of surface and groundwater supplies. Therefore, investigation of the subsurface nature of the dunes would be needed to clarify the capabilities and constraints for leachfield disposal systems. If subsurface investigations showed insufficient treatment capabilities in the dunes, additional wastewater treatment, such as sand filtration or extended aeration followed by a disinfection process, could be considered.

An alternative to on-site sewage disposal for the Lawson's Dillon Beach Resort property would be development of a subsurface disposal field in the long shore dune area which has been studied as a possible expansion area for the Oceana Marin wastewater disposal system, as previously discussed.

An extended aeration batch system which would provide sufficient treatment for effluent is the most simple to expand as it does not require a large land area and provisions for an additional unit can be made during construction. Expandability of sewage treatment facilities is relevant with regard to build-out of Oceana Marin as well as any other future development plans for the area south of the town of Dillon Beach. NMWD has estimated a required leachfield size of 4.8 acres for the 252 single-family Oceana Marin lots. However, extrapolation of the Bracewell Engineering study would indicate that considerably smaller leachfield site, of approximately only 0.9 acres, would be needed for the same number of units. This is due to differing assumptions regarding effluent treatment, dune filtration and percolation capabilities.

The Marin County Zoning Code states that "No development shall be permitted in the sensitive coastal dune habitats in order to preserve dune formations, vegetation and wildlife habitats." Additionally, the Marin County Local Coastal Program states that "A transfer of Oceana Marin's sewage treatment ponds to an area south of Dillon Beach ... could be consistent with LCP policies provided that the ponds are sited out of environmentally sensitive habitat area, screened from public view, and sited so as not to interfere with recreational or agricultural uses in the area."

Summary. In summary, the sewerage treatment and disposal system operated by NMWD has the capacity, with certain improvements to serve 164 single-family units of the Oceana Marin subdivision. Additional development in this area and any development beyond the small number of individual lots in the Village will require development of additional sewerage treatment and disposal facilities.

The possible location and design of additional facilities have been investigated by NMWD and others. Estero Mutual Water Company has recommended that a long-term solution to water supply and wastewater treatment and disposal in Dillon Beach should involve use of the "coastal side of the hilltop drainage area" for water supply and the "back side" for disposition of sewage effluent from treatment systems. This is consistent with the existing mode of operation practiced by NMWD. However, NMWD does not favor expansion of its hilltop facilities. NMWD prefers an alternative that would dispose treated sewage in a leachfield in sand dunes in Lawson's Landing. This alternative, however, has not been evaluated considering potential communitywide needs and may pose significant environmental concerns. Additional study will be necessary before specific recommendations regarding additional sewage treatment disposal and capacity can be made. In such studies it will be necessary to consider communitywide needs, and to examine potential trends toward more full-time occupancy.

8.6.1 OBJECTIVES, POLICIES AND IMPLEMENTATION PROGRAMS

Objective CF-6

To ensure that sewage is safely and efficiently treated and disposed.

Policy CF-6.1

Alternative community sewage disposal systems. Alternative community sewage disposal systems, such as a dune disposal system, shall only be permitted where a public entity has formally assumed responsibility for inspecting, monitoring, and enforcing the maintenance of the system in accordance with requirements of the Regional Water Quality Control Board and the County Health Department.

Policy CF-6.2

Consolidated community system. The County strongly encourages engineering studies and institutional arrangements that would lead to constructing a consolidated community sewage system serving not only Oceana Marin, but the Village, Lawson's Dillon Beach Resort, and Lawson's Landing. Potential alternatives shall be considered in light of the Plan's environmental quality policies, such as Policy EQ-7.1 regarding coastal dunes.

Policy CF-6.3

Sewage disposal in dunes. Siting a sewage disposal system in the dunes to the south of the Lawson's Dillon Beach Resort shall be subject to review by the California Department of Fish and Game for protection of sensitive plant and animal species. Such system shall not interfere with recreational uses.

Policy CF-6.4

Disposal in dunes. Siting of a dune disposal sewage treatment system shall consider and mitigate potential visual impacts associated with construction of a sewage treatment plant, including use of an underground vault treatment unit.

Policy CF-6.5

Oceana Marin. The following recommendations of the North Marin Water District should be examined as sewage treatment alternatives for Parcels J, K, and L and/or additional development in Oceana Marin:

a. construction of a below ground, secondary package treatment plant on the bluff near the southwest corner of the Oceana Marin subdivision with gravity flow of chlorinated effluent to a disposal leach field constructed between the two rows of dunes to be acquired from the University of the Pacific or on Lawson's Landing located immediately to the south; or

b. expansion and lining of the existing hilltop lagoon system, and expansion of the subsurface irrigation disposal field to be acquired from the property owner (Christopher).

Examination of these alternatives should include potential impact to Estero Mutual Water Company's surface-diversion water supply.

Policy CF-6.6

Lawson's Dillon Beach Resort. Secondary sewage treatment and a dunes effluent disposal system shall be considered in conjunction with further development at Lawson's Dillon Beach Resort. Such system would be subject to the goals, objectives and policies of this Community Plan and the policies of the Local Coastal Program regarding water quality protection and dune preservation.

Policy CF-6.7

Lawson's Landing. As part of expansion or redevelopment for the Lawson's Landing, improvements in sewage disposal facilities shall be required as necessary for human and environmental health. Such improvements shall be conducted in accordance with the requirements of the Regional Water Quality Control Board and the County Health Department.

Policy CF-6.8

Sewage system components. All components of new sewage systems shall be sited and designed in keeping with the environmental quality and environmental hazards, objectives, and policies of this Plan. Pipelines shall be carefully routed to avoid sensitive resources and environmental hazards such as erodible substrates.

Policy CF-6.9

Community input. As the community, current water purveyors, North Marin Water District, County, and Regional Water Quality Control Board have expressed concern regarding future large-scale sewage disposal systems in Dillon Beach, the County shall notify these parties when changes to existing systems, or new systems, that would require a County permit are proposed and shall discuss the proposal in a noticed hearing. This policy applies to community-type facilities that serve several residences or commercial businesses, not individual septic systems.

8.7 SOLID WASTE COLLECTION, DISPOSAL, AND RECYCLING

Solid Waste Collection and Disposal

Shoreline Disposal, Inc. serves Dillon Beach with weekly garbage pickups. Shoreline Disposal, a private company, provides this service according to a franchise agreement with the County Board of Supervisors. Wastes from Dillon Beach are hauled to West Marin Sanitary Landfill on Highway 1, near Point Reyes Station. This landfill is a Class III disposal site, which is permitted to accept mixed municipal refuse, construction/demoliton wastes, leaves and clippings, and tires, but not sludge/septage or hazardous wastes. According to calculations in the County Solid Waste Management Plan, the landfill is expected to reach capacity in the year 2004. With an increase in recycling and composting rates throughout West Marin, from the current 4 percent to 17 percent, two or three years could be added to the life of the landfill.

Recycling

There are currently no recycling services in Dillon Beach. However, Shoreline Disposal Inc. is willing to provide service upon evidence of sufficient interest from the

community. Shoreline Disposal currently provides monthly pickup in Bolinas, Lagunitas, and San Geronimo and maintains daily collections in Petaluma. The West Marin Sanitary Landfill near Point Reyes Station also collects glass and aluminum for recycling.

8.7.1 OBJECTIVES, POLICIES, AND IMPLEMENTATION PROGRAMS

Objective CF-7

To extend the lifespans of local landfills, and to conserve and recover energy and natural resources through maximum feasible recycling.

Policy CF-7.1

Recycling and resource recovery. This policy supports the recyling and resource recovery goals and objectives of the County Solid Waste Management Plan: 1985-2005. Dillon Beach shall be served by a curbside recycling program or provided with buy-back or drop-off centers.

PROGRAM CF-7.1a

The County shall work with Shoreline Disposal Inc. to identify one or two sites best suited for locating lockable containers for glass, aluminum, and newspapers. The County shall then assist Shoreline Disposal Inc. as necessary, to advertise, initiate, and implement an effective recycling program for residents and visitors.

PROGRAM CF-7.1b

The County and Shoreline Disposal Inc. will consider additional recycling services as they become feasible for Dillon Beach. Such services might include additional sites, additional types of materials and technical assistance regarding waste reduction and reuse.

8.8 WATER SUPPLY

Water service to the community of Dillon Beach is presently supplied by two private water companies: Coast Springs Water Company and Estero Mutual Water Company. Coast Springs supplies water to a portion of the Oceana Marin subdivision, to the Village and to the 13 dwellings between Cliff Street and Bay Drive. Estero Mutual's service area is limited to properties within Oceana Marin. In addition to providing joint water service to the Oceana Marin subdivision, the two companies share some of the same source areas for water supply. While the systems are individually managed and operated, a one-inch plastic line physically connects the two for emergency purposes.

According to LCP policies regarding water supply in the Dillon Beach area, water supply is adequate for buildout of the 252 single-family units in Oceana Marin, but not for the multiple-family units as provided by current zoning. The allowable density on these mutliple-unit parcels is one unit per parcel until adequate water is demonstrated.

Estero Mutual. Estero Mutual Water Company presently serves about 60 residences in Oceana Marin. The total number of potential connections in its service area is 170. Estero Mutual's system was originally designed to serve 600 or more units, in large measure from its water rights to the Estero de San Antonio proper. However, the quality

of this water was subsequently found to be unacceptable because of agricultural runoff, and a smaller diversion of surface water was established from an unnamed tributary.

Estero Mutual has two wells which together supply approximately 10,000 gallons per day (gpd). In addition to the two wells, the company has the facilities and necessary permits to divert water from a stream tributary of the Estero de San Antonio. The amount of supply available depends upon rainfall. Estero Mutual's pumps can divert up to 400 gallons per minute (gpm) from the tributary. The water is transported uphill to a reservoir with a storage capacity of 16 million gallons, or 49 acre-feet (AF).

The company reports that it cannot adequately supply its current service area with existing equipment. Several problems are inherent in the operation of this system. Water storage is limited because the reservoir leaks and about 25 percent of its capacity is lost to evaporation annually. In low rainfall years, as little as 15 to 20 percent of the surface water diverted from the Estero may actually be available supply in the system. Also, there is no electricity at the pump and the cost of pumping water with propane from the point of diversion, some 450-feet downslope at the Estero, has been estimated to be about 15 times the cost for an equivalent amount of well water.

Water quality concerns in the Estero Mutual system relate to the proximity of Oceana Marin sewage ponds to its two wells and water storage reservoir. Although no evidence of public health impacts associated with the closeness of the water supply and sewage facilities in this system exists, the situation poses risks that should normally be avoided.

Estero Mutual has two treatment plants. One filters and chlorinates water from one of its wells (water from the second well does not require filtering). The second treats water stored in the reservoir and can filter 72,000 gpd or 50 gpm. Filtered water is stored in two tanks which have a combined capacity of 310,000 gallons. Water supply available to Estero Mutual from the well and stream sources together is a maximum of 82,000 gpd: 10,000 gpd from the wells and 72,000 gpd from the treatment plant filtering the tributary stream water.

While the LCP estimated water use per unit for Oceana Marin at about 130 gpd, with peak use approaching three times that figure, average daily use in Estero Mutual's service area in May and June 1982 was found to be only 95 gpd. Both of these use figures are low compared to typical single-family homes in an urban area, due to the seasonal occupancy (weekends and summer) of most of the units in Oceana Marin. Full-time occupancy rates of the subdivision have been estimated at 15 to 20 percent; average occupancy of all units has been estimated at 48 percent.

Coast Springs. Coast Springs Water Company presently has 200 service connections in Dillon Beach. Water demand per dwelling unit for average and peak day use in 1985 were recorded at 96 gpd and 170 gpd respectively. These rates are considered typical coastal resort/second home communities that experience low weekday occupancy and high weekend use. Coast Springs obtains its water supply from three principal sources, described below.

> Dillon Creek Gulch: The largest source for Coast Springs Water Company is from a shallow well (referred to as the "Lower Well" or Well #4) located in the channel of Dillon Creek Gulch, immediately south of the Village, in Lawson's Dillon Beach Resort. The yield from this well has declined from an average of 25,000 to 18,000 gpd, but fluctuates according to the creek flow.

Hilltop Wells: Coast Springs maintains six vertical-drill wells located in the hilltop area above Dillon Beach and Oceana Marin. Three of these wells were constructed in 1964 to serve Oceana Marin.

Infiltration Tunnel: The oldest feature of the system is a hand-dug tunnel that extends some 100-feet into the hillside above Dillon Beach Road to the east of the Village. The tunnel collects groundwater and seepage from the sandstone formation. A network of perforated pipes outside the tunnel also collect shallow hillside seepage and percolated runoff.

These sources have been estimated to be capable of providing a sustained yield of 33 gallons per minute (gpm). However, the owner of the Coast Springs Water Company has indicated that actual yield fluctuates depending upon rainfall and the extent of pumping. A study by JDR Utility Consulting, Inc. in 1986 concluded that Coast Springs would be capable of supplying the average day demand of 290 customers from its present sources and peak day use for approximately six days.

Additionally, Coast Springs presently owns land in a spring area immediately east of its infiltration tunnel, and has identified this as the logical site to explore for additional water supply. Measurements of the spring flow from the area in November 1987 indicated a flow of 2 gpm. Coast Springs has suggested that this flow can be representative of the minimum expected yield from the spring area. A higher flow might be obtained through the use of horizontal wells.

Water storage for the Coast Springs system is provided by a 125,000-gallon steel tank located in the ravine that roughly divides Oceana Marin and the Village. This tank is slated for replacement in order to meet State safe drinking water standards. Additionally, pre-treatment storage is provided by a 25,000 concrete tank, although, because of the tank's construction, only one-third of this capacity is usable at any one time. Another 7,500-gallon concrete tank stores a small amount of backwash water. These concrete tanks are located above Dillon Beach Road east of the Village.

There are currently 217 connections in the Coast Springs service area and another 30 units in the service area. At an average daily demand of 100 gpd, total water demand would be 24,700 gpd. Peak demand, at 182 gpd would be 45,000 gpd. The State Health Department has indicated that Coast Springs must demonstrate adequate capacity and treatment facilities to expand beyond 220 connections.

Water treatment is essential to the Coast Springs system as the water supply locations are subject to a variety of pollution sources and natural water quality problems, including high bacteriological levels and turbidity from surface water infiltration; high natural mineral content; and possible contamination from septic systems serving the Village. In addition, several of Coast Springs' wells on the hilltop are close to the unlined sewage ponds that are part of the Oceana Marin wastewater system.

Presently there are three separate water treatment units in the Coast Springs system. Coast Springs is developing a new water treatment system which will consolidate its water treatment operations into a single plant, using a mixed-media filtration unit, iron manganese removal and chlorination. The new system is currently in partial use, but will not become fully operational until the new water storage tank is in place.

Lawson's Dillon Beach Resort. In 1986, a hydrologic study of the Lawson's Landing area was conducted for Lawson's Dillon Beach Resort, Inc. by Aqua Resources, Inc. to determine the availability of potential groundwater supplies to serve new development on

property lying between the town of Dillon Beach and Lawson's Landing. The study concluded that substantial groundwater reserves appear to exist in the vicinity of the Lawson's Landing wells. The aquifer from which the Lawson's Landing wells draw water has an estimated potential annual yield of 620 AF or 550,000 gpd. The study also estimated the recharge for a somewhat larger area of the dunes to be in the neighborhood of 950 acre-feet per year. This supply represents a potential yield of nearly 850,000 gpd. The study also concluded that additional groundwater extraction in the vicinity of the present Lawson Landing wells could be accomplished free of contamination hazards from a dune wastewater disposal system if properly managed.

The study by Aqua Resources found that further development of groundwater in the upland areas or the stream alluvium along Dillon Creek is probably not possible due to the limited storage and recharge capabilities of these aquifers and the existing level of water extraction by the Coast Springs and Estero Mutual Water Companies. Additional hydrologic studies are currently underway to identify the boundaries of the water supply within the Lawson's Dillon Beach Resort property and secondly to assess the capacity.

Development of potential additional groundwater supplies in interdune aquifer will need to address access provisions from adjoining property owners; factors influencing ultimate well yield and appropriate well locations; effects of groundwater withdrawal on seasonal wetlands; and potential water quality problems from seawater intrusion, nitrate loadings from upslope agricultural operations, and sewage effluent from possible wastewater disposal in the dune area.

Lawson's Landing. Three wells with a combined capacity of 53.3 gpm currently serve the Lawson's Landing area. Sustained yield has not been established for any of the wells. The wells are pumped for a short time each day to supply the estimated 20,000 gpd maximum water demands from the approximately 200 connections at Lawson's Landing.

Summary. Residential water demands are highly variable in the Dillon Beach community. Records indicate, however, a slight increasing trend in water use rates that may be attributable to increasing full-time occupancy and/or larger and more modern houses in Oceana Marin. A recent study (JDR) found the newer houses to have water use rates about 16 percent higher than the older homes in Dillon Beach.

A recent survey of 191 Dillon Beach residents found that approximately 87 percent of the permanent residences who responded indicated that they conserve water in some manner, while a slightly smaller percentage of seasonal residents conserve. The most common methods of water conservation mentioned were limiting water use on gardens, using drought-tolerant landscaping, brief showers and decreasing water use in toilets.

Each of the existing water systems are considered to be at, or very near, capacity. The Coast Springs and Estero Mutual systems have very limited source capacity, but are able to serve a relatively large number of connections mainly as a result of low water consumption levels in a community of high part-time occupancy.

The Local Coastal Plan does not require the existing water suppliers to reserve water supply for visitor-serving uses since the present zoning in their service areas is primarily residential. Moreover, because existing suppliers are at or very near capacity, additional water supply will need to be identified and developed for any additional significant development in the community. For example, the 25-unit trailer park, or conversion to other uses such as a motel or restaurant would increase demands on the Coast Springs water system, necessitating either improvements and augmentation of source capacity by Coast Springs or development of an alternative source of water.

Sewage Disposal and Water Supply Buildout Projections

Sewage disposal requirements and water demand projected by Questa Engineering, Inc. for buildout at 50 percent full-time occupancy and 100 percent full-time occupancy at Oceana Marin, the Village and Dillon Beach Resort, along with assumptions underlying the projections, are contained in Appendix E. As with the traffic projections for the buildout, these buildout assumptions were preliminary and consequently conservative in that a more intensive commercial program is anticipated for the Resort. These projections, however, provide a useful guide for assessing the levels of service which would be required for additional development in Dillon Beach, including consideration of the potential impact of a trend to a higher full-time occupancy in the community.

8.8.1 OBJECTIVES, POLICIES, AND IMPLEMENTATION PROGRAMS

Objective CF-8

To project the quality and quantity of community water supplies.

Policy CF-8.1

Coastal permits. Coastal permits shall be granted only upon a determination that water service to the proposed project is of an adequate quantity and quality to serve the proposed use. Evaluation of service proposals should consider the projections made by Questa Engineering, Inc., contained in Appendix E, as guidelines for Dillon Beach. Lack of available services or resources shall be grounds for denial of a project or for a reduction in the density otherwise indicated in the land use plan.

Policy CF-8.2

Water-saving devices. All new development shall incorporate low-flow water fixtures and other water-saving devices.

Policy CF-8.3

Service districts. In order to improve water supply efficiencies, current water providers, property owners with potential water sources, the County and LAFCo should consider, upon documented interest by the community, the feasibility of, and costs and revenues associated with, establishing a Public Utility District (PUD), Community Service District (CSD), Local Assessment District (LAD), or County Service Area (CSA) for water services. Such an organizational arrangement might also include sewage treatment and disposal services, road improvements and maintenance, and other community services such as community center operation. Alternatively, should community interest be expressed and documented, North Marin Water District (NMWD) should be encouraged to consider expanding its service in Dillon Beach to include water supply.

Policy CF-8.4

Dune sewage disposal. Prior to approval, the County shall require conclusive evidence that a dune sewage disposal system will not pose a contamination threat to groundwater, surface water, nor the beach on the seaward side of the dunes.

Policy CF-8.5:

Availability of Water. For proposed projects subject to master plan and coastal permit approval, the availability of water shall be demonstrated by professional engineering studies that are based on field testing and conclusively demonstrate that (a) adequate quantity exists for the proposed development, including necessary public services such as fire protection, (b) withdrawal will not adversely affect coastal resources, including groundwater basins, aquifers, and streams, (c) withdrawal will not adversely affect existing and obligated water service, nor potential buildout in the Dillon Beach planning area as identified in this Community Plan, and (d) water quality meets local, state, and federal standards. Such studies shall provide the basis for establishing safe, sustained yields from the water source. The engineering studies shall take resident and visitor occupancy factors into account, as identified in Policy CD-14.1.

Objective CF-9

To ensure adequate water supply and safe water quality for the entire Oceana Marin subdivision.

Policy CF-9.1

Oceana Marin buildout. Expansion of water supply capacity needed to serve the Oceana Marin subdivision shall require a comprehensive water yield study of all existing and proposed sources for the Coast Springs Water Company and the Estero Mutual Water Company, including necessary yields and storage facilities for both normal and peak periods and a long-term distribution system. Such evidence shall include a plan for additional storage tank facilities, showing the location, size, and landscaping to mitigate potential visual impacts. Drawdown tests must be conducted for any proposed new well and analysis of groundwater withdrawal effects on aquifer systems must be provided to demonstrate safe and sustained yields. Such study should also address any reduction in water production from existing Estero Mutual wells which might result from the rehabilitation of Coast Springs Water Company well #3 to 1963 water production levels.

9. SUMMARY OF POLICIES AND IMPLEMENTATION PROGRAMS

This section summarizes all Plan policies and implementation programs contained in Plan Sections 4 through 8, and outlines actions required, agency involvement, and estimated costs. Most policies and programs are repeated here verbatim. However, some lengthy policies have been abbreviated or paraphrased and are so indicated by "(partial)" or "(paraphrased)". Readers are encouraged to refer to the Sections 4 through 8 for the complete wording and context of individual policies and programs.

Other abbreviations used in the table include the following.

BOS	County Board of Supervisors
CalTrans	California Department of Transportation
LAFCo	Local Agency Formation Commission
LCP	County Local Coastal Plan, Unit 2
LDBR	Lawson's Dillon Beach Resort
MALT	Marin Agricultural Land Trust
NMWD	North Marin Water District
RWQCB	Regional Water Quality Control Board

Unless otherwise noted all department names refer to County departments.

DILLON BEACH COMMUNITY PLAN
SUMMARY OF POLICIES AND IMPLEMENTATION PROGRAMS

POLICY AND PROGRAM	ACTION REQUIRED	AGENCY INVOLVEMENT	ESTIMATED COST
Environmental Quality			
Policy EQ-1.1 (partial): Agricultural zoning. The County shall maintain C-APZ-60 zoning on agricultural lands in the Dillon Beach planning area. In addition, the County shall discourage uses on surrounding lands that would jeopardize the long-term agricultural viability of these lands.	(Agriculture) Monitor applications for rezonings and uses on lands near agriculture areas.	Planning Department	Development review to be reimbursed through fees.
Policy EQ-1.2 (partial): Community Expansion Boundary for Dillon Beach shall be maintained as shown in Figure 1-1.	(Communitywide) Review applications for rezonings.	Planning Department	Development review to be reimbursed through fees.
Policy EQ-1.3 (partial): Long-term preservation of agricultural lands. This plan supports MALT's efforts to monitor the status of agricultural lands and to acquire conservation easements in voluntary transactions.	(Agriculture) Support MALT's monitoring efforts and voluntary acquisitions.	Board of Supervisors	Minor Administration Costs
Policy EQ-1.4 (partial): Grazing. The Community Plan supports the protection of "lands on which the existing vegetation is suited to the grazing of livestock" to the east and south of Dillon Beach.	(Agriculture)	--	--

DILLON BEACH COMMUNITY PLAN
SUMMARY OF POLICIES AND IMPLEMENTATION PROGRAMS
(continued)

POLICY AND PROGRAM	ACTION REQUIRED	AGENCY INVOLVEMENT	ESTIMATED COST
Policy EQ-2.1 (partial): Esteros. This plan supports the LCP's Creekside Preservation policies.	(Esteros)	--	--
Policy EQ-3.1 (partial): Stream alterations. Stream impoundments, diversions, channelizations, or other substantial alterations shall be limited to specific purposes.	(Streams) Review applications for stream alterations and flood control projects.	Planning Department Department of Public Works	Development review to be reimbursed through fees.
Policy EQ-4.1 (partial): Stream buffers. Fifty- to 100-foot buffers to protect streams from the impacts of adjacent uses shall be established for each stream in the planning area.	(Streams) Review applications near streams.	Planning Department Department of Public Works	Development review to be reimbursed through fees.
Policy EQ-5.1: Dillon Creek. Proposed Master Plans for Lawson's Dillon Beach Resort shall provide for controlled, low-impact public access to Dillon Creek and a maintenance program to keep the Creek clear of manmade debris.	(Lawson's Dillon Beach Resort) Review Lawson's Dillon Beach Resort Master Plans.	Planning Department Department of Public Works	Development review to be reimbursed through fees.
Policy EQ-5.2: Dillon Creek. Riparian vegetation along Dillon Creek shall be preserved and areas of bank erosion shall be stabilized and revegetated. A 100-foot setback from the top of the creek bank shall be observed.	(Lawson's Dillon Beach Resort) Review Lawson's Dillon Beach Resort Master Plans.	Planning Department Department of Public Works	Development review to be reimbursed through fees.

DILLON BEACH COMMUNITY PLAN
SUMMARY OF POLICIES AND IMPLEMENTATION PROGRAMS
(continued)

POLICY AND PROGRAM	ACTION REQUIRED	AGENCY INVOLVEMENT	ESTIMATED COST
Policy EQ-6.1 (partial): Diking, filling, and dredging of wetlands shall be permitted only in conformance with the LCP. Filling for development shall not be permitted.	(Wetlands) Review applications involving wetlands.	Planning Department Department of Public Works	Development review to be reimbursed through fees.
Policy EQ-6.2: Activities in wetlands. Allowable resource-dependent activities in wetlands shall include fishing, recreational clamming, hiking, hunting, nature study, bird-watching, and boating.	(Wetlands)	--	--
Policy EQ-6.3: Agricultural activities in wetlands. No grazing or other agricultural uses shall be permitted in wetlands except in those reclaimed areas presently used for such activities.	(Agriculture)	--	--
Policy EQ-6.4 (partial): Wetland buffers. A minimum buffer strip of 100 feet shall be established along the periphery of all wetlands. A wider buffer may be required on parcels adjacent to Tomales Bay.	(Wetlands) Review applications involving wetlands.	Planning Department	Development review to be reimbursed through fees.

DILLON BEACH COMMUNITY PLAN
SUMMARY OF POLICIES AND IMPLEMENTATION PROGRAMS
(continued)

POLICY AND PROGRAM	ACTION REQUIRED	AGENCY INVOLVEMENT	ESTIMATED COST
Policy EQ-7.1 (partial): Coastal dunes. Development in the dunes south of the expansion boundary shall be prohibited. The County may consider, however, a plan for treated sewage disposal in the dunes. Such plan shall consider communitywide needs.	(Lawson's Dillon Beach Resort, Lawson's Landing) Review applications involving dunes.	Planning Department	Development review to be reimbursed through fees.
Policy EQ-7.2 (partial): Coastal dunes. Future development or improvements for Lawson's Dillon Beach Resort or Lawson's Landing shall be sited out of the dune area. Overuse shall be prevented. No motor vehicles shall be permitted in beach or dune areas.	(Lawson's Dillon Beach Resort, Lawson's Landing) Review applications for Lawson's Dillon Beach Resort, Lawson's Landing.	Planning Department	Development review to be reimbursed through fees.
Policy EQ-7.3 (partial): Dune scrub. Development in Lawson's Dillon Beach Resort shall avoid dune scrub. If areas of dune scrub are proposed for development, such development shall be subject to detailed environmental assessment and additional seasonal surveys.	(Lawson's Dillon Beach Resort, Lawson's Landing) Review Lawson's Dillon Beach Resort Master Plans.	Planning Department	Development review to be reimbursed through fees.
Policy EQ-7.4 (partial): Sand quarry. Any request for expansion or relocation of the sand quarry operation shall include study of potential impacts on dunes, public recreation, and the natural rate of replacement.	(Lawson's Dillon Beach Resort, Lawson's Landing) Review applications for sand quarry.	Planning Department	Development review to be reimbursed through fees.

DILLON BEACH COMMUNITY PLAN
SUMMARY OF POLICIES AND IMPLEMENTATION PROGRAMS
(continued)

POLICY AND PROGRAM	ACTION REQUIRED	AGENCY INVOLVEMENT	ESTIMATED COST
Policy EQ-8.1 (partial): Rare and endangered species. Development in habitats of rare or endangered species and unique plant communities may only be permitted when it depends upon resources of the habitat area. Adjacent development shall be set back. Public access shall be controlled. Structures which inhibit wildlife movement shall be avoided.	(Communitywide) Review development proposals.	Planning Department	Development review to be reimbursed through fees.
Policy EQ-8.2 (partial): Seasonal surveys. Master Plans shall be subject to environmental review, which should include seasonal surveys and updated records searches to determine the presence of species and communities of concern.	(Planned Districts) Review all Master Plans.	Planning Department	Development review to be reimbursed through fees.
Policy EQ-9.1: Shoreline structures. Environmental, scenic, public trust, and public safety issues shall be considered during permit review of all shoreline structures, in accordance with the County's Tidelands Ordinance.	(Shoreline) Review applications for shoreline structures.	Planning Department	Development review to be reimbursed through fees.
Policy EQ-9.2: Coastal development. Proposals for coastal development at Lawson's Dillon Beach Resort, Lawson's Landing,	(Lawson's Dillon Beach Resort, Lawson's Landing) Forward applications for LDBR, LL, dunes disposal to Gulf of the Farollones NMS.	Planning Department Gulf of the Farollones NMS	Development review to be reimbursed through fees.

DILLON BEACH COMMUNITY PLAN
SUMMARY OF POLICIES AND IMPLEMENTATION PROGRAMS
(continued)

POLICY AND PROGRAM	ACTION REQUIRED	AGENCY INVOLVEMENT	ESTIMATED COST
Policy EQ-9.2 (continued): or a dune sewage disposal system should be reviewed by the Gulf of the Farallones National Marine Sanctuary.			
Policy EQ-9.3: Tomales Bay resources. Tomales Bay's fishing grounds, clam beds, and abalone stands shall be protected from overharvesting.	(Tomales Bay)	California Fish and Game	--
PROGRAM EQ-9.3a: The County will work with other agencies, such as the California Department of Fish and Game, to monitor the effects of onshore activities on Tomales Bay and to protect the Bay's resources. Should an interagency technical advisory committee be formed for Tomales Bay, the County will participate and support efforts to protect the Bay and its resources.	(Tomales Bay) Support monitoring efforts of California Fish and Game. Participate in Interagency Committee.	Planning Department California Fish and Game	Minor Administration Costs
Policy EQ-10.1 (partial): Archaeological and cultural resources. All Master Plan proposals shall be accompanied by archaeological and cultural resource reports and field surveys.	(Planned Districts) Require with Master Plan submittal.	Planning Department	Development review to be reimbursed through fees.

DILLON BEACH COMMUNITY PLAN
SUMMARY OF POLICIES AND IMPLEMENTATION PROGRAMS
(continued)

POLICY AND PROGRAM	ACTION REQUIRED	AGENCY INVOLVEMENT	ESTIMATED COST
Policy EQ-11.1: Airborne dust. During construction of all new development, generation of airborne dust shall be kept to a minimum through construction site watering and covering exposed ground areas.	(Communitywide) Review development proposals.	Planning Department Building Department	Development review to be reimbursed through fees.
Policy EQ-11.2: Phasing development. Where feasible, phasing of development shall proceed in the direction of primary windflow (i.e., from the west-northwest).	(Communitywide) Review development proposals.	Planning Department	Development review to be reimbursed through fees.
Policy EQ-12.1 (partial): Construction noise. All new development shall minimize construction noise. Heavy equipment shall be operated only during daytime working hours. Stationary noise sources shall be located as far from adjacent residences as possible. Noise control features shall be used on loud equipment.	(Communitywide) Review development proposals.	Planning Department	Development review to be reimbursed through fees.
Environmental Hazards			
Policy EH-1.1 (partial): Slope stability. Known landslides and landslide-prone deposits on steep slopes shall not be used for development except where site investigations indicate such sites are stable or can be made stable.	(Communitywide) Review applications on unstable slopes.	Planning Department Department of Public Works	Development review costs to be reimbursed through fees.

DILLON BEACH COMMUNITY PLAN
SUMMARY OF POLICIES AND IMPLEMENTATION PROGRAMS
(continued)

POLICY AND PROGRAM	ACTION REQUIRED	AGENCY INVOLVEMENT	ESTIMATED COST
Policy EH-1.2 (partial): Slope stability and seismic safety. Development proposals for areas denoted "3" and "4" on the slope stability map or underlain by dune land, sand, alluvium or loams above 15% slope, as shown on the soils map, shall be accompanied by site-specific geological and geotechnical investigations.	(Communitywide) Require with applications for areas "3" and "4" in Figure 5-3 (primarily Oceana Marin and surrounding agriculture area).	Planning Department	Development review to be reimbursed through fees.
Policy EH-1.3: Seismic safety standards. New structures shall be built to the seismic safety standards of the Uniform Building Code.	(Communitywide) Review development proposals.	Building Department	Development review to be reimbursed through fees.
Policy EH-1.4 (partial): Tsunami zones. New structures within the 20-foot tsunami runup zone, shall incorporate flood-proofing measures.	(Village, Lawson's Dillon Beach Resort, Lawson's Landing) Review applications in tsunami run-up zone.	Planning Department Building Department Flood Control Department	Development review to be reimbursed through fees.
Policy EH-1.5 (partial): Alquist-Priolo zones. All new structures proposed for human habitation within the Alquist-Priolo Special Studies Zone (i.e., portions of Lawson's Landing) shall have fault investigations and be set back at least 50 feet from fault traces.	(Lawson's Landing) Review applications for Lawson's Landing.	Planning Department Department of Public Works	Development review to be reimbursed through fees.
Policy EH-1.6 (partial): Shoreline structures. The proliferation of shoreline structures is discouraged.	(Communitywide) Discourage applications for shoreline structures.	Planning Department	Development review to be reimbursed through fees.

DILLON BEACH COMMUNITY PLAN
SUMMARY OF POLICIES AND IMPLEMENTATION PROGRAMS
(continued)

POLICY AND PROGRAM	ACTION REQUIRED	AGENCY INVOLVEMENT	ESTIMATED COST
Policy EH-1.7 (partial): Shoreline erosion control. The construction or reconstruction of artificial structures for coastal erosion control shall be allowed only if each of seven specific criteria is met.	(Shoreline) Review applications for coastal erosion control structures.	Planning Department	Development review to be reimbursed through fees.
Policy EH-1.8 (partial): Cliff and bluff erosion. New development shall be sited to avoid areas subject to cliff and bluff erosion. New structures shall be set back from bluff areas. New development shall be sited and designed so that no protective shoreline structure is or will be necessary to protect the building.	(Oceana Marin, Village) Review applications near cliffs and bluffs.	Planning Department	Development review to be reimbursed through fees.
Policy EH-1.9 (partial): Bluff and creek edges. Development proposed within 500 feet of a coastal bluff edge or 200 feet from a creek bank edge shall be subject to case-by-case review by the County Building Department.	(Communitywide) Review applications near bluffs and creeks.	Planning Department Building Department	Development review to be reimbursed through fees.
Policy EH-1.10: Dune erosion. Proposals for development adjacent to dunes shall include a dune stabilization program, including specific planting, maintenance, and erosion control measures. Such dune stabilization program may be on-site or off-site.	(Lawson's Dillon Beach Resort, Lawson's Landing) Review Master Plans for Lawson's Dillon Beach Resort and Lawson's Landing.	Planning Department	Development review to be reimbursed through fees.

DILLON BEACH COMMUNITY PLAN
SUMMARY OF POLICIES AND IMPLEMENTATION PROGRAMS
(continued)

POLICY AND PROGRAM	ACTION REQUIRED	AGENCY INVOLVEMENT	ESTIMATED COST
Policy EH-1.11 (partial): Flood zone. The first finished floor level of new construction shall be a minimum of eight feet above sea level in addition to being above the 100-year flood zone. Structures in flood zone are to be constructed of flood-proof materials and should be anchored.	(Lawson's Dillon Beach Resort, Lawson's Landing) Review applications near sea level and flood zones.	Planning Department Building Department	Development review to be reimbursed through fees.
Policy EH-1.12: Impervious surfaces. Development shall minimize areas of impervious surface.	(Communitywide) Review all applications.	Planning Department	Development review to be reimbursed through fees.
Policy EH-1.13: Storm Drainage. All new development shall provide storm drainage systems sufficient to accommodate storm flows from the development, and shall direct outflow away from erosive and unstable areas.	(Communitywide) Review all applications.	Planning Department Flood Control Department	Development review to be reimbursed through fees.
Policy EH-1.14: Fire hazards. New subdivisions and planned developments in grassland and coastal scrub areas shall be required to supply adequate on- or off-site fire suppression water supply.	(Grassland and Coastal Scrub) Review applications in grassland and coastal scrub areas.	Planning Department Fire Department	Development review to be reimbursed through fees.

DILLON BEACH COMMUNITY PLAN
SUMMARY OF POLICIES AND IMPLEMENTATION PROGRAMS
(continued)

POLICY AND PROGRAM	ACTION REQUIRED	AGENCY INVOLVEMENT	ESTIMATED COST
Policy EH-1.15: Rising sea level. In reviewing Master Plan proposals for low-lying regions and along creeks, the County shall consider potential effects of rising sea levels. Requirements for development in tsunami run-up zones, along bluff and creek edges, and in flood zones shall be strictly observed.	(Planned Districts) Review all Master Plans.	Planning Department	Development review to be reimbursed through fees.
Community Development: Communitywide			
Policy CD-1.1: Agricultural land and buildings. The large expanses of agricultural land surrounding Dillon Beach shall be preserved for agricultural uses. New agricultural buildings should be incorporated into existing agricultural compounds, and, where possible, should: (a) be set back from the road; (b) preserve major views; (c) not exceed the height and bulk of traditional agricultural structures in the area; and (d) use existing contours and vegetation for shelter, or introduce new cypress hedgerows for wind shelter and visual sceening.	(Agriculture) Discourage applications for rezoning agricultural lands. Review applications on agricultural lands.	Planning Department	Development review to be reimbursed through fees.

DILLON BEACH COMMUNITY PLAN
SUMMARY OF POLICIES AND IMPLEMENTATION PROGRAMS
(continued)

POLICY AND PROGRAM	ACTION REQUIRED	AGENCY INVOLVEMENT	ESTIMATED COST
Policy CD-1.2: Community expansion boundary. New development in Oceana Marin, the Village, and Lawson's Dillon Beach Resort shall occur within the community expansion boundary, as shown in Figure 1-1.	(Oceana Marin, Village, Lawson's Dillon Beach Resort) Review applications along edges of Oceana Marin, Village, Lawson's Dillon Beach Resort.	Planning Department	Development review to be reimbursed through fees.
Policy CD 1.3: Character of surrounding areas. The height, scale, and design of all new structures shall be compatible with the character of the surrounding natural and built environment. Structures shall be designed and sited to follow the natural contours of the landscape, and not block or significantly infringe on coastal views as seen from neighboring houses and public viewing places.	(Communitywide) Review applications for new structures.	Planning Department (Bodega Bay Club)	Development review to be reimbursed through fees.
Policy CD 1.4: Visitor-serving facilities. Visitor-serving businesses and facilities that are in keeping with the coastal setting and small-scale, village character of the community shall be encouraged.	(Lawson's Dillon Beach Resort, Lawson's Landing) Review Master Plans.	Planning Department	Development review to be reimbursed through fees.
Policy CD 1.5: Vegetation. Non-native vegetation should be discouraged, except in contained areas immediately adjacent to residences and businesses.	(Communitywide) Review landscaping plans.	Planning Department	Development review to be reimbursed through fees.

DILLON BEACH COMMUNITY PLAN
SUMMARY OF POLICIES AND IMPLEMENTATION PROGRAMS
(continued)

POLICY AND PROGRAM	ACTION REQUIRED	AGENCY INVOLVEMENT	ESTIMATED COST
Policy CD 1.6: Natural landforms. New development shall respect natural landforms to the greatest degree possible.	(Communitywide) Review development proposals.	Planning Department	Development review to be reimbursed through fees.
Policy CD-2.1: New construction shall not block or significantly infringe on views from existing homes or scenic overlooks of the shoreline, Tomales Bay, Bodega Bay, or ocean.	(Communitywide) Review applications for new construction.	Planning Department (Bodega Bay Club)	Development review to be reimbursed through fees.
Policy CD-2.2: Landscaping. Development may be screened with appropriate landscaping, however such landscaping shall not, when mature, interfere with public views to and along the coast.	(Communitywide) Review landscaping plans.	Planning Department (Bodega Bay Club)	Development review to be reimbursed through fees.
Policy CD-2.3: Hedgerows. Existing hedgerows should be preserved. New hedgerows should not obstruct views of the shoreline, Tomales Bay, Bodega Bay, or ocean.	(Communitywide) Review vegetation removal and landscaping plans.	Planning Department (Bodega Bay Club)	Development review to be reimbursed through fees.
Policy CD-2.4: Elephant Rocks. Public access to Elephant Rocks (i.e., the large rock outcroppings at the junction of Tomales/Dillon Beach Road and Franklin School/Valley Ford Road) shall be preserved.	(Elephant Rocks) Monitor access to Elephant Rocks.	Planning Department	Minor Administration Costs

DILLON BEACH COMMUNITY PLAN
SUMMARY OF POLICIES AND IMPLEMENTATION PROGRAMS
(continued)

POLICY AND PROGRAM	ACTION REQUIRED	AGENCY INVOLVEMENT	ESTIMATED COST
Policy CD-2.5: Satellite dishes. Television satellite dishes should be located in backyards and should be screened from view from neighboring properties and public right-of-ways. A community satellite dish may alleviate the visual problems created by many small dishes sprinkled around the community. The County shall consider extending Cable TV services to Dillon Beach to preclude the need for individual satellite dishes.	(Communitywide) Review applications for dishes. Consider community dish. Consider extending Cable TV.	Planning Department Board of Supervisors	Development review to be reimbursed through fees; and Minor Administration Costs
Policy CD-3.1 (partial) Pre-1930 structures. Alterations to, additions to, and demolitions of pre-1930 structures are to comply with County requirements regarding historic preservation.	(Pre-1930 structures) Review applications for pre-1930 structures.	Planning Department	Development review to be reimbursed through fees.
Oceana Marin			
Policy CD-4.1: Planned districts. Parcels J, K, and L shall be maintained as planned districts, which require Master Plan approval.	(Parcels J, K, L) Require Master Plans for Parcels J, K, L.	Planning Department	Development review to be reimbursed through fees.
Policy CD-4.2: Developable areas. Prior to Master Plan approval, site-specific geotechnical, soils, grading, drainage, and visual impact studies shall be conducted to	(Parcels J, K, L, M) Review Master Plans.	Planning Department	Development review to be reimbursed through fees.

DILLON BEACH COMMUNITY PLAN
SUMMARY OF POLICIES AND IMPLEMENTATION PROGRAMS
(continued)

POLICY AND PROGRAM	ACTION REQUIRED	AGENCY INVOLVEMENT	ESTIMATED COST
Policy CD-4.2 (continued) definitively identify areas suitable for safe and environmentally-sound development.			
Policy CD-4.3 (paraphrased): Master Plan review. Master Plans and coastal permits for development on Parcels J, K, and L shall be evaluated according to specified criteria (regarding water, sewage disposal, traffic and parking, siting, and design).	(Parcels J, K, L) Review Master Plans.	Planning Department	Development review to be reimbursed through fees.
Policy CD-4.4: Multi-family design. Multi-family units developed in Oceana Marin shall retain the character of single-family residences.	(Parcels J, K, L) Review Master Plans.	Planning Department	Development review to be reimbursed through fees.
Policy CD-4.5 (partial): Roads and channels should not detract from the rugged character of the landscape. A sense of the natural topography should be maintained.	(Oceana Marin) Review applications for Oceana Marin roads.	Planning Department Department of Public Works	Development review to be reimbursed through fees.
Policy CD-4.6 (partial): Single-family character. Development of single-family structures should closely correlate to densities that have been constructed in Oceana Marin to date. Parcels now zoned for single-family residences shall be maintained for single-family residences. If multi-family	(Oceana Marin) Review Master Plans for Parcels J, K, L, M. (See PROGRAM CD-4.6a)	Planning Department	Development review to be reimbursed through fees.

DILLON BEACH COMMUNITY PLAN
SUMMARY OF POLICIES AND IMPLEMENTATION PROGRAMS
(continued)

POLICY AND PROGRAM	ACTION REQUIRED	AGENCY INVOLVEMENT	ESTIMATED COST
Policy CD-4.6 (continued) structures are proposed for development on Parcels J, K, and L, such structures should not exceed 2- or 3-unit structures. The County shall rezone Parcels J, K, L, and M to the low end of specified density ranges. Development approvals at higher densities will require a zoning amendment.			
PROGRAM CD-4.6a: The County will rezone Parcel J from C-RMP-4 to C-RMP-1.5, Parcel K from C-RMP-4 to C-RMP-0.85, Parcel L from C-RMP-4 to C-RMP-0.8, and Parcel M from C-RMP-4 to C-RSP-0.4.	Rezonings completed 1989.	--	--
Policy CD-5.1 (partial): Parcel L. Development on Parcel L should emulate the arrangement and architectural character of traditional agricultural compounds in the area.	(Parcel L) Review Master Plan.	Planning Department	Development review to be reimbursed through fees.
Policy CD-6.1 (partial): Public access. Pedestrian public access from Oceana Marin to the shoreline should be improved. At least 1 of 4 specified easements should be improved and maintained. Improvements, maintenance, and associated liability could be undertaken by	(Oceana Marin) Pursue access improvements and maintenance.	Planning Department County Trails Board of Supervisors Coastal Commission Coastal Conservancy (Bodega Bay Club)	To be determined upon review with County Trails and State Agencies.

DILLON BEACH COMMUNITY PLAN
SUMMARY OF POLICIES AND IMPLEMENTATION PROGRAMS
(continued)

POLICY AND PROGRAM	ACTION REQUIREMENT	AGENCY INVOLVEMENT	ESTIMATED COST
Policy CD-6.1 (continued) agencies such as the California Coastal Commission, State Coastal Conservancy, and/or the County.			
PROGRAM CD-6.1a: The County will coordinate with Oceana Marin residents and other agencies and organizations concerned with coastal public access to ensure that at least one easement is improved and maintained for safe public pedestrian access.	(Oceana Marin) Coordinate with residents and agencies.	(See above)	(See above)
The Village			
Policy CD-7.1: Residential zoning. The County shall retain small-lot, single-family residential zoning in the Village.	(Village)	--	--
Policy CD-7.2: New structures and significant alterations to existing structures shall be consistent with the scale and character of other residences in the Village. New structures should not exceed an apparent 1.5 stories, nor should their footprints exceed the largest in the vicinity. Wood shiplap should be encouraged; stucco and plywood exteriors should be discouraged. Light-colored paint should be encouraged for building exteriors.	(Village) Review applications for new structures.	Planning Department	Development review to be reimbursed through fees.

DILLON BEACH COMMUNITY PLAN
SUMMARY OF POLICIES AND IMPLEMENTATION PROGRAMS
(continued)

POLICY AND PROGRAM	ACTION REQUIREMENT	AGENCY INVOLVEMENT	ESTIMATED COST
Policy CD-8.1: Public access. An easement for pedestrian public access to the shoreline should be established on the western edge of AP# 100-120-121 in cooperation with the property owner.	(Village) Pursue access to shoreline.	Planning Department County Trails Board of Supervisors Coastal Commission Coastal Conservancy	To be determined upon review with County Trails and State Agencies.
PROGRAM CD-8.1a: The County will work with the property-owners to establish a public easement; coordinate with agencies able to improve and maintain public access.	(Village) Work with property owners, agencies.	(See above)	(See above)
Lawson's Dillon Beach Resort			
Policy CD-9.1: Mixed uses. Lawson's Dillon Beach Resort is an appropriate area for new, mixed use development of a modest scale. Residential, resident-serving commercial, and visitor-serving commercial uses are all appropriate uses for this area, and shall be encouraged in a design that achieves a balance among these uses.	(Lawson's Dillon Beach Resort) Review Master Plan.	Planning Department	Development review to be reimbursed through fees.
Policy CD-10.1: Planned district. Lawson's Dillon Beach Resort, exclusive of Subarea D, shall be maintained as a planned district. Master Plan approval shall be required for substantial improvements or new development.	(Lawson's Dillon Beach Resort) Review Master Plan.	Planning Department	Development review to be reimbursed through fees.

DILLON BEACH COMMUNITY PLAN
SUMMARY OF POLICIES AND IMPLEMENTATION PROGRAMS
(continued)

POLICY AND PROGRAM	ACTION REQUIRED	AGENCY INVOLVEMENT	ESTIMATED COST
Policy CD-10.2: Master Plan. Dillon Beach Inc. and the UOP shall be encouraged to cooperatively participate in a Master Plan for the entire Resort.	(Lawson's Dillon Beach Resort) Encourage joint planning.	Planning Department	Development review to be reimbursed through fees.
Policy CD-10.3: Phased development. The Master Plan shall include all phases of development.	(Lawson's Dillon Beach Resort) Review Master Plan.	Planning Department	Development review to be reimbursed through fees.
Policy CD-10.4 (partial): Environmental resources. Prior to Master Plan approval, seasonal field studies shall be conducted by the applicant. Development densities may be adjusted consistent with the more detailed information.	(Lawson's Dillon Beach Resort) Review Master Plan.	Planning Department	Development review to be reimbursed through fees.
Policy CD-10.5 (paraphrased): Development review. Master Plans and coastal permits for development at Lawson's Dillon Beach Resort shall be evaluated according to 7 specified criteria re. water, sewage disposal, environmental impacts, neighboring land uses, compatibility with the Village, traffic and parking, and visual character.	(Lawson's Dillon Beach Resort) Review Master Plan.	Planning Department	Development review to be reimbursed through fees.
Policy CD-10.6 (partial): Subarea A shall be maintained as a beach for public use.	(Lawson's Dillon Beach Resort) Review Master Plan.	Planning Department	Development review to be reimbursed through fees.

DILLON BEACH COMMUNITY PLAN
SUMMARY OF POLICIES AND IMPLEMENTATION PROGRAMS
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POLICY AND PROGRAM	ACTION REQUIRED	AGENCY INVOLVEMENT	ESTIMATED COST
Policy CD-10.7 (partial): Subarea B shall be maintained as a resident-serving and visitor-serving commercial strip that provides an inviting entrance to the community. Parking shall be provided on site.	(Lawson's Dillon Beach Resort) Review Master Plan.	Planning Department	Development review to be reimbursed through fees.
Policy CD-10.8 (partial): Beach Ave. realignment. Should Beach Ave. be realigned, the small lot created west of Beach Ave. would be an appropriate site for small visitor-serving facilities.	(Lawson's Dillon Beach Resort) Review Master Plan.	Planning Department	Development review to be reimbursed through fees.
Policy CD-10.9 (partial): Subarea C is an appropriate area for single-family and/or multi-family housing. Densities should not exceed 4-10 units per acre.	(Lawson's Dillon Beach Resort) Review Master Plan.	Planning Department	Development review to be reimbursed through fees.
Policy CD-10.10 (partial): Subarea D shall be maintained as single-family housing. Houses on the eastern half shall be designed to protect coastal views from properties to the east.	(Lawson's Dillon Beach Resort) Review applications in single-family neighborhood.	Planning Department	Development review to be reimbursed through fees.
Policy CD-10.11 (partial): Subarea E is an appropriate area for single-family houses or small multi-family complexes, such as duplexes. Densities should not exceed 6-10 units per acre.	(Lawson's Dillon Beach Resort) Review Master Plan.	Planning Department	Development review to be reimbursed through fees.

DILLON BEACH COMMUNITY PLAN
SUMMARY OF POLICIES AND IMPLEMENTATION PROGRAMS
(continued)

POLICY AND PROGRAM	ACTION REQUIRED	AGENCY INVOLVEMENT	ESTIMATED COST
Policy CD-10.12 (partial): Subarea F is an especially suitable area for resident- and visitor-serving facilities where many people can enjoy its prime location. Maximum density shall be an FAR of 0.3.	(Lawson's Dillon Beach Resort) Review Master Plan.	Planning Department	Development review to be reimbursed through fees.
Policy CD-10.13 (partial): Subarea G is an appropriate area for resident- and visitor-serving facilities. Also appropriate to combine small-scale single-family or multi-family houses with commercial uses. Suggested residential:commercial balance is 60:40. Densities are then 4-6 units per acre with an FAR of 0.2.	(Lawson's Dillon Beach Resort) Review Master Plan.	Planning Department	Development review to be reimbursed through fees.
Policy CD-10.14 (partial): Subarea H is best for single-and multi-family housing. Maximum density should be 4-6 units per acre.	(Lawson's Dillon Beach Resort) Review Master Plan.	Planning Department	Development review to be reimbursed through fees.
Policy CD-10.14a: Subareas I and J. The 12-acre parcel may be considered for inclusion in a development Master Plan when one is submitted for the Resort and it clearly demonstrates appropriate uses and densities for this constrained parcel.	(Lawson's Dillon Beach Resort) Review Master Plan.	Planning Department	Development review to be reimbursed through fees.

DILLON BEACH COMMUNITY PLAN
SUMMARY OF POLICIES AND IMPLEMENTATION PROGRAMS
(continued)

POLICY AND PROGRAM	ACTION REQUIRED	AGENCY INVOLVEMENT	ESTIMATED COST
Policy CD-10.15: Additional acreage. Should subsequent environmental study determine that larger or additional areas are suitable for development, uses and densities in the additional areas shall be comparable to neighboring subareas.	(Lawson's Dillon Beach Resort) Review Master Plan.	Planning Department	Development review to be reimbursed through fees.
Policy CD-10.16 (partial): Development density. The County shall specify a residential zoning density for the parcels zoned C-RMPC in Lawson's Dillon Beach Resort. The County shall zone the site to the low end of the density range. If subsequent studies demonstrate that additional development can be accommodated, then higher densities within the range may be approved. Approvals at the higher densities will require a zoning amendment.	(Lawson's Dillon Beach Resort) Specify zoning densities. Review Master Plans.	Planning Department Planning Commission Board of Supervisors	Minor Administration Costs; and Development review to be reimbursed through fees. Development review to be reimbursed through fees.
PROGRAM CD-10.16a: The County will rezone AP Nos. 100-141-07, 08, and 10, 100-174-03; 100-183-02 and 03; 100-184-01; 100-185-01; 100-186-01; 100-187-01; 100-188-01; 100-192-01; 100-194-01; 100-205-02; 100-207-02; and 100-220-05 from C-RMPC to C-RMPC-1.2.	Completed.	--	--

DILLON BEACH COMMUNITY PLAN
SUMMARY OF POLICIES AND IMPLEMENTATION PROGRAMS
(continued)

POLICY AND PROGRAM	ACTION REQUIRED	AGENCY INVOLVEMENT	ESTIMATED COST
PROGRAM CD-10.16a (cont.): The County will rezone AP No. 100-191-03, 100-193-01, 02, and 03 from C-RMPC to C-RMPC-0.7. The County will rezone AP No. 100-100-47 from C-APZ-60 to C-RMPC-1.2.			
Policy CD-11.1 (partial): Compatible design. Siting and architectural design, including materials, color, scale, and siting of buildings, signs, parking configurations, and landscaping should harmonize with the existing character of Dillon Beach.	(Lawson's Dillon Beach Resort) Review Master Plans.	Planning Department	Development review to be reimbursed through fees.
Policy CD-12.1 (partial): Pedestrian areas. Should development occur south of Dillon Creek, public gathering areas, pedestrian paths, a pedestrian bridge, and a park along the creek shall be provided.	(Lawson's Dillon Beach Resort) Review Master Plans.	Planning Department	Development review to be reimbursed through fees.
Lawson's Landing			
Policy CD-13.1 (partial): Coastal resort. Lawson's Landing shall be maintained as a coastal resort and commercial recreation area.	Lawson's Landing) Review Master Plans	Planning Department	Development review to be reimbursed through fees.
Policy CD-13.2 (partial): Master Plan. A Master Plan shall be required for any expansion or improvements to Lawson's Landing.	(Lawson's Landing) Review proposed development.	Planning Department	Development review to be reimbursed through fees.

DILLON BEACH COMMUNITY PLAN
SUMMARY OF POLICIES AND IMPLEMENTATION PROGRAMS
(continued)

POLICY AND PROGRAM	ACTION REQUIRED	AGENCY INVOLVEMENT	ESTIMATED COST
Policy CD-13.3: Marine resources. Expansion of or improvements to Lawson's Landing shall not endanger the resources of Tomales Bay, Bodega Bay, or the Gulf of the Farallones NMS.	(Lawson's Landing) Review Master Plans.	Planning Department California Fish & Game. Gulf of the Farallones NMS.	Development review to be reimbursed through fees.
Policy CD-13.4: Appropriate commercial uses. Small-scale, coastal, visitor-serving commercial uses, such as a grocery store or snack bar, and tackle and bait shop, are appropriate uses in the center of existing development at Sand Pt. and near the pier.	(Lawson's Landing) Review Master Plans.	Planning Department	Development review to be reimbursed through fees.
Policy CD-13.5: Sewage treatment. Expansion and improvements to Lawson's Landing shall be subject to confirmation of adequate sewage treatment and disposal by the RWQCB and County Health.	(Lawson's Landing) Review Master Plans.	Planning Department County Health Regional Water Quality Control Board	Development review to be reimbursed through fees.
Policy CD-13.6 (partial): Development review. Master Plans and coastal permits for development at Lawson's Landing shall be evaluated according to 5 specific criteria regarding water, sewage, environmental impacts, traffic and parking, and visual character.	(Lawson's Landing) Review Master Plans and coastal permits.	Planning Department	Development review to be reimbursed through fees.

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SUMMARY OF POLICIES AND IMPLEMENTATION PROGRAMS
(continued)

POLICY AND PROGRAM	ACTION REQUIRED	AGENCY INVOLVEMENT	ESTIMATED COST
Policy CD-13.7: Dune areas. Vehicles shall be restricted to areas immediately adjacent to roadways.	(Lawson's Landing)	--	--
Policy CD-13.8: Views. Roads and trailers should be sited in a way that preserves views of the surrounding landscape from trailers and along roads.	(Lawson's Landing) Review Master Plans.	Planning Department	Development review to be reimbursed through fees.
Policy CD-13.9 (partial): Center of development. New structures in the center of the trailer development at Sand Point may be 1 1/2 stories tall.	(Lawson's Landing) Review Master Plans.	Planning Department	Development review to be reimbursed through fees.
Policy CD-13.10: Tidelands. In conformance with the LCP, tidelands used by the public for digging clams shall remain easily accessible to the public.	(Lawson's Landing) Review Master Plans.	Planning Department	Development review to be reimbursed through fees.
Policy CD-13.11: Public access. In conjunction with Master Plan approval, public access to the shoreline shall be secured in perpetuity. Public parking shall also be maintained in perpetuity.	(Lawson's Landing) Review Master Plans.	Planning Department	Development review to be reimbursed through fees.

DILLON BEACH COMMUNITY PLAN
SUMMARY OF POLICIES AND IMPLEMENTATION PROGRAMS
(continued)

POLICY AND PROGRAM	ACTION REQUIRED	AGENCY INVOLVEMENT	ESTIMATED COST
Policy CD-14.1 (paraphrased): Population estimates. When potentially large projects, including community facilities, are proposed, a baseline study of resident and visitor occupancy patterns should be conducted, based on 12 factors, and conducted in a prescribed manner.	(Communitywide) Review potentially large projects.	Planning Department	Development review to be reimbursed through fees.
Housing			
Policy H-1.1: Multi-family housing. Parcels J, K, and L in Oceana Marin and portions of Lawson's Dillon Beach Resort shall remain zoned for multi-family housing.	(Parcels J, K, L and Lawson's Dillon Beach Resort)	--	--
Policy H-1.2 (partial): Residential second units shall be allowed in all single-family districts. Existing legal non-conforming second units should be registered. Existing non-conforming second units should be legalized and new second units permitted in such a way that ensures that adequate water supply and sewage disposal can be provided, the character of the neighborhood is maintained, scenic vies preserved, traffic and circulation problems mitigated, and demands on public services minimized.	(Communitywide) Review applications for second units.	Planning Department	Development review to be reimbursed through fees.

DILLON BEACH COMMUNITY PLAN
SUMMARY OF POLICIES AND IMPLEMENTATION PROGRAMS
(continued)

POLICY AND PROGRAM	ACTION REQUIRED	AGENCY INVOLVEMENT	ESTIMATED COST
Local Economy			
Policy LE-1.1: Home occupations shall be encouraged in all residential zones in Dillon Beach, in compliance with the Zoning Code.	(Communitywide)	--	--
Policy LE-2.1 (partial): Cottage industries may be permitted in C-R-1 and C-RMP districts, with a use permit subject to 6 standards.	(C-R-1 and C-RMPC) Review applications for cottage industries.	Planning Department	Development review to be reimbursed through fees.
Trails			
Policy TR-1.1 (partial): Pedestrian access. The feasibility of a pedestrian public access easement across the hills north of Oceana Marin to the E. de San Antonio shall be considered for inclusion in the County Trails system. Potential impacts to surrounding agricultural uses must be considered and mitigated.	(North of Oceana Marin) Consider adding easement to County trails system.	Planning Department County Trails Board of Supervisors	To be determined by County Trails.
Traffic and Circulation			
Policy T-1.1: Pullouts on Dillon Beach Road. Pullout zones should be provided wherever possible along Dillon Beach Road.	(Dillon Beach Road) Construct pullout zones.	Department of Public Works Board of Supervisors	Depends on feasibility of improvements; to be determined by Department of Public Works.

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SUMMARY OF POLICIES AND IMPLEMENTATION PROGRAMS
(continued)

POLICY AND PROGRAM	ACTION REQUIRED	AGENCY INVOLVEMENT	ESTIMATED COST
Policy T-1.2: Shoulder areas along Dillon Beach Road. Shoulder areas should be increased wherever possible along Dillon Beach Road.	(Dillon Beach Road) Increase shoulder areas.	Department of Public Works Board of Supervisors	Depends on feasibility of improvements.
PROGRAM T-1.2a: The Board of Supervisors should schedule a study to locate suitable locations for wider shoulders along Dillon Beach Road.	(Dillon Beach Road) Schedule road study.	Department of Public Works Board of Supervisors	To be determined by Department of Public Works.
Policy T-2.1: Stop signs and sight distance restrictions in the Village. The County should undertake traffic and circulation improvements in the Village, as feasible.	(Village) Install stop signs.	Department of Public Works Board of Supervisors	To be determined by Department of Public Works (see below).
PROGRAM 2.1a: Where warranted according to the established procedures of Marin County, stop signs shall be installed at key intersections throughout the Village.	(Village) Determine if stop signs are warranted. If so, install them.	Department of Public Works Board of Supervisors	To be determined by Department of Public Works.

DILLON BEACH COMMUNITY PLAN
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(continued)

POLICY AND PROGRAM	ACTION REQUIRED	AGENCY INVOLVEMENT	ESTIMATED COST
PROGRAM T-2.1b: Future investigation of circulation improvements in the Village area should include a check of potential sight distance restrictions at the following intersections: • Park Avenue/Oceanview Avenue, • Park Avenue/North Avenue, • North Avenue/Cypress Avenue, • North Avenue/Oceana Drive, and • Park Avenue/Dillon Beach Road.	(Village) Check sight distances during future investigations of circulation improvements.	Department of Public Works	To be determined by Department of Public Works.
Policy T-2.2: Visitor signs. Directional signs to guide visitors to points of interest (e.g. beach, store, Lawson's Landing) should be placed in the Village, especially at the Cypress and Beach Avenue intersection.	(Village) Place directional signs in Village.	Department of Public Works	To be determined by Department of Public Works.
Policy T-2.3: Parking enforcement. Overnight parking of motor homes, house trailers, and boat trailers shall be prohibited on the streets in the Village. Warning signs should be posted at a minimum of two entrances to the Village.	(Village) Post warning signs. Enforce restrictions.	Department of Public Works Sheriff's Department	To be determined by Department of Public Works.

DILLON BEACH COMMUNITY PLAN
SUMMARY OF POLICIES AND IMPLEMENTATION PROGRAMS
(continued)

POLICY AND PROGRAM	ACTION REQUIRED	AGENCY INVOLVEMENT	ESTIMATED COST
Policy T-2.4: Parking enforcement. Parking enforcement should be provided during periods of high visitation.	(Village) Enforce parking restrictions.	Sheriff's Department	Moderate increase in current operations.
Policy T-2.5: Additional parking areas. Vacant lots in the Village may be considered for community parking areas. Should a village association or community service district be formed, it should consider the desirability and feasibility of acquiring and maintaining a lot(s) for this purpose. Such parking lots should be small in scale and visually unobtrusive.	--	--	--
Policy T-2.6 (partial): Beach Avenue realignment. Realignment and widening of Beach Avenue would facilitate a separation of day visitor and Village traffic flow through the Village center.	(Beach Avenue) Review Lawson's Dillon Beach Resort Master Plans.	Planning Department Department of Public Works	Development review to be reimbursed through fees.
Policy T-3.1: Pedestrian paths. Existing pedestrian paths in the Village should be identified with signs and improved (i.e., leveled or widened) where necessary and feasible.	(Village) Post signs. Improve paths.	Department of Public Works or County Trails.	To be determined by Department of Public Works and County Trails.

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(continued)

POLICY AND PROGRAM	ACTION REQUIRED	AGENCY INVOLVEMENT	ESTIMATED COST
Policy T-4.1: Beach Avenue sidewalk. A minimum six-foot sidewalk should be provided along the south side of Beach Avenue in conjunction with any commercial development.	(Lawson's Dillon Beach Resort) Review Master Plans.	Planning Department Department of Public Works	Development review to be reimbursed through fees.
Policy T-4.2: One-way traffic. Bay Drive-Marinview Drive could be made a public road for one-way traffic north; Cliff Street could then be designated as a one-way street for south-bound traffic. If Bay Drive-Marinview Drive does not become a public street, Cliff Street could be widened in sections to allow a smoother traffic flow to Lawson's Landing.	(Lawson's Dillon Beach Resort) Review Master Plans.	Planning Department Department of Public Works	Development review to be reimbursed through fees.
Policy T-4.3 (partial): Intersections. Improvement should be considered at angle intersections that carry large traffic volumes, especially when volumes include recreational vehicles.	(Lawson's Dillon Beach Resort) Review Master Plans.	Planning Department Department of Public Works	Development review to be reimbursed through fees.
Policy T-4.4: New roads in Resort. New secondary roads associated with additional development in the Lawson's Dillon Beach Resort area should avoid circulation problems	(Lawson's Dillon Beach Resort) Review Master Plans.	Planning Department Department of Public Works	Development review to be reimbursed through fees.

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SUMMARY OF POLICIES AND IMPLEMENTATION PROGRAMS
(continued)

POLICY AND PROGRAM	ACTION REQUIRED	AGENCY INVOLVEMENT	ESTIMATED COST
Policy T-4.4 (continued): associated with the Village and should separate auto and RV traffic. Safe, convenient pedestrian access to the beach should be a primary consideration.			
Policy T-5.1 (partial): Entry gate. The entry gate to Lawson's Landing should be relocated to the south. Alternatively, a holding area should be provided.	(Lawson's Landing) (Relocate gate.)	(Lawson's Landing)	--
Policy T-5.2: Road Improvements. Extensive road improvements in the Lawson's Landing area should be avoided in consideration of the environmental sensitivity of the area.	(Lawson's Landing) Review Master Plans and applications for road improvements.	Planning Department Department of Public Works	Development review to be reimbursed through fees.
Policy T-5.3: Informal parking. Informal parking in Lawson's Landing should be maintained.	(Lawson's Landing) Review Master Plans.	Planning Department	Development review to be reimbursed through fees.
Policy T-5.4: Roadbeds. Dirt roadbeds of moderate or high use should be stabilized with gravel or asphalt.	(LDBR, LL) Encourage maintenance of existing roads. Review proposals for new roadways.	Planning Department Department of Public Works	Development review to be reimbursed through fees.
Policy T-5.5 (partial): New Road to Lawson's Landing or Lawson's Resort. All development proposals for Lawson's Landing and Lawson's Dillon Beach Resort	(Lawson's Dillon Beach Resort, Lawson's Landing) Review Master Plans.	Planning Department Department of Public Works	Development review to be reimbursed through fees.

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POLICY AND PROGRAM	ACTION REQUIRED	AGENCY INVOLVEMENT	ESTIMATED COST
Policy T-5.5 (continued) shall be carefully reviewed for their potential contribution to traffic levels and patterns, and additional roads shall be considered as mitigation whenever potential adverse impacts are identified.			
Policy T-6.1: New roads into Dillon Beach shall not be a means to invite additional growth outside the community expansion boundary or public recreation areas of Lawson's Landing.	(Communitywide) Review plans for new roads.	Planning Department Department of Public Works	Development review to be reimbursed through fees.
Policy T-7.1: Sign to Dillon Beach. The County shall encourage the Public Works Department or CalTrans to place a directional sign to Dillon Beach at the intersection of Highway 1 and Tomales/Dillon Beach Road.	(Highway 1) Post sign.	Department of Public Works or CalTrans	To be determined by DPW.
Community Facilities			
Policy CF-1.1: Air ambulance services. The County shall continue to maintain contracts and/or mutual aid agreements with air ambulance and air rescue services to provide emergency rescue and medical services to Dillon Beach.	(County Services) Maintain air ambulance services.	Health Department Board of Supervisors	Continuation of current level of service.

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POLICY AND PROGRAM	ACTION REQUIRED	AGENCY INVOLVEMENT	ESTIMATED COST
Policy CF-1.2: Point Reyes Fire Station. Should personnel or equipment changes be made at the Point Reyes Fire Station or Sheriff's West Marin substation, the County shall consider impacts to Dillon Beach residents and visitors.	(County services) Review changes at Pt. Reyes Fire Station and Sheriff's West Marin substation.	Fire Department Sheriff's Department Board of Supervisors	Minor Administration Costs
Policy CF-1.3: Additional emergency medical services. Development in Dillon Beach that would result in substantially more residents or visitors shall be approved only when additional adequate emergency medical services can be provided.	(Planned Districts) Review Master Plans.	Planning Department Fire Department Health Department Sheriff's Department	Development review to be reimbursed through fees.
Policy CD-2.1: Fire flow and service. Should the community desire greater fire protection capabilities, it shall be encouraged to examine the feasibility of forming a community service district to make capital or operational improvements in water supply, storage, and fireflow, and improvements to fire truck access.	(Communitywide)	Fire Department LAFCo	Dependent on community desire and costs of potential improvments.
Policy CF-2.2: Fire protection for proposed development. Proposed Master Plans, building permit applications, and land divisions shall be reviewed by the	(Communitywide) Review applications for effect on fire protection.	Planning Department Building Department Fire Chief	Development review to be reimbursed through fees.

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(continued)

POLICY AND PROGRAM	ACTION REQUIRED	AGENCY INVOLVEMENT	ESTIMATED COST
Policy CD 2.2 (continued): County Fire Chief, or other appropriate fire protection agency, prior to the issuance of a coastal development permit.			
Policy CF-2.3: Tomales Fire Station. Should personnel or equipment changes be made at the Tomales Fire Station, the County shall consider impacts to Dillon Beach residents and visitors.	(County Services) Review changes at Tomales Fire Station.	Fire Department Board of Supervisors	Minor Administration Costs
Policy-2.4: Additional fire services. Development in Dillon Beach that would result in substantially more residents or visitors shall be approved only when adequate additional fire protection services can be provided.	(Planned Districts) Review Master Plans.	Planning Department Fire Department	Minor Administration Costs
Policy CF-3.1: Library services. The County shall continue to provide bookmobile services to Dillon Beach, unless a library is created in Dillon Beach.	(County Services) Maintain library services.	County Library Board of Supervisors	Maintain current level of service.
Policy CF-4.1: Sheriff services. Should personnel or equipment changes be made at the Sheriff's West Marin Substation, the County shall consider impacts to Dillon Beach residents and visitors.	(County Services) Review changes at Sheriff's West Marin substation.	Sheriff's Department Board of Supervisors	Minor Administration Costs

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(continued)

POLICY AND PROGRAM	ACTION REQUIRED	AGENCY INVOLVEMENT	ESTIMATED COST
Policy CF-5.1: Education. The County shall ensure that Dillon Beach students receive quality elementary and second education.	(County Services) Maintain schools.	County Education	Maintain current level of service.
Policy CF-6.1 (partial): Alternative community sewage disposal systems. Alternative community sewage disposal systems, such as a dune disposal system, shall only be permitted where a public entity has formally assumed responsibility.	(Sewage Disposal) Review proposals for community sewage disposal systems.	Planning Department	Development review to be reimbursed through fees.
Policy CF-6.2 (partial): Consolidated community system. The County strongly encourages engineering studies and institutional arrangements that would lead to constructing a consolidated community sewage system serving not only Oceana Marin, but the Village, Lawson's Dillon Beach Resort, and Lawson's Landing considered in light of the Plan's environmental quality policies.	(Sewage Disposal) Encourage community service.	Planning Department Health Department	--
Policy CF-6.3: Sewage disposal in dunes. Siting a system in the dunes shall be subject to review by the California Department of Fish and Game for protection of sensitive plant and animal species. Such system shall not interfere with recreational uses.	(Sewage Disposal in Dunes) Review proposals for sewage disposal system in dunes.	Planning Department California Department of Fish and Game	Development review to be reimbursed through fees.

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SUMMARY OF POLICIES AND IMPLEMENTATION PROGRAMS
(continued)

POLICY AND PROGRAM	ACTION REQUIRED	AGENCY INVOLVEMENT	ESTIMATED COST
Policy CF-6.4: Disposal in dunes. Siting of a dune disposal sewage treatment system shall consider and mitigate potential visual impacts associated with construction of a sewage treatment plant, including use of an underground vault treatment unit.	(Sewage Disposal in Dunes) Review proposals for sewage disposal system in dunes.	Planning Department	Development review to be reimbursed through fees.
Policy CF-6.5: (partial) Oceana Marin. The following should be examined as sewage treatment alternatives for Parcels J, K, and L and/or additional development in Oceana Marin: (a) a treatment plant near the southwest corner of the Oceana Marin subdivision with gravity flow to a disposal leach field constructed between the two rows of dunes; or (b) expansion and lining of the existing hilltop lagoon system and expansion of the subsurface irrigation disposal field.	(Oceana Marin) Review Master Plans, review sewage disposal proposals.	Planning Department Health Department Department of Public Works North Marin Water District	Development review to be reimbursed through fees.
Policy CF-6.6 (partial): Lawson's Dillon Beach Resort. Secondary sewage treatment and a dunes effluent disposal system shall be considered in conjunction with further development at Lawson's Dillon Beach Resort.	(Lawson's Dillon Beach Resort) Review Master Plans.	Planning Department North Marin Water District	Development review to be reimbursed through fees.

DILLON BEACH COMMUNITY PLAN
SUMMARY OF POLICIES AND IMPLEMENTATION PROGRAMS
(continued)

POLICY AND PROGRAM	ACTION REQUIRED	AGENCY INVOLVEMENT	ESTIMATED COST
Policy CF-6.7 (partial): Lawson's Landing. As part of expansion or redevelopment, improvements in sewage disposal facilities shall be required.	(Lawson's Landing) Review Master Plans.	Planning Department Health Department	Development review to be reimbursed through fees.
Policy CF-6.8: Sewage system components. All components of new sewage systems shall be sited and designed in keeping with the environmental quality and environmental hazards, objectives, and policies of this Plan. Pipelines shall be routed to avoid sensitive resources and environmental hazards.	(Sewage System) Review proposals for sewage systems.	Planning Department Department of Public Works Health Department	Development review to be reimbursed through fees.
Policy CF-6.9 (partial): Community in-put. The County shall notify these parties when changes to existing systems, or new systems that would require a County permit are proposed and shall discuss the proposal in a noticed hearing. This policy applies to community-type facilities that serve several residences or commercial businesses, not individual septic systems.	(Sewage Systems) Notify interested parties.	Planning Department	Development review to be reimbursed through fees.
Policy CF-7.1: Recycling and resource recovery. This policy supports the recycling and resource recovery goals and objectives of the County Solid	(County Services) Support recycling and resource recovery. Establish curbside or drop-off-recycling.	Planning Department Board of Supervisors (Shoreline Disposal, Inc.)	Minor Administration Costs.

DILLON BEACH COMMUNITY PLAN
SUMMARY OF POLICIES AND IMPLEMENTATION PROGRAMS
(continued)

POLICY AND PROGRAM	ACTION REQUIRED	AGENCY INVOLVEMENT	ESTIMATED COST
Policy CF-7.1 (continued) Waste Management Plan: 1985-2005. Dillon Beach shall be served by a curbside recycling program or provided with buy-back or drop-off centers.			
PROGRAM CF-7.1a: The County shall work with Shoreline Disposal Inc. to identify one or two sites best suited for locating lockable containers for glass, aluminum, and newspapers. The County shall then assist Shoreline Disposal Inc. as necessary, to advertise, initiate, and implement an effective recycling program for residents and visitors.	(County Services) Identify drop-off sites. Advertise recycling program.	Planning Department (Shoreline Disposal, Inc.)	Minor Administration Costs plus Education Costs.
PROGRAM CF-7.1b: The County and Shoreline Disposal Inc. will consider additional recycling services as they become feasible for Dillon Beach. Such services might include additional sites, additional types of materials and technical assistance regarding waste reduction and reuse.	(County Services) Consider additional recylcing services.	Planning Department Board of Supervisors (Shoreline Disposal, Inc.)	Minor Administration Costs
Policy CF-8.1: Coastal permits. Coastal permits shall be granted only upon a determination that water service is of an adequate quantity and quality to serve the proposed use. Evaluation of service proposals should consider	(Communitywide) Review all coastal permit applications for water use.	Planning Department	Development review to be reimbursed through fees.

DILLON BEACH COMMUNITY PLAN
SUMMARY OF POLICIES AND IMPLEMENTATION PROGRAMS
(continued)

POLICY AND PROGRAM	ACTION REQUIRED	AGENCY INVOLVEMENT	ESTIMATED COST
Policy CF-8.1 (continued) Questa's projections (Appendix E) as guidelines. Lack of services or resources shall be grounds for denial of a project or for a reduction in the density.			
Policy CF-8.2: Water-saving devices. All new development shall incorporate low-flow water fixtures and other water-saving devices.	(Communitywide) Review low-flow water fixtures in all new development.	Planning Department Building Department	Development review to be reimbursed through fees.
Policy CF-8.3: Service districts. In order to improve water supply efficiencies, current water providers, property owners with potential water sources, the County and LAFCo should consider, upon documented interest by the community, the feasibility of, and costs and revenues associated with, establishing a PUD, CSD, or CSD for water services. Alternatively, should community interest be expressed and documented, North Marin Water District (NMWD) should be encouraged to consider expanding its service in Dillon Beach to include water supply.	(Water Supply) Consider costs of new service district; encourage North Marin Water District expansion.	(Community Initiated) Planning Department LAFCo Health Department Department of Public Works North Marin Water District Board of Supervisors	Dependent on community proposal. County assistance may be necessary.

DILLON BEACH COMMUNITY PLAN
SUMMARY OF POLICIES AND IMPLEMENTATION PROGRAMS
(continued)

POLICY AND PROGRAM	ACTION REQUIRED	AGENCY INVOLVEMENT	ESTIMATED COST
Policy CF-8.4: Dune sewage disposal. Prior to approval, the County shall require conclusive evidence that a dune sewage disposal system will not pose a contamination threat to groundwater, surface water, nor the beach on the seaward side of the dunes.	(Sewage Disposal in Dunes) Review proposals for sewage disposal in dunes.	Planning Department Health Department	Development review to be reimbursed through fees.
Policy CF-8.5 (partial): Availability of water. For proposed projects subject to Master Plan and coastal permit approval, the availability of water shall be demonstrated by professional engineering studies.	(Communitywide) Review Master Plans and coastal permit applications.	Planning Department	Development review to be reimbursed through fees.
Policy CF-9.1: Oceana Marin buildout. Expansion of water supply capacity needed to serve the Oceana Marin subdivision shall require a comprehensive water yield study of all existing and proposed sources for the Coast Springs Water Company and the Estero Mutual Water Company. Drawdown tests must be conducted for any proposed new well.	(Oceana Marin) Review Master Plan, proposed water system expansions.	Planning Department Department of Public Works Health Department (Coast Springs) (Estero Mutual)	Development review to be reimbursed through fees.

10. ACKNOWLEDGEMENTS AND REFERENCES

10.1 PREPARATION STAFF

Wallace Roberts & Todd
Barbara Maloney, Project Director
Jay Claiborne, Project Manager
Linda Stonier, Project Planner
Elizabeth Tyler, Environmental Planner
Matt Taecker, Visual Analysis
Sarah Butler, Graphics

Goodrich Traffic Group
Mark Crane, P.E.

Questa Engineering Corporation
Norm Hantzsche, P.E.

Marin County
Mark Riesenfeld, Planning Director
Clarissa Eid, Chief of Development and Community Planning
Sharon Maves, Project Coordinator

10.2 ACKNOWLEDGEMENTS

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County and Special District Officials and Staff: Bob Beaumont (Public Works Department), Rick Borgwardt (Planning Department), Fran Brigmann (Open Space District), Art Brook (Public Works Department), Nancy Brooks (Planning Department), Gary Giacomini (County Supervisor, Fourth District), Sharon Hammer (Library), Pat Kennedy (Shoreline Unified School District), Peter Lake (Office of Emergency Services), Douglas Maloney (County Counsel), Farhad Mansourian (Public Works Department), Walter Monasch (LAFCo), John Nelson (North Marin Water District), Jim Patterson and Floranna Winkelman (Tomales Elementary School), Mike Sadjadi (Public Works Department), Mike Shields (Fire Department), Ed Stewart (Environmental Health Services), and Gloria Sweeney (Assessor's Office).

Community Members: Frances Cleary and George Wessler (Bodega Bay Club, Inc.), Gene Dyer and Karl Wally (Estero Mutual Water Company), Kent Lawson (Lawson's Dillon Beach Resort), Larry Vanoni (Coast Springs Water Company), and Nancy Vogler (Lawson's Landing).

Other Agencies and Individuals: Robert Berner (Marin Agricultural Land Trust), Eleanor Conroy (Tomales Town Hall), Miles Croom and Nancy Stone (Gulf of the Farallones National Marine Sanctuary), and Larry Johnson (Shoreline Disposal, Inc.).

10.3 COMMUNITY WORKSHOP PARTICIPANTS

Steve Aguado
Alyne Anderson
Eric A. Anderson
Rachael Balyeat
Edward Beattie
Catherine Bevanda
V. P. Blanchard
Don Boltano
Maxine Boitano
Rush Bolsingen
Denise Bonini
Larry Brehm
John Brekke
Kathleen Brekke
Cecilia Bridges
Larry Bridges
Bette Buscher
John Byto
James J. Caron
Lucile Chapman
Roger W. Chapman
Arlene Chin
Linda Arguelles Choperena
Winifred Clausen
Donna Clavaud
Frances Cleary
Constance Colvin
Floyd Colvin
Annette Conklin
Rosalene Cooper
Sullivan Cooper
Mrs. Cribben
Anna Cummings
Eric Davis
Gil Deane
Kirk deFord
Jenni Dixon
Michael Dixon
Gerry Dowell
John Duran
Gene Dyer
Nancy Egan
Fred Eichner
Eric S. Elliott
Pam Elliott
Harold Emigh
Martha Emigh
Paula Emigh
Steve Feher
Charlie Lord
Peggy Lord
Gary Galbraith
Bill George
Pam George
Maizie Geschwind
Frieda Gordon
Larry Gordon
Olivia Graham
Dick Grau
Lois Grau
Matt Guthrie
Elizabeth Hanlein
Jon Hanlein
Pamela Hardy
J. Hausle
Rick Hawkens
Dennis Henning
Rick Herbert
Jim Hildreth
Carol Hohmann
Cathy Hohmann
Jack Hohmann
Rob Hohmann
Sharon Brankamp Hohmann
Karen Hohmann-Evans
Rick Hubert
Jack Jacinto
Sue Jacob
Warden E. Johnston
Nicholas Jordon
Steve Jordan
John Jungerman
Nancy Jungerman
Roger Jungerman
Carol Kaney
E. N. Kettenhofen
Michael Kiser
Ron Kiser
Raymond Koegel
Les Kuhns
David Kupfer
Richard La Buhn
A. Lamb
G. Lamb
Suzanne Lang
Lenore Lantz
Laurence H. La Vine
Chris Lawson
Dolores Lawson
Helen Lawson
Jennifer Lawson
Kathryn Lawson
Kent Lawson
Merle Lawson
Mike Lawson
C. Ledger

Vera Lewelling
A. J. Long
Charlie Lord
Peggy Lord
Esther Madsen
George Madsen
Dr. Gerald MacDonald
Mrs. Gerald MacDonald
Madelyn MacDonald
Scott Malcolm
Joyce Ann Marks
Linda J. Martin
Joan Rominger Martinez
Stephanie McAllister
James McAtee
Marilyn McCapes
Jean McCarter
Ann McCorry
Dr. G. McDonald
Mrs. G. McDonald
Edward J. McEwen, III
John Nelson
Jean Miltonberger
Irene Mitchell
Don Moon
Carolyn Moon
J. W. Moore
William Neuman
Jean Nuckols
Linda Otterson
Richard Paille
Lois Parks
Robert Peckham
Barbara Pedersen
Ken Pedersen
David M. Penny
Mary Pepper
Rick Pepper
Arnold Petty
Carole Petty
Clyde Phillips
Ed Pozzi
Sarah Rahms
David Reid
Helen Reid
Mr. Rhodes
Elsie Roberts
John Rikett
John Roberto
Kenneth Roe
Charles A. Rominger
Donald A. Rominger
Joe Rominger
Lucille Rominger
Richard E. Rominger

Jaak Saame
Janice Saame
Doug Sanders
Terese Sarien
Lynn Schnitz
Jean Scott
Helen M. Sells
Tom Serrano
Suzette Seviero
Jack Sidener
Christy Simon
Jeanne M. Smithfield
Frieda Snyder
Jennifer Snyder
Larry Snyder
Mrs. Fabian Soukup
Claire Rominger Stark
Pat Stebbins
Mel Stitt
Rose Stitt
Roger Strawbridge
Wendy Strawbridge
Ed Sturgeon
Gail Sturgeon
Randy Thomas
Janet Meyer Thompson
Jim Thompson
Pat Tipping
Dr. Jeffrey Torchia
Doris Towers
Wilbur Towers
Larry Vanoni
Bill Vogler
Nancy Vogler
Betty Wallace
Jack Wallace
Judith A. Waller
Josef Wally
Bill Walton
Janet Walton
Sharon Waugh
Ann Weise
Donald Weise
Stan Wells
George H. Wessler
Peggy Wessler
Ken White
Russell Wight
Dora Williams
Douglas Wolcott
Janice Wright
Russ Wright
Hale Zimmerman
Janet Zimmerman

10.4 REFERENCES

Blake, M.C., Jr., Judith Terry Smith, Carl M. Wentworth, and Robert H. Wright, 1971. Preliminary Geologic Map of Western Sonoma County and Northernmost Marin County, California. U.S. Geological Survey. San Francisco Bay Region Environment and Resources Planning Study.

Blake, M.C., Jr., J.A. Bartow, V.A. Frizzell, Jr., J. Schlocker, D. Sorg, D.M. Wentworth and R.H. Wright, 1974. Preliminary Geologic Map of Marin and San Francisco Counties and Parts of Alameda, Contra Costa and Sonoma Counties, California. U.S. Geological Survey.

Bracewell Engineering, Inc., 1985. Report on Expansion of Oceana Marin Wastewater Treatment and Disposal Facilities. Prepared for North Marin Water District.

California Division of Mines and Geology, 1974. State of California Special Studies Zones, Tomales Quadrangle. Official Map.

Cooper Clark & Associates, 1978. Cumulative Impact Study of Septic Tank Disposal Systems in the Inverness Area of Marin County.

Data Services, 1985. Phase I Investigation, Oceana Marin Dunes Disposal Study, Dillon Beach, California. Prepared for North Marin Water District.

Del Davis, 1976. Lawson's Landing Property Environmental Impact Report.

Field Engineering Associates, Inc., 1983. Supplemental Geotechnical Investigation, Oceana Marina [sic.] Condos, Dillon Beach, California. Prepared for California Housing Corporation.

Galloway, Alan J., 1977. Geology of Point Reyes Peninsula, Marin County, California. California Division of Mines and Geology. Bulletin 202.

JDR Utility Consulting, Inc., 1986. Coast Springs Water Company, Inc., Adequacy of Water Supply Analysis.

Kenneth M. Allen, Engineers, 1984. Report on the Evaluation of Water Supply Facilities for the Estero Mutual Water Company Service Area at Oceana Marin Subdivision. Prepared for California Housing Corporation.

Kleinfelder & Associates, 1971. Geotechnical Investigation for Oceana Marin.

Larry Seeman Associates, Inc., 1982. Environmental Assessment, California Housing Corporation, Oceana Marin. Prepared for the County of Marin.

Larry Seeman Associates, Inc., 1983. LCP Water Well Study, Marin County. Prepared for the County of Marin.

LSA Associates, Inc., 1988. Draft Environmental Impact Report, Sea Haven Master Plan. Prepared for the County of Marin.

Marin County Comprehensive Planning Department, 1980. Marin County Local Coastal Program, Unit 2. As amended.

Mason, Jack, 1976. Earthquake Bay: A History of Tomales Bay, California. Inverness, California: North Shore Books.

North Marin Water District, n.d. Draft EIR for Oceana Marin Sewerage Project.

North Marin Water District, 1983. Phase II Report for Shoreline Unified School District: Toward Energy Self-Sufficiency.

North Marin Water District, 1988. Letter from John O. Nelson, District General Manager, to Mark Riesenfeld, County Planning Director. September 7, 1988.

Rice, Salem J. and Rudolph G. Strand, 1971. Geology and Slope Stability in Marin County, A Pilot Study of Three Areas. California Division of Mines and Geology.

Rice, Salem J. and Rudolph G. Strand, 1972. Geologic and Slope Stability Maps of the Tennessee Valley, Lucas Valley, and North Coastal Areas, Marin County, California. California Division of Mines and Geology. Open File Release 72-22.

Ritter, J.R., and W.R. Dupre, 1972. Map Showing Areas of Potential Inundation of Tsunamis in the San Francisco Bay Region, California. U.S. Geological Survey. San Francisco Bay Region Environment and Resources Planning study. Miscellaneous Field Studies Map MF-480.

Sedway/Cookway, 1982. The Marin Countywide Plan: Countwyide Plan Update Program. Prepared for the Marin County Planning Department.

Soil Conservation Service, 1985. Soil Survey of Marin County California. U.S. Department of Agriculture.

Wagner, David L., 1977. Geology for Planning in Western Marin County, California. California Division of Mines and Geology.

WESCO, 1987. Environmental Assessment for Lawson Property, Dillon Beach, California. Prepared for the Marin County Planning Department.

APPENDIX A

SUMMARY OF APPLICABLE PLANS AND POLICIES

I. Marin Countywide Plan

Dillon Beach is located in the Coastal Recreation Corridor planning area. The Countywide Plan identifies the following major issues for this area:

- o Preventing rapid or disruptive growth;
- o Improving housing quality without substantially increasing costs to present low and moderate income residents;
- o Providing for properly designed and located tourist facilities, related to major recreational attractions;
- o Supporting continued agriculture.

A. Transportation

All roads in West Marin shall be maintained as two-lane routes with improvements limited to projects for safety purposes only.

B. Village Development

Boundaries must be set and clarified for each village. Three kinds of boundaries affect villages:

- o Boundaries of existing developed areas.
- o Boundaries within which villages should be allowed to expand in the future (expansion area boundaries). Criteria used to establish the present expansion area boundary for Dillon Beach were agricultural zoning, utility service areas, natural barriers, needed land, subdivisions, flood plains and seismic considerations. Only rural or low density development should be permitted outside this boundary, except for areas to be designated for tourism.
- o Boundaries of a village's "area of interest," i.e. outside the expansion area but close enough that any development or use there has significant impacts on the village. (To be established by Community Plan).

Large-scale development that would rapidly or drastically change the character of the village or require expensive new urban services should be discouraged, but social and economic diversity should be encouraged. The expansion of public utilities should be coordinated with Plan policies.

Diversity in lot size and architecture should be encouraged.

Historic structures should be preserved, and the long-established character of village centers should be enhanced. The overall physical character of present villages should be protected from damage or rapid change.

No large tourist facilities should be allowed in the villages, but some small tourist-oriented businesses may be permitted. Within villages and expansion areas, small-scale needs to serve visitors to major public recreation areas and tourist developments such as campgrounds, hotels, shops and restaurants may be permitted by local plans.

Tourist facilities should be of such design, location and scale that they do not adversely affect the natural setting and features which attract visitors in the first place; trailer parks should be carefully designed and well-landscaped.

C. Housing

Relate new development to existing community character, to community centers and transportation.

Encourage developments that fit into and enhance the natural environment, rather than destroying or disrupting it.

Maintain the ratio of low- and moderate-income housing supply, in a dispersed rather than concentrated pattern and in conjunction with regional housing policies. This will be done by voluntary measures to limit prices and rents in existing housing and by including low-and moderate-income units in new developments.

Offer incentives to private development, such as higher densities in appropriate locations and modification of site improvement standards, where suitable, in order to achieve social and economic diversity in housing.

D. Hazards

Construction shall be located and designed to avoid or minimize the hazards from earthquake, erosion, landslides, floods and fire.

The development of structures for human habitation, including residential, commercial and industrial uses shall incorporate engineering measures to mitigate against risk to life safety in the areas identified (mapped) as subject to ground shaking.

Known landslides and landslide-prone deposits on steep slopes should not be used for development except where engineering, geologic site investigations indicate such sites are stable or can be made stable providing appropriate mitigating measures are taken.

New subdivisions and land divisions in areas identified as having extreme fire hazards should only be allowed where it is determined that adequate on- or off-site fire suppression water supply is or can be made available.

E. Energy

Energy efficiency and renewable energy use should be incorporated as criteria for design review, growth management, grant approval review and other local programs that affect energy use.

The energy efficiency of new structures should be increased.

Solar energy and other renewable energy sources should be used in all structures to the extent feasible.

Specific residential sector policies include:

- o Local regulations should eliminate barriers to conservation and solar energy use;
- o Require that new construction meet a reasonable performance standard in annual energy use.

II. Marin County Local Coastal Program Unit 2

The Local Coastal Program Unit 2 (LCP) addresses the following relevant Coastal Act policy areas and important issues in Marin's coastal zone: public access; recreation and visitor-serving facilities; resource protection; uses of Tomales Bay; and public services and new development.

A. Public Access

Along the shoreline, it is anticipated that a grant of easement will be the method most commonly used to acquire new accessways.

The informal dispersed use of the shoreline by the public which presently exists should not, in most places, be changed by increased development.

The public has access rights on public trust lands (tideland and submerged lands).

Only pedestrian use of accessways on Tomales Bay should be allowed. Where fragile areas might be damaged by access, controls on the timing of use or fencing may be needed.

North of Walker Creek, the shoreline is suitable only for lateral access along the shoreline to allow public passage on public trust lands. Near the Esteros, bluff top and lateral access are proposed to permit public access along the shoreline and to the Esteros.

The LCP policies on new accessways closely reflect existing informal public use areas and are intended to formalize these areas through public easements.

One of the factors to be considered in determining the appropriateness of access is the public's need for it. Adequacy of access is to be determined by :

- o demand as evidenced by historic use (prescriptive rights),
- o desirability of the shoreline for public access,
- o relation of a particular sight to nearby access and recreational areas, and
- o the need to protect residential privacy.

Public access may not be required upon specific finding by the County that:

- o It is inconsistent with public safety or the protection of fragile coastal resources, or
- o Agriculture would be adversely affected, or

- o Public use of an accessway would seriously interfere with the privacy of existing homes.

1. Existing Accessways:

   The LCP recognizes existing public accessways in Unit 2, both public and private. This includes one mile of shoreline frontage at Lawson's Landing and at Dillon Beach. (Access to both is through the town of Dillon Beach and then by private road. A small day use and parking fee is charged for both facilities.)

2. New Accessways:

   Lateral access shall be required on all undeveloped parcels on the shoreline between Dillon Beach, AP #100-100-46, and the Walker Creek delta, AP #104-040-03.

   Lateral and/or bluff to access easements shall be required on all parcels north of AP #100-100-46 at Dillon Beach.

   Vertical access shall be provided on AP #100-100-30, adjacent to the Oceana Marin subdivision.

   Public pedestrian access to the Estero de San Antonio shall be maintained on the existing dirt road through AP #100-100-57 and 100-040-33.

B. Recreation and Visitor-Serving Facilities

In the Coastal Act, land uses in the coastal zone which enhance public recreational opportunities are given priority over other development, except agriculture and coastal-dependent industry. The Act also encourages the provision of lower-cost visitor and recreational facilities.

1. LCP General Policy

   Marin County supports and encourages the enhancement of public recreational opportunities and the development of visitor-serving facilities in its coastal zone. Such development must, however, be undertaken in a manner which preserves the unique qualities of Marin's coast and which is consistent with the protection of natural resources and agriculture. Generally, recreational uses shall be low-intensity, such as hiking, camping, and fishing, in keeping with the character of existing uses in the coastal zone. New visitor-serving commercial development shall be compatible in style, scale, and character with that of the community in which it is located and shall be sited and designed to minimize impacts on the environment and on other uses in the area. A diversity of recreational opportunities and facilities is encouraged, especially those of moderate cost. Facilities for water-oriented recreational uses, such as clamming and boating, are preferred to those which do not require a coastal permit.

   In the Dillon Beach area, the LCP allows mixed commercial and residential uses adjacent to the old town. Commercial zoning in the Dillon Beach Area is limited to 9.5 acres of Resort and Commercial Recreation (RCR) in the center and on the west side of the village.

The Coastal Pilot Program recommends a small 22-unit motel or cabins at Lawson's Dillon Beach Resort (the village area zoned RCR) and expansion of campsites, RV spaces and trailers at Lawson's Landing. The Interpretive Guidelines of the Regional Coastal Commission recommend moderate expansion of visitor-serving facilities at Lawson's Landing. The Guidelines give priority to development proposals that would maintain Lawson's Landing as a moderately priced resort and as a fishing, swimming and clamming area.

2. Private recreational and visitor-serving development policies

In order to preserve the integrity and special qualities of coastal villages, visitor-serving and commercial development shall be compatible in architectural style, scale, and function with the character of the community in which it is located. Such development shall also be evaluated for its conformance with LCP policies on natural resources and agriculture, visual quality, public access and public services, among others.

3. Lawson's Dillon Beach Resort

Lawson's Dillon Beach Resort and lands south, up to and including the Pacific Marine Station, would be an appropriate site for new development of a modest scale, including a small 20 to 30-unit motel, a restaurant and day use facilities.

Additionally the vacant buildings of a Pacific Marine Station offer opportunities for community services, a conference center, or youth hostel. Limited residential development would also be appropriate in this area, provided that it is developed as a secondary use in conjunction with visitor-serving uses.

All development shall demonstrate adequate water supply and sewage disposal and shall be sited out of sand dunes and other environmentally sensitive areas. Building heights shall be limited to that which is compatible with the scale and character of the area.

Existing RCR zoning in this area shall be retained and AP #100-100-46, the beach front recreation parcel, shall be rezoned to RCR to reflect historic and present land use.

A-2 zoning on the single parcel to the south up to the Pacific Marine Station, shall be changed to permit mixed commercial and residential uses. Zoning on the Marine Station property, also A-2, shall be similarly changed.

A vacant 12-acre dune parcel (AP #100-100-47) contiguous and east of the community expansion boundary is recommended for APZ-60 zoning. This parcel may be considered for rezoning to Residential Commercial Multiple/Planned (RMPC) at such future time as a master plan is submitted, including the adjacent RMPC Lawson's Dillon Beach Resort property, which master plan clearly demonstrates appropriate uses and densities for this constrained parcel.

4. Lawson's Landing

Lawson's Landing is an appropriate site for limited expansion of boating facilities and overnight accommodations. Any such expansion shall be based on thorough planning studies which identify the environmental resources and constraints of the site, including wildlife, vegetation, and archaeological

resources, geologic and wave hazards, and public service constraints. Measures to protect the site's resource, particularly sand dunes and dune tansy vegetation, shall be included in any development plan. Any such plan shall also include improvements in sewage disposal facilities, in accordance with the recommendations of the Regional Water Quality Control Board.

Existing A-60 zoning on AP #100-100-48 shall be changed to RCR in the Sand Point Area and to a resource protection and/or agricultural zone on the remainder of the parcel.

AP #100-100-49, the beach front recreational parcel, as well as all parcels presently zoned A-2 which constitute the campground sites, shall be rezoned to RCR to reflect historic and present land use.

C. Natural Resources

1. Streams and riparian habitats

LCP policies apply to all streams in the coastal zone, perennial of intermittent, which are mapped by the United States Geological Survey on the 7.5 minute quadrangle series.

a. Stream alterations

Stream impoundments, diversions, channelizations, or other substantial alterations shall be limited to:

- o necessary water supply projects, including those for domestic or agricultural purposes;
- o flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development; or
- o development where the primary function is the improvement of fish and wildlife habitat.

Before any such activities are permitted, minimum flows necessary to maintain fish habitat and water quality, and to protect downstream resources (e.g. riparian vegetation, groundwater recharge areas, receiving waters, spawning habitats, etc.) and downstream users shall be determined by the Department of Fish and Game and the Division of Water Rights of the State Water Resources Control Board. New impoundments which, individually or cumulatively, would decrease streamflows below the minimum shall not be permitted.

b. Conditions

The alteration of streams shall be held at a minimum to protect streamwater quality and the volume and rate of streamflow. All such developments shall incorporate the best mitigation measures feasible, including erosion and runoff control measures, and revegetation of disturbed areas with native species. Disturbance of riparian vegetation shall be held to a minimum.

c. Stream buffers

Buffers to protect streams from the impacts of adjacent uses shall be established. The buffer shall include the area covered by riparian vegetation on both sides of the stream and the area 50 feet landward from the edge of the riparian vegetation. In no case shall the stream buffer be less than 100 feet in width, on either side of the stream, as measured from the top of the stream banks.

d. Development in stream buffers

No construction, alteration of land forms or vegetation removal shall be permitted within such riparian protection area. Additionally, such project applications shall identify a stream buffer area which shall extend a minimum of 50 feet from the outer edge of the riparian vegetation, but in no case less than 100 feet from the banks of a stream. Development shall not be located in this buffer area. When a parcel is located entirely within a stream buffer area, design review shall be required to identify and implement the mitigation measures necessary to protect water quality, riparian vegetation and the rate and volume of stream flows. The design process shall also address the impacts of erosion and runoff, and provide for restoration of disturbed areas by replacement landscaping with plant species naturally found on the site. Where a finding is made that development outside a riparian protection or stream buffer area would be more environmentally damaging to the riparian habitat than development within the riparian protection or stream buffer area, development of principle permitted uses may occur within such area subject to design review and appropriate mitigation measures.

2. Wetlands (applicable to "seasonal estuaries" of the Esteros)

a. Diking filling and dredging of wetlands shall be permitted only in conformance with the policies contained in the LCP. Filling of wetlands for the purposes of single-family residential development shall not be permitted.

b. Allowable resource-dependent activities in wetlands shall include fishing, recreational clamming, hiking, hunting, nature study, bird-watching and boating.

c. No grazing or other agricultural uses shall be permitted in wetlands except in those reclaimed areas presently used for such activities.

d. A minimum buffer strip of 100 feet shall be established along the periphery of all wetlands. The buffer may be wider based on findings of supplemental biological information prepared by a qualified ecologist.

3. Coastal Dunes

No development shall be permitted in coastal dunes in order to preserve dune formations, vegetation, and wildlife habitats. If additional development is proposed at Lawson's Landing, it shall be sited out of the dunes and designed to minimize impacts on adjacent dune vegetation and habitat. Overuse in the dune area shall be prevented by such mechanisms as restricting parking, directing

pedestrian traffic to areas capable of sustaining increased use, and fencing. No motor vehicles shall be permitted in beach or dune areas except for emergency purposes.

4. Other environmentally sensitive habitats

Development in habitats of rare or endangered species and unique plant communities may only be permitted when it depends upon the resources of the habitat area. Development adjacent to such areas shall be set back a sufficient distance to minimize impacts on the habitat area. Public access to sensitive habitat areas, including the timing, intensity, and location of such access, shall be controlled to minimize disturbance to wildlife. Fences roads, and structures which significantly inhibit wildlife movement, especially access to water, shall be avoided.

D. Agriculture

Although the LCP recognizes that 60-acre units are generally too small to independently support existing agricultural uses in the coastal zone, 60-acre densities have been retained in the plan.

E. Urban/Rural Boundaries

North and south of the existing developed area of Dillon Beach (i.e. Oceana Marin and old Dillon Beach) large areas of undeveloped land are presently zoned A-2. To the north, over 400 acres of agricultural land fall under this zoning, with a full buildout potential of more than 200 units. To the south of old Dillon Beach, approximately 1000 acres of grassy undeveloped land is also zoned A-2. Full buildout of this area under A-2 zoning would add some 30 to 50 residential units to an area which is heavily used for public recreation. Because such development would be contrary to Coastal Act policies regarding agricultural preservation, water quality, scenic resources, erosion of coastal bluffs, geologic stability and the uncertainty of public water, sewer and road services, the Dillon Beach community expansion boundary should be drawn at or close to the line of existing development. A determination of the exact location of this boundary will be based on land use and public service studies for the community.

Additionally, to the east of the community lie several undeveloped parcels ranging in size from 3 to 35 acres. All are zoned A-2 but are subject to Williamson Act contracts. These parcels should be more closely studied for possible exclusion from the expansion area.

The intent of the Agricultural Production Zone (APZ) is to preserve lands within the zone for agricultural use. The APZ shall apply to privately owned agriculturally zoned land outside identified community expansion boundaries and shall have a maximum density of 1 unit per 60 acres. The principle use of lands in the APZ shall be agricultural. Development shall be accessory, incidental, or in support of agricultural land uses, and shall conform to policies and standards specified in the LCP.

F. Commercial Fishing and Recreational Boating

The LCP recommends that most new development of boating facilities of any scale be located within or adjacent to existing boat service areas. Only very limited new

facilities, such as launching ramps, are recommended in undeveloped areas. (Dillon Beach is not included in the LCP-recommended appropriate sites for new development related to fishing and boating.)

G. Public Trust Lands

The Coastal Commission retains original permit jurisdiction over public trust lands. Proposals for new development which extends into public trust lands will be evaluated based on criteria of the State Lands Commission.

Existing structures on public trust lands along the shoreline of Tomales Bay may continue and shall be permitted to be rebuilt if damaged or destroyed by natural disaster in conformance with applicable codes and policies.

The construction of new single-family dwellings on public trust land is not considered an appropriate use of such lands by the County.

H. Shoreline Structures

1. General Policy

Due to their visual impacts, obstruction of public access, interference with natural shoreline processes and water circulation, and effects on marine habitats and water quality, the County discourages the proliferation of shoreline structures in the Unit II coastal zone. When piers are allowed, multiple public and private, commercial and recreational uses shall be accommodated, if feasible, to maximize the use of these structures and minimize the need for further construction.

2. Shoreline protective works

The construction or reconstruction of revetments, breakwaters, groins seawalls or other artificial structures for coastal erosion control shall be allowed only if the following criteria are met:

a. The structure is required to serve a coastal-dependent use, a coastal-related use in a developed area, or to protect existing development or public beaches.

b. No other non-structural alternative is practical or preferable.

c. The condition causing the problem is site specific and not attributable to a general erosion trend, or the project reduces the need for a number of individual projects and solves a regional erosion problem.

d. It can be shown that a structure(s) will successfully mitigate the effects of shoreline erosion and will not adversely affect adjacent or other section of the shoreline.

e. The structure will not be located in wetlands or other significant resource or habitat area, and will not cause significant adverse impacts to fish or wildlife.

f. There will be no reduction in public access, use, and enjoyment of the natural shoreline environment, and construction of a structure will preserve or provide access to related public recreational lands or facilities.

g. The structure will not restrict navigation, mariculture, or other coastal use and will not create a hazard in the area in which it is built.

3. Piers and similar recreational or commercial structures

These shall be limited to sites located within existing developed areas or parks. New piers shall be permitted only if the following criteria are met"

a. The structure will be used to serve a coastal-dependent use or will preserve or provide access to related public recreational lands or facilities.

b. The structure will not be located in wetlands, or other significant resource or habitat area and will not, individually or cumulative, cause significant adverse impacts on fish or wildlife.

c. The structure will not interfere with public access, use, and enjoyment of the natural shoreline environment.

d. The structure will not restrict navigation, mariculture, or other coastal use and will not create a hazard in the area in which it is built.

e. There is no pier with public access within 1/2 mile, or use of a nearby pier would not be feasible due to its size, location, or configuration.

The reconstruction of existing piers shall be permitted provided that the pier is of the same size and in the same location as the original pier. Enlargements or changes in design or location shall be evaluated based on criteria (a) through (e) above.

4. Public access requirement

Public access to new piers or similar recreational or commercial structures shall be required unless it can be demonstrated that such access would interfere with commercial fishing or similar operations on the pier or be hazardous to public safety. A public access easement from the first public road across the applicant's property to the pier shall be required a condition of coastal permit approval.

5. Design standards for all shoreline structures

The design and construction of any shoreline structure shall:

a. Make it as visually unobtrusive as possible,
b. Respect natural landforms to the greatest degree possible,
c. Include mitigation measure to offset any impacts on fish and wildlife resources caused by the project,
d. Minimize the impairment and movement of sand supply and the circulation of coastal waters, and
e. Address the geologic hazards presented by construction in or near Alquist-Priolo earthquake hazard zones.

I. Diking, Filling and Dredging

The diking, filling and dredging of open coastal waters, wetlands and estuaries shall be limited to purposes which include boat launching ramps.

In the Esteros Americano and de San Antonio, any alterations shall be limited to those for the purposes of nature study, restoration, or very minor incidental public facilities.

J. Public Services and New Development

1. General Policy

Prior to the issuance of a coastal development permit, the County shall make the finding that adequate public resources (i.e. water supply, sewage disposal, and road access and capacity) are available to serve the proposed development. Lack of available services or resources shall be grounds for denial of the project or for a reduction in the density otherwise indicated in the land use plan.

2. Water Supply

New development, including land divisions, outside the service area of a community or mutual water system may utilize individual wells or other private on-site water sources.

The Village and Units I, part of III and IV in Oceana Marin are served by Coast Springs Water Company. Sources of supply as well as treatment, storage, and distribution facilities are adequate to serve buildout in the Coast Springs service area, including anticipated visitor-serving and commercial uses.

Estero Mutual Water Company serves Units V and part of III in Oceana Marin. Adequate water is not presently available to serve intensive multiple-units development in Oceana Marin, as allowed under County zoning. Development on multiple units parcels must demonstrate that water is available before densities greater than 1 unit per parcel are permitted.

(These policies may need revision depending on the effects of a new Estero Mutual well on Coast Springs water supply.)

All proposed building permits and land divisions shall be reviewed by the County Fire Chief or other appropriate fire protection agency prior to the issuance of a coastal development permit so that additional requirements for fire protection, including water storage facilities, sprinkler system, or fire hydrants, may be added as necessary.

3. Sewage Disposal:

Oceana Marin is served by a community sewer system operated by North Marin Water District (NMWD). Service area capacity is limited to a maximum 125 units (until, according to the LCP, additional spray irrigation disposal facilities are constructed). Reservation of capacity for visitor-serving and other priority uses under the Coastal Act is not necessary since potential development in the service area is exclusively residential.

In the Lawson's Landing area, existing sewage disposal facilities should be brought up to code and/or a community system should be constructed. As part of any expansion or redevelopment plan for the area, improvements in sewage disposal facilities shall be required, in accordance with the recommendations of the Regional Water Quality Control Board. The possibility of constructing a consolidated community system serving not only Lawson's Landing, but Oceana Marin and The Village as well, should be further explored.

K. New Development/Land Use

To address low and moderate income housing needs in the coastal zone, the LCP retinas zoning for small 6,000 to 20,000 square feet lots in Dillon Beach (as well as Tomales, Point Reyes Station, and Olema.) To protect existing lower income units, the LCP strictly limits the conditions under which such units can be demolished. (Policy language same as in Unit 1 with minor changes to permit demolition of hazardous structures even when no replacement housing is built.)

1. Archaeology

In areas of known or suspected archaeological significance, field surveys are required prior to development in order to determine the extent of archaeological resources. Where development would adversely affect such resources, mitigation measures or special construction techniques may be required.

2. Visual Resources

The primary concern of the Coastal Act is to protect views to scenic resources from public roads, beaches, trails and vista points.

Both the shoreline of Tomales Bay and agricultural lands in LCP Unit 2 are rezoned in the LCP from standard to planned districts in order to bring them under master plan and design review standards and to allow design flexibility in these sensitive areas.

3. Hazards

The major geologic hazard in the LCP Unit 2 coastal zone is a potential earthquake along the San Andreas fault, which runs northwest to southeast through the center of Tomales Bay, north to within 1/2 mile of Dillon Beach and south through the Olema Valley.

Bluff erosion is a significant hazard in the area north of Dllon Beach to the Estero de San Antonio, including the Oceana Marin subdivision. This area has been identified by the State Department of Navigation and Ocean development as one where existing homes are endangered by bluff erosion and future development would be seriously threatened. Erosion hazards in Oceana Marin have also been recognized by the Regional Coastal Commission in its development standards for the subdivision.

Based on Coastal Act policies, bluff and cliff developments must be sited and designed to ensure stability and structural integrity for their expected economic lifespans while minimizing the alteration of natural landforms. LCP policies on hazards for Unlt II support County Building Department case-by-case review of

drainage, grading and site plans, and establishes general standards for development on bluffs and in other hazardous areas.

The LCP also rezones the undeveloped land between the Oceana Marin subdivision and Estero de San Antonio from A-2 to APZ-60, in recognition of its development constraints due to eroding coastal bluffs in the area (as well as visual impacts, water quality impacts on the Estero and agricultural character.)

4. Location and Density of New Development:

The location and density of new development is a major policy concern of the Coastal Act, which provides in part that new development shall be located within, contiguous with, or in close proximity to existing developed areas or n areas with adequate public services and where it will not have significant adverse affects on coastal resources.

The land use recommendations in the LCP are largely based on the County's existing plans.

The major issues with new development in the Dillon Beach area include the location of the expansion boundary and the appropriate density of development Oceana Marin. The LCP draws the community expansion area for the Village/Oceana Marin at the existing boundary of the Oceana Marin subdivision to the north and east and at the southerly end of the Pacific Marine Station to the south.

The Dillon Beach area, including the Oceana Marin subdivision, has approximately 240 existing units, with the potential for an increase of 280 percent to 674. This includes the development of 245 multiple-family units in Oceana Marin, in addition to the 262 subdivided single-family lots which already exist there. Public services in the community, including water supply and sewer service, are limited to serve only a portion of potential build-out.

Reductions have been made in the density of multiple unit sites in order to reflect public service and geologic constraints. The LCP proposes maximum densities of four units per acre for multiple-family sites (instead of 10 units per acre). The planned district designation (RMP-residential-multiple-planned) has been retained for these sites so that a master plan is required for their development, along with design review, and so that clustered, attached units may be built.

The height, scale and design of new structures shall be compatible with the character of the surrounding natural or built environment. Structures shall be designed to follow the natural contours of the landscape and sited so as not to obstruct views as seen from public viewing places. Areas of a site which are not suited to development because of known soil, geologic, flood, erosion or other hazards shall be kept in open space. The extent of impervious surfaces shall be minimized to the greatest degree possible.

APPENDIX B

ROADWAY CHARACTERISTICS

At the entrance to Dillon Beach, Oceana Drive intersects Dillon Beach Road (at a stop-sign controlled "Tee" intersection) and extends northerly into the Oceana Marin development. Oceana Drive is a well-paved, two-lane roadway with an approximate 40 foot curb-to-curb width. On-street parking is allowed. Oceana Drive has numerous curves and moderate to steep gradients, the steepest gradient located between Kailua Way and Oceanview Boulevard. The roadway is posted as a private road within the Oceana Marin development. Oceana Drive ends at a cul-de-sac about one mile north of Dillon Beach Road (see Figure 2).

Numerous cul-de-sac streets intersect Oceana Drive within the Oceana Marin Development (Waikiki Way, Kona Way, Maui Way, Oceanview Boulevard, Kameha Way, Kallua Way and Tahiti Way-Lanai Way). All of these streets are about 24 to 36 feet wide with the exception of Kailua Way, which is about 30 feet wide, and Tahiti Way-Lanai Way, which is about 40 feet wide (near Oceana Drive). All streets have generally generally straight alignments with the exception of Kailua Way. Grades are moderate to flat in most locations. On-street parking is allowed along each street, which can preclude two-way traffic flow if vehicles are parked on both sides of the street. Stop-sign control is not provided any intersection within the Oceana Marin development.

Dillon Beach Road extends westerly of the Oceana Drive intersection into the Village (see Figure 2). It changes names to Beach Avenue (for three blocks) and then changes names again to Cliff Street as it makes a 100 degree turn to the south. Beach Avenue has a varying 20 to 24 foot paved width and on-street parking is prohibited. Several narrow roadways intersect Dillon Beach Road-Beach Avenue within the older part of the community: Oceanview Avenue, Park Avenue and Cypress Avenue. In addition, two of the roadways providing local circulation access are Summer Street and North Avenue. Each roadway is about 15 to 20 feet wide and on-street parking is allowed. Even with no on-street parking, vehicles traveling in opposite directions must slow to 10 mph or less when passing.

Small single-family residential units line each street, each frontage with a varying amount of space available for off-street parking. Stop-sign controls are not provided at any intersection in the older part of town with the exception of the North Avenue approaches to Oceanview Avenue. North Avenue also offers the only other connection than Dillon Beach Road between Oceana Drive and the older area of the community.

Cliff Street extends southerly from Dillon Beach to the Lawson's Landing private RV resort. Within Lawson Landing it changes names to Bay Drive. Cliff Street is an narrow, well-paved, two-lane roadway with moderate to flat grades. It also has two sharp curves near the Lawson Landing entrance. Bay Drive is a narrow, pooriy paved roadway with a general flat alignment. One sharp S-curve is located near the center of the private development. Open grass and hard packed dirt fields line both sides of Bay Drive, allowing RV access to numerous camping areas.

APPENDIX C

DILLON BEACH - NEW DEVELOPMENT TRIPS INCREMENT ASSUMING EXISTING OCCUPANCY PATTERNS

OCEANA MARIN

118 new S.F.] (assumed same for trip generation purposes)
107 new M.F.] Total 225 new units

	Sunday 2-3 42% In* 58% Out*		Friday 5-6 70% In* 30% Out*
225 X .5** = 115]	50 In 65 Out	225 X .3** = 70]	50 In 20 Out

VILLAGES

	Sunday		Friday
19 new S.F. X .5 = 10]	4 In 6 Out	19 X .3 = 6]	4 In 2 Out

NEW DILLON BEACH RESORT

	Sunday		Friday
100 new Units X .5 = 50]	20 In 30 Out	100 X .3 = 30]	20 In 10 Out

BED & BREAKFAST (MOTEL)

	Sunday 70% Out*** 30% In***		Friday 50% In*** and Out***
30 Rooms X .591 = 20]	14 In 6 Out	30 X .625 = 20]	10 In 10 Out

---

* Existing area distribution pattern.

** Trip rates found from existing counts.

*** Estimated distribution pattern.

DILLON BEACH - NEW DEVELOPMENT TRIPS INCREMENT
ASSUMING FULL AREA OCCUPANCY

TRIP RATES PER UNIT

Friday, 5-6 =	In	.50]	70%
	Out	.20]	30%
Sunday, 2-3 =	In	.35]	50%
	Out	.35]	50%

NEW UNIT TRIPS

OCEANA MARIN

	Sunday	Friday
225 New Units	80 In 80 Out	115 In 45 Out

VILLAGES

19 New Units	7 In 7 Out	10 In 4 Out

NEW DILLON BEACH RESORT

100 New Units	35 In 35 Out	50 In 20 Out

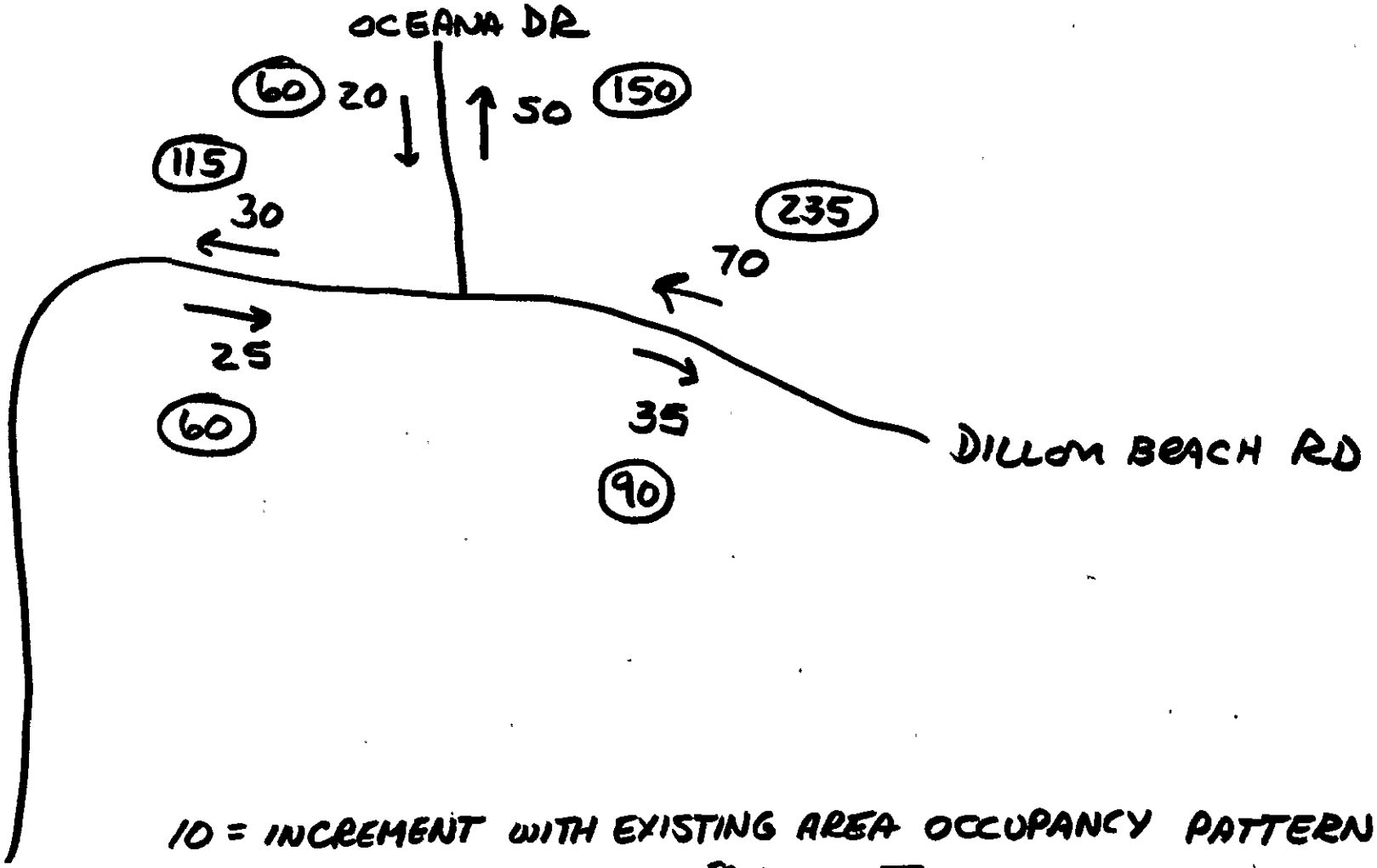
BED & BREAKFAST

30 Rooms X .591 = 20 Two-Way Trips	14 In 6 Out	30 X .625 = 20 Two-Way Trips	10 In 10 Out

EXISTING AREA UNITS - ADDITIONAL TRIP GENERATION INCREMENT WITH FULL AREA OCCUPANCY

OCEANA MARIN	SUNDAY	FRIDAY
100% Full-time Occupancy 130 Existing Units X .7 = 90 two-way trips, both days	45 In 45 Out	65 In 25 Out
Existing generation = 65 two-way trips on Sunday (130 x .5) & 40 two-way trips on Friday (130 x .3)	25 In 40 Out	30 In 10 Out
Incremental Number of Additional Oceana Marin trips with full area occupancy	20 In 5 Out	35 In 15 Out

VILLAGES	SUNDAY	FRIDAY
100% Full-Time Occupancy 151 existing units x .7 = 105 two-way trips-both days	50 In 55 Out	75 In 30 Out
Existing generation = 75 two-way trips on Sunday (151 x .5) and 45 two-way trips on Friday (151 x .3)	30 In 45 Out	30 In 15 Out
Incremental Number of Additional Village trips with full area occupancy	20 In 10 Out	45 In 15 Out



10 = INCREMENT WITH EXISTING AREA OCCUPANCY PATTERN

(20) = INCREMENT WITH 100% FULL TIME OCCUPANCY OF ALL EXISTING & NEW RESIDENTIAL UNITS

4N

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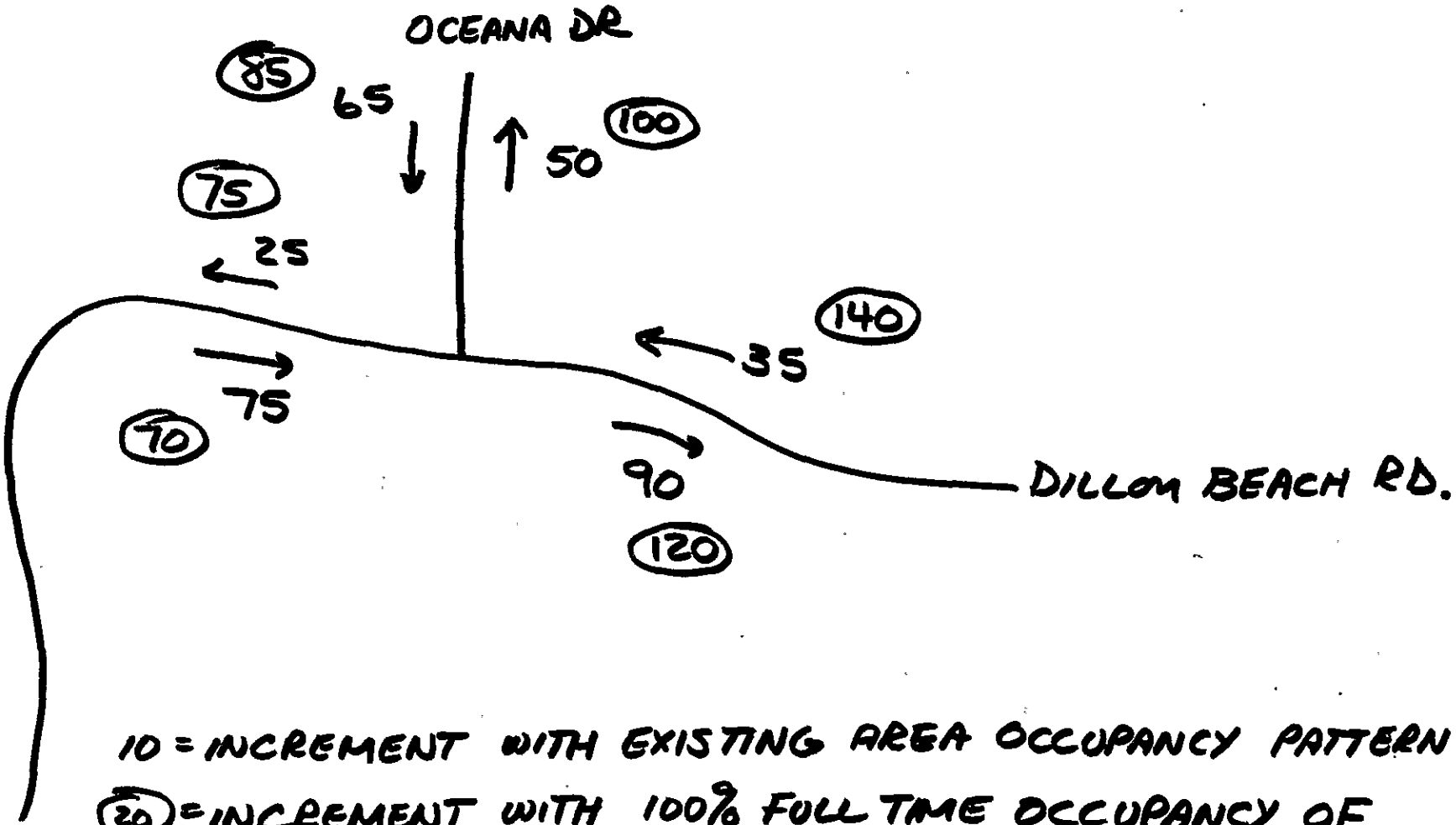
FIGURE 1

SUMMER FRIDAY PEAK HOUR VOLUMES
ADDED VOLUMES DUE TO AREA BUILDOUT
5:00 - 6:00 PM



10 = INCREMENT WITH EXISTING AREA OCCUPANCY PATTERN

20 = INCREMENT WITH 100% FULL TIME OCCUPANCY OF ALL EXISTING & NEW RESIDENTIAL UNITS

FUTURE INCREASES OF TOURIST TRAFFIC NOT CONSIDERED IN THESE PROJECTIONS

N

Goodrich Traffic Group

FIGURE 2

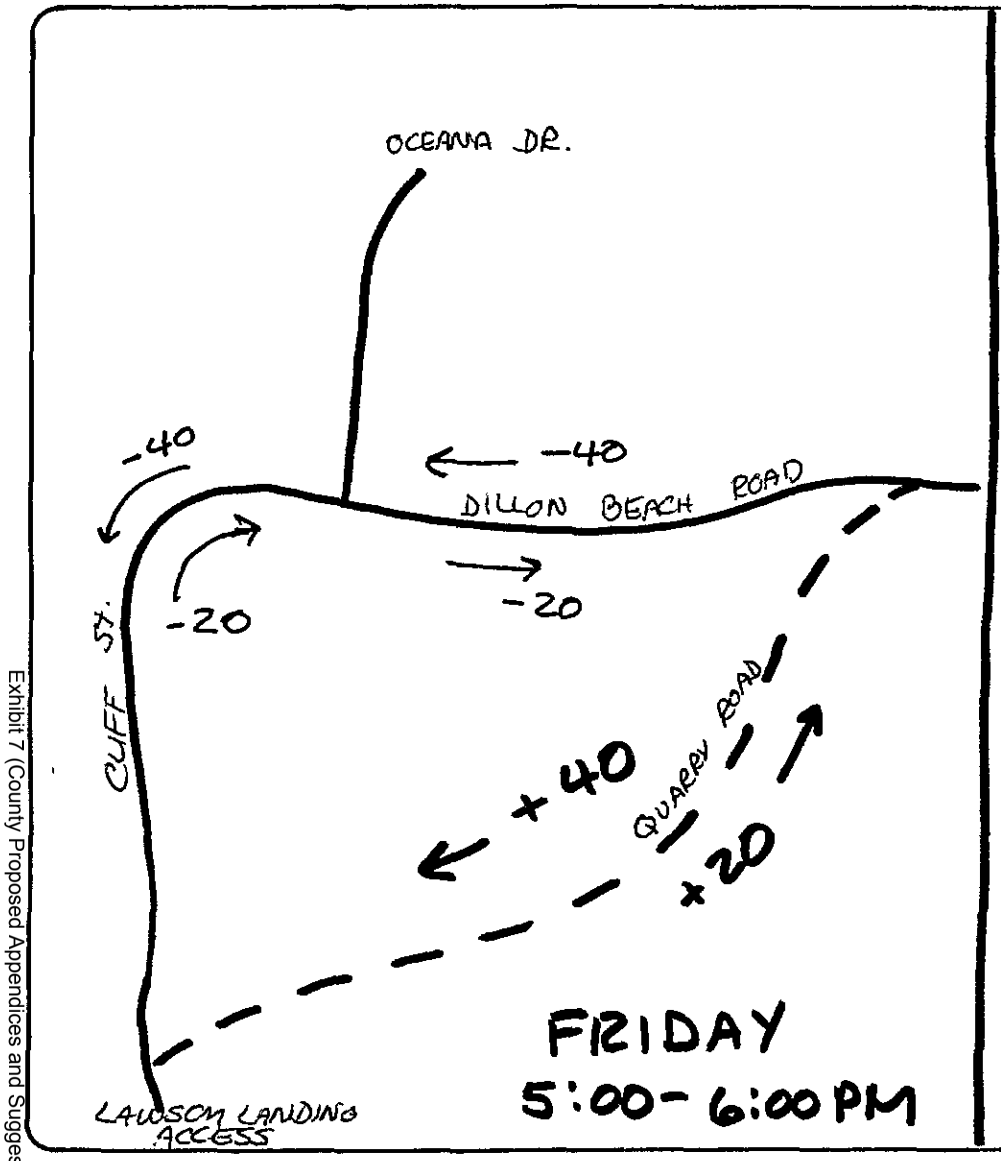
SUMMER SUNDAY PEAK HOUR VOLUMES
ADDED VOLUMES DUE TO AREA BUILDOUT
2:00 - 3:00 PM

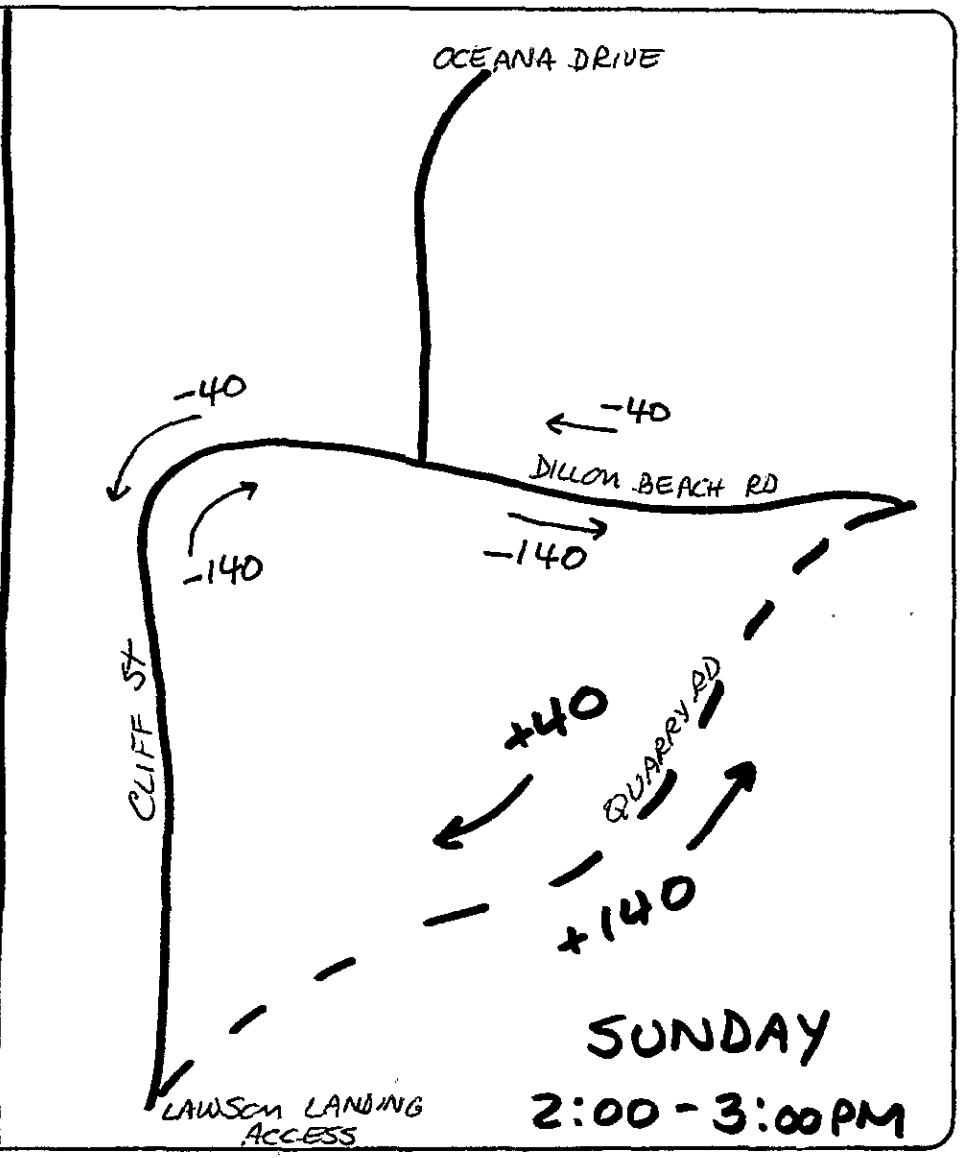
APPENDIX D

DIVERSION OF EXISTING TRAFFIC TO LAWSON'S LANDING WITH SECONDARY ACCESS

Figure 1 shows that on a summer Friday from 5 to 6 PM new area development would add 105 two-way trips to Dillon Beach Road (east of Oceana Drive) assuming existing residential occupancy patterns. However, volumes on this section of road would increase by 325 two-way vehicles per hour with full area development and 100% occupancy of all existing and future units by full-time residents. Total two-way Friday afternoon peak hour volumes on Dillon Beach Road (existing + future buildout) could then range from 230 to 450 vehicles per hour.

Likewise, Figure 2 shows that on a summer Sunday from 2 to 3 PM, new area development would add 125 two-way trips to Dillon Beach Road (east of Oceana Drive) assuming existing residential occupancy patterns. However, volumes on this section of road would increase by 260 two-way vehicles per hour with full area development and 100% occupancy of all existing and future units by full-time residents. Total two-way Sunday afternoon peak hour volumes on Dillon Beach Road (existing + future buildout) could then range from 425 to 560 vehicles per hour.





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DIVERSION OF EXISTING TRAFFIC DUE TO NEW LAWSON LANDING ACCESS ROAD

APPENDIX E

ASSUMPTIONS REGARDING SEWAGE DISPOSAL AND WATER DEMAND FOR PRELIMINARY BUILDOUT SCENARIO

Water Supply

1.Existing Source Capacity

Coast Springs Water Co.	33 gpm
Estero Mutual Water Co. (wells)	7 gpm
Total	40 gpm

2. Higher unit demand for Oceana Marin and Lawson's Dillon Beach Resort (vs. Village) due to newer and larger dwelling unit construction.

3. Use of ultra-low water conservation devices <u>not</u> assumed.

4. Peak to average flow ratio (2:1) based on historical records for Coast Springs system.

5. Restaurant and motel occupancy assumed unchanged for 50 percent and 100 percent occupancy alternatives.

6. Modest restaurant operation assumed; <u>no bar</u>

Sewage Disposal

1. Peak flows for Oceana Marin include allowance for infiltration and inflow (I/I) based on North Marin Water District data.

2. No I/I assumed for Village and Lawson's Dillon Beach Resort due to sandy, well-drained soil conditions.

3. Dune disposal area estimate based on: (a) dual system constructed in dune troughs (see attached diagram); (b) second treatment prior to disposal; and (c) wastewater loading rate of 2.5 gpd/ft^2.

4. Approximately 0.5 acres required for dune disposal treatment plant.

5. Hilltop disposal area estimate based on wastewater loading rate of 0.2 gpd/ft^2, which is still subject to field confirmation, and spray irrigation.

6. Use of ultra-low water conservation devices <u>not</u> assumed.

7. Land area for hilltop pond expansion <u>not</u> included in estimated hilltop disposal acreage.

DILLON BEACH COMMUNITY PLAN
PROJECTED WATER DEMAND
50% OCCUPANCY

DEVELOPMENT AREA	# OF UNITS	AVERAGE DEMAND gpd/UNIT	AVERAGE DEMAND gpd	AVERAGE DEMAND gpm	PEAK DEMAND gpd/UNIT	PEAK DEMAND gpd	PEAK DEMAND gpm
OCEANA MARIN							
• LOW RANGE	252	125	31,500	21.9	250	63,000	43.8
• HIGH RANGE	355	125	44,375	30.8	250	88,750	61.6
VILLAGE	170	100	17,000	11.8	200	34,000	23.6
DILLON RESORT							
• RESIDENCES	100	125	12,500		250	25,000	
• MOTEL	30 ROOMS	75	2,250		150	4,500	
• RESTURANT	100 MEALS	7.5	750		15	1,500	
TOTAL			15,500	10.8		31,000	21.5
TOTAL							
• LOW RANGE			64,000	44.5		128,000	88.9
• HIGH RANGE			76,875	53.4		153,750	106.7

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Exhibit 7 (County Proposed Appendices and Suggested Appendices)
CP-2-MAR-15-0029-1
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DILLON BEACH COMMUNITY PLAN
PROJECTED WATER DEMAND
100% OCCUPANCY

DEVELOPMENT AREA	# OF UNITS	AVERAGE DEMAND gpd/unit	AVERAGE DEMAND gpd	AVERAGE DEMAND gpm	PEAK DEMAND gpd/unit	PEAK DEMAND gpd	PEAK DEMAND gpm
OCEANA MARIN							
• LOW RANGE	252	250	63,000	43.8	500	126,000	87.5
• HIGH RANGE	355	250	88,750	61.6	500	177,500	123.3
VILLAGE	170	200	34,000	23.6	400	68,000	47.2
DILLON RESORT							
• RESIDENCES	100	250	25,000		500	50,000	
• MOTEL	30 ROOMS	75	2,250		150	4,500	
• RESTURANT	100 MEALS	7.5	750		15	1,500	
TOTAL			28,000	19.4	56,000	38.9	
TOTAL							
• LOW RANGE			125,000	86.8	250,000	173.6	
• HIGH RANGE			150,750	104.6	301,500	209.4	

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DILLON BEACH COMMUNITY PLAN
SEWAGE DISPOSAL
50% OCCUPANCY

DEVELOPMENT AREA	AVE. FLOW gpd/unit	AVE. FLOW gpd	PEAK FLOW gpd/unit	PEAK FLOW gpd	DUNE AREA ACRES	DUNE AREA ft.	HILLTOP ACRES
OCEANA MARIN							
• LOW RANGE 252 UNITS	90	22,680	250	63,000	0.6	1,008	7.23
• HIGH RANGE 355 UNITS	90	31,950	250	88,750	0.8	1,420	10.2
VILLAGE							
170 UNITS	90	15,300	150	25,500	0.23	408	2.9
DILLON RESORT							
• RESIDENCES 100 UNITS	90	9,000	150	15,000			
• MOTEL 30 ROOMS	60	1,800	120	3,600			
• RESTURANT 100 MEALS	5	500	10	1,000			
TOTAL		11,300		19,600	0.18	314	2.2
TOTAL							
• LOW RANGE		49,280		108,100	1.0	1,730	12.3
• HIGH RANGE		58,550		133,850	1.2	2,142	15.3

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DILLON BEACH COMMUNITY PLAN
SEWAGE DISPOSAL
100% OCCUPANCY

DEVELOPMENT AREA	AVE. FLOW gpd/unit	AVE. FLOW gpd	PEAK FLOW gpd/unit	PEAK FLOW gpd	DUNE AREA ACRES	DUNE AREA Ft.	HILLTOP ACRES
OCEANA MARIN							
• LOW RANGE 252 UNITS	210	52,920	350	88,200	0.81	1411	10.1
• HIGH RANGE 355 UNITS	210	74,550	350	124,250	1.14	1988	14.3
VILLAGE							
170 UNITS	210	35,700	250	57,000	0.47	816	5.9
DILLON RESORT							
• RESIDENCES 100 UNITS	210	21,000	300	30,000			
• MOTEL 30 ROOMS	60	1,800	120	3,600			
• RESTURANT 100 MEALS	5	500	10	1,000			
TOTAL		23,300		34,600	0.32	554	4.0
TOTAL							
• LOW RANGE		111,920		173,800	1.6	2,780	20.0
• HIGH RANGE		133,550		209,850	1.9	3,358	24.2

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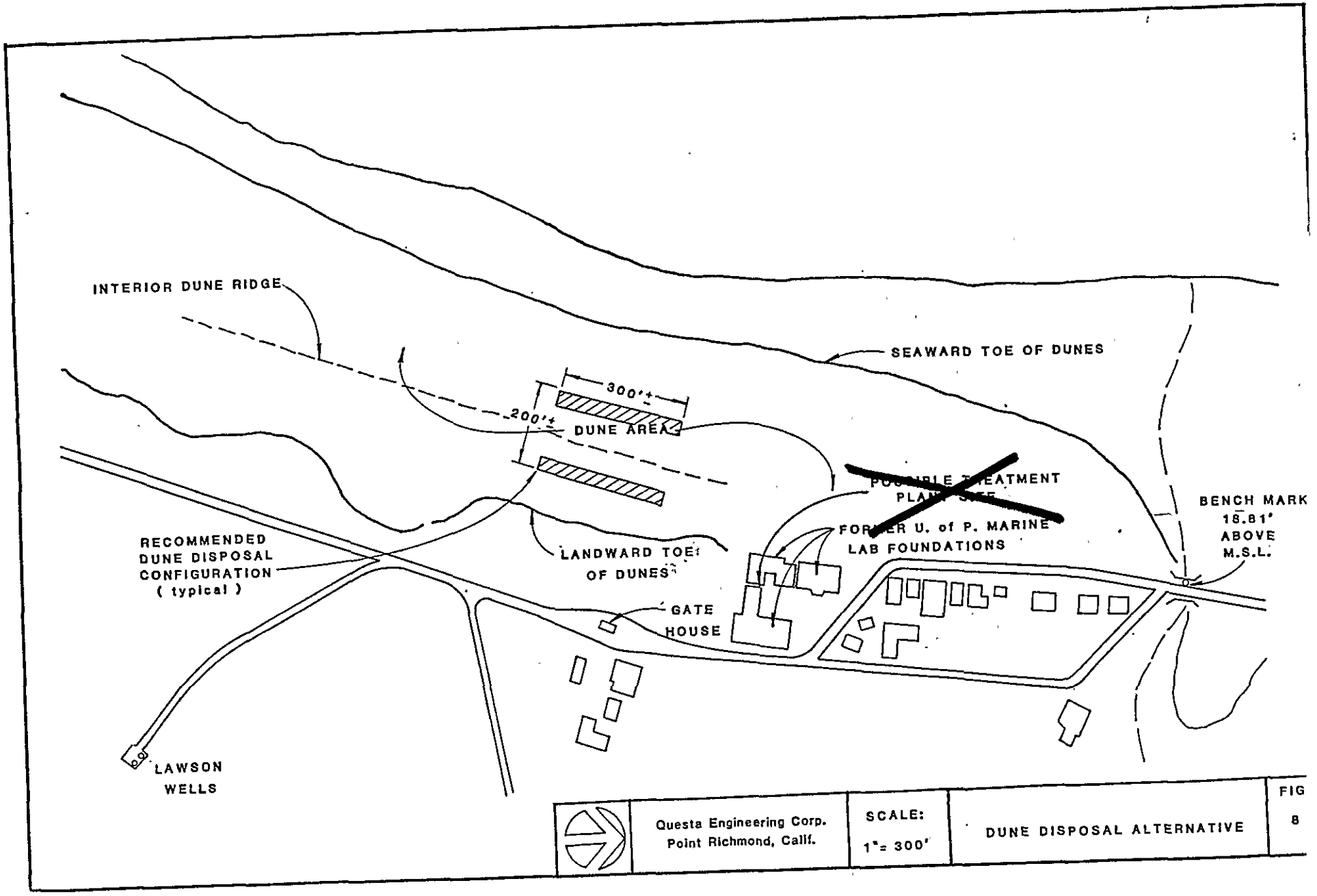
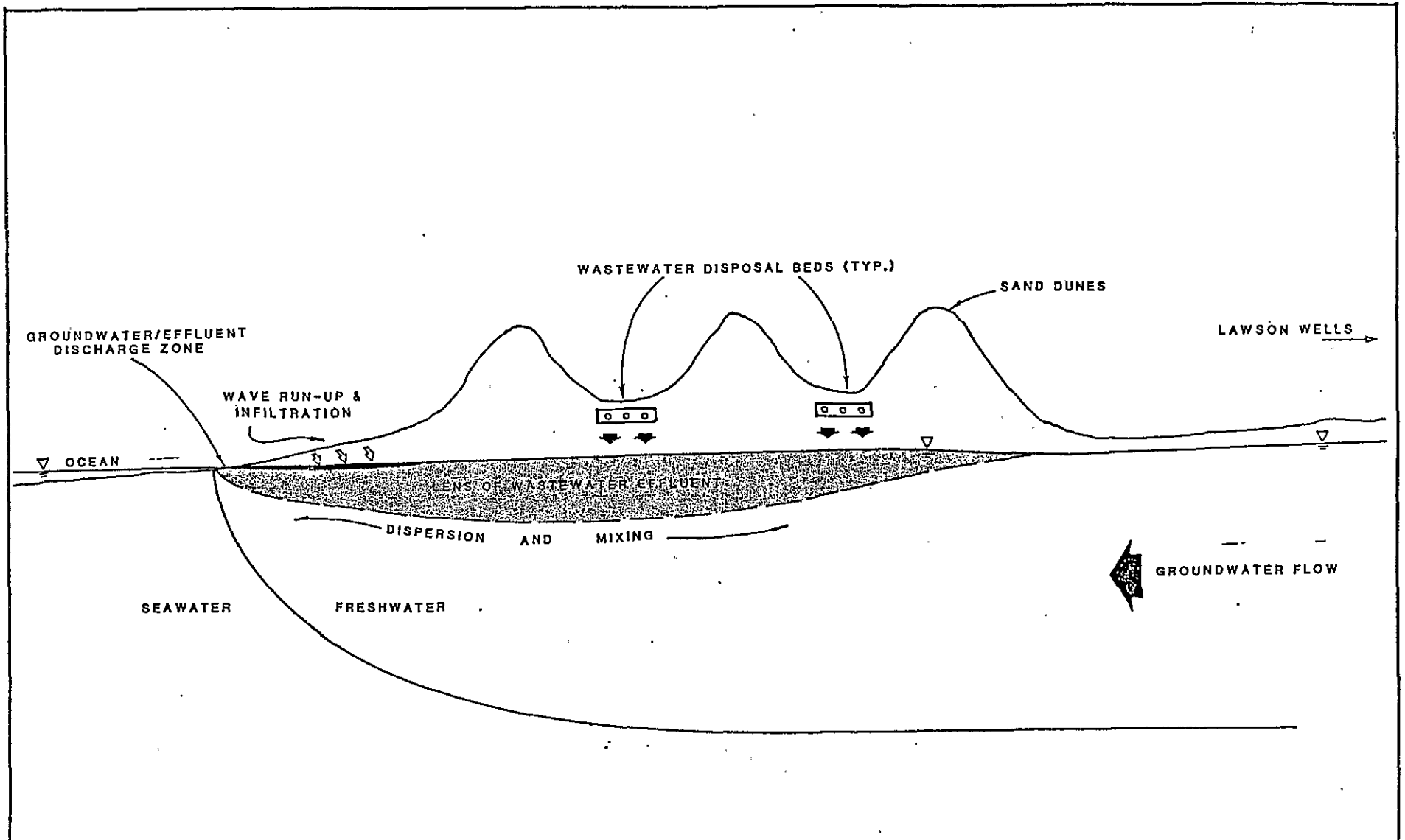

INTERIOR DUNE RIDGE
SEAWARD TOE OF DUNES
300'±
200'±
DUNE AREA
POSSIBLE TREATMENT PLANT SITE
FORMER U. of P. MARINE LAB FOUNDATIONS
BENCH MARK 18.81' ABOVE M.S.L.
RECOMMENDED DUNE DISPOSAL CONFIGURATION (typical)
LANDWARD TOE OF DUNES
GATE HOUSE
LAWSON WELLS
Questa Engineering Corp.
Point Richmond, Calif.
SCALE:
1" = 300'
DUNE DISPOSAL ALTERNATIVE
FIG
8



	Questa Engineering Corp. Point Richmond, Calif.	NOT TO SCALE	SEA HAVEN – DILLON BEACH SCHEMATIC REPRESENTATION OF EFFLUENT MIGRATION IN DUNES	FIG. 7

APPENDIX F

OCEANA MARIN DESIGN GUIDELINES

The visual aspects of the Oceana Marin subdivision result largely from a set of "Oceana Marin Design Rules" adopted by the Bodega Bay Club, Inc. and from the Restrictions, Covenants and Conditions of the Bodega Bay Preserve. A Design Committee, appointed by the Board of Directors of the Bodega Bay Club, approves all new construction, improvements and additions in the subdivision. The design guidelines were formulated to account for the problems presented by wind, sun, fog and salt air in the environment of Dillon Beach, as well as the problems presented by erosive soils and the San Andreas Fault.

The Guidelines address essentially all aspects of siting and design of development in Oceana Marin, including:

- a minimum floor area of 1200 square feet;
- height limits (vary by location);
- grading and landscaping, discouraging disturbance of the existing terrain and planting of trees;
- access and parking, requiring two off-street parking spaces per residential lot;
- carports and garages, of the same material and part of or connected to the dwelling unit by a roof or fence (also encouraged for use as additional interior space);
- restrictions on living in and storage of house trailers or accessory buildings;
- foundations;
- exterior walls of natural wood material, especially redwood or cedar shingles, planking, tongue and groove or shiplap;
- low profile roof forms;
- roofing materials of redwood or cedar shingles or shakes or multi-sized rock and dark colored roof gutters;
- skylights (recommended);
- corrosion protection for exterior hardware;
- storm doors and windows (recommended);
- windows and window frames of aluminum and tinted for south and west facing windows;
- structural masonry, taking into account proximity to the San Andreas Earthquake Fault;
- drainage, avoiding concentrations of surface water and directed away from natural slopes;
- fences of materials the same or complementary to the building and continuations of the structure;

- screening of propane/fuel/water tanks, service yards and exterior lighting;
- satellite dishes prohibited unless unable to be seen from neighboring lots or the street;
- storing and screening or trailers or boats within a garage, carport or fence;
- restrictions on numbers and behavior of pets;
- sign restrictions;
- restriction of vehicle repair visible from the street or neighboring property; and
- requirements for orderly maintenance and cleanup of construction sites.

For more information, contact the Bodega Bay Club at P. O. Box 65, Dillon Beach, CA 94929.

APPENDIX G

COMMUNITY DISTRICTS

This appendix briefly describes several alternative ways to finance public services in the County. In addition to outright grants for capital projects, several types of special districts can be formed. Some districts are governed by the County Board of Supervisors, others by a locally-elected Board of Directors. Some districts are more appropriate for fixed-term capital projects, others for ongoing maintenance and services. Each of these districts is subject to numerous regulations that stipulate what services can be provided, how districts are formed, who governs them and how they are financed. Five types of districts are briefly described below.

1. Public Utility Districts. Public Utility Districts (PUDs) are generally formed to provide only water and sewage services. PUDs may also, however, provide fire protection services. There are two PUDs in Marin. The Bolinas Community PUD provides water collection and treatment, and sewage collection and treatment. The Inverness PUD provides water collection and treatment, and fire protection.

   PUDs are officially formed by the County Local Agency Formation Commission (LAFCo). LAFCo will consider forming a PUD either when it receives a petition from the community or a request from the County Board of Supervisors. LAFCo then evaluates the economic feasibility of forming the PUD, appropriate geographical extent, community support, and merits of locally-provided services. Marin's LAFCo is governed by five commissioners, who include two county Supervisors, two city representatives, and one public member.

   Once formed, a PUD is governed by a board of locally-elected directors. The community retains local control over how revenues are expended. Tax and assessment amounts are regulated by the State Public Utility Commission, much as Pacific Gas and Electric rate increases are regulated.

2. Community Service Districts. Like PUDs, Community Service Districts (CSDs) are formed by LAFCO, and governed by a locally-elected Board of Directors. CSDs are generally created to provide a wider extent of services than provided by PUDs, and differ somewhat in their eligibility for grants.

   There are five CSDs in Marin County: Bel Marin Keys, Marin City, Marinwood, Muir Beach, and Tamalpais. Their functions vary from parks and recreation, streetlighting, lagoon and waterway maintenance, to water collection, sewage collection, fire protection, and solid waste collection.

3. Water Districts. Currently three water districts serve Marin County: the Marin Municipal Water District, North Marin Water District, and the Stinson Beach County Water District. The Marin Municipal and Stinson Beach County Water Districts provide only water service. Within its service district, to any given community, North Marin Water District provides only water service or only sewage collection and treatment. Water districts are formed by LAFCo and governed by a Board of Directors.

4. Local Assessments Districts. Counties may form special districts to rais funds for local construction or maintenance projects. The revenue for these projects comes from special assessments on the properties benefitting from the projects. The

County Board of Supervisors sets the assessment each year and collects the assessment as a separately stated item on the County tax bill. Asssessment districts are generally formed for capital-intensive projects such as road improvements or new construction projects. The Board of Supervisors governs the project with the assistance of project engineers.

The Board of Supervisors must take five basic steps to form an assessment district: (1) adopt a resolution initiating proceedings, (2) receive an engineer's report on the proposal to form the district, (3) adopt a resolution of intention to form the district, (4) conduct a public hearing on the engineer's report, and (5) adopt a resolution creating the district and levying the assessment for the first year. The engineer's report generally has four parts: (a) plans and specifications for the project, (b) a cost estimate, (c) an assessment diagram, which is usually drawn on County Assessor's maps, and (d) an assessment roll that lists each parcel within the proposed district.

5. Sanitary and Sanitation Districts. Eleven sanitary and sanitation districts in Marin County provide various sewage services ranging from collection and treatment to disposal. Like water district, sanitary and sanitation districts are formed by LAFCo and governed by a Board of Directors.

APPENDIX H

DILLON BEACH POPULATION ESTIMATES

As part of the Dillon Beach Community Plan (1988), existing population data for Dillon Beach were reviewed and new estimates of the community population calculated. This appendix summarizes existing information, describes the methodology used for calculating the new estimates, and discusses the limitations of these estimates and their use.

Existing Information

Three general types of population-related information relevant to Dillon Beach are available. They are (1) the number of houses and vacant lots in Dillon Beach, (2) how often some groups of the houses are occupied, and (3) how many people, on average, occupy houses in Oceana Marin, unincorporated areas of Marin County, and in coastal areas of Sonoma County. This information is summarized topically below.

Houses and Lots. As part of the land use survey conducted for the Community Plan, the number of homes and vacant lots in Oceana Marin, the Village, and Lawson's Dillon Beach Resort were tabulated. The results are shown in Table H-1 below.

Table H-1: Built and Vacant Lots in Dillon Beach, 1988

Subarea	Built	Vacant	Total
Oceana Marin			
Single-family lots	134	133	267
Multi-family lots	0	5 [a]	5
The Village	151	19	170
Lawson's Dillon Beach Resort			
C-R-1 Subdivision	12	5	17
Remainder [b]	2	20	22
Lawson's Landing [c]	-	-	(231) [c]
Total	299	181	480

a Includes one parcel each for "Parcels J, L, and M," and two parcels for "Parcel K."

b Refers to parcels currently zoned C-RMPC; does not include parcels zoned C-RCR.

c Lawson's Landing was not included in the survey, which covered only areas within the community expansion boundary. Note, however, that there are 231 permanent trailer sites in the Landing.

There are a total of 299 homes in Dillon Beach and 181 vacant lots or parcels. Thus, of the total 480 lots, 62% have been developed.

Frequency and Duration of Occupancy. How often these homes are occupied, and by how many people, is known with considerably less certainty. George Wessler, Vice President of the Bodega Bay Club, has provided some information for homes owned by Club members. The data are shown in Table H-2 below.

Table H-2: Residency Patterns in Oceana Marin [a]
(Single-family Lots Only)

Bodega Bay Club

	Members		Non-Members		Total	
Total Lots	202	(77%)	60	(23%)	262 [b]	(100%)
Houses	97	(72%)	37	(28%)	134	(100%)

Occupancy in Member Houses

Full-time	37	(38%)
Weekends	43	(44%)
Rental	13	(14%)
Misc.	4	(4%)
Total	97	(100%)

a Letter from George Wessler, Bodega Bay Club, to Sharon Maves, Marin County Planning Department, June 1, 1988.

b Figure is lower than total shown in Table H-1 because it excludes lots owned by the Bodega Bay Club and North Marin Water District

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The Club's figures show that 38% of the members' homes are occupied full time. Note that this percentage applies to 77% of all homes in Oceana Marin; occupancy figures for the non-member homes were not included.

As part of a community profile survey, LSA Associates collected data regarding occupancy patterns in Oceana Marin and "Old Town". The survey was conducted as part of the Environmental Impact Report for the proposed Sea Haven project in Oceana Marin (LSA 1988). The data provide information regarding how often homes are used, but not the number of occupants. LSA mailed questionnaires to 412 property owners, and received 191 responses. From the 46% who responded, LSA tabulated the following results.

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Table H-3: Results of LSA's Community Profile Survey for Dillon Beach, 1988 [a,b]

In Oceana Marin:

- o 43% of the houses are occupied full time,
- o 57% of the houses are occupied an average of 25 weekends per year,
- o 35% of the part-time houses are rented,
- o approximately half of the rented houses are rented for less than 6 months of the year, and
- o approximately half of the rented houses are rented for 6 months or more of the year.

In "Old Town", which includes all areas of the community other than Oceana Marin,

- o 26% of the houses are occupied full time,
- o 74% of the houses are occupied an average of 11 weekends per year,
- o 40% of the part-time houses are rented,
- o approximately half of the rented houses are rented for less than 6 months of the year, and
- o approximately half of the rented houses are rented for 6 months or more per year

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a From LSA Associates, Inc. Addendum of Comments and Responses, Final Environmental Impact Report of the Sea Haven Master Plan, March 1988.

b Results tabulated from 191 questionnaires, which represent 46% of the questionnaires mailed.

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A third occupancy study, conducted by the North Marin Water District (NMWD), is the only study to estimate both number of houses occupied during the year, and number of people occupying each house. The estimates are based on water use records provided by Coast Springs Water Company, have been calculated only for Oceana Marin, and are considered to be conservatively high for service planning purposes by NMWD. NMWD estimates an average annual occupancy rate of 48% in Oceana Marin, based on the assumptions in Table H-4 below.

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Table H-4: North Marin Water District's
Estimates of Average Annual Occupancy in Oceana Marin, [a]

Full-time Residences	30% at 2.5 persons for 365 days/year,
Summer Residences	70% at 4.5 persons for 107 days/year,
Peak-week	70% at 4.5 persons for 7 days/year
Major Holidays	35% at 4.5 persons for 7 days/year, and
Vacation Residences	7% at 3.0 persons for 237 days/year.

a North Marin Water District. Draft Environmental Impact Report for Oceana Marin Sewerage Project. (n.d.)

- - - - - - - - - -

Number of Occupants. Finally, two additional sources of data were consulted. The Association of Bay Area Governments (ABAG) and County of Sonoma have recently published estimates of persons per household in Marin and Sonoma counties respectively. ABAG's estimates are shown in Table I-5 below.

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Table H-5: ABAG's Persons Per Household
Estimates for Marin County [a]

Year	County	Unincorporated Area [b]
1980	2.43	2.46
1985	2.35	2.38
1990	2.30	2.29
1995	2.26	2.26
2000	2.23	2.24
2005	2.20	2.22

a Association of Bay Area Governments. Projections '87. 1987.
b Referred to as "Remainder" in ABAG analysis.

- - - - - - - - - -

ABAG applies these figures to all households in a given area. Thus, for Dillon Beach's 299 homes, with ABAG's estimate of 2.29 persons per household in 1990 in unincorporated areas, total population would equal 685 people.

Sonoma County uses similar figures for its subarea "Sonoma Coast/Gualala Basin". This subarea extends the entire length of the Sonoma Coast, and includes towns such as Bodega Harbor, Jenner, and Sea Ranch. Sonoma's figures are shown below.

Table H-6: Estimates of Average Household Size in the Sonoma Coast/Gualala Basin, Sonoma County [a]

Year	Persons per Household
1980	2.34
1990	2.28
2000	2.27
2005	2.25

a Sonoma County Planning Department. Sonoma County General Plan, Land Use Element (Planning Commission Hearing Draft). August 4, 1988.

Sonoma County uses these figures to estimate "population in households", not populations in "seasonal/occasional use" housing units. Interestingly, Sonoma County reports that "residences generally planned as second homes, including Sea Ranch and Bodega Harbor, are not increasingly occupied by permanent residents". Average household size is expected to decrease from 2.34 to 2.25 persons per household from 1980 to 2205.

Dillon Beach Estimates: Current Population. For purposes of the Community Plan, population estimates were based on North Marin Water District's estimates. An average of 48% occupancy was assumed, and an average number of occupants per household of 3.3 persons. Note that 48% at 3.3 is equivalent to 100% at 1.6 persons per dwelling.

To calculate total current population, the total number of existing residences was multiplied by the 48% average annual occupancy rate, then multiplied by 3.3 persons per household. To calculate population density, total population was divided by total gross acreage. These calculations were made for each subarea, then aggregated. Results are shown in Table H-7.

Total current population is estimated to be 471 people. On a given day during the year, far fewer or far more people may be in town than the average population number indicates, especially as it does not account for Lawson's Landing and visitors staying overnight in trailers and campgrounds. The population estimate of 471 corresponds to an average population density of 2.1 persons per acre.

Dillon Beach Estimates: Future Population. To estimate future population at buildout, the following assumptions were made: Oceana Marin's single-family lots would be fully developed; new units on Parcels J, K, L, and M would total 38 units in accordance with Policy CD-4.5; the 19 remaining lots in the Village would be developed, as would the 5 lots in the C-R-1 subdivision in Lawson's Dillon Beach Resort; and 40 units would be constructed in the remainder of Lawson's Resort, as outlined in Policies CD-10.6 to 10.14. The results are also shown in Table H-7. At 48% occupancy, total population would average 842 people, or 80% more than today.

Note that if it is assumed that a full-time occupancy rate of 2.22 persons per unit more accurately portrays community demographics at buildout in 2005, then total population would equal 1,170 people, or a density of 5.2 persons per acre. As with the other estimates, this includes only residential areas within the community expansion boundary, not Lawson's Landing, potential commercial establishments, nor agricultural residences.

Limitations of the Estimates and Their Use. The current and future population estimates are crude at best, as no data are available that accurately reflect occupancy patterns, communitywide. These estimates are presented in the Plan solely as baseline indicators, and have not been used in any way for developing policies for community development, traffic and circulation, nor community facilities. The population figures should be used cautiously until more accurate estimates can be derived.

TABLE H-7: DILLON BEACH POPULATION ESTIMATES

Subarea	Current Population Units	Popn.	Acres	Density (persons/acre)	Future Population Units	Popn.	Acres	Density (persons/acre)
Oceana Marin								
single-family	133	211	133.50	1.6	267	423	113.50	3.7
parcels J,K, L, and M	--	--	27.06	--	38	60	27.06	2.2
Village	151	239	12.09	19.8	170	269	12.09	22.3
Lawson's Dillon Beach Resort								
C-R-1 Subdiv.	12	19	2.45	7.8	17	27	2.45	11.0
Remainder	1	2	52.00	0.0	40	63	52.00	1.2
TOTAL	297	471	227.10	2.1	532	842	227.10	3.7

Note:
(a) Includes only subareas within the community expansion boundary; does not include Lawson's Landing and agricultural areas.
(b) Assumes full development of single-family lots in Oceana Marin, the Village, and the C-R-1 subdivision of Lawson's Dillon Beach Resort.
(c) Assumes new units on Oceana Marin Parcels J, K, L, and M and areas of Lawson's Dillon Beach Resort other than the C-R-1 subdivision, in accordance with Community Plan policies.
(d) Does not account for potential "occupancy" in commercial establishments in Lawson's Dillon Beach Resort.
(e) Is based on 48% occupancy by an annual average of 3.3 persons per unit.
(f) Estimates are to be used cautiously; they are not suitable for detailed, project-level planning purposes.

APPENDIX I

CHRONOLOGY OF WORKSHOPS, HEARINGS, AND AGENCY ACTIONS REGARDING THE DILLON BEACH COMMUNITY PLAN

Community Workshops

March 29, 1988
April 19, 1988
May 24, 1988
June 18, 1988
August 9, 1988
August 23, 1988

Planning Commission Hearings

September 7, 1988	No Action
November 28, 1988	Recommended that Board Certify EIR (Resolution 4142) Recommended that Board Approve Plan (Resolution 4143) Recommended that Board Approve LCP Amendments (Resolution 4144)
December 12, 1988	Recommended that Board Approve Rezonings (Resolution 4145)

Board of Supervisors Hearings

December 20, 1988	Certified Final EIR (Resolution 88-331) Approved Plan (Resolution 88-332) Declared Intent to Adopt LCP Amendments (Resolution 88-333) Adopted Ordinance for Rezonings (Ordinance 2989)

Coastal Commission Hearings

February 8, 1989	No Action
April 12, 1989	Approved LCP Amendments (LCP Amendment #1-89)
June 13, 1989	Adopted Revised Findings for LCP Amendments

Board of Supervisors Hearing

August 8, 1989	Adopted LCP Amendments (Resolution 89-216)

EIR = Environmental Impact Report
LCP = Local Coastal Plan, Unit 2

Bolinas Gridded Mesa Plan

A PLAN FOR

THE

BOLINAS

GRIDDED MESA

Adopted by the Marin County Planning Commission
September 24, 1984

Adopted by the Marin County Board of Supervisors
November 27, 1984

Approved by the California Coastal Commission
March 27, 1985

THE PREPARATION OF THIS PLAN
WAS FUNDED BY A GRANT FROM
THE SAN FRANCISCO FOUNDATION

Prepared by

EDAW, INC.
and
THE MESA PLAN RESOURCE GROUP

for

THE BOLINAS PLANNING COUNCIL
and
THE MARIN COUNTY PLANNING DEPARTMENT

Mark Riesenfeld — Planning Director
Neil Sorensen — Principal Planner

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1.0 INTRODUCTION

1.1 Background and Issues

The Gridded Mesa Plan represents the most recent step in the planning process for Bolinas that stems from the Bolinas Community Plan. It focusses on a distinct portion of Bolinas called the Gridded Mesa.

When the Bolinas Community Plan was adopted in 1975, the problems and issues affecting the Gridded Mesa were recognized and discussed. Three specific recommendations regarding the Gridded Mesa were included in the 1975 Plan, including the creation of a Planning Council and the consideration of a "redevelopment" plan for the Mesa. The major impetus behind this recommendation was the expression by the community at that time was that "some method of redoing this mosaic of buildable and unbuildable lots is a major goal of the Bolinas Plan." The Local Coastal Program (LCP), adopted by the County in 1979 and certified by the State in 1980, also recognized the problems facing Bolinas and identified the need to prepare a restoration plan for the Gridded Mesa.

In order to meet the intention of both these plans, the Bolinas Planning Council was created in 1981 with the purpose of obtaining the funding suggested by the LCP and to proceed with the planning process for the Gridded Mesa. In 1982, the Bolinas Planning Council and the County submitted an application for planning funds to the San Francisco Foundation which was granted. Consultants were then retained and the planning process was initiated. The formal planning process for the Gridded Mesa Plan began in November of 1982. This document represents nearly two years of cooperative efforts by both the Bolinas community and the County of Marin.

This work does not replace the 1975 Bolinas Community Plan. Rather, it is a supplement to Section 10 of the 1975 Plan entitled "Redevelopment of the Gridded Mesa," and should be considered as part of the dynamic planning process which requires all plans to be continuously changing and improving. The process is not completed yet and will continue as changes occur on the Gridded Mesa and elsewhere in the Bolinas community.

Background

The Bolinas "Gridded Mesa" is an area of about 300 acres on a bluff overlooking Bolinas Bay and the Pacific Ocean in unincorporated west Marin County. The area was subdivided in 1927 into 5,336 20' x 100' lots. Many of these lots were sold for $69.50 as part of a subscription promotion by the San Francisco Bulletin. This subdivision consists of a rigid grid pattern superimposed over a former dairy farm, without regard to drainage patterns, slope, bluff erosion or other natural features. The streets on the Gridded Mesa were never accepted by Marin County, and unless maintained by adjoining property owners, many streets remain often impassable. A few of the streets are paved raods maintained by the County. Over the years, some roads have eroded into the sea and others have been abandoned, leaving lots with no public access. Drainage throughout the area is adversely affected by the roadway pattern. The entire area is served by on-site sewage disposal systems.

In November 1971, the Bolinas Community Public Utility District instituted a moratorium on the issuance of water permits, thereby halting new construction on the Gridded Mesa and other areas of Bolinas. This action was based on a shortage of water, specifically during summer months and drought years. Unrestrained development of the Gridded Mesa was also a significant concern due to the limited utilities and the community desire to maintain the town's rural atmosphere. The moratorium continues to be supported by residents of the District, who have voted not to increase water resources beyond that required by the present population.

Marin County officials have agreed that the limited water supply constitutes a significant constraint on development on the Gridded Mesa. The lack of a community-wide sewage disposal system represents another significant constraint. The size of the existing parcels is also a problem. Under a "grandfather" clause in the Marin County Zoning Ordinance, the undersized lots (originally 20' x 100'), in Bolinas are designated as legal building sites even though the ordinance requires residential building sites to be 10,000 square feet in size. While these smaller lots are considered as legal sites, the building, health and safety standards established by the County tend to exclude these lots from development consideration. Where possible, these 20 x 100' parcels may be combined into larger sites meeting the development standards.

The Local Coastal Program-Unit I (LCP), which was prepared to meet the requirements of the State Coastal Act of 1976, also included a recommendation for a moritorium, providing that: "No permits for construction of residential structures on the Gridded Mesa will be issued after the lifting of the water moratorium until the Restoration Study . . . is completed."

In May 1981, residents of Bolinas formed a volunteer Planning Council as recommended by the 1975 plan. After several meetings, the Council voted to prepare a Plan for the Gridded Mesa. There was a strong consensus among Council members that the Plan should be prepared with participation by the Community and within the framework of the goals and objectives of the 1975 Bolinas Community Plan. A Mesa Plan Resource Group was established from interested community members by the Gridded Mesa Plan consultants to assist them in preparing the Plan. Some of the Resource Group had extensive expertise and knowledge of the physical and cultural characteristics of the area. The Resource Group compiled and created the data base from which the Gridded Mesa Plan evolved. Additional consultants were employed to analyze the soil and drainage conditions on the Gridded Mesa and to recommend realistic sewage disposal techniques. The results of that analysis dramatically affected the Gridded Mesa Plan. Once the physical constraints were understood, few land use alternatives appeared to be feasible.

Issues

Today, lot size varies widely over the Mesa, with a large number of the original 20' x 100' lots still remaining. The Mesa accounts for about one-half of the total dwelling units in Bolinas, but over two-thirds of the residentially zoned portion of the Bolinas Planning Area.

For the past three years, the citizens of Bolinas and Marin County officials have held discussions to resolve the problem of "second unit dwellings." These are accessory residential structures which have been constructed in areas zoned for single family use, often without building or other permits. The County has identified between 80 and 100 of these structures in Bolinas, representing the primary stock of low to moderate income rental housing in the community. Most of these units are located on the Gridded Mesa. A Second Unit Ordinance drafted by the Marin County Planning Department with assistance from the Bolinas Planning Council was approved by the Marin County Board of Supervisors, January 12, 1982. Under this Ordinance, community plan amendments may

be introducted by communities in unincorporated areas of Marin to legalize second units. On March 29, 1983, the Board of Supervisors approved a Second Unit Ordinance for Bolinas, requiring permits for all existing second units. By the end of January 1984, only 14 permits had been requested. Of these, only one has been approved and two have been withdrawn.

There are other key issues affecting the Gridded Mesa beyond the water shortage and the limitations related to the parcel size and configuration. Primarily, they are the physical characteristics of the Mesa itself, some of which cannot be changed, such as the soils, and others which are continually changing, such as the eroding bluffs and the unstable slopes. These characteristics have dramatically affected this phase of planning for Bolinas. The following sections will serve to describe the opportunities and constraints inherent in the existing environment and indicate how the current plan was affected by them.

There is a wide range of sentiment about growth among both Bolinas residents and property owners. Some people feel that Bolinas should retain its present scale and level of development; others would welcome residential and commercial growth. This issue of growth versus no-growth was a lively and influential factor throughout the planning process.

1.2 Purpose for the Gridded Mesa Plan

The Gridded Mesa Plan represents a joint undertaking of the Marin County Planning Department, the Bolinas Planning Council and the Mesa Plan Resource Group. It utilized the services of a Program Planner, Local Facilitator, and a Planning Consultant to coordinate the preparation of a plan for the Bolinas Gridded Mesa. This plan is intended to serve as an effective guide to future development and resource preservation in the area. The Mesa Plan outlines the implications for natural resources, community values, and public services of land use alternatives. The 1984 Plan was prepared within the framework of the goals, policies, and objectives of the 1975 Community Plan as well as additional goals identified by the Bolinas Planning Council and the Marin County Planning Department. The goals of the Local Coastal Program were also incorporated in the planning process.

The most important purpose of the planning process at this stage of the community's life is to first identify and accept the existing physical constraints and the existing problems resulting from unrestrained and incorrectly sited development and then determine the policies and programs necessary to implement solutions to those problems. The purpose of this plan is to protect the fragile environment of the Mesa from the documented negative cumulative impact of improper drainage and development as well as to provide a plan for the possibility of safe and orderly future development. Resolving the current problems related to drainage, sewer and water are given the highest priority.

Goals for the Gridded Mesa Planning Process

The Bolinas community has established a set of goals which it feels will help maintain or improve its welfare. These goals were stated in the 1975 Bolinas Community Plan (BCP).

In addition to the BCP goals, the LCP embodies statements of goals which influence land use planning in Bolinas. These were derived through specific community participation and reflect the county and state goals affecting Bolinas. These goals are compatible with the BCP goals. The stated goals and their origins are listed below:

1. Understand, Protect and Engender Elements of Community (BCP)
2. Achieve a Healthy Coexistence Between Man and Nature (BCP)
3. Foster Economic Development (BCP)
4. Accept and Encourage a Wide Range of Lifestyles (BCP)
5. Participate in Planning and Decision Making Affecting Bolinas and Its Surroundings (BCP)
6. Protect and Conserve State Coastal Resources (LCP)
7. Maximize Public Use and Enjoyment of State Coastal Resources (LCP)
8. Ensure Health and Safety of Persons Residing In or Visiting the Local Coastal Unit (LCP)

Marin County also has several jurisdictional obligations which add to the goals and objectives framework for this project. In particular, the County has the responsibilities of maintaining law and order, protection of lives and property and maintaining health standards.

Plan Objectives

The 1975 Plan goals are general in nature. From each general goal, more specific statements, objectives, are derived. Goals are better understood when they are further defined by objectives. The following summary list shows the relationship of the goals to the objectives stated in the 1975 Bolinas Community Plan, including the Local Coastal Program goals:

Goal 1: Understand, Protect and Engender Elements of Community

Objectives:

- Maintain existing land use patterns (this could conflict with 1984 plan)
- Maintain Bolinas as resident, not tourist community
- Minimize/control impact of autos on community

Goal 2: Achieve a Healthy Coexistence Between Man and Nature

Objectives:

- Accept reasonable mix of residential and agricultural uses
- Respect wildlife systems
- Respect vegetative systems
- Preserve unique aesthetic value of landforms

Goal 3: Foster Economic Development

Objectives:

- Prepare capital improvement programs for roads, signs, ponds, drainage

- Monitor parks and county for employment opportunities
- Promote cottage industry and small scale agriculture

Goal 4: Accept and Encourage a Wide Range of Lifestyles

Objectives:

- Pursue codes for owner-built architectural diversity
- Implement low- to moderate-income housing and rentals

Goal 5: Participate in Planning and Decision Making Affecting Bolinas and Its Surroundings

Objectives:

- Ensure local input in planning/administration for Bolinas
- Change BCP to reflect changing local conditions

Goal 6: Protect and Conserve State Coastal Resources

Objectives:

- Limit stream impoundments
- Do not alter/remove trees in major vegetative areas
- Protect upland grassland feeding area
- Discourage shoreline protective devices
- Do not adversely affect archaeological/paleontological resources
- Protect scenic and visual coastal resources

- Avoid large-scale development changing rural village character

Goal 7: Maximize Public Use and Enjoyment of State Coastal Resources

Objectives:

- Continue Bed and Breakfast program
- Encourage social and economic diversity
- Preserve views to scenic resources from roads and trails

Goal 8: Ensure Health and Safety of Persons Residing In or Visiting the Local Coastal Unit

Objectives:

- Ensure new buildings are not threatened by cliff erosion
- Ensure development meets Alquist-Priolo standards
- New septic systems shall meet water quality guidelines
- Water quality should be monitored

Conflicting Goals and Objectives

In some instances, the stated objectives (and goals) conflict with each other. While some objectives, such as "maintain existing land use patterns" and "encourage social and economic diversity," may both be desirable objectives, Bolinas cannot necessarily maintain its current land use patterns and provide low cost housing or develop cottage industries. Similarly, Bolinas may not be able to both limit stream impoundment or diversions and encourage residential development or road access to all parts of the Mesa. Where objectives conflict, it is necessary to set priorities. This does not happen as a singular event during the planning process. Since the process is dynamic, the goals

and objectives must be periodically reviewed and adjusted. Throughout this phase of the planning process the Planning Council emphasized that the goals and objectives included in the 1975 Community Plan were still valid for the 1984 Gridded Mesa Plan. However, additional objectives were identified as the process progressed. The 1975 goals and objectives, supplemented by those developed during the Gridded Mesa Plan process are used to create specific policies and programs for implementing the preferred plan.

2.0 OPPORTUNITIES AND CONSTRAINTS

Opportunities

There are several planning opportunities inherent in the Gridded Mesa. The location of the Gridded Mesa with its ocean and bay coastal areas and the accompanying views and vistas provides a unique environment. There is access to the extraordinary Duxbury Reef, a National Preserve, from the Mesa. Views and vistas of the coastal hills also contribute to the aesthetic quality of the Mesa.

On the Mesa itself, the many parts of the drainage system, including the creeks and ponded areas, define the form and quality of the rural environment. The rolling mesa land, much of which is undeveloped, provides an excellent opportunity for the community to plan a system of open area elements integrated with development. "Active" areas could be set aside for neighborhood parks or community gardens, with "passive" areas reserved for walking, sitting or observing.

Similarly, because land is available, including land well sited to take advantage of the variety of views and vistas, exceptional residential development opportunities are possible. Due to the level topographic character of most of the Mesa, as well as ease of access to the Mesa, opportunities exist to reduce the cost of residential construction. The size and location of undeveloped parcels provide opportunities for developing housing units in clusters, reducing impacts on the environment as well as construction costs.

The existing vegetation pattern contributes to the aesthetic quality of the Mesa; it provides protection and fuel, as in the case of some of the larger stands of trees. However, these vegetation elements can also become constraints. These, and other constraints are discussed below.

Constraints

Prior to the preparation of the Gridded Mesa Plan, a great deal of data had been compiled on the physical characteristics of the Mesa. Some of this data, such as the status of the water supply, is much documented and widely discussed and had become an important factor in the Bolinas Planning Process in the last 13 years. Other important data, such as the characteristics of the soils on the Mesa, were never confirmed until now.

During the development of the Gridded Mesa Plan, the known data were updated and supplemented by field work and laboratory analysis. As a result, the community and the County now have a reliable data base from which to formulate some realistic planning guidelines.

The environmental characteristics discussed in this section are described individually so that a better understanding of the existing conditions is possible. In reality, none of these characteristics is isolated. Each is a part of the whole and when one factor changes or is changed, the others are affected in some way. The soils, the geology, the slope and slope stability, the existing land use and ownership patterns, and the modified drainage patterns tend to limit the planning opportunities more than do other factors, such as the existing vegetation and wildlife characteristics. Where limiting factors overlap, cumulataive constraints act to further direct the planning process. For example, soil characteristics, when considered by themselves, may limit on-site sewage disposal, construction of buildings and roads, and agriculture. When such soil limitations are combined with the constraints associated with excessive slopes or the existing surface drainage patterns, cumulative constraints may prohibit development of any kind in that area. Thus, it is often a combination of factors that constrain the planning options. The remainder of this section briefly describes the environmental characteristics having the greatest affect on the Gridded Mesa Plan.

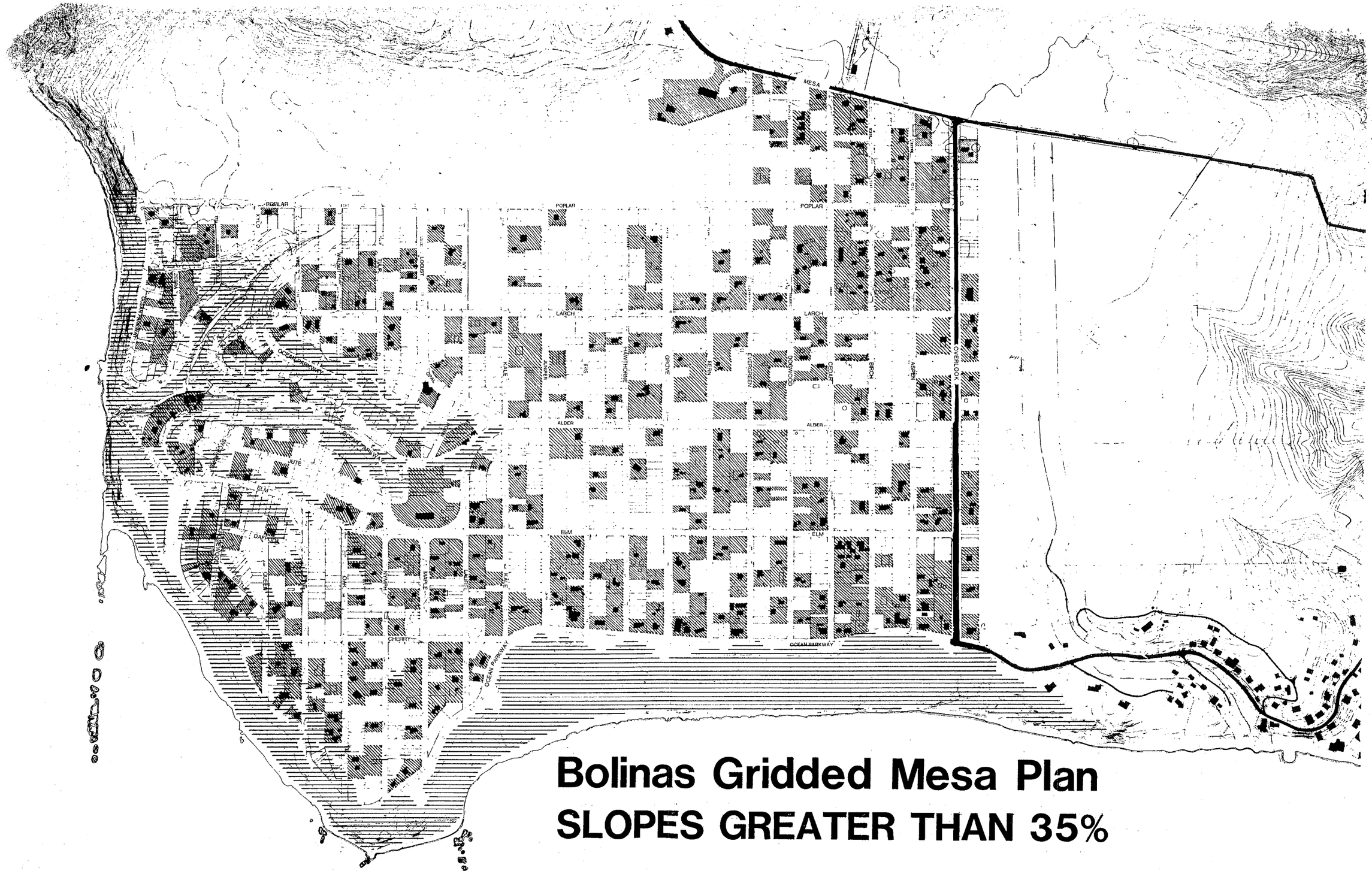
2.1 Physiography

2.1.1 Slope Configuration

The form of the land affects the Gridded Mesa Plan in several ways. Primarily, the slope of the land can inhibit or prohibit building and road construction and on-site sewage disposal systems. Most of the Mesa, particularly the eastern portion, is relatively level (less than two percent slope). The western end of the Mesa, including the major drainageways, ranges from 10 percent slope to greater than 40 percent along the bluffs and creeks. The Slope Map (Figure 2-1) indicates the general slope configuration on the Mesa.

For this plan, slopes greater than 35 percent are considered excessive and development of the areas within the slope category is not recommended. The County's Zoning

Ordinance and the Local Coastal Program restricts construction of residential units in areas with greater than 35 percent slope. As can be seen from Figure 2-1, the steepest slopes occur along the Alder Creek drainage and the bluffs along both the ocean and bay sides of the Mesa. When considered along with the constraints inherent in the Mesa soils, this factor can present significant constraints for any type of land use.



Bolinas Gridded Mesa Plan
SLOPES GREATER THAN 35%

Bolinas Planning Council
Mesa Plan Resource Group
Marin County Planning Department

EDAW inc. 1983

Feet 0 100 200 400 600 1000

Existing Built Parcels 1983

Exhibit 7 (County Proposed Appendices and Suggested Appendices)
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Figure 2-1

2.1.2 Slope Stability and Bluff Slippage

In general, the soils on the Gridded Mesa are relatively stable, with two significant exceptions being the bluff areas and the steep slopes along the major drainage ways. (See Slope Stability map, Figure 2-2.) Slope stability can be affected by factors other than slope such as soil structure, drainage, vegetation, soil disturbance, and seismic activity. In this case, the soil structure exhibits a condition where the soil layers are not cohesive and where water moves longitudinally between these layers. Slippage can be a problem in the areas where this occurs.

The bluff slippage is a readily apparent phenomenon easily visible along the shoreline. The rate of slippage has been measured frequently and several assessments have been completed. The available data indicates that the section of the bluff above Bolinas Bay between Overlook Drive and Duxbury Point is falling away at an average rate of between 12 to 24 inches per year, and the ocean side bluff west of Duxbury Point is eroding at an average rate of nearly 30 inches per year. In any given location, slippage can be substantially greater or less than the average suggests.

Although actual annual erosion tends to be episodic in nature--with annual losses of five feet to ten feet interspersed with more stable periods--the variations appear to be related to the relative wetness of winters. The failures experienced during the winter of 1982-1983 clearly illustrate the potential for significant erosion along the bluff.

Chaparral, grasses, and other vegetation may contribute to the stabilization of slopes up to five to ten degrees steeper than similar non-vegetated areas. However, large shallowrooted trees, such as the eucalyptus and cypress, may contribute to slope destabilization by drastically altering slope conditions when they are toppled because of high winds, senescense, or soil failure.

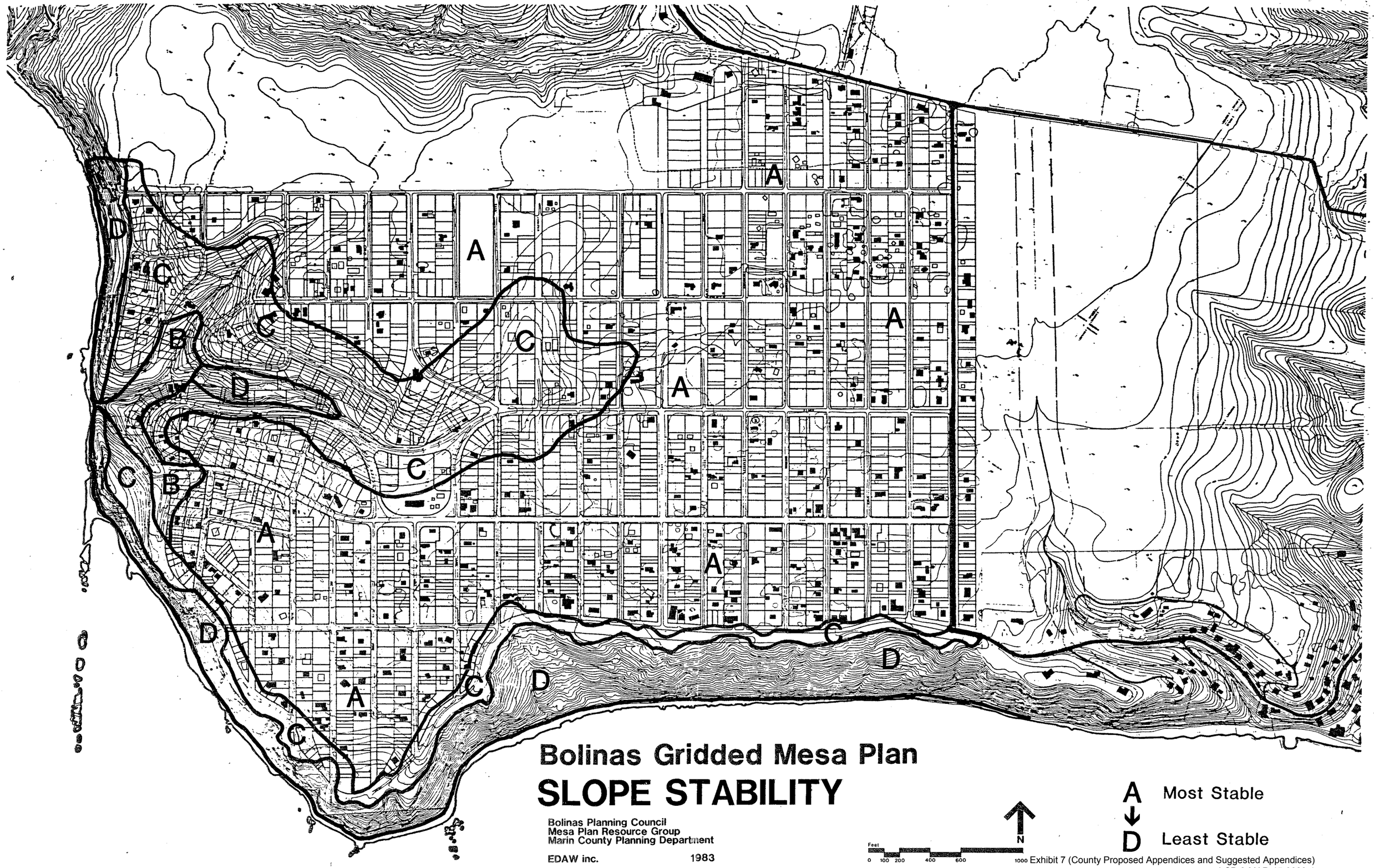

Exhibit 7 (County Proposed Appendices and Suggested Appendices)

Figure 2-2

Differential rates of bluff retreat necessitate differential construction setbacks. Setbacks should be considered on a site specific basis. The Local Coastal Program setback of 150' and the Bolinas Community Plan figure of 120' discussed during the planning process were based on the formula: setback = life expectancy of structure (50 yrs., 100 yrs., 150 yrs.) x rate of retreat + safety factor (45'). (Rate of retreat figures and the safety factor are based upon studies done for the California Division of Mines and Geology in 1977 by David L. Wagner, Geology For Planning In Western Marin County, California.)

Since the two Mesa bluff areas are different, separate bluff retreat rates are considered as follows:

Between Overlook and Duxbury Point:

50 yrs x 2'/yr + 45' (safety factor) = 145'
100 yrs x 2'/yr + 45' (safety factor) = 245'
150 yrs x 2'/yr + 45' (safety factor) = 345'

Between Duxbury Point and Poplar Road:

50 yrs x 2.5'/yr + 45' (safety factor) = 170'
100 yrs x 2.5'/yr + 45' (safety factor) = 295'
150 yrs x 2.5'/yr + 45' (safety factor) = 415'

Because cliff erosion is episodic, not constant, it is difficult to estimate the position of the cliff for any given year in the future. Building life expectancy is highly variable. The setback formula was used by the Mesa Plan Resource Group to determine the zone along both bluffs where no new construction should occur.

2.2 Geology and Soils

Since the Bolinas Community Plan was approved by the County in 1975, additional studies have been completed that have added to the knowledge of the Mesa. Because of these studies, the Mesa Plan has an advantage that the Bolinas Community Plan did not have. The most recent geologic analysis by Wagner (1977), and the soils analysis by Questa Engineering and WESCO (1983), provide the most current data on the structure of the Mesa. These data are critical and much of the Gridded Mesa Plan is based on them.

Geology

The Bolinas Mesa is a wave cut bench of land with a foundation of Miocene Monterey shale bedrock. Five to thirty feet of beach sands had been deposited on this bench that now stands 160 to 200 feet above sea level. Through time the beach sand has eroded and the Mesa's shale bedrock, particularly at the western end of the Mesa, has been subject to weathering and soil development. The depth of these soils ranges from less than two feet along the Mesa ridges to five feet on the sloped areas. Most significantly, these soils are rich in clay and have very slow permeabilities. Groundwater does not move freely in these soils. These conditions are significant because they provide major constraints to future development of the Mesa and suggest that some of the existing development may be in the wrong place.

Several conditions control the flow of groundwater on the Mesa. Specifically, the distance from the surface of the ground to the shale bedrock beneath, usually referred to as depth to bedrock, and the general form of the bedrock and its slope are the primary factors that affect subsurface drainage on the Mesa. Much of the Mesa is underlain by the hard and impermeable Monterey shale bedrock which is a significant obstacle to groundwater percolation. During the rainy season, rainwater passes through the beach sand deposits, perches on the shale bedrock and causes a rise in the groundwater table. On the Mesa, the underlying bedrock slopes gradually from the northeast to the southwest. The perched groundwater flows along this sloped, subsurface bedrock and eventually discharges as a series of springs along the Mesa's bluffs or is intercepted by the various elements of the Mesa-wide drainageway system. Winter groundwater levels on the Mesa range in depth from one foot below the surface in the central portion of the Mesa to more than six feet below along the Mesa's southern edge.

Contrasted with the area of Monterey shale bedrock, the terrace deposits provide a better environment for subsurface drainage of groundwater. In this general area of the Mesa, water percolates more quickly and the groundwater level is lower. The depth to bedrock is greater in this area as is the thickness of the perched beach sand deposits. While the groundwater moves more freely in this area, the Mesa's drainageways do not readily receive the groundwater discharge and do not assist in effectively lowering the Mesa's groundwater table. These drainageways have been filled with layers of fine textured alluvial sediments which restrict the flow of groundwater discharge. Roadways

and ill-placed construction have also obstructed the drainageways. Similarly, discharge to the west side of the Mesa is also blocked by Monterey shale bedrock. In short, the subsurface groundwater flows from the east side of the Mesa to the west, where it is blocked by the underlying bedrock formation, and to the south, where it emerges as springs along the southern bluff face.

In addition, groundwater ponds in localized areas where the subsoil is primarily clay or the underlying bedrock is Monterey shale. During exceptionally wet years, such as the winters of 1981 to 1982 and 1982 to 1983, the groundwater perched on the surface may merge with the groundwater perched on the bedrock to create a saturated zone extending from the bedrock to the surface of the Mesa. Subsurface sewage disposal systems fail to operate under these conditions.

Soils

There are three basic soil groups related to the land form on the Mesa: (1) those occurring on slopes; (2) those occurring in the drainageways; and (3) those found on the gently sloping terraces.

Individually, these soils exhibit special characteristics. However, only a few characteristics are significant for the Gridded Mesa Plan at this time. The soils on the sloped areas generally exhibit slow permeability and a lack of free water movement. Those in the drainageways are also limited in their permeability and are generally saturated during the rainy season. The terrace soils vary in depth to the water table during the winter months, ranging from greater than six feet along the bay side bluff to between two and three feet near the main drainageways. These characteristics represent significant constraints for development, particularly residential development, as these soils severely limit opportunities for on-site sewage disposal on the Mesa

2.3 Hydrology

Just as the Mesa's Soils restrict the development opportunities, the surface drainage characteristics also contribute to the overall drainage problems. While the western portion of the Mesa exhibits sursurface drainage constraints, the eastern portion faces surface drainage problems. The existing land form and topographic conditions combined with artificial barriers caused by the gridded development pattern with its roadway system adversely affect the natural drainage pattern.

The major drainage, specifically Alder Creek and its tributaries, cuts the Mesa from east to west. Lesser drainages are located along the Mesa Road and Terrace Avenue. A complex system of natural channels, roadside ditches, overland flow and groundwater seepage operates on the Mesa, particularly during the wet season. This system is inadequate to drain the developed areas of the Mesa and ponding occurs as a result. This ponding causes localized saturation of the surface soils and flooding of the existing septic system trenches. This results in the surfacing of effluent from the septic systems and the periodic backing up of residential plumbing. In addition, as the ponding occurs and the area retains surface water, the groundwater is recharged and the water table rises and merges with the saturated soils.

The subsurface drainage problems vary across the Mesa, and, in general, the constraints to development are severe. The most well-drained area is found along the southern bluff facing Bolinas Bay. The rest of the terrace area experiences groundwater levels which are two to five feet below the surface. This condition severely constrains the use of traditional trench-style on-site sewage disposal systems. The drainage swales (i.e., along Larch Road), exhibit the worst surface drainage conditions. This is partly due to ill-constructed roadways crossing the swale. Ponding in these areas tends to saturate the soils above the existing water table and adds to the development constraints.

2.4 Vegetation

The vegetation found on the Mesa presents less of a constraint to development than the geology, soils and slope conditions. The existing vegetation does, however, offer some opportunities for maintaining or enhancing the quality of the environment. The opportunities include providing safe habitat conditions for the existing wildlife as well as being part of the aesthetic character of the area.

While not necessarily a constraint to development, some of the existing tree species can present problems and might even be dangerous is some situations. Three of the tree species dominate the taller and most visible stands on the Mesa; tasmanian blue gum, monterey pine, and monterey cypress. The Mesa Plan Resource Group identifies many of these species now found on the Mesa to be over mature and in their decline. They are naturally shallow rooted and have outgrown their own structural support system. The poor soils and hydrological constraints described above add to the problem by causing

these species to be even more shallow rooted. The Mesa Plan Resource Group noted the following:

> "Consequently breakage and windthrow in these stands is becoming a serious financial and safety problem and will likely worsen with time. Many people find they have tree problems they cannot afford to remedy. The tall trees often block sunlight and increase energy consumption. They accelerate the decay of wood buildings and block views where lower-growing species could yield a net decrease in energy consumption, preserve views and privacy, and create more comfortable microclimates. Tall trees on steep slopes and along drainage ways increase erosion. When they are windthrown they disturb large areas of soil and begin a domino series of erosion events. They overtop and suppress lower subordinate vegetation such as brush and grass that are better suited to binding the soil together. Thus, they accelerate erosion. On the positive side they are visually pleasing to many, they provide hawk nesting sites and eucalyptus can be used to dry moist areas and is an excellent source of local money. All three species are commonly used for fuel. (Gridded Mesa Plan Workbook, p. I-27, I-28.)

From a planning point of view, the existence of these dominant tree species should be incorporated into the open space and circulation system for the Mesa and wood lot opportunities should be identified where conflicts with existing or potential residential uses do not exist.

2.5 Wildlife

Like vegetation, wildlife contributes to the quality of life experienced in Bolinas and should be recognized accordingly. The natural habitats of birds and animals on and around the Mesa are diverse. Opportunities exist for preserving substantial areas of relatively undisturbed land around the Mesa as open space which can be linked to a network of open or undeveloped areas on the Mesa itself. As noted by the Mesa Plan Resource Group, the existing wildlife will thus be encouraged to remain or be attracted to the preserved areas. For planning purposes, these opportunities need to be considered as the open space or Mesa Resource area is defined.

2.6 Land Use

The existing lotting pattern and the scattered development provide both a constraint and an opportunity. As stated above, opportunities for well suited residential units with relatively low construction costs exist. On the other hand, the rigid grid pattern and the generally scattered development pattern can constrain future residential or agricultural uses on the Mesa.

The scattered ownership pattern and the variety of parcel sizes also provide constraints. Table 2-1 illustrates the parcel size and ownership pattern on the Mesa and in the Town. The County's zoning regulations call for minimum lot sizes of 10,000 square feet but allow smaller lots because the subdivision predates the current parcel size requirements in the zoning ordinance. Consolidation of lots with contiguous ownership is possible and necessary in most cases as the original 20' x 100' lots are not of sufficient size to meet the County's current building, health and safety standards.

LAND USE DATA

Information	Marin Office of Assessor 12/82 Data*	Bolinas Moratorium Review Lot Survey 1979 Data
Total Number of Gridded Mesa Parcels		1,281 (57%)
Total Number of Gridded Mesa 2,000 SF Parcels		125 (10%)
Total Number of Gridded Mesa 4,000 SF Parcels		341 (26%)
Total Number of Gridded Mesa 6,000 SF Parcels		208 (16%)
Total Number of Gridded Mesa 8,000 SF Parcels		164 (13%)
Total Number of Gridded Mesa 10,000 SF Parcels		381 (30%)
Total Number of Gridded Mesa 20,000+ SF Parcels		65 (5%)
Number of Gridded Masa Parcels 6,000 SF or Larger		818 (64%)
Number of Gridded Mesa Parcels 8,000 SF or Larger		610 (48%)
Number of Gridded Mesa Parcels 10,000 SF or Larger		446 (35%)
Total Number of Parcels (Not limited to Gridded Mesa)	2,345 (100%)	
Non-Taxable Parcels	65 (3%)	
Total Number of Improved and Unimproved Parcels	2,280 (97%)	
Total Number of Improved Parcels	602 (26%)	
Total Number of Unimproved Parcels	1,678 (71%)	
Total Number of Residential Parcels	2,261 (96%)	
Single Family Improved Parcels	569 (95%)	
Multi-Family Improved Parcels	14 (2%)	
Commercial Parcels and Other	19 (1%)	

* The Marin County Assessor's office has not consolidated adjacent parcels under commission ownership.

BOLINAS PARCEL OWNERSHIP

Ownership--Improved Parcels

	Number	Percent
Local	385	64.0
Marin (except Bolinas)	67	11.0
Outside Marin (State)	132	22.0
Outside State	18	3.0
Total	602	100.0

Ownership--Unimproved Parcels

	Number	Percent
Local	383	23.0
Marin (except Bolinas)	377	23.0
Outside Marin (State)	793	47.0
Outside State	125	7.0
Total	1,678	100.0

Ownership (All Parcels)

		Number	Percent
Local	768	33.7	
Marin (except Bolinas)		444	19.5
Outside Marin (State)		925	40.6
Outisde State		143	6.2
Total	2,280	100.0	

2.7 Utilities

Water Supply and Storage

The Bolinas Community Public Utilities District includes all of the Bolinas Mesa within its geographical jurisdiction. The District gets its water supply from Arroyo Hondo which is situated on National Park lands. The District operates on a yearly cycle with water being stored during the rainy season in two dams, Woodrat #1 and Woodrat #2. During the dry season, water from these dams is pumped into the system to keep up with demand. The flow in Arroyo Hondo is not sufficient during the summer to meet the community needs.

Flow

There is no accurate measurement of the flow at all times in Arroyo Hondo because the District can measure it only when all the water in the arroyo is trapped by the catchment or diversion dams and is going into the system. There is no feasible way for the District to measure the flows over these dams in the winter.

Table 2-2 shows the increase in water consumption from 1967 to 1983 to be from 25 x 10^6 gal. to 53.8 x 10^6 gal. This increase has occurred even though the water moratorium has been in effect since November 1971.

Table 2-2

Water Consumption Summary

1967	25×10^6 Gallons	1973	43.1×10^6	1978	46×10^6
1968	28.864×10^6 Gallons	1974	44.5×10^6	1979	51.23×10^6
1969	29.8×10^6 Gallons	1975	51.48×10^6	1980	55.43×10^6
1970	32.259×10^6 Gallons	1976	45.8×10^6	1981	44.98×10^6
1972	30.921×10^6 Gallons	1977	33.7×10^6	1982	51×10^6
				1983	53.8×10^6

Reservoir Evaporation:

Evaporation ac. ft. = 40"/yr. x surface in acres/12

Percent Consumption/Mc.

January	6.8
February	6.7
March	7.0
April	7.4
May	8.6
June	9.4
July	10.2
August	10.8
September	10.0
October	8.6
November	7.4
December	7.0

Source: Wm. J. Osward, Ph.D. PE, "Preliminary Evaluation of the Water Supply Potential Available to the B.C.P.U.D., August 1973.

The rate of evaporation at the two reservoirs is 40 inches a year x surface in acres.

Table 2-2 also shows the rate of monthly consumption to vary between January and August from 6.8 percent of the yearly consumption to 10.8 percent. Consumption goes up in the dry season.

The flow in Pine Gulch Creek has been measured by the U.S. Geologic Survey and for similar periods, i.e., when Arroyo Hondo is susceptible to measurement--the latter's flow has been determined to be 30 percent that of Pine Gulch Creek. Pine Gulch Creek drains the San Andreas Fault (proper) and its mouth is located between the school and the nursery on the Bolinas-Olema Road. Table 2-3 estimates the flow for Arroyo Hondo based on the corresponding figures for Pine Gulch Creek. This table shows the relative flow of the arroyo in normal and "dry" years in acre feet. It shows, in "dry" years, a drop from a high of 378 acre feet in a typical winter month to 1 acre foot of flow in September--just before the beginning of the rainy season. In a wet year, the minimum flow is about 8 acre feet per month.

Table 2-4 contains figures on the District's storage capacity. The figures are in gallons for each individual storage facility, four tanks and two dams. The total storage capacity is set out in acre feet after factoring for evaporation, a five acre foot per year legal obligation to Commonweal, and unusable bottom mud and sludge. Five acre feet goes to Commonweal under a settlement made in the condemnation use whereby the District acquired one of the Woodrat sites.

There results a net safe yield for the District's storage capacity of 40.9 acre feet. The maximum flow exploitable by the District at Arroyo Hondo is 200,000 gallons per day.

Table 2-3

Estimated Flow--Arroyo Hondo

	Average Year Acre-Feet	100 Year Dry Acre-Feet
January	1,303	157
February	633	378
March	325	273
April	108	73
May	60	37
June	62	14
July	19	5
August	12	2
September	8	1
October	22	17
November	34	26
December	450	47

Source: Using U.S.G.S. records, Arroyo Hondo flow (30 percent of Pine Gulch Creek).

Consumption

The population of Bolinas is assumed to be about 1,700 people with a requirement of 120 gallons per person per day. The 120 gallon figure is not adjusted for the heavy users downtown, i.e., the bar, restaurants, and laundromat, which exceed the 120/gal. day for each person. Also excluded in this 120 gal/person/day, is leakage which further reduces the personal consumption. The recent drought increased attention to water conservation and consumption was significantly reduced at that time. As these habits erode away, the demand is expected to go up.

Table 2-4

Present Storage Capacity

	Gallons	
Green Tank	420,000	
Gold Tank	420,000	
Terrace Tanks	130,000	
Little Mesa	20,000	
Woodrat #2	6,500,000	net safe yield
Woodrat #1	5,850,000	net safe yield, minus Commonweal
	13,340,000	gallons = 40.9 acre feet

Maximum flow capacity from Arroyo Hondo 200,000 gallons/day*

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* B.C.P.U.D. Daily Logs.

Based on 1,700 population at 120 gal/day, the yearly gross impact need is 228.5 acre feet.[1] Then, from Oswald's figures (Table 2-5) the need is set out for present demand. July, August and September are the critical months. The shortfall for those months approximates the capacity of one of the Woodrat reservoirs, which represents the additional storage needed just to bring the existing community up to a safe level under the present conditions, which includes a leakage factor of 38 percent, twice the state average.

1 One acre foot equals 325,851 gallons.

Table 2-5

Dry Year Water Budget

Assume 1,700 people x 120 gal./Person Day
Gross System Input Need = 228.5 acre feet/Year

Monthly Demand--Dry Season

	Percent				
June	9.4	x	228.5 acre feet	=	21.5 acre feet
July	10.2				23.3
August	10.8				24.7
September	10.0				22.8
October	8.6				19.7
November	7.4				16.9

Table 2-6

Current Demand and Projected Shortfall

	Arroyo Hondo Stream Flow (P.2)	Water Demand	Shortfall
June	14	21.5	7.5
July	5	23.3	18.3
August	2	24.7	22.7
September	1	22.8	21.8
October	17	19.7	2.7
November	26	16.9	None

During the preparation of the Gridded Mesa Plan, the Mesa Plan Resource Group's Water Committee reported that there were two source of additional water for Bolinas: establishing a system of wells along the Bolinas Ridge or creating additional storage facilities on Jack's Creek. In addition, it should be noted that Public Law 95-625 Section 318 states: "The Secretary shall cooperate with the Bolinas Public Utilities District to protect and enhance the watershed values within the seashore. The Secretary may, at his or her discretion, permit the use and occupancy of lands added to the seashore by action of the Ninety-fifth Congress by the utilities district for water supply purposes, subject to such terms and conditions as the Secretary deems are consistent with the purposes of this Act."

Sewage Systems

The existing sewage treatment plant and collection system does not serve the Gridded Mesa residences. The designed capacity of that system will accommodate the equivalent of 200 residential units including the non-residential uses in the Town. As of this writing, 165 residential units are hooked up to the system, leaving a theoretical unused capacity of 35 units. The system is infiltrated by groundwater during the wet season causing the system to overload, thereby limiting the actual excess capacity.

Current BCPUD policy indicates that the excess capacity will not be available to the Mesa, and therefore, cannot be used to solve any of the existing sewage disposal problems.

The existing on-site sewage disposal systems are affected by the characteristics of the soil and geologic formation of the Mesa. The depth of the soil is not a major constraint by itself. As described in Section 2.2, the soil depth varies from three to ten feet depending on the location, with the soil depth at the eastern end of the Mesa being the greatest. The major soil constraint is that there is inadequate depth of permeable, unsaturated soil that could accommodate on-site sewage disposal.

The terrace soils, those found on the eastern end of the Mesa, exhibit percolation rates within the criteria established for conventional and alternative on-site sewage disposal systems. In contrast, the western end of the Mesa is characterized by soils which are much higher in clay content and very slow to percolate. In general, the western end of

the Mesa is not suitable for any on-site sewage disposal system that is currently acceptable by County and State standards.

Another constraint affecting on-site sewage disposal is the shallow depth of the groundwater in the terrace soils of the Mesa. In these areas during the wet season, groundwater is found between one to six feet below the surface depending on the location with the greatest depth found closest to the southern bluffs. Conventional subsurface leaching trenches can be used in this near bluff area. Inland of the bluffs, the seasonal groundwater level is found to be high, being highest in areas near the Alder Creek drainage. Alternative disposal systems are more appropriate in these areas where the groundwater is closer to the surface.

In the nearly level (less than 2 percent slope) terrace soils at the eastern end of the Mesa little problem exists for on-site sewage disposal based on slope characteristics alone. In contrast, the slopes in the western end of the Mesa exceed 30 percent in some areas of the Alder Creek drainage. Combined with the tight soils and poor percolation characteristics of the shale area, the steep slopes contribute to make the western end of the Mesa unsuitable for on-site sewage disposal.

As stated in Section 2.3, the Mesa is drained by a network of drainageways which vary significantly in size. The main watercourse is Alder Creek which runs along the center of the Mesa from the east to the west end, emptying into the Ocean across Agate Beach. A northern tributary of this main channel originates near Poplar and Walnut Streets. These well-defined channels carry water into the summer season. Beyond these are deeper parts of the drainage in the terrace soils which can be characterized as wetland areas. The parcels located in and adjacent to these wetlands are also unsuitable for on-site sewage disposal.

Another constraint affecting on-site sewage disposal is the parcel size. Many of the existing parcels are too small to accommodate a residence using traditional on-site sewage disposal sytems. Because of the poor site conditions, the land requirements for sewage disposal are so great that many parcels now existing are too small and must either be joined to other parcels or abandoned as a possible site for residential development under the current sewage disposal options.

3.0 ALTERNATIVES

Throughout the planning process for the Gridded Mesa Plan, a series of alternative plan proposals were evolved based originally on the expression of the community and the non-resident property owners and then narrowed by the specific findings of the soils investigation. Eventually, four alternatives, ranging from one that recommended no new development to one that recommended full development of all parcels greater than 4,000 square feet, were presented during the Gridded Mesa Plan Workshop series. Of the four, which are described below, three were the subject of an advisory poll of the community in November of 1983. A clear majority of voters preferred the Baseline Alternative which called for no additional growth.

The Alternatives

There are four basic alternatives, each suggesting a different intensity of residential development. These four alternatives have been identified as the Baseline Alternative, the Moderate Growth Alternative, the Regulated Moderate Growth Alternative, and the Full Buildout Alternative. Many of the elements included in the Baseline Alternative, such as the open space concepts, are also included in the others. Each alternative is governed by a set of basic assumptions.

Baseline Alternative

1. Basic Description--This alternative recognizes the existing development pattern to community character and the current impacts of the significant constraints. This alternative includes no new residential development. Based on the constraints related to the soils, slopes and bluff erosion, some areas of the Mesa can be identified that could be included in a permanent open space resource element.

2. Assumptions

   Assumption 1--It is not feasible to expand the supply of water for domestic use at this time.

   Assumption 2--The unused capacity of the existing sewage treatment facility is committed for future use within the area already served by the sewerage system and is not available to the current or future residents of the Mesa.

Assumption 3--It is not feasible to expand the existing sewage treatment plant at this time, nor is a new plant feasible. Correcting the infiltration problem affecting the existing collector lines will not affect the options available for the Mesa because it only improves the system available to the downtown area

Assumption 4--The soils and geologic formation of the Mesa severely limit the use of on-site sewage disposal techniques currently recognized by the County and the Regional Water Quality Control Board. Portions of the Mesa are unsuitable for any additional on-site sewage disposal systems.

Assumption 5--Some mechanisms are available, such as the Land Trust, to make non-developable residential parcels available for other uses, such as open space or limited agricultural uses.

Assumption 6--New residential development is possible but only if water meters can be purchased, transferred or on-site water is available and meets County standrads and the parcel size and soil conditions also meet County standards for residential development.

Assumption 7--It is possible that the County may require an evaluation of the existing on-site sewage disposal systems and may require correction of those systems failing to meet acceptable standards established by County regulations.

Assumption 8--The existing on-site sewage disposal systems that do not now meet the required standards can be altered, repaired, relocated or replaced to meet the county and state requirements. Some of the techniques employed toward that end include relocating the disposal systems to areas with more suitable soils or by installing holding tanks which are pumped at regular intervals. Holding tanks will only be allowed by the County for a short-term solution. The western portion of the Mesa has the most severe constraints. Fixing the failing systems in this area may require expansion of the existing sewage treatment facility or constructing a new facility.

Assumption 9--The existing disposal systems that are failing will probably have to be fixed before any new development can occur. No predictions can be made on

the amount of land available for future development because it is not possible to predict how much of the currently undeveloped land may be required to fix the existing systems that now fail.

3. Key Elements of the Baseline Alternatives

A. The existing development on the Mesa remains essentially the same. The existing roadway network is modified to reestablish the natural surface drainage pattern of the Mesa as part of the program to improve the overall on-site sewage disposal system. Some of the existing unpaved or gravel covered roads will become cul-de-sacs or part of the open space system in the Resource Area. All existing residential units would have adequate fire and other emergency access.

B. A 100-year Bluff Erosion Setback line is established. No new construction of habitable structures is permitted in the area designated between the setback line and the existing bluff edge.

C. A Mesa Resource Area is established as an overlay zone over the Mesa. The Resource Area roughly corresponds to the most severely constrained soils and the areas of steepest slope. This Resource Area includes the elements of a permanent open space system as well as pedestrian, bicycle and equestrian trails. Neighborhood park areas could be included as part of the Resource Area if useful parcels become available for this type of use. This alternative does not include the taking of any parcel for park use. Limited agricultural or horticultural projects could also be located in this area. If non-buildable parcels are made available to the Land Trust or the BCPUD they could be considered for park development if appropriate. This Resource Area can also include areas to be planted as wildlife habitat and wind breaks.

D. As an extension of Resource Area, a community recreation center could be established near the existing Mesa fire station.

4. Costs and Tradeoffs

A. Community Goals

This alternative does not accomplish the goal expressed during the development of the Community Plan and reiterated during the Mesa Plan process of a residential development program averaging six new units per year over a twenty year period. Existing units could be lost as the existing health and safety regulations are enforced by the County. Little possibility exists for low and moderate income housing. It does, however, support the goals stating concern for protection of the community's environment and of state coastal resources.

B. Public Services

(1) The costs of rehabilitating the existing on-site sewage disposal systems are not known at this time since the level of effort will not be known until each system can be evaluated.

(2) There would be no increases in costs to the school since the school population is not increased by this alternative.

(3) There would be no increase in costs to the fire district.

(4) There are no additional costs anticipated for the County's law enforcement program as a result of this alternative.

(5) There are no additional costs anticipated for other County emergency services.

C. Land Ownership

(1) This alternative will have a significant impact on the uses that individual property owners can make of their land. If no new development is possible because the utilities are limited and the area has severe physical limitations, then many of the existing parcels are of limited use.

- Parcels located in the area with the greatest constraints for on-site sewage disposal would probably not be suitable for development even if additional water were available, although a site-by-site evaluation must be conducted to verify specific conditions.

- Parcels located along the bluffs, particularly immediately adjacent to the edge are not suitable for development with this alternative. Owners of these parcels may wish to consider the opportunities presented by the Land Trust and other mechanisms which enable them to recover some value for their land.

- Parcels located between the area back of the bay facing the bluff and the main drainage ways are not suitable for conventional on-site sewage disposal systems. Rehabilitation of the existing disposal systems could require the owners of those systems to increase the size of their lots to accommodate the appropriate sewage treatment system as required by the County.

If on-site rehabilitation is not feasible in the areas with the most soil constraints, specifically the western portion of the Mesa, a sewage treatment plant might be considered as a necessary technical solution. Owners of undeveloped parcels within the areas with the greatest constraints may wish to consider the opportunities presented by the Land Trust or the BCPUD for donation or trade.

Moderate Growth Alternative

1. Basic Description: This alternative assumes that the existing on-site disposal systems that now fail have been corrected and an accounting of the potentially developable land has been revised and the decision can be made by the community and the funds are available from one or more sources, to increase the supply of water to the community for domestic use. With the increased supply of water, some of the now undeveloped or underdeveloped parcels of land on the Mesa can be

considered for development. Sewage treatment on the Mesa utilizes on-site disposal techniques, both conventional systems and those alternatives approved by the County and the Regional Water Quality Control Board (absorption beds, sand trenches and mound systems). The increase in residential units on the Mesa could range from approximately 40, if only the existing large size parcels (greater than 10,000 square feet) are developed, to approximately 120 if all the undeveloped parcels were consolidated and redistributed (through sale or trade) as parcels greater than 10,000 square feet (depending on the soil suitability zone). The range of development could increase the population of the community by 105 to 315 persons. As with the Baseline Alternative, an open space system or Resource Area, becomes an important element in the physical structure of the community.

2. Assumptions

Assumption 1--Additional development on the Mesa does not occur until the existing systems are determined to be adequate or are repaired, removed, relocated, replaced or connected to a sewage treatment facility of some kind.

Assumption 2--It is politically, physically and economically feasible to expand the supply of domestic water for the entire community, including the Mesa. Expanding the supply could include new sources of supply, new or expanded storage facilities and new or rehabilitated distribution systems.

Assumption 3--The unused capacity of the existing sewage treatment facility is committed for future use within the area already served by the sewerage system and is not available to the current or future residents of the Mesa.

Assumption 4--The soils and geologic formation of the Mesa severely limit the use of on-site sewage disposal techniques currently recognized by the County and the Regional Water Quality Control Board. Portions of the Mesa are unsuitable for any acceptable on-site disposal technique.

Assumption 5--It is not feasible to expand the existing sewage treatment plant at this time, nor is a new plant feasible. Correcting the infiltration problem affecting the existing collector lines will not affect the options available for the Mesa because it only improves the system available to the Town.

Assumption 6--Lot consolidation is possible and desirable. Private individuals can sell to others. Private individuals can trade parcels. Private individuals can sell or trade to the Land Trust. The Coastal Conservancy may be involved in a lot consolidation program.

Assumption 7--New residential development is possible because the expanded water supply allows additional water meters and water service to be allocated. The soil and slope conditions suggest that some areas of the Mesa are less suitable for development than others. The County will review each application for development permit against the environmental constraints and determine whether or not the subject parcel can be developed.

Assumption 8--Additional development does not necessarily have to occur within the existing grid pattern established by the original development plan for the Mesa. The existing pattern can be modified to include residential development alternatives such as clustering of development adjacent to a shared sewage disposal system.

Assumption 9--The increased population will result in an increased number of trips to and from the Mesa. Access will have to be studied and probably improved. This increased traffic to the Town will have to be accommodated by either on- or off-street parking. Parking areas will be required in or near the center of the Town. The existing on-street parking areas in Town are not sufficient to accommodate the increased demand for parking.

Assumption 10--The new development on the Mesa is subject to the economic controls exhibited by the market at the time of development. No phasing program occurs.

3. Key Elements of the Moderate Growth Alternative

A. The undeveloped parcels within the existing grid pattern are developed at a rate of six units per year over the next twenty years. The parcels most likely to be developed first are those whose size, soil and slope conditions meet the County's minimum standards for on-site sewage disposal systems. The extent

of the new development is directly related to the availability of water and the capacity of the Mesa's soils to accept on-site sewage disposal. Each application for development permits will be considered on its individual merits. Not every parcel shown by this alternative will be developed. This alternative represents a maximum level of development if all unbuilt parcels could be consolidated, reallocated and developed. The opportunity exists for clustering residential units around or adjacent to common sewage disposal systems.

B. A 100-year Bluff Erosion Setback line is established. No new construction of habitable structures is permitted in the area designated between the setback line and the existing bluff edge.

C. A Mesa Resource Area is established as an overlay zone over the Mesa. The Resource Area roughly corresponds to most constrained soils and steepest slopes. This Resource Area includes the elements of a permanent open space system as well as pedestrian, bicycle and equestrian trails. Neighborhood park areas could be included as part of the Resource Area if useful parcels become available for this type of use. This alternative does not include the taking of any parcel for park use. Limited agricultural or horticultural projects could also be located in this area. If non-buildable parcels are made available to the Land Trust or the BCPUD they could be considered for park development if appropriate. This Resource Area can also include areas to be planted as wildlife habitat and wind breaks.

D. The existing roadway network is modified to improve access to and from the Mesa and to reestablish the natural surface drainage pattern of the Mesa as part of the program to improve the overall on-site sewage disposal system. Some of the existing unpaved or gravel covered roads will become cul-de-sacs or part of the open space system in the Resource Area. All existing residential units would have adequate fire and other emergency access.

E. As an extension of the Resource Area, a community recreation center could be established near the existing Mesa fire station.

4. Costs and Tradeoffs

A. Community Goals

(1) This alternative is consistent with the 1975 Community Plan to the extent that a maximum limit of development can be identified which is similar to the limit discussed during the development of the Community Plan. The extent of the potential for development is not clear at this time and cannot be specifically identified until an evaluation of the existing disposal systems has been completed and a sewage disposal system rehabilitation program is implemented. If no undeveloped parcels were required to complete the rehabilitation program approximately 75 new residential units could be developed (20-22 @ 10,000 square feet, 8-10 @ 20,000 square feet, and 40-43 @ 40,000 square feet). Combined with the development potential in the sewered area of the Town and other suitable parcels in the Planning Area, this development potential exceeds the goals commonly expressed by the community, including a healthy coexistence of man and the environment.

(2) This alternative does not meet the community's expressed goal of regulated phased growth. It is however reasonable to assume tha the allowed growth would occue throughout the planning period.

B. Public Services

(1) The costs of rehabilitating the existing on-site sewage disposal systems is not known at this time since the level of effort will not be known until the results of a system by system evaluation.

(2) The costs of expanding the water system could range between $1,600,000 and $2,162,000 depending on the system alternative chosen.

(3) If 75 new units were developed there is a potential to increase the elementary school age population by approximately 50 elementary school students. This represents a maximum increase, the actual

increase will probably be less if less than 75 units are developed. The existing school currently has unused capacity and will not need to be expanded. Additional teaching staff will probably be required. High school age students can be accommodated by the existing Tamalpais High School in Mill Valley.

(4) If the maximum development occurs, the increased development will probably require some expansion of the existing fire protection program.

(5) Increasing the population on the Mesa would result in an increase in the need for additional law enforcement. The County Sheriff and his staff would be in Bolinas more frequently than with the Baseline Alternative.

(6) With this alternative, all community services will experience a greater demand. The costs of providing these services will have to be paid through increased taxes, bond sales, grants, or assessment districts.

C. Land Ownership

(1) Once the sewage disposal system rehabilitation program has been implemented, property owners with parcels of adequate size and acceptable slope configuration as stipulated by existing county ordinance, as well as exhibiting soils suitable for on-site sewage disposal can seek development approvals from the County. Property owners with parcels smaller than the minimum allowed in each zone or who are unable to consolidate, trade or sell their parcels in the existing market may want to consider sales, trades or gifts to the Land Trust or the BCPUD.

Regulated Moderate Growth Alternative

1. Basic Description: This alternative assumes that the existing on-site disposal systems that now fail have been corrected and an accounting of the potentially developable land has been revised and the decision can be made by the community and the funds are available from one or more sources, to increase the supply of

water to the community for domestic use. With the increased supply of water, many of the now undeveloped or underdeveloped parcels of land on the Mesa can be considered for development. Sewage treatment on the Mesa utilizes on-site disposal techniques, both conventional systems and those alternatives approved by the County and the Regional Water Quality Control Board (absorption beds, sand trenches and mound systems). The increase in residential units on the Mesa could range from approximately 40, if only the existing large size parcels (greater than 10,000 square feet) are developed, to approximately 120 if all the undeveloped parcels were consolidated and redistributed (through sale or trade) as parcels greater than 10,000 square feet (depending on the soil suitability zone). The range of development could increase the population of the community by 105 to 315 persons. As with the Baseline Alternative, an open space system or Resource Area, becomes an important element in the physical structure of the community.

2. Assumptions

Assumption 1--Additional development on the Mesa does not occur until the existing systems are determined to be adequate or are repaired, removed, relocated, replaced or connected to a sewage treatment facility of some kind.

Assumption 2--It is politically, physically and economically feasible to expand the supply of domestic water for the entire community, including the Mesa. Expanding the supply could include new sources of supply, new or expanded storage facilities and new or rehabilitated distribution systems.

Assumption 3--The unused capacity of the existing sewage treatment facility is committed for future use within the area already served by the sewerage system and is not available to the current or future residents of the Mesa.

Assumption 4--The soils and geologic formation of the Mesa severely limit the use of on-site sewage disposal techniques currently recognized by the County and the Regional Water Quality Control Board. Portions of the Mesa are unsuitable for any acceptable on-site disposal technique.

Assumption 5--It is not feasible to expand the existing sewage treatment plant at this time, nor is a new plant feasible. Correcting the infiltration problem affecting

the existing collector lines will not affect the options available for the Mesa because it only improves the system available to the Town.

Assumption 6--Lot consolidation is possible and desirable. Private individuals can sell to others. Private individuals can trade parcels. Private individuals can sell or trade to the Land Trust. The Coastal Conservancy may be involved in a lot consolidation program.

Assumption 7--New residential development is possible because the expanded water supply allows additional water meters and water service to be allocated. The soil and slope conditions suggest that some areas of the Mesa are less suitable for development than others. The County will review each application for development permit against the environmental constraints and determine whether or not the subject parcel can be developed.

Assumption 8--Additional development does not necessarily have to occur within the existing grid pattern established by the original development plan for the Mesa. The existing pattern can be modified to include residential development alternatives such as clustering of development adjacent to a shared sewage disposal system.

Assumption 9--The increased population will result in an increased number of trips to and from the Mesa. Access will have to be studied and probably improved. This increased traffic to the Town will have to be accommodated by either on- or off-street parking. Parking areas will be required in or near the center of the Town. The existing on-street parking areas in Town are not sufficient to accommodate the increased demand for parking.

Assumption 10--A mechanism can be developed by the county and the community to regulate the growth of the Planning area including the Mesa so that the planned community services can remain adequate.

3. Key Elements of the Moderate Growth Alternative

A. The undeveloped parcels within the existing grid pattern are developed over time. The parcels most likely to be developed first are those whose size, soil

and slope conditions meet the County's minimum standards for on-site sewage disposal systems. The extent of the new development is directly related to the availability of water and the capacity of the Mesa's soils to accept on-site sewage disposal. Each application for development permits will be considered on its individual merits. Not every parcel shown by this alternative will be developed. This alternative represents a maximum level of development if all unbuilt parcels could be consolidated, reallocated and developed. The opportunity exists for clustering residential units around or adjacent to common sewage disposal systems.

B. A 100-year Bluff Erosion Setback line is established. No new construction of habitable structures is permitted in the area designated between the setback line and the existing bluff edge.

C. A Mesa Resource Area is established as an overlay zone over the Mesa. The Resource Area roughly corresponds to most constrained soils and steepest slopes. This Resource Area includes the elements of a permanent open space system as well as pedestrian, bicycle and equestrian trails. Neighborhood park areas could be included as part of the Resource Area if useful parcels become available for this type of use. This alternative does not include the taking of any parcel for park use. Limited agricultural or horticultural projects could also be located in this area. If non-buildable parcels are made available to the Land Trust or the BCPUD they could be considered for park development if appropriate. This Resource Area can also include areas to be planted as wildlife habitat, wind breaks, and fuel supplies.

D. The existing roadway network is modified to improve access to and from the Mesa and to reestablish the natural surface drainage pattern of the Mesa as part of the program to improve the overall on-site sewage disposal system. Some of the existing unpaved or gravel covered roads will become cul-de-sacs or part of the open space system in the Resource Area. All existing residential units would have adequate fire and other emergency access.

E. As an extension of the Resource Area, a community recreation center could be established near the existing Mesa fire station.

4. Costs and Tradeoffs

A. Community Goals

(1) This alternative is consistent with the 1974 Community Plan to the extent that a maximum limit of development can be identified which is similar to the limit discussed during the development of the Community Plan. The extent of the potential for development is not clear at this time and cannot be specifically identified until an evaluation of the existing disposal systems has been completed and a sewage disposal system rehabilitation program is implemented. If no undeveloped parcels were required to complete the rehabilitation program approximately 75 new residential units could be developed (20-22 @ 10,000 square feet, 8-10 @ 20,000 square feet, and 40-43 @ 40,000 square feet). Combined with the development potential in the sewered area of the Town and other suitable parcels in the Planning Area, this development potential exceeds the goals commonly expressed by the community. Once the rehabilitation program is implemented, the reduction in the development potential will probably bring the total number of suitable parcels closer to the community goal.

B. Public Services

(1) The costs of rehabilitating the existing on-site sewage disposal systems is not known at this time since the level of effort will not be known until the results of a system by system evaluation.

(2) The costs of expanding the water system could range between $1,600,000 and $2,162,000 depending on the alternative chosen.

(3) If 75 new units were developed there is a potential to increase the elementary school age population by approximately 30 elementary school students. This represents a maximum increase, the actual increase will probably be less if less than 75 units are developed. The existing school currently has unused capacity and will not need to be expanded. Additional teaching staff will probably be required. High

school age students can be accommodated by the existing Tamalpais High School in Mill Valley.

(4) If the maximum development occurs, the increased development will probably require some expansion of the existing fire protection program.

(5) Increasing the population on the Mesa would result in an increase in the need for additional law enforcement. The County Sheriff and his staff would be in Bolinas more frequently than with the Baseline Alternative.

(6) With this alternative, all community services will experience a greater demand. The costs of providing these services will increase.

C. Land Ownership

(1) Once the sewage disposal system rehabilitation program has been implemented, property owners with parcels of adequate size and acceptable slope configuration as stipulated by existing county ordinance, as well as exhibiting soils suitable for on-site sewage disposal can seek development approvals from the County. Property owners with parcels smaller than the minimum allowed in each zone or who are unable to consolidate, trade or sell their parcels in the existing market may want to consider sales, trades or gifts to the Land Trust or the BCPUD.

Full Buildout Alternative

1. Basic Description: This alternative, based on the construction of a sewage treatment facility and an adequate supply of water, illustrates how the Mesa might look if all parcels 4,000 square feet in size or larger, excluding those with slope and bluff setback constraints, were developed.

2. Assumptions

Assumption 1--It is politically, physically and economically feasible to expand the supply of water for domestic use at this time.

Assumption 2--The existing sewage treatment plant can be expanded as the demand for new residential development occurs, or a new sewage treatment facility can be constructed with a capacity sufficient to serve the fully developed Mesa.

Assumption 3--The existing on-site sewage disposal systems are subject to a rehabilitation program prior to the completion of a sewage treatment plant and collector system. The County will do an evaluation of the existing systems prior to preparing and implementing a sewage disposal system rehabilitation plan.

Assumption 4--An opportunity exists under full buildout growth to establish a contractual agreement which regulates growth of the planning area including the Mesa so that the planned community services can remain adequate.

3. Key Elements of the Full Buildout Alternative

A. The existing grid development pattern remains the same and the unbuilt areas are filled in.

B. An interim zoning pattern is established while the sewage disposal system rehabilitation program is implemented. This zoning pattern corresponds to the parcel size recommendations based on sewage disposal requirements (10,000 square feet, 20,000 square feet, 20,000-40,000 square feet).

C. A 100-year Bluff Erosion Setback line is established. No new construction of habitable structures is permitted in the area designated between the setback line and the existing bluff edge.

D. A Mesa Resource Area is established as a permanent open space element. This area corresponds to that portion of the central and western portion of the Mesa where the slopes are greater than 35 percent, the soils are unstable, and the major drainageways occur. A pedestrian, bicycle, equestrian

circulation system can be developed within this Area. Neighborhood park spaces, if desirable, can also be established as part of the Resource Area if land becomes available for such a purpose. Limited agricultural or horticultural projects could also be located in this area.

E. The existing roadway network will be retained and upgraded to provide access to and from the projected residential development.

F. As an extension of the Resource Area, a community recreation center could be established near the existing Mesa fire station.

4. Costs and Tradeoffs

A. Community Goals

This alternative does not accomplish the goal expressed during the development of the Community Plan and reiterated during the Mesa Plan process of a residential development program averaging six new units per year over a twenty year period. However, it does support the goals of fostering economic development.

B. Public Services

(1) The costs of rehabilitating the existing on-site sewage disposal systems is not known at this time since the level of effort will not be known until the results of a system by system evaluation are known.

(2) A new sewage treatment facility and collector system could cost $20 million (1983 dollars).

(3) In order to supply water to the new development, an agreement with a water agency outside the area would be required. No local supply would be adequate.

(4) The alternative would result in an increase in the elementary school age population of approximately 360 students. These students can not be

accommodated in the existing facilities. New facilities would be required.

(5) As the population on the Mesa increases toward full buildout, the fire district would incur increased costs for equipment and operating expenses.

(6) As the population on the Mesa increases toward full buildout the County services would be required on a greater frequency and additional costs would be incurred.

C. Land Ownership

(1) This alternative provides the current land owners with the greatest number of options for using their land. With this alternative, the parcels greater than 4,000 square feet can be developed as single lots, sold or otherwise consolidated with other parcels, donated to the Land Trust or the BCPUD for community purposes or left alone.

4.0 BOLINAS GRIDDED MESA PLAN

The Bolinas Gridded Mesa Plan seeks to meet the goals of the community as expressed by the 1975 Bolinas Community Plan and the Local Coastal Program. The Plan's primary objective is to improve conditions on the Mesa to benefit the health and welfare of the residents of the existing community while preserving native species diversity and habitat and conserving the nature of the environment for residents and visitors as well as to provide a plan for the possibility of safe and orderly development in the future. The Plan addresses those problems currently faced by Bolinas, particularly those related to sewage, water and protection of the coastal environment.

The Gridded Mesa Plan recognizes that the Mesa area is a portion of the Bolinas community within which are areas where residential infill and relocation opportunities exist. One of the major premises of the Plan is that this area of Bolinas was subdivided in 1927 without regard to necessary infrastructure or environmental constraints and that attention must now be addressed to the resulting problems. Any future development that occurs must be consistent with the now recognized environmental constraints prevalent in the area. Relocation may be required to provide safe living conditions and enhance the environment. The following pages describe the characteristics of the Gridded Mesa Plan, its policies and recommended implementation strategies.

4.1 Gridded Mesa Plan

The 1984 Gridded Mesa Plan deals with improving the existing conditions and determining the development capacity of Mesa. No realistic land use or circulation plan can be recommended until the existing problems are solved and an accurate inventory of development or use opportunities can be completed. The Mesa Plan should be implemented in less than five years. After the Plan is implemented, the 1975 Bolinas Community Plan should be reevaluated and updated for the entire Bolinas Planning Area. Existing residents and non-resident property owners should be encouraged to acquire additional parcels to solve their sewage disposal problems or to create adequate parcel size for future development.

4.2 Policies and Programs

The primary objective of the Gridded Mesa Plan is to solve the problems that threaten the health and welfare of the residents of the existing community. This objective overrides all the objectives stated in the 1975 Community Plan. Although the implementation recommendations included in that plan called for continuous monitoring of the performance of the Plan and the identification of "trouble spots," it is clear that the extent of those possible problems was not completely understood at that time. This Plan addresses those "trouble spots." Central to this concept is that the highest priority in addressing these problems will be given to the least costly and least disruptive means possible. The least costly and least disruptive means to solve problems shall be attempted before other measures which may be more costly or more disruptive are applied.

The objectives discussed below are taken directly from the 1975 Bolinas Community Plan and supplemented with 1984 objectives. The policies and programs are specific to the Gridded Mesa Plan and do not necessarily relate to the remainder of the community.

4.2.1 Land Use

There is potential for new residential development on the Mesa if the water supply can be increased. However, this potential is limited by Mesa soils which limit the feasibility of existing and future use of septic tanks and leachfields for sewage disposal on the Mesa. Therefore, while there is a substantial amount of undeveloped land on the Mesa, much of this has no development potential using septic tanks. Development opportunities are also limited by existing parcel sizes and configuration.

The potential for residential development represented by the Plan is less than was assumed during the consideration of the Alternatives. The difference is due to an increased understanding of the constraints inherent on the Mesa.

Given these constraints, the potential exists for 68 to 75 new residential units to be developed on the Mesa. This range assumes that a parcel consolidation program can be implemented since most of the available parcels are below the minimum size needed to allow on-site sewage disposal or do not meet County development standards. The size of

the parcels that can be developed for residential use varies depending on its location on the Mesa.

The range of development potential may change as the effects of the improvement programs recommended by this Plan are evaluated. As the programs are implemented, the availability of water and land will be identified and the residential development potential can be measured as the land needed to repair existing problem septic systems and effectuate a drainage and circulation plan.

The policies set forth below discuss several observed constraints and opportunities for development and, in part, focus on difficulties associated with rebuilding structures in higher risk areas. However, notwithstanding any other provisions of the plan, residential structures destroyed by fire, earthquake or other natural disasters shall be permitted to be rebuilt.

Objective: Any new construction proposed for environmentally-sensitive or potentially dangerous areas, including single-family construction, shall be assessed in relation to its impacts: Cliff Erosion Zone, Drainage Patterns, slope policy area, Alquist-Priolo Seismic Safety Zone, Coastal Commission Permit Zone, Marin Countywide Plan Conservation Zone, and suitability of soils for septic systems, and the cumulative impact of septic systems on groundwater mounding and soil nitrate accumulation. Countywide Conservation Zone standards should be developed for this purpose. (1975 Bolinas Community Plan)

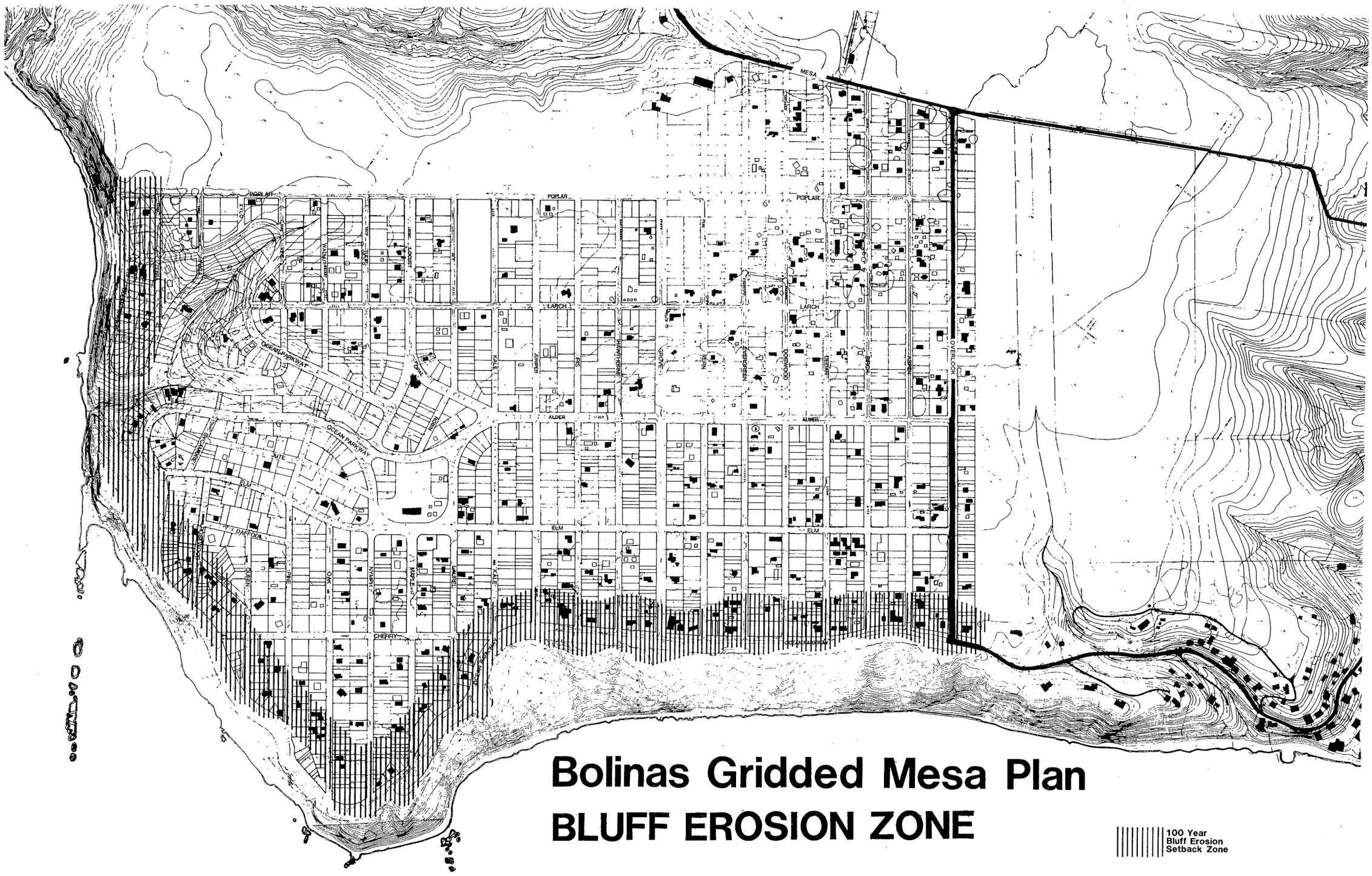
Policy LU-1: There shall be no residential development or substantial construction near the bluffs. (1975 Land Use Policy 6--revised for the Gridded Mesa Plan)

Programs:

LU-1.1--Establish a Bluff Erosion Zone along the Bolinas Bay side of the Mesa. The extent of this Zone shall be based on a 100-year life expectancy for a residential unit. The Zone shall extend from Overlook Drive to Duxbury Point and shall include all land from the edge of the bluff to a line 245 feet inland. This edge shall be reexamined and adjusted as necessary every five years. No new construction and no residential additions amounting to greater than 10 percent of the existing total floor area or 120 square feet (whichever is greater) shall be permitted in this

zone on a one-time basis. Replacement construction will be permitted provided that it conforms to current building and environmental health codes and the waiver provisions of Program LU-1.3 below. (Figure 4-1) Time Frame: Immediately.

LU-1.2--Establish a Bluff Erosion Zone along the Pacific Ocean side of the Mesa. The extent of this Zone shall be based on a 100 year life expectancy for a residential unit. This Zone shall extend from Duxbury Point to Poplar Road and shall include all land from the edge of the bluff to a line 295 feet inland. This edge shall be reexamined and adjusted as necessary every five years. No new construction and no residential additions amounting to greater than 10 percent of the existing floor area or 120 square feet (whichever is greater) shall be permitted in this zone on a one-time basis. Replacement construction will be permitted provided that it conforms to current building and environmental health codes and the waiver provisions of Program LU-1.3 below. (Figure 4-1) Time Frame: Immediately.



Bolinas Gridded Mesa Plan

BLUFF EROSION ZONE

Bolinas Planning Council
Mesa Plan Resource Group
Marin County Planning Department

EDAW inc. 1983

Figure 4-1

LU-1.3--The restrictions imposed by LU-1.1 and 1.2 can be waived on an individual basis if a site specific engineering report prepared by a licensed engineer can show that hazardous conditions do not exist on that site or that the site-related constraints can be adequately overcome and that construction on that specific site will not contribute to the cumulative negative effects, specifically groundwater mounding, nitrate accumulation and bluff erosion on the Mesa. Any construction (new construction or additions) within either bluff erosion zone will require that permit issuing agencies (e.g., the County, BCPUD) be held harmless for any loss due to erosion. Time Frame: Immediately.

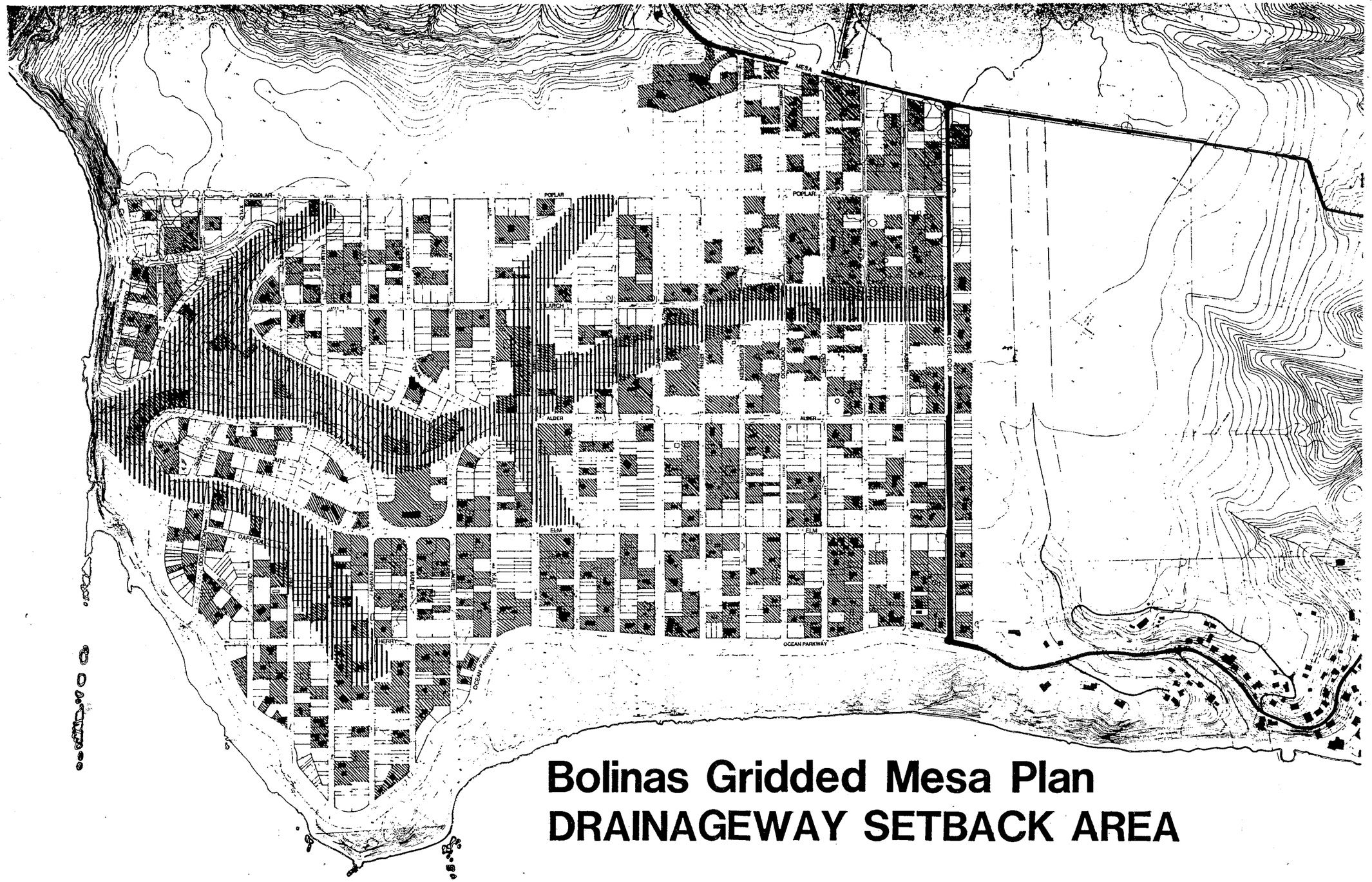
Policy LU-2: There shall be no residential development along the Mesa's major drainageways. (1975 Land Use Policy 6--revised for the Gridded Mesa Plan)

Programs:

LU-2.1--Establish a setback along Alder Creek including its northern tributary (originating near Poplar Road and Walnut Road). The extent of the setback varies with the physiography of the drainage and is shown by Figure 4-2. No new construction shall occur within this setback area except as allowed by Stream Protection Policy 4 of the LCP (page 19, LCP Unit 1). Time Frame: Immediately.

LU-2.2--Replacement construction of single family homes located in the drainageway areas will be permitted provided that it conforms to current building and environmental health codes and provided that engineering data clearly demonstrates how the reconstruction will not impair the functioning and maintenance of the drainageways.

Policy LU-3: An overall surface drainage plan for the Gridded Mesa and adjoining areas shall be made and implemented as soon as possible to help alleviate septic system failures. Lot consolidation, access and road plans and improvements all await this. Piecemeal drainage plans which do not conform to an overall plan are a damage to other property, the cliffs and houses downslope. On-site and surface drainage and improvement of existing drainage should be a first priority. The road plan should be made in conjunction with the drainage system. (1984 Gridded Mesa Plan).



Bolinas Gridded Mesa Plan
DRAINAGEWAY SETBACK AREA

Bolinas Planning Council
Mesa Plan Resource Group
Marin County Planning Department

EDAW Inc.

Feet
0 100 200 400 600 1000

N

Existing Built Parcels, 1983

Exhibit 7 (County Proposed Appendices and Suggested Appendices)
LCP-2-MAR-[illegible]-0029-1
Page [illegible]

Figure 4-2

Programs:

LU-3.1--Prepare a Mesa-wide drainage plan. Time Frame: Immediately.

LU-3.2--Implement a Mesa-wide drainage program based on the recommendations of the Questa report (1983), including:

a. On-site drainage improvements by individual property owners but coordinated with Master Drainage Plan.

b. Install new, or larger, culverts under the existing roads.

c. Clear and enlarge existing drainage ditches.

d. Establish a system of underdrains along existing road rights-of-way. Install perforated lateral drains (3 to 4 inches in diameter) along the roads running north to south. Install main collector lines (8 to 10 inches in diameter--non perforated) along the roads running east to west.

Time Frame: Begin immediately.

LU-3.3--Implementation of this program will be the responsibility of the County, the BCPUD and the Fire Department. An application for outside funding will probably be necessary. Time Frame: Immediately.

Policy LU-4: There shall be no residential development on the Mesa in areas with restrictive soils where on-site sewage disposal systems are found to fail. Approval of new septic tank installations is dependent upon the recognition of the cumulative impacts of septic systems, including groundwater mounding and soil nitrate accumulation. If a determination of the cumulative impacts indicates that adjacent properties are excluded from development if a second unit is added to an existing development, then the primary unit would be given priority. (This policy applies as long as on-site sewage disposal systems are used on the Mesa.) (1975 Land Use Policy 6--revised for the Gridded Mesa Plan)

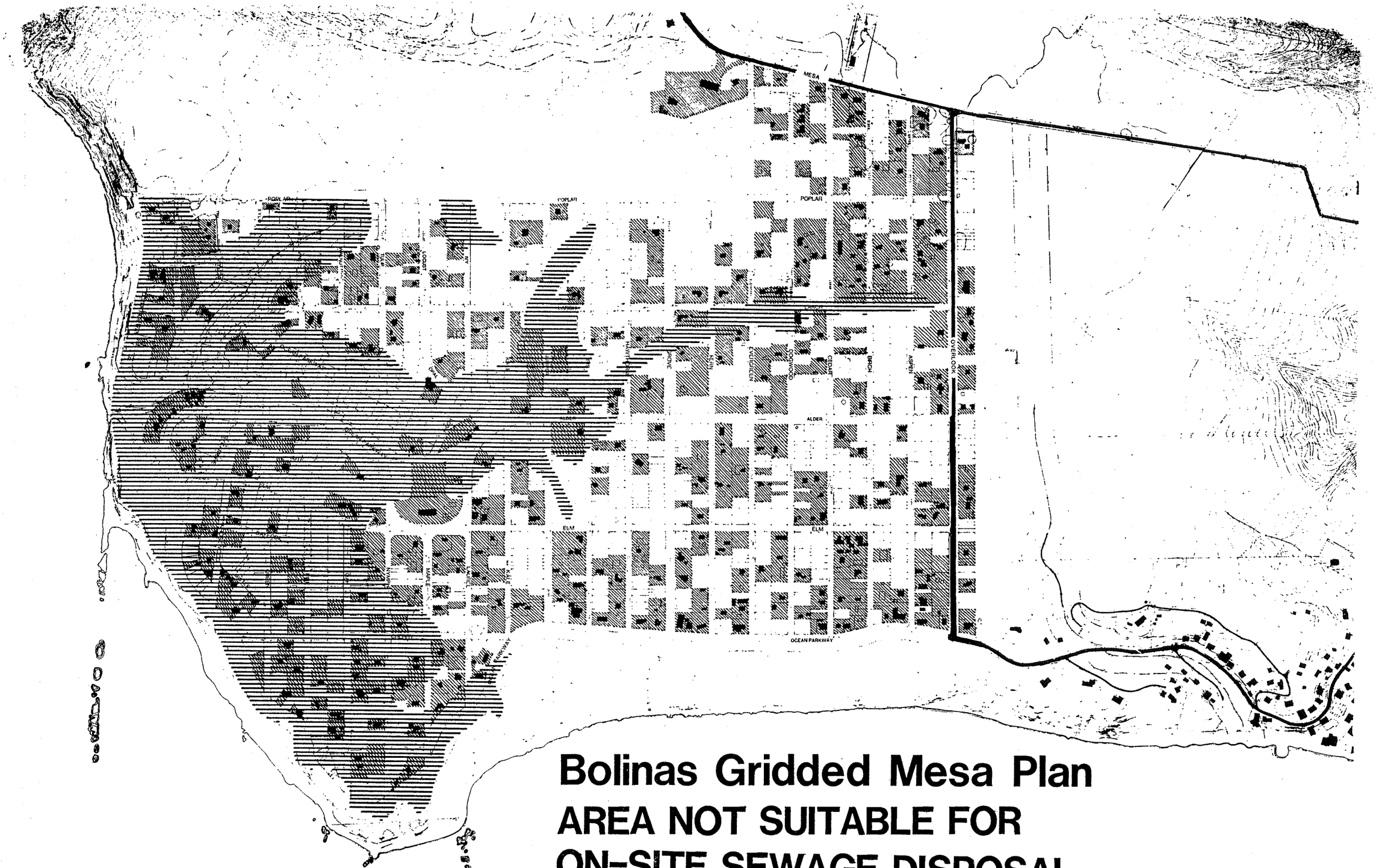
Programs:

LU-4.1--Establish a restricted area on the Mesa corresponding to Zone V identified by the Questa Report of September 1983 (Figure 4-3). No new residential construction which utilizes on-site subsurface sewage disposal systems shall be allowed in this zone. Replacement residential construction of legally constructed homes which utilize on-site subsurface sewage disposal systems may be permitted provided that it conforms to current building and environmental health codes and other policies of this plan. Further study may reveal some areas within this zone which are suitable for inclusion in a different zone. Time Frame: Immediately.

LU-4.2--The County shall, prior to the issuance of new septic permits in the R-10 area, study the cumulative impact of ground water mounding on south bluff erosion.

Policy LU-5: The minimum parcel sizes for residential development on the Mesa shall be restricted by location if on-site sewage disposal systems are used. There shall be three areas for development corresponding to the constraints to on-site sewage, disposal inherent in the soils. The minimum lot size in these three areas shall be 10,000, 20,000 and 40,000 square feet, respectively. In the area requiring a minimum parcel size of 10,000 square feet, 20 to 22 new residential units are possible if a lot consolidation program is implemented. Similarly, in the area requiring a minimum parcel size of 20,000 square feet, 8 to 10 new residential units are possible, and in the area requiring a minimum parcel size of 40,000 square feet, 40 to 43 new residential units are possible. Further study may reveal some areas within this zone which are suitable for inclusion in a different zone (see Program LU-5.5). Assessment of a site for a zoning change must include consideration of the cumulative impacts of on-site sewage disposal, including groundwater mounding and soil nitrate accumulation. (1984 Gridded Mesa Plan Policy)

NB--This range of development potential is based on an aggregation of undeveloped parcels within each zone with no reflection of the diverse ownership pattern. During the process of improving or repairing the existing on-site sewage disposal systems, the development potential may decrease.



Bolinas Gridded Mesa Plan

AREA NOT SUITABLE FOR ON-SITE SEWAGE DISPOSAL

Bolinas Planning Council
Mesa Plan Resource Group
Marin County Planning Department

EDAW inc. 1983

N

Feet 0 100 200 400 600 1000

Existing Built Parcels, 1983

Figure 4-3

Programs:

LU-5.1--Establish a residential development zone (C-R-A-B2) on the Mesa corresponding to the extent of the T1 soils identified by Questa (1983). Require the minimum lot size in this zone to be 10,000 square feet (Figure 4-4). Time Frame: Immediately. Development potential: 20 to 22 residential units.

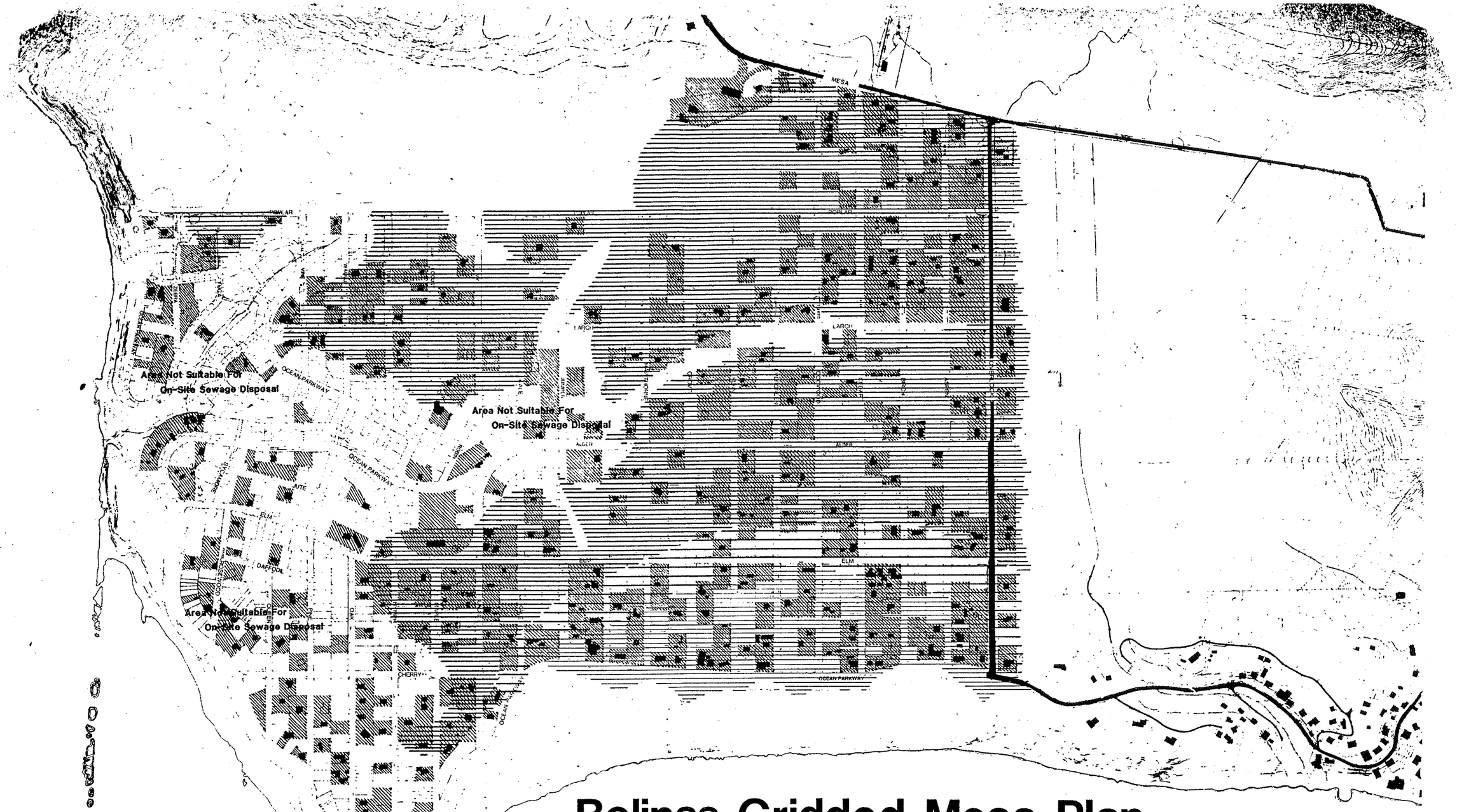
LU-5.2--Establish a residential development zone (C-R-A-B3) on the Mesa corresponding to the extent of the T2 soils identified by Questa (1983). Require the minimum lot size in this zone to be 20,000 square feet. County adjusts zoning regulations to reflect Mesa R-20 zone. County and community pursues lot merger and consolidation program on Mesa. Coastal Conservancy funds should be sought to implement this program (Figure 4-4). Time Frame: Immediately. Development potential: 8 to 10 residential units.

LU-5.3--Establish a residential development zone (C-R-A-B4) on theMesa corresponding to the extent of the T3 and T4 soils identified by Questa (1983). Require the minimum lot size in this zone to be 40,000 square feet. County adjusts zoning regulations to reflect Mesa R-40 zone. County pursues lot merger program on Mesa. Coastal Conservancy funds should be sought to implement this program (Figure 4-4). Time Frame: Immediately. Development potential: 40 to 43 residential units.

LU-5.4--Establish a Mesa-wide groundwater mounding monitoring program during the wet season to determine the areas with the most constraints on development using on-site sewage disposal. Time Frame: Immediately.

LU-5.5--Establish an appeal mechanism for each zone so that individual property owners may have their site considered according to its own specific physical characteristics. No waivers or variances can be granted until the cumulative impacts can be determined. Time Frame: Immediately.

LU-5.6--Establish a methodology for reviewing individual sites during the wet season which includes testing the soil for permeability, percolation, effects on groundwater, nitrate impacts and other cumulative effects. Time Frame: Immediately.



Bolinas Gridded Mesa Plan

RESIDENTIAL DEVELOPMENT ZONES

10,000 Square Feet Minimum

20,000 Square Feet Minimum

40,000 Square Feet Minimum

Existing Built Parcels, 1983

Feet 0 100 200 400 600 1000

N

Bolinas Planning Council
Mesa Plan Resource Group
Marin County Planning Department

EDAW inc. 1983

Figure 4-4

Policy LU-6: There shall be a permanent Mesa Resource Area which includes undeveloped open space, developed recreation, community gardens or agricultural uses, circulation, wildlife habitats, view and vista preservation areas. (1984 Gridded Mesa Plan)

Programs:

LU-6.1--Establish Mesa Resource Conservation Areas as an overlay to the future land use on the Mesa. The Bolinas Planning Council shall undertake a study of uses on the Mesa and shall recommend appropriate uses and their implementation. These shall include: (1) identification, enhancement and protection of wildlife habitats, seeking to preserve a maximum number of species of wildlife and of native vegetation on the Mesa; (2) an area set aside to establish a community tree nursery; (3) neighborhood parks; (4) butterfly reserves; (5) community gardens; (6) an arboretum; (7) bicycle paths; (8) footpaths; (9) play areas; (10) nature study areas; and (11) observation points. The location of these activities and uses is dependent on the natural landscape features and the availability of land for protection and/or acquisition for these uses. Time Frame: After drainage and road plan.

(Insert maps of Pedestrial trails and Mesa Resource Conservation Areas and Uses.)

Programs:

E-1.1--Amend the Local Coastal Program to include cottage industries and small-scale agriculture in the Coastal Zone. Time Frame: As soon as possible.

4.2.2 Circulation

Objective: Revise the grid pattern of roads on the Mesa to provide access to all developed parcels, minimize the impact caused by vehicular movement, define neighborhood areas, and to respect the natural drainage pattern on the Mesa. (1984 Gridded Mesa Plan)

Policy C-1: Solutions to the most significant traffic and circulation problems shall be a high priority of the Gridded Mesa Plan. (1984 Gridded Mesa Plan)

Programs:

C-1.1--Prepare a Circulation Policy Plan shall be developed to include (Time Frame: Begin 1984):

1. Plan for keeping traffic slow, minimizing straight-a-ways and minimizing arterial intersections.

2. Providing all-weather access to all houses and structures.

3. Facilitating drainage and improving wildlife and scenic resources by avoiding the crossing of drainage systems except with adequate culverts, and avoiding steep slopes and those prone to slide.

4. Reducing overall road area to a more compact and efficient system and the improvement of Terrace Avenue. One method to be considered is the installation of speed reduction devices in the pavement.

5. Minimizing the extent and costs of improvements while providing access. Maximum the tasks that may be accomplished by coordination of neighborhood efforts with those of the BCPUD.

6. Create safe and well designed bicycle trails and footpaths throughout the community.

7. Define small neighborhoods by restricting or eliminating through traffic.

C-1.2--Establish a Mesa Assessment District, or other appropriate financing mechanism, for the purpose of planning and providing access and coordinating circulation with the Mesa-wide drainage program. Time Frame: As soon as circulation and drainage plans are completed.

C-1.3--Abandon unneeded roads and return these areas to their natural state. Time Frame: After circulation and drainage plans are completed.

4.2.3 Utilities

Objective: Pursue studies on Redevelopment/resubdivision of the Gridded Mesa to reduce road, drainage, septic tank, and environmental impact problems of the small lot/grid plan. (1975 Bolinas Community Plan)

Improve the water system (1984 Gridded Mesa Plan)

Policy U-1: The existing water system shall continue to be upgraded or repaired where necessary to eliminate the current loss of water throughout the system. The existing water system may need to be supplemented with additional capacity to serve additional new residential units consistent with the drainage, roadway, and septic system maintenance plans. (1984 Gridded Mesa Plan)

Programs:

U-1.1--Conduct a "water audit" to determine the actual amount of water usage in Bolinas. Time Frame: First year.

U-1.2--Eliminate the leakage in the collection and distribution system, specifically the pipeline along Arroyo Hondo and the distribution lines across the Mesa. Time Frame: By end of fifth year of Plan.

U-1.3--BCPUD prepares a water needs plan pursuant to Policy U-1. Time Frame: Following preparation of a revised roadway and drainage plan and when a survey of existing septic systems provides data that would indicate the land suitable and available for future development.

U-1.4--The BCPUD will submit to its voters a plan and funding program to supplement the existing water system to accommodate remaining available building sites within the District. Time Frame: When water plan complete.

U-1.5--All water conserving devices shall be encouraged.

Policy U-2: Develop new strategies to solve existing sewage disposal problems.

Programs:

U-2.1--County and the BCPUD shall develop a program of joint cooperation in the maintenance of existing septic systems and the review of new systems. The Department of Environmental Health in cooperation with the State and BPUD will investigate and consider any feasible proposal that calls for the construction of an alternative sewerage treatment plant. The nature of this cooperative program will be developed immediately following the adoption of the Mesa Plan. Time Frame: Immediately.

U-2.2--The County shall, as part of such a program, in cooperation with BPUD assist in securing funds for septic tank rehabilitation provided that the developed parcel meets all other applicable County Codes. Time Frame: After drainage plan is implemented.

4.2.4 Housing

Objective: Pursue at the State and County levels the development of an owner/resident building code amendment to reduce the cost of shelter. (1975 Bolinas Community Plan amended for the 1984 Gridded Mesa Plan.)

Policy H-1: Provide safe and healthy low cost housing opportunities on the Mesa and in the Town. (1984 Gridded Mesa Plan)

Programs:

H-1.1--Establish a housing organization, as part of the Land Trust or the Ecumenical Association for Housing, to determine ways to provide low cost housing opportunities on the Mesa. Time Frame: Immediately.

H-1.2--Establish a "Self-Help" housing construction program on the Mesa through the Land Trust or the Ecumenical Association for Housing. Time Frame: Begin immediately.

Policy H-2: Utilize existing structures for low cost housing. (1984 Gridded Mesa Plan)

Programs:

H-2.1--Inventory the existing structures in the Planning Area to determine the potential for developing low and moderate income housing. Utilize existing structures for low-cost housing. Existing structures located in the area already sewered should be given priority attention. Time Frame: Begin immediately.

4.2.5 Economic Development

Objective: Expand the economic base of the community by providing opportunities for cottage industries and small-scale agriculture. (1984 Gridded Mesa Plan)

Policy E-1: Cottage industries and small-scale agriculture shall be allowed on the Mesa and the balance of the Planning Area. (1984 Gridded Mesa Plan)

Programs:

E-1.1--Amend local Coastal Program to include cottage industries and small-scale agriculture. Time Frame: Immediately.

4.3 Implementation Strategies

4.3.1 County Actions

1. The County adopts the Gridded Mesa Plan including the policies and programs contained therein.

2. The County establishes the Bluff Erosion Zone as an area where residential development and construction is limited.

3. The County establishes guidelines for reviewing development proposals within the Bluff Erosion Zone on a case by case basis.

4. The County establishes a drainage setback area where residential development is prohibited.

5. The County cooperates with BCPUD and the Bolinas Fire Department to formulate a comprehensive plan for improving the Mesa-wide drainage which incorporates individual on-site drainage programs to avoid adverse cumulative impacts. The comprehensive plan includes grading and excavation to improve cross-Mesa flow and eliminate ponding, culverting throughout the roadway network, realigning the roadway network and the possible installation of a subsurface storm sewer system. The County implements the drainage plan in conjunction with BCPUD and the Bolinas Fire Department. Planning and implementation for drainage programs will be undertakn as funding becomes available.

6. The County assists in the preparation of grant requests for special projects related to implementing the Initial Phase of the Gridded Mesa Plan.

7. The County establishes a restricted development zone on the Mesa corresponding to Zone V from the Questa Report.

8. The County establishes three residential development zones on the Mesa where the minimum lot sizes are 10,000 square feet, 20,000 square feet, and 40,000 square feet, respectively.

9. The County establishes a Mesa-wide groundwater mounding monitoring program.

10. The County enforces existing programs for residential site evaluation and permit approval.

11. The County works with BCPUD to develop a circulation plan.

12. The County assists in establishing a funding mechanism for the circulation plan.

13. The County works with BCPUD to develop a cooperative program for maintaining existing septic systems and reviewing new systems.

14. The County continues to communicate directly with the Bolinas community to establish a greater mutual understanding of the Gridded Mesa Plan.

4.3.2 Bolinas Community Actions

1. The Bolinas Planning Council adopts the Gridded Mesa Plan including the policies and programs contained therein.

2. BCPUD recognizes the Bluff Erosion Zone and new residential hookups in that area consistent with the policies of this plan.

3. BCPUD establishes guidelines for reviewing development proposals within the Bluff Erosion Zone on a case by case basis.

4. BCPUD recognizes the drainage setback area where new residential development is limited consistent with plan policies and programs.

5. BCPUD cooperates with the County and the Bolinas Fire Department on the development and implementation of a Mesa-wide drainage plan.

6. The Bolinas Fire Department cooperates with the County and BCPUD on the development and implementation of a Mesa-wide drainage plan.

7. BCPUD recognizes a restricted development zone corresponding to Zone V of the Questa Report.

8. The Bolinas Planning Council prepares a Mesa Resource Conservation Area Plan.

9. BCPUD works with the County to develop a circulation plan.

10. BCPUD continues to upgrade or repair the existing water system.

11. BCPUD will submit to its voters a plan and funding program to supplement the existing water system.

12. BCPUD will work with the County to develop a cooperative program for maintaining existing septic systems and reviewing new systems.

4.3.3 Other Agency Actions

1. The Coastal Commission approves an amendment to the Local Coastal Program to include the Gridded Mesa Plan and language relating to 1) phased growth based on utility system capacity, and 2) cottage industries.

2. The Regional Water Quality Control Board approves the alternative sewage disposal systems proposed for use on the Mesa.

3. The Land Trust becomes the housing action agency in Bolinas.

5.0 GRIDDED MESA PLAN IMPLEMENTATION SUMMARY

Program	Action Required	Agency Involvement	Estimated Costs
ADOPTION OF GRIDDED MESA PLAN	Public hearings. Formal approvals.	Bolinas Planning Council County Planning Commission Board of Supervisors Coastal Commission	No estimate is available. Costs to be determined.
LAND USE			
1. Establish Bluff Erosion Zone (LU-1.1, LU-1.2) 1985	Define edge of bluff. Define extent of zone.	County Planning Department (Possibly Public Works) BCPUD	No estimate is available. Costs to be determined.
2. Establish Bluff Erosion Zone Site Review Guidelines (LU-1.3) 1985	Refine existing County Planning and Building Department guidelines to apply to Bolinas.	County Planning Department County Building Department BCPUD	No estimate is available. Costs to be determined.
3. Establish Drainageway Setback (LU-2.1) 1985	Prepare drainageway setback map. Establish retrictions.	County Planning Department County Public Works Bolinas Planning Council BCPUD	No estimate is available. Costs to be determined.
4. Prepare Mesa-Wide Drainage Plan (LU-3.1) 1985	Assess drainage constraints based on 1983 Questa report. Identify drainage opportunities. Identify funding sources.	County Planning Department County Public Works BCPUD Bolinas Fire Department	Administrative costs if done by County and BCPUD staff. $20,000 to $30,000 if Plan done by consultant. Cost of construction is dependent on final Plan. Implementation could range from $2,000,000 to $4,000,000.
5. Establish a Restricted Development Zone (LU-4.1) 1985	Adopt Questa Zone V as Restricted Development Zone. Publish map.	County Planning Department County Building Department BCPUD	No estimate is available. Costs to be determined.
6. Establish Three Residential Development Zones (10,000 square feet, 20,000 square feet, 40,000 square feet) (LU-5.1, LU-5.2, LU-5.3) 1985	Adopt Gridded Mesa Plan recommendations. Publish map. Prepare narrative explaining conditions, restrictions and procedures.	County Planning Department County Building Department Environmental Health Department Planning Commission Board of Supervisors BCPUD	No estimate is available. Costs to be determined.
7. Establish a Groundwater Mounding Monitoring Program (LU-5.4) 1985	Budget funds for program (or obtain grant). Contract with professional consultant.	Environmental Health Department	$10,000 to $15,000 consultant's fee.

Program	Action Required	Agency Involvement	Estimated Costs
8. Establish Residential Site Review Guidelines (LU-5.5, LU-5.6) 1985	Review existing zoning--amend if necessary. Review existing permit approval process--amend if necessary (allowing for the continuation of agricultural practices). Review existing permit approval process--amend if necessary.	County Planning Department County Building Department Environmental Health Department Planning Commission Board of Supervisors	No estimate is available. Costs to be determined.
9. Establish Mesa Resource Conservation Area (LU-6.1) After drainage and road plans	Analyze land uses on Mesa. Identify areas to be used for specific purposes. Review existing zoning--amend if necessary.	County Planning Department Bolinas Planning Council	No consultant's cost if BPC does work on voluntary basis. Printing and distribution costs.
CIRCULATION			
10. Prepare a Circulation Policy Plan (C-1.1) Begin 1985	Review existing conditions after Drainage Plan completed.	County Department of Public Works Bolinas Planning Council BCPUD	Administrative for County BCPUD. Consultant's costs could range from $200,000 to $300,000 depending on the extent of engineering involved.
11. Establish a Funding Mechanism to Plan and Coordinate Circulation Plan and Drainage Plan (C-1.2) As soon as circulation and drainage plans are completed	Obtain funding through Community Development Block Grant Program, the Buck Fund of the San Francisco Foundation or by way of an Assessment District.	County Planning Department Planning Commission Board of Supervisors Bolinas Planning Council BCPUD Bolinas Fire Department	Administrative costs for County. $10,000 to $15,000 if consultant does planning. Bond counsel fees are included in Assessment District costs dependent on Drainage Plan and final Circulation Plan. Implementation costs will depend on the extent of road construction specified by the Circulation Plan. Could be between $2,000,000 and $4,000,000.
12. Abandon Unneeded Roads (C-1.3) After circulation and drainage plans are completed	Adopt Circulation Plan. Implement Circulation Plan.	BCPUD	Administrative costs for BCPUD. Implementation costs could be offset by volunteer action. Contracted labor would depend on final Circulation Plan.
UTILITIES			
13. Conduct Water Audit (U-1.1) Begin 1984	Compare water drawdown for storage facilities with water use at meters.	BCPUD	$7,500 to $9,000.
14. Eliminate Leakage in Water System (U-1.2) 1984-1989	Repair and upgrade system. Replace faulty meters.	BCPUD	$2,500,000 to $4,000,000.
15. Prepare Water Needs Plan (U-1.3) After circulation and drainage plans are completed	Calculate projected water needs. Prepare engineering reports. Identify funding sources	BCPUD	$20,000 to $25,000 for engineering studies. $1,000,000 to $2,000,000 to expand water system.

Program	Action Required	Agency Involvement	Estimated Costs
16. Submit Water Plan to Voters (U-1.4) When plan complete	Prepare project description. Prepare ballot.	BCPUD	Printing costs. Election costs.
17. Develop Program for Maintenance and Review of On-Site Sewage Disposal Systems (U-2.1) 1985	Determine condition of existing systems. Establish guidelines. Establish cooperative agreement.	Environmental Health Department BCPUD	No estimate is available. Costs to be determined.
18. Maintain an Active Enforcement Program Regarding Failing Septic Systems (U-2.2) Begin after drainage plan is implemented	Enforce existing laws pertaining to health standards. Identify alternative systems acceptable to County and State agencies.	Environmental Health Department Regional Water Quality Control Board BCPUD	No estimate is available. Costs to be determined.
HOUSING			
19. Establish a Housing Organization to Determine Ways of Providing Low Cost Housing Opportunities (H-1.1) 1985	Utilize Land Trust. Work with established housing organizations (Ecumenical). Seek funding from available sources.	County Planning Department Bolinas Planning Council Land Trust	No estimate is available. Costs to be determined.
20. Establish Self-Help Housing Construction Program. (H-1.3) 1985	Create or adapt existing programs to allow owner-builder or occupant-builder activities to occur.	County Building Department County Planning Department Bolinas Planning Council Land Trust Ecumenical Association for Housing Marin County Housing Authority	Depends on program.
21. Inventory Structures in Planning Area to Determine Housing Potential (H-2.1) 1985	Survey existing buildings in town to determine if potential exists to create low cost housing opportunities. Identify funding sources if remodeling or rehabilitation activities are required.	County Planning Department Bolinas Planning Council Land Trust	Depends on program.
ECONOMIC DEVELOPMENT			
22. Amend Local Coastal Program to Include Cottage Industries and Small Scale Agriculture (E-1.1) 1985	Change wording in LCP.	Coastal Commission	No estimate is available. Costs to be determined.

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6.0 ACKNOWLEDGEMENTS

This Gridded Mesa Plan is the result of many hours of work by a large number of dedicated individuals. The Mesa Plan could not have been completed without their efforts. We wish to express our appreciation for their help and guidance.

Bolinas Planning Council

Jon Goodchild
Ray Moritz
Steve Matson
Fred Styles
Libby Meyers
Jack McClellan
Kevin Kelly
Jeff Creque
Michael Gaspers
Robert Scarola

Marin County Planning Department

Margie Macris
Mark Riesenfeld
Neil Sorensen

Marin County Environmental Health

Mark Kostielney and his Staff
Edward Stewart

BCPUD

Paul Kayfetz
Dottie LeMieux
Peter Martin
Jack McClellan
Vic Amoroso
Phil Buchanan

The Mesa Plan Resource Group

Socioeconomics:

Libby Meyers
Greg Hewlett
Ellen Into
Diana Lopez
Ned Hoke

Aesthetics and Cultural:

Jenny Ulrich-Clymer
Candace Wyatt
Nancy Condy
Dotty LeMieux
Jan Holloway
Susan Tacherra

Barbara Kayfetz
Sara Schrom
David Galin

Land Use:

Ted Boutmy
Bill Tacherra
Jack McClellan
Maile Johnson
James Tacherra
Jon Goodchild
Steve Matson
David Keller
Burr Heneman
Loretta Galliani
Bob Stewart
Bill Lyons

Physical and Biological:

Ray Moritz
Jan Holloway
Bill Tacherra
Jim Friedrich
Albert Hollander
Ed Suij
Rob Rich
Jim Lunsford
Wayne Thomas
Sara Schrom
Susan Doglione
Jeff Creque
Susan Goldhaber
Susan Englebry
Melissa Hamilton
Marta Wolfe

Utilities/Community Services:

Jack McClellan
Scott Coburn
Fred Styles
Libby Meyers
George Davison
Patty Bradford
Bill Lyons
Dotty Lemieux
Jack Trainor
Bill Gripp
Mary Daniel Perluss
George Sage

The Media

Don Deane--The Coastal Post
Hearsay News Editors
Point Reyes Light

Bolinas Property Owners Association

Matt Lockary
Bill Lyons

Questa Engineering

Norm Hantzsche, PE

WESCO

Jeff Peters
T. Scott Gibson

EDAW Staff

Larry Kennings
Teresa Rea
Mike Fotheringham
Debbie Tassis
Alan Hyden
Dan O'Donoghue

22.82.050 – Hillside Subdivision Design

A. Purpose. The provisions of this Section are intended to ensure the creation of suitably designed and developed parcels in all hillside areas of the County.

B. Applicability. All parcels created within zoning districts which establish minimum lot area requirement, shall be related to the natural ground slope as provided by this Section. This section shall also apply in determining minimum lot size requirements for the purposes of compliance with Chapter 22.92 (Merger of Parcels).

C. General requirements. Proposed subdivisions shall be designed so that each parcel complies with the minimum lot area requirements of this Chapter, in addition to the minimum lot area requirements of Article II (Zoning Districts and Allowable Land Uses) and Article V established for each zoning district. All parcels created after the effective date of this Development Code shall be related to the natural ground slope as provided by this Section. In the event of conflict between these provisions and applicable minimum lot area standards of Articles II or V, the larger minimum lot area standards shall be required where a minimum lot area applies.

1. Measurement of slope. The average slope of a lot expressed as a percent is calculated as follows:

$$S = (L \times I \times 100) / A$$

Where:

S = The average slope of natural ground expressed as a percent
I = The topographic contour interval in feet (i.e., 2-foot contour intervals, 5-foot intervals, etc.)
L = The sum of the length of the contour lines in feet
A = The area of the lot in square feet

This definition assumes that slope calculations are based on accurate topographic survey maps drawn to a scale of not less than one inch equals 100 feet, with contour lines at maximum 10-foot intervals for ground slope over 15 percent, and at five-foot intervals for ground slope of 15 percent or less.

2. Minimum lot area based on slope. The minimum lot area requirements established by Table 6-1 (Minimum Lot Area Based on Slope) shall apply to all parcels in the unincorporated area of the County, unless any of the lot-slope requirements of Subsection D below (Special Area Lot Size/Slope Requirements) apply. The natural ground slope calculation of a site shall be rounded up to the nearest whole number shown on Table 6-1 (Minimum Area Based on Slope).

3. Lot design. Unconventional lot design to meet lot-slope requirements shall not be permitted. All lots shall be developable, buildable, and reasonably accessible. Lots shall not be created which are impractical for improvement due to steepness of terrain, location of water courses, inability to handle waste disposal, or other natural or manmade physical conditions.

TABLE 6-1

MINIMUM LOT AREA BASED ON SLOPE

Natural Ground Slope (%)	Minimum Lot Area (sq. ft.)
0 - 6	See Zoning Map
7	7,667
8	7,849
9	8,086
10	8,376
11	8,719
12	9,117
13	9,572
14	10,088
15	10,670
16	11,324
17	12,053
18	12,865
19	13,763
20	14,752
21	15,836
22	17,016
23	18,293

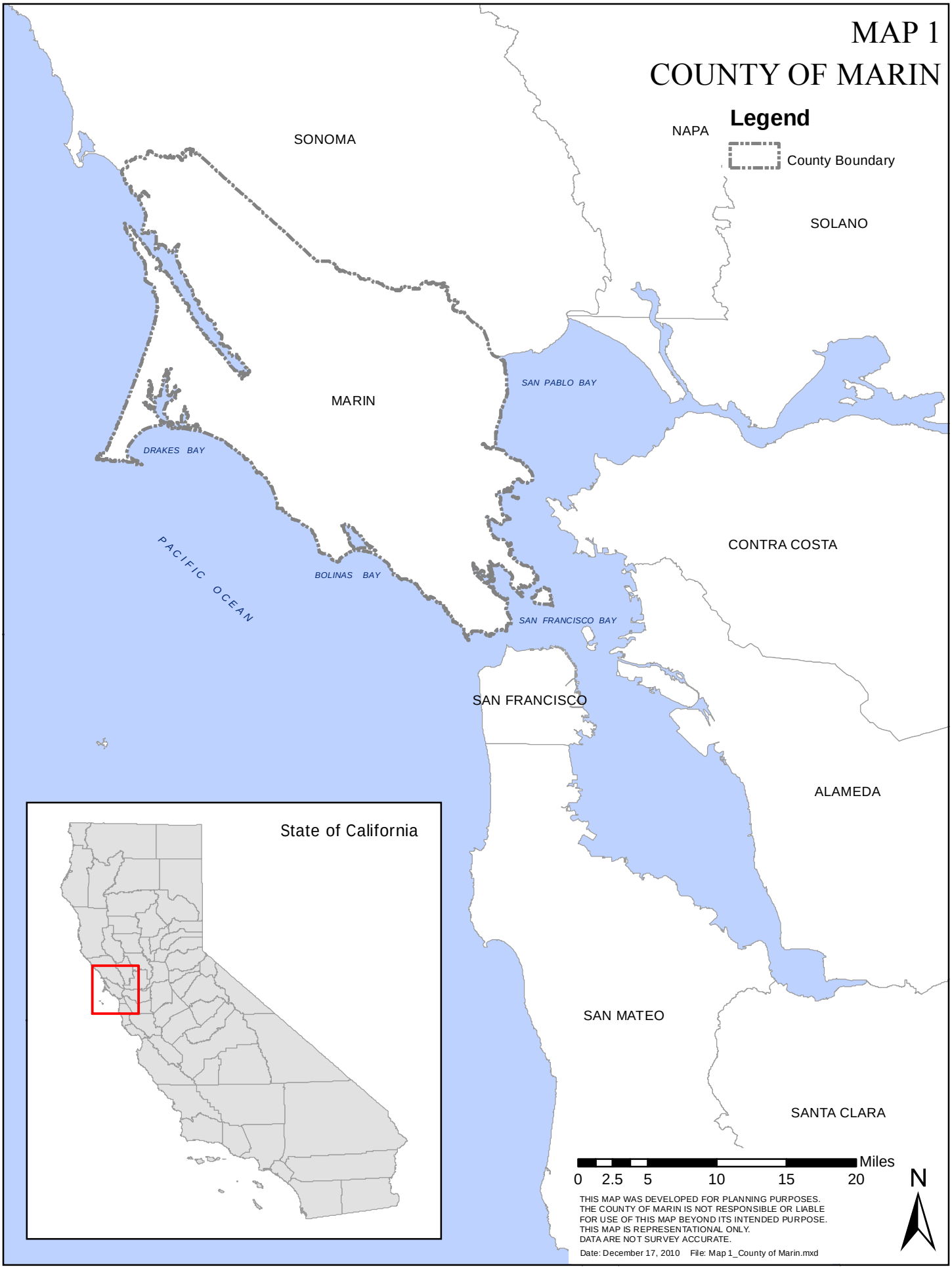
Natural Ground Slope (%)	Minimum Lot Area (sq. ft.)
24	19,667
25	21,136
26	22,693
27	24,331
28	26,041
29	27,808
30	29,616
31	31,446
32	33,272
33	35,067
34	36,798
35	38,428
36	39,915
37	41,212
38	42,265
39	43,016
40 or greater	43,560

D. Special area lot size / slope requirements. The following slope-based minimum lot area requirements for new subdivisions apply only in the Community Plan areas and other specific areas noted, instead of the requirements of Subsection C.2 above (Minimum Lot Area Based on Slope).

TABLE 6-2

SPECIAL AREA LOT SIZE/SLOPE REQUIREMENTS

Location	Average Natural Lot Slope	Minimum Lot Area
Sleepy Hollow	15% or less	15,000 sq. ft.
	More than 15%	15,000 sq. ft., plus 1,000 sq. ft. for each additional one percent of slope over 15%, to a maximum of 45,000 sq. ft.
Indian Valley	Less than 10%	1.0 acres
	10% to 20%	1.5 acres
	More than 20%	2.0 acres


MAP 1
COUNTY OF MARIN
Legend
County Boundary
SONOMA
NAPA
SOLANO
MARIN
SAN PABLO BAY
DRAKES BAY
PACIFIC OCEAN
BOLINAS BAY
CONTRA COSTA
SAN FRANCISCO BAY
SAN FRANCISCO
ALAMEDA
SAN MATEO
SANTA CLARA
State of California
Miles
0 2.5 5 10 15 20
N
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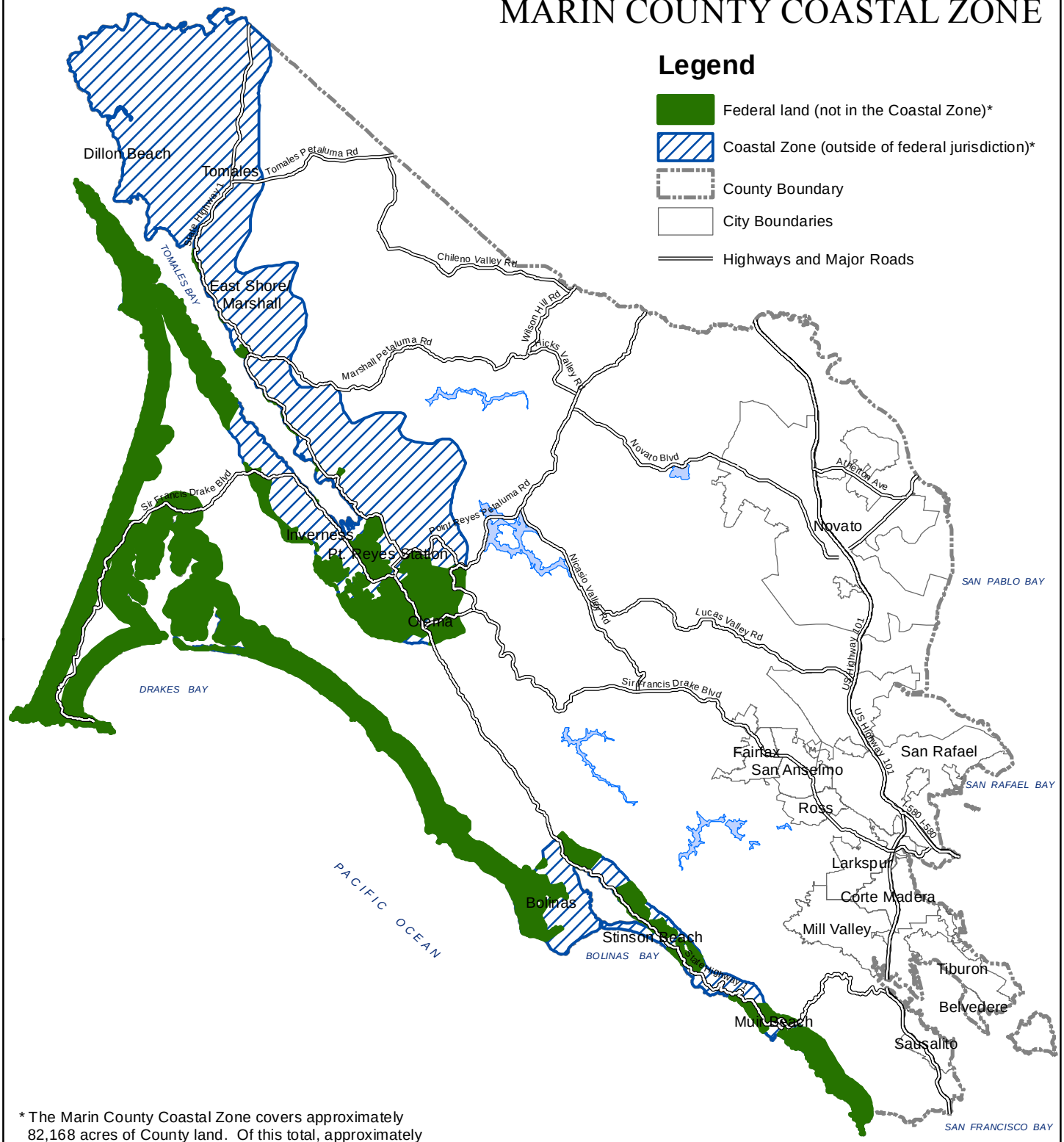
THIS MAP IS REPRESENTATIONAL ONLY.
DATA ARE NOT SURVEY ACCURATE.
Date: December 17, 2010 File: Map 1_County of Marin.mxd

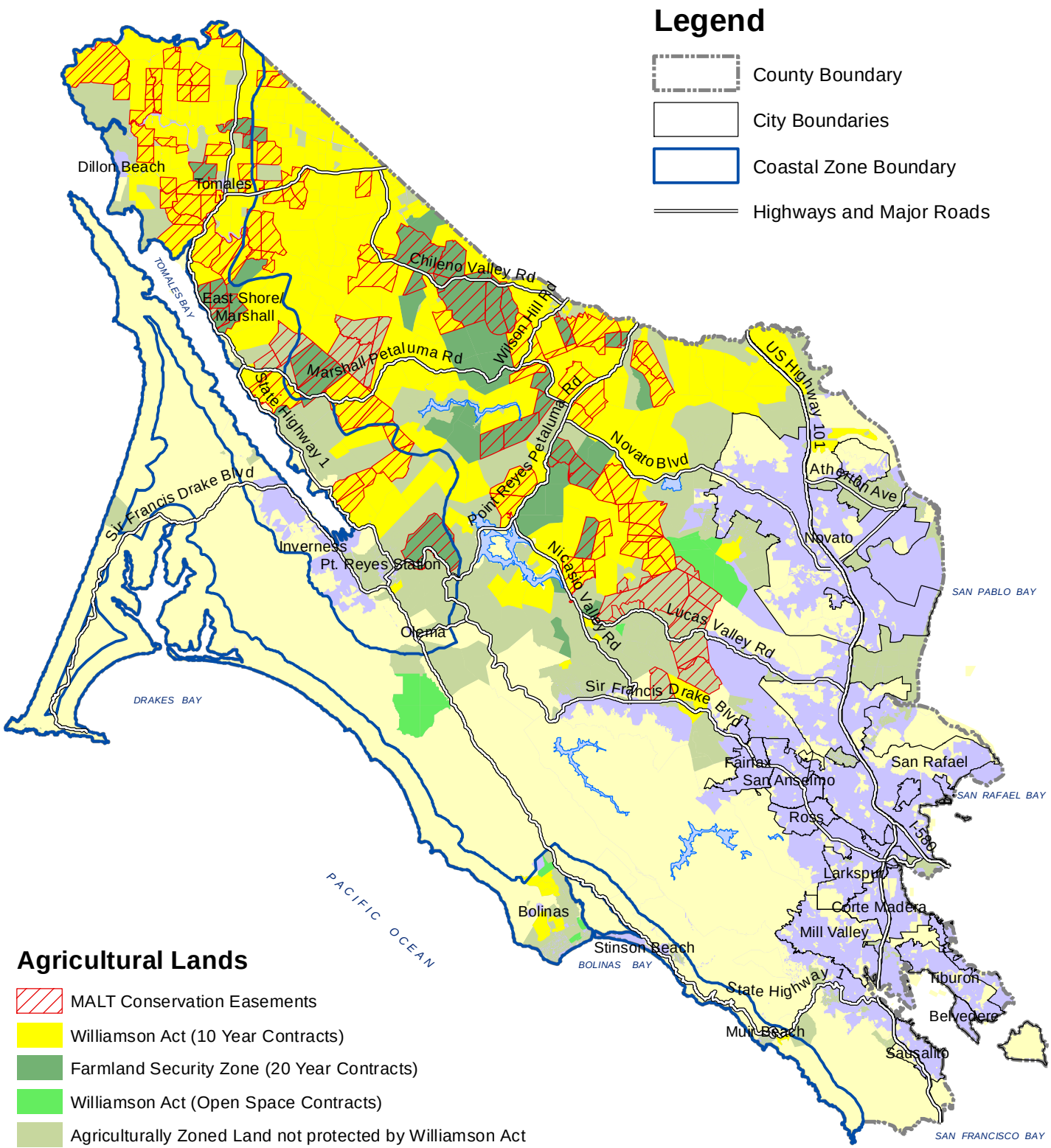
MAP 2 - Revised 3/27/12
MARIN COUNTY COASTAL ZONE



* The Marin County Coastal Zone covers approximately 82,168 acres of County land. Of this total, approximately 33,913 acres are owned and managed by the federal government (National Park Service). This leaves 48,255 acres of the Coastal Zone under County jurisdiction.

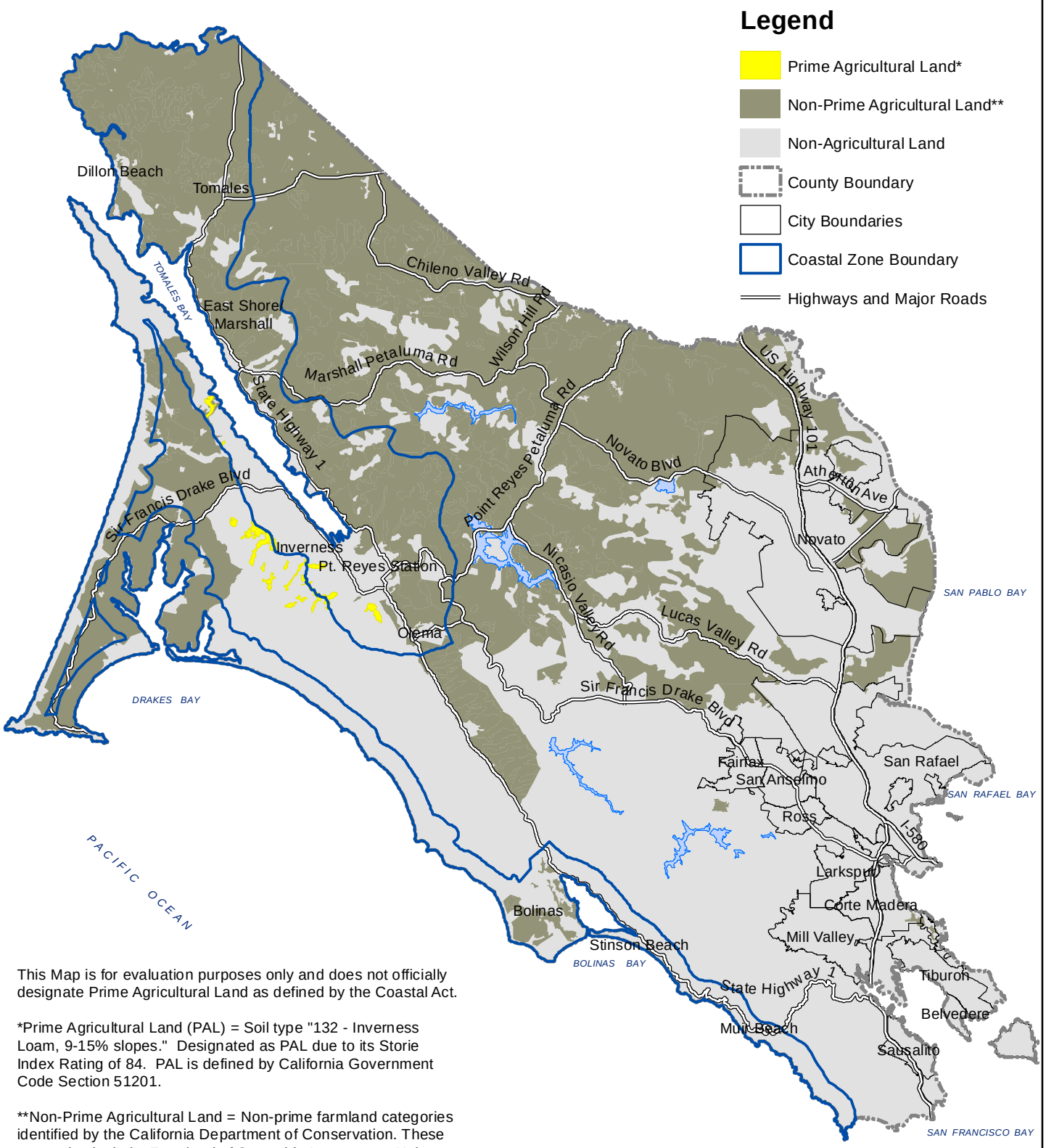
NOTE: Pursuant to the Federal Coastal Zone Management Act of 1972 (16 U.S.C. 1451, et seq.), and consistent with California Coastal Act Section 30008, the "Coastal Zone" excludes "...lands the use of which is by law subject solely to the discretion of or which is held in trust by the Federal Government, its officers or agents."

MAP 3
PROTECTED AGRICULTURAL LANDS



SOURCE: Marin County Community Development Agency

MAP 4
AGRICULTURAL LAND



This Map is for evaluation purposes only and does not officially designate Prime Agricultural Land as defined by the Coastal Act.

*Prime Agricultural Land (PAL) = Soil type "132 - Inverness Loam, 9-15% slopes." Designated as PAL due to its Storie Index Rating of 84. PAL is defined by California Government Code Section 51201.

**Non-Prime Agricultural Land = Non-prime farmland categories identified by the California Department of Conservation. These categories include: Farmland of Statewide Importance, Unique Farmland, Farmland of Local Importance, and Grazing Land.

SOURCE: Natural Resources Conservation Service (NRCS); California Department of Conservation (DOC); and Marin County Community Development Agency.

Miles
0 1.25 2.5 5 7.5 10

N

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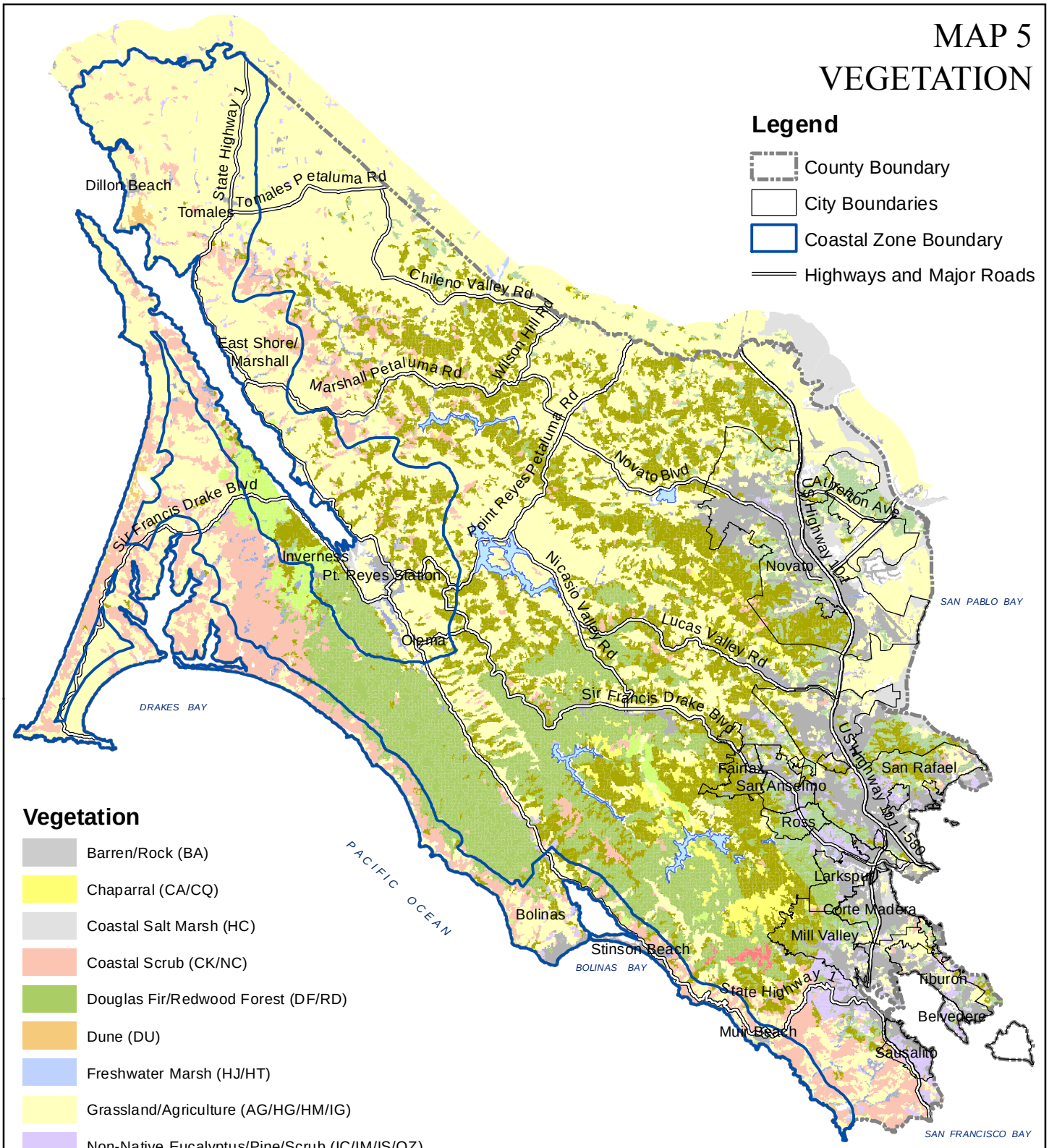
Date: May 20, 2011 File: Map 4_Agricultural Land.mxd

MAP 5
VEGETATION



Vegetation

- Barren/Rock (BA)
- Chaparral (CA/CQ)
- Coastal Salt Marsh (HC)
- Coastal Scrub (CK/NC)
- Douglas Fir/Redwood Forest (DF/RD)
- Dune (DU)
- Freshwater Marsh (HJ/HT)
- Grassland/Agriculture (AG/HG/HM/IG)
- Non-Native Eucalyptus/Pine/Scrub (IC/IM/IS/QZ)
- Oak Woodland (QA/QG/QL/QD)
- Oak/Bay Woodland (NX/QB)
- Pine/Cypress Forest (MM/MN/PR/PM)
- Redwood Forest (RW)
- Riparian Scrub/Woodland (QE/QO/QY/NR/WL)
- Urban/Developed (UB/EX)

The information provided in parentheses are the vegetation type attributes used by the USDA Forest Service to identify vegetation.
2004 Vegetation Mapping Source: Modified USDA Forest Service Pacific Southwest Region Remote Sensing Lab.
Additional information available at:
http://www.fs.fed.us/r5/rsl/clearinghouse/aa-ref-sec263a.shtml

Miles
0 1.25 2.5 5 7.5 10

N

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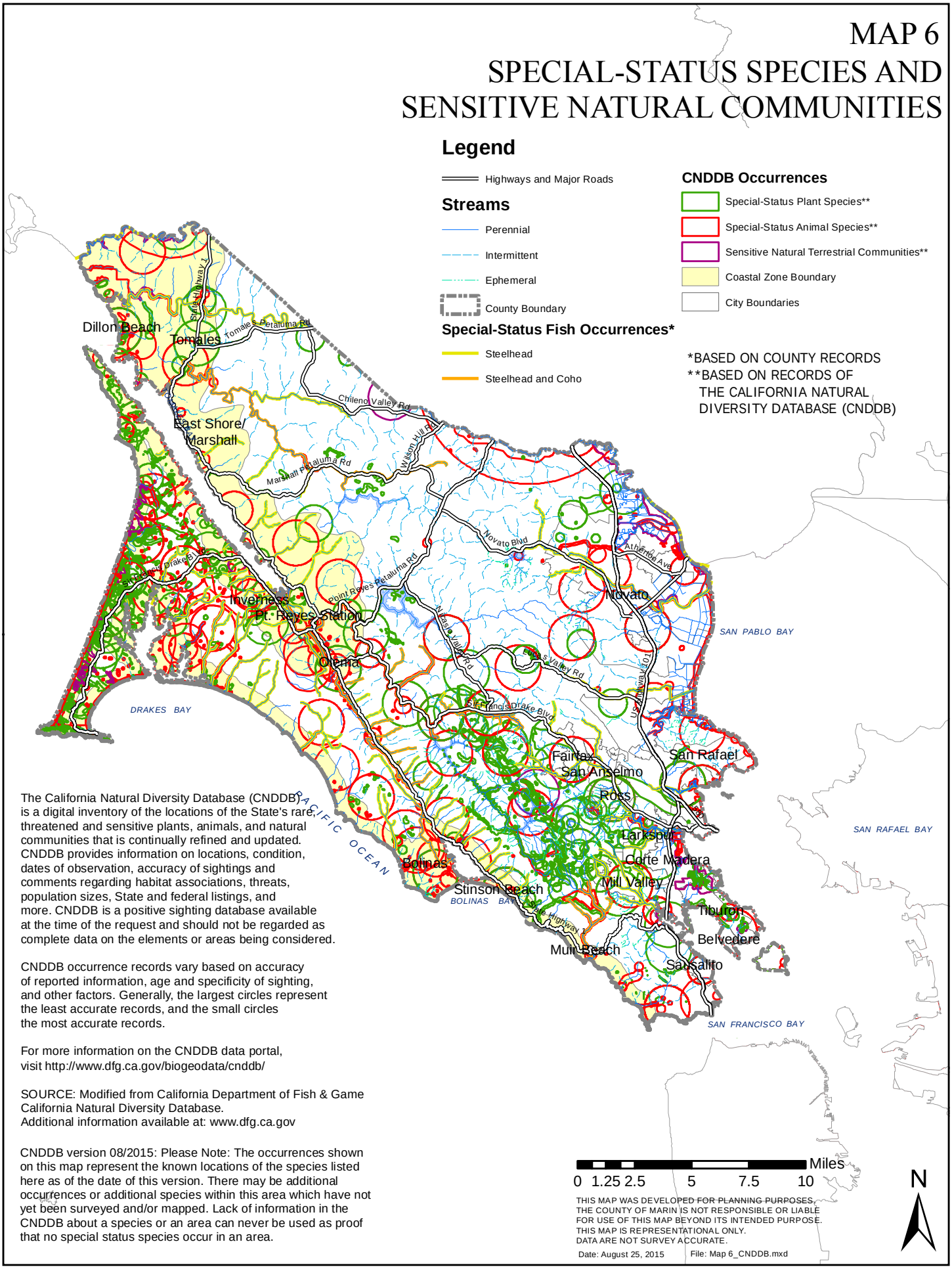
Date: January 18, 2011 File: Map 5_Vegetation.mxd

MAP 6
SPECIAL-STATUS SPECIES AND SENSITIVE NATURAL COMMUNITIES



The California Natural Diversity Database (CNDDB) is a digital inventory of the locations of the State's rare, threatened and sensitive plants, animals, and natural communities that is continually refined and updated. CNDDB provides information on locations, condition, dates of observation, accuracy of sightings and comments regarding habitat associations, threats, population sizes, State and federal listings, and more. CNDDB is a positive sighting database available at the time of the request and should not be regarded as complete data on the elements or areas being considered.

CNDDB occurrence records vary based on accuracy of reported information, age and specificity of sighting, and other factors. Generally, the largest circles represent the least accurate records, and the small circles the most accurate records.

For more information on the CNDDB data portal, visit http://www.dfg.ca.gov/biogeodata/cnddb/

SOURCE: Modified from California Department of Fish & Game California Natural Diversity Database.
Additional information available at: www.dfg.ca.gov

CNDDB version 08/2015: Please Note: The occurrences shown on this map represent the known locations of the species listed here as of the date of this version. There may be additional occurrences or additional species within this area which have not yet been surveyed and/or mapped. Lack of information in the CNDDB about a species or an area can never be used as proof that no special status species occur in an area.

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Date: August 25, 2015 | File: Map 6_CNDDB.mxd

MAP 7
WETLANDS & STREAMS

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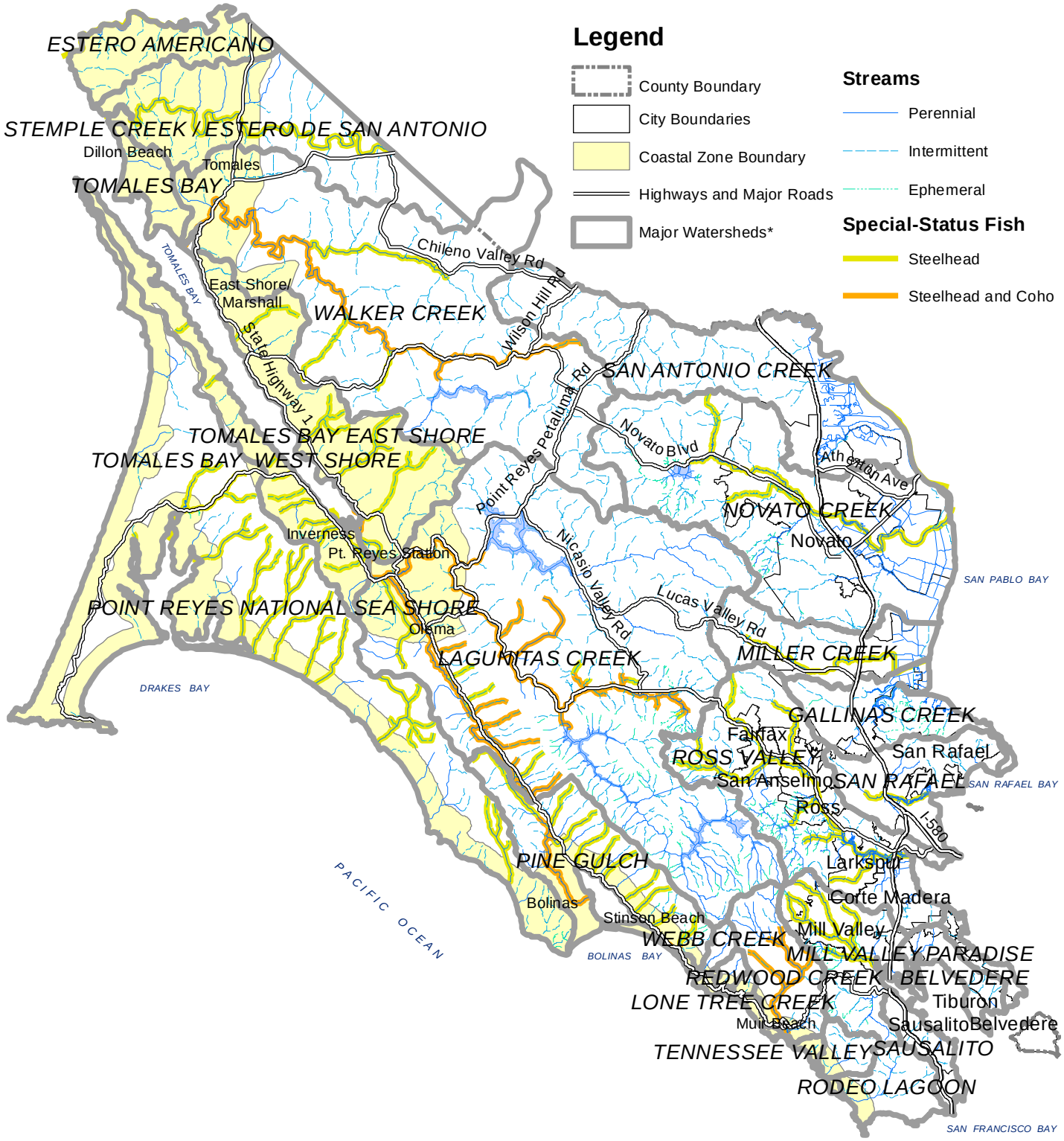
Date: January 19, 2011 File: Map 7_Wetlands and Streams.mxd

SOURCE: Modified from the National Wetlands Inventory.
Additional information available at: http://www.fws.gov/wetlands/

MAP 8
MAJOR WATERSHEDS

With streams and observed Steelhead Trout and Coho Salmon



*Watershed names shown in all-capital italicized font, e.g. *MILLER CREEK*

SOURCE: Bill Cox, California Department of Fish and Game; John O'Conner, SPAWN; and Marin County Department of Public Works.

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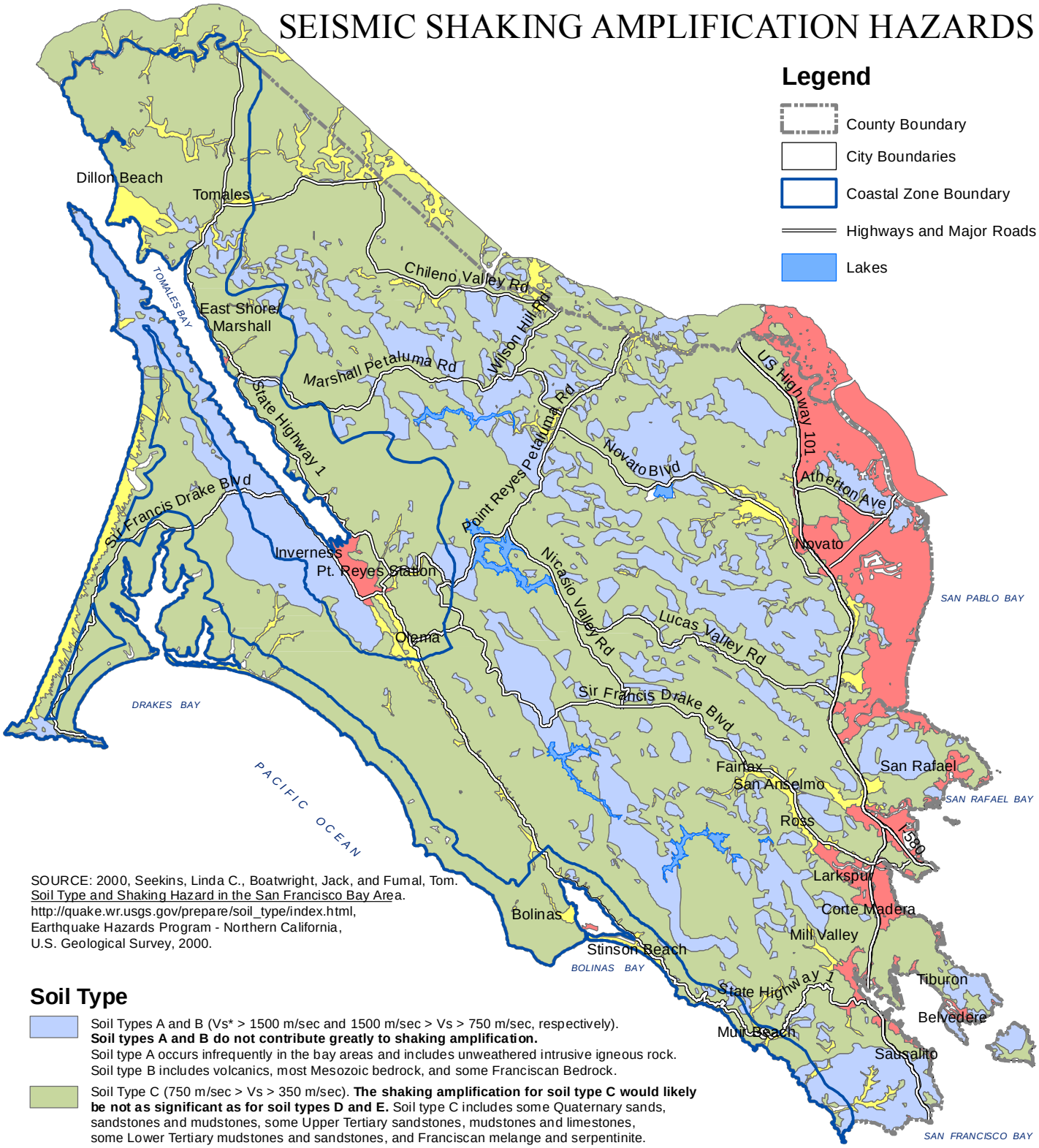
Date: January 19, 2011 File: Map 8_Major Watersheds.mxd

MAP 9
SEISMIC SHAKING AMPLIFICATION HAZARDS



SOURCE: 2000, Seekins, Linda C., Boatwright, Jack, and Fumal, Tom.
Soil Type and Shaking Hazard in the San Francisco Bay Area.
http://quake.wr.usgs.gov/prepare/soil_type/index.html,
Earthquake Hazards Program - Northern California,
U.S. Geological Survey, 2000.

Soil Type

Soil Types A and B (Vs* > 1500 m/sec and 1500 m/sec > Vs > 750 m/sec, respectively). **Soil types A and B do not contribute greatly to shaking amplification.** Soil type A occurs infrequently in the bay areas and includes unweathered intrusive igneous rock. Soil type B includes volcanics, most Mesozoic bedrock, and some Franciscan Bedrock.

Soil Type C (750 m/sec > Vs > 350 m/sec). **The shaking amplification for soil type C would likely be not as significant as for soil types D and E.** Soil type C includes some Quaternary sands, sandstones and mudstones, some Upper Tertiary sandstones, mudstones and limestones, some Lower Tertiary mudstones and sandstones, and Franciscan melange and serpentinite.

Soil Type D (350 m/sec > Vs > 200 m/sec). **Significant amplification of shaking by these soils is generally expected.** Soil type D includes some Quaternary muds, sands, gravels, silts and muds.

Soil Type E (200 m/sec > Vs). **The strongest amplification of shaking is expected for this soil type.** Soil type E includes water-saturated mud and artificial fill.

* Site amplification is the velocity at which the rock or soil transmit shear waves (Vs). Shaking is stronger where the shear wave velocity is lower. Source: (Seekins et al., 2000)

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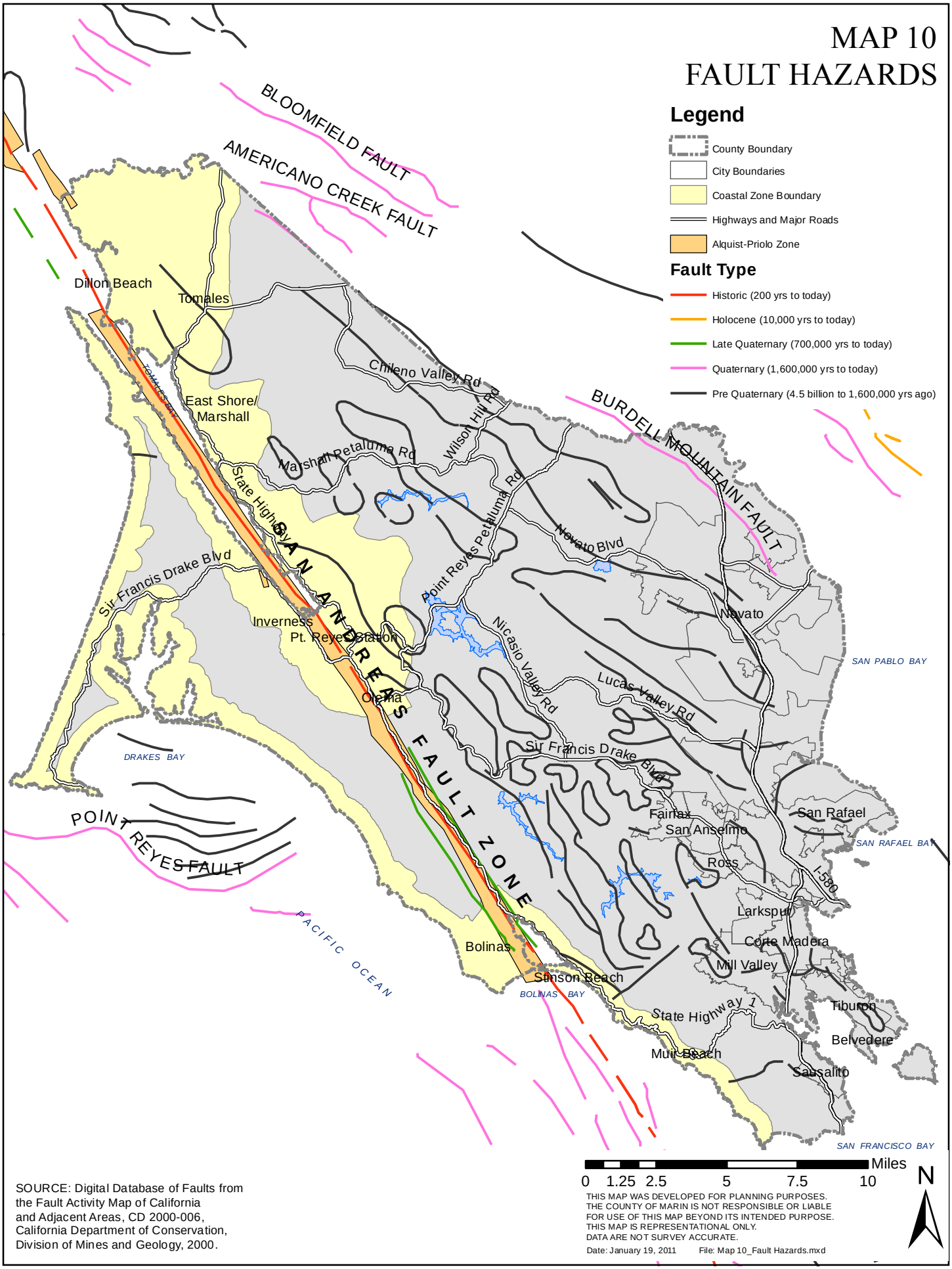
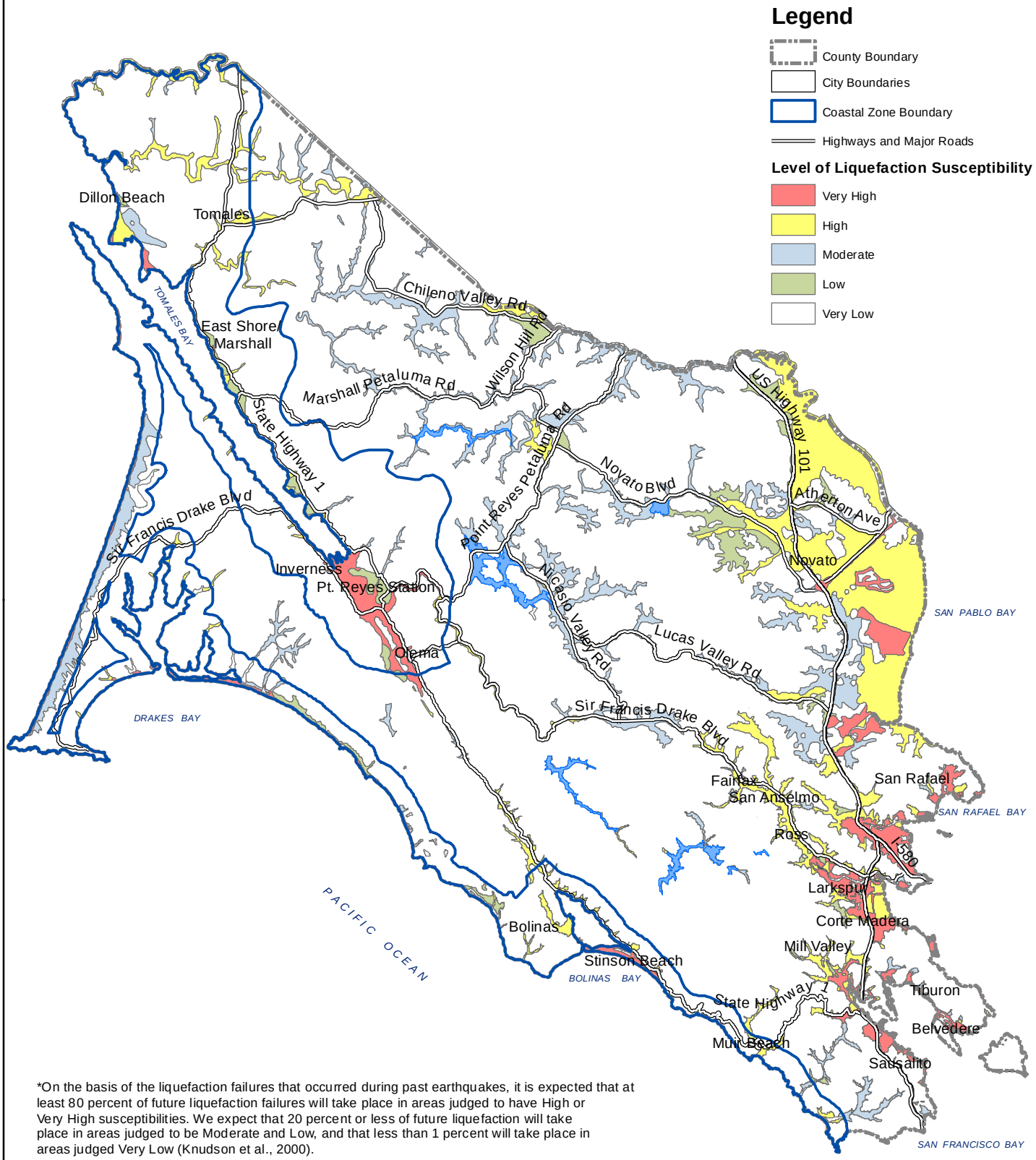
Date: January 19, 2011 File: Map 9_Seismic Hazards.mxd



SOURCE: Digital Database of Faults from the Fault Activity Map of California and Adjacent Areas, CD 2000-006, California Department of Conservation, Division of Mines and Geology, 2000.

MAP 11
LIQUEFACTION SUSCEPTIBILITY HAZARDS



*On the basis of the liquefaction failures that occurred during past earthquakes, it is expected that at least 80 percent of future liquefaction failures will take place in areas judged to have High or Very High susceptibilities. We expect that 20 percent or less of future liquefaction will take place in areas judged to be Moderate and Low, and that less than 1 percent will take place in areas judged Very Low (Knudson et al., 2000).

SOURCE: Knudson, K.L., Sowers, J.M., Witter, R.C., Wentworth, C.M., and Helley, E.J., Preliminary Maps of Quaternary Deposits and Liquefaction Susceptibility, Nine-County San Francisco Bay Region, California: A Digital Database, Open-File Report 00-44, Online Version 1.0, U.S. Geological Survey, 2000.

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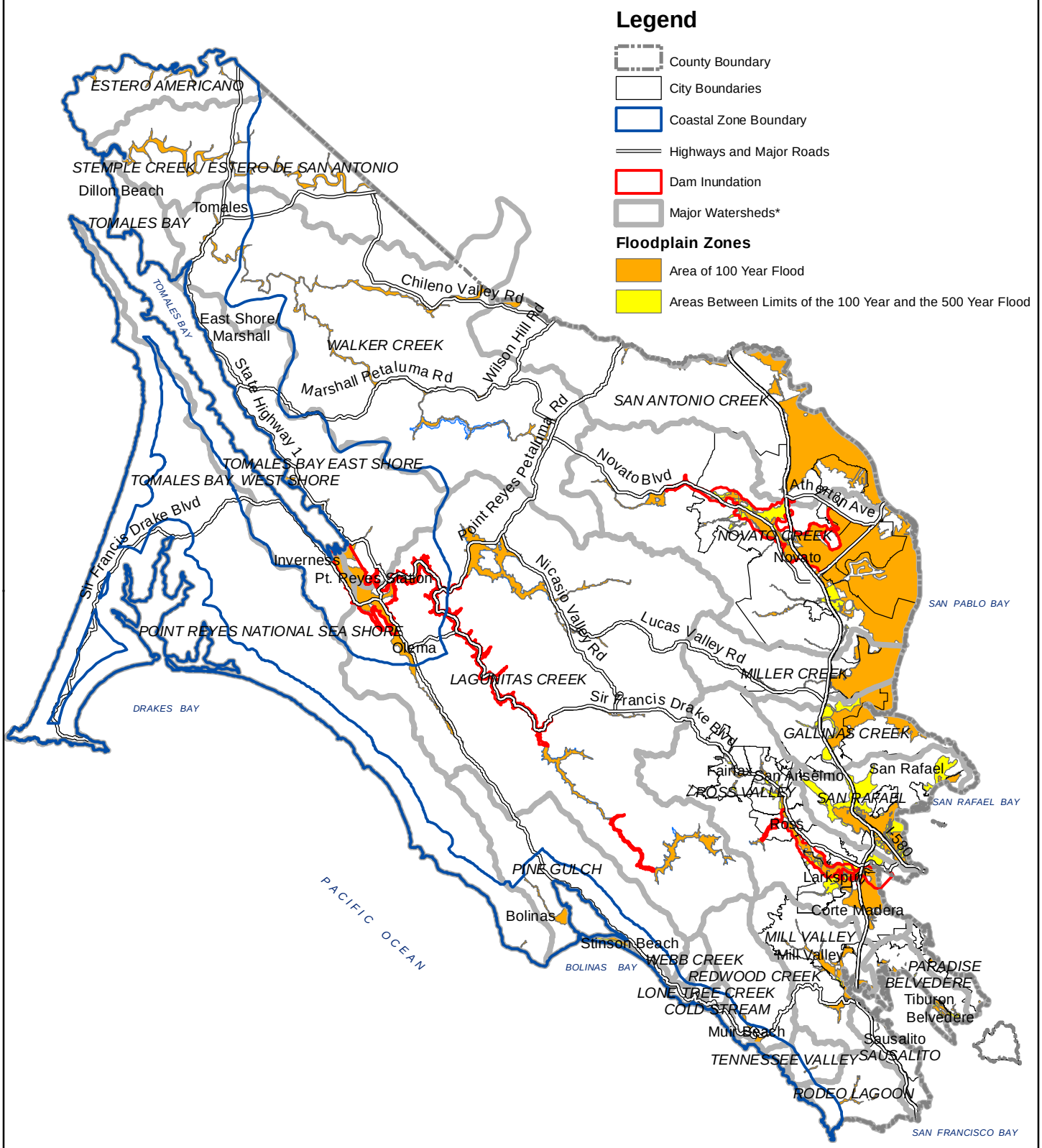
Date: January 19, 2011 File: Map 11_Liquefaction Hazards.mxd

MAP 12
FLOODING



*Watershed names shown in all-capital italicized font, e.g. *MILLER CREEK*

SOURCE: National Flood Insurance Program Q3 Flood Data

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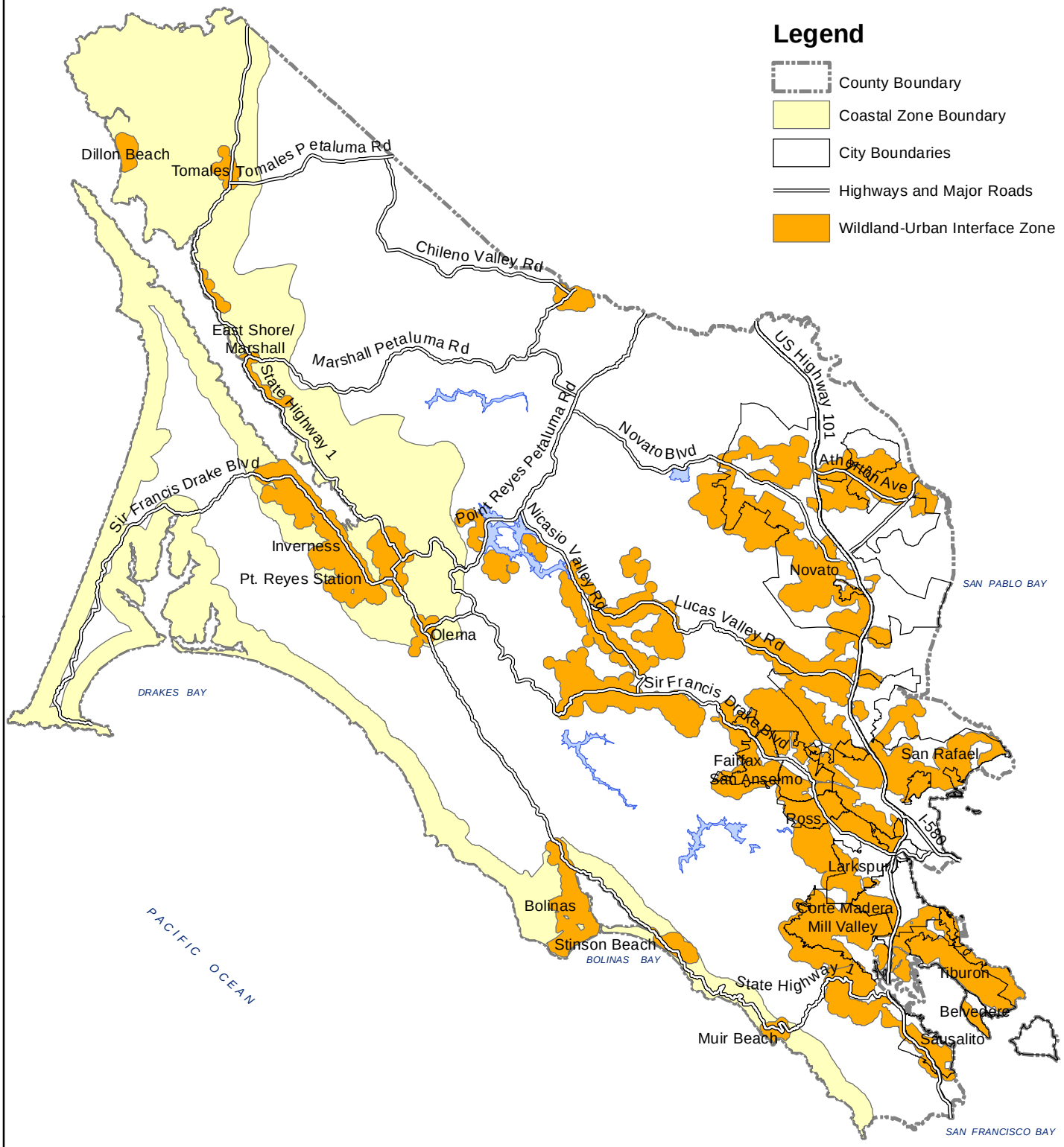
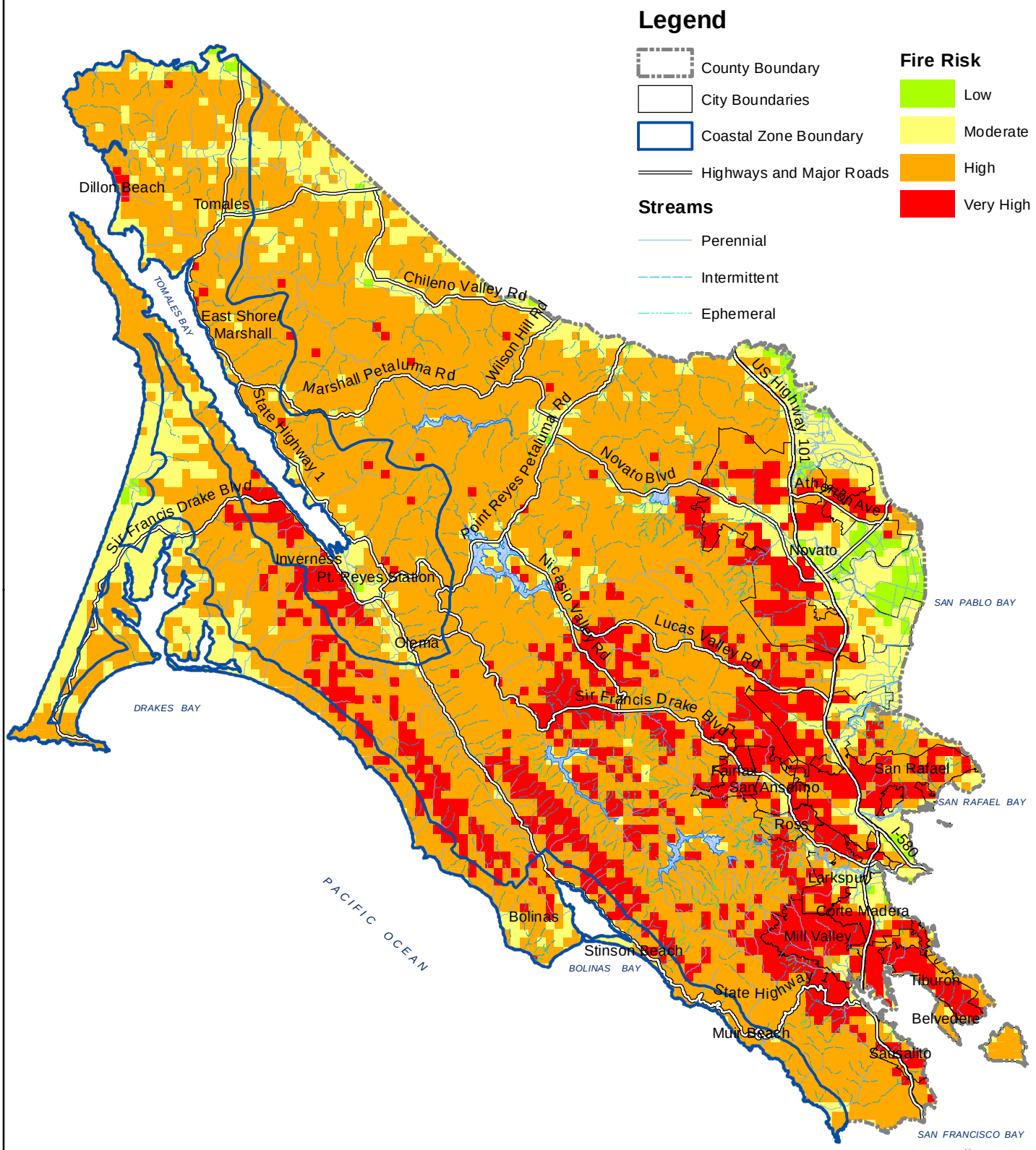
Date: December 17, 2010 File: Map 12_Flooding.mxd

MAP 13
WILDLAND-URBAN INTERFACE ZONE



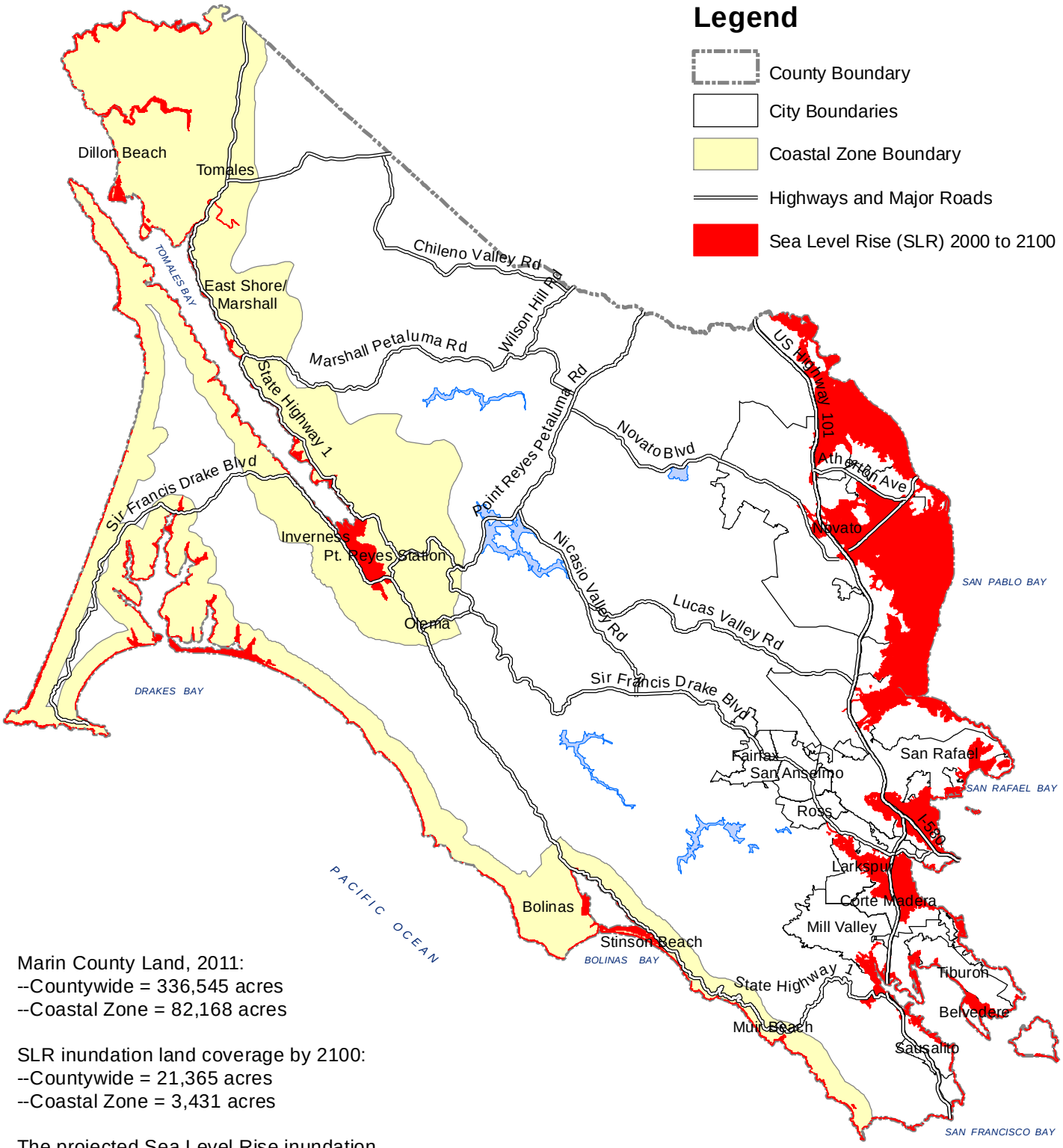
MAP 14
FIRE RISK



Note: Cell size is 50 acres.

SOURCE: Marin County Fire Department

MAP 15
SEA LEVEL RISE



Marin County Land, 2011:
--Countywide = 336,545 acres
--Coastal Zone = 82,168 acres

SLR inundation land coverage by 2100:
--Countywide = 21,365 acres
--Coastal Zone = 3,431 acres

The projected Sea Level Rise inundation zone reflected here represents an estimated 55-inch rise above a current-day high tide that measures 6.1-feet above Mean Lower Low Water.

SOURCE: Marin County Community Development Agency

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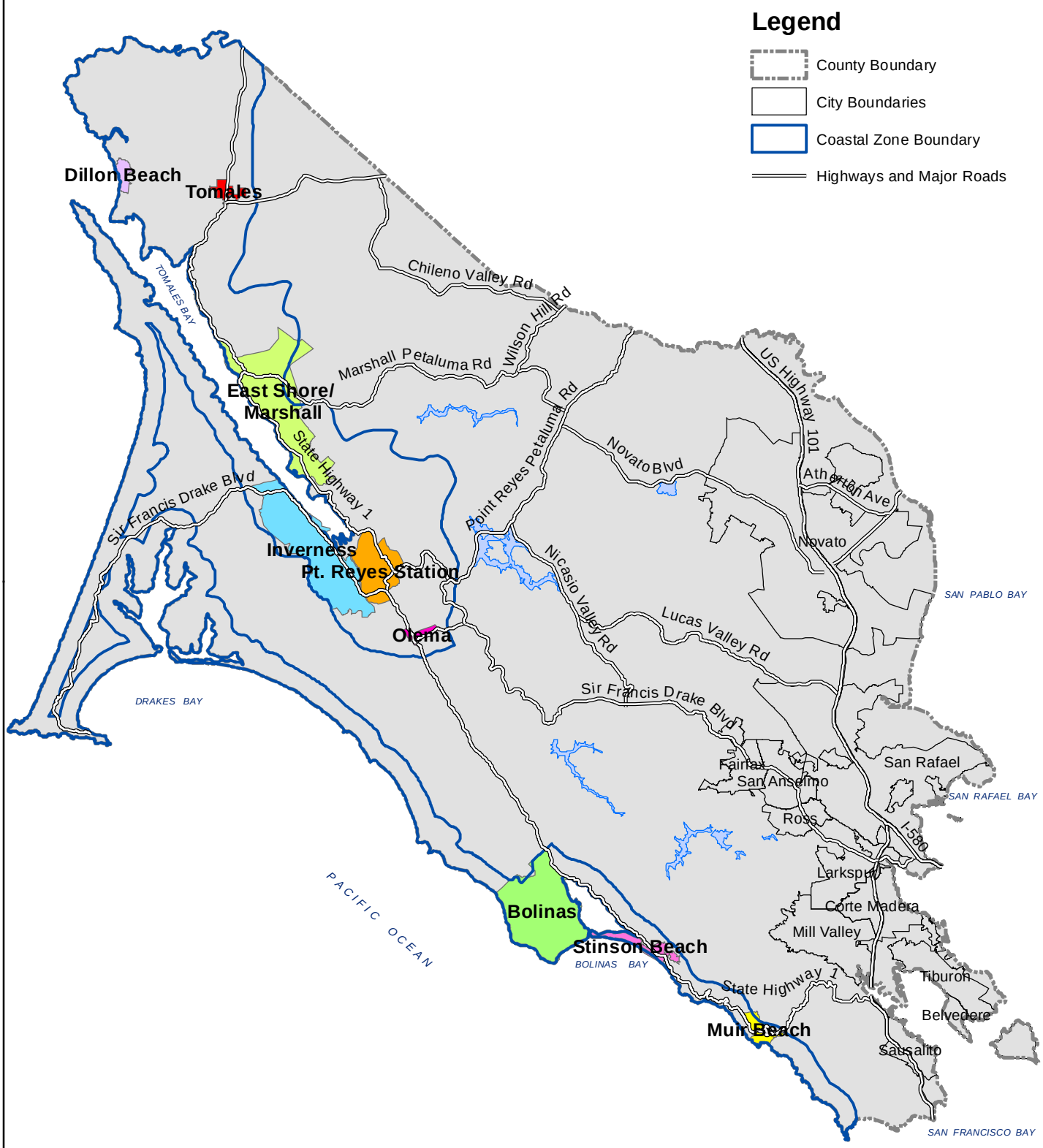
Date: May 3, 2011 File: Map 15_Sea Level Rise.mxd

MAP 16
COMMUNITY AREAS



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Date: January 31, 2011 File: Map 16_Community Areas.mxd

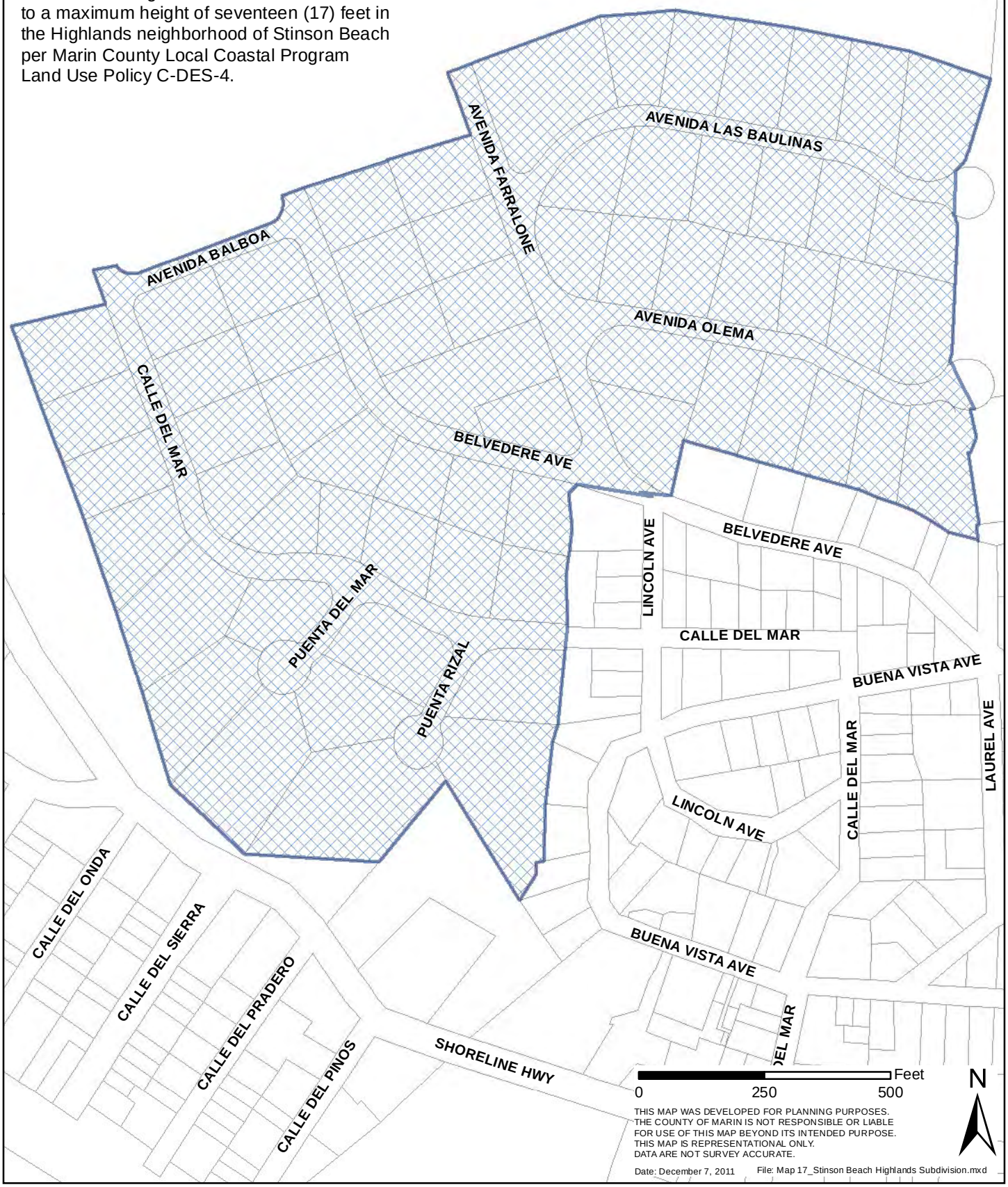
SOURCE: Marin County Community Development Agency

MAP 17
STINSON BEACH HIGHLANDS SUBDIVISION

Legend

Stinson Beach Highlands Subdivision

NOTE: The height of new structures is limited to a maximum height of seventeen (17) feet in the Highlands neighborhood of Stinson Beach per Marin County Local Coastal Program Land Use Policy C-DES-4.



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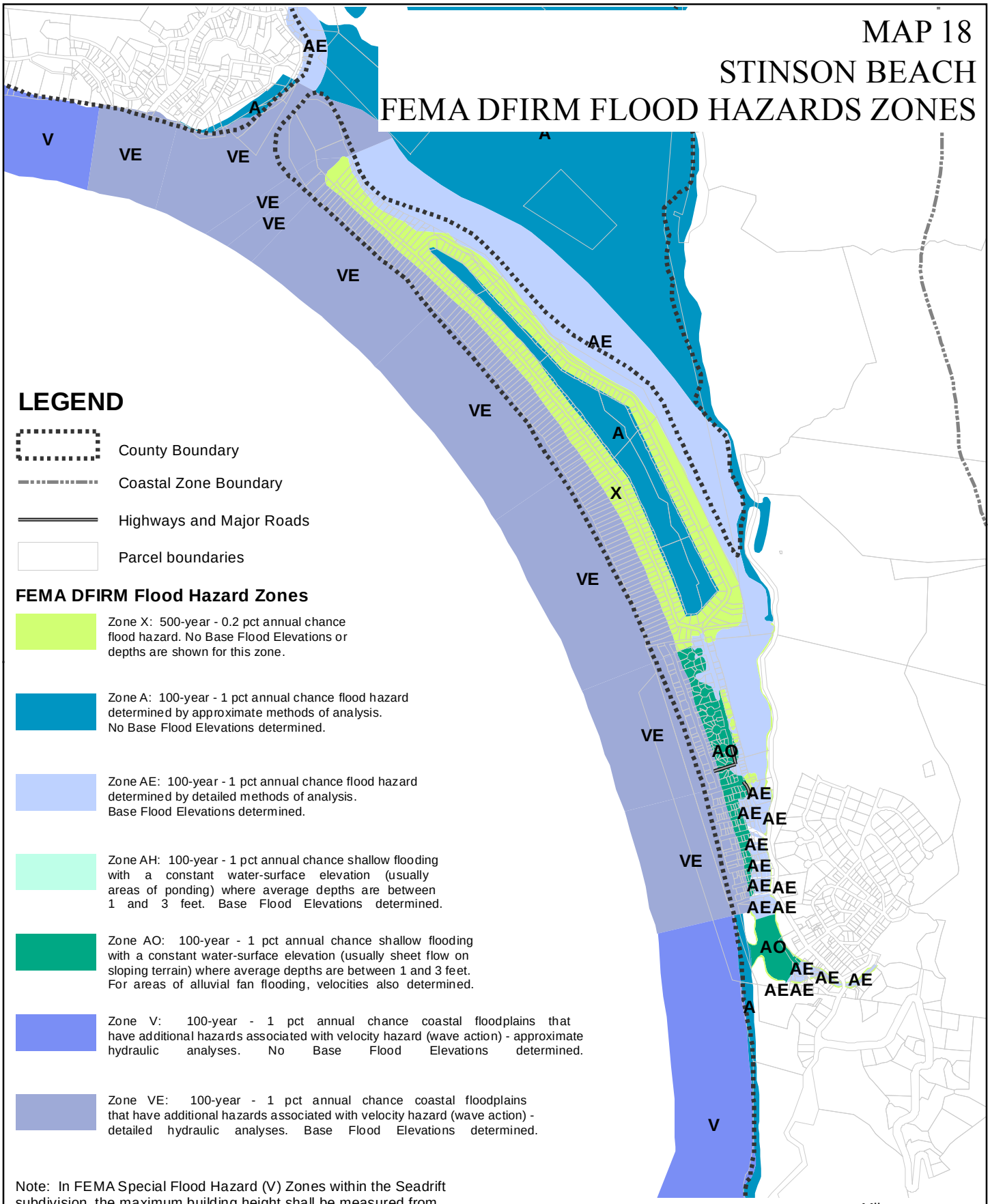
Date: December 7, 2011 File: Map 17_Stinson Beach Highlands Subdivision.mxd

MAP 18
STINSON BEACH
FEMA DFIRM FLOOD HAZARDS ZONES



LEGEND

County Boundary

Coastal Zone Boundary

Highways and Major Roads

Parcel boundaries

FEMA DFIRM Flood Hazard Zones

Zone X: 500-year - 0.2 pct annual chance flood hazard. No Base Flood Elevations or depths are shown for this zone.

Zone A: 100-year - 1 pct annual chance flood hazard determined by approximate methods of analysis. No Base Flood Elevations determined.

Zone AE: 100-year - 1 pct annual chance flood hazard determined by detailed methods of analysis. Base Flood Elevations determined.

Zone AH: 100-year - 1 pct annual chance shallow flooding with a constant water-surface elevation (usually areas of ponding) where average depths are between 1 and 3 feet. Base Flood Elevations determined.

Zone AO: 100-year - 1 pct annual chance shallow flooding with a constant water-surface elevation (usually sheet flow on sloping terrain) where average depths are between 1 and 3 feet. For areas of alluvial fan flooding, velocities also determined.

Zone V: 100-year - 1 pct annual chance coastal floodplains that have additional hazards associated with velocity hazard (wave action) - approximate hydraulic analyses. No Base Flood Elevations determined.

Zone VE: 100-year - 1 pct annual chance coastal floodplains that have additional hazards associated with velocity hazard (wave action) - detailed hydraulic analyses. Base Flood Elevations determined.

Note: In FEMA Special Flood Hazard (V) Zones within the Seadrift subdivision, the maximum building height shall be measured from the minimum floor elevation required by the flood zone designtion, per Marin County Local Coastal Program Land Use Policy C-DES-4 - Limited Height of New Structures.

SOURCE: Federal Emergency Management Agency (FEMA), U.S. Department of Homeland Security.

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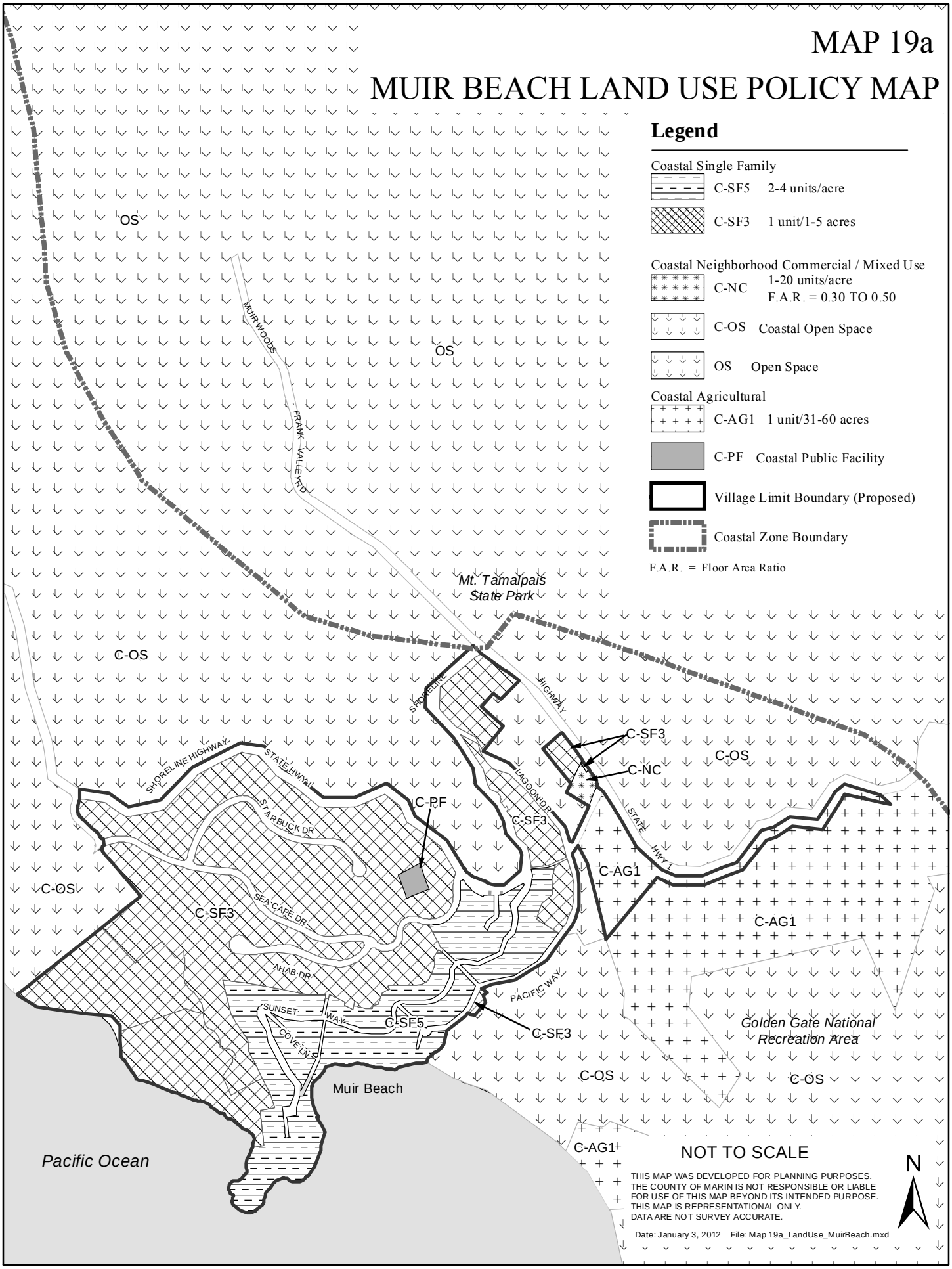
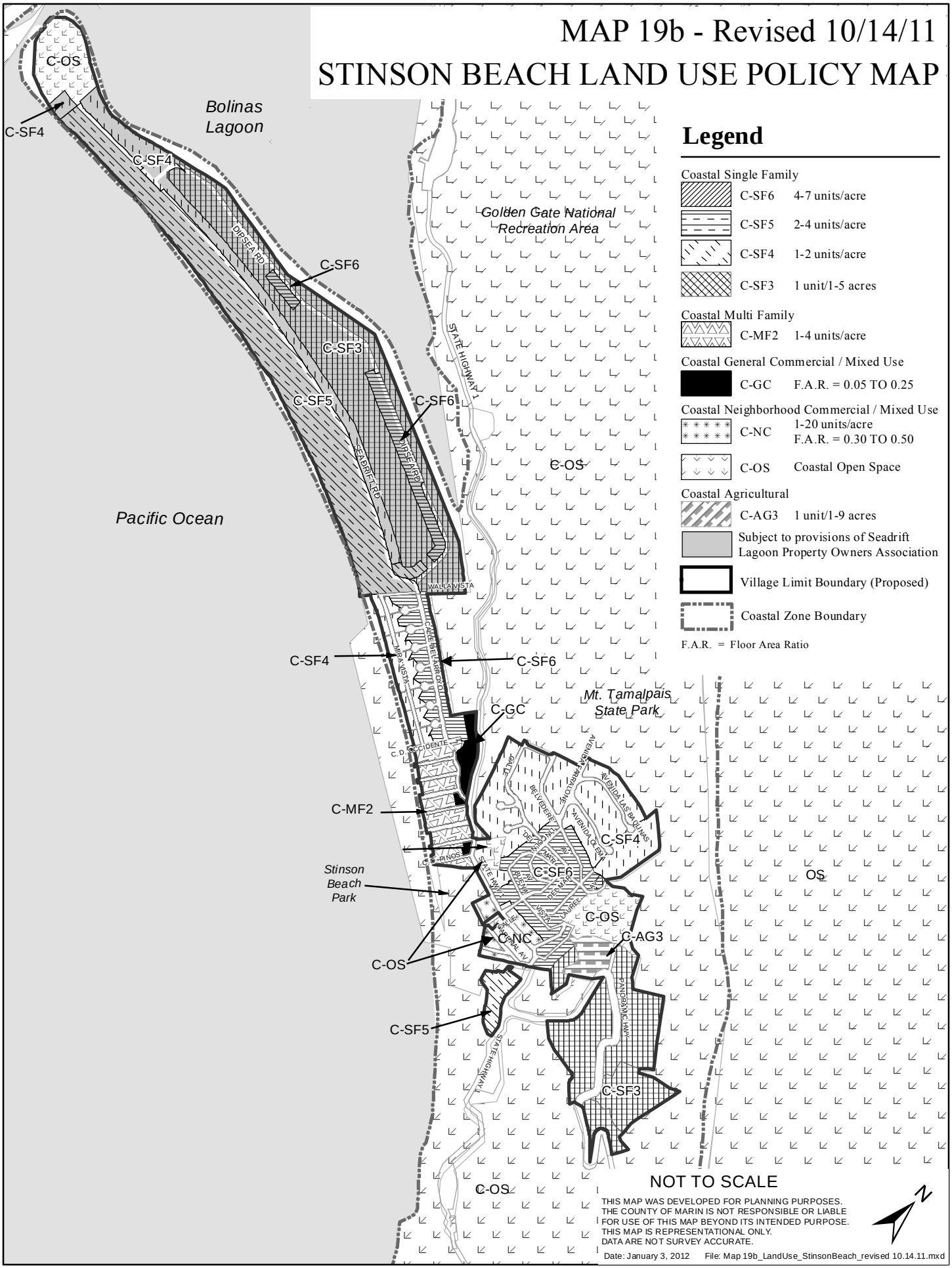
Date: December 5, 2011
File: Map 18_FEMA DFIRM Flood Hazard Zones_Stinson Beach.mxd

MAP 19a

MUIR BEACH LAND USE POLICY MAP

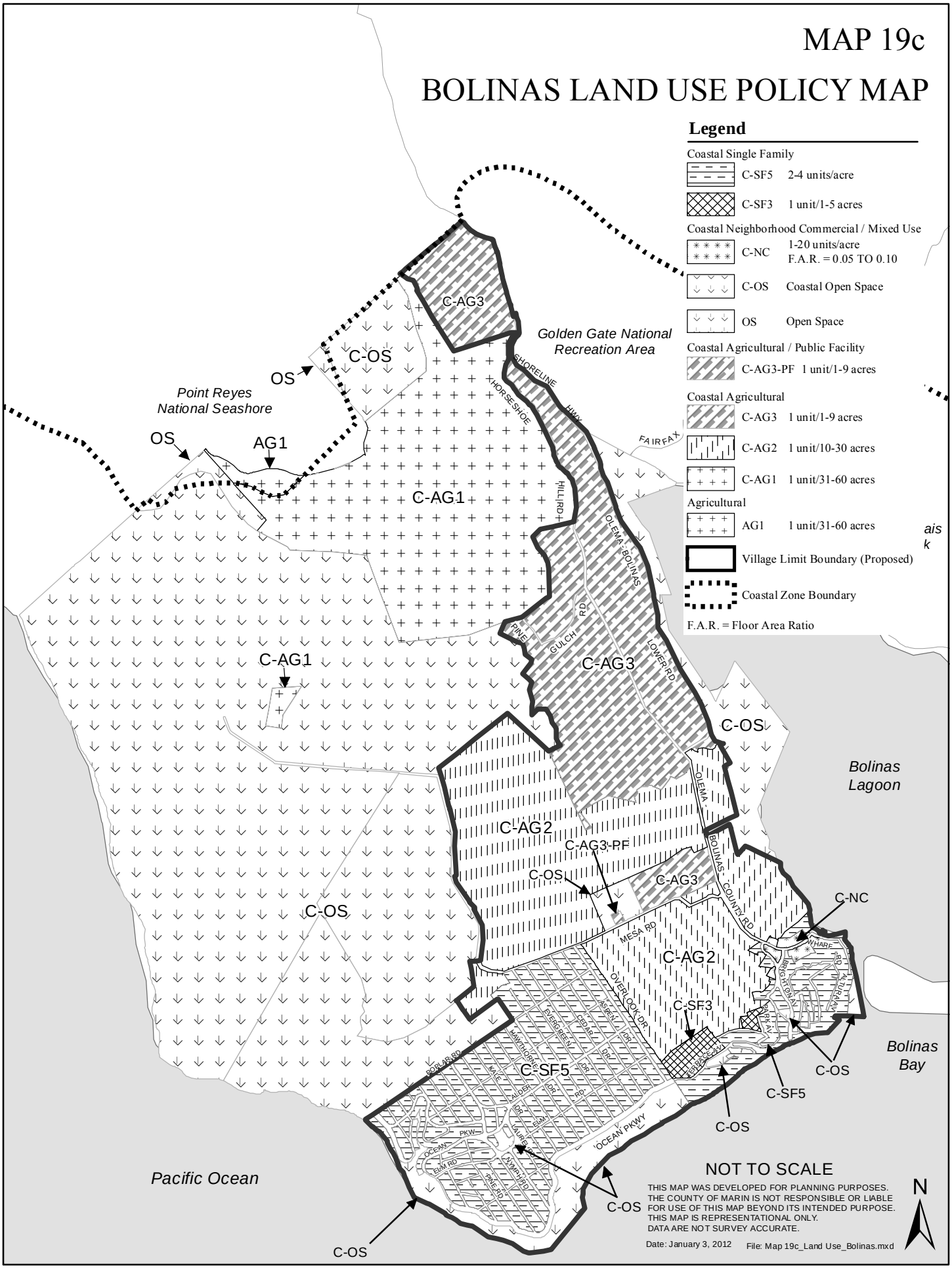


MAP 19b - Revised 10/14/11
STINSON BEACH LAND USE POLICY MAP

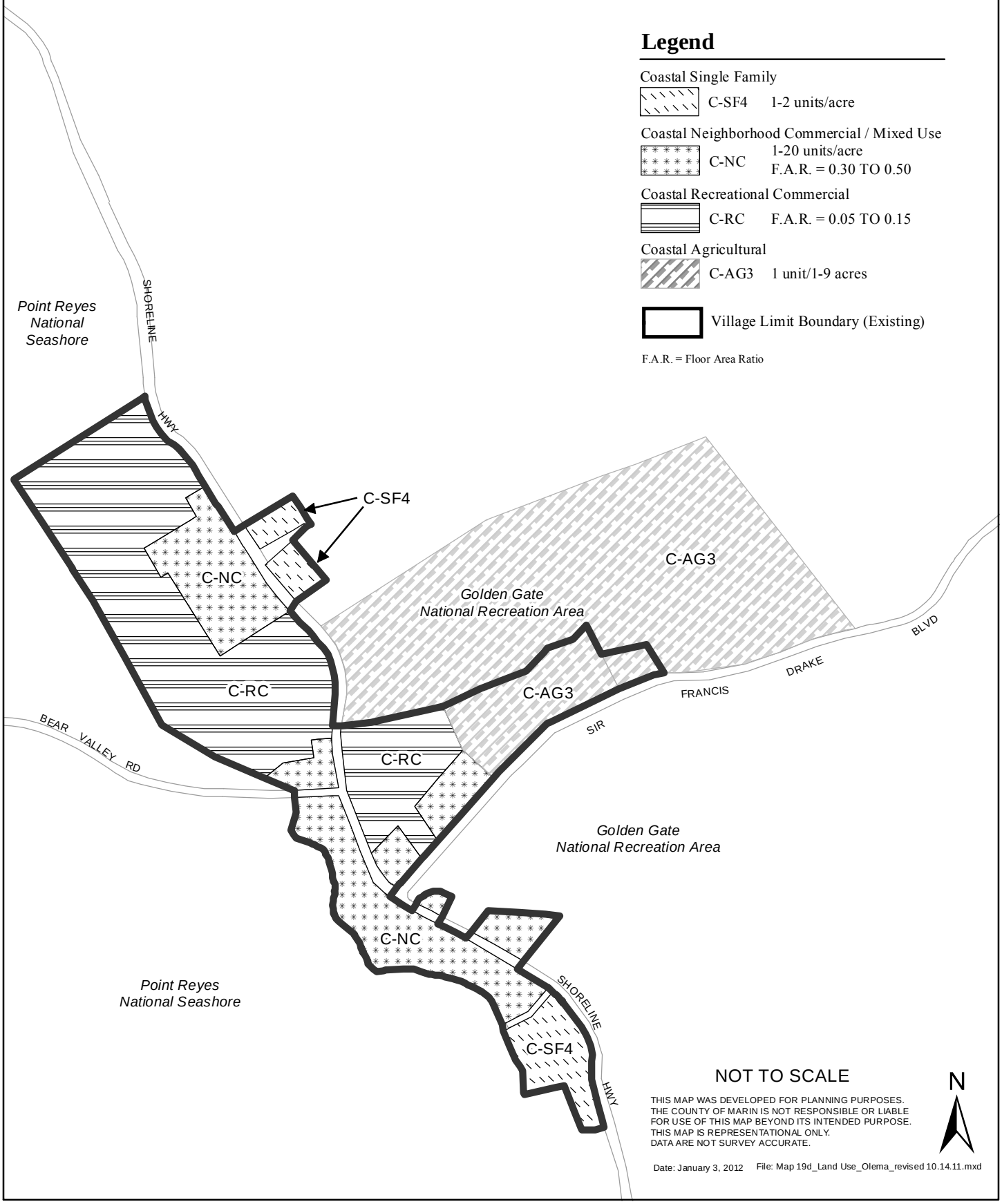


MAP 19c

BOLINAS LAND USE POLICY MAP

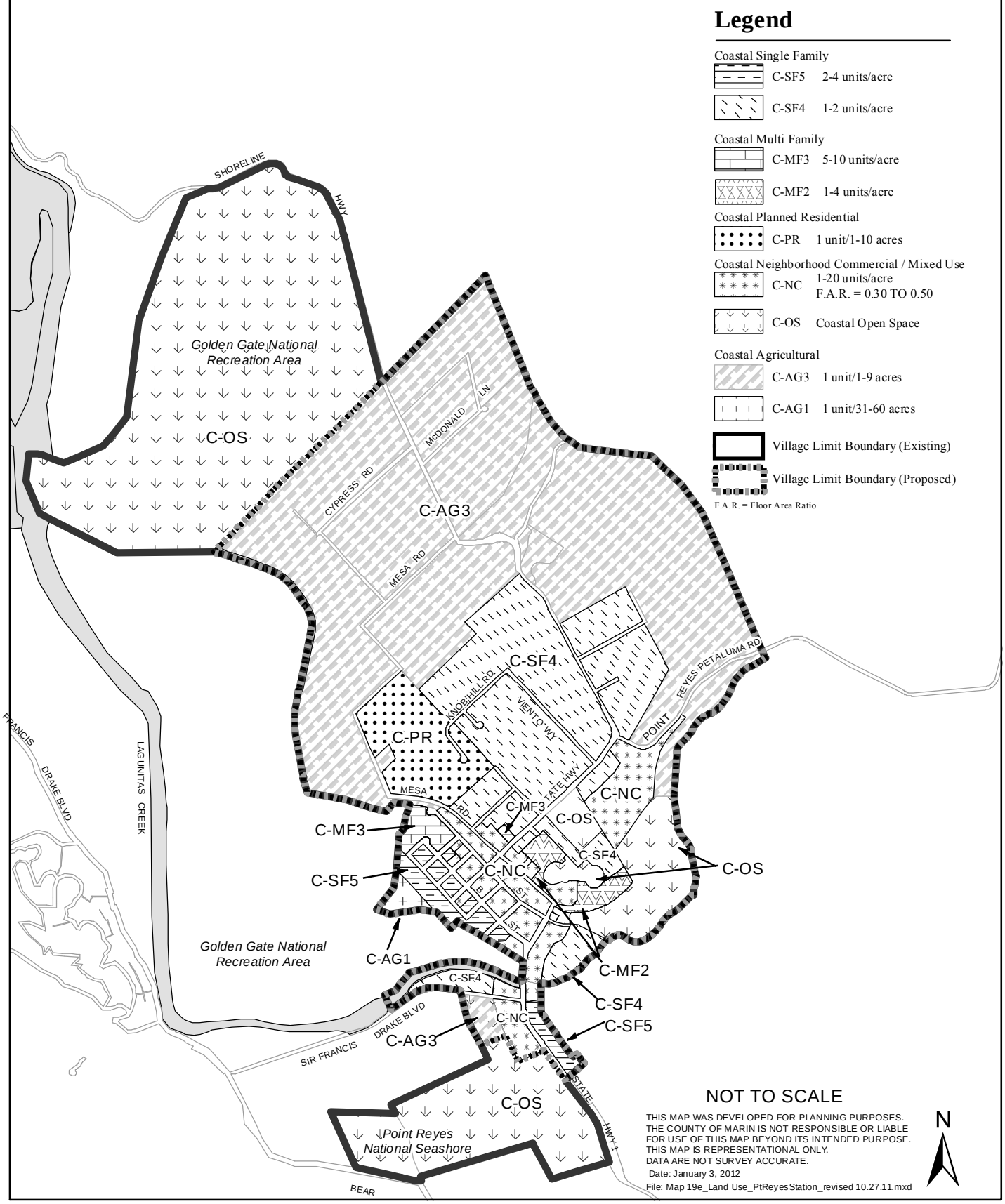


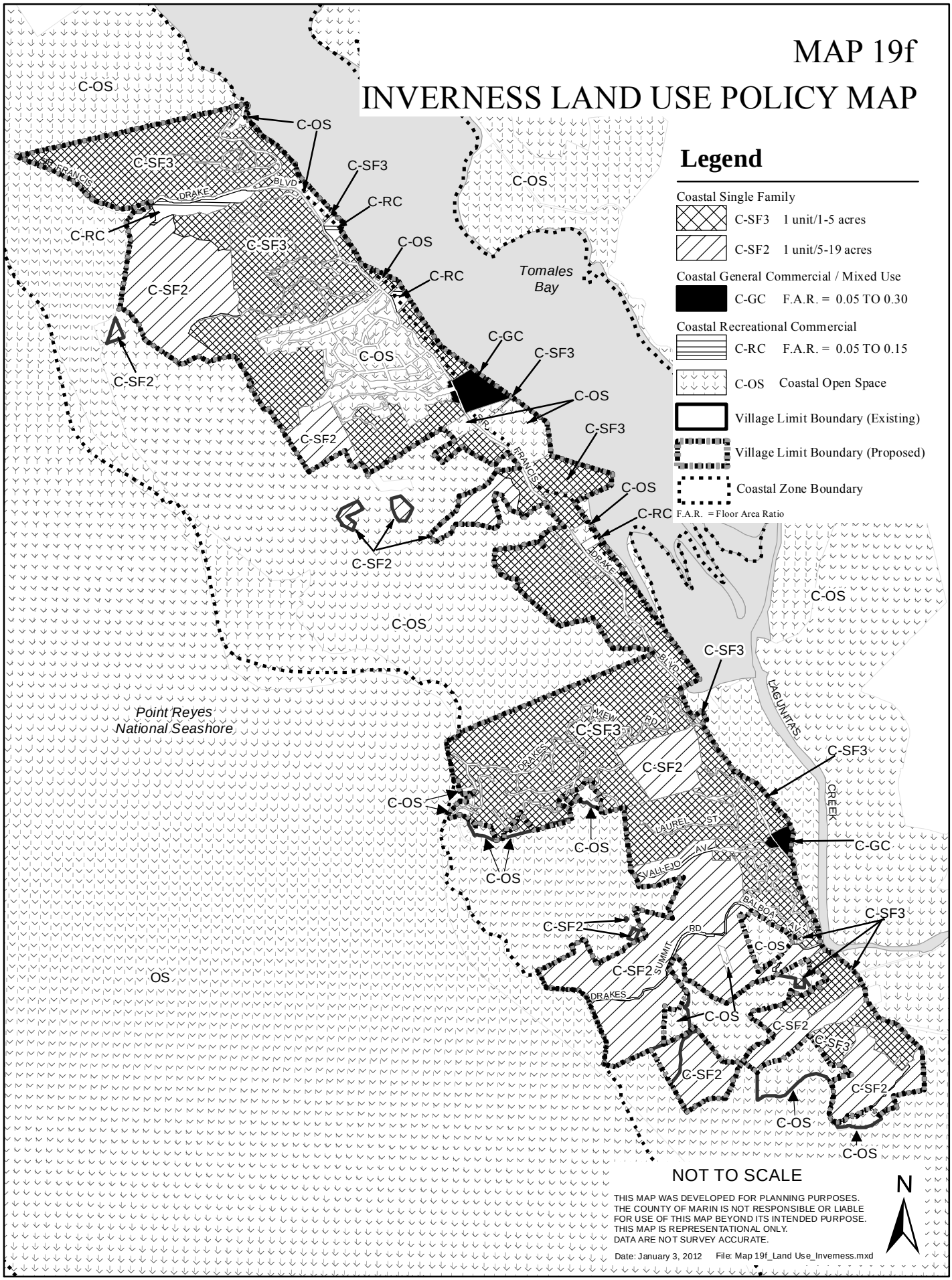
MAP 19d - Revised 10/14/11
OLEMA LAND USE POLICY MAP



MAP 19e - Revised 10/27/11

POINT REYES STATION LAND USE POLICY MAP




MAP 19f
INVERNESS LAND USE POLICY MAP
Legend
Coastal Single Family
C-SF3 1 unit/1-5 acres
C-SF2 1 unit/5-19 acres
Coastal General Commercial / Mixed Use
C-GC F.A.R. = 0.05 TO 0.30
Coastal Recreational Commercial
C-RC F.A.R. = 0.05 TO 0.15
C-OS Coastal Open Space
Village Limit Boundary (Existing)
Village Limit Boundary (Proposed)
Coastal Zone Boundary
F.A.R. = Floor Area Ratio
Tomales Bay
Point Reyes National Seashore
DRAKES BLVD
SAN FRANCISCO BLVD
LAGUNITAS CREEK
LAUREL ST
VALLEJO AV
BALBOA AV
SUMMIT RD
NEW RD
C-OS
C-SF3
C-SF2
C-RC
C-GC
OS
NOT TO SCALE
N
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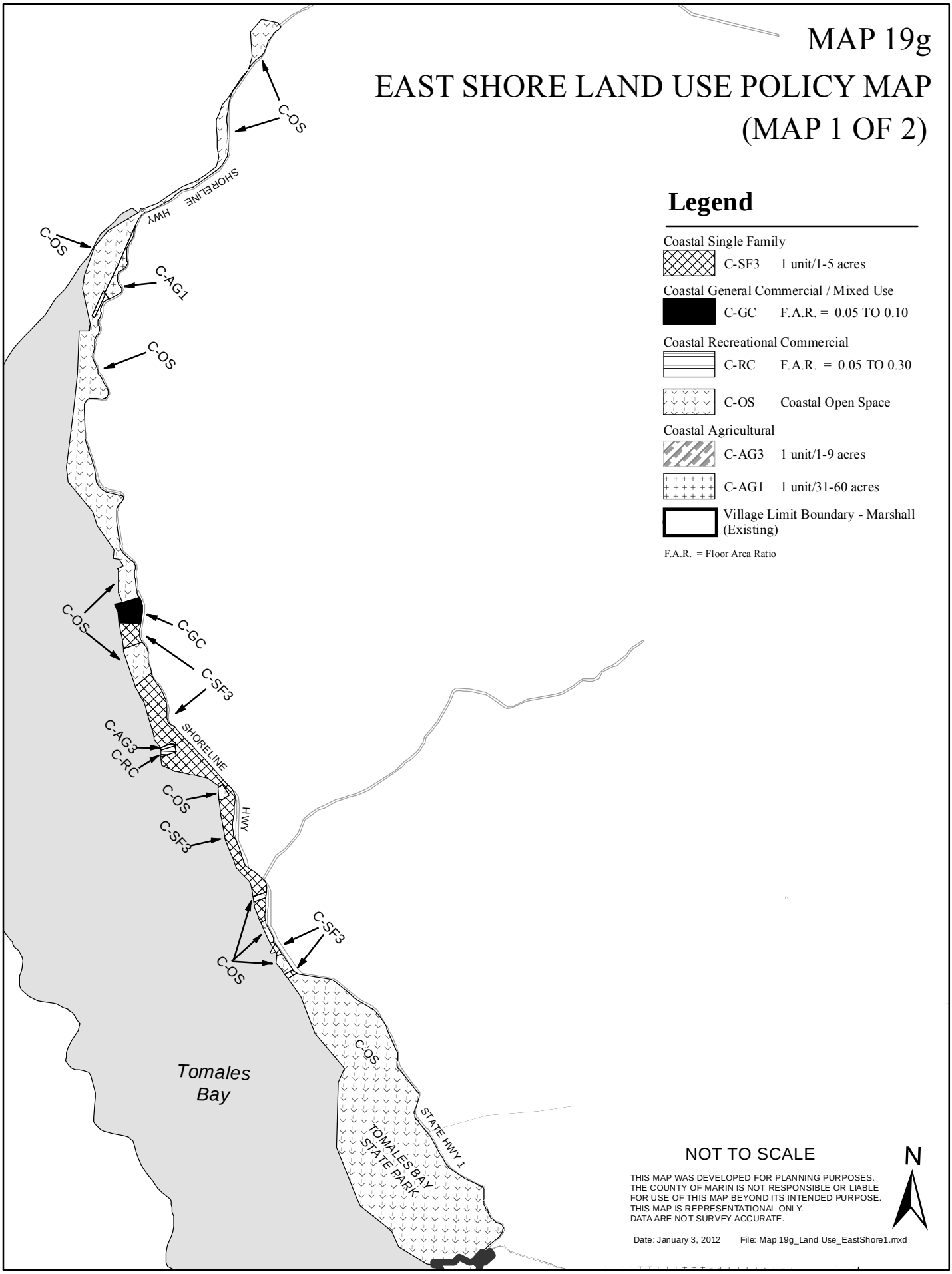
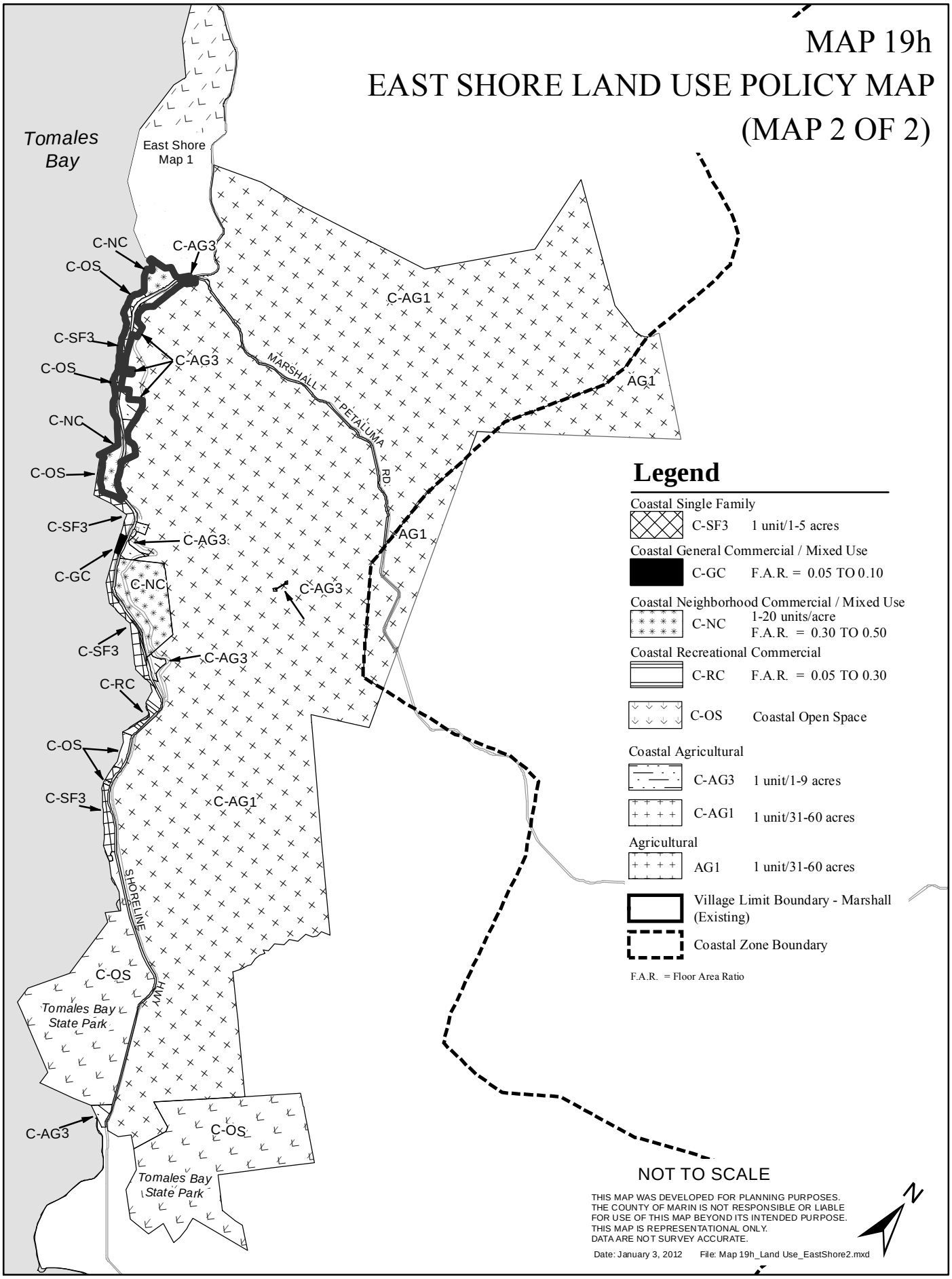
THIS MAP IS REPRESENTATIONAL ONLY.
DATA ARE NOT SURVEY ACCURATE.
Date: January 3, 2012 File: Map 19f_Land Use_Inverness.mxd

MAP 19g
EAST SHORE LAND USE POLICY MAP
(MAP 1 OF 2)

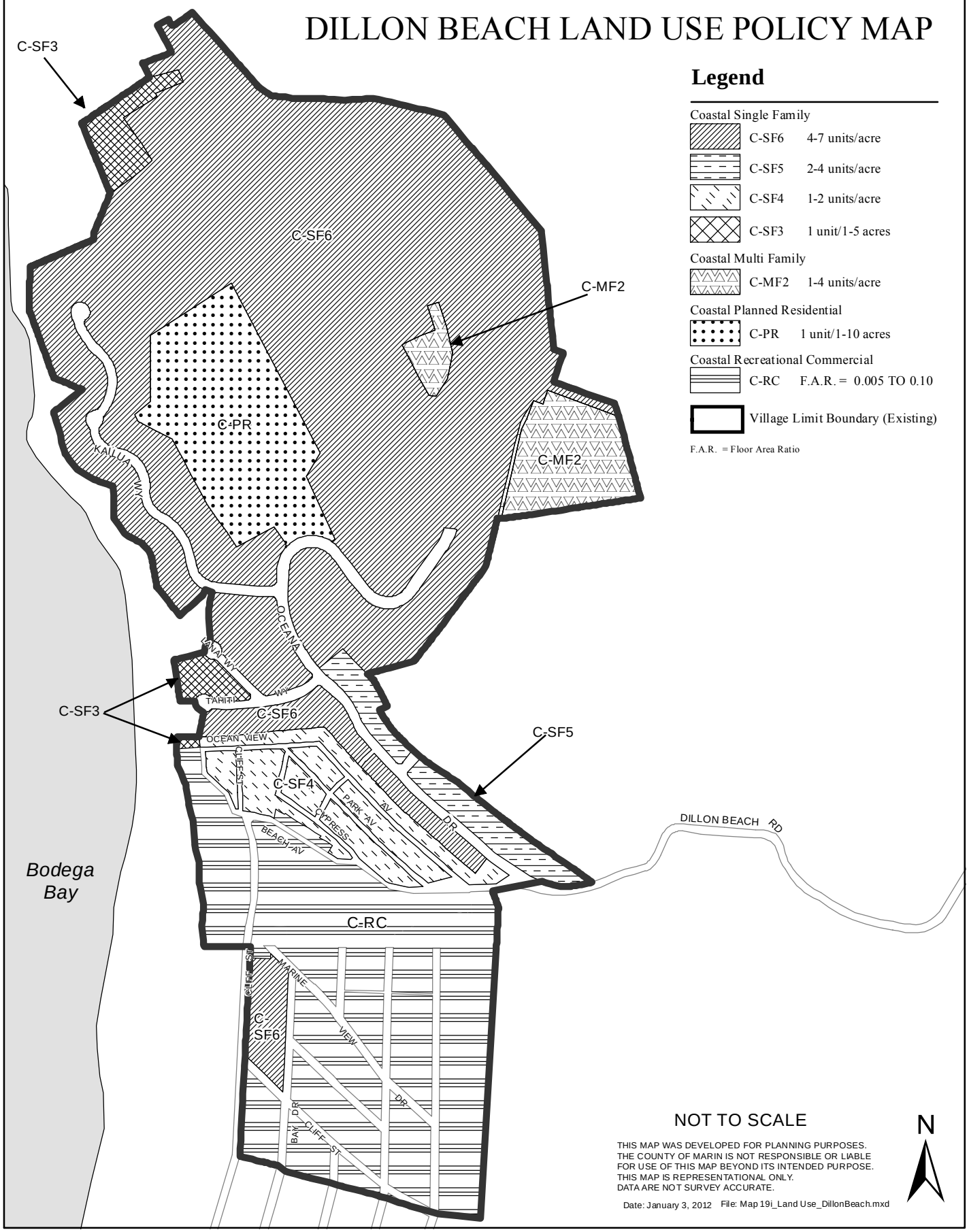


MAP 19h
EAST SHORE LAND USE POLICY MAP
(MAP 2 OF 2)



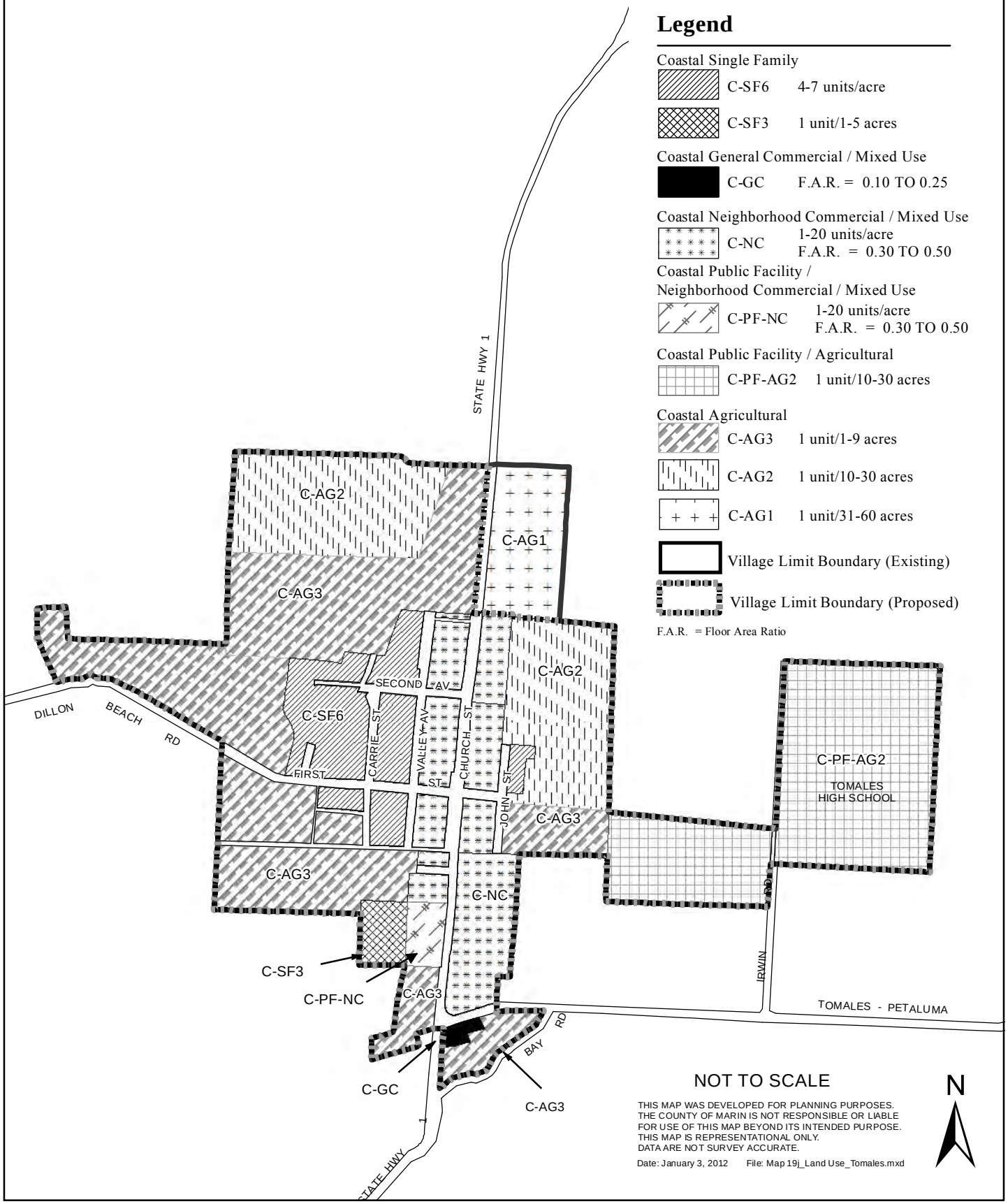
MAP 19i

DILLON BEACH LAND USE POLICY MAP

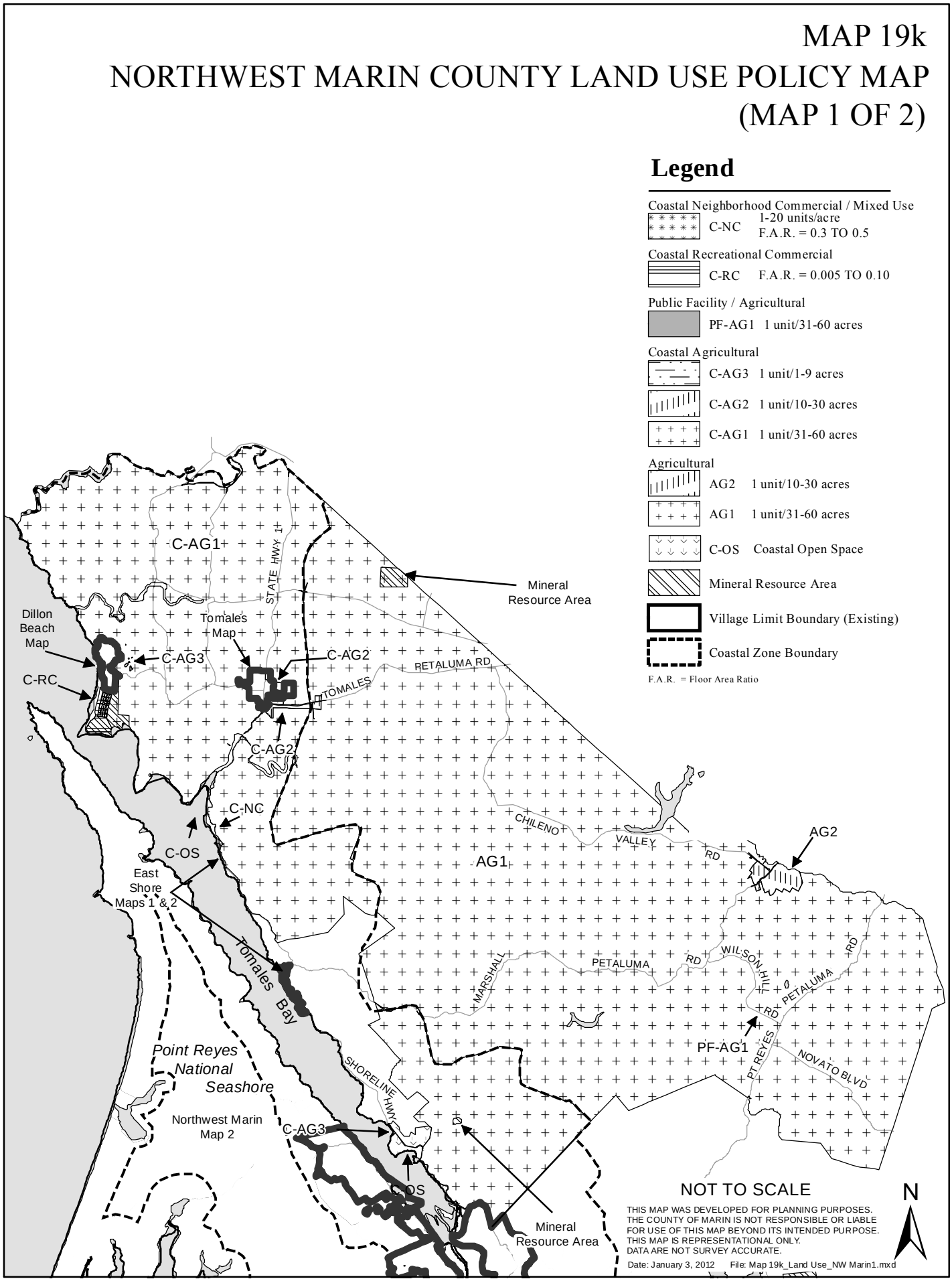


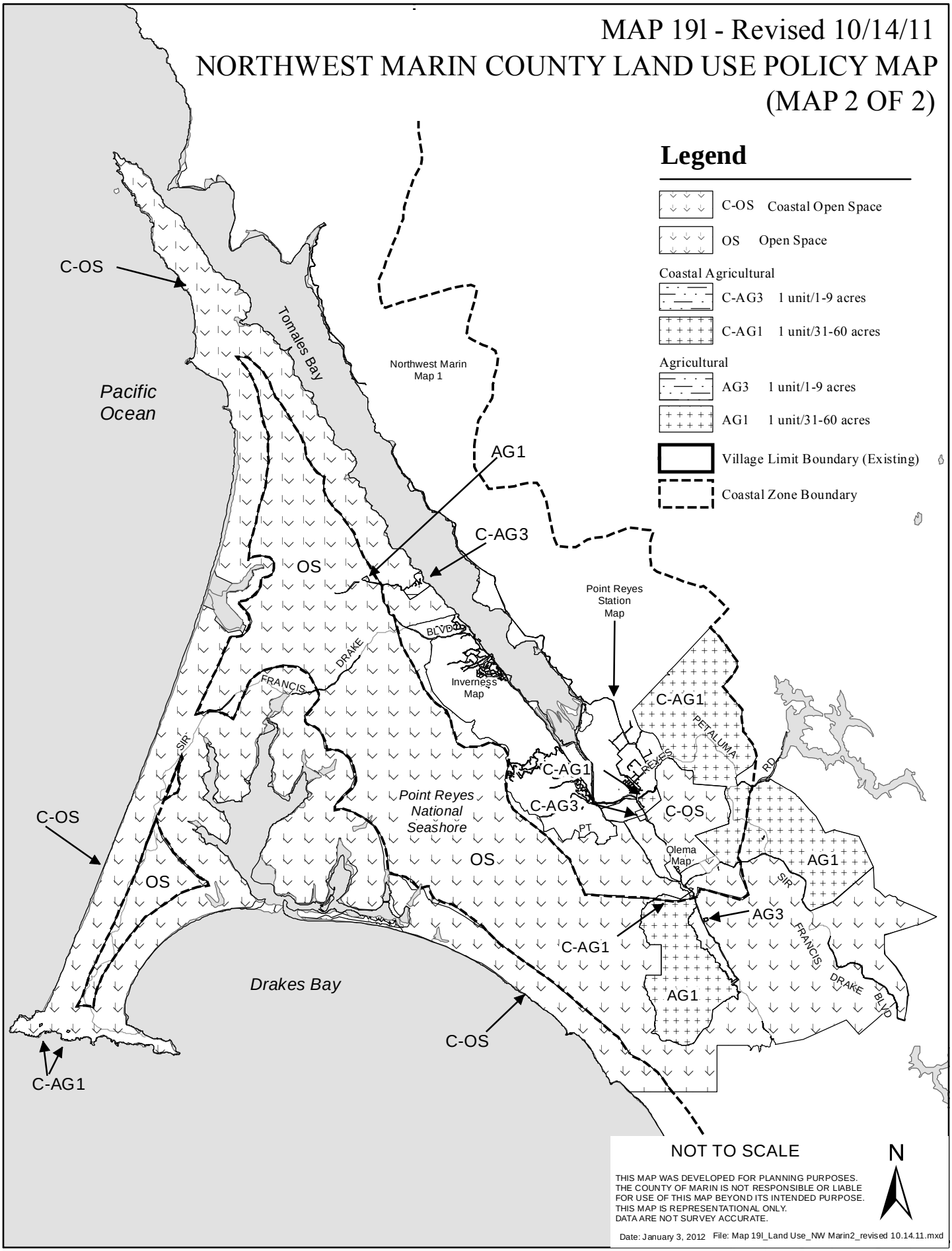
MAP 19j

TOMALES LAND USE POLICY MAP



MAP 19k
NORTHWEST MARIN COUNTY LAND USE POLICY MAP
(MAP 1 OF 2)




MAP 19l - Revised 10/14/11
NORTHWEST MARIN COUNTY LAND USE POLICY MAP
(MAP 2 OF 2)
Legend
C-OS Coastal Open Space
OS Open Space
Coastal Agricultural
C-AG3 1 unit/1-9 acres
C-AG1 1 unit/31-60 acres
Agricultural
AG3 1 unit/1-9 acres
AG1 1 unit/31-60 acres
Village Limit Boundary (Existing)
Coastal Zone Boundary
Pacific Ocean
Tomales Bay
Northwest Marin Map 1
Point Reyes Station Map
Inverness Map
Olema Map
Point Reyes National Seashore
Drakes Bay
C-OS
OS
AG1
C-AG3
C-AG1
AG3
DRAKE
FRANCIS
SIR
BLVD
PETALUMA
RD
PT
NOT TO SCALE
N
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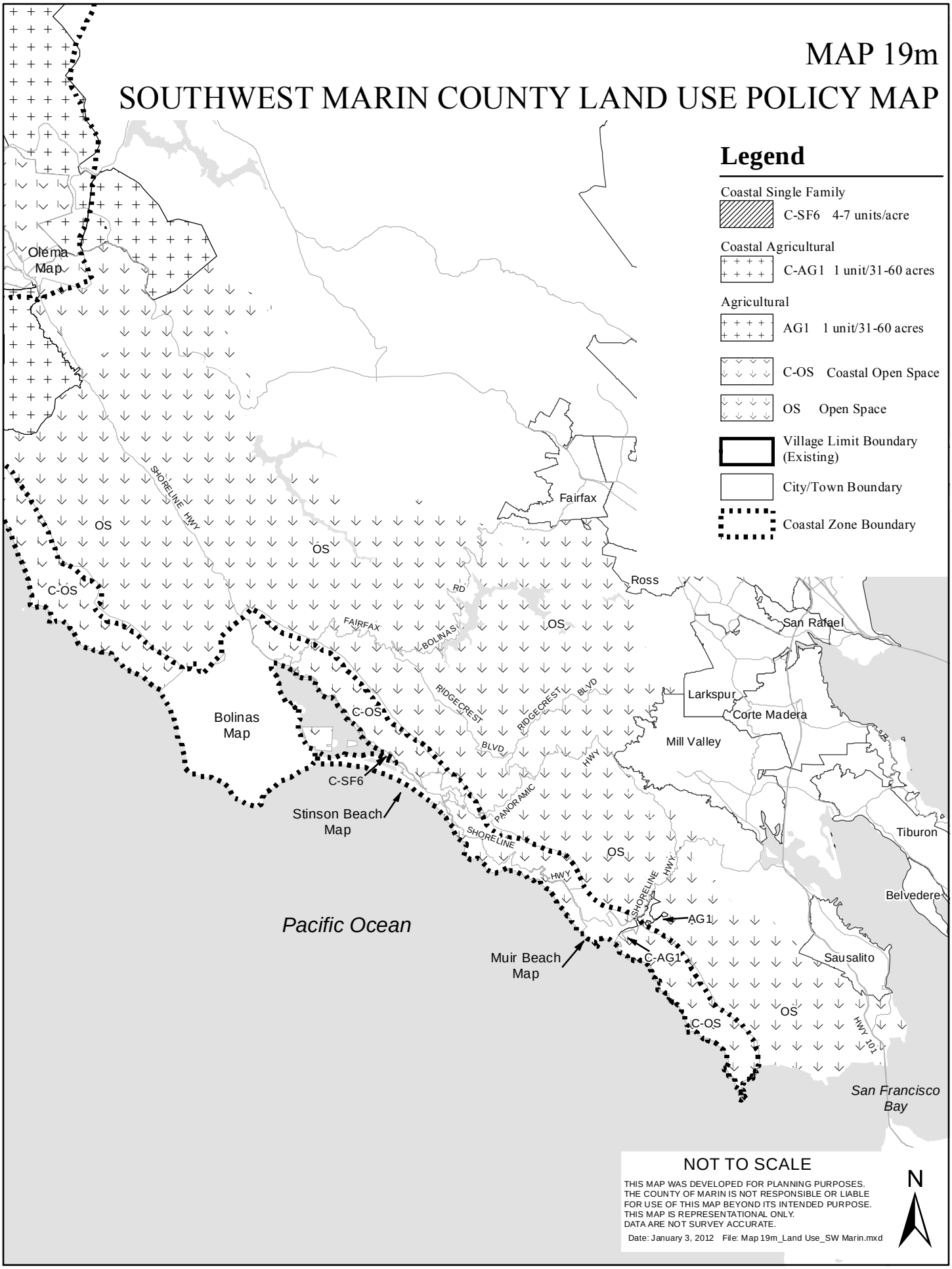
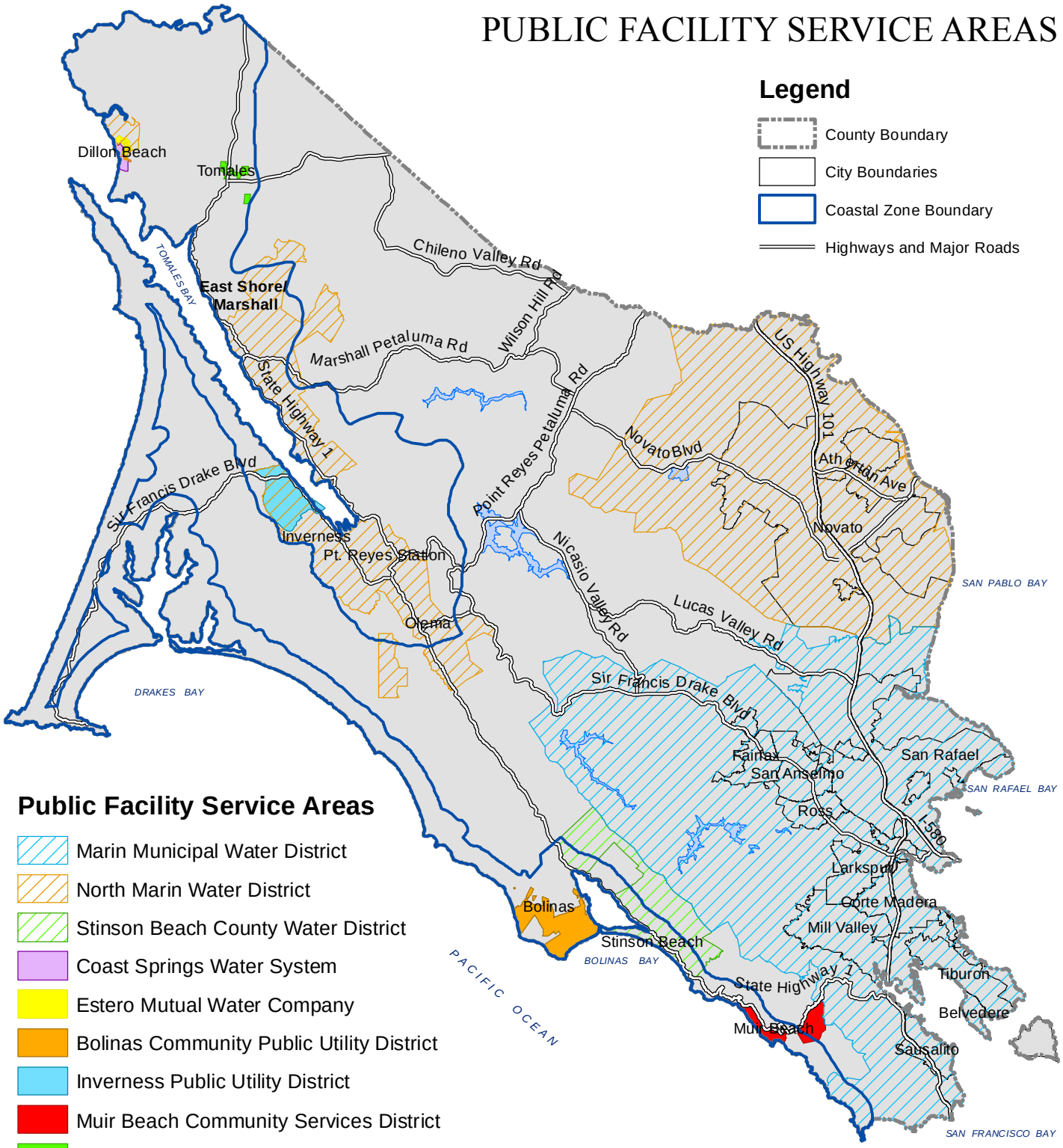
Date: January 3, 2012
File: Map 19l_Land Use_NW Marin2_revised 10.14.11.mxd

MAP 19m

SOUTHWEST MARIN COUNTY LAND USE POLICY MAP



MAP 20
PUBLIC FACILITY SERVICE AREAS



Not Shown: Tomales Sewer Maintenance District, which covers approximately 11 acres within the Tomales community.

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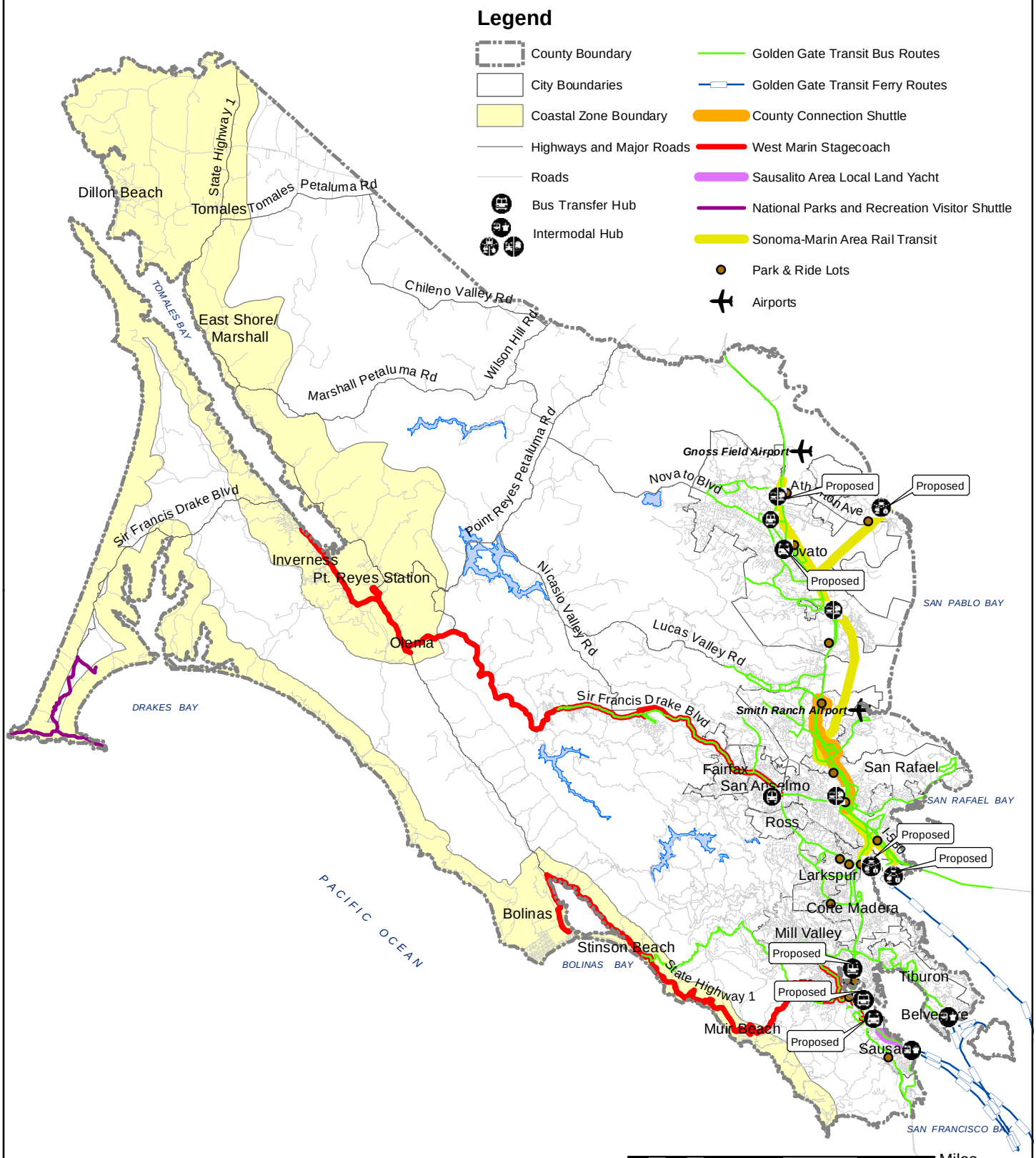
DATA ARE NOT SURVEY ACCURATE.

Date: January 3, 2012 File: Map 20_Public Facility Service Areas.mxd

SOURCE: Marin County Community Development Agency

MAP 21
TRANSIT CORRIDORS



All transit hubs marked as "proposed" are being considered as possible alternative locations for the SMART network. These alternatives are currently being studied and actual location is yet to be determined.

Transit data shown is current as of 2007.

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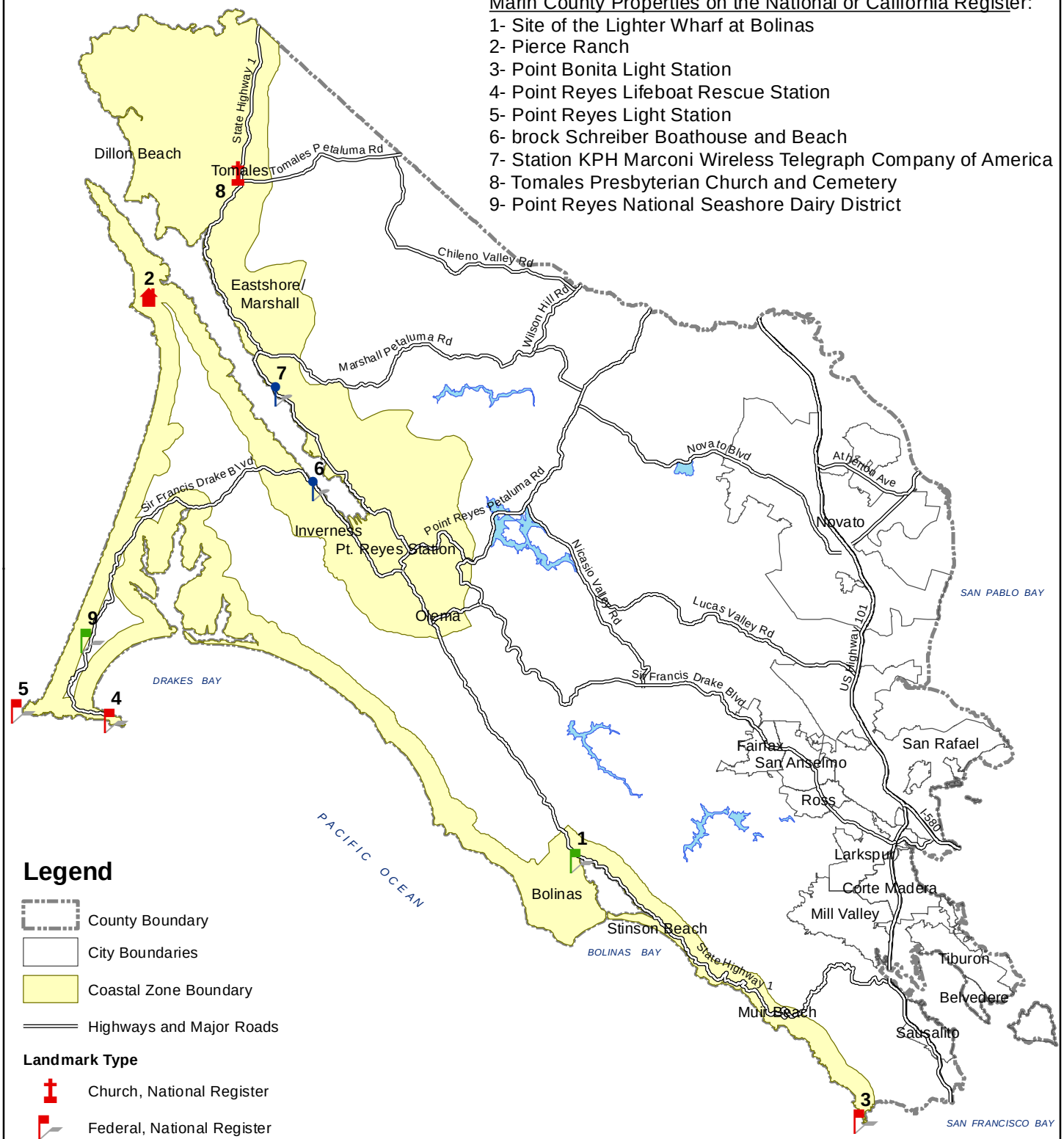
Date: January 3, 2012 File: Map 21_Transit Corridors.mxd

MAP 22
HISTORIC RESOURCES

Marin County Properties on the National or California Register:
1- Site of the Lighter Wharf at Bolinas
2- Pierce Ranch
3- Point Bonita Light Station
4- Point Reyes Lifeboat Rescue Station
5- Point Reyes Light Station
6- brock Schreiber Boathouse and Beach
7- Station KPH Marconi Wireless Telegraph Company of America
8- Tomales Presbyterian Church and Cemetery
9- Point Reyes National Seashore Dairy District



Legend

- County Boundary
- City Boundaries
- Coastal Zone Boundary
- Highways and Major Roads

Landmark Type

- Church, National Register
- Federal, National Register
- State Historical Landmark
- House, National Register
- Private, National Register

Miles
0 1.25 2.5 5 7.5 10

N

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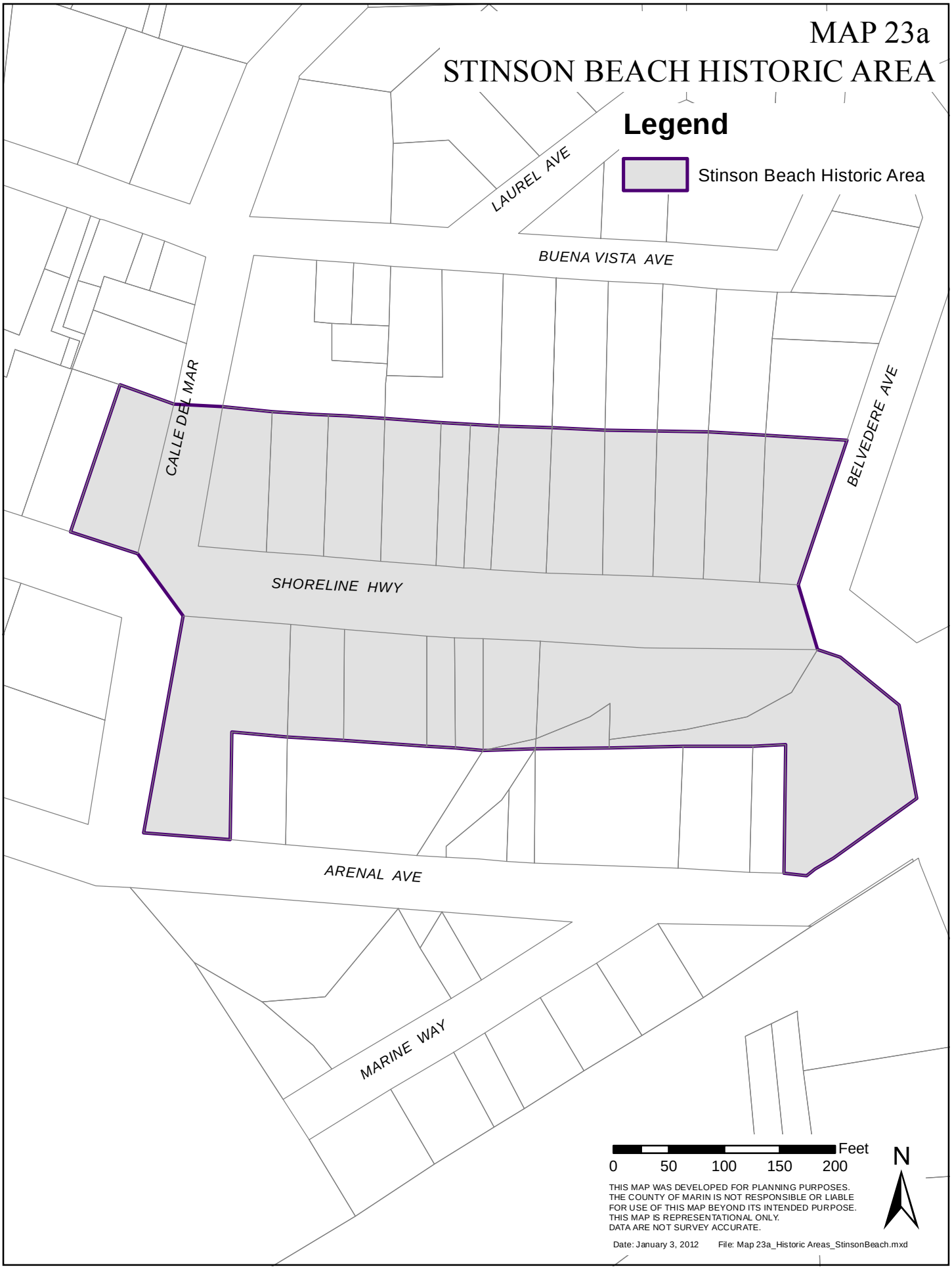
Date: January 3, 2012 File: Map 22_Historic Resources.mxd


MAP 23a
STINSON BEACH HISTORIC AREA
Legend
Stinson Beach Historic Area
LAUREL AVE
BUENA VISTA AVE
CALLE DEL MAR
BELVEDERE AVE
SHORELINE HWY
ARENAL AVE
MARINE WAY
Feet
0
50
100
150
200
N
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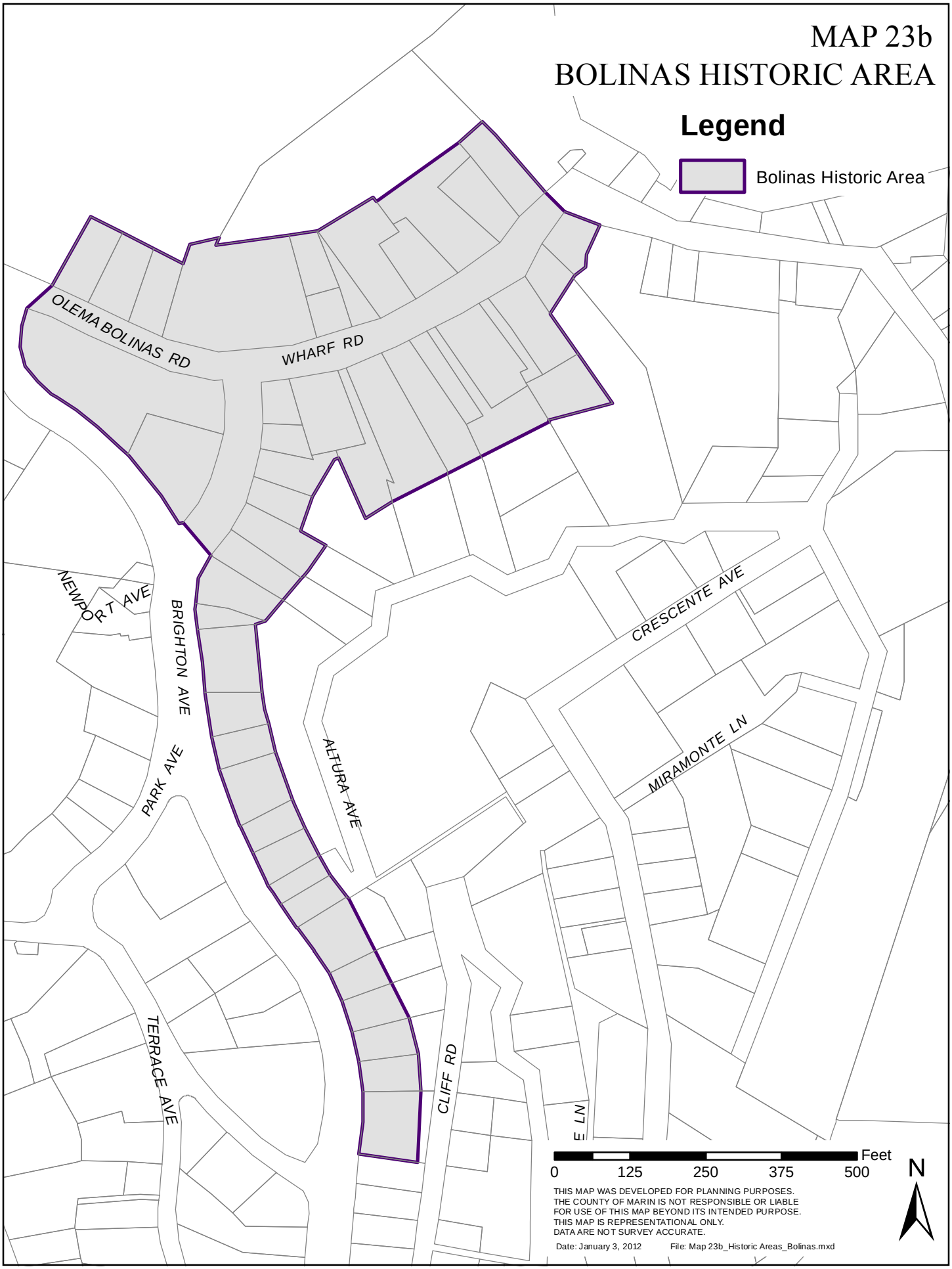
Date: January 3, 2012
File: Map 23a_Historic Areas_StinsonBeach.mxd


MAP 23b
BOLINAS HISTORIC AREA
Legend
Bolinas Historic Area
OLEMA BOLINAS RD
WHARF RD
NEWPORT AVE
BRIGHTON AVE
PARK AVE
ALTURA AVE
CRESCENTE AVE
MIRAMONTE LN
TERRACE AVE
CLIFF RD
Feet
0
125
250
375
500
N
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DATA ARE NOT SURVEY ACCURATE.
Date: January 3, 2012
File: Map 23b_Historic Areas_Bolinas.mxd

MAP 23c
OLEMA HISTORIC AREA
Legend
Olema Historic Area
SHORELINE HIGHWAY
BEAR VALLEY RD
SIR FRANCIS DRAKE BLVD
SHORELINE HIGHWAY
Feet
0 75 150 225 300
N
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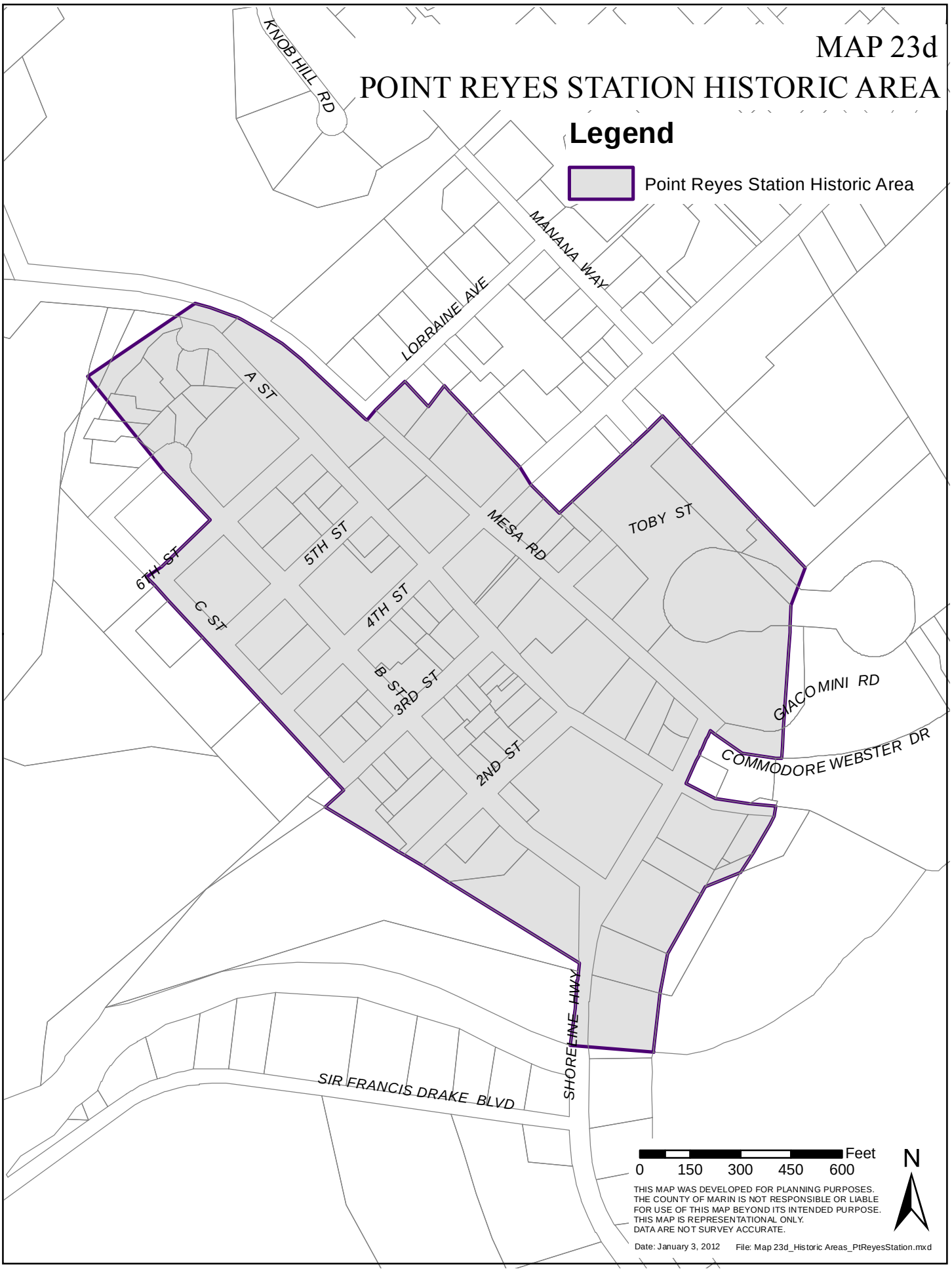
DATA ARE NOT SURVEY ACCURATE.
Date: January 3, 2012 File: Map 23c_Historic Areas_Olema.mxd


MAP 23d
POINT REYES STATION HISTORIC AREA
Legend
Point Reyes Station Historic Area
KNOB HILL RD
MANANA WAY
LORRAINE AVE
A ST
MESA RD
TOBY ST
5TH ST
6TH ST
C ST
4TH ST
B ST
3RD ST
2ND ST
GIACOMINI RD
COMMODORE WEBSTER DR
SHORELINE HWY
SIR FRANCIS DRAKE BLVD
Feet
0 150 300 450 600
N
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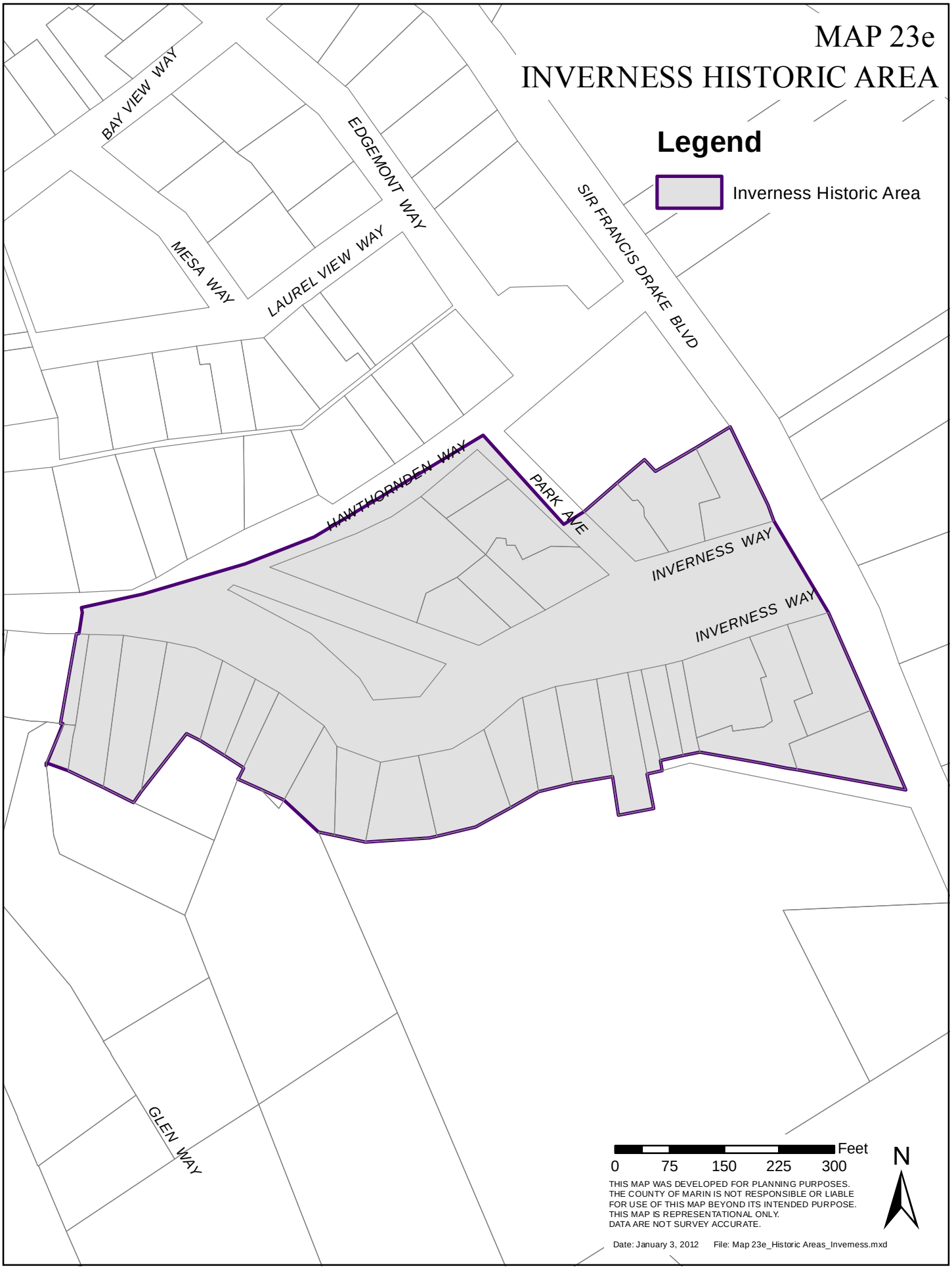
THIS MAP IS REPRESENTATIONAL ONLY.
DATA ARE NOT SURVEY ACCURATE.
Date: January 3, 2012
File: Map 23d_Historic Areas_PtReyesStation.mxd


MAP 23e
INVERNESS HISTORIC AREA
Legend
Inverness Historic Area
BAY VIEW WAY
EDGEMONT WAY
MESA WAY
LAUREL VIEW WAY
SIR FRANCIS DRAKE BLVD
HAWTHORNDEN WAY
PARK AVE
INVERNESS WAY
INVERNESS WAY
GLEN WAY
Feet
0
75
150
225
300
N
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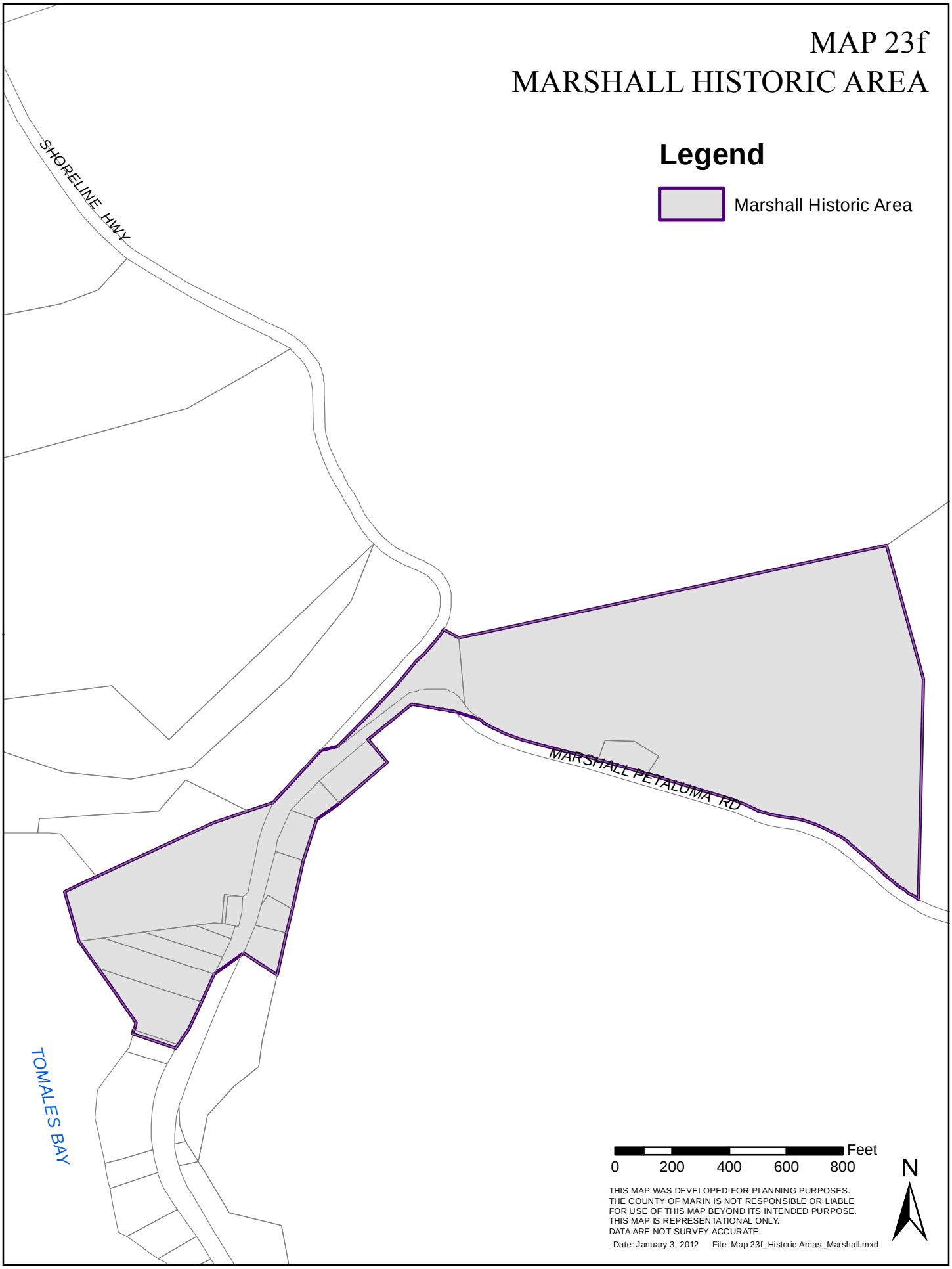
DATA ARE NOT SURVEY ACCURATE.
Date: January 3, 2012
File: Map 23e_Historic Areas_Inverness.mxd


MAP 23f
MARSHALL HISTORIC AREA
Legend
Marshall Historic Area
SHORELINE HWY
MARSHALL PETALUMA RD
TOMALES BAY
Feet
0
200
400
600
800
N
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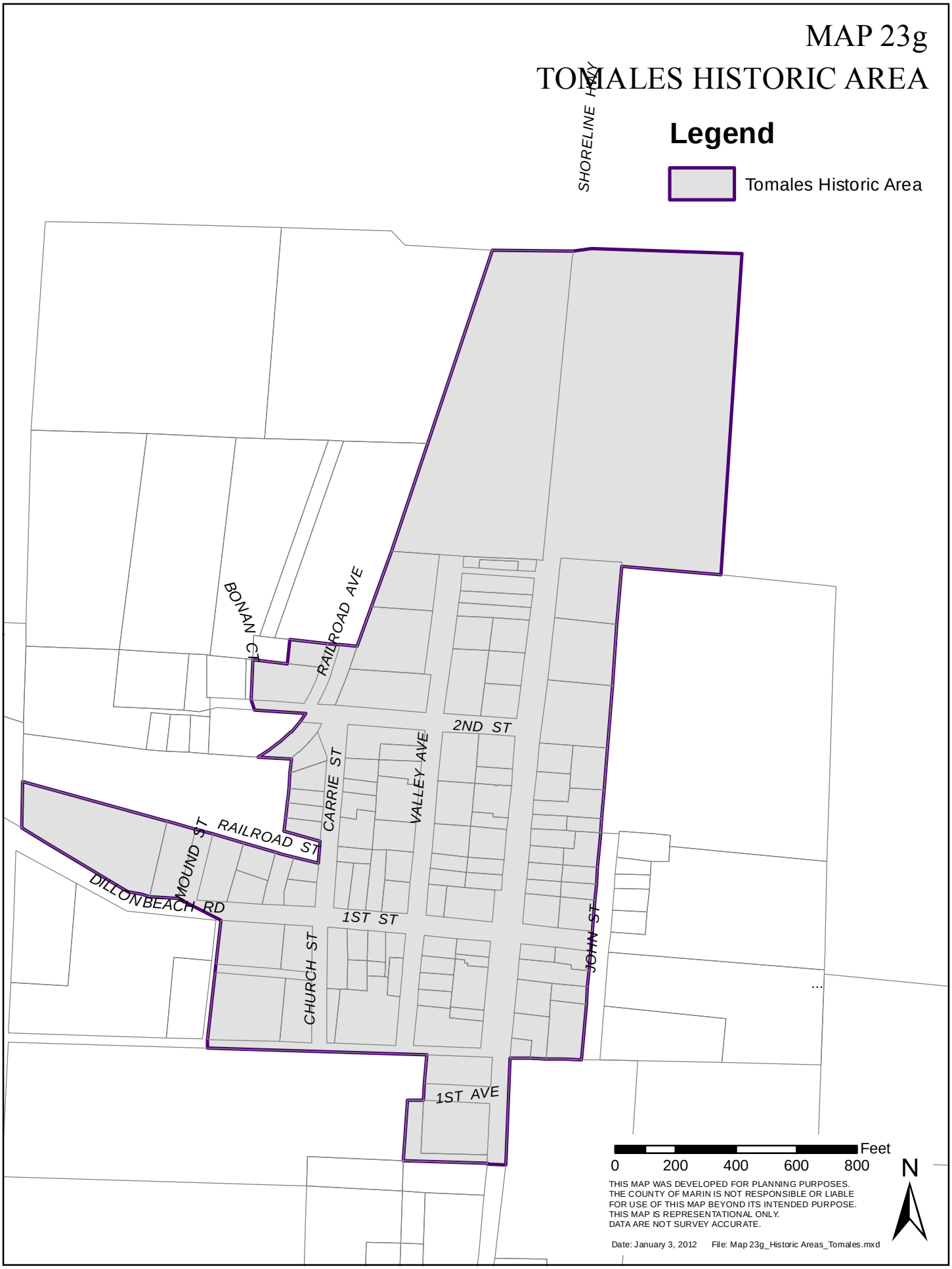
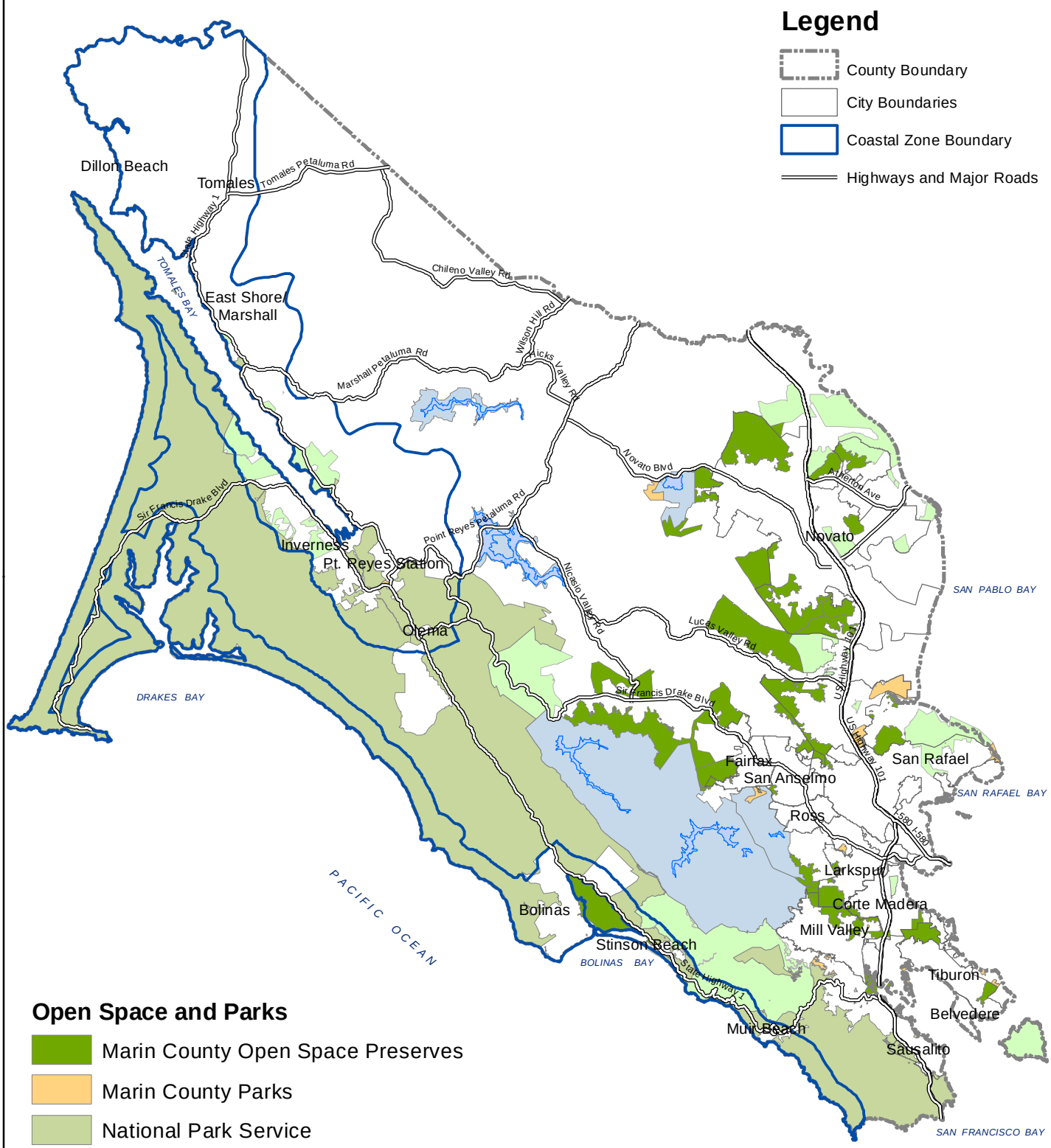
DATA ARE NOT SURVEY ACCURATE.
Date: January 3, 2012
File: Map 23f_Historic Areas_Marshall.mxd

MAP 23g
TOMALES HISTORIC AREA

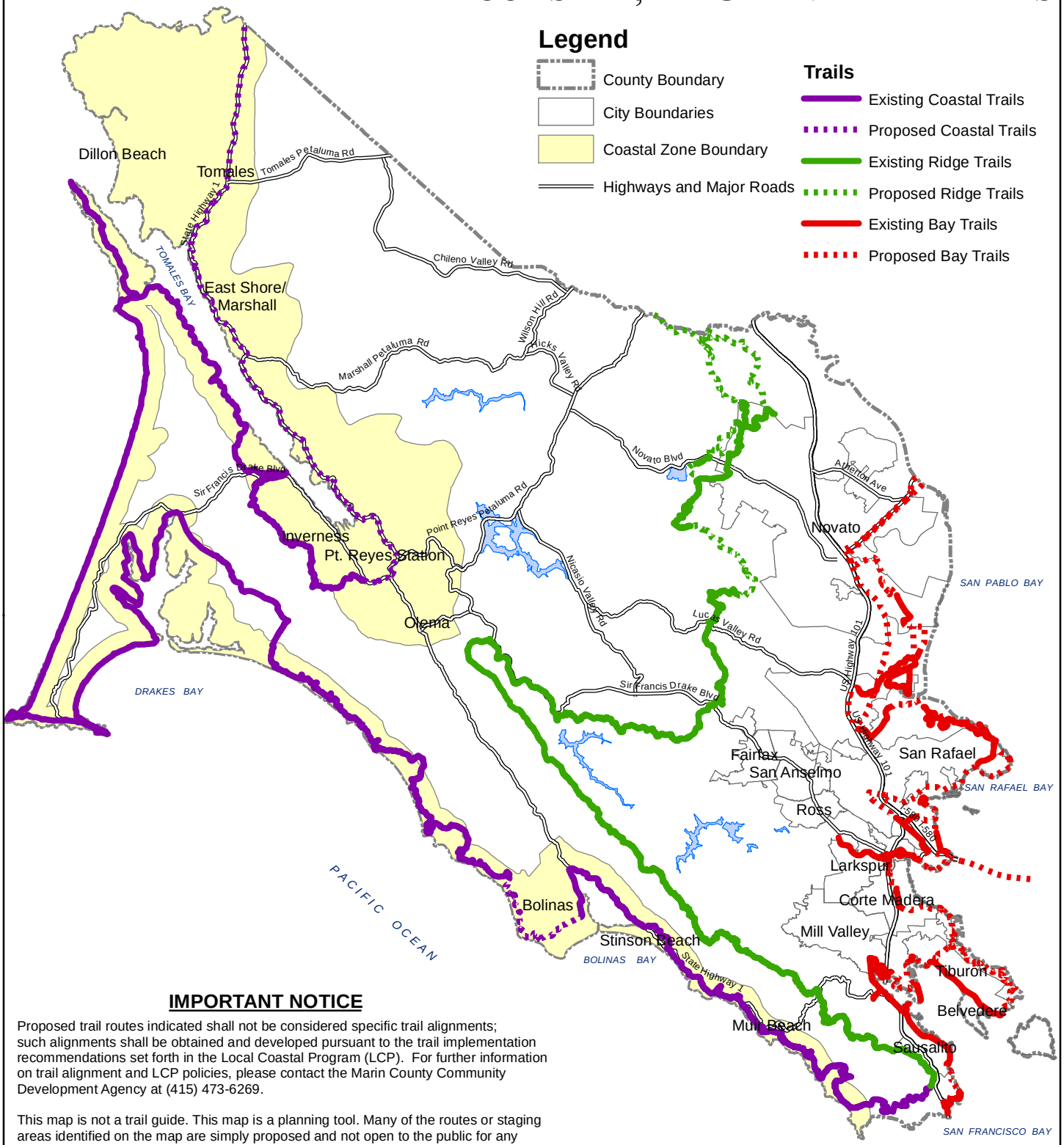


MAP 24
OPEN SPACE AND PARKS



SOURCE: Marin County Community Development Agency

MAP 25 - Revised 1/7/13
COASTAL, RIDGE AND BAY TRAILS



IMPORTANT NOTICE

Proposed trail routes indicated shall not be considered specific trail alignments; such alignments shall be obtained and developed pursuant to the trail implementation recommendations set forth in the Local Coastal Program (LCP). For further information on trail alignment and LCP policies, please contact the Marin County Community Development Agency at (415) 473-6269.

This map is not a trail guide. This map is a planning tool. Many of the routes or staging areas identified on the map are simply proposed and not open to the public for any purpose. This map does not convey any rights to the public to use any trail routes shown on this drawing; nor does this map exempt any person from trespassing charges. For copies of maps about existing trails that are available for public use, contact the Marin County Department of Parks and Open Space at (415) 473-6387.

Note: For questions or comments on these State and Regional trails, please contact the appropriate agency.

SOURCE: Association of Bay Area Governments (Bay and Ridge Trails), California State Coastal Conservancy, California Coastal Commission (Coastal Trails).

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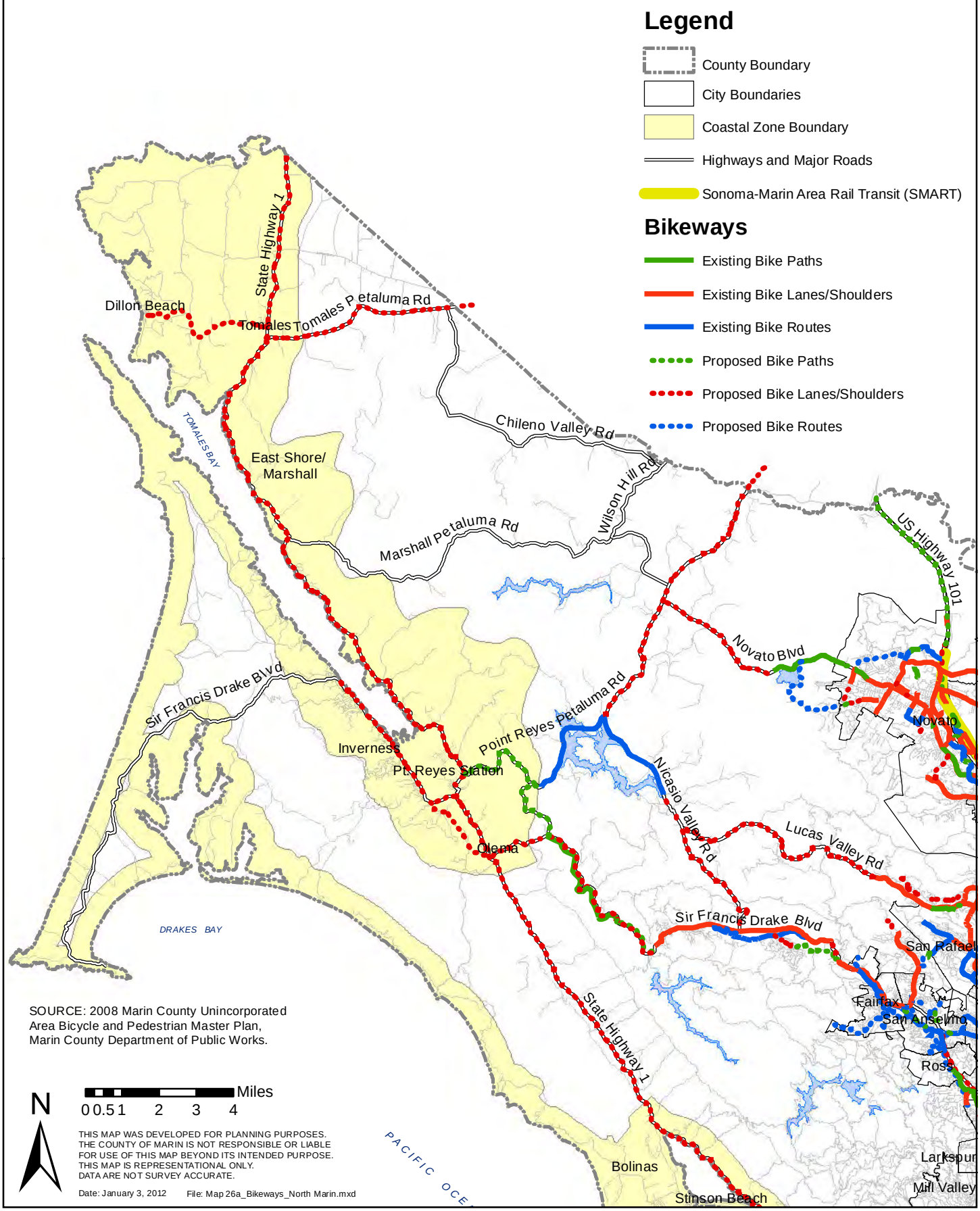
Date: January 7, 2013 File: Map 25_Coastal Ridge Bay Trails_revised 1.7.13.mxd

MAP 26a
BIKEWAYS - NORTH MARIN



SOURCE: 2008 Marin County Unincorporated Area Bicycle and Pedestrian Master Plan, Marin County Department of Public Works.

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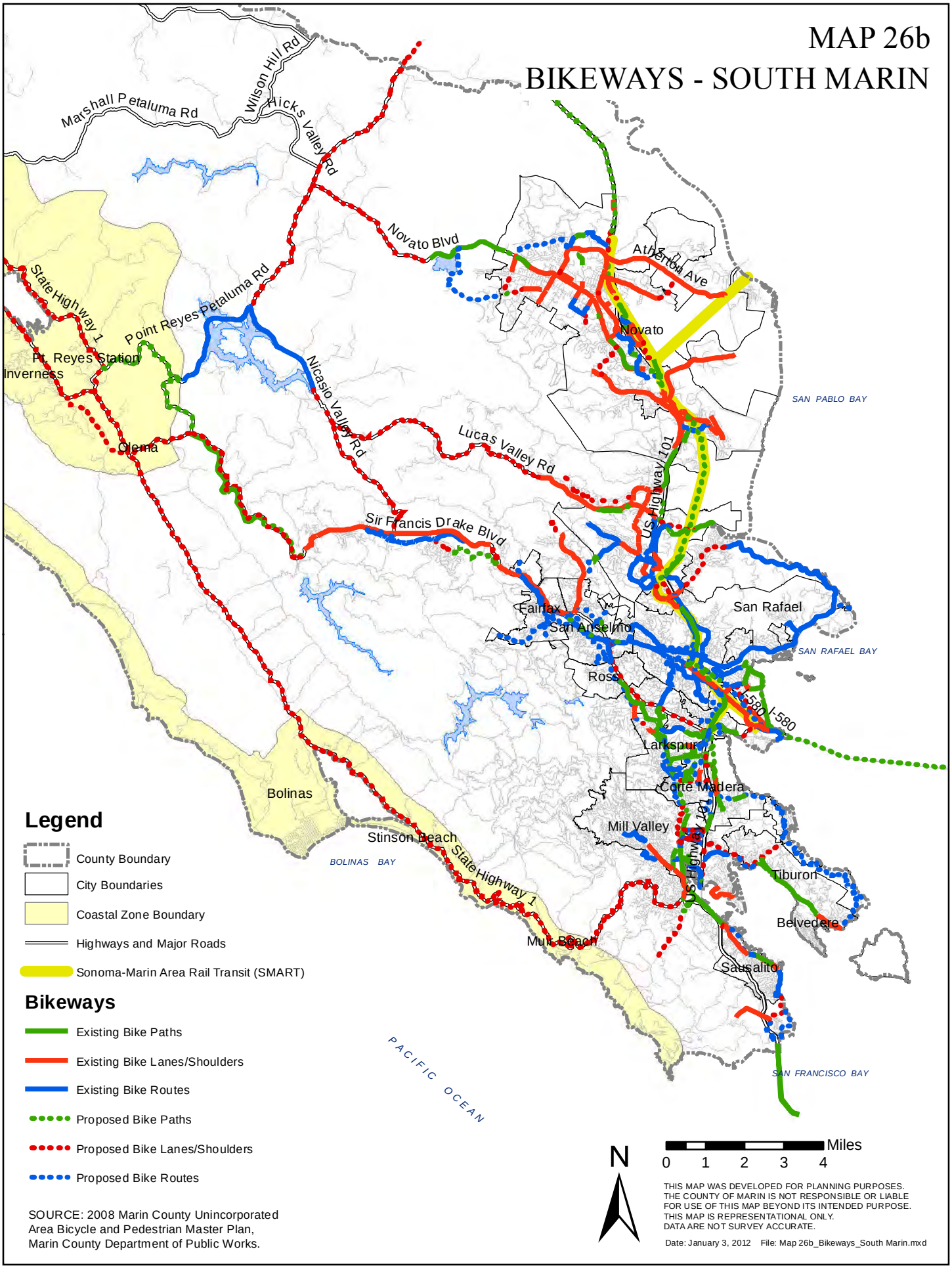
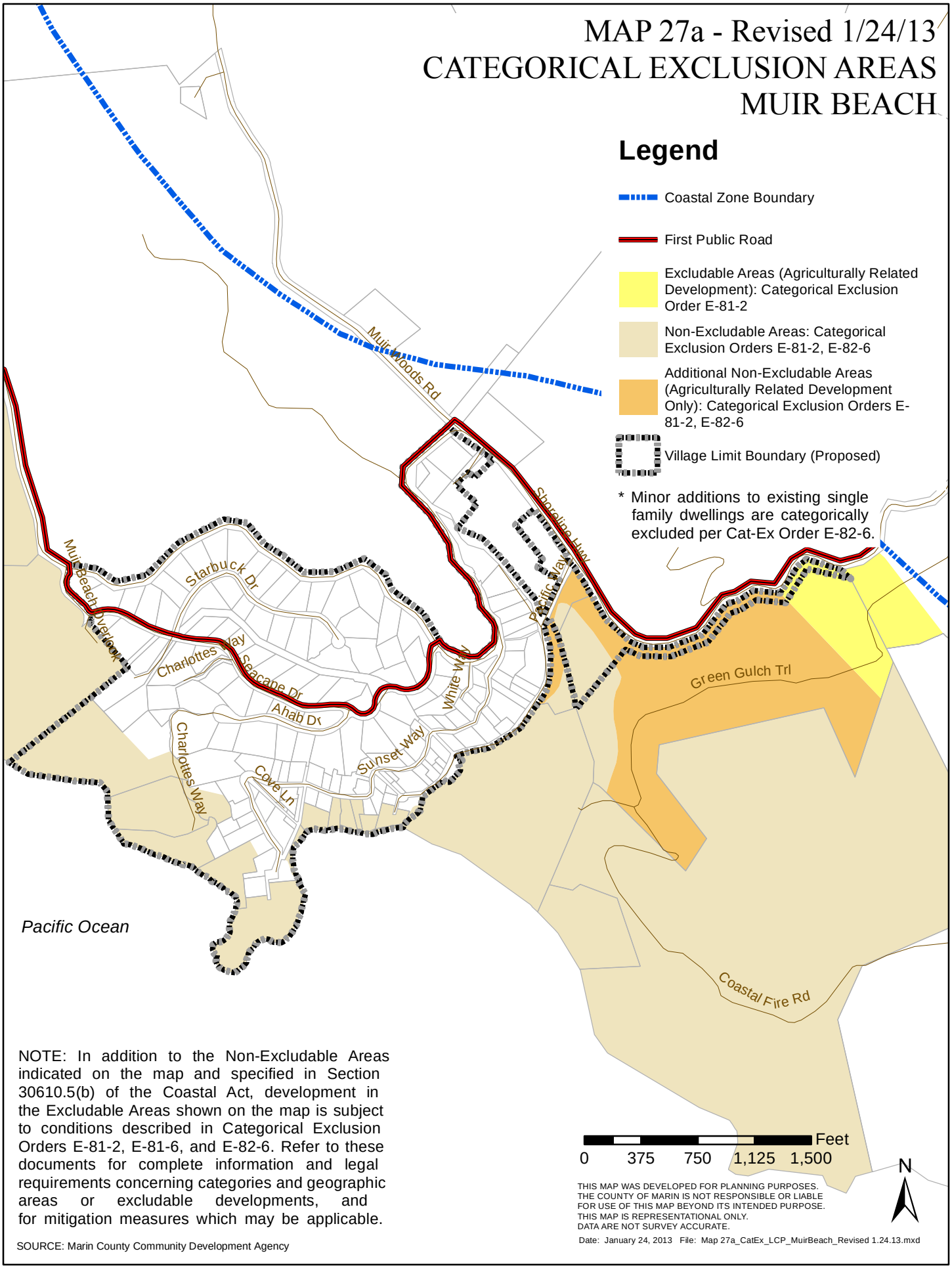
Date: January 3, 2012 File: Map 26a_Bikeways_North Marin.mxd

MAP 26b
BIKEWAYS - SOUTH MARIN



SOURCE: 2008 Marin County Unincorporated Area Bicycle and Pedestrian Master Plan, Marin County Department of Public Works.

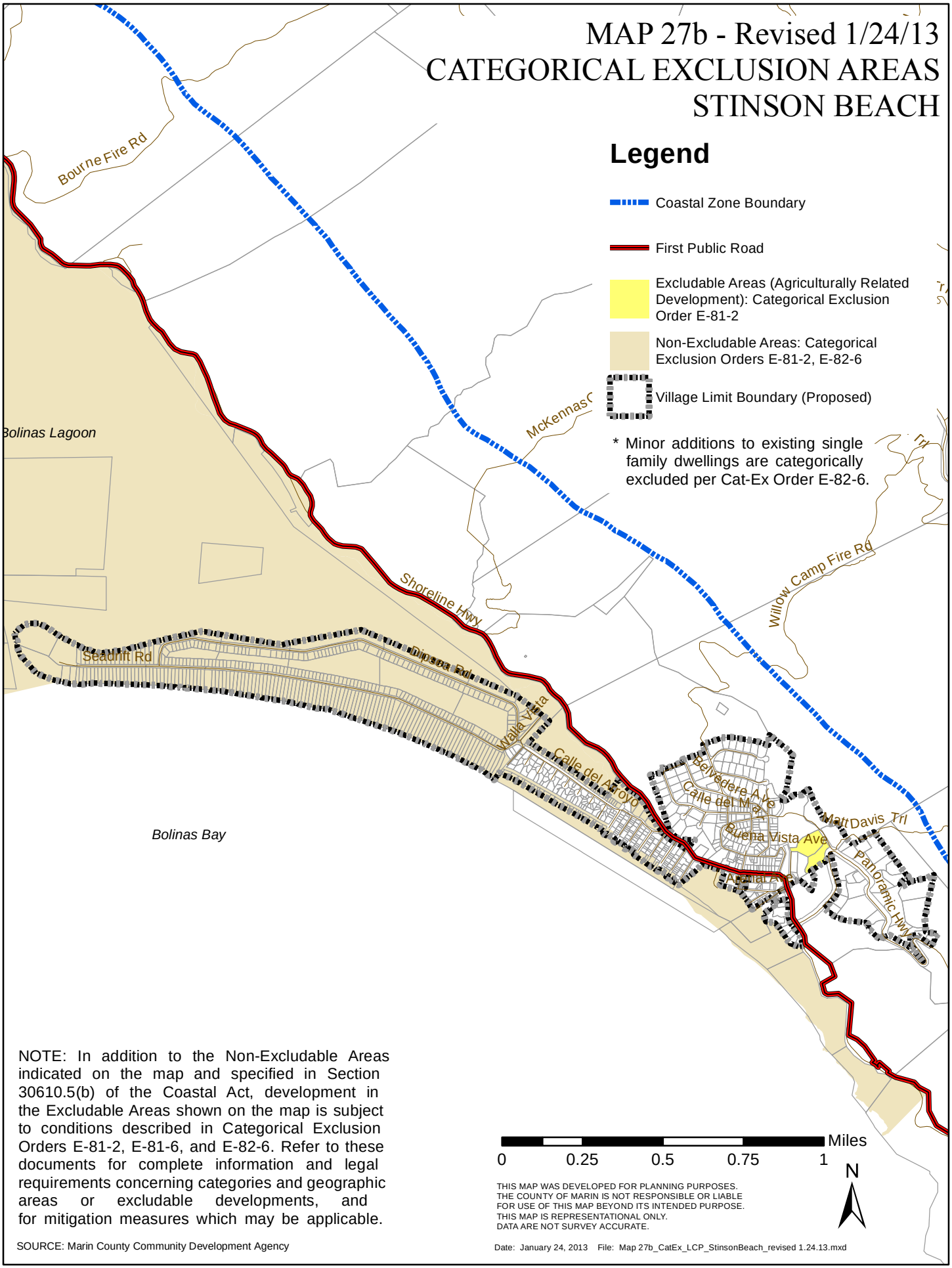
MAP 27a - Revised 1/24/13
CATEGORICAL EXCLUSION AREAS
MUIR BEACH



NOTE: In addition to the Non-Excludable Areas indicated on the map and specified in Section 30610.5(b) of the Coastal Act, development in the Excludable Areas shown on the map is subject to conditions described in Categorical Exclusion Orders E-81-2, E-81-6, and E-82-6. Refer to these documents for complete information and legal requirements concerning categories and geographic areas or excludable developments, and for mitigation measures which may be applicable.

SOURCE: Marin County Community Development Agency

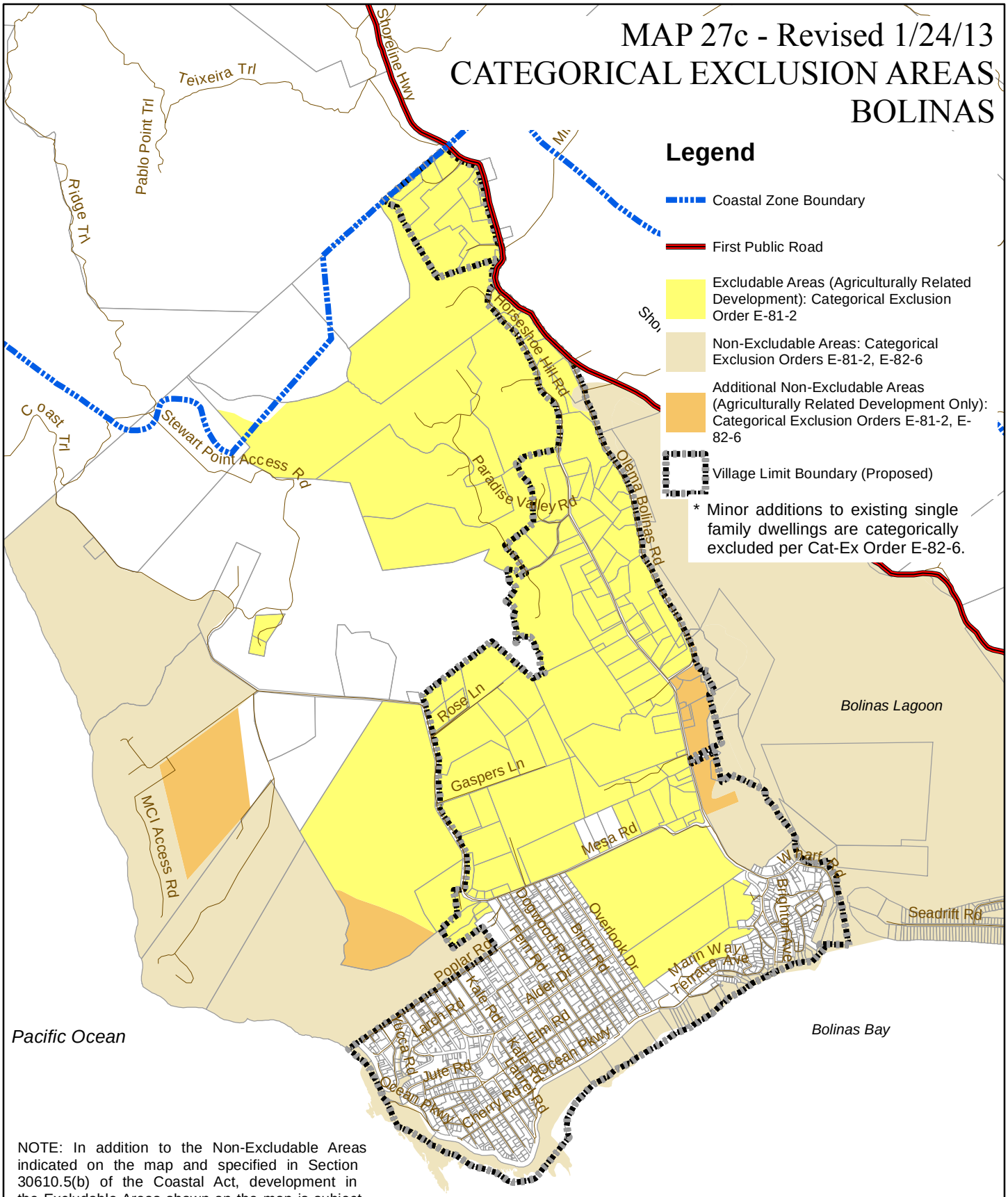
MAP 27b - Revised 1/24/13
CATEGORICAL EXCLUSION AREAS
STINSON BEACH



NOTE: In addition to the Non-Excludable Areas indicated on the map and specified in Section 30610.5(b) of the Coastal Act, development in the Excludable Areas shown on the map is subject to conditions described in Categorical Exclusion Orders E-81-2, E-81-6, and E-82-6. Refer to these documents for complete information and legal requirements concerning categories and geographic areas or excludable developments, and for mitigation measures which may be applicable.

SOURCE: Marin County Community Development Agency

MAP 27c - Revised 1/24/13
CATEGORICAL EXCLUSION AREAS
BOLINAS



NOTE: In addition to the Non-Excludable Areas indicated on the map and specified in Section 30610.5(b) of the Coastal Act, development in the Excludable Areas shown on the map is subject to conditions described in Categorical Exclusion Orders E-81-2, E-81-6, and E-82-6. Refer to these documents for complete information and legal requirements concerning categories and geographic areas or excludable developments, and for mitigation measures which may be applicable.

SOURCE: Marin County Community Development Agency

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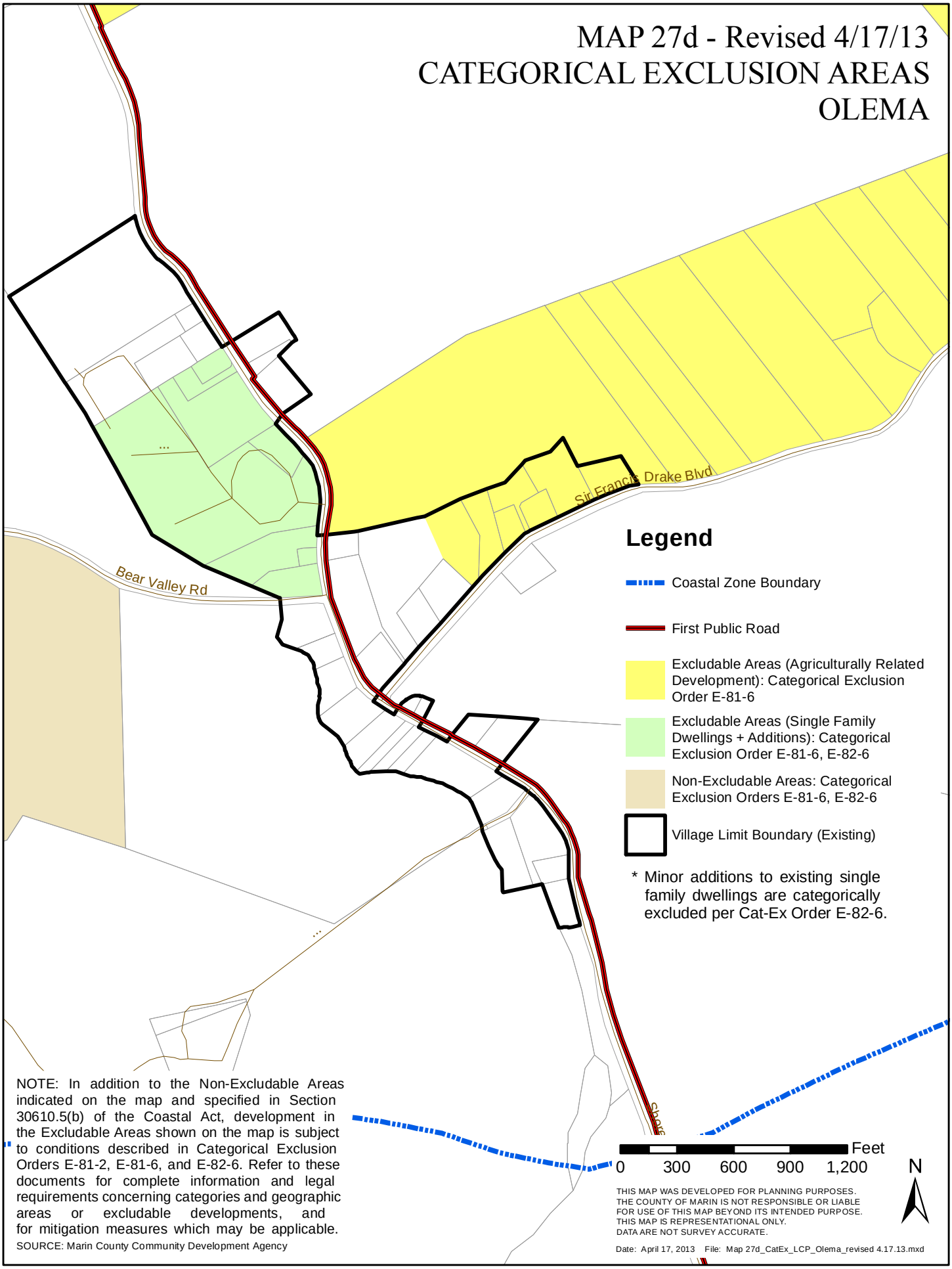
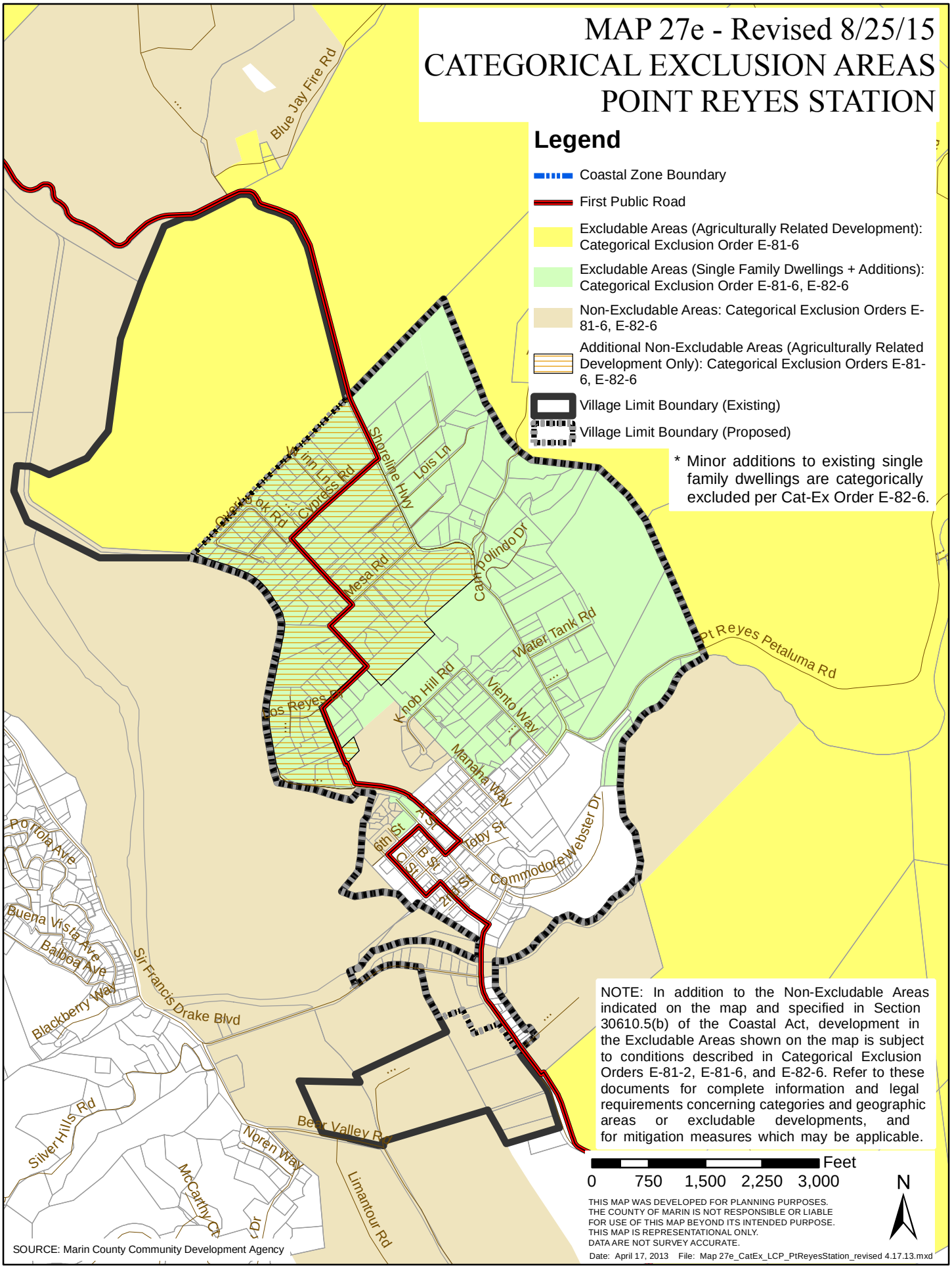
Date: January 24, 2013 File: Map 27c_CatEx_LCP_Bolinas_revised 1.24.13.mxd

MAP 27d - Revised 4/17/13
CATEGORICAL EXCLUSION AREAS
OLEMA



NOTE: In addition to the Non-Excludable Areas indicated on the map and specified in Section 30610.5(b) of the Coastal Act, development in the Excludable Areas shown on the map is subject to conditions described in Categorical Exclusion Orders E-81-2, E-81-6, and E-82-6. Refer to these documents for complete information and legal requirements concerning categories and geographic areas or excludable developments, and for mitigation measures which may be applicable.

SOURCE: Marin County Community Development Agency


MAP 27e - Revised 8/25/15
CATEGORICAL EXCLUSION AREAS
POINT REYES STATION
Legend
Coastal Zone Boundary
First Public Road
Excludable Areas (Agriculturally Related Development): Categorical Exclusion Order E-81-6
Excludable Areas (Single Family Dwellings + Additions): Categorical Exclusion Order E-81-6, E-82-6
Non-Excludable Areas: Categorical Exclusion Orders E-81-6, E-82-6
Additional Non-Excludable Areas (Agriculturally Related Development Only): Categorical Exclusion Orders E-81-6, E-82-6
Village Limit Boundary (Existing)
Village Limit Boundary (Proposed)
* Minor additions to existing single family dwellings are categorically excluded per Cat-Ex Order E-82-6.
NOTE: In addition to the Non-Excludable Areas indicated on the map and specified in Section 30610.5(b) of the Coastal Act, development in the Excludable Areas shown on the map is subject to conditions described in Categorical Exclusion Orders E-81-2, E-81-6, and E-82-6. Refer to these documents for complete information and legal requirements concerning categories and geographic areas or excludable developments, and for mitigation measures which may be applicable.
Feet
0 750 1,500 2,250 3,000
N
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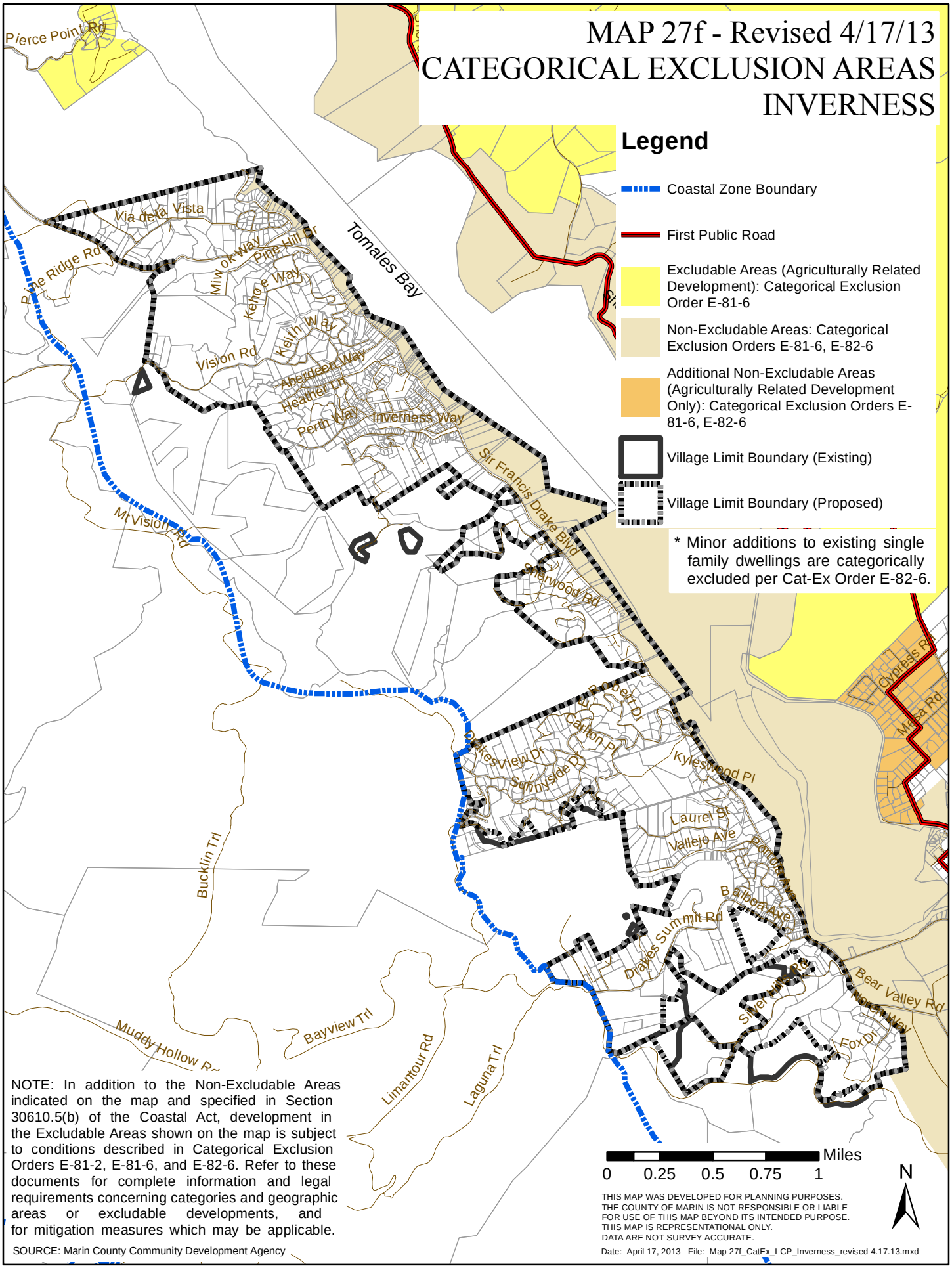
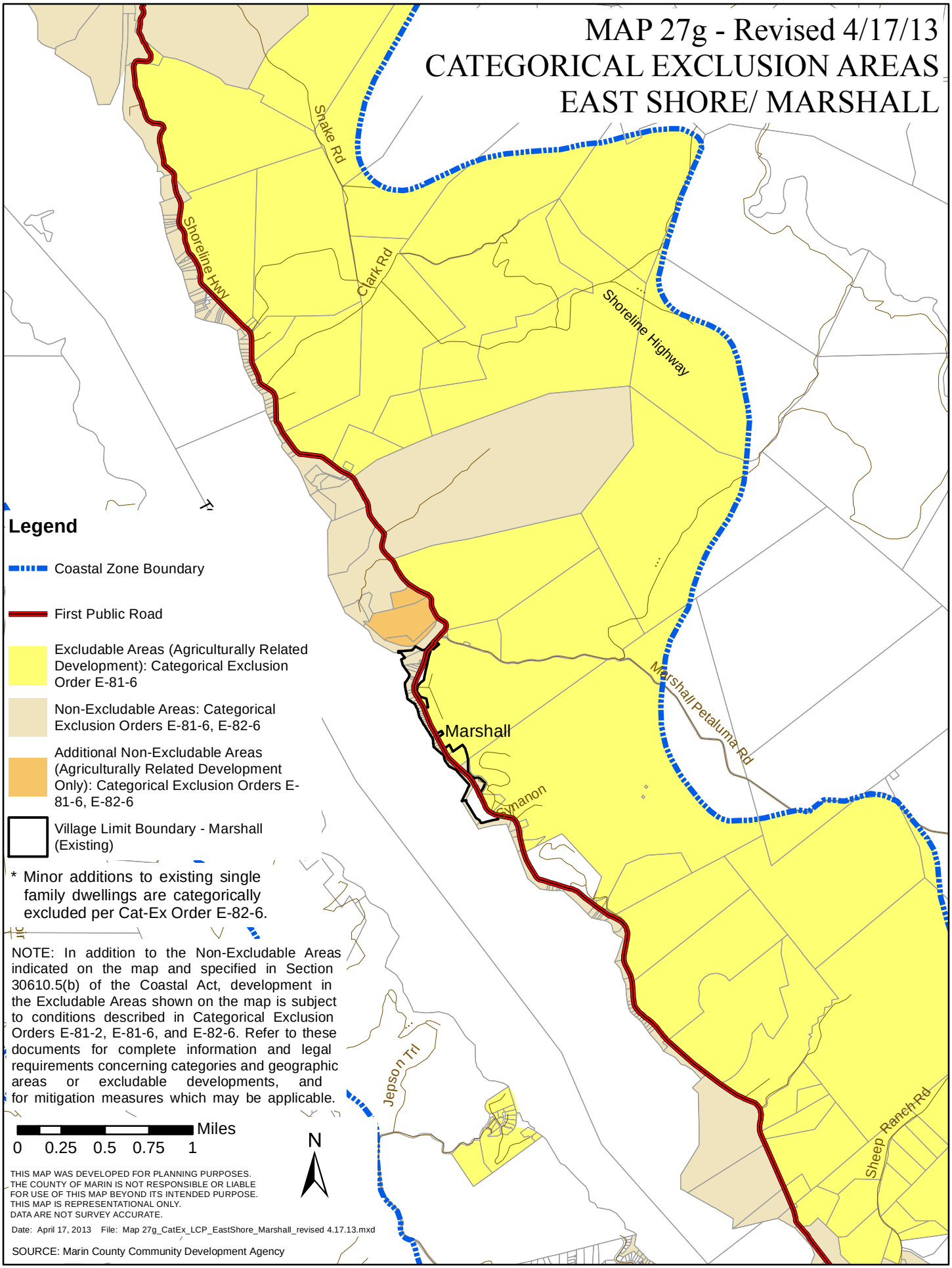
DATA ARE NOT SURVEY ACCURATE.
Date: April 17, 2013 File: Map 27e_CatEx_LCP_PtReyesStation_revised 4.17.13.mxd
SOURCE: Marin County Community Development Agency
Blue Jay Fire Rd
Shoreline Hwy
Lois Ln
Inn Ln
Cypress Rd
Overlook Rd
Mesa Rd
Campolindo Dr
Water Tank Rd
Pt Reyes Petaluma Rd
Los Reyes Rd
Knob Hill Rd
Viento Way
Manaha Way
Tolby St
Commodore Webster Dr
6th St
A St
B St
C St
D St
E St
Portola Ave
Buena Vista Ave
Balboa Ave
Blackberry Way
Sir Francis Drake Blvd
Silver Hills Rd
Bear Valley Rd
Nopen Way
McCarthy Ct
Dr
Limantour Rd



NOTE: In addition to the Non-Excludable Areas indicated on the map and specified in Section 30610.5(b) of the Coastal Act, development in the Excludable Areas shown on the map is subject to conditions described in Categorical Exclusion Orders E-81-2, E-81-6, and E-82-6. Refer to these documents for complete information and legal requirements concerning categories and geographic areas or excludable developments, and for mitigation measures which may be applicable.

SOURCE: Marin County Community Development Agency


MAP 27g - Revised 4/17/13
CATEGORICAL EXCLUSION AREAS
EAST SHORE/ MARSHALL
Shake Rd
Shoreline Hwy
Clark Rd
Shoreline Highway
Marshall Petaluma Rd
Marshall
Cynanon
Jepson Trl
Sheep Ranch Rd
Legend
Coastal Zone Boundary
First Public Road
Excludable Areas (Agriculturally Related Development): Categorical Exclusion Order E-81-6
Non-Excludable Areas: Categorical Exclusion Orders E-81-6, E-82-6
Additional Non-Excludable Areas (Agriculturally Related Development Only): Categorical Exclusion Orders E-81-6, E-82-6
Village Limit Boundary - Marshall (Existing)
* Minor additions to existing single family dwellings are categorically excluded per Cat-Ex Order E-82-6.
NOTE: In addition to the Non-Excludable Areas indicated on the map and specified in Section 30610.5(b) of the Coastal Act, development in the Excludable Areas shown on the map is subject to conditions described in Categorical Exclusion Orders E-81-2, E-81-6, and E-82-6. Refer to these documents for complete information and legal requirements concerning categories and geographic areas or excludable developments, and for mitigation measures which may be applicable.
Miles
0 0.25 0.5 0.75 1
N
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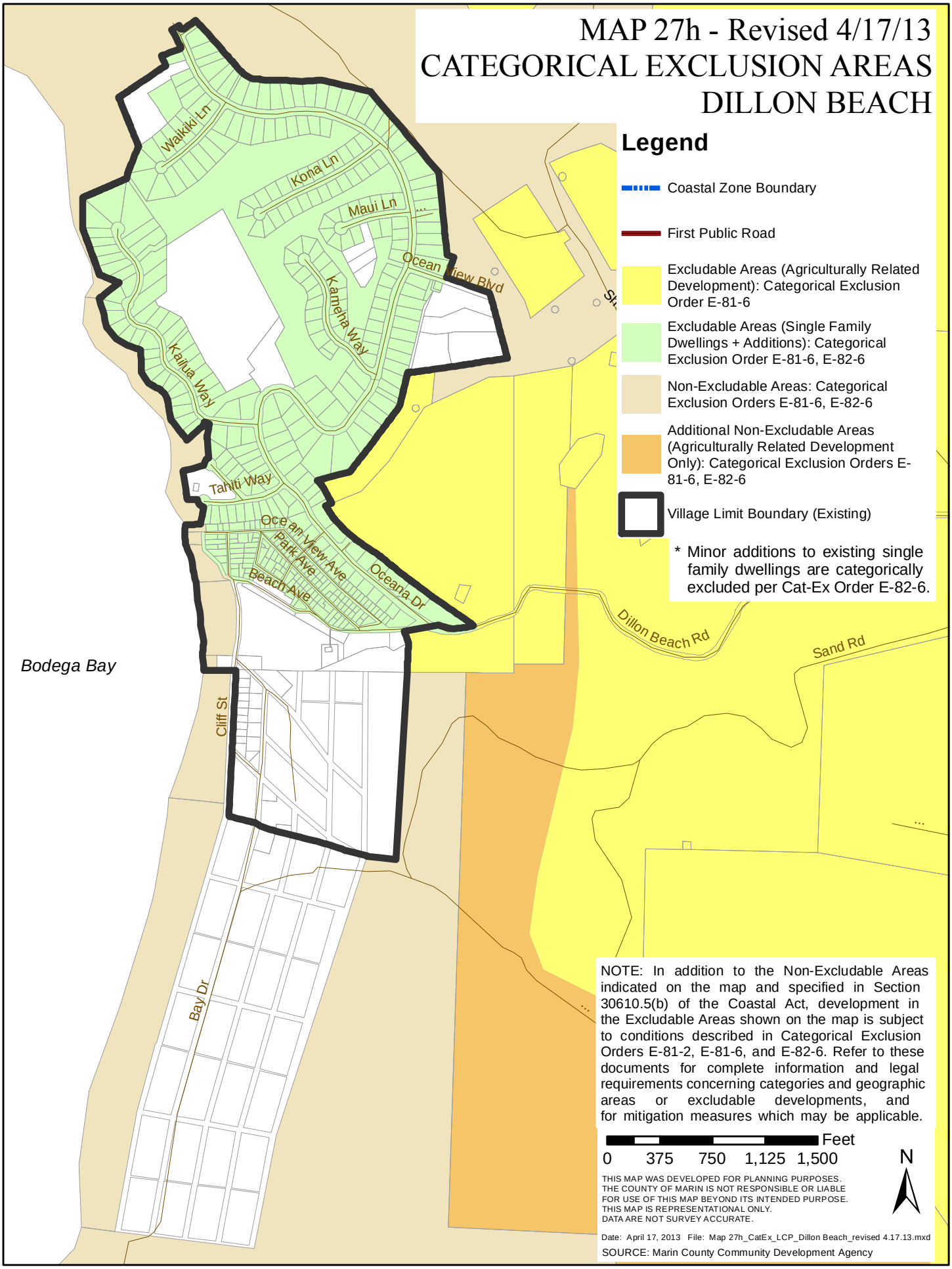
THIS MAP IS REPRESENTATIONAL ONLY.
DATA ARE NOT SURVEY ACCURATE.
Date: April 17, 2013 File: Map 27g_CatEx_LCP_EastShore_Marshall_revised 4.17.13.mxd
SOURCE: Marin County Community Development Agency


MAP 27h - Revised 4/17/13
CATEGORICAL EXCLUSION AREAS
DILLON BEACH
Legend
Coastal Zone Boundary
First Public Road
Excludable Areas (Agriculturally Related Development): Categorical Exclusion Order E-81-6
Excludable Areas (Single Family Dwellings + Additions): Categorical Exclusion Order E-81-6, E-82-6
Non-Excludable Areas: Categorical Exclusion Orders E-81-6, E-82-6
Additional Non-Excludable Areas (Agriculturally Related Development Only): Categorical Exclusion Orders E-81-6, E-82-6
Village Limit Boundary (Existing)
* Minor additions to existing single family dwellings are categorically excluded per Cat-Ex Order E-82-6.
Waikiki Ln
Kona Ln
Maui Ln
Ocean View Blvd
Kamelia Way
Kailua Way
Tahiti Way
Ocean View Ave
Park Ave
Beach Ave
Oceana Dr
Dillon Beach Rd
Sand Rd
Bodega Bay
Cliff St
Bay Dr
NOTE: In addition to the Non-Excludable Areas indicated on the map and specified in Section 30610.5(b) of the Coastal Act, development in the Excludable Areas shown on the map is subject to conditions described in Categorical Exclusion Orders E-81-2, E-81-6, and E-82-6. Refer to these documents for complete information and legal requirements concerning categories and geographic areas or excludable developments, and for mitigation measures which may be applicable.
Feet
0 375 750 1,125 1,500
N
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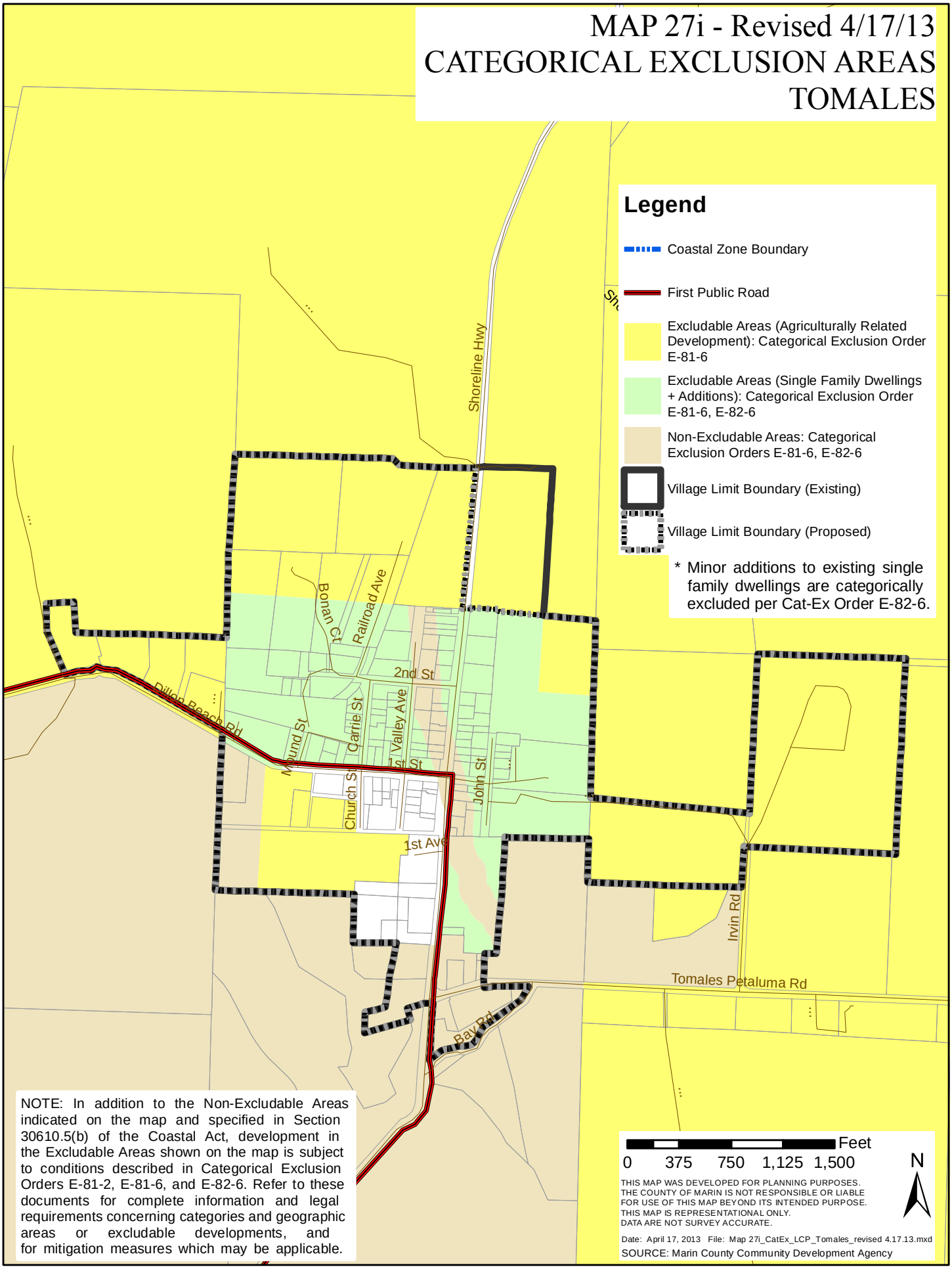
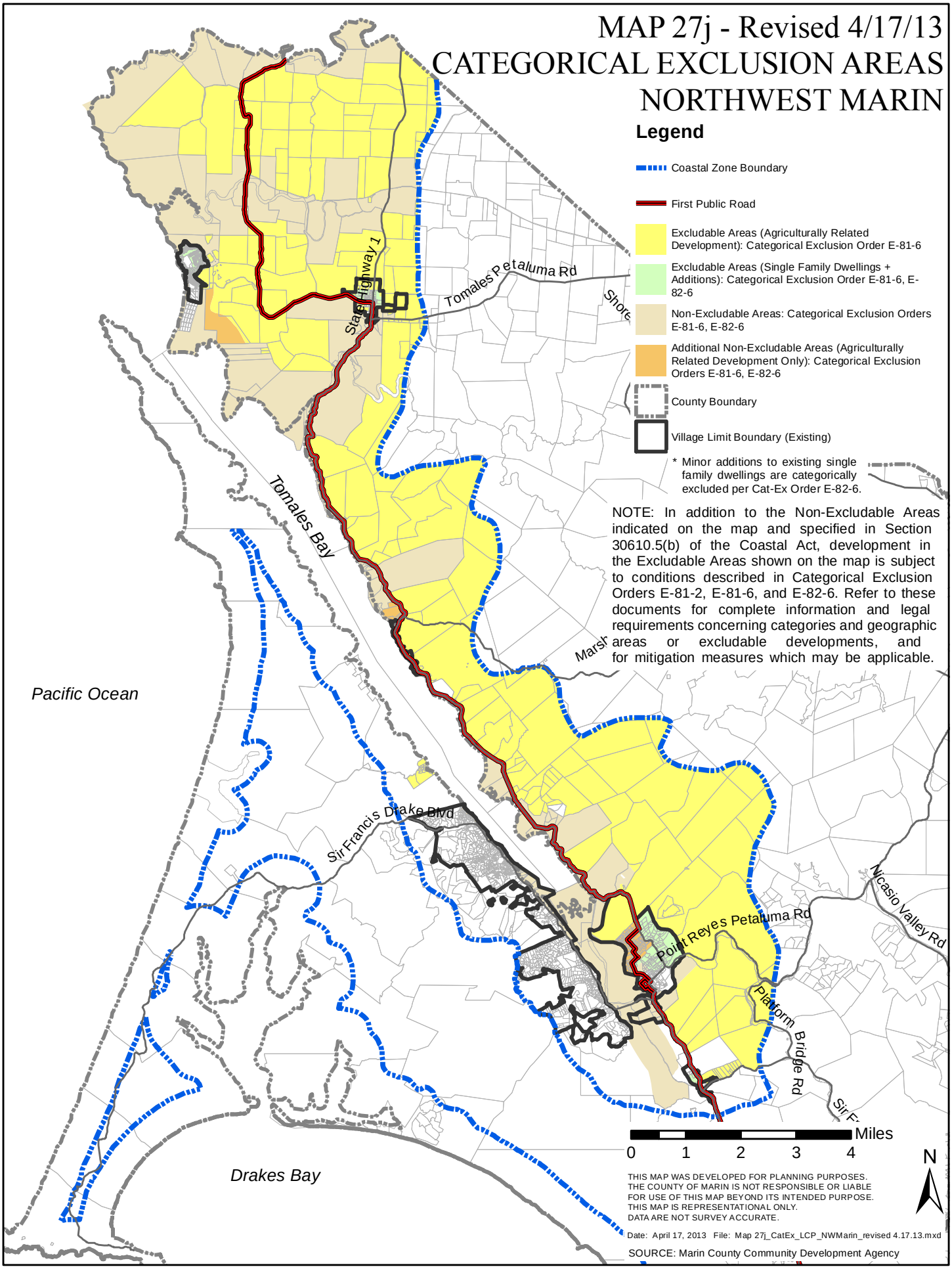
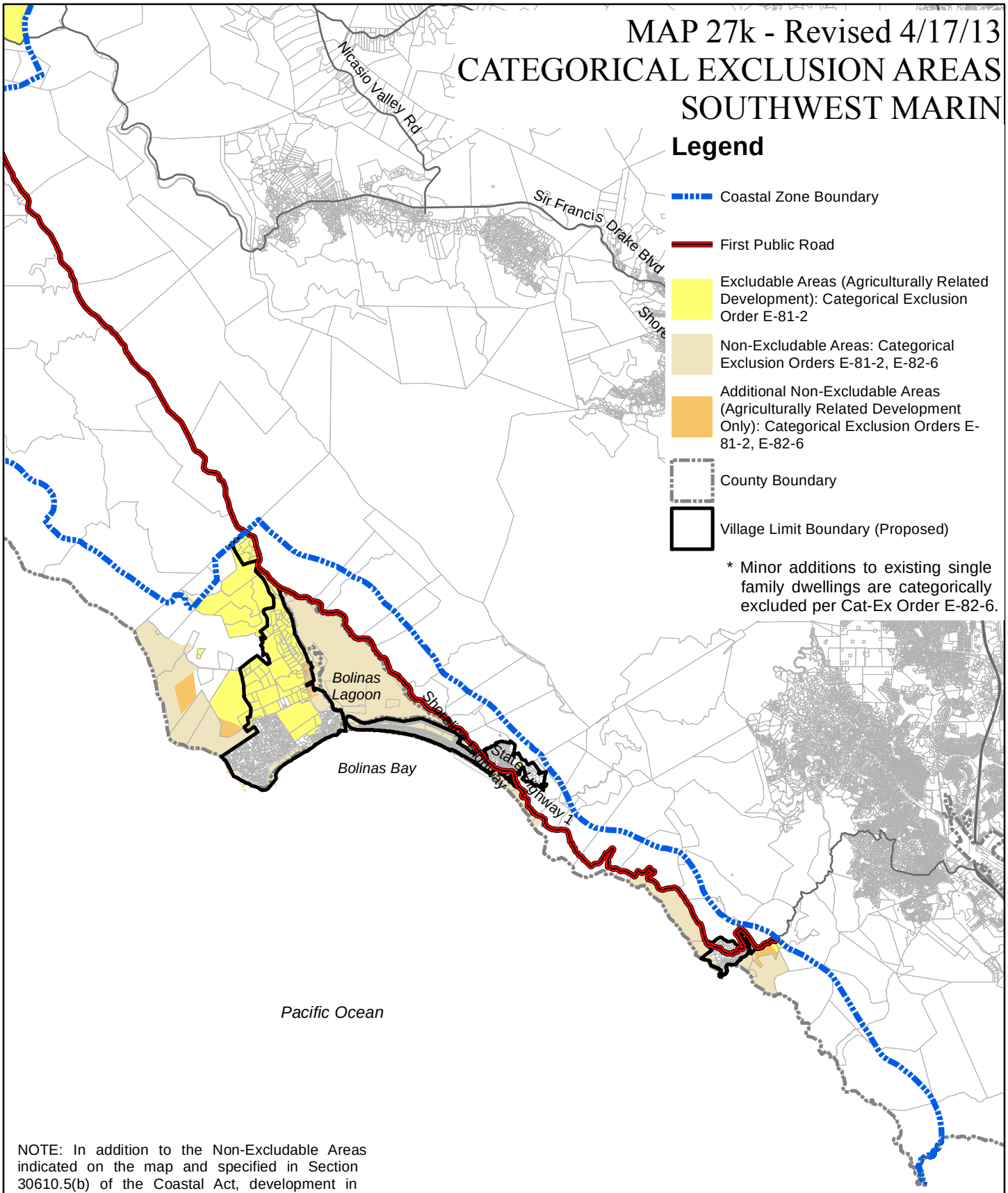
THIS MAP IS REPRESENTATIONAL ONLY.
DATA ARE NOT SURVEY ACCURATE.
Date: April 17, 2013 File: Map 27h_CatEx_LCP_Dillon Beach_revised 4.17.13.mxd
SOURCE: Marin County Community Development Agency

MAP 27i - Revised 4/17/13
CATEGORICAL EXCLUSION AREAS
TOMALES



MAP 27j - Revised 4/17/13
CATEGORICAL EXCLUSION AREAS
NORTHWEST MARIN





NOTE: In addition to the Non-Excludable Areas indicated on the map and specified in Section 30610.5(b) of the Coastal Act, development in the Excludable Areas shown on the map is subject to conditions described in Categorical Exclusion Orders E-81-2, E-81-6, and E-82-6. Refer to these documents for complete information and legal requirements concerning categories and geographic areas or excludable developments, and for mitigation measures which may be applicable.

SOURCE: Marin County Community Development Agency

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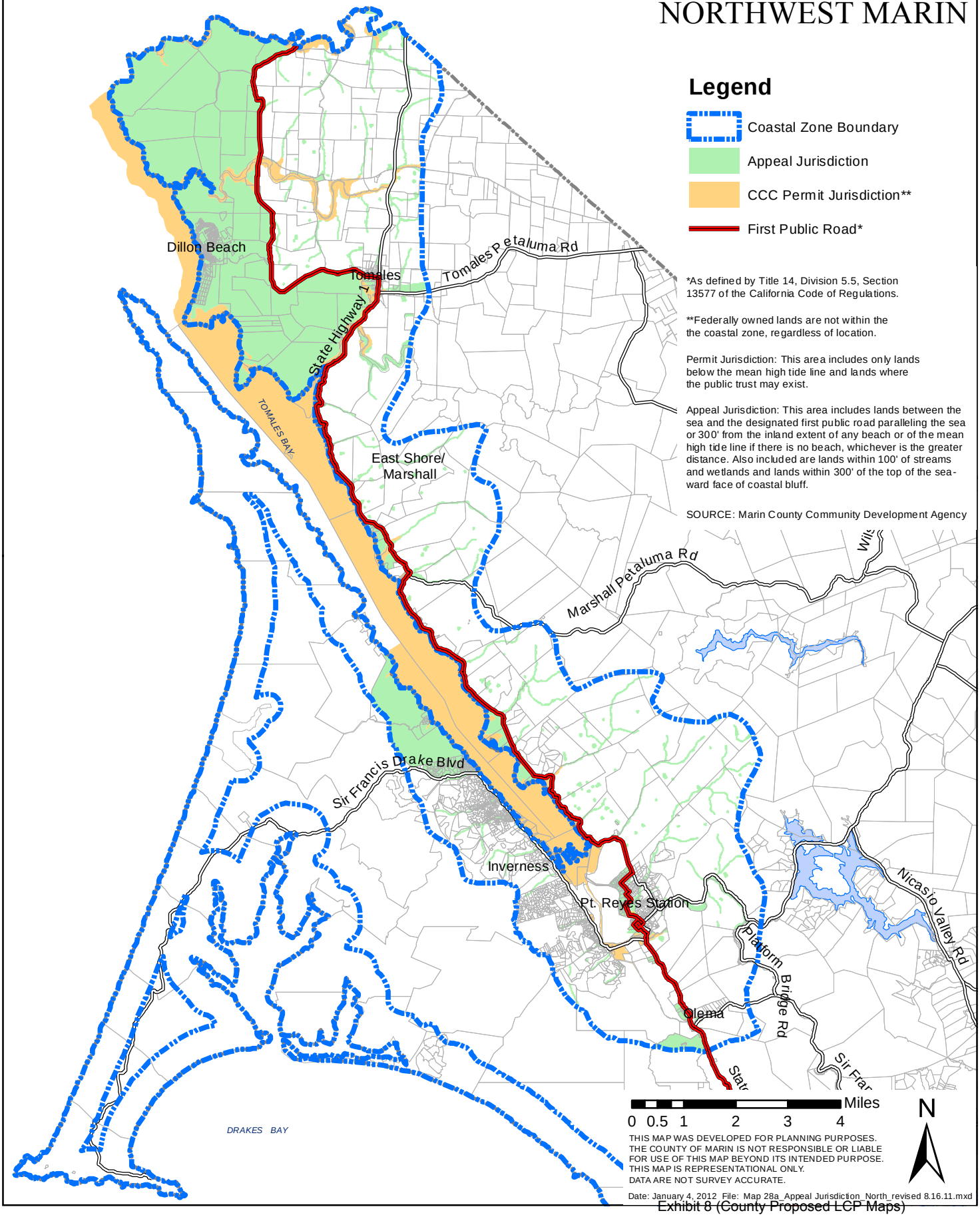
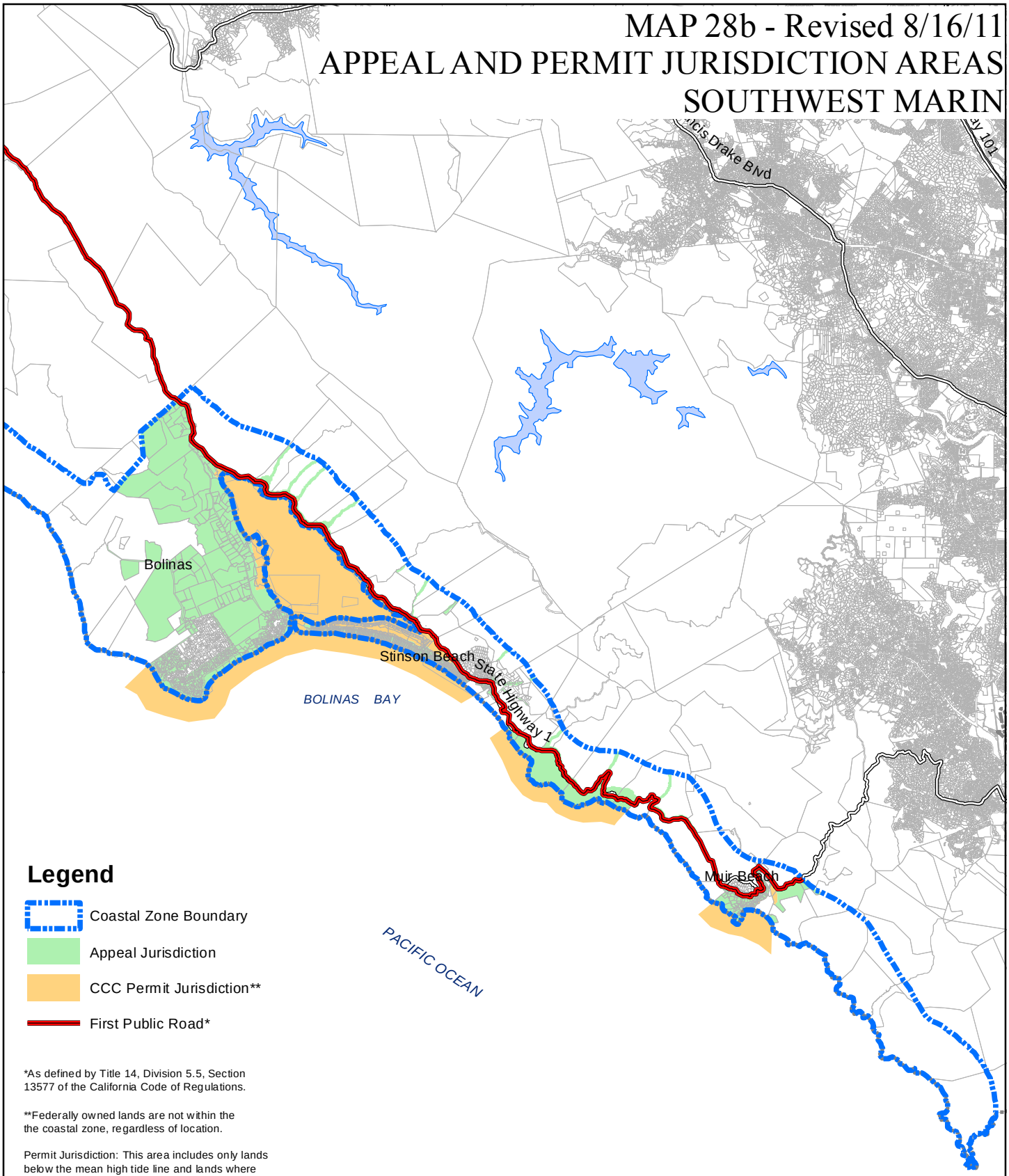
DATA ARE NOT SURVEY ACCURATE.

Date: April 17, 2013 File: Map 27k_CatEx_LCP_SWMarin_revised 4.17.13.mxd

MAP 28a - Revised 8/16/11
APPEAL AND PERMIT JURISDICTION AREAS
NORTHWEST MARIN



MAP 28b - Revised 8/16/11
APPEAL AND PERMIT JURISDICTION AREAS
SOUTHWEST MARIN



Legend

- Coastal Zone Boundary
- Appeal Jurisdiction
- CCC Permit Jurisdiction**
- First Public Road*

*As defined by Title 14, Division 5.5, Section 13577 of the California Code of Regulations.

**Federally owned lands are not within the the coastal zone, regardless of location.

Permit Jurisdiction: This area includes only lands below the mean high tide line and lands where the public trust may exist.

Appeal Jurisdiction: This area includes lands between the sea and the designated first public road paralleling the sea or 300' from the inland extent of any beach or of the mean high tide line if there is no beach, whichever is the greater distance. Also included are lands within 100' of streams and wetlands and lands within 300' of the top of the seaward face of coastal bluff.

SOURCE: Marin County Community Development Agency

0 0.5 1 1.5 2 Miles

N

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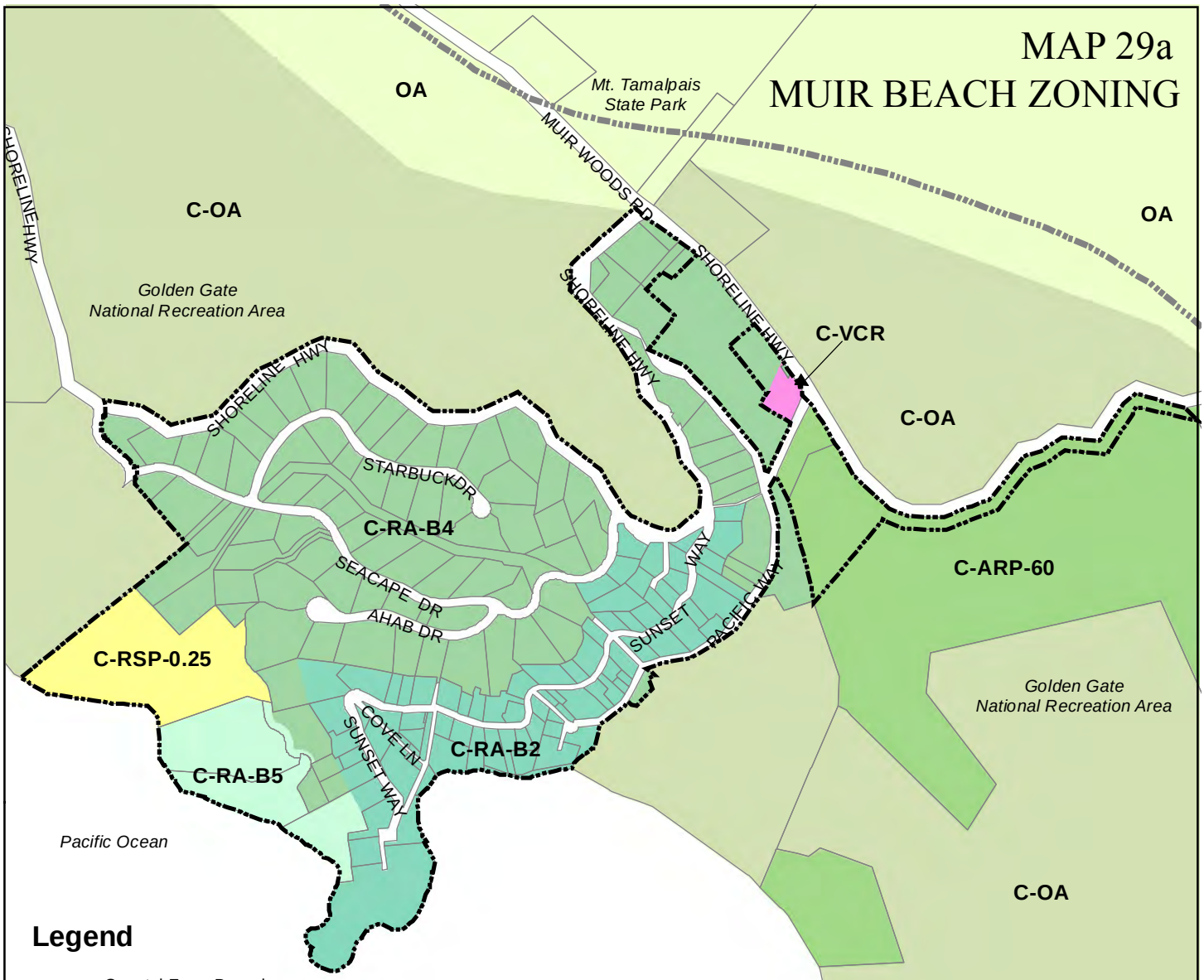
DATA ARE NOT SURVEY ACCURATE.

Date: January 4, 2012 File: Map 28b_Appeal Jurisdiction_South_revised 8.16.11.mxd



Legend

- Coastal Zone Boundary
- Village Limit Boundary (Proposed)
- Parcel boundaries

Zoning*

- OA Open Area
- C-OA Coastal, Open Area
- C-ARP-60 Coastal, Agricultural, Residential Planned (60 acre minimum lot size)
- C-RA-B5 Coastal, Residential, Agricultural (2 acre minimum lot size)
- C-RA-B4 Coastal, Residential, Agricultural (1 acre minimum lot size)
- C-RA-B2 Coastal, Residential, Agricultural (10,000 sq. ft. minimum lot size)
- C-RSP-0.25 Coastal, Residential, Single-Family Planned (1 unit per 4 acres)
- C-VCR Coastal, Village Commercial/Residential (7,500 sq. ft. minimum lot size)

*See Marin County Code Chapter 22.62 - *Coastal Zoning Districts and Allowable Land Uses* for more information.

SOURCE: Marin County Community Development Agency

Feet
0 330 660 990 1,320

N

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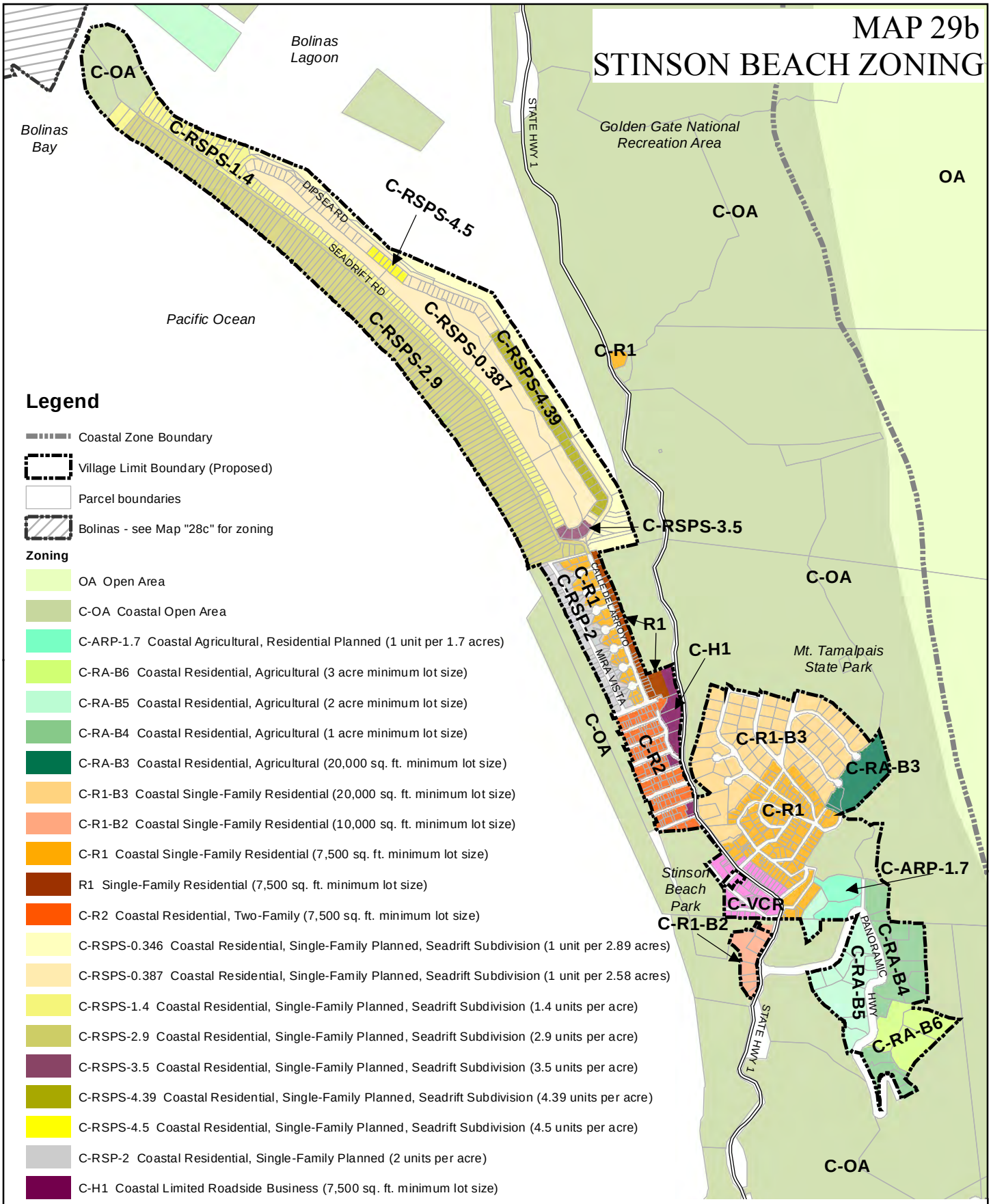
Date: January 4, 2012 File: Map 29a_Muir Beach Zoning Map.mxd

MAP 29b
STINSON BEACH ZONING



Legend

- Coastal Zone Boundary
- Village Limit Boundary (Proposed)
- Parcel boundaries
- Bolinas - see Map "28c" for zoning

Zoning

- OA Open Area
- C-OA Coastal Open Area
- C-ARP-1.7 Coastal Agricultural, Residential Planned (1 unit per 1.7 acres)
- C-RA-B6 Coastal Residential, Agricultural (3 acre minimum lot size)
- C-RA-B5 Coastal Residential, Agricultural (2 acre minimum lot size)
- C-RA-B4 Coastal Residential, Agricultural (1 acre minimum lot size)
- C-RA-B3 Coastal Residential, Agricultural (20,000 sq. ft. minimum lot size)
- C-R1-B3 Coastal Single-Family Residential (20,000 sq. ft. minimum lot size)
- C-R1-B2 Coastal Single-Family Residential (10,000 sq. ft. minimum lot size)
- C-R1 Coastal Single-Family Residential (7,500 sq. ft. minimum lot size)
- R1 Single-Family Residential (7,500 sq. ft. minimum lot size)
- C-R2 Coastal Residential, Two-Family (7,500 sq. ft. minimum lot size)
- C-RSPS-0.346 Coastal Residential, Single-Family Planned, Seadrift Subdivision (1 unit per 2.89 acres)
- C-RSPS-0.387 Coastal Residential, Single-Family Planned, Seadrift Subdivision (1 unit per 2.58 acres)
- C-RSPS-1.4 Coastal Residential, Single-Family Planned, Seadrift Subdivision (1.4 units per acre)
- C-RSPS-2.9 Coastal Residential, Single-Family Planned, Seadrift Subdivision (2.9 units per acre)
- C-RSPS-3.5 Coastal Residential, Single-Family Planned, Seadrift Subdivision (3.5 units per acre)
- C-RSPS-4.39 Coastal Residential, Single-Family Planned, Seadrift Subdivision (4.39 units per acre)
- C-RSPS-4.5 Coastal Residential, Single-Family Planned, Seadrift Subdivision (4.5 units per acre)
- C-RSP-2 Coastal Residential, Single-Family Planned (2 units per acre)
- C-H1 Coastal Limited Roadside Business (7,500 sq. ft. minimum lot size)
- C-VCR Coastal Village Commercial/Residential (7,500 sq. ft. minimum lot size)

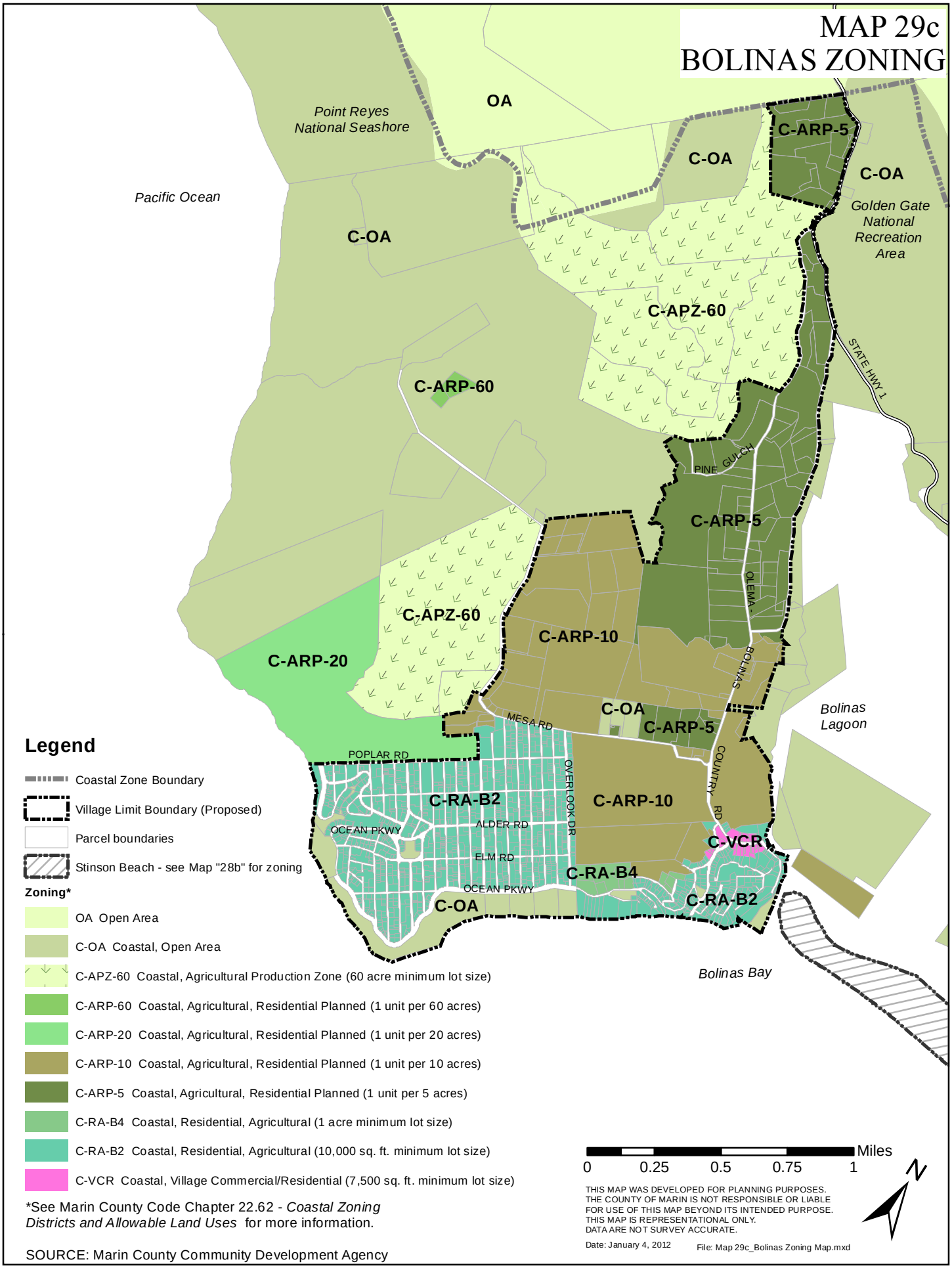
*See Marin County Code Chapter 22.62 - *Coastal Zoning Districts and Allowable Land Uses* for more information.

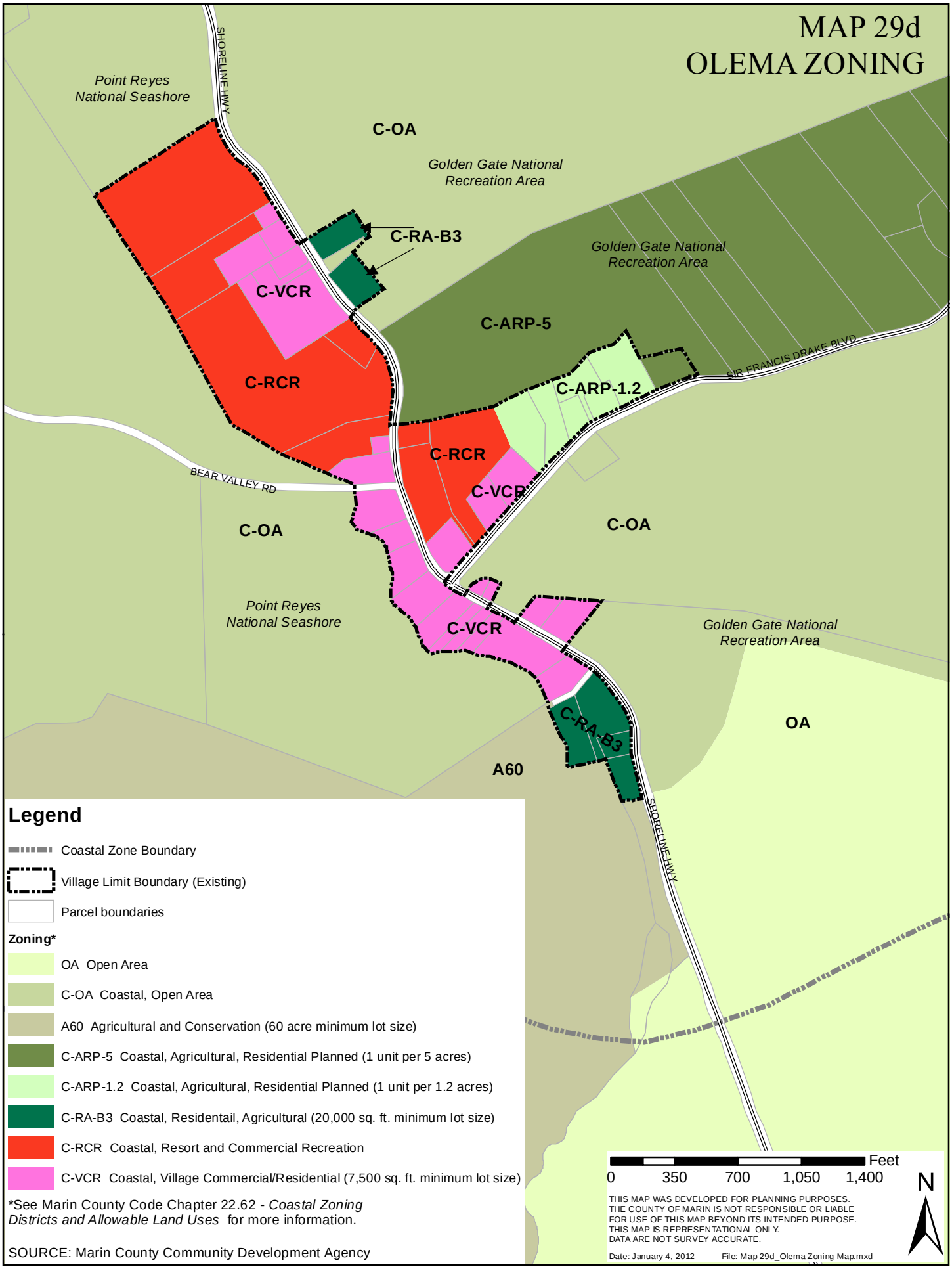
SOURCE: Marin County Community Development Agency

THIS MAP WAS DEVELOPED FOR PLANNING PURPOSES. THE COUNTY OF MARIN IS NOT RESPONSIBLE OR LIABLE FOR USE OF THIS MAP BEYOND ITS INTENDED PURPOSE. THIS MAP IS REPRESENTATIONAL ONLY. DATA ARE NOT SURVEY ACCURATE.

Date: January 4, 2012 File: Map 29b_Stinson Beach Zoning Map.mxd

MAP 29c
BOLINAS ZONING




MAP 29d
OLEMA ZONING
Point Reyes National Seashore
SHORELINE HWY
C-OA
Golden Gate National Recreation Area
C-RA-B3
Golden Gate National Recreation Area
C-VCR
C-ARP-5
C-RCR
C-ARP-1.2
SIR FRANCIS DRAKE BLVD
C-RCR
BEAR VALLEY RD
C-VCR
C-OA
C-OA
Point Reyes National Seashore
C-VCR
Golden Gate National Recreation Area
C-RA-B3
OA
A60
SHORELINE HWY
Legend
Coastal Zone Boundary
Village Limit Boundary (Existing)
Parcel boundaries
Zoning*
OA Open Area
C-OA Coastal, Open Area
A60 Agricultural and Conservation (60 acre minimum lot size)
C-ARP-5 Coastal, Agricultural, Residential Planned (1 unit per 5 acres)
C-ARP-1.2 Coastal, Agricultural, Residential Planned (1 unit per 1.2 acres)
C-RA-B3 Coastal, Residentail, Agricultural (20,000 sq. ft. minimum lot size)
C-RCR Coastal, Resort and Commercial Recreation
C-VCR Coastal, Village Commercial/Residential (7,500 sq. ft. minimum lot size)
*See Marin County Code Chapter 22.62 - Coastal Zoning Districts and Allowable Land Uses for more information.
SOURCE: Marin County Community Development Agency
Feet
0 350 700 1,050 1,400
N
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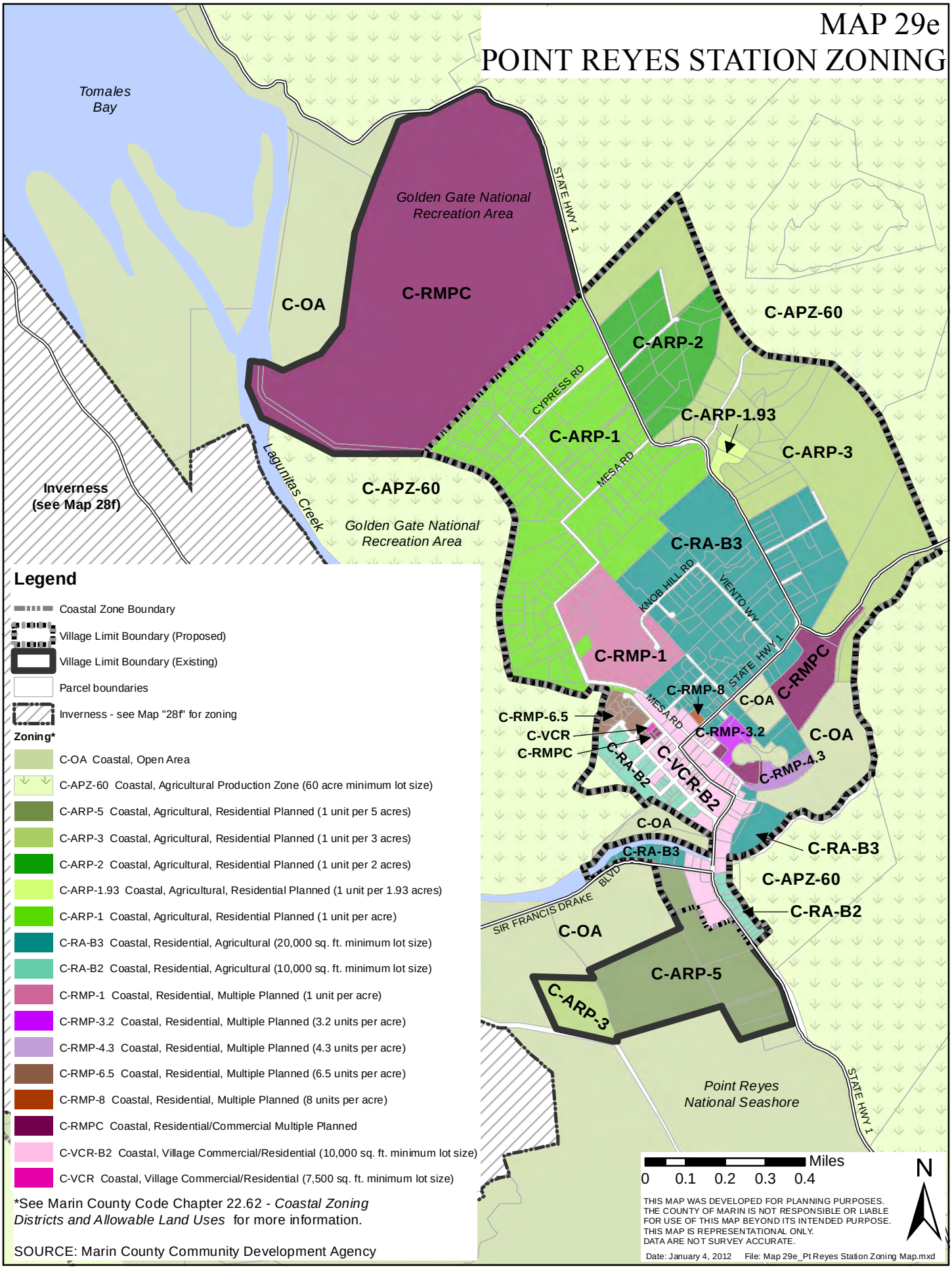
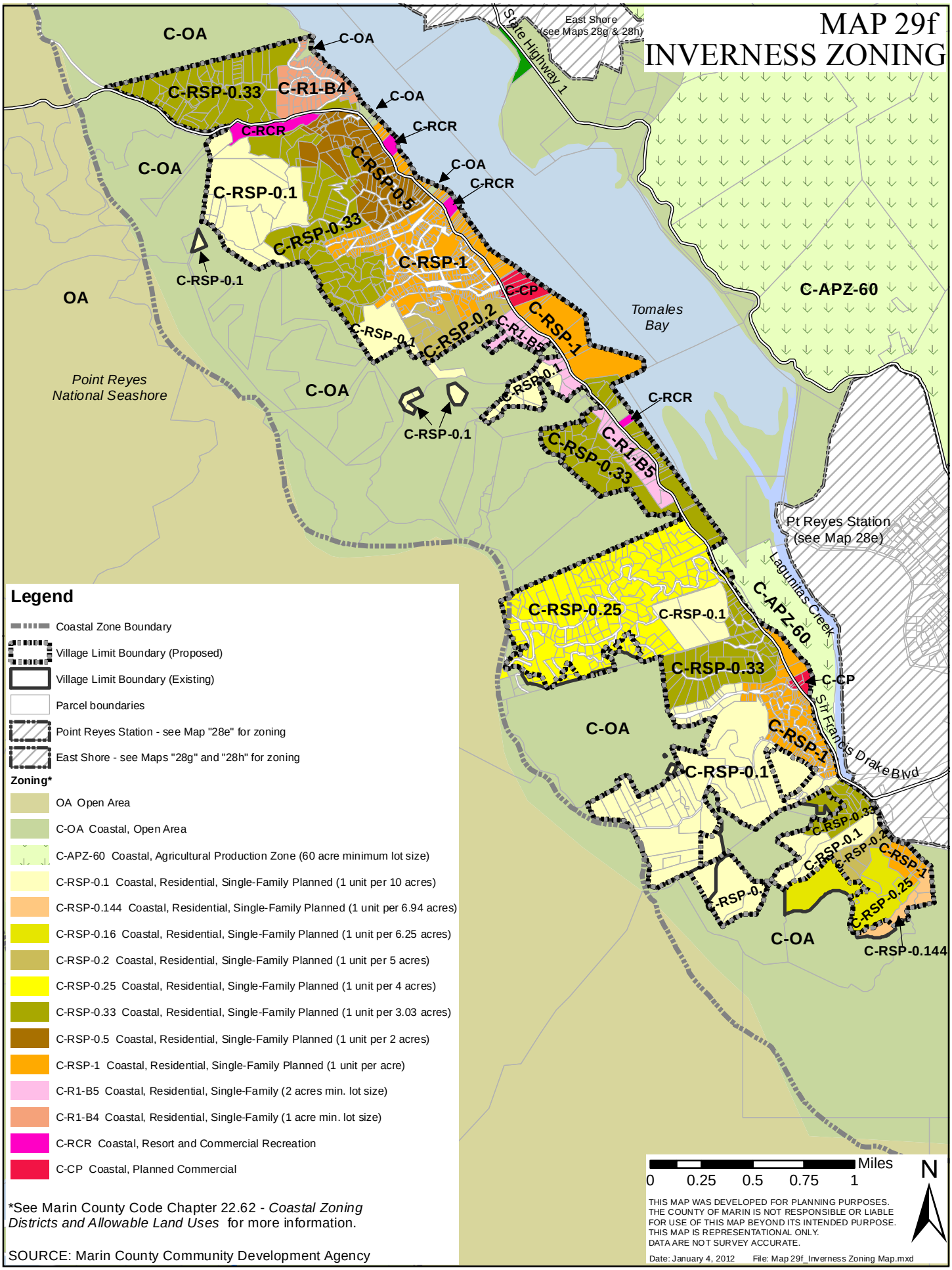
DATA ARE NOT SURVEY ACCURATE.
Date: January 4, 2012
File: Map 29d_Olema Zoning Map.mxd

MAP 29e
POINT REYES STATION ZONING




MAP 29f
INVERNESS ZONING
C-OA
C-RSP-0.33
C-R1-B4
C-RCR
C-RSP-0.1
C-RSP-0.5
C-RSP-1
C-CP
C-R1-B5
C-RSP-0.2
C-APZ-60
OA
Point Reyes National Seashore
Tomales Bay
State Highway 1
East Shore (see Maps 28g & 28h)
Pt Reyes Station (see Map 28e)
Lagunitas Creek
Sir Francis Drake Blvd
C-RSP-0.25
C-RSP-0.144
Legend
Coastal Zone Boundary
Village Limit Boundary (Proposed)
Village Limit Boundary (Existing)
Parcel boundaries
Point Reyes Station - see Map "28e" for zoning
East Shore - see Maps "28g" and "28h" for zoning
Zoning*
OA Open Area
C-OA Coastal, Open Area
C-APZ-60 Coastal, Agricultural Production Zone (60 acre minimum lot size)
C-RSP-0.1 Coastal, Residential, Single-Family Planned (1 unit per 10 acres)
C-RSP-0.144 Coastal, Residential, Single-Family Planned (1 unit per 6.94 acres)
C-RSP-0.16 Coastal, Residential, Single-Family Planned (1 unit per 6.25 acres)
C-RSP-0.2 Coastal, Residential, Single-Family Planned (1 unit per 5 acres)
C-RSP-0.25 Coastal, Residential, Single-Family Planned (1 unit per 4 acres)
C-RSP-0.33 Coastal, Residential, Single-Family Planned (1 unit per 3.03 acres)
C-RSP-0.5 Coastal, Residential, Single-Family Planned (1 unit per 2 acres)
C-RSP-1 Coastal, Residential, Single-Family Planned (1 unit per acre)
C-R1-B5 Coastal, Residential, Single-Family (2 acres min. lot size)
C-R1-B4 Coastal, Residential, Single-Family (1 acre min. lot size)
C-RCR Coastal, Resort and Commercial Recreation
C-CP Coastal, Planned Commercial
*See Marin County Code Chapter 22.62 - Coastal Zoning Districts and Allowable Land Uses for more information.
SOURCE: Marin County Community Development Agency
Miles
0 0.25 0.5 0.75 1
N
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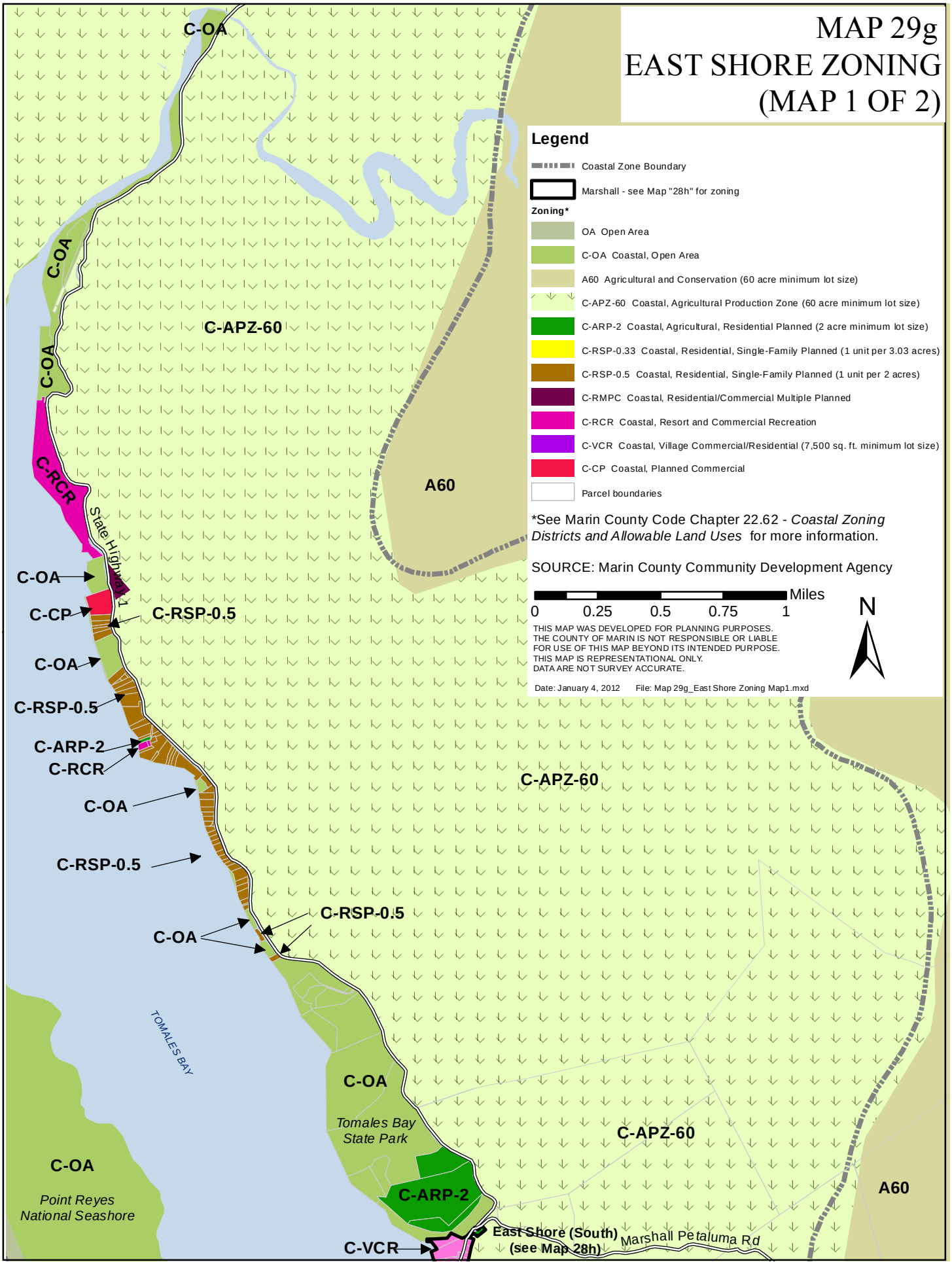
THIS MAP IS REPRESENTATIONAL ONLY.
DATA ARE NOT SURVEY ACCURATE.
Date: January 4, 2012 File: Map 29f_Inverness Zoning Map.mxd


MAP 29g
EAST SHORE ZONING
(MAP 1 OF 2)
Legend
Coastal Zone Boundary
Marshall - see Map "28h" for zoning
Zoning*
OA Open Area
C-OA Coastal, Open Area
A60 Agricultural and Conservation (60 acre minimum lot size)
C-APZ-60 Coastal, Agricultural Production Zone (60 acre minimum lot size)
C-ARP-2 Coastal, Agricultural, Residential Planned (2 acre minimum lot size)
C-RSP-0.33 Coastal, Residential, Single-Family Planned (1 unit per 3.03 acres)
C-RSP-0.5 Coastal, Residential, Single-Family Planned (1 unit per 2 acres)
C-RMPC Coastal, Residential/Commercial Multiple Planned
C-RCR Coastal, Resort and Commercial Recreation
C-VCR Coastal, Village Commercial/Residential (7,500 sq. ft. minimum lot size)
C-CP Coastal, Planned Commercial
Parcel boundaries
*See Marin County Code Chapter 22.62 - Coastal Zoning Districts and Allowable Land Uses for more information.
SOURCE: Marin County Community Development Agency
Miles
0 0.25 0.5 0.75 1
N
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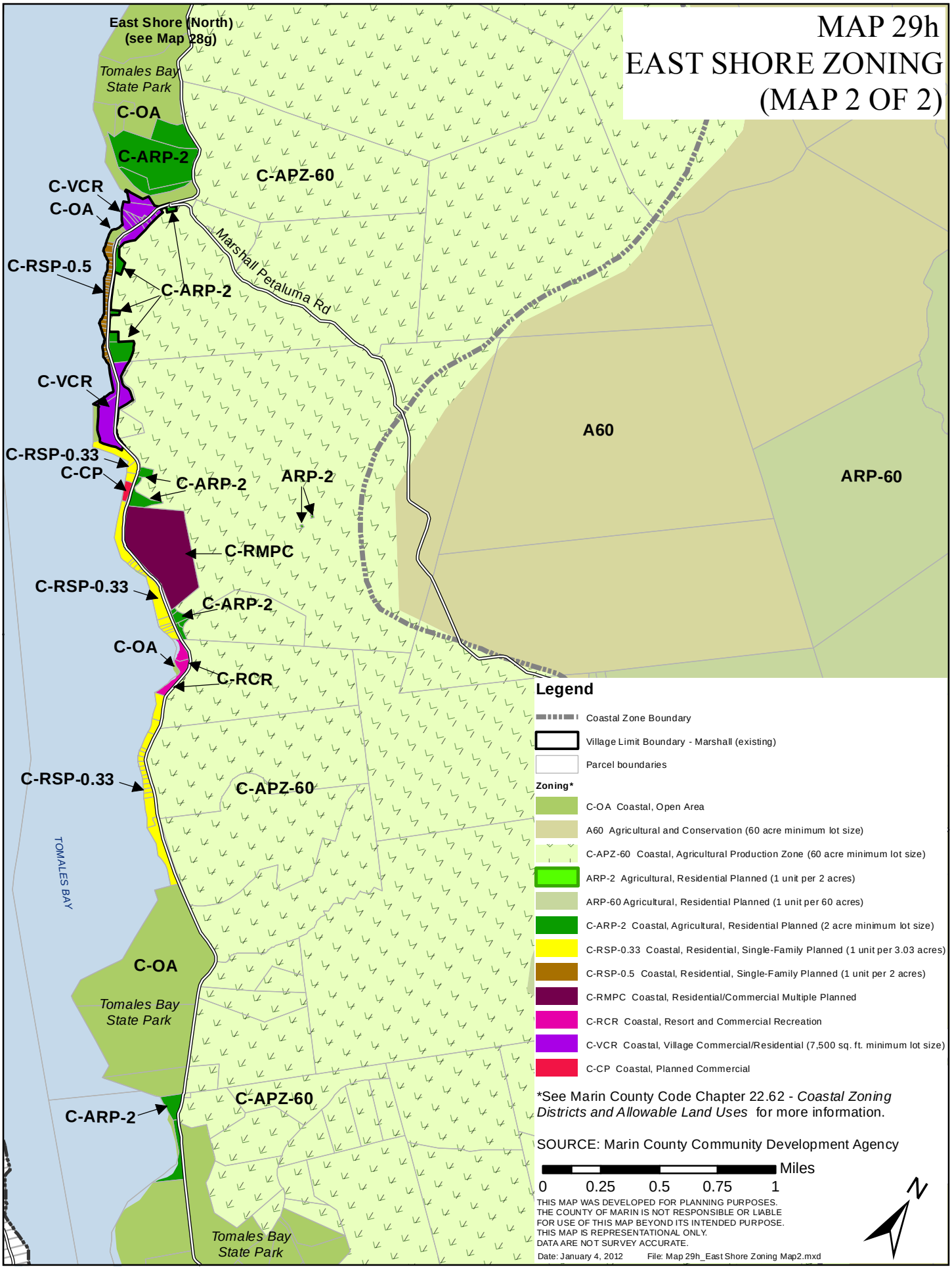
DATA ARE NOT SURVEY ACCURATE.
Date: January 4, 2012 File: Map 29g_East Shore Zoning Map1.mxd
C-OA
C-APZ-60
A60
C-RCR
State Highway 1
C-CP
C-RSP-0.5
C-ARP-2
TOMALES BAY
Tomales Bay State Park
Point Reyes National Seashore
C-VCR
East Shore (South) (see Map 28h)
Marshall Petaluma Rd


MAP 29h
EAST SHORE ZONING
(MAP 2 OF 2)
East Shore (North)
(see Map 28g)
Tomales Bay
State Park
C-OA
C-ARP-2
C-APZ-60
C-VCR
C-OA
C-RSP-0.5
C-ARP-2
Marshall Petaluma Rd
C-VCR
A60
ARP-60
C-RSP-0.33
C-CP
C-ARP-2
ARP-2
C-RMPC
C-RSP-0.33
C-ARP-2
C-OA
C-RCR
C-RSP-0.33
C-APZ-60
TOMALES BAY
C-OA
Tomales Bay
State Park
C-APZ-60
C-ARP-2
Tomales Bay
State Park
Legend
Coastal Zone Boundary
Village Limit Boundary - Marshall (existing)
Parcel boundaries
Zoning*
C-OA Coastal, Open Area
A60 Agricultural and Conservation (60 acre minimum lot size)
C-APZ-60 Coastal, Agricultural Production Zone (60 acre minimum lot size)
ARP-2 Agricultural, Residential Planned (1 unit per 2 acres)
ARP-60 Agricultural, Residential Planned (1 unit per 60 acres)
C-ARP-2 Coastal, Agricultural, Residential Planned (2 acre minimum lot size)
C-RSP-0.33 Coastal, Residential, Single-Family Planned (1 unit per 3.03 acres)
C-RSP-0.5 Coastal, Residential, Single-Family Planned (1 unit per 2 acres)
C-RMPC Coastal, Residential/Commercial Multiple Planned
C-RCR Coastal, Resort and Commercial Recreation
C-VCR Coastal, Village Commercial/Residential (7,500 sq. ft. minimum lot size)
C-CP Coastal, Planned Commercial
*See Marin County Code Chapter 22.62 - Coastal Zoning Districts and Allowable Land Uses for more information.
SOURCE: Marin County Community Development Agency
Miles
0 0.25 0.5 0.75 1
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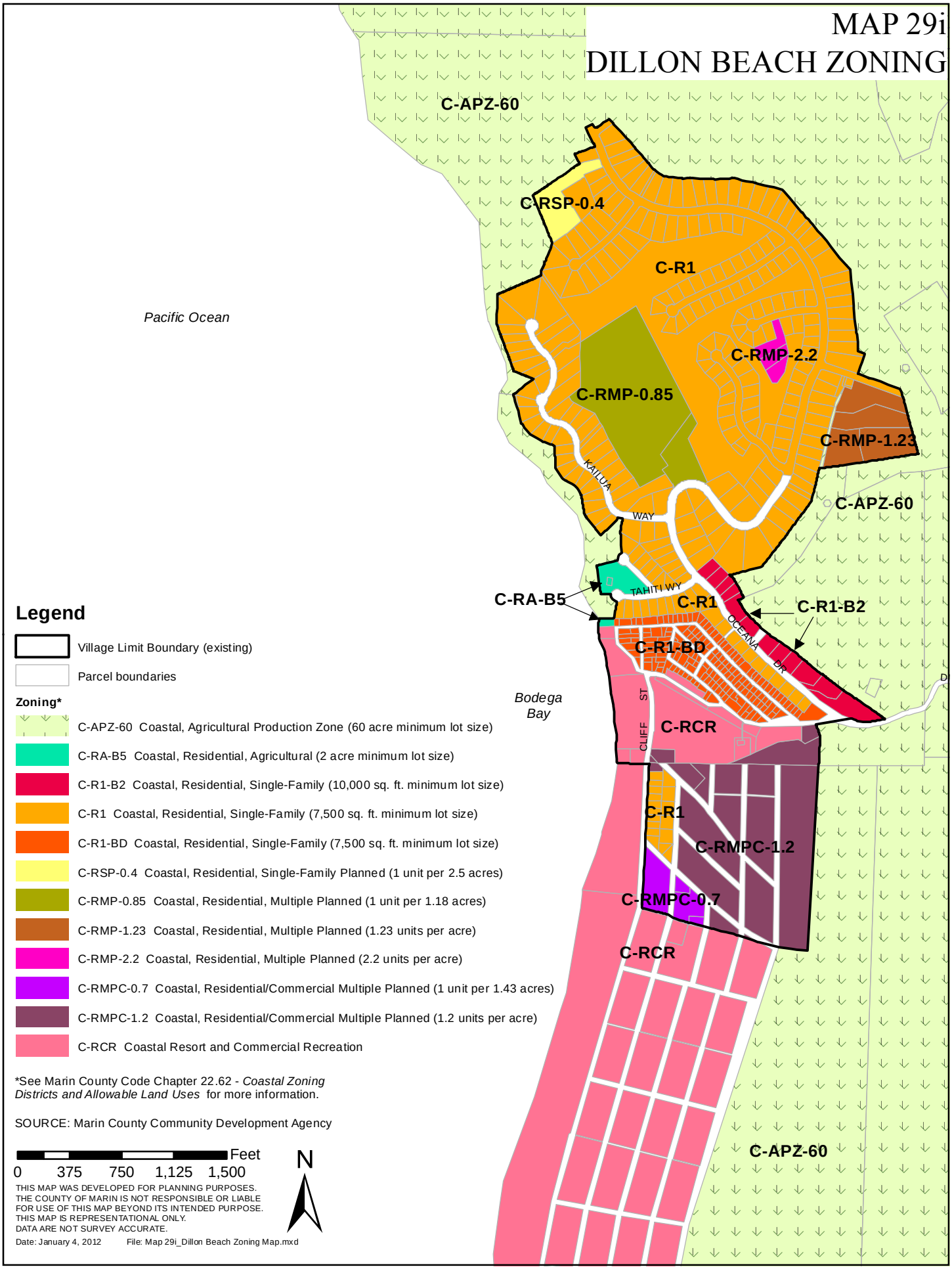
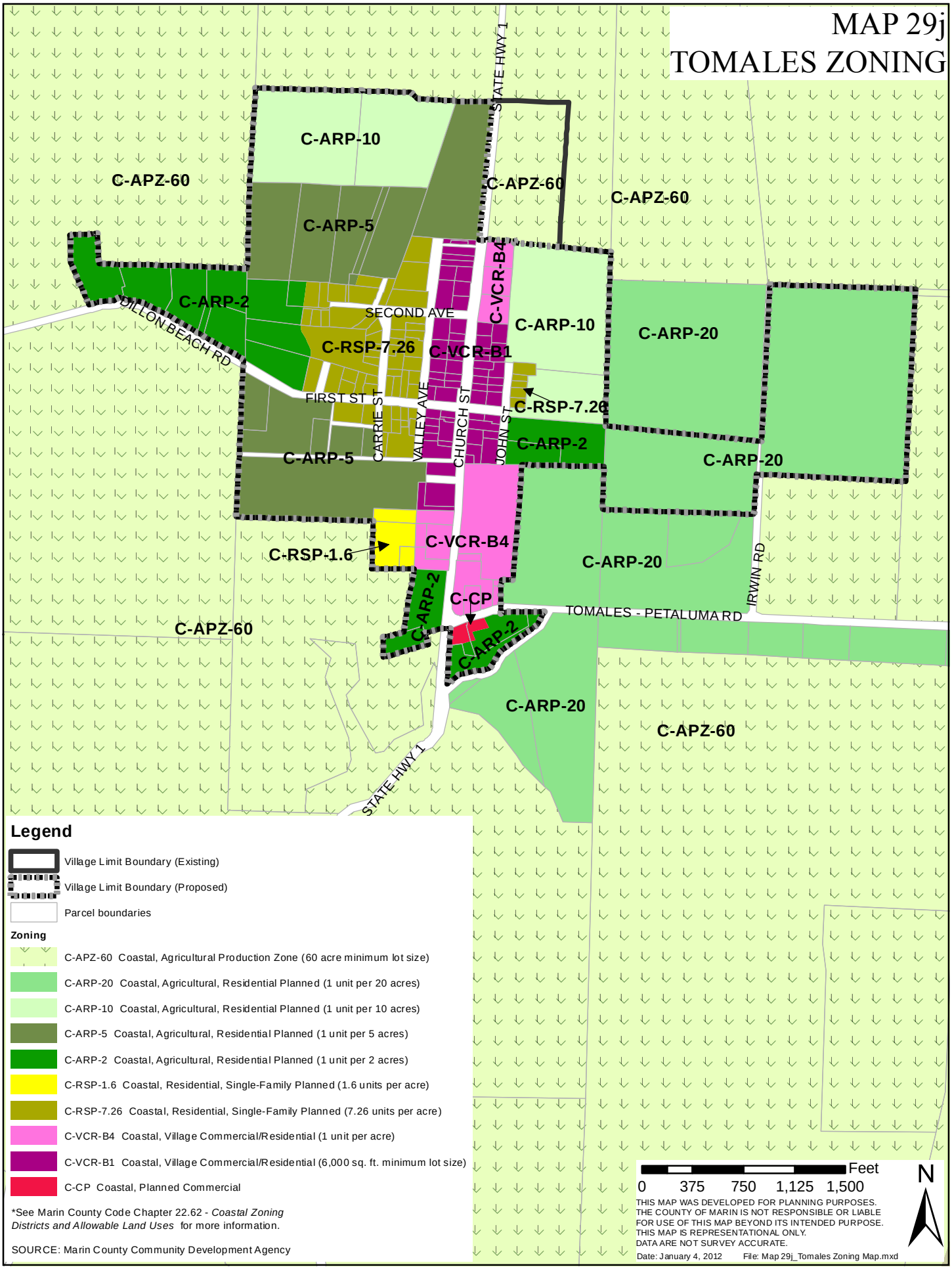
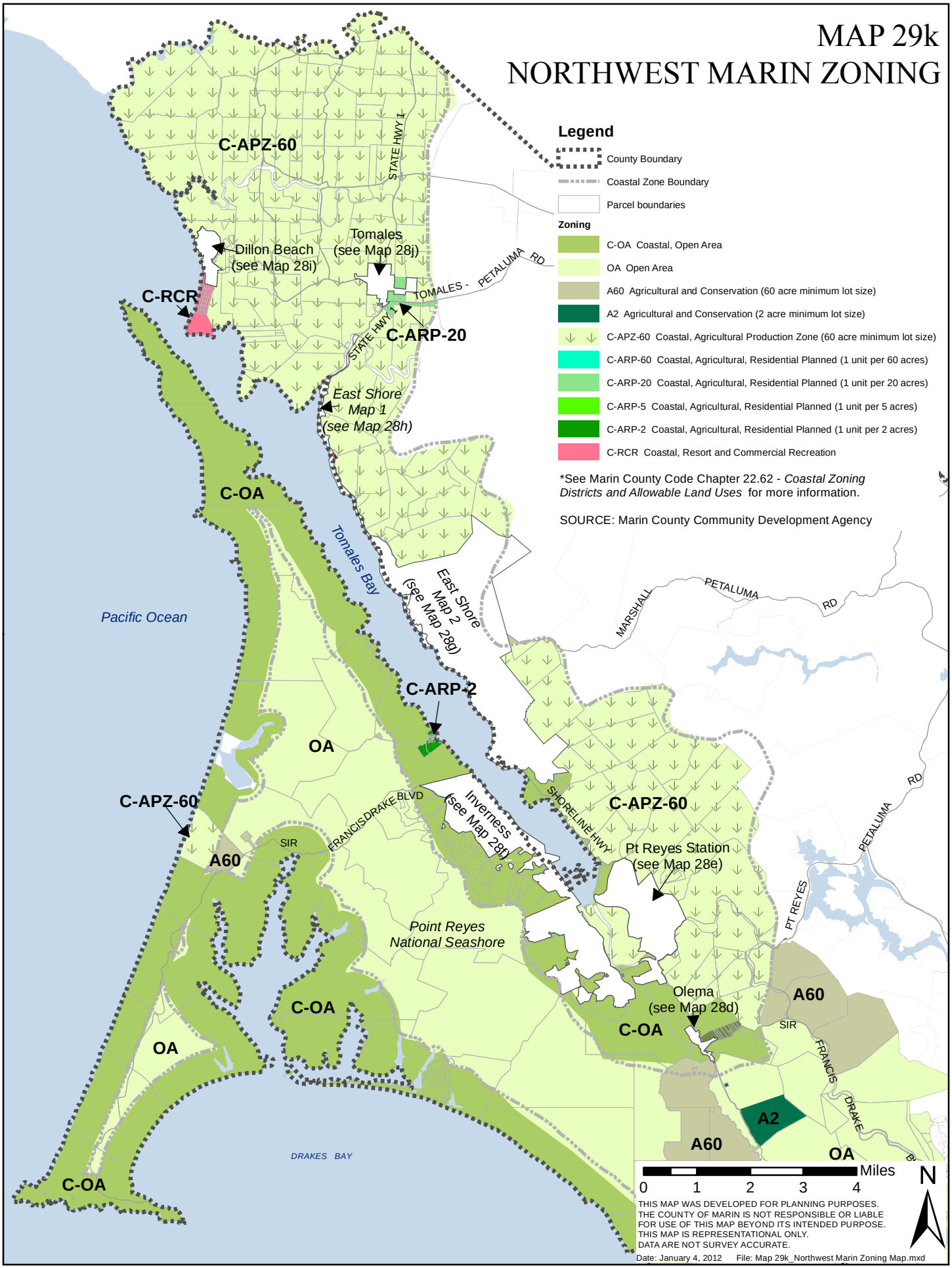
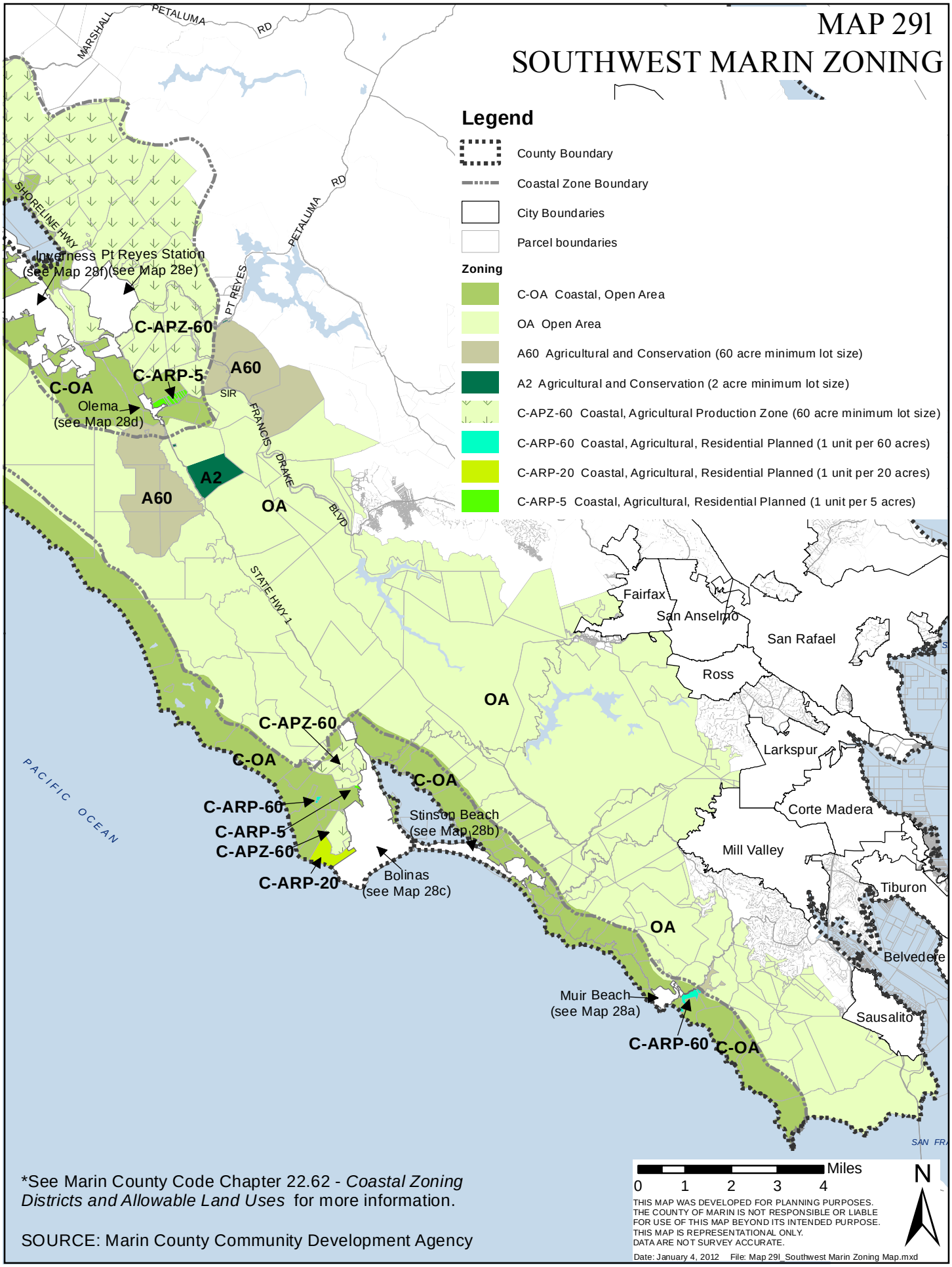
THIS MAP IS REPRESENTATIONAL ONLY.
DATA ARE NOT SURVEY ACCURATE.
Date: January 4, 2012
File: Map 29h_East Shore Zoning Map2.mxd
N

MAP 29i
DILLON BEACH ZONING



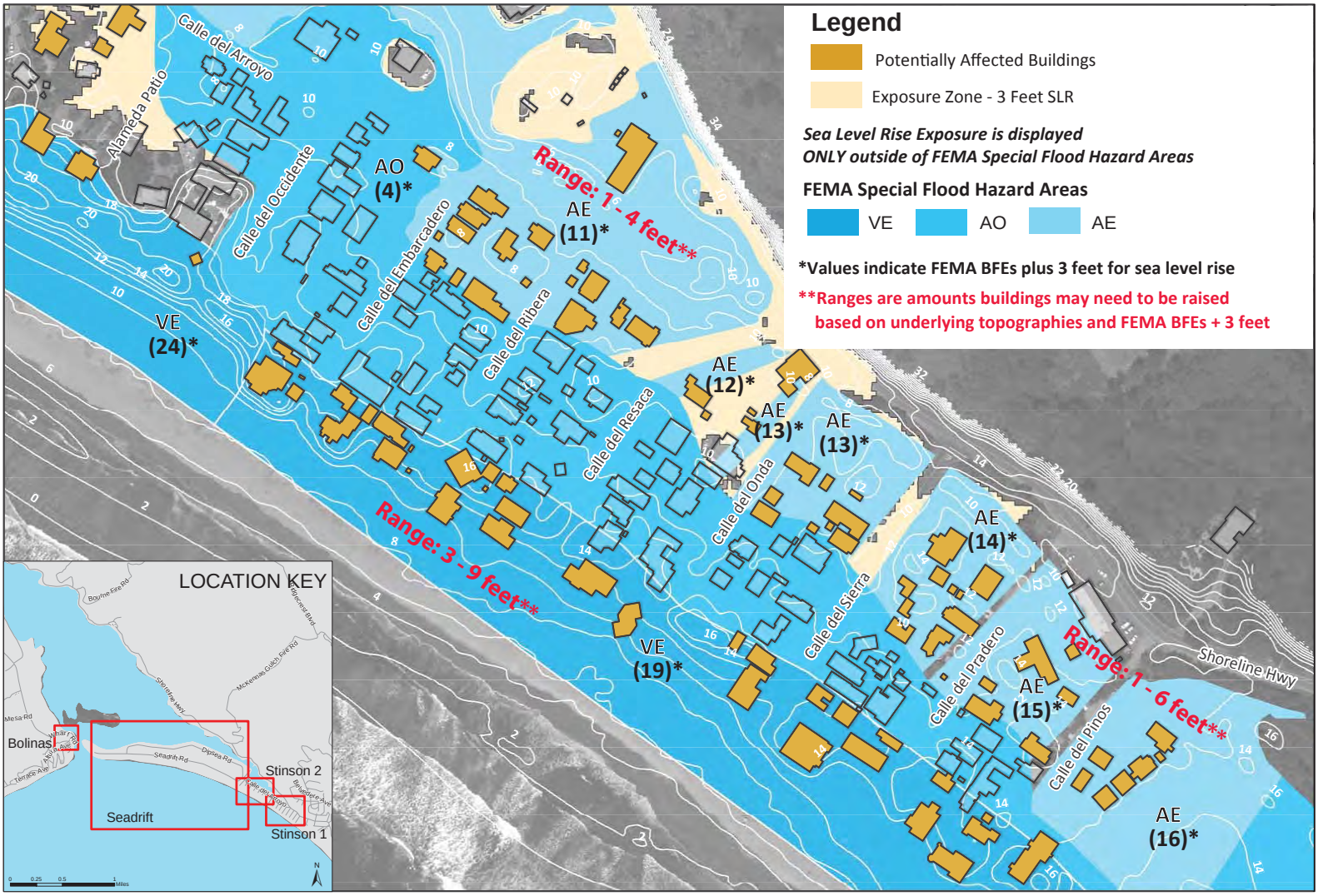

MAP 29j
TOMALES ZONING
C-ARP-10
C-APZ-60
C-APZ-60
C-APZ-60
C-ARP-5
C-ARP-2
DILLON BEACH RD
SECOND AVE
C-VCR-B4
C-ARP-10
C-ARP-20
C-RSP-7.26
C-VCR-B1
FIRST ST
CARRIE ST
VALLEY AVE
CHURCH ST
JOHN ST
C-RSP-7.26
C-ARP-2
C-ARP-5
C-ARP-20
C-ARP-20
C-RSP-1.6
C-VCR-B4
C-ARP-20
IRWIN RD
C-ARP-2
C-CP
TOMALES - PETALUMA RD
C-APZ-60
C-ARP-2
C-ARP-20
C-APZ-60
STATE HWY 1
STATE HWY 1
Legend
Village Limit Boundary (Existing)
Village Limit Boundary (Proposed)
Parcel boundaries
Zoning
C-APZ-60 Coastal, Agricultural Production Zone (60 acre minimum lot size)
C-ARP-20 Coastal, Agricultural, Residential Planned (1 unit per 20 acres)
C-ARP-10 Coastal, Agricultural, Residential Planned (1 unit per 10 acres)
C-ARP-5 Coastal, Agricultural, Residential Planned (1 unit per 5 acres)
C-ARP-2 Coastal, Agricultural, Residential Planned (1 unit per 2 acres)
C-RSP-1.6 Coastal, Residential, Single-Family Planned (1.6 units per acre)
C-RSP-7.26 Coastal, Residential, Single-Family Planned (7.26 units per acre)
C-VCR-B4 Coastal, Village Commercial/Residential (1 unit per acre)
C-VCR-B1 Coastal, Village Commercial/Residential (6,000 sq. ft. minimum lot size)
C-CP Coastal, Planned Commercial
*See Marin County Code Chapter 22.62 - Coastal Zoning Districts and Allowable Land Uses for more information.
SOURCE: Marin County Community Development Agency
Feet
0 375 750 1,125 1,500
N
THIS MAP WAS DEVELOPED FOR PLANNING PURPOSES.
THE COUNTY OF MARIN IS NOT RESPONSIBLE OR LIABLE
FOR USE OF THIS MAP BEYOND ITS INTENDED PURPOSE.
THIS MAP IS REPRESENTATIONAL ONLY.
DATA ARE NOT SURVEY ACCURATE.
Date: January 4, 2012 File: Map 29j_Tomales Zoning Map.mxd


MAP 29k
NORTHWEST MARIN ZONING
Legend
County Boundary
Coastal Zone Boundary
Parcel boundaries
Zoning
C-OA Coastal, Open Area
OA Open Area
A60 Agricultural and Conservation (60 acre minimum lot size)
A2 Agricultural and Conservation (2 acre minimum lot size)
C-APZ-60 Coastal, Agricultural Production Zone (60 acre minimum lot size)
C-ARP-60 Coastal, Agricultural, Residential Planned (1 unit per 60 acres)
C-ARP-20 Coastal, Agricultural, Residential Planned (1 unit per 20 acres)
C-ARP-5 Coastal, Agricultural, Residential Planned (1 unit per 5 acres)
C-ARP-2 Coastal, Agricultural, Residential Planned (1 unit per 2 acres)
C-RCR Coastal, Resort and Commercial Recreation
*See Marin County Code Chapter 22.62 - Coastal Zoning Districts and Allowable Land Uses for more information.
SOURCE: Marin County Community Development Agency
C-APZ-60
STATE HWY 1
Tomales (see Map 28j)
Dillon Beach (see Map 28i)
C-RCR
TOMALES - PETALUMA RD
C-ARP-20
East Shore Map 1 (see Map 28h)
C-OA
Tomales Bay
East Shore Map 2 (see Map 28g)
MARSHALL PETALUMA RD
Pacific Ocean
C-ARP-2
OA
C-APZ-60
FRANCIS DRAKE BLVD
Inverness (see Map 28f)
SHORELINE HWY
C-APZ-60
Pt Reyes Station (see Map 28e)
PETALUMA RD
A60
SIR
PT REYES
Point Reyes National Seashore
Olema (see Map 28d)
A60
C-OA
C-OA
SIR
OA
FRANCIS DRAKE
A2
A60
OA
DRAKES BAY
C-OA
Miles
0 1 2 3 4
N
THIS MAP WAS DEVELOPED FOR PLANNING PURPOSES.
THE COUNTY OF MARIN IS NOT RESPONSIBLE OR LIABLE
FOR USE OF THIS MAP BEYOND ITS INTENDED PURPOSE.
THIS MAP IS REPRESENTATIONAL ONLY.
DATA ARE NOT SURVEY ACCURATE.
Date: January 4, 2012 File: Map 29k_Northwest Marin Zoning Map.mxd



*See Marin County Code Chapter 22.62 - *Coastal Zoning Districts and Allowable Land Uses* for more information.

SOURCE: Marin County Community Development Agency



0 250 500 Feet

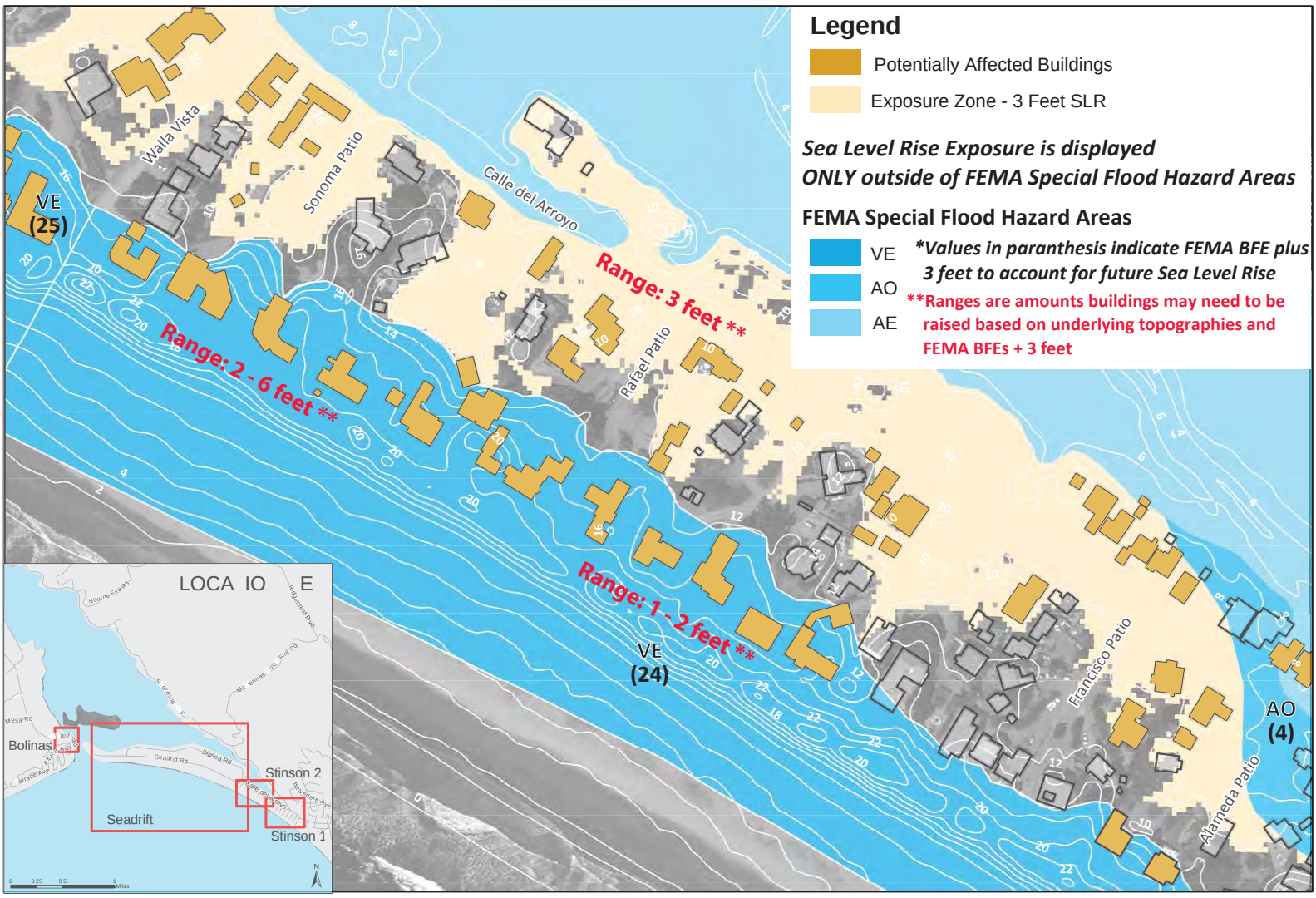
N

Source: Federal Emergency Management Agency (FEMA) Preliminary Flood Insurance Rate Map (FIRM) 2015

Marin County Community Development Agency, July 2016

Stinson 1

Potential Building Elevation for Sea Level Rise



0 250 500 Feet

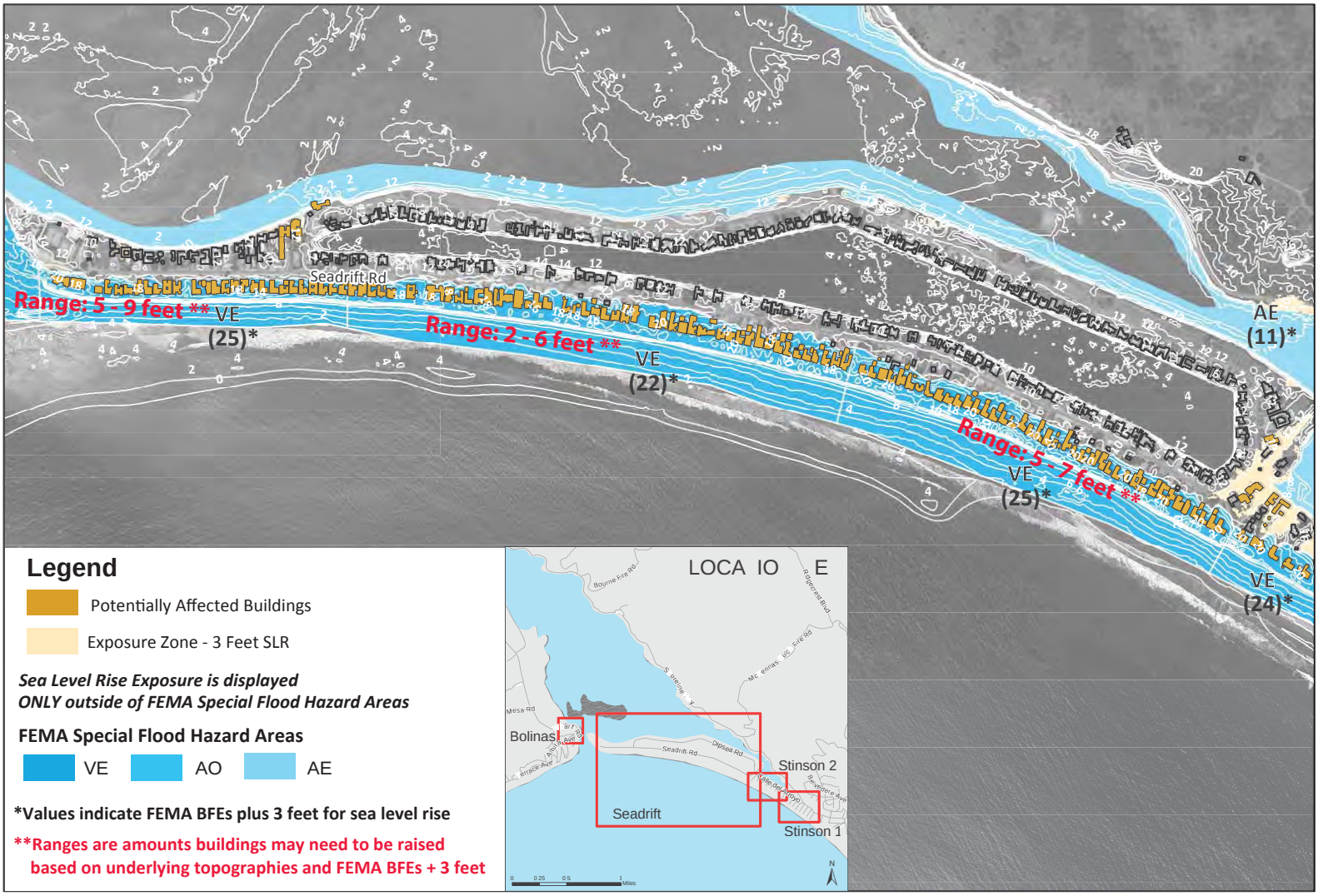
N

Source: Federal Emergency Management Agency (FEMA) Preliminary Flood Insurance Rate Map (FIRM) 2015

Marin County Community Development Agency, July 2016

Stinson 2

Potential Building Elevation for Sea Level Rise



0 0 25 0 5 Miles

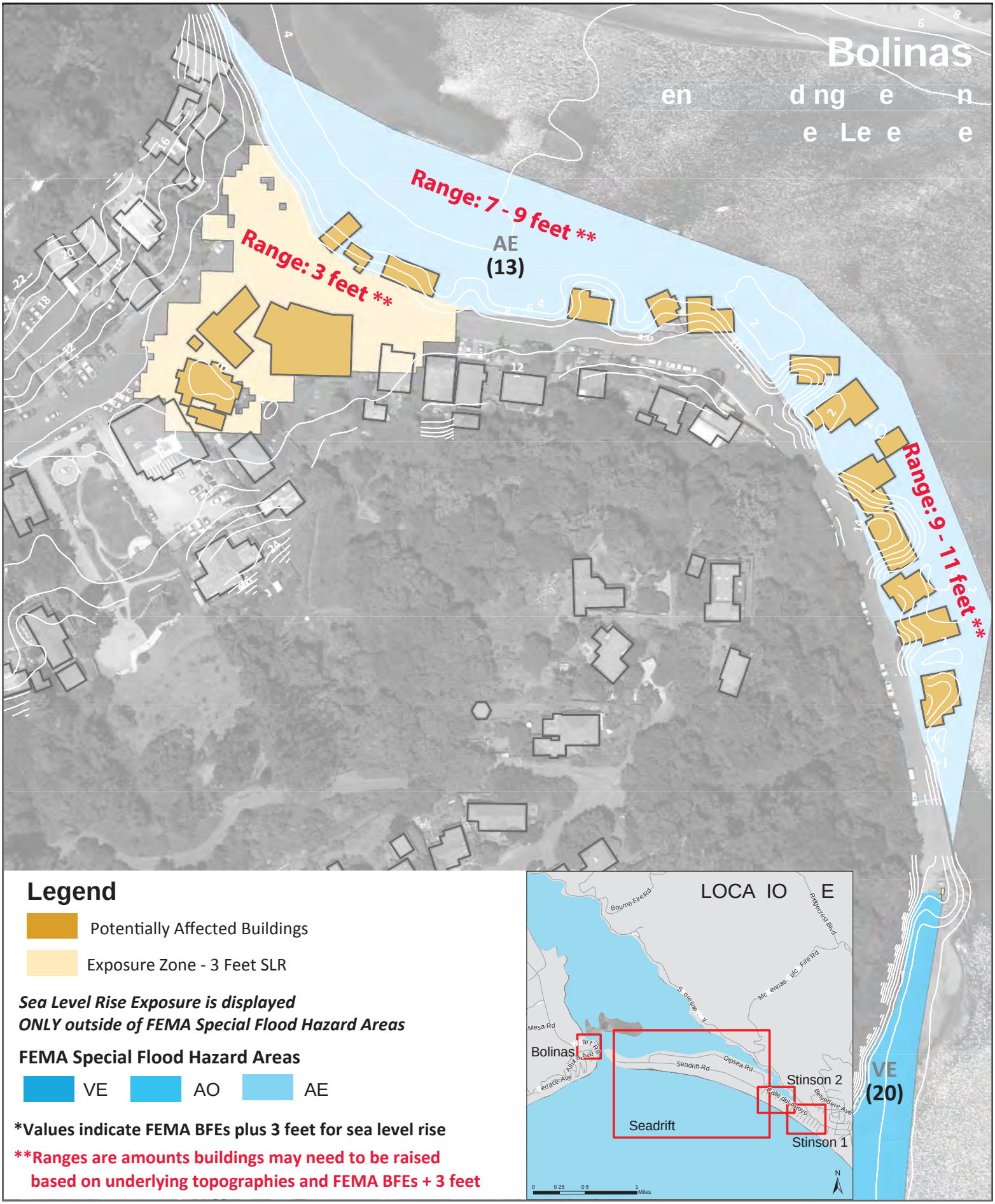
N

Source: Federal Emergency Management Agency (FEMA) Preliminary Flood Insurance Rate map (FIRM) 2015

Marin County Community Development Agency, July 2016

Seadrift

Potential Building Elevation for Sea Level Rise



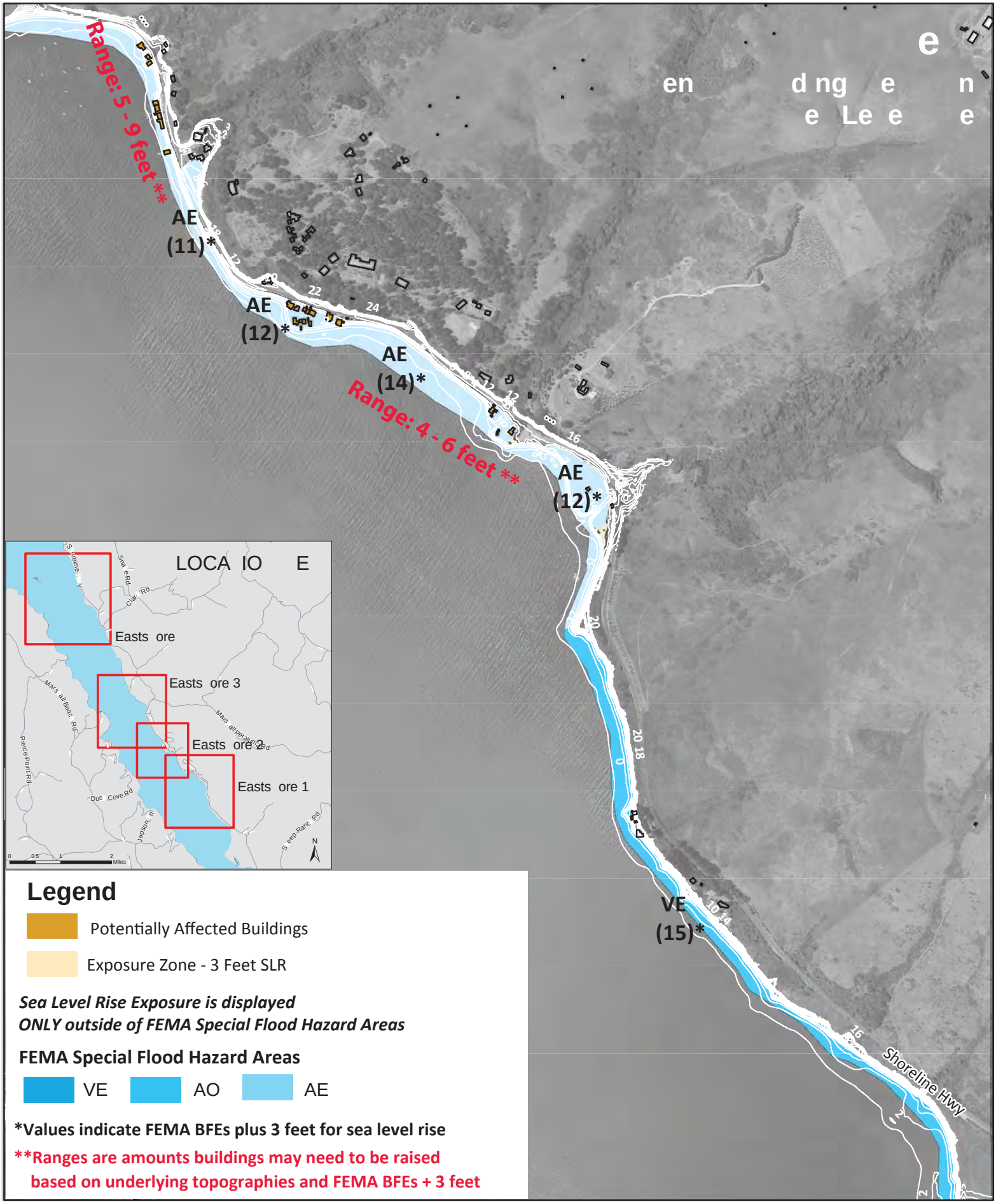
0 100 200 00 Feet

N

Source: Federal Emergency Management Agency (FEMA) Preliminary Flood Insurance Rate Map (FIRM) 2015

Exhibit 9 (County Supplemental "Potential Sea Level Rise" Maps)

Marin County Community Development Agency, July 2016

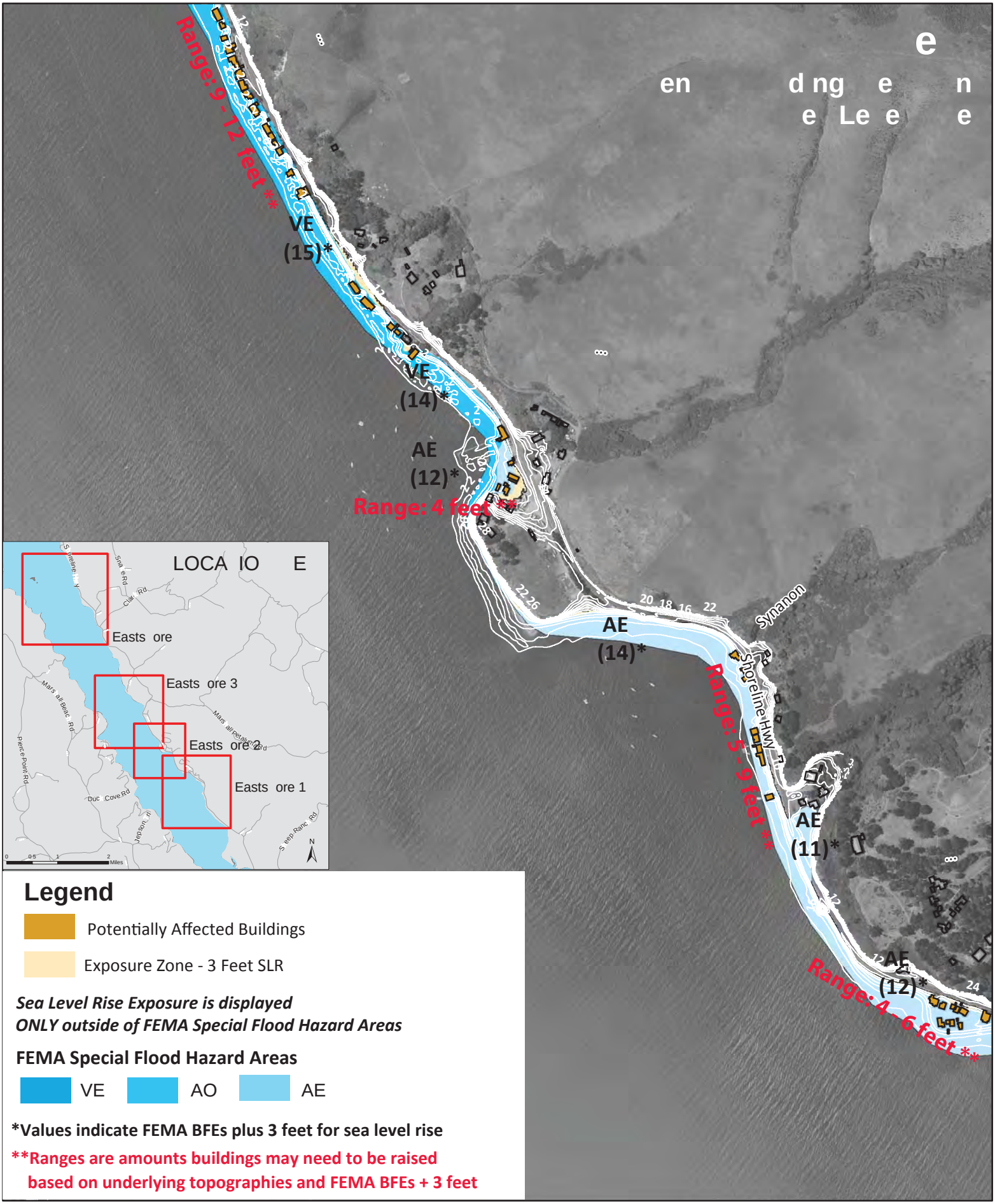


0 0 25 0 5 Miles

N

Source: Federal Emergency Management Agency (FEMA) Preliminary Flood Insurance Rate Map (FIRM) 2015

Exhibit 9 (County Supplemental "Potential Sea Level Rise" Maps)
Marin County Community Development Agency, July 2016



0 0 1 5 0 35 Miles

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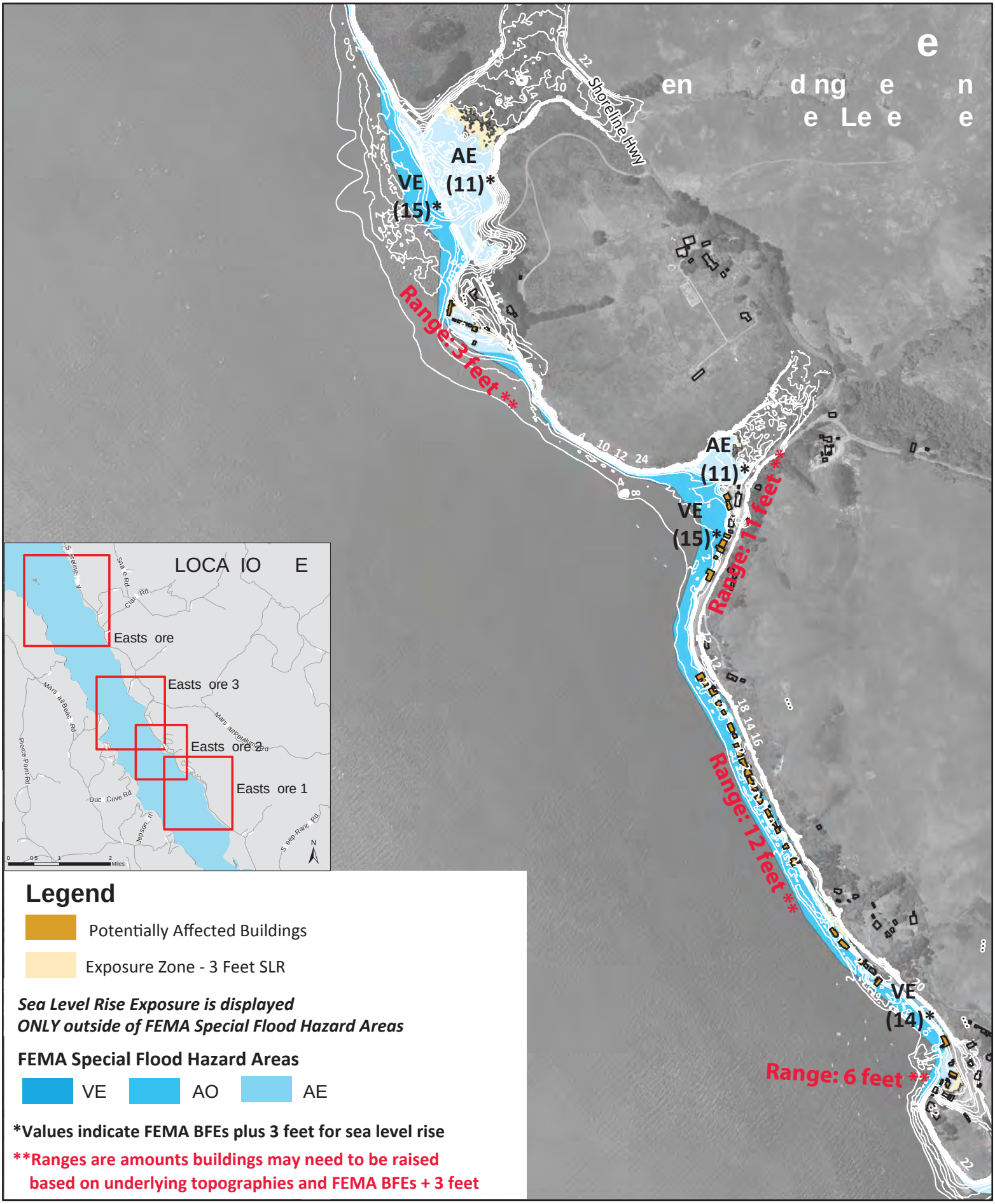
Source: Federal Emergency Management Agency (FEMA) Preliminary Flood Insurance Rate Map (FIRM) 2015

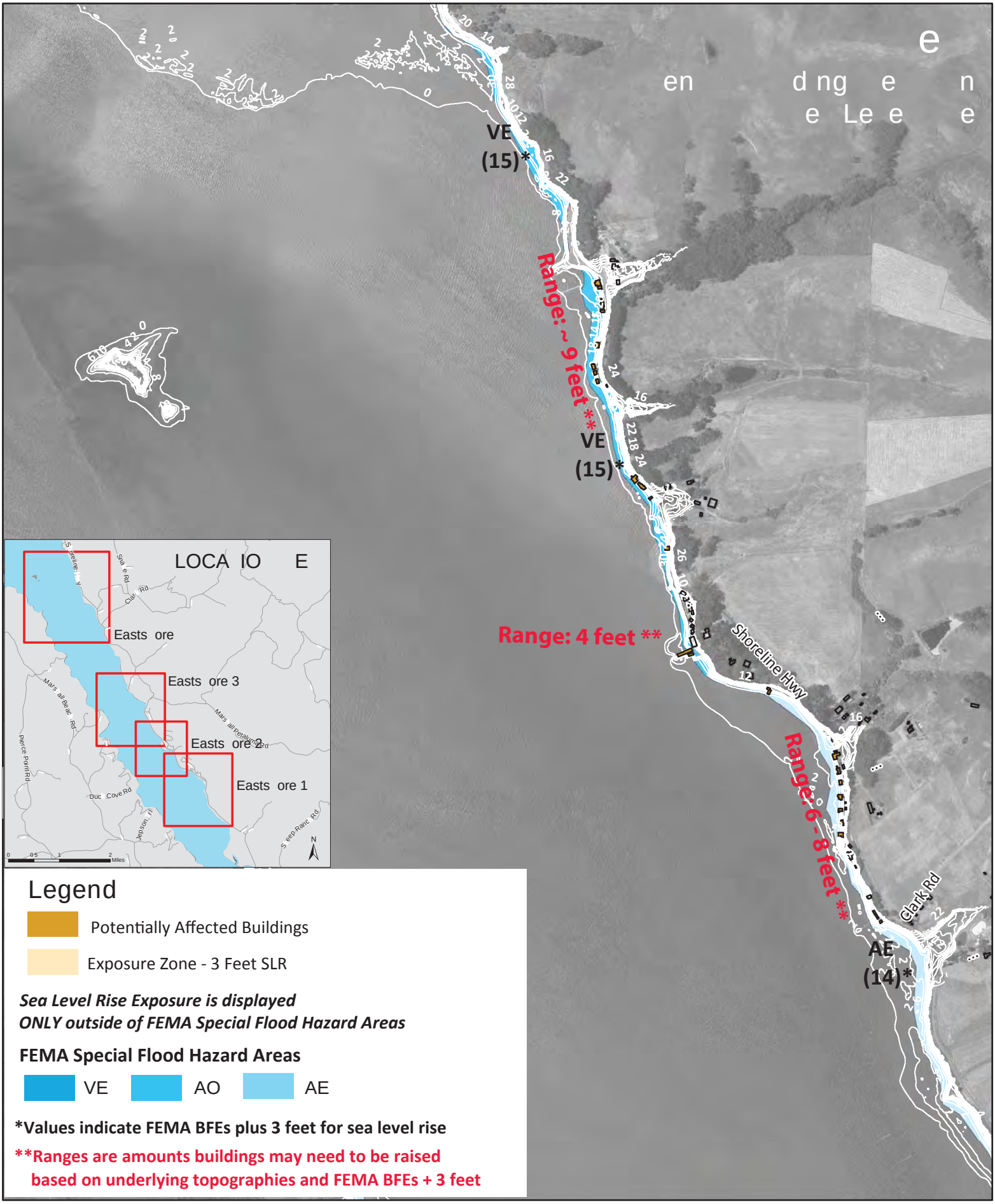


0 0 25 0 5 Miles

N

Source: Federal Emergency Management Agency (FEMA) Preliminary Flood Insurance Rate Map (FIRM) 2015

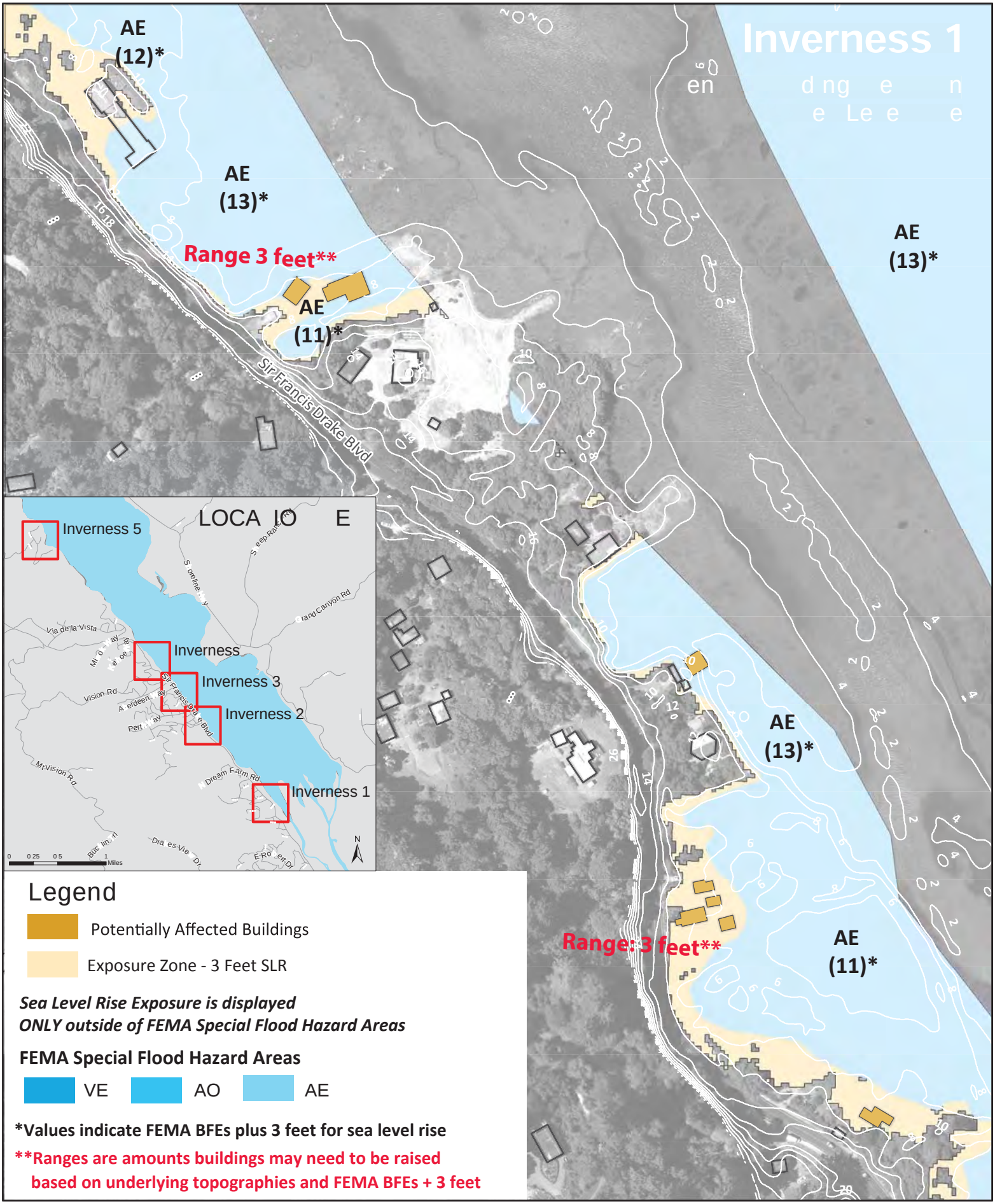
Exhibit 9 (County Supplemental "Potential Sea Level Rise" Maps)
Marin County Community Development Agency, July 2016



0 0 325 0 65 Miles

N

Source: Federal Emergency Management Agency
(FEMA) Preliminary Flood Insurance Rate Map (FIRM) 2015



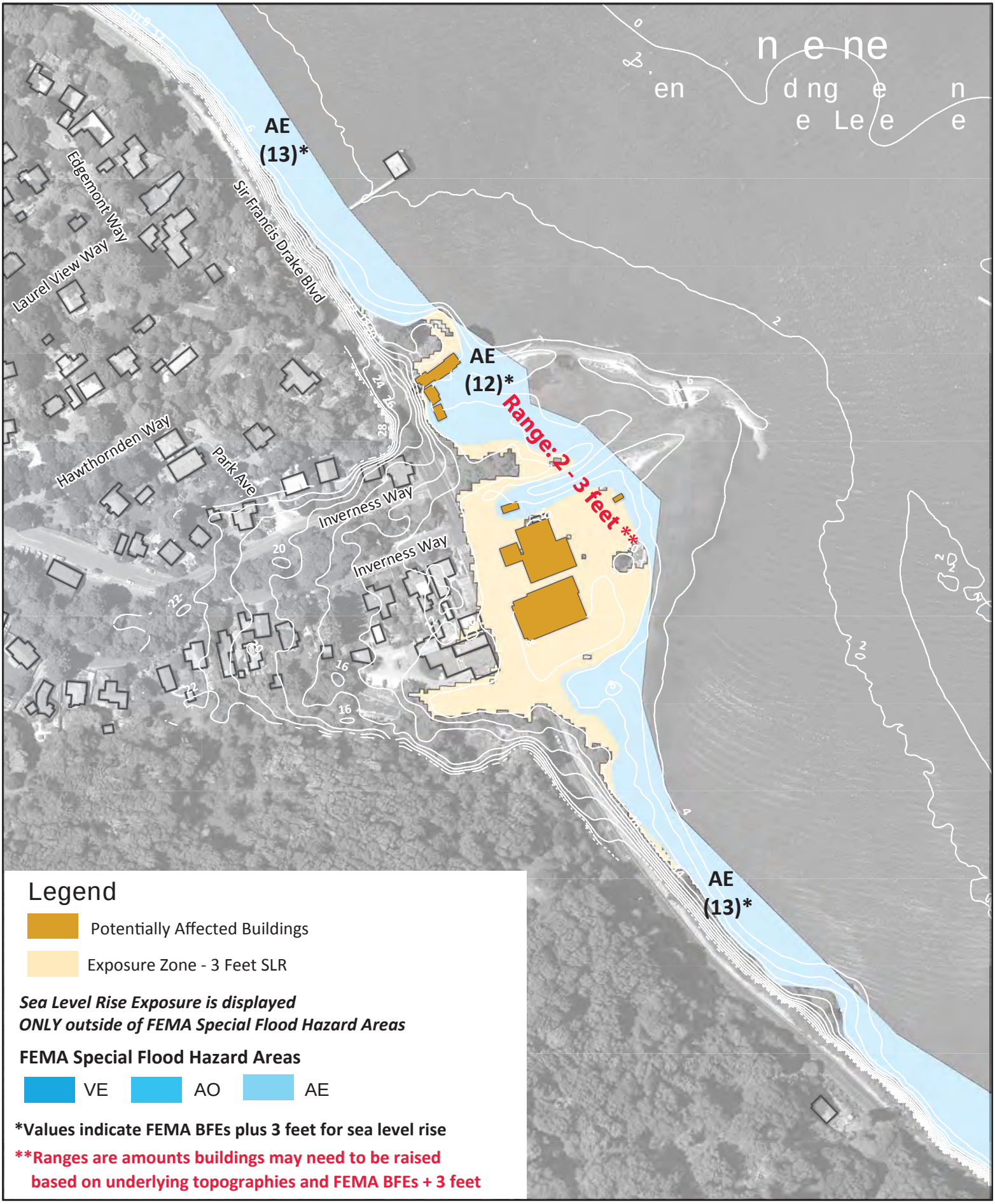
0 0 05 0 1 Miles

N

Source: Federal Emergency Management Agency (FEMA) Preliminary Flood Insurance Rate Map (FIRM) 2015

Exhibit 9 (County Supplemental "Potential Sea Level Rise" Maps)

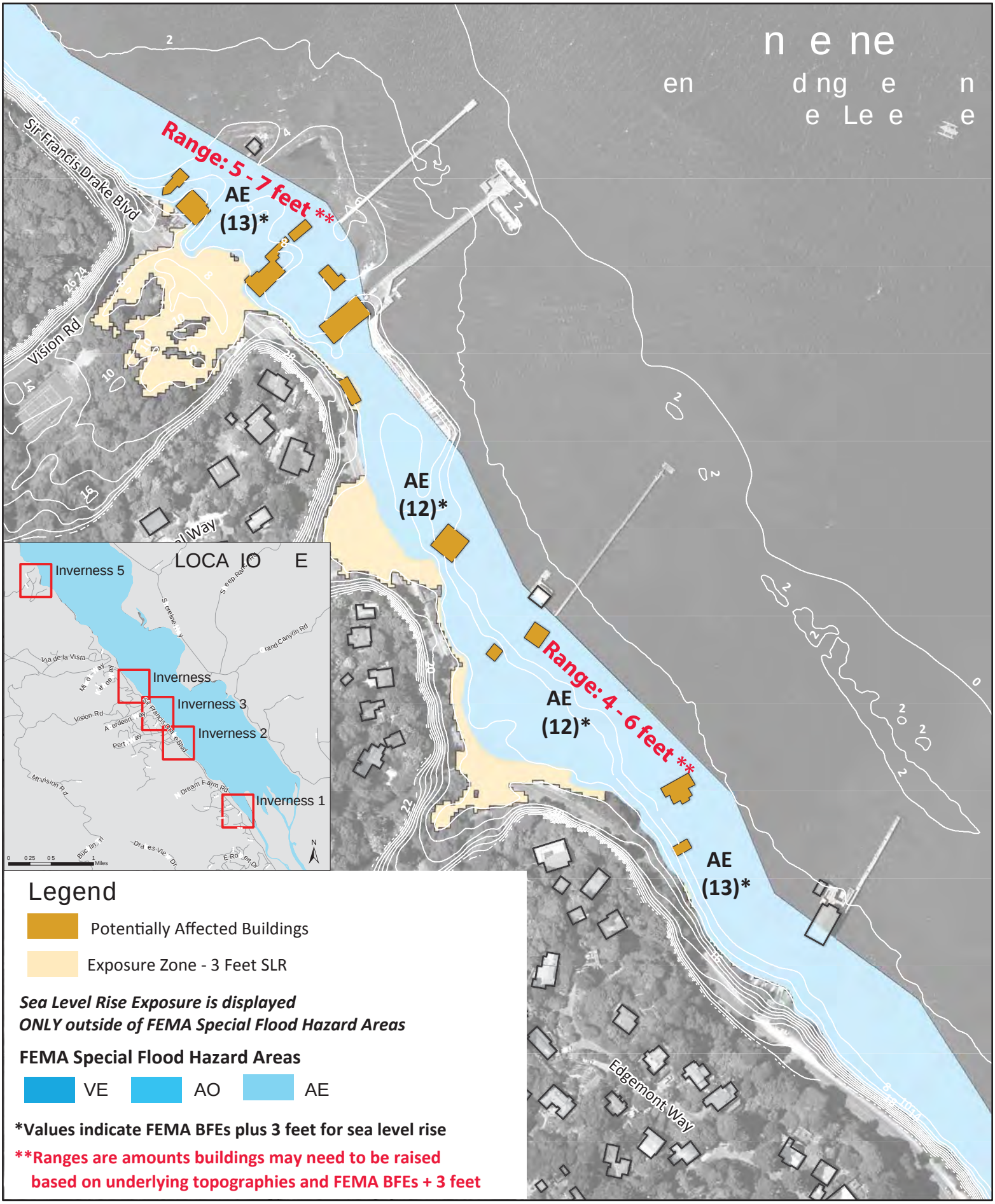
Marin County Community Development Agency, July 2016



0 0 05 0 1 Miles

N

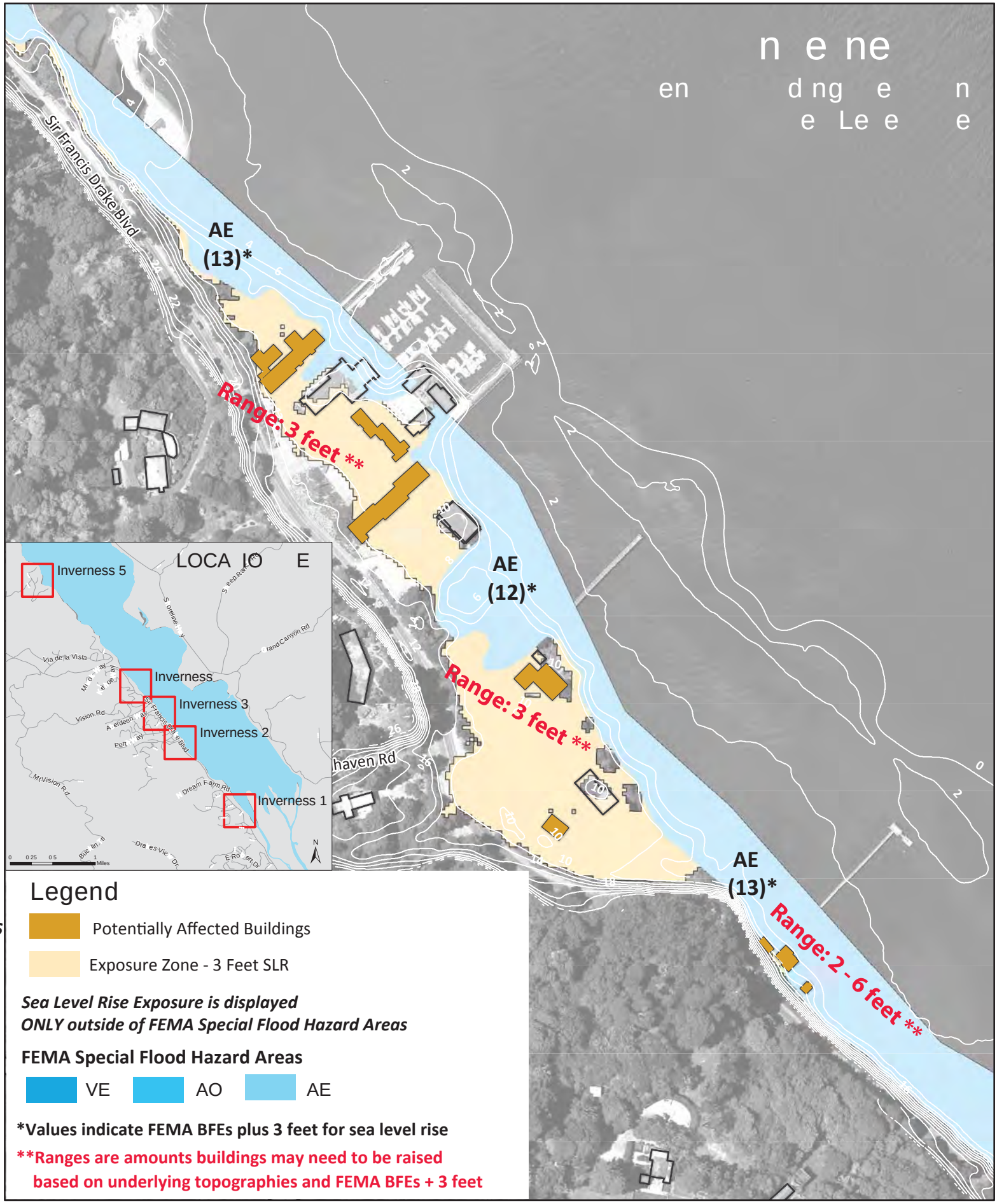
Source: Federal Emergency Management Agency
(FEMA) Preliminary Flood Insurance Rate Map (FIRM) 2015
Exhibit 9 (County Supplemental "Potential Sea Level Rise" Maps)
Marin County Community Development Agency, July 2016



0 0 05 0 1 Miles

N

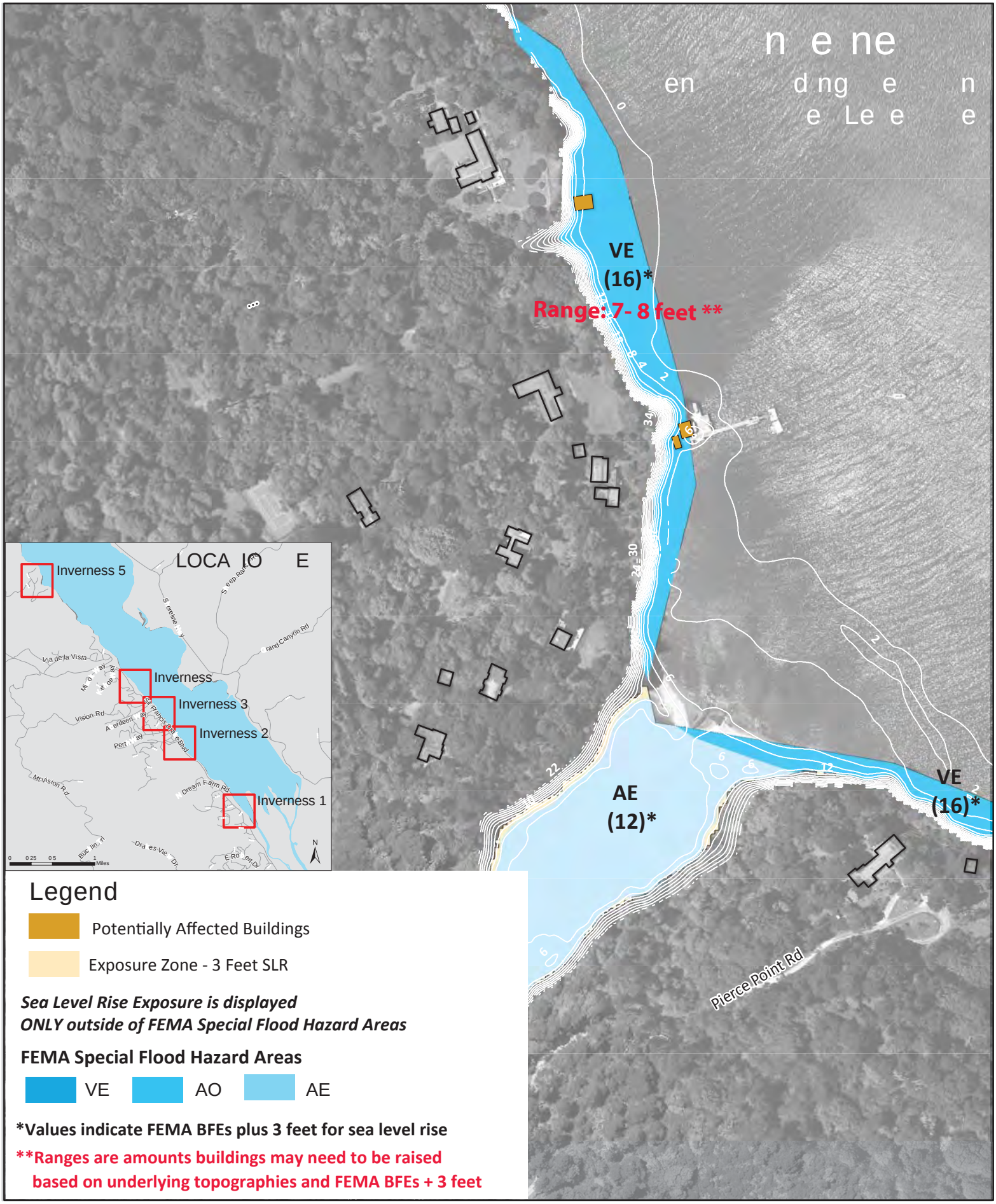
Source: Federal Emergency Management Agency
(FEMA) Preliminary Flood Insurance Rate Map (FIRM) 2015



0 0 05 0 1 Miles

N

Source: Federal Emergency Management Agency
(FEMA) Preliminary Flood Insurance Rate Map (FIRM) 2015



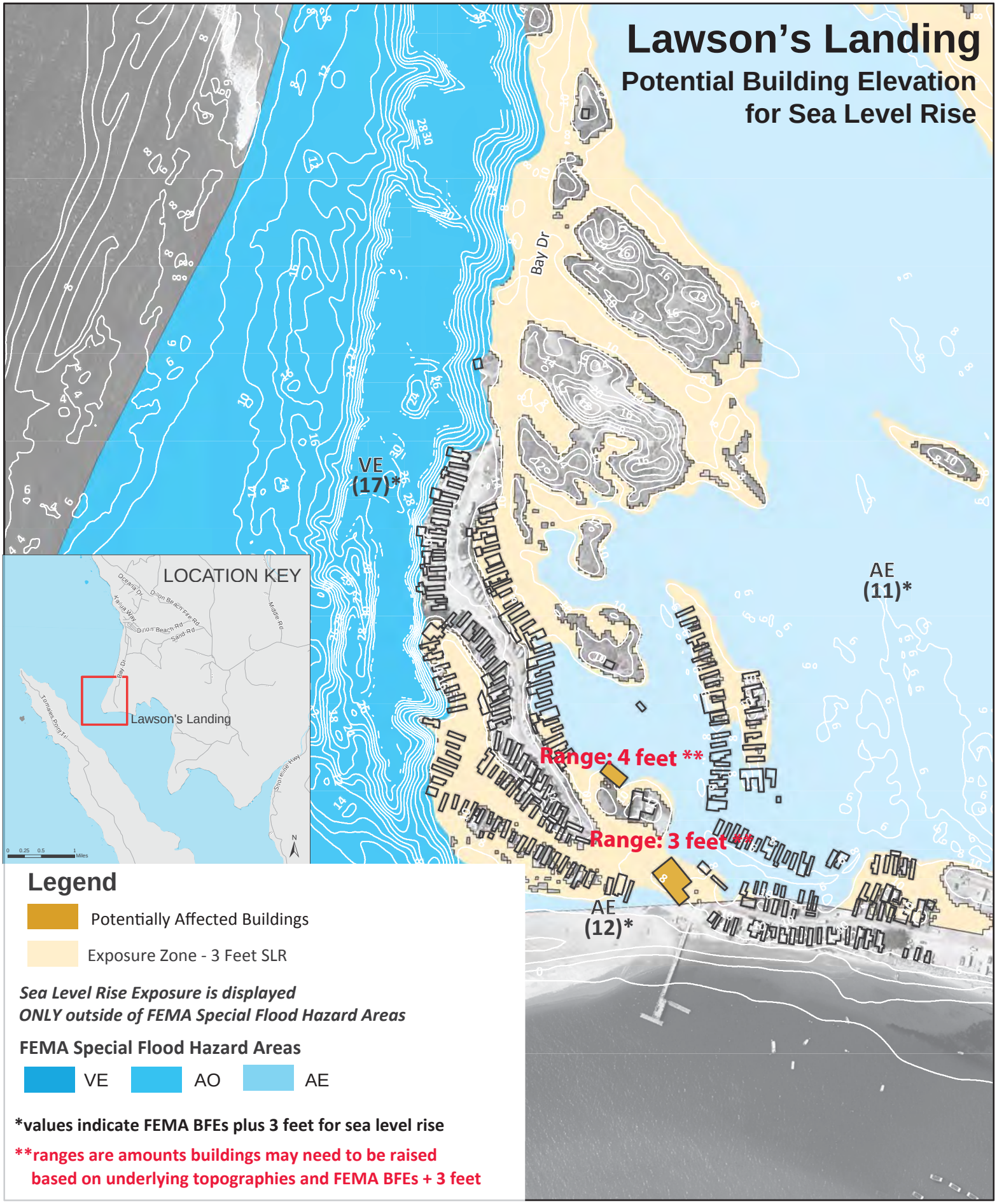
0 0 05 0 1 Miles

N

Source: Federal Emergency Management Agency
(FEMA) Preliminary Flood Insurance Rate Map (FIRM) 2015

Lawson's Landing

Potential Building Elevation for Sea Level Rise



Legend

- Potentially Affected Buildings
- Exposure Zone - 3 Feet SLR

Sea Level Rise Exposure is displayed ONLY outside of FEMA Special Flood Hazard Areas

FEMA Special Flood Hazard Areas

- VE
- AO
- AE

***values indicate FEMA BFEs plus 3 feet for sea level rise**

****ranges are amounts buildings may need to be raised based on underlying topographies and FEMA BFEs + 3 feet**

0 0.075 0.15 Miles

N

Source: Federal Emergency Management Agency (FEMA) Preliminary Flood Insurance Rate Map (FIRM) 2015

Visual Impacts Analysis
May 25, 2016

Public views of major landmarks and scenery in West Marin, including Mount Tamalpais and Point Reyes National Seashore, would not be significantly impacted by additional elevation of structures to address sea level rise (SLR). Highway 1 and Sir Francis Drake Boulevard lead residents and visitors past scenic beaches, parks, water bodies and open space areas along the coast. Communities with homes that may be elevated include Stinson Beach, Bolinas, East Shore, and Inverness. Pursuant to County-proposed policy C-EH-9, any structure more than 30 feet high would be required to conduct an individual evaluation of conformance with public views and community character.

Home elevation requirements can be estimated using FEMA base flood elevations (BFEs) based on the 2015 Preliminary Flood Insurance Rate Maps, and SLR projections of flood depth at a 3 foot scenario (USGS CoSMoS model, 2014). For properties located outside of a FEMA Special Flood Hazard Area (SFHAs/A and V Zones) but situated within an area projected to be exposed to the 3 foot SLR scenario, home elevation requirements are based on the site specific SLR flood depths. However, site-specific surveys are required to determine the current height of building floors for FEMA home elevation certificates, and to calculate the amount a structure would need to be elevated to be safe from flooding and sea level rise.

Over the past three years, Marin County Community Development Agency (CDA) staff have spent ample time in West Marin for community workshops, tours, and interviews, and have observed few, if any, instances that additional building elevation would impact public views. To substantiate these qualitative observations, CDA staff analyzed potential visual impacts through tools including GIS mapping, and Google earth/street view, as well as taking photos and videos from Shoreline Highway, Sir Francis Drake and Wharf Road toward the open coast or Tomales Bay. *Through this comprehensive analysis, staff conclude that visual impacts will be minimal as there are only a few places in which additional elevation will block views from public places.* These locations include small clusters of homes in Inverness and East Shore.

This memo outlines visual impact considerations for West Marin communities with homes exposed at a 3-foot SLR scenario lying within SFHAs that may be subject to additional elevation requirements. The information also pertains to properties exposed to 3 feet SLR outside SFHAs. Attached maps and photos support the descriptions below. Additionally, CDA staff will transfer the videos taken along Shoreline Highway in Stinson Beach and East Shore, and along Sir Francis Drake Boulevard in Inverness and to the CA Coastal Commission's ftp site.

Stinson Beach

Stinson Beach has 169 houses exposed to 3 feet of SLR, many of which also fall within SFHA (Map 1). Marin County CDA staff videotaped a drive along Shoreline Highway at Bolinas Lagoon to Stinson Beach and documented our analysis that existing views are already blocked by vegetation and existing development; thus additional elevation would have no impact on these qualities. Please see video footage transferred to the ftp site.

Bolinas

Bolinas has approximately 17 homes that may be exposed to 3 feet of SLR. The BFE for this AE zone is 10 feet, and SLR flood depth varies from 3-5 feet. These homes are located close to one another along Wharf Road and already partially block views toward Bolinas Lagoon and Mount Tamalpais (Map 2). Gaps between the houses, and from the nearby beach, offer visitors unobstructed views of the area. Additional elevation of homes along Wharf Road should have no further visual impacts.

East Shore

The majority of structures along the East Shore of Tomales Bay are located directly adjacent to Shoreline Highway. Several clusters of homes, located from 18115 to 19225 Shoreline Highway (Maps 3-8), are mostly level with the road at an approximate elevation of 10-12 feet. At their current height, these homes and their fences block views of Tomales Bay for an 800-foot stretch of road, though there is still ample room between the clusters of homes to view Tomales Bay. Additional elevation of these homes would not affect views from Shoreline Highway. The BFE in this AE zone ranges from 9-11 feet, and sea level rise flood depth varies from 1 to 4 feet.

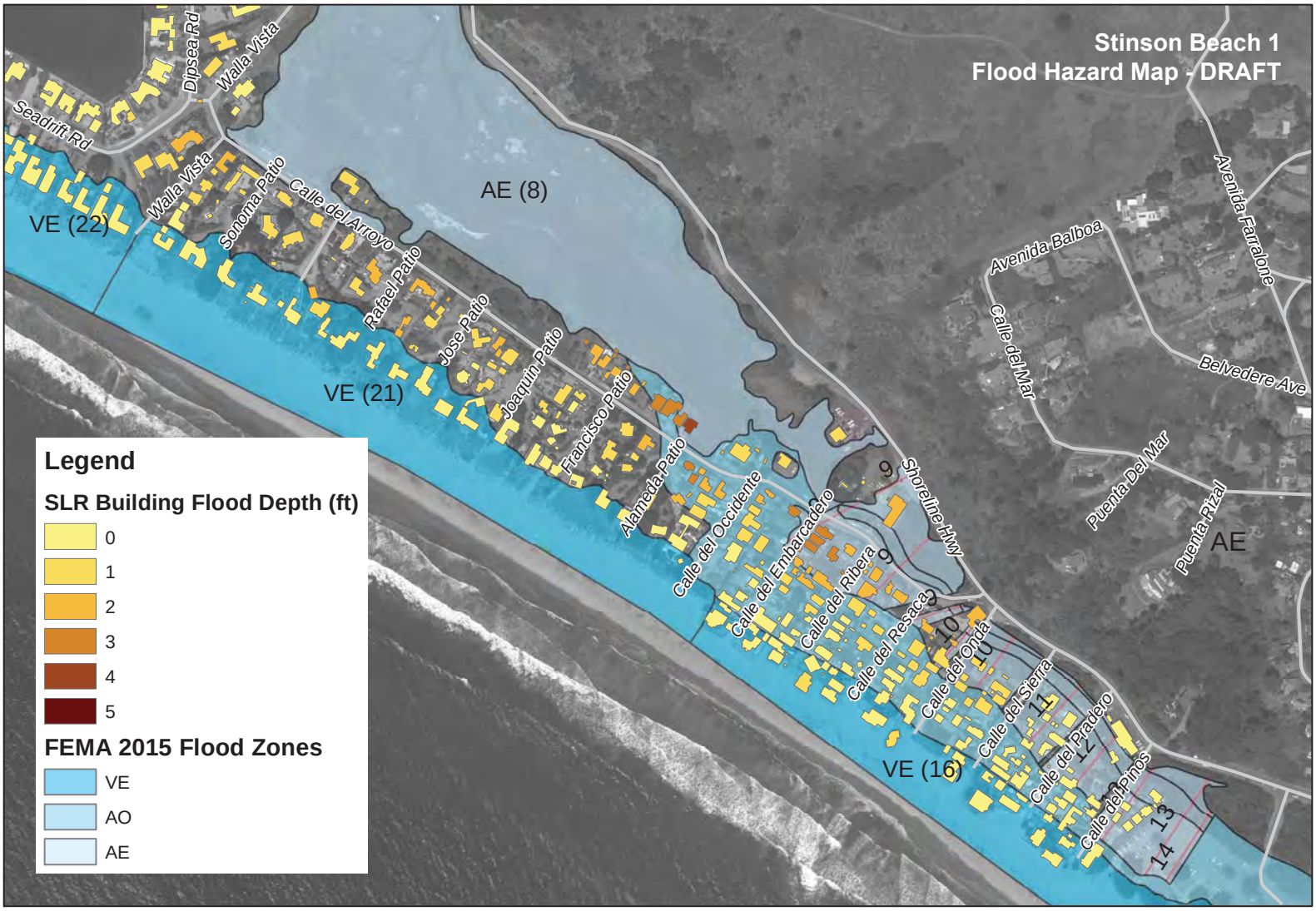
Farther north, near the Inn on Tomales Bay and Nick's Cove, several waterfront homes are sited below the level of Shoreline Highway (22175 – 23240 Shoreline Highway, Map 8). Elevation of these homes may impact views from the road toward Tomales Bay. These homes are within SFHAs with BFEs of 11-12 feet, and the depth of additional flooding due to sea level rise varies from 1-4 feet. However, the homes are spaced apart from one another, and cypress and eucalyptus trees already obscure most of the views that elevated homes would occupy.

Inverness

Sixty-three buildings in Inverness fall within SFHA and may be exposed to 3 feet of SLR (Maps 9-13). BFEs vary from 9-10 feet, and SLR depths vary from 2-5 feet. These structures are generally widely spaced, and their elevation would not obscure views toward Tomales Bay from Shoreline Highway, or from the Bay to the forested hills beyond. There is a small number of lower lying houses for a limited stretch of the highway, which may obscure views if raised. These can be observed on the video footage that CDA staff have transferred to the Coastal Commission's ftp site.

Attachments:

- Flood Hazard Maps 1-13 (Stinson Beach, Bolinas, East Shore and Inverness)
- Video Footage of views from Shoreline Highway/Sir Francis Drake Blvd (transferred digitally to Coastal Commission's ftp site).

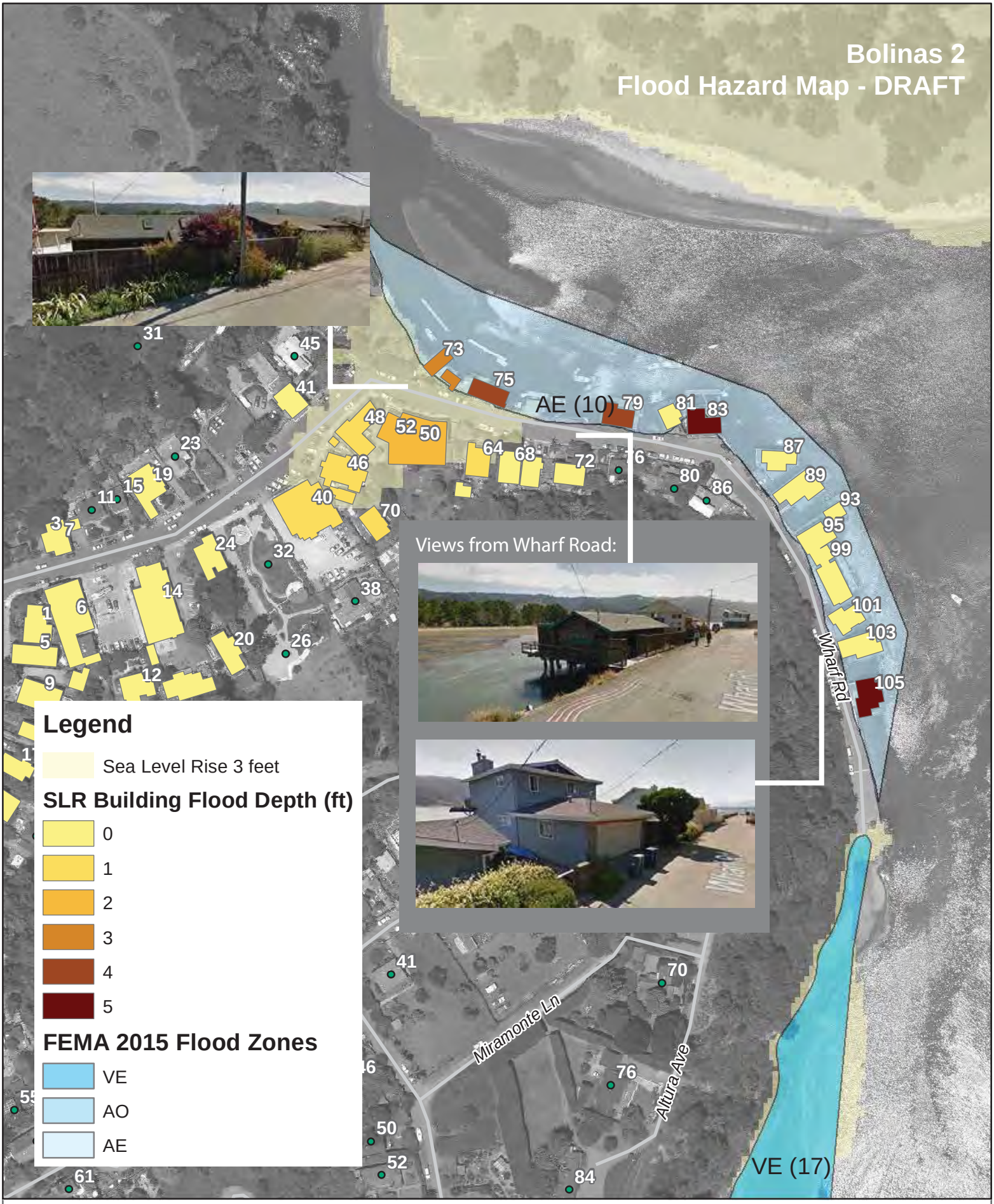


0 300 600 1,200 Feet

N

Source: Federal Emergency Management Agency (FEMA) Preliminary Flood Insurance Rate Map (FIRM) 2015

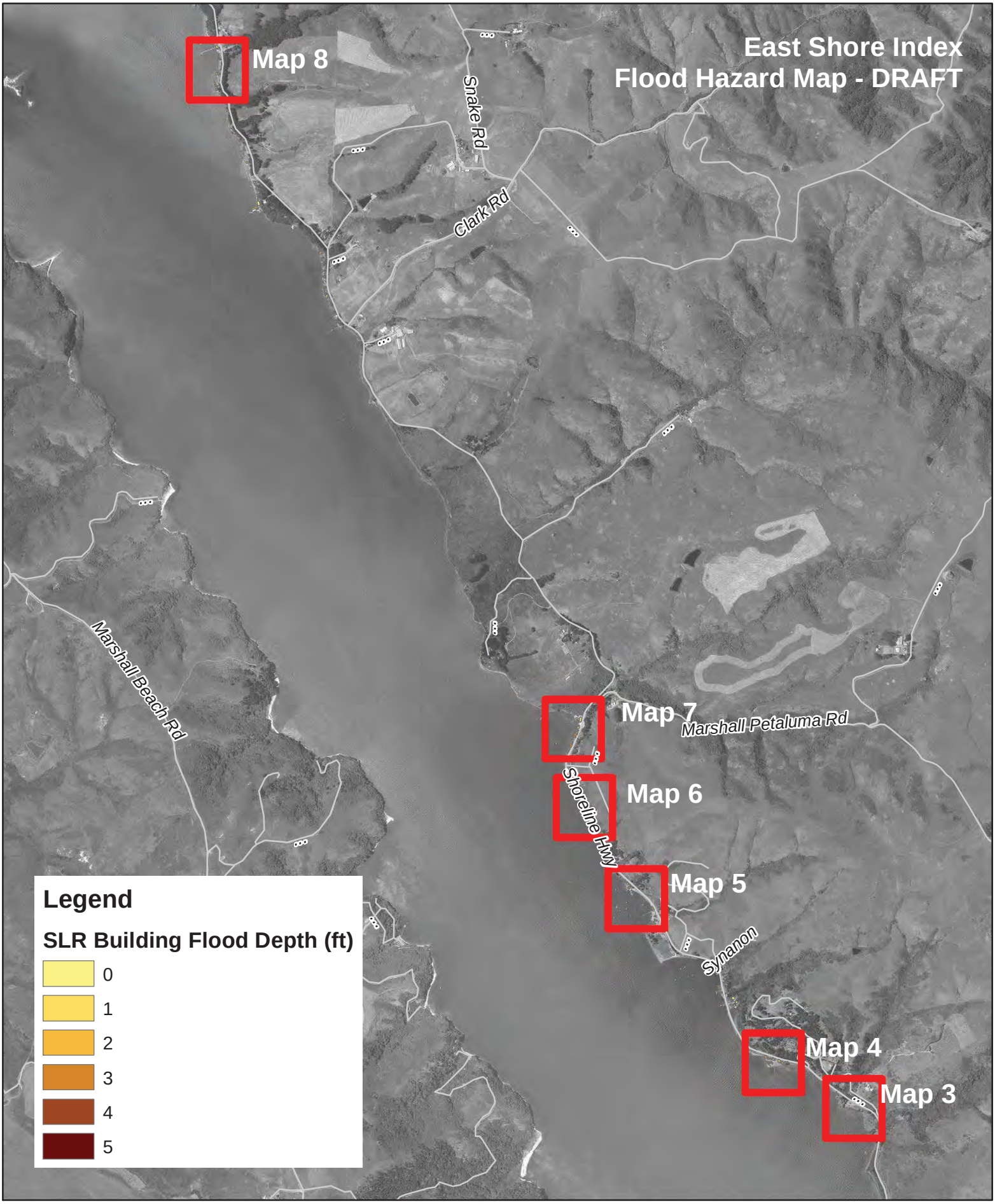
Marin County Community Development Agency, April 2016



0 100 200 400 Feet

N

Source: FEMA Preliminary Flood Insurance Rate Map 2015
Our Coast, Our Future/ USGS CoSMos 2014
Marin County Community Development Agency, May 2016

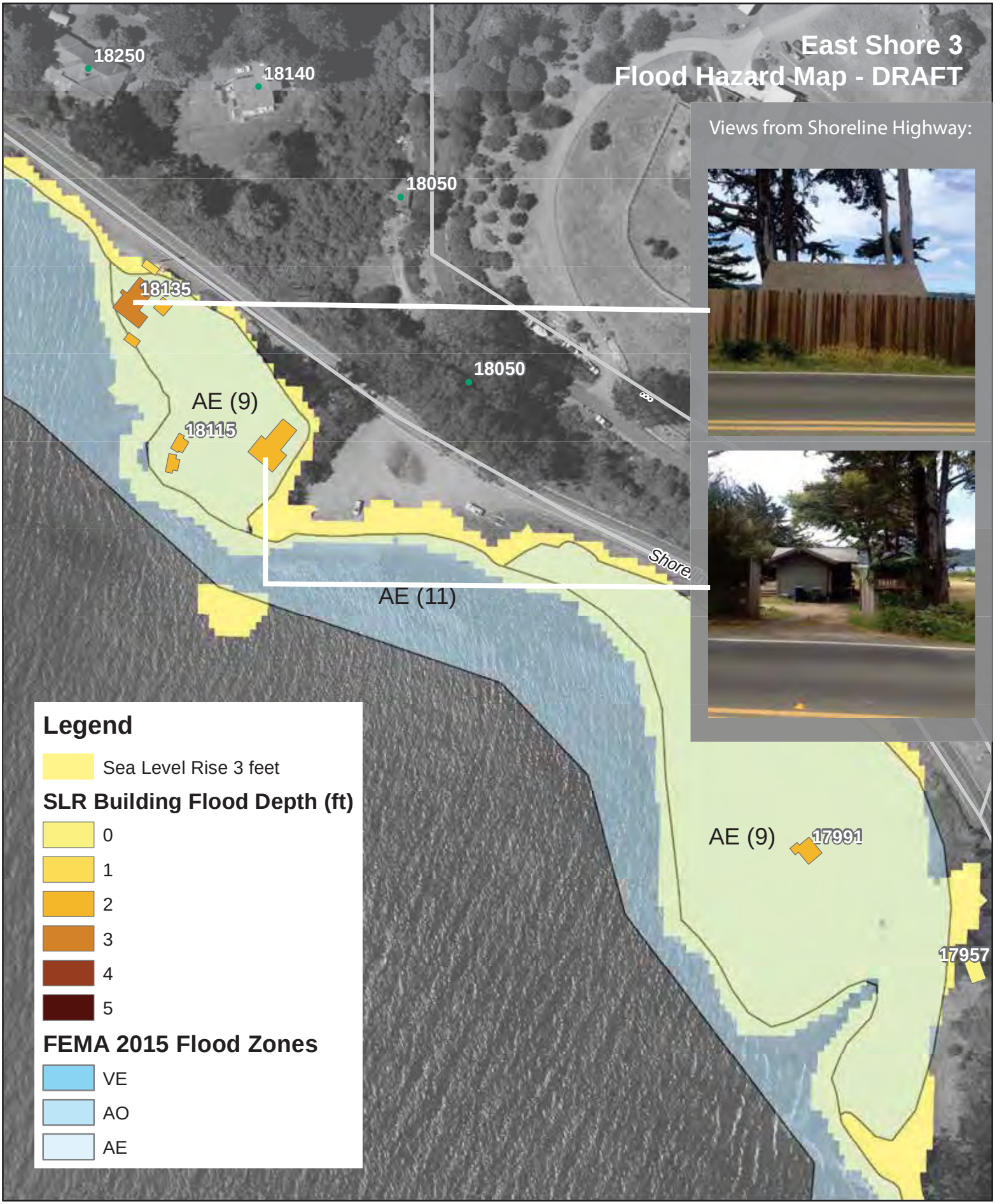


0 0.25 0.5 1 Miles

N

Source: Federal Emergency Management Agency (FEMA) Preliminary Flood Insurance Rate Map (FIRM) 2015

Marin County Community Development Agency, April 2016



0 100 200 400 Feet

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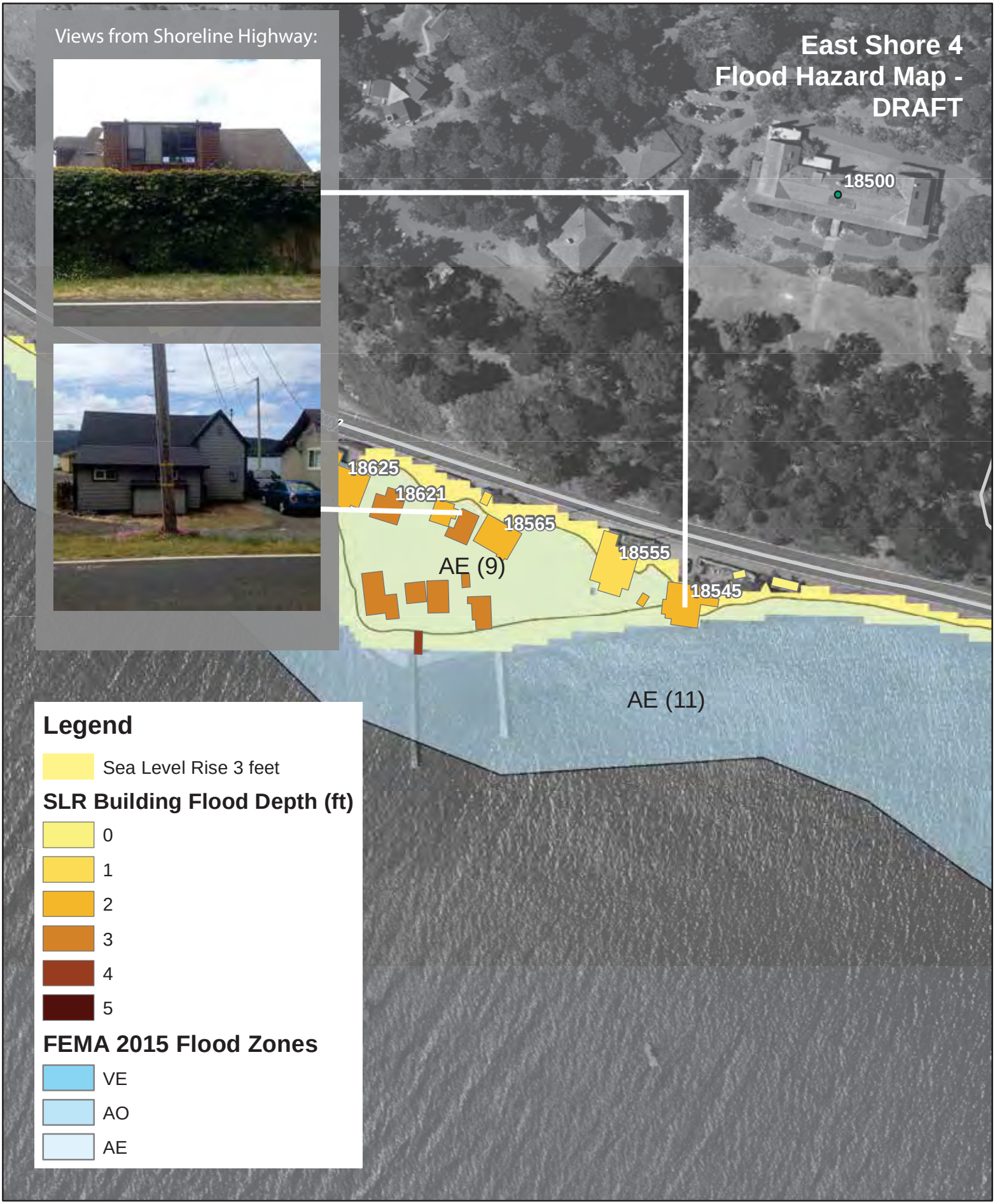
Source: Federal Emergency Management Agency (FEMA) Preliminary Flood Insurance Rate Map (FIRM) 2015

Marin County Community Development Agency, April 2016



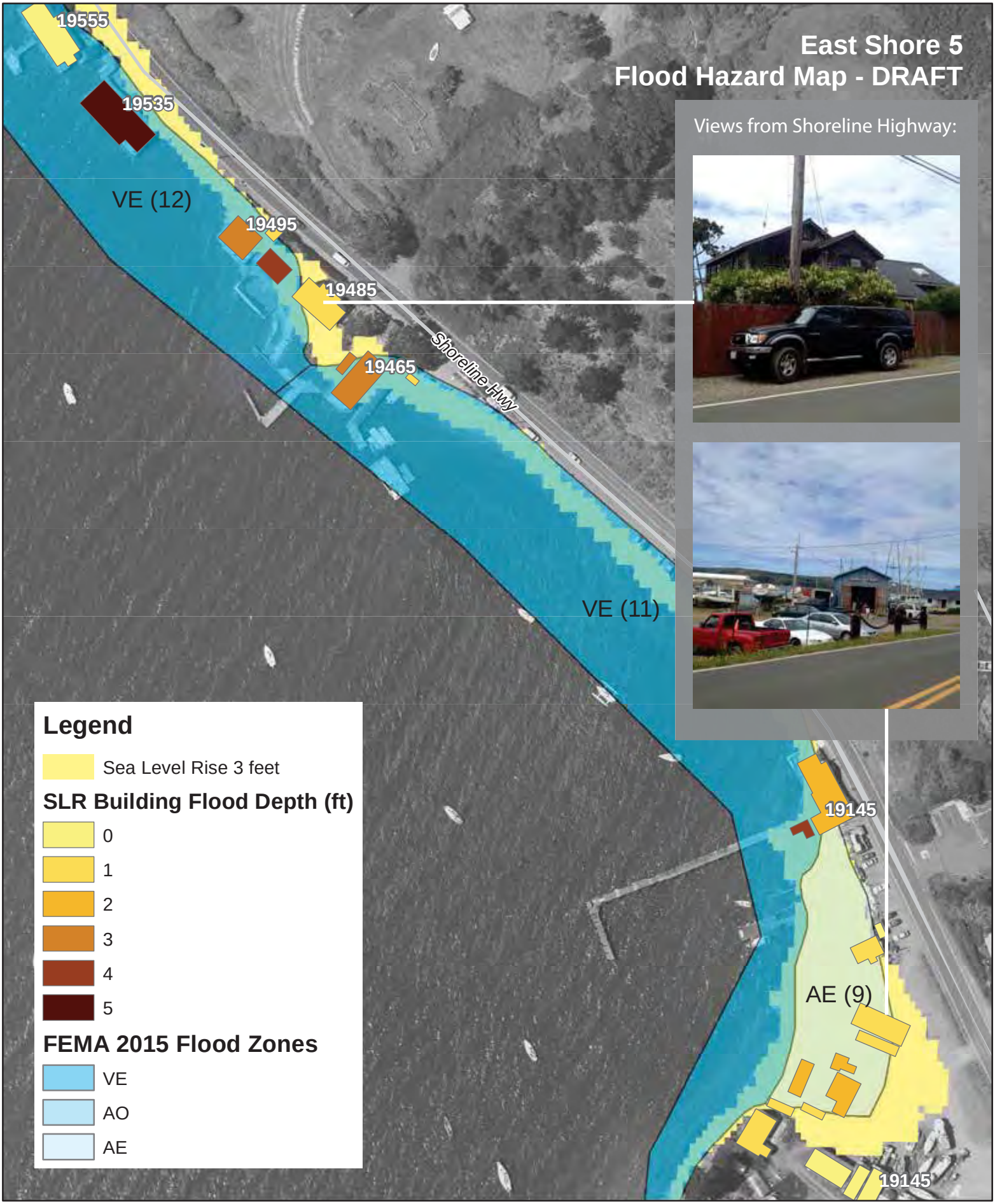
0 100 200 400 Feet

N

Source: Federal Emergency Management Agency (FEMA) Preliminary Flood Insurance Rate Map (FIRM) 2015

Exhibit 10 (County Supplemental Visual Impact Analysis)

Marin County Community Development Agency, April 2016



0 100 200 400 Feet

N

Source: Federal Emergency Management Agency (FEMA) Preliminary Flood Insurance Rate Map (FIRM) 2015

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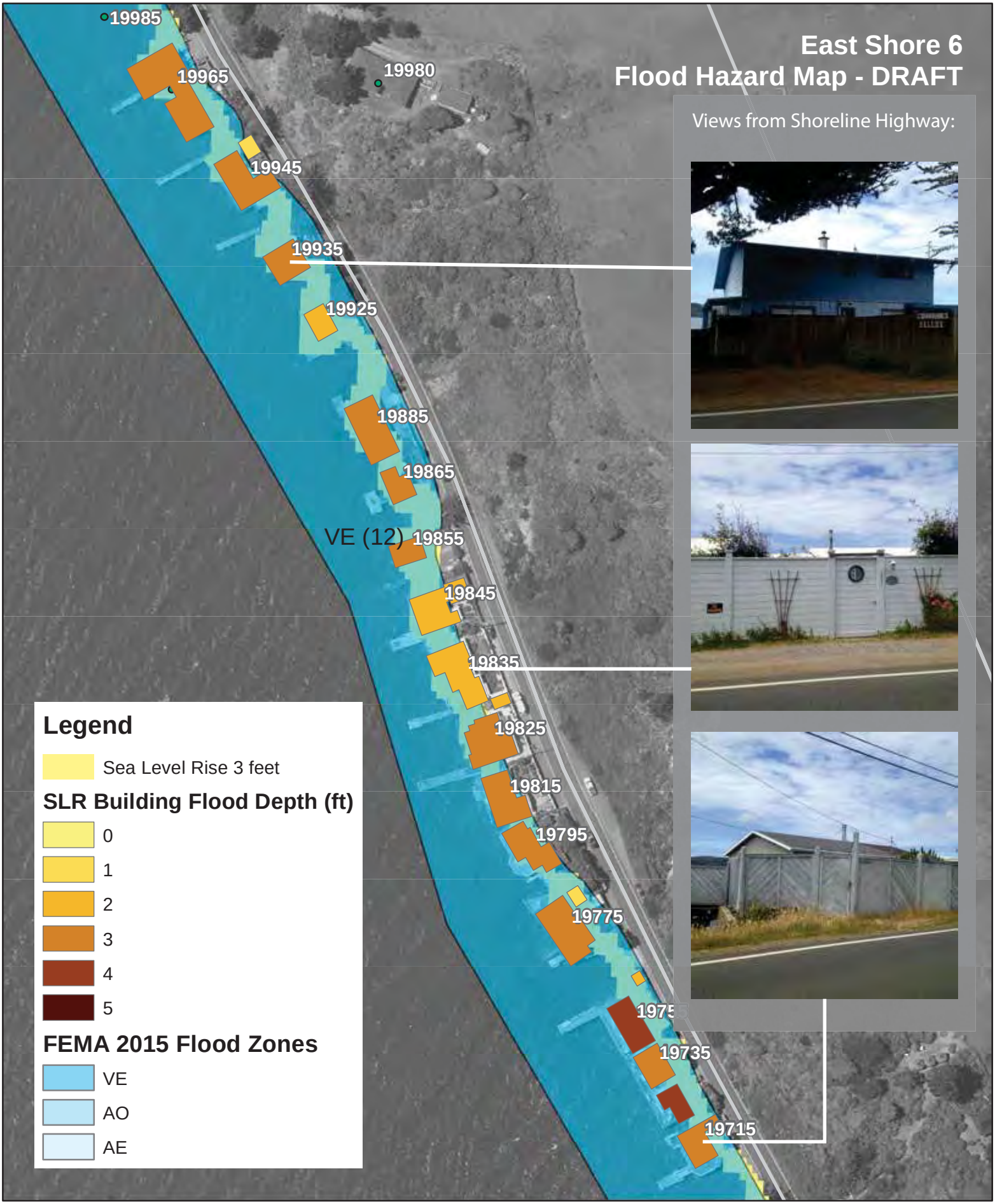
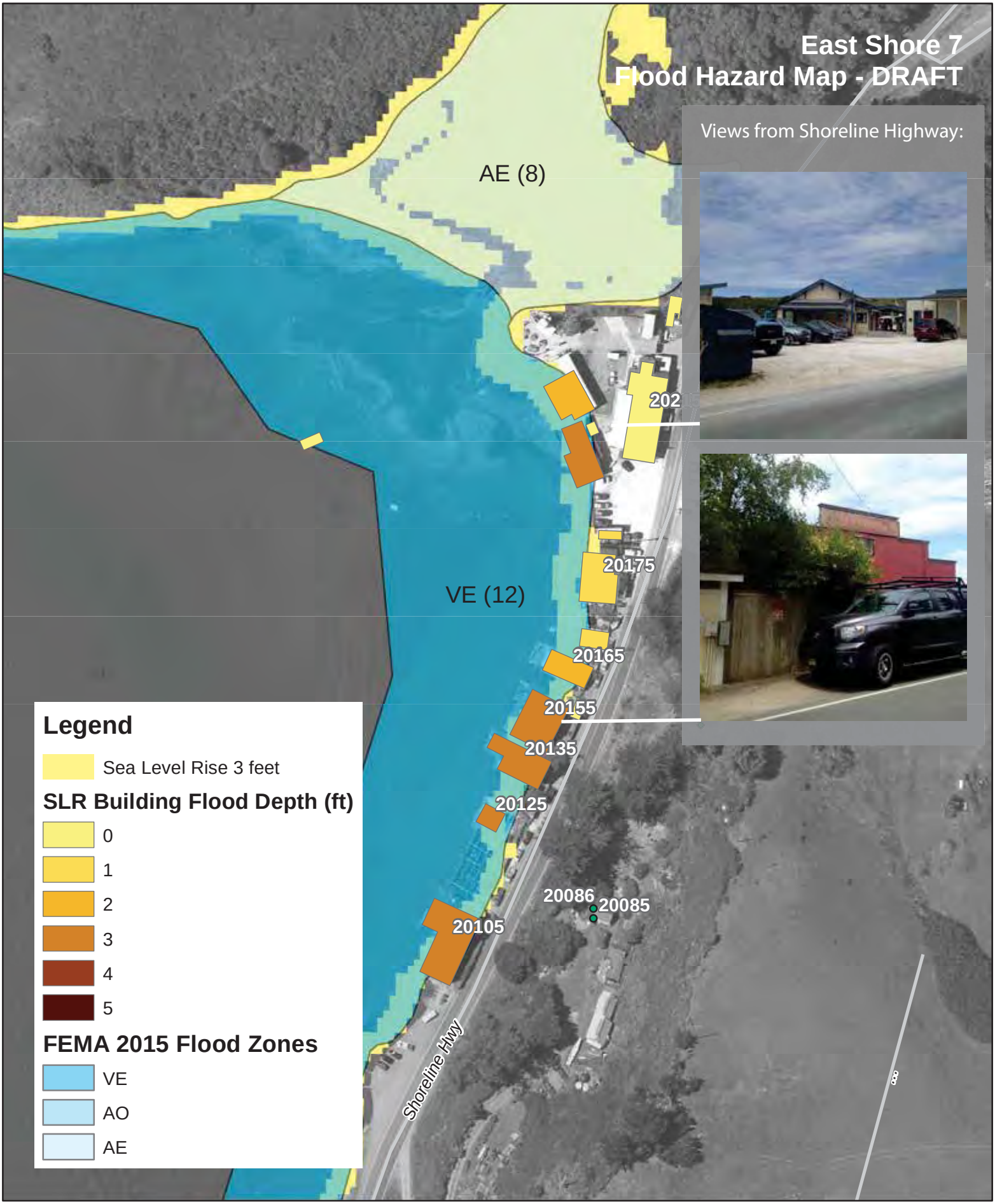


0 100 200 400 Feet

N

Source: Federal Emergency Management Agency (FEMA) Preliminary Flood Insurance Rate Map (FIRM) 2015

Marin County Community Development Agency, April 2016

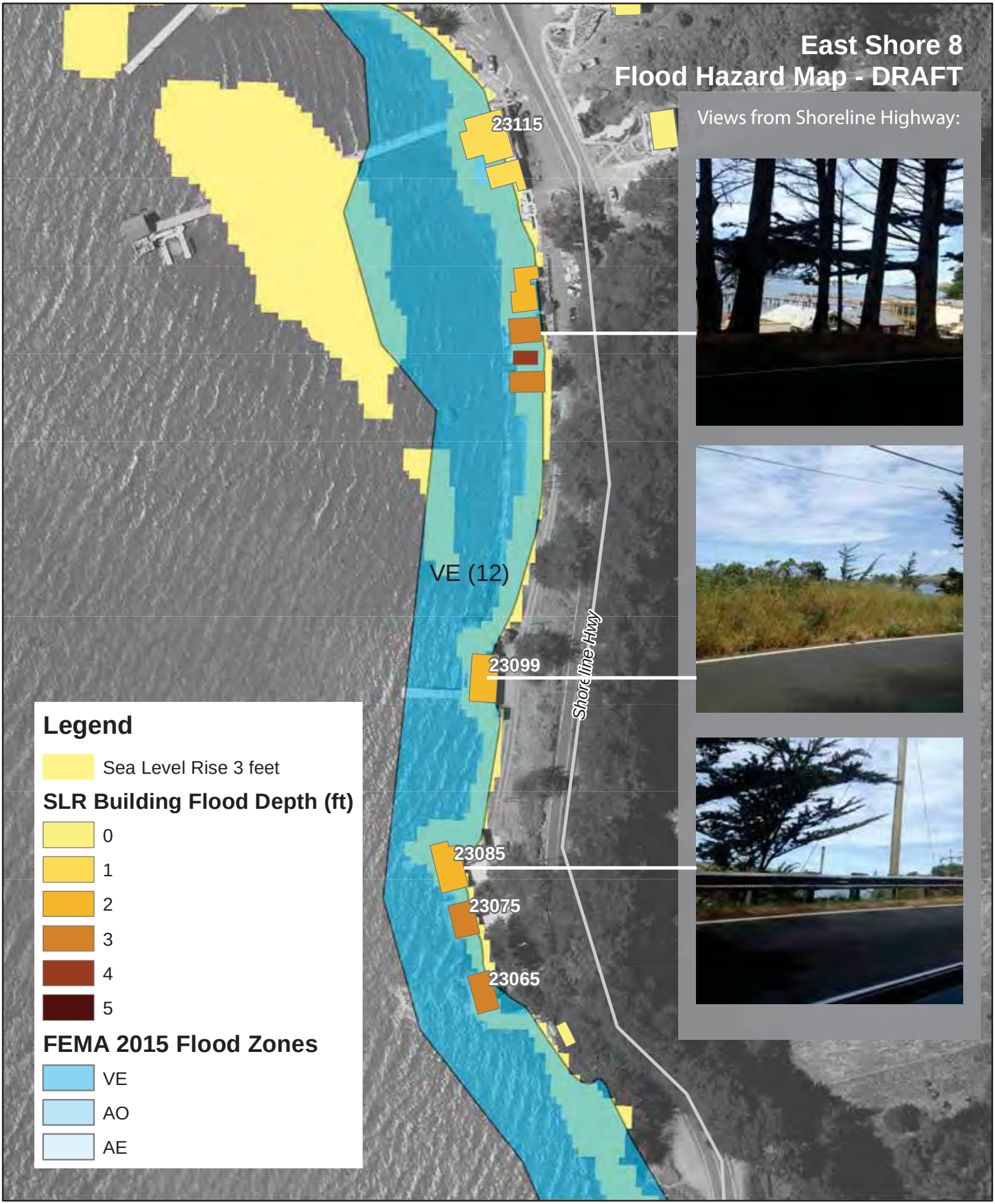


0 100 200 400 Feet

N

Source: Federal Emergency Management Agency (FEMA) Preliminary Flood Insurance Rate Map (FIRM) 2015

Marin County Community Development Agency, April 2016



0 100 200 400 Feet

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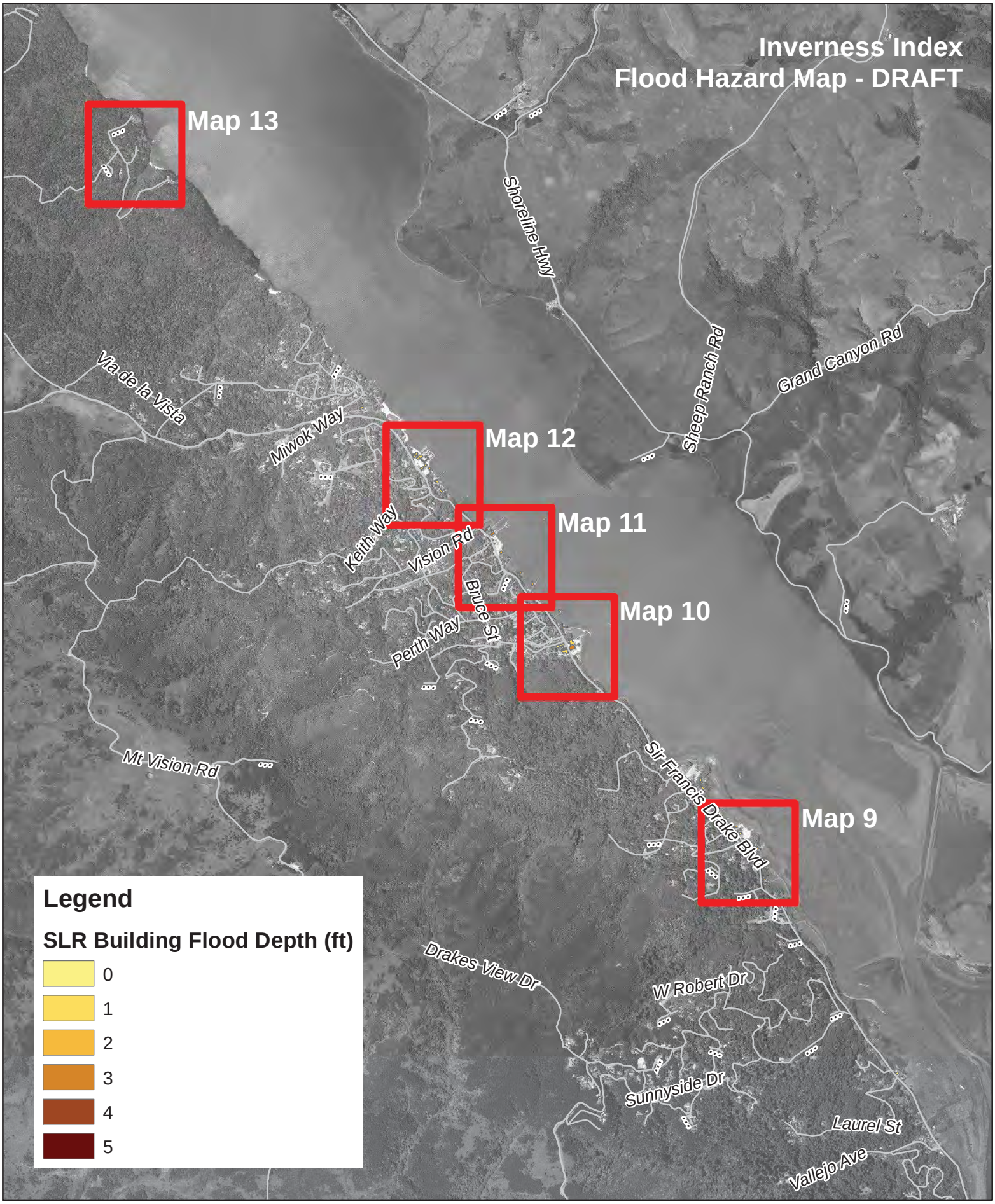
Source: Federal Emergency Management Agency (FEMA) Preliminary Flood Insurance Rate Map (FIRM) 2015

Marin County Community Development Agency, April 2016

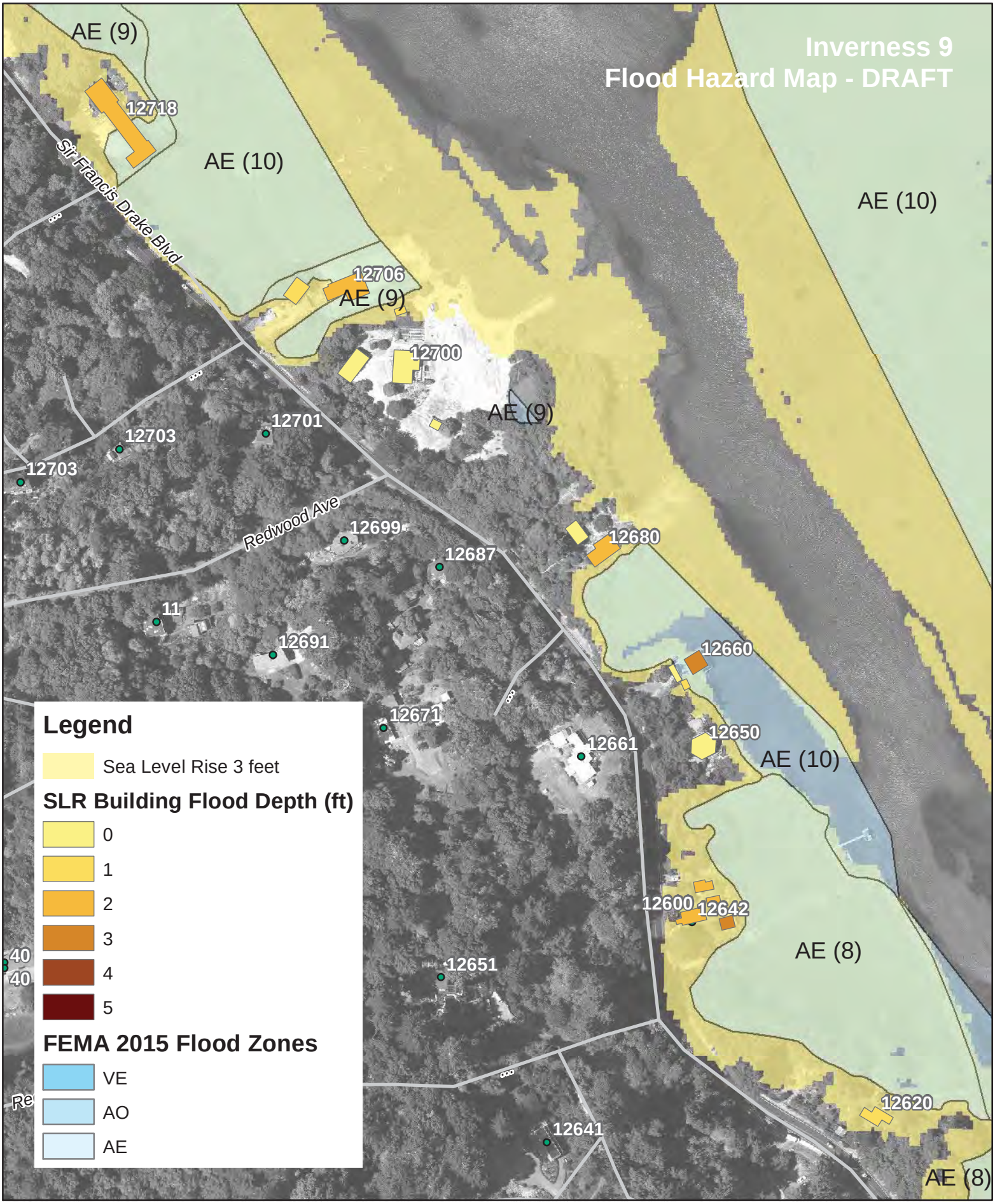


0 0.25 0.5 1 Miles

N

Source: Federal Emergency Management Agency (FEMA) Preliminary Flood Insurance Rate Map (FIRM) 2015

Marin County Community Development Agency, April 2016



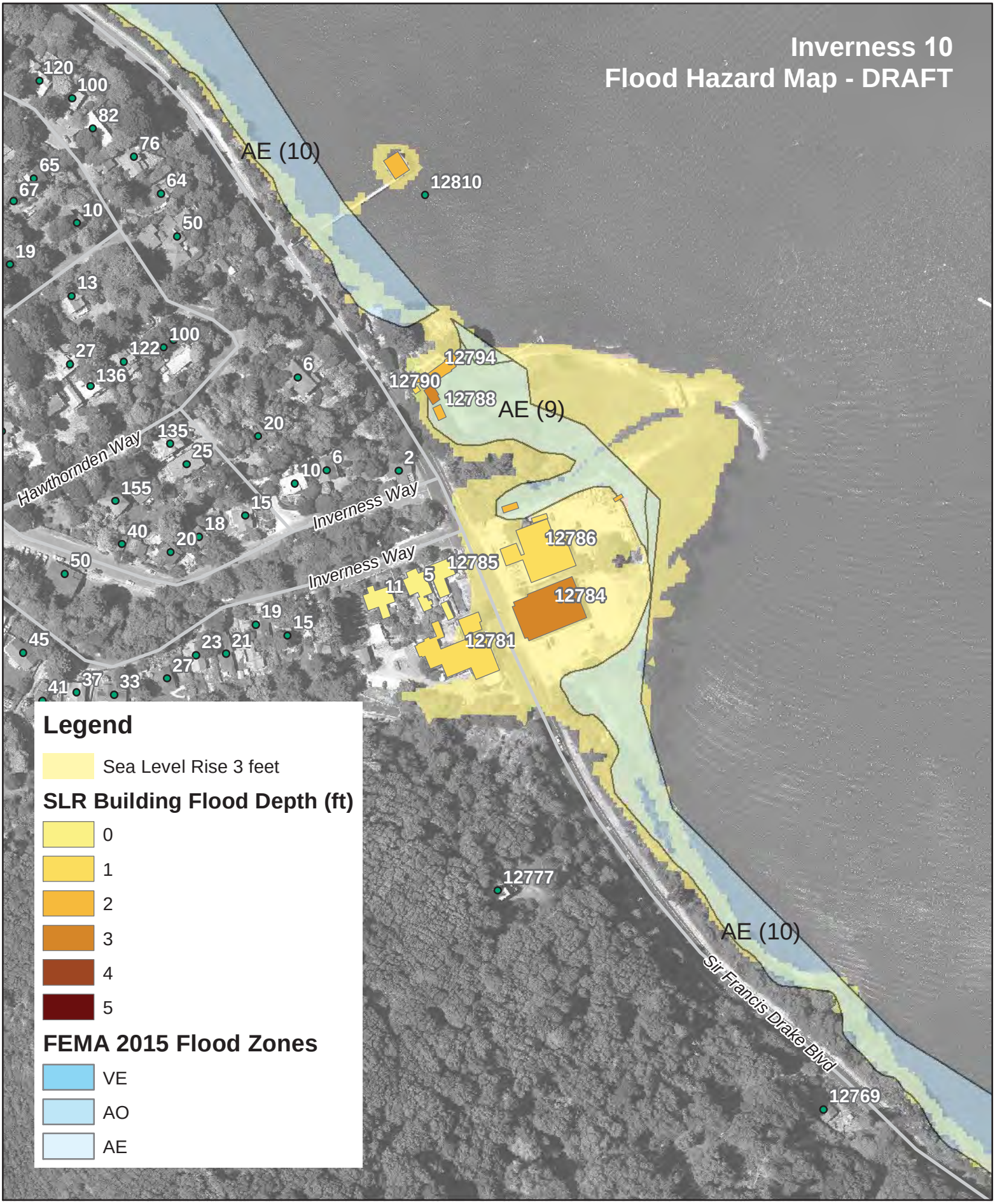
0 100 200 400 Feet

N

Source: Federal Emergency Management Agency (FEMA) Preliminary Flood Insurance Rate Map (FIRM) 2015

Exhibit 10 (County Supplemental Visual Impact Analysis)

Marin County Community Development Agency, April 2016



0 100 200 400 Feet

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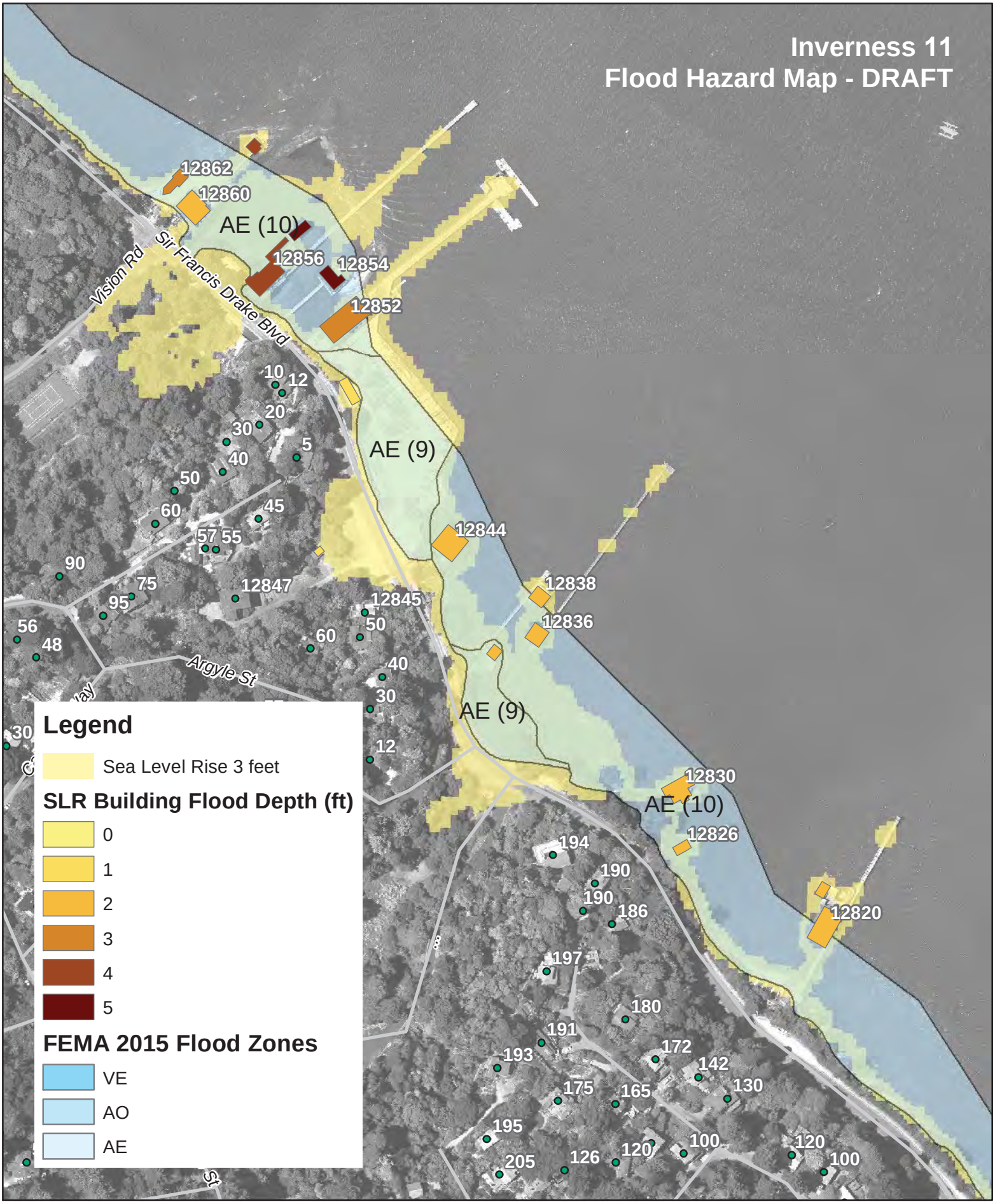
Source: Federal Emergency Management Agency (FEMA) Preliminary Flood Insurance Rate Map (FIRM) 2015

Exhibit 10 (County Supplemental Visual Impact Analysis)

Marin County Community Development Agency, April 2016



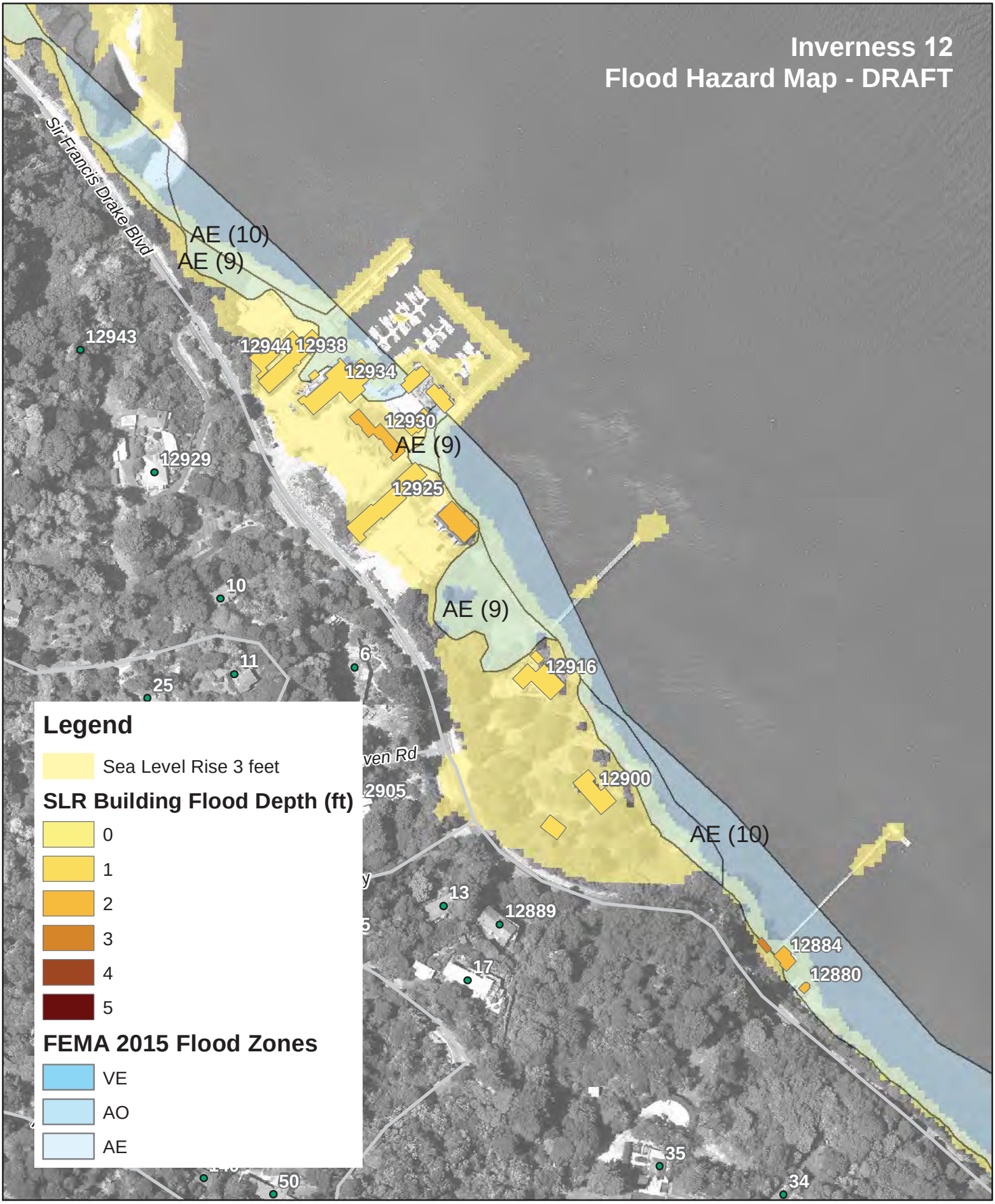
0 100 200 400 Feet

N

Source: Federal Emergency Management Agency (FEMA) Preliminary Flood Insurance Rate Map (FIRM) 2015

Exhibit 10 (County Supplemental Visual Impact Analysis)

Marin County Community Development Agency, April 2016



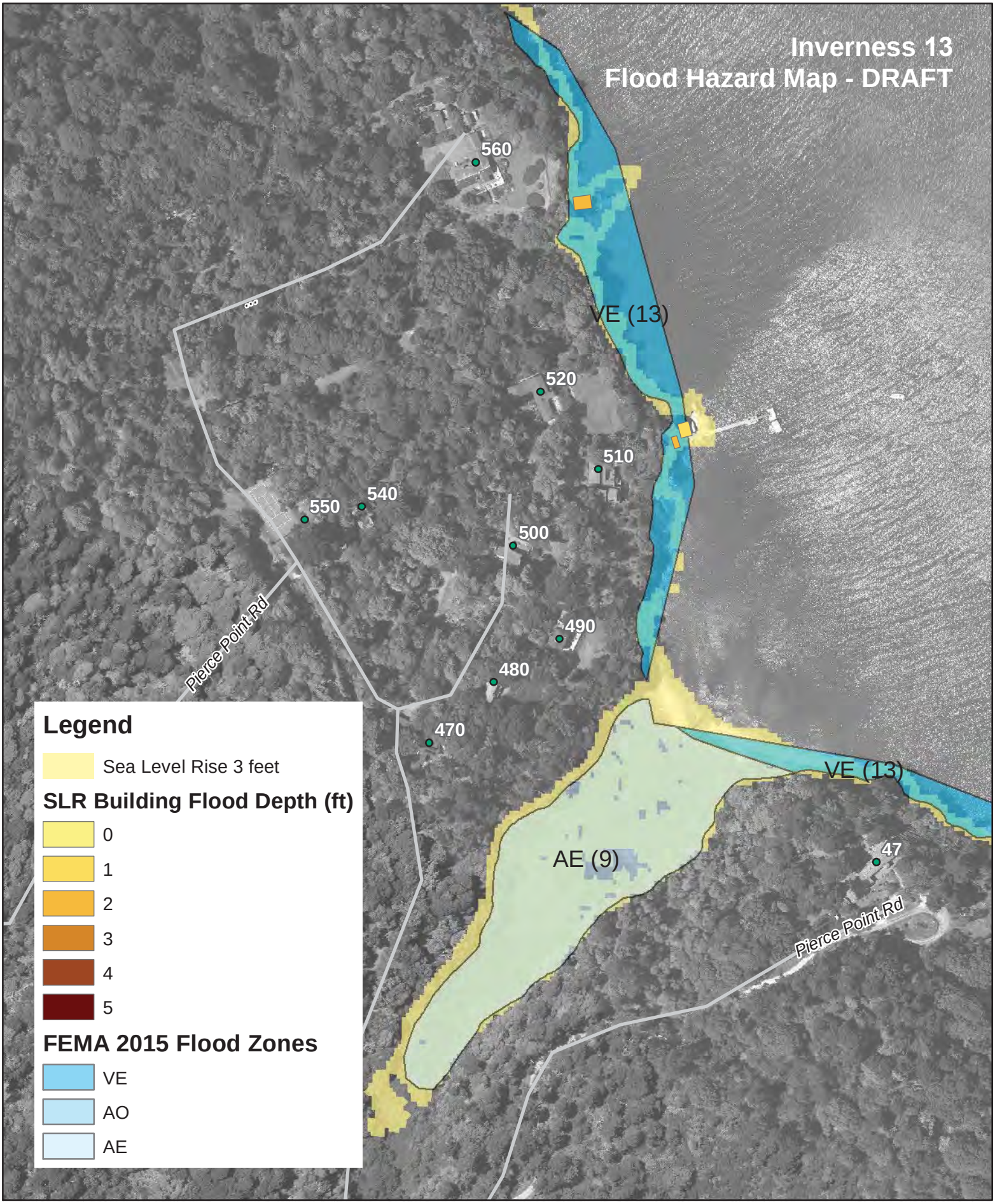
0 100 200 400 Feet

N

Source: Federal Emergency Management Agency (FEMA) Preliminary Flood Insurance Rate Map (FIRM) 2015

Exhibit 10 (County Supplemental Visual Impact Analysis)

Marin County Community Development Agency, April 2016



0 100 200 400 Feet

N

Source: Federal Emergency Management Agency
(FEMA) Preliminary Flood Insurance Rate Map (FIRM) 2015

Exhibit 10 (County Supplemental Visual Impact Analysis)
Marin County Community Development Agency, April 2016

Scenario	Total number of C-APZ parcels (excluding public and split)	Number of MALT parcels	Number of Williamson Act contract parcels (not ranches)	Existing dwelling units	Potential additional farmhouse units	Potential additional intergenerational units	Total potential buildout (existing + proposed)
CCC Count: C-APZ parcels, excluding MALT parcels	232[t]	40	n/a	132[t]	48*	93^ (27 because of LUP cap)	207
County Scenario 1: C-APZ parcels, excluding MALT and Williamson Act parcels	193	40	123	122	83	27	232
County Scenario 2: C-APZ parcels, excluding MALT parcels	193	40	n/a	122	83	84 (27 because of LUP cap)	289

[t]Difference results from split zones: The discrepancy between CCC's C-APZ parcel count and the County's count from 2013 (and the number of existing dwelling units) results from the County's exclusion of all parcels that touch the Coastal Zone boundary. CCC's count included parcels where the majority of the parcel appeared to be located within the Coastal Zone.

*Difference results from consideration of common ownership: The County's analysis of potential additional farmhouse units did not take common ownership into account. The proposed IP policy states that owners must identify all parcels under common ownership when applying for a farmhouse. Therefore, the CCC count of 48 is a more accurate reflection of build-out under the proposed policy. CCC's analysis shows a potential total of 94 additional intergenerational units, which highlights the importance of the approved LUP's cap of 27 additional intergenerational units.

^Difference results from consideration of Williamson Act: Although the County's analysis had relied on the reduction in development potential provided by Williamson Act contracts, CCC's analysis did not reflect that reduction because Williamson Act contracts can expire. However, both analyses reflected the elimination of development potential provided by MALT easements.

Property ID	Acres	Combined acreage	TYPE*	Existing Units	Square footage		Will. Act	MALT	Build out		
					House	Acc.			FH	IG1 (PPU)	IG2 (Cond)
100-100-17	204.44	204.44	SINGLE	2	2292	784	N	N	0	0	1
104-030-03	4.72	4.72	SUBSTANDARD	1	552		N	N	0	0	0
106-210-67	0.89	0.89	SUBSTANDARD	0			N	N	1	0	0
104-040-31	71.74	71.74	SINGLE	0			N	N	1	0	0
100-060-02	26.12	26.12	SINGLE	0			?	?	1	0	0
119-060-32	25.11	25.11	SUBSTANDARD	0			N	N	1	0	0
100-020-03	119.29	245.50	RANCH	0			Y	N	0	1	1
100-020-26	126.21	245.50	RANCH	1			Y	N			
106-210-07	0.36	0.36	SUBSTANDARD	1	1518	288	N	N	0	0	0
100-020-05	14.71	217.07	RANCH	0			Y	N	0	0	0
100-020-27	202.36	217.07	RANCH	3			Y	N			
100-020-01	20.11	20.11	SUBSTANDARD	0			Y	N	1	0	0
106-220-05	400.00	1001.00	RANCH	0			?	?	1	1	1
106-220-04	601.00	1001.00	RANCH	0			?	?			
100-030-02	1.29	1.29	SUBSTANDARD	1	1507		N	N	0	0	0
100-050-43	266.64	266.64	SINGLE	0			?	?	1	1	1
104-040-24	52.63	52.63	SUBSTANDARD	1			N	N	0	0	0
100-030-16	149.47	149.47	SINGLE	0			Y	N	1	1	0
104-040-06	3.56	8.80	SUBSTANDARD	0			N	N	0	0	0
104-010-12	0.03	8.80	SUBSTANDARD	0			N	N			
104-010-10	0.03	8.80	SUBSTANDARD	0			N	N			
104-010-09	0.03	8.80	SUBSTANDARD	0			N	N			
104-010-11	0.03	8.80	SUBSTANDARD	0			N	N			
104-010-14	0.07	8.80	SUBSTANDARD	0			N	N			
104-010-13	0.03	8.80	SUBSTANDARD	0			N	N			
104-010-17	4.62	8.80	SUBSTANDARD	1	1228	494	N	N			
104-010-18	0.38	8.80	SUBSTANDARD	0			N	N			
104-040-10	169.58	306.87	RANCH	0			Y	N	0	1	1

100-090-09	137.29	306.87	RANCH	1	2035		Y	N	0	1	1	
100-040-05	261.10	1096.57	RANCH	0			Y	N	0	1	1	
100-010-04	291.28	1096.57	RANCH	1			Y	N				
100-010-03	544.19	1096.57	RANCH	0			Y	N				
100-050-31	124.22	124.22	SINGLE	1			Y	N	0	1	0	
100-050-08	73.34	364.75	RANCH	0			Y	N	0	1	1	
100-050-07	291.41	364.75	RANCH	1	1253		Y	N				
100-090-05	286.06	286.06	SINGLE	2			Y	Y	0	0	0	
104-040-09	18.09	18.09	SUBSTANDARD	1	3752	820	N	N	0	0	0	
100-030-07	159.72	159.72	SINGLE	1			N	N	0	1	0	
100-050-34	4.01	4.01	SUBSTANDARD	1	2204		N	N	0	0	0	
104-040-29	284.26	284.26	SINGLE	1			N	N	0	1	1	
119-060-02	0.34	0.34	SUBSTANDARD	1	768	264	N	N	0	0	0	
104-050-17	314.64	314.64	SINGLE	2			Y	N	0	0	1	
119-020-17	0.87	1.40	SUBSTANDARD	0			Y	N	0	0	0	
119-020-11	0.53	1.40	SUBSTANDARD	1	3380		N	N				
119-020-27	287.31	788.00	RANCH	0			Y	N	1	1	1	
119-020-25	426.55	788.00	RANCH	0			Y	N				
119-020-29	74.98	788.00	RANCH	0			Y	N				
104-130-27	601.93	2229.00	RANCH	1			Y	N	0	0	1	
104-130-18	289.32	2229.00	RANCH	0			Y	N				
104-130-17	421.92	2229.00	RANCH	0			Y	N				
104-120-01	314.61	2229.00	RANCH	0			?	?				
104-120-10	277.78	2229.00	RANCH	0			?	?				
104-110-09	324.00	2229.00	RANCH	1	1257		?	?				
106-220-22	194.71	194.71	SINGLE	0			N	N	1	1	1	
100-030-24	162.82	165.02	RANCH	0			Y	N	0	1	0	
100-030-22	2.19	165.02	RANCH	1			N	N				
100-030-23	177.32	177.32	SINGLE	1			Y	N	0	1	0	
100-050-41	5.31	5.31	SUBSTANDARD	1			Y	N	0	0	0	
100-090-18	12.36	64.84	RANCH	0			Y	N	1	0	0	
100-090-17	52.48	64.84	RANCH	0			Y	N				
121-010-01	588.65	588.65	SINGLE	0			?	?	1	1	1	
119-010-32	127.06	602.28	RANCH	0			Y	N	1	1	1	
119-010-07	475.22	602.28	RANCH	0			Y	N				
119-050-17	337.69	337.69	SINGLE	3			N	N	0	0	0	

100-040-21	258.96	1251.13	RANCH	1	468		N	N	0	0	0	
100-040-04	0.53	1251.13	RANCH	1	468		N	N				
100-040-22	508.39	1251.13	RANCH	1	2205		N	N				
100-040-23	483.25	1251.13	RANCH	0			N	N				
166-010-32	60.49	60.49	SINGLE	0			Y	N	1	0	0	
100-090-07	344.84	344.84	SINGLE	0			Y	Y	0	0	0	
106-210-10	212.46	822.46	RANCH	3			N	Y	0	0	0	
106-110-06	610.00	822.46	RANCH	0			?	?				
100-050-26	16.25	16.25	SUBSTANDARD	1	2169		N	N	0	0	0	
104-130-21	1.10	1.10	SUBSTANDARD	1	3653		N	N	0	0	0	
106-220-35	178.49	178.49	SINGLE	0			N	N	1	1	0	
106-210-77	817.48	817.48	SINGLE	1	3995	532	?	?	0	1	1	
104-040-22	50.32	50.32	SUBSTANDARD	0			N	N	1	0	0	
100-090-06	301.83	301.83	SINGLE	2			Y	Y	0	0	0	
100-060-26	79.10	79.10	SINGLE	1	2228		?	?	0	0	0	
104-040-19	54.04	54.04	SUBSTANDARD	0			N	N	1	0	0	
119-010-35	456.97	852.84	RANCH	2			N	N	0	0	1	
119-010-34	217.00	852.84	RANCH	0			N	N				
119-060-35	178.87	852.84	RANCH	0			N	N				
188-090-06	68.00	68.00	SINGLE	2	1520	240	N	N	0	0	0	
100-040-30	159.95	159.95	SINGLE	1			Y	N	0	1	0	
106-210-12	163.79	163.79	SINGLE	0			?	?	1	1	0	
100-050-29	157.03	157.03	SINGLE	1	1322		Y	Y	0	0	0	
100-020-17	184.95	319.41	RANCH	1			Y	Y	0	0	0	
100-020-18	134.46	319.41	RANCH	0			Y	Y				
100-090-03	60.44	60.44	NONCONTIGUOUS	0			Y	N	1	0	0	
100-020-21	78.35	318.56	RANCH	0			Y	Y	0	0	0	
100-020-20	174.20	318.56	RANCH	1			Y	Y				
100-020-22	66.01	318.56	RANCH	0			Y	Y				
100-040-12	50.97	50.97	NONCONTIGUOUS	1			Y	N	0	0	0	
100-090-04	179.46	179.46	SINGLE	0			?	?	1	1	0	
121-030-17	165.00	165.00	SINGLE	0			?	?	1	1	0	
100-100-48	209.00	209.00	SINGLE	0			?	?	1	1	1	
104-010-21	0.19	0.19	SUBSTANDARD	1	1160		N	N	0	0	0	
100-060-33	210.14	210.14	SINGLE	1	1440		?	?	0	1	1	
100-100-21	1.87	1.87	SUBSTANDARD	1	1456		N	N	0	0	0	

100-100-59	344.15	344.15	SINGLE	0			Y	N	1	1	1	
100-100-07	4.05	218.00	RANCH	0			Y	N				
100-100-22	162.96	218.00	RANCH	1			Y	N				
100-100-08	13.58	218.00	RANCH	0			Y	N	0	1	1	
100-220-06	5.42	218.00	RANCH	0			Y	N				
100-230-03	32.77	218.00	RANCH	0			Y	N				
106-210-68	25.47	262.66	RANCH	1			Y	N	0	0	1	
106-210-38	237.19	262.66	RANCH	1			Y	N				
100-050-40	167.02	167.02	NONCONTIGUOUS	0			Y	N	1	1	0	
104-050-13	10.00	101.83	NONCONTIGUOUS	0			?	?	1	0	0	
104-050-12	91.83	101.83	NONCONTIGUOUS	0			?	?				
100-100-05	197.16	197.16	SINGLE	1			Y	N	0	1	1	
106-210-72	61.59	61.59	SINGLE	0			Y	N	1	0	0	
106-220-20	150.27	150.27	SINGLE	0			N	N	1	1	0	
100-030-11	152.60	152.60	SINGLE	0			?	?	1	1	0	
102-100-01	13.26	13.26	SUBSTANDARD	0			?	?	1	0	0	
119-050-15	46.22	1053.15	RANCH	0			N	N				
119-050-16	27.07	1053.15	RANCH	0			N	N	0	1	1	
119-050-11	502.69	1053.15	RANCH	0			N	N				
119-030-03	477.17	1053.15	RANCH	1			N	N				
188-120-29	81.80	81.80	SINGLE	1			Y	N	0	0	0	
119-020-08	0.67	0.67	SINGLE	0			N	N	1	0	0	
119-020-07	596.82	597.49	SINGLE	1			Y	N	0	1	1	
100-050-32	259.70	259.70	SINGLE	3			N	N	0	0	0	
100-050-30	176.11	316.93	RANCH	0			Y	N				
100-050-06	120.15	316.93	RANCH	2			Y	N	0	0	1	
100-050-05	20.67	316.93	RANCH	0			Y	N				
100-050-12	3.51	189.20	NONCONTIGUOUS	0			Y	N	0	1	1	
100-050-37	185.69	189.20	NONCONTIGUOUS	1	4895		Y	N				
104-040-28	5.27	5.27	SUBSTANDARD	0			N	N	1	0	0	
100-030-01	2.93	2.93	SUBSTANDARD	1	2835	960	N	N	0	0	0	
100-050-14	0.98	1.41	SUBSTANDARD	1	2390	360	N	N	0	0	0	
100-050-36	0.43	1.41	SUBSTANDARD	0			Y	N				
100-030-14	308.27	327.80	RANCH	1			Y	Y	0	0	0	
100-030-04	19.53	327.80	RANCH	1			Y	Y				
100-040-09	92.89	251.62	RANCH	1			Y	N				

100-050-01	65.38	251.62	RANCH	0			Y	N	0	1	1	
100-050-02	45.07	251.62	RANCH	0			Y	N				
100-040-10	48.28	251.62	RANCH	0			Y	N				
100-020-19	131.09	131.09	SINGLE	1			Y	Y	0	0	0	
188-090-13	99.57	99.57	SINGLE	2	3848		Y	N	0	0	0	
166-161-14	1.12	1.12	SUBSTANDARD	0			N	N	1	0	0	
100-050-19	107.92	107.92	SINGLE	0			N	N	1	0	0	
106-250-06	297.53	297.53	SINGLE	0			?	?	1	1	1	
119-050-14	1242.77	1242.77	SINGLE	1			Y	Y	0	0	0	
100-010-06	1.08	1.08	SUBSTANDARD	1	1635		N	N	0	0	0	
100-050-33	4.03	4.03	SUBSTANDARD	2			N	N	0	0	0	
188-120-36	65.35	65.35	SINGLE	1	1418		?	?	0	0	0	
119-010-09	300.00	810.00	RANCH	0			?	?	1	1	1	
119-010-10	510.00	810.00	RANCH	0			?	?				
100-050-42	197.21	370.37	RANCH	1	1716		Y	Y	0	0	0	
100-090-15	173.16	370.37	RANCH	1			Y	N				
100-030-09	97.45	360.22	RANCH	0			Y	N	0	0	1	
100-060-01	262.77	360.22	RANCH	2			Y	N				
100-020-15	227.69	227.69	SINGLE	0			Y	N	1	1	1	
104-030-06	4.62	4.62	SUBSTANDARD	0			N	N	1	0	0	
104-110-10	372.13	750.00	RANCH	0			?	?	1	1	1	
104-110-02	377.87	750.00	RANCH	0			?	?				
100-060-12	187.59	257.59	RANCH	1	2378	624	?	?	0	1	1	
100-060-14	70.00	257.59	RANCH	0			?	?				
100-050-16	162.01	251.14	RANCH	0			Y	Y	0	0	0	
100-050-38	89.13	251.14	RANCH	1	3320		Y	Y				
100-030-10	132.00	132.00	SINGLE	0			?	?	1	1	0	
100-020-13	134.92	359.28	RANCH	0			Y	Y	0	0	0	
100-020-14	224.36	359.28	RANCH	2	2928		Y	Y				
104-040-04	139.60	1070.99	RANCH	0			Y	Y	0	0	0	
100-100-16	147.93	1070.99	RANCH	0			Y	Y				
100-100-15	136.18	1070.99	RANCH	0			Y	Y				
104-040-03	96.21	1070.99	RANCH	0			Y	Y				
104-040-14	551.07	1070.99	RANCH	2			Y	Y				
100-040-24	192.26	249.07	RANCH	1			Y	Y	0	0	0	
100-040-07	51.79	249.07	RANCH	0			Y	Y				

100-040-27	5.02	249.07	RANCH	0			Y	Y				
100-100-29	168.53	414.56	RANCH	0			Y	Y	0	0	0	
100-040-28	246.03	414.56	RANCH	1			Y	Y				
104-040-33	587.63	587.63	SINGLE	1	2850		Y	Y	0	0	0	
104-130-42	1.27	86.07	RANCH	1			Y	N				
104-130-35	46.85	86.07	RANCH	0			Y	N	0	0	0	
104-130-41	37.95	86.07	RANCH	0			Y	N				
106-210-11	621.93	1167.93	RANCH	0			?	?				
106-230-02	74.00	1167.93	RANCH	0			?	?	1	1	1	
106-230-01	546.00	1167.93	RANCH	0			?	?				
104-130-25	22.59	22.59	SUBSTANDARD	1	3207		N	N	0	0	0	
119-020-23	322.80	733.13	RANCH	0			Y	Y	0	0	0	
119-020-22	410.33	733.13	RANCH	3			Y	Y				
119-030-02	545.55	925.55	RANCH	1			Y	N	0	0	1	
119-030-01	380.00	925.55	RANCH	1			?	?				
100-100-57	159	485	RANCH	0			N	N				
100-040-33	315.54	485.31	RANCH	0			N	N	1	1	1	
100-100-30	6.22	485.31	RANCH	0			N	N				
100-100-51	4.74	485.31	RANCH	0			N	N				
188-170-61	204.60	219.49	RANCH	3			Y	N	0	0	0	
188-170-62	14.89	219.49	RANCH	0			Y	N				
104-040-27	5.08	5.08	SUBSTANDARD	0			N	N	1	0	0	
104-110-06	397.15	397.15	SINGLE	0			?	?	1	1	1	
100-010-01	698.53	1486.48	RANCH	0			Y	Y				
100-010-05	184.88	1486.48	RANCH	0			Y	Y	0	0	0	
100-010-02	603.08	1486.48	RANCH	2			Y	Y				
100-020-25	1.82	310.49	RANCH	1			Y	N				
100-020-23	163.35	310.49	RANCH	0			Y	N	0	0	1	
100-020-24	145.32	310.49	RANCH	1			Y	N				
104-130-01	168.89	168.89	SINGLE	2			Y	Y	0	0	0	
104-130-48	295.54	482.80	RANCH	0			Y	Y	0	0	0	
104-130-47	187.25	482.80	RANCH	2	2754		Y	Y				
100-020-16	154.38	219.02	RANCH	0			Y	N	0	1	1	
100-050-09	64.64	219.02	RANCH	1	1842		Y	N				
100-020-11	181.01	206.85	RANCH	0			Y	N	0	0	1	
100-020-10	25.85	206.85	RANCH	1			Y	N				

100-020-07	69.36	230.00	RANCH	0			Y	N	1	1	1	
100-020-09	161.51	230.00	RANCH	0			Y	N				
100-020-12	73.39	73.39	SINGLE	1			Y	N	0	0	0	
100-020-08	96.19	96.19	SINGLE	0			Y	N	1	0	0	
100-050-27	149.64	192.25	RANCH	1			Y	N	0	0	1	
100-050-28	42.61	192.25	RANCH	1			Y	N				
100-090-13	199.82	431.28	RANCH	0			Y	Y	0	0	0	
102-100-07	8.92	431.28	RANCH	0			Y	Y				
102-100-06	53.96	431.28	RANCH	0			Y	Y				
102-140-20	144.49	431.28	RANCH	0			?	?				
102-140-19	24.09	431.28	RANCH	0			?	?				
106-210-70	1.96	1.96	SUBSTANDARD	0			N	N	1	0	0	
106-110-01	446.20	446.20	SINGLE	1	2598		?	?	0	1	1	
100-100-13	107.64	587.05	RANCH	1			Y	N	0	0	0	
100-100-04	112.43	587.05	RANCH	0			Y	N				
100-100-10	280.72	587.05	RANCH	2			Y	N				
100-100-03	86.26	587.05	RANCH	0			Y	N				
100-100-14	2.09	2.09	SUBSTANDARD	1	1560	520	N	N	0	0	0	
104-130-23	1.06	1.56	SUBSTANDARD	0			N	N	0	0	0	
104-130-24	0.50	1.56	SUBSTANDARD	1	1065		N	N				
106-220-34	145.72	145.72	SINGLE	3			N	N	0	0	0	
104-110-11	292.42	292.42	SINGLE	0			Y	N	1	1	1	
106-210-06	265.54	265.54	SINGLE	0			N	N	1	1	1	
104-130-02	306.26	306.26	SINGLE	3			Y	Y	0	0	0	
100-100-58	15.02		PUBLIC	0								
100-040-34	13.94		PUBLIC	0								
100-100-52	0.05		PUBLIC	0								
100-100-53	0.05		PUBLIC	0								
100-100-33	0.01		PUBLIC	0								
100-100-34	0.01		PUBLIC	0								
100-100-35	0.05		PUBLIC	0								
100-230-04	34.07		PUBLIC	0								
100-240-04	1.83		PUBLIC	0								
100-240-05	1.50		PUBLIC	0								
100-240-01	0.23		PUBLIC	0								
100-240-02	0.23		PUBLIC	0								

100-100-32	0.01		PUBLIC	0								
106-220-26	11.80		PUBLIC	0								
100-090-11	3.60		PUBLIC	0								
106-220-36	26.70		PUBLIC	0								
106-220-37	10.00		PUBLIC	0								
106-220-38	30.00		PUBLIC	0								
106-220-39	91.12		PUBLIC	0								
119-060-05	40.09		PUBLIC	0								
119-060-06	48.08		PUBLIC	0								
119-060-07	15.16		PUBLIC	0								
119-060-08	17.40		PUBLIC	0								
119-060-09	18.03		PUBLIC	0								
119-060-10	17.48		PUBLIC	0								
119-060-17	13.90		PUBLIC	0								
119-060-18	13.52		PUBLIC	0								
119-060-19	40.00		PUBLIC	0								
119-060-20	10.00		PUBLIC	0								
104-040-32	0.08		PUBLIC	0								
100-040-25	1.06		PUBLIC	0								
100-040-26	0.53		PUBLIC	0								
106-210-76	5.84		PUBLIC	0								
100-100-55	8.93		PUBLIC	0								
100-040-32	2.20		PUBLIC	0								
100-100-56	8.36		PUBLIC	0								
102-140-12	1.33		PUBLIC	0								
102-140-15	35.40		PUBLIC	1	3168							
104-050-18	34.06		PUBLIC	0								
166-010-24	227.07		PUBLIC	0								
166-010-26	104.87		PUBLIC	0								
166-010-05	2.07		PUBLIC	0								
166-010-06	4.50		PUBLIC	0								
166-010-04	1.00		PUBLIC	0								
166-010-07	5.69		PUBLIC	0								
166-010-25	97.36		PUBLIC	0								
166-030-16	461.00		PUBLIC	0								
166-010-31	432.50		PUBLIC	0								

166-010-27	213.06		PUBLIC	0								
166-010-21	5.00		PUBLIC	0								
166-010-20	573.12		PUBLIC	0								
109-090-07	521.83		PUBLIC	0								
119-240-66	4.47		PUBLIC	0								
119-040-26	364.01		PUBLIC	0								
119-040-28	167.10		PUBLIC	0								
TOTALS	**43,677**			**132**			**126**	**40**	**48**	**48**	**45**	
AVERAGE	**152.19**	**404.95**			**2149**				**141**			
									FH	**IG1 (PPU)**	**IG2 (Cond)**	
*substandard = parcel or parcels combined are less than 60 acres; single = only one parcel owned; ranch = multiple parcels owned; non-contiguous = multiple, noncontiguous parcels owned												

MARIN COUNTY
LOCAL COASTAL PROGRAM

Land Use Plan

Board of Supervisors Adopted

August 25, 2015 & April 19, 2016

~~1. The changes approved by the California Coastal Commission on May 15, 2014 agreed to by the County have been "accepted" (i.e. not shown in track changes)~~

~~2. Modification to LUP text approved by the Marin County Board of Supervisor on August 25, 2015 and April 19, 206 are shown in blue text (double-underlined for additions and *italized strike out* for deletions).~~

Marin County Board of Supervisors

Judy Arnold, President, District #5
Kathrin Sears, Vice-President, District #3
Katie Rice, 2nd Vice President, District #2
Susan L. Adams, District #1
Steve Kinsey, District #4

Prepared by the
Marin County Community Development Agency

Brian C. Crawford, Director

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Project Staff

Tom Lai, Assistant Director
Jack Liebster, Principal Planner
Kristin Drumm, Senior Planner
Christine Gimmler, Senior Planner
Jeremy Tejirian, Principal Planner
Alisa Stevenson, Assistant Planner
Suzanne Thorsen, Planner
Steve Scholl, Consulting Planner

Copies of this report may be obtained by contacting the Marin County Community Development Agency

3501 Civic Center Drive, Room 308
San Rafael, CA 94903
Phone (415) 499-6269
MarinLCP@marincounty.org
www.MarinLCP.org

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Appendix

These documents are bound separately and are available for reference from the Marin County Community Development Agency and on the Local Coastal Program website at www.MarinLCP.org

Introduction

The Marin County Local Coastal Program (LCP) is made up of the following documents. These documents are available online at: www.MarinLCP.org.

- The "Land Use Plan (LUP)" document includes policies and programs, as well as background and introductory text for each policy section.

- The "Development Code" document is a means of implementing the policies and programs of the LCP Land Use Plan.

- Policy maps and zoning maps for the Coastal Zone.

- Appendices:

    - Appendix 1: List of Recommended Public Coastal Accessways
    - Appendix 2: Inventory of Visitor-Serving, Commercial, and Recreation Facilities in the Coastal Zone
    - Appendix 3: Coastal Village Community Character Review Checklist (Local Coastal Program Historic Review Checklist)
    - Appendix 4: Design Guidelines for Construction in Areas of Special Character and Visitor Appeal and For Pre-1930's Structures
    - Appendix 5: Seadrift Settlement Agreement
    - Appendix 6: 1977 Wagner Report "Geology for Planning, Western Marin County"
    - Appendix 7: Categorical Exclusion Orders and Maps
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- Appendix 9. Hillside Subdivision Design Ordinance (Marin County Development Code Section 22.82.050)

The Local Coastal Program (LCP)

The Marin County Coastal Zone is a landscape of unsurpassed variety and beauty. Much of the area is encompassed within federal, state, and county parks, which provide habitat protection and opportunities for public recreation. The Coastal Zone also includes several small villages, productive agriculture and mariculture areas, scattered residences, bed-and-breakfast inns, and significant amounts of open space. The Marin County Local Coastal Program (LCP) is designed to preserve the unique environment of the Coastal Zone and to encourage the protection and restoration of its coastal resources, while encouraging public enjoyment of its coastal recreation opportunities.

The LCP is the primary document that governs land development in the Marin County Coastal Zone. The LCP guides both public and private activities that constitute "development" on land or in water. In general, constructing a dwelling, a commercial building, a road, a boat dock, or other improvements constitutes "development" that requires a coastal permit, with specific exceptions. Furthermore, "development" includes changes in the use of land or water, even where construction is not involved. The definition of "development" in its entirety is as follows:

Development. On land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973(commencing with Section 4511 of the Public Resources Code). As used in this section, "structure" includes any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line. Any activity meeting the definition of development within the Coastal Zone requires a Coastal Permit, unless the development is categorically excluded, exempt, or qualifies for a de minimis waiver, consistent with Chapter 22.68.

The Coastal Zone

The Marin County Coastal Zone is a strip of land and water defined by the California Coastal Act of 1976 that extends along the Pacific Ocean coastline. The Coastal Zone extends seaward from the shore a

distance of three miles, and a variable distance landward, depending on topography (see Map 2 - Marin County Coastal Zone; only the land portion of the Coastal Zone is shown on Map 2).

Purpose of the Local Coastal Program

The purpose of the LCP is to carry out the coastal resource protection policies of the California Coastal Act of 1976. Each coastal city and county in California is required by that law to prepare and implement an LCP for its portion of the Coastal Zone. Like other counties in California, Marin County has also adopted a comprehensive land use plan for its entire jurisdiction area, which extends landward well beyond the Coastal Zone boundary. Adopted in 2007, the Marin Countywide Plan and its related Community Plans guide land development throughout the County. However, in the Coastal Zone, the LCP takes precedence over these plans. Where the LCP contains specific provisions applicable to land and water development, such LCP provisions govern development activities. Policies of the Countywide Plan that are not addressed by the Coastal Act and the LCP (e.g. policies that address education, diversity, and public health) apply throughout the entire County, both within and outside the Coastal Zone.

Components of the Local Coastal Program

As required by Coastal Act Section 30500, an LCP comprises a Land Use Plan, an Implementation Program, accompanying land use and zoning maps, and, where necessary, other implementing actions including those represented in the Appendices. The Land Use Plan contains written policies that indicate which land uses are appropriate in the various parts of the Coastal Zone. The LUP policies and programs also guide how natural resources shall be protected when land is developed, how public access to the coast shall be preserved, and how other coastal resources shall be maintained and enhanced.

Marin County's LCP Land Use Plan contains three major sections: Natural Systems and Agriculture, Built Environment, and Socioeconomic. The Natural Systems and Agriculture section contains the policy chapters of Agriculture; Biological Resources; Environmental Hazards; Mariculture; and Water Resources. The Built Environment section contains the policy chapters of Community Design; Community Development; Community Specific Policies; Energy; Housing; Public Facilities and Services; and Transportation. Finally, the Socioeconomic section contains the policy chapters of Historical and Archaeological Resources; Parks, Recreation and Visitor-Serving Uses; and Public Coastal Access. The Land Use Policy maps (Map Set 19a–19m) also form part of the Land Use Plan.

Marin County's LCP Implementation Program (IP) consists of the coastal zone–specific portion of the Marin County Development Code (i.e. Chapters 22.60 through 22.70 inclusive, along with portions of Chapters 22.32 (Standards for Specific Land Uses) and 22.130 (Definitions) that apply in the coastal zone) and the zoning maps for the Coastal Zone (Map Set 29a–29l). The IP plays a central role in carrying out the policies and programs of the Land Use Plan by indicating which land uses are appropriate in each part of the Coastal Zone. Furthermore, the Code provisions of the IP contain specific requirements that apply to development projects, as well as detailed procedures for applicants to follow in order to obtain a coastal permit.

Finally, Marin County's LCP includes the resource and other maps found in the published set of maps and Appendices 1 through 8, as described above.

The Coastal Permit

The primary tool for implementing the LCP is the "coastal permit." Most types of development activities require that a coastal permit be issued by Marin County. Certain projects, such as those that involve work on tidelands around the margin of Tomales Bay, require a coastal permit from the California Coastal Commission (a state agency) rather than from the–County, although other Marin County non-coastal permit requirements may still apply.

The Marin County Community Development Agency (CDA) is responsible for implementing the LCP and for reviewing coastal permit applications. The CDA assists property owners and developers to determine whether their proposed project requires a coastal permit, whether the coastal permit should be obtained from Marin County or the Coastal Commission, and whether other types of permits from the County may also be required. Certain coastal permits approved by Marin County are appealable to the California Coastal Commission by an interested party who does not agree with the County's decision regarding the permit. Such permits are known as permits for "appealable" development (see appeal and permit jurisdiction areas on Maps 28a and 28b and Section 30603 of the Coastal Act).

Appendices

As noted previously, Appendices 1 through 8 constitute part of the LCP. These Appendices contain elements that are essential to the interpretation and application of Land Use Plan policies. For instance, Appendix 1 contains the list of recommended Public Coastal Accessways referred to in Land Use Plan Policy C-PA-6 "Acquisition of New Public Coastal Accessways through Suitable Means." To improve readability of the Land Use Plan, this detailed list has been placed in an Appendix rather than in the body of the Land Use Plan itself.

Additional historical and background information is available on the www.marinlcp.org website. This information is not part of the LCP.

The Appendices are as follows:

Appendix 1:	-List of Recommended Public Coastal Accessways
Appendix 2:	Inventory of Visitor-Serving, Commercial, and Recreation Facilities in the Coastal Zone
Appendix 3:	Coastal Village Community Character Review Checklist (Local Coastal Program Historic Review Checklist)
Appendix 4:	Design Guidelines for Construction in Areas of Special Character and Visitor Appeal and For Pre-1930's Structures
Appendix 5:	Seadrift Settlement Agreement
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Appendix 8:	Certified Community Plans: a. Dillon Beach Community Plan b. Bolinas Gridded Mesa Plan
Appendix 9:	Hillside Subdivision Design Ordinance (Marin County Development Code Section 22.82.050)

Interpretation of the Land Use Plan (INT)

Background

The Marin County Local Coastal Program (LCP) is the primary document that governs land development in the Marin County Coastal Zone. However, the policies of the LCP must be applied and interpreted within the context of other applicable Local,-State, and Federal laws, as well as other local plans, policies and regulations. The following policies apply to the interpretation of the LCP.

Policies

C-INT-1 Consistency with Other Law. The policies of the Local Coastal Program are bound by all applicable State and Federal laws, and none of the provisions of the LCP will be interpreted by the County in a manner which violates those laws. In particular, as required by the Coastal Act, Public Resources Code Section 30010, Marin County shall not grant or deny a permit in a manner that will take or damage private property for public use, without the payment of just compensation. This policy is not intended to increase or decrease the rights of any property owner under the Constitutions of the State of California or the United States. When Marin County acts on a coastal development permit application pursuant to its certified LCP, it is implementing a statewide statute governing development by any person, including other state agencies.

C-INT-2 Precedence of LCP. In the coastal zone, the LCP supersedes and takes precedence over other local plans, policies and regulations, including any conflicting provisions of the Countywide Plan, Community Plans and relevant sections of the Marin County Code. Provisions that are not addressed by the Coastal Act and the LCP (e.g., policies that address education, diversity, public health, etc.) that apply throughout the County, also apply within the Coastal Zone, but not in a coastal permit context. Broader policies which, for example, serve to concentrate development in close proximity to urban and

employment centers may be more protective, overall, than specific wildlife habitat and other similar resource policies. The introductory background text in each chapter provides some broad context for each chapter, but shall not be used as the legal standard of review for coastal permit decisions.

C-INT-3 Community Plans. Community plans are part of the Marin Countywide Plan (CWP), and are implemented through measures such as Design Review and Use Permits. When separate from the LCP, community plans remain as important and relevant guides for development in their respective communities. The existing Dillon Beach and Bolinas Gridded Mesa community plans have been certified by the Coastal Commission and made part of the LCP; all other community plans have not. Only the policies of the LUP, IP, and the two certified community plans in Dillon Beach and Bolinas Gridded Mesa can be used as legal standards of review for the issuance of coastal permits.

C-INT-4 Terminology. The following rules of interpretation shall apply. ~~, consistent with Marin County Development Code Sec.20.02.020~~

1. Where the imperative form of a verb is used to start a policy, the policy will be interpreted as being a mandatory requirement which, if written in a “subject-verb” format, would incorporate the term “shall.”

2. The words "shall," “must,” "will," "is to," and "are to" are always mandatory.

3. "Should" is not mandatory but is strongly recommended; and

4. "May" is permissive.

5. The present tense includes the past and future tenses; and the future tense includes the present.

6. The singular number includes the plural number, and the plural the singular, unless the natural construction of the word indicates otherwise.

7. "Including" means ". . . including but not limited to. . .".

8. Policy headings and titles are provided for convenience only. To the degree that these headings or titles conflict with the text they accompany, the text shall govern.

Natural Systems and Agriculture

Introduction

In the Marin County Coastal Zone, development is closely intertwined with the natural environment. Villages, homes, farms, and parks co-exist with natural communities of plants and animals. Water and biological resources are abundant, providing sustenance to wildlife as well as beauty and pleasure to residents and visitors. Agriculture, mariculture and open space are mainstays of both community character and the local economy. Yet these resources are vulnerable. Poorly planned land development and construction can degrade or eliminate the values of sensitive habitat areas, agricultural productivity, and the open, unspoiled character of the Marin County Coastal Zone. The Local Coastal Program (LCP) therefore includes strong policies requiring that new development is undertaken in a way that assures the protection of natural resources.

The Natural Systems and Agriculture section addresses the following subjects:

- Agriculture (AG)
- Biological Resources (BIO)
- Environmental Hazards (EH)
- Mariculture (MAR)
- Water Resources (WR)

Agriculture (AG)

Background

The rolling coastal hills and stream valleys of the Marin County Coastal Zone provide an exceptional environment for a distinctive type of agriculture that takes advantage of high quality grasslands sustained by the cool, moist conditions that prevail much of the year. Animal agriculture makes up the greatest part of the County's total agricultural production. This includes beef cattle, sheep, poultry and eggs, as well as dairy cows and the milk, yogurt, and cheese they yield. While the hilly terrain, pervasiveness of non-prime soils, and scarcity of dependable water sources limit intensive row crop cultivation through most of the Coastal Zone, a number of farms, many of them organic, raise fruits, vegetables, flowers, nuts and other crops.

In Marin County, coastal agriculture is important as an essential livelihood, a foundation for regional economic activity, and a wholesome, local source of food for residents of the Bay Area and beyond. It is estimated that every dollar of agricultural production yields a multiple of 2.5 additional dollars contributed to the local economy in employment opportunities, support industries, and tourism. In addition to economic benefits, agricultural land use also provides crucial ecosystem services such as the maintenance of soil fertility and structure, wildlife habitat and biodiversity, watershed benefits, nutrient cycling, and carbon sequestration. Finally, the working agricultural landscape provides world-class views, a pastoral frame for Marin's distinctive coastal villages, and an extraordinary open space backdrop for the myriad of recreational activities offered throughout the Coastal Zone. For all these reasons, the Local Coastal Program (LCP) policies seek to preserve viable agriculture as a permanent part of the fabric of coastal Marin for the benefit of residents, visitors, and the environment itself (see Map 3 - Protected Agricultural Lands).

The Coastal Act protects coastal agriculture as a high priority coastal resource and supports the renewal and continuation of agriculture on suitable lands in Sections 30241, 30241.5, and 30242. The conversion of land with prime agricultural soils to non-agricultural uses, such as residential or commercial development, is strictly limited by the Act; however, very little of the land in Marin County's Coastal Zone is classified as prime (see Map 4 - Agricultural Land). The Coastal Act mandates that all other lands suitable for agricultural use shall not be converted to nonagricultural uses unless continued or renewed agricultural use is not feasible, or such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.

Achieving these goals depends on interdependent resources: the land itself, and the people and systems that make it agriculturally productive. Marin is fortunate to have a strong community dedicated to agriculture and its future, comprised of hard-working, experienced, and resourceful people. However, some important trends point to the need for certain LCP provisions to help assure that future.

In an era of corporate, industrialized agriculture, the great majority of Marin farms and ranches are family owned and operated, with most of those the third or fourth generation working the land. Fluctuating commodity prices, the expense of investments needed to stay competitive, and the rising cost of farmland are only some of the challenges casting doubt over the future viability of coastal agriculture. One clear need is the ability to pass the reins to the younger generation, while providing for the retiring one. In 1997 the average age of Marin's principal agricultural operators was 55.7 years. By 2002 it had risen to 58.4, and in 2007, to 59.7. At the same time, the family unit itself is a critical part of maintaining agriculture. More than 85% of Marin farms had between one and four family members involved in their operation, and 71% had a family member interested in continuing ranching or farming. Providing policies that support current agriculture while responding to these important trends was one of the key objectives of the 2015 Amendments to the LCP, including the provisions for intergenerational homes (Policy C-AG-5).

Other policies similarly provide for the essentials sustaining agriculture. Over half our farms and ranches report hiring farm labor, but securing additional farmworker housing has been a challenge. Many agricultural activities, especially dairying, require workers close at hand. As with other commercial and visitor-serving support workers, the lack of suitable housing leads to longer commutes with attendant traffic congestion, pollution and greenhouse gas emissions. The LCP recognizes that farmworker housing is an integral part of many agricultural operations (Programs C-AG-2.b and 2.c).

Prices for commodities such as milk and beef are notoriously volatile and unreliable, often placing Marin's relatively small producers in jeopardy. Recently, one of Marin's historical dairies had to go out of business. Marin agriculture has responded with innovation and creativity to secure its future. Responding to a Cooperative Extension survey, 29% of Marin operations report having added new productions or enterprises to their farm or ranch over recent years, and 24% are making value-added products. This LCP's policies will help support such agricultural diversification, including making it easier for small scale direct to consumer sales (Program C-AG-2.e).

While strengthening the economic vitality and long-term protection of agriculture, LCP policies work equally hard to deter the incursion of non-agricultural uses that would convert agricultural land and impair agricultural productivity now and in the future. A key measure to continue the preservation of agriculture is the Agricultural Production Zone (C-APZ), which limits the use of land to agriculture, or uses that are accessory to, in support of, and compatible with~~, or necessary for~~ agricultural production. Additional LCP policies protect the land itself, by limiting land divisions and non-agricultural uses, providing for long-term agricultural and stewardship plans, and by controlling the size of agricultural dwelling units. Together, the LCP agricultural policies shape a balanced strategy to assure the protection of agricultural lands and to continue agricultural uses throughout the Marin County Coastal Zone for generations into the future.

Policies

C-AG-1 Agricultural Lands and Resources. Protect agricultural land, continued agricultural uses, family farming, and the agricultural economy by maintaining parcels large enough to sustain agricultural production, preventing conversion to non-agricultural uses, providing for diversity in agricultural development, facilitating multi-generational operation and succession, prohibiting uses that are incompatible with long-term agricultural production or the rural character of the County's Coastal Zone, and other innovative means. Preserve important soils, agricultural water sources, and forage to allow continued agricultural production on agricultural lands.
~~[Adapted from Unit II Agriculture Policy 1, p. 98, and CWP Goal AG-1, p. 2-157]~~

C-AG-2 Coastal Agricultural Production Zone (C-APZ). Apply the Coastal Agricultural Production Zone (C-APZ) to preserve agricultural lands that are suitable for land-intensive or land-extensive agricultural productivity, that contain soils classified as Prime Farmland, Farmland of Statewide Importance, Farmland of Local Importance, or Grazing Land capable of supporting production agriculture, or that are currently zoned C-APZ. Ensure that the principal use of these lands is agricultural, and that any development shall be accessory and incidental to, in support of and compatible with agricultural production.

A. In the C-APZ zone, the principal permitted use shall be agriculture, limited to the following:

1. Agricultural Production:

- **a.** Uses of land for the breeding, raising, pasturing, and grazing of livestock;
- **b.** The production of food and fiber;
- **c.** The breeding and raising of bees, fish, poultry, and other fowl;
- **d.** The planting, raising, harvesting and producing of agriculture, aquaculture, mariculture, horticulture, viticulture, vermiculture, forestry crops, and plant nurseries.

2. Agricultural Accessory Structures;

3. Agricultural Accessory Activities;

4. Agricultural Dwelling Units, consisting of:

a. One farmhouse or a combination of one farmhouse and one intergenerational home per farm tract, defined in this LCP as all contiguous legal lots under a common ownership within a C-APZ zoning district, consistent with C-AG-5, including combined total size limits;

b. Agricultural worker housing, providing accommodations consisting of no more than 36 beds in group living quarters per legal ~~parcel~~ lot or 12 units or spaces per legal lot for agricultural workers and their households;

5. Other Agricultural Uses, appurtenant and necessary to the operation of agriculture, limited to:

a. Agricultural product sales and processing of products grown within the farmshed, provided that for sales, the building(s) or structure(s), or outdoor areas used for sales do not exceed an aggregate floor area of 500 square feet, and for processing, the building(s) or structure(s) used for processing activities do not exceed an aggregate floor area of 5,000 square feet;

b. Not for profit educational tours.

B. Conditional uses in the C-APZ zone include a second intergenerational home per farm tract~~legal lot~~, for-profit tours~~ operated by a third party~~, agricultural homestay facilities, agricultural worker housing above ~~12 units per legal lot~~36 beds in group living quarters per legal lot or 12 units or spaces per legal lot for agricultural works and their households, and additional agricultural uses and non-agricultural uses consistent with Policies C-AG-5, 6, 7, 8 and 9.

Development shall not exceed a maximum density of 1 agricultural dwelling unit per 60 acres. Densities specified in the zoning are not entitlements but rather maximums that may not be achieved when the standards of the Agriculture policies below and other relevant LCP policies are applied. The County (and the Coastal Commission on appeal) ~~may~~ shall ~~–~~include all contiguous properties under the same ownership when reviewing a Coastal Permit application that includes agricultural dwelling units. ~~[Adapted from Unit II Agriculture Policies 2 and 3, p. 98, and CWP Program AG-1.g, p. 2-162]~~

Program C-AG-2.a Allowed Uses: No permit required. Seek to clarify for the agricultural community those agricultural uses for which no permit is required. These include the Agricultural Exclusions from the existing adopted Categorical Exclusion Orders. Review aspects of agricultural operations that are not currently excluded from coastal permit requirements to determine if there are additional categories of agricultural developments, ~~either in~~

~~type or~~ in specific geographic areas, that have no potential for any significant adverse effect, either individually or cumulatively, on coastal resources or on public access and, hence, could be eligible additions to the categorical exclusion.
~~[New program, 2015]~~
~~[~~

Program C-AG-2.b Option to Secure Affirmative Agricultural Easements Through Restricted Residences. Evaluate the efficacy of permitting limited non-agricultural residential development within the C-APZ zone as a means of securing permanent affirmative agricultural easements over the balance of the ~~legal lot~~farm tract. Characteristics of the program could include (a) prohibiting residential development on a ~~legal lot~~farm tract where an Agricultural Dwelling or Dwelling Unit Cluster is located, (b) restricting the development envelope to the minimum feasible size (e.g. 10,000 sq. ft) (c) limiting house size to less than amount allowed for agricultural dwellings, but permitting transfer of development credits to increase allowable house size by securing affirmative agricultural easements on additional agricultural lands. The program and associated policies have no effect until certified as an LCP Amendment by the Coastal Commission.
~~[New program, 2015]~~

Program C-AG-2.e Community-Specific Retail Sales Policies. Policies should be developed in the LCP's Community Development section, as appropriate, to address the concerns of specific communities with respect to retail sales (roadside especially). As necessary, greater constraints on these activities could be specified for individual communities or roadway segments than the general provisions in the LCP's Agriculture section (up to and including, for example, the possibility of specifying an outright prohibition of roadside agricultural sales in a particular area or along a particular stretch of roadway).
~~[New program, 2015]~~

Program C-AG-2.f Facilitate Agricultural Tourism. Review agricultural policies and zoning provisions and consider seeking to add educational tours, homestays and minor facilities to support them as a Categorical Exclusion.
~~[New program, 2015]~~

C-AG-3 Coastal Agricultural Residential Planned Zone (C-ARP). Apply the Coastal Agricultural Residential Planned Zone (C-ARP) designation to lands adjacent to residential areas in the Coastal Zone that have potential for agricultural production but do not otherwise qualify for protection under Policy C-AG-2. The intent of the C-ARP Zone is to provide flexibility in lot size and building locations in order to:

1. Promote the concentration of residential and accessory uses to maintain the maximum amount of land available for agricultural use, and
2. Maintain the visual, natural resource and wildlife habitat values of subject properties and surrounding areas. The C-ARP district requires proposed development to be clustered to avoid or minimize impacts to environmental and other coastal resources, such as natural topography, native vegetation and public views of the coast.

Residential use shall be the principal permitted use in all parcels with the land use designation of C-AG3. Agriculture shall be the principal permitted use in all parcels with the C-AG1 and C-AG2 land use designations.
~~[Adapted from Interim County Code Section 22.57.040. This policy also carries forward the concept of Unit I Agriculture Policy 30, p. 35]~~

C-AG-4 C-R-A (Coastal, Residential, Agricultural) District. Apply the C-R-A zoning district to provide areas for residential use within the context of small-scale agricultural and agriculturally-related uses, subject to specific development standards.
~~[Adapted from Interim County Code Section 22.57.020]~~

C-AG-5 Agricultural Dwelling Units (Farmhouses, Intergenerational Housing, and Agricultural Worker Housing). Support the preservation of family farms by facilitating multi-generational operation and succession.

A. Agricultural dwelling units may be permitted on C-APZ lands subject to the policies below, as well as any applicable requirement in C-AG-6, 7, 8, and 9. Agricultural dwelling units must be owned by a farmer or operator actively and directly engaged in agricultural use of the property. No more than a combined total of 7,000 sq ft (plus 540 square feet of garage space and 500 square feet of office space in the farmhouse used in connection with the agricultural operation) may be permitted as an agricultural dwelling per farm tract, defined in this LCP as all contiguous legal lots under common ownership within a C-APZ zoning district, whether in a single farmhouse or in a combination of a farmhouse and intergenerational homes(s). Intergenerational farm homes may only be occupied by persons authorized by the farm owner or operator, shall not be divided from the rest of the legal lot, and shall be consistent with the standards of C-AG-7 and the building size limitations of C-AG-9. Such intergenerational homes shall not be subject to the requirement for an Agricultural Production and Stewardship Plan (C-AG-8), or permanent agricultural conservation easement (C-AG-7). A density of 60 acres per unit shall be required for each farmhouse and intergenerational house (i.e. at least 60 acres for a farmhouse, 120 acres for a farmhouse and an intergenerational house, and 180 acres required for a farmhouse and two intergenerational homes), including any existing homes. The reviewing authority shall consider all contiguous properties under the same ownership to achieve the requirements of the LCP. No Use Permit shall be required for the first intergenerational home on a qualifying farm tract ~~lot~~, but a Use Permit shall be required for a second intergenerational home. No more than 27 intergenerational homes may be allowed in the County's coastal zone.

B. Agricultural worker housing providing accommodations consisting of no more than 36 beds in group living quarters per legal ~~parcel~~ lot or 12 units or spaces per legal ~~parcel~~ lot for agricultural workers and their households shall not be included in the calculation of density in the following zoning districts: C-ARP, C-APZ, C-RA, and C-OA. Additional agricultural worker housing above such 36 beds or 12 units shall be subject to the density requirements applicable to the zoning district. An application for

agricultural worker housing above such 36 beds or 12 units shall include a worker housing needs assessment and plan, including evaluation of other available worker housing in the area. The amount of approved worker housing shall be commensurate with the demonstrated need. Approval of agricultural worker housing shall require recording a restrictive covenant running with the land for the benefit of the County ensuring that the agricultural worker housing will continuously be maintained as such, or, if no longer needed, for non-dwelling agricultural production related uses.
~~[New policy, 2015]~~

C-AG-6 Non-Agricultural Development of Agricultural Lands. Non-agricultural development is defined to include division of agricultural lands and any development not classified as Agriculture. Require that non-agricultural development, shall only be allowed upon demonstration that long-term agricultural productivity would be maintained and enhanced as a result of such development, on the subject parcel and any new parcel created, and that agricultural productivity on adjacent parcels would be maintained. In considering divisions of agricultural lands in the Coastal Zone, the County may approve fewer parcels than the maximum number of parcels allowed by the Development Code, based on site characteristics such as topography, soil, water availability, environmental constraints and the capacity to sustain viable agricultural operations.
~~[Adapted from CWP Policy AG-1.5, p. 2-158, and consistent with Coastal Act Policy 30241 and 30242]~~

C-AG-7 Development Standards for the Agricultural Production Zone (C-APZ) Lands. Proposed development in the C-APZ zone shall be designed and constructed to preserve agricultural lands and to be consistent with all applicable standards and requirements of the LCP, and in particular the policies of the Natural Systems and Agriculture Element of the LUP. In addition to the requirements applicable to a specific land use, the following requirements shall apply to development in the C-APZ:

A. <u>Standards for All Development in the C-APZ:</u>
All of the following development standards apply:

1. Permitted development shall protect and maintain renewed and continued agricultural production and viability on site and shall not impact adjacent agricultural lands. Development shall be sited to avoid agricultural land (i.e., prime agricultural land or "non-prime land" ~~[referred to in the Coastal Act as "other land suitable for agriculture"]~~) whenever possible, consistent with the operational needs of agricultural production. If use of such land is necessary, prime agricultural land shall not be utilized if it is possible to utilize non-prime lands. In addition, as little agricultural land as possible shall be used for structural development.

2. Development shall be permitted only where adequate water supply, sewage disposal, road access and capacity and other services are available to support the proposed development after provision has been made for existing and continued agricultural production. Water diversions or use for a proposed development shall not adversely impact stream or wetland habitats, have significant effects on groundwater resources, or significantly reduce freshwater inflows to water bodies, including Tomales Bay, either individually or cumulatively.

3. Permitted development shall have no significant adverse impacts on environmental quality or natural habitats, and shall meet all other applicable policies, consistent with the LCP.

4. In order to retain the maximum amount of land in agricultural production or available for future agricultural production, farmhouses, intergenerational homes, agricultural worker housing, ~~agricultural homestay or bed and breakfast facilities,~~ agricultural accessory structures, and agricultural product processing facilities shall be placed within a clustered development area except when:

(a) placement outside such areas is necessary for agricultural operations (e.g. when a more remote barn is required in a different part of the property to allow for efficient agricultural operations); or

(b) when placement inside such areas would be inconsistent with applicable LCP standards (e.g. when such placement would be within a required stream setback area). In this case, new development shall be placed as close as possible to the existing clustered development area in a way that also meet applicable LCP standards.

The clustered development area, in combination with roads, agricultural product sales facilities and all other structural development, shall total no more than five percent of the gross acreage of the farm tract, to the extent feasible, with the remaining acreage retained in or available for agricultural production or open space.

Development shall be located close to existing roads, and shall not require new road construction or improvements resulting in significant impacts on agriculture, natural topography, major vegetation, or significant natural visual qualities of the site. Development shall be sited to minimize impacts on coastal resources and adjacent agricultural operations and shall be designed and sited to avoid hazardous areas.

B. Standards for Non-Principally Permitted Uses:

In addition to the standards of Section A. above, all of the following development standards apply to non-principally permitted uses. The County shall determine the density of permitted agricultural dwelling units or land divisions ~~only upon~~ including by applying Policy C-AG-6 and the following standards and making all of the findings listed below.

1. Non-principally permitted uses shall only be allowed when such uses will serve to maintain and enhance agricultural production.

2. The creation of a homeowners' or other organization and/or the submission of an Agricultural Production and Stewardship Plan (APSP) may be required to provide for the proper utilization of agricultural lands, including their availability on a lease basis or for the maintenance of the community's roads, septic or water systems.

C. Standards for Non-Agricultural Conditional Uses:

In addition to the standards of Sections A and B above, all of the following development standards apply to non-agricultural conditional uses.

1. Where consistent with state and federal laws, a permanent agricultural conservation easement over that portion of the property not used for physical development or services shall be required for otherwise permissible land divisions, and other non-agricultural development to promote the long-term preservation of these lands. Only agricultural and compatible uses shall be allowed under the easement. In addition, the County shall require the execution of a covenant not to divide

for the parcels created under this division so that each will be retained as a single unit and will not be further subdivided.

2. Proposed development shall only be approved after making the following findings:
   a. The development is necessary because agricultural use of the property would no longer be feasible. The purpose of this standard is to permit agricultural landowners who face economic hardship to demonstrate how development on a portion of their land would ease this hardship or enhance agricultural operations on the remainder of the property.
   b. The proposed development will not conflict with the continuation or initiation of agricultural uses on that portion of the property that is not proposed for structural development, on adjacent parcels, or on other agricultural parcels within one mile of the perimeter of the proposed development.
   c. Appropriate public agencies are able to provide necessary services (fire protection, police protection, schools, etc.) to serve the proposed development without extending urban services.

~~[Adapted from Unit II Agricultural Policies 4 and 5, pp. 98-99. This policy also carries forward Unit I Agriculture Policy 30, p.35.]~~

C-AG-8 Agricultural Production and Stewardship Plans.

A. Submission of an Agricultural Production and Stewardship Plan (APSP) shall be required for approval of land division or other non-agricultural development of Agricultural Production Zone (C-APZ) lands, except as provided for in (C) below.

B. The purpose of an APSP prepared and submitted for land division or other non-agricultural development of C-APZ lands is to ensure that long-term agricultural productivity will occur and will substantially contribute to Marin's agricultural industry. Such a plan shall clearly identify and describe existing and planned agricultural uses for the property, explain in detail their implementation, identify on-site resources and agricultural infrastructure, identify product markets and processing facilities (if appropriate), and demonstrate how the planned agricultural uses substantially contribute to Marin's agricultural industry. An APSP shall provide evidence that at least 95% of the land will remain in agricultural production or natural resource protection and shall identify stewardship activities to be undertaken to protect agriculture and natural resources. An APSP shall be prepared by qualified professionals with appropriate expertise in agriculture, land stewardship, range management, and natural resource protection. The approval of a development proposal that includes an APSP shall include conditions ensuring the proper, long-term implementation of the plan.

C. The requirement for an APSP shall not apply to the farmhouse, agricultural worker housing or to intergenerational homes. The APSP may also be waived for non-agricultural land uses when the County finds that the proposal will enhance current or future agricultural use of the property and will not convert the property to primarily residential or other non-agricultural use, as evidenced by such factors as bona fide commercial agricultural production on the property, the applicant's history and experience in production agriculture, and the fact that agricultural infrastructure (such as fencing, processing facilities, marketing mechanisms, agricultural worker housing, or agricultural land leasing opportunities) has been established or will be enhanced.

D. Projects subject to the potential requirement of preparing an APSP shall be referred to such individuals or groups with agricultural expertise as appropriate for analysis and a recommendation. Such individuals or groups shall also be requested to periodically review and evaluate the effectiveness of the APSP program.

~~[Adapted from CWP Program AG-1.b, pp. 2-160 and 2-161]~~

Program C-AG-8.a Commercial Agricultural Production. Develop criteria and standards for defining commercial agricultural production so that APSPs can differentiate between commercial agricultural production and agricultural uses accessory to residential or other non-agricultural uses.
~~[New program, 2015]~~

C-AG-9 -Agricultural Dwelling Unit Impacts and Agricultural Use. Ensure that lands designated for agricultural use are not de facto converted to residential use, thereby losing the long-term productivity of such lands, by the following means:

A. Agricultural dwelling units, other than principally permitted agricultural dwelling units, shall be reviewed to ensure they do not diminish current or future agricultural production on the property or convert it to primarily residential use.

B. Any proposed agricultural dwelling unit and related development subject to a Coastal Permit shall comply with LCP policies including ensuring that the mass and scale of new or expanded structures respect environmental site constraints and the character of the surrounding area. Such development must be compatible with ridge protection policies and avoid tree-cutting and grading wherever possible. All such development shall be clustered with existing structures and development on the farm, pursuant to C-AG-7, and shall be sited and designed to protect significant public views.

When considering proposed agricultural dwelling units, other than principally permitted agricultural dwelling units, the reviewing authority shall exercise its discretion in light of some or all of the following criteria for the purpose of ensuring that the land does not de facto convert to residential use:

1. The applicant's history of production agriculture.

2. How long term agricultural use of the property will be preserved - for example, whether there is an existing or proposed dedication or sale of permanent agricultural easements or other similar protective agricultural restrictions such as Williamson Act contract or farmland security zone.

3. Whether long term capital investment in agriculture and related infrastructure, such as fencing, processing facilities, market mechanisms, agricultural worker housing or agricultural leasing opportunities have been established or are proposed to be established.

4. Whether sound land stewardship practices, such as organic certification, riparian habitat restoration, water recharge projects, fish-friendly farming practices, or erosion control measures, have been or will be implemented.

5. Whether the proposed development will facilitate the ongoing viability of agriculture such as through the intergenerational transfer or lease of existing agricultural operations.

C. In no event shall agricultural dwellings subject to these provisions exceed 7,000 square feet in size. Where a farmhouse and one or two intergenerational residence units are allowed in the C-APZ zone, the aggregate development of all homes on the subject ~~legal lot~~ farm tract shall not exceed 7,000 square feet.

D. However, agricultural worker housing, up to 540 square feet of garage space for each farmhouse, agricultural accessory structures, and up to 500 square feet of office space in the farmhouse used in connection with the agricultural operation on the property shall be excluded from the 7,000 square foot limitation.

E. The square footage limitations noted in the above criteria represent maximum agricultural dwelling unit sizes and do not establish a mandatory entitlement or guaranteed right to development; rather, site constraints and resource protection standards may require reduced size limits in any particular case.

F. Agricultural homestays, bed & breakfasts, home occupations, care facilities, group homes and similar uses allowed in the C-APZ zone may only occur within otherwise allowable agricultural dwelling units and not within additional separate structures.

~~[Adapted from CWP Program AG-1.a, pp.2-159 and 2-160]~~

C-AG-10 Marin Agricultural Land Trust (MALT) and Other Methods of Preserving Agriculture. Support the objectives of the Marin Agricultural Land Trust (MALT) to protect agricultural lands through the transfer, purchase, or donation of development rights or agricultural conservation easements on agricultural lands. Support and encourage action by MALT in the Coastal Zone to preserve agricultural land for productive uses. Support the use of the County's adopted model agricultural easement, implementation of Transfer of Development Rights (TDR) programs and similar innovative techniques to permanently preserve agricultural lands.
~~[Adapted from Unit II Agriculture Policy 7, p. 101]~~

Biological Resources (BIO)

Background

The Marin County Coastal Zone contains a broad range of estuarine and marine environments, tidal marshes, freshwater wetlands, stream corridors, upland forests, chaparral, and grasslands.

Much of the Coastal Zone in Marin County is managed by the National Park Service, California Department of Parks and Recreation, and California Department of Fish and Game. These agencies place a high priority on resource stewardship along with serving recreation purposes. Various state and federal laws and regulations govern the definition and protection of biological resources, including the state and federal Endangered Species Acts and the federal Migratory Bird Treaty Act.

Despite a wealth of protections, biological resources remain vulnerable. Land development, if not well-planned and executed, can result in degradation of resources through loss or fragmentation of wildlife habitat, filling of crucial wetlands, and displacement of plant communities.

The Coastal Act places a high priority on the protection of biological resources. Strict limits are placed on development in environmentally sensitive habitat areas (ESHA). The Act defines such areas to encompass habitats that are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments. Only land uses that are dependent on the habitat resources are allowable within ESHAs.

Wetlands are one class of ESHA and in California approximately 92 percent of our wetlands have been lost. The Coastal Act defines wetlands broadly and addresses both areas of substantial size, such as Bolinas Lagoon, and smaller, isolated wetlands, such as those formed by seeps or springs. Very limited types of development are allowed in wetlands and then only where there is no feasible less environmentally damaging alternative and feasible mitigation measures have been adopted.

Streams are another type of ESHA. Many species of animals and plants are dependent on them and on their associated riparian corridors, which are especially valuable as habitat connectors. The Coastal Act allows very limited types of development within streams, including necessary water supply projects, flood control projects, and habitat improvement projects.

Other sensitive biological resources in the County's coastal zone include dunes and beaches, salt marshes, fresh water marshes, tidal freshwater wetlands, riparian corridors, chaparral, and grasslands, which are fragile habitats that are easily disturbed, as well as communities of rare plants, and essential habitats for protected species of fish and wildlife such as Snowy Plover (*Charadrius alexandrinusnivosus*), Myrtle's silverspot butterfly (*Speyeria zerene myrtleae*), California red-legged frog (*Rana draytonii*) and Central California coast steelhead (*Oncorhynchus mykiss*). This list is not exhaustive, but is meant to highlight those habitats that are prevalent in the Coastal Zone (see Map 5 – Vegetation, Map 6 – Special-status Species and Sensitive Natural Communities, and Map 7 – Wetlands and Streams).

The biological resources of Marin County include unique habitat areas that support wildlife and plants that maintain the function and integrity of the ecosystem. These areas not only serve an important ecological function, but they also have an intrinsic and aesthetic value to residents and visitors. The ecological importance of these areas has been recognized, such as the special designation of Bolinas Lagoon and Tomales Bay as "Wetlands of International Significance" by the Convention on Wetlands of International Importance, called the Ramsar Convention. This intergovernmental treaty provides the framework for national action and international cooperation for the conservation and wise use of wetlands and their resources. Bolinas Lagoon received its recognition on September 1, 1998, and Tomales Bay on September 30, 2002.

Bolinas Lagoon and Tomales Bay are part of a larger, relatively undisturbed complex of wetlands along the Marin/Sonoma coast that includes Drakes and Limantour Esteros, Abbotts Lagoon, Estero Americano, Estero de San Antonio, and Bodega Harbor. Tomales Bay, Bolinas Lagoon, and the waters along much of the County's ocean shoreline are also part of the Gulf of the Farallones National Marine Sanctuary. The area is within the Pacific flyway and supports approximately 20,000 wintering shorebirds, seabirds, and waterbirds both seasonally and year-round. Subtidal areas and extensive mudflats support diverse populations of invertebrates and provide nursery and feeding habitat for resident and migratory fish, while steelhead and coho salmon access streams in the watershed.

In Tomales Bay, eelgrass beds occur within the shallow waters at the northern end of the Bay that are critical for particular species of migratory birds, and for fish species such as Pacific herring. The rocky points, intertidal areas, and shoreline substrate in Tomales Bay provide habitat for many distinct invertebrate communities. The wetlands areas in Tomales Bay also serve as corridors to valuable spawning nurseries for the Coho salmon and Steelhead. Estero Americano and Estero de San Antonio are "seasonal estuaries" and their unique morphology result in a fjord-like quality which is not found in other California wetlands and results in a wide variety of species diversity and habitats.

The Coastal Zone also includes unique terrestrial habitats such as serpentine grasslands, chaparral habitat that contain endemic plants such as Mount Tamalpais Manzanita *(Arcostaphylos hookeri Montana)*, and

coastal terrace prairie grasslands. In California, there has been a loss of 99% of native grasslands which offer valuable foraging and dispersal habitat for many wildlife species. The coastal dune communities provide habitat for several species of plants and animals that have adapted to the harsh environment of the shoreline and provide protection to inland areas from wave run-up generated by prolonged storms and high seas. The list of unique species and habitats of the Coastal Zone is extensive, which is evident in the amount of literature and research that has been produced in the region, as highlighted in the 1980 Marin County Local Coastal Programs, Unit I and Unit II.

In 1980 and 1981, respectively, the Marin County Local Coastal Program, Unit I and Unit II were certified by the State Coastal Commission. These original plans contain important information regarding the natural resources, geology, and historical development of the Coastal Region. This plan is a continuation of the direction and foundation of knowledge established in the original plans. Since approval of the original LCPs, certain programs have been completed and new knowledge gained; yet, there is still much more to learn. The policies in this chapter are based on the foundation of the original LCP's commitment to conservation and protection of our biological resources, while providing for development that is allowed under the Coastal Act and preserving the function and values of these areas. These policies are to be implemented in light of the best available science, including reports, studies, or plans that are now available or may be available in the future regarding environmental findings, such as:

- Bolinas Lagoon Ecosystem Restoration Project: Recommendations for Restoration and Management, Gulf of the Farallones National Marine Sanctuary Advisory Council, Bolinas Lagoon Restoration Project Working Group, 2008.
- Fisheries Assessment for Bolinas Lagoon Tributaries within the Golden Gate Area, Golden Gate National Park Service, 2002.
- Projecting the Future Evolution of Bolinas Lagoon, Marin County Open Space District, 2006
- Tidal Marsh Birds of the San Francisco Bay Region, Status, Distribution and Conservation of 5 Category 2 Taxa, USGS, 1997.

Implementation of the Local Coastal Program (LCP) is carried out, in part, through the use of mapped data. Maps of biological resources, including special status species, wetlands, and streams, are included in the LCP document. While these maps are important indicators of the presence of significant resources that require protection under LCP policies, additional information regarding such resources will become available through site-specific review of proposed projects, through future map updates, and through other means. Thus, protection of biological resources is not limited to those that are mapped in this document. Furthermore, LCP policies address areas adjacent to ESHAs and parks and recreation areas, and as knowledge about those areas increases or as park boundaries change through land acquisitions, the LCP policies will be applied accordingly.

This region is also home to nonprofit research organizations and institutions such as the Audubon Canyon Ranch and PRBO Conservation Science (formerly the Point Reyes Bird Observatory) Palomarin Field Station and Wetland Center that actively contribute to the growing body of research on conservation science which can be used to address problems related to watershed protection, habitat management, recreational pressures, invasive species, and other coastal management issues, and these databases of knowledge should be included in relevant discussion related to ESHAs.
Marin County's biological resources are intertwined with villages, farms, homes, and roads. LCP policies are designed to support the protection and enhancement of biological resources, while also allowing the activities of coastal residents and visitors to continue to flourish.

Policies

C-BIO-1 Environmentally Sensitive Habitat Areas (ESHAs).

1. An environmentally sensitive habitat area (ESHA) is any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

2. ESHA consists of three general categories: wetlands, streams and riparian vegetation, and terrestrial ESHAs. Terrestrial ESHA includes non-aquatic habitats that support rare and endangered species; coastal dunes as referenced in C-BIO-7 (Coastal Dunes); roosting and nesting habitats as referenced in C-BIO-10 (Roosting and Nesting Habitats); and riparian vegetation that is not associated with a perennial or intermittent stream. The ESHA policies of C-BIO-2 (ESHA Protection) and C-BIO-3 (ESHA Buffers) apply to all categories of ESHA, except where modified by the more specific policies of the LCP.

~~[Adapted from Unit I Habitat Protection Policies 24 and 25, p. 34, and Unit II Natural Resources Policy 5, p. 74]~~

C-BIO-2 ESHA Protection.

1. Protect ESHAs against disruption of habitat values, and only allow uses within those areas that are dependent on those resources or otherwise specifically provided in C-BIO-14 (Wetlands), C-BIO-15 (Diking, Filling, Draining and Dredging) or C-BIO-23~~4~~ (Coastal Streams and Riparian Vegetation). Disruption of habitat values includes when the physical habitat is significantly altered or when species diversity or the abundance or viability of species populations is reduced. The type of proposed development, the particulars of its design, and its location in relation to the habitat area, will affect the determination of disruption.

2. Accessways and trails that are fundamentally associated with the interpretation of the resource are resource dependent uses that shall be sited and designed to protect ESHAs against significant disruption of habitat values in accordance with Policy C-BIO-2.1. Where it is not feasible to avoid ESHA, the design and development of accessways and trails shall minimize intrusions to the smallest feasible area and least impacting routes. As necessary to protect ESHAs, trails shall incorporate measures to control the timing, intensity or location of access (e.g., seasonal closures, placement of boardwalks, limited fencing, etc.).

3. Avoid fence types, roads, and structures that significantly inhibit wildlife movement, especially access to water.

4. Development proposals within or adjacent to ESHA will be reviewed subject to a biological site assessment prepared by a qualified biologist hired by the County and paid for by the applicant. The purpose of the biological site assessment is to confirm the extent of the ESHA, document any site constraints and the presence of other sensitive biological resources, recommend buffers, development timing, mitigation measures including precise required setbacks, provide a site restoration program where necessary, and provide other information, analysis and modifications appropriate to protect the resource.

~~[Adapted from the concept of Unit II Natural Resources Policy 5.b, p. 74]~~

C-BIO-3 ESHA Buffers.

1. In areas adjacent to ESHAs and parks and recreation areas, site and design development to prevent impacts that would significantly degrade those areas, and to be compatible with the continued viability of those habitat and recreation areas.
2. Provide buffers for wetlands, streams and riparian vegetation in accordance with C-BIO-18~~9~~ and C-BIO-23~~4~~, respectively.
3. Establish buffers for terrestrial ESHA to provide separation from development impacts. Maintain such buffers in a natural condition, allowing only those uses that will not significantly degrade the habitat. Buffers for terrestrial ESHA shall be 50feet, a width that may be adjusted by the County as appropriate to protect the habitat value of the resource, but in no case shall be less than 25 feet. Such adjustment shall be made on the basis of a biological site assessment supported by evidence that includes but is not limited to:
   - **a.** Sensitivity of the ESHA to disturbance;
   - **b.** Habitat requirements of the ESHA, including the migratory patterns of affected species and tendency to return each season to the same nest site or breeding colony;
   - **c.** Topography of the site;
   - **d.** Movement of stormwater;
   - **e.** Permeability of the soils and depth to water table;
   - **f.** Vegetation present;
   - **g.** Unique site conditions;
   - **h.** Whether vegetative, natural topographic, or built features (e.g., roads, structures) provide a physical barrier between the proposed development and the ESHA; and
   - **i.** The likelihood of increased human activity and disturbance resulting from the project relative to existing development.

~~[New policy, 2015]~~

C-BIO-4 Protect Major Vegetation. Require a Coastal Permit for the removal or harvesting of major vegetation other than for agricultural purposes. Such major vegetation removal shall avoid ~~adverse impacts to an~~ ESHA, ~~its~~ ESHAbuffers, coastal waters, and public views, and shall not conflict with prior conditions of approval, ~~and shall be consistent with Policy C-DES-11 (Minimization of Fuel Modification)~~ .

~~[Adapted from Unit I Habitat Protection Policy 22, p. 34, and Interim County Code Section 22.56.055]~~

Program C-BIO-4.b Integrated Planning for Fire Risk, Habitat Protection, and Forest Health. Develop a Coastal Permit process that protects coastal resources and allows for expedited review of projects related to the management or removal of major vegetation to minimize risks to life and property or to promote the health and survival of surrounding vegetation native to the locale.

~~[New program, 2015]~~

C-BIO-5 Ecological Restoration. Encourage the restoration and enhancement of degraded ESHAs and the creation of new ESHAs, and streamline regulatory processes whenever possible to facilitate the successful completion of restoration projects.
~~[New policy, 2015]~~

Program C-BIO-5.a Determine Locations of ESHAs. Continue to update the process for determining whether projects are within or adjacent to ESHAs. The process shall continue to be based on the best available scientific and geographic information and assure an adequate_level of review commensurate with the nature and scope of the project and the potential existence of an ESHA.
~~[New program, 2015]~~

Program C-BIO-5.b "Safe Harbor" for Expansion of ESHA. Consider a future work item to encourage the expansion of ESHAs by establishing policies, procedures and criteria that would allow such enhancements and protect sensitive resources while maintaining pre-existing buffers. The size of any buffer designated as a result of this program would not be a precedent for the size of any buffer on any other development site. This program would lead to policies and implementing measures that would be subject to review and certification as an amendment to the LCP.
~~[New program, 2015]~~

C-BIO-6 Invasive Plants. Where feasible, require the removal of non-native, invasive plant species such as pampas grass, brooms, iceplant, thistles and other invasive plant species on the list maintained by the California Invasive Plant Council in the areas of development and revegetate those areas with native plants as specified in Coastal Permit approvals. Ensure that required landscaping avoids use of non-native, invasive trees and plants in accordance with Policy C-DES-9 Landscaping. This policy does not apply to agricultural crops and pastures.
~~[Adapted from Unit I Habitat Protection Policy 28, p. 34]~~

C-BIO-7 Coastal Dunes. Prohibit development in coastal dunes to preserve dune formations, vegetation, and wildlife habitats. Prevent overuse in dune areas by mechanisms such as restricting parking, and directing pedestrian traffic through signage and sand fencing to areas capable of sustaining increased use. Prohibit motor vehicles in dune areas except for emergency purposes, and prohibit motor vehicles in non-dune beach areas except for emergency and essential maintenance purposes and where previously coastal permitted.
~~[Adapted from Unit II Natural Resources Policy 5.a, p. 74]~~

C-BIO-8 Stringline Method of Preventing Beach Encroachment. In a developed area where most lots are developed and where there are relatively few vacant lots, no part of a proposed new development (other than an allowable shoreline protective device), including decks, shall be built farther onto a beachfront than a line drawn between the most seaward portions of the adjacent structures. Enclosed living space in a new unit or addition shall not extend farther seaward than a second line drawn between the most seaward portions of the enclosed living space of the adjacent structures.
~~[New policy, 2015]~~

C-BIO-9 Stinson Beach Dune and Beach Areas. Prohibit development that would adversely impact the natural sand dune formation and sandy beach habitat in the areas west of the paper street Mira Vista and the dry sand areas west of the Patios. Prohibit development west of Mira Vista, including erection of fences, signs, or other structures, to preserve the natural dune habitat values, vegetation and contours, as well as the natural sandy beach habitat. Continue to pursue a land trade between the lots seaward of Mira Vista and the street right-of-way to more clearly establish and define the public beach boundaries.

Site development of other shorefront lots within the Stinson Beach and Seadrift areas outside of the natural sand dune formations, consistent with LUP Policy C-BIO-7 (Coastal Dunes). Where no dunes are evident, any new development on shorefront lots shall be set back behind the first line of terrestrial vegetation as far as is necessary to demonstrate required stability and hazards protection, avoid the need for shoreline protective ~~works~~ devices, protect sandy beach habitat, and provide a buffer area between private and public use areas to protect both the scenic and visual character of the beach, and the public right of access to the use and enjoyment of sand areas.

~~[Adapted from Unit I Natural Dune and Sandy Beach Protection Policies 19 and 20, p. 29]~~

C-BIO-10 Roosting and Nesting Habitat. Prohibit the alteration or removal of groves of trees that provide colonial nesting and roosting habitat for monarch butterflies or other wildlife, except where the trees pose a threat to life or property.
~~[Adapted from Unit I Habitat Protection Policy 22, p. 34]~~

C-BIO-11 Development Adjacent to Roosting and Nesting Habitat. Development adjacent to wildlife nesting and roosting areas shall be set back a sufficient distance to protect against disruption in nesting and roosting activities and designed to avoid impacts on the habitat area. Time such development activities so that disturbance to nesting and breeding wildlife is avoided. To the extent feasible, use native vegetation for landscaping.
~~[Adapted from Unit I Habitat Protection Policy 23, p. 34]~~

Program C-BIO-11.a **Grassy Uplands Surrounding Bolinas Lagoon.** Collect and evaluate data and studies to determine the habitat values of upland grassland feeding areas around Bolinas Lagoon for shorebirds, and develop effective policies to protect these areas against significant disruption of habitat values. Limited agricultural use of these lands may be permitted consistent with all other applicable policies.
~~[Adapted from Unit I Habitat Protection Policy 26, p. 34]~~

C-BIO-14 Wetlands. Preserve and maintain wetlands in the Coastal Zone as productive wildlife habitats and water filtering and storage areas, and protect wetlands against significant disruption of habitat values. Prohibit grazing or other agricultural uses in a wetland, except for ongoing agricultural activities.

~~[Adapted from Unit II Natural Resources Policy 4 (a—c), p. 74]~~

C-BIO-15 Diking, Filling, Draining and Dredging. Diking, filling, draining and dredging of coastal waters can have significant adverse impacts on water quality, marine habitats and organisms, and scenic features. Limit strictly the diking, filling, and dredging of open coastal waters, wetlands, and estuaries to the following purposes:

1. New or expanded commercial fishing facilities.
2. Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.
3. Incidental public service purposes, including burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.
4. Mineral extraction, including sand for restoring beaches, except in ESHAs.
5. Restoration purposes.
6. Nature study, aquaculture, or similar resource-dependent activities.
7. Excluding wetlands, new or expanded boating facilities and the placement of structural pilings for public recreation piers that provide public access and recreational opportunities may be permitted.
8. In the Esteros Americano and de San Antonio, limit any alterations to those for the purposes of scientific study and restoration.

~~[Adapted from Unit II Diking, Filling and Dredging Policies 1 and 2, p. 136]~~

C-BIO-16~~7~~ Conditions and Standards for Diking, Filling, Draining, and Dredging. Diking, filling, draining or dredging may be permitted for the purposes specified in policy C-BIO-15 above provided that all of the following conditions and standards are met:

1. There is no feasible less environmentally damaging alternative.
2. Mitigation measures have been provided in accordance with Policy C-BIO-20~~21~~ (Wetland Impact Mitigation) in order to minimize adverse environmental effects.
3. The activities are planned, scheduled, and carried out to avoid significant disruption to marine and wildlife habitats, fish and bird breeding and migrations, and water circulation.
4. The need for both initial and maintenance dredging shall be minimized by careful design and location of facilities with respect to existing water depths, water circulation, siltation patterns, and by efforts to reduce controllable sedimentation.
5. In estuaries and wetlands, the diking, filling, or dredging shall maintain or enhance the functional capacity of the wetland or estuary.

~~[Adapted from Unit II Diking, Filling and Dredging Policy 3, p. 137]~~

C-BIO-17~~8~~ Disposal of Dredged Materials. Require the disposal of dredged sediments to conform to the following standards:

1. The dredged materials disposal site has been approved by all relevant agencies.
2. Disposal of dredged materials shall be planned and carried out to avoid disruption to marine and wildlife habitats and water circulation.
3. Dredged materials suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable longshore current systems.
4. The disposal of dredged materials shall conform to the most recently approved dredging requirements promulgated or adopted by the State or Regional Water Quality Control Board.

~~[Adapted from Unit II Diking, Filling and Dredging Policy 4, p. 137]~~

C-BIO-18~~9~~ Wetland Buffers. Consistent with Policy C-BIO-3.1 (ESHA Buffers), maintain a buffer area, a minimum of 100 feet in width, in a natural condition along the periphery of all wetlands. A wider buffer may be required based on the results of a site assessment that evidences that a buffer greater than 100 feet in width is necessary to protect wetland resources from the impacts of the proposed development, including construction and post-construction impacts. No development shall be permitted within the wetland buffer, unless such development is authorized by C-BIO-2 (ESHA Protection), C-BIO-14 (Wetlands), C-BIO-15 (Diking, Filling, Draining and Dredging), or C-BIO-19~~20~~ (Wetland Buffer Adjustments).
~~[Adapted from Unit I Lagoon Protection Policy 18, p. 28, and Unit II Natural Resources Policy 4.d, p. 74]~~

C-BIO-19~~20~~ Wetland Buffer Adjustments and Exceptions.

1. A buffer adjustment to less than 100 feet may be considered only if it conforms with zoning and:
   - **a.** It is proposed on a legal lot of record located entirely within the buffer; or
   - **b.** It is demonstrated that permitted development cannot be feasibly accommodated entirely outside the required buffer; or
   - **c.** It is demonstrated that the permitted development outside the buffer would have greater impact on the wetland and the continuance of its habitat than development within the buffer; or
   - **d.** The wetland was constructed out of dry land for the treatment, conveyance or storage of water, its construction was authorized by a coastal permit (or pre-dated coastal permit requirements), it has no habitat value, and it does not affect natural wetlands.

2. A buffer adjustment may be granted only if supported by the findings of a site assessment which demonstrate that the adjusted buffer, in combination with incorporated siting, design or other mitigation measures, will prevent impacts that significantly degrade the wetland and will be compatible with the continuance of the wetland ESHA.

3. A Coastal Permit authorizing a buffer adjustment shall require measures that create a net environmental improvement over existing conditions, in addition to what is otherwise required by minimum applicable site development standards. Such measures shall be commensurate with the nature and scope of the project and shall be determined at the site level, supported by the findings of a site assessment or other technical document. Work required in accordance with this Policy shall be completed prior to occupancy. Appropriate measures may include but are not limited to:

   - **a.** Retrofitting existing improvements or implementing new measures to reduce the rate or volume of stormwater run-off and improve the quality of stormwater run-off (e.g., use of

permeable "hardscape" materials and landscape or site features designed to capture, absorb and filter stormwater; etc.);

b. Elimination of on-site invasive species;

c. Increasing native vegetation cover (e.g., expand continuous vegetation cover, reduce turf areas, provide native groundcover, shrubs and trees; etc.);

d. Reduction in water consumption for irrigation (e.g., use of drought-tolerant landscaping or high efficiency irrigation systems, etc.); and

e. Other measures that reduce overall similar site-related environmental impacts.

4. The buffer shall not be adjusted to a distance of less than 50 feet in width from~~n~~ the edge of the wetland.

~~[New policy, 2015]~~

C-BIO-20~~1~~ Wetland Impact Mitigation. Where any dike and fill development is permitted in wetlands in conformity with this section, require mitigation measures to include, at a minimum, either acquisition of required areas of equal or greater biological productivity or opening up equivalent areas to tidal action; provided, however, that if no appropriate restoration site is available, an in-lieu fee sufficient to provide an area of equivalent productive value or surface areas shall be dedicated to an appropriate public agency, or such replacement site shall be purchased before the dike or fill development may proceed. A minimum ratio of 2:1 in area is required for on-site mitigation, a minimum ratio of 3:1 is required for off-site mitigation, and a minimum ratio of 4:1 is required for an in-lieu fee. Mitigations shall meet the following criteria:

1. No net losses shall occur in wetland acreage, functions, or values. This includes both direct impacts on wetlands and essential buffers, and consideration of potential indirect effects of development due to changes in available surface water and nonpoint water quality degradation. Detailed review of the adequacy of a proposed mitigation plan shall be performed as part of any environmental and permit review of the proposed development project to allow for a thorough evaluation of the anticipated loss, as well as the replacement acreage, functions, and values.

2. Restoration of degraded wetlands is generally preferred to creation of new replacement wetlands, due to the greater likelihood of success.

3. Mitigation shall be implemented prior to and/or concurrently with the project activity causing the potential adverse impact to minimize any short-term loss and modification to wetlands.

4. An area of adjacent upland habitat shall be protected to provide an adequate buffer for wetland functions and values. Development shall be set back the minimum distance specified in Policy C-BIO-18~~9~~ (Wetland Buffers) to create this buffer, unless an adjustment is allowed and appropriate mitigation is provided where necessary, pursuant to Policy C-BIO-19~~20~~ (Wetland Buffer Adjustments).

5. Mitigation sites shall be permanently protected and managed for open space and wildlife habitat purposes.

6. Mitigation projects must to the extent feasible minimize the need for ongoing maintenance and operational manipulation (e.g., dredging, artificial water-level controls, etc.) to ensure long-term success. Self-sustaining projects with minimal maintenance requirements constitute the primary objective and are encouraged.

7. All plans to mitigate or minimize adverse impacts to wetland environments shall include provisions to monitor the success of the restoration project. The measures taken to avoid adverse impacts may be modified if the original plans prove unsuccessful. Performance bonds shall be required for all mitigation plans involving habitat creation or enhancement, including the cost of monitoring for at least five years post-completion, or as long as necessary to ensure success criteria are achieved.

8. Mitigation must be commensurate with adverse impacts of the wetland alteration and consist of providing similar values and greater wetland acreage than those of the wetland area adversely affected. All restored or created wetlands shall be provided at least at the minimum replacement ratio specified in this Policy (C-BIO-20~~1~~) and shall have the same or increased habitat values as the wetland proposed to be impacted.

Such mitigation measures shall not be required for temporary or short-term fill or diking; provided that a bond or other evidence of financial responsibility is provided to assure that restoration will be accomplished in the shortest period of time not to exceed 12 months.
~~[New policy, 2015]~~

C-BIO-21~~2~~ Tomales Bay Shoreline. As part of the application for a coastal permit on any parcel adjacent to Tomales Bay, except where there is no evidence of wetlands, require the applicant to submit supplemental biological information prepared by a qualified biologist at a scale sufficient to identify the extent of the existing wetlands, based on Section 30121 of the Coastal Act and the area of the proposed buffer areas.
~~[Adapted from Unit II Natural Resources Policy 4.c, p. 74]~~

C-BIO-22~~3~~ Marine Resources. Maintain, enhance, and, where feasible, restore marine resources. Provide special protection to areas and species of special biological or economic significance. Carry out uses of the marine environment in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.
~~[New policy, 2015]~~

C-BIO-23~~4~~ Coastal Streams and Riparian Vegetation.

1. Stream alterations. Limit channelizations, diversions, dams, or similar substantial alterations of coastal streams to the following purposes:

   a. Necessary water supply projects where no other less environmentally damaging method of water supply is feasible;

   b. Flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development; or

   c. Developments where the primary function is the improvement of fish and wildlife habitat.

   Before any such substantial alterations that would significantly disrupt the habitat value of a stream are permitted, minimum flows necessary to maintain fish habitat and water quality, and to protect downstream resources (e.g. riparian vegetation, groundwater recharge areas, receiving

waters, spawning habitats, etc.) and downstream users shall be determined by the Department of Fish and Wildlife and the Division of Water Rights of the State Water Resources Control Board. Prohibit new impoundments which, individually or cumulatively, would decrease streamflows below the minimum.

2. Access and Utility Crossings. Access and utility crossings shall be accomplished by clear span bridging, unless other methods are determined to be less disruptive to the stream and/or riparian ESHA. Wherever possible, shared bridges or other crossings shall be used to provide access and utilities to groups of lots covered by this policy. Bridge abutments shall be located outside stream channels and designed to minimize disturbance of riparian vegetation.
3. Conditions. Minimize the alteration of streams allowed for the purposes listed in (1) and (2) above in order to protect streamwater quality and the volume and rate of streamflow. Require all developments to incorporate the best mitigation measures feasible, including erosion and runoff control measures, and re-vegetation of disturbed areas with native species. Minimize the disturbance of riparian vegetation and require revegetation.

~~[Adapted from Unit I Stream Protection Policies 1 and 2, p. 19, and Unit II Natural Resources Policy 3, p. 72]~~

C-BIO-~~"TBD"~~ -24 Coastal Stream and Riparian Vegetation Buffers. Consistent with Policy C-BIO-3.1 (ESHA Buffers), establish buffers to protect streams from the impacts of adjacent uses including development impacts from construction and post-construction activities, and maintain such buffers in a natural condition. The buffer shall be the wider of the following on both sides of the stream: (a) the area 50 feet landward from the outer edge of the riparian vegetation, or (b) the area 100 feet landward from the top of the stream banks, or (c) as recommended by the biological site assessment per C-BIO-2. No development shall be permitted in the stream or riparian vegetation buffer unless such development is authorized by C-BIO-2 (ESHA Protection), C-BIO-23~~4~~ (Coastal Streams and Riparian Vegetation) or C-BIO-26~~5~~ (Stream and Riparian Buffer Adjustments).
~~[Adapted from Unit I Stream Protection Policy 3, p. 19, and Unit II Natural Resources Policy 3, p. 72]~~

C-BIO-25 Stream Buffer Adjustments and Exceptions.

1. A buffer adjustment to less than that required by C-BIO~~0-TBD~~ 24 may be considered only if it conforms with zoning and:
   - **a.** It is proposed on a legal lot of record located entirely within the buffer; or
   - **b.** It is demonstrated that permitted development cannot be feasibly accommodated entirely outside the required buffer; or
   - **c.** It is demonstrated that the permitted development outside the buffer would have greater impact on the stream or riparian ESHA and the continuance of its habitat than development within the buffer.
2. A buffer adjustment may be granted only if supported by the findings of a site assessment which demonstrate that the adjusted buffer, in combination with incorporated siting, design or other mitigation measures, will prevent impacts that significantly degrade the stream or riparian vegetation, and will be compatible with the continuance of the stream/riparian ESHA.
3. A Coastal Permit authorizing a buffer adjustment shall require measures that create a net environmental improvement over existing conditions, in addition to what is otherwise required by minimum applicable site development standards. Such measures shall be commensurate with the nature and scope of the project and shall be determined at the site level, supported by the findings of a site assessment or other technical document. Work required in accordance with this Policy shall be completed prior to occupancy. Appropriate measures may include but are not limited to:
   - **a.** Retrofitting existing improvements or implementing new measures to reduce the rate or volume of stormwater run-off and improve the quality of stormwater run-off (e.g.,

permeable "hardscape" materials and landscape or site features designed to capture, absorb and filter stormwater);

b. Elimination of on-site invasive species;

c. Increasing native vegetation cover (e.g., expand continuous riparian vegetation cover;~~,~~ reduce turf areas;, provide native groundcover, shrubs and trees; etc.);

d. Improvement of streambank or in-stream conditions (e.g., remove hard bank armoring, slope back streambanks, create inset floodplains, install large woody debris structures, etc.), in order to restore habitat and more natural stream conditions;

e. Reduction in water consumption for irrigation (e.g., use of drought-tolerant landscaping or high efficiency irrigation systems, etc.);

f. Other measures that reduce overall similar site-related environmental impacts.

4. The buffer shall not be adjusted to a distance of less than 50 feet in width from the edge of the stream/riparian ESHA.

~~[Adapted from Unit I Stream Protection Policy 4, p. 19]~~

C-BIO-26 Diversions Outside the Coastal Zone. Require that the impacts from diversion projects, especially on the two major tributaries to Tomales Bay, Walker and Lagunitas Creeks, be fully studied through the CEQA and coastal permit process before they are permitted to proceed and in all cases, require mitigation and enhancement measures to ensure that coastal resources influenced by freshwater inflows are not significantly damaged.
~~[Adapted from Unit II Natural Resources Policy 3.c, p. 73]~~

C-BIO-27 Federal Projects. Federal projects which require the modification or alteration of natural resources shall be evaluated by the Coastal Commission through the consistency review process.
~~[Adapted from Unit II Federal Parklands Policy 3, p. 61]~~

C-BIO-28 California Parks and Recreation. Support and encourage the environmental conservation, land and easement acquisition, and habitat restoration efforts of the California Department of Parks and Recreation.
~~[New policy, 2015]~~

C-BIO-29 Marin County Parks. Support and encourage the environmental conservation, land and easement acquisition, and habitat restoration efforts of the Marin County Parks Department. In particular, conservation activities related to beach areas, lagoons, wetlands, streams, existing and potential boat launching sites, recreational areas, and Tomales Bay and its shoreline are considered a high priority in the Coastal Zone.
~~[New policy, 2015]~~

Environmental Hazards (EH)

Background

Marin County's shoreline, like all of California's coast, is a highly dynamic place. The coast is subject to forces that include shoreline and bluff erosion, storms and waves~~, long-term sea level rise~~, tsunamis, landslides and potential seismic events, all of which represent hazards for existing and new development (see also LCP Maps 9 – 15 and 18).

Rising s~~S~~ea levels~~ rise~~ are ~~is~~expected to ~~lead~~ exacerbate coastal hazards such as these, leading to increased erosion, permanent or periodic inundation of low-lying areas, loss of coastal wetlands, ~~permanent or periodic inundation of low-lying areas, increase in coastal flooding,~~ and salt water intrusion into stormwater systems and aquifers. Structures located along the shoreline and atop bluffs that are susceptible to erosion and in areas that already flood during higher tides will likely experience an increase in these hazards ~~from~~ due to accelerated sea level rise. Sea level rise also threatens the integrity of roads and other infrastructure (for example, see LCP Map 15~~ – Sea Level Rise~~). The LCP acknowledges the threat of sea level rise and supports appropriate responses, while recognizing that sea level rise is a global rather than a purely local issue. The impacts of sea level rise will vary according to local factors, such as shoreline characteristics, land movement driven by plate tectonics, and local wind patterns. Strategies to reduce impacts are most appropriately designed and implemented at the local level.

Coastal zone development, whether located ~~at sea level~~along the shoreline, on a bluff, or farther inland, can be~~is~~ vulnerable to one or more of these hazards, including rising sea levels. As a response, s~~S~~ignificant portions of California's coastline have been armored with rock revetments, seawalls, or other shoreline protective devices. Marin County's shoreline includes relatively few~~-~~ areas where such devices are in place~~such devices~~, but shoreline armoring is not absent from the County's coastal zone. Although shoreline protective devices may offer protection to existing homes and other structures from ocean waves and storms, the devices can have negative impacts on recreational beach uses, scenic resources,

natural landforms, and the supply of sand to ~~other~~ shoreline areas, as well as the character of the County's coastal areas. Thus, the overall intent of the LCP policies addressing coastal hazards is to avoid the use of shoreline protective devices where possible, and, if avoidance is not possible, to address their potential coastal resource impacts over time through mitigation measures, including mitigation measures that serve to protect public beach areas for recreational use.

Coastal Act policies ~~provide~~ require that new development ~~shall~~ minimize risks to life and property in highly hazardous areas, and that it ~~. Furthermore, new development shall~~ assure stability and structural integrity ~~and~~ while not creatinge or contributinge significantly to geologic instability or other hazards. Coastal Act policies also recognize that shoreline protective devices can be appropriate in certain instances, for example to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion. Under the Coastal Act, such devices, when allowable, however, must be designed to eliminate or mitigate adverse impacts on local shoreline sand supply and other coastal resources.

LCP hazards policies are designed with these policy considerations in mind, recognizing that coastal planning and permitting decisions must address both public and private costs and benefits of development in the dynamic coastal environment. The intent is to minimize risks to life and property by generally avoiding development in hazardous areas. At the same time it is acknowledged that these areas cannot always be avoided, and as such development in these areas needs to be even more carefully sited, designed and conditioned to avoid coastal resource consequences, especially over time. LCP hazards policies should serve to enhance the safety of residents and visitors in potentially hazardous areas. The LCP minimizes risks to life and property by generally avoiding development in hazardous areas, while allowing carefully designed and conditioned development to proceed where avoidance is not possible.

Policies

C-EH-1 Areas Potentially Subject to Hazards. Areas potentially subject to hazards include high geologic, flood, erosion and fire hazard areas, including but not limited to the areas subject to: Alquist-Priolo earthquake hazard zones and areas subject to landslides, liquefaction, steep slopes averaging greater than 35%, and unstable slopes regardless of steepness; episodic and long-term shoreline and bluff erosion and retreat, high velocity wave and tidal action from storms or high seas, ocean and stream inundation and flooding, tsunamis, and rising sea levels; and combinations of all of the above. Many of these areas are mapped in this LCP, including as shown on LCP Maps 9-15, and 18. Such maps can be used as a resource for identification of areas potentially subject to hazards; however, absence of mapping alone cannot be considered absence of hazard and local site conditions must be examined using the best available science.

C-EH-2~~1~~ Avoid and Minimize Hazard Risks and Related Impacts. ~~Safety of New Development.~~ Development shall be avoided in areas potentially subject to hazards to the maximum feasible extent. When development in such areas cannot be feasibly sited in a manner that avoids such areas entirely, then such development shall be sited, designed, and conditioned to minimize risks to life and property while mitigating the development's impacts to coastal resource. Mitigation shall include measures to avoid such impacts if feasible, particularly impacts related to public recreational beach access. ~~Ensure that risks to life are minimized and that new development is safe from, and does not contribute to, geologic, sea level rise, or other hazards.~~

C-EH-3 Hazards Evaluation. All development in areas potentially subject to hazards shall be supported by reports that are prepared by qualified professionals to current professional standards that adequately address the requirements of this Chapter (which may include reports prepared by and/or for the County). These reports shall be evaluated based on the best available science; shall, if sea level rise is

part of the hazards, consider the impacts from the high projection of sea level rise for 100 years (unless different standards are required in the policies of this chapter); shall demonstrate that the development will avoid, or if full avoidance is not possible to avoid as much as possible and minimize, impacts from coastal hazards; and shall evaluate and identify the effect of the development over time on coastal resources (including in terms of public access, shoreline dynamics, natural landforms, natural shoreline processes and public views as project impacts continue and/or change over time, including in response to sea level rise and fire hazards) and suggest appropriate mitigations to avoid and offset adverse effects identified.

C-EH-4 Coastal Redevelopment. An existing structure located in an area potentially subject to hazards shall be considered redeveloped (and deemed new development under this LCP that must be made to conform with all applicable LCP policies), when such development consists of: (1) alteration (including interior and/or exterior remodeling and renovations, demolition or partial demolition, etc.) of 50% or more of major structural components (including exterior walls, floor and roof structure, and foundation) considered individually (i.e., percentages are calculated by the individual structural component being altered, and are not additive between different structural components); (2) additions and alterations to such development that lead to a 50% or more increase in floor area for the development; and/or (3) additions and alterations to such development that costs 50% or more of the market value of the existing structure before construction. Changes to floor area and individual major structural components and the costs of such changes are measured cumulatively over time starting from January 1, 1977.

C-EH-54 Standards for Shoreline Development~~Flood Hazards~~. ~~Flood hazard areas are~~ Shoreline development is defined as: (1) development located on parcels shown on adopted Federal Emergency Management Agency (FEMA) "Flood Insurance Rate Maps" (FIRM) and "Flood Boundary Water Maps" for Marin County ~~which have been determined to be~~ that are subject to coastal flooding from a flood which has a one percent chance of annual occurrence ~~in any one year (further designated as Zone A, AO, A1-30, AE, A99, AH, VO, V1-V30, VE, or V); and 2) those areas potentially inundated by sea level rise as shown on "Potential Sea Level Rise Maps" prepared and adopted by the County of Marin.~~; (2) development in areas potentially subject to inundation by sea level rise based on best available science at the time of the application, but at a minimum including properties shown on LCP Map 15; and (3) development, whether shown in the areas identified on the maps in subsection (1) and (2) of this section or not, that is located in areas potentially subject to shoreline hazards, including those areas identified pursuant to the hazards evaluation in C-EH-3 (including but not limited to flooding, inundation, storm waves, high seas, tidal scour, tsunamis, and the interaction of same, including in relation to sea level rise).

1. Shoreline development shall be set back a sufficient distance, and/or sited on an existing elevated portion of the site, and/or designed to reduce the size of the structure or structure footprint (unless the project consists solely of raising an existing structure the minimum amount necessary to meet flood elevation requirements), in such a way to avoid flooding related to the current estimated 100-year storm event, as adjusted for sea level rise if applicable, to the maximum feasible extent without reliance on shoreline protective devices. Existing shoreline protective devices shall not be incorporated into analyses when establishing appropriate siting. The predicted shoreline position shall be evaluated considering not only historic shoreline erosion, but also expected acceleration of shoreline erosion due to continued and accelerated sea level rise.

2. If there is inadequate space to feasibly meet such siting and design requirements, development shall be sited on the portion of the site that best meets these requirements, and floodproofed and/or elevated via pier/caisson foundations (using the minimum number of piers/caissons feasible) so that the lowest finished floor (in the case of floodproofing) or lowest horizontal members (in the case of elevation)

are located at an elevation equal to the elevation of the estimated 100-year storm flood plus 3 feet (to address sea level rise). If floodproofed, the maximum allowable height shall be consistent with applicable zoning district standards. If elevated via pier/caisson foundations, then the area below the lowest horizontal members of such foundation shall not be enclosed nor used for any development needs, with the exception of appropriately designed parking and unenclosed outdoor storage (e.g., boat storage); and the maximum allowable height shall be consistent with applicable zoning district standards, or 15 feet above the finished floor elevation (which shall be no more than 2 feet above the elevation of the lowest horizontal members of such foundation) if necessary to provide a single standard story of living space, whichever is greater. Where development consists solely of raising an existing structure by the minimum amount necessary to meet these flood elevation standards, a resulting building height that would exceed the zoning district height maximum may be allowed if the additional height does not adversely affect significant public views or community character; and existing legal non-conforming buildings that are encroaching into a required yard setback may be approved without the need for a variance to setback requirements, as long as the extent of the encroachment is not expanded.

3. Shoreline development shall be designed to ensure safety from anticipated hazard impacts caused by future sea level rise, including increased velocity of floodwaters, where applicable.

4. Shoreline development shall provide for adequate ingress/egress and all applicable service connections (e.g., for water, wastewater, electricity, gas, etc.), all of which shall be sited and designed to avoid impacts from flooding and to protect coastal resources to the maximum feasible extent.

5. Shoreline development shall not include rope lines or fences that block public access.

6. Shoreline development shall be prohibited if it would already meet any of the removal criteria specified in C-EH-11.

7. The required hazards evaluation of C-EH-3 shall address the requirements of that policy and this one, including in terms of evaluating the impacts associated with any development that includes floodproofing and/or elevation, and including in terms of evaluating the effects of related development, such as required ingress/egress to structures and the provision of services (e.g., water, wastewater, electricity, gas, etc.) over time, on coastal resources.

~~1. The development will comply with construction standards contained in Chapter 23.09 (Floodplain Management);~~
~~2. The minimum floor elevation of development incorporates additional freeboard to accommodate potential sea level rise as provided for by Policy C-EH-8 (Miminum Floor Elevations in Flood Hazard Areas);~~
~~3. The development will not create a hazard or diminish the stability of the area; and~~
~~4. Shoreline development, conforms to Policy C-EH-5.B.~~

~~To minimize risks to life and property, and assure stability and structural integrity of existing structures, modifications of such structures consistent with this Policy shall be facilitated by application of Coastal Permit Exemptions, Categorical Exclusions, and Coastal Permits. Raising the structure as provided in Policies C-EH-5, 8, and 9 and limiting the height to that required to provide for BFE and/or sea level rise elevation shall be deemed sufficient to comply with coastal hazard, public view, community character and related provisions of the LCP.~~

C-EH-6~~5~~ Standards for ~~New Shoreline and~~ Blufftop Development. ~~Ensure that new~~ B~~b~~lufftop development~~,~~ is defined as development located on parcels within 300 feet of a blufftop edge. ~~safe from bluff retreat and other coastal hazards without a reliance on shoreline protective devices. Except as provided for by Policies C-EH-7, C-EH-15, and C-EH-16, new~~

1. Blufftop development shall be set back a sufficient distance from the blufftop edge ~~a sufficient distance~~ to avoid hazards to the maximum feasible extent while ensuring~~e its~~ stability and structural integrity in light of potential bluff erosion and other hazards for at least the next ~~minimum of~~ 100 years ~~and to eliminate the need for~~without reliance on shoreline protective devices. Existing shoreline protective devices shall not be countenanced when establishing the setback.

2. If there is inadequate space to feasibly meet such setback requirements, including through modifications to the project design (e.g. proposing a smaller structure), blufftop development may be set back a lesser distance from the blufftop edge provided such setback is the maximum feasible and ensures stability and structural integrity in light of potential hazards for no less than 25 years without reliance on shoreline protective devices.

3. The ~~A coastal~~ required hazards evaluation ~~analysis~~ shall address the requirements of that policy and this one, and shall also ~~evaluate the effect of erosion, geologic and other hazards at the site to ensure structural integrity for a minimum of 100 years. The coastal hazards analysis shall~~ include a quantitative slope stability analysis by a geotechnical engineer demonstrating a minimum factor of safety against sliding of 1.5 (static) or 1.2 (pseudostatic, k=0.15 ~~or determined through analysis by the geotechnical engineer)~~whereby~~. S~~safety and stability must be demonstrated for the predicted position of the bluff and blufftop edge following bluff recession over the required timeframe (~~at least~~ i.e., 100 years, or possibly less pursuant to C-EH-6(2)). The predicted bluff and blufftop edge position shall be evaluated considering not only historical bluff retreat data and slope stability data, but also acceleration of bluff retreat due to continued and accelerated sea level rise, and other climate impacts. ~~according to potential sea level rise estimates prepared and adopted by the County of Marin for use in coastal hazards analyses.~~

4. Blufftop development shall be prohibited if it would already meet any of the removal criteria specified in C-EH-11.

5. Blufftop development shall include identification of the minimum amount of setback necessary to maintain safety without a shoreline protective device as the bluff erodes over the required time frame.

6. Blufftop development shall include adequate drainage and erosion controls designed to avoid bluff erosion and to avoid drainage being directed over blufftop edges or through bluffs otherwise.

~~**C-EH-6 Proper Drainage on Blufftop Parcels.** Ensure that surface and subsurface drainage associated with development of any kind shall not contribute to the erosion of the bluff face or the stability of the bluff itself.~~

C-EH-7 ~~New Structures on~~Standards for Bluff Face Developments. ~~Prohibit structures~~ Development on bluff faces shall be prohibited, ~~except for~~ other than public recreational access ~~structures~~ facilities (e.g. stairways, paths, overlooks, ramps, etc.) where no feasible alternative means of public access exists, and where. s~~S~~uch ~~structures~~ development ~~shall be~~is sited and designed ~~and constructed~~ to be visually compatible with the surrounding area to the maximum feasible extent ~~feasible~~ and to minimize effects on erosion of the bluff face.

C-EH-8 Standards for Development Subject to Geologic Hazards. In addition to other requirements that may apply (e.g., for development on a shoreline, blufftop, or bluff face), Require applicants for development in areas that are potentially subject to geologic hazards, (which including Alquist-Priolo earthquake hazard zones and areas subject to landslides, liquefaction, steep slopes averaging greater than 35%, and unstable slopes regardless of steepness) to evaluate the extent of those hazards and demonstrate that: The development shall comply with the seismic safety standards of the Alquist-Priolo Act (California. Public Resources Code Section 2621. et seq.) and all applicable seismic provisions and criteria contained in the most recent version of State and County codes; Development shall incorporate contruction and siting and design techniques to mitigate the any such geologic hazards; and identified above; The development shall not create a hazard or diminish the stability of the area.; and Blufftop development, confirms to Policy C-EH-5.A.

C-EH-9 Standards for Development Subject to Fire Hazards. In addition to other requirements that may apply (e.g., if it is also shoreline, blufftop, or bluff face development, and/or development subject to geologic hazards), the following standards apply to development subject to fire hazards:

C-EH-23 1) New Development and Fire Safety. Coastal Permit applicationsNew development shall demonstrate that the development meets all applicable fire safety standards. and shall be sSited and designed new development to minimize required initial and future fuel modification, and brush clearance in general, to the maximum feasible extent, and to avoid such activities within ESHA and ESHA buffers on site and on neighboring property, including parkland, where all such requirements shall be applied as conditions of approval applicable for the life of the development.

C-EH-25 2) Existing Development and Fire Safety. Removal of major vegetation around adjacent to existing development for fire safety purposes shall only be allowed with a coastal permit waiver upon a finding that fuel modification and brush clearance techniques are required in accordance with applicable fire safety regulations and are being carried out in a manner which reduces coastal resource impacts to the maximum feasible extent. In addition to the foregoing requirements, removal of ESHA, or is removal of materials in an ESHA buffer, shall only be allowed for fire safety purposes: if it is not already prohibited by coastal permit conditions; if there are no other feasible alternatives for achieving compliance with required fire safety regulations; and if all ESHA and related impacts are mitigated in a manner that leads to no net loss of ESHA resource value.
[New policy, 2016]

C-EH-2 10 Waiver of Liability and Applicant's Assumption and Disclosure of Risk. As a condition of cCoastal permit approvals for development in areas potentially subject to hazardous areas, shall contain conditions requiringe the applicants to record a document deed restrictions against properties governed by the permit in which the applicants: acknowledgeing and agree, on behalf of themselves and successors and assigns: that the site is subject to coastal hazards, each of which shall be explicitly identified, including vulnerabilities to sea level rise if the property is located in an area potentially inundated by sea level rise as shown on LCP Map 15 and/or as identified pursuant to the hazards evaluation in C-EH-3; which may include coastal erosion, shoreline retreat, flooding, and other geologic hazards; to assume all such hazard risks; to prohibit and to waive any rights that may exist for new and/or augmented Acknowledging that future shoreline protective devices (including additional elevation for structures already elevated pursuant to C-EH-5) to protect authorized structures are prohibited; Acknowledging that public funds may be insufficient or unavailable to remedy damage to public roadways, infrastructure, and other facilities resulting from natural events such as sea level rise and bluff erosion; Acknowledging that Housing Code provisions prohibit the occupancy of structures where sewage disposal or water systems are rendered inoperable; that any adverse effects to property caused by the development shall be fully the responsibility of the applicants and may require removal and

restoration under certain criteria (see also C-EH-11 and C-EH-17 below). ~~and Assuming all risks and waiving any claim of damamge or liability against the County for personal or property damage resulting from such coastal hazards. The recorded document shall also disclose potential vulnerability of the development site to long term sea level rise by incorporating the County's 100 year time frame sea level rise hazard map for the subject property and surrounding area, where applicable.~~

C-EH-11 Mitigation Measures Required for Development Subject to Hazards. Development in shoreline, bluff face, and blufftop areas that are subject to hazards shall comply with all of the following, including through application of conditions of approval that provide for same:

1. Development Duration. Development shall be removed and the affected area restored to a natural condition if: (a) the County declares the development unsafe for occupancy and/or use; (b) the development requires new and/or augmented shoreline protective devices (including additional elevation for structures already elevated pursuant to C-EH-5); (c) the development encroaches onto public trust land (including as the public trust migrates); (d) access and utilities are no longer available to serve the development; (e) the blufftop edge erodes to the minimum setback line established via Policy C-EH-6; and/or (f) required by subsequent adaptation planning (see Policy C-EH-17). Bonding sufficient to cover such removal and restoration shall be provided.

2. Existing Armoring. If an existing shoreline protective device (other than a pier/caisson foundation system supporting the development itself) is associated with new shoreline, bluff face, and/or blufftop development (including coastal redevelopment), then such development shall only be approved subject to a requirement that the existing shoreline protective device is required to be removed and the area affected by the device restored to natural conditions as part of project construction as a condition of development approval. Removal and restoration shall not be required where removal of the shoreline protective device would endanger existing principal structures on adjacent sites to the degree that these principal structures would qualify for armoring under this LCP unless such adjacent sites have already been required to remove such armoring and restore the area when feasible via prior conditions of approval (see following sentence). When immediate removal and restoration is not required for these reasons, such development shall only be approved subject to a requirement that the existing shoreline protective device be removed and the affected area restored as soon as such removal and restoration can be accomplished without endangering existing principal structures on adjacent sites (e.g., as adjacent sites redevelop, as adjacent sites are conditioned for future removal, etc.), and that bonding sufficient to cover such removal and restoration be provided.

3. Public Rights. Approval of coastal permits shall not constitute a waiver of any public rights that may exist on the affected property. A coastal permit permittee shall not use any permit approval as evidence of a waiver of any public rights that may exist on the affected property now or in the future.

~~**C-EH-8 Minimum Floor Elevations in Flood Hazard Areas.** For new development within Flood Hazard Areas as defined by Policy C-EH-3, the minimum elevation of construction shall incorporate additional height to accommodate potential sea level rise as follows:~~

~~1. Within flood hazard areas mapped by the Federal Emergency Management Agency (FEMA), additional elevation up to a maximum of three feet to accommodate identified sea level rise as depicted on "Potential Sea Level Rise Maps" prepared and adopted by the County of Marin, shall be added to the Base Flood Elevation (BFE) when establishing the minimum elevation required for proposed construction.~~

~~Within areas that are not within FEMA mapped flood zones but are shown as potentially inundated by sea level rise identified on "Potential Sea Level Rise Maps" prepared and adopted by the County of Marin, new development shall be constructed such that the lowest finished floor exceeds the highest natural elevation of the ground surface next to the proposed walls of the structure prior to construction (i.e., "highest adjacent grade") by an amount equal to or greater than the projected sea level rise as depicted on the above referenced maps.~~

~~**C-EH-9 Maximum Building Heights in Flood Hazard Areas.** For new development within Flood Hazard Areas as defined by Policy C-EH-3, the maximum allowable building height shall be 25 feet above grade, or 15 feet above the minimum floor elevation as required by Policy C-EH-8, whichever is greater (see Policy C-EH-11 for Maximum Building Heights within the Seadrift Subdivision) except:~~

~~Where development consists soley of raising an existing structure by the minimum amount necessary to meet the Base Flood Elevation (BFE) established by FEMA plus any additional elevation require by Policy C-EH-8:~~

~~1. A resulting building height of up to 30 feet above grade shall be deemed sufficient to comply with coastal hazard, public view, community character and related provisions of the LCP. Such Coastal Permits shall be subject to conditions of approval prohibiting future increases in the height, mass, and bulk of the structure.~~

~~2. A resulting building height which would exceed 30 feet above grade may only be permitted after an individual evaluation of conformance with public view, community character and related provisions of the LCP.~~

~~**C-EH-11 Maximum Building Heights in the Flood Velocity Zone at Seadrift.** For new development within the Seadrift Subdivision located in the special flood hazard (V zone) as mapped by the Federal Emergency Management Agency, measure the maximum allowable building height of 15 feet from the minimum floor elevation required by Policy C-EH-8.~~

~~**C-EH-12 Floor Elevations Requirements for Non-conforming Buildings in Flood Hazard Areas.** Within **Flood Hazard Areas as defined by Policy C-EH-3**, allow existing legal non-conforming buildings that are encroaching into a required yard setback to be raised consistent with Policy C-EH-8 without the need for a variance to setback requirements, as long as the extent of the encroachment is not expanded.~~

C-EH-1~~2~~3 Standards for Shoreline Protective Devices. ~~Discourage~~ Sshoreline protective devices (i.e. ~~in the Coastal Zone~~, ~~including encouraging their removal and site restoration where feasible, due to their coastal resource impacts (including visual impacts, obstruction of public access, interference with natural shoreline processes and water circulation, and effects on marine habitats and water quality)~~ ~~Allow the construction, reconstruction, expansion, and/or replacement of a shoreline protective device,~~ including revetments, breakwaters, groins, seawalls, bluff ~~retention devices~~retaining walls and other like devices, ~~deep~~ piers/caisson foundation systems, ~~(deep piers/caissons are not considered to be a shoreline protective device when they are designed and used for architectural foundations and not for erosion protection or to prevent beach retreat)~~ or other ~~artificial~~ similar structures designed as protection against ~~for~~ coastal ~~erosion control and~~ hazards) ~~protection~~, ~~only if each of the following~~ shall be prohibited unless they meet all of the criteria ~~is met~~below:

1. Allowable armoring. The shoreline protective device is required: to serve a coastal-dependent use or to protect a principal structure ~~, residence, or second residential unit~~ in existence prior to the

effective date of the Coastal Act (i.e. January 1, 1977) ~~the adoption of the Local Coastal Program (May 13, 1982)~~ that is in danger from erosion (i.e. would be unsafe to use or occupy within two storm seasons; or to protect a public beach that is in danger from erosion. Notwithstanding the above, a pier/caisson foundation system shoreline protective device may be allowable under certain circumstances pursuant to C-EH-5.

2. Least Damaging Alternative. The shoreline protective ~~No other non-structural alternative, such as sand replenishment, beach nourishment, or managed retreat is feasible, and the~~ device is the least environmentally damaging feasible alternative ~~.~~ to protect existing endangered principal structures, public beaches, or coastal-dependent uses. Hard armoring (such as seawalls and revetments, etc.) shall only be allowed if soft alternatives (such as beach nourishment, vegetative planting, and drainage control, etc.) cannot meet the above least environmentally damaging feasible alternative criteria, and if limited as much as possible to avoid coastal resource impacts. All shoreline protective devices shall be sited and designed to avoid coastal resource impacts to the maximum feasible extent, including that all allowable device shall be designed to blend visually with the natural shoreline and provide for public recreational access.

3~~9~~. Impacts Mitigated. The project includes proportional mitigation for all unavoidable coastal resource impacts, including with respect to impacts on shoreline sand supply, sandy beaches, public recreational access, public views, natural landforms, and water quality. At a minimum, the effects of the device with respect to retention of shoreline sand generating materials, the loss of beach/sand due to its footprint, and passive erosion shall be evaluated. Proportional in-lieu fees may be used as a vehicle for impact mitigation if in-kind options (such as developing new public access facilities) are not possible, and if such in-lieu fees are deposited in an interest bearing account managed by the County and used only for public recreational shoreline area access improvements. ~~Shoreline protective devices shall be required to mitigate impacts to shoreline sand supply, public access and recreation, and any other relevant coastal resource impacts~~ Impact mitigation shall be evaluated and required in 20-year increments, ~~starting with the building permit completion certification date~~ and permittees shall be required to apply for coastal permit amendments prior to expiration of each 20-year mitigation period that proposes~~ing~~ mitigation for coastal resource impacts associated with retention of the shoreline protective device beyond the preceding 20-year mitigation period, ~~and~~ where such application shall include consideration of alternative feasible mitigation measures in which the permittee can modify the shoreline protective device to lessen its impacts on coastal resources.

4~~10~~. Monitoring. The shoreline protective device shall be regularly monitored by an engineer or engineering geologist familiar and experienced with coastal structures and processes. Monitoring reports to the County and the Coastal Commission shall be required every five years from the date of coastal permit issuance ~~until coastal permit expiration~~for as long as the shoreline protective device remains authorized (see subsection 6 below), ~~which shall evaluate whether or not the shoreline protective device is still required to protect the existing structure it was designed to protect~~ and such reports shall cover all aspects of the armoring reevaluation specified in subsection 5 below.

5~~7~~. Armoring Reevaluation. For existing shoreline protective devices that are being reconstructed, expanded, and/or replaced, the coastal permit application shall include a re-assessment of the need for the device, the need for any repair or maintenance of the device, and the potential for removal based on changed conditions, including whether such device, and the potential for removal based on changed conditions, including whether such device meets the criteria in Policy C-EH-12. The coastal permit application shall at a minimum include an evaluation of: the age and condition of the existing principal structure being protected (or evaluation of the coastal-dependent use being served or public

beach being protected, if applicable); changed geologic site conditions including but not limited to changes relative to sea level rise; and impacts to coastal resources, including but not limited to public recreational access and ~~recreation~~ways to reduce such impacts. If approved, such development associated with existing shoreline protective devices shall meet all of the pother requirements of this policy, including with respect to the impact mitigation requirements of subsection 3 above.

6. Armoring Duration. The shoreline protective device shall only be authorized ~~for a specified time period depending on the nature of the project and other possible changing conditions. Maintenance beyond the specified time period, modification, or expansion of the approved device shall require approval of an amendment to the Coastal Permit.~~ until the time when the existing principal structure that is protected by such a device: 1) is no longer present; 2) no longer requires armoring; or 3) is redeveloped. Permittees shall be required to submit a coastal permit application to remove the authorized shoreline protective device within six months of a determination that the shoreline protective device is no longer authorized to protect the structure it was designed to protect because the structure is no longer present or no longer requires armoring. In the case of coastal redevelopment, removal of the authorized shoreline protective device shall be required as part of construction of the redeveloped structure (see also C-EH-11 above).

~~3. It can be shown that a shoreline protective device will successfully eliminate or mitigate its effects on local shoreline sand supply and that the device will not adversely affect adjacent or other sections of the shoreline.~~

~~4. The shoreline protective device will not be located in wetlands or other significant resource or habitat area, and will not cause significant adverse impacts to fish or wildlife.~~

~~5. There will be no reduction in public access, use, or enjoyment of the natural shoreline environment, and construction of a shoreline protective device will preserve or provide access to related public recreational lands or facilities.~~

~~6. The shoreline protective device will not restrict navigation, mariculture, or other coastal use and will not create a hazard in the area in which it is built.~~

C-EH-~~21~~ 13 Emergency~~-~~ Authorization ~~Shoreline Protective Devices in County Coastal Permit Jurisdiction~~. Upon receipt of a request for an emergency shoreline protective device within the County's coastal permit jurisdiction, the County shall notify the Coastal Commission. In cases of emergency, an emergency shoreline protective device may be a~~A~~pproved ~~emergency shoreline protective devices~~ on a temporary basis only, and only if the device is required to be removed~~al~~ ~~of the structure~~ unless a regular coastal permit is approved for retention of the structure. In such cases, a~~A~~ complete coastal permit application ~~must~~ shall be required to be submitted within 60 days following construction of the shoreline protective device. Any such temporary emergency shoreline protective device shall be sited and designed to be the minimum necessary to abate the identified emergency, and to be as consistent as feasible with all LCP shoreline protective device standards, including avoiding coastal resource impacts to the maximum feasible extent and mitigating for any that are unavoidable. ~~If dunes are present on the project site, require that re-establishment of the former dune contour and appearance shall occur within 60 days following construction of a shoreline protective device.~~

~~**C-EH-14 Design Standards for the Construction of Shoreline Protective Devices.** Ensure that the design and construction of any shoreline protective device shall:~~

~~**1.** Be sited, designed, and treated to blend in visually with the natural shoreline;~~
~~**2.** Respect and integrate into natural landforms to the greatest degree possible;~~

~~3. Include mitigation measures to offset any impacts on fish and wildlife resources caused by the project;~~
~~4. Minimize and mitigate for the impairment and interference with shoreline sand supply and the circulation of coastal waters;~~
~~5. Address the geologic hazards presented by construction in or near Alquist-Priolo earthquake hazard zones;~~
~~6. Protect, and enhance where feasible, public recreational access as much as possible, including by minimizing the displacement of beach; and~~
~~7. If necessary, be combined with efforts to control erosion from surface and groundwater flows.~~

C-EH-14 Exceptions. Notwithstanding LCP policies that might direct otherwise, the following shoreline, bluff face and blufftop development is allowable provided it meets all other LCP policies as much as possible:

~~C-EH-16~~ **1. ~~Shoreline~~ Public Recreational Access Facilities ~~in Hazardous Areas~~.** ~~Shoreline and bluff area~~ ~~P~~public recreational access facilities (e.g. stairways, paths, overlooks, ramps, etc.), ~~including walkways, overlooks, stairways and/or ramps, may be allowed within the shoreline/blufftop setback established by C-EH-5 provided they meet all of the following criteria:~~

1. ~~Such public access facilities shall only be allowed if consistent with all other applicable LCP policies.~~
2. ~~Such public access facilities shall be~~that are sited and designed to blend as well as possible with the surrounding environment and to be easily relocatable and/or removable without significant damage to shoreline and/or bluff areas.
3. ~~Such public access facilities shall only be allowed when they will not cause, expand, or accelerate instability of a bluff.~~

~~C-EH-15~~ **2. Blufftop a~~A~~ccessory Structures ~~in Hazardous Areas~~.** ~~In areas subject to shoreline and/or blufftop erosion per Policy C-EH-5, accessory structures, including patios and gazebos, may be allowed provided they meet all of the following criteria: Such accessory structures shall only be allowed if consistent with all other applicable LCP policies.Such~~Blufftop accessory structures ~~shall be~~ that are sited and designed to avoid coastal resource impacts and to be easily relocatable and/or removable without significant damage to shoreline and/or bluff areas;~~,~~ ~~and~~ that are ~~shall be~~ sited no closer than 5 feet from the bluff~~top~~ edge (or further if necessary to protect public views); ~~No~~ that are not allowed shoreline protective device if endangered ~~will be allowed for the purpose of protecting such accessory structure(s).~~; and that are required via conditions to be ~~Such accessory structures shall be~~ relocated and/or removed and affected areas restored to natural conditions when threatened by erosion, geologic instability, or other ~~coastal~~ hazards, including as determined by ~~Marin~~ the County.

~~C-EH-19~~ **3. ~~Maintenance Needs for the Shoreline Protective Device at~~ Seadrift.** Development at Seadrift, including related to shoreline protective devices, that are consistent with the terms and conditions of ~~Refer inquiries regarding permit requirements for maintenance of the rock revetment as permitted by~~ California Coastal Commission Coastal P~~p~~ermit #A-1-MAR-87-235-A, as amended, ~~issued August 31, 1994 to the Coastal Commission. (For more information, see~~ and the Seadrift settlement agreement (see LCP ~~in~~ Appendix 5~~9.~~) but that may conflict with these LCP hazard policies.

C-EH-15~~7~~ ~~Creation of New Parcels of Land that Would Require Protection Against Coastal Erosion and Other Hazards~~Land Divisions Prohibited. ~~Prohibit the division of~~ L~~l~~and divisions that affect property in~~near the~~ shoreline, bluff face, and blufftop areas shall be prohibited ~~including along the shoreline and bluffs, and including abutting the ocean, bays, lagoons, or other coastal~~

~~water bodies~~, unless the new and/or reconfigured parcels each include buildable area that can be developed consistent with LCP hazards policies (or the shoreline, bluff face, and blufftop area land is restricted permanently as non-developable (other than possibly for public recreational access) open space) , and the land is restricted to prohibit ~~safe from geologic and other hazards for a minimum of 100 years, and unless~~ shoreline protective devices located ~~are prohibited to protect development~~ on such ~~the resultant~~ parcels and/or to protect development on such parcels.

C-EH-16~~20~~ ~~Advance Planning for Emergency Shoreline Protection Needs~~Private Property Hazard Response Planning. Encourage owners of property ~~owners~~ subject to ~~ocean-front erosion~~ hazards to develop responses to such hazards prior to emergency conditions. Where contiguous properties are subject to generally similar erosion hazards, encourage joint ~~program development should occur~~responses to be developed.

C-EH-17~~22~~ ~~Sea Level Rise and Marin's Coast~~Marin County Adaptation Planning. The County shall consider the best available and most recent scientific information with respect to the effects of long-range sea level rise when establishing sea level rise maps, scenarios, and assumptions for use in geologic, geotechnical, hydrologic and engineering investigations, including ~~the~~ all required coastal hazards analyses~~is identified in C-EH-5~~. The County shall also ~~S~~support scientific studies that increase and refine the body of knowledge regarding potential sea level rise in Marin, and possible responses to it. Finally, the County shall actively pursue adaptation planning designed to address the effects of hazards in light of sea level rise along the County's coastline, including via preparation of sub-regional adaptation plans for individual areas that further refine the County's vision for development and protection of coastal resources in these areas via all of the following:

1. Update LCP Sea Level Rise Related Policies. LCP Policies related to sea level rise ~~(including C-EH-2, 3, 5, 8, 9, 11, 12, 13, 15, 17, and 22)~~ shall be reevaluated and modified ~~and readopted~~, as necessary, through an LCP Amendment in 2026. If LCP policies related to sea level rise are not so modified by December 31, 2026, any site specific analysis for new development or redevelopment that are considered after December 31, 2026 shall consider sea level rise projections for 100 years based on the best available science.
~~*[New policy, 2016]*~~

~~***Program C-EH-22.a Research and Respond to the Impacts of Sea Level Rise on Marin County's Coastal Zone Shoreline.***~~

2. Update Vulnerability Assessment. Building upon the C-SMART Vulnerability Assessment, continue to gather information on the effects of sea level rise on Marin County's Coastal Zone shoreline, including identifying the most vulnerable areas, structures, facilities, and resources; specifically areas with priority uses such as public access and recreation resources, including the California Coastal Trail, Highway 1, significant ESHA such as wetlands or wetland restoration areas, open space areas where future wetland migration would be possible, and existing and planned sites for critical infrastructure. Updates to the vulnerability assessment shall use best available science and multiple scenarios including best available scientific estimates of expected sea level rise, such as by the Ocean Protection Council [e.g. 2013~~1~~ OPC Guidance on Sea Level Rise], Nation Research Council, Intergovernmental Panel on Climate Change, and the West Coast Governors Association.

3. ~~Program C-EH-22.b Periodically~~ Update Retreat Analysis. Analysis of increased erosion potential and shoreline retreat due to sea level rise is included in the County's ~~Marin Ocean Coast~~ Vulnerability Assessment, where~~. T~~he coastal erosion hazard maps present the results of models that predict the geomorphic evolution of cliffs, beaches, marshes, Easkoot Creek flooding and

FEMA flood hazards. Update the shoreline retreat analysis every 5 years or as needed, or as necessary to allow for the incorporation of new sea level rise science, monitoring results, and information on coastal conditions.

4. Update ~~potential Sea Level Rise~~ Maps ~~(referenced in Policy C-EH-8)~~. Update applicable LCP maps, including LCP Map 15, to reflect current information and best available science, and to m~~M~~odify the current and future hazard areas every five years or as necessary to allow for the incorporation of new sea level rise science, monitoring results, and information on coastal conditions.

~~**7. Research the potential for relocation of existing or planned development to safer locations**. Explore the feasibility of a managed retreat program, which may involve protecting vacant land through zoning or conservation easements and/or removing development from areas vulnerable to sea level rise and restoring those areas to a natural state for open space or recreation. Identify potential mechanisms and incentives for implementation, which may include: Acquire vacant vulnerable properties.~~

~~a. Acquire developed vulnerable properties before damage occurs.~~

~~b. Acquire developed vulnerable properties only after significant damage by storms or high tides.~~

~~c. Explore the feasibility of a public parkland exchange programs that encourage landowners to move out of hazardous areas.~~

~~d. Identify and make available (eg. through rezoning) land outside the hazard areas to allow owners of vulnerable properties to relocate nearby.~~

~~e. Explore Transferable Development Credit programs.~~

~~f. Explore possibility of amortization of homes in coastal hazard areas.~~

~~Work with entities that plan or operate infrastructure, such as Caltrans and PG&E, to plan for potential realignment of public infrastructure impacted by sea level rise, with emphasis on critical accessways including affected segments of Shoreline Highway and Sir Francis Drake Boulevard.~~

5. ~~Support efforts to monitor sea level rise impacts to~~Protect Nnatural Rresources. ~~and ESHA~~, Support efforts to monitor sea level rise impacts to natural resources/ESHA, including Bolinas Lagoon, Tomales Bay, Esteros San Antonio and Americano and other wetland areas; and Lagunitas, Walker, Estero Americano, Dillon, Stemple and other creeks; rocky intertidal areas, beaches and other habitat types vulnerable to sea level rise. Collaborate with Greater Farallones National Marine Sanctuary (GFNMS), Tomales Bay Watershed Council and other local, regional, state and federal entities to establish monitoring methods and track the effects of sea level rise on natural resources/ESHA. Update standards for ESHA buffers and setbacks to account for sea level rise based on the best available science and considering the effects of shoreline development on landward migration of wetlands.~~.~~

6. ~~Promote~~ Ggreen Infrastructure. ~~pilot projects~~ Promote green infrastructure pilot projects (e.g. horizontal levees, dune restoration, etc.) with environmental benefits that may help protect assets from sea level rise and increased storm surges. Study and monitor such projects over time and share lessons learned with other jurisdictions.

~~**6. Update standards for ESHA buffers and setbacks to account for sea level rise**, based on the best available science and considering the effects of shoreline development on landward migration of wetlands.~~

7. ~~Design~~ **Alternatives to Elevating Structures**. Support efforts to develop and implement innovative design alternatives that reduce or eliminate flood damage, especially those which would qualify through FEMA as acceptable alternatives to elevation under the National Flood Insurance Program (NFIP). Encourage homeowners to implement voluntary floodproofing measures in conjunction with development that is not required to be elevated.

8. **Sandy Beach Management.** Building upon the County's Vulnerability Assessment, and no later than December 31, 2026, the County shall establish and add to the LCP comprehensive Sandy Beach Management Plans to ensure that the public recreational, habitat, and social values of all sandy beaches in the County (including Stinson Beach, Muir Beach, Bolinas Beach, Dillon Beach, etc.) are protected over time. For each sandy beach within Marin County, the County shall create a Sandy Beach Management Plan (Plan) that describes sandy beach values, and that establishes enforceable parameters for development that is located in the area where development might affect such values (e.g., shoreline, bluff face, and blufftop areas). The County shall consider developing a Sandy Beach Protection Zone overlay district to apply to properties in such area, but at a minimum shall consider the tools that can be used to protect such sandy beach values, including through conditions of approval for development within the identified area (and overlay district if applicable). The County may identify other mechanisms, but the Plans shall identify the parameters under which removal and restoration may be required to protect the sandy beach values, including in terms of triggers and potential conditions as well as deed restrictions and other measures that can be used to notify property owners of all such conditions and other Plan requirements. At a minimum, each Plan shall include the following:

   a. Minimum Sandy Beach Widths Established. An analysis of the minimum width of sandy beach necessary to maintain optimum public recreational access and habitat function, and a program designed to monitor beach width for the purpose of establishing appropriate triggers for sediment management activities and/or structure removal/relocation and restoration so that at least such minimum width is maintained as the beach naturally migrates over time in response to erosion, sea level rise, and other coastal hazards. The analysis shall include considerations of daily tidal range, seasonal erosion, and short term, storm driven erosion when determining optimum beach widths. Each plan shall identify explicit triggers for sediment management activities and/or removal/relocation and restoration that are designed to ensure that the identified minimum sandy beach width is maintained.

   b. Sandy Beach Values Monitored. Programs to monitor public recreational access, sandy beach use, and habitat values, including identifying and tracking locations, times, and durations throughout the year when the sandy beach is too narrow to be adequate for public recreation and/or lateral access.

   c. Funding Opportunities Identified. Identification of potential funding opportunities to support both short and long term adaptation options, including sediment management, green infrastructure, and the purchase of deed restrictions, easements or similar interests over existing development to provide for removal/relocation and restoration (including as required by coastal permits), whether over time or immediately. In addition, identification of potential funding opportunities to acquire and remove/relocated structures encroaching within the established minimum sandy beach area. Potential funding opportunities may include in-lieu fees, grants, or other state or federal funds, and opportunities to integrate adaptation strategies with other planning processes (e.g. Local Hazard Mitigation Plans,

Capital Improvement Plans, Climate Action Plans) in order to leverage such funding options shall be explored.

d. Sandy Beach Utility Maintained. Identification of actions and programs that can be implemented to maintain sandy beach utility, including through beach nourishment or other sediment management activities. The Plan shall identify "maintenance" triggers for when beach nourishment or related strategies to protect sandy beach areas should occur as well as "adaptation" triggers for when new adaptation strategies will have to be implemented in order to preserve beach recreational access as sea levels rise and erosion worsens.

e. Highway 1 and Sandy Beaches. For beaches affected by development associated with Highway 1, an evaluation of adaptation opportunities for vulnerable areas of Highway 1 to ensure protection and continued functioning of vehicular, bicycle and pedestrian access while protecting the sandy beach and public access to it.

For each designated Plan area, the County shall work with all affected property owners and residents, the Coastal Commission, and other interested parties in developing the Plan's parameters, which shall be updated on a regular basis. In addition, Plan parameters shall be integrated into the County's Local Hazard Mitigation Plan and the County's C-SMART Vulnerability Assessment and Adaptation Report.

~~**C-EH-24 Permit Exemption for Replacement of Structures Destroyed by Disaster.** Exempt from the requirement for a coastal permit the replacement of any structure, other than a public works facility, destroyed by a disaster, if the replacement structure:~~

~~**1.** Conforms to applicable existing zoning requirements;~~
~~**2.** Is for the same use as the destroyed structure;~~
~~**3.** Does not exceed the floor area of the destroyed structure by more than 10 percent or 500 square feet, whichever is less, or the height or bulk of the destroyed structure by more than 10 percent (the applicant must provide proof of pre-existing height and bulk); and~~
~~**4.** Is sited in the same location on the affected property as the destroyed structure.~~

Mariculture (MAR)

Background

Mariculture represents an important economic activity in the Marin County Coastal Zone, and its products such as oysters and other shellfish provide an important source of protein. Locally raised shellfish, along with local agricultural products, draw visitors to the area and makes the Coastal Zone a more desirable place to live and visit. Oyster farms in Marin County are abundant and expansive, providing local jobs and acting as a major source of local food production. Mariculture exists as a vital component of the Coastal Zone community, as an essential element in local food production and a significant provider of visitor-serving uses, and should thus be protected and supported to ensure its continued vitality.

There is increasing interest in sustainable food production methods in California and beyond, including mariculture operations. The use of coastal waters for food production also heightens interest in protecting the quality of coastal waters, because healthy shellfish depend in part on unpolluted waters. According to the California Department of Fish and Game, Drakes Estero and Tomales Bay are among California's leading mariculture settings. Although the shucked weight of oysters raised has fluctuated widely over past decades, their dollar value has climbed steadily, reflecting increased consumer interest in oysters produced for the half-shell trade rather than shucked and jarred product.[1]

Coastal Act policies place a high priority on coastal-dependent land uses such as aquaculture, and protect oceanfront lands suitable for such uses. Aquaculture facilities that require diking, filling, or dredging of coastal waters are allowed under Coastal Act policies, which in general strictly limit such activities. In

[1] California Department of Fish and Game (2008). *Marine Status Report.* Retrieved from http://www.dfg.ca.gov/marine/status/report2008/entire.pdf

cases where such activities are allowed, they are required to be carried out in a way that minimizes or avoids potentially harmful impacts.

LCP policies support food production, including mariculture, while protecting other resources such as wildlife, water quality, and visual resources. Because existing mariculture operations in Marin County take place in submerged areas that are under the permit jurisdiction of agencies such as the Coastal Commission and the Department of Fish and Game, the LCP emphasizes general support for mariculture, while avoiding site-specific policy provisions.

Policies

C-MAR-1 Support Mariculture. Support and encourage mariculture in the Coastal Zone for the purposes of producing food, enhancing and restoring fisheries stocks, and contributing to the economy of the state and Marin County, consistent with the protection of other priority uses, such as commercial fishing, coastal recreation~~al~~ such as clamming and boating, and the protection of marine biological resources, water quality, and visual resources. Support provision for onshore facilities necessary to support mariculture operations in coastal waters.
~~[Adapted from Unit II Mariculture Policy 1, p. 113]~~

C-MAR-3 Apply General Standards to Mariculture Operations. Marin County shall apply the following standards and procedures to all mariculture operations:

1. Protection of eelgrass beds. The siting of oyster allotments, mariculture leases, and mariculture structures shall avoid disturbance or damage to eelgrass beds.
2. Operator access. Public agencies should be encouraged to consider operator access to mariculture leaseholds.
3. Shoreline access. Mariculture operations and onshore support facilities shall incorporate provisions for public access to and along the shoreline unless such access would interfere with mariculture and the impacts from access cannot be mitigated to less than significant levels. In evaluating coastal permits for mariculture, the County shall consider the location of existing accessways and potential conflicts between mariculture and public use of the shoreline.
4. Boating access. The placement of structures within new or existing allotments and leases shall not interfere with public boating access at high tide to state lands within the leased areas. If boat passages are proposed, they shall be spaced at a minimum of one passage per 1/2 mile of shoreline.
5. Onshore support facilities. Applicants for a coastal permit shall specify what access points and onshore support facilities (e.g., boat launch, loading dock, etc.) are required for the proposed

mariculture operation, where such facilities will be located, and the timing of use. If private lands will be used for access or support facilities, the applicant shall submit a written statement from the property owner(s) agreeing to such use. If public lands will be used for access or support facilities, the applicant shall arrange a lease with the appropriate public agency specifying the type, location, and timing of use which is acceptable.

6. Visual impacts. Mariculture structures shall be sited and designed to minimize visual impacts, especially in areas which are highly visible from public roads, parks, or other public viewing areas.

~~[Adapted from Unit II Mariculture Policy 2, pp. 113-116]~~

Water Resources (WR)

Background

Coastal residents and visitors depend on healthy watersheds, as do wildlife and plant communities. Drinking water in the Marin County Coastal Zone comes from local springs, streams, and wells. Wildlife depends on uncontaminated water sources for healthy growth and reproduction. Coastal visitors provide significant economic benefits to coastal communities and are drawn by the unspoiled nature of the County's resources, including its lakes, streams, bays, and other waters (see Map 8 – Major Watersheds).

Past and present development practices and land uses have created adverse impacts to water quality and water resources. Tomales Bay, Walker Creek, and Lagunitas Creek have been designated by the State Water Resources Control Board as impaired water bodies, based on the presence of pollutants such as sediments and nutrients. Other pollutants, such as oil, grease, and heavy metals, are also present in the watersheds of the Coastal Zone. Land development and construction activities are key contributors to sedimentation and nutrient inputs to coastal waterways, and consequently land use regulations are an important way of reducing those pollutants. Furthermore, sewage disposal methods may contribute to nutrient loads in waterways, and parking and transportation facilities can contribute oil, grease, and heavy metals to coastal waters.

The predominant land use in the coastal zone is agriculture. Stormwater discharge from poorly managed grazing operations may contain pathogens, ammonia, salts, and excess sediment. The State and Regional Water Quality Control Boards regulate various aspects of agricultural wastewater management, and a variety of programs are available for ranchers to minimize impacts on water quality. The San Francisco Bay Regional Water Quality Control Board received a status report in June 2011 that shows that substantial progress was being made in implementation of the Tomales Bay Watershed Grazing Waiver. The Grazing Waiver implements the Tomales Bay pathogen Total Maximum Daily Load (TMDL) and the Walker Creek Mercury TMDL, adopted by the Regional Board, and the State Water Board's Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program. The goals of the Grazing Waiver are to improve and protect water quality and biological resources while promoting sustainable grazing. According to the report to the Regional Board, nearly all active grazing lands in the

Tomales Bay watershed are now covered by the Grazing Waiver. A partnership of entities in the watershed is providing valuable compliance assistance to the ranchers, and grant and contract funds have been awarded to assist the ranchers.

Upstream diversions, some of them outside the coastal zone, of coastal streams such as Lagunitas Creek have reduced vital freshwater inflows to both Tomales Bay and Bolinas Lagoon. Malfunctioning septic systems form a source of pollution for coastal waters.

The Coastal Act mandates protection and, where feasible, the restoration of biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health. In January 2000, the Coastal Commission, along with the State Water Resources Control Board, adopted the Nonpoint Source Program Strategy and Implementation Plan 1998-2013. The Plan states that nonpoint source pollution is the leading cause of water quality impairment in California and elsewhere in the nation, and that land use activities are a primary contributor to nonpoint source pollution in California. The Coastal Commission has emphasized the incorporation of land use measures into Local Coastal Programs to address the impacts of polluted runoff and to protect coastal water quality.

The Local Coastal Program (LCP) aims to improve the protection of coastal waters by addressing all phases of development, including design, construction, and post-construction maintenance of facilities. LCP policies incorporate the concept of Best Management Practices, in order to acknowledge continuing improvements in technology and development practices.

Policies

C-WR-1 Water Quality Protection and Biological Productivity. Monitor, protect, and enhance the quality of coastal waters for the benefit of natural communities, human health, recreational users, and the local economy. Maintain and, where feasible, restore the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health through means such as minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alterations of natural streams.
~~[New policy, 2015]~~

C-WR-2 Water Quality Impacts of Development Projects. Site and design development, including changes in use or intensity of use, to prevent, reduce, or remove pollutant discharges and to minimize increases in stormwater runoff volume and rate to prevent adverse impacts to coastal waters to the maximum extent practicable. All coastal permits, for both new development and modifications to existing development, and including those for developments covered by the current National Pollutant Discharge Elimination System (NPDES) Phase II permit, shall be subject to this review. Where required by the nature and extent of a proposed project and where deemed appropriate by County staff, a project subject to this review shall have a plan which addresses both temporary (during construction) and permanent (post-construction) measures to control erosion and sedimentation, to reduce or prevent pollutants from entering storm drains, drainage systems and watercourses, and to minimize increases in stormwater runoff volume and rate.

Permanent Best Management Practices (BMPs) that protect water quality and minimize increases in runoff volume and rate shall be incorporated in the project design of developments. Site design and source control measures shall be given high priority as the preferred means of controlling pollutant discharges and runoff volume and rate. Typical measures shall include:

1. Minimizing impervious area;
2. Limiting site disturbance;
3. Protecting areas that are particularly susceptible to erosion and sediment loss, ensuring that water runoff beyond pre-project levels is retained on site whenever possible, and using other Low Impact Development (LID) techniques; and
4. Methods that reduce potential pollutants at their sources and/or avoid entrainment of pollutants in runoff. Such methods include scheduling construction based on time of year, prohibiting erosion-causing practices, and implementing maintenance and operational procedures. Examples include covering outdoor storage areas, using efficient irrigation, and minimizing the use of landscaping chemicals.

~~[Adapted from Unit II New Development and Land Use Policy 6, p. 208]~~

Program C-WR-2.a Apply Appropriate Best Management Practices to Coastal Permits. The Community Development Agency shall conduct a review with the Department of Public Works to determine appropriate water quality design standards, performance criteria, and Best Management Practices (BMPs), which shall be incorporated in applicable coastal permits.
~~[New program, 2015]~~

C-WR-3 Storm Water Runoff. Where a project would add or create a total of 10,000 square feet or more of impervious surface (collectively over the entire project site) or where altered or increased flows from a project site have the potential to accelerate erosion or affect beneficial uses downstream, incorporate drainage controls so that the post-project peak flow and velocity of runoff from the project site for 2- and 10-year intensity storms do not exceed the peak flow and velocity of runoff from the site in its pre-project (existing) state. Where a drainage problem unrelated to a proposed project already exists, the project applicant and neighboring property owners shall be encouraged to develop a solution.
~~[Adapted from Unit I New Development and Land Use Policy 26, p. 67, and Unit II New Development and Land Use Policy 6.f, p. 208]~~

C-WR-4 Grading and Vegetation Removal. Design development to fit a site's topography, soils, geology, hydrology, and any other existing conditions. Orient development so that grading, cut and fill operations, and other site preparation are kept to an absolute minimum. Natural features, landforms, and native vegetation shall be preserved to the maximum extent feasible. Areas of a site which are not suited to development because of known soil, geologic, flood, erosion or other hazards shall be kept undeveloped.
~~[Adapted from Unit I New Development and Land Use Policy 24, p. 66, and Unit II New Development and Land Use Policy 6.a, p. 208]~~

C-WR-5 Cut and Fill Slopes. Design cut and fill slopes so that they are no steeper than is safe for the subject material or necessary for the intended use. A geotechnical report may be required.
~~[Adapted from County Code Section 24.04.640]~~

C-WR-6 Soil Exposure. Allow any necessary grading operations only such that the smallest practicable area of land shall be exposed at any one time during development and the length of exposure shall be kept to the shortest practicable time. Erosion and sedimentation control measures shall be

incorporated in development plans. An erosion and sedimentation control plan, subject to approval by the Department of Public Works, shall be required for development of any site of 1 acre or more in size or, at the discretion of the Department of Public Works, for any site of less than 1 acre because of a high risk of erosion and sedimentation. Such plan is also required for projects listed under Policy C-WR-14 that involve grading.

~~[Adapted from Unit I New Development and Land Use Policy 25, p. 66, and Unit II New Development and Land Use Policy 6.b, p. 208]~~

C-WR-7 Wintertime Clearing and Grading. Avoid land clearing and grading during the winter rainy season (i.e., October 15th through April 15th). Ensure that all measures for removing sediments and stabilizing slopes shall be in place before the beginning of the rainy season. Permit land clearing and grading during the rainy season only upon prior approval by the Department of Public Works of an erosion control plan, which shall demonstrate that at no stage of the work will there be any substantial risk of increased sediment discharge from the site.

~~[Adapted from Unit I New Development and Land Use Policy 25, p. 66, Unit II New Development and Land Use Policy 6.b, p. 208, and from County Code Sections 22.70.070.C.3 and 24.04.625]~~

C-WR-8 Disturbed Soils. Use temporary vegetation, seeding or hydroseeding with non-invasive native seeds, mulching, or other suitable stabilization methods to protect soils that have been exposed during grading or development. Stabilize cut and fill slopes immediately with plantings of native species, or with accepted landscaping practices.

~~[Adapted from Unit I New Development and Land Use Policy 26, p. 66, and Unit II New Development and Land Use Policy 6.d, p. 209]~~

C-WR-9 Topsoil. Where topsoil is removed by grading operations, stockpile it for reuse and protect it from compaction and wind or erosion during stockpiling.

~~[Adapted from Unit I New Development and Land Use Policy 26, p. 66, and Unit II New Development and Land Use Policy 6.e, p. 209]~~

C-WR-10 Construction-Phase Sediment Basins. Install sediment basins (including debris basins, desilting basins, or silt traps) required by erosion control plans or otherwise necessary to control sedimentation during construction on the project site in conjunction with initial grading operations. Maintain sediment basins throughout the development process to remove sediment from runoff waters. All sediment shall be retained on site unless removed to an approved dumping location.

~~[Adapted from Unit II New Development and Land Use Policy 6.c, p. 208]~~

C-WR-12 Maintenance of Water Quality Control Facilities. If structural and/or treatment control facilities are incorporated in a project, require the applicant to submit a monitoring and maintenance plan indicating how such facilities will be adequately maintained by the applicant and any subsequent property owner after construction is complete. Where a proposed development project involves a land division or homeowners' association, require assignment of responsibility for maintenance of structural and treatment control measures to a homeowners' association or other appropriate entity.

~~[New policy, 2015]~~

C-WR-13 Site Plan Contents – Post-Construction Element. At the discretion of the Department of Public Works based on the scale or potential water quality impacts of a proposed project, require that a coastal permit application for new development be accompanied by a site plan containing a Post-Construction Element. This Post-Construction Element shall detail how storm water and polluted runoff will be managed or mitigated following project construction, utilizing both source control and treatment control measures, and both structural and non-structural measures.
~~[New policy, 2015]~~

C-WR-14 Design Standards for High-Impact Projects. For developments that have a high potential for generating pollutants (High-Impact Projects), incorporate treatment control Best Management Practices (BMPs) or ensure that the requirements of the current NPDES Municipal Stormwater permit are met, whichever is stricter. The applicant shall submit a preliminary plan with a post-construction element prepared by an appropriately licensed California professional. The plan shall address erosion, sedimentation, and pollutants of concern. Developments to be considered as High-Impact Projects shall include the following:

1. Development of commercial facilities shall incorporate BMPs to minimize polluted runoff from structures, landscaping, parking areas, repair and maintenance areas, loading/unloading areas, vehicle/equipment wash areas, and other components of the project.
2. Development of automotive repair shops and retail motor vehicle fuel outlets shall incorporate BMPs to minimize oil, grease, solvents, car battery acid, coolant, petroleum products, and other pollutants from entering storm water runoff from any part of the property including fueling areas, repair and maintenance areas, loading/unloading areas, and vehicle/equipment wash areas.
3. Development of restaurants and other food service establishments shall incorporate BMPs to minimize runoff of oil, grease, solvents, phosphates, suspended solids, and other pollutants.
4. Development of outdoor storage areas for materials that contain toxic compounds, oil and grease, heavy metals, nutrients, suspended solids, or other pollutants shall be designed with a roof or awning cover to minimize runoff.
5. Development of uncovered parking lots shall incorporate BMPs to minimize runoff of oil, grease, car battery acid, coolant, petroleum products, sediments, trash, and other pollutants.
6. Development that will:
   a. Result in the creation, addition, or replacement of 5,000 square feet or more of impervious surface, and
   b. Occur within 200 feet of the ocean, coastal wetlands or streams, or ESHA, or discharge runoff directly to the ocean, coastal waters, or to a stream or wetland buffer as defined by the Biological Resource policies of the LCP.

      "Discharge runoff directly" is defined as runoff that flows from the development to the ocean, coastal waters, or to a stream or wetland buffer that is not first combined with flows from any other adjacent areas.
7. Development that will result in the creation, addition, or replacement of 10,000 square feet or more of impervious surface area, regardless of its location.
8. Any other development determined by the County to have a high potential for generating pollutants.

The applicant for a High-Impact Project shall be required to submit a preliminary plan with a post-construction element with the application during the initial planning process. Prior to issuance of a

building or grading permit the applicant shall submit a final plan with a post-construction element prepared by an appropriately licensed California professional for approval by the County. The plan shall include the following where applicable (applicability will be determined by County staff)):

1. Pre-project and post-project stormwater runoff hydrograph (runoff flow rate plotted as a function of time) for the project site for 2- and 10-year storm events;

2. A description of how the treatment control BMPs (or suites of BMPs) have been sized and designed to treat, infiltrate, or filter stormwater runoff from each storm event, up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, or the 85th percentile, 1-hour storm event (with an appropriate safety factor of 2 or greater) for flow-based BMPs;

3. A description of Low-Impact Development (LID) techniques that will be incorporated into the project in order to minimize negative impacts to stormwater quality and quantity from the project development;

4. If the applicant asserts that treatment control BMPs are not feasible for the proposed project, the plan shall document why those BMPs are not feasible and provide a description of alternative management practices to protect water quality; and

5. A long-term plan and schedule for the operation and maintenance of all treatment control BMPs specifying that treatment control BMPs shall be inspected, cleaned, and repaired as necessary to ensure their effective operation for the life of the development. In addition:

a. Owners of these devices shall be responsible for ensuring that they continue to function properly, and additional inspections should occur after storms as needed throughout the wet season, and

b. Repairs, modifications, or installation of additional BMPs, as needed, shall be carried out prior to the next wet season.

6. Where feasible and appropriate, development shall include connections to sanitary sewer systems as a means of treating particularly polluted runoff not readily addressable by more typical BMPs, and so as to not allow such polluted runoff to make its way into coastal waters, streams, and wetlands.

~~[New policy, 2015]~~

Program C-WR-14.a Participate in Broad-Based Efforts to Improve Coastal Water Quality. Provide information to applicants and the public, including materials prepared by the Marin County Stormwater Pollution Prevention Program (MCSTOPPP), to address developments both large and small for potential impacts to the quality of coastal waters. Applicants shall be encouraged to incorporate in proposed developments measures to minimize effective impervious area and landform alteration and to maximize use of natural vegetation, along with other measures as provided by Marin County programs and codes. The Community Development Agency shall encourage retrofit of existing development through measures such as the removal of existing impermeable surfaces and replacement with permeable surfaces and the creation of drainage features or landscaping that incorporate natural infiltration mechanisms, with the goal of enhancing water quality in existing developed areas.

~~[New program, 2015]~~

Program C-WR-14.b Apply Policy C-WR-14 to Projects with the Highest Risk of Water Quality Impacts. Amend the Development Code to include guidelines that define types of developments that have a high potential for generating pollutants in order to supplement the development types that are regulated by the revised NPDES Phase II permit.
~~[New program, 2015]~~

C-WR-15 Construction-Phase Pollution. Manage construction sites to prevent contact between runoff and chemicals, fuel and lubricants, cleansers, and other potentially harmful materials.
~~[New policy, 2015]~~

C-WR-16 Construction Non-sediment Pollution. Minimize runoff of pollutants from construction sites (e.g., solvents, adhesives, preservatives, soluble building materials, vehicle lubricant and hydraulic fluids, concrete truck wash-out slurry, and litter) to the maximum extent feasible.
~~[New policy, 2015]~~

C-WR-17 Erosion and Flood Control Facilities. Consider placement of sediments collected by erosion and flood control facilities at appropriate points on the shoreline where these sediments will enhance shoreline access and characteristics, will not cause adverse impacts to coastal resources, and the placement can be accomplished in accordance with other applicable provisions of this chapter. Before issuing a coastal development permit for these purposes, consider the physical, chemical, and biological qualities of the sediment, the proposed method of placement, time of year of placement, and sensitivity of the placement area.
~~[New policy, 2015]~~

Built Environment

Introduction

In the Marin County Coastal Zone, the built environment is subordinate to the natural environment. Natural landforms, streams, forests, and grasslands are dominant. Yet the residential, agricultural, and commercial buildings, as well as the community services that support them, have particular significance, both as the scene of daily life and for their potential impacts on natural resources. The pattern and intensity of development are inextricably linked with protection of coastal resources, energy use, and recreational opportunities, all of which are addressed by the Local Coastal Program ("LCP").

The Built Environment section addresses the following subjects:

- Community Design (DES)
- Community Development (CD)
  - Community Specific Policies
  - Muir Beach (MB)
  - Stinson Beach (SB)
  - Bolinas (BOL)
  - Olema (OL)
  - Point Reyes Station (PRS)
  - Inverness (INV)
  - East Shore/ Marshall (ES)
  - Tomales (TOM)
  - Dillon Beach (DB)
- Energy (EN)
- Housing (HS)
- Public Facilities and Services (PFS)
- Transportation (TR)

Community Design (DES)

Background

The Marin County Coastal Zone is a place of singular beauty. It is also the home of small-scale communities, farms, scattered residences, and businesses. Visitors enjoy coming to Marin's coast because of its balance of natural and built environments. Maintaining that balance, and maintaining the character of existing communities while accommodating economic activity, is the focus of the Community Design policies of the Local Coastal Program (LCP).

Rising land values in many parts of California have led to an increase in the scale of new development, accompanied by ever-greater impacts on the surrounding community. Such trends also impact local visual resources that are enjoyed by residents and visitors. Furthermore, new development is increasingly proposed in visually sensitive locations, such as on ridgelines, as well as within already developed communities.

The Coastal Act mandates that scenic and visual qualities of the coast shall be considered and protected as a resource of public importance. In particular, views to and along the coast shall be protected. New development shall be visually compatible with the character of surrounding areas. In addition, those communities that are visitor destinations because of their unique characteristics shall be protected. The villages of the Marin County Coastal Zone are among such communities that are desirable to visitors, as well as to residents.

LCP policies ensure that new structures are compatible with the height, scale, and design of existing buildings. Significant views to and along the coast continue to be protected by LCP policies, and the preservation of visually prominent ridgelines is also addressed. The LCP protects the existing character of the Coastal Zone, while still accommodating compatible new development.

Policies

C-DES-1 Compatible Design. Ensure that the siting, height, scale, and design (including materials and color) of new structures are compatible with the character of the surrounding natural and built environment. Structures shall be designed to follow the natural contours of the land and shall limit reflectivity of glass and other surfaces.
~~[Adapted from Unit II New Development and Land Use Policy 3.a, p. 207]~~

C-DES-2 Protection of Visual Resources. Development shall be sited and designed to protect significant views, including views both to and along the ocean and scenic coastal areas as seen from public viewing areas such as highways, roads, beaches, parks, coastal trails and accessways, vista points, and coastal streams and waters used for recreational purposes. The intent of this policy is the protection of significant public views rather than coastal views from private residential areas. Require development to be screened with appropriate landscaping provided that when mature, such landscaping shall not interfere with public views to and along the coast. The use of drought tolerant, native coastal plant species is encouraged. Continue to keep road and driveway construction, grading, and utility extensions to a minimum, except that longer road and driveway extensions may be necessary in highly visible areas in order to avoid or minimize other impacts.
~~[Adapted from Unit I New Development and Land Use Policy 21, p. 65, and Unit II New Development and Land Use Policy 3.b, p. 207]~~

C-DES-3 Protection of Ridgeline Views. Require new development proposed on or near visually prominent ridgelines to be grouped below the ridgeline on the least visually prominent portion of the site. Prohibit new development on top of, within 300 feet horizontally, or within one hundred feet vertically of visually prominent ridgelines, whichever is more restrictive, if other suitable locations are available on the site. If structures must be placed within this restricted area because of site size or similar constraints, they shall be in locations that are least visible from public viewing areas, shall be sited and designed to limit public view impacts to the maximum extent feasible (including through landscaping and screening), and shall not exceed 18 feet in height.
~~[Adapted from CWP Program DES-4.d, p. 3-67, and Interim County Code Section 22.57.020.1.b]~~

> ***Program C-DES-3.a Map Visually Prominent Ridgelines.*** Work with key community groups to identify and map visually prominent ridgelines, both developed and undeveloped, and identify Ridge and Upland Greenbelt Areas as appropriate.
> ~~[Adapted from CWP Program DES-4.e, p. 3-67]~~

C-DES-4 Limited Height of New Structures. Limit all new construction to a maximum height of twenty-five (25) feet with the following exceptions:

1. In the Highlands neighborhood of Stinson Beach, the maximum height shall be no more than seventeen (17) feet (see LCP Map 17 – Stinson Beach Highlands Subdivision).

~~**2.** In FEMA special flood hazard (V) zones within the Seadrift Subdivision, the maximum building height of 15 feet shall be measured from the minimum floor elevation required by the flood hazard zone designation (*see also Environmental Hazards Policy C-EH-11: Minimum Floor Elevations in the Flood Velocity Zone at Seadrift*).~~

2~~3~~**.** On the shoreline of Tomales Bay, the maximum height shall be fifteen (15) feet. *(See also Community Development Policy C-CD-5~~6~~: Standards for Development on the Shoreline of Tomales Bay).*

3~~4~~. Telecommunications facilities, spires, water tanks, and similar structures may exceed such height limits above. However, any structure that exceeds the 25 foot height limit shall only be authorized upon specific findings of consistency with other applicable policies of the LCP, including C-DES-1, 2, and 3.

4. As allowed by Hazards Policy C-EH-5 (Standards for Shoreline Development).

In all cases, the height limits specified in this policy are maximums and not entitlements. Heights may be limited to less than the maximum allowed if necessary to achieve consistency with LCP policies, including in relation to the protection of public views and community character.

~~[Adapted from Unit I New Development and Land Use Policy 21, p. 65. This policy also carries forward the concept of Unit I Location and Density of New Development Policy 35, p. 81]~~

C-DES-5 New Signs. Ensure that new signs (including reconstructed and/or modified signs) are of a size, location, and appearance so they do not detract from scenic areas or views from public roads and other viewing points.
~~[Adapted from Unit II New Development and Land Use Policy 3.c, p. 207]~~

Program C-DES-5.a Develop A-Frame Sign Standards. Consider amending the sign ordinance to allow limited use of A-frame signs within village areas subject to standards related to number, location, size, height and design.
~~[New program, 2015]~~

C-DES-6 Underground Utilities. Require that utility lines are placed underground in new development to protect scenic resources except where costs of undergrounding would be so high as to deny service or where undergrounding would result in greater environmental impacts.
~~[Adapted from Unit II New Development and Land Use Policy 3.d, p. 207]~~

C-DES-7 Minimized Exterior Lighting. Exterior lighting shall be the minimum consistent with safety and shall be low wattage, hooded, and downcast to prevent glare and limit impacts on public views as much as possible.
~~[New policy, 2015]~~

C-DES-8 Protection of Trees. Site structures and roads to avoid removal of trees that contribute to the area's scenic and visual resources, except where required to maintain defensible space for structures or eliminate diseased trees that threaten surrounding structures or vegetation and where removal is otherwise consistent with LCP policies. Dead trees may serve as valuable habitat for some species, so avoid complete removal where appropriate.
~~[Adapted from Unit II New Development and Land Use Policy 6.a, p. 208]~~

C-DES-9 Landscaping. Ensure that required landscaping uses native species of trees and plants and avoids using non-native, invasive trees and plants. (*See also Biological Resources Policy C-BIO-6: Invasive Plants,* which may require the removal of any non-native invasive plant species).
~~[Adapted from Unit II New Development and Land Use Policy 6.d, p. 209]~~

C-DES-10 Prohibition of Gated Communities. Prohibit the establishment of gated communities.
~~[Adapted from CWP Policy DES-3.c, p. 3-65]~~

C-DES-11 ~~Minimization~~Avoidance of Fuel Modification. Site and design new development to avoid required initial and future fuel modification and brush clearance in general, and to avoid such

activities within ESHAs and ESHA buffers, in order to avoid habitat disturbance or destruction, removal or modification of natural vegetation, and irrigation of natural areas.

(See also Policies C-BIO-3, C-BIO-18~~19~~ and C-BIO-23~~24~~ (ESHA, Wetland, Stream Buffers), C-BIO-4 (Protect Major Vegetation) and C-EH-9 (Standards for Development Subject to Fire Hazards). ~~Vegetation Management in Environmentally Sensitive Habitat Areas).)~~

~~[Adapted from Malibu LCP Policy 3.59]~~

Community Development (CD)

Background

In the Marin County Coastal Zone, the built environment is subordinate to the natural surroundings. Agricultural lands and open space are the predominate features of the area, whereas coastal communities are small and few in number (see Map 16 – Community Areas). Development of homes, farms, and commercial buildings, along with the community services that support them, can nevertheless have significant impacts on their surroundings, and community development is therefore inextricably linked with the protection of coastal resources.

The pace of land development in recent decades throughout the Marin County Coastal Zone has been relatively modest in comparison to that of coastal communities in other parts of California. Limitations on public service availability and the existence of extensive public land holdings in the Coastal Zone have undoubtedly played a part in that result, along with strong LCP policies that encourage agriculture and protection of community character.

Coastal Act policies provide that new residential, commercial, or industrial development, in general, shall be located within, contiguous with, or in close proximity to existing developed areas. If existing developed areas are not able to accommodate it, then development may be located elsewhere as long as adequate public services are available and significant adverse effects on coastal resources will not result. Furthermore, Coastal Act policies set certain priorities and standards for new development, for instance by limiting strictly the types of land uses that may be allowed in wetlands or other sensitive areas.

The Coastal Act defines "development" broadly, to include not only construction of houses and commercial buildings, but also changes in intensity of use of land or water, including the division of land into separate lots, and changes in public access to the shoreline. The LCP addresses the wide range of

development activities in the Coastal Zone that have the potential to affect coastal resources, including shoreline access, and requires that all new development comply with LCP standards and policies. The number of commercial and other non-residential projects in the area over the past few decades has been modest in comparison with the number of residential projects. Among the residential projects considered in the past three decades, fewer than half involved new dwellings on vacant sites. The remaining residential projects included additions and repairs/replacements, which can generally involve fewer impacts to coastal resources than new construction on vacant property.

The community character of Marin County's coastal villages is important to both residents and visitors. The LCP continues to guide proposed development toward existing villages in an effort to preserve the natural landscape. LCP policies ensure that new development is consistent with the character of the surrounding community and maintains village limit boundaries in order to concentrate development and avoid sprawl. In addition, service constraints and the large amount of publicly owned land will act as a natural constraint to future development.

The pace of residential development in recent decades has been generally modest and remains well within the estimated ultimate residential buildout for the Coastal Zone. Provisions for the siting and intensity of new development are reflected in the LCP land use policy maps (see Maps 19a – 19m). In addition, LCP policies in other chapters provide for improved resource protection that, taken together, will reduce impacts of the built environment on Coastal Zone resources.

Policies

C-CD-1~~2~~ Location of New Development. Locate new development within, next to, or in close proximity to existing developed areas with adequate public services and where it will not have significant adverse impacts, either individually or cumulatively, on environmental and natural resources, including coastal resources.
~~[Adapted from Coastal Act Section 30250(a)]~~

C-CD-2~~3~~ Appropriate New Development. Ensure that the type and intensity of new development, including land divisions, conform to the land use categories and density provisions of the LCP and Land Use Policy Maps. Allowable densities are stated as maximums and do not establish an entitlement to buildout potential. In addition, land divisions outside village limit boundaries shall only be permitted where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels. Land divisions shall be prohibited if the resulting lots cannot be developed consistent with the LCP. (*See also C-PFS-1: Adequate Services)*
~~[New policy, 2015]~~

C-CD-34 Protection of Open Lands, Existing Communities, and Recreational Opportunities. Work with individual landowners; local, state, and federal agencies; and non-governmental organizations to preserve rural character, agriculture, and open lands, and protect existing communities and recreational opportunities in the Coastal Zone.
[Adapted from CWP Program CD-1.d, p. 3-13]

C-CD-45 Non-Conforming Structures and Uses. Allow existing, lawfully established non-conforming structures or uses to be maintained or continued, provided that such structures or uses are not enlarged, intensified, or moved to another site, or redeveloped in areas potentially subject to hazards. Structures or uses that are enlarged, intensified, or moved to another site, or redeveloped in areas potentially subject to hazards, must be brought into conformance with the LCP. If a nonconforming use of land or a nonconforming use of a conforming structure is discontinued for a continuous period of one year, the use shall be deemed to have been abandoned and shall lose its legal nonconforming status. However, replacement of 50 percent or more of the nonconforming structure is not repair and maintenance but instead constitutes a replacement structure that must be brought into conformance with the policies and standards of the LCP.
[Adapted from County Code Section 22.112.020]

C-CD-56 Standards for Development on the Shoreline of Tomales Bay. New construction along the shoreline of Tomales Bay shall be limited in height to 15 feet above natural grade. Exceptions to this height limit may be permitted where topography, vegetation, or character of existing development is such that a higher structure would not create additional interference with coastal views either to, along, or from the shoreline or water, and as allowed by Hazards Policy C-EH-5 (Standards for Shoreline Development).
[Adapted from Unit II New Development and Land Use Policy 8.f, p. 216, and County Code Section 22.20.060.a]

C-CD-67 Structures on Public Trust Lands. Allow existing structures on public trust lands along the shoreline of Tomales Bay to be rebuilt if destroyed by natural disaster, in conformance with development standards specified in Section 30610(g) of the Coastal Act and other County policies. Construction of new residential dwellings on public trust lands is not considered an appropriate public trust use and is not allowed. It should be noted that development on public trust lands is within the Coastal Permit jurisdiction of the California Coastal Commission. However, other County permit requirements (such as Design Review or Tidelands Permit approval) may also apply.
[Adapted from Unit II Public Trust Lands Policies 2 and 3, p. 129]

C-CD-78 Shoreline Structures and Piers. Limit the location of piers and other recreational or commercial structures to sites located within existing developed areas or parks. New piers shall be permitted only if all of the following criteria are met:

1. The structure will be used to serve a coastal-dependent use or will preserve or provide access to related public recreational lands or facilities.
2. The structure will not be located in wetlands or other significant resource or habitat area and will not, individually or cumulatively, cause significant adverse impacts on fish or wildlife.
3. The structure will not interfere with public access, use, and enjoyment of the natural shoreline environment.
4. The structure will not restrict navigation, mariculture, or other coastal use and will not create a hazard in the area in which it is built.

5. There is no pier with public access within ½ mile, or use of a nearby pier would not be feasible due to its size, location, or configuration.

Allow reconstruction and maintenance of existing piers provided that the pier is of the same size and in the same location as the original pier. Enlargements or changes in design or location shall be evaluated based on criteria stated above.
~~[Adapted from Unit II Shoreline Structures Policy 3, p. 132]~~

C-CD-8~~9~~ Access to Shoreline Structures. Require public access to new piers or similar recreational or commercial structures unless it can be demonstrated that such access would significantly interfere with commercial fishing or similar operations on the pier or be hazardous to public safety, in which case alternative and commensurate public access shall be provided. A public access easement from the first public road across the applicant's property to the pier shall be required.
~~[Adapted from Unit II Shoreline Structures Policy 4, p. 132]~~

C-CD-9~~10~~ Division of Beachfront Lots. No land division of beachfront lots shall be permitted in recognition of the cumulative negative impacts such divisions would have on both public and private use of the beach. Similarly, the erection of fences, signs, or other structures seaward of any existing or proposed development and the modification of any dune or sandy beach area shall not be permitted except as provided in the Environmental Hazards policies in order to protect natural shoreline processes, the scenic and visual character of the beach, and the use of dry sand areas in accordance with Section 30211 of the Coastal Act.
~~[Adapted from Unit I Natural Dune and Sandy Beach Protection Policy 21, p. 30]~~

C-CD-10~~1~~ Maintenance of Village Limit Boundaries. Maintain existing village limit boundaries to preserve existing agricultural lands for agricultural use while allowing for reasonable growth and infill within the village limit boundaries. These boundaries depict existing developed areas for purposes of Section 30250 (a) of the Coastal Act. The following issues shall be considered if changes in village limit boundaries are proposed:

- Boundaries of existing developed areas. In some cases, infilling within these areas is the only expansion recommended.
- Boundaries within which villages should be allowed to expand in the future. Criteria for setting these boundaries are described below.

Criteria used in setting village limit boundaries:

1. Boundaries of existing and proposed public open space (e.g. Golden Gate National Recreation Area, Point Reyes National Seashore);
2. Boundaries used in studies by the Community Development Agency and local planning groups;
3. Areas under agricultural zoning and/or use;
4. Service area boundaries of utility districts;
5. Watershed boundaries;
6. Natural barriers including: terrain, water, cliffs, and open space separating developed areas;
7. Man-made barriers including: roads, dikes;
8. Existing subdivisions;
9. Floodplains and areas subject to seismic hazards.

10. Potential impacts to coastal resources (including public views, public service capacities, environmentally sensitive habitat, and agriculture) due to buildout under expanded boundary.

~~[Adapted from CWP Policy PA-7.4, p. 3-242]~~

C-CD-1~~1~~2 Describe Village Limit Boundaries. The village limit boundaries are described as follows and shown on the accompanying maps for the following communities:

1. Muir Beach. Village limit boundary shall be defined by surrounding federal and state parklands, as shown on the Muir Beach Land Use Policy Map 19a.
2. Stinson Beach. Village limit boundary shall be defined by surrounding state and federal parklands, Bolinas Lagoon, and Pacific Ocean, as shown on the Stinson Beach Land Use Policy Map 19b. The beachfront area along Mira Vista owned by the County of Marin is also excluded.
3. Bolinas. Village limit boundary shall be defined by surrounding federal parklands in addition to County-owned lands adjacent to the Bolinas Lagoon, as shown on the Bolinas Land Use Policy Map 19c.
4. Olema. Village limit boundary shall be defined by surrounding federal parklands, as shown on the Olema Land Use Policy Map 19d.
5. Point Reyes Station. Village limit boundary shall be defined as shown on the Point Reyes Station Land Use Policy Map 19e except that lands acquired by the federal government for inclusion in the GGNRA shall be excluded. These lands shall be rezoned to C-OA (Coastal Open Area).
6. Inverness Ridge. Village limit boundary shall be determined by the location of public parklands to the north, west, and south, and by Tomales Bay to the east as shown on the Inverness Land Use Policy Map 19f.
7. Marshall/East Side of Tomales Bay. Village limit boundary shall be defined to include the area from the Hog Island Oyster Company to the north and the Marshall Boat Works to the south. On the east of Highway One, the village limit boundary shall include the small existing subdivided parcels abutting Highway One between Marshall-Petaluma Road and the Marshall Boat Works, as shown on the East Shore Land Use Policy Map 19h.
8. Tomales. Village limit boundary shall be defined as shown on the Tomales Land Use Policy Map 19j.
9. Dillon Beach/Oceana Marin. Village limit boundary shall be drawn from the northern boundary of the Oceana Marin subdivision on the north to the southern end of Lawson's Dillon Beach Resort on the south, and from the shoreline on the west to the eastern side of Oceana Marin, the Village, and Lawson's Dillon Beach Resort, as shown on the Dillon Beach Land Use Policy Map 19i. Lawson's Dillon Beach Resort parcel 100-100-47 is included within this area.

~~[Adapted from Unit II New Development and Land Use Policies 8.a(1) through 8.h(1), pp. 209-216]~~

C-CD-1~~2~~3 Chain Store Operations. Discourage the establishment of chain store operations that are not consistent with the existing character and scale of the surrounding community.
~~[Adapted from the Stinson Beach Community Plan, 1983, Land Use Policy E, p. 33]~~

C-CD-1~~3~~4 Limited Conversion of Overnight Visitor-Serving Enterprises. Visitor-serving enterprises, particularly those which offer and provide places of overnight accommodation, shall remain available to any prospective guest on a space available basis. Proposed conversion of such places of overnight accommodations into a more limited type of occupancy shall be discouraged**.** *(See also Parks, Recreation and Visitor-Serving Uses Policies C-PK-1 through C-PK-8)*

~~[Adapted from the Inverness Ridge Communities Plan, Commercial Land Use Policy 2.01.C, p. 38]~~

C-CD-14~~5~~ Residential Character in Villages. Consistent with the limitations outlined in C-PK-3, discourage the conversion of residential to commercial uses in coastal villages. If conversion of a residence to commercial uses is allowed under applicable zoning code provisions, the architectural style of the home should be preserved.
~~[Adapted from the Point Reyes Station Community Plan, Policy PA-2.4, p. 13]~~

C-CD-15~~6~~ Maintenance of the Rural Character of Roadways. Roadways and accessways shall reflect the character of coastal communities and shall be context and location sensitive. The primary areas to be considered for sidewalks, curbs, and similar roadway improvements shall be within designated village boundaries.
~~[Adapted from Point Reyes Station Community Plan, Circulation and Transportation Policies T-1.1 and T-3.1, pp. 50-51; and Tomales Community Plan, Policy TR-1.1, p. IV-16]~~

C-CD-16~~8~~ Visitor Notification. Provide real-time information of highway congestion and parking conditions in coastal communities to coastal visitors before they commit to Highway One. Use electronic signs located near Highway 101 or other appropriate locations, a regularly updated website, and other telecommunication methods.
~~[Adapted from the Stinson Beach Community Plan,1983, Circulation Policy D, p. 16]~~

C-CD-17~~9~~ Windbreaks. Discourage new wind breaks along Highway One to preserve public views. Consider the effects of proposed wind breaks at initial planting as well as at maturity on sunlight, coastal views, and traffic safety related to visibility.
~~[Adapted from Point Reyes Station Community Plan, Policy PA-3.9, p. 14]~~

C-CD-18~~20~~ Lighting for Recreational Use. Prohibit night lighting for privately-owned recreational facilities such as tennis courts, sport courts, and other similar outdoor recreational activity areas to avoid glare and noise intrusion from the nighttime use of such areas and to minimize disruption of the natural ecology. Allow night lighting for publicly-owned facilities subject to a use permit, only if such lighting can be designed to protect against impacts to coastal resources, including biological and visual resources, as required by the LCP.
~~[Adapted from the Point Reyes Station Community Plan, Program RL-3.4b, p. 34]~~

C-CD-19~~22~~ Agricultural Land Use Categories. Establish agriculture land use categories to preserve and protect a variety of agricultural uses, and to enable potential for agricultural production and diversification. Historically, 60 acres has been the minimum parcel size for most agricultural lands in the county. Various policies regarding agricultural productivity, water availability, effects on water quality, and other factors govern the division of such lands, along with the intensities described below. The effect is that land divisions of agricultural lands are rare. The zoning designations listed are examples of consistent zoning and are not the only possible consistent zoning designations. The following Agricultural land use categories are established:

Agriculture 1 (C-AG1). This land use category is established to preserve agricultural lands that are suitable for agricultural productivity, that contain soils capable of supporting production agriculture, or that are currently zoned C-APZ. The principal permitted use of these lands shall be agriculture, and any development shall be accessory and incidental to, in support of, and compatible with agricultural production. A maximum density of one dwelling unit per 60 acres is permitted, and all development shall be consistent with applicable LCP policies.

Consistent Zoning: C-APZ-60

C-ARP-31 to C-ARP-60

Agriculture 2 (C-AG2). The principal permitted use of these lands shall be agriculture. This land use category is established for agricultural uses on lands adjacent to residential areas, and at the edges of Agricultural Production Zones in the Coastal Zone that have potential for agricultural production and can provide flexibility in lot size and building locations subject to the standards of the LCP in order to:

1. Promote the concentration of residential and accessory uses to maintain the maximum amount of land available for agricultural use, and
2. Maintain the visual, natural resource and wildlife habitat values of subject properties and surrounding areas. The C-ARP district requires the grouping of proposed development.

Consistent Zoning: C-ARP-10 to C-ARP-30

Agriculture 3 (C-AG3). The principal permitted use of these lands shall be residential. This land use category is established for residential use within the context of small-scale agricultural and agriculturally-related uses, subject to the standards of the LCP.

Consistent Zoning: C-ARP-1 to C-ARP-9

~~[Adapted from CWP Policy CD-8.5 pg. 3-35]~~

C-CD-2~~0~~3 Residential Land Use Categories and Densities. Establish residential land use categories for residential development at a full range of densities, with emphasis on providing more affordable housing including incentives for low and very low income units, while also recognizing that physical hazards, fire risk, development constraints, protection of natural resources, and availability of public services and facilities can limit housing development in most areas.

The following categories are established for residential land uses. Standards of population density and building intensity are established for each category. Density ranges expressed as dwelling units per acre are provided for residential uses. For nonresidential uses permitted in a residential land use category, the FAR established for that land use category shall apply.

Some examples of zoning designations that are consistent with various residential land use designations are provided below (these may not be the only possible consistent zoning designations). Zoning maps and the Development Code provide additional details regarding allowed uses and development standards. Other uses that may be permitted in residential land use designations include, but are not limited to, parks, playgrounds, crop and tree farming, nurseries and greenhouses, home occupations, schools, libraries, museums, community centers, places of worship, hospitals, retreats, educational institutions, philanthropic and charitable institutions, facilities for nonprofit organizations, cemeteries, golf courses, country clubs, stables and riding academies, and family day care homes.

Very Low Density Residential

The following very low density residential land use categories (minimum lot sizes of 5 to 60 acres) are established for single-family residential development on large properties in rural areas where public services are very limited or nonexistent and on properties where significant physical hazards and/or natural resources significantly restrict development.

Land Use Category	Minimum Lot Size	Maximum FAR	Consistent Zoning
Single-Family 1 (C-SF1)	20 to 60 acres	.01 to .09	C-RSP-0.05 to C-RSP-0.016

Single-Family 2 (C-SF2)	5 to 19 acres	.01 to .09	C-RSP-0.02 to C-RSP-0.05

Rural/Residential
The following Rural/Residential land use categories (minimum lot sizes of 20,000 square feet to 5 acres) are established for single-family residential development in areas where public services are limited and on properties where physical hazards and/or natural resources may restrict development.

Land Use Category	Minimum Lot Size/ Density Ranges	Maximum FAR	Consistent Zoning
Single-Family 3 (C-SF3)	1 to 5 acres	.01 to .09	C-R1:B4 C-R1:B5 C-RA:B4 C-RA:B5 C-RA:B6 C-ARP-2 C-RSP-0.2 to C-RSP-1 C-A2:BD C-A2:B4
Single-Family 4 (C-SF4)	20,000 sq. ft. to 1 acre (1–2 du/ac)	.01 to .15	C-RA:B3 C-RSP-1.1 to C-RSP-2 C-R1:BD C-R1:B3 C-RR:B3 C-RE:B3
Planned Residential (C-PR)	1 unit per 1 to 10 acres	.01 to .09	C-RMP-0.1 to C-RMP-1

Low Density Residential
The following low density residential land use categories (minimum lot sizes of 20,000 square feet or less) are established for single-family and multi-family residential development in areas where public services and some urban services are available and where properties are not typically limited by physical hazards or natural resources.

Land Use Category	Minimum Lot Size/ Density Ranges	Maximum FAR	Consistent Zoning
Single-Family 5 (C-SF5)	10,000 to 20,000 sq. ft. (2–4 du/ac)	.01 to .25	C-R1:B2 C-RA:B2 C-RR:B2 C-RSP-2.1 to RSP-4 C-A2:B2
Single-Family 6 (C-SF6)	Less than 10,000 sq. ft. (4–7 du/ac)	.01 to .3	C-R1 C-R1:B1 C-RA:B1 C-RSP-4.1 to C-RSP-0.5
Multi-Family 2	1 to 4 du/ac	.01 to .3	C-R2

Land Use Category	Minimum Lot Size/ Density Ranges	Maximum FAR	Consistent Zoning
(C-MF2)			C-RMP-1 to C-RMP-4

Low to Medium Density Residential
The following low to medium density residential land use categories (from 5 to 10 units per acre) are established where moderate density single-family and multi-family residential development can be accommodated in areas that are accessible to a range of urban services near major streets, transit services, and neighborhood shopping facilities.

Land Use Category	Density Range	Maximum FAR	Consistent Zoning
Multi-Family 3 (C-MF3)	5 to 10 du/ac	.1 to .3	C-RMP-5 to C-RMP-10

~~[Adapted from CWP Policy CD-8.6, pp. 3-35 to 3-39]~~

C-CD-2~~1~~4 Commercial/Mixed-Use Land Use Categories and Intensities. Establish commercial/mixed-use land use categories to provide for a mix of retail, office, and industrial uses, as well as mixed-use residential development, in a manner compatible with public facilities, natural resource protection, environmental quality, and high standards of design. Mixed-use developments are intended to incorporate residential units on commercial properties, including on-site housing for employees, thereby contributing to affordable housing and reduced commutes. The following criteria shall apply to any mixed-use development:

1. For parcels larger than 2 acres in size, no more than 50% of the new floor area may be developed for commercial uses, and the remaining new floor area shall be developed for new housing.

   For parcels 2 acres and less in size, no more than 75% of the new floor area may be developed for commercial uses, and the remaining new floor area shall be developed for new housing.

2. Projected peak-hour traffic impacts of the proposed mixed-use development are no greater than that for the maximum commercial development permissible on the site under the specific land use category.

3. Priority shall be given to the retention of existing visitor and neighborhood serving commercial uses.

4. The site design fits with the surrounding neighborhood and incorporates design elements such as podium parking, usable common/open space areas, and vertical mix of uses, where appropriate. In most instances, residential uses shall be considered above the ground floor or located in a manner to provide continuity of store frontages, while maintaining visual interest and a pedestrian orientation.

5. For projects consisting of low income and very low income affordable units, the FAR may be exceeded to accommodate additional units for those affordable categories. For projects consisting of moderate income housing, the FAR may only be exceeded in areas with acceptable traffic levels of service - but not to an amount sufficient to cause an LOS standard to be exceeded. In all cases, FAR may only be exceeded if coastal resources are otherwise protected, consistent with applicable LCP policies.

~~Renovations not resulting in additional square footage will be exempt from the above requirements if consistent with the requirements of the Marin County Jobs-Housing Linkage Ordinance, Chapter 22.22 of the Development Code~~ The following categories shall be established for commercial land uses:[1]

General Commercial/Mixed Use (C-GC). The General Commercial mixed-use land use category is established to allow for a wide variety of commercial uses, including retail and service businesses, professional offices, and restaurants, in conjunction with mixed-use residential development. The Development Code includes permitted and conditional uses and development standards for the zoning districts consistent with this designation. The Land Use Policy Maps provide maximum_floor area ratio (FAR) standards for this designation. Residential development located in a mixed-use development within this designation shall be included in the permissible amount of development under these maximum_FARs. For projects consisting of low and very low income affordable units, the maximum_FAR may be exceeded to accommodate additional units for those affordable categories. For projects consisting of moderate income housing, the maximum FAR may be exceeded in areas with acceptable traffic levels of service – but not to an amount sufficient to cause an LOS standard to be exceeded. Any maximum FAR exceedances shall only be allowed if coastal resources are otherwise protected, as indicated above.

Consistent Zoning: C-CP
C-H-1
C-RMP-.1 to C-RMP-30

Neighborhood Commercial/Mixed Use (C-NC). The Neighborhood Commercial/Mixed Use land use category is established to encourage smaller-scale retail and neighborhood and visitor-serving office and service uses in conjunction with residential development oriented toward pedestrians and located in close proximity to residential neighborhoods. The Development Code includes permitted and conditional uses and development standards for the zoning districts consistent with this designation. The Land Use Policy Maps provide for maximum floor area ratio (FAR) standards for this designation. Residential development located in a mixed-use development within this designation shall be included in the permissible amount of development under these maximum FARs. For projects consisting of low and very low income affordable units, the maximum FAR may be exceeded to accommodate additional units for those affordable categories. For projects consisting of moderate income housing, the maximum FAR may be exceeded in areas with acceptable traffic levels of service – but not to an amount sufficient to cause an LOS standard to be exceeded. Any maximum FAR exceedances shall only be allowed if coastal resources are otherwise protected, as indicated above.

Consistent Zoning: C-VCR
C-RMPC
C-VCR:B2

Recreational Commercial (C-RC). The Recreational Commercial land use category is established to provide for resorts, lodging facilities, restaurants, and privately owned recreational facilities, such as golf courses and recreational boat marinas. See the Development Code for a complete list of permitted and conditional uses and development standards. Refer to the Land Use Policy Maps for commercial maximum Floor Area Ratio (FAR) standards. For projects consisting of low and very low income affordable units, the maximum FAR may be exceeded to accommodate additional units for those affordable categories. For projects consisting of moderate income housing, the maximum_FAR

[1]Note that the zoning designations listed in each category are examples of consistent zoning and are not the only possible consistent zoning designations. A complete list of permitted and conditional uses and development standards can be found in the Development Code. Educational, charitable, and philanthropic institutions such as schools, libraries, community centers, museums, hospitals, child care centers, and places of worship may be permitted in any commercial area.

may be exceeded in areas with acceptable traffic levels of service – but not to an amount sufficient to cause an LOS standard to be exceeded. Any maximum FAR exceedances shall only be allowed if coastal resources are otherwise protected, as indicated above.

Consistent Zoning: C-RCR

~~[Adapted from CWP Policy CD-8.7, pp. 3-39 to 3-41]~~

C-CD-2~~5~~ Public Facility, Quasi-Public Facility, and Open Space Land Use Categories. Lands used for public facilities and quasi-public institutional purposes, including airports, schools, hospitals, cemeteries, government facilities, correctional facilities, power distribution facilities, sanitary landfills, and water facilities, are designated Public Facility or Quasi-Public Facility, depending on the nature of their use. The Public Facility category is established for land owned by a governmental agency and used as a public institution. The Quasi-Public Facility category is provided for land owned by a nongovernmental agency that is used as an institution serving the public. A Public Facility or Quasi-Public Facility designation may be combined with another land use designation. In such instances, the applicable standard of building intensity is that for Public or Quasi-Public Facility, as depicted on the Land Use Policy Maps. Lands in public ownership for open space purposes, such as recreation, watershed, and habitat protection and management, are designated Open Space. In addition, private lands may be designated Open Space when subject to deed restrictions or other agreements limiting them to open space and compatible uses. Lands designated Open Space are subject to maximum FAR of .01 to .09. The following categories shall be established for public and quasi-public land use. The zoning designations listed are examples of consistent zoning and are not the only possible consistent zoning designations.

Public (C-PF) Consistent zoning: PF
PF-RSP-.05 to PF-RSP-7
PF-RMP-.01 to PF-RMP-16
PF-ARP-20
C-PF-ARP-20

Quasi-Public (C-QPF) Consistent zoning: C-RMP-.1
C-RA:B-1

Open Space (C-OS) Consistent zoning: C-OA

~~[Adapted from CWP Policy CD-8.9, pp. 3-45 to 3-46]~~

C-CD-23~~6~~ Multi-family Residential Development in Multi-family Zones. Require multi-family development in certain multi-family zoning districts consistent with the C-MF2, C-MF3 and C-NC land use designations, including the C-R2, C-RMP and C-RMPC zoning districts, if parcel size and density permit. Prohibit development of single-family dwellings in multi-family zones unless the Director finds that multi-family development is infeasible or impractical based on physical site constraints, environmental constraints, or significant incompatibility with neighborhood character.

~~[Adapted from November 2009 Draft Housing Element Program 1.f, p. V-3]~~

Community Specific Policies

Background

The Marin County Coastal Zone is home to distinctive towns and villages that have a strong sense of place (see Map 16 – Community Areas). The character of these communities depends in large part on their physical setting, the nature of land uses within them, and their visual appearance. The desire to maintain local community character is reflected in the various Community Plans that have been prepared for these communities with strong resident participation. The Community Specific policies that follow have been drawn from the County-adopted Community Plans, and their inclusion here is a means of ensuring that applicable land use policies of the Plans are firmly rooted in the Local Coastal Program (LCP). In this way, these policies will be applied to the review of coastal permits for development proposed within the Coastal Zone.

Although Marin County's coastal communities reflect a long-standing commitment to maintain the characteristics that draw residents and visitors to them, changing economics and land development practices could threaten community character. Achieving a balance between local- and visitor-serving businesses continues to be a challenge in Marin County, as elsewhere along California's coast. At the same time, the Coastal Act places a high priority on visitor-serving facilities, particularly lower-cost facilities, and visitors as an important part of the local economy.

The Coastal Act provides that permitted development shall be visually compatible with the character of surrounding areas. Furthermore, special communities and neighborhoods that are popular visitor destination points are to be protected. Marin County's coastal villages draw visitors because of their

special characteristics, beautiful natural surroundings, and close proximity to the coast. The protection of such features is an important goal of Coastal Act policies.

The character of Marin County's coastal villages is an important factor in their desirability as places to live and visit. The LCP strongly protects community character, in part through the policies drawn from the Community Plans, some of which are highly specific to particular neighborhoods or sites. Protection is also provided through more general Community Development policies, which are applicable throughout the entire Coastal Zone.

Policies

Muir Beach:

C-MB-1 Community Character of Muir Beach. Maintain the small-scale character of Muir Beach as a primarily residential community with recreational, small scale visitor, and limited agricultural use. ~~[New policy, 2015]~~

Stinson Beach:

C-SB-1 Community Character of Stinson Beach. Maintain the existing character of residential, small-scale commercial and visitor-serving recreational development in Stinson Beach. New development must be designed to be consistent with community character and protection of scenic resources. ~~[Adapted from Unit I New Development and Land Use Policy 29, p. 79]~~

C-SB-2 Limited Access in Seadrift. Allow ~~only limited~~ public access across the open space area generally located north of Dipsea Road and adjacent to Bolinas Lagoon in the Seadrift subdivision to protect wildlife habitat subject to the Deed of an Open Space and Limited Pedestrian Easement and Declaration of Restrictions as recorded March 26, 1986 as Instrument No. 86-15531. This area includes parcels 195-070-35 and 36; 195-080-29; 195-090-44; 195-320-62 and 78; and 195-340-71, 72, and 73. ~~[Concept adapted from Unit I New Development and Land Use Policy 33, p. 80]~~

C-SB-3 Density and Location of Development in Seadrift. Development of the approximately 327 lots within the Seadrift Subdivision shall be allowed consistent with the provisions of this LCP and with the provisions of the July 12, 1983 Memorandum of Understanding for the settlement of the litigation between Steven Wisenbaker and the William Kent Estate Company, and the County of Marin, and consistent with the terms of the March 16, 1994, Settlement Agreement in the litigation titled Kelly et al. v. California Coastal Commission, Marin County Superior Court Case No. 152998 between the Seadrift Association and the County of Marin. Minimum lot sizes shall be as shown on the final subdivision maps approved by Marin County, as modified by the referenced settlement agreements. See Appendix 5: Seadrift Settlement Agreement. ~~[Adapted from Unit I Location and Density of New Development Policy 36, p. 81]~~

C-SB-4 Easkoot Creek. Restore Easkoot Creek to improve habitat and support natural processes.
~~[Adapted from Stinson Beach Community Plan, 1983, Environmental Land Use Policy D, p. 28]~~

C-SB-6 R-2 Zoning. Maintain the existing R-2 zoning in Stinson Beach in order to protect and maintain the existing character of the community. Site and design development so as to minimize septic tank problems and the cumulative impacts of such development on public access.
~~[Adapted from Unit I Location and Density of New Development Policy 29, p. 79]~~

C-SB-7 Repair or Replacement of Structures. Allow the repair or replacement of existing duplex residential uses on parcels less than 7,500 square feet in the R-2 zoning district that are damaged or destroyed by natural disaster in Stinson Beach, so long as such repair/replacement is consistent with other applicable LCP policies.
~~[Adapted from Unit I Location and Density of New Development Policy 29, pg. 79]~~

Bolinas

C-BOL-1 Community Character of Bolinas. Maintain the existing character of residential, small-scale commercial and visitor-serving, and agricultural uses in Bolinas.
~~[Adapted from the Bolinas Community Plan, Tourist Accommodations Policy 1, p. 12]~~

C-BOL-3 New Development on the Bolinas Gridded Mesa. Permit new construction and redevelopment and rehabilitation of existing structures on the Bolinas Mesa where consistent with the LCP and in accordance with adopted policies of the Bolinas Gridded Mesa Plan, which has been certified by the California Coastal Commission.
~~[Adapted from Unit I Location and Density of New Development Policy 40, p. 86]~~

Olema

C-OL-1 Community Character of Olema. Maintain Olema's existing mix of residential, small-scale commercial and visitor-serving, and open space land uses and small-scale, historic community character. Minimize impacts of future development in the hillside area of Olema with the following design standards:

1. Cluster structures on more level areas away from steep road cuts on Highway One and off upper grassy slopes, which shall be maintained open to protect their visual character.
2. Incorporate and reflect the historic character of Olema and existing recreational uses in project design. The height of structures shall be in keeping with the character and scale of the surrounding community to minimize impacts on public views, including those associated with adjacent federal parklands, Highway One, and Sir Francis Drake Boulevard.
3. Provide pedestrian paths as appropriate to nearby federal park activity areas.

~~[Adapted from Unit II Recreation and Visitor-Serving Facilities Policy 3.b(5), p. 45]~~

Point Reyes Station

C-PRS-1 Community Character of Point Reyes Station. Maintain the existing mix of residential and small-scale commercial and visitor-serving development and small-scale, historic community character in Point Reyes Station.
~~[New policy, 2015]~~

C-PRS-2 Commercial Infill. Promote commercial infill within and adjacent to existing commercial uses.
~~[Adapted from Unit II Recreation and Visitor-Serving Facilities Policy 3.c, p. 46]~~

C-PRS-3 Visitor-Serving and Commercial Facilities. Encourage development of additional visitor-serving and commercial facilities, especially overnight accommodations. Establish overnight accommodations in the Grandi Building (Assessor Parcel Number 119-234-01) and Assessor Parcel Number 119-240-55, located at the junction of Highway One and Point Reyes – Petaluma Road (See also C-PRS-4 below).
~~[Adapted from Unit II Recreation and Visitor-Serving Facilities Policy 3.c, p. 46]~~

C-PRS-4 Junction of Highway One and Point Reyes – Petaluma Road. Permit visitor-serving and commercial uses on APN 119-240-55, located at the junction of Highway One and the Point Reyes – Petaluma Road, which appears to have development potential for up to a small 20-unit motel, cottages, hostel, or similar facility. This site also may be a suitable location for up to 15 units of affordable housing. To protect the site's visual and environmental qualities, new development shall be sited and designed to minimize view and traffic impacts on nearby public roads, protect Lagunitas Creek and adjacent riparian vegetation from the impacts of erosion and water quality degradation, and minimize slope disturbance. Development shall be clustered, limited in height and scale to that which is compatible with the surrounding area, and shall provide adequate waste disposal on site.
~~[Adapted from Unit II Recreation and Visitor-Serving Facilities Policy 3.c, p. 46]~~

C-PRS-5 Criteria for New Development in Point Reyes Station. New residential development in Point Reyes Station shall meet the following criteria:

1. Building Height. The height limit for residential structures shall be regulated as follows: In areas other than ridgeline lots, no part of a primary building shall exceed 25 feet above natural grade and no part of an accessory building shall exceed 15 feet above natural grade. New development near ridgelines shall be sited and designed so that rooflines are below the visual plane of ridges when viewed from Point Reyes-Petaluma Road or Highway One. Where a ridge lot is too flat to

allow placement of new construction below the visual plane of the ridge, up to a maximum of 18 feet above natural grade shall be imposed.

2. Building Size. The maximum floor area allowed on any lot located in the planning area shall be 4,000 square feet. For purposes of this community-specific policy, "floor area" includes the sum of the gross horizontal areas of all floors of the building or buildings measured from exterior faces of exterior walls excluding only unenclosed horizontal surfaces, such as balconies, courts, decks, porches, and terraces. To clarify the intent of the preceding two sentences, "floor area" is defined to include the total floor area of any detached structures and the total floor area of any garage. It is not the intention of this program to make any existing building, which complied with building regulations at the time of its construction, nonconforming with respect to floor area limitations (see Development Code Chapter 22.130 for definitions of "floor area" and "building area" applicable outside of the Point Reyes Station Community Area).

3. Building Size Exceptions. Exceptions to maximum permitted floor area may be permitted upon a determination by the Community Development Agency Director, in consultation with the Point Reyes Station Community, that the proposed development:

a. Maintains adequate setbacks from property lines and surrounding development;

b. Is located on a parcel which is large enough (generally greater than one acre) to accommodate the additional floor area while maintaining consistency with the surrounding built environment with respect to height, mass, and bulk;

c. Is adequately screened by existing and proposed vegetation;

d. Is adequately screened by the topography of the property or of surrounding properties; and

e. Would not significantly limit or reduce sun and light exposure to adjacent properties.

f. Protects significant public views and is compatible with the natural and built environment, including through siting and design.

4. Landscaping. Require landscape and irrigation plans for all new developments or major modifications to existing buildings. Where applicable, preservation of natural habitats and installation of additional plants native to the Point Reyes Station area is encouraged. Proposed trees and shrubs, when mature, should not deprive adjoining properties of views or sunlight. Weedy and/or invasive plants such as Eucalyptus, Acacia, Monterey Pine and Pampas Grass are discouraged. The choice of plants shall be native and non-invasive species generally similar to native species in the area. Non-native trees and shrubs which traditionally have been grown in the developed portions of Point Reyes Station are allowed. By incorporating these plants in new landscaping plans, owners can achieve a pleasing continuity with the existing landscape pattern of the community. These non-native species include:

Common name	Scientific name
Black locust	Robinia pseudoacacia
California black walnut	Juglans hindsii
Fruit trees (particularly apple, plum, persimmon)	
Hawthorn	Crataegus laevigata
Magnolia	Magnoliaceae (several species)
Shrub roses	Rosa spp.

~~[Adapted from the Point Reyes Station Community Plan Programs RL-3.3b, c and e, pp. 32 - 33]~~

C-PRS-6 Lighting. Light fixtures shall be mounted at low elevations (eight feet or less) and fully shielded to direct lighting downward. Lighting along walkways should be mounted on low elevation

bollards or posts. Floodlighting shall be discouraged. Exterior lighting fixtures should complement the architectural style of structures and be the minimum necessary for public safety.
~~[Adapted from the Point Reyes Station Community Plan Policy CL-4.1.o, p. 21, and Program RL-3.4a, p. 34]~~

C-PRS-7 Point Reyes Affordable Homes Project. Development of the 18.59-acre property consisting of Assessor's Parcels 119-260-02 through 06 (formerly 119-240-45), 119-240-02 through 13 (formerly 119-240-46, 57 and 58) and consisting of Areas A, B, C, D, E and F as depicted on Exhibit E, shall be subject to the following land use designations, as shown in Appendix G to the LCP: The land use designation for Areas A and B shall be C-MF-2 (Coastal, Multiple-Family, one to four units per acre maximum residential density). The land use designation for Area C shall be C-SF-4 (Coastal, Single-family Residential, one to two units per acre). The land use designation for Areas D and E shall be C-NC (Coastal, Neighborhood Commercial, one to 20 units per acre maximum residential density, 30% to 50% commercial floor area ratio). The land use designation for Area F shall be C-OS (Coastal, Open Space).

The entire 18.59 acres shall be subject to a single site development plan consisting of Areas A, B, C, D, E and F. The site development plan shall be subject to review and approval by the California Coastal Commission as an amendment to the LCP. Any coastal development permit or permits for development of any portion of the site shall be consistent with the approved site development plan. The site development plan shall indicate the kinds, locations, and intensities of uses allowable in accordance with the following requirements:

1. Total number of residential units on the entire 18.6 acre site shall not exceed 36.
2. Area A shall be developed with a maximum of seven detached affordable and/or market rate for-sale units ranging in size from approximately 900 to 1,155 square feet.
3. Area B shall be developed with a maximum of 27 rental affordable units ranging in size from approximately 1,440 to 1,720 square feet and a manager's unit/community building of approximately 2,180 square feet.
4. No more than two residential units may be developed within Area C.
5. A minimum of 12 public parking spaces shall be provided within Area D.
6. A minimum of two acres shall be reserved for a future community-serving use or project that provides a significant public benefit, as demonstrated by the Review Authority within Area E.
7. Future use of the approximate 18.59 acre area depicted on Exhibit E, including all wetlands shall be consistent with the LCP, including provisions which mandate a 100-foot minimum buffer as measured landward from the edge of the wetlands.

~~[Adapted from Unit II New Development and Land Use Policy 8.b, p. 210]~~

Inverness

C-INV-1 Community Character of Inverness. Maintain the existing character of residential and small-scale commercial and visitor-serving development in the Inverness Ridge communities. ~~[New policy, 2015]~~

C-INV-3 Paradise Ranch Estates Design Guidelines. Future development in Paradise Ranch Estates should be consistent with maintaining the existing exclusively residential nature of the community, and should consider the community's unique characteristics such as substandard roads and the need to protect public views from adjacent parklands and other public areas. Apply the following guidelines for development within Paradise Ranch Estates:

1. Protection of Visual Resources.

a. In areas where structures may be seen from adjacent parklands (primarily the north, south and west sides of the subdivision) structures shall be screened by existing vegetation to the maximum extent possible. Structures on or near ridgelines shall not be higher than the tree canopy, even if the Zoning Ordinance would otherwise permit taller buildings. The purpose of this measure is to prevent the presently tree-covered silhouette of the ridgeline from being visually disrupted. In addition, the structures will be better-screened. It is noted that the west side is adjacent to Park Wilderness areas.

b. In areas where structures may be visible, dark earth tones shall be used to ensure the least amount of visual intrusion into the landscape.

c. To minimize grading and visual impacts from adjacent parkland, new structures along Pine Crest Road shall be located within 150 feet of the front property line.

d. To minimize visual impacts on adjacent parkland, structures visible from the park on the northwest (Pine Crest and Upper Roberts) and southwest (Elizabeth Place, ends of Sunnyside and Dover) sides of the subdivision shall be oriented such that the narrower end of the structure faces the park to ensure the maximum opportunity to take advantage of the existing tree cover.

e. An analysis of the visual impacts from structures that might result from the siting and construction of the septic system shall be included with development applications. The septic system shall be designed and sited to minimize tree removal which could have a visual impact.

f. Use of colors and materials consistent with the woodland character of the subdivision and the vernacular building style of the area should be observed to avoid obtrusive visual impact.

2. Public Service Guidelines. Paving and drainage improvements along the road frontage of a property may be required for all-new structures. Off-site improvements may also be required in areas where roadways presently do not meet County standards. These areas include the following:

   a. Certain segments of Upper Roberts Road.

   b. Douglas Drive adjacent to Assessor Parcel Numbers 114-130-34 and 114-130-24.

   c. Dover Drive adjacent to Assessor Parcel Number 114-130-25.

   If parcels that presently are not part of the Paradise Ranch Estates Permanent Road Division acquire access over subdivision roadways in the future, joining the assessment district shall be a condition of approval.

3. Protection of Trees. Structures and roads should be sited to avoid tree removal. However, where it is necessary to clear existing vegetation, ecological principles of natural plant success should be observed. In some circumstances, removal of dead or older diseased trees may be desirable for siting purposes, thus promoting success of younger, more vigorous vegetation. However, dead trees also serve as valuable habitat for some species, so their complete removal should be avoided as appropriate. Such tree removal is only allowed consistent with other LCP policies.

4. Lot Consolidation and Acquisition. The County shall process coastal permit applications affecting lots identified for consolidation in the Paradise Ranch Estates Lot Consolidation Plan and lots identified for acquisition into Point Reyes National Seashore in accordance with all applicable policies and standards of the LCP, and will notify the Coastal Conservancy and Point Reyes National Seashore of such development proposals, respectively.

~~[Adapted from Unit II New Development and Land Use Policy 8.c(4)(c)(2), pp. 212-214]~~

C-INV-4 Road and Path Maintenance in Inverness. Maintain existing residential streets at current improvement standards. Unimproved residential roadways should be improved to minimal all-weather travel standards such as crushed rock by owners of land whose frontages abut such roadways. Continue to maintain existing paths and encourage new pathways.

~~[Adapted from Inverness Community Plan, Policy 7.00, p. 102-103]~~

East Shore

C-ES-1 Community Character of the East Shore of Tomales Bay. Maintain the existing character of low-density, residential, agriculture, mariculture, visitor-serving, and fishing or boating-related uses. Allow expansion or modification of development for visitor-serving or commercial development on previously developed lots along the east shore of Tomales Bay, provided that such expanded uses are compatible with the small scale and character of existing development along the Bay.

1. Nick's Cove. Continue to support visitor-serving uses on this site, which includes a restaurant and overnight guest accommodations. Overnight accommodations, such as bed and breakfast facilities, are encouraged consistent with availability of water supply, sewage disposal, and parking facilities. Any expansion or reconstruction of Nick's Cove restaurant shall

be designed to minimize visual impacts and provide maximum public physical and visual access to the shoreline. Structures on the upland property shall be limited in height to that which is compatible with the scale and character of surrounding development, while those on the bayside of Highway One shall not exceed the height of the existing restaurant.

2. Marshall. Maintain and encourage the present residential/commercial mixed use and encourage locally serving commercial uses.
3. Marshall Boatworks. Continue to support the Marshall Boatworks area as a residential/commercial mixed use area and as a potential community activity center and gathering place.
4. Marconi Conference Center State Historic Park. Continue to support the Marconi Conference Center and State Historic Park to provide meeting and retreat services for the Bay Area, consistent with historic and natural resource protection guidelines in the Marconi Conference Center State Historic Park General Plan.
5. Marconi Cove Marina. Support visitor- and local-serving, as well as marine-related, facilities at the Marconi Cove property. Expanded marina facilities, including additional boat slips, fishing pier, and storage space may also be desirable.

~~[Adapted from Unit II Recreation and Visitor-Serving Facilities Policy 3.e, pp. 48-51]~~

C-ES-2 Protection of Trees. Identify and protect significant stands of trees in the Planning Area.
~~[Adapted from the East Shore Community Plan, Program EQ-2-1, p. 48]~~

C-ES-3 Prioritization of Water-Related Uses. Prioritize mariculture, boat repair, fishing, water-related public recreation and scenic resources over other uses along the shoreline.
~~[Adapted from the East Shore Community Plan, Policy CD-7, p. 51]~~

C-ES-4 Commercial Land Use. Limit development of commercial and public facilities to existing activity centers, such as Nick's Cove, historic Marshall or near the Post Office/Marshall Boatworks and Marconi area.
~~[Adapted from the East Shore Community Plan, Policy CD-21, p. 55]~~

C-ES-5 Local-Serving Facilities. Consider incorporating local-serving facilities in new development, where appropriate.
~~[Adapted from the East Shore Community Plan, Policy CD-24, p. 56]~~

C-ES-6 New Marina Development. New marina development shall make provision for use of facilities by local commercial and recreation boats.
~~[Adapted from the East Shore Community Plan Program CD-24-2, p. 56]~~

Tomales

C-TOM-1 Community Character of Tomales. Maintain the existing character of residential and small-scale commercial and visitor-serving development in the community of Tomales. No expansion of commercial zoning is recommended since there is adequate undeveloped land zoned for visitor-serving and commercial development for anticipated future needs. Encourage development of overnight accommodations such as a motel, cottages, and a hostel. New development shall reflect the historic character of the town's architecture and shall be set back from the creek which flows through commercially zoned areas.

~~[Adapted from Unit II Recreation and Visitor-Serving Facilities Policy 3.f, p. 51]~~

Dillon Beach

C-DB-1 Community Character of Dillon Beach. Maintain the existing character of residential and small-scale commercial and visitor-serving development in Dillon Beach and Oceana Marin. Dillon Beach Resort, including all properties zoned C-RCR and C-RMPC between Dillon Beach Road and Dillon Creek, would be an appropriate site to consider for new development of a modest scale motel, cafe, delicatessen, or restaurant, and/or day-use facilities. Due to its proximity to the shoreline, the former Pacific Marine Station is an especially suitable area for facilities where many people can enjoy its prime location. The site offers opportunities, for example, for community services, a conference center, and/or a youth hostel. Limited residential development would be appropriate at the Dillon Beach Resort, provided it were developed as a secondary use in conjunction with visitor-serving uses. All development shall demonstrate adequate water supply and sewage disposal, and shall be sited out of sand dunes and other environmentally-sensitive areas. Building heights shall be limited to that which is compatible with the scale and character of the area. Existing C-RCR and C-RMPC zoning shall be maintained. Maintain existing C-RCR and C-APZ-60 zoning at Lawson's Landing.

~~[Adapted from Unit II Recreation and Visitor-Serving Facilities Policy 3.g(1) & (2), pp. 51—52]~~

C-DB-2 Lawson's Landing. Retain Lawson's Landing as an important source of lower cost visitor serving access and recreational opportunities, including coastal-dependent water oriented activities such as boating and fishing. Pursuant to the Dillon Beach Community Plan and project approvals, require Sand Haul Road to be evaluated as a means to provide primary vehicular access to Lawson's Landing and to provide relief from traffic congestion in Dillon Beach Village, subject to full environmental review.

~~[Adapted from the Coastal Commission staff report for Lawson's Landing Appeal No. A-2-MAR-08-028]~~

C-DB-3 Oceana Marin. The zoning designations for the C-RMP parcels in Oceana Marin represent the low end of the residential density ranges specified in the Dillon Beach Community Plan for the respective parcels. Development at higher density ranges may be approved if subsequent studies demonstrate that additional development can be accommodated in accordance with Policies CD-4.6 and CD-10.6 through CD-10.16 of the Dillon Beach Community Plan, which has been certified by the California Coastal Commission.

~~[Adapted from Unit II New Development and Land Use Policy 8.h(7), p. 218]~~

C-DB-4 Dillon Beach Community Plan. Refer to the Dillon Beach Community Plan, which has been certified by the California Coastal Commission, when reviewing Coastal Permits in the Dillon Beach area.
~~[New policy, not in Unit I or II]~~

Energy (EN)

Background

Energy plays a critical role in the function of society. The way it is acquired, produced and utilized can have significant impacts on the health of the economy and community. With the continued commitment to environmental quality and resource conservation, and mounting concerns about the effects of greenhouse gas emissions on climate change, it is necessary to create a sustainable framework within which energy can serve its purpose with minimal impact.

Most of the energy used in Marin County is imported from outside California, and is drawn from non-renewable resources such as nuclear power, natural gas and coal. The necessity for a shift to renewable energy has grown considerably in recent years. Through increased public awareness of climate change and related energy issues and the establishment of energy-related legislation, the transition to renewable resources is slowly becoming a reality. In addition to shifting energy consumption to more renewable resources, the use of energy continues to become more efficient. Energy efficiency significantly reduces the rate at which limited non-renewable resources are consumed, which consequently reduces negative health and environmental impacts.

The Local Coastal Program (LCP) encourages improved energy efficiency through the implementation of specific energy standards for development, by providing public information about ways to increase energy efficiency, and by offering incentives for practicing energy efficiency and conservation in homes and businesses. The shift to renewable energy resources and the development of energy production facilities are also encouraged as deemed appropriate. While the LCP strongly supports renewable energy, it requires that any production facilities be carefully designed and sited to avoid and minimize potential impacts.

While the continued support of renewable energy has become a priority both locally and nationwide, there remains a concern that energy production facilities may pose a significant threat to important coastal resources. Nowhere is this more evident than in the Coastal Zone of Marin County, where the abundance of sensitive natural resources creates a setting susceptible to the potentially harmful effects that some facilities may impose. For instance, facilities such as power plants and those related to oil and gas drilling are known to inflict serious adverse impacts upon the surrounding environment, and therefore are not appropriate for Marin's Coastal Zone. However, it is recognized that certain small scale renewable energy

facilities (example: small scale solar and wind energy conversion) may be necessary for the greater public benefit, and thus may be allowed where appropriate.

The Coastal Act stresses the protection of coastal resources, although it acknowledges that some development of energy facilities and resources may be necessary. Sections 30260 through 30265 of the Act contain provisions for several types of energy development, including oil and gas development, thermal power plants, liquefied natural gas, and other related facilities. Renewable energy facilities such as those for the use of solar and wind resources are not directly addressed, however any proposals for facilities of this nature would be subject to Chapter 3 of the Coastal Act, which address development in the Coastal Zone.

The Marin County Coastal Zone currently has no major energy or industrial facilities, although the possibility of two types of major energy development has been considered in the past: power plants and offshore oil development. The Coastal Act requires the Coastal Commission to designate specific areas of the Coastal Zone that are not suitable for siting new power plants or related facilities. In September 1978, the State Commission adopted "negative designations" for the Coastal Zone (subsequently revised in 1982). In Marin County, non-federal lands generally north of Olema were negatively designated (or excluded) for potential power plant development except those agricultural lands located north of Walker Creek, despite a recommendation from the Regional Commission supporting total exclusion of all lands north of Olema. This would have left these agricultural areas potentially open for possible development of power plants. The LCP maintains its previously certified prohibition on major energy and industrial development in the Coastal Zone.

In addition, the Gulf of the Farallones and Monterey Bay National Marine Sanctuaries have been established to border the Marin County Coastal Zone since the original LCP certification. The Sanctuaries enforce federal regulations that protect the bay and ocean waters adjacent to Marin. These federal regulations (CFR, Title 15, §922) prohibit harmful activities such as "exploring for, developing, or producing oil, gas, or minerals…" within the Sanctuaries to protect the sensitive resources found therein. Given the prohibition of such activities offshore, at least to the seaward extent of the Sanctuaries, it is less likely there would be any proposals for related on-shore facilities in the Coastal Zone in the foreseeable future.

Policies

C-EN-1 Energy Efficiency Standards. Integrate energy efficiency and conservation, and renewable energy requirements into the development review and building permit process where technically and financially feasible.
~~[Adapted from CWP Policies EN-1.1 and EN-2.2, pp. 3-82 and 3-85]~~

C-EN-2 Public Information and Education on Energy Efficiency. Provide information, marketing, training, and education to support energy efficiency and conservation, and renewable resource use.
~~[Adapted from CWP Policies EN-1.3 and EN-2.4, pp. 3-82 and3-85]~~

C-EN-3 Incentives for Energy Efficiency. Continue to offer incentives that encourage energy efficiency and conservation, and renewable energy practices.
~~[Adapted from CWP Policy EN-1.2, p. 3-82]~~

C-EN-4 Renewable Energy Resource Priority. Utilize local renewable energy resources and shift imported energy to renewable resources where technically and financially feasible at a scale that is consistent with the sensitivity of coastal resources. Preserve opportunities for development of renewable energy resources only where impacts to people, natural resources and views would be avoided or minimized. Support appropriate renewable energy technologies, including solar and wind conversion, wave and tidal energy, and biogas production through thoughtfully streamlined planning and processing, rules and other incentives that are all consistent with Policy C-EN-5.
~~[Adapted from CWP Goal EN-2 and CWP Policies EN-2.1, 2.2 and 2.3, p. 3-85]~~

Program C-EN-4.a Study Renewable Energy Resource Potential. Work with other agencies to study the potential for renewable energy generation in the Coastal Zone, and identify areas with adequate capacity for renewable resources such as wind and solar power. Within areas identified, specify sites suitable for locating renewable energy facilities with the least possible impact, and evaluate mechanisms for protecting such sites for appropriate renewable energy facilities.
~~[Adapted from CWP Policy BIO-1.a, p. 2-16, and CWP Program AG-1.f, p. 2-162]~~

Program C-EN-4.b Consider Policy to Allow the Creation of Local-Serving Renewable Energy Systems. Evaluate the future implementation of a policy that would allow local-serving renewable energy systems in the Coastal Zone. Such systems would provide energy service exclusively from renewable energy resources such as solar or wind power to one or more coastal communities.
~~[New program, 2015]~~

C-EN-5 Energy Production Facility Impacts. Ensure through siting, design, scale, and other measures that all energy production facilities are constructed to avoid where possible, and minimize where avoidance is not possible, impacts on public health, safety and welfare, public views, community character, natural resources, agricultural resources, and wildlife, including threatened or endangered species, bat populations, and migratory birds.
~~[Adapted from CWP Program PFS-5.d, p. 3-209]~~

C-EN-6 Energy and Industrial Development. The Coastal Zone contains unique natural resources and recreational opportunities of nationwide significance. Because of these priceless resources and the very significant adverse impacts which would result if major energy or industrial development were to occur, such development, both on and offshore, ~~is not appropriate and~~ shall ~~not~~ be prohibited consistent with the limitations of Public Resources Code Sections 30260, 30262, and 30515. The development of alternative energy sources such as solar or wind energy shall be exempted from this policy.
~~[Continued from LCP Unit II New Development and Land Use Policy 7, p. 209. This policy also carries forward Unit I Public Services Policy 2, p. 48]~~

Housing (HS)

Background

Housing is a vital component of Marin's coastal communities and it is important to respond to current and future housing needs in the Coastal Zone, particularly in planning for sustainable communities by supplying housing affordable to the full range of the Coastal Zone's diverse community and workforce.

Provision of affordable and diverse housing opportunities in the Coastal Zone is important to provide decent housing for residents. The challenge of providing new housing compatible with existing community character and quality, as well as environmental constraints and resources, is ever-present. At the same time, the County is required to meet federal and state law with respect to providing low- and moderate-income housing, replacement housing, or any other obligation related to housing imposed by existing laws.

Assuring housing choices at prices within reach is also important indirectly in carrying out Coastal Act resource protection goals. The Coastal Act places a high priority on maintaining agriculture and mariculture as viable land uses in the Coastal Zone, and encourages provision of visitor-serving facilities including overnight accommodations. These land uses depend on the availability of local labor, and pay scales for workers in these industries tend to be relatively low. Provision of housing opportunities for those employed in the Coastal Zone is thus essential if these high-priority land uses are to be maintained.

The Coastal Act addresses housing in several ways. Section 30500.1 provides that the LCP is not required to include housing policies and programs. However, Section 30007 states that local governments are not exempt from meeting requirements of state and federal law with respect to providing low- and moderate-income housing or other obligations related to housing. Furthermore, as defined in Section 30108.5, the Coastal Act requires that the land use plan component of the LCP indicates types, location, and intensity of land uses and applicable resource protection and development policies.

Because the adopted Marin County Housing Element and Development Code include measures such as density bonuses and reduction in site development standards, which affect the intensity of land uses that can be allowed in the Coastal Zone, the LCP contains select housing policies. These policies achieve compliance with housing-related requirements of the Government Code and the Marin Countywide Plan's Housing Element, and with the Coastal Act requirement to specify the potential density of future development in the Coastal Zone, including residential development.

The LCP provides several measures to address low and moderate income housing needs in the Coastal Zone, such as affordable housing provisions and retention of zoning for small lots of 6,000 to 10,000 square feet. These needs are also addressed by LCP policies that support development of second units and agricultural worker housing where appropriate. To protect existing lower income units, the LCP also limits conditions under which such units can be demolished, although hazardous structures may be demolished even if no replacement housing is built. Finally, it should be noted that the County's draft Housing Element identifies several sites in the Coastal Zone that could potentially accommodate affordable housing.

Policies

C-HS-1 Protection of Existing Affordable Housing. Continue to protect and provide affordable housing opportunities for very low, low, and moderate income households. Prohibit demolition of existing deed restricted very low, low, and moderate income housing except when:

1. Demolition is necessary for health and safety reasons; or
2. Costs of rehabilitation would be prohibitively expensive and impact affordability of homes for very low, low and moderate income households; and
3. Units to be demolished are replaced on a one-for-one basis with units of comparable rental value on site or within the immediate Coastal Zone area.

~~[Adapted from Unit I New Development and Land Use Policy 22, p. 66, and Unit II New Development and Land Use Policy 4.a, p. 207]~~

C-HS-2 Density for Affordable Housing. Allow the maximum range of density for deed-restricted housing developments that are affordable to extremely low, very low or low income households and that have access to adequate water and sewer services.
~~[Adapted from the November 2009 Draft Housing Element Program 1.d]~~

C-HS-3 Affordable Housing Requirement. Require residential developments in the Coastal Zone consisting of 2 or more units to provide 20 percent of the total number of units to be affordable by households of very low or low income or a proportional "in-lieu" fee to increase affordable housing construction.
~~[Adapted from the November 2009 Housing Element Policy H3.19, and County Code Section 22.22.020]~~

C-HS-4 Retention of Small Lot Zoning. Preserve small lot zoning (6,000 – 10,000 square feet) in Tomales, Point Reyes Station, and Olema for the purposes of providing housing opportunities at less expense than available in large-lot zones.
~~[Adapted from Unit II New Development and Land Use Policy 4.b, p. 207]~~

C-HS-5 Second Units. Consistent with the requirements of California Government Code Section 65852.2 and this LCP, continue to enable construction of well-designed second units in both new and existing residential neighborhoods as an important way to provide workforce and special needs housing.

Ensure that adequate services and resources, such as water supply and sewage disposal, are available consistent with Policy C-PFS-1 Adequate Services.
~~[Adapted from the November 2009 Draft Housing Element Program 1.i]~~

C-HS-6 Regulate Short-Term Rental of Primary or Second Units. Regulate the use of residential housing for short term vacation rentals.
~~[Adapted from the November 2009 Draft Housing Element Program 1.j]~~

***Program C-HS-6.a* Vacation Rental Ordinance**

1. Work with community groups to develop an ordinance regulating short-term vacation rentals.
2. Research and report to the Board of Supervisors on the feasibility of such an ordinance, options for enforcement, estimated program cost to the County, and the legal framework associated with rental properties.

~~[Adapted from the November 2009 draft Housing Element Program 1.j]~~

C-HS-7 Williamson Act Modifications to the Development Code. Allow farm owners in a designated agricultural preserve to subdivide up to 5 acres of the preserved land for sale or lease to a nonprofit organization, a city, a county, a housing authority, or a state agency in order to facilitate the development and provision of agricultural worker housing. Section 51230.2 of the Williamson Act requires that the parcel to be sold or leased must be contiguous to one or more parcels that allow residential uses and developed with existing residential, commercial, or industrial uses. The parcel to be sold or leased shall be subject to a deed restriction that limits the use of the parcel to agricultural laborer housing facilities for not less than 30 years. That deed restriction shall also require that parcel to be merged with the parcel from which it was subdivided when the parcel ceases to be used for agricultural laborer housing.
~~[Adapted from the November 2009 Draft Housing Element Program 2.j and Government Code Section 51230.2]~~

C-HS-8 Development of Agricultural Worker Housing Units in Agricultural Zones. Support policy changes that promote development of agricultural worker units in agricultural zones.
~~[Adapted from the November 2009 Draft Housing Element Program 2.l]~~

Program C-HS-8.a Administrative Review for Agricultural Worker Housing Units. Establish an administrative Coastal Permit review process for applications for agricultural worker units in order to expedite the permitting process and facilitate development of legal agricultural worker units.
~~[Adapted from the November 2009 Draft Housing Element Program 2.l]~~

C-HS-9 Density Bonuses. Provide density bonuses for affordable housing in the Coastal Zone consistent with Government Code Section 65915 and Coastal Act Section 30604(f), to the extent that such increases in density are consistent with the provisions of the LCP.
~~[New policy, 2015]~~

Public Facilities and Services (PFS)

Background

The villages of Marin County's Coastal Zone are surrounded by extensive public open space and agricultural land, with scattered farm-related housing. Most development in the Coastal Zone receives water and sewage services through individual property-specific systems managed by private landowners, since community water supply and sewage disposal systems are limited and exist only in some of the villages. This limited community service capacity is largely due to the local soil conditions and aquifer characteristics. Maintaining a balance between level of development and capacity of public services is essential to preserve service quality and avoid provision shortages. Without this balance, communities can experience such impacts as water pollution that could result from inadequate on-site sewage disposal, as well as public safety problems associated with an inadequate water supply.

Availability of water to support development in Marin's Coastal Zone depends on a variety of interrelated factors, including annual weather patterns, long-term climate trends, development of new facilities, as well as water conservation and management practices. Much of the water supply within the Coastal Zone is provided by public and private entities not under the direct jurisdiction of the County (see Map 20 – Public Facility Service Areas). Small water districts provide service in a number of areas, including Bolinas Community Public Utility District (BCPUD), Stinson Beach County Water District (SBCWD), Inverness Public Utility District (IPUD), and Muir Beach Community Services District (MBCSD). The community of Dillon Beach is served by two small independent water companies: the California Water Service Company (formerly Coast Springs Water Company) and the Estero Mutual Water System (EMWS).

SBCWD, MBCSD, and the Dillon Beach area primarily use groundwater for their water supplies while IPUD and BCPUD rely mainly on surface water. Beyond the current water service district boundaries, private wells or small mutual water systems rely on individual groundwater wells, surface water, or small

spring-based sources. Many of these sources occur in the limited areas of high water-yielding sediments in alluvial valleys, while much of the rest of the area is characterized by low-permeability fractured bedrock and thin alluvial deposits with too little saturated thickness to produce meaningful supplies of water.

Water supplies in some areas are currently constrained, including those served by the BCPUD and California Water Service Company (CWSC), where connection moratoria are in place. Other systems have frequent summer peaking problems in dry years, as do some individual wells. Most of the water service areas are projected to experience water supply deficits during extreme droughts, according to the Marin Countywide Plan environmental documents.

Sewage disposal is generally provided by individual on-site systems in much of the Coastal Zone, including along the East Shore of Tomales Bay, Point Reyes Station, Inverness Ridge, Olema, Stinson Beach, and Muir Beach, parts of Dillon Beach, and most of Bolinas. Other areas are served by community sewer facilities, or in a few cases, small package treatment plants. Soil and groundwater conditions can affect the feasibility of new on-site systems or, in some cases, the functioning of existing systems.

The Coastal Act connects the amount of new residential, commercial, and industrial development with the availability of adequate services. New development is directed by the Coastal Act to existing developed areas that are able to accommodate it or to other locations outside developed areas where adequate public services are available. Thus, whether within or outside existing developed areas, new development must be supported by adequate public services. Furthermore, the Coastal Act requires that public works facilities shall be designed and limited to accommodate needs generated by development permitted consistent with the Act. In other words, such facilities should be sized so as to provide adequate service to development, but not sized in such a way as to create growth-inducing effects. Where public works facilities can accommodate only limited new development, high priority should be accorded to coastal-dependent land uses, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, agriculture, and visitor-serving land uses.

The LCP proposes no new sewage treatment plants, water production facilities, or other public services or facilities. Instead, new development shall continue to rely on existing community service facilities, where capacity is adequate, or on new on-site water and sewage facilities, where those are feasible and can be developed consistent with LCP policies.

Policies

C-PFS-1 Adequate Public Services. Ensure that adequate public services (that is, water supply, on-site sewage disposal or sewer systems, and transportation including public transit as well as road access and capacity if appropriate) are available prior to approving new development, including land divisions. In addition, ensure that new structures and uses are provided with adequate parking and access. Lack of available public services, or adequate parking and access, shall be grounds for project denial or for a reduction in the density otherwise indicated in the land use plan.
~~[Adapted from Unit II Public Services Policy 1, p. 187, and CWP Goal PFS-1, p. 3-198]~~

C-PFS-2 Expansion of Public Services. Limit new or expanded roads, flood control projects, utility services, and other public service facilities, whether publicly owned or not, to the minimum necessary to adequately serve development as identified by LCP land use policies, including existing development. Take into account existing and probable future availability of other public services so that expansion does

not accommodate growth which cannot be handled by other public service facilities. All such public service projects shall be subject to the LCP.
~~[Adapted from Unit I Public Services Policy 1, p. 48]~~

C-PFS-3 Formation of Special Districts. Ensure that special districts are formed or expanded only where assessment for, and provision of, service would not induce new development inconsistent with policies of the LCP.
~~[Adapted from Coastal Act Section 30254]~~

C-PFS-4 High-Priority Visitor-Serving and other Coastal Act Priority Land Uses. In acting on any coastal permit for the extension or enlargement of community water or community sewage treatment facilities, determine that adequate capacity is available and reserved in the system to serve VCR- and RCR-zoned property, other visitor-serving uses, and other Coastal Act priority land uses (i.e. coastal-dependent uses, agriculture, essential public services, and public recreation). In areas with limited service capacity (including limited water, sewer and/or traffic capacity), new development for a non-priority use, including land divisions, not specified above shall only be allowed if adequate capacity remains for visitor-serving and other Coastal Act priority land uses, including agricultural uses.

> ***C-PFS-4.a Reservation of Capacity for Priority Land Uses.*** Coordinate with water service and wastewater service providers to develop standards to allocate and reserve capacity for Coastal Act priority land uses.

~~[Adapted from Unit I Public Services Policies 6 and 12, pp. 48-49]~~

C-PFS-5 Community Sewer Systems. Require new development within a village limit boundary to connect to a public sewer system if the sewer system is within 400 linear feet of the parcel on which development is proposed, unless the County Health Officer or applicable sewer service provider finds that such connection is legally prohibited, physically impossible, or otherwise infeasible.
~~[Adapted from County Code Section 18.06.050]~~

C-PFS-6 Sewage Disposal Systems and Protection of Water Quality. Require new and expanded sewage disposal systems to be designed, constructed, and maintained so as to protect the biological productivity and quality of coastal streams, wetlands, and other waters.
~~[New policy, 2015]~~

C-PFS-7 Adequately Sized Sewage Disposal Systems. Require new and expanded sewage disposal systems to be sized adequately to meet the needs of proposed development, including any changes in type or intensity in use of an existing structure.
~~[Adapted from Unit I Public Services Policy 9, p. 49]~~

C-PFS-8 Sewage Disposal Systems Requirements for New Lots. Require all sewage disposal systems on newly created lots to comply in all respects, without variance, with applicable County and state septic system regulations.
~~[Adapted from Unit I Public Services Policies 7 and 9, pp. 48-49, Unit II Public Services Policy 3.a, p. 189, and County Regulations Section 301]~~

C-PFS-9 Preference for On-Site Individual Sewage Disposal Systems. Require an individual sewage disposal system serving a building or buildings to be located on the same building site, lot, or parcel as the building(s). Where an existing legal parcel is found by the County Health Officer or designee to be unsuitable for an onsite sewage disposal system, the system may be located on a

contiguous lot (provided the contiguous lot has sufficient replacement area) or parcel within a non-revocable easement specifically designated for such sewage disposal system. The non-revocable easement shall be surveyed and recorded with the County Recorder, and the easement shall provide for access to the site for maintenance of the sewage disposal system.
~~[Adapted from County Regulations Section 306]~~

C-PFS-10 Adequate On-Site Sewage Disposal Systems for Existing Development. Ensure that existing on-site sewage disposal systems function properly by complying with all rules and regulations of the Regional Water Quality Control Board, including any requirements adopted pursuant to AB 885. Where repairs to existing systems are necessary, take corrective action in the following priority order as appropriate:

1. Require connection to a public sewer, if the property is within 400 feet of a public sewer main and it is physically and legally possible to connect to such main; or
2. Require system repair using a standard drainfield; or
3. Require construction of an alternative or innovative system.

~~[Adapted from Unit I Public Services Policy 7, p. 48, and County Regulations Section 304]~~

Program C-PFS-10.a Continue Stinson Beach Water Quality Monitoring Program. Support the existing water quality monitoring program conducted by the Stinson Beach County Water District, consistent with the agreement with the Regional Water Quality Control Board.
~~[Adapted from Unit I Public Services Policy 11, p. 49, and Unit I Location and Density of New Development Policy 34, p. 81]~~

Program C-PFS-10.b Support Septic Inspection, Monitoring, and Maintenance District(s) other than Stinson Beach. Support establishment of one or more Septic Inspection, Monitoring and Maintenance District(s), drawing from the successful performance of the Stinson Beach County Water District that would include all or portions of unincorporated areas with septic systems. Modify applicable codes to enable inspection and monitoring of on-site septic systems in a risk-based, comprehensive, and cost-effective way.
~~[Adapted from CWP Program WR-2.i, p. 2-61]~~

Program C-PFS-10.c Update Septic Standards. Consider revising County septic regulations to streamline the regulatory process, prioritize monitoring of on-site wastewater systems, and provide incentives (such as reduced permit fees) for homeowners to repair their systems.
~~[Adapted from CWP Program PFS-3.c, p. 3-206]~~

C-PFS-11 Alternative On-Site Sewage Disposal Systems. Approve alternative on-site sewage disposal systems where the County Health Officer or designee determines that (a) sewage cannot be disposed of in a sanitary manner by a standard septic system, or (b) that an alternative system will protect the public health in a manner equal to or better than a standard system.

Approval of an alternative system shall require, at a minimum:

1. Design plans signed by a professional who is knowledgeable and experienced in the field of on-site sewage disposal;
2. Submittal of a site-specific contingency plan which shall outline specific actions to be taken to repair, expand, or replace the system, should it fail to operate as planned;
3. Operation, maintenance, and monitoring instructions for the system owner; and

4. A written statement granting permission to the Health Officer to access the property to periodically assess system functioning.

In addition to a construction permit, an operating permit shall be required for all alternative systems. The operating permit shall be renewed annually or as otherwise specified by the Health Officer. The Health Officer has discretion to exempt from the operating permit requirement alternative systems installed solely for repair of existing systems.
~~[Adapted from Unit I Public Services Policy 8, p. 49, Unit II Public Services Policy 3.a, p. 189, and County Regulations Sections 801, 802, and 803]~~

Program C-PFS-11.a Continue Alternative Septic System Monitoring. Monitor the operation of alternative systems and recommend use of new innovative systems if they perform well.
~~[Adapted from CWP Program WR-2.f, p. 2-61]~~

Program C-PFS-11.b Research And Implement Safe, Effective, And Innovative Waste Water Disposal Options. Research the potential to expand the use of innovative waste water disposal methods—such as pretreatment drip dispersal septic systems, gray water systems, waterless urinals, and other techniques—and community systems to help reduce potential for contaminants and nutrients to pollute water bodies, create human health hazards, and cause algal blooms. Continue to allow carefully monitored demonstration projects for experimental systems to ensure consistency with local public health protection standards. Revise applicable Codes to permit technologies and practices that prove safe and effective. As soon as innovative waste water disposal options are approved, allow their use as appropriate.
~~[Adapted from CWP Program WR-2.c, p. 2-60]~~

C-PFS-12 Limited Use of Off-Site Septic Systems. Allow construction of an off-site individual or community septic system (that is, on a site other than as allowed by LCP Policy C-PFS-9) only where the system would:

1. Provide for correction of one or more failing sewage disposal systems that serve existing development where the County Health Officer has determined that no other reasonable corrective action exists, or
2. Serve one of the following land uses that cannot be constructed feasibly in any other way: coastal-dependent land use, shoreline public access facility, or affordable housing within a village limit boundary.

Approval of an off-site septic system requires voluntary participation by property owners and findings that (1) it would comply with all applicable provisions of the LCP, including that it would not interfere substantially with existing or continued agricultural operations, and (2) that legal and funding mechanisms are in place to ensure proper future operation of the system, and (3) that proposed development would either avoid or minimize and fully mitigate impacts. Use of an off-site septic system for development other than as provided by this policy, is not allowed.
~~[New policy, 2015]~~

C-PFS-13 New Water Sources Serving Five or More Parcels. Professional engineering or other studies are required for coastal permit applications for new water wells or other sources serving 5 or more parcels. These studies must demonstrate that such groundwater or stream withdrawals will not have adverse direct or cumulative impacts on coastal resources, including groundwater basins, aquifers, and streams, and shall include as necessary, long-term monitoring programs, in-stream flow studies, or hydrologic studies. Such studies shall provide the basis for establishing safe sustained yields from these

sources. Wells or water sources shall be at least 100 feet from property lines, or a finding shall be made that no development constraints are placed on neighboring properties.
~~[Adapted from Unit I Public Services Policy 4, p. 48, and Unit II Public Services Policies 2.a and 2.e (3), pp. 187-189]~~

C-PFS-14 Adequacy of Water Supply Within Water System Service Areas. Ensure that new development within a water system service area is served with adequate, safe water supplies. Prohibit development of individual domestic water wells or other individual water sources to serve new development, including land divisions, on lots in areas served or within the boundaries of a public or private water system, with the following exceptions:

1. For agricultural or horticultural use if allowed by the water system operators;
2. The community or mutual water system is unable or unwilling to provide service; or,
3. Extension of physical distribution improvements to the project site is economically or physically infeasible.

The exceptions specified in 1, 2, or 3 shall not be granted because of a water shortage that is caused by periodic drought. Additionally, wells or water sources shall be at least 100 feet from property lines, or a finding shall be made that no development constraints are placed on neighboring properties.
~~[Adapted from Unit I Public Services Policy 3, p. 48, and Unit II Public Services Policy 2.a, p. 187]~~

C-PFS-15 Development of Water Sources including Wells, Streams, and Springs. Require a coastal permit for wells and borings unless otherwise exempt or categorically excluded.
~~[Adapted from Unit II Public Services Policies 2.a and 2.e(1), pp. 187-189]~~

C-PFS-16 Standards for Water Supply Wells and Other Water Sources.

1. In areas where individual water wells or other individual domestic water sources are permitted, require on-site tests that demonstrate a sustained pumping rate, or equivalent, of 1.5 gpm for each residential unit or subdivided parcel. Higher yields, storage and other facilities may be required for fire protection purposes, as recommended by the appropriate fire protection agency.
2. Require that well or water sources shall be at least 100 feet from property lines, unless a finding is made that no development constraints are placed on neighboring properties.
3. Allow a well only where a finding is made that it will not have adverse direct or cumulative impacts on coastal resources.
4. Within the Inverness Planning Area, allow no individual wells on parcels less than 2.8 acres in size, unless a specific exception is granted based on findings required by the coastal permitting chapter of the Development Code and on a demonstration to the satisfaction of the Health Officer that a well can be developed on the substandard size parcel in a completely safe and sanitary manner.
5. Within the Inverness Public Utility District (IPUD), permit no individual wells for domestic use in the same watershed, at an elevation higher than the IPUD surface water sources existing as of June 14, 1983.

~~[Adapted from Unit I Public Services Policy 5, p. 48, Unit II Public Services Policies 2.a and 2.e(2), pp. 187-189; and Interim County Code Section 22.56.130.A]~~

C-PFS-17 Conservation of Water. To minimize generation of wastewater and encourage conservation of Coastal water resources, require use of water saving devices, including as prescribed by the local water provider in all new developments.
~~[Adapted from Unit I Public Services Policy 10, p. 49]~~

C-PFS-18 Desalination Facilities. Due to the Coastal Zone's unique natural resources and recreational opportunities of nationwide significance, prohibit development of desalination facilities, consistent with the limitations of Public Resources Code Sections 30260 and 30515. This policy applies to the desalination of ocean water and is not intended to prohibit the treatment of existing surface or ground water supplies for purposes of maintaining water quality.
~~[Adapted from Unit II New Development and Land Use Policy 7, p. 209]~~

C-PFS-19 Telecommunications Facilities. Require a coastal permit, in addition to any other required permit, for all telecommunications facilities, unless exempt per Section 22.68. Require facilities to be consistent with all provisions of certified LCP unless denial would be prohibited by federal law. Ensure through siting, co-location, "stealth" design and other measures that telecommunications facilities are designed and constructed to minimize impacts on coastal views, community character, natural resources, wildlife, and public safety. To the extent feasible, such facilities shall be located outside of significant public views.
~~[Adapted from CWP Goal PFS-5, p. 3-208]~~

Transportation (TR)

Background

Transportation networks and facilities are important not only for the efficient movement of people and goods but also in establishing the character of a community. The scenic character of the Marin County Coastal Zone is based in part on the small-scale, winding nature of Highway One and other rural coastal roads. As one progresses along these roads, incredible and often dramatic views of the ocean, beaches, mountains, and baylands come into view. To preserve the visual quality of the coast, it is necessary to maintain Highway One as a two-lane scenic road and to minimize the impacts of roads on wetlands, streams, and the scenic resources of the Coastal Zone.

In order to carry out the Coastal Act priority to maximize public coastal access while still protecting these resources, it is necessary to maintain and expand alternatives to auto transportation in the Coastal Zone. Public transit, especially services oriented to recreation sites that draw heavy visitation, is an essential component in a balanced transportation network (see Map 21 – Transit Corridors). Bicycle and pedestrian facilities are not only an alternative to auto-dependent transportation but also are compatible with maintaining the rural, scenic character of the Coastal Zone (see Maps 26a and 26b – Bikeways). Bicycles and pedestrians can be accommodated with smaller facilities, and those on foot or bicycle experience more of the sights and sounds of the coastal environment around them.

Since 1997, Highway One has operated at Level of Service ‘A.’ The Level of Service (LOS) measure is used to evaluate the adequacy of a given transportation feature, typically highways, by determining the level of traffic congestion and corresponding safety of driving conditions. A rating of ‘LOS A’ is the most ideal score a highway can receive, and is generally given when there exists a steady free flow of traffic and no approach area is fully utilized by traffic. This evaluation reflects a minimal level of traffic congestion and would not justify any widening of Highway One or other coastal roads. Furthermore, the rural character in which the natural environment predominates throughout the area would be changed

irrevocably by such alterations. Therefore, road widening is not a viable option for enhancing transportation capacity in the Coastal Zone.

Section 30254 of the Coastal Act establishes that Highway One shall remain a scenic two-lane road in rural areas of the Coastal Zone. However, Section 30210 requires maximizing access to the coast. Helping to reconcile these policies, Section 30252 encourages measures such as providing non-automobile circulation and minimizing the use of coastal access roads. Also related to the preservation of existing roads is Coastal Act Section 30251, which provides for the protection of the scenic and visual qualities of coastal areas, and 30253(5), which protects special communities that are popular visitor destination points for recreational users because of their unique characteristics.

The policies and programs of the Local Coastal Program (LCP) are consistent with the Coastal Act in that they prohibit the construction of additional highway lanes and ensure that road improvements are limited and undertaken in a way that respects their scenic environment. Instead of providing for an increase in vehicular traffic, the LCP encourages reduction of congestion through alternative means, such as limiting local parking and providing shuttle service to popular destinations. This goal is furthered by policies encouraging the expansion of the bicycle and pedestrian and supporting facilities. As a condition of new development, the LCP also encourages the procurement of new trails, roadways or paths. To further maximize coastal access, LCP policies encourage the expansion of trails and bikeways on National Park Service lands. Transportation policies of the LCP also recognize and attempt to minimize the impacts of sea level rise on Highway One using the least environmentally damaging means.

Policies

C-TR-1 Roads in the Coastal Zone. Limit roads in the Coastal Zone to two lanes. Work with state and federal agencies and local communities to enhance road safety, improve pedestrian, bicycle, and transit access, and stabilize or reduce congestion through means such as limiting local parking, creating a multipurpose path from West Marin to the City-Centered Corridor, and providing shuttle service to popular destinations. Shoulder widening for bicycles, turn lanes at intersections, turnouts for slow-moving traffic or at scenic vistas, traffic calming measures, and similar improvements are permitted, provided that such improvements are consistent with the coastal resource protection policies of the LCP. However, projects will not be undertaken to increase the motorized vehicular capacity of these roads.
~~[Adapted from Unit II Public Services Policy 4.a, p. 191, and CWP Program TR-1.o, p. 3-157]~~

C-TR-2 Scenic Quality of Highway One. Ensure that Highway One shall remain a scenic two-lane roadway throughout Marin's Coastal Zone. Maintain the existing narrow, twisty two-lane roadway that successfully complements the rugged, open character unique to the coastal area from the southern boundary of Marin's Coastal Zone northward to the Bolinas Lagoon. Ensure that improvements shall not, either individually or cumulatively, detract from the rural scenic characteristics of the highway throughout the Coastal Zone, shall minimize encroachment into parklands to the maximum extent feasible, and shall be limited to improvements necessary for the continued use of the highway: e.g., slope stabilization,

drainage control, and minor safety improvements such as guardrail placement, signing, etc.; expansion of shoulder paving to accommodate bicycle or pedestrian traffic; creation of slow traffic and vista turn-outs, as a safety and convenience improvement; and other minor improvements necessary to adequately accommodate public transit. Avoid incursions and other adverse impacts in ESHAs and their buffers. These improvements shall limit the site alterations to the minimum amount necessary to carry out the project, minimize environmental impacts and incorporate related compensatory visual or landform restorations where feasible.
~~[Adapted from Unit I Public Services Policy 13, p. 49, and Unit II Public Services Policy 4.a, p. 191]~~

Program C-TR-2.a State Route 1 Repair Guidelines Within Marin County. Coordinate with Caltrans, National Park Service, State Parks and other appropriate entities in refining and implementing *State Route 1 Repair Guidelines Within Marin County* consistent with these policies.
~~[New program, 2015]~~

C-TR-3 Impacts to Highway One from Sea Level Rise. Consult with the California Department of Transportation to protect access to the coast and to minimize impacts of sea level rise on Highway One. Identify areas that will regularly be inundated by the ocean or are at risk of periodic inundation from storm surge and sea level rise. A combination of structural and non-structural measures should be considered with a preference towards non-structural solutions, including relocating the Highway, unless the structural solutions are less environmentally damaging. *(See also ~~Environmental Hazards Program~~ LUP Policy C-EH-17~~22.a:~~ ~~(Research and Respond to the Impacts of Sea Level Rise on Marin County's Coastal Zone Shoreline~~Marin County Adaptation Planning~~e~~)*
~~[New policy, 2015]~~

C-TR-4 Expansion of Bicycle and Pedestrian Access. Expand bicycle and pedestrian facilities and access in and between neighborhoods, employment centers, shopping areas, schools, public lands, and recreational sites.
~~[Adapted from Unit II Public Services Policy 4.a, p. 191, and CWP Goal TR-2, p. 3-159]~~

C-TR-5 Bicycle and Pedestrian Network. Ensure that the Coastal Zone has adequate bicycle and pedestrian links, both internally and to other parts of the county, and that streetscape improvements and standards are safe and pedestrian and bicycle friendly. Consistent with LCP natural resource policies, avoid incursions into environmentally sensitive areas unless such incursions are dependent on the resource and the environmentally sensitive area is protected from significant disruption of habitat values. In addition, minimize impacts to active agricultural lands or operations. (See also Policy C-PK-14 Appropriate Alignment of the California Coastal Trail).
~~[Adapted from CWP Policy TR-2.1, p. 3-150]~~

Program C-TR-5.a Add Bicycle Lanes. Identify roads with shoulders wide enough to be designated as bicycle lanes and where feasible, stripe and sign appropriate roadway segments as bike lanes and bike routes.

~~[Adapted from CWP Policy TR-2.1, p. 3-150]~~

C-TR-6 New Bicycle and Pedestrian Facilities. Encourage, and where appropriate, require new development to provide trails or roadways and paths for use by bicycles and/or on-street bicycle and pedestrian facilities. Consider facilities that achieve the following:

1. Connect to the existing bikeway or trail system, including linkages to and between communities and recreation areas.
2. Link to federal and state park trail systems, where feasible.
3. Include trails designed to accommodate multiple use (hiking, biking, and/or equestrian) where multiple use can be provided safely for all users and where impacts to coastal resources are minimized.
4. Allow for flexible, site specific design and routing to minimize impacts on adjacent development and fragile habitat. In particular, ensure that trails located within or adjacent to Environmentally Sensitive Habitat Areas are designed to protect fish and wildlife resources.
5. Provide connections with populated areas.
6. Provide diverse recreational and aesthetic experiences.

~~[Adapted from CWP Policy TR-2.2, p. 3-159, and Malibu LCP Policy 2.45]~~

C-TR-7 New Bicycle Storage Facilities. Where appropriate, encourage the installation of bike racks, lockers, or other devices for securing bicycles in convenient locations at beach parks, parking lots, trailheads and other staging areas.
~~[New policy, 2015]~~

C-TR-8 Expansion of the Countywide Trail System. Acquire additional trails to complete the proposed countywide trail system, providing access to or between public lands and enhancing public trail use opportunities for all user groups, including multi-use trails, as appropriate.
~~[Adapted from CWP Policy TRL-1.2 p. 2-136]~~

C-TR-9 Bikeways on National Park Service Lands. Consult with the National Park Service (NPS) regarding the feasibility of bikeways on county-maintained roads within NPS park lands.
~~[New policy, 2015]~~

C-TR-10 Adequate and Affordable Public Transportation. Provide efficient, affordable public transportation service in and to the Coastal Zone and support expansion of alternative modes of transportation.
~~[Adapted from Unit I Public Services Policy 14, p. 49, Unit II Public Services Policy 4.c, p. 191, and CWP Goal TR-3, p. 3-162]~~

Program C-TR-10.a Encourage Additional Transit Service. Encourage programs, such as the development of new transit service routes and associated loading and turning areas, parking management and enforcement, and other programs as listed below, consistent with the goal of utilizing public transit to meet current and future increased use of coastal access and recreational areas. Develop stable funding streams for such programs, potentially including congestion or parking fees, in cooperation with appropriate county, regional, state and federal agencies.

1. Support continuation and expansion of Marin Transit's Stagecoach service to West Marin;
2. Seek installation of transit waiting shelters as appropriate;

3. Post transit schedules at transit stops; and
4. Consider utilizing the principle of "flag stops" to receive or discharge transit patrons along the transit route as a further inducement to transit patronage.

~~[Adapted from Unit I Public Services Policy 14, p. 49, and Unit II Public Services Policy 4.c, p. 192]~~

C-TR-11 Reduction of Visitor Traffic Congestion in West Marin. Consult with Caltrans, local, state, and federal parkland agencies, and local communities to provide alternatives to private automobile travel to recreational areas in the Coastal Zone.
~~[Adapted from Unit I Public Services Policy 14, p. 49, Unit II Public Services Policy 4.c, p. 191, and CWP Policy TR-3.6, p. 3-163]~~

C-TR-12 Consultation with Regional, State, and Federal Agencies. Consult with nearby counties, state and federal agencies, and special districts regarding regional land use and transportation planning. Encourage transit providers to minimize service gaps by linking services, such as the West Marin Stagecoach and shuttle services provided by the National Park Service, where feasible. *(See also C-PK-9 "Coordinate with Federal and State Parks Agencies" in the Parks, Recreation and Visitor-Serving Uses section)*
~~*[New policy, 2015*~~

Socioeconomic

Introduction

The people of Marin County enjoy a high quality of life, due in part to the abundance of natural and cultural resources found throughout the area. Residents and visitors in the Coastal Zone have tremendous opportunity to learn about the history of the area, as well as to take advantage of the extensive variety of parks, beaches and other recreation areas. Protection and enjoyment of coastal resources and recreational opportunities are essential components in continuing and enhancing the quality of the Marin County Coastal Zone experience. The Local Coastal Program (LCP) seeks to protect resources that reflect the history of the coast, to preserve recreational opportunities for both coastal residents and visitors, and to maintain and expand opportunities for the public to access the ocean shoreline and other coastal water bodies.

The Socioeconomic section addresses the following subjects:

- Historical and Archaeological Resources (HAR)
- Parks, Recreation and Visitor-Serving Uses (PK)
- Public Coastal Access (PA)

Historical and Archaeological Resources (HAR)

Background

Coastal Marin has played a significant role in California's extensive history. Before the first arrival of Europeans in the 1500s, the local coast experienced thousands of years of Native American settlement by the Coast Miwok. The 1849 California Gold Rush brought an influx of people seeking their fortune to San Francisco. To support the rapid growth of the area, the North Pacific Coast Railway was completed in 1875, connecting Tomales to San Quentin and Sausalito, and ensuring efficient transport of lumber, dairy, and other agricultural products. During this hasty transformation of Marin County, the Coast Miwok culture collapsed and a new kind of society began to emerge. Families established new roots throughout the Coastal Zone, building homes in a variety of architectural styles including Greek Revival, Italianate, Queen Anne and Mission Revival. By the late nineteenth century, half of Marin County's population lived in or near the village of Tomales. This growth began to slow following the abandonment of the railroad in the 1930s. The rich history of Marin County serves as an important record of the past and should be preserved through the protection of local historical and archaeological resources.

Today, the Marin County coastal landscape is dotted with small rural communities, many of which are historically important and aesthetically unique (refer to Map 22 - Historic Resources to see properties in the Coastal Zone that are on the National or California Register). These communities have remained substantially intact due to their rural, isolated locations throughout the Coastal Zone and the strong historical preservation policies that protect their distinctive character. The historic architecture and village character of these communities are not only important historically, but also contribute to their attractive quality for visitors and residents alike. Improper land development activities can damage if not destroy such qualities, and should not be left unregulated.

The Coastal Act does not explicitly address protection of historical resources; however Sections 30244 and 30253(5) of the Act mandate protection of archaeological and paleontological resources as well as protection of coastal communities that draw visitors because of their special characteristics, including in

terms of the way in which historic resources contribute to an area's character. Similarly, Section 30251 protection for visual resources extends to the manner in which history affects and informs such resources. The Local Coastal Program (LCP) carries out these requirements, in part, through policies that protect key historical, archaeological, and paleontological resources. These policies accommodate future development in a way that preserves the area's unique historical character.

The LCP provides for protection of key Coastal Zone resources that reflect the legacy of the past. In furtherance of this goal, LCP policies protect historic buildings and ensure that new development will be compatible with the existing character of the surrounding community (see Maps 23a through 23g). The success of these measures relies on broad public participation, as well as use of design-review groups to evaluate coastal permits involving or affecting historic structures.

The LCP also protects archaeological and paleontological resources when development projects that might affect them are proposed, by requiring development applications to be reviewed for potential impacts to archaeological and paleontological resources. If potential impacts are found during the review, the LCP requires their avoidance through means such as re-siting the proposed development. When construction activity is allowed at archaeologically sensitive sites, the LCP requires that such activities be carefully monitored and any mitigation measures be properly implemented in the event that archaeological resources are discovered during construction.

Policies

C-HAR-1 Maintenance of Information on Archaeological and Paleontological Resources. Maintain a file on known and suspected archaeological and paleontological sites in the Coastal Zone, in cooperation with the area clearinghouse, for use in carrying out Policy C-HAR-2. Additional information on such sites that becomes available through the EIR process or by other means shall be added to the file and forwarded to the Northwest Information Center (NWIC). The file shall be kept confidential in order to prevent vandalism of sites.

~~[Adapted from Unit I New Development and Land Use Policy 18, p. 64, and Unit II New Development and Land Use Policy 2.a, p. 206]~~

C-HAR-2 Potential Impacts of Development on Archaeological and Paleontological Resources. Prior to the approval of a coastal ~~project~~ permit for any development proposed within an area of known or likely archaeological or paleontological significance, including sites identified in the file described in Policy C-HAR-1, require a field survey by a state-qualified archaeologist recommended by the Sacred Sites Protection Committee of the Federated Indians of Graton Rancheria or by a qualified paleontologist at the applicant's expense to determine the extent of archaeological or paleontological resources on the site. Where development would adversely impact identified resources, require mitigation measures, as appropriate, including avoidance and permanent protection as open space, if feasible, as recommended in the field survey.

~~[Adapted from Unit I New Development and Land Use Policy 19, p. 64, Unit II New Development and Land Use Policy 2.b, p. 206, and Countywide Plan Programs HAR-1.d and HAR-1.3]~~

C-HAR-3 Monitoring of Construction on Archaeological Sites by Appropriate Experts. As a condition of coastal permit approval, require that new development on sites identified as archaeologically sensitive include on-site monitoring by a qualified archaeologist(s) and appropriate Native American consultant(s) of all grading, excavation, and site preparation that involves earth moving. Provide for implementation of mitigation measures if significant resources are discovered by on-site monitors.
~~[New policy, 2015]~~

C-HAR-4 Structures of Special Character and Visitor Appeal. Preserve and restore structures with special character and visitor appeal in coastal communities.
~~[Adapted from Unit I New Development and Land Use Policy 15, p. 64, and Unit II New Development and Land Use Policy 1.a, p. 206]~~

C-HAR-5 Proposed Development that Affects Areas and Structures of Special Character and Visitor Appeal. Review all coastal permits for projects that (1) are located within the boundaries of those areas designated as having special character and visitor appeal, including historic areas, and (2) involve pre-1930 buildings, to ensure that such projects conform to:

1. "Design Guidelines for Construction in Areas of Special Character and Visitor Appeal and for pre-1930 Structures" and,
2. "Coastal Village Community Character Review Checklist", both located in the Appendix of the LCP.

~~[Adapted from Unit I New Development and Land Use Policy 16, p. 64, and Unit II New Development and Land Use Policy 1.b, p. 206]~~

C-HAR-6 Alterations and Additions to Structures of Special Character and Visitor Appeal. Require a coastal permit for substantial alterations or additions to any structure built prior to 1930 that would otherwise be exempt from a coastal permit, except for (a) maintenance or repair to any pre-1930's structure consistent with its original architectural character and (b) maintenance or repair that includes replacement-in-kind of building components. Alterations or additions to any pre-1930's structure shall retain the scale and original architectural character of the structure, especially for the front facade.
~~[Adapted from Unit I New Development and Land Use Policy 15.b, p. 64, and Unit II New Development and Land Use Policy 1.a(2), p. 206]~~

C-HAR-7 Proposed Demolition of Structures of Special Character and Visitor Appeal. Review the proposed demolition of any structure built prior to 1930 for its impacts on community character, except that demolition of any secondary or agricultural building built prior to 1930 may be exempted from this requirement upon a finding by the Planning Director or appropriate hearing body that such structure is not a significant resource. Issuance of a coastal permit for the demolition of any pre-1930 structure may provide for such demolition to be delayed for a period not to exceed six months. During this period, the property owner or local historic group or society may attempt to find a purchaser or alternate location for the structure. This six month period may be waived by the Planning Director or appropriate hearing body upon a finding that the structure is not significant to community character or to visitor appeal or cannot be rehabilitated.
~~[Adapted from Unit I New Development and Land Use Policy 15.c, p. 64, and Unit II New Development and Land Use Policy 1.a(3), p. 206]~~

C-HAR-8 Village Areas with Special Character and Visitor Appeal. Ensure that all new development conforms in siting, scale, design, materials and texture with surrounding community character within areas having special character and visitor appeal including mapped historic areas in Stinson Beach, Bolinas, Tomales, Marshall, Point Reyes Station, Olema, and Inverness.

~~[Adapted from Unit I New Development and Land Use Policy 15.a, p. 64, and Unit II New Development and Land Use Policy 1.a(1), p. 206]~~

Parks, Recreation and Visitor-Serving Uses (PK)

Background

The spectacular Marin County coast is distinguished by its windswept rolling hills, coastal bluffs, dense redwood forests, tidal flats, rural communities and cool, frequently foggy weather. The Coastal Zone is home to a myriad of protected natural communities and some of the region's most popular national, state and county parks, including Point Reyes National Seashore and the Golden Gate National Recreation Area (see Map 24 – Open Space and Parks).

Provision of recreational opportunities in the Coastal Zone is important as a means to preserve the natural landscape, as well as to enable the public to use and enjoy its many parks and recreation areas. Enjoyment of coastal resources increases public knowledge about the value of the natural environment and the need to protect it. Overnight accommodations are a key element in the provision of coastal recreational opportunities, since many coastal visitors travel long distances to reach the variety of recreation options found throughout the County. By supporting lower cost overnight facilities and public recreation, the Local Coastal Program (LCP) is helping to ensure that everyone, regardless of economic status, can take advantage of such opportunities.

Communities in the southern part of the Coastal Zone are in close proximity to the City of San Francisco, and tend to generally have higher demand for day-use opportunities and lower demand for overnight accommodations than communities farther north. As the population of the Bay Area grows, demand for local recreational opportunities rises. Availability of both private and public recreational opportunities ensures that these growing demands may be met in a variety of ways. Parks throughout the County are critical in providing access to these activities and represent a low-cost option for recreational pursuits, allowing all people an equal opportunity to participate. Commercial visitor-serving facilities provide much of the supply of overnight accommodations throughout the Coastal Zone, and generally consist of small inns and bed and breakfast facilities in villages and rural areas.

The Coastal Act places a high priority on the provision of recreation and visitor-serving facilities, especially lower cost and public facilities, including as reflected in Sections 30213, 30220, 30221, 30222, 30223, and 30224 of the Act. Section 30222 states that use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industries. Regarding development of recreational facilities within state parks, as well as those maintained by the County and special districts, the Coastal Act establishes that it is the responsibility of the County to review coastal permits for such development.

The LCP encourages provision of a wide range of recreational opportunities, while balancing recreational use with protection of natural resources and community character. The LCP addresses growing demand for coastal recreational opportunities through policies and programs that support both public recreational and commercial facilities, including overnight accommodations of low or moderate cost. Furthermore, the LCP discourages conversion of visitor-serving enterprises, particularly those that provide overnight accommodation, into time-sharing, club, condominium or similarly restricted or limited access type of occupancy. The LCP also restricts conversion of second units and affordable housing to bed and breakfast inns.

Federal park projects in the Coastal Zone are not subject to County-issued coastal permits. LCP policies regarding recreational uses within Point Reyes National Seashore and Golden Gate National Recreation Area simply provide guidance to both the National Park Service and California Coastal Commission, which typically review federal projects under what is known as the federal consistency review authority. ~~Although federal park activities are not within the County's coastal permit authority, the County does have the responsibility to review non-federal projects that take place within the boundaries of National Park Service lands. For instance,~~ However, all ~~private~~ non-federal development that occurs on federal lands ~~on a leasehold within Point Reyes National Seashore~~ is subject to coastal development permit review by the California Coastal Commission.

Policies

C-PK-1 Opportunities for Coastal Recreation. Provide high priority for development of visitor-serving and commercial recreational facilities designed to enhance public opportunities for lower-cost coastal recreation. On land designated for visitor-serving commercial and/or recreational facilities, ensure that higher priority shall be given to such uses over private residential or general commercial development. New visitor-serving uses shall not displace existing lower-cost visitor-serving uses unless an equivalent replacement is provided.
~~[Adapted from Unit II Recreation and Visitor-Serving Facilities Policy 1, p. 42, and Malibu LCP Policy 2.33]~~

C-PK-2 Compatible Commercial Recreation Facilities. Ensure that new visitor-serving and commercial development is compatible in architectural character, scale, and function with the character of

the community in which it is located, including to preserve the integrity and special qualities of coastal villages in the Coastal Zone. Site and design visitor-serving and commercial development to minimize impacts on the environment and other uses in the area, and assure its conformance with LCP policies on natural resources, agriculture, visual quality, public access, and public services, among others.
~~[Adapted from Unit II Recreation and Visitor-Serving Facilities Policies 1, p. 42, and 3.a, p. 43]~~

C-PK-3 Mixed Uses in the Coastal Village Commercial/Residential Zone. Continue to permit a mixture of residential and commercial uses in the C-VCR zoning district to maintain the established character of village commercial areas. Principal permitted use of the C-VCR zone shall be ~~include~~ commercial ~~uses~~. ~~In the village commercial core area,~~ R~~r~~esidential uses shall be limited to: (a) the upper floors, and/or (b) the lower floors if not located on the road-facing side of the property within the commercial core area (i.e. the central portion of each village that is predominantly commercial). Residential uses on the ground floor of a new or existing structure of the road-facing side of the property shall only be allowed provided ~~subject to a use permit where a finding can be made~~ that the development maintains and/or enhances the established character of village commercial core areas. Existing legally established residential uses in the C-VCR zone on the ground floor and road-facing side of the property can be maintained.
~~[Adapted from Unit I Recreation and Visitor-Serving Facilities Policy 14, p. 13]~~

C-PK-4. Balance of Visitor-Serving and Local-Serving Facilities. Support a level of local-serving facilities such that an adequate infrastructure can be maintained to ensure the health, vitality, and survival of the visitor-serving segment of the coastal economy.
~~[New policy, 2015]~~

C-PK-5 Small-Scale Tourist Facilities. Permit small-scale tourist-oriented businesses, rather than large tourist facilities, within coastal villages. Small-scale uses that serve visitors to major public recreation areas include campgrounds, hotels, shops, and restaurants. Ensure that the siting, height, scale, intensity, and design are compatible with surrounding community character.
~~[Adapted from CWP Policy PA-7.8, p. 3-243]~~

C-PK-6 Bed and Breakfast Inns. Support bed and breakfast facilities in the Coastal Zone as a means of providing visitor accommodations, while minimizing their impacts on surrounding communities. Restrict the conversion of second units and affordable housing to bed and breakfast inns. In addition, support the location of bed and breakfast inns in areas that are easily and directly accessible from usual tourist travel routes and where there is adequate off-street parking for guests and where the problem of nearby residents being inconvenienced by noise and increased transient traffic is minimized. Bed and breakfast inns shall be permitted to host or provide facilities for gatherings, such as weddings, receptions, private parties, or retreats if located in the C-APZ, C-ARP or C-R-A and if such activities are otherwise LCP consistent. Each bed and breakfast inn must be operated by a householder who is the sole proprietor of the enterprise and whose primary residence is on the premises where the inn accommodations are located.
~~[Adapted from Unit I Recreation and Visitor-Serving Facilities Policy 15, p. 14, and Unit II Recreation and Visitor-Serving Facilities Policy 3.h, p. 52]~~

C-PK-7 Lower Cost Recreational Facilities. Protect and retain existing lower cost visitor and recreational facilities. Prohibit conversion of an existing lower-cost overnight facility unless replaced in kind. Prohibit conversion of an existing visitor serving facility on public land to private membership use. Ensure that new development of overnight visitor-serving accommodations (other than bed and breakfast inns), provides a component of lower cost overnight visitor accommodations open to the public, such as a campground, RV park, hostel, or lower cost hotel. The required component of lower cost overnight

accommodations should be equivalent to at least 20 percent of the number of high-cost or private membership overnight accommodations. This requirement may be met on site, off site, or by means of payment of an in lieu fee to the County for deposit into a fund to subsidize the construction of lower-cost overnight facilities in the Coastal Zone.
~~[Adapted from Malibu LUP Policy 2.35]~~

C-PK-8 Appropriate Public Recreation Opportunities. Ensure that public recreational development is undertaken in a manner which preserves the unique qualities of Marin's coast and is consistent with the protection of natural resources and agriculture. Generally, recreational uses shall be low-intensity, such as hiking, camping, and fishing, in keeping with the character of existing uses in the Coastal Zone.
~~[Adapted from Unit II Recreation and Visitor-Serving Facilities Policy 1, p. 42]~~

C-PK-9 Coordination with Federal and State Parks Agencies. Encourage coordination between the County and federal and state parks agencies in planning and maintaining parks, recreation areas, and coastal accessways within the Coastal Zone. Coordinate with the National Park Service in the development of a Transportation Demand Management Program designed to reduce commute traffic generated by tenants and employees located within park facilities.
~~[New policy, 2015]~~

C-PK-10 Appropriate Uses of Federal Parks. The following policies shall be advisory for development on federal parklands within the Coastal Zone.

1. Public access and transportation.

- **a.** Provide additional coastal access trails and bike paths where feasible and consistent with protection of the park's natural resources. Non-vehicular accessways should connect to points accessible by both automobile and transit.
- **b.** Give priority to frequent and convenient transit service from outside the parks to the most heavily used areas in the parks in transit planning and funding. Encourage the National Park Service to expand shuttle services within the parks.

2. Recreation and visitor-serving facilities.

- **a.** Give priority to development of new facilities in the most heavily used areas of the parks which are close to park interpretive, educational, and other programs and which are easily accessible by transit.
- **b.** If any unused buildings within the parks, such as military structures, still exist, review their potential for overnight accommodations before they are converted to other cultural or institutional uses.

3. Natural resources.

Encourage evaluation of federal projects which involve the modification or alteration of natural resources by the Coastal Commission through the consistency review process using the LCP as a guide.

4. Agriculture and mariculture.

a. Encourage continuation of agricultural land uses in the Golden Gate National Recreation Area and Point Reyes National Seashore, at locations and levels compatible with protection of natural resources and public recreational use. Agricultural operations should be monitored to ensure that they are compatible with resource carrying capacity. Where issues arise between agriculture and resource protection or public access or recreational uses, they should be resolved to protect resources and public access while still allowing the continuation of the agricultural operation.

b. Encourage the National Park Service to develop uniform procedures and standards to use in dealing with all agricultural tenants, including use of long-term lease arrangements of at least ten years. Encourage review of existing agricultural leases and special use permits for compatibility with park goals five years prior to their expiration. Operators should be notified at that time whether or not their leases will be renewed and what revisions in operating arrangements, if any, are necessary. Provisions for automatic lease renewals should be supported.

5. Development/historic preservation.

Whenever possible, utilize existing structures and existing developed areas for new or expanded development. Historic structures should be preserved, restored, and formally designated as historic resources where appropriate. Work with the National Park Service to coordinate historic preservation activities in the Coastal Zone. The majority of park development should be concentrated in the southern GGNRA due to its proximity and accessibility to urban population centers, and availability of existing facilities. New backcountry campgrounds should be developed with minimum impacts on visual and habitat resources.

~~[Adapted from Unit II Federal Parkland Policies 1 through 6, pp. 61-62]~~

C-PK-11 State Parks. The State Department of Parks and Recreation has numerous holdings in the Coastal Zone, several of which have not been developed. Collectively, these holdings form Tomales Bay State Park and limited portions of Mount Tamalpais State Park. The Department has prepared a general Plan for both Tomales Bay State Park, which includes most of the state park lands in Marin County's Coastal Zone, as well as Mount Tamalpais State Park. Development within the state parks should be consistent with their adopted General Plans as described below, as long as such development is fully consistent with all applicable LCP policies.

Mount Tamalpais State Park. The development of additional recreational and visitor services on those portions of the Mount Tamalpais State park within the Coastal Zone, including hiking trails, equestrian trails, a "primitive" hostel at the Steep Ravine Cabins and improved parking and support facilities at Red Rock are recommended. Such facilities shall be similar in design, size and/or location as those proposed by the Mount Tamalpais State Park Plan as long as such facilities can be found fully

consistent with applicable LCP standards. Consistent with the protection of significant resources, additional trail development to improve access to public tidelands is encouraged.

Tomales Bay State Park. The Tomales Bay State Park General Plan states that it "aims to preserve what works well now in the park and only recommends changes to park management, activities, and recreational and administrative facilities that can harmonize with the area's sensitive values and support valuable visitor experiences of Tomales Bay and its surrounding landscape." Support the following_at Tomales Bay State Park, so long as such development can be found fully consistent with applicable LCP standards:

1. Focus and anchor east shore recreation at Marconi Cove and west shore recreation at Heart's Desire area.
2. Manage the greater part of park areas for their habitat, watershed, and aesthetic values and for low-impact and low-density recreation opportunities such as trail use, nature observation, and picnicking.
3. Enhance trail connections with Point Reyes National Seashore in the Heart's Desire and Inverness areas.
4. Improve recreational opportunities along the Highway One corridor where recent acquisitions present new opportunities.
5. Formalize small-scale camping opportunities in previously developed areas.
6. Provide watercraft and sailboard launching opportunities at Marconi Cove and provide hiking and mountain biking recreational opportunities at the proposed trail in the Millerton Uplands.
7. Use sustainable design in siting, construction, and maintenance of park facilities. Furthermore, apply the following guidelines:

Heart's Desire Area

1. Preserve and enhance the forest structure and age classes of the Jepson Grove/Bishop pine forest and forest growth by improving Pinus muricata growth.
2. Continue to manage Heart's Desire Beach as the only "drive-up" beach access in the park.
3. Preserve and enhance the Indian Beach estuary and protect its cultural attributes including the midden site.
4. Restore the natural outlet of the estuary that was lost when the parking lot was built at Heart's Desire Beach in the 1960s.
5. Redesign and relocate picnic facilities to better blend with the natural environment and to provide a sense of seclusion where appropriate.
6. Adapt former hike-bike campground to a group campground.
7. Develop small walk-in campground (maximum of 15 sites) above the entrance station provided, however, that accommodation may be made for vehicles to provide any necessary disability access.
8. Encourage the Point Reyes National Seashore to extend its trail system to help complete the California Coastal Trail in two locations: connect the Indian Beach Trail to Marshall Beach Trail, and connect the Johnstone Trail to the Mount Vision Road and Inverness Ridge Trail.

Inverness Area

1. Manage these parcels as natural watershed, viewshed and wildlife habitat.

2. On the North Dream Farm property, consider developing a day-use trailhead, a self-guided nature trail loop, and an extension of the nature trail which would connect with the ridgetop trails of Point Reyes National Seashore.
3. Consider acquisitions from willing sellers, land exchanges, or land-use agreements to consolidate the park's three discontinuous Inverness Area parcels and make them more usable for public hiking both on the Tomales Bay side and to connect with trails in the Point Reyes National Seashore.
4. Encourage the State Department of Parks and Recreation to consider transferring to the Inverness Public Utility District the management or ownership of the three Assessors Parcels located around the District's watershed lands.

Millerton Area

1. Preserve and protect the Tomasini Point estuary area as habitat for native plants and animals.
2. Create a Millerton Uplands trail as part of a new segment of the California Coastal Trail.
3. Consider establishment of two trailheads to support the proposed Millerton Uplands trail—a southern trailhead near Millerton Point and a northern trailhead at Tomasini Point, including, if necessary for safety, a modest-sized and sensitively located and screened parking lot and restroom facilities on the east side of the highway near the entrance to Sheep Ranch Road.
4. Encourage the State Department of Parks and Recreation to maintain existing agricultural operations on acquired lands on the east shore of Tomales Bay until such time as the lands are developed for recreational purposes.

Marconi Cove Area

1. Provide day-use picnicking and boating facilities, including boat launch ramp, at this former marina/campground site.
2. Provide environmental campsites which could accommodate, but would not be limited to, camping needs of bicyclists, boaters, and users of the California Coastal Trail.
3. Consider adaptation of the bathhouse (potentially historic) along Highway One to use as staff or campground host housing or for another park use.
4. Provide parking facilities, park entrance, restrooms, landscaping, interpretive signage, pathways, fencing, lighting, and campground amenities such as fire rings, tables, and food lockers.
5. Retain natural values, especially where the property is narrowest, on the south end.
6. Ensure that development and operation of recreational facilities at Marconi Cove consider potential impacts to freshwater and baywater quality, wildlife, and to existing state water bottom leases utilized for commercial shellfish aquaculture.

North Marshall Area

1. Preserve the natural resources and open space character of this property and consider future potential for low-intensity public access and use.
2. Since this property is remote from the park's other holdings and has limited recreational potential, explore the environmental and operational benefits that may be available through land exchanges, memoranda of understandings, or other arrangements with interested organizational stakeholders

to achieve common goals of protecting and managing the natural resources and open space of this area.

~~[Adapted from Unit II Recreation and Visitor-Serving Facilities Policy 2.b, p. 42]~~

C-PK-12 Existing County Parks in the Coastal Zone. Continue to operate the eight Marin County Parks facilities in the Coastal Zone, Miller Park, Whitehouse Pool, Chicken Ranch Beach, Bolinas Park, Upton Beach, Agate Beach, and Village Green I and II, which offer boating, fishing, swimming, and recreational opportunities in key locations. If possible, supply water to Miller Park for the benefit of those who use the facility. Maintain existing roadside parking for Chicken Ranch Beach on Sir Francis Drake Boulevard, and add handicapped parking, if feasible.
~~[Adapted from Unit II Public Parklands Policy 2.c, p. 43]~~

C-PK-13 Future Acquisition of County Coastal Parks through the County Parks Master Plan. In preparing a future Countywide Parks Master Plan, identify any potential coastal parks that would be of particular value to Marin County residents, for inclusion in the LCP through an LCP amendment. A future Marin County Parks Master Plan Update may include an implementation schedule and plan, incorporating means of acquisition such as public purchase, voluntary donation, tax default sale, or others.
~~[New policy, 2015]~~

C-PK-14 Appropriate Alignment of the California Coastal Trail. Support completion of the California Coastal Trail system through Marin County, including as shown generally on Map 25, and including through working with willing sellers or donors and other entities. To the extent that an interim inland bypass is necessary for the route from Tomales north to the County line, that route should follow Highway One, as appropriate.

Acquisition, siting, and design of the California Coastal Trail should reflect the following standards:

1. Seek needed trail segments from willing sellers at fair market value, by donation, or through the regulatory process, including pursuant to Policy C-PA-2;
2. Locate trail segments along or as close to the shoreline as feasible;
3. Incorporate a "braided trail" concept, if necessary, in which there are separate routes for different non-motorized users;
4. Make the trail continuous and link it to other public trail systems;
5. Where not feasible to locate the trail along the shoreline due to natural landforms, sensitive natural resources, or agricultural operations, locate inland bypass segments as close to the shoreline as possible;
6. Consider use of an inland bypass trail, including braided trail segments where opportunities exist to create them, that assures a continuous coastal trail in the short-term, while providing for potential realignment to better locations as conditions change in the future. Seek opportunities over time to move such segments closer to the shoreline, including where willing landowners agree;
7. Wherever possible, avoid locating trail segments along roads with motorized vehicle traffic. If it is necessary to site trail segments along such roads, provide for separation of the trail from traffic as much as possible.

~~[Adapted from Unit II Recreation and Visitor-Serving Facilities Policy 4, p. 52, and Malibu LCP Policy 2.57]~~

Program C-PK-14.a Collaborate to Complete the California Coastal Trail.

1. Collaborate with state and federal parkland agencies, coastal communities, Caltrans, Transportation Authority of Marin, the Coastal Conservancy, the Coastal Commission, and other organizations to identify gaps in the California Coastal Trail located within Marin County;
2. Working with public agencies, non-governmental organizations, and private landowners, propose methods to complete identified gaps in the California Coastal Trail; and
3. Identify and strengthen links from the California Coastal Trail to other paths contained in the Marin County Unincorporated Bicycle and Pedestrian Master Plan.

~~[New program, 2015]~~

C-PK-15 Commercial Fishing and Recreational Boating. Support and protect commercial fishing and recreational boating on Tomales Bay. Protect and, where feasible, upgrade facilities on the shoreline of the Bay which support such uses. Design and locate proposed recreational boating facilities, where feasible, so as not to interfere with the needs of the commercial fishing industry.
~~[Adapted from Unit II Commercial Fishing and Recreational Boating Policy 1, p. 122, and Coastal Act Section 30234]~~

C-PK-16 Standards for New Boating Facilities. Apply the following standards to the development of new boating facilities on the Tomales Bay shoreline:

1. Co-locate new marinas or boat works within or adjacent to existing facilities and where adequate public services, such as parking and sewage disposal, exist. Where co-location is not feasible, limit new boating facilities in undeveloped areas to small scale facilities such as launching ramps. In addition, adequate waste pump-out facilities shall be provided.
2. Direct new or expanded marinas to deeper water areas with good tidal flushing in order to minimize the need for dredging and the risk of water pollution and stagnation.
3. Provide adequate berthing space for commercial fishing boats in new or expanded marinas to ensure protection of this coastal dependent industry.
4. Incorporate provisions for public access to and along the shoreline in the design of marina facilities, and minimize alteration of the natural shoreline in conformance with LCP policies on public access and wetlands protection.
5. Prohibit "live aboards" and houseboats on Tomales Bay.

~~[Adapted from Unit II Commercial Fishing and Recreational Boating Policy 2, p. 122]~~

Public Coastal Access (PA)

Background

Physical access to the shoreline is necessary to allow residents and visitors full enjoyment of California's coast. Much of the Marin County Coastal Zone lies within federal, state, or County parks and recreation areas. Coastal parks provide numerous opportunities for public access to the coast, in addition to providing public recreation and protecting wildlife habitats, open space and cultural resources. In addition to extensive shoreline parks, limited areas of the Coastal Zone are held by non-governmental entities, such as Audubon Canyon Ranch, that also provide opportunities for public coastal access, while protecting wildlife habitat and open space.

The shoreline from Point Bonita near the Golden Gate extending north around the Point Reyes Peninsula to Point Reyes Station is largely public parkland. Within this stretch of the Coastal Zone are the small communities of Muir Beach, Stinson Beach, Bolinas, Inverness, Olema and Point Reyes Station. Within most of these communities, some private land adjoins the shoreline, but even so there are locations at which public shoreline access is available. From Point Reyes Station north along the east shore of Tomales Bay to the Sonoma County line lies a patchwork of public and private land, some of which is within the coastal communities of East Shore/Marshall, Tomales, and Dillon Beach. Within this northern reach of the Coastal Zone, shoreline access opportunities are available at only limited locations, and the dominant land use is agriculture.

The California coast and its beaches are popular destinations for both residents and visitors, and the Marin County Coastal Zone is no exception. While the statewide population of California continues to expand, so do the number of out-of-state visitors, who serve as an important contributor to the state's economic well-being. Although visitation is already high and expected to grow, the length of California's shoreline remains fixed. Providing additional sites for coastal access fulfills several purposes, including lessening the impacts of overuse of any one public coastal access site, affording visitors a variety of coastal experiences, and increasing healthy outdoor recreational opportunities.

The Coastal Act of 1976 places a high priority on the provision of opportunities for public access to and along the coast, including requiring that such opportunities be maximized. Protection of existing access opportunities and the creation of new ones are also encouraged. Each Local Coastal Program (LCP) is required to include a specific public access component, in order to assure that maximum public access to the coast is provided and that public recreation areas are available to everyone.

Coastal public accessways are generally of two types: lateral, meaning an accessway that runs parallel to the shoreline, and vertical, meaning an accessway that leads from Highway One or other public road to the shoreline. Public accessways are owned and managed in several different ways. Some are on public land and thus owned in fee by a government entity, whereas others consist of a government-held easement over private land. Still others are managed by non-governmental entities that provide coastal access opportunities for the general public.

LCP policies support protection of existing public coastal accessways. Policies are designed to protect public rights of access where acquired through use (where prescriptive rights may exist), as well as accessways that are managed as part of existing parks and recreation areas. LCP policies also address restoration of existing public coastal accessways that may become degraded through use, as well as the protection of existing coastal access where it might be affected by construction of new shoreline protective devices (e.g., seawalls).

Opportunities for creating new public coastal accessways are limited in Marin County, given that much of the ocean shoreline is already under public ownership. Nevertheless, LCP policies support the creation of new opportunities for public access to and along the shoreline. Key elements of the LCP require the provision of public access in new development projects, where warranted and where consistent with the protection of other coastal resources. Additional policies encourage acquisition of public coastal accessways through a variety of means, including public purchase and voluntary donation.

Policies

C-PA-1 Public Coastal Access. Support and encourage the enhancement of public access opportunities to and along the coast, including in conformance with Sections 30210 through 30214 of the Coastal Act.
~~[Adapted from Unit II Public Access Policy 1, p. 13]~~

C-PA-2 Provide New Public Coastal Access in New Development. ~~Examine proposed new development between the shoreline and the first public road, whether or not it is mapped as the first public road for purposes of coastal permit appeals, for impacts on public access to the coast.~~ Where the provision of public access is related in nature and extent to the impacts of the proposed development, require dedication of a lateral and/or vertical accessway, including to provide segment(s) of the California Coastal Trail as provided by Policy C-PK-14, as a condition of development, in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following: (1) Topographic and geologic site characteristics. (2) The capacity of the site to sustain use and at what level of intensity. (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the

fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses. (4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter, ~~unless Policy C-PA-3 provides an exemption~~. Impacts on public access include, but are not limited to, intensification of land use resulting in overuse of existing public accessways, creation of physical obstructions or perceived deterrence to public access, and creation of conflicts between private land uses and public access.

~~[Adapted from Unit II Public Access Policy 1, p. 13]~~

C-PA-3 Exemptions to Providing New Public Coastal Access ~~Requirements~~. The following are exempt from the requirements to provide new public coastal access pursuant to ~~requirements of~~ Policy C-PA-2:

1. Improvement, replacement, demolition or reconstruction of certain existing structures, as specified in Section 30212 (b) of the Coastal Act, and
2. Any new development upon specific findings under Section 30212 (a) of the Coastal Act that (1) public access would be inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate public access exists nearby, or (3) agriculture would be adversely affected.

~~[Adapted from Unit II Public Access Policies 2.d, p. 15, and 5, p. 23]~~

C-PA-4 Direct Dedication of Public Coastal Access, if Feasible. If a new coastal accessway is required as a condition of development pursuant to LCP Policy C-PA-2 or Sections 30210 through 30214 of the Coastal Act, require, if feasible, direct dedication of an easement or fee title interest to the County, another public agency, or other suitable entity. If direct dedication is not feasible, require that a twenty-year irrevocable offer to dedicate the required easement(s) shall be recorded by the applicant prior to the issuance of a final County permit to commence construction. Upon recordation, immediately notify the California State Coastal Conservancy of such offers to dedicate. The County may process irrevocable offers according to the Coastal Commission's centralized coastal access program. In the event that a property owner is willing to accept responsibility for public use of a defined area of the property, and such public use can be assured in the future, a deed restriction may be required, rather than direct dedication of access or an offer to dedicate access.

~~[New policy, 2015]~~

C-PA-5 Acceptance of Offers to Dedicate Public Coastal Accessways. Accept offers to dedicate easements or fee title interests in coastal accessways and, as resources permit, place first priority on opening such accessways when the offer to dedicate is made pursuant to evidence of prescriptive rights or where the offer to dedicate is in a developed area. The County shall accept an offer to dedicate within 9 months of recordation. If the County does not accept an easement within this time period, it shall attempt to find an appropriate public or private agency to do so. Notwithstanding the above, the County may at any time accept a valid offer to dedicate an easement that has not been accepted by another entity.

~~[Adapted from Unit I Public Access Policy 6, p. 8, and Unit II, Public Access Policy 2.c, p. 14]~~

C-PA-6 Acquisition and Location of New Public Coastal Accessways through Suitable Means. Acquire additional public coastal accessways in order to enhance opportunities to reach public tidelands, to link publicly accessible beaches via lateral trails, and to avoid impacts of overuse of any single area. Acquisition shall be pursued through available means including, public purchase, tax default acquisitions, agreements with nonprofit management entities, voluntary donation, or, when permissible, dedication as a condition of a coastal permit. When available funds or other acquisition opportunities are

limited, accessways listed in the Appendix shall receive first priority. Acquisition and location of accessways shall take into account the need to protect public safety, military security, fragile coastal resources, and agriculture.
~~[Adapted from Unit I Public Access Policies 9, 11, 12, and 13, pp. 8-9, and Unit II Public Access Policies 3, 4, and 5, pp. 15-22]~~

Program C-PA-6.a Review and Revise List of Recommended Public Coastal Accessways. Review and revise as appropriate priority coastal access sites in the List of Recommended Accessways to reflect current suitability, environmental characteristics, and ownership status.
~~[New program, 2015. The current detailed list of recommended accessways is now contained in "Appendix 5" of the LCPA.]~~

C-PA-7 Protection of Prescriptive Rights. Ensure that development does not interfere with the public's right of access to the sea where acquired through use. Where evidence (including historic public use) of prescriptive rights is found in reviewing a coastal permit application, take one or more of the following actions:

1. Consider approval of the coastal permit application, while siting development to avoid the area potentially subject to prescriptive rights and/or by requiring public easements to protect the types and intensities of historic/prescriptive use as a condition of project approval.
2. If requirement of an access easement to protect areas of historic/prescriptive use would preclude all reasonable private use of the project site, the County or the Coastal Commission and the Attorney General at the request of the County shall, subject to the availability of staff and funds, seek a court determination and confirmation of such public rights.
3. In the absence of a final court determination, the County may proceed to consider approval of development on areas potentially subject to prescriptive rights (except those used for lateral access), if alternative access is provided equivalent in time place and manner so as to assure that potential rights of public access are protected in accordance with the LCP's Access policies. Such mitigation may include securing an accessway on another property in the same vicinity, or providing an in-lieu fee to a public agency or private association approved by the County and Coastal Commission for acquisition, improvement, or maintenance of access in the same vicinity. Same vicinity is considered to be within 1,000 feet of the project site (parcel).

~~[Adapted from Unit I Public Access Policy 3, p. 7, Unit II Public Access Policy 2.a, p. 13, and Coastal Act Section 30211]~~

C-PA-8 Bolinas Mesa. Public use of the two access trails across Bolinas Mesa to the RCA beach and the beach area itself shall be protected and shall be limited to the level and character of the historic use of the property (including use for beach access, hiking, swimming, and horseback riding) to protect the natural resources of Duxbury Reef. Limited signing shall be provided to identify the access trails and caution trail users of the fragile coastal resources of the area.
~~[Adapted from Unit I Public Access Policy 11, p. 9]~~

C-PA-9 Variety of Public Coastal Accessways. When requiring public coastal access, include any of the following types of accessways, either singularly or in combination:

1. Vertical accessways to the ocean or shoreline;
2. Lateral accessways along the ocean or shoreline that extend in width from the ambulatory mean high tide line landward to a defined line, such as the intersection of the sand with the toe of a revetment, vertical face of a seawall, toe of a bluff, or other feature;

3. Bluff top accessways along bluffs for public viewing or trail purposes or where no continuous sandy beach exists.

~~[Adapted from Unit I Public Access Policy 2, p. 7, and Unit II Public Access Policy 2.b, p. 14]~~

C-PA-10 Impacts of Public Coastal Accessways on their Surroundings. Site and design coastal accessways and parking and other support facilities to avoid significant adverse impacts to sensitive environmental resources, agriculture, and the surrounding community. A vertical accessway should generally be ten feet in width unless site conditions warrant otherwise and should be located at least 10 feet from residential structures. Control public access to sensitive habitat areas, including timing, intensity, and location of such access, to minimize disturbance to wildlife.
~~[Adapted from Unit II Public Access Policy 2, p. 14, and Unit II Natural Resources Policy 5.b, p. 75]~~

C-PA-11 Privacy of Neighbors. In determining appropriate management measures for public coastal accessways, including hours of operation, the Marin County Parks department or other managing entity should take into account the need to respect the privacy of neighboring residents.
~~[Adapted from Unit I Public Access Policy 1, p. 7]~~

C-PA-12 Agreements for Maintenance and Liability Before Opening Public Coastal Accessways. ~~Open~~ D~~d~~edicated coastal accessways shall not be required to be opened to public use until ~~only upon agreement of~~ a public agency or private association agrees to accept responsibility for ~~restoration,~~ maintenance and liability of ~~for~~ the accessway.
~~[New policy, 2015]~~

C-PA-13 Needs of Persons with Disabilities. Ensure that new public coastal accessways are compliant with California Title 24 and accessible to persons with disabilities, to the maximum extent feasible.
~~[New policy, 2015]~~

C-PA-14 Consultation with Appropriate Land Management Agencies. Refer new development proposals adjacent to existing public coastal accessways to appropriate federal, state, county, and other managing entities for review and comment.
~~[New policy, 2015]~~

C-PA-15 Impacts of New Development on Public Use of Coastal Accessways. Site and design new development so as to avoid, if feasible, and, if unavoidable, to minimize impacts to users of public coastal access and recreation areas. Measures to mitigate impacts to users of public coastal access and recreation areas shall be implemented prior to or concurrent with construction of the approved development.
~~[New policy, 2015]~~

C-PA-16 Protection of Existing Public Coastal Accessways. Recognize existing public coastal accessways, both public and private, as an integral part of the County's overall access program. Maintain existing public accessways. Consider closure of existing County-managed accessways only if authorized by a coastal permit and only after the County has offered the accessway to another public or private entity.
~~[Adapted from Unit II Public Access Policy 1, p. 13]~~

C-PA-17 Restoration of Public Coastal Access Areas, Where Necessary. The Marin County Parks department should restore areas under its control that become degraded through public access use,

including by such means as revegetation, trail improvements, installation of boardwalks, and informational signing, as funds and staffing or volunteer support permit.
~~[New policy, 2015]~~

C-PA-18 Parking and Support Facilities at Public Coastal Accessways. Where appropriate and feasible, provide parking areas for automobiles and bicycles and appropriate support facilities in conjunction with public coastal accessways. The location and design of new parking and support facilities shall minimize adverse impacts on any adjacent residential areas. The need for parking shall be determined based on existing parking and public transit opportunities in the area, taking into account resource protection policies. Consider opportunities for reducing or eliminating parking capacities if transit service becomes available or increases.
~~[Adapted from Unit I Public Access Policies 5 and 9, pp. 7-8, and Unit II Public Access Policy 2.c, p. 14]~~

C-PA-19 Explanatory Signs at Public Coastal Accessways. Sign existing and new public coastal accessways, trails, and parking facilities where necessary, and use signs to minimize conflicts between public and private land uses. Where appropriate, signs posted along the shoreline shall indicate restrictions, such as that no fires or overnight camping are permitted, and that the privacy of homeowners shall be respected. Where public access trails are located adjacent to agricultural lands, signs shall indicate appropriate restrictions against trespassing, fires, camping, and hunting. Where only limited public access or use of an area can be permitted to protect resource areas from overuse, such signing should identify the appropriate type and levels of use consistent with resource protection. The County and CALTRANS shall, as resources permit, post informational signs at appropriate intersections and turning points along visitor routes, in order to direct coastal visitors to public recreation and nature study areas in the Coastal Zone.
~~[Adapted from Unit I Public Access Policies 7 and 8, p. 8, and Unit II Public Access Policy 2.c, p. 14]~~

C-PA-20 Effects of Parking Restrictions on Public Coastal Access Opportunities. When considering a coastal permit for any development that could reduce public parking opportunities near beach access points or parklands, including any changes in parking timing and availability, and any signage reducing public access, evaluate options that consider both the needs of the public to gain access to the coast and the need to protect public safety and fragile coastal resources, including finding alternatives to reductions in public parking and ways to mitigate any potential loss of public coastal access.
~~[New policy, 2015]~~

C-PA-21 Shoreline Structures on or Near Public Coastal Accessways. Ensure that construction of shoreline protection measures otherwise permitted by LCP policies maintains or enhances the same or similar shoreline access as previously existed.
~~[Adapted from Unit I Public Access Policy 4, p. 7]~~

C-PA-22 Protection Against Encroachments on Public Coastal Accessways and Offers to Dedicate Easements. Seek assistance from the Coastal Commission or other entities as appropriate in order to enforce the terms of public access easements and/or offers to dedicate easements that have been blocked by private development.
~~[New policy, 2015]~~

IMPLEMENTING PROGRAM

For purposes other than Coastal Permits additional Development Code sections may apply. All standards listed below are applicable in the coastal zone. ~~The standards denoted with (Coastal) do not apply outside the coastal zone, and those standards denoted with (non-Coastal) do not apply in the coastal zone.~~ In addition, this Chapter specifies permitting requirements that may be applicable for particular land uses, including Design Review, Sign Permits, and Second Unit Permits. In all cases, these permit requirements apply independent of and in addition to the Coastal Permit requirements identified in Chapter 22.68 for development ~~(coastal)~~, as defined in Chapter 22.130 of Article VIII, proposed to be undertaken within the Coastal Zone.

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Chapter 22.32 – Standards for Specific Land Uses

22.32.010 – Purpose of Chapter

This Chapter provides site planning and development standards for land uses that are allowed by Article II (Zoning Districts and Allowable Land Uses) and Article V (Coastal Zone Development and Resource Management Standards) in individual or multiple zoning districts (e.g., in residential, commercial, and industrial districts and in residential and commercial, and/or in commercial and industrial districts).

22.32.020 – Accessory Retail Uses

The retail sales of food and other products may be allowed in a restaurant, store, or similar facility within a health care, hotel, office, or industrial complex for the purpose of serving employees or customers in compliance with this Section.

A. **Limitation on use.** Accessory retail uses shall be limited to serving employees and customers in pharmacies, gift shops, and food service establishments within institutional uses (e.g., hospitals and schools); convenience stores, gift shops, and restaurants/bars within hotels and resort complexes; restaurants within office and industrial complexes; and/or other uses determined to be similar by the Director.

B. **External appearance.** There shall be no external evidence (e.g., signs, windows with merchandise visible from streets or sidewalks external to the site, etc.) of any commercial activity other than the primary use of the site (except in the case of a restaurant/bar within a hotel).

22.32.021 – Agricultural Accessory Activities ~~(Coastal)~~

The standards of this Section shall apply to agricultural accessory activities defined in Section 22.130.030.

~~(Coastal)~~ In the C-APZ, C-ARP and C-OA zones agricultural accessory activities shall be accessory and incidental to, in support of, and compatible with agricultural production, and may be allowed as a Principal Permitted Use consistent with Table 5-1-a in Chapter 22.62. Where applicable under Chapter 22.68 (Coastal Permit Requirements), agricultural accessory activities within the C-APZ zone may be exempt or categorically excluded from coastal permit requirements.

22.32.022 – Agricultural Accessory Structures ~~(Coastal)~~

The standards of this Section shall apply to agricultural accessory structures defined in Section 22.130.030.

~~(Coastal)~~ In the C-APZ, C-ARP and C-OA zones agricultural accessory structures shall be accessory and incidental to, in support of, and compatible with agricultural production, and may be allowed as a Principal Permitted Use consistent with Table 5-1-a in Chapter 22.62. Where applicable under Chapter 22.68 (Coastal Permit Requirements), agricultural accessory structures within the C-APZ zone may be ~~exempt~~ categorically excluded from coastal permit requirements.

22.32.023 – Agricultural Homestays

The standards of this Section shall apply to agricultural homestays defined in Section 22.130.030.

~~(Coastal)~~ Agricultural Homestays shall be accessory and incidental to, in support of, and compatible with agricultural production.

A. Permit requirements. Agricultural Homestays are allowable in the zoning districts and with the permit requirements determined by Article V (Coastal Zones—Permit Requirements and Development Standards), including the development standards specified in Chapter 22.65.

B. Land Use Requirements. An Agricultural Homestay shall:

1. Have no more than five guest rooms and host no more than 15 registered guests,

2. Provide overnight transient accommodations,. -

3. Offer meals only to overnight guests as an incidental, and not as the primary, function of the establishment,

4. Be located on, and be a part of, a farm that produces agricultural products as its primary source of income,

5. Operate within an otherwise allowable agricultural dwelling unit and not within an additional separate structure,

6. Be limited to one per farm tract and -

7. Shall not be allowed if there is already a bed and breakfast on the farm tract.

C. Site requirements. The proposed site shall conform to all standards of the applicable zoning district.

D. Appearance. For ~~new~~ structures, the exterior appearance of the structure used for the Agricultural Homestay shall maintain a rural character consistent with farm buildings on the property.

E. Limitation on services provided. The services provided guests by the Agricultural Homestay shall be limited to the rental of bedrooms and the provision of meals at any time to registered guests. The price of food shall be included in the overnight transient occupancy accommodation. There shall be no separate/additional food preparation facilities for guests. Homestay guests may also participate in agricultural activities at the discretion of the homestay operator.

F. Business license required. A current business license shall be obtained/posted, in compliance with Title 5, Chapter 5.54 (Business Licenses) of the County Code.

G. Occupancy by permanent resident required. All Agricultural Homestays shall have one household in permanent residence.

H. Transient Occupancy Tax. Agricultural Homestays shall be subject to the Transient Occupancy Tax, in compliance with Chapter 3.05 (Uniform Transient Occupancy Tax) of the County Code.

I. Signs. Signs shall be limited to one on-site sign not to exceed four square feet in area and shall be installed/maintained in compliance with Chapter 22.64.100(A)(5) (New Signs). Signs shall also be installed/maintained in compliance with Chapter 22.28 in addition to and independent of Coastal Permit requirements.

J. Fire safety. The Agricultural Homestay shall meet all of the requirements of the County Fire Department or local Fire Protection District, as applicable.

K. Parking. On-site parking shall be provided in compliance with 22.64.150 (Transportation). Parking shall also be provided in compliance with 24.04.330 through .400 (Parking and Loading) of the County Code in addition to and independent of Coastal Permit requirements.

L Sewage disposal. Any on-site sewage disposal shall be provided in compliance with 22.64.140 (Public Facilities and Services). Sewage disposal shall also be provided in compliance with Title 18 (Sewers) of the County Code in addition to and independent of Coastal Permit requirements.

22.32.024 – Agricultural Dwellings Units ~~(Coastal)~~

The standards of this Section shall apply in the C-APZ Zone to Farmhouses, ~~agricultural~~ Intergenerational Homes, and agricultural worker housing, defined in Section 22.130.030.

A. An Agricultural Dwelling Cluster consists of a farmhouse or a combination of one farmhouse and up to two intergenerational homes with the combined total of 7,000 square feet, up to an additional 540 square feet of garage space, and up to 500 square feet of office space in the farmhouse used in connection with the agricultural operation. *Each a*gricultural dwelling unit must be owned by a farmer or operator actively and directly engaged in ~~agriculture~~ agricultural use on the property. See Section 22.130.030 for definition of "Actively and directly engaged."

B No more than one Agricultural Dwelling Cluster may be permitted per farm tract, whether it contains a single farmhouse or in a combination of a farmhouse and one or two intergenerational homes, including existing homes.

C. An application for a farmhouse or intergenerational home shall identify all ~~parcels~~ legal lots owned by the same owner of the property upon which the proposed farmhouse or intergenerational home is located including all contiguous legal lots under common ownership (the "farm tract"). The application shall identify all existing agricultural dwellings on the identified ~~parcels~~legal lots, and shall demonstrate that the proposed farmhouse or intergenerational house is located on a legal lot.

D. Nothing in this subsection shall be construed to prohibit the sale of any legal lot comprising the farm tract, nor require the imposition of any restrictive covenant on any legal lot comprising the farm tract other than the legal lot upon which development of one farmhouse and up to two intergenerational homes is approved. Future development of other legal lots comprising the farm tract shall be subject to the provisions of the LCP and Development Code, including but not limited to Section 22.65.040.

F. No allowable farmhouse or intergenerational home may be divided from the rest of the legal lot. As a condition of permit approval for a farmhouse and/or intergenerational home, future land division of the legal lot containing the farmhouse and/or intergenerational home(s) is prohibited except that lease of the rest of the legal lot at a level of agricultural use that will sustain the agricultural capacity of the site is not prohibited (see restrictive covenant requirements specified in Sections 22.32.024 and 22.32.025).

G. A density of 60 acres per unit shall be required for each farmhouse and intergenerational house (i.e., a ~~parcel~~ legal lot must be at least 60 acres for a farmhouse, 120 acres for a farmhouse and intergenerational house, and at least 180 acres for a farmhouse and two intergenerational homes).

H. Agricultural dwelling units shall not be placed on land designated as prime agricultural land, and shall be placed within the mapped clustered development area required in subsection 22.65.040.C.1.d.

I. Agricultural dwelling units may be permitted only if they do not require any Coastal Zone Variance.

22.32.02x – Intergenerational Homes

The standards of this Section shall apply in the C-APZ Zone to intergenerational homes defined in Section 22.130.030.

In addition to the provisions of Section 22.32.024 pertaining to Agricultural Dwelling Units, the standards of this Section shall apply to intergenerational homes. ~~**J. Intergenerational Homes**. Agricultural~~ Intergenerational Homes shall be accessory and incidental to, in support of, and compatible with agricultural production. The intent of these provisions is to allow intergenerational homes in order to support agricultural operations, ensure the viability of agriculture in the Coastal Zone and facilitate multi-generational family farm operation and succession.

A~~1~~. Permitted use, zoning districts. Up to two ~~Agricultural~~ intergenerational homes in addition to the farmhouse may be permitted in the C-APZ, consistent with Table 5-1-a in Chapter 22.62.

B~~2~~. Permit Requirements. ~~Agricultural~~ I~~i~~ntergenerational homes are allowable in the C-APZ zoning district with the permit requirements determined by Article V (Coastal Zones—Permit Requirements and Development Standards), including the development standards specified in Chapter 22.65.040, and subsections 3 and 4 below.

C~~3~~. Location. Intergenerational homes shall be placed on the same legal lot of record as the legally permitted farmhouse, and shall be located immediately adjacent (i.e., within 100 feet) to an existing farmhouse within the Agricultural Dwelling Cluster. When immediately adjacent placement would be inconsistent with applicable LCP standards (such as placement within an ESHA buffer) the intergenerational home shall be placed as close as possible to the farmhouse in a way that also meets applicable LCP standards.

D~~4~~. Restrictive Covenant. ~~Agricultural~~ I~~i~~ntergenerational housing requires the preparation and recordation of a restrictive covenant running with the land for the benefit of the County. The covenant must include, at a minimum, the following:

1. A detailed description of the intergenerational home or homes.

2. Assurance that any use will be in conformance with applicable zoning, building and other ordinances and noting that all appropriate permits must be issued and completed prior to any change in use.

3. Assurance that the intergenerational housing will not be divided or sold separately from the rest of the agriculturally zoned legal lot. As a condition of permit approval for an intergenerational home, future land division of the legal lot containing the

intergenerational home is prohibited except that lease of the rest of the legal lot at a level of agricultural use that will sustain the agricultural capacity of the site is not prohibited.

4. Language demonstrating that the restriction shall run with the land and shall be binding on all heirs, successors and assigns to the property, and its provisions shall be enforced by the County of Marin.

5. Assurance that the owner of the intergenerational home shall be actively and directly engaged in agricultural use of the agriculturally zoned legal lot and that the use of the agriculturally zoned legal lot shall remain confined to agriculture. See Section 22.130.030 for definition of "Actively and directly engaged" and "Agricultural use."

E~~5~~. **Development limit**. No more than 27 intergenerational homes may be allowed in the County's coastal zone ~~without being authorized in an LCP Amendment~~.

22.32.025 – Farmhouse ~~(Coastal)~~

The standards of this Section shall apply in the C-APZ Zone to farmhouses defined in Section 22.130.030.

~~(Coastal)~~ In addition to the provisions of Section 22.32.024 pertaining to Agricultural Dwelling Units ~~(coastal)~~, the standards of this Section shall apply to farmhouses. Farmhouses shall be accessory and incidental to, in support of, and compatible with agricultural production. The intent of these provisions is to facilitate farmhouses that are integral with and necessary to support agricultural operations and that are consistent with the provisions of the Marin County Local Coastal Program (LCP). In the C-APZ, farmhouses also shall be considered necessary for agricultural production.

A. Principal permitted use, zoning districts. A farmhouse is a type of agricultural dwelling unit that may be allowed by Article V, Table 5-1 (Coastal Zones – Permit Requirements and Development Standards), and subject to development standards, including those set forth in Sections 22.32.024 and 22.65.040 in the C- APZ zone.

B. Restrictive Covenant. Development of a farmhouse requires recording a restrictive covenant running with the land for the benefit of the County ensuring that the agricultural farmhouse will continuously be maintained as such. The covenant must include, at a minimum, the following:

1. A description of the farmhouse.
2. Assurance that any use will be in conformance with applicable zoning, building and other ordinances and noting that all appropriate permits must be issued and completed prior to any change in use.
3. Language demonstrating that the restriction shall run with the land and shall be binding on all heirs, successors and assigns to the property, and its provisions shall be enforced by the County of Marin.
4. Assurance that the farmhouse will not be divided or sold separately from the rest of the agriculturally zoned legal lot. As a condition of permit approval for a farmhouse, future land division of the legal lot containing the farmhouse is prohibited except that lease of the rest of the legal lot at a level of agricultural use that will sustain the agricultural capacity of the site is not prohibited.
5. Assurance that the owner of the farmhouse shall be actively and directly engaged in agricultural use of the agriculturally zoned legal lot and that the use of the

agriculturally zoned legal lot remains confined to agriculture. See Section 22.130.030 for definition of "Actively and directly engaged" and "Agricultural use." ~~"Actively and directly engaged" means making day-to-day management decisions for the agricultural operation and being directly engaged in the production of agricultural commodities for commercial purposes on the property. "Agricultural use" shall be defined as: breeding, raising, pasturing, and grazing livestock of every nature and description for the production of food and fiber; breeding and raising bees, fish, poultry, and other fowl; planting, raising, harvesting, and producing agricultural, aquacultural, horticultural, and forestry crops and products of every nature and description; and the processing, storage, and sale, including direct retail sale to the public, of crops and products harvested and produced principally on the farm; further provided, however, that all agricultural uses and activities are consistent with applicable laws, including those of the Local Coastal Program.~~

22.32.02~~5~~x – Airparks

Airparks may be located where allowed by Article II (Zoning Districts and Allowable Land Uses) and Article V (Coastal Zoning Districts and Allowable Uses) of this Development Code, for business or emergency purposes, subject to the following standards:

A. **State permit required.** A permit or exemption shall be obtained from the California Department of Transportation, Division of Aeronautics, and evidence of the permit or exemption shall be presented to the Agency, prior to establishing any airpark.

B. **Nuisance mitigation.** A proposed airpark shall be located so that neither air nor related surface traffic constitute a nuisance to neighboring uses. The applicant shall demonstrate that adequate controls or measures will be taken to mitigate offensive bright lights, dust, noise, or vibration.

Airparks shall not constitute a nuisance resulting from frequency and timing of flights, location of landing area, or departure and approach patterns that conflict with surrounding land uses. Coastal resource impacts shall be avoided, and if unavoidable, appropriately mitigated. Airparks do not extend to helicoptering, including private helicoptering.

22.32.026 – Agricultural Processing Uses ~~(Coastal)~~

The standards of this Section shall apply to agricultural processing defined in Section 22.130.030 ("Agricultural Processing"). For Agricultural and Resource-Related Districts outside the Coastal Zone, see Section 22.08.040.E.

A. Agricultural processing is allowed as a Principal Permitted Use in the C-APZ zoning district provided it meets all of the standards set forth below.

1. The building(s) or structure(s) used for processing activities do not exceed an aggregate floor area of 5,000 square feet;

2. With the exception of incidental additives or ingredients, agricultural products to be processed are produced within the farmshed, defined as the same farm as the proposed processing facility or on other agricultural properties located in Marin County or Sonoma County.

3. The operator of the processing facility is directly involved in the agricultural production on the property on which the processing facility is located. For the purposes of this Section, "directly involved" means actively and directly engaged in making day-to-day management decisions for the agricultural operation and being directly engaged in the production of agricultural commodities for commercial purposes on the property.

B. All Agricultural Processing Facilities shall meet the following standards:

1~~4~~. Sufficient parking, ingress, and egress is provided. In addition, conditions as to the time, place, and manner of use of the processing facility may be applied as necessary through the Coastal Permit process to ensure consistency with provisions of the LCP.

A Coastal Permit appealable to the Coastal Commission and Use Permit approval is required for an agricultural processing use which ~~exceeds an aggregate floor area of 5,000 square feet or for an agricultural processing use of any size that~~ does not comply with one or more of the standards in Section 22.32.026.A.1 to A.3 listed above.

C~~B~~. Coastal Permit and Design Review for a processing facility.

1. Any processing facility, regardless of size, shall require a Coastal Permit.

2. Any processing facility shall require Design Review independent of and in addition to the Coastal Permit, unless it satisfies all the following conditions:

(a) It will be developed and operated wholly within an existing permitted, legal nonconforming, or categorically excluded structure; and
(b) Its development will not include any significant alteration of the exterior appearance of the existing structure.

22.32.027 – Agricultural Retail Sales Facilities/Farm Stands ~~(Coastal)~~

~~(Coastal)~~ The standards of this Section shall apply to the sale of agricultural products as defined in Section 22.130.030 ("Agricultural Retail Sales Facility/Farm Stand"). For Agricultural and Resource-Related Districts outside the Coastal Zone, see Section 22.08.040.F.

A. The sale of agricultural products is allowed as a Principal Permitted Use in the C-APZ zoning district provided it meets all of the development standards set forth below:

1. The building(s) or structure(s) or outdoor areas used for retail sales do not exceed an aggregate floor area of 500 square feet;

2. Agricultural products to be sold are produced by the operator on the same farm as the proposed sales facility, or on the operator's other agricultural properties located in Marin County or Sonoma County;

3. The operator of the sales facility is directly involved in the agricultural production on the property on which the sales facility is located, and other properties located in the farmshed which provide agricultural products to the retail sales facility. For the purposes of this Section, "directly involved" means actively and directly engaged in making day-to-day management decisions for the agricultural operation and being directly engaged in the production of agricultural commodities for commercial purposes on the property.

B. All Agricultural Retail Sales Facilities and Farm Stands shall meet the following standards:

1. Sufficient parking, ingress, and egress is provided. In addition, conditions as to the time, place, and manner of use of the sales facility may be applied as necessary through the Coastal Permit process to ensure consistency with provisions of the LCP.

2. The sales-facility and the building(s) or structure(s) or outdoor areas used for retail sales are not placed on land designated as prime agricultural land.

A Coastal Permit appealable to the Coastal Commission and Use Permit approval is required for agricultural retail sales which ~~exceeds an aggregate floor area of 500 square feet or for an agricultural retail sales facility of any size that~~ does not comply with one or more of the standards in Section 22.32.027.A.1 to A.3 listed above.

22.32.028 – Agricultural Worker Housing ~~(Coastal)~~

In addition to the provisions of Section 22.32.024 pertaining to Agricultural Dwelling Units, t~~T~~he standards of this Section shall apply to agricultural worker housing as defined in Section 22.130.030. The intent of these provisions is to permit and encourage the development and use of sufficient numbers and types of agricultural worker housing units necessary to support agricultural operations and in conformance with the applicable provisions of state law. Agricultural worker housing is a type of agricultural dwelling unit.

A. Permitted use, zoning districts. Agricultural worker housing may be a permitted agricultural land use when allowed by Article V, Table 5-1 (Coastal Zones – Permit Requirements and Development Standards), and when found consistent with required development standards, including those specified in Section 22.65.040 in the C-APZ zoning district. Agricultural worker housing providing accommodations consisting of no more than 36 beds in group living quarter or 12 units or spaces for agricultural workers and their households shall not be included in the calculation of residential density in the following zoning districts: C-ARP, C-APZ, C-RA, and C-OA.

Up to and including 36 beds or 12 units of agricultural worker housing is allowed per legal lot. In the C-APZ Zone, agricultural worker housing above 36 beds or 12 units per legal lot shall be subject to the density limits of one unit per 60 acres and the application shall include a worker housing needs assessment and plan, including evaluation of other available worker housing in the area. The amount of worker housing approved shall be commensurate with the demonstrated need in the surrounding area. Agricultural worker housing requires recording a restrictive covenant running with the land for the benefit of the County ensuring that the agricultural worker housing will continuously be maintained as such, or, if no longer needed, for non-dwelling agricultural production related uses~~.~~

B. Limitations on use:

1. **Referrals.** Prior to making a determination that agricultural worker housing which exceeds the 36 beds or 12 units per legal lot ~~maximum density~~ for a specific site is necessary to support agriculture, the review authority may consult with such individuals or groups with agricultural expertise as appropriate for a recommendation.

2. **Temporary mobile home.** Temporary mobile homes not on a permanent foundation and used as living quarters for five or more farmworkers and their households that is otherwise LCP consistent is also permitted subject to the requirements of the State Department of Housing and Community Development.

3. **Annual Verification.** All agricultural worker housing shall require the submittal of an annual verification form to the County.

4. **Licensing.** Licensing by the Department of Housing and Community Development and compliance with the Employee Housing Act are required for all Agricultural Worker Housing for five or more farmworkers and their households.

5. **Restrictive Covenant.** Agricultural Worker housing requires recording a restrictive covenant running with the land for the benefit of the County ensuring that the agricultural worker housing will continuously be maintained as such, or, if no longer needed, for non-dwelling agricultural production related uses. The covenant must include, at a minimum, the following:

   (a) A detailed description of the dwelling units or spaces.

   (b) Assurance that any change in use will be in conformance with applicable zoning, building and other ordinances and noting that all appropriate permits must be issued and completed prior to any change in use.

   (c) Language demonstrating that the restriction shall run with the land and shall be binding on all heirs, successors and assigns to the property, and its provisions shall be enforced by the County of Marin.

22.32.030 – Animal Keeping

The standards of this Section shall apply to the keeping of animals in specified zoning districts and their Coastal Zone counterparts, in addition to the standards in Chapter 8.04 (Animal Control) of the County Code.

A. General standards. The following general standards shall apply:

1. **Requirements.** All animal keeping activities shall comply with the general requirements in Tables 3-6 and 3-7; and

2 **Household pets.** Household pets are allowed in all zoning districts.

TABLE 3-6
GENERAL REQUIREMENTS FOR THE KEEPING OF SMALL ANIMALS

(Chickens, Ducks, Exotics, Geese, Guinea Fowl, Pea-fowl,
Rabbits, Roosters, and Similar Animals)

Zoning Districts	**Applicable Standards**	**Standards**
A2, A3 to A60 ARP, APZ	All animals allowed subject to Standard 4	1. Maximum 12 animals, unless approved by a Use Permit.
RSP, RMP, RMPC	All standards apply	
RA and RE RR, R1, R2, R3	All standards apply	2.In R zoning districts, the keeping of small animals shall be an accessory use to the primary residential use of the parcel. 3.Roosters, quacking ducks, geese, guinea fowl, and pea fowl are not permitted 4.A Use Permit is required for the keeping of exotic animals outdoors in all zoning districts where permitted.

TABLE 3-7

GENERAL REQUIREMENTS FOR THE KEEPING OF LARGE ANIMALS, HORSES, DONKEYS, MULES, AND PONIES

(Cows, Exotics, Goats, Pigs, Sheep, Llamas & Similar Animals)

Zoning Districts	Allowed Animals and Applicable Standards	Standards
A3 to A60 and APZ to ARP	All animals allowed subject to standards 1, 4, and 5	1. Livestock sales/feed lots and stockyards require a Use Permit in all zoning districts where permitted. 2. Livestock operations for grazing and large animals are allowed in the RSP, RMP, and RMPC zoning districts only where the site is three acres or more, and only with a Use Permit. 3. The keeping of livestock and large animals is allowed in compliance with Section 22.32.030.B. 4. A Use Permit is required for the keeping of exotic animals outdoors in all zoning districts where permitted. 5. A Use Permit is required for keeping more than five horses, donkeys, mules, or ponies within the APZ zoning district where these are the primary or only animals raised.
A2, RSP, RMP, RMPC	All animals allowed and all standards apply.	
RA	All animals allowed and all standards apply.	1. Maximum: Three animals unless approved by a Use Permit. 2. Large dairy animals for a dairy operation allowed in RA zoning district only on parcels of five acres or more. 3. Equestrian facilities require a Use Permit. 4. The keeping of livestock and large animals is allowed in compliance with Section 22.32.030.B. 5. A Use Permit is required for the keeping of exotic animals outdoors in all zoning districts where permitted.
RR, R1, R2, R3, RE	Allowed animals limited to donkeys, horses, mules and ponies, subject to all standards.	1. Only donkeys, horses, mules and ponies allowed in compliance with Section 22.32.030.B. 2. In R zoning districts, the keeping of animals shall be an accessory use to the primary residential use of the parcel.
OA	All animals allowed and all standards apply.	1. Large animals allowed in conjunction with dairies and grazing. Horses, donkeys, mules, and ponies allowed in compliance with Section 22.32.030.B. 2. A Use Permit is required for the keeping of exotic animals outdoors in all zoning districts where permitted

B. Standards for livestock, horses, donkeys, mules, and ponies The following standards, which do not apply in the A-3 to A-60, ARP or APZ zoning districts, shall apply to the keeping of livestock, horses, donkeys, mules, and ponies in addition to those in 22.32.030.A (General Standards), above:

1. **Location of animals and structures.** No animal or any structure for animals shall be located closer than 30 feet to:

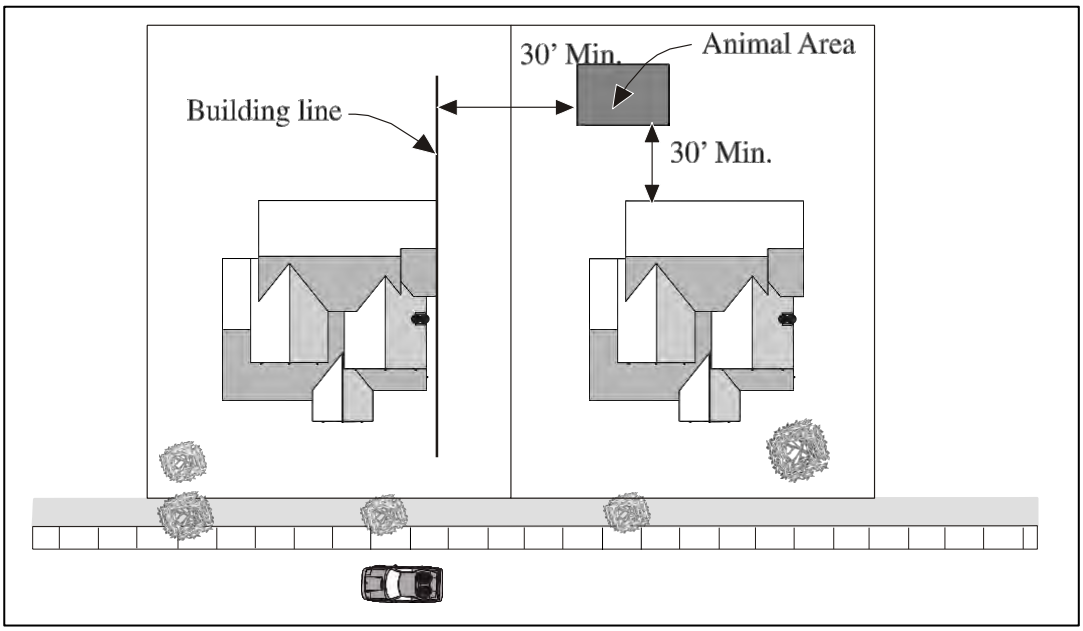
   a. The public right-of-way upon which the parcel faces;

   b. Any dwelling;

   c. Any building line on an adjoining parcel (the boundary extended from the nearest edge of a primary or accessory structure or the required setback line on the adjoining parcel, whichever is closer to the property line). (See Figure 3-13); and

   d. Additionally, no animal or any structure for animals shall be located in a required setback area, or closer than 10 feet to a property line.

FIGURE 3-13
LOCATION OF ANIMALS AND ANIMAL STRUCTURES



2. **Minimum area and slope standards.** The keeping of livestock, horses, donkeys, mules, and ponies shall comply with the following standards:

   a. The minimum lot area for the keeping of one animal shall be 15,000 square feet for properties with one percent through 15 percent slope. For each percent of slope over 15 percent, the minimum lot area shall be increased by 1,000 square feet.

   b. For each additional animal, an additional 5,000 square feet of lot area shall be provided.

c. No animals shall be allowed on slopes exceeding 50 percent.

3. **Erosion and drainage control plan required.** An erosion and drainage control plan shall be submitted and approved by the County Department of Public Works for the keeping of animals on sites over 25 percent in slope.

4. **Site maintenance.** The property owner shall submit a manure management plan that should require periodic manure collection and composting or removal of manure from the premises, subject to the approval of the County Health Officer.

5. **Water supply.** An adequate supply of fresh water shall be available to animals at all times, subject to the approval of the County Health Officer.

6. **Exceptions by Use Permit.** The keeping of horses, donkeys, mules, or ponies may be allowed with Use Permit approval, in compliance with Chapter 22.48 (Use Permits), in any zoning district not listed in this Section or for an exception from any of the standards.

7. **Existing uses conforming.** Any residential property where horses, donkeys, mules, or ponies are legally kept as of the effective date of this Development Code shall be deemed to be conforming. Any expansion of use shall be subject to the provisions of this Section.

22.32.040 – Bed and Breakfast Inns

Bed and breakfast inns (B&Bs) are subject to the requirements of this Section. The intent of these provisions is to ensure that compatibility between the B&B and any adjoining zoning district or use is maintained or enhanced.

A. **Permit requirement.** B&Bs are allowable in the zoning districts and with the permit requirements determined by Articles II (Zoning Districts and Allowable Land Uses), and V (Coastal Zone Development and Resource Management Standards).

B. **Site requirements.** Except for minimum lot size requirements, the proposed site shall conform to all standards of the applicable Residential, Commercial, Coastal, or Agricultural zoning district.

C. **Appearance.** The exterior appearance of the structure used for the B&B shall maintain single-family residential or, in the case of B&Bs on agricultural land, rural farm, characteristics. In the coastal zone, B&B facilities must operate within otherwise allowable agricultural dwelling units and not within an additional separate structure.

D. **Limitation on services provided.** The services provided guests by the B&B shall be limited to the rental of bedrooms and the provision of breakfast and light snacks for registered guests. There shall be no separate/additional food preparation facilities for guests. No receptions, private parties, retreats, or similar activities, for which a fee is paid shall be allowed.

E. **Business license required.** A current business license shall be obtained/posted, in compliance with Title 5, Chapter 5.54 (Business Licenses) of the County Code.

F. **Occupancy by permanent resident required.** All B&Bs shall have one household in permanent residence.

G. **Transient Occupancy Tax.** B&Bs shall be subject to the Transient Occupancy Tax, in compliance with Chapter 3.05 (Uniform Transient Occupancy Tax) of the County Code.

H. **Signs.** Signs shall be limited to one on-site sign not to exceed four square feet in area and shall be installed/maintained in compliance with Chapter 22.64.100(A)(5) (Signs) Signs shall also be installed/maintained in compliance with Chapter 22.28 in addition to and independent of Coastal Permit requirements..

I. **Fire safety.** The B&B shall meet all of the requirements of the County Fire Department.

J. **Parking.** On-site parking shall be provided in compliance with 22.64.150 (Transportation). Parking shall also be provided in compliance with 24.04.330 through .400 (Parking and Loading) of the County Code in addition to and independent of Coastal Permit requirements.

K. **Sewage disposal.** Any on-site sewage disposal shall be provided in compliance with 22.64.140 (Public Facilities and Services). Sewage disposal shall also be provided in compliance with Title 18 (Sewers) of the County Code in addition to and independent of Coastal Permit requirements.

22.32.050 – Child Day-Care Facilities

This Section establishes standards for the County review of child day-care facilities, in conformance with State law (Health and Safety Code Section 1596.78), including the limitations on the County's authority to regulate these facilities.

These standards apply in addition to all other applicable provisions of this Development Code and any requirements imposed by the California Department of Social Services through its facility licensing procedures. Licensing by the Department of Social Services is required for all child daycare facilities.

A. **Applicability.** Where allowed by Article II (Zoning Districts and Allowable Land Uses) and Article V (Coastal Zoning Districts and Allowable Land Uses) child day-care facilities shall comply with the standards of this Section. As provided by State law (Health and Safety Code Sections 1596.78, et seq.), small and large family day-care homes are allowed within any single-family residence located in an agricultural or residential zoning district. Child day-care centers are allowed in the zoning districts determined by Article II (Zoning Districts and Allowable Land Uses), subject to Use Permit approval, in compliance with Chapter 22.48 (Use Permits), and all of the standards in Subsection D, below.

These standards apply in addition to all other applicable provisions of this Development Code and any requirements imposed by the California Department of Social Services. Licensing by the Department of Social Services is required for all child day-care facilities. A California Department of Social Services license for a child day-care facility shall be obtained and evidence of the license shall be presented to the Agency prior to establishing any child day-care facility.

B. **Definitions.** Definitions of the child day-care facilities regulated by this Section are in Article VIII (Development Code Definitions) under "Child Day-Care Facilities".

C. **Large family day-care homes.**

1. **Permit requirement.** A large family day-care home shall require the approval of a Large Family Day-care Permit by the Director.

2. **Standards for large family day-care homes.** As allowed by Health and Safety Code Sections 1597.46 et seq., a large family day-care home shall be approved if it complies with the criteria for Large Family Day-care Permit in Chapter 22.58 of this Development Code.

D. **Standards**

In the coastal zone, small and large family day-care homes must be within otherwise allowable dwellings and not within additional separate structures.

E. **Child day-care centers.**

1. **Permit requirement.** A child day-care center shall require approval of a Use Permit in compliance with Chapter 22.48 (Use Permits).

2. **Standards for child day-care centers.** The following standards apply to child daycare centers in addition to the standards in Subsection 22.32.050.C.2.

a. **Fencing.** A six-foot high fence or wall shall be constructed on all property lines or around the outdoor activity areas, except in the front yard or within a traffic safety visibility area or where there would be significant impacts to coastal resources, including public views. All fences or walls shall provide for safety with controlled points of entry in compliance with 22.20.050 (Fencing and Screening Standards). In the coastal zone, all fences and walls shall also comply with Chapter 22.64.045(2) (Fencing and Similar Structure Standards).

b. **Outdoor lighting.** On-site exterior lighting shall be allowed for safety purposes only, shall consist of low wattage fixtures, and shall be directed downward and shielded, subject to the approval of the Director.

c. **Swimming pools/spas prohibited.** No swimming pool/spa shall be installed on the site after establishment of the child day-care center, due to the high risk and human safety considerations. Any pool/spa existing on the site prior to application for approval of a child day-care center shall be removed prior to establishment of the use, unless the Director determines that adequate, secure separation exists between the pool/spa and the facilities used by the children.

22.32.060 – Cottage Industries

A. Limitation on use. Cottage industries shall be limited to activities involving the design, manufacture, and sale of the following products and services, or others determined by the Director to be similar. See 22.02.020.E (Rules of Interpretation—Allowable Uses of Land).

1. Antique repair and refinishing;

2. Baking and the preparation of food specialties for consumption at locations other than the place of preparation;

3. Catering;

4. Ceramics;

5. Cloth decorating by batik, dyeing, printing, silk screening, or other similar techniques;

6. Clothing production, including dressmaking, etc.;

7. Furniture and cabinet making and other woodworking;

8. Jewelry making;

9. Painting and sculpture;

10. Photography;

11. Sewing;

12. Weaving; and

13. Other handicrafts.

B. Permit requirement. Use Permit approval, in compliance with Chapter 22.48 (Use Permits), is required for a cottage industry. During review of the application, the Zoning Administrator shall consider the adequacy of on- and off-site parking, the degree and intensity of any proposed retail sales, and shall first find that the proposed cottage industry would not result in any adverse impacts on the neighborhood. In the coastal zone, cottage industries must be within otherwise allowable dwellings or accessory structures.

C. Equipment, noise. Approved cottage industries may use mechanical equipment or processes as necessary, provided that no noise shall be audible beyond the property line of its site.

D. Employees. A cottage industry established in a dwelling or a detached accessory structure may have employees as authorized by the review authority, provided the number of employees does not exceed limitations established in an adopted community or specific plan.

E. Other codes. Cottage industries shall comply with all applicable health, sanitary, and fire codes, and shall obtain a County Business License.

22.32.062 – Educational Tours ~~(Coastal)~~

~~(Coastal)~~ **Limitations on use.** As defined in Section 22.130.030, educational tours are interactive excursions for groups and organizations for the purpose of informing them of the unique aspects of a property, including agricultural operations and environmental resources. In the C-APZ zoning district, educational tours operated by non-profit organizations or the owner/operator of the

agricultural operation are a principal permitted use if no revenue is generated in excess of reimbursement costs related to the educational tour; ~~for-profit~~ educational tours ~~operated by a third party~~ require a ~~Conditional~~ Coastal Permit appealable to the Coastal Commission and a Use Permit if revenue is generated in excess of reimbursement costs related to the educational tour.

22.32.070 – Floating Home Marinas

This Section provides for the creation and protection of floating home marinas in pleasing and harmonious surroundings, through the control of water coverage, vessel spacing, and height of structures, with emphasis on usable public access to the shoreline. Floating Home Marinas are not allowed in the Coastal Zone.

22.32.075 – Floating Homes

This Section provides standards for the floating homes that may be located within floating home marinas. Floating Homes are not allowed in the Coastal Zone.

22.32.080 – Group Homes and Residential Care Facilities

The standards of this Section shall apply to group homes and residential care facilities. Group homes and residential care facilities are dwellings licensed or supervised by any Federal, State, or local health or welfare agency that provide 24-hour non-medical care of unrelated persons, who are in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual in a family-like environment.

A. **Permitted use, zoning districts**. Group homes and residential care facilities are permitted in all zoning districts where dwellings are allowed by Articles II (Zoning Districts and Allowable Land Uses) and V (Coastal Zone Development and Resource Management Standards). In the coastal zone, group homes and residential care facilities must be within otherwise allowable dwellings.

B. **Limitations on use:**

1. **Group homes.** Group homes are for persons who are not disabled.

2. **Residential care facilities.** Residential care facilities are for persons who are disabled, as defined in Article VIII (Development Code Definitions).

C. **Permit requirements:**

1. **Small group homes (six or fewer persons).** A small group home is a permitted use in all zoning districts where dwellings are allowed.

2. **Large group home (seven or more persons).** A large group home is a permitted use in all zoning districts where dwellings are allowed, subject to Use Permit approval in compliance with Chapter 22.48 (Use Permits).

3. **Residential care facilities.** A residential care facility is a permitted use in all zoning districts where dwellings are allowed.

4. **Multiple group homes or residential care facilities.** Two or more group homes or residential care facilities occupying a lot are a permitted use, subject to:

   a. Use Permit approval in compliance with Chapter 22.48 (Use Permits) and, where required, Master Plan approval in compliance with Chapter 22.44 (Master Plans and Precise Development Plans); and

   b. Compliance with minimum lot area per unit and maximum density requirements of the zoning district where the dwellings are located.

22.32.090 – Guest Houses

A "guest house" is allowed to be located on the same lot as the primary residential structures, for use by occupants of the premises or guests without a payment of a fee. Only one guest house may be allowed on each legal lot. The guest house shall have no food preparation facilities and shall not be rented or otherwise used as a separate dwelling.

22.32.095 – Homeless Shelters

This section establishes standards for the County review of homeless shelters, in conformance with State law.

A. **Applicability.** Where allowed by Article II (Zoning Districts and Allowable Land Uses) and Article V (Coastal Zone Development and Resource Management Standards), homeless shelters shall comply with the standards of this Section. Homeless shelter means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. In the coastal zone, homeless shelters must be within otherwise allowable dwellings. No individual or household may be denied emergency shelter because of an inability to pay.

B. **Permit requirement.** The use of a homeless shelter shall require the ministerial approval of a Homeless Shelter Permit by the Director, in compliance with Chapter 22.59 (Homeless Shelters), if it complies with the standards of 22.32.095.C.

C. **Standards.**

1. A homeless shelter shall not provide more than a maximum of 40 beds or serve 40 persons total.

2. The number of parking spaces required on-site for residents shall be based on 25% of the total beds and staff parking shall be the total number of beds divided by 10.

3. Shelters shall provide 5 square feet of interior waiting and client intake space per bed. Waiting and intake areas may be used for other purposes as needed during operations of the shelter.

4. Management. On-site management must be provided during hours of operation. 5. Proximity to other emergency shelters. Emergency shelters shall be at least 300 feet apart.

6. Maximum length of stay. Maximum of 6 months.

22.32.100 – Home Occupations

The following provisions allow for home occupations that are secondary to a residential use, and compatible with surrounding uses. A "Home Occupation" is any use customarily conducted entirely on properties where residences are authorized and carried on only by its residents.

A. **Permit requirement.** A business license shall be obtained/posted in compliance with Title 5, Chapter 5.54 (Business Licenses) of the County Code for home occupations, which are allowed as accessory uses in all residential zoning districts. Home occupations shall comply with all health, sanitary, and fire codes. In the coastal zone, home occupations must be within otherwise allowable dwellings or accessory structures.

B. **Operating standards**. Home occupations shall comply with all of the following operating standards.

1. **Accessory use.** The home occupation shall be clearly secondary to the full-time residential use of the property, and shall not cause noise, odors, and other activities not customarily associated with residential uses.

2. **Visibility.** The use shall not require any modification not customarily found in a dwelling, nor shall the home occupation activity be visible from the adjoining public right-of-way or from neighboring properties.

3. **Display, signs.** There shall be no window display or advertising sign(s), other than one name plate not exceeding one square foot in area. There shall be no display of merchandise or stock in trade or other identification of the home occupation activity on the premises.

4. **Parking.** The use shall not impact the on-street parking in the neighborhood.

5. **Safety.** Activities conducted and equipment or material used shall not change the fire safety or occupancy classifications of the premises. The use shall not employ the storage of flammable, explosive, or hazardous materials unless specifically approved by the County Fire Department, in compliance with Title 16 (Fire) of the County Code.

6. **Off-site effects.** No home occupation activity shall create dust, electrical interference, fumes, gas, glare, light, noise, odor, smoke, toxic/hazardous materials, vibration, or other hazards or nuisances as determined by the Director.

7. **Employees.** A home occupation may be authorized to have a maximum of one nonresident employee with a Use Permit, in compliance with Chapter 22.48.

C. **Prohibited home occupation uses.** The following are examples of uses that are not incidental to or compatible with residential activities, and are therefore prohibited as home occupations:

1. Adult businesses;

2. Dance or night clubs;

3. Mini storage;

4. Storage of equipment, materials, and other accessories for the construction and service trades;

5. Vehicle repair (body or mechanical), upholstery, automobile detailing and painting;

6. Welding and machining;

7. Any use which generates more than one client appointment at a time; and

8. Any other use not incidental to or compatible with residential activities as determined by the Director.

22.32.105 – Mariculture ~~(Coastal)~~

This Section applies to the culture and husbandry of aquatic organisms including shellfish, mollusks, crustaceans, kelp, and algae.

A. Support Mariculture. As applicable, Marin County shall support and encourage mariculture in the Coastal Zone for the purposes of producing food, enhancing and restoring fisheries stocks, and contributing to the economy of the state and Marin County, consistent with the protection of other priority uses, such as commercial fishing, coastal recreation such as clamming and boating, and the protection of marine biological resources , water quality, and visual resources. Support provision of onshore facilities necessary to support mariculture operations in coastal waters.

B. **Apply General Standards to Mariculture Operations.** Marin County shall apply the following standards and procedures to all ~~m~~ariculture operations:

1. **Protection of eelgrass beds.** The siting of oyster allotments, mariculture leases, and mariculture structures shall avoid disturbance or damage to eelgrass beds , including in conformance with Section 30.10, Title 14, California Code of Regulations.

2. **Operator access.** Public agencies should be encouraged to consider operator access to mariculture leaseholds.

3. **Shoreline access.** Mariculture operations and onshore support facilities shall incorporate provisions for public access to and along the shoreline unless such access would interfere with mariculture and the impacts from access cannot be mitigated to less than significant levels. In evaluating coastal permits for mariculture, the County shall consider the location of existing accessways and potential conflicts between mariculture and public use of the shoreline.

4. **Boating access.** The placement of structures within new or existing allotments and leases shall not interfere with public boating access at high tide to state lands within the leased

areas. If boat passages are proposed, they shall be spaced at a minimum of one passage per 1/2 mile of shoreline.

5. **Onshore support facilities.** Applicants for a coastal permit shall specify what access points and onshore support facilities (e.g., boat launch, loading dock, etc.) are required for the proposed mariculture operation, where such facilities will be located, and the timing of use. If private lands will be used for access or support facilities, the applicant shall submit a written statement from the property owner(s) agreeing to such use. If public lands will be used for access or support facilities, the applicant shall submit a lease from the appropriate public agency allowing such use, and specifying the type, location, and timing of use which is acceptable.

6. **Visual impacts.** Mariculture structures shall be sited and designed to minimize visual impacts, especially in areas which are highly visible from public roads, parks, or other public viewing areas.

~~22.32.110 – Mobile Home Parks (non-Coastal)~~

~~This Section applies to areas set aside for mobile home parks in locations that are properly integrated with adjoining neighborhoods, in a way which will ensure the optimum benefit of residents of the mobile home park and of the larger community.~~

~~**A. Allowable uses.** Mobile home parks may include the primary uses normally associated with a mobile home park. The following accessory uses may be established in compliance with the applicable standards of this Development Code:~~

~~1. Car washing facilities, for residents, only;~~

~~2. Chapel;~~

~~3. Coin-operated laundry and dry cleaning facilities, for residents;~~

~~4. Home occupations;~~

~~5. Management office and maintenance equipment storage;~~

~~6. Non-commercial recreation, meeting halls, club houses, etc.;~~

~~7. Overnight accommodations, for guests of residents;~~

~~8. Storage facilities, for residents, only;~~

~~9. Vending machines, for residents, only; and~~

~~10. Any other use determined by the Director to be clearly incidental and subordinate to the primary use.~~

~~**B. Large parks.** The following additional accessory uses may be allowed in a mobile home park with over 200 mobile homes:~~

~~1. Convenience goods shopping and personal service establishments primarily for residents, only; and~~

~~2. One doctor's and one dentist's office.~~

~~**C. Standards and criteria.** Mobile home parks shall comply with the following standards.~~

~~**1. Minimum site area:** 10 contiguous acres.~~

~~**2. Maximum density.**~~

~~a. The maximum density for a mobile home park in the RX zoning district shall be set by the Board as part of rezoning to the RX district and simultaneous Master Plan approval (see Section 22.32.110.D (Submission Requirements), below), but shall not exceed the density provided by Section 22.32.110.C.2.b below.~~

~~In determining the appropriate density, the Board shall consider any adopted Community Plan or the Countywide Plan, any Master Plan for the area in which the RX zoning district is to be established, existing zoning and development in the area, and any applicable parcel slope.~~

~~b. Maximum density, determined by Master Plan approval, shall not exceed 10 mobile homes of 750 square feet or less in gross floor area per acre or eight mobile homes of more than 750 square feet in gross floor area per acre; or a combination of both.~~

~~**3. Completion of construction.** Prior to occupancy of the first mobile home, not less than 50 mobile home lots shall be prepared and available for occupancy.~~

~~**4. Parking requirements.** The overall parking ratio shall be two parking spaces for each mobile home lot. At least one parking space shall be provided on, or immediately adjoining to, each mobile home lot, in compliance with Sections 24.04.330 through 400 (Parking and Loading) of the County Code.~~

~~**5. Setbacks.** All structures and mobile homes shall be set back at least 25 feet from all property lines and streets or public rights-of-way. If a greater building line has been established by ordinance, it shall be observed. The setback area shall be landscaped and maintained as a buffer strip, in compliance with Chapter 22.26 (Landscaping).~~

~~**6. County Health requirements.** A County Health Department permit shall be obtained in compliance with Chapter 7.44 (Mobile Home Parks) of the County Code.~~

~~**7. Utilities.** All utilities shall be installed underground. Individual exposed antennae shall not be allowed.~~

~~**8. Height limits.** The maximum height for:~~

~~a. Mobile homes shall be 15 feet;~~

~~b. Accessory **structures** shall be 15 feet; and~~

~~c. **Service** facilities shall be 30 feet.~~

~~Plan and Precise Development Plan approval, in compliance with Chapter 22.44 (Master Plans and Precise Development Plans), a petition for a zoning district change for an RX~~

~~district and a Master Plan for the mobile home park shall be filed simultaneously with the Agency.~~

~~For the purpose of this Section, the rezoning and the Master Plan shall be considered as one application and shall be considered in compliance with Chapter 22.116 (Development Code, Zoning Map, Community Plan and Countywide Plan Amendments).~~

22.32.115 – Determination of Non-Agricultural ~~(Coastal)~~

This Section applies only in those instances where Table 5-1 expressly refers to this Section. Non-agricultural development is defined to include division of agricultural lands and any development not classified as "Agriculture, Mariculture" in Table 5-1 in Chapter 22.62. The purpose of applying the following standards is to determine whether a specific non-agricultural development, is accessory and incidental to, in support of, and compatible with the primary use of land for agricultural production. The intent of these provisions is to ensure that non-agricultural development only be allowed where long-term agricultural productivity would be maintained and enhanced.

A. Permitted use, zoning districts. Non-agricultural development may be allowed as a principal permitted land use as allowed by Article V (Coastal Zones - Permit Requirements and Development Standards) subject to the requirements of this section. This Section does not apply to the following zoning districts: ARP-1 to ARP-5.

B. Limitations:

1. **General.** Require that non-agricultural development, including division of agricultural lands, shall only be allowed upon demonstration that long-term agricultural productivity would be maintained and enhanced as a result of such development, on the subject parcel and any new parcel created, and that agricultural productivity on adjacent parcels would be maintained. In considering divisions of agricultural lands in the Coastal Zone, the County may approve fewer parcels than the maximum number of parcels allowed by the Development Code, based on site characteristics such as topography, soil, water availability, environmental constraints and the capacity to sustain viable agricultural operations.

2. **Referrals.** In determining whether a non-agricultural development is allowable, the review authority may refer such a question to such individuals or groups with agricultural expertise as appropriate for a recommendation prior to making a determination. In making such a determination, among other things the review authority may consider the following:

   (a) Whether the areal extent of land dedicated to agriculture is sufficient to support agricultural production; and

   (b) Whether the agricultural producer can demonstrate that agricultural products are sold commercially; and

   (c) Whether the use intensity and income generation of the agricultural land is consistent with similar agricultural activities in the County and state.

22.32.130 – Residential Accessory Uses and Structures

When allowed in the zoning district applicable to a site, see Section 22.10.030 (Residential District Land Uses and Permit Requirements) or Section 22.62 (Coastal Zoning Districts and Allowable Land Uses), residential accessory uses and structures are subject to the provisions of this Section. In the coastal zone, the standards in this section governing residential accessory uses and structures shall also apply to agricultural dwelling units, unless there is a perceived conflict, in which case the agricultural dwelling unit provisions shall control. Residential accessory uses and structures include any uses and structures customarily related to a residence, including swimming pools, workshops, studios, storage sheds, small greenhouses, and garages.

A. General requirements. All residential accessory uses and structures are subject to the following standards, and may also be subject to more restrictive requirements where established by other provisions of this Section.

1. Relationship of accessory use to primary use. Residential accessory uses and structures shall be incidental to and not alter the character of the site from that created by the primary use. Accessory uses and structures shall not be allowed until a primary use or structure has been established on the site.

2. Attached structures. A residential accessory structure that is attached to a primary structure shall comply with all requirements of this Development Code applicable to the primary structure, including setbacks, height, and floor area ratio.

3. Detached structures:

a. Height. Residential accessory structures shall be in compliance with Section 22.20.060 (Height Measurement and Height Limit Exceptions).In the coastal zone, residential accessory structures shall be in compliance with Section 22.64.045(3) (Height Limits and Exceptions). A residential accessory structure shall not exceed a height of 15 feet; except that an accessory structure may be constructed to the maximum height allowed by the applicable zoning district for a primary structure, where the structure is located at least 40 feet from any property line and it meets any other applicable requirements (e.g., those protecting public views). Further, where floor area is developed beneath a detached parking structure in conformance with Section 22.32.130.A.3.b below, the maximum height of the detached structure shall be 30 feet.

b. Setback requirements: Residential accessory structure(s) shall be in compliance with Section 22.20.090 (Setback Requirements and Exceptions). In the coastal zone, residential accessory structures shall be in compliance with Section 22.64.045(4) (Setback Requirements and Exceptions). Floor area directly beneath a parking structure that is built in reliance on Section 22.32.130.B.2 may be built to within three feet of the front property line that abuts the adjoining street from which vehicular access is taken, provided the floor area does not extend beyond the footprint of the parking structure.

c. Coverage. The total aggregate floor area of all detached accessory structures shall not exceed 30 percent of the area contained within the boundaries of the setback required in the rear yard except with Design Review approval, which shall be required in addition to and

independent of Coastal Permit requirements. See Chapter 22.42 (Design Review).

d. **Floor Area Ratio (FAR).** A detached residential accessory structure shall be subject to the FAR requirements of the applicable zoning district, as FAR is defined in Article VIII (Development Code Definitions).

B. **Parking structures.** The following additional requirements shall also apply to detached garages and other residential accessory parking structures for parking.

1. **Floor area ratio.** A parking structure shall be subject to the FAR requirements, of the applicable zoning district, as FAR is defined in Article VIII (Development Code Definitions).

2. **Front setback exception**. Where the slope of the one-half of the parcel beginning at the street-access side is 20 percent or more, or where the elevation of the parcel at the property line from which vehicular access is taken is five feet or more above or below the elevation of the adjoining street, a garage, carport, or cardeck may be built to within three feet of the front and side property lines that abut the adjoining street from which vehicular access is taken. All portions of the dwelling other than the parking structure shall maintain the setbacks applicable to the primary dwelling in the applicable zoning district. No portion of a residential parking structure, including eaves or roof overhangs, shall extend beyond a property line or into an access easement or street right-of-way.

C. **Home occupations.** Home occupations are subject to Section 22.32.100 (Home Occupations).

D. **Tennis and other recreational uses.** Private non-commercial outdoor tennis courts and courts for other sports (e.g., racquetball, etc.) accessory to a residential use may be established with Design Review approval in addition to and independent of Coastal Permit requirements, in compliance with Chapter 22.42, and are subject to the following requirements:

1. **Fencing.** Court fencing shall be subject to the height limits of Section 22.20.050 (Fencing and Screening Standards). In the coastal zone, court fencing shall be subject to Section 22.64.045(2) (Fencing and Similar Structure Standards).

2. **Lighting.** Court lighting may be prohibited, as a condition of the Design Review approval. If allowed, the court lighting may be installed with a height not exceeding 10 feet, measured from the court surface. The lighting shall be directed downward, shall only illuminate the court, and shall not illuminate adjacent property.

E. **Vehicle storage.** The storage of vehicles, including incidental restoration and repair, shall be in compliance with Section 22.20.090.F (Restrictions on the Use of Front Yard Setbacks in Residential Districts), and Chapter 7.56 (Abandoned Vehicles) of the County Code, in addition to and independent of Coastal Permit requirements.

F. **Workshops or studios.** A residential accessory structure intended for engaging in artwork, crafts, handcraft manufacturing, mechanical work, etc. may be constructed or used as a workshop or studio in a residential zoning district solely for: non-commercial hobbies or amusements; maintenance of the primary structure or yards; artistic endeavors (e.g., painting, photography or sculpture); maintenance or mechanical work on vehicles owned or operated by the occupants; or other similar purposes.

Any use of accessory workshops for a commercial activity shall comply with the requirements for Home Occupations in Section 22.32.100 (Home Occupations) or, where applicable Cottage Industries in Section 22.32.060 (Cottage Industries).

22.32.140 – Residential Second Units

A. **Purpose.** This Section is intended to accomplish the following:

1. Meet the County's projected housing needs and provide diverse housing opportunities;

2. Provide needed income for homeowners;

3. Provide second units which are safe and built to code;

4. Provide second units which are compatible with the neighborhood and the environment; and

5. Comply with provisions of State law, including those contained in Section 65852.2 of the California Government Code.

B. **Applicability.** The provisions of this Section shall apply to single-family and multi-family residential zoning districts, including the R1, R-2, RA, RR, RE, RSP, C-R1, C-R2, C-RA, CRSP, C-RSPS, A, A2, ARP, C-ARP, RMP, and C-RMP districts in the unincorporated portions of the County.

C. **Design Characteristics.** A second residential unit shall be designed and constructed as a permanent residence with a minimum of 220 square feet of floor area, including: food preparation facilities which may include kitchen counters and cabinets, a stove, oven, hot plate, microwave, refrigerator, or sink, as determined by the Director; both a separate bathroom and separate entrance intended for the use of the occupants, as determined by the Director. A second unit may be established by:

1. The alteration of a single-family unit whereby food preparation facilities are not shared in common;

2. The conversion of an attic, basement, garage, or other previously uninhabited portion of a single-family unit;

3. The addition of a separate unit onto the existing single-family unit; or

4. The conversion or construction of a separate structure on the parcel in addition to the existing single-family unit.

5. Second units shall be consistent with all lot coverage and other site development standards per the applicable residential zoning district where such standards are considered on a cumulative basis that include accounting for any existing buildings on site. Second Units shall conform to all of the zoning and development standards (i.e., lot coverage, height, setbacks, design, FAR, etc.) of the residential zoning district which governs the lot. ~~A Second Unit attached to the principal residence shall be subject to the height, setback, and coverage regulations of the principal residence.~~

D. **Limitation on sale.** A second unit may be rented but shall not be sold **separately** from the single-family unit.

E. **Second Unit Permitting Procedure.** Applications for Second Unit Permits that are not otherwise subject to a discretionary permit (e.g., Coastal Permit, Design Review, Variance) shall be approved ministerially without discretionary review or public hearing, pursuant to the Second Unit Permit requirements established in Chapter 22.56 (Second Unit Permits).

F. **Recordation of Residential Second Unit Permits**. Any Residential Second Unit Permit granted in compliance with this Section may be recorded in the County Recorder's Office as an informational document in reference to the title of the subject property.

G. **Periodic report.** The Agency shall periodically prepare a report to the Commission and Board on the status of this Section. The report shall include information about the number, size, type, and rent, as available, of each second unit by neighborhood. The report shall provide a basis for an evaluation of the effectiveness of this Section.

22.32.150 – Residential Uses in Commercial/Mixed Use Areas ~~(Coastal)~~

This section applies to ~~commercial~~ development projects that include residential floor area in the C-VCR, CH1, C-CP, C-RMPC, and C-RCR zoning districts.

A. **Permit requirement.** Any allowable dwellings shall be accessory to the primary commercial use, ~~if any,~~ and shall be designed and sited in a manner that does not conflict with the continuity of store frontages, while maintaining visual interest and a pedestrian orientation. Residential development within the C-VCR zone must also comply with the specific standards contained in 22.64.170(A)(3).

22.32.160 – Service Stations/Mini-Markets

The retail sales of food and beverage products and other general merchandise in conjunction with a motor vehicle service station is allowed subject to Use Permit approval, in compliance with Chapter 22.48 (Use Permits), and the following standards.

A. **Sales area.** The maximum allowable floor area for retail sales shall be 175 square feet or 15 percent of the total floor area of the structure whichever is greater. These area limitations may be increased through Use Permit approval provided that the following findings are made:

1. Retail sales shall be subordinate to the primary motor vehicle service station use(s);

2. The proportion of retail sales to total floor area of the structure(s) shall be limited to an amount that is reasonable to allow sales of a limited number of items for the convenience of travelers as permitted by Subsection B, below.

3. The size, extent and operation of retail sales shall not conflict with the predominant character of the area surrounding the service station.

4. The size, extent, and operation of retail sales shall not cause a significant increase in traffic and noise in the area surrounding the service station. B. Allowed products. Retail sales of non-automotive products shall be limited to items for the convenience of travelers, including film, personal care products, and packaged food and beverage items.

C. **Signs.** No exterior signs are allowed to advertise specific items for sale. All on-site signs shall be in compliance with Chapters 22.28 (Signs) and Title 5, Chapter 5.40 (Posting of Gasoline Prices) of the County Code, in addition to and independent of Coastal Permit requirements, including those specified in Chapter 22.64.100(A)(5).

D. **Parking.** On-site parking shall comply with Sections 24.04.330 through .400 (Parking and Loading) of the County Code, in addition to and independent of Coastal Permit requirements, including those specified in 22.64.150, and shall include sufficient spaces for all employees on a single shift.

E. **Restrooms.** Restrooms shall be provided and available to the public.

F. **Self-service stations**. Establishment of self-service stations or the conversion of existing full-service stations to self-service stations shall require an additional finding by the Zoning Administrator, that the establishment of a self-service station will not adversely affect public health, safety, and welfare by either diminishing the availability of minor emergency help and safety services, including minor motor vehicle repair and public restrooms, or discriminating against individuals needing refueling assistance.

22.32.161 – Solar Energy Systems ~~(Coastal)~~

The installation of any solar energy system, as defined in Section 22.130.030, must be sited and designed to be consistent with all required setbacks and height limits of the specific zoning district in which it is proposed. In addition, ground area coverage of the system shall have no significant impacts on environmental quality or wildlife habitats, and shall meet all other applicable policies and standards of the LCP.

A. **Roof-Mounted Solar Energy System:**

1. Allowed as a Principal Permitted Use in all coastal zoning districts.

2. May be exempt from the Coastal Permit requirement, consistent with Section 22.68.050.

3. May exceed the required height limit of the zoning district in which the project is proposed by no more than two feet. If any part of the solar energy system structure exceeds the required height limit by greater than two feet, findings of

consistency with the LCP, including Policies C-DES-1-3, shall be required, in addition to and independent of required Design Review.

B. Free-Standing Solar Energy System:

1. Allowed as a Permitted Use in all coastal zoning districts.

2. Exempt from the minimum yard setback requirements of the zoning district in which the project is proposed if the structure does not exceed a height of eighteen inches above grade at any point.

22.32.165 – Telecommunications Facilities ~~(Coastal)~~

This Section establishes permit requirements and standards for the development and operations of telecommunications facilities in compliance with State and Federal law, and the LCP.

A. Permit requirements. Telecommunications facilities are allowable in all zoning districts. All new telecommunications facilities shall require CDP approval, unless exempt pursuant to 22.68.050.

B. Electromagnetic fields. The electromagnetic field (EMF) strengths or equivalent planewave power densities generated by the approved facility, in combination with other existing ambient sources of EMF, shall not expose the general public to EMF levels which exceed the Maximum Permitted Exposure levels for electric and magnetic field strength and equivalent plane-wave power density in the EMF emission guidelines adopted by the Federal Communications Commission (FCC). In the event the FCC adopts a more restrictive Maximum Permitted Exposure Level, or the County adopts a more restrictive EMF exposure standard if allowed by future changes in Federal law, the applicant shall demonstrate compliance with the more restrictive standard unless such a requirement is preempted by State or Federal law.

C. Development standards. In addition to all applicable required standards and findings, including those in the LCP's Community Design and Public Facilities and Services chapters, the following additional development standards shall apply for telecommunications facilities. All telecommunications facilities shall comply with all applicable LCP policies, including those specified below, except when denial would be inconsistent with the Federal Telecommunications Act (FTA) and the reviewing authority finds there is no feasible alternative location. Where denial would be inconsistent with FTA and the reviewing authority finds there is no feasible alternative, approval of the facilities is also subject to all of the following written findings: (1) There is no alternative facility configuration that would avoid impacts inconsistent with all other applicable standards of the certified LCP; (2) Impacts are avoided to the maximum extent feasible; (3) Unavoidable impacts are minimized and mitigated to the maximum extent feasible; and (4) The facility can be found consistent with all otherwise applicable LCP standards.

1. New telecommunication facilities shall not be permitted where co-location on existing facilities would provide equivalent coverage with less impact to coastal resources.

2. The placement of co-located facilities on an existing wireless telecommunication facility shall require a CDP, except that if a CDP was

issued for the original wireless telecommunication facility and that CDP authorized the proposed new co-location facility, the terms and conditions of the underlying CDP shall remain in effect and no additional CDP shall be required.

3. New telecommunications facilities shall not be permitted in Ridge and Upland Greenbelt areas , unless no other technically feasible and available site exists; provided, wireless communications facilities should be permitted in ridge and upland greenbelt areas where they are co-located with existing structures and are consistent with the policies and programs of the LCP. Applications for new telecommunications facilities in Ridge and Upland Greenbelt areas shall include technical information prepared by qualified professionals that sufficiently demonstrates that no other technically feasible site is available to provide adequate coverage consistent with Federal law requirements. For the purposes of this section, any determination that no other technically feasible site is available shall be made in writing and supported by evidence.

4. New or expanded sites shall ensure co-location and other efficient use of facilities to minimize the need for new sites, particularly on ridgeline and/or visually sensitive locations. Site users and operators shall be encouraged to share and/or consolidate facilities to the greatest extent possible. Facilities that may be shared include buildings, access roads, parking areas, utilities, transmitters, towers and other structures, and antennas.

5. All telecommunication facilities shall be sited and designed to avoid, and where unavoidable, to minimize, visual impacts to the maximum extent feasible, including by visually blending with the predominant landscape, co-locating with existing facilities, landscaping consisting of non-invasive/native plants, coloring and materials to blend with the existing landscape, and shall be the minimum height necessary to provide adequate service coverage consistent with Federal law requirements. A visual analysis of the facility shall be submitted with the application materials to assess the proposed facility at design capacity. The visual analysis shall include a photo-montage or photosimulation, and/or poles erected at the proposed site. The analysis shall address views of the proposed facility from public vantage points, including views from public roads, trails, lookouts, parks, and beaches. The analysis shall also depict cumulative conditions by including information on existing, approved, and proposed telecommunications facilities that will or may eventually be approved at the proposed site.

6. Telecommunications support facilities such as vaults and equipment rooms, utilities and other support structures shall be placed underground, depressed, earth bermed, or sited below ridgelines or other significant public line of sight to the greatest extent feasible. All facilities shall visually blend with the surrounding built and natural environments.

7. New telecommunications facilities shall protect significant public views as required by Policy C-DES-2.

8. New telecommunications facilities proposed on parcels restricted by agricultural, open space, scenic or other public easement or restriction will only be permitted in accordance with the terms of such public easement or restriction.

9. Applications for new or expanded telecommunications facilities shall contain long range plans which project market demand and long-range facility expansion needs.

10. Development of telecommunications facilities shall be consistent with LCP policies requiring the protection of coastal resources, including ESHA and prime agricultural land. Such facilities shall be evaluated for the potential for significant adverse effects on plant and animal species, including the potential to interfere with the migratory flyway or flight path used by resident bird species, and where clearing native vegetation is required for facility construction or expansion. Where potential significant effects are identified, appropriate mitigation including siting, design, and monitoring shall be required to avoid, and/or offset if unavoidable, such effects.

11. All coastal permit approvals granted for telecommunications facilities shall include a condition that the permit be authorized and renewed via a new CDP at least every 10 years. When reviewing requests for permit renewal, the Applicant shall incorporate all feasible new or advanced technologies that will reduce previously unavoidable impacts to the maximum extent feasible or the permit will not be renewed.

22.32.170 – Tobacco Retail Establishments

This Section establishes permit requirements and standards for the development and operation of tobacco retail establishments.

A. **Permit requirements.** Notwithstanding any provision of this title, a tobacco retailer may be established in the following zoning districts subject to securing a Use Permit or Master Plan where required: C1, CP, OP, H1, IP, C-H1, or C-CP.

B. **Development standards.** No significant tobacco retailer shall be located within 1,000 feet from a parcel occupied by the following uses:

1. Public or private kindergarten, elementary, middle, junior high or high schools;

2. Licensed child day-care facility or preschool other than a small or large family daycare home;

3. Public playground or playground area in a public park (e.g., a public park with equipment such as swings and seesaws, baseball diamonds or basketball courts);

4. Youth or teen center;

5. Public community center or recreation center;

6. Arcade;

7. Public park;

8. Public library; or

9. Houses of worship conducting youth programs or youth oriented activities.

C. **Exceptions.** Notwithstanding any other provisions of this code, nothing in this section shall prohibit the County from approving any of the uses specified above in Subsection B, if they are subsequently proposed to be located within 1,000 feet of an existing significant tobacco retailer, if the appropriate decision-making body finds that the establishment of such uses is necessary to protect the public, health, safety, and welfare, or other substantial governmental interest is thereby served.

22.32.180 – Wind Energy Conversion Systems (WECS)

This Section establishes permit requirements for planned zoning districts and non-planned zoning districts and standards for the development and operation of Wind Energy Conversion Systems (WECS) in compliance with Marin County policies and State and Federal laws and allows and encourages the safe, effective, and efficient use of WECS in order to reduce consumption of utility supplied electricity. Wind Energy Conversion Systems (WECS) are not allowed in the Coastal Zone.

Chapter 22.60 – Purpose and Applicability of Coastal Zone Regulations

Sections:

22.60.010 – Purpose of Article
22.60.020 – Applicability
22.60.030 – Consistency with Coastal Act

22.60.010 – Purpose of Article

This Article identifies permit requirements and development standards for proposed development, as defined in Article VIII, in the unincorporated areas of Marin County within the Coastal Zone established by the California Coastal Act of 1976. This Article implements applicable provisions of the Coastal Act and the Marin County Local Coastal Program (LCP) Land Use Plan (LUP), which, among other things identify the location and density of development, provide for visitor-serving facilities, provide for public access to and along the coast, and protect significant public views and natural resources. Chapters 22.60 through 22.70 inclusive, along with portions of Chapters 22.32 (Standards for Specific Land Uses) and 22.130 (Definitions) that apply in the coastal zone~~, and zoning district maps~~ together constitute the LCP's Implementation Plan.

22.60.020 – Applicability

The requirements of this Article apply to all proposed development, as defined in Article VIII, within the Coastal Zone. These requirements apply in addition to all other applicable provisions of this Development Code. In the event of any perceived conflict between the requirements of the LCP's Implementation Plan and any other provisions of this Development Code, the Implementation Plan shall control.

22.60.030 – Consistency with Coastal Act

All development in the Coastal Zone within the County's coastal permitting jurisdiction shall be consistent with the Marin County LCP and, where located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone, be supported by a specific finding that the development is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act.

Chapter 22.62 – Coastal Zoning Districts and Allowable Land Uses

Sections:

22.62.010 – Purpose of Chapter
22.62.020 – Applicability
22.62.030 – Coastal Zoning Districts Established
22.62.040 – Allowable Land Uses and Permit Requirements
22.62.050 – Coastal Zoning District Regulations
22.62.060 – Coastal Agricultural and Resource-Related Districts
22.62.070 – Coastal Residential Districts
22.62.080 – Coastal Commercial and Mixed-Use Districts
22.62.090 – Coastal Special Purpose and Combining Districts

22.62.010 – Purpose of Chapter

This Chapter establishes the zoning districts in areas of the County within the Coastal Zone as mapped on the certified maps for the Marin County Local Coastal Program, identifies allowable uses within those zoning districts, and identifies permit requirements within those zoning districts.

22.62.020 – Applicability

The provisions of this Chapter apply to all property within the Coastal Zone, including county, state, school, and special district property, but not including federal property. Consistent with Coastal Act Section 30519(b), for development proposed or undertaken on any tidelands, submerged lands, or on public trust lands, whether filled or unfilled, development shall be reviewed against the Coastal Act by the Coastal Commission and the County LCP in those cases may provide non-binding guidance.

22.62.030 – Coastal Zoning Districts Established

The unincorporated areas of Marin County within the Coastal Zone shall be divided into zoning districts which consistently implement the Marin Countywide Plan and Marin County Local Coastal Program. The following coastal zoning districts are established, and shall be shown on the official Zoning Map (Section 22.06.030 (Zoning Map Adopted)).

A.	**Agricultural and Resource-Related Districts**	**Map Symbol**
	Coastal, Agricultural Production Zone	C-APZ
	Coastal, Agricultural, Residential Planned	C-ARP
	Coastal, Open Area	C-OA

B. Residential Zoning Districts

Coastal, Residential, Agricultural	C-RA
Coastal, Residential, Single-Family	C-R1
Coastal, Residential, Single-Family Planned	C-RSP
Coastal, Residential, Single-Family Planned, Seadrift Subdivision	C-RSPS
Coastal, Residential, Two-Family	C-R2
Coastal, Residential, Multiple Planned	C-RMP

C. Commercial and Mixed-Use Zoning Districts

Coastal, Village Commercial/Residential	C-VCR
Coastal, Limited Roadside Business	C-H1
Coastal, Planned Commercial	C-CP
Coastal, Residential/Commercial Multiple Planned	C-RMPC
Coastal, Resort and Commercial Recreation	C-RCR

D. Special Purpose and Combining Districts

Coastal, Public Facilities	C-PF
Coastal, Minimum Lot Size	B

22.62.040 – Allowable Land Uses and Coastal Permit Requirements

A. General requirements for allowed uses. Proposed development, as defined in Article VIII, located within the Coastal Zone shall be consistent with definitions in Article VIII, and comply with Chapter 22.32 (Standards for Specific Land Uses) and other applicable provisions of this Article.

B. Coastal zone permit requirements. Unless exempted or Categorically Excluded, proposed development within the Coastal Zone shall require approval of a Coastal Permit in compliance with Chapter 22.68 (Coastal Permit Requirements), in addition to any non-coastal permits required by the Development Code and Section 22.62.040.B.

The uses of land allowed by this Chapter in each coastal zoning district are identified in Tables 5-1, 5-2, and 5-3 (Allowable Land Uses for the Coastal Agricultural and Resource Related Districts, Coastal Residential Districts, and Coastal Commercial and Mixed/Use Districts, respectively) as being:

1. ~~Uses for which no Coastal Permit is required are those as specified in applicable Categorical Exclusion Orders issued by the California Coastal Commission or determined exempt under Coastal Permit Requirements herein (Chapter 22.68). These uses are shown as "E" in the tables and are only exempt if they meet the conditions and limitations set forth in the applicable Exclusion Order and Chapter 22.68.~~

1.~~2~~. Principally permitted uses, subject to compliance with all applicable provisions of this Development Code, Coastal Permit approval where required, and subject to first obtaining any Building Permit and other non-coastal permits required by the County Code. A Coastal Permit decision for a principal permitted use is appealable to the Coastal Commission only if the project is located in a geographic appeals area as defined by Section 22.70.080(B)(1)(a) and (b), or if

the project constitutes a major public works project or major energy facility. Land divisions are not the principally permitted use in any zoning district. Principal permitted uses are shown as "PP" uses in the tables.

2.~~3~~. Permitted uses, subject to compliance with all applicable provisions of this Development Code, Coastal Permit approval where required, and subject to first obtaining any Building Permit and other non-coastal permits required by the County Code. A Coastal Permit decision for a permitted use is appealable to the Coastal Commission. Permitted uses are shown as “P” uses in the tables.

3.~~4~~. Conditional uses, subject to compliance with all applicable provisions of this Development Code, Coastal Permit approval where required, and subject to first obtaining any Building Permit and other non-coastal permits required by the County Code, including approval of a Use Permit (Chapters 22.48 and 22.50). The Use Permit is not part of the Coastal Permit and is not subject to appeal to the Coastal Commission; however, any Coastal Permit decision for a conditional use is appealable to the Coastal Commission. Conditional uses are shown as "U " uses in the tables. [See Section 22.70.080 for Appeal of Coastal Permit Decisions]

4.~~5~~. Land uses that are not listed in Tables 5-1, 5-2, and 5-3 or are not shown in a particular zoning district are not allowed. ~~except where otherwise provided by Section 22.68.050 (Exempt Projects).~~

C. Master Plan and Other Non-Local Coastal Program Permit Requirements. In addition to and independent of permits required for conformance with the Marin County Local Coastal Program, a Master Plan and/or other local permit such as a Second Unit Permit may be required for certain uses. Please refer to Articles II-IV, VI, and VII for development standards that govern these uses. A Master Plan is required only for the following uses:

1. A subdivision which does not exhaust the potential for residential development based on the Countywide Plan and zoning district densities and floor area ratios.

2. Airparks

3. Cemeteries, columbariums, mausoleums

4. Marinas and harbors

5. Mineral resource extraction

6. Waste disposal sites

22.62.050 – Coastal Zoning District Regulations

A. Purpose. Sections 22.62.0460 through 22.62.080 and Chapter 22.64 determine which land uses are allowable in each zoning district, what land use permits are ~~is~~ required to establish each use, and the basic development standards that apply to allowed land uses in each of the zoning districts established by Section 22.62.030 (Coastal Zoning Districts Established).

B. **Single parcel in two zoning districts.** In the event two or more parcels are consolidated through the approval of a lot line adjustment, merger, parcel or Tentative Map, or reversion to acreage in compliance with Article VI (Subdivisions), where a single parcel is covered by two or more zoning districts, the consolidated parcel should be reviewed by the Director to determine whether the parcel should be rezoned to a single zoning district.

C. **Measurements, calculations.** Explanations of how height limits, site coverage requirements, and floor area ratios (FAR) apply to sites and projects are in Chapter 22.64 (Coastal Zone Development and Resource Management Standards).

22.62.060 – Coastal Agricultural and Resource-Related Districts

A. Purpose of Section. This Section provides regulations for development, as defined in Article VIII, proposed within the coastal agricultural and resource-related zoning districts established by Section 22.62.030 (Coastal Zoning Districts Established). The purpose of these zoning districts is to protect agricultural land, continued agricultural uses and the agricultural economy by maintaining parcels large enough to sustain agricultural production, preventing conversion to non-agricultural uses, and prohibiting uses that are incompatible with long-term agricultural production or the rural character of the County's Coastal Zone and to preserve important soils, agricultural water sources, and forage to allow continued agricultural production on agricultural lands. (Policy C- AG-1)

B. **Purposes of zoning districts.** The purposes of the individual zoning districts are as follows.

1. **C-APZ (Coastal, Agricultural Production Zone) District.** The C-APZ zoning district is intended to preserve agricultural lands that are suitable for land-intensive or land-extensive agricultural production. (Policy C-AG-2)

The principal permitted use of lands in the C-APZ district is agriculture, limited to the types of agricultural development set forth below and in Land Use Plan Policy C-AG-2, and only allowed when consistent with the development standards set forth in Section
22.65.040:

a. Agricultural production: use of land for the breeding, raising, pasturing, and grazing of livestock; the production of food and fiber; the breeding and raising of bees, fish, poultry, and other fowl; the planting, raising, harvesting and producing of agriculture, aquaculture, mariculture, horticulture, viticulture, vermiculture, forestry crops, and plant nurseries;

b. Agricultural accessory structures and agricultural accessory activities;

c. Agricultural dwelling units, consisting of

(1) One farmhouse~~s~~ or a combination of one farmhouse and one intergenerational home per farm tract, consistent with C-AG-5, including combined total size limits, and;

(2) Agricultural worker housing, providing accommodations consisting of not more than 36 beds in group living quarters per legal parcel or 12 units or spaces per legal lot for agricultural workers and their households;

d. Other Agricultural Uses, if appurtenant and necessary to the operation of agriculture, limited to:

(1) Agricultural product sales and processing of products grown within the farmshed, provided that for sales, the building(s) or structure(s) or outdoor areas used for sales do not exceed an aggregate floor area of 500 square feet, and for processing, the building(s) or structure(s) used for processing activities do not exceed an aggregate floor area of 5,000 square feet:

(2) Not for profit e~~E~~ducational tours.

Conditional uses in the C-APZ zone, as specified in Table 5-1 of Chapter 22.62, include a second intergenerational home per farm tract ~~legal l~~, for-profit educational tours ~~operated by a third party~~, agricultural homestay facilities, agricultural worker housing above 12 units or 36 beds per legal lot and additional agricultural uses and non- agricultural uses including land division, consistent with Section 22.65.040. Development shall not exceed a maximum density of 1 unit per 60 acres. Densities specified in the zoning are maximums and not entitlements, and may not be achieved when the standards of the Agriculture policies and, as applicable, other LCP policies are applied. (Policy C-AG-1, 2).

The C-APZ zoning district is consistent with the Agriculture 1 land use category of the Marin County Land Use Plan.

2. **C-ARP (Coastal, Agricultural, Residential Planned) District.** The C-ARP district applies to lands adjacent to residential areas in the Coastal Zone that have potential for agricultural production but promote the concentration of residential development to maintain the maximum amount of land available for agricultural use. The C-ARP district provides flexibility in lot size and building locations to concentrate development to maintain the maximum amount of land for agricultural use, and to maintain the visual, natural resource and wildlife habitat values of subject properties and surrounding areas. The C-ARP district requires the clustering of proposed development. The C-ARP zoning district is consistent with the Agriculture 1, 2, and 3 land use categories of the Marin County Land Use Plan. Residential use shall be the principal permitted use in all parcels with the land use designation of C-AG3; Agriculture shall be the principal permitted use in all parcels with the C-AG1 and C-AG2 land use designations. (Policy C-AG-3)

3. **C-OA (Coastal, Open Area) District.** The C-OA District provides for open space, outdoor recreation, and other open lands, including areas particularly suited for park and recreational purposes, access to beaches, natural drainage channels, and areas that serve as links between major recreation and open space reservations. The C-OA zoning district is consistent with the Public and Quasi Public - Open Space land use category of the Marin County Land Use Plan.

C. Allowed land uses and permit requirements in agricultural/resource districts. Table 5-1 lists the land uses allowed in the agricultural/resource zoning districts within the Coastal Zone, in compliance with Chapter 22.62 (Coastal Zoning Districts and Allowable Land Uses).

D. Development standards for agricultural- and resource-related districts. Proposed development, as defined in Article VIII, shall comply with all provisions of the LCP, including Chapters 22.32 as applicable (Standards for Specific Land Uses), this Chapter, Chapter 22.64 (Coastal Zone Development and Resource Management Standards), 22.65

(Coastal Zone Planned District Development Standards), 22.66 (Coastal Zone Community Standards), and 22.68 (Coastal Permit Requirements).

TABLE 5-1-a - ALLOWED USES AND PERMIT REQUIREMENTS FOR COASTAL AGRICULTURAL & RESOURCE-RELATED DISTRICTS

LAND USE (1)	**PERMIT REQUIREMENT BY DISTRICT**			**See Standards in Section:**
	C-APZ Agricultural Production	**C-ARP** Agricultural Residential Planned	**C-OA** Open Area	
AGRICULTURE, MARICULTURE				
Agricultural accessory activities	PP (6)~~, E~~	PP(10), P	PP	22.32.021
Agricultural accessory structures	PP (6)~~, E~~	PP(10), P	PP	22.32.022
Agricultural homestays, 3 or fewer guest rooms	U (6)	P(10)		22.32.023
Agricultural homestays, 4 or 5 guest rooms	U (6)	U(10)		22.32.023
~~Agricultural~~ Intergenerational Home (first)	PP	--		22.32.024 22.32.02x
~~Agricultural~~ Intergenerational Home (second)	U	--		22.32.024 22.32.02x
Farmhouse	PP	PP(10), P		22.32.024; 22. 32.025
Agricultural processing facilities ~~uses~~ (<5000sq.ft.)	PP, U	PP(10), U		22.32.026
Agricultural processing facilities ~~uses~~ (>5000sq.ft.)	U	U(10)		22.32.026
Agricultural production	PP~~, E~~	PP(10), P	P	~~22.130.030~~
Agricultural Retail Sales Facility/Farm Stand (<500 sq.ft.)	PP, U	PP(10), P		22.32.027
Agricultural Retail Sales Facility/Farm Stand (>500 sq.ft.)	U	U(10)		22.32.027

Agricultural worker housing up to and including 12 units/36 beds	PP	PP(10), P	U	22.32.024 22.32.028
Agricultural worker housing above 12 units/36 beds	U	U	U	22.32.024 22.32.028
Commercial gardening	PP~~, E~~	P	P	
Dairy operations	PP~~, E~~	P	P(4)	22.32.030
Educational tours (Not for profit) ~~or by owner/o~~	PP	P	PP	22.32.062
Educational tours (For profit) ~~(for-profit by third party)~~	U	P	P	22.32.062
Fish hatcheries and game reserves	U	P	P	
Livestock operations, grazing	PP~~, E(5)~~	P~~(5)~~	P	22.32.030
Livestock operations, large animals	PP~~, E(5)~~	P~~(5)~~		22.32.030
Livestock operations, sales/feed lots, stockyards	P~~(5)~~	P~~(5)~~		22.32.030

Livestock operations, small animals	PP~~, E(5)~~	P~~(5)~~		22.32.030
Mariculture/aquaculture	PP	P		22.32.105
Plant nurseries	PP	P		
Raising of other food and fiber producing animals not listed under "agricultural production"	U	U		22.32.030

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirements
~~E~~	~~Certain uses may be exempt or Categorically Excluded from permit requirements.~~
PP	Principal permitted use. (2)
P	Permitted use. (2)
U	Conditional use, Use Permit required. (2)
	Use not allowed. ~~(See 22.02.020.E regarding uses not listed.)~~

Notes:
(1) Listed land uses must be consistent with definitions in Article VIII Section 22.130.030 (Development Code Definitions).
(2) Design review requirements are contained in Chapter 22.42 rather than in the LCP and such design review requirements apply independent of, and in addition to, coastal permit requirements.
(4) Dairy operations allowed only on a site of 50 acres or larger.
~~(5) Permit requirements are determined by Section 22.32.030 (Animal Keeping).~~
(6) Only allowed where an agricultural dwelling is first approved..
(10) Only allowed as a principally permitted use when the legal lot is zoned C-ARP-10 to C-ARP-60, which provide that the principally permitted use of the property shall be for agriculture.

Development shall also be consistent, as applicable, with Chapters 22.130 (Definitions), 22.32 (Standards for Specific Land Uses), 22.64 (Coastal Zone Development and Resource Management Standards), 22.65 (Coastal Zone Planned District Development Standards), 22.66 (Coastal Zone Community Standards), and 22.68 (Coastal Permit Requirements).

TABLE 5-1-b - ALLOWED USES AND PERMIT REQUIREMENTS FOR COASTAL AGRICULTURAL & RESOURCE-RELATED DISTRICTS (Continued)

LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT			See Standards in Section:
	C-APZ Agricultural Production	C-ARP Agricultural Residential Planned	C-OA Open Area	
MANUFACTURING AND PROCESSING USES				
Cottage industries		U		22.32.060
Recycling - Scrap and dismantling yards		U		
RECREATION, EDUCATION, AND PUBLIC ASSEMBLY USES				
Campgrounds	U	U	U	
Educational Tours (for profit)	U	U	P	22.32.115
Equestrian facilities	U	P ~~(9)~~	U	22.32.030
Golf courses/country clubs			U	
Horses, donkeys, mules, ponies	P,U~~(5)~~	P,U~~(5)~~	U~~(5)~~	22.32.030
Hunting and fishing facilities (Private)	U	P	U	
Hunting and fishing facilities (Public)	U	U	U	
Libraries and museums		U		
Off-road vehicle courses		U		
Private residential recreational facilities	U	U	U	
Public Parks and playgrounds	U	U	P	
Religious places of worship		U		
Rural recreation		U	U	
Schools		U	U	

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirements
~~E~~	~~Certain uses may be exempt or Categorically Excluded from permit requirements.~~
PP	Principal permitted use. ~~(2)~~
P	Permitted use. ~~(2)~~
U	Conditional use, Use Permit required. ~~(2)~~
	Use not allowed. (See 22.02.020.E regarding uses not listed.)

Notes:

(1) Listed land uses must be consistent with definitions in Article VIII (Development Code Definitions).

Design review requirements are contained in Chapter 22.42 rather than in the LCP and such design review requirements apply independent of, and in addition to, coastal permit requirements.

~~(5) Permit requirements are determined by Section 22.32.030 (Animal Keeping).~~

~~(9) Equestrian employee housing is permitted with Use Permit approval (See Chapter 22.48 Use Permits)~~

Development shall also be consistent, as applicable, with Chapters 22.130 (Definitions), 22.32 (Standards for Specific Land Uses), 22.64 (Coastal Zone Development and Resource Management Standards), 22.65 (Coastal Zone Planned District Development Standards), 22.66 (Coastal Zone Community Standards), and 22.68 (Coastal Permit Requirements).

TABLE 5-1-c – ALLOWED USES AND PERMIT REQUIREMENTS FOR COASTAL AGRICULTURAL & RESOURCE-RELATED DISTRICTS

(Continued)

LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT			See Standards in Section:
	C-APZ Agricultural Production	C-ARP Agricultural Residential Planned	C-OA Open Area	
RESIDENTIAL USES				
Affordable housing		P	U	Chapter 22.22
Group homes, 6 or fewer residents	P (6)	P		22.32.080
Group homes, 7 or more residents	U (6)	U		22.32.080
Guest houses		P(6)	P(6)	22.32.090
Home occupations	P (6)	P	P(6)	22.32.100 22.32.115
Religious residential retreats		U		
Agricultural Dwelling Unit accessory uses and structures	P(6)	P(6)	P(6)	22.32.130
Residential care facility, 6 or fewer individuals	P (6)	P		22.32.080
Residential care facility, 7 or more individuals	U (6)	U		22.32.080
Residential second units		P		22.32.140 22.32.115
Room rentals	P (6)	P		
Single-family dwellings, attached or detached	—	PP ~~U(10)~~	U(7)	22.62.060 ~~Chapter 22.65~~
Tennis and other recreational uses	U (6)	U	U	22.32.130

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirements	Procedure is in Section:
~~E~~	~~Certain uses may be exempt or Categorically Excluded from permit requirements.~~	~~Chapter 22.68~~
PP	Principal permitted use. ~~(2)~~	
P	Permitted use. ~~(2)~~	
U	Conditional use, Use Permit required. ~~(2)~~	Chapter 22.48
	Use not allowed. (See 22.02.020.E regarding uses not listed.)	

Notes:

(1) Listed land uses must be consistent with definitions in Article VIII (Development Code Definitions). Design review requirements are contained in Chapter 22.42 rather than in the LCP and such design review requirements apply independent of, and in addition to, coastal permit requirements.

(6) Only allowed where an ~~allowed single family or~~agricultural dwelling unit is first approved.

(7) Only dwellings for teachers or custodial staff, or dwellings clearly accessory to the primary use of the site for agricultural purposes allowed.

(10) Only allowed as a principally permitted use when the legal lot is zoned C-ARP-10 to C-ARP-60.~~, which provide that the principally permitted use of the property shall be for agriculture.~~

Development shall also be consistent, as applicable, with Chapters 22.130 (Definitions), 22.32 (Standards for Specific Land Uses), 22.64 (Coastal Zone Development and Resource Management Standards), 22.65 (Coastal Zone Planned District Development Standards), 22.66 (Coastal Zone Community Standards), and 22.68 (Coastal Permit Requirements).

TABLE 5-1-d - ALLOWED USES AND PERMIT REQUIREMENTS FOR COASTAL AGRICULTURAL & RESOURCE-RELATED DISTRICTS (Continued)

LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT			See Standards in Section:
	C-APZ Agricultural Production	C-ARP Agricultural Residential Planned	C-OA Open Area	
RESOURCE, OPEN SPACE USES				
Mineral resource extraction	U	U		~~Chapter~~ 23.06
Nature preserves	U	P	P	
Water conservation dams and ponds	U	P	P	
Timber harvesting	U	U		23.04
Solar energy systems ~~(coastal)~~, roof-mounted	PP	PP	PP	22.32.161 ~~22.42.055(2)~~
Solar energy systems ~~(coastal)~~, free-standing	P	P	P	22.32.161
RETAIL TRADE USES				
Building materials stores		U		
Commercial storage and sale of garden supply products	U	U		
Sales of agricultural products (see Agriculture Use)		P(10)	U	22.32.027
Bed and breakfast inns, 3 or fewer guest rooms	U(6)	P(10)		22.32.040 22.32.115
Bed and breakfast inns, 4 or 5 guest rooms	U(6)	U(10)		22.32.040 22.32.115
Child day-care centers	U(6)	U		22.32.050
Child day-care - Large family day-care homes	P(6)	P		22.32.050
Child day-care - Small family day-care homes	P(6)	P		22.32.050
Cemeteries, columbariums, mausoleums		U		
Kennels and animal boarding	U	U		
Public safety/service facilities	U	U	U	
Public utility facilities	U	U	U	
Storage, accessory	P	P	P	
Veterinary clinics and animal hospitals		U		
Waste disposal sites	U	U		

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirements	Procedure is in Section:
~~E~~	~~Certain uses may be exempt or Categorically Excluded from permit requirements.~~	~~Chapter 22.68~~
PP	Principal permitted use ~~(2)~~	
P	Permitted use. ~~(2)~~	
U	Conditional use, Use Permit required. ~~(2)~~	Chapter 22.48
	Use not allowed. (See 22.02.020.E regarding uses not listed.)	

Notes:

(1) Listed land uses must be consistent with definitions in Article VIII (Development Code Definitions)

Design review requirements are contained in Chapter 22.42 rather than in the LCP and such design review requirements apply independent of, and in addition to, coastal permit requirements.

(6) Only allowed an agricultural dwelling is first approved.

(10) Only allowed when the primary use of the property is for agriculture; see Chapter 22.32.115 (Non-Agricultural Uses). ~~The non-agricultural standards contained in Section 22.32.115 do not apply to C-ARP zoned properties with an assigned density of one unit per 1 – 5 acres.~~

Development shall also be consistent, as applicable, with Chapters 22.130 (Definitions), 22.32 (Standards for Specific Land Uses), 22.64 (Coastal Zone Development and Resource Management Standards), 22.65 (Coastal Zone Planned District Development Standards), 22.66 (Coastal Zone Community Standards), and 22.68 ~~(Coastal)~~ Permit Requirements.

TABLE 5-1-e - ALLOWED USES AND PERMIT REQUIREMENTS FOR COASTAL AGRICULTURAL & RESOURCE-RELATED DISTRICTS (Continued)

LAND USE (1)	**PERMIT REQUIREMENT BY DISTRICT**			**See Standards in Section:**
	C-APZ Agricultural Production	**C-ARP** Agricultural Residential Planned	**C-OA** Open Area	
TRANSPORTATION & COMMUNICATIONS USES				
Airparks		U		
Marinas and harbors		U	U	
Pipelines and utility lines	~~P~~U~~(9)~~	~~P~~U~~(9)~~	~~P~~U	
Telecommunications facilities	~~P/~~U~~(9)~~	~~P/~~U~~(9)~~	~~P/~~U~~(9)~~	**22.32.165**

KEY TO PERMIT REQUIREMENTS

Symbol	**Permit Requirements** (see Section 22.62.040.B)	**Procedure is in Section:**
~~E~~	~~Certain uses are exempt or Categorically Excluded from permit requirements~~	~~Chapter 22.68~~
PP	Principal permitted use	
P	Permitted use. ~~(2)~~	
U	Conditional use, Use Permit required. ~~(2)~~	Chapter 22.48
	Use not allowed. (See 22.02.020.E regarding uses not listed.)	

Notes:

(1) Listed land uses must be consistent with definitions in Article VIII (Development Code Definitions).

Design review requirements are contained in Chapter 22.42 rather than in the LCP and such design review requirements apply independent of, and in addition to, coastal permit requirements.

~~(9) Use Permit approval may be required for aboveground telecommunications facilities per Section 22.32.165.~~

Development shall also be consistent, as applicable, with Chapters 22.130 (Definitions), 22.32 (Standards for Specific Land Uses), 22.64 (Coastal Zone Development and Resource Management Standards), 22.65 (Coastal Zone Planned District Development Standards), 22.66 (Coastal Zone Community Standards), and 22.68 (Coastal Permit Requirements).

22.62.070 – Coastal Residential Districts

A. **Purpose of Section.** This Section provides regulations for development and new land uses, as defined in Article VIII, in the coastal residential zoning districts established consistent with Marin County Local Coastal Program policies by Section 22.62.020 (Coastal Zoning Districts Established).

B. **Purposes of zoning districts.** The purposes of the individual zoning districts are as follows:

1. **C-RA (Coastal, Residential, Agricultural) District.** The C-RA zoning district provides areas for residential use within the context of small-scale agricultural and agriculturally related uses, subject to specific development standards. The C-RA zoning district is consistent with the Single-Family Residential 3, 4, 5, and 6 land use categories of the Marin County Land Use Plan.

2. **C-R1 (Coastal, Residential, Single-Family) District.** The C-R1 zoning district provides areas for detached single-family homes, similar and related compatible uses. The C-R1 zoning district is consistent with the Single-Family Residential 3, 4, 5, and 6 land use categories of the Marin County Land Use Plan.

3. **C-RSP (Coastal, Residential, Single-Family Planned) District.** The C-RSP zoning district provides areas for detached single-family homes, similar and related compatible uses, which are designed in compliance with Marin County Local Coastal Program policies. This Section establishes no specific setback requirements, so that development may be designed for maximum compatibility with sensitive site characteristics. The CRSP zoning district is consistent with all Single-Family Residential land use categories of the Marin County Land Use Plan.

4. **C-RSPS (Coastal, Residential, Single-Family Planned) District (Seadrift Subdivision).** The C-RSPS zoning district is applied to areas within the Seadrift Subdivision intended for detached single-family homes, and similar and related compatible uses, which are designed in compliance with Marin County Local Coastal Program policies. This Section establishes no specific setback requirements, so that development may be designed for maximum compatibility with sensitive site characteristics unique to the Seadrift sandspit and lagoon, Bolinas lagoon, and the beaches adjacent to the Subdivision. The C-RSPS zoning district is consistent with all Single-Family Residential land use categories of the Marin County Land Use Plan.

5. **C-R2 (Coastal, Residential, Two-Family) District.** The C-R2 zoning district provides areas for attached two-family housing units, detached single-family homes consistent with Land Use Plan Policy C-CD-23~~26~~, and similar and related compatible uses. The C-R2 zoning district is consistent with the Multi-Family Residential 2 land use category of the Marin County Land Use Plan.

6. **C-RMP (Coastal, Residential, Multiple Planned) District.** The C-RMP zoning district provides areas for varied types of residential development, and similar and related compatible uses, designed in compliance with Marin County Local Coastal Program policies. This Section establishes no specific setback

requirements, so that development may be designed for maximum compatibility with sensitive site characteristics. The CRMP zoning district is consistent with the Planned Residential and other Multi-Family Residential land use categories of the Marin County Land Use Plan.

C. **Allowable land uses and permit requirements in residential districts**. Table 5-2 (Allowed Uses and Permit Requirements for Coastal Residential Districts) lists the land uses allowed in the residential zoning districts within the Coastal Zone, in compliance with Section 22.62.040 (Allowable Land Uses and Permit Requirements).

D. **Development standards for residential districts.** Proposed development and new land uses, as defined in Article VIII, shall be consistent with the land use definitions in Article VIII, and shall comply with the provisions of Chapters 22.32 as applicable (Standards for Specific Land Uses) and all other applicable provisions of this Article.

TABLE 5-2-a - ALLOWED USES AND PERMIT REQUIREMENTS FOR COASTAL RESIDENTIAL DISTRICTS

LAND USE (1)	**PERMIT REQUIREMENT BY DISTRICT**						**See Permit Requirements and Standards**
	C-RA Residential Agri-cultural	**C-R1** Single Family	**C-R2** Two Family	**C-RSPS** Single Family Seadrift Sub-division	**C-RSP** Single Family Planned	**C-RMP** Multiple Planned	
AGRICULTURAL							
Agricultural accessory structures	P	P	P	—	P	P	22.32.022
Agricultural processing	U	—	—	—	—	—	
Agricultural production	P	P	P	—	P	P	
Agricultural worker housing	P	—	—	—	—	—	22.32.028
Commercial gardening	P	P	P	—	P	P	
Livestock operations, grazing	—	—	—	—	U(4,~~5~~)	U(4,~~5~~)	22.32.030
Livestock operations, large animals	P~~(5)~~	—	—	—	—	—	22.32.030
Livestock operations, small animals	P~~(5)~~	P~~(5)~~	P~~(5)~~	—	P~~(5)~~	P~~(5)~~	22.32.030
Mariculture/aquaculture	U	—	—	—	U	U	22.32.105
Plant nurseries, with on-site sales	U	U	U	—	U	U	
Plant nurseries, without on-site sales	P	P	P	—	P	P	
MANUFACTURING & PROCESSING USES							
Cottage industries	U	U	U	U	U	U	22.32.060

KEY TO PERMIT REQUIREMENTS

Symbol	**Permit Requirements**	**Procedure is in Section:**
PP	Principal permitted use	
P	Permitted use. (2)	
U	Conditional use, Use Permit required. (2)	Chapter 22.48

—	Use not allowed. (See 22.02.020.E regarding uses not listed.)	

Notes:
(1) Listed land uses must be consistent with definitions in Article VIII (Development Code Definitions).
(2) Design review requirements are contained in Chapter 22.42 rather than in the LCP and such design review requirements apply independent of, and in addition to, coastal permit requirements.
(4) Allowed only where a maximum density of one unit per three acres or larger is required.
~~(5) Permit requirement determined by Section 22.32.030 (Animal Keeping).~~

Development shall also be consistent, as applicable, with Chapters 22.130 (Definitions), 22.32 (Standards for Specific Land Uses), 22.64 (Coastal Zone Development and Resource Management Standards), 22.65 (Coastal Zone Planned District Development Standards), 22.66 (Coastal Zone Community Standards), and 22.68 (Coastal Permit Requirements).

TABLE 5-2-b - ALLOWED USES AND PERMIT REQUIREMENTS FOR COASTAL RESIDENTIAL DISTRICTS (Continued)

LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT						See Permit Requirements and Standards in Section:
	C-RA Residential Agri-cultural	C-R1 Single Family	C-R2 Two Family	C-RSPS Single Family Seadrift Sub-division	C-RSP Single Family Planned	C-RMP Multiple Planned	
RESOURCE, OPEN SPACE USES							
Nature preserves	P	P	P	P	P	P	
Solar energy systems ~~(coastal)~~, roof-mounted	PP	PP	PP	PP	PP	PP	22.32.161 ~~22.42.055 (2)~~
Solar energy systems ~~(coastal)~~, free-standing	P	P	P	P	P	P	22.32.161
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES							
Community centers	U	U	U	U	U	U	
Equestrian facilities	U	—	—	—	U	U	22.32.030
Horses, donkeys, mules, ponies	P~~(4)~~	P~~(4)~~	P~~(4)~~	—	U~~(4)~~	U~~(4)~~	22.32.030
Libraries and museums	U	U	U	U	U	U	
Private residential recreation facilities	U	U	U	U	U	U	
Public parks and playgrounds	U	U	U	U	U	P	
Public buildings	U	U	U	U	U	U	
Religious places of worship	U	U	U	U	U	U	
Schools	U	U	U	U	U	U	

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirements	Procedure is in Section:
PP	Principal permitted use	
P	Permitted use. (2)	
U	Conditional use, Use Permit required. (2)	Chapter 22.48
—	Use not allowed. (See 22.02.020.E regarding uses not listed.)	

Notes:

(1) Listed land uses must be consistent with definitions in Article VIII (Development Code Definitions).

(2) Design review requirements are contained in Chapter 22.42 rather than in the LCP and such design review requirements apply independent of, and in addition to, coastal permit requirements.

~~(4) Permit requirement determined by Section 22.32.030 (Animal Keeping).~~

Development shall also be consistent, as applicable, with Chapters 22.130 (Definitions), 22.32 (Standards for Specific Land Uses), 22.64 (Coastal Zone Development and Resource Management Standards), 22.65 (Coastal Zone Planned District Development Standards), 22.66 (Coastal Zone Community Standards), and 22.68 (Coastal Permit Requirements).

TABLE 5-2-c - ALLOWED USES AND PERMIT REQUIREMENTS FOR COASTAL RESIDENTIAL DISTRICTS (Continued)

LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT						See Permit Requirements and Standards in Section:
	C-RA Residential Agri-cultural	**C-R1** Single Family	**C-R2** Two Family	**C-RSPS** Single Family Seadrift Sub-division	**C-RSP** Single Family Planned	**C-RMP** Multiple Planned	
RESIDENTIAL USES							
Affordable housing	PP	PP	PP	PP	PP	PP	22.32.080
Group homes. 6 or fewer residents	P	P	P	P	P	P	22.32.080
Group homes, 7 or more residents	U	U	U	U	U	U	22.32.080
Guest houses	P	P	P	P	P	P	22.32.090
Home occupations	P	P	P	P	P	P	22.32.100
Multi-family dwellings	—	—	—	—	—	PP	
Organizational houses	U	U	U	----	U	U	
Room rentals	PP	PP	PP	PP	PP	PP	
Residential accessory uses and structures	PP	PP	PP	PP	PP	PP	22.32.130
Residential care facility, 6 or fewer individuals	P	P	P	P	P	P	
Residential care facility, 7 or more individuals	U	U	U	U	U	U	
Residential second units	PP	PP	PP	PP	PP	PP	22.32.140
Single-family dwellings	PP	PP	PP	PP	PP	PP	
Two-family dwellings	—	—	PP	—	—	PP	

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirements	Procedure is in Section:
PP	Principal permitted use	
P	Permitted use. (2)	
U	Conditional use, Use Permit required. (2)	Chapter 22.48
—	Use not allowed. (See 22.02.020.E regarding uses not listed.)	

Notes:
(1) Listed land uses must be consistent with definitions in Article VIII (Development Code Definitions).
(2) Design review requirements are contained in Chapter 22.42 rather than in the LCP and such design review requirements apply independent of, and in addition to, coastal permit requirements.

Development shall also be consistent, as applicable, with Chapters 22.130 (Definitions), 22.32 (Standards for Specific Land Uses), 22.64 (Coastal Zone Development and Resource Management Standards), 22.65 (Coastal Zone Planned District Development Standards), 22.66 (Coastal Zone Community Standards), and 22.68 (Coastal Permit Requirements).

TABLE 5-2-d - ALLOWED USES AND PERMIT REQUIREMENTS FOR COASTAL RESIDENTIAL DISTRICTS (Continued)

LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT						See Permit Requirements and Standards in Section:
	C-RA Residential Agri-cultural	C-R1 Single Family	C-R2 Two Family	C-RSPS Single Family Seadrift Sub-division	C-RSP Single Family Planned	C-RMP Multiple Planned	
RETAIL TRADE USES							
Sale of agricultural products produced on site	U	U	U	—	U	U	
SERVICE USES							
Bed and breakfast, 3 or fewer guest rooms	P	P	P	P	P	P	22.32.040
Bed and breakfast, 4 or 5 guest rooms	U	U	U	U	U	U	22.32.040
Child day-care centers	U	U	U	U	U	U	22.32.050
Child day-care, large family day-care homes	P	P	P	P	P	P	22.32.050
Child day-care, small family day-care homes	P	P	P	P	P	P	22.32.050
Kennels and animal boarding	U	—	—	—	—	—	
Public utility or safety facilities	U	U	U	U	U	U	
TRANSPORTATION & COMMUNICATIONS USES							
Pipelines and utility lines	U	U	U	U	U	U	
Telecommunications facilities	~~P/~~U	~~P/~~U	~~P/~~U	~~P/~~U	~~P/~~U	~~P/~~U	22.32.165

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirements	Procedure is in Section:
PP	Principal permitted use	
P	Permitted use. (2)	
U	Conditional use, Use Permit required. (2)	Chapter 22.48
—	Use not allowed. (See 22.02.020.E regarding uses not listed.)	

Notes:
(1) Listed land uses must be consistent with definitions in Article VIII (Development Code Definitions).
(2) Design review requirements are contained in Chapter 22.42 rather than in the LCP and such design review requirements apply independent of, and in addition to, coastal permit requirements.

Development shall also be consistent, as applicable, with Chapters 22.130 (Definitions), 22.32 (Standards for Specific Land Uses), 22.64 (Coastal Zone Development and Resource Management Standards), 22.65 (Coastal Zone Planned District Development Standards), 22.66 (Coastal Zone Community Standards), and 22.68 (Coastal Permit Requirements).

22.62.080 – Coastal Commercial and Mixed-Use Districts

A. **Purpose of Section.** This Section provides regulations for development, as defined in Article VIII, in the coastal commercial and mixed-use zoning districts established by Section 22.62.030 (Coastal Zoning Districts Established).

B. **Purposes of zoning districts.** The purposes of the individual coastal commercial and mixed use zoning districts are as follows:

1. **C-VCR (Coastal, Village Commercial/Residential) District.** The C-VCR zoning district is intended to: maintain the established historical character of village commercial areas; promote village commercial self-sufficiency; foster opportunities for village commercial growth, including land uses that serve coastal visitors; maintain a balance between resident-serving and non-resident-serving commercial uses; protect established residential, commercial, and light industrial uses; and maintain community scale. The C-VCR zoning district is consistent with the Neighborhood Commercial land use category of the Marin County Land Use Plan.

2. **C-H1 (Coastal, Limited Roadside Business) District.** The C-H1 zoning district is intended for rural areas suitable for businesses that serve the motoring public. The C-H1 zoning district is consistent with the General Commercial/Mixed-Use land use category of the Marin County Land Use Plan.

3. **C-CP (Coastal, Planned Commercial) District.** The C-CP zoning district is intended to create and protect areas suitable for a full range of commercial and institutional uses in compliance with the Marin County Local Coastal Program. The C-CP zoning district is consistent with the General Commercial/Mixed-Use land use category of the Marin County Land Use Plan.

4. **C-RMPC (Coastal, Residential/Commercial Multiple Planned) District.** The C-RMPC zoning district is intended to create and protect areas suitable for a mixture of residential and commercial uses in compliance with the Marin County Local Coastal Program. The C-RMPC zoning district is consistent with the General Commercial/Mixed-Use land use category of the Marin County Land Use Plan.

5. **C-RCR (Coastal, Resort and Commercial Recreation) District.** The C-RCR zoning district is intended to create and protect areas for resort facilities, with emphasis on public access to recreational areas within and adjacent to developed areas. The C-RCR zoning district is consistent with the Recreational Commercial land use category of the Marin County Land Use Plan.

C. **Allowed land uses and permit requirements in commercial/mixed use districts.** Table 5-3 (Allowed Use and Permit Requirements for Coastal Commercial/Mixed-Use Districts) lists the land uses allowed in the commercial zoning districts within the Coastal Zone, in compliance with Section 22.62.040 (Allowable Land Uses and Permit Requirements).

D. **Development standards for Commercial/Mixed-use districts.** Proposed development, as defined in Article VIII, shall comply with the LCP, including the provisions of Chapters 22.32 as applicable (Standards for Specific Land Uses), 22.64

(Coastal Zone Development and Resource Management Standards), 22.65 (Coastal Zone Planned District Development Standards), 22.66 (Coastal Zone Community Standards), and 22.68 (Coastal Permit Requirements).

TABLE 5-3-a - ALLOWED USES AND PERMIT REQUIREMENTS FOR COASTAL COMMERCIAL/MIXED-USE DISTRICTS

LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT					See Permit Requirements and Standards in Section
	C-VCR Village Commercial Residential	**C-H1** Limited Roadside Business	**C-CP** Planned Commercial	**C-RMPC** Residential Commercial Multiple Planned	**C-RCR** Resort and Commercial Recreation	
AGRICULTURAL, RESOURCE & OPEN SPACE						
Agricultural production	P	P	P	P	—	
Commercial gardening	P	P	P	P	—	
Mariculture/aquaculture	P	P	P	P	—	22.32.105
Plant nurseries, with or without on-site sales	P	P	P	P	—	
Solar energy systems ~~(coastal)~~, roof-mounted	PP	PP	PP	PP	PP	22.32.161 ~~22.42.055(2)~~
Solar energy systems ~~(coastal)~~, free-standing	P	P	P	P	P	22.32.161
MANUFACTURING & PROCESSING USES						
Beverage production	U	—	U	U	—	
Boat manufacturing and sales	U	—	U	U	—	
Cottage Industries	U	—	—	U	—	22.32.060
Food products	U	U	U	U	—	
Furniture and fixtures	U	—	U	U	—	
Laundries and dry cleaning plants	U	—	—	U	—	
Recycling facilities	~~U~~	U	~~U~~	U	~~P~~	
Recycling – Reverse vending machines	P	P	P	P	P	
Seafood processing and sales	U	—	U	U	—	

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirements	Procedure is in Section:
PP	Principal permitted use	
P	Permitted use. (2)	
U	Conditional use, Use Permit required. (2)	Chapter 22.48
—	Use not allowed. (See 22.02.020.E regarding uses not listed.)	

Notes:
(1) Listed land uses must be consistent with definitions in Article VIII (Development Code Definitions).
(2) Design review requirements are contained in Chapter 22.42 rather than in the LCP and such design review requirements apply independent of, and in addition to, coastal permit requirements.

Development shall also be consistent, as applicable, with Chapters 22.130 (Definitions), 22.32 (Standards for Specific Land Uses), 22.64 (Coastal Zone Development and Resource Management Standards), 22.65 (Coastal Zone Planned District Development Standards), 22.66 (Coastal Zone Community Standards), and 22.68 (Coastal Permit Requirements).

TABLE 5-3-b – ALLOWED USES AND PERMIT REQUIREMENTS FOR COASTAL COMMERCIAL/MIXED USE DISTRICTS (Continued)

LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT					See Permit Requirements and Standards in Section
	C-VCR Village Commercial Residential	C-H1 Limited Roadside Business	C-CP Planned Commercial	C-RMPC Residential Commercial Multiple Planned	C-RCR Resort and Commercial Recreation	
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES						
Community centers	U	P	U	U	U	
Golf courses/country clubs	—	—	—	—	U	
Health/fitness facilities	U	—	U	U	U	
Indoor recreation centers	U	—	U	U	U	
Libraries and museums	U	P	U	U	U	
Membership organization facilities	U	U	U	U	—	
Outdoor commercial recreation	—	U	—	—	U	
Public parks and playgrounds	U	U	U	U	U	
Religious places of worship	U	U	U	U	U	
Schools	U	U	U	U	U	
Sport facilities and outdoor public assembly	U	U	U	U	U	
Studios for dance, art, music, photography, etc.	U	U	U	U	U	
Theaters and meeting halls	U	U	U	U	U	

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirements	Procedure is in Section:
PP	Principal permitted use	
P	Permitted use. (2)	
U	Conditional use, Use Permit required. (2)	Chapter 22.48
—	Use not allowed. (See 22.02.020.E regarding uses not listed.)	

Notes:
(1) Listed land uses must be consistent with definitions in Article VIII (Development Code Definitions).
(2) Design review requirements are contained in Chapter 22.42 rather than in the LCP and such design review requirements apply independent of, and in addition to, coastal permit requirements.

Development shall also be consistent, as applicable, with Chapters 22.130 (Definitions), 22.32 (Standards for Specific Land Uses), 22.64 (Coastal Zone Development and Resource Management Standards), 22.65 (Coastal Zone Planned District Development Standards), 22.66 (Coastal Zone Community Standards), and 22.68 (Coastal Permit Requirements).

TABLE 5-3-c - ALLOWED USES AND PERMIT REQUIREMENTS FOR COASTAL COMMERCIAL/MIXED USE DISTRICTS (Continued)

LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT					See Permit Requirements and Standards in Section
	C-VCR Village Commercial Residential (~~4~~3)	C-H1 Limited Roadside Business	C-CP Planned Commercial	C-RMPC Residential Commercial Multiple Planned	C-RCR Resort and Commercial Recreation	
RESIDENTIAL USES						
Affordable housing	P~~, PP~~	U	U	P	P (9)	

Group homes, 6 or fewer residents	P~~, PP~~	U	—	P	—	22.32.080
Group homes, 7 or more residents	U	U	—	U	—	22.32.080
Guest houses	P~~, PP~~	U	—	P	—	22.32.090
Home occupations	P~~, PP~~	U	—	P	—	22.32.100
Multi-family dwellings	U	U	U	P	—(9)	22.32.150
Organizational houses	U	U	—	U	—	
Residential accessory uses and structures	P~~, PP~~	U	—	P	—	22.32.130
Residential Second Units	P~~, PP~~	P	P	P	—	22.32.140
Room rentals	P~~, PP~~	U	—	P	—	
Single-family dwellings	P	U	U	P	—(9)	22.32.150
Tennis and other recreational uses	U	U	U	P	—	22.32.130
Two-family dwellings	U	U	U	P	—(9)	22.32.150

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirements	Procedure is in Section:
PP	Principal permitted use	
P	Permitted use. (2)	
U	Conditional use, Use Permit required. (2)	Chapter 22.48
—	Use not allowed. (See 22.02.020.E regarding uses not listed.)	

Notes:

(1) Listed land uses must be consistent with definitions in Article VIII (Development Code Definitions).

(2) Design review requirements are contained in Chapter 22.42 rather than in the LCP and such design review requirements apply independent of, and in addition to, coastal permit requirements.

(3) ~~Commercial shall be the~~ Principal Permitted use ~~within the mapped village commercial core area~~ of the C-~~C~~VCR zone ~~and residential~~ shall be commercial~~Principal Permitted use in all other parts of the C-VCR zone~~. ~~In the village commercial core area, r~~Residential shall be limited to: (a) upper floors, and/or (b) the lower floors if not located on the road-facing side of the property within the commercial core area (i.e. the central portion of each village that is predominantly commercial). Residential uses on the ground floor of a new or existing structure of the road-facing side of the property shall only be allowed ~~subject to a finding~~provided that the development maintains and/or enhances the established character of village commercial core areas. Existing legally established residential uses in the C-VCR zone on the ground floor and road-facing side of the property can be maintained.

The ~~replacement,~~ maintenance and repair of any legal existing residential use shall be exempt from the above provision and shall be permitted.

~~(4) Development on parcels zoned C-VCR must also meet the requirements of Land Use Plan Policy C-PK-3.~~

(8) All dwellings in these zoning districts shall be accessory to the primary commercial use. See 22.32.150 (Residential Uses in Commercial/Mixed Use Areas).

(9) Employee housing is permitted with Design Review requirements independent of and in addition to Coastal Permit requirements. See Chapter 22.42 (Design Review). Such housing would be a Conditional Use.

Development shall also be consistent, as applicable, with Chapters 22.130 (Definitions), 22.32 (Standards for Specific Land Uses), 22.64 (Coastal Zone Development and Resource Management Standards), 22.65 (Coastal Zone Planned District Development Standards), 22.66 (Coastal Zone Community Standards), and 22.68 (Coastal Permit Requirements).

TABLE 5-3-d - ALLOWED USES AND PERMIT REQUIREMENTS FOR COASTAL COMMERCIAL/MIXED USE DISTRICTS (Continued)

LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT					See Permit Requirements and Standards in Section
	C-VCR Village Commercial Residential **(3)**	**C-H1** Limited Roadside Business	**C-CP** Planned Commercial	**C-RMPC** Residential Commercial Multiple Planned	**C-RCR** Resort and Commercial Recreation	
RETAIL TRADE USES						
Accessory retail uses	PP~~, P~~	U	PP	PP	—	22.32.020
Auto, mobile home, vehicle and parts sales, new	U	—	—	U	—	
Auto sales, used	U	—	—	U	—	
Bars and drinking places	U	—	U	U	U	
Building material stores	U	U	U	U	—	
Farmers' markets	U	U	U	U	—	
Fuel and ice dealers	U	U	U	U	—	
Furniture, furnishings, and equipment stores	PP~~, P~~	U	PP	PP	—	
Grocery stores	PP~~, P~~	U	PP	PP	—	
Liquor stores	PP~~, P~~	U	PP	PP	—	
Outdoor retail sales and activities	U	U	U	U	—	
Outdoor retail sales, temporary	U	U	U	U	—	
Restaurants, 40 patrons or less	PP~~, P~~	PP	PP	PP	U	
Restaurants, more than 40 patrons	U	U	U	U	U	
Restaurants, with liquor and/or entertainment	U	U	U	U	U	
Restaurants, take-out, fast food	U	U	U	U	U	
Retail stores, general merchandise	PP~~, P~~	U	PP	PP	—	
Retail stores, visitor/collector	U	U	U	U	—	
Second hand stores	U	U	U	U	—	
Shopping centers	U	U	U	U	—	
Tobacco retail establishments	—	U	U	—	—	22.32.170

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirements	Procedure is in Section:
PP	Principal permitted use	
P	Permitted use. (2)	
U	Conditional use, Use Permit required. (2)	Chapter 22.48
—	Use not allowed. (See 22.02.020.E regarding uses not listed.)	

Notes:

(1) Listed land uses must be consistent with definitions in Article VIII (Development Code Definitions).

(2) Design review requirements are contained in Chapter 22.42 rather than in the LCP and such design review requirements apply independent of, and in addition to, coastal permit requirements.

(3) ~~Commercial shall be the~~ Principal Permitted use ~~within the mapped village commercial core area~~ of the C-~~C~~VCR zone shall be commercial. ~~and residential shall be Principal Permitted use in all other parts of the C-VCR zone. In the village commercial core are, r~~Residential shall be limited to: (a) upper floors, and/or (b) the lower floors if not located on the road-facing side of the property property within the commercial core area (i.e. the central portion of each village that is predominantly commercial). Residential uses on the ground floor of a new or existing structure of the road-facing side of the property shall only be allowed ~~subject to a use permit where a finding can be~~

~~made~~provided that the development maintains and/or enhances the established character of village commercial core areas. Existing legally established residential uses in the C-VCR zone on the ground floor and road-facing side of the property can be maintained.

The ~~replacement,~~ maintenance and repair of any legal existing residential use shall be exempt from the above provision and shall be permitted.

Development shall also be consistent, as applicable, with Chapters 22.130 (Definitions), 22.32 (Standards for Specific Land Uses), 22.64 (Coastal Zone Development and Resource Management Standards), 22.65 (Coastal Zone Planned District Development Standards), 22.66 (Coastal Zone Community Standards), and 22.68 (Coastal Permit Requirements).

TABLE 5-3-e - ALLOWED USES AND PERMIT REQUIREMENTS FOR COASTAL COMMERCIAL/MIXED USE DISTRICTS (Continued)

LAND USE (1)	**PERMIT REQUIREMENT BY DISTRICT**					**See Permit Requirements and Standards in Section**
	C-VCR Village Commercial Residential **(3)**	**C-H1** Limited Roadside Business	**C-CP** Planned Commercial	**C-RMPC** Residential Commercial Multiple Planned	**C-RCR** Resort and Commercial Recreation	
SERVICE USES						
Automatic teller machine (ATM), not at bank	PP~~, P~~	P	PP	PP	P	
Banks and financial services (no drive-thru)	PP~~, P~~	—	PP	PP	—	
Bed and breakfast, 3 or fewer guest rooms	PP~~, P~~	U	—	PP	—	22.32.040
Bed and breakfast, 4 or 5 guest rooms	U	U	—	U	—	22.32.040
Business support services	P	—	P	P	—	
Cemeteries, columbariums and mortuaries	—	U	—	U	—	
Child day-care centers	U	U	U	U	—	22.32.050
Child day-care, large family day-care homes	P	P	P	P	—	22.32.050
Child day-care, small family day-care homes	P	P	P	P	—	22.32.050
Construction yards	—	—	—	U	—	
Homeless shelters	—	—	P	—	—	22.32.095
Hotels and motels	U	U	U	U	PP	
Medical services - Clinics and laboratories	U	U	U	U	—	
Medical services - Hospitals and extended care	U	U	U	U	U	
Offices	PP~~, P~~	U	PP	PP	—	
Personal services	PP~~, P~~	—	PP	PP	—	
Public utility or safety facilities	U	U	U	U	U	
Repair and maintenance – consumer products	P	—	P	P	—	
Repair and maintenance – vehicles	U	U	U	U	—	
Service stations	U	U	U	U	U	22.32.160
Storage, accessory	P	P	P	P	U	
Veterinary clinics and animal hospitals	U	U	U	U	—	
Warehousing	U	—	U	U	—	

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirements	Procedure is in Section:
PP	Principal permitted use	
P	Permitted use. (2)	
U	Conditional use, Use Permit required. (2)	Chapter 22.48
—	Use not allowed. (See 22.02.020.E regarding uses not listed.)	

Notes:

(1) Listed land uses must be consistent with definitions in Article VIII (Development Code Definitions).

(2) Design review requirements are contained in Chapter 22.42 rather than in the LCP and such design review requirements apply independent of, and in addition to, coastal permit requirements.

(3) ~~Commercial shall be the~~ Principal Permitted use ~~within the mapped village commercial core area~~ of the C-~~C~~VCR zone ~~and residential~~ shall be ~~Principal Permitted use in all other parts of the C-VCR zone~~commercial. ~~In the village commercial core are, r~~Residential shall be limited to: (a) upper floors, and/or (b) the lower floors if not located on the road-facing side of the property property within the commercial core area (i.e. the central portion of each village that is predominantly commercial). Residential uses on the ground floor of a new or existing structure of the road-facing side of the property shall only be allowed ~~subject to a use permit where a finding can be made~~provided that the development maintains and/or enhances the established character of village commercial core areas. Existing legally established residential uses in the C-VCR zone on the ground floor and road-facing side of the property can be maintained.

The ~~replacement,~~ maintenance and repair of any legal existing residential use shall be exempt from the above provision and shall be permitted.

Development shall also be consistent, as applicable, with Chapters 22.130 (Definitions), 22.32 (Standards for Specific Land Uses), 22.64 (Coastal Zone Development and Resource Management Standards), 22.65 (Coastal Zone Planned District Development Standards), 22.66 (Coastal Zone Community Standards), and 22.68 (Coastal Permit Requirements).

TABLE 5-3-f - ALLOWED USES AND PERMIT REQUIREMENTS FOR COASTAL COMMERCIAL/MIXED USE DISTRICTS (Continued)

LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT					See Permit Requirements and Standards in Section
	C-VCR Village Commercial Residential (3)	C-H1 Limited Roadside Business	C-CP Planned Commercial	C-RMPC Residential Commercial Multiple Planned	C-RCR Resort and Commercial Recreation	
TRANSPORTATION & COMMUNICATIONS USES						
Commercial parking and vehicle storage	U	—	U	U	—	
Harbors	U	—	U	U	U	
Marinas	U	—	U	U	U	
Pipelines and utility lines	U	U	U	U	U	
Telecommunications facilities	~~P/~~U	~~P/~~U	~~P/~~U	~~P/~~U	~~P/~~U	22.32.165
Transit stations and terminals	U	—	U	U	U	
Transit stop shelters	~~P,~~ PP	P	P	P	P	
Vehicle and freight terminals	—	—	P	U	—	

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirements	Procedure is in Section:
PP	Principal permitted use	

P	Permitted use. (2)	
U	Conditional use, Use Permit required. (2)	Chapter 22.48
—	Use not allowed. (See 22.02.020.E regarding uses not listed.)	

Notes:

(1) Listed land uses must be consistent with definitions in Article VIII (Development Code Definitions).

(2) Design review requirements are contained in Chapter 22.42 rather than in the LCP and such design review requirements apply independent of, and in addition to, coastal permit requirements.

(3) ~~Commercial shall be the~~ Principal Permitted use ~~within the mapped village commercial core area~~ of the C-~~C~~VCR zone ~~and residential~~ shall be commercial~~Principal Permitted use in all other parts of the C-VCR zone~~. ~~In the village commercial core are, r~~Residential shall be limited to: (a) upper floors, and/or (b) the lower floors if not located on the road-facing side of the property property within the commercial core area (i.e. the central portion of each village that is predominantly commercial). Residential uses on the ground floor of a new or existing structure of the road-facing side of the property shall only be allowed ~~subject to a use permit where a finding can be made~~provided that the development maintains and/or enhances the established character of village commercial core areas. Existing legally established residential uses in the C-VCR zone on the ground floor and road-facing side of the property can be maintained.

The ~~replacement,~~ maintenance and repair of any legal existing residential use shall be exempt from the above provision and shall be permitted.

Development shall also be consistent, as applicable, with Chapters 22.130 (Definitions), 22.32 (Standards for Specific Land Uses), 22.64 (Coastal Zone Development and Resource Management Standards), 22.65 (Coastal Zone Planned District Development Standards), 22.66 (Coastal Zone Community Standards), and 22.68 (Coastal Permit Requirements).

22.62.090 – Coastal Special Purpose and Combining Districts

A. Purpose of Section. This Section provides regulations for development, as defined in Article VIII, in the coastal special purpose and combining zoning districts established by Section 22.62.030 (Coastal Zoning Districts Established).

B. Purpose and applicability of zoning districts.

1. General Applicability.

a. Special purpose districts. Special purpose zoning districts are intended to identify sites suitable for types of land uses that are different from but that can be accommodated along with certain land uses allowed within the other coastal agricultural, residential, and commercial zoning districts established by Section 22.62.030.

b. Combining districts. Combining districts are applied to property together with one of the other agricultural, residential, or commercial zoning districts, to highlight areas where important site, neighborhood, or area characteristics require particular attention in project planning.

(1) The combining districts established by this Chapter provide standards that apply to development, as defined in Article VIII, in addition to those of zoning districts.

(2) The applicability of a combining district to property is shown by its map symbol established by Section 22.62.030 (Coastal Zoning Districts Established) being shown as a suffix to the symbol for the primary zoning district. A site designated within a combining district shall be subject to all applicable provisions of this Chapter, in addition to the requirements of the primary zoning district. If provisions of this Chapter conflict with any requirements of a primary zoning district, this Chapter shall control.

2. C-PF (Coastal, Public Facilities) Zoning/Combining District.

a. The Coastal Public Facilities "C-PF" zoning/combining district is applied to land in the Coastal Zone suitable for public facilities and public institutional uses, including where a governmental, educational, or other institutional facility is the primary use of the site, in compliance with the Marin County Local Coastal Program. The C-PF district is consistent with the Public Facility and Quasi-Public Facility land use categories of the Marin County Land Use Plan.

b. The C-PF district may be applied to property as a primary zoning district if it is sufficiently different from surrounding land uses as to warrant a separate C-PF zoning district, and as a combining district where a publicly-owned site accommodates land uses that are similar in scale, character, and activities, to surrounding land uses.

3. **B (Coastal, Minimum Lot Size) Combining District.** See Section 22.64.040 (Coastal Minimum Lot Size (-B) Combining District) for the purpose and applicability of this district.

C. **Development standards for special purpose/combining districts.** Proposed development, as defined in Article VIII, shall comply with the provisions of Chapter 22.32 (Standards for Specific Land Uses) as applicable and all other applicable provisions of this Article.

Chapter 22.64 – Coastal Zone Development and Resource Management Standards

Sections:

22.64.010 – Purpose of Chapter
22.64.020 – Applicability
22.64.030 – General Site Development Standards
22.64.040 – Coastal Minimum Lot Size (-B) Combining District
22.64.050 – Biological Resources
22.64.060 – Environmental Hazards
22.64.080 – Water Resources
22.64.100 – Community Design
22.64.110 – Community Development
22.64.120 – Energy
22.64.130 – Housing
22.64.140 – Public Facilities and Services
22.64.150 – Transportation
22.64.160 – Historical and Archaeological Resources
22.64.170 – Parks and Recreation
22.64.180 – Public Coastal Access

22.64.010 – Purpose of Chapter

This chapter provides general standards for proposed development, including site planning, and appropriate land use, for the following coastal zoning districts: C-APZ (Coastal, Agricultural Production Zone), C-ARP (Coastal, Agricultural, Residential Planned), C-OA (Coastal, Open Area), C-RA (Coastal, Residential, Agricultural), C-R1 (Coastal, Residential, Single-Family), CRSP (Coastal, Residential, Single-Family Planned), C-RSPS (Coastal, Residential, Single-Family Planned, Seadrift Subdivision), C-R2 (Coastal, Residential, Two-Family), C-RMP (Coastal, Residential, Multiple Planned), C-VCR (Coastal, Village Commercial/ Residential), C-H1 (Coastal, Limited Roadside Business), C-CP (Coastal, Planned Commercial), C-RMPC (Coastal, Residential/Commercial Multiple Planned) zoning districts, and the -B (Minimum Lot Size) combining district.

22.64.020 – Applicability

The provisions of this Chapter apply to proposed development, as defined in Article VIII, in all coastal zoning districts, which requires Coastal Permit approval in addition to the requirements of Chapters 22.62 (Coastal Zoning Districts and Allowable Land Uses), 22.65 (Coastal Zone Planned District Development Standards), 22.66 (Coastal Zone Community Standards), and all other applicable provisions of this Development Code. In addition to specific standards applicable to a particular land use, all other LCP requirements also apply.

22.64.030 –General Site Development Standards

Proposed development within the coastal zoning districts established by Section 22.62.030 (Coastal Zoning Districts Established) shall be sited, designed, constructed in compliance with the minimum lot area, density, setback requirements, height, and floor area ratio requirements shown in Table 5-4 (Coastal Zone Development Standards), as well as all other applicable LCP requirements.

TABLE 5-4-a – COASTAL ZONE DEVELOPMENT STANDARDS

Zoning District	Minimum Lot Area (1)	Maximum Residential Density (~~2,~~6)	Minimum Setback Requirements (1, 3)			Maximum Height (4)		Maximum FAR (5,7)
			Front	Sides	Rear	Primary	Accessory	
C-RA	7,500 sq. ft.	1 unit per minimum lot area required ~~Not applicable~~	25 ft.	6 ft., 10 ft. on street side	20% of lot depth to 25 ft. max.	25 ft.	15 ft.	0.30
C-R1								
C-R2								
C-VCR		1 unit per 2,000 sq. ft. of lot area	0 ft.	0 ft. for commercial use, 5 ft. for residential use	0 ft. for commercial use, 15 ft. for residential use			See Notes 5, 7
C-H1		1 unit per minimum lot area required ~~7,500 sq. ft. of lot area~~	30 ft.	6 ft. adjacent to residential district, none otherwise	12 ft. adjacent to residential district, none otherwise			

Notes:

(1) Minimum lot area and setback standards may change, as follows:

a. Minimum lot area and setback standards may change when such district is combined with a "-B" district in compliance with the provisions of Section 22.64.040 (Coastal "-B" Combining District Development Standards).

b. Minimum lot area may change in areas of sloping terrain, including those districts combined with "-B" districts, in compliance with the provisions of Section 22.82.050 (Hillside Subdivision Design) (See also Appendix 9)~~.~~

~~(2) In C-RA, C-R1, C-R2, and C-H1 districts, maximum residential density is based on one unit per the minimum lot area required.~~

(3) See (1) above. See Section 22.64.045(4) (Setback Requirements and Exceptions) for setback measurement, allowed projections into setbacks, and exceptions to required setbacks. Setback exceptions for ESHA and hazards are only allowed per the LCP's Biological Resources and Environmental Hazards policies, respectively.

(4) See Section 22.64.045(3) (Height Limits Exceptions) for height measurement and exceptions. Building height limits may change, as follows:

a. In C-R1 districts of the Stinson Beach Highlands, the primary building height limit is 17 feet.

b. Single-family dwellings over 25 feet in height shall require Design Review (in addition to and independent of Coastal Permit requirements) and Variance approval in compliance with Chapters 22.42 (Design Review) and 22.70.150 (Coastal Zone Variances), in addition to a Coastal Permit.

c. All height limit exceptions must be found consistent with Land Use Plan Policies C-DES-1, 2, and 3. ~~Nothwithstanding "a" and "b" above, where an increase in height in the coastal zone consists solely of raising an existing structure by the minimum amount necessary to meet the Base Flood Elevation (BFE) established by FEMA plus any additional elevation required by Policy C-EH-8, the maximum height limit allowable (without a variance) shall be increased by that height~~.

d. As allowed by LUP Policy C-EH-5 (Standards for Shoreline Development).

(5) See Chapter 22.42 (Design Review) for other conditions that may require Design Review approval in addition to and independent of a Coastal Permit. In C-VCR and C-H1 districts, maximum floor area may be determined through the Design Review Process in compliance with Chapter 22.42 (Design Review) in addition to and independent of a Coastal Permit.

(6) The maximum residential density for proposed divisions of land for that portion or portions of properties with Environmentally Sensitive Habitat Areas and buffers, and properties that lack public water or sewer systems, shall be calculated at the lowest end of the density range as established by the governing Land Use Category, except for projects that provide significant public benefits, as determined by the Review Authority, or lots proposed for affordable housing, and if it can be demonstrated that the development will ~~can~~ avoid and protect all ESHA and ESHA buffers and will avoid all hazardous areas and hazard setbacks, and will be served by on-site water and sewage disposal systems.

(7) The maximum non-residential and non-agricultural floor area for that portion or portions of properties with Environmentally Sensitive Habitat Areas and buffers, hazardous areas and setbacks, and properties that lack public water or sewer systems, shall be calculated at the lowest end of the density range as established by the governing Land Use Category, except for projects that provide significant public benefits, as determined by the Review Authority, ~~or~~ and where it can be demonstrated that the development will ~~can~~ avoid and protect all ESHA and ESHA buffers and will avoid all hazardous areas and hazard setbacks, and will be served by on-site water and sewage disposal systems.

See Article VIII (Development Code Definitions) for definitions of the terms used above.

TABLE 5-4-b – COASTAL ZONE DEVELOPMENT STANDARDS (Continued)

<table>
<tr><th rowspan="2">Zoning District</th><th rowspan="2">Minimum Lot Area (1)</th><th rowspan="2">Maximum Residential Density (2, 6)</th><th colspan="3">Minimum Setback Requirements (3)</th><th colspan="2">Maximum Height (4)</th><th rowspan="2">Maximum FAR (5,7)</th></tr>
<tr><th>Front</th><th>Sides</th><th>Rear</th><th>Primary</th><th>Accessory</th></tr>
<tr><td>C-OA</td><td rowspan="9">See Note 1</td><td>See Notes 2 and 6</td><td colspan="3" rowspan="9">See Note 3</td><td rowspan="6">25 ft.</td><td rowspan="6">15 ft.</td><td rowspan="9">See Notes 5 and 7</td></tr>
<tr><td>C-APZ</td><td rowspan="6">See Zoning Map for corresponding residential density</td></tr>
<tr><td>C-ARP</td></tr>
<tr><td>C-RMP</td></tr>
<tr><td>C-RMPC</td></tr>
<tr><td>C-RSP</td></tr>
<tr><td>C-RSPS</td><td colspan="2">See 22.66.070.D</td></tr>
<tr><td>C-CP</td><td rowspan="2">Not permitted</td><td rowspan="2">25 ft.</td><td rowspan="2">15 ft.</td></tr>
<tr><td>C-RCR</td></tr>
</table>

Notes:

(1) Minimum lot area is determined through the Coastal Permit. The review authority will determine whether the lot area is adequate for a proposed land use.

(2) Where dwellings are permitted, the following standards apply:

a. In C-OA districts, maximum density is determined through the Coastal Permit.

b. In C-APZ, C-ARP, C-RMP, C-RMPC, C-RSP, and C-RSPS districts, when determining the maximum density allowed, any fraction of a dwelling unit of 0.90 or greater will be counted as a whole unit.

c. C-APZ districts shall have a maximum density of one unit per 60 acres.

d. In considering division of agricultural lands in the Coastal Zone, the County may approve fewer parcels than the maximum number of parcels allowed by this Code, based on site characteristics such as topography, soil, water availability, environmental constraints, and the capacity to sustain viable agricultural operations. {See also LUP Policy C-AG-6}

(3) Setbacks are determined through the Coastal Permit. Setback exceptions for ESHA and hazards are only allowed per the LCP's Biological Resources and Environmental Hazards policies, respectively.

(4) See Section 22.64.045(3) (Height Limits and Exceptions) for height measurement and exceptions. Building height limits may change, as follows:

a. In C-RSP districts on the shoreline of Tomales Bay, building height limits shall comply with Section 22.65.060.C (C-RSP Zoning District Height Limit - Tomales Bay).

b. In C-RSPS districts, building height limits shall comply with Section 22.65.070.D (C-RSPS Zoning District Height Limit - Seadrift Subdivision).

c. All height limit exceptions must be found consistent with Land Use Plan Policies C-DES-1, 2, and 3. ~~Nothwithstanding "a" and "b" above, where an increase in height in the coastal zone consists solely of raising an existing structure by the minimum amount necessary to meet the Base Flood Elevation (BFE) established by FEMA plus any additional elevation required by Policy C-EH-8, the maximum height limit allowable (without a variance) shall be increased by that height.~~

d. As allowed by LUP Policy C-EH-5 (Standards for Shoreline Development).

(5) Maximum floor area is determined through the Coastal Permit. In C-APZ, no more than a combined total of 7,000 sq ft (plus 540 square feet of garage space and 500 square feet of office space in the farmhouse used in connection with the agricultural operation) may be permitted as an agricultural dwelling per farm tract, whether in a single farmhouse or in a combination of a farmhouse and intergenerational homes(s).

(6) The maximum residential density for proposed divisions of land for that portion or portions of properties with Environmentally Sensitive Habitat Areas and buffers, hazardous areas and setbacks, and properties that lack public water or sewer systems, shall be calculated at the lowest end of the density range as established by the governing Land Use Category, except for projects that provide significant public benefits, as determined by the Review Authority, or lots proposed for affordable housing, and if it can be demonstrated that the development will ~~can~~ avoid and protect all ESHA and ESHA buffers and will avoid all hazardous areas and hazard setbacks, and will be served by on-site water and sewage disposal systems.

(7) The maximum non-residential and non-agricultural floor area for that portion or portions of properties with Environmentally Sensitive Habitat Areas and buffers, hazardous areas and setbacks, and properties that lack public water or sewer systems, shall be calculated at the lowest end of the density range as established by the governing Land Use Category, except for projects that provide significant public benefits, as determined by the Review Authority, ~~or~~ and where it can be demonstrated that the development will ~~can~~ avoid and protect all ESHA and ESHA buffers and will avoid all hazardous areas and hazard setbacks, and will be served by on-site water and sewage disposal systems.

22.64.040 – Coastal Minimum Lot Size (-B) Combining District

A. Purpose. The Coastal Minimum Lot Size "-B" combining district is intended to establish lot size, area, and setback requirements for division of land that are different from those normally applied by the primary zoning district applicable to a site; and to configure development on existing lots, where desirable, because of specific characteristics of the area.

B. Development standards. Where the -B combining district is applied, the minimum lot area, average lot width, and depths of front, side, and rear yards in Table 5-5 shall be required, instead of those that are normally required by the primary zoning district. The maximum residential density for proposed division of land for that portion or portions of properties with Environmentally Sensitive Habitat Areas and buffers, hazardous areas and setbacks, and properties that lack public water or sewer systems, shall be calculated at the lowest end of the density range as established by the governing Land Use Category, except for projects that provide significant public benefits, as determined by the Review Authority, or lots proposed for affordable housing, and where it can be demonstrated that the development ~~can~~ will avoid and protect all ESHA and ESHA buffers, will avoid all hazardous areas and hazard setbacks, and will ~~can~~ be served by on-site water and sewage disposal systems.

TABLE 5-5 – COASTAL -B COMBINING DISTRICT DEVELOPMENT STANDARDS

Zoning District	Minimum Lot Area (1)	Minimum Setback Requirements (2)			Maximum Height (3)		Maximum FAR (4, 5)
		Front	Sides	Rear	Primary	Accessory	
B1	6,000 sq.ft.	25 ft.	5 ft., 10 ft. on street side	20% of lot depth to 25 ft. max.	25ft.	15 ft.	0.30
B2	10,000 sq.ft.		10 ft.				
B3	20,000 sq.ft.	30 ft.	15 ft.				
B4	1 acre		20 ft.				
B5	2 acres		20 ft., 30 ft. on street side	30 ft.			
B6	3 acres						
BD	See Section 22.66.110						

Notes:

(1) Minimum lot area shown applies except where Section 22.82.050 (Hillside Subdivision Design) establishes a lower minimum lot area standard (See also Appendix 9).

(2) See (Setback Requirements and Exceptions~~)~~ for setback measurement, allowed projections into setbacks, and exceptions to required setbacks. Setback exceptions for ESHA and hazards are only allowed per the LCP's Biological Resources and Environmental Hazards policies, respectively.

(3) See Section 22.64.045(3) (Height Limits and Exceptions) for height measurement and exceptions. Primary building height limit in the Stinson Beach Highlands is 17 feet, not 25 feet. Single-family dwellings over 25 feet in height shall require approval in compliance with 22.70.150 (Coastal Zone Variances), in addition to a Coastal Permit. All height limit exceptions must be found consistent with Land Use Plan Policies C-DES-1, -2, -3.

(4) Design review requirements are contained in Chapter 22.42 rather than in the LCP and such design review requirements apply independent of, and in addition to, coastal permit requirements.

(5) The maximum residential density for proposed divisions of land for that portion or portions of properties with Environmentally Sensitive Habitat Areas and buffers, hazardous areas and setbacks, and properties that lack public water or sewer systems, shall be calculated at the lowest end of the density range as established by the governing Land Use Category, except for projects that provide significant public benefits, as determined by the Review Authority, or lots proposed for affordable housing, and if it can be demonstrated that the development ~~can~~ will avoid and protect all ESHA and ESHA buffers and will avoid all hazardous areas and hazard setbacks, and will be served by on-site water and sewage disposal systems.

See Article VIII (Development Code Definitions) for definitions of the terms used above.

22.64.045--Property Development and Use Standards

1. Applicability—General Standards.

A. All proposed development, including new land uses, shall conform with all of the standards of this Chapter and all applicable LCP provisions unless exempted from coastal permit requirements by Chapter 22.68.

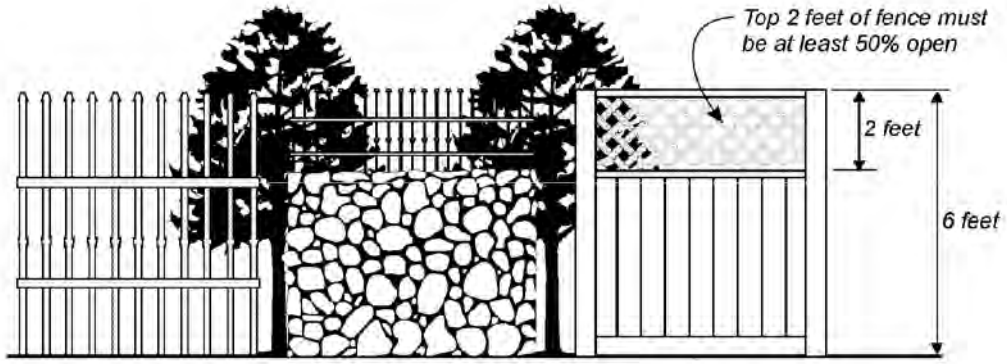
2. Fencing and Similar Structure Standards

In addition to other applicable LCP provisions, the following standards shall apply to the installation of all fences, walls, trellises, and similar structures:

A. Height limitations. Fences, walls, trellises, and similar structures are subject to the following height limitations.

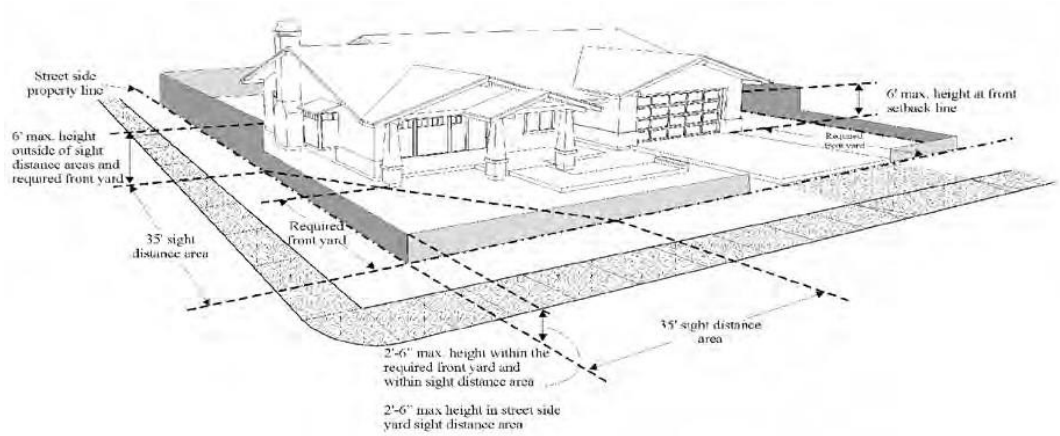
1. General height limit. A fence or wall having a maximum height of four feet or less above grade may be located within a required setback for a front yard or side yard that abuts a street. A fence or wall having a maximum height exceeding four feet but no more than six feet above grade may be located within a required setback for a front yard or side yard that abuts a street if the entire section or portion of the fence or wall above four feet in height above grade has a surface area that is at least 50% open and unobstructed by structural elements. (See Figure 3-1.) A solid fence or wall having a maximum height of six feet above grade may be located within a required interior yard setback, a rear yard setback, a rear yard setback of a through lot, or on the property line defining such yards. A trellis above a gate or opening along the line of a fence, not exceeding a maximum height of eight feet above grade and a width of six feet, is permitted within a required setback for a front, side, or rear yard that abuts a street. In all cases, such fences, walls, trellises, or other similar structures shall only be allowed so long as such structures adequately protect significant public views.

FIGURE 3-1
EXAMPLES OF FENCE, WALL, TRELLIS, AND SIMILAR STRUCTURES WITH THE AREA ABOVE FOUR FEET AT LEAST 50 % OPEN



2. Corner lots. In addition to the general provisions described above, fences within the front and/or street side setbacks of a corner lot shall not exceed a height of two feet, six inches above the street level of an adjacent intersection, within the area between the property lines and a diagonal line joining points on the property lines which are 35 feet from their intersection. See Figure 3-2.

FIGURE 3-2
HEIGHT LIMITATIONS FOR FENCES, WALL, TRELLIS, AND SIMILAR STRUCTURES ON CORNER LOTS

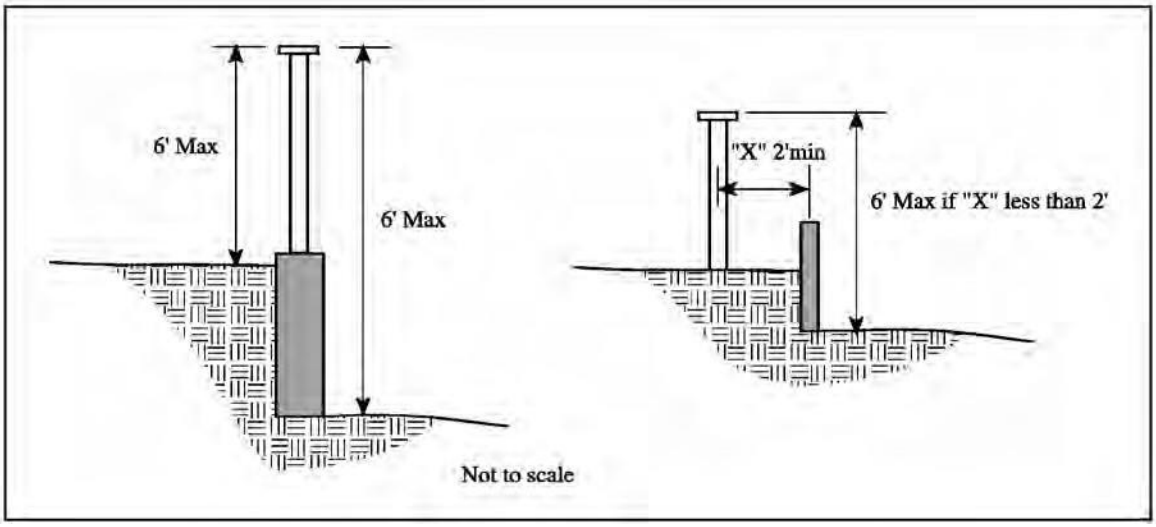


3. **Lots with grade differential.** In addition to the general provisions described above, where there is a difference in the ground level between two adjoining lots, the height of the fence, wall, trellis, or other similar structure shall not exceed six feet as measured from grade on either side of the structure. See Figure 3-3 (Fence Height Limits).

4. **Parallel fences and walls.** In addition to the general provisions described above, two approximately parallel fences, walls, trellises, or other similar structures shall maintain a separation of at least two feet to encourage landscaping between the separation, or the height of both structures shall be computed as one structure, subject to the six foot height limitation. See Figure 3-3 (Fence Height Limits).

B. **Setback requirements.** Fences, walls, trellises, or other similar structures up to four feet in height or six feet in height above grade may be located within a required setback or on property lines in compliance with the height limits of Subsection A., above. Fences, walls, trellises, or other similar detached structures exceeding the height limits specified in Subsection A, shall be subject to the same setback requirements of this Implementation Plan applicable to the primary structure. Fences, walls, trellises, or other similar structures shall be sited and designed to adequately protect significant public views.

FIGURE 3-3
FENCING AND SIMILAR STRUCTURES HEIGHT LIMITS



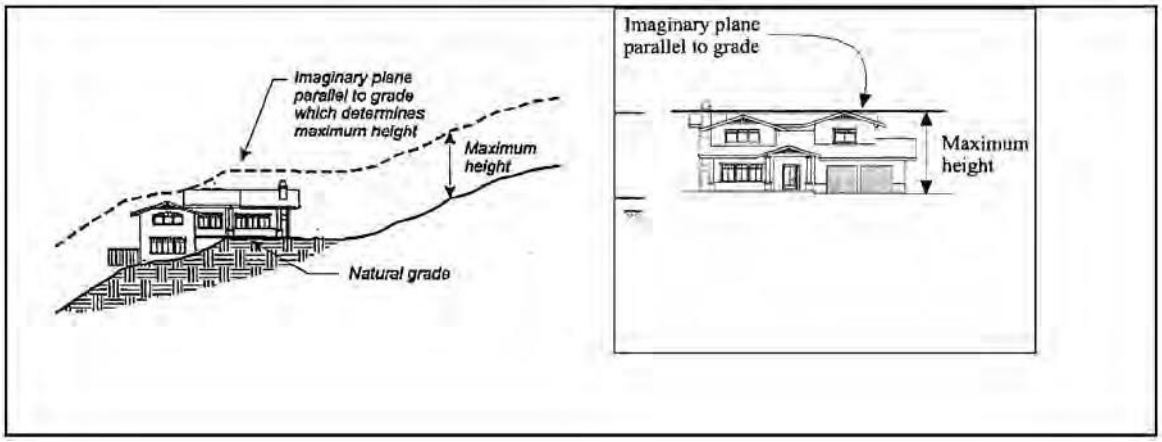
…

3. Height Limits and Exceptions.

In addition to other applicable LCP provisions, all structures shall meet the following standards relating to height, except for fences, walls, trellises, and similar structures, which shall comply with Fencing and Similar Structure Standards, above.

A. Maximum height. The height of any structure shall not exceed the maximum height standard established by the applicable zoning district in the LCP. Maximum height shall be measured as the vertical distance from grade to an imaginary plane located the maximum number of feet above and parallel to the grade. See Figure 3-4 (Measurement of Maximum Height) and definition of "Grade" in Article VIII (Definitions).

FIGURE
3-4
MEASUREMENT OF MAXIMUM HEIGHT



B. Detached accessory structures. A detached accessory structure shall not exceed 15 feet in height above grade. However, a detached accessory structure may be constructed to the height allowed for primary structures by the

applicable zoning district if the accessory structure is located at least 40 feet from all property lines.

C. **Structures for parking.** A detached parking structure is subject to the same maximum height limit as detached accessory structures, above.

D. **Height Exceptions:**

1. **Spires, towers, water tanks, etc.** Chimneys, cupolas, flag poles, gables, monuments, spires, towers (e.g., transmission, utility, etc.), water tanks, necessary mechanical appurtenances, and similar structures may be allowed to exceed the height limit established for the applicable zoning district, subject to all of the following standards:

a. The structure shall not cover more than 15 percent of the lot area at any level.

b. The area of the base of the structure shall not exceed 1,600 square feet.

c. No gable, spire, tower or similar structure shall be used for sleeping or eating quarters or for any commercial purpose other than that which is incidental to the allowed uses of the primary structure.

d. No structure shall exceed a maximum height of 150 feet above grade.

e. Such height shall be found consistent with all other applicable LCP policies, including policies C-DES-1, 2, and 3.

2. **Roof-mounted Solar Energy Systems.** Roof-mounted solar energy systems may exceed the required height limit by no more than two feet.

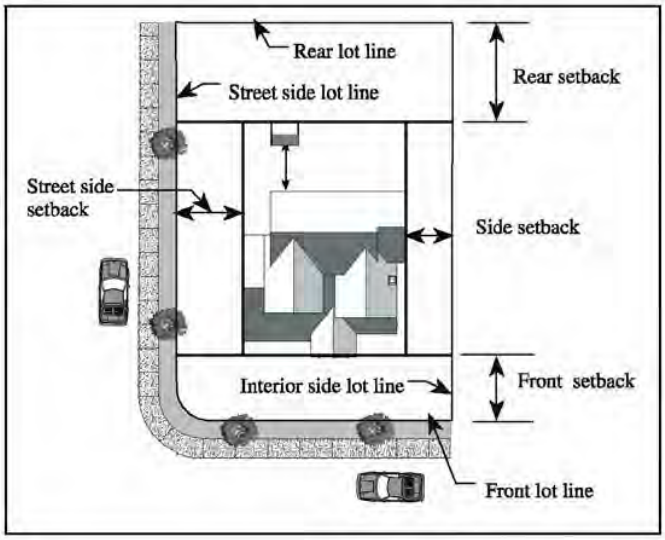
3. **Flood Hazard and Sea Level Rise Safety.** As allowed by LUP Policy C-EH-5 (Standards for Shoreline Development). ~~Where an increase in height in the coastal zone consists solely of raising an existing structure by the minimum amount necessary to meet the Base Flood Elevation (BFE) established by FEMA plus any additional elevation required by Policy C-EH-8, the maximum height limit allowable (without a variance) shall be increased by that height.~~

4. **Setback Requirements and Exceptions.**

A. In addition to other applicable LCP provisions, this section establishes setback standards, including those related to allowed uses in setbacks, minimum sizes for setbacks, and exceptions to setback standards (Additional setbacks may be required by ~~the Hillside Ordinance~~Marin County Development Code Section 22.82.050 (Hillside Subdivision Design~~)~~ (Appendix 9).. These standards are intended to provide for open areas around structures, including but not limited for: visibility and traffic safety; access to and around structures; access to natural light, ventilation and direct sunlight; separation of incompatible land uses; space for privacy, landscaping, and recreation; water quality protection;

space to account for fire safety; and protection of significant public views, including views both to and along the ocean and scenic coastal areas as seen from public viewing areas. All setbacks are minimums and may be increased in order to meet LCP provisions, including those related to water quality and community character. Setback requirements and exceptions for coastal permits involving ESHA and coastal hazards are listed in 22.64.050 and 22.64.060, respectively.

FIGURE 3-5
LOCATION AND MEASUREMENT OF SETBACKS



B. **Measurement of Setbacks.** Setbacks shall be measured from property lines, as shown by Figure 3-5 (Location and Measurement of Setbacks), and as follows; however, if an access easement or street right-of-way line extends into or through a yard setback, the measurement shall be taken from the nearest point of the easement or right-of-way line, not the more distant property line. See Figure 3-6 (Front and Side Setbacks with Easements).

1. **Front yard setbacks.** The front yard setback shall be measured at right angles in from the front property line of the lot, establishing a setback line parallel to the front property line.

a. **Flag lots.** For a lot with a fee ownership strip extending from a street or right-of-way to the building area of the parcel, the measurement shall be taken in from the point where the access strip meets the bulk of the lot along a continuous line, establishing a setback line parallel to it. See Figure 3-7 (Flag Lot Setbacks).

FIGURE 3-6
FRONT AND SIDE SETBACKS WITH EASEMENTS

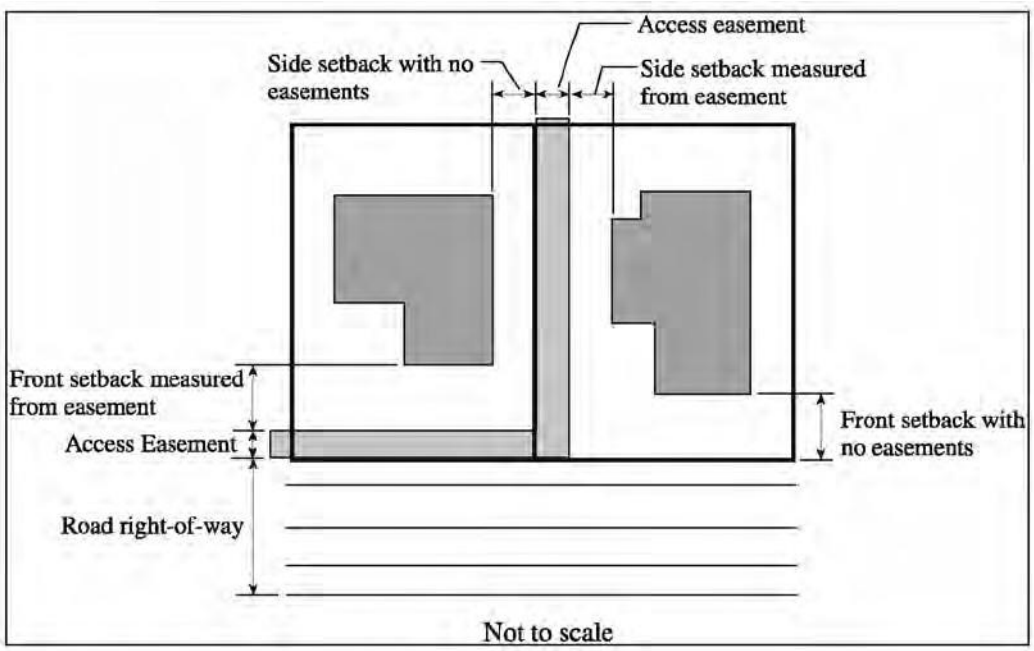
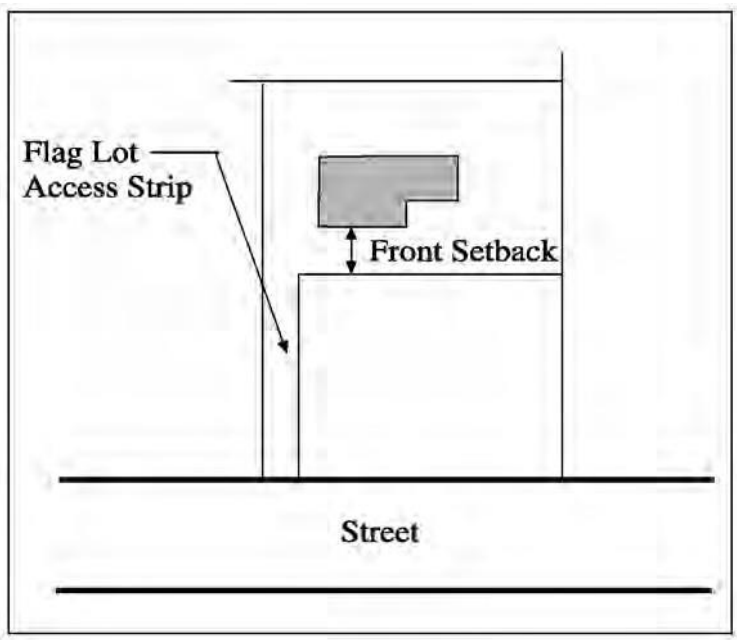


FIGURE 3-7
FLAG LOT SETBACKS



b. **Corner lots.** The measurement shall be taken in from the property line adjoining the street to which the property is addressed and the street from which access to the property is taken.

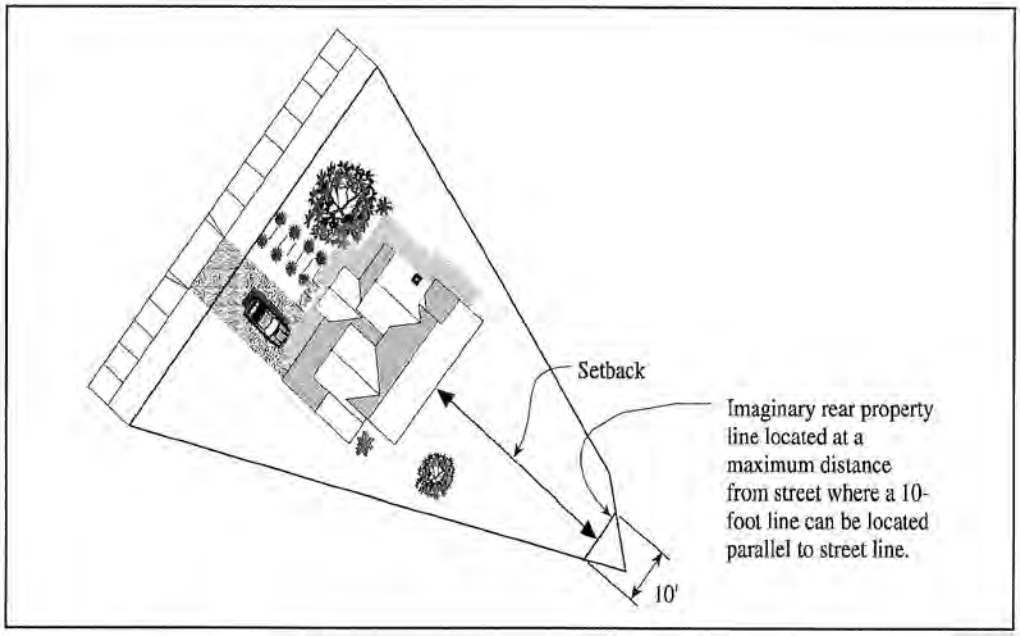
2. **Side yard setbacks.** The side yard setback shall be measured at right angles in from the nearest point on the side property line of the lot; establishing a setback line parallel to the side property line which extends between the front and rear yards.

3. **Street side yard setbacks.** The side yard on the street side of a corner lot shall be measured at right angles in from the nearest point of the side property line adjoining the street, establishing a setback line parallel to the side property line which extends between the front and rear yards.

4. **Rear yard setbacks.** The rear yard shall be measured at right angles in from the nearest point on the rear property line, establishing a setback line parallel to the rear property line.

5. **Rear yard setbacks for irregular shaped lots.** On an irregular, triangular, or gore-shaped lot, where it is difficult to identify a rear lot line, the rear yard shall be measured at right angles from a line ten feet in length within the lot, parallel to and at a maximum distance from the front property line. See Figure 3-8 (Rear Setback in Irregular Parcels).

FIGURE 3-8
REAR SETBACK IN IRREGULAR PARCELS



C. **Setback requirements.** Unless exempted in compliance with Subsections D and E, below, all structures shall conform with the setback requirements established for each zoning district by Article V (Coastal Zone Development and Resource Management Standards), and with any special setbacks established for specific uses by this Development Code, except as otherwise provided by this Section.

1. **General requirements.** In no case shall any portion of a structure, including eaves or roof overhangs, extend beyond a property line, or into an access easement or street right of-way.

2. **Accessory structures.** Detached accessory structures shall comply with the same setback requirements established by the applicable zoning district for primary structures, except as follows:

   a. The minimum rear yard setback for a detached accessory structure shall equal the minimum side setback, and no less than ten feet; except that the rear setback on a through lot shall be 20 percent of the lot depth to a maximum of 25 feet.

   b. The total aggregate floor area of all detached accessory structures shall not exceed 30 percent of the area contained within the boundaries of the setback required in the rear yard.

3. **Detached site elements.** Detached decks, swimming pools and spas, steps, terraces, and other site design elements that are placed at or below grade, and which exceed a height of 18 inches above grade at any point, shall conform with the setback requirements of this Chapter for detached accessory structures. Hand railings and other safety features required by the Uniform Building Code and attached directly to a detached site element shall not be included in the measurement of the maximum height of the detached site element.

4. Site design elements less than 18 inches above grade are exempt from setback requirements in compliance with Subsection D (Exemptions from setback requirements), below. Examples of site design elements less than 18 inches above grade include ponds, shuffleboard courts, and water elements (e.g., fountains, sprays, etc.).

D. **Exceptions from setback requirements.** The minimum setback requirements of this Development Code shall apply to all development except the following, provided the following complies with all hazard and ESHA setback requirements.

1. Fences, walls, trellises, and similar structures that comply with the height limits specified in Fencing and Similar Structure Standards;

2. Detached energy efficiency devices located within required rear yard and side yards that do not exceed a height of four feet in height above grade;

3. Decks, freestanding solar devices, swimming pools and spas, steps, terraces, and other site design elements which are placed at or below grade and do not exceed a height of 18 inches above grade at any point. Hand railings and other safety features required by the Uniform Building Code and attached directly to a detached site element which meets the criteria herein are exempt from the minimum setback requirements;

4. Flag poles that do not exceed a height of 30 feet above grade; and

5. Retaining walls. The following standards shall apply to all retaining walls provided they are not acting as a shoreline protective device. See

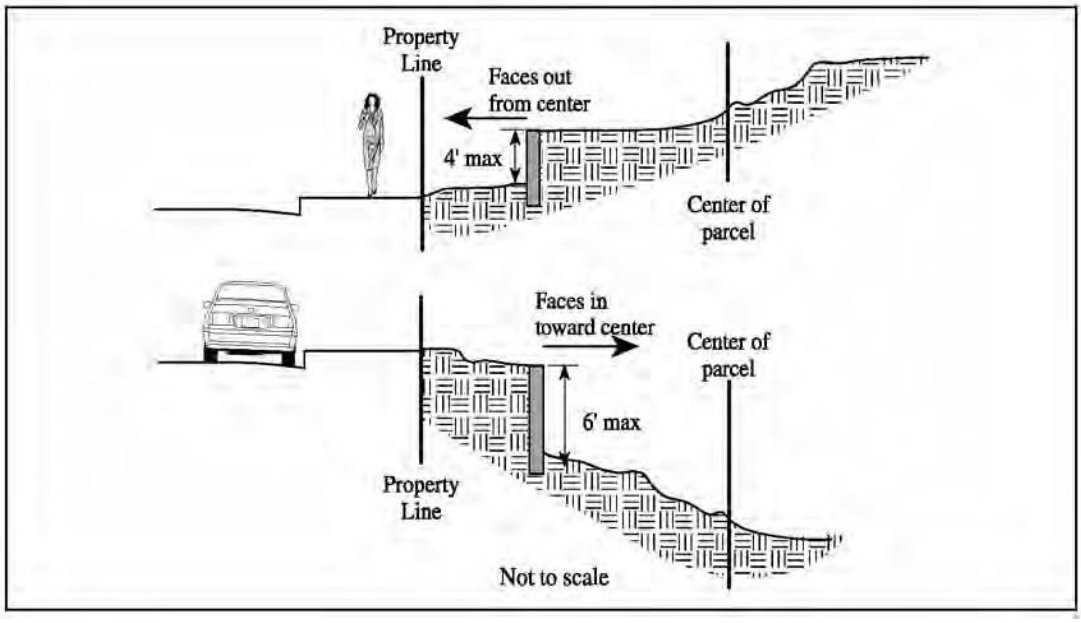
Figure 3-9 (Maximum Height for Retaining Walls Exempt from Setbacks):

a. Retaining walls greater than six feet in height above grade shall be subject to the same setback requirements as the primary structure if the exposed face of the retaining wall faces into the center of the property.

b. Retaining walls greater than four feet in height above grade shall be subject to the same setback requirements as the primary structure if the exposed face of the retaining wall faces outward from the center of the property.

6. As allowed by LUP Policy C-EH-5 (Standards for Shoreline Development).

FIGURE 3-9
MAXIMUM HEIGHT FOR RETAINING WALLS EXEMPT FROM SETBACKS



E. **Allowed projections into setbacks.** Attached architectural features and certain detached structures may project into or be placed within a required setback, as long as it is not a hazard or ESHA setback, in compliance with the following requirements:

1. **Architectural features.** Architectural features attached to the primary structure may extend beyond the wall of the structure and into the front, side and rear yard setbacks, in compliance with Table 3-1 (Allowed Projections into Setbacks). See also Figure 3-10 (Examples of Allowed Projections into Required Setbacks).

TABLE 3-1
ALLOWED PROJECTIONS INTO SETBACKS

Feature	Allowed Projection into Specified Setback		
	Front Setback	Side Setback	Rear Setback
Chimney (1)	30 in.	30 in.	30 in.
Cantilevered architectural features (2)	30 in.	30 in.	30 in.
Deck (3)	6 ft.	3 ft. (1)	6 ft.
Porch (4)	6 ft.	3 ft. (1)	6 ft.
Solar devices and tankless water heaters	30 in.	30 in.	30 in.
Stairway (5)	6 ft.	3 ft. (1)	6 ft.

Notes: (1) Feature may project no closer than three feet to the property line.
(2) Cantilevered architectural features including balconies, bay windows, cornices, eaves and roof overhangs may project into setbacks as shown.
(3) Decks less than 18 inches above grade are exempt, in compliance with Exceptions from Setback Requirements, above.
(4) A stairway may project into a setback, provided it is not roofed or enclosed above the steps.

2. **Parking structures on steep lots.** In any zoning district allowing residential uses, where the slope of the one-half of the parcel beginning at the street-access side is 20 percent or more, or where the elevation of the parcel at the property line from which vehicular access is taken is five feet or more above or below the elevation of the adjoining street, a parking structure may be built to within three feet of the front and side property lines that abut the adjoining street from which vehicular access is taken.

3. **Trellises.** See Fencing and Similar Structure Standards - Height Limitations.

FIGURE 3-10

EX Not to scale :S_

F. **Restrictions on the use of front yard setbacks in residential districts**. No junk or scrap shall be allowed in the front yard on any lot in any residential zoning district. This restriction includes the storage of operable or inoperable vehicles in other than improved parking or driveway areas.

G. Additional setbacks may be required by the Hillside Ordinance (Marin County Development Code Section 22.82.050).

22.64.050 – Biological Resources

A. **Submittal requirements**.

1. **Biological studies.**

a. **Initial Site Assessment Screening.** The Marin County Community Development Agency (CDA) shall conduct an initial site assessment screening of all development proposals to determine the potential presence of Environmentally Sensitive Habitat Area (ESHA). The initial site assessment screening shall include a review of reports, resource maps, aerial photographs, site inspection and additional resources as necessary to determine the presence of ESHA.

b. **Site Assessment.** A site assessment shall be submitted for those Coastal Permit applications where the initial site assessment screening reveals the potential presence of an Environmentally Sensitive Habitat Area (ESHA) within 100 feet of any portion of the proposed development. The permit will be subject to a level of review that is commensurate with the nature and scope of the development. A site assessment shall be prepared by a qualified biologist and shall confirm the extent of the ESHA, document any site constraints and the presence of other sensitive resources, recommend ~~buffers~~setbacks, and development timing, including required ~~setbacks~~buffers, and provide other information, analysis and potential modifications necessary to protect the resource. If the site assessment identifies ~~significant~~ impacts, then the report shall analyze alternatives to avoid impacts to ESHA; shall, if ESHA impacts cannot be avoided, include findings identifying why there are no feasible alternatives to avoid ESHA impacts, and shall identify appropriate mitigation measures. Where habitat restoration or creation is required to eliminate or offset potential impacts to an ESHA, a detailed Restoration and Monitoring Plan shall be required, as provided in this section.

c. **Buffer Areas.** Buffers shall be provided for ESHAs in accordance with the policies of C-BIO-3 (ESHA Buffers), C-BIO-18~~9~~ (Wetland Buffers), or C-BIO-23~~4~~ (Coastal Streams and Riparian Vegetation), in combination with the findings of a site assessment, as necessary to ensure the biological integrity and preservation of the habitat they are designed to protect. Maintain ESHA buffers in their natural condition, except as provided in C-BIO-19~~20~~ (Wetland Buffer Adjustments), C-BIO-25 (Stream Buffer Adjustments) or C-BIO-4 (Protect Major Vegetation).

Determination of ESHA buffer requirements shall consider the following:

1) Habitat requirements of the ESHA, including the migratory patterns of affected species and tendency to return each season to the same nest site or breeding colony;

2) Sensitivity of the ESHA to disturbance;

3) Topography of the site;

4) Movement of stormwater;

5) Permeability of the soils and depth to water table;

6) Vegetation present;

7) Unique site conditions;

8) Whether vegetative, natural topographic, or built features (e.g., roads, structures) provide a physical barrier between the proposed development and the ESHA; and

9) The likelihood of increased human activity and disturbance resulting from the project relative to existing development.

10) A buffer reduction shall be considered only when supported by evidence that the reduction is ~~necessary~~ unavoidable, is the minimum necessary, ~~and~~ will prevent impacts that degrade the ESHA, and will be compatible with the continuance of ESHA.

d. **Habitat Mitigation.** New development shall be sited and designed to avoid impacts to ESHA. If proposed development is a permissible use in ESHA, but there is no feasible alternative, including the no project alternative, that can avoid significant impacts to ESHA, then the alternative that would result in the fewest or least significant impacts shall be selected. Residual adverse impacts to ESHA shall be fully mitigated, with priority given to on-site habitat mitigation. Off-site or fee-in-lieu habitat mitigation measures shall only be approved when it is not feasible to fully mitigate impacts on-site or where off-site habitat mitigation is more protective in the context of a biological analysis prepared by a qualified scientist and approved by the County of Marin. Any determination that it is infeasible to mitigate impacts onsite shall be supported by written findings. Mitigation shall not substitute for implementation of the project alternative that would avoid impacts to ESHA.

Allowable habitat mitigation shall occur in accordance with the provisions of C-BIO-20~~1~~ (Wetland Impact Mitigation) for wetlands and ~~or~~ the findings of a site assessment, and shall be provided at a minimum ratio of 2:1 for on-site mitigation; 3:1 for off-site mitigation or 4:1 for an in-lieu fee where applicable. In determining required mitigation, the acreage of habitat impacted shall be determined based on the size of the approved development area, road/driveway area, and required fuel modification on the project site, as well as ~~and~~ required vegetation clearance and other disturbance, if any, on adjacent properties. Habitat mitigation may be required at an adjusted ratio or through other appropriate techniques as commensurate with the extent of habitat disruption, based on the specific requirements of the ESHA as determined through the site assessment.

2. **Site map.** Coastal Permit applications shall contain a detailed site plan showing existing and proposed construction, with major vegetation, water courses, natural features, and other probable wildlife areas.

3. **Restoration and Monitoring Plan.** Restoration and Monitoring Plans shall include the following:

a. A clear statement of the ESHA habitat restoration goals. Characterization of the desired habitat, including an actual habitat, that can act both as a model for the restoration and as a reference site for developing success criteria.

b. Sampling of reference habitat using the methods that will be applied to the restoration site with reporting of resultant data.

c. Quantitative and qualitative description of the chosen restoration site.

d. Requirements for designation of a qualified restoration biologist as the restoration manager who will be personally responsible for all phases of the restoration. Phases of the restoration shall not be assigned to different contractors without onsite supervision by the restoration manager.

e. A specific Grading Plan if the topography must be altered.

f. A specific Erosion Control plan if soil or other substrate will be significantly disturbed during the course of the restoration.

g. A Weed Eradication Plan designed to eradicate existing weeds and to control future invasion by exotic species that is carried out by hand weeding and supervised by a restoration biologist.

h. A Planting Plan that specifies a detailed plant palette based on the natural habitat type that is the model for the restoration, using local native and non-invasive stock and requiring that if plants, cuttings, or seed are obtained from a nursery, the nursery must certify that they are of local origin and are not cultivars. The Planting Plan should provide specifications for preparation of nursery stock and include technical details of planting methods (e.g., spacing, mycorrhizal inoculation, etc.)

i. An Irrigation Plan that describes the method and timing of watering and ensures removal of watering infrastructure by the end of the monitoring period.

j. An Interim Monitoring Plan that includes maintenance and remediation activities, interim performance goals, assessment methods, and schedule.

k. A Final Monitoring Plan to determine whether the restoration has been successful that specifies:

1) A basis for selection of the performance criteria,

2) Types of performance criteria,

3) Procedure for judging success,

4) Formal sampling design,

5) Sample size,

6) Approval of a final report, and

7) Provision for possible further action if monitoring indicates that initial restoration has failed.

4. **Additional information.** Based on review of the provided information, the County may request additional information to address site-specific conditions and/or as part of the environmental review process.

B. **Biological Resource standards.** Development shall be consistent with the Biological Resources Policies of the LUP, including, but not limited to:

1. **Environmentally Sensitive Habitat Areas (ESHAs).** The resource values of ESHAs shall be protected by limiting development per Land Use Plan Policies C-BIO-1, C-BIO-2, and C-BIO-3.

2. **Habitats of rare or endangered species and unique plant communities**. Habitats of rare and endangered species and unique plant communities shall be protected by limiting development in those areas and providing adequate buffers surrounding those areas per Land Use Plan Policy C-BIO-3.

3. **Ecological restoration.** Encourage restoration of degraded ESHAs per Land Use Plan Policy C-BIO-5.

4. **Invasive plants.** Where feasible, require the removal of non-native, invasive plant species, revegetation of denuded areas with native and non-invasive plants, and provision of primarily native, drought-tolerant plant species for areas of new or replacement planting, per Land Use Plan Policy C-BIO-6.

5. **Coastal dunes and beaches.** Coastal dunes and beaches shall be preserved by limiting development in those areas per Land Use Plan Policies C-BIO-7, C-BIO-8, and C-BIO-9.

6. **Roosting and nesting habitat**. Roosting and nesting habitat and the grassy shorebird feeding areas adjacent to Bolinas Lagoon shall be protected by limiting development per Land Use Plan Policies C-BIO-10 and C-BIO-11.

7. **Biological productivity.** The biological productivity and quality of coastal waters, coastal streams, coastal wetlands, coastal estuaries and coastal lakes shall be maintained, and where feasible, enhanced.

8. **Coastal wetlands.** Coastal wetlands shall be preserved and maintained as productive wildlife habitats, water filtering and storage areas, and, as appropriate, recreational open space, by limiting diking, dredging, and draining per Land Use Plan Policies C-BIO-14, CBIO-15, C-BIO-16, and C-BIO-16~~7~~, disposing of dredged materials per Land Use Plan Policy C-BIO-17~~8~~ and mitigating wetland impacts per Land Use Plan Policy C-BIO-20~~1~~.

9. **Coastal wetland buffers**. Adequate buffers shall be maintained surrounding coastal wetlands per Land Use Policy C-BIO-18~~9~~ unless an adjustment to standard buffers is granted per Land Use Plan Policy C-BIO-19~~20~~.

10. **Marine resources.** Marine resources shall be maintained, enhanced, and where feasible, restored and special protection shall be provided to areas and species of special biological or economic significance per Land Use Plan Policy C-BIO-22~~23~~.

11. **Coastal streams, riparian vegetation, and buffers.** Alterations to coastal streams and riparian vegetation shall be limited to the uses specified in Land Use Plan Policy C-BIO-23~~24~~, and adequate buffers shall be provided surrounding those resources per Land Use Plan Policy C-BIO-25 ~~"TBD~~, unless an adjustment to the standard buffers is granted per Land Use Plan Policy C-BIO-25. Any alteration of riparian vegetation which is allowed under these policies shall require an erosion control plan and re-vegetation plan that incorporates native species to the maximum extent feasible.

22.64.060 Environmental Hazards

A. Application R~~r~~equirements.

1. ~~Environmental Hazards Evaluation.~~

~~a.~~ **Initial Site Assessment.** The reviewing authority shall conduct an initial site assessment screening of all Coastal Permit applications to determine whether the site is or will be subject to ~~geologic or other~~ hazards. ~~Geological or other~~Areas potentially subject to hazards ~~are defined to~~ include high geologic, flood, erosion and fire hazard areas, including but not limited to the areas subject toAlquist-Priolo earthquake hazards zones and areas subject to~~;~~ -landslides, liquefaction, ~~shoreline retreat bluff erosion),~~ steep slopes averaging greater than 35 percent; and unstable slopes regardless of steepness; ~~and~~ episodic and long-term shoreline and bluff erosion and retreat, high velocity wave and tidal action from storms or high seas, ocean and stream inundation and flooding, tsunamis, and rising sea levels; and combinations of all of the above. ~~flood hazard areas, including those areas potentially inundated by future sea level rise. The screening shall include as applicable a review of available reports, resource maps, aerial photographs, site inspection, and the County's adopted hazards maps.~~ Many of these areas are mapped in this LCP, including as shown on LCP Maps 9-15, and 18. Such maps can be used as a resource for identification of areas potentially subject to hazards; however, absence of mapping alone cannot be considered absence of hazard and local site conditions must be examined using the best available science.

~~b. **Environmental Hazards Reports.**~~ **2. Hazards Evaluations.** Where the initial site assessment reveals that the proposed development is in an area potentially subject to ~~geologic, sea level rise, flooding, blufftop and shoreline erosion or other~~ hazards, the project shall be evaluated based on best available science, including that all such development shall be supported by ~~include applicable~~ reports that are prepared by ~~a~~ qualified professionals to current professional standards that adequately address the requirements of this Chapter (which may include reports prepared by and/or for the County). These reports shall be based on best available science; shall, if sea level rise is part of the hazards, consider the impacts from the high projection of sea level rise for 100 years, (unless different standards are required in Sections 22.64.060(B), (C), and (D)), shall demonstrate that the development will avoid, or if full avoidance is not possible, to avoid as much as possible and minimize, impacts from coastal hazards, and shall evaluate and identify the effect of the development over time on coastal resources (including in terms of public access, shoreline dynamics, natural landforms, natural shoreline processes, and public views as project impacts continue and/or change over time, including in response to sea level rise and fire hazards) and suggest appropriate mitigations to avoid and offset adverse effects identified. The required Hazards Evaluations shall consider all of the requirements of this section, including all of the identified development standards below. ~~describe the extent of potential environmental hazards, and recommend best available construction, siting and other techniques to avoid and minimize risks to life and property in areas of high environmental hazards. Where applicable, the following shall apply:~~

~~1) **FEMA Flood Zones**: On properties within mapped on Federal Emergency Management Agency (FEMA) "Flood Insurance Rate Maps" (FIRM) and "Flood Boundary Water Maps" for Marin County which have been determined to be subject to flooding from a~~

~~flood which has a one percent chance of occurrence in any one year (further designated as Zone A, AO, A1-30, AE, A99, AH, VO, V1-V30, VE, or V); and 2) the report shall identify the extent to which:~~

~~a). Development will comply with construction standards contained in Chapter 23.09 (Floodplain Management) including the requirement to add up to a maximum of three feet to the Base Flood Elevation (BFE) to accommodate identified sea level rise as depicted on "Potential Sea Level Rise Maps" prepared and adopted by the County of Marin when establishing the minimum elevation required for proposed construction; and~~

~~b). Development will not create a hazard or diminish the stability of the area.~~

~~c). For additional requirements for shoreline development (properties within VO, V1-V30, VE, and V zones), see Section 22.64.060.A.2.b below.~~

~~**2) Sea Level Rise**: On properties outside mapped FEMA flood zones but within areas potentially inundated by sea level rise as shown on adopted "Potential Sea Level Rise Maps", the report shall describe the extent to which:~~

~~a). Development will be constructed such that the lowest finished floor of development exceeds the highest natural elevation of the ground surface next to the proposed walls of the structure prior to construction (i.e. "highest adjacent grade") by an amount equal to or greater than the projected sea level rise as depicted on "Potential Sea Level Rise Maps".~~

~~b). Development will not create a hazard or diminish the stability of the area.~~

~~**3) Reliance on Best Available Science.** To minimize risks to life and property, and assure stability and structural integrity of existing structures, in recognition of the scientific information represented by FEMA and Potential Sea Level Rise data, modifications of structures consistent with this Policy shall be facilitated by application of Coastal Permit Exemptions, Categorical Exclusions, and Coastal Permits.~~

B. Development Standards. In addition to the Hazards policies of the LUP, development shall be consistent with the requirements below:

1. All Development. Development shall be avoided in areas potentially subject to hazards to the maximum feasible extent by siting development in a manner that avoids areas potentially subject to hazards. When development in such areas cannot be feasibly sited in a manner that avoids such areas entirely, then such development shall be sited, designed, and conditioned to minimize risks to life and property while mitigating the development's impacts to coastal resources. Mitigation shall include measures to avoid such impacts if feasible, particularly impacts related to public recreational beach access.

2. Coastal Redevelopment. An existing structure located in an area potentially subject to hazards shall be considered redeveloped (and deemed new development under this LCP that must be made to conform with all applicable LCP policies), when such development consists of: (1) alteration (including interior and/or exterior remodeling and renovations, demolition or partial demolition, etc.) of 50% or more of major structural components (including exterior walls, floor and roof structure, and foundation) considered individually (i.e., percentages are calculated by the individual structural component being altered, and are not additive between different structural

components); (2) additions and alterations to such development that lead to a 50% or more increase in floor area for the development; and/or (3) additions and alterations to such development that costs 50% or more of the market value of the existing structure before construction. Changes to floor area and individual major structural components and the costs of such changes are measured cumulatively over time starting from January 1, 1977.

For the purposes of this definition:

a. An exterior wall is considered to be altered 50% or more when any of the following occur either above or below grade:

(i) Exterior cladding and/or framing systems are altered in a manner that requires removal and/or replacement of 50% or more of the elements of those cladding and framing systems, normally considered as linear length of wall.
(ii) Reinforcement is needed for any remaining portions of the wall to provide structural support in excess of 50% of existing support elements (e.g. addition of 50% or more of beams, shear walls, or studs whether alone or alongside the existing/retained elements).
(iii) A previously exterior wall becomes an interior wall as a result of the development.
(iv) On multi-story structures, the extent of alteration to the linear area of the exterior walls on each story shall be determined to determine whether 50% or more of the total exterior walls have been altered.

b. A floor or roof structure is considered to be altered 50% or more when any of the following occur:

(i) The roof or floor framing is altered in a manner that requires removal and/or replacement of structural elements (e.g. trusses, joists, rafters) supporting 50% or more of the square footage of the roof or floor.
(ii) The roof or floor structural framing system requires additional reinforcement to any remaining portions of the roof or floor system to provide structural support (e.g. addition of 50% or more of beams, joists, and/or rafters, etc., whether alone or alongside existing/retained system elements).

c. A foundation is considered to be altered 50% or more when any removal, replacement or reinforcement is done on any of the following:

(i) 50% or more of the horizontal surface area of a slab foundation.
(ii) 50% or more of the floor area of a structure supported by a pier/post and/or caisson/grade beam foundation.
(iii) 50% or more of a perimeter foundation.
(iv) 50% or more of other foundation types (e.g. piers), or the total alteration where a structure has multiple foundation types.

Major structural component alterations generally do not include changes to roof coverings; replacement of glass or doors in existing window or door openings;

replacement of window or door framing when the size and location of the window/door remains unchanged; repair of roofs or foundations without any change to structural supporting elements; changes to exterior siding; repair, maintenance, and replacement of chimneys; and interior changes to non-structural interior walls and sheetrock, insulation, fixtures, and mechanical, electrical and plumbing elements, except when such interior changes meet the threshold for redevelopment as defined by the market valuation criteria.

~~**2. Additional Coastal Hazards Analysis for Blufftop and Shoreline Development.**~~

~~**b.**~~ **3. Shoreline Development.** ~~In addition to the requirements for the hazards report identified in subsection A(1) above, Coastal Permit applications for~~ S~~s~~horeline development is ~~(~~defined as: (1) development located ~~in a VO, V1-V30, VE, or V zone as~~on parcels shown on adopted ~~mapped by the~~ Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) that are subject to coastal flooding from a flood that has a one percent chance of annual occurrence; (2) (2) development in areas potentially subject to inundation by sea level rise based on best available science at the time of the application, but at a minimum including properties shown on LCP Map 15; and (3) development, whether shown in the areas identified on the maps in subsection (1) and (2) of this section or not, that is located in areas potentially subject to shoreline hazards, including those areas identified pursuant to the hazards evaluation described in subsection (A)(2) above.

a. Shoreline development shall be set back a sufficient distance, and/or sited on an existing elevated portion of the site, and/or designed to reduce the size of the structure or structure footprint (unless the project consists solely of raising an existing structure the minimum amount necessary to meet flood elevation requirements), in such a way to avoid flooding related to the current estimated 100-year storm event, as adjusted for sea level rise if applicable, to the maximum feasible extent without reliance on shoreline protective devices. Existing shoreline protective devices shall not be incorporated into analyses when establishing appropriate siting. The predicted shoreline position shall be evaluated considering not only historic shoreline erosion, but also expected acceleration of shoreline erosion due to continued and accelerated sea level rise.

b. If there is inadequate space to feasibly meet such siting requirements and design, development shall be sited on the portion of the site that best meets these requirements, and floodproofed and/or elevated via pier/caisson foundations (using the minimum number of piers/caissons feasible) so that the lowest finished floor (in the case of floodproofing) or lowest horizontal members (in the case of elevation) are located at an elevation equal to the elevation of the estimated 100-year storm flood plus 3 feet (to address of sea level rise). If floodproofed, the maximum allowable height shall be consistent with applicable zoning district standards. If elevated via pier/caisson foundations, then the area below the lowest horizontal members of such foundation shall not be enclosed nor used for any development needs, with the exception of appropriately designed parking and unenclosed outdoor storage (e.g., boat storage); and the maximum allowable height shall be consistent with applicable zoning district standards, or 15 feet above the finished floor elevation (which shall be no more than 2 feet above the elevation of the lowest horizontal members of such foundation) if necessary to provide a single standard story of living space, whichever is greater. Where development consists

solely of raising an existing structure by the minimum amount necessary to meet these flood elevation standards, a resulting building height that would exceed the zoning district height maximum may be allowed if the additional height does not adversely affect significant public views or community character, and existing legal non-conforming buildings that are encroaching into a required yard setback may be approved without the need for a variance to setback requirements, as long as the extent of the encroachment is not expanded.

~~shall be required to supplement the hazards reportwith an analysis that demonstrates that the proposed development will be safe from shoreline erosion and flooding hazard, taking into account 3 feet of projected sea level rise without the need for shoreline protective devices.~~

~~Allow the use of caisson/pier foundations and elevation (including if elevation of the structure is necessary to meet Federal Emergency Management Agency (FEMA) flood requirements)~~

c. Shoreline development shall be designed to ensure safety from anticipated hazard impacts caused by future sea level rise, including increased velocity of floodwaters, where applicable.

d. ~~The supplementary analysis~~ Shoreline development shall ~~also evaluate~~ provide for adequate ingress/egress and all applicable service connections (e.g., for water, wastewater, electricity, gas, etc.), all of which shall be sited and designed to avoid impacts from flooding itself and to protect ~~the effect of the project over time on~~ coastal resources to the maximum feasible extent.

e. Shoreline development shall not include rope lines or fences that block public access.

f. Shoreline development shall be prohibited if it would already meet any of the removal criteria specified in subsection (C) below.

g. The required hazards evaluation shall address the requirements of that policy and this one, including in terms of evaluating the impacts associated with any development that includes floodproofing and/or elevation, and including in terms of evaluating the effects of related development, such as required ingress/egress to structures and the provision of services (e.g., water, wastewater, electricity, gas, etc.) over time, on coastal resources.

~~**4. Shoreline Development.** New shoreline development shall be consistent with Land Use Policy C-EH-5.~~

~~a.~~**4.** **Blufftop Development.** Blufftop development is defined as development located on parcels within 300 feet of a blufftop edge.

a. Blufftop development shall be set back a sufficient distance from the blufftop edge to avoid hazards to the maximum feasible extent while ensuring stability and

structural integrity in light of potential bluff erosion and other hazards for ~~the development's lifetime and a minimum of~~ at least the next 100 years without ~~the need for~~ reliance on shoreline protective devices. Existing shoreline protective devices shall not be incorporated into analyses when establishing the setback.

b. If there is inadequate space to feasibly meet such setback requirements, including through modifications to the project design (e.g., proposing a smaller structure), blufftop development may be set back a lesser distance from the blufftop edge provided such setback is the maximum feasible, and ensures stability and structural integrity in light of potential hazards for at least no less than 25 years without reliance on shoreline protective devices of stability.

c. ~~In addition to the requirements for the Environmental Hazards Report identified in subsection A(1) above, Coastal Permit applications for development, proposed: 1) on a blufftop; or 2) on a site located in stability zone 2, 3, or 4 as indicated on the Slope Stability of the Bolinas Peninsula Study Area map which accompanies Wagner's 1977 report, "Geology for Planning, Western Marin County" (hereby incorporated by reference as part of this Development Code), shall be required to supplement the Environmental Hazards Report with an analysis that evaluates the effect of geologic and other hazards at the site to ensure the proposed development's structural integrity, and to ensure that the blufftop development is safe from bluff retreat,~~ The ~~supplementary analysis shall include an~~ required hazards evaluation of C-EH-3 shall address the requirements of that policy and this IP section and shall also ~~of the long-term average annual bluff erosion rate, and shall~~ include a quantitative slope stability analysis by a geotechnical engineer demonstrating a minimum factor of safety against sliding of 1.5 (static) ~~or~~ and 1.2 (pseudostatic, k = 0.15), ~~or determined through analysis by the geotechnical engineer).~~ whereby safety and stability must be demonstrated for the predicted position of the bluff and blufftop edge following bluff recession over the required time frame (i.e. 100 years, or possibly less pursuant to LUP Policy C-EH-6(2)). ~~The erosion rate and slope stability shall be determined using the best available science, including being based upon an examination of the~~ The predicted bluff and blufftop edge position shall be evaluated considering not only historical bluff retreat and slope stability data, but also acceleration of bluff retreat due to continued and accelerated sea level rise and other climatic impacts. ~~and projected rates of bluff retreat associated with wave, wind and/or surface runoff erosion, continued and future sea level rise estimates adopted by the County and, to the maximum extent feasible, to take into account the effect of strong seismic shaking. The erosion rate and slope stability information shall be used to determine the appropriate blufftop setback as specified in Section 22.64.060.B.2 below. The supplementary analysis shall also list conditions necessary if the development is deemed hazardous and unsafe for human occupancy.~~

d. Blufftop development shall be prohibited if it would already meet any of the removal criteria specified in subsection (C).

e. Blufftop development shall include identification of the minimum amount of setback necessary to maintain safety without a shoreline protective device as the bluff erodes over the required time frame.

2. **Determination of blufftop setbacks**. The geologic setback, as measured e. Blufftop development shall include identification of the from the bluff edge, shall be sufficient to maintain a minimum factor of safety against sliding of at leastsetback necessary to maintain the 1.5 and 1.2 factors of safety as the bluff edge erodes over the required timeframe. for the expected life of the development, or a minimum of 100years. Thus the distance from the bluff edge where a minimum factor of safety of 1.5 is achieved today shall be added to the expected bluff retreat over the next 100 years.

3. Drainage plan for f. Bblufftop development. Coastal Permit applications for development proposed on a blufftop parcel shall include adequate drainage plan prepared by a civil engineer, which indicates how rainwater and irrigation runoff will be directed away from the top of the bluff or handled in a manner which prevents damage to the bluff by surface and percolating water. Blufftop landscaping shall be required to use drought tolerant native species with minimal irrigation. and erosion controls designed to avoid erosion and to avoid drainage being directed over the blufftop edge or through bluffs otherwise. **5. Drainage on Blufftop Parcels.** Surface and subsurface drainage associated with development of any kind shall not contribute to the erosion of the bluff face or the stability of the bluff itself consistent with Land Use Policy C-EH-6.

5. Bluff Face Development. Development on bluff faces shall be prohibited, with the exception of public recreational access facilities (e.g., stairways, paths, overlooks, ramps, etc.) where no feasible alternative means of public access exists; critical public infrastructure where unavoidably located on bluff faces (e.g., roads with no alternatives for access); and shoreline protective devices allowed consistent with C-EH-12, provided such development is sited and designed to be visually compatible with the surrounding area to the maximum feasible extent, to minimize effects on erosion of the bluff face, and to mitigate all unavoidable coastal resource impacts.

64) Development Subject to Geologic Hazards: In addition to other requirements that may apply (e.g., for development on a shoreline, blufftop, or bluff face), On propertiesdevelopment in potential areas potentially subject to geologic hazards areas (which includinge Alquist-Priolo earthquake hazard zones, and areas subject to landslides, liquefaction, steep slopes averaging greater than 35% and unstable slopes regardless of steepness), the report shall incorporate siting and design techniques to mitigate any such geologic hazards;describe the extent to which: Development shall comply with the seismic safety standards of the Alquist-Priolo Act (California. Public Resources Code Section 2621, et seq.) and all applicable seismic provisions and criteria contained in the most recent version of State and County codes; Development shall not create a hazard or diminish the stability of the area. For additional requirements for blufftop development, see Section 22.64.060.A.2.a below.

7. Development Subject to Fire Hazards. In addition to other requirements that may apply (e.g., for development on a shoreline, blufftop, or bluff face, and/or development subject to geologic hazards), the following standards apply to development subject to fire hazards.

5. a. New development and Ffire Ssafety. Coastal Permit applications shall demonstrate that the nNew development shall meets all applicable fire safety

standards, ~~including accounting for all necessary defensible space within the developable area of a site.~~ and shall be sited and designed to minimize required initial and future fuel modification, and brush clearance in general, to the maximum feasible extent, and to avoid such activities within ESHA and ESHA buffers on site and on neighboring property, including parkland, where all such requirements shall be applied as conditions of approval applicable for the life of the development.

b. Existing Development and Fire Safety. Removal of major vegetation adjacent to existing development for fire safety purposes shall only be allowed upon a finding that fuel modification and brush clearance techniques are required in accordance with applicable fire safety regulations and are being carried out in a manner that reduces coastal resource impacts to the maximum feasible extent. In addition to the foregoing requirements, removal of ESHA, or removal of materials in an ESHA buffer, shall only be allowed for fire safety purposes: if it is not already prohibited by coastal permit conditions; if there are no other feasible alternatives for achieving compliance with required fire safety regulations; and if all ESHA and related impacts are mitigated in a manner that leads to no net loss of ESHA resource values.

8. Applicant's assumption of risk. ~~The owner of property proposed for development in~~ Coastal permit approvals for development in areas potentially subject to hazard~~ous~~s ~~areas~~ shall ~~be~~ contain ~~required as a~~ conditions requiring applicants ~~to the issuance of a Coastal Permit~~ to record a Deed Restriction ~~and Liability Waiver per Land Use Plan Policy C-EH-2~~ against the properties governed by the permit in which the applicants acknowledge and agree, on behalf of themselves ~~permittee~~ and ~~any co-owners, co-developers, assigns, purchasers, and successors in interest~~ all successors and assigns~~, which acknowledges and agrees to the following:~~ that ~~**Coastal Hazards**: The property~~ the site is subject to ~~coastal~~ hazards each of which shall be explicitly identified, including vulnerabilities to sea level rise if the property is located in an area potentially inundated by sea level rise as shown on LCP Map 15 and/or as identified pursuant to the hazards evaluation in LUP Policy C-EH-3 ~~may include coastal erosion, shoreline retreat, flooding, and other geologic hazards;~~; ~~**Assumption of Risk**: The permittee~~ to assume~~s~~ all such hazard risks ~~of injury and damage from coastal hazards; and~~; to ~~**No Future Shoreline Projective Devices**: No additional~~ prohibit and waive any rights that may exist for new and/or augmented shoreline protective ~~structures~~ devices (including additional elevation for structures already elevated pursuant to LUP Policy C-EH-5); ~~shall be constructed to protect the development approved pursuant to the subject Coastal Permit in the event that the approved development is threatened with damage or destruction from waves, erosion, bluff retreat, ground subsidence, or other natural hazards in the future;~~ ~~**Waiver of Liability**: The permittee unconditionally~~ to waive~~s~~ ~~any claim of damage or~~all liability against and to indemnify the County, ~~its officers, agents, and employees for injury or property damage resulting from such coastal hazards~~; ~~**Public Services;**~~ that ~~P~~public funds may be insufficient or unavailable to remedy damage to public roadways, infrastructure, and other facilities resulting from natural events such as sea level rise and bluff erosion; ~~**Health and Safety Codes**: California State Health and Safety~~ that Housing Code~~s~~ provisions prohibit the occupancy of ~~habitable buildings~~ structures where sewage disposal or water systems are rendered inoperable; that any adverse effects to property caused by the development shall be fully the responsibility of the applicants; and may require removal and restoration under certain criteria (see also C-EH-11 and C-EH-17 below).

~~The recorded document shall also disclose potential vulnerability of the development site to long term sea level rise by incorporating the County's 100 year time frame sea level rise hazard map for the subject property and surrounding area, where applicable.~~

9. Shoreline Protective Devices. Shoreline protective devices (i.e., including revetments, seawalls, bluff retaining walls and other like devices, pier/caisson foundation systems, breakwaters, groins, and other similar structures designed as protection against coastal hazards) shall be prohibited unless they meet all of the criteria below:

a. Allowable Armoring. The shoreline protective device is required: to serve a coastal-dependent use; to protect a principal structure in existence prior to the effective date of the Coastal Act (i.e., January 1, 1977) that is in danger from erosion (i.e., it would be unsafe to use or occupy within two storm seasons); or to protect a public beach that is in danger from erosion. Notwithstanding the above, a pier/caisson foundation system shoreline protective device may be allowable under certain circumstances pursuant to subsection (B)(3) above.

b. Least Damaging Alternative. The shoreline protective device is the least environmentally damaging feasible alternative to protect existing endangered principal structures, public beaches, or coastal-dependent uses. Hard armoring (such as seawalls and revetments, etc.) shall only be allowed if soft alternatives (such as beach nourishment, vegetative planting, and drainage control, etc.) cannot meet the above least environmentally damaging feasible alternative criteria, and if limited as much as possible to avoid coastal resource impacts. All shoreline protective devices shall be sited and designed to avoid coastal resource impacts to the maximum feasible extent, including that all allowable devices shall be designed to blend visually with the natural shoreline and to provide for public recreational access.

c. Impacts Mitigated. The project includes proportional mitigation for all unavoidable coastal resource impacts, including with respect to impacts on shoreline sand supply, sandy beaches, public recreational access, public views, natural landforms, and water quality. At a minimum, the effects of the device with respect to retention of shoreline sand generating materials, the loss of beach/sand due to its footprint, and passive erosion shall be evaluated. Proportional in-lieu fees may be used as a vehicle for impact mitigation if in-kind options (such as developing new public access facilities) are not possible, and if such in-lieu fees are deposited in an interest bearing account managed by the County and used only for public recreational shoreline area access improvements. Impact mitigation shall be evaluated and required in 20-year increments, and permittees shall be required to apply for coastal permit amendments prior to expiration of each 20-year mitigation period that proposes mitigation for coastal resource impacts associated with retention of the shoreline protective device beyond the preceding 20-year mitigation period, where such application shall include consideration of alternative feasible mitigation measures in which the permittee can modify the shoreline protective device to lessen its impacts on coastal resources.

d. Monitoring. The shoreline protective device shall be regularly monitored by an engineer or engineering geologist familiar and experienced with coastal structures and processes. Monitoring reports to the County and the Coastal Commission shall be required every five years from the date of coastal permit issuance for as long as the shoreline protective device remains authorized (see subsection 6 below), and such

reports shall cover all aspects of the armoring reevaluation specified in subsection 5 below).

e. Armoring Reevaluation. For existing shoreline protective devices that are being reconstructed, expanded, and/or replaced, the coastal permit application shall include a re-assessment of the need for the device, the need for any repair or maintenance of the device, and the potential for removal based on changed conditions, including whether such device meets the criteria in in subsection (B)(8). The coastal permit application shall at a minimum include an evaluation of: the age and condition of the existing principal structure being protected (or evaluation of the coastal-dependent use being served or public beach being protected, if applicable); changed geologic site conditions including but not limited to changes relative to sea level rise; and impacts to coastal resources, including but not limited to public recreational access, and ways to reduce such impacts. If approved, such development associated with existing shoreline protective devices shall meet all of the other requirements of this policy, including with respect to the impact mitigation requirements of subsection 3 above.

f. Armoring Duration. The shoreline protective device shall only be authorized until the time when the existing principal structure that is protected by such a device: 1) is no longer present; 2) no longer requires armoring; or 3) is redeveloped. Permittees shall be required to submit a coastal permit application to remove the authorized shoreline protective device within six months of a determination that the shoreline protective device is no longer authorized to protect the structure it was designed to protect because the structure is no longer present or no longer requires armoring. In the case of coastal redevelopment, removal of the authorized shoreline protective device shall be required as part of construction of the redeveloped structure (see also subsection (C) below).

g. Emergency Shoreline Protective Devices. Upon receipt of a request for an emergency shoreline protective device within the County's coastal permit jurisdiction, the County shall notify the Coastal Commission. In cases of emergency, an emergency shoreline protective device may be approved on a temporary basis only, and only if the device is required to be removed unless a regular coastal permit is approved for retention of the structure. In such cases, a complete coastal permit application shall be required to be submitted within 60 days following construction of the temporary emergency shoreline protective device. Any such temporary emergency shoreline protective device shall be sited and designed to be the minimum necessary to abate the identified emergency, and to be as consistent as feasible with all LCP shoreline protective device standards, including avoiding coastal resource impacts to the maximum feasible extent and mitigating for any that are unavoidable.

~~**4. Engineering report for shoreline protective devices.** Coastal Permit applications for the construction or reconstruction of any shoreline protective device, including revetments, breakwaters, groins, seawalls, bluff retention devices, deep piers/caissons that are designed for erosion protection or to prevent beach retreat rather than as architectural foundations or to elevate structures above flooding, or other artificial structures for coastal erosion control and hazards protection shall include a report from a professional civil engineer or certified engineering geologist experienced with coastal processes and structures verifying that the device is necessary and explaining how the device will perform its intended function and the~~

~~extent to which it will meet the criteria and standards contained in Section 22.64.060.B.7 below. The report shall include information on the existing structure/public beach that is being threatened by erosion; likely time period when the structure/public beach will be in danger from erosion; and an analysis of alternatives to a shoreline protective device that are capable of protecting existing threatened structures/beaches from erosion including: no action, involvement in regional beach nourishment, a different type of shore protection, options for bioengineering and groundwater controls, and modification to, resizing or relocation of the threatened structure. In addition, the report shall include the following information:~~

~~**(a)** For the shoreline in question: long term and seasonal erosion trends, the effects of future sea level rise on future erosion rates, and the potential effects of infrequent storm events, such as a 100-year storm;~~

~~**(b)** The amount of beach that will be covered by the shoreline protective device;~~

~~**(c)** The amount of beach that will be lost through passive erosion over the life of the shoreline protective device;~~

~~**(d)** The amount of sand generating materials that will be contained and not allowed into the shoreline system over the life of the shoreline protective device;~~

~~**(e)** Total lineal feet of shoreline protective devices within the littoral zone where the device is proposed;~~

~~**(f)** The cumulative impact of added shoreline protective devices to the littoral cell within which the proposed device will be located;~~

~~**(g)** Measures to reduce or minimize visual impacts for the shoreline protective device;~~

~~**(h)** Measures to modify or adapt the shoreline protective device in the event it is not adequate to provide protection in the future due to changes in sea level or storm conditions;~~

~~**(i)** Impacts to beach access, recreation, beach habitat, and shoreline ecosystems from the shoreline protective device; and~~

~~**(j)** Provision for future maintenance of the shoreline protective device, for future removal of the shoreline protective device if and when it reaches the end of its economic or functional life, and for changes in the shoreline protective device if needed to respond to alterations in the development for which the device was installed.~~

~~**B. Environmental Hazard standards**. Development shall be consistent with the Environmental Hazard Policies of the LUP, including~~

~~**6. Criteria and design standards for shoreline protective devices.** Shoreline protective devices in the Coastal Zone are discouraged due to their visual impacts, obstruction of public access, interference with natural shoreline processes and water circulation, and effects on marine habitats and water quality. The construction or reconstruction of shoreline protective devices shall only be allowed subject to the criteria contained in Land Use Plan~~

~~Policies C-EH-13, C-EH-14, and C-EH-18. Emergency Coastal Permit applications for shoreline protective devices may be considered in compliance with Section 22.70.130 (Emergency Coastal Permits) consistent with the Land Use Plan Policy C-EH-21.~~

C. Mitigation Measures Required for Development Subject to Hazards. Development in shoreline, bluff face, and blufftop areas that are subject to hazards shall comply with all of the following, including through application of conditions of approval that provide for same:

1. Development Duration. Development shall be removed and the affected area restored to a natural condition if: (a) the County declares the development unsafe for occupancy and/or use; (b) the development requires new and/or augmented shoreline protective devices (including additional elevation for structures already elevated pursuant to C-EH-5); (c) the development encroaches onto public trust land (including as the public trust migrates); (d) access and utilities are no longer available to serve the development; (e) the blufftop edge erodes to the minimum setback line established via Policy C-EH-6; and/or (f) required by subsequent adaptation planning (see Policy C-EH-17). Bonding sufficient to cover such removal and restoration shall be provided.

2. Existing Armoring. If an existing shoreline protective device (other than a pier/caisson foundation system supporting the development itself) is associated with new shoreline, bluff face, and/or blufftop development (including coastal redevelopment), then such development shall only be approved subject to a requirement that the existing shoreline protective device is required to be removed and the area affected by it the device restored to natural conditions as part of project construction as a condition of development approval. Removal and restoration shall not be required where removal of the shoreline protective device would endanger existing principal structures on adjacent sites to the degree that these principal structures would qualify for armoring under this LCP unless such adjacent sites have already been required to remove such armoring and restore the area when feasible via prior conditions of approval (see following sentence). When immediate removal and restoration is not required for these reasons, such development shall only be approved subject to a requirement that the existing shoreline protective device be removed and the affected area restored as soon as such removal and restoration can be accomplished without endangering existing principal structures on adjacent sites (e.g., as adjacent sites redevelop, as adjacent sites are conditioned for future removal, etc.), and that bonding sufficient to cover such removal and restoration be provided.

3. Public Rights. Approval of coastal permits shall not constitute a waiver of any public rights that may exist on the affected property. A coastal permit permittee shall not use any permit approval as evidence of a waiver of any public rights that may exist on the affected property now or in the future.

4. Waiver of Liability and Assumption of Risk. Coastal permit approvals for development in areas potentially subject to hazards shall contain conditions requiring applicants to record deed restrictions against the properties governed by the permit in which the applicants acknowledge and agree, on behalf of themselves and all successors and assigns: that the site is subject to hazards, each of which shall be explicitly identified, including vulnerabilities to sea level rise if the property is located in an area potentially inundated by sea level rise as shown on LCP Map 15 and/or as identified pursuant to the hazards evaluation in C-EH-3; to assume all such hazard risks; to prohibit and to waive any rights that may exist for new and/or augmented shoreline protective devices (including additional elevation for structures already elevated pursuant to C-EH-5); to waive all liability against and to indemnify the County; that public funds may be insufficient or unavailable to remedy damage to public roadways, infrastructure, and other facilities resulting

from natural events such as sea level rise and bluff erosion; that Housing Code provisions prohibit the occupancy of structures where sewage disposal or water systems are rendered inoperable; that any adverse effects to property caused by the development shall be fully the responsibility of the applicants; and may require removal and restoration under certain criteria (see also C-EH-11 and C-EH-17 below).

D. Exceptions. Notwithstanding LCP hazard policies that might direct otherwise, the following shoreline, bluff face and blufftop development is allowable provided it meets all other LCP hazards policies as much as possible:

~~3. Shoreline~~ 1. Public Recreational ~~a~~Access F~~f~~acilities~~ on blufftop parcels~~. ~~Shoreline~~ Public recreational access facilities~~, such as~~ (e.g. stairways, paths, overlooks,~~ and~~ ramps, etc.) ~~may only be permitted per Land Use Plan Policy C-EH-7 and C-EH-16.~~ that are sited and designed to blend as well as possible with the surrounding environment and to be easily relocatable and/or removable without significant damage to shoreline and/or bluff areas.

~~7.~~ 2. Blufftop Accessory S~~s~~tructures. ~~in hazardous areas.~~ Blufftop ~~A~~accessory structures ~~on blufftop/shoreline parcels shall be~~ that are sited and designed ~~and constructed in conformance with Land Use Plan Policy C- EH-15.~~ to avoid coastal resource impacts, and to be easily relocatable and/or removable without significant damage to shoreline and/or bluff areas; that are sited no closer than 5 feet from the blufftop edge (or further if necessary to protect public views); that are not allowed shoreline protective devices if endangered; and that are required via conditions to be relocated and/or removed and affected areas restored to natural conditions when threatened by erosion, geologic instability, or other hazards, including as determined by the County.

~~11.~~ 3. Seadrift. ~~The Environmental Hazard standards listed above are not intended to override or otherwise preclude compliance with any entitlements that may exist under~~ . Development at Seadrift, including related to shoreline protective devices, that is consistent with the terms and conditions of the Seadrift Settlement Agreement and Coastal Commission Coastal Permit A-1-MAR-87-235, as amended~~, (through and including Coastal Permit Amendment A-1-MAR-87-235-A)~~(see LCP Appendix 5) but that may conflict with these LCP hazard policies.

~~**9. Prohibition on Creation of new parcels abutting coastal waters.**~~ **E. Land Divisions Prohibited.** ~~Creation of new parcels on lands abutting the shoreline~~ Land divisions that affect property in shoreline, bluff face, and blufftop areas shall be prohibited, unless the new and/or reconfigured parcels each include buildable area that can be developed consistent with ~~all applicable~~ the LCP's hazards policies ~~provisions,~~(or the shoreline, bluff face, and blufftop area land is restricted permanently as non-developable (other than possibly for public recreational access) open space), ~~including that development on the created parcel will not require~~and the land is restricted to prohibit ~~a~~ shoreline protective devices ~~during its lifetime~~ located on such parcels and/or designed to protect development on such parcels.

~~**10. Major Vegetation**. Coastal Permit applications for the removal of major vegetation must meet criterion a) below, and at least one of criteria (b) through (k) for removal. Major vegetation removal around existing development for fire safety purposes shall comply with Land Use Plan Policy C-EH-25.~~

~~**a)** The major vegetation removal shall: 1) not adversely affect any environmentally sensitive habitat areas; 2) not adversely impact coastal waters; 3) protect significant public views,~~

~~including views both to and along the ocean and scenic coastal areas as seen from public viewing areas; and 4) not conflict with conditions of approval of a prior coastal permit.~~

~~**b)** The general health of the major vegetation is so poor due to disease, damage, or age that efforts to ensure its long term health and survival are unlikely to be successful, or removal of the major vegetation is necessary to ensure the health and survival of surrounding vegetation native to the locale;~~

~~**c)** The major vegetation is infected by a pathogen or attacked by insects that threaten surrounding major vegetation as determined by an arborist report or other qualified professional;~~

~~**d)** The major vegetation is a potential public health and safety hazard due to risk of falling and its structural instability cannot be remedied;~~

~~**e)** The major vegetation is a public nuisance by causing damage to improvements, such as building foundations, retaining walls, roadways/driveways, patios, sidewalks and decks, or interfering with the operation, repair or maintenance of public utilities;~~

~~**f)** The major vegetation has been identified by a Fire Inspector as a fire hazard that requires removal;~~

~~**g)** The major vegetation was planted for a commercial enterprise, such as a Christmas tree farm or orchard;~~

~~**h)** The major vegetation is located on land which is zoned for agriculture (C-ARP or C-APZ) and is being used for commercial agricultural purposes;~~

~~**i)** The major vegetation removal is proposed by a public agency to provide for the routine management and maintenance of public land or to construct a fuel break;~~ -

~~**j)** The major vegetation is non-native and is not defined as a "protected tree and heritage tree" in Article VIII (Definitions).~~

22.64.080 – Water Resources

A. Application requirements.

1. **Water Quality Impairment Assessment**. The Reviewing Authority shall conduct a water quality assessment of all development proposals, including for both new development and modifications to existing development, to identify potential water quality impacts. Where the assessment reveals the potential for water quality impairment, the project shall be required to have a Drainage Plan (see below) which addresses both temporary (during construction) and permanent (post-construction) measures to control erosion and sedimentation, to reduce or prevent pollutants from entering storm drains, drainage systems and watercourses, and to minimize increases in stormwater runoff volume and rate.

2. **Drainage plans.** Coastal permit applications for development that would add or create a total of 10,000 square feet or more of impervious surface (collectively over the entire project site) or would alter drainage patterns, or for which the Preliminary Water Quality Impairment Assessment (see above) indicates a potential for water quality impairment, shall be accompanied by a preliminary drainage plan. The plan shall include existing and proposed drainage patterns and storm drain improvements for the site, all structures and impervious areas, and any other improvements. The plan must indicate the direction of surface runoff and method of on-site runoff dispersal for existing and proposed drainage channels or facilities. Draining to existing watercourses or detention basins may be allowed if negative impacts to biological resources, water quality, channel stability and ~~or~~ flooding of surrounding properties can be avoided or if ~~existing~~ soil conditions do not allow infiltration. Hydrologic calculations shall be required to determine whether there would be any additional surface run-off resulting from the development.

3. **Structural and/or treatment control facilities: monitoring and maintenance plans.** If structural and/or treatment control facilities are incorporated in a project, the applicant shall submit a monitoring and maintenance plan indicating how such facilities will be adequately maintained by the applicant and any subsequent property owner after construction is complete. (Policy C-WR-12)

4. **Site Plan – Post Construction Element.** At the discretion of the County based on the scale or potential water quality impacts of a proposed project, the applicant shall submit a site plan containing a Post-Construction Element. This plan shall detail how stormwater and polluted runoff will be managed or mitigated following project construction, utilizing both source control and treatment control measures, and both structural and non-structural measures. (Policy C-WR-13)

5. **Grading plans.** Coastal permit applications for any cut, fill, or grading above 50 cubic yards shall be accompanied by a preliminary grading plan that indicates existing and proposed contours across the building site and existing and proposed average lot slope.

6. **Geotechnical reports.** A geotechnical report may be required if the reviewing authority ~~Department of Public Works~~ determines that proposed cut and fill

slopes would be steeper than is safe for the subject material or determines that the report is necessary for the intended use. The geotechnical report shall be subject to review and approval by the reviewing authority, in consultation with Department of Public Works. (Policy C-WR-5)

7. **Erosion and sedimentation control plans.** An erosion and sedimentation control plan, subject to approval by the Department of Public Works, shall be required for development of any site of 1 acre or more in size or, at the discretion of the Department of Public Works, for any site of less than 1 acre because of a high risk of erosion and sedimentation. Such plan is also required for projects listed under Policy C-WR-14 that involve grading. (Policy C-WR-6)

8. **Site Plan Contents – Construction Phase.** All projects that would add or create a total of 10,000 square feet or more of impervious surface (collectively over the entire project site), projects that may impact environmentally sensitive habitat (i.e. projects within, directly adjacent to or discharging directly to an environmentally sensitive habitat area), county defined high-impact projects or other projects that the county staff finds to be a threat to coastal water quality, shall require a Construction-Phase element shown on the site plan. The Construction-Phase element shall specify which interim Best Management Practices (BMPs) will be implemented to minimize erosion and sedimentation during construction and address potential construction runoff contamination with fuels, lubricants, cleaning agents and/or other potential construction-related pollutants or chemicals.

   In the application and initial planning process, the applicant shall submit for review and approval a Construction-Phase element that shall include, at a minimum, a narrative report describing all interim erosion, sedimentation, and polluted runoff control BMPs to be implemented during construction, including the following where applicable:

   (a) Controls to be implemented on the amount and timing of grading;

   (b) BMPs to be implemented for staging, storage, and disposal of excavated materials;

   (c) Design specifications for treatment control BMPs, such as sedimentation basins;

   (d) Revegetation or landscaping plans for graded or disturbed areas;

   (e) Methods to manage affected onsite soils;

   (f) Other soil stabilization BMPs to be implemented;

   (g) Methods to infiltrate or treat stormwater prior to conveyance off-site during construction;

   (h) Methods to eliminate, or if possible to eliminate then to reduce, the discharge of other stormwater pollutants resulting from construction activities (e.g., paints, solvents, vehicle fluids, asphalt and cement compounds, and debris) into stormwater runoff;

(i) Plans for the clean-up of spills and leaks;

(j) BMPs to be implemented for staging, storage, and disposal of construction chemicals and materials;

(k) Proposed methods for minimizing land disturbance activities, soil compaction, and disturbance of natural vegetation;

(l) A site plan showing the location of all temporary erosion control measures; and

(m) A schedule for installation and removal of the temporary erosion control measures.

B. Water quality standards. Development shall be consistent with the Water Quality Policies of the LUP, including, but not limited to:

1. Water quality protection. The quality of coastal waters shall be monitored, protected, and enhanced for the benefit of natural communities, human health, recreational users, and the local economy (Land Use Plan Policy C-WR-1).

2. Site design and source control measures. Development shall meet the standards contained in Land Use Plan Policy C-WR-2.

3. Drainage standards. Development shall meet the standards contained in Land Use Plan Policy C-WR-3.

4. Structural and/or treatment control facilities: proper maintenance. Structural and/or treatment control facilities shall meet the requirements of Land Use Plan Policy C-WR-12.

5. High impact projects: design standards. Development that has a high potential for generating pollutants (High Impact Projects) shall incorporate treatment control Best Management Practices (BMPs) or ensure that the requirements of the current NPDES Municipal Stormwater permit are met, whichever is stricter, to address the particular pollutants of concern, including the requirements of Land Use Plan Policy C-WR-14.

6. Construction Non-sediment Pollution. Construction site practices shall be carried out consistent with Land Use Plan Policy C-WR-16.

7. Construction Phase Pollution. The construction site shall be managed to prevent contact between runoff and chemicals, fuel and lubricants, cleansers, and other potentially harmful materials.

C. Grading and excavation standards.

1. Site planning. Development shall meet the standards contained in Land Use Plan Policy C-WR-4.

2. Preservation of landforms and native vegetation. Development shall meet the standards contained in Land Use Plan Policies C-WR-4 and C-WR-5. Grading shall not take place on slopes greater than 35%, to the extent feasible.

3. **Extent and timing of grading.** Development shall meet the standards contained in Land Use Plan Policies C-WR-6 and C-WR-7.

4. **Erosion and sedimentation control.** Development shall meet the standards contained in Land Use Plan Policies C-WR-10 and C-WR-8.

5. **Impervious surfaces, runoff control.** Development shall meet the standards contained in Land Use Plan Policy C-WR-2.

6. **Sediment basins during construction.** Development shall meet the requirements of Land Use Plan Policy C-WR-10.

7. **Pollutants.** Pollutants, including chemicals, fuels and other harmful materials shall be collected and disposed of in an approved manner.

8. **Topsoil.** Development shall meet the requirements of Land Use Plan Policy C-WR-9.

9. **Removal of construction debris.** All debris shall be removed from the site upon the completion of the project.

10. **Erosion and Flood Control Facilities.** Consider placement of sediments collected by erosion and flood control facilities at appropriate points on the shoreline, consistent with Land Use Plan Policy C-WR-17.

22.64.100 – Community Design

A. **Community Design standards.** Development shall be consistent with the Community Design policies of the LUP, including, but not limited to:

1. **Compatible Design.** The height, scale, and design of new structures shall be compatible with the character of the surrounding natural or built environment per Land use Policy CDES-1.

2. **Protection of visual resources.** Development shall be sited and designed to protect visual resources per Land Use Policy C-DES-2.

3. **Protection of ridgeline views.** New development proposed on or near visually prominent ridgelines shall be sited and designed per Land Use Policy C-DES-3.

4. **Height limits.** Structures in the Coastal Zone shall be limited as provided in Tables 5-4-a, 5-4-b, and 5-5, with the exceptions provided for by Land Use Policies~~y~~ C-DES-4, C-EH-5 -and by this Code.

5. **New Signs.** New Signs shall be of a size, location, and appearance so as not to detract from scenic areas or views from public roads and other viewing points (Land Use Policy C-DES-5). A Coastal Permit is required for any sign that could impact public recreational access, including parking opportunities near beach access points or parklands, such as any changes in parking cost, timing or availability, and any signage prohibiting public parking, trespassing, and/or public coastal access. Coastal Permits for signs shall be consistent with all applicable LCP provisions, including the following additional objectives and standards:

A. **Objective:** Signs shall be sited and designed to:

• Protect public safety within the County and the visual quality of its communities;

• Protect uses, which are adequately and appropriately identified and advertised, from the installation of too many and too large signs;

• Protect commercial districts from visual chaos and economic detriment;

• Protect the public's ability to identify uses and premises without confusion;

• Eliminate unnecessary distractions that may diminish driving and pedestrian safety;

• Enhance and improve properties and their neighborhoods by encouraging signs that are compatible with and complementary to related structures and uses and harmonious with their surroundings; and

• Protect and enhance coastal resources, including, but not limited to, significant public views and community character.

B. Standards:

1. Freestanding signs. Freestanding signs shall be designed and located to be viewed primarily from the immediately surrounding public streets.

2. Prohibited Signs. The following types of signs, including in terms of illumination, sound, materials, and forms are prohibited:

A. Prohibited types of signs.

1. Private use signs located on public land or in a public right-of-way;
2. Signs cut, burned or otherwise marked on a cliff, hillside or tree;
3. Signs in storage or in the process of assemblage or repair, that are located outside of the premises other than that advertised in the sign, and are visible from a public right-of-way;
4. Billboards;
5. Digital commercial displays that can distract drivers;
6. Signs advertising a use no longer in operation; and
7. Roof top signs.

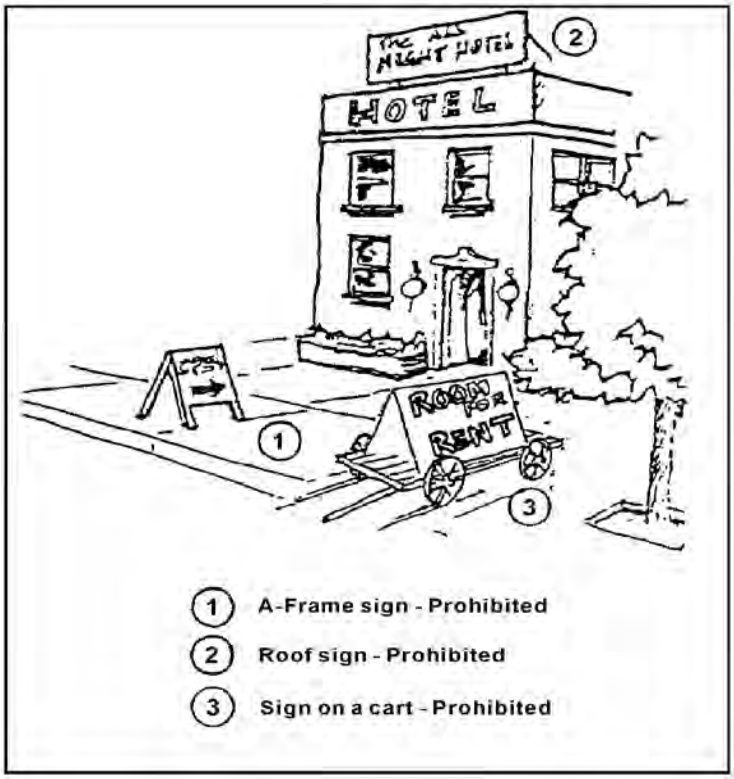
B. Prohibited types of illumination and sound. No electrical sign shall blink, flash or emit a varying intensity of color or light which would cause glare, momentary blindness or other annoyance, disability or discomfort to persons on surrounding properties or passing by.

C. Prohibited types of material and form.

1. Sign with reflective material;
2. Banners, pennants, streamers except in conjunction with an athletic event, carnival, circus, fair, or during the first 30 days of occupancy of a new structure or operation of a new business;
3. Signs, other than clocks or meteorological devices, having moving parts or parts so devised that the sign appears to move or to be animated; and
4. Portable signs including "A" frame sign, or a sign on a balloon, boat, float, vehicle, or other

movable object designed primarily for the purpose of advertising.

FIGURE 3-11
PROHIBITED TYPES OF SIGNS



6. **Underground Utilities.** Utility lines should be undergrounded per Land Use Policy CDES-6.

7. **Minimized exterior lighting.** Exterior lighting shall be the minimum consistent with safety and shall be low wattage, hooded, and downcast to prevent glare and shall limit visibility from public viewing places as much as possible (Land Use Policy C-DES-7).

8. **Protection of trees.** Structures and roads ~~should~~ shall be sited to avoid tree removal per Land Use Policy C-DES-8.

9. **Landscaping.** Required landscaping shall predominantly use native species of trees and plants and shall avoid using non-native, invasive trees and plants (Land Use Policy CDES-9).

10. **Prohibition of Gated Communities.** The establishment of gated communities shall be prohibited (Land Use Policy C-DES-10).

11. **Minimization of fuel modification.** New development ~~should~~ shall be sited and designed to avoid the need for fuel modification per Land Use Policy C-DES-11.

22.64.110 – Community Development

A. **Community development standards.** Development, as defined in Article VIII, shall be consistent with all Community Design Policies of the LUP, including, but not limited to:

1. **Location of new development.** New development shall be located within, next to, or in close proximity to developed areas with adequate public services and where it will not have significant adverse impacts, either individually or cumulatively, on environmental and natural resources, including coastal resources (Land Use Policy C-CD-1~~2~~).

2. **Appropriate new development.** The type and intensity of new development, including land divisions, shall conform to the land use categories and density provisions of the LCP Land Use Maps. Allowable densities are stated as maximums and do not establish an entitlement to buildout potential. (Land Use Policy C-CD-2~~3~~).

3. **Non-conforming structures and uses.** Allow lawfully established non-conforming structures and uses to be maintained or continued in conformance with the requirements of Section 22.70.160~~5~~.

4. **Development standards for Tomales Bay shoreline.** New construction along the shoreline of Tomales Bay shall be limited in height to a maximum of 15 feet above grade except as provided for per Land Use Policy C-CD-5~~6~~, except as allowed by LUP Policy C-EH-5 (Standards for Shoreline Development).

5. **Structures on public trust lands.** The construction of new residential dwellings shall not be permitted on public trust lands. Along the shoreline of Tomales Bay, existing legally established structures on public trust lands may be rebuilt if destroyed by natural disaster per Land Use Policy C-CD-6~~7~~.

6. **Shoreline Structures and Piers.** The location of piers and other recreational or commercial shoreline structures shall be limited per Land Use Policy C-CD-7~~8~~ and public access to such structures shall be required per Land Use Policy C-CD-8~~9~~.

7. **Division of beachfront lots.** The division of beachfront lots shall be restricted per Land Use Policy C-CD-9~~10~~.

8. **Maintenance of village limit boundaries.** Village limit boundaries shall be set and maintained per Land Use Policies C-CD-10~~1~~ and C-CD-11~~2~~.

9. **Chain store operations.** Discourage the establishment of chain store operations that are not consistent with the existing character and scale of the surrounding community (Land Use Policy C-CD-12~~13~~).

10. **Limit conversion of overnight visitor-serving enterprises.** Visitor-serving uses shall remain available to the public on a space available basis; proposed conversion of overnight accommodations into a more limited type of occupancy shall be discouraged (Land Use Policy C-CD-13~~14~~).

11. **Residential character in villages.** Consistent with the limitations ~~to the village core commercial area~~ outlined in C-PK-3, discourage the conversion of residential to commercial uses in coastal villages per Land Use Policy C-CD-14~~15~~.

12. **Rural character of roadways.** Roadways, accessways and bridges shall reflect the character of coastal communities and shall be context and location sensitive. The primary areas to be considered for sidewalks, curbs, and similar roadway improvements shall be within designated village limit boundaries (Land Use Policy C-CD-15~~16~~).

13. **Windbreaks.** Discourage new wind breaks along Highway One to preserve public views. Consider the effects of proposed wind breaks at initial planting as well as at maturity on sunlight, public views, and traffic safety related to visibility (Land Use Policy C-CD-17~~19~~).

14. **Lighting for recreational use.** Prohibit night lighting for privately-owned recreational facilities per Land Use Policy C-CD-18~~20~~.

22.64.120 – Energy

A. **Energy efficiency standards.** Development, as defined in Article VIII, shall be consistent with all Energy Policies of the LUP, including, but not limited to:

1. **Energy efficiency standards**. Complement coastal permit requirements with the application of Marin County Energy Efficiency Ordinance 3494 and Green Building Requirements to integrate energy efficiency and conservation, and renewable energy requirements into the development review and building permit process per Land Use Policy C-EN-1.

2. **Renewable energy resource priority.** Utilize renewable energy resources and support appropriate renewable energy technologies per Land Use Policy C-EN-4.

3. **Energy production facility impacts.** Energy production facilities shall be designed and constructed to minimize impacts to public health and coastal resources per Land Use Policy C-EN-5.

4. **Energy and Industrial Development.** Major energy or industrial development, both on and offshore, ~~shall not be permitted per Land Use Policy C-EN-6.~~ shall be prohibited consistent with the limitations of Public Resources Code Sections 30260, 30262, and 30515. The development of alternative energy sources such as solar or wind energy shall be exempted from this policy.

22.64.130 – Housing

A. **Affordable housing standards.** Development, as defined in Article VIII, shall be consistent with all Housing Policies of the LUP, including, but not limited to:

1. **Protection of existing affordable housing.** Protect and provide affordable housing opportunities for very low, low, and moderate income households. The demolition of existing deed restricted very low, low, and moderate income housing is prohibited except as provided for per Land Use Policy C-HS-1.

2. **Density for affordable housing.** Allow the maximum range of density for deed-restricted housing developments that are affordable to extremely low, very low or low income households and that have access to adequate water and sewer services, provided that such density will not result in adverse coastal resource impacts and is consistent with all applicable LCP policies (Land Use Policy C-HS-2). Density bonuses for affordable housing consistent with Coastal Act Section 30604(f) and Government Code Section 65915 may be provided to the extent that such increases in density are consistent with the provisions of the LCP per Land Use Policy C- HS-9. The reviewing authority may approve a density greater than that allowed by the underlying land use and zone district designations for affordable residential projects only if the following criteria are met:

   (a) The housing development is located in a residential or commercial/mixed-use land use and zone district designation; and

   (b) The project is found to be in conformity with the Local Coastal Program (including but not limited to sensitive habitat, agriculture, public viewshed, public services, public recreational access and open space protections), with the exception of the density provisions.

3. **Affordable housing requirement.** Residential developments in the Coastal Zone consisting of 2 or more units shall be required to provide 20 percent of the total number of units to be affordable by households of very low or low income or a proportional "in-lieu" fee to increase affordable housing construction. (Land Use Policy C-HS-3

4. **Retention of small lot zoning.** Preserve small lot zoning (6,000 to 10,000 square feet) in Tomales, Point Reyes Station, and Olema for the purposes of providing housing opportunities at less expense than available in large-lot zones (Land Use Policy C-HS-4).

5. **Second units.** Enable the construction of well-designed second units in single-family and multifamily residential zoning districts consistent with Land Use Policy C-HS-5 and the standards below. Second units shall be consistent with all lot coverage and other site development standards per the applicable residential zoning district where such standards are considered on a cumulative basis that include accounting for any existing buildings on site. Second Units shall conform to all of the zoning and development standards (lot coverage, height, setbacks, design, floor area ratio, etc.) of the residential zoning district, which governs the lot. ~~A Second Unit attached to the principal residence shall be subject to the height, setback, and coverage regulations of the principal residence.~~

22.64.140 – Public Facilities and Services

~~**Program 22.64.140 Reservation of Capacity for Priority Land Uses**. Coordinate with water service and wastewater service providers to develop standards to allocate and reserve capacity for Coastal Act priority land uses.~~

A. **Public facility and service standards.** Development, as defined in Article VIII, shall be consistent with all Public Facilities and Services Policies of the LUP, including, but not limited to:

1. **Adequate public services**. Adequate public services (that is, water supply, on-site sewage disposal or sewer systems, and transportation, including public transit as well as road access and capacity if appropriate) shall be available prior to approving new development per Land Use Policy C-PFS-1.

No permit for development may be approved unless it can be demonstrated, in writing and supported by substantial evidence that it will be served with adequate water supplies and wastewater treatment facilities, consistent with the subsections below:

a. Development receiving water from a water system operator and/or wastewater treatment from a public/community sewer system shall only be approved if there is: (i) sufficient water and wastewater public works capacity within the system to serve the development given the outstanding commitments by the service provider; or, (ii) evidence that the entity providing the service can provide such service for the development. Such evidence may include a will-serve letter from the service provider ~~which shall constitute substantial evidence that adequate service capacity is available~~.

b. An application for new or increased well production ~~to increase public water supply~~ shall include a report prepared by State Licensed Well Drilling Contractors, General (Class A License) Engineering Contractors, Civil Engineers, or Geologists which demonstrates, to the satisfaction of the Director, that:

1) The sustainable yield of the well meets the LCP-required sustained pumping rate (minimum of 1.5 gallons per minute) and must be equal to or exceed the project's estimated water demand.

2) The water quality meets safe drinking water standards.

3) The extraction will not adversely impact other wells located within 300 feet of the proposed well; adversely impact adjacent biological and hydrogeologically-connected resources including streams, riparian habitats, and wetlands that are located on the subject lot or neighboring ~~parcels~~lots; and will not adversely impact water supply available for existing and continued agricultural production or for other priority land uses that are located on the subject parcel or served by the same water source~~(i.e. coastal-dependent uses, public recreation, essential public services basic industries vital to economic health of the region, state, or nation, and, within village~~

~~limit boundaries only, visitor-serving uses and commercial recreation uses)~~.

1. ~~c. The application for a development receiving water from a private well shall include a report prepared by State Licensed Well Drilling Contractors, General (Class A License) Engineering Contractors, Civil Engineers, or Geologists. The report shall demonstrate, to the satisfaction of the Director, all standards in Marin County Code Chapter 7.28, are met.~~

d. The application for development utilizing a private sewage disposal system shall only be approved if the disposal system:

1) Is approved by the Environmental Health Services Division of the Community Development Agency or other applicable authorities.

2) Complies with all applicable requirements for individual septic disposal systems by the Regional Water Quality Control Board.

e. Limited Public Service Capacity. Limited service capacity shall be defined as follows:

1) For water system operators, when projected demand for service based upon both outstanding water commitments to existing development and projected development exceeds available supply.

2) For public/community sewer systems, when projected demand for service based upon both outstanding sewer commitments to existing development and projected development exceeds available capacity.

In areas with limited water service capacity, when otherwise allowable, new development for a non-Coastal Act and LCP priority use (i.e., a use other than agricultural production, coastal-dependent uses, public recreation, essential public services, and, within village limit boundaries only, visitor-serving uses and commercial recreation uses) shall only be allowed if adequate capacity remains for the above-listed priority land uses. In such limited service capacity areas, in order to minimize the reduction in service for and reserve capacity to priority land uses, applications for non-priority uses shall be required to offset their anticipated water usage through the retrofit of existing water fixtures or other appropriate measures within the same service area of the water system operator or the public/community sewer system of the proposed development, whichever is applicable. All Coastal Permits authorizing development that results in increased water usage shall be conditioned to require applicants to provide to the Reviewing Authority for review and approval the following:

1) A list of all existing fixtures to be retrofitted and their present associated water flow (e.g. gallons/second);

2) A list of all proposed fixtures to be installed and their associated water flow; and;

3) The estimated annual water savings resulting from the proposed retrofit, showing all calculations and assumptions.

The County shall require certification from water service providers that all measures to reduce existing water usage has been implemented in an amount equal or greater to the anticipated water use of the proposed project.

2. **Expansion of public services.** Limit new or expanded roads, flood control projects, utility services, and other public service facilities, whether publicly owned or not, to the minimum necessary to adequately serve planned development per Land Use Policy C-PFS2.

a. Permit requirements: Every new major public works facility or capacity expansion shall be required to go through the Coastal Permit review process. Expansion of public works facilities, including but not limited to water supply and transmission, sewage treatment and transmission, and the regional transportation system, shall only be permitted after considering the availability of other public works facilities, and establishing whether capacity increases would overburden the existing and probable future capacity of those other public works facilities.

3. **Formation of special districts**. Ensure that special districts are formed or expanded only where assessment for, and provision of, the service would not induce new development inconsistent with the policies of the LCP (Land Use Policy C-PFS-3).

4. **High-priority visitor-serving and Coastal Act priority land uses.** In acting on any coastal permit for the extension or enlargement of community water or community sewage treatment facilities, adequate capacity shall be made available and reserved in the system to serve VCR- and RCR-zoned property, other visitor-serving uses, and other Coastal Act priority land uses (i.e., coastal-dependent uses, agriculture, essential public services, public recreation, etc.) (Land Use Policy C-PFS-4).

5. **Community sewer systems.** New development within a village limit boundary shall connect to a public sewer system within 400 feet of the parcel, unless such connection is prohibited, physically impossible, or otherwise infeasible (Land Use Policy C-PFS-5). Any determination that connection to the public sewer system is infeasible shall be made in writing.

6. **Sewage disposal systems and protection of water quality.** Require new and expanded sewage disposal systems to be designed, constructed, and maintained so as to protect the biological productivity and quality of coastal streams, wetlands, and other waters (Land Use Policy C-PFS-6).

7. **Adequately sized sewage disposal systems.** New and expanded sewage disposal systems shall be sized adequately to meet the needs of development that can be approved consistent with the certified LCP (Land Use Policy C-PFS-7).

8. **Sewage disposal system requirements for new lots.** All sewage disposal systems on newly created lots shall comply in all respects, without variance, with applicable County and state regulations (Land Use Policy C-PFS-8).

9. **Preference for on-site individual sewage disposal systems.** An individual sewage disposal system shall be located on the same parcel as the building or buildings it serves per Land Use Policy C-PFS-9.

10. **Adequate on-site sewage disposal systems for existing development**. Ensure that existing on-site sewage disposal systems function properly by complying with all rules and regulations of the Regional Water Quality Control Board, including any requirements adopted pursuant to AB885, so long as such requirements are consistent with the LCP. Where repairs to existing systems are necessary, corrective actions shall be taken per Land Use Policy C-PFS-10.

11. **Alternative on-site sewage disposal systems.** Alternative on-site sewage disposal systems shall be considered and approved per Land Use Policy C-PFS-11.

12. **Limited use of off-site septic systems.** Allow construction of off-site individual or community septic systems only in compliance with Land Use Policy C-PFS-12.

13. **New water sources serving five or more parcels.** Applicants for new water wells or other sources serving 5 or more parcels shall demonstrate that no adverse impacts on coastal resources shall result per Land Use Policy C-PFS-13.

14. **Adequacy of water supply within water system service areas**. Development of individual domestic water wells or other individual water sources to serve new development in areas served by public or private water systems is prohibited except in limited cases per Land Use Policy C-PFS-14.

15. **Development of water sources including wells, streams and springs.** Coastal Permit approval is required for wells and borings unless otherwise exempt or categorically excluded per Land Use Policy C-PFS-15.

16. **Standards for water supply wells and other water sources.** Water supply wells and other water sources shall comply with the standards contained in the LCP, including Land Use Policy C-PFS-16.

17. **Conservation of water.** To minimize the generation of wastewater and to encourage the conservation of coastal water resources, the use of water saving devices, including as prescribed by the local water provider, shall be required in all new development (Land Use Policy C-PFS-17).

18. **Desalination facilities.** Due to the Coastal Zone's unique natural resources and recreational opportunities of nationwide significance, development of desalination facilities shall be prohibited, consistent with the limitations of Public Resources Code sections 30260, 30262 and 30515, with the exception of treatment of existing surface or ground water supplies for purposes of maintaining water quality (Land Use Policy C-PFS-18).

19. **Telecommunications facilities.** Ensure through siting, co-location, "stealth" design, and other measures that telecommunications facilities are designed and constructed to protect coastal resources, including significant public views, consistent with all applicable LCP policies and development standards, including those specified in 22.32.165. (Land Use Policy C-PFS-19).

22.64.150 – Transportation

A. **Transportation standards.** Development, as defined in Article VIII, shall be consistent with all Transportation Policies of the LUP, including, but not limited to:

1. **Roads in the Coastal Zone.** The motorized vehicular capacity of roads in the Coastal Zone shall be limited per Land Use Policy C-TR-1.

2. **Scenic quality of Highway One**. The scenic quality of Highway One shall be maintained consistent with LCP provisions, including per Land Use Policy C-TR-2.

3. **New bicycle and pedestrian facilities.** New development shall be encouraged or required to provide new bicycle and pedestrian facilities per Land Use Policy C-TR-6. Where appropriate, the installation of bike racks, lockers and other bike storage facilities shall be encouraged per Land Use Policy C-TR-7.

   (a) Bikeway Design Guidelines. For bikeway planning and design requirements, refer to the Marin County Unincorporated Area Bicycle and Pedestrian Master Plan Supplemental Bikeway Design Guidelines, where otherwise LCP consistent.

4. **Expansion of the Countywide Trail System.** Acquire additional trails to complete the proposed countywide trail system, providing access to or between public lands and enhancing public trail use opportunities for all user groups, including multi-use trails, as appropriate (Land Use Policy C-TR-8).

5. **Complete Streets.** Consistent with the local implementation of the State of California's Complete Streets policy, at the outset of all projects, other than routine maintenance, an analysis shall be performed to ensure the inclusion of all necessary, appropriate and reasonable multi-modal facilities and improvements, including transit, bike and pedestrian access, disabled access, and traffic safety. (See also Department of Public Works Directive 2006-1, dated January 23, 2006)

6. **Roads, Driveways, Parking, Sidewalks.** Roads, driveways, parking, and sidewalks shall be provided in a manner that best protects coastal resources and is consistent with all applicable LCP provisions, including by meeting applicable agricultural, biological resources, environmental hazards, visual resources, transportation, and public facilities and services policies. Adequate parking and transportation facilities (including bicycle and pedestrian facilities) shall be provided. New development shall not adversely impact existing public parking facilities nor the ability to access existing development or existing coastal resource areas.

22.64.160 – Historical and Archaeological Resources

A. Application requirements.

1. **Archaeological Resource Survey.** Coastal permit applications for development proposed within an area of known or likely archaeological or paleontological significance shall include a field survey by a state-qualified archaeologist recommended by the Sacred Sites Protection Committee of the Federated Indians of Graton Rancheria or by a qualified paleontologist which determines the extent of archaeological or paleontological resources on the site and evaluates the project's potential impacts to those resources. Where adverse impacts are possible, the report shall identify reasonable mitigation measures, including avoidance and permanent protection as open space, if feasible. (Land Use Plan Policy CHAR-2)

B. **Historical and Archaeological Resource standards.** Development, as defined in Article VIII, shall be consistent with all Historical and Archaeological Resources Policies of the LUP, including, but not limited to:

1. **Implementation of mitigation measures.** Implement appropriate mitigation measures, including avoidance and permanent protection as open space, if feasible, as recommended in the field survey prepared per Land Use Plan Policy C-HAR-2.

2. **Monitoring of construction activities on archaeological sites.** New development on sites identified as archaeologically sensitive shall be monitored per Land Use Plan Policy C-HAR-3.

3. **Structures of special character and visitor appeal.** Preserve and restore structures with special character and visitor appeal in coastal communities (Land Use Plan Policy C-HAR4).

4. **Development affecting structures and areas of special character and visitor appeal.** Coastal Permit applications for projects that involve pre-1930 buildings or are located in areas designated as having special character and visitor appeal, including historic areas, shall be evaluated per Land Use Plan Policy C-HAR-5.

5. **Alterations and additions to structures of special character and visitor appeal.** Applications for substantial alterations or additions to any structure built prior to 1930 shall be evaluated per Land Use Plan Policy C-HAR-6.

6. **Proposed demolition of structures of special character and visitor appeal.** Proposed demolition of any structure built prior to 1930 shall be evaluated and processed per Land Use Plan Policy C-HAR-7.

7. **Villages with special character and visitor appeal.** New construction in mapped areas having special character and visitor appeal, including historic areas, shall comply with Land Use Plan Policy C-HAR-8.

22.64.170 – Parks, Recreation, and Visitor-Serving Uses

A. **Parks and Recreation and Visitor-Serving Use standards.** Development, as defined in Article VIII, shall be consistent with all Parks, Recreation and Visitor Serving Use Policies of the LUP, including, but not limited to:

1. **Coastal recreation opportunities.** The development of visitor-serving and commercial recreation facilities shall have priority over residential or general commercial development per Land Use Plan Policy C-PK-1.

2. **Compatible commercial recreation facilities.** New visitor-serving and commercial development shall be sited and designed per Land Use Plan Policy C-PK-2.

3. **Mixed uses in coastal village commercial/residential zones**. A mixture of residential and commercial uses shall be permitted in the C-VCR zoning district as follows:

   Continue to permit a mixture of residential and commercial uses in the C-VCR zoning district to maintain the established character of village commercial areas. Commercial shall be the principal permitted use ~~within the mapped village commercial core area~~ of the C-VCR zone and residential shall be allowed in the C-VCR zone subject to all other LCP standards.~~the principal permitted uses in all other parts of the C_VCR zone~~ ~~In the village commercial core area, r~~Residential uses shall be limited to: (a) the upper floors, and/or (b) the lower floors if not located on the road-facing side of the property within the commercial core area (i.e. the central portion of each village that is predominantly commercial). Residential uses on the ground floor of a new or existing structure of the road-facing side of the property shall only be allowed ~~subject to a finding~~provided that the development maintains and/or enhances the established character of village commercial core areas. ~~Replacement, m~~Maintenance and repair of any legal existing residential use shall be exempt from the above provision and shall be permitted.

4. **Balance of visitor-serving and local-serving facilities.** Support a level of local-serving facilities such that an adequate infrastructure can be maintained to ensure the health, vitality, and survival of the visitor-serving segment of the coastal economy (Land Use Plan Policy C-PK-4).

5. **Small-scale tourist facilities.** Small-scale tourist-oriented businesses, rather than large tourist facilities, shall be permitted per Land Use Plan Policy C-PK-5.

6. **Bed and breakfast inns**. Support bed and breakfast facilities in the Coastal Zone as a means of providing visitor accommodations per Land Use Plan Policy C-PK-6.

7. **Lower-cost recreational facilities.** Lower cost visitor and recreational facilities shall be protected and encouraged per Land Use Plan Policy C-PK-7.

8. **Appropriate public recreation opportunities.** Public recreational development shall be undertaken in a manner which preserves the unique qualities of Marin's coast per Land Use Plan Policy C-PK-8.

9. **Appropriate uses of federal parks.** Uses and facilities within federal parklands should comply with Land Use Plan Policy C-PK-10.

10. **State parks.** Support management of Tomales Bay State Park and Mount Tamalpais State Park consistent with the adopted General Plan per Land Use Plan Policy C-PK-11.

11. **County parks in the Coastal Zone.** Continue to operate existing Marin County park facilities in the Coastal Zone per Land Use Plan Policy C-PK-12 and support future acquisition of park areas per Land Use Plan Policy C-PK-13.

12. **California Coastal Trail.** Support completion of the California Coastal Trail through Marin County per Land Use Plan Policy C-PK-14.

13. **Commercial fishing and recreational boating.** Support and protect commercial fishing and recreational boating on Tomales Bay per Land Use Plan Policy C-PK-15.

14. **Standards for new boating facilities.** The development of new boating facilities on Tomales Bay shall comply with the standards contained in Land Use Plan Policy C-PK-16.

22.64.180 – Public Coastal Access

A. Application requirements.

1. **Site Plan.** Coastal permit applications for development on property located between the shoreline and the first public road shall include a site plan showing the location of the property and proposed development in relation to the shoreline, tidelands, submerged lands or public trust lands. All easements and/or other similar restrictions associated with the property shall be mapped, and the associated legal document provided. Any evidence of historic public use should also be indicated.

B. Public Coastal Access standards. Development, as defined in Article VIII, shall be consistent with all Public Coastal Access Policies of the LUP, including, but not limited to:

1. **Avoid and Mitigate Public Coastal Access Impacts.** If possible, development shall avoid negatively impacting existing public recreational access facilities and opportunities. If unavoidable impacts are identified, require commensurate and proportional public access mitgation, such as requiring new or enhanced public trails or facilities, and potentially in lieu fees. Impacts on public access include, but are not limited to, intensification of land use resulting in overuse of existing public accessways, creation of physical obstructions or perceived deterrence to public access, and creation of conflicts between private land uses and public access.

2. **Public coastal access in new developments.** New public access from the nearest ~~development located between the shoreline and the first~~ public road~~way~~ to the shoreline and along the coast shall be provided ~~evaluated for impacts on public access to the coast~~ per Land Use Plan Policy C-PA-2. Where a requirement to dedicate public access is related in nature and extent to the impacts of the proposed development, the dedication of a lateral, vertical and/or

bluff top accessway shall be required per Land Use Plan Policy C-PA-9, unless Land Use Plan Policy C-PA-3 provides an exemption. A finding that an accessway can be located ten feet or more from an existing single-family residence or be separated by a landscape buffer or fencing if necessary shall be considered to provide adequately for the privacy of existing homes. All coastal development permits subject to conditions of approval pertaining to public access and open space or conservation easements shall be subject to the procedures specified in Section 13574 of the Coastal Commission's Administrative Regulations.

2. **Direct dedication of public coastal access.** If feasible, direct dedication of an easement or fee title interest for a required coastal accessway is preferred per Land Use Plan Policy C-PA-4.

3. **Acquisition of new public coastal accessways**. The acquisition of additional public coastal accessways shall be pursued through available means per Land Use Plan Policy CPA-6.

4. **Protection of prescriptive rights.** New development shall be evaluated to ensure that it does not interfere with the public's right of access to the sea where acquired through historic use per Land Use Plan Policy C-PA-7.

5. **Bolinas Mesa.** Public use of the two access trails across Bolinas Mesa to the RCA beach and of the RCA beach area itself shall be protected per Land Use Plan Policy C-PA-8.

6. **Impacts of public coastal accessways on their surroundings**. Coastal accessways and their support facilities shall be sited and designed to avoid impacts to environmental resources, agriculture, and surrounding neighbors per Land Use Plan Policy C-PA-10 and C-PA-11.

7. **Public coastal accessway maintenance and liability agreements.** Maintenance and liability responsibilities for coastal accessways shall conform to Land Use Plan Policy CPA-12.

8. **Accessibility of public coastal accessways.** New public coastal accessways shall comply with California Title 24 and be accessible to persons with disabilities to the maximum extent feasible (Land Use Plan Policy C-PA-13).

9. **Impacts of new development on public coastal accessways.** New development shall be sited and designed to avoid impacts to users of coastal access and recreation areas per Land Use Plan Policy C-PA-15.

10. **Parking, signage, and support facilities at public coastal accessways.** Where appropriate and feasible, parking, signage, and support facilities shall be provided in conjunction with public coastal accessways per Land Use Policy C-PA-18 and C-PA-19. Proposals to restrict public parking near beach access points or parklands shall be evaluated per Land Use Plan Policy C-PA-20.

11. **Shoreline protection structures near public coastal accessways.** The construction of shoreline protection structures shall maintain or enhance existing shoreline access per Land Use Plan Policy C-PA-21.

Chapter 22.65 – Coastal Zone Planned District Development Standards

Sections:

22.65.010 – Purpose of Chapter
22.65.020 – Applicability of Planned District Standards
22.65.030 – Planned District General Development Standards
22.65.040 – C-APZ Zoning District Standards
22.65.050 – C-ARP Zoning District Standards
22.65.060 – C-RSP Zoning District Standards
22.65.070 – C-RSPS Zoning District Standards (Seadrift Subdivision)

22.65.010 – Purpose of Chapter

A. This Chapter provides detailed site planning, development, and land use standards for the planned zoning districts within the Coastal Zone. These districts include C-APZ, C-ARP, CRSP, C-RSPS, C-RMP, C-CP, C-RMPC, and C-RCR.

B. These standards are intended to ensure that proposed development is designed and constructed in a manner compatible with, and sensitive to, the important environmental characteristics and visual features of lands designated within coastal planned zoning districts.

22.65.020 – Applicability of Planned District Standards

A. Compliance with standards required. Proposed development, as defined in Article VIII, shall be designed and constructed in conformity with:

1. All standards and requirements established through the approval of a Coastal Permit;

2. Any provisions of this Chapter applicable to a specific planned coastal zoning district;

3. The provisions of Chapter 22.64 (Coastal Zone Development and Resource Management Standards); and

4. All provisions of Sections 22.62.060 (Coastal Agricultural and Resource Related Districts), 22.62.070 (Coastal Residential Districts), or 22.62.080 (Coastal Commercial and Mixed-Use Districts).

5. All applicable provisions of the Implementation Plan, as defined in 22.60.010 and Article VIII.

22.65.030 – Planned District General Development Standards

A. Access:

1. **Roads.** Road designs shall minimize road length and maximize the amount of undivided agricultural land, except that longer road extensions may be necessary in highly visible areas in order to avoid or minimize other impacts. Roads shall be designed with not more than 18 feet pavement width, except when safety requirements require otherwise. If otherwise LCP consistent, a minimum of 16 feet may be permitted in certain very low use areas, as provided in the improvement standards established in compliance with Sections 24.04.020 et seq. of the County Code (Roads).

2. **Driveways.** Driveways shall be designed in compliance with Sections 24.04.240 et seq. of the County Code (Driveways), in addition to and independent of Coastal Permit requirements. Driveway length shall be minimized, consistent with the clustering requirements of Subsection D.1 below (Building Location - Clustering Requirement). Applicants are encouraged, to the extent permitted by applicable laws, to utilize pervious surface materials (e.g., turfblock, pavers, porous asphalt and gravel) for new or modified driveways to reduce the area of impervious surface and the extent of storm water runoff.

B. **Fire protection.** In areas without water systems, on-site water storage capacity may be required for each single-family dwelling, subject to the requirements of the County Fire Department or local Fire Protection District, as applicable. Where feasible, the design of planned or cluster developments should include provisions for common water storage facilities and distribution systems. Maintenance of these water storage facilities and distribution systems should be performed according to a plan prepared by the applicant and approved by the County Fire Department or local Fire Protection District, as applicable.

C. **Building design:**

1. **Height limits for structures:**

(a) The height limit is 25 feet for primary structures and 15 feet for accessory structures. (See also height limit provisions for the Seadrift Subdivision in Section 22.65.070.D and the shoreline of Tomales Bay in Sections 22.66.080.D and 22.66.090.B).

(b) The floor level of the first floor shall not exceed 10 feet above natural grade at the lowest corner, unless otherwise ~~required by FEMA standards~~ allowed by LUP Policy C-EH-5 (Standards for Shoreline Development).

(c) Structures located within the ridgeline areas pursuant to Subsection D.2 below shall be limited to a maximum height of 18 feet.

~~(d) The Director may adjust these requirements based on site characteristics, consistent with the intent of LUP policies.~~

2. **Materials and colors.** Building materials and colors should incorporate earth tones and be chosen to blend into the natural and built environment unobtrusively, to the greatest extent possible. Traditional colors for agricultural

structures (natural wood, red, whitewash, etc.) are appropriate for these structures in agricultural zoning districts.

D. Building location:

1. Clustering requirement. Structures shall be clustered in a geologically stable, accessible location on the site where their visual prominence is minimized, consistent with the maximum protection of agricultural lands and other coastal resources. Clustering is especially important on open grassy hillsides; however, a greater scattering of buildings on wooded hillsides may be approved, if consistent with all other applicable provisions of the LCP. Construction shall be minimized by placing buildings so that they will be screened by existing vegetation, rock outcroppings or depressions in topography.

Proposed development shall be located close to existing roads, and shall not require new road construction or improvements resulting in significant impacts on agriculture, significant vegetation, significant scenic resources, or natural topography of the site. Proposed development shall be sited to minimize impacts on scenic resources, wildlife habitat and streams, and adjacent agricultural operations.

2. Development near ridgelines. No construction shall occur on top of, or within 300 feet horizontally, or within 100 feet vertically, of visually prominent ridgelines, whichever is more restrictive, unless no other suitable locations are available on the site or the lot is located substantially within the ridgeline area as defined herein. If structures must be placed within this restricted area because of site constraints or because siting the development outside of the ridgeline area will result in greater visual or environmental impacts, they shall be in locations that are the least visible from public viewing areas.

3. Energy conservation. Solar access shall be considered in the location, design, height and setbacks of all structures. Generally, structures should be oriented in a north/south fashion with the majority of glazing on the south wall or walls of the buildings.

4. Noise mitigation. Noise impacts on residents in nearby areas shall be minimized through the placement of buildings, recreation areas, roads and landscaping.

E. Division of Agricultural Lands. Permissible divisions of land affecting agricultural lands shall be designed consistent with the requirements of this Article and the LUP. In considering divisions of agricultural lands in the Coastal Zone, the County may approve fewer parcels than the maximum number of parcels allowed by both the Development Code and the LUP, based on site characteristics such as topography, soil, water availability, environmental constraints and the capacity to sustain viable agricultural operations, and coastal resource protection.

F. Landscaping. Introduced landscaping shall be designed to minimally disturb natural areas, and shall be compatible with the native plant setting. Landscaping plans shall be prepared with consideration for fire protection, water quality protection, solar access, the use of native and drought tolerant species, and minimal water use. Planting should not block public views or scenic views from adjacent properties or disturb wildlife trails.

G. Open space areas:

1. **Dedication required.** Land to be preserved as open space may be dedicated by fee title to the County or an agency or organization designated by the County before issuance of any construction permit or may remain in private ownership with appropriate scenic and/or open space easements or other encumbrances acceptable to the County, and the County may require reasonable public access across lands remaining in private ownership, consistent with federal and state law.

2. **Maintenance.** The County or other designated agency or organization ~~wi~~shall maintain all open space lands accepted in fee title, as well as public access and trail easements across private property. Where open space lands remain in private ownership with scenic easements, these lands shall be maintained in compliance with the adopted policies of the Marin County Open Space District and may require the creation of a homeowners' association or other organization to maintain private open space lands where appropriate.

3. **Open space uses.** Uses in open space areas shall be in compliance with policies of the Marin County Open Space District, in addition to complying with the LCP, and shall have no significant impact on the natural environment and coastal resources. Pedestrian and equestrian access shall be provided where possible and reasonable and LCP consistent.

H. Site preparation:

1. **Grading.** Grading is permitted in compliance with Chapter 22.64.080(C) and shall be minimized. Every reasonable effort shall be made to retain the natural features of the land: skylines and ridgetops, rolling land forms, knolls, native vegetation, trees, rock outcroppings, and watercourses. Where grading is required, it shall not create flat planes and sharp angles of intersection with natural terrain. Slopes shall be rounded and contoured to blend with existing topography.

2. **Drainage.** The areas adjacent to creeks shall be kept as much as possible in their natural state. All construction shall ensure drainage into the natural watershed in a manner that will avoid significant erosion or damage to creeks and adjacent properties. Impervious surfaces shall be minimized. At creek crossings, bridges shall be utilized instead of culverts consistent with 22.64.050.B.11.

3. **Trees and vegetation.** Every effort shall be made to avoid tree removal, and changes or construction that would cause the death of existing trees, rare plant communities, and wildlife habitats.

4. **Fire hazards.** Development shall be permitted in areas subject to wildfire threat only where it is consistent with the requirements of C-BIO-4, C-EH-9 and C-DES-11 and the review authority determines there are good access roads, and adequate water supply, and vegetation management plans are required and adopted.

5. **Geologic hazards.** Construction shall not be permitted on identified seismic or geologic hazards, including slides, natural springs, identified fault zones, or on

bay mud, without approval from the Department of Public Works, based on acceptable soils and geologic reports. Development subject to coastal hazards shall be sited and designed to avoid such hazards consistent with 22.64.060.

6. **Watershed areas.** All projects within water district watershed areas shall be referred to the appropriate district for review and comment. Damaging impoundments of water shall be avoided.

I. **Utilities.** In ridge land areas, street lights shall be of low level intensity and low in profile. In all areas, power and telephone lines shall be underground where feasible. Any determination that undergrounding of utilities is not feasible shall be made in writing.

22.65.040 – C-APZ Zoning District Standards

A. Purpose. This Section provides additional development standards for the C-APZ zoning district designed to preserve productive lands for agricultural use, and ensure that development is accessory and incidental to, in support of, and compatible with agricultural ~~use~~ production. "Appurtenant and n~~N~~ecessary for agricultural production" means that the proposed development is needed to sustain an efficient and productive agricultural operation and to ensure continued agricultural viability.

B. Applicability. The requirements of this Section apply to proposed development in addition to the standards established by Section 22.65.030 (Planned District General Development Standards) and Chapter 22.64 (Coastal Zone Development and Resource Management Standards), and all other applicable provisions of this Development Code.

C. Development standards. Development permits in the C-APZ district shall be subject to the following standards and requirements in addition to section 22.65.030:

1. Standards for all development in the C-APZ:

a. Permitted development shall protect and maintain renewed and continued agricultural ~~use~~ production and agricultural viability on-site and shall not impact adjacent agricultural lands. Permitted development shall be sited to avoid land suitable for agricultural production (i.e., prime agricultural land or other land suitable for agriculture) whenever possible, consistent with the operational needs of agricultural production. If use of such land is necessary, prime agricultural land shall not be utilized if it is possible to utilize other lands suitable for agricultural use. In addition, as little agricultural land as possible shall be used for structural development.

b. Development shall be permitted only where adequate water supply, sewage disposal, road access and capacity and other public services are available to support the proposed development after provision has been made for existing and continued agricultural production. Water diversions or use for a proposed development shall not adversely impact stream or wetland habitats, have significant effects on groundwater resources, or significantly reduce freshwater inflows to water bodies including Tomales Bay, either individually or cumulatively.

c. Permitted development shall have no significant adverse impacts on environmental quality or natural habitats, and shall meet all other applicable policies, consistent with the LCP.

d. In order to retain the maximum amount of land in agricultural production or available for future agricultural use, farmhouses, intergenerational homes, agricultural worker housing, ~~agricultural homestay or bed and breakfast facilities~~, agricultural accessory structures, and agricultural product processing facilities shall be placed within a clustered development area, except when:

(1) Placement outside such areas is necessary for agricultural operations (e.g., when a more remote barn is required in a different part of the property to allow for efficient agricultural operations or a retail sales facility needs to be close to a public road); or

(2) When placement inside such areas would be inconsistent with applicable LCP standards (e.g., when such placement would be within a required stream setback area). In this case, new development shall be placed as close as possible to the existing clustered development area in a way that also meets applicable LCP standards.

The clustered development area, in combination with roads, agricultural sales facilities, and other structure development shall total no more than five percent of the gross acreage, to the extent feasible with the remaining acreage retained in or available for agricultural production or open space.

Development shall be located close to existing roads, and shall not require new road construction or improvements resulting in significant impacts on agriculture, natural topography, major vegetation, or significant natural visual qualities of the site. Development shall be sited to minimize impacts on coastal resources and adjacent agricultural operations and shall be designed and sited to avoid hazardous areas.

e. Agricultural dwelling units shall meet the standards, specified in Chapter 22.32.024.

2. Standards for Non-Principally Permitted Uses and Development

In addition to the standards of Section 1, above, all of the following development standards apply to non-principally permitted uses and development

a. Non-principally permitted uses and development shall only be allowed when such uses will serve to maintain and enhance agricultural production.

b. The creation of a homeowners' or other organization and/or the submission of an Agricultural Production and Stewardship Plan (APSP) may be required to provide for the proper utilization of agricultural lands, including their availability on a lease basis or for the maintenance of the community's roads, septic or water systems.

3. Standards for Non-Agricultural Conditional Uses and Development

In addition to the standards of Sections 1 and 2 above, all of the following development standards apply to non-agricultural conditional uses and development.

a. Conservation easements. Consistent with state and federal laws, the approval of non-agricultural conditional development, including land divisions, shall include measures for the long-term preservation of lands proposed or required to remain undeveloped.

Preservation shall be accomplished by permanent conservation easements or other encumbrances acceptable to the County. Only agricultural uses shall be allowed under these encumbrances. In addition, the County shall require the execution of a covenant prohibiting further division of parcels created in compliance with this Section and Article VI (Subdivisions), so that each is retained as a single unit.

b. Agricultural Production and Stewardship Plans. The creation of a homeowners' association or other organization and/or the submission of an Agricultural Production and Stewardship Plan (APSP) may be required to provide for the proper use and management of agricultural lands, including their availability for lease, and/or for the maintenance of community roads or mutual water systems. Submission of an APSP shall be required for approval of all land division and shall be required for all other non-agricultural development of C-APZ lands, except as provided for in (2) below.

(1) The purpose of an Agricultural Production and Stewardship Plan prepared and submitted for land division or other non-agricultural development of C-APZ lands is to ensure that long-term agricultural productivity will occur and will substantially contribute to Marin's agricultural industry. Such a plan shall clearly identify and describe existing and planned agricultural uses for the property, explain in detail their implementation, identify on-site resources and agricultural infrastructure, identify product markets and processing facilities (if appropriate), and demonstrate how the planned agricultural uses substantially contribute to Marin's agricultural industry. An APSP shall provide evidence that at least 95% of the land will remain in agricultural production or natural resource protection and shall identify stewardship activities to be undertaken to protect agriculture and natural resources. An APSP shall be prepared by qualified professionals with appropriate expertise in agriculture, land stewardship, range management, and natural resource protection. The approval of a development proposal that includes an APSP shall include conditions ensuring the proper, long- term implementation of the plan.

(2) The requirement for an Agricultural Production and Stewardship Plan shall not apply to the farmhouse, agricultural worker housing or to intergenerational homes. The ASPS may also be waived for non-agricultural land uses. when the County finds that the proposal will enhance current or future agricultural use of the property and will not convert the property to primarily residential or other non-agricultural use, as evidenced by such factors as bona fide commercial agricultural production on the property~~,~~ the applicant's history and experience in production agriculture, and the fact that agricultural infrastructure (such as fencing, processing facilities, marketing mechanisms, agricultural worker housing, or agricultural land leasing opportunities) has been established or will be enhanced.

(3) Projects subject to the potential requirement of preparing an Agricultural Production and Stewardship Plan shall be referred to such individuals or groups with agricultural expertise as appropriate for analysis and a recommendation. Such individuals or groups shall also be requested to periodically review and evaluate the effectiveness of the APSP program.

c. Required findings. Review and approval of Coastal Permits for non- agricultural development, including land divisions and determinations of allowed density in the C-APZ zoning district, shall be subject to the following written findings, in addition to others required by this LCP:

1. The proposed development is necessary because the agricultural use of the property is no longer feasible. Any determination that agricultural use of the property is no longer feasible shall be made in writing and be supported by evidence. The purpose of this standard is to permit agricultural landowners who face economic hardship to demonstrate how development on a portion of their land would ease the hardship and enhance agricultural operations on the remainder of the property.

2. The proposed development will not conflict with the continuation or initiation of agricultural uses on the portion of the property that is not proposed for such development, on adjacent parcels, or on other agricultural parcels within one mile of the perimeter of the proposed development.

3. Appropriate public agencies are able to provide necessary services (fire protection, police protection, schools, etc.) to serve the proposed development without extending urban services.

4. No land division shall result in any parcel less than 60 acres. Land divisions are prohibited unless the agricultural productivity of any resulting lots and on adjacent parcels is not reduced. Land divisions shall only be allowed upon demonstration that the long-term agricultural productivity, including on each parcel to be created, would be maintained and enhanced and that agricultural productivity on adjacent parcels would be maintained.

6. Land divisions shall only be permitted where 50% of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels, except that lease of a legal parcel at a level of agricultural use that will sustain the agricultural capacity of the site is not prohibited.

7. Land divisions shall be prohibited if the resulting lots cannot be developed consistent with the LCP.

d. Transfer of development rights (TDR). Proposed development within the C-APZ district may use the TDR provisions of Chapter 22.34 (Transfer of Development Rights), so long as such a transfer is otherwise LCP consistent.

4. Agricultural Dwelling Unit Impacts and Agricultural Use. Ensure that lands designated for agricultural use are not de facto converted to residential use, thereby losing the long-term productivity of such lands, by the following means:

1. Agricultural dwelling units, other than principally permitted agricultural dwelling units, shall be reviewed to ensure they serve to maintain and enhance agricultural production and do not diminish current or future agricultural production on the property or convert it to primarily residential use.

2. Any proposed agricultural dwelling unit and related development subject to a Coastal Permit shall comply with LCP policies including ensuring that the mass and scale of new or expanded structures respect environmental site constraints and the character of the surrounding area. Such development must be compatible with ridge protection policies and avoid tree-cutting and grading wherever possible. All such development shall be clustered with existing structures and development on

the farm, pursuant to Section 22.65.040(C)(1)(d), and shall be sited and designed to protect significant public views.

When considering proposed agricultural dwelling units, other than principally permitted agricultural dwelling units, the reviewing authority shall exercise its discretion in light of some or all of the following criteria for the purpose of ensuring that the land does not de facto convert to residential use:

a. The applicant's history of production agriculture.

b. How long term agricultural use of the property will be preserved — for example, whether there is an existing or proposed dedication or sale of permanent agricultural easements or other similar protective agricultural restrictions such as Williamson Act contract or farmland security zone.

c. Whether long term capital investments in agriculture and related infrastructure, such as fencing, processing facilities, market mechanisms, agricultural worker housing or agricultural leasing opportunities has been established or is proposed to be established.

d. Whether sound land stewardship practices, such as organic certification, riparian habitat restoration, water recharge projects, fish-friendly farming practices, or erosion control measures, have been or will be implemented.

e. Whether the proposed development will facilitate the ongoing viability of agriculture such as through the intergenerational transfer or lease of existing agricultural operations.

3. In no event shall an agricultural dwelling subject to these provisions exceed 7,000 square feet in size. Where a farmhouse and one or two intergenerational dwellings are allowed in the C-APZ zone, the aggregate development of all such agricultural dwellings on the subject farm tract ~~legal lot~~ shall not exceed 7,000 square feet. However, agricultural worker housing, up to 540 square feet of garage space for each farmhouse, agricultural accessory structures, and up to 500 square feet of office space in the farmhouse used in connection with the agricultural operation on the property shall be excluded from the 7,000 square foot limitation.

4. The square footage limitations noted in the above criteria represent maximum agricultural dwelling unit sizes and do not establish a mandatory entitlement or guaranteed right to development; rather, site constraints and resource protection standards may require reduced size limits in any particular case.

5. Agricultural homestays, bed & breakfasts, home occupations, care facilities, group homes and similar permissible uses allowed in the C-APZ zone may only occur within otherwise allowable agricultural dwelling units and not within additional separate structures.

22.65.050 – C-ARP Zoning District Standards

A. Purpose. This Section provides development standards for the C-ARP zoning district designed to preserve productive lands for agricultural use through the clustering of allowed development.

B. Applicability. Proposed development shall comply with the provisions of Section 22.65.030 (Planned District General Development Standards), and Chapter 22.64 (Coastal Zone Development and Resource Management Standards).

C. Allowable land uses. Residential use shall be the principal permitted use in all parcels with the land use designation of C-AG3. Agriculture shall be the principal permitted use in all parcels with the C-AG1 and C-AG2 land use designations.

D. Land division requirements. Where otherwise consistent with the standards specified in Chapter 22.70.190, land divisions of small agricultural holdings within the C-ARP zoning district shall conform to the following standards:

1. Land division applications shall include information demonstrating to the Director that the design of proposed parcels provides the maximum feasible concentration of clustering.

2. Clustered development shall be located both to provide for the retention of the maximum amount of land in agricultural use and to protect important wildlife habitat areas.

Development clusters shall also be located to maintain the visual resources and environmentally sensitive areas of the site and surrounding areas.

3. Open space easements or other restrictions shall be required to designate intended use and restrictions on the property being subdivided.

E. Agricultural and open space uses. Agricultural uses shall be encouraged in the C-ARP zoning district.

1. As part of the Coastal Permit review process, usable agricultural land should be identified and efforts made to preserve and/or promote its use to the maximum extent feasible. Agricultural land not presently in production shall be preserved to the maximum extent feasible as undeveloped private open space to be made available on a lease basis in the future for compatible agricultural uses. The primary intent shall be to preserve open lands for agricultural use, not to provide open space/recreational land uses that will interfere or be in conflict with agricultural operations.

2. Lands to be preserved for agriculture and/or open space use may require the creation of a homeowners' association or other organization for their maintenance.

3. The nature and intensity of large scale agricultural uses should be described in the form of an Agricultural Production and Stewardship Plan (APSP). The APSP should consider intensity of grazing, runoff protection, chemical and fertilizer use and, in order to preserve agricultural land practices, separation from existing or proposed residential uses.

4. Pedestrian and/or equestrian access shall be provided across lands remaining in private ownership where consistent with adopted County and coastal plans, and where consistent with federal and state law.

22.65.060 – C-RSP Zoning District Standards

A. Purpose. This Section provides development standards for the C-RSP zoning district that are intended to allow for site planning with careful consideration to sensitive site characteristics.

B. **Applicability.** Proposed development, as defined in Article VIII, shall comply with the provisions of Section 22.65.030 (Planned District General Development Standards), and Chapter 22.64 (Coastal Zone Development and Resource Management Standards).

C. **C-RSP zoning district height limit - Tomales Bay.** New residential construction on the shoreline of Tomales Bay shall be limited in height to 15 feet, except as allowed by LUP Policy C-EH-5 (Standards for Shoreline Development). ~~Additional height may be permitted where the Director determines, based on topography, vegetation or character of existing development, that a higher structure would not create additional interference with coastal views either to, along, or from the water.~~

22.65.070 – C-RSPS Zoning District Standards (Seadrift Subdivision)

A. **Purpose.** This Section provides development standards for the C-RSPS zoning district (Seadrift Subdivision) that provide for site planning with careful consideration of sensitive site characteristics.

B. **Applicability.** Proposed development, as defined in Article VIII, shall comply with the provisions of Section 22.65.030 (Planned District General Development Standards) and Chapter 22.64 (Coastal Zone Development and Resource Management Standards).

C. **Ocean setbacks.** On those lots fronting the ocean and south of Seadrift Road, no development shall be located seaward of the building setback line as shown on the map of Seadrift Subdivision Number One, RM, Bk. 6, Pg. 92 and Seadrift Subdivision Number Two, RM, Bk. 9, Pg. 62, and as described in the Subdivision's covenants, conditions and restrictions in effect as of June 19, 1981 (Ordinance 2637).

D. **Height limit.** Development on all lots in Seadrift shall be limited to a maximum height as follows:

1. In Seadrift Subdivision One (with the exception of lots 01 through 03) and Two, and lots 01 and 02 of Parcel 1 in the Lands of Sidney J. Hendrick, finished floor elevations shall not exceed 19.14 feet above NAVD (North American Vertical Datum), except ~~on those portions of lots or parcels where the Federal Emergency Management Agency (FEMA) requires minimum finished floor elevations to be set at a higher level~~ as allowed by LUP Policy C-EH-5 (Standards for Shoreline Development). In the areas of lots or parcels where FEMA requires minimum finished floor elevations to be set at levels higher than 19.14 feet above NAVD, minimum floor elevations shall comply with FEMA requirements. The height of any structure shall not exceed 34.14 feet above NAVD, provided that in those portions of lots and parcels where FEMA requires minimum finished floor elevations to be set at a level higher than 19.14 feet above NAVD, the height of any structure shall not be greater than 15 feet above the level of the minimum finished floor elevation required by FEMA. Maximum allowable heights identified above may be modified. ~~by the minimum amount necessary to meet the Base Flood Elevation (BFE) established by FEMA plus any additional elevation required by Policy C-EH-8.~~

2. In Seadrift Lagoon Subdivisions One and Two, Seadrift Subdivision Three, Norman's Seadrift Subdivisions, and Lots 01 through 03 in Seadrift Subdivision One, finished floor elevation shall not exceed 14.14 feet above NAVD. Total height of a structure shall not exceed 29.14 feet above NAVD.

Maximum allowable heights identified above may be modified ~~by the minimum amount necessary to meet the Base Flood Elevation (BFE) established by FEMA plus any additional elevation required by Policy C-EH-8.~~as allowed by LUP Policy C-EH-5 (Standards for Shoreline Development).

E. **Public access requirements.** Public access within the Seadrift Subdivision and on the ocean beach adjacent to Seadrift shall comply with the provisions of this LCP and the March 16, 1994 Settlement Agreement between the Seadrift Association and the County of Marin, et al., in Kelley et al. v. California Coastal Commission, Marin County Superior Court Case No. 152998, and as set forth in that certain Deed of Open Space and Limited Pedestrian Easement and Declaration of Restrictions dated November 1, 1985, and recorded March 26, 1986, Marin County Recorder's Office.

Chapter 22.66 – Coastal Zone Community Standards

Sections:

22.66.010 – Purpose of Chapter
22.66.020 – Applicability
22.66.030 – Muir Beach Community Standards
22.66.040 – Stinson Beach Community Standards
22.66.050 – Bolinas Community Standards
22.66.060 – Olema Community Standards
22.66.070 – Point Reyes Station Community Standards
22.66.080 – Inverness Community Standards
22.66.090 – East Shore Community Standards
22.66.100 – Tomales Community Standards
22.66.110 – Dillon Beach Community Standards

22.66.010 – Purpose of Chapter

This Chapter provides development standards for Coastal Permits in specific communities within the Coastal Zone where the preservation of unique community character requires standards for development ~~that differ from~~ in addition to the general coastal zoning district requirements of this Article.

22.66.020 – Applicability

The provisions of this Chapter apply to Coastal Permits for proposed development, as defined in Article VIII, in addition to the general site planning standards for the coastal zoning districts in Chapter 22.64 (Coastal Zone Development and Resource Management Standards) and all other applicable provisions of this Development Code and LCP.

22.66.030 – Muir Beach Community Standards

A. **Community character.** Maintain the small-scale character of Muir Beach as a primarily residential community with recreational, small-scale visitor-serving and limited agricultural use (Land Use Policy C-MB-1).

22.66.040 – Stinson Beach Community Standards

A. **Community character.** Maintain the existing character of residential, small-scale commercial and visitor-serving recreational development in Stinson Beach (Land Use Policy C-SB-1).

B. **Limited access in Seadrift.** Allow only limited public access across the open space area generally located north of Dipsea Road and adjacent to Bolinas Lagoon in the Seadrift Subdivision to protect wildlife habitat, subject to the Deed of an Open Space and Limited Pedestrian Easement and Declaration of Restrictions as recorded March 26, 1986 as Instrument No. 86-15531. This area includes parcels 195-070-35 and 36; 195-080-29; 195090-44; 195-320-62 and 78; and 195-340-71, 72, and 73 (Land Use Plan Policy C-SB-2).

C. **Density and location of development in Seadrift.** Development within the Seadrift Subdivision shall be subject to the standards contained in Land Use Plan Policy C-SB-3.

D. **Easkoot Creek.** Easkoot Creek shall be restored, as feasible, to improve habitat and support natural processes (Land Use Plan Policy C-SB-4).

E. **Stinson Beach dune and beach areas.** Development of shorefront lots within the Stinson Beach and Seadrift areas shall be limited per Land Use Plan Policy C-BIO-9.

F. **R-2 zoning.** Existing R-2 zoning in Stinson Beach shall be maintained per Land Use Plan Policy C-SB-6.

G. **Repair or Replacement of Structures.** The repair or replacement of existing duplex residential structures shall be permitted per Land Use Plan Policy C-SB-7.

22.66.050 – Bolinas Community Standards

A. **Community character.** Maintain the existing character of small-scale residential, commercial, and agricultural uses in Bolinas (Land Use Plan Policy C-BOL-1).

B. **New development on the Bolinas Gridded Mesa.** New construction and the redevelopment and rehabilitation of existing structures on the Bolinas Mesa shall be permitted in accordance with the policies of the Bolinas Gridded Mesa Plan which has been certified by the California Coastal Commission (Land Use Plan Policy C-BOL-3).

22.66.060 – Olema Community Standards

A. **Community character.** Maintain Olema's existing mix of residential, commercial, and open space land uses and the small-scale, historic community character. The impacts of future development on the hillside area of Olema shall be minimized through application of the design standards contained in Land Use Plan Policy C-OL-1.

22.66.070 – Point Reyes Station Community Standards

A. **Community character.** Maintain the existing mix of residential and small-scale commercial development and the small-scale, historic community character in Point Reyes Station (Land Use Plan Policy C-PRS-1).

B. **Commercial infill.** Commercial infill development should be promoted within and adjacent to existing commercial uses per Land Use Plan Policy C-PRS-2.

C. **Visitor-serving and commercial facilities.** The development of additional visitor-serving and commercial facilities, especially overnight accommodations, shall be encouraged per Land Use Plan Policy C-PRS-3.

D. **Junction of Highway One and Point Reyes Petaluma Road (APN 119-240-55).** The development of APN 119-240-55 shall comply with standards contained in Land Use Plan Policy C-PRS-4.

E. **New residential development in Point Reyes station**. New residential development in Point Reyes Station shall comply with the building height, building size, and landscaping criteria specified in Land Use Plan Policy C-PRS-5.

F. **Lighting.** Exterior lighting shall comply with Land Use Plan Policy C-PRS-6.

G. **Point Reyes Affordable Homes Project.** Development of the 18.59 acre property consisting of Assessor's parcels 119-260-02 through -06 (formerly 119-240-45) and 119240-02 through -13 (formerly 119-240-46, 57 and 58) shall conform to the provisions of Land Use Plan Policy C-PRS-7.

22.66.080 – Inverness Community Standards

A. **Community character.** Maintain the existing character of residential and small-scale commercial development in the Inverness Ridge communities (Land Use Plan Policy C-INV1).

B. **Paradise Ranch Estates design guidelines**. Development in Paradise Ranch Estates should maintain the existing exclusively residential nature of the community and should consider the community's unique factors such as substandard roads and the need to protect public views from adjacent parklands and other public areas. The guidelines contained in Land Use Plan Policy C-INV-3 regarding protection of visual resources, public services, and tree protection shall apply to development within Paradise Ranch Estates.

C. **Tomales Bay shoreline development standards.** New construction along the shoreline of Tomales Bay shall be limited in height to 15 feet above grade except as provided for per Land Use Plan Policies~~y~~ C-CD-5~~6~~ and LUP Policy C-EH-5 (Standards for Shoreline Development).

D. **Road and Path Maintenance.** Existing residential streets and pathways shall be maintained consistent with Land Use Plan Policy C-INV-4.

22.66.090 – East Shore Community Standards

A. **Community character.** Maintain the existing character of low-density residential, agriculture, mariculture and fishing or boating-related uses. The expansion or modification of visitor-serving or commercial development on previously developed lots along the east shore of Tomales Bay should be allowed consistent with Land Use Plan Policy C-ES-1.

B. **Tomales Bay shoreline development standards.** New construction along the shoreline of Tomales Bay shall be limited in height to 15 feet above grade except as provided for per Land Use Plan Policies~~y~~ C-CD-5~~6~~ and LUP Policy C-EH-5 (Standards for Shoreline Development).

C. **Protection of trees.** Significant stands of trees should be identified and protected (Land Use Plan Policy C-ES-2).

D. **Prioritization of water-related uses**. Mariculture, boat repair, fishing, water-related public recreation and scenic resources shall have priority over other uses along the shoreline (Land Use Plan Policy C-ES-3).

E. **Commercial land use.** The development of commercial and public facilities should be limited to existing activity centers, such as Nick's Cove, historic Marshall or near the Post Office/Marshall Boatworks and Marconi area (Land Use Plan Policy C-ES-4).

F. **Local serving facilities**. Local serving facilities should be incorporated in new development, where appropriate (Land Use Plan Policy C-ES-5).

G. **New marina development.** New marina developments shall make provisions for the use of the facilities by local commercial and recreational boats (Land Use Plan Policy C-ES-6).

22.66.100 – Tomales Community Standards

A. **Community character.** Maintain the existing character of residential and small-scale commercial development in the community of Tomales consistent with the provisions of Land Use Plan Policy C-TOM-1.

22.66.110 – Dillon Beach Community Standards

A. **Community character.** Maintain the existing character of residential and small-scale commercial development in Dillon Beach and Oceana Marin consistent with the provisions of Land Use Plan Policy C-DB-1 and C-DB-3.

B. **C-R-1:B-D Zoning standards.** The following standards shall apply in those areas of Dillon Beach governed by the C-R-1:B-D zoning district.

1. **Minimum lot size.** Parcels proposed in new land divisions shall have a minimum area of 1,750 square feet for each single-family dwelling.

2. **Setback requirements.** Structures shall be located in compliance with the following minimum setbacks (See Section 22.64.045(4), Setback Requirements and Exceptions):

(a) **Front.** The minimum front yard setback shall be 10 feet.

(b) **Sides.** The minimum side yard setbacks shall be 5 feet; 10 feet for a street side setback on a corner lot.

(c) **Rear.** The minimum rear yard setback shall be 10 feet.

3. **Height limits.** Structures shall not exceed a maximum height of 20 feet (See Section 22.64.045(3) Height Limits and Exceptions)

4. **Floor area ratio (FAR).** Parcels in this district are exempt from this limitation.

C. **Lawson's Landing.** Lawson's Landing shall be retained as an important lower cost visitor serving facility per Land Use Plan Policy C-DB-2.

D. **Dillon Beach Community Plan.** Refer to the Dillon Beach Community Plan, which has been certified by the California Coastal Commission, when reviewing Coastal Permits per Land Use Plan Policy C-DB-4.

~~**Amendment 6**~~

~~**IP SECTIONS RELATED TO PERMIT REQUIREMENTS AND ADMINISTRATION**~~
~~**(Chapters 22.68 and 22.70)**~~

~~**CCC staff-suggested Modifications (April 2015 staff report including 4/15/15 Addendum) are shown as baseline (i.e. accepted into the text)**~~
~~**CDA changes are indicated in blue by *italic strike-outs* and underlining**~~

CHAPTER 22.68 – COASTAL PERMIT REQUIREMENTS

Sections:

22.68.010 – Purpose of Chapter
22.68.020 – Applicability
22.68.030 – Coastal Permit Required
22.68.040 – Coastal Permit Not Required: Categorically Excluded Development
22.68.050 – Coastal Permit Not Required: Exempt Development
22.68.060 – Coastal Permit Required: Non-Exempt Development
22.68.070 – De Minimis Waiver of Coastal Permit
22.68.080 – Development Requiring a Coastal Commission Coastal Permit
22.68.090 – Consolidated Coastal Permit

22.68.010 – Purpose of Chapter

This Chapter identifies Coastal Permit requirements for proposed development in the County's Coastal Zone.

22.68.020 – Applicability

The provisions of this Chapter apply to proposed development in the Coastal Zone as defined by Article VIII.

22.68.030 – Coastal Permit Required

A Coastal Permit is required for development in the Coastal Zone that is undertaken by any person, including a private entity or a state or local agency, unless the development is categorically excluded (per Section 22.68.040), exempt (per Section 22.68.050), or qualifies for a De Minimis Waiver (per Section 22.68.070).

Development ~~(coastal)~~, defined in Article VIII, Chapter 22.130 -of this Development Code, means:

On land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act

(commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511 of the Public Resources Code).

As used in this section, "structure" includes any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

22.68.040 – Coastal Permit Not Required: Categorically Excluded Development

A. Development specifically designated as categorically excluded from the requirement for a Coastal Permit by Public Resources Code Section 30610(e) and implementing regulations is not subject to Coastal Permit requirements if such development is consistent with all terms and conditions of the Categorical Exclusion Order. A Coastal Permit is not required for the categories of development identified in Categorical Exclusion Orders E-81-2, E-81-6, and E-82-6 (see Appendix 7), and are only excluded provided that the Exclusion Orders themselves remain valid, the development is proposed to be located within the approved categorical exclusion area, and provided that the terms and conditions of the Exclusion Orders are met. For those Categorical Exclusion Orders that require development to be consistent with the zoning ordinances in effect at the time the Categorical Exclusion Order was adopted, all local zoning ordinance in effect at the time each Categorical Exclusion Order was adopted are provided within Appendix 7a.

B. Categorical Exclusion Noticing. The County shall post on the Community Development Agency's website and on the same day transmit to the applicant, the Coastal Commission, and any known interested parties (including those who have specifically requested such notice) a notice of development projects determined to be categorically excluded from the requirements of obtaining a Coastal Permit. The notice shall include the applicant's name, project description and location, the reasons supporting the categorical exclusion, including appropriate supporting evidentiary information and other materials (i.e., location maps, site plans, etc.), and the date of the Director's exclusion determination for each project, and the procedures for challenging the Director's determination.

C. Categorical Exclusion Challenge. The determination of whether a development is categorically excluded from the requirements for a Coastal Permit can be challenged pursuant to Section 22.70.040.

22.68.050 – Coastal Permit Not Required: Exempt Development

A. The following development~~, as determined by the Director,~~ shall be exempt from the requirements of Section 22.68.030 unless listed as non-exempt by Section 22.68.060.

1. Improvements to existing single-family residences. Improvements to existing single-family residences are exempt from Coastal Permit requirements (see Sec. 22.68.060 for limitations). An existing single-family residence includes:

a. All fixtures and other structures directly attached to a residence;

b. Structures on the property normally associated with a single-family residence, such as garages, swimming pools, fences, and storage sheds, but not including guest houses or self-contained residential units; and

c. Landscaping on the lot.

2. **Improvements to existing structures other than a single-family residence or public works facility.** Improvements to existing structures other than a single-family residence or public works facility are exempt from Coastal Permit requirements (see Sec. 22.68.060 for limitations). An existing structure includes:

a. All fixtures and other structures directly attached to the structure.

b. Landscaping on the lot.

3. **Repair and maintenance.** Repair and maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of repair or maintenance are exempt from Coastal Permit requirements (see Sec. 22.68.060 for limitations).

~~Unless destroyed by a *natural* disaster, the replacement of 50 percent or more of a single family residence, seawall, revetment, bluff retaining wall, breakwater, groin, or any other structure is not considered repair and maintenance, but instead constitutes a replacement structure requiring a Coastal Permit *(see also "Redevelopment (coastal)" and "Redevelopment, Coastal (coastal)").*~~

4. **Replacement after disaster.** The replacement of any legal structure, ~~other than a public works facility,~~ destroyed by a disaster. The replacement structure shall:

1. Conform to applicable existing zoning requirements;

2. Be for the same legal use as the destroyed structure;

3. Not exceed the floor area of the destroyed structure by more than 10 percent or 500 square feet, whichever is less, or the height or bulk of the destroyed structure by more than 10 percent (the applicant must provide proof of pre-existing floor area, height and bulk); and

4. Be sited in the same location on the site as the destroyed structure.

As used in this section:

(A): "Disaster" means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owner.

(B): "Bulk" means total interior cubic volume as measured from the exterior surface of the structure.

(C): "Structure" includes landscaping and any erosion control structure or device which is similar to that which existed prior to the occurrence of the disaster.

5. **Emergency work.** Immediate emergency work necessary to protect life or property or immediate emergency repairs to public service facilities necessary to maintain service as

a result of a disaster in a disaster-stricken area in which a state of emergency has been proclaimed by the Governor pursuant to Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Calif. Government Code.

6. **Emergency highway repair.** Emergency projects undertaken, carried out, or approved by a public agency to maintain, repair, or restore an existing highway, as defined in Section 360 of the Vehicle Code, except for a highway designated as an official state scenic highway pursuant to Section 262 of the Streets and Highways Code, within the existing right-of-way of the highway, damaged as a result of fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide, within one year of the damage. This paragraph does not exempt any project undertaken, carried out, or approved by a public agency to expand or widen a highway damaged by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide.

7. **Time-Share.** Any activity that involves the conversion of any existing multiple-unit residential structure to a time-share project, estate, or use, as defined in Section 11212 of the Calif. Business and Professions Code.

~~. **Maintenance dredging.** Maintenance dredging of existing navigation channels or moving dredged material from those channels to a disposal area outside the coastal zone, pursuant to a permit from the US Army Corps of Engineers.~~

9. **Utility connection.** The installation, testing, and placement in service or the replacement of any necessary utility connection between an existing service facility and any development for which a Coastal Permit has been approved~~,~~ which included the review of utilities connections, provided, however, that the Director may, where necessary, require reasonable conditions to mitigate any adverse impacts on coastal resources, including scenic resources.

10. **Temporary event.** All temporary events, except those which meet all of the following criteria:

1. Are held between Memorial Day weekend and Labor Day; and

2. Would occupy all or a portion of a sandy beach; and

3. Would involve a charge for general public admission or seating where no fee is currently charged for use of the same area (not including booth or entry fees).

The Planning Director (or the Coastal Commission's Executive Director if the Planning Director's determination is challenged) may determine that a temporary event, even an event that might otherwise not require a Coastal Permit per this section, shall require a Coastal Permit if he/she determines that the exercise of jurisdiction is necessary to implement the coastal resource protection policies of Chapter 3 of the Coastal Act, and/or that unique or changing circumstances exist relative to a particular temporary event that have the potential for significant adverse impacts on coastal resources. Such circumstances may include the following:

a) The event, either individually or together with other temporary events scheduled before or after the particular event, precludes the general public from use of a public recreational area for a significant period of time;

b) The event and its associated activities or access requirements will either directly or indirectly impact environmentally sensitive habitat areas, rare or endangered species, significant scenic resources, or other coastal resources as defined in Chapter 22.130.

c) The event is scheduled between Memorial Day weekend and Labor Day and would restrict public use of roadways or parking areas or otherwise significantly impact public use or access to coastal waters;

d) The event has historically required a Coastal Permit to address and monitor associated impacts to coastal resources.

11. **Nuisance Abatement**. Nuisance abatement actions by the County that are necessary to protect public health and safety, when such abatement must occur more quickly than could occur if authorized by a Coastal Permit. If exempt from a Coastal Permit, a nuisance abatement action shall involve the minimum level of development activity necessary to successfully abate the nuisance.

12. **Ongoing Agricultural Activities**. See Chapter 22.130 for definition.

B. Exemption Noticing. The County shall maintain a list of development exempted from Coastal Permit requirements, which shall be posted on the Community Development Agency's website. N~~n~~otice of development determined to be exempt from the requirements of obtaining a Coastal Permit shall be transmitted to the applicant, Coastal Commission, and interested parties. The notice shall include the applicant's name, project description and location, the reasons supporting the e xemption determination and the date of the Director's exemption determination for each project, and the procedures for challenging the Director's determination.

C. Exemption Challenge. The determination of whether a development is exempt from the requirements for a Coastal Permit can be challenged pursuant to Section 22.70.040.

22.68.060 – Coastal Permit Required: Non-Exempt Development

Notwithstanding the provisions of Section 22.68.050 – Exempt Development, a Coastal Permit shall be required for all of the following types of development unless the specific type of development in the specific geographic area is otherwise categorically excluded by a Commission adopted categorical exclusion order ~~**or qualifies for a De Minimis Waiver**~~:

A. Improvements to ~~an~~ existing structures including single family residences. Improvements to ~~an existing~~any structure if the structure or improvement is located on a beach; in a wetland, stream, or lake; seaward of the mean high tide line; in an ESHA; or within 50 feet of the edge of a coastal bluff.

B. Improvements to a public works facility.

C. Improvements to an existing structure including single family residences not included in Paragraph A above. On property that is located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in significant scenic resource areas as designated by the Coastal Commission, an improvement that would result in an increase of 10 percent or more of internal floor area of an existing structure (or an additional improvement of 10 percent or less where an improvement to the structure had previously been exempt from Coastal Permit requirements), an increase in height by more than 10 percent of an existing structure ~~and/or any significant non-attached structure such as garages, fences, shoreline protective works or docks~~.

D. Changes in intensity of use. Improvements to a structure, ~~other than a single-family residence,~~ which ~~increase or decrease~~changes the intensity of use of the structure, ~~as determined by the Director.~~

E. Conversions. Improvements carried out in conjunction with the conversion of an existing structure from a multiunit ~~family~~ ~~residential~~ rental use or visitor-serving commercial use to a use involving a fee ownership or long-term leasehold, including but not limited to a condominium conversion, stock cooperative conversion or motel/hotel timesharing conversion.

F. Structures of special character and visitor appeal. Demolition of, or substantial alterations or additions to any structure built prior to 1930, except for maintenance or repair consistent with its original architectural character and maintenance or repair that includes replacement-in- kind of building components.

G. Water wells and septic systems. The expansion or construction of water wells or septic systems.

H. Landform alterations. Any significant alteration of land forms, including grading (as defined in Section 22.130.030) and the removal or placement of vegetation, on a beach, or sand dune; in a wetland or stream; within 100 feet of the edge of a coastal bluff or stream; or in environmentally sensitive habitat areas (ESHA).

I. Future Improvements. Any improvements to a single-family residence or other structure where the Coastal Permit issued for the original structure indicated that any future improvements would require a Coastal Permit.

J. Critically short water supply. In areas which the Coastal Commission has previously declared by resolution after public hearing to have a critically short water supply that must be maintained for the protection of coastal resources or public recreational use, the construction of any specified major water using development not essential to residential use but not limited to swimming pools, or the construction and extension of any landscaping irrigation system.

K. Repair and maintenance activities. Repair and maintenance activities as follows:

1. Any method of repair or maintenance of a seawall, revetment, bluff retaining wall, breakwater, groin, culvert, outfall, or similar shoreline work that involves[1]:

   (a) Repair or maintenance involving substantial alteration of the foundation of the protective work including pilings and other surface or subsurface structures;

   (b) The placement, whether temporary or permanent, of rip-rap, artificial berms of sand or other beach materials, or any other forms of solid materials, on a beach or in coastal waters, streams, wetlands, estuaries and lakes or on a shoreline protective work except for agricultural dikes within enclosed bays or estuaries;

   (c) The replacement of 20 percent or more of the materials of an existing structure with materials of a different kind; or

[1] Inquiries regarding permit requirements for maintenance of the Seadrift rock revetment permitted by Coastal Commission Permit #A-1-MAR-87-235-A issued August 31, 1994 should be referred to the Coastal Commission.

(d) The presence, whether temporary or permanent, of mechanized construction equipment or construction materials on any sand area, bluff, or ESHA, or within 20 feet of coastal waters or streams.

2. Any method of routine maintenance dredging that involves:

(a) The dredging of 100,000 cubic yards or more within a twelve (12) month period;

(b) The placement of dredged spoils of any quantity within an ESHA, on any sand area, within 50 feet of the edge of a coastal bluff or ESHA, or within 20 feet of coastal waters or streams; or

(c) The removal, sale, or disposal of dredged spoils of any quantity that would be suitable for beach nourishment in an area the Coastal Commission has declared by resolution to have a critically short sand supply that must be maintained for protection of structures, coastal access or public recreational use.

3. Any repair or maintenance to facilities or structures or work located in an ESHA, any sand area, within 50 feet of the edge of a coastal bluff or ESHA, or within 20 feet of coastal waters or streams that includes:

(a) The placement or removal, whether temporary or permanent, of rip-rap, rocks, sand or other beach materials or any other forms of solid materials; or

(b) The presence, whether temporary or permanent, of mechanized equipment or construction materials.

4. Unless destroyed by a natural disaster, the replacement of 50 percent or more of a single family residence, seawall, revetment, bluff retaining wall, breakwater, groin, or any other structure is not considered repair and maintenance, but instead constitutes a replacement structure requiring a Coastal Permit.

L. Redevelopment, as defined in Section 22.130.

M. Any other development that is not explicitly and specifically exempt from coastal permit requirements by Section 22.68.050 above.

22.68.070 – De Minimis Waiver of Coastal Permit

The Director may waive the requirement for a Coastal Permit through a De Minimis Coastal Permit Waiver in compliance with this Section upon a written determination that thedevelopment meets all of the criteria and procedural requirements set forth in A. through G. below:

A. No Adverse Coastal Resource Impacts. The development has no potential for adverse effects, either individually or cumulatively, on coastal resources.

B. LCP Consistency. The development is consistent with the certified Marin County Local Coastal Program,

C. **Not Appealable to CCC.** The development is not of a type or in a location where an action on the development would be appealable to the Coastal Commission~~,~~ (For development appealable to the Coastal Commission, see Section 22.70.030(B)(6).)

D. **Notice.** Public notice of the proposed De Minimis Waiver of Coastal Permit and opportunities for public comment shall be provided as required by Section 22.70.050, including provision of notice to the Coastal Commission.

E. **Executive Director Determination.** The Director shall provide a notice of determination to issue a De Minimis Waiver to the Executive Director of the Coastal Commission no later than 10 days prior to the required Board of Supervisors hearing. If the Executive Director notifies the Director that a waiver should not be issued, the applicant shall be required to obtain a Coastal Permit if the applicant wishes to proceed with the development.

F. **Review and Concurrence.** The Director's determination to issue a De Minimis Waiver shall be subject to review and concurrence by the Board of Supervisors. The Director shall not issue a De Minimis Waiver until the public comment period, including at a minimum through and including the required Board of Supervisor hearing, has expired. No De Minimis Waiver may be issued unless it has been reported to the Board of Supervisors at a regularly scheduled meeting where the public shall have the opportunity to testify and otherwise participate in a hearing on the De Minimis Waiver. If two or more Supervisors so request at this hearing, the De Minimis Waiver shall not be issued and, instead, an application for a Coastal Permit shall be required and processed in accordance with the provisions of this chapter. Otherwise, the Waiver shall be deemed approved, effective, and issued the day of the Board of Supervisors hearing. In addition to the noticing requirements above, within seven (7) calendar days of effective date of a De Minimis Waiver of Coastal Permit, the Director shall notify the Coastal Commission and any persons who specifically requested notice of such action via first class mail~~,~~ a Notice of Final Action describing the issuance and effectiveness of the De Minimis Waiver.

G. **Waiver Expiration.** A De Minimis Waiver shall expire and be of no further force and effect if the authorized development is not completed within three years of the effective date of the waiver. In this event, a Coastal Permit shall be required for the development.

22.68.080 – Development Requiring a Coastal Commission Coastal Permit

A. **Coastal Commission approval required.** Development, as defined in Article VIII, proposed on tidelands, submerged lands, or public trust lands, shall require a Coastal Permit from the Coastal Commission in compliance with Public Resources Code Section 30519(b). Also under the Coastal Commission's continuing jurisdiction are amendments or extensions to Coastal Permits issued by the Coastal Commission; thermal power plants of 50 megawatts or greater along with the transmission lines, fuel supply lines, and related facilities to serve them; state university or college projects; and both federal and non-federal projects on federal land.

B. **Determination of jurisdiction.** The determination of jurisdiction shall be made by the Coastal Commission based upon maps and other descriptive information that the Applicant, the County, Coastal Commission and/or State Lands Commission may supply.

C. **County land use designations and zoning districts.** The LCP, including County land use designations and zoning districts on lands defined above in (A), shall be advisory only for

purposes of the Coastal Commission's review of a coastal permit application, other than for extensions and amendments of Coastal Permits within the County's jurisdictions where the LCP shall be the standard of review.

D. **County Approvals.** For Coastal Commission Coastal Permit applications, the Applicant shall still be required to obtain all other non-Coastal Permit approvals necessary for a proposed development, and any required non-ministerial approvals must be obtained and submitted as part of the Coastal Permit application to the Commission.

22.68.090 – Consolidated Coastal Permit

Consolidated Coastal Permit. If a proposed development requires two separate Coastal Permits, one from the County and one from the Coastal Commission, a consolidated Coastal Permit application may be considered by the Coastal Commission according to the following procedure:

A. The Director, with agreement of the applicant, may request the Coastal Commission, through its executive director, to process a consolidated Coastal Permit. The standard of review for a consolidated Coastal Permit application shall follow Chapter 3 of the Coastal Act (commencing with Public Resources Code Section 30200), with the Marin County Local Coastal Program used as guidance. The application fee for a consolidated Coastal Permit shall be determined by reference to the Coastal Commission's permit fee schedule.

B. Prior to making a request for a consolidated Coastal Permit, the Director shall first determine that public participation would not be substantially impaired by that review process.

CHAPTER 22.70 – COASTAL PERMIT ADMINISTRATION

Sections:

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22.70.030 – Coastal Permit Filing, Initial Processing
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22.70.090 – Notice of Final Action
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22.70.110 – Effective Date of Final Action
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22.70.130 – Amendments to Coastal Permits
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22.70.150 – Coastal Zone Variances
22.70.160 – Non-Conforming Uses and Structures
22.70.175---Violations of Coastal Zone Regulations and Enforcement of LCP Provisions and Penalties ~~(Coastal)~~
22.70.180 – Potential Takings Evaluation
22.70.190 – Land Divisions ~~Property Modifications~~

22.70.010 – Purpose of Chapter

This Chapter provides procedures for processing Coastal Permit applications, as well as for processing ~~including~~ Coastal Permit Exclusions, Exemptions, and De Minimis Waivers as described in Chapter 22.68.

22.70.020 – Applicability

The provisions of this Chapter apply to the preparation, filing, review, and approval or denial of all applications for development in Marin County, whether such approval or denial occurs through a Coastal Permit, De Minimis Waiver, Exemption, or Categorical Exclusion.

22.70.030 – Coastal Permit Filing, Initial Processing

A. Application and filing. Coastal Permit application submittals shall include all information and other materials required by the Coastal Permit application forms, provided by the Agency, including any information identified as necessary for specific categories of development or for development proposed in specific geographic areas. The application and accompanying materials shall be filed with the Agency before or concurrent with an application for any land use permit required by this Article. The Coastal Permit application shall include:

1. Project plans and supporting materials sufficient to determine whether the project complies with all relevant policies of the Local Coastal Program;

2. Documentation of the applicant's legal interest in all the property upon which work is proposed to be performed, and all contiguous properties under the same ownership. The area subject to the Coastal Permit may include such contiguous properties

where the Director finds that necessary to achieve the requirements of the Local Coastal Program. The reviewing authority shall consider all contiguous properties under the same ownership when reviewing development in the C-APZ zoning district. The area covered by a proposed project may also include multiple ownerships.

3. A dated signature by or on behalf of each of the applicants, attesting to the truth, completeness and accuracy of the contents of the application and, if the signer of the application is not the applicant, written evidence that the signer is authorized to act as the applicant's representative and to bind the applicant in all matters concerning the application: and

B. Determination of processing category. The Director shall determine if the proposed development is categorically excluded, exempt, qualifies for a De Minimis Waiver, is or is not appealable to the Coastal Commission and/or requires a Coastal Permit that does or does not require a public hearing as set forth below. Notice of processing category determination shall be sent in compliance with the requirements specified for the particular permit category. All such determinations regarding permit category may be challenged in compliance with Section 22.70.040 – Challenges to Processing Category Determination.

1. **Categorical exclusion.** A determination that development is categorically excluded shall comply with Section 22.68.040 – Coastal Permit Not Required: Categorically Excluded Development.

2. **Exemption.** A determination that development is exempt from the requirement to obtain a Coastal Permit shall comply with Section 22.68.050 – Coastal Permit Not Required: Exempt Development and with Section 22.68.060 – Coastal Permit Required: Non-Exempt Development.

3. **De Minimis Waiver.** A determination that a project qualifies for a De Minimis Waiver shall comply with 22.68.070 – De Minimis Waiver of Coastal Permit.

4. **Non-public hearing applications.** A public hearing shall not be required when an application is not appealable to the Coastal Commission by 22.70.080 - Appeal of Coastal Permit Decision, unless a public hearing is required for another discretionary planning permit for the same project or as determined by the Director.

5. **Public hearing applications.** A public hearing shall be required when a project is defined as appealable to the Coastal Commission by 22.70.080 - Appeal of Coastal Permit Decision, unless the proposed project only entails the approval of a second unit in a residential zone or if it qualifies for a public hearing waiver.

6. **Public hearing waiver for minor development**. A public hearing that would otherwise be required for the below identified minor development shall be waived if both the following occur:

   (a) Notice is provided as required by Section 22.70.050 ~~"Public Notice"~~ that a public hearing shall be held upon request by any person, and

   (b) No ~~written~~ request for a public hearing is received within 15 working days from the date of sending the notice required by Section 22.70.050.

   In addition to the requirements of Section 22.70.050, the notice shall include a statement that the hearing will be cancelled if no person submits a ~~written~~ request for a

public hearing as provided above, and a statement that failure by a person to request a public hearing may result in the loss of that person's ability to appeal to the Coastal Commission any action taken by the County of Marin on the Coastal Permit application.

For purposes of this Section, "minor development" means a development that the Director determines satisfies all of the following requirements:

(1) As proposed~~,~~ is consistent with the certified Local Coastal Program,

(2) Requires no discretionary approvals other than a Coastal Permit, and

(3) As proposed, has no adverse effect either individually or cumulatively on coastal resources or public access to the shoreline or along the coast.

Notwithstanding the waiver of a public hearing, any written comments submitted regarding a coastal permit application shall be made part of the permit application record.

C. Initial processing. A Coastal Permit shall be processed concurrently with other permit applications required for the project, and shall be evaluated as provided by Chapter 22.40 (Application Filing and Processing, Fees).

22.70.040 – Challenges to Processing Category Determination

Where an applicant or interested person disputes the Director's processing category determination (Section 22.70.030.B – Determination of Processing Category), the determination may be challenged as follows:

A. Challenges to Processing Category Determination. The Director's determination that a proposed development is to be processed as a categorical exclusion, exemption, de minimis waiver, non-public hearing application, or public hearing application may be challenged.

~~**B. Timing of Challenge.** A determination regarding processing category by the Director may be challenged~~ to the Coastal Commission within 10 working days after ~~of~~ the date of the Commission receiving the ~~sending~~ public notice as required by this Chapter. The Director's determination that a proposed development is to be processed as a public hearing waiver for minor development may be challenged to the Coastal Commission within 15 working days after the date of the Commission receiving the public notice as required by this Chapter.

C. Coastal Commission Challenge Procedures. Where an applicant, interested person, the County, or the Coastal Commission's Executive Director has a question as to any processing category determination under Section 22.70.030 for a proposed development, the following procedures shall provide an administrative resolution process for determining the appropriate permit category:

(1) The County shall make its determination as to the processing category for the proposed development in accordance with the procedure set forth in Section 22.70.030.

(2) If the County's processing category determination is challenged by the applicant, an interested person, or the Coastal Commission's Executive Director, or if the

County wishes to have a Coastal Commission determination as to the appropriate processing category, the County shall notify the Commission of the dispute/question and shall request an Executive Director's opinion. County processing of the permit application shall cease if a challenge is received by the County and/or the Coastal Commission.

(3) The Executive Director shall provide his or her opinion to the County, the applicant and any other known interested parties within 10 working days of the County's request unless the applicant and the County agree to an extension.

(a) If the Executive Director agrees with the County's determination, then the determination shall be final and shall apply to the proposed development;

(b) If the Executive Director disagrees with the County's determination, and the County then agrees with the Executive Director's opinion, then the review and permit procedures associated with the Executive Director's opinion shall apply to the proposed development; or

(c) If the Executive Director disagrees with the County's determination, and the County disagrees with the Executive Director's opinion, then the matter shall be set for public hearing for the Coastal Commission to make the final determination of applicable review and permit procedures, and the Coastal Commission's determination shall apply to the proposed development.

(4) The challenge period shall be deemed concluded if no challenge is received within the time periods specified in 22.70.040(B), or when the Executive Director provides his or her opinion to the County in outcomes (a) or (b) above, or when the Executive Director provides the Coastal Commission's determination to the County in outcome (c) above.

The operation and effect of any application shall be stayed until the challenge period is concluded.

22.70.050 – Public Notice

Notice to the public of a pending action on a Coastal Permit or De Minimis Waiver or on a public hearing waiver for minor development shall be given as follows:

A. Form of notice. Permit applications shall be noticed at least 10 days prior (15 working days for public hearing waiver applications) to a hearing or action on the proposed project by posting one (or more as necessary to ensure the public is made aware) notice in at least one location that is conspicuously visible to the general public on or adjacent to the property which is the subject of the permit and by mailing notice to:

1. The owner(s) or owner's agent of all properties for which development is proposed, the applicant, and any applicant representatives;

2. Each local agency expected to provide essential facilities or services to the project;

3. Any person who has filed a written request for notice for a specific project or for a specific geographic area, or a particular type of development with the Director;

4. All owners of real property within three hundred feet of the properties on which the development is proposed, as shown on the County's latest equalized assessment roll, if the zoning for such property requires a minimum lot area of less than twenty thousand square

feet or a maximum density higher than two units per acre, or all owners of real property within six hundred feet of the properties on which development is proposed, as shown on the County's latest equalized assessment roll, if the zoning for such property requires a minimum lot area of twenty thousand square feet or greater, or a maximum density of two units per acre or lower.

5. Where home mail delivery is available, all occupants of real property located within 100 feet (not including roads) of the perimeter of the real properties on which the development is proposed.

6. All agencies for which an approval for the proposed development may be required.

7. The Coastal Commission.

Notices to the above recipients shall be provided whether or not a public hearing is required on the permit. If a public hearing is required, notice shall also be published at least once in a local newspaper of general circulation in the County.

The Director may also require additional means of notice that is reasonably determined necessary to provide adequate public notice of the application for the proposed project.

B. Content of notice. The required notice may be combined with other required project permit notice(s), shall be mailed by First Class mail and shall include the following information:

1. A statement that the project is within the Coastal Zone, and that the project decision will include a determination on a Coastal Permit;

2. The date of filing of the application;

3. The name of the applicant;

4. The number assigned to the application;

5. A description of the proposed project and its location;

6. A determination of whether the project is appealable to the Coastal Commission under Section 30603(a) of the Public Resources Code;

7. The date, time and place of the hearing and/or decision on the application;

8. A brief description of the procedures for public comment and decision on the application, including listing which review authority is to decide on the Coastal Permit application, as well as the system of challenge and appeal if applicable;

9. If no public hearing is held, a description of the applicable public comment period sufficient to allow for the submission of comments by mail prior to the local decision; and

10. If a public hearing is proposed to be waived, a description of the public hearing waiver process as provided in Section 22.70.030.B.5.

C. Renoticing required. If a decision on a Coastal Permit is continued by the review authority to a date or time not specific, the item shall be renoticed in the same manner and within the same

time limits established by this Section. If a decision on a Coastal Permit is continued to a specific date and time, then no renoticing is required.

D. State Lands Commission notification. Notice shall be provided to the State Lands Commission when an application for a Coastal Permit is submitted to the County on property identified as potentially subject to the public trust.

22.70.060 – Decision on Coastal Permit

A. Review authority. A decision to approve, conditionally approve, or deny a Coastal Permit shall be by the applicable review authority.

1. The Director shall take action on a non-hearing Coastal Permit application.

2. Where the decision required for the permit by this Development Code or other County Code provision is to be by the Zoning Administrator, Planning Commission, or Board, that review authority shall conduct a public hearing and take action on the Coastal Permit application.

3. Where the decision required for the permit by this Development Code or other County Code provision is to be by the Director or other County officer, and a public hearing is required, the Zoning Administrator shall hold a public hearing and approve or deny the Coastal Permit application.

4. For projects requiring multiple approvals under various provisions of the County Code, and where at least one approval is required by the Zoning Administrator or Planning Commission, the Zoning Administrator or Planning Commission may hold the public hearing and approve or deny the Coastal Permit application at the same time as taking action on the other applications.

5. For appealable projects or other public hearing coastal projects for which the County permit requirements do not identify a review authority, the Coastal Permit application shall be heard, and approved or denied by the Zoning Administrator.

22.70.070 – Required Findings

Findings. The applicable review authority shall approve a Coastal Permit only when it first makes the findings below in addition to any findings required by ~~this Article~~ the Marin County Local Coastal Program. Findings of fact establishing that the project conforms to all requirements of the Marin County Local Coastal Program shall be made and shall include all of the findings enumerated below. The findings shall reference applicable policies of the Marin County Local Coastal Program where necessary or appropriate ~~including those~~ in addition to the development standards- identified below.

A. Coastal Access. The proposed project, as conditioned, is consistent with the applicable policies contained in the Public Coastal Access section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.180 (Public Coastal Access). Where the project is located between the nearest public road and the sea, a specific finding must be made that the proposed project, as conditioned, is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act (commencing with Section 30200 of the Public Resources Code).

B. Biological Resources. The proposed project, as conditioned, is consistent with the applicable policies contained in the Biological Resources section of the Marin County Land Use Plan-and the applicable standards contained in Section 22.64.050 (Biological Resources).

C. Environmental Hazards. The proposed project, as conditioned, is consistent with the applicable policies contained in the Environmental Hazards section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.060 (Environmental Hazards).

D. Agriculture and Mariculture. The proposed project, as conditioned, is consistent with the applicable policies contained in the Agriculture and Mariculture sections of the Marin County Land Use Plan and the applicable agricultural and maricultural standards contained in Chapter 22.32.

E. Water Resources. The proposed project, as conditioned, is consistent with the applicable policies contained in the Water Resources section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.080 (Water Resources).

F. Community Design. The proposed project, as conditioned, is consistent with the applicable policies contained in the Community Design section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.100 (Community Design).

G. Community Development. The proposed project, as conditioned, is consistent with the applicable policies contained in the Community Development section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.110 (Community Development).

H. Energy. The proposed project, as conditioned, is consistent with the applicable policies contained in the Energy section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.120 (Energy).

I. Housing. The proposed project, as conditioned, is consistent with the applicable policies contained in the Housing section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.130 (Housing).

J. Public Facilities and Services. The proposed project, as conditioned, is consistent with the applicable policies contained in the Public Facilities and Services section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.140 (Public Facilities and Services).

K. Transportation. The proposed project, as conditioned, is consistent with the applicable policies contained in the Transportation section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.150 (Transportation).

L. Historical and Archaeological Resources. The proposed project, as conditioned, is consistent with the applicable policies contained in the Historical and Archaeological Resources section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.160 (Historical and Archaeological Resources).

M. Parks, Recreation, and Visitor-Serving Uses. The proposed project, as conditioned, is consistent with the applicable policies contained in the Parks, Recreation, and Visitor-Serving

Uses section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.170 (Parks, Recreation, and Visitor-Serving Uses).

22.70.080 – Appeal of Coastal Permit Decision

A. County appeal procedure. Decisions of the County on a Coastal Permit (Section 22.70.060 – Decision on Coastal Permit) may be appealed to the Planning Commission and Board as follows:

1. Decisions made by the Director or Zoning Administrator may be appealed to the Planning Commission, and decisions made by the Planning Commission may be appealed to the Board of Supervisors. However, the Director may refer an appeal directly to the Board of Supervisors.

2. An appeal may be filed by any person.

3. All appeals for Coastal Permit decisions per 22.70.060 shall be filed with the Agency, in writing on a County appeal application form, prior to close of the Planning Division's public information counter on the tenth working day after the decision that is the subject of the appeal, and shall specifically state the pertinent facts of the case and the basis for the appeal.

4. When an appeal is filed, the Director shall prepare a staff report on the matter, and schedule the matter for a public hearing by the appropriate appeal authority. At the public hearing, the appeal authority may consider any issue involving the matter that is the subject of the appeal, in addition to the specific grounds for the appeal.

    a. The appeal authority may affirm, affirm in part, or reverse the decision or determination that is the subject of the appeal, based upon findings of fact about the particular case. The findings shall identify the reasons for the action on the appeal, and verify the compliance or noncompliance of the subject of the appeal with the provisions of the LCP.

    b. When reviewing a decision on a Coastal Permit application, the appeal authority may adopt additional conditions of approval that may address other issues or concerns than the basis of the appeal.

    c. The action from which an appeal is taken may be reversed or modified only by the affirmative vote of a majority of the full membership of the Planning Commission (i.e. four affirmative votes). The action or appellate determination from which an appeal is taken may be reversed or modified by the affirmative vote of a majority of the membership of the Board.

B. Appeals to the Coastal Commission. An action on a Coastal Permit, including amendments and extensions, may be appealed to the Coastal Commission by an aggrieved person, including the applicant, or two members of the Coastal Commission, as follows:

1. Appealable Development. For purposes of appeal to the Coastal Commission, appealable development includes the following:

(a) Development approved between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance;

(b) Development approved, not included in paragraph (a) above, that is located on tidelands, submerged lands, public trust lands, within 100 feet of any coastal wetland, estuary, or coastal stream, or within 300 feet of the top of the seaward face of any coastal bluff;

(c) Development approved that is not designated as the Principal Permitted Use (PP) by Tables 5-1, 5-2, or 5-3 in Chapter 22.62 – Coastal Zoning Districts and Allowable Land Uses (land divisions are a type of development that is not designated as the principally permitted use in any zoning district); and

(d) Development approved or denied that constitutes a major public works project or a major energy facility.

2. **Filing.** Appeals must be filed in the office of the Coastal Commission prior to the close of business on the 10th working day after receipt by the Coastal Commission of the notice of final County action on the Coastal Permit that is the subject of the appeal. In the case of an appeal by an applicant or other aggrieved person as defined in Article VIII, Chapter 22.130, the appellant must exhaust all appeals to the County in compliance with Subsection A above (County Appeal Procedure), unless:

   (a) The County requires an appellant to appeal to more local appellate bodies than have been recognized by the Local Coastal Program as appellate bodies for permits in the coastal zone.

   (b) An appellant was denied the right of the initial local appeal by a local ordinance, which restricts the class of person who may appeal a local decision.

   (c) An appellant was denied the right of local appeal because local notice and hearing procedures for the development did not comply with the provisions of this Chapter.

   (d) The County charges an appeal fee for the filing or processing of appeals.

3. **Appeal by Coastal Commissioners.** When two Coastal Commissioners file an appeal of a County action by other than the Board of Supervisors, the Board of Supervisors may elect to consider the appeal before any action by the Coastal Commission. The Board of Supervisors shall notify the Coastal Commission of its decision to consider such an appeal within 12 days of the County's receipt of notice of an appeal by two Coastal Commissioners. County action on an appealable project shall not be deemed final if the Board elects to consider the appeal. Notice and hearing on these appeals by the Board of Supervisors shall comply with Chapter 22.70.080 – Appeals. After action by the Board of Supervisors (or failure or refusal to act within sixty days of the County's receipt of the appeal), a new notice of final action shall be provided to the Coastal Commission pursuant to Section 22.70.090, which shall trigger a new Coastal Commission appeal period. If the decision of the Board modifies or reverses the previous County decision, the Commissioners may be required to file a new appeal.

C. Stay of Approval. The operation and effect of an approved Coastal Permit shall be stayed until all applicable appeal periods expire or, if appealed, until all appeals, including any appeals to the Coastal Commission, have been exhausted.

D. **Delivery of Relevant Documents.** Upon receipt of a Notice of Appeal from the Coastal Commission, the County shall, within five(5) working days, deliver to the Executive Director of the Coastal Commission all relevant documents used by the local government in its consideration of the Coastal Permit application.

22.70.090 – Notice of Final Action

Within 7 calendar days of a final County decision on an application for a Coastal Permit, the Director shall provide notice of the action by ~~First Class~~ certified mail to the Coastal Commission, and by first class mail to any persons who specifically requested notice and provided a self-addressed stamped envelope or other designated fee covering mailing costs and shall provide additional public notice via the Community Development Agency's webpage. Both mailed and webpage notice shall include conditions of approval, written findings and the procedures for appeal of the County decision to the Coastal Commission. The notice shall be in two parts: (1) a cover sheet or memo summarizing the relevant action information, and (2) materials that further explain and define the action taken, which shall be submitted electronically or by mail. The cover sheet / memo shall be sent to all recipients of the notice, and the cover sheet/memo shall be mailed to the Coastal Commission, with supporting documents sent either via hard copy or electronically (see below).

A. Cover Sheet/Memo: The cover sheet/memo shall be dated and shall clearly identify the following information:

1. All project applicants and project representatives and their address and other contact information.
2. Project description and location.
3. County decision-making body, County decision, and date of decision.
4. All local appeal periods and disposition of any local appeals filed.
5. Whether the County decision is appealable to the Coastal Commission, the reason why the development is or is not appealable to the Coastal Commission, and procedures for appeal to the Coastal Commission.
6. A list of all supporting materials provided to the Coastal Commission as part of the final local action notice (see subsection B below).
7. All recipients of the notice.

B. Supporting Materials: The supporting materials shall include the following information:

1. Final adopted findings and final adopted conditions.
2. Final staff report.
3. Approved project plans.
4. All other substantive documents cited and/or relied upon in the decision including any environmental review documents prepared in accordance with the California Environmental Quality Act, technical reports (geologic reports, biological reports, etc.), correspondence, etc.

A 10 working day appeal period to the Commission shall commence the day following receipt by the Commission of a valid Notice of Final Local Action that meets all requirements of this Chapter.

22.70.100 – Notice of Failure to Act

A. Notification by applicant. If the County has failed to act on an application within the time limits set forth in Government Code Sections 65950 et seq. any person claiming a right to proceed in compliance with Government Code Section 65950 et seq. (i.e., the Applicant), shall notify the County and the Coastal Commission in writing of the claim that the development has been approved by operation of law. The notice shall specify the application, which is claimed to be approved. Even if deemed approved in compliance with Government Code Section 65950, the development must still comply with all applicable standards of the LCP and this Development Code.

B. Notification by County. Upon a determination that the time limits established in compliance with Government Code Section 65950 et. seq. have expired, and the notice required by Government Code Section 65950 et seq. has been provided by the Applicant, the Director shall, within five days of the determination, notify persons entitled to receive notice in compliance with Section 22.70.050 (Public Notice) that it has taken final action by operation of law in compliance with Government Code Section 65956. The Coastal Commission appeal period for development approved by operation of law shall begin only upon receipt of the County's final action notice (which notice shall comply with all requirements of Section 22.70.090) in the office of the Coastal Commission.

22.70.110 – Effective Date of Final Action

A final decision by the applicable review authority on an application for an appealable development shall become effective after the 10 working day appeal period to the Coastal Commission has expired unless either of the following occur:

A. An appeal is filed in compliance with Section 22.70.080 – Appeal of Coastal Permit Decision.

B. The notice of final Coastal Permit approval does not meet the requirements of Section 22.70.090 (Notice of Final Action) or Section 22.70.100 (Notice of Failure to Act).

Where any of the above circumstances occur, the Coastal Commission shall, within five days of receiving notice of that circumstance, notify the County and the applicant that the effective date of the County action has been suspended.

22.70.120 – Expiration Date and Time Extensions

A. Time limits, vesting, extensions. Coastal permit time limits, vesting requirements, and extension provisions shall comply with the following:

1. Time limits, vesting. Coastal permits not vested within three years of the date of approval shall expire and become void. The permit shall not be deemed vested until the permit holder has actually obtained a Building Permit or other construction permit and has substantially completed improvements in accordance with the approved permits, or has actually commenced the allowed use on the subject property, in compliance with the conditions of approval, or has recorded a Parcel or Final Map.

2. Extensions of time. Upon request by the applicant, the Director may extend the time for an approved permit to be vested.

   a. Filing. The applicant shall file a written request for an extension of time with the Agency, at least ten days prior to the expiration of the permit, together with the filing fee required by the County Fee Ordinance.

   b. Review of extension request. The Director shall determine whether the permit holder has attempted to comply with the conditions of the permit. The burden of proof is on the permittee to establish, with substantial evidence, that the permit should not expire. The Director may instead refer the extension request to the Planning Commission for review.

3. Action on extension.

   a. If the Director (or the ~~Coastal~~ Planning Commission if the request is referred) determines that the applicant has proceeded in good faith and has exercised due diligence in complying with the conditions in a timely manner, the Director (or ~~Coastal~~ Planning Commission) may extend the permit for a maximum period of three years following the original expiration date. If the approval was granted concurrently with a Tentative Map, the maximum amount of time extensions would be determined by Section 22.84.140 (Extensions of Time for Tentative Maps).

4. Hearing on extension. If the Director finds that significant policy questions are at issue, including changed circumstances that may affect the consistency of the development with the policies of the LCP, the Director may refer the application to the Planning Commission for a public hearing in compliance with Section 22.70.060 and noticing requirements of 22.70.050.

5. Coordination of expiration date among multiple permits. If a Building Permit, or other permit or entitlement, is issued during the time the Coastal Permit remains in effect, the expiration date of the Building Permit or other permit or entitlement shall be automatically extended to coincide with the expiration date of the Coastal Permit.

B. Findings. In addition to the requirements of Section 22.70.120.A, Coastal Permit extensions may be granted by the Director upon a finding that the project continues to be in conformance with the requirements and objectives of the Marin County Local Coastal Program and Coastal Act as applicable.

C. Appeal. Coastal Permit extensions must be noticed (Section 22.70.090) and may be appealed in compliance with Section 22.70.080 (Appeal of Coastal Permit Decision).

22.70.130 – Amendments to Coastal Permits

A Coastal Permit may be amended in the same manner required for initial approval. Amendment requests shall be subject to the appeal provisions of Section 22.70.080 (Appeal of Coastal Permit Decision).

22.70.140 – Emergency Coastal Permits

In the event of an emergency, the Director may issue an Emergency Coastal Permit to authorize emergency work in compliance with this Section, Section 30624 of the Coastal Act and Section 13329 of Title 14 of the California Code of Regulations. The Director shall not issue an Emergency Coastal Permit for any work to be conducted on any tidelands, submerged lands, on public trust lands, whether filled or unfilled, or any other area within the Coastal Commission's retained coastal permit jurisdiction; requests for emergency work in these areas shall be referred to the Coastal Commission. The emergency approval shall conform to the objectives of this chapter and the Local Coastal Program. The emergency permit process is intended to allow for emergency situations to be abated through use of the minimum measures necessary to address the emergency in the least environmentally damaging, short- and long-term manner. The Director may request, at the applicant's expense, verification by a qualified professional of the nature of the emergency and the range of potential solutions to the emergency situation, including the ways such solutions meet these criteria.

A. Application. An application for an Emergency Coastal Permit shall be filed with the Director in writing if time allows, or in person or by telephone if time does not allow.

B. Required information. The applicant shall report to the Director the following information, either during or as soon after the emergency as possible (and in all cases before the Emergency Coastal Permit expires):

1. The nature and location of the emergency;

2. The cause of the emergency, insofar as this can be established;

3. The remedial, protective, or preventive work required to deal with the emergency; and

4. The circumstances during the emergency that appeared to justify the course(s) of action taken, including the probable consequences of failing to take action.

5. An application for an emergency shoreline protective device shall be accompanied by an engineering report as described in Section 22.64.060.A.4. If the applicant is unable to provide all such information due to the nature of the emergency, then the applicant shall provide at a minimum: (a) a description of what measures, if any, were taken in advance in order to mitigate the hazard and (b) an analysis of alternatives, including the "no action" alternative.

6. All required technical reports and project plans.

The Director shall verify the facts, including the existence and nature of the emergency, as time allows.

C. Notice. The Director shall provide public notice of the proposed emergency work, and determine the extent and type of notice based on the nature of the emergency. The Director shall notify the Executive Director of the Coastal Commission as soon as possible about potential emergency coastal permits, and shall report, in writing, to the Executive Director after the emergency coastal permit has been issued, the nature of the emergency, and the work involved.

D. Emergency permit approval. The Director may grant an emergency permit upon reasonable terms and conditions, including an expiration date and the necessity for a Coastal Permit application later, if the Director finds that:

1. An emergency (defined as a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential services) exists that requires action more quickly than permitted by the procedures of this Article for a Coastal Permit, and the work can and will be completed within 30 days unless otherwise specified by the emergency permit;

2. Public comment on the proposed emergency action has been reviewed, if time allows; and

3. The proposed work is consistent with applicable Marin County Local Coastal Program policies.

4. The proposed work is the minimum amount of temporary development necessary to abate the emergency in the least environmentally damaging short- and long-term manner.

The decision to issue an Emergency Coastal Permit is at the sole discretion of the Director, provided that subsequent Coastal Permits required for the project shall comply with all applicable provisions of this Development Code.

E. **Coastal Permit required.** All emergency Coastal Permits shall expire ninety (90) days after issuance, unless extended for good cause by the Planning Director, such extension is limited as much as possible in duration, and such extension is subject to challenge provisions per Section 22.70.040. All emergency development pursuant to this section is considered temporary and must be removed and the affected area restored if it is not recognized by a regular Coastal Permit within 6 (six) months of the date of permit issuance, unless the Director authorizes an extension of time for good cause. Within 30 days of issuance of the Emergency Coastal Permit, the applicant shall apply for a regular Coastal Permit. Failure to file the applications and obtain the required permits shall result in enforcement action in compliance with Chapter 22.70.175 (Enforcement).

22.70.150 – Coastal Zone Variances

A. This Section provides procedures for the adjustment from the development standards of Article V of this Development Code only when, because of special circumstances applicable to the property, including location, shape, size, surroundings, or topography, the strict application of this Article denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts. Any Coastal Zone Variance granted shall be subject to conditions that will ensure that the Variance does not constitute a granting of special privilege(s) inconsistent with the limitations upon other properties in the vicinity and zoning district in which the property is situated.

Coastal Zone Variances provide relief from standards relating to height, floor area ratio, and yard setbacks. Coastal Zone Variances shall not be granted for relief from use limitations or minimum lot size and density requirements, or any other LCP requirements.

1. **Filing**. An application for a Coastal Zone Variance shall be submitted, filed, and processed in compliance with and in the manner described in Chapter 22.70.030 (Coastal Permit Filing, Initial Processing). It is the responsibility of the applicant to establish evidence in support of the findings required by Section 22.70.070 – Required Findings.

2. **Project review procedure**. Each application shall be analyzed by the Agency to ensure that the application is consistent with the purpose and intent of this Section.

3. **Action on Variances.** Decisions on Coastal Zone Variances shall be issued by the Director or the same review authority that issues the decision on the Coastal Permit for the project.

4. **Notice of action and/or hearing date.** Administrative decisions and public hearings on a proposed Coastal Zone Variance application shall be noticed in compliance with Chapter 22.70.050.

B. Decision and Findings on Coastal Zone Variance. Following notice for an administrative Coastal Zone Variance, or a public hearing for a Public Hearing Coastal Zone Variance, the Review Authority shall issue a notice of decision in writing with the findings upon which the decision is based, in compliance with state law (Government Code Section 65906). The Review Authority may approve an application, with or without conditions, only if all of the following findings are made:

1. There are special circumstances unique to the property (e.g., location, shape, size, surroundings, or topography), so that the strict application of this Development Code denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts.

2. Granting the Variance may only provide relief from standards relating to height, floor area ratio, and yard setbacks, and does not grant relief from the use limitations, ~~or~~ minimum lot size, ~~and~~ density requirements, or any other LCP requirements, governing the subject development.

3. Granting the Variance does not result in special privileges inconsistent with the limitations upon other properties in the vicinity and zoning district in which the real property is located.

4. Granting the Variance will not be detrimental to the public interest, health, safety, convenience, or welfare of the County, or injurious to the property or improvements in the vicinity and zoning district in which the real property is located.

22.70.160. Nonconforming Uses and Structures.

A. Application. This section shall apply to: (1) any existing and lawfully established and authorized use of land; or (2) any existing and lawfully established and authorized structures, that do not conform to the policies and development standards of the certified LCP. Development that occurred after the effective date of the Coastal Act or its predecessor, the Coastal Zone Conservation Act, if applicable, that was not authorized in a coastal permit or otherwise authorized under the Coastal Act, is not lawfully established or lawfully authorized development, is not subject to the provisions of Section 22.70.160, but is subject to the provisions of Section 22.70.030 (Coastal Permit Filing, Initial Processing).

B. Burden to Establish Legal Status on Owner. Nonconforming uses and structures may be continued only in conformity with the provisions of this Section. The owner of property on which a nonconforming use or structure is claimed shall have the burden of proof in establishing to the satisfaction of the Director the legal nonconforming status claimed. The Director may charge a fee, as established in the County Fee Schedule, for the review of evidence submitted to meet the owner's burden of proof.

C. Nonconforming Uses. A nonconforming use means a use of a structure or land that was legally established and maintained prior to the adoption, revision, or amendment of the Coastal Act and its predecessor statute (see Section A above) and certified LCP, but does not conform to the certified LCP use and/or density standards. A nonconforming use is not a nonconforming structure. Nonconforming uses shall not be expanded nor intensified. For nonresidential uses, intensification shall include, but not be limited to, any change or expansion which is determined by the Director likely to result in a significant new or increased impact due to potential traffic generation, noise, smoke, glare, odors, hazardous materials, water use, and/or sewage generation. If any nonconforming use is abandoned for a continuous period of 12 months or longer, the use shall relinquish its legal nonconforming status and any subsequent use of such land shall be in conformity with the regulations specified by the LCP.

D. Nonconforming Structures. A nonconforming structure means a structure that was lawfully erected prior to the adoption, revision, or amendment of the Coastal act and its predecessor statute (see Section A above) and the certified LCP, but that does not conform with standards of the LCP, including for lot coverage, setbacks, height, distance between structures, or floor area ratio prescribed in the certified LCP. Nonconforming structures may be repaired and maintained as defined in Article VIII, Chapter 22.130. However, ~~repair and maintenance involving demolition and/or~~ replacement of 50 percent or more of the nonconforming structure, or that constitutes "Redevelopment" as defined in Chapter 22.130, ~~-~~is not ~~permitted~~ repair and maintenance but instead constitutes a replacement ~~unless the entire~~ structure ~~is~~ that must be brought into conformance with the policies and standards of the LCP. The 50 percent calculation shall be cumulative, so that any repair and maintenance of a structure after the effective date of this ordinance shall be counted towards the total calculation figure. For blufftop and shoreline structures, see Subsection F, below.

E. Additions and Improvements. Improvements which enlarge and/or expand a legal nonconforming structure, including additions, may be authorized, provided that the additions and/or improvements themselves comply with the current policies and standards of the LCP. However, improvements involving demolition and/or replacement of 50 percent or more of the existing structure, are not permitted unless the entire structure is brought into conformance with all applicable LCP policies. The 50 percent calculation shall be cumulative over time from the date of certification of this ordinance. For blufftop and shoreline structures, see Subsection F, below.

F. Blufftop and Shoreline Development. For legal nonconforming structures located on a blufftop or along the shoreline, including such structures that are nonconforming with respect to required blufftop and shoreline setbacks, such structures may be repaired, and maintained as defined in Article VIII, Chapter 22.130.~~, and improved consistent with Subsections D and E, above~~. However, replacement of 50 percent or more of the nonconforming structure is not repair and maintenance but instead constitutes a replacement structure that must be brought into conformance with the policies and standards of the LCP.

G. Natural Disasters. If a nonconforming use or structure is destroyed by natural disaster, replacement shall be subject to provisions of 22.68.050(C)~~ in accordance with LUP Policy C-EH-24 (Permit Exemption for Replacement of Structures Destroyed by Disaster)~~.

22.70.175---Violations of Coastal Zone Regulations and Enforcement of LCP Provisions and Penalties ~~(Coastal)~~

A. Any person who performs or undertakes development in violation of the LCP or inconsistent with any coastal permit previously issued may, in addition to any other penalties, be civilly liable in accordance with the provisions of Public Resources Code section 30820.

B. In addition to all other available remedies, the County may seek to enforce the provisions of the LCP and the Coastal Act pursuant to the provisions of Public Resources Code section 30800-30822.

C. Development may only be undertaken on a legal lot.

D. No coastal development permit application (including all coastal permits, coastal permit exclusions and exemptions, and de minimis waivers) shall be approved unless all unpermitted development on the property that is functionally related to the proposed development is proposed to be removed or retained consistent with the requirements of the certified LCP.

22.70.180 – Potential Takings Evaluation

If the application of the policies, standards or provisions of the Local Coastal Program to proposed development would potentially constitute a taking of private property, then a development that is not consistent with the LCP may be allowed on the property to avoid a taking, provided such development is as consistent as possible with all applicable policies and is the minimum amount of development necessary to avoid a taking as determined through a takings evaluation, including an evaluation of the materials required to be provided by the applicant as set forth below. The applicant shall supplement their application materials to provide the required information and analysis as specified below.

A. **Filing.** The evaluation shall, at a minimum, include the entirety of all parcels that are geographically contiguous and held by the applicant in common ownership at the time of the application. All other nearby property owned by the Applicant may also be considered. Before any decision on a coastal development permit, the applicant shall provide the following information, unless the Director determines that one or more of the particular categories of information is not relevant to the analysis:

1. The date the applicant purchased or otherwise acquired the properties, and from whom.

2. The purchase price paid by the applicant for the properties.

3. The fair market value of the properties at the time the applicant acquired them, describing the basis upon which the fair market value is derived, including any appraisals done at the time.

4. The general plan, zoning or similar land use designations applicable to the properties at the time the applicant acquired them, as well as any changes to these designations that occurred after acquisition.

5. Any development restrictions or other restrictions on use, other than government regulatory restrictions described in subsection (4) above, that applied to the properties at the time the applicant acquired it them, or which have been imposed after acquisition.

6. Any change in the size of the properties since the time the applicant acquired them, including a discussion of the nature of the change, the circumstances and the relevant dates.

7. A discussion of whether the applicant has sold or leased a portion of, or interest in, the properties since the time of purchase, indicating the relevant dates, sales prices, rents, and nature of the portion or interests in the properties that were sold or leased.

8. Any title reports, litigation guarantees or similar documents in connection with all or a portion of the properties of which the applicant is aware.

9. Any offers to buy all or a portion of the properties which the applicant solicited or received, including the approximate date of the offers and offered price.

10. The applicant's costs associated with the ownership of the properties, annualized for each of the last five (5) calendar years, including property taxes, property assessments, debt service costs (such as mortgage and interest costs), and operation and management costs.

11. Apart from any rents received from the leasing of all or a portion of the properties, any income generated by the use of all or a portion of the properties over the last five (5) calendar years. If there is any such income to report it should be listed on an annualized basis along with a description of the uses that generate or has generated such income.

12. Any additional information that the County requires to make the determination.

B. Evaluation. To evaluate whether application of the LCP would potentially result in a taking, an applicant shall provide information about coastal resources present on the properties and/or affected by the application sufficient to determine whether all of the properties, or which specific area of the properties, is subject to the restriction on development, so that the scope and nature of development that could be allowed on any portions of the properties that are not subject to the restriction can be determined.

Based upon this analysis, the least environmentally damaging feasible alternative shall be identified. Impacts to coastal resources that cannot be avoided through the implementation of siting and design alternatives shall be mitigated to the maximum extent feasible, with priority given to on-site mitigation. Off-site mitigation measures shall only be approved when it is not feasible to mitigate impacts on-site. Mitigation shall not substitute for implementation of the feasible project alternative that would avoid LCP inconsistencies, including adverse coastal resource impacts.

C. Supplemental Findings for Approval of Coastal Development Permit. A Coastal Permit that allows a deviation from a policy or standard of the LCP to avoid a taking may be approved or conditionally approved only if the appropriate governing body, either the Planning Commission or Board of Supervisors, makes the following supplemental findings in addition to the findings required in Section 22.70.070 (Required Findings):

1. Based on the information provided by the applicant, as well as any other relevant evidence, <u>there is</u> no <u>potential</u> development consistent with the LCP policies, standards and provisions <u>that</u> would avoid a taking of the applicant's property.

2. The use proposed by the applicant is consistent with the applicable zoning.

3. The use and project design, siting, and size are the minimum necessary to avoid a taking.

4. The project is the least environmentally damaging alternative and is consistent with all provisions of the certified LCP other than the provisions for which the exception(s) is (are) necessary to avoid a taking.

5. The development will not result in a public nuisance. If it would be a public nuisance, the development shall be denied.

22.70.190 – Land Divisions ~~Property Modifications~~

This section shall provide standards for the issuance of coastal permits for ~~development as a result of property modifications such as~~ land divisions. Land division is a type of development, defined to include subdivisions (through parcel map, tract map, grant deed), ~~resubdivisions~~, lot line adjustments, ~~redivisions, mergers,~~ and ~~conditional~~ certificates of compliance.

A. Certificates of Compliance: A conditional certificate of compliance issued pursuant to Government Code section 66499.35 shall include a condition that requires any necessary ~~-~~Coastal Permit.

B. Criteria for Land Divisions ~~of Land~~

1) Land divisions shall be prohibited if located outside of designated village limit boundaries and within an area found to have limited public service capacities (as specified by Section 22.64.140).

2) Land divisions ~~Divisions of land~~ shall be designed to minimize impacts on coastal resources. ~~Except for environmental subdivisions pursuant to Section 66418.2 of the Subdivision Map Act,~~ a land division ~~of land~~ shall not be approved if it creates a parcel that would not contain an identified building site that can be developed consistent with all policies of the certified LCP.

3) Land divisions ~~Divisions of land~~ outside existing developed areas shall be permitted only in areas with adequate public services, and where they will not have a significant adverse effect, either individually or cumulatively, on coastal resources. In addition, land divisions outside village limit boundaries shall only be permitted where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding legal parcels, except that lease of a legal parcel at a level of agricultural use that will sustain the agricultural capacity of the site is not prohibited.

4~~5~~) Land divisions shall be designed to cluster development in order to minimize site disturbance, landform alteration, and fuel modification.

5) Land divisions are development that is not designated as the principally permitted use in any zoning district.

C. Criteria for Lot Line Adjustments

Lot line adjustments are limited to four or fewer parcels. A Coastal Permit for a lot line adjustment shall not be approved or conditionally approved unless the existing parcels are legal and the new parcels resulting from the lot line adjustment will conform to the Local Coastal Program. In addition to all applicable LCP standards, a lot line adjustment shall only be approved with a finding that the resulting parcels protect coastal resources in a manner equal to or better than their existing configuration.

Article VIII

Chapter 22.130 – Definitions

Sections:

22.130.010 – Purpose of Chapter
22.130.020 – Applicability
22.130.030 – Definitions of Specialized Terms and Phrases

22.130.010 – Purpose of Chapter

This Chapter provides definitions of terms and phrases used in this Development Code that are technical or specialized, or that may not reflect common usage.

22.130.020 – Applicability

If any of the definitions in this Chapter conflict with definitions in other chapters of the Marin County Code, ~~except for Article V, Chapters 22.60 – 22.70 in which case which any definition contained therein shall prevail,~~ these definitions shall prevail for the purposes of determining the conformity of development in the Coastal Zone with the Marin County Local Coastal Program.~~this Development Code~~. If a word used in this Development Code is not defined in this Chapter, or other Titles of the County Code, the most common dictionary definition is presumed to be correct.

22.130.030 – Definitions of Specialized Terms and Phrases

Definitions are listed in alphabetical order**…**

A. Definitions, "A."

Accessory Retail Uses (land use). This land use consists of the retail sale of various products (including food) in a store or similar facility that is located within a health care, hotel, office, or industrial complex, for the purpose of serving employees or customers, and is not visible from a public street. These uses include pharmacies, gift shops, food service establishments within hospitals, convenience stores and food service establishments within hotels, and office and industrial complexes.

Accessory Structure. A structure that is physically detached from, secondary and incidental to, and commonly associated with the primary structure or use. Physically detached means independent of any type of substantial connection with the primary structure. A substantial connection means having a continuous foundation and a connecting roof.

Acres, Gross and Net. See "Lot Area."

Actively and directly engaged. means making day-to-day management decisions for the agricultural operation and being directly engaged in production of agricultural commodities for commercial purposes on the property or maintaining a lease to a bona fide commercial agricultural producer.

Adult Entertainment Establishment (land use). This land use consists of any adult bookstore, adult hotel or motel, adult motion picture arcade, adult motion picture theater, cabaret, sexual encounter center, or any

other business or establishment that offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," but not including those uses or activities, the regulation of which is preempted by state law.

Affordable Housing. Dwelling units that are income restricted and rented or sold at rates that are affordable to households with income qualifying as low, very low or extremely low income, as described in Chapter 22.22 (Affordable Housing Regulations) or Chapter 22.24 (Affordable Housing Incentives) and defined by Health and Safety Code Sections 50052.5 and 50053. Affordable Housing includes Transitional and Supportive housing consistent with qualifying income requirements.

Affordable Ownership Cost. Figure at which affordable housing must be provided for purchase, which is calculated as annual housing costs, during the first calendar year of a household's occupancy, including mortgage payments, property taxes, homeowners insurance, and homeowners association dues, if any, which do not exceed the following:

1. For inclusionary units required by Chapter 22.22, annual housing costs cannot exceed 30 percent of 60 percent of area median income, adjusted for household size.

2. For affordable housing that qualifies a project for a state density bonus, annual housing costs cannot exceed the following:

   (a) for moderate income households: 35 percent of 110 percent of area median income, adjusted for household size.

   (b) for low income households: 30 percent of 70 percent of area median income, adjusted for household size.

   (c) for very low income households: 30 percent of 50 percent of area median income, adjusted for household size.

Affordable Rent. Annual rent, including utilities and all fees for housing services, which does not exceed the following:

1. For inclusionary units required by Chapter 22.22, annual rent cannot exceed 30 percent of 50 percent of median area income, adjusted for household size.

2. For affordable housing that qualifies a project for a state density bonus, annual rent cannot exceed the following:

   (a) for low income households: 30 percent of 60 percent of area median income, adjusted for household size.

   (b) for very low income households: 30 percent of 50 percent of area median income, adjusted for household size.

Agency. The Marin County Community Development Agency.

Agent. A person authorized in writing by the property owner to represent and act for a property owner in contacts with County employees, committees, Commissions, and the Board, regarding matters regulated by this Development Code.

Aggrieved Person~~ (coastal)~~. Any person who, in person or through a representative, appeared at a public hearing of the Coastal Commission or County of Marin in connection with a decision or action appealed, or who, by other appropriate means prior to a hearing, informed the Coastal Commission or County of Marin of the nature of his concerns or who for good cause was unable to do either. “Aggrieved person” includes the applicant for a permit.

Agricultural Accessory Activities (land use)~~ (coastal)~~. Activities ~~customarily~~ accessory and incidental to, in support of, compatible with, and, within the C- APZ zone, necessary for agricultural production, and which involve agricultural products produced on site or elsewhere in Marin County, including:

-corn shelling

-custom milling of flour, feed and grain

-drying of corn, rice, hay, fruits, and vegetables

-sorting and packaging of fruits and vegetables

-grain cleaning and grinding

-hay baling and cubing

-pre-cooling and packaging of fresh or farm dried fruits and vegetables

-tree nut hulling and shelling

-preparation and packaging of animal byproduct

(such as eggs and wool) produced on site

Any of the above activities performed in the field with mobile equipment not involving permanent structures are included under the definition of "Crop Production".

Agricultural Accessory Structures (land use)~~ (coastal)~~. Uninhabited structures that are ~~customarily~~ accessory and incidental to, in support of, compatible with, and, within the C-APZ zone, appurtenant and ~~,~~ necessary for agricultural production, and that are for the storage of farm animals, implements, supplies or products, and that contains no residential ~~u~~se, are not accessory to a residential use, and are not open to the public, including:

- barns
- coops
- corrals
- grain elevators
- facilities for milking
- fences
- pens
- silos
- stables
- facilities for cleaning, drying, pre-cooling, and packaging of fruits and vegetables produced on site
- greenhouses
- utility facilities
- other similar structures

Agricultural accessory structures do not include commercial greenhouses (which are under "Plant Nurseries") or structures for agricultural processing activities (which are under "Agricultural Processing") or retail sales of agricultural products.

Agricultural District or Zone. Any of the agricultural zoning districts established by Chapter 22.08 (Agricultural and Resource-Related Districts), or Coastal Zoning Districts established by Article V (Coastal Zones – Permit Requirements and Development Standards), including A (Agriculture and Conservation), A2 (Limited Agriculture), ARP (Agricultural, Residential Planned), C-APZ (Coastal, Agricultural Production Zone), and C-ARP (Coastal, Agricultural, Residential Planned).

Agricultural Dwelling Cluster ~~(Coastal)~~. A farmhouse or a combination of one farmhouse and up to two intergenerational homes with the combined total of 7,000 square feet, plus up to ~~allowed~~ 540 square feet of garage space and up to 500 square feet of office space in the farmhouse used in connection with the agricultural operation. (see 22.32.024 for development standards). No more than one Agricultural Dwelling Cluster may be permitted per farm tract, whether it contains a single farmhouse or in a combination of a farmhouse and one or two intergenerational homes.

Agricultural Dwelling Unit ~~(coastal)~~. A farmhouse, intergenerational house, or agricultural worker housing located in the C-APZ district.

Agricultural Homestays ~~(coastal)~~. An agriculturally oriented overnight accommodation operation that meets all of the following requirements: (a) Has not more than five guest rooms and accommodates not more than 15 guests; (b) Provides overnight transient accommodations; (c) Serves food only to its registered guests and serves meals at any time, and includes the price of food in the price of the overnight transient occupancy accommodation; and (d) occurs only within otherwise allowable agricultural dwelling units and not within additional separate structures.

Agricultural Processing (land use). Agricultural Processing consists of the processing of harvested crops and other agricultural products, appurtenant and necessary to the operation of agriculture, including the following:

- production of butter, cheese, and other dairy products
- processing of milk
- milling
- processing of fruit products
- food oil production, including olive oil
- shellfish processing
- wine production
- processing of honey

Agricultural processing also includes structures used in connection with the above activities.

Agricultural Production (land use) ~~(Coastal)~~. Breeding, raising, pasturing, and grazing of animals or the planting, growing and/or producing and harvesting of food, fiber and agricultural commodities for commercial purposes, including the following and substantially similar uses of an equivalent nature and intensity:

1. Livestock and poultry- cattle, sheep, poultry, goats, rabbits, and horses provided that horses are accessory and incidental to, in support of, and compatible with the property's agricultural production.
2. Livestock and poultry products (such as milk, wool, eggs).
3. Field, fruit, nut, and vegetable crops – hay, grain, silage, pasture, fruits, nuts, seeds, and vegetables.
4. Plant nurseries and nursery products - nursery crops, cut plants.
5. Aquaculture and mariculture
6. Viticulture
7. Vermiculture
8. Forestry crops (not including Timber Harvesting)
9. Commercial gardening
10. Beekeeping

Agricultural Production and Stewardship Plan ~~(coastal)~~. A plan that is required for approval of land division or other non-agricultural development of Agricultural Production Zone (C-APZ) lands. The plan shall be prepared by qualified individuals with appropriate expertise in

agriculture, land stewardship, range management and natural resource protection and shall identify and describe~~ies~~ existing and proposed agricultural uses ~~and resources~~ for a property, explain in detail their implementation, and identify on-site resources and agricultural infrastructure, including product markets and processing facilities, if appropriate, and demonstrate how the planned agricultural uses substantially contribute to Marin's agricultural industry. The plan must provide evidence that at least 95% of the land will remain in agricultural production or natural resource protection and shall identify stewardship activities to be undertaken to protect agriculture and natural resources. ~~The intent of these plans is to demonstrate the following: (1) the long-term agricultural use of the property will be preserved; (2) agricultural infrastructure has been established or will be enhanced; (3) the proposed development triggering plan preparation is compatible with protection and/or enhancement of agricultural uses; (4) sound land stewardship has been implemented or will be enacted; and (5) at least 95% of the property will be engaged in agricultural production.~~

Agricultural Retail Sales Facility/Farm Stand ~~(coastal)~~. A temporary or permanent structure used for the display and sale of agricultural products, appurtenant and necessary to the operation of agriculture.

Agricultural use. The breeding, raising, pasturing, and grazing livestock of every nature and description for the production of food and fiber; breeding and raising bees, fish, poultry, and other fowl; planting, raising, harvesting, and producing agricultural, aquacultural, horticultural, and forestry crops and products of every nature and description; and the processing, storage, and sale, including direct retail sale to the public, of crops and products harvested and produced principally on the farm; further provided, however, that all agricultural uses and activities are consistent with applicable laws, including those of the Local Coastal Program.

Agricultural Worker. An employee who is engaged in services associated with an agricultural use, including: cultivation and tillage of soil; dairying; the production, cultivation, growing, and harvesting of any agricultural or horticultural commodity; and the preparation, delivery, or storage of any agricultural or horticultural commodity for market.

Agricultural Worker Housing. Any attached or detached dwelling unit required to house agricultural workers and their family members, including temporary mobile homes. For the purpose of calculating density, no more than one food preparation area shall be provided for each agricultural worker housing unit.

Agriculture ~~(coastal)~~. This land use consists of the "Agriculture,Mariculture" category of Table 5-1-a. including but not limited to agricultural production for commercial purposes, and the facilities that are accessory and incidental to, in support of, and compatible with the property's agricultural production: agricultural accessory structures and agricultural accessory activities, agricultural dwelling units, agricultural product sales and processing, non- profit and owner-operator conducted agricultural tours, and agricultural homestay facilities.

Agriculture Ongoing ~~(Coastal)~~ means the following agricultural activities:

~~1. All routine agricultural cultivation practices (e.g. plowing, tilling, planting, harvesting, and seeding), which are not expanded into Environmentally Sensitive Habitat Areas (ESHAs) and ESHA buffers, Oak woodlands or areas never before used areas for agriculture, and~~

~~2. Conservation practices required by a governmental agency including, but not limited to, the State Water Resources Control Board or Regional Water Quality Control Board, in order to meet requirements to protect and enhance water quality and soil resources.~~

~~The following activities shall not be considered ongoing agriculture for the purposes of the definition of "Development:" and constitutes new development requiring a coastal permit consistent with Chapters 22.68 and 22.70, unless such development is categorically excluded by a Coastal Commission approved Categorical Exclusion Order.~~

~~1. Development of new water sources such as construction of a new or expanded well or surface impoundment.~~
~~2. Installation or extension of irrigation systems~~

~~3. Terracing of land for agricultural production;~~

~~4. Preparation or planting of land for viticulture, including any initial vineyard planting work as defined in Chapter 22.130;~~

~~5. Preparation or planting of land for growing or cultivating the genus cannabis .~~

~~6. Routine agricultural cultivation practices on land with an average agricultural slope of more than 15%.~~

Existing legally established agricultural production activities (including crop rotation, plowing, tilling, planting, harvesting, and seeding) which have not been expanded into never before used areas. Determinations of such ongoing activities may be supported by Marin County Department of Agriculture, Weights and Measures information on such past activities. Examples of activities that are NOT considered ongoing agricultural activities include but are not limited to:

- Conversion of grazing area to crop production
- Development of new water sources (such as construction of a new or expanded well or surface impoundment)
- Installation or extension of irrigation systems
- Terracing of land for agricultural production
- Preparation or planting of land for viticulture
- Preparation or planting of land for cannabis
- Preparation or planting of land with an average slope exceeding 15%

A Coastal Development Permit will not be required if the County determines the activity qualifies for a de minimis waiver pursuant to the requirements Section 22.68.070.

Airpark (land use). This land use consists of airfields, landing strips, and/or heliports, in compliance with the regulations of the Federal Aviation Administration (FAA), and California Division of Aeronautics.

Alley. A public or private roadway, not intended for general vehicle traffic circulation, that provides secondary vehicle access to the rear or side of lots having other public street frontage.

Alteration. Any construction or physical change in the internal arrangement of rooms or the supporting members of a structure, or a change in the external appearance of any structure, not including painting.

Animal Sales Lot. See "Livestock Operations, Sales Lots, Feedlots, Stockyards."

Antennas. See "Telecommunications Facilities."

Apartment. See "Multi-Family Housing."

Appealable Area. The areas described by Public Resources Code 30603.a.1 and .a.2, within which a County decision to approve a Coastal Permit for development may be appealed to the California Coastal Commission.

Appealable Development ~~(coastal):~~. Any local action on a Coastal Permit application for development that is ~~located~~ approved (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance; (2) within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff; and/or (3) on tidelands, submerged lands, or public trust lands. In addition, any local action ~~a County decision~~ on a Coastal Permit application for the following types of development is also appealable: (1) approval of a Coastal Permit~~s~~ for any development that is not designated as the principal permitted use under the zoning ordinance; and (2) approval or denial of a Coastal Permit for any development which constitutes a major public works project or a major energy facility.

Appeals Area Maps.~~:~~ For geographically-based appeals, the official Coastal Commission certified maps on file with the Community Development Agency which identify areas within the Coastal Zone where County decisions on Coastal Permit applications may be appealed to the Coastal Commission. Maps are illustrative but not determinative and Title 14 CCR Section 13577 is also utilized to determine the boundaries of appeal areas.

~~**Armoring Project (Coastal).** See "Shoreline Protective Device.".~~

Applicant. Any person, firm, partnership, association, joint venture, corporation, or any entity or combination of entities, which seeks County permits and approvals.

Applicant ~~(coastal)~~. Any "person" applying for a coastal permit as required by Public Resources Code Section 30600 in order to undertake development. See definition of person.

Approval. An official sanction that includes both approval and approval with conditions.

Aquaculture (land use). ~~efined in Section 17 of the Fish and Game Code~~A form of agriculture devoted to the propagation, cultivation, maintenance, and harvesting of aquatic plants and animals in marine, brackish, and fresh water. Aquaculture products are agricultural products and aquaculture facilities and land uses shall be treated as agricultural facilities and land uses in all planning and permit- issuing decisions.

Arborist. An arborist is 1) a person currently certified by the Western Chapter of the International Society of Arboriculture as an expert on the care of trees; 2) a consulting arborist who satisfies the requirements of the American Society of Consulting Arborists; or 3) such other qualified professionals who the Director determines has gained through experience the qualifications to evaluate (a) tree health and necessary steps to protect same, and/or (b) safety issues with tree health and configuration, including to identify when hazardous tree removal may be necessary, including developing recommendations on when and how to remove or replace trees.

Architectural Deviation ~~(non-coastal)~~. A discretionary land use permit established by Chapter 22.46 (Floating Home Adjustments and Deviations) to evaluate floating homes that are between 16 and 20 feet in height. The review considers the appropriateness of project design as it relates to the aesthetics and scale of neighboring floating homes, as well as views within and to the marina.

Area Median Income. Median income for Marin County as published by the U.S. Department of Housing and Urban Development (HUD) or the California Department of Housing and Community Development (HCD) with adjustments for household size. Applicable schedule to be applied at the discretion of the Director.

Ark. Any vessel, boat, craft, or structure originally designed to float that is now permanently grounded or supported by a foundation or piling.

Armoring Project ~~(Coastal)~~. See "Shoreline Protective Device.".

Assessor's Parcel. A unit of real property recognized by the Marin County Assessor's Office for tax purposes, mapped and assigned an Assessor's Parcel Number by the Assessor's Office.

Auto, Mobile Home, Vehicle, Parts Sales (land use). This land use consists of the retail sale and/or rental of the following (vehicles may be new or used):

- automobiles
- boats
- campers
- dealerships
- golf carts
- jet skis
- mobile homes
- motorcycles
- motorized farm equipment

- recreational and utility trailers

- repair shops with new car

- snowmobiles

- tires

- trucks

- vans

- vehicle accessories

- vehicle parts

Does not include: bicycle and moped sales (see "Retail Stores, General Merchandise"); tire recapping establishments (see "Repair and Maintenance - Vehicle"); businesses dealing exclusively in used parts, (see "Recycling, Scrap and Dismantling Yards"); or "Service Stations," which are separately defined.

Automatic Teller Machine (ATM) (land use). This land use consists of machines used by bank and financial service patrons for conducting transactions, including deposits, withdrawals and fund transfers, without contact with financial institution personnel. The machines may be located at or within banks, or in other locations, in compliance with this Development Code.

Automobile Dismantling Yard. See "Recycling Facilities, #6, Scrap, and Dismantling Yards."

Automobile Repair. See "Repair and Maintenance, Vehicle."

Average agricultural slope. The average percent slope of new or existing agricultural land prior to the commencement of any agricultural planting work. All average slopes shall be calculated using the most recent data from the United States Geological Survey (USGS), field-based documentation surveyed cross-sections, or computer generated topographic mapping.

Avian Migratory Concentration Point. Avian migratory concentration point refers to both the place of departure and the destination of birds from one region to another, especially as a result of seasonal or periodic movement in order to breed, seek food, or to avoid unsuitable weather conditions.

B. Definitions, "B."

Banks and Financial Services (land use). This land use consists of financial institutions including:

- banks and trust companies
- credit agencies
- holding (but not primarily operating) companies
- lending and thrift institutions
- other investment companies
- securities/commodity contract brokers and dealers
- security and commodity exchanges
- vehicle finance (equity) leasing agencies

See also, "Automatic Teller Machine," above.

Bars and Drinking Places (land use). This land use consists of the sale of alcoholic beverages for on- site consumption, not as part of a larger restaurant. Includes bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. May include entertainment (e.g., live music and/or dancing). May also include beer brewing as part of a microbrewery, and other beverage tasting facilities.

Base Density. This definition applies only to projects that seek a density bonus as defined in this Chapter. The base density is either 1) ~~the number of units/lots that are calculated using the minimum lot area or~~ otherwise maximum allowable residential density associated with the zoning district, after taking into consideration all building constraints (e.g. including LCP requirements for steep slopes, buffers for wetlands and sensitive habitats, and setbacks for geologic hazards); or, outside the coastal zone, 2) the maximum density allowed by the Built Environment Element of the Countywide Plan including provisions applicable to sites with sensitive habitat, or located within the Ridge and Upland Greenbelt, or lacking public water or sewer systems, or if the project will result in an exceedance to the Level of Service Standards. Where the density allowed outside the coastal zone under the zoning ordinance is inconsistent with the density allowed under the Built Environment Element, the Built Environment Element density shall prevail.

Basement. A story which is partly or completely below grade.

Bay Window. A window enclosure that projects from an exterior wall and is at least 18 inches above the adjoining finished floor as measured to the lowest horizontal plane of the projection. To be considered a bay window for the purposes of allowed exemptions and floor area, the windowed enclosure shall not occupy an area greater than 25 percent of any individual wall element of the building for each story or extend more than 30 inches from the exterior wall.

Beach ~~(coastal)~~. The expanse of sand, gravel, cobble or other loose material that extends landward from the low water line to the place where there is distinguishable change in physiographic form, or to the line of permanent vegetation. The seaward limit of a beach (unless specified otherwise) is the mean low water line.

Bed and Breakfast Inns (land use). This land use consists of providing up to five guest bedrooms for overnight lodging, where the use is clearly secondary and incidental to the use of the property as a single-family residence, or, in certain agricultural zoning districts and agricultural dwelling units, permissible only within otherwise allowable agricultural dwelling units and clearly secondary and incidental to the use of the property for agricultural production. County requirements applicable to Bed and Breakfast Inns are in Section 22.32.040 (Bed and Breakfast Inns), and applicable Health Department regulations, and the LCP. A Bed and Breakfast Inn with more than five guest rooms is considered a hotel or motel, and is not permitted in a residential or agricultural zoning district. Refer to the definition of "Room Rental" to distinguish between a Bed and Breakfast Inn and room rental in a "boarding house" situation.

Below Market Rate. Housing that is sold or rented at a price which is below the prevailing rate for equivalent housing units within the same community.

Beneficial Use of Water ~~(coastal)~~. Use of waters of the state including domestic, municipal, agricultural and industrial supply; power generation; recreation; aesthetic enjoyment; navigation; and preservation and enhancement of fish, wildlife, and other aquatic resources or preserves.

Best Management Practices (BMPs) ~~(coastal)~~. Methods that have been determined to be the most effective, practical means of preventing, reducing, and treating pollutants found in runoff-such as pollutants carried by stormwater and irrigation runoff.

Beverage Production (land use). This land use consists of manufacturing facilities including bottling plants, breweries, coffee roasting, soft drink production, and wineries. Does not include milk processing; see "Food Products." May include tasting and accessory retail sales of beverages produced on site. A tasting

facility separate from the manufacturing facility is included under the definition of "Bars and Drinking Places" if alcoholic beverages are tasted, and under "Restaurant" if beverages are non-alcoholic.

Billboard. Any sign advertising, indicating, or identifying a use, activity, or other entity not on the same premises as the sign.

Block. A group of lots surrounded by streets or roads, or streets or roads and railroad right-of-way, mean high tide line or unsubdivided acreage.

Blue Line Stream. A watercourse shown as a blue line (perennial or intermittent) on the most recent appropriate USGS data.

Bluff ~~(coastal)~~. Those bluffs, the toe of which is now or was historically (generally within the last 200 years) subject to marine erosion; and those bluffs the toe of which is not now or was not historically subject to marine erosion, but the toe of which lies within an area otherwise identified in Public Resources Code Section 30603(a)(1) or (2). ~~A high bank or bold headland with a broad, precipitous, sometimes rounded cliff face overlooking a plain or body of water. A bluff may consist of a steep cliff face below and a more sloping upper bluff above.~~

Bluff Edge ~~(coastal)~~. The upper termination of a bluff, cliff, or seacliff. In cases where the top edge of the bluff is rounded away from the face of the bluff as a result of erosional processes related to the presence of the steep bluff face, the bluff line or edge shall be defined as that point nearest the bluff beyond which the downward gradient of the surface increases more or less continuously until it reaches the general gradient of the bluff. In a case where there is a steplike feature at the top of the bluff face, the landward edge of the topmost riser shall be taken to be the bluff edge. The termini of the bluff line, or edge along the seaward face of the bluff, shall be defined as a point reached by bisecting the angle formed by a line coinciding with the general trend of the bluff line along the seaward face of the bluff, and a line coinciding with the general trend of the bluff line along the inland facing portion of the bluff. Five hundred feet shall be the minimum length of bluff line or edge to be used in making these determinations. Bluff edges typically retreat landward due to coastal erosion, landslides, development of gullies, or by grading (cut). In areas where the bluff top or bluff face has been cut or notched by grading, the bluff edge shall be the landwardmost position of either the current or historic bluff edge. In areas where fill has been placed near or over the historic bluff edge, the original natural bluff edge, even if buried beneath fill, shall be taken to be the bluff edge.

Blufftop ~~(coastal)~~. The upper surface of a bluff extending ~~150 feet~~ inland from the bluff edge.

Blufftop Parcel ~~(coastal)~~. A parcel located wholly or partially on a blufftop.

Board, Board of Supervisors. The Board of Supervisors of the County of Marin, State of California.

Board, Board of Commissioners of the Housing Authority. The Board of Commissioners of the Housing Authority of the County of Marin, State of California.

Broadcasting Studios (land use). This land use consists of commercial and public communications facilities entirely within buildings, including radio and television broadcasting and receiving stations and studios. Transmission and receiving apparatus, including antennas and towers, are included under the definition of "Telecommunications Facilities."

Buffer Zone. An area which separates development from some identified constraint and/or resource for purposes of safety, environmental protection or compatibility.

Building. Any structure, having a roof supported by columns or walls and usable for shelter, housing, or enclosure of any person, animal, equipment or material.

Building Area. The sum of the floor area of all floors in all buildings on a site. Unlike "Floor Area", building area includes garages, carports, storage buildings, and other attached or detached accessory structures.

Building Envelope. An area of real property identified for the construction of buildings.

Building, Main. See "Structure, primary."

Building Material Stores (land use). This land use consists of the retail sale of lumber and other large building materials, where most display and sales activities occur indoors. Products sold may include paint, wallpaper, glass, fixtures, nursery stock, and lawn and garden supplies. Includes stores selling to the general public, even if contractor sales account for a major proportion of total sales. Includes incidental retail ready-mix concrete operations, except where excluded by a specific zoning district. Establishments primarily selling electrical, plumbing, heating, and air conditioning equipment and supplies are classified in "Wholesaling and Distribution." Hardware stores are listed in the definition of "Retail Stores, General Merchandise," even if they sell some building materials.

Building Site. A lot or parcel that is recognized by the Community Development Agency as having been created in compliance with the governing zoning and development standards that includes an area where LCP consistent development can occur.

Bulk. When quantified, total interior cubic volume as measured from the exterior surfaces of the structure.

Business Support Services (land use). This land use consists of establishments located primarily within buildings, providing other businesses with services including maintenance, repair and service, testing, rental, etc. Examples of these services include:

- blueprinting
- business equipment repair services (except vehicle repair, see "Repair and Maintenance - Vehicle")
- commercial art and design (production)
- computer-related services (rental, repair)
- copying, quick printing, and blueprinting services
- equipment rental businesses within buildings (rental yards are "Storage Yards and Sales Lots")
- equipment repair services where repair occurs on the client site
- film processing laboratories
- graphic design
- janitorial services
- mail advertising services (reproduction and shipping)
- outdoor advertising services
- photocopying
- photofinishing
- secretarial and personnel services
- security services
- soils and materials testing laboratories
- window cleaning

C. Definitions, "C."

Cabinet Shop. See "Furniture and Fixtures" (land use).

California Environmental Quality Act (CEQA). See California Public Resources Code Sections 21000 et seq.

Campground (land use). This land use consists of land that is used or intended for use by camping parties, which may include individual campsites, but where utility hookups for recreational vehicles are typically not provided at campsites. See also "Recreational Vehicle Parks."

Car Deck. See "Parking Structure."

Cargo Container. A portable, rectangular metal storage container, generally with a height greater than five feet and with doors on one end, designed to be transported on trucks, rail cars, or ships, individually or stacked.

Carport. See "Parking Structure."

Categorical Exclusion. Any category of development, or any category of development within a specifically defined geographic area, that the Coastal Commission, after public hearing, and by two- thirds vote of its appointed members, has described or identified and with respect to which the Coastal Commission has found that there is no potential for any significant adverse effect, either individually or cumulatively, on coastal resources including public access to or along the coast, subject to the terms and conditions of the adopted exclusion.

Cemeteries, Columbariums and Mortuaries (land use). This land use consists of internment establishments engaged in subdividing property into cemetery lots and offering burial plots or air space for sale. Includes animal cemeteries; cemetery, mausoleum, crematorium and columbarium operations, and full-service funeral parlors, whether accessory to or separate from a cemetery or columbarium.

CEQA. See California Environmental Quality Act (CEQA).

Certificate of Compliance. A Certificate of Compliance is a document recorded by the County Recorder, which acknowledges that the subject parcel, which was typically created prior to current subdivision map requirements, is considered by the County to be a legal lot of record pursuant to the Subdivision Map Act. A Conditional Certificate of Compliance is a document recorded by the County Recorder, which acknowledges that a parcel was not legally divided pursuant to the Subdivision Map Act. Procedures for Certificates of Compliance may be found in Chapter 22.96 (Certificates of Compliance) of this Development Code. In the coastal zone, approval of a certificate of compliance does not alter the need for any required coastal permit.

Chemical Products (land use). This land use consists of the manufacture of chemicals and other products created predominantly by chemical processes. This definition includes the manufacture of three general classes of products: (1) basic chemicals, such as acids, alkalies, salts, and organic chemicals; (2) chemical products to be used in further manufacture, such as synthetic fibers, plastic materials, dry colors, and pigments; and (3) finished chemical products to be used for ultimate consumption, such as drugs and cosmetics, or to be used as materials or supplies in other industries such as paints, fertilizers, and explosives. Also includes sales and transportation establishments handling the chemicals described above in other than one of the uses included in the Retail Trade Group on the land use and permit tables.

Child Day-Care Facilities (land use). This land use consists of the provision of nonmedical care and supervision of minor children for periods of less than 24 hours. This land use includes the following types of facilities, all of which are required to be licensed by the California State Department of Social Services:

1. **Child Day-Care Center (land use).** This land use consists of commercial or non-profit child day-care facilities designed and approved to accommodate 15 or more children. Includes infant centers, preschools, sick-child centers, and school-age day-care facilities. These may be operated in conjunction with other approved land uses, or as an independent land use.

2. **Large Family Day-Care Home (land use).** This land use consists of a day-care facility located in a single-family residence where an occupant of the residence provides care and supervision for eight to 14 children. Children under the age of 10 years who reside in the home count as children served by the day-care facility.

3. **Small Family Day-Care Home (land use).** This land use consists of a day-care facility located in a single-family residence where an occupant of the residence provides care and supervision for either six or fewer children, or eight or fewer children provided that no more than two of the children are under the age of two and at least two of the children are over the age of six. Children under the age of 10 years who reside in the home count as children served by the day-care facility.

Churches. See "Religious Places of Worship."

Clothing Products (land use). This land use consists of the manufacture of clothing, and the fabrication of products by cutting and sewing purchased textile fabrics, and related materials such as leather, rubberized fabrics, plastics and furs. Custom tailors and dressmakers not operating as a factory and not located on the site of a clothing store ("Retail Stores, General Merchandise") are instead included under "Personal Services." See also, "Textile and Leather Products."

Coastal Act. The California Coastal Act of 1976, enacted by the legislature in response to the 1972 ballot initiative known as Proposition 20. See Public Resources Code Section 30000 et seq.

Coastal Commission. The California Coastal Commission as established by the California Coastal Act of 1976.

Coastal Dependent Use. Any development or use that requires a site on, or adjacent to the ocean to function.

Coastal Permit. A discretionary land use permit, also referred to as a coastal development permit, required pursuant to Public Resources Code Section 30600(a), that may be granted in compliance with Article V and related provisions cited within 22.32 and 22.130 (Coastal Zones – Permit Requirements and Development Standards), and which authorizes development on a specific site, subject to compliance with any conditions of approval imposed on the permit.

Coastal-Related Development ~~**(coastal)**~~. Any use that is dependent on a coastal-dependent development or use.

Coastal Resources ~~**(coastal):**~~**.** Include, but are not limited to:: public access and public access facilities and opportunities, recreation areas and recreational facilities and opportunities (including for recreational water-oriented activities), public views, natural landforms, marine resources, watercourses (e.g., rivers. streams, creeks) and their related corridors, waterbodies (e.g., wetlands. estuaries. lakes) and their related uplands, groundwater resources, biological resources, environmentally sensitive habitat areas, agricultural lands, and archaeological or paleontological resources, all as addressed in Chapter 3 of the California Coastal Act (Public Resources Code Section 30200 et. Seq..

Coastal Stream ~~**(coastal)**~~**.** See "Stream ~~(coastal)~~."

Coastal Zone ~~**(coastal)**~~**.** That land and water area, which includes parts of the County of Marin, specified on the maps identified and set forth in Section 17 of that chapter of the Statutes of the 1975-76
Regular Session enacting the California Coastal Act of 1976, extending seaward to the state's outer limit of jurisdiction, including all offshore islands, and extending inland generally 1,000 yards from the mean high tide line of the sea. In significant coastal estuarine, habitat, and recreational areas it extends inland to the first major ridgeline paralleling the sea or five miles from the mean high tide line of the sea, whichever is less, and in developed urban areas the zone generally extends inland less than 1,000 yards.
The coastal zone does not include the area of jurisdiction of the San Francisco Bay Conservation and

Development Commission, established pursuant to Title 7.2 (commencing with Section 66600) of the Government Code, nor any area contiguous thereto, including any river, stream, tributary, creek, or flood control or drainage channel flowing into such area.

Coastal Zoning Districts. Any of the coastal zoning districts established by Article V (Coastal Zones – Permit Requirements and Development Standards), including:

C-ARP (Coastal, Agricultural Residential Planned) C-APZ (Coastal, Agricultural Production Zone)

C-RA (Coastal, Residential Agricultural) C-R1 (Coastal, Single-Family Residence) C-R2 (Coastal, Two-Family Residence)

C-RMP (Coastal, Residential Multiple Planned)

C-RSP (Coastal, Residential Single-Family Planned) C-RSPS (Coastal, Residential Single-Family Planned, Seadrift Subdivision)

C-CP (Coastal, Planned Commercial)

C-H1 (Coastal, Limited Roadside Business) C-VCR (Coastal, Village Commercial Residential)

C-OA (Coastal, Open Area)

C-RMPC (Coastal, Residential Multiple Planned Commercial)

C-RCR (Coastal, Resort Commercial Recreation)

Co-Located. A telecommunications facility site where a structure contains antennas for more than one telecommunications service or service providers.

Combining District. A combining district is a supplementary zoning designation that is applied to property in addition to a primary zoning district to highlight special regulations that apply to properties within the combining district. The combining districts established by Section 22.06.020 (Zoning Districts Established), include -B (Minimum Lot Size), and -BFC (Bayfront Conservation). In the coastal zone, combining districts are specified in 22.62.090 – Coastal Special Purpose and Combining Districts.

Commercial District or Zone. Any of the commercial zoning districts established by Sections 22.06.020 (Zoning Districts Established), or Article V (Coastal Zones – Permit Requirements and Development Standards) including:

VCR (Village Commercial/Residential)	C-VCR (Coastal, Village Commercial/ Residential)
RMPC (Residential/Commercial Multiple Planned)	C-RMPC (Coastal, Residential/Commercial Multiple Planned)
C1 (Retail Business)	C-H1 (Coastal, Limited Roadside Business)
CP (Planned Commercial)	C-CP (Coastal, Planned Commercial)
AP (Administrative and Professional)	C-RCR (Coastal, Resort and Commercial
OP (Planned Office)	

H1 (Limited Roadside Business) Recreation)

RCR (Resort and Commercial Recreation)

Commercial Gardening (land use). This land use consists of small-scale truck gardening, tree farming, and other similar agricultural production activities, where products are sold off-site.

Commercial Parking and Vehicle Storage (land use). This land use consists of service establishments in the business of storing operative cars, buses, recreational vehicles, and other motor vehicles for clients. Includes both day use and long-term public and commercial garages, parking lots and structures, except when accessory to a principal use. Includes sites where vehicles are stored for rental or leasing. All principal uses are considered to include any customer or public use off-street parking required by this Development Code. Does not include dismantling yards; see "Recycling, Scrap and Dismantling Yards."

Commercial Recreational Facilities ~~(coastal)~~. Facilities such as riding stables, chartered fishing boats, amusement or marine parks, operated for private profit.

Commission. See "Planning Commission."

Common Interest Development. A condominium, community apartment project, planned development or stock cooperative, as provided by California Civil Code Section 1351, where individually-owned housing units are located together on a parcel or within a building that is owned in common by all owners of individual units.

Community Apartment Project. A development in which an undivided interest in land is coupled with the right of exclusive occupancy of any apartment located thereon; as defined in Business and Professions Code Section 11004 and Civil Code Section 1351(d).

Community Centers (land use). This land use consists of multi-purpose meeting and recreational facilities that are designed to enhance public recreational access and visitor-serving opportunities, and typically consist of one or more meeting or multi-purpose rooms, kitchen and/or outdoor barbecue facilities, that are available for use by various groups for such activities as meetings, parties, receptions, dances, etc.

Community Garden (land use). This land use consists of public or private gardening for non- commercial neighborhood or community use where there is usually a formal or informal sharing of cultivation and maintenance responsibilities. Unlike parks and playgrounds, where plantings are often ornamental and ecological, community gardens emphasize planting of vegetables and agricultural crops.

Community Plan. A planning document which sets forth goals, objectives, policies, and programs to address specific issues related to a particular unincorporated community. Community Plans are considered part of the Marin Countywide Plan.

Completeness Determination. The review of a land use permit application and all supporting materials to determine whether the submittal includes all information and materials required by the Agency to analyze a proposed development's compliance with the relevant standard of review.

Concrete, Gypsum, and Plaster Products (land use). This land use consists of the manufacture of bulk concrete, concrete building block, brick and all types of precast and prefab concrete products. Also includes ready-mix concrete batch plants, lime manufacturing, and the manufacture of gypsum products, such as plasterboard. A retail ready-mix concrete operation as an incidental use in conjunction with a building materials outlet is defined under "Building Material Stores."

Conditional Use ~~(coastal)~~. A land use allowed in the applicable zoning district by Article V~~5~~ (Zoning Districts and Allowable Land uses) which is not otherwise permitted in that district, but which may be permitted by the County through a Use Permit under conditions set forth in the Development Code. County decisions on Coastal Permits allowing such uses are appealable to the California Coastal Commission. [See Section 22.70.080.B.1 for Appeal of Coastal Permit Decisions

Conditions, Covenants, and Restrictions (CC&Rs). A declaration recorded with the title to a parcel that may establish private provisions governing how a property shall be held, conveyed, encumbered, leased, rented, used, occupied, and/or improved. Private CC&Rs are not administered or enforced by the County, but CC&Rs emanating from permitting terms and conditions may be.

Condominium. As defined by Civil Code Section 1351.f, a development where undivided interest in common in a portion of real property is coupled with a separate interest in space called a unit, the boundaries of which are described on a recorded final map, parcel map, or condominium plan. The area within the boundaries may be filled with air, earth, or water, or any combination, and need not be physically attached to any land except by easements for access and, if necessary, support.

Construction Equipment Sales (land use). This land use consists of the retail sale or rental of heavy construction equipment, including cranes, earth moving equipment, heavy trucks, etc.

Construction Yard (land use). This land use consists of the outdoor storage of vehicles and large equipment, or other materials commonly used in the construction business; storage of scrap materials used for repair and maintenance of construction equipment; and buildings or structures for uses including offices and repair facilities.

Contiguous Properties. For the purposes of Chapter 22.92 (Merger of Parcels) and for all certified LCP purposes, all adjoining land owned or controlled by the applicant, the property lines of which touch or join at one or more points, or the property lines of which are separated only by a public or private street, road or other public or private right-of-way, or separated only by other land owned by the applicant.

Conventional District. Any zoning district established by Sections 22.06.020 (Zoning Districts Established), and Article V (Coastal Zones – Permit Requirements and Development Standards), that is not included under the definition of "Planned District" provided by this Chapter. The conventional districts include:

A (Agriculture and Conservation)
A2 (Limited Agriculture)
RA (Residential, Agricultural)
C-RA (Coastal, Residential, Agricultural)
RR (Residential, Restricted)
RE (Residential, Estate)
R1 (Residential, Single-Family)
C-R1 (Coastal, Residential, Single-Family)
R2 (Residential, Two-Family)
C-R2 (Coastal, Residential, Two-Family)
VCR (Village Commercial/Residential)
C1 (Retail Business)
AP (Administrative and Professional)
H1 (Limited Roadside Business)
C-VCR (Coastal, Village Commercial/Residential)
C-H1 (Coastal, Limited Roadside Business)
OA (Open Area)
C-OA (Coastal, Open Area)
PF (Public Facilities)

Cottage Industry (land use). This land use consists of the design, light manufacturing or product assembly, and the sale of products and services inside a dwelling or within an accessory building located on the same site as the dwelling, by the inhabitants of the dwelling. This land use involves the design, manufacture, and sale of the following products and services, or other uses determined by the Director to be similar in nature including: See Section 22.32.060 (Cottage Industries).

- antique repair and refinishing
- jewelry making

- baking & food preparation for off-site consumption
- batik and tie dyeing
- catering
- ceramics
- dress making, cloth decoration, etc.
- furniture and cabinet making, other woodworking
- painting and sculpture
- photography
- sewing
- weaving
- other handcrafts

County. The County of Marin, State of California, referred to in this Development Code as "the County."

County Boundary. The boundary of the unincorporated limits of the County of Marin.

County Code. The Marin County Code.

Countywide Plan. The Marin Countywide Plan, including all of its elements and amendments, and all Community Plans, as adopted by the Board of Supervisors under the provisions of the Government Code (Sections 65300 et seq.), and referred to in this Development Code as the "Countywide Plan." The Countywide Plan is not a part of the LCP.

Coverage. See "Site Coverage."

Crop Production (land use). This land use consists of commercial agricultural field and orchard uses, including production of:

- field crops
- flowers and seeds
- fruits
- grains
- melons
- ornamental crops
- tree nuts
- trees and sod
- vegetables

Also includes associated crop preparation services and harvesting activities, such as mechanical soil preparation, irrigation system construction, spraying, and crop harvesting

Cumulative Effects ~~(coastal)~~. The incremental effects of an individual project reviewed in connection with the effects of past projects, the effects of other current projects, and the effects of planned or probable future projects.

D. Definitions, "D."

DBH. See "Diameter at breast height"

Dairy Operations (land use). This land use consists of specialized and intensive commercial animal facilities for the raising and keeping of dairy animals, including facilities for milking.

Demolition. The act of tearing down, removing, or replacing an existing building, structure, or other physical improvement.

Density. The number of dwellings per acre of lot area, unless otherwise stated, for residential uses.

Density Bonus. An increase in the number of dwelling units over the ~~base density~~ otherwise maximum allowable residential density as of the date of application by the Applicant.

Design Review. See Chapter 22.42 (Design Review). Design review requirements are contained in Chapter 22.42 rather than in the LCP and such design review requirements apply independent of, and in addition to, coastal permit requirements.

Development ~~(coastal)~~. On land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511 of the Public Resources Code).

As used in this section, "structure" includes any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

Development Code. The Marin County Development Code, Title 22 of the Marin County Code, referred to herein as "this Development Code." Development Code Sections 22.60 through 22.70, the portions of 22.32 and 22.130 that apply in the coastal zone, and all associated zoning maps, constitutes the LCP Implementation Plan.

Development Permit. See "Land Use Permit."

Development Project ~~(non-coastal)~~. "Development project" includes a project involving the issuance of a permit for construction or reconstruction but not a permit to operate. "Development project" does not include any ministerial projects proposed to be carried out or approved by public agencies.

Diameter at Breast Height (DBH). DBH means the diameter of a tree trunk measured in inches at a height of 4.5 feet above ground while standing on level ground or from the uphill side of the tree. If a tree splits into multiple trunks below 4.5 feet, the trunk is measured at its most narrow point beneath the split.

Director. The Director of the Marin County Community Development Agency or designee of the Director, referred to throughout this Development Code as "Director."

Disabled. A person with: (1) a physical or mental impairment which substantially limits one or more of a person's major life activities; (2) a record of having such an impairment; or (3) being regarded as having such an impairment.

~~**Disaster (coastal).** Any situation in which the force or forces which destroy a structure were beyond the control of its owner. (Adapted from Public Resources Code Section 30610(g)(2)(A)).~~

Discretionary Permit. A permit granted by a review authority in response to a land use permit application after applying the exercise of judgment or deliberation prior to making a decision. Includes any of the following entitlements/approvals established by Article IV (Land Use and Development Permits): Coastal Permits, Design Review, Floating Home Adjustment Permits, Floating Home Architectural Deviations, Master Plans and Precise Development Plans, Use Permits, Sign Review, Temporary Use Permits, Tentative Maps, Tidelands Permits, and Variances. See also "Ministerial Permit."

Discretionary Project. A development project which requires the exercise of judgment or deliberation when the public agency or body decides to approve or disapprove a particular activity, as distinguished from situations where the public agency or body merely determines whether there has been conformity with applicable statutes, ordinances, or regulations. A timber harvesting plan submitted to the State Forester for approval under the requirements of the Z'berg-Nejedly Forest Practice Act of 1973 (Pub. Res. Code Sections 4511 et seq.) constitutes a discretionary project within the meaning of the California Environmental Quality Act Section 21065(c).

Disruption of habitat values~~ (coastal)~~. Disruption of habitat values may occurs~~-~~ when the physical habitat is significantly altered or when species diversity or the abundance or viability of species populations is reduced. The type of the proposed development, the particulars of its design, and location in relation to the habitat area, will affect the determination of disruption.

Division of Land~~ (coastal)~~. ~~Creation of one or more lots~~ A change in the intensity or density of use of land, including subdivision (through parcel map, tract map, grant deed), lot line adjustments, redivisions, mergers and certificates of compliance.

Domestic Water Use~~ (coastal)~~. Domestic water use is approved, potable water used for indoor and outdoor household and other non-residential purposes including drinking, cooking, personal hygiene, irrigation and the general operation of plumbing fixtures.

Dripline. A vertical line extending from the outermost edge of the tree canopy to the ground.

Drive-in and Drive-thru Sales (land use). This land use consists of the retail sale of food or other products to motorists who do not leave their vehicles to complete their purchases. Examples of facilities included under this land use are fast-food restaurants, drive-through photo processing facilities, coffee sales, dairy product stores, pharmacies, etc.

Drive-in and Drive-thru Services (land use). This land use consists of services provided to motorists who do not leave their vehicles to obtain the services. Examples of facilities included under this land use are drive-up bank teller windows, dry cleaners, etc. Does not include: automatic teller machines (ATMs) or automobile service stations, which are separately defined; or car washes (see "Repair and Maintenance - Vehicle").

Driveway. A vehicular access extending from an improved street to a building site.

Dune~~ (coastal)~~. Ridges or mounds of loose, wind-blown material, usually sand. A dune structure often has a back and foredune area. Stable dunes are often colonized by vegetation.

Dwelling, or Dwelling Unit. A room or group of internally connected rooms that have sleeping, food preparation, eating, and sanitation facilities, but typically not more than one kitchen, which constitute an independent

housekeeping unit, occupied by or intended for one household on a long-term basis. Types of dwellings include single-family dwellings, two-family dwellings, multi-family dwellings, mobile homes, condominiums and townhouses, floating homes, and independent living units for the elderly

E. Definitions, "E."

Easement, Conservation or Scenic. A grant of partial title from a landowner to a public or nonprofit agency for the purpose of protecting on-site environmental resources or scenic features by limiting the future development of the property.

Educational Tours (land use). Interactive excursion for groups and organizations for the purpose of informing them of the unique aspects of a property, including agricultural operations and environmental resources.

Effective Date of the Coastal Act ~~(Coastal)~~. February 1, 1973 for areas subject to the Coastal Zone Conservation Act and January 1, 1977 for areas identified as the Coastal Zone and subject to the Coastal Act.

Electrical and Electronic Equipment, Instruments (land use). This land use consists of the manufacture of manufacturing machinery, apparatus, and supplies for the generation, storage, transmission, transformation and use of electrical energy. Examples of these products include:

- appliances including stoves/ovens, refrigerators, freezers, laundry equipment, fans, vacuum cleaners, sewing machines
- aviation instruments
- computers, computer components, peripherals
- electrical transmission and distribution equipment
- electronic components and accessories, semiconductors, integrated circuits, related devices
- electrical welding apparatus
- lighting and wiring equipment such as lamps and fixtures, wiring devices, vehicle lighting
- industrial controls, instruments for measurement, testing, analysis and control, associated sensors and accessories, miscellaneous electrical machinery, equipment and supplies such as batteries, X-ray apparatus and tubes, electromedical and electrotherapeutic apparatus, electrical equipment for internal combustion engines
- motors and generators
- optical instruments and lenses
- photographic equipment and supplies
- radio and television receiving equipment
- surgical, medical and dental instruments, equipment, and supplies
- storage media, blank and pre-recorded, including magnetic, magneto-optical, and optical products such as compact disks (CDs), computer diskettes and hard drives, digital versatile disks (DVDs), magnetic tape products, phonograph records, etc.
- surveying and drafting instruments
- telephone and telegraph apparatus
- transformers, switch gear and switchboards
- watches and clocks

Does not include testing laboratories (soils, materials testing, etc.) (see "Business Support Services"), or research and development facilities separate from manufacturing (see "Research and Development").

Emergency. A sudden, unexpected occurrence demanding immediate action to prevent or mitigate loss of, or damage to life, health, property, or essential public services.

Employee Housing. An accessory residential dwelling unit located in a commercial building on a parcel having a primary commercial land use and occupied by an employee of the commercial use on the same property or a family member who is actively engaged in such commercial use.

Endangered Species. An Endangered Species is an animal or plant species in danger of extinction throughout all or a significant portion of its range, as determined by the U.S. Fish and Wildlife Service or National Oceanic and Atmospheric Administration consistent with the Endangered Species Act of 1973, or as designated by the California Department of Fish and Wildlife consistent with the California Endangered Species Act.

Energy Production Facility ~~(coastal)~~. Any public or private processing, producing, generating, storing, transmitting, or recovering facility for renewable or non-renewable energy resources, electricity, natural gas, petroleum, coals, solar or wind conversion, wave and tidal energy, biogas, or other source of energy.

Environmental Impact Report (EIR). An informational document prepared pursuant to the California Environmental Quality Act (CEQA). Please refer to CEQA Section 21061 for a complete definition of an EIR.

Environmental Impact Statement (EIS). An informational document that analyzes a project's significant environmental effects and identifies mitigation measures and reasonable alternatives, prepared pursuant to the National Environmental Policy Act (NEPA).

Environmentally Sensitive Habitat Area (ESHA) ~~(coastal)~~. Areas in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments. ESHAs include wetlands, coastal streams and riparian vegetation, and terrestrial ESHA.

Environmentally Sensitive Habitat Area (ESHA), Terrestrial ~~(coastal)~~. Includes non-aquatic ESHA, including habitats of plant and animal species listed under the Federal or California Endangered Species Act and existing populations of the plants listed as 1b or 2 by the California Native Plant Society; coastal dunes; groves of trees that provide colonial nesting and roosting habitat for butterflies or other wildlife; and riparian vegetation that is not associated with watercourse. Does not include "Stream ~~(coastal)~~" or "Wetland ~~(coastal)~~". See also, "Environmentally Sensitive Habitat Area (ESHA)~~(coastal)~~" and "Riparian Vegetation ~~(coastal)~~".

Equestrian Facilities (land use). This land use consists of the commercial keeping of horses, donkeys, and mules in facilities, including:

- horse ranches
- boarding stables
- riding schools and academies
- horse exhibition facilities
- pack stations

This land use includes barns, stables, corrals, and paddocks accessory and incidental to the above uses. Noncommercial facilities of this type are included in the definition of "Agricultural Accessory Structures." This land use does not include the boarding of up to five horses on property in the ARP, C-ARP and C-APZ zones as indicated in Standard 5 of Table 3-7 (General Requirements for the Keeping of Large Animals).

ESHA ~~**(coastal)**~~ **.** See "Environmentally Sensitive Habitat Area."

Estuarine Habitats. A habitat made up of a mixture of fresh and salt waters.

Estuary ~~**(coastal)**~~**.** A coastal water body, usually semi-enclosed by land, having open, partially obstructed, or intermittent exchange with the open ocean, and in which ocean water is at least occasionally diluted by freshwater from the land. The salinity level may be periodically increased to above that of the open ocean due to evaporation. The mean high tide line shall be defined as the statistical mean of all the high tides over the cyclical period of 18.6 years, and shall be determined by reference to the records and elevations of tidal benchmarks established by the National Ocean Survey. In areas where observations covering a period of 18.6 years are not available, a determination may be made based on observations covering a shorter period, provided they are corrected to a mean value by comparison with observations made at some suitably located control tide station.

Existing ~~**(coastal)**~~**.** Extant on or after February 1, 1973. ~~at the time that a particular Coastal Permit application is accepted for filing~~.

Existing Residential Second Unit. A legally constructed and established second unit existing prior to March 27, 1987, or the effective dates of resolutions establishing Second Unit Use Permit standards in specific communities (September 29, 1983 in Bolinas, January 10, 1984 in the Tamalpais Area, and June 25, 1985 in Stinson Beach). Also, see Residential Second Unit.

Existing Structure ~~**(coastal)**~~**.** A structure that is legal or legal non-conforming. For the purpose of implementing LCP policies regarding shoreline protective devices, a structure in existence since February 1, 1973 ~~May13, 1982~~..

Exotic Animals. Non-domesticated animals that are carnivorous, poisonous, or not native to North America, commonly displayed in zoos as per Chapter 8.04 of the Marin County Code

F. Definitions, "F."

Factor of Safety ~~**(coastal)**~~**.** The quotient of the forces tending to resist a potential landslide divided by the forces tending to drive a potential landslide.

Family. One or more persons occupying a dwelling and living as a single, domestic housekeeping unit, as distinguished from a group occupying a hotel or motel, club, fraternity or sorority house.

Farm ~~**(coastal)**~~**.** A place of agricultural production for commercial purposes which has annual sales of agricultural products of one thousand dollars ($1,000) or more. For the C-APZ zoning district, the farm shall consist of all parcels owned (in either total or partial fee ownership) by the same owner of the property upon which a farmhouse is located. A farm shall consist of no less than all contiguous properties under common ownership. ~~Non-contiguous property may constitute a separate farm when determined to be a wholly independent farming operation, as evidenced by such factors as independent types of bona fide commercial agricultural production, the history of such agricultural production on the property, and the long-term capital investment in independent farming operations and infrastructure (such as fencing, processing facilities, marketing mechanisms, and agricultural worker housing).~~

Farm Equipment and Supplies Sales (land use). This land use consists of the retail sale, rental, or repair of agricultural machinery, equipment, and supplies for use in soil preparation and maintenance, the planting and harvesting of crops, and other operations and processes pertaining to farming and ranching.

Farm Operator ~~**(Coastal)**~~**.** The farm operator is the property owner or lessee who makes the day to day management decisions for the agricultural operation and is directly engaged in the production of agricultural commodities on the property.

Farm tract ~~(coastal)~~. All contiguous legal lots under a common ownership within a C-APZ zoning district. No more than one Agricultural Dwelling Cluster may be permitted per farm tract, whether it contains a single farmhouse or in a combination of a farmhouse and one or two intergenerational homes.

Farm Worker Housing. See "Agricultural Worker Housing."

Farmer's Markets (land use). This land use consists of the temporary and/or occasional outdoor retail sale of farm produce from vehicles or temporary stands, located within a parking lot, or a public right- of-way (where authorized by encroachment permit).

Farmhouse ~~(coastal)~~. A farmhouse consists of a building owned by the farm owner or operator actively and directly engaged in agricultural use of the property. Such buildings may include factory built, modular housing units, constructed in compliance with the Uniform Building Code (UBC), and mobile homes/manufactured housing on permanent foundations.

Feasible. That which is capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.

Fill ~~(coastal)~~. Earth or any other substance or material, including pilings placed for the purpose of placing structures thereon, placed in a submerged area. Also, a deposit of earth material placed by artificial means; any act by which earth, sand, gravel, rock, or any other material is placed, pushed, dumped, pulled, transported, or moved to a new location above the natural surface of the ground, on top of the stripped surface, or in a submerged area.

Final Map. A subdivision map prepared in compliance with Subdivision Map Act, Article 2, Chapter 2, and approved in compliance with Subdivision Map Act, Article ~~4~~IV, Chapter 3.

Fire Inspector. A person empowered by the chief of a fire department to inspect property for fire safe landscape, wildland management or fire protection.

First Public Road Paralleling the Sea. The "first public road paralleling the sea" means that road nearest to the sea, as defined in Section30115 of the Public Resources Code, which:

(a) Is lawfully open to uninterrupted public use and is suitable for such use;
(b) Is publicly maintained;
(c) Is an improved, all-weather road open to motor vehicle traffic in at least one direction;
(d) Is not subject to any restrictions on use by the public except when closed due to an emergency or when closed temporarily for military purposes; and
(e) Does in fact connect with other public roads providing a continuous access system, and generally parallels and follows the shoreline of the sea so as to include all portions of the sea where the physical features such as bays, lagoons, estuaries, and wetlands cause the waters of the sea to extend landward of the generally continuous coastline.

Fish Hatcheries and Game Reserves (land use). This land use consists of commercial fish hatcheries, rearing ponds, aquaculture, fish and game preserves, and game propagation. (See "Mariculture" for shellfish, kelp, algae, etc.)

Flag lot. See "Lot or Parcel."

Floating Home (land use). This land use consists of any boat, craft, living accommodation, or structure supported by means of flotation, designed to be used without a permanent foundation, that is used or intended for human habitation.

Floating Home Adjustment Permit. See Chapter 22.46 (Floating Home Adjustments and Deviations).

Floating Home Architectural Deviation. See Chapter 22.46 (Floating Home Adjustments and Deviations).

Floating Home Fairway. An area of water within a floating home marina that is used exclusively for access to other waters for vessels permanently moored in the floating home marina. A fairway shall not be used for the permanent mooring of any vessel or for piers, docks, ramps, walkways or other exit ways.

Floating Home Marina (land use). This land use consists of a facility that contains one or more berthing spaces for floating homes.

Flood Hazard Zone ~~(coastal)~~. Geographic areas defined by the Federal Emergency Management Agency according to varying levels of flood risk which are depicted on a community's Flood Insurance Rate Map (FIRM). Flood Hazard Zones with a "V" designation are located in coastal areas which have a one percent or greater chance of annual flooding and an additional hazard associated with storm waves (also referred to as the "V Zone").

Flood Velocity Zone ~~(coastal)~~. See "Flood Hazard Zone."

Floodproofing. Any combination of structural and non-structural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

The National Flood Insurance Program (NFIP) allows a new or substantially improved non-residential building in an A Zone (Zone A, AE, A1-30, AR, AO or AH) to have a lowest floor below the Base Flood Elevation (BFE), provided that the design and methods of construction have been certified by a registered professional engineer or architect as being dry floodproofed in accordance with established criteria. Floodproofing of areas below the BFE in residential buildings is not permitted under the NFIP except in communities that have been granted an exception to permit floodproofed basements. Floodproofing is not permitted in Coastal High Hazard Areas (Zone V, VE, or V1-30). It is recommended that floodproofing be implemented up to one foot above BFE for a factor of safety and to receive full credit for flood insurance rating.

Floor Area. Except as specified by the Tamalpais Area Community Plan for development in that Plan area, the sum of the gross area of all floors in all buildings on a site, measured from the exterior faces of the exterior walls, including enclosed understory, basement, and attic space that can be easily converted to living area, but excluding:

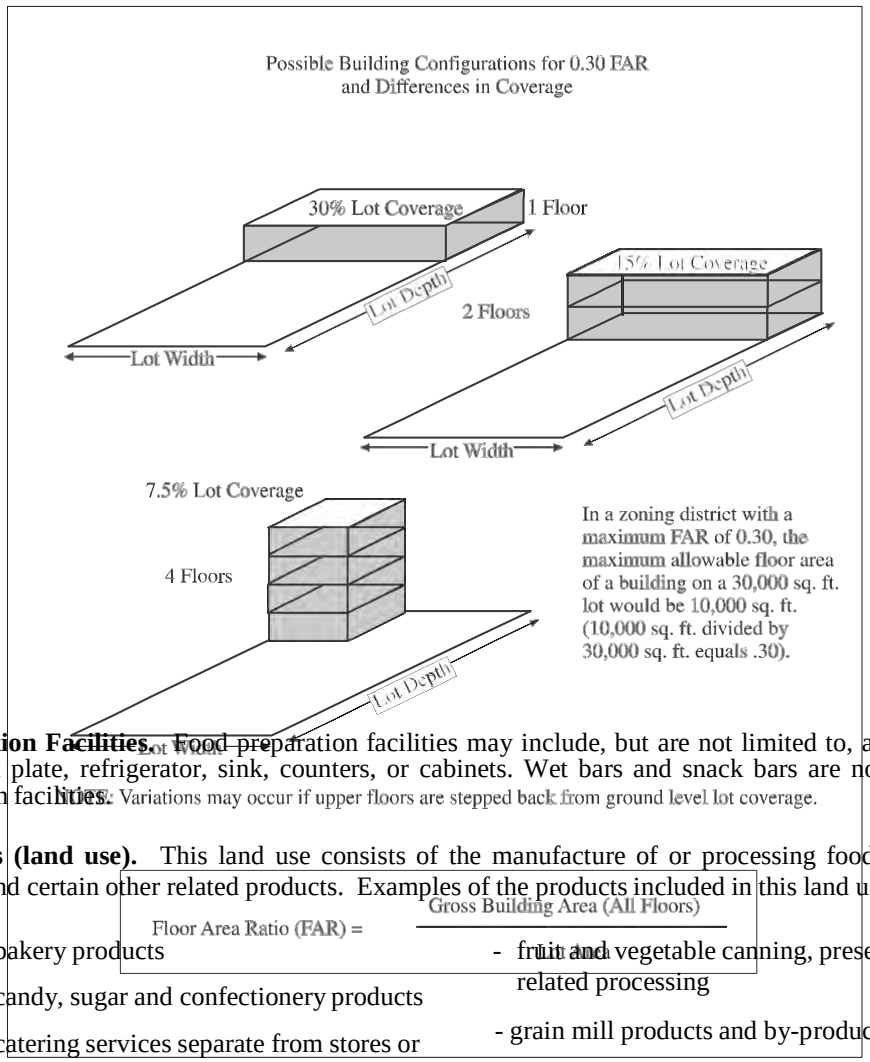
1. All unenclosed horizontal surfaces, including balconies, courts, decks, porches, terraces;
2. For single-family residential structures, the first 250 square feet of floor area of all detached accessory structures not designed for and/or used for habitable space;
3. For single-family residential structures, the first 540 square feet of garage areas permanently allocated for vehicle parking;
4. For two-family, multi-family, and non-residential structures, all floor area that is required to meet minimum parking standards under Title 24;
5. Exterior wall thickness of greater than 6 inches, where the additional wall thickness results in greater energy efficiency (e.g. straw bale construction or earthen wall construction), as demonstrated by the applicant and subject to the approval of the Director; and
6. Bay windows.

The floor area of stairways, elevators, and other vertical accesses, is included in the total floor area only as to the "footprint" (area at the base) of the vertical access, and is not counted at each floor of a building. In order to qualify as an unenclosed horizontal surface, at least one of the longest wall planes of the space shall be kept open with the exception that railings with a surface area that is at least 50% open and unobstructed by structural elements and that are necessary for safety or convenience purposes may be allowed within the open wall plane. As defined herein, understory, basement, and attic space that can be easily converted to living area include: (1) unconditioned and unimproved spaces that yield a minimum clear room area of 7 feet by 7 feet and a minimum ceiling height of 7 ½ feet or higher; and (2) all attic areas with a minimum ceiling height of 5 feet or higher.

Floor Area Ratio (FAR). The total floor area of all buildings on a lot, divided by the area of that lot. For example, a building with 3,000 square feet of floor area on a 10,000 square foot lot has a FAR of 0.30. See Figure 8-1 (Floor Area Ratio).

FIGURE 8-1

FLOOR AREA RATIO



$$\text{Floor Area Ratio (FAR)} = \frac{\text{Gross Building Area (All Floors)}}{\text{Lot Area}}$$

Food Preparation Facilities. Food preparation facilities may include, but are not limited to, a stove, oven, microwave, hot plate, refrigerator, sink, counters, or cabinets. Wet bars and snack bars are not considered food preparation facilities.

Food Products (land use). This land use consists of the manufacture of or processing foods for human consumption, and certain other related products. Examples of the products included in this land use are:

- bakery products
- candy, sugar and confectionery products
- catering services separate from stores or restaurants
- dairy products
- fats and oil products
- fruit and vegetable canning, preserving, related processing
- grain mill products and by-products
- meat, poultry, and seafood canning, curing, byproduct processing
- miscellaneous food item preparation from raw products

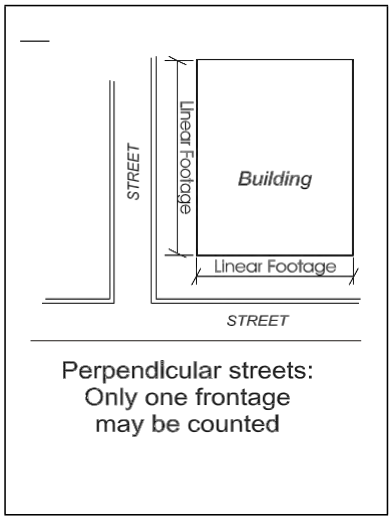
Does not include: bakeries which sell all products on site (see "Retail Stores, General Merchandise"); beer brewing as part of a brew pub, bar or restaurant (see "Bars and Drinking Places"); beverage production other than dairy products (see "Beverage Production"); slaughterhouses and rendering plants (see "Slaughterhouses and Rendering Plants"); or operations on crops after harvest (see "Agricultural Processing Uses").

Footprint. The horizontal surface area covered by a structure.

Forestry ~~(coastal)~~. The practice of cultivating, managing, using, and conserving forests.

Front Wall. The wall of the building or other structure nearest the street upon which the building faces.

Front Wall (Signs). For the purposes of Chapter 22.28 (Signs), the front wall is the wall of a structure that contains the primary entrance or entrances to the premises. If there are entrances in more than one wall, the longest of the walls in which primary entrances are located shall be the front wall. The front wall includes not only the wall itself, but all doors, windows, and other openings and projections. See Figure 8-2.



Frontage. See "Lot Frontage."

Fuel and Ice Dealers (land use). This land use consists of the retail sale to consumers of ice, bottled water, fuel oil, butane, propane and liquefied petroleum gas (LPG), bottled or in bulk, as a principal use.

Fully Protected Species. Fully Protected species is a classification of fish, amphibians, reptiles, birds and mammals established by the California Department of Fish and Wildlife prior to the Federal Endangered Species Act of 1973, to identify and provide additional protection to those animals that were rare or faced possible extinction at the time. Fully Protected species may not be taken or possessed at any time and no licenses or permits may be issued for their take except for collecting these species for necessary scientific research and relocation of the bird species for the protection of livestock. Species provided this classification are listed under the California Fish and Wildlife Code Sections 3511, 4700, 5050, and 5515, however some of the listed species names are no longer consistent with current scientific nomenclature.

Functional Capacity, Self-Sustaining Habitat ~~(coastal)~~. The ability of a habitat to be self-sustaining and to maintain natural species diversity or special-status species.

Furniture and Fixtures Manufacturing (land use). This land use consists of the manufacture of products including:

- bedsprings and mattresses
- drapery hardware
- household appliances
- lockers
- office furniture
- partitions
- shades
- shelving
- store furniture
- window blinds
- wood and metal household furniture

Includes wood and cabinet shops, but not sawmills or planing mills, which are instead included under "Lumber and Wood Products."

Furniture, Furnishings and Equipment Stores (land use). This land use consists of the retail sale of products including:

- draperies
- floor coverings
- furniture
- glass and chinaware
- home furnishings
- home sound systems
- large musical instruments
- lawn furniture
- movable spas and hot tubs
- office furniture
- other household electrical and gas appliances
- outdoor furniture
- refrigerators
- stoves
- televisions

G. Definitions, "G."

Garage, Carport, or Car Deck. See "Parking Structure."

General Plan. See "Marin Countywide Plan."

Glass Products (land use). This land use consists of the manufacture of flat glass and other glass products that are pressed, blown, or shaped from glass produced in the same establishment. Does not include artisan and craftsman type operations of a larger scale than home occupations; see "Handcraft Industries and Small Scale Manufacturing."

Golf Courses/Country Clubs (land use). This land use consists of golf courses, and accessory facilities and uses including: clubhouses with bar and restaurant, locker and shower facilities; driving ranges; "pro shops" for on-site sales of golfing equipment and clothing; and golf cart storage and sales facilities.

Grade. The ground elevation used as the basis for measurement of allowed structure height. Grade shall be the elevation of the natural or finished grade at the exterior surface of the structure, whichever is more restrictive, ~~and the elevation of the natural grade within the footprint of the structure~~ using a topographic map prepared by a licensed Civil Engineer or Land Surveyor. Retaining walls cannot be used to raise the "Grade" and increase the allowable height of a structure.

Grading~~ (coastal)~~. – Any excavation, stripping, cutting, filling, or stockpiling of soil material, or any combination thereof~~ that exceeds 50 cubic yards of material~~. As used in this Development Code, grading does not include plowing, tilling, harrowing, aerating, disking, planting, seeding, weeding, fertilizing or other similar routine agricultural cultivation practices for ongoing agricultural operations (see "Agricultural Production Activities, Ongoing").

Grantee/Grantor Index. The index to real property transfer transactions maintained by the Marin County Recorder.

Group Homes (land use). This land use consists of a dwelling unit licensed or supervised by any federal, state, or local health/welfare agency which provides 24-hour nonmedical care of unrelated persons who are not disabled but are in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual in a family-like environment. Includes: children's homes; rehabilitation centers; self-help group homes. Medical care may be provided in conjunction with group homes that provide alcoholism or drug abuse recovery or treatment services. Convalescent homes, nursing homes and similar facilities providing medical care are included under the definition of "Medical Services - Extended Care."

Guest House (land use). This land use consists of a detached structure that has a bathroom and that contains more than 400 square feet of floor area that is subject to building permit requirements under the residential occupancy code. To be a guest house, the structure cannot contain food preparation facilities.

H. Definitions, "H."

Handcraft Industries, Small-Scale Manufacturing (land use). This land use consists of the manufacture of products not classified in another major manufacturing group, including: jewelry; musical instruments; toys; sporting and athletic goods; pens, pencils, and other office and artists' materials; buttons, costume novelties, miscellaneous notions; brooms and brushes; and other miscellaneous manufacturing industries.

Harbors (land use). This land use consists of facilities providing a full range of services related to: commercial and recreational fishing; fisheries and hatcheries; seafood processing; ship and boat building and repair; marine hardware sales and service; petroleum storage and handling; boat storage and miscellaneous storage activities. Facilities primarily oriented toward recreational activities are included under the definition of "Marinas."

Hazardous Waste Facility. A state-licensed facility for the temporary storage and/or processing of hazardous waste.

Health/Fitness Facilities (land use). This land use consists of fitness centers, gymnasiums, health and athletic clubs including sauna, spa or hot tub facilities; tennis, handball, racquetball, archery and shooting ranges and other sports activities.

Health Officer. The Marin County Health Officer.

Height, Structure ~~(coastal)~~. The vertical distance from grade, as defined herein, to the highest point of a structure. Maximum height shall be measured as the vertical distance from grade to an imaginary plane located the allowed number of feet above and parallel to the grade. The maximum height of buildings located in areas subject to tidal action shall be measured from mean sea level (MSL). ~~The height measurement for structures within Seadrift Subdivision in the special Flood Hazard (V zone) shall be measured according to the requirements of LCP Policy C-EH-11~~.

Highway. State Route 1, State Route 101, and Panoramic Highway.

Historic Area. Areas mapped and described as historic areas in the Marin County Local Coastal Program, including those within Bolinas, Inverness, Marshall, Olema, Point Reyes Station, Stinson Beach, and Tomales.

Historic Lot. A unit of real property that was formerly a legal lot of record.

Home Occupation (land use). This land use consists of the conduct of a business within a dwelling, or, within an accessory building located on the same site as the dwelling, employing the occupant of the dwelling, with the business activity being subordinate to the residential use of the property. See Section 22.32.100 (Home Occupations).

Historic Public Use ~~(coastal)~~. Use of private land as if it were public land in a manner that is substantial (rather than minimal) and continual, although not necessarily continuous, over a long period of time.

Historic Structure. As determined by the Marin County Local Coastal Program, any building constructed prior to 1930, including any accessory structures on a site.

Holiday Product Sales. See "Outdoor Retail Sales, Temporary

Home Occupation (land use). This land use consists of the conduct of a business within a dwelling, or, within an accessory building located on the same site as the dwelling, employing the occupant of the dwelling, with the business activity being subordinate to the residential use of the property, where the use is clearly secondary and incidental to the use of the property as a single-family residence, or, in agricultural zoning districts and agricultural dwelling units, permissible only within otherwise allowable agricultural dwelling units and clearly secondary and incidental to the use of the property for agricultural production. See Section 22.32.100 (Home Occupations).

Homeless Shelter. Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. In order for a facility to be a homeless shelter, no person may be denied emergency shelter because of an inability to pay, per Health and Safety Code Section 50801(e).

Homestay ~~(coastal)~~. See "Agricultural Homestay Facility."

Horses, Donkeys, Mules, Ponies (land use). This land use consists of the raising or keeping of horses, donkeys, mules, and/or ponies for domestic/recreational or agricultural purposes.

Hotel or Motel (land use). This land use consists of facilities with guest rooms and/or suites, provided with or without meals or kitchen facilities, rented to the general public for overnight or other temporary lodging (less than 30 days). Hotels provide access to most guest rooms from an interior walkway. Motels provide

access to most guest rooms from an exterior walkway. Also includes accessory guest facilities such as swimming pools, tennis courts, indoor athletic facilities, accessory retail uses, etc.

Household Income. The gross annual household income considering household size, income of all wage earners, elderly or disabled family members, and all other sources of household income.

Household Pets (land use). This land use consists of the keeping of cats, dogs, and other domesticated animals, determined by the Director to be comparable based on factors including size, sanitation requirements, odor, noise, etc., accessory and incidental to a residential use.

Housing Authority. The Marin County Housing Authority, a nonprofit public corporation.

Housing Costs. The monthly mortgage principal and interest, property taxes, homeowners insurance, and condominium fees, where applicable, for ownership units; and the monthly rent for rental units.

Housing Director. The Executive Director of the Marin County Housing Authority.

Housing Project. A development of housing units at one location, including all units for which permits have been applied for or approved within a 12-month period.

HUD. The United States Department of Housing and Urban Development, or its successor.

Hunting and Fishing Clubs - Private (land use). This land use consists of hunting of wildlife, fishing, and accessory structures where such activities are undertaken by the property owner(s) and their guests without a fee being charged.

Hunting and Fishing Clubs - Public (land use). This land use consists of hunting of wildlife, fishing, and accessory structures where such activities are undertaken by guests or members of the public for a fee.

I. Definitions, "I."

Illegal Lot, Use or Structure. A lot, use or structure that did not receive a required coastal permit or did not lawfully exist on the effective date of the Coastal Act.

~~**Immediate Family.** A person's spouse, registered domestic partner, child, stepchild, parent, stepparent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse, child, stepchild or guardian of any of those persons.~~

Implementation Plan ~~(coastal)~~. Development Code Sections 22.60 through 22.70, the portions of 22.32 and 22.130 that apply in the coastal zone, and all associated zoning maps, constitutes the LCP Implementation Plan.

Impoundments and Diversions. Impoundments and diversions refers to alterations in stream flows through holding or diverting water supply.

Including. Means "including but not limited to . . ."

Inclusionary Unit/Lot. A housing unit or lot that is required by Chapter 22.22 (Affordable Housing Regulations) to be affordable to extremely low, very low or low income households, as specified or that has been proposed by an applicant and approved by the County to meet the requirements of Chapter 22.22.

Income Qualifying Household. Household whose income is defined as extremely low, very low, low or moderate-income for Marin County as published by the U.S. Department of Housing and Urban Development (HUD) or the California Department of Housing and Community Development (HCD) with adjustments for household size. Current or applicable schedule to be applied is at the discretion of the Director.

a. Moderate income, 80 to 120 percent of area median income.
b. Low income, 50 to 60 percent of area median income.

c. Very low income, 30 to 50 percent of area median income.
d. Extremely low income, 30 percent and less of area median income.

Income Restricted Housing. Dwelling units with long-term income restriction which restrict occupancy to households at or below a specific income.

Individual Sewage Disposal System ~~(Coastal)~~. The term "individual sewage disposal system" means and includes any system of piping, treatment devices or other facilities (excluding chemical toilets) that store, convey, treat or dispose of sewage onsite, which is discharged anywhere other than into a public sewer system.

A. Standard Individual Sewage Disposal System ~~(Coastal)~~. Any individual sewage disposal system which includes a septic tank (with or without the use of sump chamber and pump) by which method subsurface effluent is disposed of through leach lines.

B. Alternative Individual_Sewage Disposal System ~~(Coastal)~~. Any individual sewage disposal system which may or may not include a standard septic tank for treatment, or does not include standard leaching trenches for effluent disposal, which has been demonstrated to function in such a manner as to protect water quality and preclude health hazards and nuisance conditions.

Indoor Recreation Centers (land use). This land use consists of facilities providing indoor amusement/entertainment services for a fee or admission charge, such as:

- bowling alleys
- card rooms
- coin-operated amusement arcades
- dance halls, clubs and ballrooms
- electronic game arcades
- ice skating and roller skating rinks
- pool and billiard rooms

Five or more electronic games or coin-operated amusements in any establishment is considered an electronic game arcade as described above. Four or less machines are not considered a land use separate from the primary use of the site.

Infant. An infant is a child less than 12 months of age.

Initial Study. A preliminary analysis to determine whether an Environmental Impact Report (EIR), Mitigated Negative Declaration or a Negative Declaration must be prepared, and to identify any potentially significant environmental effects that are to either be mitigated or further analyzed.

Initial vineyard planting work. The removal of existing vegetation or agricultural plants, vines, or trees, grading, disking, ripping, soil chiseling, terracing, and other major soil conditioning and recontouring, vineyard field road construction, installation of underground drainage systems, grassed waterways, diversion ditches, and other drainage improvements, installation/development of vineyard water supply systems, installation of temporary and permanent erosion and sediment control measures and other activities undertaken as part of the initial land preparation phase of an authorized vineyard planting or re-planting.

In-Lieu Fee. A fee paid to the County by developers in lieu of providing required on-site inclusionary units or lots, or a fee paid to the County by developers in lieu of dedicating parkland, or a fee paid to the County to comply with other Code requirements.

Institutional Structure, or Use. A publicly-owned structure accommodating a public facility; or a private structure designed and operated as a church, hospital, school, or similar facility

Intergenerational Home ~~(coastal)~~. In the C-APZ land use designation and zoning district, a type of agricultural dwelling unit allowed subject to certain criteria and which may only be occupied by occupants authorized by the farm owner or operator actively and directly engaged in agricultural use of the property.

Internal Floor Area. The sum of the gross area of all floors in all buildings on a site, measured from the interior faces of the exterior walls, including enclosed understory, basement, and attic space that can be easily converted to living area, but excluding all unenclosed horizontal surfaces, including balconies, courts, decks, porches, terraces;

The floor area of stairways, elevators, and other vertical accesses, is included in the total floor area only as to the "footprint" (area at the base) of the vertical access, and is not counted at each floor of a building. In order to qualify as an unenclosed horizontal surface, at least one of the longest wall planes of the space shall be kept open with the exception that railings with a surface area that is at least 50% open and unobstructed by structural elements and that are necessary for safety or convenience purposes may be allowed within the open wall plane. As defined herein, understory, basement, and attic space that can be easily converted to living area include: (1) unconditioned and unimproved spaces that yield a minimum clear room area of 7 feet by 7 feet and a minimum ceiling height of 7 ½ feet or higher; and (2) all attic areas with a minimum ceiling height of 5 feet or higher.

J. Definitions, "J."

Junk. Materials that characterize junk typically include automotive parts, vehicle body parts, inoperable vehicles, household furniture, appliances, household trash, building materials, scrap wood, scrap metal, and machine parts.

Junk Yard (land use). This land use consists of outdoor storage occupying an area of 200 square feet or more, or the storage of junk in any yard adjoining a street, for collecting and assembling, storing, breaking up, sorting, and the temporary storage and distribution of recyclable or reusable scrap and waste materials, including auto wreckers engaged in dismantling automobiles for scrap, and the incidental wholesale or retail sales of parts from those vehicles. In no case shall the stored junk exceed a height of five feet.

K. Definitions, "K."

Kennels and Animal Boarding (land use). This land use consists of the keeping, boarding or maintaining of six or more household pets at least four months of age or older, except for household pets in pet shops or animal hospitals. "Kennel" does not mean and does not include any lot or premises on which a person has been issued a dog hobbyist or ranch dog permit in compliance with the provisions of Sections 8.04.245 or 8.04.246 of the Marin County Code.

Kitchen. See "Food Preparation Facilities."

L. Definitions, "L."

Lagoon ~~(coastal)~~. A shallow body of water, such as a pond, lake or seasonally closed river mouth, usually located near or connected to the sea.

Lake ~~(coastal)~~. A relatively large and deep confined perennial water body that is mapped by the USGS.

Land Division ~~(coastal)~~. See "Division of Land ~~(coastal)~~."

Land Use. The purpose for which land or a building or other development thereon is occupied.

Land Use Permit. Any of the entitlements/approvals described by Article IV (Land Use and Development Permits), including Design Review, Floating Home Adjustment Permits, Use Permits, Temporary Use Permits, Tidelands Permits, Variances, Master Plans, or Precise Development Plans.

Landscaped Area. The entire planting area within a parcel affected by new plantings and supporting irrigation, excluding building footprints, paved driveways, parking areas, decks, patios, walkways and undisturbed natural areas. Water features may be included in the landscaped area.

Large Family Day Care Home (land use). See "Child Day Care Facilities."

Laundries and Dry Cleaning Plants (land use). This land use consists of service facilities engaged primarily in high volume laundry and garment services, including: power laundries (family and commercial); garment pressing and dry cleaning; linen supply; diaper service; industrial laundries; and carpet and upholstery cleaners. Does not include coin-operated laundries or dry cleaning pick-up stores without dry cleaning equipment; see "Personal Services."

LCP. See "Local Coastal Program."

Lead Agency. The public agency which has the principal responsibility for carrying out or approving a project which may have a significant effect upon the environment.

Legal Lot ~~(coastal)~~. A lot that was lawfully created under both the Subdivision Map Act and the Coastal Act and has received the necessary Map Act approval and a Coastal Permit. ~~(See "Legal Lot of Record")~~

Legal Lot of Record. A parcel is considered to be a legal lot of record under the Subdivision Map Act if it was created in conformance with any of the following criteria:

A. Recorded subdivision. The lot was created through a subdivision Final map or Parcel map recorded on or after January 1, 1930. Antiquated subdivisions ~~may~~ shall not be deemed to have created lots. A lot depicted ~~created~~ on a subdivision Final map or Parcel map recorded before January 1, 1930 may be considered a legal lot only if it has been reconveyed subsequent to January 1, 1930 with references made to the original subdivision Final map or Parcel map.

B. Individual lot legally created by deed. The lot was legally created by deed conveyance into separate ownership and was in compliance with the zoning and subdivision requirements that applied at the time of creation.

~~C. Government conveyance. The lot was created by conveyance to a governmental entity.~~

When historic lots were merged by agency action or pursuant to applicable state law, the merged historic lots comprise a single legal lot of record.

Libraries and Museums (land use). This land use consists of public or quasi-public facilities including aquariums, arboretums, art exhibitions, botanical gardens, historic sites and exhibits, libraries, museums, and planetariums, which are generally non-commercial in nature.

Liquor Store (land use). A retail store offering beer, wine, and/or distilled spirits for off-premise consumption which either devotes 20% or more of the floor area or display area to, or derives 75% or more of gross sales receipts from, the sale of these products.

Livestock Operations, Grazing (land use). This land use consists of the raising or keeping of cattle, or other animals of similar size, where feed is provided primarily by grazing when on-site resources are available. Does not include the keeping of horses, donkeys, mules, or ponies, (see "Horses, Donkeys, Mules and Ponies").

Livestock Operations, Large Animals (land use). This land use consists of the raising or keeping of cattle, goats, ostriches, sheep, hogs, or other farm or exotic animals of similar size, in corrals or other similar enclosures. Does not include the keeping of horses, donkeys, mules, or ponies, (see "Horses, Donkeys, Mules and Ponies") or the grazing or pasturing of large animals on open rangeland (see "Livestock Operations, Grazing"). See also, "Dairy Operations."

Livestock Operations, Sales/Feed Lots, Stockyards (land use). This land use consists of specialized and intensive commercial animal facilities including animal sales yards, stockyards, and cattle feedlots. Feedlots are any site where cattle are held and maintained for the purposes of feeding/fattening, for market, and

where at least 60 percent of the feed is imported or purchased. Does not include slaughterhouses or rendering plants; see "Slaughterhouses and Rendering Plants." See also, "Dairy Operations."

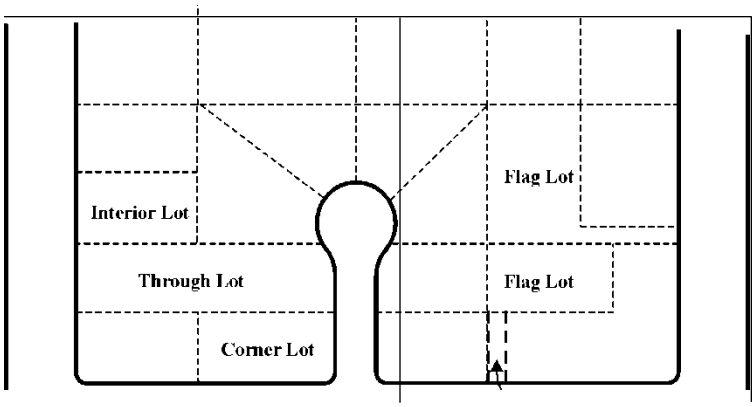
Livestock Operations, Small Animals (land use). This land use consists of the raising or keeping of up to 12 fowl and/or 12 rabbits or similar animals. Does not include hog raising, dairying or the raising or keeping for commercial purposes of cattle, horses, or similar livestock, as determined by the Director; see "Livestock Operations, Large Animals."

Local Coastal Program (LCP). A document that consists of a Land Use Plan and Implementing actions consisting of relevant portions of the County's Development Code, zoning Ordinances and Zoning District maps prepared and adopted by the County and certified by the Coastal Commission in compliance with the California Coastal Act of 1976 (Division 20 of the Public Resources Code).

Lot. ~~A legal lot of record~~. Types of lots include the following. See Figure 8-3 (Lot Types).

1. **Corner Lot.** A lot located at the intersection of two or more streets, bounded on two or more sides by street lines.
2. **Flag Lot.** A lot having access from the building site to a public street by means of private right-of-way strip that is owned in fee or by means of an access easement.
3. **Interior Lot.** A lot abutting only one street.
4. **Through Lot.** A lot with frontage on two generally parallel streets.

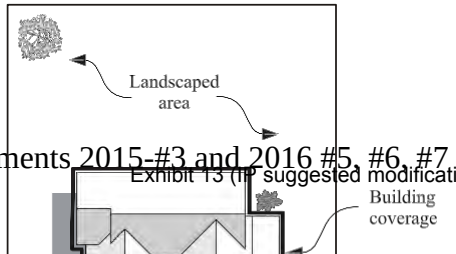
FIGURE 8-3
LOT TYPES



Lot Area. Lot area is the total area included within the lot lines of a lot, exclusive of adjacent street rights of way and any portion of the property located below mean high tide that is subject to tidal action.

Lot Coverage. Lot coverage is the percentage of total site area occupied by structures, and paving for vehicle and pedestrian use. Structure/building coverage includes the primary structure, all accessory structures (e.g., carports, garages, patio covers, storage sheds, trash dumpster enclosures, etc.) and architectural features (e.g., chimneys, balconies, decks, porches, stairs, etc.). Structure/building coverage is measured from exterior wall to exterior wall. Pavement coverage includes areas necessary for the ingress, egress, outdoor parking, and circulation of motor vehicles and pedestrians. See Figure 8-4 (Lot Coverage).

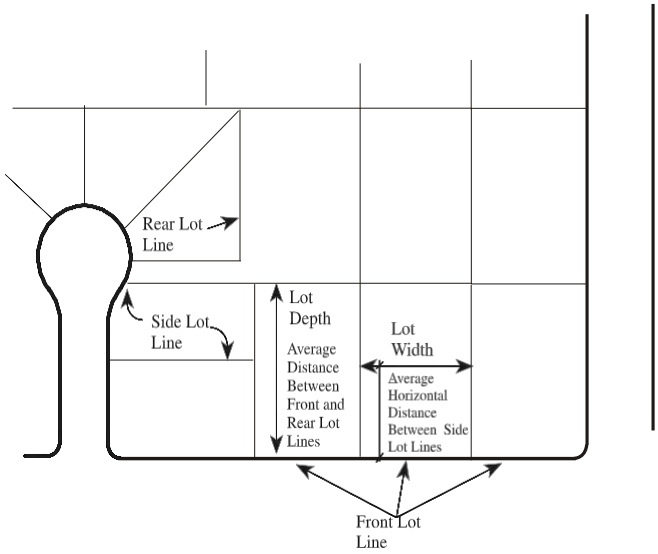
FIGURE 8-4
LOT COVERAGE



Lot Depth. The average linear distance between the front and the rear lot lines or the intersection of the two side lot lines if there is no rear line. See Figure 8-5 (Lot Lines and Lot Features). The Director shall determine lot depth for parcels of irregular configuration.

FIGURE 8-5

LOT LINES AND LOT FEATURES



Lot Frontage. The boundary of a lot adjacent to a public or private street right-of-way.

Lot Line, or Property Line. Any recorded boundary of a lot. Types of lot lines are as follows (see Figure 8-5 (Lot Lines and Lot Features)):

1. **Front Lot Line.** On an interior lot, the property line separating the parcel from the street. The front lot line on a corner lot is the property line bounding the street to which the property is addressed and the street from which access is taken. On a through lot, both lot lines are front lot lines and the lot is considered to have no rear lot line.

2. **Interior Lot Line.** Any lot line not abutting a street.

3. **Rear Lot Line.** A property line that does not intersect the front lot line, which is most distant from and most closely parallel to the front lot line.

4. **Side Lot Line.** Any lot line that is not a front or rear lot line.

Lot Width. The average horizontal distance between the side lot lines. See Figure 8-5 (Lot Lines and

Lot Features). The Director shall determine lot width for parcels of irregular shape.

Low Impact Development (LID): A development site-design strategy with a goal of maintaining or reproducing the site's pre-development hydrologic functions of storage, infiltration, and groundwater recharge, as well as maintaining the volume and rate of stormwater discharges and protecting water quality. Low Impact Development strategies use small-scale integrated and distributed management practices, including minimizing impervious surfaces, infiltrating stormwater close to its source, and preserving permeable soils and native vegetation.

Low Income. See "Income Qualifying Household"

Lumber and Wood Products (land use). This land use consists of the manufacture, processing, and sale of milled forest products, including rough and finished lumber and other wood materials for use in other manufacturing, craft, or construction processes. Includes the following processes and products:

- containers, pallets and skids
- milling operations
- trusses and structural beams
- turning and shaping of wood products
- wholesaling of basic wood products
- wood product assembly

Craft-type shops are included in "Handcraft Industries and Small-Scale Manufacturing." Other wood and cabinet shops are included under "Furniture and Fixture Manufacturing." The indoor retail sale of building materials, construction tools and equipment is included under "Building Material Stores."

M. Definitions, "M."

Machinery Manufacturing (land use). This land use consists of the manufacture of machinery and equipment for purposes and products including the following:

-bulldozers
- carburetors
- construction
- conveyors
- cranes
- die casting
- dies
- dredging
- engines and turbines
- farm and garden
- food products manufacturing
- gear cutting
- heating, ventilation, air conditioning
- industrial trucks and tractors
- industrial furnaces and ovens
- industrial molds
- laundry and dry cleaning
- materials handling
- mining
- oil field equipment
- paper manufacturing
- passenger and freight elevators
- pistons
- printing
- pumps
- refrigeration equipment
- textile manufacturing

Major Energy Facility~~ (coastal)~~. Any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal, or other source of energy that costs more than one hundred thousand dollars ($100,000) with an automatic annual increase in accordance with the Engineering News Record Construction Cost Index, except for those governed by the provisions of Public Resources Code Section 30610, 30610.5, 30611 or 30624.

Major Public Works~~ (coastal)~~. (1) Publicly financed recreational facilities that serve, affect, or otherwise impact regional or statewide use of the coast by increasing or decreasing public recreational opportunities or facilities; and (2) Public Works facilities (see definition of "Public Works~~ (coastal)~~") that cost more than one hundred thousand dollars ($100,000) with an automatic annual increase in accordance with the Engineering News Record Construction Cost Index, except for those governed by the provisions of Public Resources Code Section 30610, 30610.5, 30611 or 30624.

Major Vegetation~~ (coastal)~~. Any vegetation that is a sensitive species, defined as species listed by the state or federal government as threatened, endangered, or as a species of special concern. or that is located~~ in an ESHA~~, on a beach or sand dune, within fifty feet of the edge of a coastal bluff, in an environmentally sensitive habitat area (ESHA) or its buffer, or heritage trees or vegetation that is visually prominent and/or a significant part of the public viewshed. ~~Agricultural crops, and nonnative ornamental vegetation are not considered to be major vegetation~~.

Map Act. See "Subdivision Map Act."

Mariculture (land use). This land use consists of agricultural activities dedicated to the culture and husbandry of aquatic organisms including shellfish, mollusks, crustaceans, kelp, and algae. (See "Fish Hatcheries and Game Reserves," for activities related to fish.)

Marin Countywide Plan. The Marin Countywide Plan, including all its elements and all amendments, adopted as the General Plan by the Board of Supervisors under the provisions of Government Code Sections 65300 et seq.

Marinas (land use). This land use consists of recreationally-oriented small craft harbors that may include mooring and launching facilities and accessory facilities for boat servicing. Mooring, launching, and service facilities oriented primarily toward the needs of commercial fishing are included under the definition of "Harbors." Marinas accommodating floating homes are defined as "Floating Home Marinas."

Marine Environment~~ (coastal)~~. The marine environment consists of the ocean, the high-energy coastline, and bays, inlets, lagoons, and estuaries subject to the tides. Marine habitats are affected by the waves and currents of the open ocean and the water regimes are determined primarily by the ebb and flow of oceanic tides.

Master Plan. See Chapter 22.44 (Master Plans and Precise Development Plans).

Medical Services - Clinics and Laboratories (land use). This land use consists of businesses primarily engaged in furnishing outpatient medical, mental health, surgical and other personal health services, but which are separate from hospitals, including:

- health management organizations (HMOs)
- medical and dental laboratories
- medical, dental and psychiatric offices
- out-patient care facilities
- other allied health services

Counseling services by other than medical doctors or psychiatrists are included under "Offices."

Medical Services – Extended Care (land use). This land use consists of the provision of nursing and health-related care as a principal use, with in-patient beds. This land use includes: board and care homes; convalescent and rest homes; extended care facilities; and skilled nursing facilities that are licensed or supervised by any federal, state, or local health/welfare agency. Long-term personal care facilities that do not emphasize medical treatment are included under "Residential Care Facilities," and "Group Homes."

Medical Services - Hospitals (land use). This land use consists of the provision of diagnostic services and extensive medical treatment, including surgical and other related services. These establishments have an organized medical staff, inpatient beds, and equipment and facilities to provide complete health care services. May include on-site accessory clinics and laboratories, accessory retail uses and emergency heliports (see the separate definition of "Accessory Retail Uses").

Membership Organization Facilities (land use). This land use consists of permanent headquarters and meeting facilities for organizations operating on a membership basis for the promotion of the interests of the members, including facilities for:

- business associations
- civic, social and fraternal organizations
- country clubs (golf courses separately defined)
- labor unions and similar organizations
- political organizations
- professional membership organizations
- other membership organizations

Metal Fabrication, Machine and Welding Shops (land use). This land use consists of the assembly of metal parts, including the following uses that produce metal duct work, tanks, towers, cabinets and enclosures, metal doors and gates, and similar products.

- blacksmith and welding shops
- sheet metal shops
- machine shops and boiler shops

Mezzanine. An intermediate floor placed within any story or room. If the total floor area of a mezzanine is more than one-third of the total floor area of the room, it shall be considered an additional story.

Mineral Resource Extraction (land use). This land use consists of the extraction from the ground of hydrocarbons, gravel, or sand resources, or other commercial surface mining or underground mining and processing activity. Oil and gas well drilling, geothermal wells, production operations and related facilities are not permitted.

Mini Mart. A convenience retail store on the site of a service station, which typically sells food products and other products serving the needs of travelers.

Ministerial Permit. A permit granted for a development after applying fixed, objective standards with little or no subjective evaluation as to the wisdom or manner of carrying out the project. Examples are Sign Permit, Large Family Day-care Permit, Homeless Shelter Permit, ~~Certificate of Compliance, Second Unit Permit~~, Final Map approval, and Building Permits. See also "Discretionary Permit."

Minor. Any person under 18 years of age.

Mixed Use. An existing or proposed development that includes more than one type of land use.

Mobile Home. A trailer, transportable in one or more sections, that is certified under the National Manufactured Housing Construction and Safety Standards Act of 1974, which is over eight feet in width and 40 feet in length, with or without a permanent foundation and not including recreational vehicle, commercial coach or factory-built housing. A mobile home on a permanent foundation is included under the definition of "Single-Family Dwellings."

Mobile Home Park (land use). This land use consists of any site that is planned and improved to accommodate two or more mobile homes used for residential purposes, or on which two or more mobile home lots are rented, leased, or held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate mobile homes used for residential purposes.

Moor. The fixing of a vessel in one location, temporarily or permanently, by mooring, anchoring, grounding, or any other means.

Motel. See "Hotel or Motel."

Multi-Family Dwellings (land use). This land use consists of multiple detached dwellings on the same lot, or a building or a portion of a building used and/or designed as residences for two or more families living independently of each other. Includes: duplexes, triplexes, fourplexes and apartments (five or more units under one ownership in a single building); and townhouse development (three or more attached single-family dwellings where no unit is located over another unit. Second units and farm worker housing are not considered in the calculation of the number of units for this definition and do not convert a single-family development into a multi-family development.

Mutual Water Company. A state-licensed water purveyor providing domestic water to multiple residences, where the owners of property being served are shareholders in the company.

N. Definitions, "N."

NAVD (North American Vertical Datum). A vertical elevation control datum used in height measurements.

Native Tree. ~~Any tree in the list "Trees Native to Marin County," maintained and provided by the Marin County Community Development Agency~~ See "Protected Tree and Heritage Tree."~~.~~

Native Tree Removal Generally means the destruction of any protected tree or the alteration of any protected tree which may adversely affect the health and survival of the tree. Includes "removal of a tree." Routine trimming and pruning is not considered tree removal for the purpose of this Chapter.

Natural Disaster. Any situation in which the natural force or forces which destroyed a structure were beyond the control of the owner. ~~including fire, flood, storm, explosion, landslide, earthquake, or other similar conditions.~~

Nature Preserves (land use). This land use consists of sites with environmental resources intended to be preserved in their natural state.

Negative Declaration. A written statement describing the reasons that a proposed project that is not otherwise exempt from the California Environmental Quality Act (CEQA) will not have a significant adverse effect on the environment and, therefore, does not require the preparation of an Environmental Impact Report (EIR). Please refer to CEQA Guidelines Section 15369.5 for a complete definition of a Negative Declaration.

New Development ~~**(coastal)**~~. For purposes of applying Section 30212 of the Coastal Act only, new development consists of any development other than the following:

(1) Replacement of any structure pursuant to the provisions of subdivision (g) of Coastal Act Section 30610

(2) The demolition and reconstruction of a single-family residence; provided, that the reconstructed residence shall not exceed either the floor area, height or bulk of the former structure by more than 10 percent, and that the reconstructed residence shall be sited in the same location on the affected property as the former structure.
(3) Improvements to any structure which do not change the intensity of its use, which do not increase either the floor area, height, or bulk of the structure by more than 10 percent, which do not block or impede public access, and which do not result in a seaward encroachment by the structure.
(4) The reconstruction or repair of any seawall; provided, however, that the reconstructed or repaired seawall is not seaward of the location of the former structure.
(5) Any repair or maintenance activity for which the Coastal Commission has determined by regulation, pursuant to Coastal Act Section 30610, that a coastal development permit will be required unless the Coastal Commission determines that the activity will have an adverse impact on lateral public access along the beach.

As used in this definition "bulk" means total interior cubic volume as measured from the exterior surface of the structure.

Nonconforming Lot. A lot of record that was legally created, but does not conform with this LCP because the lot is of a size, shape, or configuration no longer allowed in the zoning district that applies to the site, as a result of the adoption of, or amendments to this LCP ~~Development Code~~.

Nonconforming Structure. A structure that was legally constructed, but does not conform with this LCP~~Development Code~~ because the structure does not meet LCP requirements. ~~amendments to this Development Code or the previous Marin County Zoning Ordinance made the structure nonconforming in its size, location on its site, separation from other structures, number of parking spaces provided, or other features.~~

Nonconforming Use A use of land, and/or within a structure, that was legally established, but does not conform with this ~~Development Co~~LCP because the use is no longer allowed in the zoning district that applies to the site, as a result of amendments to this ~~zoning~~ LCP.~~Development Code or the previous Marin County~~Ordinance.

O. Definitions, "O."

Oak Woodland Management Guidelines. The Oak Woodland Management Guidelines adopted by the Board and on file with the Agency.

Occupancy. The use or operation of a site or structure for an approved land use.

Off-Road Vehicle Courses (land use). This land use consists of areas set aside for the use of off-road vehicles, including dirt bikes, motorcycles, and four-wheel drive vehicles. Does not include sports assembly facilities (see "Sports Facilities and Outdoor Public Assembly"), or simple access roads that are usable only by four-wheel or two-wheel drive vehicles in conjunction with a permitted land use.

Off-Site Product. A product that is produced on property other than the site where it is offered for sale.
Offices, Business (land use). This land use consists of the provision of direct services to consumers. This land use includes establishments such as insurance agencies, real estate offices, and post offices (not including bulk mailing distribution centers, which are included under "Vehicle and Freight Terminals").

Does not include: medical offices (see "Medical Services - Clinics and Laboratories"); or offices that are incidental and accessory to another business or sales activity that is the principal use. Incidental offices that are customarily accessory to another use are allowed as part of an approved principal use.

Offices, Professional (land use). This land use consists of professional or government offices including:

- accounting, auditing and bookkeeping services
- advertising agencies
- architectural, engineering, planning and surveying services

- attorneys
- counseling services
- court reporting services
- data processing and computer services
- detective agencies and similar services
- educational, scientific and research organizations
- employment, stenographic, secretarial and word processing services
- government offices including agency and administrative office facilities
- management, public relations and consulting services
- photography and commercial art studios
- writers and artists offices outside the home

Does not include: medical offices (see "Medical Services - Clinics and Laboratories") or offices that are incidental and accessory to another business or sales activity that is the principal use. Incidental offices that are customarily accessory to another use are allowed as part of an approved principal use.

Offices, Property Management (land use). This land use consists of accessory offices on the site of an apartment complex, mobile home park, or commercial facility, for the purpose of providing tenant services.

Offices, Temporary (land use). This land use consists of a mobile home, recreational vehicle or modular unit used as a temporary office facility. Temporary Offices may include: construction supervision offices on a construction site or off-site construction yard; a temporary on-site real estate office for a development project; or a temporary business office in advance of permanent facility construction.

Offices, Temporary Real Estate (land use). This land use consists of the temporary use of a dwelling unit within a residential development project as a sales office for the units on the same site, which is converted to residential use at the conclusion of its office use

On-Site Product. A product that is produced on the same property where it is offered for sale.

Open Coastal Waters ~~(coastal)~~. The marine environment in the Coastal Zone.

Open Water. In conjunction with a Floating Home Marina, a privately owned or controlled water area, which is devoid of any structure or appurtenances including mooring facilities for any vessels or piers, docks, ramps, walkways or other exit ways.

Organizational Houses (land use). This land use consists of residential lodging houses operated by membership organizations for their members and not open to the general public. Includes fraternity and sorority houses.

Original Lot. A contiguous area of real property under one ownership, which is proposed for division in compliance with Article VI (Subdivisions) of this Development Code.

Outdoor Commercial Recreation (land use). This land use consists of facilities for various outdoor participant sports and types of recreation where a fee is charged for use, including:

- amusement and theme parks
- drive-in theaters
- go-cart and miniature auto race tracks
- golf driving ranges separate from golf courses
- health and athletic club outdoor facilities
- miniature golf courses
- skateboard parks
- swim and tennis clubs
- tennis courts
- water slides
- zoos

May also include commercial facilities customarily associated with the above outdoor commercial recreational uses, including bars and restaurants, fast-food restaurants, video game arcades, etc. Spectator facilities are included in the definition of "Sport Facilities and Outdoor Public Assembly."

Outdoor Retail Sales and Activities (land use). This land use consists of the outdoor retail sale or rental of autos and other vehicles and equipment, lumber, and other uses where the business is not conducted entirely within a structure.

Outdoor Retail Sales, Temporary (land use). This land use consists of the temporary outdoor retail sales activities, examples of which include:

- Christmas trees, pumpkins or the sale of other seasonal items
- semi-annual sales of art/handcrafted items in conjunction with community festivals or art shows
- sidewalk or parking lot sales longer than one weekend
- retail sales in temporary locations outside the public right-of-way

Farmer's markets are separately defined.

P. Definitions, "P."

Paper Products (land use). This land use consists of the manufacture of paper and paperboard, from both raw and recycled materials, and their conversion into products such as paper bags, boxes, envelopes, wallpaper, etc.

Paper Street. Any street, road, or public vehicular access, or portion thereof, shown on a subdivision map ~~recorded prior to April 3, 1953,~~ which is undeveloped and/or unimproved, excluding "driveways", as previously defined.

Parcel. A unit of real property.

Parcel ~~(coastal)~~. A unit of real property.

Parcel Map. The subdivision map described by the Subdivision Map Act, Article III~~3~~, Chapter 2, which is required by Article VI (Subdivisions) of this Development Code to complete a subdivision of four or fewer lots.

Parking Structure. Parking space or shelter for automobiles or other vehicles.

1. A garage is an attached or detached accessory structure, which is enclosed on at least three sides;

2. A carport is an attached or detached accessory structure, which is enclosed on no more than two sides;

3. A car deck is an unenclosed and uncovered platform providing off-street parking spaces, normally constructed at the street level of a sloping lot.

Parks and Playgrounds (land use). This land use consists of public parks, play lots, playgrounds, and athletic fields for non-commercial neighborhood or community use, including tennis courts. If privately-owned, the same facilities are included under the definition of "Private Residential Recreation Facilities." See also "Golf Courses/Country Clubs," "Outdoor Commercial Recreation," and "Sport Facilities and Outdoor Public Assembly."

Paving and Roofing Materials (land use). This land use consists of the manufacture of various common paving and petroleum-based roofing materials, including bulk asphalt, paving blocks made of asphalt, creosote wood and various compositions of asphalt and tar. The manufacture of wood roofing materials (shingles, shakes, etc.) is included under "Lumber and Wood Products."

~~**Permitted Use.** A land use allowed by Article II (Zoning Districts and Allowable Land Uses) subject to compliance with all applicable provisions of this Development Code, and subject to first obtaining any building permit or any other permit required by the County Code.~~

Permitted Use ~~(coastal)~~. As used in the Land Use Tables, a land use allowed by Article V (Zoning Districts and Allowable Land Uses) subject to compliance with all applicable provisions of the LCP, and subject to first obtaining any building permit or any other permit required by the County Code. County actions on Coastal Permits allowing such uses are appealable to the California Coastal Commission. [See Section 22.70.080.B.1 for Appeal of Coastal Permit Decisions]

Person. Any individual, organization, partnership, limited liability company, or other business association or corporation, including any utility, and any federal, state, local government, or special district or an agency thereof.

Personal Services (land use). This land use consists of the provision of non-medically related services. Examples of facilities included in this land use include: beauty and barber shops; clothing rental; dry cleaning pick-up stores; laundromats (self-service laundries); psychic readers; shoe repair shops;

tanning salons. These uses may also include accessory retail sales of products related to the services provided.

Pipelines and Utility Lines (land use). This land use consists of transportation facilities for the conveyance of water or commodities other than petroleum. Also includes pipeline surface and terminal facilities, including pump stations, bulk stations, surge and storage tanks. Utility lines include facilities for the transmission of electrical energy for sale, including transmission lines for a public utility company. Also includes telephone, telegraph, cable television and other communications transmission facilities utilizing direct physical conduits. Does not include offices or service centers (see "Offices"), or distribution substations (see "Public Utility Facilities").

Planned District. Any zoning district established by Sections 22.06.020 (Zoning Districts Established), and Article V (Coastal Zones – Permit Requirements and Development Standards), that is not included under the definition of "Conventional District" provided by this Chapter. The planned districts include:

C-APZ (Coastal, Agricultural Production Zone)
ARP (Agricultural, Residential Planned)
C-ARP (Coastal, Agricultural, Residential Planned)
RSP (Residential, Single-Family Planned)
C-RSP (Coastal, Residential, Single-Family Planned)
C-RSPS (Coastal, Residential, Single-Family Planned, Seadrift Subdivision)
RMP (Residential, Multiple Planned)
C-RMP (Coastal, Residential, Multiple Planned)
RX (Residential, Mobile Home Park)RF (Residential, Floating Home Marina)
RMPC (Residential/Commercial Multiple Planned)
CP (Planned Commercial)
OP (Planned Office)
RCR (Resort and Commercial Recreation)
C-RCR (Coastal, Resort and Commercial Recreational)
C-RMPC (Coastal, Residential/Commercial Multiple Planned)
C-CP (Coastal, Planned Commercial)
I-P (Industrial, Planned)
RF (Floating Home Marina)

Planning Commission. The Marin County Planning Commission, appointed by the Board of Supervisors as provided by Government Code Section 65101, and Title 2 of the Marin County Code, referred to throughout this Development Code as the "Commission."

Plant Nurseries (land use). This land use consists of the commercial production of ornamental plants and other nursery products, grown under cover or outdoors. May include establishments engaged in the sale of such products, and commercial scale greenhouses. The sale of house plants or other nursery products is also included under "Retail Stores, General Merchandise." Home greenhouses are included under "Residential Accessory Uses and Structures."

Plastics and Rubber Products (land use). This land use consists of the manufacture of rubber products such as: tires; rubber footwear; mechanical rubber goods; heels and soles; flooring; and other rubber products from natural, synthetic or reclaimed rubber. Also includes establishments engaged primarily in manufacturing tires. Also includes: establishments engaged in molding primary plastics for other manufacturers, and manufacturing miscellaneous finished plastics products; fiberglass manufacturing, and fiberglass application services. Establishments engaged primarily in recapping and retreading automobile tires are classified in "Auto, Mobile home, Vehicle and Supplies Sales."

Playground. See “Parks and Playgrounds.”

Poster Board. A sign consisting of a framed or unframed surface, freestanding or attached to a wall or fence or other structure, designed and located only for the display of announcements of coming performances of cultural, educational, and athletic events.

Precise Development Plan. See Chapter 22.44 (Master Plans and Precise Development Plans).

Premise(s). The site of a land use or activity subject to the requirements of this Development Code.

Prescriptive Rights ~~(coastal)~~. Public rights that are acquired over private lands through use as defined by California law.

Prime agricultural land. lands defined in paragraph (1), (2), (3), or (4) of subdivision (c) of Section 51201 of the Government Code as:
(1) All land that qualifies for rating as class I or class II in the Natural Resource Conservation Service land use capability classifications.
(2) Land which qualifies for rating 80 through 100 in the Storie Index Rating.
(3) Land which supports livestock used for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture.
(4) Land planted with fruit- or nut-bearing trees, vines, bushes, or crops which have a nonbearing period of less than five years and which will normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than two hundred dollars ($200) per acre.

Primary Structure. See "Structure, primary."

Primary Zoning District. One of the agricultural, residential, commercial, or special purpose zoning districts established by Sections 22.06.020 (Zoning Districts Established) and Article V (Coastal Zones – Permit Requirements and Development Standards), that is applied to a site by the Zoning Map in addition to one or more of the combining districts established by Section 22.06.020.

Principal Permitted Use ~~(coastal)~~. The principal land use allowed by Article V (Zoning Districts and Allowable Land Uses) and as used in the Land Use Tables, including activities which are functionally related to one another so as to be viewed as effectively one use type or group. Such uses are subject to compliance with all applicable provisions of this Development Code, and subject to first obtaining any building permit or any other permit required by the County Code. Land divisions are development that is not designated as the principally permitted use in any zoning district. [See Section 22.70.080.B.1 for Appeal of Coastal Permit Decisions]

Principal Structure ~~(coastal)~~. The primary structure on the property.

Printing and Publishing (land use). This land use consists of printing by letterpress, lithography, gravure, screen, offset, or electrostatic (xerographic) copying, and other "quick printing" services; and other establishments serving the printing trade such as bookbinding, typesetting, engraving, photoengraving and electrotyping. This use also includes establishments that publish newspapers, books and periodicals; and establishments manufacturing business forms and binding devices.

Private Residential Recreation Facilities (land use). This land use consists of privately-owned, non-commercial outdoor recreation facilities provided for members or project/neighborhood residents, including swim and tennis clubs, park and sport court facilities. Does not include golf courses/country clubs, which are separately defined.

Private Road. A street or right-of-way owned and maintained by a private person(s) or entity(ies).

Project. See "Development, or Project."

Property Line. See "Lot Line or Property Line."

Proposed Parcel(s). Each separate parcel shown on a tentative map or lot line adjustment, as proposed by an applicant.

Protected Tree and Heritage Tree. Any one of the following as indicated in the table below:

Common Name	Botanical Name	Protected Size Diameter at Breast Height	Heritage Size Diameter at Breast Height
Arroyo willow	*S. lasiolepis*	6 inches	18 inches
Big-leaf maple	*Acer macrophyllum*	10 inches	30 inches
Bishop pine	*Pinus muricata*	10 inches	30 inches
Blue oak	*Q. douglasii*	6 inches	18 inches

Box elder	*A. negundo var. californicum*		
California bay	*Umbellularia californica*		
10 inches	30 inches		
10 inches	30 inches		
California black oak	*Q. kelloggii*	6 inches	18 inches
California buckeye	*Aesculus californica*	10 inches	30 inches
California nutmeg	*Torreya california*	10 inches	30 inches
Canyon live oak	*Q. chrysolepis*	6 inches	18 inches
Chaparral oak	*Q. wislizeni*	6 inches	18 inches
Coast live oak	*Quercus agrifolia*	6 inches	18 inches
Coast redwood	*Sequoia sempervirens*	10 inches	30 inches
Douglas-fir	*Pseudotsuga menziesii*	10 inches	30 inches
Giant Chinquapin	*Castanopsis chrysophylla*	10 inches	30 inches
Hawthorn	*Crataegus douglasii*	10 inches	30 inches
Mountain-mahogany	*Cercocarpus betuloides*	10 inches	30 inches
Narrow leaved willow	*Salix exigua*	6 inches	18 inches
Oak	*Q. parvula var. shrevei*	6 inches	18 inches
Oregon ash	*Fraxinus latifolia*	10 inches	30 inches
Oregon oak	*Q. garryana*	6 inches	18 inches
Pacific madrone	*Arbutus menziesii*	6 inches	
Pacific yew	*Taxus brevifolia*	10 inches	30 inches
Red alder	*A. rubra*	10 inches	30 inches
Red elderberry	*Sambucus callicarpa*	10 inches	30 inches
Red willow	*S. laevigata*	6 inches	18 inches
Sargent cypress	*Cupressus sargentii*	6 inches	18 inches
Scoulier's willow	*S. scouleriana*	6 inches	18 inches
Service-berry	*Amelanchier alnifolia*	10 inches	30 inches
Shining willow	*S. lucida ssp. lasiandra*	6 inches	18 inches
Silk tassel	*Garrya elliptica*	10 inches	30 inches
Sitka willow	*S sitchensis*	6 inches	18 inches
Tanbark oak	*Lithocarpus densiflorus*	10 inches	30 inches

Valley oak	*Q. lobata*	6 inches	18 inches
Wax myrtle	*Myrica californica*	10 inches	30 inches
White alder	*Alnus rhombifolia*	10 inches	30 inches

Public Access Deed Restriction ~~(coastal)~~. A legal document that places responsibilities upon the landowner relative to public use within a specifically defined area of the property, in order to allow for a public accessway.

Public Access Offer to Dedicate (OTD) ~~(coastal)~~. A legal document that offers an easement across private land for a future public accessway. In order to ~~effectuate the OTD and~~ open the accessway or stairway for public use, it must be accepted for management by a responsible agency ~~and then improved, if necessary, and opened~~.

Public Road. A street or highway owned and maintained by the County, a City, the State, ~~or~~ the federal government, or other public agency/entity.

Public Safety/Service Facilities (land use). This land use consists of facilities operated by public agencies including fire stations, other fire prevention and firefighting facilities, police and sheriff substations and headquarters, including interim incarceration facilities, and civic buildings.

Public Trust Lands. All lands subject to the Common Law Public Trust for commerce, navigation, fisheries, recreation, and other public purposes. Public Trust lands include tidelands, submerged lands, the beds of navigable lakes and rivers, and historic tidelands and submerged lands that are presently filled or reclaimed, and which were subject to the Public Trust at any time.

Public Utility Facilities (land use). This land use consists of fixed-base structures and facilities serving as junction points for transferring utility services from one transmission voltage to another or to local distribution and service voltages. These uses include any of the following facilities that are not exempted from land use permit requirements by Government Code Section 53091:

- corporation and maintenance yards
- electrical substations and switching stations
- natural gas regulating and distribution facilities
- public water system wells, treatment plants and storage
- telephone switching facilities
- wastewater treatment plants, settling ponds and disposal fields

These uses do not include office or customer service centers (classified in "Offices").

Public Works ~~(Coastal)~~.
(a) All production, storage, transmission, and recovery facilities for water, sewerage, telephone, and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the Public Utilities Commission, except for energy facilities.
(b) All public transportation facilities, including streets, roads, highways, public parking lots and structures, ports, harbors, airports, railroads, and mass transit facilities and stations, bridges, trolley wires, and other related facilities.
(c) All publicly financed recreational facilities, all projects of the State Coastal Conservancy, and any development by a special district.
(d) All community college facilities.

See also "Major Public Works ~~(coastal)~~".

Q. Definitions, "Q."

Quarry. See "Surface Mining."

R. Definitions, "R."

Recreational Vehicle (RV). A motor home, travel trailer, truck camper, or camping trailer, with or without motive power, originally designed for human habitation for recreational, emergency, or other occupancy, which is not used for other than transient use, and which meets all of the following criteria:

1. It contains less than 320 square feet of internal living room area, excluding built-in equipment, including wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms;

2. It contains 400 square feet or less of gross area measured at maximum horizontal projections;

3. It is built on a single chassis; and

4. It is either self-propelled, truck-mounted, or permanently towable on the highways without a towing permit.

Recreational Vehicle Park (land use). This land use consists of a site where one or more lots are used, or are intended to be used, by campers with recreational vehicles or tents on a transient basis. Recreational vehicle parks may include public restrooms, water, sewer, and electric hookups to each lot and are intended as a higher density, more intensively developed use than campgrounds. May include accessory retail uses where they are clearly incidental and intended to serve RV park patrons only.

Recycling Facilities (land use). This land use type includes a variety of facilities involved with the collection, sorting and processing of recyclable materials.

1. **Mobile Recycling Unit.** An automobile, truck, trailer, or van used for the collection of recyclable materials, and carrying bins, boxes, or other containers for such materials.

2. **Processing Facility.** A structure or enclosed space used for the collection and processing of recyclable materials for shipment, or to an end-user's specifications, by such means as baling, briquetting, cleaning, compacting, crushing, flattening, grinding, mechanical sorting, remanufacturing and shredding. Processing facilities include the following types, both of which are included under the definition of "Scrap and Dismantling Yards:"

   a. Light processing facility occupies an area of under 45,000 square feet of collection, processing and storage area, and averages two outbound truck shipments each day. Light processing facilities are limited to baling, briquetting, compacting, crushing, grinding, shredding and sorting of source separated recyclable materials sufficient to qualify as a certified processing facility. A light processing facility shall not shred, compact, or bale ferrous metals other than food and beverage containers; and

   b. A heavy processing facility is any processing facility other than a light processing facility.

3. **Recycling Facility.** A center for the collection and/or processing of recyclable materials. A "certified" recycling or processing facility is certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986. A recycling facility does not include storage containers located on a residentially, commercially or industrially designated site used solely for the recycling of material generated on the site. See "Collection Facility" above.

4. **Recycling or Recyclable Material.** Reusable domestic containers and other materials which can be reconstituted, remanufactured, or reused in an altered form,

including glass, metals, paper and plastic. Recyclable material does not include refuse or hazardous materials.

5. **Reverse Vending Machine.** An automated mechanical device which accepts at least one or more types of empty beverage containers and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value, as determined by state law. These vending machines may accept aluminum cans, glass and plastic bottles, and other containers.

A bulk reverse vending machine is a reverse vending machine that is larger than 50 square feet, is designed to accept more than one container at a time, and issues a cash refund based on total weight instead of by container.

6. **Scrap and Dismantling Yards.** See "Junk Yard."

Redevelopment. Development that meets the criteria (1), (2), or (3) below shall be considered redevelopment: (1) alteration (including interior and/or exterior remodeling and renovations, demolition or partial demolition, etc.) of 50% or more of major structural components (including exterior walls, floor and roof structure, and foundation) considered individually (i.e., percentages are calculated by the individual structural component being altered, and are not additive between different structural components); (2) additions and alterations to such development that lead to a 50% or more increase in floor area for the development; and/or (3) additions and alterations to such development that costs 50% or more of the market value of the existing structure before construction. Changes to floor area and individual major structural components and the costs of such changes are measured cumulatively over time starting from January 1, 1977.

For the purposes of this definition:

a. An exterior wall is considered to be altered 50% or more when any of the following occur either above or below grade:

(i) Exterior cladding and/or framing systems are altered in a manner that requires removal and/or replacement of 50% or more of the elements of those cladding and framing systems, normally considered as linear length of wall.
(ii) Reinforcement is needed for any remaining portions of the wall to provide structural support in excess of 50% of existing support elements (e.g. addition of 50% or more of beams, shear walls, or studs whether alone or alongside the existing/retained elements).
(iii) A previously exterior wall becomes an interior wall as a result of the development.
(iv) On multi-story structures, the extent of alteration to the linear area of the exterior walls on each story shall be determined to determine whether 50% or more of the total exterior walls have been altered.

b. A floor or roof structure is considered to be altered 50% or more when any of the following occur:

(i) The roof or floor framing is altered in a manner that requires removal and/or replacement of structural elements (e.g. trusses, joists, rafters) supporting 50% or more of the square footage of the roof or floor.
(ii) The roof or floor structural framing system requires additional reinforcement to any remaining portions of the roof or floor system to provide structural support (e.g. addition of 50% or more of beams, joists, and/or rafters, etc., whether alone or alongside existing/retained system elements).

c. A foundation is considered to be altered 50% or more when any removal, replacement or reinforcement is done on any of the following:

(i) 50% or more of the horizontal surface area of a slab foundation.
(ii) 50% or more of the floor area of a structure supported by a pier/post and/or caisson/grade beam foundation.
(iii) 50% or more of a perimeter foundation.

(iv) 50% or more of other foundation types (e.g. piers), or the total alteration where a structure has multiple foundation types.

Major structural component alterations generally do not include changes to roof coverings; replacement of glass or doors in existing window or door openings; replacement of window or door framing when the size and location of the window/door remains unchanged; repair of roofs or foundations without any change to structural supporting elements; changes to exterior siding; repair, maintenance, and replacement of chimneys; and interior changes to non-structural interior walls and sheetrock, insulation, fixtures, and mechanical, electrical and plumbing elements, except when such interior changes meet the threshold for redevelopment as defined by the market valuation criteria.

Referral. Any transmittal, notification, posting, consultation, request for or distribution of information, initiated by the Agency to communicate with other agencies, organizations, groups or the public that pertains to a proposed project.

Religious Places of Worship (land use). This land use consists of religious facilities operated by organizations for worship, or the promotion of religious activities, including:

- churches
- synagogues
- mosques
- religious schools

Includes accessory uses on the same site, such as living quarters for ministers and staff, and child day care facilities where authorized by the same type of land use permit required for the religious facility itself. Does not include other establishments maintained by religious organizations, such as full-time educational institutions, hospitals and other potentially related operations (such as a recreational camp), which are defined under their respective activities.

Religious Residential Retreat (land use). This land use consists of convents, monasteries, and other facilities where members of religious organizations set themselves apart from the external community for short- or long-term periods to participate in worship and other religious activities.

Repair and Maintenance ~~(coastal)~~. Development which does not result in an addition to, enlargement or expansion of the object of the repair and maintenance. Unless destroyed by natural disaster, the replacement of 50 percent or more of a single family residence, seawall, revetment, bluff retaining wall, breakwater, groin or any other structure is not repair and maintenance but instead constitutes a replacement structure

Repair and Maintenance - Consumer Products (land use). This land use consists of the repair of consumer products as the principal business activity. Examples of establishments included in this land use are: electrical repair shops; television and radio and other appliance repair; watch, clock and jewelry repair; re-upholstery and furniture repair. Does not include shoe repair (see "Personal Services"), or businesses serving the repair needs of heavy equipment (see "Business Support Services").

Repair and Maintenance - Vehicle (land use). This land use generally consists of the repair, alteration, restoration, towing, painting, cleaning (including self-service and attended car washes), or finishing of automobiles, trucks, recreational vehicles, boats and other vehicles as a principal use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This use includes major and minor facilities. Major vehicle repair facilities deal with entire vehicles. Minor facilities specialize in limited aspects of repair and maintenance (i.e., muffler and radiator shops, quick-lube, etc.).

Includes tire recapping establishments. Does not include automobile parking (see "Commercial Parking and Vehicle Storage"), repair shops that are part of a vehicle dealership on the same site (see "Auto, Mobile home, Vehicle and Parts Sales"); automobile service stations, which are separately defined; or automobile dismantling yards, which are included under "Recycling, Scrap and Dismantling Yards."

Resale Controls. Legal restrictions by which the price of affordable housing units will be controlled to ensure that the units remain affordable to extremely low, very low, low or moderate-income County households, as applicable, over a specified period of time.

Research and Development (land use). This land use consists of scientific research, and the design, development and testing of computer software, and electrical, electronic, magnetic, optical and mechanical components in advance of product manufacturing, not associated with a manufacturing facility on the same site. Includes chemical and biotechnology research and development. Does not include soils and other materials testing laboratories (see "Business Support Services"), or medical laboratories (see "Medical Services - Clinics and Labs").

Residence. See "Dwelling, or Dwelling Unit."

Residential Accessory Uses and Structures (land use). This land use consists of and includes any use that is customarily a part of, and clearly incidental and secondary to, a residence and does not change the character of the residential use. These uses include the following accessory structures, and other similar structures and uses normally associated with a residential use of property:

- garages
- gazebos
- greenhouses
- spas and hot tubs
- roof-mounted WECS
- solar collectors
- rainwater cisterns and collectors
- storage sheds
- studios
- swimming pools
- workshops

Also includes community gardens and the indoor storage of owner or occupant owned automobiles (including their incidental restoration and repair), personal recreational vehicles and other personal property, accessory to a residential use. Does not include home satellite dish and other receiving antennas for earth-based TV and radio broadcasts; see "Telecommunications Facilities."

Residential Care Facilities (land use). This land use consists of a dwelling unit licensed or supervised by any federal, state, or local health/welfare agency which provides 24-hour nonmedical care of unrelated persons who are disabled and in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual in a family-like environment. This land use includes licensed senior care facilities. For purposes of calculating residential densities, a unit that contains a food preparation area is not counted as a separate residential unit if meal service is provided at least twice a day as part of the residential care component.

Residential District or Zone. This designation includes any of the residential zoning districts established by Sections 22.06.020 (Zoning Districts Established) and Article V (Coastal Zones – Permit Requirements and Development Standards), including:

RA (Residential, Agricultural)
RR (Residential, Restricted)
RE (Residential, Estate)
R1 (Residential, Single-Family)
RSP (Residential, Single-Family Planned)
R2 (Residential, Two-Family)
RMP (Residential, Multiple Planned)
RX (Residential, Mobile Home Park)
RF (Residential, Floating Home Marina)

C-RA (Coastal, Residential, Agricultural)
C-R1 (Coastal, Residential, Single-Family)
C-RSP (Coastal, Residential, Single-Family Planned)
C-RSPS (Coastal, Residential, Single-Family Planned, Seadrift Subdivision)
C-R2 (Coastal, Residential, Two-Family)
C-RMP (Coastal, Residential, Multiple Planned)

Residential Second Unit (land use). This land use consists of a second permanent dwelling that is accessory to a primary dwelling on the same site. A residential second unit provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, food preparation, sanitation, and parking. The primary criterion for defining a second unit shall be the existence of separate food preparation facilities which may include but are not limited to stove, oven, hot plate, refrigerator or sink. Also see Existing Residential Second Units.

Restaurant (land use). This land use consists of the retail sale of prepared food and beverages for on- site consumption. This Development Code distinguishes between restaurants (including cafes and coffee shops) designed to accommodate 40 or fewer patrons, more than 40 patrons, and restaurants that serve alcohol and/or provide live entertainment.

Restaurant, Fast Food (land use). This land use consists of restaurants where customers are served prepared food from a walk-up ordering counter, or drive-through window, for either on- or off-site consumption.

Resubdivision. Changing the street alignment, lot configuration, or drainage of an existing subdivision, except through the Lot Line Adjustment process described in Chapter 22.90 (Lot Line Adjustments). Resubdivision constitutes development for the purposes of this LCP.

Retail Stores, General Merchandise (land use). This land use consists the retail sale of many lines of merchandise. Examples of the types of merchandise, and stores included within this land use are:

- artists' supplies
- auto parts (not repair or machine shops)
- bakeries (retail only)
- bicycles
- books
- cameras and photographic supplies
- clothing and accessories
- department stores
- drug and discount stores

- hobby materials
- jewelry
- luggage and leather goods
- musical instruments, parts and accessories
- newsstands
- orthopedic supplies
- pet stores
- religious goods
- shoe stores

- dry goods
- fabrics and sewing supplies
- florists and houseplant stores
- garden supply stores and sale of houseplants and nursery products
- general stores
- grocery stores
- hardware
- small wares
- specialty shops
- sporting goods and equipment
- stationery
- toys and games
- variety stores

Retail Stores, Visitor/Collector (land use). This land use consists of the retail sale of products oriented primarily toward visitors to Marin County and/or collectors other than local resident populations. Examples of the stores and products included under this land uses are antiques, art galleries, gift, souvenir, and curio shops, and handcraft sales (stores may include crafting subordinate to sales).

Retreat Rate. The rate at which wave action and other coastal hazard and erosion processes will cause a coastal bluff or shoreline to erode and/or retreat.

Review Authority. The Board of Supervisors, Health Officer, Planning Commission, Zoning Administrator, Community Development Director, and, in cases of Coastal Permit and related appeals, the Coastal Commission, where designated by this Development Code as having the responsibility and authority to review, approve, or deny land use and development applications in compliance with this Development Code.

Ridge and Upland Greenbelts. The uppermost portions of hills, and the wooded hillsides identified in the Built Environment Element of the Marin Countywide Plan, or as defined by Program C-DES-3.a through a future LCP amendment.

Right-to-Farm Ordinance. An ordinance that was adopted in compliance with the Marin Countywide Plan for the purpose of protecting existing or future agricultural uses.

Riparian Vegetation ~~(coastal)~~. Vegetation associated with a watercourse and relying on the higher level of water provided by the watercourse. Riparian vegetation can include trees, shrubs, and/or herbaceous plants. Woody riparian vegetation includes plants that have tough, fibrous stems and branches covered with bark and composed largely of cellulose and lignin. Herbacious riparian vegetation includes grasses, sedges, rushes and forbs – broad-leaved plants that lack a woody skeleton.

Room Rental (land use). This land use consists of the rental of bedrooms within a dwelling or accessory structure, excluding a guest house, where meals are not provided. This use is subordinate to the primary residential use of the property.

Rural Recreation (land use). This land use consists of facilities for outdoor recreational activities including: outdoor archery, pistol, rifle, and skeet shooting ranges and clubs; rodeo facilities; guest ranches; and health resorts including outdoor hot springs or hot tub facilities. Hunting and fishing clubs are separately defined.

S. Definitions, "S."

Sale of Agricultural Products (land use). This land use consists of retail sales of agricultural products. Includes seasonal structures, such as roadside stands, which are open structures for retail sales, and permanent structures for year-round sales. Does not include hay, grain and feed sales (see "Farm Equipment and Supplies").

~~**SCA.** See "Stream Conservation Area."~~

Schools (land use). This land use consists of public and private educational institutions, including:

- boarding schools
- business, secretarial, and vocational schools
- community colleges, colleges and universities
- elementary, middle, and junior high schools
- establishments providing courses by mail
- high schools
- military academies
- professional schools (law, medicine, etc.)
- seminaries/religious ministry training facilities
- pre-schools

Also includes specialized non-degree granting schools offering instruction in:

- art
- ballet and other dance
- computers and electronics
- drama
- driver education
- language
- music

Also includes facilities, institutions and conference centers that offer specialized programs in personal growth and development, such as fitness, environmental awareness, arts, communications, and management. Includes child day-care facilities where authorized by the same type of land use permit required for the school itself.

Scrap. See "Junk."

Sea ~~(coastal)~~. The Pacific Ocean and all harbors, bays, channels, estuaries, salt marshes, sloughs, and other areas subject to tidal action through any connection with the Pacific Ocean, excluding non- estuarine rivers, streams, tributaries, creeks, and flood control and drainage channels. "Sea" does not include the area of jurisdiction of the San Francisco Bay Conservation and Development Commission, established pursuant to Title 7.2 (commencing with Section 66600) of the Government Code, including any river, stream, tributary, creek, or flood control or drainage channel flowing directly or indirectly into such area.

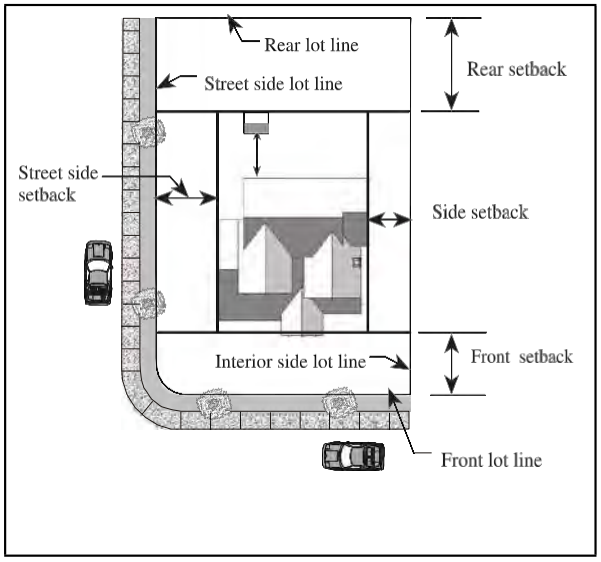
Second Hand Stores (land use). This land use consists of the purchase and retail sale of used products, including books, clothing, furniture and household goods. The sale of antiques is included under "Retail Stores, Visitor/Collector." The sale of cars and other used vehicles is included under "Auto, Mobile Home, Vehicle and Parts Sales."

Second Unit ~~(coastal)~~. See "Residential Second Unit"

Septic System. An on-site sewage disposal system consisting of a septic tank, and a soil infiltration leach field, evapotranspiration mound, or other approved disposal facility. See also "Individual Sewage Disposal System ~~(Coastal)~~."

Setback (front, side and rear). The distance by which a structure is required to be separated from a lot line, measured perpendicular to the lot line. Setbacks from private streets and driveways are measured from the edge of the easement. See also "Yard." Figure 8-6 (Setbacks) shows the location of front, side, street side, and rear setbacks.

FIGURE 8-6
SETBACKS



Service Station (land use). This land use consists of the retail sale of gasoline or other motor vehicle fuels, which may also include services incidental to fuel sales. These incidental services may include vehicle engine maintenance and repair, towing and trailer rental services. Does not include the storage or repair of wrecked or abandoned vehicles, vehicle painting, body or fender work, or the rental of vehicle storage or parking spaces.

Sewage Disposal System ~~(coastal)~~. See "Individual Sewage Disposal System ~~(Coastal)~~"

Shopping Center (land use). This land use consists of structures with six or more independently operated retail uses whose combined gross floor area totals at least 20,000 square feet, and which are located on a site where any underlying separate lots are tied together by a binding legal agreement providing rights of reciprocal parking and access.

Shoreline ~~(coastal)~~. The intersection of the ocean or sea with land; the line delineating the shoreline on National Ocean Service nautical charts and surveys approximates the mean low water line from the time the chart was prepared.

Shoreline Parcel ~~(coastal)~~. A parcel located wholly or partially along the shoreline.

Shoreline Protective Device ~~(coastal)~~. A device (such as a seawall, revetment, riprap, bulkhead, piers/caissons, or bluff retention device) built for the purpose of serving a coastal-dependent use, or protecting an existing structure or public beach in danger from erosion.

Sign. Any display or device which is intended to or may, in the judgment of the Director, communicate an advertisement, announcement, direction, identity, or other message to attract, and/or distract, hold, direct, or focus the attention of, persons on public property or on private property generally open to members of the public. A sign includes any moving part, lighting, sound equipment, framework, background material, structural support, or any other part. (See, Sign Area). A display or device need not contain any lettering to be considered a sign.

Sign Area. Sign area consists of the message, background and any frame or outline and does not include any material used exclusively for structural support. Where a sign message has no background material or where the background is an undifferentiated wall, the area shall consist of the smallest convex shape which encompasses the total message. The area of a conic, cylindrical, spheric or multifaced sign

shall be its maximum projection on the vertical plane (e.g., for a two-faced sign, only one side shall be measured).

Significant Tobacco Retailer. Any tobacco retailer engaged in the sale and/or distribution of tobacco products or paraphernalia to the general public, excluding wholesale businesses, that either devotes 20% or more of floor area or display area to, or derives 75% or more of gross sales receipts from, the sale or exchange of tobacco products and/or tobacco paraphernalia.

Single-Family Dwellings (land use). This land use consists of a building designed for and/or occupied exclusively by one family. Also includes factory-built, modular housing units, constructed in compliance with the California Building Code (CBC), and mobile homes/manufactured housing on permanent foundations.

Single-Family Residential Zoning District. A zoning district listed in Articles II (Zoning Districts and Allowable Land Uses) and V (Coastal Zones - Permit Requirements and Allowable Land Uses) which allows single-family dwellings, but not two-family or multi-family dwellings. These zoning districts include:

RA (Residential, Agricultural)	C-RA (Coastal, Residential, Agricultural)
RR (Residential, Restricted)	C-R1 (Coastal, Residential, Single Family)
RE (Residential, Estate)	C-RSP (Coastal, Residential, Single-Family Planned)
R1 (Residential, Single-Family)	
RSP (Residential, Single-Family Planned)	C-RSPS (Coastal, Residential, Single-Family Planned, Seadrift Subdivision)
RX (Residential, Mobile Home Park)	
RF (Residential, Floating Home Marina)	A2B (Agriculture, Limited)

Districts zoned A for agricultural uses, other than those listed above, are not included in this definition.

Site. A lot or parcel, or adjoining lots or parcels under single ownership or single control, which is considered a unit for the purposes of development or other use.

Site Coverage. See "Lot Coverage."

Skilled Nursing Facility. A medical care facility providing care for physically or mentally disabled persons, where care is less than that provided by a hospital or other acute care facility. See "Medical Services - Extended Care."

Slaughterhouses and Rendering Plants. Slaughterhouses are establishments primarily engaged in slaughtering cattle, hogs, sheep, lambs, calves, rabbits and fowl for meat to be sold or to be used on the same site in canning, curing and freezing, and in the making of sausage, lard, and other products. Rendering plants are engaged in the rendering of inedible stearin, grease, and tallow from animal fat, bones, and meat scraps.

Slope. The average slope of a lot, or portion thereof, expressed as a percent, which is calculated as follows:

$$S = (L \times I \times 100) / A$$

Where:

S = The average slope of natural ground expressed as a percent
I = The topographic contour interval in feet (i.e., 2-foot contour intervals, 5-foot contour intervals, etc.)
L = The sum of the length of the contour lines expressed in feet
A = The area of the lot, or portion thereof, expressed in square feet

This definition assumes that slope calculations are based on accurate topographic survey maps drawn to a scale of not less than one inch equals 100 feet, with contour lines at maximum 10-foot intervals for ground slope over 15 percent, and at five-foot intervals for ground slope of 15 percent or less.

Slope Ordinance. Minimum lot area requirements established based on slope. See Section 22.82.050 (Hillside Subdivision Design) (See also Appendix 9).

Small Family Day-Care Homes (land use). See "Child Day-Care Facilities."

Snack Bar. An area within a residence that accommodates small food preparation appliances, such as a toaster, microwave, and refrigerator and may include a small wetbar-type sink, but not a full-sized refrigerator, stove, or food preparation area. A snack bar is accessory to the primary food preparation facility within the residential unit and is not treated as a separate food preparation facility for purposes of calculating the residential density on the lot.

Solar Energy System ~~(coastal)~~. As used in the Marin County Local Coastal Program, "solar energy system" means either of the following:

(1) Any solar collector or other solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electricity generation, or water heating.
(2) Any structural design feature of a building, whose primary purpose is to provide for the collection, storage and distribution of solar energy for electricity generation, space heating or cooling, or water heating.

Solid Waste. Unwanted materials discarded by the occupants of homes and businesses, which may include recyclable materials.

Special Purpose District or Zone. Any of the special purpose zoning districts established by Section 22.06.020 (Zoning Districts Established), including PF (Public Facilities) and OA (Open Area); and by Section 22.62.030 (Coastal Zoning Districts Established), including the C-PF (Coastal, Public Facilities) zone as defined in Section 22.62.090 (Coastal Special Purpose and Combining Districts).

Species of Special Concern. As determined by the California Department of Fish and Wildlife, a Species of Special Concern (SSC) is a species, subspecies, or distinct population of fish, amphibian, reptile, bird, or mammal native to California that currently satisfies one or more of the following (not necessarily mutually exclusive) criteria, e:

a. is extirpated from the state or, in the case of birds, in its primary seasonal or breeding role;
b. is listed as federally-, but not state-, threatened or endangered;
c. meets the state definitions of threatened or endangered but has not formally been listed;
d. is experiencing, or formerly experienced, serious (noncyclical) population declines or range retractions (not reversed) that, if continued or resumed, could qualify it for state threatened or endangered status;

e. has naturally small populations exhibiting high susceptibility to risk from any factor(s), that if realized, could lead to declines that would qualify it for state threatened or endangered status.

Specific Plan. A detailed plan for the systematic implementation of the general plan, for all or part of the area covered by the general plan, as authorized by Government Code Sections 65450 et seq.

Sport Facilities and Outdoor Public Assembly (land use). This land use consists of indoor and outdoor facilities for spectator-oriented sports and other outdoor public assembly facilities for such activities as outdoor theater productions and concerts. These facilities include: amphitheaters; stadiums and coliseums; arenas and field houses; race tracks; motorcycle racing and drag strips; and other sports facilities that are considered commercial.

State. The State of California.

Stealth Design. A telecommunications facility that is designed or located in such a way that the facility is not readily recognizable as telecommunications equipment, and so that it blends into the existing built and natural environment in such a way as to avoid significant public view and community character impacts.

Stock Cooperative. A development defined by the Business and Professions Code, Section 11003.2 and the Civil Code, Section 1351.m, where a corporation is formed to hold title to improved real property and the shareholders of the corporation receive a right of exclusive occupancy in a portion of the real property.

Stone and Cut Stone Products (land use). This land use consists of the cutting, shaping, and finishing of marble, granite, slate, and other stone for building and miscellaneous uses. Also includes establishments engaged primarily in buying or selling partly finished monuments and tombstones.

Stop Work Order. A notice issued by the Building Official, or other designated official, that directs the property owner to cease work that was undertaken without proper permits.

Storage, Accessory (land use). This land use consists of the storage of various materials in support of a residential, commercial, or industrial land use on the same site, where the primary use of the site is not a storage facility.

Storage, Personal Storage Facility (land use). This land use consists of a structure or group of structures containing generally small, individual, compartmentalized stalls or lockers rented as individual storage spaces and characterized by low parking demand.

Story. That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

Story (floating home). That portion of the superstructure located between the upper surface of any deck and the upper surface of the deck or ceiling next above.

Stream ~~(coastal)~~. Streams in the Coastal Zone, perennial or intermittent, which are mapped by the United States Geological Survey (USGS) in the National Hydrographic Dataset.

Stream Bank ~~(coastal)~~. The bank of a stream shall be defined as the watershed and relatively permanent elevation or acclivity at the outer line of the stream channel which separates the bed from the adjacent upland, whether valley or hill, and serves to confine the water within the bed and to preserve the course of the stream. In areas where a stream has no discernible bank, the boundary shall be measured from the line closest to the stream where riparian vegetation is permanently established. In areas where a stream has no discernible bank or riparian vegetation, the stream boundary shall be considered the stream's ~~thalweg~~ ordinary high water mark.

Street, public. A public right-of-way or access normally used for vehicular traffic, typically excluding vehicular driveways serving a single lot or parcel and trails or paths used for pedestrian access purposes
only.

Structural Alterations. Any change in the supporting members of a building, including bearing walls, columns, beams or girders.

Structural Clay and Pottery Products (land use). This land use consists of the manufacture of brick and structural clay products, including pipe, china plumbing fixtures, and vitreous china articles, fine earthenware and porcelain products. Artist/craftsman uses are included in "Cottage Industries," "Handcraft Industries and Small Scale Manufacturing," "Home Occupations."

Structure. Anything constructed or erected, the use of which requires attachment to the ground or attachment to something located on the ground. For the purposes of this Development Code, the term "structure" includes "buildings." Examples of structures include, but are not limited to:

- residence/guest house
- garage/carport/car deck
- swimming pool/spa
- barn
- arbor/gazebo
- retaining wall
- fence/trellis

~~**(Coastal)**~~ In the Coastal Zone, examples of structures also include a road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

Structure, Accessory. See "Accessory Structures."

Structure, Primary. A structure in which the principal use of the site is conducted. On sites with multiple structures, the Director shall determine which is the primary structure based on zoning, use, floor area, owner occupancy, etc.

Studios for Art, Dance, Music, Photography, etc. (land use). This land use consists of the provision of individual and group instruction and training in: the arts; production rehearsal; photography, and the processing of photographs produced only by users of the studio facilities; and martial arts training studios.

Subdivider. A person, firm, corporation, partnership or association, a governmental agency, public entity or public utility, or the grantor to any such agency, entity, utility or subsidiary, who proposes to subdivide real property for themselves or for others, except employees and consultants or these persons or entities acting in this capacity.

Subdivision. The division, by any subdivider, of any unit or portion of land shown on the latest equalized Marin County assessment roll as a unit or contiguous units, for the purpose of sale, lease or financing, whether immediate or future. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easement or railroad rights-of-way. Subdivision includes a condominium project, as defined in Section 1351.f of the Civil Code, and a community apartment project, as defined in Section 1351.d of the Civil Code. (See also "Land Division.")

Subdivision Map. A Tentative, Parcel or Final Map, as described in Article VI (Subdivisions).

Subdivision Map Act. Division 2, Title 7 of the California Government Code, commencing with Section 66410 as presently constituted, and any amendments to those provisions.

Submerged Lands. Lands which lie below the mean low tide line.

Substantial Evidence~~ (coastal)~~. Enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Argument, speculation, unsubstantiated opinion or narrative, or evidence which is clearly erroneous or inaccurate, does not constitute substantial evidence.

Superstructure (floating home). The portion of a floating home or ark above the lowest deck or the level of floatation.

Supportive Housing. Housing with no limit on length of stay, that is occupied by the target population as defined in subdivision (d) of Health and Safety Code section 53260, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community per Health and Safety Code section 50675.14(b).1

Surface Mining. All or any part of the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incident to an underground mine.

T. Definitions, "T."

Telecommunications Facilities (land use). This land use consists of public, commercial and private electromagnetic and photoelectrical transmission, broadcast, repeater and receiving stations and equipment, including:

- cellular telephone and personal communications services (PCS) facilities, and enhanced specialized mobile radio facilities
- commercial earth stations for satellite-based communications
- data network communications facilities
- radio and television broadcast facilities, including ham radio facilities
- telephone and telegraph microwave facilities

Includes antennas, microwave dishes or horns, structures or towers to support receiving and/or transmitting devices, accessory development and structures, and the land on which they are situated. Does not include telephone, telegraph and cable television transmission facilities utilizing hard-wired or direct cable connections (see "Pipelines and Utility Lines").

Temporary Construction Yard. A site for the storage of construction materials other than the construction site.

Temporary Event.~~ (coastal):~~ An activity or use that constitutes development of limited duration that involves the placement of non-permanent structures, and/or an activity or use that involves exclusive use of a sandy beach, parkland, filled tideland, water area, street, or parking area otherwise open and available for general public use.

Temporary Mobile Home (land use). This land use consists of a mobile home used as a temporary residence during the construction of a permanent residence on the same site.

Temporary Use Permit. A discretionary land use permit that may be granted in compliance with Chapter 22.50 (Temporary Use Permits), which authorizes a specific use of land on a specific site for a limited time, subject to compliance with any conditions of approval imposed on the permit.

Tennis and Other Recreational Uses (land use). Non-commercial facilities constructed for private use on properties developed with homes or other residences. See also "Hotel/Motel", "Outdoor Commercial Recreation", Private Recreational Facility, and "Sports Facilities and Outdoor Public Assembly".

Tentative Map. A map made for the purpose of showing the design and improvement of a proposed subdivision and the existing conditions in and around it.

Textile and Leather Products (land use). This land use consists of any of the following manufacturing activities:

- coating, waterproofing, or otherwise treating fabric
- dyeing and finishing fiber, yarn, fabric, and knit apparel
- manufacture of knit apparel and other finished products from yarn
- manufacture of felt goods, lace goods, non-woven fabrics and miscellaneous textiles
- manufacturing of woven fabric, carpets and rugs from yarn
- preparation of fiber and subsequent manufacturing of yarn, threads, braids, and twine cordage
- upholstery manufacturing

Thalweg ~~(coastal)~~. A line connecting the lowest or deepest points along a stream bed or valley bottom.

Theaters and Meeting Halls (land use). This land use consists of indoor facilities for public assembly and group entertainment, other than sporting events, including:

- civic theaters, meeting halls and facilities for "live" theater and concerts
- exhibition and convention halls
- meeting halls for rent
- motion picture theaters
- public and semi-public auditoriums
- similar public assembly uses

Does not include outdoor theaters, concert and similar entertainment facilities, and indoor and outdoor facilities for sporting events; see "Sport Facilities and Outdoor Public Assembly."

Threatened Species. A Threatened Species is an animal or plant species likely to become endangered within the foreseeable future throughout all or a significant portion of its range, as determined by the U.S. Fish and Wildlife Service or National Oceanic and Atmospheric Administration consistent with the Federal Endangered Species Act of 1973, or as designated by the California Department of Fish and Wildlife consistent with the California Endangered Species Act.

Tidelands. Lands which are located between the lines of mean high tide and mean low tide.

Tidelands Permit. A discretionary permit that may be granted in compliance with Chapter 22.52 (Tidelands Permits) of this Development Code, which may authorize fill, excavation, or structures within the tidelands of the County, subject to compliance with any conditions of approval imposed on the permit.

Timber Harvesting. The cutting of timber and/or removal of forest products for commercial purposes, together with all the work incidental to those operations, including road building, tree marking, hazard reduction, etc.

Tobacco Paraphernalia. Cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette-rolling machines, and any other item designed for the smoking, use or ingestion of tobacco products.

Tobacco Products. Any substance containing any tobacco leaf, including cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, and smokeless tobacco.

Tobacco Retailer. Any person who sells, offers for sale, or offers to exchange for any form of consideration, tobacco, tobacco products, and/or tobacco paraphernalia.

Transfer of Development Rights (TDR). The process established by Chapter 22.34 (Transfer of Development Rights), which allows some or all of the number of dwelling units potentially allowed by the zoning applicable to a "donor" site, to be transferred and built on another "receiving" site, in addition to the number of units potentially allowed by the zoning of the receiving site.

Transit Stations and Terminals (land use). This land use consists of passenger stations for vehicular, ferry, and rail mass transit systems; also terminal facilities providing maintenance and service for the vehicles operated in the transit system. Includes buses, taxis, railway, etc.

Transit Stop Shelter (land use). This land use consists of a small-scale covered waiting area for busses, taxis, and rail/mass transit stops.

Transitional Housing. Buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months per Health and Safety Code section 50675.2(h).

Two-Family Dwelling (land use). This land use consists of detached residential structures under single ownership containing two dwellings. This land use does not include residential second units, which are separately defined.

U. Definitions, "U."

Unincorporated Community. A concentration of structures and population within the unincorporated areas of the County identified by the Countywide Plan as a community.

Use. The purpose for which land or a building thereon is designed, or for which it may be occupied. Each business, administrative, professional, industrial, or other establishment, which is separate from another establishment, both in fact and in the appearance presented to the public, shall be considered a separate use.

Use Permit. A discretionary land use permit that may be granted by the review authority in compliance with Chapter 22.48 (Use Permits), which authorizes a specific use of land on a specific site, subject to compliance with any conditions of approval imposed on the permit.

V. Definitions, "V."

Vacant Lot ~~(non-coastal)~~. A lot which is not developed with a primary structure, or is developed only with one or more accessory structures. As used in this Code, development of a lot which entails demolition exceeding 75 percent of the linear sum of the primary structure's exterior walls for each story shall be subject to the regulations for developing a vacant lot.

Variance. See Chapter 22.54 (Variances).

Vehicle and Freight Terminals (land use). This land use consists of the provision of services incidental to air, motor freight, and rail transportation. Examples of these services and related facilities include:

- freight forwarding services
- freight terminal facilities
- joint terminal and service facilities
- packing, crating, inspection and weighing services
- postal service bulk mailing distribution centers
- transportation arrangement services
- trucking facilities, including transfer and storage

Vermiculture ~~(coastal)~~. The raising and production of earthworms and their by-products.

Vessel. Any watercraft of any type or size, including barges, ferry boats, yachts, houseboats, floating homes, and rafts.

Vest. To obtain a right by completing an action required by law.

Vesting Tentative Map. A map that is filed and processed in the same manner as a Tentative Map except as otherwise provided by Section 22.84.110 (Tentative Map Time Limits), or the Subdivision Map Act. A Vesting Tentative Map shall have the words "Vesting Tentative Map" printed conspicuously on its face at the time it is filed with the Agency.

Veterinary Clinics and Animal Hospitals (land use). This land use consists of office and entirely indoor medical treatment facilities used by veterinarians, including large and small animal veterinary clinics, and animal hospitals. See also, "Kennels and Animal Boarding."

Visitor-Serving Facility. Facilities that cater to visitors, including stores, shops, businesses, bed and breakfast inns, public and private recreational facilities that provide accommodations, food and service facilities. Includes hotels and motels, campgrounds, parks, nature preserves, restaurants, and commercial recreational development such as shopping, eating and amusement areas which are geared toward and used by the traveling public.

Visually Prominent Ridgeline ~~(coastal)~~. A line connecting the topographic highpoints along a ridge that separates watersheds and is visible from public viewpoints

Viticulture ~~(coastal)~~. The cultivation of grapes.

V-Zone ~~(coastal)~~. See “Flood Hazard Zone.

W. Definitions, "W."

Warehouse Retail Stores (land use). This land use consists of the retail stores that emphasize the packaging and sale of products in large quantities or volumes, some at discounted prices, where products are typically displayed in their original shipping containers. Sites and buildings are usually large and industrial in character. Patrons may or may not be required to pay membership fees.

Warehousing (land use). This land use consists of facilities for the storage of farm products, furniture, household goods, or other commercial goods of any nature. Includes cold storage. Does not include: warehouse, storage or mini-storage facilities offered for rent or lease to the general public (see "Storage, Personal Storage Facilities"); warehouse facilities in which the primary purpose of storage is for wholesaling and distribution (see "Wholesaling and Distribution"); or terminal facilities for handling freight (see "Vehicle and Freight Terminals").

Waste Disposal Sites (land use). This land use consists of County-approved or operated refuse dumps, sanitary landfills and other solid waste terminal disposal facilities, not including facilities for hazardous materials.

Water Conservation Dams and Ponds (land use). This land use consists of water impoundment reservoirs constructed for watering stock, groundwater recharge, and other conservation purposes.

Watershed~~ (coastal)~~. The geographical area drained by a river and its connecting tributaries into a common source. A watershed may, and often does, cover a very large geographical region.

WECS (land use). See "Wind Energy Conversion Systems (WECS)."

Wet Bar. An area that includes a bar sink not exceeding a maximum dimension of 12-inches by 12- inches and adjoining cabinets and counters not exceeding an aggregate length of six feet. Electrical service in a wet bar area shall be limited to general purpose receptacles. The maximum size of the trap arm and drain for the bar sink shall not exceed 1.5 inches. Dedicated electrical circuits, gas lines, gas stubouts, and additional plumbing stubouts are prohibited as part of the wet bar area. Wet bars are not considered food preparation facilities.

Wetland~~ (coastal)~~. Lands within the Coastal Zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens. "Wetland" shall be defined as:

A. Land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to, vegetated wetlands or deep-water habitats. For purposes of this section, the upland limit of a wetland shall be defined as:
    1. The boundary between land with predominantly hydrophytic cover and land with predominantly mesophytic or xerophytic cover;
    2. The boundary between soil that is predominantly hydric and soil that is predominantly nonhydric; or
    3. In the case of wetlands without vegetation or soils, the boundary between land that is flooded or saturated at some time during years of normal precipitation, and land that is not.

B. The term "wetland" shall not include wetland habitat created by the presence of and associated with agricultural ponds and reservoirs ~~or by drainage ditches~~ where:
    1. The pond or reservoir was in fact constructed by a farmer or rancher for agricultural purposes; and
    2. There is no evidence (e.g., aerial photographs, historical survey, etc.) showing that wetland habitat pre-dated the existence of the pond or reservoir. Areas with drained hydric soils that are no longer capable of supporting hydrophytes shall not be considered wetlands; or

~~3. The drainage ditch is a narrow (usually less than 5-feet wide), constructed nontidal ditch excavated from dry land, which is not a replacement for a natural drainage feature~~

Wholesaling and Distribution (land use). This land use consists of establishments engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm, or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Includes such establishments as:

- agents, merchandise or commodity brokers, and commission merchants
- assemblers, buyers and associations engaged in the cooperative marketing of farm products
- merchant wholesalers
- stores primarily selling electrical, plumbing, heating and air conditioning supplies and equipment

Wild Animal Ranches (land use). This land use consists of the keeping or raising of wild animals for commercial agricultural purposes.

Williamson Act. Formally the California Land Conservation Act of 1965, this Act was designed as an incentive to retain prime agricultural land and open space in agricultural use, thereby slowing its conversion to urban and suburban development. The program entails a 10-year contract between the County and an owner of land whereby the land is taxed on the basis of its agricultural use rather than the market value. The land becomes subject to certain enforceable restrictions, and certain conditions need to be met prior to approval of an agreement.

Wind Energy Conversion System (WECS) (land use). This land use consists of a wind turbine, windmill, or similar machine, which converts the kinetic energy in the wind into a usable form. The WECS consists of all parts of the system, including the wind turbine tower and the transmission equipment.

Wind Testing Facility~~ (coastal)~~. Wind testing facilities are those facilities or structures that have been temporarily installed to measure wind speed and directions and collect other data relevant to siting WECS.

X. Definitions, "X."

No definitions beginning with the letter "X" are used at this time.

Y. Definitions, "Y."

Yard. An area between a lot line and a setback, unobstructed and unoccupied from the ground upward, except for projections permitted by this Development Code. See Section 22.20.100 (Setback Requirements and Exceptions) and Figure 8-7 (Setbacks).

1. **Front Yard.** An area extending across the full width of the lot between the front lot line and the nearest line of the building.

2. **Rear Yard.** An area extending the full width of the lot between a rear lot line and the nearest line of the building.

3. **Side Yard.** An area extending from the front yard to the rear yard between the nearest side lot line and the nearest line of the building.

4. **Interior Yard.** An area between a lot line and the nearest line of the building that does not abut a street or right-of-way.

Z. Definitions, "Z."

Zoning Administrator. The employee of the Marin County Community Development Agency appointed by the Board of Supervisors as Zoning Administrator, with duties and authority as described in Section 22.110.040 (Zoning Administrator).

Zoning Code. Articles I through V, and VII through VIII of this Development Code.

Zoning District. An area identified on the County Zoning Map within which certain uses of land and structures are permitted, and regulations are specified by this Development Code. The zoning districts established by this Development Code are described in Sections 22.06.020 (Zoning Districts Established), and Article V (Coastal Zones – Permit Requirements and Development Standards).

Zoning Map. The official map or maps of Marin County that identify the specific zoning districts located in the unincorporated areas of the County. The Zoning Map is on file with the Marin County Community Development Agency.

Environmental Hazards (EH)

Background

Marin County's shoreline, like all of California's coast, is a highly dynamic place. The coast is subject to forces that include shoreline and bluff erosion, storms and waves, tsunamis, landslides and potential seismic events, all of which represent hazards for existing and new development (see also LCP Maps 9 – 15 and 18).

Rising sea levels are expected to exacerbate coastal hazards such as these, leading to increased erosion, permanent or periodic inundation of low-lying areas, loss of coastal wetlands, and salt water intrusion into stormwater systems and aquifers. Structures located along the shoreline and atop bluffs that are susceptible to erosion and in areas that already flood during higher tides will likely experience an increase in these hazards due to accelerated sea level rise. Sea level rise also threatens the integrity of roads and other infrastructure (for example, see LCP Map 15). The LCP acknowledges the threat of sea level rise and supports appropriate responses, while recognizing that sea level rise is a global rather than a purely local issue. The impacts of sea level rise will vary according to local factors, such as shoreline characteristics, land movement driven by plate tectonics, and local wind patterns. Strategies to reduce impacts are most appropriately designed and implemented at the local level.

Coastal zone development, whether located along the shoreline, on a bluff, or farther inland, can be vulnerable to one or more of these hazards, including rising sea levels. As a response, significant portions of California's coastline have been armored with rock revetments, seawalls, or other shoreline protective devices. Marin County's shoreline includes relatively few areas where such devices are in place, but shoreline armoring is not absent from the County's coastal zone. Although shoreline protective devices may offer protection to existing homes and other structures from ocean waves and storms, the devices can have negative impacts on recreational beach uses, scenic resources, natural landforms, and the supply of sand to shoreline areas, as well as the character of the County's coastal areas. Thus, the overall intent of

the LCP policies addressing coastal hazards is to avoid the use of shoreline protective devices where possible, and, if avoidance is not possible, to address their potential coastal resource impacts over time through mitigation measures, including mitigation measures that serve to protect public beach areas for recreational use.

Coastal Act policies require that new development minimize risks to life and property in highly hazardous areas, and that it assure stability and structural integrity while not creating or contributing significantly to geologic instability or other hazards. Coastal Act policies also recognize that shoreline protective devices can be appropriate in certain instances, for example to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion. Under the Coastal Act, such devices, when allowable, however, must be designed to eliminate or mitigate adverse impacts on local shoreline sand supply and other coastal resources.

LCP hazards policies are designed with these policy considerations in mind, recognizing that coastal planning and permitting decisions must address both public and private costs and benefits of development in the dynamic coastal environment. The intent is to minimize risks to life and property by generally avoiding development in hazardous areas. At the same time it is acknowledged that these areas cannot always be avoided, and as such development in these areas needs to be even more carefully sited, designed and conditioned to avoid coastal resource consequences, especially over time. LCP hazards policies should serve to enhance the safety of residents and visitors in potentially hazardous areas. The LCP minimizes risks to life and property by generally avoiding development in hazardous areas, while allowing carefully designed and conditioned development to proceed where avoidance is not possible.

Policies

C-EH-1 Areas Potentially Subject to Hazards. Areas potentially subject to hazards include high geologic, flood, erosion and fire hazard areas, including but not limited to the areas subject to: Alquist-Priolo earthquake hazard zones and areas subject to landslides, liquefaction, steep slopes averaging greater than 35%, and unstable slopes regardless of steepness; episodic and long-term shoreline and bluff erosion and retreat, high velocity wave and tidal action from storms or high seas, ocean and stream inundation and flooding, tsunamis, and rising sea levels; and combinations of all of the above. Many of these areas are mapped in this LCP, including as shown on LCP Maps 9-15, and 18. Such maps can be used as a resource for identification of areas potentially subject to hazards; however, absence of mapping alone cannot be considered absence of hazard and local site conditions must be examined using the best available science.

C-EH-2 Avoid and Minimize Hazard Risks and Related Impacts. Development shall be avoided in areas potentially subject to hazards to the maximum feasible extent. When development in such areas cannot be feasibly sited in a manner that avoids such areas entirely, then such development shall be sited, designed, and conditioned to minimize risks to life and property while mitigating the development's impacts to coastal resource. Mitigation shall include measures to avoid such impacts if feasible, particularly impacts related to public recreational beach access.

C-EH-3 Hazards Evaluation. All development in areas potentially subject to hazards shall be supported by reports that are prepared by qualified professionals to current professional standards that adequately address the requirements of this Chapter (which may include reports prepared by and/or for the County). These reports shall be evaluated based on the best available science; shall, if sea level rise is part of the hazards, consider the impacts from the high projection of sea level rise for 100 years (unless different standards are required in the policies of this chapter); shall demonstrate that the development will avoid, or if full avoidance is not possible to avoid as much as possible and minimize, impacts from

coastal hazards; and shall evaluate and identify the effect of the development over time on coastal resources (including in terms of public access, shoreline dynamics, natural landforms, natural shoreline processes and public views as project impacts continue and/or change over time, including in response to sea level rise and fire hazards) and suggest appropriate mitigations to avoid and offset adverse effects identified.

C-EH-4 Coastal Redevelopment. An existing structure located in an area potentially subject to hazards shall be considered redeveloped (and deemed new development under this LCP that must be made to conform with all applicable LCP policies), when such development consists of: (1) alteration (including interior and/or exterior remodeling and renovations, demolition or partial demolition, etc.) of 50% or more of major structural components (including exterior walls, floor and roof structure, and foundation) considered individually (i.e., percentages are calculated by the individual structural component being altered, and are not additive between different structural components); (2) additions and alterations to such development that lead to a 50% or more increase in floor area for the development; and/or (3) additions and alterations to such development that costs 50% or more of the market value of the existing structure before construction. Changes to floor area and individual major structural components and the costs of such changes are measured cumulatively over time starting from January 1, 1977.

C-EH-5 Standards for Shoreline Development. Shoreline development is defined as: (1) development located on parcels shown on adopted Federal Emergency Management Agency (FEMA) "Flood Insurance Rate Maps" (FIRM) and "Flood Boundary Water Maps" for Marin County that are subject to coastal flooding from a flood which has a one percent chance of annual occurrence ; (2) development in areas potentially subject to inundation by sea level rise based on best available science at the time of the application, but at a minimum including properties shown on LCP Map 15; and (3) development, whether shown in the areas identified on the maps in subsection (1) and (2) of this section or not, that is located in areas potentially subject to shoreline hazards, including those areas identified pursuant to the hazards evaluation in C-EH-3 (including but not limited to flooding, inundation, storm waves, high seas, tidal scour, tsunamis, and the interaction of same, including in relation to sea level rise).

1. Shoreline development shall be set back a sufficient distance, and/or sited on an existing elevated portion of the site, and/or designed to reduce the size of the structure or structure footprint (unless the project consists solely of raising an existing structure the minimum amount necessary to meet flood elevation requirements), in such a way to avoid flooding related to the current estimated 100-year storm event, as adjusted for sea level rise if applicable, to the maximum feasible extent without reliance on shoreline protective devices. Existing shoreline protective devices shall not be incorporated into analyses when establishing appropriate siting. The predicted shoreline position shall be evaluated considering not only historic shoreline erosion, but also expected acceleration of shoreline erosion due to continued and accelerated sea level rise.

2. If there is inadequate space to feasibly meet such siting and design requirements, development shall be sited on the portion of the site that best meets these requirements, and floodproofed and/or elevated via pier/caisson foundations (using the minimum number of piers/caissons feasible) so that the lowest finished floor (in the case of floodproofing) or lowest horizontal members (in the case of elevation) are located at an elevation equal to the elevation of the estimated 100-year storm flood plus 3 feet (to address sea level rise). If floodproofed, the maximum allowable height shall be consistent with applicable zoning district standards. If elevated via pier/caisson foundations, then the area below the lowest horizontal members of such foundation shall not be enclosed nor used for any development needs, with the exception of appropriately designed parking and unenclosed outdoor storage (e.g., boat storage); and the maximum allowable height shall be consistent with applicable zoning district standards, or 15 feet above the finished floor elevation (which shall be no more than 2 feet above the

elevation of the lowest horizontal members of such foundation) if necessary to provide a single standard story of living space, whichever is greater. Where development consists solely of raising an existing structure by the minimum amount necessary to meet these flood elevation standards, a resulting building height that would exceed the zoning district height maximum may be allowed if the additional height does not adversely affect significant public views or community character; and existing legal non-conforming buildings that are encroaching into a required yard setback may be approved without the need for a variance to setback requirements, as long as the extent of the encroachment is not expanded.

3. Shoreline development shall be designed to ensure safety from anticipated hazard impacts caused by future sea level rise, including increased velocity of floodwaters, where applicable.

4. Shoreline development shall provide for adequate ingress/egress and all applicable service connections (e.g., for water, wastewater, electricity, gas, etc.), all of which shall be sited and designed to avoid impacts from flooding and to protect coastal resources to the maximum feasible extent.

5. Shoreline development shall not include rope lines or fences that block public access.

6. Shoreline development shall be prohibited if it would already meet any of the removal criteria specified in C-EH-11.

7. The required hazards evaluation of C-EH-3 shall address the requirements of that policy and this one, including in terms of evaluating the impacts associated with any development that includes floodproofing and/or elevation, and including in terms of evaluating the effects of related development, such as required ingress/egress to structures and the provision of services (e.g., water, wastewater, electricity, gas, etc.) over time, on coastal resources.

C-EH-6 Standards for Blufftop Development. Blufftop development is defined as development located on parcels within 300 feet of a blufftop edge.

1. Blufftop development shall be set back a sufficient distance from the blufftop edge to avoid hazards to the maximum feasible extent while ensuring stability and structural integrity in light of potential bluff erosion and other hazards for at least the next100 years without reliance on shoreline protective devices. Existing shoreline protective devices shall not be countenanced when establishing the setback.

2. If there is inadequate space to feasibly meet such setback requirements, including through modifications to the project design (e.g. proposing a smaller structure), blufftop development may be set back a lesser distance from the blufftop edge provided such setback is the maximum feasible and ensures stability and structural integrity in light of potential hazards for no less than 25 years without reliance on shoreline protective devices.

3. The required hazards evaluation shall address the requirements of that policy and this one, and shall also include a quantitative slope stability analysis by a geotechnical engineer demonstrating a minimum factor of safety against sliding of 1.5 (static) or 1.2 (pseudostatic, k=0.15 whereby safety and stability must be demonstrated for the predicted position of the bluff and blufftop edge following bluff recession over the required timeframe (i.e., 100 years, or possibly less pursuant to C-EH-6(2)). The predicted bluff and blufftop edge position shall be evaluated considering not only historical bluff retreat data and slope stability data, but also acceleration of bluff retreat due to continued and accelerated sea level rise, and other climate impacts.

4. Blufftop development shall be prohibited if it would already meet any of the removal criteria specified in C-EH-11.

5. Blufftop development shall include identification of the minimum amount of setback necessary to maintain safety without a shoreline protective device as the bluff erodes over the required time frame.

6. Blufftop development shall include adequate drainage and erosion controls designed to avoid bluff erosion and to avoid drainage being directed over blufftop edges or through bluffs otherwise.

C-EH-7 Standards for Bluff Face Development. Development on bluff faces shall be prohibited, other than public recreational access facilities (e.g. stairways, paths, overlooks, ramps, etc.) where no feasible alternative means of public access exists, and where. such development is sited and designed to be visually compatible with the surrounding area to the maximum feasible extent and to minimize effects on erosion of the bluff face.

C-EH-8 Standards for Development Subject to Geologic Hazards. In addition to other requirements that may apply (e.g., for development on a shoreline, blufftop, or bluff face), development in areas that are potentially subject to geologic hazards, (including Alquist-Priolo earthquake hazard zones and areas subject to landslides, liquefaction, steep slopes averaging greater than 35%, and unstable slopes regardless of steepness) shall comply with the seismic safety standards of the Alquist-Priolo Act (California Public Resources Code Section 2621. et seq.) and all applicable seismic provisions and criteria contained in the most recent version of State and County codes; shall incorporate siting and design techniques to mitigate any such geologic hazards; and shall not create a hazard or diminish the stability of the area.

C-EH-9 Standards for Development Subject to Fire Hazards. In addition to other requirements that may apply (e.g., if it is also shoreline, blufftop, or bluff face development, and/or development subject to geologic hazards), the following standards apply to development subject to fire hazards:

1) New Development and Fire Safety. New development shall meet all applicable fire safety standards and shall be sited and designed to minimize required initial and future fuel modification, and brush clearance in general, to the maximum feasible extent, and to avoid such activities within ESHA and ESHA buffers on site and on neighboring property, including parkland, where all such requirements shall be applied as conditions of approval applicable for the life of the development.

2) Existing Development and Fire Safety. Removal of major vegetation adjacent to existing development for fire safety purposes shall only be allowed upon a finding that fuel modification and brush clearance techniques are required in accordance with applicable fire safety regulations and are being carried out in a manner which reduces coastal resource impacts to the maximum feasible extent. In addition to the foregoing requirements, removal of ESHA, or removal of materials in an ESHA buffer, shall only be allowed for fire safety purposes: if it is not already prohibited by coastal permit conditions; if there are no other feasible alternatives for achieving compliance with required fire safety regulations; and if all ESHA and related impacts are mitigated in a manner that leads to no net loss of ESHA resource value.

C-EH-10 Waiver of Liability and Assumption of Risk. Coastal permit approvals for development in areas potentially subject to hazards, shall contain conditions requiring applicants to record deed restrictions against properties governed by the permit in which the applicants acknowledge and agree, on behalf of themselves and successors and assigns: that the site is subject to hazards, each of which shall be

explicitly identified, including vulnerabilities to sea level rise if the property is located in an area potentially inundated by sea level rise as shown on LCP Map 15 and/or as identified pursuant to the hazards evaluation in C-EH-3; to assume all such hazard risks; to prohibit and to waive any rights that may exist for new and/or augmented shoreline protective devices (including additional elevation for structures already elevated pursuant to C-EH-5); that public funds may be insufficient or unavailable to remedy damage to public roadways, infrastructure, and other facilities resulting from natural events such as sea level rise and bluff erosion;–that Housing Code provisions prohibit the occupancy of structures where sewage disposal or water systems are rendered inoperable; that any adverse effects to property caused by the development shall be fully the responsibility of the applicants and may require removal and restoration under certain criteria (see also C-EH-11 and C-EH-17 below).

C-EH-11 Mitigation Measures Required for Development Subject to Hazards. Development in shoreline, bluff face, and blufftop areas that are subject to hazards shall comply with all of the following, including through application of conditions of approval that provide for same:

1. Development Duration. Development shall be removed and the affected area restored to a natural condition if: (a) the County declares the development unsafe for occupancy and/or use; (b) the development requires new and/or augmented shoreline protective devices (including additional elevation for structures already elevated pursuant to C-EH-5); (c) the development encroaches onto public trust land (including as the public trust migrates); (d) access and utilities are no longer available to serve the development; (e) the blufftop edge erodes to the minimum setback line established via Policy C-EH-6; and/or (f) required by subsequent adaptation planning (see Policy C-EH-17). Bonding sufficient to cover such removal and restoration shall be provided.

2. Existing Armoring. If an existing shoreline protective device (other than a pier/caisson foundation system supporting the development itself) is associated with new shoreline, bluff face, and/or blufftop development (including coastal redevelopment), then such development shall only be approved subject to a requirement that the existing shoreline protective device is required to be removed and the area affected by the device restored to natural conditions as part of project construction as a condition of development approval. Removal and restoration shall not be required where removal of the shoreline protective device would endanger existing principal structures on adjacent sites to the degree that these principal structures would qualify for armoring under this LCP unless such adjacent sites have already been required to remove such armoring and restore the area when feasible via prior conditions of approval (see following sentence). When immediate removal and restoration is not required for these reasons, such development shall only be approved subject to a requirement that the existing shoreline protective device be removed and the affected area restored as soon as such removal and restoration can be accomplished without endangering existing principal structures on adjacent sites (e.g., as adjacent sites redevelop, as adjacent sites are conditioned for future removal, etc.), and that bonding sufficient to cover such removal and restoration be provided.

3. Public Rights. Approval of coastal permits shall not constitute a waiver of any public rights that may exist on the affected property. A coastal permit permittee shall not use any permit approval as evidence of a waiver of any public rights that may exist on the affected property now or in the future.

C-EH-12 Standards for Shoreline Protective Devices. Shoreline protective devices(i.e. , including revetments, breakwaters, groins, seawalls, bluff retaining walls and other like devices, piers/caisson foundation systems, or other similar structures designed as protection against coastal hazards), shall be prohibited unless they meet all of the criteria below:

1. Allowable armoring. The shoreline protective device is required: to serve a coastal-dependent use or to protect a principal structure in existence prior to the effective date of the Coastal Act (i.e. January 1, 1977) that is in danger from erosion (i.e. would be unsafe to use or occupy within two storm seasons; or to protect a public beach that is in danger from erosion. Notwithstanding the above, a pier/caisson foundation system shoreline protective device may be allowable under certain circumstances pursuant to C-EH-5.

2. Least Damaging Alternative. The shoreline protective device is the least environmentally damaging feasible alternative to protect existing endangered principal structures, public beaches, or coastal-dependent uses. Hard armoring (such as seawalls and revetments, etc.) shall only be allowed if soft alternatives (such as beach nourishment, vegetative planting, and drainage control, etc.) cannot meet the above least environmentally damaging feasible alternative criteria, and if limited as much as possible to avoid coastal resource impacts. All shoreline protective devices shall be sited and designed to avoid coastal resource impacts to the maximum feasible extent, including that all allowable device shall be designed to blend visually with the natural shoreline and provide for public recreational access.

3. Impacts Mitigated. The project includes proportional mitigation for all unavoidable coastal resource impacts, including with respect to impacts on shoreline sand supply, sandy beaches, public recreational access, public views, natural landforms, and water quality. At a minimum, the effects of the device with respect to retention of shoreline sand generating materials, the loss of beach/sand due to its footprint, and passive erosion shall be evaluated. Proportional in-lieu fees may be used as a vehicle for impact mitigation if in-kind options (such as developing new public access facilities) are not possible, and if such in-lieu fees are deposited in an interest bearing account managed by the County and used only for public recreational shoreline area access improvements. Impact mitigation shall be evaluated and required in 20-year increments, and permittees shall be required to apply for coastal permit amendments prior to expiration of each 20-year mitigation period that proposes mitigation for coastal resource impacts associated with retention of the shoreline protective device beyond the preceding 20-year mitigation period, where such application shall include consideration of alternative feasible mitigation measures in which the permittee can modify the shoreline protective device to lessen its impacts on coastal resources.

4. Monitoring. The shoreline protective device shall be regularly monitored by an engineer or engineering geologist familiar and experienced with coastal structures and processes. Monitoring reports to the County and the Coastal Commission shall be required every five years from the date of coastal permit issuance for as long as the shoreline protective device remains authorized (see subsection 6 below), and such reports shall cover all aspects of the armoring reevaluation specified in subsection 5 below.

5. Armoring Reevaluation. For existing shoreline protective devices that are being reconstructed, expanded, and/or replaced, the coastal permit application shall include a re-assessment of the need for the device, the need for any repair or maintenance of the device, and the potential for removal based on changed conditions, including whether such device, and the potential for removal based on changed conditions, including whether such device meets the criteria in Policy C-EH-12. The coastal permit application shall at a minimum include an evaluation of: the age and condition of the existing principal structure being protected (or evaluation of the coastal-dependent use being served or public beach being protected, if applicable); changed geologic site conditions including but not limited to changes relative to sea level rise; and impacts to coastal resources, including but not limited to public recreational access and ways to reduce such impacts. If approved, such development associated with

existing shoreline protective devices shall meet all of the pother requirements of this policy, including with respect to the impact mitigation requirements of subsection 3 above.

6. Armoring Duration. The shoreline protective device shall only be authorized until the time when the existing principal structure that is protected by such a device: 1) is no longer present; 2) no longer requires armoring; or 3) is redeveloped. Permittees shall be required to submit a coastal permit application to remove the authorized shoreline protective device within six months of a determination that the shoreline protective device is no longer authorized to protect the structure it was designed to protect because the structure is no longer present or no longer requires armoring. In the case of coastal redevelopment, removal of the authorized shoreline protective device shall be required as part of construction of the redeveloped structure (see also C-EH-11 above).

C-EH-13 Emergency Authorization . Upon receipt of a request for an emergency shoreline protective device within the County's coastal permit jurisdiction, the County shall notify the Coastal Commission. In cases of emergency, an emergency shoreline protective device may be approved on a temporary basis only, and only if the device is required to be removed unless a regular coastal permit is approved for retention of the structure. In such cases, a complete coastal permit application shall be required to be submitted within 60 days following construction of the shoreline protective device. Any such temporary emergency shoreline protective device shall be sited and designed to be the minimum necessary to abate the identified emergency, and to be as consistent as feasible with all LCP shoreline protective device standards, including avoiding coastal resource impacts to the maximum feasible extent and mitigating for any that are unavoidable.

C-EH-14 Exceptions. Notwithstanding LCP policies that might direct otherwise, the following shoreline, bluff face and blufftop development is allowable provided it meets all other LCP policies as much as possible:

1. Public Recreational Access Facilities. Public recreational access facilities (e.g. stairways, paths, overlooks, ramps, etc.), that are sited and designed to blend as well as possible with the surrounding environment and to be easily relocatable and/or removable without significant damage to shoreline and/or bluff areas.

2. Blufftop accessory Structures. Blufftop accessory structures that are sited and designed to avoid coastal resource impacts and to be easily relocatable and/or removable without significant damage to shoreline and/or bluff areas; that are sited no closer than 5 feet from the bluff edge (or further if necessary to protect public views); that are not allowed shoreline protective device if endangered ; and that are required via conditions to be relocated and/or removed and affected areas restored to natural conditions when threatened by erosion, geologic instability, or other hazards, including as determined by the County.

3. Seadrift. Development at Seadrift, including related to shoreline protective devices, that are consistent with the terms and conditions of California Coastal Commission Coastal Permit #A-1-MAR-87-235-A, as amended, and the Seadrift settlement agreement (see LCP Appendix 5) but that may conflict with these LCP hazard policies.

C-EH-15 Land Divisions Prohibited. Land divisions that affect property in shoreline, bluff face, and blufftop areas shall be prohibited, unless the new and/or reconfigured parcels each include buildable area that can be developed consistent with LCP hazards policies (or the shoreline, bluff face, and blufftop area land is restricted permanently as non-developable (other than possibly for public recreational access) open

space) , and the land is restricted to prohibit shoreline protective devices located on such parcels and/or to protect development on such parcels.

C-EH-16 Private Property Hazard Response Planning. Encourage owners of property subject to hazards to develop responses to such hazards prior to emergency conditions. Where contiguous properties are subject to generally similar erosion hazards, encourage joint responses to be developed.

C-EH-17 Marin County Adaptation Planning. The County shall consider the best available and most recent scientific information with respect to the effects of long-range sea level rise when establishing sea level rise maps, scenarios, and assumptions for use in geologic, geotechnical, hydrologic and engineering investigations, including all required coastal hazards analyses. The County shall also support scientific studies that increase and refine the body of knowledge regarding potential sea level rise in Marin, and possible responses to it. Finally, the County shall actively pursue adaptation planning designed to address the effects of hazards in light of sea level rise along the County's coastline, including via preparation of sub-regional adaptation plans for individual areas that further refine the County's vision for development and protection of coastal resources in these areas via all of the following:

1. Update LCP Sea Level Rise Related Policies. LCP Policies related to sea level rise shall be reevaluated and modified, as necessary, through an LCP Amendment in 2026. If LCP policies related to sea level rise are not so modified by December 31, 2026, any site specific analysis for new development or redevelopment that are considered after December 31, 2026 shall consider sea level rise projections for 100 years based on the best available science.

2. Update Vulnerability Assessment. Building upon the C-SMART Vulnerability Assessment, continue to gather information on the effects of sea level rise on Marin County's Coastal Zone shoreline, including identifying the most vulnerable areas, structures, facilities, and resources; specifically areas with priority uses such as public access and recreation resources, including the California Coastal Trail, Highway 1, significant ESHA such as wetlands or wetland restoration areas, open space areas where future wetland migration would be possible, and existing and planned sites for critical infrastructure. Updates to the vulnerability assessment shall use best available science and multiple scenarios including best available scientific estimates of expected sea level rise, such as by the Ocean Protection Council [e.g. 2013 OPC Guidance on Sea Level Rise], Nation Research Council, Intergovernmental Panel on Climate Change, and the West Coast Governors Association.

3. Update Retreat Analysis. Analysis of increased erosion potential and shoreline retreat due to sea level rise is included in the County's Vulnerability Assessment, where the coastal erosion hazard maps present the results of models that predict the geomorphic evolution of cliffs, beaches, marshes, Easkoot Creek flooding and FEMA flood hazards. Update the shoreline retreat analysis every 5 years or as needed, or as necessary to allow for the incorporation of new sea level rise science, monitoring results, and information on coastal conditions.

4. Update Maps. Update applicable LCP maps, including LCP Map 15, to reflect current information and best available science, and to modify the current and future hazard areas every five years or as necessary to allow for the incorporation of new sea level rise science, monitoring results, and information on coastal conditions.

5. Protect Natural Resources., Support efforts to monitor sea level rise impacts to natural resources/ESHA, including Bolinas Lagoon, Tomales Bay, Esteros San Antonio and Americano and other wetland areas; and Lagunitas, Walker, Estero Americano, Dillon, Stemple and other

creeks; rocky intertidal areas, beaches and other habitat types vulnerable to sea level rise. Collaborate with Greater Farallones National Marine Sanctuary (GFNMS), Tomales Bay Watershed Council and other local, regional, state and federal entities to establish monitoring methods and track the effects of sea level rise on natural resources/ESHA. Update standards for ESHA buffers and setbacks to account for sea level rise based on the best available science and considering the effects of shoreline development on landward migration of wetlands.

6. Green Infrastructure. Promote green infrastructure pilot projects (e.g. horizontal levees, dune restoration, etc.) with environmental benefits that may help protect assets from sea level rise and increased storm surges. Study and monitor such projects over time and share lessons learned with other jurisdictions.

7. Alternatives to Elevating Structures. Support efforts to develop and implement innovative design alternatives that reduce or eliminate flood damage, especially those which would qualify through FEMA as acceptable alternatives to elevation under the National Flood Insurance Program (NFIP). Encourage homeowners to implement voluntary floodproofing measures in conjunction with development that is not required to be elevated.

8. Sandy Beach Management. Building upon the County's Vulnerability Assessment, and no later than December 31, 2026, the County shall establish and add to the LCP comprehensive Sandy Beach Management Plans to ensure that the public recreational, habitat, and social values of all sandy beaches in the County (including Stinson Beach, Muir Beach, Bolinas Beach, Dillon Beach, etc.) are protected over time. For each sandy beach within Marin County, the County shall create a Sandy Beach Management Plan (Plan) that describes sandy beach values, and that establishes enforceable parameters for development that is located in the area where development might affect such values (e.g., shoreline, bluff face, and blufftop areas). The County shall consider developing a Sandy Beach Protection Zone overlay district to apply to properties in such area, but at a minimum shall consider the tools that can be used to protect such sandy beach values, including through conditions of approval for development within the identified area (and overlay district if applicable). The County may identify other mechanisms, but the Plans shall identify the parameters under which removal and restoration may be required to protect the sandy beach values, including in terms of triggers and potential conditions as well as deed restrictions and other measures that can be used to notify property owners of all such conditions and other Plan requirements. At a minimum, each Plan shall include the following:

a. **Minimum Sandy Beach Widths Established.** An analysis of the minimum width of sandy beach necessary to maintain optimum public recreational access and habitat function, and a program designed to monitor beach width for the purpose of establishing appropriate triggers for sediment management activities and/or structure removal/relocation and restoration so that at least such minimum width is maintained as the beach naturally migrates over time in response to erosion, sea level rise, and other coastal hazards. The analysis shall include considerations of daily tidal range, seasonal erosion, and short term, storm driven erosion when determining optimum beach widths. Each plan shall identify explicit triggers for sediment management activities and/or removal/relocation and restoration that are designed to ensure that the identified minimum sandy beach width is maintained.

b. **Sandy Beach Values Monitored.** Programs to monitor public recreational access, sandy beach use, and habitat values, including identifying and tracking locations, times, and

durations throughout the year when the sandy beach is too narrow to be adequate for public recreation and/or lateral access.

c. **Funding Opportunities Identified.** Identification of potential funding opportunities to support both short and long term adaptation options, including sediment management, green infrastructure, and the purchase of deed restrictions, easements or similar interests over existing development to provide for removal/relocation and restoration (including as required by coastal permits), whether over time or immediately. In addition, identification of potential funding opportunities to acquire and remove/relocated structures encroaching within the established minimum sandy beach area. Potential funding opportunities may include in-lieu fees, grants, or other state or federal funds, and opportunities to integrate adaptation strategies with other planning processes (e.g. Local Hazard Mitigation Plans, Capital Improvement Plans, Climate Action Plans) in order to leverage such funding options shall be explored.

d. **Sandy Beach Utility Maintained.** Identification of actions and programs that can be implemented to maintain sandy beach utility, including through beach nourishment or other sediment management activities. The Plan shall identify "maintenance" triggers for when beach nourishment or related strategies to protect sandy beach areas should occur as well as "adaptation" triggers for when new adaptation strategies will have to be implemented in order to preserve beach recreational access as sea levels rise and erosion worsens.

e. **Highway 1 and Sandy Beaches**. For beaches affected by development associated with Highway 1, an evaluation of adaptation opportunities for vulnerable areas of Highway 1 to ensure protection and continued functioning of vehicular, bicycle and pedestrian access while protecting the sandy beach and public access to it.

For each designated Plan area, the County shall work with all affected property owners and residents, the Coastal Commission, and other interested parties in developing the Plan's parameters, which shall be updated on a regular basis. In addition, Plan parameters shall be integrated into the County's Local Hazard Mitigation Plan and the County's C-SMART Vulnerability Assessment and Adaptation Report.

22.64.060 Environmental Hazards

A. Application Requirements.

1. Initial Site Assessment. The reviewing authority shall conduct an initial site assessment screening of all Coastal Permit applications to determine whether the site is or will be subject to hazards. Areas potentially subject to hazards include high geologic, flood, erosion and fire hazard areas, including but not limited to the areas subject to Alquist-Priolo earthquake hazards zones and areas subject to landslides, liquefaction, steep slopes averaging greater than 35 percent; and unstable slopes regardless of steepness; episodic and long-term shoreline and bluff erosion and retreat, high velocity wave and tidal action from storms or high seas, ocean and stream inundation and flooding, tsunamis, and rising sea levels; and combinations of all of the above. Many of these areas are mapped in this LCP, including as shown on LCP Maps 9-15, and 18. Such maps can be used as a resource for identification of areas potentially subject to hazards; however, absence of mapping alone cannot be considered absence of hazard and local site conditions must be examined using the best available science.

2. Hazards Evaluations. Where the initial site assessment reveals that the proposed development is in an area potentially subject to hazards, the project shall be evaluated based on best available science, including that all such development shall be supported by reports that are prepared by qualified professionals to current professional standards that adequately address the requirements of this Chapter (which may include reports prepared by and/or for the County). These reports shall be based on best available science; shall, if sea level rise is part of the hazards, consider the impacts from the high projection of sea level rise for 100 years, (unless different standards are required in Sections 22.64.060(B), (C), and (D)), shall demonstrate that the development will avoid, or if full avoidance is not possible, to avoid as much as possible and minimize, impacts from coastal hazards, and shall evaluate and identify the effect of the development over time on coastal resources (including in terms of public access, shoreline dynamics, natural landforms, natural shoreline processes, and public views as project impacts continue and/or change over time, including in response to sea level rise and fire hazards) and suggest appropriate mitigations to avoid and offset adverse effects identified. The required Hazards Evaluations shall consider all of the requirements of this section, including all of the identified development standards below.

B. Development Standards. In addition to the Hazards policies of the LUP, development shall be consistent with the requirements below:

1. **All Development.** Development shall be avoided in areas potentially subject to hazards to the maximum feasible extent by siting development in a manner that avoids areas potentially subject to hazards. When development in such areas cannot be feasibly sited in a manner that avoids such areas entirely, then such development shall be sited, designed, and conditioned to minimize risks to life and property while mitigating the development's impacts to coastal resources. Mitigation shall include measures to avoid such impacts if feasible, particularly impacts related to public recreational beach access.

2. **Coastal Redevelopment.** An existing structure located in an area potentially subject to hazards shall be considered redeveloped (and deemed new development under this LCP that must be made to conform with all applicable LCP policies), when such development consists of: (1) alteration (including interior and/or exterior remodeling and renovations, demolition or partial demolition, etc.) of 50% or more of major

structural components (including exterior walls, floor and roof structure, and foundation) considered individually (i.e., percentages are calculated by the individual structural component being altered, and are not additive between different structural components); (2) additions and alterations to such development that lead to a 50% or more increase in floor area for the development; and/or (3) additions and alterations to such development that costs 50% or more of the market value of the existing structure before construction. Changes to floor area and individual major structural components and the costs of such changes are measured cumulatively over time starting from January 1, 1977.

For the purposes of this definition:

a. An exterior wall is considered to be altered 50% or more when any of the following occur either above or below grade:

(i) Exterior cladding and/or framing systems are altered in a manner that requires removal and/or replacement of 50% or more of the elements of those cladding and framing systems, normally considered as linear length of wall.
(ii) Reinforcement is needed for any remaining portions of the wall to provide structural support in excess of 50% of existing support elements (e.g. addition of 50% or more of beams, shear walls, or studs whether alone or alongside the existing/retained elements).
(iii) A previously exterior wall becomes an interior wall as a result of the development.
(iv) On multi-story structures, the extent of alteration to the linear area of the exterior walls on each story shall be determined to determine whether 50% or more of the total exterior walls have been altered.

b. A floor or roof structure is considered to be altered 50% or more when any of the following occur:

(i) The roof or floor framing is altered in a manner that requires removal and/or replacement of structural elements (e.g. trusses, joists, rafters) supporting 50% or more of the square footage of the roof or floor.
(ii) The roof or floor structural framing system requires additional reinforcement to any remaining portions of the roof or floor system to provide structural support (e.g. addition of 50% or more of beams, joists, and/or rafters, etc., whether alone or alongside existing/retained system elements).

c. A foundation is considered to be altered 50% or more when any removal, replacement or reinforcement is done on any of the following:

(i) 50% or more of the horizontal surface area of a slab foundation.
(ii) 50% or more of the floor area of a structure supported by a pier/post and/or caisson/grade beam foundation.
(iii) 50% or more of a perimeter foundation.
(iv) 50% or more of other foundation types (e.g. piers), or the total alteration where a structure has multiple foundation types.

Major structural component alterations generally do not include changes to roof coverings; replacement of glass or doors in existing window or door openings; replacement of window or door framing when the size and location of the window/door remains unchanged; repair of roofs or foundations without any change to structural supporting elements; changes to exterior siding; repair, maintenance, and replacement of chimneys; and interior changes to non-structural interior walls and sheetrock, insulation, fixtures, and mechanical, electrical and plumbing elements, except when such interior changes meet the threshold for redevelopment as defined by the market valuation criteria.

3. Shoreline Development. Shoreline development is defined as: (1) development located on parcels shown on adopted Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) that are subject to coastal flooding from a flood that has a one percent chance of annual occurrence; (2) (2) development in areas potentially subject to inundation by sea level rise based on best available science at the time of the application, but at a minimum including properties shown on LCP Map 15; and (3) development, whether shown in the areas identified on the maps in subsection (1) and (2) of this section or not, that is located in areas potentially subject to shoreline hazards, including those areas identified pursuant to the hazards evaluation described in subsection (A)(2) above.

a. Shoreline development shall be set back a sufficient distance, and/or sited on an existing elevated portion of the site, and/or designed to reduce the size of the structure or structure footprint (unless the project consists solely of raising an existing structure the minimum amount necessary to meet flood elevation requirements), in such a way to avoid flooding related to the current estimated 100-year storm event, as adjusted for sea level rise if applicable, to the maximum feasible extent without reliance on shoreline protective devices. Existing shoreline protective devices shall not be incorporated into analyses when establishing appropriate siting. The predicted shoreline position shall be evaluated considering not only historic shoreline erosion, but also expected acceleration of shoreline erosion due to continued and accelerated sea level rise.

b. If there is inadequate space to feasibly meet such siting requirements and design, development shall be sited on the portion of the site that best meets these requirements, and floodproofed and/or elevated via pier/caisson foundations (using the minimum number of piers/caissons feasible) so that the lowest finished floor (in the case of floodproofing) or lowest horizontal members (in the case of elevation) are located at an elevation equal to the elevation of the estimated 100-year storm flood plus 3 feet (to address of sea level rise). If floodproofed, the maximum allowable height shall be consistent with applicable zoning district standards. If elevated via pier/caisson foundations, then the area below the lowest horizontal members of such foundation shall not be enclosed nor used for any development needs, with the exception of appropriately designed parking and unenclosed outdoor storage (e.g., boat storage); and the maximum allowable height shall be consistent with applicable zoning district standards, or 15 feet above the finished floor elevation (which shall be no more than 2 feet above the elevation of the lowest horizontal members of such foundation) if necessary to provide a single standard story of living space, whichever is greater. Where development consists solely of raising an existing structure by the minimum amount necessary to meet

these flood elevation standards, a resulting building height that would exceed the zoning district height maximum may be allowed if the additional height does not adversely affect significant public views or community character, and existing legal non-conforming buildings that are encroaching into a required yard setback may be approved without the need for a variance to setback requirements, as long as the extent of the encroachment is not expanded.

c. Shoreline development shall be designed to ensure safety from anticipated hazard impacts caused by future sea level rise, including increased velocity of floodwaters, where applicable.

d. Shoreline development shall provide for adequate ingress/egress and all applicable service connections (e.g., for water, wastewater, electricity, gas, etc.), all of which shall be sited and designed to avoid impacts from flooding itself and to protect coastal resources to the maximum feasible extent.

e. Shoreline development shall not include rope lines or fences that block public access.

f. Shoreline development shall be prohibited if it would already meet any of the removal criteria specified in subsection (C) below.

g. The required hazards evaluation shall address the requirements of that policy and this one, including in terms of evaluating the impacts associated with any development that includes floodproofing and/or elevation, and including in terms of evaluating the effects of related development, such as required ingress/egress to structures and the provision of services (e.g., water, wastewater, electricity, gas, etc.) over time, on coastal resources.

4. Blufftop Development. Blufftop development is defined as development located on parcels within 300 feet of a blufftop edge.

a. Blufftop development shall be set back a sufficient distance from the blufftop edge to avoid hazards to the maximum feasible extent while ensuring stability and structural integrity in light of potential bluff erosion and other hazards for at least the next 100 years without reliance on shoreline protective devices. Existing shoreline protective devices shall not be incorporated into analyses when establishing the setback.

b. If there is inadequate space to feasibly meet such setback requirements, including through modifications to the project design (e.g., proposing a smaller structure), blufftop development may be set back a lesser distance from the blufftop edge provided such setback is the maximum feasible, and ensures stability and structural integrity in light of potential hazards for at least no less than 25 years without reliance on shoreline protective devices of stability.

c. The required hazards evaluation of C-EH-3 shall address the requirements of that policy and this IP section and shall also include a quantitative slope stability analysis by a geotechnical engineer demonstrating a minimum factor of safety against sliding of 1.5

(static) and 1.2 (pseudostatic, k = 0.15), whereby safety and stability must be demonstrated for the predicted position of the bluff and blufftop edge following bluff recession over the required time frame (i.e. 100 years, or possibly less pursuant to LUP Policy C-EH-6(2)). The predicted bluff and blufftop edge position shall be evaluated considering not only historical bluff retreat and slope stability data, but also acceleration of bluff retreat due to continued and accelerated sea level rise and other climatic impacts.

d. Blufftop development shall be prohibited if it would already meet any of the removal criteria specified in subsection (C).

e) Blufftop development shall include identification of the minimum amount of setback necessary to maintain safety without a shoreline protective device as the bluff erodes over the required time frame.

f) Blufftop development shall include identification of the minimum setback necessary to maintain safety without shoreline protective devices as the bluff edge erodes over the required timeframe.

g) Blufftop development. shall include adequate drainage and erosion controls designed to avoid erosion and to avoid drainage being directed over the blufftop edge or through bluffs otherwise.

5. **Bluff Face Development.** Development on bluff faces shall be prohibited, with the exception of public recreational access facilities (e.g., stairways, paths, overlooks, ramps, etc.) where no feasible alternative means of public access exists; critical public infrastructure where unavoidably located on bluff faces (e.g., roads with no alternatives for access); and shoreline protective devices allowed consistent with C-EH-12, provided such development is sited and designed to be visually compatible with the surrounding area to the maximum feasible extent, to minimize effects on erosion of the bluff face, and to mitigate all unavoidable coastal resource impacts.

6. **Development Subject to Geologic Hazards**: In addition to other requirements that may apply (e.g., for development on a shoreline, blufftop, or bluff face), development in areas potentially subject to geologic hazards (including Alquist-Priolo earthquake hazard zones, and areas subject to landslides, liquefaction, steep slopes averaging greater than 35% and unstable slopes regardless of steepness), shall incorporate siting and design techniques to mitigate any such geologic hazards; shall comply with the seismic safety standards of the Alquist-Priolo Act (California Public Resources Code Section 2621, et seq) and all applicable seismic provisions and criteria contained in the most recent version of State and County codes; shall not create a hazard or diminish the stability of the area.

7. **Development Subject to Fire Hazards.** In addition to other requirements that may apply (e.g., for development on a shoreline, blufftop, or bluff face, and/or development subject to geologic hazards), the following standards apply to development subject to fire hazards.

   a. New development and Fire Safety. New development shall meet all applicable fire safety standards, and shall be sited and designed to minimize required initial and future fuel modification, and brush clearance in general, to the maximum

feasible extent, and to avoid such activities within ESHA and ESHA buffers on site and on neighboring property, including parkland, where all such requirements shall be applied as conditions of approval applicable for the life of the development.

b. Existing Development and Fire Safety. Removal of major vegetation adjacent to existing development for fire safety purposes shall only be allowed upon a finding that fuel modification and brush clearance techniques are required in accordance with applicable fire safety regulations and are being carried out in a manner that reduces coastal resource impacts to the maximum feasible extent. In addition to the foregoing requirements, removal of ESHA, or removal of materials in an ESHA buffer, shall only be allowed for fire safety purposes: if it is not already prohibited by coastal permit conditions; if there are no other feasible alternatives for achieving compliance with required fire safety regulations; and if all ESHA and related impacts are mitigated in a manner that leads to no net loss of ESHA resource values.

8. Applicant's assumption of risk. Coastal permit approvals for development in areas potentially subject to hazards shall contain conditions requiring applicants to record a Deed Restriction against the properties governed by the permit in which the applicants acknowledge and agree, on behalf of themselves and all successors and assigns that the site is subject to hazards each of which shall be explicitly identified, including vulnerabilities to sea level rise if the property is located in an area potentially inundated by sea level rise as shown on LCP Map 15 and/or as identified pursuant to the hazards evaluation in LUP Policy C-EH-3 ; to assume all such hazard risks; to prohibit and waive any rights that may exist for new and/or augmented shoreline protective devices (including additional elevation for structures already elevated pursuant to LUP Policy C-EH-5); to waive all liability against and to indemnify the County,; that public funds may be insufficient or unavailable to remedy damage to public roadways, infrastructure, and other facilities resulting from natural events such as sea level rise and bluff erosion; that Housing Code provisions prohibit the occupancy of structures where sewage disposal or water systems are rendered inoperable; that any adverse effects to property caused by the development shall be fully the responsibility of the applicants; and may require removal and restoration under certain criteria (see also C-EH-11 and C-EH-17 below).

9. Shoreline Protective Devices. Shoreline protective devices (i.e., including revetments, seawalls, bluff retaining walls and other like devices, pier/caisson foundation systems, breakwaters, groins, and other similar structures designed as protection against coastal hazards) shall be prohibited unless they meet all of the criteria below:

a. Allowable Armoring. The shoreline protective device is required: to serve a coastal-dependent use; to protect a principal structure in existence prior to the effective date of the Coastal Act (i.e., January 1, 1977) that is in danger from erosion (i.e., it would be unsafe to use or occupy within two storm seasons); or to protect a public beach that is in danger from erosion. Notwithstanding the above, a pier/caisson foundation system shoreline protective device may be allowable under certain circumstances pursuant to subsection (B)(3) above.

b. Least Damaging Alternative. The shoreline protective device is the least environmentally damaging feasible alternative to protect existing endangered principal structures, public beaches, or coastal-dependent uses. Hard armoring (such as seawalls and revetments, etc.) shall only be allowed if soft alternatives (such as

beach nourishment, vegetative planting, and drainage control, etc.) cannot meet the above least environmentally damaging feasible alternative criteria, and if limited as much as possible to avoid coastal resource impacts. All shoreline protective devices shall be sited and designed to avoid coastal resource impacts to the maximum feasible extent, including that all allowable devices shall be designed to blend visually with the natural shoreline and to provide for public recreational access.

c. Impacts Mitigated. The project includes proportional mitigation for all unavoidable coastal resource impacts, including with respect to impacts on shoreline sand supply, sandy beaches, public recreational access, public views, natural landforms, and water quality. At a minimum, the effects of the device with respect to retention of shoreline sand generating materials, the loss of beach/sand due to its footprint, and passive erosion shall be evaluated. Proportional in-lieu fees may be used as a vehicle for impact mitigation if in-kind options (such as developing new public access facilities) are not possible, and if such in-lieu fees are deposited in an interest bearing account managed by the County and used only for public recreational shoreline area access improvements. Impact mitigation shall be evaluated and required in 20-year increments, and permittees shall be required to apply for coastal permit amendments prior to expiration of each 20-year mitigation period that proposes mitigation for coastal resource impacts associated with retention of the shoreline protective device beyond the preceding 20-year mitigation period, where such application shall include consideration of alternative feasible mitigation measures in which the permittee can modify the shoreline protective device to lessen its impacts on coastal resources.

d. Monitoring. The shoreline protective device shall be regularly monitored by an engineer or engineering geologist familiar and experienced with coastal structures and processes. Monitoring reports to the County and the Coastal Commission shall be required every five years from the date of coastal permit issuance for as long as the shoreline protective device remains authorized (see subsection 6 below), and such reports shall cover all aspects of the armoring reevaluation specified in subsection 5 below).

e. Armoring Reevaluation. For existing shoreline protective devices that are being reconstructed, expanded, and/or replaced, the coastal permit application shall include a re-assessment of the need for the device, the need for any repair or maintenance of the device, and the potential for removal based on changed conditions, including whether such device meets the criteria in in subsection (B)(8). The coastal permit application shall at a minimum include an evaluation of: the age and condition of the existing principal structure being protected (or evaluation of the coastal-dependent use being served or public beach being protected, if applicable); changed geologic site conditions including but not limited to changes relative to sea level rise; and impacts to coastal resources, including but not limited to public recreational access, and ways to reduce such impacts. If approved, such development associated with existing shoreline protective devices shall meet all of the other requirements of this policy, including with respect to the impact mitigation requirements of subsection 3 above.

f. Armoring Duration. The shoreline protective device shall only be authorized until the time when the existing principal structure that is protected by such a device: 1) is

no longer present; 2) no longer requires armoring; or 3) is redeveloped. Permittees shall be required to submit a coastal permit application to remove the authorized shoreline protective device within six months of a determination that the shoreline protective device is no longer authorized to protect the structure it was designed to protect because the structure is no longer present or no longer requires armoring. In the case of coastal redevelopment, removal of the authorized shoreline protective device shall be required as part of construction of the redeveloped structure (see also subsection (C) below).

g. Emergency Shoreline Protective Devices. Upon receipt of a request for an emergency shoreline protective device within the County's coastal permit jurisdiction, the County shall notify the Coastal Commission. In cases of emergency, an emergency shoreline protective device may be approved on a temporary basis only, and only if the device is required to be removed unless a regular coastal permit is approved for retention of the structure. In such cases, a complete coastal permit application shall be required to be submitted within 60 days following construction of the temporary emergency shoreline protective device. Any such temporary emergency shoreline protective device shall be sited and designed to be the minimum necessary to abate the identified emergency, and to be as consistent as feasible with all LCP shoreline protective device standards, including avoiding coastal resource impacts to the maximum feasible extent and mitigating for any that are unavoidable.

C. Mitigation Measures Required for Development Subject to Hazards. Development in shoreline, bluff face, and blufftop areas that are subject to hazards shall comply with all of the following, including through application of conditions of approval that provide for same:

1. Development Duration. Development shall be removed and the affected area restored to a natural condition if: (a) the County declares the development unsafe for occupancy and/or use; (b) the development requires new and/or augmented shoreline protective devices (including additional elevation for structures already elevated pursuant to C-EH-5); (c) the development encroaches onto public trust land (including as the public trust migrates); (d) access and utilities are no longer available to serve the development; (e) the blufftop edge erodes to the minimum setback line established via Policy C-EH-6; and/or (f) required by subsequent adaptation planning (see Policy C-EH-17). Bonding sufficient to cover such removal and restoration shall be provided.

2. Existing Armoring. If an existing shoreline protective device (other than a pier/caisson foundation system supporting the development itself) is associated with new shoreline, bluff face, and/or blufftop development (including coastal redevelopment), then such development shall only be approved subject to a requirement that the existing shoreline protective device is required to be removed and the area affected by it the device restored to natural conditions as part of project construction as a condition of development approval. Removal and restoration shall not be required where removal of the shoreline protective device would endanger existing principal structures on adjacent sites to the degree that these principal structures would qualify for armoring under this LCP unless such adjacent sites have already been required to remove such armoring and restore the area when feasible via prior conditions of approval (see following sentence). When immediate removal and restoration is not required for these reasons, such development shall only be approved subject to a requirement that the existing shoreline protective device be removed and the affected area restored as soon as such removal and restoration can be accomplished without endangering existing principal structures on adjacent sites (e.g., as adjacent

sites redevelop, as adjacent sites are conditioned for future removal, etc.), and that bonding sufficient to cover such removal and restoration be provided.

3. Public Rights. Approval of coastal permits shall not constitute a waiver of any public rights that may exist on the affected property. A coastal permit permittee shall not use any permit approval as evidence of a waiver of any public rights that may exist on the affected property now or in the future.

4. Waiver of Liability and Assumption of Risk. Coastal permit approvals for development in areas potentially subject to hazards shall contain conditions requiring applicants to record deed restrictions against the properties governed by the permit in which the applicants acknowledge and agree, on behalf of themselves and all successors and assigns: that the site is subject to hazards, each of which shall be explicitly identified, including vulnerabilities to sea level rise if the property is located in an area potentially inundated by sea level rise as shown on LCP Map 15 and/or as identified pursuant to the hazards evaluation in C-EH-3; to assume all such hazard risks; to prohibit and to waive any rights that may exist for new and/or augmented shoreline protective devices (including additional elevation for structures already elevated pursuant to C-EH-5); to waive all liability against and to indemnify the County; that public funds may be insufficient or unavailable to remedy damage to public roadways, infrastructure, and other facilities resulting from natural events such as sea level rise and bluff erosion; that Housing Code provisions prohibit the occupancy of structures where sewage disposal or water systems are rendered inoperable; that any adverse effects to property caused by the development shall be fully the responsibility of the applicants; and may require removal and restoration under certain criteria (see also C-EH-11 and C-EH-17 below).

D. Exceptions. Notwithstanding LCP hazard policies that might direct otherwise, the following shoreline, bluff face and blufftop development is allowable provided it meets all other LCP hazards policies as much as possible:

1. Public Recreational Access Facilities. Public recreational access facilities (e.g. stairways, paths, overlooks, ramps, etc.) that are sited and designed to blend as well as possible with the surrounding environment and to be easily relocatable and/or removable without significant damage to shoreline and/or bluff areas.

2. Blufftop Accessory Structures. Blufftop accessory structures that are sited and designed to avoid coastal resource impacts, and to be easily relocatable and/or removable without significant damage to shoreline and/or bluff areas; that are sited no closer than 5 feet from the blufftop edge (or further if necessary to protect public views); that are not allowed shoreline protective devices if endangered; and that are required via conditions to be relocated and/or removed and affected areas restored to natural conditions when threatened by erosion, geologic instability, or other hazards, including as determined by the County.

3. Seadrift. Development at Seadrift, including related to shoreline protective devices, that is consistent with the terms and conditions of the Seadrift Settlement Agreement and Coastal Commission Coastal Permit A-1-MAR-87-235, as amended,(see LCP Appendix 5) but that may conflict with these LCP hazard policies.

E. Land Divisions Prohibited. Land divisions that affect property in shoreline, bluff face, and blufftop areas shall be prohibited, unless the new and/or reconfigured parcels each include buildable area that can be developed consistent with the LCP's hazards policies (or the shoreline, bluff face,

and blufftop area land is restricted permanently as non-developable (other than possibly for public recreational access) open space), and the land is restricted to prohibit shoreline protective devices located on such parcels and/or designed to protect development on such parcels.

Map	Suggested Modification
All Maps	• Insert the following language: "The Coastal Zone Boundary depicted on this map is shown for illustrative purposes only and does not define the Coastal Zone. The delineation is representational, may be revised at any time in the future, is not binding on the Coastal Commission, and may not eliminate the need for a formal boundary determination made by the Coastal Commission." • Insert the following: "This map was developed for planning purposes <u>and is illustrative only</u>. The County of Marin is not responsible or liable for use of this map beyond its intended purpose. This map is representational only. Data are not survey accurate."
Map 2: Marin County Coastal Zone	• In Legend, delete "(not in the Coastal Zone)" • In Legend, delete "(outside of federal jurisdiction)" and replace with "(non-federal lands)" • Delete "Note: Pursuant to the Federal Coastal Zone Management Act of 1972 (16 U.S.C. 1451, et seq.), and consistent with California Coastal Act Section 30008, the "Coastal Zone" excludes "…lands the use of which is by law subject solely to the discretion of or which is held in trust by the Federal Government, its officers or agents."
Map 4: Agricultural Land	• Insert the following: "This Map is for ~~evaluation~~ <u>illustrative</u> purposes only and does not officially designate Prime Agricultural Land as defined by the Coastal Act."
Map 19a: Muir Beach Land Use Policy Map; Map 27a: Categorical Exclusion Areas Muir Beach; and Map 29a: Muir Beach Zoning	• In Legend, delete the following: "Village Limit Boundary ~~(Proposed)~~"
Map 19b: Stinson Beach Land Use Policy Map; Map 27b: Categorical Exclusion Areas Stinson Beach; and Map 29b: Stinson Beach Zoning	• In Legend, delete the following: "Village Limit Boundary ~~(Proposed)~~"
Map 19c: Bolinas Land Use Policy Map; Map 27c: Categorical Exclusion Areas Bolinas; and Map 29c: Bolinas Zoning	• In Legend, delete the following: "Village Limit Boundary ~~(Proposed)~~"
Map 19d: Olema Land Use Policy Map; Map 27d: Categorical Exclusion Areas Olema; and Map 29d: Olema Zoning	• In Legend, delete the following: "Village Limit Boundary ~~(Existing)~~"
Map 19e: Point Reyes Station Land Use Policy Map; Map 27e: Categorical Exclusion Areas Point Reyes Station; and Point Reyes Station Zoning	• In Legend, delete the following: "Village Limit Boundary ~~(Proposed)~~" • In Legend, delete the following: "~~Village Limit Boundary (Existing)~~" • Delete the solid black line depicting "Village Limit Boundary (Existing)"

Map	Suggested Modification
Map 19f: Inverness Land Use Policy Map; Map 27f: Categorical Exclusion Areas Inverness; and Map 29f: Inverness Zoning	• In Legend, delete the following: "Village Limit Boundary ~~(Proposed)~~" • In Legend, delete the following: "~~Village Limit Boundary (Existing)~~" • Delete the solid black line depicting "Village Limit Boundary (Existing)"
Map 19g: East Shore Land Use Policy Map; Map 27g: Categorical Exclusion Areas East Shore/Marshall	• In Legend, delete the following: "Village Limit Boundary-Marshall ~~(Existing)~~"
Map 19h: East Shore Land Use Policy Map and Map 27h: Categorical Exclusion Areas Dillon Beach	• In Legend, delete the following: "Village Limit Boundary-Marshall ~~(Existing)~~"
Map 19i: Dillon Beach Land Use Policy Map and Map 29i: Dillon Beach Zoning	• In Legend, delete the following: "Village Limit Boundary ~~(Existing)~~"
Map 19j: Tomales Land Use Policy Map; Map 27i: Categorical Exclusion Areas Tomales; and Map 29j: Tomales Zoning	• In Legend, delete the following: "Village Limit Boundary ~~(Proposed)~~" • In Legend, delete the following: "~~Village Limit Boundary (Existing)~~" • Delete the solid black line depicting "Village Limit Boundary (Existing)"
Map 19k: Northwest Marin County Land Use Policy Map and Map 27j: Categorical Exclusion Areas Northwest Marin	• In Legend, delete the following: "Village Limit Boundary ~~(Existing)~~"
Map 19l: Northwest Marin County Land Use Policy Map	• In Legend, delete the following: "Village Limit Boundary ~~(Existing)~~"
Map 19m: Southwest Marin County Land Use Policy Map	• In Legend, delete the following: "Village Limit Boundary ~~(Existing)~~"
Map 22: Historic Resources	• Modify #6 as follows: "~~b~~Brock Schreiber Boathouse and Beach"
Map 27a-k: Categorical Exclusion Areas	• In Legend, delete the following: "Village Limit Boundary ~~(Proposed)~~"
Map 28a: Appeal and Permit Jurisdiction Areas Northwest Marin and Map 28b: Appeal and Permit Jurisdiction Areas Southwest Marin	• Replace with Commission-adopted Permit and Appeal Jurisdiction Map
Map 29h: East Shore Zoning	• In Legend, delete the following: "Village Limit Boundary-Marshall ~~(Existing)~~"

STINSON BEACH COUNTY WATER DISTRICT

3785 Shoreline Highway • P.O. Box 245
Stinson Beach, CA 94970
Phone:1(415) 868-1333 Facsimile: 1(415) 868-9417
E-mail: sbcwd@stinson-beach-cwd.dst.ca.us Website: http//Stinson-Beach-cwd.dst.ca.us

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April 30, 2015

Honorable Supervisors
Marin County Board of Supervisors
3501 Civic Center Drive #329
San Rafael, California 94903

California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

RECEIVED
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CALIFORNIA
COASTAL COMMISSION

Dear Supervisors and Commissioners:

The Stinson Beach County Water District, in response to the threats presented by the current historic drought and by climate change and the rising sea water, as well as the Governor's recent Executive Order B-29-15, is requesting you to reconsider the policy statement set out in section C-PFS-18 of the proposed Local Coastal Plan, which presently reads as follows:

> "Due to the Coastal Zone's unique natural resources and recreational opportunities of nationwide significance, prohibit development of desalination facilities, consistent with the limitations of Public Resources Code Sections 30260 and 30515. This policy applies to the desalination of ocean water and is not intended to prohibit the treatment of existing surface or ground water supplies for purposes of maintaining water quality."

We are not asking that this policy be abandoned, merely amended and refined to permit variation for the use of non-industrial container size or smaller desalination facilities where such smaller facilities will preserve the reasons for the prohibition and have minimal environmental impact. A proposed amendment is submitted and is set out at the end of this letter for your consideration. The discussion below will elaborate on the unique natural and cultural environment of Stinson Beach that creates the necessity for the proposed amendment to C-PFS-18.

Permitted variations, similar to what the Stinson Beach County Water District is requesting may have already been considered by limiting the

absolute language of the policy with the reference to the limitations imposed by Public Resources Code (PRC) Sections 30260 and 30515. PRC 30260 permits new Coastal dependent industrial facilities to be permitted if: "(1) alternative locations are infeasible or more environmentally damaging: (2) to do otherwise would adversely affect the public welfare; and (3) adverse environmental effects are mitigated to the maximum extent feasible."

Stinson Beach itself is a small coastal village with approximately 730 residences. It is an island of private homes and tourist businesses surrounded by National and State Parklands. Its beach front provides public access through a National Park Service facility with a large picnic area and several restrooms. The remainder of the beach is part of the California Park Service. Needless to say, Stinson Beach is a major tourist destination for people from all over the country and the rest of the world. Our summer population swells to hundreds of daily visitors and on weekends to a few thousand. At the recent meeting to discuss amendments to the implementation aspects of the LCP, it was stated that approximately 8 Million people visit the California coast each year and over a million(s) to Golden Gate National Recreation Area in Marin County.

The source of all the water that is used in Stinson Beach is rainfall and run off from Mount Tamalpais. Stinson Beach is not connected in any way to any other source of water. In a normal year in the past, we have collected enough water to supply the needs of our residents, tourists, vacation renters, and the Park service facilities through our wells and catchment systems. Unfortunately, we have not had a normal rainfall year for 3 years. The creeks we rely on have been consistently running below their normal levels. During a normal year, because of the high demands during the tourist periods, (all 4 summer months, Easter, Thanksgiving, Christmas,) the District has a hard time refilling our limited storage within a few days after a busy weekend. In fact, in November of 2013, the water flow was so slow that we began drafting a strict drought emergency ordinance. Our customers, including residents, tourists, vacation renters, and businesses have so far voluntarily cooperated in reducing their water use. However, with this continuing drought and climate change, the threat of Stinson Beach having to enforce stricter use of its water remains.

Stinson Beach and the Water District are guardians of unique coastal natural resources and nationwide recreational opportunities. We are situated on the edge of the largest body of water on the planet. To categorically deny use of the water under any circumstances would harm the ability of the public to use our local recreational facilities and appreciate the unique natural beauty of the area.

A practical solution to threatened lack of potable water is the use of commercially available smaller sized desalination units, some of which are even portable or container sized, such as those shown on Exhibit A. Some units, for emergency use, are delivered fully assembled ready for plumbing and operation. The smaller sized facilities avoid the costs and disruption of construction and the visual blight of a large industrial desalination plant on or near the beach. The units could be camouflaged by vegetation or housed in a single story shed like structure. There would be no visual blight or damage to the beauty of the natural resources.

We have discussed the use of smaller sized units with our engineer and have been told that it is possible to discharge any resulting waste brine below the surface of the ocean floor. We are also exploring possible commercial uses of the waste brine. Any adverse environmental effects would be minimal and can be mitigated. We have been informed that solar energy could be used to defray some of the energy costs. The water produced by these units from seawater would be enough to satisfy our needs during the periods of highest use and may be necessary to satisfy the needs of our residents during the continuance of this drought.

Creating a variance that permits a smaller scale desalination unit as a solution in the unique circumstances of Stinson Beach, where it is necessary to preserve nationally used recreational opportunities and access to the unique natural beauty of the area, seems like a necessity in this era of continuing drought and climate change.

Indeed, the recent Executive Order B-29-15 mandating a statewide response to the current drought conditions specifically mentions renewable energy powered desalination as a new technology that <u>shall</u> be implemented in a Water Energy Technology program. Additionally,

the Governor's order requires "state permitting agencies to prioritize review and approval of water infrastructure projects and programs that increase local water supplies including .....desalination plants" and other facilities.

The State of California Department of Water Resources has studied and reported on the use of desalination technologies. Exhibit B is their report on Mobile Water Desalination Units. Also included are excerpts from their findings and recommendations, Exhibit C.

It also seems that such a facility might be permissible under Public Resources Code 30260. Because to deny the District the ability to develop such a desalination unit would adversely affect the public welfare, and any adverse environmental effects are mitigated to the maximum extent.

In addition to the need for a dependable source of potable water, the desalinated water could be used to create a barrier to the rising seawater that otherwise would foul the lower wells that we now depend on as a source of potable water. In this era of changing climate, severe drought and the certainty of rising sea levels, the use of desalination units with minimal environmental impact has become a necessity and is a practicable alternative for consideration.

Accordingly, we have taken the liberty of preparing for your review and consideration the following proposed amendment to policy C-PFS-18. Changes to the existing policy are underlined. The amendment incorporates the criteria specifically acknowledged in the current policy as a limitation on the strict prohibition of desalination facilities in coastal development. We would be happy to participate in the drafting of any revisions or alterations you may find necessary to the language of the proposed amendment:

> "Due to the Coastal Zone's unique natural resources and recreational opportunities of nationwide significance, restrict development of desalination facilities, consistent with the limitations of Public Resources Code Sections 30260 and 30515. This policy applies to the desalination of ocean water and is not intended to prohibit the treatment of existing surface or ground

water supplies for purposes of maintaining water quality. Desalination of ocean water may be permitted where "(1) alternative sources of water do not exist, or are infeasible or more environmentally damaging; (2) to do otherwise would adversely affect the public welfare; (3) adverse environmental effects are mitigated to the maximum extent feasible; and (4) the size and site of the proposed facility will not compromise the natural beauty of the coastline. "

Respectfully Submitted,

Lawrence A. Baskin, Board of Directors President
Stinson Beach County Water District

Ed Schmidt, General Manager
Stinson Beach County Water District

Encs.

cc: Steve Kinsey, Chair
California Coastal Commission

EXH. A

CATEGORIES

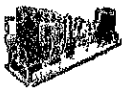
INDUSTRIES (84)

SOLUTIONS (7)

SUPPORT (0)

ALL OTHER PRODUCTS (0)

LAND BASED WATERMAKERS



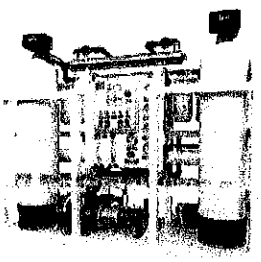
With over 22 years of experience, Ampac USA seawater desalination watermakers SWRO have proven to be the most reliable of all watermakers in the market today.

Our unique design ensures easy field servicing and routine maintenance with no special tools, making it even easier to maximize the lifespan of our systems. AMPAC USA provides the best value for virtually any complex water desalination project. In fact, Ampac USA still has seawater desalination reverse osmosis watermakers running for more than 18 years of reliable service. By continuing to invest in new products and technologies, we provide the innovation you've come to expect from us.

The AMPAC USA SWRO Seawater Desalination Reverse Osmosis Watermakers are designed to be the most user friendly reliable turnkey watermakers in the market, featuring the latest technologies. Ampac USA watermakers are fully automated and do not require any assistance, and are equipped with solid state sensors that monitor pressure points, water levels and flow. Each SWRO watermaker is equipped with an Auto Flush module that periodically washes the watermaker with freshwater to ensure all components in top operating condition. And all components within the frame are readily accessible for easy maintenance.

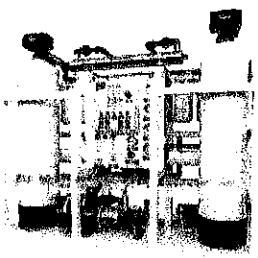
By providing proven quality at the best prices, Ampac USA seawater desalination watermakers have earned a reputation for exceptional product durability and reliability all over the world.

Product Compare (0)



Sea Water Desalination Watermaker (Land Based) - Model: SW1500-LX

Ampac USA Fully Automated, Fully Equipped Sea Water Desalination Watermaker (Land Based) SW1500-LX capable of producing 1500 Gallons per Day (5,670 Liters per Day).

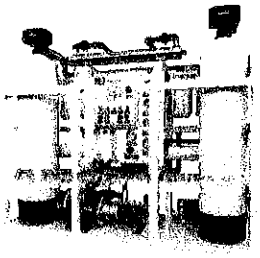


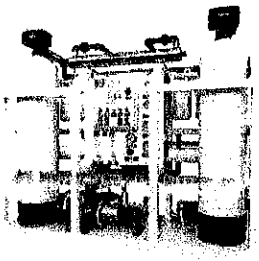
Sea Water Desalination Watermaker (Land Based) - Model: SW2000-LX

Sea Water Desalination - Sea Water Desalination Watermaker (Land Based) SW2000-LX

Sea Water Desalination Watermaker (Land Based) SW3000-LX

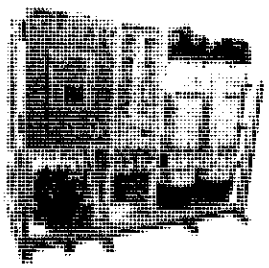
Sea Water Desalination - Sea Water Desalination Watermaker (Land Based) SW3000-LX Capacity: 3000 GPD / 11,350 LPD





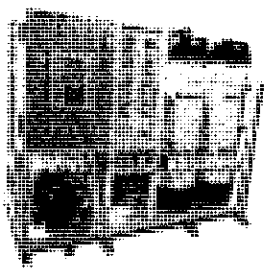
Sea Water Desalination Watermaker (Land Based) SW4000-LX

Sea Water Desalination - Fully Equipped, Fully Automated, Super Duty Sea Water Desalination Watermaker (Land Based) SW4000-LX



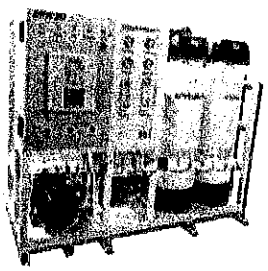
Sea Water Desalination Watermaker (Land Based) SW5000-LX

Sea Water Desalination - Sea Water Desalination Watermaker (Land Based) SW5000-LX



Sea Water Desalination Watermaker (Land Based) SW6000-LX

Sea Water Desalination - Sea Water Desalination Watermaker (Land Based) SW6000-LX

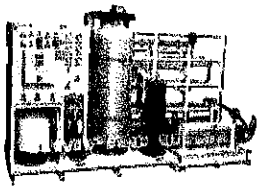


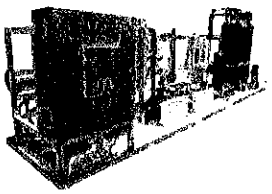
Sea Water Desalination Watermaker (Land Based) SW9000-LX

Sea Water Desalination - Sea Water Desalination Watermaker (Land Based) SW9000-LX

Sea Water Desalination Watermaker (Land Based) SW12000-LX

Sea Water Desalination - Sea Water Desalination Watermaker (Land Based) SW12000-LX





Sea Water Desalination Watermaker (Land Based) SW24000-LX

Sea Water Desalination - Sea Water Desalination Watermaker (Land Based) SW24000-LX

Sea Water Desalination Watermaker (Land Based) SW40000-LX

Ampac USA offers Seawater Desalination Watermaker Model SW40000-LX.

Sea Water Desalination Watermaker (Land Based) SW60000-LX

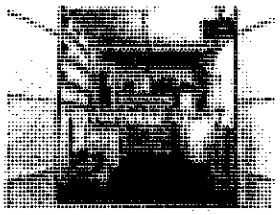
Ampac USA offers Seawater Desalination Watermaker Model SW60000-LX.

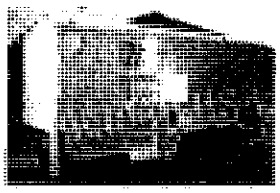
Sea Water Desalination Watermaker (Land Based) SW80000-LX

Ampac USA offers Seawater Desalination Watermaker Model SW80000-LX.

BWRO-10K Mobile Water Purification system 10,000 GPD with Diesel Generator

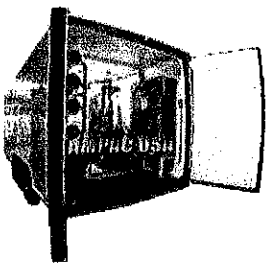
Ampac USA advanced portable RO units are ideal for providing drinkable pure water to areas without access during disaster relief efforts.





TR-40K Mobile Trailer Water Purification system 40,000 GPD with Diesel Genset Model TR-40K

Mobile Trailer Water Purification system 40,000GPD - Ampac USA is a leading manufacturer of RO plant for large industrial, commercial and municipal applications.



Sea Water Desalination Watermaker (Mobile) SW100K-LX

Ampac USA offers Large Scale, Heavy Duty Mobile Seawater Desalination Watermaker, Fully Built in a 3 Axle Tandem Trailer, Model SW100K-LX.

Showing 1 to 15 of 15 (1 Pages)

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EXH. B

STATE OF CALIFORNIA
DEPARTMENT OF WATER RESOURCES

Prepared by
Fethi BenJemaa

Water Use and Efficiency Branch
Water Recycling and Desalination

LOGISTICS FOR DEPLOYING MOBILE WATER DESALINATION UNITS

4/30/2009

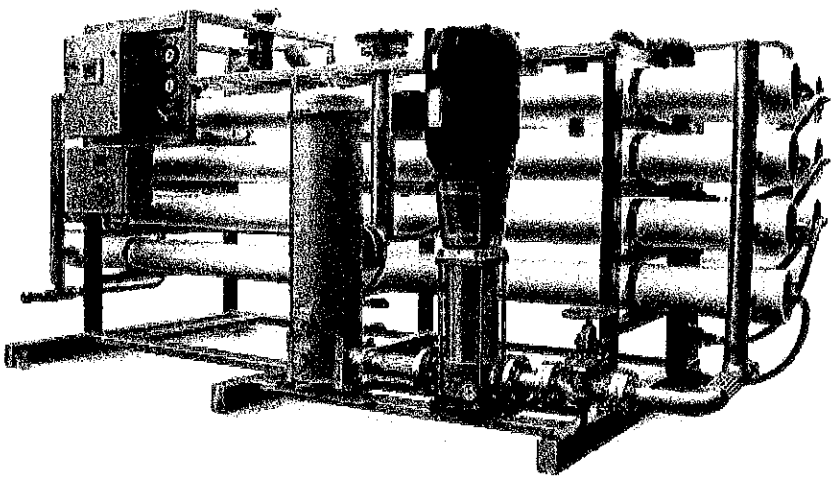
Mobile water desalination units provide emergency water supply wherever and whenever needed. The units can be easily moved (via air, land, or marine transport) and deployed to drought stricken and water stressed areas. Mobile desalination units provide a very flexible way of supplying potable water to communities by hooking-up to existing municipal water storage and delivery systems. They can also be quickly and easily decommissioned or moved to other locations should drought conditions ease.

What is a Mobile Water Desalination Unit?

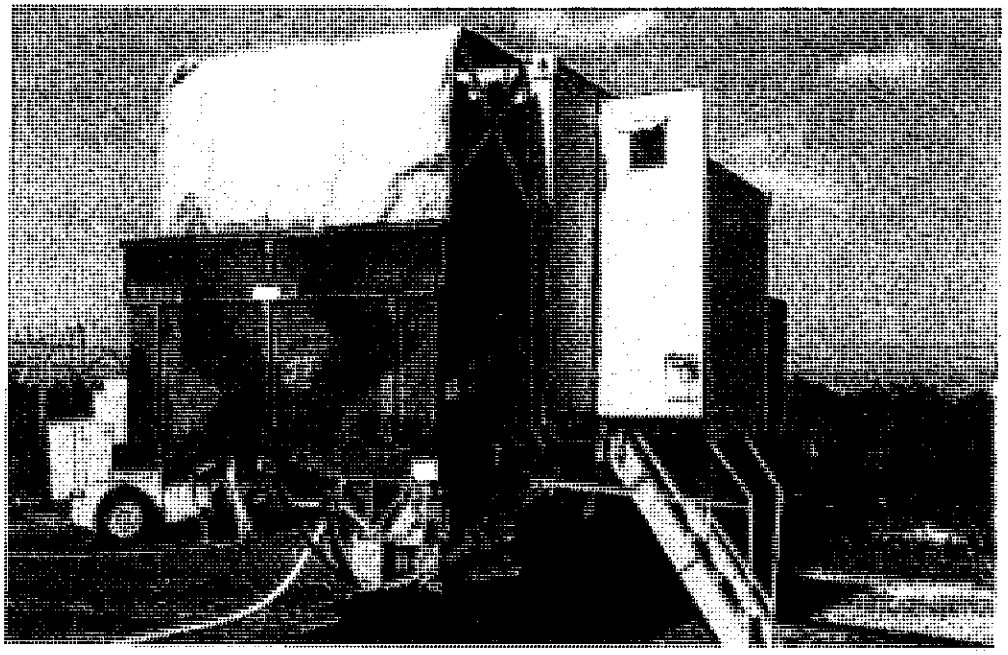
Mobile water desalination units are water treatment units – generally, Reverse Osmosis (RO) mobile desalination units – that can be truck-mounted or air-lifted enabling the provision of short-term emergency water supply as well as supplemental supply for drought stricken or disaster areas. These units can be rapidly deployed to water stressed localities to generate potable water from contaminated local sources or from ocean water in coastal communities.

Mobile desalination units, also called 'Reverse Osmosis Water Purification Units' (ROWPU), provide potable water from non-potable water sources. The units can produce fresh water from a variety of raw water sources such as wells, lakes, seas, lagoons, rivers, and oceans. The units, resembling a large trailer, come in a variety of sizes and use a variety of chemical treatments and membranes to filter and purify water and make it suitable for human consumption.

These mobile self-contained water purification units are widely used by the military. Some models are containerized; some are mounted on trailers or directly mounted onto vehicles. Water is pumped from its raw source into the mobile desalination unit, where it is treated with a polymer to initiate coagulation. Next, it is run through a multi-media filter where it undergoes ion exchange. It is then pumped through a cartridge filter which is usually spiral-wound cotton. This process clarifies the water of any particles larger than 5 micrometers and eliminates almost all turbidity. The clarified water is then fed through a high-pressure pump into a series of reverse osmosis modules. The product water is free of 90 to 99.9% of the raw water's Total Dissolved Solids (TDS). The product water is then disinfected with chlorine before it is used.



Skid-mounted Reverse Osmosis Mobile Water Desalination Unit
(Source: Aquatech)



A Military 3,000 gal/hr Reverse Osmosis Mobile Desalination Unit Deployed in New Orleans in the Aftermath of Hurricane Katrina

Why Deploy Mobile Desalination Units?

Mobile water desalination units can provide emergency potable water supply for towns and communities during droughts or in response to an abrupt disruption of their water supplies. These units can provide a flexible solution to water shortages as they can be quickly and easily deployed. Unlike permanent desalination plants, temporary mobile units can be commissioned, installed and put into production in a short period of time. These units can be deployed for emergency, supplemental, or extended term supply to meet user needs.

Following hurricane Katrina, where storm surges damaged municipal water supplies leaving many communities without access to safe drinking water, the US Navy as well as many other agencies and organizations involved in relief efforts provided a number of mobile water desalination units to provide drinking water to the disaster affected areas.

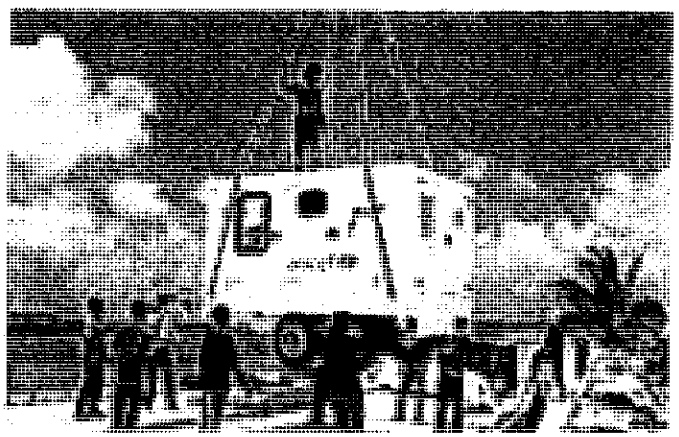
Mobile water desalination units can provide the necessary treatment of water to prevent various waterborne diseases, such as typhoid and dysentery. Treatment processes control certain chemical, physical, and biological characteristics of water, such as salinity, hardness or unpleasant taste. Hence, the function of these units is to treat available water sources to make the water safe for human consumption.

Time to Deploy Mobile Desalination Units

Unlike permanent desalination plants, which can take years to build, mobile desalination units go into production in a matter of few months if not weeks.

A recent example showing the quick deployment of such units involves the delivery of a two-train mobile desalination unit by GE Water Mobile Seawater Desalination Solution to Valero Energy in Aruba within 5 weeks from the order date. Each train was capable of producing 300 gpm of high purity water from seawater. (GE Water & Process Technologies, Press Release: April 3, 2008).

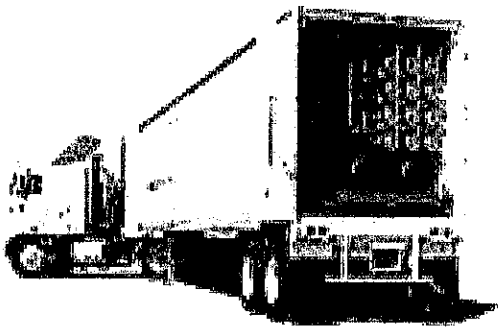
In 2005, the UNICEF Water and Environment Team delivered in a short period of time some 23 mobile desalination units to the Maldives as part of the United Nation's relief efforts to the tsunami stricken islands. Each unit was capable of producing about 8000 gal/day of desalinated seawater. 18 of those units were installed on the most affected islands, whereas the remaining 5 units were moved around by boat in order to provide fresh water for various smaller islands.



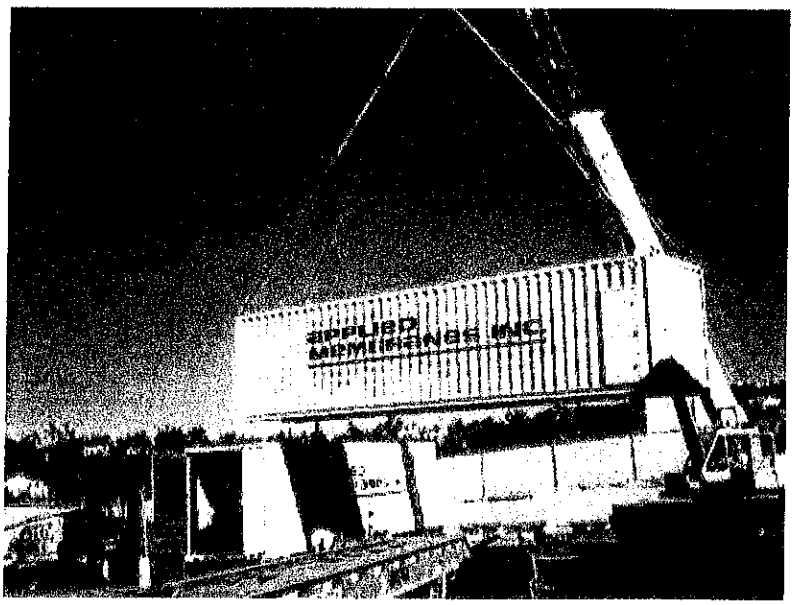
A Reverse Osmosis Mobile Desalination Unit Being Lowered onto a Barge for Transport Unit Delivered by UNICEF to the Tsunami Stricken Maldives' Islands
(Source: UNICEF)

Transporting Mobile Desalination Units

Mobile desalination units are totally self-contained containerized desalination plants. The containerized construction concept allows these units to operate as stand-alone portable water treatment plants. All needed treatment stages and equipments including pre-treatment and post-treatment are furnished as part of the container housing the unit. Depending on the production capacity of the unit, it can be housed in a standard 20-ft or 40-ft commercial steel container (cargo shipping container) that can be easily handled and transported. These containerized units can be crane lifted and transported by truck, barge, or airlifted (see typical sizes and weights in Table 1 below).



Truck Mounted, Containerized Reverse Osmosis Desalination Unit
(Source: GE Water)



Crane Lifted Containerized Mobile Desalination Unit
(Source: Applied Membranes Inc.)

Acquiring Mobile Desalination Units

Several water treatment and purification companies provide mobile water desalination units (mostly reverse osmosis units) for purchase or lease. Depending on the product water quality requirements, these systems can be equipped with single-pass or dual-pass reverse osmosis stages.

Some companies providing mobile desalination units include:

GE Water
www.gewater.com

RODI Systems Corporation
www.rodisystems.com

US Canadian Clear Watertec
www.uscanadianclear.com

Veolia Water
www.veoliawaterst.com

Seven Seas Water
www.7seaswater.com

Applied Membranes
www.appliedmembranes.com

GeoPure Water Technologies
www.geopurewt.com

Also, and as noted in other sections, mobile desalination units are widely used by the Military and other emergency and relief agencies. State and Federal emergency bodies, in coordination with various branches of the Military and the National Guard, can provide logistics for deploying such units in emergency situations.

Operating and Maintaining a Mobile Desalination Unit

Mobile desalination units are delivered fully assembled and ready to operate. Most providers of such units offer field service representatives for onsite operation and maintenance. Local agency personnel can also be trained to operate these units in a short period of time. Depending on the options installed, most units come equipped with automated features allowing automatic operation and control that can be remotely monitored. Remote controlled units require no daily on-site person, and the flows of the feed, the booster, and the high pressure pumps can be controlled and adjusted remotely. Various parameters (e.g., water temperature, salinity, and pressure at various points within the process) can be recorded and remotely monitored in real-time.

How is a Mobile Desalination Unit Powered?

Mobile desalination units (mostly using reverse osmosis technology) require electric energy for operation. These units can run on standard single phase electricity power from the grid. However, to make these units autonomous to operate in places where

electric power might be disrupted or unavailable, an optional power module using diesel generators can generally be provided as part of the unit.
The latest models of mobile desalination units are generally equipped with up-to-date energy efficient pumps and energy recovery devices making them require only about 11 to 13 kWh/1000 gallons of desalinated water.

Site Requirements for Hosting Mobile Desalination Units

Mobile water desalination units can be deployed anywhere with minimal site preparation requirements. However, an ideal site for hosting a mobile desalination unit will need to:

- be in proximity of the feedwater source
- have access to existing water delivery and storage infrastructure
- have access to electrical power if not equipped with a diesel power generator

Water Sources Mobile Desalination Units Can Treat

Mobile desalination units are equipped with a full water treatment train similar to conventional desalination plants. These units can therefore produce fresh water from virtually any feedwater source including seawater, brackish groundwater, and contaminated water sources.

Mobile Desalination Units Production Capacity

Mobile water desalination units come in various models and capacities. Depending on the need, these units have various production capacities ranging from several hundreds of gallons per day to few million gallons per day.
The following table (from Rodi systems) provides an idea on the size and weight of the unit depending on its production capacity (which is also dependent on the feedwater source since the recovery ratio is a function of the treated water salinity.)

TABLE 1. Capacity, Size, and Weight of Containerized Mobile Desalination Units

Nominal Production Capacity (at 77 °F)		Size (L x W x H)	Weight
Brackish Water	Seawater		
5,000 GPD	4,000 GPD	20 ft x 8 ft x 8.5 ft	8,000 lbs
25,000 GPD	16,000 GPD	20 ft x 8 ft x 8.5 ft	15,000 lbs
50,000 GPD	33,000 GPD	40 ft x 8 ft x 8.5 ft	30,000 lbs
150,000 GPD	100,000 GPD	40 ft x 8 ft x 8.5 ft (two containers)	30,000 lbs (per container)
300,000 GPD	200,000 GPD	40 ft x 8 ft x 8.5 ft (two containers)	35,000 lbs (per container)

(Source: Rodi Systems)

It is important to note that mobile desalination units, similar to conventional reverse osmosis desalination plants, are modular; hence additional capacity can easily be accommodated by adding additional modules and containers as needed.

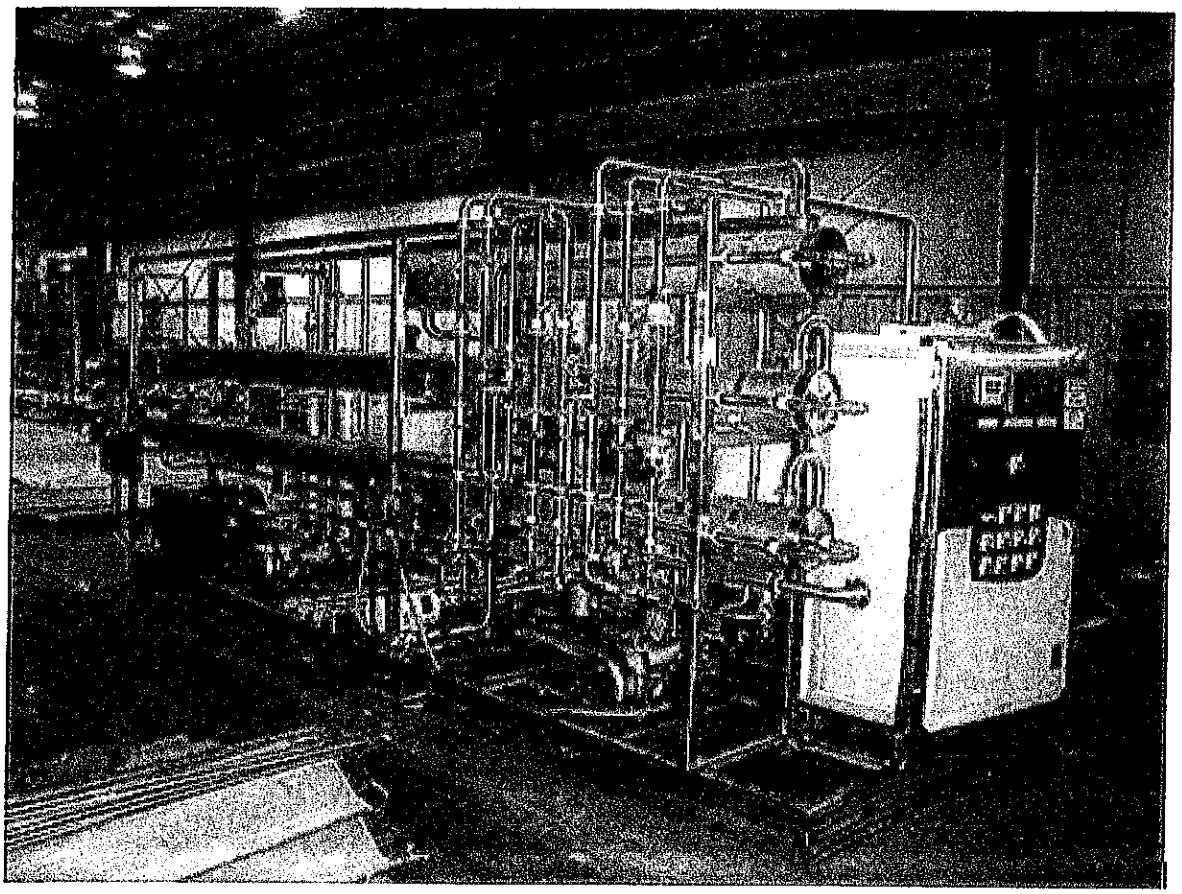
Permitting requirements for Deploying a Mobile Desalination Unit

Permits that may be needed to deploy mobile desalination units include: an intake permit (especially for units withdrawing water from the ocean), a concentrate discharge permit in the form of a National Pollutant Discharge Elimination System (NPDES) permit, and a Department of Public Health permit for operation of a plant as a potable water supply.
Membrane manufacturers generally do pre-certify their membranes with the Department of public health to get approval for using them to provide potable water. In addition, agencies considering to deploy desalination units can take advantage of certain build-own-operate (BOO) options that some suppliers provide. With a BOO contract, the provider of the plant generally takes the burden of permitting, ownership, and operation of the unit.

The Costs of Acquiring and Operating Mobile Desalination Units

The cost of such units varies depending on the production capacity and the options included (e.g., diesel generator for a stand-alone power supply, level of automation...). In addition to the aforementioned factors, initial cost for acquiring such units (capital cost) also varies by manufacturer.
Some providers of such units advertise online price tags of $700,000 and $3 million for containerized Seawater mobile desalination units with production capacities of 200,000 gpd and 1 million gpd, respectively.

In terms of the cost of production, some references show that the US Military incurs a cost of up to $5.00 per gallon of bottled water, whereas mobile desalination units can produce potable water at less than ¢10 per gallon.



A DOE funded mobile desalination unit project for treating oilfield produced water carried out by GeoPure Water Technologies and Texas A&M University (9/03-12/06)

How to Store Mobile Desalination Units When not in Use?

Without proper care, RO membranes are susceptible to degradation and fouling when not in use. Short-term storage for periods where the RO plant must remain out of operation for more than five days but fewer than thirty days includes flushing the RO membranes with permeate water at five-day intervals. Long-term storage - for periods where the RO plant must remain out of operation for more than thirty days - includes cleaning of the membranes and flushing them with a biocide at 30-day intervals (15-day intervals should be considered when the temperature is above 80 °F). Prior to installation, new membrane elements are typically stored with a preservative solution (generally sodium bisulfite, with or without propylene glycol) and enclosed in vacuum sealed bags.

EXH. C

Water Desalination

Findings and Recommendations

October 2003

Gray Davis, Governor, State of California
Mary D. Nichols, Secretary for Resources, The Resources Agency
Michael J. Spear, Interim Director, Department of Water Resources

Water Desalination

Findings and Recommendations

Introduction

In recent years, desalination has re-emerged as a viable water supply source in California. In the late 1980s, during a period of extended drought, several localities either considered or built desalination facilities along the California coast. But with the end of the drought, the high cost of desalinated water could not be justified for many of these localities and some closed their desalination facilities. By the late 1990s, however, desalination was receiving renewed interest as demands for water supply mounted and improvements in technology reduced the cost of desalination significantly.

In September 2002, AB 2717 (Hertzberg) was signed into law, directing the Department of Water Resources to convene a Desalination Task Force to "make recommendations related to potential opportunities for the use of seawater and brackish water desalination." No later than July 1, 2004, the Department is to report to the legislature on potential opportunities for and impediments to the use of seawater and brackish water desalination in California, and what role, if any, the State should play in furthering the use of desalination technology. As specified in the legislation, the report was prepared with significant input from the Water Desalination Task Force comprised of representatives from twenty-seven organizations.

The potential for the increased use of desalination in California is significant. The opportunities are great for providing water supply from seawater and brackish water desalination as well as recovering contaminated groundwater. Although most estimate that desalination will contribute less than 10 percent of the total water supply needs in California, this still represents a significant portion of the State's water supply portfolio.

Potentially, desalination can provide significant value and numerous benefits. These include:

- Providing additional water supply to meet existing and projected demands
- Replacing water lost from other sources and relieving drought conditions
- Enhancing water reliability and supplying high quality potable water
- Reducing groundwater overdraft and restoring use of polluted groundwater
- Replacing water that can be used for river and stream ecosystem restoration

Findings

11. California is a leader in the development and manufacture of desalination membrane technology.

Brackish Groundwater Desalination

12. Brackish groundwater desalting is an effective means of treating impaired groundwater, providing a safe water supply and providing capacity for additional groundwater storage in areas with suitable hydrogeology.

13. The primary impediment to brackish groundwater desalting is the need for infrastructure that allows environmentally acceptable disposal of the concentrate discharge, which may contain constituents not found in seawater. Where these issues have been solved, brackish groundwater desalting facilities have been successfully permitted.

14. There are currently more than 40 brackish groundwater-desalting facilities in California that generate approximately 170,000 acre-feet per year (counting both reverse osmosis and ion exchange desalting).

15. An additional 30 to 35 brackish groundwater desalting facilities that could generate nearly 290,000 acre-feet per year are envisioned during the next decade.

16. Based on information from existing facilities, brackish water desalination uses on the order of 1,300 – 3,250 kWh of energy per acre-foot, dependent largely on the source water quality, plant capacity, and technology used.

17. The total cost for brackish water desalination, including the amortized costs for planning, designing, and constructing such a facility and the costs for operation (e.g., energy, chemicals, disposal etc) and distribution of product water will be based on site-specific conditions and currently range from $130 to $1,250 per acre-foot.

Seawater and Estuarine Desalination

18. Economically and environmentally acceptable desalination should be considered as part of a balanced water portfolio to help meet California's existing and future water supply and environmental needs.

19. While they vary on a site-specific level, potential impediments to seawater desalination include the environmental impacts associated with the feedwater intake and brine/concentrate disposal. As is the case with many other water management strategies, other potential issues include cost, siting and growth-inducement.

20. With proper design and location of outfalls, brine/concentrate disposal may not be a major impediment to desalination.

21. There are currently 16 permitted seawater desalination facilities that generate approximately 4,600 acre-feet per year of desalinated water in California.

Findings

30. Co-locating a desalination facility with a coastal power plant may provide a justification for the continued use of once-through cooling technology. Once through cooling technology has well-documented environmental impacts, including impacts on marine organisms.

31. The appropriate State regulatory agencies have indicated that the siting of a new desalination facility, which utilizes any new or existing open water feedwater intakes, will require a current assessment of entrainment and impingement impacts as part of the environmental review and permitting process.

32. An advantage of blending a desalination plant's brine discharge within an existing wastewater discharge may be the reduction of the salinity of the brine discharge and an increase in the salinity of the wastewater discharge to more closely match that of the receiving water.

33. Various technologies exist that may avoid, reduce or minimize the impacts of feedwater intake.

    a. Drawing feedwater from beach wells is one way to avoid the ecological impacts of entrainment and impingement associated with open water intakes; however, the capacity of each well is limited and is subject to local hydrogeologic conditions.

    b. Low velocity intake systems, marine fish screens, sub-floor intakes and appropriate intake pipe design and location are methods that may reduce or minimize impacts of entrainment and impingement associated with open water intakes.

Planning and Permitting

34. Water, including ocean and estuarine water, is a public resource, subject to the public trust doctrine, and should be protected and managed for the public good.

35. The extent to which private companies are involved in the ownership and operation of proposed desalination plants varies widely, from completely private projects that may be regulated by the State Public Utilities Commission, to public-private partnerships, to projects that would be wholly owned, operated and controlled by public entities. The involvement of private companies in the ownership and/or operation of a desalination plant raises unique issues.

36. There are implications associated with the range of public-private possibilities for ownership and operation of desalination facilities. Local government has the responsibility to make the details of these arrangements available to the public.

37. Recently adopted international trade agreements and international trade agreements currently being negotiated may affect how federal, State and

Major Recommendations

Based on the findings noted above, as well as other information considered by the Department, several recommendations have been advanced to guide the process of evaluating, permitting, funding, and implementing desalination projects. The overarching recommendation considered critical to the advancement of desalination is that desalination projects should be evaluated on a case-by-case basis. Because each facility is essentially unique, given local water supply and reliability needs, site-specific environmental conditions, project objectives, and proposed technology, case-by-case analyses are essential. The Department's other recommendations are:

General

1. **Since each desalination project is unique and depends on project-specific conditions and considerations, each project should be evaluated on a case-by-case basis.**

2. **Include desalination, where economically and environmentally appropriate, as an element of a balanced water supply portfolio, which also includes conservation and water recycling to the maximum extent practicable.**

3. **Ensure equitable access to benefits from desalination projects and ensure desalination projects will not have disproportionate impacts particularly to low-income and/or ethnic communities.**

4. **The State should create mechanisms that allow the environmental benefits associated with transitioning dependence on existing water sources to desalinated water to be realized.**

5. **In conjunction with local governments, assess the availability of land and facilities for environmentally and economically acceptable seawater desalination.**

6. **Results from monitoring at desalination projects should be reported widely for the broadest public benefits. Encourage opportunities to share information on operational data. Create a database and repository for storing and disseminating information.**

7. **Create an Office of Desalination within the Department of Water Resources to advance the State's role in desalination.**

Energy and Environment

8. **Ensure seawater desalination projects are designed and operated to avoid, reduce or minimize impingement, entrainment, brine discharge and other environmental impacts. Regulators, in consultation with the public, should seek coordinated mechanisms to mitigate unavoidable environmental impacts.**

9. **Identify ways to improve water quality by mixing desalinated water with other water supplies.**

10. **Where feasible and appropriate, utilize wastewater outfalls for blending/discharging desalination brine/concentrate.**

11. **Compare reasonable estimates of benefits, costs and environmental impacts for desalination with those for other water supply alternatives realistically available to that area.**

12. **Recognizing the importance of power costs to the costs of desalination, consider strategies that will allow project sponsors to access non-retail power rates.**

13. **Clarify the applicability of non-retail energy pricing for desalination facilities.**

14. **Study the energy intensity and rates currently paid for energy used to provide water from various sources including desalination.**

15. **Study the potential for developing renewable energy systems in California, in conjunction with desalination implementation strategies.**

16. **Identify ways that desalination can be used in a manner that enhances, or protects the environment, public access, public health, view sheds, fish and wildlife habitat and recreation/tourism.**

Planning and Permitting

17. **To improve communication, cooperation, and consistency in permitting processes, encourage review processes for each desalination project to be coordinated among regulators and the public.**

18. **Evaluate all new water supply strategies including desalination based upon adopted community General Plans, Urban Water Management Plans, Local Coastal Plans, and other approved plans that integrate regional planning, growth and water supply/demand projections. Environmental reviews should ensure that growth related impacts of desalination projects are properly evaluated.**

19. **Ensure adequate public involvement beginning early in the conception and development of desalination projects and continuing throughout planning, design and evaluation processes. Coordinate public notification, outreach and public involvement strategies.**

20. **If multiple desalination projects are proposed within a region, coordinate development and analysis of these projects, including their benefits and cumulative impacts.**

21. **For proposed desalination facilities co-locating with power plants, analyze the impacts of the desalination facility operations apart from the operations of the co-located facilities. This will identify the impacts of the desalination facility operations when there are reductions in cooling water quantities. This recommendation is not intended to dictate California Environmental Quality Act alternatives that must be evaluated.**

22. **When desalination projects propose environmental benefits, identify the assurances that those benefits will be realized.**

23. **Evaluate the effects of desalinated water on existing water supply distribution systems.**

24. **Each community should consider the appropriate role, if any, for private companies in a desalination project or proposal. Factors to consider include:**
    - **the desired extent of public access and public control;**
    - **the extent to which the public is willing to finance the capital costs of the project and bear the risks of project development;**
    - **the extent to which a proposed contract between a public and private entity would affect flexibility in operating the facility;**
    - **the relevant experience and capabilities of the public or private entity;**
    - **the impact of the various public-private configurations on ratepayers.**

25. **Private desalination projects, and private developers and plant operators, should be required to fully disclose the same information as a publicly owned and operated facility.**

26. **To avoid potential international trade agreement violations, no legal standard or regulation should discriminate against an applicant based on ties to multi-national corporations.**

27. **Investigate the ramifications of designating ocean and estuarine waters in proximity to desalination intakes as drinking water beneficial use.**

Funding

28. **Provide funding for research and development projects (e.g., feedwater pretreatment, the value and limitations of beach wells for feedwater intake, other technologies to reduce entrainment and impingement impacts, strategies for brine/concentrate management, opportunities for energy efficiencies and application of alternative energy sources and combined energy and desalination technologies).**

29. **In addition to other eligibility criteria, State funding should give high priority to those desalination projects that provide the greatest public benefits, such as: 1) serve areas implementing all conservation and recycling programs to the maximum extent practicable; 2) demonstrate long-term environmental benefits; 3) avoid or reduce environmental impacts to the extent possible; 4) reduce health risks by improving water quality; and 5) ensure equitable access to benefits from desalination projects and include feasible mitigation for any environmental justice impacts.**

August 5, 2015

Shannon Fiala
California Coastal Commission
45 Fremont St, Suite 2000
SF CA 94105-2219

Re: Marin County Amended LCP, Vacation Rentals

Dear Shannon,

This letter is to suggest that Marin County's LCP should regulate vacation rentals as it does all other forms of visitor-serving accommodations.

When the original LCP was adopted, it was thought that the stock of vacation rental homes was fairly low and that "due to rising costs, second homes are becoming fewer and fewer in number." (LCP, Unit II p. 30) Today, however, there are close to one thousand vacation rentals just in the Inverness, Marshall, Point Reyes Station area. These bring visitors, but also problems regarding parking, noise, congestion, and septic load, among other things.

The Coastal Act (Section 30213) encourages lower cost visitor and recreational facilities. However, the bulk of vacation rentals are far from low-cost. The lack of any kind of oversight puts them in a privileged position vis-à-vis other forms of visitor-serving accommodation and makes it difficult for County planners to get a picture of Marin's overall visitor-serving capacity. Regulations would facilitate economic growth by improving understanding of the County's visitor-serving resources.

There are two main tasks that regulation of vacation rentals should seek to accomplish:

- Ensuring that they are operated in a manner that protects the health, safety, and welfare of the surrounding community and the users of vacation rentals
- Protecting the County's housing stock and residential land supply

The first concern can be addressed by regulations that:

- Limit maximum numbers of overnight guests and visitors
- Establish maximum number of rooms before a vacation rental is deemed a hotel
- Limit number of vacation rentals per parcel
- Require adequate on-site parking
- Establish quiet time from10 PM to 9 AM
- Ban amplified sound outdoors
- Establish restrictions on special events, such as parties, weddings and "retreats"
- Require owners to have a Transient Occupancy Tax license
- Require that each property have a Designated Manager or Representative
- Establish a system for complaints & enforcement with costs to be paid from fees paid by vacation rental owners
- Establish standards for such things as pets, trash, and septic load

The second, and possibly most important, impact of vacation rentals is their impact on the County's housing stock and its affordability. Section 30604 of the Coastal Act states that

> (f) The commission shall encourage housing opportunities for persons of low and moderate income.
> (g) The Legislature finds and declares that it is important for the commission to encourage the protection of existing and the provision of new affordable housing opportunities for persons of low and moderate income in the coastal zone.

It is undeniable that in recent years the housing stock in coastal communities such as Inverness, Stinson Beach, Marshall and Tomales has increasingly been converted from affordable rentals to expensive vacation rentals. The resultant scarcity and increased cost of housing has caused serious problems for longtime residents, elderly people, workers and employers in these communities.

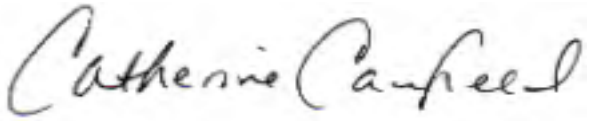
Bed & Breakfast units are strictly regulated in Marin County, with a clear requirement that they only operate in buildings used primarily as residences. Under the existing LCP, however, the owner of a house can completely evade B&B restrictions merely by calling his house a vacation rental. As a matter of policy, Marin County and the Coastal Commission should not be encouraging or allowing its regulations to be so easily evaded, especially when there are serious consequences for something as important as the housing stock.

Regulation could help to address this issue if it:

- Bans conversion of affordable housing units, agricultural employee units, second dwelling units, farmworker housing, or farm family units to vacation rentals
- Differentiates between properties that are primarily residential and are rented by their occupiers as vacation rentals for 90 days a year or less and commercial vacation rentals
- Restricts commercial vacation rentals to areas that are zoned for commercial use or allows them in certain residentially-zoned areas only with a Use Permit. In either case, commercial vacation rentals should be treated and taxed as businesses.

Thank you for considering my comments on this issue of such importance to the residents of and visitors to coastal Marin.

Sincerely,



Catherine Caufield

August 10, 2015

Kristin Drumm
Marin County Community Development Agency
3501 Civic Center Drive, Suite 308
San Rafael, CA 94903

Re: Marin County Amended LCP, Vacation Rentals

Dear Kristin Drumm,

This letter is to suggest that Marin County's LCP should regulate vacation rentals as it does all other forms of visitor-serving accommodations.

When the original LCP was adopted, it was thought that the stock of vacation rental homes was fairly low and that "due to rising costs, second homes are becoming fewer and fewer in number." (LCP, Unit II p. 30) Today, however, there are close to one thousand vacation rentals just in the Inverness, Marshall, Point Reyes Station area. These bring visitors, but also problems regarding parking, noise, congestion, and septic load, among other things.

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Thank you for considering my comments on this issue of such importance to the residents of and visitors to coastal Marin.

Sincerely,

Catherine Caufield
PO Box 884, Inverness, CA 94937

cc: Jack Liebster, Shannon Fiala, Supervisor Steve Kinsey

August 10, 2015

Kristin Drumm
Marin County Community Development Agency
3501 Civic Center Drive, Suite 308
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Sincerely,

Catherine Caufield
PO Box 884, Inverness, CA 94937

cc: Jack Liebster, Shannon Fiala, Supervisor Steve Kinsey

September 14, 2015

Shannon Fiala
California Coastal Commission
45 Fremont St, Suite 2000
SF CA 94105-2219

Re: Marin County Amended LCP, Vacation Rentals

Dear Shannon,

As you are aware, the Marin County Board of Supervisors recently adopted a resolution to submit the amended Land Use Plan (minus the section on Environmental Hazards) to the Coastal Commission. The Board accepted all the recommendations of the County Development Agency staff, with one exception. That exception was to restore section C-CD-15 to the LUP.

> *C-CD-15 Residential Character in Villages. Discourage the conversion of residential to commercial uses in coastal villages. If conversion of a residence to commercial uses is allowed under applicable zoning code provisions, the architectural style of the home should be preserved.*

In so doing, the Board of Supervisors acknowledged that conversion of residential properties to short-term vacation rentals is an important problem in coastal Marin. The LUP contains a program intended to address this problem.

Program C-HS-6.a Vacation Rental Ordinance

1. *Work with community groups to develop an ordinance regulating short-term vacation rentals.*
2. *Research and report to the Board of Supervisors on the feasibility of such an ordinance, options for enforcement, estimated program cost to the County, and the legal framework associated with rental properties.*

There is no need to wait the four or five years it would likely take to implement this Program and adopt an ordinance to address vacation rentals. Instead, the issue should be addressed in the LCP shortly to come before the Commission. At the very least, a distinction should be made between short-term residential vacation rentals (residential units that are rented out for no more than 30 days per year) and commercial vacation rentals that are rented out for more than 30 days per year. Currently there is no category for either of this uses and therefore vacation rentals are not regulated at all in Marin County. By contrast, the County subjects Bed & Breakfasts to strict regulation. This is surely an unequal application of the law.

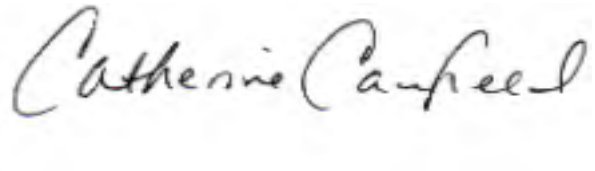
My August 10, 2015 letter to the County, copied to you, laid out the arguments for regulating vacation rentals and distinguishing between residential rentals and commercial rentals. In order not to repeat it, I am attaching it to the email containing this letter.

To summarize, I urge you to follow the lead of the Board of Supervisors and take this opportunity to address the housing/vacation rental crisis in Marin by:

- Banning conversion of affordable housing units, agricultural employee units, second dwelling units, farmworker housing, or farm family units to vacation rentals
- Distinguishing between properties that are primarily residential and are rented by their occupiers as vacation rentals for 30 days a year or less and commercial vacation rentals
- Restricting commercial vacation rentals to areas that are zoned for commercial use or allows them in certain residentially-zoned areas only with a Use Permit. In either case, commercial vacation rentals should be treated and taxed as businesses.

Thank you for considering my comments on this issue of such importance to the residents of and visitors to coastal Marin.

Sincerely,



Catherine Caufield
PO Box 884, Inverness, CA 94937

August 26, 2015

5 Ahab Drive
Muir Beach, CA 94965

Chris Pederson
Chief Counsel
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Re: Takings Avoidance Criteria

Dear Mr. Pederson,

I had hoped that the Office of Administrative Law would afford an efficient avenue by which to address the concerns that I have raised regarding the Takings Avoidance Criteria. Unfortunately, it has declined to review the case.

In an effort to clarify the issues, I would appreciate it if you would advise me whether the Coastal Commission, by vote of a majority of its members after a public hearing, has previously adopted the Takings Avoidance Criteria as reflected in the Takings Information document attached hereto. See Public Resources Code sections 30333 and 30620(b). If so, please provide me with a copy of the policy showing the date of adoption.

On the other hand, if such a document does not exist, please advise me whether the Commission has otherwise approved the procedure of evaluating whether a project should be approved in order to avoid a constitutional taking in situations where a potential denial of a permit raises takings concerns.

Thank you for your consideration.

Very truly yours,

Richard S. Kohn

Richard S. Kohn

Attach (1)

cc. Charles Lester, Director
Steve Kinsey, CCC Chair

ATTACHMENT 2

STATE OF CALIFORNIA – THE RESOURCES AGENCY

EDMUND G. BROWN, JR., Governor

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
FAX: (831) 427-4877

Takings Information

In some cases, additional application information is needed regarding an applicant's investment-backed expectation (including, but not limited to, cases where development is proposed in environmentally sensitive habitat areas (such as coastal dunes and wetlands), other highly sensitive areas (such as the critical viewshed in Big Sur), high hazard areas, etc.

Background

If an applicant for a coastal development permit can demonstrate that he or she has a sufficient real property interest in the property to allow the proposed project, and that denial of the proposed project based on application of Coastal Act policies would deprive his or her property of all economically viable use, some development may be allowed even where a Coastal Act policy may otherwise prohibit it, unless the project would constitute a nuisance under State Law. A specific development proposal may still be denied, however, if a more modest alternative proposal could be approvable, and thus assure the property owner of some economically viable use. Any development approved pursuant to this provision must conform to all other applicable Coastal Act requirements.

Information Needed

Since the Coastal Commission must analyze whether its action in denying a permit application would constitute a taking, in order to comply with Section 30010 of the Coastal Act and the California and United States Constitutions, the application filing requirements shall include information about the nature of the applicants' property interest. When an application involves property in which development could potentially be completely prohibited (for example, because the property contains environmentally sensitive habitat areas, is located in the critical viewshed, is subject to coastal hazards, etc.), the applicant shall submit the following information as part of their coastal development permit application:

1. Date the applicant purchased or otherwise acquired the property, and from whom.
2. The purchase price paid by the applicant for the property.
3. The fair market value of the property at the time the applicant acquired it. Describe the basis upon which the fair market value is derived, including any appraisals done at the time.
4. Changes to general plan, zoning or similar land use designations applicable to the subject property since the time of purchase of the property. If so, identify the particular designation(s) and applicable change(s).
5. At the time the applicant purchased the property, or at any subsequent time, has the property been subject to any development restriction(s) (for example, restrictive covenants, open space easements, etc.), other than the land use designations referred to in question (4) above?

6. Any changes in the size or use of the property since the time the applicant purchased it. If so identify the nature of the change, the circumstance and the relevant date(s).

7. If the applicant has sold or leased a portion of, or interest in, the property since the time of purchase, indicate the relevant date(s), sales price(s), rent assessed, and nature of the portion of interest sold or leased.

8. Is the applicant aware of any title report, litigation guarantee or similar document prepared in connection with all or a portion of the property? If so, provide a copy of each such document, together with a statement of when the document was prepared and for what purpose (e.g., refinancing, sale, purchase, etc.).

9. Has the applicant solicited or received any offers to buy all or a portion of the property since the time of purchase? If so, provide the approximate date of the offer and the offered price.

10. Identify, on an annualized basis for the last five calendar years, the applicant's costs associated with ownership of the property. These costs should include, but not necessarily be limited to, the following:

    a. property taxes

    b. property assessments

    c. debt services, including mortgage and interest costs; and

    d. operation and management costs;

11. Apart from any rent received from leasing all or a portion of the property (see question #7, above), does the applicant's current or past use of the property generate any income? If the answer is yes, list on an annualized basis for the past five calendar years the amount of generated income and a description of the use(s) that generates or has generated such income.

Drumm, Kristin

From:	Terry Houlihan <terryjhoulihan@gmail.com>
Sent:	Thursday, August 13, 2015 4:22 PM
To:	Drumm, Kristin
Cc:	Seadrift Association; Sandmann Peter and Pauline; Jeff Loomans; Kinsey, Steven
Subject:	Comment on the Marin County Local Coastal Program Amendment to be considered August 25, 2015

Dear Ms. Drumm,

I own a house in the Seadrift development and write regarding a proposed amendment to the LCP that would impact certain lots in that development.

A change is proposed in C-BIO-9 regarding the Stinson Beach Dune and Beach Areas, at page 31, that is contrary to the County's decision to defer action on Environmental Hazards issues for later consideration.

It is proposed that C-BIO-9 be amended so that, where no dunes are evident, any new development on shorefront lots shall be set back behind the first line of terrestrial vegetation "as far as is necessary to demonstrate required stability and hazards protection per Policy C-EH-2" and "in order to avoid" the need for protective works . . . .

These proposed changes assume adoption of deferred and disputed Environmental Hazards policies. No such amendment should be adopted until after the Environmental Hazards policies are resolved.

Thank you for your attention to this detail.

Terry J Houlihan
175 Francisco St, Apt 18
San Francisco, CA 94133

PACIFIC LEGAL FOUNDATION

August 13, 2015

President Katie Rice and
The Marin County Board of Supervisors
3501 Civic Center Drive, Room 329
San Rafael, CA 94903

VIA EMAIL: c/o Kristin Drumm
kdrumm@marincounty.org

Re: Concerns with final Implementation Program for Agriculture

Dear Supervisors:

Pacific Legal Foundation, the nation's oldest public interest property rights foundation, has followed Marin County's Local Coastal Amendment process with great interest. Foundation attorneys have regularly submitted comment letters to both this Board and the Coastal Commission highlighting particular concerns. We have also occasionally appeared in person to address some of our concerns.

The California Cattlemen's Association (CCA) is the predominant organization of cattle grazers in California, with more than 1,700 producer members throughout the state. CCA members own or lease property and graze cattle on land subject to the jurisdiction of the California Coastal Commission throughout many of California's coastal counties, and the Association has established a Coastal Subcommittee with the express purpose "to help members located in this state's coastal zone with land use issues." CCA has closely followed Marin County's Local Coastal Amendment and Implementation Program at the behest of impacted Marin County members, submitting detailed comments at every phase of the process and appearing on numerous occasions before both this Board and the California Coastal Commission.

While some progress has been made throughout the Amendment process, the final Implementation Program for Agriculture contains some provisions that are alarming for Marin County property owners. Principally, we are concerned with three aspects of the Implementation Program. First, the Program significantly limits development rights on agricultural land without providing compensation. While the currently effective LCP permits property owners to maintain one housing unit per 60 acres, the Implementation Program limits them to three structures per "farm tract," severely reducing the value of large ranches. Second, the Program requires that each "agricultural dwelling unit" be "owned by a farmer" and that it be "directly engaged in agriculture on the property." Section 22.34.024(A). This provision is problematic in that it appears to require property owners to be farmers indefinitely. And finally, the program requires property owners to enter into

HEADQUARTERS: 930 G Street | Sacramento, CA 95814 | (916) 419-7111 | Fax: (916) 419-7747
ATLANTIC: 8645 N. Military Trail, Suite 511 | Palm Beach Gardens, FL 33410 | (561) 691-5000 | Fax: (561) 691-5006
DC: 300 New Jersey Avenue, NW, Suite 900 | Washington, DC 20001 | (202) 888-6881 | FAX (202) 888-6855
HAWAII: P.O. Box 235856 | Honolulu, HI 96823-3514 | (808) 733-3373 | Fax: (808) 733-3374
NORTHWEST: 10940 NE 33rd Place, Suite 210 | Bellevue, WA 98004 | (425) 576-0484 | Fax: (425) 576-9565
ALASKA: (907) 278-1731 | **OREGON**: (503) 241-8179

E-MAIL: plf@pacificlegal.org
WEB SITE: http://www.pacificlegal.org

restrictive covenants that run with the land, permanently entrenching the restrictions on property rights.

Limitation of Development Rights

The Implementation Program's modifications would have a drastic effect on property owners' development rights. Currently, many landowners in the County enter into voluntary agreements with private entities, like the Marin Agricultural Land Trust, to dedicate voluntary conservation easements on their property in exchange for compensation. This allows them to ensure that their land is used for agricultural production while retaining the value of their development rights. But the modifications would immediately extinguish many landowners' development rights without compensation.

Such action could subject the County to legal liability under the Takings Clauses of the United States and California Constitutions. The Supreme Court of the United States has recognized that government actions which significantly reduce the value of property by curtailing development rights may be compensable takings. In *Penn Central Transportation Co. v. City of New York*, 438 U.S. 104 (1978), the Court set out a multifactor test to determine whether government regulation rises to the level of a taking. Under that test, courts consider the "economic impact of the regulation" on the property owner, the "extent to which the regulation has interfered with distinct investment-backed expectations" of property owners, and the "character of the government action." *Id*. at 124.

The Implementation Program modification in effect enacts a downzoning by permitting only three structures per farm tract. The California Court of Appeal has recognized that downzonings that significantly decrease property values may require compensation under *Penn Central*. In *Avenida San Juan Partnership v. City of San Clemente*, 201 Cal. App. 4th 1256 (2011), the City changed the zoning designation of an undeveloped 2.85 acre parcel from "residential, low" to "residential, very low." *Id*. at 1259. The downzoning changed the allowable density from four dwellings per acre to one dwelling per twenty acres. *Id*. Observing that the regulation decreased the property's value by $1.3 million and that the owners had significant investment-backed expectations in the prior zoning, the Court of Appeal found a taking and ordered compensation. *Id*. at 1273-74.

The modifications to the Implementation Program significantly affect property values. Because of the Program's definition of "farm tract" as "all contiguous legal lots under common ownership," Section 22.32.024(c), this effect will be more severe for some than others. A property owner with a large farm of several hundred acres will still be limited to just three structures and thereby lose a drastic amount of value and development rights, while the owner of a smaller tract would stand to lose less value. Both the significant uncompensated taking of development rights and the unequal application of the modifications are significant problems that will expose the County to possible liability.

Furthermore, by defining the "farm tract" as all the contiguous legal lots under common ownership (and making it quite difficult for property owners to subdivide the lots), the modifications threaten to cause a deprivation of all economically viable use of many of the legal parcels. Under *Lucas v. South Carolina Coastal Council*, 505 U.S. 1003 (1992), such deprivation is a per se taking and requires the payment of just compensation. Combining of several legal parcels owned by the same owner into one parcel for the purposes of the modifications will inject the County into the ongoing debate over what is the "relevant parcel" for the purposes of *Lucas* takings law. *See*, *e.g.*, John E. Fee, *Unearthing the Denominator in Regulatory Taking Claims*, 61 U. Chi. L. Rev. 1535, 1545 (1994) ("Not only has the Court never decided a case involving the horizontal division of land, but it has failed to define 'parcel as a whole.' Until this issue is resolved, lower courts will continue to face the crucial question: economically viable use of what land?"). The Ninth Circuit has refused to adopt a rule that commonly-owned contiguous property should be treated as one parcel for the purposes of takings claims. *Am. Sav. & Loan Ass'n v. Marin Cnty.*, 653 F.3d 364, 369-71 (9th Cir. 1981). As a result, defining these legal parcels to be one parcel may subject the County to takings liability.

Finally, as PLF mentioned in its last letter to the Coastal Commission, it is problematic that both the County and the Commission are effecting zoning changes through this Implementation Program. Because the Program still relies on a 60-acre baseline to be able to build any house at all, Section 22.32.024(G), it is opaque about the relationship between the existing zoning and the Program's regulations. The Coastal Commission's modifications and the final Implementation Program do not alert the public that, if adopted, they will effect a significant change in zoning.

Requirement That Farmers Own Property and That It Be Used for Agriculture

The Implementation Program provides that each "agricultural dwelling unit" must be "owned by a farmer" and be "directly engaged in agriculture on the property." Section 22.34.024(A). Government regulations of property generally prohibit certain uses. Governments may also encourage agricultural use with tax incentives. *See Williamson v. Comm'r of Internal Revenue Serv.*, 974 F.2d 1525, 1531-33 (9th Cir. 1992) (discussing the "qualified use" provision of estate tax law giving special benefits to property used as a family farm). But it is quite another thing to require property to be used as a farm. This would render owners in violation of the law if they eventually retire and decide to stop farming the land, even if they simply use the property as a family residence.

In effect, this provision prohibits many uses which would generally be acceptable under the currently-effective Local Coastal Plan and Land Use Plan. Under the *Penn Central* multifactor test, courts may still require compensation "if the regulation precludes uses of property that the property owner reasonably could have expected to enjoy because the uses were not prohibited under the background principles of the State's law of property and nuisance." Jerome M. Organ,

Understanding State and Federal Property Rights Legislation, 48 Okla. L. Rev. 191, 196 (1995) (internal quotation marks omitted). And even if the limitation is not considered a taking, it is unduly restrictive of a property owner's right to make reasonable use of his property, a right that has been recognized by the California courts. *See Carlin v. City of Palm Springs*, 14 Cal. App. 3d 706, 712-13 (1971) ("Counterbalancing the government's right to regulate signs is the right of a property owner to make a reasonable use of his land or the right of a businessman to conduct a business."). In order to respect the property rights of County property owners, the Board should reconsider this portion of the Implementation Program.

Requirement to Enter Into Restrictive Covenants

Finally, we are concerned with the requirement that property owners enter into restrictive covenants. Section 22.32.024(J)(4). These covenants have the effect of recording the potentially unlawful restrictions in the Implementation Program, preserving them in perpetuity. Even if a later Board of Supervisors decides on a different scheme to regulate coastal property (and the Coastal Commission certifies it), these restrictions will live on in covenants running with the land, binding all future property owners. This Board should reconsider imposing these restrictions on the County's property owners.

Conclusion

PLF and CCA hope that this Board will consider our perspective and decide against approving these provisions that are unduly restrictive of property rights. We thank the Board for the opportunity to present this comment letter.

Sincerely,

JAMES S. BURLING
CHRISTOPHER M. KIESER
Attorneys

KIRK WILBUR
California Cattlemen's Association
Director of Government Relations
1221 H Street
Sacramento, CA 95814

CC: Steven Woodside, Marin County Counsel Swoodside@marincounty.org
David Zaltsman, Marin County Counsel Dzaltsman@marincounty.org
Brian Crawford, Marin County Community Development Agency
BCrawford@marincounty.org
Jack Liebster, Marin County Community Development Agency
Jliebster@marincounty.org
Stacy Carlsen, Marin Agriculture Commissioner SCarlsen@marincounty.org
Jack Rice, California Farm Bureau Federation Jrice@cfbf.com
Chris Scheuring, California Farm Bureau Federation Cscheuring@cfbf.com
Marin County Farm Bureau Board of Directors marincfb@svn.net
Sam Dolcini, Marin County Farm Bureau slcdiverse@yahoo.com
Dominic Grossi, Marin County Farm Bureau dgrossi73@att.net
Paul J. Beard II, Paul.Beard@alston.com
David Lewis, UCCE djllewis@ucdavis.edu
Tito Sasaki, Sonoma County Farm Bureau tito@att.net
Ione Conlan, Member, CCA and Farm Bureau iconlan@aol.com

SONOMA COUNTY FARM BUREAU

Affiliated with the California Farm Bureau Federation and the American Farm Bureau Federation

August 14, 2015

Marin County Board of Supervisors
c/o Kristin Drumm, kdrumm@marincounty.org
Community Development Agency
3501 Civic Center Drive, Suite 308
San Rafael, CA 94903-4157

Subject: Marin County Local Coastal Program Amendment (LCPA),
Public Hearing of August 25, 2015

Ref: PLF/CCA Comment Letter dated August 13, 2015

Dear Members of the Marin County Board of Supervisors;

Sonoma County Farm Bureau as the leading agricultural organization of your neighboring county has been following the Marin County Local Coastal Plan Update over the past years. We have been working closely with Marin County Farm Bureau and Calfornia Cattlemens' Association in this regard.

We have reviewed the comment letter submitted to you by Pacific Legal Foundation and California Cattlemen's Association, dated August 13, 2015. We share the concerns expressed in the letter on the draft Implementation Program. The three provisions cited in the letter will, if adopted, threaten the survival of the coastal agriculture in your county, and set dangerous precedents for Sonoma County that is now going through its Local Coastal Plan Update.

We respectfully request you to forgo these provisions for the sake of preserving our most precious asset, local coastal agriculture.

Sincerely,

John Azevedo, President

cc:
Marin County Farm Bureau (marincfb@avn.net)
Kirk Wilbur, CCA (kirk@calcattlemen.org)
James S. Burling, PLF (jsb@pacificlegal.org)
Christopher M. Kieser, PLF (cmkieser@pacificlegal.org)
Jack Liebster, Marin CDA (JLiebster@marincounty.org)
Stacy Carlsen, Marin Ag Commissioner (SCarlsen@marincounty.org)
Chris Scheuring, CFBF (Csheuring@cfbf.com)
Jack Rice, CFBF (Jrice@cfbf.com)
Tito Sasaki, SCFB (tito@att.net)

970 Piner Road, Santa Rosa, CA 95403 • Phone (707) 544-5575 • Fax (707) 544-7452 • Website: www.sonomafb.org

Drumm, Kristin

From: Helen Kozoriz Shoemaker <helenkozoriz@sbcglobal.net>
Sent: Friday, August 14, 2015 9:11 AM
To: Drumm, Kristin
Cc: Kevin.Kahn@coastal.ca.gov; Liebster, Jack
Subject: 8/25/15 Marin County LCPA Board of Supervisors Hearing

August 14, 2015

Marin County Board of Supervisors
3501 Civic Center Drive
San Rafael, CA 94903

Via Email c/o Kristin Drumm: kdrumm@marincounty.org

Re: Resubmittal of Local Coastal Program (LCP) ---- Land Use Plan Amendments (LUPA) and Implementation Program Amendments (IPA) to California Coastal Commission.

Dear Marin County Board of Supervisors,

We, the members of the West Marin Sonoma Coastal Advocates (WMSCA), thank you for the opportunity to comment on the current permutation of the Marin County Local Coastal Program Amendment (LCPA). We have personally or collectively attended and testified at each and every Local Coastal Program (LCP) public workshop, Planning Commission and Board of Supervisors hearing.

Next, we want to thank the Marin County Community Development Agency staff for retaining the exclusion of Wind Energy Conversion Systems as "agricultural accessory structures" in the Marin County Coastal Zone.

In addition, we request that policies C-EN-4 Renewable Energy Resource Priority, C-EN-4.a Study Renewable Energy Resource Potential, C-EN-4.b Consider Policy to Allow the Creation of Local-Serving Renewable Energy Systems, C-EN-5 Energy Production Facility Impacts and C-EN-6 Energy and Industrial Development (Marin County LCP, Amendment 1, Built Environment, Energy [EN], Page 87) be deleted.

These policies were not included as presented in any of the previous hearings. Consequently, there was no public review and discussion. The language contained in this program supports the federal prohibition of the development offshore and onshore of wind facilities and oil or gas explorations adjacent to the Gulf of the Farallones and Monterey Bay National Marine Sanctuaries bordering the Marin County Coastal Zone.

C-EN-6 supports the federal restriction and states that such development will not be permitted under the LCPA. However, C-EN-6 also includes the following exemption: "The development of alternative energy sources such as solar or wind energy shall be exempted from this policy." There is no definition of the size or scale of wind turbines or numbers per acre, just that renewable energy is exempt.

We again reiterate our opposition to the inclusion of policies C-EN-4, C-EN-4.a, C-EN-4.b, C-EN-5 and C-EN-6 and request that they be deleted from LCP Amendment 1 of this document and that public hearings be conducted to review and discuss the appropriateness of allowing industrial-scale wind and solar development in the Marin County Coastal Zone.

Respectfully submitted,

WMSCA

Cc:
Kevin Kahn, District Supervisor, California Coastal Commission, Central Coast District Office Jack Liebster, Planning Manager, Marin County Community Development Agency, Planning Division

Sent from my iPad

Drumm, Kristin

From: IConlan@aol.com
Sent: Sunday, August 16, 2015 3:13 AM
To: Drumm, Kristin
Cc: conlanranches@live.com
Subject: Errata re LCP Hearing A ugust 25, 2015 ERRATA

Hello Kristin,
Errata notice

My dear old AOL, (I am often asked by my gmail friends, "*is AOL still in existence?") any wonder, AOL* oftentimes inexplicably drops out sections of writing in emails, and addressees, and makes other significant omissions and errors.. It finally showed up in my sends that my email to you had indeed been sent, so please disregard my email inquiring about receipt.

As I reread, I noticed errors of grammar, spelling, syntax and a critically important paragraph dropped from #1 Objection,

Apologies Kristin, for your extra work, but can you replace my previous email with the email below which includes the corrections?

Thank you for all the extra work. Best Regards, Ione

From: IConlan@aol.com
To: kdrumm@co.marin.ca.us
Sent: 8/14/2015 1:58:09 A.M. Pacific Daylight Time
Subj: LCP Hearing A August 25, 2015

Honorable Marin Board of Supervisors:

I am aware of the years of diligent work of our professional and honorable Marin County Supervisors, Planning Department Director Brian Crawford,Principal Planner Jack Liebster, Senior Planner Kristin Drumm and the entire tireless staff, who have worked so hard to weigh the equities of those of us with concerns on opposite ends of the continuum of the proposed LCP.

We acknowledge and thank you for your hours and hours and years of work.

We appreciate the modifications made to the original document but protest and object to those items mandated by the California Coastal Commission Staff. and the approval of the Coastal Committee Members, who were *politically appointed*, and not elected by the people of California, with the exception of Marin County Supervisor Steve Kinsey, an elected official, highly respected by all of the constituency of Marin County.

Some of our Marin constituents in good faith, who arrived in our county from elsewhere, selected this County because the farmer/rancher pioneers and others, of this County preserved the lands they drive around, or cycle out to view and enjoy...

However these folks want nothing to impair the skylines of the lands, after all, they left city congestion to come out to clean air, large expanses of farmland and ranch lands. Now they would like to make the rules for those of us, who have lived and worked those large expanses of land, some generational farmers and ranchers dating back a century.

Some of these "new" and State politically appointed folks claim a greater love of our Planet than we, who lived and worked our beloved lands long before they arrived.

They claim that their environmental concerns are more noble, more just, their vision more honorable than those of us who have preserved these lands.

They believe their vision and provisions for the future is a better plan than those of us, perhaps parochial farmers and ranchers whose great grandfathers, grandfathers and parents who now work the lands, well we don't matter at all.

These probably well meaning folks, who have never lifted a shovel on a farm to clean out manure, been in a chute with a thousand pound animals, well they just believe, farmers and ranchers, who own and live on the land, who work the land, should be bridled, restricted, diminished and *perhaps removed.....*

especially if farmer/rancher becomes ill or too old to do their chores, and never mind sustainability, if one of the family has to get a job in town to support the marginal income of farming, well too bad, they have to get out, and leave the family farm/ranch. Why? because these newcomers who make the rules, don't want to see generational housing, nope, there has to be a CCC limit (27 in the whole coastal county!) on that too..... never mind the sweat and toil of the past, these are *their* new rules.

But it doesn't end merely at old age, the old farmer/rancher has to leave if he isn't *actively engaged in farming!*

And, as to the family members, well they may or may not live on the land, depending on whether they were able to rush into and get one of those limit of only 27 generational houses in the whole Marin coastal area!

That's a great concept when you don't make a living on your lands, but are receiving mailbox income, or you or your mate are well paid professionals who have never cleaned out a chicken coop, never had to see the ravages of a badger who can tear apart and kill your heritage chickens just for the fun of it, see your precious lambs throats torn out and left to die by coyotes, or precious baby calves killed and dragged off by cougars to their lair in the willows.(I recite these tragedies from personal knowledge, sight, and presence).

I represent the constituents who work the land, and have preserved it, as in our case, **Conlan Ranches California-True Grass Farms, which will reach 150 years next year, and receive a prestigious Heritage Award for preserving land, continually in agriculture in the same family, having achieved a previous award for 100 years, 125 years and next year 150 years at the California State Fair.**

(I will mail a copy of the latest Heritage Club Program Booklet along with a copy of this email for your easy reference)

How many members of our several Marin County conservation, environmental, or other overreaching advocates, clubs and organizations and Coastal Commissioners can claim this achievement? By what legal or God given right do they have the privilege of depriving us

of our right to make a living, steal our lands, deprive our children and family from living on the lands they have sacrificed and worked so hard to preserve?

Our family dedication has not been without enormous personal sacrifices, many inheritance taxes; probate litigation, ten years of bankruptcy where I and my late husband paid every creditor in full with interest. We have suffered drought; floods; predators human and animal; and more *"blood, sweat, tears and toil"* than anyone can ever imagine.

Livestock do not acknowledge the Sabbath, nor any holidays, they must be fed, watered oftentimes twice daily, and since we perform intensive grazing to preserve and maintain our pastures, every twelve hours our livestock herds are moved to new forage.

Only the love of our lands and our death bed promises to our spouses, parents, and grandparents, sisters, brothers, aunts and uncles, have kept us dedicated and fighting to survive on our hard earned family lands.

In north Marin county, we have preserved over one thousand acres of land, which is Certified Organic, Animal Welfare Approved, producing wholesome grass fed livestock.

Last year my great nephew won for our lands, the Western States Environmental Award which I invite you to visit, and be sure to click on the arrow on the cow at the bottom of the page to see our work:
http://environmentalstewardship.org/regionvi-conlanranchescaliforniatruegrassfarms.aspx

Now comes the California Coastal Commission with draconian plans to which this letter will be our formal protest to preserve landowner plaintiff issues in the event of future litigation.

1. We object to clustering of farm buildings for the benefit of viewers, touted ostensibly to maximize ag lands, which is what the farmer trying to make a livingunderstands more about where to build a dwelling than *someone sitting in an air conditioned office 100 miles away, whose only farm implement is a pencil, noted Pres Eisenhower.*

We object to the merging of *legally established land parcels*, (sometimes termed "legal lots"), whether or not contiguous, now called " farm tracts" or any other description of legal parcels, which proposals now seeks to merge and amalgamate these legally established parcels into one parcel, now described as a "farm tract", apparently for the purpose of limiting buildings to a sole allowed dwelling (one home and limited sq ft buildings) to the "one per 60 acre" limitation. merely on the basis, of a nexus of title ownership, apparently whether a single owner, family members or corporate entity. The result being a taking without compensation, so that a thousand acres of contiguous land, or land non contiguous under one title of ownership, which may include in separate legal parcels, different family members, is now reduced to a 60 acre farm tract with attendant limitations, which is so contenuous, that we are shocked such an insidious proposal is offered with a straight face.

2. We object to unreasonable restrictions on land use, changing We object to restriction of permits for a business decision to change an orchard to grazing or vice versa, limiting agricultural decisions about vineyards, size and type of, crops, and other management decisions made to survive.

3. We object to home restrictions as to size as evidently the authors of size restrictions have never had to perform the tasks of caregiver, such as I, where a wheel chair, hospital bed, commodes, medical supplies must be managed maneuvered and stored, not to mention a sunroom for a shut in.

I was a caregiver for ten years for my wheelchair bound mother, the same for a brother on dialysis having special equipment in the home needs space, a husband with liver cancer also in a wheel chair, and as I have been a guest and visited, and observed the size of homes in Tiburon and Belvedere, and elsewhere in Marin County, it occurs to me, that their exclusion from Coastal Commission jurisdiction smacks of gerrymandering, where one may have a boat dock, over 10 thousand sq.ft homes on relatively small lots, when a thousand acre ranch has to limit their covered buildings to 7 thousand sq ft including barn, shop home and chicken coop, all clustered and jammed in an out of sight area.

4. We object to the restrictions placed on tours, only to be given by third parties for the benefit of our only local land conservation organization MALT. Farmers/ranchers should be able to host tours as Agritourism is touted at the State level and by the California University system as a method of income diversity .

Events, weddings, tours, concerts, farm visits, and other social gatherings should be principally permitted uses, when there is adequate off road parking, and should not be reserved solely as fund raising for non profits which are rarely audited and in some instances may participate in conflict of interest activities.

5. We object to the size restrictions of farm processing units and farm stands which should be principally permitted uses.

6. We object to the arbitrary jurisdictional lines drawn to designated appealable lines.

7. The CCC act of 1976 should be revisited and fairly realigned with jurisdictional lines drawn after, and subject to stakeholders and public review and modernized.

8.We object to the proposed taking of property rights of Marin County residents and stakeholders, by an out of county state staff, supervised by politically appointed officials, (with the exception of Commissioner Kinsey). who have no knowledge of the unique county boundaries, flora, fauna, historical uses

9. We object to the discrimination of the farm/ranch elderly who have spent a lifetime of work and sacrifice which these proposed regulations seek to sweep away with a stroke of a pen, and displace the old and handicapped off their farms and ranches, as well as their family members with complete disregard and limitations as to generational housing.

10. We object tothe Coastal Commission Staff's acceptance of conservation easements presented by MALT,within their jurisdiction, which requires the landowner to assign all "*exploitation of solar rights to MALT and its assigns",* which is not an agricultural preservation element.

In Monterey County over two thousand acres of land has been taken out of agricultural production of hay, grain and irrigated pasture to accommodate Apple Corporation, (according to local public records, and newspaper reports in Monterey County) and on which 1,900 acres will be placed solar panels, with miles of roads, an internal electrical underground system, fencing, lighting, traffic of trucks for building and later for cleaning the panels and for maintenance. removal of 25 protected Oak trees grading of 470 K cubic yards of earth, pad mounted inverters and transformers, two substations and an operations and maintenance building. California Flats Solar is now under construction.

As I understand it, First Solar (a Wal Mart principal owner operation) is currently performing the installation, and in 20-30 years when most of us will not be on Planet Earth, I want to be sure on my watch, my own family preserved lands in Marin County,will still be in agriculture, and not some Political Correct Solar operation on these beautiful lands for which we have worked so hard, shed so many tears, made so many sacrifices to keep the land as we promised our predecessors.

11. We object to merging of legal parcels, as a taking without compensation, and find thisa most outrageous provisions.

12. We object to the discriminatory provisions of this plan,drawing arbitrary boundaries, which appearpolitically drawn, which allows Oceana Marin homes on the skyline, which we and anyone traveling past, may observe from county roads and a stones throw from our lands, and the open sewer pit which birds visit and then fly over and defecate on our properties

Yet we are mandated to cluster our homes, avoid the skyline ridge lines and views, so as not to offend the eye of the occasional drive by visitor, who apparently finds homes on the skyline of Oceana Marin acceptable, while we are left to hope and pray our livestock and poultry are not infected by disease of open sewer pits, which are conveniently ignored by our venerable California Coastal Commission Staff..

Insummary, I am a widow and a member of historical family of land owners

lanpreservers, who saved these family farms from subdivisions and commercial developments,Marin County would not have these pristine lands to plan their use were it not for our sacrifices. We should not now be penalized for being the last farmer/rancher standing.

Let us discard this new proposed plan and rest with the existing CCC plan as had been accomplished by another coastal county in Southern California.

Sincerely,

Ione Conlan
Conlan Ranches California

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Conlan Ranches California www.conlanranchescalifornia.com
Marin T (707) 876-1992 & (831) 462-5974
PO Box 412 Valley Ford, CA 94972

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Drumm, Kristin

From: Chris Scheuring <cscheuring@CFBF.com>
Sent: Monday, August 17, 2015 3:37 PM
To: Drumm, Kristin
Cc: Sam Dolcini; Nancy McDonough; Dianne Chasteen; John Gamper
Subject: Comment of California Farm Bureau Federation - August 25, 2015 Board of Supervisors Hearing - Marin County Local Coastal Program

Dear Supervisors:

The California Farm Bureau Federation ("CFBF") appreciates the opportunity to provide the County of Marin with a comment in relation to the County's consideration of certain revisions to its Land Use Plan Amendments ("LUPA") and portions of the Implementation Plan Amendments ("IPA") to the certified Marin County Local Coastal Program ("LCP"), previously approved by the Board of Supervisors in July 2013. Our comment comes from the perspective of a statewide organization representing farmers and ranchers in the Coastal Zone, and is intended to complement input you have received from the Marin County Farm Bureau.

We understand that Marin County has been working collaboratively with its farmers and ranchers on agricultural issues in the coastal zone, as they may intersect with the Coastal Act and associated planning processes. Without remarking on various specific issues in Marin County as they have been articulated elsewhere, we wish to re-affirm our position that the Coastal Act does not generally require or admit of regulation of agriculture. With respect to land use, the Coastal Act specifically allows for permitting only as to actions that significantly and substantially change the density or intensity of the use of land, and we believe that changes to the ongoing agricultural use of land – including cropping changes – do not rise to that standard. We believe and hope that the totality of Marin County's planning efforts are faithful to that important statutory limitation.

Thank you for your consideration of this comment.

Chris Scheuring
Legal Services Division
California Farm Bureau Federation
2300 River Plaza Drive
Sacramento, CA 95833
(916) 561 - 5660

MARIN COUNTY FARM BUREAU

P.O. Box 219, Pt. Reyes, CA 94956

August 17, 2015

President Katie Rice
and The Marin County Board of Supervisors
3501 Civic Center Drive, Room 329
San Rafael, CA 94903
VIA EMAIL: c/o Kristin Drumm kdrumm@marincounty.org

Re: LCPA – 22.130 Definition of "Actively and directly engaged" should include leasing

Dear Supervisors,

Please modify the new proposed definition of "**Actively and directly engaged**" in Chapter 22.130 of the LCPA Implementation Program, to include leasing. It would be improved with this addition (shown underlined):

> **Actively and directly engaged** means making day-today management decisions for the agricultural operation by being directly engaged in production of agriculture commodities for commercial purposes or maintaining a lease to a bona fide commercial agricultural producer.

The goal as reflected in Land Use Policies is to protect coastal agriculture as a high- priority coastal resource. One important method of doing this is to encourage nonfarming landowners to lease their land to agricultural producers. This also has the added benefits of 1) creating jobs for farmers and ranchers who don't own land themselves, and 2) providing a legitimate opportunity for aging farmers and ranchers to retire from actively farming and ranching by giving them the ability to lease their land to another producer.

A number of policies in the LUPA support leasing, and specifically refer to the use of leases in standards for uses. Some of these (with our emphases) include:

- C-AG-7.B.Standards for Non-Principally Permitted Uses: 2. "The creation of a homeowners' or other organization and/or the submission of an Agriculture Production and Stewardship Plan (APSP) may be required to provide for the proper utilization of agricultural lands, ***including their availability on a lease basis…"***
- C-AG-9 Residential Development and Agricultural Dwelling Unit Impacts on Agricultural Use: 2.c. "Whether long-term capital investment in agriculture and related infrastructure, such as sensing, processing facilities, market mechanisms, agricultural worker housing ***or agricultural leasing opportunities*** have been established or are proposed to be established."

- C-AG-9 Residential Development and Agricultural Dwelling Unit Impacts on Agricultural Use: 2.e. "Whether the proposed development will facilitate the ongoing viability of agriculture such as through intergenerational transfers ***or lease*** of existing agricultural operations."

Even the 2007 Marin Countywide Plan specifically encourages leasing and long-term tenure agreements with agricultural operators in its Natural Systems & Agriculture Element:

- AG-1.8 Maintain the Agricultural Land Base. Encourage private and public owners of lands that have traditionally been used for agriculture to keep land in agricultural use by continuing existing agricultural uses, developing compatible new agricultural uses, ***and/or leasing lands to agricultural operators***.

- Implementing Programs
  AG1-a 3. Whether long term capital investment in agriculture and related infrastructure, such as fencing, processing facilities, market mechanisms, agricultural worker housing or ***agricultural leasing opportunities have been established or are proposed to be established.***
- AG-2.11 Facilitate the Intergenerational Transfer of Agricultural Land. Encourage and support transfer through inheritance, sale, ***or lease of agricultural properties to future generations of ranchers and farmers.***
  Why is this important? Encouraging and supporting Marin agricultural producers in developing specialty products and markets will help to keep farming viable.
- Glossary
  Lease. A contractual agreement by which an owner of real property (the lessor) gives the right of possession to another (a lessee) for a specified period of time (term) and for a specified consideration (rent).
- ***AG-1.m Encourage Agricultural Leasing. Explore a mix of incentives and guidelines to nonfarming landowners to encourage leasing of all or part of their land to farmers and ranchers, as appropriate.*** Agricultural leasing is encouraged as a High Ongoing Priority.

Because Marin's Countywide Plan and the Local Coastal Program both support and encourage leasing, it's important to specifically include leasing in the definition of "Actively and directly engaged" so that future landowners, planners and Coastal Commissioners will understand that leasing is a valuable means to realize the County's goals.

Thank you very much for your ongoing consideration on behalf of agriculture sustainability in Marin.

Sincerely,

Sam Dolcini

Sam Dolcini, President
Marin County Farm Bureau

Brian Crawford, Marin County Community Development Agency BCrawford@marincounty.org

Jack Liebster, Marin County Community Development Agency Jliebster@marincounty.org
Thomas Lai Marin County Community Development Agency TLai@marincounty.org
Stacy Carlsen, Marin Agriculture Commissioner SCarlsen@marincounty.org
David Lewis, UCCE djllewis@ucdavis.edu
Jack Rice, California Farm Bureau Federation Jrice@cfbf.com
Chris Scheuring, California Farm Bureau Federation Cscheuring@cfbf.com
Kirk Wilbur, California Cattlemen's Association kirk@calcattlemen.org
Jim Burling, Pacific Legal Foundation jsb@pacificlegal.org

East Shore Planning Group
P. O. Box 827
Marshall, CA 94940
ESPG@eastshoreplanninggroup.org

August 21, 2015

Marin County Board of Supervisors
3501 Civic Center Drive, Suite 329
San Rafael, CA 94903

By email to BOS@marincounty.org

Local Coastal Program Amendments
Board of Supervisors Meeting, August 25, 2015

Dear President Rice and members of the Board of Supervisors:

I write on behalf of the East Shore Planning Group. The East Shore Planning Group is a California not-for-profit corporation formed in 1984 that has a membership about 90 owners and tenants of residential, commercial and agricultural properties in the unincorporated area of Marin County along the east shore of Tomales Bay. ESPG is the primary local organization involved with issues of development in the area.

ESPG has been active in the formulation of the amendments to the LCP since the process began, with a particular focus on reducing permitting requirements for small agricultural retail sales facilities ("farm stands") and small agricultural processing facilities. In this regard, we have attempted to achieve a balance between the need to support the economic viability and prosperity of agriculture in our area with the very real threat of over-commercialization of Highway 1 along Tomales Bay and the immediate area.

After years of working with the various stakeholders on these issues, we are satisfied with the recommendations of the Community Development Agency staff. To be sure, as the staff report notes in connection with retail sales provisions, "While no group may have gotten exactly what it wanted, it is staff's understanding that there is now support for the provisions included in the Resubmittal."

That is exactly the case with ESPG, and on that basis we support the recommendations and urge the Board of Supervisors to accept and adopt these recommendations without change. Further, if they are adopted as recommended, we will urge that the Coastal Commission approve them as well. We believe that the mainstream agricultural community is also in support of this final resolution of these important issues, so we can be united in our support of them to the Coastal Commission.

In addition, ESPG and the East Shore Community Plan strongly support agricultural activities in our area, and ranchers and farmers comprise a substantial portion of our membership. Accordingly, we are very much aware of the need for our ranchers and farmers to have flexibility with respect to their typical agricultural practices.

The Community Development Agency addresses this critical issue in their recommendations regarding "Ongoing Agriculture." The Board of Directors of the ESPG unanimously supports the recommendations and we strongly urge the Board of Supervisors to adopt them.

We believe the proposed provisions strike a good balance between protecting the environment by requiring permits for certain activities, and giving farmers and ranchers reasonable latitude in their response to changing conditions. Technological innovation, climate change and shifts in market dynamics necessitate timely experimentation and adaptation unencumbered by the delays, costs and uncertainties inherent in the coastal permitting process.

We hope that the Board of Supervisors will agree, and we will look forward to urging the Coastal Commission to do likewise.

Thank you for considering these comments.

Sincerely,

Lori Kyle
Lori Kyle, President

Aug 21, 2015

Marin County Planning, LCP/CCC Meeting of August 25, 2015

To whom it may concern:

Please record this document for the BOS Hearing, August 25, 2015.

- We purchased a residentially zoned lot with approved plans for an engineered septic system by the Stinson Water Dept. This lot is one of the few, if not only, vacant lots left amongst approximately 200 homes in the flood zone of Stinson Beach. Our lot is situated in the midst of homes surrounding it.
- The county's planning department continued approving our building proposal despite repeated appeals by some neighbors who would like the lot next to theirs to remain vacant for their personal satisfaction.
- We took many steps to cater to the neighbors, at considerable additional cost, in order to enjoy our right to build as represented by current zoning laws and by talking with the County's planning department prior to purchasing. We are asking for NO variances and are in complete compliance with FEMA guidelines for building in the flood zone. We also have met the setbacks from the Eskoot Creek, which have not been met by many existing homes.
- Subject to pressure by such neighbors who invoked an inconsistency in the language of the local coastal policy, the county has now reversed its position, after having approved countless comparable projects over the years (including the houses of the very neighbors complaining).
- As a result, our residentially zoned lot, with prior County approved plans, is now deemed unbuildable, contrary to the County's historical position. We respectfully ask (this body or the CCC) whether they stand ready to purchase our property from us and refund us our costs in order to be made whole, as the county's policy changed ex post facto.

Sincerely,

Heidi Hjorth and Fabrizio Natale

Owners APN: 195-132-03, Calle del Embarcadero

415.209.3236

August 23, 2015

Marin County Board of Supervisors
Via email: bos@marincounty.org

Dear Supervisors:

The Environmental Action Committee of West Marin (EAC) respectfully submits the following comments on your staff's recommended resubmittal of the modified Land Use Plan that was approved by the California Coastal Commission at a public hearing in April 2014 (Resubmittal) and on and portions of the modified Implementation (IP) Plan.

EAC has been continuously engaged throughout the Marin Local Coastal Plan Update for the past seven (7) years. We have reviewed the 5,000+ pages of draft development code and policy language, staff reports, and errata. We have participated in countless hours of public workshops, meetings, and hearings. EAC is heavily invested in this process, and is committed to ensuring that Marin County maintains strong coastal policies that protect our priority coastal resources.

EAC has reviewed the August 21st letter from the California Coastal Commission staff to you. We strongly agree with the Commission staff that "there are several proposed policy changes . . . which we do not believe to be consistent with the Coastal Act." Additionally, your staff has deleted entirely the Environmental Hazards policies and now urges you to approve the Resubmittal with no environmental hazards standards. **As a result, we believe that it is imperative that you delay your vote on the Resubmittal and direct County staff to continue working with the Coastal Commission staff and all stakeholders to work out the numerous issues of concern outlined in the Commission's letter and EAC's letter below.**

Summary of Specific Comments:

EAC supports the County amending the Categorical Exclusion Orders to:

1. Delete vineyard development from the category of agricultural development excluded from the requirement to apply for a coastal permit.

2. Require Design Review for agricultural structures subject to Exclusion Orders to ensure protection of public views.

EAC opposes the following provisions included in County staff's recommendations for Board of Supervisor action:

1. The Resubmittal strikes entirely the chapter on Environmental Hazards. It would be premature for the Board to approve the Resubmittal without any chapter on Environmental Hazards, and doing so would represent a piece-meal approach to the LCP update that is not conducive to public input or informed decision-making, and will needlessly prolong this process at even further expense to taxpayers.
2. The Resubmittal removes the "and necessary for agricultural production" requirement for agricultural structures and agricultural uses in C-APZ. The logic of changing this to "or necessary for" is flawed and should be rejected.
3. The Resubmittal ignores the Coastal Commission's prior clear distinction between "agricultural use" and "agricultural production" in 22.65.040.C.1.d.
4. The Resubmittal includes multiple references to a program to develop approval of non-agricultural residential housing on C-APZ lots in return for affirmative agricultural easements. The goal – affirmative agricultural easements – is a worthy one but the proposed route to it is misguided and all references beyond the initial program mention should be struck.
5. The Resubmittal expands the definition of "Ongoing Agriculture" from agricultural production to all types of agriculture without recognition of permit streamlining available through the *de minimis* waiver provision.
6. The Resubmittal would delete the requirement that the applicant show public facilities and services are available and adequate to serve each new development proposal.

Discussion

Issue: EAC supports the County amending the Categorical Exclusion (CatEx) Orders to:

1. Delete vineyard development from the category of agricultural development excluded from the requirement to apply for a coastal permit.
2. Require Design Review for ag structures subject to Exclusion Orders to ensure protection of public views.

Analysis: The CatEx is the appropriate place to expressly exclude vineyard development or initial vineyard work since this type of agriculture use would require an intensification of the use of land and water, is considered "development" under the Act, and thus would be subject to a development permit. Additionally, at the May 2015 Coastal Commission hearing on the Marin Implementation Plan, the Commissioners gave direction to County staff to ensure that even if agricultural structures are subject to the CatEx, they still must be subject to Design Review. In doing so, the County would ensure that one of the key priorities of the Coastal Act – protection of scenic public views – is upheld and enforced.

Issue: The Resubmittal strikes entirely the chapter on Environmental Hazards and puts forward a piece-meal approach to coastal policy approval that is inconsistent with informed decision-making. This alone is sufficient reason to delay the Board's vote on the proposed Resubmittal.

Analysis: The County staff has not included any Environmental Hazards policies in the Resubmittal, thus it would be premature for the Board to vote on or approve the Resubmittal. The Environmental Hazards chapter is an essential component of the Land Use Plan that considers impacts to existing and new development from sea level rise, greater storm surges, coastal bluff erosion, and other hazards. By presenting the Resubmittal without these important policies, major considerations for new development are absent, and the public is deprived of the opportunity to consider these policies in concert with the rest of the LUP.

As an example, the County staff recommends deleting reference to policy C-EH-5 within Community Development Policy 5, Non-Conforming Structures and Uses. The consequence is that this deletion would allow redevelopment of non-conforming structures without requiring that redevelopment be brought into compliance with the LCP. This makes no sense.

Further, simply carrying the Certified LCP's Environmental Hazards chapter forward at this time, even as a placeholder, is insufficient. The policies are not based on best available science. A wealth of new science has been presented and must be incorporated into the policies and reflected in the development code regulations dealing with environmental hazards.

Rather than subjecting the public to this piece-meal, incomplete document and requiring the public to go back yet again through the entire LCPA once the Environmental Hazards chapter is complete, the Board should delay approval of the Resubmittal. This delay will not cause any harm to the overall process of getting to an amended LCP. On the contrary, it would streamline the process, since in any event none of the updated Agriculture chapter policies can be implemented until the entire LCP process is completed and the result is certified by the Coastal Commission's Executive Director.

Issue: The Resubmittal removes the "and necessary for agricultural production" requirement for agricultural structures and agricultural uses in C-APZ. The logic of changing this to "or necessary for" is flawed and should be rejected.

Analysis: EAC agrees with Coastal Commission staff that the language "and necessary for agricultural production" is the essential requirement for any development in C-APZ. See definitions of Agriculture and Agricultural Production Activities in 22.130. Defining the principal permitted use for the C-APZ zone as agriculture and including both production (the physical use of land to grow a commodity) and structures necessary for its operation (barns, worker housing, and facilities used for storage and processing of the commodity) furthers the Coastal Act's objective of protecting agricultural viability in the state's coastal zone. … it is appropriate to classify development other than agricultural production itself as a form of the principally permitted use of agricultural, so long as there are appropriate standards to ensure that they are in fact necessary to agricultural operations."

Further, as submitted, "the County's policies that seek to protect agriculture do not fully meet Coastal Act Sections 30241 and 30242 requirements that protect against conversion of prime agricultural land and land suitable for agricultural uses because they do not specifically protect land in agricultural production. … modifications are necessary throughout Policy C-AG-7 to ensure that while, even though such as barns and processing facilities may be necessary for agricultural production considered agricultural uses, **all development in the C-APZ zone must protect and maintain land for agricultural production."**

Contrary to the County staff's assertions, retaining the "and necessary for" is essential to allowing development in the C-APZ district while meeting the Act's agriculture protection goals. This minimal affirmative showing that the agricultural use is necessary as a principal permitted use would not be a burden. As the Commission staff points out, both County and MALT easement agreements contain similar language. The fact is, the amended Land Use Plan proposed by the County would allow a significant amount of new development potential on agriculture production zone lands – development that currently is either not allowed or is a conditional use within this zoning district. The "and necessary for agricultural production" language should be retained as modified by the Coastal Commission staff.

Issue: Resubmittal ignores the Coastal Commission's prior clear and important distinction between "agricultural use" and "agricultural production" in 22.65.040.C.1.d.

Analysis: The Coastal Commission staff has given a precise explanation of the difference between "agricultural use" and "agricultural production" and why they should be understood distinctly.

The Commission's prior staff reports have stated that, "[i]f the policy simply protected agricultural use, then structural development such as farmhouses and processing facilities would not need to minimize their footprint on the land since they are defined as agriculture. Conversely, Policy C-AG-5 requires agricultural dwelling units to be owned by a farmer or operator actively and directly engaged in agricultural use of the property. The term agricultural *use* is used here to allow for the owner to be engaged in the broad agricultural activities undertaken on the farm, including presiding over agricultural leases, without having to be actively working the fields for production activities. Thus, **the terms agricultural use and agricultural production are distinct terms that have different meanings with respect to the LUP's policies**."

The County has not presented substantive reasoning for changing the terms agricultural use and agricultural production and its proposed changes should be rejected.

Issue: The Resubmittal includes multiple references to a program to develop approval of non-agricultural residential housing on C-APZ lots in return for affirmative agricultural easements. The goal – affirmative agricultural easements – is a worthy one but the County's proposal to allow new residential development in C-APZ lands as a way of attaining it violates the Coastal Act.

Analysis: The Resubmittal has again included the language for conditional uses in C-APZ that was expressly deleted by Coastal Commission staff modifications. The Resubmittal makes numerous references to "residential" development in C-AG-7B, C; C-AG-8; and C-AG-9, all of which are very problematic and would violate the Coastal Act.

The Coastal Commission's staff report for the Marin LUP stated:

> Single-family **residences owned by persons unrelated to the farming operation cannot meet the required test** that such use is necessary for agricultural production. Since single-family dwellings are inherently not necessary for agricultural production, nor can they meet Coastal Act 30241's requirements, they must be deleted as an allowable land use. Thus, a suggested modification is required in Policy C-AG-2 which deletes such residential development as an allowed conditional use.

The one reference by County staff to Coastal Commission approval of residential development (Sterling appeal) says this in the Commission staff report:

> "Finally, since there is evidence in the record that continued or renewed agriculture is feasible the applicant's parcel and permitted uses are prohibited from impairing or diminishing the agricultural viability or productivity of agricultural lands on and adjacent to the site, the conversion of agricultural lands to a non-agricultural use is not permitted." (A-2-SMC-07-001 (Sterling) De Novo Staff Report, W11a-8-2010)

Permitting residential development on C-APZ land in return for an affirmative agricultural easement would constitute residential development not necessary to agricultural production. The County could include a reference to the program in the Resubmittal, but every other reference to residential development should be deleted as instructed in the Commission's recent August 21st letter.

Encouraging the use of affirmative agricultural easements is a worthy goal but the means by which the County promotes it should not be conversion of agricultural lands to residential development. The County should strike all references to residential housing development within the C-APZ district.

Issue: The Resubmittal expands the definition of "Ongoing Agriculture" from agricultural production to all types of agriculture.

Analysis: The Resubmittal defines "ongoing agriculture" to include all routine agricultural cultivation practices that have not been expanded into ESHA and ESHA buffers. Changes in nature or intensity of use of land or water constitute "development" under the Coastal Act sec. 30106, so grading and changes in nature of use of land cannot be summarily excluded. **The streamlined *de minimis* waiver procedure will be available to minimize permitting requirements for ongoing agricultural activities that qualify, an important point that the Resubmittal fails to recognize.** Thus, "review and approval" of qualifying activities is not obtaining a coastal permit, only applying for a waiver.

According to the Coastal Commission's prior staff report, "the IP as modified sets up a structure in which a CDP is not required for ongoing agricultural production activities, many new agricultural activities may be excluded from requiring a CDP, and, even if a CDP is required, it can be waived or deemed minor."

Further, the Coastal Commission staff report stated that "[w]hat requires a coastal permit is development that constitutes either a change in use or intensity of use or new grading into an area that has not previously been farmed. In response to public comments that have been received on this topic, the Commission's suggested modifications expressly acknowledge that existing legally established ongoing agricultural production activities that have been part of a regular pattern of agricultural practices that has not been discontinued (such as ongoing rotational grazing and crop farming) does not constitute a change in intensity of use but is a recognized agricultural practice that helps to further productive use of the land. Therefore, to the extent the rotational crop farming or grazing has been part of a regular pattern of agricultural practices, it is not a change in intensity of use of the land despite the fact that the grazing and crop growing are rotationally occurring on different plots of land. Therefore, ongoing agricultural activities are defined to include an established pattern of agricultural production activities such as ongoing rotational grazing and crop farming."

Even if an agricultural development is found to require a CDP, the IP as proposed to be modified offers new tools to streamline the permitting process. These streamlined procedures include the County's use of the *de minimis* waiver of CDP requirements process for non-appealable development (IP Section 22.68.070), and public hearing waivers for appealable development (IP Section 22.70.030(B)(5)).

It seems clear that the Commission staff has gone out of its way to find ways for agricultural activities to benefit from flexible permit requirements. The County has offered no rational basis for rejecting the Commission's approach.

Issue: Resubmittal would delete requirement that public facilities services be available and adequate to serve new development.

Analysis: The Resubmittal deletes the requirement that new development for non-priority use is allowed only if adequate capacity (water, sewerage) remains for visitor-serving and agricultural uses. The public facilities adequacy requirement should apply to all systems and permits, not just community systems. EAC agrees with the revisions proposed by the Commission staff on this issue.

Thank you for your consideration of our concerns.

Sincerely yours,

Amy Trainer, Executive Director

STINSON BEACH VILLAGE ASSOCIATION

P.O. Box 706 • Stinson Beach • California • 94970
www.stinsonbeachvillage.com

August 24, 2015

Board of Supervisors
3501 Civic Center Drive, Suite 329
San Rafael, CA 94903

RE: August 25, 2015 Public Hearing to consider revisions to the Land Use Plan Amendments (LUPA) and portion of the Implementation Program Amendments to the certified Marin County Local Coastal Program of July 2013

In our review of the revisions to the Land Use Plan Amendments to the Local Coastal Program, considering their compatibility with the goals of Stinson Beach Community Plan, we found many policies in the LCP that the Stinson Beach Village Association was pleased to see included, such as:

> **C-INT-3 Community Plans**, p10: "...community plans remain as important and relevant guides for development in their respective communities."
>
> **C-BIO-9 Stinson Beach Dune and Beach Areas**, p31: "...Site development of other shorefront lots within the Stinson Beach and Seadrift areas outside of the natural sand dune formations, consistent with LUP Policy C-BIO-7 (Coastal Dunes). Where no dunes are evident, any new development on shorefront lots shall be set back behind the first line of terrestrial vegetation ~~to the maximum extent feasible~~ as far as is necessary to demonstrate required stability and hazards protection per Policy C-EH-2, ~~in order to minimize~~ avoid the need for protective works, protect sandy beach habitat, and provide a buffer area between private and public use areas *to protect both the scenic and visual character of the beach* [emphasis added], and the public right of access to the use and enjoyment of ~~dry~~ sand areas."
>
> **C-SB-1 Community Character of Stinson Beach**, p72: "Maintain the existing character of residential, small-scale commercial and visitor-serving recreational development in Stinson Beach. New development must be designed to be consistent with community character and protection of scenic resources."
>
> **C-TR-1 Roads in the Coastal Zone**, p102: "...Work with state and federal agencies and local communities to enhance road safety, improve pedestrian, bicycle, and transit access, and stabilize or reduce congestion through means such as limiting local parking, creating a multipurpose path from West Marin to the City-Centered Corridor, and providing shuttle service to popular destinations. Shoulder widening for bicycles, turn lanes at intersections, turnouts for slow-moving traffic or at scenic vistas, traffic calming measures, and similar improvements ~~would be~~ are permitted, provided that such improvements are consistent with the coastal resource protection policies of the LCP. However, projects will not be undertaken to increase the motorized vehicular capacity of these roads."

Program C-TR-5.a Add Bicycle Lanes, p104: "Identify roads with shoulders wide enough to be designated as bicycle lanes and where feasible, stripe and sign appropriate roadway segments as bike lanes and bike routes."

C-TR-9 Bikeways on National Park Service Lands, p104: "Consult with the National Park Service (NPS) regarding the feasibility of bikeways on county-maintained roads within NPS park lands." The SBVA applauds the inclusion of these and other policies in the Transportation Section designed to increase the safety on roads shared currently by automobiles and bicycles by providing alternative routes to bicyclists, as well as several recommendations for reducing private automobile traffic in West Marin.

However, we request that you consider adopting our recommendations for revising the following three items:

- In the section, Built Environment, Community Development, p64, we recommend retaining the following section marked for deletion:

  "~~**C-CD-15 Residential Character in Villages.** Discourage the conversion of residential to commercial uses in coastal villages. If conversion of a residence to commercial uses is allowed under applicable zoning code provisions, the architectural style of the home should be preserved.~~"

  Deleting this section seems counter to other policies in the LCPA that recognize the importance of preserving residential housing opportunities in coastal communities. Furthermore, if the conversion of residential housing to short-term vacation rentals could be determined to constitute conversion to "commercial use," this policy supports Policy **C-HS-6 Regulate Short-Term Rental of Primary or Second Units**, p91, and ***Program C-HS-6.a Vacation Rental Ordinance***, p91.

- Particularly in the section, "Built Environment, Transportation, Background," and also wherever applicable elsewhere in the LCPA, we recommend consistent use of the name "State Route 1" instead of "Highway One" or "State Highway 1" (ex. p101, p102, and p103); as well as on some LCPA maps where it is labeled "State Highway 1" or sometimes "HWY 1."

- In the section, "Built Environment, Transportation," p101, we recommend not including the "Level of Service 'A'" operational service designation for State Route 1 as a justification for not widening this road. During peak visitor times, no visitor to or resident in Stinson Beach would likely agree that there "exists a steady free flow of traffic and no approach area is fully utilized by traffic" on the portion of State Route 1 within a mile—sometimes more—in both directions from our town, a well known traffic problem that the LUPA addresses in **C-CD-18 Visitor Notification**, p64, and many other policies and programs in the Transportation Section, notably **C-TR-12 Reduction of Visitor Traffic Congestion in West Marin**, p105.

Thank you for your consideration.

Mike Matthews

Stinson Beach Village Association, President
cc: Kristen Drumm

Remarks of Robert A. Johnston to Marin County Board of Supervisors,

Public Hearing on Local Coastal Program Amendments, Tuesday August 25, 2015

A. I am Bob Johnston, a retired Professor of Land Use Planning at UC Davis. I have been a local planning commissioner in California. I live in Inverness. I have read the whole LCP Amendment file and have discussed these changes in many meetings with interest groups. My research covered land economics and open space protection.

B. Please send this Staff Report to your Planning Commission for workshops and hearings. The process of amending the LCP has not involved the public at all at critical points:

1. *The Amendments adopted by the Coastal Commission* in May of 2014 were changed a few days before the hearing by the Commission staff and so the public was not able to study the proposed language adequately.

2. *The latest proposals from your planning staff* involve significant changes to the Commission-adopted Land Use Plan policies and regulations. It is really a new Plan, in terms of the treatment of agriculture.

3. *The Commission staff's letter* raises several critical issues that need to be discussed by the public with your staff. The brief public comments today are not a sufficient airing of these many important issues.

C. The Coastal Commission staff are experts in protecting ag lands from development. The County should consider their suggested policies seriously. For example, some of your staff's recommended policies could:

1. Decrease enrollment in the Williamson Act, and

2. Increase land values, and so it will take MALT longer to acquire easements.

Thank you,
Bob Johnston
(415) 663-8305
rajohnston@ucdavis.edu

August 25, 2015

5 Ahab Drive
Muir Beach, CA 94965

Marin County Board of Supervisors
3501 Civic Center Drive, Room 329
San Rafael, CA 94903

Re: Proposed deletion of LUP section C-CD-15

Dear Supervisors,

The decision whether to delete LUP Section C-CD-15 should be deferred until the rest of the LUP is presented to the Board. It should be considered in relation to Section C-CD-14 and other provisions and not eliminated piecemeal.

Section C-CD-15 addresses "Residential Character in Villages" and provides: "Discourage the conversion of residential to commercial uses in coastal villages. If conversion of a residence to commercial uses is allowed under applicable zoning code provisions, the architectural style of the house should be preserved."

The CDA proposes that the Board "Delete Policy C-CD-15 (discouraging conversion of residential to commercial uses in coastal villages) since it may conflict with Coastal act provisions prioritizing visitor-serving commercial over residential uses." This is a superficial analysis of a complex question.

While the CDA's statement does not cite any authority, it is most likely based on Section 30222 of the California Coastal Act which provides: "The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry." Whatever this provision means, it is clearly limited to prioritizing commercial *recreational* facilities.

Short-term vacation rentals pose what is perhaps the greatest threat to the character of the small villages that dot the Marin Coast. By one estimate, there are now 1000 vacation rentals in the Inverness, Marshall, Point Reyes Station area. See letter from Catherine Caufield to Kristin Dunn dated August 10, 2015. Many communities, including Tiburon, Sausalito, the City of Santa Cruz, and San Luis Obispo, have enacted ordinances restricting the availability of vacation rentals which create problems regarding parking, noise, congestion, water consumption and septic load. Vacation rentals are neither "recreation facilities" nor do they provide a low cost alternative for low or moderate income individuals to visit the coast. See California Coastal Act section 30213 ("Lower cost visitor and Recreational Facilities; encouragement and provision;

overnight room rentals"). While perhaps inartfully stated, Section C-CD-15 represents an effort to address this problem and protect the character of coastal villages.

As Section 30213 shows, there is a distinction between *visitor-serving facilities* and *recreational facilities*. Section 30222 does not require the prioritization of all commercial development over residential development—only those that provide recreational facilities. Instead of throwing the baby out with the bathwater, minor changes to Section C-CD could clarify that it does not target recreational facilities that are the subject of Section 30222.

The staff of the Coastal Commission has opined that Section C-CD-15 may conflict with Section 30250 of the Coastal Act which directs development to already developed areas. Staff Submittal Th12a prepared May 2, 2014 for May 15, 2014 hearing p. 47. However, Section 30250, only applies to new development, not conversions which are addressed in Section C-CD-15. It states, in part: "30250(a). *New* residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources." (Ital supplied) There is no conflict between Section C-CD-15 and this provision.

The recommendation to delete Section C-CD-15 is premature and a rush to judgment. There is no reason not to defer this question until the entire LUP is presented to the Board of Supervisors when it can be considered In relation to other policy statements relating to vacation rentals. Actions taken piecemeal based on superficial analysis disserves the public interest and should be rejected.

Respectfully submitted,

Richard S. Kohn

Richard S. Kohn

Brenda F. Kohn

Brenda F. Kohn

Christian Riehl

Christian Riehl

AUGUST 25, 2015

MEMBERS OF THE BOARD,

THANK YOU FOR THE OPPORTUNITY TO AGAIN, COMMENT ON THE CURRENT PERMUTATION OF THE LCPA. ALSO, MY THANKS TO THE CDA STAFF FOR RETAINING THE EXCLUSION OF WIND ENERGY CONVERSION SYSTEMS (WECS) AS "AGRICULTURAL ACCESSORIES" IN THE COASTAL ZONE.

WE REQUEST THAT C-EN-4, C-EN-4 a AND b, C-EN-5 AND C-EN-6, IN THE ENERGY SECTION OF THE BUILT ENVIRONMENT, AMENDMENT 1 (PAGE 87, PARAGRAPH 5) BE STRICKEN FROM THE LCPA. THE LANGUAGE IN THE LAST SENTENCE IN C-EN-6, EXEMPTS MAJOR ALTERNATIVE ENERGY DEVELOPMENTS FROM ALLTHE PRECEEDING RESTRICTIONS AND BASICALLY NEGATES ALL THE LANGUAGE PROPOSED IN THE ENERGY SECTION OF THE LCPA.

ADDITIONALLY, THERE IS NO INDICATION THAT COUNTY OR COASTAL COMMISSION STAFF CONSULTED WITH THE APPROPRIATE FEDERAL AGENCIES TO DETERMINE COMPLIANCE OF THE ABOVE EXEMPTION WITH FEDERAL STATUTES, SUCH AS THE MIGRATORY BIRD TREATY ACT (MBTA), THE BALD AND GOLDEN EAGLE PROTECTION ACT (BGEPA) OR POTENTIAL IMPACTS TO SALMONOIDE FISHES FOR EXAMPLE.

IN CONCLUSION, PLEASE DO NOT ADOPT THE ACCOMPANING RESOLUTION. THIS LCPA, AS PRESENTED HERE, IS INADAQUATE AND NOT IN THE PUBLIC INTEREST.

RESPECTFULLY SUBMITTED,

Beverly Childs McIntosh

BEVERLY Mc INTOSH, RETIRED PUBLIC AGENCY ENVIRONMENTAL PLANNER

August 30, 2015

Dr. Charles Lester, Executive Director
California Coastal Commission
Via email: Charles.lester@coastal.ca.gov

Dear Charles,

The Environmental Action Committee of West Marin write to you to bring attention to conflicting language in the Marin County Board of Supervisors' LCP Resubmittal that it approved August 25th. In particular, we have concerns about the topics of appeals and public hearings.

The 8-24-15 Supplement for Resubmittal of the Ag portion of the Marin County IPA (approved by the BOS 8-25) creates a conflict as to whether an application (outside geographical appeals areas) is/is not appealable to the CCC for ag processing and ag retail sales facilities, and also for farmhouses and intergenerational homes.

The Resubmittal, including the Supplement (Section C, pp. 2-4):

- removes from Table 5-1-a (Allowed Uses …) the standards on owner/operator and parking contained in the CCC staff 's IPA edits (10-17-14).
- states that (any) facility for ag processing or ag retail sales is PPU (22.32.026.A, 22.32.027.A).

To illustrate the conflict, using the Resubmittal with Supplement text, **assume that**:

An application for an ag production facility or ag retail sales facility is determined to be PPU by consulting Resubmittal Table 5-1-a (because the facility is <=5000 or <=500 sf). But if the:

(1) product to be processed or sold is *not* from ag properties owned or leased by the owner/operator; or
(2) operator is *not* actively and directly involved in ag production on the property; or
(3) significant parking, ingress and egress is *not* provided

then there are **conflicting provisions regarding whether the application is appealable to the CCC:**

- Table 5-1-a says *no.*
- The final paragraphs of CDA's 8-24-15 Supplement at 22.32.026.A or 22.32.027.A -- say *yes*.

A public hearing on the application (22.70.030.B.4) is *not* required, per Table 5-1-a, despite the language in the final paragraph of 22.32.026.A or 22.32.027.A.

Both the *determination* of PPU status and the *action* on the coastal permit are appealable (per 22.70.040, A, B, C). The appeal receives a no-fee public hearing by the PC or BOS (22.70.080 A.1). If the final county action is not PPU, it can be appealed to CCC (22.70.080 B.1).

We would argue that there is **clear intent** in the language in the final paragraph of 22.32.026.A or 22.32.027.A.: **applications and projects must satisfy not only floor area standards but also operator and product requirements in order to be deemed PPU.** The appropriate fix is to retain the detailed requirements in Table 5-1-a (those included in the CCC staff edits sent to County 10-17-14) that determine when an ag processing facility or ag retail sales facility qualifies as a PPU.

Other remarks:

- The Supplement *removes* parking/ingress/egress standard as a requirement for a PPU for ag processing and ag retail sales. Thus, an ag retail sales coastal permit that has inadequate parking will *not* be appealable to CCC. Inadequate parking, particularly along CA1, has been a key concern of community and environmental groups. **We recommend that the parking standard be required of a PPU application.**
- The Resubmittal similarly designates a farmhouse as PPU without requiring maximum density and development standards in Table 5-1-a.
- The Resubmittal designates a first Intergenerational Home as PPU without requiring maximum density and development standards in Table 5-1-a.

Thank you for your consideration of these comments.

Best regards,

Amy Trainer, Executive Director

Marin IP: CCC staff edits sent to County 10-17-14

Excerpts:

CHAPTER 22.70 – COASTAL PERMIT ADMINISTRATION

22.70.030 – Coastal Permit Filing, Initial Processing

B. Determination of permit category. The Director shall determine if the proposed development is categorically excluded, exempt, qualifies for a De Minimis Waiver, is or is not appealable to the Coastal Commission or requires a Coastal Permit that does or does not require a public hearing as set forth below. All such determinations regarding permit category may be appealed in compliance with Section 22.70.040 – Appeal of permit Category Determination.

3. Administrative applications. A public hearing shall not be required when an application is not appealable to the Coastal Commission under Section 30603 of the Coastal Act or, unless a public hearing is required for another discretionary planning permit for the same project.

4. Public hearing applications. A public hearing shall be required when a project is defined as appealable to the Coastal Commission by Section 30603 of the Coastal Act and therefore must comply with 22.70.080 - Appeal of Coastal Permit Decision, unless the proposed project only entails the approval of a second unit in a residential zone or if it qualifies for a public hearing waiver.

22.70.040 – Appeal of Permit Category Determination

Where an applicant or interested person disputes the Director's permit category determination of Coastal Permit category (Section 22.70.030.B – Determination of Permit Category), the determination may be appealed as follows, or as otherwise provided in this Section:

C. Procedures for appeals of permit category determination to the Coastal Commission. Where an applicant, interested person, or a local government has a question as to any permit category determination under Section 22.70.030 for a proposed development, the following procedures shall provide an administrative resolution process for determining the appropriate permit category:

(1) The local government shall make its determination as to the permit category for the proposed development in accordance with the procedure set forth in Section 22.70.030.
(2) If the permit category determination of the local government is challenged by the applicant or an interested person, or if the local government wishes to have a

Commission determination as to the appropriate permit category, the local government shall notify the Commission by telephone of the dispute/question and shall request an Executive Director's opinion.

(3) The executive director shall, within two (2) working days of the local government request (or upon completion of a site inspection where such inspection is warranted), transmit his or her determination as to the appropriate permit category determination.

(4) Where, after the executive director's investigation, the executive director's determination is not in accordance with the local government determination, the Commission shall hold a hearing for purposes of determining the appropriate permit category determination at the next Commission meeting following the local government request.

22.70.080 – Appeal of Coastal Permit Decision

B. Appeals to the Coastal Commission. An action on a Coastal Permits may be appealed to the Coastal Commission … as follows:

1. Appealable Development

…

(c) Development approved that is not designated as the Principal Permitted Use (PP) by Tables 5-1, 5-2, or 5-3 in Chapter 22.62 – Coastal Zoning Districts and Allowable Land Uses; and …

CCC staff edits to IPA:

TABLE 5-1-a - ALLOWED USES AND PERMIT REQUIREMENTS FOR COASTAL AGRICULTURAL & RESOURCE-RELATED DISTRICTS

LAND USE	C-APZ
Agricultural processing uses meeting all development standards set forth in 22.65.040(C)(1)(f)	PP (8)
Agricultural processing uses (>5,000 sqft.) not meeting development standards set forth in 22.65.040(C)(1)(f)	U
Agricultural product sales meeting all development standards set forth in 22.65.040(C)(1)(f)	PP (8)
Agricultural product sales not meeting development standards set forth in 22.65.040(C)(1)(f)	U
Agricultural Intergenerational Home (first) on legal lots 120 acres or larger and meeting all development standards set forth in 22.65.040(C)(1)(e)	PP (8)
Agricultural Intergenerational Home (first) on legal lots 120 acres or larger not meeting development standards set forth in 22.65.040(C)(1)(e)(9)	U
Farmhouse on legal lots 60 acres or larger and meeting all development standards set forth in 22.65.040(C)(1)(e)	PP (8)
Farmhouse on legal lots 60 acres or larger not meeting development standards set forth in 22.65.040(C)(1)(e)(9)	U

(8) The principal permitted use of land in the C-APZ district is agriculture, limited to the types of agricultural development set forth in Section 22.65.040.

Marin BOS Rebubmittal with Supplement:

TABLE 5-1-a …

LAND USE	C-APZ
Agricultural processing uses (<5000sq.ft.)	PP
Agricultural processing uses (>5000sq.ft.)	U
Agricultural Retail Sales Facility/Farm Stand (<500 sq.ft.)	PP
Agricultural Retail Sales Facility/Farm Stand (>500 sq.ft.)	U
Agricultural Intergenerational Home (first)	PP
Farmhouse	PP

July 7, 2016

Jack Ainsworth, Executive Director
California Coastal Commission
Via electronic mail

Subject: Comments on Marin County's Proposed Local Coastal Program

Dear Mr. Ainsworth,

The Environmental Action Committee of West Marin ("EAC") respectfully submits the following comments on Marin County ("County")'s proposed Local Coastal Program amendments including *Marin County's Local Coastal Program Land Use Plan, Board of Supervisors Adopted August 25, 2015 & April 19, 2016* ("LUPA") and the County's Implementation Plan Amendments ("IPA"). We will refer to both the LUPA and the IPA as the 2016 Proposed Local Coastal Plan Amendments ("LCPA"). We have tried to include all of our current concerns regarding the LCPA in this letter, but this list is not exhaustive and we may supplement our comments as needed.

Since 2009, EAC has been continuously engaged throughout the County Local Coastal Plan amendment process. We have reviewed thousands of pages of draft development code and policy language, staff reports, and errata. We have participated in countless hours of public workshops, meetings, and hearings. EAC is heavily invested in this process and is committed to ensuring that the County maintains strong coastal policies that protect our priority coastal resources. Like the Coastal Commission ("Commission") and its staff ("Commission staff"), EAC also wants to ensure that the LCPA is consistent with the Coastal Act.

Although the LCPA advances resource protections in some instances, in many key policy and implementation sections, it is inconsistent with the Coastal Act or diminishes the coastal resource protections contained in the Certified Local Coastal Program ("Certified LCP"). Our comments focus on these critical deficiencies. Without very substantial modifications, which are necessary to overcome these defects, the Commission cannot certify the County's submission.

For ease of reference, we have organized this comment letter by nine areas of the LCPA, which are of particular concern to EAC: (I) agriculture, (II) biological resources, (III) environmental hazards, (IV) water resources, (V) public facilities and services, (VI) permit administration, (VII) visual resources, (VIII) appeals jurisdiction, and (IX) definitions.

I. Agriculture (AG)

Summary of AG Concerns

1) The LUPA deletes mandatory consideration of "all contiguous lots under common ownership" and replaces it with discretionary language "may consider." The mandatory language should be added back in.

2) The LCPA would allow substantial amounts of new commercial and industrial uses on C-APZ lands without any requirement that development be "necessary for" agricultural production.

3) There are inconsistencies between the requirements for Ag processing and Ag retail sales facilities to be considered principally permitted.

4) The LCPA extends developments entitlements to an unlimited number of "operators" and "lessees" in addition to the property owner.

5) The LUPA impermissibly opens the door to new residential development on C-APZ lands in exchange for an affirmative agricultural easement.

6) The deletion of the requirement that intergenerational homes not require any new road construction is problematic.

7) The definition of "ongoing agriculture" is inconsistent with the Coastal Act's definition of development. For example, the LCPA expands the definition of "ongoing agriculture" from existing agricultural production to a variety of agricultural uses. It also does so without recognition of permit streamlining available through the *de minimis* waiver provision.

8) The deletion of the principally permitted use ("PPU") standards in Table 5-1 is problematic. The standards are necessary for the determination of the permit category for proposed development.

9) The additional agricultural entitlements should be subject to public hearings. Alternatively, no fee should be charged for appealing administrative approval of these uses.

10) The existing Categorical Exclusion ("CatEx") Orders should be amended to:
    a. Delete vineyard development from the category of agricultural development excluded from the requirement to apply for a Coastal Development Permit ("CDP").
    b. Require Design Review for agricultural structures subject to

CatEx Orders to ensure protection of public views.

c. Provide for public hearing(s), in addition to Design Review, so public input can be fully brought to bear on visual resource protection.

11) The LCPA removes the "and necessary for agricultural production" requirement for agricultural structures and agricultural uses in C-APZ. The logic of changing this to "or necessary for" is flawed and should be rejected. Furthermore, section 22.65.040 of the IPA ignores the Commission's prior clear distinction between "agricultural use" and "agricultural production."

12) The County's Ordinance regarding viticulture is inconsistent with the Coastal Act and should not be used as the standard. Furthermore, viticulture should be a conditional use.

Analysis of AG Concerns

1) The LUPA deletes mandatory consideration of "all contiguous lots under common ownership" and replaces it with discretionary language "may consider." The mandatory language should be added back in.

The relevant excerpts are as follows:

C-AG-5 Agricultural Dwelling Units

Policy C-AG-5 deletes the imperative: "shall consider all contiguous properties under the same ownership…"

C-AG-2.B "Conditional uses in the C-APZ zone include …

In policy C-AG-2.B, the County (and the Commission on appeal) may include all contiguous properties under the same ownership when reviewing a Coastal Permit application."

As can be seen in the language above, in the LUPA, the requirement to consider all contiguous lots under common ownership has been deleted and instead the County has given itself discretion on when to do so. The mandatory language should be re-added in place of the discretionary language.

2) The LCPA would allow substantial amounts of new commercial and industrial uses on C-APZ lands without any requirement that development be "necessary for" agricultural production.

The Commission staff's letter dated August 21, 2015 is clear direction that the "necessary for" requirement is fundamental to Coastal Act compliance. The Commission staff's August 21, 2015 letter states on page 3:

> We oppose the County staff proposed language changes to the Commission's previously adopted suggested modifications, especially since the weakened standard is not appropriate for structural development that would be considered a principally permitted use in the agricultural production zone. . . . the notion that all structural development within an agricultural production zoning district must be necessary for agricultural production is a core Coastal Act and land use planning tenet and must be stated as such in the County's agricultural protection policies.

The County seeks to ignore that the definition of "agriculture" has been greatly expanded from the Certified LCP's definition, and thus the "necessary for" requirement provides safeguards and limits for the potential significant new allowance of development in the C-APZ district. In policy C-AG-7.A.1, the language "and necessary for" *must be required* in addition to the other three factors (in policy C-AG-7.A.2-4) for all accessory structures and activities on C-APZ lands. Revise policy C-AG-7.A.1 to the following (add the underlined portion): "Permitted development shall protect and maintain <u>and be necessary for</u> renewed and continued agricultural production…."

3) There are inconsistencies between the requirements for Ag processing and Ag retail sales facilities to be considered principally permitted.

IPA section 22.32.027.A.3 allows retail sale of agricultural products only from property that the operator owns in Sonoma or Marin County. Section 22.32.026.A.2 is much broader and allows processing as a PPU on a Marin coastal zone property of agricultural products that are derived from any property anywhere in Marin or Sonoma Counties.

There is a real inconsistency here. EAC suggests that if 22.32.026A.2 agricultural processing was limited in the same way that 22.32.027A.3 limits retail sales, then a commodity produced and sold on a Marin coastal zone property by its owner would seemingly meet the "necessary for" test. Owners wishing to process agricultural products from other properties would be able to apply for a conditional coastal permit.

4) The LCPA extends developments entitlements to an unlimited number of "operators" and "lessees" in addition to the property owner.

The LCPA has an amended definition of "actively and directly engaged", which includes anyone making management decisions for the agricultural operations, or a leaseholder. *See* IPA section 22.130.030. In applying this definition to retail sales and processing facilities, it would allow products produced either on-site or on other Marin properties owned ***or leased*** by the sales facility owner or ***operator*** [term not defined] to sell products.

The County's purported reasoning for vastly expanding the definition of "agriculture" in the LCPA was to enable long-time family farmers some flexibility to diversify uses on their farm. EAC has supported this concept. However, allowing any *operator or lessee* to enjoy the same rights as the farm owner grants an unprecedented amount of development authority to a non-family farmer.

5) The LUPA impermissibly opens the door to new residential development on C-APZ lands in exchange for an affirmative agricultural easement.

Policy C-AG-2.b should be deleted. The County proposes to bypass the very stringent findings necessary to develop non-agricultural uses on C-APZ lands and instead would open the door to residential development on agricultural production lands in exchange for an affirmative agricultural easement. Such a policy is flatly inconsistent with Coastal Act requirements.

In addition, the LCPA includes multiple references to a program to develop approval of non-agricultural residential housing on C-APZ lots in return for affirmative agricultural easements. The goal – affirmative agricultural easements – is a worthy one but the proposed route to it is misguided.

The LCPA has again included the language for conditional uses in C-APZ that was previously expressly deleted by Commission staff modifications. The LCPA makes numerous references to "residential" development in LUPA policies: C-AG-8.a and C-AG-9.A, all of which are very problematic and would violate the Coastal Act. Specifically, policy C-AG-8.a should be deleted and in and policy C-AG-9.A, the word "primarily" should be deleted.

The Commission's May 2014 staff report for the Marin LUP states:

> Single-family residences owned by persons unrelated to the farming operation cannot meet the required test that such use is necessary for agricultural production. Since single-family dwellings are inherently not necessary for agricultural production, nor can they meet Coastal Act 30241's requirements, they must be deleted as an allowable land use. Thus, a suggested modification is required in Policy C-AG-2 which

> deletes such residential development as an allowed conditional use. (Page 34)

The one reference by County staff to Commission approval of residential development (Sterling appeal) says this in the Commission staff report:

> Finally, since there is evidence in the record that continued or renewed agriculture is feasible the applicant's parcel and permitted uses are prohibited from impairing or diminishing the agricultural viability or productivity of agricultural lands on and adjacent to the site, the conversion of agricultural lands to a non-agricultural use is not permitted. (A-2-SMC-07-001 (Sterling) De Novo Staff Report, W11a-8-2010)

Permitting residential development on C-APZ land in return for an affirmative agricultural easement would constitute residential development not necessary to agricultural production.

6) The deletion of the requirement that intergenerational homes not require any new road construction is problematic.

The LCPA deletes the requirement that intergenerational homes not require any new road construction. *See* IPA section 22.32.024.J.3. While the general C-APZ zoning district standards in IPA section 22.65.040.C.1.d still mention that "development . . . shall not require new road construction…" it is better to retain this standard in the specific development provisions pertaining to intergenerational homes.

7) The definition of "ongoing agriculture" is inconsistent with the Coastal Act's definition of development. For example, the LCPA expands the definition of "ongoing agriculture" from existing agricultural production to a variety of agricultural uses. It also does so without recognition of permit streamlining available through the *de minimis* waiver provision.

IPA section 22.130 defines "agriculture ongoing" to include all routine agricultural cultivation practices that have not been expanded into environmental sensitive habitat areas ("ESHA") and ESHA buffers. The Coastal Act has a very broad definition of development (section 30106). Changes in the nature, intensity, or density of use of land or water constitute "development" under Coastal Act section 30106, so grading and changes in the nature of use of land cannot be summarily excluded.

The *de minimis* waiver procedure – which County staff insisted be included in the LCPA - will be available to minimize permitting requirements for

agricultural activities that qualify as ongoing, an important streamlining feature that the LCPA fails to recognize (IPA section 22.68.070). In the past, the County claimed that the *de minimis* waiver would be a "time consuming, expensive and unpredictable procedural hurdle for agricultural producers," making it clear that the County would prefer that all development on agricultural lands not be subject to any permitting requirements. This does not follow the Coastal Act's mandates.

Thus, "review and approval" of qualifying activities does not require obtaining a Coastal Development Permit ("CDP"), only applying for a waiver. According to the Commission's April 2015 staff report (page 41),

> Even if an agricultural development is found to require a CDP, the IP as proposed to be modified offers new tools to streamline the permitting process. These streamlined procedures include the County's use of the de minimis waiver of CDP requirements process for non-appealable development (IP Section 22.68.070), and public hearing waivers for appealable development (IP Section 22.70.030(B)(5)).

It seems clear that the Commission staff has gone out of its way to find ways for agricultural activities to benefit from flexible permit requirements. The County has offered no rational basis for rejecting the Commission's approach.

According to the Commission's April 2015 staff report, "the IP as modified [by Commission staff] sets up a structure in which a CDP is not required for ongoing agricultural production activities, many new agricultural activities may be excluded from requiring a CDP, and, even if a CDP is required, it can be waived or deemed minor." (Page 5)

Further, the Commission's April 2015 staff report states (on page 88) that:

> What requires a coastal permit is development that constitutes either a change in use or intensity of use or new grading into an area that has not previously been farmed. In response to public comments that have been received on this topic, the Commission's suggested modifications expressly acknowledge that existing legally established ongoing agricultural production activities that have been part of a regular pattern of agricultural practices that has not been discontinued (such as ongoing rotational grazing and crop farming) does not constitute a change in intensity of use but is a recognized agricultural practice that helps to further productive use of the land. Therefore, to the extent the rotational crop farming or grazing has been part of a regular pattern of agricultural practices, it is not a change in intensity of use of the land despite the fact that the grazing and crop growing are rotationally occurring on

different plots of land. Therefore, ongoing agricultural activities are defined to include an established pattern of agricultural production activities such as ongoing rotational grazing and crop farming.

Even if an agricultural development is found to require a CDP, the IPA offers new tools to streamline the permitting process.

8) The deletion of the principally permitted use ("PPU") standards in Table 5-1 is problematic. The standards are necessary for the determination of the permit category for proposed development.

Standards for Ag PPU are set out in the IPA, including in sections 22.32.023, 22.32.024, 22.32.025, and 22.65.040. The County has said its staff will use the tables to make determinations, and Table 5-1-a must accurately itemize and include the standards.

In order to be useful, Table 5-1-a must be revised. The language that has been struck from the table should be re-added in order to distinguish uses that qualify as PPU and those that are permitted or conditional. In particular, footnote 8 should be re-added, as well as the specific references to 22.32.023, 22.32.024, 22.32.025, and 22.65.040 throughout the table. The land uses need to meet the standards set forth in the relevant sections of the IPA in order to be considered PPUs.

9) The additional agricultural entitlements should be subject to public hearings. Alternatively, no fee should be charged for appealing administrative approval of these uses.

Additional agricultural entitlements such as the intergenerational home, the processing uses/facility, and the retail sales facility/farm stand should be subject to a public hearing upon the request of a neighbor or other member of the public. If no such hearing is requested, the hearing would be waived. Alternatively, the requirement for payment of a fee to appeal an administrative approval should be deleted. The public's right under the Coastal Act to participate in the planning process would otherwise be diminished or curtailed. Also, refer to the attached Table, *Notes on 2016 Proposed IPA*.

10) The existing Categorical Exclusion ("CatEx") Orders should be amended to:

a. Delete vineyard development from the category of agricultural development excluded from the requirement to apply for a CDP.

The CatEx is the appropriate place to expressly exclude vineyard

development or initial vineyard work. By its nature, viticulture is not a type of development that is sufficiently limited in its impacts to qualify for an exclusion.

b. Require Design Review for agricultural structures subject to CatEx Orders to ensure protection of public views.

Additionally, at the May 2015 Commission hearing on the Marin Implementation Plan, the Commissioners gave direction to County staff to ensure that even if agricultural structures are subject to the CatEx, they still must be subject to Design Review. In doing so, the County would ensure that one of the key priorities of the Coastal Act – protection of scenic public views – is upheld and enforced.

c. Provide for public hearing(s), in addition to Design Review, so public input can be fully brought to bear on visual resource protection.

In addition to Design Review, public hearings for exclusions should be noticed and held so that public comments can be made regarding the protection of visual resources and any other public concerns. The public hearing waiver is available to streamline this requirement in the event that the excluded development does not raise public concerns.

11) The LCPA removes the "and necessary for agricultural production" requirement for agricultural structures and agricultural uses in C-APZ. The logic of changing this to "or necessary for" is flawed and should be rejected. Furthermore, section 22.65.040 of the IPA ignores the Commission's prior clear distinction between "agricultural use" and "agricultural production."

Throughout the IPA, "or necessary for" has been added. For examples, see IPA sections 22.32.021, 22.32.022, 22.32.024.J., 22.132.115, and 22.65.040. EAC agrees with the Commission staff that the narrower language "and necessary for agricultural production" is the essential requirement for any development in C-APZ. The IPA's current language broadly construes agriculture and agricultural production activities. *See* IPA section 22.130. The Commission May 2014 staff report states that:

> Defining the PPU for the C-APZ zone as agriculture and including both production (the physical use of land to grow a commodity) and structures necessary for its operation (barns, worker housing, and facilities used for storage and processing of the commodity) furthers the Coastal Act's objective of protecting agricultural viability in the state's coastal zone . . . . it is appropriate to classify development other than agricultural production itself as a form of the principally permitted use of agricultural, so long as there are appropriate standards to ensure that they are in fact necessary to

agricultural operations. (Page 28)

Further, as submitted, the County's policies,

> …that seek to protect agriculture do not fully meet Coastal Act Sections 30241 and 30242 requirements that protect against conversion of prime agricultural land and land suitable for agricultural uses because they do not specifically protect land in agricultural production. ... modifications are necessary throughout Policy C-AG-7 to ensure that while, even though such as barns and processing facilities may be necessary for agricultural production considered agricultural uses, all development in the C-APZ zone must protect and maintain land for agricultural production (Commission staff report May 2014, page 32).

Contrary to the County staff's assertions, retaining the "and necessary for" language is essential to allowing development in the C-APZ district, while meeting the Coastal Act's agriculture protection goals. This minimal affirmative showing that the agricultural use is necessary as a PPU would not be a burden. As the Commission staff has pointed out, both County and Marin Agricultural Land Trust easement agreements contain similar language. The LUPA would allow a significant amount of new development potential on agriculture production zone lands – development that currently is either not allowed or is a conditional use within this zoning district. The "and necessary for agricultural production" language should be retained.

IPA section 22.65.040 ignores the Commission's prior clear distinction between "agricultural use" and "agricultural production". The Commission staff has given a precise explanation of the difference between "agricultural use" and "agricultural production" and why they should be distinctly understood.

The Commission's April 2015 staff report states that:

> If the policy simply protected agricultural use, then structural development such as farmhouses and processing facilities would not need to minimize their footprint on the land since they are defined as agriculture. Conversely, Policy C-AG-5 requires agricultural dwelling units to be owned by a farmer or operator actively and directly engaged in agricultural use of the property. The term agricultural *use* is used here to allow for the owner to be engaged in the broad agricultural activities undertaken on the farm, including presiding over agricultural leases, without having to be actively working the fields for production activities. Thus, the terms agricultural use and agricultural production are distinct terms that have different meanings with respect to the LUP's policies. (p.

28)

The County has not presented substantive reasoning for changing the terms agricultural use and agricultural production, and its proposed changes should be rejected.

12) The County's Ordinance regarding viticulture is inconsistent with the Coastal Act and should not be used as the standard. Furthermore, viticulture should be a conditional use.

Viticulture raises many issues in the coastal zone. For example, it is highly water intensive, and we know that the water resources of the area are limited. LUPA policy C-AG-2.A.1.d sets out viticulture as one of the PPUs of agricultural production. Viticulture should be a conditional use. Additional standards need to be added to the IPA to adequately address hydrologic issues, scenic resource protection, and habitat conversion.

In regard to hydrologic issues, the following should be required for new proposed viticulture projects: there should be groundwater usage estimates required, a groundwater pump test should be conducted, wells need to be metered, and a pond engineering study should be conducted.

In regard to scenic resource protection and habitat conversion, the following should be required for new proposed viticulture projects: prohibit conversion of pasture land on slopes greater than 20 percent, require Design Review, require a field study of nesting bird habitat, require an agricultural production and stewardship plan, prohibit the use of any pesticides, and require BMPs and mitigation measures to address sedimentation.

Implementation Plan Provisions

Regarding Principal Permitted Uses, 22.32.026, 22.32.027

To qualify as a PPU, a processing facility must not be placed on land designated as prime agricultural land. This should be added to IPA section 22.32.026. Agricultural process facilities and agricultural retail sales must meet the parking standard in order to qualify as a PPU.

Regarding Principal Permitted Uses, 22.62.060

Add underlined text to conform IPA section 22.62.060.B.1 to policy C-AG-2:

b. Agricultural accessory structures and agricultural accessory activities;

appurtenant and necessary to the operation of agricultural uses for agricultural production.

d. Other Agricultural Uses, if appurtenant and necessary to the operation of agricultural uses for agricultural production.

Table 5-1-a is the go-to summary for permit requirements. It must include the standards that distinguish PPU, P, and U requirements for each use. For example: agricultural processing is a PPU only if it meets particular standards, otherwise it is a permitted or conditional use. *See* IPA section 22.32.026.A.1-4.

II. Biological Resources (BIO)

13) The biological resources section of the IPA (22.64.050) lacks codified standards for implementing LUPA policies, and the buffer adjustment sections of the LUPA need to be revised so that the exceptions are not too broad.

As an overall comment, the wetland and stream protections in the LCPA are too weak and do not comply with the Coastal Act. The LCPA ignores wetland impacts from sea level rise ("SLR") and has construed the wetland and steam buffer exceptions too broadly. The LCPA should have wetland and stream protections that are at least as strong as the Certified LCP.

The implementation plan must include "substantive and procedural standards to implement all coastal land use policies…" *See* LCP Update Guide, p. 78.[1] Although IPA section 22.64.050.B is titled "Biological Resource standards", none of the 11 enumerated categories of biological resources provide any real standards. Instead, each paragraph merely refers to one or more LUPA policies C-BIO -1, …, C-BIO-25.

In addition, to ensure that exceptions to the buffer requirement do not become common practice, language should be added to policies for Wetland

[1] P. 78 of the Commission's *Updating LCP Implementation Plan (IP) Procedures LCP Update Guide* states: "A coastal implementation plan consists of zoning ordinances and district maps. Essential elements of an implementation plan include:

…

- substantive and procedural standards to implement all coastal land use policies, such as those implementing your required public access component and those governing environmentally sensitive habitats, biology and marine resources, geology and hazards management, view protection, and archaeology among others…"

Buffer Adjustments (C-BIO-20) and Stream Buffer Adjustments (C-BIO-25) so that the proposed exceptions to the 100-foot buffer requirement are limited.

The language in policy C-BIO-20.1 should be replaced with the following:

1. A buffer adjustment to less than 100 feet may be considered only if:

a.) It is a rare and exceptional circumstance, and only for the Principally Permitted Use in that zoning district, or
b.) It is for a necessary public purpose, or
c.) It is to avoid a taking of private property.

Proposed exceptions should be evaluated taking into account all contiguous lots under common ownership. A public hearing should be required for any proposed buffer adjustment.

The language in policy C-BIO-25.1 should be replaced with the below language:

1. A buffer adjustment to less than that required by C-BIO-TBD[2] may be considered only if:

a.) It is a rare and exceptional circumstance, and only for the Principally Permitted Use in that zoning district, or
b.) It is for a necessary public purpose, or
c.) It is to avoid a taking of private property.

Proposed exceptions should be evaluated taking into account all contiguous lots under common ownership. A public hearing should be required for any proposed buffer adjustment.

III. Environmental Hazards (EH)

Summary of EH Concerns

14) The Federal Emergency Management Agency ("FEMA") requirement to elevate structures may not apply to all of the properties in the flood hazards and sea level rise ("SLR") zones, but the County proposes to require elevation in all cases.

15) The Coastal Act requires a case-by-case evaluation of individual developments, but the County's proposals either ignore these requirements,

[2] Note this policy section needs a number instead of "TBD".

or render them meaningless.

16) Additional detail is need in the LUPA's EH section regarding SLR and its potential effects on wastewater treatment, among other issues.

17) An exclusion order is required to create a blanket policy exempting additional building height from permit requirements.

18) The proposed "redevelopment" definition is inconsistent with the Coastal Act and Commission regulations.

19) Additional specific comments (by EH section) on the LUPA.

Analysis of EH Concerns

The Environmental Hazards chapter is an essential component of the LUPA that considers impacts to existing and new development from SLR, greater storm surges, coastal bluff erosion, and other hazards. This section should be forward thinking, considering the future impacts of climate change, especially on coastal communities. A wealth of new science has been presented and must be incorporated into the policies and reflected in the development code regulations dealing with environmental hazards.

14) The Federal Emergency Management Agency ("FEMA") requirement to elevate structures may not apply to all of the properties in the flood hazards and SLR zones, but the County proposes to require elevation in all cases.

Federal Emergency Management Agency ("FEMA") elevation requirements only apply to properties covered by the National Flood Insurance Program ("NFIP"). The County has not provided any evidence that all, or even most, of the properties in the flood hazard and SLR zones are part of the NFIP. Thus, the suggestion that FEMA requirements drove the County to use elevation as the only strategy to deal with SLR is misleading. The County has chosen to require elevation as the only strategy by omitting any possible alternative. Moreover, it is disingenuous to suggest that the requirements the County itself is imposing are so onerous that property owners need exemptions or exclusions in order to comply with them.

15) The Coastal Act requires a case-by-case evaluation of individual developments, but the County's proposals either ignore these requirements, or render them meaningless.

County staff has suggested that by relying on FEMA requirements as a

uniform standard, hazard reports would not be needed for individual developments, and that this is a benefit. However, developments may have individualized impacts, particularly along the shoreline interface, which is dynamic and subject to migration or other change due to SLR. Consistency with Coastal Act section 30253(b) necessarily requires case-by-case evaluation to ensure, for instance, that a particular pier / caisson superstructure will "neither create nor contribute significantly to erosion...."

Individual evaluations are also necessary to account for the ingress and egress to the raised structure, as well as water and septic services, since all of these can have their own effects on the surrounding area.

Regarding policy C-EH-9.2, in cases where the County would require individual evaluations, the process would be a formality with only a single possible conclusion. For example, when an elevated structure would exceed a total height of 30 feet above the surrounding grade, the County proposes requiring "an individual evaluation of conformance with public view, community character and related provisions of the LCP." *See* policy C-EH-9.2. Because there would be no permissible alternative to elevating a structure, however, those evaluations would either result in approval of the CDP, or a finding by the County that a taking would occur if the permit were not approved. Either way, the County will always approve the structure as proposed. Therefore, the "individual evaluation" is merely cursory.

In addition, as a brief point, policy C-EH-9 contains inconsistent language as it refers to a maximum allowable height of both 25 feet and 30 feet.

16) Additional detail is need in the LUPA's EH section regarding SLR and its potential effects on wastewater treatment, among other issues.

The LUPA's EH section lacks sufficient detail regarding SLR and its potential effects on wastewater treatment. The County asserts that they intend to address SLR as part of their long-range plan. While this is a good goal, specificity is also needed in the LUPA regarding SLR, and its effects on wastewater treatment in particular.

17) An exclusion order is required to create a blanket policy exempting additional building height from permit requirements.

The County wants to create a blanket policy exempting additional building height from permit requirements. However, this type of over-arching policy requires an exclusion order. Under California Code of Regulations section 13241, development consisting solely of raising an existing structure would be a "category of development". *See* § 13241. The County staff proposed "standard findings" are almost precisely those in Coastal Act section 30610.5(a)(2), which

the Commission must make in order to approve an Exclusion Order. Policies C-EH-3, -5, -8, and -9, and related implementation provisions which pertain to elevating structures, function as an Exclusion Order that the County has unilaterally adopted. Exclusion Order E-82-6 does not include elevation of a structure as a category of development that is excluded. If the County wishes to pursue this policy of exempting development that consists solely of raising an existing structure, it should seek a new Exclusion Order.

18) The proposed "redevelopment" definition is inconsistent with the Coastal Act and Commission regulations.

County staff argues that the definition of "redevelopment" proposed by the Commission staff is unworkable. We disagree, and note that the Commission has previously approved this definition, for example in 2014 as part of the County's original LUP submission, and in the 2013 Solana Beach LCP. The County recently provided additional information in their June 3, 2016 letter to the Commission. In section 6.a. of the County's letter, the County asserts that they maintain the history of permits issued for each parcel and are thus able readily to track redevelopments.

County staff's assertion that revising certain other LCP policies to account for SLR is impractical (resulting in "redundancy, length and complexity of the bloated language") is exaggerated. No one has suggested that every policy needs to account for SLR, but some clearly do. For example, C-DES-6 calls for undergrounding utilities, which may not be desirable in areas subject to flooding or inundation from SLR. Other policies that need to be revised include, but are not limited to, C-BIO-19 regarding wetland buffers, C-PA-2 regarding public coastal access, and C-PFS-6 regarding sewage disposal.

We also offer the following comments on specific environmental hazards policy and thereafter on the IPA.

19) Additional specific comments (by EH section) on the LUPA.

C-EH-1 Safety of New Development

This policy should not focus only on safety, but also on the protection of public access, natural resources, and visual and scenic resources over the lifetime of the development. The 100-year standard should be maintained. This standard has already been approved by the County Planning Commission (2012), the County Board of Supervisors (2013), and the Commission (2014).

C-EH-2 Applicant's Assumption and Disclosure of Risk

Policy C-EH-2 should specify that the "document" being recorded is a

deed restriction, consistent with IPA section 22.64.060.B.8.

C-EH-3 Flood Hazards

Policy C-EH-3.1 refers to Chapter 23.09, which has not been certified by the Commission, and is not included in the IPA. The specific text of Chapter 23.09 should be added to the IPA.

The Commission staff also addressed this concern in their May 6, 2016 letter to the County: "The County floodplain ordinance is cross referenced. Please provide an analysis of the relationship of the newly incorporated floodplain ordinance on other sections of the LCP and how incorporation of the ordinance complies with Coastal Act requirements." The County's June 3, 2016 response is insufficient.

In policy C-EH-3.3, after "the stability of the area;" insert " nor adversely impact coastal resources including public access, natural landforms, or scenic and visual resources; and".

The last paragraph of this section is inconsistent with Coastal Act sections 30251, 30253, and 30610 because it relies on evading the permit process in order to "...minimize risks to life and property..."

C-EH-5 New Shoreline and Blufftop Development

Replace the "is safe from" standard in C-EH-5(A) with the Coastal Act section 30253(b) standard of assuring stability and structural integrity. "Is safe from" is a vague and undefined standard that will be difficult to administer. The same change should be made in C-EH-5(B) for Shoreline Development.

In the final sentence of (A), insert "based on best available science" after "potential sea level rise estimates".[3]

In C-EH-5(B), condition the use of caisson / pier foundations on a finding that they do not cause negative impacts on public access, public views, or natural landforms considering likely changes in erosion and shoreline dynamics over time.

As noted previously in our comment (17) on *Additional Building Height*, the last sentence of this policy is inconsistent with Chapter 3 of the Coastal Act regarding protection of coastal resources. The County needs to seek a Categorical Exclusion order to carry out this policy.

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[3] Also, in the final sentence of (A), the period after "climate impacts" should be a comma.

C-EH-8 and C-EH-9 Minimum Floor Elevations and Maximum Building Heights in Flood Hazard Areas

Delete "new" before development in the first sentence of each policy.

C-EH-9 is internally inconsistent. It allows a height limit of 25 feet for new structures, but 30 feet for existing structures.

C-EH-11 Maximum Building Heights in the Flood Velocity Zone at Seadrift

Reinsert the final sentence concerning protection of community character and scenic resources.

C-EH-13 Shoreline Protective Devices

Delete "Discourage" and substitute "Except as provided below, prohibit" in the first sentence.

In the second paragraph, the added language regarding piers and caissons is problematic. Regardless of their intent, under some circumstances, deep piers or caissons can function as shoreline protective devices. The use of caisson/pier foundations should be conditioned. *See* our above comment on C-EH-5(B).

Policy C-EH-13(8) should specify that the device should be removed when it is no longer required or allowed (because the structure is gone or a "replacement structure" has taken its place.)

C-EH-15 Accessory Structures in Hazardous Areas

Policy C-EH-15(2) should say "...easily relocatable and/or removable <u>in their entirety</u> without…" "In their entirety" should be added.[4]

C-EH-22 Sea Level Rise and Marin's Coast

First sentence should start "The County shall use..."

C-EH-25 Existing Development and Fire Safety

Should be a *de minimis* permit rather than a waiver.

<u>Implementation Plan Provisions</u>

The IPA includes provisions for implementation of all LUPA policies.

[4] There is also an extra space in this sentence after relocatable.

Reliance on Best Available Science, 22.64.060.A.1.b.3.

Despite the caption "Reliance on Best Available Science," the section deals with permit exemptions and exclusions; it barely mentions science at all.

IV. Water Resources (WR)

20) The Water Resources section of the IPA lacks specificity. The IPA should include specific codified standards.

The water quality section of the IPA lacks codified standards for implementing LUPA policies. Although section 22.64.080.B is headed "Water quality standards", the seven enumerated categories of water quality standards either provide no standard or provide a very vague standard. The sections, which provide no standard, merely refer to one or more LUPA policies, i.e. C-WR-1, …, C-WR-16. The IPA should contain specific standards in the document itself. The water quality standards section should contain specific standards including numeric water quality standards for pollutants. The Best Management Practices ("BMPs") should not just be referred to, but the BMPs should be defined and specified in the IPA.

The grading and excavation section of the IPA also lacks codified standards for implementing LUPA policies. Although section 22.64.080.C is titled "Grading and excavation standards", six of the ten enumerated categories of grading and excavation categories provide no standard. Instead, each paragraph merely refers to one or more LUPA policies C-WR-2, …, C-WR-17. The grading and excavation standards section should contain specific standards within the section.

V. Public Facilities and Services (PFS)

21) The deletion of the C-PFS-4 standards is contrary to the Coastal Act.

The LUPA deletes the requirement that a project proponent make a showing that public facilities services are available and adequate to serve new non-priority use development. There is very limited water and sewage capacity in most of the coastal zone, and this deletion is contrary to the Coastal Act's priorities. The public facilities adequacy requirement should apply to all systems and permits, not just community systems.

The deleted language is policy C-PFS-4 should be added back in: "In areas with limited service capacity (including limited water, sewer, and/or traffic capacity), new development for a non-priority use, including land divisions, not specified above shall only be allowed if adequate capacity remains for visitor

serving and other Coastal Act priority land uses, including agricultural uses."

Implementation Plan Provisions

Public Facilities and Services, 22.64.140

As detailed below, the County's analysis of, and suggested changes to, Section 22.64.140 focus almost exclusively on what it sees as unfair administrative burdens. The analysis ignores or dismisses basic Coastal Act mandates, as well as basic realities of present-day life in Marin's coastal zone.

The County's insistence that 22.64.140.A.1.b only apply to development receiving water from a public water supply is inconsistent with the protections of coastal waters and ground water supplies required by Coastal Act section 30231, and of coastal resources generally, as required by section 30250. An analysis of possible adverse effects on these resources may in some cases be "time-consuming and expensive," as County staff notes, but it is still required by the Coastal Act. We note that this analysis is precisely what the Inverness Park community requested in response to a recent large-scale residential development proposal, and that such proposals are likely to become increasingly common in West Marin.

County staff then completely confuses the issue by gratuitously inserting language from Coastal Act section 30254, which only applies to public works facilities.

VI. Permit Administration

22) We have concerns regarding permit administration including a) challenges, and b) variances.

For ease of reference, we have also attached a table, titled *Notes on 2016 Proposed IPA*, which details additional specific concerns regarding permit administration. Please see the attached table.

Regarding Maximum Height, 22.64.030, 22.65.030, 22.54.045

To comply with policy C-DES-4, any exception to a maximum height standard must be subject to both Design Review and Coastal Variance.

Development near ridgelines needs to set a lower maximum height within the vertical and horizontal setbacks (22.65.030.D.2).

Maximum fence height need to be specified for planned districts as well as for conventional districts that specify setbacks (*See* 22.64.045.2.A). A section that

is similar to 22.64.045.2A. should be added to *Planned District General Development Standards*, 22.65.030, as well.

Variance of C-RSP Zoning District Standards, 22.65.060.C.

Additional height on the shoreline of Tomales Bay should only be permitted by Coastal Variance, not at the Director's discretion.

Categorical Exclusion Noticing, 22.68.040.B.

Determination of the categorical exclusion status of an application is a discretionary action that determines that the application satisfies the requirements for an exclusion; it must be subject to meaningful challenge. In order to provide for meaningful right to challenge an exclusion determination, notice must be available. Notice should be provided to members of the public who subscribe to County website notifications for categorical exclusion determinations and this form of notice would not impose a significant administrative burden. The County has deleted language that would have required this. The language should be re-added.

Exempt Development, 22.68.050

The following final sentence should be added back in: "The Director's determination of whether a proposed development is exempt from Coastal Permit requirements can be challenged pursuant to Section 22.70.040." Exemptions must be subject to challenge. The right to challenge an exempt determination is empty without timely posting of a list and providing notice to members of the public who subscribe to County website notifications of exempt determinations.

Regarding Widest Opportunity for Public Participation, 22.70.030. 22.70.040

Coastal Act section 30006 provides that,

> …the public has a right to fully participate in decisions affecting coastal planning, conservation and development; that achievement of sound coastal conservation and development is dependent upon public understanding and support; and that the continuing planning and implementation of programs for coastal conservation and development should include the widest opportunity for public participation.

PPU applications generally do not receive a public hearing. If a fee is required in order to appeal a County CDP decision, that financial barrier impedes public participation and consideration of the project at public hearing. A PPU

application should either receive a public hearing, or the appeal of an administrative decision for a PPU should not be subject to fee. The IPA should: either include language that there is no fee for filing an appeal (Add deleted language back in to 22.70.080.A.5), or include language in 22.70.030.B.3 and B.4 to require a public hearing for a project that is a PPU.

Challenges to Processing Category Determination, 22.70.040.A.

Determinations of exemptions and *de minimis* waivers (as well as other determinations) must be subject to challenge; otherwise, local governmental determinations are not subject to review. "*De minimis* waiver" should be added back in to 22.70.040, since they should be subject to potential challenge(s).

The County recently provided additional information in their June 3, 2016 letter to the Commission. The County asserts that they maintain a history or permits issued for each parcel and are thus able to readily track exemptions and waivers.

Public Notice, 22.70.050.A.

Public notices must be posted to be conspicuously visible to the general public at the property at which development is proposed. Many coastal Marin residents do not have home mail delivery and many are not property owners.

Expiration Date and Time Extensions, 22.70.120.A.2.

Section 22.70.120.A.2 of the IPA needs additional language so that permit extensions cannot continue indefinitely. A coastal permit should expire after three years if not vested or extended. There should be a single, 3-year extension opportunity with the same hearing requirement as the initial permit. The County has had very troubling experiences with projects where work remains uncompleted for years and yet permits have been repeatedly extended.

Emergency Coastal Permits, 22.70.140.E

Any extension of an emergency permit after six months should be challengeable. Emergency permits should not provide a path to avoid full coastal permit review. Please re-add the following underlined language to 22.70.140.E: "…unless the Director authorizes a extension of time for good cause, <u>where such an extension of time may be challenged according to Section 22.70.40</u>."

Regarding Variances, 22.70.080, 22.70.150

A Coastal Zone Variance must be appealable in order to ensure that developments that, absent a variance, would qualify as PPU are appealable when they do not meet PPU standards.

An example is provided in the Commission's LCP Update Guide:

EXAMPLE: Commission suggested modifications to a certified IP variance section proposed for amendment (see especially text in bold):

> ***"B. Variances represent a deviation from the recognized and intended types, forms and scales of development within a given zoning district. Therefore, for purposes of appeal pursuant to sections 21.51.030, and/or 21.52.020 and Coastal Act section 30603(a)(4), a development for which a variance has been granted does not constitute a principal permitted use.***[5]

A variance that allows development -- for example, to exceed the maximum height specified for the zoning district in the LCPA -- removes the use from qualifying as a PPU, and must be appealable. The IPA would diminish the protection of visual resources that is ensured in the Certified LCP (22.86.025I, 22.86.040I), which provides for appeal of both administrative and public hearing variances.

The County is repeatedly inconsistent on how standards affect PPU classification. For ag retail sales and ag processing facilities, the County acknowledges that a development that does not meet the maximum area standard is not a PPU. But, for variances, the County argues that development that exceeds maximum height continues to be a PPU even when approved by variance.

Specifically, in IPA section 22.70.080.B.(c), the following language should be added back in: "(any use that also requires the granting of a Coastal Zone Variance shall not be considered a principally permitted use….)."

In addition, IPA section 22.70.150.C. should be restored.

VII. Visual Resources

23) The protection of visual resources is fundamental to the Coastal Act, and the LCPA should uphold these protections.

Regarding Visual Resources, 22.60.010, 22.64.110

The word "significant" before "public views" should be deleted throughout the document. For example, it should be deleted in 22.60.010. Coastal Act section 30251 protects public "views", not "significant views."

IPA section 22.64.110 should be revised to require new development to be "…located…where it will not have significant adverse impacts ... on

[5] *Updating LCP Implementation Plan (IP) Procedures*, pages 133-134

environmental and natural resources or scenic and visual resources, including coastal resources."

IPA section 22.64.100.A.2 should be revised from "protect visual resources" to "protect scenic and visual resources" to add additional protection.

Categorically excluded development must meet the requirement that the excluded development "will have no potential for adverse impact on visual and scenic coastal resources." (*See* E-81-6, III. 2.); *see also* Coastal Act section 30250(a).

VIII.) Appeals Jurisdiction

24) As raised in our June 16, 2016 letter to the Commission, the County submitted an erroneous appeals jurisdiction map.

The Commission's May 6, 2016 letter to the County states under bullet, point 2 "Maps" that:

> …all maps that are intended for use in implementing the LCP must be finalized, adopted by the Board and submitted. … Such maps include the Environmental Hazards, Categorical Exclusion Areas, Appeal Jurisdiction, Zoning, and Village Core Commercial maps … the maps you submit need to be the County's proposed final maps, and can no longer be a preliminary or draft version of same for information purposes only.

Upon reviewing the files that the County has submitted to the Commission, the appeals jurisdiction map is erroneous because it has not been substantively revised. The County resubmitted maps to the Commission in a file entitled: 20160510_All_LCPA_Maps.pdf. As part of this file, there is a map entitled "MAP 28a - Revised 8/16/11 APPEAL AND PERMIT JURISDICTION AREAS NORTHWEST MARIN." This map is identical to the draft map that the County submitted on April 12, 2016 to the Inverness Association except the word "DRAFT" has been removed.[6] However, no other substantive changes have been made to the revised map.

In the concluding paragraph of the April 12, 2016 County Letter, Kristin Drumm of the County emphasized that the map submitted (28a) would need to be revised to meet the Commission's requirements:

[6] http://www.marincounty.org/~/media/files/departments/cd/planning/local-coastal/letters/2016/cda_response_inverness_association_4122016.pdf?la=en

> … in 2014 Commission staff indicated neither the Coastal Commission nor Commission Executive staff will consider using their discretionary authority to either recommend limiting or to limit the geographic extent of the Commission's Appeal Jurisdiction for any reason. According to Commission staff, this means the draft maps currently shown *must be revised* to reflect Highway One as the First Public Road, consistent with the existing certified maps. This effectively eliminates the proposed non-appealable areas shown on the draft maps. (emphasis added).

IX. Definitions, 22.130

Definitions should be added for the following terms:

Operator

Written request: provide definition that includes electronic mail message.

Thank you for your consideration of our comments.

Respectfully,

Morgan Patton
Executive Director

Ashley Eagle-Gibbs
Conservation Director

Environmental Action Committee of West Marin
PO Box 609, Point Reyes Station, CA 94956
415-663-9312 | www.eacmarin.org

October 26, 2015

MARIN CONSERVATION LEAGUE

Protecting Marin Since 1934

Commissioners
California Coastal Commission
45 Fremont Street, #2000
San Francisco, CA 94105

Subject: Agricultural Provisions in Revised Marin County Updated LCP

Dear Commissioners:

The Marin Conservation League has been protecting and working to enhance Marin County's natural environment, including its open space and agricultural lands, for over eighty years. MCL was a leader in supporting creation of the California Coastal Commission and continues to respect the efforts of the Commission, including Commission staff, in efforts to safeguard agriculture in Marin's coastal zone.

Early this year, MCL facilitated a dialogue in the environmental and agricultural communities in Marin regarding Commission amendments to the Land Use Plan and proposed Commission staff edits relating to Implementation Program (IP) applicable to agriculture in an Update to Marin County's LCP. We particularly appreciated Commission staff's participation in a combination Skype/conference call on January 30 that gave us an opportunity to explore the full range of views on particular issues. These sessions provided insight into the specific concerns of the differing points of view. Although we did not arrive at a consensus on all issues, many areas of common ground were found.

These are areas that were of particular concern that have been addressed in the Revised Marin County LCP Update approved by the Marin County Board of Supervisors on August 25, which MCL supports:

1. **Accessory Agricultural Structures and Activities:** Commission staff proposed including the term "and necessary for" in the tests in the definitions of "Accessory Agricultural Activities" and "Accessory Agricultural Structures." To make "necessary for" in this list of tests an additional, rather than an alternative, requirement would muddle the role of activities that may contribute to the financial viability of agriculture in Marin and create uncertainty by implying that such uses or facilities may, in some cases, be unnecessary and thus require individual producers to demonstrate "necessity" on a case-by-case basis. We support the County's use of "or necessary for" as an alternative test in the series used to determine what constitutes an accessory agricultural activity or structure.
2. **Retail Sales and Small Processing Facilities:** To create economies of scale and minimize the number of processing facilities MCL supports allowing small production facilities (under 5000 square feet) to utilize products from the farm shed, defined as Sonoma and Marin counties, e.g., making cheese from a combination of milk from cows on one dairy

PHONE: 415.485.6257
FAX: 415.485.6259
EMAIL: mcl@marinconservationleague.org
WEB: marinconservationleague.org
ADDRESS: 175 N. Redwood Dr., Ste. 135
San Rafael, CA 94903-1977

Marin Conservation League was founded in 1934 to preserve, protect and enhance the natural assets of Marin County.

and sheep from another dairy. With regard to small (under 500 square feet) retail sales onsite, we support the County proposal which would limit the products sold to those produced onsite or on other Marin properties owned or leased by the operator and require the operator to be "directly involved in their production." MCL also suggests that retail structures be subject to design review or to design review standards established by the county.

3. **"Ongoing Agricultural Activities" versus "Development":** Marin County Community Development staff did a masterful job of listening to the concerns of the agricultural and environmental communities, as well as CCC staff, in crafting definitions of "ongoing agricultural activities" and "development." MCL strongly supports the resulting provisions, including the definitions of "agriculture ongoing," "average agricultural slope," and "grading" " in Section 22.130.030 of the IP. They will provide the flexibility to people engaged in agriculture in Marin County to adapt to rapidly changing climate and economic factors while protecting our natural environment and resources.
4. **Farm Tours as a Principal Permitted Use.** Perhaps inadvertently the Commission staff recommended edits to the Updated Marin IP would have required farmers and ranchers to obtain a permit if they were to charge for giving farm tours. MCL believes educating the public about agriculture is important and that a rancher or farmer or ranch or farm operator, who takes the time to give a tour, should be able to charge for the tour.

We appreciate the opportunity to comment on the Revised Marin LCP Update and urge your approval of it.

Sincerely,

Kate Powers, President

Notes on 2016 Proposed IP

IP Section	*Subsection*	*Recommended change*	*Remarks*
Principal Permitted Uses			
22.32.026 – Agricultural Processing Uses	A {final paragraph}	**MODIFY:** In order to qualify as a PPU agricultural processing must comply with A.4 (the parking standard).	
22.32.026	A.	**ADD**: 5. The processing-facility is not placed on land designated as prime agricultural land.	
22.32.027 – Agricultural Retail Sales	A.	**ADD:** to be a PPU, a use must also meet the parking standard (specified in B.1)	
22.62.060 – Coastal Agricultural and Resource-Related Districts	22.62.060.B.1.b (C-APZ)	**ADD:** Itemization of PPU developments must include: "appurtenant and necessary to the operation of agricultural uses for agricultural production"	per LUP Policy C-AG-2
22.62.060	22.62.060.B.1.d(2)	Educational tours: **REVISE TO**: Non- profit and owner-operator conducted educational tours	C-AG-2.5.b and B.
22.62.060	**Table 5-1-a** Rows for: Intergenerational homes; Farmhouse; processing; retail sales; worker housing	The detailed standards are necessary to distinguish PPU, P, and U permit requirements for Intergenerational Homes; Farmhouse, ag processing; ag retail sales; ag worker housing– **RETAIN** the County-deleted language**:** (parenthetical) standards in column 1.	*See:* EAC letter to CCC, 8-30-15. *Cf*: 22.65.040; 22.32.026.A; 22.32.027.A
Maximum height			
22.64.030 –General Site Development Standards: Maximum Height	Tables 5-4-a; 5-4-b; 5-5. Maximum Height footnotes. (4)b; (4)c; (4); (3)	**REQUIRE:** Both Design Review and Coastal Zone Variance for an exception to maximum height.	LUP C-DES-4 stated maximum heights. "In all cases, the height limits specified in this policy are maximums …"
22.64.045--Property Development and Use Standards	22.64.045.2.A.1	**REQUIRE:** Maximum fence height for planned districts as well as for conventional districts that specify setbacks.	
22.64.045—Height Exceptions	22.64.045.3.D.3	**Flood Hazard and SLR Safety.** The IP Section is inconsistent with policy C-EH-9, and a variance should be required for heights exceeding 25 feet.	
22.65.030 – Planned District General Development Standards	22.65.030.D.2	**Development near ridgelines**. Needs to set a lower maximum height for development within restricted area of ridgeline.	
Visual Resources			
22.64.110 – Community Development	**1. Location of new development.**	**ADD:** New development shall be located … where it will not have significant adverse impacts … on environmental and natural resources, **scenic and visual resources**, including coastal resources.	
22.68.04 – Coastal Permit Not Required: Categorically Excluded Development	**A**	**ADD:** Development specifically designated as categorically excluded … is not subject to Coastal Permit requirements if such development is consistent with all terms and conditions of the Categorical Exclusion Order, **"including that the new development will not adversely impact public views or scenic coastal areas**"	Section 30251. Exclusion Order E-81-6: "no exclusion can be granted for certain types of development in areas where public views or scenic coastal areas could be adversely impacted."
Variances			
22.65.060 – C-RSP Zoning District Standards	22.65.060.C.	**REQUIRE:** A Coastal Variance to exceed height limit on the shoreline of Tomales Bay.	Additional height should only be permitted by Coastal Variance, not at Director's discretion

22.70.080 – Appeal	B.1 (c)	**RETAIN OR REVISE** the County-deleted language**:** ~~(any use that also requires the granting of a Coastal Zone Variance shall not be considered a principal permitted use;~~	Coastal Zone Variance must be appealable to cover developments that do not qualify as PPU, e.g. due to excess height in a zoning district. The certified Title 22.86.025I, .040I provides for appeal of both administrative and public hearing variances.
22.70.150 – Coastal Zone Variances	**C.**	**RETAIN** the County-deleted language**: A**~~pproval of any coastal permits for development that also requires a coastal zone variance shall be appealable in compliance with Section 22.70.080~~	A variance that allows development to exceed the maximum height specified for the zoning district in the LUP removes the use from PPU, and must be appealable. Certified IP provides for appeal: 22.86.040I Appeals
22.70.190 – Property Modifications	C. Lot line adjustments	**PROHIBIT:** creating any parcel smaller than the maximum density of the zoning district, unless development is prohibited.	Prevent increased density exceeding maximum allowed as a result of property line adjustments.
Widest Opportunity for Public Participation		PPU applications generally do not receive a public hearing. If the county appeal requires a fee, public participation in a hearing is limited. A PPU should either receive a public hearing, or the appeal of an administrative decision for a PPU should not be subject to fee.	CA § 30006
22.70.080 – Appeal of Coastal Permit Decision	A.5.	***EITHER* RETAIN** the County-deleted language**:** ~~5. No such appeals shall require a fee.~~	*Either*: Allow appeal without fee, to enable public hearing.
22.70.030 – Coastal Permit Filing, Initial Processing	**B.3**	***OR* ADD UNDERLINED: Non-public hearing applications.** A public hearing shall not be required when an application is <u>not for a principal permitted use and is</u> not appealable to the Coastal Commission by 22.70.080	*Or:* Provide for public hearing for any PPU.
	B.4	***AND* ADD UNDERLINED: Public hearing applications.** A public hearing shall be required when a project is <u>for a principal permitted use or is</u> defined as appealable to the Coastal Commission by 22.70.080 - Appeal of Coastal Permit Decision, unless the proposed project only entails the approval of a second unit in a residential zone or if it qualifies for a public hearing waiver.	*And:* Provide for public hearing for any PPU.
Procedural Requirements			
22.68.040 CatEx development	B. Noticing	**RETAIN** the County-deleted language: ~~or have requested to be kept informed regarding the type of development subject to the categorical exclusion and/or development at the location and/or within the particular zoning district)~~ **RETAIN** the County-deleted language**:**~~: The Director shall maintain, post on the Agency's website at least weekly, and regularly transmit to the Coastal Commission a list and summary~~	List and summary needs to be publicly posted on website. The right to challenge an exclusion determination is empty without timely posting of list of exempt determinations. Also, how would someone know to specifically request notice of a categorical exclusion determination?
22.68.050 Exempt development	First paragraph	**RETAIN FINAL SENTENCE of the** County-deleted language: ~~The Director's determination of whether a proposed development is exempt from Coastal Permit requirements can be challenged pursuant to Section 22.70.04.~~	
22.68.050	C. Repair and maintenance.	Replacement of 50% or more should be a <u>cumulative</u> measure over time.	§ 13252(b) CCC regs.: 50+% requires a CDP
22.70.040 – Challenges	**A & B**	**RETAIN** the County-deleted language: "exemptions, *de minimis* waiver" from determinations subject to challenge.	Without the right to challenge a Director's determination no other recourse exists for an exemption determination or a waiver.

22.70.050 – Public Notice		**RETAIN** the County-deleted language**:** "conspicuously visible to the general public" requirement for posting notice at the property.	Some West Marin communities have no home mail delivery; posted notice is especially important for informing residents who may not be property owners.
22.70.050	A.3	"written request": **DEFINE** to include request by electronic mail	
22.70.120 – Expiration Date and Time Extension	A.3	**ADD REQUIREMENT:** public hearing for any extension**.**	
22.70.140 – Emergency Coastal Permits	E.	**RETAIN:** provision to challenge an extension beyond 6 months. Any extension of an emergency permit after 6 months should be challengeable.	Any extension of an emergency permit after 6 months should be challengeable.
22.70.190 – Property Modifications	C. Lot line adjustments	**PROHIBIT:** creating any parcel smaller than the maximum density of the zoning district, unless development is prohibited.	Prevent increased density exceeding maximum allowed as a result of property line adjustments.
Definitions			
22.130. 130 Definitions	*Written request*	**INCLUDE** a request by electronic mail.	
22.130. 130			

Kevin Kahn
Central Coast Dist. Office
California Coastal Commission
725 Front St., Ste. 300
Santa Cruz, CA 95060

SENT VIA EMAIL
kevin.kahn@coastal.ca.gov

Re. Marin County LCP Amendments Concerning Agriculture

Dear Mr. Kahn:

I would like to comment on the Marin Co. LCP Amendments affecting agriculture, in their most recent form as IP code sections. Specifically, I will comment on the issues of: 1. Definition of Ongoing Agriculture, 2. Direct Retail Sales, 3. Ag Production Facilities, and 4. Intergenerational Housing. First I will give my background and then review the CCC's statute, since I think reference to your basic mandate is helpful in deciding among competing goals.

My Expertise

Since the Marin Co. LCP amendments affect primarily ag lands and since the specific issues I will cover here involve assumptions about how to prevent ag lands from being sold for development, I will emphasize the research done by my lab regarding land development processes and growth regulation.

I was a Professor and taught Environmental Planning at UC Davis from 1971 through 2005 and continue to do some research there now. In the 1970s I published several papers evaluating the effectiveness of the Williamson Act in California. This work involved considerable contact with farmers and ranchers, asking them how they perceived when they could sell to developers, for example. Based on the historical data on development locations in these counties, we determined that farmers generally under-projected the time to development and therefore under-enrolled in the Williamson Act. My colleagues and I also worked on policy analyses that considered the effects of various regulations and financial incentives on changing farmers' temporal expectations for suburban development (when they could sell out).

In the 1980s, I worked on various aspects of urban and rural local growth control in California, including Ag Exclusive zoning in several counties. We found that zoning was almost always ineffective in preventing leapfrogging sprawl and that purchase of development easements was the only permanent way to protect ag production. Yolo Co. was the only county with effective zoning in place for over 20 years, due to a consistent ag protection ethic in that county. This is

still the case there. In contrast, Sacramento County adopted urban services boundaries in the 70s, and avoided leapfrog development for about 20 years, but then the developers increased their campaign contributions and got boards of supervisors that expanded the boundaries unnecessarily. Those two Sac County papers still constitute one of the longest time-period post hoc evaluations of urban growth boundaries. My group also investigated the transfer of development rights, purchase of easements, and other innovative methods of preserving ag lands and other open space lands. Much of this work involved interviewing local planners and real estate professionals and examining mapped land use data for the longest historical periods available in each county.

In the 1980s, I also performed a study of the effectiveness of the affordable housing programs of the CCC, since abolished by the Legislature. During the late 80s and the 90s, Peter Douglas gave a talk in one of my classes (land use law) on the structure of the CCC and its operation. I used the Commission as an example of strong regional planning in my basic land use planning class and in my land use law class.

From about 1990 to 2005, I developed urban growth models, funded by various State and Federal agencies. My simple GIS-based model, UPlan, was used by about 20 rural and suburban California counties, in conjunction with their transportation models. A few still use it on an ongoing basis. This work required that we prepare several statewide datasets in GIS, including the merging of all city and county general plans. Along with the American Farmland Trust and other NGOs, we produced growth scenarios for the 8 San Joaquin Valley counties in the Partnership study. That work led to some of the counties adopting compact growth general plan policies and maps in the last few years. These plans were then followed by the first round of SB375 regional transportation plans, where several of these counties continued to increase suburban densities and to try to protect ag lands from leapfrog development. Our team also applied the Meplan and Pecas land market-based models to the Sacramento region, resulting in a dozen published papers. In that work, we ran three different SACOG transportation models, in iteration with our land use models. Our team organized workshops on urban modeling at the national transportation meetings and elsewhere. The SACOG blueprint plan (helped by our earlier modeling work) increased the density of new growth in the region and is the model for many regional transportation plans in California now.

During the early 2000s, in further work funded by Caltrans, we helped gain the acceptance of the very complex Pecas model in three of the large metro regions in California, for use under the SB375 mandate for integrated planning of land use and transport. We also developed a statewide travel model for Caltrans and a statewide Pecas economic and urban growth model. In developing the statewide Pecas model, we mapped all of the city and county general plans in the State in more categorical detail, greatly refining our knowledge of local plan designations. We discovered it is still the case that almost no counties actually have ag exclusive designations. Virtually all ag zoning is really large-lot residential (holding) zones. We also gathered raw land value data, building lease data, and building permit data for many cities and counties, for 2-3 decades. The Pecas model has in it a developer choice model, in which parcel owners decide whether to build floorspace (buildings) each year, based on several

financial indicators for their area. We developed historical land use datasets for all counties to use in model calibration and so our team has a fairly good knowledge of what changes in infrastructure or rents or zoning or nearby development lead to the development of ag parcels. The Pecas models developed by our team are in use by SANDAG and are in final testing by SACOG and SCAG.

My family farmed about 2,000 acres in the San Joaquin Valley in the 60s, 70s, and 80s and my wife was a cattle rancher years ago, so I have some practical knowledge of agriculture.

Sorry for this lengthy report, but I am trying to establish my expertise in land use planning, especially in predicting what causes the conversion of ag lands to suburban uses, so that you can accept my analyses as expert opinion. Such projections are somewhat subjective, and depend on knowledge of U.S. and California land use law, local planning practices, local politics, and real estate economics. I have studied the Marin County land use plan and ordinances and spent a lot of time in meetings of NGOs and other groups working on the LCP amendments, over the last two years.

The Commission's Statute:

The California Coastal Act (California Public Resources Code Section 30000 and following) is quite explicit on the objectives of the CCC. Sec. 30006 "declares that the public has a right to fully participate in decisions affecting coastal planning, conservation, and development..." This provision seems to mandate that the Commission require public review of all significant decisions affecting land uses ("development"). This seems to prohibit the use of local coastal permits (for Principal Permitted Uses) in counties with a record of not holding hearings and of not consistently enforcing the conditions in Categorical Exclusions. Sec. 30603(3) allows the appeal of local development decisions "that are located in a sensitive coastal resource area." This seems to say that all permits in the Tomales Bay area that are visible from St. Rt. 1 or from Sir Francis Drake Blvd. in Inverness, both major tourist routes, or from any other public lands, are appealable to the Commission, as I argue below.

Sec. 30007.5 states that when conflicts occur among the policies of the Coastal Act the "Legislature declares that...such conflicts be resolved in a manner which on balance is the most protective of significant coastal resources." The "concentration of development" is noted as an example of a useful policy. Sec. 30200 applies this standard to local government coastal decisions. This provision seems to apply to the development of new ag retail and ag processing buildings, when there is a nearby town or city.

Sec. 30251 states that "The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance." Sec. 30116 states that "Sensitive coastal resources" include "highly scenic areas." This is an unusual mandate, but critical to the California coast. The priority set out in Sec. 30007.5 seems to apply to the protection of highly scenic areas. It seems agreed upon that the ag lands in coastal Marin County are highly

scenic. This was noted, for example, by the Commissioners attending the BBQ on Tomales Bay the evening before the May 15, 2014 hearing in Inverness and at the hearing.

Sec. 30250(a) states that "new residential, commercial, or industrial development...shall be located within, contiguous with, or in close proximity to, existing developed areas..." This provision seems to apply to new retail and ag production buildings.

Sec. 30106 states that "development" includes"grading...and...change in the density or intensity of use of land...or alteration of the size of any structure." Roads are included in the definition of structure.

Sec. 30241 seeks to protect "prime" ag lands. The grazing lands in the Marin coastal zone are not prime according to the two conventional rating methods, which are both of use primarily for rating croplands. Due to the fog around Tomales Bay, the grasses grow better than elsewhere in the State and so these ag lands may be thought of as prime for grazing. Prime lands are to be protected in subsec. (e) by avoiding "nonagricultural development" that impairs ag viability "through increased assessment costs..." This provision could be seen to apply to the Intergenerational Housing units that the County seeks to add to the zoning.

Sec. 30253 requires new development to "minimize...vehicle miles traveled..." and "where appropriate, protect special communities...that...are popular visitor destination points..." This provision seems to require that new ag retail facilities be located in Point Reyes Station, as many trips N. of Pt. Reyes Stn. to ag retail locations would not otherwise be made.

<u>Critique of the Recent Marin County IP Drafts:</u>

1. Definition of Ongoing Agriculture

Sec. 30106 defines development as including grading, so only very small grading projects should be exempt from the definition of development. All enlargements of roads (defined as structures in the Coastal Act) should be considered development. All parking areas of compacted gravel and soil, as well as asphalt and concrete, should be defined as roads, as they are for travel and are mainly impervious, thereby affecting runoff.

Vineyards and row crops require grading and tilling and so are much more intensive than grazing, in terms of erosion and sedimentation and due to the application of chemicals. Tomales Bay is in Federal nonattainment for sediment, pathogens, nutrients, and mercury. Grading and tilling affect erosion and sediment yield adversely. The application of pesticides and fertilizers affects nutrient runoff and concentrations. Trends in the Bay are good for mercury and level for the other criteria pollutants. For these reasons, vineyards and row crops should be defined as development and so not be included in the definition of Ongoing Agriculture. 22.130. 22.68.050.

2. Direct Retail Sales

The on-farm retail sales of ag products has been advocated by Marin County to benefit farmers and ranchers by allowing them to develop "value added" production and selling these products. Marin County has never described these LCP amendments as for the purpose of primarily selling products from other farms in Marin and Sonoma counties. So, the retail sales should be limited to the products from the farm where the facility is located, except for incidentals. Otherwise, we open up Highway 1 to low-grade retail sprawl, with several new side roads being used by tourists. Most of the highway in this area is designated 55 mph and so new entrances would add to the severe existing traffic conflicts in this area. Due to the poor sightlines on St. Rt. 1, zoning criteria must include the safety of the entrance roads and design hearings must be required to enforce these conditions. A public review process must be required, to enforce these rules. 22.65.020. 22.65.040.

Furthermore, Sec. 30250(a) states that new development shall be located in or near to existing developed areas. It is difficult to imagine that a small retail facility is not commercial development. If it is popular enough to build and staff, the traffic and parking will be significant. Turning movements off of, and onto, St. Rt. 1 will be difficult, as it is a very curvy road with poor sightlines. Sec. 30253 requires new development to minimize vehicle miles traveled and to protect visitor destination communities. These policies seem to require that new ag retail facilities be located in the town of Point Reyes Station. Basic economic theory also tells us that economies of agglomeration will increase visitor purchases if the various ag retailers co-locate in farmer's market type situations, such as the Cowgirl Creamery in Point Reyes Station. Sec. 30007.5 requires conflicts between various policies to be resolved in favor of protecting significant coastal resources, which include scenic and visual qualities. The concentration of development is listed as an example of a policy that can help to protect coastal resources. The ranchers should be required to develop joint sales operations for their own products and to locate them in Point Reyes Station, where the visitor foot traffic is already high because the area is known for selling locally produced agricultural products. To allow sales from other farms within the County, or even Sonoma Co., would potentially violate the numerous above-mentioned coastal resource protection policies.

3. Ag Production Facilities

These buildings and parking areas might be economically efficient on farms and ranches where the products are produced, so the wording should limit these facilities to parcels from which the majority of the product comes. Some allowance should be made to allow, for example, milk from other Marin coastal zone farms to be processed together with milk produced on the farm where the processing facility is located. However, restrictions should be expressly put in place to prohibit the importation from outside the farm of a majority of the ingredients/additives to be processed. A public review process must be required, to enforce these conditions.

4. Intergenerational Housing

In order to fulfill the mandate of Cal. Pub. Res. Code, Sec. 30006 to allow the public to "fully participate" in decisions, the Commission should narrowly define the land uses that are Principally Permitted Uses and so not subject to Commission appeal. In the case of Intergenerational Housing, this new land use has been a hotly debated category for several years, so it is not an incidental land use type, in the public's mind. Also, most of these units would be built in areas visible from highways and so they would affect the scenic and visual qualities of the coastal zone in the Tomales Bay watershed. Allowing a significant number of new homes within the C-APZ zoning district without requiring that the owner and occupant of the homes be directly and actively engaged in agriculture contradicts the County's purported justification for construction of these new homes in the first place. The Commission must hold firm on this requirement, and must have realistic ways to enforce the provision so that trophy second homes are not developed.

The Commission in the policies adopted on May 15, 2014 defined the first Intergenerational unit as a Principally Permitted Use. The County would be the only reviewing body for this unit. Marin Co. has done a poor job of reviewing non-residential ag buildings in the past, under the Categorical Exclusion order, holding no hearings and usually not enforcing any locational or aesthetic conditions to reduce visual impacts from these buildings. Because the County will now be entrusted to review new housing units, it is unreasonable to assume that the conditions in the Staff Draft development code sections will be rigorously implemented. So, the Staff Final Proposal should require that the County enforce the conditions imposed by the Commission on the Intergenerational Units, or allow the public to enforce them, through an appeals process. 22.70.040. Also, since visual impacts occur from most buildings, under the existing Categorical Exclusion all buildings should be subject to appeal to the Commission, or the Categorical Exclusion E-81-6 should be revoked. 22.65.010. Only subjecting the Intergenerational Units, as well as the ag buildings under the Categorical Exclusion, to appeal will minimize damage to the visual qualities of this highly scenic area. The County must be required to follow the Categorical Exclusion order and hold a Design Review hearing before permitting ag buildings in the coastal zone.
22.114.020. 22.114.020. 22.70.030.B. 22.56.030. 22.64.100.

Granting permits for up to 27 new residential units will increase the value of the development rights in the coastal zone. MALT has been acquiring these rights in easements for 30 years and has permanently removed about 60% of ag land from development in the coastal zone. Allowing new rights to build homes means that MALT will need more funds to acquire the remaining easements and so it will take longer to protect these ag lands. So, adding to the costs of acquisition of development easements frustrates the Commission mandate to "maintain" lands in ag production and to protect the ag economy. Sec. 30241(e) states that "increased assessment costs" will "impair agricultural viability" (in the case of service expansions, but the logic applies to any action that increases land values). The 2007 Marin Countywide Plan states as a policy that we need to keep ag land values as low as possible, to keep ranchers from selling. Given that the permitting of the 27 Intergenerational Units is

arguably contrary to statutory mandates, this process should be limited with responsible conditions, as in the Staff Draft, and all decisions should be subject to review by the Commission, due to Marin County's poor past record with local coastal permits on ag lands. 22.70.040. 22.68.050.

The parcels over which the granting of Intergenerational Units are calculated should constitute the "farm," as the County's objective is not to increase land values, but to allow "farming families" to live together on "the farm" for convenience. So, all contiguous parcels should be included, at a minimum. One can argue that noncontiguous parcels should also be included, since they are part of the farming operation being enhanced. 22.65.040. One could argue that because the County's justification for needing this significant number of new homes is to protect family farms, that the right for an IG house should run with the family, and not the land. Thus, if a long-standing ag family sells 600 acres comprised of three legal lots, the right to build up to 2 new IG homes should not run with the land.

Broader Issues:

Most of the amendments advocated by the County will damage the long-term agricultural production of the C-APZ coastal zone district, in my opinion. A 2003 Ag Economics study done by the County showed that, on average, ag activities under Williamson Act contracts were in positive cash flow, due to low land values and low tax appraisals. This finding highlights the basic fact that the most important method for protecting ag production is to keep land values low. Marin County's former LCP policies and regulations did just this, by allowing only one residence on ag parcels. Ag is healthy in Marin. There has been very little turnover of ownership of ag parcels in the County for decades. Average ranch size has remained the same for many years, another indicator of a successful ag sector.

A final difficulty is the basic fairness issue. Most ag parcels in the Marin Co. coastal zone have development easements on them and so cannot take advantage of this awarding of new development rights. The Intergenerational Housing amendment, then, benefits the owners who have been holding out by not contracting under the Williamson Act and not selling a development easement to MALT. The ranchers who have acted to preserve their ag operations do not benefit. In meetings, a County Farm Bureau officer stated that the Intergenerational Housing policies would affect at most 14 parcels. Awarding new development rights in this fashion seems unfair on the part of the County and the Commission.

The public has invested $63 million in easements countywide and recently added another $18 million in open space bond monies. County ag tax subsidies total tens of millions of dollars since 1970. These and other State and Federal programs total about $200 million over the last 50 years. There is a very strong public interest in keeping these lands in ag production. Tourism spending is about $700 million per year in Marin Co., mostly in the coastal zone. Ag sales are approximately $60 million, much smaller even if doubled to account for the "multiplier effect" of respending the ag income. So, we don't want to damage our beautiful

managed landscapes, which are world famous. In my reading of all the LCP Amendment files, I see no factual showing by Marin Co. that the legal changes desired by the Co. Farm Bureau will improve ag viability. In other words, these changes to the previous very successful LCP are based on hunches and by ideological preferences, not on studies. The Commission staff and Board should be very wary of this sort of process, since LCP changes can have Statewide implications.

So, please tie the Commission adoption order to specific facts in Marin Co., so that these policies and regulations can not easily be adopted by other ag coastal counties. Marin is unusual in that is has widespread dryland dairy farms, due to the summer fog and overall temperate climate. It also has a very high proportion of small family-owned dairies and cattle ranches.

Please call to discuss any of my assertions, if you wish.

Thank you for considering these comments,

Robert A. Johnston
415 663-8305
rajohnston@ucdavis.edu

Fiala, Shannon@Coastal

From: Liebster, Jack <JLiebster@marincounty.org>
Sent: Wednesday, July 29, 2015 10:23 AM
To: 'George Clyde'
Cc: Crawford, Brian; Jeff Stump
Subject: RE: LCP retail sales - a clerical error?

Importance: High

Hi George,
I went back on my notes, and it appears I made the change because #7 was duplicative of #6, but I can see where #7 makes it unmistakably clear, and since this is the language that we distributed in late June, I think it is appropriate to include #7.
Thanks
Jack

From: George Clyde [mailto:gclyde11@gmail.com]
Sent: Wednesday, July 29, 2015 6:07 AM
To: Liebster, Jack
Cc: Crawford, Brian
Subject: LCP retail sales - a clerical error?

Jack, what's missing from your latest proposal is this key clause from the April version:

> **From Brian Crawford, Marin County CDA, letter to Coastal Commission, April 12, 2013 (at p. 4 of Appendix A)**
>
> *Agricultural Retail Sales Facility/Farm Stand*
>
> *... .*
>
> *5. The building(s) or structure(s) or outdoor areas used for retail sales do not exceed an aggregate floor area of 500 square feet;*
>
> *6. Agricultural products to be sold are produced by the operator of the sales facility within the farmshed, defined as the same farm as the proposed sales facility, or on other agricultural properties located in Marin County or Sonoma County;*
>
> ***7. The operator of the sales facility is directly involved in the agricultural production on the property on which the sales facility is located;***
>
> *8. Sufficient parking, ingress, and egress is provided. In addition, conditions as to the time, place, and manner of use of the sales facility may be applied as necessary through the Coastal Permit process to ensure consistency with provisions of the LCP.*

I'm hoping that was a clerical error that can be corrected quickly. It's absence puts everything we've been working for upside down.

Best, George
Email Disclaimer: http://www.marincounty.org/main/disclaimers

October 20, 2015

Nancy Cave, North Central District Supervisor
California Coastal Commission
Via email: nancy.cave@coastal.ca.gov

Dear Nancy,

The Environmental Action Committee of West Marin welcomes the opportunity to share additional concerns with you regarding Marin County's Resubmittal of the Land Use Plan portion of our Local Coastal Program. We look forward to discussing these concerns with you tomorrow morning. Thank you.

Summary of Concerns

1) Lack of required public notice, opportunity to comment on significant new language in LUP Amendments.

2) The LUP Amendments delete mandatory consideration of "all contiguous lots under common ownership" and replace it with discretionary "may consider."

3) County proposal would allow substantial amounts of new commercial and industrial uses on C- APZ lands without any requirement that development be "necessary for" agricultural use.

4) Inconsistencies between allowances [entitlements?] for Ag processing and Ag retail sales principally-permitted facilities.

5) County's proposal extends "family farming" rights to unlimited "operators" and "lessees."

6) Piece-meal approach to LUP approval by removing Environmental Hazards chapter and by submitting only the Agriculture section of the IP.

7) County opens the door to justify new residential development on C-APZ lands if Affirmative Ag Easement obtained, ignoring its own economic analysis that this would be detrimental.

8) Deletion of requirement that Inter-generational homes not require any new road construction.

9) Definition of "ongoing agriculture."

10) Deletion of PFS-4 standards.

11) Deletion of PPU standards in Table 5-1. See EAC letter dated 8/30/15.

1) Lack of public notice, opportunity to comment on significant new language in LUP Amendments.

Marin County proposed significant new proposals in its LUP Amendments without any prior notice of these proposals, no opportunity for discussion at a Planning Commission hearing, and with barely two weeks to review them. The County's new proposals, including significant amounts of residential development on C-APZ lands, was not discussed at any of the informal meetings held among the environmental and agricultural community.

The Coastal Commission's TIPS document states:

2. LOCAL AMENDMENT PROCESS

♦ Notify the public of upcoming process and availability of review drafts
at least 6 weeks before vote (14 CCR 13515(c))

4 CCR § 13515 (c) Notice of the availability of **review drafts of LCP** or LRDP materials and transmittal of said documents pursuant to paragraphs (a) and (b) **shall be made** as soon as such drafts are available, but **at a minimum at least six (6) weeks prior to any final action on the documents by the local government** or governing authority. Review drafts shall also be made readily available for public perusal in local libraries, in the administrative offices of the local government or educational facility and at the Commission offices.

Jack Liebster email 7/31

We are sending out this **material literally hot off the word processor** as a courtesy and appreciation to each of you for the unselfish hours of time, quality of thinking and exceptional persistence you have invested in this work.

We are still in the final stages of the internal review process for the staff recommendation package being prepared **for the August 25 Board of Supervisors meeting.**

2) The LUP Amendments delete mandatory consideration of "all contiguous lots under common ownership" and replace it with discretionary "may consider."

C-AG-5. Agricultural Dwelling Units -- Deletes the imperative: "shall consider all contiguous properties under the same ownership…" and misleadingly claims that the sentence is redundant with a permissive sentence in C-Ag-2.

> *~~The reviewing authority **shall consider all contiguous properties** under the same ownership to achieve the requirements of the LCP.~~CDA COMMENT: Redundant with last sentence of C-AG-2.*

C-AG-2.B. Conditional uses in the C-APZ zone include …
The County (and the Coastal Commission on appeal) **may include** all contiguous properties under the same ownership when reviewing a Coastal Permit application.

As you can see, the County has deleted the requirement to consider all contiguous lots under common ownership and instead given itself discretion on when to do so. EAC strongly opposes this change.

3) County proposal would allow substantial amounts of new commercial and industrial "accessory" structures and activities on C- APZ lands without any requirement that development be "necessary for" agricultural use.

The Coastal Commission staff's letter dated August 24th is clear direction that the "necessary for" requirement is fundamental to Coastal Act compliance. The CCC letter states that they "oppose the County staff proposed language changes to the Commission's previously adopted suggested modifications, especially since the weakened standard is not appropriate for structural development that would be considered a principally permitted use in the agricultural production zone. . . . the notion that all structural development within an agricultural production zoning district must be necessary to agricultural production is a core Coastal Act and land use planning tenet and must be stated as such in the County's agricultural protection policies."

The County seeks to ignore that the definition of "agriculture" has been greatly expanded from the Certified LCP's definition, and thus the "necessary for" requirement provides safeguards and limits for the potential significant new allowance of development in the C-APZ district. The language "and necessary for" *must be required* in addition to the other three factors for all accessory structures and activities on C-APZ lands.

4) Inconsistencies between allowances for Ag processing and Ag retail sales facilities.

Section 22.32.027 allows retail sale of agricultural products only from property that the operator owns in Sonoma or Marin County; Section 22.32.026 is much broader and allows processing on a Marin coastal zone property of agricultural products that are derived from any property anywhere in Marin or Sonoma Counties.

There is a real inconsistency here. EAC suggests that if 22.32.026 agricultural processing was limited in the same way that 22.32.027 limits retail sales, then a commodity produced and sold on a Marin coastal zone property by its owner would seemingly meet the "necessary for" test.

5) County's proposal extends "family farming" rights to operators and lessees.

The County has amended its definition of "actively and directly engaged" to include anyone making management decisions for the agricultural commodities or a leaseholder. In applying this definition to retail sales and processing facilities, it would allow products produced either on-site or on other Marin properties owned ***or leased*** by the sales facility owner or ***operator*** [term not defined] to sell products.

Marin County's purported reasoning for vastly expanding the definition of "agriculture" in the Amended LCP was to enable long-time family farmers some flexibility to diversify uses on their farm. EAC has supported this concept. However, allowing any *operator or lessee* to enjoy the same rights as the farm owner grants an unprecedented amount of development authority to a non-family farmer. This could result in a tangled web of lessees and operators that only distantly, if at all, resemble family farming products to be grown, processed and sold.

6) Piece-meal approach to LUP approval by removing Environmental Hazards chapter and by submitting stand-alone Agriculture IP.

The County's Resubmittal strikes entirely the chapter on Environmental Hazards and puts forward a piece-meal approach to coastal policy approval that obscures informed decision-making. By presenting the Resubmittal without these important policies, major considerations for new development are absent, and the public is deprived of the opportunity to consider these policies in concert with the rest of the LUP.

As an example, the County staff recommends deleting reference to policy C-EH-5 within Community Development Policy 5, Non-Conforming Structures and Uses. The consequence is that with this deletion non-conforming structures could be redeveloped without meeting the requirement that they be brought into compliance with the LCP. This makes no sense. Rather than subjecting the public to this piece-meal, incomplete

document and requiring the public to go back yet again through the entire LCPA once the Environmental Hazards chapter is complete, the Board should postpone consideration of the Resubmittal. This delay will not cause any harm to the overall process of getting to an approved LCP Amendment; on the contrary, a comprehensive consideration of the entire LUP will help to ensure consistent regulation.

7) County opens the door to justify new residential development on C-APZ lands if an Affirmative Ag Easement obtained, ignoring its own economic analysis that this development would be detrimental.

The addition of C-AG-2.b is very troublesome. The County proposes to bypass the very stringent findings necessary to develop non-agricultural uses on C-APZ lands and instead opens the door to residential development on agricultural production lands in exchange for an affirmative ag easement. This proposal blatantly ignores the Countywide Plan policies to keep agricultural land values low, and the County's economic analysis that residential development is antithetical to long-term agricultural production land.

If the County insists on keeping this new program in its Land Use Policies – which the public was given no opportunity to review until the staff report was released two weeks before the 8/25/15 hearing – then it should be conditioned that if a farm tract has developed an Inter-generational house it is not eligible for this provision.

8) Deletion of requirement that Inter-generational homes not require any new road construction.

The Resubmittal deletes the requirement that Inter-generational homes not require any new road construction. While the general C-APZ provisions under 22.65.040.C still mention that "development . . . shall not require new road construction" it is better to retain this standard in the specific development provisions pertaining to intergenerational homes.

9) Definition of "ongoing agriculture."

The Resubmittal defines "ongoing agriculture" to include all routine agricultural cultivation practices that have not been expanded into ESHA and ESHA buffers. Changes in nature or intensity of use of land or water constitute "development" under the Coastal Act sec.30106, so grading and changes in nature of use of land cannot be summarily excluded.

The *de minimis* waiver procedure – which County staff insisted be included in the LCP

Amendment - will be available to minimize permitting requirements for ongoing agricultural activities that qualify, an important streamlining feature that the Resubmittal fails to recognize. The County recently claimed that the *de minimis* waiver will be a "time consuming, expensive and unpredictable procedural hurdle for agricultural producers," making it clear that the County would prefer that all development on agricultural lands not be subject to any permitting requirements.

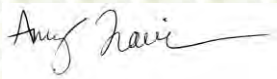
Thus, "review and approval" of qualifying activities does not require obtaining a coastal permit, only applying for a waiver. According to the Coastal Commission's prior staff report, "Even if an agricultural development is found to require a CDP, the IP as proposed to be modified offers new tools to streamline the permitting process. These streamlined procedures include the County's use of the de minimis waiver of CDP requirements process for non-appealable development (IP Section 22.68.070), and public hearing waivers for appealable development (IP Section 22.70.030(B)(5))."
It seems clear that the Commission staff has gone out of its way to find ways for agricultural activities to benefit from flexible permit requirements. The County has offered no rational basis for rejecting the Commission's approach.

10) Deletion of PFS-4.

The Resubmittal deletes the requirement that a project proponent make a showing that public facilities services are available and adequate to serve new non-priority use development. The County claims that requiring this showing would be "unreasonable and highly speculative to require every project, regardless of size, to assess the water and sewage capacity for future Coastal Act priority uses that may or may not be proposed or approved in the future." This claim has no basis in fact, ignores the very limited water and sewage capacity in most of the coastal zone, and ignores Coastal Act priorities.

The public facilities adequacy requirement should apply to all systems and permits, not just community systems. The County did nlot address EAC's and the Coastal Commission's concerns on this issue, instead it removed the requirement for a showing.

Thank you for your consideration of our concerns.



Amy Trainer, Executive Director

March 21, 2016

Marin County Board of Supervisors
Via email: bos@marincounty.org

Re: Request for additional time to consider new LCP Amendment documents

Dear Marin County Board of Supervisors,

We are writing to you today to request that you utilize the scheduled April 19th hearing on the recently released Marin Local Coastal Plan Amendment (LCPA) documents as an informational hearing for the public, and that you postpone your final vote on the LCPA documents until a later date to afford the public additional time to review, analyze and comment on the documents.

The public recently received tracked change versions of 300+ pages of LCPA documents that include hundreds of technical policy and development code language edits to review. The Environmental Hazards Policies and corresponding Implementation Plan include significant substantive changes that will impact how development is analyzed and regulated throughout our coastal zone. Thus, these new chapters must be read in concert with the rest of the proposed Amendments to understand their complete impact. This will take significant time, particularly without the benefit of a staff report.

Additionally, you've announced two new hearings to provide the public with additional information about new FEMA flood maps and to help us begin to understand the significant new changes proposed by the County in the LCPA documents. Further, the staff report for the April 19th hearing has not yet been released – presumably because it will be updated based on public input at the March 28th and 31st workshops - but your website requests comments by March 30th. This is a disconnect.

While your staff has done a very good job of obtaining public input on the Environmental Hazards policies and regulations, it is all the more important that the public be afforded sufficient time to review, analyze and provide input on these substantially new policies and regulations that have resulted from those meetings. **For all of these reasons, we respectfully but strongly urge you to afford the public the additional time it needs to process this profusion of new scientific, policy, and regulatory information**.

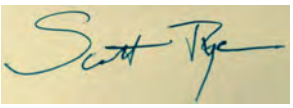
We understand that the County is nearing the end of an exhaustive LCP update process and that there is a desire to complete it at the Coastal Commission in August. However, we strongly urge you to please allow the public the time it deserves and needs for this final, comprehensive review and analysis of the LCPA documents. The Coastal

Commission meeting in November is in the North Central District, and that could be used for the final hearing on the Marin LCPA.

Thank you for your consideration of our comments.

Sincerely yours,

Amy Trainer, Deputy Director



Scott Tye, Chair
Surfrider Foundation Marin Chapter

March 24, 2016

Nancy Cave, Shannon Fiala
California Coastal Commission
Via email

Dear Nancy and Shannon,

The Environmental Action Committee of West Marin (EAC) looks forward to meeting with you at 1pm on March 25, 2016 to discuss Marin County's LCP Amendments and our concerns regarding specific policies and provisions in the current draft of those amendments. EAC will be represented by Bridger Mitchell, Terence Carroll, and myself.

The attached documents outline a number of those concerns in brief form and we hope can serve as a basis for more extended discussion.

We will be submitting comments to the County prior to the Board of Supervisors hearing scheduled for April 19, 2016 and will provide testimony at the hearing.

Thank you for making the time to meet with us.

Sincerely,

Morgan Patton
Executive Director

Attachments: 03_25_2016 Table Notes on LCPA IP.doc, 03_25_2016 LCPA EH Policy notes.doc

Environmental Action Committee of West Marin
PO Box 609, Point Reyes Station, CA 94956
415-663-9312 | admin@eacmarin.org | www.eacmarin.org

Notes on LCPA IP 2-2-2016 draft

	IP Section	*Subsection*	*Recommended change*	*Remarks*
Principal Permitted Uses				
	22.32.026 – Agricultural Processing Uses	A {final paragraph}	**MODIFY:** In order to qualify as a PPU agricultural processing must comply with A.4 (the parking standard).	
	22.32.026	A.	**ADD**: 5. The processing-facility is not placed on land designated as prime agricultural land.	
	22.32.027 – Agricultural Retail Sales	A.	**ADD:** to be a PPU, a use must also meet parking standard (B.1)	
	22.62.060 – Coastal Agricultural and Resource-Related Districts	22.62.060.B.1 (C-APZ)	**ADD:** Itemization of PPU developments must include: "appurtenant and necessary to the operation of agricultural uses"	per LUP Policy C-AG-2
	22.62.060	22.62.060.B.1.d(2)	Educational tours: **INSERT**: non- profit and owner-operator conducted	C-AG-2.5.b and B.
	22.62.060	**Table 5-1-a** Rows for: Intergenerational homes; Farmhouse; processing; retail sales; worker housing	The detailed standards are necessary to distinguish PPU, P, and U permit requirements for Intergenerational Homes; Farmhouse, ag processing; ag retail sales; ag worker housing– **RETAIN:** (parenthetical) standards in column 1.	*See:* EAC letter to CCC, 8-30-15. *Cf*: 22.65.040; 22.32.026.A; 22.32.027.A
Maximum height				
	22.64.030 –General Site Development Standards: Maximum Height	Tables 5-4-a; 5-4-b; 5-5. Maximum Height footnotes. (4)b; (4); (3)	**REQUIRE:** Both Design Review and Coastal Zone Variance for an exception to maximum height.	LUP C-DES-4 stated maximum heights. "In all cases, the height limits specified in this policy are maximums …"
	22.64.045--Property Development and Use Standards	22.64.045.2.A.1	**REQUIRE:** Maximum fence height for <u>planned</u> districts as well as for conventional districts that specify setbacks.	
	22.65.030 – Planned District General Development Standards	22.65.030.D.2	**Development near ridgelines**. Needs to set a lower maximum height.	

Visual Resources				
	22.64.110 – Community Development	**1. Location of new development.**	**ADD:** New development shall be located … where it will not have significant adverse impacts … on environmental and natural resources, **scenic and visual resources**, including coastal resources.	
	22.68.04 – Coastal Permit Not Required: Categorically Excluded Development	**A**	**ADD:** Development specifically designated as categorically excluded … is not subject to Coastal Permit requirements if such development is consistent with all terms and conditions of the Categorical Exclusion Order, **"including that the new development will not adversely impact public views or scenic coastal areas**"	Section 30251. Exclusion Order E-81-6: "no exclusion can be granted for certain types of development in areas where public views or scenic coastal areas could be adversely impacted."
Variances				
	22.65.060 – C-RSP Zoning District Standards	22.65.060.C.	**REQUIRE: A** Coastal Variance to exceed height limit on the shoreline of Tomales Bay.	Additional height should only be permitted by Coastal Variance, not at Director's discretion
	22.70.080 – Appeal	B.1 (c)	**RETAIN OR REVISE:** ~~(any use that also requires the granting of a Coastal Zone Variance shall not be considered a principal permitted use;~~	Coastal Zone Variance must be appealable to cover developments that do not qualify as PPU, e.g. due to excess height in a zoning district. The certified Title 22.86.025I, .040I provides for appeal of both administrative and public hearing variances.
	22.70.150 – Coastal Zone Variances	**C.**	**RETAIN:** ~~approval of any coastal permits for development that also requires a coastal zone variance shall be appealable in compliance with Section 22.70.080~~	A variance that allows development to exceed the maximum height specified for the zoning district in the LUP removes the use from PPU, and must be appealable. Certified IP provides for appeal: 22.86.040I Appeals
	22.70.190 – Property Modifications	C. Lot line adjustments	**PROHIBIT:** creating any parcel smaller than the maximum density of the zoning district, unless development is prohibited?	Prevent increased density exceeding maximum allowed as a result of property line adjustments.
	22.65.040 – C-APZ Zoning District Standards	22.65.040.C.3.b(2). Non-Ag development	**DELETE:** references to residential use.	Residential use is not permitted in C-APZ, only agricultural dwelling units.
Procedural Requirements				
	22.68.040 CatEx development	B. Noticing	**RETAIN**: ~~or have requested to be kept informed regarding the type of development subject to the categorical exclusion and/or development at the location and/or within the particular zoning district)~~ **RETAIN**~~: The Director shall maintain, post on the Agency's website at~~	List and summary needs to be publicly posted on website. The right to challenge an exclusion determination is empty without timely posting of list of exempt

			~~least weekly, and regularly transmit to the Coastal Commission a list and summary~~	determinations. Also, how would someone know to specifically request notice of a categorical exclusion determination?
	22.68.050 Exempt development	First paragraph	**RETAIN FINAL SENTENCE**: ~~The Director's determination of whether a proposed development is exempt from Coastal Permit requirements can be challenged pursuant to Section 22.70.04.~~	
	22.68.050 Coastal Permit Not Required: Exempt Development	C. Repair and maintenance.	Replacement of 50% or more should be a cumulative measure over time.	§ 13252(b) CCC regs.: 50+% requires a CDP
	22.68.070 – De Minimis Waiver	C.	**RETAIN:** ~~**Not Appealable to CCC.** The development isnot of a type or in a location where an action on the development would be appealable to the Coastal Commission~~**.**	A development that would be appealable to CCC should not be eligible for a *de minimis* waver.
	22.70.030 – Coastal Permit Filing, Initial Processing	**B.3**	**ADD UNDERLINED: Non-public hearing applications.** A public hearing shall not be required when an application is not for a principal permitted use and is not appealable to the Coastal Commission by 22.70.080	Provide for public hearing for any PPU.
		B.4	**ADD UNDERLINED: Public hearing applications.** A public hearing shall be required when a project is for a principal permitted use or is defined as appealable to the Coastal Commission by 22.70.080 - Appeal of Coastal Permit Decision, unless the proposed project only entails the approval of a second unit in a residential zone or if it qualifies for a public hearing waiver.	Provide for public hearing for any PPU.
	22.70.040 – Challenges	**A & B**	**RETAIN**: "exemptions, *de minimis* waiver" from determinations subject to challenge.	Without the right to challenge a Director's determination no other recourse exists for an exemption determination or a waiver.
	22.70.050 – Public Notice		**RETAIN:** "conspicuously visible to the general public" requirement for posting notice at the property.	Some West Marin communities have no home mail delivery; posted notice is especially important for informing residents who may not be property owners.
	22.70.050	A.3	"written request" : **DEFINE** to include request by electronic mail	
	22.70.090 – Notice of Final Action	A & B.	Why were the (deleted) detailed memo and supporting materials required in the baseline draft? [was this language intended to specify requirements for submission to CCC?]	
	22.70.120 – Expiration Date	A.1	**CHANGE TO**: 3-year time limit, with opportunity for one 3-year	Six year vesting period is far too long.

			extension. **RETAIN: A.2, A.3: extension of time, action on extension.**	Extension public hearing allow consideration of changed circumstance Example: Starbuck Drive (Malone), Muir Beach.
	22.70.140 – Emergency Coastal Permits	E.	**RETAIN:** provision to challenge an extension beyond 6 months. Any extension of an emergency permit after 6 months should be challengeable.	Any extension of an emergency permit after 6 months should be challengeable.
	22.70.190 – Property Modifications	C. Lot line adjustments	**PROHIBIT:** creating any parcel smaller than the maximum density of the zoning district, unless development is prohibited?	Prevent increased density exceeding maximum allowed as a result of property line adjustments.
Definitions				
	22.130. 130 Definitions	*Density*	**INCLUDE** a definition	
	22.130. 130	*Written request*	**INCLUDE** a request by electronic mail.	

Note: Throughout these policies, the County needs to restore references to the fact that cumulative redevelopment resulting in replacement of 50% of a structure over time constitutes a replacement structure under Section 30610(d) of the Coastal Act.

C-EH-1
Should not focus only on safety, but also protection of public access, natural resources, and visual and scenic resources over the lifetime of the development.

Is 50 years the right time-frame? Should it be the lifetime of the development with a minimum of 50 or 100 years?

C-EH-2
Should specify that the "document" being recorded is a deed restriction.

C-EH-3

C-EH-3(1) refers to Chapter 23.09, which is not certified by the Commission. (Note: 23.09.030(38) defines "substantial improvement" using the 50% of market value rule.)

C-EH-3(3) Insert "nor adversely impact coastal resources including public access, natural landforms, or scenic and visual resources" after "the stability of the area".

Are the "Potential Sea Level Rise Maps" available?

The paragraph beginning with "To minimize risks to life and property…" is inconsistent with Sections 30251, 30253, and 30610 and others because it relies on evading the permit process.

C-EH-5

Should be retitled as "Blufftop and Shoreline Hazards" (remove the word Erosion) so that it can encompass wave run-up and wave impacts, etc.

C-EH-5(A)

Retitle as "Blufftop Development" to recognize that there are hazards other than erosion.

Insert "based on best available science" after "potential sea level rise estimates" in the last sentence.

For consistency with the first sentence, reinsert the deleted reference to existing shoreline devices.

C-EH-5~~(B~~)

Not sure why the (B) is crossed out.

Retitle as “Shoreline Development”

Need to define what constitutes “safe from shoreline erosion”.

Delete “new” before “shoreline protective devices.”

In the sentence starting “A coastal hazards analysis shall evaluate…” the “other hazards” should be enumerated and should include changes in impacts due to expected sea level rise.

The last sentence is inconsistent with Chapter 3 policies regarding protection of coastal resources.

C-EH-8 and C-EH-9

Delete “new” before development in both sentences.

How should text distinguish new development/structure from repair/maintenance … of existing structure? Writing just “development” would seem also to wrap in existing structures not subject to repair/maintenance…

C-EH-9 is internally inconsistent. It allows a height limit of 25 feet for new structures, but 30 feet for existing structures.

No C-EH-10?

C-EH-11

Strangely worded…

Draft’s deletion of final sentence removes visual resource protection.

C-EH-13

Delete “Discourage” and substitute “Except as provided below, prohibit”

In the second paragraph: regardless of their intent, if deep piers or caissons function as shoreline protective devices, they should be considered shoreline protective devices.

C-EH-13(8)

The specified time period should be the maximum allowed, and the device should be removed when it is not longer required or allowed (because the structure is gone or a "replacement structure" has taken its place.)

"Maintenance" of the device should be defined.

C-EH-15

C-EH-15(2) Should say "…easily relocatable and/or removable in their entirety.."

C-EH-22

First sentence should start "The County shall use..."

C-EH-25

Should be a *de minimis* permit rather than a waiver.

Fiala, Shannon@Coastal

From: IConlan@aol.com
Sent: Saturday, April 09, 2016 12:38 AM
To: Fiala, Shannon@Coastal
Cc: conlanranches@live.com
Subject: Re: Coastal Commission: Coastal Zone Boundary

Thank you Shannon,

I am off ranch (convalescing from that awful Marin County curse, breast cancer and related health issues) so would appreciate your mailing maps any materials that might be helpful to me, Ione Conlan c/o PO Box 970, Capitola, CA 95010. where I will be able to receive the mail.

Your suggestions are excellent and I have written many letters at each stage of the Marin LCP, and attended Board Meetings before my illness, and will continue the correspondence.

I believe what is overlooked by CCC Staff and Local Planners, is that healthy heritage local agriculture is an important part of any county and throughout America.

As the average age of USA farmers is quickly aging beyond 60's, steps must be taken to be sure next generation will continue in agriculture without break up of diminishing family farms.. .

Here in Marin County confirmed by legal title search, only two ranches have been continuously in Agriculture and continuously in the same family for 150 years, Respini Ranch which is in both Malt and the Coastal jurisdiction, and ours, Conlan Ranches California, both ranches over one thousand acres.

Ours has *three legal parcels* which CCC & local planners seek to merge so that no generational homes can be built. This would result in this landowner breaking up this wonderfully beautifully 150 year old ranch into three separate ranches under separate owners, should this inequitable provision of merging take place..

According to Federal Statistic Census, of the 323 ranches in Marin County, only 64 are over one thousand acres such as mine, many of those are already within the Marin Agricultural Land Trust (MALT) with restrictions already in place and for which the landowner has *already been compensated.*

When MALT bought those easements, the landowners were compensated. Now with Measure A help, MALT is returning to give those landowners *additional funds for more affirmative farming language as well as for provisions for all "exploitation of solar" development, to be assigned to MALT and its assigns.*

In Monterey County, two thousand acres of land were removed from farming and solar panels placed along with miles of new roads, underground conduit and so much more destruction of soil, and farming land. We trust that MALT will not assign those "exploitation of solar rights" in the future to third parties with great influence. The Monterey scenario has a Walmart heir involved..

Would you have any information or know where I might find the data as to how many Marin ranches in the Coastal Commission designated areas are in MALT, thus already have been compensated for "development rights" and restrictions for which they have been handsomely paid? MALT attorney told me they do not have that information.

It sure is disappointing for us on our lands, to have suffered 10 years of bankruptcy for which my late husband and I paid every creditor in full with interest, survived floods, drought, predators human and animal, inheritance taxes so many times we have bought the land over and over again, and more "*blood sweat tears and toil*" that you could ever imagine, only to be the last farmer standing, and have our ranch broken up, while our neighbors have pocketed MALT funds, and or sold their lands and enjoyed a life of leisure.

Thank you for your courtesy and attention, and please feel free to pass along this email to anyone you believe may be interested to know about "unintended consequences" of the Marin LCP.

Highest Regards

Ione Conlan
Conlan Ranches California
In a message dated 4/7/2016 5:29:19 P.M. Pacific Daylight Time, Shannon.Fiala@coastal.ca.gov writes:

Hi Ione,

After Marin County certified its Local Coastal Program (LCP) in the 1980's, Marin County began granting coastal permits for proposed development in its coastal zone, with the exception of areas that are in the Coastal Commission's retained permit jurisdiction. In some areas, particularly those west of the first public road, County permit decisions can be appealed to the Coastal Commission. The post-certification LCP maps show the boundaries of these three areas (Marin's permit jurisdiction, Coastal Commission's permit jurisdiction, and appeal jurisdiction).

You understand correctly that hatched areas around Estero Americano are subject to Coastal Commission permits, and shaded areas are subject to Marin County coastal permits, which can be appealed by objectors to the Coastal Commission. I can mail you printed photos of the maps.

I will forward your concerns regarding MALT to our legal team and let you know what feedback they may have. Meanwhile, I would encourage you to stay involved in the LCP process. Marin will be submitting its draft LCP update to the Coastal Commission this spring and the final version will be discussed by the Coastal Commission at a hearing in the future. I would invite you to submit a comment letter describing your concerns and the implications of the draft LCP policies for your property.

Best regards,

Shannon

From: IConlan@aol.com [mailto:IConlan@aol.com]
Sent: Wednesday, April 06, 2016 2:42 AM
To: Fiala, Shannon@Coastal
Subject: Re: Coastal Commission: Coastal Zone Boundary

Thank you Shannon,

What does it mean when you say "post-LCP certification maps" my doggone old computer did not print out the maps and text clearly so that I could see the distinction between the hatched lines for Permit Jurisdiction, and shaded area for Appeal Jurisdiction.

Did I understand that hatched areas around Estero Americano are subject to CA Coastal Comm Permit requests, but shaded area subject to Marin County Local Coastal Plan permits, and can be appealed by objectors to CA Coastal Comm?

Any chance of mailing me a hard copy? PO Box 412, Valley Ford, CA 94972 .

Were the lands included in the original 1972? I did see where grandfather granted the First Public Road.

Our lands are Certified Organic, Animal Welfare Approved, and my nephew won for us, the Western States Environmental Sustainable Award sponsored by USDA, US Fish and Wildlife, National and State Cattlemen's Assoc et al. winning over six states including Hawaii. We sure were proud of that environmental salute because we work very hard. You can see his website www.truegrassfarms.com

We were in the que for MALT to buy a conservation easement, but since the August 2015 Marin Ag LCP regulations were presented to CCC, MALT doesn't have to buy easements because Marin's LCP has already restricted that which MALT would pay for an easement. My lawyer relative said that was illegal and a violation of the US Constitution (5 th and !4th) Who is the person in your office with whom I could discuss this "*unintended consequence*" ?

Best Regards to you Shannon and thanks for going the extra mile to email me the maps and explain how it works. Ione

Ione Conlan
Conlan Ranches California

In a message dated 4/5/2016 4:09:18 P.M. Pacific Daylight Time, Shannon.Fiala@coastal.ca.gov writes:

Hi Ione,

As follow up to our phone call, here are some resources describing the coastal zone boundary and permit requirements as they relate to your property (APNs: 100-350-06, -07, -08).

I've attached photos of our post-LCP certification maps for your property. The maps show 1) the Coastal Zone boundary, 2) the Coastal Commission's retained permit jurisdiction as a dashed area (restricted to lands below the mean high tide line and lands where the public trust may exist), and 3) the Coastal Commission's appeal jurisdiction as a shaded area (where Marin County issues coastal permits that may be appealed to the Coastal Commission). Your three parcels are all entirely within the Coastal Zone. However, only the portion of your parcels that either touch Estero Americano or that are (or historically once were) tidally influenced are in the Coastal Commission's retained permit jurisdiction, meaning any project proposed on these portions of your property would require a coastal permit from the Coastal Commission. If you had a project in mind that comes close to Estero Americano, you could submit project plans to the Coastal Commission and we could conduct a formal boundary determination to confirm this preliminary assessment. The remaining portions of your three parcels are in the County's

coastal permit jurisdiction, but the County's coastal permit approval could be appealed to the Coastal Commission.

Marin Map is also a good resource:
http://www.marinmap.org/Html5Viewer/Index.html?viewer=mmdataviewer

Please let me know if you have any other questions.

Best regards,

Shannon Fiala

Coastal Planner

North Central Coast District

California Coastal Commission

45 Fremont Street – Suite 2000

San Francisco, CA 94105-2219

415-904-5266

http://www.coastal.ca.gov/

Every Californian should conserve water. Find out how at:

SaveOurWater.com · *Drought.CA.gov*

April 11, 2016

Marin County Board of Supervisors
3501 Civic Center Drive
San Rafael, CA 94903
Via email: bos@marincounty.org

Re: Comments on LCP Amendment Documents for April 19th hearing

Dear Supervisors,

Thank you for the opportunity to provide comments on the latest iterations of the Marin County Local Coastal Program Amendment documents. We appreciate all the work that your staff and the Coastal Commission staff have put into these documents, and significant progress has been made since these documents were last considered by you in August 2015. However, these documents remain incomplete as the public has not been provided with a track-changed version of the complete documents detailing all of the amendments. Staff's letter published April 6th addressed the substantial concerns and comments raised by the Coastal Commission staff in its letter dated March 23rd, but those comments have not been incorporated into the overall full version of the Land Use Plan (LUP) and Implementation Plan (IP) so that the public has an opportunity to review these documents in their full and clear context. Before the IP and LUP are deemed complete and submitted to the Coastal Commission, the public should be given an opportunity to review all of the last changes to these documents and provide final comments on them before they are submitted to the Coastal Commission.

Despite this, CCPN provides comments with specific recommendations to numerous sections dealing with Agriculture, Biological Resources, Environmental Hazards, and the Permit Notice and Appeal Procedures. Because the Coastal Commission has already provided full list of items, we do not repeat those here. Thank you for your consideration of our comments.

1. Agriculture Policies and Regulations Are Incomplete

The Coastal Commission's March 23rd letter identified a number of places where the Agriculture policies and regulations are incomplete, contain errors, have not been updated, or are inconsistent with the Coastal Act. Without repeating all of those instances, there are additional areas that must be addressed by the County prior to submitting the LCP Amendment documents for submission to the Coastal Commission. ***The goal of these comments is to fill in the regulatory gaps to ensure that the significant amount of new developed proposed to be allowed as a Principally Permitted Use in the C-APZ district under the definition of "Agriculture" – including a Farmhouse, an Inter-generational House, a Commercial Processing Facility, and a Commercial Retail Sales Facility – has sufficient standards to guide any new development.*** The LUP provisions are addressed first, followed by the IP provisions.

A. Agriculture LUP Policy Issues

C-AG-2.B – Coastal Agricultural Production Zone
Delete reference to "legal lot" and replace with "farm tract."

C-AG-5 – Agricultural Dwelling Units
Inter-generational homes are supposed to be for persons "authorized by a farm owner or operator" and who are themselves "*actively and directly engaged in agricultural use*" on the property. This latter qualification should be added to C-AG-5. Otherwise the entire point of an inter-generational home – to support inter-generational farming - is thwarted and has the real potential to be used as a means to build a new home in West Marin's iconic coastal zone without the substantive basis.

B. Agriculture IP Regulations

22.32.023 Agricultural Homestays
Sub-section 6: should replace "one per legal lot" to "one per farm tract."

Sub-section 7: should replace "lot" with "farm tract."

Add a provision here that is already contained in Section 22.32.040.D [Bed & Breakfasts] that:

> "No receptions, private parties, retreats, or similar activities, for which a fee is paid shall be allowed" to ensure purpose of homestays remains true to the definition.

This ensures that an agricultural homestay remains true to the use, and is not used to open up the property for non-agricultural uses without proper review.

22.32.024 Agricultural Dwelling Units
Ensure consistency of "farm tract" where the terms lot, parcel, and legal lot are still used in the draft documents.

22.32.025 Farmhouse
Amend the last sentence of the first paragraph to include the underlined text as follows:

> "In the C-APZ, farmhouses also shall be considered necessary for agricultural production when the owner of the farm tract is actively and directly engaged in agricultural use of the property."

This ensures that the construction of a farmhouse is not perceived as a right or entitlement simply by virtue of owning agricultural production zone land.

22.32.026 Agricultural Processing Uses
A.2. I would strongly encourage the County to ***rewrite this provision in a way that supports Marin coastal zone farms and does not encourage processing of Sonoma County products – like commercial, non-organic grapes – in Marin's coastal zone***. This section

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4340 Redwood Highway, suite 229 San Rafael, CA 94903 415.306.6052

can be written to allow local milk producers to share processing facilities without encouraging the additional heavy traffic and commercial development in Marin's unique coastal agricultural zone. Finally, this provision is not conducive with reasonable or safe Sea Level Rise policy decisions, given that Highway 1 is already extremely vulnerable to storms and encouraging additional heavy trucks and more traffic from processing facilities will exacerbate this problem.

B.2.a. Processing facilities are not categorically excluded, only structures like barns and fences are. The County should not allow barns or any other structure to be built without Design Review. The case in point is the construction of barns on the Doughety property without any permits, yet the County was required by the Exclusion Order to carry out Design Review for these structures but failed to do so. **Policies must be included in the IP that require Design Review for all new structures on C-APZ lands, otherwise there is no way to ensure the scenic viewshed will remain protected**.

22.32.027 Agricultural Retail Sales Facilities/Farm Stands

B.1. "Sufficient parking" is not a defined term and what constitutes "sufficient parking" should not be determined by the purported demand of consumers or left to a case-by-case basis. A small, limited number of parking spaces should be provided in order to ensure protection of the maximum amount of agricultural land for production.

22.32.028 Agricultural Worker Housing

Clarify when the property owner needs to complete a worker housing needs assessment and plan for any worker housing proposal, or only if it proposes to surpass the 36 beds/12 units threshold. My understanding is that the County's current practice is to require the needs assessment for all worker housing proposals, and the preference is for that practice to continue for all proposed worker housing. This should not be a cumbersome process, just one that identifies what housing is needed for that particular farm tract's agricultural production activities.

22.32.105 Mariculture

A. Amend last sentence of this section to include underlined provision as follows: "Support provision of onshore facilities necessary to support mariculture oprations in Marin Coastal waters."

As we are all aware, the shellfish companies in Tomales Bay that have onshore facilities periodically and regularly import oysters from Mexico, Washington, and Hawaii. The Tomales Bay shoreline is fragile, and the onshore facilities should be based only on the local, coastal-dependent use, not the overall volume of oysters that includes imported oysters.

22.32.115 Determination of Non-Agricultural

In order to protect the integrity of agricultural production, non-agricultural development should never be allowed to be a Principally Permitted Use or a Permitted Use in the C-APZ zoning district. The text in this section should make that absolutely clear, and it should be reflected in Table 5-1 as well.

B.1. This section lacks adequate standards to make determinations about the non-agricultural status of agricultural lands. The County should incorporate recommendations from its own 2003

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agricultural land study that it commissioned leading up to the LCP process. That study recommended looking at factors including the impact of new housing development on taxes and insurance costs, as those can often be tipping points that push farmers and ranchers to the brink of not being able to afford to stay on the land, particularly when a neighboring property develops as it increases land values in the surrounding area.

B.2. Additionally, the factors listed in this section are insufficient to protect ongoing agricultural production and use. For example, the reviewing authority "may" ask the questions enumerated in this sub-section but, 1) these factors aren't required to be considered, 2) protection of the historic rural character and scenic viewshed must be expressly addressed in the decision of the impact of non-agricultural development in the C-APZ district.

22.130 Amend Definitions of "Farm" and "Farm Tract"

"**Farm**" is defined as a place of commercial agricultural production with sales of $1,000 or greater. The $1000 is an extremely low denominator and not in keeping with the exponential growth of agriculture sales in Marin County as reported by the Agricultural Commissioner. The County's 2014 Annual Report states the gross revenue for agricultural sales in Marin County was over $100 million dollars, up 19% from 2013, even in the midst of the severe drought.[1] It's unclear on what basis the $1,000 threshold per farm was established but the County should provide documentation to support this extremely low number and increase the number based on a 5-year average or some type of factual metric.

The definition of "**Farm tract**" should be amended to add the underlined languages as follows:

> All contiguous legal lots <u>and/or parcels</u> under common ownership in the C-APZ zoning district.

The reason for this addition is that a property owner can have contiguous legal lots as well as parcels that do not qualify as a legal lot, and thus those parcels should be part of the contiguous, common ownership equation as well as the legal lots.

2. Protection of Visual Resources

LUP Policy C-DES-2 does not comply with the Coastal Act. It provides for development "to protect <u>significant</u> views," but this is a lesser standard than what the Coastal Act requires.

Section 30251 of the Coastal Act provides, in part, that:

> The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to <u>protect views to and along the ocean and scenic coastal areas</u>, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. (Emphasis added).

The Coastal Act does not protect "significant" views, it protects "views to and along the ocean

[1] http://www.marincounty.org/~/media/files/departments/ag/crop-reports/2014.pdf?la=en

and scenic coastal areas," among many other situations. The purpose of this provision is the protection of the public's view shed from public areas, not from private property, which is why the types of areas are enumerated. ***But simply enumerating the areas from which the public has protected views "to and along the ocean and scenic coastal resources" in no way means that only "significant" views can or should be protected***. The Coastal Act is clear – public views are protected – and this policy should be amended to comply with the law.

Numerous subsequent provisions of the IP should be updated to remove the word "significant" as it prefaces "public views," including in the following:

-- 22.65.040.C.4.2 Agricultural Dwelling Unit Impacts and Agriculture Use

-- 22.32.165.C.7 Telecommunications Facilities

-- 22.60.010 Purpose and Applicability of Coastal Regulations

-- 22.64.045.4.A Property Development and Use Standards

-- 22.64.060.B.10 Environmental Hazards

-- 22.64.140.A.19 Public Facilities and Services – Telecommunications Facilities

3. Environmental Hazards Policies and Regulations Lack Supporting Facts

C-EH-1 and 22.64.060 Safety of New Development
There are two major issues to address in these policies – the timeframe for considering the "lifespan" of new development to keep it safe and free from needing a shoreline protective device, and the mitigation measures allowed to address changing conditions.

1. Lifespan of a building
The County has set the timeline for considering the "lifespan" of new development to keep it safe from sea level rise impacts at 50 years. Given the inability to know precisely the rate at which the sea level will rise over the next 100 years, and coastal bluff erosion and other hazards will occur, this may seem like a justifiable timeframe.

However, what we do know is the science of climate change, global warming and sea level rise is rapidly advancing, and with each new study the science all points to one undeniable conclusion: past predictions, even the most conservative ones, have been inaccurate to account for the rapid rate of rising seas and the increasing rise in ocean levels that is in progress.[2]

Accordingly, the timeframe throughout the Environmental Hazards chapters in the LUP and IP must be increased to at least 75 years, and preferably 100 years. **We may not know exactly how fast the ocean is rising, or how extreme the coastal bluff erosion will be, but the facts overwhelmingly point us toward being more cautious than not.** This translates into setting policies that provide for looking at new development over a longer timeframe, making the setback distance from a bluff edge farther back, etc.

[2] http://www.nytimes.com/2016/04/01/opinion/the-danger-of-a-runaway-antarctica.html

This is supported by the Coastal Commission's Sea Level Rise Policy Guidance document.[3] It advises that jurisdictions should ensure that "structures are set back far enough inland from the beach or bluff edge such that they will not be endangered by erosion (including sea level rise induced erosion) over the life of the structure, *without the use of a shoreline protective device*."[4]

It's clear that new structures developed in the coastal zone will have a lifespan greater than 50 years. Thus, **the LCP policies and development code must reflect a more protective strategy to encompass the life of the structure – at least 75 if not 100 years – that is not dependent upon, and does not allow, the use of a shoreline protective device**.

2. Mitigation Measures

In the documents that the County published on April 6th, partly in response to the Coastal Commission's March 23rd letter, Attachment 5 included the following new text but did not include a footnote or comment to explain it. The County staff's last sentence is particularly troubling:

22.64.060.A.1.b.3

> 3) Reliance on Best Available Science. To minimize risks to life and property, and assure stability and structural integrity of existing structures, in recognition of the scientific information represented by FEMA and Potential Sea Level Rise data, modifications of structures consistent with this Policy shall be facilitated by application of Coastal Permit Exemptions, Categorical Exclusions, and Coastal Permits. **Raising structures as provided in Policies C-EH-5, 8 and 9 and limiting the height to that required to provide for BFE and/or sea level rise elevation <u>shall be deemed sufficient to comply with coastal hazard, public view, community character and related provisions of the LCP</u> (emphasis added).**

It is inappropriate to declare in one new statement that elevating structures as a mitigation measure to sea level rise is programmatically deemed as wholesale compliance with the numerous important Coastal Act policies including public views, community character and "related provisions." This goes against the Coastal Commission's Sea Level Rise Policy Guidance document, which states:

> As with protection strategies, some accommodation strategies could result in negative impacts to coastal resources. Elevated structures may block coastal views or detract from community character; pile-supported structures may, through erosion, develop into a form of shore protection that interferes with coastal processes, blocks access, and, at the extreme, results in structures looming over or directly on top of the beach.[5]

Accordingly, we strongly urge the County to pull back from this statement and adopt a standard that is much more in line with the Commission's Policy Guidance document and reflects the need to address these issues at some level on a case-by-case basis.

[3] California Coastal Commission Sea Level Rise Policy Guidance, Adopted August 12, 2015.
[4] Id. at p 129, Ch.7
[5] Id. At p. 124, Ch. 7

C-EH-22.a.2 Sea Level Rise and Marin's Coast - Update potential Sea Level Rise Maps
This section states that current and future hazard areas should be modified "on a five to ten year basis" or as necessary to incorporate new science and information. This is a good provision, except there may be instances where new science is released in between the times when the County is planning to update its maps and policies. Thus, we would suggest including a provision to allow members of the public to petition the County's Community Development Agency to update the regulations in the event that new best available science has been released and to allow the County to take prompt action on that new data and information.

Regarding the remaining Environmental Hazards policies and regulations, we support the Coastal Commission staff's comments in their March 23rd letter, and also expect that significant new additional modifications will be necessary to bring these chapters into compliance with the Coastal Act and best available science.

4. Permitting and Appeals Notice and Procedures in IP

We are still reviewing the Implementation Plan Chapters 22.68, Coastal Permit Requirements, 22.70, Coastal Permit Administration for consistency with the comments enumerated in the Coastal Commission March 23rd letter and will provide comments on those provisions in a separate letter.

5. Other IP Provisions

22.64.045 Property Development and Use Standards
Restore deleted text from Parts 2.A.1 to be consistent with LUP policy C-DES-2 which protects scenic resources.

22.64.050 Biological Resources
Restore the language that has been deleted in 22.64.050 A.1.c.10. This weaker version of that language is not acceptable. The restored language should state:

> For buffer reductions, the applicant has provided clear and convincing findings of the need for the reduction, the reduction allowed is absolute minimum necessary, and the reduction will prevent impacts that degrade the ESHA and will be compatible with the continuance of ESHA.

Thank you for your consideration of our comments and concerns.

Sincerely yours,

Amy Trainer, JD
Deputy Director

April 13, 2016

Chris Pederson
California Coastal Commission
Via email: chris.pederson@coastal.ca.gov

Re: Request for Legal Opinion Regarding Availability of Review Drafts of LCP Materials Pursuant to § 13515(c)

Dear Mr. Pederson:

The Environmental Action Committee of West Marin (EAC), located in Marin County, has been actively participating in the County's LCP update process for more than seven years. The Marin County Board of Supervisors has scheduled a hearing on April 19, 2016 for final action on Amendments to the County's certified LCP.

On March 4, 2016, the County made available working drafts of the LCP Amendment materials. The drafts did not include certain zoning maps relating to the establishment of proposed "village commercial core areas" in Marin's coastal zone. These maps are fundamental to understanding a land use policy (C-PK-3), and its corresponding implementation plan section, that are of the utmost interest to the public in the affected areas. The maps were ultimately made available on April 8, 2016.

Since Marin County did not provide the maps six weeks prior to the hearing date, as required by § 13515(c), EAC requests a legal opinion as to whether Marin County is barred from taking final action on the proposed LUP policy C-PK-3 at the April 19, 2016 hearing. As time is of the essence, we request that you provide us the opinion by April 18, 2016.

The relevant documents are here:

FAQ Dated April 8
Zoning Maps

Thank you for your prompt attention to our request.

Respectfully,

B. Mitchell

TR Carroll

Bridger Mitchell, President
Terence Carroll, Board Member
Environmental Action Committee of West Marin

cc: Jack Ainsworth
cc: Shannon Fiala

Law Offices of
JOHN E. SHARP
24 Professional Center Parkway, Suite 100
San Rafael, CA 94903

John E. Sharp
john@johnsharplaw.com

Telephone: (415) 479-1645
Facsimile: (415) 479-8444

April 18, 2016

Marin County Board of Supervisors
3501 Civic Center Drive
San Rafael, CA 94903

Via email

RE: LCP Amendment Documents: Hearing on 4/19/16

Dear Supervisors:

This office represents Sierra Club with regard to the above-referenced matter. Please include this correspondence in the administrative record of the proceedings in conjunction with the above-referenced Local Coastal Plan Amendment and IP. Please provide the undersigned with copies of any and all notices, letters, correspondence, and/or staff materials prepared in conjunction with this matter, from this point forward.

Procedural matters:

As stated in the staff report dated April 19, 2016 entitled "Resubmittal of Local Coastal Program (LCP)-Land-Use Plan Amendments and Implementation Program Amendments to California Coastal Commission", (hereinafter, the Staff Report), the provisions discussed in the Staff Report approved by you on August 25, 2015 and submitted to the Coastal Commission on September 30, 2015 constitutes a "resubmittal", thus triggering the provision of California Code of Regulations 13541(a), which provides that the Commission's prior certification with suggested modifications has expired.

Sierra Club wishes to make clear, for the record, that no final determination has been made by either the Commission, or your Board.

Reference to other matters in the administrative record:

Sierra Club has reviewed, without limitation, letters dated August 21, 2015 and March 23, 2016, from Nancy Cave, District Manager for the North Coast Central District of the California Coastal Commission. Sierra Club agrees with the observations and matters of substance, including

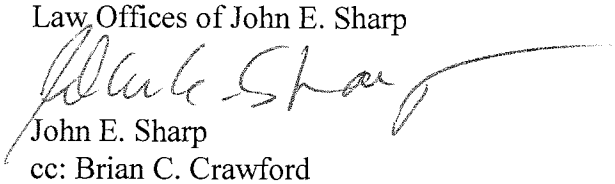
recommended revisions, set forth in the above-referenced correspondence. In the interest of brevity and economy, Sierra Club does not repeat said recommendations here.

Similarly, Sierra Club has reviewed correspondence dated April 11, 2016 submitted by California Coastal Protection Network, and concurs with the recommendations set forth in that correspondence.

Process going forward:

Based upon Sierra Club's review of currently available written materials for the hearing of April 19, 2016, it seems likely that additional hearings will take place regarding the final submittal by the County of Marin. This being the case, Sierra Club reserves its right to submit such other and further comments as may be appropriate prior to and during any further hearings on the County's LCP amendment documents at either the County of Marin or the California Coastal Commission.

Very truly yours,
Law Offices of John E. Sharp



John E. Sharp
cc: Brian C. Crawford

April 11, 2016

Marin County Board of Supervisors
3501 Civic Center Drive
San Rafael, CA 94903
Via email: bos@marincounty.org

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A. Agriculture LUP Policy Issues

C-AG-2.B – Coastal Agricultural Production Zone
Delete reference to "legal lot" and replace with "farm tract."

C-AG-5 – Agricultural Dwelling Units
Inter-generational homes are supposed to be for persons "authorized by a farm owner or operator" and who are themselves "*actively and directly engaged in agricultural use*" on the property. This latter qualification should be added to C-AG-5. Otherwise the entire point of an inter-generational home – to support inter-generational farming - is thwarted and has the real potential to be used as a means to build a new home in West Marin's iconic coastal zone without the substantive basis.

B. Agriculture IP Regulations

22.32.023 Agricultural Homestays
Sub-section 6: should replace "one per legal lot" to "one per farm tract."

Sub-section 7: should replace "lot" with "farm tract."

Add a provision here that is already contained in Section 22.32.040.D [Bed & Breakfasts] that:

> "No receptions, private parties, retreats, or similar activities, for which a fee is paid shall be allowed" to ensure purpose of homestays remains true to the definition.

This ensures that an agricultural homestay remains true to the use, and is not used to open up the property for non-agricultural uses without proper review.

22.32.024 Agricultural Dwelling Units
Ensure consistency of "farm tract" where the terms lot, parcel, and legal lot are still used in the draft documents.

22.32.025 Farmhouse
Amend the last sentence of the first paragraph to include the underlined text as follows:

> "In the C-APZ, farmhouses also shall be considered necessary for agricultural production when the owner of the farm tract is actively and directly engaged in agricultural use of the property."

This ensures that the construction of a farmhouse is not perceived as a right or entitlement simply by virtue of owning agricultural production zone land.

22.32.026 Agricultural Processing Uses
A.2. I would strongly encourage the County to ***rewrite this provision in a way that supports Marin coastal zone farms and does not encourage processing of Sonoma County products – like commercial, non-organic grapes – in Marin's coastal zone***. This section

can be written to allow local milk producers to share processing facilities without encouraging the additional heavy traffic and commercial development in Marin's unique coastal agricultural zone. Finally, this provision is not conducive with reasonable or safe Sea Level Rise policy decisions, given that Highway 1 is already extremely vulnerable to storms and encouraging additional heavy trucks and more traffic from processing facilities will exacerbate this problem.

B.2.a. Processing facilities are not categorically excluded, only structures like barns and fences are. The County should not allow barns or any other structure to be built without Design Review. The case in point is the construction of barns on the Doughety property without any permits, yet the County was required by the Exclusion Order to carry out Design Review for these structures but failed to do so. **Policies must be included in the IP that require Design Review for all new structures on C-APZ lands, otherwise there is no way to ensure the scenic viewshed will remain protected.**

22.32.027 Agricultural Retail Sales Facilities/Farm Stands

B.1. "Sufficient parking" is not a defined term and what constitutes "sufficient parking" should not be determined by the purported demand of consumers or left to a case-by-case basis. A small, limited number of parking spaces should be provided in order to ensure protection of the maximum amount of agricultural land for production.

22.32.028 Agricultural Worker Housing

Clarify when the property owner needs to complete a worker housing needs assessment and plan for any worker housing proposal, or only if it proposes to surpass the 36 beds/12 units threshold. My understanding is that the County's current practice is to require the needs assessment for all worker housing proposals, and the preference is for that practice to continue for all proposed worker housing. This should not be a cumbersome process, just one that identifies what housing is needed for that particular farm tract's agricultural production activities.

22.32.105 Mariculture

A. Amend last sentence of this section to include underlined provision as follows: "Support provision of onshore facilities necessary to support mariculture oprations in Marin Coastal waters."

As we are all aware, the shellfish companies in Tomales Bay that have onshore facilities periodically and regularly import oysters from Mexico, Washington, and Hawaii. The Tomales Bay shoreline is fragile, and the onshore facilities should be based only on the local, coastal-dependent use, not the overall volume of oysters that includes imported oysters.

22.32.115 Determination of Non-Agricultural

In order to protect the integrity of agricultural production, non-agricultural development should never be allowed to be a Principally Permitted Use or a Permitted Use in the C-APZ zoning district. The text in this section should make that absolutely clear, and it should be reflected in Table 5-1 as well.

B.1. This section lacks adequate standards to make determinations about the non-agricultural status of agricultural lands. The County should incorporate recommendations from its own 2003

agricultural land study that it commissioned leading up to the LCP process. That study recommended looking at factors including the impact of new housing development on taxes and insurance costs, as those can often be tipping points that push farmers and ranchers to the brink of not being able to afford to stay on the land, particularly when a neighboring property develops as it increases land values in the surrounding area.

B.2. Additionally, the factors listed in this section are insufficient to protect ongoing agricultural production and use. For example, the reviewing authority "may" ask the questions enumerated in this sub-section but, 1) these factors aren't required to be considered, 2) protection of the historic rural character and scenic viewshed must be expressly addressed in the decision of the impact of non-agricultural development in the C-APZ district.

22.130 Amend Definitions of "Farm" and "Farm Tract"

"**Farm**" is defined as a place of commercial agricultural production with sales of $1,000 or greater. The $1000 is an extremely low denominator and not in keeping with the exponential growth of agriculture sales in Marin County as reported by the Agricultural Commissioner. The County's 2014 Annual Report states the gross revenue for agricultural sales in Marin County was over $100 million dollars, up 19% from 2013, even in the midst of the severe drought.[1] It's unclear on what basis the $1,000 threshold per farm was established but the County should provide documentation to support this extremely low number and increase the number based on a 5-year average or some type of factual metric.

The definition of "**Farm tract**" should be amended to add the underlined languages as follows:

> All contiguous legal lots <u>and/or parcels</u> under common ownership in the C-APZ zoning district.

The reason for this addition is that a property owner can have contiguous legal lots as well as parcels that do not qualify as a legal lot, and thus those parcels should be part of the contiguous, common ownership equation as well as the legal lots.

<u>2. Protection of Visual Resources</u>

LUP Policy C-DES-2 does not comply with the Coastal Act. It provides for development "to protect <u>significant</u> views," but this is a lesser standard than what the Coastal Act requires.

Section 30251 of the Coastal Act provides, in part, that:

> The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to <u>protect views to and along the ocean and scenic coastal areas</u>, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. (Emphasis added).

The Coastal Act does not protect "significant" views, it protects "views to and along the ocean

[1] http://www.marincounty.org/~/media/files/departments/ag/crop-reports/2014.pdf?la=en

and scenic coastal areas," among many other situations. The purpose of this provision is the protection of the public's view shed from public areas, not from private property, which is why the types of areas are enumerated. ***But simply enumerating the areas from which the public has protected views "to and along the ocean and scenic coastal resources" in no way means that only "significant" views can or should be protected.*** The Coastal Act is clear – public views are protected – and this policy should be amended to comply with the law.

Numerous subsequent provisions of the IP should be updated to remove the word "significant" as it prefaces "public views," including in the following:

-- 22.65.040.C.4.2 Agricultural Dwelling Unit Impacts and Agriculture Use

-- 22.32.165.C.7 Telecommunications Facilities

-- 22.60.010 Purpose and Applicability of Coastal Regulations

-- 22.64.045.4.A Property Development and Use Standards

-- 22.64.060.B.10 Environmental Hazards

-- 22.64.140.A.19 Public Facilities and Services – Telecommunications Facilities

3. Environmental Hazards Policies and Regulations Lack Supporting Facts

C-EH-1 and 22.64.060 Safety of New Development
There are two major issues to address in these policies – the timeframe for considering the "lifespan" of new development to keep it safe and free from needing a shoreline protective device, and the mitigation measures allowed to address changing conditions.

1. Lifespan of a building
The County has set the timeline for considering the "lifespan" of new development to keep it safe from sea level rise impacts at 50 years. Given the inability to know precisely the rate at which the sea level will rise over the next 100 years, and coastal bluff erosion and other hazards will occur, this may seem like a justifiable timeframe.

However, what we do know is the science of climate change, global warming and sea level rise is rapidly advancing, and with each new study the science all points to one undeniable conclusion: past predictions, even the most conservative ones, have been inaccurate to account for the rapid rate of rising seas and the increasing rise in ocean levels that is in progress.[2]

Accordingly, the timeframe throughout the Environmental Hazards chapters in the LUP and IP must be increased to at least 75 years, and preferably 100 years. **We may not know exactly how fast the ocean is rising, or how extreme the coastal bluff erosion will be, but the facts overwhelmingly point us toward being more cautious than not.** This translates into setting policies that provide for looking at new development over a longer timeframe, making the setback distance from a bluff edge farther back, etc.

[2] http://www.nytimes.com/2016/04/01/opinion/the-danger-of-a-runaway-antarctica.html

This is supported by the Coastal Commission's Sea Level Rise Policy Guidance document.[3] It advises that jurisdictions should ensure that "structures are set back far enough inland from the beach or bluff edge such that they will not be endangered by erosion (including sea level rise induced erosion) over the life of the structure, *without the use of a shoreline protective device*."[4]

It's clear that new structures developed in the coastal zone will have a lifespan greater than 50 years. Thus, **the LCP policies and development code must reflect a more protective strategy to encompass the life of the structure – at least 75 if not 100 years – that is not dependent upon, and does not allow, the use of a shoreline protective device**.

2. Mitigation Measures

In the documents that the County published on April 6th, partly in response to the Coastal Commission's March 23rd letter, Attachment 5 included the following new text but did not include a footnote or comment to explain it. The County staff's last sentence is particularly troubling:

22.64.060.A.1.b.3

> 3) Reliance on Best Available Science. To minimize risks to life and property, and assure stability and structural integrity of existing structures, in recognition of the scientific information represented by FEMA and Potential Sea Level Rise data, modifications of structures consistent with this Policy shall be facilitated by application of Coastal Permit Exemptions, Categorical Exclusions, and Coastal Permits. **Raising structures as provided in Policies C-EH-5, 8 and 9 and limiting the height to that required to provide for BFE and/or sea level rise elevation <u>shall be deemed sufficient to comply with coastal hazard, public view, community character and related provisions of the LCP</u> (emphasis added).**

It is inappropriate to declare in one new statement that elevating structures as a mitigation measure to sea level rise is programmatically deemed as wholesale compliance with the numerous important Coastal Act policies including public views, community character and "related provisions." This goes against the Coastal Commission's Sea Level Rise Policy Guidance document, which states:

> As with protection strategies, some accommodation strategies could result in negative impacts to coastal resources. Elevated structures may block coastal views or detract from community character; pile-supported structures may, through erosion, develop into a form of shore protection that interferes with coastal processes, blocks access, and, at the extreme, results in structures looming over or directly on top of the beach.[5]

Accordingly, we strongly urge the County to pull back from this statement and adopt a standard that is much more in line with the Commission's Policy Guidance document and reflects the need to address these issues at some level on a case-by-case basis.

---

[3] California Coastal Commission Sea Level Rise Policy Guidance, Adopted August 12, 2015.
[4] Id. at p 129, Ch.7
[5] Id. At p. 124, Ch. 7

C-EH-22.a.2 Sea Level Rise and Marin's Coast - Update potential Sea Level Rise Maps
This section states that current and future hazard areas should be modified "on a five to ten year basis" or as necessary to incorporate new science and information. This is a good provision, except there may be instances where new science is released in between the times when the County is planning to update its maps and policies. Thus, we would suggest including a provision to allow members of the public to petition the County's Community Development Agency to update the regulations in the event that new best available science has been released and to allow the County to take prompt action on that new data and information.

Regarding the remaining Environmental Hazards policies and regulations, we support the Coastal Commission staff's comments in their March 23rd letter, and also expect that significant new additional modifications will be necessary to bring these chapters into compliance with the Coastal Act and best available science.

4. Permitting and Appeals Notice and Procedures in IP

We are still reviewing the Implementation Plan Chapters 22.68, Coastal Permit Requirements, 22.70, Coastal Permit Administration for consistency with the comments enumerated in the Coastal Commission March 23rd letter and will provide comments on those provisions in a separate letter.

5. Other IP Provisions

22.64.045 Property Development and Use Standards
Restore deleted text from Parts 2.A.1 to be consistent with LUP policy C-DES-2 which protects scenic resources.

22.64.050 Biological Resources
Restore the language that has been deleted in 22.64.050 A.1.c.10. This weaker version of that language is not acceptable. The restored language should state:

> For buffer reductions, the applicant has provided clear and convincing findings of the need for the reduction, the reduction allowed is absolute minimum necessary, and the reduction will prevent impacts that degrade the ESHA and will be compatible with the continuance of ESHA.

Thank you for your consideration of our comments and concerns.

Sincerely yours,

Amy Trainer, JD
Deputy Director

April 25, 2016

Brian Crawford, Director
Community Development Agency
3501 Civic Center Drive, Suite 308
San Rafael, CA 94903
Via: email and USPS

Re: Second Request for Interpretation of Development Code: Amendment of LCP Implementation Plan

Dear Mr. Crawford:

Thank you for your letter of April 13, 2016 in which you respond to our March 30 request for a formal CDA Director's Interpretation pursuant to Development Code Section 22.02.03.

Our March 30 letter requested that you interpret the applicability of Development Code Chapters 22.90I and 22.116 to the proposed LCP amendments submitted to the Board of Supervisors April 19. Your April 13 letter states:

> "County staff agrees with the Coastal Commission staff determination that the County's Local Coastal Program and amendments thereto do not require Planning Commission review."

The email message from the Coastal Commission staff, quoted in your letter, was in response to the question we had submitted to them: "Does bypassing the Planning Commission render Marin's LCP Amendment *incomplete*?" Your letter does not, however, address the applicability of the Amendments chapter of the Development Code to amending the chapters and sections of the Development Code that specifically pertain to Marin's coastal zone.

On April 19, 2016 the Board of Supervisors adopted the Resolution approving resubmittal of amendments to the Marin County Local Coastal Program to the California Coastal Commission. At ¶28 and ¶30 that Resolution expressly refers to Amendment 3, Amendment 5, and Amendment 7 as "Chapters and Sections of the Marin County Development Code".

The procedures for amending the Development Code (Chapters 22.90I and 22.116) require that any amendment to the Code shall first be considered at public hearing by the Planning Commission and that the Planning Commission shall forward its recommendation to the Board. Further, if the Board makes substantial modifications to the Planning Commission's recommendation the draft shall be returned to the Planning Commission for further review.

Documents published on your agency's website indicate that the County has previously followed the required procedure for amending the coastal sections of the Development Code.[1] The Planning Commission has held public hearings and recommended amendments to the LCP in 15 instances in which the Board has adopted LCP amendment resolutions. Those procedures are also followed for amendments to non-coastal sections of the Development Code, for example the Planning Commission's April 11, 2016 workshop on Development Code amendments.

The Coastal Commission staff's observation that "Sections 22.56-22.57 do not include, or incorporate by reference, Section 22.90 of the Development Code" surely does not render Chapters 22.90 or 22.116 inapplicable, as most or all other sections of the Development Code that have been amended over time also "do not include, or incorporate by reference" the Amendment chapter of the Development Code.

Although state law (the Coastal Commission administrative regulations) does not require Planning Commission review and recommendation of LCP amendments, the Marin County Development Code is more restrictive and has the requirements summarized above.

We therefore reiterate our request that you issue a formal Interpretation of the applicability of Chapter 22.116 to the amendments to the Development Code adopted by the Board's April 19 Resolution.

Sincerely yours,

B. Mitchell

Bridger Mitchell
President

Cc: Peter Theran, chair, Planning Commission
Shannon Fiala, coastal planner, California Coastal Commission

[1] http://www.marincounty.org/~/media/files/departments/cd/planning/local-coastal/lcp_resolutions_all.pdf.

March 30, 2016

Jack Ainsworth
Acting Executive Director
California Coastal Commission
45 Fremont Street #2000
San Francisco, CA 94105

Re: Marin County LCP Amendments: Bypassing the Planning Commission

Dear Mr. Ainsworth:

The Environmental Action Committee of West Marin has been continuously engaged throughout the Marin Local Coastal Plan Update for the past seven (7) years. We have reviewed the 5,000+ pages of draft development code and policy language, staff reports, and errata. We have participated in countless hours of public workshops, meetings, and hearings. EAC is heavily invested in this process, and is committed to ensuring that Marin County maintains strong coastal policies that protect our priority coastal resources.

The Commission approved a Marin County LCP Land Use Plan (LUP) in May 2014. In April 2015 the County withdrew the entire Implementation Plan (IP) amendment and indicated that it would submit a revised LUP environmental hazards chapter.

The County Board of Supervisors is now proposing to adopt on April 19, 2016 a Resolution to resubmit the Environmental Hazards Chapter of the LUP and the Implementation Plan Amendments to the Coastal Commission for certification.

The County Planning Commission has not considered the revised environmental hazards policies and the Implementation Plan at public hearing. A Planning Commission hearing and formal report to the Board of Directors is a requirement for any amendment to the certified LCP. We have brought this to the attention of the Director of the Community Development

Agency and requested a formal interpretation of the provisions for Planning Commission review and reporting when amending the LCP (correspondence attached).

Moreover, the work program for the C-SMART grant from the Commission includes the requirement that a draft of recommended LCP changes regarding sea level rise and climate change be reviewed and approved by the Planning Commission.

Our question: Can the County's LCP submission to the Commission be deemed "complete" if the Board of Supervisors acts to adopt the resolution and submits the revised LCP Amendments without first referring the Amendments to the Planning Commission for review and report? We would appreciate your opinion on this question.

Sincerely yours,

B. Mitchell

Bridger Mitchell
President

Cc: Nancy Cave, Shannon Fiala

Attachment: EAC_Crawford_2016_03_30

March 30, 2016

Brian Crawford, Director
Community Development Agency
3501 Civic Center Drive, Suite 308
San Rafael, CA 94903

Re: Request for Interpretation of Development Code: Amendment of LCP Implementation Plan

Dear Mr. Crawford:

The Notice of Public Hearing for the Marin County Local Coastal Program Amendment, distributed March 29, 2016, announced the intention of the Board of Supervisors to adopt on April 19, 2016 a Resolution to resubmit the Environmental Hazards Chapter of the LUPA and remaining sections of the Implementation Plan Amendments to the California Coastal Commission for certification.

At the April 2015 meeting of the California Coastal Commission you, on behalf of the County, withdrew the County's previously submitted Implementation Plan amendment and suggested that the environmental hazards chapter would be subject to change.

Chapter 22.90I (Amendments) of the Interim Development Code requires that:

> "[t]he planning commission shall hold at least one public hearing on a proposed amendment."

Following the hearing,

> "the planning commission shall make a report of its findings and recommendations with respect to the proposed amendment and shall file with the board of supervisors an attested copy of the report within ninety days …"

Similarly, Section 22.116 (Development Code … Amendments) of the Development Code) states that:

> "The [Planning] Commission shall make a written recommendation to the Board whether to approve, approve in modified form, or deny the proposed amendment"
>
> " Upon receipt of the Commission's recommendation, the Board shall approve, approve in modified form or deny the proposed amendment. If the Board proposes to adopt any substantial modification to the amendment not previously considered by the Commission during its hearings, the proposed modification shall be first referred back to the Commission for its recommendation."

The proposed amendments to the certified Local Coastal Plan constitute substantial modifications that have not been previously considered by the Planning Commission. The Planning Commission should take up the proposed Environmental Hazards policies and the Implementation Plan at public hearing before the Board of Supervisors acts them upon.

We therefore formally request, under section 22.02.030, that you provide an interpretation of the applicability of these provisions of the Development Code and the Interim Development Code to the proposed amendments to the certified Local Coastal Plan.

Sincerely yours,

B. Mitchell

Bridger Mitchell
President

From: IConlan@aol.com
To: KDrumm@maincounty.org
Sent: 11/23/2015 1:16:26 A.M. Pacific Standard Time
Subj: To Honorable Members of Marin County Board of Supervisors

Honorable Members of the Marin Board of Supervisors:

As I recalled a quote attributed to either Cicero, Seneca, or Blaise Pascal, it fits perfectly my previous lengthy letter to you: Please reconsider my request to amend the proposal to be presented to the California Coastal Commission Staff.

"Excuse the long letter, I didn't have time to write a short one"

I am reminded of my own magnum opus of August 14, 2015 which I had written to this Honorable Board regarding my objections re proposals of California Coastal Commission (CCC), re Local Coastal Plan (LCP) which I believe are unfair and prejudicial to those farmers/ranchers outside the aegis of MALT or waiting in the que for admittance, please consider the following reasons::

1. Those who sold easements to MALT, received compensation for surrendering their land rights which are now required by mandate from the California Coastal Commission (CCC) for those of us not yet in a Marin Agricultural Land Trust (MALT)

2. The MALT outsider, such as myself suffers a taking of property rights without compensation.

3. MALT now has no incentive to add landowners such as myself, and if so considered, would reduce the offering, as the development rights have been usurped
by CCC.

Thank you for your time, courtesy and attention.

Ione Conlan

Conlan Ranches California
T (707) 876-1992 & (831) 462-5974
PO Box 412 Valley Ford, CA 94972

Drumm, Kristin

From: IConlan@aol.com
Sent: Saturday, January 16, 2016 9:44 PM
To: Drumm, Kristin
Cc: conlanranches@live.com
Subject: New "Parcel Merging" hearing by US Supreme Court

Honorable Members of the Marin Co Board of Supervisors

Currently before this Board, is the Local Coastal Plan LCP, which at the behest of the California Coastal Commission, mandates the merging of all legal separate land parcels under one ownership, (or even partial ownership) ostensibly confined to only agricultural parcels not to areas within cities under their jurisdiction.

We at Conlan Ranches California once again protest, and lodge our objections to this violation of the Constitutional Fifth Amendment prohibition of a taking without compensation, and call to the attention of this Board, a substantial tentative basis to resist the California Coastal Commission proposals because of the current acceptance of the United States Supreme Court *writ of certiorari* to hear the "relevant parcels" case of ***Murr v. State of Wisconsin & St. Croix County.***

Thank you for your attention.

Ione Conlan
Conlan Ranches California
PO Box 412
Valley Ford, Ca 94972

Environmental Hazard Policies

C-EH-1 Safety of New Development. Ensure that new development is safe from, and does not contribute to, geologic or other hazards for a period of at least 50 years ~~*100 years*~~.

C-EH-~~3~~2 Applicant's Assumption of Risk. As a condition of coastal permit approval for development in hazardous areas, require the applicant to record a document exempting the County from liability for any personal or property damage caused by geologic or other hazards on such properties and acknowledging that future shoreline protective devices to protect structures authorized by such coastal permit are prohibited.

C-EH-3 Flood Hazards. Require applicants for development in flood hazard areas to demonstrate that:

1. The development will comply with construction standards contained in Chapter 23.09 (Floodplain Management);
2. The minimum floor elevation of development incorporates additional freeboard to accommodate potential sea level rise as provided for by Policy C-EH-8 (Miminum Floor Elevations in Flood Hazard Areas);
3. The development will not create a hazard or diminish the stability of the area; and
4. For shoreline development, see Policy C-EH-5.B.

Flood hazard areas are defined as: 1) those areas shown on Federal Emergency Management Agency (FEMA) "Flood Insurance Rate Maps" (FIRM) and "Flood Boundary Water Maps" for Marin Couny which have been determined to be subject to flooding from a flood which has a one percent chance of occurrence in any one year (further designated as Zone A, AO, A1-30, AE, A99, AH, VO, V1-V30, VE, or V); and 2) those areas ~~potentially~~ projected to be inundated by ~~accelerated~~ sea level rise within the subsequent 50 years as shown on "Potential Sea Level Rise Maps" prepared and adopted by the County of Marin according to Policy C-EH-22.

To minimize risks to life and property, and assure stability and structural integrity of existing structures, modifications of such structures consistent with this Policy shall be facilitated by application of Coastal Permit Exemptions, Categorical Exclusions, Coastal Permit Waivers, and Coastal Permits with limited permit conditions.

C-EH-4 ~~*Seismic*~~ Geologic Hazards ~~*Standards*~~. Require applicants for development in areas ~~potentially~~ considered subject to geologic hazards (which include Alquist-Priolo earthquake hazard zones and areas subject to landslides, liquefaction, steep slopes averaging greater than 35%, and unstable slopes regardless of steepness) to evaluate the extent of those hazards and demonstrate that:

1. ~~*Require*~~ The development will comply with ~~*to meet*~~ the seismic safety standards of the Alquist Priolo Act (Calif. Public Resources Code Section 2621. et seq.) and all applicable seismic provisions and criteria contained in the most recent version of State and County codes;
2. Development will incorporate contruction and siting techniques to mitigate the geologic hazards identified above;
3. The development will not create a hazard or diminish the stability of the area; and
4. For blufftop development, see Policy C-EH-5.A.

C-EH-5 ~~*New Shoreline and Blufftop Development*~~ Blufftop and Shoreline Erosion Hazards

A. **Blufftop Erosion ~~*Development*~~.** Ensure that new blufftop development~~,~~ ~~*including coastal redevelopment (see below) and additions to existing structures,*~~ is safe from ~~*shoreline/*~~bluff retreat and ~~other coastal hazards~~erosion-related hazards without a reliance on new shoreline protective devices. Except as provided for by Policies C-EH-7, C-EH-15, and C-EH-16~~, *and C-EH-19,*~~ new

Comment [J1]: In earlier drafts "accelerated" was struck and is anyway unnecessary as it adds nothing concrete to the policy which is to reference the prepared maps. It would be confusing and possibly open to appeal to qualify here with "potentially" (the maps are already called "Potential") and "accelerated" – someone could say "well the maps show this area isn't inundated but they show it getting close - and the policy says "potentially"; or say "the maps don't technically show inundation here but since the policy says "accelerated", then if sea level rise sped up it *could* be inundated more than the map shows". There's no need to open this to ambiguity, the maps should be the maps.

Comment [J2]: As Jack discussed in email this should also include the reference in C-EH-5.B that calls out development only meant to elevate as subject to more limited hazard analysis.

Comment [CDA3]: Added per public workshops

Comment [J4]: "other coastal hazards" is undefined and opens this right back up to challenge based on the laundry list of storms, tsunamis, etc – as this is an Erosion Hazard section, it should contain hazard language specifically related to erosion, as is done for geologic hazards in C-EH-4

Comment [J5]: "new" is generally used to qualify this almost everywhere else, e.g. in sub-B (and certainly it seems to be the intent here); I've noted throughout the document where "new" was presumably accidentally not included

blufftop development shall be set back from the ~~shoreline and~~ bluff edge a sufficient distance to ensure its stability and structural integrity for a minimum of ~~100 years~~ 50 years and to eliminate the need for new shoreline protective devices. A coastal hazards analysis shall evaluate the effect of erosion~~,~~ and ~~geologic and other~~erosion-related hazards at the site to ensure ~~its stability and~~ structural integrity for a minimum of ~~100 years~~ 50 years. The coastal hazards analysis shall include a quantitative slope stability analysis demonstrating a minimum factor of safety against sliding of 1.5 (static) or 1.2 (pseudostatic, k=0.15 or determined through analysis by the geotechnical engineer). Safety and stability must be demonstrated for the predicted position of the ~~shoreline/~~bluff following ~~shoreline/~~bluff recession over at least ~~100 years~~ 50 years. The predicted ~~shoreline/~~bluff position shall be evaluated considering not only historical ~~shoreline and~~ bluff retreat data, but also acceleration of ~~shoreline and~~ bluff retreat due to ~~continued and accelerated~~ sea level rise~~, and other climate impacts. according to potential~~ projected to occur within the next 50 years as shown on "Potential Sea Level Rise Maps" ~~sea level rise estimates~~ prepared and adopted by the County of Marin in accordance with Policy C-EH-22.~~for use in coastal hazards analyses.~~ ~~best available science~~. ~~The effect of any existing shoreline protective devices shall not be factored into the required stability analysis~~.

~~B.~~ **Shoreline Erosion** ~~**Development**~~. Ensure that new shoreline development (defined as development located in a VO, V1-V30, VE or V zone as mapped by the Federal Emergency Management Agency [FEMA]) ~~(including new development on vacant/undeveloped lots, additions to existing structures, and coastal redevelopment (see below)) shall be set back a sufficient distance from the shoreline to ensure stability and structural integrity~~ is safe from shoreline erosion for a minimum of ~~100~~ 50 years without the need for new shoreline protective devices. ~~For coastal redevelopment, if there is insufficient space on a property to feasibly meet the setback requirements, then such development may meet the minimum 100-year stability and structural integrity requirement through setting back as far as feasible in tandem with the use of caisson/pier foundations and elevation (including if elevation of the structure is necessary to meet Federal Emergency Management Agency (FEMA) flood requirements) but no other type of shoreline protective device is allowed~~. ~~Any approval for new shoreline development shall be accompanied by conditions necessary to achieve compliance with this policy (e.g., appropriate provisions to ensure that all permitted development is relocated and/or removed before new shoreline protection (other than caisson/pier foundations and elevation where allowed for redevelopment) is needed).~~ A coastal hazards analysis shall evaluate the effect of erosion and ~~geologic and other~~erosion-related hazards to ensure stability and structural integrity for the minimum ~~100~~ 50 year period, ~~and such analysis shall not factor in the presence of any existing shoreline protective devices~~. ~~The coastal hazards analysis shall also evaluate the effect of the project over time on coastal resources (including protection of public access, shoreline dynamics, natural landforms, and public views).~~ Where development consists solely of raising an existing structure to meet the Base Flood Elevation (BFE) established by FEMA and any additional elevation required by Policy C-EH-8, the scope of the required coastal permit analysis shall be limited to an evaluation of the stability of the raised structure

~~**including** in terms of protecting public access, shoreline dynamics, natural landforms, and public views, **including** as project impacts continue and/or change over time, **including** in response to sea-level rise), **including** in terms of not only the impacts associated with the elevated structure, but also in terms of the effects of related development, such as required ingress/egress to structures and the provision of services (e.g., water, wastewater, etc.). The provisions of this subsection allowing the use of caisson/pier foundations and elevation for shoreline redevelopment in certain circumstances shall apply until April 30, 2017 or until this subsection is amended, whichever occurs first. If a complete LCP amendment to amend this subsection is not submitted as of April 30, 2017 (including where subsequent withdrawal of such LCP amendment will deem it to have not been submitted), then shoreline redevelopment will no longer be allowed to meet minimum 100-year stability and structural integrity requirements through the use of caisson/pier foundations and elevation. The April 30, 2017 deadline may be extended for good cause by the Executive Director of the Coastal Commission.~~

Comment [J6]: As above, it looks like "geologic and other hazards" got left in here. But now there are specific sections (C-EH-3 and C-EH-4) for when development is in a known flood or geologic hazard zones. This section should therefore limit itself to erosion-related hazards (and obviously sea level rise can be considered one) Trying to add catchalls everywhere is dangerous and adds unnecessarily to cost. If you fall under all three zones (there actually might be a few way out at the spit end of Seadrift where Alquist Priolo seems to overlap a V zone), then you will end up doing a flood hazard analysis, a geologic hazards analysis, and an erosion hazards analysis in any event so it is simply unnecessary.

Comment [J7]: Several problems with this: first, it's simply not mandated by the Coastal Act – the concept of being forced to remove a development was an extralegal overreach by CCC Staff when they attempted to insert it. Second, it is inconsistent with section A which imposes no such requirement, so imposes an arbitrary extra burden to shoreline homeowners alone. Third, it is internally inconsistent; the first sentence says the policy is that new construction won't in fact occur if the development won't be safe from shoreline without a new protective device; so then saying it needs to be built to be removed before that new protective device is needed is pointless and simply adds grounds for specious appeal. Fourth, this shouldn't be written in terms of "new shoreline protection" – if the County feels it has a compelling interest (which again would have to be County's, since it isnt driven by the Act) to have provisions for relocation/removal of structures deemed too hazardous to be livable, that should be a completely separate policy broadly applicable for *any* hazard so dangerous that a homeowner should be made to remove the home, not just those in V zones. I'd strongly suggest if this concept is to be retained it be moved under "C-EH-2 Applicant Assumption of Risk" which governs all construction in hazardous zones, and make it clear there that another risk taken on by the Applicant is that they or a subsequent property owner might be made liable for relocation/removal.

Comment [J8]: Again this is out of place –the Coastal Act already requires that any new development in the Coastal Zone has to meet the Act's requirements for public access and views, and has very specific requirements about a limited set of "natural landforms", primarily dunes. These are already called out clearly in their respective sections of the LCP and don't need to be tossed in here as well. "Shoreline dynamics" and "natural landforms" are so open-ended and undefined as to possibly subject any landowner to specious appeals like we saw in Hjorth. If you feel the need to make a policy consistent with the Coastal Act calling out the Act's very proscribed requirements for guaranteed public access and such, then make it a generally applicable policy – it shouldn't just be an imposition on V-Zone landowners (and in some sense it runs counter to the Act to even imply that only such landowners have to conform to those sections of the Act – that'd be challenged the first time an AO-zone landowner blocked a public right of way.)

Comment [CDA9]: Added per public input

Comment [J10]: As previously discussed, note that this needs to trace somewhere into the IP

~~C. **Coastal Redevelopment.** Coastal redevelopment must be found consistent with all applicable LCP policies. Coastal redevelopment is development that is located on top of bluffs or at or near the ocean sand interface and/or at very low lying elevations along the shoreline that consists of alterations including (1) additions to an existing structure, (2) exterior and/or interior renovations, and/or (3) demolition of an existing bluff home or other principal structure, or portions thereof, which results in:~~

~~(1) Alteration of 50% or more of major structural components including exterior walls, floor and roof structure, and foundation, or a 50% increase in floor area. Alterations are not additive between individual major structural components; however, changes to individual major structural components are cumulative over time from the date of certification of the LUP.~~

~~(2) Demolition, renovation or replacement of less than 50% of a major structural component where the proposed alteration would result in cumulative alterations exceeding 50% or more of a major structural component, taking into consideration previous alterations approved on or after the date of certification of the LUP; or an alteration that constitutes less than 50% increase in floor area where the proposed alteration would result in a cumulative addition of greater than 50% of the floor area, taking into consideration previous additions approved on or after the date of certification of the LUP~~.

C-EH-6 Proper Drainage on Blufftop Parcels. Ensure that surface and subsurface drainage associated with development of any kind shall not contribute to the erosion of the bluff face or the stability of the bluff itself.

C-EH-7 New Structures on Bluff Faces. Prohibit structures on bluff faces, except for public access structures where no feasible alternative means of public access exists. Such structures shall be designed and constructed to be visually compatible with the surrounding area to the maximum extent feasible and to minimize effects on erosion of the bluff face.

C-EH-8 Minimum Floor Elevations in Flood Hazard Areas. For new development within Flood Hazard Areas as defined by Policy C-EH-3, the minimum elevation of construction shall incorporate additional height to accommodate ~~potential~~ projected sea level rise as follows:

1. Within flood hazard areas mapped by the Federal Emergency Management Agency (FEMA) (further designated as Zone A, AO, A1-30, AE, A99, AH, VO, V1-V30, VE, or V), additional freeboard up to a maximum of three feet to accommodate identified sea level rise as depicted on "Potential Sea Level Rise Maps" prepared and adopted by the County of Marin in accordance with Policy C-EH-22, shall be added to the Base Flood Elevation (BFE) when establishing the minimum elevation required for proposed construction. The amount added shall be at a minimum 1 foot above the low end of the range of sea level heights depicted for the area on the above referenced maps.

2. Within areas that are not within FEMA mapped flood zones but are ~~shown as potentially~~projected to be inundated by ~~accelerated~~ sea level rise within the subsequent 50 years as shown on "Potential Sea Level Rise Maps" prepared and adopted by the County of Marin, new development shall be constructed such that the lowest finished floor exceeds the highest natural elevation of the ground surface next to the proposed walls of the structure prior to construction (i.e., "highest adjacent grade") by an amount at a minimum 1 foot above the low end of the range of sea level heights depicted for the area ~~equal to or greater than the projected sea level rise as depicted~~ on the above referenced maps.

Comment [J11]: You need this specific qualification because there are technically "flood hazard areas" mapped by FEMA outside of these zones. Some X zones are explicitly mapped at 0.2% or less chance, or "future conditions annual 1%" Please see proposed FEMA maps at DPW for Stinson area for examples of such X zones.

Comment [CDA12]: Per workshop input

Comment [J13]: Without qualifying where in the range of sea level rise projections the minimum should be set, this is left too open ended - anyone could argue anything from about 1 foot to about 4 feet of freeboard needs to be added to "accommodate" sea level rise unless you define how to "pick a point" in that range. Unless the map itself is drawn to minimum inundation levels and doesn't contain ranges, we'd recommend picking 1 foot above the low end of the range, which would roughly be consistent with both FEMA V and Coastal A-zone standards (and with A-zone recommendations) and with state law. When looking at the map ranges homeowners could of course decided to raise even higher within the range if they met all other LCP requirements.

Comment [J14]: Wording edited to be identical to that in C-EH-3

C-EH-9 Maximum Building Heights in Flood Hazard Areas. For new development within Flood Hazard Areas as defined by Policy C-EH-3, the maximum allowable building height shall be 25 feet above grade, or 15 feet above the minimum floor elevation as required by Policy C-EH-8, whichever is greater (see Policy C-EH-11 for Maximum Building Heights within the Seadrift Subdivision). Where development consists solely of raising an existing structure to meet the Base Flood Elevation (BFE) established by FEMA and any additional elevation required by Policy C-EH-8, a building height of up to 30 feet above grade may be allowed through the Coastal Permit process subject to conditions of approval prohibiting future increases in the height, mass, and bulk of the structure.

C-EH-11 Maximum Building Heights ~~*Minimum Floor Elevations*~~ in the Flood Velocity Zone at Seadrift. For new development within the Seadrift Subdivision located in the special flood hazard (V zone) as mapped by the Federal Emergency Management Agency, measure the maximum allowable building height of 15 feet from the minimum floor elevation required by Policy C-EH-8. ~~*the special flood hazard zone designation. Maximum allowable building heights shall protect community character and scenic resources.*~~

C-EH-12 Floor Elevations Requirements for Non-conforming ~~*Existing*~~ Buildings in Flood Hazard Areas ~~*Zones*~~. Within Flood Hazard Areas as defined by Policy C-EH-3, ~~*as mapped by the Federal Emergency Management Agency*~~, allow existing legal non-conforming buildings that are encroaching into a required yard setback to be raised consistent with Policy C-EH-8 ~~*above the base flood elevation*~~ without the need for a variance to setback requirements, as long as ~~*the finished floor is not more than 18 inches above the base flood elevation and*~~ the extent of the encroachment is not expanded. ~~*Maximum allowable building heights shall protect community character and scenic resources.*~~

> ~~***Program C-EH-12.a*** **Address Tsunami Potential.** *Review tsunami wave run-up and inundation maps, when available, along with other applicable information to be considered in coastal planning and development.*~~

C-EH-13 Shoreline Protective Devices. Discourage shoreline protective devices in the Coastal Zone, including encouraging their removal and site restoration where feasible, due to their coastal resource impacts (including visual impacts, obstruction of public access, interference with natural shoreline processes and water circulation, and effects on marine habitats and water quality)

Allow the construction, reconstruction, expansion, and/or replacement of a shoreline protective device, including revetments, breakwaters, groins, seawalls, bluff retention devices, deep piers/caissons, (deep piers/caissons are not considered to be a shoreline protective device when they are designed and used for architectural foundations and not for erosion protection or to prevent beach retreat) or other artificial structures for coastal erosion control and hazards protection, only if each of the following criteria is met:

1. The shoreline protective device is required to serve a coastal-dependent use or to protect ~~a principal structure, residence, or second residential unit in existence prior to the adoption of the Local Coastal Program (May 13, 1982)~~an existing structure or a public beach in danger from erosion.
2. No other non-structural alternative, such as sand replenishment, beach nourishment, or managed retreat is feasible, and the device is the least environmentally damaging feasible alternative.
3. It can be shown that a shoreline protective device will successfully eliminate or mitigate its effects on local shoreline sand supply and that the device will not adversely affect adjacent or other sections of the shoreline.
4. The shoreline protective device will not be located in wetlands or other significant resource or habitat area, and will not cause significant adverse impacts to fish or wildlife.

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Comment [J15]: While it probably doesn't apply in Seadrift, more in the Calles/Patios – why is this limited to non-conforming setbacks? Wouldn't County have the same public safety interests in encouraging other types of older nonconforming homes to elevate without a variance? We'd suggest rewording to specify that any legal nonconforming homes *except* a few specific ones – maybe ESHA encroachers or those already above height limits – be permitted this exemption from variance?

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Comment [CDA16]: Tsunami areas are incorporated into FEMA V zones, therefore this program is redundant with Policy EH-3.

Comment [CDA17]: Consider rewording to improve sentence structure.

Comment [J18]: Strongly recommend Marin County not get caught up this attempt by CCC Staff to "rewrite" the Coastal Act. The Coastal Act in plain English says that "existing" structures are accorded the right to protection by a shoreline protective device. Staff has been trying to sneak in their interpretation in various Coastal Programs that this only means "existing as of the date of the Coastal Act/implementing LCP"; but this new legal argument has *not* been tested in the courts yet and runs counter to the plain English of the Act. There is absolutely no reason for County to do more than echo the plain English of the Act itself here, and certainly no need to end up with the time and expense of getting County's attorneys drawn into this if and when it does go to the CA Supreme Court – if the courts rule the CCC interpration of PRC 30235 is correct then that is in fact how this sentence will be interpreted. If not, then having it in the LCP would then violate the Coastal Act. In any event, new development is precluded by developer consent under C-EH-2 from being granted this right so any new development under this LCP already is "covered" by the spirit of not building new protective devices.

5. There will be no reduction in public access, use, or enjoyment of the natural shoreline environment, and construction of a shoreline protective device will preserve or provide access to related public recreational lands or facilities.

6. The shoreline protective device will not restrict navigation, mariculture, or other coastal use and will not create a hazard in the area in which it is built.

7. For existing shoreline protective devices that are being reconstructed, expanded, and/or replaced, the coastal permit application shall include a re-assessment of the need for the device, the need for any repair or maintenance of the device, and the potential for removal based on changed conditions. The coastal permit application shall at a minimum include an evaluation of: the age and condition of the existing principal structure being protected; changed geologic site conditions including but not limited to changes relative to sea level rise; and impacts to coastal resources, including but not limited to public access and recreation.

8. The shoreline protective device shall only be authorized for a specified time period depending on the nature of the project and other possible changing conditions. Maintenance beyond the specified time period, modification, or expansion of the approved device shall require approval of an amendment to the Coastal Permit. ~~*until the time when the existing structure that is protected by such a device: 1) is no longer present; 2) no longer requires armoring; or 3) is redeveloped (i.e. coastal redevelopment pursuant to C-EH-5).*~~

   a. ~~*The permittee is required to submit a coastal permit application to remove the authorized shoreline protective device within six months of a determination that the shoreline protective device is no longer authorized to protect the structure it was designed to protect because the structure is no longer present or no longer requires armoring. In the case of coastal redevelopment, removal of the authorized shoreline protective device shall be required prior to construction of the redeveloped structure.*~~

9. Shoreline protective devices shall be required to mitigate impacts to shoreline sand supply, public access and recreation, and any other relevant coastal resource impacts in 20-year increments, starting with the building permit completion certification date. Permittees shall apply for a coastal permit amendment prior to expiration of each 20-year mitigation period, proposing mitigation for coastal resource impacts associated with retention of the shoreline protective device beyond the preceding 20-year mitigation period, and such application shall include consideration of alternative feasible mitigation measures in which the permittee can modify the shoreline protective device to lessen its impacts on coastal resources.

10. The shoreline protective device shall be regularly monitored by an engineer or engineering geologist familiar and experienced with coastal structures and processes. Monitoring reports to the County and the Coastal Commission shall be required every five years from the date of coastal permit issuance until coastal permit expiration, which shall evaluate whether or not the shoreline protective device is still required to protect the existing structure it was designed to protect.

C-EH-14 Design Standards for the Construction of Shoreline Protective Devices. Ensure that the design and construction of any shoreline protective device shall:

1. Be sited, designed, and treated to blend in visually with the natural shoreline;

2. Respect and integrate into natural landforms to the greatest degree possible;

3. Include mitigation measures to offset any impacts on fish and wildlife resources caused by the project;

4. Minimize and mitigate for the impairment and interference with shoreline sand supply and the circulation of coastal waters;

5. Address the geologic hazards presented by construction in or near Alquist-Priolo earthquake hazard zones;
6. Protect, and enhance where feasible, public recreational access as much as possible, including by minimizing the displacement of beach; and
7. If necessary, be combined with efforts to control erosion from surface and groundwater flows.

C-EH-15 ~~*Minor*~~ Accessory Structures in Hazardous Areas. ~~*Minor accessory structures, which are structures that do not require structural foundations, such as decks, patios, and wallways (and not including structures such as guesthouses, pools, tennis courts, cabanas, and septic systems, etc.) may be allowed within the shoreline/blufftop setback established by C-EH-5 provided they meet all of the following criteria*~~ In areas subject to shoreline and/or blufftop erosion per Policy C-EH-5, accessory structures, including patios and gazebos, may be allowed provided they meet all of the following criteria :

1. Such accessory structures shall only be allowed if consistent with all other applicable LCP policies.
2. Such accessory structures shall be sited and designed to be easily relocatable and/or removable without significant damage to shoreline and/or bluff areas, and shall be sited no closer than 5 feet from the blufftop edge.
3. Such accessory structures shall be relocated and/or removed and affected areas restored to natural conditions when imminently threatened by erosion, geologic instability, or other coastal hazards, including as determined by Marin County.
4. No new shoreline protective device will be allowed for the purpose of protecting such accessory structure(s).

Comment [J19]: It seems very extreme that there could be a right for the County (or anyone with a grudge petitioning that a home is noncompliant) to demand a patio or deck for instance be required to be removed if the threat is distant, unclear or otherwise not "imminent". Forcing a homeowner to remove components of a home is pretty serious and circumstances where that power can be applied should be carefully qualified.

C-EH-16 Shoreline Public Access Facilities in Hazardous Areas. Shoreline and bluff area public access facilities, including walkways, overlooks, stairways and/or ramps, may be allowed within the shoreline/blufftop setback established by C-EH-5 provided they meet all of the following criteria:

1. Such public access facilities shall only be allowed if consistent with all other applicable LCP policies.
2. Such public access facilities shall be sited and designed to be easily relocatable and/or removable without significant damage to shoreline and/or bluff areas.
3. Such public access facilities shall only be allowed when they will not cause, expand, or accelerate instability of a bluff.

C-EH-17 Creation of New Parcels of Land that Would Require Protection Against Coastal Erosion and Other Hazards. Prohibit the division of land near the shoreline, including along the shoreline and bluffs, and including abutting the ocean, bays, lagoons, or other coastal water bodies, unless the new or reconfigured parcels can be developed safe from geologic and other hazards for a minimum of ~~*100*~~ 50 years, and unless new shoreline protective devices are prohibited to protect development on the resultant parcels.

C-EH-18 Re-Establishment of Dunes in Conjunction with Shoreline Protective Devices. To minimize visual and shoreline sand supply impacts, require that any permit granted to construct a shoreline protective device shall include the re-establishment of the former dune contour and appearance, where feasible.

C-EH-19 Maintenance Needs for the Shoreline Protective Device at Seadrift. Refer inquiries regarding permit requirements for maintenance of the rock revetment as permitted by Coastal Commission permit #A-1-MAR-87-235-A issued August 31, 1994 to the Coastal Commission. (For more information, see the Seadrift settlement agreement in Appendix 9.)

C-EH-20 Advance Planning for Emergency Shoreline Protection Needs. Encourage property owners subject to ocean-front erosion hazards to develop responses to such hazards prior to emergency conditions. Where contiguous properties are subject to generally similar erosion hazards, joint program development should occur.

C-EH-21 Emergency Shoreline Protective Devices in County Coastal Permit Jurisdiction. Upon receipt of a request for an emergency shoreline protective device within the County's coastal permit jurisdiction, notify the Coastal Commission. Approve emergency shoreline protective devices on a temporary basis only and require removal of the structure unless a regular coastal permit is approved for retention of the structure. A complete coastal permit application must be submitted within 60 days following construction of the shoreline protective device. If dunes are present on the project site, require that re-establishment of the former dune contour and appearance shall occur within 60 days following construction of a shoreline protective device.

C-EH-22 Sea Level Rise and Marin's Coast. The County shall consider t~~T~~he best available and most recent scientific information with respect to the effects of long-range sea level rise when establishing sea level rise maps, scenarios, and assumptions for use in ~~*shall be considered in the preparation of findings and recommendations for all*~~ geologic, geotechnical, hydrologic and engineering investigations, including for determination of ~~-~~flood hazard areaas identified in C-EH-3, and the coastal hazards analysis identified in C-EH-5. Sea Level Rise Maps (referenced in Policies C-EH-3, C-EH-5 and C-EH8) shall be prepared to show areas that are projected to be inundated by sea level rise within the subsequent 50 years, and shall show the projected minimum and maximum expected level of rise within each area. Support scientific studies that increase and refine the body of knowledge regarding potential sea level rise in Marin, and possible responses to it.

Program C-EH-22.a Research and Respond to the Impacts of Sea Level Rise on Marin County's Coastal Zone Shoreline.

1. Building upon the C-SMART Vulnerability Assessment, c~~C~~ontinue to gather information on the effects of sea level rise on Marin County's Coastal Zone shoreline, including identifying the most vulnerable areas, structures, facilities, and resources; specifically areas with priority uses such as public access and recreation resources, including the California Coastal Trail, Highway 1, significant ESHA such as wetlands or wetland restoration areas, open space areas where future wetland migration would be possible, and existing and planned sites for critical infrastructure.

   Updates to the ~~*Any*~~ vulnerability assessment shall use best available science and multiple scenarios including best available scientific estimates of expected sea level rise, such as by the Ocean Protection Council [e.g. 2011 OPC Guidance on Sea Level Rise], Nation Research Council, Intergovernmental Panel on Climate Change, and the West Coast Governors Association.

2. **Update potential Sea Level Rise Maps (referenced in ~~Policy~~ Policies C-EH-3, C-EH-5, and C-EH-8).** Modify the current and future hazard areas on a five to ten year basis or as necessary to allow for the incorporation of new sea level rise science, monitoring results, and information on coastal conditions.

Comment [J20]: This is just a suggested way to do it, but it seems like *somewhere* there should be an explicit policy provision that calls out these need to be created since they are referenced so often – and there is even sub-2 below which talks about updating them! If it's preferable, you could move this below into sub-2 and make that a subsection that says "here's how to prepare and then in the future regularly update these maps"

3. **Research the potential for relocation of existing or planned development to safer locations**. Explore the feasibility of a managed retreat program, which may involve protecting vacant land through zoning or conservation easements and/or removing development from areas vulnerable to sea level rise and restoring those areas to a natural state for open space or recreation. Identify potential mechanisms and incentives for implementation, which may include:

    a. Acquire vacant vulnerable properties.

    b. Acquire developed vulnerable properties before damage occurs.

    c. Acquire developed vulnerable properties only after significant destruction by storms or high tides.

    d. Explore the feasibility of a public parkland exchange programs that encourage landowners to move out of hazardous areas.

    e. Identify and make available (eg. through rezoning) land outside the hazard areas to allow owners of vulnerable properties to relocate nearby.

    f. Explore Transferable Development Credit programs.

    g. Explore possibility of amortization of homes in coastal hazard areas.

    Work with entities that plan or operate infrastructure, such as Caltrans and PG&E, to plan for potential realignment of public infrastructure impacted by sea level rise, with emphasis on critical accessways including affected segments of Shoreline Highway and Sir Francis Drake Boulevard.

4. **Support efforts to monitor sea level rise impacts to natural resources and ESHA**, including Bolinas Lagoon, Tomales Bay, Esteros San Antonio and Americano and other wetland areas; and Lagunitas, Walker, Estero Americano, Dillon, Stemple and other creeks; rocky intertidal areas, beaches and other habitat types vulnerable to sea level rise. Collaborate with Greater Farallones National Marine Sanctuary (GFNMS), Tomales Bay Watershed Council and other local, regional, state and federal entities to establish monitoring methods and track the effects of sea level rise.

5. **Promote green infrastructure pilot projects** (horizontal levees, dune restoration, etc.) with environmental benefits that may help protect assets from sea level rise and increased storm surges. Study and monitor such projects overtime and share lessons learned with other jurisdictions. Collaborate with Greater Farallones National Marine Sanctuary (GFNMS) and other applicable local, regional, state and federal entities to identify suitable pilot project locations and to establish study and monitoring methods.

Comment [J21]: I can easily get Maria at GFNMS to agree to this, I'm certain. They are eager to pursue horizontal levee/living shoreline projects in the area (and may even be able to secure some co-funding..!)

6. **Update standards for ESHA buffers and setbacks to account for sea level rise**, based on the best available science and considering the effects of shoreline development on landward migration of wetlands.

~~2. Based on information gathered over time, propose additional policies and other actions for inclusion in the LCP in order to address the impacts of sea level rise. As applicable, recommendations may include such actions as:~~

~~a. relocation of existing or planned development to safer locations, working with entities that plan or operate infrastructure, such as Caltrans;~~

~~b. changes to LCP land uses, and siting and design standards for new development, to avoid and minimize risks;~~

~~c. changes to standards for wetland, ESHA, and stream buffers and setbacks;~~

~~d. changes to standards for erosion rates;~~

~~e. modifications to the LCP Access Component to ensure long term protection of the function and connectivity of existing public access and recreation resources; and~~

~~f. modifications to the Regional Transportation Plan.~~

Program C-EH-22.b ~~***Study***~~ ***Periodically Update*** **Retreat** ***Analysis***. ~~*The County shall seek funds for a study to identify threats of bluff shoreline retreat, including bluff retreat, taking into account accelerated sea level rise*~~. Analysis of increased erosion potential and shoreline retreat due to sea level rise is included in the Marin Ocean Coast Vulnerability Assessment. The coastal erosion hazard maps present the results of models that predict the geomorphic evolution of cliffs, beaches, marshes, Easkoot Creek flooding and FEMA flood hazards. Update the shoreline retreat analysis every 5 to 10 years or as needed.

C-EH-23 New Development and Fire Safety. Coastal Permit applications shall demonstrate that the development meets all applicable fire safety standards. Site and design new development to minimize required initial and future fuel modification and brush clearance in general, and to avoid such activities within ESHA and ESHA buffers on site and on neighboring property, including parkland.

C-EH-24 Permit Exemption for Replacement of Structures Destroyed by Disaster. Exempt from the requirement for a coastal permit the replacement of any structure, other than a public works facility, destroyed by a disaster, if the replacement structure:

Comment [CDA22]: This policy should be renumbered and moved closer to related policies on building in hazard zones.

1. Conforms to applicable existing zoning requirements;
2. Is for the same use as the destroyed structure;
3. Does not exceed the floor area of the destroyed structure by more than 10 percent or 500 square feet, whichever is less, or the height or bulk of the destroyed structure by more than 10 percent (the applicant must provide proof of pre-existing height and bulk), except where the height is increased in compliance with Policy C-EH-9 for purposes of raising the minimum floor elevation in a flood hazard area pursuant to Policy C-EH-8; and
4. Is sited in the same location on the affected property as the destroyed structure.

C-EH-25 Existing Development and Fire Safety. Removal of major vegetation around existing development for fire safety purposes shall ~~*only*~~ be allowed with a coastal permit waiver upon a finding that fuel modification and brush clearance techniques are required in accordance with applicable fire safety regulations and are being carried out in a manner which reduces impacts to the maximum feasible extent. In addition to the foregoing requirements, removal of ~~*major vegetation that constitutes*~~ ESHA, ~~*or is in an ESHA*~~, or is in an ESHA buffer, shall only be allowed for fire safety purposes if there are no other feasible alternatives for achieving compliance with required fire safety regulations and all ESHA and

related impacts are mitigated ~~*as near as possible to the impact area and*~~ in a manner that leads to no net loss of ESHA resource value.

From: jwloomans@gmail.com [mailto:jwloomans@gmail.com] **On Behalf Of** Jeff Loomans
Sent: Monday, March 14, 2016 11:06 AM
To: Gimmler, Christine; Armstrong, Lauren
Cc: Liebster, Jack
Subject: Re: Draft Marin County LCP Policies - C-EH-3

Hi Christine, Lauren and Jack,

Thanks for your quick reply. I think I understand your point on the language being original Title 22i; on a few more complex issues like that I'd suggest a face to face meeting with two or three of us (probably myself and Peter and maybe Terry who has more background than I on the Coastal Act itself) would be worth it once you've reviewed comments with Jack? We could be available later this week or early next week at your convenience.

I have attached the IP edits. Mostly more of the same, including the same "catches" and a lot of edits that just make language consistent in parallel sections or between the IP and LUP. Again the "big" ideas would be around making the specific required height under map-based inundation analysis fixed so that architects could design to it with certainty and avoid unnecessary appeals; and a bunch of suggested work on the Removal/Restoration section. Which are the other two areas I'd recommend discussing in person as they are complicated and open to lots of compromise.

The other things to look at are ensuring your new ideas of providing additional relief (from variance and extensive permit analysis) for raising structures out of harms way in floodzones. We strongly support these but couldn't find the former in the actual dev code sections, and suggest moving the latter so it is more clearly applicable in any floodable zone including those outside of the FEMA V zones but within the County's floodmap inundation zones.

Thanks much, look forward to discussing with you sometime soon,

- jeff

Jeff Loomans
167 Dipsea Rd, Stinson Beach
loomans@stanfordalumni.org
415.846.5710

IP SECTIONS RELATED TO ENVIRONMENTAL HAZARDS
(including 22.64.060 and definitions)

22.64.060 Environmental Hazards

A. Application requirements.

1. Environmental Hazards Evaluation.

a. Initial Site Assessment. The reviewing authority shall conduct an initial site assessment screening of all Coastal Permit applications to determine whether the site is or will be subject to flood, geologic, or ~~other~~ erosion-related hazards over a timeframe of a minimum of ~~*100*~~ 50 years. ~~Geological or other hazards~~Flood, geologic and erosion-related hazards are defined to include Alquist-Priolo earthquake hazards zones; ~~*areas subject to tsunami runup*~~, landslides, liquefaction, ~~*episodic and long-term*~~ shoreline retreat, ~~*(including beach or*~~ bluff erosion~~)~~, ~~*high seas, ocean waves, tidal scour*~~, ~~*flooding*~~; steep slopes averaging greater than 35 percent; unstable slopes regardless of steepness; and flood hazard areas, including those areas ~~potentially~~ projected to be inundated by ~~future~~ sea level rise within the subsequent 50 years as shown on "Potential Sea Level Rise Maps" prepared and adopted by the County of Marin according to Land Use Policy C-EH-22. The screening shall include as applicable a review of available reports, resource maps, aerial photographs, site inspection, and the County's adopted hazards maps. ~~*The County's hazard mapping program can be used as a resource for identification of hazard areas; however, absence of mapping cannot alone be considered absence of hazard and local site conditions must be examined at the time of permit application using the best available science. Best available science with respect to sea level rise means peer-reviewed and well-documented climate science using empirical and evidence-based data that establishes a range of locally-relevant future sea-level rise projections. At the time of this LCP certification (2015), the best available science on sea-level rise in California is the 2012 National Research Council (NRC) Report, Sea Level Rise for the Coasts of California, Oregon, and Washington: Past, Present, and Future (NRC, 2012). However, any other document that meets the above definition may be used for planning purposes in Marin's coastal zone.*~~

b. Environmental Hazards Report. Where the initial site assessment reveals that the proposed development is ~~*"Blufftop Development (as defined in 2.b. below), "Shoreline Development" (as defined in 2.c below), or within 100 feet of*~~ in an area ~~potentially~~ subject to geologic, flood, blufftop erosion, or shoreline erosion ~~or other significant~~ hazards over the ~~*100*~~ 50 year assessment time frame, the project shall include an Environmental Hazards Report prepared by a qualified registered civil or structural engineer or licensed geologist or engineering geologist. The Report shall describe the extent of ~~potential~~ those environmental hazards identified by the initial site assessment~~on the site~~ over the minimum ~~*100*~~ 50 year timeframe, and recommend best reasonably available construction, siting and other techniques to avoid and minimize possible environmental hazards. Where applicable, the Report shall also address the following specific issues:

FEMA Flood Zones: On properties within mapped FEMA flood hazard areas (designated as Zone A, AO, A1-30, AE, A99, AH, VO, V1-V30, VE and V) the report shall identify the extent to which:

1. Development will comply with construction standards contained in Chapter 23.09 (Floodplain Management) including the requirement to add ~~up to a maximum of three feet of~~ additional freeboard ~~(~~to accommodate ~~identified~~ the projected sea level rise as depicted on "Potential Sea Level Rise Maps" prepared and adopted by the County of Marin~~)~~ in accordance with Land Use

Comment [J1]: Note that we couldn't find an IP-side trace for C-EH-12 in this section. The development code itself should contain the concept of relief from variance requirements for elevation for flood hazard safety, either here or possibly somewhere in the Administrative sections of 22.70. One possible solution is to expand proposed A.1.c to add the language from C-EH-12 since A.1.c already addresses elevation under C-EH-8.

Comment [J2]: This language would correctly parallel the three major hazard zone types outlined in LUP policies C-EH-3, C-EH-4 and C-EH-5

Comment [CDA3]: Terms "high seas", "ocean waves", and "tidal scour" deleted since they are encompassed in FEMA maps

Comment [CDA4]: Term "flooding" deleted, redundant with "flood hazard areas"

Comment [J5]: Language consistent with LUP policies C-EH-3 and C-EH-22, which is the original CDA language in "Sea Level Rise" sub-pgph of 1.b below

Comment [J6]: Since section 1.a specifies the initial site assessment, it should be clearer here that the Report is then to respond to the identified hazards – leaving it open-ended as "potential" could actually lead to fewer than those identified being addressed (if for instance the developer wanted to argue some of those identified by the reviewing authority weren't potential hazards in their own mind) or to appeals where contentious parties wanted to throw up nuisance suits arguing for other "potential" hazards.

Comment [J7]: To be consistent with wording in "Sea Level Rise" subpgph below

Policy C-EH-22 to the Base Flood Elevation (BFE) when establishing the minimum elevation required for proposed construction~~; and~~. The amount added shall be at a minimum 1 foot above the low end of the range of sea level heights depicted for the area on these maps.

2. Development will not create a hazard or diminish the stability of the area.
3. For additional requirements for shoreline development (properties within VO, V1-V30, VE, and V zones), see Section 22.64.060.A.2.b below.

Sea Level Rise: On properties outside mapped FEMA flood zones but within areas projected to be~~potentially~~ inundated by ~~accelerated~~ sea level rise as shown on adopted "Potential Sea Level Rise Maps", the report shall describe the extent to which:

1. Development will be constructed such that the lowest finished floor of development exceeds the highest natural elevation of the ground surface next to the proposed walls of the structure prior to construction (i.e. "highest adjacent grade") by an amount equal to or greater than the projected sea level rise as depicted on "Potential Sea Level Rise ~~Mpas~~Maps" prepared and adopted by the County of Marin in accordance with Land Use Policy C-EH-22. The amount added shall be at a minimum 1 foot above the low end of the range of sea level heights depicted for the area on these maps.~~;~~
2. Development will not create a hazard or diminish the stability of the area.

Geologic Hazards: On properties in ~~potential~~ geologic hazards areas (which include Alquist-Priolo earthquake hazard zones, and areas subject to landslides, liquefaction, steep slopes averaging greater than 35% and unstable slopes regardless of steepness), the report shall describe the extent to which:

1. Development will comply with the seismic safety standards of the Alquist-Priolo Act (Calif. Public Resources Code Section 2621, et seq.) and all applicable seismic provisions and criteria contained in the most recent version of State and County codes;
2. Development will incorporate construction and siting techniques to mitigate the applicable geologic hazard; and
3. Development will not create a hazard or diminish the stability of the area.
4. For additional requirements for blufftop development, see Section 22.64.060.A.2.a below.

c. Raised Structures. Where development consists solely of raising an existing structure to meet the Base Flood Elevation (BFE) established by FEMA and any additional elevation required by Policy C-EH-8, then notwithstanding the provisions of subsection b above, the scope of the required coastal permit analysis shall be limited to an evaluation of the stability of the raised structure with respect to identified hazards.

~~*Reports addressing tsunami runup, beach or bluff erosion, wave impacts and flood hazards shall include evaluation of potential changes to the hazard due to sea level rise that might occur over the life of the development and the 100 year assessment time frame. Existing shoreline protective devices shall not be factored into the required analysis. The Report shall be required to demonstrate that, subject to the Report's recommended measures, all of the following findings can be made: (1) that the development will be sited and designed to assure stability and structural integrity for the development's lifetime and a minimum of 100 years, (2) that the development will be set back a sufficient distance from identified hazard areas so as to not create a hazard or diminish the stability of the area, and (3) that the development will not require the construction of shoreline protective devices during its lifetime, including at the time of the initial development proposal. All development located within hazardous areas, including all "Blufftop Development" and "Shoreline*~~

Comment [J8]: We haven't made this change, but to simplify it might be better to move this entire reference to the Potential Sea Level Rise maps into the end of the main pgph and just reference them in each of these sub-pgphs, so that all this text doesn't have to appear twice

Comment [J9]: To be consistent with policy concept of establishing a fixed minimum elevation given the potential sea level height range; this plus parallel edit below tightens up implementation of policy C-EH-8

Comment [J10]: To be consistent with policy concept of establishing a fixed minimum elevation given the potential sea level height range.

Comment [CDA11]: Added per public input

Comment [J12]: This is where we would recommend incorporating and generalizing the "raising the structure" policy first introduced in C-EH-5.B (which Jack also adding to C-EH-3 in his earlier email – implementing it here would cover the more general flood hazards called out in that section)

~~*Development", shall also comply with the requirements of Section 22.64.060.B.8. In addition to the Environmental Hazards Report requirement of this subsection A(1), "Blufftop Development" and "Shoreline Development" must also meet the requirements of subsections A(2) and A(3), below, including requiring supplementary analyses within the Environmental Hazards Report. (Land Use Plan Policy C-EH-2)*~~

2. Additional Coastal Hazards Analysis for Blufftop and Shoreline Development.

~~*a. Additional Application Requirements. All Coastal Permit applications for alterations to existing structures (including additions, exterior and/or interior renovations, repair and maintenance, and demolition) shall clearly identify: (1) all major structural components that are being altered; and (2) the cost of the alteration project and the market value of the existing structure being altered before construction. Major structural components are defined and identified in the definition of "Redevelopment, Coastal (coastal)" in Article VIII. The application must also identify any previous changes to such major structural components since February 1973, including identifying all associated Coastal Permits.*~~

a.~~*b*~~. Blufftop Development. In addition to the requirements for the Environmental Hazards Report identified in subsection A(1) above, Coastal Permit applications for development, ~~*including coastal redevelopment and additions to existing structures*~~ proposed: 1) on a blufftop; or 2) on a site located in stability zone 2, 3, or 4 as indicated on the Slope Stability of the Bolinas Peninsula Study Area map which accompanies Wagner's 1977 report, "Geology for Planning, Western Marin County" (hereby incorporated by reference as part of this Development Code), shall be required to supplement the Environmental Hazards Report with an analysis that evaluates the effect of geologic and ~~other~~ erosion-related hazards at the site to ensure the proposed development's stability and structural integrity, and to ensure that the blufftop development is safe from bluff retreat, without the need for new shoreline protective devices for the development's lifetime and a minimum of 50~~100~~ years. The supplementary analysis shall include an evaluation of the long-term average annual bluff erosion rate, and shall include a quantitative slope stability analysis demonstrating a minimum factor of safety against sliding of 1.5 (static) or 1.2 (pseudostatic, k = 0.15 or determined through analysis by the geotechnical engineer). The erosion rate and slope stability shall be determined using the best available science, including being based upon an examination of the historic and projected rates of bluff retreat associated with wave, wind and/or surface runoff erosion, continued and future sea level rise and, to the maximum extent feasible, to take into account the effect of strong seismic shaking. ~~*Existing shoreline protective devices shall not be factored into the required analyses.*~~The erosion rate and slope stability information shall be used to determine the appropriate blufftop setback as specified in Section 22.64.060.B.2 below. ~~The supplementary analysis shall also list the required Coastal Permit conditions necessary to ensure that the structure is relocated and/or removed (and the site restored) whenever the development is deemed hazardous and unsafe for human occupancy, as specified in subsection (d), below. (Policy C-EH-5)~~

Comment [J13]: This is redundant with sub-c below and has no paralleling language in sub-b. Much clearer to strike and let sub-c stand on its own (and note if you leave it in it needs to reference sub-c not sub-d)

b.~~c.~~ Shoreline Development. In addition to the requirements for the Environmental Hazards Report identified in subsection A(1) above, Coastal Permit applications for shoreline development (defined as development located in a VO, V1-V30, VE, or V zone as mapped by the Federal Emergency Management Agency) (~~*defined as development located at or near the ocean sand interface, and/or at very low-lying elevations along the intersection of the ocean or sea with land, that may be inundated by environmental hazards in the 100 year evaluation time frame*~~), ~~*including new development on vacant/undeveloped lots, additions to existing structures, and coastal redevelopment*~~ shall be required to supplement the Environmental Hazards Report with an analysis that demonstrates that the proposed development will be safe from shoreline erosion for ~~*set back a sufficient distance from the*~~

~~*shoreline to ensure stability and structural integrity for the development's lifetime and*~~ a minimum of ~~*100*~~ 50 years without the need for new shoreline protective devices, ~~*and such analysis shall not factor in the presence of any existing shoreline protective devices. For coastal redevelopment, if there is insufficient space on a property to feasibly meet the setback requirements, then such development may meet the minimum 100-year stability and structural integrity requirement through setting back as far as feasible in tandem with the use of caisson/pier foundations and elevation (including if elevation of the structure is necessary to meet Federal Emergency Management Agency (FEMA) flood requirements) but no other type of shoreline protective device is allowed.*~~ ~~The supplementary analysis shall also evaluate the effect of the project over time *(including in response to sea level rise)* on coastal resources (including protection of public access, shoreline dynamics, natural landforms, and public views).~~ ~~*The analysis shall consider not only the primary structure, but also the effects of related development, such as required ingress/egress to structures and the provision of services (e.g., water, wastewater, etc.). The supplementary analysis shall also list the required Coastal Permit conditions necessary to ensure that the structure is relocated and/or removed (and the site restored) whenever the development is deemed hazardous and unsafe for human occupancy, as specified in subsection (d), below. The provisions of this subsection allowing the use of caisson/pier foundations and elevation for shoreline redevelopment in certain circumstances shall apply until April 30, 2017 or until this subsection is amended, whichever occurs first. If a complete LCP amendment to amend this subsection is not submitted as of April 30, 2017 (including where subsequent withdrawal of such LCP amendment will deem it to have not been submitted), then shoreline redevelopment will no longer be allowed to meet minimum 100-year stability and structural integrity requirements through the use of caisson/pier foundations and elevation. The April 30, 2017 deadline may be extended for good cause by the Executive Director of the Coastal Commission.*~~

c.~~*d.*~~ Removal and Restoration. Development located on blufftops and/or shoreline development as defined in Section 22.64.060.A.2.b ~~*near the shoreline*~~ shall be sited, designed, and built, if reasonably feasible, in a manner that facilitates removal and/or relocation of the development (including its foundation, and all other related development (e.g., utilities and driveways)) ~~before a new shoreline protective device is needed~~ unless this would result in the development violating existing federal, state or regional development requirements, including those necessary to comply with FEMA FIRM standards. In addition to the requirements for the Environmental Hazards Report identified in subsection A(1) above, Coastal Permit applications for development located on blufftops and/or shoreline development as defined in Section 22.64.060.A.2.b ~~near the shoreline~~ shall where applicable identify reasonably available~~all~~ measures to be taken to facilitate such future removal and/or relocation. All such Coastal Permits shall be conditioned to require the approved development to be relocated and/or removed outside of the area subject to coastal hazards if an appropriate government agency determines that ~~any portion of~~ the approved development is not to be occupied or used due to any imminent coastal hazards, and such hazard concerns cannot be abated by ordinary repair and/or maintenance, or in the case of shoreline development by additional elevation subject to Land Use Policies C-EH-8 and C-EH-9. The Coastal Permit conditions shall require that, prior to removal/relocation, the Applicant shall prepare a Removal and Restoration Plan for review and approval by the Reviewing Authority. ~~If the Reviewing Authority determines that an amendment to the Coastal Permit or a separate Coastal Permit is legally required, the Applicant shall immediately submit the required application, including all necessary supporting information to ensure it is complete.~~ The Removal and Restoration Plan shall clearly describe the manner in which such development is to be relocated and/or removed and the affected area restored so as to best protect coastal resources, and shall be implemented immediately upon Reviewing Authority approval, or approval of a~~the~~ Coastal Permit or amendment application, if necessary.

Comment [PS14]: Create new section B.12, and move this language to that new section, revising it to read that "Coastal Permit Applications shall evaluate the effect of the project over time on coastal resources, etc."

Comment [J15]: See comments in LUP – this should really be struck, at a minimum for shoreline development. There's no Coastal Act requirement driving this. And as noted there, it doesn't make sense to put this in terms of "new shoreline protective devices".

While sub-a might lead to situations where the development becomes subject to toppling over an eroding cliff, sub-b already provides that new development cannot be sited where a new shoreline protective device might be required; so trying to simply "add it in here too" for shoreline development in the same way it was worded for blufftops doesn't make sense and will lead to unnecessary extra requirements on developers

Finally, note as we did there that unlike on blufftops, the very nature of being sited in a V-zone would mean that the architectural requirements FEMA demands (e.g. deep structure foundations like piers or caissons for shear safety) in such locations are likely in conflict with the movability requirements (e.g. slab which is a disallowed foundation under federal standards) – County would inadvertently by adding this language trap developers between conflicting federal and local requirements making it impossible to develop, likely leading to another round of takings arguments.

Comment [J16]: As discussed in the LUP, this really needs to be qualified so that if for instance just some minor portion of a development, like an external improvement (a deck or shed) is threatened, the entire structure isn't subject to forced removal. Again this is just really more applicable to blufftops where it is reasonable to think after losing a deck the rest of the structure will inevitable go next; the same simply cannot be said for near-shoreline development. The deck might have been lost to a severe storm that didn't damage the structure, the structures might be raised or otherwise sited in a safer location v.v. the deck, etc. Forced relocation is a very serious matter and shouldn't casually be required, and there are far more remedies for slow inundation that could be applied before removal that are not available on eroded blufftops.

Comment [J17]: At a minimum if this concept is left in for Shoreline development, the concepts County has already identified of using additional elevation up to a certain maximum height should apply for consistency. It would be arbitrary to allow/encourage this for some property owners in hazard zones but not permit it as relief for others.

3. **Drainage plan for blufftop development**. Coastal Permit applications for development proposed on a blufftop parcel shall include a drainage plan prepared by a civil engineer, which indicates how rainwater and irrigation runoff will be directed away from the top of the bluff or handled in a manner which prevents damage to the bluff by surface and percolating water. Blufftop landscaping shall be required to use drought tolerant native species with minimal irrigation.

4. **Engineering report for shoreline protective devices.** Coastal Permit applications for the construction or reconstruction of any shoreline protective device, including revetments, breakwaters, groins, seawalls, bluff retention devices, deep piers/caissons (deep piers/caissons are not considered to be a shoreline protective device when they are designed and used for architectural foundations and not for erosion protection or to prevent beach retreat), or other artificial structures for coastal erosion control and hazards protection shall include a report from a professional civil engineer or certified engineering geologist experienced with coastal processes and structures verifying that the device is necessary and explaining how the device will perform its intended function and the extent to which it will meet the criteria and standards contained in Section 22.64.060.B.7 below. The report shall include information on the existing structure/public beach that is being threatened by erosion; likely time period when the structure/public beach will be in danger from erosion; and an analysis of alternatives to a shoreline protective device that are capable of protecting existing threatened structures/beaches from erosion including: no action, involvement in regional beach nourishment, a different type of shore protection, options for bioengineering and groundwater controls, and modification to, resizing or relocation of the threatened structure. In addition, the report shall include the following information:

Comment [CDA18]: Consider rewording to improve sentence structure

(a) For the shoreline in question: long term and seasonal erosion trends, the effects of future sea level rise on future erosion rates, and the potential effects of infrequent storm events, such as a 100-year storm;

(b) The amount of beach that will be covered by the shoreline protective device;

(c) The amount of beach that will be lost through passive erosion over the life of the shoreline protective device;

(d) The amount of sand generating materials that will be contained and not allowed into the shoreline system over the life of the shoreline protective device;

(e) Total lineal feet of shoreline protective devices within the littoral zone where the device is proposed;

(f) The cumulative impact of added shoreline protective devices to the littoral cell within which the proposed device will be located;

(g) Measures to reduce or minimize visual impacts for the shoreline protective device;

(h) Measures to modify or adapt the shoreline protective device in the event it is not adequate to provide protection in the future due to changes in sea level or storm conditions;

(i) Impacts to beach access, recreation, beach habitat, and shoreline ecosystems from the shoreline protective device; and

(j) Provision for future maintenance of the shoreline protective device, for future removal of the shoreline protective device if and when it reaches the end of its economic or functional life, and for changes in the shoreline protective device if needed to respond to alterations in the development for which the device was installed.

5. **New development and fire safety.** Coastal Permit applications shall demonstrate that the new development meets all applicable fire safety standards, including accounting for all necessary defensible space within the developable area of a site.

B. Environmental Hazard standards. Development shall be consistent with the Environmental Hazard Policies of the LUP, including ~~*but not limited to:*~~

1. **Blufftop setbacks.** Proposed structures, including accessory structures, shall be set back a sufficient distance from coastal blufftop edges to ensure that they will not be threatened by bluff retreat within their expected lifetime (the evaluation timeframe shall be a minimum of ~~*100*~~ 50 years) and will not require shoreline protection per Land Use Plan Policy C-EH-5.

Comment [CDA19]: Consider deleting…already incorporated into application requirements

2. **Determination of blufftop setbacks**. The geologic setback, as measured from the bluff edge, shall be sufficient to maintain a minimum factor of safety against sliding of at least 1.5 for the expected life of the development, or a minimum of ~~*100*~~ 50 years. Thus the distance from the bluff edge where a minimum factor of safety of 1.5 is achieved today shall be added to the expected bluff retreat over the next ~~*100*~~ 50 years.

Comment [CDA20]: Consider deleting…already incorporated into application requirements

3. **Shoreline access facilities on blufftop parcels**. Shoreline access facilities, such as stairways and ramps, may only be permitted per Land Use Plan Policy C-EH-7 and C-EH-16.

~~*4. **Bolinas Bluff Erosion Zone setback exceptions and waivers.** Within established Bluff Erosion Zones on the Bolinas Mesa, no new construction shall be permitted on vacant lots. Residential additions no greater than 10 percent of the existing floor area or 120 square feet (whichever is greater) may be permitted on a one-time basis so long as such additions conform with all applicable LCP policies.*~~

Comment [CDA21]: This provision carries out Bolinas bluff policies that were deleted by PC in 2011…no longer relevant and should be removed.

~~*5. **Shoreline Development.** New shoreline development (including new development on vacant/undeveloped lots, additions to existing structures, and coastal redevelopment) shall be consistent with Land Use Policy C-EH-5, including being set back a sufficient distance from the shoreline to ensure stability and structural integrity for the development's lifetime and a minimum of 100 years without the need for shoreline protective devices.*~~

~~6~~5. **Drainage on Blufftop Parcels.** Surface and subsurface drainage associated with development of any kind shall not contribute to the erosion of the bluff face or the stability of the bluff itself consistent with Land Use Policy C-EH-6.

~~7~~6. **Criteria and design standards for shoreline protective devices.** Shoreline protective devices in the Coastal Zone are discouraged due to their visual impacts, obstruction of public access, interference with natural shoreline processes and water circulation, and effects on marine habitats and water quality. The construction or reconstruction of shoreline protective devices shall only be allowed subject to the criteria contained in Land Use Plan Policies C-EH-13, C-EH-14, and C-EH-18. Emergency Coastal Permit applications for shoreline protective devices may be considered in compliance with Section 22.70.130 (Emergency Coastal Permits) consistent with the Land Use Plan Policy C-EH-21.

~~6~~7. **Accessory structures in hazardous areas.** Accessory structures on blufftop/shoreline parcels shall be designed and constructed in conformance with Land Use Plan Policy C-EH-15.

~~7. ***Seismic safety standards.*** *Proposed structures~~Development~~ shall meet the seismic safety standards of the Alquist-Priolo Act (Land Use Plan Policy C-EH-4).*~~

Comment [CDA22]: Redundant with application requirements

8. **Applicant's assumption of risk.** The owner of property proposed for development in hazardous areas shall be required to record a Liability Waiver and Acknowledgement exempting the County from liability for any personal or property damage caused by geologic or other hazards per Land Use Plan Policy C-EH-~~3~~2. In addition, for blufftop development, and shoreline development as defined in Section 22.64.060.A.2.b, the owner shall be required to record a deed restriction acknowledging that ~~future~~ new shoreline protective devices to protect structures authorized by such Coastal Permit are prohibited per Land Use Plan Policy C-EH-~~3~~2 and waiving any right that may exist to construct such devices.

9. **Prohibition on Creation of new parcels abutting coastal waters**. Creation of new parcels on lands abutting the shoreline shall be prohibited unless the new parcel can be developed consistent with all applicable LCP provisions, including that development on the created parcel will not require a new shoreline protective device during its lifetime.

10. **Major Vegetation**. Coastal Permit applications for the removal of major vegetation must meet criterion (a) below, and at least one of criteria (b) through (k) for removal. Major vegetation removal around existing development for fire safety purposes shall comply with Land Use Plan Policy C-EH-25.

(a) The major vegetation removal shall: 1) not adversely affect any environmentally sensitive habitat areas; 2) not adversely impact coastal waters; 3) protect significant public views, including views both to and along the ocean and scenic coastal areas as seen from public viewing areas; and 4) not conflict with conditions of approval of a prior coastal permit.

(b) The general health of the major vegetation is so poor due to disease, damage, or age that efforts to ensure its long-term health and survival are unlikely to be successful, or removal of the major vegetation is necessary to ensure the health and survival of surrounding vegetation native to the locale;

(c) The major vegetation is infected by a pathogen or attacked by insects that threaten surrounding major vegetation as determined by an arborist report or other qualified professional;

(d) The major vegetation is a potential public health and safety hazard due to risk of falling and its structural instability cannot be remedied;

(e) The major vegetation is a public nuisance by causing damage to improvements, such as building foundations, retaining walls, roadways/driveways, patios, sidewalks and decks, or interfering with the operation, repair or maintenance of public utilities;

(f) The major vegetation has been identified by a Fire Inspector as a fire hazard that requires removal;

(g) The major vegetation was planted for a commercial enterprise, such as a Christmas tree farm or orchard;

(h) The major vegetation is located on land which is zoned for agriculture (C-ARP or C-APZ) and is being used for commercial agricultural purposes;

(i) The major vegetation removal is proposed by a public agency to provide for the routine management and maintenance of public land or to construct a fuel break;-

(j) The major vegetation is non-native and is not defined as a "protected and heritage tree" in Article VIII (Definitions).

11. **Seadrift.** The Environmental Hazard standards listed above are not intended to override or otherwise preclude compliance with any entitlements that may exist under the 1994 Seadrift Settlement Agreement and Coastal Commission Coastal Permit A-1-MAR-87-235 as amended (through and including Coastal Permit Amendment A-1-MAR-87-235-A).

Comment [CG23]: Consider further clarification that development in Seadrift may occur in reliance on existing seawall.

DEFINITIONS – Article VIII

Blufftop (coastal). The upper surface of a bluff extending inland from the bluff edge a distance of 150 feet.

~~***Redevelopment (coastal).*** *Development that is located outside of blufftop or shoreline areas that meet criteria A or B below:*~~

~~*A. Development that consists of alterations including (1) additions to an existing structure, (2) exterior and/or interior renovations, and/or (3) demolition of an existing bluff home or other principal structure, or portions thereof, which results in:*~~

~~*(1) Alteration of 50% or more of major structural components including exterior walls, floor and roof structure, and foundation, or a 50% increase in floor area. Alterations are not additive between individual major structural components; however, changes to individual major structural components are cumulative over time from the date of certification of the LUP.*~~

~~*(2) Demolition, renovation or replacement of less than 50% of a major structural component where the proposed alteration would result in cumulative alterations exceeding 50% or more of a major structural component, taking into consideration previous alterations approved on or after the date of certification of the LUP; or an alteration that constitutes less than 50% increase in floor area where the proposed alteration would result in a cumulative addition of greater than 50% of the floor area, taking into consideration previous additions approved on or after the date of certification of the LUP.*~~

~~*B. Development that consists of any alteration of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction, as per National Flood Insurance Program (NFIP) requirements administered by the Federal Emergency Management Agency (FEMA).*~~

~~*For the purposes of this definition:*~~

~~*An exterior wall is considered to be altered 50% or more when any of the following occur either above or below grade:*~~

~~(a) Exterior cladding and/or framing systems are altered in a manner that requires removal and/or replacement of 50% or more of the elements of those cladding and framing systems, normally considered as linear length of wall.~~

~~(b) Reinforcement is needed for any remaining portions of the wall to provide structural support in excess of 50% of existing support elements (e.g. addition of 50% or more of beams, shear walls, or studs whether alone or alongside the existing/retained elements).~~

~~A floor or roof structure is considered to be altered 50% or more when any of the following occur:~~

~~(a) The roof or floor framing is altered in a manner that requires removal and/or replacement of structural elements (e.g. trusses, joists, rafters) supporting 50% or more of the square footage of the roof or floor.~~

~~(b) The roof or floor structural framing system requires additional reinforcement to any remaining portions of the roof or floor system to provide structural support (e.g. addition of 50% or more of beams, joists, and/or rafters, etc., whether alone or alongside existing/retained system elements).~~

~~A foundation is considered to be altered 50% or more when any work is done on any of the following:~~

~~(a) 50% or more of the horizontal surface area of a slab foundation.~~

~~(b) 50% or more of the floor area of a structure supported by a pier/post and/or caisson/grade beam foundation.~~

~~(c) 50% or more of a perimeter foundation.~~

~~Major structural component alterations generally do not include changes to roof coverings; replacement of glass or doors in existing window or door openings; replacement of window or door framing when the size and location of the window/door remains unchanged; repair of roofs or foundations without any change to structural supporting elements; changes to exterior siding; repair, maintenance, and replacement of chimneys; and interior changes to non-structural interior walls and sheetrock, insulation, fixtures, and mechanical, electrical and plumbing elements.~~

~~**Redevelopment, Coastal (coastal).** Development that is located on blufftops or at or near the ocean-sand interface and/or at very low lying elevations along the shoreline that meet criteria A or B below:~~

~~A. Development that consists of alterations including (1) additions to an existing structure, (2) exterior and/or interior renovations, and/or (3) demolition of an existing bluff home or other principal structure, or portions thereof, which results in:~~

~~(1) Alteration of 50% or more of major structural components including exterior walls, floor and roof structure, and foundation, or a 50% increase in floor area. Alterations are not additive between individual major structural components; however, changes to individual major structural components are cumulative over time from the date of certification of the LUP.~~

~~(2) Demolition, renovation or replacement of less than 50% of a major structural component where the proposed alteration would result in cumulative alterations exceeding 50% or more of a major structural component, taking into consideration previous alterations approved on or after the date of certification of the LUP; or an alteration that constitutes less than 50% increase in floor area where the proposed alteration would result in a cumulative addition of greater than 50% of the floor area, taking into consideration previous additions approved on or after the date of certification of the LUP.~~

~~*B. Development that consists of any alteration of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction, as per National Flood Insurance Program (NFIP) requirements administered by the Federal Emergency Management Agency (FEMA).*~~

~~*For the purposes of this definition:*~~

> ~~*An exterior wall is considered to be altered 50% or more when any of the following occur either above or below grade:*~~
>
> > ~~*(a) Exterior cladding and/or framing systems are altered in a manner that requires removal and/or replacement of 50% or more of the elements of those cladding and framing systems, normally considered as linear length of wall.*~~
> >
> > ~~*(b) Reinforcement is needed for any remaining portions of the wall to provide structural support in excess of 50% of existing support elements (e.g. addition of 50% or more of beams, shear walls, or studs whether alone or alongside the existing/retained elements).*~~

~~*A floor or roof structure is considered to be altered 50% or more when any of the following occur:*~~

~~*(a) The roof or floor framing is altered in a manner that requires removal and/or replacement of structural elements (e.g. trusses, joists, rafters) supporting 50% or more of the square footage of the roof or floor.*~~

~~*(b) The roof or floor structural framing system requires additional reinforcement to any remaining portions of the roof or floor system to provide structural support (e.g. addition of 50% or more of beams, joists, and/or rafters, etc., whether alone or alongside existing/retained system elements).*~~

~~*A foundation is considered to be altered 50% or more when any work is done on any of the following:*~~

~~*(a) 50% or more of the horizontal surface area of a slab foundation.*~~

~~*(b) 50% or more of the floor area of a structure supported by a pier/post and/or caisson/grade beam foundation.*~~

~~*(c) 50% or more of a perimeter foundation.*~~

~~*Major structural component alterations generally do not include changes to roof coverings; replacement of glass or doors in existing window or door openings; replacement of window or door framing when the size and location of the window/door remains unchanged; repair of roofs or foundations without any change to structural supporting elements; changes to exterior siding; repair, maintenance, and replacement of chimneys; and interior changes to non structural interior walls and sheetrock, insulation, fixtures, and mechanical, electrical and plumbing elements.*~~

March 21, 2016

Marin County Board of Supervisors
Via email: bos@marincounty.org

Re: Request for additional time to consider new LCP Amendment documents

Dear Marin County Board of Supervisors,

We are writing to you today to request that you utilize the scheduled April 19th hearing on the recently released Marin Local Coastal Plan Amendment (LCPA) documents as an informational hearing for the public, and that you postpone your final vote on the LCPA documents until a later date to afford the public additional time to review, analyze and comment on the documents.

The public recently received tracked change versions of 300+ pages of LCPA documents that include hundreds of technical policy and development code language edits to review. The Environmental Hazards Policies and corresponding Implementation Plan include significant substantive changes that will impact how development is analyzed and regulated throughout our coastal zone. Thus, these new chapters must be read in concert with the rest of the proposed Amendments to understand their complete impact. This will take significant time, particularly without the benefit of a staff report.

Additionally, you've announced two new hearings to provide the public with additional information about new FEMA flood maps and to help us begin to understand the significant new changes proposed by the County in the LCPA documents. Further, the staff report for the April 19th hearing has not yet been released – presumably because it will be updated based on public input at the March 28th and 31st workshops - but your website requests comments by March 30th. This is a disconnect.

While your staff has done a very good job of obtaining public input on the Environmental Hazards policies and regulations, it is all the more important that the public be afforded sufficient time to review, analyze and provide input on these substantially new policies and regulations that have resulted from those meetings. **For all of these reasons, we respectfully but strongly urge you to afford the public the additional time it needs to process this profusion of new scientific, policy, and regulatory information**.

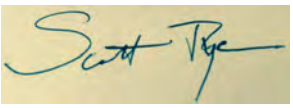
We understand that the County is nearing the end of an exhaustive LCP update process and that there is a desire to complete it at the Coastal Commission in August. However, we strongly urge you to please allow the public the time it deserves and needs for this final, comprehensive review and analysis of the LCPA documents. The Coastal

Commission meeting in November is in the North Central District, and that could be used for the final hearing on the Marin LCPA.

Thank you for your consideration of our comments.

Sincerely yours,

Amy Trainer, Deputy Director



Scott Tye, Chair
Surfrider Foundation Marin Chapter

East Shore Planning Group
P. O. Box 827
Marshall, CA 94940

March 28, 2016

Jack Liebster
Planning Manager, Advanced Planning
Marin County Community Development Agency
3501 Civic Center Dr., Room 308
San Rafael, CA 94903-4157
(by email)

Dear Jack,

I write on behalf of the East Shore Planning Group to comment regarding the current draft of the Environmental Hazards Chapter of the Land Use Plan Amendments (LUPA).

Many of the homes and businesses of our members in Marshall and along the east shore of Tomales Bay are built over deep pilings with concrete or other hard bulkheads and foundations. These were designed to protect the improvements from the effects of the tide and wave action of the Bay. Some of these buildings date back over a century, and almost all were originally constructed before the enactment of the Coastal Act in 1972.

The proposed draft of the LUP requires mitigation for impacts to shoreline sand supply, public access and recreation, and any other relevant coastal resource impacts from developments that repair or reconstruct existing shoreline protective devices (Subparagraph 9 of Section C-EH-13, "Shoreline Protective Devices"):

> ***9.*** *Shoreline protective devices shall be required to mitigate impacts to shoreline sand supply, public access and recreation, and any other relevant coastal resource impacts in 20-year increments, starting with the building permit completion certification date. … .*

We are concerned about the application of this mitigation requirement for projects that are needed to protect existing homes and businesses along the shoreline. These projects would include repair or reconstruction of pilings, bulkheads and foundations that presently exist. We believe that mitigation should not be required for the impacts of such developments that merely extend the life of existing improvements and that do not materially change the existing impacts to shoreline sand supply, public access, recreation or otherwise.

We also believe that there should be recognition of the positive effects of such repair and reconstruction projects in protecting Highway 1, which runs immediately behind many homes, and in protecting other properties and infrastructure along the Highway. The infrastructure includes utilities, drinking water lines and the septic tanks and sewer lines of the Marshall Community Wastewater System, as well as other parts of that system and individual wastewater

systems. The existing coastal armoring of the homes and businesses and their foundations serve as the first defense for this critical infrastructure.

Our concerns are heightened by the Coastal Commission's mitigation requirements as seen in two recent Coastal Development Permits in Marshall. These are summarized in an attached Exhibit.

For these reasons, we propose the following amendments to the current draft of subparagraph 9 of the LUP Section C-EH-13, "Shoreline Protective Devices":

> ***9.*** *Shoreline protective devices shall be required to mitigate impacts to shoreline sand supply, public access and recreation, and any other relevant coastal resource impacts in 20-year increments, starting with the building permit completion certification date. For existing structures, no mitigation shall be required if the project:*
>
> *a. does not have a further significant impact to shoreline sand supply, public access, recreation or other relevant coastal resources beyond the effects of the existing structure, and*
>
> *b. if reinforcing or replacing shoreline protective devices results in minimal net increases to the area of the seafloor that would be affected.*
>
> *In determining mitigation requirements, consideration shall be given to the beneficial impact of the project on nearby properties including, without limitation, public and private structures, roads, septic systems, water systems and power and communications lines that will incidentally benefit from the project's shoreline protective devices. Permittees shall apply for a coastal permit amendment prior to expiration of each 20-year mitigation period, proposing mitigation for coastal resource impacts associated with retention of the shoreline protective device beyond the preceding 20-year mitigation period, and such application shall include consideration of alternative feasible mitigation measures in which the permittee can modify the shoreline protective device to lessen its impacts on coastal resources.*

* * *

We submit that mitigation requirements for shoreline protective devices which are to preserve and improve existing infrastructure with no significant additional impacts should be eliminated, and that any mitigation requirements otherwise should be offset by consideration of any incidental benefits to other infrastructure.

Thank you for your consideration of these comments.

Sincerely yours,

East Shore Planning Group
By: *Lori Kyle*
Lori Kyle, President

EXHIBIT

Two recent examples of Coastal Commission application of mitigation requirements to projects designed to protect existing improvements from loss to coastal erosion.

1. Replacing failing rip-rap along 115-linear feet of Highway 1 below the Miwok cemetery, between Tony's Seafood Restaurant and the Marshall Boat Works (Application No. 2-11-011 (2011)). In this case, the CCC imposed a mitigation fee of $266,000 on account of loss of sand supply primarily because the project would prevent future erosion into Highway 1:

   3) Sand Supply Impacts

   As is typically the case with shoreline protective devices, the proposed project would result in negative impacts on shoreline sand supply in several ways. First, the bluffs in this area are eroding at an average rate of about 0.9 feet per year, causing the shoreline to move gradually inland. Therefore, efforts to fix the back beach location with this additional shoreline armoring will both encroach onto existing beach area and halt the future inland migration of the beach through this passive erosion. The new RSP will occupy approximately 1,355 square feet of existing beach and, over the 20-year authorization period, will prevent the development of an additional approximately 2,070 sq ft of new beach due to passive erosion. This combined area of beach loss over time will result in the loss of a portion of the pocket beach adjacent to the new RSP, adversely affecting local beach access and potential beach recreation opportunities.

In our view, there should have been no mitigation required for simply reinforcing an existing shoreline protective device with minimal new impact to the seafloor. Additionally, to impose mitigation requirements for the loss of sand supply that would be generated in the future if the Highway were lost to the sea seems perverse for a project designed to protect the highway from that calamity. Moreover, there was absolutely no recognition of the project's valuable public benefit of protecting the roadway, associated infrastructure and a nearby home at the south of the eroding highway.

2. Permit for the reconstruction of the Marshall Tavern, a derelict historic building dating back to the 19th Century that was to be reconstructed and converted to bed and breakfast rentals, Application No. 2-06-017. In this case, the CCC staff described the project as follows:

   The proposed project includes converting the existing structure into an approximately 5,880 square-foot, 5-unit bed-and-breakfast (with an additional manager's unit, for a total of 6 units) and reconstructing an 8-space gravel parking lot on the south side of the tavern building. The proposed development includes: 1) partial demolition, replacement, repair and reinforcement of the existing structure; 2) repair and expansion of existing concrete pilings and one retaining wall <which resulted in a total of 44 sq. ft. of "bay fill">; 3) installation of additional windows on the west (bay) side of the structure; 4) installation of skylights on the west-facing, one-story portion of the structure; 5) interior reconstruction; 6) construction of new exterior decks on the lower and upper floors of the west (bay) side of the structure; 7) installation of roof-mounted solar panels on the south-

facing portions of the roof; 8) demolition of an existing, deteriorated accessory building; and 9) clean-up and maintenance of the site.

The repair and reconstruction of the building and the minimal improvements to its coastal armoring were necessary to save it from destruction by the elements and to repair and rebuild it as a viable visitor-serving facility. There were to be no significant changes in the size of the reconstructed building, its exterior appearance or its footprint.

Nevertheless, the Coastal Commission staff required significant mitigation as conditions to the permit – building and maintaining a new public pier in Tomales Bay.

In the view of many of our members, the mitigation requirement to construct a public pier has had the effect of economically crippling a project to protect and restore the historic building, with the only alternative being its collapse. Most significantly, we believe there should have been no mitigation required on account of the minimal impacts from repair and reconstruction of the building's pilings, bulkhead and other shoreline protection devices, which also protect the highway, components of the Marshall Community Wastewater System and other infrastructure.

March 28, 2016

Marin County Community Development Agency
Jack Liebster
Via email: marinlcp@marincounty.org

Re: Local Coastal Program Update Draft Environmental Hazards Policies

Dear Mr. Liebster:

The Environmental Action Committee of West Marin (EAC) offers the following comments on the draft Environmental Hazards policies for the LCP update posted on the CDA website this month. Because in several respects the draft policies are fundamentally inconsistent with the Coastal Act, we are not providing comments on the accompanying draft Implementation Program.

As a general comment, the policies need to explicitly state that cumulative redevelopment resulting in replacement of 50% of a structure over time constitutes a replacement structure under Section 30610(d) of the Coastal Act. Removing references to redevelopment misleadingly suggests that these policies only apply to new structures.

Our specific comments on various policies are outlined below.

C-EH-1
The policy should not focus only on safety, but also on protection of public access, natural resources, and visual and scenic resources over the lifetime of the development.

The word "new" before "development" should be deleted.

The time-frame referenced should be the lifetime of the development, with a minimum of at least 75 years.

C-EH-2
The policy should specify that the "document" being recorded is a deed restriction.

C-EH-3
C-EH-3(1) refers to Chapter 23.09, which is not certified by the Coastal Commission. The language of 23.09 should be incorporated into the IP. (Note: 23.09.030(38) defines "substantial improvement" using the 50% of market value rule.)

In C-EH-3(3), insert "nor adversely impact coastal resources including public access, natural landforms, or scenic and visual resources" after "the stability of the area".

The referenced "Potential Sea Level Rise Maps" are not publicly available.

The paragraph beginning with "To minimize risks to life and property…" should be deleted. It is inconsistent with Coastal Act Sections 30251, 30253, and 30610 and others because it relies on evading the permit process. It is also internally inconsistent with IP permit procedures.

C-EH-5
This sections should be retitled as "Blufftop and Shoreline Hazards" (remove the word Erosion) so that it can encompass wave runup and wave impacts, etc.

C-EH-5(A) should be retitled as "Blufftop Development" to recognize that there are hazards other than erosion.

In the last sentence of the initial paragraph insert "based on best available science" after "potential sea level rise estimates…"

For consistency with the first sentence, reinsert the deleted reference to existing shoreline devices.

We are unsure why the (B) in C-EH-5(~~B~~) is crossed out. This section should be retitled "Shoreline Development."

The policy needs to specify what constitutes "safe from shoreline erosion," or instead reference the Coastal Act standard of "ensure stability and structural integrity."

Delete "new" before "shoreline protective devices."

In the sentence starting "A coastal hazards analysis shall evaluate…" the "other hazards" should be enumerated and should include changes in impacts due to expected sea level rise.

The last sentence is inconsistent with Chapter 3 policies regarding protection of coastal resources.

C-EH-8
Delete "new" before development in the first sentence.

C-EH-9
C-EH-9 is internally inconsistent. It allows a different height limits from different reference points for new structures and existing structures.

There is no **C-EH-10.**

C-EH-11
This policy contemplates buildings that may be more than 40 feet tall from ground level, but does not include protection of community character or visual resources.

C-EH-13
Delete "Discourage" and substitute "Except as provided below, prohibit…"

In the second paragraph: regardless of the intent, if deep piers or caissons function as shoreline protective devices, they should be considered shoreline protective devices.

In C-EH-13(8), the specified time period should be the maximum allowed, and the device should be removed when it is not longer required or allowed (because the structure is gone or a "replacement structure" has taken its place.)

"Maintenance" of the device should be defined.

C-EH-15
C-EH-15(2) Should say "…easily relocatable and/or removable <u>in their entirety</u>…"

C-EH-22
First sentence should start "The County <u>shall use</u>..."

C-EH-24
C-EH-24(3) A replacement structure larger than the destroyed structure should not be exempt from a coastal development permit.

C-EH-24(4) At the end of the sentence, add "…unless the planning director determines that a relocation due to proximity to sensitive coastal resources is warranted."

C-EH-25
The policy should require at least a *de minimis* permit rather than a waiver.

Thank you for considering our comments.

Respectfully,

Terence Carroll
Board Member
Environmental Action Committee of West Marin

From:	Liebster, Jack
To:	Gurley, Margaret
Cc:	Drumm, Kristin
Subject:	FW: Support for the CDA staff revisions to the EH section of the LCP
Date:	Tuesday, March 29, 2016 4:29:05 PM

New Board letter for LCP hearing

From: James Sutton [mailto:jamie@v-dac.com]
Sent: Tuesday, March 29, 2016 2:58 PM
To: Arnold, Judy; Crosse, Liza; Rice, Katie; Sears, Kathrin
Cc: Liebster, Jack; Crawford, Brian; Parton, Maureen; Lai, Thomas
Subject: Support for the CDA staff revisions to the EH section of the LCP

To all of the Supervisors,
I want to urge that you embrace the revisions that the Staff has proposed. They represent a thoughtful response to the concerns and recommendations of those of us who live on the Marin coast.
Thank you, and a big thanks to them.
Jamie

Jamie Sutton
PO Box 146
#2 Calle del Onda
Stinson Beach, CA 94970
415-868-1960 (office)
415-298-1960 (cell)
415-868-9901 (home)

March 29, 2016

Marin County Community Development Agency
Jack Liebster
Via email: marinlcp@marincounty.org

Re: Local Coastal Program: Draft Implementation Plan

Dear Mr. Liebster:

The Environmental Action Committee of West Marin (EAC) offers the attached preliminary comments on the draft Implementation Plan (Development Code) for the LCP update.

Respectfully,

B. Mitchell

Bridger Mitchell
President

Comments on LCPA IP 2-2-2016 revised version

	IP Section	*Subsection*	*Recommended change*	*Remarks*
Principal Permitted Uses				
	22.32.026 – Agricultural Processing Uses	A {final paragraph}	**MODIFY:** In order to qualify as a PPU agricultural processing must comply with A.4 (the parking standard).	
	22.32.026	A.	**ADD**: 5. The processing-facility is not placed on land designated as prime agricultural land.	
	22.32.027 – Agricultural Retail Sales	A.	**ADD:** to be a PPU, a use must also meet parking standard (B.1)	
	22.62.060 – Coastal Agricultural and Resource-Related Districts	22.62.060.B.1 (C-APZ)	**ADD:** Itemization of PPU developments must include: "appurtenant and necessary to the operation of agricultural uses"	per LUP Policy C-AG-2
	22.62.060	22.62.060.B.1.d(2)	Educational tours: **INSERT**: non- profit and owner-operator conducted	C-AG-2.5.b and B.
	22.62.060	**Table 5-1-a** Rows for: Intergenerational homes; Farmhouse; processing; retail sales; worker housing	The detailed standards are necessary to distinguish PPU, P, and U permit requirements for Intergenerational Homes; Farmhouse, ag processing; ag retail sales; ag worker housing– **RETAIN:** (parenthetical) standards in column 1.	*See:* EAC letter to CCC, 8-30-15. *Cf*: 22.65.040; 22.32.026.A; 22.32.027.A
Maximum height				
	22.64.030 –General Site Development Standards: Maximum Height	Tables 5-4-a; 5-4-b; 5-5. Maximum Height footnotes. (4)b; (4); (3)	**REQUIRE:** Both Design Review and Coastal Zone Variance for an exception to maximum height.	DES-4 states maximum heights. "In all cases, the height limits specified in this policy are maximums …"
	22.64.045--Property Development and Use Standards	22.64.045.2.A.1	**REQUIRE:** Maximum fence height for <u>planned</u> districts as well as for conventional districts that specify setbacks.	
	22.65.030 – Planned District General Development Standards	22.65.030.D.2	**Development near ridgelines**. Needs to set a lower maximum height within vertical and horizontal setbacks.	

Visual Resources				
	22.64.110 – Community Development	**1. Location of new development.**	**ADD:** New development shall be located … where it will not have significant adverse impacts … on environmental and natural resources, **scenic and visual resources**, including coastal resources.	
	22.68.04 – Coastal Permit Not Required: Categorically Excluded Development	**A**	**ADD:** Development specifically designated as categorically excluded … is not subject to Coastal Permit requirements if such development is consistent with all terms and conditions of the Categorical Exclusion Order, **"including that the new development will not adversely impact public views or scenic coastal areas**"	Section 30251. Exclusion Order E-81-6: "no exclusion can be granted for certain types of development in areas where public views or scenic coastal areas could be adversely impacted."
Variances				
	22.65.060 – C-RSP Zoning District Standards	22.65.060.C.	**REQUIRE: A** Coastal Variance to exceed height limit on the shoreline of Tomales Bay.	Additional height should only be permitted by Coastal Variance, not at Director's discretion
	22.70.080 – Appeal	B.1 (c)	**RETAIN OR REVISE:** ~~(any use that also requires the granting of a Coastal Zone Variance shall not be considered a principal permitted use;~~	Coastal Zone Variance must be appealable to cover developments that do not qualify as PPU, e.g. due to excess height in a zoning district. The certified Title 22.86.025I, .040I provides for appeal of both administrative and public hearing variances.
	22.70.150 – Coastal Zone Variances	**C.**	**RETAIN:** ~~approval of any coastal permits for development that also requires a coastal zone variance shall be appealable in compliance with Section 22.70.080~~	A variance that allows development to exceed the maximum height specified for the zoning district in the LUP removes the use from PPU, and must be appealable. Certified IP provides for appeal: 22.86.040I Appeals
	22.70.190 – Property Modifications	C. Lot line adjustments	**PROHIBIT:** creating any parcel smaller than the maximum density of the zoning district, unless development is prohibited?	Prevent increased density exceeding maximum allowed as a result of property line adjustments.
	22.65.040 – C-APZ Zoning District Standards	22.65.040.C.3.b(2). Non-Ag development	**DELETE:** references to residential use.	Residential use is not permitted in C-APZ, only agricultural dwelling units.

Widest Opportunity for Public Participation			PPU applications generally do not receive a public hearing. If the county appeal requires a fee, public participation in a hearing is limited. A PPU should either receive a public hearing, or the appeal of an administrative decision for a PPU should not be subject to fee.	CA § 30006
	22.70.080 – Appeal of Coastal Permit Decision	A.5.	***EITHER* RETAIN:** ~~5. No such appeals shall require a fee.~~	*Either*: Allow appeal without fee, to enable public hearing.
	22.70.030 – Coastal Permit Filing, Initial Processing	**B.3**	***OR* ADD UNDERLINED: Non-public hearing applications.** A public hearing shall not be required when an application is <u>not for a principal permitted use and is</u> not appealable to the Coastal Commission by 22.70.080	*Or:* Provide for public hearing for any PPU.
		B.4	***AND* ADD UNDERLINED: Public hearing applications.** A public hearing shall be required when a project is <u>for a principal permitted use or is</u> defined as appealable to the Coastal Commission by 22.70.080 - Appeal of Coastal Permit Decision, unless the proposed project only entails the approval of a second unit in a residential zone or if it qualifies for a public hearing waiver.	*And:* Provide for public hearing for any PPU.
Procedural Requirements				
	22.68.040 CatEx development	B. Noticing	**RETAIN**: ~~or have requested to be kept informed regarding the type of development subject to the categorical exclusion and/or development at the location and/or within the particular zoning district)~~ **RETAIN**~~: The Director shall maintain, post on the Agency's website at least weekly, and regularly transmit to the Coastal Commission a list and summary~~	List and summary needs to be publicly posted on website. The right to challenge an exclusion determination is empty without timely posting of list of exempt determinations. Also, how would someone know to specifically request notice of a categorical exclusion determination?
	22.68.050 Exempt development	First paragraph	**RETAIN FINAL SENTENCE**: ~~The Director's determination of whether a proposed development is exempt from Coastal Permit requirements can be challenged pursuant to Section 22.70.04.~~	
	22.68.050 Coastal Permit Not Required: Exempt Development	C. Repair and maintenance.	Replacement of 50% or more should be a <u>cumulative</u> measure over time.	§ 13252(b) CCC regs.: 50+% requires a CDP

	22.68.070 – De Minimis Waiver	C.	**RETAIN:** ~~**Not Appealable to CCC.** The development isnot of a type or in a location where an action on the development would be appealable to the Coastal Commission~~**.**	A development that would be appealable to CCC should not be eligible for a *de minimis* waver.
	22.70.040 – Challenges	**A & B**	**RETAIN**: "exemptions, *de minimis* waiver" from determinations subject to challenge.	Without the right to challenge a Director's determination no other recourse exists for an exemption determination or a waiver.
	22.70.050 – Public Notice		**RETAIN:** "conspicuously visible to the general public" requirement for posting notice at the property.	Some West Marin communities have no home mail delivery; posted notice is especially important for informing residents who may not be property owners.
	22.70.050	A.3	"written request" : **DEFINE** to include request by electronic mail	
	22.70.090 – Notice of Final Action	A & B.	Why were the (deleted) detailed memo and supporting materials required in the baseline draft? [was this language intended to specify requirements for submission to CCC?]	
	22.70.120 – Expiration Date	A.1	**CHANGE TO**: 3-year time limit, with opportunity for one 3-year extension. **RETAIN: A.2, A.3: extension of time, action on extension.**	Six year vesting period is far too long. Extension public hearing allow consideration of changed circumstance Example: Starbuck Drive (Malone), Muir Beach.
	22.70.140 – Emergency Coastal Permits	E.	**RETAIN:** provision to challenge an extension beyond 6 months. Any extension of an emergency permit after 6 months should be challengeable.	Any extension of an emergency permit after 6 months should be challengeable.
	22.70.190 – Property Modifications	C. Lot line adjustments	**PROHIBIT:** creating any parcel smaller than the maximum density of the zoning district, unless development of the parcel is prohibited?	Prevent increased density exceeding maximum allowed as a result of property line adjustments.
Definitions				
	22.130. 130 Definitions	*Density*	**INCLUDE** a definition	
	22.130. 130	*Written request*	**INCLUDE** a request by electronic mail.	

March 30, 2016

Marin County Board of Supervisors
Via email: bos@marincounty.org

Re: Local Coastal Program Update Draft Environmental Hazards Policies

Dear Supervisors:

We are writing to request that you reconsider your intention to approve the Environmental Hazards chapter of the Local Coastal Program update at your April 19th meeting. We do not believe the public has been adequately informed of the meaning and consequences of adopting these policies.

Although the county has conducted a series of public meetings regarding different strategies for adapting to sea level rise, you have never explicitly informed the public of what strategy or combination of strategies you would chose, nor the rationale upon which such a choice would be made. Now the recently released draft Environmental Hazards policies make clear that the heart of your strategy is a requirement for private residences to be elevated above FEMA Base Flood Levels. We do not believe the public understands this.

The draft policies disguise the consequences of the concomitant requirements of the Coastal Act and FEMA. For example, we do not believe that a homeowner in a coastal flood zone will be aware that in order to undertake a major remodel of their home, they will also have to elevate the home. Separately, and outside Coastal Act requirements, the policies will curtail or eliminate a neighbor's ability to challenge a variance for excess height. We do not believe the public understands this.

The draft policies will have profound effects: on community character, protection of public views and other visual resources, protection of wetlands, protection of public health through septic regulations, prioritization of visitor-serving uses, and myriad other coastal resources. Yet none of the policies dealing with those issues has been updated. The public interest and the protection of coastal resources are ill-served by such a piecemeal and incomplete approach to a

Environmental Action Committee of West Marin
PO Box 609, Point Reyes Station, CA 94956
415-663-9312 | admin@eacmarin.org | www.eacmarin.org

planning issue with such far-reaching consequences.

We strongly urge you not to approve these policies without giving the public an opportunity to understand and react to them. Section 22.90.020I of the Marin County Development Code provides for the Planning Commission to recommend LCP amendments to your Board. The Work Program submitted by the county for its C-SMART grant also calls for a Planning Commission hearing. A hearing or workshop at the Planning Commission is the appropriate venue for public discussion of these policies before they come to your Board for approval. To bypass the Planning Commission will invite rancor and discord rather than the full participation that is the public's right under Section 30006 of the Coastal Act.

Respectfully,

B. Mitchell

Bridger Mitchell
President

Cc: Brian Crawford

Environmental Action Committee of West Marin
PO Box 609, Point Reyes Station, CA 94956
415-663-9312 | admin@eacmarin.org | www.eacmarin.org

APR 7 2015 PM 1:58 Planning

DAVID D. FERRO, D.D.S

P O Box 377
Tomales, CA 94971
650-867-0448

April 4, 2016

Community Development Agency

Kristen Drumm
Senior Planner
3501 Civic Center Drive, Suite 308
San Rafael, Ca 94903-4157

Dear Ms. Drumm,

I received your letter of March 29, 2016 regarding visitor-serving uses in coastal village areas limiting residential uses in defined commercial core areas.

I would like to point out that my particular property at 80 Valley Avenue, Tomales is situated on a street which is entirely residential. Of note is that the property is on a corner lot so that the northern elevation faces Dillon Beach Road of which the first block is commercial in nature.

When we purchased the property in 1996 it was a residence with commercial zoning. Since our physical address is on a street without any commercial uses, it seems that it would be unfair to impose the proposed restrictions on this property.

Thank you for your consideration.

Sincerely,

David D. Ferro, D.D.S
Managing Partner

CLAUDIA CHAPLINE
P.O. Box 1117
Stinson Beach, CA 94970

April 5, 2016

APR 11 2016 AM 9:13 Planning

Kristin Drumm, Senior Planner
Community Development Agency
Planning Division
3501 Civic Center Drive, Suite 308
San Rafael, CA 94903-4157

Dear Kristin Drumm:

Regarding Marin LCP:

I am concerned that the implementation of this plan will adversely affect my business by increased administrative costs and handicap my ability to continue in business and handicap future owners and/or tenants. Having an in-house artist-facility manager has been a benefit to my business and provides low-income housing for an artist. Next year will be the 30th anniversary of my gallery in Stinson Beach.

In 1987 I purchased three parcels (195-194-05-06,26) at 3445 Shoreline Highway in Stinson Beach. The zoning is residential commercial. The existing one-story building that is already built out contains four spaces with four entrances that have been shared by live-work artists (single or a couple) whose work is displayed in the display windows and the areas facing the highway. Living space faces the garden and is accessible from the garden in the back. The older part of the cement block building is probably fifty years old. The newer part is a frame building added in 1985. This aging building is in need of exterior repairs and interior remodeling that are being considered for next year.

One of the difficulties of doing business in downtown Stinson Beach is the lack of retail spaces. Locked up offices and storage rooms are a deterrent. We need more retail spaces so that people can enjoy more time walking around our little town. I am hoping that implementation of this provision will not adversely affect my business but encourage more retail in the downtown area. It is very hard to find part-time employees that live in the area. Even at $25 per hour it is difficult for people to commute from a distance.

Sincerely,

Claudia Chapline

info@cchapline.com
415.868.2308

INVERNESS ASSOCIATION
Incorporated 1930
Post Office Box 382
Inverness, California 94937

RECEIVED
APR 7 2016
MARIN COUNTY
BOARD OF SUPERVISORS

Marin County Board of Supervisors
Civic Center
San Rafael, CA

April 5, 2016

Dear Supervisors:

On February 23, 2013, we submitted to you the attached memorandum regarding a proposed change in the Coastal Commission appeal jurisdiction area for our community. At that time we requested an explanation for why the County had proposed that nearly all of Inverness would be denied the right to appeal a County coastal permit decision, when that right has been available since the certification of the LCP in 1982. We have had no reply to that request.

Appeals to the Coastal Commission are uncommon, but when deemed to raise a substantial issue they provide an essential procedure to determine whether a coastal permit decision is in accordance with the Coastal Act.

We respectfully request that the County maintain the original appeal jurisdiction in submitting LCP Amendments to the Coastal Commission.

Sincerely yours,

Kathy Hartzell, President

BOARD OF DIRECTORS: • KATHY HARTZELL, PRESIDENT • BRIDGER MITCHELL, VICE PRESIDENT • FRANCINE ALLEN, SECRETARY
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INVERNESS ASSOCIATION

Incorporated 1930

Post Office Box 382
Inverness, California 94937

To: Marin County Board of Supervisors
From: Inverness Association
Date: 2/22/2013
RE: LCP hearing 2/26/13: appeal areas

The Board of Directors of the Inverness Association respectfully submits these comments regarding the proposed revisions to Coastal Commission appeal jurisdiction areas (Staff Report Attachment #3 p. 13; Appeal jurisdiction areas, Maps 28a, 28b.)

Under the current LCP all non-federally owned land west of Highway One is in the geographic area that allows appeals of a coastal permit to the Coastal Commission. This area includes the entirety of the village of Inverness.

In contrast, the preliminary LCP Amendments (Map 28a) show that nearly all of the community of Inverness has been removed from the appeal jurisdiction area, leaving as appealable to the Commission only those parcels located with 100 feet of a stream and the parcels in the Inverness Seahaven subdivision between Sir Francis Drake Boulevard and the northern Inverness community boundary. No explanation for these revisions affecting the Inverness area have been provided.

In fact, the new Map 28a is not consistent with the requirement that the appeals area includes property between the sea and "the first public road paralleling the sea ... connected with other public roads providing a continuous access system" [14 CCR § 13577 (i)(1)]. Beginning at the southern Inverness community boundary there is no public road that provides continuous access to the north and to the south along the California coast. The Inverness public road system consists of Sir Frances Drake Boulevard and many side roads, almost all of which are "dead ends" and do not have a return loop or connection. The current LCP therefore designates all of Inverness and the segments of Tomales Bay State Park west of Highway One as part of the appeals area.

The regulation governing the establishment of an appeals area (14 CCR § 13577) has two types of exceptions to this "first public road paralleling the sea" standard:

1. Areas where the grounds for appeal do not concern whether development conforms to the certified LCP [§ 13577 i(3); PRC 30603, (b) (1) and (b) (2)]

   This exception is not applicable. Development on parcels in Inverness is regulated by the current, certified LCP and is intended to conform to LCP policies.

2. All parcels between the sea and a public road, plus parcels immediately adjacent of the sea inland of that public road [§ 13577 i(2)].

   To be applicable this exception must include parcels adjacent to the road inland of the sea (Tomales Bay).

The Inverness Association requests that prior to adopting the LCPA the Board obtain an explanation for the revised appeals area. Lacking a compelling explanation, a development in any portion of Inverness should conform to the certified LCP and should be appealable to the Coastal Commission if it is believed not to meet that requirement.

BOARD OF DIRECTORS: NICK WHITNEY PRESIDENT • BRIDGER MITCHELL, VICE PRESIDENT
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JOYCE ARNDT • MIKE DURRIE • JIM GRANT • JACK MATTHEWS • JULIE MONSON • MARTHA PROCTOR

April 7 2016

Kristin Drumm — Senior Planner

Thanks for the phone conversation yesterday. I write to remind County Planning that Point Reyes Sta. is a small fragile village that is increasingly overburdened with tourist/visitor impacts: new crime, including robbery, burglary, and vagrancy in a community of limited space, water, parking and services. Any encouragement for more commercial expansion at the expense of residents is absurd and irresponsible. Discussions and dialogues on town change should be presented locally (PT. REYES Village Asso.) where those whose quality of life is threatened may participate, and where wisdom, transparency, and fairness might abide.

Sincerely

Thomas + Jeri Quinn

45 years downtown residents

From: Vic Amoroso
To: Drumm, Kristin; Kinsey, Steven
Subject: Letter(3/29)to residents in vcr zones in West Marin
Date: Friday, April 08, 2016 12:58:42 PM

The subject letter says that residential uses in commercial areas of West Marin would be allowed by permit only, with objective of converting residential to visitor-serving commercial uses. Such a proposal would exacerbate two of the most generally acknowledged problems facing the Bolinas community: Housing and weekend/holiday Parking.

As pointed out in our phone conversation, about 15 properties would be affected, including possibly my own. The loss of any of these properties for residential use would only make a critical problem worse. The residences could not be replaced elsewhere in the community because of a proven water shortage which limits or precludes new construction. Therefore, even more people will be driven from the community for lack of available housing, some of whom have lived here for many years.

In our phone conversation, you pointed out that those who wish to reside, or continue to reside, in our commercial area could get a permit to do so and that such would probably be a simple matter. If so, this negates the intent of the proposal, abd one wonders if the objective is really to increase county revenues through permit fees.

In light of the current housing crises, it would be more beneficial and make more sense to limit conversions of residential properties to commercial uses. such as airbnb, vrbo etc, than the other way around.

It is my firm belief that the Bolinas community almost unanimously and vehemently is opposed to this proposal or anything remotely similar and would actively engage in preventing its implementation.

Weekend and holiday parking availability(or lack of it) is a huge problem in Bolinas, even in winter, so much so that it negatively affects the quality of life in our community. Locals often avoid coming downtown on weekends because of the parking crunch. Not only is this a disturbing inconvenience. but impairs the viability of local-serving businesses. At least three have closed in the last year. This condition makes the proposal almost nonsensical. To relieve the parking issue, I suggest that the parking plan submitted by the BCPUD for accommodation in the LCP be reconsidered and implemented.

Vic Amoroso

POINT REYES STATION VILLAGE ASSOCIATION

April 8, 2016

The Marin County Board of Supervisors
3501 Civic Center Drive
San Rafael, CA 94903-4157

The Point Reyes Station Village Association (PRSVA) is very concerned about the proposed Land Use Policy C-PK-3. We believe it will erode the historic character of the core area, deprive property owners of their current rights while burdening them with additional fees and processes. We see no evidence that the proposed policy is necessary, nor that it will address needed visitor services or be economically viable as businesses in Point Reyes financially survive by serving residents as well as tourists.

The proposed ordinance also directly contradicts our Point Reyes Station Community Plan and erodes the effort and trust that it represents. We prefer the current zoning as it permits more visitor and resident services while it maintains much needed housing. Our current VCR zoning reflects the mixed uses that developed organically over time and generated a rich mosaic that reflects our history, is so appealing to visitors, and maintains the vitality of our authentic town. It is the right foundation to move into the future, maintain diversity, maintain affordable housing and support the services that sustains the town and its visitors.

Effective visitor policies and management programs are needed in West Marin, addressing issues such as peak traffic congestion, camping on village streets, providing a range of affordable accommodations, etc. We understand that providing visitor services is a West Marin responsibility, one that is best addressed by a collaborative effort among West Marin visitor destinations; the National Seashore, the State Parks, the County of Marin, the GGNRA and the West Marin Coastal Villages. The PRSVA, in collaboration with other Coastal Villages is holding a forum on Tourism in 2016 to initiate a productive process and we would encourage the County to delay action on this policy and join with us in exploring a range of meaningful solutions.

Sincerely,

Randall Fleming
Chair, Point Reyes Station Village Association Design Review Committee

PRSVA
PO Box 382
Point Reyes Station, CA 94956

From: Don Smith
To: MarinLCP
Subject: April 19th hearing
Date: Saturday, April 09, 2016 11:11:06 AM

Dear Supervisors,

Coastal Commission Staff's proposed new restriction on downtown village residences in Marin would further worsen the affordable-housing crisis that is already threatening the very survival of these communities. Furthermore, it would draw even more visitors to communities already overburdened with trying to serve their needs for parking, drinking water, toilets, and trash cleanup.

The stated purpose of Policy C-PK-3 is to "maintain the established character of village commercial areas"; but it is not accomplishing that goal, because the people who work in these areas have nowhere to live, and they are moving away. Soon there will be no one left to wait on table, clean motel rooms, empty trash cans, or even respond to fires or medical emergencies. Most of the displaced get new jobs elsewhere, but those who commute back to their old jobs are adding to energy consumption, air pollution, and traffic congestion in contradiction to Coastal Act Sec. 30253d on adverse impacts. The village of Marshall is now 80% empty, and Bolinas and Inverness are headed the same way. The musicians, artists, craftspeople, and other creative folks who give much of the character to these villages are being priced out of town. School populations are dipping below sustainable levels because young families cannot afford to live here. The village character and the commercial services are both dying.

Why is this happening? There is so much wealth in the Bay Area, and the draw of the Coast with its bucolic landscape and charming villages is so strong, that nonresidents are making offers too good to pass up on properties formerly housing full-time residents. Renters are evicted and must move far away to make ends meet, and the new owners return to their primary home elsewhere, leaving behind another empty house that used to be home to a local. While it may not be possible for the Commission to reverse this trend, it is important that they counterbalance it by doing whatever is possible to encourage affordable housing. Indeed, the Coastal Act calls for the Commission to take into account "the social and economic needs of the people of the state" (Sec. 30001.5b) and the "capacity of the site to sustain use and at what level of intensity" (Sec. 30214a-2), to "protect special communities" (Sec. 30253e) and those "that provide existing coastal housing . . . for low- and moderate-income persons" (Sec. 30116f). Indeed, Sec. 30604 of the Act directly instructs the Commission to: f) "encourage housing opportunities for persons of low and moderate income" and "encourage the protection of existing and the provision of new affordable housing opportunities for persons of low and moderate income in the coastal zone."

Please take into account the adverse impacts of any revision to C-PK-3. Please recognize that the ever-increasing demands of coastal visitors are burying our villages and driving away the long-time residents who serve them. Please write whatever is possible into the LCPA to encourage the provision of desperately needed affordable housing, without which the village character the Commission is charged with preserving will be entirely lost. Thank you.

Donald L. Smith

Member, Board of Directors, Bolinas Community Public Utility district

Member, Affordable Home Alliance of the Bolinas Community Land Trust

From:	Eleanor Lyman
To:	Drumm, Kristin
Cc:	Kinsey, Steven
Subject:	Re: LAND USE POLICY C-PK-3
Date:	Sunday, April 10, 2016 10:17:38 PM

Dear Kristin Drumm,

I have read the proposed Draft Local Plan Amendments and I want to express my strong opposition to the proposals.

"Coastal Commission staff submitted preliminary comments suggesting that a mechanism was needed for prioritizing uses in the mixed use village areas."

> **I question this trend of prioritizing commercial use especially at a time when many people are losing their places to live!**

"The purpose of the use permit is to ensure that the residential use maintains and/or enhances established character of commercial areas."

> **I do not feel that outside interests who have their own ideas of how things should be should have the power to come into an area and dictate how that place should be!**

I do not agree with the idea of so-called enhancing the commercial zone in the ways suggested.

I think that both commercial and residential uses should have permitted use of the C-VCR zone. There should be NO separation!

The crossed out section at the end should be reinstated:

> "Replacement, maintenance and repair of any legal existing residential use shall be exempt from the above provision and shall be permitted."

One should not have to have costly permits to make changes to one's own home! It has become increasingly more costly and difficult with the high cost of more and more permits.

One wonders if the objective is really to increase county revenues through permit fees.

Sincerely,

Eleanor Lyman
49 Wharf Rd.
Bolinas, California

From:	Rick Gordon
To:	Drumm, Kristin
Cc:	Kinsey, Steven; Jennifer Blackman
Subject:	Comments About LAND USE POLICY C-PK-3
Date:	Sunday, April 10, 2016 11:29:42 PM

There are several things about this proposed policy that I find troubling:

- The intention to further prioritize commercial interests and increase tourism at a time when I see many West Marin renters losing their homes.
- Parking is already a big problem. Encouraging more commercial density seems likely to make that worse.
- It creates yet another new permit hassle.

So I feel wary about this whole new core zone proposal; and **I wonder who is promoting it, and who would benefit from it** (and doubt that they are the residents).

This is unclear to me: The FAQ document (edited April 8, page 4) says the existing legal residences are allowed to continue without any further requirements. And yet in the most recent draft of the proposal (as written in the 3rd paragraph of the FAQ) has the wording *Replacement, maintenance and repair of any legal existing residential use shall be exempt from the above provision and shall be permitted* struck out.

Unless I'm misunderstanding something, it seems that that should be reinstated. If not there, where is it clarified who is to be exempted without further rigamarole?

Also, how is "a new residential use" defined: A new owner? A new renter?

Thanks,
Rick Gordon
Inverness Park / Bolinas

--

RICK GORDON
EMERALD VALLEY GRAPHICS AND CONSULTING

EMAIL: rick@rickgordon.com
PHONE: 415-246-2756

WWW: http://www.shelterpub.com

Marin County Planning Commissioners

Regular meeting April 11, 2016
Agenda item #3 (Open Time)
Re: Planning Commission Hearing on LCP Amendment

Chair Theran and Commissioners:

I speak this afternoon on a matter not on today's agenda -- but one that should be.

At it regular meeting next week the Board of Supervisors will hold a public hearing. The Board intends at that time to adopt a comprehensive Amendment to the Local Coastal Plan.

A brief history: Your Commission last held a public hearing on the LCP Amendments in February 2012 – some fifty months ago. The Board subsequently revised and adopted your recommended Amendments. It submitted them to the Coastal Commission for approval in September 2013. The Coastal Commission approved the Land Use Plan portion of the LCP in May 2014. Then, in April 2015 the county withdrew the LCP in order to develop substantial revisions.

It is time for your Commission to re-engage in LCP Amendment planning, for four reasons:

1. In the last two years, county staff has carried out C-SMART, a project funded by a Coastal Commission grant, and has substantially modified the LCP Amendment to address environmental hazards of sea level rise. The work program for that project includes a public hearing at the Planning Commission before environmental hazard Amendments are taken up by the Board.

2. According to Chapter 116 of the Development Code, before the Board takes action on any substantial modification to a code Amendment, it must first be reviewed by your Commission in public hearing and sent to the Board with a recommendation.[1]

[1] "If the Board proposes to adopt any substantial modification to the amendment not previously considered by the Commission during its hearings, the proposed modification shall be first referred back to the Commission for its recommendation" 22.116.040

3. In addition, the proposed Amendment would change the boundaries of the C- VCR zoning district (the *C*oastal *V*illage *C*ommercial *R*esidential district). The Amendment would create a new overlay district that would define those parcels constituting the "commercial core area". Again, such a change requires that your Commission hold a public hearing on the Amendment and forward a recommendation to the Board.

4. In addition to introducing zoning code policies to adapt development to sea level rise and the rezoning of C-VCR districts, the agency staff is proposing a large number of changes to the implementation portions of the LCP. These, also, are substantial modifications that require review by this Commission before the Board takes adoptive action.

Can your Commission take action?

Under the Interim Zoning Code, your Commission may initiate an amendment to the zoning code or the zoning map -- by passing a "Resolution of Intention" and then setting a public hearing not later than the Commission's third meeting.[2]

I don't know whether, under the Commission's rules of order, you are able to formally take up such a resolution at today's meeting. If that is not possible, I recommend it be placed on the agenda for your next regular meeting.

Please provide Marin residents with a full opportunity for a public hearing before your Commission, and follow up with your formal recommendation to the Board. A Commission hearing and recommendation is necessary to ensure both transparency and validity of the final version of the LCP Amendment that will be submitted to the Coastal Commission.

Thank you for this opportunity to comment.

Bridger Mitchell, President

[2] 22.90.010I(c).

Law Offices of James Hepburn Sutton
2 Calle del Onda
Stinson Beach, CA 94970
415-868-1960
Cell: 415-298-1960
jamie@v-dac.com

April 11, 2016

The Board of Supervisors
County of Marin
Civic Center
San Rafael, CA 94903

I live in the Calles section of Stinson Beach. Without the ability to raise my home a few feet above floodwaters - yet still within reasonable height limits that preserve our unique community character - I would eventually have to abandon my home, as would many of my neighbors who I represent. And I cannot afford to go through months of permitting hearings and tens of thousands of dollars of expenses just to do this. Your staff has in our opinion done an excellent job balancing this need by providing limited variance relief and expediting coastal permitting for those of us in floodzones, without sacrificing public access, public views or the environment, all of which are also highly valued by all of us living in West Marin.

Please embrace and endorse the recommendations of the County staff and adopt these thoughtful measures.

Sincerely,

Jamie Sutton

James Hepburn Sutton

April 11, 2016

Marin County Board of Supervisors
3501 Civic Center Drive
San Rafael, CA 94903
Via email: bos@marincounty.org

Re: Comments on LCP Amendment Documents for April 19th hearing

Dear Supervisors,

Thank you for the opportunity to provide comments on the latest iterations of the Marin County Local Coastal Program Amendment documents. We appreciate all the work that your staff and the Coastal Commission staff have put into these documents, and significant progress has been made since these documents were last considered by you in August 2015. However, these documents remain incomplete as the public has not been provided with a track-changed version of the complete documents detailing all of the amendments. Staff's letter published April 6th addressed the substantial concerns and comments raised by the Coastal Commission staff in its letter dated March 23rd, but those comments have not been incorporated into the overall full version of the Land Use Plan (LUP) and Implementation Plan (IP) so that the public has an opportunity to review these documents in their full and clear context. Before the IP and LUP are deemed complete and submitted to the Coastal Commission, the public should be given an opportunity to review all of the last changes to these documents and provide final comments on them before they are submitted to the Coastal Commission.

Despite this, CCPN provides comments with specific recommendations to numerous sections dealing with Agriculture, Biological Resources, Environmental Hazards, and the Permit Notice and Appeal Procedures. Because the Coastal Commission has already provided full list of items, we do not repeat those here. Thank you for your consideration of our comments.

1. Agriculture Policies and Regulations Are Incomplete

The Coastal Commission's March 23rd letter identified a number of places where the Agriculture policies and regulations are incomplete, contain errors, have not been updated, or are inconsistent with the Coastal Act. Without repeating all of those instances, there are additional areas that must be addressed by the County prior to submitting the LCP Amendment documents for submission to the Coastal Commission. ***The goal of these comments is to fill in the regulatory gaps to ensure that the significant amount of new developed proposed to be allowed as a Principally Permitted Use in the C-APZ district under the definition of "Agriculture" – including a Farmhouse, an Inter-generational House, a Commercial Processing Facility, and a Commercial Retail Sales Facility – has sufficient standards to guide any new development.*** The LUP provisions are addressed first, followed by the IP provisions.

A. Agriculture LUP Policy Issues

C-AG-2.B – Coastal Agricultural Production Zone
Delete reference to "legal lot" and replace with "farm tract."

C-AG-5 – Agricultural Dwelling Units
Inter-generational homes are supposed to be for persons "authorized by a farm owner or operator" and who are themselves "*actively and directly engaged in agricultural use*" on the property. This latter qualification should be added to C-AG-5. Otherwise the entire point of an inter-generational home – to support inter-generational farming - is thwarted and has the real potential to be used as a means to build a new home in West Marin's iconic coastal zone without the substantive basis.

B. Agriculture IP Regulations

22.32.023 Agricultural Homestays
Sub-section 6: should replace "one per legal lot" to "one per farm tract."

Sub-section 7: should replace "lot" with "farm tract."

Add a provision here that is already contained in Section 22.32.040.D [Bed & Breakfasts] that:

> "No receptions, private parties, retreats, or similar activities, for which a fee is paid shall be allowed" to ensure purpose of homestays remains true to the definition.

This ensures that an agricultural homestay remains true to the use, and is not used to open up the property for non-agricultural uses without proper review.

22.32.024 Agricultural Dwelling Units
Ensure consistency of "farm tract" where the terms lot, parcel, and legal lot are still used in the draft documents.

22.32.025 Farmhouse
Amend the last sentence of the first paragraph to include the underlined text as follows:

> "In the C-APZ, farmhouses also shall be considered necessary for agricultural production when the owner of the farm tract is actively and directly engaged in agricultural use of the property."

This ensures that the construction of a farmhouse is not perceived as a right or entitlement simply by virtue of owning agricultural production zone land.

22.32.026 Agricultural Processing Uses
A.2. I would strongly encourage the County to ***rewrite this provision in a way that supports Marin coastal zone farms and does not encourage processing of Sonoma County products – like commercial, non-organic grapes – in Marin's coastal zone***. This section

California Coastal Protection Network
Santa Barbara * Sacramento * San Rafael
4340 Redwood Highway, suite 229 San Rafael, CA 94903 415.306.6052

can be written to allow local milk producers to share processing facilities without encouraging the additional heavy traffic and commercial development in Marin's unique coastal agricultural zone. Finally, this provision is not conducive with reasonable or safe Sea Level Rise policy decisions, given that Highway 1 is already extremely vulnerable to storms and encouraging additional heavy trucks and more traffic from processing facilities will exacerbate this problem.

B.2.a. Processing facilities are not categorically excluded, only structures like barns and fences are. The County should not allow barns or any other structure to be built without Design Review. The case in point is the construction of barns on the Doughety property without any permits, yet the County was required by the Exclusion Order to carry out Design Review for these structures but failed to do so. **Policies must be included in the IP that require Design Review for all new structures on C-APZ lands, otherwise there is no way to ensure the scenic viewshed will remain protected**.

22.32.027 Agricultural Retail Sales Facilities/Farm Stands

B.1. "Sufficient parking" is not a defined term and what constitutes "sufficient parking" should not be determined by the purported demand of consumers or left to a case-by-case basis. A small, limited number of parking spaces should be provided in order to ensure protection of the maximum amount of agricultural land for production.

22.32.028 Agricultural Worker Housing

Clarify when the property owner needs to complete a worker housing needs assessment and plan for any worker housing proposal, or only if it proposes to surpass the 36 beds/12 units threshold. My understanding is that the County's current practice is to require the needs assessment for all worker housing proposals, and the preference is for that practice to continue for all proposed worker housing. This should not be a cumbersome process, just one that identifies what housing is needed for that particular farm tract's agricultural production activities.

22.32.105 Mariculture

A. Amend last sentence of this section to include underlined provision as follows: "Support provision of onshore facilities necessary to support mariculture oprations in Marin Coastal waters."

As we are all aware, the shellfish companies in Tomales Bay that have onshore facilities periodically and regularly import oysters from Mexico, Washington, and Hawaii. The Tomales Bay shoreline is fragile, and the onshore facilities should be based only on the local, coastal-dependent use, not the overall volume of oysters that includes imported oysters.

22.32.115 Determination of Non-Agricultural

In order to protect the integrity of agricultural production, non-agricultural development should never be allowed to be a Principally Permitted Use or a Permitted Use in the C-APZ zoning district. The text in this section should make that absolutely clear, and it should be reflected in Table 5-1 as well.

B.1. This section lacks adequate standards to make determinations about the non-agricultural status of agricultural lands. The County should incorporate recommendations from its own 2003

California Coastal Protection Network
Santa Barbara * Sacramento * San Rafael
4340 Redwood Highway, suite 229 San Rafael, CA 94903 415.306.6052

agricultural land study that it commissioned leading up to the LCP process. That study recommended looking at factors including the impact of new housing development on taxes and insurance costs, as those can often be tipping points that push farmers and ranchers to the brink of not being able to afford to stay on the land, particularly when a neighboring property develops as it increases land values in the surrounding area.

B.2. Additionally, the factors listed in this section are insufficient to protect ongoing agricultural production and use. For example, the reviewing authority "may" ask the questions enumerated in this sub-section but, 1) these factors aren't required to be considered, 2) protection of the historic rural character and scenic viewshed must be expressly addressed in the decision of the impact of non-agricultural development in the C-APZ district.

22.130 Amend Definitions of "Farm" and "Farm Tract"

"**Farm**" is defined as a place of commercial agricultural production with sales of $1,000 or greater. The $1000 is an extremely low denominator and not in keeping with the exponential growth of agriculture sales in Marin County as reported by the Agricultural Commissioner. The County's 2014 Annual Report states the gross revenue for agricultural sales in Marin County was over $100 million dollars, up 19% from 2013, even in the midst of the severe drought.[1] It's unclear on what basis the $1,000 threshold per farm was established but the County should provide documentation to support this extremely low number and increase the number based on a 5-year average or some type of factual metric.

The definition of "**Farm tract**" should be amended to add the underlined languages as follows:

> All contiguous legal lots <u>and/or parcels</u> under common ownership in the C-APZ zoning district.

The reason for this addition is that a property owner can have contiguous legal lots as well as parcels that do not qualify as a legal lot, and thus those parcels should be part of the contiguous, common ownership equation as well as the legal lots.

2. Protection of Visual Resources

LUP Policy C-DES-2 does not comply with the Coastal Act. It provides for development "to protect <u>significant</u> views," but this is a lesser standard than what the Coastal Act requires.

Section 30251 of the Coastal Act provides, in part, that:

> The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to <u>protect views to and along the ocean and scenic coastal areas</u>, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. (Emphasis added).

The Coastal Act does not protect "significant" views, it protects "views to and along the ocean

[1] http://www.marincounty.org/~/media/files/departments/ag/crop-reports/2014.pdf?la=en

and scenic coastal areas," among many other situations. The purpose of this provision is the protection of the public's view shed from public areas, not from private property, which is why the types of areas are enumerated. ***But simply enumerating the areas from which the public has protected views "to and along the ocean and scenic coastal resources" in no way means that only "significant" views can or should be protected***. The Coastal Act is clear – public views are protected – and this policy should be amended to comply with the law.

Numerous subsequent provisions of the IP should be updated to remove the word "significant" as it prefaces "public views," including in the following:

-- 22.65.040.C.4.2 Agricultural Dwelling Unit Impacts and Agriculture Use

-- 22.32.165.C.7 Telecommunications Facilities

-- 22.60.010 Purpose and Applicability of Coastal Regulations

-- 22.64.045.4.A Property Development and Use Standards

-- 22.64.060.B.10 Environmental Hazards

-- 22.64.140.A.19 Public Facilities and Services – Telecommunications Facilities

3. Environmental Hazards Policies and Regulations Lack Supporting Facts

C-EH-1 and 22.64.060 Safety of New Development
There are two major issues to address in these policies – the timeframe for considering the "lifespan" of new development to keep it safe and free from needing a shoreline protective device, and the mitigation measures allowed to address changing conditions.

1. Lifespan of a building
The County has set the timeline for considering the "lifespan" of new development to keep it safe from sea level rise impacts at 50 years. Given the inability to know precisely the rate at which the sea level will rise over the next 100 years, and coastal bluff erosion and other hazards will occur, this may seem like a justifiable timeframe.

However, what we do know is the science of climate change, global warming and sea level rise is rapidly advancing, and with each new study the science all points to one undeniable conclusion: past predictions, even the most conservative ones, have been inaccurate to account for the rapid rate of rising seas and the increasing rise in ocean levels that is in progress.[2]

Accordingly, the timeframe throughout the Environmental Hazards chapters in the LUP and IP must be increased to at least 75 years, and preferably 100 years. **We may not know exactly how fast the ocean is rising, or how extreme the coastal bluff erosion will be, but the facts overwhelmingly point us toward being more cautious than not.** This translates into setting policies that provide for looking at new development over a longer timeframe, making the setback distance from a bluff edge farther back, etc.

[2] http://www.nytimes.com/2016/04/01/opinion/the-danger-of-a-runaway-antarctica.html

This is supported by the Coastal Commission's Sea Level Rise Policy Guidance document.[3] It advises that jurisdictions should ensure that "structures are set back far enough inland from the beach or bluff edge such that they will not be endangered by erosion (including sea level rise induced erosion) over the life of the structure, *without the use of a shoreline protective device*."[4]

It's clear that new structures developed in the coastal zone will have a lifespan greater than 50 years. Thus, **the LCP policies and development code must reflect a more protective strategy to encompass the life of the structure – at least 75 if not 100 years – that is not dependent upon, and does not allow, the use of a shoreline protective device**.

2. Mitigation Measures

In the documents that the County published on April 6th, partly in response to the Coastal Commission's March 23rd letter, Attachment 5 included the following new text but did not include a footnote or comment to explain it. The County staff's last sentence is particularly troubling:

22.64.060.A.1.b.3

> 3) Reliance on Best Available Science. To minimize risks to life and property, and assure stability and structural integrity of existing structures, in recognition of the scientific information represented by FEMA and Potential Sea Level Rise data, modifications of structures consistent with this Policy shall be facilitated by application of Coastal Permit Exemptions, Categorical Exclusions, and Coastal Permits. **Raising structures as provided in Policies C-EH-5, 8 and 9 and limiting the height to that required to provide for BFE and/or sea level rise elevation <u>shall be deemed sufficient to comply with coastal hazard, public view, community character and related provisions of the LCP</u> (emphasis added).**

It is inappropriate to declare in one new statement that elevating structures as a mitigation measure to sea level rise is programmatically deemed as wholesale compliance with the numerous important Coastal Act policies including public views, community character and "related provisions." This goes against the Coastal Commission's Sea Level Rise Policy Guidance document, which states:

> As with protection strategies, some accommodation strategies could result in negative impacts to coastal resources. Elevated structures may block coastal views or detract from community character; pile-supported structures may, through erosion, develop into a form of shore protection that interferes with coastal processes, blocks access, and, at the extreme, results in structures looming over or directly on top of the beach.[5]

Accordingly, we strongly urge the County to pull back from this statement and adopt a standard that is much more in line with the Commission's Policy Guidance document and reflects the need to address these issues at some level on a case-by-case basis.

[3] California Coastal Commission Sea Level Rise Policy Guidance, Adopted August 12, 2015.
[4] Id. at p 129, Ch.7
[5] Id. At p. 124, Ch. 7

C-EH-22.a.2 Sea Level Rise and Marin's Coast - Update potential Sea Level Rise Maps
This section states that current and future hazard areas should be modified "on a five to ten year basis" or as necessary to incorporate new science and information. This is a good provision, except there may be instances where new science is released in between the times when the County is planning to update its maps and policies. Thus, we would suggest including a provision to allow members of the public to petition the County's Community Development Agency to update the regulations in the event that new best available science has been released and to allow the County to take prompt action on that new data and information.

Regarding the remaining Environmental Hazards policies and regulations, we support the Coastal Commission staff's comments in their March 23rd letter, and also expect that significant new additional modifications will be necessary to bring these chapters into compliance with the Coastal Act and best available science.

4. Permitting and Appeals Notice and Procedures in IP

We are still reviewing the Implementation Plan Chapters 22.68, Coastal Permit Requirements, 22.70, Coastal Permit Administration for consistency with the comments enumerated in the Coastal Commission March 23rd letter and will provide comments on those provisions in a separate letter.

5. Other IP Provisions

22.64.045 Property Development and Use Standards
Restore deleted text from Parts 2.A.1 to be consistent with LUP policy C-DES-2 which protects scenic resources.

22.64.050 Biological Resources
Restore the language that has been deleted in 22.64.050 A.1.c.10. This weaker version of that language is not acceptable. The restored language should state:

> For buffer reductions, the applicant has provided clear and convincing findings of the need for the reduction, the reduction allowed is absolute minimum necessary, and the reduction will prevent impacts that degrade the ESHA and will be compatible with the continuance of ESHA.

Thank you for your consideration of our comments and concerns.

Sincerely yours,

Amy Trainer, JD
Deputy Director

APR 13 2016 PM 1:54 Planning

Kristin Drumm
Senior Planner
Community Development Agency
Planning Division
3501 Civic Center Drive, Suite 308
San Rafael, CA 94903-4157

April 11, 2016

RE: **ADAMENT OBJECTION TO PROPOSED LAND USE POLICY C-PK-3**

Ms Drumm,

I find the proposal suggested in your letter of March 29, 2016 regarding a change in residential land use policy in Stinson Beach extraordinarily objectionable and probably illegal as it infringes on the historical rights of use for residential property. I have lived in my private residence in Stinson Beach for twenty years. My family have been continuous home owners in Marin County since 1936. I have never rented my property out, not even one room, nor do I intend to during my lifetime.

Your letter would seem to indicate the Coastal Commission and County of Marin would like to impose restrictions on where I reside within my own private residence? Do I live in the bedrooms downstairs, or the living room and kitchen upstairs? To even be considering such restrictions on the use of private land by residents of this community is preposterous.

If my interpretation of your letter is incorrect, then I apologize. However, as I read your letter it infuriates me that such a proposal would even be considered. I can assure you should you move forward with such an idea that would restrict the use of where I reside inside of my family residence I will do everything possible to gather both legal and financial support to defeat the effort.

Regards,

Edwin G. Marshall
144 Buena Vista
Stinson Beach, CA 94970-0742

Marin County Board of Supervisors
Via email: BOS@marincounty.org

Re. Hearing on LCP Amendments, Attachment 3, Full Text of IPA Code, Policies on Intergenerational Housing, Ag Processing, and Ag Retail Principal Permitted Uses

Dear Board of Supervisors:

These comments concern only the LUP policies and IP code implementing them that allow more housing units and new light industrial activities and commercial activities on ranches in the C-APZ zones of coastal Marin County. My comments on other LCP amendments will come in separate letters.

Qualifications: I taught land use planning, land use law, environmental impact assessment, and environmental planning (local planning for land use, transportation, air quality, water quality, energy, and social equity in an integrated fashion) at UC Davis for 34 years. My classes on environmental planning were among the first in the world to combine these issues into one framework. I helped develop undergrad and grad teaching programs in environmental planning. I have published over 100 papers on these topics, been on national, state, regional, and local advisory committees and have been a local planning commissioner in two California towns. I taught several extension courses on these matters to local, regional, and state planners and to Caltrans managers. I was an expert in several NEPA and CEQA lawsuits concerning land use and transportation impacts. My undergrad students work in local and state land use and environmental agencies throughout California. My grad students work at and manage local and state environmental agencies. Re. this comment letter, I studied ag land protection policies in the U.S. and California in the 70s, working with several California counties on protection policies in general plans. I carried this work on for over 35 years, mapping all city and county general plans in GIS for state agencies and ag land protection NGOs, finally resulting in studies of strategic long-range land use alternatives for the San Joaquin Valley counties in the 2000s. My urban growth GIS model has been used by many California counties in general plan studies. I have a good understanding of land economics and rural and urban real estate markets and how they are affected by local zoning and related policies.

Background: The existing 1982 LCP has an appropriate overall policy for protecting ag lands, to keep land values as low as possible. This is fundamental to keeping the rural land market segmented from the suburban one. Ranching in Marin is healthy, as borne out by your annual ag production value reports. Ownership turnover of ranch properties is very low. The existing LCP has worked well and would continue to work well, if left in place. The proposed LCP amendments increasing allowable development on ranches will increase land values and the loss of lands to rural estate uses. LCP tourism spending is roughly ten times that for ag in Marin County and the Eastshore is a critical component of our world-famous open space scenery.

Threats to Ongoing Ag: The upper Martinelli ranch is for sale, just north of Point Reyes Station. The ad said it's a great place for a multi-family compound. No MALT easement. Three parcels totaling 1,040 acres, with an asking price of $12 million. At about $12,000 per acre, it's priced much higher than other agricultural lands, suggesting the seller is hoping for someone wishing to build a rural estate.

Under the current Local Coastal Program, an agricultural landowner in the coastal zone can build one dwelling per farm, with "farm" defined as all contiguous parcels under common ownership. There are no size limits on new dwellings. So the future buyer of this property could build a large estate home, such as are found in Napa County. Under current rules, about 10 new large farmhouses could be built on the Eastshore of Tomales Bay.

Unfortunately, the county is proposing amendments to the Local Coastal Program that would allow both a farmhouse and one "intergenerational" dwelling per "farm tract," or adjacent parcels under one ownership, along with one additional intergenerational dwelling per "legal lot," or parcel, the latter subject to Coastal Commission review. The farmhouse and all intergenerational dwellings together could not exceed 8,040 square feet, which could still be attractive to wealthy buyers seeking to build an estate residence. So although the proposal limits the collective size of all dwellings on a farm, it allows more of them to be built.

In the Eastshore area, the new LCP would allow about 20 new residential units. It would also allow one small industrial operation in an existing structure and one new small retail building per farm tract. The latter can apparently have parking and access roads along the coastal highway. These developments will increase the cost of acquiring easements for MALT and reduce the acreage it can protect.

Thus, the revised LCP would increase development on agricultural lands without serious consideration of other long-range policies needed to keep agriculture viable. The Board of Supervisors should suspend action on the amendments until the new District 4 supervisor is elected. The policies to allow additional dwellings and ag processing and retail should be dropped. In addition, the county should adopt into the LCP the weed management plan proposed in 2013 to stop the encroachment of invasive plants on agricultural lands and the County should also increase the minimum parcel size in the coastal zone to 640 acres.

Discussion: MALT was set up to help families finance land purchases from family members and so prevent land sales to non-farmers. About half of our coastal grazing lands are under permanent MALT easements; however, this approach will likely become less effective over time. As the percentage of MALTed parcels rises, the development value of the holdout parcels also increases, due both to their rarity and their protected views. This will increase sales to non-farmers. Increasing the parcel size zoning would reduce the attractiveness of these ranchlands for residential projects by reducing the number of housing units allowable. Napa, Sonoma and Yolo Counties have zoning minimums ranging from 160 to 640 acres; these seem more reasonable for grazing lands. Ranch operations in Marin average 500-600 acres.

Another worrisome trend is the invasion of thistles, coyote brush and other plants on grazing lands where owners will not or cannot afford to control them. In 2013, the county attempted to adopt a 10-year invasive weed management plan, saying these species have "rendered thousands of acres of pastureland, rangeland and natural areas unusable…" The Supervisors did not adopt this plan, despite the agricultural commissioner's statement that "If nothing is done to slow and stop the spread of these invaders, it will become unfeasible to attempt to control and manage them." If lands become useless for grazing, it becomes more difficult to prevent development of individual parcels for other uses, legally.

If Marin adopts the proposed LCP amendments and further residential, industrial and retail development is permitted, national and statewide environmental groups might push for greater federal control. (This is what happened in West Marin in the past.) For example, elected officials could expand the Golden Gate National Recreation Area or Point Reyes National Seashore boundaries to include the grazing lands on the east side of Tomales Bay. This could give the National Park Service authority to adopt policies to protect natural scenic qualities and the ability to condemn parcels proposed for development that violated these policies. This is taking place in other parts of the country, such as in Cape Cod National Seashore and the Sawtooth National Recreation Area. We could expect little or no condemnation to actually occur, as most landowners would decide to negotiate easements with MALT. I think Marin would rather solve this problem without further federal intervention.

Conclusions: Please do not increase allowable development in the C-APZ areas. Instead, amend the LCP to require larger parcel sizes and to require weed abatement by all ranchers.

Thank your for considering these comments.

Robert A. Johnston
PO Box 579
Pt. Reyes Stn.
CA 94956

Marin County Board of Supervisors
Via email: BOS@marincounty.org

Re. Hearing on LCP Amendments, Attachment 4, Environmental Hazards Chapter of the LUP

Dear Board of Supervisors:

In this letter, I will comment only on the EH Chapter. My comments on other LCP issues will come in separate letters. I was a member of the C-SMART committee on coastal sea level rise (SLR) threats and policies. I am a retired professor from UC Davis and taught Energy Policy for 25 years. I have been a local planning commissioner in California.

Planning period: Fifty years is too short a timespan for planning, especially for roads and utilities. Please extend the planning assessment period to 100 years. We know enough about SLR to predict it for much longer periods than 100 years.

Assumed SLR: The LUP policies include one to reconsider the EH chapter every 5-10 years, but will likely be in effect for much longer. The chapter is short-sighted, using old data on SLR. SLR will be much higher in 2100 than 3 feet. Current science projects a roughly 6-foot rise by 2100, due to Antarctic ice sheet melting (Nature, DeConto and Pollard, 3/31/16). This study used methods approved by the IPCC and so these findings will likely be included in the next official global study by the IPCC. Furthermore, when the on-going similar Greenland studies are completed, SLR projections for 2100 will increase another few feet. If we consider that, as more studies are completed SLR always goes up, we should consider these projections to be minimums, subject to being raised.

The import of these new projections is that the proposed EH chapter is predicated on the assumption that this is "planning as usual" and building owners will be able to raise their structures. That approach may work when considering 3 feet, is much-more difficult for 6 feet, and becomes nearly impossible when working with a SLR of around 9 feet. Similarly, moving the Coastline Highway and Sir Francis Drake Blvd can consider placing in fill, when planning for a 3-foot rise, but in some places, higher elevations will require relocation.

I tried to get our committee to identify and discuss long-range policies for much-higher SLR projections, such as moving communities to higher lands, piecemeal transfer of development rights, state and federal tax policy to allow writing off losses in real property value, etc. without success. Many people think that taking a long-range view will make SLR policy more contentious. Sometimes, looking at the truly long-range issues makes policymaking easier, as other more-creative policies are needed.

GHG Commitment:

Several recent technical papers about GHG "commitment" show clearly that the 100-year sea level rise (SLR) is between a quarter and an eighth of the 1,000-yr SLR, for any level of GHGs, after you level off emissions. This is mainly due to the lifetime of atmospheric CO2 and its slow uptake, mixing into, and release from the oceans, but also some other GHGs with atmospheric lives on the order of 10,000 years.

So, Highway 1 and other infrastructure design needs to consider not 3 feet, not 6 feet of SLR, which is considered radical, but much more in a couple of centuries, in the optimistic scenarios that have GHGs leveling off soon and falling to replacement levels by 2050. Replacement level is about an 80%

reduction from the current level, and so seems very unlikely to occur by 2050, politically. If the world doesn't adopt effective policies, the SLR curve is much higher. Only a huge effort at sequestering GHGs could turn downward the long-term atmospheric trajectory and then you are still stuck with the CO2 in the deep oceans taking centuries to rise to the surface and outgas to the atmosphere.

Highway 1 and some other facilities in Marin Co. will have to be moved up the hillsides 100's of feet in elevation, not raised a few feet, to avoid rebuilding them every few decades. The County and other agencies don't want to be wasting resources examining Highway 1 and other infrastructure relocation plans that are too temporary, over the life of the structures.

Conclusions: Please hold off on adopting the EH chapter until your staff can consider these comments. I think it needs to be recast in a truly long-term fashion and identify these much-higher SLR projections. As proposed, Marin County will go through years of contention over this chapter, for no good reason, as it will have to be redone in a few years to consider stronger policies.

Thank your for considering my comments.

Robert A. Johnston
PO Box 579
Pt. Reyes Stn.
CA 94956

Marin County Board of Supervisors
Via email: BOS@marincounty.org

Re. 4/19/16 Hearing on LCP Amendments, Attachment 6, IP Sec. 22.68.040 B, Noticing for CatEx Projects

Dear Board of Supervisors:

In this letter, I comment only on Attachment 6, sec. 22.68.040. I comment on other LCP amendment policies and code provisions in separate letters.

I am a retired professor of land use planning from UC Davis. I have been a local planning commissioner for two California towns.

Conclusion: Your staff recommends a narrower requirement for public notice of a County determination that an applicant's project is Categorically Exempt than that requested by the Coastal Commission staff. I believe that your staff's recommended amendment probably does not meet the letter of the law (Coastal Act) and certainly does not further the intent of the Act. It also likely that the Commission's adoption of your LCP could be found to violate the CEQA requirement to mitigate environmental impacts where feasible, in that an LCP is a functional equivalent to an EIR. Your staff's narrow notice provision also reduces the democratic value of the planning process in Marin's coastal zone.

Your Staff's Proposal: Your staff requires public notice by passive "posting" on the agency website and that such notices be "transmitted" only to "...known interested parties (including those who have specifically requested such notice)." This wording generally comes from the Commission Order amending CatEx Order E-81-6, but is unclear in that it probably does not include citizens who have signed up for your automated notice on the CDA website. This website describes the notification process in this way: " A list of discretionary planning applications is provided for various geographical areas... the latest information regarding a particular project." Since CatEx applications are not discretionary, most such applications will not be noticed to the public on the website. Your staff also states this in the Staff Report for this hearing, in which notice will "include mailed notice" and posting to the CDA website. But, these actions seem to not include the use of the automated (push email) project notification system to send notice to parties signed up for certain geographic areas and/or project types, because the Staff is limiting such public notice to "discretionary projects." The Coastal Commission staff wording added known interested parties or ones that "...have requested to be kept informed regarding the type of development subject to the categorical exclusion and/or development at the location..." This wording seems to include the County's automated notification service and doesn't limit notice only to discretionary projects. So, re. CatEx determinations and permits, your Staff, in effect, is only offering to notice the Commission, which is required by Cal Code Reg 14 CCR 13248 and to notice "known interested parties" undefined.

Discussion: Your staff recommends this narrow concept of public notice based on two arguments:

1. Not Required by Law

Your staff bases their narrow interpretation of the Coastal Act by stating that the "... administrative procedures regarding exempt activities...are not regulated by the Coastal Act." (Staff Rept., p. 6). This is not correct, as only after the local Planning Director's determination that an activity is categorically exempt is a project not regulated by the Coastal Act permit requirements (Coastal Act, Ch. 7) and

subject to local ministerial determination. The whole authorization for the CatEx process comes from Cal Pub Res Code 30610(e) (Coastal Act). Sec. 30610.5 provides more-specific conditions and states that "...an order granting an exclusion... may be revoked at any time by the Commission, if the conditions for the exclusion are violated." This statutory provision is clear that the CatEx delegation of authority to local governments is conditional and, by inference, that the procedure is subject to the whole Coastal Act, because this section does not state otherwise. The Commission adoption of a CatEx Order for a local government may be conditioned on various local findings. The Commission's rules at 14 CCR 13243 restate that the CatEx Order may be conditioned by the Commission and, specifically, that the provisions authorizing the normal Commission review of local government permit decisions (at 14 CCR 13318-13323) may be applied to certain categories of development in a CatEx Order.

Looking at CatEx Order E-81-6 -- allowing ag accessory buildings and signs on roadways and buildings to be excluded by County action in Unit II (N. Marin Coast) -- we see that the reasoning for allowing some types of exclusions, such as ag accessory buildings, is based on an argument that such activities are also exempted by CEQA and the State CEQA regulations. CEQA requires that Notices of Exemption (different term, similar concept) be publically noticed and provides for an appeal period. Consequently, the legal precedent for many Coastal planning exceptions is the most important environmental law in California, one with abundant public notice requirements at each stage of analysis, including early findings of project exemption. CEQA clearly established that public notice is an integral part of environmental protection in California.

CatEx Order E-81-6 and the amendment to it require that exclusions not apply to several types of lands, such as lands within 100 feet of tidal, beach, riparian, lake, or wetland lands, and also prohibit projects on "potential public trust lands." Environmentally sensitive habitats must be mapped. The form sent by local government to the Commission as notice shall include "all terms and conditions... imposed by local government..." The CatEx Order requires that the County make findings with regard to all conditions in the Order, so as to demonstrate to the Commission staff that the conditions have been met. <u>The local determination that a proposed activity is exempt under a CatEx Order is not a simple local ministerial decision. It is a delegated decision, subject to the County meeting the conditions in the Order and demonstrating this.</u>

The LCP adoption process is a "functional equivalent" of CEQA and the CEQA requirement to mitigate adverse impacts "where feasible" applies to LCPs. The Commission has a duty to require in all LCPs all mitigation policies that will reduce such impacts. By extension, the County has a similar duty, as the preparer of the LCP amendments. CEQA considers public notice to be an integral part of reducing impacts, through improved commenting and decisionmaking. Therefore, the County should follow the Commission staff's recommendations wherever the policy is feasible.

As an example of why full public notice is needed, consider the CatEx determination made by your CDA for the Doughty barn on 5/20/13 (APN 119-020-29). The form used does not include all conditions that need to be fulfilled. The barn was allowed to be built in an area mapped by the County as Non-Excludable, meaning no exception may be applied in that area. Several other conditions in the CatEx Order are not addressed in the project permit documents. If full public notice had been provided, these clear mistakes would likely been discovered by NGOs and citizens.

So, reading the Coastal Act, CEQA and guidelines, Commission rules, and the Marin CatEx orders shows that the intent of these laws is for full public notice of the local determination of whether a proposed activity falls under the relevant CatEx order. <u>After</u> the Commission approves the CatEx decision, the

process becomes a local ministerial one. So, it seems prudent to add a full public notice to the first step of the process, the determination of exemption.

2. Too Costly

Your Staff also states that increased public notice as recommended by the Commission staff "... is excessive in terms of staff capacity..." (p. 5). This assertion is incorrect, certainly with respect to the automatic email notification system that could easily be altered to include CatEx applications.

Summary: It seems that the Coastal Act and CEQA require full public notice of CatEx determinations by the County. Please restore the language recommended by the Commission staff and perform public notice using the existing email system. Since improved public notice of CatEx determinations by the County are very inexpensive to implement, this policy is feasible.

Thank you for considering my comments.

Robert A. Johnston
PO Box 579
Pt. Reyes Stn.
CA 94956

From: Charles Higgins
To: MarinLCP
Subject: Local Coastal Plan
Date: Tuesday, April 12, 2016 5:11:28 PM

To: Board of Supervisors
Marin County

Since 2005, I have lived part-time on Calle del Pinos in Stinson Beach. It has become clear that more frequent flood events in the area is causing property owners assess options to protect their property.

I believe that the draft plan has taken into account many of the concerns raised by Stinson Beach property owners and residents. As with many houses that are fewer than ten feet above sea level, my house may need to be lifted a few feet above floodwaters to avoid damage. To do this, I would need to exceed the current height limit and would request that a property like mine be allowed to go up to thirty feet rather than the current limit of 25.

County planning staff have indicated that they would support variance relief that would allow for increased heights and the expediting coastal permitting for those of us in flood zones. These measure would not sacrifice public access, public views or the environment, all of which are also highly valued by all of us living in West Marin.

Many neighbors and I support the draft of the LCP and would like to see it advanced and defended. Thank you for your consideration.

Charles Higgins
11 Calle del Pinos
Stinson Beach, CA

M. 415.359-7654
H. 415.868-9792

Higginsspace@gmail.com

Tauni Meade
2 Joaquin Patio
Stinson Beach, CA 94970

April 13, 2016

Marin County Board of Supervisors

Shoreline Hazard Standards

Dear Supervisor Kinsey,

My home is located in the Patios of Stinson Beach, where I have lived for the last 27 years. I am writing to support the County's position that "Shoreline Hazards" are distinctly different from "Bluff Top Hazards" and especially where I live, should be treated differently by county development code. In our current Local Coastal Program there are provisions for construction safety near bluff or Cliff Tops, which are mandated by the Coastal Act. In earlier drafts of the new LCP, Coastal Commission Staff apparently "copied and pasted" these and created a new section called "Shoreline Hazards" that would force homeowners along the shore to apply the same standards as those who live on Bluff Tops. Homeowners who wanted to develop or maintain their properties would have to "set them back" from the shoreline until they were sufficiently high enough to avoid erosion and sea level rise. But if you have ever been to Stinson Beach, you would recognize that our properties are by and large flat, as is most of the low-lying area around us. "Setting back" would be a nonsensical and frankly unsafe solution, since as sea levels rise all the land around us would be equally flooded; but the Coastal Commission Staff rewrites explicitly disallow the safer solution, which would be to elevate our homes in a reasonable manner. Having grown up in Bolinas, and watching many houses along the Cliff Tops be removed because of cliff erosion, I understand the need for codes and standards specific to that condition. However, Stinson Beach does not have the same type of geography and needs its own set of provisions "Shoreline Hazard Standards" to meet our specific conditions. Worse, the Coastal Commission Staff version made no provision for whose properties or homes would be so close to the "shoreline" as to require hazard mitigation; in our neighborhood we could all arbitrarily be subject to such a provision. Wisely, County Staff proposes to separate Shoreline Erosion into its own separate section, and proposes first that the definition of this hazard be based on existing FEMA V-Zone standards, which are easy to understand and apply, and which we already have to follow for insurance purposes. This would greatly assist shoreline homeowners in complying with both Federal and County policies without fear of them conflicting. Second, County Staff proposes that what we need to account for along the shoreline is the real risks from erosion and sea level rise, and gives us the permitting tools to elevate our homes safely. I urge you to support your County Staff's proposal in this matter. With your vote, I will hopefully be able to stay in my home for many years to come and will be able to make changes to it to mitigate flooding as needed.

Sincerely, Tauni Meade

April 12, 2016

Members, Marin County Board of Supervisors
c/o Mr. Jack Liebster
Planning Manager, Community Development Agency
3501 Civic Center Drive, Room 308
San Rafael, CA, 94903

Re: **Marin County Local Coastal Program – Draft**

We write in support of the County staff's proposal to eliminate onerous and needlessly arbitrary language that the Coastal Commission staff has proposed to Marin County's Local Coastal Program. Such language, as currently proposed, would force homeowners to draft plans to remove their homes along the coast, redesign and potentially re-architect their homes to be "removable", and further require homeowners to pay for the demolition or relocation of their own home at any point in the future should a governmental body decide that any portion of it "might" be "subject to hazard". While we understand the Coastal Commission's overall objective – to protect California's coastal zone through planning and regulation of the use of land and water – the proposed language goes too far. It is also unnecessary given already existing regulations. The Commission staff might consider better-informed and less heavy-handed alternatives and, rather than impose costly and draconian measures upon homeowners, seek to ease the burden of the threat that these homeowners may face at some point in the future.

I support the County's decision to replace this language with an expanded statement of risk disclosure that acknowledges existing code sections that already specify when homes become too dangerous to occupy. Such disclosure is already required when building in my neighborhood, and it is the more appropriate mechanism for maintaining homeowner safety in the face of potential hazards.

Requiring homeowners to pay for studies of potential coastal impacts to their homes is onerous. Such studies by their nature will necessarily lend themselves to some level of conjecture and speculation. Forcing a homeowner to pay outside experts for a costly, time-consuming and possibly inconclusive study of whether their home might need to be "removed" 100 years in the future is of dubious value and excessively burdensome. This is particularly so for homeowners who only seek to perform modest home maintenance or modifications, including modifications to make their homes safer in the face of possible hazards such as flooding.

Further, requiring homeowners to design “removable” homes may conflict with federal FEMA standards in my area that require deep-sunk structural support to withstand coastal hazard. The proposed requirements are inconsistent with, and far exceed, requirements imposed on homeowners in other hazardous areas, such as those areas subject to earthquakes.

Finally, the proposed draft language would permit any individual inspector to determine – at *any time* in the future - that a single structural feature of a home may require removal of the entire home. For example, an inspector might determine “that dock of yours might get damaged in a storm” and thus “the law says you have to remove the entire home - and pay for it.” This is an absurd result. But, injudicious and overly broad wording in the proposal would allow such interpretation and arbitrary decision-making. **Our homes – which, for many, represent our life-savings – should not and cannot be exposed to such vagaries.**

For these reasons, we strongly urge you to support your County Staff in their considered drafting of a more appropriate policy that seeks to keep me and my neighbors safe, without exposing California homeowners to unintended, draconian measures in the future.

Sincerely yours,

Lokelani Devone
Annette Brands
Residents
Stinson Beach, California

From: Carrie
To: MarinLCP
Cc: Kinsey, Steven; Crosse, Liza; Crawford, Brian
Subject: Please vote to approve CDA staff recommendations to the LCP!
Date: Wednesday, April 13, 2016 4:09:34 PM

Dear Marin County Supervisors,

I am writing to urge you to vote in support of the staff recommended changes to the LCP as they are presented on April 19th. As a resident of Stinson Beach, I commend the CDA staff for their multiple community meetings soliciting resident input on these changes as well as dozens (or hundreds?) of emails and calls spent with community leaders on the nitty-gritty details. Jack Liebster and his team did an incredible job of breaking down the multiple options and the various consequences associated with each proposed change. They listened to resident input, and the resulting changes do an excellent job of balancing our desires to protect and maintain our homes with our shared concern for protecting the environment.

I want to specifically call out one change that will greatly impact nearly 300 residents in the Calles and Patios. Without the ability to raise our homes a few feet above floodwaters - yet still within reasonable height limits that preserve our unique community character - I would eventually have to abandon my home, as would many of my neighbors. The Calles and Patios consist of many retirees and full-time, working-class residents (yes, they still exist in Stinson!!), and we cannot afford to go through months of permitting hearings and spend tens of thousands of dollars of expenses just to do this basic act of home preservation. Your staff has, in our opinion, done an excellent job balancing this need by providing some variance relief and expediting coastal permitting for those of us in floodzones. And, they have done so in a way that doesn't sacrifice public access, public views or the environment, all of which are highly valued by all of us in the community. This is an extremely important issue for those of us protected by the Coastal Act's safety and community character provisions, and <u>we urge you to vote for and defend this section of the draft LCP</u> against attempts to change it that would remove our ability to live safely in our homes along the Coast.

In the face of sea-level rise, I do not expect that there will be future generations living in Stinson Beach in 50 years. A<u>ll we ask is that you allow us to protect our homes in a way that allows us to safely live out the rest of our lives in our homes</u>, without ridiculous amounts of red tape or at great cost.

Sincerely,
Carrie Varoquiers
2 Calle del Ribera

ZUMA

11265 State Route #1 Box 983 Point Reyes Station, CA 94956 415 663-1748 fax 663-0963 zuma11265@gmail.com

14 April 2014

Kristin Drumm
Marin County Planning
California Coastal Commission

I have had a retail store in Point Reyes Station for 23 years and oppose the rezoning which would restrict our already shortage of housing in West Marin.

I agree with the Chamber of Commerce fellow board members ~~and~~ in supporting the Point Reyes Station Village Association statement against this change. As a member of the Design Review committee, we recognize how this would affect the character of our community. We want a friendly balance in our towns.

Thank you

Melanie Stone

SEADRIFT ASSOCIATION

April 14, 2016

Board of Supervisors
3501 Civic Center Drive, Suite 329
San Rafael, CA 94903

Re: Marin County Local Coastal Program Amendment (LCPA) Public Hearing, April 19, 2016

Dear Members of the Board of Supervisors:

I am writing on behalf of the Seadrift Association, located in Stinson Beach, and in support of the current draft of the Marin County Local Coastal Program ("LCP") prepared by the staff of the County's Community Development Agency Planning Division.

The Seadrift Association has followed the development of the current draft over the course of the years that it has been in the works. And the Association has watched with concern the extensive re-writes of the County's drafts by the staff of the Coastal Commission. Many of the revisions demanded by the Coastal Commission staff cannot be justified by the provisions of the Coastal Act, and County staff has correctly rejected those proposed revisions while at the same time agreeing to suggestions and proposals from Coastal Commission staff that furthers the legitimate goals and purposes of the LCP.

The membership of the Seadrift Association consists of almost 350 property owners whose properties are potentially exposed to sea level rise and related environmental hazards. Our membership has closely followed the efforts of Marin County and specifically of the Community Development Agency staff over the past several years, with many attending multiple local community meetings, and over one hundred members personally responding to the 2015 C-SMART Survey on these issues. Our Association recognizes your staff has been carefully evaluating sea level rise and related issues, and has addressed these concerns and those of our community in the comprehensive and responsible ways that are represented by the current draft of the LCP that is presently before you for your consideration. Although the current draft will impose requirements and restrictions on development along the coast that will affect members of the Seadrift Association, County staff has drafted the environmental hazards and related provisions in the LCP in a balanced manner, proposing the adoption of reasonable and appropriate development requirements for the future.

We urge you to adopt the proposed resolution to resubmit the LCP, including the current proposed Land Use Plan Amendments and Implementation Program Amendments to the Coastal Commission for its consideration and approval.

Very truly yours,
Paula Reynolds
Paula Reynolds
President, Seadrift Association

cc: Brian Crawford, Director
Jack Liebster, Planning Manager
Kristin Drumm, Senior Planner

P.O. Box 128 • Stinson Beach, California 94970-0128 • (415) 868-9043 • Fax (415) 868-9064

LAW OFFICES
TESLER & SANDMANN

PETER B. SANDMANN

PAULINE H. TESLER
CERTIFIED FAMILY LAW SPECIALIST
STATE BAR OF CALIFORNIA

MEMORANDUM

TO: **Jack Liebster**
Kristin Drumm

FROM: **Peter B. Sandmann**

DATE: **April 14, 2016**

SUBJECT: **Comments re LCPA**

. . . . . .

Map 27b re Categorical Exclusion area in Stinson Beach. (From original LUP.)
Categorical Exclusion Order E-82-6.
The map does not show the area that is actually covered by the Categorical Exclusion Order, so it should be revised. The Order states that additions of up to 50% of a single-family dwelling are excluded, and the area is the entire coastal zone other than houses on "the inland extent of any beach." The map should show therefore that only ocean front lots are not excluded, but all the lots in the remainder of Seadrift and in other areas of Stinson Beach set back from the ocean itself are included in the exclusion order. This is an important issue which we hope will be addressed before the LCP is forwarded to the Coastal Commission.

Other, not so significant issues and questions are:

Attachment 4:
C-EH-8(1): who decides whether the minimum floor elevation will be raised by 3 feet, or 2 feet or 1 foot, or some other amount? The section provides for: "additional freeboard up to a maximum of three feet to accommodate identified sea level rise as depicted on "Potential Sea Level Rise Maps" prepared and adopted by the County of Marin, shall be added to the Base Flood Elevation (BFE) when establishing the minimum elevation required for proposed construction."

Attachment 6:
22.68.060A: are the Seadrift ocean front lots "on a beach" within the meaning of this section?
22.68.060C: what does this mean? For example, if previous landscaping had been exempt, are further improvements required to have a coastal permit? The section refers to: "(or an additional improvement of 10 percent or less where an improvement to the structure had previously been exempt from Coastal Permit requirements),
22.70.160F: what area does "along the shoreline" refer to; is that the same as on the shoreline?

****
38 MILLER AVENUE, NO. 128, MILL VALLEY, CA 94941
TELEPHONE: (415) 383-5600 FACSIMILE: (415) 358-5674

Attachment 7:
Table 5-4-b, page 50, the cross reference to 22.66.070D, is wrong, should be 22.65.070D, 22.65.070C should be modified to specifically allow construction up to the building set back lines on the subdivision maps; otherwise policies C-BIO-8 and 9 may inappropriately restrict development further back from the shore
22.65.070D cross references C-EH-8 with regard to minimum floor height, but does not cross-reference C-EH-9 allowing for increased roof height to correspond to increased floor height. This could result in limiting the interior height of houses such that ceilings would be very low.

From:	Bridger Mitchell
To:	MarinLCP
Subject:	EAC comment letters: viticulture, hydrologic and scenic resources
Date:	Thursday, April 14, 2016 5:24:00 PM
Attachments:	EAC to CCC_LCP viticulture Oct 2 2014[1].pdf EAC to CCC staff re Viticulture Concerns March 2015_final[2].pdf

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Please add EAC's previous, attached letters from October 2, 2014 (hydrologic issues and scenic resources) and March, 2015 (viticulture development) to the CDA administrative record for the LCP Amendment proceeding.

Thank you.

-

Bridger Mitchell – Environmental Action Committee

-

October 2, 2014

Kevin Kahn, District Supervisor
California Coastal Commission
Via email: Kevin.Kahn@coastal.ca.gov

Re: Further suggestions for Marin County's Implementation Plan

Dear Kevin,

Please accept the Environmental Action Committee of West Marin's comments below on issues to be addressed as you complete the draft of Marin County's Implementation Plan. We greatly appreciate your consideration of our comments and concerns and look forward to working with you on the completion of the IP.

1. Introduction

This comment letter focuses on issues surrounding an application to intensify the use of pasture and grazing lands to viticulture or row crops. Where pasture is proposed to be converted to viticulture or other irrigated row crops, a number of individual and cumulative impacts must be addressed and mitigated through a coastal development permit and potentially also a CEQA initial review, mitigated negative-declaration, or full EIR. Additionally, the County's Design Review process, which is a non-coastal specific process, should be directly incorporated into the Implementation Plan and should contain coastal-specific considerations such as impacts to visual and scenic resource protection, public access, and ESHA protection and enhancement.

2. Hydrologic issues

Marin's 1981 Certified LCP states that, "Geologic studies described by Clyde Wahrhaftig and J. Ross Wagner in "The Geologic Setting of Tomales Bay, 1972," show that there are no dependable supplies of groundwater in any quantity in the Franciscan Formation on the east side of the Bay. Of the springs and creeks which exist in the area, many are intermittent or do not provide sufficient quantities for development on a large scale. . . . In short, water supply is a serious constraint." To EAC's knowledge, no subsequent studies have been performed to alter this very concisely-stated conclusion.

Groundwater pumping during the dry season can draw down streams, impact

Environmental Action Committee of West Marin
PO Box 609 Point Reyes, California 94956
www.eacmarin.org 415.663.9312

limited groundwater supplies, and impact blue line creeks. For any agricultural operator wishing to intensify the use of their coastal zone property to viticulture or row crops, developing a pond would likely be essential. For viticulture, a pond would be especially necessary if frost is an issue, but also to avoid dry season pumping. The placement of a pond would be critical to avoid impacts on winter flows and hydrologic connectivity.

If a vineyard is on a hill slope, drop drains may be required. Often, winter overland flow is consolidated into a pipe and moved off site (similar to urban development) – the key is to distribute this flow or move it into a pond and avoid shooting the flow into a small channel that then must become very large to accommodate huge amounts of very fast flowing water. These rerouting issues have a very large cumulative impact on the Napa River, for example.

Proposed Requirements for Marin IP:

1. **Groundwater Usage Estimate**: For any new viticulture or irrigated row crop application require a licensed hydrogeologist to prepare a report estimating the amount of groundwater to be used in both rainy and drought years.
2. **Groundwater Pump Test**: For any new viticulture or irrigated row crop application, require a full hydrogeologic study that includes, at a minimum, a 48-hour pump test that monitors all wells within a 5000-foot radius for hydrologic connections and adverse impacts. If adverse impacts are shown after the initial hydro study, potentially require a full EIR. [See sample language below].
3. **Meter All Wells**: Require all new wells and the intensification of existing wells on the project site and within 5,000 feet to be metered with established dry-season pumping allowances and reporting requirements to Marin Environmental Health & Safety Department.
4. **Pond Engineering Study**: Require a certified engineer to prepare a pond study showing drainage flow patterns, size, habitat impacts, etc.

3. Scenic Resource Protection, Habitat conversion

The Certified LCP highlights that any proposed new development on the “open rolling grasslands east of the Bay” can have “the potential for significant adverse visual impacts unless very carefully sited and designed.” Both the shoreline of Tomales Bay and agricultural lands were rezoned in the Certified LCP to bring them under design review standards to protect visual quality. In particular, two types of development -- housing or conversion of pasture land to viticulture -- could have a significant adverse visual impact.

Winter run off from terraced row crops on certain slopes can cause major erosion downstream. Tomales Bay remains an impaired water body under Section 303d of the Clean Water Act for sediment, nutrients and pathogens. To protect the Bay’s already degraded water quality, no viticulture or row crops that use chemical pesticides, herbicides or rodenticides should be allowed. Grading should be held to a minimum and should only be allowed during the dry season – June through October.

Depending on the size of the area proposed for conversion to intensified agriculture, wetlands, roosting and nesting bird habitat may be altered or disturbed.

Proposed Requirements for Marin IP:

1. **Prohibit conversion** of pasture land on slopes greater than 20%.
2. **Require Design Review** to ensure that scenic and visual resources are not adversely impacted.
3. **Require a field survey** of nesting bird habitat based on the location and size of the proposed conversion area.
4. **Require an Agricultural Production and Stewardship Plan** if the property owner has not previously engaged in organic viticulture or row crop operations.
5. **Prohibit the use** of any pesticides, herbicides, or rodenticides as part of the intensified agricultural operation.
6. **Require Best Management Practices** and mitigation measures to address sedimentation.

We hope that you find these recommendations helpful. Attached to this email I've included some research papers that I received from UC Berkeley and hope that this information is also useful.

Please do not hesitate to let us know if we can answer any questions or provide additional information.

Sincerely yours,

Amy Trainer, Executive Director

Environmental Action Committee of West Marin
PO Box 609 Point Reyes, California 94956
www.eacmarin.org 415.663.9312

**This information is provided as an example of the pump testing requirements and review by a certified hydro geologist that could be incorporated into Marin's IP for new residential development, subdivisions, as well as intensified agricultural operations.

San Juan County, Washington
County Code

8.06.150 Subdivision

Applicants for short subdivisions, long subdivisions, and subdivision alterations shall demonstrate an adequate, potable source of water for each new parcel in the proposed subdivision. For purposes of this section, new parcel shall include all parcels created except parcels containing existing residential structures served by existing water supplies.

Minimum source capacity for individual and community supplies shall be 1,000 gallons per day/connection. The minimum water quality testing parameters for individual and/or community water system sources shall be a complete inorganic chemical analysis and a recent (less than six months) bacteriological sample. All water quality tests must comply with drinking water standards in Chapters 246-290 and 246-291 WAC. See Chapter 13.08 SJCC for fire flow requirements.

A. Community Water Supplies.

1. For a new community system with groundwater as the proposed source, the yield of the well(s) shall be demonstrated by a pump test as outlined in subsection (C) of this section. In addition, the well(s) must have complete water quality tests (inorganic chemical analysis and bacteriological sample) submitted prior to preliminary approval.

2. If the applicant proposes to connect to an existing community water system, the water system must demonstrate to the department of health and community services the ability to provide water to the proposed parcels and compliance with current regulations. Prior to final approval the applicant must provide proof of authorization for service connection for the proposed lots.

3. The community water system or expansion of an existing system must be approved, constructed, and a water service installed to the property line of each lot prior to final plat approval.

B. Individual Wells.

1. If water is to be provided by private wells, in order to provide proof of adequate supply for preliminary approval, a well (or wells) with sufficient capacity to serve the proposed lots as a community system must be drilled and tested, or individual wells must be drilled and tested and approved on each lot.

2. Individual wells must comply with the community water supply standards for siting, testing, and source capacity. Said well(s) must be pump tested as outlined in subsection

(C) of this section. Any conditions of approval for the wells will be incorporated as conditions of final plat approval.

C. Seawater Treatment. Desalination of seawater must be designed by a qualified, licensed engineer and meet applicable local, state, and federal requirements. Designs shall comply with Washington State Health Department guidelines.

D. Pump Test Protocol. All new groundwater supplies shall be pump tested in accordance with DOE's WRIS Bulletin 30, Aquifer Test Procedures. The developer shall complete and submit a pump test protocol to be reviewed by the County hydrogeologist prior to testing. Minimum requirements for conducting the pump test include:

1. Pump tests shall be conducted between mid-July and mid-October or as defined by the County hydrogeologist.

2. At least one monitoring well must be used, if available.

3. The developer shall be responsible for costs associated with the aquifer test.

4. At a minimum, the following steps should apply:

a. A step-drawdown test to determine the pumping rate and recovery data,

b. A 24-hour sustained-rate pump test using an automatic recording device, and

c. If the water level does not stabilize or chloride levels increase (greater than 20mg/L on field samples), continued pumping for 72 hours.

E. Minimum Review Requirements. All new groundwater supplies shall be reviewed and include an evaluation of long-term well capacity and impact on the local aquifer. The County hydrogeologist will determine whether all or part of a hydrogeologic site evaluation (subsection (F) of this section) will be required. The County hydrogeologist will review the initial information and other relevant data and either make a decision regarding the proposal or provide detailed additional testing and analysis requirements needed to evaluate the impacts the proposed withdrawal will have on local groundwater resources. A hydrogeologic site evaluation will be required for projects that have potential for groundwater contamination or impairment. Information required to be submitted for initial review include:

1. Well site approval;

2. Water quality tests for complete inorganic chemical analysis;

3. Surveyed wellhead elevation;

4. Location coordinates;

5. Proposed use;

6. Layout of plat;

7. Pump test results.

F. Hydrogeologic Site Evaluation. If required, a hydrogeologic site evaluation shall be prepared and address resource availability in relationship to the scope of the project. The hydrogeologic site evaluation must address requirements as specified by the County hydrogeologist which may include but is not limited to the following:

1. Hydrogeologic Setting.

a. Description of the geologic setting of the site illustrated with geologic and soil maps.

b. Description of the occurrence and movement of groundwater in the area, including a general discussion of the aquifers present in the area.

c. General discussion of groundwater availability in the area, including a discussion of historic problems such as well failures or seawater intrusion.

d. A scaled map showing location of wells and springs within 1,000 feet of the site or as required by the County hydrogeologist.

2. Site-Specific Resource Availability.

a. An aquifer test conforming to the guidelines found in WRIS Bulletin No. 30. The test should be analyzed to determine the hydraulic properties of the aquifer (storativity and transmissivity), and to the degree possible, the spatial variability of these properties.

b. A map(s) showing static water level elevations for the aquifer(s) proposed for use for the project.

c. An evaluation of theoretical changes to water level elevations resulting from the proposed withdrawal, and the method that was used.

d. An evaluation of the potential to induce or exacerbate seawater intrusion in the aquifer.

G. Project actions that cannot mitigate potential impacts that degrade or impair the groundwater source will be denied. (Ord. 22-2013 § 9; Ord. 20-2007 § 6; Ord. 10-2001 § 9; Ord. 14-2000 § 4; Ord. 14-1996. Formerly 13.06.150)

MEMORANDUM

To: California Coastal Commission staff
From: Amy Trainer, executive director, EAC of West Marin
Date: March 23, 2015
Re: Concerns about viticulture development approval process in Marin

The Environmental Action Committee of West Marin (EAC) continues to be concerned about Marin County's reliance on its 2011 "Vineyard Erosion and Sediment Control" ordinance, Marin Code 23.11 (the "Vineyard Ordinance"). The County staff has stated at recent meetings about the LCP Amendment that the Vineyard Ordinance would govern all future viticulture development in the coastal zone.

EAC understands that unless the Coastal Commission certifies the Vineyard Ordinance as part of the Marin LCP Amendment, the Vineyard Ordinance cannot govern viticulture development in the coastal zone. Due to the many failings of the ordinance enumerated below, EAC strongly believes the ordinance should not govern viticulture development. Rather, viticulture development in the coastal zone is a land use matter that should be governed by specific standards for land use and sensitive resource protection. When the Board of Supervisors considered the Vineyard Ordinance, EAC raised numerous issues of concern regarding both substantive and procedural issues, none of which were addressed in a meaningful or substantive way either in the ordinance or since it was adopted.

Based on the concerns set forth below, EAC requests that you include a statement in the LCP Implementation Plan to the effect that the **Marin Vineyard Ordinance does <u>not</u> govern viticulture development in the coastal zone but all coastal permit regulations and standards in the updated LCP are applicable to any viticulture proposal.**

EAC's continued concerns with the Vineyard Ordinance include the following:

1. The Vineyard Ordinance may contradict or otherwise be inconsistent with various provisions of the Coastal Act, including Sections 30006, 30240, 30251, and 30603.

2. The Vineyard Ordinance vests sole authority to regulate and permit all activities associated with the planting or replanting of a vineyard - grading, terracing, ripping, soil chiseling, removal of vegetation, field road construction, installation of underground drainage systems and water supply systems –with the County's Agricultural Commissioner (the "Ag Commissioner"). *See* Sections 23.11.060 and 23.11.090 under the definition of "Initial vineyard planting work."

3. The Vineyard Ordinance establishes a ministerial permit system - the Ag Commissioner is required to issue a permit for the proposed vineyard development on slopes up to 50% as long as a "County recognized qualified professional" issues a report saying the vineyard development is alright. A "County recognized qualified professional" can include a certified rangeland management specialist or "other registered or certified professional acceptable to the agricultural commissioner . . ." An actual licensed civil engineer report is required only in limited circumstances. Sections 23.11.090, .100, and .120.

4. The Ag Commissioner is not required to consult with the Community Development Agency – the sole agency authorized to implement the Local Coastal Program and issue development permits - or with the Department of Public Works – the agency that issues grading permits and oversees erosion control measures. Section 23.11.150.

5. The Vineyard Ordinance limits the Ag Commissioner's review of the submitted erosion plan and proposal to develop a vineyard on slopes up to 50% to merely ensuring the plan was "prepared, reviewed, and certified in accordance with this chapter, and that the plan includes all of the information required by that section." There are no substantive or meaningful standards to guide issuance of a permit. Section 23.11.150.

6. Section 23.11.090 puts limits on the use of "best management practices" by defining that term as "those practices or sets of practices that have proven to be the most effective feasible means of preventing or reducing stormwater runoff, erosion, and sedimentation in vineyards, *given technological, institutional, environmental, and economic constraints*." (Emphasis added).

7. Section 23.11.170 does not establish the amount of riparian setback or give any standards for determining the appropriate setback distance. The provisions of the Marin County Code that the applicant "shall comply with" are not set forth. In general, the Code exempts agricultural activities from riparian setback requirements and the definition of "stream" in 23.11 is inconsistent with other provisions of the Code and LCP.

8. Section 23.11.190 states the erosion and sediment control plan requirements, but does not include actual requirements because there are none. Subsection (b)(2) states that the "agricultural commissioner shall prepare and maintain detailed plan requirements and have them available on request."

9. This Vineyard Ordinance provides no oversight of surface water or groundwater use for vineyards. Vineyards consume an exceptionally large amount of water and have the potential to significantly impact community groundwater supplies. This ordinance provides no testing or monitoring requirements for the viticulture water source, including the number of new wells, their location, the amount of water used from each, requiring that a meter be placed on new and existing wells used for viticulture, and requiring monitoring reports be submitted to monitor overall groundwater levels and consumption. See 23.11.140.

10. The Vineyard Ordinance does not provide any public process for neighbors or the public to review and comment, or possibly appeal a proposed vineyard. The public should be afforded an opportunity to comment on a proposed vineyard's size, location, construction

near streams or impacts to wildlife and wildlife habitat, and other possible impacts. The only appeal provisions is for a person the Ag Commissioner finds has likely violated the ordinance, yet the Commissioner is explicitly designated as the sole review authority for appeals.

11. This Vineyard Ordinance does not address the use of pesticides or other man-made chemicals that are often used by viticulture operators, nor does it addres their impacts on the community water supply, bird and fish habitat, or nearby organically certified farms. See 23.11.140.

12. There is no indication that the erodible soils and slope standards are based on science or best practices.

Thank you for your consideration of our concerns.

April 14, 2016

Marin County Board of Supervisors
Via email: bos@marincounty.org
marinlcp@marincounty.org

Re: Local Coastal Program Update

Dear Supervisors:

Thank you for the opportunity to comment on the latest draft amendments to Marin County's Local Coastal Program. Since 2009, the Environmental Action Committee of West Marin (EAC) has been an active participant in the amendment process, and has consistently advocated for strong protections of Marin's irreplaceable coastal resources.

We have previously requested that you schedule hearings at the Planning Commission so that the public can consider and comment on the entirety of the Amendments. We reiterate that request. Many interdependent changes and additions have been made since the LCPA was last considered by the Planning Commission in 2012. In addition, much has changed in the coastal zone due to the ongoing drought, the relentlessly increasing influx of visitors, and increasing conversion of the housing stock into vacation homes and high-end rentals, to name a few. The public needs and deserves another opportunity to fully consider this plan before you take final action to adopt the Amendments.

Responding to staff's invitation to submit public comments prior to March 30, 2016, we submitted a number of letters detailing policies and implementation language that we believe must be modified in order to be certified by the Coastal Commission. As best we can determine, none of the substantive comments that we or other members of the public submitted then have been addressed or incorporated into the draft that is now before you. Nor have the Coastal Commission staff's comment from March 23, 2016 been incorporated. Clearly, there has been insufficient time – both for the public to engage with the draft Amendments, and for county staff to take comments into account.

In any event, we offer the following comments on the amendments before your Board on April 19th.

Environmental Hazards

Requirement to Elevate Structures: FEMA elevation requirements only apply to properties covered by the *National Flood Insurance Program (*NFIP). The county has not provided any evidence that all, or even most, of the properties in the flood hazard and sea level rise (SLR) zones are part of the NFIP. Thus, the suggestion that FEMA requirements drove the County to use elevation as the only strategy to deal with sea level rise is misleading. The County has chosen to require elevation as the only strategy by omitting any possible alternative to complying with the Floodplain Management Ordinance (Chapter 23.09). Moreover, it's disingenuous to suggest that the requirements the county itself is imposing are so onerous that property owners need exemptions or exclusions in order to comply with them.

Staff also suggests [Attachment 1, Page 11] that by relying on FEMA requirements as a uniform standard, hazard reports would not be needed for individual developments, and that this is a benefit. But developments may have individualized impacts, particularly along the shoreline interface, which is dynamic and subject to migration or other change due to sea level rise. Consistency with Coastal Act Section 30253(b) necessarily requires case-by-case evaluation to ensure, for instance, that a particular pier / caisson superstructure will neither "create nor contribute significantly to erosion…"

Individual evaluations are also necessary to account for the ingress and egress to the raised structure, as well as water and septic services, since all of these can have their own effect on the surrounding area.

Additional Building Height: Under CCR 13241, development consisting solely of raising an existing structure is a "category of development". The staff-proposed "standard findings" are almost precisely those in Coastal Act Section 30610.5(a)(2) which the Coastal Commission must make in order to approve an Exclusion Order. Policies C-EH-3, -5, -8, and -9, and related implementation provisions which pertain to elevating structures, function as an Exclusion Order that the county has unilaterally adopted. If the County wishes to pursue this policy option, it should seek a new Exclusion Order. We also note that Exclusion Order E-82-6 does not include elevation of a structure as a category of development that is excluded.

Definition of Redevelopment: Staff argues [Attachment 1, Page 8] that the definition of "redevelopment" proposed by the Coastal Commission staff is unworkable. We disagree, and note that this definition has been previously approved by the Coastal Commission, for example in 2014 as part of Marin County's original LUP submission, and in the 2013 Solana Beach LCP.

Revision of other LCP policies: Staff's assertion [Attachment 1, Page 23] that revising certain other LCP policies to account for sea level rise is impractical (resulting in "redundancy, length and complexity of the bloated language") borders on the hysterical. No one has suggested that every policy needs to account for sea level rise, but some clearly do. For example, C-DES-6

calls for undergrounding utilities, which may not be desirable in areas subject to flooding or inundation from sea level rise. Other policies that need to be revised include, but are not limited to, C-BIO-19 regarding wetland buffers, C-PA-2 regarding public coastal access, and C-PFS-6 regarding sewage disposal.

We also offer the following comments on specific environmental hazards policy and thereafter for the implementation sections of the proposed LCP Amendments.

Land Use Policy Provisions for Environmental Hazards

C-EH-1 Safety of New Development.
This policy should not focus only on safety, but also on the protection of public access, natural resources, and visual and scenic resources over the lifetime of the development.

The 100-year standard should be maintained. This standard has already been approved by the Planning Commission (2012), your Board (2013), and the Coastal Commission (2014). Now staff says it's not the appropriate standard because the future is unpredictable.

C-EH-2 Applicant's Assumption and Disclosure of Risk
Should specify that the "document" being recorded is a deed restriction, consistent with Section 22.64.060(B)(8).

C-EH-3 Flood Hazards
C-EH-3(1) refers to Chapter 23.09, which has not been certified by the Coastal Commission, and is not included in the Implementation Plan. The specific text of 23.09 should be added to the IP.

C-EH-3(3) After "the stability of the area" insert "nor adversely impact coastal resources including public access, natural landforms, or scenic and visual resources".

The last paragraph of this section is inconsistent with Coastal Act Sections 30251, 30253, and 30610 because it relies on evading the permit process in order to "…minimize risks to life and property…"

C-EH-5 New Shoreline and Blufftop Development
Replace the "is safe from" standard in C-EH-5(A) with the Coastal Act Section 30253(b) standard of assuring stability and structural integrity. "Is safe from" is a vague and undefined standard that will be difficult to administer. The same change should be made in C-EH-5(B) for Shoreline Development.

In the final sentence of (A), insert "based on best available science" after "potential sea level rise estimates".

In C-EH-5(B), condition the use of caisson / pier foundations on a finding that they do not cause negative impacts on public access, public views, or natural landforms considering likely changes in erosion and shoreline dynamics over time.

As noted previously in our comment on *Additional Building Height*, the last sentence of this policy is inconsistent with Chapter 3 policies regarding protection of coastal resources. The County needs to seek a Categorical Exclusion order to carry out this policy.

C-EH-8 and C-EH-9 Minimum Floor Elevations and Maximum Building Heights in Flood Hazard Areas

Delete "new" before development in the first sentence of each policy.

C-EH-9 is internally inconsistent. It allows a height limit of 25 feet for new structures, but 30 feet for existing structures.

C-EH-11 Maximum Building Heights in the Flood Velocity Zone at Seadrift
Reinsert the final sentence concerning protection of community character and scenic resources.

C-EH-13 Shoreline Protective Devices
Delete "Discourage" and substitute "Except as provided below, prohibit" in the first sentence.

In the second paragraph: regardless of their intent, under some circumstances, deep piers or caissons can function as shoreline protective devices. See our above comment on C-EH-5(B).

C-EH-13(8) should specify that the device should be removed when it is no longer required or allowed (because the structure is gone or a "replacement structure" has taken its place.)

C-EH-15 Accessory Structures in Hazardous Areas
C-EH-15(2) Should say "…easily relocatable and/or removable <u>in their entirety</u>.."

C-EH-22 Sea Level Rise and Marin's Coast
First sentence should start "The County <u>shall use</u>..."

C-EH-25 Existing Development and Fire Safety
Should be a *de minimis* permit rather than a waiver.

Implementation Plan Provisions

The draft IP amendment includes provisions for implementation of all LUP policies.

Reliance on Best Available Science 22.64.060(A)(1)(b)(3)
Despite the caption "Reliance on Best Available Science," the section deals with permit exemptions and exclusions; it barely mentions science at all.

Public Facilities and Services (Section 22.64.140)

As detailed below, Staff's analysis of, and suggested changes to, Section 22.64.140 focus almost exclusively on what it sees as unfair administrative burdens. The analysis ignores or dismisses basic Coastal Act mandates, as well as basic realities of present-day life in Marin's coastal zone.

Staff's insistence that 22.64.140.A.1.b only apply to development receiving water from a public water supply is inconsistent with the protections of coastal waters and ground water supplies required by Coastal Act Section 30231, and of coastal resources generally, as required by Section 30250. An analysis of possible adverse effects on these resources may in some cases be "time-consuming and expensive," as staff notes, but it is still required by the Coastal Act. We note that this analysis is precisely what the Inverness Park community requested in response to a recent large-scale residential development proposal, and that such proposals are likely to become increasingly common in West Marin.
Staff then completely confuses the issue by gratuitously inserting language from Section 30254, which only applies to public works facilities.

Widest Opportunity for Public Participation: 22.70.030. 22.70.040
Section 30006 provides that "the public has a right to fully participate in decisions affecting coastal planning, conservation and development; that achievement of sound coastal conservation and development is dependent upon public understanding and support; and that the continuing planning and implementation of programs for coastal conservation and development should include the widest opportunity for public participation.
Principal permitted use (PPU) applications generally do not receive a public hearing. If a fee is required in order to appeal a county coastal permit decision, that financial barrier impedes public participation and consideration of the project at public hearing. A PPU application should either receive a public hearing, or the appeal of an administrative decision for a PPU should not be subject to fee. The Amendment should: either delete the requirement of a fee for filing an appeal (22.70.080.A.5), or include language in 22.70.030.B.3 and B.4 to require a public hearing for a project that is a principal permitted use.

Categorical Exemption Noticing and Determination 22.68.040.B, 22.68.050
Determination of the categorical exemption status of an application is a discretionary action that determines that the application satisfies the requirements for an exemption; it must be subject to meaningful challenge. In order to provide for meaningful right to challenge an exemption determination, notice must be available. Notice should be provided to members of the public who subscribe to county website notifications and this form of notice would not impose a significant administrative burden.

Exempt Development 22.68.050

Restore boldface: **The Director's determination of whether a proposed development is exempt from Coastal Permit requirements can be challenged pursuant to Section 22.70.040.**

Exemptions must be subject to challenge. The right to challenge an exempt determination is empty without timely posting of a list of exempt determinations.

Principal Permitted Uses 22.32.026, 22.32.027
To qualify as a PPU a processing facility must not be placed on land designated as prime agricultural land.

Agricultural process facilities and agricultural retail sales must meet the parking standard in order to qualify as a PPU.

Principal Permitted Uses 22.62.060
Add boldface text to conform IP to C-AG-2:

> C-APZ District
> b. Ag accessory structures and agricultural accessory activities: **appurtenant and necessary to the operation of agricultural uses for agricultural production**.
> .
>
> d. Other Agricultural Uses, if appurtenant **and necessary to the operation of agricultural uses for agricultural production.**

Tables 5-1-a is the go-to summary for permit requirements. It must include the standards that distinguish PPU, P, and U requirements for each use. For example: agricultural processing is a PPU only if it meets particular standards, otherwise it is a permitted or conditional use.

Maximum Height 22.64.030, 22.65.030, 22.54.045
To comply with policy DES-4, any exception to a maximum height standard must be subject to both Design Review and Coastal Variance.

Development near ridgelines needs to set a lower maximum height within the vertical and horizontal setbacks (22.65.030.D.).

Maximum fence height need to be specified for planned districts as well as for conventional districts that specify setbacks (22.64.045.2.A).

Visual Resources 22.60.010 22.64.110, 22l.64.04
The word "significant" before "public views" should be deleted in 22.60.010. The same should be done in subsequent sections that specify "significant public views." Coastal Act Section 30251 protects public "views", not "significant views."

Require new development to be "located where it will not have significant adverse impacts … on … scenic and visual resources, including coastal resources."

Categorically excluded development must meet the requirement that "that the new development will not adversely impact public views or scenic coastal areas" (E-81-6).

Variance of C-RSP Zoning District Standards 22.65.060
Additional height on the shoreline of Tomales Bay should only be permitted by Coastal Variance, not at Director's discretion.

***De Minimis* Waiver** 22.68.070
A development that would be appealable to Coastal Commission should not be eligible for a *de minimis* waiver. Development is classified as appealable because it may potentially impact coastal resources.

Challenges 22.70.040
Determinations of exemptions and *de minimis* waivers (as well as other determinations) must be subject to challenge, otherwise local governmental determinations are not subject to review.

Public Notice 22.70.050
Public notices must be posted to be conspicuously visible to the general public at the property at which development is proposed. Many coastal Marin residents do not have home mail delivery and many are not property owners.

Expiration Date 22.70.120
A coastal permit should expire after three years if not vested or extended. There should be a single, 3-year extension opportunity with the same hearing requirement as the initial permit. The county has had very troubling experiences with projects where work remains uncompleted for years and yet permits have been repeatedly extended.

Emergency Coastal Permits 22.70.140
Any extension of an emergency permit after 6 months should be challengeable. Emergency permits should not provide a path to avoid full coastal permit review.

Variances 22.70.080, 22.70.150
A Coastal Zone Variance must be appealable in order to ensure that developments which, absent a variance, would qualify as PPU, are appealable when they do not meet PPU standards.

A variance that allows development, for example, to exceed the maximum height specified for the zoning district in the LUP removes the use from qualifying as a PPU, and must be appealable. The certified LCP (22.86.025I, 22.86.040I) provides for appeal of both administrative and public hearing variances.

Definitions 22.130

Written request: provide definition that includes email message.

Density: provide definition.

Thank you for considering our comments.

Respectfully,

B. Mitchell

TR Carroll

Bridger Mitchell
President

Terence Carroll
Board Member

Environmental Action Committee of West Marin

From: David Clarkson
To: Drumm, Kristin
Subject: RE: point reyes station parcel 119 224 02
Date: Thursday, April 14, 2016 11:50:57 AM

Hi Kirsten,

Thanks for taking the time to talk to me today about the downtown Point Reyes Station residential parcel 119 224 02. It's proposed to be included in the Proposed Village Commercial Core Area. This is COMPLETELY UNFAIR to the property owner, Ruth Fleshman. She is 87 years old and cannot attend but has authorized me to speak for her in this matter.

All the other downtown RESIDENCES save one other that I can tell have been excluded from the proposed Core Area. Yet this particular parcel is still included. This is a single story family home that has been SOLELY RESIDENTIAL for the last 48 years (I've lived here for that long). There are no plans to change the zoning. It's not in any way set up for any kind of commercial use.

In the case of parcel 119 225 06 which is owned by CLAM and is solely residential apartments, a line has been inserted into the Core Area zone around that parcel, so if it was done for that parcel, why not this one?

Please re~consider your inclusion of this parcel in the Core Area, please leave it in the same zone as the other downtown residences. I'll see you tonight in Point Reyes.

Thank you,
David Clarkson

415 272 0818

Box 577
Point Reyes Station, CA 94956

From:	Gary Martin
To:	MarinLCP
Cc:	"Katie Beacock"
Subject:	From Katie Beacock Remarks for LCP Board of Supervisors April 19
Date:	Friday, April 15, 2016 4:43:28 PM

Hello,
Katie Beacock asked me to forward this email to you.
Regards,
Gary Martin
Seadrift Realty
415-868-1791
www.seadriftrealty.com

From: Gary Martin [mailto:gary@seadriftrealty.com]
Sent: Friday, April 15, 2016 3:59 PM
To: 'Katie Beacock' <katie@seadriftrealty.com>
Subject: Remarks for LCP Board of Supervisors April 19

Dear Members of the Board of Supervisors,

I am writing as a business owner, realtor and in the Stinson Beach area. Over the past year I and my colleagues have heard from many concerned homeowners about proposed Coastal Commission staff changes to the County's Local Coastal Plan, especially in amendments to the Environmental Hazards section. In our work we encounter local residents who span a broad spectrum of economic situations, own properties in varied proximity to hazards such as flooding or earthquake, and who are uniformly nervous and upset about changes that could make it difficult if not impossible for them to maintain their homes, their property values and the character of our community. In over two hundred cases, they were even officially noticed by the Community Development Agency that until County staff-proposed amendments are passed, they would be prevented from taking on most development projects on their properties. This has been terrible as you can imagine for community morale, and for its view of County government.

Some of the proposed changes originating from Coastal Commission staff that most concerned us are those that would prevent homeowners in Stinson Beach from elevating their homes in response to flooding and sea level rise, would require expensive and time-consuming permitting and possible legal appeals even for relatively simple maintenance - in some cases putting such work out of the financial reach of some of my clients - or would even go so far as to make it practically, even explicitly impossible to rebuild damaged homes. The net effect over time would be declining property values, often for those in older homes who can least afford it, a lack of necessary maintenance, an increase in "illegal" work done "off-permit", and eventually a major change to the unique character of Stinson Beach as a vibrant beach community.

We were therefore very happy when your County staff at the Community Development agency, and Supervisor Kinsey, took time out of their own schedules to hold multiple meetings in the

community, educating us and listening to our concerns. And we were even happier when we read the proposed amendments to the Environmental Hazards section of the LCP, written by your staff, that addressed all of these concerns. I urge you to pass the amendments as drafted by the Community Development agency, and can personally state that in doing so you will be responding in a very positive manner to literally hundreds of your constituents in West Marin who have attended the meetings, followed the issues and worked diligently through the process with your County staff. We strongly support their wonderful work.

Katie Beacock
Owner, Seadrift Realty, Inc.

cc: Brian Crawford, Director
Jack Liebster, Planning Manager

From: IPA, Inc.
To: Drumm, Kristin; Lai, Thomas
Subject: Land Use Policy C-PK-3 Questions & Suggestions on Combined Districts
Date: Friday, April 15, 2016 1:45:40 PM

Hi Kristin,

Thank you for your notice and follow up regarding Coastal Land Use Policy C-PK-3. As I understand the new rules they would apply in the "village commercial core area", as mapped in Tomales, to encourage visitor serving businesses. I think some of the confusion I hear from my neighbors has to do with the combined districts and C-VCR properties outside of the proposed village core. For example, the owners of the properties zoned C-VCR-B2 have asked me from a land use, zoning and development stand point if C-VCR commercial zoning standards apply first and foremost (setbacks, height, use etc) if a building is in a combined District but used for commercial purposes only. They want to know if the combined B-2 district standards only apply when a property owner wants to use property for mixed residential/commercial or residential use only.

When I look at the Interim Title 22I - Section 22.57.1221 (1) Principle Permitted Uses allow residential use only if LCP policy findings are made. The question I hear is in the combined districts C-VCR-B2 are C-VCR the principle permitted uses (ie. 22.57.1221 (2) 200I) encouraged for property outside the proposed village core ? If the answer is yes, do the B-District regulation standards (22.57.201) apply to commercial land uses only or are the B District standards applied only when there is mixed commercial/residential use ? The current regulations are confusing and this is an important question for owners of property zoned C-VCR - B2 who's property lies outside the proposed village core. On the face of it the interim code seems to apply B-2 zoning standards in the combined C-VCR-B2 zone even if the land use is only commercial without any residential use (Section 22.57.2001-) yet a footnote #2 (page 2) Notes: "Commercial uses in C-VCR districts have no side and rear setbacks required. (This note seems to encourage lesser setback standards for "commercial uses" than should apply for mixed use in the combined B District.)

Yet the issue here is if in the combined C-VCR -B district the code requires compliance with B District standards when "commercial use" is the only

land use the code would undermine the apparent goal of C-PK-3 Land Use Policy which, as I understand it, is to give priority to commercial business uses in the village area zoned C-VCR.

Accordingly, the village core rules seem fair to preserve visitor serving commercial use in the village core. However, to promote commercial use in the greater C-VCR zone, outside of the identified village core, where Districts are combined (ie C-VCR-B-2), the policy should clarify that the commercial building standards apply to commercial uses in the C-VCR and combined B Districts except where a mixed use is planned. The IP should make it clear that the combined District standards only apply in the C-VCR zone if the land use is a mixed commercial and residential. Applying the combined B-District standards to C-VCR zone where no residential use is planned can actually discourage property owners from establishing resident serving commercial business on C-VCR properties with combined Districts located outside of the village core.

Finally, what I think is needed is to make sure the rules encourage commercial use first and foremost in the C-VCR village core. Additionally C-PK-3 should also encourage commercial uses in the C-VCR combined districts by applying the same building standards where commercial uses are planned and only apply combined district standards when there is a planned commercial/residential mixed use. There is an opportunity to clear up the confusions about the interim rules and encourage resident serving commercial uses outside the village core in the C-VCR combined zone districts. By clarifying the application of the building standards supporting commercial use in combined Districts and applying different standards for mixed commercial residential use, ie.in the B District, the policy and regulations will also encourage resident serving commercial business in addition to ensuring non-resident visitor serving business are established in the village core.

Thank you for all your excellent work on this matter. I'm interested in your thoughts on the above please do not hesitate to call or email any questions or comments you have regarding this email.

Sincerely,

Scott L. Hochstrasser, President
IPA,Inc. (International Planning Associates)
141 Bolinas Road
Fairfax, California 94930
slh1ipa@aol.com
Office (415)459-6224
Cell 415-572-2777

From: eahaworth
To: Drumm, Kristin
Subject: Marin LCP comment
Date: Friday, April 15, 2016 2:14:53 PM

Dear Kristin, I was hoping to attend the hearing but cannot, so I would like to ask you to include my opinion in the feedback for the plan.
Our coastal communities are drowning in visitors these days- horrific parking and traffic issues-- while at the same time our communities have tourist Airb&b and 2nd homes taking over housing for people who actually invest their lives, tax dollars and environmental and community commitments to our small coastal towns and local region.

It is extremely difficult to understand that the CA Coastal Commission wants to make a LAW prioritizing visitors over actual community members. PLEASE rethink your priorities.

Thank you,
Elia Haworth

PO Box 890
Bolinas, CA
94924

April 15, 2016

Board of Supervisors
3501 Civic Center Drive, Suite 329
San Rafael, CA 94903

Re: Marin County Local Coastal Program Amendment (LCPA)
Public Hearing, April 19, 2016

Dear Members of the Board of Supervisors:

I am sending this on behalf of members of a committee of the Seadrift Association who have been engaged during the past several years in analyzing and advocating about the Marin County Local Coastal Program Amendments. This letter is written to support the Community Development Agency's decision to replace the deeply problematic concept of "Coastal Redevelopment" which was originally introduced by staff of the California Coastal Commission, with policies that more suitably implement the Coastal Act and more appropriately balance our community's right to maintain and develop their homes.

The members of the Seadrift Association, nearly 350 property owners in West Marin, have been extensively briefed over the past two years on concerns with "Coastal Redevelopment" in several mailings, at a number of local community meetings arranged with the help of your County staff, and at the Association's annual meeting. As a large group of constituents, they share the concerns of Community Development Agency staff that implementation of the "Coastal Redevelopment" concept in the County development code: a) would remove rights explicitly granted under the Coastal Act to maintain and improve single-family residences without the requirement of a Coastal Permit; b) would constitute an unnecessary and unfair burden over time on owners who might unknowingly, or due to required maintenance, be placed in a situation where cumulative minor development projects combined to require a Coastal Permit, seemingly in contradiction to several provisions of the Coastal Act itself; and c) would make it unnecessarily expensive and cumbersome to maintain homes safely in the face of recognized hazards including those from rising sea levels and from earthquakes – again in apparent contradiction with the express aims of the Coastal Act in minimizing wherever possible risks to life and property in the Coastal Zone.

Furthermore, as members of our Association have under separate cover noted, "Coastal Redevelopment" is not a policy to be found in the County's current approved Local Coastal Program, was not originally in fact proposed by County staff in developing proposed amendments to the Local Coastal Program, and is not a concept that appears anywhere in the Coastal Act, nor in Administrative Regulations governing its application, and as proposed by Coastal Commission staff seems in fact to directly conflict with Coastal Act sections 30610, 30253 and with the Act's definition of "development" itself - which excludes any requirement for a coastal permit for alterations not altering a structure's size – in section 30106. Indeed, the Act in Section 30500 expressly reserves to "the local government" the right to determine the "precise content" of its local coastal program, and in rejecting language proposed by Coastal Commission staff after full consultations and after full public participation, your County staff is

appropriately exercising its duty under the Act by proposing its own regulations for achievement of the aims of the Coastal Act in its Local Coastal Program.

Please support your County staff's position on the matter of "Coastal Redevelopment" and adopt the proposed resolution to submit the Land Use Plan Amendments and Implementation Program Amendments as written and without further amendments that might attempt to impose this very problematic policy on the people of Marin County.

Very truly yours,

Kiren Niederberger
General Manager
Seadrift Assocation

cc: Brian Crawford, Director
Jack Liebster, Planning Manager
Kristin Drumm, Senior Planner

From: Molly Schardt
To: Drumm, Kristin; Kinsey, Steven
Subject: Coastal Commission Village Commercial Core Areas
Date: Sunday, April 17, 2016 4:06:53 PM

Dear Ms. Drumm and Mr. Kinsey

I think that the Coastal Commission's proposal for Village Commercial Core Areas of coastal villages is disrespectful and disruptive to the lives of the village inhabitants. In particular the plan for Bolinas does not take into consideration the problems that this end-of-the-road community already has with parking and facilities use. The town is unable to handle any more commercial activity and vehicular traffic.

It is also unfair to the housing units on wharf road where commercial activity does not already exist. To plan that they could only live in their homes if they had commercial activity in their front gardens or the lower floors while they had to move to an upper level, if one exists, or the back end, which in this case would put them in the darker, shadier part of their lot, is unconscionable. Front gardens have always been part of the charm of Bolinas. If tourists want to come to Bolinas, they should enjoy the village as it is and as it organically evolves.

The main problem is that the town can handle only so many cars, and certainly busses that try to go downtown get stuck. More cars should not be encouraged to enter the town by added commercial activity. More cars also add to noise and noxious gasses for the residents.

I and my family have had a summer/weekend dwelling in downtown Bolinas for many generations. We have seen the town go through many changes, but not enforced by outside planning. As nature evolves so does a town, organically taking into consideration its own limits and boundaries, needs and strengths. Bolinas will change, as it has many times, but let it happen from inside out. Please do not encourage more cars to come into town and force people who just want to live in their homes to become entrepreneurial or pay permit fees to remain there.

This all seems like unnecessary busy-bodying.

Very sincerely,
Mary Kent Schardt

From: Molly Schardt
To: Drumm, Kristin; Kinsey, Steven
Subject: Coastal Commission Village Commercial Core Areas
Date: Sunday, April 17, 2016 4:06:53 PM

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It is also unfair to the housing units on wharf road where commercial activity does not already exist. To plan that they could only live in their homes if they had commercial activity in their front gardens or the lower floors while they had to move to an upper level, if one exists, or the back end, which in this case would put them in the darker, shadier part of their lot, is unconscionable. Front gardens have always been part of the charm of Bolinas. If tourists want to come to Bolinas, they should enjoy the village as it is and as it organically evolves.

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This all seems like unnecessary busy-bodying.

Very sincerely,
Mary Kent Schardt

RANDALL FLEMING, ARCHITECT

April 17, 2016

Jack Liebster, Planning Manager
Planning Division
Community Development Agency
3510 Civic Center Drive, Suite 308
San Rafael, CA 94903

Dear Jack,

Here are the proposed language revisions that you suggested I send to you as per our talk after the PRSVA meeting in Point Reyes Station; plus more on the ground information regarding commercial uses in the downtown core.

I believe, and the data supports, that Point Reyes Station is already providing significant visitor services in our core area and can do so in the future without any change in zoning. Ground floor commercial space in the core area is approximately 173,000 square feet, with another 16,700 square feet in second story space. Of the 80 businesses in the core area, we estimate that 32 primarily serve visitors, 21 serve tourists and residents at varying degrees, and 27 primarily serve residents. All of this has been functioning well under the existing zoning.

PROPOSED LANGUAGE REVISIONS

Community Specific Policies (LCP page 81)
Background

EXISTING

The Marin County Coastal Zone is home to distinctive towns and villages that have a strong sense of place (see Map 16 – Community Areas). The character of these communities depends in large part on their physical setting, the nature of land uses within them, and their visual appearance.

PROPOSED

The Marin County Coastal Zone is home to distinctive towns and villages that have a strong sense of place (see Map 16 – Community Areas). The character and appearance of these communities has been shaped and nurtured by residents and property owners for over a century, and is enhanced by the physical setting and the nature of land uses within them.

EXISTING
Although Marin County's coastal communities reflect a long-standing commitment to maintain the characteristics that draw residents and visitors to them, changing economics and land development practices could threaten community character. Achieving a balance between local- and visitor-serving businesses continues to be a challenge in Marin County, as elsewhere along California's coast. At the same time, the Coastal Act places a high priority on visitor-serving facilities, particularly lower-cost facilities, and visitors as an important part of the local economy.

PROPOSED
Marin County's coastal communities reflect a long-standing commitment to maintain the characteristics that draw residents and visitors to them. Achieving a balance between local and visitor-serving businesses may be a challenge in parts of Marin County, as elsewhere along California's coast. As many businesses in rural Marin County serve tourists and other businesses financially thrive by serving by serving both, visitors and residents are each critical to the local economy. The Coastal Act places a high priority on facilities that serve visitors, particularly lower-cost facilities.

C-PK-3 Mixed Uses in the Coastal Village Commercial/Residential Zone.

EXISTING
Continue to permit a mixture of residential and commercial uses in the C-VCR zoning district to maintain the established character of village commercial areas. Principal permitted use of the C-VCR zone shall include commercial uses. In the village commercial core area, residential uses shall be limited to: (a) the upper floors, and/or (b) the lower floors if not located on the road-facing side of the property. Residential uses on the ground floor of a new or existing structure of the road-facing side of the property shall only be allowed subject to a use permit where a finding can be made that the development maintains and/or enhances the established character of village commercial areas. Existing legally established residential uses in the C-VCR zone on the ground floor and road-facing side of the property can be maintained.

PROPOSED
Continue to permit a mixture of residential and commercial uses in the C-VCR zoning district to maintain the established character of village commercial areas. The principal permitted use of the **C-VCR zone within the Village Core Area** shall include commercial uses. In the village commercial core area, residential uses shall be limited to: (a) the upper floors, and/or (b) the lower floors if not located on the road-facing side of the property. Residential uses on the ground floor of a new or

existing structure of the road-facing side of the property shall only be allowed subject to a use permit where a finding can be made that the development maintains and/or enhances the established character of village commercial areas. Existing legally established residential uses in the C-VCR zone on the ground floor and road-facing side of the property can be maintained. The principal function of the **C-CVR zone outside of the Village Core Area** is to maintain the established character of the village residential and commercial mixed-use areas.

Thank you for your consideration,

Randall Fleming, Architect
36 Cypress Road,
Point Reyes Station
415 408-1427

From: Vicki Sebastiani
To: MarinLCP
Subject: Local Coastal PLan for West Marin - homeowner endorsement
Date: Sunday, April 17, 2016 6:31:27 PM

Marin County Supervisors:

I am a homeowner at Stinson Beach, and prior to the meeting on April 19 regarding the new Local Coastal Plan for West Marin, I would to express my support for the county staff and Supervisor Kinsey who came out and met with us.

It was a relief to many of us to have them take their time and make the effort to listen to our concerns and our needs, and to have them draft a version of the new Marin plan that seems to satisfy the needs of our community, and also balance the environmental and public access concerns.

I endorse this plan and urge you to pass it as written.

Thank you,

Vicki Sebastiani
274 Seadrift Rd.
Stinson Beach, CA

From: Peter Asmus
To: MarinLCP
Subject: LCP - Stinson Beach Impacts
Date: Monday, April 18, 2016 12:09:13 PM

Dear Jack -

I am writing to support the County's position that no more than a 50 year timeframe should be used to determine hazards from flooding and sea level rise. Even though I am not currently a home owner in Stinson Beach, I rent in the Patios. I am looking to buy a home right now, and have therefore become educated on issues that will clearly impact my home purchase decision.

I am also a member of the Stinson Beach Village Association, and previously served on the board of the Marin Conservation League.

The California Coastal Commission staff earlier edited County's draft of the Local Coastal Program, imposing a 100 year analysis for any development in the area where I live. But according to the projections used by the Marin County's own C-SMART sea level rise project, the best available science for sea level rise gives such a huge range of sea level rise projections 100 years from now – anywhere from 16 inches to nearly 7 feet! – that it is not under reasonably possible under this policy to determine a sensible height to which my potential future home would be required to be raised to be considered "safe".

According to the C-SMART projections, at the high end of that range all of my neighborhood, well over 300 homes, would be "potentially" underwater; this sort of uncareful language could lead to yet another blanket moratorium preventing any development at all, even development for maintenance and safety, in almost half of Stinson Beach.

Though I am an ardent environmentalist worried about the impacts of climate change, It is simply not reasonable to use such a long timeframe for evaluating development projects when the science that far out into the future is that imprecise. And it is not reasonable to place such an unreasonable burden on a homeowner who is very unlikely to be building or rebuilding their home for their own use 100 years in the future. Even 50 years is a very long time to have to consider when doing work to our homes – but at least the County Staff's own suggestion to use a 50 year timeframe would give us a reasonable sea level rise range to work with, from a few inches to two feet; at this level, those of us who live in Stinson Beach could continue to reasonably maintain our houses and adapt to sea level rise over the years as the science advances.

County Staff proposes to reevaluate the science of sea level rise every 5 to 10 years, which would allow for adjustment over time to make our community safe 100 years from now in a much more sensible manner. I urge you to support your County Staff's proposal in this matter.

Thank you for your time.

Sincerely,

Peter Asmus

From:	Bill Falik
To:	Drumm, Kristin
Cc:	Jeff Loomans; Matt Field
Subject:	Fwd: Stinson Beach Flood Hazards and Flood Maps
Date:	Monday, April 18, 2016 4:01:31 PM

--
Bill Falik
100 Tunnel Road
Berkeley, CA 94705
Telephone: (510) 540-5960
Facsimile: (510) 704-8803
Email: billfalik@gmail.com

---------- Forwarded message ----------
From: **Bill Falik** <billfalik@gmail.com>
Date: Mon, Apr 18, 2016 at 3:51 PM
Subject: Stinson Beach Flood Hazards and Flood Maps
To: MarinLCP@marincounty.org
Cc: Jeff Loomans <loomans@stanfordalumni.org>, Matt Field <Mfield@tmgpartners.com>

Dear Mr. Liebster,

I own homes at 7 and 9 Sacramento Patio in Stinson Beach, California, which I have been fortunate enough to purchase over the past 12 years as a family "compound."

I am writing to support the County's position that flood hazards should be separately considered and addressed using readily available and quantifiable flood zone maps. My homes were identified as being in an area of Stinson Beach "potentially" subject to flooding in earlier drafts of the Local Coastal Program. Unlike homeowners in carefully specified hazard areas, such as my home in Berkeley, which is mapped very clearly in the Loma Priolo earthquake zone, or like homes at certain distances from blufftops, my homes at Stinson Beach under the original proposal would have been subject to a vague and unspecified flooding risk. My neighbors and I would have potentially been prevented from redeveloping, making significant repairs, or even adequately maintaining our homes over time due to the vague and ambiguous nature of this designation.

The County's proposal to use existing FEMA flood maps, which are prepared according to best available science and subject to community review, or where these are not available, to use floodzone maps prepared by the County under its C-SMART process, would mean that I would be readily able to identify whether my properties were considered at risk, and know exactly how much elevation or other design remedy I would need to keep my home safe from flooding over time.

I support the County's effort to adopt these clear standards and urge you to support your Staff's proposal in this matter.

Best,

Bill

--
Bill Falik
100 Tunnel Road
Berkeley, CA 94705
Telephone: (510) 540-5960
Facsimile: (510) 704-8803
Email: billfalik@gmail.com

From:	Terry Houlihan
To:	MarinLCP; Liebster, Jack; Drumm, Kristin
Cc:	Paula Reynolds; Jeff Loomans; Peter and Pauline Sandmann
Subject:	Marin County Local Coastal Program Amendment Public Hearing, April 19, 2016
Date:	Monday, April 18, 2016 12:34:16 PM

From:
Terry J Houlihan
175 Francisco St., Apt 18,
San Francisco, CA 94133

To:
Board of Supervisors
3501 Civic Center Drive, Suite 329
San Rafael, CA 94903

Dear Members of the Board of Supervisors:

I own a house in Stinson Beach subject to the Marin Coastal Plan. I am writing to oppose amendments to the Land Use Plan advocated by staff of the California Coastal Commission.

The County, not the Coastal Commission, is the only entity with legislative power to amend the existing Coastal Plan. *See, e.g.*, Public Resources Code [hereafter PRC] 30500(c)("The precise content of each local coastal program shall be determined by the local government . . . ."). If the County declines Coastal Commission recommendations, it need only report its reasons to the Commission, PRC 30519.5(b), which may then recommend legislation to the state, should it choose to do so.

This means that the County, not the Commission, is ultimately responsible for formulating fair and workable amendments. It also means that the County is a necessary party to a lawsuit challenging new provisions it adopts on the ground that they violate state or federal law. A case challenging some of the Coastal Commission policies relevant here is currently in the California Supreme Court, *Lynch v. California Coastal Commission*, Case No. S221980.

The Coastal Commission staff is using the threat of sea level rise as a guise for advocating new, radical county plans that are contrary to express statutory policies and express statutory rights. The Coastal Act's fundamental aim is to "protect, maintain, and, where feasible, enhance and restore the . . . [coastal zone] natural **and artificial** resources [and]

assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state." PRC 30001.5 (a) and (b). The statute explicitly finds that "existing developed uses, **and future developments that are carefully planned and developed consistent with the policies of this division**, are essential to the economic and social well-being of the people of this state. . . ." PRC 30001(d).

Contrary to these policies, the Coastal Commission staff is recommending various provisions that would prevent improvement of, rather than "enhance and restore," buildings that have been developed consistent with the Coastal Act. Included in the wrong-headed approach of the Commission staff are provisions that create a new category —"redevelopment"— requiring burdensome and unnecessary permitting, essentially precluding maintenance or improvement of existing buildings.

Also included in Commission proposals are provisions designed to undercut PRC section 30235. That law gives owners of "existing structures" the right to permits for shoreline construction needed to protect such structures. Provisions proposed seek to authorize "waivers" of those rights as a condition of permits for development and "redevelopment." The Coastal Commission staff also advocates policies that would limit this express statutory right to structures existing as of 1976, contrary to the language of the provision, to the policies listed above, and common sense.

The Board should either adopt plan language proposed by County staff, not the Coastal Commission staff, or simply take no action on these provisions. The latter course would leave the existing Marin Coastal plan language in effect to the extent it covers the same subject matter.

Please include these comments in the public record.

Respectfully,

Terry J Houlihan

Dear Members of the Board of Supervisors:

I am writing to you as the informal representative of a number of community groups in the Stinson Beach area who have come together at the direct request of Supervisor Kinsey and management of the County's Community Development Agency over the past year to discuss proposed amendments to the Local Coastal Plan, specifically to the Environmental Hazards section of the Land Use Plan and associated Implementation Program Amendments. Board members of the Stinson Beach Village Association, the Seadrift Homeowners Association, "Residents for Responsible Land Use" (a grassroots organization of homeowners in the low-lying Calles and Patios section of Stinson Beach), the Stinson Beach County Water District, local Realtors and other concerned citizens first met with Supervisor Kinsey, Tom Lai and Jack Liebster of the CDA during Thanksgiving week of last year. Following initial discussions, Supervisor Kinsey asked us to arrive as best we could at a "community consensus"; a small number of changes that we all agreed would be most critical for our local community, and that could be taken into account as final amendments were drafted. We held several meetings, exchanged dozens of pages of analysis and position statements on these issues, and posted numerous information statements to the surrounding community on NextDoor, via fliers, and through email. At a very well-attended Stinson Beach Village Association meeting of over fifty local residents and members of these groups with Jack Liebster and his staff, Jack and I led a community discussion of five major areas of concern that we had in fact agreed were of special importance to the greater Stinson Beach community. While I cannot claim the direct mandate of every resident of Stinson Beach, after each issue was discussed Jack called for a show of hands – and on each the consensus of the entire assembly was unanimous.

Our concerns were that, as proposed by California Coastal Commission staff: 1) Hazard reporting requirements were overly onerous, costly and in some cases impossible to meet for many in Stinson Beach; 2) Requirements for 100 year sea level rise projections and lack of definition as to what it meant to be "near the shoreline" would effectively lead to development or even regular maintenance being impossible to pursue in most of low-lying Stinson Beach; 3) "Coastal Redevelopment" would lead to a new set of permit requirements that could strip homeowners of rights to develop and maintain their properties; 4) Height limits, view considerations as a "stalking horse" for the obstruction of further development, and a blanket prohibition on elevating homes in response to sea level rise meant that our homes would have to be abandoned instead of simply raised a few feet as flooding hazards increased over time; and 5) categorical exclusions duly ordered by the Board of Supervisors of Marin and still in force, as well as exemptions for single-family home development explicitly granted by the Coastal Act itself, could in many cases be denied to Stinson Beach residents.

While not every proposal made by the representatives of these Stinson Beach community groups was implemented as requested at this meeting, we believe that County staff at the Community Development Agency truly listened to and diligently considered these critical community concerns, and that the proposed amendments to the Environment Hazards section of the Land Use Plan and to the Implementing Program best represent the appropriate balance the Coastal Act demands between the safety and property rights of homeowners in the Coastal Zone, and critical environmental, public access, public view, and community character mandates. The

Coastal Act requires that local governments create their local coastal programs "with full public participation". Having myself attended seven community meetings at which County staff were present to explain and seek input on these amendments, read and discussed documents exchanged with a working group of fourteen local community leaders, and even gone on local radio station KWMR twice in the past four months to help inform the community of the work of County staff on the Local Coastal Plan, I cannot imagine that - short of knocking on every door in Stinson Beach to hold one on one discussions - any local government could possibly have done more to encourage and obtain "full public participation" in this process. Their work has been truly exemplary.

Please support your constituents in the Stinson Beach community, and all throughout the Coastal Zone of Marin County, by following your staff's recommendations and approving the resolution to resubmit their proposed Land Use Plan Amendments and Implementation Program Amendments to the California Coastal Commission.

Thank you very much for your time and consideration,

Jeff Loomans
167 Dipsea Road, Stinson Beach
loomans@stanfordalumni.org

cc: Brian Crawford, Director
Jack Liebster, Planning Manager

Dear Members of the Board of Supervisors:

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Please support your constituents in the Stinson Beach community, and all throughout the Coastal Zone of Marin County, by following your staff's recommendations and approving the resolution to resubmit their proposed Land Use Plan Amendments and Implementation Program Amendments to the California Coastal Commission.

Thank you very much for your time and consideration,

Jeff Loomans
167 Dipsea Road, Stinson Beach
loomans@stanfordalumni.org

cc: Brian Crawford, Director
Jack Liebster, Planning Manager

STINSON BEACH COUNTY WATER DISTRICT

3785 Shoreline Highway • P.O. Box 245
Stinson Beach, CA 94970
Phone: 1(415) 868-1333 Facsimile: 1(415) 868-9417
E-mail: sbcwd@stinson-beach-cwd.dst.ca.us Website: http//Stinson-Beach-cwd.dst.ca.us

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April 18, 2016

Via e-mail: jliebster@marincounty.org

Jack Liebster
Planning Manager
Marin County CDA

Re: Proposed Changes to Marin's Local Coastal Plan & Development Code

Dear Jack:

At the Board of Directors meeting on April 16, 2016, the Board wanted to register its objection to two portions of the proposal:

1. It should be the water agency that determines its ability to supply requests for additional service. This is of particular concern in Stinson Beach where there is limited potential for future development at any rate. The Stinson Beach County Water District does not want to have to assume the burden and cost of meeting the reporting requirements of the Coastal Commission for procedures that the Stinson Beach County Water District performs as a matter of course.

2. The Board of Directors of the Stinson Beach County Water District strongly objects on behalf of the community to the idea that the County or, if so delegated to the District, that the District would have to police its customers by engaging in house- to-house searches to inventory water fixtures.

Sincerely,

Ed Schmidt

Ed Schmidt
General Manager

cc: Kristin Drumm via e-mail: KDrumm@marincounty.org

BOLINAS COMMUNITY PUBLIC UTILITY DISTRICT

BCPUD BOX 390 270 ELM ROAD BOLINAS CALIFORNIA 94924 415 868 1224

April 18, 2016

VIA E-MAIL

Jack Liebster, Planning Manager
Kristin Drumm, Senior Planner
Marin County Community Development Agency
3501 Civic Center Drive, Suite 308
San Rafael, California 94903-4157

Re: Resubmittal of Local Coastal Program ("LCP") – Land Use Plan Amendments ("LUPA") and Implementation Program Amendments ("IPA") to California Coastal Commission.

Dear Mr. Liebster and Ms. Drumm:

Thank you very much for reaching out to the Bolinas Community Public Utility District ("BCPUD"), and to Bolinas residents directly affected by the above-referenced amendments and the update to the Local Coastal Program overall. While we appreciate that you contacted us directly, please note that we have only had about two weeks to review the notices provided, read at least some of the lengthy and obtuse planning documents at issue, and endeavor to analyze the precise impact and implications of these documents (and most specifically the Coastal Commission staff's proposed revisions to those documents) for our district and residents. It is clear that the Coastal Commission staff made extensive and highly significant revisions via its "Suggested Modifications" to the above-referenced amendments and it is unfortunate that after all of the many years of work the County staff and Board of Supervisors have devoted to the update of the Local Coastal Plan, so little time has been allocated to the receipt of public comment on the Coastal Commission staff's proposed revisions.

We have reviewed the County staff letter to the Board of Supervisors and the accompanying staff recommendation concerning the Resubmittal and have the following comments:

1. We ***strongly support*** the County staff's recommendation that the concept of "coastal redevelopment" as proposed by Coastal Commission staff be omitted from the Local Coastal Plan. The Coastal Commission staff proposes to define "coastal redevelopment" requiring a Coastal Permit as the alteration of 50 percent or more of any single major structural component, or a 50 percent increase in floor area, or any alterations exceeding 50 percent of the structure's market value, (including exterior and/or interior renovations) all of which would need to be tracked cumulatively from the date of the Local Coastal Plan certification. As noted by County staff "introducing the concept of "redevelopment" , among other things, would have the effect of transforming "existing" structures into "new" development over time" by rendering many improvements currently exempt from coastal permitting subject to the costly and lengthy permit process. As further noted by County staff, "[t]he term "redevelopment" describing this new formation of rules does not appear on the Coastal Act, or in the Administrative regulations that govern the application of the Act." We urge the Board of Supervisors to accept the County staff's recommendation to omit this concept from the LCP.

2. We ***strongly disagree*** with County staff's recommendation to modify the implementation language in Section 22.64.110 concerning the residential character in coastal villages. As County staff notes, the Board of Supervisors directed staff to retain Land Use Policy C-CD-15, *which discourages the conversion of residential to commercial uses in coastal villages*. Staff now essentially proposes an exception to swallow much of that policy, by suggesting that the policy be revised to say:

   "11. **Residential Character in villages.** Consistent with the limitations to the village core commercial area outlined in C-PK-3, discourage the conversion of residential to commercial uses on coastal villages per Land Use Policy C-CD-15."

   We urge the Board of Supervisors to leave the text of the implementation language as it is, without the additional language proposed by staff. (For reasons stated below, we also strongly oppose the revisions proposed to C-PK-3 by the Coastal Commission staff.)

3. We ***strongly support*** County staff's efforts to omit language proposed by Coastal Commission staff to impose additional requirements on public service providers (such as the BCPUD) with regard to water and wastewater service and we oppose the Coastal Commission staff's suggested modifications in their entirety. The BCPUD, like all public water systems in California, already is extensively regulated by the State Water Resources Control Board and other federal and state entities with expertise in water and wastewater management and operation, and has responsibly managed the water supply and wastewater system of Bolinas for more than one hundred years. The Coastal Commission staff's language in many respects seeks to micromanage local agency operations and extend far beyond the intent of the Coastal Act and its administrative regulations. We urge the Board of Supervisors to reject the additional requirements proposed by Coastal Commission staff.

4. We ***strongly oppose*** the Coastal Commission staff's suggested modifications to Land Use Policy C-PK-3, which addresses mixed uses in the Coastal Village Commercial/Residential (C-VCR) zoning district. The Coastal Commission staff has proposed language to define a new "village commercial core area" which does not exist in the Coastal Act and where residential uses would be limited. The stated purpose behind the Coastal Commission staff's proposal is to show preference to/priority for "visitor-serving commercial establishments" over residences. In our view, this is completely inconsistent with the Coastal Act emphasis on maintaining the "established character" of village commercial areas. Bolinas' commercial district – which long predates the passage of the Coastal Act -- has *never* emphasized tourist shops or other "visitor-serving" businesses and forcing a community to completely alter its historic character is antithetical to the very Act that the Coastal Commission staff is seeking to implement.

In our view, many of the Coastal Commission staff's suggested modifications of the various documents that comprise the update of the Local Coastal Plan overlook the fact that Bolinas, like most of the other villages in the coastal zone, is a community where real people work, go to school, purchase groceries, post letters, visit museums, listen to music, go to restaurants, attend churches, and so forth – in short, we *live* here. Our town has existed as a vital rural community for well over a hundred years and has produced extraordinary scientists,

farmers, artists, activists, teachers, authors, filmmakers, among others, many of whom can no longer afford to live here due to the rising cost of living throughout the Bay Area. We have a real and serious affordable housing crisis and one way Bolinas has been able to begin to address this crisis is by tremendous community efforts to install affordable housing in our downtown commercial area, some of which would not have been possible if the Coastal Commission staff's arbitrary delineation of a "village commercial core zone" was in effect at the time. We acknowledge that we live in a beautiful place and no one disagrees with the purpose and intent of the Coastal Act to preserve the coast of California (and access thereto) for the benefit of all people (which seems to be a genuine issue elsewhere in the state), but the burdens imposed by many of the modifications proposed by the Coastal Commission staff would be extraordinary, very costly, and most notably, beyond the intent of the Act itself.

In addition, there is no acknowledgement we can find in the LCP documents of the significant impact visitors have on the resources and infrastructure of the villages in the Coastal zone, as well as on the coastline itself. For example, visitors leave a regrettable amount of garbage on the public beaches. For many years, the downtown businesses in Bolinas informally have contributed to a fund to hire community members to pick up the trash on the Bolinas beach and ensure it is disposed of properly at the town's expense. Visitors use our town's water and sewer systems and pay none of the costs associated with providing those services. Visitors have extraordinary impacts on the local roads and parking in the beach (and nearby) areas, which presents very real public health and safety issues – because Bolinas is geographically isolated and both of the main roads in town dead-end at the beach, visitors to town regularly park illegally on our narrow streets, at times blocking access for emergency and other vehicles. Unfortunately, it seems that the Coastal Act and its implementing regulations do not contain any provisions to regulate the behavior of coastal visitors, even where such behavior is clearly deleterious to the coast itself and/or to the historical character of the coastal villages located there.

Thank you for this opportunity to convey our comments; please let me know if you have any questions or would like to discuss any aspect of this letter.

Very truly yours,

Jennifer Blackman
General Manager

cc: Supervisor Steve Kinsey (via email)
Supervisor Judy Arnold (via email)
Supervisor Damon Connolly (via email)
Supervisor Katie Rice (via email)
Supervisor Kate Sears (via email)

Law Offices of
JOHN E. SHARP
24 Professional Center Parkway, Suite 100
San Rafael, CA 94903

John E. Sharp
john@johnsharplaw.com

Telephone: (415) 479-1645
Facsimile: (415) 479-8444

April 18, 2016

Marin County Board of Supervisors
3501 Civic Center Drive
San Rafael, CA 94903

Via email

RE: LCP Amendment Documents: Hearing on 4/19/16

Dear Supervisors:

This office represents Sierra Club with regard to the above-referenced matter. Please include this correspondence in the administrative record of the proceedings in conjunction with the above-referenced Local Coastal Plan Amendment and IP. Please provide the undersigned with copies of any and all notices, letters, correspondence, and/or staff materials prepared in conjunction with this matter, from this point forward.

Procedural matters:

As stated in the staff report dated April 19, 2016 entitled "Resubmittal of Local Coastal Program (LCP)-Land-Use Plan Amendments and Implementation Program Amendments to California Coastal Commission", (hereinafter, the Staff Report), the provisions discussed in the Staff Report approved by you on August 25, 2015 and submitted to the Coastal Commission on September 30, 2015 constitutes a "resubmittal", thus triggering the provision of California Code of Regulations 13541(a), which provides that the Commission's prior certification with suggested modifications has expired.

Sierra Club wishes to make clear, for the record, that no final determination has been made by either the Commission, or your Board.

Reference to other matters in the administrative record:

Sierra Club has reviewed, without limitation, letters dated August 21, 2015 and March 23, 2016, from Nancy Cave, District Manager for the North Coast Central District of the California Coastal Commission. Sierra Club agrees with the observations and matters of substance, including

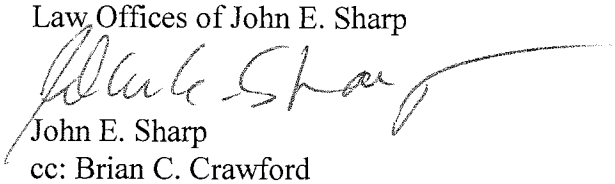
recommended revisions, set forth in the above-referenced correspondence. In the interest of brevity and economy, Sierra Club does not repeat said recommendations here.

Similarly, Sierra Club has reviewed correspondence dated April 11, 2016 submitted by California Coastal Protection Network, and concurs with the recommendations set forth in that correspondence.

Process going forward:

Based upon Sierra Club's review of currently available written materials for the hearing of April 19, 2016, it seems likely that additional hearings will take place regarding the final submittal by the County of Marin. This being the case, Sierra Club reserves its right to submit such other and further comments as may be appropriate prior to and during any further hearings on the County's LCP amendment documents at either the County of Marin or the California Coastal Commission.

Very truly yours,
Law Offices of John E. Sharp



John E. Sharp
cc: Brian C. Crawford

From:	Matt Field
To:	MarinLCP
Cc:	Jeff Loomans (loomans@stanfordalumni.org)
Subject:	Local Coastal Program - Stinson Beach Flood Hazards
Date:	Monday, April 18, 2016 8:19:01 PM

Dear Mr. Liebster

My wife and I own 5 Sacramento Patio at Stinson Beach and we are acutely sensitive to the potential impacts to property rights under the Local Coastal Plan and the assessment of flood hazard risk. I am writing to support the County staff's position that flood hazards should be separately considered and addressed using readily available and quantifiable flood zone maps. My home was identified as being in an area of Stinson Beach "potentially" subject to flooding in earlier drafts of the Local Coastal Program. We strongly support having one set of standards for addressing the requirements including the County's position to mandate use of FEMA maps where applicable, and to make flood-proofing requirements based on height use the same standards that FEMA does, as it is already a lot of effort for homeowners to comply with FEMA requirements.

This sort of measure would remove the risk of arbitrary denial or appeal of maintenance permits I and may neighbors might need in the future. It would preserve our property values, by removing the risk for a future buyer that the property might not be developable at all. And it would in doing this balance local residents' need for safety and proper construction where flood risks are concretely identified. I urge you to support your County Staff's proposal in this matter.

Matt & Camilla Field

From: rpkovach@att.net
To: Drumm, Kristin; Liebster, Jack; BOS
Cc: Kinsey, Steven; Jennifer Blackman
Subject: BCPUD on LCP revisions
Date: Tuesday, April 19, 2016 9:40:05 AM

I support the BCPUD's positions on revisions to the LCP.

Roger Kovach – a 46 year resident of Bolinas

From: Eric
To: Drumm, Kristin; Liebster, Jack; BOS
Cc: Kinsey, Steven; Jennifer Blackman; Mindy Marin; Claudia Ceniceros
Subject: URGENT: Support of BCPUD letter re: Coastal Plan Update
Date: Tuesday, April 19, 2016 10:52:59 AM

MEMORANDUM

SUBJECT: Support for BCPUD GM's letter re: Coastal Plan Update

DATE: April 19, 2016

TO: Kristin Drumm, Senior Planner,
Jack Liebster, Planning Manager, Marin County
Marin County Board of Supervisors

CC: Steve Kinsey, Marin County Supervisor
Jennifer Blackman, GM Bolinas Community Public Utility District
Mindy Marin, Bolinas Resident

FROM: Eric McDougall, Owner @ 45 Wharf Road, Bolinas (c. 1851 residence next door to Smiley's Bar) eric@mcdougall.com

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This memorandum serves to support the position so well articulated by Jennifer Blackman, GM of BCPUD regarding the proposed modifications to the Local Coastal Plan.

Summary:

- Insufficient time for public comment and discussion.
- Support for County staff's recommendation to omit proposed "coastal redevelopment" as proposed by CA Coastal Commission.
- "Redevelopment" per se is not a provision of the Coastal Act.
- Omit County staff's changes to language in Section 22.64.110, which changes Board approved policy.
- Support for County staff's efforts to omit language that would place burdens on local utilities like BCPUD.
- Opposition to CA Coastal Commission language creating "village commercial core areas," limiting residential uses and imposing burdensome permitting.
- Coastal Commission proposed changes are inconsistent with both historical and current usages and character of Bolinas town center.

While my own residence is not within the proposed commercial core, it seems the planners or commissioners have not actually visited Bolinas and looked at the actual structures that they are placing within the new "commercial core" zone. Most of the residences that are within this zone are historically significant pre-1900 homes that define the character of downtown Bolinas. They should remain residences and have residential usages acknowledged in the codes. Further the plan does nothing to address other important visitor impacts such as parking, safe turnarounds on narrow dead-end streets, trash, speeding, provisions for sudden influx of surfers, noise from Harley touring, holiday illegal fireworks, Sheriff resources, emergency vehicle availability and access, etc.

My reaction is not part of the old Bolinas "tear the signs down" xenophobia nor "not in my backyard" aversion to change. I live downtown and love activity and action. Bolinas is beautiful and attractive and people should be able to enjoy it's good qualities, but more thoughtful planning, done with the involvement of the local Bolinas Community should be initiated vs. dropping unrealistic and ill-considered rules imposed from above and afar.

From: Weare, Christopher
To: Drumm, Kristin; Liebster, Jack; BOS
Cc: Kinsey, Steven; Jennifer Blackman
Subject: Support of BPUD letter concerning LCP
Date: Tuesday, April 19, 2016 11:34:32 AM

Dear Board of Supervisors,

I am writing to voice my strong support of BCPUC letter concerning the resubmittal of the Local Coastal Program. I strongly support the protection of the coast that is the primary goal of the California Coastal Commission. Nevertheless, the LCP also needs to be cognizant and respectful of the unique characteristics and circumstances of coastal towns.

The recommendations proposed by BCPUD provide a beneficial balance between the goals of the Coastal Commission and the needs and interests of our community.

Thank you

Chris Weare

~~~~~~~~~~~~~~~~~~~~~~~~~~~~~

Christopher Weare
185 Iris Rd.
Bolinas, CA 94924

Research Associate Professor
Sol Price School of Public Policy
University of Southern California
State Capital Center
1800 I St.
Sacramento, CA 95811-3004
916-637-8987 (v)
916-444-7712 (fax)
~~~~~~~~~~~~~~~~~~~~~~~~~~~~~

From:	Remick Hart
To:	Drumm, Kristin; Liebster, Jack; BOS
Cc:	Kinsey, Steven; Jennifer Blackman
Subject:	Coastal Commission Staff "suggested Modifications " to theLCP update
Date:	Tuesday, April 19, 2016 12:24:45 PM

We support the Marin County Planners and the letter from BCPUD.
Remick and Kathie Hart
31 Terrace Ave
Bolinas
415 868-9936
Sent from my iPad

From: Lisa Herbert
To: Drumm, Kristin
Subject: Coastal commission proposal
Date: Tuesday, April 19, 2016 12:58:33 PM

Hi Ms. Drumm,
I'm writing to express my concern for the Coastal Commissions proposal for our community Plan and want to support the points listed in Jennifer Blackman's letter to you.

Thank you,
Lisa Herbert 125 Grove road Bolinas.

Good Afternoon, Chair Kinsey and Supervisors:

My name is Bridger Mitchell. I am president of the Environmental Action Committee of West Marin. The EAC has actively participated in every stage of the LCP Amendment process for eight years.

Today's Board of Supervisors hearing is the first public presentation of staff-recommended policies for adaptation to sea level rise in Marin's coastal zone. Today is also the first presentation of proposed "commercial core areas" that would rezone the coastal Village Commercial Residential districts.

Our remarks will cover 3 topics:

- Comments on the draft LCP Amendment
- The county process to amend the LCP
- How to avoid a third disaster for the county at the Coastal Commission

1. EAC, along with other concerned groups and individuals and Coastal Commission staff, have reviewed the voluminous draft documents. Those specific and detailed comments are found in your briefing packets. For example, the Coastal Commission staff submitted 16 single-spaced pages of comments.

County staff specifically requested that comments be submitted by March 30 in order to prepare the draft now before you, and staff intended to take those comments into account in their recommendation to you. But staff has told us, and you, that their schedule did not provide them sufficient time to do so. So, despite 8 years of effort the public process has been rushed.

I will not review the substance of those comments now. Other speakers will certainly emphasize some of the major points concerning environmental hazards, adaptation to sea level rise, and rezoning coastal village mixed-use districts.

2. The procedure required to amend the **coastal chapters** of Marin's Development Code is not well specified. Last week the CDA Director concurred in the Commission staff's opinion that there is no **state law** that requires referring an amendment to the LCP to the Planning Commission.

However, our **county law** spells out the process to amend Marin's Development Code. That's set out in Interim Code Chapter 22.90 and Development Code Chapter 22.116. Any Amendment that is **not** part of the coastal program must always begin at the Planning Commission and receive its recommendation to the Board. And if you make substantive modifications they must be returned to the Planning Commission for further review.

Of course, the LCP coastal chapters are **also** components of the county's Development Code [see Resolution at ¶30]. It's been 36 years since the Marin LCP was certified. During those years it has been amended 19 times: **Fifteen** of those amendments originated at the Planning Commission. In three other cases a Board resolution directly changed a single property's density or rezoned individual parcels.

The draft documents before you today are substantial modifications of the original Amendments recommended to you by the Planning Commission four years ago.

The county and Commission staff are still at loggerheads on a number of fundamental issues. These include:

- The definition of redevelopment in hazardous areas – where is the line between repair and maintenance *versus* reconstruction that requires a coastal permit? And
- Whether elevation of an existing structure can have individualized effects on community character and other coastal resources, or whether it's all of no consequence, and just part of Marin's "funky community character", as staff suggests.

These issues won't go away if you approve these amendments today. The Coastal Commission will unilaterally resolve them. And those issues are just two examples.

- The draft contains many hundreds of changes -- to the LCP policies, implementation regulations, and maps that you previously approved.
- Many staff-proposed changes clash with modifications that will be required by the Coastal Commission staff.
- Staff has not yet responded to comments from the public and the Coastal Commission staff.

It's essential to understand: Once your Board votes to approve the draft Amendment the county has effectively lost control of its destiny. The choice now becomes: **take-it-or-leave-it** – take the Commission's final version, or withdraw the Amendments and regroup once again.

How do we know this? Because this would be the third time you've done it.

- Version 1: The Supervisors adopt Amendments in July 2013. Coastal Commission staff recommends extensive modifications. The Coastal Commission votes to approve the Land Use Plan in May 2014. The Supervisors subsequently repudiate the Commission's version.
- The sequel, Version 2: At the Commission meeting in April 2015 the county withdraws the LCP Implementation amendment to avoid certification of objectionable modifications. In August 2015 the Supervisors adopt

Agricultural land use and Implementation Plan amendments. Commission staff recommends extensive modifications. Time passes, and all Commission approvals lapse.

- Version 3 (appears to be): The Board adopts the draft amendment before you today. Commission staff then recommends the extensive modifications detailed in its comments. At the Commission meeting the modified Amendment, containing the policies and provisions the county finds objectionable, is either approved or again withdrawn.

If you go down that road again, why would you expect a different result?

3. So -- How can Marin avoid a third rejection?
    - Acknowledge that Commission staff's substantive comments and objections to the draft must be addressed. It is far preferable for the county to prepare the necessary modifications rather than leave key unresolved issues to the Commission staff to decide.
    - Accept the Commission staff's offer of more time to work with the county before you take final action on the draft Amendments.
    - Ask the Planning Commission and your staff to modify the draft to respond to Coastal Commission staff and public comments and recommend an improved draft to your Board.
    - Postpone a vote to adopt the revised Amendment until the county draft overcomes the fundamental objections raised by Coastal Commission staff.

In summary, EAC respectfully urges you not to take the same wrong road a third time. Instead, please direct the Planning Commission to revise the draft in order to overcome Coastal Commission staff objections and incorporate suggested responsible changes from the public.

Thank you for this opportunity to comment.

Fiala, Shannon@Coastal

From: Bridger Mitchell <bmitchellecon@gmail.com>
Sent: Thursday, May 05, 2016 1:58 PM
To: Fiala, Shannon@Coastal
Cc: Terence Carroll; Morgan@EAC Patton
Subject: Resubmittal of Marin County LCPA - incomplete items

Hi, Shannon,
In reviewing the county's 4/22/16 LCPA resubmitted, in addition to the question about "Enclosure 3", we find the following items missing from the submission:

INCOMPLETE ITEMS, as of 5/5/16, Marin County LCPA submission

Comparisons: certified LUP v. LUP Amendments

Comparisons: certified IP v. IP Amendments

Underline/strikethrough changes to certified LUP

Underline/strikethrough changes to certified IP

Public comments received

County written responses to public comments

Data in support of C-CD-15

Data in support of public services adequacy

Data in support of numeric grading thresholds

Updated inventory of Visitor Serving Commercial and Recreational Facilities

MAPS:

FEMA flood zone maps

FEMA flood elevation and sea level rise elevation maps

Marin County hazard maps

Marin County adopted "Potential Sea Level Rise Maps"

Coastal Commission Appeal Areas (Maps 28a,b), corrected from drafts of 8/16/2011

Zoning maps including C-VCR districts showing commercial core areas (Maps 29c,d,e,g,h,j)

As of this morning, neither the documents as resubmitted in final form, nor the incomplete items, were publicly available on the County website.
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Bridger Mitchell – Environmental Action Committee
-

From: Shannon Fiala <Shannon.Fiala@coastal.ca.gov>
Date: Thursday, April 28, 2016 at 12:12
To: "Bridger@gmail Mitchell" <BMitchellEcon@gmail.com>
Subject: RE: Resubmittal of Marin County LCP Amendments

Hi Bridger,

Although it is not entirely clear, I believe the attached "Amendments 4-7" comprise "Enclosure 3," but you are correct that Enclosure 2 does not include copies of letters and comments received. We will be submitting a status, i.e. filing, letter to the County by May 6th, outlining additional information needs. I will forward additional LCPA documents as we receive them.

Best regards,
Shannon

From: Bridger Mitchell [mailto:bmitchellecon@gmail.com]
Sent: Wednesday, April 27, 2016 10:17 AM
To: Fiala, Shannon@Coastal
Subject: Re: Resubmittal of Marin County LCP Amendments
Importance: High

Thanks very much, Shannon.

From a quick look at the county's submission letter (BCLetterPart2Rresubmittal.docs.pdf) and its list of files, it appears that "Enclosure 3" and "Enclosure 4" described in that letter have not yet been submitted to you by the county. The files "Enc. 4" and "Enc.5" contain county staff recommendation documents.

The "Enclosure 2.x" files do not appear to contain (as required by Sec. 13552(a)) "copies or summaries of significant comments received and of the local government or governing authority's response to the comments" apart from the detailed comments made in the Commission staff's 3/23/16 letter.

Please forward any additional LCP Amendment documents that the county submits, and thank you once again.

-
Bridger Mitchell – Environmental Action Committee
-

From: Shannon Fiala <Shannon.Fiala@coastal.ca.gov>
Date: Tuesday, April 26, 2016 at 10:01
To: "Bridger@gmail Mitchell" <BMitchellEcon@gmail.com>

Cc: "Nancy@Coastal Cave" <Nancy.Cave@coastal.ca.gov>
Subject: FW: Resubmittal of Marin County LCP Amendments

Hi Bridger,

As requested, here is the Marin LCPA submittal, received on Friday April 22.

Best regards,
Shannon

From: Liebster, Jack [mailto:JLiebster@marincounty.org]
Sent: Friday, April 22, 2016 2:51 PM
To: Cave, Nancy@Coastal; Fiala, Shannon@Coastal; Carl, Dan@Coastal; Ducklow, Kelsey@Coastal; Manna, Jeannine@Coastal; Ainsworth, John@Coastal
Cc: Armstrong, Lauren; Gimmler, Christine; Gurley, Margaret; Drumm, Kristin; Lai, Thomas; VanBelleghem, Bridgit; Westhoff, Alex; 'Steve home'; Crawford, Brian
Subject: Resubmittal of Marin County LCP Amendments
Importance: High

Hi Jack,

First, while it was unfortunately not under pleasant circumstances, let me nevertheless congratulate you on your new position. It is something you certainly have earned it, and I wish you all the best in it.

The other auspicious event is that today is Earth Day, and what better a time to submit the LCP Amendments that the Marin County Board adopted earlier this week. (A paper copy is also on its way).

We look forward to continued productive work with your staff, and hopefully, after seven and half years, an approval by the Commission this coming August.

All the best
Jack

Jack Liebster
Planning Manager, Advanced Planning
Marin County Community Dev. Agency
3501 Civic Center Dr., Room 308
San Rafael, CA 94903-4157
jliebster@marincounty.org
(415) 473-4331

Email Disclaimer: http://www.marincounty.org/main/disclaimers

Fiala, Shannon@Coastal

From: Bridger Mitchell <bmitchellecon@gmail.com>
Sent: Wednesday, March 30, 2016 5:31 PM
To: Jack.Ainsworth@coastal.ca.gov
Cc: Cave, Nancy@Coastal; Fiala, Shannon@Coastal
Subject: Does bypassing the Planning Commission render Marin's LCP Amendment incomplete?
Attachments: EAC_Ainsworth_2016_03_30.pdf; EAC_Crawford_2016_03_30.pdf

Dear Jack,
Please find attached our query regarding procedures being used by Marin County to adopt proposed amendments to the certified Local Coastal Plan.
Thank you for your consideration of our question.
--
Bridger Mitchell – Environmental Action Committee
-

August 10, 2015

Kristin Drumm
Marin County Community Development Agency
3501 Civic Center Drive, Suite 308
San Rafael, CA 94903

Re: Marin County Amended LCP, Vacation Rentals

Dear Kristin Drumm,

This letter is to suggest that Marin County's LCP should regulate vacation rentals as it does all other forms of visitor-serving accommodations.

When the original LCP was adopted, it was thought that the stock of vacation rental homes was fairly low and that "due to rising costs, second homes are becoming fewer and fewer in number." (LCP, Unit II p. 30) Today, however, there are close to one thousand vacation rentals just in the Inverness, Marshall, Point Reyes Station area. These bring visitors, but also problems regarding parking, noise, congestion, and septic load, among other things.

The Coastal Act (Section 30213) encourages lower cost visitor and recreational facilities. However, the bulk of vacation rentals are far from low-cost. The lack of any kind of oversight puts them in a privileged position vis-à-vis other forms of visitor-serving accommodation and makes it difficult for County planners to get a picture of Marin's overall visitor-serving capacity. Regulations would facilitate economic growth by improving understanding of the County's visitor-serving resources.

There are two main tasks that regulation of vacation rentals should seek to accomplish:

- Ensuring that they are operated in a manner that protects the health, safety, and welfare of the surrounding community and the users of vacation rentals
- Protecting the County's housing stock and residential land supply

The first concern can be addressed by regulations that:

- Limit maximum numbers of overnight guests and visitors
- Establish maximum number of rooms before a vacation rental is deemed a hotel
- Limit number of vacation rentals per parcel
- Require adequate on-site parking
- Establish quiet time from10 PM to 9 AM
- Ban amplified sound outdoors
- Establish restrictions on special events, such as parties, weddings and "retreats"
- Require owners to have a Transient Occupancy Tax license
- Require that each property have a Designated Manager or Representative
- Establish a system for complaints & enforcement with costs to be paid from fees paid by vacation rental owners
- Establish standards for such things as pets, trash, and septic load

The second, and possibly most important, impact of vacation rentals is their impact on the County's housing stock and its affordability. Section 30604 of the Coastal Act states that

> (f) The commission shall encourage housing opportunities for persons of low and moderate income.
> (g) The Legislature finds and declares that it is important for the commission to encourage the protection of existing and the provision of new affordable housing opportunities for persons of low and moderate income in the coastal zone.

It is undeniable that in recent years the housing stock in coastal communities such as Inverness, Stinson Beach, Marshall and Tomales has increasingly been converted from affordable rentals to expensive vacation rentals. The resultant scarcity and increased cost of housing has caused serious problems for longtime residents, elderly people, workers and employers in these communities.

Bed & Breakfast units are strictly regulated in Marin County, with a clear requirement that they only operate in buildings used primarily as residences. Under the existing LCP, however, the owner of a house can completely evade B&B restrictions merely by calling his house a vacation rental. As a matter of policy, Marin County and the Coastal Commission should not be encouraging or allowing its regulations to be so easily evaded, especially when there are serious consequences for something as important as the housing stock.

Regulation could help to address this issue if it:

- Bans conversion of affordable housing units, agricultural employee units, second dwelling units, farmworker housing, or farm family units to vacation rentals
- Differentiates between properties that are primarily residential and are rented by their occupiers as vacation rentals for 90 days a year or less and commercial vacation rentals
- Restricts commercial vacation rentals to areas that are zoned for commercial use or allows them in certain residentially-zoned areas only with a Use Permit. In either case, commercial vacation rentals should be treated and taxed as businesses.

Thank you for considering my comments on this issue of such importance to the residents of and visitors to coastal Marin.

Sincerely,

Catherine Caufield
PO Box 884, Inverness, CA 94937

cc: Jack Liebster, Shannon Fiala, Supervisor Steve Kinsey

Nancy Cave, District Manager
North Central Coast District
California Coastal Commission
VIA EMAIL Nancy.Cave@coastal.ca.gov
May 2, 2016

Comments Re. Marin County Adopted LCP Resubmittal, Agricultural Chapter

Dear Ms. Cave:

I urge you to recommend changes to the Agricultural Chapter in the Marin LCP, based on evolving State statutory mandates, the Coastal Act, and CEQA. The Coastal Act and recent State statutes require State agencies to promote infill development and to not approve projects in outlying areas. CEQA requires the Commission to adopt all feasible policies and mitigation measures that may reduce substantial adverse impacts on the environment. I refer to these underlying legal requirements to make a broad case against sprawl because Marin County is proposing to allow new land use activities on exclusive "ag production" lands, as well as additional ag housing units. These policy changes will set bad precedents for policy in the other coastal counties, as well as damage agriculture in Marin County.

The Existing Marin County LCP Is Effective and Feasible, As A Set of Mitigation Measures

In arguing for the need for the proposed changes in the LCP, Marin County argues that new ag processing and ag retail activities are needed to keep farm family members living on the farms and to keep ag viable in the long run. No data are presented, not even case studies of past farms being sold, due to the lack of income from processing or retail activities. Indeed, studies of Marin County show that the majority of farms and ranches do not employ family members full time. Most ag owners work off the farm, at least part time. So, the inability to support a family solely with the ag operation is normal. Other County data show that there has been very little turnover of ag parcel ownership in the past 30-40 years and that the value of ag production has steadily increased over this period. These are indicators that the ag sector in Marin County is doing well. In addition, I note that in the adopted County LCP documents and related reports I have seen no data showing that any ranchers applied for ag processing or retail permits and were denied by the County or Coastal Commission. That is, it appears that they never tried to get permission for these land uses. One can take this absence of applications as a sign that the need for these diversification activities is not great.

The existing LCP and the adopted 2007 Countywide Plan (CWP, or general plan) both include a proven policy to keep ag parcels in ag production. The basic policy in the existing CWP is to keep ag land values low. The LCP (Unit II) cites rising land values as the major threat to preserving ag production (p. 85). This policy agrees with a substantial set of case studies in ag economics, land market theory, and experience in California counties and elsewhere in the U.S. I have worked with several rural counties in California in the past 45 years, designing land use policies to protect ag in the long run and have seen how damaging it is when counties allow land values to rise by allowing land divisions or by permitting higher-value activities such as ag processing or large-lot rural residences. So, the existing LCP is feasible in terms of availability under CEQA and it is effective in protecting agriculture.

Recent California Law Prohibits and Discourages Sprawl

AB 857, 2002, adopted State Planning Priorities for: infill development, the protection of environmental and agricultural resources, and efficient development patterns. State agency planning and capital spending must be consistent with these objectives.

AB 32, the Global Warming Act of 2006, SB 375 (2008), the Sustainable Communities and Climate Protection Act, and follow-on legislation and executive orders together mandate scheduled greenhouse gas (GHG) reductions by sector and Sustainable Communities Strategies in all metro regions in California. About half of SB 375 discusses the need for compact growth, to reduce vehicle miles of travel (VMT). These laws are models worldwide. They do not bind local governments but do mandate these policies for State agencies. These laws, together with our Nuclear Fuel Cycle statute, Cap-and-Trade rules, and Renewable Portfolio Standards for utilities have created the most-effective set of GHG laws in existence.

SB 743, 2013, eliminates the reduction of traffic congestion as a mitigation measure for transportation under CEQA. The consequent CEQA Guidelines (regulations) in final draft form (1/20/16) replace reducing congestion with reducing VMT as a mitigation measure. This is a radical change for transportation agencies, but also for land use planning agencies. The Technical Advisory part of the Guidelines states that "… clustered small towns and small town main streets may have substantial VMT benefits compared to isolated rural development" (p. III-25). The safety impacts of transportation policies on pedestrians and bicyclists are emphasized and especially apply to West Marin County, due to its high level of bicycling. Also, "…outlying intersections have been significantly overrepresented in pedestrian crashes compared with more urban areas, after control for exposure and other location factors" (p. III-40, quoting Ewing, 2003). The Advisory also states " Compact infill development … improves traffic safety" (p. III-42).

The California Coastal Act (Cal Pub Res Code) sec. 30241 states that "…The maximum amount of prime agricultural land shall be maintained in agricultural production… and conflicts shall be minimized between agricultural and urban land uses through… establishing stable boundaries separating urban and rural areas… [and] by assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality." 30250 says "… new… community development… shall be located within…, or in close proximity to, existing developed areas." Sec. 30253 states "New development shall minimize… vehicle miles traveled."

This brief review shows that the Commission's organic act and other related land use planning statutes urge it or require it to deny developments in outlying areas and to reduce VMT. CEQA and the Guidelines also will soon require that VMT reduction be used as a mitigation measure, whenever feasible. Note that the Coastal Act requires you to deny non-agricultural development on ag lands, in order to prevent increases in ag land values. I discuss this issue, below.

<u>CEQA Requires the Commission to Adopt All Feasible Policies to Reduce Environmental Impacts</u>

Marin County is not a lead agency under CEQA and so does not have to complete an EIR for their LCP amendments. The Commission is the lead agency and the LCP process has been authorized as a functional equivalent to the CEQA processs. The purpose of CEQA is to produce an EIR which systematically and thoroughly identifies and discusses all potential impacts and then mitigates them, but also to create a highly visible public process for gathering comments before scoping and after the Draft EIR. So, the LCP adoption documents must systematically assess impacts and adopt all feasible policies "… which would substantially lessen any significant adverse impact which the activity may have on the environment" (Cal Pub Res Code sec. 21080.5). This requirement is found in the Commission's administrative code at 14 CCR 13540(f), 13542, and 13555(b)). Note that the word "may" means that an impact must be considered if a fair argument can be made that it could occur.

In general, the courts give credence to local agencies and especially to State agencies in their determinations of which impacts may occur and whether they may be significant. Evidence of possible impacts includes data and expert opinion. Impacts under CEQA include secondary ones, that may occur later in time or removed in distance, including growth-inducing impacts. So, the policies recommended by the Commission staff constitute their professional judgement as to what mitigation measures are feasible and necessary to lessen significant impacts on the environment.

I agree with all of the recommended policy and code changes in your letters to the Marin Board of Supervisors of 8/21/15 and 3/23/16. However, I suggest you consider the following three groups of changes to further reduce adverse impacts.

Suggested Changes:

1. Do Not Allow Ag Processing and Ag Retail to Be PPUs in the C-APZ.
Making permits for these additional land use activities easier to obtain will cause more of these uses to be added to existing ag production operations. This will increase the expected revenues and so the land values of these parcels at sale. These higher appraisals will then spread eventually to most other parcels in the C-APZ, in terms of buyer and seller expectations. Higher expected land values will decrease the ability of existing and potential farmers to purchase these parcels for ag use. So, this policy will not further the Coastal Act's goal of protecting agriculture, but will instead damage agriculture. It seems to violate Cal Pub Res Code sec. 30241, which requires that "…nonagricultural development… not impair agricultural viability … through increased assessment costs." A Marin County Farm Bureau officer remarked in a public meeting with the Marin Conservation League last year, when this issue was brought up, that the ranchers want to have higher land values. When I replied that this would then make it take longer for MALT to acquire easements on all parcels, the MALT staff members present affirmed that this was a good idea, so the ranchers could get more money when they sold their easements. In other words, the Farm Bureau and MALT officials verified that the new land uses (ag processing, ag retail) are likely to increase land values.

Isolated small rural ag retail and ag processing facilities will likely have significant adverse impacts on VMT and traffic safety. The Ag Processing use must be in an existing building, but this building could be near to the Coastline Highway (SR 1), if there is no existing "cluster" of buildings on the parcel. There is no overall limit to the total number of processing plants in the coastal zone, so there could be many of them, similar to experience in Sonoma and Napa counties. Ag Retail buildings may be built new and can be located near to SR 1. Past Marin County staff reports state that farm stands are desired near the highway. There is no limit to the total number of retail stands in the coastal zone. We could get quite a few of them, as found in similar counties. The added encroachments (driveways) onto SR 1 and the consequent turning movements, some of which will be in the 55 mph area (Pt. Reyes Stn. to South Marshall), will increase accidents on this highway segment. The small number of these retail facilities might seem insubstantial, but SR 1 is very winding in W. Marin and so there are very few road segments with safe sightlines where driveways can be created. It is also quite crowded on weekends and during the summer. I have suggested to the ag representatives in public that locating their retail operations in Pt. Reyes Station would result in higher revenues and profits. Such a policy seems to be required by the Coastal Act's infill mandate. Adding more ag retail operations to the existing tourist commercial activities in Pt. Reyes Station and in Tomales Village will increase sales overall and at existing ag retail facilities. This policy would be compatible with the development policies in the existing LCP, CWP, and Coastal Act.

The Coastal Act states: "The Legislature therefore declares that in carrying out the provisions of this division such conflicts be resolved in a manner which on balance is the most protective of significant coastal resources. In this context, the Legislature declares that broader policies which, for example, serve to concentrate development in close proximity to urban and employment centers may be more protective, overall, than specific wildlife habitat and other similar resource policies" (Cal Pub Res Code, sec. 30007.5). Section 30251 says: "The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance." One can argue that these two mandates require the Commission to protect coastal scenic qualities in rural areas, even when this goal conflicts with other ones. Ag processing and ag retail buildings, the latter with parking and access driveways, must be viewed together with the proposed intergenerational housing units when considering the scenic impacts of development on the largely undeveloped grazing lands in West Marin.

<u>Please do not make Ag Processing and Ag Retail PPUs. The previous LCP policies making such uses conditional uses are feasible and more protective of ranching and of the environment, due to case-by-case review.</u>

2. Do Not Allow Intergenerational Housing Units as PPUs in the C-APZ.
Permitting up to 27 new housing units on ag farm tracts will increase VMT in West Marin. The ranchers argue that having additional family members on the property will reduce travel. However, work trips consist of roughly a quarter of household trips in both urban and rural areas in California. So, the majority of trips for shopping, school, social events, and other purposes will be longer. Overall, VMT per household will rise, when compared to locations in villages and cities. I believe that many ranches and farms currently have unused residential space, but some family members choose to live in the cities on US 101, because of better nearby employment opportunities and schools. One could argue that this VMT increase will not be significant, but under the AB 32 Scoping Plan and update we can see that the transport sector's GHG emissions are not being controlled adequately when viewed against the timelines for required reductions by sector. This difficulty is one reason why SB 743 was adopted, to force greater attention by local and State agencies to reducing VMT. The Marin CWP shows that the transportation sector contributes 50% of GHGs, countywide, a higher proportion than statewide or nationally. In addition, impacts must be considered significant if they are "considerable, when viewed in connection with the effects of past, current, and probable future projects."

Also, these LCP amendments could be growth-inducing in that they facilitate additional future LCP amendments to allow even more development. LCP Amendment LUP Policy C-AG-2.a will launch a County study of expanding the Categorical Exclusion orders to allow additional development types to be excluded from Commission appeal and even County discretionary permitting. Given the difficulty of amending LCPs, adopting this policy makes it easier for the Commission to certify such a follow-on Cat Ex Order amendment. I have written you earlier about the Doughty Barn permit of 2013, where Marin County determined that this barn was allowable as excluded, even though it was proposed on an officially mapped Non-Excludable Parcel. Other required conditions for determining exclusion were not addressed, also. So, Marin County does not faithfully implement even the existing CatEx Orders. If you look over the list of currently excluded accessory buildings and structures on ag parcels, it appears that housing units are the only use not currently excluded and so they likely could be proposed to be excluded in the future. Worse, LCP Policy C-AG-2.b recommends a second study of allowing additional <u>non-ag</u> dwellings on C-APZ parcels, subject to adopting an affirmative ag easement. Since most ranchlands will eventually sell easements to MALT, there is little, or no, public benefit from this scheme. Recently, ranchers have suggested publically that affordable housing in the form of small second units

(not junior units, inside existing dwellings) should be allowed on ranches. These would be non-ag housing units.

There is a pattern here, whereby the ranchers seem to want more than just a few Intergenerational housing units. This trend becomes worrisome when one considers that about half of the parcels in the coastal zone are not under MALT easements, and most of these lands are not under Williamson Act long contracts. In addition, these lands are changing in character. In 2013, the county attempted to adopt a 10-year invasive ag weed management plan, saying these species have "rendered thousands of acres of pastureland, rangeland and natural areas unusable…" The Supervisors did not adopt this plan, despite the agricultural commissioner's statement that "If nothing is done to slow and stop the spread of these invaders, it will become unfeasible to attempt to control and manage them." If lands become useless for grazing, it becomes much more difficult to prevent development of individual parcels for other uses, legally. It appears that some owners are not protecting their grazing lands from invasives, on purpose. So, those owners may be likely to take advantage of the loosening of land use regulations that we see in this proposed LCP and from the additional amendments proposed for study in the future. These physical threats to continuing ag production on our grazing lands makes it clearer that allowing the development of intergenerational housing units could hasten the loss of these lands from agriculture.

<u>Please do not allow one Intergenerational Unit as a PPU. Keep added housing units, beyond one farmhouse per farm tract, as conditional uses.</u>

<u>3. Other Proposed LCP Amendments That Do Not Mitigate Impacts Where Feasible</u>

C-BIO-3, 14, 19, 20, 24, TBD, and 25 . In your letter of 8/21/15 you recommend that the County modify Policy C-BIO-14 to state: "… Prohibit grazing or other agricultural uses in a wetland." You dropped the County wording that would allow "ongoing agricultural activities" in wetlands. Please keep your stronger policy in the final Commission staff draft of the LUP. Buffers from wetlands and streams were 100' in the existing LCP and still are in the proposed amendments, but findings now can be made to reduce these to 50'. These conditions should be limited very strongly. Buffers from terrestrial ESHAs were 50' and are the same in the proposed LCP amendments, but can be modified down to 25' for a number of reasons. Please limit local discretion for reducing this buffer.

Policies that conflict with adopted plans. Various classes of potential adverse impacts are found in the CEQA Guidelines, Appendix G. One class of impacts are those that "conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project… adopted for the purpose of avoiding or mitigating an environmental effect." The 2007 Marin CWP policies apply to the Coastal Zone (except for provisions that are less strict than the LCP or in conflict with it). Since the LCP supersedes policies that it conflicts with, I will ignore those numerous CWP policies. I will only examine CWP policies that are stricter (regulate development more) that those in the proposed LCP. The impacts of those weaker proposed LCP policies may be significant. So, please strengthen these LCP policies, to mitigate their impacts.

1. CWP Policy AIR-4.b commits the County to "… promote transit-oriented development…" (p. 2.7-14). Residents and workers on ranches cannot use transit or easily use bicycles and so allowing more of these development types seems to violate this CWP policy. Therefore, the GHG and other impacts may be considered to be significant.

2. CWP Policy AIR-4.m says "Build in urban corridors and limit development in natural resource areas" (p. 2.7-15). Using the same reasoning, allowing isolated residences and workplaces violates this policy. So, the GHG and pollutant impacts may be significant.

3. CWP Policy AG-1.1 states: "Maintain agricultural production as the principal use on agricultural lands by limiting residential development to that which is reasonably related to agriculture" (p. 2.10-9). The LCP policies allowing nonresidential development seem to violate this policy and so the visual and other impacts may be significant.

4. CWP Policy TR-1.8 requires the County to "Reduce the rate of increase for total vehicle miles traveled by single-occupant automobile to not exceed the population growth rate" (p. 3.9-12). The LCP policies allowing ag processing, ag retail, and intergenerational housing violate this policy. So, the impacts of these LCP policies on VMT, GHGs, pollutants, and visual resources may be significant.

Because my recommendations rely on my judgement, generally applied to facts with logic, I give a short statement of my qualifications, below.

Thanks for considering my requests.

Sincerely,

Robert A. Johnston
Professor Emeritus, UC Davis
Resident, Inverness
rajohnston@ucdavis.edu
415 663-8305

My Qualifications

I taught land use planning, land use law, environmental impact assessment, and environmental planning (local planning for land use, transportation, air quality, water quality, energy, and social equity in an integrated fashion) at UC Davis for 34 years. My classes on environmental planning were among the first in the world to combine these issues into one framework. I helped develop undergrad and grad teaching programs in environmental planning. I have published over 100 papers on these topics, been on national, state, regional, and local advisory committees and have been a local planning commissioner in two California towns. I taught several extension courses on these matters to local, regional, and state planners and to Caltrans managers. I was an expert in several NEPA and CEQA lawsuits concerning land use and transportation impacts. I served on a National Academy of Sciences panel that recommended best practices for metropolitan transportation modeling.

My undergrad students work in local and state land use and environmental agencies throughout California. My grad students work at and manage local and state environmental agencies. Re. this comment letter, I studied ag land protection policies in the U.S. and California in the 70s, working with several California counties on protection policies in general plans. I carried this work on for over 35 years, mapping all city and county general plans in GIS for state agencies and ag land protection NGOs, finally resulting in studies of strategic long-range land use alternatives for the San Joaquin Valley counties in the 2000s. My urban growth GIS model has been used by many California counties in

general plan studies. I have a good understanding of land economics and rural and urban real estate markets and how they are affected by local zoning and related policies. Recently, I was a member of the Marin County C-SMART sea level rise advisory committee preparing reports leading to the Environmental Hazards chapter of the LCP amendments. I was also on the Caltrans/UC Davis SR 37 Integrated Study TAC and on the Marin County TAM Citizens Oversight Committee for Prop. A funds.

#

Fiala, Shannon@Coastal

From: Johnston, Bob <rajohnston@ucdavis.edu>
Sent: Monday, May 02, 2016 3:34 PM
To: Cave, Nancy@Coastal
Cc: Fiala, Shannon@Coastal; Johnston, Bob
Subject: Comments on the Marin Co. Adopted LCP

Nancy,

It was nice to meet you at the LCP hearing on April 19 at the Marin Civic Ctr.

Here are my comments on the Ag Chapter of the Marin LCP amendments. Pls let me know that you received this and can read the file. If you have questions, or wish to discuss any of these comments, please call me at home. Shannon, it was nice to meet you, too.

Thanks,

Bob

Robert A. Johnston
USPS: P.O. Box 579
Point Reyes Station,
CA 94956
UPS/FedEx:
20 Drakes Summit Rd.
Inverness, CA 94937
Home: 415 663-8305
(Fri-Sat evenings:
Peggy's 415 663-8709)
Cellphone: 530 559-0032
(no service at homes)

May 30, 2016

Brian Crawford, Director
Community Development Agency
3501 Civic Center Drive, Suite 308
San Rafael, CA 94903
Via: email and USPS

Re: Second Request for Interpretation of Development Code: Amendment of LCP Implementation Plan

Dear Mr. Crawford:

On April 19, 2016 the Board of Supervisors adopted the Resolution approving resubmittal of amendments to the Marin County Local Coastal Program to the California Coastal Commission. At ¶28 and ¶30 that Resolution expressly refers to Amendment 3, Amendment 5, and Amendment 7 as "Chapters and Sections of the Marin County Development Code".

Although state law (the Coastal Commission administrative regulations) does not require it, the County's procedures for amending the Development Code (Chapters 22.90I and 22.116) provide that any amendment to the Code shall first be considered at public hearing by the Planning Commission and that the Planning Commission shall forward its recommendation to the Board. Further, if the Board makes substantial modifications to the Planning Commission's recommendation the draft shall be returned to the Planning Commission for further review.

We therefore reiterate our request, sent to you in our letter of April 25, that you issue a formal Interpretation of the applicability of Chapter 22.116 to the amendments to the Development Code adopted by the Board's April 19 Resolution.

Sincerely yours,

B. Mitchell

Bridger Mitchell
President
Cc: Peter Theran, chair, Planning Commission
Shannon Fiala, coastal planner, California Coastal Commission

Fiala, Shannon@Coastal

From: Bridger Mitchell <bmitchellecon@gmail.com>
Sent: Monday, May 30, 2016 9:50 AM
To: Brian Crawford
Cc: PTheran@marincounty.org; Fiala, Shannon@Coastal
Subject: Reiterated request for interpretation
Attachments: EAC_Crawford_5-30-16.pdf

Mr. Crawford:

Please find attached our second request for a Director's Interpretation of Development Code provisions for amendments. Thank you for your careful consideration of this request, originally sent to you April 25, 2016.

-
Bridger Mitchell – Environmental Action Committee
-

Fiala, Shannon@Coastal

From: Morgan <morgan@eacmarin.org>
Sent: Thursday, June 16, 2016 6:09 PM
To: Ainsworth, John@Coastal
Cc: Fiala, Shannon@Coastal; Cave, Nancy@Coastal; ashley@eacmarin.org; Terence Carroll; Bridger Mitchell
Subject: Completeness of the Marin County LCPA Submission
Attachments: 2016.06.16 EAC Comment Letter to CCC.pdf

Dear Jack,

I hope you are well. Please find attached comment letter concerning the completeness of the Marin County LCPA for consideration.

Thank you,

Morgan Patton
Executive Director

Environmental Action Committee of West Marin (EAC)
PO Box 609 | Point Reyes Station, CA | 94956
Office: (415) 663-9312
Cell: (415) 912-8188
Email: morgan@eacmarin.org

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June 16, 2016

Jack Ainsworth, Executive Director
California Coastal Commission
Via electronic mail

Dear Mr. Ainsworth,

Upon review of Marin County's ("County") June 3, 2016 letter to the Coastal Commission ("June 3 County response"), we are concerned that the materials submitted by the County are inadequate to constitute a complete submission. This letter highlights some of our concerns, which we hope the Coastal Commission ("Commission") will be able to address in their upcoming response to the June 3 County response. Specifically, we are concerned about the following County submittals or lack there of, which are explained in further detail below: 1) erroneous appeals jurisdiction map, 2) absence of C-VCR zoning district core area designations and core area maps, 3) inclusion of comment bubbles in "Amendment 7", 4) insufficient information to do a visual resources and community character analysis, 5) conflicting standards for sea level rise and the expected life of structures, and 6) failure to include specific biological resource standards.

As background, the California Code of Regulations Section 13553 sets out the guidelines for the Commission's review of a filing:

> An amendment to a certified LCP…together with all necessary attachments and exhibits shall be deemed 'submitted' after having been received and found by the executive director of the Commission to be in proper order and legally adequate to comply with Public Resources Code Section 30510(b)…. *See* § 30510(b)[1]

Further, Public Resources Code Section 30510 specifies that "a proposed local coastal program may be submitted to the commission, if… [i]t contains, in accordance with guidelines established by the commission, *materials sufficient for a thorough and complete review*." *See id.* (emphasis added).

It is our position that the materials submitted by the County to the Commission are incomplete, preventing the Commission from being able to do a "thorough and complete review." *See id.*

[1] *See also*: http://www.coastal.ca.gov/la/lcp.html

Insufficient Materials in the County's Submission to the Commission

1.) County Submitted an Erroneous Appeals Jurisdiction Map

The Commission's May 6, 2016 letter to the County states under bullet point 2 "Maps" that:

> …all maps that are intended for use in implementing the LCP must be finalized, adopted by the Board and submitted. … Such maps include the Environmental Hazards, Categorical Exclusion Areas, Appeal Jurisdiction, Zoning, and Village Core Commercial maps … the maps you submit need to be the County's proposed final maps, and can no longer be a preliminary or draft version of same for information purposes only.

Upon reviewing the files that the County has submitted to the Commission, the appeals jurisdiction map is erroneous because it has not been substantively revised. The County resubmitted maps to the Commission in a file entitled: 20160510_All_LCPA_Maps.pdf. As part of this file, there is a map entitled "MAP 28a - Revised 8/16/11 APPEAL AND PERMIT JURISDICTION AREAS NORTHWEST MARIN." This map is identical to the draft map that the County submitted on April 12, 2016 to the Inverness Association ("April 12, 2016 County Letter") except the word "DRAFT" has been removed.[2] However, no other substantive changes have been made to the revised map.

In the concluding paragraph of the April 12, 2016 County Letter, Kristin Drumm of the County emphasized that the map submitted (28a) would need to be revised to meet the Commission's requirements:

> … in 2014 Commission staff indicated neither the Coastal Commission nor Commission Executive staff will consider using their discretionary authority to either recommend limiting or to limit the geographic extent of the Commission's Appeal Jurisdiction for any reason. According to Commission staff, this means the draft maps currently shown *must be revised* to reflect Highway One as the First Public Road, consistent with the existing certified maps. This effectively eliminates the proposed non-appealable areas shown on the draft maps. (emphasis added).

2.) County Failed to Submit C-VCR Zoning District Core Area Designations and Core Area Maps

The County has failed to submit C-VCR district core area designations and core area maps. Page 5 of the June 3 County response states: "The maps indicating the potential locations

[2] http://www.marincounty.org/~/media/files/departments/cd/planning/local-coastal/letters/2016/cda_response_inverness_association_4122016.pdf?la=en

of the village commercial core areas are not a part of this submittal since they are illustrative only. The actual delineation of the village commercial core area will require a rezoning process when and if revisions to the C-VCR Zone are finally certified." The June 3 County response continues with: "The rezoning process will include public engagement with each affected community to provide information, obtain feedback, and evaluate the proposed boundaries of the commercial core areas, in addition to formal public hearings before the Planning Commission and Board of Supervisors."

The California Code of Regulations Section 13552 addresses what must be included in the contents of an LCP amendment. This section states that:

> [t]he LCP…amendment submittal shall include:
>
> (b) All policies, plans, standards, objectives, diagrams, drawings, maps, photographs, and supplementary data, related to the amendment in sufficient detail to allow review for conformity with the requirements of the Coastal Act. Written documents should be readily reproducible….
>
> (f) An indication of the zoning measures that will be used to carry out the amendment to the land use plan (unless submitted at the same time as the amendment to the land use plan). (CCR § 13552(a) & (c)-(e) omitted in quotation)

It is possible that Section 13552(f) may be satisfied by the County's submission, but the County's submission is likely insufficient to satisfy Section 13552(b).

3.) County's June 3 "Amendment 7" Submittal Includes Comment Bubbles

Page 9 of the June 3 County response states that the County "…[has] enclosed a 'corrected' final version of Attachment 7 which removes internal comment bubbles…." However, Attachment 7 submitted June 3 by the County still contains comment bubbles.[3][4] This is another example of the inadequacy of the County's submission.

---

[3] http://www.marincounty.org/~/media/files/departments/cd/planning/local-coastal/newdocs/mc-632016-response-to-ccc/attachment7finalremainderofiparev6716.pdf?la=en

[4] http://ftp.coastal.ca.gov/cgi-bin/northcentral/northcentral?action=panels;left=/MARIN%20RESUBMITTAL/;right=/;order-left=name;order-right=name

4.) The County did not Provide Sufficient Information to do a Visual Resources and Community Character Analysis

Analysis of the impact on visual resources is not possible unless an elevation map is part of the submission. For example, in the most seaward part of the Patios the FEMA Base Flood Elevation is 26 feet. Publicly available elevation maps appear to show that this area is 10 feet above sea level. Accounting for 3 feet of sea level rise and 1 additional foot of freeboard suggests that the super structure of an elevated house in this area would be approximately 20 feet above the surrounding grade. Without an elevation map, the County's submission does not contain sufficient information to analyze how prevalent such structures would be, and therefore the impacts on visual resources and community character cannot be analyzed from the submission.

5.) Conflicting Standards for Sea Level Rise and the Expected Life of Structures

The County provided conflicting time frames for analyzing sea level rise. Therefore, it is impossible to do an adequate analysis. The County contends that because they intend to amend these provisions in 10 years that the conflicting standards are of no consequence. Their intention to amend the provisions is not part of the submission, and therefore the submission lacks sufficient information.

6.) Failure to Include Specific Biological Resource Standards

The submitted IP amendment (at 22.64.050.B.1 to B.11) fails to include specific standards; instead it refers back to LUP policies with which the development must be consistent.

As one example, consider buffers for coastal wetlands. The submitted IP amendment (at 22.64.050.B.9) states: "Adequate buffers shall be maintained surrounding coastal wetlands per Land Use Policy C-BIO-19 unless an adjustment to standard buffers is granted per Land Use Plan Policy C-BIO-20." In contrast, the certified IP (at 22.56.130I) provides detailed standards for buffers:

> G. Stream and Wetland Resource Protection. The following standards shall apply to all development within or adjacent streams identified as blue-line streams …
>
> .3 … project applications shall identify a stream buffer area which shall extend a minimum of fifty feet from the outer edge of riparian vegetation, but in no case less than one hundred feet from the banks of a stream. Development shall not be located within this stream buffer area.
>
> 4. on lands surrounding Bolinas Lagoon and other wetlands as identified on the appeals area map(s) shall include the designation of a wetland buffer area. The buffer area shall include those identified or apparent wetland related resources but in no case shall be less than a minimum of one hundred feet in width from the subject wetland

Thank you for your consideration of our concerns.

Respectfully,

Morgan Patton, Executive Director

Environmental Action Committee of West Marin
PO Box 609, Point Reyes Station, CA 94956
415-663-9312 | morgan@eacmarin.org | www.eacmarin.org

INSIDE: Septic rules • Deborah Whitney • A weak LCP • A felled osprey nest

West Marin's Pulitzer Prize-Winning

POINT REYES LIGHT

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Volume LXIV No. 9/ Point Reyes Station, Calif.

April 14, 2016

David Briggs

PUBLIC SAFETY: Over a dozen firefighters rode rescue jet skis, snorkled for hypothetical missing persons and rappeled out of a helicopter last Thursday in Dillon Beach as part of a water-rescue training hosted by the Marin County Fire Department.

Housing could be further limited in village centers

By Samantha Kimmey

Plans to create new zoning restrictions in some West Marin villages as part of the update to the Local Coastal Program raised concerns last week among residents who received a letter about changes in the works for Point Reyes Station, Stinson Beach, Bolinas, Olema, the East Shore and Tomales.

A new "village commercial core" area proposed by the California Coastal Commission will restrict new ground-floor, road-facing residential units in what is meant to represent the tight nucleus of stores, restaurants and businesses in village centers, where current zoning is more inclusive of residential uses.

Although village core boundaries have not yet been finalized, the policy itself was approved last fall by county supervisors. It is not yet in effect, however, since the approval process for the coastal program is ongoing. County planner Kristin Drumm said the proposed core boundaries will undergo a public process—as long as the proposal is not eliminated by coastal commissioners when they once again vote on the L.C.P.

Supervisors are holding a hearing on revisions to many parts of the program next Tuesday, and are likely to approve those sections and pass them on to the commission. But establishing the actual boundaries of the core will not happen until the entire update process concludes, Ms. Drumm said. That could be many months away.

Under the current coastal program, approved in the early '80s, both residential and commercial uses are considered "principally permitted" in village centers. Permits for those kinds of projects may be appealed to the county, but not typically to the Coastal Commission. "Permitted" uses may be appealed to both.

In 2011, as part of the L.C.P. update, the Coastal Commission directed the county to approve new village zoning rules. The

Please turn to page 19

Groups sue park over dog documents

By Beau Evans

Dog-enthusiast nonprofits in Marin and San Francisco have sued the Golden Gate National Recreation Area for withholding documents and data requested under the Freedom of Information Act regarding dog activities in national parklands. That information, the suit contends, may have played a critical role in the formation of a draft rule that eliminates several popular dog-walking sites as part of the recreation area's forthcoming Dog Management Plan.

The suit concludes that information leaves community members unable to provide substantive comments before the official comment period closes on May 25.

"We're looking for a fair process," said Laura Pandapas, a Muir Beach resident and longtime dog advocate. "Without this information, that can't happen."

Filed by Save Our Recreation, the San Francisco Dog Owners Group, the Marin County Dog Owners Group and the Coastside Dog Owners Group, the suit calls for G.G.N.R.A. to disclose all documents—dating back to 1999—related to the total numbers of visi-

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Reverend Billy: Revolt for the earth!

INTERVIEW by Charles Schultz

Reverend Billy of the Church of Stop Shopping has a new book, "The Earth Wants YOU" (City Lights, 2016). It is poetic, dedicated, intense and darkly funny. Focusing on climate change, Billy Talen—a performance artist who wrote a column for the Light when he lived in West Marin—challenges us to help jumpstart "this last-minute revolution against the apocalypse."

If he draws upon the righteous anger of the preacher, Reverend Billy also conveys the vulnerability and catharsis of speaking the truth. There is a quiet passion in his voice that sometimes sounds pained, like a man who carries the burden of the real in a country that doesn't want to face it. But it wouldn't be a burden if he didn't believe things can change for the better.

Last week, he spoke with Charles Schultz about the failures of the environmental movement, the genetic demand for beauty and the need for radicalism—and getting fired from The Station House. He will be on the Local Organon at 1 p.m. on Friday, April 22 on KWMR, and will read at the Point Reyes Community Presbyterian Church at 7 p.m. on Saturday, April 23. The event, presented by Point Reyes Books, is free—but all you rich people better buy his book and CD.

Charles Schultz: What about anger? In this culture, if you are angry, it means something is wrong with you; maybe anger is a public health issue and should be illegal. Everyone is supposed to be nice and in agreement. But isn't anger the authentic response to the perception of injustice?

Billy Talen: When I moved to California, I got a near-lethal dose of the New Age. The Reverend Billy character and the Stop Shopping Church developed out of my need to invent a way to land righteous anger back in the culture. And ironically, some of the granting streams that finance the Zen Center and the Esalen Institute were among the first to give funds to work on this post-religious preacher—this preacher who prays straight to life and bypasses the patriarch. What do the late-night Elvis-impersonator T.V. preachers do? They try to stand in for the Old Testament, fulminating God, that jealous, adolescent God. I took that character and used its facility for anger, but have progressive language coming out of its mouth, to subvert it. In retrospect, it looks like we were working in both directions: we were subvert-

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POINT REYES LIGHT

Editor: Tess Elliott
General Manager and Photographer: David Briggs
Reporters: Samantha Kimmey and Beau Evans
Business Manager: Diana Cameron
The Point Reyes Family Album: Art Rogers
West Marin's Past: Dewey Livingston
Production Baby: Olive Briggs
This week's contributors: Charles Schultz, Bob Johnston, George Clyde, Amanda Eichstaedt, Dylan Flynn and Carlos Porrata.

Sheriff's calls adapted by Tess Elliott from the Marin County Sheriff's Office Press Log.

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Tel: (415) 669.1200 **Fax:** (415) 669.1216
Box 210 Point Reyes Station, Calif. 94956
12781 Sir Francis Drake Blvd. #5, Inverness
Email: editor@ptreyeslight.com
Web: www.ptreyeslight.com

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News briefs

Bolinas Museum receives major donation

By Beau Evans

Marking the largest charitable gift in its 33-year history, the Bolinas Museum has received a $140,000 donation from former board member and art enthusiast Mary "Mimi" Griffin-Jones, who died last year. The funds will go toward the museum's endowment and will help implement key infrastructure improvements, such as climate control and fire suppression, that will safeguard the museum's 3,000 objects and art pieces. "For a small institution like us, it makes a big difference," said Jennifer Gately, the executive director of the museum, which began in an old Quonset hut and which is now a cluster of downtown buildings that house the town's most prized historical documents, archives and fine art. It has long been in need of a modernizing makeover, Ms. Gately said. The donation arrived amid efforts to catalogue the entire collection database, a years-long process aimed at digitalizing pieces and documents for the benefit of online public viewing and research. "It seems to be a moment right now for the museum," Ms. Gately said. "Perhaps we can capitalize on that and see some real progress toward beginning to create a proper home for our art." Ms. Griffin-Jones served on the board from 1994 to 2000, supporteing the museum for over 20 years while spending weekends in her family's cottage on Wharf Road. One of the Stanford School of Medicine's first female graduates and a career pediatrician, she took life-drawing classes in Bolinas, where she cultivated a deep love for nature. The museum will honor her life and legacy at this year's annual Third of July Benefit Cocktail Party.

Osprey nest felled in Inverness upsets locals

By Beau Evans

An osprey nest perched atop a dead bishop pine on Ottinger's Hill west of Inverness was knocked down last month when the Pacific Gas and Electric Company felled the tree, drawing the ire of residents who see the event as a tragic and avoidable act of wildlife destruction. Photographer Daniel Dietrich noticed the nest's absence one evening in late March while leaving the Point Reyes National Seashore; he had spent weeks watching a pair of ospreys prepare for spring's breeding season ever since their arrival nearly a month prior. Ospreys, which are generally monogamous, reoccupy nests they inhabited the previous year. Mr. Dietrich discovered that the tree had been cut down and debris from the broken nest lay strewn across the hillside, while the ospreys sat chirping in a nearby tree. "It's a blatant disregard for wildlife," Mr. Dietrich said. "PG&E had time to take the tree down before the osprey returned, or they could have waited until after breeding. There's a very large window of time to take it down, and they chose the absolute worst time." Denny Boyles, a spokesman for PG&E, said the dead tree had been identified as a hazard and removed because it stood within striking distance of a power line. The tree's location made it impossible for a lift truck to reach the top, Mr. Boyles said, so crews had no way to save the nest. He could not say whether or not any osprey eggs or young were in the nest. "Although it is unfortunate and regrettable that this nest was destroyed as part of an emergency tree removal, PG&E's priority first and foremost is public safety," he wrote in an email. He added that PG&E is authorized to remove trees deemed hazardous under a general permit issued by the United States Fish and Wildlife Service. This week, Fish and Wildlife officials said the service is investigating whether the nest was removed in accordance with the federal Migratory Bird Treaty Act. "Generally speaking, when we allow for the removal of nests or relocation, it is after the breeding season," said Scott Flaherty, a Fish and Wildlife spokesman. "It would be after those nests are not active anymore." Avian experts with PG&E believed the tree's takedown occurred early enough in the spring to give the birds "the best chance" at building a new nest, Mr.

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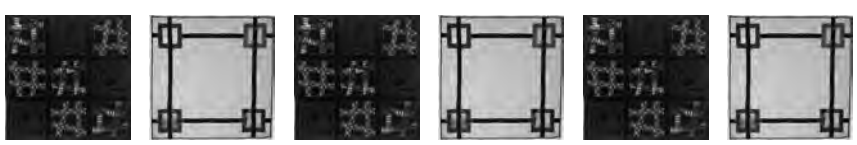

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Patricia Holt's "Contemporary Classics" - Station Eleven
Monthly Book Discussion Group
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Fee event

Reverend Billy author of *The Earth Wants You!*
Saturday, April 23, 7:00 p.m.,
Point Reyes Presbyterian Church
Free event.

California Bookstore Day
& Our 14th Anniversary
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Saturday, April 16, 7:30 p.m.
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For more information on these and other events, visit www.ptreyesbooks.com

Boyles said. He added that PG&E plans to coordinate with the National Park Service to discuss the possibility of constructing a nesting platform nearby. But others are skeptical. "It's unlikely that these osprey will be able to rebuild their nest anywhere this late in the season," said Melanie Piazza, director of animal care for WildCare's wildlife hospital. "The whole season and energy for them is probably a loss." For Inverness resident Jerry Meral, the problem as greater than this one incident. "It isn't just this one instance," Mr. Meral said. "They often do it during bird nesting season. There's only one solution: don't do it this time of year."

County to test hand weeding road medians

By Beau Evans

Marin County is poised to eliminate the use of glyphosate on eight traffic medians as part of a test program, following recommendations from county Parks and Open Space staff. Presented to the Board of Supervisors this week, a revised contract with the company tasked with median upkeep would prohibit the application of glyphosate to medians for landscape maintenance; instead, the company will manually remove weeds at a cost of $100,000 per year on top of the $244,541 existing annual contract. Aside from the higher cost, county staff expressed concerns over potential traffic delays and whether manual removal would prove effective in the long run. Supervisors approved the contract revision anyway, saying the county should act as an example for commercial retailers and property owners—whom staff say use far more herbicides than the county. "We need to be setting the example," Supervisor Damon Connolly said. "I think we can be glyphosate-free now." In October, the board set a goal of ridding Parks and Open Space lands of glyphosate, though it did not set a target date for achieving that goal. Anti-herbicide advocates view a full ban as necessary for public and environmental health, but critics fear that vegetation-

Please turn to page 7

Sheriff's calls

Friday, April 8

BOLINAS: At 8:30 a.m. someone complained about a middle-aged woman with six dogs living in a van parked on Brighton Avenue. She let her dogs run loose and she did not pick up their feces, the caller said.

BOLINAS: At 2:27 p.m. all was quiet at the beach.

BOLINAS: At 2:45 p.m. a deputy observed lawful traffic near the school.

POINT REYES STATION: At 5:07 p.m. a bicyclist injured his hand.

NICASIO: At 6:29 p.m. a woman said a young person in a new Mercedes had nearly run her off the road.

SAN GERONIMO VALLEY: At 6:41 p.m. a red S.U.V. sped past someone in the school zone.

WOODACRE: At 8:11 p.m. a neighbor noted barking dogs.

POINT REYES STATION: At 8:18 p.m. seven youths were skateboarding in the street.

Saturday, April 9

BOLINAS: At 4:20 a.m. tree branches had fallen into a road.

MUIR BEACH: At 8:19 a.m. the row of mailboxes was opened and mail strewn in the highway.

MARSHALL: At 11:45 a.m. three trucks parked at the Marconi Conference Center were discovered burglarized.

INVERNESS: At 12:05 p.m. a woman was heard yelling, "I need, I need!"

TOMALES: At 1:09 p.m. someone wished to speak about a dairy worker who had been "doing weird things."

SEASHORE: At 2:42 p.m. a Ford broke down.

LAGUNITAS: At 3:16 p.m. a 92-year-old woman had a seizure while eating.

MUIR BEACH: At 3:47 p.m. rocks were blocking a lane.

MARSHALL: At 4:07 p.m. a vehicle was found clouted at the Marconi Conference Center.

POINT REYES STATION: At 7:02 p.m. a man was concerned about allowing his young daughter to visit his mother's house, where he believed the woman may be subjected to violence.

MARSHALL: At 7:40 p.m. law enforcement made a site visit to Hog Island Oyster Company as part of a possible "plainclothes operation."

SAN GERONIMO VALLEY: At 8:23 p.m. a driver, swerving around a deer, ran into a hill.

HICKS VALLEY: At 8:25 p.m. a fender was reported in the road.

SAN GERONIMO VALLEY: At 9:41 p.m. a car had driven into a fence.

BOLINAS: At 11:41 p.m. a man said people were blasting music out of a white van parked on Wharf Road. He had asked them to turn it down, and they had turned it up.

Sunday, April 10

BOLINAS: At 12:29 a.m. a woman reported that her teenaged daughter had just left the house after an argument; she warned deputies that the girl would likely claim she, the mother, was drunk, but the truth was she had been taking care of her elderly parents and just could not think straight. Deputies found the girl, who said her mother had relapsed from six months of sobriety, at her boyfriend's house.

STINSON BEACH: At 10:44 a.m. a woman in a purple beanie was screaming in the park.

BOLINAS: At 12:11 p.m. a man said his 55-year-old stepdaughter was drinking again and had tried to walk into the ocean. Her boyfriend had pulled her out again.

OLEMA: At 12:23 p.m. a manager at the Seashore Lodge said a man dressed in a gray hoodie and black sweats had tried to convince a housekeeper to get into his car. Deputies arrested the man after he sped away from them, and told the jail he had been uncooperative.

CHILENO VALLEY: At 1:15 p.m. someone reported finding a wallet in the road and that a sky blue Outback had driven by and the occupants had scooped it up.

POINT REYES STATION: At 3:40 p.m. a purple wallet was found.

HICKS VALLEY: At 11:31 p.m. a woman said someone was exhibiting road rage in a black sedan behind her.

Monday, April 11

BOLINAS: At 8:47 a.m. a woman asked for advice about leaving a tiny house on wheels on the street. Her friend had hoped to put it on her property, but it would not fit through the gate.

BOLINAS: At 9:13 a.m. a woman complained about getting a ticket for a trailer parked on Wharf Road. She said other trailers were parked there and had not been ticketed.

MARSHALL: At 10:11 a.m. someone reported an attempted burglary.

POINT REYES STATION: At 10:37 a.m. the pharmacy reported a fraudulent $20 bill.

STINSON BEACH: At 12:06 p.m. a tree had fallen partly into the highway.

POINT REYES STATION: At 5:52 p.m. cows were in the road.

Tuesday, April 12

DILLON BEACH: At 8:20 a.m. someone reported that a drunk man was bothering people near the meadows at Lawson's Landing. Deputies arrested him.

STINSON BEACH: At 11:40 a.m. someone reported scratches on three windows.

DILLON BEACH: At 2:36 p.m. someone said a friend—a thin black man in board shorts—had become upset the night before and walked away, drunk. Deputies explained that he'd been arrested.

POINT REYES STATION: At 4 p.m. a 76-year-old man was found dead at the Coast Guard property.

POINT REYES STATION: At 4:58 p.m. the Dance Palace director reported that people had been car camping outside and using the community center as if was their own home.

BOLINAS: At 7:49 p.m. a beachgoer found what looked like a human femur and other parts.

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POINT REYES STATION

New LCP weakens ag protection

OPINION

BY BOB JOHNSTON

The upper Martinelli ranch is for sale, just north of Point Reyes Station. The ad said it's a great place for a multi-family compound. No MALT easement. Three parcels totaling 1,040 acres, with an asking price of $12 million. At about $12,000 per acre, it's priced much higher than other agricultural lands, suggesting the seller is hoping for someone wishing to build a rural estate.

Under the current Local Coastal Program, an agricultural landowner in the coastal zone can build one dwelling per farm, with "farm" defined as all contiguous parcels under common ownership. There are no size limits on new dwellings. So the future buyer of this property could build a large estate home, such as are found in Napa County. Under current rules, about 10 new large farmhouses could be built on the east shore of Tomales Bay.

Unfortunately, the county is proposing amendments to the Local Coastal Program that would allow both a farmhouse and one "intergenerational" dwelling per "farm tract," or adjacent parcels under one ownership, along with one additional intergenerational dwelling per parcel, the latter subject to Coastal Commission review. The farmhouse and all intergenerational dwellings together could not exceed 8,040 square feet, which could still be attractive to wealthy buyers seeking to build an estate residence. So although the proposal limits the collective size of all dwellings on a farm, it allows more of them to be built.

In the east shore area, the new L.C.P. would allow about 20 new residential units. It would also allow one small industrial operation in an existing structure and one new small retail building per farm tract. The latter can apparently have parking and access roads along the coastal highway. These developments will increase the cost of acquiring conservation easements through the Marin Agricultural Land Trust and reduce the acreage the nonprofit can protect.

Thus, the revised L.C.P. increases development on agricultural lands without serious consideration of other long-range policies needed to keep agriculture viable. The Board of Supervisors should suspend action on the amendments until the new District 4 supervisor is elected. In addition, the county should adopt the weed management plan proposed in 2013 to stop the encroachment of invasive plants on agricultural lands and increase the minimum parcel size in the coastal zone from 60 acres to 640 acres.

MALT was set up to help families finance land purchases from family members and so prevent land sales to non-farmers. About half of our coastal grazing lands are under permanent MALT easements; however, this approach will likely become less effective over time. As the percentage of protected parcels rises, the development value of the holdout parcels also increases, due both to their rarity and their protected views. This will increase sales to non-farmers.

Increasing the parcel-size zoning would reduce the attractiveness of these ranchlands for residential projects by reducing the number of housing units allowable. Napa, Sonoma and Yolo Counties have zoning minimums ranging from 160 to 640 acres; these seem more reasonable for grazing lands.

Another worrisome trend is the invasion of thistles, coyote brush and other plants on grazing lands where owners will not or cannot afford to control them. In 2013, the county attempted to adopt a 10-year invasive weed management plan, saying these species have "rendered thousands of acres of pastureland, rangeland and natural areas unusable..." The supervisors did not adopt this plan, despite the agricultural commissioner's statement that "if nothing is done to slow and stop the spread of these invaders, it will become unfeasible to attempt to control and manage them." If lands become useless for grazing, it becomes more difficult to prevent the legal development of individual parcels for other uses.

If Marin weakens the L.C.P. and further residential, industrial and retail development is permitted, national and statewide environmental groups might push for greater federal control. (Indeed, this is what happened in West Marin in the past.) Elected officials could, for example, expand the Golden Gate National Recreation Area or Point Reyes National Seashore boundaries to include the grazing lands on the east side of Tomales Bay. This could give the National Park Service authority to adopt policies to protect natural scenic qualities and to condemn parcels proposed for development that violated these policies. This is taking place in other parts of the country, such as in the Cape Cod National Seashore and the Sawtooth National Recreation Area. We could expect little or no condemnation to actually occur, as most landowners would decide to negotiate easements with MALT. But I think Marin would rather solve this problem without further federal intervention.

Marin was a leader in the '60s and '70s with federal parks acquisitions, urban growth boundaries, limits to homes on agricultural lands and conservation easements. Unfortunately, these actions are reaching their limits to fend off threats. We need to continue our progress by examining the long-term impacts of our policies and prevent the coastal program from encouraging the sale of ranches to hobby farmers.

Bob Johnston is a retired professor of land use planning at the University of California, Davis. He lives in Inverness.

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Letters

Revolution starts inside

In response to Peter Byrne's "Busted! Breast Cancer, Money and Media" and associated editorials by Charles Schultz and the Light: given time and patience, a large percentage of all health concerns that precipitate a doctor's visit in modern Western countries resolve—that is, disappear—on their own. Allopathic medicine calls these "self-limiting conditions." In addition, double-blind studies show that as much as 50 percent of health issues respond favorably to sugar pills—the so-called placebo effect, which is a fancy way of saying that our mental state and belief system can and do influence our well-being.

Here's the problem: most folks aren't very sensitive to how their bodies, minds or spirits function. So, in ignorance and impatience, they generally head to the M.D. to get "fixed." Fixed means an allopathic diagnosis that can require expensive (and often inaccurate) tests and, quite often, a pharmaceutical or surgical prescription. The real revolutions in health care will not come solely or even primarily at policy and clinical levels; they are happening right now in the movements of self-care, self-awareness, gentle movement and breathing practices, and through natural alternatives like herbal remedies. The revolution starts on the inside, right now, when we take the time and responsibility for our own health 90 percent or more of the time a concern arises. Yes, this requires effort; changing behavior and habits is not easy. Where is the law that good things are always supposed to be easy?

As Mr. Byrne's fine and hard-hitting articles meticulously document, however, when consumers of "health care" (often code word for pharmaceutically based treatments whose side-effects are worse than the medical condition itself) abdicate responsibility for their own well-being to the "experts," the results are often huge expenditures of money and time better spent taking care of oneself. Allopathic medicine excels at "emergency medicine," the treatment of acute trauma. The majority of diseases we face in modern, first-world countries are chronic, long-term, life-style related, inflammatory, and degenerative in nature. In these, allopathic medicine fails miserably. Yet this does not seem to prevent most M.D.s from chronic over-prescription of costly procedures and drugs. Most M.D.s are not ill-intentioned, but they are stuck in an outdated therapeutic paradigm that simply doesn't work on the majority of disease today. That is a problem.

Be a part of the solution: come join myself and other teachers of self-healing and self-awareness through movement at the Dance Palace for weekly classes while supporting yourself and your community center. The revolution in well-being starts within, right here, right now.

Chris Anderl
Inverness

Pardon Edward Snowden

Barak Obama is now a "lame duck" president, which means he has the opportunity to do things that might make it difficult for him politically if he were seeking re-election. One of these is to grant presidential pardons.

There is a petition on the website for We The People asking the president to pardon Edward Snowden: petitions.whitehouse.gov//petition/pardon-edward-snowden-42. If 100,000 signatures are gathered, the White House has committed to responding to the requests. No guarantee what the response will be, but it's a beginning.

The American people, in fact people worldwide, have benefited so much by this brave man's sacrifice to expose the illegal behavior of the National Security Agency. Please sign this petition and encourage President Obama to allow Edward Snowden to return to the United States without prosecution.

Diane Levy
Inverness Park

West Marin's Past

by Dewey Livingston

THE INVERNESS STAGE ON CALLENDAR WAY, AROUND 1910. Ben Pedranti, who grew up on Z Ranch near the summit of Mount Wittenberg, began taking passengers from the Point Reyes Hotel in Point Reyes Station to Inverness in 1905. He started his own business in 1919 and was remembered by generations of residents for his jovial manner and skillful driving, whether by horse or cranky auto-stage. In this photo, he and a young friend pass a house called "Blalowan," on Callendar Way, which still stands. Some time after the picture was taken, Nels Johnson built the Inverness Lodge—later renamed Manka's—on the lot to the right of the house. *Photo courtesy of the Jack Mason Museum of West Marin History.*

Thanks to firefighters

My husband and I want to publicly thank and sing the praises of the Marin County Fire Department and West Marin's volunteer fire departments. Crews from Inverness, Tomales, Hicks Valley, Woodacre and Point Reyes Station came to help us save our house. While part of our home that has welcomed our large family—seven children, their spouses and 12 grandchildren—was completely destroyed, they managed to save the main structure.

I tried to tell Burton Eubanks from the Inverness Fire Department how incredibly wonderful it was to see his helmeted face coming down the drive. I told him I thought all the firefighters wore capes and clanked their magic bracelets as they tamed the fire that threatened to consume everything. They're certainly our power heroes.

We were struck not only by the professionalism of the crews, but the sensitivity they showed in helping us retrieve what little we could from the smoldering ruin. The Fox brothers, among many others, carried soggy boxes, giving us some hope.

We wish we could thank each of them individually, but this letter will have to do. They told us we did all the right things by hosing down the remaining structure, but we were at the end of our endurance and hose length; their calm demeanor, measured actions gave us confidence and brought some assurance to a frightening scene.

We would also like to thank our dear neighbors, especially Dudley and Sarah Miller, without whom we most certainly would not have been able to contain the damage. We're proud to be part of this wonderful community.

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GUEST COLUMN

BY AMANDA EICHSTAEDT

The scenario is not unfamiliar: a busy weekend with beautiful weather, loads of folks in Muir Woods, Stinson Beach parking lots full and the beaches awash with folks soaking up the sun. Palomarin parking lot is overflowing and the Bear Valley Visitor Center parking lot has just a few spaces left. Drakes Beach, Chimney Rock, the lighthouse and Tomales Point are alive with visitors. The towns are busy with lines at the markets and folks waiting for tables at restaurants and for restrooms. Cyclists are rolling through town. Then it happens.

It's not "if," it's "when."

An earthquake, near or far, could cause a tsunami along our coastal area or a wildfire the magnitude of the Mount Vision Fire or larger. We all know the drill; we live on a fault and we love our wildlands. What you may not know is the number of people who are thinking (and planning) about these scenarios all the time.

Meet the West Marin Disaster Council, organized for logistical purposes and composed of first responders, including Marin County fire and volunteer fire departments at Muir Beach, Stinson Beach, Bolinas, Inverness, Nicasio and Bodega Bay. Add the National Park Service, Marin County Sheriff's Office and its Office of Emergency Services, Marin County CERT, the Red Cross, Marin Medical Reserve Corps, State Parks, United States Coast Guard, RACES radio operators and KWMR community radio.

In addition, there are 16 communities in West Marin, organized into nine neighborhood disaster councils, each represented at W.M.D.C. meetings. The councils work within their communities and neighborhoods to ensure there are eyes in the field to provide initial assessments and to help support the limited number of first responders on duty. The number of neighborhood council volunteers who are ready to step up in the event of an emergency is over 250 at any given time.

Folks who have taken a Community Emergency Response Training, or CERT, have skills to help out when first responders are activated. Currently there are over 100 CERTs in West Marin. Our next two-day training is May 14 and 21 in Nicasio. You may register at ReadyMarin.org or by calling (415) 485.3409. Join your friends and neighbors in becoming prepared!

With over 300 square miles of terrain, hundreds of miles of roadways, many bridges and several dams, professional disaster responders and 911 will be committed to the most critical situations when a regional disaster occurs. It may be several days or weeks before we can expect help from agencies; your friends and neighbors volunteering in CERT and neighborhood disaster councils are critical to this response before, during and after a disaster.

Communication is key

West Marin is fortunate to have its very own West Marin Disaster Council radio system in place for such an event. With eight repeaters, the system covers Bodega to Muir Beach and out to the San Geronimo Valley and Nicasio. In fact, using the Mount Barnabe repeater, a participant can reach into West Marin from as far away as San Francisco.

This system, designed and maintained by Richard Dillman, is the lifeline for neighborhoods and residents to send vital information back to the fire stations to help first responders prioritize response.

KWMR is a vital link in the communication chain by broadcasting emergency alerts and road information to the greater population. The station, working with the Marin County Sheriff's Office, will announce road closures, shelter and medical aid locations and evacuation routes. In addition to the FM airwaves, KWMR now uses Twitter and Facebook to notify the public about incidents in West Marin. Check our website for more information.

If you are interested in getting involved with the disaster councils, please contact your local fire department. Whether you are a full-time or part-time resident, connecting with your local disaster council representatives is critical to being sure that those in West Marin know where to get information and help.

On Tuesday, April 19, the Marin County Board of Supervisors will pass a resolution recognizing the work of both the visible, uniformed responders who collaborate for regional response and the invisible residents and merchants that will come to the aid of potentially thousands of people in West Marin when a disaster strikes.

Please join us at 9 a.m. to celebrate the work of so many that will make a difference to all of us, whether residents or visitors.

Amanda Eichstaedt is the executive director and station manager at KWMR. She and her husband, Ken, own and operate the Bear Valley Inn in Olema.

Resource district celebrates watershed program

Guest column by George Clyde

The Marin Resource Conservation District passed another milestone in its efforts to help local ranchers reduce runoff of sediment and pathogens into Tomales Bay: the completion of its third Conserving our Watersheds program, or COW III. Working with six local ranches, the R.C.D. restored and fenced off a total of four miles of eroded creek beds, planted native grasses and over 1,000 native shrubs and trees and helped develop five alternative water sources, all with a focus on the Walker Creek and Keys Creek areas. "This was a team effort," said Nancy Scolari, the district's executive director. "Starting with a grant from the Regional Water Quality Control Board and the commitments of the local ranchers, we were able to get support from the U.S. Department of Agriculture, Marin County's Measure A sales tax funds, MALT and the school kids participating in Point Blue's STRAW program." In all, over $1.1 million was raised for COW III.

The program has now managed and funded $2.3 million of conservation projects on 27 ranches, resulting in a considerable reduction in pathogens, sediment and nutrient loading of Tomales Bay, an Environmental Protection Agency-designated impaired water body. And even as the COW III projects were being completed, the next two phases moved forward, each initially supported with $600,000 matching grants from state water quality agencies. Already 10 new projects are being planned for this summer. "My hat goes off to the staff and to the ranchers who have stepped up to this challenge, and to the agencies that have provided funding," said Sally Gale, president of the R.C.D.'s board of directors. "We're on a roll improving local water quality and protecting wildlife habitat."

Bob Parks inspects new fencing at his family's historic ranch in Tomales, one of the COW III projects, with his son Mike Parks and Lynette Niebrugge of the Marin Resource Conservation District. "This project enabled me to provide erosion protection for my ranch in areas where it was greatly needed," he said.

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Deborah Whitney, 1918—2016

Courtesy of Dakota Whitney

PEOPLE: Deborah Whitney, a teacher and writer who summered in West Marin, played an important role in her grandchildren's lives. She died last month at age 98.

By Samantha Kimmey

Deborah Whitney, the matriarch of an Inverness family who raised three children and embarked on a new teaching career after she was prematurely widowed, died on March 24 at age 98.

Deborah was gracious and graceful in manner, yet straightforward in advising family members during tough times. She was devoted to her family, but had a strong independent streak.

"She was very self-sufficient," her grandson Xerxes said. "She took care of a lot of things, for others and herself."

Deborah was born in Evanston, Ill. in 1918, but her parents—a psychiatry professor and a housewife—moved to Berkeley when she was just six months old. She had a mostly quiet childhood in the East Bay with her siblings, Mary and Ted, though when she was 13, a boiler blew up in a house on fire in her neighborhood. The local kids had gathered to watch, and Deborah's hand was badly burned, leaving scars and a lifelong fear of fires.

Her family spent summers on the coast, first in Bolinas and later in Inverness. Deborah hung out with other summer kids, often spending the day at Shell Beach, which at the time had lockers. Without a paved road, kids often went to the Launch for Hire, where Brock Schreiber ferried people to the pocket of beach. Other times they would just walk to Seahaven, at the time undeveloped pastureland.

She met her husband, James Whitney, who lived in Berkeley and counted Oscar Shafter as an ancestor, during one of those Inverness summers. (Like Deborah's father, James became a psychiatrist.) The couple married in 1941, after she graduated from Radcliffe.

With the help of an aunt who gave them a $10,000 wedding gift, they purchased property on Camino del Mar, where they built a cabin and a modest summer house on a bluff overlooking Tomales Bay.

In Berkeley, the couple had three children—Nick, Peter and Kathleen. They became involved in Democratic politics at a time when Berkeley was a Republican-controlled city. They worked to help women and minorities win elected office; James, who ran in a state assembly race, was involved in drafting a fair housing ordinance for the city.

Deborah was also well versed in progressive causes. Nick recalled a letter she wrote to him long ago about James coming around to her perspective on the Vietnam War. But Deborah's children noted that it wasn't until her husband died of a heart attack when she was just 48 that Deborah truly came in to her own.

"When my father was still alive, she was kind of overshadowed by him," Kathleen said. "She didn't really come into her own until a few years after he died. She adored him. But she didn't really know who she was."

In the second half of her life, Deborah spent many years teaching adult education and English as a second language at the Berkeley Adult School. She continued to travel, as she had done in earlier years, to places around the globe: Europe, China, Chile and Russia. She visited her daughter while Kathleen served in the Peace Corps in Nigeria, even as a civil war was on the horizon, and the pair also went on safari in East Africa.

She loved to write, joining creative writing groups and publishing a book called "The House at Valley Falls: A Station on the Underground Railroad," about her grandmother Elizabeth Buffum Chace's time manning a stop in Rhode Island, helping black slaves reach safety. Deborah often brought her typewriter, one with a few electronic flourishes, to her Inverness house.

She also played an important role in the lives of her grandchildren, particularly Xerxes, who has cerebral palsy.

"She was really my inspiration—the most influential person in my life in my immediate family," he said. "She was the first person to realize my difference."

He said she paid for physical therapy and tennis lessons, the latter a passion that Xerxes has carried with him to this day: he coaches high school tennis in Windsor and teaches summer lessons there and in Inverness. She also paid for speech therapy when he was in college, which was instrumental in helping him deliver motivational speeches.

Family members said Deborah made sure to maintain relationships with all of her grandkids, even when troubles arose among the parents. "She was also a stabilizing force in the family. Me and the other grandkids, we could count on her when things got crazy," Xerxes said.

Early on, the Inverness house had been James's project, but Deborah continued to come each summer and the house became a gathering place on holidays and birthdays. "The sense of the family is enshrined in that Seahaven house," Nick said.

She spent her downtime at the beach, socializing with her many friends, solving the crossword in the San Francisco Chronicle and playing ping pong and Scrabble. She could get pretty competitive: sometimes during Scrabble she would make up words, daring Nick to challenge her.

But there was one key issue she wanted complete collaboration on: the family home, which is now owned held in a trust. "It's to keep the legacy going here," Nick said.

Deborah is survived by her children, Nick, Kathleen and Peter; her sister, Mary Kent; 10 grandchildren; and four great grandchildren. A memorial will be held in Oakland, at St. Paul's Towers, on April 17.

News briefs

continued from **page 3**

management agencies hampered by the ban may not be able to effectively prevent wildfires. The contract revision follows last month's update to the county's Integrated Pest Management Report, which noted that the county's glyphosate use dropped by 15 percent last year compared to 2014, continuing a decade-long downward trend. Supervisors at that meeting shot down a glyphosate ban by a 3-2 vote.

Supes consider LCP draft

By Samantha Kimmey

Supervisors will vote next week on the second half of the Local Coastal Program update, which, if approved, will be sent to the California Coastal Commission for consideration. While supervisors voted last fall on provisions related to agriculture, next week's hearing focuses on environmental hazard policy, a contentious issue between staffs at the Community Development Agency and the commission. A report released last week said the two teams came to terms on some issues, but that many differences remain. Coastal staffers have insisted on strict regulations for redevelopment that would require a permit and hazard analysis if 50 percent of any major part of a house is altered, if floor area increases by over 50 percent or if development increases the value of the house too much. County staffers worry the rule would "discourage improvements to existing houses to comply with requirements of other agencies," and that the rules might push owners "to build illegally, which is already prevalent in West Marin." So the county's staff nixed the idea of redevelopment. Staffers also proposed to shorten the time frame for analyzing hazards from 100 years in the future to just 50 years, and to create exemptions on height allowances for properties in flood hazard areas, since houses there may be required to be raised. *The hearing starts at 1:30 p.m. on Tuesday.*

It's time for the Fourth Annual Tomales Bay Library Association book sale at the Little Yellow House in Point Reyes Station.

Saturday and Sunday, April 16th and 17th, from 9 am to 6 pm.

Please bring book donations to the Little Yellow House on Friday, April 15 between noon and 6 pm. Books can also be dropped off Saturday, April 16, from 9 am until 6 pm.
Please bring only books, CDs, and DVDs in good condition.
All proceeds support the Inverness, Point Reyes Station, and West Marin School libraries.

Dog suit

continued from **page 1**

tors to G.G.N.R.A. sites; the number of dog-walking citations issued to park visitors; impacts to parklands caused by dog walking; the total number of dogs brought onto G.G.N.R.A. sites; and restricting dog walking within the area.

National Park Service officials have maintained that the draft rule strikes a balance between recreational access to the park's 80,000 acres and the preservation of environmentally sensitive habitats. But opponents of the rule counter that the downsize in dog-walking areas is the biggest blow to public access in G.G.N.R.A.'s 46-year history.

Opponents also see G.G.N.R.A.'s nine-month delay in responding to the FOIA requests as a troubling sign that the agency intends to further reduce public access as part of a larger effort to convert swaths of heavily used, often urban-based lands into nature preserves.

"This lawsuit is the culmination of a long history, unfortunately, of the G.G.N.R.A. not being transparent in its planning processes and exercising an extreme control over those processes," said Chris Carr, an attorney representing the nonprofits. "They have a lot of carefully scripted, allegedly public meetings, when really they've already decided what they're going to do. It's just a sham."

According to the suit, the nonprofits submitted a FOIA request on Nov. 24, 2015. Under federal law, agencies have 20 business days to respond, with some exceptions. The park still has not met the request.

"Critically, they have not produced a single email about the alleged impacts on dogs to the park," Mr. Carr said. "They've pointed us to information on their websites and there are some answers there, but nothing like a complete response."

In response to an earlier FOIA request, sent in July, G.G.N.R.A. said the groups would be responsible for a $6,000 fee to produce the documents. The agency later dropped the fee after the groups revised and resubmitted their request.

"[G.G.N.R.A.] first tried to claim that it would cost many thousands of dollars to process the FOIA request as a strategy to block Plaintiffs from gaining access to the requested documents," the suit states. "The fact that [G.G.N.R.A.] later conceded that Plaintiffs were entitled to a fee waiver shows that [G.G.N.R.A.] was acting in bad faith when it initially refused to produce documents."

The suit also claims G.G.N.R.A. has not disclosed requested correspondence between agency staff and its "park partners" that support reduced dog-walking access, such as the Wild Equity Institute, the Golden Gate National Parks Conservancy and the National Parks Conservation Association.

Nikki Moore, a staff attorney for the California Newspaper Publishers Association, said the nonprofits were justified in bringing forth a suit, especially considering the extra effort taken to revise their original FOIA request. Government agencies often delay document disclosures as a strategy to withhold information, Ms. Moore said, until the requester essentially gives up.

"Nine months seems like an unreasonable amount of time to wait for records," she said. "We understand that government resources are limited. But there comes a point when they're just hindering the public's access to records. It's disrespectful to the public."

Howard Levitt, G.G.N.R.A.'s director of communications, declined to comment on the pending litigation. He was named as a defendant in the suit, alongside G.G.N.R.A. Superintendent Christine Lehnertz and United States Secretary of the Interior Sally Jewell.

The draft rule would ban off-leash dog walking everywhere on national parklands in Marin County except for Rodeo Beach, at the county's southernmost end. Currently, dogs are allowed off-leash at Rodeo Beach and Muir Beach, and on trails along Oakwood Valley Road in Mill Valley, Homestead Valley and Alta Avenue in Marin City—all areas managed by G.G.N.R.A. Dogs are not allowed on or off-leash at the G.G.N.R.A.-managed section of Stinson Beach.

The draft rule would also limit permitted professional dog walkers to no more than six dogs at a time and would give the park superintendent discretion to designate new trails added to the system in the future as on-leash, off-leash or dog-prohibited. A process 14 years in the making, the new rule is poised to take effect next year.

Comments on the draft rule may be submitted by mail to Fort Mason, Building 201, San Francisco, CA 94123, or online at federalregister.gov/articles/2016/02/24/2016-03731/special-regulations-areas-of-the-national-park-service-golden-gate-national-recreation-area-dog.

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County drafts new septic plan

By Samantha Kimmey

Marin environmental staffers released a draft of revamped regulations for septic systems that must be submitted to the state for approval next month. The new rules include greater setbacks for systems near federally impaired water bodies like Tomales Bay and Lagunitas Creek and a requirement that septic pumpers report failures to the county.

The rules are part of a state effort begun over a decade ago to regulate septic systems, which can contaminate creeks and groundwater if they fail. In 2012, A.B. 885 created a series of tiered rules for septic systems depending on the level of risk they pose. But the law allows each county to create an alternative plan tailored to local conditions—called a Local Agency Management Plan, or LAMP—which the Regional Water Quality Control Board must approve.

County plans are due May 13, and counties that do not create a LAMP must follow the state guidelines. Supervisors will vote on the LAMP on May 10.

Rebecca Ng, chief of Marin's Environmental Health Services, said during a Tuesday workshop on the draft that California has extremely variable geology and climate. Marin in particular has tricky terrain because of clayey or rocky soils and high groundwater in many areas.

"The one-size-fits-all regulations are not possible," Ms. Ng said. "Most areas in Marin County cannot meet the [state] minimum standards."

For instance, state regulations require a minimum distance of five feet between the septic trench bottoms and groundwater or an impermeable layer; because of its high groundwater, Marin is proposing that distance be three feet, which is more in line with current county regulations.

One of the most significant differences between the state rules and the county's local plan has to do with setbacks. The state rules prohibit installing new traditional systems within 600 feet of federally impaired water bodies. Since that setback can encompass entire parcels, many property owners who want to develop or add to their property must pay for more expensive, alternative systems that pretreat sewage, such as with sand mounds, and which are usually hooked up to a computer system to detect failures. (Those who are not planning to further develop their properties and have no problem with their systems should not be affected.)

In West Marin, many waters are considered impaired due to either pathogens or nitrogen, or both. These include waters off Lawson's Landing, the Pacific Ocean at Bolinas Beach, Tomales Bay, Lagunitas Creek and Walker Creek. And the new setback requirement applies not just to the impaired water body itself, but all its tributaries.

Environmental Health Services staffer Armando Alegria warned that the water board's online tool meant to help homeowners figure out whether they are affected, does not show tributaries, but that tributaries are indeed included.

Marin's draft LAMP shrinks the setback to just 200 feet, which the county called "a more reasonable standard."

"The 600 feet just came out of nowhere, quite honestly," Mr. Alegria said.

He said they are still determining how many parcels would be impacted by the 200-foot buffer.

Mr. Alegria also noted that once the water board implements what's called a Total Maximum Daily Load plan—which regulates pathogens or nutrients going into specific rivers, bays and oceans— for each water body, specific setbacks for those water bodies could change.

In response to skeptical remarks from Supervisor Kate Sears, who wondered if the county's plan was too weak, staffers noted the Tomales Bay is already under a protective daily load plan limiting pathogens. They also said the LAMP will expand the types of septic systems within the setback that require an operating permit—which involves annual fees and inspections—to some traditional systems, which do not typically need permits.

Mr. Alegria said that having more systems under operating permits would help the county oversee them, "because that's an issue with septic systems. Once they meet the code and they're not alternative, it's basically up to the landowners to maintain the systems."

Supervisor Katie Rice supported protections for water, but also worried about compliance—that is, whether additional regulations would push more homeowners to pursue projects without permits—and other impacts to homeowners, given permitting costs. But she also suggested the county consider adding another layer of regulation: requiring inspections when properties are sold.

Brian Crawford, director of the Community Development Agency, said they had considered that rule, but he added, "I think the best way to work with property owners...is to incentivize them."

Supervisor Steve Kinsey chimed in: "I think in the Wild West, that [requirement] would go very poorly."

Other changes in the LAMP include setbacks for public water wells and reservoirs, and the kinds of allowed pretreatment systems. One looming change elicited concern from Supervisor Kinsey: the requirement that septic tank pumpers report failures to the county.

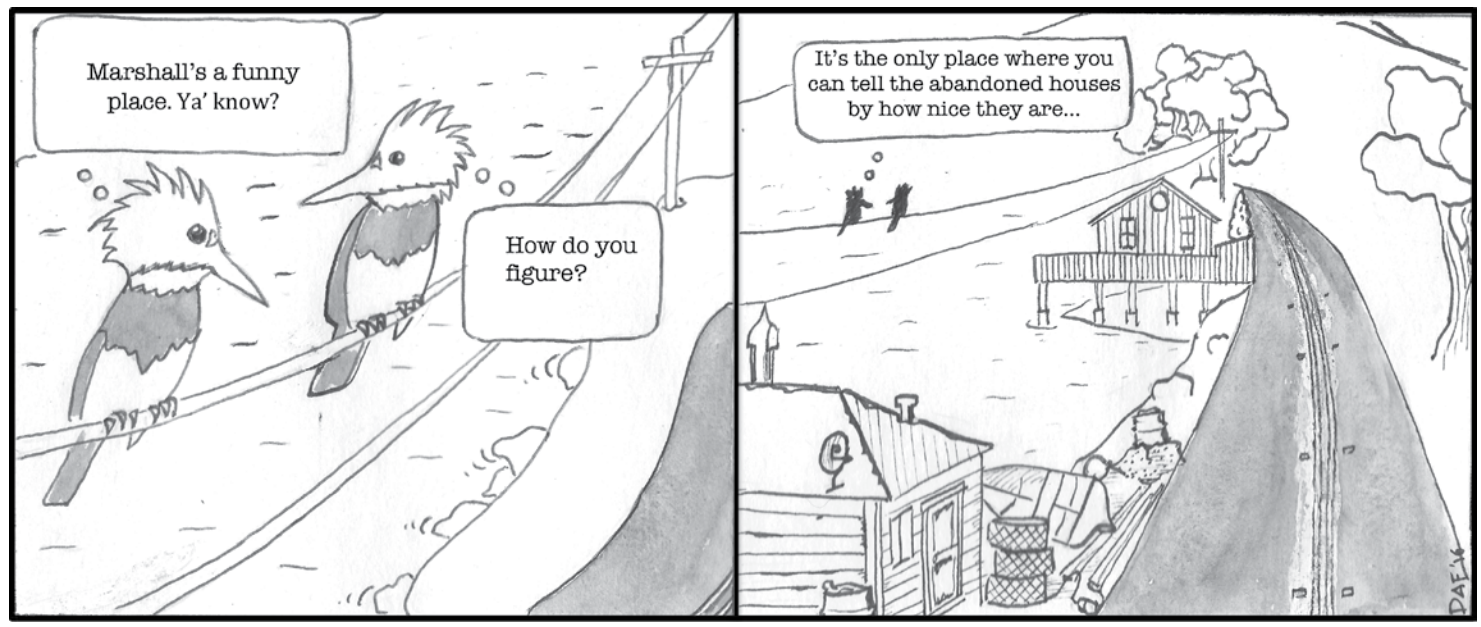
"I think that we need to have some pretty clear rules for septic tank pumpers," he said. "Mike Giammona [of City Sewer Pumping] is out there driving in West Marin, and being a friendly guy, and all of a sudden he's turning everyone in... I encourage staff to think about what we do with that information, and how quickly, and how friendly our letter is when it comes."

¿De veras somos iguales?

HABLANDO SE ENTIENDE LA GENTE

BY VICTOR REYES

Sinking Island by D.A.F.



"Todos somos iguales ante Dios y hemos sido creados a su imagen y semejanza," nos repiten libros sagrados y clérigos religiosos. "Tenemos los mismos derechos y obligaciones ante la ley y gozamos de las mismas oportunidades y beneficios," nos predican gobernantes , regulaciones y legislaciones estatales. Éstas y otras sentencias similares se escuchan en todo el mundo y se lucha por aplicarlas. Muchos las creen y piensan que vivimos en sociedades conformadas por un sistema ético, religioso y legal igualitario, a pesar de que la realidad constantemente nos muestra lo contrario.

La distancias sociales y económicas entre los seres humanos parecen haber existido desde siempre. La Historia es un muestrario de diversos regímenes controlados por élites que poseen y dominan todo—incluidas ideas religiosas y profanas—y a todos los demás, que apenas tienen para vivir. Con la democracia moderna—primero—y el estado como mediador económico—después—algunos países (los más avanzados) lograron una relativa igualdad entre sus ciudadanos, creando y expandiendo sus clases medias, con educación, empleo, salario digno y beneficios sociales para (casi) todos, con múltiples opciones, justicia y libertades mediadas por la ley y el respeto. En muchos países, sin embargo, esto no es así.

Vivimos en un sistema capitalista mundial que para reproducirse tiende a concentrar la riqueza en pocas manos, empobreciendo a muchos, aunque el estado intervenga para compensarlo. Ocurre no sólo en cada país, sino en la relación económica y comercial entre ellos. Siendo además un sistema en crisis recurrentes, para salvarse tiene que sacrificar a los que tienen menos, para mantener en la cima a los pocos que tienen mucho, con sus corporaciones e instituciones dominantes.

Se piensa que las desigualdades socioeconómicas pueden revertirse con crecimiento económico, leyes adecuadas y buena voluntad; pero en países como México, existe una relación entre individuos e instituciones del estado donde un grupo social reducido e impenetrable lo domina todo, acaparando renta y privilegios políticos y económicos sin dar la menor oportunidad al resto de los ciudadanos. Aunque las leyes y discursos políticos, e incluso religiosos, hablan de igualdad y lucha contra la pobreza, la realidad apunta en sentido inverso, gracias a la impunidad que protege a los poderosos y permite una creciente corrupción y apropiación de bienes públicos sin castigo posible, pues la justicia sólo se aplica a los débiles y se tuerce a favor de los que pueden pagarla o controlarla para su beneficio.

Además de esta dinámica circular entre corrupción e impunidad, los ocupantes de la élite mexicana que la propician cierran las puertas de avance social al resto de la población. Sus familias e hijos desprecian a quienes no son como ellos y los discriminan abierta y sutilmente. Sus costosas casas, gustos, viajes, escuelas y sobretodo su etnicidad marcadamente europea, establece una distancia imposible de salvar para los demás, en especial los más pobres, mestizos e indígenas, quienes han vivido marginados por siglos, convencidos de su inferioridad.

Quienes todavía creen que el esfuerzo y el mérito son la llave del éxito social y económico, viven culpándose de su fracaso y la mala suerte de haber nacido en el grupo social equivocado; mientras la enorme desigualdad, injusticia e impunidad propician frustración colectiva, la ley del más fuerte y violencia creciente, ahora dominada por el crimen organizado y las fuerzas militares y policiacas que supuestamente lo combaten. Así, México avanza poco y retrocede mucho para menguar la pobreza de más de la mitad de sus 120 millones de habitantes, con trabajos informales, improductivos y salarios disminuidos. Entre los escapes a tan terrible realidad está la migración a centros urbanos y, principalmente, a Estados Unidos.

Esos mexicanos inmigrantes no pueden entender bien las dinámicas de desigualdad e igualad que existen en este país. Al trabajar, se sienten valorados por un salario nunca antes obtenido, pero pronto ven que no rinde lo mismo que en su país, pues aquí todo cuesta más. Aunque en teoría accedan a las clases medias, por tener auto, vivienda y servicios, les cuesta integrarse pues desconocen las costumbres y formas culturales dominantes en esos estratos sociales. En parte por desconocer el idioma y los sistemas sociales e institucionales, formales e informales, que nunca terminan de entender, y se refugian en la cultura que dejaron atrás. Así, las discrepancias, desigualdades y conflictos con el sistema y con quienes viven aquí resultan inevitables.

Sus empleadores, compañeros de trabajo, maestros de sus hijos y autoridades escolares, vecinos, agencias de servicios sociales, personal médico y todos quienes tienen que ver directa o indirectamente con muchos de estos inmigrantes, difícilmente entienden estas diferencias a menudo abismales, y encuentran que no bastan las buenas intenciones ni la mejor de las voluntades para comprenderlos. Así, para bien o para mal, las desigualdades permanecen y sólo se empiezan a borrar con el tiempo o hasta generaciones después.

Victor Reyes is a translator, teacher and native of Puebla, Mexico with decades-long ties to the Light. An English translation of this column will appear next week.

Reverend Billy

continued from **page 1**

ing New Age pacifism.

I knew that there was an increasing inability to express yourself as the world filled up with the white noise of the digital era, when everyone and their uncle was publishing their own newspaper straight out of their mouth into their computer. You have, on the one side, all these fundamentalist preachers screaming, and on the other side people who believe that just healing yourself is a political act, which it is not.

Charles: Then there are nonprofits and charities that make money by dawdling in between the people who care and the problems to be solved. Professional environmentalists who get their money from the fuel industry or utilities, and greenwash their clients and manage the people who want change—they seem to be the worst of all.

Billy: The central preoccupation of the book is how do we manifest a social movement, and how do we start a revolution in 2016? The challenges are great. The corporate messaging is so virulent right now, the white noise pouring out of every aperture. The environmental movement is so weak on the world stage, but the earth is the stage.

You have a failed environmental movement. There are wonderful people working at the Sierra Club—some of them are so great—but the Sierra Club collectively is something else. You could say the same thing of individuals within Coca-Cola! I posit that the answer to jumpstarting this last-minute revolution against the apocalypse is to be found in the earth itself. And that is an anti-Western idea; that is an idea I got living in West Marin County—that is, not from the industrial age, certainly not the Silicon Valley age.

We have to help each other do it: to take the earth up into your body and direct yourself at the gate of the coal-fired power plant, and then go through that gate. That's the earth saving itself through us. Anything short of that... ...we've done what's short of that! We've done what's short of that for years. Policy, theory, signing petitions, buying panda tote-bags. We've come up short. The emissions go up every month, and we're not doing it. The fossil fuel companies are still extracting, still drilling. They've given value to what they've found, and the value is owned by those companies and it's on the big board and it is being traded. Nobody has said, "How do you stop that?"

Charles: I have a friend [Paul Fenn] working on a piece called the "Localist Platform." He is saying we need to turn our local governments into a secular, municipal temple. After Obama was elected, all these environmentalists and technologists go to D.C. or to the big climate summits and they think, "We'll get the ear of the powerful." His idea is reestablishing self-government, rather than a march to melt the emperor's heart, as the means of addressing climate change.

Billy: At the People's Climate March, we marched for hours and hours and hours. And I discovered that the police had routed us around Central Park, down and then out 42nd Street because the Clinton Family Fund was at the top of the Times Square Sheraton with Gates and Monsanto people. The elites at the top of the fuel empire were dining and sipping cocktails 45 stories up; the 400,000 people marching were their entertainment. They may have some sense that the Visigoths are at the gate; maybe Hillary Clinton has some idea of the power of Bernie Sanders now. But the Paris climate talks, the conservative self-congratulatory documents they created—I don't think we have gotten their ear. Our protests are a part of their budgets.

Charles: You talk about the need for "trespass." What do you mean by that?

Billy: We recently sang "Monsanto is the Devil" in front of Central Park Conservancy, which has 70 trustees with names like John Paulson and Henry Kravis. Those people are the robber barons; they're the guys in Florence who gave money to Michelangelo. They are spraying pesticides in Central Park, and they don't think they have to disclose it to the public.

Charles: There is an organization here called Mow & Sow. It was started by a woman called Donna Sheehan, who stopped roadside spraying of herbicides along Highway 1 after a long battle. Just an interesting tactical note: she called a rally and declared victory. And once she declared victory, the state conceded.

Billy: That's a really great idea. I would like to use that on Central Park.

Charles: We have all those heirs to industrial fortunes out here, too. I see a lot of "simple" people out here who just can't stop flying—100 tons of jet fuel at a spell—to Asia to do this anti-Enlightenment escapism. It is like poor people have to keep buying and rich people have to keep flying. The consumption of trinkets or experiences, the constant motion and displacement; that can never stop.

Billy: I've flown to Paris twice in the last six months. It is a hell of a thing to wake up in the City of Lights. It is not just the jet. France is mostly powered by nuclear plants; the City of Lights comes from splitting the atom.... We have our local temple, our community gardens and parks and libraries; we are leading parades around the neighborhoods in New York and we are doing our local thing as best we can. But I can't imagine not being able to fly, to preach and to sing and excite people in their activism. How would we do that without being international figures?

Charles: It is one of the paradoxes of modern living. I am not accusing you of being a bad person.

Billy: Well, it has to change. I know that local temple idea is so counterintuitive. It is so hard to imaging flying by walking 50 feet, flying by being local, flying by having a richness of details in your life around you, the emotional richness of a local life. We have this compulsion to go over the horizon, and get into a foreign language newspaper somewhere. A few years ago the guy from Virgin Airlines, the ultimate Brit yuppie, promised us a veggie-powered jet. That was a serious request that went to him, and we thought he was young and hip enough to understand the request. Naomi Klein writes about the demise of that: that whole idea crashed and burned.

Charles: You mean green capitalism?

Billy: Yes, there were big promises of various kinds. Naomi Klein has a whole chapter [in "This Changes Everything"] on gigantic green capitalist promises that turned out to be stalls, turned out to be ways to keep people not doing anything for a few years. Which is what the People's Climate March turned out to be, which is what the Paris climate talks are turning out to be. Those middle-ground promises by this existing system: we must learn to ignore them.

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Charles: What about our virgin-whore complex out here? If the park stays pure, then Chevron can go to town on Richmond. Let loose!

Billy: Or Ecuador. But there is no purity: the postcard aesthetic of beauty is over. I grew up in the northern prairie states. I remember this tremendous feeling about the icy vastness of the north. It was impenetrable. In South Dakota you feel it, that untouchability, unfathomability that looms over you. That is no longer pure; that is now melting. My first dreamscape, and it's gone.

Charles: My generation doesn't remember the lost landscape. We were born into a world in which all of the infrastructure of destruction was already in place. We don't have a memory of that destruction, so we don't have that anger. You have a memory of the loss of beauty.

Billy: I think that we all have a genetic demand in our body for beauty. People I know who had childhoods in urban wastelands, they find beauty in the rainbow of a snowflake on a fire escape. They find a moment of beauty and respite in nature. I keep being surprised at the virulence of earth activism coming from high school kids, and you look at their neighborhoods and wonder how they know they want the earth to be safe. They have lived in a destroyed world, but they find hope. I know Obama has destroyed that word hope, and we'll have to find a new one.

Everybody has the opportunity to be an earth person right now. The whole idea of consumerism—and its subset, militarism—is to separate us from the earth, to forget about it, to objectify it. We have to help each other to become radical Americans again. It is time to be radical Americans again. We have done that in the past, to the surprise of the world, several times. And we have to do it again now. That will be experimental, that will be counterintuitive, that will take us out of our safe place. But we can and we must! Earthalujah! The earth wants you. The earth knows that, and it can be a source of power that no religion can possibly be. The earth itself will tell us. That's how I'm hitting the road. That's the message of the Church of Stop Shopping.

Charles: What about the election?

Billy: We're working hard to keep direct action—or as we say, non-violent dramatic action—going. Singing all the right songs in the wrong places: trespassing music. When this Presidential thing blows over, there will be something else that arises. I think it is about the local. But I will vote for Bernie and many of our people work to support him. If he is elected, hopefully he won't go the way of Clinton and Obama. We have had a problem with that, this Henry V thing. People saying what they need to say to get in, and then suddenly they're much different. We need to have Seattle activists and Portland bridge-danglers, we need to have dramatic direct actions and thousands upon thousands of citizen warriors. Law enforcement must come over to the earth movement. We must have police who care for our children in another way. The media coverage of Snowden, Manning, Assange—those three are far more important to the earth movement than the Sierra Club. The system they exposed is the earth-hating thing. We must have media that stops pretending that climate change is one issue among 20 issues.

Charles: Norman Solomon told me if the newspapers ran the news every week, they would be out of business in a month. And this interview is for the Light, which I'm told you wrote for.

Billy: I was a columnist, at least. I went around reporting on the local arts in West Marin. I also washed dishes at The Station House.

Charles: Pat Healy is still here.

Billy: Yes, I understand Pat is very much there. Pat, of course, fired me. How do you fire a dishwasher for incompetence? Actually, she did the right thing. I was not up to her specs. The Station House is better for having fired me.

Charles: Can I keep that in?

Billy: Absolutely. Fired. By the way, she was very nice about it. I asked her, "Before I go, would you sing me a song?" She said, "No." Wow. She refused to sing a song for me as she cut me off. Pat, someday you'll sing for me, and the Stop Shopping Choir will sing a song for Pat.

Charles: Will you exorcise the Station House while you're in town?

Billy: Does that mean I have to stop eating there?

Charles: No.

Tule elk numbers in the Point Reyes National Seashore did not change much since last year, according to counts conducted this winter by park staff and volunteers. They found 283 elk in the fenced enclosure at Tomales Point—barely changed from last year's 286. The population of enclosed elk set off outrage a year ago, particularly from the Center For Biological Diversity, as the herd dropped by half between 2012 and 2014 likely due to the drought and subsequent lack of forage and water. The populations of two free-ranging herds also changed little this year; there were 86 elk near Drakes Beach, down from 92 a year ago. The Limantour herd rose slightly, from 120 to 128 elk this year. The seashore declined to comment on the numbers.

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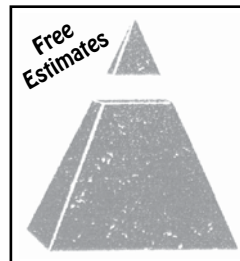

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Legal Notices

CORRECTION: Fictitious Business Name Statement. File No. 139101. The following person(s) is (are) doing business as: 01: Gypsy Wind, 20401 Highway One, Marshall, CA 94940; 02: Doug Adamz, 20401 Highway One, Marshall, C,A 94940. This business is conducted by an individual: Douglas Brandon Adams, 20401 Highway One, Marshall, CA 94940. This statement was filed with the County Clerk of Marin County on February 8, 2016, signed C. Sanchez, Deputy. Published in the Reyes Light March 24, 31, April 7, 14, 2016.

Fictitious Business Name Statement. File No. 2016-139411. The following person(s) is (are) doing business as: Third Rail Design Lab, 1416 Sir Francis Drake Blvd., San Anselmo, CA 94960. This business is conducted by an individual: Thomas Brian Charamunte, 1416 Sir Francis Drake Blvd., San Anselmo, CA 94960. This statement was filed with the County Clerk of Marin County on March 15, 2016, signed S. Oliva, Deputy. Published in the Point Reyes Light March 24, 31, April 7, 14, 2016.

Fictitious Business Name Statement. File No. 139388. The following person(s) is (are) doing business as: 01: QQ Forward, 43 Bayo Vista Way, San Rafael, CA 94901; 02: Ghoulem Research, 43 Bayo Vista Way, San Rafael, CA 94901. This business is conducted by an individual: Mithra Moezzi, 43 Bayo Vista Way, San Rafael, CA 94901. This statement was filed with the County Clerk of Marin County on March 11, 2016, signed J. Mannion, Deputy. Published in the Point Reyes Light March 24, 31, April 7, 14, 2016.

Fictitious Business Name Statement. File No. 139285. The following person(s) is (are) doing business as: Resta and Associates, 235 Horseshoe Hill Rd., Bolinas, CA 94924. This business is conducted by an individual: Stefano Resta, 235 Horseshoe Hill Rd., Bolinas, CA 94924. This statement was filed with the County Clerk of Marin County on February 29, 2016, signed C. Sanchez, Deputy. Published in the Point Reyes Light March 24, 31, April 7, 14, 2016.

Fictitious Business Name Statement. File No. 139404. The following person(s) is (are) doing business as: 01: Fulcrum Development, 336 Bon Air Center #354, Greenbrae, CA 94904; 02: Fulcrum Real Estate, 336 Bon Air Center #354, Greenbrae, CA 94904. This business is conducted by a corporation: Fulcrum Real Estate and Development, 336 Bon Air Center #354, Greenbrae, CA 94904. This statement was filed with the County Clerk of Marin County on March 14, 2016, signed J. Mannion, Deputy. Published in the Point Reyes Light March 24, 31, April 7, 14, 2016.

Fictitious Business Name Statement. File No. 139390. The following person(s) is (are) doing business as: Maureen Mae, 1 Fawn Court, San Anselmo, CA 94960. This business is conducted by an individual: Maureen Blechen, 1 Fawn Court, San Anselmo, CA 94960. This statement was filed with the County Clerk of Marin County on March 11, 2016, signed J. Mannion, Deputy. Published in the Point Reyes Light March 24, 31, April 7, 14, 2016.

ORDER TO SHOW CAUSE FOR CHANGE OF NAME Superior Court of California County of Marin Case No. CIV 1600794

TO ALL INTERESTED PARTIES: Pamela Livingston filed a petition with this court for a decree changing names as follows: Present Name: Morgan Aurora Livingston Pinney to Proposed Name: Morgan Aurora Livingston.

THE COURT ORDERS that all persons interested in this matter shall appear before this court at the hearing indicated below to show cause, if any, why the petition for change of name should not be granted. Any person objecting to the name changes described above must file a written objection that includes the reasons for the objection at least two court days before the matter is scheduled to be heard and must appear at the hearing to show cause why the petition should not be granted. If no written objection is timely filed, the court may grant the petition without a hearing.

NOTICE OF HEARING

DATE: 4/22/2016

TIME: 8:30 AM DEPT. B, ROOM B. The address of the court is same as noted above: 3501 Civic Center Drive, San Rafael, CA 94913. A copy of this Order to Show Cause shall be published at least once each week for four successive weeks prior to the date set for hearing of the petition in the Point Reyes Light, a newspaper of general circulation in the County of Marin. Dated:

March 4, 2015. Roy O. Chernus, Judge of the Superior Court. James M. Kim, Court Executive Officer. C. Lucchesi, Deputy. Published in the Point Reyes Light March 24, 31, April 7, 14, 2016.

Fictitious Business Name Statement. File No. 139398. The following person(s) is (are) doing business as: Healing Circles San Antonio, 451 Mesa Rd., Bolinas, CA 94924. This business is conducted by a corporation: Commonweal, 451 Mesa Rd., Bolinas, CA 94924. This statement was filed with the County Clerk of Marin County on March 14, 2016, signed J. Mannion, Deputy. Published in the Point Reyes Light March 31, April 7, 14, 21, 2016.

Fictitious Business Name Statement. File No. 139440. The following person(s) is (are) doing business as: Earth Rebirth, 355 Laverne Ave., Mill Valley, CA 94941. This business is conducted by an individual: Gregory J. Lehman, 355 Laverne Ave., Mill Valley, CA 94941. This statement was filed with the County Clerk of Marin County on March 17, 2016, signed C. Sanchez, Deputy. Published in the Point Reyes Light March 31, April 7, 14, 21, 2016.

Fictitious Business Name Statement. File No. 2016139449. The following person(s) is (are) doing business as: The Mural Co., 100A Summit Ave., Mill Valley, CA 94941. This business is conducted by a limited liability company: Solo Bueno, LLC, 100A Summit Ave., Mill Valley, CA 94941. This statement was filed with the County Clerk of Marin County on March 18, 2016, signed M. Rakitnichan, Deputy. Published in the Point Reyes Light March 31, April 7, 14, 21, 2016.

Fictitious Business Name Statement. File No. 139483. The following person(s) is (are) doing business as: JB Tourism Media Group, 10 Mountain View Ave., Lagunitas, CA 94938. This business is conducted by a corporation: Smithyman Publishing Inc., 10 Mountain View Ave., Lagunitas, CA 94938. This statement was filed with the County Clerk of Marin County on March 23, 2016, signed O. Lobato, Deputy. Published in the Point Reyes Light March 31, April 7, 14, 21, 2016.

Fictitious Business Name Statement. File No. 139480. The following person(s) is (are) doing business as: Marin Web Tech, 84 San Gabriel Dr., Fairfax, CA 94930. This business is conducted by an individual: Joshua Newon, 84 San Gabriel Dr., Fairfax, CA 94930. This statement was filed with the County Clerk of Marin County on March 23, 2016, signed O. Lobato, Deputy. Published in the Point Reyes Light March 31, April 7, 14, 21, 2016.

Notice of Petition to Administer Estate of Michael David Farnham, aka Michael D. Farnham aka Michael Farnham Case Number: PR 1600923

To all heirs, beneficiaries, creditors, contingent creditors, and persons who may otherwise be interested in the will or estate, or both of Michael David Farnham. A Petition for Probate has been filed by Alan M. Farnham in the Superior Court of California, County of Marin.

The Petition for Probate requests that Alan M. Farnham be appointed as personal representative to administer the estate of the decedent.

The petition requests authority to administer the estate under the Independent Administration of Estates Act. (The authority will allow the personal representative to take many actions without obtaining court approval. Before taking certain very important actions, however, the personal representative will be required to give notice to interested persons unless they have waived notice or consented to the proposed action.) The independent administration authority will be granted unless an interested person files an objection to the petition and shows good cause why the court should not grant the authority. A hearing on the petition will be held in this court as follows:

Date: April 22, 2015,

Time: 9:00 am., Dept M, Courtroom A,

3501 Civic Center Drive, San Rafael, CA 94913.

Attorney for the petitioner: Karen T. Wagner, Law Offices of Sylvia K. Shapiro, 404 San Anselmo Ave., San Anselmo, CA 94960. (415) 453-7611.

This petition was filed with James Kim, Court Executive Officer, Marin County Superior Court by K. Yarborough, Deputy on December March 17, 2015. Published in the Point Reyes Light March 31, April 7, 14, 2016.

Fictitious Business Name Statement. File No. 139525. The following person(s) is (are) doing business as: Jacques Agincourt, 172 Bulkley #1, Sausalito, CA 94965. This business is conducted by an individual: Zachary Klarich, 172 Bulkley #1, Sausalito, CA 94965. This statement was filed with the County Clerk of Marin County on March 29, 2016, signed O. Lobato, Deputy. Published in the Point Reyes Light April 7, 14, 21, 28, 2016.

Fictitious Business Name Statement. File No. 139517. The following person(s) is (are) doing business as: Pacific Edge Construction Inc., 58 Paul Dr., Ste H, San Rafael, CA 94903. This business is conducted by a corporation: Pacific Edge Construction Inc., 58 Paul Dr., Ste H, San Rafael, CA 94903. This statement was filed with the County Clerk of Marin County on March 29, 2016, signed M. Rakitnichan, Deputy. Published in the Point Reyes Light April 7, 14, 21, 28, 2016.

Fictitious Business Name Statement. File No. 139408. The following person(s) is (are) doing business as: Clyde Carson, 901 A St, Ste C, San Rafael, CA 94901. This business is conducted by an individual: Kadav Zubair Raid, 901 A St, Ste C, San Rafael, CA 94901. This statement was filed with the County Clerk of Marin County on March 15, 2016, signed C. Sanchez, Deputy. Published in the Point Reyes Light April 7, 14, 21, 28, 2016.

Fictitious Business Name Statement. File No. 139502. The following person(s) is (are) doing business as: Vertical Online, 220 Cleveland Ave., Mill Valley, CA 94941. This business is conducted by an individual: Logan Kelsey, 220 Cleveland Ave., Mill Valley, CA 94941. This statement was filed with the County Clerk of Marin County on March 28, 2016, signed O. Lobato, Deputy. Published in the Point Reyes Light April 7, 14, 21, 28, 2016.

Fictitious Business Name Statement. File No. 139503. The following person(s) is (are) doing business as: Novato Lock Inc., 7395 Redwood Blvd, Novato, CA 94945. This business is conducted by a corporation: Novato Lock Inc., 7395 Redwood Blvd., Novato, CA 94945. This statement was filed with the County Clerk of Marin County on March 28, 2016, signed J. Mannion, Deputy. Published in the Point Reyes Light April 14, 21, 28, May 5, 2016.

Fictitious Business Name Statement. File No. 139512. The following person(s) is (are) doing business as: The Gym at Stinson Beach, 3605 Hwy 1, Stinson Beach, CA 94970. This business is conducted by an individual: Larry John Snedden, 3 Woods St., San Rafael, CA 94901. This statement was filed with the County Clerk of Marin County on March 28, 2016, signed J. Mannion, Deputy. Published in the Point Reyes Light April 14, 21, 28, May 5, 2016.

Fictitious Business Name Statement. File No. 2016139557. The following person(s) is (are) doing business as: Atelier Sleek, 40 Harbor Oak Dr., #14, Tiburon, CA 94920. This business is conducted by an individual: Ahlam I Reiley, 40 Harbor Oak Dr., #14, Tiburon, CA 94920. This statement was filed with the County Clerk of Marin County on April 1, 2016, signed M. Rakitnichan, Deputy. Published in the Point Reyes Light April 14, 21, 28, May 5, 2016.

Fictitious Business Name Statement. File No. 139514. The following person(s) is (are) doing business as: 01: Donate Direct, 100 Shoreline Hwy, B-125, Mill Valley, CA 94941; 02: Spectrum Settlement Recovery, 100 Shoreline Hwy, B-125, Mill Valley, CA 94941. This business is conducted by a limited liability company: Cascade Settlement Services, LLC, 100 Shoreline Hwy, B-125, Mill Valley, CA 94941. This statement was filed with the County Clerk of Marin County on March 29, 2016, signed O. Lobato, Deputy. Published in the Point Reyes Light April 14, 21, 28, May 5, 2016.

Fictitious Business Name Statement. File No. 2016139475. The following person(s) is (are) doing business as: 01: Planet Dog Walkers, 15 Brown Dr., Novato, CA 94947; 02: Planet Dog Walker, 15 Brown Dr., Novato, CA 94947; 03: Planetdogwalkers, 15 Brown Dr., Novato, CA 94947. This business is conducted by an individual: Patrick Crossan, 15 Brown Dr., Novato, CA 94947. This statement was filed with the County Clerk of Marin County on March 23, 2016, signed M. Rakitnichan, Deputy. Published in the Point Reyes Light April 14, 21, 28, May 5, 2016.

LIEN SALE NOTICE

NOTICE IS HEREBY GIVEN PURSUANT TO SECTIONS 3071 AND 3072 OF THE CIVIL CODE OF THE STATE OF CALIFORNIA, THE UNDERSIGNED, DOWNTOWN IGNACIO TOW INC 25-G PAMARON WAY NOVATO, CA 94949 WILL SELL AT PUBLIC SALE ON;MAY 3, 2016 10:00AM THE FOLLOWING PROPERTY:

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LIEN HOLDER HAS A RIGHT TO BID AT SAID SALE. Published in the Point Reyes Light April 14, 2016.

COMMUNITY CALENDAR

Send your local event listings to calendar@ptreyeslight.com

Thursday, April 14

Reporters from the Point Reyes Light speak about the week's news at 5 p.m. on Thursdays on KWMR. Tune in to 90.5 FM in Point Reyes Station, 89.9 FM in Bolinas or 92.3 FM in the Valley, or stream it at kwmr.org.

A Barn Fire Benefit for Molly Myerson, whose Little Wing Farm recently burned, features performances by the Haggards and El Radio Fantastique at the Old Western Saloon, in Point Reyes Station. Doors open at 7 p.m. and the show starts at 8 p.m. $20.

Danny Dickson and Kevin McConnell play at 7:30 p.m. at the Papermill Creek Saloon, in Forest Knolls. No cover.

D.J. Samir Neffati spins records at 8 p.m. at Smiley's Schooner Saloon, in Bolinas. No cover.

Friday, April 15

A Mah Jong session takes place from 1 to 3:30 p.m. on Fridays at the San Geronimo Valley Community Center. All levels welcome; bring your own set if you have one.

Ink + Drink, an artists' social, takes place from 6 to 8 p.m. at Ink Paper Plate, in Point Reyes Station. Bring your in-progress art projects, printing plates or blocks that you would like to print, or just see what others are up to. Beverages served.

The Bay Billies play oldtime and country music from 6 to 8 p.m. at Tony's Seafood Restaurant, in Marshall. Locals' night specials include $3 drafts and $1 oysters starting at 5 p.m.

The Peter Lind Band plays live music for a Mexican buffet at the San Geronimo Golf Course starting at 6 p.m. $14, or $7 for kids under 10.

Legendary folk duo Reilly & Maloney perform as part of a farewell tour at 7:30 p.m. at the San Geronimo Valley Community Center. $20 tickets available at the door and brownpapertickets.com.

Buck Nickels and Loose Change play soulful country at 8 p.m. at Rancho Nicasio. $10 in advance, or $12 at the door.

Festival Speed plays bluegrass at 8 p.m. at the Papermill Creek Saloon, in Forest Knolls. No cover.

Jethro Jeremiah plays soulful original music at 9 p.m. at Smiley's Schooner Saloon, in Bolinas. Cover charge.

The Good Bad plays at 9 p.m. at the Old Western Saloon, in Point Reyes Station. Cover.

Saturday, April 16

A Bolinas Lagoon cleanup sponsored by the Briones Lions Club takes place from 9 to 11 a.m. Meet at the Bolinas Wye.

The fourth annual Tomales Bay Library Association book sale takes place from 9 a.m. to 6 p.m. at the Little Yellow House at the Point Reyes Commons. Donations of books, CDs and DVDs in good condition accepted between noon and 6 p.m. on Friday, and during the sale today only, at the Yellow House. All proceeds support the Inverness, Point Reyes and West Marin School Libraries.

The Wildcat Rummage Sale and Flea Market takes place from 9 a.m. to 2 p.m. in the West Marin School parking lot. Items accepted from 3 to 6 p.m. Mondays, Wednesdays and Fridays at the youth center. To reserve a spot, call Madeline at (415) 663.8418.

A community workday to restore Kent Island in the Bolinas Lagoon takes place from 10 a.m. to 2 p.m., in Bolinas. Snacks, lunch and water provided, but bring extra water, wear layers that can get dirty and sturdy shoes or rubber boots. Meet at the dock at the end of Wharf Road. To RSVP, call Greg Reza at (415) 473.3778.

Psychologist and author Kate Levinson leads an Emotional Currency workshop for women from 10 a.m. to 4:30 p.m. at the Point Reyes Community Presbyterian Church. $125; sliding scale available. For information and registration, visit emotionalcurrency.com/workshops.

Share a Book/Read to a Dog, a chance for kids to practice their reading skills with Annie the dog, starts at 11 a.m. at the Bolinas Library. Free; sponsored by the Marin Humane Society.

Docents are posted at the Elephant Seal Overlook and at the Point Reyes Lighthouse observation deck for gray whale watching from 11 a.m. to 4:30 p.m. on weekends in the Point Reyes National Seashore. Binoculars and scopes provided. A ranger speaks about the whales and their migration from 1:30 to 2 p.m. at the lighthouse.

Thomas Wood displays new etchings and paintings from 1 to 4 p.m. in the Thomas Wood Fine Art Gallery on the Nicasio Square.

A Point Reyes National Seashore ranger speaks about the history of the seashore, the parks system in general and what could be in store in the next 100 years at 1:30 p.m. at the Bear Valley Visitor Center.

A benefit evening with Chilean magical-realism writer Isabelle Allende features a reception at 5:30 p.m. at Ernesto's Studio in Point Reyes Station, followed by a reading and conversation at the West Marin School Gym at 7:30 p.m. $100 for both events, including hors d'oeuvres prepared by Osteria Stellina, or $20 for the conversation only. Proceeds benefit the Dance Palace Community and Cultural Center; co-sponsored by Point Reyes Books.

A monthly night sky exploration with Dren Hoti, who grew up stargazing in the Balkans, takes place from 8 to 11 p.m. in the Point Reyes National Seashore. $60 for members of the Point Reyes National Seashore Association, or $80 for others. Fee includes a star map and field guide. For information and registration, visit ptreyes.org or call (415) 663.1200.

Danny Click and the Hell Yeahs! play at 8:30 p.m. at Rancho Nicasio. $15 in advance, or $20 at the door.

Ryan the Operator and MI Gaan Band plays reggae at 9 p.m. at the Papermill Creek Saloon, in Forest Knolls. No cover.

Alligator, featuring Tony Della Valle, plays zydeco, blues and more at 9 p.m. at Smiley's Schooner Saloon, in Bolinas. Cover charge.

The Mike Saliani Band plays at 9 p.m. at the Old Western Saloon, in Point Reyes Station. Cover charge.

Sunday, April 17

The fourth annual Tomales Bay Library Association book sale continues from 9 a.m. to 6 p.m. at the Little Yellow House at the Point Reyes Commons. Donations of books, CDs and DVDs in good condition accepted between noon and 6 p.m. on Friday, and during the sale on Saturday. No donations today. All proceeds support the Inverness, Point Reyes and West Marin School Libraries.

The annual Recycle Circus starts at 10 a.m. outside the Dance Palace Community Center. Bring your books, electronics, sports equipment, clothes, kitchen and garden items, toys, building supplies and household items in useable condition; no toxins, car tires, large appliances, stuffed furniture or mattresses, please. Deliveries accepted from 10 a.m. to 2 p.m. Presented by Waste Free Now. Interested volunteers may call Madeline at (415) 663.9087.

A daylong workshop in sourdough bread baking, taught by Brickmaiden Breads baker David Gumbiner for beginning to intermediate bakers, takes place from 10 a.m. to 5 p.m. in Point Reyes Station. $175 includes a light lunch, starter, dough and freshly baked bread. Space limited; to register, visit brickmaidenbreads.com.

A benefit concert for Calvary Presbyterian Church's new foundation features pianist Bill Quist performing the impressionistic music of Ravel, Debussy and Suzanne Ciani

Regular meetings in West Marin

Lagunitas School Board	3rd Thursday	6:00 p.m.	Campus
SGV Healthy Comm. Collab.	2nd Wednesday	3:30 p.m.	Comm Center
SGV Nutrition Advisory Co.	4th Thursday	3:30 p.m.	Comm Center
Laf. Ed. Foundation (LEAP)	1st Monday	7:00 p.m.	Lag. School
SGV Planning Group	2nd Monday	7:30 p.m.	Comm Center
Dance Palace Board	1st Tuesday	7-9:00 p.m.	Dance Palace
Point Reyes-Olema 4-H	1st Monday	6:30 p.m.	WMS old gym
Bolinas Community Center	3rd Tuesday	5-7 p.m.	Bolinas Library
Point Reyes Village Assoc.	2nd Thursday	7-8:00 p.m.	Dance Palace
Stinson Beach Village Assoc.	1st Saturday	10 a.m.	Dance Palace
W.M. Lions Club	1st/3rdTuesday	7-9:00 p.m.	Sta. House Café
Briones Lions Club	4th Thursday	7 p.m.	Rod & Boat Club
W.M. Rotary Club	Each Wednesday	8:00 a.m.	Toby's Feed Barn
W.M. Chamber of Commerce	1st Thursday	7:00 p.m.	Sta. House Café
Shoreline Unified School Board	3rd Thursday	7:00 p.m.	Rotating
W.M./Inverness School Site Council	TBA	TBA	W.M.S. staff room
KWMR Board	3rd Wednesday	6-7:30 p.m.	Fire Station
Inverness Public Utility District	4th Wednesday	9:00 a.m.	Fire Station
Inverness Association	4th Wednesday	7:00 p.m.	Library
Inverness Park Association	Date, time and location posted at		Perry's Deli
Bolinas Comm. Public Utility Dist.	3rd Wednesday	7:30 p.m.	BCPUD office
Marin Municipal Water District	1st/3rd Tuesdays	7:30 p.m.	MMWD office
Bo-Stin Union School Board	2nd Tuesdays	6 p.m.	Bolinas campus
Stinson Beach Water District	3rd Saturday	9:30 a.m.	SBCWD office
Bodega Bay Public Utility District	3rd Wednesday	9:00 a.m.	BBPUD office
Tomales Village Comm. Serv. Dist.	2nd Wednesday	6:00 p.m.	Town Hall
Tomales Town Hall Board	1st Wednesday	7:30 p.m.	Town Hall
Tomales Design Review Board	3rd Wednesday	7:30 p.m.	Town Hall
Tomales 4-H Club	3rd Monday	7 p.m.	Town Hall
North Marin Water District	1st/3rd Tuesdays	7:30 p.m.	NMWD office
Bolinas Fire Protection District	4th Mondays	7:30 p.m.	BFPD office
Tomales Bay Youth Center	Last Tuesdays	6 p.m.	TBYC

(9/17)

Tony's Seafood
Since 1948
Marshall, Ca

UPCOMING SPECIALS

April 15th - Steak'n'Prawns
Music - ♪ The Baybillies
(talented local West Marin group playing old-time and country tunes)

April 22nd - Crab Risotto
Music - ♪ The Rivertown Trio
(debuting Americana, roots, blues and country rock)

Friday Locals' Special, 5 - 8 p.m.
$3 draft and $1 oysters

Open: Friday - Sunday
& Monday Holidays 11:30 - 8:00 pm
• 415.663.1107 •
Located 9 miles north of
Pt. Reyes Station on Hwy 1

at 1 p.m. at the church. Donations of $1 to $1,000 appreciated.

Thomas Wood displays new etchings and paintings from 1 to 4 p.m. in the Thomas Wood Fine Art Gallery on the Nicasio Square.

A "Schindel Shindig in the Park" features Greg Schindel, Doug Adamz and more from 1 to 5 p.m. in the Bolinas downtown park. (If the weather is bad, the party will move to the community center.)

The Dolly Mamas play for a picnic among the willows from 2 to 4 p.m. at The Shop, in Olema. Food and beverages available for donation from 1 to 5 p.m. Bring your own blankets or lawn chairs and be prepared to pack out your own trash and recycling. No cover.

"Pastoralism Prevailing," a conversation and walking buffet with regenerative farmer Joel Salatin, takes place from 2 to 5 p.m. at The Peace Barn, in Bolinas. $50 includes beverages and a buffet; tickets available at brownpapertickets.com. Proceeds benefit shepherdess Brittany Cole Bush, fiber artist Rebecca Burgess and other local land stewardship businesses.

An afternoon of tea, talent and live music by La Liberta at Mesa Refuge features readings by community fellows Devin Currens, Irwin Keller, James Shrieve, David Bailey, Katie Eberle and Frances Lefkowitz from 3 to 5 p.m. at the writers retreat in Point Reyes Station. Tea and treats will be served, and $10 to $20 donations will support the next round of fellowships. RSVP required to June at (415) 606.0165 or kjmccrory@mesarefuge.org.

A reception for "Whirling Dervish," a collection of prints, paintings, silks and collage by Elly Simmons, takes place from 5 to 8 p.m. in the Maurice del Mue Galleries at the San Geronimo Valley Community Center. The exhibit shows through May 1.

Jeffrey Halford and the Healers play original blues at 5 p.m. at Rancho Nicasio. No cover.

A campaign kickoff for Dennis Rodoni for Supervisor features a barbecue by the Inverness Gardening Service, drinks, goodies and a good time from 5 to 7 p.m. at the Dance Palace Community Center. Hosted by Betty Anne Carlin, Ismael Gutierrez, Judy Rodoni and friends. $20 suggested donation at the door. RSVP requested to judyinolema@gmail.com.

Jon Otis and BluBeatz play from 5 to 8 p.m. at The Station House Café, in Point Reyes Station. No cover.

Open mic starts at 8 p.m. at Smiley's Schooner Saloon, in Bolinas.

Monday, April 18

Bo Babies, a free playgroup, takes place from 10 a.m. to noon on Mondays at the Bolinas Community Center. Open to toddlers and their parents, too.

Food for Families meets from 10:30 a.m. to 4 p.m. on Mondays at the Coast Café, in Bolinas. All are welcome to join in the preparation of food for distribution to local families in need.

Senior lunch (today, chicken Caesar salad, lentil soup and rolls) starts at noon on Mondays at the San Geronimo Valley Community Center. Reservations required; call Suzanne at (415) 488.8888 ext. 251. $3 suggested donation for seniors age 60 and over, $6 for guests. Lunch catered by Good Earth Natural Foods.

Mainstreet Moms meet from 3 to 5 p.m. at the Dance Palace in Point Reyes Station.

A ping pong group for all ages meets from 7:45 to 9:45 p.m. at the Dance Palace. $3 to $5 requested donation.

Reggae with Epicenter Sound System starts at 8 p.m. at Smiley's Saloon, in Bolinas.

Tuesday, April 19

San Geronimo Valley's Rainbow Playgroup meets from 10 a.m. to noon on Tuesdays in Room 1 at the Lagunitas School's upper campus. Free; open to all kids up to age 5 and their guardians. **The FLAGship bus** visits from 10 to 11:15 a.m. with story time, songs, games, crafts and other literacy activities for youngsters. The bus drives north to the Giacomini Ranch (14700 Highway 1) north of Point Reyes Station from 1 to 2:15 p.m.

Dreaming Ourselves Awake, an ongoing dream group with Mimi Calpestri, meets from 1 to 3 p.m. in the Bolinas Commons.

The Marin County Board of Supervisors holds a public hearing in consideration of proposed revisions to the environmental hazards chapter of the Land Use Plan amendments, and all sections of Implementation Program amendments except for agriculture, to the Local Coastal Program at 1:30 p.m. in the Supervisors Chambers at the Civic Center, in San Rafael.

James Patrick Reagan plays live music from 6 to 9 p.m. during locals' night at Nick's Cove, in Marshall. A $25 prix fixe menu tonight features a fisherman's stew, steamed rice and hominy, a green salad and a glass of wine or pint of beer.

West Marin for Bernie Sanders meets from 6:30 to 7:30 p.m. at the Inverness Park Market for campaign updates, volunteer training (including phone banking) and conversation. For information, visit Facebook at "West Marin for Bernie Sanders."

A guys' basketball game takes place at 6:30 p.m. on Tuesdays at West Marin School's Patterson Gym, in Point Reyes Station.

Patricia Holt's monthly book discussion group, Contemporary Classics, meets from 6:30 to 8:30 p.m. at Point Reyes for a conversation about Emily St. John Mandel's "Station Eleven." $20 to drop in. For information, call the bookstore at (415) 663.1542. At the next meeting, on May 17, the group will discuss "Fifteen Dogs" by Andre Alexis.

Learn more about the housing crisis and share your thoughts and ideas at Marin Organizing Committee's Civic Academy at 7 p.m. at the San Geronimo Community Presbyterian Church.

An open mic poetry evening to celebrate National Poetry Month starts at 7 p.m. at the Bolinas Library. Light refreshments served.

"Youth in a Pill: Wishful Thinking or Hard Science?," a presentation by Todd Plummer of the Buck Institute on some of the cutting-edge research into the process of aging, takes place from 7 to 8:30 p.m. at the Point Reyes Library.

A pool tournament starts at 7 p.m. at Smiley's Saloon, in Bolinas.

Wednesday April 20

Floating Island Sangha meets for 40 minutes of meditation and a Dharma talk led by Zen priests Carrie and Stuart Kutchins from 7 to 8 a.m. at the Dance Palace.

A free yoga class with Venta Leon starts at 9 a.m. on Wednesdays at the Tomales Town Hall. Beginners and drop-ins welcome.

The FLAGship Bus visits Toby's Playground in Point Reyes Station with songs, story time, games, crafts and other literacy activities for preschool-aged children from 10 to 11:15 a.m. on Wednesdays. Afterwards the bus drives south to Bolinas, where it visits the library from 1:15 to 2:30 p.m.

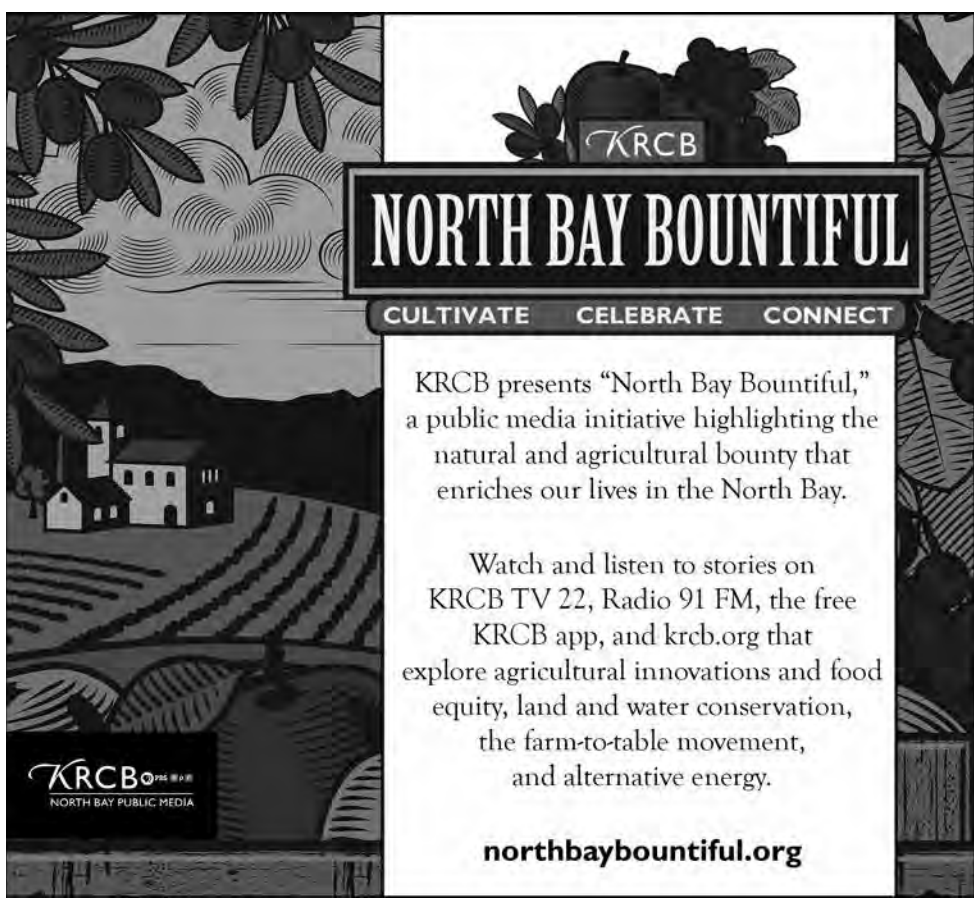
An Inverness Apple users group meets from 2 to 3 p.m. at the Inverness Library. Bring your device, tablet or laptop and learn what you can do. All levels welcome.

A celebration of the completion of Marshall's community wastewater system with county health officials, the East Shore Planning Group and other community groups starts at 3 p.m. at Tony's Seafood Restaurant, in Marshall.

Practice figure drawing and monotype with a live model from 3 to 6 p.m. at Ink Paper Plate, in Point Reyes Station. Monotype plates, drawing boards and a few easels, large tables and stools provided; bring your own paper and drawing and painting materials. $35 to drop in, or $150 for five sessions (the series continues until Thanksgiving).

Wine Wednesdays at Nick's Cove features 50 percent off all bottles of wine.

A Candidate's Night featuring the District 4 supervisor hopefuls speaking about housing, transportation, the environment and other issues affecting the Valley starts at 6:30 p.m. in the Lagunitas School Multi-Purpose Room.



Presented by the San Geronimo Valley Healthy Community Collaborative.

Diaspora Dance, an ongoing class with Amber Hines, takes place from 6:30 to 8 p.m. on Wednesdays at the Bolinas Community Center. Adults only; admission by donation.

The Wailing Hounds play at 8 p.m. at the Papermill Creek Saloon, in Forest Knolls. No cover.

Thursday, April 21

Elephant Mountain Sangha meets from 8 to 9 a.m. at the Point Reyes Community Presbyterian Church.

Baby Gym takes place from 9:30 to 11 a.m. on Tuesdays and Thursdays at the Dance Palace.

San Geronimo Valley's Rainbow Playgroup meets from 10 a.m. to noon on Thursdays in Room 1 at the Lagunitas School's upper campus. Free; open to all kids up to age 5.

The Third Thursday Weeders, a project of the Marin Chapter of the California Native Plant Society, tackles native plant habitat in the Point Reyes National Seashore from 9:30 a.m. to 1:30 p.m. For the location and to sign up, email Carolyn Longstreth at cklongstreth@gmail.com. Tools and gloves provided.

The Bolinas-Stinson Whitecaps meet at 11:30 a.m. at the Bolinas Rod & Boat Club.

A community lunch (today, macaroni beef casserole and steamed peas and carrots) sponsored by West Marin Senior Services takes place every Thursday, with a seated Zumba class at 11:30 a.m. followed by food served at noon, at the Dance Palace Community Center. Reserve a seat by calling (415) 663.8148 ext. 104 by Monday. $3 for seniors, and $6 for guests. Lunch catered by Good Earth Natural Foods.

A senior lunch (also macaroni beef casserole and steamed peas and carrots) at the San Geronimo Valley Community Center begins at noon, followed by ping pong in the community gym at 1 p.m. and music by a jazz sextet in the Valley Room at 1:30 p.m. Reservations required; call Suzanne at (415) 488.8888 ext. 251. $3 suggested donation for seniors age 60 and over, $6 for guests. Lunch catered by Good Earth Natural Foods.

St. Aidan's Church in Bolinas opens its doors from 1 to 3 p.m. on Thursdays for people to come inside, get warm, chat or sit in silence and have a cup of tea.

A workshop in fun, hands-on science activities for kids takes place from 3:30 to 4:30 p.m. in the Point Reyes Library. Free.

A pool tournament starts at 7:30 p.m. at the Papermill Creek Saloon, in Forest Knolls.

RKS plays rock at 8 p.m. at Smiley's Schooner Saloon, in Bolinas. No cover.

Friday, April 22

Today is Earth Day.

The Point Reyes Birding and Nature Festival starts today and continues through Sunday with walks, classes and events with top local birders, naturalists and biologists and a keynote presentation by Paul Bannick. Presented by the Environmental Action Committee of West Marin; for information and registration, visit pointreyesbirdingfestival.com. Scholarship applications accepted until April 19.

Dan Brown, a retired Point Reyes National Seashore historic restoration specialist, speaks at 10 a.m. during the regular meeting of the Marin Conservation League's Agricultural Land Use Committee at the Marin County Farm Bureau, on Mesa Road in Point Reyes Station.

The Point Reyes National Seashore celebrates Earth Day with free electronics recycling collection from 11 a.m. to 1 p.m. at the Bear Valley Visitor Center. No dry cell batteries, light bulbs, large household appliances, commercial copy machines or hazardous waste, please. For more information, call Dale Dualan at (415) 464.5286.

Danny Montana plays from 5 to 7:30 p.m. at the Papermill Creek Saloon, in Forest Knolls. Just Friends follows at 9 p.m. No cover.

The Rivertown Trio plays a blend of roots, country, blues and Americana from 6 to 8 p.m. at Tony's Seafood Restaurant, in Marshall. Locals' night specials include $3 drafts and $1 oysters starting at 5 p.m.

John Maxwell plays vintage and original blues at 8 p.m. at Rancho Nicasio. No cover.

Ryan Chys and the Rough Cuts play outlaw country at 9 p.m. at Smiley's Schooner Saloon, in Bolinas. Cover charge.

Saturday, April 23

San Geronimo Valley Preschool's annual pancake breakfast takes place from 8 a.m. to noon at the preschool in the San Geronimo Valley Community Presbyterian Church. Live entertainment by children's musician Tim Cain. $11 for adults, or $6 for kids.

Katie Jay leads Saturday Morning Church, a deep, slow yoga session for all levels, from 9:30 to 11 a.m. in the Dance Palace Church Space. $16 drop-in fee.

Celebrate Earth Day and eelgrass at Heart's Desire in Tomales Bay State Park with eelgrass volunteer monitors from 10 a.m. to 3 p.m. Scopes and microscopes provided for bird and eelgrass-watching. Play eelgrass Bingo and win simple prizes! Parking is $8.

An orientation for new docents at the Martin Griffin Preserve in Stinson Beach starts at 10:30 a.m. Training will take place on Wednesdays from September until March; docents must be 18 years old and will receive 24 hours of coursework in natural history and working with children in natural settings. Docents work weekly for two consecutive seasons. For information and to sign up, visit egret.org/volunteer_educate or call (415) 868.9244 ext. 110.

The 12th annual Create-with-Nature Earth Day celebration takes place from 11 a.m. to 3 p.m. at the south end of Stinson Beach with environmental artist Zach Pine and the international music and arts organization Samavesha. Create sculptures with sand, rocks, seaweed, shells and other found objects. Free; all ages welcome; rain or shine.

Docents are posted at the Elephant Seal Overlook and at the Point Reyes Lighthouse observation deck for gray whale watching from 11 a.m. to 4:30 p.m. on weekends in the Point Reyes National Seashore. Binoculars and scopes provided. A ranger speaks about the whales and their migration from 1:30 to 2 p.m. at the lighthouse.

Thomas Wood displays new etchings and paintings from 1 to 4 p.m. in the Thomas Wood Fine Art Gallery on the Nicasio Square.

"Second Units and Beyond: Turn Your Spare Bedroom Into A Rental Apartment," a workshop for homeowners presented by the Community Land Trust Association of West Marin, takes place from 1 to 3 p.m. at the Point Reyes Library. To sign up, call (415) 663.1005, or email info@clam-ptreyes.org.

"Air and Dreams," an evening of new original work by the Bolinas Youth Aerial Artists and Zaccho Youth Company from San Francisco, starts at 2 p.m. at the Bolinas Community Center. $10 for adults, or $5 for children.

"The Magic of Poetry/The Poetry of Magic," a workshop for kids age 7 and up with Marin County Poet Laureate Prartho Sereno, takes place from 3 to 4:30 p.m. at the Stinson Beach Library. Free.

Eat My Heart Out Supper Club, a night of performance and feasting featuring five outstanding storytellers, starts at 7 p.m. at the Bolinas Peace Barn. Doors open at 6:30 p.m. Tickets and the menu available at kwmr.org.

Reverend Billy, an anti-consumerist performance artist with the of the Church of Stop Shopping, speaks and reads from his new book "The Earth Wants YOU!" at 7 p.m. at the Point Reyes Community Presbyterian Church. Free, but donations appreciated.

Kate Gaffney plays at 8:30 p.m. at the Papermill Creek Saloon, in Forest Knolls. No cover.

PSDSP plays grunge at 9 p.m. at Smiley's Schooner Saloon, in Bolinas. Cover charge.

Sunday, April 24

Thomas Wood displays new etchings and paintings from 1 to 4 p.m. in the Thomas Wood Fine Art Gallery on the Nicasio Square.

"Second Units and Beyond: Turn Your Spare Bedroom Into A Rental Apartment," a workshop for homeowners presented by the Community Land Trust Association of West Marin, takes place from 1 to 3 p.m. at the CLAM offices. To sign up, call (415) 663.1005, or email info@clam-ptreyes.org.

"Flow of History: Olompali Coast Miwok through the 1960s," a presentation by Senior State Archaeologist Breck Parkman, starts at 2 p.m. at the Tomales History Center. Mr. Parkman will share images and stories of Olompali's evolution from the Coast Miwok people through the hippie era's Chosen Family and beyond. Free, but donations appreciated. A social, with light refreshments, precedes the talk at 1:15 p.m.

Paul Knight & Friends play from 5 to 8 p.m. at The Station House Café. No cover.

Howelldevine plays country blues with Lady Bianca at 5 p.m. at Rancho Nicasio. $10 in advance, or $12 at the door.

The 10X10 Performance Lab, featuring 10 performers offering 10-minute pieces for audience feedback, starts at 7 p.m. in the Dance Palace Church Space. $10; no one turned away for lack of funds. For information, visit 10x10performancelab.com.

The Pop Rock & Soul Shop, featuring Dylan Squires, Danny Vitali, Michael Pinkham, Molly Maguire, Patrick Byers and solo and group performances by the Bolinas Choir, starts at 7 p.m. at the Bolinas Community Center. $10 for adults, or $5 for children. Refreshments available for purchase.

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TIDES

Date		HIGH A.M. Time	HIGH A.M. Ft.	HIGH P.M. Time	HIGH P.M. Ft.	LOW A.M. Time	LOW A.M. Ft.	LOW P.M. Time	LOW P.M. Ft.
Fri	Apr 15	7:45	4.2	9:38	4.4	2:40	2.2	3:03	0.8
Sat	Apr 16	8:56	4.1	10:22	4.6	3:45	1.9	3:58	1.2
Sun	Apr 17	10:00	4.1	10:59	4.7	4:39	1.5	4:45	1.7
Mon	Apr 18	10:55	4.1	11:31	4.8	5:25	1.1	5:25	2.1
Tues	Apr 19	11:43	4.1	11:59	4.8	6:04	0.7	6:01	---
Wed	Apr 20	-----	---	12:27	4.1	6:40	0.4	6:35	-0.3
Thurs	Apr 21	12:25	4.9	1:08	4.0	7:13	0.1	7:07	0.0

These tide heights and times are accurate for the town of Marshall.

WEATHER

Date	High	Low	Rainfall	Wind
Apr 7	67	53	0.00	9 wsw
Apr 8	66	55	0.00	6 wsw
Apr 9	61	54	0.00	7 wsw
Apr 10	61	52	0.00	7 wnw
Apr 11	68	50	0.00	8 wsw
Apr 12	63	49	0.00	12 wnw
Apr 13	66	47	0.00	10 w

Temp. & high wind taken from Olema
Inverness rainfall for week: 0.00 inches
Inverness rainfall since July 1: 33.46 inches
Inverness average since 1925: 37.49 inches

Housing in town

continued from **page 1**

commission proposed that commercial and residential uses still be principally permitted, but it added restrictions on residential proposals "on the ground floor of a new or existing structure on the road-facing side of the property." It specifically exempted existing residences, but the rule applied to the entire village center.

That policy went through another round of changes in 2014, when the Coastal Commission demoted all residential uses in the core from principally permitted to permitted and narrowed the restrictions on ground floor, road-facing residences to a new zoning overlay called the "village commercial core."

A residential project affected by that restriction would require a use permit and need to be in line with the "established character of village commercial areas," according to the policy language.

It's this requirement that worries Marshall Livingston, an Inverness resident who both owns property downtown and sits on the board of the Community Land Trust Association of West Marin. "Adding the extra layer an expense of a use permit... will discourage residential use," he said. [His properties would not be affected, he said.]

Mr. Livingston believes there should have been more urgent, and earlier, notice about the policy change. "The way I see it, it further restricts family housing in our small community, where we already have a housing crisis," he said. "I think it's a big change."

He said the original zoning created "a nice mix" of residential, commercial and visitor-serving uses in Point Reyes Station. "I don't mean to overreact," he said, "but I feel like the community character is being chipped away at by regulations."

In the draft proposal, the commercial core for Point Reyes Station includes properties along Highway 1 from Café Reyes to the Creamery Building, as well as some properties on Second, Third, Fourth and Fifth Streets .

Mr. Livingston made suggestions to the county for eliminating some parcels within the proposed boundaries of the core—parcels he says either do not face Main Street or which could be "good potential homes." Some, but not all, of those parcels have since been eliminated, he said; he estimated that about seven to 10 remain.

Another critic, Randall Fleming, who chairs the Point Reyes Station Village Association's design review board, said in a letter to the county that the association "believe[s the changes would] erode the historic character of the core area, deprive property owners of their current rights while burdening them with additional fees and processes."

The letter went on, "We see no evidence that the proposed policy is necessary, nor that it will address needed visitor services or be economically viable as businesses in Point Reyes financially survive by serving residents as well as tourists."

Residents in other villages are also concerned.

In his comments to the county, Bolinas resident and Bolinas Community Public Utility District board member Vic Amoroso wrote that the core "would exacerbate two of the most generally acknowledged problems facing the Bolinas community: housing and weekend/holiday parking." He said about 15 properties would be affected, and that "the loss of any of these properties for residential use would only make a critical problem worse."

Mr. Amoroso argued that new rules should really be the other way around: the county should be limiting the conversion of residences to commercial uses, like Airbnbs.

Yet the ruckus has befuddled at least one resident: county planning commissioner Wade Holland. "I'm not aware of a single objection to the policy [since it was first proposed]," he wrote in an email to the Light, adding that the Planning Commission approved it only at the insistence Coastal Commission staff.

He said that, ideally, the commercial core rules would be eliminated altogether, but that such a change seemed unlikely.

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281, 283 & 285 Seadrift Road. Each listed for $1,150,000. **281 Pending**
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Inverness: Glorious surroundings and vistas from a private estate. SOON!
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Inverness: Exceptional newer home on one acre. PENDING $1,090,000
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Guide to the Coast

Restaurants

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Summer hours:
Lunched Served Daily: 11-3: Midday Menu: 3-5
Dinner Served Daily: 5-9
(415) 663-1033, www.nickscove.com,
23240 Highway One, Marshall, CA 94940.
Reservations highly recommended

2. THE MARSHALL STORE: Oyster Bar and Delicatessen on the Shores of beautiful Tomales Bay. One Dollar Raw Oysters On Thursdays.

Open Winter Hours, Oct 1 - May 1,
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Sat, Sun: 10-5
(415) 663-1339 • 19225 State Rte 1, Just 15 minutes north of Point Reyes Station.
www.THEMARSHALLSTORE.COM

3. TONY'S SEAFOOD: Family-style dining overlooking Tomales Bay. Serving BBQ oysters, fresh local seafood. Friday night specials.

Open Fri. - Sun. & Monday Holidays 11:30 - 8pm.
(415) 663-1107 Located 9 miles north of Pt. Reyes Station on Highway 1

4. THE STATION HOUSE CAFÉ: We offer American cuisine using fresh local, organic and sustainable ingredients. Full bar. Happy Hour weekdays 4 to 6 p.m. Live music Sundays at 5 p.m.
Winter hours:
Open: Sun, Mon, Tues, Thurs: 8 a.m. - 8 p.m.
Fri, Sat: 8 a.m. - 9 p.m.
Closed Wednesday.
Daily. Bar menu only 3:30-5pm.
(415) 663.1515 www.stationhousecafe.com
Downtown Point Reyes Station

5. OSTERIA STELLINA: Located in the picturesque West Marin town of Point Reyes Station, Osteria Stellina offers a delicious, intimate, farm-to-table dining experience. Our ingredients are sourced from the surrounding regions by many farmers, ranchers, and fisherman. The result is a creative, clean, farm-fresh menu we like to call "Point Reyes Italian."

Open: 7 days a week.
Lunch: 11:30 a.m. to 2:30 p.m.;
Dinner: 5 p.m. to 9 p.m.
www.osteriastellina.com
Email: info@osteriastellina.com
Phone: (415) 663.9988

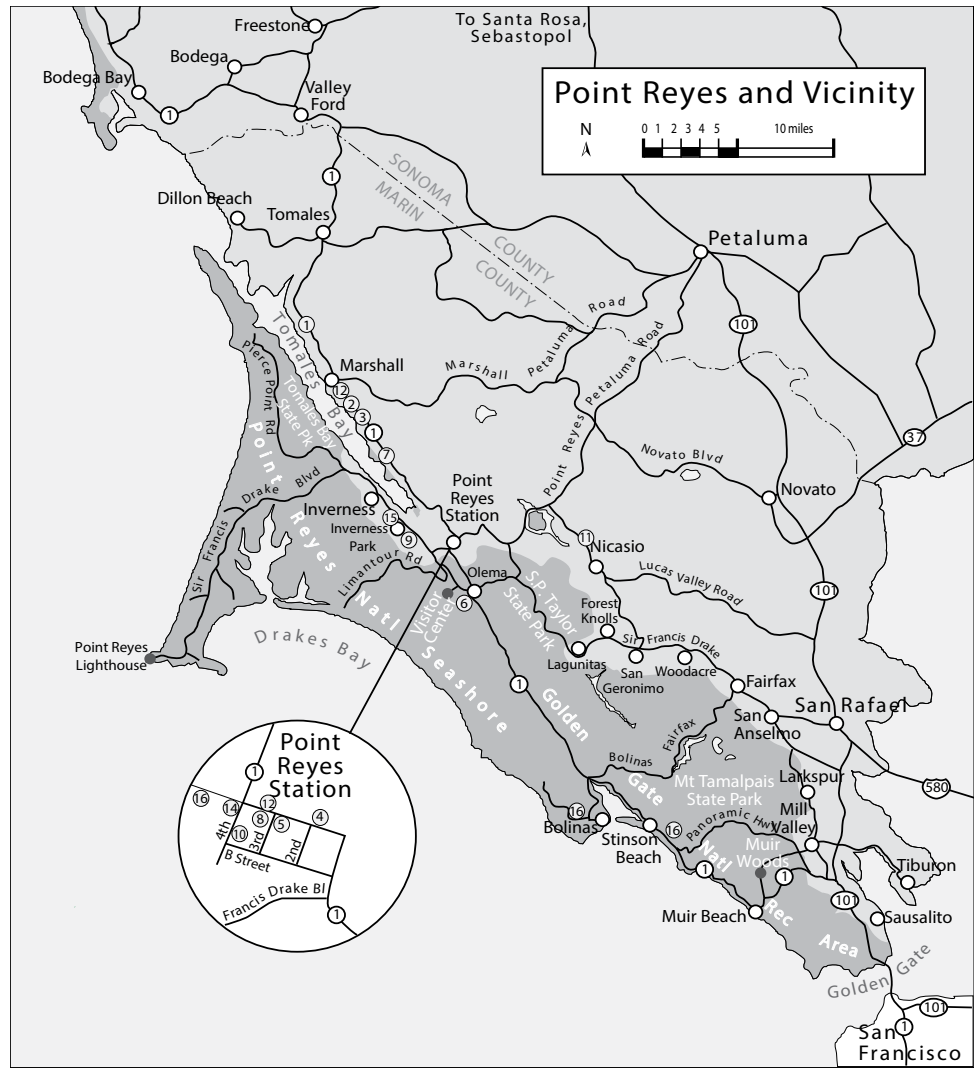
6. OLEMA FARM HOUSE: Point Reyes Seashore Lodge: We remain true to "life on the farm" by using farm-fresh ingredients. We continually support organic farming and sustainable practices whenever possible The seasonally changing menu is supplemented with daily special offerings to take advantage of the freshest available ingredients.

Open: Sunday through Thursday 12 - 8 p.m.
Friday and Saturday, 12 - 9 p.m.
415-663-1264 - www.olemafarmhouse.com
10005 Coastal Highway One, Olema, CA

Food

7. TOMALES BAY OYSTER COMPANY: Specializes in fresh, farmed oysters, mussels and clams from the cool, clean waters of Tomales Bay.

Open Oysters To Go Only,
Friday, Noon - 5
Saturday - 9-5
Sunday - 9-5
(415) 663.1243 www.tomalesbayoysters.com
15479 Highway One,
Point Reyes Station, CA 94956



Food

8. BOVINE BAKERY: "Udderly Divine" French pastries, country-fresh scones, bread, muffins, cookies, desserts and more. Pizza daily. Homemade vegetarian soup Mon-Fri. Featuring Brickmaiden bread and fresh-roasted organic Thanksgiving Coffee beans.

Open seven days: Monday–Friday 6:30 a.m. to 5 p.m. Saturday & Sunday 7 a.m. to 5 p.m.
(415) 663.9420; Downtown Point Reyes Station

Food

9. INVERNESS PARK MARKET: We have all your picnic needs! Perry's famous sandwiches, wine & beer. Graffeo's coffee, fresh donuts, & bagels daily. Fresh fish, all organic produce, local products.

Open seven days: Sunday: 8-9,
Mon, Tues, Wed: 7-8,
Thurs, Fri, Sat: 7-9
(415) 663.1491
12301 Sir Francis Drake Boulevard, Inverness Park

Carlos Porrata

WILDLIFE: An American kestrel after a successful hunt by Pierce Point Road.

Food

10. TOMALES BAY FOODS: HOME OF COWGIRL CREAMERY: Choose farmstead & artisan cheeses at the Creamery, picnic fare from the Cowgirl Creamery Cantina—everything you need for a day in West Marin.

Open Wed-Sunday 10-6. Cowgirl Creamery:
(415) 663.9335; Located in the barn at
4th & B Streets in downtown Point Reyes Station

11. NICASIO VALLEY CHEESE CO.
Watch and taste as we make our organic farmstead cheese. Enjoy our cheese and locally selected artisanal products while you picnic in the heart of the beautiful Nicasio valley. Free Tasting - 10 a.m. - 4:30 p.m.

Now open 7 days a week from 10 a.m. to 5 p.m.
(415) 662-6200
Located on Nicasio Valley Road.
Website: www.NicasioCheese.com

12. PALACE MARKET - "For All of Your Weekend Needs": Full service deli and kitchen. In-house butcher and fresh produce. Largest wine, liquor and beer selection in West Marin. Local and gourmet cheeses—and we have bags of ice!

Open Everyday from 8.a.m. - 9 p.m.
(415) 663 - 1016. 11300 Highway One,
Point Reyes Station

13. HOG ISLAND OYSTER CO.: Serving a local bay-to-bar experience featuring fresh oysters and shellfish from Tomales Bay. Retail sales, picnic table reservations and walk-up service at The Boat – an oyster bar on the farm.
Open daily: *Retail* 9-5 PM,
Picnic Tables (reserve in advance) 10:30-5 PM,
The Boat Oyster Bar 11-4:30 PM Fri-Sat-Sun-Mon.
Hogislandoysters.com (415).663.9218.

Retail

14. WEST MARIN PHARMACY:
Locally Owned and Operated
Phone: 415-663-1121 • Fax: 415-663-1219
Open Monday - Friday 9-6 Saturday 9-4
*Sunday 10-4 (**No pharmacist on duty, prescription pick-up only*).
Same day prescription mail service for Bolinas, Stinson Beach and Tomales.
Compounding Pharmacy, Medical Reviews,
Sundry, OTC, Toys & Gifts, Copies and Fax Service
westmarinpharmacy.com

15. SPIRIT MATTERS!: Wildly delightful Oddities & Deities in the heart of Inverness Park. Gifts, books, music, jewelry, scarves, cards, garden art & a whole menagerie of offerings from the world's wisdom traditions...a divine destination!

Open Thurs., Fri., Sat., Sun., Mon. 11 a.m. to 6 p.m.
(415) 663.8699. 12307 SF Drake Blvd. Inverness Park

Health

16.COASTAL HEALTH ALLIANCE
Community Health Center.
Preventative, Primary and Urgent Care.
Bolinas: 88 Mesa Road. Phone: 415.868.0124
Open: Mon - Fri: 9 – 12:30, 1:30 - 5 pm
(except Holidays)
Point Reyes Station: 3 Sixth Street.
Phone: 415.663.8666
Open: Mon - Fri: 9 – 12:30, 1:30 - 5 pm (except Holidays)
Stinson Beach: 3419 State Route 1
Phone: 415.868.9656
Open: Tue, Thur: Fri: 9 – 12:30, 1:30 - 5 pm (except Holidays)

July 11, 2016

Jack Ainsworth, Executive Director
California Coastal Commission
Via electronic mail

Subject: Comments on Marin County's Proposed Local Coastal Program Sea Level Rise Map Submission

Dear Mr. Ainsworth,

The Environmental Action Committee of West Marin (EAC) offers the following comments on the Potential Building Elevation for Sea Level Rise maps submitted by Marin County on July 1, 2016 as part of its proposed Local Coastal Program Amendments (LCPA). These comments supplement our earlier comments in letters dated June 16, 2016 and July 7, 2016.

In reviewing the submitted maps, we observed that they are based on FEMA preliminary Flood Insurance Rate Maps (FIRMs) dated July 2015, and not the officially adopted FIRMs currently in effect. Because they have not been officially adopted, are subject to revision, and "…are not for use…"[1] the preliminary FIRMs are not relevant to the implementation of the County's proposed Land Use Plan amendments. The relevant basis for the county-submitted maps should be the officially adopted FIRMs currently in effect. The official FIRMs for Marin County were revalidated by FEMA in March 2016.

The preliminary FIRMs for Marin County can be found through this search tool: https://hazards.fema.gov/femaportal/prelimdownload/searchLoad.action

The officially adopted FIRMs currently in effect are the basis for the maps available to the public on the County's own website http://marinmap.org/ and can also be found through this search tool: https://msc.fema.gov/portal/advanceSearch#

The differences between the preliminary and officially adopted FIRMs fundamentally affect any analysis of the potential impacts of the proposed Land Use Plan amendments on public views, public access, community character, and other coastal resources. As a specific example, the County-submitted map entitled "Stinson 1" is based on the preliminary FIRM Panel 06041C0444E, which shows a Base Flood Elevation (BFE) for the portion of the Calles in the VE Zone as 16 feet. In contrast, the officially adopted FIRM Panel 06041C0444D, currently in effect, shows the BFE in the same area is 26 feet, or 10 feet greater. Since the building elevations required by the LCPA's policies C-EH-3, C-EH-5, and C-EH-8 are based on the BFE plus an additional three feet of sea level rise, the use of the preliminary FIRMs, instead of the

[1] *See: http://www.fema.gov/view-your-communitys-preliminary-flood-hazard-data-0*

official FIRMs currently in effect, significantly understates the potential impacts of LCPA policies to coastal resources.

As a consequence of the choice to rely on FEMA maps that are not currently in effect, the County has still not fulfilled the requirement under PRC Section 30510 to submit "materials sufficient for a thorough and complete review" of the LCPA. The County should submit new Potential Building Elevation for Sea Level Rise maps based on the relevant FEMA maps currently in effect.

Thank you for considering our comments.

Respectfully,

Morgan Patton
Executive Director

July 28, 2016

Jack Ainsworth, Acting Director
California Coastal Commission
45 Fremont Street
San Francisco, CA
94105-2219

RE: Item TH21a - Request for Local Hearing on Marin County LCP Amendment

Dear Acting Director Ainsworth,

Our organizations are writing to support your staff's proposed time extension for consideration of the Marin County Local Coastal Program Amendment [Marin LCPA], and to request that any future Coastal Commission hearings on the Marin LCPA be held locally in Marin County so that the public who will be most impacted by these significantly new coastal resource policies, development regulations and procedures will be able to attend and testify.

As you know, Marin County first submitted its Local Coastal Plan Amendment to the Coastal Commission in the spring of 2014 after extensive local public hearings before the Marin County Planning Commission. The Coastal Commission approved the Land Use Plan (LUP) component of the LCP at a hearing held in Inverness in May 2014. The County submitted its Implementation Plan (IP) in the winter of 2015, and at a Coastal Commission hearing in May 2015, the County chose to withdraw the IP during the public hearing.

Marin County then submitted a new LUP for the Board of Supervisors review and approval in August 2015. This new LUP was approved without any public hearings at the Planning Commission. Additionally, the Marin County Board of Supervisors approved the LUP despite a 16-page letter from the Coastal Commission staff explaining the numerous ways the LUP did not meet the Chapter 3 policies and standards of the Coastal Act.

Marin County submitted a new IP for the Board of Supervisors review and approval in April, 2016. Again, this new IP was approved without any public hearings at the Planning Commission. Additionally, the Marin County Board of Supervisors approved the IP despite another 16-page letter from the Coastal Commission staff elaborating on the additional significant and numerous ways that the IP failed to meet the standards of the Coastal Act.

Marin County then submitted its LCP Amendment to the Coastal Commission in May 2016 and your staff deemed the submission "complete" in mid-July. However, because Marin County's LCP Amendment submission contained numerous policies and development code provisions that do not comply with the Chapter 3 policies of the Coastal Act, a Commission hearing on Marin County's LCP Amendment submission has been postponed until later this year.

On July 22nd, the Commission issued a notice to extend the deadline for the Commission's consideration of the Marin LCP. Our organizations are writing to support that time extension and to request that any future hearings be held locally in Marin County.

During this process, the public was not given the benefit of workshops or hearings at the Planning Commission prior to the Board of Supervisors hearings that approved each component of the LCPA. The public has endured reviewing well over 5,000 pages of Marin County's draft policy and development code language over the past five years and still has numerous outstanding questions that have been raised and which have either not been addressed or have not been sufficiently answered at the local level.

The next Coastal Commission hearing in the North Central District is scheduled for November 2016. We respectfully, but strongly, urge you to hold the Commission's hearing on the Marin LCPA at a local hearing in Marin County.

Thank you very much for your consideration of our request.

Respectfully yours,

Amy Trainer, California Coastal Protection Network

Scotty Tye, Marin Chapter, Surfrider Foundation

John Sharp, Esq., Attorney for Sierra Club California

LAW OFFICES
TESLER & SANDMANN

PETER B. SANDMANN :

PAULINE H. TESLER
CERTIFIED FAMILY LAW SPECIALIST
STATE BAR OF CALIFORNIA

July 18, 2016

Nancy Cave, District Manager (via email and U.S. mail)
North Central Coast District
California Coastal Commission
45 Fremont St #2000
San Francisco, CA 94105

Jack Liebster, Principal Planner (via email and U.S. mail)
Community Development Agency
Marin County
3501 Civic Center Drive, Suite 308
San Rafael, CA 94903

Re: Marin County Local Coastal Program amendments
Map 28b

Dear Ms. Cave and Mr. Liebster:

I am writing with regard to one specific part of the proposed amendments to the Marin County Local Coastal Program that have recently been submitted to the California Coastal Commission for its consideration. Specifically, I am referring to Map 28b "Appeal and Permit Jurisdiction Areas Southwest Marin" which was apparently revised on August 16, 2011. On behalf of the Seadrift Association, which is directly affected by the application of Map 28b, we are requesting that the Map be reconfigured to bring it into compliance with the provisions of Section 30519 of the Coastal Act. (I am enclosing a copy of Map 28b for your convenience.)

A full copy of Section 30519 is enclosed with this letter. However, the relevant portion of that Section provides as follows: other than development proposed on any tidelands, submerged lands, or public trust lands, whether filled or unfilled, "authority . . . [to issue Coastal Permits] shall [not] . . . be exercised by the commission over any new development proposed within the area to which the certified local coastal program . . . applies and shall . . . be delegated to the local government . . . . PRC §30519(a).

****
38 MILLER AVENUE, NO. 128, MILL VALLEY, CA 94941
TELEPHONE: (415) 383-5600 FACSIMILE: (415) 358-5674

The Coastal Commission's definitions of tidelands, submerged lands and public trust lands can be found in Coastal Commission Regulation Section 13577. The definitions are as follows:

"(d) Tidelands. Tidelands shall be defined as lands which are located between the lines of mean high tide and mean low tide.

(e) Submerged Lands. Submerged lands shall be defined as lands which lie below the line of mean low tide.

(f) Public Trust Lands. Public Trust lands shall be defined as all lands subject to the Common Law Public Trust for commerce, navigation, fisheries, recreation, and other public purposes. Public Trust lands include tidelands, submerged lands, the beds of navigable lakes and rivers, and historic tidelands and submerged lands that are presently filled or reclaimed, and which were subject to the Public Trust at any time."

Although it is difficult to decipher, Map 28b seems to reflect that all of the lots in the Seadrift subdivisions on the north side of the Seadrift Lagoon, and more than half of the lots on the south side of the Seadrift Lagoon are subject to the Coastal Commission's permit jurisdiction, rather than appeal jurisdiction. This is not in compliance with the Coastal Act.

Before the Seadrift Lagoon was constructed, the sand spit on which the Seadrift subdivisions were created covered the majority of the area within which the Seadrift Lagoon was ultimately created, and much of the area that is presently the north side of the Seadrift Lagoon. Even though a portion of the area on the north side of the Seadrift Lagoon now consists of fill resulting from the creation of the Seadrift Lagoon and a portion of Dipsea Road, all of that area is and always was above the mean low tide line. This can be seen, for example, in Exhibit B to the 1994 Settlement Agreement between the Seadrift Association and the Coastal Commission (among other agencies) as certified by the State Lands Commission. Exhibit B is the metes and bounds description of the Seadrift development and specifically designates the mean low tide line on the north side of the Seadrift sand spit as reflected in the Marin County records, Book 633 at Pages 438 and 439, recorded February 10, 1950. I have attached a copy of Exhibit B for your convenience. None of the lands in Seadrift are "submerged lands" within the meaning of the Coastal Commission's regulation because none lie below the mean low tide line. Moreover, none of the lands in Seadrift are "tidelands" because the mean high tide line is now well to the north of Dipsea Road (on the Bolinas Lagoon side of Seadrift) and runs along the beach on the south side (the Pacific Ocean side of Seadrift).

The terms of the 1994 Settlement Agreement, confirming the private nature of the entire Seadrift sand spit, also confirms that none of the sand spit contains "public trust lands." When the Seadrift Lagoon was created, it was at a time when Bolinas Lagoon was being considered for private development as a marina, and the various governmental agencies were prepared to allow extensive private development in and around the Bolinas Lagoon. At that time, in the late 1950's

and early 1960's, the State Lands Commission signed off on the creation of the Seadrift Lagoon by the then developer of Seadrift, the William Kent Estate Company. As a result, whatever claim may have existed, if any, to public trust over a portion of the area on the north side of Seadrift was abandoned at that time by the State Lands Commission – which is the California agency that has jurisdiction over that issue – and confirmed in Exhibit B to the 1994 Settlement Agreement. All of that area, as well as the rest of the Seadrift subdivisions, have now been developed by the construction of the single family homes that comprise the Seadrift development, and thus any public trust that may have attached to that portion of Seadrift no longer exists. See City of Berkeley v. Superior Court, 26 Cal.3d 515 (1980) which holds that the public trust no longer prevails over properties similar to those in the Seadrift subdivision which have been lawfully developed.

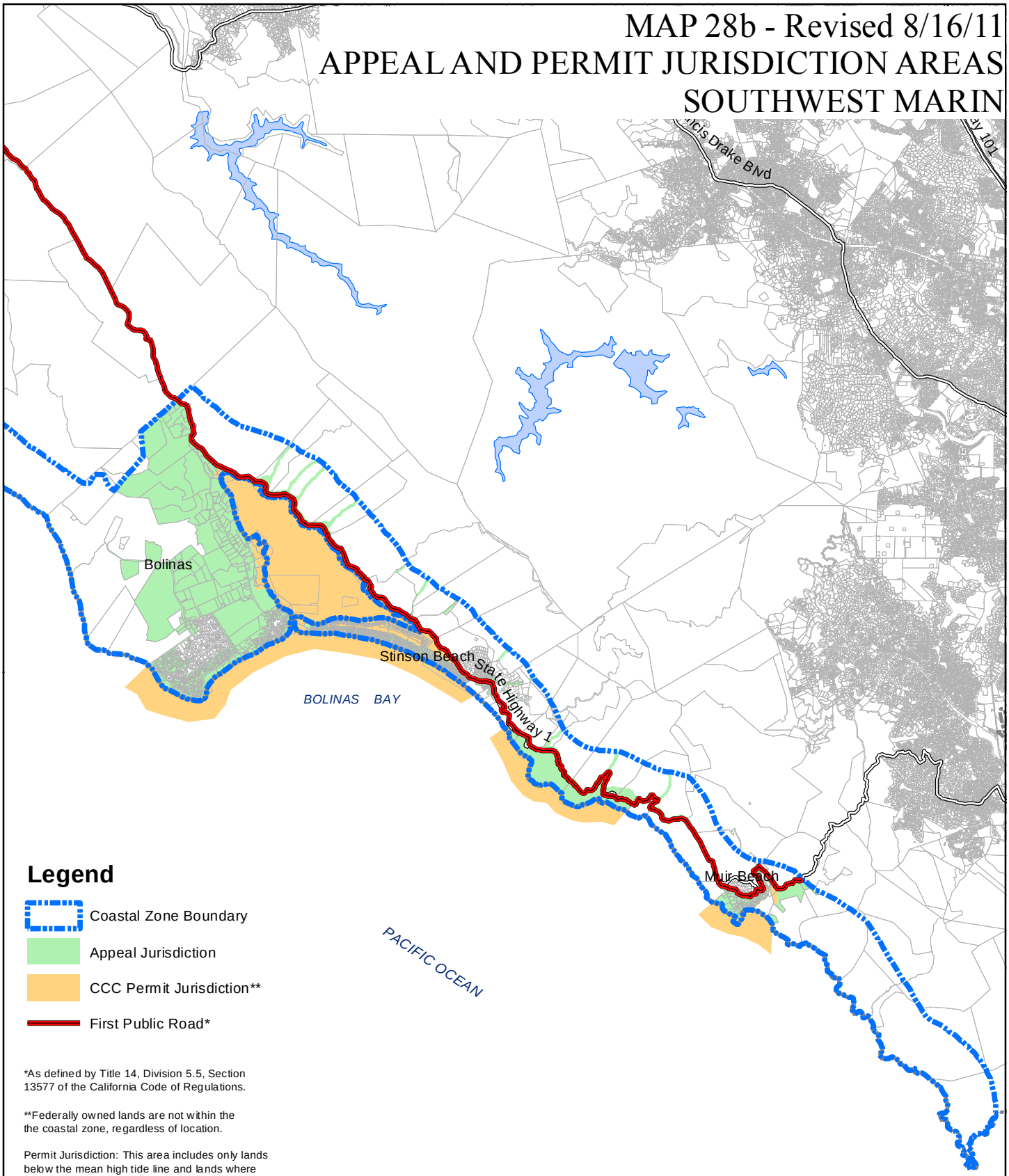
For these reasons, Map 28b is incorrect and the Coast Commission does not have permit jurisdiction over the Seadrift subdivisions except with regard to appeals from permits granted by the County of Marin pursuant to its certified Local Coastal Program. Please take steps to amend Map 28b, and replace the corrected map with the one that is presently included in the proposed LCP. Feel free to contact me if you have any questions about this request.

Sincerely,

Peter B. Sandmann

PBS:me
cc: Supervisor Steve Kinsey
Director Brian Crawford
Seadrift Association
Kiren Niederberger, General Manager

MAP 28b - Revised 8/16/11
APPEAL AND PERMIT JURISDICTION AREAS
SOUTHWEST MARIN



Legend

- Coastal Zone Boundary
- Appeal Jurisdiction
- CCC Permit Jurisdiction**
- First Public Road*

*As defined by Title 14, Division 5.5, Section 13577 of the California Code of Regulations.

**Federally owned lands are not within the the coastal zone, regardless of location.

Permit Jurisdiction: This area includes only lands below the mean high tide line and lands where the public trust may exist.

Appeal Jurisdiction: This area includes lands between the sea and the designated first public road paralleling the sea or 300' from the inland extent of any beach or of the mean high tide line if there is no beach, whichever is the greater distance. Also included are lands within 100' of streams and wetlands and lands within 300' of the top of the seaward face of coastal bluff.

SOURCE: Marin County Community Development Agency

0 0.5 1 1.5 2 Miles

N

THIS MAP WAS DEVELOPED FOR PLANNING PURPOSES.
THE COUNTY OF MARIN IS NOT RESPONSIBLE OR LIABLE FOR USE OF THIS MAP BEYOND ITS INTENDED PURPOSE.
THIS MAP IS REPRESENTATIONAL ONLY.
DATA ARE NOT SURVEY ACCURATE.

Date: January 4, 2012 File: Map 28b_Appeal Jurisdiction_South_revised 8.16.11.mxd

Section 30519

Delegation of development review authority; recommendation of amendments to program

(a) Except for appeals to the commission, as provided in Section 30603, after a local coastal program, or any portion thereof, has been certified and all implementing actions within the area affected have become effective, the development review authority provided for in Chapter 7 (commencing with Section 30600) shall no longer be exercised by the commission over any new development proposed within the area to which the certified local coastal program, or any portion thereof, applies and shall at that time be delegated to the local government that is implementing the local coastal program or any portion thereof.

(b) Subdivision (a) shall not apply to any development proposed or undertaken on any tidelands, submerged lands, or on public trust lands, whether filled or unfilled, lying within the coastal zone, nor shall it apply to any development proposed or undertaken within ports covered by Chapter 8 (commencing with Section 30700) or within any state university or college within the coastal zone; however, this section shall apply to any development proposed or undertaken by a port or harbor district or authority on lands or waters granted by the Legislature to a local government whose certified local coastal program includes the specific development plans for such district or authority.

(c) The commission may, from time to time, recommend to the appropriate local government local coastal program amendments to accommodate uses of greater than local importance, which uses are not permitted by the applicable certified local coastal program. These uses may be listed generally or the commission may recommend specific uses of greater than local importance for consideration by the appropriate local government.

(Amended by: Ch. 43, Stats. 1982; Ch. 285, Stats. 1991.)

ORIGINAL

EXHIBIT B

SEADRIFT SANDSPIT

A parcel of land situated in Marin County, State of California on the Bolinas Sandspit in T. 1 N., R. 7 W., M.D.M. known as "Seadrift Sandspit" lying between Bolinas Lagoon and the Pacific Ocean more particularly described as follows:

BEGINNING at the northwesterly corner of the exterior boundary of the "Upton Tract" as shown on that map recorded in Volume 5 of Official Maps at page 61 as filed August 11, 1931 in the office of the County Recorder of said County; thence along the northeasterly boundary of said "Upton Tract", South 56° 31' 14" East 41.529 feet; thence leaving said "Upton Tract" North 45° 10' 29" East 507.151 feet to the Mean Low Water Line of Bolinas Lagoon as described in Book 633 at pages 438 and 439 filed Feb. 10, 1950 in the office of the County Recorder of said County; thence westerly and southerly along said Mean Low Water Line of Bolinas Lagoon the following courses and distances:

North	52° 19' 31"	West,	693.79 feet,
North	67° 06' 44"	West,	2789.80 feet,
North	77° 35' 14"	West,	1322.30 feet,
North	80° 29' 18"	West,	1339.85 feet,
South	78° 07' 19"	West,	892.45 feet,
South	73° 28' 27"	West,	413.40 feet,
South	87° 37' 53"	West,	411.35 feet,
North	75° 51' 50"	West,	278.43 feet,
North	62° 27' 50"	West,	395.84 feet,
North	58° 39' 02"	West,	305.62 feet,
North	68° 03' 24"	West,	149.86 feet,
South	86° 19' 19"	West,	140.29 feet,
South	64° 49' 35"	West,	110.49 feet,
South	43° 48' 53"	West,	205.10 feet,
South	05° 09' 20"	East,	133.54 feet,

to STA. 1 shown as on the Mean Low Water Line on that "Survey of the Ordinary High Water Mark and portion of Mean Low Water Line Bolinas Lagoon Sandspit" recorded August 1, 1949 in Book 2 Records of Surveys at page 144 in the office of the County Recorder of said County; thence leaving said Mean Low Water Line of Bolinas Lagoon along an east-west line passing through said STA. 1 to the Line of Mean High Tide of the Pacific Ocean; thence Easterly along said Line of Mean High Tide to its intersection with the Westerly boundary of said "Upton Tract"; thence North 39° 56' 46" East to the Point of Beginning

END OF DESCRIPTION

LICENSED LAND SURVEYOR
Rand D. La Force
Exp. 6/30/96
No. 3631
STATE OF CALIFORNIA

Prepared by California State Lands Commission
SFB & CC Boundary Unit
Supervisor Rand La Force, Nov. 8, 1993

K-25 PBS

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Ashley Eagle-Gibbs, Esq.
Conservation Director

Jessica Reynolds Taylor
Membership Director

Catherine Caufield
Tomales Dunes Consultant

September 27, 2016

California Coastal Commissioners
Jack Ainsworth, Acting Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105
Via US Mail & Electronic Mail

Re: Marin County Local Coastal Program Amendment hearing location

Dear Commissioners:

The Marin County Local Coastal Program Amendment was adopted by the Marin County Board of Supervisors in April 2016, deemed complete by the Coastal Commission July 1, 2016, and has been under active review by your staff. The Commission may take up the Marin County LCP Amendment for potential certification at its November meeting, currently scheduled for Half Moon Bay.

Marin County's Planning Commission last reviewed the draft LCP Amendment in February 2012, when it recommended its adoption to the Board of Supervisors. Since then, there have been numerous substantial modifications, and on September 26, 2016 the Marin County Planning Commission held an almost 4-hour public hearing to be briefed on substantive LCP policy issues, and to provide for public discussion.

All five Planning Commissioners in attendance, the County staff, and virtually all speakers and correspondence from the public[1] went on record at the September 26th Planning Commission hearing to request that the Coastal Commission hearing to review the Marin County LCP Amendment be held in Marin County.

[1] The public submitted approximately 98 comment letters requesting that the hearing on the Marin County LCP Amendment be held in Marin County.

Environmental Action Committee of West Marin | PO Box 609, Point Reyes Station, CA 94956
415-663-9312 | admin@eacmarin.org | www.eacmarin.org

In order to meet the Coastal Act's goal of providing the widest opportunity for public participation,[2] **EAC requests that the Coastal Commission hearing on the Marin County LCP Amendment be held in Marin.**

We reiterate this request, which we first made in correspondence dated July 28, 2016 for the Commission's meeting August 11, 2016. Our letter supported your staff's request for a one-year extension of time to complete the review and certification of the Marin County LCP. At that time, 131 additional letters regarding that hearing item supported the time extension and also called for holding the hearing in Marin County.

Thank you for this opportunity to comment on the scheduling of the Marin County LCP public hearing before your Commission.

Respectfully,

Morgan Patton
Executive Director

Ashley Eagle-Gibbs
Conservation Director

cc *(via electronic mail)*:

Shannon Fiala, California Coastal Commission
Jeannine Manna, California Coastal Commission
Nancy Cave, California Coastal Commission
Dan Carl, California Coastal Commission
Marin County Planning Commission
Brian Crawford, Director, Marin Community Development Agency

[2] Coastal Act § 30006

September 28, 2016

California Coastal Commissioners
Jack Ainsworth, Acting Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105
Via US Mail & Electronic Mail

Re: Marin County Local Coastal Program Amendment hearing location

Dear Commissioners:

The Marin County Local Coastal Program Amendment was adopted by the Marin County Board of Supervisors in April 2016, deemed complete by the Coastal Commission July 1, 2016, and has been under active review by your staff. The Commission may take up the Marin County LCP Amendment for potential certification at its November meeting, currently scheduled for Half Moon Bay.

Marin County's Planning Commission last reviewed the draft LCP Amendment in February 2012, when it recommended its adoption to the Board of Supervisors. Since then, there have been numerous substantial modifications, and on September 26, 2016 the Marin County Planning Commission held an almost 4-hour public hearing to be briefed on substantive LCP policy issues, and to provide for public discussion.

All five Planning Commissioners in attendance, the County staff, and virtually all speakers and correspondence from the public went on record at the September 26th Planning Commission hearing to request that the Coastal Commission hearing to review the Marin County LCP Amendment be held in Marin County. The public submitted approximately 98 comment letters requesting that the hearing on the Marin County LCP Amendment be held in Marin County.

In order to meet the Coastal Act's goal of providing the widest opportunity for public participation, **Turtle Island Restoration Network requests that the Coastal Commission hearing on the Marin County LCP Amendment be held in Marin.**

We reiterate this request, which we first made in correspondence for the Commission's meeting on August 11, 2016. We supported your staff's request for a one-year extension of time to complete the review and certification of the Marin County LCP. At that time, many letters regarding that hearing item supported the time extension and also called for holding the hearing in Marin County.

Thank you for this opportunity to comment on the scheduling of the Marin County LCP public hearing before your Commission.

Respectfully,

Cassie Burdyshaw
Advocacy & Policy Director
Turtle Island Restoration Network

October 4, 2016

California Coastal Commission
Via email: Dan.Carl@coastal.ca.gov

Re: Marin LCP Amendment comments

Dear Coastal Commission staff,

Thank you for the opportunity to provide comments on your draft modifications to Marin County's LCP Amendment. As you know, I've been extensively engaged in this process for the past five years, first for the Environmental Action Committee of West Marin and now for the California Coastal Protection Network, reviewing thousands of pages of draft policy and code language. This is a strenuous process for anyone, but especially for members of the public who may lack the familiarity, time or resources to engage in this level of review and comment. Given that this LCP will set the stage for the future of Marin County's coastal zone over the coming decades, it is essential that a robust public process is adhered to and I am concerned that the public has not been afforded the time required to do an adequate review.

In August 2015, and again in April 2016, you wrote 16-page comment letters to Marin County regarding your concerns about the numerous instances where the proposed LCP Amendment did not meet Coastal Act standards. The County's responses to those combined 32 pages of comments were significantly lacking – the overall attitude seemed to be that the Board had acted and they weren't interested in further discussions, despite the fact that they had ignored apparent agreements reached in some of your meetings. Thus, the County pushed through a whole new Land Use Plan in August 2015 without any workshops or public hearings prior to the one to approve the LUP, and did the same for the Implementation Plan this past April. Clearly, the public deserves more than this compressed timeframe to review and comment on a document of this complexity and consequence.

As a result of the lack of public engagement, the County's proposed LCP Amendment, even with staff modifications, does not adequately address the concerns of the community. Further, it is our understanding that because of the exceptional amount of work needed by the Commission staff to bring the County's non-Coastal Act compliant submission into compliance with the Coastal Act, the public will likely be given less than two (2) weeks to review the proposed final LCP Amendment and staff report. We object to this, as it is simply not fair that the County has circumvented an adequate public process, yet now pressures the Commission staff to meet an arbitrary November hearing date when the Commission could postpone a couple of months and give this

document and the public the time they deserve to analyze, reflect, discuss, and come to agreement on a final version.

For these reasons, we do not believe that this document is ready for the Commission's consideration until the public has had adequate time to provide a full and fair review, and opportunity to comment, including meeting with Commission staff. We offer the following comments for your consideration, and thank you again for your staff's continued diligent and excellent work on the Marin LCP Amendment.

Summary of CCPN Outstanding Concerns on Marin LCP Amendment

1. Applying 1983 Categorical Exclusion for Agriculture to the Amended LCP means an extraordinary amount of development on agricultural production zone lands will a) be categorically exempt from permit requirements, b) not receive a public hearing, c) not be appealable to the Coastal Commission, and d) not have to meet LCP compliance standards as required in 22.70.070 to protect groundwater and scenic resources, among other things.
2. LCP Amendment has insufficient safeguards to protect groundwater resources.
3. Viticulture standards are still absent and County Development Agency does not regulate viticulture.
4. LUP Policy C-DES-2 to protect visual and scenic resources does not comply with Coastal Act.
5. Water quality standards in 22.64.080.C. are insufficient to protect coastal resources.
6. "Sufficient" parking for retail sales facilities and farm stands should be specified.

1. **Applying the 1983 Categorical Exclusion for Agriculture to the Amended LCP means an extraordinary amount of development on agricultural production zone lands will a) be categorically exempt from permit requirements, b) not receive a public hearing, c) not be appealable to the Coastal Commission, and d) not have to meet LCP compliance standards as required in 22.70.070 to protect groundwater and scenic resources, among other things.**

The proposed Marin LCP Amendment greatly expands the definition of "agriculture" to include numerous forms of "development" that have not been considered agriculture for over thirty years under the 1981 Marin Certified LCP. The Categorical Exclusion Order E-81-6 states: "Agriculture means the tilling of the soil, the raising of crops, horticulture, viticulture, livestock, farming, dairying, and animal husbandry, including all uses customarily incidental and necessary thereto." The proposed Marin LCP Amendment ads accessory structures, accessory activities, dwelling units, and other uses all under the new definition of "agriculture."

The concern is that, when this expanded definition is combined with the Categorical Exclusion Order, future development in the agricultural zone receives little to no oversight. For example, development constructed on agricultural production zone lands

(C-APZ), under the Categorical Exclusion Order does not receive Design Review. A barn can be built with no coastal development permit, so the owner can put it on an open hillside in the viewshed or wherever they choose regardless of the scenic resource impact. The owner can later [there is no time restriction] turn it into a commercial processing facility, a tasting room, or other commercial agricultural use, and since it would be in an existing building, no Design Review is required when a barn is converted to commercial agricultural use.

When the use is changed from a barn, from an agricultural *production* purpose to an agricultural *accessory* structure, it remains under the County's large umbrella of "agriculture" and a Principally Permitted Use (PPU) for C-APZ lands. So while the change in use does require a coastal permit, it does not require a public hearing and cannot be appealed. This means that an enormous amount of potential new development is possible with almost no public input or Coastal Commission oversight.

For the LCP Amendment, the Commission staff initially required that prior to a coastal development permit approval, agricultural accessory structures, accessory activities, and agricultural dwelling units would have to show that they were "necessary" for ongoing viable agricultural use of C-APZ lands. However, the Marin Board of Supervisors and their staff objected, stating they did not want coastal zone C-APZ property owners to have to make this finding on a case-by-case basis, and that all such uses were deemed "necessary."

Without including a requirement to show that these new commercial and industrial agricultural uses are "necessary for" continued viable agriculture the Commission is allowing these uses 'by right' with no opportunity to ask questions or address impacts. That means that a cattle rancher can lease a part of his land to a cheese maker or wine producer, that lessee could build a barn with no County or Commission oversight and then turn that into a processing facility as a PPU with no public hearing or public appeal. That same leaseholder is entitled to build an inter-generational house on the property and determine who lives there, and there's no obligation that the owner/occupier of the IG house be part of the farming family – despite the fact that this is precisely why the County said all the new inter-generational housing was needed. It's unclear how exactly all this development potential by a 3rd-party supports family farming and meets the Chapter 3 standards of the Coastal Act for rural lands and agricultural protection.

It's also unclear how these development uses on C-APZ lands meet Coastal Act standards when they've all been deemed "necessary" for agriculture at a programmatic level. Sections 30241, 30242, and 30250(a) of the Act support the preservation of agriculture by strictly limiting conversion of agricultural lands to other uses. One of the major conflicts is with the Act's policies requiring that new development be located within or close to existing developed areas or in other suitable areas where it can be concentrated (Section 30250(a)). As the Marin Certified LCP states, "the purpose of these policies is to avoid sprawl and its associated environmental and economic costs."

At a minimum, there should be a requirement to show on a case-by-case basis that the new, permanent development of structures [accessory or otherwise] on agricultural lands is "necessary" for agriculture, and there should be at least minimal siting, design, and resource protection standards for development that's previously been deemed

categorically exempt. Otherwise there is no ability of the County or the public to address cumulative impacts to C-APZ lands for visual resources, water quality, water quantity, wildlife habitat, or the ongoing viability of agriculture operations.

The reality is, for the past many years, even in the heart of the drought, agriculture in Marin has been booming: the County Agriculture Commissioner's report from 2014 showed a 20% increase in the gross value of Marin agricultural products [$80M to $100M], and a 10% increase in 2015 [$100M to $110M]. We are thrilled that Marin's agriculture is so incredibly successful, and all projections indicate it will continue to be. But, there's a clear argument that *some of the enormous amount of potential new development on C-APZ lands may not be "necessary" for* the continued viable agriculture in Marin. The County's study from 2003[1] supports this, as it clearly showed that adding housing and commercial development to agriculturally zoned lands raises property taxes and insurance costs, and often those expenses can push agricultural producers over the edge. The Report concludes that, "Before improvements, the parcels range from small net incomes to significant net costs. After proposed improvements, however, all of the parcels have costs exceeding potential agricultural income." "While these landowners may choose to sustain higher annual costs for the benefits of their rural estate lifestyle, landholding costs in the range of three to ten times the potential agricultural income will, in the long term, be a disincentive to continued agricultural operations." The Report further concludes that, "keeping land values (and thus costs) in balance with agricultural income is critical to maintaining long-term agricultural viability."

To safeguard coastal zone resources in the C-APZ district, the Commission must, at a minimum, **insert three requirements in 22.65.040 as follows**:

1) Require the Director to proactively make findings in its Categorical Exclusion determination that any new structure on C-APZ lands will not impact scenic and visual resources and that it meets Chapter 22.42 Design Review standards.
2) Require that any new use or change in the intensity of an existing use – regardless of whether the structure is subject to the Categorical Exclusion Order – must meet the standards and findings of 22.70.070 and is not subject to waiver or a de minimis permit.
3) Require that new agricultural accessory structures and uses [commercial/industrial processing facilities] and inter-generational houses must present substantial evidence that the proposed uses are "necessary for" the ongoing agricultural viability of the property.

These findings must be included in the Director's interpretation that is provided to the Commission and made available to the public for review and appeal. Without this, there are virtually no safeguards from adverse impacts, both individually and cumulative, to the public viewshed, or to coastal resources like groundwater wetlands, streams, and riparian areas.

[1] "Marin County Agricultural Economic Analysis Final Report" (Report) prepared for the County's Community Development Agency in November 2003 by Strong Associates.

2. LCP Amendment has Insufficient Safeguards to Protect Groundwater Resources.

When you pump groundwater beyond annual recharge levels, you lower the groundwater level or the aquifer. In the case of shallow groundwater lenses like those in the Marin coastal zone, that unsustainable pumping can dry up nearby riparian corridors and wetlands. These critical habitats are very limited in presence in West Marin, and the County has not comprehensively mapped them in this LCP update, thus it is all the more important to put safeguards in place to protect them.

Section 22.64.140.A.1.b has good standards for well development or expansion, but there are no listed mitigations in place to restrict pumping to a sustainable level, nor is there a requirement to pump test the well during the dry season.

Further, the Commission asked the County in March to "explain how consistency with the standards in Marin County Code Chapter 7.28 will ensure that the development of private wells will not adversely impact adjacent biological resources including streams, riparian habitats, and wetlands, and will not adversely impact water supply available for existing and continued agricultural production or for other priority land uses consistent with the Coastal Act and LCP requirements. The County responded that it would utilize regulations for "minimum well standards for domestic water use."

However, this is wholly insufficient since Marin Code Chapter 7.28 contains no technical standards for well testing or groundwater availability requirements. Further, much of the new development the County's expanded definition of "agriculture" would not be "domestic" uses but would include commercial and industrial uses that can use much more water than domestic uses, so the domestic standards are insufficient.

Additionally, the County says that, "It is not reasonable or feasible to require each individual development application for a well to analyze impacts on adjacent biological resources including streams, riparian habitats, and wetlands, as well as impacts on the water supply for existing and continued agricultural production or other priority land uses. It would be difficult to develop objective standards and methodology to determine if there is sufficient water capacity for other uses." However, requiring a permit applicant to perform both individual and cumulative assessments of groundwater pumping on these resources is exactly what is needed to ensure their long-term protection. The County offers a non-response but that is not sufficient to adequately address this important substantive issue.

Actually, there are plenty of regulations from other jurisdictions that the County could borrow from but it has chosen not to quantitatively address protection of groundwater resources. Thus, it is incumbent on the Commission to require modifications to IP section 22.64.140 to ensure that West Marin's very limited groundwater resources, and the sensitive habitat areas they are connected to, are protected.

To safeguard groundwater resources, and the sensitive habitats they are connected with, **add the following underscored language to 22.64.140.A.1.b**:

1) The sustainable yield of the well meets the LCP-required sustained pumping rate (minimum of 1.5 gallons per minute) when tested in the dry season months of May through October, and must be equal to or exceed the project's estimated water demand as determined by a licensed engineer.

3) The extraction will not adversely impact other wells located within 300 feet of the proposed well, or which are determined to by hydro-geologically connected; will not adversely impact adjacent and hydro-geologically connected biological resources including streams, riparian habitats, and wetlands; …

4) The County shall require a water meter to be placed on all new wells, and for those expanded uses of existing wells. The County may place limits on groundwater usage to mitigate long-term impacts to the aquifer when the report of a Civil Engineer or Geologist indicates that groundwater resources are limited and/or the well may become compromised by seawater intrusion.

3. Viticulture Standards are Still Absent and the County Development Agency does not Regulate Viticulture.

In letters dated October 2, 2014 and March 23, 2015 that I drafted for EAC and which were submitted to Commission staff, it was pointed out that the County's Development Agency does not regulate viticulture and that the County's ministerial permit ordinance governing viticulture was insufficient to govern this industrial land use. The Commission should include viticulture standards in Chapter 22.32, Standards for Specific Land Uses.

Our previous concerns regarding the County's Vineyard Ordinance are re-stated below and remain in effect:

1. The Vineyard Ordinance may contradict or otherwise be inconsistent with various provisions of the Coastal Act, including Sections 30006, 30240, 30251, and 30603.

2. The Vineyard Ordinance vests sole authority to regulate and permit all activities associated with the planting or replanting of a vineyard - grading, terracing, ripping, soil chiseling, removal of vegetation, field road construction, installation of underground drainage systems and water supply systems –with the County's Agricultural Commissioner (the "Ag Commissioner"). See Sections 23.11.060 and 23.11.090 under the definition of "Initial vineyard planting work."

3. The Vineyard Ordinance establishes a ministerial permit system - the Ag Commissioner is required to issue a permit for the proposed vineyard development on slopes up to 50% as long as a "County recognized qualified professional" issues a report saying the vineyard development is alright. A "County recognized qualified professional" can include a certified rangeland management specialist or "other registered or certified professional acceptable to the agricultural commissioner . . ." An actual licensed civil engineer report is required only in limited circumstances. Sections 23.11.090, .100, and .120.

4. The Ag Commissioner is not required to consult with the Community Development Agency – the sole agency authorized to implement the Local Coastal Program and issue development permits - or with the Department of Public Works – the agency that issues grading permits and oversees erosion control measures. Section 23.11.150.

5. The Vineyard Ordinance limits the Ag Commissioner's review of the submitted erosion plan and proposal to develop a vineyard on slopes up to 50% to merely ensuring the plan was "prepared, reviewed, and certified in accordance with this chapter, and that the plan includes all of the information required by that section." There are no substantive or meaningful standards to guide issuance of a permit. Section 23.11.150.

6. Section 23.11.090 puts limits on the use of "best management practices" by defining that term as "those practices or sets of practices that have proven to be the most effective feasible means of preventing or reducing stormwater runoff, erosion, and sedimentation in vineyards, given technological, institutional, environmental, and economic constraints." (Emphasis added).

7. Section 23.11.170 does not establish the amount of riparian setback or give any standards
for determining the appropriate setback distance. The provisions of the Marin County Code that the applicant "shall comply with" are not set forth. In general, the Code exempts agricultural activities from riparian setback requirements and the definition of "stream" in 23.11 is inconsistent with other provisions of the Code and LCP.

8. Section 23.11.190 states the erosion and sediment control plan requirements, but does not include actual requirements because there are none. Subsection (b)(2) states that the "agricultural commissioner shall prepare and maintain detailed plan requirements and have them available on request."

9. This Vineyard Ordinance provides no oversight of surface water or groundwater use for vineyards. Vineyards consume an exceptionally large amount of water and have the potential to significantly impact community groundwater supplies. This ordinance provides no testing or monitoring requirements for the viticulture water source, including the number of new wells, their location, the amount of water used from each, requiring that a meter be placed on new and existing wells used for viticulture, and requiring monitoring reports be submitted to monitor overall groundwater levels and consumption. See 23.11.140.

10. The Vineyard Ordinance does not provide any public process for neighbors or the public to review and comment, or possibly appeal a proposed vineyard. The public should be afforded an opportunity to comment on a proposed vineyard's size, location, construction near streams or impacts to wildlife and wildlife habitat, and other possible impacts. The only appeal provisions is for a person the Ag Commissioner finds has likely violated the ordinance, yet the Commissioner is explicitly designated as the sole review authority for appeals.

11. This Vineyard Ordinance does not address the use of pesticides or other man-made chemicals that are often used by viticulture operators, nor does it address their impacts on the community water supply, bird and fish habitat, or nearby organically certified farms.

See 23.11.140.

12. There is no indication that the erodible soils and slope standards are based on science or best practices.

These important issues must be addressed before the LCP Amendment can go forward.

4. LUP Policy C-DES-2 to Protect Visual and Scenic Resources does not Comply with the Coastal Act.

LUP Policy C-DES-2 does not comply with the Coastal Act. It provides for development to protect "significant" views, but this is a lesser standard than what the Coastal Act requires. Section 30251 of the Coastal Act provides, in part, that:

> The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed **to protect views to and along the ocean and scenic coastal areas**, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. (Emphasis added).

The Coastal Act does not protect "significant" views, it protects "views to and along the ocean and scenic coastal areas," among many other situations. The purpose of this provision is the protection of the public's view shed from public areas, not from private property, which is why the types of areas are enumerated. But simply enumerating the areas from which the public has protected views "to and along the ocean and scenic coastal resources" in no way means that only "significant" views can or should be protected. The Coastal Act is clear – public views are protected – and this policy language must be amended to comply with the law.

5. Water Quality Standards in 22.64.080.C. are insufficient to Protect Coastal Resources.

Section 22.64.080.C. contains no standards for grading to protect coastal resources. Rather, subsections 1-10 of this section simply refer back to Land Use Policies, providing insufficient guidance to protect water quality from erosion. Further, subsection 2 states that, "grading shall not take place on slopes greater than 35%, to the extent feasible." This standard was previously 25%, so its unclear why it was increased to 35% from whatever initial technical basis the 25% standard was derived. Given that the vast majority of the coastal zone is within the viewshed of Point Reyes National Seashore, a wildly popular national park, the County should not allow grading on slopes above 20% to protect the panoramic views from numerous national park trails.

6. "Sufficient" Parking for Retail Sales Facilities and Farm Stands should be Specified.

In section 22.32.027.B.1., the term "Sufficient parking" is not defined but it should be. Without a definition, what constitutes "sufficient parking" will be determined by the purported demand of consumers or left to a case-by-case basis. A small, limited number of parking spaces should be provided in order to ensure protection of the maximum amount of agricultural land for production. Please add a formula that determines the small number of allowable parking spaces for commercial uses on C-APZ lands.

Thank you for your consideration of our comments and concerns. We look forward to reviewing the Environmental Hazards chapters when they are ready.

Best regards,

Amy Trainer
California Coastal Protection Network

Agriculture Ongoing means the following agricultural activities:

1. Existing legally established agricultural production activities, including plowing, tilling, planting, harvesting, and seeding, which have neither been expanded into Environmentally Sensitive Habitat Areas, never before used for agriculture areas, nor discontinued in the past decade and now require irrigation. Agricultural production activities may include the conversion of grazing to crop production or other ongoing activity involving a change in intensity of use of land or water, such as ongoing rotational grazing and crop farming, if the ongoing production activity has been part of a regular pattern of agricultural practices that has not been discontinued for the past decade. If the ongoing production activity has been discontinued, the permit issuing authority may allow an Applicant to overcome the presumption that the agricultural activity is no longer ongoing if the Applicant demonstrates his or her ongoing intention to reinstate the agricultural production activity based on the history of agricultural production on the property, the long-term investment in the agricultural production on the property, and the existence of infrastructure to support the agricultural production activity; however, the proposed increase and intensification of water usage will still require permit approval .

   Conversion of grazing to crop production or any other new or expanded activity involving grading or a change in the intensity of use of land or water that has not been part of a regular pattern of agricultural practices or has been discontinued for more than a decade is not an ongoing agricultural production activity but rather constitutes new development requiring a coastal permit~~, unless such development is categorically excluded by a Coastal Commission approved Categorical Exclusion Order~~.

Comment [AT1]: A decade is an appropriate time frame, give or take a year, to determine whether this is an ongoing use or a new one that should go through a de minimis permit process. And with climate change and sea level rise impacting rainfall and thus available groundwater supplies, its all the more important that an intensification of the use of land that requires water beyond natural rainfall receive permit review and meet groundwater pump test standards.

Comment [AT2]: Even new development that is under the CatEx can still have adverse impacts to groundwater, and potentially to ESHA that is hydro-geologically connected, thus should at a minimum require a de minimis permit review so that the standards of 22.64.140.

The following list includes examples of activities that are not considered ongoing agriculture for the purposes of the definition of "Development" and constitutes new development requiring a coastal permit consistent with Chapters 22.64, 22.68 and 22.70~~, unless such development is categorically excluded by a Coastal Commission approved Categorical Exclusion Order~~. Examples include but are not limited to:

1. Development of new water sources such as construction of a new or expanded well or surface impoundment;
2. Installation or extension of irrigation systems;
3. Terracing and/or grading of land for agricultural production;
4. Preparation or planting of land for viticulture, including any initial vineyard planting work as defined in Chapter 22.130;
5. Preparation or planting of land for growing or cultivating the genus cannabis; and
6. Routine agricultural cultivation practices on land with an average agricultural slope, as defined in Chapter 22.130 , of more than 15%.

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September 30, 2016

Jack Ainsworth, Acting Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105
Via US Mail & Electronic Mail

Re: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1 (Marin LCP Update)

Dear Mr. Ainsworth:

This letter will serve to explain that the application materials for the above-referenced Marin County Local Coastal Program (LCP) update are incomplete and, therefore, this agenda item cannot properly proceed to a Coastal Commission (Commission) hearing or vote. The application is incomplete, because the "Potential Sea Level Rise Maps" submitted to the Commission July 1, 2016, which are an intrinsic part of the proposed Land Use Plan (LUP) Amendment, were neither considered nor adopted by the Marin County Board of Supervisors (Board) in April 2016, as is required by the Coastal Act and Commission regulations.

I. Factual Background

At the August 25, 2015 Board hearing, the Board adopted so-called Amendments 1, 2 and 3 to the Certified LCP. Amendment 1 contained documents specified in the resolution including "Local Coastal Program Amendment Maps." These maps are the land use and zoning maps, and include a single map referring to "Sea Level Rise" (Map 15) marked "DRAFT". In April 2016, the Board reviewed for the first time the Environmental Hazards chapter of the Land Use Plan[1]; that chapter and the corresponding Implementation Plan sections included references to "Potential Sea-Level Rise Maps" to determine minimum floor elevation requirements for property owners. No additional maps were produced for the April 2016 hearing and Map 15 is not in any way close to what County staff submitted to the Commission in July 2016 called "Potential Sea Level

[1] *Amendment 4: The Environmental Hazards (EH) Chapter of the LUPA, available at* http://www.marincounty.org/depts/cd/divisions/planning/local-coastal-program/plans-and-docs

Rise Maps." The referenced maps may be found in Attachments 1[2] and 2 for comparison.

At the April 19, 2016 Board hearing, Principal Planner Jack Liebster made the staff presentation.[3] At approximately 2:03:00 on the video recording of the April 19, 2016 hearing, Mr. Liebster begins discussing elevation of houses. At 2:07:30, Mr. Liebster begins discussing maps and showing slides of various pieces that would make up the sea-level rise maps, including a digital elevation model for Stinson Beach. At 2:09:45 Mr. Liebster states, "We have that data, so we can do it for whatever level of sea-level rise the Board seeks to choose as the one we should plan for." He does not show an actual sea-level rise map at any time. All the slides appear to be restricted to the Calles area of Stinson Beach. At approximately 3:46:00, Supervisor Kathrin Sears states that she wants three feet of sea-level rise, not two feet, as the Community Development staff suggested. Beginning at 4:15:31, a motion to approve the resolution was made with three changes to the staff proposal (including Supervisor Steve Kinsey's proposal for a minimum of three feet of freeboard, rather than the two feet for sea-level rise plus one extra foot proposed by staff). The Board unanimously approved the motion. The Community Development staff clarified only one point — where to include new language on future consideration of innovative design instead of elevation. There was no mention of the sea-level rise maps. The public attending the hearing had no way to understand the information from the discussion without seeing physical maps which outlined the impact of three feet of sea-level rise in the different flood zones.

The Board adopted resolution did not include any sea-level rise maps, except Map 15, in the list of documents approved by the Board in April 2016.[4] The resolution refers only to "land use and zoning maps."[5]

The Commission staff, in its May 6, 2016 filing status letter, asked for the final Board approved "Potential Sea Level Rise Maps." In its June 3, 2016 response[6], the County stated:

> You have asked for "final" Board adopted "Potential Sea Level Rise Maps." As you know, at its hearing the Board changed the water level for these maps. Staff is diligently preparing a new set of maps showing a 3 foot rise in sea level, and we

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[2] *Local Coastal Program Amendment Maps, available at* http://www.marincounty.org/~/media/files/departments/cd/planning/local-coastal/lcp-amendment/20150825_all_lcpa_maps.pdf?la=en

[3] Board of Supervisors April 19, 2016 hearing, *available at* http://www.marincounty.org/depts/bs/meeting-archive

[4] *RESOLUTION OF THE MARIN COUNTY BOARD OF SUPERVISORS APPROVING THE RESUBMITTAL OF AMENDMENTS TO THE MARIN COUNTY LOCAL COASTAL PROGRAM TO THE CALIFORNIA COASTAL COMMISSION*, available at: http://www.marincounty.org/~/media/files/departments/cd/planning/local-coastal/20160419_attachment2_bos_reso_rev.pdf?la=en

[5] *See id.*

[6] June 3, 2016 County response, *available at* http://www.marincounty.org/~/media/files/departments/cd/planning/local-coastal/newdocs/mc-632016-response-to-ccc/16-6-8_compile_cda_responses_with_ccc_filing_letter-v5mg.pdf?la=en

> expect to have these in the next two weeks. Amendment 4 should be filed with a contingency that these new maps are provided, so processing can begin on other Amendments.[7]

On July 1, 2016, the County first submitted sea-level rise and elevation maps to the Commission, and the filing was determined to be complete on the same day (*see Attachment 2*: the maps submitted July 1, 2016). As July was the first time that the County produced these maps, the Board clearly did not approve these maps in April 2016. In fact, at the time the Board adopted the resolution in April 2016, there were no maps that referred to sea-level rise for specific properties that would be affected by the hazards of sea-level rise.

II. The Statutory and Regulatory Scheme re "Completeness" of an LCP Amendment Application

The Coastal Act is explicit in what is required when a local government proposes to amend a certified LCP. California Public Resources Code (Coastal Act or Public Resources Code) section 30514(a) permits a certified LCP such as Marin County's LCP, and all local implementing ordinances, regulations, and other actions to be amended. Coastal Act section 30514(b) requires that proposed amendments to a certified LCP be submitted to, and processed by, the Commission in accordance with the applicable procedures in sections 30512 and 30513. Coastal Act section 30512(c) contains the standard for Commission certification of a LUP amendment: "The commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 . . . ."

Detailed Commission procedures, codified at 14 California Code of Regulations § 13551(a) (Code of Regulations), require "[a]n amendment to a certified LCP or LRDP shall be accepted for filing by the Commission **if the amendment is submitted pursuant to a resolution** adopted in accordance with the provisions of Public Resources Code Section 30510(a) . . ." (emphasis added).

Code of Regulations section 13552(a) requires a local government to give the public a "maximum opportunity to participate" in the LCP amendment process: an LCP amendment submittal must include "A summary of the measure taken to provide the public and affected agencies and districts maximum opportunity to participate in the LCP or LRDP amendment process . . . ."

Section 13552(b) of the Code of Regulations requires that an LCP amendment submittal include: "All policies, plans, standards, objectives, diagrams, drawings, **maps**, photographs, and supplementary data, related to the amendment in sufficient detail to allow review for conformity with the requirements of the Coastal Act." (emphasis added).

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[7] Note: the reference to "a new set of maps" appears to be a misstatement, since there was no prior "set of maps."

Section 13553 of the Code of Regulations requires that an "amendment to a certified LCP or LRDP together with all necessary attachments and exhibits shall be deemed 'submitted' after having been received and found by the executive director of the Commission to be **in proper order and legally adequate to comply with Public Resources Code Section 30510(b)."** (emphasis added). Section 30510(b) of the Public Resources Code, in turn, requires that the amendment application must contain "materials sufficient for a thorough and complete review."

When the above schemas are read together, the requirements for an amendment submittal pursuant to Coastal Act section 30514(b) are clear. A local government is to give the public maximum opportunity to participate first (section 13552(a)), and then it is to adopt the amendment via resolution (section 13551). The resolution, of necessity, must have included consideration of any maps that are being approved, or those maps would not become part of the approved resolution.

Once that local government resolution has been accomplished, the amendment proposal can be submitted to the Commission for consideration. Under Code of Regulations 13552(b), the local government is required to submit all of the maps related to the amendment so that the Commission can review the proposal for conformity with the Coastal Act. Once the submittal is found to be in proper order and legally adequate, it is deemed submitted, or complete (section 13553). Finally, under Coastal Act section 30512(c), the Commission can then certify the LUP amendment if it finds it conforms to the Chapter 3 policies of the Coastal Act.

The problems with the process that occurred here with this LCP Amendment application are clear. Here, the Board adopted the LUP Amendment in a vote taken in April 2016. However, the Board did not have the sea-level rise maps in front of it for consideration at that time, nor did the Board vote on those maps at that time. These maps, which were later produced in July 2016, relate intrinsically to certain sections of the LUP Amendment (see further discussion below). Thus, the public was not given a chance to fully participate in commenting on those maps before the Board's vote in April 2016, as the maps had not yet been released. The submittal to the Commission contains a county resolution; however, that resolution is defective in that it was not based upon information contained in, nor does it adopt, the sea-level rise maps produced by the County in July 2016. Although the County later submitted some sea-level rise maps to the Commission, these maps were not part of the County's resolution and thus are not legally part of the County's LCP Amendment submittal.

For these reasons, the County's application to the Commission is incomplete and must be rejected. The sea-level rise maps that are a critical part of the LUP Amendment are unofficial, as the County has not adopted them. The Commission has no choice but to deem the LCP Amendment submittal incomplete.

III. The Sea-Level Rise Maps are a Critical Part of the LUP Amendment.

The sea-level rise maps which the County submitted to the Commission on July 1, 2016 are a critical part of the LUP Amendment, as the LUP policies rely on minimum building elevation as one of the County's main adaptations to sea-level rise.

The LUP and the Implementation Plan (IP) Amendments, fully adopted by the Board in April 2016, reference the sea-level rise maps directly throughout both documents. LUP policies C-EH-3, C-EH-8 and several subsections of IP section 22.64.060 reference these maps by name.[8] For example, policy C-EH-8(1) states the following:

> Within flood hazard areas mapped by the Federal Emergency Management Agency (FEMA), additional elevation up to a maximum of three feet to accommodate identified sea level rise as depicted on "**Potential Sea Level Rise Maps" prepared and *adopted* by the County of Marin,** shall be added to the Base Flood Elevation (BFE) when establishing the minimum elevation required for proposed construction (emphasis added).

Furthermore, LUP policy EH-5 refers to "**potential sea level rise estimates prepared and *adopted* by the County of Marin** for use in coastal hazards analyses." And two additional LUP policies are dependent on the sea level rise maps: LUP policy EH-11 references policy EH-8, and policy EH-12 references policy EH-3. Without these maps, many of these references would be rendered meaningless. As you can see from this example and the attached excerpts (*see Attachment 3*)[9], the maps are necessary for homeowners and county officials to be able to make the determinations required by LUP policy C-EH-8. The maps are critical to determining maximum house elevations, which for better or worse is one of the County's main adaptations to sea-level rise. Without the referenced maps, the County's LCP policies will be riddled with holes.

The maps are an intrinsic and fundamental part of the County's LCP submission, yet the Board did not have a chance to review them, comment on them, or adopt them. Furthermore, the public and EAC, as a vitally interested participant working over the last eight years with the County and Commission, had no access to a draft of "Potential Sea Level Rise Maps" until July 2016, as we pointed out in our July 28, 2016 letter to the Commission, supporting the staff's request for an extension of time.[10] At the time of the April 2016 Board hearing no one could have anticipated what was on the "Potential Sea Level Rise Maps".

The incompleteness of the LCP Amendment submitted to the Commission is not merely a procedural issue, but rather, it has serious substantive and policy implications. With the maps absent from the Board's consideration in April 2016, the Board was ill equipped to make policy decisions about flood zones, elevating houses, and adaptations to sea-level rise environmental hazards.

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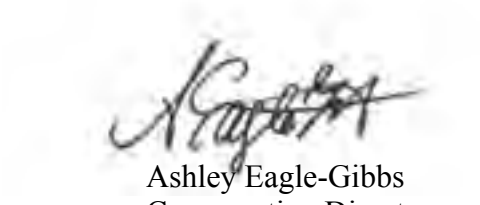
[8] The attached document entitled "Sea-Level Rise Map References in the LCPA" includes excerpts from the LUP and the IP Amendments that reference these maps (*Attachment 3*).
[9] *See id.*
[10] *Agenda Item Th21a re: Marin County LCP Amendment No. LCP-2-MAR-15-0029-1 (Marin LCP Update). Time Extension Only*, *available at* http://documents.coastal.ca.gov/reports/2016/8/th21a-8-2016.pdf (Note: This staff report refers to the sea-level rise maps as being "omitted" prior to July 1, 2016.)

IV. Conclusion

As discussed above, the application materials for the Marin County LCP update are incomplete and, therefore, this agenda item cannot properly proceed to a Commission hearing or vote. Thank you for your careful consideration of our concerns.

Respectfully,

Morgan Patton
Executive Director



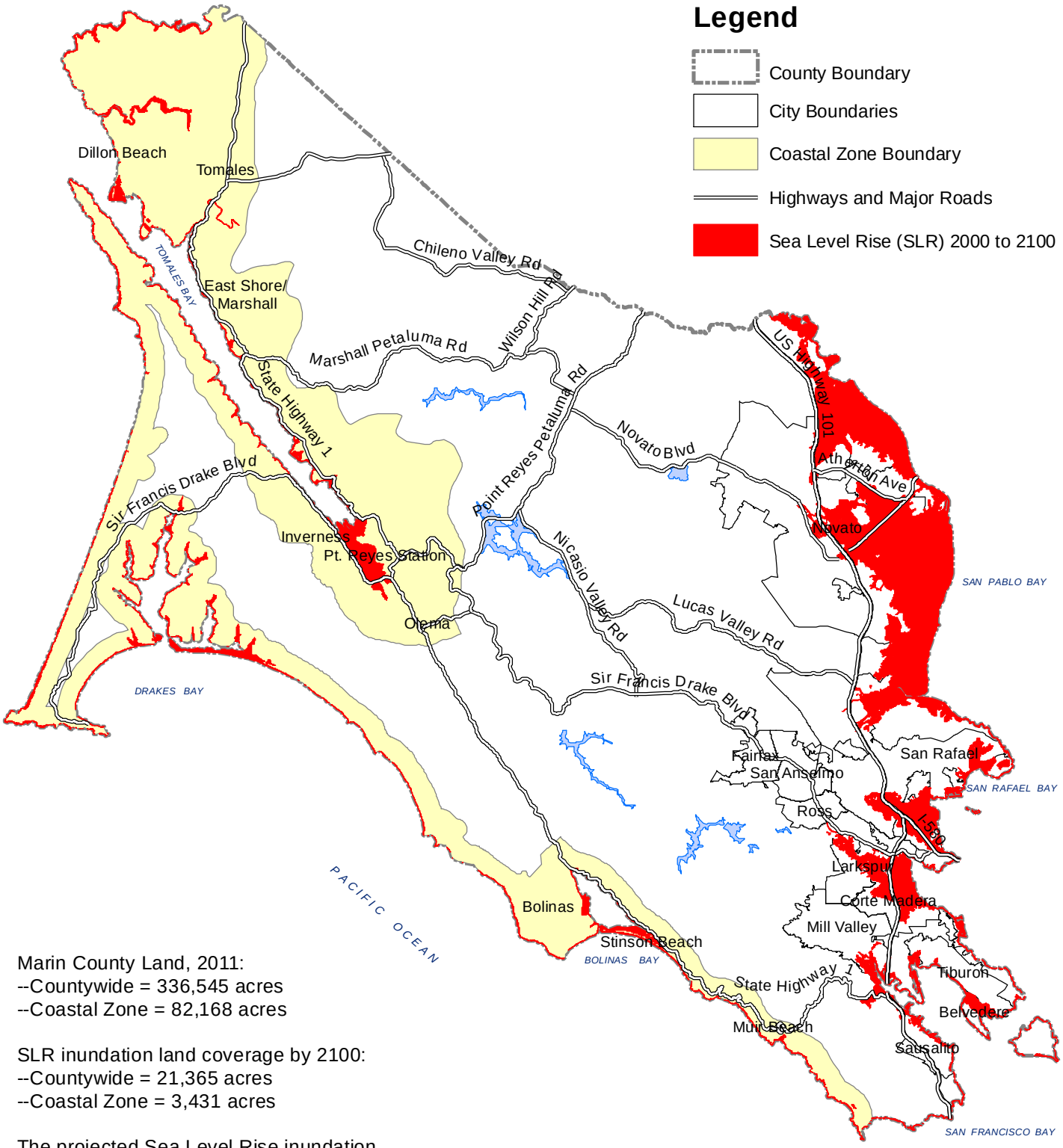
Ashley Eagle-Gibbs
Conservation Director

cc *(via electronic mail)*:

Christopher Pederson, Chief Counsel
Dan Carl, California Coastal Commission
Nancy Cave, California Coastal Commission
Shannon Fiala, California Coastal Commission
Jeannine Manna, California Coastal Commission

Attachment 1

DRAFT MAP 15
SEA LEVEL RISE



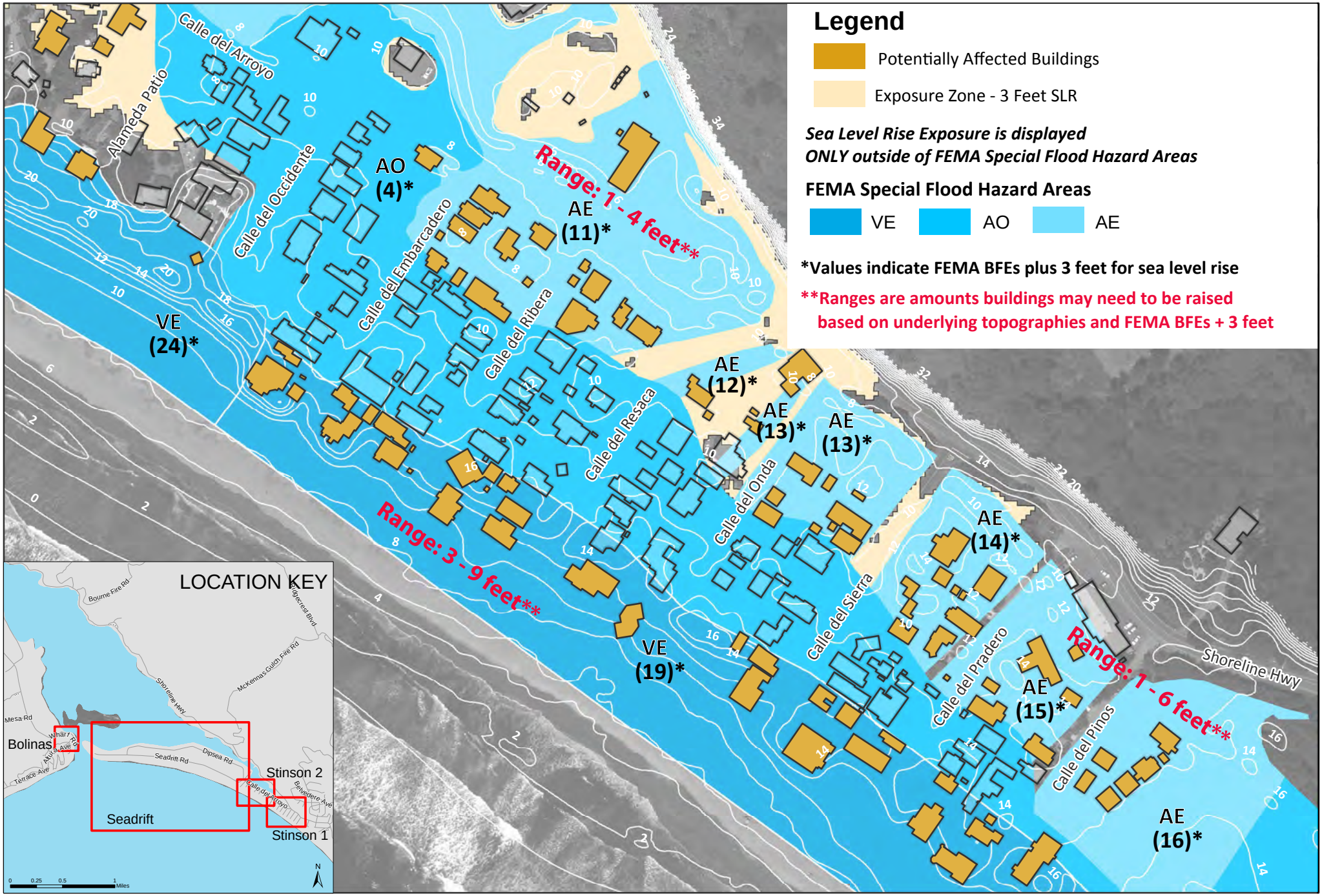
Marin County Land, 2011:
--Countywide = 336,545 acres
--Coastal Zone = 82,168 acres

SLR inundation land coverage by 2100:
--Countywide = 21,365 acres
--Coastal Zone = 3,431 acres

The projected Sea Level Rise inundation zone reflected here represents an estimated 55-inch rise above a current-day high tide that measures 6.1-feet above Mean Lower Low Water.

SOURCE: Marin County Community Development Agency

Attachment 2



0 250 500 Feet

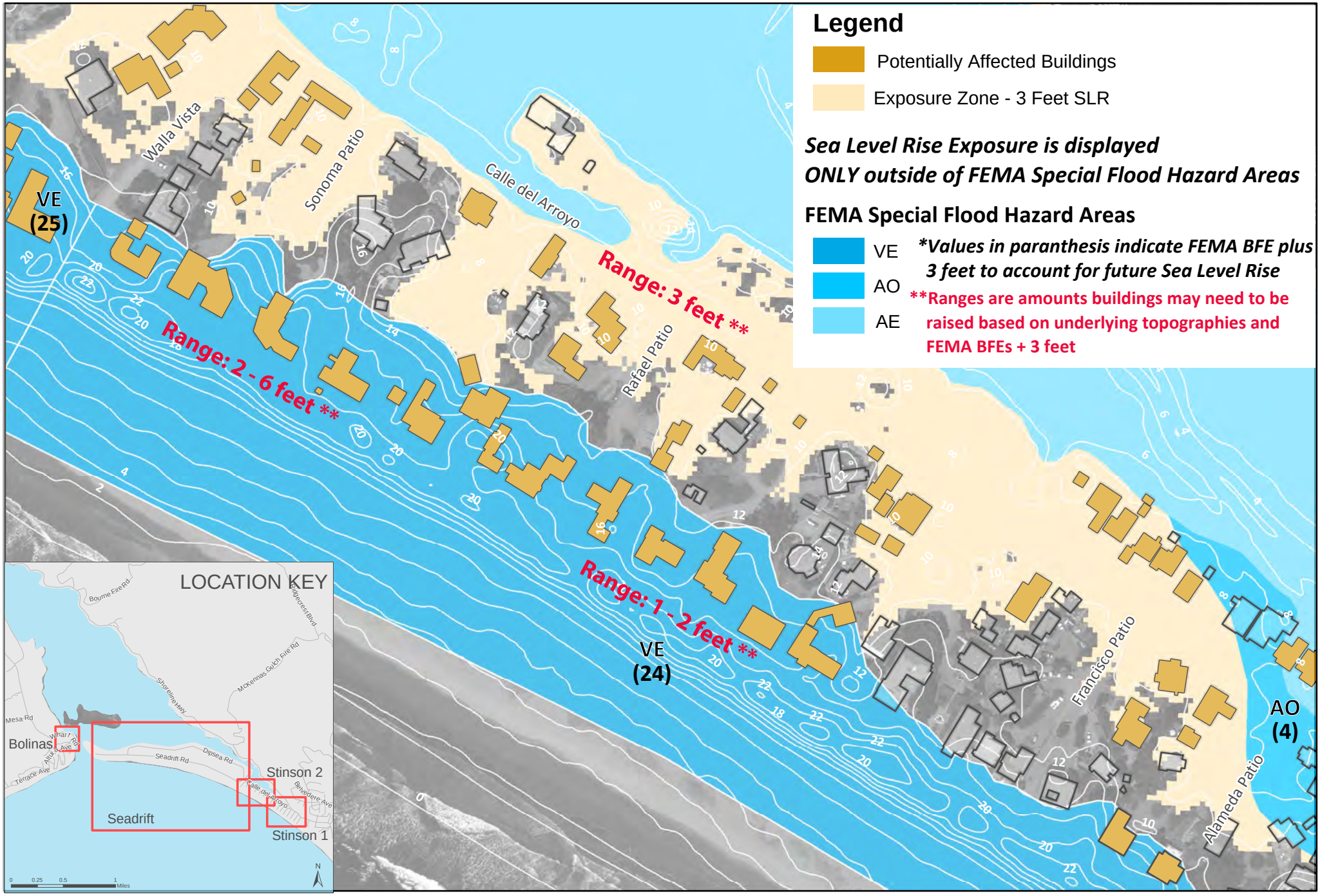
N

Source: Federal Emergency Management Agency (FEMA) Preliminary Flood Insurance Rate Map (FIRM) 2015

Marin County Community Development Agency, July 2016

Stinson 1

Potential Building Elevation for Sea Level Rise



0 250 500 Feet

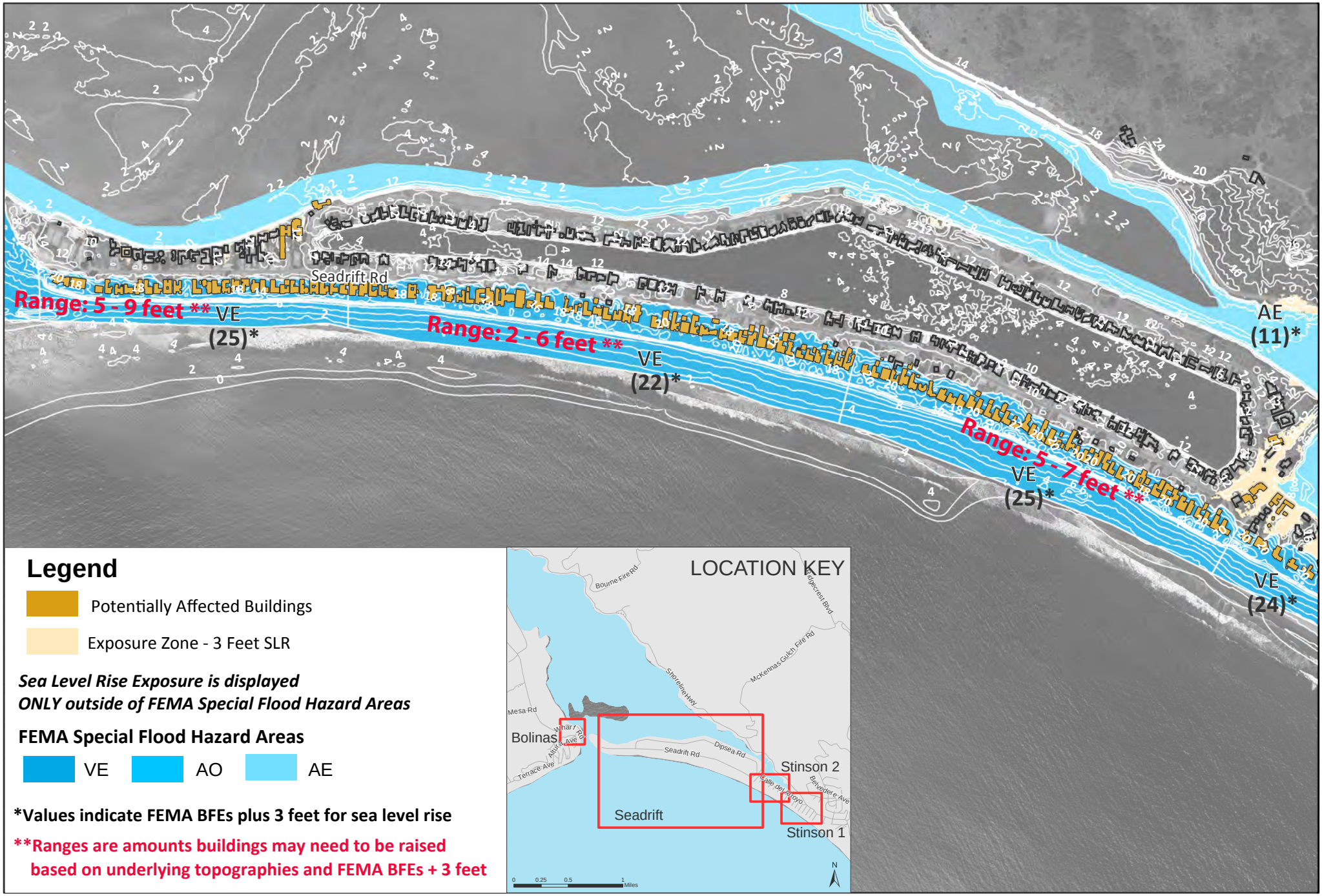
N

Source: Federal Emergency Management Agency (FEMA) Preliminary Flood Insurance Rate Map (FIRM) 2015

Marin County Community Development Agency, July 2016

Stinson 2

Potential Building Elevation for Sea Level Rise



0 0.25 0.5 Miles

N

Source: Federal Emergency Management Agency (FEMA) Preliminary Flood Insurance Rate map (FIRM) 2015

Marin County Community Development Agency, July 2016

Seadrift

Potential Building Elevation for Sea Level Rise

Bolinas

Potential Building Elevation for Sea Level Rise

Range: 7 - 9 feet **

AE
(13)

Range: 3 feet **

Range: 9 - 11 feet **

VE
(20)

Legend

Potentially Affected Buildings

Exposure Zone - 3 Feet SLR

Sea Level Rise Exposure is displayed ONLY outside of FEMA Special Flood Hazard Areas

FEMA Special Flood Hazard Areas

VE AO AE

***Values indicate FEMA BFEs plus 3 feet for sea level rise**

****Ranges are amounts buildings may need to be raised based on underlying topographies and FEMA BFEs + 3 feet**

LOCATION KEY

Bourne Fire Rd
Wildwood Blvd
McKennas Gulch Fire Rd
Shoreline HWY
Mesa Rd
Bolinas
Wharf Rd
Aruba Ave
Terrace Ave
Seadrift Rd
Dipsea Rd
Stinson 2
Calle del Arroyo
Belvedere Ave
Seadrift
Stinson 1
0 0.25 0.5 1 Miles
N

0 100 200 400 Feet

N

Source: Federal Emergency Management Agency (FEMA) Preliminary Flood Insurance Rate Map (FIRM) 2015

Marin County Community Development Agency, July 2016

Eastshore 1

Potential Building Elevation for Sea Level Rise

Range: 5 - 9 feet **

AE (11)*

AE (12)*

AE (14)*

Range: 4 - 6 feet **

AE (12)*

VE (15)*

Shoreline Hwy

LOCATION KEY

Eastshore 4

Eastshore 3

Eastshore 2

Eastshore 1

Shoreline Hwy
Snake Rd
Clark Rd
Marshall Beach Rd
Marshall-petaluma Rd
Pierce Point Rd
Duck Cove Rd
Jepson Trl
Sheep Ranch Rd
0 0.5 1 2 Miles
N

Legend

Potentially Affected Buildings

Exposure Zone - 3 Feet SLR

Sea Level Rise Exposure is displayed ONLY outside of FEMA Special Flood Hazard Areas

FEMA Special Flood Hazard Areas

VE AO AE

***Values indicate FEMA BFEs plus 3 feet for sea level rise**

****Ranges are amounts buildings may need to be raised based on underlying topographies and FEMA BFEs + 3 feet**

0 0.25 0.5 Miles

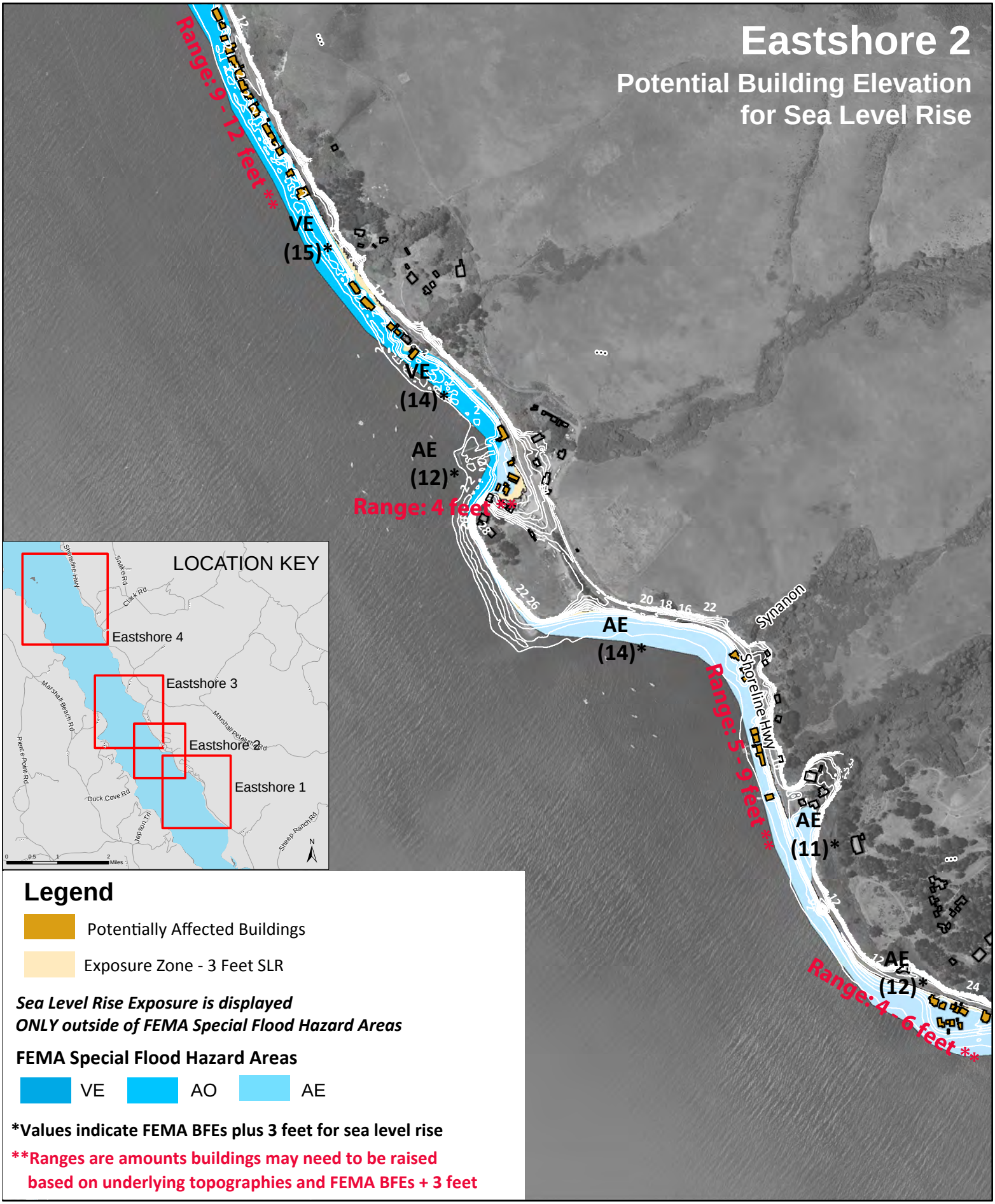
N

Source: Federal Emergency Management Agency (FEMA) Preliminary Flood Insurance Rate Map (FIRM) 2015

Marin County Community Development Agency, July 2016

Eastshore 2

Potential Building Elevation for Sea Level Rise



0 0.175 0.35 Miles

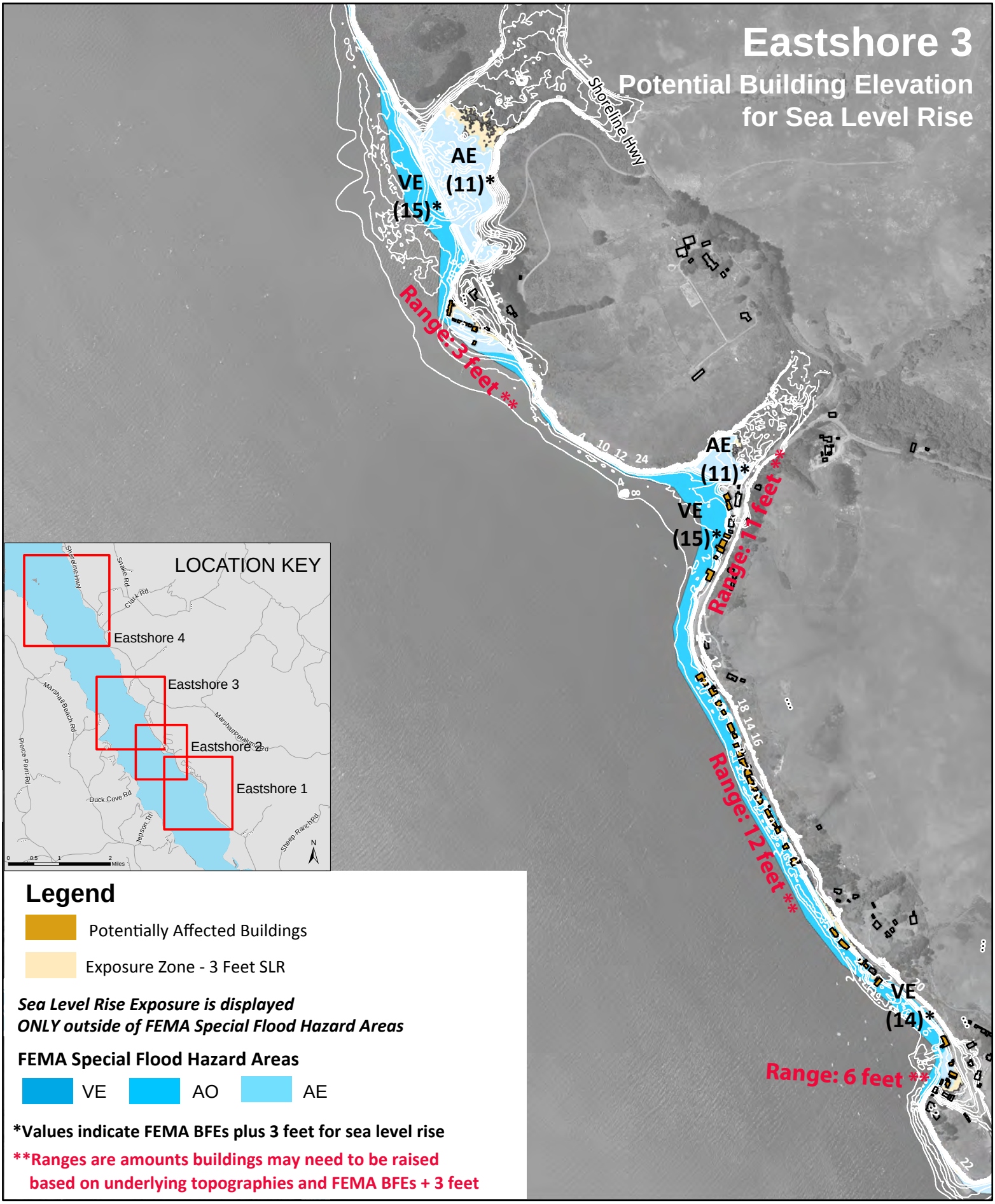
N

Source: Federal Emergency Management Agency (FEMA) Preliminary Flood Insurance Rate Map (FIRM) 2015

Marin County Community Development Agency, July 2016

Eastshore 3

Potential Building Elevation for Sea Level Rise



0 0.25 0.5 Miles

N

Source: Federal Emergency Management Agency (FEMA) Preliminary Flood Insurance Rate Map (FIRM) 2015

Marin County Community Development Agency, July 2016

Eastshore 4

Potential Building Elevation for Sea Level Rise

VE (15)*

Range: ~ 9 feet **

VE (15)*

Range: 4 feet **

Shoreline Hwy

Range: 6 - 8 feet **

Clark Rd

AE (14)*

LOCATION KEY

Eastshore 4

Eastshore 3

Eastshore 2

Eastshore 1

Shoreline Hwy
Snake Rd
Clark Rd
Marshall Beach Rd
Marshall Petaluma Rd
Pierce Point Rd
Duck Cove Rd
Jepson Trl
Sheep Ranch Rd
0 0.5 1 2 Miles
N

Legend

Potentially Affected Buildings

Exposure Zone - 3 Feet SLR

Sea Level Rise Exposure is displayed ONLY outside of FEMA Special Flood Hazard Areas

FEMA Special Flood Hazard Areas

VE AO AE

***Values indicate FEMA BFEs plus 3 feet for sea level rise**

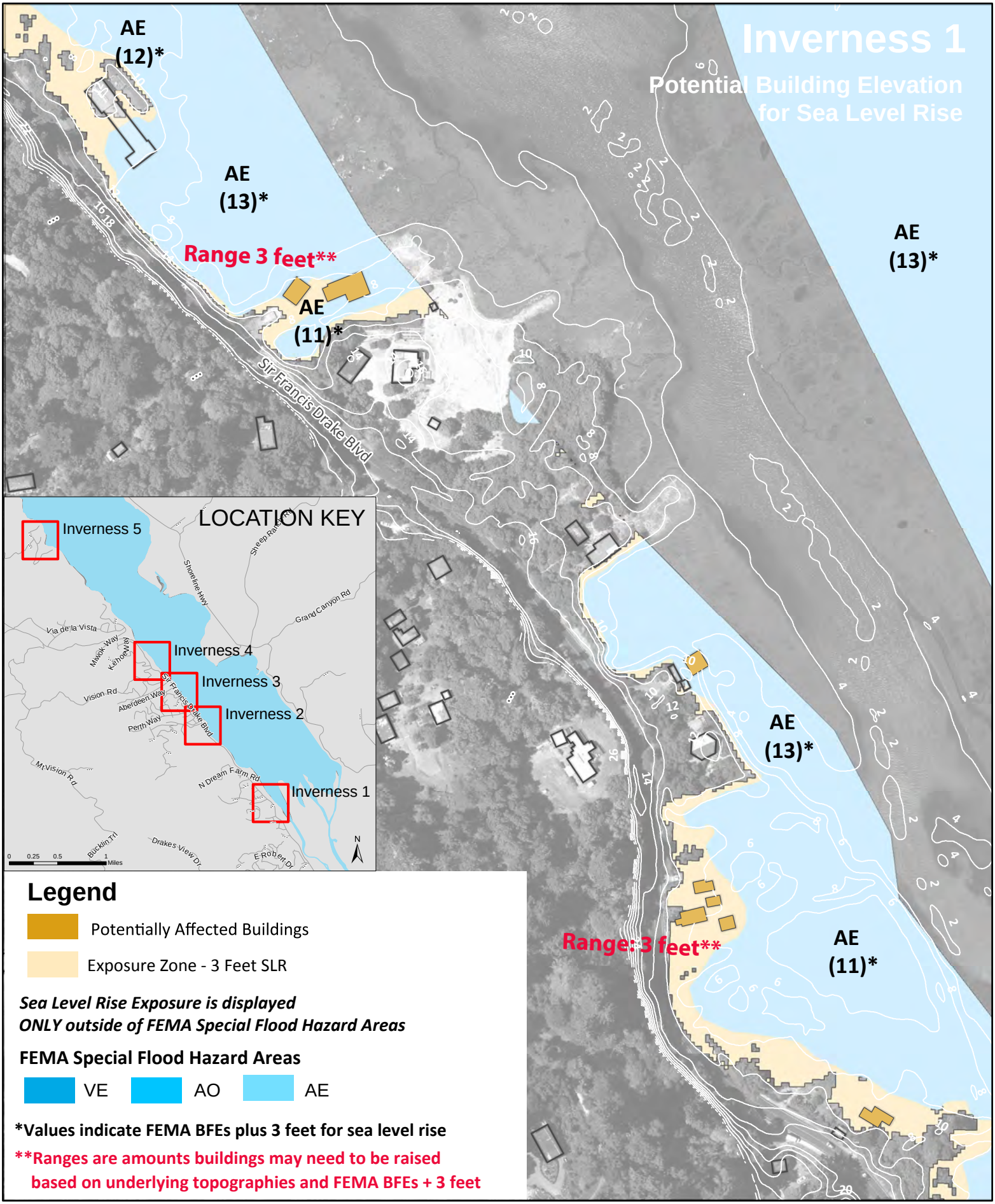
****Ranges are amounts buildings may need to be raised based on underlying topographies and FEMA BFEs + 3 feet**

0 0.325 0.65 Miles

N

Source: Federal Emergency Management Agency (FEMA) Preliminary Flood Insurance Rate Map (FIRM) 2015

Marin County Community Development Agency, July 2016



0 0.05 0.1 Miles

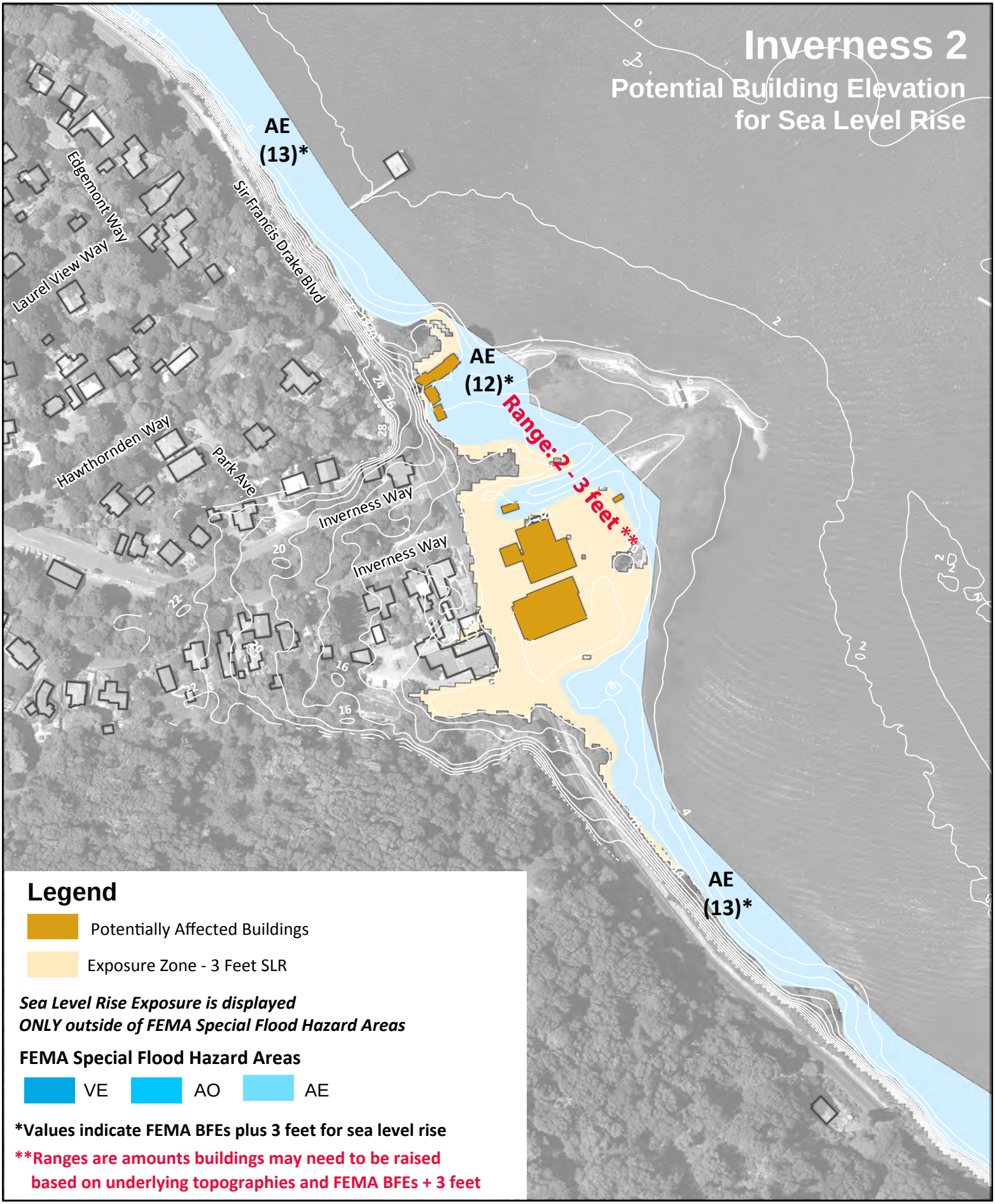
N

Source: Federal Emergency Management Agency (FEMA) Preliminary Flood Insurance Rate Map (FIRM) 2015

Marin County Community Development Agency, July 2016

Inverness 2

Potential Building Elevation for Sea Level Rise



0 0.05 0.1 Miles

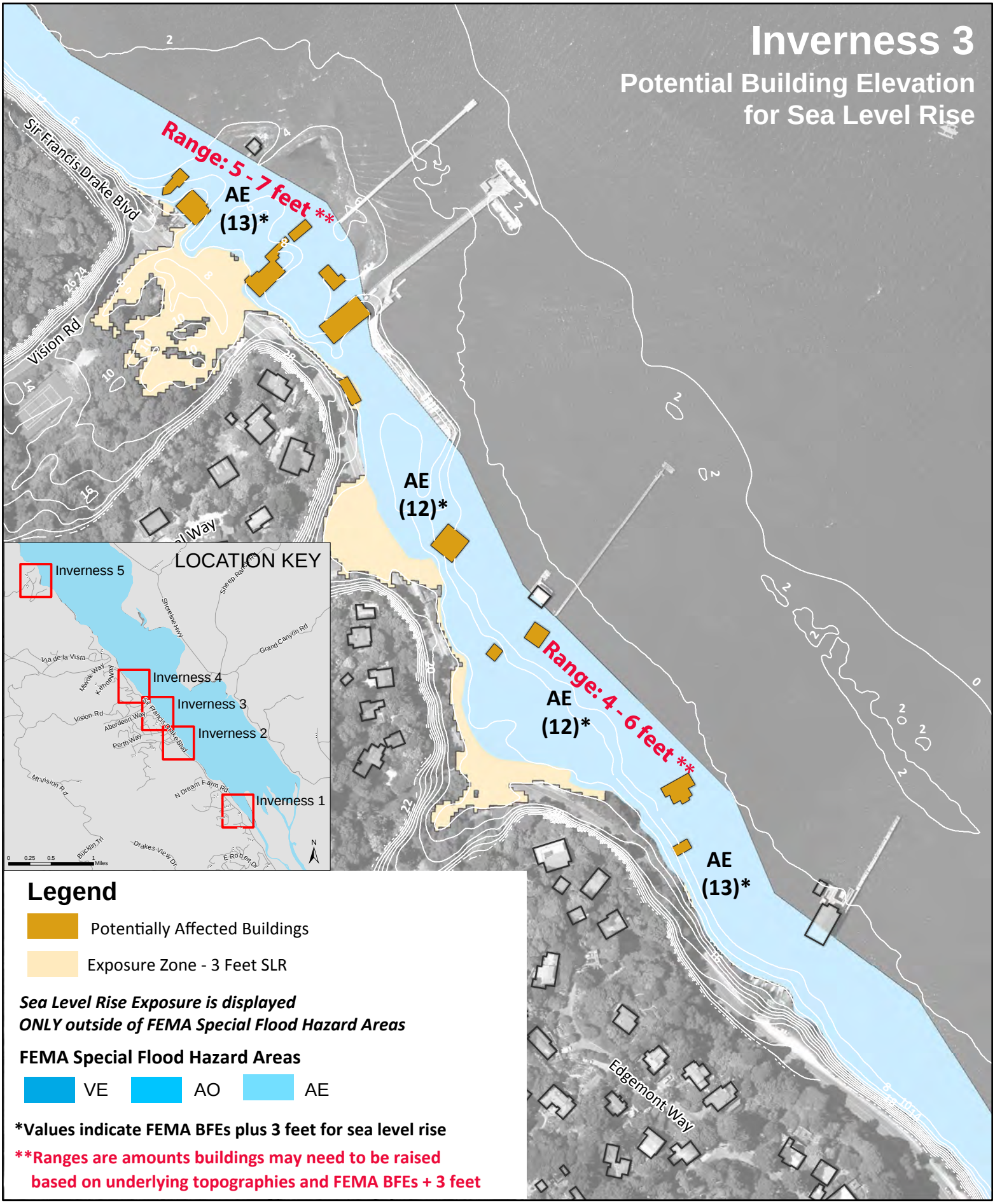
N

Source: Federal Emergency Management Agency (FEMA) Preliminary Flood Insurance Rate Map (FIRM) 2015

Marin County Community Development Agency, July 2016

Inverness 3

Potential Building Elevation for Sea Level Rise



0 0.05 0.1 Miles

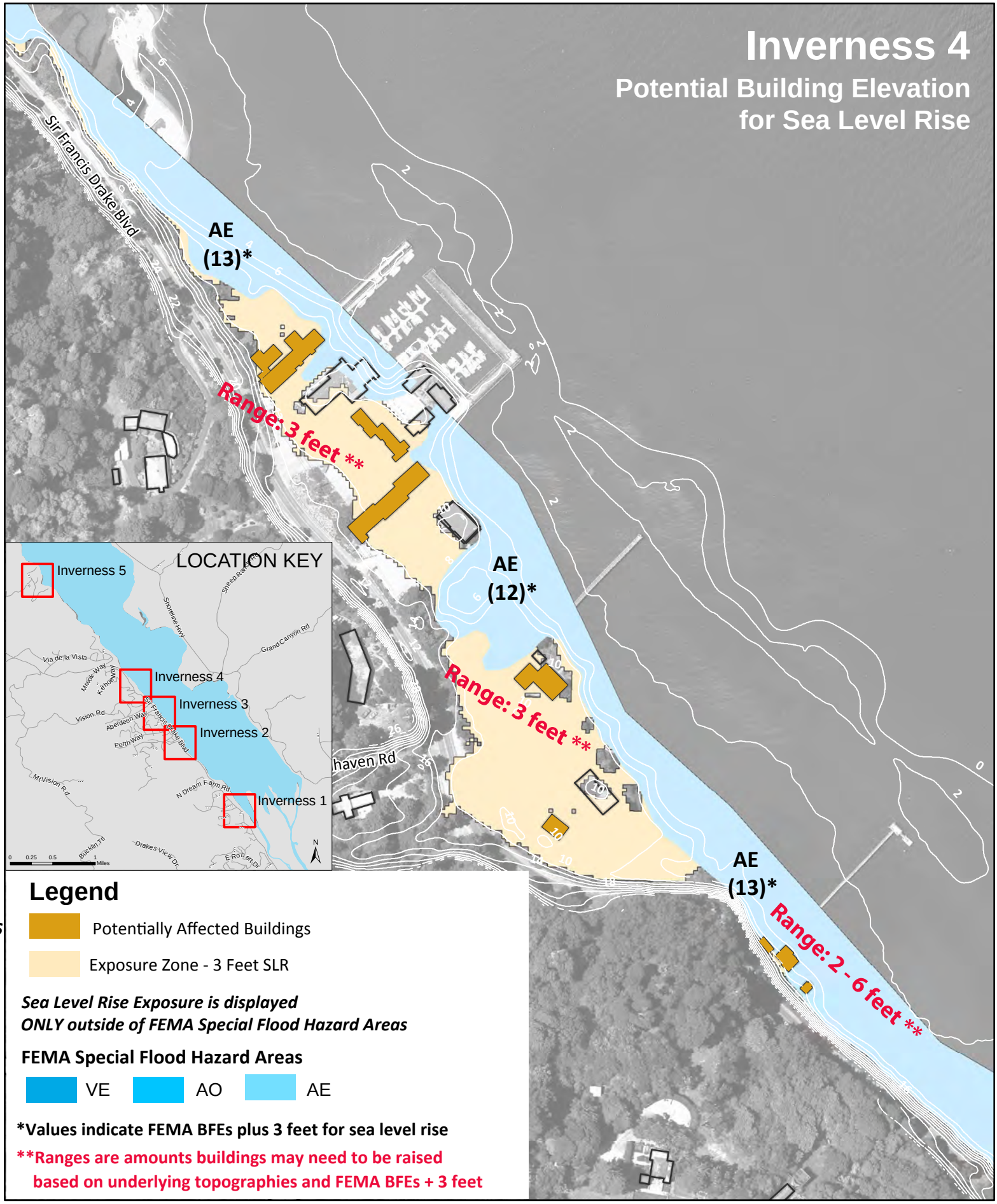
N

Source: Federal Emergency Management Agency (FEMA) Preliminary Flood Insurance Rate Map (FIRM) 2015

Marin County Community Development Agency, July 2016

Inverness 4

Potential Building Elevation for Sea Level Rise



0 0.05 0.1 Miles

N

Source: Federal Emergency Management Agency (FEMA) Preliminary Flood Insurance Rate Map (FIRM) 2015

Marin County Community Development Agency, July 2016

Inverness 5

Potential Building Elevation for Sea Level Rise

VE
(16)*

Range: 7- 8 feet **

AE
(12)*

VE
(16)*

Pierce Point Rd

LOCATION KEY

Inverness 5
Inverness 4
Inverness 3
Inverness 2
Inverness 1

Shoreline Hwy
Sheep Ranch
Grand Canyon Rd
Via de la Vista
Mwok Way
Kehoe Way
Vision Rd
Aberdeen Way
Perth Way
St Francis Drake Blvd
Mt Vision Rd
N Dream Farm Rd
Bucklin Trl
Drakes View Dr
E Robert Dr
0 0.25 0.5 1 Miles
N

Legend

Potentially Affected Buildings

Exposure Zone - 3 Feet SLR

Sea Level Rise Exposure is displayed ONLY outside of FEMA Special Flood Hazard Areas

FEMA Special Flood Hazard Areas

VE AO AE

***Values indicate FEMA BFEs plus 3 feet for sea level rise**

****Ranges are amounts buildings may need to be raised based on underlying topographies and FEMA BFEs + 3 feet**

0 0.05 0.1 Miles

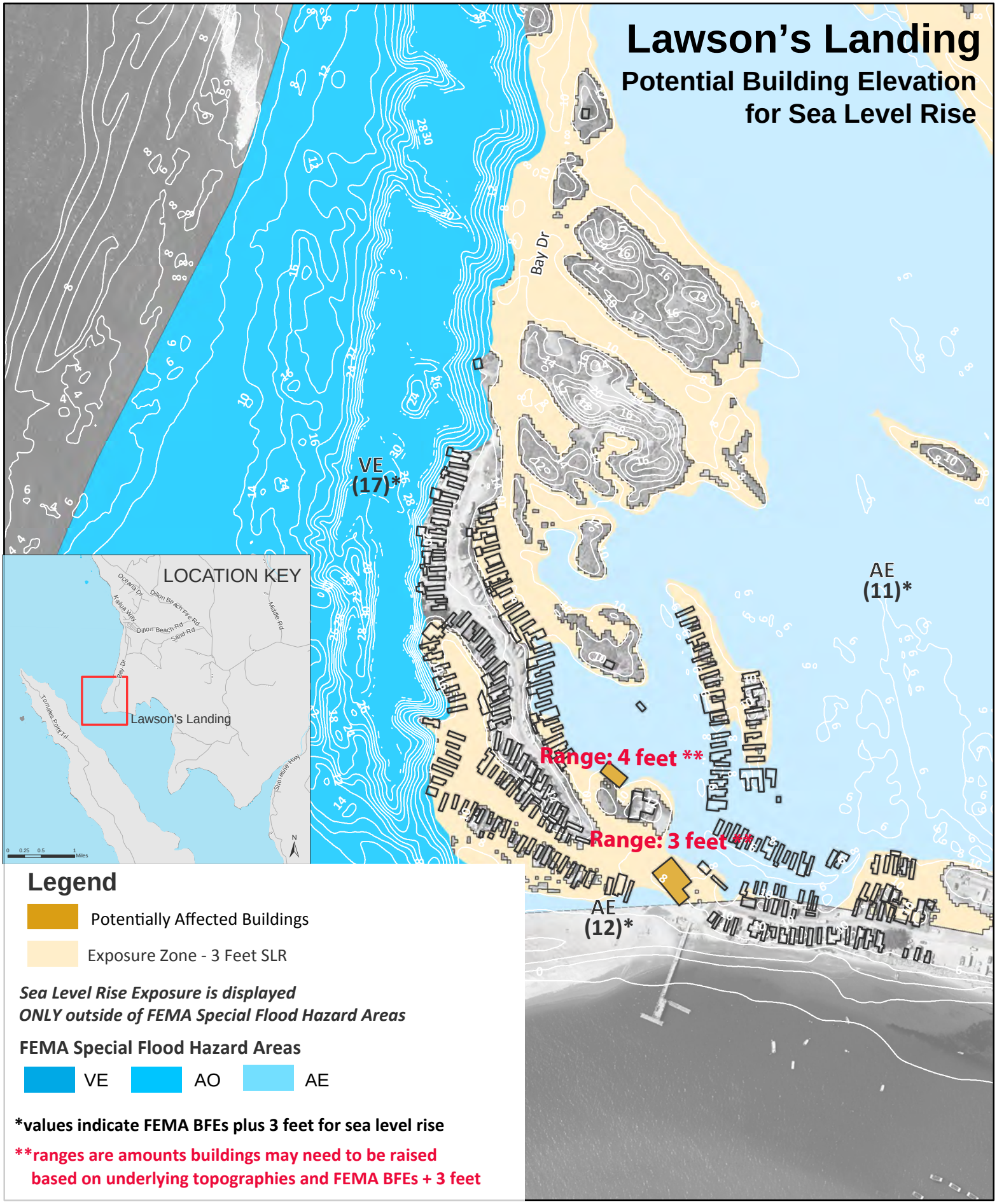
N

Source: Federal Emergency Management Agency (FEMA) Preliminary Flood Insurance Rate Map (FIRM) 2015

Marin County Community Development Agency, July 2016

Lawson's Landing

Potential Building Elevation for Sea Level Rise



Legend

- Potentially Affected Buildings
- Exposure Zone - 3 Feet SLR

Sea Level Rise Exposure is displayed ONLY outside of FEMA Special Flood Hazard Areas

FEMA Special Flood Hazard Areas

VE AO AE

***values indicate FEMA BFEs plus 3 feet for sea level rise**

****ranges are amounts buildings may need to be raised based on underlying topographies and FEMA BFEs + 3 feet**

0 0.075 0.15 Miles

N

Source: Federal Emergency Management Agency (FEMA) Preliminary Flood Insurance Rate Map (FIRM) 2015

Marin County Community Development Agency, July 2016

Attachment 3

Sea-Level Rise Map References in LCPA
(emphasis added)

LUP Amendment[1]

C-EH-3 Flood Hazards

Flood hazard areas are defined as: 1) those areas shown on Federal Emergency Management Agency (FEMA) "Flood Insurance Rate Maps" (FIRM) and "Flood Boundary Water Maps" for Marin County which have been determined to be subject to flooding from a flood which has a one percent chance of occurrence in any one year (further designated as Zone A, AO, A1-30, AE, A99, AH, VO, V1-V30, VE, or V); and 2) those areas potentially inundated by sea level rise as shown on **"Potential Sea Level Rise Maps" prepared and *adopted* by the County of Marin.**

C-EH-5 New Shoreline and Blufftop Development

A. Blufftop Development. Ensure that new blufftop development, . . .
The predicted bluff position shall be evaluated considering not only historical bluff retreat data, but also acceleration of bluff retreat due to continued and accelerated sea level rise, and other climate impacts. according to **potential sea level rise estimates prepared and *adopted* by the County of Marin for use in coastal hazards analyses.**

Shoreline Development. Ensure that new shoreline development (defined as development located in a VO, V1-V30, VE or V zone as mapped by the Federal Emergency Management Agency [FEMA]) is safe from shoreline erosion and flooding hazards, taking into account 3 feet of projected sea level rise, without the need for new shoreline protective devices. . . .
Where development consists solely of raising an existing structure to meet the Base Flood Elevation (BFE) established by FEMA and any additional elevation required by **Policy C-EH-8,** compliance with **Policy C-EH-3** shall be deemed sufficient to comply with coastal hazard, public view, community character and related provisions of the LCP.

C-EH-8 Minimum Floor Elevations in Flood Hazard Areas

Within flood hazard areas mapped by the Federal Emergency Management Agency

---

[1] Excerpts taken from: *Attachment #4, Environmental Hazard Policies (Coastal Commission (May 2014) and CCC staff-suggested Modifications (April 2015) are shown as baseline (i.e. accepted into the text) CDA changes to Modifications are indicated in blue by ~~italic strike-outs~~ and underlining), available at* http://www.marincounty.org/~/media/files/departments/cd/planning/local-coastal/letters/2016/attachment-4finalehlup4616.pdf?la=en

(FEMA), additional freeboard up to a maximum of three feet to accommodate identified sea level rise as depicted on **"Potential Sea Level Rise Maps" prepared and *adopted* by the County of Marin**, shall be added to the Base Flood Elevation (BFE) when establishing the minimum elevation required for proposed construction.

2. Within areas that are not within FEMA mapped flood zones but are shown as potentially inundated by sea level rise identified on **"Potential Sea Level Rise Maps" prepared and *adopted* by the County of Marin**, new development shall be constructed such that the lowest finished floor exceeds the highest natural elevation of the ground surface next to the proposed walls of the structure prior to construction (i.e., "highest adjacent grade") by an amount equal to or greater than the projected sea level rise as depicted on the **above referenced maps**.

C-EH-11 Maximum Building Heights in the Flood Velocity Zone at Seadrift.

For new development within the Seadrift Subdivision located in the special flood hazard (V zone) as mapped by the Federal Emergency Management Agency, measure the maximum allowable building height of 15 feet from the minimum floor elevation required by **Policy C-EH-8**.

C-EH-12 Floor Elevations Requirements for Non-conforming Buildings in Flood Hazard Areas.

Within Flood Hazard Areas as defined by **Policy C-EH-3,** allow existing legal non-conforming buildings that are encroaching into a required yard setback to be raised consistent with **Policy C-EH-8** without the need for a variance to setback requirements, as long as the extent of the encroachment is not expanded.

IP Amendment[2]

22.64.060 Environmental Hazards

A.1.b
1) FEMA Flood Zones: On properties within mapped on Federal Emergency Management Agency (FEMA) "Flood Insurance Rate Maps" (FIRM) and "Flood Boundary Water Maps" for Marin County which have been determined to be subject to

[2] Excepts taken from: *Marin County Attachment #5, IP SECTIONS RELATED TO ENVIRONMENTAL HAZARDS (including 22.64.060 and definitions) (CCC staff-suggested Modifications (April 2015 staff report including 4/15/15 Addendum) are shown as baseline (i.e. accepted into the text), available at* http://www.marincounty.org/~/media/files/departments/cd/planning/local-coastal/letters/2016/attachment-5_16-4-6_final_eh_ipa.pdf?la=en

flooding from a flood which has a one percent chance of occurrence in any one year (further designated as Zone A, AO, A1-30, AE, A99, AH, VO, V1-V30, VE, or V); and 2) the report shall identify the extent to which:

a). Development will comply with construction standards contained in Chapter 23.09 (Floodplain Management) including the requirement to add up to a maximum of three feet to the Base Flood Elevation (BFE) to accommodate identified sea level rise as depicted on **"Potential Sea Level Rise Maps" prepared and *adopted* by the County of Marin** when establishing the minimum elevation required for proposed construction; and

b). Development will not create a hazard or diminish the stability of the area.

c). For additional requirements for shoreline development (properties within VO, V1-V30, VE, and V zones), see Section 22.64.060.A.2.b below.

2) Sea Level Rise: On properties outside mapped FEMA flood zones but within areas potentially inundated by sea level rise as shown on ***adopted* "Potential Sea Level Rise Maps"**, the report shall describe the extent to which:

a). Development will be constructed such that the lowest finished floor of development exceeds the highest natural elevation of the ground surface next to the proposed walls of the structure prior to construction (i.e. "highest adjacent grade") by an amount equal to or greater than the projected sea level rise as depicted on **"Potential Sea Level Rise Maps".**

b). Development will not create a hazard or diminish the stability of the area.

3) Reliance on Best Available Science. To minimize risks to life and property, and assure stability and structural integrity of existing structures, in recognition of the scientific information represented by FEMA and Potential Sea Level Rise data, modifications of structures consistent with this Policy shall be facilitated by application of Coastal Permit Exemptions, Categorical Exclusions, and Coastal Permits. Raising structures as provided in **Policies C-EH-5, 8** and 9 and limiting the height to that required to provide for BFE and/or sea level rise elevation shall be deemed sufficient to comply with coastal hazard, public view, community character and related provisions of the LCP.

B. Environmental Hazard standards. Development shall be consistent with the Environmental Hazard Policies of the LUP, including

1. Blufftop setbacks. Proposed structures, including accessory structures, shall be set back a sufficient distance from coastal blufftop edges to ensure that they will not be threatened by bluff retreat within their expected lifetime (the evaluation timeframe shall be a minimum of 50 years) and will not require shoreline protection per **Land Use Plan Policy C-EH-5**.

4. Shoreline Development. New shoreline development shall be consistent with **Land Use Policy C-EH-5**.

Fiala, Shannon@Coastal

From: marcotte@sonic.net
Sent: Thursday, September 29, 2016 12:07 PM
To: MarinLCP
Subject: public comment on Coastal Commission and "visitor serving communities"

Alexandra Marcotte would like information about:
I hope the Supervisors and the Coastal Commission place the concerns of the people who wake up in this town every day over those of the visitors to Tomales. In a town with only about a hundred houses, many of which are owned by “weekenders”, Tomales needs ALL available residential opportunities for its own people: those who come here to LIVE. Tomales is and always has been a community of RESIDENTS. To reduce residential opportunities downtown works against the social fabric of this community.

Thank you.

RECEIVED

OCT 07 2016

CALIFORNIA
COASTAL COMMISSION

Marin County Board of Supervisors

April 19, 2016

President of the Board,

Thank you for this opportunity to express our appreciation to the Community Development Agency LCP team for all their hard work over the past several years. All their efforts in crafting the LCPA documents are finally approaching completion.

The Local coastal Program Amendment process has gone on for more years than we expected, but we the West Marin Sonoma Coastal Advocates (WMSCA) have been with you through each and every public hearing, community meeting and every workshop. We look forward to the adoption of a document that fairly addresses all of the concerns raised by the public.

In the August 25, 2015 Resubmittal of Local Coastal Program-Land Use Plan Amendments (LUPA) and Implementation Program Amendments (IPA) to the California Coastal Commission, Amendment 1, included the Chapter on Energy (EN). Attachment #7, Remainder of Implementing Programs (IPA), 22.32.180- Wind Energy Conversion Systems (WECS) (non-coastal)...concluded with the statement that "Wind Energy Conversion Systems (WECS) are not allowed in the Coastal Zone".

We applaud the exclusion of WECS from Marin's magnificent Coastal Zone, an international destination that hosts over 17 million visitors a year. Thank you for your foresight.

Respectfully,
Beverly Chiles McIntosh
West Marin Sonoma Coastal Advocates
1821 5th Ave D228
San Rafael, 94901

To Shannon Fiala:
Please clarify for me and my associates how these contradictions square with the material we didn't get to review on Sept. 26, 2016.

We have not changed our oppositions to turbines (WECS) in the Coastal Zone of Marin Co.

BCM
10-5-16

SEP 15 2016 AM 9:27 Planning

September 14, 2016

Members of the Planning Commission,

Thank you for this opportunity to comment on the current changes in the Marin County Local Coastal program (LCPA).

We have discovered language and modifications to the LCAP which are new and we find contradictory and unacceptable. Our objections follow:

Under the heading Built Environment, we have the following comments:

1. Energy, pg.89, paragraph 4, line 7, beginning with "However, it is recognized that certain small scale energy conversion facilities (example: small scale solar and wind energy conversion) may be necessary for the greater public benefit and thus maybe allowed where appropriate". We have no objection to small scale solar, however, we agree with Section 22.32.180 LCP Amendment, WECS, 2015 #3 2016 #5,6,7, page 36, that clearly states "WECS are not allowed in the Coastal Zone".

read

2. We support the renewable energy policies as stated in C-EN-1 through 3. Standards, Public Information and Education and Incentives for Energy Efficiency.

3. C-EN-44, Renewable Energy Resource Priority, we question the reference in 6 to "streamlined planning and processing". There are very specific regulations relating to "streamlining" projects. This statement requires clarification. In addition, we request the addition of the definition of "scale" for solar projects and the deletion of the reference to "wind conversion".

4. C-EN-4a and 4b. We have previously submitted to the Planning Commission and Board of Supervisors, maps of Marin County, prepared by the wind industry for the California ~~Utility~~ ENERGY Commission (CEC). Those maps, showing wind speeds at 30, 70 and 100 meters, clearly illustrate that there is no truly economically harvestable wind in Marin County. All references to wind projects should be deleted for consistency.

5. C-EN-5 Line 2, add "solar" before "energy production facilities". Delete the words "to avoid where possible, and minimize where avoidance is not possible". Under CEQA, there are no exemptions or exceptions (see Attachment A).

6. C-EN-6 Energy and Industrial Development are not exempt from CEQA. See Attachment A.

In reference to our offshore sanctuaries, the Gulf of Farallones and Monterey Bay National Marine Sanctuaries border the Marin County Coastal Zone, we have a

responsibility to ensure that the viewshed of the shore from the sanctuaries is not compromised by energy projects that defile the coast line. Given the prohibition of such offshore activities at, least to the shoreward extent of the sanctuaries, we request that a statement banning industrial scale on-shore energy installations from the coastal zone be added.

In conclusion, this has been a very long process. WMSCS has been present or responded to each and every hearing. Now, when considering the ongoing negative developments within the Coastal Commission, exposing inappropriate interactions between Commissioners and the representatives of proposed projects, we fear that the wishes of the people of Marin County may be sacrificed to the lobbying efforts of the wind industry.

Respectfully submitted,

West Marin Sonoma Coastal Advocates

SEADRIFT ASSOCIATION

RECEIVED

OCT 07 2016

CALIFORNIA
COASTAL COMMISSION

October 5, 2016

Commissioner Effie Turnbull-Sanders
John Ainsworth, Acting Executive Director
45 Fremont Street, Suite 2000
San Francisco, CA 94105

CC: Nancy Cave, District Manager, North Central Coast District
Shannon Fiala, Coastal Planner, North Central Coast District

Re: California Coastal Commission Staff Report for the upcoming Commission hearing on Amendments to the Marin County Local Coastal Program

Dear Commissioner Turnbull-Sanders and Acting Executive Director Ainsworth:

I am writing on behalf of the full Board of the Seadrift Association regarding the upcoming meeting of the Coastal Commission in November at which the amendments to the Marin County Local Coastal Program will again be on the agenda. We hereby request that the staff report for that meeting be prepared and distributed on a more timely basis than has occurred for past hearings, at least three weeks prior to the upcoming hearing. We also request that this letter be included in the public record of comments on the Marin County Local Coastal Program.

As you are likely aware, significant differences persist between Marin County's Community Development Agency and your staff, resulting from your staff's continued insistence upon substantial modifications to Marin County's proposed Amendments to its Local Coastal Program. The most contentious of these – entire subsections in the Environmental Hazards section on "Coastal Redevelopment" and "Shoreline Development" - were inserted by your staff even though these two concepts are not found in nor mandated by the Coastal Act, nor justified on any Coastal Act basis in the originating Staff Report and Addenda of May 2014. In addition, your staff has insisted that henceforth applications for Coastal Permits include engineering and related studies demonstrating that proposed development will be safe from all environmental hazards for a period of not less than 100 years in the future, again notwithstanding a lack of any such mandated standard. These modifications were embodied in a series of Staff Reports and Addenda that became public just prior to hearings before your Commission on May 14, 2014 and April 16, 2015. Marin County representatives initially accepted the vast majority of changes put forward by your Staff, but subsequently the Marin County Board of Supervisors explicitly rejected these particularly contentious additions to the Environmental Hazards Amendment. Your staff has continued to reinsert these sections in every subsequent draft over the objections of Marin County representatives and against the express vote of the Marin County Board of Supervisors, even though CA 30500(c) clearly states that the precise content of each local coastal program shall be determined by the local government.

P.O. Box 128 • Stinson Beach, California 94970-0128 • (415) 868-9043 • Fax (415) 868-9064

In the prior hearings before your Commission regarding the Marin County LCP, sweeping proposals by your staff for changes to Marin County's draft Amendments were made just days prior to the vote, providing no time for public comment and reaction, and in some cases no time even for Marin County's staff to be made aware of the proposed changes. In 2015, 109 pages of changes were submitted in Staff Reports and Addenda less than two weeks prior to the hearing, 14 of which were submitted the night prior. In 2014, 93 pages of changes were submitted in Staff Reports and Addenda less than two weeks prior to the hearing, with 19 pages of changes only printed and distributed at the meeting itself, with no prior notice. In fact, the disputed sections on "Coastal Redevelopment" and "Shoreline Development," set forth in two full pages of proposed new development code– were first introduced in that 19 page Addenda, with no opportunity for any public input or County review prior to a vote at the 2014 hearing. Not surprisingly, those last minute regulations eventually became the basis for enough public outcry in Marin that the LCP amendments were subsequently withdrawn by the County.

We note that Marin County's own record on preparing and submitting staff reports and proposed Amendments for both public review and review by your staff has followed a substantially more open course. For instance, the final proposed Amendments to the Environmental Hazards section referenced above were first sent to your Staff on February 17, 2016, more than two months prior to the hearing and vote, with public release to community representatives on the C-SMART committee following on March 1st and a generally-notified release to the public on March 4th. This provided for a month of public hearings and comments ending on March 30th, with more than a month and a half of preparation time for the public to appear and comment at the Marin County Board of Supervisors' hearing on April 19th.

Were the same lack of public transparency, and wholesale rejection of Marin County's duly submitted Local Coastal Program amendments, to again happen just days prior to your upcoming hearing – or worse, in another "midnight submission" invisible to the general public and Marin County's staff – one could not possibly expect the Marin County Board of Supervisors to then accept the proposed changes. If this occurs we would urge the County to simply withdraw the proposed Amendments entirely. We would all prefer instead to see this two-year standoff over the Environmental Hazards section come to a mutually satisfactory end in a successful vote both before your Commission and subsequently at the Board of Supervisors of Marin County. We therefore urge you to instruct your staff to make available to the public all of their proposals for final changes to the Environment Hazards sections of the LCP far enough in advance of the hearing to allow for reasonable public input and review. Certainly, we would at a minimum expect them to make any such proposed changes known to Marin County's Community Development Agency well in advance so that some reasonable agreement between staffs might be reached.

Very truly yours,

Paula Reynolds

Paula Reynolds, President
Seadrift Association

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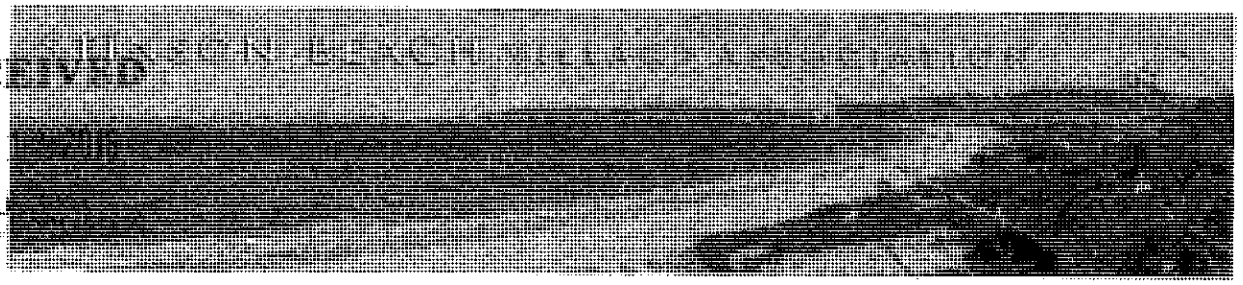

P.O. Box 706 • Stinson Beach • California • 94970
www.stinsonbeachvillage.org

Commissioner Roberto Uranga
John Ainsworth, Acting Executive Director
45 Fremont Street, Suite 2000
San Francisco, CA 94105

CC: Nancy Cave
Shannon Fiala

Dear Commissioner Uranga,

The Stinson Beach Village Association has been intimately involved with Marin County's Community Development Agency, helping to formulate and review Local Coastal Program ("LCP") policies affecting our community even before and ever since its original adoption in 1980. Proposed amendments to our LCP are scheduled for a hearing before your Commission in early November.

We had requested timely notification and release of any and all changes that your staff might propose to make to the LCP amendments that had been approved by our Board of Supervisors. The staff DID propose changes and apparently shared them with the Environmental Action Committee of West Marin. But it did not share them with us. Neither, to our knowledge, did it share them with any other local community organizations. It was only by our monitoring of Marin County's own LCP website that we discovered your staff's proposed changes to the LCP that our Board of Supervisors had approved. Compounding our concern is that in the past, when your staff has made proposed changes to our LCP, it sometimes has made them available to the general public only days prior to hearings; on a few occasions, only at the hearing itself. Such last minute notice leaves no time for adequate public review and comment.

This lack of transparency hampers our organization's ability to perform its duties, which include reviewing and duly informing our own constituents of Marin County development policies that might impact Stinson Beach. We need sufficient time and meaningful notice of any proposed changes in order to do our job. Equally self-evident is that the public is entitled to fair notice. In particular, in order to properly prepare for the November hearing before the Commission, we need to be afforded reasonable advance notice and detailed disclosure of any proposed staff modifications to the Community Development, Community Design and Environmental Hazard sections of the Local Coastal Program. Our community believes these sections of the proposed Local Coastal Program Amendments would have significant impacts to local character and to the continued ability of our constituents to maintain their homes here. These sections must be allowed adequate local review.

We have spent considerable time and energy over the past several years consulting with local residents and with Marin County's representatives. We have held numerous community meetings and discussed specific LCP language. The result is what we believe to be a very balanced set of amendments submitted by our Board of Supervisors. We urge you to direct your staff and ensure that it works with us in a fair way, both in timeliness and release of information, so that this process may be brought to a successful resolution with continued public input.

Thank you,

Terry Gordon

Terry Gordon, President,
Stinson Beach Village Association

United States Department of the Interior
NATIONAL PARK SERVICE

Golden Gate National Recreation Area
Building 201 Fort Mason, San Francisco, CA 94123

Point Reyes National Seashore
1 Bear Valley Road, Point Reyes Station, CA 94956

IN REPLY REFER TO:

L76 (GOGA-PLAN)

OCT 14 2016

John Ainsworth, Acting Executive Director
Steve Kinsey, Commission Chair
California Coastal Commission
45 Freemont Street, Suite 2000
San Francisco, CA 94105

Dear Mr. Ainsworth and Mr. Kinsey,

The National Park Service (NPS) has reviewed the latest draft of the Marin Local Coastal Plan (LCP) and provides the following comments.

Federal Land. In our letter of September 2011, the NPS requested that the LCP clearly state the jurisdictional information with regard to the application of the LCP within federal lands. The narrative does not address this issue until the Socioeconomic section PK of the LCP (page 108 of the document). Other than Map 2 of the draft Marin LCP, the location or jurisdiction of the federal lands or authority is not clearly delineated in the plan or in the map packets. It is appropriate, given the scope of the LCP to provide at least the statement included in Map 2 - The "The Marin County Coastal Zone covers approximately 82,168 acres of County land. Of this total, approximately 33,913 acres are owned and managed by the federal government (National Park Service). This leaves 48,255 acres of the Coastal Zone under County jurisdiction" in the introductory section.

Federal Permit Activities (PK Background (pg.116 in pdf). The statement, "*Although federal park activities are not within the County's coastal permit authority, the County does have the responsibility to review non-federal projects that take place within the boundaries of National Park Service lands. For instance, private development that occurs on a leasehold within Point Reyes National Seashore is subject to coastal development permit review*" is inconsistent with our understanding of the Coastal Zone Management Act (CZMA). CZMA implementing regulations (C.F.R. part 930, subparts D, 930.51 Federal license or permit.), describes the requirements where a private individual or business, or a state or local government agency, or any other type of non-federal entity, applying to the federal government for a required permit or license or any other type of authorization, is subject to the requirements of CZMA. In summary, the consistency process is through the state coastal management program, in this instance the California Coastal Commission. Please clarify this discrepancy.

Map Packet - The NPS reviewed the map packet from the August 2015 version and identified a number of areas where technical corrections should be made. In some cases, the original local village plan areas (e.g. for Bolinas and Point Reyes Station) include lands subsequently

acquired by the NPS. The revised village plan areas partially address our concerns, but there are a few remaining areas where corrections are necessary. Second, within the map packet, there are some areas where county zoning is applied to federally owned parcels. Zoning of the federal lands is not within the purview of the Marin LCP.

The NPS proposes to coordinate with the County to review and provide technical corrections primarily in the Land Use Policy Maps (Map 19 Series) and Village Area Zoning Maps (Map 29 Series) to assure that the federal lands are clearly identified and zoning is not applied over those areas.

C-TR-2. The NPS would like to acknowledge the inclusion of Program C-TR-2.a "State Route 1 Repair Guidelines Within Marin County" in the Land Use Plan Amendments, and suggest the following modifications such that C-TR-2 remain consistent with the Repair Guidelines and to reiterate requests found in the NPS 2011 comment letter. The NPS requests the addition of "limited" immediately prior to the text "expansion of shoulder paving to accommodate bicycle or pedestrian traffic". The NPS also requests C-TR-2 be amended to include the sentence: "Improvements that could encourage higher speeds of motorized travel should be discouraged." Besides Caltrans and the National Park Service, C-TR-2.a should also explicitly mention the California Department of Parks and Recreation as a coordinating entity.

C-DES-2. The NPS has reviewed the section of the report C-DES-2 Protection of Visual Resources. The plan should protect all public views of the ocean and coastal scenic areas and not differentiate protection of only significant views. The Coastal Act states that "Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas." The use of the term significant in reference to public views seems to limit what views are protected, and could create confusion in the long-term as the public and county debate what defines a significant view. If significant views are left in, the NPS would advocate that all views from NPS properties are significant and should be considered in the deliberations regarding new development.

We appreciate your review and the opportunity to comment. Should you have any questions regarding Golden Gate National Recreation Area please contact Trevor Rice at 415-561-4716, and Brannon Ketcham at 415-464-5192 regarding Point Reyes National Seashore.

Sincerely,

for Aaron Roth
Golden Gate National Recreation Area
Acting Superintendent

Cicely A. Muldoon
Point Reyes National Seashore
Superintendent

CC: Shannon Fiala, Coastal Planner, California Coastal Commission

Sandra Cross
Christopher Harrington
P.O. Box 187
Stinson Beach, CA 94970

October 7, 2016

Chair Steven Kinsey
John Ainsworth, Acting Executive Director
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Re: California Coastal Commission Staff Report for the upcoming Commission hearing on Amendments to the Marin County Local Coastal Program

Dear Chair Kinsey and Acting Executive Director Ainsworth:

We are writing regarding the upcoming meeting of the Coastal Commission in November at which the amendments to the Marin County Local Coastal Program will again be on the agenda. We hereby request that the staff report for that meeting be prepared and distributed on a more timely basis than has occurred for past hearings, at least three weeks prior to the upcoming hearing. We also request that this letter be included in the public record of comments on the Marin County Local Coastal Program.

Significant differences persist between Marin County's Community Development Agency and your staff, resulting from your staff's continued insistence upon substantial modifications to Marin County's proposed Amendments to its Local Coastal Program. The most contentious of these – entire subsections in the Environmental Hazards section on "Coastal Redevelopment" and "Shoreline Development" - were inserted by your staff even though these two concepts are not found in nor mandated by the Coastal Act, nor justified on any Coastal Act basis in the originating Staff Report and Addenda of May 2014. In addition, your staff has insisted that henceforth applications for Coastal Permits include engineering and related studies demonstrating that proposed development will be safe from all environmental hazards for a period of not less than 100 years in the future, again notwithstanding a lack of any such mandated standard. These modifications were embodied in a series of Staff Reports and Addenda that became public just prior to hearings before your Commission on May 14, 2014 and April 16, 2015. Marin County representatives initially accepted the vast majority of changes put forward by your Staff, but subsequently the Marin County Board of Supervisors explicitly rejected these particularly contentious additions to the Environmental Hazards Amendment. Your staff has continued to reinsert these sections in every subsequent draft over the objections of Marin County representatives and against the express vote of the Marin County Board of Supervisors, even though CA 30500(c) clearly states that the precise content of each local coastal program shall be determined by the local government.

In the prior hearings before your Commission regarding the Marin County LCP, sweeping proposals by your staff for changes to Marin County's draft Amendments were made

just days prior to the vote, providing no time for public comment and reaction, and in some cases no time even for Marin County's staff to be made aware of the proposed changes. In 2015, 109 pages of changes were submitted in Staff Reports and Addenda less than two weeks prior to the hearing, 14 of which were submitted the night prior. In 2014, 93 pages of changes were submitted in Staff Reports and Addenda less than two weeks prior to the hearing, with 19 pages of changes only printed and distributed at the meeting itself, with no prior notice. In fact, the disputed sections on "Coastal Redevelopment" and "Shoreline Development," set forth in two full pages of proposed new development code– were first introduced in that 19 page Addenda, with no opportunity for any public input or County review prior to a vote at the 2014 hearing. Not surprisingly, those last minute regulations eventually became the basis for enough public outcry in Marin that the LCP amendments were subsequently withdrawn by the County.

We note that Marin County's own record on preparing and submitting staff reports and proposed Amendments for both public review and review by your staff has followed a substantially more open course. For instance, the final proposed Amendments to the Environmental Hazards section referenced above were first sent to your Staff on February 17, 2016, more than two months prior to the hearing and vote, with public release to community representatives on the C-SMART committee following on March 1st and a generally-notified release to the public on March 4th. This provided for a month of public hearings and comments ending on March 30th, with more than a month and a half of preparation time for the public to appear and comment at the Marin County Board of Supervisors' hearing on April 19th.

Were the same lack of public transparency, and wholesale rejection of Marin County's duly submitted Local Coastal Program amendments, to again happen just days prior to your upcoming hearing – or worse, in another "midnight submission" invisible to the general public and Marin County's staff – one could not possibly expect the Marin County Board of Supervisors to then accept the proposed changes. If this occurs we would urge the County to simply withdraw the proposed Amendments entirely. We would all prefer instead to see this two-year standoff over the Environmental Hazards section come to a mutually satisfactory end in a successful vote both before your Commission and subsequently at the Board of Supervisors of Marin County. We therefore urge you to instruct your staff to make available to the public all of their proposals for final changes to the Environment Hazards sections of the LCP far enough in advance of the hearing to allow for reasonable public input and review. Certainly, we would at a minimum expect them to make any such proposed changes known to Marin County's Community Development Agency well in advance so that some reasonable agreement between staffs might be reached.

Very truly yours,

Sandra Cross and Christopher Harrington

October 18, 2016

Shannon Fiala
California Coastal Commission
45 Fremont Street #2000
San Francisco, CA 94105-2219

Re: Marin County LCPA Implementing Program, Community Centers

Dear Ms Fiala,

I am writing regarding a change included in the Marin County Development Code/LCP Implementation Program, which I believe will have unintended negative consequences and be inconsistent with the LCP's vision for Tomales Bay. The zoning code C-RSPhas been amended to allow Community Centers as a conditional use. The Development Code's definition of Community Centers is as follows:

> *This land use consists of multi-purpose meeting and recreational facilities, typically consisting of one or more meeting or multi-purpose rooms, kitchen and/or outdoor barbecue facilities, that are available for use by various groups for such activities as meetings, parties, receptions, dances, etc.*

Despite the implication of the name "community center," there is nothing in the definition that requires that this use be operated by a public entity, or in the public interest. It is simply a place where parties and other events can take place on a commercial basis. This is completely inappropriate for a coastal residential zoned area. It opens up nearly every property in coastal West Marin, especially those along Tomales Bay, to being rented out for weddings, parties or "retreats." This was not the intention of the original zoning, nor, I believe, of the amendment. Most people who are aware of the amendment have assumed that community centers would be operated for the public good and by a public entity.

The original LCP for Marin (policy 8(d), p.215) set zoning requirements for properties on the West side of Tomales Bay. The Yacht Club, Golden Hinde Boatel and Inverness Motel were identified as the only three commercial venues, to be rezoned to RCR. All other properties, apart from parklands, nature preserves and private beaches, were to be zoned residential. This rezoning has been accomplished. Changing the zoning now to allow more commercial uses on Tomales Bay would be inconsistent with the original and continuing vision for this centerpiece of West Marin.

This amendment was not the result of debate and deliberation. Rather it was done simply to create consistency between the non-coastal and the coastal parts of the Marin County Development Code. This is a worthy bureaucratic endeavor, but a bad way to address land use in the sensitive coastal zone.

There are, in addition to commercially zoned properties, numerous properties on both sides of Tomales Bay that put on events without a permit. These operations are currently the source of many complaints from neighbors regarding noise and traffic issues. With this zoning change, their owners and many others may soon be able to operate private commercial event spaces legally. Although one would hope that the Planning Commission, Board of Supervisors and Coastal Commission would not grant use permits for commercial event spaces in a residentially zoned area, especially along the Bay shoreline, it would be better to alter the definition so that the intention to allow only true non-commercial low-intensity community centers is clear to all. Community centers in the Coastal Zone should be defined as being operated by not-for-profit community-based organizations and that they should be required to have the majority of events open to the public and to limit commercial activities and events to not more than, say, 20% of all activities. A use permit for a community center should be limited to 5 years, and could be renewed.

Thank you for your attention to this obscure, but important matter.

Sincerely,
Catherine Caufield
PO Box 884
Inverness, CA 94937

California Coastal Protection Network's Top 10 Proposed Changes to Marin LCP

October 19, 2016 -- Amy Trainer

1. **Remove LUP Policy C-AG-2.b entirely**.

Rationale: This new policy directs the County to evaluate a program that would trade allowance of non-agricultural residential development for an affirmative agricultural easement. This program was never presented to the public for discussion or analysis until the County presented the Land Use Plan Amendment to the Board of Supervisors for a vote in August 2015. The concept of this policy contradicts all other LUP Amendment policies that purport to keep agriculturally zoned lands in production. There is no justification for including this policy, particularly when Marin County is fortunate to have the success of the Marin Agricultural Land Trust working to acquire conservation easements on coastal agricultural properties. If the County wants to pursue this policy, it should hold public hearings to gather input outside of the LCP context, and if it gains public support for the idea, then it could propose an amendment to the LCP.

2. **Revise IP section 22.70.030.B.4 to require public hearings for all coastal development permits in order to comply with Coastal Act section 30006**.

Rationale: In Marin County's Certified LCP, much of the allowable development on C-APZ lands under the definition of "agriculture" is classified as a permitted use, a conditional use, or isn't currently allowed. Also under the existing LCP, a farm is entitled to one (1) residential farmhouse but a permit on that receives a public hearing and is appealable to the Coastal Commission. As such, retail sales facilities, commercial processing facilities, a residential farmhouse, and farmworker housing all currently require a public hearing and are appealable to the Coastal Commission.

The LCP Amendment proposes to substantially amend the definition of "agriculture" to reclassify as Principal Permitted Uses on C-APZ lands 1) a farmhouse, 2) the new development right for an intergenerational house, 3) a retail sales facility, 4) a commercial processing facility, and 5) farmworker housing. With this change, these types of development would become exempt from public appeal to the Coastal Commission. While these newly classified PPUs on agricultural lands require a coastal development permit, they are not appealable to the Coastal Commission. Under 22.70.030.B.4 a public hearing "shall not be required when an application is not appealable to the Coastal Commission." As a result, in practice a public hearing will usually not be required for all of this development.

This is a significant change in the public's participation in apparent violation of Coastal Act section 30006. That section states:

> **The Legislature further finds and declares that the public has a right to fully participate in decisions affecting coastal planning, conservation and development**; that achievement of sound coastal conservation and development is dependent upon public understanding and support; and that **the continuing planning and implementation of programs for coastal conservation and development should include the widest opportunity for public participation**. (Emphasis added).

To meet the clear mandates of this Coastal Act section for public participation, please revise IP section 22.70.030.B.4 to require a public hearing on all coastal development permits.

3. **Add Standards for Viticulture in Chapter 22.32 of the IP.**

Rationale: Throughout the five years I have participated in the Marin LCP Amendment process, I have repeatedly requested that either the County or the Coastal Commission staff create standards for new viticulture or row crops to be included in Chapter 22.32, "Standards for Specific Land Uses." The County points to its viticulture ordinance, but that ordinance is a ministerial permit with no public hearing and no coastal resource protection standards. The ordinance is governed by the Agriculture Commissioner, not the County's Community Development Agency. Tomales Bay is an impaired water body under Clean Water Act Section 303(d) for sediments and nutrients, and the type of major grading, terracing, and earth moving required for new viticulture production needs specific standards. Importantly, the water availability for the proposed level of irrigation, use of pesticides, riparian setbacks, and other issues need specific development standards in Chapter 22.32. Some of the specific issues to be addressed include those listed in EAC's October 2, 2014 letter to Coastal Commission staff, as well as CCPN's October 4, 2016 letter to Coastal Commission staff.

4. **Delete "significant" in reference to protection of public views and scenic resources throughout IP and LUP to meet Coastal Act section 30251**.

Rationale: As stated in CCPN's April 11th and October 4th letters, Coastal Act Section 30251 does not protect "significant views" – it requires that development be sited and designed "to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas." (Emphasis added). The list of LCP Amendment provisions where the word "significant" should be removed in this context includes:

22.65.040.C.4.2	**Agricultural Dwelling Unit Impacts and Agriculture Use**
22.32.165.C.7	**Telecommunications Facilities**
22.60.010	**Purpose and Applicability of Coastal Regulations**
22.64.045.4.A	**Property Development and Use Standards**
22.64.060.B.3.b	**Environmental Hazards**
22.64.140.A.19	**Public Facilities and Services – Telecommunications Facilities**

5. **Include Design Review and Public Access standards for 3-foot elevation allowance in Environmental Hazards policy C-EH-5 and 22.64.040.B.3.b.**

Rationale: We greatly appreciate the good work that Coastal Commission staff did in rewriting the County's Environmental Hazards policies and development code, as the revisions are much clearer in their protection of life, property, and the natural environment. We especially appreciate Commission staff revising the County's prior IP section 22.64.060.A.1.b.3, which gave programmatic and universal approval for all houses to be raised 3 feet without a site-specific analysis of coastal hazards, public views and community character, to its current form:

> "Where development consists solely of raising an existing structure by the minimum amount necessary to meet these flood elevation standards, a resulting building height that would exceed the zoning district height maximum may be allowed if the additional height does not adversely affect ~~significant~~ public views or community character." (Emphasis added).

By making discretionary the determination about whether a proposed 3-foot structure elevation adequately protects public views and community character, as CCPN had requested in its April 11, 2016 letter, the Commission would require a site-specific analysis for each property owner proposing to elevate their structure. *It would be very beneficial if the Commission staff could create or incorporate design review and public access standards that could be expressly listed as part of the Environmental Hazards IP chapters so that all parties have some sense of how a determination will be made about whether elevating a structure conforms to community character or impedes public access*.

6. **Incorporate additional safeguards for groundwater into 22.64.140.**

Rationale: To safeguard groundwater resources, and the sensitive habitats they are connected with, add the following underscored language to 22.64.140.A.1.b:

> 1) The sustainable yield of the well meets the LCP-required sustained pumping rate (minimum of 1.5 gallons per minute) when tested in the dry season months of May through October, and must be equal to or exceed the project's estimated water demand as determined by a licensed engineer.
>
> 3) The extraction will not adversely impact other wells located within 300 feet of the proposed well, or which are determined to by hydro-geologically connected; will not adversely impact adjacent and hydro-geologically connected biological resources including streams, riparian habitats, and wetlands; …
>
> 4) The County shall require a water meter to be placed on all new wells, and for those expanded uses of existing wells. The County may place limits on groundwater usage to mitigate long-term impacts to the aquifer when the report of a Civil Engineer or Geologist indicates that groundwater resources are limited and/or the well may become compromised by seawater intrusion.

7. **Set definitive standards for "Sufficient Parking" in 22.32.027**.

Rationale: In section 22.32.027.B.1 the term "Sufficient parking" is not defined but it should be. Without a definition, what constitutes "sufficient parking" will be determined by the purported demand of consumers or left to a case-by-case basis. *Agricultural properties should not be turned into parking lots*.

The key is to find the balance between retail sales operation's capacity and sufficient on-site parking that can be provided without impacting agriculture significantly. Simply having limited on-site parking based on capacity does not solve the parking issues as long as there is more demand than can be served. Or, there should be off-site parking

and shuttles, with controls so that only people arriving by the shuttle can be served. The traffic capacity and public safety concerns on the narrow, winding portion of Highway 1 along Tomales Bay must be analyzed and addressed in the IP as part of the "sufficient parking" calculus.

8. **Require that findings be made for development on C-APZ lands under 22.65.040 that the structure or intensification of use is "necessary" for continued agricultural viability.**

Rationale: We understand and appreciate the desire for flexibility and diversification by agricultural operators in the coastal zone, and want to see the continued significant growth in Marin's agricultural economy. We also want to see an efficient, inexpensive process for a dairy to build a cheese processing facility that meets coastal resource protection standards, or for the children of farmers to move back to the family farm to take over from their parents. However, the current proposal of programmatically deeming all new farmhouses, 1st intergenerational house, retail sales facilities, commercial processing facilities, and farmworker housing as "necessary" for agricultural viability goes too far. The County has presented no findings or factual basis that all of this new development on C-APZ lands meet Coastal Act standards in sections 30241, 30242, and 30250(a), which support the preservation of agriculture by strictly limiting conversion of agricultural lands to other uses.

One of the major conflicts of the LCP Amendment proposal is with the Act's policies requiring that new development be located within or close to existing developed areas or in other suitable areas where it can be concentrated (Section 30250(a)). As the Certified LCP agricultural policies state, "the purpose of these policies is to avoid sprawl and its associated environmental and economic costs." At a minimum, there should be a requirement to show on a case-by-case basis that the new, permanent development of structures [accessory or otherwise] on agricultural lands is "necessary" for agriculture, and there should be at least minimal siting, design, and resource protection standards for development that's previously been deemed categorically exempt. Otherwise there is no ability of the County or the public to address cumulative impacts to C-APZ lands for visual resources, water quality, water quantity, wildlife habitat, or the ongoing viability of agriculture operations.

9. **Require non-toxic, non-creosote piers and pilings for mitigation under C-EH-12**.

Rationale: We greatly appreciate that the rewrite of the Environmental Hazards chapters follows the Coastal Commission's Sea Level Rise Guidance Policy, particularly with prioritizing soft armoring as the least environmentally damaging alternative. To that end, when shoreline hardening is deemed acceptable, please require that the new piers and pilings used must be wood treated with non-toxic chemicals, and prohibit wood treated with creosote, arsenic or copper.

10. **Prioritize in-kind mitigation and declare the use of in-lieu fees as a last resort under C-EH 12.**

Rationale: When mitigating the impacts of shoreline armoring on public access, there

should be a clear preference for in-kind, on-site mitigation. The use of in-lieu fees should be a last resort to best maintain existing public access. As we have seen with the use of in-lieu fees for lower cost overnight coastal accommodations, it is very difficult for the Commission, or its sister agency the State Coastal Conservancy, to put the fees collected to active use. If in-lieu fees are to be considered part of the mitigation strategy, then the Commission should incorporate a formula that would be acceptable for determining the amount of fee required.

Thank you for your consideration of our comments.

Lawrence A. Baskin and Kathlynn Capdeville
PO BOX 377
Stinson Beach, CA 94970

October 20, 2016

Brian Crawford
Director Community Development
3501 Civic Center Drive
San Rafael, CA 94903
bcrawford@marincounty.org

Supervisor Steve Kinsey
3501 Civic Center Drive, Room 329
San Rafael, CA 94903
skinsey@marincounty.org

We are Stinson Beach and West Marin homeowners of over 30 years. We are writing to express our grave concern with the staff of the California Coastal Commission response to the County of Marin submittal of the community supported Local Coastal Program amendments. The CCC staff has decimated the submission and rejected the hard work and well thought out proposal of the County which resulted from County staff working with West Marin Community organizations and residents. We feel we have no choice but to urge that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

We are very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, we would lose rights to maintain, protect and rebuild our home. We understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. We are disappointed and dismayed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.

Please protect our home and property rights. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Sincerely,

Lawrence A. Baskin and Kathlynn Capdeville

Fiala, Shannon@Coastal

From: Dan Janney <djanney@altapartners.com>
Sent: Wednesday, October 19, 2016 2:44 PM
To: Crawford, Brian
Subject: 315 Seadrift Avenue, Stinson Beach, CA

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.
Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Thank you.

Dan Janney
315 Seadrift Avenue
Stinson Beach, CA 94970

Fiala, Shannon@Coastal

From: Kate Moore <katemo200@gmail.com>
Sent: Wednesday, October 19, 2016 1:38 PM
To: Crawford, Brian
Subject: A concerned West Marin property owner

Dear Mr. Brian Crawford:

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.

Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Sincerely,

Kathleen M. Moore
201 Dipsea Rd.
Stinson Beach, CA

Fiala, Shannon@Coastal

From: Sue Nelsen <susanjnelsen@yahoo.com>
Sent: Thursday, October 20, 2016 11:07 AM
To: Crawford, Brian
Cc: Kinsey, Steven
Subject: Ammendments to the LCP

Brian Crawford
Director Community Development
3501 Civic Center Drive
San Rafael, CA 94903
bcrawford@marincounty.org

Supervisor Steve Kinsey
3501 Civic Center Drive, Room 329
San Rafael, CA 94903
skinsey@marincounty.org

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process. This is indeed frustrating as a contributing member of the community and tax payer.
Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Susan J. Nelsen
P.O. Box 601
Stinson Beach, Ca. 94970

Fiala, Shannon@Coastal

From: Jeff Symonds <rollingthundergroup@icloud.com>
Sent: Thursday, October 20, 2016 1:39 PM
To: Crawford, Brian
Subject: Coastal Commission E-Letter

Dear Brian,

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.
Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Jeff Symonds
145 Dipsea Rd
Stinson Beach, CA 94970
415.819.8159

Fiala, Shannon@Coastal

From: thomaswchan3918 . <thomaswchan918@gmail.com>
Sent: Wednesday, October 19, 2016 4:03 PM
To: Crawford, Brian
Cc: Kinsey, Steven
Subject: Environmental Hazard Amendment

Hi Mr. Crawford,

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.

Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Thomas and Maggie Chan

Fiala, Shannon@Coastal

From: J. O. Tobin II <jotobin21@yahoo.com>
Sent: Wednesday, October 19, 2016 4:16 PM
To: Crawford, Brian
Cc: Edith Tobin
Subject: Environmental Hazards Amendment to Marin's Local Coastal Program.

Brian Crawford
Director Community Development
3501 Civic Center Drive
San Rafael, CA 94903
bcrawford@marincounty.org

Dear Mr. Crawford

As a Seadrift (268 Seadrift Road, Stinson Beach) homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that ours and others repeated attempts to compromise with the California Coastal Commission staff have again failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.
Please protect my house and property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

As ever

Joseph Tobin

CC::
Supervisor Steve Kinsey
3501 Civic Center Drive, Room 329
San Rafael, CA 94903
skinsey@marincounty.org

Fiala, Shannon@Coastal

From: Mark Wayland <mtwayland@gmail.com>
Sent: Wednesday, October 19, 2016 12:59 PM
To: Crawford, Brian
Cc: Kinsey, Steven; Jennifer Griffith
Subject: Environmental Hazards Amendment to Marin's Local Coastal Program

Mr. Crawford,

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.

Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Mark Wayland
Stinson Beach, CA

Fiala, Shannon@Coastal

From: Patrick Moore <onemoore53@yahoo.com>
Sent: Wednesday, October 19, 2016 1:45 PM
To: Crawford, Brian
Cc: Kinsey, Steven
Subject: Environmental Hazards Amendment

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that the regulations the California Coastal Commission is attempting to impose on Marin County will take away my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations, in place of those approved by our Board of Supervisors, at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission are being ignored in this process.
Please protect my right to protect my home and my property. The current Local Coastal Program is better than the proposed changes. Please keep it in place.

Patrick Moore and Karen Lindfors

Fiala, Shannon@Coastal

From: Dupi Cogan <dupicogan@gmail.com>
Sent: Wednesday, October 19, 2016 5:04 PM
To: Crawford, Brian
Subject: Hazards Amendment

Dear Mr. Crawford,

As a West Marin homeowner, I am writing to ask that you withdraw the Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.
Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Maria Cogan

LAW OFFICES
TESLER & SANDMANN

PETER B. SANDMANN :

PAULINE H. TESLER
CERTIFIED FAMILY LAW SPECIALIST
STATE BAR OF CALIFORNIA

October 20, 2016

Commissioners, California Coastal Commission
45 Fremont Street
San Francisco, CA 94105

Re: Proposed Amendments to Marin County Local Coastal Program
Agenda Item LCP-2-MAR-15-0029-1: Commission meeting Nov.2, 2016

I am writing on behalf of the Seadrift Association, a homeowners association in Stinson Beach consisting of more than 250 single family homes located just above sea level on the Pacific Coast. The purpose of this letter is to call your attention and to object to the continued effort by certain members of your staff to impose their own policies on the County of Marin with regard to Marin's proposed amendments to its Local Coastal Program. The Coastal Act clearly provides in Section 30500(c) that:

> The precise content of each local coastal program shall be determined by the local government, consistent with Section 30501, in full consultation with the commission and with full public participation.

Moreover, the Coastal Act further provides in Section 30512.2(a) with respect to a County's Land Use Plan:

> In making . . . [its] review, the commission is not authorized by any provision of this division to diminish or abridge the authority of a local government to adopt and establish, by ordinance, the precise content of its land use plan.

While Marin County has been working diligently with extensive public participation to prepare amendments to its Local Coastal Program for approximately the past seven years, your staff has taken every opportunity to impose its own preferences and policies upon this process. Your staff's efforts in this regard has been without any guidance from the Commission itself, and without any public participation in the versions of the LCP that your staff has attempted to impose.

These issues first arose publicly in May, 2014, when the Commission met in Inverness, California to consider Marin County's proposed amendments. Two days before that hearing, your staff submitted an appendix to the previously issued staff report making significant

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38 MILLER AVENUE, NO. 128, MILL VALLEY, CA 94941
TELEPHONE: (415) 383-5600 FACSIMILE: (415) 358-5674

substantive changes to the County's proposed amendments. Then, the day before the hearing, your staff submitted a second appendix which made further substantial substantive changes to Marin County's submissions, essentially re-writing the section on Environmental Hazards. At the hearing, County staff accepted those changes without having had an opportunity to review many of them, and the public was completely in the dark about what had been decided. It was only much later when the revised document returned to the Marin County Board of Supervisors that the public was able to react and to express its dismay with the extensive changes wrought by your staff. As you know, the County thereupon withdrew its proposed amendments, and they have subsequently been substantially revised and are now being resubmitted to the Commission.

However, once again, only a few weeks before the forthcoming Commission hearing on the County's proposed amendments, your staff is attempting to impose on the County its own substantial substantive changes to Marin County's proposed amendments, again without any guidance from the Commission about the issues that separate the County from the Commission's staff on these important matters. Stated simply, the effect of your staff's proposed changes would proscribe virtually all development along the coastline, because contrary to Marin County's proposed standards – which resulted from the County's extensive review of sea level rise issues under a County program known as C-SMART – your staff insists that all future proposed development be designed to meet the highest possible projected level of the sea in the next 100 years, regardless of the projected economic life of such development. Furthermore, your staff insists upon creating new development restrictions, not found in any authorizing legislation and, indeed, contrary to specific legislative provisions – specifically governing redevelopment of existing projects and restricting reliance upon shoreline protective devices, even those designed to protect the shoreline in low lying areas rather than those areas where bluffs exist.

Rather than go into extensive analysis of the ways in which your staff has totally re-written the County's proposed amendments, one only has to look at your staff's redlined version of Marin County's Environmental Hazards sections to see that the County's language has been eviscerated and your staff's version has been put in its place. In both the Land Use Plan and the Implementation Program, the Environmental Hazards sections have been altered in such a fashion as to make them unrecognizable from the County's proposed amendments.

The extent of your staff's alterations of Marin County's proposed amendments makes it virtually impossible to conduct a reasoned discussion of the ways in which the two versions differ. As a result, it is not feasible for anyone to draft compromise provisions that would take into consideration both the County's proposals and your staff's versions. One glaring difference is that Marin County proposes that development projects along the coast be designed to meet projected sea level rise during the next fifty years, with an average projected rise of three feet. Your staff, on the other hand, insists that all development meet a projected sea level rise for the next one hundred years, at the maximum possible level, even though the best available science at

the present time projects that in the next one hundred years, the sea along the California coast may rise as little as eighteen inches or as much as six feet. Your staff's insistence that all future development meet a projected rise of six feet means that in substantial areas along the coast, including in virtually all of the Seadrift subdivision, no future development (or substantial repairs or renovations) would be permitted at all. Under the circumstances, insistence upon such a restriction would constitute an illegal taking under applicable authorities, and is both arbitrary and capricious.

The extent of your staff's changes to the County's proposed amendments leaves the Commission with no choice but to accept the County's submission of the Environmental Hazards sections without any alterations whatsoever. If the Commission instead attempts to adopt the staff's complete re-write of the County's proposed amendments, Marin County will have no choice but to withdraw its submission and leave in place the Local Coastal Program that was adopted and approved many years ago. There is at this point no middle ground that would comply with the provisions of the Coastal Act.

Sincerely,

Peter B. Sandmann

PBS:me

cc: John Ainsworth, Acting Executive Director
Nancy Cave, District Manager, North Central Coast District
Brian Crawford, Director, Marin County Community Development Agency
Dennis Rodoni
Dominic Grossi

Fiala, Shannon@Coastal

From: MARIUS NELSEN <moreyn@sbcglobal.net>
Sent: Wednesday, October 19, 2016 1:17 PM
To: Kinsey, Steven; Crawford, Brian
Cc: Kiren Niederberger; Paula Reynolds; Jeff Loomans; Peter B. Sandmann; Lawrence Baskin; Barbara Boucke; Jim Zell; Sandra Cross; Ann Walsh; Jeff Walsh; Sue Nelsen; Mary Metz; Gene Metz; Jeannine Voix Paganini; Vicki Sebastiani; David Bernstein
Subject: LCP Amendments

Brian Crawford
Director Community Development
3501 Civic Center Drive
San Rafael, CA 94903
bcrawford@marincounty.org

Supervisor Steve Kinsey
3501 Civic Center Drive, Room 329
San Rafael, CA 94903
skinsey@marincounty.org

Dear Mr. Crawford and Supervisor Kinsey:

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.
I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.
Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.
Sincerely,

Marius E. Nelsen
PO Box 1113, !6 Dipsea Road
Stinson Beach, CA 94970

Fiala, Shannon@Coastal

From: Paul Danielsen <pdanielsen@mindspring.com>
Sent: Wednesday, October 19, 2016 2:22 PM
To: Crawford, Brian
Cc: Kirby Walker
Subject: LCP and CCC

Brian

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and build my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.
Please protect my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.
Many thanks

Paul

Paul Danielsen
347 Seadrift Road
Stinsin Beach CA 94940
415-933-7375

Fiala, Shannon@Coastal

From: William Krill <williamkrill@yahoo.com>
Sent: Wednesday, October 19, 2016 1:55 PM
To: Crawford, Brian
Cc: Kinsey, Steven; Maggie Krill; Bill Krill
Subject: LCP Update Damaging to Stinson Owners

Dear Mr. Crawford,

We are long time home owner's living in Stinson Beach and are extremely concerned about the negative impact the proposed Environmental Hazards Amendment to Marin's Local Coastal Program would impose upon us and strongly urge that it be withdrawn.

We are very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, We would lose our rights to maintain, protect and rebuild my home. we understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. We are disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.

Please protect our home and our property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Thank you,
Bill & Maggie Krill

Fiala, Shannon@Coastal

From: Noelle Alejandra Salmi <noellesalmi@gmail.com>
Sent: Wednesday, October 19, 2016 2:26 PM
To: Crawford, Brian
Cc: Kinsey, Steven
Subject: LCP

Dear Mr. Crawford

As a homeowner in West Marin, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.

Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Thank you for your attention to this.

Sincerely,

Noelle Salmi

Noelle Salmi
noellesalmi@gmail.com

Fiala, Shannon@Coastal

From: Peter Waldman <peterjwaldman@gmail.com>
Sent: Wednesday, October 19, 2016 1:36 PM
To: Crawford, Brian; Kinsey, Steven
Subject: Letter of Concern

>> Brian Crawford
>> Director Community Development
>> 3501 Civic Center Drive
>> San Rafael, CA 94903
>>
>>
>> Supervisor Steve Kinsey
>> 3501 Civic Center Drive, Room 329
>> San Rafael, CA 94903
>>
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>> As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.
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>> I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.
>> Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Sincerely,
Peter Waldman
Peterjwaldman@gmail.com

Fiala, Shannon@Coastal

From: Howard Joel Schechter <howardjoel@aol.com>
Sent: Wednesday, October 19, 2016 7:22 PM
To: Crawford, Brian
Subject: Local Coastal Plan

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.
Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.
Sincerely,
Howard Schechter

Howard Joel Schechter, Ph.D.
Rekindling the Spirit
OrganizSation and Individual Development
www.rekindling.com
415.868.9607

Fiala, Shannon@Coastal

From: Alison Lufkin <alisonlufkin7@gmail.com>
Sent: Wednesday, October 19, 2016 2:40 PM
To: Crawford, Brian; Kinsey, Steven
Subject: Local Coastal Plan

Dear Mr. Crawford and Supervisor Kinsey,

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.
Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Thank-you for your time.

Best,
Alison Lufkin

Alison W. Lufkin
Sullivan & Company
www.Alisonlufkindesign.com
o: 415-292-4830
c: 415-279-4830

Fiala, Shannon@Coastal

From: Carroll Botvinick <carrollbotvinick@yahoo.com>
Sent: Wednesday, October 19, 2016 10:51 PM
To: Crawford, Brian
Subject: Local Coastal Plan

Brian Crawford,

We own a home in Stinson Beach- West Marin. I have reviewed the Environmental Hazards Amendment to Marin's Local Coastal Program and urge you to withdraw these provisions.

The California Coastal Commission is attempting to impose on West Marin homeowners conditions that will make it difficult or impossible for me to safely maintain, protect and rebuild my home.

The California Coastal Commission has refused any compromise with their demands and insist that their own draft regulations replace those approved by our Board of Supervisors at the hearing on November 2nd.

We West Marin residents care deeply about the security of our coastal environment - have actively attended meetings, studied proposals and written letters.

Please do not allow our concerns to be ignored. The current Local Coastal Program would be better than the changes pushed by the California Coastal Commission.

Thank you, Carroll and Eli Botvinick

Fiala, Shannon@Coastal

From: Nancy Weber <nmsweber@sbcglobal.net>
Sent: Wednesday, October 19, 2016 1:18 PM
To: Crawford, Brian
Subject: Marin Environmental Hazard Amendment

Brian Crawford
Director Community Development
3501 Civic Center Drive
San Rafael, CA 94903
bcrawford@marincounty.org

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.
Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Robert and Nancy Weber

Fiala, Shannon@Coastal

From: Kenny Werner <kennyw9@hotmail.com>
Sent: Thursday, October 20, 2016 7:27 AM
To: Crawford, Brian; Kinsey, Steven
Subject: Marin LCP - Please help

Hi,

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.
Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Thank you,

Ken Werner
415 229 4846

Fiala, Shannon@Coastal

From: Robert Aptekar <raptekar@gmail.com>
Sent: Wednesday, October 19, 2016 5:37 PM
To: Crawford, Brian
Subject: Marin property amendment

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.
Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Thank you,
Robert G. Aptekar

--

Fiala, Shannon@Coastal

From: Robert Aptekar <raptekar@gmail.com>
Sent: Thursday, October 20, 2016 10:43 AM
To: Crawford, Brian
Subject: Marin property

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.
Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Thank you,
Judy Aptekar

--

Fiala, Shannon@Coastal

From: Jan Waldman Brown <jwaldmanbrown@gmail.com>
Sent: Wednesday, October 19, 2016 4:24 PM
To: Crawford, Brian
Cc: Kinsey, Steven
Subject: Marin's Local Coastal Program

Dear Brian Crawford,

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.

Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Thank you.

Respectfully yours,
Jan Waldman Brown

Brian Crawford
Director Community Development
3501 Civic Center Drive
San Rafael, CA 94903
bcrawford@marincounty.org

Supervisor Steve Kinsey
3501 Civic Center Drive, Room 329
San Rafael, CA 94903
skinsey@marincounty.org

Dear Sirs,

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.

Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Jan and John O'Connor

181 Dipsea Road, Stinson Beach, CA

415-302-1030

Fiala, Shannon@Coastal

From: Peter Yolles <pyolles@gmail.com>
Sent: Wednesday, October 19, 2016 1:11 PM
To: Crawford, Brian
Cc: Marilyn Waldman; Jon Yolles
Subject: Opposing Environmental Hazards Assessment of Marin's LCP

Dear Director Crawford,

As a West Martin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under the regulations the California Coastal Commission is attempting to impose on Marin County, we would lose our rights to maintain, protect and rebuild our home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.

Please protect our home and property. The current Local Coastal Program would be better than the proposed changes. Please keep it place.

Respectfully yours,

Peter Yolles
151 Seadrift Road
Stinson Beach, CA 94970

cc: Marilyn Yolles Waldman

Fiala, Shannon@Coastal

From: Kristin MacKnight <kvmacknight@gmail.com>
Sent: Thursday, October 20, 2016 12:06 PM
To: Crawford, Brian
Cc: Kinsey, Steven
Subject: Please withdraw the Environmental Hazards Amendment

Dear Mr. Crawford,

I am a homeowner in Stinson Beach. I am writing in opposition of the Environmental Hazards Amendment to Marin's Local Coastal Program. Please withdraw this Amendment.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.

Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Sincerely,

Kristin MacKnight

Fiala, Shannon@Coastal

From: eugene barth <frogs2@ix.netcom.com>
Sent: Wednesday, October 19, 2016 2:42 PM
To: Crawford, Brian
Cc: Kinsey, Steven
Subject: Proposed regulations

Dear Mr. Crawford,

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.
Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

eugene & neil barth, 107 Dipsea Rd. Stinson Beach

Fiala, Shannon@Coastal

From: Kimberley Rathbun <rathbun_k@yahoo.com>
Sent: Wednesday, October 19, 2016 2:08 PM
To: Crawford, Brian
Subject: Stop the California Coastal Commission

Dear Mr Crawford,

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that, under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect, and rebuild my home.
I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd.
I am disappointed that the many meetings, votes, and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.
Please protect my home and my property. This ongoing, relentless attack by the California Coastal Commission needs to stop.
The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Edward Rathbun,
Owner, Stinson Beach

Fiala, Shannon@Coastal

From: Stephen Edelman <sedelman1@mac.com>
Sent: Wednesday, October 19, 2016 4:20 PM
To: Crawford, Brian
Cc: Kinsey, Steven
Subject: The Environmental Hazards Amendment to Marin's Local Coastal Program.

Mr. Crawford:

I have a home at 246 Seadrift, Stinson Beach.

I have been informed by Seadrift that the ***staff*** of the Coastal Commission is attempting to insert ***their*** draft into Coastal Commission regulations that are counter to the draft already approved by the Board of Supervisors.

This would ignore the work done through many letters and discussion by West Marin residents that went into the Supervisor's version, *and appears to be a last ditch attempt to block homeowner's ability to protect, maintain, and rebuild our homes.*

I am not sure how the politics of this works, but it seems odd that after all of this back and forth, and seeming agreement, a rewrite is proposed by the staff to be considered at a meeting on November 2nd… especially since it is my understanding that these issues were largely "put to bed."

Thank you for your consideration.

Steve Edelman
246 Seadrift
Stinson Beach, CA 94970

cell: (415) 305-1177

Fiala, Shannon@Coastal

From: lithan2@aol.com
Sent: Thursday, October 20, 2016 2:51 PM
To: Crawford, Brian

Dear Mr. Crawford,

As a West Marin homeowner, I am writing to ask that you withdraw the Enviornmental Hazards Ammendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my right to maintain, protect and rebuild my home. It is clear that Commission's will as expressed in the Amendment is an arbitrary attempt to assert power which is directly contrary the position of both the Board of Supervisors and the will of the many citizens of West Marin as expressed in many meetings, votes and letters. I urge you to protect my home and property and abandon your contemplated Amendment.

Lawrence D. Ehrlich

Fiala, Shannon@Coastal

From: Scott Jordon <scott@glynncapital.com>
Sent: Wednesday, October 19, 2016 12:48 PM
To: Crawford, Brian
Cc: Kim Thompson Jordon
Subject: Local Coastal Plan (LCP)

Dear Brian,

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.
Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Sincerely,
Kim and Scott Jordon
Homeowners of Stinson Beach, CA

Fiala, Shannon@Coastal

From: Patricia Munter <pamunter@gmail.com>
Sent: Wednesday, October 19, 2016 12:56 PM
To: Crawford, Brian
Cc: Kinsey, Steven
Subject: Marin Co. LCP

Mr. Crawford,

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.
Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Sincerely,

Patricia Munter
Stinson Beach, CA

Fiala, Shannon@Coastal

From: Sarah Barron <sarahbarron@mac.com>
Sent: Wednesday, October 19, 2016 12:46 PM
To: Crawford, Brian
Cc: Kinsey, Steven
Subject: Marin Local Coastal Program

Dear Brian,

As a West Marin AND Central Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home in West Marin. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.

Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. ***Please keep it in place.***

Thank you for listening,

Sarah Barron

Fiala, Shannon@Coastal

From: Ken Hao <Ken.Hao@SilverLake.com>
Sent: Wednesday, October 19, 2016 12:09 PM
To: Crawford, Brian; Kinsey, Steven

Dear Messieurs Crawford and Kinsey

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.

Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Ken Hao

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Fiala, Shannon@Coastal

From: Nancy Schlatter <nschlatt4@gmail.com>
Sent: Wednesday, October 19, 2016 12:14 PM
To: Crawford, Brian
Subject: CCC changes

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.
Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Sev Schnugg
Homeowner

Fiala, Shannon@Coastal

From: John Miottel <emailcrash@me.com>
Sent: Wednesday, October 19, 2016 12:10 PM
To: Kinsey, Steven; Crawford, Brian
Subject: HELP

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.
Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

W. John Miottel, Jr.

Fiala, Shannon@Coastal

From: Carrie <carriev@gmail.com>
Sent: Tuesday, October 18, 2016 12:44 PM
To: Crosse, Liza; Crawford, Brian
Subject: Latest round of EH modifications from CCC staff

Hi Steve and Brian,

Carrie here from Stinson Beach- "Residents for Reasonable Land Use".... mainly representing the Calles and Patios.

Like you, I've seen the latest CCC staff revisions to the EH section of the LCP. It seems they might be hard of hearing! This latest version takes us right back to square ONE and blatantly ignores all of the CDA staff and community residents' requested compromises.

I believe at this point our only option is to remove the EH section from the LCP all together. We have worked for YEARS trying to compromise and it is far too late for further horse trading. I plan to rally not only the various groups in Stinson, but ALL of the concerned citizens of our neighboring communities to begin the phone calls and letter writing to the CCC Board Members to let them know we want the EH section removed completely. If we go back to 1980 zoning regs, that will suit us just fine. I spoke to some organizers in Bolinas last night that are on board, and the Seadrift Association is holding an emergency meeting on this suggested path forward as I type.

I believe we will have a VERY packed house for the upcoming meeting and believe we will speak with one united voice....**we want to remove the EH section of the LCP**.

I look forward to hearing your thoughts!

Best,
Carrie Varoquiers
415.505.6501

Fiala, Shannon@Coastal

From: L <collectivemidwifery@gmail.com>
Sent: Wednesday, October 19, 2016 12:13 PM
To: Crawford, Brian
Cc: Kinsey, Steven
Subject: Local Coast Plan

Dear Mr. Crawford,

As a Stinson Beach homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.
Kindly protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Best regards,

Lauri Hughes
Stinson Beach, CA

Fiala, Shannon@Coastal

From: Kenny Werner <kennyw9@hotmail.com>
Sent: Thursday, October 20, 2016 7:27 AM
To: Crawford, Brian; Kinsey, Steven
Subject: Marin LCP - Please help

Hi,

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.
Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Thank you,

Ken Werner
415 229 4846

Fiala, Shannon@Coastal

From: Mark Moore <Mark@horsleybridge.com>
Sent: Wednesday, October 19, 2016 12:57 PM
To: Crawford, Brian
Cc: Kinsey, Steven
Subject: Local Coastal Plan

Dear Mr. Crawford,

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.

Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Thank you for your consideration.

Mark A. Moore
198 Seadrift Road
Stinson Beach

STATE OF CALIFORNIA – NATURAL RESOURCES AGENCY EDMUND G. BROWN, JR., GOVERNOR

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE
45 FREMONT ST, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904-5260
FAX (415) 904-5400
TDD (415) 597-5885

Memorandum

November 1, 2016

To: Commissioners and Interested Parties

FROM: Dan Carl, North Central Coast District Deputy Director
North Central Coast District

Re: ***Additional Information for Commission Meeting Wednesday, November 2, 2016***

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RECEIVED
OCT 27 2016

FORM FOR DISCLOSURE
OF EX PARTE
COMMUNICATIONS

W10a

Date and time of communication: October 27, 2016; 11AM-12Noon

Location of communication: Marin County Civic Center
(If communication was sent by mail or facsimile, indicate the means of transmission.)

Identity of person(s) initiating communication:
Jeff Loomans, Paula Reynolds, Kiren Niederberger, Chris Harrington

Identity of person(s) receiving communication: Steve Kinsey

Name or description of project: Marin County Local Coastal Program Amendment

Description of content of communication:
(If communication included written material, attach a copy of the complete text of the written material.)

Representatives from West Marin coastal villages presented their concerns related to the CCC staff modifications to Marin County's Environmental Hazards submittal as part of a comprehensive LCP update. Speakers mentioned that each had participated IN Marin's C-Smart process to develop an Environmental Hazard amendment, and feel that the Coastal staff is ignoring all of the give and take that went into reaching consensus support for the County's submittal language.

Specific concerns raised had to do with the geographical area subject to the Environmental Hazards policies, the definition of what constitutes new development, the potential for being required to remove existing permitted coastal protection, and the requirement that all new development be considered as if a maximum sea level rise in a 100 year period will occur.

They encouraged Marin county to reject the CCC staff's proposed modifications, and offered to support the LCP language as submitted by the County.

Date

Signature of Commissioner

W10a

RECEIVED
OCT 21 2016

FORM FOR DISCLOSURE
OF EX PARTE
COMMUNICATIONS

Date and time of communication: _October 21, 2016_____

Location of communication: _Marin County Civic center- S. Kinsey email account

(If communication was sent by mail or
facsimile, indicate the means of transmission.) sent by email to official County site

Identity of person(s) initiating communication: _ multiple parties_____

Identity of person(s) receiving communication: _____Steve Kinsey_____

Name or description of project Marin County LCP Amendment_____

Description of content of communication:
(If communication included written material, attach a copy of the complete text of the written material.)
During the week beginning October17, 2016, a number of email communications requesting that the County oppose modifications to Marin County's Environmental Hazards Section as proposed by the CCC staff.

I have not replied or communicated other wise with any of the multiple parties submitting similar requests. I have forwarded all emails received to Executive Staff.

10/21/16
Date

S Kinsey
Signature of Commissioner

From: **Pat Gallagher** <pjgallaghersf@gmail.com>
Date: Fri, Oct 21, 2016 at 11:01 AM
Subject: Problem with changes imposed by CCC
To: bcrawford@marincounty.org, skinsey@maringcounty.org
Cc: Joan Gallagher <joang333@aol.com>
Brian and Steve, we are residents of West Marin in Stinson Beach and our home is in the Seadrift. area. We are very concerned with the situation that has appeared to have developed by the California Coastal Commission's refusal to accept the changes to the Environmental Hazards Amendment that were carefully drafted and approved by our Board of Supervisors. The CCC seems to have ignored the rights of homeowners in this situation.

We fear that the CCC intends to enforce their own regulations in place of those our Board of Supervisors has approved which will cause many Stinson Beach homeowners to lose our rights to maintain, repair and if necessary, rebuild our property as outlined in the Local Coastal Program our community has approved.

We therefore ask that you withdraw the Environmental Hazards Amendment that the CCC will advocate at the hearing which will take place on November 2, 2016.

Thank you for listening and acting on our behalf.

Pat and Joan Gallagher
31 Dipsea Road
Stinson Beach, CA 94970
(415) 672-1925 mobile

Dear Supervisor Kinsey,

I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

As a West Marin homeowner, I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd.

I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.

Please protect my home and my property. **The current Local Coastal Program would be better than the proposed changes. Please keep it in place.**

Thank you for your consideration.

Lisa Wilcox Corning
229-230 Seadrift Road
Stinson Beach, CA

Dear Mr. Crawford and Mr. Kinsey,

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.
Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Thank you for your consideration,

Mason Willrich
345 Seadrift Road
e: willrichmason@gmail.com

Supervisors Crawford and Kinsey,

As a homeowner in Stinson Beach, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I am single and live alone, and the value of my home is of the utmost importance to me!

I understand that you have worked hard to compromise with the California Coastal Commission staff, but those efforts have failed, and they have steadfastly refused any modifications whatsoever - and instead intend to force their own draft regulations at the upcoming hearing on November 2nd in place of those approved by our Board of Supervisors. I am terribly disappointed that the many meetings, votes and letters from numerous West Marin residents have been ignored by the Coastal Commission.

Please do everything you can to protect my home and my property. If there is no chance for any concessions by the CCC, the current Local Coastal Program would be better than the proposed changes, therefore please do what you can to keep it in place.

Victoria (Vicki) Sebastiani
274 Seadrift Rd.
Stinson Beach

Dear Director Crawford,
As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.
Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Chadwick Clark Ertola

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.
Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Lynn Douglas

Dear Mr. Crawford and Mr. Kinsey,

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.
Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Thank you for your consideration,

Mason Willrich
345 Seadrift Road
e: willrichmason@gmail.com
Email Disclaimer: http://www.marincounty.org/main/disclaimers
From: Vicki Sebastiani [mailto:vicki@vsebastiani.com]
Sent: Friday, October 21, 2016 3:33 PM
To: Crawford, Brian; Kinsey, Steven
Subject: Upcoming California Coastal Commission hearing

Supervisors Crawford and Kinsey,

As a homeowner in Stinson Beach, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.
I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I am single and live alone, and the value of my home is of the utmost importance to me!

I understand that you have worked hard to compromise with the California Coastal Commission staff, but those efforts have failed, and they have steadfastly refused any modifications whatsoever - and instead intend to force their own draft regulations at the upcoming hearing on November 2nd in place of those approved by our Board of Supervisors. I am terribly disappointed that the many meetings, votes and letters from numerous West Marin residents have been ignored by the Coastal Commission.

Please do everything you can to protect my home and my property. If there is no chance for any concessions by the CCC, the current Local Coastal Program would be better than the proposed changes, therefore please do what you can to keep it in place.

Victoria (Vicki) Sebastiani
274 Seadrift Rd.
Stinson Beach

From: Ann Walsh [mailto:acwalsh@sbcglobal.net]
Sent: Friday, October 21, 2016 2:16 PM
To: Kinsey, Steven; Crawford, Brian
Subject: Local Coastal Program amendments

Hon, Steve Kinsey, Supervisor
Brian Crawford, Dir, Comm. Dev
Marin County Civic Center
San Rafael 94903

Dear Supervisor Kinsey and Mr. Crawford:

I wish to thank the County for your efforts to forge a compromise with the California Coastal Commission on their proposed amendments to the Local Coastal Program. I understand that the Commission has not been receptive to the County suggestions despite the fact that they were compiled with input from a wide array of local residents who are vitally interested in resolving this issue. The fact that the Commission—an appointed body—is attempting to subterfuge the interests of residents of our County Board —an elected body --is indeed disheartening.

People need to know their voices are heard and their concerns weighed. For most of us, our home is our main financial asset and we need to be able to protect it as well as improve it where warranted. The Coastal Commission appears to want to take this right away from us which will result in harm to both the property owners themselves and the County.

These concerns need to be heard. Please let me know what further we might do to try to resolve these issues.

Thank you for your work on this issue.

Ann Walsh
35 Dipsea Rd.
Stiuson Beach, CA 94970

Brian Crawford
Director Community Development
3501 Civic Center Drive
San Rafael, CA 94903
bcrawford@marincounty.org

Supervisor Steve Kinsey

3501 Civic Center Drive, Room 329
San Rafael, CA 94903
skinsey@marincounty.org

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process. This is indeed frustrating as a contributing member of the community and tax payer.
Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Susan J. Nelsen
P.O. Box 601
Stinson Beach, Ca. 94970

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.
Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Sev Schnugg

Supervisor Kinsey,

We own a home in Stinson Beach- West Marin. I have reviewed the Environmental Hazards Amendment to Marin's Local Coastal Program and urge you to withdraw these provisions.

The California Coastal Commission is attempting to impose on West Marin homeowners conditions that will make it difficult or impossible for me to safely maintain, protect and rebuild my home.

The California Coastal Commission has refused any compromise with their demands and insist that their own draft regulations replace those approved by our Board of Supervisors at the hearing on November 2nd.

We West Marin residents care deeply about the security of our coastal environment - have actively attended meetings, studied proposals and written letters.

Please do not allow our concerns to be ignored. The current Local Coastal Program would be better than the changes pushed by the California Coastal Commission.

Thank you, Carroll and Eli Botvinick.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.
Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Thank you
Judy Aptekar

Dear Steve,

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.
Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Jeff Symonds
145 Dipsea Rd
Stinson Beach, CA 94970
415.819.8159

Hi,

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.
Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Thank you,

Ken Werner

415 229 4846

Dear Mr. Crawford,

I am a homeowner in Stinson Beach. I am writing in opposition of the Environmental Hazards Amendment to Marin's Local Coastal Program. Please withdraw this Amendment.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.

Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Sincerely,

Kristin MacKnight

Dear Mr. Crawford,

As a West Marin homeowner, I am writing to ask that you withdraw the Enviornmental Hazards Ammendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my right to maintain, protect and rebuild my home. It is clear that Commission's will as expressed in the Amendment is an arbitrary attempt to assert power which is directly contrary the position of both the Board of Supervisors and the will of the many citizens of West Marin as expressed in many meetings, votes and letters. I urge you to protect my home and property and abandon your contemplated Amendment.

Lawrence D. Ehrlich

Brian Crawford
Director Community Development
3501 Civic Center Drive
San Rafael, CA 94903
bcrawford@marincounty.org

Supervisor Steve Kinsey
3501 Civic Center Drive, Room 329
San Rafael, CA 94903
skinsey@marincounty.org

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this

process. This is indeed frustrating as a contributing member of the community and tax payer.
Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Susan J. Nelsen
P.O. Box 601
Stinson Beach, Ca. 94970

Supervisor Steve Kinsey
3501 Civic Center Drive, Room 329
San Rafael, CA 94903

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.

Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Anthony Simpson
137 Dipsea Road
Stinson Beach, CA 94970

From: Denise Weinstein <denisew@cpshades.com<mailto:denisew@cpshades.com>>
Date: October 21, 2016 at 8:52:48 PM PDT
To: "skinsey@marincounty.org<mailto:skinsey@marincounty.org>"
<skinsey@marincounty.org<mailto:skinsey@marincounty.org>>
Cc: "bcrawford@marincounty.org<mailto:bcrawford@marincounty.org>"
<bcrawford@marincounty.org<mailto:bcrawford@marincounty.org>>

Subject: Local Coastal plan (LCP)

As West Marin homeowners, we are writing you both to ask you to withdraw the Environmental Hazards Amendment to Marin's Local Costal program.

We are very concerned that under regulations the California Costal Commission is attempting to impose on Marin County, we would lose our rights to maintain, protect and rebuild our home....We understand that repeated attempts to compromise with the California Costal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on 11/02/16. We are disappointed that many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.

PLEASE protect our home and our property. The current Local Costal Program would be better than the proposed changes. Please keep it in place.
Sincerely,
Denise and David Weinstein
162 Seadrift Road
Stinson Beach, CA 94970

W10a

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
Elida Doldan-Schujman
OPPOSED

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I am a property owner in Stinson Beach. I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revision were simply ignored in what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on my property and my town would be terrible. I would be unable to protect my home from rising seas and floods, I would be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions. That this has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission.

Please act to stop this action.

Yours,

Elida Doldan-Schujman
28 Calle del Pinos, Stinson Beach
415-786-4538
elarchst@sbcglobal.net

Mailing address:
316 Sycamore Ave.
Mill Valley, CA 94941

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
Neil and Eugene Barth
OPPOSED

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

We are property owners in West Marin. We are writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revision were simply ignored in what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on our property and our town would be terrible....not to mention the

impact on property owners being able to take responsibility for acting to stem the tide against global warming implications. We would be unable to protect our home from rising seas and floods, we would be unable to maintain it over time, and our rights to develop or sell our property at a fair price would be taken from us. Our entire community could disappear over time due to your staff's actions. That this has happened without public input and through wholesale replacement of our County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission and the responsibility we'd hope it would have to the concerns of individuals in the community.

Please act to stop this action.

Yours,

Neil and Eugene Barth
107 Dipsea Road
Stinson Beach, CA 94970

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
Lawrence M Crutcher - OPPOSED

W10a

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I am a resident in Stinson Beach, a former head of the Stinson Beach Village Association, and a former member of the Marin County C-SMART committee. I am writing to ask that you please **vote YES on Marin County's LUPA and IPA as submitted**, and **vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.**

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes were previously submitted by your staff in 2015, and were rejected by Marin County because of the reckless damage they would do to coastal communities in West Marin.

We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. The process included a great deal of time explaining to young environmentalists, with an agenda, and with zero experience in West Marin, how we live with and prepare for such natural occurrences as King Tides, sea level rise, and "100 year storms." To some extent, the Marin planners gained an understanding and adjusted their thinking to be realistic.

That community-based effort has simply been ignored in the CCC staff submissions, once again. Common sense is largely absent in their submission. If the changes your staff proposes pass, the impact on property values in Stinson, assessed at about $800 million, would be destructive. We would be unable to protect our homes from rising seas and floods, nor to maintain them over time, nor to sell them at a fair price, which is equivalent to a governmental taking.

The Stinson Beach community is as environmentally sensitive as any, and has always been willing to work with appropriate authorities in planning for its future. However, "working with CCC staff" is an oxymoron. This isn't the way it should be.

Please vote to stop this action.

Sincerely,

Lawrence M Crutcher
Box 667
Stinson Beach, CA 97940

cc: Effie Turnbull Sanders
Dayna Bochco
Mary Luévano
Wendy Mitchell
Mary K. Shallenberger

Mark Vargas
Martha McClure
Steve Kinsey
Carole Groom
Erik Howell
Roberto Uranga
Gregory Cox
Belinda Faustinos
Trent Orr
Steve Kram
Randy Pestor
Nidia Garcia-Erceg
Sarah Glade Gurney
Maricela Morales

W10a

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
Jeff Loomans, 167 Dipsea Rd, Stinson Beach
OPPOSED

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

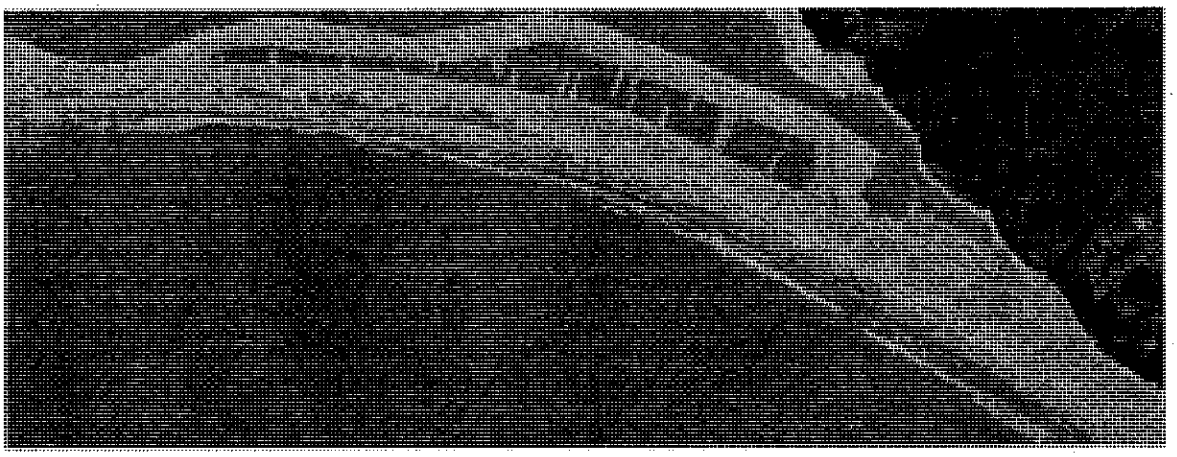
Please vote to approve all submitted Amendments to the Marin County LCP with your staff's recommend changes, except for Amendment EH and its corresponding IP sections in 22.64.060.

As a homeowner in Stinson Beach, an active member of a local homeowner's board and adjunct on sea level rise issues to the Stinson Beach Village Association, and finally as the Stinson area community representative to Marin's C-SMART program, I have spent the past three years intimately involved with the issue of sea level rise and the associated hazards it represents to my community, and to the entire coast. I have personally attended well over a dozen meetings with Marin County staff, and in many cases with your staff, including those of a technical nature and ones more focused on public outreach. I personally helped Marin County staff and the SBVA organize three large community meetings; these attracted the largest turnouts seen in recent memory at the local Community Center, with one exceeding 120 concerned residents. I have helped organize surveys of local residents, distributed fliers about sea level rise issues, attended meetings of architects and design engineers focused on flood safety solutions, and even appeared twice on the West Marin radio station, KWMR, to ask residents to inform themselves about sea level rise hazards and to get involved with the County in helping to craft our response to these threats in its Environmental Hazards amendment. I have read every line of the Coastal Act and every submission, staff report and proposed set of edits to our LCP, and helped many others to do the same. I can safely say, we in Stinson Beach have done about all that is humanly possible these past several years to get informed and involved in this very important amendment to the Marin County Local Coastal Program.

That is why I feel I can personally relate to you the stunned disappointment of local residents with the proposed changes to the Environmental Hazards Amendment your staff has once again put forward. The general reaction can be summed up as an incredulous: "but how can they do that – we worked so hard on this?" And we have. We helped the representatives of Marin County create a carefully thought out, delicately balanced set of hazards regulations that work for our area and meet the goals of the Coastal Act. This was no easy task, and to be frank, many if not most homeowners would argue that Marin County's proposed EH regulations are still more onerous and impose a greater burden on homeowners than we feel is truly fair in light of Coastal Act requirements. But in the end, every single community organization in the area agreed that we could live with the Amendment as approved by our Board of Supervisors, and we understood where County staff needed to carefully balance considerations beyond our personal health and safety, and our rights as homeowners, to make certain that they accommodated critical Coastal Act goals of ensuring public views, public access, erosion protection, environmental quality, and visitor-serving uses. To paraphrase a very wise man, we couldn't always get what we wanted, but we got what we needed.

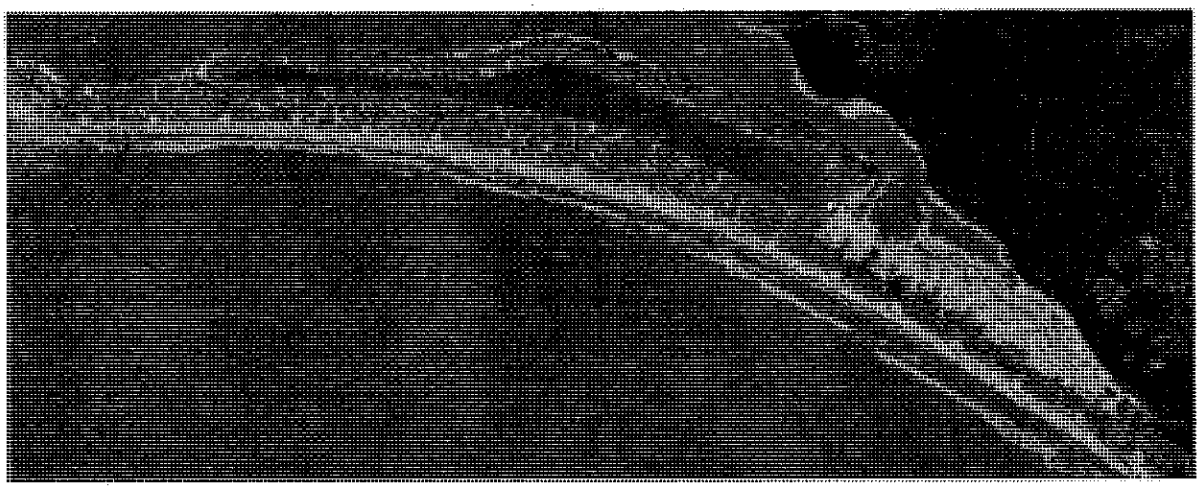
It would be easier to explain to disheartened neighbors why your staff simply erased years of our hard work with Marin County staff had they replaced it with thoughtful changes that took the County's submitted proposal as the basis for discussion and then carefully justified a few necessary modifications in terms of Act requirements, as they have for instance done in the AG amendment. Instead – and I think this is why so many I have talked to have lost all respect for this "process" – they clearly rehashed and pasted back in the same language and the same proposed regulations that had twice been rejected in the past two years by the Board of Supervisors for Marin County. Making this even more mystifying, I was at the last hearing in 2015 when clear marching orders to both staffs were to find a compromise, and to do so with substantial public input as mandated by the Coastal Act. Tt is not a "compromise" when one party gathers all the public input and then moves more than halfway to a solution, and then the other party simply moves the goalposts that much further away. After three years of this, a third submission where your staff simply refuses to do anything other than put forward their own preferred solutions and brooks no compromise, it is finally time to admit that no compromise will ever be found.

Marin County should not compromise on the Environmental Hazards amendment. They created an amendment that works in Stinson Beach and elsewhere along the coast, and your staff did not. I could go into many, many places in your staff's proposals to explain why, and indeed I am sure many of my neighbors will, but as the C-SMART representative let me clarify one particularly graphic example: if the Shoreline Development and 100 year maximum possible sea level rise standards your staff has repeatedly insisted on reinserting ever become law in Marin, no permits could ever again be issued in most of Stinson Beach. I have counted well over 300 homes just in our neighborhoods alone that would eventually become unmaintainable due to denied permitting. Here is a map that illustrates your staff's proposal for my village: by combining a requirement to floodsafe for a 1%-chance-occurrence 100 year storm at the maximum possible sea level projected by best available science 100 years from now, everything in Stinson Beach west of Highway One loses its permitting rights. The likelihood of this occurring, based on the equal-proability-distribution likeliness at 1" increments of the maximum possible sea level rise actually reaching 6'6", according to C-SMART's tools, is slightly more than one one hundredth of one percent - your staff would like us to give up our property rights and our ability to safeguard our homes based on a 0.00016 probability that our town will be inundated.



Instead, the following is a map of Marin County staff's proposal. It shows FEMA heights + 3 feet. The odds of this occurring 100 years from now with a hundred year storm are a little less than one in a hundred. That still seems an excessive level of protection to impose on us for the next 100 years, but as you can see, meeting these odds gives a reasonable chance my town can "survive", since only a few of the lowest lying homes, which could be safeguarded under Marin's EH, would have permitting issues.

And under Marin County's proposal, we would revisit this map every 10 years, adjusting it as science progresses and our understanding of what really will happen 100 years from now improves. In one proposal, we lose our property rights for an insanely longshot gamble by your staff. On the other, we sanely balance those rights with legitimate science, correctly evaluated probabilities, and a process that keeps us safe.



This is just one of many examples of how ill-conceived the proposed changes to Environmental Hazards really are. Please, respect the time, energy, and careful consideration we have put into crafting a workable amendment with Marin County, and vote to accept Marin County's submitted Environmental Hazards amendment on Wednesday the 2nd.

Thank you,

Jeff Loomans
C-SMART Community Representative for Stinson Beach
167 Dipsea Rd, Stinson Beach, CA
loomans@stanfordalumni.org

W10a

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
OPPOSED

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

My partner and I are property owners and residents in West Marin. I've invested a considerable amount of time reviewing Marin County's LCP and the many changes recently (again) proposed by Coastal Commission staff. I am writing to ask that when you vote on Marin County's LCP, you replace your staff's proposed changes to the Environmental Hazards section with Marin County's original version.

The rest of Marin County's LCP seems balanced and reflects years of constructive engagement between your staff, Marin County, and the public. In the final submission, your staff has recommended relatively few edits, and I find them largely acceptable. The vast majority of your staff's recommendations should be accepted.

However, your staff has proposed fourteen pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2014 and again in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities here. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program with an Environmental Hazards section that was balanced, and considered public access, view rights, and the health and safety of our neighborhoods. This was a long process with substantial local input. But all of our hard work was simply (again) ignored in the final revisions your staff submitted. The Environmental Hazards section that we and many others helped Marin County produce has been entirely struck out, replaced wholesale by your staff's submissions.

If the changes your staff proposes pass, the impact on my property and my town would be substantial. I would be unable to protect my home from rising seas and floods. I would be unable to maintain it over time. My rights to develop or sell my property at a fair price would be taken away. My entire community could disappear over time due to your staff's actions. This has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program. This is unfair, and it is undemocratic.

Please, resolve this situation by restoring the originally submitted Environmental Hazards section.

Yours,

Gary Herman
211 Seadrift Rd.
Stinson Beach, CA 94970

W10a

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
Deb Tullmann
OPPOSED

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

Please vote YES on Marin County's LUPA and IPA as submitted.

Please vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

If the changes your staff proposes pass, the impact on my property and my town will be terrible. I will be unable to protect my home from erosion of the bluff adjacent to the property, I will be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions. The safety of hundreds of homes and homeowners' families could be jeopardized.

I urge you to support the public process the County has gone through and pass the changes incorporated in Marin County's LUPA and IPA as submitted.

Sincerely,

Deb Tullmann
16 Canyon Ave, Bolinas

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
DAVID J. MORITZ
OPPOSED

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

W10a

Dear Commissioners,

I am a property owner in West Marin. I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revision were simply ignored in what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on my property and my town would be terrible. I would be unable to protect my home from rising seas and floods, I would be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions. That this has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission.

Please act to stop this action.

Yours, David J. Moritz
330 GROVE ROAD
BOLINAS, CA 94924

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
<PAULETTE BILGART
OPPOSED

W10a

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I am a property owner in West Marin. I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revision were simply ignored in what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on my property and my town would be terrible. I would be unable to protect my home from rising seas and floods, I would be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions. That this has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission.

Please act to stop this action.

Yours,

Pat Bilgart
330 GROVE ROAD
BOLINAS, CA 94924

W10a

October 27, 2016

Jack Ainsworth, Acting Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105
Via Electronic Mail

Re: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a

Dear Mr. Ainsworth,

Thank you for the opportunity to submit comments on the Marin County Local Coastal Program (LCP) Amendment. These comments are submitted on behalf of Turtle Island Restoration Network, which has over 200,000 supporters.

Environmental Hazards:

- I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications.
- The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that the Amendment set a strong precedent for other regions.
- The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, and community character, while balancing the rights and needs of property owners.

CEQA Requirements:

- I understand that the Coastal Commission staff's October 21, 2016 suggested modifications meet the California Environmental Quality Act (CEQA) requirement by a California state agency.
- If any non-administrative policy modifications by Coastal Commission staff are not adopted, or are amended, by the Coastal Commissioners on November 2nd, will the LCP meet CEQA requirements?

Biological and Water Resources:

- I urge the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term Environmentally Sensitive Habitat Areas (ESHA) protections and habitat viability.

- For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Public Participation:

- I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review.

- The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.

- The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum public participation by requiring individuals and organizations to "pay to be heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Thank you for your consideration of these comments.

Respectfully,

Cassie Burdyshaw

Cassie Burdyshaw
Advocacy & Policy Director
Turtle Island Restoration Network

W10a

Item No: W10a

Marin County LCP Amendment No. LCP-2-MAR-15-0029-1

Roy and Patricia Shimek

OPPOSED

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

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If the changes your staff proposes pass, the impact on my property and my town would be terrible. I would be unable to protect my home from rising seas and floods, I would be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions. That this has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission.

Please act to stop this action.

Sincerely,

Roy and Patricia Shimek

Frank Riley
171 Dipsea Road
Stinson Beach, CA 94970

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
Lore Ledding
OPPOSED

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

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Please act to stop this action.

Yours,

Frank Riley

Lore Ledding
171 Dipsea Road
Stinson Beach, CA 94970

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
Lore Ledding
OPPOSED

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

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Please act to stop this action.

Yours,

Lore Ledding

W10a

Jeff Symonds PO Box 723 Stinson Beach, CA 94970

415-819-8159 jeff@rollingthundergroup.com

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
Jeff Symonds @ 145 Dipsea Rd Stinson Beach
OPPOSED

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I am a property owner in West Marin. I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

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Please act to stop this action.

Sincerely,

Jeff Symonds
145 Dipsea RD
Stinson Beach, CA 94970

W10a

Supervisor Steve Kinsey
3501 Civic Center Drive, Room 329
San Rafael, CA 94903

Dear Supervisor Kinsey,

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.
Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Gary Stolzoff
141 Seadrift Rd
Stinson Beach, Ca 94970

Brian Crawford
Director Community Development
3501 Civic Center Drive
San Rafael, CA 94903
bcrawford@marincounty.org

Dear Mr Crawford,

As a long-time West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.
Please protect my home and my property. The current Local Coastal Program would be better than the CCC staff's proposed changes. Please keep it in place.

Barrett Francis Weber

cc
Supervisor Steve Kinsey
3501 Civic Center Drive, Room 329
San Rafael, CA 94903
skinsey@marincounty.org

Dear Steve,

As a long time West Marin resident and Stinson Beach homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.

Please protect my home, my property, my town and my community. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Thank you for your time and efforts in this matter.

Sincerely, Tauni Meade

Tauni Meade
PO Box 513
Stinson Beach, CA 94970
Email: taunimeade@gmail.com
Mobile: 415-717-1716

Brian Crawford
Director Community Development
3501 Civic Center Drive
San Rafael, CA 94903
bcrawford@marincounty.org

Supervisor Steve Kinsey
3501 Civic Center Drive, Room 329
San Rafael, CA 94903
skinsey@marincounty.org

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

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Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Richard Strauss
85 Dipsea Road
Stinson Beach, Ca 94970

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.

Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Cecilia Herbert
180 Seadrift

Dear Mr. Crawford:

I own residential property in Stinson Beach. I have been following the drafting of the Marin Local Coastal Plan (LCP). I have reviewed the CCC proposed Environmental Hazards Amendment(s) to Marin's Local Coastal Program.

I request that you withdraw the Environmental Hazards Amendment because the current Local Coastal Program is better without it. Under the guise of an "amendment," the proposed Amendment basically rewrites the entire LCP, imposes unreasonable and unnecessary regulations on the County and private property owners, and usurps the authority of the Marin County Board of Supervisors.

Please keep the current Local Coastal Program in place. Thank you.

Sincerely, Rob Peterson

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.

Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Jim Herbert
182 Seadrift

Dear Mr. Kinsey,

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.

Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Thank you,

Andre Neumann-Loreck
256 Seadrift Road
Stinson Beach, CA 94070

--
Andre Neumann-Loreck
aloreck@gmail.com

m: 415-519-3954

Supervisor Steve Kinsey

3501 Civic Center Drive, Room 329
San Rafael, CA 94903
skinsey@marincounty.org

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

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Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Roberta and Jim Hawthorne

Seadrift

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

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Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Murry J Waldman

Dear Mr. Crawford:

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.

Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Sincerely,
Caitlin Pardo de Zela
213 Seadrift Road
Stinson Beach, CA 94970

October 21, 2016

Supervisor Steve Kinsey
3501 Civic Center Drive, Room 329
San Rafael, CA 94903

Dear Supervisor Kinsey,

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.
Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Thank you in advance!!
Jill Ertola Shustoff
P.O. Box 452
Stinson Beach, CA 94970

STINSON BEACH COUNTY WATER DISTRICT

3785 Shoreline Highway • P.O. Box 245
Stinson Beach, CA 94970
Phone: (415) 868-1333 Facsimile: (415) 868-9417
E-mail: sbcwd@stinson-beach-cwd.dst.ca.us Website: http//Stinson-Beach-cwd.dst.ca.us

BOARD OF DIRECTORS

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October 11, 2016

John Ainsworth, Acting Executive Director
Commissioner Steve Kinsey
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Re: California Coastal Commission Staff Report for the upcoming Commission hearing on Amendments to the Marin County Local Coastal Program

Dear Mr. Ainsworth and Mr. Kinsey:

On behalf of the Stinson Beach County Water District, I am writing to request that we receive timely notification of any regulatory changes that the California Coastal Commission staff intends to propose at the upcoming hearing on Marin County's Local Coastal Program. I also ask that this request be attached to the public record for this hearing.

The Stinson Beach County Water District is governed by an elected body and serves nearly 2,000 residential and commercial users, as well as portions of Mt Tamalpais State Park and the Golden Gate National Recreation Area. It is charged directly by enabling legislation of the State of California to regulate water quality, septic and other pollutant discharge, and to be the State's designated issuer of permits for septic and other discharge in the district, where these might impact ground and surface waters. As such, we need to be made aware of and provide reasonable public notice of regulations related to ground and surface water quality in our district.

Amendments to Marin's Local Coastal Program, in particular to the Community Development and Environmental Hazards sections, as well as to administrative and permitting sections, could have a very significant impact on the exercise of our duties. We are aware that proposed changes to other sections of the Local Coastal Program have already been made available by your staff to a few select organizations in Marin County. However, we have not been provided as yet with any proposed changes to these critical sections of the LCP Amendments.

We have worked with your staff and with Marin County Planning over the past several years to ensure that we understand and are informed of changes to regulations. Please ask your staff to keep us informed of any proposed changes to the Amendments at the same time other local organizations are so informed. We also ask that your staff release any and all proposed changes to the upcoming Local Coastal Plan Amendments, particularly to sections impacting septic or water quality such as Community Development, Environmental Hazards, and related administrative and permitting sections, at least several weeks prior to the hearing. We need this time so that our staff and our Board can perform their reviews.

We have worked with the Marin County Planning staff, the Stinson Beach Village Association and members of the Stinson Beach community in developing and supporting the LCP Amendments as adopted and approved by the Marin County Board of Supervisors.

With thanks,

Sincerely,

Sandra Cross

Sandra Cross, President
Board of Directors
Stinson Beach County Water District

cc: Nancy Cave, District Manager, North Central Coast District

Shannon Fiala, Coastal Planner, North Central Coast District

W10a

John Ainsworth, Acting Executive Director
45 Fremont Street, Suite 2000
San Francisco, CA 94105

October 11, 2016

Dear Mr. Ainsworth,

I was disturbed to learn that your staff sent advance drafts of select sections of Marin County's LCP, containing proposed modifications, to the Environmental Action Committee of West Marin and at least one other West Marin environmental organization. I did not receive a copy, nor, from discussing this with other concerned locals, did any other interested West Marin community organizations. Furthermore, we have been told that the sections of the LCP that would most impact our homes – the amendments to Environmental Hazards – are not yet ready to distribute. It appears there is a rather different standard that your staff applies to the LCP sections the EAC most cares about; in her email of September 23d, posted to the County LCP website, Shannon Fiala was evidently happy to prioritize for them an advance draft more than a month prior to the upcoming November hearings, and "looked forward to [her] continued discussion" with their Board President and Conservation Director.

I have personally attended all hearings on Marin's Local Coastal Program held before the Coastal Commission, the Board of Supervisors of Marin County, and Marin County's Planning Commission for the past two years. I have gone to seven community meetings on the topic with Marin County, including those attended by your staff. I even had two office visits with Nancy Cave and Shannon, at which I and those with me asked to be included on any distribution of staff reports or other publicly released materials pertinent to Marin's LCP. I have spent an enormous amount of my own personal time reviewing and commenting on the Environmental Hazard section of the Local Coastal Program, and working with local community organizations to help educate them. Quite frankly, I feel I have at least an equal right as a concerned homeowner to the same privileges your staff is affording to favored environmental organizations - who, probably not coincidentally, have consistently taken positions on the LCP in support of your staff's proposed changes, and in opposition to my own and to those of all our local Stinson Beach organizations. But unfortunately, it seems I have not been afforded a similar "continued discussion".

If other groups are being provided advance copies over a month prior to the hearing, then please also have your staff immediately distribute the changes they intend to make to the Environmental Hazards section of the LCP, so that I have an equal opportunity to review and prepare my comments. And please have them make my request part of the formal public record that goes to Coastal Commissioners as part of the upcoming hearing. I would note that the Coastal Act states that local coastal programs shall be determined by the local government, in full consultation with the commission and with full public participation. A local coastal program instead mandated to the local government by Coastal Commission staff, in full consultation only with those public organizations they favor, is simply unacceptable.

Jeff Loomans
167 Dipsea Road, Stinson Beach, CA

cc: Nancy Cave
Shannon Fiala

James Hepburn Sutton
Post Office Box 146
Stinson Beach, CA 94970
415-868-1960
jamie@v-dac.com

October 17, 2016

Supervisor Steve Kinsey,
3501 Civic Center Drive
Room 329
San Rafael, CA 94903

Dear Steve,

I, for one, am very sad to see you go. You have made a great contribution to the county and to its future. I am continually impressed with your vison and hard work. I wish you many afternoons with your feet up and enjpying the county you served so well.

And now for one last matter:
I join the many other West Marin homeowners in asking that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the CCC is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on Nov 2d. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.

Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Yours,

Jamie Sutton

207 Seadrift Road,
Stinson Beach,
CA 94970

Wednesday October 19th,

Dear Mr. Kinsey,

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home.

I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd.

I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.

Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Yours sincerely,

Nicholas Baker

October 19, 2016

Brian Crawford
Director Community Development
3501 Civic Center Drive
San Rafael, CA 94903
bcrawford@marincounty.org

Supervisor Steve Kinsey
3501 Civic Center Drive, Room 329
San Rafael, CA 94903
skinsey@marincounty.org

Dear Messrs. Crawford and Kinsey:

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home.. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.
Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Sincerely,

Kathleen M. Moore

Kathleen M. Moore
201 Dipsea Rd.
Stinson Beach, CA 94970

W10a

Fiala, Shannon@Coastal

From: Lokelani Devone <lokedevone@icloud.com>
Sent: Wednesday, October 19, 2016 12:21 PM
To: Crawford, Brian
Subject: Local Coastal Plan (LCP)

Dear Mr. Crawford,

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd.

I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process. Having attended several meetings and seen the results, I now feel that the outreach to the community was an inauthentic attempt to appease the community. We deserve better representation than this.

Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Lokelani Devone
55 Dipsea Road
Stinson Beach, CA 94970

October 19, 2016

Brian Crawford
Director Community Development
3501 Civic Center Drive
San Rafael, CA 94903
bcrawford@marincounty.org

Supervisor Steve Kinsey
3501 Civic Center Drive, Room 329
San Rafael, CA 94903
skinsey@marincounty.org

Dear Messrs. Crawford and Kinsey:

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.
Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Sincerely,

Wesley D. Moore
201 Dipsea Rd.
Stinson Beach, CA 94970

October 20, 2016

Brian Crawford
Director Community Development
3501 Civic Center Drive
San Rafael, CA 94903

Supervisor Steve Kinsey
3051 Civic Center Drive 329
San Rafael, CA 94903

As a West Main homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under the regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect, and rebuild my home. We built our home 29 years ago, and have maintained it in excellent condition. We plan to live there for years to come. We want to preserve our dwelling and believe that the draft regulations the Coastal Commission is attempting to force through will endanger our ability to do so. I am deeply concerned that in spite of many meetings, votes and letters from West Marin's citizens supporting the Local Coastal Program, the California Coastal Commission insists upon pushing its own agenda to the detriment of West Marin homeowners and in violation of their property rights. Please sustain the Local Coastal Program.

Sincerely,

F. Eugene Metz

F. Eugene Metz 5 Dipsea Road, Stinson Beach

Marden Plant (Owner)
297 Seadrift
Stinson Beach, CA 94970

Brian Crawford
Director Community Development
3501 Civic Center Drive
San Rafael, CA 94903
bcrawford@marincounty.org

Oct. 20, 2016

Dear Brian,

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.

Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Thank you,

Marden Plant
Plant & Associates, Inc.
27 Reed Blvd.
Mill Valley, CA 94941

Cc: Supervisor Steve Kinsey

Home Mail Search News Sports Finance Celebrity Weather Answers Flickr Mobile More

All Search Search Mail Search Web Home Christopher

Please Withdraw the I

Compose

Inbox (1)
Drafts (2)
Sent
Archive
Spam (74)
Trash

Smart Views
Important
Unread
Starred
People
Social
Shopping
Travel
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Folders
2016 Emerald Ball
224 House Expenses
224 Maintenance
224 Seadrift Guests
224 Seadrift Insurance
224 Seadrift Rental
224 Seadrift Sale + ...
224Seadrift Basis
2619 Construction In...
2619 Helpful Hints
2619 House Expenses
2619 House Proposals
2619 Rental Sale Info
2619 Sale + Loan Ex...
2619 Sell+Auctn+St...
2619 Structure.Surve...
Airline & Car Reserv...
Announcement YMCA
Back Exercises
Barcelona Trip Will
Bay Property Group
Baystate Recovery S...
Blue Cross Blue Shield
Car Stuff
Cate Reunion
Cedly Conservatorsh...
Cedly Taxes
Charles F Lowrey
CharlesWilson Docs.
Club Information
Computer Software
Cornerstone Capital
Crans Xmas Trip
CynSaleExpDiscuss

Klaus Leidorf on flickr

To bcrawford@marincounty.org

CC skinsey@marincounty.org

BCC Christopher Nadal

Please Withdraw the Environmental Hazards Amendment

Dear Mr. Crawford:

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.
Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Sincerely,

Christopher M Nadal

224 Seadrift Road
Stinson Beach CA 94970

Send Saved at 4:13 PM

W10a

Lawrence A. Baskin and Kathlynn Capdeville
PO BOX 377
Stinson Beach, CA 94970

October 20, 2016

Brian Crawford
Director Community Development
3501 Civic Center Drive
San Rafael, CA 94903
bcrawford@marincounty.org

Supervisor Steve Kinsey
3501 Civic Center Drive, Room 329
San Rafael, CA 94903
skinsey@marincounty.org

We are Stinson Beach and West Marin homeowners of over 30 years. We are writing to express our grave concern with the staff of the California Coastal Commission response to the County of Marin submittal of the community supported Local Coastal Program amendments. The CCC staff has decimated the submission and rejected the hard work and well thought out proposal of the County which resulted from County staff working with West Marin Community organizations and residents. We feel we have no choice but to urge that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

We are very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, we would lose rights to maintain, protect and rebuild our home. We understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. We are disappointed and dismayed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.

Please protect our home and property rights. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Sincerely,

Lawrence A. Baskin and Kathlynn Capdeville

October 20, 2016

Brian Crawford
Director Community Development
3501 Civic Center Drive
San Rafael, CA 94903

Supervisor Steve Kinsey
3051 Civic Center Drive 329
San Rafael, CA 94903

As a West Main homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under the regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect, and rebuild my home. We built our home 29 years ago, and have maintained it in excellent condition. We plan to live there for years to come. We want to preserve our dwelling and believe that the draft regulations the Coastal Commission is attempting to force through will endanger our ability to do so. I am deeply concerned that in spite of many meetings, votes and letters from West Marin's citizens supporting the Local Coastal Program, the California Coastal Commission insists upon pushing its own agenda to the detriment of West Marin homeowners and in violation of their property rights. Please sustain the Local Coastal Program.

Sincerely,

Mary S. Metz

Mary S. Metz 5 Dipsea Road, Stinson Beach

OCT 27 2016 AM 10:11 Planning

October 21, 2016

Brian Crawford
Director Community Development
3501 Civic Center Drive
San Rafael, CA 94903

Supervisor Steve Kinsey
3501 Civic Center Drive, Room 329
San Rafael, CA 94903

Dear Sirs:

As a Stinson Beach homeowner for over 50 years, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to **maintain, protect and rebuild my home.** I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on

November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process. Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Sincerely,

10/22/16

Garrett VH Seligman
Stinson Beach, CA.

CoastalMarinLCP

From: Kate Moore <katemo200@gmail.com>
Sent: Monday, October 24, 2016 3:02 PM
To: CoastalMarinLCP
Cc: Kate Moore
Subject: OPPOSED - Item No: W10a - Marin County LCP Amendment No. LCP-2-MAR-15-0029-1

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1

KATHLEEN M. MOORE
OPPOSED

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I am a property owner in West Marin. I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revision were simply ignored in what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on my property and my town would be terrible. I would be unable to protect my home from rising seas and floods, I would be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions. That this has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission.

Please act to stop this action.

Yours,

Kathleen M. Moore
201 Dipsea Rd.
Stinson Beach, CA 94970

Fiala, Shannon@Coastal

From: Fiala, Shannon@Coastal
Sent: Monday, October 24, 2016 11:27 AM
To: Fiala, Shannon@Coastal
Subject: FW: Problem with changes imposed by CCC

From: Pat Gallagher [mailto:pjgallaghersf@gmail.com]
Sent: Friday, October 21, 2016 11:04 AM
To: Mosher, Ana Hilda
Subject: Fwd: Problem with changes imposed by CCC

Forwarding message to Brian Crawford and Steve Kinsey re: November 2 hearing.
---------- Forwarded message ----------
From: **Pat Gallagher** <pjgallaghersf@gmail.com>
Date: Fri, Oct 21, 2016 at 11:01 AM
Subject: Problem with changes imposed by CCC
To: bcrawford@marincounty.org, skinsey@maringcounty.org
Cc: Joan Gallagher <joang333@aol.com>

Brian and Steve, we are residents of West Marin in Stinson Beach and our home is in the Seadrift. area. We are very concerned with the situation that has appeared to have developed by the California Coastal Commission's refusal to accept the changes to the Environmental Hazards Amendment that were carefully drafted and approved by our Board of Supervisors. The CCC seems to have ignored the rights of homeowners in this situation.

We fear that the CCC intends to enforce their own regulations in place of those our Board of Supervisors has approved which will cause many Stinson Beach homeowners to lose our rights to maintain, repair and if necessary, rebuild our property as outlined in the Local Coastal Program our community has approved.

We therefore ask that you withdraw the Environmental Hazards Amendment that the CCC will advocate at the hearing which will take place on November 2, 2016.

Thank you for listening and acting on our behalf.

Pat and Joan Gallagher
31 Dipsea Road
Stinson Beach, CA 94970
(415) 672-1925 mobile

Email Disclaimer: http://www.marincounty.org/main/disclaimers

W10a

Fiala, Shannon@Coastal

From: Lokelani Devone <lokedevone@icloud.com>
Sent: Wednesday, October 19, 2016 12:21 PM
To: Crawford, Brian
Subject: Local Coastal Plan (LCP)

Dear Mr. Crawford,

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd.

I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process. Having attended several meetings and seen the results, I now feel that the outreach to the community was an inauthentic attempt to appease the community. We deserve better representation than this.

Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Lokelani Devone
55 Dipsea Road
Stinson Beach, CA 94970

W10a

CoastalMarinLCP

From: Clark French <clarkfrench@hotmail.com>
Sent: Monday, October 24, 2016 3:29 PM
To: CoastalMarinLCP
Subject: OPPOSED

Dear Shannon Fiala,

Please note my opposition and have this letter added to the file of opposition.

Thank you.

Dear Commissioners,

I am a property owner in West Marin. I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revision were simply ignored in what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on my property and my town would be terrible. I would be unable to protect my home from rising seas and floods, I would be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions. That this has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission.

Please act to stop this action.

Yours,

Clark French

323 Seadrift Rd.

Stinson Beach, CA

W10a

CoastalMarinLCP

From: Sebastien Lepinard <seb@nextworld.com>
Sent: Monday, October 24, 2016 3:10 PM
To: CoastalMarinLCP
Subject: Marin County LCP Amendment No. LCP-2-MAR-15-0029-1 Sebastien LEPINARD OPPOSED

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1 Sebastien LEPINARD OPPOSED

Commissioners of the California Coastal Commission c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I am a property owner in West Marin. I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revision were simply ignored in what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on my property and my town would be terrible. I would be unable to protect my home from rising seas and floods, I would be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions. That this has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission.

Please act to stop this action.

Yours,

Sebastien Lepinard
318 Seadrift Rd, Stinson Beach, CA

W10a

RECEIVED
OCT 24 2016
CALIFORNIA
COASTAL COMMISSION

MARIN CONSERVATION LEAGUE
Protecting Marin Since 1934

October 20, 2016

Commissioners
California Coastal Commission
45 Fremont Street, #2000
San Francisco, CA 94105

Subject: Recommendations for sections of the County of Marin Local Coastal Program Amendment Land Use Policy and Implementation Program (approved by Marin County Board of Supervisors on April 19, 2016 and subsequently submitted to the California Coastal Commission) specifically pertaining to: **1) Agriculture Ongoing; 2) Retail Sales; 3) Processing; and 4) Inter-generational housing.**

Dear Commissioners:

The Marin Conservation League is one of Marin's leading conservation organizations, in existence since 1934. MCL participates actively in monitoring and reviewing existing and proposed land use policies for agreement with our organization's mission of conserving Marin's ecosystems and environment. In this capacity and role, MCL has made significant efforts to understand the concerns and needs of Marin's broad and diverse communities, striving to form working compromises that are supported by the local community. This includes participation in the long process to develop the County of Marin Local Coastal Program Amendment (LCPA) Land Use Policy (LUP) and Implementation Program (IP), approved by Marin County Board of Supervisors on April 19, 2016 and subsequently submitted to the California Coastal Commission.

On the eve of these elements coming before the California Coastal Commission for approval, MCL wishes to convey its recommendation for Commission approval of the LUP and IP as proposed by the County of Marin for: 1) Agriculture Ongoing; 2) Retail Sales; 3) Processing; and 4) Inter-generational housing. In all four cases, County of Marin staff has developed carefully crafted performance measures and restrictions that will allow for these components to support the significant contribution Marin's family ranches and farms make in protecting Coastal Marin from development. Combined, they provide the individual agricultural producer and relevant local County of Marin departments the ability to make critical and real-time farming decisions, exercise entry-level scale for agricultural diversification, and house multiple farm family generations, doing it in a way that simultaneously protects Environmental Significant Habitat Areas, safeguards against traffic and other operational impacts, and sets a limit of 27 additional housing units. In these four areas, MCL supports the County of Marin's proposed LUP and IP.

MCL has actively participated in many of the diverse opportunities to provide input and feedback to arrive at the submitted LUP and IP drafts before the Commission. MCL supports these four areas

PHONE: 415.485.6257
FAX: 415.485.6259
EMAIL: mcl@marinconservationleague.org
WEB: marinconservationleague.org
ADDRESS: 175 N. Redwood Dr., Ste. 135
San Rafael, CA 94903-1977

of the County of Marin LCPA. Thank you for your consideration of these recommendations and please know we are available to discuss these with Commission staff and Commissioners.

Respectively,

Kate Powers

Kate Powers
President

cc: Coastal Commission Staff

OCT 26 2016 PM 2:40 Planning

STINSON BEACH COUNTY WATER DISTRICT

3785 Shoreline Highway • P.O. Box 245
Stinson Beach, CA 94970
Phone: 1(415) 868-1333 Facsimile: 1(415) 868-9417
E-mail: sbcwd@stinson-beach-cwd.dst.ca.us Website: http//Stinson-Beach-cwd.dst.ca.us

BOARD OF DIRECTORS

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General Manager
Ed Schmidt

District Counsel
Patrick Miyaki

October 21, 2016

Community Development Agency Planning Division
Brian Crawford
3501 Civic Center Drive, Suite 308
San Rafael, CA 94903

Supervisor Steve Kinsey,
3501 Civic Center Drive, Room 329
San Rafael, CA 94903

Re: Marin County LUP and I.P. EH Draft modifications

Dear Director Crawford and Supervisor Kinsey:

As the Stinson Beach County Water District, we are writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

We are very concerned that under regulations the CCC is attempting to impose on Marin County, we would lose our rights to maintain, protect and rebuild our homes and provide our necessary services. We understand that repeated attempts to compromise with the California Coastal Commission staff have failed and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.

Please protect our homes and property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Yours,

Sandra Cross

Sandra Cross,

President of the Board
Stinson Beach County Water District

OCT 28 2016 PM 2:40 Planning

STINSON BEACH COUNTY WATER DISTRICT

3785 Shoreline Highway • P.O. Box 245
Stinson Beach, CA 94970
Phone: 1(415) 868-1333 Facsimile: 1(415) 868-9417
E-mail: sbcwd@stinson-beach-cwd.dst.ca.us Website: http//Stinson-Beach-cwd.dst.ca.us

BOARD OF DIRECTORS

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General Manager
Ed Schmidt

District Counsel
Patrick Miyaki

October 24, 2016

Brian Crawford
Director Community Development
3501 Civic Center Drive
San Rafael, CA 94903
bcrawford@marincounty.org

Supervisor Steve Kinsey,
3501 Civic Center Drive, Room 329
San Rafael, CA 94903
skinsey@marincounty.org

Dear Director Crawford and Supervisor Kinsey:

As concerned leaders of a variety of community organizations and businesses along the coast, we urge all West Marin residents to educate themselves about imminent changes to Marin County's Local Coastal Program, and to rally against changes being forced upon us by the staff of the Coastal Commission. If you own a home or property along the coast, your rights to rebuild, maintain and potentially ever sell it are very likely at risk. These changes will likely be imposed on Marin County at the upcoming CCC vote on Wednesday, November 2nd.

Marin County has twice in the past two years attempted to submit an update of its LCP to the Coastal Commission. The County created these drafts following more than a dozen meetings over several years with concerned community members, and following a coastal-wide survey of impacted residents which garnered hundreds of responses supporting the County's proposals. Both times, these Board-approved drafts were simply redlined out of existence by CCC staff, replaced wholesale with sections that would make it practically impossible to meet permitting standards anywhere in Stinson Beach west of Highway One, along most of Tomales Bay, and in many sections of Bolinas, Muir Beach and Dillon Beach. Hundreds of houses would become unmaintainable, with the long term result likely being the gradual disappearance of our communities as we know them.

When CCC staff attempted last year to rewrite the County's Local Coastal Program, inserting dozens of pages of new regulations created entirely outside of public view and submitted the day prior to the final vote, the County withdrew its submission, following an admonishment to both staffs that they work to find a compromise within the framework of the County's proposals and with further public discussion. Our County has done its part, crafting regulations in concert with our local community organizations and with input from hundreds of local residents. The California Coastal Commission staff has apparently ignored even their own Commissioners, refusing to negotiate with the County or to incorporate feedback from our community groups, and once again has simply replaced the County's regulations with the same previously rejected regulations, the results of which would be a disaster for those of us who live here. You can view their document, a veritable "sea of redlines" replacing Marin's submission, at http://www.marincounty.org/depts/cd/divisions/planning/local-coastal-program

Sincerely,

Sandra Cross

Sandra Cross,

President of the Board
Stinson Beach County Water District

W10a

24 October 2016

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
Cynthia Nadai OPPOSED

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I am a property owner in West Marin. I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work **for all of us** in Marin. This hard work, and our concerns about your staff's revision were simply ignored in what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on my property and my town would be catastrophic. I would be unable to protect my home from rising seas and floods, I would be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions. That this has happened **without public input** and through wholesale replacement of my County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission.

Please act to stop this action.

Sincerely,

Cynthia Nadai
224 Seadrift Road
Stinson Beach CA 94970

W10a

CoastalMarinLCP

From: Battat Jennifer <drjhymes@gmail.com>
Sent: Monday, October 24, 2016 8:28 PM
To: CoastalMarinLCP
Subject: ITEM NO: W10a MARIN COUNTY LCP Amendment No. LCP-2-MAR-15-0029-1

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
JENNIFER BATTAT
OPPOSED

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA. 94105

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Please act to stop this action,

Yours,

J Battat

Jennifer Battat
306 Seadrift Road
Stinson Beach, California 94970

Jennifer Hymes Battat
415-297-1518
Please note: My new email address is
drjhymes@gmail.com

W10a

CoastalMarinLCP

From: Mosher, Ana Hilda <AMosher@marincounty.org>
Sent: Monday, October 31, 2016 5:13 PM
To: CoastalMarinLCP
Cc: Kinsey, Steven; Liebster, Jack; Lai, Thomas
Subject: Marin County LCP Amendments letter and attachments
Attachments: Marin County LCP Amendments No. LCP-2-MAR-15-0029-1 (Marin LCP Update).pdf; 1981_CCC_Exec Director memo re permits_for_ag.pdf; SLR Projections .pdf; Coastal Commission Staff Redlined Version of Board-adopted Environmental Hazards LUP .pdf; Implementation Program Changes Change).pdf; Implementation Program Changes S. Kauffman Letter.pdf

On behalf of CDA Director Brian C. Crawford, I am attaching the following documents:

Letter Marin County LCP Amendments No. LCP-2-MAR-15-0029-1 (Marin LCP Update)

Attachments:

- (1) Coastal Commission Executive Director Memorandum, (3/27/81)
- (2) Sea Level Rise Projections
- (3) Coastal Commission Staff Redlined Version of Board-adopted Environmental Hazards LUP
- (4) Implementation Program Changes including Steven Kaufmann Letter

Best regards,

COUNTY OF MARIN

. . . . . .

ANA HILDA MOSHER
SENIOR SECRETARY/PLANNING COMMISSION SECRETARY

County of Marin
Community Development Agency
3501 Civic Center Drive, Suite 308
San Rafael, CA 94903
415 473 6278T
415 473 7880 F
415 473 2255 TTY
CRS Dial 711
amosher@marincounty.org

STAY CONNECTED:

W10a

COUNTY OF MARIN

COMMUNITY DEVELOPMENT AGENCY
PLANNING DIVISION

October 31, 2016

Honorable Chair and Members
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

RE: Marin County LCP Amendment No. LCP-2-MAR-15-0029-1 (Marin LCP Update)

Dear Coastal Commission,

The Local Coastal Program (LCP) Amendments submitted for your approval were developed through a vigorous public planning process dedicated to fully carrying out the Coastal Act's policies in manner that takes into account the conditions that are distinctive and unique to Marin. This is the essence of the state/local planning partnership established by the Act, and why the Act emphasizes the need to respect local land use authority for amending its LCP.[1]

Since Marin's LCP was adopted, the County has embraced both the spirit and the letter of the Coastal Act, consistent with the County's history of environmental planning leadership. Over the nearly eight years the County has been working on these Amendments, much of the effort has been dedicated to an open, thoughtful, and innovative process rooted not only in involving the full spectrum of the public, but also in educating and explaining the importance of carrying out the Act's policies.

The County staff has also been working closely with Commission staff as reflected by the hundreds of changes recommended by your staff that have been accepted and incorporated into the Amendments now before you for consideration (first to the LCP Amendments adopted by the Board in July 2013, then in a second round in response to your Commission's action on the Land Use Plan Amendments in May 2014, and in a third round based on your staff draft recommendation on the Implementation Plan (IP) prepared for, but not acted upon by your Commission in April 2015). As a result of ongoing discussions with your staff, County staff has indicated willingness to recommend a number of additional changes to the Board of Supervisors in the interest of moving toward a mutually agreeable outcome.

Despite the substantial progress that has been made, however, a lack of agreement remains between the Board of Supervisors proposed amendments and your staff recommendations, principally in the areas of Agriculture and Environmental Hazards.

---

[1] Public Resources Code Section 30512.2(a): ..."commission is not authorized ...to diminish or abridge the authority of a local government to adopt and establish by ordinance, the precise content of its land use plan."

3501 Civic Center Drive · Suite 308 · San Rafael, CA 94903-4157 · 415 473 6269 T · 415 473 7880 F · 415 473 2255 TTY · www.marincounty.org/plan

AGRICULTURE

Definition for "Agriculture On-going" (sic)(Exhibit 13, pg.168 Of 236)

The definition of ongoing agriculture has become a central issue in discussions regarding how best to support agriculture in Marin from a regulatory standpoint because it is being proposed by both County and Commission staff as an exemption from Coastal Permit requirements (IP Section 22.68.050.A.12).

Under the current certified LCP, agricultural production activities, such as growing silage for livestock, raising fowl, and crop production, would continue to be routinely allowed in the Coastal Agricultural Production Zone (C-APZ) without the requirement for a Coastal Permit. This approach is consistent with the intent of the C-APZ zoning as established by County's certified LCP, which states:

> Intent of the Agricultural Production Zone. The intent of the Agricultural Production Zone is to preserve lands within the zone for agricultural use. The principal use of the lands in the APZ shall be agricultural. Development shall be accessory, incidental, or in support of agricultural land uses, and shall conform to the policies and standards in #4 and #5 below.

(The standards in #4 and #5, as referred to above, relate to land divisions and other development that is distinguished from agricultural use.)

Both the County's current LCP and the implementing coastal zoning standards define agriculture in terms of a number of different products, for example livestock and poultry, field, fruit, nut and vegetable crops, and silage and hay. All of these different types of products are included under the policy and zoning rubric that allows agricultural use in the C-APZ district. Given the inclusive nature of agriculture, as defined in the County's LCP, growing and producing a variety of crops and products on land historically used for agriculture has been allowed without the requirement for a Coastal Permit. Over a vast majority of C-APZ land in Marin, these agricultural activities have been taking place well before the Coastal Act was adopted. The Commission staff recommended modification to impose a new requirement for a Coastal Permit (or De Minimis waiver application) before a farmer or rancher changes agricultural production activities would be inconsistent with the intent of the C-APZ policies and zoning as reflected by the Board of Supervisors proposal below and the precedents and practices which have defined the implementation of the LCP since its adoption.

The Board-adopted policies are intended to protect and maintain agricultural viability by continuing to provide agricultural producers with the flexibility to respond to market conditions, which can change rapidly. They also recognized that a large number of regulations, such as those from the Regional Water Quality Control Board, together with successful habitat restoration initiatives farmers and ranchers undertake with organizations like the Resource Conservation District, the STRAW (Students and Teachers Restoring A Watershed) program of Point Blue Conservation Science (formerly Point Reyes Bird Observatory) and the innovative

Marin Carbon Project, which was among the first to demonstrate the potential for carbon sequestration through grazing practices, are steadily improving the resilience and ecosystem services, not to mention food and fiber, provided by Marin agriculture.

In response to concerns over the proposition of requiring Coastal Permits for changes in agricultural use, particularly switching from grazing to crop production, the Marin Conservation League stepped forward to organize an inclusive, structured discussion to identify the key concerns of interested parties and seek a solution that would address those concerns in a meaningful and thoughtful way.

This process involved representatives of the Environmental Action Committee of West Marin, the Marin County Farm Bureau, the Sierra Club, the Marin Agricultural Land Trust (MALT), U.C. Cooperative Extension, individual farmers and ranchers, and county and coastal staff. While the parties did not reach a consensus, the County's proposed approach to regulating changes in agricultural production was crafted to reflect the needs they expressed, and the resulting definition was adopted by the Board, and submitted to your Commission.

Adopted by Board of Supervisors

Agriculture, Ongoing (Coastal) means the following agricultural activities:

1. All routine agricultural cultivation practices (e.g. plowing, tilling, planting, harvesting, and seeding), which are not expanded into Environmentally Sensitive Habitat Areas (ESHAs) and ESHA buffers, Oak woodlands or areas never before used for agriculture, and
2. Conservation practices required by a governmental agency including, but not limited to, the State Water Resources Control Board or Regional Water Quality Control Board, in order to meet requirements to protect and enhance water quality and soil resources.

The following activities shall not be considered ongoing agriculture for the purposes of the definition of "Development" and constitute new development requiring a coastal permit consistent with Chapters 22.68 and 22.70, unless such development is categorically excluded by a Coastal Commission approved Categorical Exclusion Order.

1. Development of new water sources such as construction of a new or expanded well or surface impoundment.
2. Installation or extension of irrigation systems.
3. Terracing of land for agricultural production.
4. Preparation or planting of land for viticulture, including any initial vineyard planting work as defined in Chapter 22.130.
5. Preparation or planting of land for growing or cultivating the genus *cannabis.*
6. Routine agricultural cultivation practices on land with an average slope of more than 15%.

The above County proposal would allow ranchers and farmers to continue to make changes in their agricultural production activities, but under a series of express standards intended to comply with the Coastal Act as well as respond to concerns about perceived potential adverse effects. By way of example, under the County's proposal, changing from one type of agricultural production to another (e.g., growing silage for livestock grazing to growing vegetables) would require a Coastal Permit or at minimum a de minimis waiver if the activities were proposed in

areas that have never been used for agriculture, encroach into environmental sensitive habitats or their buffers, require new water sources or new extensive irrigation systems, require grading in the form of terracing, and planting grapes for viticulture or routine agricultural production activities on slopes over 15%. County staff views the Board of Supervisors definition of ongoing agriculture as being generally consistent with the Commission policy adopted in 1981, which clarifies that it is the ***expansion*** of agricultural use into area of ***native vegetation*** that constitutes a "change in intensity of use," and "***only that vegetation removal which changes the basic use of land from essentially natural to a cultivated agricultural use***" is a development under the Coastal Act. It goes on to prescribe that:

> *Changes from one agricultural use to another, such as crop rotation, removal of agricultural vegetation (e.g., old orchards or windbreaks), or modification of small areas of vegetation, the edge of cultivated areas are not within the scope of the Commissions assertion.*

The Commission staff modification now adopts parts of the County Amendment. For example, both definitions of ongoing agriculture would not allow an exemption in "areas never before used for agriculture." Both proposals also rely upon most of the same criteria that prescribe the conditions under which ongoing agriculture would not be exempt, such as new water sources and terracing of land.

However, in contrast to the County's proposed definition of ongoing agriculture, the Coastal Commission staff recommended modification to ongoing agriculture relies upon the term "existing legally established agricultural production activities" which have not occurred in areas where agricultural production has not been undertaken in the past.

CCC Staff Recommended Modification

Agriculture Ongoing (Coastal) means the following agricultural activities

Existing legally established agricultural production activities (including crop rotation, plowing, tilling, planting, harvesting, and seeding) which have not been expanded into never before used areas. Determinations of such ongoing activities may be supported by Marin County Department of Agriculture, Weights and Measures information on such past activities. Examples of activities that are NOT considered ongoing agricultural activities include but are not limited to:

Conversion of grazing area to crop production
Development of new water sources (such as construction of a new or expanded well or surface
Impoundment)
Installation or extension of irrigation systems
Terracing of land for agricultural production
Preparation or planting of land for viticulture
Preparation or planting of land for cannabis
Preparation or planting of land with an average slope exceeding 15%

A Coastal Development Permit will not be required if the County determines the activity qualifies for a de minimis waiver pursuant to the requirements Section 22.68.070.

The term "legally established" is undefined, and could be interpreted as meaning that changes in agricultural production activities initiated in Marin's coastal zone after the County's LCP was certified in the early 1980s would be unauthorized and therefore require a retroactive Coastal Permit. This concern is heightened by the statement in the Commission staff report that "since 1982, proposed changes in intensity of use of agriculturally zoned land, as well as agricultural grading into areas not previously farmed, required County-issued coastal permits." If ongoing agriculture were to be interpreted and applied in a retroactive manner, existing farms and ranches that have changed production activities since the County's LCP was adopted could become illegal under the new rules proposed in the modifications to the County proposal, particularly if such changes are viewed by some as "intensifying" activities. Farmers and ranchers in Marin have consistently expressed concern about the uncertain future created by the possibility that longstanding agricultural operations may be called into question.

Going forward, and for similar reasons as explained above, the Commission staff recommended modification is at odds with the manner in which agriculture has historically been undertaken in Marin as well as the County's LCP goals and past interpretation and application of policies for maintaining and enhancing agriculture in the coastal zone.

It is also difficult to square with Sections 30241 and 30242 of the Coastal Act, which call upon the Commission to "assure the protection of the areas' agricultural economy" and provide for "continued or renewed agricultural use." By limiting the definition of ongoing agriculture to *existing* activities, agricultural production activities that involve changing from one type of crop to another on land historically used for agricultural production, or where a farmer is reintroducing a crop that was produced in the past, would be subject to a Coastal Permit or at a minimum a de minimis waiver application. This objection also applies to "Conversion of grazing area to crop production" in the above list of activities that are not considered ongoing agriculture.

County staff believes it is critically important that our LCP reflect the past insofar as the land subject to these new regulations has been used to produce a variety of crops (livestock included), in many cases over generations of family farm operations. Of equal importance is to support the future of agriculture in Marin by allowing ranchers and farmers to make changes in their production activities without the cost, time and uncertainty of a discretionary application review process when those activities are required to meet a series of standards in the County's proposal that ensure consistency with the Coastal Act.

Creating new procedural hurdles that will likely increase startup costs for agricultural production in Marin would discourage new farmers and ranchers from entering the market undoing the generations of work the County and its agricultural community have invested in maintaining and expanding a vibrant agricultural economy that not only contributes to the local economy in the form of agricultural commodities, but also maintains the scenic working landscape that defines Marin's coastal area and draws millions of visitors annually. Eroding the agricultural economy

may contribute to the sale of some farms and ranches and result in the gradual conversion of productive agricultural land to a rural residential landscape. That trend would be contrary to Coastal Act Section 30242:

> *All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (l) continued or renewed agricultural use is not feasible...*

The County's policy is obviously more restrictive than this, in part because of the County's effort to balance all concerns.

ENVIRONMENTAL HAZARDS

Regulations for New Development in Hazard Areas

The LUP policies and IP provisions related to Environmental Hazards (EH) adopted as part of Marin's LCP will have a critical impact on how low lying coastal communities adapt in the future to rising tides and other hazards. The Environmental Hazards policies approved by the Board of Supervisors are intended to enhance the safety of residents in potentially hazardous areas, while allowing carefully sited, designed and adapted development that would not exacerbate hazards. These policies also acknowledge the need to undertake further research, planning, monitoring and a long-term adaptation program to respond to evolving environmental hazards related to climate disruption and sea level rise.

Coastal Commission Modifications

In 2014, the Coastal Commission approved a number of significant modifications to the Board-approved hazard policies which propose to address sea level rise through new regulations that when compared to the County's existing and proposed amendments, could further restrict or deter property owners from constructing a range of improvements to their homes over time. While the modifications have been further revised through ongoing discussions between County and Commission staff, there are certain elements of the Commission staff recommendation that diverge considerably from the County's proposed amendments. Attachment 3 is a redline version of the Commission staff's recommended changes.

Of particular concern is the proposal to modify the County's amendments by adding "coastal redevelopment" as a trigger for applying a series of hazard procedures and standards. Coastal redevelopment is basically defined as the alteration of 50% or more of any single major structural component (e.g., foundation, floor, roof, walls) of a structure, <u>or</u> a 50 percent increase in existing floor area of a structure, <u>or</u> any alterations exceeding 50% of the structure's market value, all tracked cumulatively over time from the adoption of the Coastal Act in 1977 (Land Use Policy C-EH-4 and IP Section 22.64.060.B.2). This new definition of coastal redevelopment creates an extremely low threshold for placing a variety of minor projects into the same category as an entirely new development requiring a Coastal Permit. One example of the problematic nature of the coastal redevelopment definition is the requirement that alterations are retroactively accounted for going back to 1977. Attempting to measure the extent of minor remodel work that has taken place close to 40 years ago is extremely difficult, if not impossible, to ascertain with a sufficient degree of accuracy, especially considering the challenges property

owners will face in navigating time, cost and complexity of the regulatory process triggered by the proposed 50% alteration rule. In addition, many existing homes and other buildings in hazard areas have already undergone alterations dating back to the late 1970s that meet or exceed 50% of one or more major structural elements. Presumably, this could mean that any additional percentage alteration (even 1%) to these structures will automatically trigger the requirement for a Coastal Permit along with a myriad of requirements and standards that would apply to a new building or other more extensive development project in hazard areas.

Keep in mind that the coastal redevelopment definition would be applied not just in low lying coastal communities where rising tides and flood control is a major concern, but also other hazard areas listed in Land Use Policy C-EH-1, such as steep slopes, the Alquist-Priolo Special Studies Zone (i.e., San Andreas Fault zone that traverses residential communities, such as Bolinas and Inverness that are distant from areas potentially affected by sea level rise) and fire hazard areas.

Furthermore, the proposed modification defining "redevelopment" directly contradicts and would essentially rescind without due process Categorical Exclusion Order E-82-6 issued pursuant to Section 30610 of the Coastal Act. The existing exclusion order applies to additions to existing single-family dwellings which would result in an increase of no more than 50% of the floor area before the addition or 1,000 square feet, whichever is less, with excepting certain geographic areas (e.g. tidelands, beaches, etc.). The County's amendment recognizes the geographic limitations of the Order, and establishes a separate "shoreline development" category, based upon FEMA's "V-zone" which extends even further inland, and where much more stringent coastal permitting requirement would apply. The staff-proposed modification would also eliminate that distinction.

A principal reason the County crafted its policies as it did was to integrate FEMA's National Flood Insurance Program requirement. Those policies, as adopted by the County in its Flood Control Ordinance, establish standards for all flood hazard areas that are triggered for <u>new</u> structures, or when existing structures are <u>substantially improved</u>, defined as follows:

> "Substantial Improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure, either:
>
> (A) Before the improvement or repair is started; or
> (B) If the structure has been damaged and is being restored, before the damage occurred
>
> The term does not however include either:
>
> (A) Any project for improvement of a structure to comply with exiting state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or
> (B) Any alteration of a historic structure as defined in 23.09.030 (22)

County staff is very concerned that the proposed "redevelopment" modification and the ensuing permit requirements could have the consequence of creating a disincentive to protecting life and property by elevating existing homes above the threat of coastal flooding. The County's Amendments would not only allow and encourage coastal residents to meet the safety standards FEMA has established, but to exceed those standards to take into account sea level rise in a way as yet unprecedented in California, and perhaps the nation.

Under the Commission staff's proposed "redevelopment" modification, a change of more than 50% in a foundation – which would obviously be required to elevate a home or other structure – would trigger a host of onerous requirements that would otherwise only apply to wholly new structures. The result is clearly contrary to the requirement of Coastal Act Section 30253 to "*Minimize risks to life and property in areas of high ... flood... hazard.*"

Although both the County proposed amendments and Commission staff modifications include the preparation of a hazards evaluation for new development in shoreline areas, the latter requires a sea level rise assessment along with standards to avoid or minimize development-related impacts based on a 100-year sea level rise projection (LUP Policy C-EH-3). By adopting the County's proposed amendments, the Board of Supervisors determined given the uncertainties and ranges of sea level rise projections, using an assessment time frame of the actual level of sea level rise (3 feet), rather than 100 years, will lend itself to a greater degree of predictability in reviewing and making decisions on Coastal Permit requests. In this regard, it is important to keep two things in mind. First, the additional 3 feet that buildings would be required to elevate above the base flood elevation, or above grade in areas outside of flood zones, is equal to the extreme high projection in 2070 and the midpoint of the current 100-year sea level rise projection (Attachment 2). Second, the County's proposed amendments are just part of the beginning of our Sea Level Rise work. Marin County is widely recognized as among the leading edge of jurisdictions doing climate change Adaptation Planning. Our deliberate, transparent, inclusive, science-based process we continue to develop better information and additional alternatives as we, and our collaborators throughout the state and nation, move forward. Much of that will come back to your Commission in the update to the LCP we are committed to bring you in 2026, and likely before.

Another apparent inconsistency between the County's proposed amendments and the proposed modifications exists in the standards for shoreline development (LUP C-EH-5). The Board of Supervisors adopted building elevation standards that make a distinction between FEMA V flood zones, FEMA A flood zones, and areas outside those zones that are subject to potential sea level rise. In FEMA flood zones, development subject to a Coastal Permit would be elevated to meet the applicable FEMA base flood elevation plus up to 3 feet to account for future sea level rise. Within the more hazardous flood zone, the County's proposal may result in additional modifications based on a site-specific evaluation for potential for erosion and flood hazard impacts accounting for 3-feet of sea level rise. In areas outside of FEMA flood zones that are subject to potential future sea level rise, buildings would be elevated above the projected sea level rise according to maps maintained by the County. There is a deliberate intent in this approach to maintain consistency with FEMA standards and to differentiate between areas where the threat of future flooding is more severe (i.e., FEMA flood zones) than other areas

where the potential impacts of sea level rise also exists. The proposed Commission staff modifications appear to eliminate this distinction by grouping FEMA flood zone areas with areas outside of flood zones that may be affected by future sea level rise.

A distinct difference between the County proposed amendments and Commission modifications also exists in the approach to mitigating future impacts of new development (LUP Policy C-EH-11). Commission staff is proposing a series of standards for removal of homes and other buildings in shoreline areas if, for example, new or augmented shoreline protection is required or if development encroaches into areas subject to the public trust. These standards are at odds with the emphasis the Board of Supervisors has placed on taking advantage of adaptive management and planning before pursuing a retreat policy.

County Proposed Amendments

The Board of Supervisors approved a number of substantive changes to the Environmental Hazards policies and associated IP provisions to strike a better balance between clarity and ease of administration, fairness, enforcement feasibility, legal defensibility, support at the local level, and careful integration with other governmental requirements, especially those of the National Flood Insurance Program and FEMA. In summary, proposed revisions include the following:

- Utilize a more predictable hazard analysis timeframe using the best available science to account for 3 feet of future sea level rise, avoids the uncertainty of sea level rise projections at a certain point in the future (C-EH-1 and throughout) while allowing for possible adjustments going forward to reflect changes in data and environmental conditions
- Replace the complicated concept of "coastal redevelopment" with the existing standards and procedures required by and conforming to the County's current LCP, Coastal Act and its Administrative Regulations
- Create distinct policies to separately address flood, geologic, bluff top erosion, and shoreline erosion hazards (C-EH-3 , C-EH-4 and C-EH-5)
- Provide clear definitions for the following hazard areas:
    - Flood hazard - any property in a mapped FEMA Flood Zone or within a potential sea level rise area as mapped by the County (C-EH-3)
    - Bluff top development (within 150 feet of bluff edge or within slope stability zone 2, 3 or 4 in the Bolinas area) (22.64.060.A.2.a and definition of "bluff top")
    - Shoreline development - parcels within any FEMA V zone (C-EH-5.B and 22.64.060.A.2.b)
- Add a new requirement to raise homes above FEMA requirements by the amount necessary to accommodate sea level rise. ((C-EH-8)
- Adjust certain building height zoning requirements by the minimum amount necessary to allow homes to be raised to meet FEMA and sea level rise safety requirement. (C-EH-9)
- Clarify that "deep piers/caissons" are not considered to be a shoreline protective device when used as structural foundations (C-EH-13)
- Expand the scope and detail of programs related to research on sea level rise in Marin (Program C-EH-22.a)
- Clarify in the IP that "best available science" is currently the US Geological Survey (USGS) CoSMoS model in conjunction with the FEMA Open Pacific Coast Study, and

such data sources will be determined by County rather than by applicants on a case by case basis (C-EH-3)

OTHER

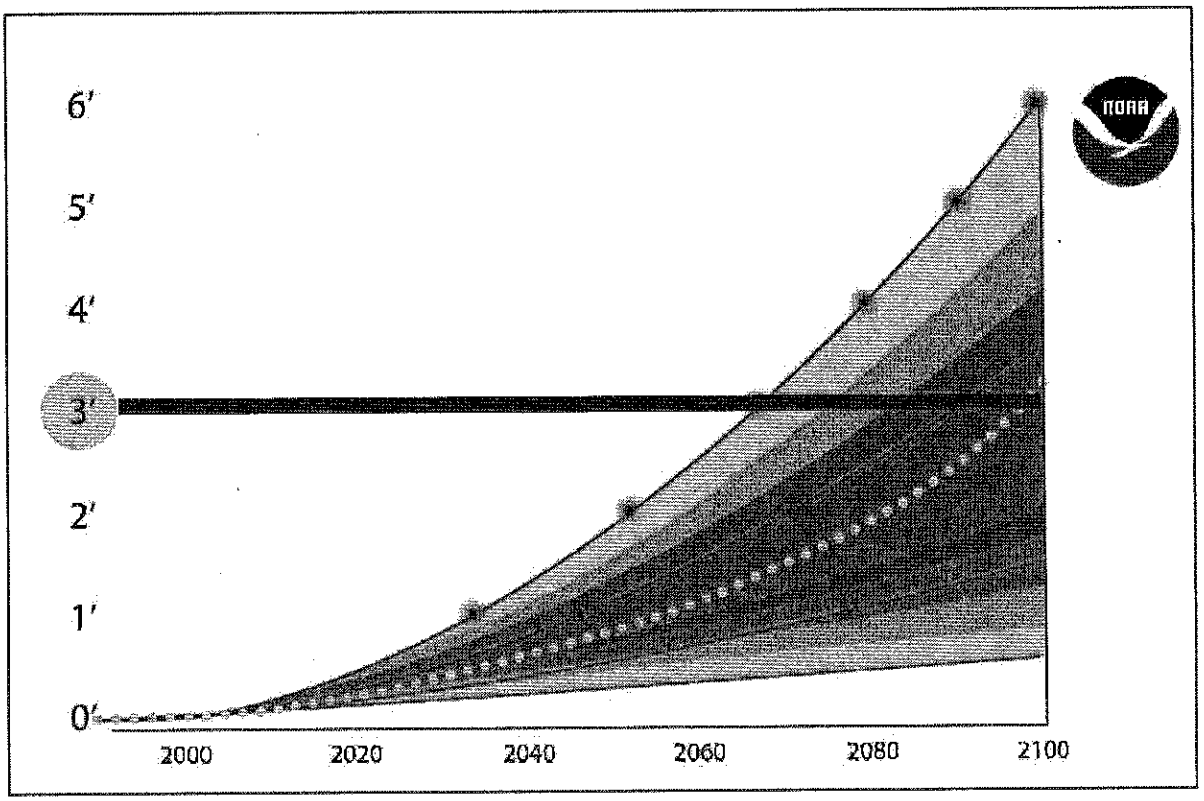
The Board adopted amendments to the Implementation Program strive for clarity, practicality, and consistency with the Coastal Act. The proposed Implementation Program reflects the Board's acceptance of a majority of suggested modifications previously recommended by Commission staff, and county staff has not objected to additional modifications that are included in the Commission staff's current recommendation, meaning we are prepared to recommend approval of these additional changes to the Board of Supervisors. However, we are unable to support three modifications contained in the Commission staff's recommendation (governing challengeability of Coastal Permit exemption determinations, restrictions on floor area and density factoring in all coastal hazard areas, and restrictions on Land Divisions). These are shown in Attachment 4, with county staff's response/analysis.

In closing, County staff appreciates the substantial time and effort that has been invested in developing the proposed LCP amendments. They are the product of a considerable amount of hard work and compromise. The good news is that the points of departure between the amendments approved by our Board of Supervisors and Commission staff modifications have been narrowed over the course of working together with our mutual constituencies. We respectfully request that you approve the amendments now before you, as proposed by the Board of Supervisors, thereby allowing Marin to benefit from all of the improvements reflected in the proposed policies and standards.

Sincerely,

Brian C. Crawford
Director

Attachments: (1) Coastal Commission Executive Director Memorandum, (3/27/81)
(2) Sea Level Rise Projections
(3) Coastal Commission Staff Redlined Version of Board-adopted Environmental Hazards LUP
(4) Implementation Program Changes including Steven Kaufmann Letter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IMPLEMENTATION PROGRAM

1. Coastal Permit Exemptions

The Commission staff's suggested modification to require the County to maintain a list of developments exempted from Coastal Permit requirements, to post the list on the County's website, and to notify interested parties of such determinations with the opportunity for challenge exceeds the requirements of the Coastal Act. (Please refer to Sections 22.68.050, Subsections B and C. As set forth in the attached letter from Steven Kaufmann, with the exception of "claims of exemption," development that is exempt does not require any determination by the local government or the Coastal Commission under the Coastal Act. The Commission staff's recommendation effectively subjects exemptions to a permit process, with County staff review, a challenge or appeal process, Coastal Commission Executive Director review, and potential hearing before the Commission. Staff recommends that you approve the Board-adopted language, including deletion of the Suggested Modifications for Subsections B and C.

2. Additional Density Restrictions

Section 22.64.030 establishes general site development standards (such as minimum lot area, maximum density, and setback requirements) for the various coastal zoning districts, which are shown in Tables 5-4-a and 5-4-b (Coastal Zoning Development Standards) and Table 5-5 (Coastal –B Combining District Development Standards). However, footnotes to each table specify that otherwise allowable densities and floor areas must be significantly reduced for residential land divisions and non-residential or non-agricultural development in cases where a property contains ESHA and ESHA buffers or lacks public water or sewer systems (see Footnotes 6 and 7 below). Specifically, the maximum residential density for land divisions (or the maximum floor area for non-residential/non-agricultural development) in these cases must be calculated at the <u>lowest</u> end of the allowable density or floor area range, unless it is determined that the project provides significant public benefits or affordable housing, and will be adequately served by on-site water and sewage disposal systems.

Suggested modifications proposed by the Commission staff (shown in track-changes below) would further restrict development by applying these "lowest allowable" density and floor area restrictions to properties containing <u>any</u> hazardous areas and setbacks, and by specifying that exceptions to these restrictions can only be considered where development "will avoid all hazardous areas and hazard setbacks." Given the wide range and broad extent of potential hazards identified in the Environmental Hazard Chapter of the LUP, staff is concerned that the proposal to include "all hazardous areas and hazard setbacks" as a criterion for applying "lowest allowable" density/floor area restrictions and that "all hazardous areas and hazard setbacks" must be avoided will

have the effect of significantly restricting opportunities for affordable housing development as well as commercial development (including visitor-serving uses) within the coastal zone. For example, most developed areas along Marin's coastline would be considered to be in potentially hazardous areas due to seismic, flooding, geologic, tsunami or other hazards. In addition, in the case of commercial development, the lowest allowable floor area ratio in common commercial land use categories such as General Commercial or Coastal Recreational Commercial is only five percent. Since many commercial properties, particularly in coastal villages, are already developed with floor area ratios well above 5 percent, the provision proposed by Coastal Commission staff to apply the lowest allowable density and avoid all hazardous areas would effectively prohibit ANY additional floor area, no matter how minor, and regardless of whether the particular hazard could be mitigated. There is nothing in the Coastal Act that provides the basis for further limiting the restrictions that the Board adopted and found to be appropriate locally. For these reasons, staff recommends that you approve the Board-adopted language for the relevant footnotes for Tables 5-4-a, 5-4-b, and 5-5 in IP Section 22.64.030 (i.e. the text shown below without the track-change insertions and deletions).

(Footnote 6) The maximum residential density for proposed divisions of land for that portion or portions of properties with Environmentally Sensitive Habitat Areas and buffers, and properties that lack public water or sewer systems, shall be calculated at the lowest end of the density range as established by the governing Land Use Category, except for projects that provide significant public benefits, as determined by the Review Authority, or lots proposed for affordable housing, and if it can be demonstrated that the development will ~~can~~ avoid and protect all ESHA and ESHA buffers and will avoid all hazardous areas and hazard setbacks, and will be served by on-site water and sewage disposal systems.

(Footnote 7) The maximum non-residential and non-agricultural floor area for that portion or portions of properties with Environmentally Sensitive Habitat Areas and buffers, hazardous areas and setbacks, and properties that lack public water or sewer systems, shall be calculated at the lowest end of the density range as established by the governing Land Use Category, except for projects that provide significant public benefits, as determined by the Review Authority, ~~or~~ and where it can be demonstrated that the development will ~~can~~ avoid and protect all ESHA and ESHA buffers and will avoid all hazardous areas and hazard setbacks, and will be served by on-site water and sewage disposal systems.

3. Land Division Requirements (Section 22.70.190)

The Commission staff's suggested modification to Land Division standards in Section 22.70.190 expand the definition of Land Division to include lot line adjustments. The changes to the proposed Land Division criteria in subsection B create two conflicting criteria #1 and #3 below:

B. Criteria for Land Divisions ~~of Land~~

1) Land divisions shall be prohibited if located outside of designated village limit boundaries and within an area found to have limited public service capacities (as specified by Section 22.64.140).

3) Land divisions ~~Divisions of land~~ outside existing developed areas shall be permitted only in areas with adequate public services, and where they will not have a significant adverse effect, either individually or cumulatively, on coastal resources. In addition, land divisions outside village limit boundaries shall only be permitted where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding legal parcels, except that lease of a legal parcel at a level of agricultural use that will sustain the agricultural capacity of the site is not prohibited.

It is unclear whether Lot Line Adjustments are prohibited pursuant to Subsection B(1) or allowed under very strict requirements in Subsection B(3). Elimination of B(1) would be more reflective of the Board's action and intent.

State of California

Memorandum

To : Regional Executive Directors

Date : March 27, 1981

Subject: Agricultural Activities Involving Removal of Major Vegetation

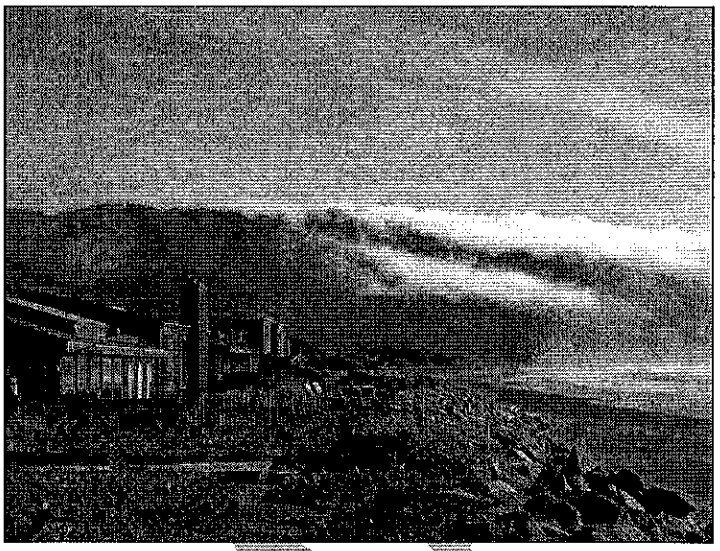
From : California Coastal Commission - Michael Fischer

On March 19, 1981, the Commission asserted jurisdiction over expansion of agricultural activities located in areas containing major vegetation. The Commission determined that expansion of agricultural uses into areas of native vegetation constitute a "change in the intensity of use of the land" and therefore are developments under the Coastal Act. Please note that this decision concerns only that vegetation removal which changes the basic use of land from essentially natural to a cultivated agricultural use. Changes from one agricultural use to another, such as crop rotation, removal of agricultural vegetation (e.g., old orchards or windbreaks), or modification of small areas of vegetation, the edge of cultivated areas are not within the scope of the Commission's assertion.

In light of the significance of this assertion given the 1978 Opinion of the Attorney General's office and the need to not disrupt, continuing agricultural operations, the Commission advised us all to proceed cautiously and to assert jurisdiction only in those situations where it is quite clear that significant coastal resources are threatened. The recommendation adopted by the Commission lists criteria which should be used in reaching that decision. Several copies have been mailed to each region.

In order to assure uniformity of application, please do so within these two guideposts. First, if a certified local LCP or LUP addresses this issue (such as Santa Barbara or San Mateo County), assert jurisdiction in a manner and to an extent consistent with the provisions in the LCP or LUP. Secondly, if possible, violations are discovered, consult with Linda Breeden or Roy Gorman of the state legal staff before sending a notification of a violation to the property owners. This consultation requirement will help to assure that the new policy is being applied properly throughout the state during this period prior to certification of LCP's.

CDA preliminary analysis of 10/21~~13~~/16 CCC staff ~~draft~~ MODIFICATIONS to LUPA Hazards Chapter
~~Preliminary~~ suggested modifications submitted for CCC hearing



Environmental Hazards (EH)

NOTE: Additional changes made by CCC staff in the 10/21/16 version are highlighted in yellow

Background

Marin County's shoreline, like all of California's coast, is a highly dynamic place. The coast is subject to forces that include shoreline and bluff erosion, storms and waves~~, long term sea level rise~~, tsunamis, landslides and potential seismic events, all of which represent hazards for existing and new development (see also LCP Maps 9 – 15 and 18).

Rising ~~s~~Sea levels ~~rise~~ are ~~is~~expected to ~~lead~~ exacerbate coastal hazards such as these, leading to increased erosion, permanent or periodic inundation of low-lying areas, loss of coastal wetlands, ~~permanent or periodic inundation of low-lying areas, increase in coastal flooding,~~ and salt water intrusion into stormwater systems and aquifers. Structures located along the shoreline and atop bluffs that are susceptible to erosion and in areas that already flood during higher tides will likely experience an increase in these hazards ~~from~~ due to accelerated sea level rise. Sea level rise also threatens the integrity of roads and other infrastructure (for example, see LCP Map 15~~—Sea Level Rise~~). The LCP acknowledges the threat of sea level rise and supports appropriate responses, while recognizing that sea level rise is a global rather than a purely local issue. The impacts of sea level rise will vary according to local factors, such as shoreline characteristics, land movement driven by plate tectonics, and local wind patterns. Strategies to reduce impacts are most appropriately designed and implemented at the local level.

Coastal zone development, whether located ~~at sea level~~along the shoreline, on a bluff, or farther inland, can be~~is~~ vulnerable to one or more of these hazards, including rising sea levels. As a response, s~~S~~ignificant portions of California's coastline have been armored with rock revetments, seawalls, or other shoreline protective devices. Marin County's shoreline includes relatively few~~-~~ areas where such devices are in place~~such devices~~, but shoreline armoring is not absent from the County's coastal zone. Although shoreline protective devices may offer protection to existing homes and other structures from ocean waves and storms, the devices can have negative impacts on recreational beach uses, scenic resources,

natural landforms, and the supply of sand to ~~other~~ shoreline areas, as well as the character of the County's coastal areas. Thus, the overall intent of the LCP policies addressing coastal hazards is to avoid the use of shoreline protective devices where possible, and, if avoidance is not possible, to address their potential coastal resource impacts over time through mitigation measures, including mitigation measures that serve to protect public beach areas for recreational use.

Coastal Act policies ~~provide~~ require that new development ~~shall~~ minimize risks to life and property in highly hazardous areas, and that it ~~. Furthermore, new development shall~~ assure stability and structural integrity ~~and~~ while not creating~~e~~ or contributing~~e~~ significantly to geologic instability or other hazards. Coastal Act policies also recognize that shoreline protective devices can be appropriate in certain instances, for example to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion. Under the Coastal Act, such devices, when allowable, however, must be designed to eliminate or mitigate adverse impacts on local shoreline sand supply and other coastal resources.

LCP hazards policies are designed with these policy considerations in mind, recognizing that coastal planning and permitting decisions must address both public and private costs and benefits of development in the dynamic coastal environment. The intent is to minimize risks to life and property by generally avoiding development in hazardous areas. At the same time it is acknowledged that these areas cannot always be avoided, and as such development in these areas needs to be even more carefully sited, designed and conditioned to avoid coastal resource consequences, especially over time. LCP hazards policies should serve to enhance the safety of residents and visitors in potentially hazardous areas. The LCP minimizes risks to life and property by generally avoiding development in hazardous areas, while allowing carefully designed and conditioned development to proceed where avoidance is not possible.

Note: introduction has been slightly reframed to help provide additional context on overall issues, and to identify some key objectives, including avoiding armoring and protecting public beach areas in light of sea level rise and its attendant impacts.

Policies

C-EH-1 Areas Potentially Subject to Hazards. Areas potentially subject to hazards include high geologic, flood, erosion and fire hazard areas, including but not limited to the areas subject to: Alquist-Priolo earthquake hazard zones and areas subject to landslides, liquefaction, steep slopes averaging greater than 35%, and unstable slopes regardless of steepness; episodic and long-term shoreline and bluff erosion and retreat, high velocity wave and tidal action from storms or high seas, ocean and stream inundation and flooding, tsunamis, and rising sea levels; and combinations of all of the above. Many of these areas are mapped in this LCP, including as shown on LCP Maps 9-15, and 18. Such maps can be used as a resource for identification of areas potentially subject to hazards; however, absence of mapping alone cannot be considered absence of hazard and local site conditions must be examined using the best available science.

Note: Adapted from County Board Adopted Policies EH-3, EH-4, and EH-5, and the 2014 Commission Approved Policy EH-2. The intent is to provide as much clarity as possible on where potential hazards may be encountered.

C-EH-2~~1~~ Avoid and Minimize Hazard Risks and Related Impacts. ~~Safety of New Development.~~ Development shall be avoided in areas potentially subject to hazards to the maximum feasible extent. When development in such areas cannot be feasibly sited in a manner that avoids such areas entirely, then such development shall be sited, designed, and conditioned to minimize risks to life and property while mitigating the development's impacts to coastal resouced. Mitigation shall include

Comment [i1]: This intent is not consistent with the Coastal Act, which in Section 30235 states:

Revetments, ... seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply.

However ~~DOESTHIS DOCUMENT STILL~~ defines piers needed to elevate structures in the NFIP "V" zone as a shoreline protective device, and the requirements and restrictions placed upon such "SPD"s throughout this document create a significant strong disincentive for elevating structures as encouraged by the County's Flood Control Ordinance and FEMA's NFIP program.

Comment [i2]: THIS IS THE FUNDAMENTAL PROBLEM – The focus of this document is as though the County was going to experience a great deal of new development, which it simply will not because there are so few undeveloped parcels.
Instead, the County's challenge is to *"Minimize risks to life and property in areas of high geologic, flood, and fire hazard."* (PRC 30253) through ongoing adaptive management.
For the vast majority, greater amount of existing homes and facilities that will through no fault of their own become progressively exposed and vulnerable to SEP flooding and erosion.
It is obvious that the policies listed here are designed to transform existing development into "new development" and to use "growth regulations" and ultimately remove it through such regulation.

Comment [i3]: Many of these policies are run-on sentences, awkward and simply poor writing, (see for example C-AH-5 #7). They need a strong editor. I would not want the County associated with such poor writing. This may be embarrassing to convey, but it is needed.

Comment [i4]: Note: the Policies have been so thoroughly modified and the tracked changes so incompletely presented, that they provide little useful comparison of modifications in contrast to Marin County Board-adopted text.

Comment [i5]: LOCAL CONDITIONS HAVE BEEN EXAMOINED- THROUGH A COMPREHENSIVE PLANNING PROCESS rather than ad-hoc, essentially random (whoever applies) one-This, in combination with other sections below, fails to recognize the value and importance of a comprehensive, forward-looking planning approach to the problems. Some objectives, like a long range strategy, or community consensus on design and character are best achieved through inclusive, integrated planning, not a permit by permit ad hoc approach.

Comment [i6]: resources Typo

measures to avoid such impacts if feasible, particularly impacts related to public recreational beach access. ~~Ensure that risks to life are minimized and that new development is safe from, and does not contribute to, geologic, sea level rise, or other hazards.~~

Note: Adapted from County Board Adopted Policies C-EH-1, EH-3 and EH-4, and 2014 Commission Approved PoliciesEH-1 and EH-2. Specifically frames overall issues in terms of trying to avoid development in hazardous areas if feasible, while recognizing it won't always be feasible, and identifying key provisions related to ensuring coastal resources are respected when development occurs in such areas. Safety is also important, and provisions to ensure stability and structural integrity are built into the policies that apply to specific areas below (e.g., shoreline and blufftop areas).

C-EH-3 Hazards Evaluation. All development in areas potentially subject to hazards shall be supported by reports that are prepared by qualified professionals to current professional standards that adequately address the requirements of this Chapter (which may include reports prepared by and/or for the County). These reports shall be evaluated based on the best available science; shall, if sea level rise is part of the hazards, consider the impacts from the high projection of sea level rise for 100 years (unless different standards are required in the policies of this chapter); shall demonstrate that the development will avoid, or if full avoidance is not possible to avoid as much as possible and minimize, impacts from coastal hazards; and shall evaluate and identify the effect of the development over time on coastal resources (including in terms of public access, shoreline dynamics, natural landforms, natural shoreline processes and public views as project impacts continue and/or change over time, including in response to sea level rise and fire hazards) and suggest appropriate mitigations to avoid and offset adverse effects identified.

Comment [I7]: The Board-adopted LUPA makes the distinction between the V zone which has active wave run-up and surge, and the A zone which is characterized by flowing water; we apply rigorous ad hoc evaluation to the V zone (aka "shoreline development" in our LUPA).

Comment [I8]: If policy C-EH-5 #2 specifies the elevation height: "estimated 100-year storm flood plus 3 feet (to address sea level rise)" what does "consider...100 years" require?

Note: Adapted from County Board Adopted Policy EH-5 and 2014 Commission Approved Policy EH-5. Both the County and Commission efforts intended to help identify how to evaluate hazards, with as much clarity as possible, but the Commission's version moves some of the specific parameters (including the County's parameters) to the specific area analyses, thus this policy is more encompassing and broader, and the specificity of the County's version is moved to the policies below.

C-EH-4 Coastal Redevelopment. An existing structure located in an area potentially subject to hazards shall be considered redeveloped (and deemed new development under this LCP that must be made to conform with all applicable LCP policies), when such development consists of: (1) alteration (including interior and/or exterior remodeling and renovations, demolition or partial demolition, etc.) of 50% or more of major structural components (including exterior walls, floor and roof structure, and foundation) considered individually (i.e., percentages are calculated by the individual structural component being altered, and are not additive between different structural components); (2) additions and alterations to such development that lead to a 50% or more increase in floor area for the development; and/or (3) additions and alterations to such development that costs 50% or more of the market value of the existing structure before construction. Changes to floor area and individual major structural components and the costs of such changes are measured cumulatively over time starting from January 1, 1977.

Comment [I9]: Cal Ex: **no more than 50 percent of existing floor area or 1,000 square feet, whichever is less**
Making consistent with 50% of the structure like FEMA would be admirable showing coordination and consistency among government agencies.
Still looking at this in terms of CC Act exemptions and CatEX.
The three criteria are vastly different. Example of how change in floor can be 50% overall!

Comment [I10]: "Existing" should mean what is there when application is filed.

Note: Adapted from 2014 Commission Approved Policy EH-5; requires that the definition of redevelopment above apply in areas potentially subject to hazards, consistent with the Commission's approach to LCP planning on this point statewide. The intent is to identify when a project is no longer a repair or maintenance project but rather a new project requiring increased evaluation under the LCP. Also adds in FEMA valuation criterion, including as requested by the County. Application is limited to areas potentially subject to hazards, and is not applicable in other parts of the County.

C-EH-54 Standards for Shoreline Development~~Flood Hazards.~~ ~~Flood hazard areas are~~ Shoreline development is defined as: (1) development located on parcels shown on adopted Federal Emergency Management Agency (FEMA) "Flood Insurance Rate Maps" (FIRM) and "Flood Boundary Water Maps" for Marin County ~~which have been determined to be~~ that are subject to coastal flooding from a flood which has a one percent chance of annual occurrence ~~in any one year (further designated as Zone A, AO, A1-30, AE, A99, AH, VO, V1-V30, VE, or V); and 2) those areas potentially inundated by sea level rise as shown on "Potential Sea Level Rise Maps" prepared and adopted by the County of Marin.~~; (2) development in areas potentially subject to inundation by sea level rise based on best available science at the time of the application, but at a minimum including properties shown on LCP Map 15; and (3) development, whether shown in the areas identified on the maps in subsection (1) and (2) of this section or not, that is located in areas potentially subject to shoreline hazards, including those areas identified pursuant to the hazards evaluation in C-EH-3 (including but not limited to flooding, inundation, storm waves, high seas, tidal scour, tsunamis, and the interaction of same, including in relation to sea level rise).

1. Shoreline development shall be set back a sufficient distance, and/or sited on an existing elevated portion of the site, and/or designed to reduce the size of the structure or structure footprint (unless the project consists solely of raising an existing structure the minimum amount necessary to meet flood elevation requirements), in such a way to avoid flooding related to the current estimated 100-year storm event, as adjusted for sea level rise if applicable, to the maximum feasible extent without reliance on shoreline protective devices. Existing shoreline protective devices shall not be incorporated into analyses when establishing appropriate siting. The predicted shoreline position shall be evaluated considering not only historic shoreline erosion, but also expected acceleration of shoreline erosion due to continued and accelerated sea level rise.

2. If there is inadequate space to feasibly meet such siting and design requirements, development shall be sited on the portion of the site that best meets these requirements, and floodproofed and/or elevated via pier/caisson foundations (using the minimum number of piers/caissons feasible) so that the lowest finished floor (in the case of floodproofing) or lowest horizontal members (in the case of elevation) are located at an elevation equal to the [redacted] to address sea level rise) ~~as shown on LCP Map 15~~. If floodproofed, the maximum allowable height shall be consistent with applicable zoning district standards. If elevated via pier/caisson foundations, then the area below the lowest horizontal members of such foundation shall not be enclosed nor used for any development needs, with the exception [redacted]; and the maximum allowable height shall be consistent with applicable zoning district standards, or 15 feet above the finished floor elevation (which shall be no more than 2 feet above the elevation of the lowest horizontal members of such foundation) if necessary to provide a single standard story of living space, whichever is greater. Where development consists solely of raising an existing structure by the minimum amount necessary to meet these flood elevation standards, a resulting building height that would exceed the zoning district height maximum may be allowed if the additional height does not adversely affect significant public views or community character and existing legal non-conforming buildings that are encroaching into a required yard setback may be approved without the need for a variance to setback requirements, as long as the extent of the encroachment is not expanded.

3. Shoreline development shall be designed to ensure safety from anticipated hazard impacts caused by future sea level rise, including increased velocity of floodwaters, where applicable.

4. [redacted]

Comment [i11]: The Board-adopted policies place more stringent standards on "shoreline development" which is "defined as development located in a VO, V1-V30, VE or V zone as mapped by the Federal Emergency Management Agency (FEMA) in the Board's **C-EH-5**. These areas are identified by FEMA's best available science as more hazardous than "A" or "X" zones. Therefore the Board-adopted LCP places additional requirements on the shoreline areas as defined in its policies.
This modification wipes out this distinction. Contrary to the best available science, this modification treats areas in the low-velocity "A" zone the same as the V zone.

Comment [i12]: hazards evaluation in C-EH-3 should be placed in context of areas identified by best available science County ahs already applied.

Comment [i13]: Setting back a structure where the lots are so small as in most of the affected area has no benefit. Even on larger lots, unless there is topographic variation, the flood hazard would not be reduced.

Comment [i14]: Still makes no sense.

Comment [i15]: FEMA does not accept floodproofing for NFIP in V zones

Comment [i16]: This presumably is for new development, but it would also apply to existing homes that get caught up by "redevelopemt"- what do you do with house already 2 stories?

Comment [i17]: This should not be a discretionary decision, for up to 30 feet. What do you do with an existing home of 25 feet above finished floor? We provided specific limits standards for different classes, and had findings in the LCP that such heights in the central part of the Stinson area met these requirements

5. Shoreline development shall not include rope lines or fences that block public access.

Comment [i18]: Should be in access section

6. Shoreline development shall be prohibited if it would already meet any of the removal criteria specified in C-EH-11.

Comment [i19]: Needs further review

7. The required hazards evaluation of C-EH-3 shall address the requirements of that policy and this one, including in terms of evaluating the impacts associated with any development that includes floodproofing and/or elevation, and including in terms of evaluating the effects of related development, such as required ingress/egress to structures and the provision of services (e.g., water, wastewater, electricity, gas, etc.) over time, on coastal resources.

Comment [i20]: unclear

~~1. The development will comply with construction standards contained in Chapter 23.09 (Floodplain Management);~~
~~2. The minimum floor elevation of development incorporates additional freeboard to accommodate potential sea level rise as provided for by Policy C-EH-8 (Minimum Floor Elevations in Flood Hazard Areas);~~
~~3. The development will not create a hazard or diminish the stability of the area; and~~
~~4. Shoreline development, conforms to Policy C-EH-5.B.~~

~~To minimize risks to life and property, and assure stability and structural integrity of existing structures, modifications of such structures consistent with this Policy shall be facilitated by application of Coastal Permit Exemptions, Categorical Exclusions, and Coastal Permits. Raising the structure as provided in Policies C-EH-5, 8, and 9 and limiting the height to that required to provide for BFE and/or sea level rise elevation shall be deemed sufficient to comply with coastal hazard, public view, community character and related provisions of the LCP.~~

Note: Adapted from County Board Adopted Policies: EH-3, EH-5 (B), EH-8, EH-9, and EH-11 and 2014 Commission Approved Policies EH-5(b), EH-11, and EH-12. The intent is to provide the criteria for shoreline development in one place as opposed to spread across a series of policies for greater clarity. This policy combines the Commission-approved shoreline development policy with recent County Board-adopted elevation policies, including using the County's elevation criteria. Requires setbacks as a first option for addressing hazards and does not allow existing shoreline protective devices to be incorporated into analyses when establishing appropriate siting as the Coastal Act does not allow such devices to support new development.

C-EH-~~6~~5 Standards for ~~New Shoreline and~~ Blufftop Development. ~~Ensure that new~~ ~~B~~blufftop development~~,~~ is defined as development located on parcels within 300 feet of a blufftop edge. ~~safe from bluff retreat and other coastal hazards without a reliance on shoreline protective devices. Except as provided for by Policies C-EH-7, C-EH-15, and C-EH-16, new~~

1. Blufftop development shall be set back a sufficient distance from the blufftop edge ~~a sufficient distance~~ to avoid hazards to the maximum feasible extent while ensuring ~~its~~ stability and structural integrity in light of potential bluff erosion and other hazards for at least the next ~~minimum of~~ 100 years ~~and to eliminate the need for~~without reliance on shoreline protective devices. Existing shoreline protective devices shall not be countenanced when establishing the setback.

Comment [i21]: HUGE PROBLEM

2. If there is inadequate space to feasibly meet such setback requirements, including through modifications to the project design (e.g. proposing a smaller structure), blufftop development may be set back a lesser distance from the blufftop edge provided such setback is the maximum feasible and

ensures stability and structural integrity in light of potential hazards for no less than 25 years without reliance on shoreline protective devices.

3. ~~The A coastal required hazards evaluation analysis shall address the requirements of that policy and this one, and shall also evaluate the effect of erosion, geologic and other hazards at the site to ensure structural integrity for a minimum of 100 years. The coastal hazards analysis shall~~ include a quantitative slope stability analysis by a geotechnical engineer demonstrating a minimum factor of safety against sliding of 1.5 (static) or 1.2 (pseudostatic, k=0.15 ~~or determined through analysis by the geotechnical engineer~~)where~~by.~~ ~~S~~safety and stability must be demonstrated for the predicted position of the bluff and blufftop edge following bluff recession over the required timeframe (~~at least~~ i.e., 100 years, or possibly less pursuant to C-EH-6(2)). The predicted bluff and blufftop edge position shall be evaluated considering not only historical bluff retreat data and slope stability data, but also acceleration of bluff retreat due to continued and accelerated sea level rise, and other climate impacts. ~~according to potential sea level rise estimates prepared and adopted by the County of Marin for use in coastal hazards analyses.~~

4. Blufftop development shall be prohibited if it would already meet any of the removal criteria specified in C-EH-11.

5. Blufftop development shall include identification of the minimum amount of setback necessary to maintain safety without a shoreline protective device ~~maintain the 1.5 and 1.2 meters of safety~~ as the bluff erodes over the required time frame.

6. Blufftop development shall include adequate drainage and erosion controls designed to avoid bluff erosion and to avoid drainage being directed over blufftop edges or through bluffs otherwise.

Note: Adapted from County Board Adopted Policies C-EH-5 (A) and EH-6, and Commission 2014 Approved Policies EH-5 (A) and EH-6. As with the shoreline policy above, the intent is to provide the criteria for blufftop development in one place as opposed to spread across a series of policies for greater clarity. This policy combines the Commission-approved blufftop development policy with the County's proposed standards, and is a reflection of both, which were already very similar. Requires setbacks as a first option for addressing hazards and does not allow existing shoreline protective devices to be incorporated into analyses when establishing appropriate siting as the Coastal Act does not allow such devices to support new development

~~**C-EH-6 Proper Drainage on Blufftop Parcels.** Ensure that surface and subsurface drainage associated with development of any kind shall not contribute to the erosion of the bluff face or the stability of the bluff itself.~~

Note: Moved to EH-5 to keep all related blufftop standards in one place for clarity and ease of implementation.

C-EH-7 ~~New Structures on~~Standards for Bluff Face Developments. ~~Prohibit structures~~ Development on bluff faces shall be prohibited, ~~except for~~ other than public recreational access ~~structures~~ facilities (e.g. stairways, paths, overlooks, ramps, etc.) where no feasible alternative means of public access exists, and where. ~~s~~Such ~~structures~~ development ~~shall be~~is sited and designed ~~and constructed~~ to be visually compatible with the surrounding area to the maximum feasible extent ~~feasible~~ and to minimize effects on erosion of the bluff face.

Comment [i22]: unclear

Comment [i23]: Those criteria are fatally unclear

Comment [i24]: Significant concern

Comment [i25]: Can a public bluff-top structure may be needed on Bird Terrace Drive at Surfer's Overlook covered?

DRAFT

Note: Adapted from County Board Adopted Policy C-EH-7 and Commission 2014 Approved Policy: EH-7. These policies are similar, and when melded together provide appropriate standards.

C-EH-8 Standards for Development Subject to Geologic Hazards. In addition to other requirements that may apply (e.g., for ~~development on a shoreline, blufftop, or bluff face) Require applicants for~~ development in areas that are potentially subject to geologic hazards, (~~which~~ including~~e~~ Alquist-Priolo earthquake hazard zones and areas subject to landslides, liquefaction, steep slopes averaging greater than 35%, and unstable slopes regardless of steepness~~) to evaluate the extent of those hazards and demonstrate that: The development~~ shall comply with the seismic safety standards of the Alquist-Priolo Act (California~~,~~ Public Resources Code Section 2621. et seq.) and all applicable seismic provisions and criteria contained in the most recent version of State ~~and~~ County codes; ~~Development~~ shall incorporate ~~contruction and~~ siting and design techniques to mitigate ~~the~~ any such geologic hazards; and ~~identified above;~~ ~~The development~~ shall not create a hazard or diminish the stability of the area.~~; and Blufftop development, confirms to Policy C-EH-5.A.~~

Note: Adapted from County Board Adopted Policy C-EH-4, and Commission 2014 Approved Policy EH-4. Provides edits to improve clarity, but is substantively very similar to each.

C-EH-9 Standards for Development Subject to Fire Hazards. In addition to other requirements that may apply (e.g., if it is also shoreline, blufftop, or bluff face development, and/or development subject to geologic hazards), the following standards apply to development subject to fire hazards:

~~**C-EH-23**~~ 1) **New Development and Fire Safety.** ~~Coastal Permit applications~~New development shall ~~demonstrate that the development~~ meets all applicable fire safety standards~~.~~ and shall be s~~S~~ited and designed ~~new development~~ to minimize required initial and future fuel modification, and brush clearance in general, ~~to the maximum feasible extent, and to avoid~~ such activities within ESHA and ESHA buffers on site and on neighboring property, including parkland, where all such requirements shall be applied as conditions of approval applicable for the life of the development.

~~**C-EH-25**~~ 2) **Existing Development and Fire Safety.** Removal of major vegetation ~~around~~ adjacent to existing development for fire safety purposes shall only be allowed ~~with a coastal permit waiver~~ upon a finding that fuel modification and brush clearance techniques are required in accordance with applicable fire safety regulations and are being carried out in a manner which reduces coastal resource impacts to the maximum feasible extent. In addition to the foregoing requirements, removal of ESHA, or ~~is~~ removal of materials in an ESHA buffer, shall only be allowed for fire safety purposes: if it is not already prohibited by coastal permit conditions; if there are no other feasible alternatives for achieving compliance with required fire safety regulations; and if all ESHA and related impacts are mitigated in a manner that leads to no net loss of ESHA resource value.
~~[New policy, 2016]~~

Note: Adapted from County Board Adopted Policies C-EH-23 and EH-25, and Commission 2014 Approved Policies C-EH-23 and EH-25. Edits to both provided for implementation clarity.

C-EH-~~2~~ 10 Waiver of Liability and ~~Applicant's~~ Assumption ~~and Disclosure~~ of Risk. ~~As a condition of a~~Coastal permit approvals for development in areas potentially subject to hazardous ~~areas~~, shall contain conditions requiring~~e~~ ~~the~~ applicants to record ~~a document~~ deed restrictions against properties governed by the permit in which the applicants~~:~~ acknowledge~~ing~~ and agree, on behalf of themselves and successors and assigns: that the site is subject to ~~coastal~~ hazards, ~~each of which shall be explicitly identified~~ including vulnerabilities to sea level rise if the property is located in an area potentially inundated by sea level rise as shown on LCP Map 15 and/or as identified pursuant to the hazards

evaluation in C-EH-3; ~~which may include coastal erosion, shoreline retreat, flooding, and other geologic hazards;~~ to assume all such hazard risks; to prohibit and ~~to waive any rights that may exist for new and/or augmented Acknowledging that future~~ shoreline protective devices (including additional elevation for structures already elevated pursuant to C-EH-5) ~~to protect authorized structures are prohibited~~; ~~Acknowledging~~ that public funds may be insufficient or unavailable to remedy damage to public roadways, infrastructure, and other facilities resulting from natural events such as sea level rise and bluff erosion; ~~Acknowledging~~ that Housing Code provisions prohibit the occupancy of structures where sewage disposal or water systems are rendered inoperable; that any adverse effects to property caused by the development shall be fully the responsibility of the applicants and may require removal and restoration under certain criteria (see also C-EH-11 and C-EH-17 below). ~~and Assuming all risks and waiving any claim of damamge or liability against the County for personal or property damage resulting from such coastal hazards. The recorded document shall also disclose potential vulnerability of the development site to long term sea level rise by incorporating the County's 100 year time frame sea level rise hazard map for the subject property and surrounding area, where applicable.~~

Note: Adapted from County Board Adopted Policy C-EH-2, and Commission 2014 Approved Policy C-EH-3. Edits are suggested to address legal recordation issues, as well as to provide clarity, including in light of the current structure of associated policies and requirements.

C-EH-11 Mitigation Measures Required for Development Subject to Hazards. Development in shoreline, bluff face, and blufftop areas that are subject to hazards shall comply with all of the following, including through application of conditions of approval that provide for same:

1. Development Duration. Development shall be removed and the affected area restored to a natural condition if: (a) the County declares the development unsafe for occupancy and/or use; (b) the development requires new and/or augmented shoreline protective devices (including additional elevation for structures already elevated pursuant to C-EH-5); (c) the development encroaches onto public trust land (including as the public trust migrates); (d) access and utilities are no longer available to serve the development; (e) the bluff top edge erodes to the minimum setback line established via Policy C-EH-6; and/or (f) required by subsequent adaptation planning (see Policy C-EH-17). Bonding sufficient to cover such removal and restoration shall be provided.

2. Existing Armoring. If an existing shoreline protective device (other than a pier/caisson/foundation system supporting the development itself) is associated with new shoreline, bluff face, and/or blufftop development (including coastal redevelopment), then such development shall only be approved subject to a requirement that the existing shoreline protective device is required to be removed and the area affected by the device restored to natural conditions as part of project construction as a condition of development approval. Removal and restoration shall not be required where removal of the shoreline protective device would endanger existing principal structures on adjacent sites to the degree that those principal structures would qualify for armoring under this LCP unless such adjacent sites have already been required to remove such armoring and restore the area when feasible via prior conditions of approval (see following sentence). When immediate removal and restoration is not required for these reasons, such development shall only be approved subject to a requirement that the existing shoreline protective device be removed and the affected area restored as soon as such removal and restoration can be accomplished without endangering existing principal structures on adjacent sites (e.g., as adjacent sites redevelop, as adjacent sites are conditioned for future removal, etc.), and that bonding sufficient to cover such removal and restoration be provided.

Comment [i26]: Unclear: Does this mean the applicant must "waive any rights" to existing "shoreline protective devices"

Comment [i27]: Prohibits adaptive management and response to sea level rise over time- what is the Coastal Act basis for this?

Comment [i28]: Is this to supplement tort law? Would it also apply to "adverse effects" to life?

Comment [i29]: unclear

Comment [i30]: This seems to include existing development that has never had conditions placed upon it by a permit i.e. the quid (permitted development) pro quo (conditions agreed to)

Comment [i31]: Under what law- what checks and balances?

Comment [i32]: Prohibits adaptive management and response to sea level rise over time. Simply makes no sesnse. What is the Coastal Act basis for this?

Comment [i33]: State Lands, and more importantly, state law, allows private use with SLC authorization.

Comment [i34]: unclear

Comment [i35]: When is bonding supposed to be required? After the home is condemned? Once the public trust encroaches (through no fault of the landowner?

Comment [i36]: Unclear- If elevation on piers is defined as an SPD, does this mean that if someone elevates a house, then the elevating of the house is required to be removed ?

Comment [i37]: What if removal endangers the subject structure?

Comment [i38]: Very difficult to understand, both in how it is written and in the logic behind it. This goes far beyond the Coastal Act mandate.

3. Public Rights. Approval of coastal permits shall not constitute a waiver of any public rights that may exist on the affected property. A coastal permit permittee shall not use any permit approval as evidence of a waiver of any public rights that may exist on the affected property now or in the future.

Note: Adapted from County Board Adopted Policy C-EH-2 and Commission 2014 Approved Policy C-EH-13 standards. Intent is to identify the requirements for removal contingencies in one policy for clarity. Carries over some of the previously approved concepts, including with respect to removal of armoring that was already approved by the Commission in 2014, and the County's provisions related to public services, while refining others, including related to the public trust, blufftop setbacks, and applicability of future adaptation planning.

~~**C-EH-8 Minimum Floor Elevations in Flood Hazard Areas.** For new development within Flood Hazard Areas as defined by Policy C-EH-3, the minimum elevation of construction shall incorporate additional height to accommodate potential sea level rise as follows:~~

~~1. Within flood hazard areas mapped by the Federal Emergency Management Agency (FEMA), additional elevation up to a maximum of three feet to accommodate identified sea level rise as depicted on "Potential Sea Level Rise Maps" prepared and adopted by the County of Marin, shall be added to the Base Flood Elevation (BFE) when establishing the minimum elevation required for proposed construction.~~

~~Within areas that are not within FEMA mapped flood zones but are shown as potentially inundated by sea level rise identified on "Potential Sea Level Rise Maps" prepared and adopted by the County of Marin, new development shall be constructed such that the lowest finished floor exceeds the highest natural elevation of the ground surface next to the proposed walls of the structure prior to construction (i.e., "highest adjacent grade") by an amount equal to or greater than the projected sea level rise as depicted on the above referenced maps.~~

Note: Moved to C-EH-5 to keep all related standards in one place for clarity and ease of implementation.

~~**C-EH-9 Maximum Building Heights in Flood Hazard Areas.** For new development within Flood Hazard Areas as defined by Policy C-EH-3, the maximum allowable building height shall be 25 feet above grade, or 15 feet above the minimum floor elevation as required by Policy C-EH-8, whichever is greater (see Policy C-EH-11 for Maximum Building Heights within the Seadrift Subdivision) except:~~

~~Where development consists solely of raising an existing structure by the minimum amount necessary to meet the Base Flood Elevation (BFE) established by FEMA plus any additional elevation require by Policy C-EH-8:~~

~~1. A resulting building height of up to 30 feet above grade shall be deemed sufficient to comply with coastal hazard, public view, community character and related provisions of the LCP. Such Coastal Permits shall be subject to conditions of approval prohibiting future increases in the height, mass, and bulk of the structure.~~

~~2. A resulting building height which would exceed 30 feet above grade may only be permitted after an individual evaluation of conformance with public view, community character and related provisions of the LCP.~~

Note: Moved to C-EH-5 to keep all related standards in one place for clarity and ease of implementation.

~~**C-EH-11 Maximum Building Heights in the Flood Velocity Zone at Seadrift.** For new development within the Seadrift Subdivision located in the special flood hazard (V zone) as mapped by~~

~~the Federal Emergency Management Agency, measure the maximum allowable building height of 15 feet from the minimum floor elevation required by Policy C-EH-8.~~

Note: Moved to C-EH-5 to keep all related standards in one place for clarity and ease of implementation.

~~**C-EH-12 Floor Elevations Requirements for Non-conforming Buildings in Flood Hazard Areas.** Within **Flood Hazard Areas as defined by Policy C-EH-3,** allow existing legal non-conforming buildings that are encroaching into a required yard setback to be raised consistent with Policy C-EH-8 without the need for a variance to setback requirements, as long as the extent of the encroachment is not expanded.~~

Note: Moved to C-EH-5 to keep all related standards in one place for clarity and ease of implementation.

C-EH-1~~2~~3 Standards for Shoreline Protective Devices. ~~Discourage~~ ~~S~~shoreline protective devices (i.e. ~~in the Coastal Zone, including encouraging their removal and site restoration where feasible, due to their coastal resource impacts (including visual impacts, obstruction of public access, interference with natural shoreline processes and water circulation, and effects on marine habitats and water quality) Allow the construction, reconstruction, expansion, and/or replacement of a shoreline protective device,~~ including revetments, breakwaters, groins, seawalls, bluff ~~retention devices~~retaining walls and other like devices, ~~deep~~ piers/caisson foundation systems, ~~(deep piers/caissons are not considered to be a shoreline protective device when they are designed and used for architectural foundations and not for erosion protection or to prevent beach retreat)~~ -or other ~~artificial~~ similar structures designed as protection against ~~for~~ coastal ~~erosion control and~~ hazards~~) protection, only if each of the following~~ shall be prohibited unless they meet all of the criteria ~~is met~~below:

1. Allowable armoring. The shoreline protective device is required: to serve a coastal-dependent use or to protect a principal structure ~~, residence, or second residential unit~~ in existence prior to the effective date of the Coastal Act (i.e. January 1, 1977) ~~the adoption of the Local Coastal Program (May 13, 1982)~~ that is in danger from erosion (i.e. would be unsafe to use or occupy within two storm seasons) or to protect a public beach that is in danger from erosion. Notwithstanding the above, a pier/caisson foundation system shoreline protective device may be allowable under certain circumstances pursuant to C-EH-5.

2. Least Damaging Alternative. The shoreline protective ~~No other non-structural alternative, such as sand replenishment, beach nourishment, or managed retreat is feasible, and the~~ device is the least environmentally damaging feasible alternative ~~.~~ to protect existing endangered principal structures, public beaches, or coastal-dependent uses. Hard armoring (such as seawalls and revetments, etc.) shall only be allowed if soft alternatives (such as beach nourishment, vegetative planting, and drainage control, etc.) cannot meet the above least environmentally damaging feasible alternative criteria, and if limited as much as possible to avoid coastal resource impacts. All shoreline protective devices shall be sited and designed to avoid coastal resource impacts to the maximum feasible extent, including that all allowable device shall be designed to blend visually with the natural shoreline and provide for public recreational access.

3~~9~~. Impacts Mitigated. The project includes proportional mitigation for all unavoidable coastal resource impacts, including with respect to impacts on shoreline sand supply, sandy beaches, public recreational access, public views, natural landforms, and water quality. At a minimum, the effects of the device with respect to retention of shoreline sand generating materials, the loss of beach/sand due to its footprint, and passive erosion shall be evaluated. Proportional in-lieu fees may be used as a vehicle for impact mitigation if in-kind options (such as developing new public access facilities) are

Comment [I39]: "i.e." and "including" are redundant and make the phasing sound awkward

Comment [I40]: RESTORE BOARD APPROVED TEXT – can substitute piers and caisson used to elevate structures above the coastal hazard elevation

Comment [I41]: Redefines "existing" in the Act; should be either at time an application is filed, or as of the effective date of the LCPA.

Comment [I42]: Erosion is not the only threat to safety; the modifications added to C-EH-1 for example include "episodic and long-term shoreline and bluff erosion and retreat, high velocity wave and tidal action from storms or high seas, ocean and stream inundation and flooding, tsunamis, and rising sea levels; and combinations of all of the above..."

Comment [I43]: How can this be predicted? Coastal storm damage is episodic. There can be many storms within a "storm season." How will staff/staff be able to predict the severity of each storm within each of the two "storm seasons."

Comment [I44]: If it is to elevate above the storm hazard it is not a "shoreline protective device."

Comment [I45]: No criteria other than being the LEDA are specificed. There is only one "least" – thus a criterion.

Comment [I46]: Is "as much as possible" the same test as "to the maximum feasible extent" – if so, why use different words? If not, what is the difference?

Comment [I47]: Still don't understand what this means.

not possible, and if such in-lieu fees are deposited in an interest bearing account managed by the County and used only for public recreational shoreline area access improvements. ~~Shoreline protective devices shall be required to mitigate impacts to shoreline sand supply, public access and recreation, and any other relevant coastal resource impacts.~~ Impact mitigation shall be evaluated and required in 20-year increments, ~~starting with the building permit completion certification date~~ and permittees shall be required to apply for coastal permit amendments prior to expiration of each 20-year mitigation period that proposes~~ing~~ mitigation for coastal resource impacts associated with retention of the shoreline protective device beyond the preceding 20-year mitigation period, ~~and~~ where such application shall include consideration of alternative feasible mitigation measures in which the permittee can modify the shoreline protective device to lessen its impacts on coastal resources.

Comment [i48]: Check with CAO

Comment [i49]: Tracking system required

~~4~~**10. Monitoring.** The shoreline protective device shall be regularly monitored by an engineer or engineering geologist familiar and experienced with coastal structures and processes. Monitoring reports to the County and the Coastal Commission shall be required every five years from the date of coastal permit issuance ~~until coastal permit expiration~~for as long as the shoreline protective device remains authorized (see subsection 6 below). ~~which shall evaluate whether or not the shoreline protective device is still required to protect the existing structure it was designed to protect~~ and such reports shall cover all aspects of the armoring reevaluation specified in subsection 5 below.

~~5~~**7. Armoring Reevaluation.** For existing shoreline protective devices that are being reconstructed, expanded, and/or replaced, the coastal permit application shall include a re-assessment of the need for the device, the need for any repair or maintenance of the device, and the potential for removal based on changed conditions, including whether such device, and the potential for removal based on changed conditions, including whether such device meets the criteria in Policy C-EH-12. The coastal permit application shall at a minimum include an evaluation of: the age and condition of the existing principal structure being protected (or evaluation of the coastal-dependent use being served or public beach being protected, if applicable); changed geologic site conditions including but not limited to changes relative to sea level rise; and impacts to coastal resources, including but not limited to public recreational access and ~~recreation~~ways to reduce such impacts. If approved, such development associated with existing shoreline protective devices shall meet all of the pother requirements of this policy, including with respect to the impact mitigation requirements of subsection 3 above.

Comment [i50]: This was previous ccc mod text. Very open ended. Have any such re-assessments been completed yet?

6. Armoring Duration. The shoreline protective device shall only be authorized ~~for a specified time period depending on the nature of the project and other possible changing conditions. Maintenance beyond the specified time period, modification, or expansion of the approved device shall require approval of an amendment to the Coastal Permit.~~ until the time when the existing principal structure that is protected by such a device: 1) is no longer present; 2) no longer requires armoring; or 3) is redeveloped. Permittees shall be required to submit a coastal permit application to remove the authorized shoreline protective device within six months of a determination that the shoreline protective device is no longer authorized to protect the structure it was designed to protect because the structure is no longer present or no longer requires armoring. In the case of coastal redevelopment, removal of the authorized shoreline protective device shall be required as part of construction of the redeveloped structure (see also C-EH-11 above).

Comment [i51]: See perplexing last line

Comment [i52]: Unclear. Is this intended to expose the redeveloped structure to unprotected hazard conditions?

~~3. It can be shown that a shoreline protective device will successfully eliminate or mitigate its effects on local shoreline sand supply and that the device will not adversely affect adjacent or other sections of the shoreline.~~

~~4. The shoreline protective device will not be located in wetlands or other significant resource or habitat area, and will not cause significant adverse impacts to fish or wildlife.~~

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5. There will be no reduction in public access, use, or enjoyment of the natural shoreline environment, and construction of a shoreline protective device will preserve or provide access to related public recreational lands or facilities.

6. The shoreline protective device will not restrict navigation, mariculture, or other coastal use and will not create a hazard in the area in which it is built.

Note: Adapted from County Board Adopted Policies C-EH-13 and EH-14; and Commission 2014 Approved Policies EH-13 and EH-14. Basically transfers prior approved language to a single policy, and includes refinements to language throughout to provide clarity, and to best correspond to current policy structure and standards. Represents current Commission approach to when armoring is allowed under the Coastal Act.

C-EH-21 13 Emergency- Authorization Shoreline Protective Devices in County Coastal Permit Jurisdiction. Upon receipt of a request for an emergency shoreline protective device within the County's coastal permit jurisdiction, the County shall notify the Coastal Commission. In cases of emergency, an emergency shoreline protective device may be aApproved emergency shoreline protective devices on a temporary basis only, and only if the device is required to be removedal of the structure unless a regular coastal permit is approved for retention of the structure. In such cases, aA complete coastal permit application must shall be required to be submitted within 60 days following construction of the shoreline protective device. Any such temporary emergency shoreline protective device shall be sited and designed to be the minimum necessary to abate the identified emergency, and to be as consistent as feasible with all LCP shoreline protective device standards, including avoiding coastal resource impacts to the maximum feasible extent and mitigating for any that are unavoidable. If dunes are present on the project site, require that re-establishment of the former dune contour and appearance shall occur within 60 days following construction of a shoreline protective device.

Note: Adapted from County Board Adopted Policy C-EH-21; and Commission 2014 Approved Policy: EH-21. Minor changes throughout for clarity, but premise remains the same.

C-EH-14 Design Standards for the Construction of Shoreline Protective Devices. Ensure that the design and construction of any shoreline protective device shall:

1. Be sited, designed, and treated to blend in visually with the natural shoreline;
2. Respect and integrate into natural landforms to the greatest degree possible;
3. Include mitigation measures to offset any impacts on fish and wildlife resources caused by the project;
4. Minimize and mitigate for the impairment and interference with shoreline sand supply and the circulation of coastal waters;
5. Address the geologic hazards presented by construction in or near Alquist Priolo earthquake hazard zones;
6. Protect, and enhance where feasible, public recreational access as much as possible, including by minimizing the displacement of beach; and
7. If necessary, be combined with efforts to control erosion from surface and groundwater flows.

Note: Moved to EH-13 to keep all related standards in one place for clarity and ease of implementation.

C-EH-14 Exceptions. Notwithstanding LCP policies that might direct otherwise, the following shoreline, bluff face and blufftop development is allowable provided it meets all other LCP policies as much as possible:

CDA preliminary analysis of 10/21~~13~~/16 CCC staff ~~draft~~ MODIFICATIONS to LUPA Hazards Chapter

~~Preliminary~~ suggested modifications submitted for CCC hearing

~~C-EH-16~~ **1. ~~Shoreline~~ Public Recreational Access Facilities ~~in Hazardous Areas.~~** ~~Shoreline and bluff area~~ Public recreational access facilities (e.g. stairways, paths, overlooks, ramps, etc.) ~~including walkways, overlooks, stairways and/or ramps, may be allowed within the shoreline/blufftop setback established by C-EH-5 provided they meet all of the following criteria:~~

1. ~~Such public access facilities shall only be allowed if consistent with all other applicable LCP policies.~~
2. ~~Such public access facilities shall be~~that are sited and designed to blend as well as possible with the surrounding environment and to be easily relocatable and/or removable without significant damage to shoreline and/or bluff areas.
3. ~~Such public access facilities shall only be allowed when they will not cause, expand, or accelerate instability of a bluff.~~

~~C-EH-15~~ **2. Blufftop a~~A~~ccessory Structures ~~in Hazardous Areas.~~** ~~In areas subject to shoreline and/or blufftop erosion per Policy C-EH-5, accessory structures, including patios and gazebos, may be allowed provided they meet all of the following criteria: Such accessory structures shall only be allowed if consistent with all other applicable LCP policies.~~~~Such~~Blufftop accessory structures ~~shall be~~ that are sited and designed to avoid coastal resource impacts and to be easily relocatable and/or removable without significant damage to shoreline and/or bluff areas;~~,~~ ~~and~~ that are ~~shall be~~ sited no closer than 5 feet from the bluff~~top~~ edge (or further if necessary to protect public views); ~~No~~ that are not allowed shoreline protective device if endangered ~~will be allowed for the purpose of protecting such accessory structure(s).~~; and that are required via conditions to be ~~Such accessory structures shall be~~ relocated and/or removed and affected areas restored to natural conditions when threatened by erosion, geologic instability, or other ~~coastal hazards~~, including as determined by ~~Marin~~ the County.

~~C-EH-19~~ **3. ~~Maintenance Needs for the Shoreline Protective Device at Seadrift.~~** Development at Seadrift, including related to shoreline protective devices, that are consistent with the terms and conditions of ~~Refer inquiries regarding permit requirements for maintenance of the rock revetment as permitted by~~ California Coastal Commission Coastal Ppermit #A-1-MAR-87-235-A, as amended, ~~issued August 31, 1994 to the Coastal Commission. (For more information, see~~ and the Seadrift settlement agreement (see LCP in Appendix 59.) but that may conflict with these LCP hazard policies.

Note: Adapted from County Board Adopted Policies: C-EH-15, EH-16, and EH-19, and Commission 2014 Approved Policies C-EH-15, EH-16, and EH-19. Basically the same language refined for clarity, and put together all in one place for ease of implementation.

C-EH-1~~5~~7 ~~Creation of New Parcels of Land that Would Require Protection Against Coastal Erosion and Other Hazards~~Land Divisions ~~Prohibited~~. ~~Prohibit the division of~~ Land divisions that affect property ~~near the~~ shoreline, bluff face, and blufftop areas shall be prohibited ~~including along the shoreline and bluffs, and including abutting the ocean, bays, lagoons, or other coastal water bodies~~, unless the new and/or reconfigured parcels each include buildable area that can be developed consistent with LCP hazards policies (or the shoreline, bluff face, and blufftop area land is restricted permanently as non-developable (other than possibly for public recreational access) open space), and the land is restricted to prohibit ~~safe from geologic and other hazards for a minimum of 100 years, and unless~~ shoreline protective devices located ~~are prohibited to protect development~~ on such ~~the resultant~~ parcels and/or to protect development on such parcels.

Note: Adapted from County Board Adopted Policy C-EH-17 and Commission 2014 Approved Policy: C-EH-17. Language refined to address current structure of policies, but intent (and parameters) remain

Comment [i53]: That this essentially duplicates Policy EH-7 above does not lend a great deal of confidence that adequate time and care have been invested in these CCC staff-suggested modifications. This is especially true as Marin's comments about essential facilities that may be needed have been ignored.

C-EH-7 Standards for Bluff Face Development. Development on bluff faces shall be prohibited, other than public recreational access facilities (e.g. stairways, paths, overlooks, ramps, etc.) where no feasible alternative means of public access exists, and where such development is sited and designed to be visually compatible with the surrounding area to the maximum feasible extent and to minimize effects on erosion of the bluff face.

Comment [i54]: This is a change from the 10/4/16 ccc draft.

1.Seadrift. Development at Seadrift, including related to shoreline protective device repair, maintenance and/or replacement, shall be consistent with these LCP hazards policies and also consistent with the terms and conditions of California Coastal Commission Coastal Permit A-1-MAR-87-235 (see LCP appendix 5):

a.Seadrift Revetment. The Seadrift revetment may be repaired and maintained in its approved configuration subject to the terms and conditions of Coastal Permit A-1-MAR-87-235. However, any change to its approved configuration, including any expansion of the height or footprint of the revetment, shall require a new Coastal Permit application to which all of the policies of this LCP shall apply, including with respect to providing for improved public recreational beach access.

b.Residential Development. Residential development within Seadrift may continue to occur consistent with all policies of the LCP as well as the terms and conditions of Coastal Permit A-1-MAR-87-235.

Comment [i55]: Development…, that is

Comment [i56]: Poorly written- too distant from subject to follow.

Comment [i57]: Not required by Coastal Act.

Comment [i58]: Not required by Coastal Act. Could also interfere with ag owners who might resort to subdividing off portions of their land (with deed restrictions) so they could qualify for Cat Ex. Since CCC staff consider ag "development" the phrase "land is restricted permanently as non-developable (other than possibly for public recreational access) open space" may prohibit ag use.

basically the same. Subdivision is to be avoided in these areas, including so as to avoid problems with future development on such subdivided properties.

C-EH-1620 ~~Advance Planning for Emergency Shoreline Protection Needs~~Private Property Hazard Response Planning. Encourage owners of property ~~owners~~ subject to ~~ocean front erosion~~ hazards to develop responses to such hazards prior to emergency conditions. Where contiguous properties are subject to generally similar erosion hazards, encourage joint ~~program development should occur~~responses to be developed.

Note: Adapted from County Board Adopted Policy C-EH-20 and Commission 2014 Approved Policy C-EH-20. Minor changes for clarity.

C-EH-1722 ~~Sea Level Rise and Marin's Coast~~Marin County Adaptation Planning. The County shall consider the best available and most recent scientific information with respect to the effects of long-range sea level rise when establishing sea level rise maps, scenarios, and assumptions for use in geologic, geotechnical, hydrologic and engineering investigations, including ~~the~~ all required coastal hazards analyses~~is identified in C-EH-5~~. The County shall also Support scientific studies that increase and refine the body of knowledge regarding potential sea level rise in Marin, and possible responses to it. Finally, the County shall actively pursue adaptation planning designed to address the effects of hazards in light of sea level rise along the County's coastline, including via preparation of sub-regional adaptation plans for individual areas that further refine the County's vision for development and protection of coastal resources in these areas via all of the following:

Comment [I59]: The Adaptation Plan is not part of the LCP. The Commission has authority over developments, including Public Works Plans that come out of it, but the Coastal Act provides no authority over the preparation of the Adaptation Plan itself.

Comment [I60]: "Shall" makes this an unfunded state mandate.

Comment [I61]: "Shall" makes this an unfunded state mandate.

1. **Update LCP Sea Level Rise Related Policies.** LCP Policies related to sea level rise ~~(including C-EH-2, 3, 5, 8, 9, 11, 12, 13, 15, 17, and 22)~~ shall be reevaluated and modified ~~and readopted~~, as necessary, through an LCP Amendment in 2026. If LCP policies related to sea level rise are not so modified by December 31, 2026, any site specific analysis for new development or redevelopment that are considered after December 31, 2026 shall consider sea level rise projections for 100 years based on the best available science.
~~[New policy, 2016]~~

Comment [I62]: OK. County offered 2026 date. Is the increase in the standard to 100 years (rather than 3 feet, which stretches out from 2060 to 2100) intended to force the County's compliance?

~~***Program C-EH-22.a Research and Respond to the Impacts of Sea Level Rise on Marin County's Coastal Zone Shoreline.***~~

2. **Update Vulnerability Assessment.** Building upon the C-SMART Vulnerability Assessment, continue to gather information on the effects of sea level rise on Marin County's Coastal Zone shoreline, including identifying the most vulnerable areas, structures, facilities, and resources; specifically areas with priority uses such as public access and recreation resources, including the California Coastal Trail, Highway 1, significant ESHA such as wetlands or wetland restoration areas, open space areas where future wetland migration would be possible, and existing and planned sites for critical infrastructure. Updates to the vulnerability assessment shall use best available science and multiple scenarios including best available scientific estimates of expected sea level rise, such as by the Ocean Protection Council [e.g. 2013~~+~~ OPC Guidance on Sea Level Rise], Nation Research Council, Intergovernmental Panel on Climate Change, and the West Coast Governors Association.

Comment [I63]: The Adaptation Report has not even been reviewed by the Public, much less adopted by the Board. These are good things to do, and the County likely will do them- but are they mandated/required by "shall"s in #1 above—along with the fiscal obligations?

3. ~~**Program C-EH-22.b Periodically**~~ **Update Retreat Analysis.** Analysis of increased erosion potential and shoreline retreat due to sea level rise is included in the County's ~~Marin Ocean Coast~~ Vulnerability Assessment, where. ~~The~~ The coastal erosion hazard maps present the results of models that predict the geomorphic evolution of cliffs, beaches, marshes, Easkoot Creek flooding and FEMA flood hazards. Update the shoreline retreat analysis every 5 years or as needed, or as

necessary to allow for the incorporation of new sea level rise science, monitoring results, and information on coastal conditions.

Comment [i64]: Under the "shall," who determines when the Update is necessary- CCC?

4. Update ~~potential Sea Level Rise Maps (referenced in Policy C-EH-8)~~. Update applicable LCP maps, including LCP Map 15 ~~and LCP Maps 31a – 31n~~, to reflect current information and best available science, and to m~~M~~odify the current and future hazard areas every five years or as necessary to allow for the incorporation of new sea level rise science, monitoring results, and information on coastal conditions.

Comment [i65]: These maps, which will be more authoritative than individual consultant reports should be the basis for evaluation n the policies above.

~~**7. Research the potential for relocation of existing or planned development to safer locations.** Explore the feasibility of a managed retreat program, which may involve protecting vacant land through zoning or conservation easements and/or removing development from areas vulnerable to sea level rise and restoring those areas to a natural state for open space or recreation. Identify potential mechanisms and incentives for implementation, which may include: Acquire vacant vulnerable properties.~~

~~a. Acquire developed vulnerable properties before damage occurs.~~
~~b. Acquire developed vulnerable properties only after significant damage by storms or high tides.~~
~~c. Explore the feasibility of a public parkland exchange programs that encourage landowners to move out of hazardous areas.~~
~~d. Identify and make available (eg. through rezoning) land outside the hazard areas to allow owners of vulnerable properties to relocate nearby.~~
~~e. Explore Transferable Development Credit programs.~~
~~f. Explore possibility of amortization of homes in coastal hazard areas.~~
~~Work with entities that plan or operate infrastructure, such as Caltrans and PG&E, to plan for potential realignment of public infrastructure impacted by sea level rise, with emphasis on critical accessways including affected segments of Shoreline Highway and Sir Francis Drake Boulevard.~~

5. ~~**Support efforts to monitor sea level rise impacts to**~~**Protect Nnatural Rresources~~, and ESHA~~.** Support efforts to monitor sea level rise impacts to natural resources/ESHA, including Bolinas Lagoon, Tomales Bay, Esteros San Antonio and Americano and other wetland areas~~, and~~ Lagunitas, Walker, Estero Americano, Dillon, Stemple and other creeks; rocky intertidal areas, beaches and other habitat types vulnerable to sea level rise. Collaborate with Greater Farallones National Marine Sanctuary (GFNMS), Tomales Bay Watershed Council and other local, regional~~,~~ state and federal entities to establish monitoring methods and track the effects of sea level rise on natural resources/ESHA. Update standards for ESHA buffers and setbacks to account for sea level rise based on the best available science and considering the effects of shoreline development on landward migration of wetlands.~~.~~

6. ~~**Promote Ggreen Infrastructure, pilot projects**~~ Promote green infrastructure pilot projects (e.g. horizontal levees, dune restoration, etc.) with environmental benefits that may help protect assets from sea level rise and increased storm surges. Study and monitor such projects over time and share lessons learned with other jurisdictions.

~~**6. Update standards for ESHA buffers and setbacks to account for sea level rise**, based on the best available science and considering the effects of shoreline development on landward migration of wetlands.~~

7. ~~**Design**~~ **Alternatives to Elevating Structures.** Support efforts to develop and implement innovative design alternatives that reduce or eliminate flood damage, especially those which

DRAFT

would qualify through FEMA as acceptable alternatives to elevation under the National Flood Insurance Program (NFIP). Encourage homeowners to implement voluntary floodproofing measures in conjunction with development that is not required to be elevated.

8. **Sandy Beach Management.** Building upon the County's Vulnerability Assessment, and no later than December 31, 2026, the County shall establish and add to the LCP comprehensive Sandy Beach Management Plans to ensure that the public recreational, habitat, and social values of all sandy beaches in the County (including Stinson Beach, Muir Beach, Bolinas Beach, Dillon Beach, etc.) are protected over time. For each sandy beach within Marin County, the County shall create a Sandy Beach Management Plan (Plan) that describes sandy beach values, and that establishes enforceable parameters for development that is located in the area where development might affect such values (e.g., shoreline, bluff face, and blufftop areas). The County shall consider developing a Sandy Beach Protection Zone overlay district to apply to properties in such area, but at a minimum shall consider the tools that can be used to protect such sandy beach values, including through conditions of approval for development within the identified area (and overlay district if applicable). The County may identify other mechanisms, but the Plans shall identify the parameters under which removal and restoration may be required to protect the sandy beach values, including in terms of triggers and potential conditions as well as deed restrictions and other measures that can be used to notify property owners of all such conditions and other Plan requirements. At a minimum, each Plan shall include the following:

Comment [i66]: Note "shall" again. There is nothing in the Coastal Act that mandates Sandy Beach Management Plans.
Moreover, this re-writes County *Programs* to become mandates. Such mandated Plans have not been subject to any public involvement in the 8 years of the LCPA process, nor has the County Administrator or County Board had the opportunity to review the implications for the priorities, work program and fiscal expenditures of the County.

Comment [i67]: Note "shall."

Comment [i68]: "shall consider" would be better throughout.

Comment [i69]: Note "shall."

Comment [i70]: Note "shall."

a. Minimum Sandy Beach Widths Established. An analysis of the minimum width of sandy beach necessary to maintain optimum public recreational access and habitat function, and a program designed to monitor beach width for the purpose of establishing appropriate triggers for sediment management activities and/or structure removal/relocation and restoration so that at least such minimum width is maintained as the beach naturally migrates over time in response to erosion, sea level rise, and other coastal hazards. The analysis shall include considerations of daily tidal range, seasonal erosion, and short term, storm driven erosion when determining optimum beach widths. Each plan shall identify explicit triggers for sediment management activities and/or removal/relocation and restoration that are designed to ensure that the identified minimum sandy beach width is maintained.

Comment [i71]: "...so that width is maintained as the beach naturally migrates..." Can this standard be met?

Comment [i72]: Note "shall."

Comment [i73]: Note "shall."

b. Sandy Beach Values Monitored. Programs to monitor public recreational access, sandy beach use, and habitat values, including identifying and tracking locations, times, and durations throughout the year when the sandy beach is too narrow to be adequate for public recreation and/or lateral access.

c. Funding Opportunities Identified. Identification of potential funding opportunities to support both short and long term adaptation options, including sediment management, green infrastructure, and the purchase of deed restrictions, easements or similar interests over existing development to provide for removal/relocation and restoration (including as required by coastal permits), whether over time or immediately. In addition, identification of potential funding opportunities to acquire and remove/relocated structures encroaching within the established minimum sandy beach area. Potential funding opportunities may include in-lieu fees, grants, or other state or federal funds, and opportunities to integrate adaptation strategies with other planning processes (e.g. Local Hazard Mitigation Plans, Capital Improvement Plans, Climate Action Plans) in order to leverage such funding options shall be explored.

d. Sandy Beach Utility Maintained. Identification of actions and programs that can be implemented to maintain sandy beach utility, including through beach nourishment or other sediment management activities. The Plan shall identify "maintenance" triggers for when beach nourishment or related strategies to protect sandy beach areas should occur as well as "adaptation" triggers for when new adaptation strategies will have to be implemented in order to preserve beach recreational access as sea levels rise and erosion worsens.

e. Highway 1 and Sandy Beaches. For beaches affected by development associated with Highway 1, an evaluation of adaptation opportunities for vulnerable areas of Highway 1 to ensure protection and continued functioning of vehicular, bicycle and pedestrian access while protecting the sandy beach and public access to it.

For each designated Plan area, the County shall work with all affected property owners and residents, the Coastal Commission, and other interested parties in developing the Plan's parameters, which shall be updated on a regular basis. In addition, Plan parameters shall be integrated into the County's Local Hazard Mitigation Plan and the County's C-SMART Vulnerability Assessment and Adaptation Report.

Comment [174]: Note "shall" that in this instance extends the requirement and expenditures in perpetuity.

Note: Adapted from County Board Adopted Policy C-EH-22; and Commission 2014 Approved Policy: C-EH-22.The vast majority of the language is the same but moved around, with refinements for clarity, with the exception of the Sandy Beach Management subsection which is new, but brings in some language from County approved policies (see, for example, County subsection 7 which has essentially been moved to new subsection 8). Staff is recommending specific adaption planning goals (providing additional detail to County proposed adaption planning that is ongoing) related to sandy beaches so as to ensure future planning captures this critical resource through the County proposed LCP amendment in ten years.

~~**C-EH-24 Permit Exemption for Replacement of Structures Destroyed by Disaster.**~~
~~Exempt from the requirement for a coastal permit the replacement of any structure, other than a public works facility, destroyed by a disaster, if the replacement structure:~~

1. ~~Conforms to applicable existing zoning requirements;~~
2. ~~Is for the same use as the destroyed structure;~~
3. ~~Does not exceed the floor area of the destroyed structure by more than 10 percent or 500 square feet, whichever is less, or the height or bulk of the destroyed structure by more than 10 percent (the applicant must provide proof of pre-existing height and bulk); and~~
4. ~~Is sited in the same location on the affected property as the destroyed structure.~~

Note: Deleted as this is not a policy so much as it is a procedural question regarding when a permit is required, and it is duplicative as it is covered in the procedural sections of the LCP already.

RICHARDS | WATSON | GERSHON
ATTORNEYS AT LAW – A PROFESSIONAL CORPORATION
355 South Grand Avenue, 40th Floor, Los Angeles, California 90071-3101
Telephone 213.626.8484 Facsimile 213.626.0078

RICHARD RICHARDS (1916–1988)
GLENN R. WATSON (1917–2010)
HARRY L. GERSHON (1922–2007)
STEVEN L. DORSEY
WILLIAM L. STRAUSZ
GREGORY W. STEPANICICH
QUINN M. BARROW
CAROL W. LYNCH
GREGORY M. KUNERT
THOMAS M. JIMBO
ROBERT C. CECCON
STEVEN H. KAUFMANN
KEVIN G. ENNIS
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KYLE H. BROCHARD
NICHOLAS R. GHIRELLI
ISRA SHAH
ISAAC M. ROSEN
ROMTIN PARVARESH
ANDREW R. CONTREIRAS

OF COUNSEL
MITCHELL E. ABBOTT
ROCHELLE BROWNE
TERESA HO-URANO
DIANA H. VARAT

SAN FRANCISCO OFFICE
TELEPHONE 415.421.8484
ORANGE COUNTY OFFICE
TELEPHONE 714.990.0901
TEMECULA OFFICE
TELEPHONE 951.695.2373
CENTRAL COAST OFFICE
TELEPHONE 805.439.3515

October 31, 2016

Brian Crawford, Director
Community Development Agency
County of Marin
3501 Civic Center Drive, Suite 308
San Rafael, CA 94903

Re: **Marin County LCP Amendment No. LCP-2-MAR-15-0029-1 (Marin LCP Update)**

Dear Mr. Crawford:

The above LCP resubmittal is currently set for hearing before the Commission this coming Wednesday, on November 2, 2016. You have asked me to provide input on the Commission Staff's recommendations on two provisions which address "exempt" development, Sections 22.68.050, subsections B and C.

Section 22.68.050, Subsection B

Section 22.68.050, Subsection B, would require the County to maintain a list of developments exempted from coastal development permit requirements and to post them on the Community Development Agency's website. It goes further to require notice of the exemption to be transmitted to the applicant, Commission, and interested parties, and to provided the applicant's name, project description and location, reasons for supporting the exemption determination, the date of the Director's exemption determination, and the procedures for challenging the Director's determination.

Generally, under the Coastal Act (Pub. Resources Code, § 30000 *et seq.*)[1], a development that is exempt does not require any determination by the Coastal Commission or local government, and there is no process set forth in the Coastal Act for such review, with one exception – a claim of vested rights. Section 30610 of the Act provides that no coastal development permit is required for certain types of development and in certain areas. If development qualifies under the exemption and, where applicable, the regulations adopted by the Commission to implement the exemption, nothing more is required. A property owner is not required to file a claim

[1] Unless otherwise specified, all section references are to the Public Resources Code.

of exemption or otherwise request a Director determination that the development is exempt. Section 30610, for example, generally exempts improvements to an existing single-family residence; improvements to any structure other than a single-family residence; repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of those repair or maintenance activities; certain developments in a categorical exclusion area; the installation, testing, and placement of in service or replacement of any necessary utility connection between an existing service facility and any development approved under the Coastal Act; and the replacement of a structure destroyed by natural disaster. (§ 30610(a)-(g).)

A claim of vested rights is treated differently under the Coastal Act. A property owner who wishes to be exempt from the permit requirements of the Act based on a vested right must pursue a "claim" of vested rights, as provided in Section 30608 of the Act, and comply with the specific procedures set forth in the Commission's Regulations (Tit. Cal. Code Regs., § Section 13200-13207). (*South Coast Regional Com. v. Gordon* (1977) 18 Cal.3d 832, 835-836; *LT-WR, Inc. v. California Coastal Com.* (2007) 152 Cal.App.4th 770, 785-786.) Such a claim ordinarily arises in matters involving the Commission, but it is at least theoretically possible that a property owner could make a Coastal Act vested claim at the local government level.

Subsection B begins: "The County shall maintain a list of developments exempted from Coastal Permit requirements, which shall be posted on the Community Development Agency's website." As written, this is too broad. If a development meets the exemption requirements of Section 30610 and the Commission's regulations, no County determination is required. As a practical matter, landowners may, from time to time, informally contact the County to inquire whether the scope of a proposed development is exempt. This ordinarily would not require a formal County determination which justifies posted notice. In fact, such a process might have the unanticipated consequence of discouraging property owners from first checking in with the County simply to ensure that an activity proposed is exempt.

If a posting requirement is included in an LCP, it should be limited to (1) where a property owner formally makes a request to the County for a Section 30610 exemption determination or a vested rights determination, or (2) the County formally initiates and makes either determination. In those two limited instances, the requirement of posting notice of an exemption on the County's website makes sense.

As discussed further below, it also makes sense in terms of the "claim of exemption" appeal provision in Section 30625 of the Coastal Act.

To the extent a notice requirement is provided, a better approach is the one set forth in the Malibu LCP, which by statute (§ 30166) was drafted by the Commission and its staff. Malibu LIP section 13.4.10, entitled "Record of Permit Exemption," states:

> "The Planning Manager shall maintain a record of all those developments within the Coastal Zone that have been authorized as being exempt from the requirement for a Coastal Development Permit pursuant to this Chapter. This record shall be available for review by members of the public and representatives of the California Coastal Commission. The Record of Exemption shall include the name of the applicant, the location of the project, and a brief description of the project. (Ord. 303 § 3, 2007)"

I recommend that this provision be used instead of Subsection B.

Section 22.68.050, Subsection C

Section 22.68.050, Subsection C, further states that the exemption determination can be "challenged" pursuant to another provision, Section 22.70.040, which provides an elaborate procedure for a "challenge" to the Director's determination and, in effect, an appeal to the Commission's Executive Director by the applicant, an interested person, the County, or the Executive Director, and potentially a dispute resolution hearing before the Commission.

This provision is inappropriate for three reasons. First, nothing in the Coastal Act authorizes the Commission to require a particular process in an LCP for addressing exemption determinations. Instead, the Act authorizes but one remedy – an appeal to the Commission. Section 30625 of the Act provides, in part:

> ". . . any appealable action on a coastal development permit or claim of exemption for any development by a local government . . . may be appealed to the commission by an applicant, any aggrieved person, or two members of the commission." (Emphasis added.)

Thus, where the County formally grants a property owner's claim of exemption, that determination is appealable to the Commission. The County has the discretion to be more restrictive that the Coastal Act and could, if it wished, adopt the

"challenge," or appeal process outlined by Commission staff. (§ 30005(a) [authorizing a city or county to adopt and impose provisions more restrictive than the Coastal Act]; *Yost v. Thomas* (1984) 36 Cal.3d 561, 572-573.) But the County is not obligated to do so.

The second reason why Subsection C is inappropriate is that it would transform at least the exemptions that the Legislature specified in Section 30610 into something more akin to a permit process, marked by County staff review, a challenge or appeal process, Executive Director review, and potential hearing before the Commission – all at significant cost and delay, thus undermining the exemption. For example, a neighbor dispute over an exempt fence could unnecessarily and improperly result in a protracted process, something the Legislature never intended in setting forth exemptions from the permit requirement.

Finally, there is a practical reason why Subsection C is inappropriate. If the fuller process for exemption review were set forth in every LCP statewide for consistency sake, and if Commission staff imposed the same requirements on itself in reviewing exemption issues (and I do not believe that it currently does so), the coastal process would grind to a halt. It is already overburdened with regulation, substantial caseloads, and delays. An extraordinary focus on "exemptions" could well detract from the more important review that is required at the Commission and local government level in terms of long-term coastal planning and actual permit matters.

Conclusion

A provision requiring posting of a formal Director exemption determination on the County's website, such as that drafted by the Commission and included in the Malibu LCP, would serve to put all on notice as to a County exemption determination. This may have relevance and benefit in terms of Section 30625 of the Act, which provides for an appeal in the case of a determination on a "claim of exemption." However, in my view, the broader recommendation by Commission staff with respect to "exemptions" is neither appropriate nor required under the Coastal Act.

Should you have any questions regarding the above, please do not hesitate to give me a call.

Very truly yours,

Steven H. Kaufmann

cc: Thomas Lai, Assistant Director, Community Development Agency
Jack Liebster, Principal Planner

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128 individuals had submitted this letter as of 10/26-28/16

W10a

RECEIVED
OCT 27 2016
CALIFORNIA
COASTAL COMMISSION

25 October 2016

Commissioners of the California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Re: Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1: JACK MUNSON OPPOSED

Dear Commissioners,

I am a property owner in West Marin. I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revision were simply ignored in what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on my property and my town would be terrible. I would be unable to protect my home from rising seas and floods, I would be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions. That this has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission.

Please act to stop this action.

Yours,

Jack Munson
173 Seadrift Road
Stinson Beach CA 94970

314 individuals had submitted this letter as of 10/28/16

W10a

From: Edith Ogella
To: CoastalMarinLCP
Subject: Protect Marin"s Coast
Date: Friday, October 28, 2016 12:52:13 PM

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Environmental Hazards:

- I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications.
- The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that the Amendment set a strong precedent for other regions.
- The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, and community character, while balancing the rights and needs of property owners.

CEQA Requirements:

- I understand that the Coastal Commission staff's October 21, 2016 suggested modifications meet the California Environmental Quality Act (CEQA) requirement by a California state agency.
- If any non-administrative policy modifications by Coastal Commission staff are not adopted, or are amended, by the Coastal Commissioners on November 2nd, will the LCP meet CEQA requirements?

Biological and Water Resources:

- I urge the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term Environmentally Sensitive Habitat Areas (ESHA) protections and habitat viability.
- For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Public Participation:

- I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review.
- The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.
- The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum public participation by requiring individuals and organizations to "pay to be heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Thank you for your consideration of these comments.

Respectfully,

Edith Ogella

4868 Rhoads Avenue
Santa Barbara, CA 93111

35 individuals had submitted this letter as of 10/29/16

W10a

From: marle vane
To: CoastalMarinLCP
Subject: Protect Marin"s Coast
Date: Saturday, October 29, 2016 11:13:22 PM

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Environmental Hazards:

- I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications.
- The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that the Amendment set a strong precedent for other regions.
- The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, and community character, while balancing the rights and needs of property owners.

CEQA Requirements:

- I understand that the Coastal Commission staff's October 21, 2016 suggested modifications meet the California Environmental Quality Act (CEQA) requirement by a California state agency.
- If any non-administrative policy modifications by Coastal Commission staff are not adopted, or are amended, by the Coastal Commissioners on November 2nd, will the LCP meet CEQA requirements?

Biological and Water Resources:

- I urge the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term Environmentally Sensitive Habitat Areas (ESHA) protections and habitat viability.
- For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Public Participation:

- I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review.
- The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.
- The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum public participation by requiring individuals and organizations to "pay to be heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Thank you for your consideration of these comments.

Respectfully,

marle vane

havenside dr
Sacramento, CA 95831

12 individuals had submitted this letter as of 10/30/16

W10a

From: Mitch Cohen
To: CoastalMarinLCP
Subject: Protect Marin"s Coast
Date: Sunday, October 30, 2016 10:59:17 PM

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Environmental Hazards:

- I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications.
- The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that the Amendment set a strong precedent for other regions.
- The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, and community character, while balancing the rights and needs of property owners.

CEQA Requirements:

- I understand that the Coastal Commission staff's October 21, 2016 suggested modifications meet the California Environmental Quality Act (CEQA) requirement by a California state agency.
- If any non-administrative policy modifications by Coastal Commission staff are not adopted, or are amended, by the Coastal Commissioners on November 2nd, will the LCP meet CEQA requirements?

Biological and Water Resources:

- I urge the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term Environmentally Sensitive Habitat Areas (ESHA) protections and habitat viability.
- For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Public Participation:

- I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review.
- The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.
- The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum public participation by requiring individuals and organizations to "pay to be heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Thank you for your consideration of these comments.

Respectfully,

Mitch Cohen

2609 Le Conte Av
Berkeley, CA 94709

2 individuals had submitted this letter as of 10/31/16

W10a

From: Brian Weissbuch
To: CoastalMarinLCP
Subject: Protect Marin"s Coast
Date: Monday, October 31, 2016 11:08:09 AM

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Environmental Hazards:

- I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications.
- The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that the Amendment set a strong precedent for other regions.
- The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, and community character, while balancing the rights and needs of property owners.

CEQA Requirements:

- I understand that the Coastal Commission staff's October 21, 2016 suggested modifications meet the California Environmental Quality Act (CEQA) requirement by a California state agency.
- If any non-administrative policy modifications by Coastal Commission staff are not adopted, or are amended, by the Coastal Commissioners on November 2nd, will the LCP meet CEQA requirements?

Biological and Water Resources:

- I urge the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term Environmentally Sensitive Habitat Areas (ESHA) protections and habitat viability.
- For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Public Participation:

- I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review.
- The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.
- The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum public participation by requiring individuals and organizations to "pay to be heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Thank you for your consideration of these comments.

Respectfully,

Brian Weissbuch

165 Tunstead Ave
San Anselmo, CA 94960

W10a

Fiala, Shannon@Coastal

From: Katie Beacock <seadriftkatie@gmail.com> on behalf of Katie Beacock <katie@seadriftrealty.com>
Sent: Monday, October 24, 2016 4:00 PM
To: Fiala, Shannon@Coastal
Subject: Marin LCP item W10a

Dear Ms. Fiala,

I have read through the copy of Coastal Commission response to the Marin LCP and I am extremely disappointed with it. Marin has worked diligently over the last few years to develop

an appropriate, updated LCP. Many different constituencies have been actively involved in thorough and thoughtful work on this matter. Hours of meetings have taken place, thoroughly discussing the future regarding Sea Level Rise and preservation of the environment.

I am a lifelong Marin resident, third generation to enjoy Stinson Beach. I lived out here full time for twenty years, and have owned my business for over 40 years and care passionately about this area and its environment.

We share, willingly, with the million or so visitors each year that come through here. What the Coastal Commission is proposing is totally outrageous. Our community has been here for well over 150 years and this is a true insult. We are keepers of the environment and teachers to others about the value of preserving the coast and what nature has provided.

I find it insulting that for the Commission to think we should all just disappear. Where are our Private Property rights? This is an interpretation of the Coastal Act that certainly goes far beyond what many of us voted for in the 70's.

I urge the Commission to reject the Coastal staff's proposal and sit down with the County of Marin and negotiate an appropriate document that allows all property owners and business owners to continue to live, work and preserve our area of the Planet

Katie Beacock

Owner, Seadrift Realty, Inc.

Box 177

Stinson Beach, ca 94970

415-868-1791 Office

415-699-3558 Cell

Katie@seadrift.com

CALBRE#01197087

Become a Seadrift Fan on Facebook!

www.facebook.com/seadriftrealty

W10a

CoastalMarinLCP

From: Eric Pedley <pedleyeric@gmail.com>
Sent: Monday, October 24, 2016 9:59 PM
To: CoastalMarinLCP
Subject: Marin County LCP Amendment No. LCP-2-MAR-15-0029-1i

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
Eric Pedley
OPPOSED

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I am a property owner in West Marin. I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revision were simply ignored in what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on my property and my town would be terrible. I would be unable to protect my home from rising seas and floods, I would be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions. That this has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission.

Please act to stop this action.

Yours,

Eric Pedley
59 Dipsea Rd
Stinson Beach, CA

Sent from my iPhone

Fiala, Shannon@Coastal

From: Gurley, Margaret <MGurley@marincounty.org>
Sent: Monday, October 24, 2016 1:47 PM
To: Fiala, Shannon@Coastal
Subject: FW: Local Coastal plan (LCP)

FYI

From: Denise Weinstein [mailto:denisew@cpshades.com]
Sent: Friday, October 21, 2016 8:56 PM
To: Mosher, Ana Hilda
Subject: FW: Local Coastal plan (LCP)

Please make sure that Brian Crawford sees this before the hearing on 11/02/16!
Thanks so much....
Denise Weinstein

From: Denise Weinstein <denisew@cpshades.com>
Date: Friday, October 21, 2016 8:52 PM
To: "skinsey@marincounty.org" <skinsey@marincounty.org>
Cc: "bcrawford@marincounty.org" <bcrawford@marincounty.org>
Subject: Local Coastal plan (LCP)

As West Marin homeowners, we are writing you both to ask you to withdraw the Environmental Hazards Amendment to Marin's Local Costal program.
We are very concerned that under regulations the California Costal Commission is attempting to impose on Marin County, we would lose our rights to maintain, protect and rebuild our home....We understand that repeated attempts to compromise with the California Costal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on 11/02/16. We are disappointed that many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.
PLEASE protect our home and our property. The current Local Costal Program would be better than the proposed changes. Please keep it in place.
Sincerely,
Denise and David Weinstein
162 Seadrift Road
Stinson Beach, CA 94970
Email Disclaimer: http://www.marincounty.org/main/disclaimers

W10a

October 24, 2016

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Re: Marin County LCP Amendment No. LCP-2-MAR-15-0029-1

Dear Commissioners,

I am a property owner in West Marin. I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revision were simply ignored in what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on my property and my town would be terrible. I would be unable to protect my home from rising seas and floods, I would be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions. That this has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission.

Please act to stop this action.

Sincerely yours,

Stephen Martin

P.O. Box 481
6500 Panoramic
Stinson Beach, CA

October 24, 2016

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Re: Marin County LCP Amendment No. LCP-2-MAR-15-0029-1

Dear Commissioners,

I am a property owner in West Marin. I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revision were simply ignored in what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on my property and my town would be terrible. I would be unable to protect my home from rising seas and floods, I would be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions. That this has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission.

Please act to stop this action.

Sincerely yours,

Stephen Martin

P.O. BOX 1981
OCEAN View Drive
STINSON BEACH, CA

W10a

CURTIS AND CHRISTINE GARDNER & FAMILY

October 24, 2016

Supervisor Steve Kinsey
3501 Civic Center Drive, Room 329
San Rafael, CA 94903
skinsey@marincounty.org

RE: MARIN'S LOCAL COASTAL PROGRAM

Dear Mr. Kinsey:

As a West Marin homeowner, we are writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

We are very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, we would lose my rights to maintain, protect and rebuild my home. we understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. We are disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.

Please protect our home and our property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Sincerely,

Curtis and Christine Gardner & Family

266 Seadrift Road, Stinson Beach, CA 94907

AGENDA ITEM: W10a
Marin County Local Coastal Program
Amendment Number
LCP-2-MAR-15-0029-1

Victoria Sebastiani
OPPOSED

Commissioner Steve Kinsey
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioner Kinsey,

I am a property owner in Stinson Beach and I am writing to ask that you please vote **YES on Marin County's LUPA and IPA as submitted**, and **vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.**

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes were previously submitted by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin.

We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, plus our concerns about your staff's revision were simply ignored in what your staff submitted, and the document that members of the public helped to produce has simply been ignored and entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on my property and my town would be catastrophic. I would be unable to protect my home from rising seas and floods, I would be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions.

To be clear, I worked very hard my entire life to be able to afford this property, and without this asset, my future financial security is in extreme jeopardy.

That this situation has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is not only unfair, it is a terrible reflection on your Commission.

Please act and vote to stop this action.

W10a

Supervisor Steve Kinsey
3501 Civic Center Drive, Room 329
San Rafael, CA 94903
skinsey@marincounty.org

26 October 2016

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.

Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Kevin Murphy

Home address:	and	Affected property address:
40 Lancaster Avenue		248 Seadrift Road
Kentfield, CA 94904		Stinson Beach, CA 94970

W10a

CoastalMarinLCP

From: Ken Lombardi <kenl@lombardisports.com>
Sent: Tuesday, October 25, 2016 10:39 AM
To: CoastalMarinLCP
Subject: Item No: W10a

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1 Ken Lombardi OPPOSED

Attention Shannon Fiala:

Dear Commissioners,

I am a property owner in West Marin. I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revision were simply ignored in what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on my property and my town would be terrible. I would be unable to protect my home from rising seas and floods, I would be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions. That this has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission.

Please act to stop this action.

Yours,

Ken Lombardi
295 Seadrift Road
Stinson Beach, CA.
94970

W10a

CoastalMarinLCP

From: gary stolzoff <garystolzoff@gmail.com>
Sent: Tuesday, October 25, 2016 4:03 PM
To: CoastalMarinLCP
Subject: Coastal Commission

Dear Commissioners,

I am a property owner in West Marin. I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revision were simply ignored in what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on my property and my town would be terrible. I would be unable to protect my home from rising seas and floods, I would be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions. That this has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission.

Please act to stop this action.

Yours,

Gary Stolzoff
141 Seadrift Rd
Stinson Beach, Ca 94970

W10a

CoastalMarinLCP

From: Ron Mallory <malloryco@comcast.net>
Sent: Tuesday, October 25, 2016 7:07 PM
To: CoastalMarinLCP
Subject: Comments: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a

W10a
LCP-2-MAR-15-0029-1

October 25, 2016

Jack Ainsworth, Acting Executive Director California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105
Via Electronic Mail

Re: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Environmental Hazards:

- I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications.

- The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that the Amendment set a strong precedent for other regions.

- The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, and community character, while balancing the rights and needs of property owners.

CEQA Requirements:

- I understand that the Coastal Commission staff's October 21, 2016 suggested modifications meet the California Environmental Quality Act (CEQA) requirement by a California state agency.

- If any non-administrative policy modifications by Coastal Commission staff are not adopted, or are amended, by the Coastal Commissioners on November 2nd, will the LCP meet CEQA requirements?

Biological and Water Resources:

- I urge the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term ESHA protections and habitat viability.

- For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Agriculture:

- I support the Coastal Commission staff's definition of "ongoing agriculture", included in the October 21, 2016 modification and originally presented to the Coastal Commission in 2015. This definition is a reasonable and balanced way of protecting our farmers and agricultural lands in the face of growing economic and climate challenges.

- It is important to have a streamlined and balanced approach to the definition of ongoing agriculture that protects coastal resources and allows agricultural operators the continued flexibility to manage their land as markets and other factors change.

Public Participation:

- I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review.

- The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.

- The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum public participation by requiring individuals and organizations to "pay to be heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Community Character:

- I am concerned by the new community core zoning requirements.

- West Marin's coastal village character is threatened by the new Coastal Visitor Commercial Residential Zoning (C-VCR), which would make commercial use the principally permitted use in the entire district. We need to expand residential opportunities, not the commercial use of our hometowns.

Thank you for your consideration of these comments.

Respectfully,
Ronald and Amanda Mallory
Larkspur

Sent from my iPad

W10a

CoastalMarinLCP

From: Geneva Gondak <ggondak@sas.upenn.edu>
Sent: Tuesday, October 25, 2016 6:50 PM
To: CoastalMarinLCP
Subject: Comments: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a

W10a
LCP-2-MAR-15-0029-1

October 25, 2016

Jack Ainsworth, Acting Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105
Via Electronic Mail

Re: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Environmental Hazards:

• I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications.

• The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that the Amendment set a strong precedent for other regions.

• The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, and community character, while balancing the rights and needs of property owners.

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• For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Agriculture:

• It is important to have a streamlined and balanced approach to the definition of ongoing agriculture that protects coastal resources and allows agricultural operators the continued flexibility to manage their land as markets and other factors change.

Public Participation:

• I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review.

• The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.

• The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum public participation by requiring individuals and organizations to "pay to be heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Community Character:

• I am concerned by the new community core zoning requirements.

• West Marin's coastal village character is threatened by the new Coastal Visitor Commercial Residential Zoning (C-VCR), which would make commercial use the principally permitted use in the entire district. We need to expand residential opportunities, not the commercial use of our hometowns.

Thank you for your consideration of these comments.

Respectfully,
Geneva Gondak
FULL NAME
CITY OF RESIDENCE

W10a

CoastalMarinLCP

From:	Patricia Shimek <p2s@comcast.net>
Sent:	Tuesday, October 25, 2016 12:45 PM
To:	CoastalMarinLCP
Subject:	Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
Attachments:	Item No.opposed..docx

Item No: W10a

Marin County LCP Amendment No. LCP-2-MAR-15-0029-1

Roy and Patricia Shimek

OPPOSED

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I am a property owner in West Marin. I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revision were simply ignored in what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on my property and my town would be terrible. I would be unable to protect my home from rising seas and floods, I would be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions. That this has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission.

Please act to stop this action.

Sincerely,
Roy and Patricia Shimek

W10a

Fiala, Shannon@Coastal

From: Kevin Shanahan <kshanahan48@gmail.com>
Sent: Monday, October 24, 2016 3:50 PM
To: Fiala, Shannon@Coastal
Subject: Item No: W10a - Marin County LCP Amendment No. LCP-2-MAR-15-0029-1

tem No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
Kevin Shanahan
OPPOSED

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I am a property owner in West Marin. I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revision were simply ignored in what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on my property and my town would be terrible. I would be unable to protect my home from rising seas and floods, I would be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions. That this has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission.

Please act to stop this action.

Yours,

Kevin Shanahan
99 Dipsea Road
Stinson Beach, CA 94970

CoastalMarinLCP

From: John Butler <jbutler@bssp.com>
Sent: Monday, October 24, 2016 9:10 PM
To: CoastalMarinLCP
Cc: Lori Kayko
Subject: County of Marin Local Coastal Plan (LCP)

Attn: Shannon Fiala- Please forward appropriately.

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
John Butler
OPPOSED

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

We are property owners in West Marin, and live at 115 Dipsea in Seadrift. We are writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revision were simply ignored in what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on our property and town would be terrible. We would be unable to protect our home from rising seas and floods, we would be unable to maintain it over time, and our rights to develop or sell our property at a fair price would be taken from us. Our entire community could disappear over time due to your staff's actions. That this has happened without public input and through wholesale replacement of the County's submitted Local Coastal Program is unfair.

We ask you to please stop this action.

Kind Regards,

John and Lori Butler
115 Dipsea
Stinson Beach, Ca

THE DWARES GROUP
PROPERTY DEVELOPMENTS

331 Filbert Street
San Francisco, CA 94133
(Between Telegraph Hill Blvd.
(Lombard) and Montgomery St.
near Coit Tower)

Phone: 415-986-5885
Facimile: 415-986-5893
E-mail: pldwares@aol.com
PETER L. DWARES, PRESIDENT

OCT 27 2016 AM 10:12 Planning

October 24, 2016

W10a

Brian Crawford
Director Community Development
3501 Civic Center Drive
San Rafael, CA 94903
bcrawford@marincounty.org

RE: 22 Calle Del Pradero, Stinson Beach

Dear Mr. Crawford,

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.

Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Sincerely,

Peter Dwares

P.O. Box 706 • Stinson Beach • California • 94970
www.stinsonbeachvillage.org

October 25, 2016

AGENDA ITEM: W10a
Marin County Local Coastal Program
Amendment Number LCP-2-MAR-15-0029-1
Terry M. Gordon, President
Stinson Beach Village Association
OPPOSED

Shannon Fiala and
John Ainsworth, Acting Executive Director
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Alternate Commissioner Diaz,

Upon review of the California Coastal Commission staff's proposed changes to the Marin County Local Coastal Program's Land Use Plan and Implementing Program, adopted by the Board of Supervisors on August 25, 2015 and April 19, 2016, the Stinson Beach Village Association offers the following comments and recommendations for your consideration:

The modifications to the Community Development, Community Design, and Environmental Hazards sections of the Local Coastal Program proposed by CCC staff negates the efforts of our community and the Marin County CDA to preserve and protect our residents' homes while abiding by the regulations and intent of the Coastal Act. Staff's rejection of the Amendments approved by the Marin County Board of Supervisors prompts us to join other Stinson Beach community organizations in urging the CCC to approve the Amendments as submitted.

We find the staff's definition of "Redevelopment" to be inappropriately and dangerously restrictive (see Attachment #1). Allowed to stand, this language would prevent most property owners in the neighborhoods west of State Route 1 from preserving their homes in response to anticipated sea level rise. We urge the CCC to adopt instead the language of LCP Amendment 4 approved by the Marin County Board of Supervisors on April 19, 2016.

We also have concerns about the proposed regulations for Bed and Breakfasts (see Attachments #2 and #3). The words "householder" and "household" are ambiguous and not among the terms defined in CHAPTER 22.130-DEFINITIONS. We suggest substituting for both "householder" and "household" the term used in earlier iterations of this section: "homeowner." This would prevent a property owner from converting a residence to a small hotel by leasing it to an on-site manager. Since Bed and Breakfasts are being designated in the LCP as Permitted Use in residential zones, it's vital that they function as intended: providing visitors with affordable accommodations and homeowners with supplemental income while having minimum impact on the neighborhoods.

Regarding provisions concerning Easkoot Creek:

> **22.66.040 Stinson Beach Community Standards**
> D. Easkoot Creek. Easkoot Creek shall be restored, as feasible, to improve habitat and support natural processes (Land Use Plan Policy C-SB-4).
> *Exhibit 13 (IP suggested modifications in strikethrough and underline)*
> *LCP-2-MAR-15-0029-1, Page 132 of 236*

C-SB-4 Easkoot Creek. Restore Easkoot Creek to improve habitat and support natural processes. ~~[Adapted from Stinson Beach Community Plan, 1983, Environmental Land Use Policy D, p. 28]~~
Exhibit 12 (LUP suggested modifications in strikethrough and underline)
LCP-2-MAR-15-0029-1, Page 91 of 144

The words "restored" and "restore" appear in the LUP and the IP, though the IP contains the undefined qualifier "as feasible." We urge that phrase be removed, as it negates the commandment "shall" in the IP, and its subjectivity invites controversy and may improperly allow interpretations limiting restoration, ex. restoring its original course, which ran into the ocean before Marin County diverted it to empty into the southern end of the Bolinas Lagoon, thereby creating the Easkoot Creek flood plane.

Regarding Stinson Beach Community Character, as stated below in:

22.66.040 Stinson Beach Community Standards
A. Community character. Maintain the existing character of residential, small-scale commercial and visitor-serving recreational development in Stinson Beach (Land Use Policy C-SB-1).
Exhibit 13 (IP suggested modifications in strikethrough and underline)
LCP-2-MAR-15-0029-1, Page 132 of 236

And in the CCC Staff's report of October 21, 2016: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1 (Marin LCP Update), pp. 92-93:

> In terms of the Parks, Recreation and Visitor-Serving Uses chapter, Policy C-PK-1 required priority for visitor-serving commercial and recreational facilities over private residential or general commercial development. Policy C-PK-3: 1) designated commercial uses as the sole principal permitted use and residential uses as permitted or conditional uses; 2) directed new residential uses in the commercial core area to either the upper floor of a mixed-use building or the lower floor if not located on the road-facing side of the street; and 3) required a finding for any residential development on the ground floor of a new or existing structure on the road-facing side of the property that the development maintains and/or enhances the established character of village commercial areas. This zoning district is used in the coastal villages to facilitate the development of walkable, mixed-use commercial districts along primary streets, including Highway 1. In many ways, this zoning district implements a type of "Main Street" feel to the coastal villages because it allows a variety of local and visitor serving commercial uses and allows structures to be sited and designed (including through no building setback requirements, for example) so as to facilitate walkability within the village center.

The Commission and staff should be aware that there are no sidewalks in Stinson Beach. Pedestrians who patronize the commercial establishments in the commercial core of the Village located on State Route 1, Arenal, and Calle del Mar must dodge cars, bicycles, and motorcycles. Favoring commercial development over residential use in the "commercial core" of Stinson Beach (zoned C-NC, Coastal Neighborhood Commercial/Mixed Use) will only add to traffic congestion and safety issues. We therefore recommend that C-PK-3 be adopted as follows:

C-PK-3 Mixed Uses in the Coastal Village Commercial/Residential Zone. Continue to permit a mixture of residential and commercial uses in the C-VCR zoning district to maintain the established character of village commercial areas.
Exhibit 12 (LUP suggested modifications in strikethrough and underline)
LCP-2-MAR-15-0029-1, Page 131 of 144

We agree with staff's recommendation:

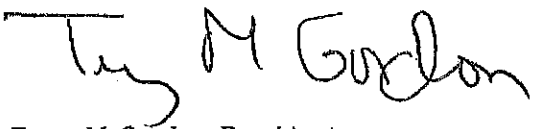
> **c) Proposed LUPA Update**
> For the most part, the LUPA's proposed public coastal access and recreation policies have not been modified from the Commission's 2014 conditionally-certified LUP and are consistent with applicable Coastal Act policies. The proposed LUPA restores policy, C-CD-14, a policy that had been deleted by the Commission in 2014 because it discouraged the conversion of residential to commercial uses. p. 93

Finally, staff states on p. 99:

> In response to public comment regarding the need for community centers in residential zoning districts to be owned and operated by non-profits, the County-adopted proposed IP requires community centers to be designed to enhance public recreational access and visitor-serving opportunities. Thus, regardless of ownership, community centers will serve public recreational access purposes, consistent with Coastal Act Section 30222. (see attachment #4)

We do not agree that Coastal Act Section 30222 empowers the County to require that community centers be designed to enhance public recreational access and visitor-serving opportunities. Furthermore, as the name implies, we believe community centers should serve primarily the needs of the residents of the communities in which they are located, not visitors.

Thank you for your consideration,



Terry M. Gordon, President
Stinson Beach Village Association

cc: Effie Turnbull-Sanders
Dayna Bochco
Mary Luévano
Wendy Mitchell
Mary K. Shallenberger
Martha McClure
Steve Kinsey
Carole Groom
Mark Vargas
Roberto Uranga
Gregory Cox
Erik Howell
Betty Yee, Anne Baker, Cindy Aronberg
John Laird, Janelle Beland, and Thomas Gibson
Brian P. Kelley and Bruce April
Belenda Faustinos
Trent Orr
Steve Kram
Randy Pestor
Sarah Glade Gurney
Maricela Morales
Nidia Garcia-Erceg
Olga Diaz
Nancy Cave

Attachments

#1 Redevelopment:

Development that meets the criteria (1), (2), or (3) below shall be considered redevelopment: (1) alteration (including interior and/or exterior remodeling and renovations, demolition or partial demolition, etc.) of 50% or more of major structural components (including exterior walls, floor and roof structure, and foundation) considered individually (i.e., percentages are calculated by the individual structural component being altered, and are not additive between different structural components); (2) additions and alterations to such development that lead to a 50% or more increase in floor area for the development; and/or (3) additions and alterations to such development that costs 50% or more of the market value of the existing structure before construction. Changes to floor area and individual major structural components and the costs of such changes are measured cumulatively over time starting from January 1, 1977.

For the purposes of this definition:

a. An exterior wall is considered to be altered 50% or more when any of the following occur either above or below grade:

(i) Exterior cladding and/or framing systems are altered in a manner that requires removal and/or replacement of 50% or more of the elements of those cladding and framing systems, normally considered as linear length of wall.

(ii) Reinforcement *is needed for any remaining* portions of the wall to provide structural support in excess of 50% of existing support elements (e.g. addition of 50% or more of beams, shear walls, or studs whether alone or alongside the existing/retained elements).

(iii) A previously exterior wall becomes an interior wall as a result of the development.

(iv) On multi-story structures, the extent of alteration to the linear area of the exterior walls on each story shall be determined to determine whether 50% or more of the total exterior walls have been altered.

b. A floor or roof structure is considered to be altered 50% or more when any of the following occur:

(i) The roof or floor framing is altered in a manner that requires removal and/or replacement of structural elements (e.g. trusses, joists, rafters) supporting 50% or more of the square footage of the roof or floor.

(ii) The roof or floor structural framing system requires additional reinforcement to any remaining portions of the roof or floor system to provide structural support (e.g. addition of 50% or more of beams, joists, and/or rafters, etc., whether alone or alongside existing/retained system elements).

c. A foundation is considered to be altered 50% or more when any removal, replacement or reinforcement is done on any of the following:

(i) 50% or more of the horizontal surface area of a slab foundation.

(ii) 50% or more of the floor area of a structure supported by a pier/post and/or caisson/grade beam foundation.

(iii) 50% or more *of a perimeter foundation.*

(iv) 50% or more of other foundation types (e.g. piers), or the total alteration where a structure has multiple foundation types.

Major structural component alterations generally do not include changes to roof coverings; replacement of glass or doors in existing window or door openings; replacement of window or door framing when the size and location of the window/door remains unchanged; repair of roofs or foundations without any change to structural supporting elements; changes to exterior siding; repair, maintenance, and replacement of chimneys; and interior changes to non-structural interior walls and sheetrock, insulation, fixtures, and mechanical, electrical and plumbing elements, except when such interior changes meet the threshold for redevelopment as defined by the market valuation criteria.

Chapter 22.130 DEFINITIONS, pages 216-217 of Exhibit 13: LCP IP Amendments 2015-#3 and 2016 #5, #6, #7 Compiled

Attachment #2: C-PK-6 Bed and Breakfast Inns.

Support bed and breakfast facilities in the Coastal Zone as a means of providing visitor accommodations, while minimizing their impacts on surrounding communities. Restrict the conversion of second units and affordable housing to bed and breakfast inns. In addition, support the location of bed and breakfast inns in areas that are easily and directly accessible from usual tourist travel routes and where there is adequate off-street parking for guests and where the problem of nearby residents being inconvenienced by noise and increased transient traffic is minimized. Bed and breakfast inns

shall be permitted to host or provide facilities for gatherings, such as weddings, receptions, private parties, or retreats if located in the C-APZ, C-ARP or C-R-A and if such activities are otherwise LCP consistent. Each bed and breakfast inn must be operated by a householder who is the sole proprietor of the enterprise and whose primary residence is on the premises where the inn accommodations are located. *Exhibit 12 (LUP suggested modifications in strikethrough and underline) LCP-2-MAR-15-0029-1, Page 131 of 144*

Attachment #3: 22.32.040 Bed and Breakfast Inns.

Bed and breakfast inns (B&Bs) are subject to the requirements of this Section. The intent of these provisions is to ensure that compatibility between the B&B and any adjoining zoning district or use is maintained or enhanced.

A. Permit requirement. B&Bs are allowable in the zoning districts and with the permit requirements determined by Articles II (Zoning Districts and Allowable Land Uses), and V (Coastal Zone Development and Resource Management Standards).

B. Site requirements. Except for minimum lot size requirements, the proposed site shall conform to all standards of the applicable Residential, Commercial, Coastal, or Agricultural zoning district...

F. Occupancy by permanent resident required. All B&Bs shall have one household in permanent residence. *Exhibit 13 (IP suggested modifications in strikethrough and underline) LCP-2-MAR-15-0029-1, Page 17 of 236*

Attachment #4: Coastal Act Section 30222:

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

W10a

CoastalMarinLCP

From: Heather Bowker <heather.bowker7@gmail.com>
Sent: Tuesday, October 25, 2016 9:48 AM
To: CoastalMarinLCP
Subject: OPPOSED - Item No: W10a, Marin County LCP Amendment No. LCP-2-MAR-15-0029-1

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1 – Heather Bowker & Dennis Dougherty - **OPPOSED**

Commissioners of the California Coastal Commission, c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

We are property owners in West Marin. We are writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revision were simply ignored in what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on our property and our town would be terrible. We would be unable to protect our home from rising seas and floods, we would be unable to maintain it over time, and our rights to develop or sell our property at a fair price would be taken from us. Our entire community could disappear over time due to your staff's actions. That this has happened without public input and through wholesale replacement of our County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission.

Please act to stop this action.

Yours,

Heather Bowker and Dennis Dougherty
121 Seadrift
Stinson Beach
CA 94970

Tel: (415) 302 0515
Email: heather.bowker7@gmail.com

W10a

CoastalMarinLCP

From: eli Botvinick <ebotvinick@gmail.com>
Sent: Tuesday, October 25, 2016 8:13 AM
To: CoastalMarinLCP
Subject: Main LCP ammendment

October 25, 2016

Re: Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1 Elias Botvinick OPPOSED

Commissioners of the California Coastal Commission c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I am a property owner in West Marin. I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revision were simply ignored in what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on my property and my town would be terrible. I would be unable to protect my home from rising seas and floods, I would be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions. That this has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission.

Please act to stop this action.

Yours, Eli Botvinick
415 Holly Dr. San Rafael 94903

W10a

CoastalMarinLCP

From: Freedman, Jason S. <Jason.Freedman@ropesgray.com>
Sent: Tuesday, October 25, 2016 7:02 AM
To: CoastalMarinLCP
Cc: Visser, Michelle
Subject: Marin County LCP Amendment No. LCP-2-MAR-15-0029-1 FREEDMAN / VISSER OPPOSED

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1 FREEDMAN / VISSER **OPPOSED**

Commissioners of the California Coastal Commission c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I am a property owner in West Marin. I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revision were simply ignored in what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on my property and my town would be devastatingly bad. I would be unable to protect my home from rising seas and floods, I would be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions. That this has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is unfair, and is an unfortunate reflection on your Commission.

Please act to stop this action.

Yours,

Jason Freedman & Michelle Visser
101 Seadrift, Stinson Beach CA

Jason S. Freedman
ROPES & GRAY LLP
T +1 415 315 2319 | M +1 617 519 9074
Three Embarcadero Center
San Francisco, CA 94111-4006
jason.freedman@ropesgray.com
www.ropesgray.com

This message (including attachments) is privileged and confidential. If you are not the intended recipient, please delete it without further distribution and reply to the sender that you have received the message in error.

W10a

CoastalMarinLCP

From: michael linvill <mlinvill@yahoo.com>
Sent: Tuesday, October 25, 2016 9:18 PM
To: CoastalMarinLCP
Subject: Comments: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a

Dear Commissioners :

Since growing up in Marin in the 1970s, myself and family have highly valued Marin's natural heritage. It's what makes Marin unique, and we believe that all necessary steps should be taken to protect the local wildlife, aquatic life, wetlands, wildlife habitat, and rural zones to pass on to our children.

Today I am writing about Marin's Local Coastal Program. Everyone is looking to see what Marin will do, as a leading environmentally-conscious community in the State, and I urge you to adopt strong measures to address environmental hazards, particularly increasing sea levels brought on by global climate change. The proposed LCP Amendment must also spell out detailed environmental standards that can be enforced. This is critical to maintain and enhance our wetlands and Environmentally Sensitive Habitat Areas.

In addition, I urge you to adopt the non-administrative modifications to satisfy CEQA requirements that were set forth by the Staff of the Coastal Commission on October 21, 2016 (these should be free from further amendment by the Commissioners).

Agriculture has a rightful place in Marin, especially the western parts. But agricultural zones must co-exist with Marin's nature, and not infringe on it. Accordingly, the definition of ongoing agriculture, as set forth by the Staff of the Commission, should be adopted.

West Marin is unique because of the small towns that dot the area. The character of the area must be preserved at all costs. Therefore, the Commission should not adopt the new Coastal Visitor Commercial Zoning provision, which over-emphasizes the commercial use of the area.

In your deliberations of the LCP, please take these comments into consideration, and make it a priority to preserve Marin's natural wealth for future generations.

Thank you.
Mike Linvill
San Rafael

W10a

CoastalMarinLCP

From: Carroll Botvinick <carrollbotvinick@yahoo.com>
Sent: Tuesday, October 25, 2016 8:09 AM
To: CoastalMarinLCP
Subject: Item #W10a Marin LCP

October 25, 2016

Re: Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1 Carroll Botvinick OPPOSED

Commissioners of the California Coastal Commission c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I am a property owner in West Marin. I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revision were simply ignored in what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on my property and my town would be terrible. I would be unable to protect my home from rising seas and floods, I would be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions. That this has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission.

Please act to stop this action.

Yours,
Carroll Botvinick
255 Seadrift Rd. Stinson Beach. 94903

W10a

CoastalMarinLCP

From: Stephen Tracy <stephen.tracy@comcast.net>
Sent: Tuesday, October 25, 2016 12:03 PM
To: CoastalMarinLCP
Cc: rachel tracy
Subject: Letter re: Marin County Local Coastal Program addresssed to Shannon Fiala
Attachments: Letter to CCC- 10-25-16.pdf

Stephen B. Tracy
Rachel L. Tracy
155 Seadrift Road
Stinson Beach, CA 94970

W10a

Stephen B. Tracy
Rachel L. Tracy
155 Seadrift Road
Stinson Beach, CA 94970

October 25, 2016

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
Stephen B. Tracy / Rachel L. Tracy - OPPOSED

Commissioners of the California Coastal Commission (CCC)
c/o Shannon Fiala, Planner (via e-mail)
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

We are owners of a property in West Marin. We are writing to respectfully ask that you please vote YES on Marin County's Land Use Plan Amendments (LUPA) and Implementation Program Amendments (IPA) as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of concerns with regard to the significant impact these changes would have on the property rights of people in the coastal communities in West Marin. We worked very hard with the Countyof Marin in numerous public meetings for the past several years to produce a Local Coastal Program that would work for all of us in West Marin. This hard work, and the significant public input reflecting our concerns about your staff's revisions have simply been ignored as reflected in what your staff has submitted. Further, the document that members of the public thoughtfully helped to produce has simply been ignored, entirely struck out and replaced by your staff's submissions once again.

If the changes proposed by your staff pass the CCC, the adverse impact on our property rights and the property rights of others in Stinson Beach and throughout West Marin would be significant. The language as currently drafted by your staff would likely preclude us from protecting our home from rising seas and floodwaters. Moreover, our property rights with respect to the ongoing maintenance and ability to sell our property at fair market value would be seriously impacted and potentially stripped from us. Ultimately, our entire community and it's fabric would be significantly and adversely impacted due to your staff's actions.

The fact the CCC may approve the LUPA and IPA with your staff's modifications without having properly assessed the public's input would appear to be irresponsible and a dereliction of duty. Further, staff's action to ignore and strike the the County's submitted Local Coastal Program without proper explanation and justification does not seem right. All of the above would be a terrible reflection on the CCC if it approves its staff's proposal.

Accordingly, we respectfully request the CCC please act to stop this action.

Sincerely,

Stephen B. Tracy
Rachel L. Tracy

W10a

CoastalMarinLCP

From: Jeff Symonds <rollingthundergroup@icloud.com>
Sent: Tuesday, October 25, 2016 12:40 PM
To: CoastalMarinLCP
Subject: Item W10a Letter Attached
Attachments: CCP Letter.pdf

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
Jeff Symonds @ 145 Dipsea Rd Stinson Beach
OPPOSED

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I am a property owner in West Marin. I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in maoy public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revision were simply ignored in what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on my property and my town would be terrible. I would be unable to protect my home from rising seas and floods, I would be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions. That this has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission.

Please act to stop this action.

Sincerely,

Jeff Symonds
145 Dipsea RD
Stinson Beach, CA 94970

W10a

CoastalMarinLCP

From: Bobbi Simpson <greatestgood4all@gmail.com>
Sent: Tuesday, October 25, 2016 7:47 PM
To: CoastalMarinLCP
Subject: Comments: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a

W10a
LCP-2-MAR-15-0029-1

October 25, 2016

Jack Ainsworth, Acting Executive Director California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105
Via Electronic Mail

Re: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Environmental Hazards:

- I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications.

- The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that the Amendment set a strong precedent for other regions.

- The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, and community character, while balancing the rights and needs of property owners.

CEQA Requirements:

- I understand that the Coastal Commission staff's October 21, 2016 suggested modifications meet the California Environmental Quality Act (CEQA) requirement by a California state agency.

- If any non-administrative policy modifications by Coastal Commission staff are not adopted, or are amended, by the Coastal Commissioners on November 2nd, will the LCP meet CEQA requirements?

Biological and Water Resources:

- I urge the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term ESHA protections and habitat viability.

- For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Agriculture:

- I support the Coastal Commission staff's definition of "ongoing agriculture", included in the October 21, 2016 modification and originally presented to the Coastal Commission in 2015. This definition is a reasonable and balanced way of protecting our farmers and agricultural lands in the face of growing economic and climate challenges.

- It is important to have a streamlined and balanced approach to the definition of ongoing agriculture that protects coastal resources and allows agricultural operators the continued flexibility to manage their land as markets and other factors change.

Public Participation:

- I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review.

- The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.

- The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum public participation by requiring individuals and organizations to "pay to be heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Community Character:

- I am concerned by the new community core zoning requirements.

- West Marin's coastal village character is threatened by the new Coastal Visitor Commercial Residential Zoning (C-VCR), which would make commercial use the principally permitted use in the entire district. We need to expand residential opportunities, not the commercial use of our hometowns.

Thank you for your consideration of these comments.

Respectfully,
Bobbi Simpson
Fairfax, California

W10a

October 25, 2016

RECEIVED
OCT 26 2016

Commissioners
California Coastal Commission
45 Fremont Street, #2000
San Francisco, CA 94105

Subject: Recommendation for Agriculture Ongoing in the County of Marin Local Coastal Program Amendment Land Use Plan and Implementation Program (approved by Marin County Board of Supervisors on April 19, 2016 and subsequently submitted to the California Coastal Commission).

Dear Commissioners:

Marin's family farms and ranches, including those in the Coastal Zone, have for decades and generations been partners in developing solutions for protecting the open and connected qualities of Marin's landscapes. The County of Marin's A-60 zoning, the formation of the Point Reyes National Seashore, and the creation of the Marin Agriculture Land Trust are each precedents for how significant local community input and participation, coupled with local trusted leadership, developed options to protect the land from development with agricultural land use as part of the solution.

These successes in land use planning and conservation have been complemented by equally precedent setting initiatives for on-farm environmental conservation and local family farm and ranch viability. Marin Organic Certified Agriculture is one of three locally based organic certification programs in California. The Marin Carbon Project is currently developing 12 carbon farm plans that provide significant greenhouse gas offsets. Farmers markets, including the Thursday and Sunday Marin Civic Center market, are institutions where local farmers and customers have been meeting for over 30 years.

The policies and programs referenced are but a few of the endeavors, purposefully and successfully taken, to protect land in Marin with agricultural landowners through support of local family farm operations. The purpose and language of the California Coastal Act parallels these endeavors and the County of Marin Local Coastal Program Amendment (LCPA), before you for approval, is poised to leverage and contribute to these successes going forward.

This opportunity will be realized with your approval of the language for Agriculture Ongoing in both the Land Use Plan (LUP) and Implementation Program (IP) as proposed by the County of Marin. County of Marin staff has developed performance measures and restrictions that protect Environmental Sensitive Habitat Areas and limit farming and agricultural activities to the lands in operation, thus restricting expansion. Simultaneously, the County of Marin's proposed language provides needed clarity and flexibility for the farmer and rancher to make agricultural decisions, including selection and timing of crops planted and grown. The combined protections and flexibility provide the right balance for the local Marin agricultural community to continue to be the partner in land conservation and stewardship that it has been for more than 50 years.

We recommend full approval of the County of Marin's proposed LCPA LUP and IP in regards to Agriculture Ongoing and welcome discussing this with you and Commission staff.

Respectfully,

Stacy Carlsen
Commissioner
Agriculture, Weights, and Measures – Marin County

Brigitte Moran
Executive Director
Agricultural Institute of Marin

Jamison Watts
Executive Director
Marin Agricultural Land Trust

Nancy Scolari
Executive Director
Marin Resource Conservation District

David Lewis
Director
UC Cooperative Extension, Marin County

W10a

CoastalMarinLCP

From: M. & R. Lowry <rslarch@aol.com>
Sent: Wednesday, October 26, 2016 5:02 PM
To: CoastalMarinLCP
Subject: Item No W10a, Marin County LCP

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
Richard S. Lowry, Molley W. Lowry

OPPOSED

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I am a property owner in West Marin. I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revision were simply ignored in what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on my property and my town would be terrible. I would be unable to protect my home from rising seas and floods, I would be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions. That this has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission.

Please act to stop this action.

Yours,

Molley and Richard Lowry
110 Seadrift
Stinson Beach

W10a

CoastalMarinLCP

From: Yahoo <rssherman3rd@yahoo.com>
Sent: Wednesday, October 26, 2016 10:44 PM
To: CoastalMarinLCP
Cc: Cailean Sherman
Subject: Item No. W10a

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
Robert and Cailean Sherman
OPPOSED

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I am concerned about the safety of my family. The proposed changes would make it difficult or impossible to maintain my home. I also worry about liability if I am not allowed to maintain my home due to your proposed changes.

I am a property owner in West Marin. I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revision were simply ignored in what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on my property and my town would be terrible. I would be unable to protect my home from rising seas and floods, I would be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions. That this has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission.

Please act to stop this action.

Yours,
Robert and Cailean Sherman
129 Dipsea
Stinson Beach Ca. 94970

PS I am currently traveling abroad and do not have access to US mail. I will submit a hard copy of this email upon request when I return.

Bob Sherman

W10a

CoastalMarinLCP

From: Catherine Cicotte <cccicotte@yahoo.com>
Sent: Wednesday, October 26, 2016 9:43 PM
To: CoastalMarinLCP
Subject: Item No: W10a Marin County LCP Amendment No. LCP-2-MAR-15-0029-1

Ms. Shannon Fiala:

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1

From: Catherine Cicotte

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Commissioners:

I own a home in Stinson Beach and I am writing to ask that you please vote YES on Marin County's LUPA and IPA, as submitted by the County, and/or vote **NO** on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Marin County's staff worked very hard and held many public meetings with Stinson Beach residents to produce a Local Coastal Program that balanced public access, the environment, and our property rights. Shockingly, less than two weeks prior to the vote, your staff deleted all of it and replaced it with their own regulations. This is not proper procedure and you know that!!

No one in Stinson Beach was allowed any input into those changes. Most of them would unfairly remove property rights, such as denying the right to rebuild and maintain homes if there is a "possible hazard" from flooding years from now. The County maps show that entire neighborhoods in Stinson Beach could "possibly" be flooded if the most extreme, unlikely, sea level projections are used – how can you possibly take away homes now, on the small chance flooding might occur decades from now? This is "supposedly" a democracy and last minute proposals, without being vetted by the people who they are affecting,**must** to be voted down until a compromise can be hammered out...

Regards,
Catherine Cicotte
65 Buena Vista Ave. #3
PO Box 462
Stinson Beach 94970

Catherine Cicotte, RN, LMFT
www.catherinemft.com
1728 Union St., Ste. 210, San Francisco 94123
415.456.4565

CANCELLATIONS: There is a 24-hour cancellation policy. If you need to cancel or reschedule an appointment, please notify me as soon as possible. If you provide 24-hour notice or more, you will not be charged. For less than 24 hours, you will be charged full fee, not the co-pay. Thank you for respecting this policy as my professional time for your session has been set aside specifically for you.
I do not check my emails frequently. Please text me +1 415-309-5506 if you have an urgent matter. If you have a psychiatric emergency, go to the nearest hospital or call 911.

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W10a

CoastalMarinLCP

From: mollyhreno@aol.com
Sent: Wednesday, October 26, 2016 11:04 AM
To: CoastalMarinLCP
Subject: Comments: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a

October 26, 2016

Jack Ainsworth
Acting Executive Director California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Via Electronic Mail Re: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a

Dear Mr. Ainsworth:

I both love and rely upon the Marin and Sonoma County coast lines for rejuvenation and sustenance. My family travels weekly from Oakland to the beautiful coast line.

I am writing to provide comments on the **Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.**

Environmental Hazards: I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications. The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that the Amendment set a strong precedent for other regions.

The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, and community character, while balancing the rights and needs of property owners.

I understand that the Coastal Commission staff's October 21, 2016 suggested modifications meet the California Environmental Quality Act (CEQA) requirement by a California state agency. If any non-administrative policy modifications by Coastal Commission staff are not adopted, or are amended, by the Coastal Commissioners on November 2nd, will the LCP meet CEQA requirements?

Biological and Water Resources: • I urge the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term ESHA protections and habitat viability. For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Agriculture: I support the Coastal Commission staff's definition of "ongoing agriculture", included in the October 21, 2016 modification and originally presented to the Coastal Commission in 2015. This definition is a reasonable and balanced way of protecting our farmers and agricultural lands in the face of growing economic and climate challenges.

It is important to have a streamlined and balanced approach to the definition of ongoing agriculture that protects coastal resources and allows agricultural operators the continued flexibility to manage their land as markets and other factors change.

Public Participation: I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review. The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.

The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum public participation by requiring individuals and organizations to "pay to be heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Community Character: I am concerned by the new community core zoning requirements. Specifically West Marin's coastal village character is threatened by the new Coastal Visitor Commercial Residential Zoning (C-VCR), which would make commercial use the principally permitted use in the entire district. We need to expand residential opportunities, not the commercial use of our hometowns. Thank you for your consideration of these comments.

Thank you for considering my concerns,

Molly H Reno
Oakland, CA

CoastalMarinLCP

From: PAMELA LICHTENWALNER <pslichtenwalner@icloud.com>
Sent: Wednesday, October 26, 2016 7:52 PM
To: CoastalMarinLCP
Subject: Letter to CCC

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
OPPOSED
NAME: Pamela Lichtenwalner

MarinLCP@coastal.ca.gov
Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105Commissioners of the California Coastal Commission

Dear Commissioners,

I bought my home, up on the hill, in Stinson Beach in 2000. I have lived here, off and on, since 1969. I am committed to this community.

I am writing to ask that you please vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications, and that you instead vote YES on Marin County's LUPA and IPA as submitted by the County.

Marin County's staff worked very hard and held many public meetings with Stinson Beach residents to produce a Local Coastal Program that balanced public access, the environment and our property rights. Then less than two weeks prior to the vote, your staff deleted all of it and replaced it with their own regulations, many of which were poorly researched, poorly reasoned and poorly written. They were not in the best interests of Stinson Beach.

None of us in Stinson Beach were allowed any input into those changes. Most of them would unfairly remove our property rights, such as denying us the right to rebuild and maintain our homes if there is a "possible hazard" from flooding 100 years from now. The County maps show that an entire neighborhood in Stinson Beach could "possibly" be flooded if the most extreme, unlikely sea level projections are used – how can you possibly take away anyone's home now, on the tiny chance flooding might occur in 100 years, when none of us will even be here? Crazy last minute proposals like this, written without sensible input from the people who actually live here, have to be stopped.

Yours,

Pamela Lichtenwalner
Home Owner
Stinson Beach

W10a

CoastalMarinLCP

From: Harriet Moss <harriet@moss.net>
Sent: Wednesday, October 26, 2016 1:56 PM
To: CoastalMarinLCP
Subject: Item # W10a OPPOSED

Item # W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
OPPOSED
NAME: Harriet Moss

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I own a home on the hill in Stinson Beach. Even though my home is not directly affected by your staff's high-handed disregard of local community concerns, I am writing to ask that you please vote **NO** on the motions submitted by your staff to approve the LUPA and IPA with their modifications, and that you instead vote **YES** on Marin County's LUPA and IPA as submitted by the County.

Marin County's staff worked very hard and held many public meetings with Stinson Beach residents to produce a Local Coastal Program that balanced public access, the environment and property rights. Then, less than two weeks prior to the vote, your staff deleted what the County had developed and replaced it with their own regulations! This is not acceptable to the Stinson Beach community and it should not be acceptable to you as Commissioners.

No Stinson Beach residents were allowed any input into those changes. Most of them would unfairly remove property rights, such as denying homeowners the right to rebuild and maintain homes if there is a "possible hazard" from flooding 100 years from now. Who in the world knows what's going to be happening 10 years hence? This is just bad public policy.

Please vote YES on Marin County's carefully thought-out LUPA and IPA as submitted. They were developed as good public policies should be -- with input from stakeholders informing the final product.

Sincerely,

Harriet Moss

5 Laurel Avenue
Stinson Beach, CA 94970
415-868-2730 (h)
415-254-3492 (c)

W10a

CoastalMarinLCP

From: larry baskin <larry@baskinlaw.com>
Sent: Wednesday, October 26, 2016 2:32 PM
To: CoastalMarinLCP
Cc: bcrawford@marincounty.org; Kinsey, Steven (SKinsey@marincounty.org)
Subject: Item No: W10a/Marin County LCP Amendment No. LCP-2-MAR-15-0029-1

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
OPPOSED
NAMES: LAWRENCE A. BASKIN & KATHLYNN CAPDEVILLE

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

My wife and I have owned a home in Stinson Beach for over 30 years. We are urging you vote NO on the motions submitted by your staff to approve the LUPA and IPA with the staff's modifications, and that you instead vote YES on Marin County's LUPA and IPA as submitted by the County.

Marin County's staff worked very hard and held many public meetings with Stinson Beach residents to produce a Local Coastal Program that balanced public access, the environment and our property rights. The process was quite impressive. Marin County staff worked with a number of Stinson Beach and West Marin residents and community based groups to produce a set of amendments that were truly representative of the West Marin coastal community. Your staff has adopted an adversarial approach, refused to listen to the community's clearly expressed preferences, and consistently rejected the proposals without a rational basis. They appear to have staked out a position early in the process and refuse to make modifications despite widespread community supported proposals. Now, less than two weeks prior to the vote, your staff deleted all of the proposed amendments and replaced them with their own ill conceived regulations!

None of us in Stinson Beach were allowed any input into those changes. Most of them would unfairly remove our property rights, such as denying us the right to rebuild and maintain our homes if there is a "possible hazard" from flooding 100 years from now. **Using a hypothetical and highly speculative 100 year standard makes no sense. Even trying to guess future effects based on a 50 year run-out is a guess, but more rationaly based and can be revised every ten years based on actual data rather than purely speculative creations of worst case scenarios.** **While climate change is undeniable, the resulting seal level rise and rate of such is clearly an unknown.** The County maps show that my entire neighborhood in Stinson Beach could "possibly" be flooded if the most extreme, unlikely sea level projections are used – how can you possibly take away my home now, on the outside, highly speculative chance such flooding might occur in 100 years?

Please honor well the thought out and carefully developed plan amendments submitted by Marin County created and supported by the commmunity you were appointed to serve.

Thank you for your consideration.

Lawrence A. Baskin, Esq. & Kathlynn Capdeville

larry@baskinlaw.com

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W10a

CoastalMarinLCP

From: Carrie <carriev@gmail.com>
Sent: Wednesday, October 26, 2016 3:27 PM
To: CoastalMarinLCP
Subject: Regarding Item No: W10a Marin County LCP Amendment No. LCP-2-MAR-15-0029-1 OPPOSED

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
OPPOSED
NAME: Carrie Varoquiers

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I own a home in Stinson Beach. I am writing to ask that you please vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications, and that you instead vote YES on Marin County's LUPA and IPA as submitted by the County.

Marin County's staff worked very hard and held many public meetings with Stinson Beach residents to produce a Local Coastal Program that balanced public access, the environment and our property rights. Then less than two weeks prior to the vote, your staff deleted all of it and replaced it with their own regulations!

None of us in Stinson Beach were allowed any input into those changes. Most of them would unfairly remove our property rights, such as denying us the right to rebuild and maintain our homes if there is a "possible hazard" from flooding 100 years from now. The County maps show that my entire neighborhood in Stinson Beach could "possibly" be flooded if the most extreme, unlikely sea level projections are used. In fact, 200+ homes in Stinson Beach, including mine, are currently under a "building moratorium" that includes repairs and minor improvements thanks to Coastal Commission staff threats to the County Planning Department. How can you possibly remove my rights to improve my home (including making it more flood-resistant!), because it MIGHT flood within 100 years .... when none of us will even be here?

Last minute proposals like this, written without sensible input from the people who actually live here, have to be stopped. This is serious over-reach on the part of Coastal Commission staff.

Sincerely,

Carrie Varoquiers

Residents for Reasonable Land Use

W10a

CoastalMarinLCP

From: ERIC WILCOX <ewilcox1@me.com>
Sent: Wednesday, October 26, 2016 3:31 PM
To: CoastalMarinLCP
Subject: Item No. W10a - IMPORTANT

Shannon Fiala
MarinLCP@coastal.ca.gov

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
OPPOSED
NAME: Eric Wilcox

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

My name is Eric Wilcox and I own a home in Stinson Beach. I am writing to ask that you please vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications, and that you **instead vote YES on Marin County's LUPA and IPA as submitted by the County.**

Marin County's staff worked very hard and held many public meetings with Stinson Beach residents to produce a Local Coastal Program that balanced public access, the environment and our property rights. Then less than two weeks prior to the vote, your staff deleted all of it and replaced it with their own regulations!

None of us in Stinson Beach were allowed any input into those changes. Most of them would unfairly remove our property rights, such as denying us the right to rebuild and maintain our homes if there is a "possible hazard" from flooding 100 years from now. The County maps show that my entire neighborhood in Stinson Beach could "possibly" be flooded if the most extreme, unlikely sea level projections are used – how can you possibly take away my home now, on the tiny chance flooding might occur in 100 years, when none of us will even be here? Crazy last minute proposals like this, written without sensible input from the people who actually live here, have to be stopped.

Yours,

Eric Wilcox
1 Rafael Patio
Stinson Beach, CA 94970

Cell: 415-517-0266

Sent from my iPad

W10a

CoastalMarinLCP

From: Barney Quinn <barneyquinn@comcast.net>
Sent: Wednesday, October 26, 2016 4:03 PM
To: CoastalMarinLCP
Subject: Marin County LCP Amendment No. LCP-2-MAR-15-0029-1

Item No: W10a
Marin County LCP Amendment No. LCP-2-15-0029-1

Barney Quinn OPPOSED

I am a property owner in West Marin. I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

If the changes your staff proposes pass, the impact on my property and my town would be terrible. I would be unable to protect my home from rising seas and floods, I would be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions. That this has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission.

Please act to stop this action.

Barney Quinn
6 Dipsea Road
Stinson Beach, CA

W10a

WHK

October 26, 2016

Jack Ainsworth, Acting Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105 *Via Electronic Mail: MarinLCP@coastal.ca.gov*

Re: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a

Dear Mr. Ainsworth,

I am a resident and home owner in Muir Beach, California. I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

I urge the Commission to ***NOT*** adopt the CCC staff's October 21, 2016 Environmental Hazards suggested modifications.

I strongly urge the Coastal Commission to accept Marin County's Local Coastal Plan (LCP) along with the Land Use Plan (LUP) and the Implementation Plan (IP). Marin County has spent years hammering out these plans. This work has always had the protection of our coast as its highest priority, but also respects the rights of home owners and land owners in our County.

In my opinion the worst outcome for our environment and our community is for the Commission to accept the commission's staff recommendation thereby rejecting Marin County's long, hard work on these plans. This would likely send the issues back to the drawing board and/or incite litigation which will only delay the implementation of reasonable steps to address sea-level rise. Please do not reject Marin County's plans.

Very Truly Yours,

Timothy M. Hamilton
Muir Beach, Ca.

WALKER, HAMILTON & KOENIG LLP
50 FRANCISCO STREET, SUITE 460, SAN FRANCISCO, CA 94133-2100 TEL 415 986-3339 FAX 415 986-1618
www.whk-law.com

OCT 28 2016 PM 3:44 Planning

Brian Crawford
Director Community Development
3501 Civic Center Drive
San Rafael, CA 94903
bcrawford@marincounty.org

26 October 2016

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.
Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Kevin Murphy
Home address:
40 Lancaster Avenue
Kentfield, CA 94904

and

Affected property address:
248 Seadrift Road
Stinson Beach, CA 94970

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
OPPOSED
NAME: Susan J. Nelsen

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I own a home in Seadrift at Stinson Beach. I am writing to ask that you please vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications and that you instead vote YES on Marin County's LUPA and IPA as submitted by the County.

In Seadrift, my home is protected from seaborne storm impacts by the Seadrift seawall, which has been in place for more than twenty years. Our right to it as homeowners is guaranteed by a court order that the County and your Commission entered into years ago. Our seawall protects us from high tide and storm surge flooding, as well as from any future over wash of the entire Seadrift neighborhood that could be a potential hazard as sea levels rise. These are the same hazards that your staff has said that they want to protect us from. Yet they insist on repeatedly removing language Marin County has developed in consultation with my community to ensure resident safety, bafflingly exposing my house to more risk from flooding and other hazards.

It is a right granted to me by the Coastal Act to have my house protected by a seawall, and one also guaranteed by the court order. Yet your staff has for a third time in three years attempted to insert language that removes this protection from my home. In their proposed Section 22.64.060, Environmental Hazards, subsection B.3 "Shoreline Development", they would require any development on my home or property to be done "without reliance on shoreline protective devices." Furthermore they would require me to site any work on my home or property such that "Existing shoreline protective devices *(e.g. the Seadrift Seawall)* shall not be incorporated into analyses". Our entire community is protected by the seawall. We have a court-mandated right to it. They are clearly attempting to end-run a binding agreement entered into by your own Commission by trying to sneak this language into the Environmental Hazards section; without the protection of the seawall, there would be no way to show in any analysis that over the next 100 years I would not be subject to wave impact, flooding, or storm hazards. My lot is flat, and there is no place to site it that would make it safe without a seawall from "any potential hazards". Were this policy to remain, I would effectively lose my ability to redevelop or resell my property, or to safeguard my home.

Even worse, in 22.64.060.B.8, "Applicant's Assumption of Risk", your staff has blatantly attempted to *directly* strip away my rights to protection under the Coastal Act and the court settlement. A section that the County wrote simply to ensure that any property owner understand and record an agreement with the County that they are assuming risks of construction in a hazard zone has been hijacked by your staff. The County's language has been completely rewritten to instead read that I have to agree to "prohibit and ***waive any rights that may exist*** for new and/or augmented shoreline protective devices". I wouldn't even be able to add a deck to my property, or fix its foundation, without giving up my existing rights to protection. And if the seawall ever had to be fixed after storm damage, I end up with my home and my own safety endangered.

Your Commission already agreed under the Court order not to seek to remove homeowner rights to the protection of the seawall in Seadrift. Even worse, your staff again recently lost a court decision, this time

in *Capistrano vs CCC*, where the judge ruled that your staff had severely overreached in attempting to force homeowners to waive their rights to seawall protection; he was very specific that a potential "future threat" of needing to build or augment a seawall cannot be used to justify forcing a homeowner to waive their rights to protection. How can you permit your staff, when you have signed a binding court order, and then lost this argument once again in a court of law, to turn around and attempt to sneak the same language into LCP for the entire county of Marin?

My understanding was that the Coastal Act is supposed to protect the health and safety of residents along the coast. Why your staff seems so ideologically opposed to seawalls that they would seek to remove my protections, diminish my health and safety, and force me to waive my rights is beyond my comprehension. But they are clearly, as the judge noted, "overreaching" and out of control. Please reject their changes to the Marin LCP, and restore the balanced and thoughtful version submitted by the County.

Yours,

Susan J. Nelsen

Susan J. Nelsen
16 Dipsea Road
PO Box 601
Stinson Beach, CA 94970

Item No: W10a

From the Desk of Marin County LCP Amendment No. LCP-2-Mar-15-0029-1

LINDA H. BUCKLIN
349 SEADRIFT RD

OPPOSED

W10a

Dear Commissioners,

As a property owner in West Marin, I ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions to approve the LUPA and IPA with your staff's modifications.

Your staff submitted these changes in 2015 - and they were rejected by Marin County because of damage they would do to coastal communities in West Marin.

If the changes your staff propose pass, I would not be

65 Del Casa Drive
Mill Valley, CA 94941
415-384-8359

(2)

From the Desk of

LINDA H. BUCKLIN

able to protect my home from
rising seas and floods; my rights to
sell my property at a fair price
would disappear. The impact on
my property + my town would be
disastrous.

This happened without
public input, and I feel it is
very unfair and destructive.

Please, please act to stop
this action.

With respect,
Linda H. Bucklin

65 Del Casa Drive
Mill Valley, CA 94941
415-384-8359

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
OPPOSED

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I am a property owner in West Marin. I am writing to ask that when you vote on Marin County's LCP, you replace your staff's proposed changes to the Environmental Hazards section with Marin County's original version.

The rest of Marin County's LCP is balanced and reflects years of constructive engagement between your staff, Marin County, and the public. In the final submission, your staff has recommended relatively few edits, and I find them largely acceptable. The vast majority of your staff's recommendations should be accepted.

However, your staff has proposed fourteen pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2014 and again in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities here. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program with an Environmental Hazards section that was balanced, and considered public access, view rights, and the health and safety of our neighborhoods. This was a long process with substantial local input. But all of our hard work was simply ignored in the final revisions your staff submitted. The Environmental Hazards section that we and many others helped Marin

County produce has been entirely struck out, replaced wholesale by your staff's submissions once again.

If the changes your staff proposes pass, the impact on my property and my town would be substantial. I would be unable to protect my home from rising seas and floods. I would be unable to maintain it over time. My rights to develop or sell my property at a fair price would be taken away. My entire community could disappear over time due to your staff's actions. This has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program. This is unfair, and it is undemocratic.

Please, resolve this situation by restoring the originally submitted Environmental Hazards section.

Yours,

Deborah Houlihan

Deborah Houlihan
123 Dipsea Rd, Stinson Beach

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
Patricia Munter, Stinson Beach
OPPOSED

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

When you vote on Marin County's LCP, I ask that you vote to replace your staff's changes to the Environmental Hazards section with Marin County's version, as originally approved by the Marin County Board of Supervisors and submitted to your Commission.

Marin County's LCP has been carefully crafted; this happened because of eight years of good work by your staff, by Marin County, and by hundreds of members of the public. If you simply skim the LCP in its entirely, you can see this process worked for most of the document, because in almost all of its sections very few final edits needed to be recommended by your staff.

However, in one section, Environmental Hazards, there are 14 pages of nothing but redlines. I have seen prior versions, and by and large all your staff has done is to replace everything in our draft with the same old language that has been already been rejected twice by Marin County. If these proposals stand, they will almost certainly be rejected a third and final time. This would be a terrible shame, and a terrible reflection on a process which was supposed to be executed with "full public participation". The leaders of my community organizations here in Stinson have worked for years now with the County on Environmental Hazards. We have had seven local meetings, some attended by over 100 residents. 200+ of us filled out a County survey on this section. We arrived with the County at a consensus that satisfied all of my neighbors and every local Stinson Beach organization. This consensus is reflected in a Board-approved version of the Environmental Hazards section that balances my safety and that of my family with public access, view rights, and environmental protections. It is frankly a major affront to democractic sensibilities here in Stinson Beach that your staff would simply throw out everything we worked on all these years, and replace it with the same old boilerplate that has failed Marin over and over again.

My town will disappear if, as your staff's version of Environmental Hazards requires, we can no longer receive permits for development and maintenance of our homes and local businesses. How do they think we can preserve public access, offer visitor services downtown, or maintain health and safety if all the homes west of Highway One fall apart because they refuse us permits?

The actions of your staff are very dispiriting to all of us here in Stinson Beach. Please fix this situation as soon as possible, and bring this eight year long process to a close by accepting the LCP with Marin County's Environmental Hazards section.

Respectfully,
Patricia Munter

W10a

Nancy Torrey
P.O. Box 948
Bolinas, CA 94924
415-868-9506
nantorrey@yahoo.com

Kent Khtikian
P.O. Box 1011
Bolinas, CA 94924
415-868-9893
khtikian@kkcounsel.com

October 26, 2016

Jack Ainsworth, Acting Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105
Via Electronic Mail: *MarinLCP@coastal.ca.gov*

Re: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a

Dear Mr. Ainsworth:

We are hereby submitting our joint comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

We are both residents of Bolinas and have each lived in Bolinas for over 30 years. There are a number of issues which arise under the LCP about which we are concerned.

Public Participation

There should be no fee for public participation in commenting on or participating in any person's application for a Principally Permitted Use (PPU). We are very concerned by the proposal for increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review. The Coastal Act requires the widest opportunity for public participation. However, the proposed LCP Amendment radically limits public participation, including the public's ability to review and appeal PPUs without paying a burdensome fee.

The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum public participation by requiring individuals and organizations to "pay to be heard" at a cost of between $630 and $1,250. This is essentially a poll tax. It limits the access of people with limited means to be heard on matters that effect their communities. This "pay to play" proposal is one more turn of the screw squeezing the plural out of pluralism.

Community Core Zoning Requirements - Maintaining Community Character

West Marin is unique not only because of its rural character but also because of the web of community that exists between residents. West Marin's coastal village character is threatened by the new Coastal Visitor Commercial Residential Zoning (C-VCR), which would make commercial use the principally permitted use in the entire district. Commercial use should be a permitted use only in those very limited, existing "downtown" areas in which commercial space is currently located. We need to expand residential opportunities, not the commercial use of our hometowns. By transforming the character of the area from residential to commercial, you are destroying the very constituency which acts in support of the Coastal Commission and its charge to protect the coast of California.

Environmental Hazards

The Coastal Commission staff's suggested modifications dated October 21, 2016 regarding Environmental Hazards should be adopted by the Commission. The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that the Amendment set a strong precedent for other regions. Please do not adopt Marin County's version of the Environmental Hazards chapter. The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, and community character, while balancing the rights and needs of property owners.

Biological and Water Resources

We ask the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term ESHA protections and habitat viability. For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Agriculture

We support the Coastal Commission staff's definition of "ongoing agriculture", included in the October 21, 2016 modification and originally presented to the Coastal Commission in 2015. This definition is a reasonable and balanced way of protecting our farmers and agricultural lands in the face of growing economic and climate challenges. The staff's recommendation provides a streamlined and balanced approach to the definition of ongoing agriculture that protects coastal resources and allows agricultural operators the continued flexibility to manage their land as markets and other factors change.

Thank you for your consideration.

Respectfully,

Nancy Torrey

Kent Khtikian

W10a

CoastalMarinLCP

From: Tim Hamilton <tim@whk-law.com>
Sent: Wednesday, October 26, 2016 11:33 AM
To: CoastalMarinLCP
Subject: Marin County Local Costal Program - Resident Comment
Attachments: 2016-10-26 Ltr to Ainsworth re Marin Co. LCP-IP fm Hamilton.pdf

Attached please find my letter and comments regarding the Marin Co. LCP and the CCC meeting on November 2, 2016.

Timothy M. Hamilton | Attorney
WALKER, HAMILTON & KOENIG LLP

50 Francisco Street, Suite 460 | San Francisco, CA 94133
Tel. (415) 986-3339 | Fax: (415) 986-1618

Email: tim@whk-law.com / Website: www.whk-law.com

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October 26, 2016

Jack Ainsworth, Acting Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105 ***Via Electronic Mail: MarinLCP@coastal.ca.gov***

Re: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a

Dear Mr. Ainsworth,

I am a resident and home owner in Muir Beach, California. I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

I urge the Commission to ***NOT*** adopt the CCC staff's October 21, 2016 Environmental Hazards suggested modifications.

I strongly urge the Coastal Commission to accept Marin County's Local Coastal Plan (LCP) along with the Land Use Plan (LUP) and the Implementation Plan (IP). Marin County has spent years hammering out these plans. This work has always had the protection of our coast as its highest priority, but also respects the rights of home owners and land owners in our County.

In my opinion the worst outcome for our environment and our community is for the Commission to accept the commission's staff recommendation thereby rejecting Marin County's long, hard work on these plans. This would likely send the issues back to the drawing board and/or incite litigation which will only delay the implementation of reasonable steps to address sea-level rise. Please do not reject Marin County's plans.

Very Truly Yours,

Timothy M. Hamilton
Muir Beach, Ca.

WALKER, HAMILTON & KOENIG LLP
50 FRANCISCO STREET, SUITE 460, SAN FRANCISCO, CA 94133-2100 TEL 415 986-3339 FAX 415 986-1618
www.whk-law.com

W10a

Fiala, Shannon@Coastal

From: Johnston, Bob <rajohnston@ucdavis.edu>
Sent: Wednesday, October 26, 2016 9:36 PM
To: Fiala, Shannon@Coastal
Cc: Johnston, Bob
Subject: Comment Letter on the Marin LCP Amendments

Jack Ainsworth, Acting Exec. Dir.
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105
Via Email

CEQA Comment Letter on How Increased Agricultural Development Will Lead to Greater Groundwater Drawdown, Which May Lead to Reduced Surface Flows and Damage to Riparian Corridors and Wetlands and These Impacts Must Be Discussed in the Marin County Local Coastal Program Amendment No. LCP-1-MAR-15-0029-1, Set for a November 2, 2016 Hearing

Commissioners:

Topic:
I wish to comment briefly on the LUP and IP provisions that make a farmhouse, one intergenerational unit, ag retail sales building, and ag processing plant PPUs and so not appealable to the Commission. The higher rate of development resulting from the simplified permit process will increase the number of wells, which will cause groundwater drawdown and lower surface water flows, resulting in damage to riparian corridors and wetlands. My brief analysis follows. Because of these unmitigated impacts, these permits should require a higher level of review by the public.

Qualifications:
I am a Professor of Land Use and Transportation Policy at the University of California at Davis. I have published over 100 papers on land use and transportation planning. I have been an expert in NEPA and CEQA lawsuits for over 40 years.

Comments:
Making several agricultural development types PPUs will make it easier to develop these land use activities in the C-APZ zone of Marin County. Based on parcel maps, historical buildout data, and ag production trends, I estimate that there will be an additional 10-30 agricultural residences, 3-8 small ag retail sales buildings, and 2-5 small ag processing plants built over the next 20 years, in excess of what would have occured. These activities will require new wells or greater pumping from existing ones.

Coastal West Marin ranches, where the revised LCP development policies will take effect, are dryland grazing prairies characterized by low, highly seasonal rainfall and limited groundwater availability. The USGS defines this area as "marginal to adequate for [grazing] stock or single-family homes" (USGS, Misc. Field Studies: Maximum Well Yields in the SF Bay Region. Webster, 1972).

The Marin Countywide Plan states that "The bulk of unserved areas [no piped water] are underlain by poorly permeable rock with limited storage capacity..." (Marin Countywide Plan, Hydrology and Water Quality Technical Background Report, Nov. 2005, p. 20).

The N. Marin Water District has a large service area along the Eastshore of Tomales Bay, but does not have the water supply for it. Their main wells in Pt. Reyes Station, which are in the Lagunitas Creek aquifer, have become salinized during past years of low rainfall and so the District had to build a connector pipeline to get supplemental water from Nicasio Reservoir. The District is currently considering detaching most of this service area, due to water supply limitations. The Marin LAFCO agrees with this proposal. So, the area of concern for this comment letter, the C-APZ area, will very likely not have additional water supplies from the District.

A leading dairyman in the area said recently that "All of West Marin is water deficient. That's been a kind of blessing in disguise. It has meant that this area has remained open and undeveloped, though the lack of a water table means that families on Tomales Bay have to pay to have it hauled to their homes" (Pt. Reyes Light, 8/27/15).

The current LCP and the one proposed by the County, as modified by the Commission staff, all require that new development within the boundaries of a water district use their piped water, rather than drill a new well (C-PFS-14). This is to conserve groundwater (LCP Water Well Study, Marin County, LSA, 1983). Coastal Act (Cal. Pub. Res. Code) sec. 30231 states that the Commission shall prevent the depletion of groundwater supplies.

Recommendation:
The Marin IP sec. 22.65.040 requires that water use will not impact streams or wetlands. Sec. 22.64.140 requires that new wells will not impact other wells within 300 feet, or streams, riparian areas, or wetlands. However, most of the PPUs on ag lands do not require a public hearing at the County. Please require that the findings regarding these PPU's water supply systems are discussed in a public hearing, so that outside experts may give advice and the public can become better informed about this serious issue.

We are probably facing future multi-year droughts, as never experienced during the last 150 years. Our water development policies must become more conservative with regards to impacts on groundwater, to avoid adverse impacts on our coastal natural resources.

Thank you,

Robert A. Johnston
USPS: P.O. Box 579
Point Reyes Station,
CA 94956
UPS/FedEx:
20 Drakes Summit Rd.
Inverness, CA 94937
Home: 415 663-8305

W10a

Fiala, Shannon@Coastal

From:	Larry Crutcher <crutcherlm@gmail.com>
Sent:	Wednesday, October 26, 2016 3:20 PM
To:	Fiala, Shannon@Coastal
Subject:	Thanks for distributing
Attachments:	~$ASTAL COMMISSION LETTER (2).docx

For Wed., Nov. 2nd hearing. Thank you.

Item No: W10a

Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
Lawrence M Crutcher - OPPOSED

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I am a resident in Stinson Beach, a former head of the Stinson Beach Village Association, and a former member of the Marin County C-SMART committee. I am writing to ask that you please **vote YES on Marin County's LUPA and IPA as submitted**, and **vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.**

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes were previously submitted by your staff in 2015, and were rejected by Marin County because of the reckless damage they would do to coastal communities in West Marin.

We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. The process included a great deal of time explaining to young environmentalists, with an agenda, and with zero experience in West Marin, how we live with and prepare for such natural occurrences as King Tides, sea level rise, and "100 year storms." To some extent, the Marin planners gained an understanding and adjusted their thinking to be realistic.

That community-based effort has simply been ignored in the CCC staff submissions, once again. Common sense is largely absent in their submission. If the changes your staff proposes pass, the impact on property values in Stinson, assessed at about $800 million, would be destructive. We would be unable to protect our homes from rising seas and floods, nor to maintain them over time, nor to sell them at a fair price, which is equivalent to a governmental taking.

The Stinson Beach community is as environmentally sensitive as any, and has always been willing to work with appropriate authorities in planning for its future. However, "working with CCC staff" is an oxymoron. This isn't the way it should be.

Please vote to stop this action.

Sincerely,

Lawrence M Crutcher
Box 667
Stinson Beach, CA 97940

cc: Effie Turnbull Sanders
Dayna Bochco
Mary Luévano
Wendy Mitchell
Mary K. Shallenberger
Mark Vargas
Martha McClure
Steve Kinsey
Carole Groom
Erik Howell
Roberto Uranga
Gregory Cox
Belinda Faustinos
Trent Orr
Steve Kram
Randy Pestor
Nidia Garcia-Erceg
Sarah Glade Gurney
Maricela Morales

W10a

CoastalMarinLCP

From: Gerald Meral <jerrymeral@gmail.com>
Sent: Wednesday, October 26, 2016 6:57 PM
To: CoastalMarinLCP
Subject: Comments: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a

W10a
LCP-2-MAR-15-0029-1

October 25, 2016

Jack Ainsworth, Acting Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105
Via Electronic Mail

Re: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Environmental Hazards:

• I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications.

• The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that the Amendment set a strong precedent for other regions.

• The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, and community character, while balancing the rights and needs of property owners.

CEQA Requirements:

• I understand that the Coastal Commission staff's October 21, 2016 suggested modifications meet the California Environmental Quality Act (CEQA) requirement by a California state agency.

• If any non-administrative policy modifications by Coastal Commission staff are not adopted, or are amended, by the Coastal Commissioners on November 2nd, will the LCP meet CEQA requirements?

Biological and Water Resources:

• I urge the Commission to include specific, enforceable environmental standards to protect biological and

water resources. Enforceable standards are necessary to ensure long-term ESHA protections and habitat viability.

• For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Agriculture:

• I support the Coastal Commission staff's definition of "ongoing agriculture", included in the October 21, 2016 modification and originally presented to the Coastal Commission in 2015. This definition is a reasonable and balanced way of protecting our farmers and agricultural lands in the face of growing economic and climate challenges.

• It is important to have a streamlined and balanced approach to the definition of ongoing agriculture that protects coastal resources and allows agricultural operators the continued flexibility to manage their land as markets and other factors change.

Public Participation:

• I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review.

• The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.

• The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum public participation by requiring individuals and organizations to "pay to be heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Community Character:

• I am concerned by the new community core zoning requirements.

• West Marin's coastal village character is threatened by the new Coastal Visitor Commercial Residential Zoning (C-VCR), which would make commercial use the principally permitted use in the entire district. We need to expand residential opportunities, not the commercial use of our hometowns.

Thank you for your consideration of these comments.

Respectfully,

Gerald and Barbara Meral

Inverness, California

W10a

CoastalMarinLCP

From: Cynthia Lloyd <cynthiablloyd@gmail.com>
Sent: Wednesday, October 26, 2016 7:35 PM
To: CoastalMarinLCP
Subject: Comments: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a

W10a
LCP-2-MAR-15-0029-1

October 25, 2016

Jack Ainsworth, Acting Executive Director California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105
Via Electronic Mail

Re: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Environmental Hazards:

- I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications.

- The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that the Amendment set a strong precedent for other regions.

- The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, and community character, while balancing the rights and needs of property owners.

CEQA Requirements:

- I understand that the Coastal Commission staff's October 21, 2016 suggested modifications to meet the California Environmental Quality Act (CEQA) requirement by a California state agency.

- If any non-administrative policy modifications by Coastal Commission staff are not adopted, or are amended, by the Coastal Commissioners on November 2nd, will the LCP meet CEQA requirements?

Biological and Water Resources:

- I urge the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term ESHA protections and habitat viability.

- For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Agriculture:

- I support the Coastal Commission staff's definition of "ongoing agriculture", included in the October 21, 2016 modification and originally presented to the Coastal Commission in 2015. This definition is a reasonable and balanced way of protecting our farmers and agricultural lands in the face of growing economic and climate challenges.

- It is important to have a streamlined and balanced approach to the definition of ongoing agriculture that protects coastal resources and allows agricultural operators the continued flexibility to manage their land as markets and other factors change.

Public Participation:

- I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review.

- The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.

- The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum public participation by requiring individuals and organizations to "pay to be heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Community Character:

- I am concerned by the new community core zoning requirements.

- West Marin's coastal village character is threatened by the new Coastal Visitor Commercial Residential Zoning (C-VCR), which would make commercial use the principally permitted use in the entire district. We need to expand residential opportunities, not the commercial use of our hometowns.

Thank you for your consideration of these comments.

Respectfully,
Cynthia B. LLoyd
Point Reyes Station
CITY OF RESIDENCE

W10a

CoastalMarinLCP

From: Alex @ SFIC Corporation <alex@sficcorp.com>
Sent: Wednesday, October 26, 2016 10:02 AM
To: CoastalMarinLCP
Subject: Comments: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a

W10a
LCP-2-MAR-15-0029-1

October 25, 2016

Jack Ainsworth, Acting Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105
Via Electronic Mail

Re: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a

Dear Mr. Ainsworth,

We are writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Environmental Hazards:

• I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications.

• The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that the Amendment set a strong precedent for other regions.

• The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, and community character, while balancing the rights and needs of property owners.

CEQA Requirements:

• I understand that the Coastal Commission staff's October 21, 2016 suggested modifications meet the California Environmental Quality Act (CEQA) requirement by a California state agency.

• If any non-administrative policy modifications by Coastal Commission staff are not adopted, or are amended, by the Coastal Commissioners on November 2nd, will the LCP meet CEQA requirements?

Biological and Water Resources:

• I urge the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term ESHA protections and habitat

viability.

• For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Agriculture:

• I support the Coastal Commission staff's definition of "ongoing agriculture", included in the October 21, 2016 modification and originally presented to the Coastal Commission in 2015. This definition is a reasonable and balanced way of protecting our farmers and agricultural lands in the face of growing economic and climate challenges.

• It is important to have a streamlined and balanced approach to the definition of ongoing agriculture that protects coastal resources and allows agricultural operators the continued flexibility to manage their land as markets and other factors change.

Public Participation:

• I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review.

• The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.

• The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum public participation by requiring individuals and organizations to "pay to be heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Community Character:

• we are especially concerned by the new community core zoning requirements, especially when it threatens to alter the historic victorian flavor of villages such as our dear Tomales. We believe such villages should evolve their own way, as they have since early settling, and not through external artificial restructuring into something akin to another strip mall. After all, we are quite certain that such manipulations would be most unwelcome in most charming and prized hometowns, such as perhaps your very own.

• West Marin's coastal village character is most definitely threatened by the new Coastal Visitor Commercial Residential Zoning (C-VCR), which would make commercial use the principally permitted use in the entire district. We need to expand residential opportunities, not the commercial use of our hometowns.There are plenty of shops in existence already in the coastal villages and light industry of any kind is not appropriate for areas where people live. Recent conversations about converting lower floors of existing residences into shops to expand commerce at the cost of housing only illustrate how insensitive such efforts are to the needs of local people.

Thank you for your consideration of these comments.

Respectfully,

Alex and Diana Muhanoff
Tomales

W10a

CoastalMarinLCP

From: Judy Stemen <jls94970@gmail.com>
Sent: Wednesday, October 26, 2016 5:12 PM
To: CoastalMarinLCP
Subject: Item No. W10a

Marin County LCP Amendment No. LCP-2-MAR-15-0029-1 OPPOSED Judith Stemen Christopher Fitting Stinson Beach Homeowners

Sent from my iPad

W10a

CoastalMarinLCP

From: Jack Sylvan <jacksylvan@yahoo.com>
Sent: Wednesday, October 26, 2016 9:04 PM
To: CoastalMarinLCP
Subject: OPPOSE LETTER regarding Item No: W10a
Attachments: CCC ltr.docx

Hello Shannon, I'm attaching a letter to the Commissioners of the California Coastal Commission and requesting that this be submitted into the record. Thank you.

Jack

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
Jack Sylvan
OPPOSED

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I am a property owner in West Marin. I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revision were simply ignored in what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on my property and my town would be terrible. I would be unable to protect my home from erosion of the bluff adjacent to the property, I would be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions. The safety of hundreds of homes and homeowners' families could be jeapoardized. That this has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission.

I urge you to support the public process the County has gone through and pass the changes incorporated in Marin County's LUPA and IPA as submitted.

Sincerely,

Jack Sylvan
16 Canyon Ave, Bolinas

W10a

Item 10.a
Randall Fleming
Point Reyes Station Village Association
Design Review Committee

October 27, 2016

Commissioners, California Coastal Commission
45 Fremont Street
San Francisco, CA 94105

Re: Proposed Amendments to Marin County Local Coastal Program□Agenda Item LCP-2-MAR-15-0029-1: Commission meeting Nov. 2, 2016

The proposed Marin County Local Coastal Program (LCP) should not be approved. It needs to be revised to be in conformance with the California Coastal Act; or let the currently approved LCP continue as is. We believe that:

1. The LCP does not sufficiently reflect Section 30001, in terms of ecological balance or Legislative goals.

2. The Coastal Commission staff has overridden its authority by ignoring the precise content provided by local government as per Section 30500 (A).

3. The full impacts of the proposed LCP and its changes to the adopted Point Reyes Station Community Plan have not been subject to any public participation as required in Section 30500 (C).

1. ECOLOGICAL BALANCE AND LEGISLATIVE GOALS

Section 30001 Legislative findings and declarations; ecological balance
(a) That the California coastal zone is a distinct and valuable natural resource of vital and enduring interest to all the people and exists as a delicately balanced ecosystem.
Section 30001.5 Legislative findings and declarations; goals
The Legislature further finds and declares that the basic goals of the state for the coastal zone are to:
(a) Protect, maintain, and where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources.

As per Coast Act section 30001 Point Reyes Station and other small coastal villages in West Marin are a key part of the coastal ecosystem, where locals are part of the biological community of interacting organisms in the physical environment. While this may be difficult for outsiders to understand, residents know this and each of us integrates our actions in consideration of our relationship to local biological well being. Ideally to protect this eco-system, these local values need to be protected and part of the visitor experience in order to promote legislative goals.

2. PRECISE CONTENT BY LOCAL GOVERNMENT

ARTICLE I LOCAL COASTAL PROGRAM Section 30500 Preparation

(a) The commission's review of a land use plan shall be limited to its administrative determination that the land use plan submitted by the local government does, or does not, conform with the requirements of Chapter 3 (commencing with Section 30200). In making this review, the commission is not authorized by any provision of this division to diminish or abridge the authority of a local government to adopt and establish, by ordinance, the precise content of its land use plan.

Point Reyes Station is a cultural and commercial center for West Marin. Currently the town has approximately 170,000 square feet of commercial floor area, as well as more developable land available within the commercial core. There is no evidence that additional space is needed for local or visitor services. In addition, our local businesses have been very responsive in serving visitor and local markets. For example, our hardware and building materials store has reorganized its sales floor adding 15% more sales area that has expanded items that serve tourists as well as locals. Toby's Feed Barn and Gallery still provides hay and animal feed supplies as it has for years, while ramping up foods and goods that appeal to local and visitor markets. Market forces are doing a fine task of keeping the town a visitor serving and working local community; preserving the town's ecosystem role that it has provided for over a hundred years.

By prioritizing commercial development in the mixed-use commercial/residential zones that are outside of the mapped commercial core area there will be more pressure on commercial growth irrespective to its relationship to the local ecosystem. In addition, it reduces our capacity to maintain and increase needed residential development in the village. Our delicate and fragile coastal villages may then become attractive to uses that do not support visitor and local needs and are not linked to the surrounding natural coastal resources. Removing this zone from a market-based development could erode and ultimately alter the nature of our communities. We feel that the County's Land Use proposal 22.64.170 (A)(3) is much more suited to our community than the Coastal Commission's language; and is a product of the County's direct interaction with us.

3. IMPACTS TO THE POINT REYES STATION COMMUNITY PLAN

(c) The precise content of each local coastal program shall be determined by the local government, consistent with Section 30501, in full consultation with the commission and with full public participation.

We are aware that there are other LCP impacts that have had insufficient or no public participation. Our adopted Community Plan has five principal goals that are the foundations of the village plan. The LCP has in effect eroded or erased four of these goals, completely damaging the Community Plan without any public process to address these actions and their impacts to Point Reyes Station.

The impacted Community Plan goals are:

1. Preserve the viability of Point Reyes Station as a small, rural, working town.
2. Carefully manage the impacts of tourism on the visual character of the historic downtown district.

3. Minimize the impacts of tourism on the everyday activities of the local population.
4. Create additional affordable housing for people employed locally.

In conclusion, nowhere in the Coastal Act is the Commission given the authority to alter or degrade the culture and quality of life of coastal communities. Rather, the Act seeks to *"Protect, maintain, and where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources."* We seek your support of these Legislative goals by not approving the LCP.

Sincerely,

Randall Fleming, Chair PRSVA Design Review Committee

Local community members have reviewed and endorsed this letter:
Laura Arndt, Point Reyes Station Village Association (PRSVA) Secretary
Mark Switzer, PRSVA member
Jenefer Merrill, Point Reyes Station
Elizabeth Zarlengo, Point Reyes Station
Chris Reding, PRSVA member
Jon Fernandez, PRSVA Design Review Committee
Melanie Stone, PRSVA Design Review Committee
Pamela Bridges, PRSVA Leadership Circle
Ken Levin, PRSVA Leadership Circle
Mike Mcclaskey, PRSVA Design Review Committee
Ron Wagner, Inverness Park
Anna Frances, Point Reyes Station
Alice Eckart, PRSVA Treasurer
Chuck Eckart, PRSVA member
Art Levit, Point Reyes Station
Judy Levit, Point Reyes Station
Steve Hadland, Point Reyes Station
Anneke van der Veen, Point Reyes Station
Doris Ober, Point Reyes Station
Richard Kirschman, Point Reyes Station
Gary Ireland, Point Reyes Station
Bonnie Ruder, Inverness Park
Nancy Stein, Inverness Park
Madeleine Ballard, Point Reyes Station
Jim Chapman, Point Reyes Station
Frank Borodic, Olema
Jon Harada, PRSVA member

Randall Fleming
PO Box 252, Point Reyes Station, CA 9495

CoastalMarinLCP

From: Jess Taylor <jessica.reynolds.taylor@gmail.com>
Sent: Thursday, October 27, 2016 4:22 PM
To: CoastalMarinLCP
Subject: Comments: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a

W10a
LCP-2-MAR-15-0029-1

October 26, 2016

Jack Ainsworth, Acting Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105
Via Electronic Mail

Re: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Environmental Hazards:

• I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications.

• The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that comprehensive sea-level rise policies are included in the LCP as there are cumulative impacts on entire coastal regions that should not be addressed by individual permitting processes.

• The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, community character and balancing the rights and needs of property owners.

Biological and Water Resources:

• I urge the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term ESHA protections and habitat viability.

• For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Agriculture:

• I support the Coastal Commission staff's definition of "ongoing agriculture", included in the October 21, 2016 modification and originally presented to the Coastal Commission in 2015. This definition is a reasonable and balanced way of protecting our farmers and agricultural lands in the face of growing economic and climate challenges.

• It is important to have a streamlined and balanced approach to the definition of ongoing agriculture that protects coastal resources and allows agricultural operators the continued flexibility to manage their land as markets and other factors change.

Public Participation:

• I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review.

• The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.

• The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum public participation by requiring individuals and organizations to "pay to be heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Community Character:

• I am concerned by the new community core zoning requirements.

• West Marin's coastal village character is threatened by the new Coastal Visitor Commercial Residential Zoning (C-VCR), which would make commercial use the principally permitted use in the entire district. We need to expand residential opportunities, not the commercial use of our hometowns.

Thank you for your consideration of these comments.

Respectfully,
Jessica Reynolds
Point Reyes Station, CA

W10a

Fiala, Shannon@Coastal

From: meg simonds <simonds.meg@gmail.com>
Sent: Thursday, October 27, 2016 5:48 PM
To: Fiala, Shannon@Coastal
Subject: Fwd: agenda item W10a

To the Coastal Commissioners,

I oppose the imminent changes in Marin County's Local Coastal Program (LCP) for the following reasons.

The staff of the California Coastal Commission (CCC) has proposed to replace our current regulations with harsh new permitting policies. If you own a home or property along the coast, your rights to maintain, rebuild and potentially ever sell it are at risk.

West Marin's coastal village character is threatened by the new Coastal Visitor Commercial Residential Zoning (C-VCR), which would make commercial use the principally permitted use in the entire district.
Each time that Marin County has submitted its LCP, Coastal Commission staff has attempted a wholesale rewrite of the County's Local Coastal Program outside of publics view. In 2014 and again in 2015, it simply deleted the text our communities helped the County create, replaced it with dozens of pages of new regulations, and then released these changes within 24 hours of the Coastal Commission vote. When this reoccurred last year, Commissioners admonished both staffs to find a compromise within the framework of the County's submission and with further public discussion.

Yet for the third time in a row, apparently ignoring the directives of its own Commissioners, Coastal Commission staff is attempting to rewrite Marin's regulations. Once again, they have refused to negotiate with the County or to incorporate feedback from coastal community groups. Once again, they have simply redlined out the County's regulations and replaced them with their own twice-rejected regulations.

This is excessive micromanaging of local communities' planning process, an overstepping of authority granted by the Coastal Act, an unwillingness to take into account sincere, thoughtful, and important input from local stakeholders, a failure to consider adverse effect of their policies on viability and sustainability of local communities, an unreasonable burden of permitting process and expense for minor changes to land use, an unconscionably long and tortuous process imposed on the County to accomplish the LCP, a completely inadequate public notice and input periods, especially this last one, and it is unacceptable not to have the final approval hearing within the county whose plan is being voted upon.

It seems like the Coastal Commission would like there be no villages in West Marin. Already many folks have bad to move, and leave West Marin. When they go we loose our fire fighters, our nurses, our teachers etc etc. Who will be here to serve the public, who will help the visitors when they need medical help.

Please do not adopt these changes. Help us stop a disaster for Marin coastal communities.

Thank you for your time.

Sincerely,

Meg Simonds
PO Box 249
Bolinas, CA

W10a

CoastalMarinLCP

From: dmf332 <dmf332@yahoo.com>
Sent: Thursday, October 27, 2016 12:15 PM
To: CoastalMarinLCP
Subject: Item No: W10a Marin County LCP Amendment No. LCP-2-MAR-15-0029-1

MarinLCP@coastal.ca.gov

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
OPPOSED
NAME: Dan & Teri Fruchtman

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I own a home in Stinson Beach. I am writing to ask that you please vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications, and that you instead vote YES on Marin County's LUPA and IPA as submitted by the County.

Marin County's staff worked very hard and held many public meetings with Stinson Beach residents to produce a Local Coastal Program that balanced public access, the environment and our property rights. Then less than two weeks prior to the vote, your staff deleted all of it and replaced it with their own regulations!

None of us in Stinson Beach were allowed any input into those changes. Most of them would unfairly remove our property rights, such as denying us the right to rebuild and maintain our homes if there is a "possible hazard" from flooding 100 years from now. The County maps show that my entire neighborhood in Stinson Beach could "possibly" be flooded if the most extreme, unlikely sea level projections are used – how can you possibly take away my home now, on the tiny chance flooding might occur in 100 years, when none of us will even be here? Crazy last minute proposals like this, written without sensible input from the people who actually live here, have to be stopped.

W10a

CoastalMarinLCP

From: Eliza Finkelstein <lizabean123@yahoo.com>
Sent: Thursday, October 27, 2016 12:51 PM
To: CoastalMarinLCP
Subject: Item No: W10a OPPOSED

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
Eliza Finkelstein and Alexis Laurent
OPPOSED

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I am a property owner in West Marin. I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revision were simply ignored in what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on my property and my town would be terrible. I would be unable to protect my home from rising seas and floods, I would be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions. That this has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission.

Please act to stop this action.

Yours,

Eliza Finkelstein and Alexis Laurent

210 Seadrift Road, Stinson Beach, CA

W10a

CoastalMarinLCP

From: Todd Steiner <tsteiner@tirn.net>
Sent: Thursday, October 27, 2016 12:58 PM
To: CoastalMarinLCP
Subject: Protect Marin's Coast

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Environmental Hazards:

- I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications.
- The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that the Amendment set a strong precedent for other regions.
- The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, and community character, while balancing the rights and needs of property owners.

CEQA Requirements:

- I understand that the Coastal Commission staff's October 21, 2016 suggested modifications meet the California Environmental Quality Act (CEQA) requirement by a California state agency.
- If any non-administrative policy modifications by Coastal Commission staff are not adopted, or are amended, by the Coastal Commissioners on November 2nd, will the LCP meet CEQA requirements?

Biological and Water Resources:

- I urge the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term Environmentally Sensitive Habitat Areas (ESHA) protections and habitat viability.
- For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

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heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Thank you for your consideration of these comments.

Respectfully,

Todd Steiner
PO Box 400, 40 Monteza Rd
FOREST KNOLLS, CA 94933

W10a

CoastalMarinLCP

From: Geneva Gondak <ggondak@me.com>
Sent: Thursday, October 27, 2016 2:52 PM
To: CoastalMarinLCP
Subject: Comments: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a

W10a
LCP-2-MAR-15-0029-1

October 26, 2016

Jack Ainsworth, Acting Executive Director California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105
Via Electronic Mail

Re: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a

Dear Mr. Ainsworth,

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Thank you for your consideration of these comments.

Respectfully,
Geneva Gondak
Corte Madera, California

W10a

CoastalMarinLCP

From: Virginia Otis <Ginny@GWOtis.com>
Sent: Thursday, October 27, 2016 12:29 PM
To: CoastalMarinLCP
Subject: OPPOSED Item No: W10a

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
OPPOSED

NAME: Virginia B. Otis

TO: The Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I own a home in Stinson Beach. I am writing to ask that you please vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications, and that you instead vote YES on Marin County's LUPA and IPA as submitted by the County.

Marin County's staff worked very hard and held many public meetings with Stinson Beach residents to produce a Local Coastal Program that balanced public access, the environment and our property rights. Then less than two weeks prior to the vote, your staff deleted all of it and replaced it with their own regulations!

None of us in Stinson Beach were allowed any input into those changes. Most of them would unfairly remove our property rights, such as denying us the right to rebuild and maintain our homes if there is a "possible hazard" from flooding 100 years from now. The County maps show that my entire neighborhood in Stinson Beach could "possibly" be flooded if the most extreme, unlikely sea level projections are used – how can you possibly take away my home now, on the tiny chance flooding might occur in 100 years, when none of us will even be here? Crazy last minute proposals like this, written without sensible input from the people who actually live here, have to be stopped.

Yours,

Virginia B. Otis
50 laurel Avenue
Stinson Beach,CA 94970

W10a

CoastalMarinLCP

From: barbara ward <elderowl@aol.com>
Sent: Thursday, October 27, 2016 2:26 PM
To: CoastalMarinLCP
Subject: marin county LPC ammendment

item No. W10a
Marin County LPC amendment no. LPC-2-MAR-15-0029-1
OPPOSED
BARBARA WARD

EMAIL (feel free to customize)
Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I own a home in Stinson Beach. I am writing to ask that you please vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications, and that you instead vote YES on Marin County's LUPA and IPA as submitted by the County.

Marin County's staff worked very hard and held many public meetings with Stinson Beach residents to produce a Local Coastal Program that balanced public access, the environment and our property rights. Then less than two weeks prior to the vote, your staff deleted all of it and replaced it with their own regulations!

W10a

CoastalMarinLCP

From: SHERRY PENZIAS <spenzias@me.com>
Sent: Thursday, October 27, 2016 11:51 AM
To: CoastalMarinLCP
Subject: Marin LCP YES on Marin County's submitted plan- NO on new motions

Commissioners-

I urge you to vote YES on the LUPA and IPA as submitted to you by Marin County. I urge you to vote no on the motions proposed by your staff to approve the same with their modifications.

I am a homeowner in West Marin. I have served in public office and have dealt with the Coastal Commission in the past. I always suggested that staff visit the areas that will be affected by legislation or regulation. I always did and found it to be informative and helpful.

Another thing I did was to listen most carefully to the people most effected by such plans, laws, or regulations. I found that staff, so overwhelmed with work, rarely did so. But I did as much as often as possible, and that impacted how I voted.

However neither is the case here. Clearly the staff proposals on the LUPA and IPA ignore all the work done by the County of Marin and the public that best reflect what is in the best interest of West Marin. Also the uniqueness of our community has been ignored as well. They have omitted Marin county's plan and replaced it entirely with their own. The impact on West Marin would be dire. Their proposals don't reflect an understanding of either the impact on the future of our homes and/ or the realities of west Marin.

Please overrule your staff recommendation.

Thank you,

Sherry Penzias

W10a

CoastalMarinLCP

From: richard cimino <yellowbilledtours@gmail.com>
Sent: Thursday, October 27, 2016 3:29 PM
To: CoastalMarinLCP
Subject: Letter submission for Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a,,

October 27, 2016

Jack Ainsworth, Acting Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105
Via Electronic Mail: *MarinLCP@coastal.ca.gov*

Re: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a. The second reason I am writing is due to perception that the California Coastal Commission is falling into the hands of developers.
My preference is to not want to believe that this will happen. I am ask you as a person who walked the precincts asking voter to pass Proposition 20 (Coastal Initiative, 1972). You must stand tall and be a good servant, a representative to keep the commission out of conflict of interest, you can archive this goal by supporting the conservationist request and plan as I have outlined below.

Environmental Hazards:

- I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications.

- The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that the Amendment set a strong precedent for other regions.

- The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, and community character, while balancing the rights and needs of property owners.

CEQA Requirements:

- I understand that the Coastal Commission staff's October 21, 2016 suggested modifications meet the California Environmental Quality Act (CEQA) requirement by a California state agency.

- If any non-administrative policy modifications by Coastal Commission staff are not adopted, or are amended, by the Coastal Commissioners on November 2nd, will the LCP meet CEQA requirements?

Biological and Water Resources:

- I urge the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term ESHA protections and habitat viability.

- For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Agriculture:

- I support the Coastal Commission staff's definition of "ongoing agriculture", included in the October 21, 2016 modification and originally presented to the Coastal Commission in 2015. This definition is a reasonable and balanced way of protecting our farmers and agricultural lands in the face of growing economic and climate challenges.

- It is important to have a streamlined and balanced approach to the definition of ongoing agriculture that protects coastal resources and allows agricultural operators the continued flexibility to manage their land as markets and other factors change.

Public Participation:

- I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review.

- The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.

- The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum public participation by requiring individuals and organizations to "pay to be heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Community Character:

- I am concerned by the new community core zoning requirements.

- West Marin's coastal village character is threatened by the new Coastal Visitor Commercial Residential Zoning (C-VCR), which would make commercial use the principally permitted use in the entire district. We need to expand residential opportunities, not the commercial use of our hometowns.

Thank you for your consideration of these comments.

Respectfully,

Richard S. Cimino
60 Elizabeth Circle
Larkspur, Ca. 94904

W10a

CoastalMarinLCP

From: Richard Shupack <rshupack@att.net>
Sent: Thursday, October 27, 2016 3:47 PM
To: CoastalMarinLCP
Subject: Marin County LCP Amendment No. LCP-2-MAR-15-0029-1

Item No:W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
Richard A Shupack 102 Seadrift Road Stinson Beach CA 94970
OPPOSED

Commissioners of The California Coastal Commission
c/o Shannon Fiala
Planner
45 Fremont Street, Suite 2000
San Francisco CA 94105

Dear Commissioners:

I am a property owner in West Marin. I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revision were simply ignored in what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on my property and my town would be terrible. I would be unable to protect my home from rising seas and floods, I would be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions. That this has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission.

Please act to stop this action.

Yours Truly

Richard A Shupack, Esq.
102 Seadrift Road

Stinson Beach CA 94970

W10a

Fiala, Shannon@Coastal

From: Hannah Crutcher <hannah_crutcher13@yahoo.com>
Sent: Thursday, October 27, 2016 4:57 PM
To: Fiala, Shannon@Coastal
Subject: 11/2 CCC Meeting - ITEM W10a OPPOSED

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1 Hannah B Crutcher - OPPOSED

Commissioners of the California Coastal Commission c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I have been both a long-time renter and resident in Stinson Beach. I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with your staff's modifications.

One portion of the CCC staff recommendations says, in effect, that Seadrift may no longer maintain its "hard armored" seawall. This matter was litigated extensively in the 1990's, with a judicial outcome (a binding court order) that unequivocally approved the rip-rap wall. It amazes me that your staff can simply ignore a ruling of law on this matter. Without the wall, we would be unable to protect our homes from seasonal storms, King tides, and unusual wave action. This also jeopardizes our ability to maintain our properties over time as well as sell them at a fair price, both results of unacceptable administrative action taken by unelected staff.

Please vote to stop this action.

Sincerely,

Hannah B Crutcher
103 Seadrift Rd
Stinson Beach, CA 94970

cc: Effie Turnbull Sanders
Dayna Bochco
Mary Luévano
Wendy Mitchell
Mary K. Shallenberger
Mark Vargas
Martha McClure
Steve Kinsey
Carole Groom
Erik Howell
Roberto Uranga
Gregory Cox
Belinda Faustinos
Trent Orr
Steve Kram
Randy Pestor

Nidia Garcia-Erceg
Sarah Glade Gurney
Maricela Morales

W10a

CoastalMarinLCP

From: Patrick Woodworth <patrick.woodworth@gmail.com>
Sent: Thursday, October 27, 2016 3:19 PM
To: CoastalMarinLCP
Subject: Comments: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a

W10a
LCP-2-MAR-15-0029-1

October 26, 2016

Jack Ainsworth, Acting Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105
Via Electronic Mail

Re: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Environmental Hazards:

• I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications.

• The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that comprehensive sea-level rise policies are included in the LCP as there are cumulative impacts on entire coastal regions that should not be addressed by individual permitting processes.

• The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, community character and balancing the rights and needs of property owners.

Biological and Water Resources:

• I urge the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term ESHA protections and habitat viability.

• For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Agriculture:

• I support the Coastal Commission staff's definition of "ongoing agriculture", included in the October 21, 2016 modification and originally presented to the Coastal Commission in 2015. This definition is a reasonable and balanced way of protecting our farmers and agricultural lands in the face of growing economic and climate challenges.

• It is important to have a streamlined and balanced approach to the definition of ongoing agriculture that protects coastal resources and allows agricultural operators the continued flexibility to manage their land as markets and other factors change.

Public Participation:

• I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review.

• The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.

• The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum public participation by requiring individuals and organizations to "pay to be heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Community Character:

• I am concerned by the new community core zoning requirements.

• West Marin's coastal village character is threatened by the new Coastal Visitor Commercial Residential Zoning (C-VCR), which would make commercial use the principally permitted use in the entire district. We need to expand residential opportunities, not the commercial use of our hometowns.

Thank you for your consideration of these comments.

Respectfully,
Patrick Woodworth

CITY OF RESIDENCE
: Sebastopol, CA

W10a

CoastalMarinLCP

From: Bill Krill <bkrill@swinerton.com>
Sent: Thursday, October 27, 2016 9:09 AM
To: CoastalMarinLCP
Cc: williamkrill@yahoo.com; 'MaggieM Krill (maggiekrill@sbcglobal.net)'
Subject: Marin County Amendment LCP-2-MAR-15-0029-1 OPPOSED item W10a

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

We are strongly opposed to Item No: W10a Marin County LCP Amendment No. LCP-2-MAR-15-0029-1

We own a home in Stinson Beach and we have lived there for over 20 years. We are writing to ask that you please vote **NO** on the motions submitted by your staff to approve the LUPA and IPA with their modifications, and that you instead vote YES on Marin County's LUPA and IPA as submitted by the County.

Please consider that:

- The Marin County staff submitted a collaborative, balanced proposal based on **COMMUNITY CONCENSUS**
- The CCC staff subversively developed their own Amendment **WITHOUT Community input** only two weeks prior to the vote
- The CCC Amend. **Violates our Property rights and inflicts financial damage** upon us as home owners
- The Science upon which the CCC is relying, is not exact and subject to **Legal Challenge.**

Respectfully,

Bill & Maggie Krill
Stinson Beach, CA.

Bill Krill
Project Executive | Swinerton Builders
260 Townsend Street | San Francisco, CA 94107
C.415.286.6333 | Main.415-421-2980
bkrill@swinerton.com | www.swinerton.com

W10a

CoastalMarinLCP

From: arianne Dar <ariannezd@gmail.com>
Sent: Thursday, October 27, 2016 10:19 AM
To: CoastalMarinLCP
Subject: Nov. 2 Agenda item W10a
Attachments: Dear Coastal Commissioners.docx

Dear Shannon Fiala
Attached is a letter from the Bolinas Community Land Trust asking the Coastal Commissioners NOT to adopt the changes they have made to the proposed LCP put forth by the county of Marin, but rather to reconsider accepting the amendments as they were initially put forth, amendments that have the backing of all of the communities being effected by these changes.
Thank you.
arianne dar

Dear Coastal Commissioners:

It has come to the attention of the Bolinas Community Land Trust that you are planning to vote on proposed amendments to our LCP on Wednesday November 2nd. While we are pleased that some action is about to be taken we are dismayed to learn that many of the suggestions being put forth by the County of Marin after and extensive research and planning period are being rejected, ignored or stricken. The county has done an excellent job of reaching out to local communities to educate, inform and include us in their process. They have thought carefully about how to uphold the intent of the coastal act and plan while at the same time trying to preserve the needs of our local residents and communities, and the resources we provide to all the visitors who wish to visit our coastal areas. The California coast is long and varied and rules that apply to one community may not be appropriate for another. Proximity to urban areas, access to water and roadways, and local infrastructures all play important roles in what is necessary to insure that there are sustainable communities at our coast. Without these communities there is no true safe coastal access for the public. We believe that proceeding in approving the amendments to LCP as you have put out to do on November 2nd would find you guilty of the following:

- excessive micromanaging of local communities' planning process
- overstepping of authority granted by the Coastal Act
- unwillingness to take into account sincere, thoughtful, and important input from local stakeholders
- failure to consider adverse effect of their policies on viability and sustainability of local communities
- unreasonable burden of permitting process and expense for minor changes to land use
- unconscionably long and tortuous process imposed on the County to accomplish the LCP
- completely inadequate public notice and input periods, especially this last one
- unacceptable not to have the final approval hearing within the county whose plan is being voted upon

We therefore urge you to delay your vote and reinstate the proposed changes suggested by county planners, business people and local residents. Refusing to do so will be detrimental to continuing to make the coast accessible to generations to come.

Sincerely,
Arianne Dar
Board President for the Bolinas Community Land Trust

W10a

CoastalMarinLCP

From: Annette Brands <abrands@me.com>
Sent: Thursday, October 27, 2016 8:58 AM
To: CoastalMarinLCP
Subject: Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
Attachments: CCCltr ABrands.pdf; CCCLtr DSchmidt.pdf; CCCltr LDevone.pdf; CCCltr SMartin.pdf

Attached, please find 4 letters for the Commissioners of the California Coastal Commission. Please include these as part of the formal hearing record which takes place next week, November 2, 2016. Thank you.

Annette Brands
abrands@me.com
415-640-4698

W10a

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
OPPOSED
NAME: Annette Brands

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I own a home in Stinson Beach. I am writing to ask that you please vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications and that you instead vote YES on Marin County's LUPA and IPA as submitted by the County.

Marin County staff worked hard with us to understand the community character of Stinson Beach, as well as its topography. In consultation with local stakeholders they developed a very workable set of regulations for development in flood zones which anticipates future sea level rise, keeps us safe, keeps us in our homes, and preserves neighborhoods that already do and would continue to fully respect public beach access and public view corridors. Marin County's approach was a sensible one which dovetailed LCP mandates with FEMA mandates – these had in the past frequently been in conflict, forcing either expensive variance processes or dangerous off-permit work – and added sufficient extra consideration of rising future sea levels such that our homes would be flood-protected under the most probable forecasts provided by current best available science for the next 50 to 100 years. And to balance current homeowner rights with unknown future changes to hazard forecasts, they provided for regularly scheduled updates to the LCP to account for the best available new science. This was a sensible, balanced plan to address sea level rise hazards in my community, and it was applauded by the Village Association, Seadrift Association, the Water District and other local community organizations.

Your staff then took this carefully crafted language, threw it out the window, and replaced it with the same old twice-rejected language they've attempted to force on Marin County, based on a "100 year maximum sea level rise" standard and an ideologically-driven policy of preferring "managed retreat" – having us move or remove our homes. These weren't merely minor edits. Three entire sections of the regulations, including the entire FEMA Flood Zones section, the Sea Level Rise section, and the Best Available Science section, were struck out. Not a word of Marin County's language was left. Not surprisingly, since they never deigned to consult with the public to learn how to create practicable regulations for the locale, what your staff replaced these sections with were the same old policies that have repeatedly been shown in the past two years to be scientifically and topographically inappropriate for our coastal community.

Scientifically, they have insisted on picking an arbitrary point in what best available science, based on the same studies repeatedly cited by your own staff, forecasts as an ***equal-probability*** chance of 100 year sea level rise: Anywhere from 18" to 6'6" along our coast. In other words, it is ***not*** the case that scientists are saying 'sea levels may rise only 18" over the next 100 years, but it is much more likely that they will rise 6'6" so let's prepare for that' – according to the science, it is ***as likely*** to be 18" as it is to be 78". And yet your staff decided, with no justification given, to force on Marin the most extreme end of that range. Let's do the math – assuming any given inch-level of rise is equally probably between 18" and 6'6" 100 years from now, then there is a 1/61 likelihood your staff is correct. It's not arbitrary and capricious to forestall a property owner from developing or maintaining their home on 1/61 odds, 100 years from now?

Having done the math, let's compare that to widely accepted standards already in force statewide and nationwide for acceptable risk management. FEMA establishes a 1% per year likelihood of flooding as a reasonable point at which to require extra burdens or denial of permitting to homeowners. Similarly, Alquist Priolo earthquake zones are evaluated on a 1% per year likelihood of risk. Such standards, evaluated over a 100 year home lifespan (were any such home actually built to last that long without remodeling), equate to a 1-(0.99)^100 risk; doing this last bit of math, the risk level to a home expected to last 100 years for which they require special construction standards, permits and hazard mitigation is a little over 63%. Your staff is instead asking to impose a 1.6% threshhold, ***40 times the accepted state and national hazard risk threshold.*** And this for a risk that is effectively 0% likely for the next 10, 20, 30 or even 50 years - whereas FEMA flood and earthquake risks could happen any given year within the near or medium term. So your staff is also asking homeowners to incur these burdens, or even give up their homes, on a longshot more than 40x as unlikely as an earthquake and that won't in fact occur in the lifetime of the homeowner.

Wouldn't it be much more sensible to adopt a non-arbitrary risk policy, then revisit it every 10 years?

Topographically, your staff insists on policies completely inappropriate to a shoreline community such as Stinson Beach, one that is characterized by essentially flat lots with no "upland" area on which to build, and backed by miles of unbuildable state and national parkland. They would probably have known this had they asked us. And yet they insist on repeatedly pasting back in their rejected concept that "shoreline development shall be set back a sufficient distance, and/or sited on an elevated portion of the site, and/or designed to reduce the size of the structure or footprint... in such a way as to avoid flooding." The further my home is set back from the shoreline, the lower it would be. There is no substantially elevated portion of any lot west of Highway One in Stinson Beach (or along Wharf Road in Bolinas, or along the Tomales Bay coastline in Marshall and Inverness, etc). And exactly why asking me to shrink my house would make me safer from flooding logically escapes me. But it is fairly clear why this boilerplate your staff keeps attempting to reintroduce to "fix" our shoreline communities fails; it's because it clearly was cut-and-pasted from a section on Blufftop Development, which is for a completely topology where setbacks actually are a sensible approach. We know this because we have copies of your staff's last-minute, midnight edits to the 2014 document where it is clear where one section was pasted and renamed to create this new "Shoreline Development" section. We assume they attempted this end-run, trying to extend a Blufftop regulation to Shorelines, because the Coastal Act only grants the power to regulate erosion along blufftops and cliffs; nowhere in the Coastal Act does Shoreline Development appear as a regulatory concept. Practices like this, sloppily creating regulations not even researched for the communities in question in the hope that no one notices, are simply bad government.

Your staff has taken carefully considered, researched and publicly discussed regulations and replaced them with cut-n-paste boilerplate that shows no respect for the science, character, or frankly for the citizens of my community. We are not willing to be "managed" into "retreat" in Stinson Beach. Your staff's egregious actions need to be reined in; Marin County's regulations need to be adopted instead.

Yours,

Annette Brands
55 Dipsea Road
Stinson Beach, CA 94970

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Item No. W10c
Marin County LCP Amendment No. LCP-2-MAR-15-0329-1
OPPOSE
NAME: Annette Brooks

Dear Commissioners,

I own a home in Stinson Beach. I am writing to ask that you please vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications and that you instead vote YES on Marin County's LUPA and IPA as submitted by the County.

Marin County staff worked hard with us to understand the community character of Stinson Beach, as well as its topography. In consultation with local stakeholders they developed a very workable set of regulations for development in flood zones which anticipates future sea level rise, keeps us safe, keeps us in our homes, and preserves neighborhoods that already do and would continue to fully respect public beach access and public view corridors. Marin County's approach was a sensible one which reconciled LCP mandates with FEMA mandates – those that in the past frequently been in conflict, forcing either expensive variance processes or dangerous off-permit work – and added sufficient extra consideration of rising future sea levels such that our homes would be flood-protected under the most probable forecasts provided by current best available science for the next 50 to 100 years. And to balance current homeowner rights with unknown future changes to hazard forecasts, they provided for regularly scheduled updates to the LCP to account for the best available new science. This was a sensible, balanced plan to address sea level rise hazards in my community, and it was applauded by the Village Association, Seadrift Association, the Water District and other local community organizations.

Your staff then took this carefully crafted language, threw it out the window, and replaced it with the same old twice-rejected language they've attempted to force on Marin County, based on a "100 year maximum sea level rise" standard and an ideologically-driven policy of preferring "managed retreat" – having us move or remove our homes. These were clearly minor details. Three entire sections of the regulations, including the entire FEMA Flood Zones section, the Sea Level Rise section, and the Best Available Science section, were struck out. Not a word of Marin County's language was left. Not surprisingly, since they never designed to consult with the public to learn how to create practicable regulations for the locale, what your staff replaced these sections with were the same old policies that have repeatedly been shown in the past two years to be scientifically and topographically inappropriate for our coastal community.

Scientifically, they have insisted on picking an arbitrary point in what best available science, based on the same studies repeatedly cited by your own staff, forecasts as a "probability" chance of 100 year sea level rise. Any where from 1% to 6% along our coast. In other words, it is not the case that scientists are saying sea levels may rise only 18" over the next 100 years, but it is much more likely that they will rise 6" so let's prepare for that – according to the science, it is as likely to be 18" as it is to be 78". And yet your staff decided, with no justification given, to force on Marin the most extreme end of that range. Let's do the math – assuming any given inch-level of rise is equally probable between 18" and 6" 100 years from now, then there is a 16% likelihood your staff is correct. It's not arbitrary and capricious to forestall a property owner from developing or maintaining their home on 16% odds, two years from now?

Having done the math, let's compare that to widely accepted standards already in force statewide and nationwide for acceptable risk management. FEMA establishes a 1% per year likelihood of flooding as a reasonable point at which to require extra burdens or denial of permitting to homeowners. Similarly, Alquist Priolo earthquake zones are evaluated on a 1% per year likelihood of risk. Such standards, evaluated over a 100 year home lifespan (*more* any such home actually built to last that long without remodeling), equate to a 1-(0.99)^100 risk: doing this last bit of math, the risk level to a home expected to last 100 years for which they require special construction standards, permits and hazard mitigation is a little over 63%. Your staff is instead asking to impose a 1.6% threshold -40 times the accepted state and national hazard risk threshold. And this for a risk that is effectively 0% likely for the next 10, 20, 30 or even 50 years - *in* areas FEMA flood and earthquake risks could happen any given year within the near or medium *term*. So your staff is also asking homeowners to incur these burdens, or even give up their homes, on a longshot more than 40x as unlikely as an earthquake and that *won't* in fact occur in the lifetime of the homeowner.

Wouldn't it be much more sensible to adopt a non-arbitrary risk policy, then revisit it every 10 years?

Inappropriately, your staff insists on policies completely inappropriate to a shoreline community such as Stinson Beach, one that is characterized by essentially flat lots *with* no "upland" area on *which to* build, and backed by miles of undevelopable state and national parkland. They *would* probably have known this had they asked us. And yet they insist on repeatedly pushing back *in* their rejected concept that "shoreline development shall be set back a sufficient distance, and/or sited on an elevated portion of the site, and/or designed to reduce the size of the structure or footprint... in such a way as to avoid flooding." The further my home is set back from the shoreline, the lower it would be. There is no substantially elevated portion of any lot west of Highway One in Stinson Beach (or along Ward Road in Bolinas, or along the Tomales Bay coastline in Marshall and Inverness, etc). And exactly *why* asking me to shrink my house would make me safer from flooding logically escapes me. But it is fairly clear *why* this boilerplate your staff keeps attempting to reintroduce to "fix" our shoreline communities fails. It's because it clearly *was* cut-and-pasted from a section on Bluffop Development, which is for a completely topology *where* setbacks actually are a sensible approach. *We know* this because *we* have copies of your staff's last-minute midnight edits to the 2014 document *where* it is clear *where* one section *was* pasted and renamed to create this new "Shoreline Development" section. We assume they attempted this cut-and-*trying* to extend a Bluffop regulation to Shorelines, because the Coastal Act only grants the power to regulate erosion along bluffop and cliffs; *nowhere* in the Coastal Act does Shoreline Development appear as a regulatory concept. Practices like this, sloppily creating regulations not even researched for the communities in question in the hope that no one notices, are simply bad government.

Your staff has taken carefully considered, researched and publicly discussed regulations and replaced them with cut-n-paste boilerplate that shows no respect for the science, character, or frankly for the citizens of my community. We are not willing to be "managed" into "retreat" in Stinson Beach. Your staff's egregious actions need to be reined in, Marin County's regulations need to be adopted in-toto.

Yours,

Annette Brands
[illegible] Dipsea Road
Stinson Beach, CA 94970

W10a

October 24, 2016

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Re: Marin County LCP Amendment No. LCP-2-MAR-15-0029-1

Dear Commissioners,

I am a property owner in West Marin. I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revision were simply ignored in what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on my property and my town would be terrible. I would be unable to protect my home from rising seas and floods, I would be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions. That this has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission.

Please act to stop this action.

Sincerely yours,

Douglas Schmidt

P.O. Box 481, 6500 Panoramic, Stinson Beach, CA

October 24, 2016

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Re: Marin County LCP Amendment No. LCP-2-MAR-13-0029-1

Dear Commissioners,

I am a property owner in West Marin. I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revision were simply ignored in what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on my property and my town would be terrible. I would be unable to protect my home from rising seas and floods, I would be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions. That this has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission.

Please act to stop this action.

Sincerely yours,

Douglas Schmidt
P.O. Box 481, 6550 Panorama, Bolinas, CA

W10a

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
OPPOSED
NAME: Lokelani Devone

October 27, 2016

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I own a home in Seadrift at Stinson Beach. I am writing to ask that you please vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications and that you instead vote YES on Marin County's LUPA and IPA as submitted by the County.

In Seadrift, my home is protected from seaborne storm impacts by the Seadrift seawall, which has been in place for more than twenty years. Our right to it as homeowners is guaranteed by a court order that the County and your Commission entered into years ago. Our seawall protects us from high tide and storm surge flooding, as well as from any future overwash of the entire Seadrift neighborhood that could be a potential hazard as sea levels rise. These are the same hazards that your staff has said that they want to protect us from. Yet they insist on repeatedly removing language Marin County has developed in consultation with my community to ensure resident safety, bafflingly exposing my house to more risk from flooding and other hazards.

It is a right granted to me by the Coastal Act to have my house protected by a seawall, and one also guaranteed by the court order. Yet your staff has - for a third time in three years - attempted to insert language that removes this protection from my home. In their proposed Section 22.64.060, Environmental Hazards, subsection B.3 "Shoreline Development", they would require any development on my home or property to be done "without reliance on shoreline protective devices." Furthermore they would require me to site any work on my home or property such that "Existing shoreline protective devices *(e.g. the Seadrift Seawall)* shall not be incorporated into analyses". This language is entirely inconsistent with the binding agreement entered into by your own Commission, yet this is appears to be an attempt by staff to sneak this language into the Environmental Hazards section. Without the protection of the seawall, there would be no way to show in any analysis that over the next 100 years I would not be subject to wave impact, flooding, or storm hazards. My lot is flat, and there is no place to site it that would make it safe without a seawall from "any potential hazards". Were this proposed policy to remain, I would effectively lose my ability to redevelop or resell my property, or to safeguard my home.

Even worse, in 22.64.060.B.8, "Applicant's Assumption of Risk", your staff has blatantly attempted to *directly* strip away my rights to protection under the Coastal Act and the court settlement. A section that the County wrote simply to ensure that any property owner understand and record an agreement with the County that they are assuming risks of construction in a hazard zone has been hijacked by your staff. The County's language has been completely rewritten to instead read that I have to agree to "prohibit and ***waive any rights that may exist*** for new and/or augmented shoreline protective devices". I wouldn't even be able to add a deck to my property, or fix its foundation, without giving up my existing rights to protection. And if the seawall ever had to be fixed after storm damage, I end up with my home and my own safety endangered.

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
OPPOSED
NAME: Lakeland Devore

October 27, 2016

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I own a home in Seadrift at Stinson Beach. I am writing to ask that you please vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications and that you instead vote YES on Marin County's LUPA and IPA as submitted by the County.

In Seadrift, my home is protected from seaborne storm impacts by the Seadrift seawall, which has been in place for more than *twenty years*. Our right to it as homeowners is guaranteed by a court order that the County and your Commission entered into years ago. Our seawall protects us from high tide and storm surge flooding, as well as from any future overflow of the entire Seadrift neighborhood that could be a potential hazard as sea levels rise. Those are the same hazards that your staff has said that they want to protect us from. Yet they insist on repeatedly removing language Marin County has developed in consultation with my community to ensure resident safety, baffling, exposing my house to more risk from flooding and other hazards.

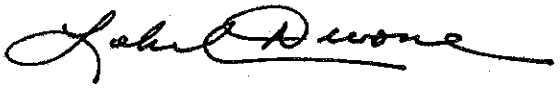
It is a right granted to me by the Coastal Act to have my house protected by a seawall, and one also guaranteed by the court order. Yet your staff has - for a third time in three years - attempted to insert language that removes this protection from my home. In their proposed Section 22.64.090, *Environmental Hazards*, subsection B.5 "Shoreline Development", they would require any development on my home or property to be done "without reliance on shoreline protective devices." Furthermore they would require me to site any work on my home or property such that "existing shoreline protective devices (e.g. the Seadrift Seawall) shall not be incorporated into analysis". This language is entirely inconsistent with the binding agreement entered into by your *own* Commission, yet this is appears to be an attempt by staff to sneak this language into the Environmental Hazards section. Without the protection of the seawall, there would be no way to show in any analysis that over the next 100 years I would not be subject to wave impact, flooding, or storm hazards. My lot is flat, and there is no place to site it that would make it safe without a seawall from "any potential hazards". Were this proposed policy to remain, I would effectively lose my ability to redevelop or resell my property, or to safeguard my home.

Even worse, in 22.64.090.B.6, "Applicant's Assumption of Risk", your staff has blatantly attempted to *illegally* strip away my rights to protection under the Coastal Act and the court settlement. A section that the County wrote simply to ensure that any property owner understand and record an agreement with the County that they are assuming risks of construction in a hazard zone has been hijacked by your staff. The County's language has been completely rewritten to instead read that I have to agree to "prohibit and waive any rights that may exist for new and/or augmented shoreline protective devices". I wouldn't even be able to add a deck to my property, or fix its foundation, without giving up my existing rights to protection. And if the seawall ever had to be fixed after storm damage, I end up with my home and my own safety endangered.

Your Commission already agreed under the Court order not to seek to remove homeowner rights to the protection of the seawall in Seadrift. Even worse, your staff again recently lost a court decision, this time in *Capistrano vs CCC*, where the judge ruled that your staff had severely overreached in attempting to force homeowners to waive their rights to seawall protection; he was very specific that a potential "future threat" of needing to build or augment a seawall cannot be used to justify forcing a homeowner to waive their rights to protection. It is clear that you are under a binding court order with respect to Seadrift homeowners.

My understanding was that the Coastal Act is supposed to protect the health and safety of residents along the coast. Why your staff seems so ideologically opposed to seawalls that they would seek to remove my protections, diminish my health and safety, and force me to waive my rights is beyond my comprehension. But they are clearly, as the judge noted, "overreaching" and out of control. Please reject their changes to the Marin LCP, and restore the balanced and thoughtful version submitted by the County.

Sincerely yours,



Lokelani Devone
55 Dipsea Road
Stinson Beach, CA 94970

W10a

Fiala, Shannon@Coastal

From: George Clyde <gclyde11@gmail.com>
Sent: Thursday, October 27, 2016 6:59 AM
To: CoastalMarinLCP
Cc: 'Lori Kyle'; Fiala, Shannon@Coastal
Subject: CCC Meeting November 2, 2016 - Agenda Item 10a, Marin County LCP Amendment, No. LCP-2-MAR-15-0029-1
Attachments: ESPG letter to CCC for 11-2-16 meeting.pdf

To the members of the California Coastal Commission:

RE: CCC Meeting November 2, 2016
Comments Re: Agenda Item 10a, Marin County LCP Amendment, No. LCP-2-MAR-15-0029-1 (Marin LCP Update)

ATTN: Shannon Fiala, North Central Coast District Planner

Ladies/Gentlemen:

Attached is a comment letter on the above referenced matter from the East Shore Planning Group. Please distribute it to the Commissioners and include it as part of the record for the November 2, 2016, meeting of the Commission.

Kindly acknowledge receipt.

Thank you,

George Clyde, Secretary, ESPG

CC: Lori Kyle, President, ESPG

W10a

Fiala, Shannon@Coastal

From:	George Clyde <gclyde11@gmail.com>
Sent:	Thursday, October 27, 2016 6:59 AM
To:	CoastalMarinLCP
Cc:	'Lori Kyle'; Fiala, Shannon@Coastal
Subject:	CCC Meeting November 2, 2016 - Agenda Item 10a, Marin County LCP Amendment, No. LCP-2-MAR-15-0029-1
Attachments:	ESPG letter to CCC for 11-2-16 meeting.pdf

To the members of the California Coastal Commission:

RE: CCC Meeting November 2, 2016
Comments Re: Agenda Item 10a, Marin County LCP Amendment, No. LCP-2-MAR-15-0029-1 (Marin LCP Update)

ATTN: Shannon Fiala, North Central Coast District Planner

Ladies/Gentlemen:

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Kindly acknowledge receipt.

Thank you,

George Clyde, Secretary, ESPG

CC: Lori Kyle, President, ESPG

W10a
LCP-2-MAR-15-0029-1
Richard James

October 27, 2016

Jack Ainsworth, Acting Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105
Via Electronic Mail: *MarinLCP@coastal.ca.gov*

Re: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Environmental Hazards:

- I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications.
- The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that the Amendment set a strong precedent for other regions.
- The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, and community character, while balancing the rights and needs of property owners.

CEQA Requirements:

- I understand that the Coastal Commission staff's October 21, 2016 suggested modifications meet the California Environmental Quality Act (CEQA) requirement by a California state agency.
- If any non-administrative policy modifications by Coastal Commission staff are not adopted, or are amended, by the Coastal Commissioners on November 2nd, will the LCP meet CEQA requirements?

Biological and Water Resources:

- I urge the Commission to include specific, enforceable environmental standards to protect hiological and water resources. Enforceable standards are necessary to ensure long-term ESHA protections and habitat viability.

- For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Agriculture:

- I support the Coastal Commission staff's definition of "ongoing agriculture", included in the October 21, 2016 modification and originally presented to the Coastal Commission in 2015. This definition is a reasonable and balanced way of protecting our farmers and agricultural lands in the face of growing economic and climate challenges.

- It is important to have a streamlined and balanced approach to the definition of ongoing agriculture that protects coastal resources and allows agricultural operators the continued flexibility to manage their land as markets and other factors change.

Public Participation:

- I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review.

- The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.

- The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum public participation by requiring individuals and organizations to "pay to be heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Community Character:

- I am concerned by the new community core zoning requirements.
- West Marin's coastal village character is threatened by the new Coastal Visitor Commercial Residential Zoning (C-VCR), which would make commercial use the principally permitted use in the entire district. We need to expand residential opportunities, not the commercial use of our hometowns.

Thank you for your consideration of these comments.

Respectfully,

Richard James
Inverness, CA

W10a

CoastalMarinLCP

From: Larry Litvak <llitvak@aol.com>
Sent: Thursday, October 27, 2016 3:00 PM
To: CoastalMarinLCP
Subject: Comments: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a

W10a LCP-2-MAR-15-0029-1 October 25, 2016

Jack Ainsworth, Acting Executive Director California Coastal Commission
45 Fremont Street, Suite 2000 San Francisco, CA 94105
Via Electronic Mail

Re: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Environmental Hazards: • I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications. • The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that the Amendment set a strong precedent for other regions. • The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, and community character, while balancing the rights and needs of property owners.

CEQA Requirements: • I understand that the Coastal Commission staff's October 21, 2016 suggested modifications meet the California Environmental Quality Act (CEQA) requirement by a California state agency. • If any non-administrative policy modifications by Coastal Commission staff are not adopted, or are amended, by the Coastal Commissioners on November 2nd, will the LCP meet CEQA requirements?

Biological and Water Resources: • I urge the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term ESHA protections and habitat viability. • For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Agriculture: • I support the Coastal Commission staff's definition of "ongoing agriculture", included in the October 21, 2016 modification and originally presented to the Coastal Commission in 2015. This definition is a reasonable and balanced way of protecting our farmers and agricultural lands in the face of growing economic and climate challenges. • It is important to have a streamlined and balanced approach to the definition of ongoing agriculture that protects coastal resources and allows agricultural operators the continued flexibility to manage their land as markets and other factors change.

Public Participation: • I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review. • The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee. • The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum public participation by requiring individuals and organizations to "pay to be heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Community Character: • I am concerned by the new community core zoning requirements. • West Marin's coastal village character is threatened by the new Coastal Visitor Commercial Residential Zoning (C-VCR), which would make commercial use the principally permitted use in the entire district. We need to expand residential opportunities, not the commercial use of our hometowns.

Thank you for your consideration of these comments.

Respectfully,

Lawrence Litvak
14 Midhill Drive
Mill Valley, California 94941
llitvak@aol.com
415-595-0030 (c)
www.linkedin.com/in/larrylitvak

W10a

CoastalMarinLCP

From: Joanna Nasar <joannaTIRN@gmail.com>
Sent: Thursday, October 27, 2016 12:51 PM
To: CoastalMarinLCP
Subject: Protect Marin's Coast

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Environmental Hazards:

- I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications.
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Biological and Water Resources:

- I urge the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term Environmentally Sensitive Habitat Areas (ESHA) protections and habitat viability.
- For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Public Participation:

- I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review.
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heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Thank you for your consideration of these comments.

Respectfully,

Joanna Nasar
470 Liberty St
San Francisco, CA 94115

W10a

CoastalMarinLCP

From: Sarah Millus <sarah@tirn.net>
Sent: Thursday, October 27, 2016 2:07 PM
To: CoastalMarinLCP
Subject: Protect Marin's Coast

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Environmental Hazards:

- I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications.
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Thank you for your consideration of these comments.

Respectfully,

Sarah Millus
po box 370
forest knolls, CA 94933

W10a

CoastalMarinLCP

From: Peter Fugazzotto <peter@tirn.net>
Sent: Thursday, October 27, 2016 2:07 PM
To: CoastalMarinLCP
Subject: Protect Marin's Coast

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heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Thank you for your consideration of these comments.

Respectfully,

Peter Fugazzotto
18 Azalea Avenue
Fairfax, CA 94930

W10a

CoastalMarinLCP

From: Emily Persico <emily@tirn.net>
Sent: Thursday, October 27, 2016 2:20 PM
To: CoastalMarinLCP
Subject: Protect Marin's Coast

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Environmental Hazards:

- I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications.
- The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that the Amendment set a strong precedent for other regions.
- The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, and community character, while balancing the rights and needs of property owners.

CEQA Requirements:

- I understand that the Coastal Commission staff's October 21, 2016 suggested modifications meet the California Environmental Quality Act (CEQA) requirement by a California state agency.
- If any non-administrative policy modifications by Coastal Commission staff are not adopted, or are amended, by the Coastal Commissioners on November 2nd, will the LCP meet CEQA requirements?

Biological and Water Resources:

- I urge the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term Environmentally Sensitive Habitat Areas (ESHA) protections and habitat viability.
- For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Public Participation:

- I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review.
- The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.
- The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum public participation by requiring individuals and organizations to "pay to be

heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Thank you for your consideration of these comments.

Respectfully,

Emily Persico
7410 Sir Francis Drake Blvd
Lagunitas, CA 94938

W10a

From: meg simonds
To: CoastalMarinLCP
Subject: Comments: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a
Date: Thursday, October 27, 2016 5:37:32 PM

W10a
LCP-2-MAR-15-0029-1

October 26, 2016

Jack Ainsworth, Acting Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105
Via Electronic Mail

Re: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Environmental Hazards:

- I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications.

- The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that comprehensive sea-level rise policies are included in the LCP as there are cumulative impacts on entire coastal regions that should not be addressed by individual permitting processes.

- The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, community character and balancing the rights and needs of property owners.

Biological and Water Resources:

- I urge the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term ESHA protections and habitat viability.

- For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Agriculture:

- I support the Coastal Commission staff's definition of "ongoing agriculture", included in the October 21, 2016 modification and originally presented to the Coastal Commission in 2015. This definition is a reasonable and balanced way of protecting our farmers and agricultural lands in the face of growing economic and climate challenges.

- It is important to have a streamlined and balanced approach to the definition of ongoing agriculture that protects coastal resources and allows agricultural operators the continued flexibility to manage their land as markets and other factors change.

Public Participation:

- I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review.

- The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.

- The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum public participation by requiring individuals and organizations to "pay to be heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Community Character:

- I am concerned by the new community core zoning requirements.

- West Marin's coastal village character is threatened by the new Coastal Visitor Commercial Residential Zoning (C-VCR), which would make commercial use the principally permitted use in the entire district. We need to expand residential opportunities, not the commercial use of our hometowns.

Thank you for your consideration of these comments.

Respectfully,
Meg Simonds
POB 249
Bolinas, CA

From: Chris Lish
To: CoastalMarinLCP
Subject: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a
Date: Thursday, October 27, 2016 8:01:50 PM

Thursday, October 27, 2016

Jack Ainsworth, Acting Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Subject: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that the Amendment set a strong precedent for other regions. I therefore urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications. The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, and community character, while balancing the rights and needs of property owners.

I understand that the Coastal Commission staff's October 21, 2016 suggested modifications meet the California Environmental Quality Act (CEQA) requirement by a California state agency. Please keep in mind that if any non-administrative policy modifications by Coastal Commission staff are not adopted, or are amended, by the Coastal Commissioners on November 2, the LCP still needs to meet CEQA requirements.

For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands. I therefore urge the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term ESHA protections and habitat viability.

It is important to have a streamlined and balanced approach to the definition of "ongoing agriculture" that protects coastal resources and allows agricultural operators the continued flexibility to manage their land as markets and other factors change. I support the Coastal Commission staff's definition of "ongoing agriculture", included in

the October 21, 2016 modification and originally presented to the Coastal Commission in 2015. This definition is a reasonable and balanced way of protecting our farmers and agricultural lands in the face of growing economic and climate challenges.

I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review. The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.

The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum public participation by requiring individuals and organizations to "pay to be heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

I am also concerned by the new community core zoning requirements. West Marin's coastal village character is threatened by the new Coastal Visitor Commercial Residential Zoning (C-VCR), which would make commercial use the principally permitted use in the entire district. We need to expand residential opportunities, not the commercial use of our hometowns.

Thank you for your consideration of these comments.

Sincerely,
Christopher Lish
San Rafael, CA

W10a

From: melvyn wright
To: CoastalMarinLCP; Mel Wright
Subject: agenda item W10a
Date: Thursday, October 27, 2016 7:46:47 PM

Dear Planner Shannon Fiala,

I urge the California Coastal Commission not to adopt these changes to the Marin coastal plan.
As residents on Tomales Bay, these changes would make it impossible for us to maintain our
homes, and lead to the destruction of our wonderful community. It is deplorable that the
Coastal Commission staff have rejected the feedback from community groups and are more of
a threat to our community than global warming .

Sincerely,

Melvyn Wright

W10a

From: Tim Corriero
To: CoastalMarinLCP
Subject: Agenda Item w10a
Date: Thursday, October 27, 2016 7:36:39 PM

I own a home in Stinson beach which I want to raise and have a new foundation done to abate risks of flooding.

The California coastal commission would have this reasonable and necessary act be treated as a new development. This makes NO SENSE at all!

Please do NOT accept the proposed changes to the LCP!

This is government overreach and NOT in our interest!!

Tim Corriero
6 Calle del Pradero, Stinson Beach
415 990 1133

Sent from my iPad

W10a

From: Daniel Dietrich
To: CoastalMarinLCP
Subject: LCP
Date: Thursday, October 27, 2016 9:53:14 PM

W10a
LCP-2-MAR-15-0029-1

Jack Ainsworth, Acting Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105
Via Electronic Mail

Re: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Environmental Hazards:

• I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications.

• The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that comprehensive sea-level rise policies are included in the LCP as there are cumulative impacts on entire coastal regions that should not be addressed by individual permitting processes.

• The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, community character and balancing the rights and needs of property owners.

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• For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

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• I support the Coastal Commission staff's definition of "ongoing agriculture", included in the

October 21, 2016 modification and originally presented to the Coastal Commission in 2015. This definition is a reasonable and balanced way of protecting our farmers and agricultural lands in the face of growing economic and climate challenges.

• It is important to have a streamlined and balanced approach to the definition of ongoing agriculture that protects coastal resources and allows agricultural operators the continued flexibility to manage their land as markets and other factors change.

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• West Marin's coastal village character is threatened by the new Coastal Visitor Commercial Residential Zoning (C-VCR), which would make commercial use the principally permitted use in the entire district. We need to expand residential opportunities, not the commercial use of our hometowns.

Thank you for your consideration of these comments.

Respectfully,
Daniel Dietrich
Inverness, CA

W10a

From: David Bernstein
To: CoastalMarinLCP
Subject: Marin County LCP
Date: Thursday, October 27, 2016 9:32:59 PM

Item No: W10a

Marin County LCP Amendment No. LCP-2-MAR-15-0029-1

OPPOSED

Commissioners of the California Coastal Commission

c/o Shannon Fiala, Planner

45 Fremont Street, Suite 2000

San Francisco, CA 94105

Dear Commissioners,

My wife and I recently built an environmentally friendly home with a high green-point rating in West Marin. We are full-time residents in Stinson Beach. As a committed environmentalist, who served as a committee chair on the Sierra Club's National Outings Committee, I certainly appreciate the California Coastal Commission's commitment to protecting California's magnificent coast and ocean.

We have followed the development of Marin County's Local Coastal Plan (LCP) with great interest from both a community and a personal perspective and are writing to you to request that when you vote on Marin County's LCP, that you replace the CCC staff's proposed changes to the Environmental Hazards section with Marin County's original version.

As you know, the Marin County LCP was developed over more than eight years in a collaborative process involving the county, CCC staff, and community participation in various

forms including at least a dozen public meetings. The result is largely a balanced LCP based on constructive engagement between your staff, Marin County, and the public.

The CCC staff's final submission, for the most part, recommended relatively few edits. Unfortunately, this was not the case with the Environmental Hazards section. They have included many pages of changes to this section previously submitted in 2014 and again in 2015, and rejected by Marin County because of the enormous damage they would do to coastal communities. The collaborative process that produced the Marin County version of the LCP contained an Environmental Hazards section that was balanced, and considered public access, view rights, and the health and safety of our neighborhoods. All of our hard work was simply ignored in the final revisions your staff submitted. The Environmental Hazards section that Marin County citizens and their government representatives produced has been entirely struck out and replaced wholesale by the CCC staff's submissions once again.

The arbitrary and capricious handling of the changes to the Environmental Hazards section by the CCC staff resembles the sort of unfair treatment both my wife and I experienced on a personal level during the permitting and planning stages for our present home. During the course of the CCC review process, the issue of possible impact of sea-level rise on our proposed home became more and more prominent. Initially the CCC staff requested information regarding "how the project will address potential sea-level rise impacts to the [our] lagoon deck" despite the fact that the CCC staff had surely been aware that the small man-made lagoon near our home has inlet and outlet flap gates that control the water level. Later the CCC staff requested that we provide a Wave Run-Up study for this lagoon to which Ron Noble, a coastal engineer with a distinguished record and experience in our area, responded as follows:

> I didn't really need the example [of] wave run-up studies since we've specialized in the coastal engineering field for the past 45 plus years and have done thousands of coastal engineering studies of all types including many for the California Coastal Commission. My question was why are we doing a sea level rise, storm surge study, etc. for this small controlled lagoon, which is only connected to Bolinas Lagoon and subsequently the ocean through controlled inlet and outlet pipes with gates. Presently, there is no tidal impact or exposure to the ocean for this lagoon.

Looking back on this and other correspondence it is obvious that the CCC staff was struggling to find a way to address sea-level rise in our area, as it should, but that we were unfairly its "guinea pigs." The Wave Run-up Study cost us $11,361 (not to mention the thousands of dollars we had to spend on rent because of the extra time it took us complete the CCC application process).

Now the sakes are much higher. If the changes to the Environmental Hazards section of the LCP the CCC staff proposes pass, the impact on my property and my town would be substantial. Please, resolve this situation by restoring the originally submitted, thoroughly vetted Environmental Hazards section.

Sincerely.

David Bernstein

257 Seadrift Road

Stinson Beach, CA 94970

W10a

Kenneth Frankel, Ph. D.
1537-C Fourth Street
San Rafael, CA 94901
Telephone: (415) 453-3161

RECEIVED
OCT 27 2016
CALIFORNIA
COASTAL COMMISSION

October 24, 2016

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I am a property owner in the Seadrift subdivision of Stinson Beach. I am writing to ask that you vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

My understanding is that your staff has made a huge number of changes to the Environmental Hazards section of the Marin County coastal plan that had been worked out over many months by the County, and done this without the County's approval. I was told that these changes were submitted to the County, who rejected them in favor of the language the County had worked out in conjunction with the residents of the County.

I have tried to read through all the changes proposed by your staff. They are extremely complex, but the gist seems to be that there is an attempt to make all future repairs and new construction in Stinson Beach eventually cease. I think this would be a terrible shame. Stinson Beach is a lovely community that is shared by all different kinds of people, and if a benefit to California. The beach in front of Seadrift is a treasure for everyone. Because there is limited parking for it, it is much less populated than the public section, and people from all over the Marin County come there regularly to enjoy the peace and quiet and walk their dogs. It is a benefit to California to have different types of areas that people can enjoy. If your staff has its way, this lovely area would eventually turn into one giant crowded public beach, which would be a shame for everyone.

I hope you will stop this attempted change by the staff, and accept the coastal plan proposed by Marin County.

Yours Truly,

Ken Frankel

October 25, 2016

RECEIVED
OCT 27 2016
CALIFORNIA
COASTAL COMMISSION

W10a

Dear Commissioners,

I am a property owner in West Marin. I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revisions were simply ignored in what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

Maureen
October 25, 2016

If the changes your staff proposes pass, the impact on my property and my taxes would be terrible. I would be unable to protect my home from rising seas and floods, I would be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions. That this has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission. Please act to stop this action.

Yours,

Susan Maureen Bruce C. Maureen

OPPOSED

272 Sandispt Road
Milford Beach, CT

W10a

RECEIVED
OCT 27 2016
CALIFORNIA
COASTAL COMMISSION

P O Box 369
Ross CA 94957
Oct. 25, 2016

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont St. Suite 2000
San Francisco CA 94105

re: Item # W10A
Marin County LCP Amendment LCP-2-Mar-15-0039-1
Janice D. Bary, MD
OPPOSED

Dear Commissioners,

Please vote YES on Marin County's LUPA + IPA as admitted, and vote NO on the motions submitted by your staff to approve the LUPA + IPA with their modifications.

Those changes made to Marin's LUPA + IPA would destroy our coastal communities. We and the county have together produced a Local coastal program for Marin, over severed years. That work was simply ignored and the same radical, illegal, destructive submissions by your staff were once again inserted.

You are the stewards of the California coast. Your obligation is to treat coastal communities fairly and to continue to perform your duties honorably.

Sincerely,
Janice D Bary, M.D.

W10a

October 27, 2016

Jack Ainsworth, Acting Exec. Dir.
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105
Via Email: Shannon.Fiala@coastal.ca.gov

Dear Coastal Commission staff and Commissioners:

Thank you for the opportunity to provide comments on the staff report for Marin County's LCP Amendment. The California Coastal Protection Network (CCPN) is the only statewide strategic advocacy organization in California dedicated to upholding and strengthening the Coastal Act. We greatly appreciate the substantial effort of the Commission staff toward bringing Marin County's LCP submittal into compliance with the Coastal Act.

However, even as modified, the Marin LCP Amendment does not comply with the Coastal Act as explained below. Therefore, we respectfully request that Commission staff further modify the Marin LCP Amendment to address these important issues that otherwise would render a certified LCP non-compliant with the Coastal Act.

PROTECT AGRICULTURAL PRODUCTION

According to the staff report, "nearly two-thirds of the County's coastal zone is zoned for agricultural production."[1] We understand and appreciate the desire for flexibility and diversification by agricultural operators in the coastal zone, and know that "value added" products will help operators. We also want to see the continued significant growth in Marin's agricultural economy – 20% growth in 2014 with sales totally $100 million at the height of the drought, and 10% growth in 2015 with sales totally $110 million.[2] However, development must still be required to make a showing that it is "necessary for" agricultural production.

1. Uphold original Commission determination that new development on C-APZ lands must demonstrate it is "necessary for" agricultural production.

The LCP Amendment programmatically deems all new farmhouses, first intergenerational houses, retail sales facilities, commercial processing facilities, and farmworker housing as "necessary for" agricultural viability without findings to support that conclusion. Neither the

[1] Marin County Local Coastal Program Amendment, LCP-2-MAR-15-0029-1, pg. 6.
[2] *See* http://www.marincounty.org/depts/ag/crop-reports

County nor the Commission staff propose that as substantial amounts of new development go forward on agricultural production zoned (C-APZ) lands findings are required to show the development is "necessary for" continued ag production and meets Coastal Act standards in sections 30241, 30242, and 30250(a), which support the preservation of land for agricultural production by strictly limiting conversion of agricultural lands to other uses.

In its August 2015 letter to Marin County, the Coastal Commission staff objected to the County's proposed removal of language in LCP agricultural policies and code language that stated all development and structures proposed for the C-APZ district must be "necessary for" agricultural production because this language is a core Coastal Act tenet:

> The principal permitted use of the C-APZ is agriculture, defined to include agricultural production, and the structures necessary for agricultural production (agricultural accessory structures, agricultural dwelling units, agricultural sales and processing facilities). *In order to classify development other than agricultural production itself as a principally permitted use of agricultural land, development must in fact be necessary to agricultural production.* ... the **notion that all structural development within an agricultural production zoning district must be necessary for agricultural production is a core Coastal Act and land use planning tenet and must be stated as such in the County's agricultural protection policies**. In fact, both the County and MALT have adopted agricultural easement templates that utilize such language, limiting structures to those "reasonably necessary" to the agricultural operation. Therefore, Commission staff suggests that the Commission's previously adopted addition of "and necessary for agricultural production" be retained throughout the LCP's LUP and IP. (Emphasis added).[3]

Yet, with no real explanation of why it completely reversed its position, the Commission's staff report has now deemed necessary for agricultural production on every farm tract a farmhouse, one intergenerational house, commercial processing facility, commercial retail sales facility, and other accessory activities.

The current staff report declares:

> The primary intent of the Commission-certified LUP's agriculture policies is, as stated in Policy C-AG-1: to protect agricultural land, continued agricultural uses, family farming, and the agricultural economy. It seeks to do so by maintaining parcels large enough to sustain agricultural production, preventing conversion to non-agricultural uses, providing for diversity in agricultural development, facilitating multi-generational operation and succession, and prohibiting uses that are incompatible with long-term agricultural production or the rural character of the coastal zone. The protection of both agricultural production and the agricultural economy, including in relation to allowing uses that are incidental to and supportive of agricultural production, are clear objectives for the Commission-certified agriculture policies.

We don't deny the Commission staff's opinion on this, but it doesn't address the fundamental issue that the Commission has reversed its prior determination and now condones authorizing a substantial amount of new development on 2/3 of Marin's coastal zone as patently "necessary for" agricultural production. The fact is, when the LCP Amendment states that all the new Principal Permitted Uses on C-APZ lands are deemed "accessory and incidental to, compatible

[3] California Coastal Commission letter to Marin County, August 21, 2015, pages 3-4.

with, in support of" agricultural production, ***this is not the same thing as ensuring that new development is "necessary for" the continuation of agricultural production.***

We are not suggesting that some, or even much, of this potential development may in fact not be necessary for individual agricultural operators, or that it shouldn't be allowed. The point is, rather, that the Commission's allowance of such a huge amount of potential new development on a programmatic level without any case-by-case determination of its necessity is troubling, if not in violation of the Coastal Act.

At a minimum, there should be a requirement that even Principally Permitted Uses on C-APZ lands show on a case-by-case basis that new, permanent development of structures [accessory or otherwise] on agricultural lands are "necessary for" agricultural production. This doesn't have to be an arduous showing, just a simple nexus between the proposed development and the agricultural operation, but at least require that the findings be made.

2. Delete LUP Policy C-AG-2.b as initially recommended by Commission staff.

In its August 21, 2015 letter to Marin County, the Coastal Commission staff urged deletion of Land Use Plan policy C-AG-2.b. Commission staff recommended that, "all references to a potential subsequent LCP amendment and future policy changes allowing residential uses in addition to farmhouses be removed from any Board-approved LCP." (Emphasis added). The policy proposes to "Evaluate the efficacy of permitting limited non-agricultural residential development within the C-APZ zone as a means of securing permanent affirmative agricultural easements over" the remaining farm tract.

The Coastal Commission's position was based on the recommendations of the Marin County Agricultural Economic Analysis undertaken by Strong Associates in November 2003. The County's report made clear the necessity of keeping land values in balance with agricultural income in order to maintain long-term agricultural viability. Adding a residence or farmhouse often causes land costs to be driven up beyond a current or subsequent farmer's ability to pay for the taxes, insurance and maintenance costs associated with the land. This discourages maintenance and continuation of the agricultural operation. As a result, policy C-AG-2.b conflicts with the County's own 2003 study and all other agricultural production continuation policies in the LCP. And, the policy received hardly any public vetting or input.

C-AG-2.b is a new policy that was sprung on the public at the last minute in August 2015. The County dropped this new policy proposal into the staff report a few weeks before its August 2015 Board of Supervisors hearing to approved the revised Land Use Plan. There was significant public outcry over the policy, overwhelming calling for the policy to be deleted entirely in agreement with the Commission staff's position. ***Including this policy fundamentally undermines and conflicts with all of the agricultural preservation policies that the County and Commission purport to advance.***

Further, the reality is that if this policy is included in a certified LCP, proponents will take that as the Commission's sanctioning of the policy ***regardless*** of the fact that a fully-formed policy would need to be approved as an LCP amendment by the Commission. The County's process on this policy to-date flies in the face of good government and the basic tenets of public participation guaranteed in the Coastal Act. Policy C-AG-2.b is a bad policy for the protection of agricultural production lands as the Commission staff agreed last year, and this policy absolutely should not be included in Marin County's LCP Amendment.

ENSURE ADEQUATE PUBLIC PARTICIPATION

The staff report incorrectly concludes that the procedural structure for public hearings in the LCP Amendment "maximizes" public participation. To the contrary, the public is shut out of nearly all initial permit decisions for coastal development on 2/3 of Marin's coastal zone – all of the C-APZ zoned lands. This is a major, fundamental change to public participation in Marin's coastal zone and appears to be a patent violation of Coastal Act section 30006.

3. Revise IP section 22.70.030.B.4 to require public hearings for all coastal development permits in order to comply with Coastal Act section 30006.

Coastal Act section 30006 states:

> **The Legislature further finds and declares that the public has a right to fully participate in decisions affecting coastal planning, conservation and development**; that achievement of sound coastal conservation and development is dependent upon public understanding and support; and that **the continuing planning and implementation of programs for coastal conservation and development should include the widest opportunity for public participation**. (Emphasis added).

In Marin County's current Certified LCP, much of the allowable development on C-APZ lands under the definition of "agriculture" is classified as a permitted use, a conditional use, or isn't currently allowed. Also under the existing LCP, a farm is entitled to one (1) residential farmhouse but a permit on that receives a public hearing and is appealable to the Coastal Commission. As such, retail sales facilities, commercial processing facilities, a residential farmhouse, and farmworker housing all currently require a public hearing and are appealable to the Coastal Commission.

The proposed LCP Amendment would substantially amend the definition of "agriculture" to reclassify as Principal Permitted Uses on C-APZ lands 1) a farmhouse, 2) the new development right for an intergenerational house, 3) a retail sales facility, 4) a commercial processing facility, and 5) farmworker housing. With these changes, these types of development would almost always be exempt from public appeal to the Coastal Commission, and would rarely have a public hearing as part of the initial coastal permit.

The Commission asserts that public participation is "maximized" because, even though there will be no initial public hearing on 2/3 of CDPs, a member of the public can appeal the Zoning Administrator's decision to the Planning Commission which then will trigger a public hearing. This is hardly comfort. When the same staff that approve a CDP are then charged with writing a staff report to defend their decision after an appeal is filed in preparation for a public hearing, it will feel like the system is rigged against the public.

Roughly four years ago when I was engaged in the Marin County LCP process as the Executive Director of the West Marin Environmental Action Committee, we repeatedly asked the County not to make us have to file an appeal in order to get a public hearing. We wanted to have open, proactive dialogue up front, and not be put in an adversarial position in order to have a public hearing. I still agree with this position, and thus request that the Commission staff make appropriate modifications to the Implementation Plan procedures so that all CDPs, even for PPUs, have an automatic public hearing.

Further, while the newly classified PPUs on agricultural lands require a coastal development permit, they are not appealable to the Coastal Commission. Under 22.70.030.B.4 a public hearing "shall not be required when an application is not appealable to the Coastal Commission." As a result, in practice a public hearing will usually not be required for all of this development – unless someone files an appeal.

To meet the clear mandates of Coastal Act section 30006 guaranteeing the widest opportunity for public participation, the Commission staff should revise IP section 22.70.030.B.4 to require a public hearing on all coastal development permits. Given the significant lack of groundwater resources in the coastal zone, and the substantial amount of new development classified as PPU on agricultural production zone lands, it is particularly important that the public be afforded the opportunity to participate at the earliest possible time in the process.

PROTECT SCENIC RESOURCES

Marin's coastal zone includes Point Reyes National Seashore, innumerable state and federal protected resource areas, and the waters of the Greater Farallones National Marine Sanctuary, collectively described in the Marin County's certified LCP: "Tomales Bay and adjacent lands in the Unit II coastal zone form a scenic panorama of unusal beauty and contrast. The magnificent visual character of the Unit II lands is a major attraction to the many tourists who visit the area, as well as to the people who live there. New development in senstive visual areas, such as along the shoreline of Tomales Bay and on the open rolling grasslands east of the Bay, has the potential for signifcant adverse visual impacts unless very carefully sited and designed." While this poetic description is not included in the LCP Amendment, the importance of protecting the Marin coastal zone's "magnificent visual character" and "scenic panorama of unusual beauty and contrast" remains vital.

4. Delete "significant" in reference to protection of public views and scenic resources throughout IP and LUP to adhere to Coastal Act section 30251.

The introduction to the Community Design chapter of the Land Use Plan Amendment accurately states:

> The Coastal Act mandates that scenic and visual qualities of the coast shall be considered and protected as a resource of public importance. In particular, views to and along the coast shall be protected.

Unfortunately, Land Use Plan Policy C-DES-2 does not carry forward that simple, clear mandate and violates the plain language of the Coastal Act by qualifying the views that are to be protected as "significant" ones.

Coastal Act Section 30251 states:

> The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. <u>Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas</u>, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of

its setting. (Emphasis added).

Policy C-DES-2 states:

> Development shall be sited and designed to protect significant views, including views both to and along the ocean and scenic coastal areas as seen from public viewing areas such as highways, roads, beaches, parks, coastal trails and accessways, vista points, and coastal streams and waters used for recreational purposes. The intent of this policy is the protection of significant public views rather than coastal views from private residential areas. (Emphasis added).

We understand that section 30251 protects public views, and not views from private property, and have never asserted otherwise. However, the inclusion of "significant" in policy DES-2 is a clear limitation on the Coastal Act protections afforded the scenic and visual resources of the Marin coastal zone, which are magnificent and worthy of all the safeguards afforded them under the Coastal Act

The staff report does not adequately address the issue, but rather concludes that, "Policy C-DES-2, as modified, requires development to be sited and designed to protect significant views, and defines significant views to include views both to and along the coast as seen from public viewing areas such as highways, roads, beaches, parks, coastal trails and accessways, vista points, and coastal streams and water used for recreational purposes." This interpretation is inaccurate – there is no "definition" in policy DES-2, the staff report does not include a plain language interpretation of the policy, and nowhere does the staff report address the clear limitation that "significant" places on the public views to be protected.

Policy DES-2 should be amended to remove "significant," and the list of LCP Amendment provisions where the word "significant" should also be removed in this context includes:

22.65.040.C.4.2	**Agricultural Dwelling Unit Impacts and Agriculture Use**
22.32.165.C.7	**Telecommunications Facilities**
22.60.010	**Purpose and Applicability of Coastal Regulations**
22.64.045.4.A	**Property Development and Use Standards**
22.64.060.B.3.b	**Environmental Hazards**
22.64.140.A.19	**Public Facilities and Services – Telecommunications Facilities**

These are our initial four points that we hope you will please take under advisement and then make necessary modifications to the LCP Amendment. We will provide further comments on additional items very soon.

Thank you for your consideration.

Respectfully yours,

Amy Trainer

W10a

CCC Meeting November 2, 2016
Comments Re: Agenda Item 10a
Marin County LCP Amendment
No. LCP-2-MAR-15-0029-1
(Marin LCP Update)

East Shore Planning Group
P. O. Box 827
Marshall, CA 94940
ESPG@eastshoreplanninggroup.org

October 27, 2016

California Coastal Commission
45 Fremont Street Suite 2000
San Francisco CA 94105-2219

By email to MarinLCP@coastal.ca.gov

Dear Chairman Kinsey and members of the California Coastal Commission:

I write on behalf of the East Shore Planning Group. The East Shore Planning Group ("ESPG") is a California not-for-profit corporation formed in 1984 that has a membership of about 90 owners and tenants of residential, commercial and agricultural properties in the unincorporated area of Marin County along the east shore of Tomales Bay, including Marshall. ESPG is the primary local organization involved with issues of development in the area. We have been active in the formulation of the amendments to the Marin County Local Coastal Plan ("LCP") since the process began.

We wish to object to the Staff's proposed changes to the Marin County approved LCP Amendment in three areas: Coastal Hazards, Agriculture (regarding changes in use, changes in intensity of use and grading for agricultural activities), and the provisions regarding existing residential uses in commercial C-VCR areas.

Coastal Hazards

The changes recommended by the Staff of the California Coastal Commission ("CCC") would ensure the loss to sea-level rise of many homes and businesses in our community and the early demise of Highway One along the East Shore of Tomales Bay.

The County has spent countless hours studying the best process for addressing the protection of coastal homes like ours, where there is no possibility of retreat. Reinforcing existing bulkheads and pilings, along with raising the level of the buildings, is the only way in which they can be saved. Indeed, many of the bulkheads and foundations of our homes protect Highway One, which runs immediately behind the homes.

The requirements for repairing, reinforcing and replacing foundations, piers and bulkheads submitted by the County in its approved LCP amendments, while onerous, at least provide an opportunity economically to save the buildings. The modifications that CCC Staff proposes do not. They would require prohibitively expensive permitting for many gradual, partial repairs that pose no threat to the environment, and people seeking a permit would need to anticipate sea-level rise for 100 years into the future.

The County's Community Development Agency has very actively solicited input and information from community members, which has informed the LCP amendment that the Marin County Board of Supervisors approved. The CCC Staff has spent virtually no time inspecting the situation and meeting with the affected communities, and their proposals reflect that.[1] The Staff's proposals are naive and impractical. The Staff's proposed changes should be rejected in favor of the County's amended LCP.

Agriculture: Changes in Use and Changes in Intensity of Agricultural Activities

ESPG and the East Shore Community Plan strongly support agricultural activities in our area, and ranchers and farmers comprise a substantial portion of our membership. Accordingly, we are very much aware of the need for our ranchers and farmers to have flexibility with respect to their typical agricultural practices.

We believe the provisions in the amended LCP approved by the County strike a good balance between protecting the environment by requiring permits for certain activities, and also giving farmers and ranchers reasonable latitude in their response to changing conditions. Technological innovation, climate change and shifts in market dynamics necessitate timely experimentation and adaptation unencumbered by the delays, costs and uncertainties inherent in the coastal permitting process.

The County's approved amendment to the LCP addresses these critical issues in their recommendations regarding Agriculture. We strongly urge the Commission to adopt them without the additional permitting requirements proposed by the CCC Staff.

[1] Section 30006 of the Coastal Act: "The Legislature further finds and declares that the public has a right to fully participate in decisions affecting coastal planning, conservation, and development; that achievement of sound coastal conservation and development is dependent upon public understanding and support; and that the continuing planning and implementation of programs for coastal conservation and development should include the widest opportunity for public participation." The CCC has not offered ESPG any opportunity to engage with CCC Staff on these matters, except by letters like this.

Threat to Residences in Commercial C-VCR Zones

In Tables 5-3-c through 5-3-e of the Implementation Plan[2], there is an unreasonable preference for commercial uses over existing residential uses in the Commercial C-VCR zone, especially in the proposed "commercial core area." In Marshall, in these zones there are a handful of businesses (e.g., Hog Island Oyster Co., the Post Office and The Marshall Store), but also twelve existing private homes, most of which are modest (i.e., affordable) and permanently occupied by local residents. Eight of these are in the proposed "commercial core area," where the regulations seek to require ground-floor, road-facing areas of existing and new residential units to become commercial.

Favoring commercial uses for buildings in the C-VCR zone could have an extremely damaging effect on our community, which is already suffering because of the loss of full-time residents to second homes, vacation rentals and the high cost of properties in the area. These twelve buildings house a substantial portion of the full-time Marshall community that we are trying to preserve.

With this in mind, we object to the Staff recommendations in these tables that would change residential uses from being "Principally Permitted" (as they would be under the Marin County approved amended LCP) to "Permitted". And we object to the Staff proposal that would limit the ability of an existing residence to be "replaced" – which may be required as they are affected by sea-level rise or a need to retreat.

Thank you for considering these comments.

Sincerely,

Lori Kyle

Lori Kyle, President

[2] Exhibit 13 to the Staff Report at Pages 58-63 (pdf pages 2164-2169)

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OCT 28 2016
CALIFORNIA
COASTAL COMMISSION

AGENDA ITEM: W10a
Marin County Local Coastal Program
Amendment Number
LCP-2-MAR-15-0029-1

Ms. Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Victoria Sebastiani
OPPOSED

Dear Ms. Fiala,

I am a property owner in Stinson Beach and I am writing to ask that you please **vote YES on Marin County's LUPA and IPA as submitted**, and **vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.**

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes were previously submitted by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin.

We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, plus our concerns about your staff's revision were simply ignored in what your staff submitted, and the document that members of the public helped to produce has simply been ignored and entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on my property and my town would be catastrophic. I would be unable to protect my home from rising seas and floods, I would be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions.

To be clear, I worked very hard my entire life to be able to afford this property, and without this asset, my future financial security is in extreme jeopardy.

That this situation has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is not only unfair, it is a terrible reflection on your Commission.

Please act and vote to stop this action.

Regards,

Victoria Sebastiani

Victoria Sebastiani
274 Seadrift Rd.
Stinson Beach, CA 94970

cc: Shannon Fiala
Effie Turnbull-Sanders
Mary Luévano
Dayna Bochco
Wendy Mitchell
Mary K. Shallenberger
Mark Vargas
Martha McClure
Steve Kinsey
Carole Groom
Erik Howell
Roberto Uranga
Gregory Cox
Belinda Faustinos
Trent Orr
Olga Diaz
Steve Kram
Randy Pestor
Nidia Garcia-Erceg
Sarah Glade Gurney
Maricela Morales

W10a

Fiala, Shannon@Coastal

From: Johnston, Bob <rajohnston@ucdavis.edu>
Sent: Wednesday, October 26, 2016 9:52 PM
To: Fiala, Shannon@Coastal
Cc: Johnston, Bob
Subject: Comments on Marin LCP Amendments

Jack Ainsworth, Acting Exec. Dir.
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105
Via Email

CEQA Comment Letter on Traffic Safety
for Marin County Local Coastal Program Amendment
No. LCP-1-MAR-15-0029-1, for November 2, 2016 Hearing

Commissioners:

Topic:
I wish to comment briefly on the LUP and IP provisions that make a farmhouse, one intergenerational unit, ag retail sales building, and ag processing plant PPUs and so not appealable to the Commission. The higher rate of development resulting from the simplified permit process will produce more traffic, which will cause a higher number of accidents on Highway 1. My brief analysis follows. Because of these unmitigated impacts, these permits require a higher level of review by the public.

Qualifications:
I am a Professor of Land Use and Transportation Policy at the University of California at Davis. I have published over 100 papers on land use and transportation planning and have been appointed to a National Academy of Sciences panel reviewing metropolitan transporation modeling in the U.S., as well as California advisory groups, and local ones. I have been an expert in NEPA and CEQA lawsuits for over 40 years.

Comments:
Making several agricultural development types PPUs will make it easier to develop these land use activities in the C-APZ zone of Marin County. Based on parcel maps, historical buildout data, and ag production trends, I estimate that there will be an additional 20-40 agricultural residences, up to 30 small ag retail sales buildings, and up to 20 small ag processing plants built over the next 30 years, in excess of what would have occured. This is a large increase in economic activity and the users of these buildings will all access these structures from Highway 1, which in Marin County is already highly congested on weekends and is very winding and has poor sightlines along most of this segment.

These additional land uses will generate an added 2,000-3,000 auto trips per day, on weekends. The access driveways onto Highway 1 will in most or all cases have no right-side acceleration lane or left-turn pocket lane, as this highway is mandated to remain in two lanes and even minor widenings must not affect visual resources. More importantly, safe sight distance for driveways on highways with traffic going about 50 mph (the Southern half of the segment of concern) is 555 feet and for traffic at 40 mph (the Northern half of the segment of Highway 1) is 445 feet (FHWA, Safe Roads for a Safer Future, Briefing Sheet, FHWA-SA-14-080, 2014). About two-thirds of this 8-mile highway segment has smaller sightlines than either of these requirements. Many of the driveways will be unsafe, even if existing farm driveways are used for access to the new land uses.

Adding driveways to a two-lane uncontrolled rural highway increases accidents, for any given traffic volume, roughly in proportion to the percent increase in driveway density (per mile) (FHWA, Prediction of the Expected Safety Performance of Rural Two-Lane Highways, FHWA-RD-99-207, 1999; FHWA, Highway Safety Manual Knowledge Base, Nov. 2009).

Adding trips to a roadway increases the number of accidents roughly in proportion to the traffic volume increase.

Widening the Highway 1 shoulders may not mitigate the increase in accidents, as wider shoulders on two-lane highways have an ambiguous affect on accident rates, as sightlines are improved but speeds increase (FHWA, Roadway Widths for Low-Traffic Volume Roads, FHWA-RD-94-023, 1994).

So, because of the statutory limits to making improvements on Highway 1, this policy will very likely increase total accidents by increasing traffic on it, increasing the density of driveways accessing the Highway, and resulting in a great many unsafe driveways with inadequate sightlines and no slow-down lanes and left-turn pockets.

Recommendations:
Your staff should have evaluated these traffic safety impacts. Mitigating such substantial adverse impacts will require lower limits on the number of permits to be granted, especially for ag retail activities, which are high trip generators. Also, applicants for these land use activities should be required to perform traffic safety analyses that are subject to public hearings, so that the findings can be reviewed by the public and by outside experts.

Thank you,

Robert A. Johnston
USPS: P.O. Box 579
Point Reyes Station,
CA 94956
UPS/FedEx:
20 Drakes Summit Rd.
Inverness, CA 94937
Home: 415 663-8305

PETER A. BARRY, M.D.
P. O. BOX 369
ROSS, CA 94957

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OCT 28 2016
CALIFORNIA
COASTAL COMMISSION

W10a

October 25, 2016

Commissioners California Coastal Commission
C/o Shannon Fiala Planner
45 Fremont Street Suite 2000
San Francisco California 94105

Dear Commissioners:

I own a house in Stinson Beach and am asking you to vote yes on Marin County's LUPA + IPA and no on your staff's recommendations.

Basically staff recommendation would prevent me from protecting and maintaining my property. It would adversely affect my property value and my rights as a property owner and in effect be a taking.

I urge you to respect my rights as a property owner in Stinson Beach and adopt the carefully crafted Marin LUPA + IPA

Thank you

Peter Barry MD.

W10a

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CALIFORNIA
COASTAL COMMISSION

Barbara Boucke

P.O. Box 296 273 Seadrift Road Stinson Beach, CA 94970

Oct 26, 2016
Item # W10a
OPPOSED

To the Commissioners of the California Coastal Commission

Please vote NO on the Commission Staff's motions to modify and change Marin County's LUPA and IPA submittals.

I have been a full-time resident of Stinson Beach for 30+ years. I am active in our town's "community" and have served on the Stinson Beach County Water District Board for over 10 years. I know 1st hand how difficult it is to plan for repairs and replacement of septic systems as well as to plan for an adequate/safe water supply. Maybe we can plan for a 50 year window with 10 year updates but there is no way anyone can plan for the next 100 years, let alone plan for a "managed retreat" when we are surrounded by water and or/federal, state and water District lands.

Our community has worked closely with Marin County staff to produce safe, sensible and fair regulations. Please respect our care & concern for our future and adopt Marin County's proposals.

Thank You,
Barbara Boucke

W10a

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OCT 28 2016
CALIFORNIA
COASTAL COMMISSION

Agenda LCP-2-Mar-15-0029-1
Item W10a

Members of the California Coastal Commission,

Thank you for this opportunity to comment on the current changes to the Marin County Local Coastal Program Amendments.

We have discovered language and modifications to the LCPA which we find contradictory and unacceptable.

Under the heading Built Environment, we have the following comments:

Marin County Coastal Plan maintains its previously certified prohibition on major energy and industrial development in the coastal zone.These regulations Prohibit(CFR,Title 15,922) prohibit harmful activities..."within Sanctuaries to protect the sensitive resources found therein."The sanctuaries are The Gulf of the Farallones,and Monterey Bay National Marine Sanctuaries which border Marin County Coastal Zone. Given the prohibition of such offshore activities at least to the seaward extent of the Sanctuaries there is less likely there would be any proposals for related on-shore facilities in the coastal zone in the foreseeable future.

1. Energy,Pg.89.Paragraph 4,line 7 beginning with "However,it is recognized that certain small scale renewable energy facilities (example:small scale solar and and wind energy conversion) may be necessary for the greater public benefit and thus maybe allowed where appropriate." We have no objection to small scale solar however we agree with Section 22.32.180 LCP Amendment ,WECS, 2015 #3 2016 #5,6,7 that clearly states "WECS are not allowed in the Coastal Zone.

2. We support the renewable energy policies stated in C-EN- 1 through 3, Standards,Public Information and Education and Incentives for Energy Efficiency.

3. Under C-EN-4, Renewable Energy Resource Priority we question the reference in line 6 to "streamlined planning and processing".There are specific regulations relating to "streamlining".This statement needs clarification. We request a definition of "scale" for these solar projects and that the reference to "wind conversion "be deleted.

4. C-EN-4.a , 4.b We have previously submitted to the Planning Commission and the Board of Supervisors the maps of Marin showing the areas of various wind speeds prepared for the California Energy Commission by the wind energy companies. These maps clearly show that economically harvestable wind is not viable in Marin County. All references to wind projects should be deleted.

5. C-EN-5 Line 2 Add "solar" before energy production facilities. Delete the words"to avoid where possible,and minimize where avoidance is not possible"; under CEQA there are no exemptions or exceptions.

6. C-EN-6 Energy and Industrial Development are not exempt from CEQA as put forth in 22.32.180 WECS.

In the August 25,2015, Resubmittal of Local Coastal Program-Land Use Plan Amendments (LUPA) and Implementing Programs (IPA),22.32.180-WIND ENERGY CONVERSION SYSTEMS (WECS) (non-coastal)...concluded with the statement that"Wind Energy Conversion Systems (WECS) are not allowed in the Coastal Zone.

We applaud the exclusion of WECS from Marin's magnificent Coastal Zone,an international destination that hosts over 17 million visitors a year.West Marin Sonoma Coastal Advocates thanks you for your foresight.

Respectfully,
West Marin Sonoma Coastal Advocates
October 25, 2016

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
OPPOSED
NAME: Marius E. Nelsen

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I own a home in Seadrift at Stinson Beach. I am writing to ask that you please vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications and that you instead vote YES on Marin County's LUPA and IPA as submitted by the County.

In Seadrift, my home is protected from seaborne storm impacts by the Seadrift seawall, which has been in place for more than twenty years. Our right to it as homeowners is guaranteed by a court order that the County and your Commission entered into years ago. Our seawall protects us from high tide and storm surge flooding, as well as from any future over wash of the entire Seadrift neighborhood that could be a potential hazard as sea levels rise. These are the same hazards that your staff has said that they want to protect us from. Yet they insist on repeatedly removing language Marin County has developed in consultation with my community to ensure resident safety, bafflingly exposing my house to more risk from flooding and other hazards.

It is a right granted to me by the Coastal Act to have my house protected by a seawall, and one also guaranteed by the court order. Yet your staff has for a third time in three years attempted to insert language that removes this protection from my home. In their proposed Section 22.64.060, Environmental Hazards, subsection B.3 "Shoreline Development", they would require any development on my home or property to be done "without reliance on shoreline protective devices." Furthermore they would require me to site any work on my home or property such that "Existing shoreline protective devices *(e.g. the Seadrift Seawall)* shall not be incorporated into analyses". Our entire community is protected by the seawall. We have a court-mandated right to it. They are clearly attempting to end-run a binding agreement entered into by your own Commission by trying to sneak this language into the Environmental Hazards section; without the protection of the seawall, there would be no way to show in any analysis that over the next 100 years I would not be subject to wave impact, flooding, or storm hazards. My lot is flat, and there is no place to site it that would make it safe without a seawall from "any potential hazards". Were this policy to remain, I would effectively lose my ability to redevelop or resell my property, or to safeguard my home.

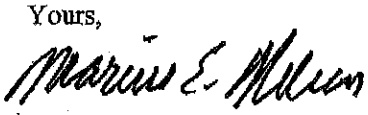
Even worse, in 22.64.060.B.8, "Applicant's Assumption of Risk", your staff has blatantly attempted to *directly* strip away my rights to protection under the Coastal Act and the court settlement. A section that the County wrote simply to ensure that any property owner understand and record an agreement with the County that they are assuming risks of construction in a hazard zone has been hijacked by your staff. The County's language has been completely rewritten to instead read that I have to agree to "prohibit and ***waive any rights that may exist*** for new and/or augmented shoreline protective devices". I wouldn't even be able to add a deck to my property, or fix its foundation, without giving up my existing rights to protection. And if the seawall ever had to be fixed after storm damage, I end up with my home and my own safety endangered.

Your Commission already agreed under the Court order not to seek to remove homeowner rights to the protection of the seawall in Seadrift. Even worse, your staff again recently lost a court decision, this time

in *Capistrano vs CCC*, where the judge ruled that your staff had severely overreached in attempting to force homeowners to waive their rights to seawall protection; he was very specific that a potential "future threat" of needing to build or augment a seawall cannot be used to justify forcing a homeowner to waive their rights to protection. How can you permit your staff, when you have signed a binding court order, and then lost this argument once again in a court of law, to turn around and attempt to sneak the same language into LCP for the entire county of Marin?

My understanding was that the Coastal Act is supposed to protect the health and safety of residents along the coast. Why your staff seems so ideologically opposed to seawalls that they would seek to remove my protections, diminish my health and safety, and force me to waive my rights is beyond my comprehension. But they are clearly, as the judge noted, "overreaching" and out of control. Please reject their changes to the Marin LCP, and restore the balanced and thoughtful version submitted by the County.

Yours,



Marius E. Nelsen
16 Dipsea Road
PO Box 1113
Stinson Beach, CA 94970

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
OPPOSED

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

My wife and I recently built an environmentally friendly home with a high green-point rating in West Marin. We are full-time residents in Stinson Beach. As a committed environmentalist, who served as a committee chair on the Sierra Club's National Outings Committee, I certainly appreciate the California Coastal Commission's commitment to protecting California's magnificent coast and ocean.

We have followed the development of Marin County's Local Coastal Plan (LCP) with great interest from both a community and a personal perspective and are writing to you to request that when you vote on Marin County's LCP, that you replace the CCC staff's proposed changes to the Environmental Hazards section with Marin County's original version.

As you know, the Marin County LCP was developed over more than eight years in a collaborative process involving the county, CCC staff, and community participation in various forms including at least a dozen public meetings. The result is largely a balanced LCP based on constructive engagement between your staff, Marin County, and the public.

The CCC staff's final submission, for the most part, recommended relatively few edits. Unfortunately, this was not the case with the Environmental Hazards section. They have included many pages of changes to this section previously submitted in 2014 and again in 2015, and rejected by Marin County because of the enormous damage they would do to coastal communities. The collaborative process that produced the Marin County version of the LCP contained an Environmental Hazards section that was balanced, and considered public access, view rights, and the health and safety of our neighborhoods. All of our hard work was simply ignored in the final revisions your staff submitted. The Environmental Hazards section that Marin County citizens and their government representatives produced has been entirely struck out and replaced wholesale by the CCC staff's submissions once again.

The arbitrary and capricious handling of the changes to the Environmental Hazards section by the CCC staff resembles the sort of unfair treatment both my wife and I experienced on a personal level during the permitting and planning stages for our present home. During the course of the CCC review process, the issue of possible impact of sea-level rise on our proposed home became more and more prominent. Initially the CCC staff requested information regarding "how the project will address potential sea-level rise impacts to the [our] lagoon deck" despite the fact that the CCC staff had surely been aware that the small man-made lagoon near our home has inlet and outlet flap gates that control the water level. Later the CCC staff

requested that we provide a Wave Run-Up study for this lagoon to which Ron Noble, a coastal engineer with a distinguished record and experience in our area, responded as follows:

> I didn't really need the example [of] wave run-up studies since we've specialized in the coastal engineering field for the past 45 plus years and have done thousands of coastal engineering studies of all types including many for the California Coastal Commission. My question was why are we doing a sea level rise, storm surge study, etc. for this small controlled lagoon, which is only connected to Bolinas Lagoon and subsequently the ocean through controlled inlet and outlet pipes with gates. Presently, there is no tidal impact or exposure to the ocean for this lagoon.

Looking back on this and other correspondence it is obvious that the CCC staff was struggling to find a way to address sea-level rise in our area, as it should, but that we were unfairly its "guinea pigs." The Wave Run-up Study cost us $11,361 (not to mention the thousands of dollars we had to spend on rent because of the extra time it took us complete the CCC application process).

Now the sakes are much higher. If the changes to the Environmental Hazards section of the LCP the CCC staff proposes pass, the impact on my property and my town would be substantial. Please, resolve this situation by restoring the originally submitted, thoroughly vetted Environmental Hazards section.

Sincerely,

David Bernstein

David Bernstein
257 Seadrift Road
Stinson Beach, CA 94970

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
OPPOSED
NAME:_Susan J. Nelsen

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I own a home in Stinson Beach. I am writing to ask that you please vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications and that you instead vote YES on Marin County's LUPA and IPA as submitted by the County.

Marin County staff worked hard with us to understand the community character of Stinson Beach, as well as its topography. In consultation with local stakeholders they developed a very workable set of regulations for development in flood zones which anticipates future sea level rise, keeps us safe, keeps us in our homes, and preserves neighborhoods that already do and would continue to fully respect public beach access and public view corridors. Marin County's approach was a sensible one which dovetailed LCP mandates with FEMA mandates – these had in the past frequently been in conflict, forcing either expensive variance processes or dangerous off-permit work – and added sufficient extra consideration of rising future sea levels such that our homes would be flood-protected under the most probable forecasts provided by current best available science for the next 50 to 100 years. And to balance current homeowner rights with unknown future changes to hazard forecasts, they provided for regularly scheduled updates to the LCP to account for the best available new science. This was a sensible, balanced plan to address sea level rise hazards in my community, and it was applauded by the Village Association, Seadrift Association, the Water District and other local community organizations.

Your staff then took this carefully crafted language, threw it out the window, and replaced it with the same old twice-rejected language they've attempted to force on Marin County, based on a "100 year maximum sea level rise" standard and an ideologically-driven policy of preferring "managed retreat" – having us move or remove our homes. These weren't merely minor edits. Three entire sections of the regulations, including the entire FEMA Flood Zones section, the Sea Level Rise section, and the Best Available Science section, were struck out. Not a word of Marin County's language was left. Not surprisingly, since they never deigned to consult with the public to learn how to create practicable regulations for the locale, what your staff replaced these sections with were the same old policies that have repeatedly been shown in the past two years to be scientifically and topographically inappropriate for our coastal community.

Scientifically, they have insisted on picking an arbitrary point in what best available science, based on the same studies repeatedly cited by your own staff, forecasts as an ***equal-probability*** chance of 100 year sea level rise: Anywhere from 18" to 6'6" along our coast. In other words, it is ***not*** the case that scientists are saying 'sea levels may rise only 18" over the next 100 years, but it is much more likely that they will rise 6'6" so let's prepare for that' – according to the science, it is ***as likely*** to be 18" as it is to be 78". And yet your staff decided, with no justification given, to force on Marin the most extreme end of that range. Let's do the math – assuming any given inch-level of rise is equally probably between 18" and 6'6" 100 years from now, then there is a 1/61 likelihood your staff is correct. It's not arbitrary and capricious to forestall a property owner from developing or maintaining their home on 1/61 odds, 100 years from now?

Having done the math, let's compare that to widely accepted standards already in force statewide and nationwide for acceptable risk management. FEMA establishes a 1% per year likelihood of flooding as a reasonable point at which to require extra burdens or denial of permitting to homeowners. Similarly, Alquist Priolo earthquake zones are evaluated on a 1% per year likelihood of risk. Such standards, evaluated over a 100 year home lifespan (were any such home actually built to last that long without remodeling), equate to a 1-(0.99)^100 risk; doing this last bit of math, the risk level to a home expected to last 100 years for which they require special construction standards, permits and hazard mitigation is a little over 63%. Your staff is instead asking to impose a 1.6% threshhold, ***40 times the accepted state and national hazard risk threshold***. And this for a risk that is effectively 0% likely for the next 10, 20, 30 or even 50 years - whereas FEMA flood and earthquake risks could happen any given year within the near or medium term. So your staff is also asking homeowners to incur these burdens, or even give up their homes, on a longshot more than 40x as unlikely as an earthquake and that won't in fact occur in the lifetime of the homeowner.

Wouldn't it be much more sensible to adopt a non-arbitrary risk policy, then revisit it every 10 years?

Topographically, your staff insists on policies completely inappropriate to a shoreline community such as Stinson Beach, one that is characterized by essentially flat lots with no "upland" area on which to build, and backed by miles of unbuildable state and national parkland. They would probably have known this had they asked us. And yet they insist on repeatedly pasting back in their rejected concept that "shoreline development shall be set back a sufficient distance, and/or sited on an elevated portion of the site, and/or designed to reduce the size of the structure or footprint… in such a way as to avoid flooding." The further my home is set back from the shoreline, the lower it would be. There is no substantially elevated portion of any lot west of Highway One in Stinson Beach (or along Wharf Road in Bolinas, or along the Tomales Bay coastline in Marshall and Inverness, etc). And exactly why asking me to shrink my house would make me safer from flooding logically escapes me. But it is fairly clear why this boilerplate your staff keeps attempting to reintroduce to "fix" our shoreline communities fails; it's because it clearly was cut-and-pasted from a section on Blufftop Development, which is for a completely topology where setbacks actually are a sensible approach. We know this because we have copies of your staff's last-minute, midnight edits to the 2014 document where it is clear where one section was pasted and renamed to create this new "Shoreline Development" section. We assume they attempted this end-run, trying to extend a Blufftop regulation to Shorelines, because the Coastal Act only grants the power to regulate erosion along blufftops and cliffs; nowhere in the Coastal Act does Shoreline Development appear as a regulatory concept. Practices like this, sloppily creating regulations not even researched for the communities in question in the hope that no one notices, are simply bad government.

Your staff has taken carefully considered, researched and publicly discussed regulations and replaced them with cut-n-paste boilerplate that shows no respect for the science, character, or frankly for the citizens of my community. We are not willing to be "managed" into "retreat" in Stinson Beach. Your staff's egregious actions need to be reined in; Marin County's regulations need to be adopted instead.

Yours,

Susan J. Nelsen

Susan J. Nelsen
16 Dipsea Road
PO Box 601
Stinson Beach, CA 94970

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
OPPOSED
NAME:_Marius E. Nelsen

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I own a home in Stinson Beach. I am writing to ask that you please vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications and that you instead vote YES on Marin County's LUPA and IPA as submitted by the County.

Marin County staff worked hard with us to understand the community character of Stinson Beach, as well as its topography. In consultation with local stakeholders they developed a very workable set of regulations for development in flood zones which anticipates future sea level rise, keeps us safe, keeps us in our homes, and preserves neighborhoods that already do and would continue to fully respect public beach access and public view corridors. Marin County's approach was a sensible one which dovetailed LCP mandates with FEMA mandates – these had in the past frequently been in conflict, forcing either expensive variance processes or dangerous off-permit work – and added sufficient extra consideration of rising future sea levels such that our homes would be flood-protected under the most probable forecasts provided by current best available science for the next 50 to 100 years. And to balance current homeowner rights with unknown future changes to hazard forecasts, they provided for regularly scheduled updates to the LCP to account for the best available new science. This was a sensible, balanced plan to address sea level rise hazards in my community, and it was applauded by the Village Association, Seadrift Association, the Water District and other local community organizations.

Your staff then took this carefully crafted language, threw it out the window, and replaced it with the same old twice-rejected language they've attempted to force on Marin County, based on a "100 year maximum sea level rise" standard and an ideologically-driven policy of preferring "managed retreat" – having us move or remove our homes. These weren't merely minor edits. Three entire sections of the regulations, including the entire FEMA Flood Zones section, the Sea Level Rise section, and the Best Available Science section, were struck out. Not a word of Marin County's language was left. Not surprisingly, since they never deigned to consult with the public to learn how to create practicable regulations for the locale, what your staff replaced these sections with were the same old policies that have repeatedly been shown in the past two years to be scientifically and topographically inappropriate for our coastal community.

Scientifically, they have insisted on picking an arbitrary point in what best available science, based on the same studies repeatedly cited by your own staff, forecasts as an ***equal-probability*** chance of 100 year sea level rise: Anywhere from 18" to 6'6" along our coast. In other words, it is ***not*** the case that scientists are saying 'sea levels may rise only 18" over the next 100 years, but it is much more likely that they will rise 6'6" so let's prepare for that' – according to the science, it is ***as likely*** to be 18" as it is to be 78". And yet your staff decided, with no justification given, to force on Marin the most extreme end of that range. Let's do the math – assuming any given inch-level of rise is equally probably between 18" and 6'6" 100 years from now, then there is a 1/61 likelihood your staff is correct. It's not arbitrary and capricious to forestall a property owner from developing or maintaining their home on 1/61 odds, 100 years from now?

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Yours,

Marius E. Nelsen

Marius E. Nelsen
16 Dipsea Road
PO Box1113
Stinson Beach, CA 94970

W10a

RECEIVED
OCT 28 2016
CALIFORNIA
COASTAL COMMISSION

FAX: TO CALIFORNIA COASTAL COMMISSION (415) 904-5400

TO: ALL CALIFORNIA COASTAL COMMISSIONERS

FROM: CONLAN RANCHES CALIFORNIA

DATE: OCTOBER 27, 2016

COMMENTS FOR HALF MOON BAY AGENDA MEETING RE MARIN LCP

FROM MARIN COUNTY STAKEHOLDER

PAGES INCLUDING THIS PAGE: 8 (EIGHT) PAGES

PLEASE ACKNOWLEDGE RECEIPT TO lConlan@aol.com

THANK YOU FOR YOUR ATTENTION

Ione Conlan
Conlan Ranches California
Marin T (707) 876-1992
PO Box 412 Valley Ford, CA 94972

The information contained in this communication is confidential, may be privileged pursuant to the attorney-client privilege and/or the work product doctrine, may constitute inside information, and is intended only for the use of the addressee. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, be advised that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify the sender lConlan@aol.com and delete this communication and all copies, including all attachments.

MARIN COUNTY LOCAL COASTAL PLAN - STAKEHOLDERS COMMENTS **W10a**

CONLAN RANCHES CALIFORNIA,

By Trustee Ione Conlan Descendant of 1866 Marin County Settlors

PO Box 412 Valley Ford, CA 94972

October 27, 2016 VIA FAX to (415) 904-5400 California Coastal Commissioners.

Honorable Appointed California Coastal Commissioners:

Thank you for the invitation for stakeholder and public comment.

RECOGNITION OF PRESENT STATUS OF CALFORNIA COASTAL COMMISSIONERS AND STAFF

It is a recognized honor to be *appointed* to a government position.

I have enjoyed the pleasure of such an honor in the past myself, as an Art Commissioner for five years for the City of Capitola- by- the- Sea; as an Organic Producer Advisor (COPAC) to the California Secretary of Agriculture Karen Ross for a like number of years as an organic cattle rancher in northwest Marin.

Recognition came as a descendent on the same farmland that dates back to 1866 continuously in agriculture in the same family receiving this year, the prestigious 150 year Award from the oldest agricultural association in California, the Heritage Club at the California State Fair EXPO 2016.

In 2014, I had the honor of appointment to the Marin County Measure A Oversight Committee which office I was unable to complete as I was one of the 350 thousand USA women diagnosed with breast cancer, or as we call ourselves *"tentative breast cancer survivors"*

A government appointment can be a heavy burden, with its own rules and regulations, oftentimes decisions and actions misunderstood, disagreed upon, causing grief and stress to both sides of the issue.

We all appreciate the hours of preparation work, time away from your own loved ones, the responsibility and sometimes thankless job, with currently apparently, unique personal liability.

MARIN COUNTY LOCAL COASTAL PLAN - STAKEHOLDERS COMMENTS

We are all aware of the recent commencement of litigation by a southern California Non-Profit, against members of this California Coastal Commission (hereafter CCC) for malfeasance in office, a serious charge which has received wide spread notice and publication.

The Plaintiffs are remarkably seeking to hold individual Commissioner's personally financially liable which entails enormous personal time, inconvenience and distress involving interrogatories, depositions, and as Shakespeare noted *"the laws and the laws delay"* not to mention Commissioner's personal expenses notwithstanding the publically announced defense provided by the CA Attorney General's office and taxpayer's dollars.

As Trustee of Conlan Ranches California (hereafter CRC) the CRC steps forward today, as a large, significant land- footprint stakeholder unduly alarmed by this draconian Marin County LCP which has not considered the "unintended consequences" for current landowners in the CCC zone, and future generations producing good clean organic local food.

CRC is Certified Organic lands, Animal Welfare Approved Certified Full Blood Wagyu (Kobe) beef production, in the Marin County Local Coastal Plan area, over one thousand acres, two miles bordering the precious NOAA recognized fragile ecosystem of the Estero Americano.

CRC has been recipient of many National and Regional Environmental Awards from the USDA NRCS, US Fish and Wildlife, National and State Cattlemen's Association, Eco-Farm, Farm Aid, et. al. as well as news publication recognitions from many agricultural organizations, such as Slow Food, Cattlemen's Association, Farm Bureau, et.al., CRC operates within the jurisdiction of the California Coastal Commission (hereafter CCC)

Ab initio, CCC has been accused of a Gerrymandering jurisdictional plan, pointing to the area of Oceana Marin directly on the cliffs overlooking the Pacific Ocean bay which has been exempted, carved out from CCC jurisdiction among several other areas, yet within sling shot distance of CRC lands.

The issue before this Commission for which CRC requests notice, involves the Marin Local Coastal Plan, as CRC Trustee, Ione Conlan, may be unable to attend the Half Moon Bay Hearing personally, because of health issues.

MARIN COUNTY LOCAL COASTAL PLAN - STAKEHOLDERS COMMENTS

However, CRC requests assurance to be heard for the record, and or for future litigation, acknowledging that all letters @ April 2016 to Marin Board of Supervisors have been forwarded to this Commission by the Community Development Department of Marin County.

YOUR CCC STAFF IS IN NEED OF PROFESSIONAL RETRAINING

CRC and others in northwest Marin have been neglected and confined to what is commonly termed, *"the West Marin Farm Ghetto"* without cell service, Internet, unsafe county roads, and other health and welfare accommodations enjoyed by the other cities, communities, and unincorporated areas of Marin County.

CRC along with many other stakeholders with their own grievances, objects to the ongoing and (unfettered by reasonable supervision), the costly decisions arrived at for too many years of unilateral decisions, by CCC Staff without regard for stakeholders and what affect these decisions will impact on current and future generations.

Many of these CCC decisions are frequently judicially overturned costing taxpayers too many dollars, and a backlog of CCC cases, usually caused by overzealous CCC staff which has brought this widow Trustee writer to tears by arrogant rude and unprofessional personal invasive questions, and he will remember well the incident, and management which failed repeatedly to return calls, treating inquires with disdain and dismissal.

Whereas, a workshop negotiation of stakeholders and staff in a cooperative congenial face to face workshop, around a table may have avoided wasting all those taxpayer dollars and the backlog of CCC litigation.

Uninformed, perhaps well- meaning but *misinformed* CCC staff have diminished and disposed of property rights, with a flick of a pen. A reading of the American Constitution and training by a competent attorney, should be a requirement for CCC staff Interpreting the Coastal Act, which they presently perform, cavalierly and unilaterally, without stakeholder input, without meaningful agricultural knowledge and understanding of how the American Marin farm/ ranch operates, thus composing rules and regulations that are laughable if not tragic.

MARIN COUNTY LOCAL COASTAL PLAN - STAKEHOLDERS COMMENTS

UNFAIR ADMINISTRATION OF COASTAL COMMISSION LEGISLATION

We therefore request this Commission require your Staff to listen to the voice of the Marin County Community which has been largely ignored in this seven year saga process by arrogant CCC staff demeaning taxpayer callers who support their salaries.

CCC Staff should be required to conduct meaningful small area workshops within the West Marin Community so that CCC Staff, County Planners, and all stakeholders may educate each other and negotiate a win-win for this LCP to be a model for the entire California Coastline.....

Rather than the one sided bullying of these CCC Staff "Lords" who have never cleaned out a chicken coop, sat up all night with a sick calf, experience drought where humans sacrifice water for their animals and suffer days and days without power, never any cell and unreliable Internet service, and if land lines are down, there is no method to call for emergency health care to save lives.

These "Lords" sitting in their comfortable office receiving their regular paychecks are designing a third world protocol for Northwest Marin, while across the County tennis courts, swimming pools, vet clinics for their small animals are allowed, along with "McMansions" private boat docks, Chapels for religious services and all the other perks of Marin County life.

However in northwest Marin County, commonly referred to as the *"farm ghetto of West Marin"* where recorded in the Marin County Community archives, you will hear an appointed Commissioners proclaim, *"a double wide trailer is good enough for those farmers up there in west marin"* and another (while living in a four million dollar neighborhood) *"a farmer doesn't have to live on the farm to be a farmer....I know some who don't"* ...yes Trustee knows one too, who collects USDA mailbox subsidy income for sorghum, peanuts, rice, wheat and other commodities, a socialite in New York City with a summer home on the 17 mile drive in Monterey County. *That is not the rancher/farmer in West Marin...*

."And" this Commissioner continued, "we want to be sure if a generational house is allowed they must be actively farming" therefore the restrictive covenant in perpetuity required. (poor spinster disabled Aunt Sue will be jettisoned off the

ranch along with Grandma and Grandpa who worked a lifetime on the lands because they are not "actively engaged" (hands on) in the day to day farm work

Let us repeat once again:

Up in northwest area farm ghetto of northwest Marin, we have no cell service and only intermittent Internet access. Emergency health and welfare remains at risk. No cell towers are not allowed in the "farm ghetto", with dangerous slippery roads during storms with ocean dew and rain, telephone and electrical wires down in vehicle hits or storms sometimes taking several days to re- establish with loss of power which farm generators cannot sustain, ranchers lose product and profit, and heaven help anyone in an accident, with land lines down, no cell service, emergency service is non- existent.

GERRYMANDERING COASTAL JURISDICTION

The explanation for Oceana Marin exclusive largely unknown exemption from CCC jurisdiction and exclusion for 250 lots with beautiful homes, which are perched on the sea cliffs (while CRC is over three miles inland) , is that the 250 fancy enclave reports they *"existed before or contemporaneously with the enactment of the California Coastal Commission Legislation, so are exempt."*

This explanation is not acceptable. CRC farm and ranchlands pre-existed this development over one hundred years before the CA Coastal Commission and long before Oceania Marin's 250 subdivision came into being. This kind of favoritism and discrimination is not acceptable and disquieting.

Yet this Marin Local Coastal Plan (LCP) denies our farmlands the simplest use of agricultural production, merging separate legal parcels, restricting viable uses and is facially unconstitutional as proposed

Here is a brief overview of what has been presented and your staff will provide you with the citations:

The overall concept spoken and promoted is the snobbery of *"no McMansions in northwest Marin coastal zones which are to be kept as simple farm ghettos, and disregard the 12- 16 thousand sq. ft. homes in Tiburon, Ross or Belvedere"* on one or two acres or less, even though *these McMansions did not exist in 1866, however, our grandfather had such a building which unfortunately was*

destroyed by fire which this descendant Trustee can produce a photo of such and can be found in local libraries.

Nor can Oceana Marin point to lands continuously in agriculture in the same family and now being penalized for being one of the last standing, and the only over one thousand acre ranch which is not in MALT and achieved so many Awards.

CRC preserved these lands through *"blood, sweat, tears and toil"* buying CRC lands over and over again with inheritance taxes, suffering ten years of bankruptcy 1984-1994 paying every creditor in full with interest, surviving floods, fires, storms, drought, predators human and animal.

Now comes this Local Coastal Plan (LCP) which diminishes the value of CRC lands in a taking without compensation, usurping that which the Marin Agricultural Trust (MALT) has paid landowners for these restrictions which are now proposed to be legislated by this LCP.

Following is a micro view including *some of the most offensive provisions* but not limited to the following:

1. Economic diversity of crops, farmer Jones must apply for a costly CCC permit for usual and customary agriculture uses—changing crops

2. Veterinary Clinics are absolutely forbidden (farmer Jones must travel 60 miles roundtrip for Vet Services)

3. Religious chapels and ceremonies are absolutely forbidden (ours in our sanctuary grove has existed since the 1800's)

4. Jettison off the ranch Grandma and Grandpa and sister Sue because they are not able to be actively engaged in the day to day work on the ranch

5. Restrictions and Limitation of covered buildings to 8,040 sq. ft. including the existing buildings already on the farm/ranch in the event a home would be built for farmer Jones's son or daughter and family and only if landowner

can capture one of the only 27 generational houses that may be available in the entire county, and special permits required.

The 8,040 includes the existing farm house, hay barn, farm shop, chicken coop, farm equipment barn, covered corral chute area, animal shelters, all which are to be clustered within 100 ft. of each other, and out of sight of the county roads (which CRC's grandfather granted to the County

And further, there shall be no homes on the ridgeline (such as is allowed in Oceana Marin's 250 lot area with its two open sewer pits which are migrant bird habitat, flying over our lands subjecting our precious Wagyu cattle, a closed herd, to outside disease with their droppings in our water troughs and natural clear water spring ponds.

REQUEST AND CONCLUSION

Let this Coastal Commissioner's group do the right thing. Send this LCP back to the County, plan several small workshops in various areas of Marin, include CCC staff and the local Marin County Planning Staff who are hardworking intelligent courteous and professional members, who will introduce CCC staff to the stakeholders in this plan, and perfect a grand decent plan which will be negotiated with all stakeholders in Marin, so that every interest gives a little to make the whole an acceptable plan that shall be a winner for all, and model for the entire California Coastline.

Sincerely,

Conlan Ranches Calif by Ione Conlan, Trustee

Conlan Ranches California by Ione Conlan, Trustee

7

Manna, Jeannine@Coastal

W10a

From: frederique joly <frederique.joly@gmail.com>
Sent: Friday, October 28, 2016 1:22 PM
To: CoastalMarinLCP
Subject: Protect Marin's Coast

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Environmental Hazards:

- I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications.
- The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that the Amendment set a strong precedent for other regions.
- The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, and community character, while balancing the rights and needs of property owners.

CEQA Requirements:

- I understand that the Coastal Commission staff's October 21, 2016 suggested modifications meet the California Environmental Quality Act (CEQA) requirement by a California state agency.
- If any non-administrative policy modifications by Coastal Commission staff are not adopted, or are amended, by the Coastal Commissioners on November 2nd, will the LCP meet CEQA requirements?

Biological and Water Resources:

- I urge the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term Environmentally Sensitive Habitat Areas (ESHA) protections and habitat viability.
- For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Public Participation:

- I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review.
- The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.
- The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum

public participation by requiring individuals and organizations to "pay to be heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Thank you for your consideration of these comments.

Respectfully,

frederique joly
940 milwood ave
venice, CA 90291

W10a

CoastalMarinLCP

From: Roberta Hawthorne <robertahawthorne@gmail.com>
Sent: Friday, October 28, 2016 2:33 PM
To: CoastalMarinLCP
Subject: W10A

Please join us in contacting the California Coastal Commission. Email Planner Shannon Fiala before Monday, Oct. 31 at MarinLCP@coastal.ca.gov(link sends e-mail), referencing agenda item W10a, expressing your opposition and asking the commission not to adopt these changes at its hearing on Nov. 2.

resident stinson beach

W10a

Fiala, Shannon@Coastal

From: Catherine Caufield <caufield@visionroad.us>
Sent: Friday, October 28, 2016 10:43 AM
To: Cave, Nancy@Coastal
Cc: Fiala, Shannon@Coastal
Subject: Community Centers
Attachments: Community centers Caufield 10.28.16.pdf

Dear Nancy,

Shannon may have spoken to you about this, but I wanted to share my concerns about the definition of Community Centers and express how important I think it is that Staff make this amendment before next week's hearing. Although this is important, it is so small and obscure that, no matter how convincing the argument for the change I advocate, it is unlikely that the Commission will have time or energy to focus on this with the many large and contentious issues before it.

Community centers in the Coastal Zone should be defined as being operated by not-for-profit community-based organizations and that they should be required to have the majority of events open to the public.

Please make this small change before the final hearing!

Many thanks,

Catherine Caufield

October 28, 2016

Re: Marin County LCPA Implementing Program, Community Centers

Dear Nancy,

I know you are busy with the LCP hearing coming up soon, and I apologize for adding to your load.

To be brief, I hope that Commission staff will amend the definition of "community centers" that is presently in the LCP before the hearing. This is a small but important issue and I am afraid that, with the many large contentious issues it must consider, the Commission will not get to something at this level of detail. Therefore it is important that the staff present the Commission with something that they will not need to change.

My concern is that in the revised LCP Community Centers are now a conditional use in C-RSP zones, yet there is nothing to distinguish Community Centers from any other commercial activity. I pointed this out to Kevin Kahn in late 2015 and the definition was revised to require community centers to be non-profits. However, the definition was ultimately revised again to allow community centers to be commercial enterprises, only requiring them to be visitor-serving. Here is the revised definition (the language added is underlined):

> *This land use consists of multi-purpose meeting and recreational facilities <u>that are designed to enhance public recreational access and visitor-serving opportunities, and</u> typically consist of one or more meeting or multi-purpose rooms, kitchen and/or outdoor barbecue facilities, that are available for use by various groups for such activities as meetings, parties, receptions, dances, etc.*

Despite the implication of the name "community center," there is nothing in the definition that requires that this use be operated by a public entity, or in the public interest. It is simply a place where parties and other events can take place on a commercial basis. This is completely inappropriate for a coastal residential zoned area. It opens up nearly every property in coastal West Marin, especially those along Tomales Bay, to being rented out for weddings, parties or "retreats." This was not the intention of the original zoning, nor, I believe, of the amendment. Most people who are aware of the amendment have assumed that community centers would be operated for the public good and by a public entity.

This change is also inconsistent with the LCP's vision for Tomales Bay. The original LCP for Marin (policy 8(d), p.215) set zoning requirements for properties on the West side of Tomales Bay. The Yacht Club, Golden Hinde Boatel and Inverness Motel were identified as the only three commercial venues, to be rezoned to RCR. All other properties, apart from parklands, nature preserves and private beaches, were to be zoned residential. This rezoning has been accomplished. Changing the zoning now to allow more commercial uses on Tomales Bay would be inconsistent with the original and continuing vision for this centerpiece of West Marin.

This amendment was not the result of debate and deliberation. Rather it was done simply to create consistency between the non-coastal and the coastal parts of the Marin County Development Code. This is a worthy bureaucratic endeavor, but a bad way to address land use in the sensitive coastal zone.

There are, in addition to commercially zoned properties, numerous properties on both sides of Tomales Bay that put on events without a permit. These operations are currently the source of many complaints from neighbors regarding noise and traffic issues. With this zoning change, their owners and many others may soon be able to operate private commercial event spaces legally. Although one would hope that the Planning Commission, Board of Supervisors and Coastal Commission would not grant use permits for commercial event spaces in a residentially zoned area, especially along the Bay shoreline, it would be better to alter the definition so that the intention to allow only true non-commercial low-intensity community centers is clear to all. **Community centers in the Coastal Zone should be defined as being operated by not-for-profit community-based organizations and that they should be required to have the majority of events open to the public.**

Thank you for your attention to this obscure, but important matter.

Sincerely,
Catherine Caufield
PO Box 884
Inverness, CA 94937

W10a

Fiala, Shannon@Coastal

From: Catherine Caufield <caufield@visionroad.us>
Sent: Friday, October 28, 2016 10:43 AM
To: Cave, Nancy@Coastal
Cc: Fiala, Shannon@Coastal
Subject: Community Centers
Attachments: Community centers Caufield 10.28.16.pdf

Dear Nancy,

Shannon may have spoken to you about this, but I wanted to share my concerns about the definition of Community Centers and express how important I think it is that Staff make this amendment before next week's hearing. Although this is important, it is so small and obscure that, no matter how convincing the argument for the change I advocate, it is unlikely that the Commission will have time or energy to focus on this with the many large and contentious issues before it.

Community centers in the Coastal Zone should be defined as being operated by not-for-profit community-based organizations and that they should be required to have the majority of events open to the public.

Please make this small change before the final hearing!

Many thanks,

Catherine Caufield

October 28, 2016

Re: Marin County LCPA Implementing Program, Community Centers

Dear Nancy,

I know you are busy with the LCP hearing coming up soon, and I apologize for adding to your load.

To be brief, I hope that Commission staff will amend the definition of "community centers" that is presently in the LCP before the hearing. This is a small but important issue and I am afraid that, with the many large contentious issues it must consider, the Commission will not get to something at this level of detail. Therefore it is important that the staff present the Commission with something that they will not need to change.

My concern is that in the revised LCP Community Centers are now a conditional use in C-RSP zones, yet there is nothing to distinguish Community Centers from any other commercial activity. I pointed this out to Kevin Kahn in late 2015 and the definition was revised to require community centers to be non-profits. However, the definition was ultimately revised again to allow community centers to be commercial enterprises, only requiring them to be visitor-serving. Here is the revised definition (the language added is underlined):

> *This land use consists of multi-purpose meeting and recreational facilities <u>that are designed to enhance public recreational access and visitor-serving opportunities, and</u> typically consist of one or more meeting or multi-purpose rooms, kitchen and/or outdoor barbecue facilities, that are available for use by various groups for such activities as meetings, parties, receptions, dances, etc.*

Despite the implication of the name "community center," there is nothing in the definition that requires that this use be operated by a public entity, or in the public interest. It is simply a place where parties and other events can take place on a commercial basis. This is completely inappropriate for a coastal residential zoned area. It opens up nearly every property in coastal West Marin, especially those along Tomales Bay, to being rented out for weddings, parties or "retreats." This was not the intention of the original zoning, nor, I believe, of the amendment. Most people who are aware of the amendment have assumed that community centers would be operated for the public good and by a public entity.

This change is also inconsistent with the LCP's vision for Tomales Bay. The original LCP for Marin (policy 8(d), p.215) set zoning requirements for properties on the West side of Tomales Bay. The Yacht Club, Golden Hinde Boatel and Inverness Motel were identified as the only three commercial venues, to be rezoned to RCR. All other properties, apart from parklands, nature preserves and private beaches, were to be zoned residential. This rezoning has been accomplished. Changing the zoning now to allow more commercial uses on Tomales Bay would be inconsistent with the original and continuing vision for this centerpiece of West Marin.

This amendment was not the result of debate and deliberation. Rather it was done simply to create consistency between the non-coastal and the coastal parts of the Marin County Development Code. This is a worthy bureaucratic endeavor, but a bad way to address land use in the sensitive coastal zone.

There are, in addition to commercially zoned properties, numerous properties on both sides of Tomales Bay that put on events without a permit. These operations are currently the source of many complaints from neighbors regarding noise and traffic issues. With this zoning change, their owners and many others may soon be able to operate private commercial event spaces legally. Although one would hope that the Planning Commission, Board of Supervisors and Coastal Commission would not grant use permits for commercial event spaces in a residentially zoned area, especially along the Bay shoreline, it would be better to alter the definition so that the intention to allow only true non-commercial low-intensity community centers is clear to all. **Community centers in the Coastal Zone should be defined as being operated by not-for-profit community-based organizations and that they should be required to have the majority of events open to the public.**

Thank you for your attention to this obscure, but important matter.

Sincerely,
Catherine Caufield
PO Box 884
Inverness, CA 94937

BOLINAS COMMUNITY PUBLIC UTILITY DISTRICT

BCPUD BOX 390 270 ELM ROAD BOLINAS CALIFORNIA 94924 415 868 1224

October 28, 2016

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
OPPOSED

VIA E-MAIL: MarinLCP@ coastal.ca.gov

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street
Suite 2000
San Francisco, CA 94105

Re: Marin County Local Coastal Program ("LCP") – Land Use Plan Amendments and Implementation Plan Amendments (November 2, 2016 Public Hearing).

Honorable Commissioners:

The Bolinas Community Public Utility District ("BCPUD") is a special district on the West Marin coast providing water, sewer, solid waste disposal and related utility services to the community of Bolinas and it is governed by a five-member Board of Directors elected by the registered voters of Bolinas. *The BCPUD strongly opposes the Coastal Commission staff's extensive and highly significant revisions to the Environmental Hazards sections of Marin County's Local Coastal Plan's Land Use Plan Amendments ("LUPA") and Implementation Plan Amendments ("IPA"), because those revisions fundamentally alter the substance and intent of the plan amendments presented to this Commission by Marin County after eight years of hard work and numerous public hearings and collaboration with affected coastal residents, service providers and numerous advocacy organizations.* While the other revisions proposed by your staff are relatively minor and largely acceptable, we urge the Commission to approve the Marin County LCP's LUPA and IPA only if the Environmental Hazards sections are restored *as submitted* to the Commission by Marin County.

There is much that could be said about the substance of the Commission staff's proposed revisions to the Environmental Hazards sections of Marin County's LUPA and IPA and why these revisions are objectionable, overreaching and/or beyond the scope and intent of the Coastal Act. At this juncture, however, we believe it is important to underscore the *failure of public process* presented by the proposed revisions. As previously noted, Marin County devoted eight years of staff time, effort and exceptional public outreach and involvement to develop the LUPA and IPA submitted to the Commission for approval last April. Marin County's updated LCP (including the LUPA and IPA as presented to the Commission) is compliant with the Coastal Act and implementing regulations and specifically tailored to the unique characteristics of the affected coastline, ecosystems, residents and visitors. Developing such a comprehensive update to Marin County's existing LCP required difficult compromises of competing viewpoints and commendable transparency – the very definition of a democratic process. Now, your staff essentially is asking this Commission to materially disregard that democratic process and accept versions of the LUPA and IPA with fundamental components (i.e., the Environmental Hazards sections) that were not written by Marin County or approved by its residents or other members of the public. This would be terrible public policy. On those grounds we urge you to *reject* the

Commission staff's proposed revisions to the Environmental Hazards sections and *accept* the LUPA and IPA as otherwise revised, but with the Environmental Hazards sections restored as presented to you by Marin County.

Thank you for your consideration of our comments.

Very truly yours,

Jennifer Blackman
General Manager

cc: Supervisor Steve Kinsey (via email skinsey@marincounty.org)
Shannon Fiala (via email shannon.fiala@coastal.ca.gov)

Manna, Jeannine@Coastal

From: Alice Polesky <askalice@pacbell.net>
Sent: Friday, October 28, 2016 1:18 PM
To: CoastalMarinLCP
Subject: Protect Marin's Coast

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Environmental Hazards:

- I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications.
- The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that the Amendment set a strong precedent for other regions.
- The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, and community character, while balancing the rights and needs of property owners.

CEQA Requirements:

- I understand that the Coastal Commission staff's October 21, 2016 suggested modifications meet the California Environmental Quality Act (CEQA) requirement by a California state agency.
- If any non-administrative policy modifications by Coastal Commission staff are not adopted, or are amended, by the Coastal Commissioners on November 2nd, will the LCP meet CEQA requirements?

Biological and Water Resources:

- I urge the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term Environmentally Sensitive Habitat Areas (ESHA) protections and habitat viability.
- For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Public Participation:

- I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review.
- The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.
- The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum

public participation by requiring individuals and organizations to "pay to be heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Thank you for your consideration of these comments.

Respectfully,

Alice Polesky
890 Kansas Street
San Francisco, CA 94107

Manna, Jeannine@Coastal W10a

From: Anne Parzick <alw4@sbcglobal.net>
Sent: Friday, October 28, 2016 1:13 PM
To: CoastalMarinLCP
Subject: Protect Marin's Coast

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Environmental Hazards:

- I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications.
- The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that the Amendment set a strong precedent for other regions.
- The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, and community character, while balancing the rights and needs of property owners.

CEQA Requirements:

- I understand that the Coastal Commission staff's October 21, 2016 suggested modifications meet the California Environmental Quality Act (CEQA) requirement by a California state agency.
- If any non-administrative policy modifications by Coastal Commission staff are not adopted, or are amended, by the Coastal Commissioners on November 2nd, will the LCP meet CEQA requirements?

Biological and Water Resources:

- I urge the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term Environmentally Sensitive Habitat Areas (ESHA) protections and habitat viability.
- For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Public Participation:

- I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review.
- The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.
- The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum

public participation by requiring individuals and organizations to "pay to be heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Thank you for your consideration of these comments.

Respectfully,

Anne Parzick
2612 Wavecrest Dr
City
Corona Del Mar, CA 92625

Carolyn K. Longstreth

P.O. Box 657, Inverness CA 94937
(415) 669-7514; (415) 233-2777 [cell]
ckfongstreth@gmail.com

W10a
LCP-2-MAR-15-0029-1

October 28, 2016

Jack Ainsworth, Acting Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105
Via Electronic Mail: *MarinLCP@coastal.ca.gov*

Re: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a

Dear Mr. Ainsworth,

I am writing to comment on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Environmental Hazards:

- I agree with staff's recommendations and urge the Commission to adopt its October 21, 2016 Environmental Hazards suggested modifications. The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that the Amendment set a strong precedent for other regions.

- The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, and community character, while balancing the rights and needs of property owners.

Biological and Water Resources:

- I understand the need for flexibility in the width of ESHA buffers but am concerned that the conditions for approval of narrower buffers or activity within buffers will not be strictly enforced by the County. Please review these standards again keeping in mind the enforcement issue.

- For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Agriculture:

- I support staff's overall approach to the definition of "ongoing agriculture." However, the examples given of existing uses—"crop rotation, plowing, tilling, planting, harvesting, seeding, etc."— are inaccurate since most agricultural lands in the County are used for cattle, sheep and dairy pasture. The listed uses would increase the intensity of use in most cases and should be subject to a CDP permit. This section needs to be modified to reflect the above anomaly.

Public Participation:

- I object to the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review.

- The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee. Indeed, the new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum public participation by requiring individuals and organizations to "pay to be heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Community Character:

- I am concerned by the new community core zoning requirements.

- West Marin's coastal village character is threatened by the new Coastal Visitor Commercial Residential Zoning (C-VCR), which would make commercial use the principally permitted use in the entire district. We need to expand residential opportunities, not the commercial use of our hometowns.

Thank you for your consideration of these comments.

Respectfully,

Carolyn K. Longstreth

Carolyn K. Longstreth
Inverness CA

W10a

From: Ann Gessert
To: CoastalMarinLCP
Subject: Comments: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a
Date: Friday, October 28, 2016 8:56:07 PM

October 28, 2016

Jack Ainsworth, Acting Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105
Via Electronic Mail

Re: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a

Dear Mr. Ainsworth,

I have lived in West Marin for 44 years, and am concerned about the continued protection of the unique and vital aspects that make up our community. The Coastal Commission is one of the major agencies whose job is to protect and maintain the coast for all of us. While I am not a rancher, I support the ranching community as long as there is balance in how the area is managed, and the public has an opportunity to participate in commenting on the issues that arise. I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Community Character:

- I am particularly concerned by the new community core zoning requirements. In the decades I have lived here, I've seen the needs for housing rise as the availability has seemed to fall.

- West Marin's coastal village character is threatened by the new Coastal Visitor Commercial Residential Zoning (C-VCR), which would make commercial use the principally permitted use in the entire district. We need to expand residential opportunities, not the commercial use of our hometowns. It's great to have all the restaurants, shops and services that are presently available. But to expand that without regard to the housing needs is short-sighted and will cause changes here that are not in keeping with the character of the area as it has been for such a long time.

Environmental Hazards:

- I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested I understand that the Marin County Amendment is one of the first to deal with sea-level rise. A policy of this kind must recognize the far-reaching impacts on the entire region of the coastal area. What happens in Marin will affect our neighbors north and south of us. The only way this kind of policy will have any beneficial effect at all is if each individual permit applied for is measured to standards that recognize and account for the effects on the entire area.

- The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, community character and balancing the rights and needs of property owners.

Agriculture:

- I support the October 21, 2016 Coastal Commission staff's suggested modifications to the definition of ongoing agriculture: the ranchers who work the land in Marin must have flexibility in how they operate their ranches while at the same time our coastal areas and its resources need to be safe guarded. It's essential to maintain a balance between the two. I support keeping the definition in accordance with the staff's suggestions. They are the 'boots on the ground' regarding the delicate and important balance between agriculture and protection of the coast environment.

- It is important to have a streamlined and balanced approach to the definition of ongoing agriculture that protects coastal resources and allows agricultural operators the continued flexibility to manage their land as markets and other factors change.

Biological and Water Resources:

- I urge the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term ESHA protections and habitat viability.

- We should be doing all we can to preserve and protect our wetlands. For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP.

Public Participation:

- Lastly, I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review.

- The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.

- The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum public participation by requiring individuals and organizations to "pay to be heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Thank you for your consideration of these comments.

Respectfully,
ANN GESSERT
Inverness, California

W10a

From: Joseph Niehaus
To: CoastalMarinLCP
Subject: Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
Date: Friday, October 28, 2016 7:25:06 PM

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1 JOSEPH NIEHAUS OPPOSED

Commissioners of the California Coastal Commission c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I am a property owner in West Marin. I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revision were simply ignored in what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on my property and my town would be terrible. I would be unable to protect my home from rising seas and floods, I would be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions. That this has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission.

Please act to stop this action.

Yours,

Joseph Niehaus
136 Seadrift Road
Stinson Beach, CA 94970

From: Greg Tyler
To: CoastalMarinLCP
Subject: Comments: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a
Date: Friday, October 28, 2016 6:31:14 PM

W10a
LCP-2-MAR-15-0029-1

October 26, 2016

Jack Ainsworth, Acting Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105
Via Electronic Mail

Re: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Environmental Hazards:

• I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications.

• The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that comprehensive sea-level rise policies are included in the LCP as there are cumulative impacts on entire coastal regions that should not be addressed by individual permitting processes.

• The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, community character and balancing the rights and needs of property owners.

Biological and Water Resources:

• I urge the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term ESHA protections and habitat viability.

• For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Agriculture:

• I support the Coastal Commission staff's definition of "ongoing agriculture",

included in the October 21, 2016 modification and originally presented to the Coastal Commission in 2015. This definition is a reasonable and balanced way of protecting our farmers and agricultural lands in the face of growing economic and climate challenges.

• It is important to have a streamlined and balanced approach to the definition of ongoing agriculture that protects coastal resources and allows agricultural operators the continued flexibility to manage their land as markets and other factors change.

Public Participation:

• I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review.

• The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.

• The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum public participation by requiring individuals and organizations to "pay to be heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Community Character:

• I am concerned by the new community core zoning requirements.

• West Marin's coastal village character is threatened by the new Coastal Visitor Commercial Residential Zoning (C-VCR), which would make commercial use the principally permitted use in the entire district. We need to expand residential opportunities, not the commercial use of our hometowns.

Thank you for your consideration of these comments.

Respectfully,
GREG L TYLER
PETALUMA, CA

Greg Tyler - 707-337-6038

W10a

From: Kathryn Johnston
To: CoastalMarinLCP
Subject: Agenda item W10a
Date: Friday, October 28, 2016 3:34:05 PM

Dear Shannon Fiala,
I write to express my opposition to the proposal; please do not adopt these changes. The community has spoken but the comments are being ignored--- not democracy in action.

Thank you
Kathryn Johnston
Marin property owner on Dipsea Road

Please join us in contacting the California Coastal Commission. Email Planner Shannon Fiala before Monday, Oct. 31 at MarinLCP@coastal.ca.gov(link sends e-mail), referencing agenda item W10a, expressing your opposition and asking the commission not to adopt these changes at its hearing on Nov. 2. Help us stop a disaster for Marin coastal communitie

W10a

From:	Paula Reynolds
To:	CoastalMarinLCP
Cc:	Paula Reynolds
Subject:	Opposition to Item No: W10a, Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
Date:	Friday, October 28, 2016 4:13:09 PM

Item No: W10a

Marin County LCP Amendment No. LCP-2-MAR-15-0029-1

OPPOSED

Commissioners of the California Coastal Commission

c/o Shannon Fiala, Planner

45 Fremont Street, Suite 2000

San Francisco, CA 94105

Dear Commissioners,

I am a property owner in West Marin, volunteer President of the Seadrift Association and a member of the Stinson Beach Village Association. I am writing to ask that when you vote on Marin County's LCP, you replace your staff's proposed changes to the Environmental Hazards section with Marin County's original version. It is the only fair, respectful and right thing to do at this critical juncture.

I support the rest of Marin County's LCP. It is balanced and reflects years of constructive engagement and compromise between your staff, Marin County, and the public. In the final submission, your staff has recommended relatively few edits to most of the LCP, and I find them largely acceptable. The vast majority of your staff's recommendations should be accepted.

However, your staff has essentially "red-lined" our Board of Supervisors-approved language in one critical area, the Environmental Hazards sections of Marin County's LUPA and IPA, essentially proposing wholesale changes. Virtually identical changes were already rejected by Marin County in 2014 and 2015 because of the enormous damage they would do to coastal communities here. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program with an Environmental Hazards section that was balanced, and considered public access, view rights, and the health and safety of our neighborhoods. This was a long process with substantial local input. But all of our hard work was simply ignored in the final revisions your staff submitted. The Environmental Hazards section that we and many others helped Marin County produce has been entirely struck out, replaced wholesale by your staff's submissions once again.

If the changes your staff proposes pass, the impact on my property and those of so many local neighbors would be substantial. My husband and I would be unable to protect our 1967 home from rising seas and floods or maintain it over time. Our

rights to develop or sell our property at a fair price would be taken away. Our entire community could disappear over time due to your staff's actions. This has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program. This is unfair, and it is undemocratic.

Please, resolve this situation by restoring the originally submitted Environmental Hazards section.

Sincerely,

Paula Reynolds

9 Dipsea Road, Stinson Beach, CA 94970

W10a

From: Donald Munro
To: CoastalMarinLCP
Subject: Opposition to Agenda item W10A
Date: Friday, October 28, 2016 4:06:25 PM

Dear Sir or Madam,

I am writing to express my opposition to agenda item W10A.
My home at 238 Seadrift Road in Stinson Beach is my only asset of value.
I am asking the commission to not to adopt changes at the November 2 hearing that will devastate the value of my home.

Best regards,

Donald Munro
238 Seadrift Road
Stinson Beach
CA 94970
415-717-8510

W10a

From: Janet Pasha
To: CoastalMarinLCP
Subject: Item No: W10a Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
Date: Friday, October 28, 2016 4:35:27 PM

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1 <JANET M. PASHA> OPPOSED

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I am a property owner in West Marin. I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revision were simply ignored in what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on my property and my town would be terrible. I would be unable to protect my home from rising seas and floods, I would be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions. That this has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission.

Please act to stop this action.

Very truly yours,

Janet M. Pasha
206 Seadrift Drive

Stinson Beach, CA

W10a

From: Merwin Mace
To: CoastalMarinLCP
Subject: Marin County LCP
Date: Friday, October 28, 2016 4:43:08 PM

Attn: Shannon Fiala

Dear Ms. Fiala,
With reference to Agenda Item W10a, please ask the Commission NOT to adopt this item. It's adoption would be seriously detrimental to the interests of local property owners, and directly contrary to positions recommended by Marin County over the past three years.
Thank you for your support.
Sincerely, Merwin A. and Gail D. Mace
115 Evergreen Road
Bolinas, 94924

Sent from my iPad

From: Ron Mallory
To: CoastalMarinLCP
Subject: Comments: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a
Date: Friday, October 28, 2016 4:52:16 PM

W10a
LCP-2-MAR-15-0029-1

October 26, 2016

Jack Ainsworth, Acting Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105
Via Electronic Mail

Re: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Environmental Hazards:

- I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications.

- The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that comprehensive sea-level rise policies are included in the LCP as there are cumulative impacts on entire coastal regions that should not be addressed by individual permitting processes.

- The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, community character and balancing the rights and needs of property owners.

Biological and Water Resources:

- I urge the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term ESHA protections and habitat viability.

- For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Agriculture:

- I support the Coastal Commission staff's definition of "ongoing agriculture", included in the October 21, 2016 modification and originally presented to the Coastal Commission in 2015. This definition is a reasonable and balanced way of protecting our farmers and agricultural lands in the face of growing economic and climate challenges.

- It is important to have a streamlined and balanced approach to the definition of ongoing agriculture that protects coastal resources and allows agricultural operators the continued flexibility to manage their land as markets and other factors change.

Public Participation:

- I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review.

- The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.

- The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum public participation by requiring individuals and organizations to "pay to be heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Community Character:

- I am concerned by the new community core zoning requirements.

- West Marin's coastal village character is threatened by the new Coastal Visitor Commercial Residential Zoning (C-VCR), which would make commercial use the principally permitted use in the entire district. We need to expand residential opportunities, not the commercial use of our hometowns.

Thank you for your consideration of these comments.

Respectfully,
Amanda Mallory
Larkspur, CA.

Sent from my iPad

W10a

From: Geraldine Sbragia
To: CoastalMarinLCP
Subject: Comments: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a
Date: Friday, October 28, 2016 2:32:51 PM

W10a
LCP-2-MAR-15-0029-1

October 26, 2016

Jack Ainsworth, Acting Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105
Via Electronic Mail

Re: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Environmental Hazards:

- I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications.

- The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that comprehensive sea-level rise policies are included in the LCP as there are cumulative impacts on entire coastal regions that should not be addressed by individual permitting processes.

- The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, community character and balancing the rights and needs of property owners.

Biological and Water Resources:

- I urge the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term ESHA protections and habitat viability.

- For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Agriculture:

- I support the Coastal Commission staff's definition of "ongoing agriculture", included in the October 21, 2016 modification and originally presented to the Coastal Commission in 2015. This definition is a reasonable and balanced way of protecting our farmers and agricultural lands in the face of growing economic and climate challenges.

- It is important to have a streamlined and balanced approach to the definition of ongoing

agriculture that protects coastal resources and allows agricultural operators the continued flexibility to manage their land as markets and other factors change.

Public Participation:

- I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review.

- The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.

- The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum public participation by requiring individuals and organizations to "pay to be heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Community Character:

- I am concerned by the new community core zoning requirements.

- West Marin's coastal village character is threatened by the new Coastal Visitor Commercial Residential Zoning (C-VCR), which would make commercial use the principally permitted use in the entire district. We need to expand residential opportunities, not the commercial use of our hometowns.

Thank you for your consideration of these comments.

Respectfully,
Geraldine Sbragia
Petaluma, California

W10a

From: Roberta Hawthorne
To: CoastalMarinLCP
Subject: W10A
Date: Friday, October 28, 2016 2:33:28 PM

Please join us in contacting the California Coastal Commission. Email Planner Shannon Fiala before Monday, Oct. 31 at MarinLCP@coastal.ca.gov(link sends e-mail), referencing agenda item W10a, expressing your opposition and asking the commission not to adopt these changes at its hearing on Nov. 2.

resident stinson beach

From:	Dan Lockwood
To:	CoastalMarinLCP
Cc:	Caitlin Pardo de Zela
Subject:	Opposition to agenda item W10A
Date:	Friday, October 28, 2016 12:49:00 PM

W10a

Dear Shannon Fiala,

As a home owner in Stinson Beach, I am very, very concerned about the potentially imminent changes to the Marin County Local Coastal Program that the Coastal Commission is trying to impose. I am requesting that the Coastal Commission **not** adopt the changes proposed on agenda item W10A on Wednesday Nov 2.

Sincerely,

Dan Lockwood & Caitlin Pardo de Zela
213 Seadrift Rd
Stinson Beach CA

W10a

From: Mary E. MACCREADY
To: CoastalMarinLCP
Cc: Mary E. MACCREADY
Subject: Agenda Item W10a
Date: Friday, October 28, 2016 11:18:47 AM

Dear Coastal Planner Shannon Fiala,

I am writing to urge you to oppose the changes proposed in Agenda item W10a.

To forbid people to maintain their houses, to protect them against rising sea levels, to do what they can to keep up their property on the Coast is absolutely unconscionable. Those of us who have property love our places, have kept them up for years, and, those who visit the area as well depend on the businesses that serve them along the shore. The measures proposed our tantamount to stealing our homes and our land, even before the rising water does, and, is wrong, wrong, wrong. There are communities, individuals, and, visitors who love this area, and, the Coastal Commission should be helping, not hurting, us.

Yours sincerely,

Mary MacCready

W10a

From: Patty Wilkerson
To: CoastalMarinLCP
Subject: Marin County LCP Amendment No. LCP-2-MAR-1S-0029-1
Date: Friday, October 28, 2016 11:08:35 AM

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
OPPOSED
PATRICIA WILKERSON

EMAIL (feel free to customize)
Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I own a home in Stinson Beach. I am writing to ask that you please vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications, and that you instead vote YES on Marin County's LUPA and IPA as submitted by the County.

Marin County's staff worked very hard and held many public meetings with Stinson Beach residents to produce a Local Coastal Program that balanced public access, the environment and our property rights. Then less than two weeks prior to the vote, your staff deleted all of it and replaced it with their own regulations!

None of us in Stinson Beach were allowed any input into those changes. Most of them would unfairly remove our property rights, such as denying us the right to rebuild and maintain our homes if there is a "possible hazard" from flooding 100 years from now. The County maps show that my entire neighborhood in Stinson Beach could "possibly" be flooded if the most extreme, unlikely sea level projections are used – how can you possibly take away my home now, on the tiny chance flooding might occur in 100 years, when none of us will even be here? Crazy last minute proposals like this, written without sensible input from the people who actually live here, have to be stopped.

Yours,
Patricia Wilkerson
16 calle del resaca
Stinson Beach Ca.

From: Ed Nute
To: CoastalMarinLCP
Subject: Comments: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a
Date: Friday, October 28, 2016 10:49:01 AM

October 28, 2016

Jack Ainsworth, Acting Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105
Via Electronic Mail: *MarinLCP@coastal.ca.gov*

Re: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a

Dear Mr. Ainsworth,

The following are our comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a:

1. The new Coastal Visitor Commercial Residential Zoning (C-VCR) would make commercial use the principally permitted use in the entire district. Right now we get so many visitors to West Marin that sometimes on summer weekends it takes an hour to go a couple of miles on Sir Francis Drake Blvd from Inverness Park to Highway 1. We do not need to have more commercial uses that would attract more visitors. Also there is not much housing for the workers since long term rentals are difficult to find. There are at least 120 AirBNBs in the Point Reyes Station and Inverness area which have greatly reduced the available long term rentals. If commercial use increases there will be more and more visitors and commuting workers so the traffic will get worse leading to increased development pressures and demands for four lane highways into West Marin. Needless to say such highways would ruin the rural character people come here to enjoy.

2. The new agricultural entitlements allowing construction of retail spaces up to 500 square feet could exacerbate the traffic along Highway 1 and elsewhere. It does not take much retail space to attract visitors and their cars, which need to park somewhere. The retail oyster farms near Marshall create parking nightmares along the two lanes of Highway 1. Pretty soon large parking lots and wider roads will be needed.

3. The proposed LCP will limit public participation and require the public to pay high fees to review and appeal these types of permitted uses. It is our understanding that the Coastal Act requires the widest public participation and should not require a "Pay to Play" penalty for the public.

4. It is important that the Marin County LCP Amendment address sea-level rise and it is critical that the Amendment set a strong precedent for other regions. We urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications.

5. We do not agree that the creation of wetland buffer exceptions should be included in the proposed LCP. All wetlands are important and we should be doing all we can to preserve and protect them. We urge the Commission to include in the LCP specific, enforceable environmental standards to protect biological and water resources in the Coastal Zone and not establish exceptions.

6. Agricultural operators should have the flexibility to manage their land and optimize their crops to meet markets and climate changes, while also protecting the coastal resources. We support the Coastal Commission staff's definition of "ongoing agriculture", included in the October 21, 2016 modification.

Ed and Marcia Nute
P.O. Box 314
Inverness, CA 94937
415-669-7710
e.nute@nute-engr.com

W10a

From:	MARIUS NELSEN
To:	CoastalMarinLCP
Cc:	Jeff Loomans
Subject:	Amendments to the LMC
Date:	Friday, October 28, 2016 10:03:00 AM

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
OPPOSED
NAME: Marius E. Nelsen

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I own a home in Seadrift at Stinson Beach. I am writing to ask that you please vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications and that you instead vote YES on Marin County's LUPA and IPA as submitted by the County.

In Seadrift, my home is protected from seaborne storm impacts by the Seadrift seawall, which has been in place for more than twenty years. Our right to it as homeowners is guaranteed by a court order that the County and your Commission entered into years ago. Our seawall protects us from high tide and storm surge flooding, as well as from any future over wash of the entire Seadrift neighborhood that could be a potential hazard as sea levels rise. These are the same hazards that your staff has said that they want to protect us from. Yet they insist on repeatedly removing language Marin County has developed in consultation with my community to ensure resident safety, bafflingly exposing my house to more risk from flooding and other hazards.

It is a right granted to me by the Coastal Act to have my house protected by a seawall, and one also guaranteed by the court order. Yet your staff has for a third time in three years attempted to insert language that removes this protection from my home. In their proposed Section 22.64.060, Environmental Hazards, subsection B.3 "Shoreline Development", they would require any development on my home or property to be done "without reliance on shoreline protective devices." Furthermore they would require me to site any work on my home or property such that "Existing shoreline protective devices *(e.g. the Seadrift Seawall)* shall not be incorporated into analyses". Our entire community is protected by the seawall. We have a court-mandated right to it. They are clearly attempting to end-run a binding agreement entered into by your own Commission by trying to sneak this language into the Environmental Hazards section; without the protection of the seawall, there would be no way to show in any analysis that over the next 100 years I would not be subject to wave impact, flooding, or storm hazards. My lot is flat, and there is no place to site it that would make it safe without a seawall from "any potential hazards". Were this policy to remain, I would effectively lose my ability to redevelop or resell my property, or to safeguard my home.

Even worse, in 22.64.060.B.8, "Applicant's Assumption of Risk", your staff has

blatantly attempted to *directly* strip away my rights to protection under the Coastal Act and the court settlement. A section that the County wrote simply to ensure that any property owner understand and record an agreement with the County that they are assuming risks of construction in a hazard zone has been hijacked by your staff. The County's language has been completely rewritten to instead read that I have to agree to "prohibit and ***waive any rights that may exist*** for new and/or augmented shoreline protective devices". I wouldn't even be able to add a deck to my property, or fix its foundation, without giving up my existing rights to protection. And if the seawall ever had to be fixed after storm damage, I end up with my home and my own safety endangered.

Your Commission already agreed under the Court order not to seek to remove homeowner rights to the protection of the seawall in Seadrift. Even worse, your staff again recently lost a court decision, this time in *Capistrano vs CCC*, where the judge ruled that your staff had severely overreached in attempting to force homeowners to waive their rights to seawall protection; he was very specific that a potential "future threat" of needing to build or augment a seawall cannot be used to justify forcing a homeowner to waive their rights to protection. How can you permit your staff, when you have signed a binding court order, and then lost this argument once again in a court of law, to turn around and attempt to sneak the same language into LCP for the entire county of Marin?

My understanding was that the Coastal Act is supposed to protect the health and safety of residents along the coast. Why your staff seems so ideologically opposed to seawalls that they would seek to remove my protections, diminish my health and safety, and force me to waive my rights is beyond my comprehension. But they are clearly, as the judge noted, "overreaching" and out of control. Please reject their changes to the Marin LCP, and restore the balanced and thoughtful version submitted by the County.

Yours,

Marius E. Nelsen
16 Dipsea Road
PO Box 1113
Stinson Beach, CA 94970

W10a

From: Alexis Laurent
To: CoastalMarinLCP
Subject: W10a opposed
Date: Friday, October 28, 2016 9:28:33 AM

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forward this TODAY to this email address marinlcp@coastal.ca.gov

subject: W10a, OPPOSED

Item No: W10a

Marin County LCP Amendment No. LCP-2-MAR-15-0029-1

Alexis Laurent

OPPOSED

Commissioners of the California Coastal Commission

c/o Shannon Fiala, Planner

45 Fremont Street, Suite 2000

San Francisco, CA 94105

Dear Commissioners,

I am a property owner in West Marin. I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revision were simply ignored in

what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on my property and my town would be terrible. I would be unable to protect my home from rising seas and floods, I would be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions. That this has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission.

Please act to stop this action.

Yours,

Alexis Laurent

210 Seadrift Road, Stinson, CA 94970

Alexis Laurent
415-306-2115
www.alexislaurent.com
www.thepearlsf.com

W10a

From: Elizabeth Pedley
To: CoastalMarinLCP
Subject: Item No: W10a Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
Date: Friday, October 28, 2016 3:12:47 AM

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
Dean & Elizabeth Pedley
OPPOSED

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

We are property owners in West Marin. We are writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revision were simply ignored in what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on our property and town would be terrible and costly to us as property owners. We would be unable to protect our home from rising seas and floods. We would be unable to maintain it over time, and our rights to develop or sell our property at a fair price would be taken from us. Our entire community of Stinson Beach could disappear over time due to your staff's actions.

That this has happened without public input and through wholesale replacement of our County's submitted Local Coastal Program is unfair and is a terrible reflection on your Commission.

Please act to stop this action.

Respectfully,

Dean & Elizabeth Pedley
59 Dipsea Road
Stinson Beach, CA 94970

W10a

From: Theresa
To: CoastalMarinLCP
Subject: Marin LCP
Date: Friday, October 28, 2016 2:02:05 PM

In reference to agenda item W10a, and as a Stinson Beach property owner, I want to register my outrage over the California Coastal Commission's redlining of the Marin L.C.P.

I am OPPOSED to Item No W10a.

Theresa Coleman
Owner
129 Seadrift Rd.
Stinson Beach, CA
(415) 609-4532 c

W10a

From: Tony Grant
To: CoastalMarinLCP
Subject: Opposition to Proposed Changes by Commission Staff to Local Coastal Plan
Date: Friday, October 28, 2016 3:12:29 PM

Dear Commissioners,

I am a home owner in Stinson Beach, California, a town I've been connected to for 40 years, and one in which my parents built a house 30 years ago and retired. I've since been fortunate to purchase my own home in this incredible coastal community, and I'm stunned to learn that so much planning with local residents and county officials is being discarded in favor of new language inserted at the last minute with little opportunity for comment or discussion.

I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revision were simply ignored in what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on my property and my town would be terrible. I would be unable to protect my home from rising seas and floods, I would be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions. That this has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission.

Please don't let these last minute changes go through and respect the careful planning of the local communities involved.

Respectfully,

Tony Grant
177 Dipsea Road
Stinson Beach, CA 94970

W10a

From: Gail Graham
To: CoastalMarinLCP
Subject: California Coastal Commission agenda Item W10a
Date: Friday, October 28, 2016 3:19:40 PM

In the strongest words possible - PLEASE DO NOT MAKE THESE CHANGES to our current local regulations!!!!

They will destroy our West Marin communities.

Thank you,

Gail Graham

W10a

From: Peter B Weber
To: CoastalMarinLCP
Subject: Agenda item W10a
Date: Friday, October 28, 2016 2:46:57 PM

Dear sir or madam.

I have enjoyed a 56 year coexistence with the beach and the ocean at Stinson Beach. I feel that relationship and my property is endangered by your upcoming vote on November 2.

Regarding agenda item W10a, I wish to express my opposition to this item and I am asking the commission not to adopt these changes at its hearing on Nov. 2.

We look forward to working with the commission in the future to ensure a safe and sustainable plan that allows us to continue to enjoy these natural spaces and sustain our properties as a homeowner would normally be allowed.

Peter Weber, MD

W10a

From: Johnston, A.C.
To: CoastalMarinLCP
Cc: "bcrawford@marincounty.org"; "skinsey@marincounty.org"
Subject: OPPOSITION to Item No: W10a, Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
Date: Friday, October 28, 2016 3:02:35 PM
Importance: High

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Re: OPPOSITION to Item No: W10a, Marin County LCP Amendment No. LCP-2-MAR-15-0029-1

Dear Commissioners,

We have had a home in Stinson Beach for over 25 years. I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes were previously submitted by your staff in 2015 and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. The Seadrift Association and other citizen organizations have worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's proposals, were ignored in what your staff has once again submitted, and the document that members of the public helped to produce has been struck out and virtually entirely replaced by your staff's submissions.

If the changes that your staff proposes were to be approved, the impact on our property and our town would be devastating. We would be unable to protect our home from rising seas and floods, We would be unable to maintain it over time, and our rights to sell our property at a fair price would be taken from us. Our entire community could disappear over time due to your staff's actions. That this would happen without public input and through a wholesale replacement of the Local Coastal Program submitted by Marin County would be extremely unfair, reflect very badly on the processes and procedures followed by your Commission, and raise serious legal issues.

Please act to stop this action.

Respectfully yours,

Alan C. Johnston
47 Dipsea Road,
Stinson Beach, CA 94970

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This message may be confidential and privileged. Use or disclosure by anyone other than an intended addressee is prohibited. If you received this message in error, please delete it and advise the sender by reply email.

W10a

From: MARIUS NELSEN
To: CoastalMarinLCP
Subject: LCP Amendments
Date: Friday, October 28, 2016 1:59:28 PM

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
OPPOSED
NAME:_Marius E. Nelsen

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I own a home in Stinson Beach. I am writing to ask that you please vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications and that you instead vote YES on Marin County's LUPA and IPA as submitted by the County.

Marin County staff worked hard with us to understand the community character of Stinson Beach, as well as its topography. In consultation with local stakeholders they developed a very workable set of regulations for development in flood zones which anticipates future sea level rise, keeps us safe, keeps us in our homes, and preserves neighborhoods that already do and would continue to fully respect public beach access and public view corridors. Marin County's approach was a sensible one which dovetailed LCP mandates with FEMA mandates – these had in the past frequently been in conflict, forcing either expensive variance processes or dangerous off-permit work – and added sufficient extra consideration of rising future sea levels such that our homes would be flood-protected under the most probable forecasts provided by current best available science for the next 50 to 100 years. And to balance current homeowner rights with unknown future changes to hazard forecasts, they provided for regularly scheduled updates to the LCP to account for the best available new science. This was a sensible, balanced plan to address sea level rise hazards in my community, and it was applauded by the Village Association, Seadrift Association, the Water District and other local community organizations.

Your staff then took this carefully crafted language, threw it out the window, and replaced it with the same old twice-rejected language they've attempted to force on Marin County, based on a "100 year maximum sea level rise" standard and an ideologically-driven policy of preferring "managed retreat" – having us move or remove our homes. These weren't merely minor edits. Three entire sections of the regulations, including the entire FEMA Flood Zones section, the Sea Level Rise section, and the Best Available Science section, were struck out. Not a word of Marin County's language was left. Not surprisingly, since they never deigned to consult with the public to learn how to create practicable regulations for the locale, what your staff replaced these sections with were the same old policies that have repeatedly been shown in the past two years to be scientifically and topographically inappropriate for our coastal community.

Scientifically, they have insisted on picking an arbitrary point in what best available science, based on the same studies repeatedly cited by your own staff, forecasts as an ***equal-probability*** chance of 100 year sea level rise: Anywhere from 18" to 6'6" along our coast. In other words, it is ***not*** the case that scientists are saying 'sea levels may rise only 18" over the next 100 years, but it is much more likely that they will rise 6'6" so let's prepare for that' – according to the science, it is ***as likely*** to be 18" as it is to be 78". And yet your staff decided, with no justification given, to force on Marin the most extreme end of that range. Let's do the math – assuming any given inch-level of rise is equally probably between 18" and 6'6" 100 years from now, then there is a 1/61 likelihood your staff is correct. It's not arbitrary and capricious to forestall a property owner from developing or maintaining their home on 1/61 odds, 100 years from now?

Having done the math, let's compare that to widely accepted standards already in force statewide and nationwide for acceptable risk management. FEMA establishes a 1% per year likelihood of flooding as a reasonable point at which to require extra burdens or denial of permitting to homeowners. Similarly, Alquist Priolo earthquake zones are evaluated on a 1% per year likelihood of risk. Such standards, evaluated over a 100 year home lifespan (were any such home actually built to last that long without remodeling), equate to a 1-(0.99)^100 risk; doing this last bit of math, the risk level to a home expected to last 100 years for which they require special construction standards, permits and hazard mitigation is a little over 63%. Your staff is instead asking to impose a 1.6% threshhold, ***40 times the accepted state and national hazard risk threshold***. And this for a risk that is effectively 0% likely for the next 10, 20, 30 or even 50 years - whereas FEMA flood and earthquake risks could happen any given year within the near or medium term. So your staff is also asking homeowners to incur these burdens, or even give up their homes, on a longshot more than 40x as unlikely as an earthquake and that won't in fact occur in the lifetime of the homeowner.

Wouldn't it be much more sensible to adopt a non-arbitrary risk policy, then revisit it every 10 years?

Topographically, your staff insists on policies completely inappropriate to a shoreline community such as Stinson Beach, one that is characterized by essentially flat lots with no "upland" area on which to build, and backed by miles of unbuildable state and national parkland. They would probably have known this had they asked us. And yet they insist on repeatedly pasting back in their rejected concept that "shoreline development shall be set back a sufficient distance, and/or sited on an elevated portion of the site, and/or designed to reduce the size of the structure or footprint... in such a way as to avoid flooding." The further my home is set back from the shoreline, the lower it would be. There is no substantially elevated portion of any lot west of Highway One in Stinson Beach (or along Wharf Road in Bolinas, or along the Tomales Bay coastline in Marshall and Inverness, etc). And exactly why asking me to shrink my house would make me safer from flooding logically escapes me. But it is fairly clear why this boilerplate your staff keeps attempting to reintroduce to "fix" our shoreline communities fails; it's because it clearly was cut-and-pasted from a section on Blufftop Development, which is for a completely topology where setbacks actually are a sensible approach. We

know this because we have copies of your staff's last-minute, midnight edits to the 2014 document where it is clear where one section was pasted and renamed to create this new "Shoreline Development" section. We assume they attempted this end-run, trying to extend a Blufftop regulation to Shorelines, because the Coastal Act only grants the power to regulate erosion along blufftops and cliffs; nowhere in the Coastal Act does Shoreline Development appear as a regulatory concept. Practices like this, sloppily creating regulations not even researched for the communities in question in the hope that no one notices, are simply bad government.

Your staff has taken carefully considered, researched and publicly discussed regulations and replaced them with cut-n-paste boilerplate that shows no respect for the science, character, or frankly for the citizens of my community. We are not willing to be "managed" into "retreat" in Stinson Beach. Your staff's egregious actions need to be reined in; Marin County's regulations need to be adopted instead.

Yours,

Marius E. Nelsen
16 Dipsea Road
PO Box1113
Stinson Beach, CA 94970

W10a

From: Vernon Smith
To: CoastalMarinLCP
Subject: Comments: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a
Date: Friday, October 28, 2016 6:17:21 PM

W10a
LCP-2-MAR-15-0029-1

October 26, 2016

Jack Ainsworth, Acting Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105
Via Electronic Mail

Re: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Environmental Hazards:

- I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications.

- The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that comprehensive sea-level rise policies are included in the LCP as there are cumulative impacts on entire coastal regions that should not be addressed by individual permitting processes.

- The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, community character and balancing the rights and needs of property owners.

Biological and Water Resources:

- I urge the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term ESHA protections and habitat viability.

- For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Agriculture:

- I support the Coastal Commission staff's definition of "ongoing agriculture", included in the October 21, 2016 modification and originally presented to the Coastal Commission in 2015. This definition is a reasonable and balanced way of protecting our farmers and agricultural lands in the face of growing economic and climate challenges.

- It is important to have a streamlined and balanced approach to the definition of ongoing agriculture that protects coastal resources and allows agricultural operators the continued flexibility to manage their land as markets and other factors change.

Public Participation:

- I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review.

- The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.

- The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum public participation by requiring individuals and organizations to "pay to be heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Community Character:

- I am concerned by the new community core zoning requirements.

- West Marin's coastal village character is threatened by the new Coastal Visitor Commercial Residential Zoning (C-VCR), which would make commercial use the principally permitted use in the entire district. We need to expand residential opportunities, not the commercial use of our hometowns.

Thank you for your consideration of these comments.

Respectfully,
FULL NAME
CITY OF RESIDENCE

W10a

Manna, Jeannine@Coastal

From: Michelle MacKenzie <michellehmackenzie@gmail.com>
Sent: Friday, October 28, 2016 1:12 PM
To: CoastalMarinLCP
Subject: Protect Marin's Coast

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Environmental Hazards:

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CEQA Requirements:

- I understand that the Coastal Commission staff's October 21, 2016 suggested modifications meet the California Environmental Quality Act (CEQA) requirement by a California state agency.
- If any non-administrative policy modifications by Coastal Commission staff are not adopted, or are amended, by the Coastal Commissioners on November 2nd, will the LCP meet CEQA requirements?

Biological and Water Resources:

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public participation by requiring individuals and organizations to "pay to be heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Thank you for your consideration of these comments.

Respectfully,

Michelle MacKenzie
2607 Graceland Ave
City
San Carlos, CA 94070

W10a

Manna, Jeannine@Coastal

From: Polly O'Malley <loislow@earthlink.net>
Sent: Friday, October 28, 2016 1:27 PM
To: CoastalMarinLCP
Subject: Protect Marin's Coast

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Environmental Hazards:

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public participation by requiring individuals and organizations to "pay to be heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Thank you for your consideration of these comments.

Respectfully,

Polly O'Malley
1311 Federal Ave
Los Angeles, CA 90025

W10a

Manna, Jeannine@Coastal

From: R. Zierikzee <inor@earthlink.net>
Sent: Friday, October 28, 2016 1:18 PM
To: CoastalMarinLCP
Subject: Protect Marin's Coast

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

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Thank you for your consideration of these comments.

Respectfully,

R. Zierikzee
845 Euclid Ave Apt 4
San Francisco, CA 94118

W10a

Manna, Jeannine@Coastal

From: S. Chapek <scc317@earthlink.net>
Sent: Friday, October 28, 2016 1:17 PM
To: CoastalMarinLCP
Subject: Protect Marin's Coast

Dear Mr. Ainsworth,

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Thank you for your consideration of these comments.

Respectfully,

S. Chapek
845 Euclid Ave Apt 4
San Francisco, CA 94118

From:	Anushka Drescher
To:	CoastalMarinLCP
Subject:	Protect Marin"s Coast
Date:	Friday, October 28, 2016 1:38:03 PM

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

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Thank you for your consideration of these comments.

Respectfully,

Anushka Drescher

1431 WARD STREET
Sacramento
Berkeley, CA 94702

W10a

CoastalMarinLCP

From: Anushka Drescher <adrescher@sbcglobal.net>
Sent: Friday, October 28, 2016 1:38 PM
To: CoastalMarinLCP
Subject: Protect Marin's Coast

Dear Mr. Ainsworth,

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Respectfully,

Anushka Drescher
1431 WARD STREET
Sacramento
Berkeley, CA 94702

W10a

Manna, Jeannine@Coastal

From: Thom Philipel <seaturtles@thornzone.com>
Sent: Friday, October 28, 2016 1:27 PM
To: CoastalMarinLCP
Subject: Protect Marin's Coast

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Thank you for your consideration of these comments.

Respectfully,

Thom Philipel
977 kingwood st.
Santa Rosa, CA 95405

W10a

Manna, Jeannine@Coastal

From: Tessa Wardle <wardle@oxy.edu>
Sent: Friday, October 28, 2016 12:53 PM
To: CoastalMarinLCP
Subject: Protect Marin's Coast

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CEQA Requirements:

- I understand that the Coastal Commission staff's October 21, 2016 suggested modifications meet the California Environmental Quality Act (CEQA) requirement by a California state agency.
- If any non-administrative policy modifications by Coastal Commission staff are not adopted, or are amended, by the Coastal Commissioners on November 2nd, will the LCP meet CEQA requirements?

Biological and Water Resources:

- I urge the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term Environmentally Sensitive Habitat Areas (ESHA) protections and habitat viability.
- For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Public Participation:

- I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review.
- The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.
- The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum

public participation by requiring individuals and organizations to "pay to be heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Thank you for your consideration of these comments.

Respectfully,

Tessa Wardle
7 Hill Ave
Woodacre, CA 90041

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west marin environmental action committee

W10a

LCP-2-MAR-15-0029-1
Environmental Action Committee of West Marin
Comments on Agenda Item W10a

October 28, 2016

California Coastal Commissioners
Jack Ainsworth, Acting Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105
Via US Mail & Electronic Mail

Re: Comments re: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a

Dear Mr. Ainsworth and Commissioners:

The Environmental Action Committee of West Marin ("EAC") respectfully submits the following comments on Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, Agenda Item W10a, for the public hearing and action on request by Marin County to comprehensively update the Land Use Plan ("LUP") and Implementation Plan ("IP"). We will refer to both the LUP and the IP as the Local Coastal Program ("LCP") proposed amendment ("amendment" or "update").

As you know, EAC has been involved in Marin County ("County")'s LCP amendment process since the beginning in 2008. EAC is heavily invested in this process and is committed to ensuring the County maintains strong coastal policies that protect our priority coastal resources. Like the Coastal Commission ("Commission") and its staff ("Commission staff"), EAC wants to ensure that the County's LCP amendment is consistent with the Coastal Act ("Act"). In particular, the LUP must be consistent with Chapter 3 policies of the Act, and the IP must conform to the LUP.

Environmental Action Committee of West Marin | PO Box 609, Point Reyes Station, CA 94956
415-663-9312 | admin@eacmarin.org | www.eacmarin.org

EAC agrees with Commission staff that the LCP as County-submitted was inconsistent with the Act. Although the Commission staff's October 21, 2016 suggested modifications ("Suggested Modifications") contained in the October 21, 2016 Commission staff report ("2016 Staff Report") advance resource protections in many instances, in some key policy and implementation sections the amendment remains inconsistent with the Act and/or diminishes the coastal resource protections contained in the 1981 certified LCP ("Certified LCP"). EAC supports the 2016 Staff Report in several areas including the Environmental Hazards ("Hazards") chapter and the Commission staff's definition of ongoing agriculture. Our comments focus on the remaining critical deficiencies, and where possible include further specific modifications to the amendment that must be made prior to any certification by the Commission to ensure continued protection of coastal resources and consistency with the Act. EAC also raises a particular concern regarding a partial withdrawal of the amendments by the County.

For ease of reference, we have organized this comment letter by six areas of the amendment and/or issues, which are of particular concern to EAC: (I) withdrawal, (II) environmental hazards, (III) biological and water resources, (IV) agriculture, (V) community character, and (VI) visual resources, followed by a brief summary. In addition, please see Attachment 1 for additional specific substantive comments, procedural inconsistencies, and editorial concerns. Many of these comments are included in an effort to ensure that the IP is consistent with the LUP[1].

I. Withdrawal

A. A partial withdrawal of one or more amendments (but not all seven) would be highly problematic.

As an initial point, EAC's analysis presumes that the full update (as a package) is being considered by the Commission. Further analysis would be required by the public and the Commission should one section be withdrawn, since all seven amendments are meant as an integral piece. The below paragraph addresses some of EAC's concerns should a partial withdrawal be proposed at the November 2nd hearing.

It is not possible to adopt and/or certify only some of the seven County-submitted amendments (which make up the update), because the submitted LCP update serves as a complete replacement and total reorganization of the two prior County Certified LUPs (Units I and II) and the Certified IP. To use an analogy, the seven amendments are inextricably linked and they work in harmony together, like strands which weave together to make a single rope. It is impossible to rip out one strand of a rope and have the other strands properly function. If a single amendment is withdrawn, it will be very difficult to proceed and have consistency with Units I and II of Certified LUP and the Certified IP. The County-submitted individual amendments numbers one to seven do not either replace entire chapters or selectively modify

[1] *See* Coastal Act Section 30513

language in the Certified LUP (made up of Units I and II). To adopt and/or certify only some amendments, but not all seven, would be complete chaos for the public and the County planners. It would be very difficult from the public and the planners to know which potentially conflicting and duplicate sections of policies and implementation measures apply and which policies and measures do not apply. For example, if the update is adopted without the Hazards chapter then planners will have to refer back to Units I and II of the Certified LUP and the Certified IP to address hazards policies and standards. The result would be three LUPs and two coastal zoning codes that planners would have to use when conducting analysis for any development application. With multiple and perhaps conflicting versions, it would be difficult for planners to conduct a complete analysis and thorough analysis.

B. Postponement/Full Withdrawal

As discussed, a partial withdrawal is illogical. Postponement or full withdrawal are the only options that give the public sufficient opportunity for public participation to understand and analyze the implications of this comprehensive and complex LCP amendment. If the Commission decides to move forward in considering the LCP amendment at this time, we provide the following substantive comments.

II. Environmental Hazards

A. Land Use Plan

1. EAC urges the Commission to adopt the Commission staff's Suggested Modifications to the Environmental Hazards chapter.

The County LCP amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that the amendment set a strong precedent for other regions. There is a serious need to address the effects of sea-level rise sooner rather than later, and to adopt policies which address the present, as well as foreseeable and inevitable effects of sea-level rise. Due to its institutional knowledge and statutory authority, the Coastal Commission is uniquely capable of guiding local government's response to sea-level rise in a coherent and consistent manner that protects coastal resources and the public trust without unlawfully circumscribing private property rights. The Commission has been vigilant on Environmental Hazards in the past in its issuance of Coastal Development Permits ("CDPs"), and can best apply this knowledge to the County's LCP. We believe the Suggested Modifications admirably achieve that purpose.

In contrast, the proposed Hazards policies submitted by County only address the narrow mandate of Section 30253(a) to "[m]inimize risks to life and property…" The County-submitted proposed Hazards policies do not adequately address the coastal resource protection mandates of Sections 30231, 30251, 30253(b), and others. Furthermore, the County-proposed policies put off into the future any meaningful action to adapt to sea-level rise, committing the County only to further study when the problem will be further aggravated. The net result of the County's proposals would be piecemeal adaptations by individual homeowners, exempted from permit

review and "deemed sufficient to comply with...the LCP," without regard to individual or cumulative impacts on coastal resources or the public trust.

Moreover, the County-submitted proposed LCP update is inconsistent with the Coastal Act and is not protective of public trust resources, marine resources, public access, community character, visual resources or other coastal resources. The County's proposed Hazards policies fail to follow the Commission's 2015 Sea Level Rise Policy Guidance[2] or to effectively use the Commission-provided C-SMART grant funds when drafting the Hazards Chapter, and so failed to include adaptation to sea-level rise measures.

In addition, the County-submitted proposed LCP update refers to "Potential Sea Level Rise Maps" which are an intrinsic part of the County-proposed LUP amendment. However, the "Potential Sea Level Rise Maps" were neither considered nor adopted by the County Board of Supervisors in April 2016, as is required by the Act and California Code of Regulations ("Regulations"). The references have been removed from the Commission's Suggested Modifications. Therefore, the County-submitted proposed LCP is not eligible for adoption by the Commission.

EAC urges the Commission to adopt the Commission staff's Suggested Modifications to the Hazards chapter. The Suggested Modifications succeed in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, and community character, while balancing the rights and needs of property owners. Furthermore, Staff Modifications in the Hazards chapter are consistent with Chapter 3 Act policies, the Regulations, and past Commission determinations[3], because they will protect the public trust, visual resources, and other coastal resources while allowing homeowners a reasonable way to cope with the impending challenges of sea-level rise. For example, in Commission staff suggested policy C-EH-17(8), the Sandy Beach Management Plan addresses the Act's requirement for continued public access to the beaches[4]. In addition, the Suggested Modifications have maintained many of the concepts that were previously certified by the Commission in 2014.[5]

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[2] California Coastal Commission Sea Level Rise Policy Guidance, adopted August 12, 2015, *available at*:
https://documents.coastal.ca.gov/assets/slr/guidance/August2015/0_Full_Adopted_Sea_Level_Rise_Policy_Guidance.pdf

[3] California Code of Regulations Section 13540(c) states that for certification the LUP should be consistent with applicable past Commission decisions. *See* references to the Lundberg and Winget staff reports in the 2016 Staff Report for language that supports the Commission staff's language regarding redevelopment and removal triggers.

[4] *See* Coastal Act Sections 30210, 30211; *see also* Sections 30200 & 30001.5(c) "maximize public access to and along the coast..."

[5] *See* 2014 Final Commission Approved LUP, *available at*
http://www.marincounty.org/~/media/files/departments/cd/planning/local-coastal/2014-final-ccc-approved-lup.pdf?la=en

Specifically, EAC supports the Commission staff's definition of redevelopment in the Suggested Modifications, because it is consistent with past decisions, the Regulations, the Act and is nearly the same language that was previously certified by the Commission in 2014.[6] During last month's Commission meeting on October 6, 2016, Commissioner Kinsey stated:

> regarding the definition of redevelopment, it is important to "...address our legitimate interest in having redevelopment projects that exceed 50% of the structural changes to be bought up to contemporary standards.[7]

The Commission has a long history of distinguishing between limited repair and maintenance of a structure and redevelopment.[8]

2. <u>The state has a continuing duty to reevaluate the public trust as the circumstances change, as is inevitable with sea-level rise.</u>

Pursuant to the public trust doctrine, the state has a continuing duty to evaluate the public trust as the circumstances change[9], as is inevitable with sea-level rise. The trust duty can even prevent uses on non-public lands and the trust lands must be protected in their natural state. The trust duty can even prevent uses on non-public lands if those uses impact the public trust[10] and trust lands must be protected for trust uses, which includes protecting them in their natural state[11]. As the mean high tide line moves inland due to sea-level rise, the public trust lands will move inland as well. If it is blocked by shoreline protective devices that will pose further problems, as the boundary is meant to be measured as if these protective devices do not exist. Both existing as well as new development must be evaluated in light of the moving public trust boundary.

As the agency responsible for public access to California's beaches, the Commission has already adopted sea-level rise guidance which anticipates the inland move of the shoreline. The Commission's adopted 2015 *Sea Level Rise Policy Guidance* includes the following language as one of its principles: "Recognize that sea level rise will cause the public trust boundary to move inland. Protect public trust lands and resources, including as sea level rises. New shoreline protective devices should not result in the loss of public trust lands."[12] The Guidance further

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[6] *See* page 30 of 2016 Staff Report.
[7] *See* October 6, 2016 Video regarding Item 15a, regarding City of San Diego LCP Amendment LCP-6-SAN-16-0043-3, ~32:38 on the video.
[8] *See* California Code of Regulations Section 13252(b)
[9] *See National Audubon Society v. Superior Court of Alpine County*, 658 P.2d 709 (Cal. 1983); *see also Marks v. Whitney*, 491 P.2d 374, 380 (Cal. 1971)
[10] *See National Audubon Society* at 658 P.2d at 711-12.
[11] *See Whitney*, 491 P.2d at 380.
[12] California Coastal Commission Sea Level Rise Policy Guidance, adopted August 12, 2015, at page 16 *available at* https://documents.coastal.ca.gov/assets/slr/guidance/August2015/0_Full_Adopted_Sea_Level_Rise_Policy_Guidance.pdf

states that:

> The State holds and manages all tidelands, submerged lands, and beds of navigable waterways for the benefit of all people of the State for statewide purposes consistent with the common law Public Trust Doctrine ("public trust"). In coastal areas, the landward location and extent of the State's trust lands are generally defined by reference to the ordinary high water mark, as measured by the mean high tide line. Public trust uses include such uses as maritime commerce, navigation, fishing, boating, water-oriented recreation, and environmental preservation and restoration.[13]

Pursuant to the Commission's Guidance and the public trust doctrine, the Suggested Modifications to the Hazards chapter successfully provide adaptation policies for when the public trust boundary moves inland. This is critical, because the Commission is best suited to handle this state issue at the present time. The time for bold decisions is now. The Commission has no choice but to adopt staff's Suggested Modifications to the Hazards chapter in order to fulfill its constitutional duty to protect the public trust.

3. EAC's Specific Concerns with Suggested Modification Policies

Policy C-EH-2 should be revised to include the bolded language so that the policy is fully protective and fulfills the Act's intent.

C-EH-2 Avoid and Minimize Hazard Risks and Related Impacts.

> Development shall be avoided in areas potentially subject to hazards to the maximum feasible extent. When development in such areas cannot be feasibly sited in a manner that avoids such areas entirely, then such development shall be sited, designed, and conditioned to minimize risks to life and property while mitigating the development's impacts to coastal resource**s, public access, and visual and scenic resources for at least 100 years.** Mitigation shall include measures to avoid such impacts if feasible, particularly impacts related to public recreational beach access.

While 100 years sounds like a long time, there are opportunities for amendment built in the LCP process.

C-EH-5.2 Standards for Shoreline Development.

As further discussed below under (VI) Visual Resources, please delete the word "significant" before public views for consistency with Act Section 30251:

[13] Id. at page 40, n. 13.

"...a resulting building height that would exceed the zoning district height maximum may be allowed if the additional height does not adversely affect **significant** public views or community character;..."

III. Biological and Water Resources

A. Land Use Plan

1. The LUP should be further modified to remove any wetland buffer exceptions.

For 35 years, the Certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LUP. C-BIO-19 is problematic, because it clearly allows for buffer exceptions for any wetland, not just legally constructed wetlands. Commission staff's statement that "However, the proposed LUP clarifies that such a reduction can only be applied to legally constructed wetlands (meaning they were authorized by coastal permit or pre-dated coastal permit requirements)" is incorrect.[14] Perhaps, Commission staff is referring to Policy C-BIO-19(1)(d), but this is only one of the qualifying exceptions. Policies C-BIO-19(1)(a-d) are separated by "OR" not by "AND" so the wetland exceptions *do not* only apply to legally constructed wetlands, but they appear to apply to all wetlands.

Instead of adding in exceptions, we should be doing all we can to preserve and protect our wetlands, especially in light of the anticipated adverse impacts of sea-level rise on wetlands. At a minimum, the LCP update should offer protections at least as strong as the protections in the Certified LCP, rather than weakening existing policy.

2. The LUP should be further modified so that stream buffer adjustments are not too broad.

EAC continues to advocate that in order to ensure that exceptions to stream buffer requirements do not become commonplace, language should be added to policies for *Stream Buffer Adjustments and Exceptions* (C-BIO-25) so that the proposed exceptions to the 100-foot buffer requirement are limited.[15]

Proposed exceptions for stream buffer adjustments should be evaluated taking into account all contiguous lots under common ownership. Buffer adjustments should only be considered when the proposed development is a Principally Permitted Use ("PPU"), and a public hearing should be required for any proposed buffer adjustment.

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[14] *See* 2016 Staff Report at page 68.
[15] *See* pages 12-13 EAC's 7/7/16 letter to the Commission for specific recommended language.

3. The LUP and/or the IP should include language that is consistent with Section 30240 of the Act and states that residential development is prohibited in ESHAs and wetlands because residential development is not a "resource dependent use."

The update is missing a clear statement that the LCP provisions are designed to ensure consistency with Section 30240 of the Act or that residential development is prohibited in Environmentally Sensitive Habitat Areas ("ESHAs") and wetlands, because residential development is not a "resource dependent use."[16] This reference is found in the Certified LCP[17] and in the 2016 Staff Report[18], but it should be addressed in the LCP itself. This is important because after the LCP is certified, it is the LCP and not the Act that governs implementation of the protections for ESHAs and wetlands.[19]

B. Implementation Plan

1. The IP should be further modified to include specific enforceable standards for biological and water resources and buffer reductions should be further narrowed.

EAC continues to urge the Commission to include specific, enforceable environmental standards to protect biological and water resources.[20] Enforceable standards are necessary to ensure long-term ESHA protections and habitat viability and to implement LUP policies.

In regard to IP Section 22.64.050.A.1.c.(10), the reviewing authority should evaluate eligibility for a buffer reduction only when all contiguous parcels under common ownership are considered when making an assessment of unavoidability.

2. Regarding wells, EAC supports changes to certain IP sections, which are necessary for the protection of groundwater resources.

Regarding wells, EAC supports Commission staff's Suggested Modifications to the following IP sections, which are necessary for the protection of groundwater resources: 22.64.080(A)(1), 22.64.140(A)(1.b), 22.64.140(A)(1)(b.3).

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[16] *See* Coastal Act Section 30240(a).
[17] *See* Unit I of the Certified LCP at page 31.
[18] *See* 2016 Staff Report at page 68.
[19] *See McAllister v. California Coastal Commission* (2008), 169 Cal.App.4th 912, 926-930, 931-932
[20] Please revise IP Section 22.64.050(B) to include specific enforceable standards.

IV. Agriculture

A. Land Use Plan

1. EAC supports the Commission staff's definition of ongoing agriculture, included in the Suggested Modifications and originally presented to the Commission in 2015.

EAC supports the Commission staff's definition of ongoing agriculture, included in the Suggested Modifications and originally presented to the Commission in 2015.[21] This definition is a reasonable and balanced way of protecting our farmers and agricultural lands in the face of growing economic and climate challenges.

EAC supports the Commission staff's definition of ongoing agriculture, because it provides protection for coastal resources, such as land and water. The definition provides flexibility for farmers in several areas, while requiring coastal development permits ("CDPs") for agricultural use changes that may have greater coastal resource impacts, which do not qualify for a de minimis waiver. For example, the conversion of grazing crops to crop production still requires a CDP. This makes sense since this type of change involves ripping the land, certain coastal areas are best suited to grazing, and growing crops is much more water-intensive than grazing. Viticulture, which has huge water impacts and involves the potential development of both new water sources and terracing, also requires a CDP. However, the Categorical Exclusion Orders E-81-2 and E-81-6 expressly exclude some of the agricultural activities that under the proposed definition would require a CDP, such as viticulture and water impoundment.

In comparing the update to the Certified LCP, it is important to note that the update provides new flexibility and procedural streamlining for agriculture. Unless categorically excluded, the Certified LCP *currently* requires a CDP for agricultural activities that constitute a change in the intensity of use of land or water, and many routine agricultural activities are

[21] The Commission's April 2015 staff report states (on page 88) that:
"What requires a coastal permit is development that constitutes either a change in use or intensity of use or new grading into an area that has not previously been farmed. In response to public comments that have been received on this topic, the Commission's suggested modifications expressly acknowledge that existing legally established ongoing agricultural production activities that have been part of a regular pattern of agricultural practices that has not been discontinued (such as ongoing rotational grazing and crop farming) does not constitute a change in intensity of use but is a recognized agricultural practice that helps to further productive use of the land. Therefore, to the extent the rotational crop farming or grazing has been part of a regular pattern of agricultural practices, it is not a change in intensity of use of the land despite the fact that the grazing and crop growing are rotationally occurring on different plots of land. Therefore, ongoing agricultural activities are defined to include an established pattern of agricultural production activities such as ongoing rotational grazing and crop farming."

already covered by the County's existing Exclusion Orders[22]. An example of where the update provides increased flexibility, under the Certified LCP, grading currently requires a CDP and under Commission staff's proposed definition of ongoing agriculture, grading would qualify for a de minimis waiver.

The Suggested Modifications succeed in providing a streamlined and balanced approach to the definition of ongoing agriculture that protects coastal resources and allows agricultural operators the continued flexibility to manage their land as markets and other factors change.

2. Some further modifications are needed to the LUP Agriculture chapter.

Some further modifications are needed to ensure that the LUP and IP related to agriculture are consistent with the Act. Recommended revisions are detailed below.

For clarity, a definition of common ownership should be added related to policies C-AG-2.A and C-AG-5.A. (*also see* Attachment 1).

In policy C-AG-9.A, the word "primarily" should be deleted.

> *a) The LCP update deems new commercial (retail sales) and industrial (agricultural processing) uses on C-APZ lands without the requirement and/or finding that development be "necessary for" agricultural production.*

The LCP update deems all new farmhouses, first intergenerational houses, retail sales facilities, commercial processing facilities, and farmworker housing as "necessary for" agricultural viability without findings to support that result. Language should be added to the LUP and IP update that makes it clear that the "necessary for" requirement should be part of the County's mandatory findings to issue a CDP. The County should be required to make an affirmative statement that the proposed project is "necessary for" continued agricultural production as part of their CDP analysis. A case-by-case determination is logical to ensure, for example that there is a nexus between what is sold and what is produced on a farm and that these findings are consistent with the Act.

> *b) LUP Program C-AG-2.b. should be deleted, because it is inconsistent with the Act.*

Program C-AG-2.b. should be deleted, because it is inconsistent with the Act. Furthermore, the County Planning Commission saw this policy for the first time at the September 26, 2016 Planning Commission hearing. Planning Commissioner, Wade B. Holland made the following statement at the Planning Commission hearing to consider the County's LCP amendments and provide recommendations to the County Board of Supervisors:

[22] *See* Exclusion Orders E-81-2 and E-81-6

> New program appeared...2-AG-2-b LUP Page 13. That clearly is something we never discussed...I find that program quite alarming...This is the option to Secure Affirmative Easements...It's just a program but it's really the camel's nose under the tent's flap. We are going to let people build non-agriculturally, study the possibility of people building non-agricultural residences on agricultural lands. This is something that never came to the [Planning] Commission, [it] is brand new.[23]

Mr. Holland's statement is concerning as it is an example of the lack of public participation, where new programs and policies have been added without adequate public review or involvement over the last four years.

B. Implementation Plan

1. <u>The proposed LCP update includes many new entitlements for agriculture, as well as streamlining measures. However, these new entitlements must be balanced by public hearings and/or no fee appeals in order to assure the widest opportunity for public participation.</u>

The LCP update provides new streamlining for agricultural development, in addition to the existing Categorical Exclusion Order provisions, reducing the overall burden on agriculture while providing new entitlements for housing, processing, sales. EAC is concerned by the increased agricultural entitlements in the LCP amendment without adequate opportunities for public participation or review.

The Coastal Act requires the widest opportunity for public participation[24], but the proposed LCP amendment drastically limits public participation, including the public's ability to review and appeal PPUs without paying a burdensome fee. The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

The addition of new entitlements and streamlining procedures must be balanced with public hearings or no fee appeals. While local appeals are permitted in certain cases, the appeal fees are very high. In other words, the proposed policies limit maximum public participation by requiring individuals and organizations to "pay to be heard" at a cost of between $630 and $1,250. Furthermore, the Community Development Agency's staff report for an appeal hearing

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[23] Marin County Planning Commission hearing, September 26, 2016, Video Record at 01:08:23, *available at*: http://www.marincounty.org/depts/cd/divisions/planning/boards-commissions-and-public-hearings/planning-commission-hearings-page
[24] Coastal Act Section 30006

would necessarily support an administrative decision and would likely handicap any public appeal.

Furthermore, public hearing waivers are already available for permitted uses, which is a new streamlining procedure. Hearings should be required for farmhouses, intergenerational homes, and farmworker housing. All other large residential development outside of the C-APZ district requires hearings. Why would the C-APZ be any different?

Public hearings, challenge procedures, and no fee appeals are critical to uphold the Act's public participation mandate and cannot be diluted. Development proposals must be visible and the public must have the opportunity to challenge development when necessary. If a decision is appealed, then there will likely be an environmental reason behind the appeal.

a) Design Review should be included for Agricultural Dwelling Units and Retail Sales Facilities/Farm Stands.

The Suggested Modifications include language that requires Design Review for agricultural processing. However, for consistency, similar language should be added to the IP sections for both agricultural dwelling units and retail sales facilities/farm stands. Agricultural dwelling units include intergenerational houses, farmhouses, and agricultural worker housing. The increased agricultural housing entitlements should be balanced by Design Review provisions. An IP section such as 22.32.026.C. (*Agricultural Processing Uses*) should be added to IP Sections 22.32.025 (*Farmhouse*), 22.32.027 (*Agricultural Retail Sales Facilities/Farm Stands*), 22.32.028 (*Agricultural Worker Housing*), and 22.32.02x (*Intergenerational Homes*).

b) A clear distinction should be made between "agricultural use" and agricultural production."

Coastal Act Section 30241 requires that prime agricultural land be maintained in agricultural production and other development be concentrated on non-prime land. To be consistent with Section 30241 a clear distinction should be made between "agricultural use" and "agricultural production," because agricultural use is broader than production. Two examples are provided below to illustrate this point.

22.65.040 – C-APZ Zoning District Standards

A. Purpose. This Section provides additional development standards for the C-APZ zoning district designed to preserve productive lands for agricultural **use**, and ensure that development is accessory and incidental to, in support of, and compatible with agricultural production. "Appurtenant and necessary for agricultural production" means that the proposed development is needed to sustain an efficient and productive agricultural operation and to ensure continued agricultural viability. (emphasis added).

In the above IP Section, the bolded word "use" should instead say "production."

22.65.050 – C-ARP Zoning District Standards

A. Purpose. This Section provides development standards for the C-ARP zoning district designed to preserve productive lands for agricultural **use** through the clustering of allowed development. (emphasis added).

The above IP Section is another example where the word use should be changed to production.

c) The IP should be modified so that a farm tract can only have one retail sales facility PPU and one processing facility PPU

As an additional point, the IP needs to be revised so that a farm tract can only have one retail sales facility PPU and one processing facility PPU, so there would be only one retail sales facility PPU and one processing facility PPU per tract even with multiple operators.

V. Community Character

A. Land Use Plan and Implementation Plan

EAC is concerned by the new community core zoning requirements. West Marin's coastal village character is threatened by the new Coastal Visitor Commercial Residential Zoning (C-VCR), which would make commercial use the PPU in the entire district. We need to expand residential opportunities, not the commercial use of our hometowns. EAC supports the County's approach of having commercial as the PPU in the core with the residential PPU outside the core, to be addressed in a later amendment to the LUP and the IP.

In addition, regarding community centers, EAC recommends that a revision to the IP be made so that it is clear that in a residential district, community centers be operated by a non-profit and have open-access standards.

VI. Visual Resources

A. Land Use Plan & Implementation Plan

The protection of visual resources is fundamental to the Act[25], and the update should uphold these protections. As discussed below, EAC recommends that the IP includes a definition of "significant public view" as certified by the Commission in the 2014 LUP. However, this will not address the lack of visual resource protection related to Categorical Exclusion Orders.

[25] Coastal Act Section 30251

1. The LUP satisfactorily defines significant views as including views both to and along the ocean and scenic coastal areas as seen from public viewing areas such as highways, roads, beaches, parks, coastal trails and accessways, vista points, and coastal streams and waters used for recreational purposes.

C-DES-2 Protection of Visual Resources.
Development shall be sited and designed to **protect significant views, including views both to and along the ocean and scenic coastal areas as seen from public viewing areas such as highways, roads, beaches, parks, coastal trails and accessways, vista points, and coastal streams and waters used for recreational purposes.** The intent of this policy is the protection of **significant** public views rather than coastal views from private residential areas (emphasis added).

The intent of the last sentence in C-DES-2 was to distinguish public views, which are protected by Section 30251, and private views, which are not. The word "significant" in that final sentence is redundant and confusing and should be removed, consistent with Section 30251.

2. The IP, however, uses, but does not define, "significant public views." **We recommend that Chapter 22.130 expressly include the definition of "significant public view" as certified by the Commission in the 2014 LUP.**

22.65.040.C.4.2 Agricultural Dwelling Unit Impacts and Agriculture Use
"Any proposed agricultural dwelling unit and related development … shall be clustered with existing structures and development on the farm, pursuant to Section 22.65.040(C)(1)(d), and shall be sited and designed to protect **significant public views**"

22.32.165.C.7 Telecommunications Facilities
"New telecommunications facilities shall protect **significant public views** as required by Policy C-DES-2."

22.60.010 Purpose and Applicability of Coastal Regulations
This Article implements applicable provisions of the Coastal Act and the Marin County Local Coastal Program (LCP) … This Article implements applicable provisions of the Coastal Act and the Marin County Local Coastal Program (LCP) … **protect significant public views** …

2.64.045.4.A Property Development and Use Standards
In all cases, such fences, walls, trellises, or other similar structures shall only be allowed so long as such structures adequately protect **significant public views**

22.64.060.B.3.b Environmental Hazards
Where development consists solely of raising an existing structure by the minimum amount necessary to meet these flood elevation standards, a resulting building height that would exceed the zoning district height maximum may be

> allowed if the additional height does not adversely affect **significant public views** or community character

22.64.140.A.19 Public Facilities and Services – Telecommunications Facilities
Telecommunications facilities. Ensure through siting, co-location, "stealth" design, and other measures that telecommunications facilities are designed and constructed to protect coastal resources, including **significant public views, ...**

3. <u>However, Categorical Exclusion Orders that exclude agricultural development (barns, ... other necessary buildings, etc.) fail to include conditions that require that they not adversely affect public views.</u>

The below examples from Categorical Exclusion Orders require an update:

"This Commission further finds that agricultural activities are a major contributor to the scenic resources of the coastal zone, and that the excluded developments will serve to enhance that resource. " (E-81-6, p. 4; E-81-6, Page Ten;)

"Development pursuant this exclusion shall conform, unless otherwise limited by this order, to the zoning in effect in Marin County on the date this this order is adopted by the Commission or zoning adopted by the County pursuant to the LCP certified by the Commission." (E-81-06, Page Four)

"Development under this exclusion shall conform with the County of Marin Local Coastal Program in effect on the date this exclusion is adopted by the Commission ..." (E-82-6, p. 7)

The 2016 Staff Report supports this finding on page 61:

> excludable development must still be found consistent with the zoning in effect at the time of the orders' adoption (meaning the 1982 certified LCP). As such in order for development to be excluded, it would need to meet the 1982 certified LCP's requirements that development be clustered on no more than five percent of the gross acreage, to the extent feasible; be outside of wetlands, streams and their 100-foot buffers; and have adequate water supply, among other requirements.

VII. Summary

In sum, EAC urges you to adopt the Suggested Modifications while making additional changes as specified in this letter so that the LCP update is a comprehensive forward-thinking document that will fulfill the Act's intent of coastal resource protection, the widest opportunity for public participation and maximum public coastal access.

W10a
LCP-2-MAR-15-0029-1
EAC Comments on Agenda Item W10a
October 28, 2016

Thank you for your consideration of our continued concerns.

Respectfully,

Morgan Patton
Executive Director

Ashley Eagle-Gibbs
Conservation Director

cc *(via electronic mail)*:

Shannon Fiala, California Coastal Commission
Jeannine Manna, California Coastal Commission
Nancy Cave, California Coastal Commission
Dan Carl, California Coastal Commission

west marin environmental action committee

Attachment 1 to Coastal Commission Comment Letter

A. Additional substantive comments

IP – Initial paragraph, second sentence

In addition, this Chapter specifies permitting requirements that may be applicable for particular land uses, including Design Review, Sign Permits, and Second Unit Permits.

> *Add boldface*: "… including Design Review, Sign Permits, **Use Permits** and Second Unit Permits should be included."

22.32.026 – Agricultural Processing Uses

22.32.026.B(2). The restriction that agricultural facilities should not be located on prime agricultural land should be applied to processing facilities, as well as to retail sales facilities (as is required in 22.32.027B(2))

> *Add boldface:* "**2. The processing facility is not placed on land designated as prime agricultural land.**"

22.62.040 – Allowable Land Uses and Coastal Permit Requirements

The Commission staff's 2015 recommended language was deleted in the County's resubmission. The Commission staff recommended in its 2015 staff report (at 22.62.040.B.2) that:

> *"Any development that also requires the granting of a Coastal Zone Variance shall not be considered a principal permitted use."*

22.62.040.B.1 Principally permitted uses, …

> *Add:* **"Any development that also requires the granting of a Coastal Zone Variance shall not be considered a principal permitted use."**

22.64.110 – Community Development

Note: *section number 22.64.110 is also used for Community Design*

New development needs to be located to protect visual resources.

22.64.110. 1. Location of new development

> *ADD boldface:* "New development shall be located within, next to, or in close proximity to developed areas with adequate public services and where it will not have significant adverse impacts, either individually or cumulatively, on environmental and natural resources, **scenic and visual resources**, including coastal resources (Land Use Policy C-CD-1)."

22.70.080 – Appeal

The Commission staff's 2015 recommended language was deleted in the County's resubmission. The Commission staff recommended in its 2015 staff report (at 22.070.080.B.1.c) that:

> *"any use that also requires the granting of a Coastal Zone Variance shall not be considered a principal permitted use."*

22.70.080.B.1.c

> *ADD boldface*: **"(any use that also requires the granting of a Coastal Zone Variance shall not be considered a principal permitted use)"**

22.70.120 – Expiration Date and Time Extensions

The certified IP requires that if the coastal permit was issued at public hearing, an extension of time shall be decided at a public hearing (22.56.120I).

22.70.120.A.(2,3,4)

Revise paragraphs A.2, A.3, A.4 so that:

> **"When a coastal permit is originally issued at a public hearing, an extension shall be decided by public hearing."**

22.70.120.A.2 of the IP needs additional language so that permit extensions cannot continue indefinitely. A coastal permit should expire after three years if not vested or extended. There should be a single, 3-year extension opportunity with the same hearing requirement as the initial permit.

22.70.150 – Coastal Zone Variances

The certified IP provides for appeal of variances (22.86.040I).

The Commission staff's 2015 recommended language (22.70.150.C) was deleted in the County's resubmission:

> *2.70.150.C. Appeal of Coastal Permit For Development Requiring a Coastal Zone Variance. Any development that also requires granting of a Variance shall not be considered a Principally Permitted Use per 22.70.080(B)(1)(c) and approval of any coastal permits for development that also requires a coastal zone variance shall be appealable in compliance with Section 22.70.080.*

Add new section:

> **"22.70.150.C. Appeal of Coastal Permit For Development Requiring a Coastal Zone Variance. Any development that also requires granting of a Variance shall not be considered a Principally Permitted Use and approval of any coastal permits for development that also requires a coastal zone variance shall be appealable in compliance with Section 22.70.080."**

22.70.080 – Appeal of Coastal Permit Decision

The right to appeal a CDP decision is unclear. Clarify the ambiguity of who may appeal.

Compare sections:

> 22.70.080.A.2. An appeal may be filed by any person.
>
> 22.70.030.B.(6) … failure by a person to request a public hearing may result in the loss of that person's ability to appeal to the Coastal Commission.

The IP should: either include language that there is no fee for filing an appeal (Add deleted language back in to **22.70.080**), or include language in 22.70.030.B.3 and B.4 to require a public hearing for a project that is a PPU.

22.70.090 – Notice of Final Action

"… The cover sheet / memo shall be sent to all recipients of the notice, and the cover sheet/memo shall be mailed to the Coastal Commission, with supporting documents sent either via hard copy or electronically (see below).

> **B. Supporting Materials:**
> 4. All other substantive documents cited and/or relied upon in the decision including any environmental review documents prepared in accordance with the California Environmental Quality Act, technical reports (geologic reports, biological reports, etc.), correspondence, etc."

COMMENT: Clarify that the County shall make all supporting materials available electronically (e.g. bio reports…) to requesting persons.

22.32.140 – Residential Second Units

Some districts are not in coastal zone:

22.32.140.B. **Applicability.** The provisions of this Section shall apply to single-family and multifamily residential zoning districts, including the R1, R-2, RA, RR, RE, RSP, C-R1, C-R2, C-RA, CRSP, C-RSPS, A, A2, ARP, C-ARP, RMP, and C-RMP districts

Delete boldface: ***"A, A2, ARP"***

The sales limitation should also apply to a *multi*-family unit in multi-family zones:

22.32.140.D. **Limitation on sale.** A second unit may be rented but shall not be sold separately from the single-family unit.

Revise boldface: "from the single- **or multi**-family unit."

B. Procedural inconsistencies

22.70.040 – Challenges to Processing Category Determination

COMMENT: Revise 22.70.040.B(2) to insert notification by "**telephone**" pursuant to California Code of Regulations (CCR) Section 13569(b).

COMMENT: Revise 22.70.040.B(3) to say **2 working days** instead of 10 working days pursuant to CCR Section 13569(c).

C. Editorial notes

C-EH-6.
TYPO in the annotation box: Moved to EH-5 to keep all related blufftop standards in one place
COMMENT: Should be "Moved to **EH-6(6)** …"

22.32.180 – Wind Energy Conversion Systems (WECS)
COMMENT: this section has no substantive text.

22.70.040 – Challenges to Processing Category Determination
TYPO: Section "C. Coastal Commission Challenge Procedures." should be "**B**. Coastal Commission Challenge Procedures."

22.70.040 .B.(4)
(4) The challenge period shall be deemed concluded if no challenge is received within the time periods specified in 22.70.040(B) …
TYPO: Should be: 22.70.040(**A**)

22.70.050 Public Notice

A. Form of notice. Permit applications shall be **noticed at least 10 days prior** (15 working days for public hearing waiver applications) to a hearing or action

SHOULD be: "at least 10 **working** days prior …"

D. State Lands Commission notification
Would this subsection instead be better included in Section A?

22.70.080 - Appeal of Coastal Permit Decision

B.3. Appeal by Coastal Commissioners.
… The Board of Supervisors shall notify the Coastal Commission of its decision to consider such an appeal **within 12 days** of the County's receipt of notice of an appeal by two Coastal Commissioners

SHOULD be: "within 12 **working** days …"?

22.70.110 – Effective Date of Final Action

Where any of the above circumstances occur, the Coastal Commission shall, **within five days** of receiving notice of that circumstance, notify the County and the applicant that the effective date of the County action has been suspended.

SHOULD be: "within five **working** days"?

22.130 – Definitions *(and definition related)*

To follow form for the definition of "Zoning Administrator":

Add boldface:

Director. The Director of the Marin County Community Development Agency or designee of the Director, referred to throughout this Development Code as "Director", **with duties and authority as described in Section 22.110.030 (Community Development Director).**

- The EH LUP chapter refers to "deep pier/caisson." It is unclear what the meaning of "deep" is.
- Please add definitions for:
  - common ownership – ownership two or more parcels by one person. This relates to policies C-AG-2.A and C-AG-5.A.

- commercial core (of C-VCR zone)
- Written request – should include request by email message
- Administrative Coastal Zone Variance (22.70.150.B)
- Public Hearing Coastal Zone Variance (22.70.150.B)

MARIN COUNTY FARM BUREAU

P.O. Box 219, Pt. Reyes Station, CA 94956 · 415-663-1231 ·Marincfb@svn.net

Via Facsimile (415) 904 – 5400
and E-mail (shannon.fiala@coastal.ca.gov)

October 28, 2016

W10a

Chairman Steve Kinsey and Commissioners
California Coastal Commission
North Central Coast District Office
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Re: **November 2, 2016 Meeting – Agenda Item No. W10a – Marin County LCP Update (Marin County LCP Amendment No. LCP-2-MAR-15-0029-1)**

Dear Chairman Kinsey and Commissioners:

The Marin County Farm Bureau ("Farm Bureau") appreciates the opportunity to provide you with these comments in relation to the Marin County LCP Update, which you are considering at your November 2, 2016 meeting in Half Moon Bay.

Marin County Farm Bureau is a membership organization with over 440 members. We are dedicated to supporting our farmers and ranchers while protecting and promoting agricultural members' interests on a county, state and national level.

As the Commission is aware, the coastal zone of Marin County is an agricultural landscape and the home to many Farm Bureau members and their families, and agriculture is their livelihood. As such, Farm Bureau has long been involved in coastal planning processes in Marin County, and has closely followed the evolution of the LCP Update that is now before you. We provide the following comments and requests to you in relation to that LCP Update and Commission staff-recommended changes from its text as the County of Marin has forwarded it to you:

1. **Definition of "Ongoing Agriculture" and Permit Requirements**

Farm Bureau urges the Commission to reject staff-authored changes to the County's LCP submittal which would substitute a wholly new definition of "ongoing agriculture" that unnecessarily narrows the field of agricultural production activities which may be undertaken by farmers and ranchers without a permit for coastal development to those which are "existing legally established" activities at the present time. We believe this language is not consistent with the Coastal Act for those agricultural production activities which may not currently be "existing" and "legally established" but do not otherwise adversely affect coastal resources, and a permitting requirement for these prospective activities is an unnecessary intrusion on the

operational flexibility of Marin County farmers and ranchers to plant and change crops according to market conditions and other factors. More simply, Farm Bureau does not support a permitting requirement for changes in crop cultivation, and does not believe the Coastal Act warrants it as a general matter.

Furthermore, the Commission should be aware that the original language in Marin County's LCP Update submittal here was itself the product of considerable compromise at the county level, and is consistent the Coastal Act and protection of coastal resources. Farm Bureau asks the Commission to certify the original, County-submitted language as to the definition of "ongoing agriculture".

2. Development Rights and the "Farm Tract" Analysis

Farm Bureau also urges the Commission to reject the "farm tract" approach to development rights embedded in Marin's LCP Update and staff-recommended changes. As a legal matter, development rights can only be based upon individual legal parcels, and not upon difficult-to-enforce and potentially discriminatory notions that differentiate between landowners who may own one parcel alone, and landowners who may own two or more parcels. We believe that caselaw in relation to "takings", from the U.S. Supreme Court downward, has emphasized development rights at the parcel level, and does not allow for "groupings" of parcels in the manner contemplated by the "farm tract" approach, which would effectively erase development rights as to some parcels. At a more practical level, as well, the "farm tract" approach is dubious, insofar as it will encourage strategic title-vesting by separate but related entities in order to retain development rights at the parcel level.

We urge the Commission to ensure that development rights remain with individual parcels, and in that regard support the suggestion of Marin County development staff that single-family dwellings be restored as a permitted use in the C-APZ Agricultural Production Zone.

Farm Bureau thanks you for your consideration of the foregoing, and looks forward to appearing before the Commission on November 2.

Very Truly Yours,

Sam Dolcini
President
Marin County Farm Bureau

cc: Dayna Bochco (dayna.bochco@coastal.ca.gov)
Effie Turnbull-Sanders (effie.turnbull-sanders@coastal.ca.gov)
Mary Luevano (mary.luevano@coastal.ca.gov)
Wendy Mitchell (wendy.mitchell@coastal.ca.gov)
Mary K. Shallenberger (mary.shallenberger@coastal.ca.gov)
Mark Vargas (mark.vargas@coastal.ca.gov)
Martha McClure (martha.mcclure@coastal.ca.gov)
Carole Groom (carole.groom@coastal.ca.gov)
Erik Howell (erik.howell@coastal.ca.gov)
Roberto Uranga (roberto.uranga@coastal.ca.gov)
Gregory Cox (greg.cox@coastal.ca.gov)

W10a

Manna, Jeannine@Coastal

From: Jim Curland <curland@earthlink.net>
Sent: Friday, October 28, 2016 12:57 PM
To: CoastalMarinLCP
Subject: Protect Marin's Coast

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Environmental Hazards:

- I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications.
- The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that the Amendment set a strong precedent for other regions.
- The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, and community character, while balancing the rights and needs of property owners.

CEQA Requirements:

- I understand that the Coastal Commission staff's October 21, 2016 suggested modifications meet the California Environmental Quality Act (CEQA) requirement by a California state agency.
- If any non-administrative policy modifications by Coastal Commission staff are not adopted, or are amended, by the Coastal Commissioners on November 2nd, will the LCP meet CEQA requirements?

Biological and Water Resources:

- I urge the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term Environmentally Sensitive Habitat Areas (ESHA) protections and habitat viability.
- For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Public Participation:

- I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review.
- The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.
- The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum

public participation by requiring individuals and organizations to "pay to be heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Thank you for your consideration of these comments.

Respectfully,

Jim Curland
P.O. Box 806
Moss Landing, CA 95039

W10a

From: Katie Taggart
To: CoastalMarinLCP
Subject: nov. 2 meeting
Date: Saturday, October 29, 2016 6:56:17 AM

Shannon Fiala-I am contacting you to express my concern regarding the commission measures that would greatly affect Marin coastal communities and coastal property. I am a senior citizen, and cannot afford measures that would impend improvement on my property, and even affect the possibility of future sale. Suggestive compromise measures have been repeatedly ignored and rejected. Please listen to us.

W10a

From: Sterling Speirn
To: CoastalMarinLCP
Subject: Opposition to Coastal Commission proposals
Date: Saturday, October 29, 2016 5:56:26 AM

Ladies and Genglemen,

As a long-time resident of Stinson Beach, I am writing regarding agenda item W10a, to express my opposition to ask the commission not to adopt these changes at its hearing on November 2nd. Our community has worked diligently in cooperation with the Marin County staff to examine the challenges facing our communities and to draft regulations and policies that endeavor to provide reasonable guidance for maintaining our homes and our communities. We ask that the Coastal Commission follow our democratically developed proposals.

Sincerely,
Sterling Speirn

W10a

From: Lisa Stanton
To: CoastalMarinLCP
Subject: Opposed - Agenda Item W10a
Date: Saturday, October 29, 2016 8:29:23 AM

Dear Ms. Fiala,

I am a homeowner in Stinson Beach and have deep concerns over the proposed amendments in Marin County's Local Coastal Program. As such, I am asking that you please vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications, and to vote YES on the Program as originally submitted.

I have sent a letter to you with the same concerns, but am worried it may not reach you in time. I am available to discuss this with you or your staff at anytime and can be reached at the contact details below.

Kind regards,

Lisa Stanton
415.370.6688
lbstanton@me.com

W10a

From: Kirk Kirkham
To: CoastalMarinLCP
Cc: m.mace@att.net
Subject: Agenda item W10a
Date: Saturday, October 29, 2016 9:18:51 AM

My wife, Katherine Dibblee Kirkham and I are long-time owners and residents of Bolinas. We respectfully urge the Commission not to adopt the changes to the rules proposed by the staff, which clearly substitute ideology for common-sense rules arising from the democratic process as proposed by Marin County. Sincerely James F. Kirkham

James F. Kirkham
(415) 922-4969 - home
((415) 517-4809 - mobile

Sent from my iPhone

From: malcolm ponder
To: CoastalMarinLCP
Subject: ATTN: Ms Shannon Fiala for Agenda Item W10a
Date: Saturday, October 29, 2016 10:32:46 AM

Malcolm Ponder's
WEST MARIN TAX SERVICE

INCOME TAX
Consulting & Preparation

Solving problems others cannot

Malcolm Ponder, MBA, ATP, ABA
Kathryn Hadley, MA

October 29. 2016

California Coastal Commission
c/o Shannon Fiala, Planner
MarinLCP@coastal.ca.gov

Reference: Agenda Item W10a

Dear Ms Fiala:

I would like to express my strong opposition to the third attempted rewrite of Marin County's submission of its L.C.P. This is an outrageous disregard for Marin County's process of soliciting serious input from coastal residents and replacing it with CCC staff wording.

As a 45 year resident of Coastal Marin, I am asking the CCC to NOT adopt these changes at its hearing on Nov. 2nd.

Sincerely,

Malcolm Ponder

W10a

From: stbch@att.net
To: CoastalMarinLCP
Cc: Congressman Jared Huffman
Subject: Coastal Commission Proposals in relation to Marin County"s Local Coastal Program
Date: Saturday, October 29, 2016 11:09:53 AM

Dear Shannon Fiala, and all members of the commission making decisions on Marin County's Local Coastal Program;

A recent article in the Pt Reyes Light, and a letter from the Stinson Beach Village Association, both shocked and alarmed me, both as a lifetime resident of California, and a frequent user and current resident of Stinson Beach.

As a 30 plus year veteran of the US Coast Guard, I am well aware of the value of staff work before deciders make their final decision, but the information I have about the upcoming meeting and its possible decisions regarding Marin County's Local Coastal Program is on its face, outrageous. It is reported that despite conscientious, inclusive efforts on the part of Marin County agencies to find workable solutions for our communities, the staff of the California Coastal Commission has proposed to replace our current regulations with harsh new permitting policies.

It seems further that Marin County has tried to submit an update to its coastal program twice in the past two years. This update was developed in a process that has spanned more than eight years and over a dozen public meetings. County staff met with concerned community members in each village; they created and distributed a coastal wide survey to gather meaningful opinions, comments and feedback from impacted communities. The survey and meetings garnered hundreds of responses that helped shape the county's proposed regulations.

Each time that Marin has submitted its L.C.P., coastal commission staff has attempted a wholesale rewrite outside of public view. In 2014, and again in 2015, staff simply deleted the text our communities helped the county create, replaced it with dozens of pages of new regulations and then released these changes within 24 hours of a coastal commission vote. When this reoccurred last year, commissioners admonished both the county and commission staffs and encouraged them to find a compromise within the framework of the county's submission and with further public discussion.

Now, apparently ignoring the directives of its own commissioners, commission staff are attempting to rewrite Marin's regulations. Once again, they have refused to negotiate with the county or incorporate feedback from community groups. Once again, they have simply redlined the county's regulations and replaced them with their own twice-rejected regulations.

If this is all true, it is a case of staff assuming the authority of its principals, and is not only counterproductive, but wrong.

Please look into this matter, and give it your best and honest consideration when you meet. I do request an answer to this email, one that reflects that "best and honest consideration"

very respectfully

JohnT Andrews,
CAPT, USCG (ret)
Stinson Beach CA 94970
415 868 2810

W10a

From: bobbi loeb
To: CoastalMarinLCP
Subject: agenda item W10a Planer Shannon Fiala
Date: Saturday, October 29, 2016 11:17:26 AM

I have lived in Point Reyes Station for over forty years and I am extremely upset about the latest coastal plan .

I urge you to not to adopt these changes at your hearing on Nov. 2nd.

Thank you .

Bobbi Loeb

p.o. box 673

Pt. Reyes Sta.

Ca 94956

--
Bobbi Loeb

W10a

From: Ian MacColl
To: CoastalMarinLCP
Cc: Stephanie MacColl; Lauren MacColl Maass; William MacColl
Subject: Agenda item W10a
Date: Saturday, October 29, 2016 12:22:31 PM

As a homeowner in Stinson Beach I strongly reject the proposed language on the above agenda item. It seems as if a public process has taken place and yet the needs and wants of the communities this is meant to represent our being ignored. Please vote against this agenda item and direct your staff to submit more reasonable language that works for both the environment in the communities that inhabit are beautiful coastline. My family has been at the spot for generations and I am hoping that for the generations of my family will be able to do the same. We are stewards of the land and respect to the growth needs to be regulated, but not at the expense of all of the existing communities along the west Marin coast. Many thanks and please contact me if I can provide additional information.

Ian MacColl
226 Seadrift Road
Stinson Beach
415 819 1300

From: Chad Ertola
To: CoastalMarinLCP
Subject: Attn.Planner Shannon Fiala re: November 2 Coastal Commission meeting in Half Moon Bay, agenda item W10a
Date: Saturday, October 29, 2016 2:24:37 PM

Dear Planner Fiala,

As a homeowner family in Seadrift in Stinson Beach for over 45 years I and my family oppose the proposed changes by Coastal Commission staff and planners to the rules and regulations of the Marin County Local Coastal Program for coastal properties and businesses in West Marin County.

I join the long list of West Marin County coastal community and business leaders and property owners of Stinson Beach, Tamales, Point Reyes Station, Bolinas and all communities within the jurisdiction of the proposed changes who oppose the changes and ask that the Commission vote to NOT adopt the changes.

It is great concern that the proposed changes do not reflect the input of the affected citizens, and public and government over the course of the past several years of attempted negotiations on the plan changes.

Sincerely,

Chadwick Clark Ertola, 153 Seadrift Road, Stinson Beach, CA 94970

W10a

From: Andre Neumann-Loreck
To: CoastalMarinLCP
Subject: Marin County's Local Coastal Program: Agenda Item W10a at the Nov 02 Hearing
Date: Saturday, October 29, 2016 2:07:23 PM

Dear Ms. Fiala,

My wife, neighbors, and I are adamantly opposed to the proposed Coastal Commission regulations for Marin County's Local Coastal Program. Please do not adopt the proposed changes. This proposal would be a disaster for us and the Marin coastal communities.

Thank you,

Andre

--
Andre Neumann-Loreck
256 Seadrift
Stinson Beach, CA 94970
aloreck@gmail.com
m: 415-519-3954

W10a

From: PAMELA LICHTENWALNER
To: CoastalMarinLCP
Subject: Ltr against Marin LCP as modified by the CCC
Date: Saturday, October 29, 2016 10:12:51 PM

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
OPPOSED
NAME: Pamela Lichtenwalner
Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I am a home owner in Stinson Beach. I am writing to ask that you please vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications, and that you instead vote YES on Marin County's LUPA and IPA as submitted by the County.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revision were simply ignored in what your staff submitted, and the document that we and many others helped to produce has simply been entirely struck out and replaced by your staff's submissions once again. If the changes your staff proposes pass, the impact on the ocean-side property and my village would be terrible. People would be unable to protect their homes from rising seas and floods, they would be unable to maintain it over time, and their rights to develop or sell their property at a fair price would be taken from me. Even those of us on the hill would face problems. My entire community could disappear over time due to your staff's actions.

That this has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission.

Please act to stop this action.

Thank you,

Pamela Lichtenwalner, PhD
Homeown

W10a

From: peggy steffens
To: CoastalMarinLCP
Subject: Agenda item W10a
Date: Saturday, October 29, 2016 7:53:47 PM

Please accept our opposition to recent changes to Marin regulations, we respectfully requestion the commission not to adopt these changes at its hearing on Nov. 2.

Thank you,

Peggy Steffens
Home Owner, Stinson Beach
Peggys@steffenscorp.com
925 786 8077

W10a

From: Goard Suzan
To: CoastalMarinLCP
Subject: Opposition to Agenda Item W10a of the Coastal Commission at Hearing on November 2, 2016
Date: Saturday, October 29, 2016 4:25:58 PM

Shannon Fiala, Planner
California Coastal Commission Hearing
November 2, 2016
Re: Agenda Item W10a

Dear Ms. Fiala,

As a homeowner in Bolinas, I implore you not to adopt the changes in Item W10a at your hearing on November 2, 2016. These policy changes will place the home owners of Bolinas and the nearby Marin communities into untenable situations as it will likely be impossible to meet these new permitting requirements to maintain our homes. This seems to be an underhanded way to eventually seize the existing homes that will not be able to be maintained as a result of these new regulations. I hope I am wrong and this is not the ultimate intent of this plan.

Please support my opposition to this plan and help us maintain the beauty of our land and property in these unique and historic coastal communities.

Regards,

Suzan Goard

W10a

From: jayrocket4peace@tutanota.com
To: CoastalMarinLCP
Subject: Protect Marin"s Coast
Date: Saturday, October 29, 2016 4:22:06 PM

Mr. Ainsworth

- I urge the Commission to include specific, enforceable environmental standards to protect biological and water resources as you set policy. Enforceable standards are necessary to ensure long-term Environmentally Sensitive Habitat Areas (ESHA) protections and habitat viability.
- For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Essentially, as in as simply language as I can put it:

Your obligation to care for, protect, and maintain the environment and habitats pertaining to California coasts and affected lands and waters is paramount. Please work to ensure the care and protection of California's beaches and lands, as well as where you can regarding offshore waters.

CA 94111

W10a

Fiala, Shannon@Coastal

From: stbch@att.net
Sent: Saturday, October 29, 2016 1:46 PM
To: Cox, Greg@Coastal
Cc: Cave, Nancy@Coastal; Fiala, Shannon@Coastal
Subject: Coastal Commission Proposals affecting Marin County's Local Coastal Program

Dear Mr Cox;

A recent article in the Pt Reyes Light, and a letter from the Stinson Beach Village Association, both shocked and alarmed me. I am a lifetime resident of California, and a frequent user and current resident of Stinson Beach.

As a 30 plus year veteran of the US Coast Guard, I am well aware of the value of staff work before deciders make their final decision, but the information I have about the upcoming meeting and its possible decisions regarding Marin County's Local Coastal Program is on its face, outrageous. It is reported that despite conscientious, inclusive efforts on the part of Marin County agencies to find workable solutions for our communities, the staff of the California Coastal Commission has proposed to replace our current regulations with harsh new permitting policies.

It seems further that Marin County has tried to submit an update to its coastal program twice in the past two years. This update was developed in a process that has spanned more than eight years and over a dozen public meetings. County staff met with concerned community members in each village; they created and distributed a coastal wide survey to gather meaningful opinions, comments and feedback from impacted communities. The survey and meetings garnered hundreds of responses that helped shape the county's proposed regulations.

Each time that Marin has submitted its L.C.P., coastal commission staff has attempted a wholesale rewrite outside of public view. In 2014, and again in 2015, staff simply deleted the text our communities helped the county create, replaced it with dozens of pages of new regulations and then released these changes within 24 hours of a coastal commission vote. When this reoccurred last year, commissioners admonished both the county and commission staffs and encouraged them to find a compromise within the framework of the county's submission and with further public discussion.

Now, apparently ignoring the directives of its own commissioners, commission staff are attempting to rewrite Marin's regulations. Once again, they have refused to negotiate with the county or incorporate feedback from community groups. Once again, they have simply redlined the county's regulations and replaced them with their own twice-rejected regulations.

If this is all true, it is a case of staff assuming the authority of its principals, and as such, is not only counterproductive, it is wrong.

Please look into this matter, and give it your best and honest consideration when you meet. I do request an answer to this email, one that reflects that "best and honest consideration"

very respectfully

JohnT Andrews,
CAPT, USCG (ret)
Stinson Beach CA 94970
415 868 2810

From: KATHRYN HADLEY
To: CoastalMarinLCP
Subject: Fw: ATTN: Ms Shannon Fiala for Agenda Item W10a
Date: Sunday, October 30, 2016 9:41:02 AM

W10a

Malcolm Ponder's
WEST MARIN TAX SERVICE

INCOME TAX
Consulting & Preparation

Solving problems others cannot

Malcolm Ponder, MBA, ATP, ABA
Kathryn Hadley, MA

October 29. 2016

California Coastal Commission
c/o Shannon Fiala, Planner
MarinLCP@coastal.ca.gov

Reference: Agenda Item W10a

Dear Ms Fiala:

I would like to express my strong opposition to the third attempted rewrite of Marin County's submission of its L.C.P. This is an outrageous disregard for Marin County's process of soliciting serious input from coastal residents and replacing it with CCC staff wording.

As a 45 year resident of Coastal Marin, I am asking the CCC to NOT adopt these changes at its hearing on Nov. 2nd.

Sincerely,

Kathryn Hadley

From: julie munro
To: CoastalMarinLCP
Subject: agenda item W10a-Opposed!
Date: Sunday, October 30, 2016 11:38:37 AM

Item No: W10a

Marin County LCP Amendment No. LCP-2-MAR-15-0029-1

October 26, 2016

OPPOSED

Commissioners of California Coastal Commission

c/o Shannon Fiala Planner

45 Fremont Street, Suite 2000

San Francisco, Ca 94105

Dear Commissioners,

I am a property owner in West Marin. I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA AND IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revision were simply ignored in what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on my property and my town would be terrible. I would be unable to protect my home from rising seas and floods, I would be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions. That this has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission.

Please act to stop this action.

Sincerely,

Julie Simon Munro

161 and 236 Seadrift Rd

Stinson Beach, CA 94970

W10a

From: john gouldthorpe
To: CoastalMarinLCP
Subject: Objecting to the details of agenda item W10a
Date: Sunday, October 30, 2016 3:33:16 PM

Hello Ms. Fiala,

As a 20 plus year resident of Point Reyes Station I've been around long enough to see the increasing negative impact that an economy structured to primarily encourage tourists and their interests is having on our local community. It is eviscerating us.

Due to this personal experience I'm asking that the commission not adopt the changes asked for in agenda item W10a. Until the real needs of local communities are taken into account the actions of the LCP will only encourage the Disneyification of our coastal communities.

Most Sincerely,
John Gouldthorpe

W10a

From: Maria Garrigues
To: CoastalMarinLCP
Subject: Meeting in Half Moon Bay Nov 1, 2016
Date: Sunday, October 30, 2016 3:48:17 PM

Item No: W10a

Marin County LCP Amendment No. LCP-2-MAR-15-0029-1

<YOUR NAME>

OPPOSED

Commissioners of the California Coastal Commission

c/o Shannon Fiala, Planner

45 Fremont Street, Suite 2000

San Francisco, CA 94105

Dear Commissioners,

I am a property owner in West Marin. I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revision were simply ignored in what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on my property and my town would be terrible. I would be unable to protect my home from rising seas and

floods, I would be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions. That this has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission.

Please act to stop this action.

Yours,

Mary Garrigues

155 Horseshoe Hill Rd.

Bolinas, CA 94924

From:	mtraynor@traynorgroup.com
To:	CoastalMarinLCP
Cc:	Shirley Traynor; mtraynor@traynorgroup.com
Subject:	Marin County LCP Amendment No. LCP-2-Mar-15-0029-1
Date:	Sunday, October 30, 2016 4:12:20 PM

W10a

Item No. W10a
Marin County LCP Amendment No. LCP-2-Mar-15-0029-1
October 26, 2016
OPPOSED

October 30, 2016

Dear Commissioners,

We own a small home at Stinson Beach. We urge you to please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

We understand that Marin County has already rejected the many changes to the Environmental Hazards sections of Marin County's LUPA and IPA submitted by your staff because of the enormous damage they would do to coastal communities in West Marin. Such changes are way out of balance, and would seriously and unreasonably impact ours and our neighbors' homes and the town and preclude us from protecting our home from rising seas and floods.

Please act to stop this action, and unconstitutional taking.

Sincerely,

Shirley W. Traynor
Michael Traynor
191 Dipsea
Stinson Beach, CA 94970

(The above email is also in our letter mailed today to:

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Our return mail/contact information is:

Michael Traynor and Shirley W. Traynor
3131 Eton Avenue
Berkeley, California 94705-2713
Tel: 510-658-8839 (home: 510-654-1991)
Fax: 510-658-5162
Email: mtraynor@traynorgroup.com
shirleywtraynor@gmail.com

W10a

From: Charles H Egan
To: CoastalMarinLCP
Cc: gclyde11@gmail.com; lori@lorikyle.com
Subject: Agenda Item #W10a
Date: Sunday, October 30, 2016 4:21:14 PM

To: Shannon Fiala, Planner

Dear Ms. Fiala,

As a resident of Marshall 94940, I write to join the many West Marin community leaders who published an article in the October 27th issue of the Point Reyes Light, "Coastal Commission Proposals Would Destroy Homes and Businesses," strongly objecting to the proposed LCP text (Agenda Item #W10a) to be voted at this week's CCC commisioners' meeting. County departments and community associations have worked for years to draft LCP text that is both workable for local residents and businesses and also in strict accordance with regulations concerning development and the environment. It is not CCC staff members proper role to reject all that work, and to rewrite the LCP themselves. Due process is required. I urge the commissioners NOT to vote on this LCP at the coming meeting, but to send it back for renegotiation by ALL parties.

Sincerely yours,

Charles Egan
Professor of Chinese
San Francisco State University

W10a

From: Cyndie Fox
To: CoastalMarinLCP
Subject: Amendments to the local coastal plan
Date: Sunday, October 30, 2016 4:51:12 PM

I oppose the changes to the local coastal plan . It seems like a harsh plan to acquire coastal areas that now have houses on them. They are Hiding behind rising ocean water worries. We who live along these delicate areas are the caretakers of the beaches . I feel the coastal commission is bulling their plan to action so they may have absolute control To these areas . Not allowing email and public option is further controlling tactic to achieve their ultimate goal which is to have only their option heard and ultimately their plan approved. Sincerely your Cyndie fox Seadrift home owner .
Sent from my iPhone

W10a

From: Cyndie Fox
To: CoastalMarinLCP
Subject: Local coastal plan W10A
Date: Sunday, October 30, 2016 4:55:26 PM

Please don't adopt these changes at its hearing on Nov. 2
Cyndie fox Seadrift home owner

Sent from my iPhone

W10a

From: Anne McMullin
To: CoastalMarinLCP
Subject: California Coastal Commission upcoming vote on Agenda item W10a on Nov. 2
Date: Sunday, October 30, 2016 11:19:30 PM

To Shannon Fiala,

I am writing in regards to the upcoming California Coastal Commission's vote on agenda item W10a on November 2.

I currently own a home a half block from the ocean in Stinson Beach village. The proposed policies could render the repair, maintenance,
and replacement of my house, and those of my neighbors, next to impossible. This would be disastrous as we live in a flood zone and could suffer significant property damage in any given winter storm. Since owning my property I have already experienced two floods. The ability to protect my home, and ultimately my investment, is extremely important. If we are denied this ability through the drastic proposed new coastal permitting policies, our homes could literally become uninhabitable and our property worthless. I am a senior citizen and a widow and my house is a critical part of my retirement assets. Please, please, please do not enact these policies!

Sincerely,

Anne McMullin

W10a

From: Terry Houlihan
To: CoastalMarinLCP
Cc: Steven Kinsey; bcrawford@marincounty.org; Jack Liebster; Paula Reynolds; Jeff Loomans; Kiren Niederberger; Peter Sandmann
Subject: Item No: W10a Marin County LCP Amendment No. LCP-2-MAR-15-0029-1 OPPOSED
Date: Sunday, October 30, 2016 3:49:30 PM

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I write to OPPOSE the amendments to the Marin County LCP and LIP proposed by the California Coastal Commission staff (CCC Staff) for the Environmental Hazards section, including the never before seen language in C-EH-17(8) requiring the addition of Sandy Beach Management plans satisfying CCC Staff theories.

I own property at 123 Dipsea Road in Stinson Beach that would be directly affected by the Marin LCP ultimately adopted.

Political extremism in any form is suspect. Amendments to the Environmental Hazards sections proposed by the CCC staff reflect unlawful bureaucratic extremism. The CCC staff seeks to use the threat of rising sea levels to rewrite the Coastal Act, discourage the maintenance or improvement of any existing homes or businesses in the coastal zone, and force the abandonment of such properties if ocean rise narrows or limits public beach access. The Commission should call a halt to this effort to bypass the state legislature — the entity with the power to amend the statute.

The Coastal Zone Act as written strikes a balance between public in access to and preservation of coastal zone resources and the rights of private owners to build, maintain and protect their property in the Coastal zone. An essential part of that balance was the grant to owners of "existing structures" the right to build "shoreline protective devices" at their own expense if required to protect such a structure. Public Resources Code (hereafter PRC) 30235.

The Act doesn't explicitly define "existing structures." Past Coastal Commission decisions, however, have been based on the interpretation that once a structure is approved and built it is then an "existing structure" entitled to necessary shoreline protective devices.

This long held Commission interpretation of "existing structure" is consistent with both the plain language of the statute and the recognition in PRC 30001(d) that coastal homes and other property are "essential to the economic and social well-being of the people of this state . . . ." The economic and social value of homes and businesses built or improved in the last 40 years far outweighs the value of older structures unimproved since 1977.

The CCC staff amendments seek in various ways to reverse the pain statutory meaning -- and established Commission reading -- that "existing structures" entitled to PRC 30235 rights include all homes built to date with CCC permits.

C-EH-12(1), for example, would limit "allowable armoring" to that required to protect a principal structure "in existence prior to the effective date of the Coastal Act (i.e. January 1, 1977)".

C-EH-4 "Coastal Redevelopment" is a mind-boggling proposal. In substance, any structure that has had a renovation of 50% of a "major structural component" including roofs, exterior walls and floors "measured cumulatively over time starting from January 1, 1977" is no longer an "existing structure" entitled to protection under PRC 30235. Magically, with a stroke of the CCC pen, well maintained existing structures are "considered redeveloped (and deemed new development under this LCP that must be made to conform with all applicable LCP policies) . . . ."

The "applicable LCP policies" imposed on remodeled homes and businesses include provisions of C-EH-11(1) requiring that "development", which now includes "redeveloped" properties, "shall be removed and the affected area restored to a natural condition if . . . the development requires new and/or augmented shoreline protective devices" . . . or "the development encroaches onto public trust land (including as the public trust migrates). . . ." In other words, in the brave new CCC world, nothing can be done to prevent shoreward movement of the ocean's mean high tideline and if it advances inland, you have to remove your building. C-EH-10 would require waiver of rights to shoreline protective devices, a condition condemned by the court in Capistrano v. California Coastal Commission.

The impact of the "redevelopment" provisions is pernicious on existing structures. If a remodel crosses the line to "redevelopment", then any new permit can only be issued on terms that require the owner to give up his or her existing rights under PRC 30235 to protect the structure and accept the various draconian provisions imposed on entirely new development. Nothing in the statute implies that an existing structure loses statutory rights if it is remodeled or fixed up.

Does this proposed new interpretation of "existing structures" limiting it to unimproved pre-1977 buildings make sense? No. Why would the legislature or anyone else think structures built "after 1976" are less deserving of protection, less "essential to the economic and social well-being of the people" than structures built before 1976? If anything, structures built under the supervision of the Commission should be more structurally and environmentally sound than earlier structures and at least equally deserving of protection.

Is the new interpretation based on newly discovered evidence of legislative intent in the form of Committee reports or other legislative material? No.

To the contrary, the CCC itself has in the recent past recognized that revising PRC 30235 requires state legislative action, not a county ordinance such as now under consideration. The ReCAP Pilot Project Findings & Recommendations: Monterey Bay Region (September, 1995), Ch. 3 Coastal Hazards, Hazards Problem Five (CCC website) discusses the issue of the scope of both PRC 30235 and PRC 30253. It concludes with recommendations that the CCC "pursue amendments" to PRC 30235 limiting its provisions to "development which had occurred and for which there were an issued building permit *as of the effective date of the amendment.* (emphasis added) No permanent shoreline protective device would be permitted for development receiving a building permit after the effective amendment date." The recommendations further suggested that the CCC pursue "modifications" of PRC section 30253 so that "all new development be sited and designed to avoid . . . construction of any type of shoreline armoring . . . ." Beachapedia (online) notes that legislation was introduced in 2002 that would have changed the word "shall" in section 30235 to "may" to make it permissive rather than mandatory, but goes on "The legislation was withdrawn and is being reworked for possible later introduction and consideration."

What the CCC itself thought required legislative amendments in 1995, the CCC staff now proposes to force on Marin county.

Some might argue that an administrative agency should take action to fill in gaps in laws were there is a legislative "deadlock" preventing useful amendments or clarifications of existing law. There is no such deadlock in the California legislature, however. There is no legitimate rationale for the modification or denial of statutory rights of existing homeowners that CCC staff seeks to accomplish by administrative fiat.

For the first time in the recent amendments to the Marin LUP the CCC staff in C-EH-17(8) proposes Sandy Beach Management plans. Whatever the value of such planning, the Commission should not predetermine the outcome of the plans by

specifically requiring that plans "shall identify the parameters under which removal and restoration may be required to protect sandy beach values" and for steps, including removal of structures, so that "minimum sandy beach width is maintained." Condemnation of private property via "beach planning" is not a viable path for Marin county.

In contrast to PRC 30235, PRC 30253 imposes a number of requirements for "new development" as opposed to "existing development." New development must **not** "in any way require the construction of protective devices that would substantially alter natural land forms along bluffs and cliffs." While the statute by its terms says nothing about protective devices that would alter anything other than "natural land forms along bluffs and cliffs", the CCC staff amendments would extend this requirement to any new development or "coastal redevelopment" that would require any protective devices anywhere. Again, amendment of PRC 30253 is a matter for the legislature not the Commission or the County.

CCC staff argues that it seeks to harmonize "conflicting" directions in PRC 30235, which requires CCC to permit shoreline protective devices to protect existing structures, and PRC 30253, which they read broadly to discourage protective devices that would alter "natural landforms," ignoring the limiting language "new development" and "along bluffs and cliffs."

The two sections of the law do not conflict, they address different things.

PRC 30253 only addresses "new development" and only addresses shoreline protective devices that would "substantially alter landforms along bluffs and cliffs." As the statute recognizes, bluff and cliff issues posed by "new development" can be addressed by adequate setback requirements. Given that, it is reasonable to prohibit new development requiring shoreline protective devices "along bluffs and cliffs." PRC 30235 addresses construction altering natural shoreline **not** limited to bluffs and cliffs, **not** primarily addressing bluff and cliff issues as the list of such construction shows, and, in pertinent part, addressing existing structures, **not** new development. PRC 30235 is broader in scope than 30253, not the other way around as CCC staff's logic would have it.

CCC staff's amendments do conflict with PRC 30235 and are not based on a fair reading of PRC 30253.

Whatever the future may hold for sea level rise, fears of potential requirements for shoreline protective devices justify neither cumbersome new permits for fixing up existing homes nor a forced abandonment of statutory rights afforded the existing structure. I request that the Commission adopt the Marin LCP as submitted by the county and reject all CCC staff amendments.

Sincerely,

Terry J Houlihan
175 Francisco St. #18
San Francisco, CA 94133

From: Terry Houlihan [mailto:terryjhoulihan@gmail.com]
Sent: Sunday, October 30, 2016 3:49 PM
To: CoastalMarinLCP
Cc: Kinsey, Steven; Crawford, Brian; Liebster, Jack; Paula Reynolds; Jeff Loomans; Kiren Niederberger; Peter Sandmann
Subject: Item No: W10a Marin County LCP Amendment No. LCP-2-MAR-15-0029-1 OPPOSED

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I write to OPPOSE the amendments to the Marin County LCP and LIP proposed by the California Coastal Commission staff (CCC Staff) for the Environmental Hazards section, including the never before seen language in C-EH-17(8) requiring the addition of Sandy Beach Management plans satisfying CCC Staff theories.

I own property at 123 Dipsea Road in Stinson Beach that would be directly affected by the Marin LCP ultimately adopted.

Political extremism in any form is suspect. Amendments to the Environmental Hazards sections proposed by the CCC staff reflect unlawful bureaucratic extremism. The CCC staff seeks to use the threat of rising sea levels to rewrite the Coastal Act, discourage the maintenance or improvement of any existing homes or businesses in the coastal zone, and force the abandonment of such properties if ocean rise narrows or limits public beach access. The Commission should call a halt to this effort to bypass the state legislature — the entity with the power to amend the statute.

The Coastal Zone Act as written strikes a balance between public in access to and preservation of coastal zone resources and the rights of private owners to build, maintain and protect their property in the Coastal zone. An essential part of that balance was the grant to owners of "existing structures" the right to

build "shoreline protective devices" at their own expense if required to protect such a structure. Public Resources Code (hereafter PRC) 30235.

The Act doesn't explicitly define "existing structures." Past Coastal Commission decisions, however, have been based on the interpretation that once a structure is approved and built it is then an "existing structure" entitled to necessary shoreline protective devices.

This long held Commission interpretation of "existing structure" is consistent with both the plain language of the statute and the recognition in PRC 30001(d) that coastal homes and other property are "essential to the economic and social well-being of the people of this state . . . ." The economic and social value of homes and businesses built or improved in the last 40 years far outweighs the value of older structures unimproved since 1977.

The CCC staff amendments seek in various ways to reverse the pain statutory meaning -- and established Commission reading -- that "existing structures" entitled to PRC 30235 rights include all homes built to date with CCC permits.

C-EH-12(1), for example, would limit "allowable armoring" to that required to protect a principal structure "in existence prior to the effective date of the Coastal Act (i.e. January 1, 1977)".

C-EH-4 "Coastal Redevelopment" is a mind-boggling proposal. In substance, any structure that has had a renovation of 50% of a "major structural component" including roofs, exterior walls and floors "measured cumulatively over time starting from January 1, 1977" is no longer an "existing structure" entitled to protection under PRC 30235. Magically, with a stroke of the CCC pen, well maintained existing structures are "considered redeveloped (and deemed new development under this LCP that must be made to conform with all applicable LCP policies) . . . ."

The "applicable LCP policies" imposed on remodeled homes and businesses include provisions of C-EH-11(1) requiring that "development", which now includes "redeveloped" properties, "shall be removed and the affected area restored to a natural condition if . . . the development requires new and/or augmented shoreline protective devices" . . . or "the development encroaches onto public trust land (including as the public trust migrates). . . ." In other words, in the brave new CCC world, nothing can be done to prevent shoreward movement of the ocean's mean high tideline and if it advances inland, you have to remove your building. C-EH-10 would require waiver of rights to shoreline protective devices, a condition condemned by the court in Capistrano v. California Coastal Commission.

The impact of the "redevelopment" provisions is pernicious on existing structures. If a remodel crosses the line to "redevelopment", then any new permit can only be issued on terms that require the owner to give up his or her existing rights under PRC 30235 to protect the structure and accept the various draconian provisions imposed on entirely new development. Nothing in the statute implies that an existing structure loses statutory rights if it is remodeled or fixed up.

Does this proposed new interpretation of "existing structures" limiting it to unimproved pre-1977 buildings make sense? No. Why would the legislature or anyone else think structures built "after 1976" are less deserving of protection, less "essential to the economic and social well-being of the people" than structures built before 1976? If anything, structures built under the supervision of the Commission should be more structurally and environmentally sound than earlier structures and at least equally deserving of protection.

Is the new interpretation based on newly discovered evidence of legislative intent in the form of Committee reports or other legislative material? No.

To the contrary, the CCC itself has in the recent past recognized that revising PRC 30235 requires state legislative action, not a county ordinance such as now under consideration. The ReCAP Pilot Project Findings & Recommendations: Monterey Bay Region (September, 1995), Ch. 3 Coastal Hazards, Hazards Problem Five (CCC website) discusses the issue of the scope of both PRC 30235 and PRC 30253. It concludes with recommendations that the CCC "pursue amendments" to PRC 30235 limiting its provisions to "development which had occurred and for which there were an issued building permit *as of the effective date of the amendment.* (emphasis added) No permanent shoreline protective device would be permitted for development receiving a building permit after the effective amendment date." The recommendations further suggested that the CCC pursue "modifications" of PRC section 30253 so that "all new development be sited and designed to avoid . . . construction of any type of shoreline armoring . . . ." Beachapedia (online) notes that legislation was introduced in 2002 that would have changed the word "shall" in section 30235 to "may" to make it permissive rather than mandatory, but goes on "The legislation was withdrawn and is being reworked for possible later introduction and consideration."

What the CCC itself thought required legislative amendments in 1995, the CCC staff now proposes to force on Marin county.

Some might argue that an administrative agency should take action to fill in gaps in laws were there is a legislative "deadlock" preventing useful amendments or clarifications of existing law. There is no such deadlock in the California legislature, however. There is no legitimate rationale for the modification or denial of statutory rights of existing homeowners that CCC staff seeks to

accomplish by administrative fiat.

For the first time in the recent amendments to the Marin LUP the CCC staff in C-EH-17(8) proposes Sandy Beach Management plans. Whatever the value of such planning, the Commission should not predetermine the outcome of the plans by specifically requiring that plans "shall identify the parameters under which removal and restoration may be required to protect sandy beach values" and for steps, including removal of structures, so that "minimum sandy beach width is maintained." Condemnation of private property via "beach planning" is not a viable path for Marin county.

In contrast to PRC 30235, PRC 30253 imposes a number of requirements for "new development" as opposed to "existing development." New development must **not** "in any way require the construction of protective devices that would substantially alter natural land forms along bluffs and cliffs." While the statute by its terms says nothing about protective devices that would alter anything other than "natural land forms along bluffs and cliffs", the CCC staff amendments would extend this requirement to any new development or "coastal redevelopment" that would require any protective devices anywhere. Again, amendment of PRC 30253 is a matter for the legislature not the Commission or the County.

CCC staff argues that it seeks to harmonize "conflicting" directions in PRC 30235, which requires CCC to permit shoreline protective devices to protect existing structures, and PRC 30253, which they read broadly to discourage protective devices that would alter "natural landforms," ignoring the limiting language "new development" and "along bluffs and cliffs."

The two sections of the law do not conflict, they address different things.

PRC 30253 only addresses "new development" and only addresses shoreline protective devices that would "substantially alter landforms along bluffs and cliffs." As the statute recognizes, bluff and cliff issues posed by "new development" can be addressed by adequate setback requirements. Given that, it is reasonable to prohibit new development requiring shoreline protective devices "along bluffs and cliffs." PRC 30235 addresses construction altering natural shoreline **not** limited to bluffs and cliffs, **not** primarily addressing bluff and cliff issues as the list of such construction shows, and, in pertinent part, addressing existing structures, **not** new development. PRC 30235 is broader in scope than 30253, not the other way around as CCC staff's logic would have it.

CCC staff's amendments do conflict with PRC 30235 and are not based on a fair reading of PRC 30253.

Whatever the future may hold for sea level rise, fears of potential requirements for

shoreline protective devices justify neither cumbersome new permits for fixing up existing homes nor a forced abandonment of statutory rights afforded the existing structure. I request that the Commission adopt the Marin LCP as submitted by the county and reject all CCC staff amendments.

Sincerely,

Terry J Houlihan
175 Francisco St. #18
San Francisco, CA 94133

PACIFIC LEGAL FOUNDATION

W10a

October 31, 2016

Mr. John Ainsworth
Acting Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

VIA E-MAIL marinlcp@coastal.ca.gov
AND FIRST-CLASS MAIL

Re: Marin County Local Coastal Program Amendments

Dear Executive Director Ainsworth:

Pacific Legal Foundation and the California Cattlemen's Association submit these comments on the proposed Marin County Local Coastal Program Amendments.

Pacific Legal Foundation is the nation's oldest public interest property rights foundation. Over the last several years, PLF has closely followed Marin County's Local Coastal Program Amendment process. PLF attorneys have submitted comment letters and appeared in person at Marin County and California Coastal Commission hearings to highlight constitutional and other legal infirmities in provisions of the Local Coastal Program Land Use Policy Amendments and the Implementing Program.

The California Cattlemen's Association (CCA) is the predominant organization of cattle grazers in California, with more than 1,700 producer members throughout the state. CCA members own or lease property and graze cattle on land subject to the jurisdiction of the California Coastal Commission throughout many of California's coastal counties. The Association has established a Coastal Subcommittee with the express purpose of "help[ing] members located in this state's coastal zone with land use issues." CCA has closely followed Marin County's Local Coastal Amendment and Implementing Program at the behest of affected Marin County members, submitting detailed comments at every phase of the process, and appearing on numerous occasions before both this Commission and the Marin County Board of Supervisors.

Several provisions remain within the final Implementing Program that are especially concerning to PLF and CCA. These provisions could have substantial negative consequences for ranchers and farmers in Marin County. First, the Program's mandatory merger of legal lots into larger "farm

HEADQUARTERS: 930 G Street | Sacramento, CA 95814 | (916) 419-7111 | Fax: (916) 419-7747
ATLANTIC: 8645 N. Military Trail, Suite 511 | Palm Beach Gardens, FL 33410 | (561) 691-5000 | Fax: (561) 691-5006
DC: 3033 Wilson Boulevard, Suite 700 | Arlington, VA 22201 | (202) 888-6881 | FAX (202) 888-6855
HAWAII: P.O. Box 3619 | Honolulu, HI 96811 | (808) 733-3373 | Fax: (808) 733-3374
NORTHWEST: 10940 NE 33rd Place, Suite 210 | Bellevue, WA 98004 | (425) 576-0484 | Fax: (425) 576-9565
LIBERTY CLINIC: Chapman University, Fowler School of Law | 1 University Drive | Orange, CA 95866 | (714) 591-0490
ALASKA: (907) 278-1731 | **OREGON**: (503) 241-8179

E-MAIL: plf@pacificlegal.org
WEB SITE: http://www.pacificlegal.org

tracts" would significantly limit—and potentially eliminate—landowners' development rights on agricultural land without providing just compensation as required by the Takings Clauses of the United States and California Constitutions. Second, the Program requirements imposing affirmative agricultural easements and restrictive covenants on the division of land as conditions to development permits would likely constitute unconstitutional exactions.

Limitation of Development Rights

As we have previously pointed out to the Coastal Commission, the final Implementing Program contains provisions that significantly reduce landowners' development rights. The existing certified Local Coastal Program allows landowners to seek approval through a Conditional Use Permit or Master Plan process in order to build additional residential units beyond a primary dwelling unit. The currently established C-APZ-60 zoning allows for the development of one additional residential house per 60 acres. Under the new Land Use Plan, no single-family residential use will be allowed within the C-APZ zone, only agricultural dwelling units. Section 22.32.024(B) of the proposed Implementing Program limits the number of total structures to three agricultural dwelling units per "farm tract." Section 22.130.030 in turn defines "farm tract" as "all contiguous legal lots under common ownership."

This merger of legal lots will result in a substantial reduction in the development rights for landowners in the coastal agricultural zone of Marin County. For example, within a single large farm tract, an owner could be left with one or more legal lots deprived of all economically viable use. Regulations that deprive property owners of all economically viable use are a per se taking under *Lucas v. South Carolina Coastal Council*, 505 U.S. 1003 (1992).

Worse, Section C-AG-5(A) of the Local Coastal Program Land Use Plan caps additional permissible intergenerational homes at 27 for the entire Coastal Agricultural Zone. Once those 27 homes have been permitted, remaining farm tracts and legal lots will necessarily be deprived of all development rights. This increases the risk that Marin County will be subject to future claims of *Lucas*-type takings.

Even for lots that retain some economically viable use, the destruction of previously held development rights may require compensation under *Penn Central Transportation Co. v. City of New York*, 438 U.S. 104 (1978). The California Court of Appeal has recognized that such a significant downzoning of property rights may effect a compensable taking. *See Avenida San Juan Partnership v. City of San Clemente*, 201 Cal. App. 4th 1256 (2011) (finding a regulatory taking where a change in zoning definition reduced development rights of a 2.85-acre parcel from four dwellings per acre to one dwelling per twenty acres).

The act of merging legal lots into farm tracts for the purposes of determining development rights is itself constitutionally suspect. The issue of what constitutes the "parcel as a whole" within a takings

analysis is docketed for review before the United States Supreme Court in the case of *Murr v. Wisconsin*, 859 N.W.2d 628, *review denied*, 862 N.W.2d 899, *cert. granted*, 136 S. Ct. 890 (2016) (determining whether two legally distinct but commonly owned and contiguous parcels must be taken as a whole for the purposes of takings analysis). The outcome of *Murr* could potentially render this provision of the Program unconstitutional before it is even enacted.

This county-wide diminution of development rights is not only constitutionally questionable, it is unnecessary. Many ranchers and farmers in Marin County have voluntarily transferred conservation easements that protect agriculture and restrict development while preserving the value of their development rights. However, the Program's definition of farm tract, combined with its unit cap on development, will extinguish these rights for other landowners without providing compensation. We urge the Commission to reconsider this wholesale unsettling of the property rights expectations of ranchers and farmers in Marin County.

Affirmative Agricultural Easements and Restrictive Covenants on Division of Land

Section 22.32.024(A) of the final Implementing Program also contains a requirement that each "agricultural dwelling unit" be "owned by a farmer or operator" that is "directly engaged in agriculture on the property." This will require property owners to remain in a commercial agricultural market forever, even if continued commercial agricultural use becomes impracticable.

The Program defines "actively and directly engaged" as "making day-to-day management decisions and being directly engaged in production . . . for commercial purposes," or "maintaining a lease to a bona fide commercial agricultural producer." Section 22.130.030(A). This provision affirmatively requires landowners to participate in commercial agricultural markets in perpetuity—either personally or by forced association with a commercial agricultural producer. The requirement prevents the landowners, as well as their successors, from ever exiting the commercial agricultural market, even if temporarily fallowing the land were necessary to prevent significant economic hardship.

PLF has already successfully challenged a less onerous affirmative easement permit condition. *See Sterling v. California Coastal Commission*, No. CIV 482448 (Cal. Sup. Ct. June 18, 2010). In *Sterling*, Judge George A. Miram of the San Mateo County Superior Court held that an affirmative agricultural easement on 142 acres, imposed as a permit condition for the development of a single acre, violated *Nollan v. California Coastal Commission*, 483 U.S. 825 (1987), and *Dolan v. City of Tigard*, 512 U.S. 374 (1994). The proposed Marin County affirmative easement requirement goes even further than that in *Sterling*, requiring perpetual *commercial* agricultural use.

Nollan and *Dolan* require an essential nexus and rough proportionality between the permitting condition and the public impact of a proposed development. Conditioning a permit for a single dwelling on the perpetual use of the property for commercial agricultural purposes fails the essential

nexus test, because a requirement for perpetual commercial agricultural use is not closely related to the impact of building a single dwelling. This is especially true where potential dwellings might be desired on sites that are not currently in agricultural use, or that may not even be suitable for such use. Similarly, the affirmative easement condition demands far more concessions than those needed to relieve the public impact emanating from the construction of a single dwelling, falling afoul of *Dolan*'s rough proportionality test. The proposed agricultural easement requirement will not survive the heightened scrutiny of permitting conditions applied under *Nollan* and *Dolan*.

Restrictive covenants against further division of legal lots also will be required as a condition of development. *See* Sections 22.32.024(J)(4) & 22.32.025(B)(4). A permanent restrictive covenant against subdivision of land placed on a large legal lot as a condition for construction of a single dwelling will run afoul of the same nexus and proportionality requirements of *Nollan* and *Dolan*. Much like the affirmative agricultural easement—and especially in conjunction with it—this requirement likely constitutes an unconstitutional exaction.

If the City of Marin County wants to encourage agricultural use, other means are available, such as the use of tax incentives. *See, e.g.*, *Williamson v. Commissioner*, 974 F.2d 1525, 1531-33 (9th Cir. 1992) (discussing provisions of estate tax law providing special benefits to property used as a family farm). Placing unconstitutional conditions on the ranchers and farmers of Marin County only serves to open the City of Marin County and the California Coastal Commission to potential litigation for takings claims.

Conclusion

PLF has fought for the property rights of all Americans for over four decades, and CCA has faithfully represented rancher interests in California for almost 100 years. Both organizations request this Commission to give close consideration to the objections raised in this comment letter. The proposed Coastal Program amendment and Implementing Program place severe—and potentially unconstitutional—burdens on the property rights of Marin County landowners, with many of these burdens acutely directed toward the agricultural community. PLF and the CCA urge

the Commission to consider these burdens when voting on certification of the proposed LCP amendments.

Sincerely,

JEREMY TALCOTT
Fellow, College of Public Interest Law
Pacific Legal Foundation

KIRK WILBUR
Director of Government Affairs
California Cattlemen's Association

cc: Marin County Board of Supervisors: BOS@marincounty.org
Marin County Planning Commission: planningcommission@marincounty.org
Marin County Farm Bureau: marincfb@svn.net
Sam Dolcini: slcdiverse@yahoo.com
Dominic Grossi: dgrossi73@att.net
Christian Scheuring, California Farm Bureau Federation: cscheuring@CFBF.com
Tito Sasaki, Sonoma County Farm Bureau: tito@att.net
John Azevedo, Sonoma County Farm Bureau: john.azevedo@kjmail.com
Stacy Carlsen, Marin County Agriculture Commissioner: Scarlsen@co.marin.ca.us
kirk@calcattlemen.org

PLF COPY

J. DAVID BREEMER, No. 215039
E-mail: jdb@pacificlegal.org
Pacific Legal Foundation
3900 Lennane Drive, Suite 200
Sacramento, California 95834
Telephone: (916) 419-7111
Facsimile: (916) 419-7747

DAVID J. BYERS, No. 83388
E-mail: dbyers@landuselaw.com
McCracken, Byers & Richardson, LLP
870 Mitten Road
Burlingame, California 94010
Telephone: (650) 697-4890
Facsimile: (650) 697-4895

Attorneys for Plaintiffs and Petitioners

ENDORSED FILED
SAN MATEO COUNTY
JUN 18 2010
Clerk of the Superior Court
By DANIEL SHIMA
DEPUTY CLERK

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN MATEO

DAN STERLING and DENISE STERLING, Plaintiffs and Petitioners, v. CALIFORNIA COASTAL COMMISSION, Defendant and Respondent.	No. CIV 482448 Dept. 28 **[SECOND REVISED PROPOSED] STATEMENT OF DECISION**

INTRODUCTION

This case involves the California Coastal Commission's (CCC) attempt to require applicants (Sterlings) for a coastal development permit for one home to dedicate the remainder of their land—about 140 acres—to active agricultural use, forever. This condition demands that the Sterlings deed an easement to this effect to the People of the State of California. The Sterlings seek judgment on a motion for writ of mandate, invalidating the condition under Code of Civil Procedure § 1094.5.

Oral argument was held on February 25, 2010. Mr. J. David Breemer, of Pacific Legal Foundation, appeared on behalf of Petitioners Dan and Denise Sterling. Deputy Attorney General

Hayley Peterson appeared on behalf of Respondent California Coastal Commission. The Court has considered the pleadings and arguments, and now issues the following decision:

I

BACKGROUND

A. Facts and Local Administrative Process

Dan and Denise Sterling live in San Mateo County (County) with their four children. In 1997, the Sterlings purchased a largely unimproved 143-acre parcel of land (the Property) in El Granada, California, in the unincorporated area of the County.

The Property is comprised of sloping, dry, and sparsely vegetated land. Only small pockets of flat land near a creek, amounting to 10 acres in total, are considered prime agricultural soil. Neither this area nor any other part of the Property was used for crops at the time the Sterlings acquired it. There is evidence in the record that the Property cannot be viably farmed.

Recent owners, including the Sterlings, have leased upland areas of the Property to nearby ranchers for grazing 10 head of cattle. This arrangement is not for profit, but merely a mutually beneficial agreement by which the cattle owners get pasture, while the owner receives grazing that reduces fire hazards on the property.

The Sterlings bought the Property with the intent to build a permanent family home. Soon after acquiring the land, the family moved into a small, preexisting mobile home. The mobile had been placed on the lower, flatter portions of the Property by some unknown person who owned the land prior to the Sterlings. The Sterlings planned on using the mobile home as temporary quarters as they built a larger house.

Under the County's land use code, the Property is zoned for Planned Agricultural Development (PAD). This zoning classification conditionally permits residential homes, the allowable number depending on amount of acreage. Due to its size, the Sterlings' Property is entitled to two density credits; *i.e.*, two homes.

In 2000, the Sterlings applied to the County to subdivide their land into two parcels, one large and one small, and to build a 6,456-square-foot home on the larger proposed parcel. Five

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years later, the Planning Commission denied the project, based primarily on objections to subdivision of the Property.

The Sterlings then abandoned their planned subdivision and simply sought approval of one home. They proposed the home on a flat area south of, and set back from, the creek. This area was and is not used for agriculture. As part of their application, the Sterlings submitted an agricultural management plan. Their plan stated that they desired to continue voluntarily grazing 10 head of cattle on about 1/3 of the Property, through a lease arrangement with a nearby rancher. The County unanimously approved this revised plan, finding it was consistent with the Local Coastal Program. Although approval was conditional, the County did not require the Sterlings to dedicate any kind of agricultural easement.

B. Coastal Commission Proceedings

Soon after the County approved the Sterlings' home plans, the CCC appealed the County decision to itself. No hearing was set on the issue for two years. During this time, the Sterlings continued to live in the small, preexisting mobile home. While discussing the project with the CCC staff, the Sterlings offered two potential 9,515-square-foot sites, rather than one, for their proposed home. The Sterlings specifically proposed an alternative to the County- approved "South Site." This new "North Site" was located on the mobile home pad north of the creek, in an area characterized by prime soil.

When the CCC refused to hold a hearing after two years, the Sterlings threatened to file a suit to compel one. The CCC staff subsequently set a final hearing on February 5, 2009. In so doing, the staff recommended that the CCC not consider the new North Site. The CCC staff report and hearing thus focused solely on the County-approved "South Site."

The staff recommended that the CCC approve the Sterlings' proposed home on the South Site, subject to approximately 11 new conditions, and 32 conditions previously required by the County. One of the new conditions recommended by CCC staff was that the Sterlings dedicate to the public an "affirmative" agricultural use easement on all of the Property lying outside a 10,000-square-foot home building area. This condition specifically provided, in part:

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"All areas of the Property [except for the 10,000 square foot development area and driveway] shall at all times be maintained in active agricultural use;"

the Sterlings must, as permittees, "either personally conduct agriculture on all their land or enter into a lease with a third party willing to engage in agricultural use on the land;"

"[Prior to issuance of the coastal development permit], the applicants [the Sterlings] shall dedicate an agricultural conservation easement to a public agency or private association approved by the [Commission] Executive Director:"

the "easement deed shall run with the land in favor of the People of the State of California . . . and shall be irrevocable."

After hearing and considering the staff recommendation, the CCC unanimously voted to approve the Sterlings' permit according to staff recommendation and conditions, including the foregoing affirmative agricultural condition. The CCC found that the condition was justified under the County LCP as an alternative to denying the Sterlings' permit. It also made legal conclusions that the agricultural easement condition was consistent with the constitutional standards of *Nollan v. California Coastal Commission*, 483 U.S. 825 (1987), and *Dolan v. City of Tigard*, 512 U.S. 374 (1994).

On March 25, 2009, the Sterlings filed a verified Petition for Writ of Administrative Mandate under Code of Civil Procedure § 1094.5 and Complaint for Declaratory Relief. The petition for mandate alleges that CCC lacks jurisdiction and authority to impose the affirmative agricultural easement condition under the LCP and that the condition is unconstitutional as a taking of private property. The parties subsequently stipulated to hearing the mandate cause of action first.

II

STANDARD OF REVIEW

This Court interprets regulations and ordinances on a *de novo* basis. *Schneider v. Calif. Coastal Comm'n*, 140 Cal. App. 4th 1339, 1343-44 (2006) ("Where jurisdiction involves the interpretation of a statute, regulation, or ordinance, the issue of whether the agency proceeded in excess of its jurisdiction is a question of law."); *Burke v. Cal. Coastal Comm'n*, 168 Cal. App. 4th 1098, 1105-06 (2008).

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A claim that an administrative decision amounts to an unconstitutional taking of property is typically a mixed question of law and fact. *Ali v. City of Los Angeles*, 77 Cal. App. 4th 246 (1999). When a constitutional issue hinges on undisputed findings, the questions are legal and reviewed de novo. *Aries Dev. Co. v. Calif. Coastal Zone Conservation Comm'n*, 48 Cal. App. 3d 534, 546 (1975); *Liberty v. Cal. Coastal Comm'n*, 113 Cal. App. 3d 491, 502 (1980).

III

THE AFFIRMATIVE AGRICULTURAL EASEMENT IS AN UNCONSTITUTIONAL TAKING OF PRIVATE PROPERTY

The parties disagree as to whether the CCC has authority and jurisdiction under the County LCP—whose rules the CCC must apply here—to impose the agricultural easement condition on the Sterlings. The Court believes the CCC may have jurisdiction. However, the Court need not conclusively decide this issue, because even if the active agriculture easement is authorized by the LCP, the condition is invalid as an unconstitutional taking of private property.

A. The *Nollan* and *Dolan* Takings Tests

In the land use permitting arena, the controlling constitutional "takings" decisions are *Nollan* and *Dolan*. Together, this Supreme Court jurisprudence requires "proof by the local permitting authority of both [1] an "*essential nexus*" or relationship between the permit condition and the public impact of the proposed development, and of [2] a "*rough proportionality*" between the magnitude of the [] exaction and the effects of the proposed development.'" *Ehrlich v. City of Culver City*, 12 Cal. 4th 854, 860 (1996) (emphasis added). The affirmative agricultural easement condition fails both prongs.

1. The *Nollan* "Nexus" Test

In *Nollan*, the Supreme Court held that land use agencies may not use their permitting powers as an opportunity to exploit property owners by demanding concessions from them in exchange for development permits. *See Nollan*, 483 U.S. at 836-37; *Surfside Colony, Ltd. v. Cal. Coastal Comm'n*, 226 Cal. App. 3d 1260, 1269 (1991). *Nollan* held that a permitting authority can require a property owner to dedicate real property to public use in exchange for a permit only when the condition serves the same purpose, and remedies the same harm, as outright denial of the

permit. *Ehrlich*, 12 Cal. 4th at 860. This standard requires the government to show a direct "relationship between the permit condition and the public impact of the proposed development." *Id.* at 860.

Nollan emphasized that conditioning a permit on property owner concessions unrelated to the proposed project is problematic and unconstitutional because it suggests "'an out-and-out plan of extortion.'" *Id.* (citation omitted).

In *Ehrlich*, 12 Cal. 4th 854, the California Supreme Court accepted *Nollan*'s rationale and adopted the "nexus" test as a limit on permitting authorities in California. *Ehrlich*, 12 Cal. 4th at 860 (requiring a "relationship between the permit condition and the public impact of the proposed development"). *Ehrlich* emphasized that the *Nollan* "nexus" test imposes a heightened level of constitutional scrutiny. *Id.* at 866, 868, 871 n.7; *Surfside Colony*, 226 Cal. App. 3d at 378.

Here, the CCC imposed the affirmative agricultural easement condition on the Sterlings as an alternative to permit denial. It is not clear, however, that the easement condition substantially serves the same purpose as denial.

The Sterling home site is not in active agricultural use. Therefore, if a permit were denied, the homesite would remain in a raw state that would *potentially* allow future agricultural use. Permit denial would not cause any actual agricultural use to occur. On the other hand, the CCC's affirmative agricultural easement condition does. It imposes *actual* agricultural activity, rather than simply ensuring agricultural potential. The condition therefore serves a different public purpose from permit denial; while denial might advance preservation of agriculturally suitable land, the condition institutes actual agricultural use. The disconnect between the public interests served by permit denial and those served by the affirmative agricultural easement suggests the condition unconstitutional. *Nollan*, 483 U.S. at 837, 841-42.

Put differently, the affirmative agricultural easement condition fails the Nollan test because it is not related to the impact of the Sterling home. Because the Sterlings' home is to be built on a small area of their land that is not in active agricultural use, it will not take away any active agriculture. The affirmative easement does not mitigate the actual impact of the home, which is simply that the one acre of land would be taken out of potential, not actual, agricultural use. There

is no "relationship between the permit condition [requiring active agricultural activity] and the public impact of the proposed development [no loss of agricultural activity]." *Id.* at 860. Since there is insufficient evidence of a "close connection between the burden [caused by the development] and the condition," as required by *Nollan*, the condition is therefore unconstitutional. *Surfside Colony*, 226 Cal. App. 3d at 378; *Nollan*, 583 U.S. at 838; *Rohn v. City of Visalia*, 214 Cal. App. 3d 1463, 1475-76 (1989).

2. The *Dolan* "Rough Proportionality" Test

Even if the affirmative agricultural easement condition could satisfy *Nollan*, it fails the *Dolan* test. Under *Dolan*, the government must show its condition bears "rough proportionality" in both "*nature and extent* to the impact of the proposed development." *Dolan*, 512 U.S. at, 391 (emphasis added); *Ehrlich*, 12 Cal. 4th at 879-80.

A permit condition fails *Dolan*'s "roughly proportionality" standard if it demands more concessions (in nature or extent) from a property owner than needed to alleviate the public impact emanating from a project. *Dolan*, 512 U.S. at 393; *Liberty*, 113 Cal. App. 3d at 502. Here, the easement runs afoul of *Dolan* because it imposes demands that go beyond addressing the only arguable impact of the Sterlings' home—taking away a small area of idle land that could be potentially used for agriculture. The CCC demanded permanent institution of actual agricultural uses to mitigate a purported loss of potential agricultural land. The easement is not proportional in nature. *Dolan*, 512 U.S. at 393; *Liberty*, 113 Cal. App. 3d at 502.

The affirmative agricultural easement also fails *Dolan*'s rough proportionality test in scope and extent. The Sterlings' home takes up less than an acre. The CCC's easement condition takes 142 acres, requiring agricultural activity forever on behalf of the public, and transferring all the Sterlings' development rights to the public. It is flat out unconstitutional to require 142 acres to mitigate a perceived loss of one acre.

The CCC nevertheless argues that the agricultural easement condition is constitutionally justified because the Sterlings already engage in voluntary and limited cattle grazing. This contention is off point.

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The Sterlings' current grazing plan—allowing 10 head of cattle on 1/3 their land—is entirely voluntary and could be terminated at any time by either the Sterlings or the rancher to whom they lease the grazing rights. The CCC cites no authority holding that a property owner's decision to *voluntarily* engage in an activity allows the government to impose a permit condition making the use mandatory, especially when the mandatory use is unrelated to the proposed development. There is a major difference between a voluntary use of land and one that is made mandatory by the government for a public purpose, forever. The added burden on the Sterlings is irreconcilable with *Nollan* and *Dolan*.

Further, CCC affirmative agricultural easement condition is much more burdensome in substantive scope than the Sterlings' voluntary grazing plan. The CCC condition grants an interest in the Sterlings' real property[1] to the People of the State of California; one that wipes out the Sterlings' development right. Conversely, the Sterlings' voluntary grazing plan leaves their development rights—including the possibility of another home for the Sterlings' children—in the Sterlings' hands. And because the CCC easement grants an interest in the Sterlings' real property to another—a public or quasi-public entity—that outside entity acquires the right to "monitor" the Sterlings and their property. Under the voluntary plan, they keep their privacy. The CCC's permanent affirmative agricultural easement condition is not a proxy for, or related to the Sterlings' voluntary grazing of 10 head of cattle.

The CCC repeatedly suggests that the easement condition is justifiable as a means to protect agriculture. This misses the point of *Nollan* and *Dolan*. When a condition is not properly tailored to the development, the general interest it purportedly advances cannot preserve it. *Dolan*, 512 U.S. at 387; *Ehrlich*, 12 Cal. 4th at 868; *Surfside Colony, Ltd. v. California Coastal Comm'n*, 226 Cal. App. 3d 1260 ("While general studies may be sufficient to establish a mere rational relationship between [a legitimate interest and condition], Nollan requires a 'close connection' between the burden and the condition.").

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[1] An easement is a real property interest. 12 Witkin, Summary 10th Real Property, § 382, at 446 (2005).

Protecting agriculture is a valid governmental goal. But the means chosen here by the CCC to achieve that goal—imposing the affirmative agricultural easement on the Sterlings—cannot pass constitutional muster because they are neither (1) clearly nor (2) proportionately connected to the impact of the Sterlings' home. The easement condition is irreconcilable with *Nollan, Dolan* and the Constitution, and must be set aside. The petition for writ of mandate is granted.

DATED: 6/17/10.

GEORGE A. MIRAM

HONORABLE GEORGE A. MIRAM

DECLARATION OF SERVICE BY MAIL

I, Laurie E. White, declare as follows:

I am a resident of the State of California, residing or employed in Sacramento, California. I am over the age of 18 years and am not a party to the above-entitled action. My business address is 3900 Lennane Drive, Suite 200, Sacramento, California 95834.

On June 11, 2010, a true copy of [SECOND REVISED PROPOSED] STATEMENT OF DECISION was placed in an envelope addressed to:

Hayley Peterson
Deputy Attorney General
Office of the Attorney General
110 West A Street, Suite 1100
San Diego, CA 92101

which envelope, with postage thereon fully prepaid, was then sealed and deposited in a mailbox regularly maintained by the United States Postal Service in Sacramento, California.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed this 11th day of June, 2010, at Sacramento, California.

LAURIE E. WHITE

CoastalMarinLCP

From: Jane Allen <calallen6@gmail.com>
Sent: Monday, October 31, 2016 3:58 PM
To: CoastalMarinLCP
Cc: Jeffrey W. Allen
Subject: Re: Item W10a on the November 2, 2016 California Coastal Commission (CCC) Hearing Agenda

Dear Ms. Fiala,

I am a property owner in the Seadrift development at Stinson Beach. **I strongly object to the proposed changes to the Marin County Local Coastal Plan regulations dealing with "Coastal Redevelopment."** The implementation of this new "Coastal Redevelopment" concept proposed by the CCC staff will have a debilitating impact in preventing residents and property owners from constructing a range of improvements to their homes over time. For property located in bluff or low lying coastal areas, the new definition of "Coastal Redevelopment" could require a Coastal Permit, a new environmental hazards analysis and other difficult-to-meet requirements to achieve full Local Coastal Plan compliance for projects, such as simple house upgrades and remodels, that otherwise have been exempt from Coastal Permit requirements.

These onerous new rules would remove long-standing rights explicitly granted under the Coastal Act to maintain and improve single family residences without the requirement of a Coastal Permit. They constitute an unnecessary and unfair burden on property owners, and this could have the unintended consequence of discouraging improvements to existing homes to comply with public safety requirements of other agencies. Additionally, the added time, cost and difficulty to comply with these new rules will likely result in incentivizing some property owners to build illegally which is yet another unintended consequence.

The "Coastal Redevelopment" concept is not a policy found in Marin County's current approved Local Coastal Program, and it is not a concept that appears either in the Coastal Act or in Administrative Regulations governing its application. The proposed rules are vague and confusing, and they create internal inconsistencies between Environmental Hazards provisions and Coastal Permit requirements.

Given these serious concerns and issues, I urge the California Coastal Commission to reject any language, reference or rules relating to "Coastal Redevelopment" in an amendment to the Marin County Local Coastal Plan. Please focus on policies that more suitably implement the California Coastal Act and more appropriately balance the rights of residential property owners to maintain and develop their homes.

Thank you for your consideration.

Sincerely,

Jane S Allen
216 Seadrift
Stinson Beach

CoastalMarinLCP

From: STACIE CHARLEBOIS <armostacie@hotmail.com>
Sent: Monday, October 31, 2016 3:42 PM
To: CoastalMarinLCP
Subject: Protect Marin's Coast

W10a

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Environmental Hazards:

- I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications.
- The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that the Amendment set a strong precedent for other regions.
- The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, and community character, while balancing the rights and needs of property owners.

CEQA Requirements:

- I understand that the Coastal Commission staff's October 21, 2016 suggested modifications meet the California Environmental Quality Act (CEQA) requirement by a California state agency.
- If any non-administrative policy modifications by Coastal Commission staff are not adopted, or are amended, by the Coastal Commissioners on November 2nd, will the LCP meet CEQA requirements?

Biological and Water Resources:

- I urge the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term Environmentally Sensitive Habitat Areas (ESHA) protections and habitat viability.
- For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Public Participation:

- I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review.
- The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.
- The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum public participation by requiring individuals and organizations to "pay to be

heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Thank you for your consideration of these comments.

Respectfully,

STACIE CHARLEBOIS
701 GRANDVIEW RD
City
SEBASTOPOL, CA 95472

CoastalMarinLCP

From: slough1956@aol.com
Sent: Monday, October 31, 2016 3:36 PM
To: CoastalMarinLCP
Subject: Item W10a on the November 2, 2016 California Coastal Commission (CCC) Hearing Agenda

Subject: Item W10a on the November 2, 2016 California Coastal Commission (CCC) Hearing Agenda

Dear Ms. Fiala,

As a property owner in the Seadrift development at Stinson Beach, please be informed that ***I strongly object to the proposed changes to the Marin County Local Coastal Plan regulations dealing with "Coastal Redevelopment."*** The implementation of the this new "Coastal Redevelopment" concept proposed by the CCC staff will have a debilitating impact in preventing residents and property owners from constructing a range of improvements to their homes over time. For property located in bluff or low lying coastal areas, the new definition of "Coastal Redevelopment" could require a Coastal Permit, a new environmental hazards analysis and other difficult-to-meet requirements to achieve full Local Coastal Plan compliance for projects, such as simple house upgrades and remodels, that otherwise have been exempt from Coastal Permit requirements.

These onerous new rules would remove long-standing rights explicitly granted under the Coastal Act to maintain and improve single family residences without the requirement of a Coastal Permit. They constitute an unnecessary and unfair burden on property owners, and this could have the unintended consequence of discouraging improvements to existing homes to comply with public safety requirements of other agencies. Additionally, the added time, cost and difficulty to comply with these new rules will likely result in incentivizing some property owners to build illegally which is yet another unintended consequence.

The "Coastal Redevelopment" concept is not a policy found in Marin County's current approved Local Coastal Program, and it is not a concept that appears either in the Coastal Act or in Administrative Regulations governing its application. The proposed rules are vague and confusing, and they create internal inconsistencies between Environmental Hazards provisions and Coastal Permit requirements.
Given these serious concerns and issues, I urge the California Coastal Commission to reject any language, reference or rules relating to "Coastal Redevelopment" in an amendment to the Marin County Local Coastal Plan. Please focus on policies that more suitably implement the California Coastal Act and more appropriately balance the rights of residential property owners to maintain and develop their homes.
Sincerely,

Sarah Loughlin
216 Seadrift
Stinson Beach

CoastalMarinLCP

From: Kim Lyon <kimster74@sbcglobal.net>
Sent: Monday, October 31, 2016 3:34 PM
To: CoastalMarinLCP
Subject: Protect Marin's Coast

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Environmental Hazards:

- I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications.
- The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that the Amendment set a strong precedent for other regions.
- The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, and communities, all while balancing property owners' rights and needs.

CEQA Requirements:

- I understand that the Coastal Commission staff's October 21, 2016 suggested modifications meet the CEQA requirement by a California state agency.
- If any non-administrative policy modifications by Coastal Commission staff are not adopted, or are amended, by the Coastal Commissioners on November 2, will the LCP meet CEQA requirements?

Biological and Water Resources:

- I urge the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term Environmentally Sensitive Habitat Areas (ESHA) protections and habitat viability.
- For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Public Participation:

- I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review.
- The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.
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heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Thank you for considering these comments.

Respectfully,

Kim Lyon
17926 Villamoura Drive
Poway, CA 92064

W10a

CoastalMarinLCP

From: Mary Ann Cobb <fivewobbs@gmail.com>
Sent: Monday, October 31, 2016 3:33 PM
To: CoastalMarinLCP
Subject: NO to LUPA & IPA with modifications

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1 OPPOSED Mary Ann Cobb & Peter Wilson

Commissioners of the California Coastal Commission c/o Shannon Fiala, Planner
45 Fremont St Suite 2000
San Francisco, CA 94105

Dear Commissioners,

As homeowners in Stinson Beach, we ask that you please vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications, and that you instead vote YES on Marin County's LUPA and IPA as submitted by the County.

Marin's County's staff produced a Local Coastal Plan that was based on input from public meetings. We felt it was a balanced plan that protected the environment and property rights. However, two weeks before the final vote, your staff deleted all of it and replaced it with their own regulations, which ignores the process and the concerns of residents.

We feel we had no say in those changes, which would undercut our property rights, such as denying us the right to rebuild and maintain our homes of there is a "possible hazard" from flooding 100 years from now. The country maps show that my entire neighborhood in Stinson Beach could "possibly" be flooded if the most extreme sea level projections are used. But what about our rights right now?

Please stop this unfair imposition on homeowners.

Sincerely,
Mary Ann Cobb and Peter Wilson
100 Seadrift Road
Stinson Beach, CA 94970

W10a

CoastalMarinLCP

From: Alan Proctor <aproctor@horizoncable.com>
Sent: Monday, October 31, 2016 3:25 PM
To: CoastalMarinLCP
Subject: Item W10a

Please do not adopt these changes on Nov2nd I oppose such draconian measures. Alan Proctor .Inverness

CoastalMarinLCP

From:	Dianne Chasteen <dchasteen@CFBF.com>
Sent:	Monday, October 31, 2016 2:49 PM
To:	Fiala, Shannon@Coastal; CoastalMarinLCP; bos@marincounty.org; slcdiverse@yahoo.com; Marin County Farm Bureau; CountyAgCommissioner, Marin@CDFA
Cc:	Scheuring, Chris; Dianne Chasteen
Subject:	November 2, 2016 Meeting – Agenda Item No. W10a – Marin County LCP Update (Marin County LCP Amendment No. LCP-2-MAR-15-0029-1)
Attachments:	CC Letter with Enclosure.pdf

Dear Chairman Kinsey and Commissioners,

The attached letter is being sent by Christian C. Scheuring, Managing Counsel, on behalf of California Farm Bureau Federation. If you have any questions or comments, Mr. Scheuring can be reached at (916) 561-5600 or cscheuring@cfbf.com.

Regards,
Dianne Chasteen

Dianne K. Chasteen
Legal Secretary to Christian C. Scheuring
Legal Services Division
California Farm Bureau Federation
2300 River Plaza Dr.
Sacramento, CA 95833
(916) 561-5653
dchasteen@cfbf.com

W10a

CoastalMarinLCP

From: Richard Reasoner <richard@dendronlmc.com>
Sent: Monday, October 31, 2016 2:34 PM
To: CoastalMarinLCP
Subject: W10a

Planner Shannon Fiala,

As a life-long resident of Stinson Beach, well out of the flood zone, but committed to the preservation of our community, I must protest the coastal commission's disregard for the local meetings and planning efforts that have taken place over the last two years. The commission's staff proposal would literally cut the heart out of Stinson Beach and I am therefore adamantly opposed to it.

Richard Reasoner
P. O. Box 855
Stinson Beach, CA 94970
Phone: 415-868-0479

W10a

CoastalMarinLCP

From: Peggy Steffens <peggys@steffenscorp.com>
Sent: Monday, October 31, 2016 1:51 PM
To: CoastalMarinLCP
Subject: Item W10a on the November 2, 2016 California Coastal Commission (CCC) Hearing Agenda

Dear Ms. Fiala,

As a property owner in the Seadrift development at Stinson Beach, please be informed that ***I strongly object to the proposed changes to the Marin County Local Coastal Plan regulations dealing with "Coastal Redevelopment."*** The implementation of this new "Coastal Redevelopment" concept proposed by the CCC staff will have a debilitating impact in preventing residents and property owners from constructing a range of improvements to their homes over time. For property located in bluff or low lying coastal areas, the new definition of "Coastal Redevelopment" could require a Coastal Permit, a new environmental hazards analysis and other difficult-to-meet requirements to achieve full Local Coastal Plan compliance for projects, such as simple house upgrades and remodels, that otherwise have been exempt from Coastal Permit requirements.

These onerous new rules would remove long-standing rights explicitly granted under the Coastal Act to maintain and improve single family residences without the requirement of a Coastal Permit. They constitute an unnecessary and unfair burden on property owners, and this could have the unintended consequence of discouraging improvements to existing homes to comply with public safety requirements of other agencies. Additionally, the added time, cost and difficulty to comply with these new rules will likely result in incentivizing some property owners to build illegally which is yet another unintended consequence.

The "Coastal Redevelopment" concept is not a policy found in Marin County's current approved Local Coastal Program, and it is not a concept that appears either in the Coastal Act or in Administrative Regulations governing its application. The proposed rules are vague and confusing, and they create internal inconsistencies between Environmental Hazards provisions and Coastal Permit requirements.

Given these serious concerns and issues, I urge the California Coastal Commission to reject any language, reference or rules relating to "Coastal Redevelopment" in an amendment to the Marin County Local Coastal Plan. Please focus on policies that more suitably implement the California Coastal Act and more appropriately balance the rights of residential property owners to maintain and develop their homes.

Sincerely,

Peggy Schnugg Steffens
216 Seadrift Road
Stinson Beach, CA

CoastalMarinLCP

From: Alexandra Rome <lrome@igc.org>
Sent: Monday, October 31, 2016 1:47 PM
To: CoastalMarinLCP
Subject: Comments submitted for Nov. 2, 2016 hearing

October 31, 2016

Dear Commissioners:

I own a home in Point Reyes Station, CA.

I am very concerned about the affect of your staff's recommendations (re: Environmental Hazards) on my property and others in my own and nearby communities. The recommendations would negatively impact how we can protect, maintain and use our properties and homes. Also, the Coastal Visitor Commercial Residential Zoning (C-VCR) - making commercial use the principally permitted use in the entire district - would deal a significant blow to the fabric and health of our communities. These proposed changes and your staff recommendations are unreasonable and way out of balance.

I understand that Marin County has already rejected the many changes to sections of Marin County's LUPA and IPA submitted by your staff because of the enormous damage they would do to coastal communities in West Marin. I respectfully ask that you listen to the county and it's citizens in your deliberations and support our efforts to ensure property rights and the viability of our communities. I urge you to please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Sincerely,

Alexandra Rome
PO Box 445 (220 Mesa Road)
Point Reyes Station CA 94956

> We own a small home at Stinson Beach. We urge you to please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.
>
> We understand that Marin County has already rejected the many changes to the Environmental Hazards sections of Marin County's LUPA and IPA submitted by your staff because of the enormous damage they would do to coastal communities in West Marin. Such changes are way out of balance, and would seriously and unreasonably impact ours and our neighbors' homes and the town

and preclude us from protecting our home from rising seas and floods.

Please act to stop this action, and unconstitutional taking.

W10a

CoastalMarinLCP

From: Patty Trenkwalder <pattyt@astound.net>
Sent: Monday, October 31, 2016 1:13 PM
To: CoastalMarinLCP
Subject: Nov 2 Agenda Item W10A Opposition

Importance: High

Hello Shannon Fiala,

I received notification this weekend of the vote that will take place this week regarding changes to the Marin County Local Coastal Plan regulations dealing with "Coastal Redevelopment". I hope I am not too late in exclaiming my strong opposition to this as a property owner in the Seadrift development at Stinson Beach. The implementation of the this new "Coastal Redevelopment" concept proposed by the CCC staff will have a debilitating impact in preventing residents and property owners from constructing a range of improvements to their homes over time. For property located in bluff or low lying coastal areas, the new definition of "Coastal Redevelopment" could require a Coastal Permit, a new environmental hazards analysis and other difficult-to-meet requirements to achieve full Local Coastal Plan compliance for projects, such as simple house upgrades and remodels, that otherwise have been exempt from Coastal Permit requirements. These onerous new rules would remove long-standing rights explicitly granted under the Coastal Act to maintain and improve single family residences without the requirement of a Coastal Permit. They constitute an unnecessary and unfair burden on property owners, and this could have the unintended consequence of discouraging improvements to existing homes to comply with public safety requirements of other agencies. Additionally, the added time, cost and difficulty to comply with these new rules will likely result in incentivizing some property owners to build illegally which is yet another unintended consequence.

The "Coastal Redevelopment" concept is not a policy found in Marin County's current approved Local Coastal Program, and it is not a concept that appears either in the Coastal Act or in Administrative Regulations governing its application. The proposed rules are vague and confusing, and they create internal inconsistencies between Environmental Hazards provisions and Coastal Permit requirements.

Given these serious concerns and issues, I urge the California Coastal Commission to reject any language, reference or rules relating to "Coastal Redevelopment" in an amendment to the Marin County Local Coastal Plan. Please focus on policies that more suitably implement the California Coastal Act and more appropriately balance the rights of residential property owners to maintain and develop their homes.

Sincerely and respectfully,

Patty Schnugg Trenkwalder

W10a

CoastalMarinLCP

From: Mary Brown <mlbrown50@gmail.com>
Sent: Monday, October 31, 2016 1:07 PM
To: CoastalMarinLCP
Subject: agenda item W10a on the Nov. 2, 2015 CCC Hearing Agenda: Opposition

Dear Ms. Fiala,

This email expresses my opposition to Agenda Item W10a.

I and my family have been long-time property owners in the Seadrift development at Stinson Beach. As such, ***I strongly object to the proposed changes to the Marin County Local Coastal Plan regulations dealing with "Coastal Redevelopment."*** I am an environmental advocate and I support the goals of the CCC. However, the "Coastal Redevelopment" strategy proposed by the CCC staff is too draconian and, if implemented, will prevent residents and property owners in low-lying coastal areas from constructing improvements to their homes over time. Specifically, the new definition of "Coastal Redevelopment" could require a Coastal Permit, a new environmental hazards analysis and other onerous requirements to gain compliance with the Local Coastal Plan for projects such as simple house upgrades and remodels, that otherwise have been exempt from Coastal Permit requirements.

These burdensome new rules would eliminate long-standing rights explicitly granted under the Coastal Act to maintain and improve single family residences without requiring a Coastal Permit. They constitute an unnecessary and unfair burden on property owners, and this could have unintended consequences, including a disincentive to make improvements to existing homes in order to comply with public safety requirements of other agencies, and an incentive to build or remodel illegally.

The "Coastal Redevelopment" concept is not a policy found in Marin County's current approved Local Coastal Program, and it is not a concept that appears either in the Coastal Act or in Administrative Regulations governing its application. The proposed rules are vague and confusing, and they create internal inconsistencies between Environmental Hazards provisions and Coastal Permit requirements.

Given these serious flaws, ***I urge the California Coastal Commission to reject any language, reference or rules relating to "Coastal Redevelopment" in an amendment to the Marin County Local Coastal Plan.*** Please focus on policies that more suitably implement the California Coastal Act and more appropriately balance environmental protection with the rights of residential property owners to maintain and improve their homes.

Sincerely,

Mary L Brown
216 Seadrift
Stinson Beach

W10a

CoastalMarinLCP

From: Tom Schnugg <tschnugg@gmail.com>
Sent: Monday, October 31, 2016 12:39 PM
To: CoastalMarinLCP
Subject: Item W10a on the November 2, 2016 California Coastal Commission (CCC) Hearing Agenda

Dear Ms. Fiala,

As a property owner in the Seadrift development at Stinson Beach, please be informed that ***I strongly object to the proposed changes to the Marin County Local Coastal Plan regulations dealing with "Coastal Redevelopment."*** The implementation of the this new "Coastal Redevelopment" concept proposed by the CCC staff will have a debilitating impact in preventing residents and property owners from constructing a range of improvements to their homes over time.

For property located in bluff or low lying coastal areas, the new definition of "Coastal Redevelopment" could require a Coastal Permit, a new environmental hazards analysis and other difficult-to-meet requirements to achieve full Local Coastal Plan compliance for projects, such as simple house upgrades and remodels, that otherwise have been exempt from Coastal Permit requirements.

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Given these serious concerns and issues, I urge the California Coastal Commission to reject any language, reference or rules relating to "Coastal Redevelopment" in an amendment to the Marin

County Local Coastal Plan. Please focus on policies that more suitably implement the California Coastal Act and more appropriately balance the rights of residential property owners to maintain and develop their homes.

Sincerely,

Thomas J. Schnugg

216 Seadrift

Stinson Beach

W10a

CoastalMarinLCP

From: Nancy Schlatter <nschlatt4@gmail.com>
Sent: Monday, October 31, 2016 12:33 PM
To: CoastalMarinLCP
Subject: Agenda Item W10a

Dear Ms. Fiala,

As a property owner in the Seadrift development at Stinson Beach, please be informed that ***I strongly object to the proposed changes to the Marin County Local Coastal Plan regulations dealing with "Coastal Redevelopment."*** The implementation of the this new "Coastal Redevelopment" concept proposed by the CCC staff will have a debilitating impact in preventing residents and property owners from constructing a range of improvements to their homes over time. For property located in bluff or low lying coastal areas, the new definition of "Coastal Redevelopment" could require a Coastal Permit, a new environmental hazards analysis and other difficult-to-meet requirements to achieve full Local Coastal Plan compliance for projects, such as simple house upgrades and remodels, that otherwise have been exempt from Coastal Permit requirements.

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Sincerely,

Nancy Schnugg Schlatter

Homeowner, Seadrift, Stinson Beach

W10a

CoastalMarinLCP

From: Kristen Renton <roxygirl2@msn.com>
Sent: Monday, October 31, 2016 12:25 PM
To: CoastalMarinLCP
Subject: Protect Marin's Coast

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Environmental Hazards:

- I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications.
- The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that the Amendment set a strong precedent for other regions.
- The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, and community character, while balancing the rights and needs of property owners.

CEQA Requirements:

- I understand that the Coastal Commission staff's October 21, 2016 suggested modifications meet the California Environmental Quality Act (CEQA) requirement by a California state agency.
- If any non-administrative policy modifications by Coastal Commission staff are not adopted, or are amended, by the Coastal Commissioners on November 2nd, will the LCP meet CEQA requirements?

Biological and Water Resources:

- I urge the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term Environmentally Sensitive Habitat Areas (ESHA) protections and habitat viability.
- For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Public Participation:

- I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review.
- The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.
- The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum public participation by requiring individuals and organizations to "pay to be

heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Thank you for your consideration of these comments.

Respectfully,

Kristen Renton
26503 Bighorn Way
#206
Valencia, CA 91354

CoastalMarinLCP

From: Linda Howie <lhowie890@Gmail.com>
Sent: Monday, October 31, 2016 11:56 AM
To: CoastalMarinLCP
Subject: Protect Marin's Coast

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Environmental Hazards:

- I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications.
- The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that the Amendment set a strong precedent for other regions.
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Biological and Water Resources:

- I urge the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term Environmentally Sensitive Habitat Areas (ESHA) protections and habitat viability.
- For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Public Participation:

- I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review.
- The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.
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heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Thank you for your consideration of these comments.

Respectfully,

Linda Howie
455 E Nees Avenue
#168
Fresno, CA 93720

W10a

CoastalMarinLCP

From: o Lewis <ovl@att.net>
Sent: Monday, October 31, 2016 4:51 PM
To: CoastalMarinLCP
Subject: Protect Marin's Coast

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Environmental Hazards:

- I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications.
- The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that the Amendment set a strong precedent for other regions.
- The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, and community character, while balancing the rights and needs of property owners.

CEQA Requirements:

- I understand that the Coastal Commission staff's October 21, 2016 suggested modifications meet the California Environmental Quality Act (CEQA) requirement by a California state agency.
- If any non-administrative policy modifications by Coastal Commission staff are not adopted, or are amended, by the Coastal Commissioners on November 2nd, will the LCP meet CEQA requirements?

Biological and Water Resources:

- I urge the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term Environmentally Sensitive Habitat Areas (ESHA) protections and habitat viability.
- For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Public Participation:

- I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review.
- The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.
- The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum public participation by requiring individuals and organizations to "pay to be

heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Thank you for your consideration of these comments.

Respectfully,

o Lewis
PO Box 881075
Los Angeles, CA 90009

W10a

CoastalMarinLCP

From: Raymond Taylor <Taylorsinwlv@msn.com>
Sent: Monday, October 31, 2016 5:00 PM
To: CoastalMarinLCP
Subject: Hearing addressing the Marin County Local Coastal Program

October 31, 2016

Subject: Item W10a on the November 2, 2016 California Coastal Commission (CCC) Hearing Agenda

Dear Ms. Fiala,

As a property owner in the Seadrift development at Stinson Beach, please be informed that I strongly object to the proposed changes to the Marin County Local Coastal Plan regulations dealing with "Coastal Redevelopment." The implementation of this new "Coastal Redevelopment" concept proposed by the CCC staff will have a debilitating impact in preventing residents and property owners from constructing a range of improvements to their homes over time. For property located in bluff or low lying coastal areas, the new definition of "Coastal Redevelopment" could require a Coastal Permit, a new environmental hazards analysis and other difficult-to-meet requirements to achieve full Local Coastal Plan compliance for projects, such as simple house upgrades and remodels, that otherwise have been exempt from Coastal Permit requirements.

These onerous new rules would remove long-standing rights explicitly granted under the Coastal Act to maintain and improve single family residences without the requirement of a Coastal Permit. They constitute an unnecessary and unfair burden on property owners, and this could have the unintended consequence of discouraging improvements to existing homes to comply with public safety requirements of other agencies. Additionally, the added time, cost and difficulty to comply with these new rules will likely result in incentivizing some property owners to build illegally which is yet another unintended consequence.

The "Coastal Redevelopment" concept is not a policy found in Marin County's current approved Local Coastal Program, and it is not a concept that appears either in the Coastal Act or in Administrative Regulations governing its application. The proposed rules are vague and confusing, and they create internal inconsistencies between Environmental Hazards provisions and Coastal Permit requirements.

Given these serious concerns and issues, I urge the California Coastal Commission to reject any language, reference or rules relating to "Coastal Redevelopment" in an amendment to the Marin County Local Coastal Plan. Please focus on policies that more suitably implement the California Coastal Act and more appropriately balance the rights of residential property owners to maintain and develop their homes.

Sincerely,

Susan S. Taylor
216 Seadrift
Stinson Beach

CALIFORNIA FARM BUREAU FEDERATION

OFFICE OF THE GENERAL COUNSEL

2300 RIVER PLAZA DRIVE, SACRAMENTO, CA 95833-3293 · PHONE (916) 561-5665 · FAX (916) 561-5691

Via Facsimile (415) 904 – 5400
and E-mail (shannon.fiala@coastal.ca.gov)

October 31, 2016

Chairman Steve Kinsey and Commissioners
California Coastal Commission
North Central Coast District Office
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Re: **November 2, 2016 Meeting – Agenda Item No. W10a – Marin County LCP Update (Marin County LCP Amendment No. LCP-2-MAR-15-0029-1)**

Dear Chairman Kinsey and Commissioners:

The California Farm Bureau Federation ("Farm Bureau") appreciates the opportunity to provide you with these comments in relation to the Marin County LCP Update, which you are considering at your November 2, 2016 meeting in Half Moon Bay.

Farm Bureau is a non-governmental, non-profit, voluntary membership California corporation whose purpose is to protect and promote agricultural interests throughout the state of California and to find solutions to the problems of the farm, the farm home and the rural community. Farm Bureau is California's largest farm organization, comprised of 53 county Farm Bureaus currently representing nearly 53,000 agricultural, associate and collegiate members in 56 counties. This membership includes farmers and ranchers up and down California's coastal zone, through some 14 county Farm Bureaus. As part of its mission, Farm Bureau strives to protect and improve the ability of farmers and ranchers engaged in production agriculture to provide a reliable supply of food and fiber through responsible stewardship of California's resources. Within the coastal zone, Farm Bureau has long been involved in coastal planning processes, and has a direct interest in the administration of the Coastal Act.

With regard to the LCP Update for Marin County that is now before you, Farm Bureau joins and underscores the comments of the Marin County Farm Bureau in relation to the wholesale overwrite Commission staff has proposed to replace language worked up by the County of Marin on the subject of "ongoing agriculture" and potential permitting requirements.

NANCY N. MCDONOUGH, GENERAL COUNSEL

ASSOCIATE COUNSEL:

CARL G. BORDEN · KAREN NORENE MILLS · CHRISTIAN C. SCHEURING · KARI E. FISHER · JACK L. RICE

We urge the Commission to reject those staff-authored changes, which would provide that only those "existing legally established" agricultural activities can continue without a permit in the coastal zone. Farm Bureau believes this would be flatly inconsistent with the Coastal Act, which recognizes the primary importance of coastal agriculture, and should allow for operational flexibility for farming and ranching to continue and undertake cultivation activities and crop changes where significant coastal resources are not otherwise affected.

I have attached a March 27, 1981 memorandum from the Commission's executive director to his regional executive directors on that subject. With emphasis, he points out that the Commission's direction on agricultural operations was to proceed "cautiously", and:

> "to assert jurisdiction only in those situations where it is quite clear that significant coastal resources are threatened."

We believe this direction comports directly with the definition of "development" in the Coastal Act, and we believe that the Commission should remain faithful to its original course on this subject and reject the Commission staff-proposed changes to Marin County's LCP Update on the subject of "ongoing agriculture".

Farm Bureau thanks you for your consideration of the foregoing, and looks forward to appearing before the Commission on November 2.

Very truly yours,

Chris Scheuring
Managing Counsel

CCS/dkc

Enclosure

cc: marinlcp@coastal.ca.gov
Marin County Board of Supervisors: bos@marincounty.org
Sam Dolcini: slcdiverse@yahoo.com
Marin County Farm Bureau: marincfb@svn.net
Stacy Carlsen, Marin County Agriculture Commissioner: scarlsen@co.marin.ca.us

State of California

Memorandum

To : Regional Executive Directors

Date : March 27, 1981

Subject: Agricultural Activities Involving Removal of Major Vegetation

From : California Coastal Commission - Michael Fischer

On March 19, 1981, the Commission asserted jurisdiction over expansion of agricultural activities located in areas containing major vegetation. The Commission determined that expansion of agricultural uses into areas of native vegetation constitute a "change in the intensity of use of the land" and therefore are developments under the Coastal Act. Please note that this decision concerns only that vegetation removal which changes the basic use of land from essentially natural to a cultivated agricultural use. Changes from one agricultural use to another, such as crop rotation, removal of agricultural vegetation (e.g., old orchards or windbreaks), or modification of small areas of vegetation, the edge of cultivated areas are not within the scope of the Commission's assertion.

In light of the significance of this assertion given the 1978 Opinion of the Attorney General's office and the need to not disrupt, continuing agricultural operations, the Commission advised us all to proceed cautiously and to assert jurisdiction only in those situations where it is quite clear that significant coastal resources are threatened. The recommendation adopted by the Commission lists criteria which should be used in reaching that decision. Several copies have been mailed to each region.

In order to assure uniformity of application, please do so within these two guideposts. First, if a certified local LCP or LUP addresses this issue (such as Santa Barbara or San Mateo County), assert jurisdiction in a manner and to an extent consistent with the provisions in the LCP or LUP. Secondly, if possible, violations are discovered, consult with Linda Breeden or Roy Gorman of the state legal staff before sending a notification of a violation to the property owners. This consultation requirement will help to assure that the new policy is being applied properly throughout the state during this period prior to certification of LCP's.

G-2

RECEIVED
OCT 31 2016

W10a

Supervisor Steve Kinsey
3501 Civic Center Drive, Room 329
San Rafael, CA 94903

26 October 2016

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.

Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Kevin Murphy

Home address:	and	Affected property address:
40 Lancaster Avenue		248 Seadrift Road
Kentfield, CA 94904		Stinson Beach, CA 94970

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
OPPOSED
NAMES: LAWRENCE A. BASKIN & KATHLYNN CAPDEVILLE

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

My wife and I have owned a home in Stinson Beach for over 30 years. We are urging you vote NO on the motions submitted by your staff to approve the LUPA and IPA with the staff's modifications, and that you instead vote YES on Marin County's LUPA and IPA as submitted by the County.

Marin County's staff worked very hard and held many public meetings with Stinson Beach residents to produce a Local Coastal Program that balanced public access, the environment and our property rights. The process was quite impressive. Marin County staff worked with a number of Stinson Beach and West

Marin residents and community based groups to produce a set of amendments that were truly representative of the West Marin coastal community. Your staff has adopted an adversarial approach, refused to listen to the community's clearly expressed preferences, and consistently rejected the proposals without a rational basis. They appear to have staked out a position early in the process and refuse to make modifications despite widespread community supported proposals. Now, less than two weeks prior to the vote, your staff deleted all of the proposed amendments and replaced them with their own ill conceived regulations!

None of us in Stinson Beach were allowed any input into those changes. Most of them would unfairly remove our property rights, such as denying us the right to rebuild and maintain our homes if there is a "possible hazard" from flooding 100 years from now. **Using a hypothetical and highly speculative 100 year standard makes no sense. Even trying to guess future effects based on a 50 year run-out is a guess, but more rationaly based and can be revised every ten years based on actual data rather than purely speculative creations of worst case scenarios.** **While climate change is undeniable, the resulting seal level rise and rate of such is clearly an unknown.** The County maps show that my entire neighborhood in Stinson Beach could "possibly" be flooded if the most extreme, unlikely sea level projections are used – how can you possibly take away my home now, on the outside, highly speculative chance such flooding might occur in 100 years?

Please honor well the thought out and carefully developed plan amendments submitted by Marin County created and supported by the commmunity you were appointed to serve.

Thank you for your consideration.

Lawrence A. Baskin, Esq. & Kathlynn Capdeville

Dear Supervisor Kinsey,

As a Stinson Beach homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.
Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Sincerely,

Anne McMullin

Steve Kinsey
>>> Supervisor
>>> 3501 Civic Center Drive
>>> San Rafael, CA 94903
>>>
>>> Dear Steve,
>>
>>> As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.
>>>
>>> I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.
>>> Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.
>
>> Thank you, Gail D. Mace
>> 115 Evergreen Road
>> Bolinas, 94924

From: Linda Tillotson
To: CoastalMarinLCP
Cc: linda tillotson; George Tillotson
Subject: Item No: W10a, Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
Date: Monday, October 31, 2016 8:12:43 AM

Date: October 31, 2016

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
Linda and George Tillotson
OPPOSED

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I am a property owner in West Marin. I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revision were simply ignored in what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on my property and my town would be terrible. I would be unable to protect my home from rising seas and floods, I would be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions. That this has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission.

Please act to stop this action.

Yours,

Linda and George Tillotson

2 Rafael Patio

Stinson Beach, CA

W10a

From:	Dennis Jauch
To:	ShannonFialaMarinLCP@coastal.ca.gov
Cc:	CoastalMarinLCP
Subject:	Coastal Commission Agenda Item W10a
Date:	Monday, October 31, 2016 8:30:25 AM

Dear Coastal Commission: When I bought my property at 27 Calle De Ribera, Stinson Beach I was fully aware of the risks that I was getting into. There were several potential hazards that I took into consideration such as the close proximity to San Andreas Fault Line and the potential flooding that could take place from the creek and ocean. Over these years I have paid a very high cost for both flood and earthquake insurance to help reduce some of the risk. I took this gamble because I loved the area and I thought it would be a good investment.

Now I am finding out that I didn't take into consideration the biggest hazard of all, a political body trying to devaluate my property by setting rules and policies that will directly effect the value of my property. Their action, California Coastal Commission, could cause more damage to my property than the physical damage I may have faced with floods and earthquakes. Our community has worked with our local County government trying to find ways to mitigate and reduce future property risks without doing financial harm to the owners. Now the Coastal Commission is coming in, disregarding past County discussions and are proposing regulations that will do great financial harm to all residents. Why?

I urge the Commission to repeal their proposal, or at the very least, not make a decision on this matter until they can meet with the community and come up with a more viable alternative.

Thank You for your consideration regarding this matter.

Sincerely,

Dennis Jauch
Owner, 35 Calle Del Ribera, Stinson Beach

W10a

From: William Pereira
To: CoastalMarinLCP
Subject: CCC Nov. 2, 2016
Date: Monday, October 31, 2016 8:50:00 AM

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
William R Pereira
OPPOSED

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I am a 4th generation and actually there have been 6 generations of my family living in west Marin. As a property owner in West Marin I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revision were simply ignored in what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on others property and my town would be terrible. Home owners would be unable to protect their home from rising seas and floods, they would be unable to maintain it over time, and their rights to develop or sell their property at a fair price or maybe not at all with said restrictions, thus eliminating all investments they have in their property. Our entire community could disappear over time due to your staff's actions. That this has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission. Please reconsider your possible action and Please try to work with us in a matter we can all live with.

Yours,
William R Pereira
12 Avenida Las Baulinas
Stinson Beach, Ca. 94970

W10a

From: Dennis Jauch
To: CoastalMarinLCP
Subject: Agenda Item W10a, Attention Planner Shannon Fiala
Date: Monday, October 31, 2016 8:35:09 AM

Dear Coastal Commission: When I bought my property at 27 Calle De Ribera, Stinson Beach I was fully aware of the risks that I was getting into. There were several potential hazards that I took into consideration such as the close proximity to San Andreas Fault Line and the potential flooding that could take place from the creek and ocean. Over these years I have paid a very high cost for both flood and earthquake insurance to help reduce some of the risk. I took this gamble because I loved the area and I thought it would be a good investment.

Now I am finding out that I didn't take into consideration the biggest hazard of all, a political body trying to devaluate my property by setting rules and policies that will directly effect the value of my property. Their action, California Coastal Commission, could cause more damage to my property than the physical damage I may have faced with floods and earthquakes. Our community has worked with our local County government trying to find ways to mitigate and reduce future property risks without doing financial harm to the owners. Now the Coastal Commission is coming in, disregarding past County discussions and are proposing regulations that will do great financial harm to all residents. Why?

I urge the Commission to repeal their proposal, or at the very least, not make a decision on this matter until they can meet with the community and come up with a more viable alternative.

Thank You for your consideration regarding this matter.

Sincerely,

Dennis Jauch
Owner, 35 Calle Del Ribera, Stinson Beach

W10a

From: agregg@svn.net
To: CoastalMarinLCP
Subject: W10a
Date: Monday, October 31, 2016 9:46:05 AM

Shannon Fiala, As a member for the East Shore Planning Group in Marshall I am against the proposed changes the Coastal Commission staff have submitted.
I urge the commissioners to vote them down. There needs to be some democratic input. Are we being dictated to by non elected bureaucrats?

Allen Gregg Voter - taxpayer - property owner

W10a

From: Kristy Patterson
To: CoastalMarinLCP
Subject: Agenda Item W10a
Date: Monday, October 31, 2016 9:10:18 AM

Attention: Shannon Fiala

Dear Mrs. Fiala,

I am writing in hopes to express my grave concern for the new changes being proposed. I request you not adopt the changes in item W10a at your hearing on November 2, 2016. My family has had property in Bolinas for several decades, and this piece of property is part of our family history and legacy. The changes will make it impossible to keep up with and unmaintainable to pass song to my own children. Please consider what is at risk, and the history our homes hold dear to our hearts and families. Thank you.

Respectfully,

Kristy Patterson
Sent from my iPhone

Sent from my iPhone

Sent from my iPhone

Sent from my iPhone

Sent from my iPhone

W10a

From: Tito Sasaki
To: Barbara A. Siebert; CoastalMarinLCP
Cc: "kirk@calcattlemen.org"
Subject: Re: Marin County Local Coastal Program Amendments
Date: Monday, October 31, 2016 10:19:37 AM

BARBARA:
Thank you for copying me your strong arguments.
I hope Jeremy and Kirk are thinking of following it through.
TITO

From: Barbara A. Siebert <bas@pacificlegal.org>
To: '"marinlcp@coastal.ca.gov"' <marinlcp@coastal.ca.gov>
Cc: '"BOS@marincounty.org"' <BOS@marincounty.org>; '"planningcommission@marincounty.org"' <planningcommission@marincounty.org>; '"marincfb@svn.net"' <marincfb@svn.net>; '"slcdiverse@yahoo.com"' <slcdiverse@yahoo.com>; '"dgrossi73@att.net"' <dgrossi73@att.net>; '"cscheuring@CFBF.com"' <cscheuring@CFBF.com>; '"tito@att.net"' <tito@att.net>; '"john.azevedo@kjmail.com"' <john.azevedo@kjmail.com>; '"SCarlsen@co.marin.ca.us"' <SCarlsen@co.marin.ca.us>; '"kirk@calcattlemen.org"' <kirk@calcattlemen.org>
Sent: Monday, October 31, 2016 9:48 AM
Subject: Marin County Local Coastal Program Amendments

Dear Mr. Ainsworth,

Attached please find a letter in PDF-format from Pacific Legal Foundation and the California Cattlemen's Association submitting comments on the proposed Marin County Local Coastal Program Amendments. A hard copy has also been sent today via USPS. Thank you.

Sincerely,
Barbara A. Siebert
Legal Secretary

Pacific Legal Foundation
930 G Street
Sacramento, CA 95814
(916) 419-7111 Telephone
(916) 419-7747 Facsimile

****
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