

**Drumm, Kristin**

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**From:** Judy Aptekar <judyaptekar@gmail.com>  
**Sent:** Sunday, April 15, 2018 5:35 PM  
**To:** MarinLCP  
**Cc:** Drumm, Kristin; Liebster, Jack  
**Subject:** LCP ACTION

I am a homeowner/resident of West Marin and I ask you to vote No on Amendments 3 and 7 of the LCP on April 24th.

Thank you,  
Judy Aptekar  
212 Seadrift Rd.  
Stinson Beach, CA 94970

## Drumm, Kristin

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**From:** David Bernstein <davidb@mills.edu>  
**Sent:** Thursday, April 12, 2018 2:43 PM  
**To:** MarinLCP  
**Cc:** Drumm, Kristin; Liebster, Jack  
**Subject:** Local Coastal Program Amendments #3 and #7

April 24th Meeting of the Board of Supervisors  
Local Coastal Program Amendments #3 and #7  
David Bernstein OPPOSED

Marin County Board of Supervisors  
[3501 Civic Center Drive, Suite 329](#)  
[San Rafael, CA 94903](#)

Dear President Connolly and Members of the Marin Board of Supervisors,

I write as an owner of a house in the Coastal Zone. I oppose adoption of the California Coastal Commission (CCC) staff changes to Amendment 3 and Amendment 7 in Marin's Local Coastal Program Amendments. The Board should either reject the CCC Staff's proposed language or take no action, and retain the existing Local Coastal Plan.

Both Amendment 3 and Amendment 7 contain provisions that, if adopted, would impose burdensome and impractical permitting requirements, contrary to the Coastal Act.

Amendment 7 contains provisions that primarily, if not exclusively, relate to the deferred "Environmental Hazards" issues. The Board should not now accept definitions whose meaning and purpose is understandable only in the context of Environmental Hazards provisions that are not now before the Board and not explained in the accompanying materials.

The Environmental Hazards issues were deferred because they drew substantial and broad-based opposition from Marin residents and businesses. Accepting the definitions in Amendment 7 now, out of context, would undercut fair consideration of the Environmental Hazards issues later. Since none of these provisions will go into effect until the Local Coastal Plan is complete, there is no benefit for the Board to act on them now.

Please vote no on the proposed amendments.

Respectfully Yours,

David Bernstein  
257 Seadrift Road  
Stinson Beach, CA 94970

## Drumm, Kristin

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**From:** Eli Botvinick <ebotvinick@gmail.com>  
**Sent:** Saturday, April 14, 2018 4:51 PM  
**To:** MarinLCP  
**Cc:** Drumm, Kristin; Liebster, Jack  
**Subject:** OPPOSE LCP amendments 3 & 7

Marin County Board of Supervisors  
[3501 Civic Center Drive, Suite 329](#)  
[San Rafael, CA 94903](#)

Dear President Connolly and Members of the Marin Board of Supervisors,

I write as an owner of a house in the Coastal Zone. I oppose adoption of the California Coastal Commission (CCC) staff changes to Amendment 3 and Amendment 7 in Marin's Local Coastal Program Amendments. The Board should either reject the CCC Staff's proposed language or take no action, and retain the existing Local Coastal Plan.

Both Amendment 3 and Amendment 7 contain provisions that, if adopted, would impose burdensome and impractical permitting requirements, contrary to the Coastal Act.

Amendment 7 contains provisions that primarily, if not exclusively, relate to the deferred "Environmental Hazards" issues. The Board should not now accept definitions whose meaning and purpose is understandable only in the context of Environmental Hazards provisions that are not now before the Board and not explained in the accompanying materials.

The Environmental Hazards issues were deferred because they drew substantial and broad-based opposition from Marin residents and businesses. Accepting the definitions in Amendment 7 now, out of context, would undercut fair consideration of the Environmental Hazards issues later. Since none of these provisions will go into effect until the Local Coastal Plan is complete, there is no benefit for the Board to act on them now.

Please vote no on the proposed amendments.

Respectfully Yours,  
Elias Botvinick  
[255 Seadrift Rd. Stinson Beach](#)

## **Drumm, Kristin**

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**From:** Mary Anne Cook <maryannecook@mac.com>  
**Sent:** Saturday, April 14, 2018 10:32 AM  
**To:** MarinLCP  
**Cc:** Liebster, Jack; Drumm, Kristin  
**Subject:** Coastal Program proposed amendments

Marin County Board of Supervisors  
3501 Civic Center Drive, Suite 329  
San Rafael, CA 94903

Dear President Connolly and Members of the Marin Board of Supervisors,

I write as an owner of a house, 161 Dipsea in Stinson Beach, which is in the Coastal Zone. Along with many others in my community, I oppose adoption of the California Coastal Commission (CCC) staff changes to Amendment 3 and Amendment 7 in Marin's Local Coastal Program Amendments. I urge the Board to either reject the CCC Staff's proposed language or take no action, and retain the existing Local Coastal Plan.

Both Amendment 3 and Amendment 7 contain provisions that, if adopted, would impose burdensome and impractical permitting requirements, contrary to the Coastal Act.

Amendment 7 contains provisions that primarily, if not exclusively, relate to the deferred "Environmental Hazards" issues. The Board should not now accept definitions whose meaning and purpose is understandable only in the context of Environmental Hazards provisions that are not now before the Board and not explained in the accompanying materials.

The Environmental Hazards issues were deferred because they drew substantial and broad-based opposition from Marin residents and businesses. Accepting the definitions in Amendment 7 now, out of context, would undercut fair consideration of the Environmental Hazards issues later. Since none of these provisions will go into effect until the Local Coastal Plan is complete, there is no benefit for the Board to act on them now.

Please vote no on the proposed amendments.

Respectfully Yours,  
Mary Anne Cook  
161 Dipsea, Stinson Beach, CA 94960

## Drumm, Kristin

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**From:** Mary Cooper <mrueckertcooper1@gmail.com>  
**Sent:** Saturday, April 14, 2018 4:53 PM  
**To:** MarinLCP  
**Cc:** Drumm, Kristin; Liebster, Jack  
**Subject:** CCC

[April 24th](#) Meeting of the Board of Supervisors  
Local Coastal Program Amendments #3 and #7  
Mary Rueckert-Cooper Trust- OPPOSED

Marin County Board of Supervisors  
[3501 Civic Center Drive, Suite 329](#)  
[San Rafael, CA 94903](#)

Dear President Connolly and Members of the Marin Board of Supervisors,

I write as an owner of a house in the Coastal Zone. I oppose adoption of the California Coastal Commission (CCC) staff changes to Amendment 3 and Amendment 7 in Marin's Local Coastal Program Amendments. The Board should either reject the CCC Staff's proposed language or take no action, and retain the existing Local Coastal Plan.

Both Amendment 3 and Amendment 7 contain provisions that, if adopted, would impose burdensome and impractical permitting requirements, contrary to the Coastal Act.

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Please vote no on the proposed amendments.

Respectfully Yours,  
Mary Rueckert-Cooper  
244 Seadrift Road  
Stinson Beach, CA

Sent from my iPad

## Drumm, Kristin

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**From:** Lisa Wilcox Corning <lisa@healywilcox.com>  
**Sent:** Friday, April 13, 2018 4:08 PM  
**To:** MarinLCP; Drumm, Kristin; Liebster, Jack  
**Subject:** April 24th Meeting of the Board of Supervisors Local Coastal Program Amendments #3 and #7 Lisa Corning OPPOSED

Dear President Connolly and Members of the Marin Board of Supervisors,

I write as an owner of a house in the Coastal Zone. I oppose adoption of the California Coastal Commission (CCC) staff changes to Amendment 3 and Amendment 7 in Marin's Local Coastal Program Amendments. The Board should either reject the CCC Staff's proposed language or take no action, and retain the existing Local Coastal Plan.

Both Amendment 3 and Amendment 7 contain provisions that, if adopted, would impose burdensome and impractical permitting requirements, contrary to the Coastal Act.

Amendment 7 contains provisions that primarily, if not exclusively, relate to the deferred "Environmental Hazards" issues. The Board should not now accept definitions whose meaning and purpose is understandable only in the context of Environmental Hazards provisions that are not now before the Board and not explained in the accompanying materials.

The Environmental Hazards issues were deferred because they drew substantial and broad-based opposition from Marin residents and businesses. Accepting the definitions in Amendment 7 now, out of context, would undercut fair consideration of the Environmental Hazards issues later. Since none of these provisions will go into effect until the Local Coastal Plan is complete, there is no benefit for the Board to act on them now.

Please vote no on the proposed amendments.

Respectfully Yours,  
Lisa Wilcox Corning  
230 Seadrift Road  
Stinson Beach, CA

## Drumm, Kristin

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**From:** Tim Corriero <corriero@gmail.com>  
**Sent:** Saturday, April 14, 2018 6:23 PM  
**To:** MarinLCP  
**Cc:** Drumm, Kristin; Liebster, Jack  
**Subject:** Please, PLEASE, vote "NO" on Amendments no. 3 & 7 on the LCP, on April 24

I'm a homeowner in West Marin.

I have been actively following the County and Coastal Commission's efforts to finalize the Local Coastal Plan.

I'm guessing you're quite aware of the dynamics and facts, so I need not restate them to you here.

Let me simply say: I'm BEGGING you to vote "NO" on these amendments.

Please. What the coastal commission is doing simply is not right. Period.

Tim Corriero  
6 Calle del Pradero  
Stinson Beach  
[corriero@gmail.com](mailto:corriero@gmail.com)  
415 990 1133

## Drumm, Kristin

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**From:** Stephen Edelman <sedelman1@mac.com>  
**Sent:** Friday, April 13, 2018 8:36 AM  
**To:** MarinLCP  
**Cc:** Drumm, Kristin; Liebster, Jack

Steve and Sharon Edelman: OPPOSED

Marin County Board of Supervisors  
[3501 Civic Center Drive, Suite 329](#)  
[San Rafael, CA 94903](#)

Dear President Connolly and Members of the Marin Board of Supervisors,

I write as an owner of a house in the Coastal Zone. I oppose adoption of the California Coastal Commission (CCC) staff changes to Amendment 3 and Amendment 7 in Marin's Local Coastal Program Amendments. The Board should either reject the CCC Staff's proposed language or take no action, and retain the existing Local Coastal Plan.

Both Amendment 3 and Amendment 7 contain provisions that, if adopted, would impose burdensome and impractical permitting requirements, contrary to the Coastal Act.

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Please vote no on the proposed amendments.

Respectfully Yours,  
Steve and Sharon Edelman  
246 Seadrift Road  
Stinson Beach, CA. 94970

Sent from my iPad



## Drumm, Kristin

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**From:** Bill Falik <billfalik@gmail.com>  
**Sent:** Sunday, April 15, 2018 1:07 PM  
**To:** MarinLCP  
**Cc:** Drumm, Kristin; Liebster, Jack  
**Subject:** LCP Action at Marin BOS

I own two homes at 7 and 9 Sacramento Patio in Stinson Beach and have been following the Local Coastal Plan process quite closely for the past year. I respectfully request that you vote No on Amendments 3 and 7 of the LCP on April 24th, as they are not in the best interests of Marin County and specifically the homeowners in West Marin.

Thank you for your consideration.

Bill Falik

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Bill Falik  
100 Tunnel Road  
Berkeley, CA 94705  
Telephone: (510) 540-5960  
Facsimile: (510) 704-8803  
Email: [billfalik@gmail.com](mailto:billfalik@gmail.com)

## Drumm, Kristin

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**From:** Mary Garrison <garrison5050@gmail.com>  
**Sent:** Friday, April 13, 2018 4:28 PM  
**To:** MarinLCP  
**Cc:** Drumm, Kristin; Liebster, Jack  
**Subject:** Marin County's Local Coastal Program (LCP)

April 24th Meeting of the Board of Supervisors  
Local Coastal Program Amendments #3 and #7  
Maynard and Mary Garrison

Marin County Board of Supervisors  
3501 Civic Center Drive, Suite 329  
San Rafael, CA 94903

Dear President Connolly and Members of the Marin Board of Supervisors,

I write as an owner of a house in the Coastal Zone. I oppose adoption of the California Coastal Commission (CCC) staff changes to Amendment 3 and Amendment 7 in Marin's Local Coastal Program Amendments. The Board should either reject the CCC Staff's proposed language or take no action, and retain the existing Local Coastal Plan.

Both Amendment 3 and Amendment 7 contain provisions that, if adopted, would impose burdensome and impractical permitting requirements, contrary to the Coastal Act.

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Please vote no on the proposed amendments.

Respectfully Yours,  
Maynard and Mary Garrison  
183 Seadrift

## Drumm, Kristin

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**From:** Jennifer Griffith <jgwayland@gmail.com>  
**Sent:** Monday, April 16, 2018 4:23 PM  
**To:** MarinLCP  
**Cc:** Liebster, Jack; Drumm, Kristin  
**Subject:** Local Coastal Program Amendments #3 and #7 Jennifer Griffith Wayland - OPPOSED

Marin County Board of Supervisors  
3501 Civic Center Drive, Suite 329  
San Rafael, CA 94903

Dear President Connolly and Members of the Marin Board of Supervisors,

I write as an owner of a house in the Coastal Zone. I oppose adoption of the California Coastal Commission (CCC) staff changes to Amendment 3 and Amendment 7 in Marin's Local Coastal Program Amendments. The Board should either reject the CCC Staff's proposed language or take no action, and retain the existing Local Coastal Plan.

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Please vote no on the proposed amendments.

Respectfully Yours,

Jennifer Griffith Wayland  
169 Dipsea Road  
Stinson Beach, CA 94970

## Drumm, Kristin

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**From:** Kip Howard, Jr. <dagkip@sbcglobal.net>  
**Sent:** Friday, April 13, 2018 8:01 AM  
**To:** MarinLCP  
**Cc:** Liebster, Jack; Drumm, Kristin  
**Subject:** Comments re Local Coastal Plan - Proposed Amendments

[April 24th](#) Meeting of the Board of Supervisors  
Local Coastal Program Amendments #3 and #7  
Daggett H. Howard, Jr. OPPOSED

Marin County Board of Supervisors  
[3501 Civic Center Drive, Suite 329](#)  
[San Rafael, CA 94903](#)

Dear President Connolly and Members of the Marin Board of Supervisors,

I write as an owner of a house in the Coastal Zone. I oppose adoption of the California Coastal Commission (CCC) staff changes to Amendment 3 and Amendment 7 in Marin's Local Coastal Program Amendments. The Board should either reject the CCC Staff's proposed language or take no action, and retain the existing Local Coastal Plan.

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Please vote no on the proposed amendments.

Respectfully Yours,  
Daggett H. Howard, Jr.  
137 Dipsea Rd.  
Stinson Beach, CA

Sent from my iPhone



## INVERNESS PUBLIC UTILITY DISTRICT

FIRE DEPARTMENT ❖ WATER SYSTEM

POST OFFICE BOX 469  
INVERNESS, CA 94937

(415) 669-1414 ❖ Fax (415) 669-1010 ❖ [info@invernesspubd.org](mailto:info@invernesspubd.org)

April 12, 2018

Marin County Board of Supervisors  
3501 Civic Center Drive, Suite 329  
San Rafael, CA 94903  
via Electronic Mail: [BOS@marincounty.org](mailto:BOS@marincounty.org) / [marinLCP@marincounty.org](mailto:marinLCP@marincounty.org)

RE: Marin County Local Coastal Program Amendment

Dear Supervisors:

The Marin County coastal municipal water systems have unique challenges before them to ensure our communities have safe drinking water and adequate fire protection. The Coastal Permit process needs to recognize this and provide consideration to streamline the permitting process. Our water systems have aged infrastructure needing replacement, may have limited fire water storage that needs to be upgraded, and aged redwood tanks that are fire and earthquake damage prone needing replacement.

These critical lifeline infrastructure projects (and others) should have a streamlined permitting process that spends public monies effectively. Per the California Code Title 22, Division 4, under the California Environmental Quality Act, many water system projects are Categorically Exempt Class 2 or 3. It would be helpful if the Coastal Permit process mirrored the Exemptions allowed for in the CEQA process.

One particular area of concern is the replacement of redwood tanks. The 1995 Mt. Vision fire caused the redwood potable water tank (North Marin Water District service area) at the top of Drakes View Drive to be destroyed by fire. The Inverness Public Utility District has a Capital Improvement Program (CIP) to replace all six of the remaining redwood tanks with steel tanks. Similarly, the North Marin Water District has an ongoing CIP program to replace all remaining redwood tanks. There are limited tax payer monies available to provide for replacement of key infrastructure crucial to our coastal water systems. The LCP permitting process should be amended to reflect the replacement of this important infrastructure in the coastal permitting process to reduce overall project cost and schedule.

The undersigned water districts respectfully request that the Local Coastal Program amendment provide the County planners with a means to streamline the Coastal Permit process, particularly for critical lifeline infrastructure such as water systems. This would include the ability to grant a de minimis waiver if there are no adverse impacts. An exemption should allow for an increase in storage of up to 10% or that required for Marin County fire protection goals. In a high fire area, this storage is important. Fees for this permit application (if the de minimis waiver is granted) would be waived.

The current LCP updates do not address municipal public water system concerns with already overly complex and burdensome permitting requirements.

Thank you for your consideration.

Signed:

General Manager  
Inverness Public Utility District

Cosigners: North Marin Water District  
Muir Beach Community Services District

BOARD OF DIRECTORS: **KENNETH EMANUELS**, PRESIDENT • **DAKOTA WHITNEY**, VICE PRESIDENT  
**LAURA ALDERDICE**, TREASURER • **BRENT JOHNSON** • **DAVID PRESS**

 **KEN EICHSTAEDT, P.E.**, GENERAL MANAGER • **JAMES K. FOX**, CHIEF OF OPERATIONS

**Drumm, Kristin**

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**From:** A.C. Johnston <ac.johnston@me.com>  
**Sent:** Friday, April 13, 2018 9:38 AM  
**To:** MarinLCP  
**Cc:** Drumm, Kristin; Liebster, Jack  
**Subject:** April 24th Meeting of the Board of Supervisors -- Local Coastal Program Amendments #3 and #7 -- Alan C. Johnston OPPOSED

Marin County Board of Supervisors  
3501 Civic Center Drive, Suite 329  
San Rafael, CA 94903

Dear President Connolly and Members of the Marin Board of Supervisors,

I write as an owner of a house in the Coastal Zone. I oppose adoption of the California Coastal Commission (CCC) staff changes to Amendment 3 and Amendment 7 in Marin's Local Coastal Program Amendments. The Board should either reject the CCC Staff's proposed language or take no action and retain the existing Local Coastal Plan.

Both Amendment 3 and Amendment 7 contain provisions that, if adopted, would impose burdensome and impractical permitting requirements, contrary to the Coastal Act.

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Please vote no on the proposed amendments.

Respectfully Yours,

**Alan C. Johnston**  
47 Dipsea Road  
PO Box 1085  
Stinson Beach, CA 94970  
ac.johnston@me.com  
650.823.5561

## Drumm, Kristin

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**From:** Lori Kayko <lkayko@bssp.com>  
**Sent:** Thursday, April 12, 2018 12:58 PM  
**To:** MarinLCP  
**Cc:** Drumm, Kristin; Liebster, Jack  
**Subject:** Local Coastal Program Amendments #3 and #7

April 24th Meeting of the Board of Supervisors Local Coastal Program Amendments #3 and #7 Lori Butler - OPPOSED

Marin County Board of Supervisors  
3501 Civic Center Drive, Suite 329  
San Rafael, CA 94903

Dear President Connolly and Members of the Marin Board of Supervisors,

I write as an owner of a house in the Coastal Zone. I oppose adoption of the California Coastal Commission (CCC) staff changes to Amendment 3 and Amendment 7 in Marin's Local Coastal Program Amendments. The Board should either reject the CCC Staff's proposed language or take no action, and retain the existing Local Coastal Plan.

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Please vote no on the proposed amendments.

Respectfully Yours,  
Lori Butler  
115 Dipsea

## **Drumm, Kristin**

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**From:** Nicole Lederer <Nicole@nicolelederer.com>  
**Sent:** Friday, April 13, 2018 7:17 PM  
**To:** MarinLCP  
**Cc:** Drumm, Kristin; Liebster, Jack  
**Subject:** April 24th Meeting of the Board of Supervisors Local Coastal Program Amendments #3 and #7

Marin County Board of Supervisors  
3501 Civic Center Drive, Suite 329  
San Rafael, CA 94903

Dear President Connolly and Members of the Marin Board of Supervisors,

I write as an owner of a house in the Coastal Zone. I oppose adoption of the California Coastal Commission (CCC) staff changes to Amendment 3 and Amendment 7 in Marin's Local Coastal Program Amendments. The Board should either reject the CCC Staff's proposed language or take no action, and retain the existing Local Coastal Plan.

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Please vote no on the proposed amendments.

Respectfully Yours,

Nicole Lederer and Larry Orr  
331 Seadrift Road, Stinson Beach





# MARIN COUNTY FARM BUREAU

P.O. Box 219, Pt. Reyes Station, CA 94956 · 415-663-1231  
manager@marincfb.com

April 13, 2018

Marin County Board of Supervisors  
3501 Civic Center Drive, Suite 329  
San Rafael, CA 94903

Sent via email to BOS@marincounty.org

Re: Proposed Local Coastal Program Update

Dear Supervisors,

Marin County Farm Bureau (MCFB) has been deeply involved in the decade of discussions, hearings and workshops arranged by Marin County Community Development Agency (CDA), as well as the California Coastal Commission (CCC), to ensure the interests of Marin's farmers and ranchers are represented and respected throughout the Local Coastal Plan (LCP) update process. Although the Marin County Board of Supervisors (BOS) and staff listened carefully, worked very hard, respected the needs of our rural communities and continuously proposed language whereby agriculture in the coastal zone could survive, the final LCP amendment is unacceptable. MCFB urges the Marin County Board of Supervisors to reject the entirety of the amendments as currently presented by CCC.

Modifications made by CCC staff to the California Coastal Commission's decisions following its November 2, 2017 public workshop have increased farmer and rancher frustration. These staff changes reinterpreted the outcome of the November meeting and listed several things that are at odds with prior CCC determinations, including requirements for farmers to obtain permits for what used to be ongoing agricultural activities that could now be reclassified as "development" - such as adding another pipe to an existing irrigation system, or switching from grazing to crop production.



Other concerns have arisen, including the ambiguity of terms, such as the true meaning and interpretation of "legally established existing agriculture," or "actions that intensify the use of land and water," or "what payments or reimbursements are to be allowed for educational tours" or "any development shall be accessory to, in support of, and compatible with agricultural protection." Without standards in place, a number of determinations are left up to the judgment and discretion of the CCC staff on a case-by-case basis. And, as you are aware of, CCC has refused to hire even one staff member who has agricultural experience. If these amendments are approved, Marin County farmers and ranchers would be forced to obtain permits to farm.

In essence, the CCC staff is saying just about anything new or different that we do on our farms is "development", so the intent is to only allow and lock in what farmers and ranchers are doing today under the heading of existing use. Such a policy will inhibit present day and future farmers from making a living, or being able to compete with their counterparts in in-land areas not encumbered by such permit restrictions. If we are not allowed to change or add new technology, advanced farm practices, change crops or make other modifications without a permit, we are in trouble. Maintaining the status quo is not good enough. We have to be allowed to make quick business decisions and take care of the land or we are out of business.

Knowing that obtaining a Coastal Development Permit (CDP), or Coastal Permit, is a long, arduous and expensive process, and dealing with CCC staff having no agricultural experience or expertise, few farmers and ranchers will elect to change what they do. Ranches would lose resiliency because of the inability to change crops in response to climate or market changes and the next generation farmers and ranchers with dreams of diversifying (changing the intensity of use) and connecting with the local food system would be shattered.

With Marin County as an initial test case, if anti-agricultural CCC rules are allowed to stand, these permit requirements could be the precedent mandated for all those farming in designated coastal areas of the state along an 800-mile shoreline within the CCC's jurisdiction. MCFB requests that this BOS not allow Marin County to be the precedent to use against farmers and ranchers elsewhere.



The 1982 Marin County LCP is protecting Marin's coastline. Excessive development of ranch lands in violation of the Coastal Act is not a problem and has not been a problem. There is no rational reason to impose new, onerous and debilitating restrictions on the ranch lands that have not been a problem. Certainly, specific sections could be updated without wholesale change, and new restrictions could be limited to areas where new restrictions are needed.

MCFB has heard from activists groups supporting the undefined and unnecessary restrictions added by CCC staff. The threat is that if this BOS rejects these LCP amendments, the CCC will begin to more rigorously enforce the current LCP. We hope we can count on the support of this BOS if this threat of retribution becomes real. Up to now, ranchers and farmers can implement changes, vary crops, add irrigation, install water systems, grade roads, build fences, repair buildings, implement USDA Natural Resources Conservation Service Environmental Quality Incentives Program projects, MALT conservation projects, RCD conservation projects as well as other minor land modifications, without a Coastal Permit. We believe that this 36-year interpretation of the current LCP is appropriate, that the coastal zone is properly protected, and that this longstanding interpretation should continue.

MCFB greatly appreciates the continuous support for Marin's agriculture this Board has given over the years. Your decision to reject the LCP on April 24<sup>th</sup>, 2018 will not only benefit farmers and ranchers in the coastal zone, it will benefit all agriculturists throughout the County for two reasons: 1) Anti-agriculture activists will push to have any new restrictions placed on ranchers and farmers in the coastal zone applied to all of Marin's agricultural land, and 2) Critical mass is needed to support the agricultural ranching and farming families in Marin. The loss of coastal farms and ranches would harm the entire agricultural economy by the loss of necessary supporting businesses. Certainly, supporting agriculture in the coastal zone will benefit more than just those of us engaged in food production. Healthy local foods from coastal farms provide Marin County with more resiliency, increased food security, a reduced carbon footprint and a cultural landscape appreciated by many.

Thank you,

A handwritten signature in black ink, appearing to read 'Kevin Lunny', written in a cursive style.

Kevin Lunny  
President  
Marin County Farm Bureau

## Drumm, Kristin

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**From:** Noelle Montgomery <Noelle@JanneySF.com>  
**Sent:** Thursday, April 12, 2018 12:44 PM  
**To:** MarinLCP  
**Cc:** Drumm, Kristin; Liebster, Jack  
**Subject:** April 24th Meeting of the Board of Supervisors

April 24th Meeting of the Board of Supervisors  
Local Coastal Program Amendments #3 and #7  
Noelle Montgomery - OPPOSED

Marin County Board of Supervisors  
3501 Civic Center Drive, Suite 329  
San Rafael, CA 94903

Dear President Connolly and Members of the Marin Board of Supervisors,

I write as an owner of a house in the Coastal Zone. I oppose adoption of the California Coastal Commission (CCC) staff changes to Amendment 3 and Amendment 7 in Marin's Local Coastal Program Amendments. The Board should either reject the CCC Staff's proposed language or take no action, and retain the existing Local Coastal Plan.

Both Amendment 3 and Amendment 7 contain provisions that, if adopted, would impose burdensome and impractical permitting requirements, contrary to the Coastal Act.

Amendment 7 contains provisions that primarily, if not exclusively, relate to the deferred "Environmental Hazards" issues. The Board should not now accept definitions whose meaning and purpose is understandable only in the context of Environmental Hazards provisions that are not now before the Board and not explained in the accompanying materials.

The Environmental Hazards issues were deferred because they drew substantial and broad-based opposition from Marin residents and businesses. Accepting the definitions in Amendment 7 now, out of context, would undercut fair consideration of the Environmental Hazards issues later. Since none of these provisions will go into effect until the Local Coastal Plan is complete, there is no benefit for the Board to act on them now.

Please vote no on the proposed amendments.

Respectfully Yours,  
Noelle Montgomery  
315 Seadrift Road, Stinson Beach, CA 94070

## Drumm, Kristin

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**From:** Joseph Niehaus <jniehaus@housatonicpartners.com>  
**Sent:** Friday, April 13, 2018 6:39 PM  
**To:** MarinLCP  
**Cc:** Drumm, Kristin; Liebster, Jack  
**Subject:** Local Coastal Program Amendments #3 and #7

April 24th Meeting of the Board of Supervisors Local Coastal Program Amendments #3 and #7 JOSEPH NIEHAUS OPPOSED

Marin County Board of Supervisors  
3501 Civic Center Drive, Suite 329  
San Rafael, CA 94903

Dear President Connolly and Members of the Marin Board of Supervisors,

I write as an owner of a house in the Coastal Zone. I oppose adoption of the California Coastal Commission (CCC) staff changes to Amendment 3 and Amendment 7 in Marin's Local Coastal Program Amendments. The Board should either reject the CCC Staff's proposed language or take no action, and retain the existing Local Coastal Plan.

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Please vote no on the proposed amendments.

Respectfully Yours,  
Joseph Niehaus  
136 Seadrift Road, Stinson Beach, CA 94970

Joseph M. Niehaus  
Housatonic Partners  
One Post Street, Suite 2600  
San Francisco, CA 94104  
T: 415/955-9019  
F: 415/955-5719  
[jniehaus@housatonicpartners.com](mailto:jniehaus@housatonicpartners.com)

## **Drumm, Kristin**

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**From:** Dean Pedley <dean.pedley@pacbell.net>  
**Sent:** Tuesday, April 17, 2018 7:42 AM  
**To:** MarinLCP  
**Cc:** Drumm, Kristin; Liebster, Jack  
**Subject:** April 24th Meeting of the Board of Supervisors

April 24th Meeting of the Board of Supervisors  
Local Coastal Program Amendments #3 and #7  
Dean Pedley OPPOSED

Dear President Connolly and Members of the Marin Board of Supervisors,

I write as an owner of a house in the Coastal Zone. I oppose adoption of the California Coastal Commission (CCC) staff changes to Amendment 3 and Amendment 7 in Marin's Local Coastal Program Amendments. The Board should either reject the CCC Staff's proposed language or take no action, and retain the existing Local Coastal Plan.

Both Amendment 3 and Amendment 7 contain provisions that, if adopted, would impose burdensome and impractical permitting requirements, contrary to the Coastal Act.

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The Environmental Hazards issues were deferred because they drew substantial and broad-based opposition from Marin residents and businesses. Accepting the definitions in Amendment 7 now, out of context, would undercut fair consideration of the Environmental Hazards issues later. Since none of these provisions will go into effect until the Local Coastal Plan is complete, there is no benefit for the Board to act on them now.

Please vote no on the proposed amendments.

Respectfully Yours,  
Dean Pedley  
59 Dipsea rd.

## Drumm, Kristin

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**From:** Elizabeth Pedley <elk4ca@yahoo.com>  
**Sent:** Tuesday, April 17, 2018 9:00 AM  
**To:** MarinLCP  
**Cc:** Drumm, Kristin; Liebster, Jack  
**Subject:** April 24th Meeting of the Board of Supervisors

April 24th Meeting of the Board of Supervisors  
Local Coastal Program Amendments #3 and #7  
Elizabeth Pedley OPPOSED

Dear President Connolly and Members of the Marin Board of Supervisors,

I write as an owner of a house in the Coastal Zone. I oppose adoption of the California Coastal Commission (CCC) staff changes to Amendment 3 and Amendment 7 in Marin's Local Coastal Program Amendments. The Board should either reject the CCC Staff's proposed language or take no action, and retain the existing Local Coastal Plan.

Both Amendment 3 and Amendment 7 contain provisions that, if adopted, would impose burdensome and impractical permitting requirements, contrary to the Coastal Act.

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The Environmental Hazards issues were deferred because they drew substantial and broad-based opposition from Marin residents and businesses. Accepting the definitions in Amendment 7 now, out of context, would undercut fair consideration of the Environmental Hazards issues later. Since none of these provisions will go into effect until the Local Coastal Plan is complete, there is no benefit for the Board to act on them now.

Please vote **no** on the proposed amendments.

Respectfully Yours,  
Elizabeth Pedley  
59 Dipsea Rd., Stinson Beach





April 13, 2018

Marin County Board of Supervisors  
c/o Kristin Drumm  
3501 Civic Center Drive, Suite 329  
San Rafael, CA 94903

VIA EMAIL [kdrumm@marincounty.org](mailto:kdrumm@marincounty.org)

Re: Marin County Local Coastal Program Amendments

Dear Honorable Supervisors:

Willie Benedetti, Pacific Legal Foundation, and the Marin County Farm Bureau submit these comments on the proposed Marin County Local Coastal Program amendments.

Pacific Legal Foundation is the nation's oldest public interest property rights foundation. Over the last several years, PLF has closely followed Marin County's Local Coastal Program amendment process. PLF attorneys have submitted comment letters and appeared in person at Marin County and California Coastal Commission hearings to highlight constitutional and other legal infirmities in provisions of the Local Coastal Program Land Use Policy Amendments and the Implementing Program. PLF is also currently representing Willie Benedetti—a Marin County farmer for over 45 years—in pending litigation as to portions of these amendments. Compl. and Pet. for Writ of Admin. Mandate, *Benedetti v. County of Marin*, No. CIV1702572 (Super. Ct. of Marin Ctny., July 14, 2017).

The Marin County Farm Bureau is a voluntary membership organization that represents nearly 300 farm and rural families in Marin County. MCFB is committed to preserving and improving production agriculture in Marin County through responsible stewardship of natural resources. As an organization that works at the local, state, and national level to improve legislation and regulations that could be detrimental to agriculture, the MCFB has closely watched and actively participated in the Marin County Local Coastal Program amendment process, and remains committed to protecting the livelihoods of its members.

At its March 20, 2018, meeting, the Board considered various options with regard to several modifications that Coastal Commission staff had made to proposed amendments to Marin County's Local Coastal Program. Those options included accepting the



modified amendments, accepting the amendments while also passing resolutions of intent to submit further clarifying amendments, or rejecting the amendments.

Accepting the amendments—even with resolutions of intent to amend—potentially will subject Marin County coastal landowners to unconstitutional limitations on their property rights, with no certainty of when—or if—ameliorating amendments will be adopted. Marin County landowners will face tremendous uncertainty under the new amendments, and the County may face additional legal challenges in the interim. Willie Benedetti, MCFB, and PLF urge this Board to reject the amendments.

### **Limitation of Development Rights**

The final Implementing Program contains provisions that significantly reduce landowners' development rights. The existing certified Local Coastal Program allows landowners to seek approval through a Conditional Use Permit or Master Plan process to build additional residential units beyond a primary dwelling unit. The currently established C-APZ-60 zoning allows for the development of one additional residential house per 60 acres. Under the new Land Use Plan, only agricultural dwelling units—not single-family residences—will be allowed within the C-APZ zone. Moreover, Section 22.32.024(B) of the proposed Implementing Program limits the number of total structures to three agricultural dwelling units per “farm tract.” And Section 22.130.030 defines “farm tract” as “all contiguous legal lots under common ownership.”

These provisions effect a substantial reduction of development rights for agricultural landowners in Marin County's coastal zone. For example, within a single large farm tract, an owner could be left with one or more legal lots deprived of all economically viable use. Regulations that deprive property owners of all economically viable use are a per se taking under *Lucas v. South Carolina Coastal Council*, 505 U.S. 1003 (1992).

Worse, Section C-AG-5(A) of the Local Coastal Program Land Use Plan caps additional permissible intergenerational dwelling units at 27 for the entire Coastal Agricultural Zone. Once those 27 homes have been permitted, remaining farm tracts and legal lots necessarily will be deprived of all development rights. This increases the risk that Marin County will be subject to claims for *Lucas* takings.

Even for lots that retain some economically viable use, the destruction of previously held development rights may require compensation under *Penn Central Transportation Co. v. City of New York*, 438 U.S. 104 (1978) (establishing the multi-factor analysis for determining when regulation effects a compensable taking). In fact, the California

Court of Appeal has held that such a significant downzoning of property may effect a compensable taking. *See Avenida San Juan Partnership v. City of San Clemente*, 201 Cal. App. 4th 1256 (2011) (finding a regulatory taking where a change in zoning definition reduced development rights of a 2.85 acre parcel from four dwellings per acre to one dwelling per twenty acres).

This county-wide diminution of development rights is not only constitutionally questionable, it is unnecessary. Many ranchers and farmers in Marin County have voluntarily transferred conservation easements that protect agriculture and restrict development while largely preserving their development rights. However, the Program's definition of farm tract, combined with its unit cap on development, will extinguish these rights for many landowners, without providing them any compensation. Willie Benedetti, MCFB, and PLF urge the Board to reconsider this radical unsettling of the reasonable investment-backed expectations of ranchers and farmers in Marin County.

#### **Affirmative Agricultural Easements and Restrictive Covenants on the Division of Land**

As noted above, PLF is involved in pending litigation on behalf of Mr. Benedetti, a longtime Marin County farmer, as to several provisions of the previously adopted land use plan amendments. The Implementing Program contains additional language that exacerbates the legal deficiencies of those amendments.

For example, Section 22.32.024(A) of the final Implementing Program requires that each "agricultural dwelling unit" be "owned by a farmer or operator" that is "directly engaged in agriculture on the property." This mandate will force property owners to remain in a commercial agricultural market forever, even if continued commercial agricultural use becomes impracticable.

Further, the Program defines "actively and directly engaged" as "making day-to-day management decisions and being directly engaged in production . . . for commercial purposes," or "maintaining a lease to a bona fide commercial agricultural producer." Section 22.130.030(A). This provision therefore requires landowners to participate in commercial agricultural markets in perpetuity—either personally or by forced association with a commercial agricultural producer. The requirement prevents the landowners, as well as their successors, from ever exiting the commercial agricultural market, even if the temporary fallowing of the land were necessary to prevent significant economic hardship.

PLF has already successfully challenged a less onerous affirmative easement permit condition, one that did not even require commercial use. *See Sterling v. California Coastal Commission*, No. CIV 482448 (Cal. Sup. Ct. June 18, 2010). In *Sterling*, Judge George A. Miram of the San Mateo County Superior Court held that an affirmative agricultural easement on 142 acres, imposed as a permit condition for the development of a single acre, amounted to an unconstitutional land-use exaction, in violation of the rules laid down by the U.S. Supreme Court in *Nollan v. California Coastal Commission*, 483 U.S. 825 (1987), and *Dolan v. City of Tigard*, 512 U.S. 374 (1994).

*Nollan* and *Dolan* require an essential nexus and rough proportionality between the permitting condition and the public impact of a proposed development. Conditioning a permit for a single dwelling on the perpetual use of the property for commercial agricultural purposes fails the essential nexus test, because a requirement for perpetual commercial agricultural use is not closely related to the impact of building a single dwelling. This is especially true where potential dwellings might be desired on sites that are not currently in agricultural use, or that may not even be suitable for such use. Similarly, because the affirmative easement condition demands far more concessions than those needed to relieve the public impact resulting from the construction of a single dwelling, it runs afoul of *Dolan*'s rough proportionality requirement. Thus, the proposed agricultural easement requirement will not survive the heightened scrutiny of permitting conditions applied under *Nollan* and *Dolan*. The same result will obtain with respect to the restrictive covenants against further division of legal lots that will be required as a condition of development. *See* Sections 22.32.024(J)(4) & 22.32.025(B)(4). A permanent restrictive covenant against the subdivision of land placed on a large legal lot as a condition for construction of a single dwelling will fail the same nexus and proportionality standards of *Nollan* and *Dolan*. Much like the affirmative agricultural easement—and especially in conjunction with it—this requirement likely constitutes an unconstitutional exaction.

If Marin County wants to encourage agricultural use, other, constitutional, means are available, such as the use of tax incentives. *See, e.g., Williamson v. Commissioner*, 974 F.2d 1525, 1531-33 (9th Cir. 1992) (discussing provisions of estate tax law providing special benefits to property used as a family farm). Placing unconstitutional conditions on the ranchers and farmers of Marin County only serves to open Marin County to potential litigation for takings claims.

### **Definition of Ongoing Agriculture**

MCFB has previously commented on the uncertainty that the staff-modified definition of “ongoing agriculture” will create for Marin County farmers and ranchers by exempting only “existing agricultural production activities” from coastal development permit requirements. *See, e.g.*, MCFB comment letter of October 28, 2016. The definition leaves open the possibility that standard agricultural practices could be subjected to a costly and time-consuming coastal development permit process, one that could render traditional agricultural practices economically infeasible.

Commercially viable farming and ranching often requires flexibility to respond to shifting market conditions from year to year, or even season to season. The Commission staff’s modified language will likely leave farmers and ranchers unsure of which practices may require a coastal development permit, and could shift the burden onto agricultural landowners to show which uses constitute “existing agricultural production activities” within Marin County. Such a course would conflict with the Coastal Act’s policy to preserve coastal agriculture. *See* Pub. Res. Code §§ 30241, 30242.

The Commission staff’s modified language is representative of a growing trend of acknowledging no limiting principle to the agency’s jurisdiction over “development,” when a project is alleged to result in a “change in intensity of use and access” of land within the coastal zone. *See, e.g., Greenfield v. Mandalay Shores Cmty. Ass’n*, No. 2D CIV. B281089, 2018 WL 1477525 (Cal. Ct. App. Mar. 27, 2018) (holding that a ban on short term rentals in a coastal community could constitute a change in intensity of access justifying issuance of a preliminary injunction); *and Surfrider Found. v. Martins Beach 1, LLC*, 14 Cal. App. 5th 238 (Ct. App. 2017) (holding that closing a paid access road on private property constituted a change in intensity of access requiring a coastal development permit), *review denied* (Oct. 25, 2017), *pet. for cert. docketed* (Feb. 26, 2018).

The difficulty of establishing which uses are “existing agricultural production activities” is likely to create confusion about when coastal development permits are required. Worse, the time and expense involved in obtaining a coastal development permit when required could substantially injure Marin County agriculture.

### **Definition of Existing Development**

Commission staff has also included a definition of “Existing Development” that would, among other things, change the County’s application of Coastal Act section 30235 so as to deny future permits for seawalls to homeowners with homes or other structures

built after January 1, 1977, even when such permits are necessary to defend their homes against erosion. Such a definition is flatly inconsistent with longstanding practice, as well as California's constitutionally guaranteed right to protect property. Cal. Const. art. I, § 1 (stating that protecting property is an inalienable right of all people).

Historically, the term "existing structures" has been understood by both property owners and the Commission to mean structures existing at the time a permit application is made for a seawall. *See* Br. of Resp. Cal. Coastal Comm'n, *Surfrider Found. v. Cal. Coastal Comm'n*, No. A110033 (1st. Dist. Ct. App. Jan. 2006), at 20 ("[T]he Commission has consistently interpreted section 30235 to refer to structures that exist at the time of the application."). Although the Commission has recently acted inconsistently with that understanding, untold numbers of permits have been granted over the years for structures built in reliance on the Commission's longstanding position. The definition pressed on Marin County by Commission staff during the review of the County's LCP amendment is a radical change that is likely to draw litigation.

PLF is unaware of any appellate decision interpreting the term "existing development" in Section 30235. There is not, therefore, available binding precedent to settle that meaning, and thus one can expect litigation by aggrieved property owners affected by the proposed changed definition. Because the changed definition will surely result in damaged structures, it will likely subject Marin County to litigation concerning the meaning of Section 30235 and, ultimately, liability for the resulting property damage.

The Commission has supported recent legislative efforts to alter the definition of existing development within the Coastal Act, but such efforts have, to date, been unsuccessful. *See, e.g.*, AB 1129, 2017 Assemb. (Cal. 2017) (would have amended the Coastal Act to define "existing development" as development that existed as of January 1, 1977, but the bill died on the inactive file). The Commission staff has now sought to force this unpopular policy preference on local governments throughout the coastal zone by the device of staff modifications to coastal programs and amendments that are submitted to the Commission for certification. The County should not accede to the Commission staff's wrongheaded and illegal demands.

## **Conclusion**

MCFB has worked to preserve the livelihood of farmers and ranchers in Marin County—and all of California—since 1923. Willie Benedetti has farmed within Marin County for over 45 years. PLF has fought for the property rights of all Americans for

over four decades. Willie Benedetti, PLF, and MCFB all request that the Board give close consideration to the objections raised in this comment letter. The proposed Local Coastal Program Amendments and Implementation Program place severe—and potentially unconstitutional—burdens on the property rights of Marin County landowners, with many of these burdens falling principally on the agricultural community.

Accepting the amendments while simultaneously passing a resolution of intention to further amend is not an adequate course of action, because it will subject Marin County residents to further uncertainty and will open the County itself up to potential legal challenges and liability. Willie Benedetti, MCFB and PLF urge the Board instead to reject the current amendments and engage in a renewed amendment process that respects the property rights all Marin County coastal landowners and acknowledges the market realities of agriculture which Marin County ranchers and farmers face.

Sincerely,



JEREMY TALCOTT  
Pacific Legal Foundation  
WILLIE BENEDETTI  
Willie Bird Turkeys  
KEVIN LUNNY  
Marin County Farm Bureau

cc: Brian Case, [bcase@marincounty.org](mailto:bcase@marincounty.org)  
David G. Alderson, [David.Alderson@doj.ca.gov](mailto:David.Alderson@doj.ca.gov)

Attachment

1 J. DAVID BREEMER, No. 215039  
 E-mail: jdb@pacificlegal.org  
 2 Pacific Legal Foundation  
 3900 Lennane Drive, Suite 200  
 3 Sacramento, California 95834  
 Telephone: (916) 419-7111  
 4 Facsimile: (916) 419-7747  
 5 DAVID J. BYERS, No. 83388  
 E-mail: dbyers@landuselaw.com  
 6 McCracken, Byers & Richardson, LLP  
 870 Mitten Road  
 7 Burlingame, California 94010  
 Telephone: (650) 697-4890  
 8 Facsimile: (650) 697-4895

9 Attorneys for Plaintiffs and Petitioners

10

11 SUPERIOR COURT OF CALIFORNIA  
 12 COUNTY OF SAN MATEO  
 13

14 DAN STERLING and DENISE STERLING,  
 15 Plaintiffs and Petitioners,  
 16 v.  
 17 CALIFORNIA COASTAL COMMISSION,  
 18 Defendant and Respondent.

No. CIV 482448

Dept. 28

**[SECOND REVISED  
 PROPOSED] STATEMENT  
 OF DECISION**

19

20

**INTRODUCTION**

21 This case involves the California Coastal Commission's (CCC) attempt to require  
 22 applicants (Sterlings) for a coastal development permit for one home to dedicate the remainder of  
 23 their land—about 140 acres—to active agricultural use, forever. This condition demands that the  
 24 Sterlings deed an easement to this effect to the People of the State of California. The Sterlings seek  
 25 judgment on a motion for writ of mandate, invalidating the condition under Code of Civil  
 26 Procedure § 1094.5.

27 Oral argument was held on February 25, 2010. Mr. J. David Breemer, of Pacific Legal  
 28 Foundation, appeared on behalf of Petitioners Dan and Denise Sterling. Deputy Attorney General

**ENDORSED FILED**  
**SAN MATEO COUNTY**  
 JUN 18 2010  
 Clerk of the Superior Court  
 BY ~~DANIEL CHIA~~  
 DEPUTY CLERK

1 Hayley Peterson appeared on behalf of Respondent California Coastal Commission. The Court has  
2 considered the pleadings and arguments, and now issues the following decision:

3 **I**

4 **BACKGROUND**

5 **A. Facts and Local Administrative Process**

6 Dan and Denise Sterling live in San Mateo County (County) with their four children. In  
7 1997, the Sterlings purchased a largely unimproved 143-acre parcel of land (the Property) in  
8 El Granada, California, in the unincorporated area of the County.

9 The Property is comprised of sloping, dry, and sparsely vegetated land. Only small pockets  
10 of flat land near a creek, amounting to 10 acres in total, are considered prime agricultural soil.  
11 Neither this area nor any other part of the Property was used for crops at the time the Sterlings  
12 acquired it. There is evidence in the record that the Property cannot be viably farmed.

13 Recent owners, including the Sterlings, have leased upland areas of the Property to nearby  
14 ranchers for grazing 10 head of cattle. This arrangement is not for profit, but merely a mutually  
15 beneficial agreement by which the cattle owners get pasture, while the owner receives grazing that  
16 reduces fire hazards on the property.

17 The Sterlings bought the Property with the intent to build a permanent family home. Soon  
18 after acquiring the land, the family moved into a small, preexisting mobile home. The mobile had  
19 been placed on the lower, flatter portions of the Property by some unknown person who owned the  
20 land prior to the Sterlings. The Sterlings planned on using the mobile home as temporary quarters  
21 as they built a larger house.

22 Under the County's land use code, the Property is zoned for Planned Agricultural  
23 Development (PAD). This zoning classification conditionally permits residential homes, the  
24 allowable number depending on amount of acreage. Due to its size, the Sterlings' Property is  
25 entitled to two density credits; *i.e.*, two homes.

26 In 2000, the Sterlings applied to the County to subdivide their land into two parcels, one  
27 large and one small, and to build a 6,456-square-foot home on the larger proposed parcel. Five

28 ///



1 years later, the Planning Commission denied the project, based primarily on objections to  
2 subdivision of the Property.

3 The Sterlings then abandoned their planned subdivision and simply sought approval of one  
4 home. They proposed the home on a flat area south of, and set back from, the creek. This area was  
5 and is not used for agriculture. As part of their application, the Sterlings submitted an agricultural  
6 management plan. Their plan stated that they desired to continue voluntarily grazing 10 head of  
7 cattle on about 1/3 of the Property, through a lease arrangement with a nearby rancher. The County  
8 unanimously approved this revised plan, finding it was consistent with the Local Coastal Program.  
9 Although approval was conditional, the County did not require the Sterlings to dedicate any kind  
10 of agricultural easement.

#### 11 **B. Coastal Commission Proceedings**

12 Soon after the County approved the Sterlings' home plans, the CCC appealed the County  
13 decision to itself. No hearing was set on the issue for two years. During this time, the Sterlings  
14 continued to live in the small, preexisting mobile home. While discussing the project with the  
15 CCC staff, the Sterlings offered two potential 9,515-square-foot sites, rather than one, for their  
16 proposed home. The Sterlings specifically proposed an alternative to the County- approved "South  
17 Site." This new "North Site" was located on the mobile home pad north of the creek, in an area  
18 characterized by prime soil.

19 When the CCC refused to hold a hearing after two years, the Sterlings threatened to file a  
20 suit to compel one. The CCC staff subsequently set a final hearing on February 5, 2009. In so  
21 doing, the staff recommended that the CCC not consider the new North Site. The CCC staff report  
22 and hearing thus focused solely on the County-approved "South Site."

23 The staff recommended that the CCC approve the Sterlings' proposed home on the South  
24 Site, subject to approximately 11 new conditions, and 32 conditions previously required by the  
25 County. One of the new conditions recommended by CCC staff was that the Sterlings dedicate to  
26 the public an "affirmative" agricultural use easement on all of the Property lying outside a  
27 10,000-square-foot home building area. This condition specifically provided, in part:

28 ///

1 “All areas of the Property [except for the 10,000 square foot development area and  
2 driveway] shall at all times be maintained in active agricultural use;”

3 the Sterlings must, as permittees, “either personally conduct agriculture on all their  
4 land or enter into a lease with a third party willing to engage in agricultural use on  
5 the land;”

6 “[Prior to issuance of the coastal development permit], the applicants [the Sterlings]  
7 shall dedicate an agricultural conservation easement to a public agency or private  
8 association approved by the [Commission] Executive Director:”

9 the “easement deed shall run with the land in favor of the People of the State of  
10 California . . . and shall be irrevocable.”

11 After hearing and considering the staff recommendation, the CCC unanimously voted to  
12 approve the Sterlings’ permit according to staff recommendation and conditions, including the  
13 foregoing affirmative agricultural condition. The CCC found that the condition was justified under  
14 the County LCP as an alternative to denying the Sterlings’ permit. It also made legal conclusions  
15 that the agricultural easement condition was consistent with the constitutional standards of  
16 *Nollan v. California Coastal Commission*, 483 U.S. 825 (1987), and *Dolan v. City of Tigard*,  
17 512 U.S. 374 (1994).

18 On March 25, 2009, the Sterlings filed a verified Petition for Writ of Administrative  
19 Mandate under Code of Civil Procedure § 1094.5 and Complaint for Declaratory Relief. The  
20 petition for mandate alleges that CCC lacks jurisdiction and authority to impose the affirmative  
21 agricultural easement condition under the LCP and that the condition is unconstitutional as a taking  
22 of private property. The parties subsequently stipulated to hearing the mandate cause of action  
23 first.

## 24 II

### 25 STANDARD OF REVIEW

26 This Court interprets regulations and ordinances on a *de novo* basis. *Schneider v. Calif.*  
27 *Coastal Comm’n*, 140 Cal. App. 4th 1339, 1343-44 (2006) (“Where jurisdiction involves the  
28 interpretation of a statute, regulation, or ordinance, the issue of whether the agency proceeded in  
excess of its jurisdiction is a question of law.”); *Burke v. Cal. Coastal Comm’n*, 168 Cal. App. 4th  
1098, 1105-06 (2008).

///

1 A claim that an administrative decision amounts to an unconstitutional taking of property  
2 is typically a mixed question of law and fact. *Ali v. City of Los Angeles*, 77 Cal. App. 4th 246  
3 (1999). When a constitutional issue hinges on undisputed findings, the questions are legal and  
4 reviewed de novo. *Aries Dev. Co. v. Calif. Coastal Zone Conservation Comm'n*, 48 Cal. App. 3d  
5 534, 546 (1975); *Liberty v. Cal. Coastal Comm'n*, 113 Cal. App. 3d 491, 502 (1980).

### 6 III

#### 7 THE AFFIRMATIVE AGRICULTURAL EASEMENT IS AN 8 UNCONSTITUTIONAL TAKING OF PRIVATE PROPERTY

9 The parties disagree as to whether the CCC has authority and jurisdiction under the County  
10 LCP—whose rules the CCC must apply here—to impose the agricultural easement condition on  
11 the Sterlings. The Court believes the CCC may have jurisdiction. However, the Court need not  
12 conclusively decide this issue, because even if the active agriculture easement is authorized by the  
13 LCP, the condition is invalid as an unconstitutional taking of private property.

#### 14 A. The *Nollan* and *Dolan* Takings Tests

15 In the land use permitting arena, the controlling constitutional “takings” decisions are  
16 *Nollan* and *Dolan*. Together, this Supreme Court jurisprudence requires “proof by the local  
17 permitting authority of both [1] an “*essential nexus*” or relationship between the permit condition  
18 and the public impact of the proposed development, and of [2] a “*rough proportionality*” between  
19 the magnitude of the [] exaction and the effects of the proposed development.” *Ehrlich v. City of*  
20 *Culver City*, 12 Cal. 4th 854, 860 (1996) (emphasis added). The affirmative agricultural easement  
21 condition fails both prongs.

#### 22 1. The *Nollan* “Nexus” Test

23 In *Nollan*, the Supreme Court held that land use agencies may not use their permitting  
24 powers as an opportunity to exploit property owners by demanding concessions from them in  
25 exchange for development permits. See *Nollan*, 483 U.S. at 836-37; *Surfside Colony, Ltd. v. Cal.*  
26 *Coastal Comm'n*, 226 Cal. App. 3d 1260, 1269 (1991). *Nollan* held that a permitting authority can  
27 require a property owner to dedicate real property to public use in exchange for a permit only when  
28 the condition serves the same purpose, and remedies the same harm, as outright denial of the

1 permit. *Ehrlich*, 12 Cal. 4th at 860. This standard requires the government to show a direct  
2 “relationship between the permit condition and the public impact of the proposed development.”  
3 *Id.* at 860.

4 *Nollan* emphasized that conditioning a permit on property owner concessions unrelated to  
5 the proposed project is problematic and unconstitutional because it suggests ““an out-and-out plan  
6 of extortion.”” *Id.* (citation omitted).

7 In *Ehrlich*, 12 Cal. 4th 854, the California Supreme Court accepted *Nollan*’s rationale and  
8 adopted the “nexus” test as a limit on permitting authorities in California. *Ehrlich*, 12 Cal. 4th  
9 at 860 (requiring a “relationship between the permit condition and the public impact of the  
10 proposed development”). *Ehrlich* emphasized that the *Nollan* “nexus” test imposes a heightened  
11 level of constitutional scrutiny. *Id.* at 866, 868, 871 n.7; *Surfside Colony*, 226 Cal. App. 3d at 378.

12 Here, the CCC imposed the affirmative agricultural easement condition on the Sterlings as  
13 an alternative to permit denial. It is not clear, however, that the easement condition substantially  
14 serves the same purpose as denial.

15 The Sterling home site is not in active agricultural use. Therefore, if a permit were denied,  
16 the homesite would remain in a raw state that would *potentially* allow future agricultural use.  
17 Permit denial would not cause any actual agricultural use to occur. On the other hand, the CCC’s  
18 affirmative agricultural easement condition does. It imposes *actual* agricultural activity, rather  
19 than simply ensuring agricultural potential. The condition therefore serves a different public  
20 purpose from permit denial; while denial might advance preservation of agriculturally suitable land,  
21 the condition institutes actual agricultural use. The disconnect between the public interests served  
22 by permit denial and those served by the affirmative agricultural easement suggests the condition  
23 unconstitutional. *Nollan*, 483 U.S. at 837, 841-42.

24 Put differently, the affirmative agricultural easement condition fails the *Nollan* test because  
25 it is not related to the impact of the Sterling home. Because the Sterlings’ home is to be built on  
26 a small area of their land that is not in active agricultural use, it will not take away any active  
27 agriculture. The affirmative easement does not mitigate the actual impact of the home, which is  
28 simply that the one acre of land would be taken out of potential, not actual, agricultural use. There

1 is no “relationship between the permit condition [requiring active agricultural activity] and the  
2 public impact of the proposed development [no loss of agricultural activity].” *Id.* at 860. Since  
3 there is insufficient evidence of a “close connection between the burden [caused by the  
4 development] and the condition,” as required by *Nollan*, the condition is therefore unconstitutional.  
5 *Surfside Colony*, 226 Cal. App. 3d at 378; *Nollan*, 583 U.S. at 838; *Rohn v. City of Visalia*,  
6 214 Cal. App. 3d 1463, 1475-76 (1989).

## 7 **2. The *Dolan* “Rough Proportionality” Test**

8 Even if the affirmative agricultural easement condition could satisfy *Nollan*, it fails the  
9 *Dolan* test. Under *Dolan*, the government must show its condition bears “rough proportionality”  
10 in both “*nature and extent* to the impact of the proposed development.” *Dolan*, 512 U.S. at, 391  
11 (emphasis added); *Ehrlich*, 12 Cal. 4th at 879-80.

12 A permit condition fails *Dolan*’s “roughly proportionality” standard if it demands more  
13 concessions (in nature or extent) from a property owner than needed to alleviate the public impact  
14 emanating from a project. *Dolan*, 512 U.S. at 393; *Liberty*, 113 Cal. App. 3d at 502. Here, the  
15 easement runs afoul of *Dolan* because it imposes demands that go beyond addressing the only  
16 arguable impact of the Sterlings’ home—taking away a small area of idle land that could be  
17 potentially used for agriculture. The CCC demanded permanent institution of actual agricultural  
18 uses to mitigate a purported loss of potential agricultural land. The easement is not proportional  
19 in nature. *Dolan*, 512 U.S. at 393; *Liberty*, 113 Cal. App. 3d at 502.

20 The affirmative agricultural easement also fails *Dolan*’s rough proportionality test in scope  
21 and extent. The Sterlings’ home takes up less than an acre. The CCC’s easement condition takes  
22 142 acres, requiring agricultural activity forever on behalf of the public, and transferring all the  
23 Sterlings’ development rights to the public. It is flat out unconstitutional to require 142 acres to  
24 mitigate a perceived loss of one acre.

25 The CCC nevertheless argues that the agricultural easement condition is constitutionally  
26 justified because the Sterlings already engage in voluntary and limited cattle grazing. This  
27 contention is off point.

28 ///

1 The Sterlings' current grazing plan—allowing 10 head of cattle on 1/3 their land—is  
2 entirely voluntary and could be terminated at any time by either the Sterlings or the rancher to  
3 whom they lease the grazing rights. The CCC cites no authority holding that a property owner's  
4 decision to *voluntarily* engage in an activity allows the government to impose a permit condition  
5 making the use mandatory, especially when the mandatory use is unrelated to the proposed  
6 development. There is a major difference between a voluntary use of land and one that is made  
7 mandatory by the government for a public purpose, forever. The added burden on the Sterlings is  
8 irreconcilable with *Nollan* and *Dolan*.

9 Further, CCC affirmative agricultural easement condition is much more burdensome in  
10 substantive scope than the Sterlings' voluntary grazing plan. The CCC condition grants an interest  
11 in the Sterlings' real property<sup>1</sup> to the People of the State of California; one that wipes out the  
12 Sterlings' development right. Conversely, the Sterlings' voluntary grazing plan leaves their  
13 development rights—including the possibility of another home for the Sterlings' children—in the  
14 Sterlings' hands. And because the CCC easement grants an interest in the Sterlings' real property  
15 to another—a public or quasi-public entity—that outside entity acquires the right to “monitor” the  
16 Sterlings and their property. Under the voluntary plan, they keep their privacy. The CCC's  
17 permanent affirmative agricultural easement condition is not a proxy for, or related to the Sterlings'  
18 voluntary grazing of 10 head of cattle.

19 The CCC repeatedly suggests that the easement condition is justifiable as a means to protect  
20 agriculture. This misses the point of *Nollan* and *Dolan*. When a condition is not properly tailored  
21 to the development, the general interest it purportedly advances cannot preserve it. *Dolan*,  
22 512 U.S. at 387; *Ehrlich*, 12 Cal. 4th at 868; *Surfside Colony, Ltd. v. California Coastal Comm'n*,  
23 226 Cal. App. 3d 1260 (“While general studies may be sufficient to establish a mere rational  
24 relationship between [a legitimate interest and condition], *Nollan* requires a ‘close connection’  
25 between the burden and the condition.”).

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26  
27  
28 <sup>1</sup> An easement is a real property interest. 12 Witkin, Summary 10th Real Property, § 382, at 446 (2005).

1 Protecting agriculture is a valid governmental goal. But the means chosen here by the CCC  
2 to achieve that goal—imposing the affirmative agricultural easement on the Sterlings—cannot pass  
3 constitutional muster because they are neither (1) clearly nor (2) proportionately connected to the  
4 impact of the Sterlings' home. The easement condition is irreconcilable with *Nollan, Dolan* and  
5 the Constitution, and must be set aside. The petition for writ of mandate is granted.

6  
7 DATED: 6/17/10.

8 **GEORGE A. MIRAM**

9 HONORABLE GEORGE A. MIRAM  
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I am a resident of the State of California, residing or employed in Sacramento, California.  
I am over the age of 18 years and am not a party to the above-entitled action. My business address  
is 3900 Lennane Drive, Suite 200, Sacramento, California 95834.

Hayley Peterson  
Deputy Attorney General  
Office of the Attorney General  
110 West A Street, Suite 1100  
San Diego, CA 92101

I declare under penalty of perjury that the foregoing is true and correct and that this  
 ation was executed this 11th day of June, 2010, at Sacramento, California.

  
LAURIE E. WHITE



## Drumm, Kristin

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**From:** Gordon Ritter <gritter@emcap.com>  
**Sent:** Friday, April 13, 2018 10:28 PM  
**To:** MarinLCP  
**Cc:** Drumm, Kristin; Liebster, Jack  
**Subject:** NO on Amendments 3 and 7 of the LCP

I am a homeowner/resident of West Marin and I ask you to vote No on Amendments 3 and 7 of the LCP [on April 24th](#).

-Gordon

Gordon and Amy Ritter  
265 Seadrift Rd, Stinson Beach  
416-265-1500

## Drumm, Kristin

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**From:** Alex Rubin <alexjrubin@gmail.com>  
**Sent:** Sunday, April 15, 2018 12:25 PM  
**To:** MarinLCP  
**Cc:** Drumm, Kristin; Liebster, Jack  
**Subject:** Opposition to current LCP

Dear Board of Supervisors.

I'm a homeowner in Stinson Beach, CA and I urge you to vote No on Amendments 3 and 7 of the LCP on April 24<sup>th</sup>.

I don't think I have ever made a request of a local politician, but the egregious nature of this potential Amendment has pushed me into action. I'd appreciate your support in stopping amendments 3 & 7.

Thanks,  
--Alex

## **Drumm, Kristin**

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**From:** Angela Rubin <angelarubinsf@gmail.com>  
**Sent:** Sunday, April 15, 2018 10:30 AM  
**To:** MarinLCP  
**Cc:** Drumm, Kristin; Liebster, Jack  
**Subject:** Local Coastal Plan

Please add my name to the list of local homeowners who are in opposition to the proposed Local Coastal Plan.  
As a Homeowner for the past 50 years in Stinson Beach I am dismayed at the current LCP and request that you vote NO  
on Amendments 3 & 7 on April 24th ,2018.

Thank you for your time.

Sincerely

Angela Rubin

## Drumm, Kristin

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**From:** Vicki Sebastiani <vicki@vsebastiani.com>  
**Sent:** Sunday, April 15, 2018 3:08 PM  
**To:** MarinLCP  
**Cc:** Drumm, Kristin; Liebster, Jack  
**Subject:** Local Coastal Program Amendments #3 & #7 -- Bd. of Supervisors 4/24/18 meeting

Marin County Board of Supervisors  
3501 Civic Center Drive, Suite 329  
San Rafael, CA 94903

**RE: April 24th Meeting of the Board of Supervisors  
Local Coastal Program Amendments #3 and #7**

### VICTORIA SEBASTIANI --- OPPOSED

Dear President Connolly and Members of the Marin Board of Supervisors,

I am the owner of 274 Seadrift Rd. in Stinson Beach, located in the Coastal Zone. Please note that that I oppose adoption of the California Coastal Commission (CCC) staff changes to Amendment 3 and Amendment 7 in Marin's Local Coastal Program Amendments. I strongly urge the Board to either reject the CCC Staff's proposed language -- or take no action and retain the existing Local Coastal Plan.

Both Amendment 3 and Amendment 7 contain provisions that, if adopted, would impose burdensome and impractical permitting requirements, contrary to the Coastal Act.

Amendment 7 contains provisions that primarily, if not exclusively, relate to the deferred "Environmental Hazards" issues. The Board should not now accept definitions whose meaning and purpose is understandable only in the context of Environmental Hazards provisions that are not now before the Board and not explained in the accompanying materials.

The Environmental Hazards issues were deferred because they drew substantial and broad-based opposition from Marin residents and businesses. Accepting the definitions in Amendment 7 now, out of context, would undercut fair consideration of the Environmental Hazards issues later. Since none of these provisions will go into effect until the Local Coastal Plan is complete, there is no benefit for the Board to act on them now.

**Please vote NO on the proposed amendments.**

Respectfully Yours,

Victoria Sebastiani  
274 Seadrift Rd.  
Stinson Beach, CA 94970

## Drumm, Kristin

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**From:** Kevin Shanahan <kshanahan48@gmail.com>  
**Sent:** Thursday, April 12, 2018 7:43 PM  
**To:** MarinLCP  
**Cc:** Drumm, Kristin; Liebster, Jack  
**Subject:** Local Coastal Program Amendments #3 and #7

April 24th Meeting of the Board of Supervisors  
Local Coastal Program Amendments #3 and #7  
Kevin Shanahan -- **OPPOSED**

Marin County Board of Supervisors  
3501 Civic Center Drive, Suite 329  
San Rafael, CA 94903

Dear President Connolly and Members of the Marin Board of Supervisors,

I write as an owner of a house in the Coastal Zone. I oppose adoption of the California Coastal Commission (CCC) staff changes to Amendment 3 and Amendment 7 in Marin's Local Coastal Program Amendments. The Board should either reject the CCC Staff's proposed language or take no action, and retain the existing Local Coastal Plan.

Both Amendment 3 and Amendment 7 contain provisions that, if adopted, would impose burdensome and impractical permitting requirements, contrary to the Coastal Act.

Amendment 7 contains provisions that primarily, if not exclusively, relate to the deferred "Environmental Hazards" issues. The Board should not now accept definitions whose meaning and purpose is understandable only in the context of Environmental Hazards provisions that are not now before the Board and not explained in the accompanying materials.

The Environmental Hazards issues were deferred because they drew substantial and broad-based opposition from Marin residents and businesses. Accepting the definitions in Amendment 7 now, out of context, would undercut fair consideration of the Environmental Hazards issues later. Since none of these provisions will go into effect until the Local Coastal Plan is complete, there is no benefit for the Board to act on them now.

**Please vote no on the proposed amendments.**

Respectfully Yours,  
Kevin Shanahan

99 Dipsea Road  
Stinson Beach, CA 94970

## Drumm, Kristin

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**From:** Sterling Speirn <sspeirn48@gmail.com>  
**Sent:** Monday, April 16, 2018 6:57 AM  
**To:** MarinLCP  
**Cc:** Drumm, Kristin; Liebster, Jack  
**Subject:** Local Coastal Program Amendments #3 and #7

April 24th Meeting of the Board of Supervisors Sterling K. Speirn OPPOSED

Marin County Board of Supervisors  
3501 Civic Center Drive, Suite 329  
San Rafael, CA 94903

Dear President Connolly and Members of the Marin Board of Supervisors,

I write to you as a long-time resident and owner of a house in the Coastal Zone. We raised our two children in Stinson Beach and we have been active members of our community over the years. Our kids attended Bolinas-Stinson Public Schools and went 'over the hill' to attend Tamalpais High School in Mill Valley.

I have tried to follow closely the hard work that many county staff and local citizens have committed to develop and update our Local Coastal Plan. I was not able to attend the hearing in Half Moon Bay last year, but have continued to monitor the reports on the work as it has progressed. It has also been remarkable to learn that Marin County Staff have won national awards for their outstanding efforts.

I oppose adoption of the California Coastal Commission (CCC) staff changes to Amendment 3 and Amendment 7 in Marin's Local Coastal Program Amendments. The Board should either reject the CCC Staff's proposed language or take no action, and retain the existing Local Coastal Plan.

Both Amendment 3 and Amendment 7 contain provisions that, if adopted, would impose burdensome and impractical permitting requirements, contrary to the Coastal Act.

Amendment 7 contains provisions that primarily, if not exclusively, relate to the deferred "Environmental Hazards" issues. The Board should not now accept definitions whose meaning and purpose is understandable only in the context of Environmental Hazards provisions that are not now before the Board and not explained in the accompanying materials.

The Environmental Hazards issues were deferred because they drew substantial and broad-based opposition from Marin residents and businesses. Accepting the definitions in Amendment 7 now, out of context, would undercut fair consideration of the Environmental Hazards issues later. Since none of these provisions will go into effect until the Local Coastal Plan is complete, there is no benefit for the Board to act on them now.

Please vote no on the proposed amendments.  
Sincerely,

Sterling K. Speirn  
187 Seadrift Road, Stinson Beach, CA 94970

14 April 2018

Marin County Board of Supervisors  
3501 Civic Center Drive, Suite 329  
San Rafael, CA 94903

Dear President Connolly and Members of the Marin Board of Supervisors,

I write as an owner of a house in the Coastal Zone. I oppose adoption of the California Coastal Commission (CCC) staff changes to Amendment 3 and Amendment 7 in Marin's Local Coastal Program Amendments. The Board should either reject the CCC Staff's proposed language or take no action, and retain the existing Local Coastal Plan.

Both Amendment 3 and Amendment 7 contain provisions that, if adopted, would impose burdensome and impractical permitting requirements, contrary to the Coastal Act.

Amendment 7 contains provisions that primarily, if not exclusively, relate to the deferred "Environmental Hazards" issues. The Board should not now accept definitions whose meaning and purpose is understandable only in the context of Environmental Hazards provisions that are not now before the Board and not explained in the accompanying materials.

The Environmental Hazards issues were deferred because they drew substantial and broad-based opposition from Marin residents and businesses. Accepting the definitions in Amendment 7 now, out of context, would undercut fair consideration of the Environmental Hazards issues later. Since none of these provisions will go into effect until the Local Coastal Plan is complete, there is no benefit for the Board to act on them now.

Please vote no on the proposed amendments.

Respectfully Yours,

Gary Stolzoff  
141 Seadrift Road  
Stinson Beach 94970



## Drumm, Kristin

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**From:** Liz Sutherland <lizsutherland5@gmail.com>  
**Sent:** Friday, April 13, 2018 12:28 PM  
**To:** MarinLCP  
**Cc:** Drumm, Kristin; Liebster, Jack  
**Subject:** Fwd: Urgent - Letter to Marin County Board of Supervisors

April 24th Meeting of the Board of Supervisors  
Local Coastal Program Amendments #3 and #7  
Elizabeth Sutherland Riney - OPPOSED

Marin County Board of Supervisors  
3501 Civic Center Drive, Suite 329  
San Rafael, CA 94903

Dear President Connolly and Members of the Marin Board of Supervisors,

I write as an owner of a house in the Coastal Zone. I oppose adoption of the California Coastal Commission (CCC) staff changes to Amendment 3 and Amendment 7 in Marin's Local Coastal Program Amendments. The Board should either reject the CCC Staff's proposed language or take no action, and retain the existing Local Coastal Plan.

Both Amendment 3 and Amendment 7 contain provisions that, if adopted, would impose burdensome and impractical permitting requirements, contrary to the Coastal Act.

Amendment 7 contains provisions that primarily, if not exclusively, relate to the deferred "Environmental Hazards" issues. The Board should not now accept definitions whose meaning and purpose is understandable only in the context of Environmental Hazards provisions that are not now before the Board and not explained in the accompanying materials.

The Environmental Hazards issues were deferred because they drew substantial and broad-based opposition from Marin residents and businesses. Accepting the definitions in Amendment 7 now, out of context, would undercut fair consideration of the Environmental Hazards issues later. Since none of these provisions will go into effect until the Local Coastal Plan is complete, there is no benefit for the Board to act on them now.

Please vote no on the proposed amendments.

Respectfully Yours,  
Elizabeth Sutherland Riney  
95 Dipsea Road

Stinson Beach, CA 94970

## Drumm, Kristin

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**From:** Jamie Sutton <jamie@v-dac.com>  
**Sent:** Saturday, April 14, 2018 11:00 AM  
**To:** MarinLCP  
**Cc:** Drumm, Kristin; "JLiebster@marincounty.org."@PPB.co.marin.ca.us  
**Subject:** LCP is foolish, wrong and a violation of agreements made with the Coastal Commission

I am a homeowner/resident of West Marin and I ask you to vote No on Amendments 3 and 7 of the LCP on April 24<sup>th</sup>.  
It is important that representatives of local voters and residents stand up to the bad ideas of the CCC Staff.  
Thank you.  
Jamie

Jamie Sutton  
PO Box 146  
#2 Calle del Onda  
Stinson Beach, CA 94970  
415-868-1960 (office)  
415-298-1960 (cell)  
415-868-9901 (home)

## Drumm, Kristin

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**From:** Murry Waldman <mjwsf@aol.com>  
**Sent:** Monday, April 16, 2018 4:07 PM  
**To:** MarinLCP  
**Cc:** "KDrumm@marincounty.org.jliebster"@marincounty.org  
**Subject:** April 24th Meeting of the Board of Supervisors. Local Coastal Program Amendments 3 and 7

Murry j. Waldman OPPOSED

Marin County Board of Supervisors

Dear President Connolly and Members of the Marin County Board of Supervisors,

I write as an owner of a house in the Coastal Zone. I oppose adoption of the California Coastal Commission (CCC) staff changes to Amendment 3 and Amendment 7 in Marin's Local Coastal Program Amendments. The Board should either reject the CCC staff's proposed language or take no action, and retain the existing Local Coastal Plan.

Both Amendment 3 and Amendment 7 contain provisions that, if adopted, would impose burdensome and impractical permitting requirements, contrary to the Coastal Act.

Please vote No on the proposed amendments.

Murry J Waldman  
152 Seadrift Road  
Stinson Beach

## Drumm, Kristin

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**From:** Denise Weinstein <denisew@cpshades.com>  
**Sent:** Thursday, April 12, 2018 11:48 AM  
**To:** MarinLCP  
**Cc:** Drumm, Kristin; Liebster, Jack  
**Subject:** Opposition to CCC revisions to Marin County's Local Coastal Program

April 24th Meeting of the Board of Supervisors  
Local Coastal Program Amendments #3 and #7  
Denise and David Weinstein OPPOSED

Marin County Board of Supervisors  
3501 Civic Center Drive, Suite 329  
San Rafael, CA 94903

Dear President Connolly and Members of the Marin Board of Supervisors,

We write as owners of a house in the Coastal Zone. We oppose adoption of the California Coastal Commission (CCC) staff changes to Amendment 3 and Amendment 7 in Marin's Local Coastal Program Amendments. The Board should either reject the CCC Staff's proposed language or take no action, and retain the existing Local Coastal Plan.

Both Amendment 3 and Amendment 7 contain provisions that, if adopted, would impose burdensome and impractical permitting requirements, contrary to the Coastal Act.

Amendment 7 contains provisions that primarily, if not exclusively, relate to the deferred "Environmental Hazards" issues. The Board should not now accept definitions whose meaning and purpose is understandable only in the context of Environmental Hazards provisions that are not now before the Board and not explained in the accompanying materials.

The Environmental Hazards issues were deferred because they drew substantial and broad-based opposition from Marin residents and businesses. Accepting the definitions in Amendment 7 now, out of context, would undercut fair consideration of the Environmental Hazards issues later. Since none of these provisions will go into effect until the Local Coastal Plan is complete, there is no benefit for the Board to act on them now.

Please vote no on the proposed amendments.

Respectfully Yours,

Denise and David Weinstein  
162 Seadrift Road  
Stinson Beach, CA 94970



## Drumm, Kristin

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**From:** Ying Chang <yingc@cpshades.com>  
**Sent:** Thursday, April 12, 2018 11:43 AM  
**To:** Denise Weinstein  
**Cc:** Drumm, Kristin; Liebster, Jack  
**Subject:** Opposition to CCC revisions to Marin County's Local Coastal Program

April 24th Meeting of the Board of Supervisors  
Local Coastal Program Amendments #3 and #7  
Denise and David Weinstein OPPOSED

Marin County Board of Supervisors  
3501 Civic Center Drive, Suite 329  
San Rafael, CA 94903

Dear President Connolly and Members of the Marin Board of Supervisors,

I write as an owner of a house in the Coastal Zone. I oppose adoption of the California Coastal Commission (CCC) staff changes to Amendment 3 and Amendment 7 in Marin's Local Coastal Program Amendments. The Board should either reject the CCC Staff's proposed language or take no action, and retain the existing Local Coastal Plan.

Both Amendment 3 and Amendment 7 contain provisions that, if adopted, would impose burdensome and impractical permitting requirements, contrary to the Coastal Act.

Amendment 7 contains provisions that primarily, if not exclusively, relate to the deferred "Environmental Hazards" issues. The Board should not now accept definitions whose meaning and purpose is understandable only in the context of Environmental Hazards provisions that are not now before the Board and not explained in the accompanying materials.

The Environmental Hazards issues were deferred because they drew substantial and broad-based opposition from Marin residents and businesses. Accepting the definitions in Amendment 7 now, out of context, would undercut fair consideration of the Environmental Hazards issues later. Since none of these provisions will go into effect until the Local Coastal Plan is complete, there is no benefit for the Board to act on them now.

Please vote no on the proposed amendments.

Respectfully Yours,  
Denise and David Weinstein  
162 Seadrift Road  
Stinson Beach, CA 94970



## Drumm, Kristin

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**From:** Ed Cluss <ecluss@kaunaventures.com>  
**Sent:** Thursday, April 12, 2018 11:01 AM  
**To:** MarinLCP  
**Cc:** Liebster, Jack; Drumm, Kristin  
**Subject:** April 24th Meeting of the Board of Supervisors Local Coastal Program Amendments #3 and #7 - OPPOSED

Dear President Connolly and Members of the Marin Board of Supervisors,

I write as an owner of a house in the Coastal Zone. I oppose adoption of the California Coastal Commission (CCC) staff changes to Amendment 3 and Amendment 7 in Marin's Local Coastal Program Amendments. The Board should either reject the CCC Staff's proposed language or take no action, and retain the existing Local Coastal Plan.

Both Amendment 3 and Amendment 7 contain provisions that, if adopted, would impose burdensome and impractical permitting requirements, contrary to the Coastal Act.

Amendment 7 contains provisions that primarily, if not exclusively, relate to the deferred "Environmental Hazards" issues. The Board should not now accept definitions whose meaning and purpose is understandable only in the context of Environmental Hazards provisions that are not now before the Board and not explained in the accompanying materials.

The Environmental Hazards issues were deferred because they drew substantial and broad-based opposition from Marin residents and businesses. Accepting the definitions in Amendment 7 now, out of context, would undercut fair consideration of the Environmental Hazards issues later. Since none of these provisions will go into effect until the Local Coastal Plan is complete, there is no benefit for the Board to act on them now.

Please vote no on the proposed amendments.

Respectfully Yours,

Ed Cluss  
302 Seadrift Road, Stinson Beach CA

## Drumm, Kristin

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**From:** Lynn Douglas <lynndouglas@att.net>  
**Sent:** Thursday, April 12, 2018 10:27 AM  
**To:** MarinLCP  
**Cc:** Drumm, Kristin; Liebster, Jack  
**Subject:** Local Coastal Program Amendments #3 and #7

April 24th Meeting of the Board of Supervisors  
Local Coastal Program Amendments #3 and #7  
Lynn Douglas: OPPOSED

Marin County Board of Supervisors  
3501 Civic Center Drive, Suite 329  
San Rafael, CA 94903

Dear President Connolly and Members of the Marin Board of Supervisors,

I write as an owner of a house in the Coastal Zone. I oppose adoption of the California Coastal Commission (CCC) staff changes to Amendment 3 and Amendment 7 in Marin's Local Coastal Program Amendments. The Board should either reject the CCC Staff's proposed language or take no action, and retain the existing Local Coastal Plan.

Both Amendment 3 and Amendment 7 contain provisions that, if adopted, would impose burdensome and impractical permitting requirements, contrary to the Coastal Act.

Amendment 7 contains provisions that primarily, if not exclusively, relate to the deferred "Environmental Hazards" issues. The Board should not now accept definitions whose meaning and purpose is understandable only in the context of Environmental Hazards provisions that are not now before the Board and not explained in the accompanying materials.

The Environmental Hazards issues were deferred because they drew substantial and broad-based opposition from Marin residents and businesses. Accepting the definitions in Amendment 7 now, out of context, would undercut fair consideration of the Environmental Hazards issues later. Since none of these provisions will go into effect until the Local Coastal Plan is complete, there is no benefit for the Board to act on them now.

Please vote no on the proposed amendments.

Respectfully Yours,  
Lynn Douglas  
229 Seadrift Road



## Drumm, Kristin

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**From:** Freedman, Jason S. <Jason.Freedman@ropesgray.com>  
**Sent:** Thursday, April 12, 2018 11:06 AM  
**To:** MarinLCP  
**Cc:** Drumm, Kristin; Liebster, Jack  
**Subject:** Please vote no on Local Coastal Program Amendments #3 and #7

Dear President Connolly and Members of the Marin Board of Supervisors,

I write as an owner of a house in the Coastal Zone. I oppose adoption of the California Coastal Commission (CCC) staff changes to Amendment 3 and Amendment 7 in Marin's Local Coastal Program Amendments. The Board should either reject the CCC Staff's proposed language or take no action, and retain the existing Local Coastal Plan (which is a far better plan for our communities),

Both Amendment 3 and Amendment 7 contain provisions that, if adopted, would impose burdensome and impractical permitting requirements, contrary to the Coastal Act.

Amendment 7 contains provisions that primarily, if not exclusively, relate to the deferred "Environmental Hazards" issues. The Board should not now accept definitions whose meaning and purpose is understandable only in the context of Environmental Hazards provisions that are not now before the Board and not explained in the accompanying materials.

The Environmental Hazards issues were deferred because they drew substantial and broad-based opposition from Marin residents and businesses. Accepting the definitions in Amendment 7 now, out of context, would undercut fair consideration of the Environmental Hazards issues later. Since none of these provisions will go into effect until the Local Coastal Plan is complete, there is no benefit for the Board to act on them now.

Please vote no on the proposed amendments.

Respectfully Yours,

-Jason

**Jason S. Freedman**  
**ROPES & GRAY LLP**

T(SF) +1 415 315 2319 | T(SV) +1 650 617 4720 | M +1 617 519 9074  
Three Embarcadero Center  
San Francisco, CA 94111-4006  
[jason.freedman@ropesgray.com](mailto:jason.freedman@ropesgray.com)  
[www.ropesgray.com](http://www.ropesgray.com)

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## Drumm, Kristin

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**From:** Kimball Hamilton <hkimhamilton@gmail.com>  
**Sent:** Thursday, April 12, 2018 11:00 AM  
**To:** MarinLCP  
**Cc:** Drumm, Kristin; Liebster, Jack  
**Subject:** Local Coastal Program Amendments #3 and #7

April 24th Meeting of the Board of Supervisors Local Coastal Program Amendments #3 and #7 Kimball Hamilton.  
OPPOSED

Marin County Board of Supervisors  
3501 Civic Center Drive, Suite 329  
San Rafael, CA 94903

Dear President Connolly and Members of the Marin Board of Supervisors,

I write as an owner of a house in the Coastal Zone. I oppose adoption of the California Coastal Commission (CCC) staff changes to Amendment 3 and Amendment 7 in Marin's Local Coastal Program Amendments. The Board should either reject the CCC Staff's proposed language or take no action, and retain the existing Local Coastal Plan.

Both Amendment 3 and Amendment 7 contain provisions that, if adopted, would impose burdensome and impractical permitting requirements, contrary to the Coastal Act.

Amendment 7 contains provisions that primarily, if not exclusively, relate to the deferred "Environmental Hazards" issues. The Board should not now accept definitions whose meaning and purpose is understandable only in the context of Environmental Hazards provisions that are not now before the Board and not explained in the accompanying materials.

The Environmental Hazards issues were deferred because they drew substantial and broad-based opposition from Marin residents and businesses. Accepting the definitions in Amendment 7 now, out of context, would undercut fair consideration of the Environmental Hazards issues later. Since none of these provisions will go into effect until the Local Coastal Plan is complete, there is no benefit for the Board to act on them now.

Please vote no on the proposed amendments.

Respectfully Yours,  
Kimball Hamilton  
114 Seadrift Rd, Stinson Beach

## Drumm, Kristin

---

**From:** Terry Houlihan <terryjhoulihan@gmail.com>  
**Sent:** Thursday, April 12, 2018 11:21 AM  
**To:** MarinLCP  
**Cc:** Drumm, Kristin; Liebster, Jack; Kiren Neiderberger  
**Subject:** April 24 Meeting of the Board, Local Coastal Program Amendments 3 & 7, Terry J Houlihan OPPOSED

Dear Marin Board of Supervisors (Board),

I write as an owner of a house in the Coastal Zone constructed after January 1, 1977. I oppose adoption of California Coastal Commission (CCC) staff changes in Marin Local Coastal Amendment package 3 and Amendment package 7. The Board should reject the CCC Staff's proposed language in these Amendments, or take no action and retain the existing Local Coastal Plan.

Both Amendment package 3 and Amendment package 7 contain provisions that, if adopted, would impose burdensome permitting requirements not "feasible" as defined in Coastal Act, Public Resources Code (PRC) section 30108.

It would be a fundamental mistake for the Board to accept objectionable CCC staff language on the assumption that issues can be resolved by later amendment. The Coastal Commission has the power to issue regulations but not to write laws. Coastal policies to address sea level rise could have been made CCC regulations, which are subject to judicial review. Instead the CCC has formulated non-reviewable "policies" now presented as suggested county ordinances for a local coastal plan. Until a county adopts a coastal plan ordinance, it has absolute control over all language in it. Legislative power rests in the county not the Commission. The CCC can only reject provisions it disapproves. CCC rejection only makes the law default to the old coastal plan. Once a county accepts language, however, the CCC then has an absolute veto over any change. The county should not surrender its sovereignty to the CCC simply to "move things along". Doing so would fundamentally shift the bargaining positions of the two sides.

Amendment 7 provisions generally present a special issue. They relate primarily, if not exclusively, to the deferred "Environmental Hazards" (EH) issues. The Board should not now accept definitions whose meaning and purpose is understandable only in the context of EH provisions not now before the Board and not explained in the accompanying materials.

The EH issues were deferred because they drew substantial and broad-based opposition from Marin residents and businesses before the Coastal Commission itself. Accepting various definitions now would undercut fair consideration of the EH issues later.

### **Amendment 7.1, Definition of "Existing", is a key issue meaningful only in Environmental Hazards proposals.**

The definition of "existing" proposed by *Marin* Staff — "Extant at the time that a particular Coastal Permit application is accepted for filing" — is the correct meaning of the law.

That definition should also be used in the “Existing Structure” definition — i.e., a structure in existence at the time of a particular Coastal Permit application, without a date limit. (The 1982 language initially proposed by Marin Staff is a holdover from the existing LCP, the logic of which has not been explained and which is contrary to the reading in the *Surfrider* case discussed below.)

The CCC staff proposes in Amendment 7-1 to limit “existing structures” entitled to various protections under the Coastal Act to structures “authorized and in existence as of January 1, 1977.”

For the first time in the long history of work on Coastal Zone policies, the CCC Staff admitted in the March 2018 “Revisions and FAQ Responses for the Draft Residential Adaptation Policy Guidance” (hereafter 2018 Responses) that its proposed definition of “Existing Structure” was a complete reversal of the CCC’s own longstanding interpretation. The CCC’s own brief in *Surfrider Foundation v. California Coastal Comm’n* (Cal. Ct. App June 5, 2006, No. A110033) 2006 WL 1430224, took “the position that ‘existing structure’ means any pre- or post-Coastal Act structure currently in existence.” 2018 Responses at 6. The Court of Appeals upheld that reading of the statute. The Court’s analysis, and the well reasoned CCC brief to the Court, show that this interpretation — the Marin Staff interpretation—is the only viable reading of the statute.

At no time in the process leading up to the CCC 2015 Sea Level Rise Guidance was this stunning reversal revealed to the public or, for that matter, to the Coastal Commissioners. At no time in previous work on the Marin LCP was this fact made public.

Not until members of the public unearthed the CCC *Surfrider* brief in 2017 comments on the Draft Residential Policy Guidance was the complete reversal of position revealed. The failure of the CCC Staff to reveal earlier this change of position precludes reliance on the 2015 Sea Level Rise Guidance on this issue.

The 2018 Responses also acknowledge that an attempt was made in AB 1129 to amend the Coastal Act to add the CCC Staff’s definition of “existing” to the law. The bill failed to pass. 2018 Responses at 20. That was in fact the **second** failed attempt to amend the law in this way. The California legislature does not support this effort.

### **Defining “existing structure” correctly is important.**

Under the Coastal Commission’s longstanding interpretation of “existing structure”—the definition now supported by Marin Staff— all homes are entitled to Public Resources Code section 30235 protection, including permits for shoreline armoring at the owner’s expense, if “necessary” to protect a structure. Under the CCC staff proposed new definition, coupled with the new EH policies governing “redevelopment”, most homes would not be entitled to such “necessary” permits. They would, in addition, be subject to a wide range of new restrictions, including “retreat” and “removal” policies.

Whether or not the CCC itself ultimately chooses to adopt its Staff’s new definition, given the radical change in the CCC staff’s interpretation of “existing structure”, it would be folly for the Board to approve the CCC staff’s proposed language. That definition is plainly wrong and contrary to the Act.

At a minimum, the Board should simply defer action until the CCC itself (as opposed to its staff) makes a fully informed decision on whether to continue to pursue what seems an ultimately futile attempt to change the law.

### **7-3. Piers and Caissons**

As Marin Staff comments show, piers/caissons should not be included in the definition of shoreline protective devices. Piers and caissons may be used for *other* purposes, including foundations for homes. Such other uses occur in the county, including along parts of Tomales bay. The CCC staff concedes that the definition is relevant only to deferred EH policies. The Board should vote no on Amendment 7-3 or defer action.

#### **7-6. Lowest Density Requirement.**

For the reasons well articulated by Marin Staff at 19-21 of the Discussion document, the CCC staff position on the extent to which it would apply the “lowest density” requirement makes no sense. CCC Staff itself concedes that this is an EH issue. Accepting the definition “subject to amendment”—never a good idea as explained above—would not advance the process at all here since the fundamental disagreement covers the entire section.

The Board of Supervisors should reject all of Amendment 7.

Respectfully, Terry J Houlihan  
123 Dipsea Rd, Stinson Beach

## Drumm, Kristin

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**From:** Scott Jordon <scott@glynncapital.com>  
**Sent:** Thursday, April 12, 2018 10:27 AM  
**To:** MarinLCP  
**Cc:** Drumm, Kristin; Liebster, Jack  
**Subject:** LCP Amendments #3 and #7 - OPPOSED

April 24th Meeting of the Board of Supervisors Local Coastal Program Amendments #3 and #7 Scott J. Jordon / Kim Thompson OPPOSED

Marin County Board of Supervisors  
3501 Civic Center Drive, Suite 329  
San Rafael, CA 94903

Dear President Connolly and Members of the Marin Board of Supervisors,

I write as an owner of a house in the Coastal Zone. I oppose adoption of the California Coastal Commission (CCC) staff changes to Amendment 3 and Amendment 7 in Marin's Local Coastal Program Amendments. The Board should either reject the CCC Staff's proposed language or take no action, and retain the existing Local Coastal Plan.

Both Amendment 3 and Amendment 7 contain provisions that, if adopted, would impose burdensome and impractical permitting requirements, contrary to the Coastal Act.

Amendment 7 contains provisions that primarily, if not exclusively, relate to the deferred "Environmental Hazards" issues. The Board should not now accept definitions whose meaning and purpose is understandable only in the context of Environmental Hazards provisions that are not now before the Board and not explained in the accompanying materials.

The Environmental Hazards issues were deferred because they drew substantial and broad-based opposition from Marin residents and businesses. Accepting the definitions in Amendment 7 now, out of context, would undercut fair consideration of the Environmental Hazards issues later. Since none of these provisions will go into effect until the Local Coastal Plan is complete, there is no benefit for the Board to act on them now.

Please vote no on the proposed amendments.

Respectfully Yours,  
Scott J. Jordon & Kim Thompson  
308 Seadrift Road  
Stinson Beach, CA. 94970

## Drumm, Kristin

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**From:** Lori Kayko <lkayko@bssp.com>  
**Sent:** Thursday, April 12, 2018 12:58 PM  
**To:** MarinLCP  
**Cc:** Drumm, Kristin; Liebster, Jack  
**Subject:** Local Coastal Program Amendments #3 and #7

April 24th Meeting of the Board of Supervisors Local Coastal Program Amendments #3 and #7 Lori Butler - OPPOSED

Marin County Board of Supervisors  
3501 Civic Center Drive, Suite 329  
San Rafael, CA 94903

Dear President Connolly and Members of the Marin Board of Supervisors,

I write as an owner of a house in the Coastal Zone. I oppose adoption of the California Coastal Commission (CCC) staff changes to Amendment 3 and Amendment 7 in Marin's Local Coastal Program Amendments. The Board should either reject the CCC Staff's proposed language or take no action, and retain the existing Local Coastal Plan.

Both Amendment 3 and Amendment 7 contain provisions that, if adopted, would impose burdensome and impractical permitting requirements, contrary to the Coastal Act.

Amendment 7 contains provisions that primarily, if not exclusively, relate to the deferred "Environmental Hazards" issues. The Board should not now accept definitions whose meaning and purpose is understandable only in the context of Environmental Hazards provisions that are not now before the Board and not explained in the accompanying materials.

The Environmental Hazards issues were deferred because they drew substantial and broad-based opposition from Marin residents and businesses. Accepting the definitions in Amendment 7 now, out of context, would undercut fair consideration of the Environmental Hazards issues later. Since none of these provisions will go into effect until the Local Coastal Plan is complete, there is no benefit for the Board to act on them now.

Please vote no on the proposed amendments.

Respectfully Yours,  
Lori Butler  
115 Dipsea



April 6, 2018

Marin County Board of Supervisors  
3501 Civic Center Drive, Suite 339  
San Rafael, CA 94903

*Via electronic mail:* [BOS@marincounty.org/marinLCP@marincounty.org](mailto:BOS@marincounty.org/marinLCP@marincounty.org)

**Subject: Recommend continuing revisions for Agricultural Provisions in the Marin County Local Coastal Program Amendment, Board of Supervisors Hearing, April 24, 2018**

Dear Supervisors:

MCL is grateful for the opportunity to provide the following comments and recommendations for your consideration regarding the Marin County Local Coastal Program Amendment (LCP). MCL has participated actively in the process leading up to your hearing on April 24, 2018 and recognizes the significant effort and inclusive process that has been led to arrive at the Land Use Policy and Implementation Program that you are being asked to approve. This includes MCL's facilitating community meetings to explore the full range of views on particular issues with Community Development Agency and California Coastal Commission Staff. It also includes providing analysis and recommendations at numerous steps of the process to the Marin County Planning Commission, your Board, and the California Coastal Commission.

Given this considerable effort and the significant progress made on many issues, MCL does not take lightly voicing its concern for and disagreement with sections in the Implementation Program and specifically selected language around agriculture in the Coastal Commission Revised findings dated July 14, 2017. Until that point, MCL had voiced its support of the proposed solutions and language in the LCP and even communicated this to the California Coastal Commission in our letter dated October 20, 2016 stating:

"MCL wishes to convey its recommendation for Commission approval of the LUP and IP as proposed by the County of Marin for: 1) Agriculture Ongoing; 2) Retail Sales; 3) Processing; and 4) Inter-generational housing. In all four cases, County of Marin staff has developed carefully crafted performance measures and restrictions that will allow for these components to support the significant contribution Marin's family ranches and farms make in protecting Coastal Marin from development. Combined, they provide the individual agricultural producer and relevant local County of Marin departments the ability to make critical and real-time farming decisions, exercise entry-level scale for agricultural diversification, and house more than one farm family generation, doing it in a way that simultaneously protects Environmentally Significant Habitat Areas, safeguards against traffic and other operational impacts, and sets a finite limit of 27 additional housing units. In these four areas, MCL supports the County of Marin's proposed LUP and IP."

PHONE: 415.485.6257  
FAX: 415.485.6259

EMAIL: [mcl@marinconservationleague.org](mailto:mcl@marinconservationleague.org)  
WEB: [marinconservationleague.org](http://marinconservationleague.org)

ADDRESS: 175 N. Redwood Dr., Ste. 135  
San Rafael, CA 94903-1977





Regrettably, many of the revisions approved by the CCC have impacted the clarity for both the agricultural community and County of Marin staff to achieve this. As a result, MCL respectfully requests that you give serious consideration for continuing efforts to revise and improve those respective sections, returning the earlier clarity and removing the introduced ambiguity that is now in the version before you. In particular, MCL recommends that you not approve the language and sections around:

- “Ongoing Agricultural Activities” Versus “Development”: Marin County Community Development staff did a masterful job of listening to the concerns of the agricultural and environmental communities in crafting definitions of “ongoing agricultural activities” and “development.” MCL supported strongly the resulting provisions, including the clear definition of what would NOT constitute “agriculture ongoing,” based on objective criteria for determining intensification of water (irrigation installation) and land modification (e.g., terracing, > average 15% slope), or development for vineyard or cannabis production. “The definition of Grading” is adequately conditioned, as in Section 22.130.030 of the IP that was approved by the Coastal Commission on November 2, 2016. This and corresponding language provided people engaged in agriculture in Marin County the ability to adapt to rapidly changing climate and economic factors, while ensuring that our natural environment and resources are protected. The revisions made through the Coastal Commission and Staff findings of July 14, 2017 have introduced ambiguity for farming and ranching activities that MCL does not support.

To close, we offer as an underpinning to these recommendations, the goal of MCL’s Agricultural Policy Statement: “To continue to support the role Marin’s agricultural community plays in maintaining open space, protecting wildlife corridors, protecting water quality, managing carbon, preserving a valuable local heritage, and contributing to food security and the local economy.” We thank the County of Marin for leading efforts to achieve this goal through its LCP Amendment process and suggest that the CCC Revised Findings regarding agricultural revisions have compromised that goal and should not be approved.

Sincerely,



Kate Powers  
MCL President



Protecting Marin Since 1934

October 20, 2016

Commissioners  
California Coastal Commission  
45 Fremont Street, #2000  
San Francisco, CA 94105

Subject: Recommendations for sections of the County of Marin Local Coastal Program Amendment Land Use Policy and Implementation Program (approved by Marin County Board of Supervisors on April 19, 2016 and subsequently submitted to the California Coastal Commission) specifically pertaining to: 1) Agriculture Ongoing; 2) Retail Sales; 3) Processing; and 4) Inter-generational housing.

Dear Commissioners:

The Marin Conservation League is one of Marin's leading conservation organizations, in existence since 1934. MCL participates actively in monitoring and reviewing existing and proposed land use policies for agreement with our organization's mission of conserving Marin's ecosystems and environment. In this capacity and role, MCL has made significant efforts to understand the concerns and needs of Marin's broad and diverse communities, striving to form working compromises that are supported by the local community. This includes participation in the long process to develop the County of Marin Local Coastal Program Amendment (LCPA) Land Use Policy (LUP) and Implementation Program (IP), approved by Marin County Board of Supervisors on April 19, 2016 and subsequently submitted to the California Coastal Commission.

One the eve of these elements coming before the California Coastal Commission for approval, MCL wishes to convey its recommendation for Commission approval of the LUP and IP as proposed by the County of Marin for: 1) Agriculture Ongoing; 2) Retail Sales; 3) Processing; and 4) Inter-generational housing. In all four cases, County of Marin staff has developed carefully crafted performance measures and restrictions that will allow for these components to support the significant contribution Marin's family ranches and farms make in protecting Coastal Marin from development. Combined, they provide the individual agricultural producer and relevant local County of Marin departments the ability to make critical and real-time farming decisions, exercise entry-level scale for agricultural diversification, and house multiple farm family generations, doing it in a way that simultaneously protects Environmental Significant Habitat Areas, safeguards against traffic and other operational impacts, and sets a limit of 27 additional housing units. In these four areas, MCL supports the County of Marin's proposed LUP and IP.

PHONE: 415.485.6257  
FAX: 415.485.6259

EMAIL: [mcl@marinconservationleague.org](mailto:mcl@marinconservationleague.org)  
WEB: [marinconservationleague.org](http://marinconservationleague.org)

ADDRESS: 175 N. Redwood Dr., Ste. 135  
San Rafael, CA 94903-1977



MCL has actively participated in many of the diverse opportunities to provide input and feedback to arrive at the submitted LUP and IP drafts before the Commission. MCL supports these four areas of the County of Marin LCPA. Thank you for your consideration of these recommendations and please know we are available to discuss these with Commission staff and Commissioners.

Respectively,

A handwritten signature in blue ink that reads "Kate Powers". The signature is written in a cursive, flowing style.

Kate Powers

President

# **Marin Conservation League Agriculture Policy Statement**

## **OVERVIEW**

Two hundred and fifty-five families operate Marin County's farms and ranches. Most of these are multi-generational ranches with annual gross incomes of less than \$100,000.00 and an average size of 600 acres. These ranches are located on 167,000 acres of hilly grassland and mixed oak woodland in rural Marin County. Included in this number are at least 28,000 acres of ranchland in the Golden Gate National Recreation Area and Point Reyes National Seashore, which are subject to federal jurisdiction.

The most productive use of the great majority of Marin's agricultural land is livestock grazing. Relatively dry and cool marine climatic conditions along with steep rolling hills and relatively little water are defining factors. An exception is the less than 1% of prime land, which is suitable for row cropping.

Agriculture is one of the ten major business ventures in Marin, and therefore valued as a critical element in supporting Marin's economy. Flexibility and diversification over the last 30 years have enabled agriculture to remain economically viable. Where conventional milk and beef production were the foundation of the Marin agricultural economy for many decades, now value-added and specialty products and services augment the base. For example, grass-fed beef, pastured poultry and eggs, on-farm cheese-making and small-scale organic row and tree cropping, as well as bed and breakfast accommodations, are some of the newer agricultural ventures contributing to the agricultural economy. Organic milk production accounts for more than 40,000 acres being in organic certification, far above state and national rates. The purchase of conservation easements by the Marin Agricultural Land Trust (MALT) has helped about half of the ranch operations to stay in business.

On-going threats to Marin's agricultural community remain much as they have been in the past: skyrocketing property values, which encourages urbanization, family succession challenges, invasive plants, and, more recently, uncertain climate and rainfall conditions. Along with A-60 zoning, supportive Countywide Plan policies, and

strong Coastal Zone protections, the purchase of conservation easements by the Marin Agricultural Land Trust and enrollment in the Williamson and Super Williamson Acts has helped stay the hand of developers and estate ranchers. Ninety percent of Marin's ranches are protected in this way.

The vast majority of ranches and farms are generational family enterprises, which has effectively raised sustainable standards and made owners better guardians of the land. As stated in the Land Use Plan (p. 12, 3<sup>rd</sup> para.) of the Local Coastal Plan, and adopted by the Marin Board of Supervisors, "More than 85% of Marin farms had between one and four family members involved in their operation, and 71% had a family member interested in continuing ranching or farming."

Marin's ranchers have demonstrated a high level of voluntary participation in beneficial conservation practices over the past 30 years. Implementation of conservation practices has improved water quality, created wildlife habitat, prevented soil loss and sequestered carbon. More than 25 miles of creeks have been restored and more than 650,000 cubic yards of sediment have been kept out of creeks and the bay. Marin's ranches, with their extensive grasslands and forests, are expected to help Marin County reach its Climate Action Plan goals. Ranchers are supported in their conservation practices by a suite of strong federal and state laws, standards, and regulations and effective county policies and code, all designed to protect environmental resources on agricultural lands.

## **STATED GOAL**

To continue to support the role Marin's agricultural community plays in maintaining open space, protecting wildlife corridors, managing carbon, preserving a valuable local heritage, and contributing to food security and the local economy. This statement is consistent with MCL's previous positions and actions regarding agriculture.

## **POLICY**

**As approved by the Board of Directors on November 17, 2015**

Following are policy statements that specify and clarify Marin Conservation League's goals and concerns.

### **Natural Resources Management:**

1. Support sustainable management of grassland and rangeland, which provides critical forage for livestock, while fostering wildlife habitat and preserving native plants.
2. Support soil management practices that lead to increased water-holding capacity and an increase in organic matter in the soil.
3. Support soil management practices such as the use of the “no-till drill”, which minimize soil disturbance, prevent soil loss and reduce the flow of sediment into streams, bays and the ocean.
4. Encourage the alignment of local conservation programs and practices with the goals of the Healthy Soils Initiative as described on the California Department of Food and Agriculture website.
5. Support development restrictions within 100 feet or more of wetlands and stream conservation areas, as defined in the Countywide Plan (BIO-3.1 and 4.1) to protect wetland and stream habitats.
6. Support the management of invasive plants through Integrated Pest Management, including chemical measures, where other control measures are infeasible or ineffective.
7. Support the federal Clean Water Act 1974 and Endangered Species Act 1973, and California's Porter-Cologne Act of 1969 because of their broad powers in protecting natural resources.
8. Encourage those conservation practices that reduce the delivery of pathogens, sediment, mercury and nutrients to our waterways and all bodies of water.
9. Promote the efficient use and reuse of water on farms and ranches to meet their

agricultural needs. Maintain water infrastructure, and if old sources become insufficient, consider developing new sources of water only if adverse environmental impacts can be avoided.

10. Support carbon farm planning and implementation of the United States Department of Agriculture's Natural Resource Conservation Service's carbon-beneficial practices.

11. Support assisted ranch management planning and cost-share implementation of best management practices, rather than depend principally on enforcement to attain compliance with environmental regulations.

12. Encourage efficient energy management and the production of renewable energy resources on and for individual ranches, such as wind, solar and methane digestion, where adverse environmental impacts can be avoided.

13. Discourage the development of large wind and solar "farms" on agricultural lands for commercial purposes, due to energy production inefficiencies, installation and transmission impacts, visual impacts such as disharmony of scale and inconsistency with rural character, and environmental impacts such as wildlife and habitat degradation.

14. Encourage greenhouse gas reduction and climate adaptation practices, as described in the U. S. Department of Agriculture's "GHG and Carbon Sequestration Ranking Tool."

### **Partnering Agencies:**

15. Support the Grazing and Dairy Permit Waiver Programs of the Regional Water Quality Control Board.

16. Support funding and technical support to farmers and ranchers seeking to improve water quality and fisheries habitat.

17. Support national, state, local, and private funding for conservation implementation programs through Marin Resource Conservation District, Marin Agricultural Land Trust, and Natural Resources Conservation Service.

18. Support landowner education and permitting facilitation through county-

funded positions, such as the Marin Resource Conservation District's Stream Coordinator position and the University of California Cooperative Extension's Agricultural Ombudsman position.

19. Encourage the County to control invasive plants on County rights of way and on open space preserves, to prevent invasives from spreading onto ranchland.
20. Support coordination programs between permitting agencies, such as the Marin Resource Conservation District's Coastal Permit Coordination Program, which bundles permit requirements over several agencies to promote efficiencies and to reduce the financial burden on agencies and landowners.
21. Support the inclusion of the Local Coastal Program permitting requirements in the recertification of the Marin Resource Conservation District's Coastal Permit Coordination Program.
22. Endorse the role of Marin Agricultural Land Trust, Marin Resource Conservation District, the Natural Resources Conservation Service, the Ag Institute of Marin, the Marin Dept. of Agriculture, the Marin Community Development Agency and the University of California Cooperative Extension Service, the Regional Water Quality Control Board, and the California Department of Fish and Wildlife in preserving and protecting Marin County's agricultural heritage and natural resources, and supporting the best management practices which foster long range productivity and environmental protection.

### **Zoning and Land use:**

23. Support a "critical mass" of agricultural production (e.g., sufficient number of dairies, acres of beef production, small-scale crops, etc.) needed to maintain the demand for goods and services that are necessary to support a viable agricultural economy in Marin County.
24. Balance ranchers' desire for flexibility in cropping decisions with the need to not exceed impact thresholds or standards for grading quantities (e.g., terracing), irrigation, and setbacks from streams, wetlands, and other sensitive resources.
25. Support Marin Countywide Plan and Coastal Zone policies that limit residential



development on agriculturally zoned land, and limit the size of farm residences.

26. Limit development of farm dwellings and ancillary structures to clusters within 5% or less of total ranch acreage. (See Marin Countywide Plan AG-1.6).

27. To facilitate intergenerational succession on family farms in the Coastal Zone, support up to two dwellings in addition to the farmhouse per “farm tract” (defined as all contiguous lots under common ownership), as conditioned in the Land Use Plan of the Local Coastal Program, adopted August 25, 2015 by the Board of Supervisors.[\[i\]](#)

28. Support affordable, safe and healthy housing for Marin’s largely permanent farm workforce both on-farm and in nearby villages.

29. Support policies, programs and zoning that restrict subdivision of agricultural lands by requiring demonstration that longterm productivity of agricultural on each parcel created would be enhanced. (See Marin Countywide Plan AG-1.5).

30. Maintain a minimum A-60 zoning, as it has been instrumental in protecting agriculture, maintaining open space values, and preserving the rural character of West Marin.

31. Support the County of Marin’s Affirmative Agricultural Easement Program and MALT’s Mandatory Agricultural Easement Program, which are listed in the LUP of the LCP as a program to evaluate: Program C-AG-2b Option to Secure Affirmative Agricultural Easements Through Restricted Residences...etc.

32. Support small-scale diversification and value-added production (such as cheese production), and services (such as bed-and-breakfast or non-profit farm tours) consistent with County policy and code, where adverse environmental impacts can be avoided.

33. Balance development of new retail farmstands with the need to protect viewsheds and safety on Highway One.

34. Encourage internet capacity expansion in the rural areas of Marin, avoiding negative visual impacts to ridgelines and viewsheds.

35. Discourage expansion of vineyards due to their negative impacts on soils, water quantity and quality, and wildlife habitat.

36. Support prohibition of incompatible and environmentally damaging recreational uses, such as motorcycle riding and off-road biking, on agriculturally zoned land.

37. Encourage the restoration of traditional and iconic ranch structures, such as wooden barns and outbuildings, to maintain the cultural landscape of agriculture in West Marin.

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Footnote to Item #27 \_\_\_\_\_

[1] Excerpted from Land Use Plan policies C-AG-5 A. and AG-7, agricultural dwelling units, including intergenerational housing, may be permitted in C-APZ zoning districts, subject to the following conditions: dwelling units must be owned by a farmer or operator actively engaged in agricultural use of the property; no more than a combined total of 7,000 square feet (plus 540 square feet of garage space and 500 square feet of agricultural-related office space) may be permitted per farm tract; intergenerational farm homes may only be occupied by persons authorized by the farm owner or operator; a density of at least 60 acres per unit shall be required for each farmhouse and intergenerational house (i.e., at least 180 acres required for a farmhouse and two intergenerational homes); no more than 27 intergenerational homes may be allowed in the County's coastal zone; permitted development shall have no significant adverse impacts on environmental quality or natural habitats; all dwellings shall be placed within a clustered development area; and development shall be sited to minimize impacts on coastal resources and adjacent agricultural operations.

## References:

### Three Essential Documents:

#### **1. 2007 Marin Countywide Plan**

<http://www.marincounty.org/depts/cd/divisions/planning/2007-marin-countywide-plan>

#### **2. Development Code (aka Zoning Ordinance)**

[https://www.municode.com/library/ca/marin\\_county/codes/code\\_of\\_ordinances?nodeId=TIT22DECO](https://www.municode.com/library/ca/marin_county/codes/code_of_ordinances?nodeId=TIT22DECO)

### 3. Zoning Maps\*

(<http://www.marinmap.org/Html5Viewer/Index.html?viewer=mmdataviewer>)

\* MarinMap serves up County geographic data including Zoning. There doesn't seem to be a free-standing Zoning Map accessible on the web. The *MarinMap* screen shot *County Zoning* document provides a generalized picture of the Zoning, and a *MarinMap Viewer* set to Zoning can be used on the above website with the "Layers" toggled on or off as shown to get more refined information.

Hart, J. 1991. *Farming on the Edge: Saving Family Farms in Marin County, California*. University of California Press. Berkeley, CA. 174 pgs.

ICF International. 2015. *Marin County Climate Action Plan (2015 Update)*. July. (ICF 00464.13.) San Francisco. Prepared For Marin County, California.

Marin County Department of Agriculture. 2015. *2014 Marin County Livestock & Crop Report*. Marin County Department of Agriculture. Novato, California. 8 pgs.

Marin Economic Forum. 2004. *Marin County Targeted Industries Study*. Prepared for the Marin Economic Forum and The Community Development Agency by Economic Competiveness Group, Inc. San Rafael, CA. 22 pgs.

NRCS. 2015a. *Comet-Planner: Carbon and Greenhouse Gas Evaluation for NRCS Conservation Practice Planning*. USDA Natural Resources Conservation Service and Colorado State University. <http://www.comet-planner.com/>.

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## Drumm, Kristin

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**From:** Noelle Montgomery <Noelle@JanneySF.com>  
**Sent:** Thursday, April 12, 2018 12:44 PM  
**To:** MarinLCP  
**Cc:** Drumm, Kristin; Liebster, Jack  
**Subject:** April 24th Meeting of the Board of Supervisors

April 24th Meeting of the Board of Supervisors  
Local Coastal Program Amendments #3 and #7  
Noelle Montgomery - OPPOSED

Marin County Board of Supervisors  
3501 Civic Center Drive, Suite 329  
San Rafael, CA 94903

Dear President Connolly and Members of the Marin Board of Supervisors,

I write as an owner of a house in the Coastal Zone. I oppose adoption of the California Coastal Commission (CCC) staff changes to Amendment 3 and Amendment 7 in Marin's Local Coastal Program Amendments. The Board should either reject the CCC Staff's proposed language or take no action, and retain the existing Local Coastal Plan.

Both Amendment 3 and Amendment 7 contain provisions that, if adopted, would impose burdensome and impractical permitting requirements, contrary to the Coastal Act.

Amendment 7 contains provisions that primarily, if not exclusively, relate to the deferred "Environmental Hazards" issues. The Board should not now accept definitions whose meaning and purpose is understandable only in the context of Environmental Hazards provisions that are not now before the Board and not explained in the accompanying materials.

The Environmental Hazards issues were deferred because they drew substantial and broad-based opposition from Marin residents and businesses. Accepting the definitions in Amendment 7 now, out of context, would undercut fair consideration of the Environmental Hazards issues later. Since none of these provisions will go into effect until the Local Coastal Plan is complete, there is no benefit for the Board to act on them now.

Please vote no on the proposed amendments.

Respectfully Yours,  
Noelle Montgomery  
315 Seadrift Road, Stinson Beach, CA 94070

## Drumm, Kristin

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**From:** Mark Moore <Mark@horsleybridge.com>  
**Sent:** Thursday, April 12, 2018 9:55 AM  
**To:** MarinLCP  
**Cc:** Drumm, Kristin; Liebster, Jack  
**Subject:** Local Coastal Program Amendment #3 and #7 - OPPOSED

April 24th Meeting of the Board of Supervisors  
Local Coastal Program Amendments #3 and #7  
Mark Moore - OPPOSED

Marin County Board of Supervisors  
3501 Civic Center Drive, Suite 329  
San Rafael, CA 94903

Dear President Connolly and Members of the Marin Board of Supervisors,

I write as an owner of a house in the Coastal Zone. I oppose adoption of the California Coastal Commission (CCC) staff changes to Amendment 3 and Amendment 7 in Marin's Local Coastal Program Amendments. The Board should either reject the CCC Staff's proposed language or take no action, and retain the existing Local Coastal Plan.

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Please vote no on the proposed amendments.

Respectfully Yours,

Mark A. Moore  
198 Seadrift Road  
Stinson Beach

**Mark A Moore**  
HORSLEY | BRIDGE PARTNERS  
[mark@horsleybridge.com](mailto:mark@horsleybridge.com)  
Main: +1 (415) 986-7733 | Direct: +1 (415) 875-6218  
505 Montgomery Street, Floor 21  
San Francisco, CA 94111  
[www.horsleybridge.com](http://www.horsleybridge.com)

## Drumm, Kristin

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**From:** Julie Munro <juliesmunro@gmail.com>  
**Sent:** Thursday, April 12, 2018 11:02 AM  
**To:** MarinLCP  
**Cc:** Drumm, Kristin; Liebster, Jack  
**Subject:** April 24th meeting of Board of Supervisors - Please read

April 24th Meeting of the Board of Supervisors  
Local Coastal Program Amendments #3 and #7  
Julie Munro- OPPOSED

Marin County Board of Supervisors  
3501 Civic Center Drive, Suite 329  
San Rafael, CA 94903

Dear President Connolly and Members of the Marin Board of Supervisors,

I write as an owner of a house in the Coastal Zone. I oppose adoption of the California Coastal Commission (CCC) staff changes to Amendment 3 and Amendment 7 in Marin's Local Coastal Program Amendments. The Board should either reject the CCC Staff's proposed language or take no action, and retain the existing Local Coastal Plan.

Both Amendment 3 and Amendment 7 contain provisions that, if adopted, would impose burdensome and impractical permitting requirements, contrary to the Coastal Act.

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Please vote NO on the proposed amendments.

Respectfully Yours,

Julie Simon Munro

161 Seadrift Rd

Stinson Beach, CA 94970



**NORTH MARIN  
WATER DISTRICT**

April 9, 2018

999 Rush Creek Place  
P.O. Box 146  
Novato, CA 94948-0146

**PHONE**  
415.897.4133

**EMAIL**  
info@nmwd.com

**WEB**  
www.nmwd.com

Marin County Board of Supervisors  
3501 Civic Center Drive, Suite 329  
San Rafael, CA 94903

Via Electronic Mail: [BOS@marincounty.org](mailto:BOS@marincounty.org) / [marinLCP@marincounty.org](mailto:marinLCP@marincounty.org)

RE: Marin County Local Coastal Program Amendment

Dear Supervisors:

The Marin County coastal municipal water systems have unique challenges before them to ensure our communities have safe drinking water and adequate fire protection. The Coastal Permit process needs to recognize this and provide consideration to streamline the permitting process. Our water systems have aged infrastructure needing replacement, may have limited fire water storage that needs to be upgraded, and aged redwood tanks that are fire and earthquake damage prone needing replacement.

These critical lifeline infrastructure projects (and others) should have a streamlined permitting process that spends public monies effectively. Per the California Code Title 22, Division 4, under the California Environmental Quality Act, many water system projects are Categorically Exempt Class 2 or 3. It would be helpful if the Coastal Permit process mirrored the Exemptions allowed for in the CEQA process.

One particular area of concern is the replacement of redwood tanks. The 1995 Mt. Vision fire caused the redwood potable water tank (North Marin Water District service area) at the top of Drakes View Drive to be destroyed by fire. The Inverness Public Utility District has a Capital Improvement Program (CIP) to replace all six of the remaining redwood tanks with steel tanks. Similarly, the North Marin Water District has an ongoing CIP program to replace all remaining redwood tanks. There are limited tax payer monies available to provide for replacement of key infrastructure crucial to our coastal water systems. The LCP permitting process should be amended to reflect the replacement of this important infrastructure in the coastal permitting process to reduce overall project cost and schedule.

The undersigned water districts respectfully request that the Local Coastal Program amendment provide the County planners with a means to streamline the Coastal Permit process, particularly for critical lifeline infrastructure such as water systems. This would include the ability to grant a de minimis waiver if there are no adverse impacts. An exemption should allow for an increase in storage of up to 10% or that required for Marin County fire protection goals. In a high fire area, this storage is important. Fees for this permit application (if the de minimis waiver is granted) would be waived.

The current LCP updates do not address municipal public water system concerns with already overly complex and burdensome permitting requirements.

Thank you for your consideration.

Signed:

General Manager  
North Marin Water District

Muir Beach Community Services District  
Inverness Public Utility District

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DIRECTORS: JACK BAKER • RICK FRAITES • MICHAEL JOLY • STEPHEN PETTERLE • JOHN SCHOONOVER

OFFICERS: DREW MCINTYRE, General Manager • KATIE YOUNG, District Secretary • DAVID L. BENTLEY, Auditor-Controller • ROCKY VOGLER, Chief Engineer

April 24th Meeting of the Board of Supervisors  
Local Coastal Program Amendments #3 and #7  
Frank Riley Lore Ledding OPPOSED

Marin County Board of Supervisors  
3501 Civic Center Drive, Suite 329  
San Rafael, CA 94903

Dear President Connolly and Members of the Marin Board of Supervisors,

I write as an owner of a house in the Coastal Zone. I oppose adoption of the California Coastal Commission (CCC) staff changes to Amendment 3 and Amendment 7 in Marin's Local Coastal Program Amendments. The Board should either reject the CCC Staff's proposed language or take no action, and retain the existing Local Coastal Plan.

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Please vote **no** on the proposed amendments.

Respectfully Yours,

Frank Riley and Lore Ledding  
171 Dipsea Road  
Stinson Beach, CA 94970



## Drumm, Kristin

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**From:** Denise Weinstein <denisew@cpshades.com>  
**Sent:** Thursday, April 12, 2018 11:48 AM  
**To:** MarinLCP  
**Cc:** Drumm, Kristin; Liebster, Jack  
**Subject:** Opposition to CCC revisions to Marin County's Local Coastal Program

April 24th Meeting of the Board of Supervisors  
Local Coastal Program Amendments #3 and #7  
Denise and David Weinstein OPPOSED

Marin County Board of Supervisors  
3501 Civic Center Drive, Suite 329  
San Rafael, CA 94903

Dear President Connolly and Members of the Marin Board of Supervisors,

We write as owners of a house in the Coastal Zone. We oppose adoption of the California Coastal Commission (CCC) staff changes to Amendment 3 and Amendment 7 in Marin's Local Coastal Program Amendments. The Board should either reject the CCC Staff's proposed language or take no action, and retain the existing Local Coastal Plan.

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Please vote no on the proposed amendments.

Respectfully Yours,

Denise and David Weinstein  
162 Seadrift Road  
Stinson Beach, CA 94970



## **Drumm, Kristin**

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**From:** Kenny Werner <kennyw9@hotmail.com>  
**Sent:** Thursday, April 12, 2018 9:57 AM  
**To:** MarinLCP  
**Cc:** Drumm, Kristin; Liebster, Jack  
**Subject:** April 24th Board of Supervisors Meeting - LCP #3 and #7

April 24th Meeting of the Board of Supervisors  
Local Coastal Program Amendments #3 and #7  
Kenneth Werner - OPPOSED

Marin County Board of Supervisors  
3501 Civic Center Drive, Suite 329  
San Rafael, CA 94903

Dear President Connolly and Members of the Marin Board of Supervisors,

I write as an owner of a house in the Coastal Zone. I oppose adoption of the California Coastal Commission (CCC) staff changes to Amendment 3 and Amendment 7 in Marin's Local Coastal Program Amendments. The Board should either reject the CCC Staff's proposed language or take no action, and retain the existing Local Coastal Plan.

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Please vote no on the proposed amendments.

Respectfully Yours,  
Kenneth Werner  
174 Seadrift Road  
Stinson Beach, CA 94970