

# MARIN COUNTY LOCAL COASTAL PROGRAM

## Appendix

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## ARTICLE I GENERAL

### **Section 30200 Policies as standards; resolution of policy conflicts**

(a) Consistent with the coastal zone values cited in Section [30001](#) and the basic goals set forth in Section [30001.5](#), and except as may be otherwise specifically provided in this division, the policies of this chapter shall constitute the standards by which the adequacy of local coastal programs, as provided in Chapter 6 (commencing with Section [30500](#)), and, the permissibility of proposed developments subject to the provisions of this division are determined. All public agencies carrying out or supporting activities outside the coastal zone that could have a direct impact on resources within the coastal zone shall consider the effect of such actions on coastal zone resources in order to assure that these policies are achieved.

(b) Where the commission or any local government in implementing the provisions of this division identifies a conflict between the policies of this chapter, Section [30007.5](#) shall be utilized to resolve the conflict and the resolution of such conflicts shall be supported by appropriate findings setting forth the basis for the resolution of identified policy conflicts.

(Amended by Ch. 43, Stats. 1982.)

## ARTICLE 2 PUBLIC ACCESS

### **Section 30210 Access; recreational opportunities; posting**

In carrying out the requirement of [Section 4 of Article X of the California Constitution](#), maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

(Amended by Ch. 1075, Stats. 1978.)

### **Section 30211 Development not to interfere with access**

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

### **Section 30212 New development projects**

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

(b) For purposes of this section, "new development" does not include:

(1) Replacement of any structure pursuant to the provisions of subdivision (g) of Section [30610](#).

(2) The demolition and reconstruction of a single-family residence; provided, that the reconstructed residence shall not exceed either the floor area, height or bulk of the former structure by more than 10 percent, and that the reconstructed residence shall be sited in the same location on the affected property as the former structure.

(3) Improvements to any structure which do not change the intensity of its use, which do not increase either the floor area, height, or bulk of the structure by more than 10 percent, which do not block or impede public access, and which do not result in a seaward encroachment by the structure.

(4) The reconstruction or repair of any seawall; provided, however, that the reconstructed or repaired seawall is not a seaward of the location of the former structure.

(5) Any repair or maintenance activity for which the commission has determined, pursuant to Section [30610](#), that a coastal development permit will be required unless the commission determines that the activity will have an adverse impact on lateral public access along the beach.

As used in this subdivision "bulk" means total interior cubic volume as measured from the exterior surface of the structure.

(c) Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by [Sections 66478.1 to 66478.14](#), inclusive, of the Government Code and by [Section 4 of Article X of the California Constitution](#).

(Amended by: Ch. 1075, Stats. 1978; Ch. 919, Stats. 1979; Ch. 744, Stats. 1983.)

### **Section 30212.5 Public facilities; distribution**

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

### **Section 30213 Lower cost visitor and recreational facilities; encouragement and provision; overnight room rentals**

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

The commission shall not: (1) require that overnight room rentals be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private lands; or (2) establish or approve any method for the identification of low or moderate income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.

(Amended by: Ch. 1191, Stats. 1979; Ch. 1087, Stats. 1980; Ch. 1007, Stats. 1981; Ch. 285, Stats. 1991.)

### **Section 30214 Implementation of public access policies; legislative intent**

(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

(1) Topographic and geologic site characteristics.

(2) The capacity of the site to sustain use and at what level of intensity.

(3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.

(4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.

(b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to [Section 4 of Article X of the California Constitution](#). Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under [Section 4 of Article X of the California Constitution](#).

(c) In carrying out the public access policies of this article, the commission and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.

(Amended by: Ch. 919, Stats. 1979; Ch. 285, Stats. 1991.)

## **ARTICLE 3 RECREATION**

### **Section 30220 Protection of certain water-oriented activities**

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

### **Section 30221 Oceanfront land; protection for recreational use and development**

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

(Amended by Ch. 380, Stats. 1978.)

### **Section 30222 Private lands; priority of development purposes**

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

### **Section 30222.5 Oceanfront lands; aquaculture facilities; priority**

Oceanfront land that is suitable for coastal dependent aquaculture shall be protected for that use, and proposals for aquaculture facilities located on those sites shall be given priority, except over other coastal dependent developments or uses.

(Added by Ch. 1486, Stats. 1982.)

### **Section 30223 Upland areas**

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

### **Section 30224 Recreational boating use; encouragement; facilities**

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

## **ARTICLE 4 MARINE ENVIRONMENT**

### **Section 30230 Marine resources; maintenance**

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

### **Section 30231 Biological productivity; water quality**

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

### **Section 30232 Oil and hazardous substance spills**

Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

### **Section 30233 Diking, filling or dredging; continued movement of sediment and nutrients**

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

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

(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for these purposes to appropriate beaches or into suitable longshore current systems.

(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of south San Diego Bay, if otherwise in accordance with this division.

For the purposes of this section, "commercial fishing facilities in Bodega Bay" means that not less than 80 percent of all boating facilities proposed to be developed or improved, where the improvement would create additional berths in Bodega Bay, shall be designed and used for commercial fishing activities.

(d) Erosion control and flood control facilities constructed on watercourses can impede the movement of sediment and nutrients that would otherwise be carried by storm runoff into coastal waters. To facilitate the continued delivery of these sediments to the littoral zone, whenever feasible, the material removed from these facilities may be placed at appropriate points on the shoreline in accordance with other applicable provisions of this division, where feasible mitigation measures have been provided to minimize adverse environmental effects. Aspects that shall be considered before issuing a coastal development permit for these purposes are the method of placement, time of year of placement, and sensitivity of the placement area.

(Amended by: Ch. 673, Stats. 1978; Ch. 43, Stats. 1982; Ch. 1167, Stats. 1982; Ch. 454, Stats. 1983; Ch. 294, Stats. 2006.)

### **Section 30234 Commercial fishing and recreational boating facilities**

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

### **Section 30234.5 Economic, commercial, and recreational importance of fishing**

The economic, commercial, and recreational importance of fishing activities shall be recognized and protected.

(Added by Ch. 802, Stats. 1991.)

### **Section 30235 Construction altering natural shoreline**

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fishkills should be phased out or upgraded where feasible.

### **Section 30236 Water supply and flood control**



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

**Section 30237** (Repealed by Ch. 286, Stats. 2004.)

## **ARTICLE 5 LAND RESOURCES**

### **Section 30240 Environmentally sensitive habitat areas; adjacent developments**

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

(Amended by Ch. 285, Stats. 1991.)

### **Section 30241 Prime agricultural land; maintenance in agricultural production**

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

(a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.

(b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.

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

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

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

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

(Amended by: Ch. 1066, Stats. 1981; Ch. 43, Stats. 1982.)

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

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

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

(2) An analysis of the operational expenses, excluding the cost of land, associated with the production of the agricultural products grown in the area for the five years immediately preceding the date of the filing of a proposed local coastal program or an amendment to any local coastal program.

For purposes of this subdivision, "area" means a geographic area of sufficient size to provide an accurate evaluation of the economic feasibility of agricultural uses for those lands included in the local coastal program or in the proposed amendment to a certified local coastal program.

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

(Added by Ch. 259, Stats. 1984.)

#### **Section 30242 Lands suitable for agricultural use; conversion**

All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section [30250](#). Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.

#### **Section 30243 Productivity of soils and timberlands; conversions**

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

#### **Section 30244 Archaeological or paleontological resources**

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

## **ARTICLE 6 DEVELOPMENT**

### **Section 30250 Location; existing developed area**

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

(b) Where feasible, new hazardous industrial development shall be located away from existing developed areas.

(c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

(Amended by Ch. 1090, Stats. 1979.)

### **Section 30251 Scenic and visual qualities**

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

### **Section 30252 Maintenance and enhancement of public access**

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

### **Section 30253 Minimization of adverse impacts**

New development shall do all of the following:

(a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

(c) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development.

(d) Minimize energy consumption and vehicle miles traveled.

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

(Amended by Ch. 179, Stats. 2008)

#### **Section 30254 Public works facilities**

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

#### **Section 30254.5 Terms or conditions on sewage treatment plant development; prohibition**

Notwithstanding any other provision of law, the commission may not impose any term or condition on the development of any sewage treatment plant which is applicable to any future development that the commission finds can be accommodated by that plant consistent with this division. Nothing in this section modifies the provisions and requirements of Sections [30254](#) and [30412](#).

(Added by Ch. 978, Stats. 1984.)

#### **Section 30255 Priority of coastal-dependent developments**

Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland. When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support.

(Amended by Ch. 1090, Stats. 1979.)

## **ARTICLE 7 INDUSTRIAL DEVELOPMENT**

### **Section 30260 Location or expansion**

Coastal-dependent industrial facilities shall be encouraged to locate or expand within existing sites and shall be permitted reasonable long-term growth where consistent with this division. However, where new or expanded coastal-dependent industrial facilities cannot feasibly be accommodated consistent with other policies of this division, they may nonetheless be permitted in accordance with this section and Sections [30261](#) and [30262](#) if (1) alternative locations are infeasible or more environmentally damaging; (2) to do otherwise would adversely affect the public welfare; and (3) adverse environmental effects are mitigated to the maximum extent feasible.

### **Section 30261 Tanker facilities; use and design**

Multicompany use of existing and new tanker facilities shall be encouraged to the maximum extent feasible and legally permissible, except where to do so would result in increased tanker operations and associated onshore development incompatible with the land use and environmental goals for the area. New tanker terminals outside of existing terminal areas shall be situated as to avoid risk to environmentally sensitive areas and shall use a monobuoy system, unless an alternative type of system can be shown to be environmentally preferable for a specific site. Tanker facilities shall be designed to (1) minimize the total volume of oil spilled, (2) minimize the risk of collision from movement of other vessels, (3) have ready access to the most effective feasible containment and recovery equipment for oil spills, and (4) have onshore deballasting facilities to receive any fouled ballast water from tankers where operationally or legally required.

(Amended by: Ch. 855, Stats. 1977; Ch. 182, Stats. 1987.)

### **Section 30262 Oil and gas development**

a) Oil and gas development shall be permitted in accordance with Section [30260](#), if the following conditions are met:

- (1) The development is performed safely and consistent with the geologic conditions of the well site.
- (2) New or expanded facilities related to that development are consolidated, to the maximum extent feasible and legally permissible, unless consolidation will have adverse environmental consequences and will not significantly reduce the number of producing wells, support facilities, or sites required to produce the reservoir economically and with minimal environmental impacts.
- (3) Environmentally safe and feasible subsea completions are used when drilling platforms or islands would substantially degrade coastal visual qualities unless use of those structures will result in substantially less environmental risks.
- (4) Platforms or islands will not be sited where a substantial hazard to vessel traffic might result from the facility or related operations, as determined in consultation with the United States Coast Guard and the Army Corps of Engineers.
- (5) The development will not cause or contribute to subsidence hazards unless it is determined that adequate measures will be undertaken to prevent damage from such subsidence.
- (6) With respect to new facilities, all oilfield brines are reinjected into oil-producing zones unless the Division of Oil and Gas, Geothermal Resources of the Department of Conservation determines to do so would adversely affect production of the reservoirs and unless injection into other subsurface zones will

reduce environmental risks. Exceptions to reinjections will be granted consistent with the Ocean Waters Discharge Plan of the State Water Resources Control Board and where adequate provision is made for the elimination of petroleum odors and water quality problems.

(7)(A) All oil produced offshore California shall be transported onshore by pipeline only. The pipelines used to transport this oil shall utilize the best achievable technology to ensure maximum protection of public health and safety and of the integrity and productivity of terrestrial and marine ecosystems.

(B) Once oil produced offshore California is onshore, it shall be transported to processing and refining facilities by pipeline.

(C) The following guidelines shall be used when applying subparagraphs (A) and (B):

(i) "Best achievable technology," means the technology that provides the greatest degree of protection taking into consideration both of the following:

(I) Processes that are being developed, or could feasibly be developed, anywhere in the world, given overall reasonable expenditures on research and development.

(II) Processes that are currently in use anywhere in the world. This clause is not intended to create any conflicting or duplicative regulation of pipelines, including those governing the transportation of oil produced from onshore reserves.

(ii) "Oil" refers to crude oil before it is refined into products, including gasoline, bunker fuel, lubricants, and asphalt. Crude oil that is upgraded in quality through residue reduction or other means shall be transported as provided in subparagraphs (A) and (B).

(iii) Subparagraphs (A) and (B) shall apply only to new or expanded oil extraction operations. "New extraction operations" means production of offshore oil from leases that did not exist or had never produced oil, as of January 1, 2003, or from platforms, drilling island, subsea completions, or onshore drilling sites, that did not exist as of January 1, 2003. "Expanded oil extraction" means an increase in the geographic extent of existing leases or units, including lease boundary adjustments, or an increase in the number of well heads, on or after January 1, 2003.

(iv) For new or expanded oil extraction operations subject to clause (iii), if the crude oil is so highly viscous that pipelining is determined to be an infeasible mode of transportation, or where there is no feasible access to a pipeline, shipment of crude oil may be permitted over land by other modes of transportation, including trains or trucks, which meet all applicable rules and regulations, excluding any waterborne mode of transport.

(8) If a state of emergency is declared by the Governor for an emergency that disrupts the transportation of oil by pipeline, oil may be transported by a waterborne vessel, if authorized by permit, in the same manner as required by emergency permits that are issued pursuant to Section [30624](#).

(9) In addition to all other measures that will maximize the protection of marine habitat and environmental quality, when an offshore well is abandoned, the best achievable technology shall be used.

b) Where appropriate, monitoring programs to record land surface and near-shore ocean floor movements shall be initiated in locations of new large-scale fluid extraction on land or near shore before operations begin and shall continue until surface conditions have stabilized. Costs of monitoring and mitigation programs shall be borne by liquid and gas extraction operators.

c) Nothing in this section shall affect the activities of any state agency that is responsible for regulating the extraction, production, or transport of oil and gas.

(Amended by Ch. 420, Stats. 2003)

### **Section 30263 Refineries or petrochemical facilities**

(a) New or expanded refineries or petrochemical facilities not otherwise consistent with the provisions of this division shall be permitted if (1) alternative locations are not feasible or are more environmentally damaging; (2) adverse environmental effects are mitigated to the maximum extent feasible; (3) it is found that not permitting such development would adversely affect the public welfare; (4) the facility is not located in a highly scenic or seismically hazardous area, on any of the Channel Islands, or within or contiguous to environmentally sensitive areas; and (5) the facility is sited so as to provide a sufficient buffer area to minimize adverse impacts on surrounding property.

(b) New or expanded refineries or petrochemical facilities shall minimize the need for once-through cooling by using air cooling to the maximum extent feasible and by using treated waste waters from inplant processes where feasible.

(Amended by Ch. 535, Stats. 1991)

### **Section 30264 Thermal electric generating plants**

Notwithstanding any other provision of this division, except subdivisions (b) and (c) of [Section 30413](#), new or expanded thermal electric generating plants may be constructed in the coastal zone if the proposed coastal site has been determined by the State Energy Resources Conservation and Development Commission to have greater relative merit pursuant to the provisions of [Section 25516.1](#) than available alternative sites and related facilities for an applicant's service area which have been determined to be acceptable pursuant to the provisions of [Section 25516](#).

### **Section 30265 Legislative findings and declarations; offshore oil transportation**

The Legislature finds and declares all of the following:

(a) Transportation studies have concluded that pipeline transport of oil is generally both economically feasible and environmentally preferable to other forms of crude oil transport.

(b) Oil companies have proposed to build a pipeline to transport offshore crude oil from central California to southern California refineries, and to transport offshore oil to out-of-state refiners.

(c) California refineries would need to be retrofitted if California offshore crude oil were to be used directly as a major feedstock. Refinery modifications may delay achievement of air quality goals in the southern California air basin and other regions of the state.

(d) The County of Santa Barbara has issued an Oil Transportation Plan which assesses the environmental and economic differences among various methods for transporting crude oil from offshore California to refineries.

(e) The Governor should help coordinate decisions concerning the transport and refining of offshore oil in a manner that considers state and local studies undertaken to date, that fully addresses the concerns of all affected regions, and that promotes the greatest benefits to the people of the state.

(Added by Ch. 1398, Stats. 1984; amended by Ch. 294, Stats. 2006.)



**Section 30265.5 Governor or designee; coordination of activities concerning offshore oil transport and refining; duties**

(a) The Governor, or the Governor's designee, shall coordinate activities concerning the transport and refining of offshore oil. Coordination efforts shall consider public health risks, the ability to achieve short- and long-term air emission reduction goals, the potential for reducing California's vulnerability and dependence on oil imports, economic development and jobs, and other factors deemed important by the Governor, or the Governor's designees.

(b) The Governor, or the Governor's designee, shall work with state and local agencies, and the public, to facilitate the transport and refining of offshore oil in a manner which will promote the greatest public health and environmental and economic benefits to the people of the State.

(c) The Governor, or the Governor's designee, shall consult with any individual or organization having knowledge in this area, including, but not limited to, representatives from the following:

- (1) State Energy Resources Conservation and Development Commission
- (2) State Air Resources Board
- (3) California Coastal Commission
- (4) Department of Fish and Game
- (5) State Lands Commission
- (6) Public Utilities Commission
- (7) Santa Barbara County
- (8) Santa Barbara County Air Pollution Control District
- (9) Southern California Association of Governments
- (10) South Coast Air Quality Management Districts
- (11) Oil industry
- (12) Public interest groups
- (13) United States Department of the Interior
- (14) United States Department of Energy
- (15) United States Environmental Protection Agency
- (16) National Oceanic and Atmospheric Administration
- (17) United States Coast Guard

(d) This act is not intended, and shall not be construed, to decrease, duplicate, or supersede the jurisdiction, authority, or responsibilities of any local government, or any state agency or commission, to discharge its responsibilities concerning the transportation and refining of oil.

(Added by Ch. 1398, Stats. 1984.)

## **Appendix 2: Local Coastal Program Framework**

### **COASTAL DEVELOPMENT APPROVAL PROCESS IN DETAIL**

#### **1.1 What is the local coastal program?**

The law known as the California Coastal Act of 1976 requires each coastal city and county to prepare a local coastal program that establishes the kind, location, and intensity of land and water uses appropriate to its portion of the coastal zone. A local coastal program, or LCP, consists of a local government's land use plan and land use map, zoning ordinance and zoning district maps, and other implementing measures that carry out the LCP's purpose.

*The Calif. Coastal Act of 1976 is part of the state's Public Resources Code, beginning at section 30000*

The two primary components of the LCP are the land use plan, or LUP, and the zoning/implementation plan, or IP. The LUP contains a set of written policies that provide direction for decision-makers, property owners, and the public regarding the types and intensities of land uses that are most suited to each coastal area. The LUP also includes a land use map that shows generally the uses that are appropriate in each area, maps of sensitive biological resources, and maps of other coastal resources, as appropriate, such as coastal public accessways. Some cities and counties have opted to divide their coastal area for planning purposes into more than one geographic "segment"; Marin County's original local coastal program included two LUPs, one for the southern part of the coastal zone ("Unit 1") and one for the northern part ("Unit 2").

The zoning/implementation plan, or IP, includes the relevant portions of the local government's zoning code, which regulates land uses and establishes appropriate height, bulk, and setback requirements for structures, as well as specific standards which carry out land use plan policies. The IP also contains zoning maps that show which zoning rules apply to each lot. In addition, the IP contains procedural requirements that govern which types of projects require a Coastal Permit, how a Coastal Permit can be obtained, and the opportunities for public participation in Coastal Permit review.

*Interim Chapters 22.56 and 22.57 of Title 22 of the Marin County Code are the primary components of the existing LCP zoning/IP; Article V of the Marin County Development Code is the primary component of the updated zoning/IP*

A third document related to the local coastal program is a set of procedural documents intended to assist property owners and the public in understanding the day-to-day application of the LCP. These procedures, called here the "administrative manual," include Coastal Permit application forms, the "categorical exclusion orders" that define certain types of projects that are exempt from Coastal Permits, and a chart that summarizes Coastal Permit requirements and exemptions. The

administrative manual is not, in itself, a part of the LCP, although it reflects LCP requirements.

When reviewing a local coastal program submittal, the Coastal Commission votes separately on the two components of the LCP, first on the LUP, and then on the IP. The Coastal Commission staff prepares a written recommendation on each component of the LCP for review by the Commission, the County, and members of the public. Under the Coastal Act, in order to certify the local coastal program the Coastal Commission must determine (1) that the land use plan conforms with the requirements of Chapter 3 of the Coastal Act, and (2) that the zoning and implementation provisions are consistent with, and adequate to carry out, the land use plan policies. In other words, for each land use plan policy, there must be zoning or other implementing measures that reflect that policy and ensure that it will be applied to coastal projects. The overall intent of the LCP structure is that Coastal Permit decisions, and more specifically the land development and other projects that they authorize, will reflect the goals and objectives of the local coastal program. Once approved, the local coastal program (including LUP and IP components) remains unchanged, unless and until the County adopts and the Coastal Commission subsequently certifies amendment(s) to it.

*Under CEQA, the Secretary of Resources may certify a regulatory program of a state agency as exempt from the preparation of an Environmental Impact Report (EIR) if the agency's program provides sufficient environmental information; see Public Resources Code section 21080.5*

Pursuant to the California Environmental Quality Act (CEQA), land use plans and zoning ordinances adopted by counties and cities are typically accompanied by environmental review documents, such as an Environmental Impact Report (EIR). Local coastal programs are also subject to CEQA but environmental documentation takes place in a different manner. The California Secretary for Resources has determined that the Coastal Commission's process of reviewing and adopting local coastal programs itself provides the consideration of environmental impacts, project alternatives, and mitigation measures required by CEQA, and is legally the "functional equivalent" of the documentation provided in an EIR or negative declaration. For instance, the Coastal Commission's published reports and findings supporting its action on a local coastal program must contain a discussion of environmental impacts, project alternatives, and suitable mitigation measures, as appropriate. The County's LCP update process has addressed CEQA requirements in a way that supports the "functional equivalency" provision, and therefore a separate environmental review document has not been prepared for the local coastal program.

*Chapter 3 of the Coastal Act begins at Public Resources Code section 30200*

Local coastal program policies, in turn, are intended to reflect and carry out the coastal resource protection provisions of the Coastal Act of 1976. Those policies are contained in Chapter 3 of the Coastal Act. Among the Chapter 3 policies are those that encourage the provision of public access to and along the shoreline; the LCP is required to have an identifiable

“public access component” in order to address existing and proposed opportunities for the public to get to the shore.

## **1.2 What is the coastal zone?**

The “coastal zone” is the geographic area to which the policies of the Coastal Act apply. The coastal zone is defined by the Coastal Act of 1976 and is shown on a set of maps prepared by the California Coastal Commission. In Marin County, the coastal zone extends the length of the County, a distance of some 70 miles, from the Sonoma County line to near Point Bonita, west of the Golden Gate Bridge. The coastal zone extends seaward a distance of three miles, which is the extent of California’s state waters. The coastal zone extends landward a variable distance, depending on topography. Because the coastal zone is defined by law, changes to it can be made only by the Legislature (except for certain specified minor changes, such as to avoid bisecting a lot, that the Coastal Commission may approve).

*California’s coastal zone is defined by Public Resources Code section 30103. In Marin County, the coastal zone is similar to, but not the same as, the coastal corridor designated by the Countywide Plan*

In the vicinity of the Estero Americano and Estero de San Antonio, in the northwest part of the County, the coastal zone extends up to 5 miles inland. The coastal zone also includes both sides of Tomales Bay, the perimeter of the Point Reyes Peninsula, and the shoreline south to a point outside the Golden Gate. The coastal zone does not include the portions of Marin County that adjoin San Francisco Bay. Within Marin County’s coastal zone are the communities of Dillon Beach, Oceana Marin, Tomales, Marshall, Point Reyes Station, Inverness, Olema, Bolinas, Stinson Beach, and Muir Beach.

For regulatory purposes, federal lands, such as those within the Point Reyes National Seashore and the Golden Gate National Recreation Area, are not technically within the coastal zone. Land use decisions on federal lands are generally subject to a type of Coastal Commission jurisdiction known as “federal consistency review.” The Coastal Commission has the authority, under federal laws and rules, to determine whether certain federal actions are consistent with California’s federally recognized coastal management program. The policies of the certified local coastal program provide guidance to the Coastal Commission in making federal consistency decisions.

## **1.3 What is a “Coastal Permit”?**

After Marin County’s local coastal program was initially approved by the Coastal Commission, a process known as “certification”, in 1980/81, the County took on responsibility for reviewing and issuing Coastal Permits

*“Development” is defined in the Coastal Act by Public Resources Code section 30106.*

*See the “flow charts” that follow this discussion for an illustration of the Coastal Permit review process.*

for development within its jurisdiction area. Coastal Permits are required for activities defined as “development” by the Coastal Act, unless otherwise exempted. While the County reviews Coastal Permit applications for proposed development in most areas of the coastal zone, the Coastal Commission retains permanent jurisdiction (also known as “original jurisdiction”) even after LCP certification over developments on tidelands, submerged lands, and public trust lands. For example, the Coastal Commission reviews Coastal Permit applications for construction of mariculture facilities located in Tomales Bay, using the LCP’s mariculture policies for guidance.

The Coastal Commission also exercises appeal jurisdiction over certain Coastal Permit applications reviewed by Marin County. There are two kinds of “appealable” development projects. One kind consists of projects located within a geographic appeals area defined by the Coastal Act (generally, that area located between the Pacific Ocean, including Tomales Bay, and the first public road paralleling the ocean, in addition to areas near streams and wetlands). Some of these geographic appeals areas are shown on maps adopted by the Coastal Commission. (*Note: Not all geographic areas are, or can be, reflected on maps.*) The second kind of appealable development consists of projects, regardless of location, that are not listed in the County’s certified coastal zoning code as the “principal permitted use” within the applicable zone district. Thirdly, major public works and major energy facilities are appealable to the Coastal Commission.

*See Public Resources Code section 30603 regarding appeals to the Coastal Commission.*

In most cases only those projects that have been approved, rather than denied, by the County can be appealed to the Coastal Commission. Furthermore, the Coastal Commission requires generally that all appealable developments be afforded a public hearing by the County decision maker(s), or at least the opportunity for a public hearing, if requested by an interested party. In general, the Coastal Commission requires that all opportunities for local appeal be “exhausted” (that is, taken through all available levels), prior to the filing of an appeal with the Coastal Commission. However, if the County charges an appeals fee, then a prospective appellant may file an appeal directly with the Coastal Commission (which charges no appeals fee, unless the appeal is determined to be “frivolous”).

*Relatively few Coastal Permits have been appealed to the California Coastal Commission; records of some 2,100 Coastal Permits acted on by Marin County from 1982 to 2009 show fewer than 10 appeals to the Coastal Commission*

When the Coastal Commission considers an appeal of a Coastal Permit decision made by the County, the Local Coastal Program provides the “standard of review” against which the proposed development is considered. The Marin County LCP thus forms the basis for both the County’s initial decision on the project and, should the project be appealed to the Coastal Commission, for any subsequent decision the Coastal Commission might make on the project. Furthermore, to approve a

development on a site located between the sea and the nearest public road, the County (or the Coastal Commission, if the project has been appealed to that body) must make an additional specific finding that the project is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act.

The Coastal Act offers the option of “consolidated review” for any single project that requires both a Coastal Permit from Marin County and a Coastal Permit from the Coastal Commission. Such a case can arise for a project site located near the shoreline, for instance, where part of the project is in the Coastal Commission’s “original jurisdiction” area, while the remainder is in the County’s jurisdiction area. If the applicant, the County, and the Coastal Commission (through its executive director) agree, then the Coastal Commission may process and act upon a consolidated coastal development permit. Doing so would result in an applicant needing only one, rather than two separate, Coastal Permits. The standard of review for a consolidated Coastal Permit is Chapter 3 of the Coastal Act, with the Local Coastal Program used as guidance.

*See Public Resources Code section 30601.3 for more on “consolidated permit” review.*

#### **1.4 Brief History of the Marin County Local Coastal Program**

Marin County’s local coastal program (LCP) took effect on May 13, 1982. The County elected to prepare the LCP land use plan in two geographic parts. The Board of Supervisors approved the plan for the southern portion of the coastal zone, known as Unit 1, on August 21, 1979. Unit 2, the plan for the northern part of the coastal zone (including agriculture policies for all of the County’s coastal zone), was approved by the Board of Supervisors on December 9, 1980. Following completion of the Unit 1 and Unit 2 plans and their approval by the Coastal Commission, the County prepared zoning and implementing provisions for its entire coastal zone area. Upon final approval by the Coastal Commission, the County took over responsibility for reviewing coastal permits.

*The Marin County LCP, which took effect in 1982, included the Unit 1 and Unit 2 land use plans, along with Chapters 22.56 and 22.57 of the Marin County Code and applicable zone district maps*

##### **a) Local Coastal Program Amendments**

Some fifteen amendments to the original LCP were adopted between 1982 and 2008. These amendments include some of very limited scope, such as those that simply modified the potentially allowable use of a particular lot, as well as others with broader effects, changing land use policies throughout the County’s coastal zone or incorporating certain community plans into the LCP.

##### **b) Categorical Exclusion Orders**

*“Categorical exclusion orders” are authorized by the Calif. Coastal Act; see Public Resources Code section 30610(e). Preparation and approval of categorical exclusion orders is optional under the Coastal Act, not required*

In addition to “certifying” the LCP in 1982, the Coastal Commission approved three related documents known as “categorical exclusion orders.” These documents are mechanisms by which the Coastal Commission has “excluded” certain categories of development, in specified locations, from the requirement to obtain a Coastal Permit that would otherwise apply. Marin County’s categorical exclusion orders (#E-81-2, E-81-6, and E-82-6) cover certain agriculturally-related developments, lot line adjustments, signs, single-family residences within specified and mapped portions of Dillon Beach, Oceana Marin, Tomales, Point Reyes Station, and Olema, and certain additions to single-family residences. For instance, in many cases, an addition to a single-family residence of less than 50 percent of the floor area of the dwelling before the addition, or 1,000 square feet, whichever is less, is excluded from a Coastal Permit. The exclusion of these developments from the Coastal Permit requirement resulted from a determination by the Coastal Commission that the specified developments would have no potential for significant adverse effects, either individually or cumulatively, on coastal resources.

The categorical exclusion orders that apply to Marin County are separate from the LCP. These orders were adopted by the Coastal Commission under a different type of review (including environmental review) than the LCP itself. For instance, preparation of the LCP is subject to the “functional equivalency” provisions of the California Environmental Quality Act (CEQA) and accompanying regulations, which provide that the Coastal Commission’s process of review and approval satisfies environmental review requirements, without preparation of a separate Environmental Impact Report (EIR). By contrast, preparation of a categorical exclusion order is not subject to the “functional equivalency” provision, and therefore must be accompanied by an Environmental Impact Report or negative declaration, as appropriate. Although the provisions of the LCP have been updated through amendments, no change has been made to the categorical exclusion orders. They continue to apply to the specified types of development, just as they did in 1981 and 1982 when approved by the Coastal Commission. For ease of administration, the categorical exclusion orders have been referenced in the LCP, including in the “administrative manual.”

*Public Resources Code section 30213, as amended, addresses “lower cost visitor and recreational facilities” but not housing facilities; Public Resources Code section 30007 provides that nothing in the Coastal Act exempts local governments from meeting other housing requirements*

**c) Affordable housing provisions**

As originally adopted in 1976, the Coastal Act contained a policy providing that housing opportunities for persons of low and moderate income shall be protected, encouraged, and where feasible, provided. The original Marin County LCP, which was prepared while that policy was in effect, contains related provisions (for instance, see pages 56 and 66 in the Unit 1 land use plan. Later, the Coastal Act was amended by the

Legislature to remove the requirement regarding housing opportunities in the coastal zone for persons of low and moderate income, while at the same time providing that nothing in the Coastal Act “shall exempt local governments from meeting the requirements of state and federal law with respect to providing low- and moderate-income housing...” In other words, the Coastal Act does not contain housing policies that are specific to the coastal zone; instead, coastal cities and counties, along with other jurisdictions, must comply with applicable housing requirements. (See section 1.5, part (g) below for more on LCP housing provisions.)

**d) LCP update process: 2008–2011 (and beyond)**

The Planning Commission and staff of the Community Development Agency re-initiated efforts to revise the County’s LCP in the early 2000s. The purpose of this revision has been to gather comments from residents of the County’s coastal communities, members of the public, and Coastal Commission staff regarding the existing Unit 1 and Unit 2 LCPs. The LCP revision process has also provided an opportunity to see how changed conditions since 1982 might be addressed by the plan. Those who have commented on the LCP revision have noted that, in many respects, the LCP originally certified by the Coastal Commission in 1982 has served the County and its coastal resources very well. Amendments to the LCP that are reflected in this document, therefore, are intended to be primarily incremental in nature, while maintaining the plan’s strong emphasis on protecting Marin County’s outstanding coastal resources, agricultural activities, the natural environment, distinctive communities, and opportunities for public recreation.

Several public workshops were conducted by the Planning Commission during 2009 and 2010. Each workshop has focused on one or more LCP topics, such as community development, water quality, and environmental hazards. Direction provided by the Planning Commission as a result of these workshops has led to creation of the draft Land Use Plan (LUP) and Zoning/Implementing Program (IP), which will undergo additional public review and action by the Planning Commission and Board of Supervisors. Ultimately, the updated LCP will be submitted to the Coastal Commission for review and approval.

One goal of the LCP update is to smooth implementation by creating a single LUP in place of the separate Unit 1 and Unit 2 documents. All of the topics addressed by Units 1 and 2 are covered in the updated LCP, but are organized into groups reflecting the Elements of the Countywide Plan, adopted in 2007. Portions of the Marin County Development Code serve as the primary implementing mechanisms for the revised LCP. Because Coastal Act requirements are in some cases different from those that apply to the Countywide Plan, LCP provisions that apply to wetlands and

*The amended Marin County Local Coastal Program consists of:*

- 1. The land use plan (text, land use map, and resource maps)*
- 2. Implementing Program/Zoning (Development Code provisions and zone district maps)*



streams, for instance, reflect some differences from Countywide Plan policies. In the coastal zone, development must meet the requirements of the LCP.

### **1.5 How does the Marin County local coastal program guide development?**

*The definition of “development” is contained in Public Resources Code section 30106*

The concept of “development” is a key element in the way that the local coastal program is used to guide permit decisions regarding proposed projects in the coastal zone. “Development,” as defined in the Coastal Act, is a broadly inclusive term, encompassing not only construction of residences, commercial projects, and other buildings, but also changes in the nature or intensity of use of land or existing buildings, as well as land divisions and certain other activities. Developments undertaken by public entities, including the County and community service/utility districts, as well as by state agencies such as Caltrans and California State Parks, are generally subject to Coastal Permit requirements.<sup>1</sup>

*See Public Resources Code section 30610 for the authority for exclusions and exemptions from Coastal Permit requirements; see also section 30600(e) for additional Coastal Permit exemptions that apply to certain highway and public works projects*

Although many construction and other projects constitute “development,” the Coastal Act also provides authority for certain exemptions and exclusions from Coastal Permit requirements. For instance, the definition of “development” specifically excludes the harvesting of agricultural crops from any requirement to obtain a Coastal Permit. The Coastal Act and accompanying regulations provide that certain repair and maintenance projects and other improvements to existing structures, including single-family residences, are exempt from Coastal Permit requirements. Furthermore, certain emergency response activities, including those undertaken by a public agency to keep a road open following a landslide or other disaster, are exempt from ordinary Coastal Permit requirements. If not exempt or excluded in one way or another, “development” requires approval of a Coastal Permit.

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<sup>1</sup> "Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511). As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line. (*Public Resources Code section 30106*)

Replacement of a structure, other than a public works facility, that is destroyed by a disaster is exempt from a Coastal Permit in many cases. The criteria for the Coastal Permit exemption are stated in the Coastal Act, and they provide generally that, to be exempt, a replacement structure must be constructed for the same use as the destroyed structure, be in the same location, and be approximately the same size. A replacement structure that would not meet the specified criteria may also be proposed, such as a replacement structure to be re-sited to a different place on the property, but the project then would be subject to the regular Coastal Permit process rather than an exemption. In any event, other County requirements, such as for a building permit, remain in effect regardless of the Coastal Permit exemption.

*Public Resources Code section 30610(g) addresses replacement of structures destroyed by a disaster; “disaster” is defined as “any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owner”*

Yet another exemption from the requirement to obtain a Coastal Permit for development applies to projects identified by the Coastal Commission in what are known as “categorical exclusion orders.” (See Section 1.4.b above)

**a) Coastal Permit Review.** The Community Development Agency (CDA) is responsible for the review of Coastal Permit applications for proposed developments within Marin County’s jurisdiction area. (As noted in section 1.3 above, the Coastal Commission is responsible for the review of developments on tidelands and other areas within its permanent jurisdiction area.) Activities that require a Coastal Permit often require one or more other types of zoning or development approval from the Community Development Agency under the Development Code or other County codes. If more than one type of permit is required, the permits are ordinarily processed simultaneously.

When a building project or other activity is brought to the attention of the Community Development Agency, questions that must be addressed include: is the project site within the coastal zone (see section 1.2 above)? If so, is the project site within the County’s, or the Coastal Commission’s, Coastal Permit jurisdiction area? Does the activity constitute a “development”? If so, is the activity exempt by law, regulation, or otherwise from the requirement of obtaining a Coastal Permit? For instance, is the activity addressed by a Categorical Exclusion Order?

An additional question must be answered in order to process a Coastal Permit application: is the project potentially appealable to the Coastal Commission (see section 1.3 above)? As noted above, if the project is appealable to the Coastal Commission, then the application must be scheduled for a public hearing, or in some cases the opportunity for a public hearing must be offered, if requested by an interested party.

*The Coastal Act's Coastal Permit requirements for additions to existing single-family residences are addressed by Public Resources Code section 30610(a), and accompanying Coastal Commission regulations are at section 13250 (Title 14, Division 5.5).*

*"De minimis permit waivers" are addressed by Public Resources Code section 30624.7 and the Coastal Commission's regulations at section 13238 (Title 14, Division 5.5).*

The answers to the questions listed above depend upon the nature of the proposed activity, as well as upon its precise location. For instance, a proposed improvement to an existing single-family residence, such as an expanded kitchen, is exempt from a Coastal Permit in most locations, but not if the site is within 50 feet of the edge of a coastal bluff. To be exempt from a Coastal Permit under a Categorical Exclusion Order, both the nature and the location of the proposed project must qualify under the terms of the order (developments of any type located on parcels adjacent to a beach or to the sea, for instance, are not categorically excluded).

If an activity is determined to require a Coastal Permit, then the applicant must submit a Coastal Permit application. The application may be processed in one of several different ways, depending on the nature and location of the project. A simple project that can be determined to have no impacts, or only minimal impacts, upon coastal resources or public access to the coast may be granted a "de minimis waiver." A de minimis waiver is a type of Coastal Permit to which no conditions of approval are attached; the project is simply approved, as is, by staff of the Community Development Agency. *[Note that the de minimis waiver procedure was not part of Marin County's original 1982 local coastal program. Instead, the de minimis waiver procedure is a "streamlining" measure that is anticipated to be included in the draft updated LCP.]*

If conditions of approval are appropriate (and therefore the proposed project does not qualify for a de minimis waiver), then a Coastal Permit is required. A Coastal Permit may, in some cases, be approved administratively, without a public hearing, by the Director of the Community Development Agency. Because no local public hearing is held, an administrative permit is suitable only for a project which is not potentially appealable to the Coastal Commission, because the Coastal Commission requires that a project appealed to that body should first have been afforded a public hearing before the County decision-maker(s).

If a public hearing is required, such as for an appealable project, then the hearing is scheduled in order to allow input from members of the community and the general public prior to a decision on the application. Public hearings on Coastal Permit applications are held by the Deputy Zoning Administrator, whose permit decisions are appealable first to the Planning Commission and subsequently to the Board of Supervisors. Public hearings can also be held by the Planning Commission with the decisions appealable to the Board of Supervisors.

A streamlining measure that was not available in 1982 when the County's original local coastal program was approved applies to proposed development that, although appealable to the Coastal Commission, is

defined by the Coastal Act as a “minor development.” A “minor development” is one that the County determines is consistent with the local coastal program, requires no discretionary approvals other than a Coastal Permit, and would have no adverse effects on coastal resources or public access to the coast. A Coastal Project that would meet that definition but would require a public hearing because it could be appealed to the Coastal Commission can be processed expeditiously through use of a “public hearing waiver.” In such a case, public notice is provided to neighboring property owners and others who may have an interest in the project, alerting them that a public hearing will be scheduled only if requested by one of them. Notice of the potential “public hearing waiver” must be provided to all the same persons that would be notified if a public hearing were actually scheduled. If no one requests a public hearing, then the hearing requirement is simply waived, and the Community Development Agency proceeds to take action on the Coastal Permit application.

Coastal Permit decisions are made by the County only after the permit application is determined to be complete and the appropriate type of Coastal Permit action is selected, as described above. The Zoning/Development Application Submittal Guide provided by the Community Development Agency explains the submittal requirements for various types of permits, including Coastal Permits. The submittal requirements typically include plans and other materials that explain the proposed project; other submittal requirements reflect specific policies of the local coastal program, such as the need in some cases for the County to obtain a biological survey paid for by the applicant to document sensitive biological resources that could be affected by a project.

A Coastal Permit decision is supported by a completed application, project plans, and other file materials, as well as (except in the case of a de minimis waiver) a written staff report that describes the proposed project and its relationship to applicable LCP provisions. A decision on the Coastal Permit application, which follows the conclusion of the public hearing, if held, includes “findings” that explain how the proposed project does or does not comply with LCP provisions. Those provisions include both applicable policies of the land use plan and provisions of the appropriate sections of the County Code that have been approved as part of the LCP. Coastal Permit findings address only LCP requirements; the relationship of a proposed project to the Countywide Plan, community plans that are not incorporated in the LCP, or other plans is documented elsewhere. If necessary to ensure that a proposed project will be consistent during and after construction with LCP requirements, conditions of approval may be adopted.

Decisions of the Deputy Zoning Administrator may be appealed to the Planning Commission and the Board of Supervisors. Furthermore, as described above, certain Coastal Permit decisions may be appealed to the California Coastal Commission.

*“Emergency” means:  
“a sudden, unexpected  
occurrence demanding  
immediate action to  
prevent or mitigate loss  
or damage to life, health,  
property, or essential  
public services.”  
(section 13329, Coastal  
Commission regulations)*

**b) Emergency Coastal Permits.** The Coastal Act provides for two kinds of response to an emergency. First, when there is insufficient time to issue a regular or administrative Coastal Permit for a development required to respond to an emergency, the Community Development Agency Director or designated official may grant an emergency permit upon reasonable terms and conditions. For instance, where storm-related erosion threatens a structure with collapse, a property owner might seek an emergency permit to strengthen the building’s foundation. Ordinarily, an emergency permit of this type includes an expiration date and a requirement that a “follow-up” Coastal Permit be obtained, in order to authorize development on a permanent basis. The follow-up Coastal Permit is subject to requirements for public notice, a public hearing if required, and other procedures that are ordinarily followed for non-emergency Coastal Permits.

*Emergency permits are  
authorized by Public  
Resources Code section  
30624; the “emergency  
permit waiver” is  
authorized by Public  
Resources Code section  
30611.*

A second type of emergency response applies only to the provision of public services. When immediate action by a person or public agency performing a public service is required to protect life and public property from imminent danger, or to restore, repair, or maintain public works, utilities, or services, or in other cases of emergency, the requirement of obtaining a Coastal Permit may be waived upon notification of the Executive Director of the Coastal Commission. This type of emergency response does not authorize the permanent erection of major structures.

**c) “Non-coastal” development permits.** The Development Code, Title 22 of the Marin County Code, provides requirements for the development and use of private and public land, buildings, and structures within Marin County. Additional requirements affecting development and the use of property are contained in other sections of the Marin County Code, such as Title 23 (Natural Resources) and Title 24 (Development Standards). These provisions protect the health and welfare of Marin County residents and the general public and are based on laws and regulations other than the California Coastal Act of 1976, which authorizes the issuance of Coastal Permits. Although a Coastal Permit and other County permits needed for a particular project are generally processed at the same time, the permits are distinct. The standards applied to the permits are different, review procedures are different, and appeal procedures are different.

Design Review is a type of County development review that is separate from Coastal Permit review. Plans and proposals for physical

*Design Review  
procedures are  
contained in Chapter  
22.42 of the  
Development Code  
(Marin County Code  
Title 22)*

improvements are scrutinized as a means of assuring that, for instance, the exterior appearance of a proposed structure, landscaping, parking, and signs, will be compatible with the design, scale, and context of surrounding properties. Although the objective of Design Review may be similar to the objective of the local coastal program with respect to assuring compatibility of appearance, Design Review is a separate process. The standards applied to the Design Review of a proposed project are those contained in the Countywide Plan and the applicable community plan, whereas the standards applied to the review of a Coastal Permit are those contained in the local coastal program. Moreover, in the event that a County-approved Coastal Permit is appealed to the California Coastal Commission, that body would look only at local coastal program standards in reviewing the appeal, and not the provisions of the Countywide Plan and community plan.

Master Plans, Precise Development Plans, and Use Permits are other examples of County entitlements that are separate from Coastal Permits. Each type of entitlement has its own standards and procedures under the Marin County Code. Each is separate from Coastal Permit requirements.

Under the California Government Code, variances from standards of the Marin County Development Code may be granted due to special circumstances applicable to a property, including size, shape, topography, or surroundings of a lot, when the strict application of the Development Code would deny the property owner privileges enjoyed by other property owners in the vicinity and under an identical zoning district. Coastal Permit Variances provide relief from standards relating to height, floor area ratio, and setbacks. Coastal Permit Variances cannot be granted for relief from LCP policies, use limitations, or minimum lot size and density requirements.

**d) Pre-existing development.** Existing structures and land uses generally do not require a Coastal Permit to continue in existence. Structures and land uses legally in existence now and that were already in existence before February 1, 1973, when the predecessor statute to the Coastal Act of 1976 took effect, are generally considered to be “grandfathered,” and thus do not require Coastal Permit approval to continue in place. However, any person claiming a vested right in a development and who wishes to be exempt from the permit requirements of the Coastal Act must substantiate that claim in a proceeding before the Coastal Commission.

A structure or new land use that came into existence on or after February 1, 1973, on the other hand, should have been authorized by a Coastal Permit, unless specifically exempted, either from the California Coastal Commission or the County of Marin. If no Coastal Permit was ever issued

for a development that came into existence on or after February 1, 1973, even if the project was authorized by building permits or other land use entitlements at the time, then an “after-the-fact” Coastal Permit is ordinarily required or, in some cases, removal of the development. The determination of whether a Coastal Permit is required in any given case depends on the facts of the particular case.

**e) Areas of deferred certification.** Certain coastal areas located within a county or city jurisdiction area are known as “areas of deferred certification” (ADCs). Such geographic areas are not considered by the Coastal Commission to be part of the final, certified local coastal program, even while surrounded by other areas that are addressed by the LCP. The creation of an ADC results generally from a lack of agreement between the Coastal Commission and a county or city regarding the local coastal program policies or zoning provisions that should apply to a specific geographic area. Certification by the Coastal Commission of the remainder of the LCP jurisdiction area may occur, while the site of the disagreement remains “uncertified.”

In Marin County’s original local coastal program, there is one ADC, namely the row of lots on the north side of Calle del Arroyo, adjoining Bolinas Lagoon in Stinson Beach. Those lots are considered to be an “area of deferred certification” stemming from the County’s approval of the LCP in the early 1980s and disagreement with the Coastal Commission over appropriate zoning designation for those parcels. Consequently, those lots were not considered part of the certified local coastal program, and any proposal to develop them would require Coastal Permit review by the Coastal Commission, rather than the County.

**f) Community plans.** Community plans are considered part of the Marin Countywide Plan. Community plans supplement the Countywide Plan by providing local goals and objectives that pertain to an individual community. Such plans are typically prepared with substantial input from community members, and they provide more detail and explanation of desired outcomes.

The Dillon Beach Community Plan and the Bolinas Gridded Mesa Plan were certified by the Coastal Commission, via amendments to the Local Coastal Program. Selected policies of the Point Reyes Station Community Plan that relate to development of affordable housing were also certified by the Coastal Commission.

Other Community Plans have been prepared for the coastal communities of Muir Beach, Stinson Beach, Bolinas, Point Reyes Station, Inverness Ridge communities, East Shore communities (Tomales Bay), and Tomales. These govern permits issued under the Countywide Plan, such as

Design Reviews and Use Permits. The updated LCP incorporates many Community Plan policies that were identified by members of the communities as being appropriate to be part of the LCP. The community plans themselves remain as separate documents.

**g) Housing provisions.** Since the original Marin County local coastal program was prepared, the Legislature has adopted a number of housing laws that apply both within and outside the coastal zone. Nothing in the Coastal Act exempts a local government from meeting such requirements. At the same time, in meeting housing requirements a local government is not exempted from meeting the requirements of the Coastal Act. Therefore, statutory requirements for protection of coastal resources and for the provision of housing must be applied in such a way as to carry out simultaneously several different policy goals. Addressing both Coastal Act and housing law requirements demands an individual approach for each local coastal program, which reflects local conditions, ordinances, and permitting procedures.

*Government Code section 65852.2 addresses second residential units; Marin County Code section 22.32.140 reflects the requirements of this law*

State law supports second residential units within residential areas. The law provides, with certain exceptions, for streamlined permit processing through the use of “ministerial approval” for second residential units. Marin County has adopted a series of ordinances that address residential second units.

The state second-unit law provides that it does not supersede or lessen the effect of the Coastal Act. Standards for the protection of coastal resources and coastal access therefore are unchanged by the law. The second unit law does, however, affect the procedure that can be used for a Coastal Permit. The law provides that a local government shall not hold a public hearing on a Coastal Permit application for a second residential unit. As noted above, the Coastal Act generally requires that a local government public hearing be held on a Coastal Permit application for a development that could be appealed to the Coastal Commission. To reconcile these different requirements, the local coastal program provides for second residential units in the coastal zone, while requiring at the same time that impacts of development on coastal resources be addressed to the maximum extent feasible through the Coastal Permit process. Requirements for public hearings on Coastal Permits (or for no local government public hearing for a second residential unit) are addressed in the Zoning/Implementation Plan portion of the local coastal program.

*Government Code section 65852.2(j) provides that a local government shall not hold a public hearing on a Coastal Permit application for a second unit. Whether or not a County public hearing is held, if the second unit is located in an appealable area, then the Coastal Permit would be appealable to the Coastal Commission.*

Other provisions in state law encourage affordable housing by providing for density bonuses and “incentives or concessions” intended to spur the construction of new affordable units. An incentive or concession might mean a reduction in site development standards, a modification of zoning code requirements, or some other measure that would result in cost

*Government Code section 65915 addresses density bonuses and incentives or concessions*



reduction. Site development standards and other requirements are contained in the local coastal program, and therefore incentives or concessions could have an effect on LCP requirements. At the same time, the affordable housing law states that it shall not be construed to supersede or lessen the effect of the Coastal Act. Consequently, both housing provisions and Coastal Act standards must be addressed and reconciled in the local coastal program. The LCP accomplishes this goal by providing policies that encourage affordable housing and by specifying the procedures by which density bonuses, incentives, or concessions may be applied to development in the coastal zone (such procedures are part of the Zoning/Implementation Plan portion of the LCP).

## Marin County Local Coastal Program (LCP)

### Chart: When is a Coastal Permit Required?

#### **Part 1: Coastal Permit Required from Marin County** (To fully analyze a given project, see also **Part 2** and **Part 3**.)

*(Note: This chart reflects permit requirements of the Marin County Local Coastal Program as proposed to be amended, as well as requirements of the Coastal Act and the California Coastal Commission's regulations.)*

A **Coastal Permit**<sup>\*</sup> is required for “development” as defined by the Coastal Act of 1976.<sup>†</sup> “Development” is defined broadly by the Coastal Act, and it encompasses many construction activities, land and water uses (or changes in use), and subdivisions. “Development” means on land, in or under water:

A. Placement or erection of any solid material or structure (“structure” includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line);
B. Discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste;
C. Grading, removing, dredging, mining or extraction of any materials;
D. Change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code) and any other division of land, including lot splits, except where the land division is brought about in connection with the

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<sup>\*</sup> The Interim Zoning Ordinance uses the term “coastal project permit” (for instance in Section 22.56.040) whereas the Coastal Act refers to “coastal development permit” (see Public Resources Code Sec. 30101.5)

<sup>†</sup> “Development” means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511). As used in this section, “structure” includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line. (*Calif. Public Resources Code Sec. 30106*)

In contrast to the term “development,” “new development” has a slightly different definition, according to Public Resources Code Sec. 30212, for purposes of applying the public access policies of the Coastal Act.

Marin County Local Coastal Program (LCP)

Chart: When is a Coastal Permit Required?

**Part 1: Coastal Permit Required from Marin County**  
(To fully analyze a given project, see also **Part 2** and **Part 3**.)

purchase of such land by a public agency for public recreational use;
E. Change in the intensity of use of water, or of access thereto;
F. Construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and
G. The removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).

Furthermore, a **Coastal Permit** is required for:

H. Demolition of any structure built prior to 1930.
I. Significant alteration of land forms as provided by Sec. 22.68.050.
J. Projects of state and local public agencies not exempted by Section 22.68.050.
K. Wells and borings unless exempt or categorically excluded.
L. Expansion or construction of septic systems.
M. Closure of coastal accessways.
N. Agricultural processing facilities.
O. Any improvement to a structure where the coastal permit issued for the original

Marin County Local Coastal Program (LCP)

Chart: When is a Coastal Permit Required?

**Part 1: Coastal Permit Required from Marin County**  
(To fully analyze a given project, see also **Part 2** and **Part 3**.)

structure by the county or coastal commission indicated that any future improvements would require a coastal permit.
P. Any improvement made pursuant to a conversion of an existing structure from a multiple unit rental use or visitor-serving commercial use to a use involving a fee ownership or longterm leasehold, including but not limited to a condominium conversion stock cooperative conversion or motel/hotel time-sharing conversion

As a general guide, if a proposed development requires one or more Marin County land use or construction permits, such as a building permit, use permit, or subdivision approval, then a **Coastal Permit** is also required, unless a specific exemption is noted in **Part 2** of this document. Applicable codes contain the permit requirements; this chart is intended only as a guide.

Chart: When is a Coastal Permit Required?

**Part 2: Coastal Permit Exempt**

The following are exempt from a coastal permit, except as noted:

**A. Improvements to existing single-family residences and other structures, including:**

All fixtures and other structures, including decks, directly attached to the structure;

Residential accessory uses on the same site as an approved residential use, such as garages, swimming pools, fences, and storage sheds, but not including guest houses or self-contained residential units (as used in this section “guest house” means any accessory structure having a floor area of more than four hundred square feet or any accessory structure which contains plumbing);

Landscaping on the lot;

**1) Except a coastal permit is required if the project includes:**

- a) An improvement to a structure located on a beach; in a wetland, stream, or lake; seaward of the mean high tide line; in an environmentally sensitive habitat area, in an area designated as highly scenic in the LCP land use plan (*Note: as of the date of this document, no areas have been designated by the LCP as “highly scenic”*); or within 50 feet of the edge of a coastal bluff; **or**
- b) Any significant alteration of land forms, including removal or placement of vegetation, on a beach or sand dune, in a wetland or stream, or within 100 feet of the edge of a coastal bluff,<sup>‡</sup> or in environmentally sensitive habitat areas; **or**
- c) The expansion or construction of water wells or septic systems;

**2) And a coastal permit is required if:**

Development is located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance,

<sup>‡</sup> Note that the Coastal Commission’s regulations for improvements to single-family dwellings are slightly different than those for improvements to other structures; in the interest of making this simpler to follow, the requirement have been merged here by using the more restrictive language of the two.

Chart: When is a Coastal Permit Required?

**Part 2: Coastal Permit Exempt**

**and**

the improvement would result in:

- a) An increase of 10 percent or more of internal floor area of an existing structure or an additional improvement of 10 percent or less where an improvement to the structure had previously been undertaken pursuant to a coastal permit exemption; **or**
- b) An increase in height by more than 10 percent of an existing structure; **or**
- c) Construction of any significant non-attached structure on a residential lot, such as garages, fences, shoreline protective works, or docks.

B. Repair and maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of such repair or maintenance.

**1) Except a coastal permit is required if:**

The object of repair or maintenance is a seawall, revetment, bluff retaining wall, breakwater, groin, culvert, outfall, or similar shoreline work

**and**

the project includes:

- a) Substantial alteration of the foundation of the protective work including pilings and other surface or subsurface structures, **or**
- b) The placement, whether temporary or permanent, of rip-rap, artificial berms of sand or other beach materials, or any other forms of solid materials, on a beach or in coastal waters, streams, wetlands, estuaries and lakes or on a shoreline protective work except for agricultural dikes within enclosed bays or estuaries, **or**
- c) The replacement of 20 percent or more of the materials of an existing structure with materials of a different kind, **or**
- d) The presence, whether temporary or permanent, of **mechanized construction equipment** (such as a motor-driven back-hoe or tractor, but not including power tools) or the stockpiling or storage of **construction**

Chart: When is a Coastal Permit Required?

**Part 2: Coastal Permit Exempt**

**materials** on any sand area, bluff, or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams;

**2) And a coastal permit is required if:**

The project constitutes any repair or maintenance to facilities or structures or work located in an environmentally sensitive habitat area, any sand area, within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams

**and**

the project includes:

- a) The placement or removal, whether temporary or permanent, of rip-rap, rocks, sand or other beach materials or any other forms of solid materials, **or**
- b) The presence, whether temporary or permanent, of mechanized equipment (such as a motor-driven back-hoe or tractor, but not including power tools) or the stockpiling or storage of construction materials.

**3) And a coastal permit is required if:**

The project constitutes any method of routine maintenance dredging that involves:

- a) The dredging of 100,000 cubic yards or more within a twelve (12) month period, **or**
- b) The placement of dredged spoils of any quantity within an environmentally sensitive habitat area, on any sand area, within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams, **or**
- c) The removal, sale, or disposal of dredged spoils of any quantity that would be suitable for beach nourishment in an area the Coastal Commission has declared by resolution to have a critically short sand supply that must be maintained for protection of structures, coastal access, or public recreational use.

Chart: When is a Coastal Permit Required?

**Part 2: Coastal Permit Exempt**

<p><b>4) And a coastal permit is required if:</b></p> <p>The object of repair or maintenance is a structure built prior to 1930</p> <p><b>and</b></p> <p>The project is not consistent with the structure's original architectural character.</p>
<p>C. Repair and maintenance of existing public roads, as listed in the "Repair, Maintenance, and Utility Hookup Exclusions from Permit Requirements" adopted by the California Coastal Commission, Sept. 5, 1978 (<i>see attached</i>). In general, maintenance activities are those that are necessary to preserve the road facility as constructed, within the existing right-of-way.</p>
<p>D. Immediate emergency work necessary to protect life or property or immediate emergency repairs to public service facilities necessary to maintain service as a result of a disaster in a disaster-stricken area in which a state of emergency has been proclaimed by the Governor pursuant to Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Calif. Government Code).</p>
<p>E. Emergency projects undertaken, carried out, or approved by a public agency to maintain, repair, or restore an existing highway, as defined in Section 360 of the Vehicle Code, except for a highway designated as an official state scenic highway pursuant to Section 262 of the Streets and Highways Code, within the existing right-of-way of the highway, damaged as a result of fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide, within one year of the damage. This paragraph does not exempt from this section any project undertaken, carried out, or approved by a public agency to expand or widen a highway damaged by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide.</p>
<p>F. The following developments (a summary only is provided here; see Categorical Exclusion Orders E-81-2, E-81-6, and E-82-6 for a complete list, maps, and a statement of conditions that apply):</p> <p>1) Agricultural developments, including barns, dairy pollution projects, storage tanks, and others;</p>



## Marin County LCP

### Chart: When is a Coastal Permit Required?

#### Part 2: Coastal Permit Exempt

<ul style="list-style-type: none"><li>2) Non-agricultural developments, including on-site signs, certain lot line adjustments, and traffic control signing and minor roadway improvements;</li><li>3) Single-family residences on certain lots and land divisions of four parcels or less in Point Reyes Station;</li><li>4) Single-family residences in Olema, Old Dillon Beach, Tomales, and Oceana Marin; and</li><li>5) Certain minor additions to single-family residences.</li></ul>
<p>G. The replacement of any structure destroyed by a disaster if the replacement structure meets all of the following criteria:</p> <ul style="list-style-type: none"><li>1) Conforms to applicable existing zoning requirements; <b>and</b></li><li>2) Is for the same use as the destroyed structure; <b>and</b></li><li>3) Does not exceed either the floor area, height, or bulk of the destroyed structure by more than 10 percent; <b>and</b></li><li>4) Is sited in the same location on the affected property as the destroyed structure;</li></ul> <p><b>Notwithstanding the above, a coastal permit is required for replacement of a public works facility destroyed by a disaster.</b></p>
<p>H. Any activity that involves the conversion of any existing multiple-unit residential structure to a time-share project, estate, or use, as defined in Section 11003.5 of the Calif. Business and Professions Code.</p>
<p>I. Maintenance dredging of existing navigation channels or moving dredged material from those channels to a disposal area outside the coastal zone, pursuant to a permit from the US Army Corps of Engineers.</p>
<p>J. Public Utility service connections, operation and maintenance of distribution and transmission facilities, and other activities listed in the “Repair, Maintenance, and Utility Hookup Exclusions from Permit Requirements” adopted by the California Coastal Commission, Sept. 5, 1978. <i>(See attached)</i></p>

Chart: When is a Coastal Permit Required?

**Part 2: Coastal Permit Exempt**

K. A temporary event which:

- 1) Would not occupy a sandy beach, or would occupy a sandy beach only in a remote location with minimal demand for public use; **and**
- 2) Would not involve a charge for general public admission or seating where no fee is currently charged for use of the same area; **and**
- 3) Would not have the potential for adverse impacts on wetlands, streams and riparian corridors, or other environmentally sensitive habitat areas; **and**
- 4) Have a duration of one day or less.

**Notwithstanding the above, a coastal permit for a temporary event may be required upon a determination by the Director of the Community Development Agency that:**

- 1) The temporary event, either individually or together with other temporary events scheduled before or after the particular event, precludes the general public from use of a public recreational area for a significant period of time; **or**
- 2) The event and its associated activities or access requirements will either directly or indirectly impact environmentally sensitive habitat areas, rare or endangered species, or significant scenic resources; **or**
- 3) The event is scheduled between Memorial Day weekend and Labor Day and would restrict public use of roadways or parking areas or otherwise significantly impact public use of coastal waters or access to coastal waters.

L. Nuisance abatement actions by the County that are necessary to protect public health and safety, when such abatement must occur more quickly than could occur if authorized by a coastal permit. If exempt from a coastal permit, a nuisance abatement action shall involve the minimum level of development activity necessary to successfully abate the nuisance.

## Marin County LCP

### Chart: When is a Coastal Permit Required?

#### **Part 3: Coastal Permit or Other Authorization Required from the California Coastal Commission**

The following categories of “development” require a coastal permit or other authorization from the California Coastal Commission (or other authority), but not from Marin County:

- A. Projects in the Coastal Commission’s retained jurisdiction, which includes tidelands, submerged lands, or on public trust lands, whether filled or unfilled, lying within the coastal zone (Public Resources Code § 30519(b);
- B. Projects within any state university or college (*Note: as of the date of this document, no state university or college is located within Marin County’s coastal zone*) (Public Resources Code § 30519);
- C. Public works projects subject to a public works plan (Public Resources Code § 30605). (*Note: a public works plan may include, but is not limited to, a project undertaken by the State Parks Department, Caltrans, or another transportation or public recreation agency; as of the date of this document, no public works plan as defined by the Coastal Act has been approved within Marin County’s coastal zone*)
- D. Projects that involve amending a coastal permit that the Coastal Commission has issued previously;
- E. Projects in an area where the Local Coastal Program has not yet been certified. (*Note: in Marin County, one such “area of deferred certification” was created when the LCP was certified by the Coastal Commission on April 1, 1980. That area includes the lots located on the north side of Calle Del Arroyo adjoining Bolinas Lagoon in Stinson Beach. Contact the Coastal Commission for more information.*)
- F. Thermal power plants of 50 megawatts or greater along with the transmission lines, fuel supply lines, and related facilities to serve them, which require approval by the California Public Utilities Commission (Coastal Act § 30600(a) referencing Public Resources Code § 25500). (*Note: no such power plants have been proposed in Marin County’s coastal zone.*)
- G. Federal projects, including but not limited to projects undertaken by the National Park Service or U.S. Army Corps of Engineers;
- H. Non-federal projects on federal land, for instance, projects undertaken by leaseholders within the Point Reyes National Seashore.

## Marin County LCP

Chart: When is a Coastal Permit Required?

### **Part 3: Coastal Permit or Other Authorization Required from the California Coastal Commission**

For more information on projects that require Coastal Commission approval, contact:

North Central Coast District  
California Coastal Commission  
45 Fremont St. Suite 2000  
San Francisco, CA 94105  
415-904-5260

Chart #1  
COASTAL PERMIT JURISDICTION

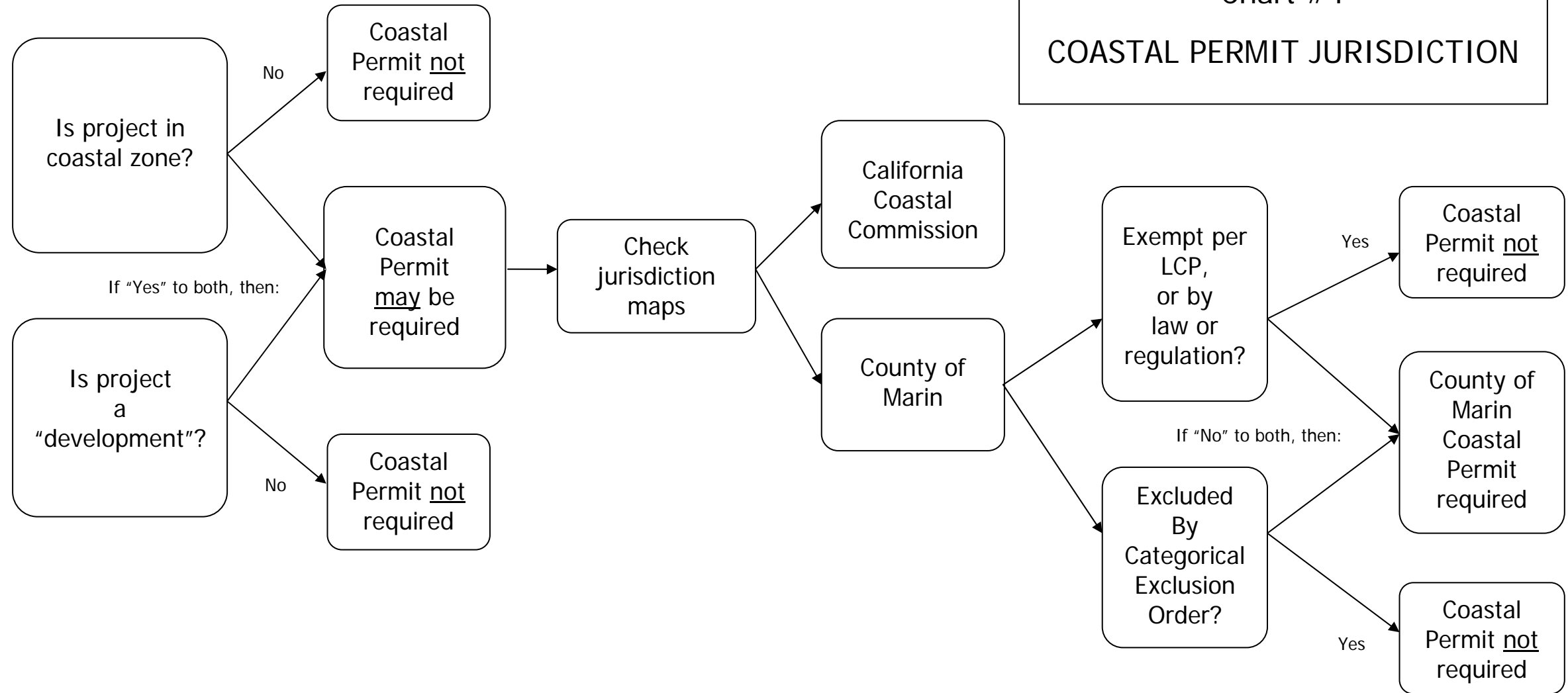
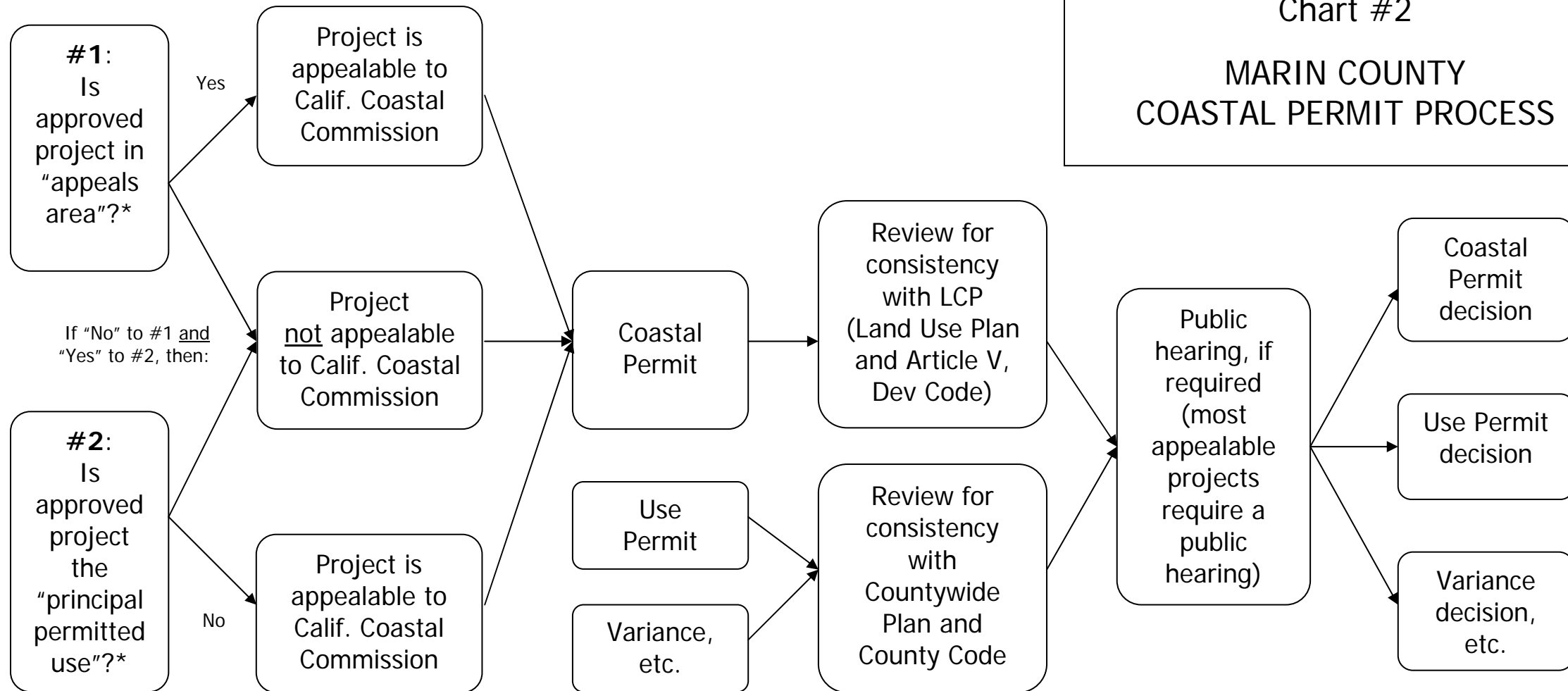


Chart #2  
MARIN COUNTY  
COASTAL PERMIT PROCESS



\*Only projects approved by the County are appealable to the Calif. Coastal Commission other than major public works projects and major energy facilities, which are appealable whether approved or denied.

# Appendix 3

## Unit I

### Existing and Proposed Policy Comparison

#### Public Access

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The following chart compares policies from the existing Unit I Local Coastal Program to those in the Local Coastal Program Draft LUP Policy Amendments document, dated January 25, 2011. The column on the right shows the existing Unit I policy and its respective status. The column on the left displays the proposed policy language as well as a ~~strike out~~ and underline version to indicate how the policy was derived. The policies are grouped by topic in numerical order as they appear in Unit I.

Unit I Public Access	
Existing Policy	Proposed Policy
<p><b><u>Policy 1, pg. 7</u></b></p> <p>The County's policy is to require provisions for coastal access in all development proposals located between the sea and the first public road. This policy recognizes, however, that in certain locations public access may not be appropriate. Upon specific findings, that public access would be inconsistent with the protection of 1) public safety, 2) fragile coastal resources or 3) agricultural production or, upon specific findings that public use of an accessway would seriously interfere with the privacy of existing homes, provision for coastal access need not be required. In determining whether access is inconsistent with the above, the findings shall specifically consider whether mitigation measures such as setbacks from sensitive habitats, trail or stairway development, or regulation of time, seasons, or types of use could be developed which would adequately mitigate any potential adverse impacts of public access. A finding that an access way can be located 10 feet or more from an existing single family residence or be separated by a landscape buffer or fencing if necessary should be considered to provide adequately for the privacy of existing homes.</p>	<p><b>C-PA-11 Privacy of Neighbors.</b> In determining appropriate management measures for public coastal accessways, including but not limited to hours of operation, the County Parks department or other managing entity should take into account the need to respect the privacy of neighboring residents. (PC app. 11/23/09) <i>[Adapted from Unit I Public Access Policy 1, p. 7]</i></p> <p>[A <del>strike out</del> and <u>underline</u> version of this proposed policy is not provided since the proposed policy is an adaptation of the concepts in the existing language and has been significantly rewritten]</p> <p><b>C-PA-2 Public Coastal Access in New Development.</b> Examine proposed new development between the shoreline and the first public road, whether or not it is mapped as the first public road for purposes of coastal permit appeals, for impacts on public access to the coast. Where a nexus exists between the impacts of the proposed development and the provision of public access, require the</p>

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<p><b><u>Policy Status</u></b></p> <p>The concept of this policy is similar to Unit II Public Access Policy 1.c, p. 13, which has been carried forward to <b>C-PA-2</b> and <b>C-PA-11</b>.</p>	<p>dedication of a lateral and/or vertical accessway as a condition of development, unless Policy C-PA-3 provides an exemption. Impacts on public access include, but are not limited to, the intensification of land use resulting in overuse of existing public accessways, the creation of physical obstructions or perceived deterrence to public access, and the creation of conflicts between private land uses and public access.</p> <p>(PC app. 2/8/10)</p> <p><i>[Adapted from Unit II Public Access Policy 1.c., p. 13]</i></p> <p><b><u>Unit II Public Access Policy 1.c., p. 13</u></b></p> <p>e. <del>New accessways. The County views public access easements, gained through offers of <b>C-PA-2 Public coastal access in new development</b>. Examine proposed new development between the shoreline and the first public road for impacts on public access to the coast. Where the County determines that a nexus exists between the impacts of the proposed development and the provision of public access, require the dedication of a lateral and/or vertical accessway as a condition of development, unless Policy C-PA-1.3 provides an exemption. Impacts on coastal permit approval, as the primary means available to increase public access include, but are not limited to, the intensification of land use resulting in overuse of existing public accessways, the creation of physical or psychological obstructions to public access, and the creation of conflicts between private land uses and public access. opportunities in Unit II. Potential areas where such easements could be required have been evaluated based on their desirability and physical suitability, evidence of prescriptive rights, and proximity to other access points and existing uses. Based on these criteria, specific recommendations for new accessways have been developed (Policy #3). In addition to the easements recommended, the County may require additional access in the future as the need arises.</del></p> <p><del>If funds become available for acquisition of public accessways, they should be allocated according to the priority recommendations in Policy A.</del></p>
<p><b><u>Policy 2, pg. 7</u></b></p> <p>The provision of coastal access may include any of the following types of easements, either singularly or in a combination:</p> <p>a. Vertical easements to the ocean</p>	<p><b>C-PA-9 Variety of Public Coastal Accessways.</b> When requiring public coastal access, include any of the following types of accessways, either singularly or in combination:</p> <p>(a) Vertical accessways to the ocean or shoreline;</p> <p>(b) Lateral accessways that extend from the ambulatory mean high tide line</p>



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<p>b. Lateral easements along the dry sand adjacent to tidelands</p> <p>c. Bluff top easements along bluffs for public viewing or trail purposes or where no continuous sandy beach exists.</p> <p><b><u>Policy Status</u></b></p> <p>This policy has been carried forward to C-PA-9 Variety of Public Coastal Accessways.</p>	<p>landward to a defined line, such as the intersection of the sand with the toe of a revetment, vertical face of a seawall, toe of a bluff, or other feature;</p> <p>(c) Bluff top accessways along bluffs for public viewing or trail purposes or where no continuous sandy beach exists.</p> <p>(PC app. 11/23/09)</p> <p><i>[Adapted from Unit I Public Access Policy 2, p. 7]</i></p> <p><b><u>Unit I, Public Access Policy 2, p. 7</u></b></p> <p><b><u>C-PA-9 Variety of Public Coastal Accessways.</u></b> <del>The provision of When requiring public coastal access, may include any of the following types of easements accessways, either singularly or in a combination:</del></p> <p>(a) Vertical <del>easements</del> accessways to the ocean or shoreline;</p> <p>(b) Lateral <del>easements</del> accessways <del>along the dry that extend from the ambulatory mean high tide line landward to a defined line, such as the intersection of the sand with the toe of a revetment, vertical face of a seawall, toe of a bluff, or other feature adjacent to tidelands;</del></p> <p>(c) Bluff top <del>easements</del> accessways along bluffs for public viewing or trail purposes or where no continuous sandy beach exists.</p>
<p><b><u>Policy 3, pg. 7</u></b></p> <p>Where evidence of prescriptive rights (historic public use) on a project site is determined to exist as a result of permit application review, public easements to protect the types, intensity and areas of historic use shall be established as a condition of project approval. Development may be allowed in an area which has been historically used by the public for vertical access to the beach only when equivalent access which will accommodate the same types and intensity of use has have existed on the subject site, has been assured in the same vicinity.</p> <p><b><u>Policy Status</u></b></p> <p>This policy has been carried forward to C-PA-7 Protection of Prescriptive Rights.</p>	<p><b><u>C-PA-7 Protection of Prescriptive Rights.</u></b> Ensure that development does not interfere with the public's right of access to the sea where acquired through use. Where evidence (including historic public use) of prescriptive rights is found in reviewing a coastal permit application, take one or more of the following actions:</p> <ol style="list-style-type: none"> <li>1. Consider approval of the coastal permit application, while siting development in such a way as to avoid the area potentially subject to prescriptive rights and requiring a public easement to protect the types, intensity and areas of historic use as a condition of project approval.</li> <li>2. If requirement of an access easement to protect areas of historic use would preclude all reasonable private use of the project site, the County or the Coastal Commission and the Attorney General at the request of the County shall, subject to the availability of staff and funds, seek a court determination and confirmation of such public rights.</li> <li>3. In the absence of a final court determination, the County may proceed to consider approval of development on areas potentially subject to prescriptive rights (except those used for lateral access), provided that all impacts on public access are mitigated in the same vicinity substantially in</li> </ol>

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accordance with the Local Coastal Program's Access policies. Such mitigation may include securing an accessway on another property in the same vicinity, or providing an in-lieu fee to a public agency or private association approved by the County and Coastal Commission for acquisition, improvement, or maintenance of access in the same vicinity. Same vicinity is considered to be within 1,000 feet of the project site (parcel).

(PC app. 2/8/10)

*[Adapted from Coastal Act Section 30211, Unit I Public Access Policy #3, p. 7, and Unit II Public Access Policy 2.a., p. 13]*

**Coastal Act Section 30211**

~~Development shall~~ **Protect Prescriptive Rights.** Ensure that development does not interfere with the public's right of access to the sea where acquired through use. Where evidence of prescriptive rights (historic public use) is found in reviewing a coastal permit application, public easements to protect the types, intensity and areas of historic use shall be established as a condition of project approval. If necessary, development may be sited in an area of historic public use only if equivalent type, intensity and area of replacement public access is provided on or reasonably adjacent to the project site (parcel). ~~or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.~~

**Unit I Public Access Policy #3, p. 7,**

**C-PA-7 Protection of Prescriptive Rights.** Ensure that development does not interfere with the public's right of access to the sea where acquired through use. Where evidence of prescriptive rights (including historic public use) on a project site of prescriptive rights is determined to exist as a result of permit application review, found in reviewing a coastal on a project site is determined to exist as a result of permit application review, take one or more of the following actions: 1. Consider approval of the coastal permit application, while siting development in such a way as to avoid the area potentially subject to prescriptive rights and requiring a public easements to protect the types, intensity and areas of historic use shall be established as a condition of project approval. If necessary, development may be allowed sited in an area which has been of historically public use only if equivalent type, intensity and area of replacement used by the public access is provided on or reasonably adjacent to the project site (parcel). ~~for vertical access to the beach only~~

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when equivalent access which will accommodate the same types and intensity of use has have existed on the subject site, has been assured in the same vicinity.

## **Unit II Public Access Policy 2.a., p. 13**

General standards. The following general policies and procedures shall apply to all new accessways in Unit II, including those specifically recommended in the LCP at this time, those not currently recommended but considered in the future, and those which may be acquired by public purchase.

a. ~~C-PA-7~~ **Protection of Prescriptive Rights.** Ensure that development does not interfere with the public's right of access to the sea where acquired through use. Where evidence (including historic public use) of Prescriptive Rights. Where evidence of prescriptive rights (historic public use) is found in reviewing a coastal permit application; equivalent access easements to protect the types, intensity, and areas subject to prescriptive rights shall be required as a condition of permit approval. Development may be sited in an area of historic public use only if equivalent type, intensity and area of replacement public access is provided on or reasonably adjacent to the project site (parcel). , take one or more of the following actions:

1. Consider approval of the coastal permit application, while siting development in such a way as to avoid the area potentially subject to prescriptive rights and requiring a public easements to protect the types, intensity and areas of historic use as a condition of project approval.
2. If requirement of access easements to protect areas of historic use would preclude all reasonable private use of the project site, the County, in consultation with or the Coastal Commission and the Attorney General at the request of the County shall, subject to the availability of staff and funds, seek a court determination and confirmation of such public rights. If the County concludes that convincing evidence of implied dedication or prescriptive rights in favor of the public exists, the County or the Coastal Commission and the Attorney General at the request of the County shall, consistent with the availability of staff and funds, seek a court determination and confirmation of such public rights. If after 60 days the County

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	<p><del>concludes that such evidence is inconclusive, the</del></p> <p>3. <del>In the absence of a final court determination, the County may approve development on such areas</del> <u>proceed to consider approval of development on areas potentially subject to prescriptive rights</u> (except those used for lateral access), provided that all impacts on public access are mitigated in the same vicinity substantially in accordance with the Local Coastal Program's Access policies. Such mitigation may include securing an accessway on another property in the same vicinity, or providing an in-lieu fee to a public agency or private association approved by the Coastal County and Commission for acquisition, improvement, or maintenance of access in the same vicinity. Same vicinity is considered to be within 1,000 feet or less of the project site (parcel).</p>
<p><b><u>Policy 4, pg. 7</u></b>  Construction of shoreline protection measures otherwise permitted by LCP policies shall accommodate previously existing shoreline access.</p> <p><b><u>Policy Status</u></b>  This policy has been carried forward to <b>C-PA-21</b> Shoreline Structures on or Near Public Accessways.</p>	<p><b>C-PA-21 Shoreline Structures on or Near Public Coastal Accessways.</b>  Ensure that construction of shoreline protection measures otherwise permitted by LCP policies maintains the same or similar shoreline access as previously existed.  <i>[Unit I, Public Access Policy 4, p. 7]</i></p> <p><b>LCP Public Access Policy 4, p. 7</b>  <b><u>C-PA-21 Shoreline structures on or near public coastal accessways.</u></b>  <del>Ensure that c</del>Construction of shoreline protection measures otherwise permitted by LCP policies shall <u>maintain the same or similar</u> <del>accommodate previously existing shoreline access- as previously existed.</del></p>
<p><b><u>Policy 5, pg. 7</u></b>  Where appropriate and feasible, parking areas should be provided in conjunction with access easements. The need for parking areas shall be evaluated based upon the parking and/or public transit opportunities available in the area. As transit service becomes available, parking capacities should be reduced or eliminated since transit opportunities reduce reliance on the private automobile.</p> <p><b><u>Policy Status</u></b>  The concept of this policy is similar to Unit II Public Access Policy 2.c., p. 14, which has been carried forward to Policy <b>C-PA-18</b> Parking and Support Facilities at Public Coastal Accessways.</p>	<p><b>C-PA-18 Parking and Support Facilities at Public Coastal Accessways.</b>  Where appropriate and feasible, provide parking areas for automobiles and bicycles and appropriate support facilities in conjunction with public coastal accessways. The location and design of new parking and support facilities shall be designed to minimize adverse impacts on adjacent residential areas. The need for parking shall be determined based on existing parking and public transit opportunities in the area, balanced with resource protection policies. Consider opportunities for reducing or eliminating parking capacities if transit service becomes available or increases.  <i>[Adapted from Unit II Public Access Policy 2.c., p. 14]</i></p> <p><b>Unit I Policy 5, pg. 7</b>  <b><u>C-PA-18 Parking and Support Facilities at Public Coastal Accessways.</u></b>  Where appropriate and feasible, <u>provide parking areas</u> <del>should be provided for automobiles and bicycles and appropriate support facilities in</del></p>

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conjunction with ~~access easements~~ public coastal accessways. The location and design of new parking and support facilities shall be designed to minimize adverse impacts on adjacent residential areas. The need for parking ~~areas shall be evaluated-determined~~ based upon ~~the existing~~ parking and/or public transit opportunities ~~available~~ in the area, balanced with resource protection policies. ~~As transit service becomes available, parking capacities should be~~ Consider opportunities for reducing or eliminating since transit opportunities reduce reliance on the private automobile parking capacities if transit service becomes available or increases.

**Unit II Public Access Policy 2.c., p. 14**

e. ~~Acceptance of public access easements or dedications.~~ **C-PA-5 Acceptance of Offers to Dedicate Public Coastal Accessways.** ~~The County will accept, and as resources permit, open access offers to dedicate easements in the following situation fee title interests in coastal accessways and, as resources permit, place first priority on opening such accessways when :~~

- ~~(1) The offer to dedicate an easement is made pursuant to evidence of prescriptive rights, or where~~
- ~~(2) The offered easement to dedicate is in a developed area, (density of one unit per acre or greater) and substantial use could be expected by local residents.~~

— ~~Whenever the County has agreed or agrees to accept an easement, it will be responsible for maintaining that easement and signing where necessary. Signs posted along the shoreline of Tomales Bay shall indicate that no fires or overnight camping is permitted, and that the privacy of homeowners shall be respected. Where appropriate and feasible, parking areas should be provided in conjunction with access easements. The need for parking shall be determined based on existing parking and public transit opportunities in the area. As transit service becomes available, parking capacities should be reduced or eliminated.~~

— The County shall accept an offer to dedicate within 9 months of recordation. If the County does not accept an easement, within this time period, it shall attempt to find appropriate public or private agencies to do so. Notwithstanding the above, the County may at any time accept a valid offer to dedicate easement that has

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	<p><del>not been accepted by another entity. If no such agency is immediately available, a twenty-year irrevocable offer to dedicate the required easement(s) shall be recorded by the applicant prior to the issuance of a final County permit to commence construction. The County shall immediately notify the California Coastal Conservancy of such offers to dedicate. The County may process the irrevocable offers according to the Commission's centralized coastal access program.</del></p>
<p><b><u>Policy 6, pg. 8</u></b></p> <p>The County will accept, and as resources permit, open access easements in the following situations:</p> <p>(a) When the offer to dedicate an easement is made pursuant to evidence of prescriptive rights, or</p> <p>(b) Where the offered easement is in a developed area (density of one unit per acre or higher) where a substantial amount of the use could be expected to be made by local residents.</p> <p>In all other situations the County shall attempt to find appropriate agencies, including County agencies, to accept and maintain the public access easements. Whenever the County agrees to accept an access easement, the County will be responsible for maintenance and signing of the accessway. If no agency or association is immediately available to accept the grant of an easement, a 20-year irrevocable offer to dedicate the easement shall be recorded by the applicant prior to the commencement of project construction. The County shall immediately notify the California Coastal Conservancy of the existence of such offers to dedicate.</p> <p><b><u>Policy Status</u></b></p> <p>This policy has been carried forward to <b>C-PA-5 Accept Offers to Dedicate Public Coastal Accessways</b>.</p>	<p><b>C-PA-5 Accept Offers to Dedicate Public Coastal Accessways.</b> Accept offers to dedicate easements or fee title interests in coastal accessways and, as resources permit, place first priority on opening such accessways when the offer to dedicate is made pursuant to evidence of prescriptive rights or where the offer to dedicate is in a developed area. The County shall accept an offer to dedicate within 9 months of recordation. If the County does not accept an easement within this time period, it shall attempt to find an appropriate public or private agency to do so.. Notwithstanding the above, the County may at any time accept a valid offer to dedicate easement that has not been accepted by another entity.  <i>[Adapted from Unit I Public Access Policy 6, p. 8, and Unit II, Public Access Policy 2.c., p. 14]</i></p> <p><b><u>Unit I, Public Access Policy 6, pg. 8</u></b></p> <p><del><b>C-PA-5 Accept Offers to Dedicate Public Coastal Accessways.</b> The County will accept offers to dedicate easements or fee title interests in coastal accessways and, as resources permit, place first priority on opening such accessways easements in the following situations: (a) When the offer to dedicate is made pursuant to evidence of prescriptive rights or (b) Where the offered easement to dedicate is in a developed area (density of one unit per acre or higher) where a substantial amount of the use could be expected to be made by local residents. In all other situations (The County shall attempt to find appropriate agencies, including County agencies, to accept and maintain the public access easements. Whenever the County agrees to accept an access easement, the County will be responsible for maintenance and signing of the accessway an offer to dedicate within 9 months of recordation. If no agency or association is immediately available to accept the grant of an easement, the County does not accept an easement within this time period, a 20-year irrevocable offer to dedicate the easement shall be recorded by the applicant prior to the commencement of project construction. it shall attempt to find an appropriate public or private agency to do so. The County shall</del></p>

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	<p>immediately notify the California Coastal Conservancy of the existence of such an offer to dedicate. <u>Notwithstanding the above, the County may at any time accept a valid offer to dedicate easement that has not been accepted by another entity.</u></p> <p><b><u>Unit II, Public Access Policy 2.c., p. 14</u></b></p> <p>e. <del>Acceptance of public access easements or dedications.</del> <b><u>C-PA-5</u></b>  <b><u>Acceptance of Offers to Dedicate Public Coastal Accessways.</u></b> <del>The County will accept, and as resources permit, open access offers to dedicate easements in the following situation fee title interests in coastal accessways and, as resources permit, place first priority on opening such accessways when :</del></p> <p>(1) <del>The offer to dedicate an easement is made pursuant to evidence of prescriptive rights, or where</del></p> <p>(2) <del>The offered easement to dedicate is in a developed area, (density of one unit per acre or greater) and substantial use could be expected by local residents.</del></p> <p>— <del>Whenever the County has agreed or agrees to accept an easement, it will be responsible for maintaining that easement and signing where necessary. Signs posted along the shoreline of Tomales Bay shall indicate that no fires or overnight camping is permitted, and that the privacy of homeowners shall be respected. Where appropriate and feasible, parking areas should be provided in conjunction with access easements. The need for parking shall be determined based on existing parking and public transit opportunities in the area. As transit service becomes available, parking capacities should be reduced or eliminated.</del></p> <p>— <del>The County shall accept an offer to dedicate within 9 months of recordation. If the County does not accept an easement, within this time period, it shall attempt to find appropriate public or private agencies to do so. Notwithstanding the above, the County may at any time accept a valid offer to dedicate easement that has not been accepted by another entity. If no such agency is immediately available, a twenty year irrevocable offer to dedicate the required easement(s) shall be recorded by the applicant prior to the issuance of a final County permit to commence construction. The County shall immediately notify the California Coastal Conservancy of such offers to dedicate. The County may</del></p>
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	<p><del>process the irrevocable offers according to the Commission's centralized coastal access program.</del></p> <p><b><u>Section 30212(a)(3) of the Coastal Act</u></b>  <del>(3) agriculture would be adversely affected.</del> Accept existing offers to <del>D</del> dedicated public coastal accessways. The County shall accept offers to dedicate easements or fee title interests in coastal accessways, and as resources permit, <del>not be required to be opened</del> such accessways when the offer to dedicate is made pursuant to evidence of prescriptive rights or where the offer to dedicate is in a developed area. County acceptance of an offer to dedicate shall occur within 9 months of notification of the existence of the offer. If the County does not <del>to public use until a public agency or private association agrees to</del> accept an easement within this time period, it shall attempt to find an appropriate public or private agency to do so. <del>responsibility for maintenance and liability of the accessway.</del></p>
<p><b><u>Policy 7, pg. 8</u></b>  The County shall post all County owned shoreline accessways which are open and available to the public.</p> <p><b><u>Policy Status</u></b>  The concept of this policy is similar to Unit II Public Access Policy 2.c., p. 14, which was carried forward to <b>C-PA-19</b> Explanatory Signs at Public Coastal Accessways.</p>	<p><b>C-PA-19 Explanatory Signs at Public Coastal Accessways.</b> Sign existing and new public coastal accessways, trails, and parking facilities where necessary, and use signs to minimize conflicts between public and private land uses. Signs posted along the shoreline shall indicate appropriate restrictions, such as that no fires or overnight camping are permitted, and that the privacy of homeowners shall be respected. Where public access trails are located adjacent to agricultural lands, signs shall indicate appropriate restrictions against trespassing, fires, camping, and hunting. Where only limited public access or use of an area can be permitted in order to protect resource areas from overuse, such signing should identify the appropriate type and levels of use which are consistent with resource protection. The County and CALTRANS shall as resources permit, post informational signs at appropriate intersections and turning points along visitor routes, in order to direct coastal visitors to public recreation and nature study areas in the Coastal Zone.  <i>[Adapted from Unit II Public Access Policy 2.c, p. 14]</i></p> <p><b><u>Unit II Public Access Policy 2.c., p. 14</u></b>  e. <del>Acceptance of public access easements or dedications. The County will accept, and as resources permit, open access easements in the following situation:</del>  (1) <del>The offer to dedicate an easement is made pursuant to evidence of prescriptive rights, or</del>  (2) <del>The offered easement is in a developed area (density of one unit per acre or greater) and substantial use could be expected by local residents.</del></p>



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	<p><del>Whenever the County has agreed or agrees to accept an easement, it will be responsible for maintaining that easement and signing where necessary. Provide explanatory signs at accessways. Sign existing and new public accessways, trails, and parking facilities where necessary, and use signs to minimize conflicts between public and private land uses. Signs posted along the shoreline of Tomales Bay shall indicate appropriate restrictions, such that that no fires or overnight camping is are permitted, and that the privacy of homeowners shall be respected. Where only limited public access or use of an area can be permitted in order to protect resource areas from overuse, such signing should identify the appropriate type and levels of use which is consistent with resource protection. The County and CALTRANS shall, as resources permit, post informational signs at appropriate intersections and turning points on Highway 1, the Bolinas-Olema Road, and Mesa Road, in order to direct coastal visitors to public recreation and nature study areas in the coastal zone. appropriate and feasible, parking areas should be provided in conjunction with access easements. The need for parking shall be determined based on existing parking and public transit opportunities in the area. As transit service becomes available, parking capacities should be reduced or eliminated.</del></p> <p><del>If the County does not accept an easement, it shall attempt to find appropriate public or private agencies to do so. If no such agency is immediately available, a twenty year irrevocable offer to dedicate the required easement(s) shall be recorded by the applicant prior to the issuance of a final County permit to commence construction. The County shall immediately notify the California Coastal Conservancy of such offers to dedicate. The County may process the irrevocable offers according to the Commission's centralized coastal access program.</del></p>
<p><b><u>Policy 8, pg. 8</u></b> The County and CALTRANS shall, as resources permit, post informational signs at appropriate intersections and turning points on Highway 1, the Bolinas-Olema Road, and Mesa Road, in order to direct coastal visitors to public recreation and nature study areas in the Unit I coastal zone. <del>Where only limited public access or use of an area can be permitted in order to protect resource areas from overuse, such signing should identify the appropriate type and levels of use which is consistent with resource protection.</del></p>	<p><b>C-PA-19 Explanatory Signs at Public Coastal Accessways.</b> Sign existing and new public coastal accessways, trails, and parking facilities where necessary, and use signs to minimize conflicts between public and private land uses. Signs posted along the shoreline shall indicate appropriate restrictions, such as that no fires or overnight camping are permitted, and that the privacy of homeowners shall be respected. Where public access trails are located adjacent to agricultural lands, signs shall indicate appropriate restrictions against trespassing, fires, camping, and hunting. Where only limited public access or use of an area can be permitted in order to protect resource areas from overuse, such signing should identify the appropriate type and levels of use which are consistent with resource protection.</p>

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#### Policy Status

The concept of this policy is similar to Unit II Public Access Policy 2.c., p. 14, which was carried forward to **C-PA-19** Explanatory Signs at Public Coastal Accessways.

The County and CALTRANS shall, as resources permit, post informational signs at appropriate intersections and turning points along visitor routes, in order to direct coastal visitors to public recreation and nature study areas in the Coastal Zone.  
*[Adapted from Unit II Public Access Policy 2.c, p. 14]*

#### Policy 8, pg. 8

**C-PA-19 Explanatory Signs at Public Coastal Accessways.** Sign existing and new public coastal accessways, trails, and parking facilities where necessary, and use signs to minimize conflicts between public and private land uses. Signs posted along the shoreline shall indicate appropriate restrictions, such as that no fires or overnight camping are permitted, and that the privacy of homeowners shall be respected. Where public access trails are located adjacent to agricultural lands, signs shall indicate appropriate restrictions against trespassing, fires, camping, and hunting. Where only limited public access or use of an area can be permitted in order to protect resource areas from overuse, such signing should identify the appropriate type and levels of use which are consistent with resource protection. The County and CALTRANS shall, as resources permit, post informational signs at appropriate intersections and turning points on Highway 1, the Bolinas Olema Road, and Mesa Road, along visitor routes, in order to direct coastal visitors to public recreation and nature study areas in the Unit I Coastal Zone. Where only limited public access or use of an area can be permitted in order to protect resource areas from overuse, such signing should identify the appropriate type and levels of use which is consistent with resource protection.

#### Unit II Public Access Policy 2.c., p. 14

- e. Acceptance of public access easements or dedications. The County will accept, and as resources permit, open access easements in the following situation:
- (1) The offer to dedicate an easement is made pursuant to evidence of prescriptive rights, or
  - (2) The offered easement is in a developed area (density of one unit per acre or greater) and substantial use could be expected by local residents.

Whenever the County has agreed or agrees to accept an easement, it will be responsible for maintaining that easement and signing where necessary. Provide explanatory signs at accessways. Sign existing and new public accessways, trails, and parking facilities where necessary, and use signs to

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	<p><u>minimize conflicts between public and private land uses.</u> Signs posted along the shoreline of <del>Tomales Bay</del> shall indicate <u>appropriate restrictions, such that</u> that no fires or overnight camping <del>is</del> <u>are</u> permitted, and that the privacy of homeowners shall be respected. Where <u>only limited public access or use of an area can be permitted in order to protect resource areas from overuse, such signing should identify the appropriate type and levels of use which is consistent with resource protection.</u> The County and CALTRANS shall, as resources permit, post informational signs at <u>appropriate intersections and turning points on Highway 1, the Bolinas-Olema Road, and Mesa Road, in order to direct coastal visitors to public recreation and nature study areas in the coastal zone.</u> <del>appropriate and feasible, parking areas should be provided in conjunction with access easements. The need for parking shall be determined based on existing parking and public transit opportunities in the area. As transit service becomes available, parking capacities should be reduced or eliminated.</del></p> <p><del>If the County does not accept an easement, it shall attempt to find appropriate public or private agencies to do so. If no such agency is immediately available, a twenty year irrevocable offer to dedicate the required easement(s) shall be recorded by the applicant prior to the issuance of a final County permit to commence construction. The County shall immediately notify the California Coastal Conservancy of such offers to dedicate. The County may process the irrevocable offers according to the Commission's centralized coastal access program.</del></p>
<p><b>Policy 9, pg. 8</b>  Adequate public access to Stinson Beach currently exists across Federal park lands, County land at Calle Del Sierra and private land at the Calles and Walla Vista. To encourage the continuance of access availability in these areas the County shall post the existing pedestrian access easements along Calle Del Arroyo. However, should the current levels of usage be jeopardized in the future, the County shall open and maintain at least two additional pedestrian access easements on Calle Del Arroyo. One of these will be at Walla Vista; the other would be situated where appropriate in the Calles. On street parking along the northerly side of Calle Del Arroyo shall continue to be available for day-use beach access.</p> <p><b>Policy Status</b>  The concept of this policy is similar to Unit II Public Access Policy 2.c., p. 14, which was carried forward to <b>C-PA-18</b> Parking and Support Facilities at Public Coastal Accessways.</p>	<p><b>C-PA-18 Parking and Support Facilities at Public Coastal Accessways.</b>  Where appropriate and feasible, provide parking areas for automobiles and bicycles and appropriate support facilities in conjunction with public coastal accessways. The location and design of new parking and support facilities shall be designed to minimize adverse impacts on adjacent residential areas. The need for parking shall be determined based on existing parking and public transit opportunities in the area, balanced with resource protection policies. Consider opportunities for reducing or eliminating parking capacities if transit service becomes available or increases.  <i>[Adapted from Unit II Public Access Policy 2.c., p. 14]</i></p> <p><b>Unit II Public Access Policy 2.c., p. 14</b>  e. <del>Acceptance of public access easements or dedications. The County will accept, and as resources permit, open access easements in the following situation:</del>  (1) <del>The offer to dedicate an easement is made pursuant to evidence of prescriptive rights, or</del></p>

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	<p><del>(2) The offered easement is in a developed area (density of one unit per acre or greater) and substantial use could be expected by local residents.</del></p> <p><del>— Whenever the County has agreed or agrees to accept an easement, it will be responsible for maintaining that easement and signing where necessary. Signs posted along the shoreline of Tomales Bay shall indicate that no fires or overnight camping is permitted, and that the privacy of homeowners shall be respected. Where appropriate and feasible, parking areas should be provided for automobiles and bicycles and appropriate support facilities in conjunction with access easements public coastal accessways. The location and design of new parking and support facilities shall be designed to minimize adverse impacts on adjacent residential areas.</del> -The need for parking shall be determined based on existing parking and public transit opportunities in the area, balanced with resource protection policies. As transit service becomes available, parking capacities should be Consider opportunities for reduced or eliminated parking capacities if transit service becomes available or increases.</p> <p><del>— If the County does not accept an easement, it shall attempt to find appropriate public or private agencies to do so. If no such agency is immediately available, a twenty-year irrevocable offer to dedicate the required easement(s) shall be recorded by the applicant prior to the issuance of a final County permit to commence construction. The County shall immediately notify the California Coastal Conservancy of such offers to dedicate. The County may process the irrevocable offers according to the Commission's centralized coastal access program.</del></p>
<p><b><u>Policy 10, pg. 8</u></b>  Public access to Duxbury Reef shall continue to be protected consistent with current State laws prohibiting the collecting of most intertidal animals.</p> <p><b><u>Policy Status</u></b>  The policy is out of date and has not been carried forward. Duxbury Reef is included in the Duxbury Reef State Marine Conservation Area, which prohibits the take of all living marine resources, except the recreational take of finfish from shore only and the recreational take of abalone. However, California's marine</p>	<p>n/a</p>

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<p>protected areas encourage recreational and educational uses of the ocean. Activities such as kayaking, diving, snorkeling, and swimming are allowed unless otherwise restricted. The Duxbury Reef SMCA is one of 21 marine protected areas adopted by the California Fish and Game Commission in August 2009, during the second phase of the Marine Life Protection Act Initiative.</p>	
<p><b><u>Policy 11, p. 9</u></b> Historic public use of the two access trails across Bolinas Mesa to the RCA beach and of the beach area itself shall be protected in accordance with the access program approved by the North Central Coast regional Commission in its action on Permit No. 31-78 (Commonweal). As provided by the conditions of the Commonweal permit approval, use of the access trails and beach areas shall be limited to the level and character of the historic use of the property (including but not limited to use for beach access, hiking, swimming, and horseback riding) in order to protect the natural resources of Duxbury Reef. Upon acceptance by a public agency of easements over the access trails, trailheads, and beach areas which are to be offered as a condition of the Commonweal permit approval, limited signing shall be provided to identify the access trails and caution trail users of the fragile coastal resources of the area.</p> <p><b><u>Policy Status</u></b> This policy has been carried forward to <b>C-PA-8</b> Bolinas Mesa.</p>	<p><b>C-PA-8 Bolinas Mesa.</b> Historic public use of the two access trails across Bolinas Mesa to the RCA beach and of the beach area itself shall be protected in accordance with the access program approved by the North Central Coast Regional Commission in its action on Permit No. 31-78 (Commonweal). As provided by the conditions of the Commonweal permit approval, use of the access trails and beach areas shall be limited to the level and character of the historic use of the property (including but not limited to use for beach access, hiking, swimming, and horseback riding) in order to protect the natural resources of Duxbury Reef. Limited signing shall be provided to identify the access trails and caution trail users of the fragile coastal resources of the area. <i>[Unit I Public Access Policy 11, p. 9]</i></p> <p><b><u>Unit I, Public Access Policy 11, p. 9</u></b> <b>C-PA-8 Bolinas Mesa.</b> Historic public use of the two access trails across Bolinas Mesa to the RCA beach and of the beach area itself shall be protected in accordance with the access program approved by the North Central Coast regional Commission in its action on Permit No. 31-78 (Commonweal). As provided by the conditions of the Commonweal permit approval, use of the access trails and beach areas shall be limited to the level and character of the historic use of the property (including but not limited to use for beach access, hiking, swimming, and horseback riding) in order to protect the natural resources of Duxbury Reef. <del>Upon acceptance by a public agency of easements over the access trails, trailheads, and beach areas which are to be offered as a condition of the Commonweal permit approval,</del> Limited signing shall be provided to identify the access trails and caution trail users of the fragile coastal resources of the area.</p>
<p><b><u>Policy 12, p. 9</u></b> A determination of the necessity to provide additional access trails across other large agricultural holdings on the Bolinas Mesa should be deferred pending a review of the adequacy of public access opportunities to be provided in the vicinity as part of the Golden Gate National Recreation Area General Management Plan. The necessity for additional access will be reconsidered during the Unit II planning process when appropriate land use designations for the large agricultural holdings</p>	<p>n/a</p>

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<p>in the Bolinas Mesa area will be developed as part of a Countywide approach to the protection of large agricultural holdings.</p> <p><b><u>Policy Status</u></b></p> <p>The policy is no longer relevant and has not been carried forward. Policy C-PA-6 recommends that acquisitions for public accessways shall take into account the needs to protect public safety, military security, fragile coastal resources, and agriculture.</p>	
<p><b><u>Policy 13a – f, p. 9</u></b></p> <p>The provision of public access to and use of the Seadrift Beach for low-intensity recreational uses shall be assured (1) by requiring, as part of the coastal development permit process for new development projects on ocean front parcels in Subarea 1, dedications of public access consistent with the standards of the suggested settlement agreement as set forth below, and (2) by establishing an overall solution to obtaining access at Seadrift Beach through either (a) an access agreement with the property owners, (b) litigation to establish the public's prescriptive rights gained by historic use, or (3) public purchase. In order to minimize the public costs involved in acquisition or in litigation of the prescriptive rights issue, in addition to requiring dedications, obtaining an access agreement presents the preferred approach to achieving access to the Seadrift Beach.</p> <p>In order to facilitate an agreement between the County of Marin, the Coastal Commission, and beachfront property owners, the County or Coastal Commission shall offer a settlement- agreement incorporating the following provisions to the above parties for a period of 18 months from the final certification of the Unit I LCP. These provisions establish the minimum standards necessary to assure public access to Seadrift, but are not intended to represent all of the proposed terms of the agreement in its final form. Minimum standards shall be interpreted to mean that the offered agreement may provide additional access along the beach and additional amenities within the Easement area but may not in any way diminish the public rights which would be established as a result of an agreement incorporating the following provisions.</p> <p>a. A grant to the County of Marin on behalf of the public by the agreeing property owners of a non-exclusive easement for access to and use of the beach. This easement shall include the beach area between the ocean and a line 25 feet seaward of the toe of the Seadrift sand dunes, provided, however, that the easement shall not extend any closer than 100 feet to the rear building</p>	<p><i>[placeholder for proposed policy to reflect the Seadrift Settlement Agreement – if one is needed]</i></p>

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<p>setback line on each ocean front lot. In addition to the above easement, the grant shall also include provision for a floating five-foot wide lateral access easement to be located landward for any wave run-up where such run-up extends further inland than the above easement. In no case, however, shall the five-foot floating easement extend inland beyond the rear building setback line or the toe of the dunes, whichever point is the farthest seaward.</p> <p>In return for the grant, the agreement shall include an assurance by the state that the existence of public prescriptive rights over any portion of the property affected by the agreement will not be litigated further while the agreement is in effect.</p> <ul style="list-style-type: none"> <li>b. Use of the easement area shall be limited to low-intensity recreational activities, such as strolling, sunbathing, birding, picnicking, fishing, and general viewing. Structures, camping, group sports, fire, private recreational vehicles, and horses shall be prohibited in the easement areas. Use of the five-foot lateral access easement as described above shall be limited to strolling and viewing purposes only.</li> <li>c. The agreement shall become effective upon its signing by representatives of the Coastal Commission, the State Lands Commission, and the Attorney General on behalf of the State of California, and by no less than seventy-five (75) percent of the beachfront property owners.</li> <li>d. The Attorney General or District Attorney may pursue litigation to establish the existence of public prescriptive rights over the beach, should the agreement not become effective within 18 months from the final certification of the Unit I LCP. Should the agreement become effective, the Attorney General may pursue such litigation on lots which have not been made a party to the agreement.</li> <li>e. Nothing in this policy or the agreements or easements described shall be interpreted as affecting the right of the public to use any portion of the beach subject to the public trust.</li> <li>f. In the absence of an overall agreement providing access and use along the Seadrift beach, the County, as part of coastal permit review, shall require dedications of such access per the standards of the suggested agreement.</li> </ul>	
<p><b><u>Policy Status</u></b></p>	

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This policy has been superseded by the Seadrift settlement agreement adopted after the LCP was certified.	
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**Unit I**  
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**Recreation and Visitor Serving Facilities**

Unit I Recreation and Visitor Serving Facilities	
Existing Policy	Proposed Policy
<p><b><u>Policy 14, pg. 13</u></b></p> <p>Commercial facilities shall be channeled into the existing properties in Bolinas and Stinson Beach zoned for VCR and commercial uses. In order to maintain the established character of the village commercial areas-, a mixture of residential and commercial uses shall be permitted within the VCR zone. The principal permitted use of the VCR zone in the two village centers shall include commercial and residential uses, provided that new residential uses shall be permitted only if they are incidental to the commercial use. Exclusive residential uses shall also be permitted as a conditional use be a permitted use subject to coastal permit review; however, in no case shall such use be permitted on more than 25 percent of the lots that are now vacant in each community as of the certification date of LCP I (4-1-80). Replacement of any existing residential use destroyed by natural disaster shall be exempt from the above provision and shall be permitted. The development of motels and hotels in the VCR zone shall require a conditional use permit and is therefore not identified as a principal permitted use in that District.</p> <p><b><u>Policy Status</u></b></p> <p>This policy has been carried forward to <b>C-PK-3 Mixed Uses in the Coastal Village Commercial/Residential Zone</b>. Language specific to the 25% of the vacant lots in Bolinas and Stinson Beach has been deleted. Policy has been modified to require a Use Permit for residential uses on the ground floor of a new or existing structure on the road-facing side of the property.</p>	<p><b>C-PK-3 Mixed Uses in the Coastal Village Commercial/ Residential Zone.</b> Continue to permit a mixture of residential and commercial uses in the C-VCR zoning district in order to maintain the established character of the village commercial areas. The principal permitted use of the C-VCR zone shall include commercial and residential uses. Require a Use Permit for residential uses proposed on the ground floor of a new or existing structure on the road-facing side of the property. Replacement, maintenance and repair of any legal existing residential use shall be exempt from the above provision and shall be permitted. <i>[Adapted from Unit I Recreation and Visitor Serving Facilities Policy 14, p. 13.]</i></p> <p><b><u>Unit I Recreation and Visitor Serving Facilities Policy 14</u></b></p> <p><del>Commercial facilities shall be channeled into the existing properties in Bolinas and Stinson Beach zoned for VCR and commercial uses. In order to maintain the established character of the village commercial areas, C-</del>  <b><u>PK-3 Mixed Uses in the Coastal Village Commercial/ Residential Zone.</u></b>  <del>Continue to permit</del> a mixture of residential and commercial uses <u>in the C-VCR zoning district in order to maintain the established character of the village commercial areas.</u> <del>shall be permitted within the VCR zone.</del> The principal permitted use of the <u>C-VCR zone in the two village centers</u> shall include commercial and residential uses, <del>provided that new residential uses shall be permitted only if they are incidental to the commercial use.</del> Exclusive residential uses shall also be permitted as a conditional use; however, in no case shall such use be permitted on more than 25 percent of the lots that are now vacant in each community. Replacement of any <u>legal</u> existing residential use destroyed by natural disaster shall be exempt from the above provision and shall be permitted. <del>The development of motels and hotels in the VCR zone shall require a conditional use permit and is therefore not identified as a principal permitted use in that District.</del></p>
<p><b><u>Policy 15, pg. 14</u></b></p> <p>The current Bed and Breakfast program Bolinas shall be continued, and the program shall be encouraged in the following manner:</p> <ol style="list-style-type: none"> <li>The County shall encourage the National Park Service and State Parks and Recreation Department to make available advertising space to those homeowners who wish to participate in the Bed and Breakfast program.</li> <li>The County shall encourage the Marin Coast Chamber of Commerce to make available advertising space to those homeowners who wish to participate in the Bed and Breakfast program.</li> </ol>	<p><b>C-PK-6 Bed and Breakfast Inns.</b> Support bed and breakfast facilities in the Coastal Zone as a means of providing visitor accommodations, while minimizing their impacts on surrounding communities. Restrict the conversion of second units and affordable housing to bed and breakfast inns. In addition, support the location of bed and breakfast inns in areas that are easily and directly accessible from usual tourist travel routes and where there is adequate off-street parking for guests and where the problem of nearby residents being inconvenienced by noise and increased transient traffic is minimized. Bed and breakfast inns shall be permitted to host or provide facilities for gatherings, such as weddings, receptions, private parties, or retreats if located in the C-APZ, C-ARP or C-R-A. Each bed and</p>

# Unit I

## Existing and Proposed Policy Comparison

### Recreation and Visitor Serving Facilities

#### **Policy Status**

The concept of this policy is similar to Unit II Recreation and Visitor Serving Facilities Policy 3.h, p. 52, which has been carried forward to **C-PK-6** Bed and Breakfast Inns. Bed and Breakfast operators have the choice of joining the local chamber of commerce (West Marin Chamber of Commerce) and the Marin Convention & Visitors Bureau. They can also develop and customize their own advertising through web presence and social media without policy guidance from the Coastal Act.

breakfast inn must be operated by a householder who is the sole proprietor of the enterprise and whose primary residence is on the premises where the inn accommodations are located.

*[Unit II Recreation and Visitor Serving Facilities Policy 3.h., p. 52]*

#### **Unit I Policy 15, pg. 14**

**C-PK-6 Bed and Breakfast Inns.** ~~The current Support~~ bed and breakfast facilities in the Coastal Zone as a means of providing visitor accommodations, while minimizing their impacts on surrounding communities. Restrict the conversion of second units and affordable housing to bed and breakfast inns. In addition, support the location of bed and breakfast inns in areas that are easily and directly accessible from usual tourist travel routes and where there is adequate off-street parking for guests and where the problem of nearby residents being inconvenienced by noise and increased transient traffic is minimized. Bed and Breakfast program ~~Bolinas inns~~ shall be ~~continued~~ permitted to host or provide facilities for gatherings, such as weddings, receptions, private parties, or retreats if located in the C-APZ, C-ARP or C-R-A. ~~and the program shall be encouraged in the following manner:~~

- ~~(a.) The County shall encourage the National Park Service and State Parks and Recreation Department to make available advertising space to those homeowners who wish to participate in the Bed and Breakfast program. Each bed and breakfast inn must be operated by a householder who is the sole proprietor of the enterprise and whose primary residence is on the premises where the inn accommodations are located.~~
- ~~(b) The County shall encourage the Marin Chamber of Commerce to make available advertising space to those homeowners who wish to participate in the Bed and Breakfast program.~~

#### **Unit II Recreation and Visitor Serving Facilities Policy 3.h., p. 52**

- 3. ~~Private recreational and visitor serving development.~~
  - a. ~~Bed and Breakfast Program. The County Encourages the continuation and expansion of bed and breakfast facilities in the Unit II coastal zone. Local organizations, such as the West Marin Chamber of Commerce and the Marin County Convention and Visitors Bureau A listing of such facilities should be provided at the headquarters of the Point Reyes National Seashore, as information to visitors. In addition, the establishment of a centralized information program is recommended, to coordinate listings of all types of overnight accommodations and provide information on recreational opportunities to coastal visitors.~~

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**State and Federal Parklands**

Unit I State and Federal Parklands	
Existing Policy	Proposed Policy
<p><b><u>Policy 16, page 14</u></b>  <u>Role and Relationship of Federal Parklands to LCP Policies.</u> The extensive amount of federal parkland within the coastal zone of Unit I provides significant opportunities for development of coastal access, recreational facilities and visitor support services. Such development opportunities reduce the need to plan for and provide such facilities on the private lands within the coastal zone. The LCP assumes that a major proportion of the access and visitor service needs within Unit I would and can be successfully integrated into federal park development and management programs.</p> <p><b><u>Policy Status</u></b>  This policy does not provide any policy direction to guide decision making bodies and staff does not recommend carrying it forward. However, language to encourage appropriate uses of federal parks, and to guide development of state parks, is proposed in the draft LCP.</p>	n/a
<p><b><u>Policy 17, pg. 14</u></b>  <u>Mt. Tamalpais State Park and Lands.</u> The development of additional recreational and visitor services on those portions of the Mount Tamalpais State Park within the coastal zone, including hiking trails, equestrian trails, a "primitive" hostel at the Steep Ravine cabins and improved parking and support facilities at Red Rock are consistent with the LCP policies. Such facilities shall be similar in design, size and/or location as those proposed by the Mount Tamalpais State Park Plan. Consistent with the protection of significant resources, additional trail development to improve access to public tidelands is encouraged.</p> <p><b><u>Policy Status</u></b>  Staff does not recommend carrying this policy forward as it is no longer relevant. The Mount Tamalpais State Park General Plan has not been updated since 1981.</p>	n/a

**Unit I**  
**Existing and Proposed Policy Comparison**  
**Stream Protection**

Unit I Stream Protection	
Existing Policy	Proposed Policy
<p><b><u>Policy I, pg. 19</u></b>  Stream impoundments and diversions shall be limited to necessary water supply projects, flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development, or developments where the primary function is the improvement of fish and wildlife habitat. Before any such activities are permitted, minimum flows necessary to maintain fish habitat and existing water quality, and to protect downstream resources (e.g. riparian vegetation, groundwater recharge areas, receiving waters, estuarine habitats, spawning areas) and other downstream users shall be determined by the Department of Fish and Game and the Division of Water Rights of the State Water Resources Control Board. New impoundments or diversions which, individually or cumulatively, would decrease streamflows below the minimum shall not be permitted.</p> <p><b><u>Policy Status</u></b>  This policy contains the same standard as Unit II, Natural Resources Policy 3 p. 72, which staff recommends carrying forward into <b>C-BIO-4.I</b> Coastal Streams and Riparian Vegetation.</p>	<p><b>C-BIO-24 Coastal Streams and Riparian Vegetation.</b></p> <ol style="list-style-type: none"> <li>Stream alterations. Limit stream impoundments, and diversions, channelizations, or other substantial alterations to coastal streams or the riparian vegetation surrounding them to the following purposes: <ol style="list-style-type: none"> <li>Necessary water supply projects, including those for domestic or agricultural purposes;</li> <li>Flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development; or</li> <li>Developments where the primary function is the improvement of fish and wildlife habitat.</li> </ol> <p>Substantial alterations shall include channelizations, dams, or comparable projects which significantly disrupt the habitat value of a particular river or stream. Before any such activities are permitted, minimum flows necessary to maintain fish habitat and water quality, and to protect downstream resources (e.g. riparian vegetation, groundwater recharge areas, receiving waters, spawning habitats, etc.) and downstream users shall be determined by the Department of Fish and Game and the Division of Water Rights of the State Water Resources Control Board. <u>Prohibit new impoundments which, individually or cumulatively, would decrease stream-flows below the minimum.</u></p> </li> <li><u>Conditions.</u> Minimize the alteration of streams allowed for the purposes listed in (A) above in order to protect streamwater quality and the volume and rate of streamflow. Require all such developments to incorporate the best mitigation measures feasible, including erosion and runoff control measures, and re-vegetation of disturbed areas with native species. Minimize the disturbance of riparian vegetation and require revegetation wherever possible.</li> <li><u>Stream Buffers.</u> Establish buffers to protect streams from the impacts of adjacent uses for each stream in the Coastal Zone. The stream buffer shall include the area 50 feet landward from the outer edge of the riparian vegetation. In no case shall the stream buffer be less than 100 feet in width, on either side of the stream, as measured from the top of the stream banks.</li> <li><u>Development in Stream Buffers.</u> Prohibit construction, alteration of land</li> </ol>

# Unit I

## Existing and Proposed Policy Comparison

### Stream Protection

forms and vegetation removal within stream buffers unless the project is otherwise designed to be consistent with policy C-BIO-25 Stream Buffer Adjustments and Exceptions.

(PC app. 06/28/10)

*[LCP II Natural Resources Streams and Riparian Habitats policy 3.a through d, page 72]*

#### **Unit I Policy I, pg. 19**

1. Stream alterations. Limit Sstream impoundments, and diversions, channelizations, or other substantial alterations to coastal streams or the riparian vegetation surrounding them shall be limited to the following purposes:

- a. ~~n~~Necessary water supply projects, including those for domestic or agricultural purposes;
- b. ~~f~~Flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development; or
- c. ~~d~~Developments where the primary function is the improvement of fish and wildlife habitat.

Substantial alterations shall include channelizations, dams, or comparable projects which significantly disrupt the habitat value of a particular river or stream. Before any such activities are permitted, minimum flows necessary to maintain fish habitat and water quality, and to protect downstream resources (e.g. riparian vegetation, groundwater recharge areas, receiving waters, ~~estuarine habitats, spawning areas spawning habitats, etc.~~) and downstream users shall be determined by the Department of Fish and Game and the Division of Water Rights of the State Water Resources Control Board. Prohibit nNew impoundments which, individually or cumulatively, would decrease stream-flows below the minimum ~~shall not be permitted.~~

#### **Unit II Natural Resources Streams and Riparian Habitats Policy 3.a-d, p. 72.**

Streams and Riparian Habitats.

#### **C-BIO-24 Coastal Streams and Riparian Vegetation.**

The policies contained in this section shall apply to all streams in the Unit II coastal zone, perennial or intermittent, which are mapped by the United States Geological Survey (U.S.G.S.) on the 7.5 minute quadrangle series.

- a. 1. Stream alterations. Stream impoundments, diversions, channelizations, or other substantial alterations to coastal streams

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**Stream Protection**

	<p><del>or the riparian areas surrounding them shall be</del> limited to the following purposes:</p> <p>(1) <del>a.</del> Necessary water supply projects, including those for domestic or agricultural purposes;</p> <p>(2) <del>b.</del> Flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development; or</p> <p>(3) <del>c.</del> Developments where the primary function is the improvement of fish and wildlife habitat.</p> <p><u>Substantial alterations shall include channelizations, dams, or comparable projects which significantly disrupt the habitat value of a particular river or stream.</u> Before any such activities are permitted, minimum flows necessary to maintain fish habitat and water quality, and to protect downstream resources (e.g. riparian vegetation, groundwater recharge areas, receiving waters, spawning habitats, etc.) and downstream users shall be determined by the Department of Fish and Game and the Division of Water Rights of the State Water Resources Control Board. <del>Prohibit n</del>New impoundments which, individually or cumulatively, would decrease stream-flows below the minimum <del>shall not be permitted.</del></p> <p><del>b.—</del><u>2. Conditions. Minimize t</u>The alteration of streams allowed for the purposes listed in (1.) above <del>shall be held to a minimum in order</del> to protect streamwater quality and the volume and rate of streamflow. <u>Require a</u>All such developments shall incorporate the best mitigation measures feasible, including erosion and runoff control measures, and re-vegetation of disturbed areas with native species. <u>Minimize the d</u>Disturbance of riparian vegetation <del>shall be held to a minimum</del> and <u>require revegetation wherever possible.</u></p> <p><del>e.—</del><u>3. Stream Buffers. Establish b</u>Buffers to protect streams from the impacts of adjacent uses <del>shall be established</del> for each stream in <del>Unit II the Coastal Zone.</del> The stream buffer shall include <del>the area covered by riparian vegetation on both sides of the stream and the</del> area 50 feet landward from the <u>outer</u> edge of the riparian vegetation. In no case shall the stream buffer be less than 100 feet in width, on either side of the stream, as measured from the top of</p>
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**Existing and Proposed Policy Comparison**  
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	<p>the stream banks.</p> <p>d.—4. <del>Development in Stream Buffers. No Prohibit</del> construction, alteration of land forms <del>or and</del> vegetation removal <del>shall be permitted within such</del> stream buffers unless the project is otherwise designed to be consistent with policy C-BIO-25 Stream Buffer Adjustments and Exceptions. <del>riparian protection areas. Additionally, such project applications shall identify a stream buffer area which shall extend a minimum of 50 feet from the outer edge of riparian vegetation, but in no case less than 100 feet from the banks of a stream. Development shall not be located within this a stream buffer area. Where a finding based upon factual evidence is made that development outside a riparian protection or stream buffer area would be more environmentally damaging to the riparian habitat than development within the riparian protection or stream buffer area, development of principal permitted uses may occur within such area subject to design review and appropriate mitigation measures.</del></p>
<p><b><u>Policy 2, pg. 19</u></b>  The alteration of stream channels and banks shall be allowed only for the developments identified in Policy II-1 in order to protect streamwater quality and the volume and rate of streamflow. All such developments shall incorporate the best mitigation measures feasible, including erosion and runoff control measures and revegetation of disturbed areas with native species.</p> <p><b><u>Policy Status</u></b>  This policy contains the same standard as Unit II, Natural Resources policy 3, which staff recommends carrying forward into <b>C-BIO-24</b> Coastal Streams and Riparian Areas.</p>	<p><b>C-BIO-24 Coastal Streams and Riparian Vegetation.</b>  (See Unit I Policy 1, page 19, above.)</p> <p><b><u>Unit I Policy 2, pg. 19</u></b>  <u>B. Conditions. Minimize</u> <del>The alteration of streams channels and banks shall be allowed only for the developments identified purposes listed in Policy II-1 (A) above in order to protect streamwater quality and the volume and rate of streamflow. Require a</del> All such developments <del>shall to</del> incorporate the best mitigation measures feasible, including erosion and runoff control measures, and re-vegetation of disturbed areas with native species. <u>Minimize the disturbance of riparian vegetation and require revegetation wherever possible.</u></p>
<p><b><u>Policy 3, pg. 19</u></b>  A riparian protection area and a stream buffer area shall be established for all streams within Unit I. The riparian protection area shall include all existing riparian vegetation on both sides of the stream. The stream buffer area shall extend a minimum of 50 feet from the outer edge of the riparian vegetation, but in no case shall be less than 100 feet from the banks of the stream.</p> <p><b><u>Policy Status</u></b>  This policy contains the same standard as Unit II, Natural Resources policy 3,</p>	<p><b>C-BIO-24 Coastal Streams and Riparian Vegetation.</b>  (See Unit I Policy 1, page 19, above.)</p> <p><b><u>Unit I Policy 3, pg. 19</u></b>  <b><u>C-BIO-24 Coastal Streams and Riparian Vegetation.</u></b>  3. <u>Stream Buffers. A riparian protection area and a stream buffer area</u> <del>shall be e</del>Established buffers to protect streams from the impacts of adjacent uses for all each streams within Unit I the Coastal Zone. The <del>riparian protection area</del> stream buffer shall include all existing <del>riparian vegetation on both sides of the stream. The stream buffer area</del></p>

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<p>which staff recommends carrying forward into <b>C-BIO-24</b> Coastal Streams and Riparian Areas.</p>	<p><del>shall extend a minimum of the area</del> 50 feet <del>landward</del> from the outer edge of the riparian vegetation, <del>but in no case shall the stream buffer be less than 100 feet in width, on either side of the stream, as measured from the top</del> banks of the stream.</p>
<p><b><u>Policy 4, pg. 19</u></b>  No construction, alteration of land forms, or vegetation removal, shall be permitted within the riparian protection area. However, if a parcel is located entirely within the stream buffer, design review shall be required for any proposed structure and shall consider impacts on water quality, riparian vegetation/and the rate and volume of streamflow. In general, development shall be located on that portion of the site which results in the least impact on the stream, and shall include provision for mitigation measures to control erosion and runoff and to provide restoration of disturbed areas by replanting with plant species naturally found on the site.</p> <p><b><u>Policy Status</u></b>  This policy contains the same standard as Unit II, Natural Resources policy 3, which staff recommends carrying forward into <b>C-BIO-24</b> Coastal Streams and Riparian Areas.</p>	<p><b>C-BIO-24 Coastal Streams and Riparian Vegetation.</b>  (See Unit I Policy 1, page 19, above.)</p> <p><b><u>Unit I Policy 4, pg. 19</u></b>  <b><u>C-BIO-24 Coastal Streams and Riparian Vegetation.</u></b>  4. <del>Development in Stream Buffers. Prohibit</del> No construction, alteration of land forms, or vegetation removal, <del>shall be permitted within the riparian protection area.</del> stream buffers <del>unless the project is otherwise designed to be consistent with policy C-BIO-25 Stream Buffer Adjustments and Exceptions.</del> However, if a parcel is located entirely within the stream buffer, design review shall be required for any proposed structure and shall consider impacts on water quality, riparian vegetation/and the rate and volume of streamflow. in general, development shall be located on that portion of the site which results in the least impact on the stream, and shall include provision for mitigation measures to control erosion and runoff and to provide restoration of disturbed areas by replanting with plant species naturally found on the site.</p>
<p><b><u>Policy 5, pg. 20</u></b>  <u>Pine Gulch Creek.</u> The USGS should install a stream gaging station as part of the Army Corps study of Lagoon to measure creek flow below the last significant stream diversion or at a location selected by the Department of Fish and Game, This station shall be monitored by the County Employee who patrols the Duxbury Reef/Bolinas Lagoon area.</p> <p><b><u>Policy Status</u></b>  Beginning in 1998, the National Parks Service has maintained a water monitoring station with gauges located down stream of Olema-Bolinas Road bridge to document low flow conditions. This effort has been undertaken to support the Pine Gulch Creek Watershed Enhancement Project that was proposed through the Coho Salmon and Steelhead Trout Restoration Project.</p> <p>The stream monitoring program implemented by the National Parks Service is consistent with the goals of this policy, although the actual government agency conducting the monitoring is not the USGS or Marin County. The National Parks</p>	<p>n/a</p>



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<p>Service has collaborated with the Department of Fish and Game, Marin County, and local property owners in conducting this water monitoring. Staff considers this policy to have been implemented and is not carried forward.</p>	
<p><b><u>Policy 6, pg. 20</u></b>  <u>Pine Gulch Creek.</u> The Department of Fish and Game should begin studies to empirically determine the instream flow requirements of Pine Gulch Creek necessary to maintain the steelhead and silver salmon resource. In the event no funding is available for this work, Coastal Conservancy funds should be sought.</p> <p><b><u>Policy Status</u></b>  Beginning in 1998, the National Parks Service has maintained water monitoring station with gauges located down stream of Olema-Bolinas Road bridge to document low flow conditions. This effort has been undertaken to support the Pine Gulch Creek Watershed Enhancement Project that was proposed through the Coho Salmon and Steelhead Trout Restoration Project, and has empirically determined the instream flow requirements for anadromous fish in Pine Gulch Creek.</p> <p>The stream monitoring program implemented by the National Parks Service is consistent with the goals of this policy, although the actual government agency conducting the monitoring is not the Department of Fish and Game. The National Parks Service has collaborated with the Department of Fish and Game, Marin County, and local property owners in conducting this water monitoring. Staff considers this policy to have been implemented and has not been carried forward.</p>	<p style="text-align: center;">n/a</p>
<p><b><u>Policy 7, pg. 20</u></b>  <u>Pine Gulch Creek.</u> The County, landowners within the Pine Gulch Creek watershed, and the Soil Conservation Service should undertake a joint study to recommend agricultural uses and practices which will protect the water quality of the creek and also Bolinas Lagoon. The report should be prepared by the Soil Conservation Service. This report should also recommend alternative methods of supply water to agricultural users in the event stream diversions must be halted to protect anadromous resources. The report shall be distributed to all landowners within the watershed. SCS will be contacted to undertake the study upon adoption of this LCP. Where necessary, the findings of the study should be incorporated into the LCP as amendments. Recommended restoration techniques appropriate to permit applications should be included as conditions of permit approval.</p> <p><b><u>Policy Status</u></b>  The Soil Conservation Service did not conduct this study and there were no amendments to the LCP to address this issue. However, as indicated above in the discussion under policies 5 and 6, the Pine Gulch Creek Enhancement Project has been undertaken to maintain minimum stream flows for anadromous fish. The</p>	<p style="text-align: center;">n/a</p>

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<p>principal scientist for the project was Brannen Ketchum, a biologist working for the National Parks Service, but it involves private landowners, the California Water Resources Board, the California Department of Fish and Game, and Marin County. The Pine Gulch Creek Enhancement Project is achieving the intended purpose of this policy. Staff considers this policy to have been implemented and is not carried forward.</p> <p>The Pine Gulch Creek Enhancement Project is predicated on the approach that farmers can normally withdraw water from Pine Gulch Creek during the wet season without reducing instream flows below the level needed by anadromous fish, while water withdrawals during the dry season could adversely affect fish habitat. Water withdrawals are governed by State law, and may require permits from the California Water Resources Board and the Department of Fish and Game, but do not require permits from Marin County. However, for a farmer to develop water reservoirs large enough to store sufficient water from the wet season to irrigate crops during the dry season, a Coastal Permit would be required.</p> <p>The Pine Gulch Creek Enhancement Project is a model of statewide importance because it effectively balances the water needs of both farmers and anadromous fish. Funding from the Coastal Conservancy is critical to the project’s full implementation. Staff recommends a policy in the LCP amendment that would apply to all coastal stream courses that support anadromous fish which would encourage farmers to shift their water withdrawals from the dry season to the wet season, and support grant requests to the Coastal Conservancy for implementation.</p>						
<p><b><u>Policy 8, pg. 20</u></b> <u>Redwood Creek</u>. The biotic resources of Redwood Creek shall be protected from intense development by the redesignation of the privately owned parcels along the Creek from 10,000 square feet lot size zoning to a 1 acre lot size zoning (See Policy IV-27).</p> <p><b><u>Policy Status:</u></b> The table below indicates information regarding the lots referred to in this policy, represented as Assessor’s Parcels. As indicated, with the exception of lots zoned for exclusive open space uses and owned by the National Parks Service, subsequent to the adoption of the LCP all the lots were rezoned to have a 1-acre minimum lot size by Board of Supervisors Ordinance 2638. Staff considers this policy to have been implemented and is carried forward.</p> <table><tr><th>APNs</th><th>Zoning</th><th>Minimum Lot Size</th><th>Actual Lot Size</th><th>Ordinance No.</th></tr></table>	APNs	Zoning	Minimum Lot Size	Actual Lot Size	Ordinance No.	<p>n/a</p>
APNs	Zoning	Minimum Lot Size	Actual Lot Size	Ordinance No.		

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199-150-30	OA, C-OA (USA owned)	none	8,285,528 sq. ft. 190.2 acres	2292 2638	
199-181-06	C-RA-B4	1 acre	41,806 sq. ft. 0.9597 acre	2638	
199-181-13	C-RA-B4	1 acre	32,362.75 sq. ft. 0.743 acre	2638	
199-181-14	C-RA-B4	1 acre	9,039.87 sq. ft.	2638	
199-191-13	C-RA-B4 (USA owned)	1 acre	260,676.54 sq. ft. 5.9843 acres	2638	
199-192-17	C-RA-B4	1 acre	28,451.8 sq. ft. 0.653 acre	2638	
199-192-18	C-RA-B4	1 acre	22,294.7 sq. ft. 0.512 acre	2638	
199-192-19	C-RA-B4	1 acre	21,172.55 sq. ft. 0.486 acre	2638	
199-192-20	C-RA-B4	1 acre	18,723.3 sq. ft. 0.43 acre	2638	
199-192-21	C-RA-B4	1 acre	47,302.47 sq. ft. 1.086 acres	2638	
199-211-02	C-RA-B4	1 acre	9,718.48 sq. ft.	2638	
199-213-05	C-RA-B4 (USA owned)	1 acre	71,292.66 sq. ft. 1.6366 acres	2638	
199-213-06	C-ARP-60	1 unit/60 acres	45,774.9 sq. ft. 1.0508 acres	2638	
199-241-03	C-OA (USA owned)		923,884.55 sq. ft. 21.21 acre	2292 2638	

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<p><b><u>Policy 9, pg. 20</u></b>  <u>Redwood Creek.</u> The USGS should install a stream gaging station to measure creek flow below the last significant stream diversion at a location selected by the National Park Service and California Department of Fish and Game. This station should be monitored by the Park Service.</p> <p><b><u>Policy Status</u></b>  On May 13, 2008, the Board of Supervisors Certified the “Wetland and Creek Restoration at Big Lagoon, Muir Beach, Marin County EIR/EIS” prepared under the joint sponsorship of Marin County and the National Parks Service. The EIR/EIS contains a level of analysis that far exceeds the level of analysis encouraged in this policy with respect to Redwood Creek including the maintenance and monitoring of stream gauge stations. Staff considers this policy to have been implemented and is not carried forward.</p>	<p style="text-align: center;">n/a</p>
<p><b><u>Policy 10, pg. 20</u></b>  <u>Redwood Creek.</u> The Department of Fish and Game should begin studies to empirically determine the instream flow requirements of Redwood Creek necessary to maintain the steelhead and silver salmon resource. In the event no funding is available for this work, Coastal Conservancy funds shall be sought.</p> <p><b><u>Policy Status</u></b>  On May 13, 2008, the Board of Supervisors Certified the “Wetland and Creek Restoration at Big Lagoon, Muir Beach, Marin County EIR/EIS” prepared under the joint sponsorship of Marin County and the National Parks Service. The EIR/EIS contains a level of analysis that far exceeds the level of analysis encouraged in this policy with respect to Redwood Creek including the maintenance and monitoring of stream gauge stations. Staff considers this policy to have been implemented and is not carried forward.</p>	<p style="text-align: center;">n/a</p>
<p><b><u>Policy 11, pg. 20</u></b>  <u>Redwood Creek.</u> The National Park Service should be encouraged to investigate the possibility of creating artificial pools through Muir Woods National Monument to increase the streams carrying capacity of one and two year old salmonids. This would increase the number of salmonids spawning within the boundaries of the National Monument, and provide a better opportunity for the public to view salmonid reproductive behavior.</p> <p><b><u>Policy Status</u></b></p>	<p style="text-align: center;">n/a</p>

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<p>Staff has contacted the Muir Woods National Monument to determine whether their staff has created artificial pools to improve stream habitat for salmonids. Park Service staff* has indicated that the NPS has focused restoration efforts for a number of years on improving the habitat in the creek for salmonids by no longer removing woody debris from the creek, and that the NPS has placed woody debris in the creek in at least five locations to encourage the natural dynamic and complexity of the stream channel. These activities have been undertaken in part to provide the public with a view of fish habitat that has been restored to its original state, to the degree possible. Staff considers this policy to have been implemented and is not carried forward.</p>	
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<p><b><u>Policy 12, pg. 25</u></b></p> <p>A single, coordinated resource management plan to guide the future use and activities in and around Bolinas Lagoon shall be developed with the involvement of the various public agencies that have specific legislative and regulatory responsibilities over different activities in and around the Lagoon. This plan would identify:</p> <ul style="list-style-type: none"> <li>• The level, type and location of recreational facilities and uses;</li> <li>• The level, type and location of commercial fishing and aqua-culture activities;</li> <li>• The location and types of educational and scientific programs and facilities;</li> <li>• The legal and physical programs necessary to protect and enhance specific wildlife and marine resources and habitats; and</li> <li>• The management techniques, programs and responsibilities to successfully implement such a resource management plan.</li> </ul> <p>Such a joint agency/organization resource planning program shall be established within 12 months of final certification of the LCP. The County of Marin would seek Coastal Commission or Conservancy funding to establish this management program.</p> <p><b><u>Policy Status</u></b></p> <p>The majority of the area comprising the wetlands of Bolinas Lagoon are owned and managed by the Marin County Department of Parks and Open Space (which includes the Open Space District). Portions of Bolinas Lagoon are also owned by the National Parks Service, and a portion of Kent Island, which is in Bolinas Lagoon, is owned by Audubon Canyon Ranch. Bolinas Lagoon is included in the Gulf of the Farallones National Marine Sanctuary and is within the original jurisdiction of the Coastal Commission.</p> <p>In conformance with this policy, the Bolinas Lagoon Technical Advisory Committee was first established as a standing committee of the Parks, Open Space and Cultural Commission on February 21, 1974, and then reestablished as a Committee of the Board of Supervisors on May 6, 2008, and meets on a periodic basis to provide advice to Parks and Open Space staff regarding lagoon management decisions. The Technical Advisory Committee consists of thirteen representatives from public agencies and other stake holders, including the National Parks Service, the Army Corps of Engineers, Gulf of the Farallones National Marine Sanctuary, Audubon Canyon Ranch, PRBO Conservation Science, and others.</p>	<p>n/a</p>

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<p>Several planning and environmental review documents have been prepared subsequent to the original Bolinas Lagoon Plan of 1972. Among these are the Bolinas Lagoon Management Plan Update of 1996 and, most recently, the Bolinas Lagoon Ecosystem Restoration Project Recommendations for Restoration and Management, which was adopted by the Marin County Board of Supervisors (which also serves as the Open Space District Board) in August, 2008.</p> <p>The Bolinas Lagoon Management Plan update and the Lagoon Ecosystem Restoration Project Recommendations for Restoration and Management were developed with the input of a wide variety of public agencies, including the National Parks Service, the National Oceanic and Atmospheric Agency (NOAA), the Army Corp of Engineers, the California Department of Fish and Game, Audubon Canyon Ranch, PRBO Conservation Science, and others. These policy documents are based on substantial scientific study over the course of many years and contain management guidelines and recommend restoration priorities. These policies address the items listed in the policy. staff considers this policy to have been implemented and is not carried forward.</p>	
<p><b><u>Policy 13, pg. 26</u></b></p> <p>Prior to the completion of the joint agency resource planning program described in Policy 11-12, above, the following policies shall apply:</p> <ol style="list-style-type: none"> <li>Except where modified below, the Bolinas Lagoon Plan's Policies are incorporated by reference as the LCP policies governing uses and development in and around the Lagoon.</li> <li>The diking, filling, dredging and other alterations of these wetlands shall occur only for minor public works projects and shall be in conformance with Coastal Act Section 30233. The construction of physical improvements along the Bolinas Lagoon parklands is not consistent with these Lagoon policies.</li> <li>Maintenance dredging of existing boating channels may occur prior to final recommendations of the present Army Corps of Engineers study. Additional alteration of these wetlands will be considered as an LCP amendment following review of this study's recommendations.</li> <li>Commercial extraction of marine species should be prohibited pending completion of adequate base studies and the management program. Recreational fishing activities should be monitored by the Department of Fish and Game to establish any necessary modifications in open areas or take limits.</li> <li>The Lagoon's waters continue to experience significant pollution and degraded quality from past and present adjoining land use activities. The correction of those factors contributing to poor water quality shall continue. However, until tests substantiate conclusive improvements in water quality, the health, safety</li> </ol>	<p>n/a</p>

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<p>and welfare of the general public require continuation of existing health quarantine for the Lagoon.</p> <p>f. A five mile per hour speed limit will be established within the Lagoon in order to protect wildlife habitat from disturbances and to minimize conflicts between swimmers, fishermen, naturalists, boaters, and other lagoon users. An ordinance that, at the minimum, includes such a speed limit shall be presented to the State Coastal Commission for certification within 120 days of the adoption of the land use plan.</p> <p><b><u>Policy Status</u></b>  As indicated in the discussion above for Policy 12, joint agency management plans for Bolinas Lagoon have been developed, including the Bolinas Lagoon Management Plan Update and the Bolinas Lagoon Ecosystem Restoration Project Recommendations for Restoration and Management. Marin County Code section 11.32.030, Harbors and Waterways Bolinas Lagoon Nature Preserve, established a speed limit of 5 miles per hour in Bolinas Lagoon. Staff considers this policy to have been implemented and is not carried forward.</p>	
<p><b><u>Policy 14, pg. 26</u></b>  The use of toxic substances to control algae growth in any body of water which is discharged into a public waterway shall be subject to a discharge permit from the Regional Water Quality Control Board.</p> <p><b><u>Policy Status</u></b>  Staff does not recommend incorporating this policy into the LCP amendment because it simply describes a state agency's regulatory requirement, rather than stating an objective that could guide the actions of the County or State agencies.</p>	n/a
<p><b><u>Policy 15, pg. 26</u></b>  The possibility of a publicly-sponsored restoration project to eliminate all vacant lots along the north side of Calle del Arroyo through acquisition or the transfer of what limited development potential such parcels may have to another area is encouraged. The Coastal Conservancy, the Audubon Society and other potentially interested agencies or organizations should be advised of the importance of pursuing such a restoration project.</p> <p><b><u>Policy Status</u></b>  The area referred to in this policy is an area of deferred certification, frequently referred to as a "white hole" where the Coastal Commission maintains their original jurisdiction. As such, this policy was not incorporated into the "Development Requirements, standards, and conditions" indicated in section 22.56.130I of the Interim Zoning Ordinance. Pursuant to Ordinance 2638, these lots</p>	n/a



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<p>were excluded from the Coastal Zoning District designation. Coastal Permits for development in this area are reviewed and issued by the Coastal Commission rather than Marin County. Staff does not recommend incorporating policies addressing this area into the LCP amendment. This would continue to be an area of deferred certification.</p>	
<p><b><u>Policy 16, pg. 27</u></b>  Pending implementation of a restoration project for the vacant lots along the north side of Calle del Arroyo, the area shall be redesignated as a "Resource Management Area" for a use or uses consistent with the maintenance of the marsh areas located both on and adjacent to the lots. The designation of the area as a "Resource Management Area" will recognize the severe development constraints affecting these properties due to their size and location in proximity to Bolinas Lagoon, and will thus assure conformity with Sections 30233 and 30240 (a) and (b) of the Coastal Act.</p> <p>Permitted uses of the Resource Management Area shall include fishing, birdwatching, photography, nature study, and other similar scientific and recreational uses. In addition, other uses may be permitted by use permit which will assure that such uses are sited and designed to be of controlled intensity and location such that they will not adversely affect the adjacent marsh area. The use permit procedure shall also assure that the uses are compatible with the character of the adjacent community. Uses which may be permitted by use permit shall include: small boat and equipment storage, non-commercial private parking, apiaries, truck farming, (provided that the application of pesticides, herbicides and other toxic chemicals is prohibited), and other uses of similar type and intensity.</p> <p>Existing dwellings shall be designated non-conforming uses but shall be allowed to rebuild if damaged or destroyed by natural disaster, provided however, that the floor area, height and bulk of the new structure shall not exceed that of the destroyed structure by more than 10 percent, and that the new structure is set back as far as feasible from the wetland area. Any proposed improvement to an existing home which results in more than a 10 percent increase in internal floor area of the structure shall require a coastal permit in order to assure that such an improvement is sited and designed to minimize impacts on the adjacent marsh. Such improvements shall only be permitted if an acceptable wastewater system is provided in accordance with the applicable LCP policy, and if the improvements are located as far as feasible from the adjacent wetland area.</p> <p><b><u>Policy Status</u></b>  The area referred to in this policy is an area of deferred certification. As such, this</p>	<p style="text-align: center;">n/a</p>

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policy was not incorporated into the “Development Requirements, standards, and conditions” indicated in section 22.56.130I of the Interim Zoning Ordinance. Pursuant to Ordinance 2638, these lots were excluded from the Coastal Zoning District designation. Coastal Permits for development in this area are reviewed and issued by the Coastal Commission rather than Marin County.

Staff has conducted research into the lots affected by this policy, and provided summary information in the table below. This information was taken from the County’s GIS system layers that show orthophotographs, Assessor’s Parcel lines and numbers, ownership information, and the National Hydrographic Database. If physical structures are shown on the 2007 orthophotos, then the Assessor’s Parcel is indicated to be developed. Approximate measurements were taken from the edge of wetlands and streams to estimate apparent constraints, but this information has not been verified in the field. Therefore, in some instances it will be inaccurate. Staff believes that all of the Assessor’s Parcels listed are separate legal lots of record. All the properties are within Assessor’s Book 195.

APN	Ownership	Zoning	Status	Apparent Constraints
132-31	Beacock	C-H-1	Undeveloped	All stream/ riparian buffer
132-30	Harris	C-H-1	Developed	Partial stream/ riparian buffer
132-29	Harris	C-H-1	Developed	Partial stream/ riparian buffer
132-28	SB County Water District	C-H-1	Developed	Partial stream/ riparian buffer
101-16	Avella	C-H-1	Undeveloped	Partial stream/ riparian buffer
101-01	Lanigan	R-1	Developed	Partial riparian buffer
101-02	Lanigan	R-1	Undeveloped	Partial riparian buffer
101-03	Lanigan	R-1	Undeveloped	Partial riparian buffer
101-04	Lanigan	R-1	Undeveloped	Partial riparian buffer
101-	Christesen	R-1	Developed	Partial riparian buffer

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101-06	Gilman	R-1	Developed	Partial riparian buffer	
101-07	Lynch	R-1	Developed	Partial riparian buffer	
101-18	Roberts	R-1	Developed	Partial riparian buffer	
101-10	Brooke	R-1	Developed	Partial riparian buffer	
101-11	Streitfeld	R-1	Developed	Partial riparian buffer	
101-12	Yuill-Thornton	R-1	Developed	Partial riparian buffer	
101-13	Wood	R-1	Developed	Partial riparian buffer	
101-17	Raymond	R-1	Developed	Partial riparian buffer	
101-05	County of Marin	R-1	Undeveloped Open Space	All wetland/ stream/ buffer	
061-01	County of Marin	R-1	Undeveloped Open Space	Partial wetland buffer	
061-12	County of Marin	R-1	Undeveloped Open Space	Partial wetland buffer	
061-13	County of Marin	R-1	Undeveloped Open Space	Partial wetland buffer	
061-15	County of Marin	R-1	Undeveloped Open Space	Partial wetland buffer	
061-16	Shauf	R-1	Developed	Partial wetland buffer	
061-16	Shauf	R-1	Developed	Partial wetland buffer	
061-17	Shauf	R-1	Developed	Partial wetland buffer	
061-18	Shauf	R-1	Developed	All wetland buffer	
061-	Audubon	R-1	Undevelop	Partial wetland buffer	

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22	Canyon Ranch		ed	
061-21	County of Marin	R-1	Undeveloped	Partial wetland buffer
090-54	Seadrift Association	R-1	Undeveloped	Partial wetland buffer
<p>As indicated in the table above, many of the Assessor's Parcels are developed, and all of them are potentially constrained by streams, riparian areas, wetlands and buffers. The policies recommended in Attachment 1 for protecting streams, riparian areas, wetlands and buffers would adequately protect these resources where they occur in this area. Further, much of this area has been purchased for permanent protection by the Marin County Department of Parks and Open Space or Audubon Canyon Ranch. Staff does not recommend incorporating this area into the LCP and this area would remain within the permitting jurisdiction of the Coastal Commission.</p>				
<p><b><u>Policy 17, pg. 27</u></b>  The eleven-acre Henry Wilkins property (Assessor Parcel Numbers 195290-13 and 24) is the only remaining hightide roost for shorebirds and water fowl in Bolinas Lagoon that is protected from significant disturbance, and is the only habitat adjacent to the lagoon for snipe (<i>Capella gallinago</i>), with a population of about 100 individuals. In addition, it is one of the few locations around the lagoon where there is a transition from salt marsh to freshwater marsh habitats and thereby adds to the total diversity of habitat areas around the lagoon. In order to protect the wetland and upland habitat values of the parcel, changes in existing grazing use of the site shall be preceded by detailed environmental investigation and shall assure protection of the habitat values of the site in accordance with other policies in the LCP. Public acquisition of the site is encouraged.</p> <p><b><u>Policy Status</u></b>  This policy is related to the same issue that is addressed in Natural Resources policy 26 (need a correct reference), which also refers to upland bird habitat near Bolinas Lagoon. By tracing the history of this policy through previous documents, including a 1975 study conducted by the PRBO entitled "Aspects of the Ecology of Shorebirds on Bolinas Lagoon" and the subsequent Bolinas Community Plan, it is evident that the central concern regarding this property and the other properties located on the west shore of Bolinas Lagoon south of Pine Gulch Creek was structural development, rather than changing use between grazing and other forms of agriculture. Further, development in general is subject to Coastal Permit requirements, so it is not necessary to impose a different standard for this property</p>				
				n/a

**Unit I**  
**Existing and Proposed Policy Comparison**  
**Lagoon Protection**

<p>then would be required for any other property that may have upland bird habitat near Bolinas Lagoon. Staff does not recommend incorporating this policy into the LCP amendment.</p>	
<p><b><u>Policy 18, pg. 28</u></b>  To the maximum extent feasible, a buffer strip, a minimum of 100 feet in width, shall be maintained in natural condition along the periphery of all wetlands as delineated by the Department of Fish and Game and in accordance with Section 30121 of the Coastal Act and with the criteria developed by the U.S. Fish and Wildlife Service. No uses other than those dependent upon the resources shall be allowed within the buffer strip.</p> <p><b><u>Policy Status</u></b>  This policy has been carried forward to policy <b>C-BIO-18</b> Wetland Buffers.</p>	<p><b>C-BIO-18 Wetland Buffers.</b> Maintain a buffer area, a minimum of 100 feet in width, in natural condition along the periphery of all wetlands. An additional buffer may be required based on the results of a site assessment, if such an assessment is determined to be necessary. Coastal Permits shall not authorize development within these buffer areas unless the project is other otherwise designed to be consistent with policy C-BIO-3.8 Wetland Buffer Adjustments and Exceptions.  <a href="#">[LCP I Policies on Lagoon Protection policy 18, page 28]</a></p> <p><b><u>Unit I Policy 18, pg. 28</u></b>  <b><u>C-BIO-18 Wetland Buffers.</u></b> <del>Maintain To the maximum extent feasible, a buffer area, a minimum of 100 feet in width, shall be maintained in natural condition along the periphery of all wetlands, as delineated by the Department of Fish and Game and in accordance with Section 30121 of the Coastal Act and with the criteria developed by the U.S. Fish and Wildlife Service. An additional buffer may be required based on the results of a site assessment, if such an assessment is determined to be necessary. Coastal Permits shall not authorize development within these buffer areas unless the project is other. No uses other than those dependent upon the resources shall be allowed within the buffer strip.</del></p>

**Unit I**  
**Existing and Proposed Policy Comparison**  
**Dune and Sandy Beach Protection**

Unit I Dune and Sandy Beach Protection	
Existing Policy	Proposed Policy
<p><b><u>Policy 19, pg. 29</u></b></p> <p>In order to preserve the natural sand dune formation and sandy beach habitat, and to protect potential prescriptive rights over the dry sand areas west of the Patios, development of the existing lots west of the paper street Mira Vista shall not be permitted. These lots shall be rezoned from R-1 to RSP-2.0, and contiguous ownerships across Mira Vista shall be consolidated in order to assure protection of the existing sandy beach areas. No development, including erection of fences, signs, or other structures, shall be permitted west of Mira Vista in order to preserve both the natural dune habitat values, vegetation and contours, as well as the natural sandy beach habitat, and to protect potential public prescriptive rights over the area.</p> <p>The County shall continue to pursue a land trade between the lots seaward of Mira Vista and the street right-of-way as proposed in the Stinson Beach Community plan, in order to more clearly establish and define the boundaries between public and private beach areas.</p> <p><b><u>Policy Status</u></b></p> <p>This policy has been carried forward to <b>C-BIO-9 Stinson Beach Dune and Beach Areas</b>.</p>	<p><b>C-BIO-9 Stinson Beach Dune and Beach Areas.</b> Prohibit development of the existing lots west of the paper street Mira Vista, in order to preserve the natural sand dune formation and sandy beach habitat in Stinson Beach, and to protect potential prescriptive rights over the dry sand areas west of the Patios. Prohibit development west of Mira Vista, including erection of fences, signs, or other structures, in order to preserve the natural dune habitat values, vegetation and contours, as well as the natural sandy beach habitat, and to protect potential public prescriptive rights over the area.</p> <p>Continue to pursue a land trade between the lots seaward of Mira Vista and the street right-of-way, in order to more clearly establish and define the boundaries between public and private beach areas.</p> <p>Site development of other shorefront lots within the Stinson Beach and Seadrift areas outside of the natural sand dune formations, consistent with LUP Policy C-BIO-7 (Coastal Dunes). Where no dunes are evident, any new development on shorefront lots shall be set back behind the first line of terrestrial vegetation to the maximum extent feasible, in order to minimize the need for protective works, to protect sandy beach habitat, and to provide a buffer area between private and public use areas in order to protect both the scenic and visual character of the beach, and the public right of access to the use and enjoyment of dry sand areas.  (PC app. 06/28/10)  <i>(LCP Unit I Natural Dune and Sandy Beach Protection Policies 19 and 20, page 29)</i></p> <p><b><u>Unit I Natural Dune and Sandy Beach Protection Policy 19, p. 29</u></b></p> <p><b><u>C-BIO-9 Stinson Beach Dune and Beach Areas.</u></b> <u>Prohibit development of the existing lots west of the paper street Mira Vista, in order to preserve the natural sand dune formation and sandy beach habitat, in Stinson Beach, and to protect potential prescriptive rights over the dry sand areas west of the Patios.</u> <u>Prohibit development of the existing lots west of the paper street Mira Vista shall not be permitted. These lots shall be rezoned from R-1 to RSP-2.0, and contiguous ownerships across Mira Vista shall be consolidated in order to assure protection of the existing sandy beach areas, including erection of fences, signs, or other structures, in order to preserve the natural dune habitat values, vegetation and contours, as well as the natural sandy beach habitat, and to protect potential public prescriptive rights over the area.</u></p>

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**Existing and Proposed Policy Comparison**  
**Dune and Sandy Beach Protection**

	<p>No development, including erection of fences, signs, or other structures, shall be permitted west of Mira Vista in order to preserve both the natural dune habitat values, vegetation and contours, as well as the natural sandy beach habitat, and to protect potential public prescriptive rights over the area.</p> <p><del>The County shall</del> Continue to pursue a land trade between the lots seaward of Mira Vista and the street right-of-way <del>as proposed in the Stinson Beach Community Plan</del>, in order to more clearly establish and define the boundaries between public and private beach areas.</p> <p><b>Unit I Natural Dune and Sandy Beach Protection Policy 20, p. 29</b>  Development of other shorefront lots within the Stinson Beach and Seadrift areas shall assure preservation of the natural sand dune formations in order to protect environmentally sensitive dune habitat and vegetation and to maintain the natural protection from wave runup that such natural dunes provide. Where no dunes are evident, any new development on shorefront lots shall be set back behind the first line of terrestrial vegetation to the maximum extent feasible, in order to minimize the need for protective works, to protect sandy beach habitat, and to provide a buffer area between private and public use areas in order to protect both the scenic and visual character of the beach, and the public right of access to the use and enjoyment of dry sand areas.</p>
<p><b><u>Policy 20, pg. 29</u></b>  Development of other shorefront lots within the Stinson Beach and Seadrift areas shall assure preservation of the natural sand dune formations in order to protect environmentally sensitive dune habitat and vegetation and to maintain the natural protection from wave runup that such natural dunes provide. Where no dunes are evident, any new development on shorefront lots shall be set back behind the first line of terrestrial vegetation to the maximum extent feasible, in order to minimize the need for protective works, to protect sandy beach habitat, and to provide a buffer area between private and public use areas in order to protect both the scenic and visual character of the beach, and the public right of access to the use and enjoyment of dry sand areas.</p> <p><b><u>Policy Status</u></b>  This policy has been carried forward to <b>C-BIO-9</b> Stinson Beach Dune and Beach Areas.</p>	<p><b>C-BIO-9 Stinson Beach Dune and Beach Areas.</b> Prohibit development of the existing lots west of the paper street Mira Vista, in order to preserve the natural sand dune formation and sandy beach habitat in Stinson Beach, and to protect potential prescriptive rights over the dry sand areas west of the Patios. Prohibit development west of Mira Vista, including erection of fences, signs, or other structures, in order to preserve the natural dune habitat values, vegetation and contours, as well as the natural sandy beach habitat, and to protect potential public prescriptive rights over the area.</p> <p>Continue to pursue a land trade between the lots seaward of Mira Vista and the street right-of-way, in order to more clearly establish and define the boundaries between public and private beach areas.</p> <p>Site development of other shorefront lots within the Stinson Beach and Seadrift areas outside of the natural sand dune formations, consistent with LUP Policy C-BIO-7 (Coastal Dunes). Where no dunes are evident, any new development on shorefront lots shall be set back behind the first line of terrestrial vegetation to the</p>

**Unit I**  
**Existing and Proposed Policy Comparison**  
**Dune and Sandy Beach Protection**

	<p>maximum extent feasible, in order to minimize the need for protective works, to protect sandy beach habitat, and to provide a buffer area between private and public use areas in order to protect both the scenic and visual character of the beach, and the public right of access to the use and enjoyment of dry sand areas.  (PC app. 06/28/10)  <i>(LCP Unit I Natural Dune and Sandy Beach Protection Policies 19 and 20, page 29)</i></p> <p><b>Unit I Policy 20, pg. 29</b>  <b><u>C-BIO-9 Stinson Beach Dune and Beach Areas.</u></b> Prohibit development of the existing lots west of the paper street Mira Vista, in order to preserve the natural sand dune formation and sandy beach habitat in Stinson Beach, and to protect potential prescriptive rights over the dry sand areas west of the Patios. Prohibit development west of Mira Vista, including erection of fences, signs, or other structures, in order to preserve the natural dune habitat values, vegetation and contours, as well as the natural sandy beach habitat, and to protect potential public prescriptive rights over the area.</p> <p><u>Continue to pursue a land trade between the lots seaward of Mira Vista and the street right-of-way, in order to more clearly establish and define the boundaries between public and private beach areas.</u></p> <p><u>Site d</u> <del>Development of other shorefront lots within the Stinson Beach and Seadrift areas shall assure preservation outside of the natural sand dune formations in order to protect environmentally sensitive dune habitat and vegetation and to maintain the natural protection from wave runup that such natural dunes provide,</del> consistent with LUP Policy C-BIO-7 (Coastal Dunes). Where no dunes are evident, any new development on shorefront lots shall be set back behind the first line of terrestrial vegetation to the maximum extent feasible, in order to minimize the need for protective works, to protect sandy beach habitat, and to provide a buffer area between private and public use areas in order to protect both the scenic and visual character of the beach, and the public right of access to the use and enjoyment of dry sand areas.</p>
<p><b><u>Policy 21, pg. 30</u></b>  No additional subdivision of beachfront lots shall be permitted in recognition of the cumulative negative impacts such divisions would have on both public and private use of the beach, except if a finding is made that such a subdivision will be consistent with the above policy. Similarly, the erection of fences, signs, or other structures seaward of any existing or proposed development and the modification of any dune or sandy beach area shall not be permitted except as provided in</p>	<p><b><u>C-CD-10 Subdivision of Beachfront Lots.</u></b> No additional subdivision of beachfront lots shall be permitted in recognition of the cumulative negative impacts such divisions would have on both public and private use of the beach, except if a finding is made that such a subdivision will be consistent with the <del>above</del> <u>policy</u> development of shoreline lots within the Stinson Beach and Seadrift areas in <u>Biological Resources Policy C-BIO-9</u>. Similarly, the erection of fences, signs, or other structures seaward of any existing or proposed development and the</p>



**Unit I**  
**Existing and Proposed Policy Comparison**  
**Dune and Sandy Beach Protection**

Chapter III of the LCP in order to protect natural shoreline processes, the scenic and visual character of the beach, and the public and private use of dry sand areas in accordance with Section 30211 of the Coastal Act.

**Policy Status**

Staff recommends carrying this policy forward to **C-CD-10** Subdivision of Beachfront Lots with minor changes.

modification of any dune or sandy beach area shall not be permitted except as provided in ~~Chapter III of the LCP~~ the Environmental Hazards policies in order to protect natural shoreline processes, the scenic and visual character of the beach, and the public and private use of dry sand areas in accordance with Section 30211 of the Coastal Act.

(PC app. 07/29/10)

*[Unit I Natural Resources Policy 21, p. 30]*

**Unit I Natural Dune and Sandy Beach Protection Policy 21, p. 30 C-CD-10 Subdivision of Beachfront Lots.** No additional subdivision of beachfront lots shall be permitted in recognition of the cumulative negative impacts such divisions would have on both public and private use of the beach, except if a finding is made that such a subdivision will be consistent with ~~the above~~ the development of shoreline lots within the Stinson Beach and Seadrift areas in Policy C-BIO-2.4 Stinson Beach Dune and Beach Areas. Similarly, the erection of fences, signs, or other structures seaward of any existing or proposed development and the modification of any dune or sandy beach area shall not be permitted except as provided in ~~Chapter III of the LCP~~ the Environmental Hazards policies of the LCP in order to protect natural shoreline processes, the scenic and visual character of the beach, and the public and private use of dry sand areas in accordance with Section 30211 of the Coastal Act.

**Unit I**  
**Existing and Proposed Policy Comparison**  
**Habitat Protection**

Unit I Habitat Protection	
Existing Policy	Proposed Policy
<p><b><u>Policy 22, pg. 34</u></b>  Butterfly trees and other trees or vegetation identified on the natural resource maps on file with the Marin County Planning Department, which provide roosting and/or nesting habitat of wildlife, shall be considered major vegetation, and significant alteration or removal of such vegetation shall require a coastal project permit pursuant to Section 30106 of the Coastal Act. Such trees shall not be altered or removed except where they pose a threat to life or property.</p> <p><b><u>Policy Status</u></b>  This policy has been carried forward with minor changes to <b>C-BIO-10</b> Roosting and Nesting Habitat.</p>	<p><b>C-BIO-10 Roosting and Nesting Habitat.</b> Prohibit the alteration or removal of groves of trees that provide nesting and roosting habitat for monarch butterflies, except where they pose a threat to life or property.  (PC app. 06/28/10)  <i>[LCP I Habitat Protection policy 22, page 34]</i></p> <p><b>Unit I Natural Dune and Sandy Beach Protection Policy 22, p. 34</b>  <b><u>C-BIO-10 Roosting and Nesting Habitat.</u></b> <del>Prohibit the alteration or removal of groves of Butterfly trees and other trees or vegetation identified on the natural resource maps on file with the Marin County Planning Department, which that provide roosting and/or nesting and roosting habitat of wildlife, for monarch butterflies, shall be considered major vegetation, and significant alteration or removal of such vegetation shall require a coastal project permit pursuant to Section 30106 of the Coastal Act. Such trees shall not be altered or removed except where they pose a threat to life or property.</del></p>
<p><b><u>Policy 23, pg. 34</u></b>  Development adjacent to wildlife nesting and roosting areas shall be set back a sufficient distance to minimize impacts on the habitat area. Such development activities shall be timed so that disturbance to nesting and breeding wildlife is minimized and shall, to the extent practical, use native vegetation for landscaping.</p> <p><b><u>Policy Status</u></b>  This policy has been carried forward with minor changes to <b>C-BIO-11</b> Development Adjacent to Roosting and Nesting Habitat.</p>	<p><b>C-BIO-11 Development Adjacent to Roosting and Nesting Habitat.</b> Development adjacent to wildlife nesting and roosting areas shall be set back a sufficient distance <u>and designed</u> to minimize impacts on the habitat area. <del>Time</del> <u>Such development activities shall be timed</u> so that disturbance to nesting and breeding wildlife is minimized and shall, to the extent <del>practical, feasible,</del> use native vegetation for landscaping.  (PC app. 06/28/10)  <i>[LCP I Habitat Protection policy 23, page 34]</i></p> <p><b>Unit I Natural Dune and Sandy Beach Protection Policy 23, p. 34</b>  <b><u>C-BIO-11 Development Adjacent to Roosting and Nesting Habitat.</u></b> Development adjacent to wildlife nesting and roosting areas shall be set back a sufficient distance <u>and designed</u> to minimize impacts on the habitat area. <del>Time</del> <u>Such development activities shall be timed</u> so that disturbance to nesting and breeding wildlife is minimized and shall, to the extent <del>practical, feasible,</del> use native vegetation for landscaping.</p>
<p><b><u>Policy 24, pg. 34</u></b>  Public access to these identified sensitive habitat areas, including the timing, intensity, and location of such access, shall be controlled to minimize disturbance</p>	<p><b>C-BIO-3 Environmentally Sensitive Habitats of Rare or Endangered Species and Unique Plant Communities.</b> <u>Environmentally sensitive habitats include habitats of rare or endangered species and unique plant communities.</u></p>

# Unit I

## Existing and Proposed Policy Comparison

### Habitat Protection

<p>to wildlife.</p> <p><b><u>Policy Status</u></b></p> <p>This policy contains the same standard as Unit II Natural Resources Policy 5, p. 74, which has been carried forward to <b>C-BIO-3</b> Environmentally Sensitive Habitats of Rare or Endangered Species and Unique Plant Communities.</p>	<p><u>Permit development in such areas only when it depends upon the resources of the habitat area and does not significantly disrupt the habitat. Development adjacent to such areas shall be set back a sufficient distance and designed to minimize impacts on the habitat area. Control public access to these sensitive habitat areas, including the timing, intensity, and location of such access, shall be controlled to minimize disturbance to wildlife. Avoid fences, roads, and structures that significantly inhibit wildlife movement, especially access to water.</u></p> <p>(PC app. 06/28/10)</p> <p><i>[LCP Unit II, Natural Resources Coastal Dunes and Other Sensitive Land Habitats Policy 5.b, page 75]</i></p> <p><b><u>Unit II Natural Resource Policy 5.b, p. 74</u></b></p> <p><del>Coastal Dunes and Other Sensitive Land Habitats. Development in or adjacent to sensitive habitats shall be subject to the following standards:</del></p> <p><del>b.a. Other Environmentally Sensitive Habitats. Other</del> <b><u>C-BIO-3 Environmentally Sensitive Habitats of Rare or Endangered Species and Unique Plant Communities.</u></b> Environmentally sensitive habitats include habitats of rare or endangered species and unique plant communities. Development in such areas may only be permitted when it depends upon the resources of the habitat area and shall not significantly disrupt the habitat. Development adjacent to such areas shall be set back a sufficient distance or otherwise designed to minimize impacts on the habitat area. Public access to sensitive habitat areas, including the timing, intensity, and location of such access, shall be controlled to minimize disturbance to wildlife. Fences, roads, and structures which significantly inhibit wildlife movement, especially access to water, shall be avoided.</p>
<p><b><u>Policy 25, p. 34</u></b></p> <p>Fences, roads, and structures which significantly inhibit wildlife movement, particularly access to water, shall be avoided.</p> <p><b><u>Policy Status</u></b></p> <p>This policy contains the same standard as Unit II Natural Resources Policy 5, p. 74-75, which has been carried forward into <b>C-BIO-3</b> Environmentally Sensitive Habitats of Rare or Endangered Species and Unique Plant Communities.</p>	<p>See Policy 24 above.</p>
<p><b><u>Policy 26, p. 34</u></b></p> <p>Upland grassland feeding areas shall be protected against any significant disruption of habitat values.</p> <p><b><u>Policy Status</u></b></p>	<p><b><u>C-BIO-12 Grassy Uplands Surrounding Bolinas Lagoon.</u></b> <del>Protect Upland grassland shorebird feeding areas shall be protected against significant disruption of habitat values.</del> <u>in cases where shorebirds of many species forage on the grassy uplands during high tides and winter storms because suitable habitat at Bolinas Lagoon is unavailable. Limited grazing of these lands does not seem to affect the</u></p>

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## Existing and Proposed Policy Comparison

### Habitat Protection

<p>This policy has been carried forward to <b>C-BIO-12</b> Grassy Uplands Surrounding Bolinas Lagoon. Additional language is added from the LCP I Habitat Protection section found on page 30, which precedes the enumerated policies. Staff recommends adding this language from the existing LCP because it provides some important context to understand how the policy must be applied.</p>	<p><u>habitat value of these lands and may even tend to improve it since tall vegetation can obstruct the movements of feeding birds. Grazing, mowing, disking, or some other method of keeping vegetation low would assist in maintaining the habitat value of these lands for shorebirds, since shorebirds do not utilize habitat with tall vegetation.</u></p> <p>(PC app. 01/24/11)  <a href="#">[LCP I Habitat Protection policy 26, page 34]</a></p> <p><b>Unit I Habitat Protection Policy 26, p. 34</b>  <b>C-BIO-12 Grassy Uplands Surrounding Bolinas Lagoon.</b> Protect Upland grassland shorebird feeding areas <del>shall be protected</del> against significant disruption of habitat values; <u>in cases where shorebirds of many species forage on the grassy uplands during high tides and winter storms when suitable habitat at Bolinas Lagoon is unavailable. Limited grazing of these lands does not seem to affect the habitat value of these lands and may even tend to improve it since tall vegetation can obstruct the movements of feeding birds. Grazing, mowing, disking, or some other method of keeping vegetation low would assist in maintaining the habitat value of these lands for shorebirds, since shorebirds do not utilize habitat with tall vegetation.</u></p>
<p><b>Policy 27, pg. 34</b></p> <p>Use of Duxbury reef shall continue to be regulated in accordance with existing State laws. The area should continue to be patrolled by a representative of the County Parks and Recreation Department on a daily basis.</p> <p><b>Policy Status:</b></p> <p>Marin County Park Rangers patrol and maintain the area adjacent to Duxbury Reef, including the Agate Beach Park parking lot, trail, and beach area. Park Rangers perform outreach and education activities to inform the public about existing regulations and protecting sensitive marine resources. Park Rangers patrol the Agate Beach Park area two times per week. Marin County Park Rangers do not have citation powers. Marin County Sheriff Officers have citation powers for activities under their authority. California Department of Fish and Game (DFG) is responsible for enforcing Fish and Game code</p> <p>Duxbury Reef is presumably State Lands. The reef lies within the Gulf of the Farallones National Marine Sanctuary (GNFMS) Duxbury Reef is also part of the State's system of marine protected areas (MPA), the "Duxbury State Marine Park" (Duxbury SMP). GNFMS and the State, through the Duxbury SMP designation, manage the reef, ocean waters, near-shore environment, and adjacent areas to protect and conserve habitat, ecological processes, species diversity and abundance (including protected species and those of economic value), marine heritage, and to</p>	<p>N/a</p>

# Unit I

## Existing and Proposed Policy Comparison

### Habitat Protection

<p>improve recreational, educational, and study opportunities. The State Water Resources Control Board (SWRCB) considers Duxbury Reef a “Critical Coastal Area”, and identifies it as an “Area of Special Biological Significance” (ASBS). Therefore, multiple agencies at the County, State and Federal levels of government regulate and enforce protections at Duxbury Reef. Given the uncertainty of funding priorities for County patrols of the area, this policy is not carried forward into the LCP amendment. Decisions regarding patrols will be left to the Marin County Department of Parks and Open Space and to the other agencies that are responsible for protecting Duxbury Reef.</p>	
<p><b>Policy 28, pg. 34</b></p> <p>Invasive exotic plant species are proliferating in the Coastal Zone at the expense of native plants. In order to preserve indigenous native plant species within the Coastal Zone, development permits shall be conditioned, where applicable, to require the removal of any invasive, non-indigenous plant species such as Pampas Grass, Brooms, and Thistles.</p> <p><b>Policy Status</b></p> <p>This policy has been carried forward to <b>C-BIO-6</b> Invasive Plants, with minor modifications intended to clarify the applicability of this policy.</p>	<p><b>C-BIO-6 Invasive Plants.</b> Where feasible, require the removal of non-native, invasive, plant species such as pampas grass, brooms, and thistles in the areas of development and revegetate those areas with native plants as specified in Coastal Permit approvals. This policy does not apply to agricultural crops and pastures. (PC app. 01/24/11)</p> <p><i>[LCP I Habitat Protection policy 28, page 34]</i></p> <p><b>Unit I Habitat Protection Policy 28, p. 34</b></p> <p><del>Invasive exotic plant species are proliferating in the Coastal Zone at the expense of native plants. In order to preserve indigenous native plant species within the Coastal Zone, development permits shall be conditioned,</del> <b>C-BIO-6 Invasive Plants.</b> <del>Where feasible, applicable, to require the removal of any non-native, invasive, non-indigenous plant species such as Ppampas Ggrass, Bbrooms, and Tthistles. in the areas of development and revegetate those areas with native plants as specified in Coastal Permit approvals. This policy does not apply to agricultural crops and pastures.</del></p>

**Unit I**  
**Existing and Proposed Policy Comparison**  
**Agriculture**

Unit I Agriculture	
Existing Policy	Proposed Policy
<p><b><u>Policy 29, pg. 35</u></b>  Certification of the remaining large agricultural holdings within Unit I which are greater than 60 acres in size shall be deferred until consideration of the Unit II LCP in order to facilitate development and application of a coordinated and consistent approach to the protection of large agricultural holdings within the total Marin County Coastal Zone. These areas consist of the following Assessor's Parcel Numbers:</p> <p style="padding-left: 40px;">188-090-02, 04, 05, 06, 09, 10, 11  188-120-09, 11, 15, 19  188-170-01, 06, 18, 56, 57  199-150-20, 21</p> <p><b><u>Policy Status</u></b>  This policy is not carried forward because it is no longer relevant.</p>	<p>n/a</p>
<p><b><u>Policy 30, pg. 35</u></b>  In order to preserve the maximum amount of agricultural land, protect important upland grassland feeding areas and to promote the concentration of development in accordance with Section 30240 (a) and (b), 30241, 30242 and 30250 of the Coastal Act, the land now designated as A-5 and A-10 zoning districts shall be rezoned to APR-5 and APR-10 to encourage greater flexibility in the design of future land divisions within the area. New land divisions shall be designed to provide the maximum feasible clustering of new units and by easement or similar recorded instrument shall provide both the retention of the maximum amount of land in agricultural use and the protection of important upland feeding areas, which are identified on the resource maps on file in the Maria County Planning Department.</p> <p><b><u>Policy Status</u></b>  The concepts of this policy have been incorporated into <b>C-AG-1</b> Agricultural Lands and Resources and <b>C-AG-2</b> Coastal Agricultural Production Zone (C-APZ).</p>	<p><b>C-AG-1 Agricultural Lands and Resources.</b> Protect agricultural land, continued agricultural uses and the agricultural economy by maintaining parcels large enough to sustain agricultural production, preventing conversion to non-agricultural uses, and prohibiting uses that are incompatible with long-term agricultural production or the rural character of the County's Coastal Zone. Preserve important soils, agricultural water sources, and forage to allow continued agricultural production on agricultural lands.  (PC app. 01/24/11)  <i>[Adapted from Unit II Ag Policy 1, p. 98, and CWP Goal AG-1, p. 2-157]</i></p> <p><b>Unit I Policy 30, pg. 35</b>  <b><u>C-AG-1 Agricultural Lands and Resources.</u></b> <u>In order to preserve the maximum amount of pProtect agricultural land, protect important upland grassland feeding areas continued agricultural uses and the agricultural economy and to promote the concentration of development in accordance with Section 30240 (a) and (b), 30241, 30242 and 30250 of the Coastal Act, the land now designated as A 5 and A 10 zoning districts shall be rezoned to APR 5 and APR 10 to encourage greater flexibility in the design of future land divisions within the area. by maintaining parcels large enough to sustain agricultural production, preventing conversion to non-agricultural uses, and prohibiting uses that are incompatible with</u></p>

# Unit I

## Existing and Proposed Policy Comparison

### Agriculture

long-term agricultural production or the rural character of the County's Coastal Zone. New land divisions shall be designed to provide the maximum feasible clustering of new units and by easement or similar recorded instrument shall provide both the retention of the maximum amount of land in agricultural use and the protection-Preserve of important upland feeding areas, soils, agricultural water sources, and forage which are identified on the resource maps on file in the Maria County Planning Department. to allow continued agricultural production on agricultural lands.

#### **Unit II Agriculture Policy I, p. 98**

~~General policy. Marin County intends to protect the existing and future viability of agricultural lands in its coastal zone, in accordance with Sections 30241 and 30242 of the Coastal Act. The County's LCP policies are intended to permanently preserve productive agriculture and lands with the potential for agricultural use, foster agricultural development, and assure that non-agricultural development does not conflict with agricultural uses or is incompatible with the rural character of the County's coastal zone. These policies are also intended to concentrate development in suitable locations, ensure that adequate public services are available to serve new development, and protect coastal wildlife, habitat, and scenic resources, in accordance with Sections 30240, 30250, and 30251 of the Coastal Act.~~

**C-AG-2 Coastal Agricultural Production Zone (C-APZ).** Apply the Coastal Agricultural Production Zone (C-APZ) to preserve privately owned agricultural lands that are suitable for land-intensive or land-extensive agricultural productivity, that contain soils classified as Prime Farmland, Farmland of Statewide Importance, Farmland of Local Importance, or Grazing Land capable of supporting production agriculture, or that are currently zoned C-APZ. Ensure that the principal use of these lands is agricultural, and that any development shall be accessory and incidental to, in support of, and compatible with agricultural production.

For the purposes of the C-APZ, the principal permitted use shall be agriculture, defined as uses of land for the breeding, raising, pasturing, and grazing of livestock, the production of food and fiber; the breeding and raising of bees, fish, poultry, and other fowl; the planting, raising, harvesting and producing of agriculture, aquaculture, horticulture, viticulture, vermiculture and forestry crops, substantially similar uses of an equivalent nature and intensity, uses that are accessory and incidental to, in support of, and compatible with the property's agricultural production, including one single-family dwelling per legal lot, up to two

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	<p>intergenerational homes, agricultural worker housing, limited agricultural product sales and processing, non-profit agricultural tours, agricultural homestay facilities and bed and breakfast inns.</p> <p>Conditional uses in the C-APZ zone include additional agricultural uses and non-agricultural uses including residential development potentially up to the zoning density, consistent with the standards and criteria of Program C-AG-2.1.b and Policies C-AG-3.2 and -5.1.</p> <p>Development shall not exceed a maximum density of 1 residential unit per 60 acres. Densities specified in the zoning are maximums that may not be achieved when the standards of the Agriculture policies below and, as applicable, other LCP policies are applied.  (PC app. 01/24/11)  <i>[Adapted from Unit II Agriculture Policies 2 and 3, p. 98 and CWP Program AG-1.g, p. 162]</i></p> <p><i>[A <del>strike out</del> and <u>underline</u> version of the proposed policy and programs are not provided since the proposed policies are an adaptation of the concepts in the existing language and has been significantly rewritten]</i></p>
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<p><b>Policy I, pg. 40</b></p> <p>New structure shall be set back from the Bolinas and Muir Beach bluffs a sufficient distance to ensure with reasonable certainty that they are not threatened from cliff retreat within their economic life expectancies. Adequate setback distances will be determined from information contained in required geologic reports and the setback formula established below. These setbacks will be of sufficient distance to eliminate the need for shoreline protective works.</p> <p>In view of the fact that the retreat rate varies markedly along the cliffs, and that the life expectancy of different kinds of structures varies greatly, the following formula will be used to determine setbacks from the bluff for new structures:</p> <p>Setback (meters) = structure life (yrs.) X retreat rate (meters/yr.) In areas where vigorous sliding is taking place, an additional 15 meters should be added as a safety factor.</p> <p>The retreat rate will be determined by a complete geotechnical investigation which will be required if one or both of the following conditions are met: The building or proposed development site is within 150 feet of the blufftop, or the site is located in stability zones 2, 3 or 4 as indicated on the Slope Stability of the Bolinas Peninsula Study Area map which accompanies Wagner's 1977 report, "Geology for Planning, Western Marin County". This report and accompanying maps is incorporated by reference as part of the LCP.</p> <p><b>Policy Status</b></p> <p>The concepts of this policy have been carried forward to Policy <b>C-EH-5</b> Ensure Safe new Blufftop Development and Implementing Programs <b>C-EH-5.a</b> and <b>C-EH-5.b</b>.</p>	<p><b>C-EH-5 Ensure Safe New Blufftop Development.</b> Ensure that new blufftop development is safe from bluff retreat. New structures except as provided by C-EH-11 including accessory structures and infill development (i.e., new development between adjacent developed parcels) shall be set back from the bluff a sufficient distance, incorporating a factor of safety of at least 1.5, to ensure with reasonable certainty that they are not threatened from cliff retreat within their economic life (i.e., 100 years) and to eliminate the need for shoreline protective works. (PC app. 01/25/10)  <i>[Adapted from Unit I Shoreline Protection and Hazards Policy 1, pp. 40-41]</i></p> <p><b>Program C-EH-5.a Determine Appropriate Setbacks for Blufftop Development.</b> Amend the development code to require that the following formula be used to determine setbacks from the bluff for new structures: Setback (meters) = economic life of the structure (100 yrs.) X retreat rate (meters/yr.) X 1.5 (minimum factor of safety). The retreat rate (or long-term annual average erosion rate) shall be determined by a professional geotechnical investigation which shall to the extent feasible include an analysis of the risk of sea level rise. (PC app. 01/25/10)  <i>[Adapted from Unit I Shoreline Protection and Hazards Policy 1, pp. 40-41]</i></p> <p><b>Program C-EH-5.b Require developers of blufftop parcels to investigate hazards.</b> Amend the development code to require a complete geotechnical investigation if one of the following conditions is met: (1) the development site is located in stability zone 2, 3 or 4 as indicated on the Slope Stability of the Bolinas Peninsula Study Area map which accompanies Wagner's 1977 report, "Geology for Planning, Western Marin County"; (this report and accompanying maps are incorporated by reference as part of the LCP), or (2) development is proposed on a blufftop parcel. The required geotechnical investigation shall address the entire site and describe the methodology used for determining setbacks. Analysis of bluff stability shall take into account the hazards associated with strong seismic shaking. (PC app. 03/16/09)  <i>[Adapted, in part, from Unit I Shoreline Protection and Hazards Policy 1, final paragraph, p. 41]</i></p>

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	<p><b><u>Unit I Shoreline Protection and Hazards Policy I, pg. 40</u></b>  <u>Ensure that <del>N</del>new structure-blufftop development is safe from bluff retreat. New structures except as provided by C-EH-11 including accessory structures and infill development (i.e., new development between adjacent developed parcels) shall be set back from the <del>Bolinas and Muir Beach</del> bluffs a sufficient distance, incorporating a factor of safety of at least 1.5, to ensure with reasonable certainty that they are not threatened from cliff retreat within their economic life <del>expectancies (i.e., 100 years) and Adequate setback distances will be determined from information contained in required geologic reports and the setback formula established below. These setbacks will be of sufficient distance to eliminate the need for shoreline protective works.</del></u></p> <p><del>In view of the fact that the retreat rate varies markedly along the cliffs, and that the life expectancy of different kinds of structures varies greatly, t</del>The following formula will be used to determine setbacks from the bluff for new structures:</p> <p>Setback (meters) = <del>structure-economic life of the structure (100 yrs.) X retreat rate (meters/yr.) X 1.5 (minimum factor of safety). In areas where vigorous sliding is taking place, an additional 15 meters should be added as a safety factor.</del></p> <p>The retreat rate <del>(or long-term annual average erosion rate) will shall be</del> determined by a <del>professional complete</del> geotechnical investigation which <del>will shall be required if one or both of the following conditions are met: to the extent feasible include an analysis of the risk of sea level rise. The building or proposed</del> A complete geotechnical investigation shall be required if one of the following conditions is met: (1) the development site is <del>within 150 feet of the blufftop, or the site is located in stability zones 2, 3 or 4 as indicated on the Slope Stability of the Bolinas Peninsula Study Area map which accompanies Wagner's 1977 report, "Geology for Planning, Western Marin County"; (F) this report and accompanying maps is incorporated by reference as part of the LCP, or (2) development is</del> proposed on a blufftop parcel. The required geotechnical investigation shall address the entire site and describe the methodology used for determining setbacks. Analysis of bluff stability should take into account the hazards associated with strong seismic shaking.</p>
<p><b><u>Policy 2, pg. 41</u></b>  Development shall continue to be required to meet the seismic safety standards of the Alquist-Priolo Act as it has been implemented by the County.</p>	<p><b>C-EH-4 Seismic Hazard Standards.</b> Require development to meet the seismic safety standards of the Alquist-Priolo Act (Calif. Public Resources Code Section 2621, et seq.).</p>

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<p>The County shall request that the State Geologist's Office review the recent study, "Depositional History and Fault-Related Studies, Bolinas Lagoon, California", by Joel R. Bergquist, U.S.G.S. Open File Report 78-802, to determine if the Alquist-Priolo Special Study Zone should be extended in the Bolinas Lagoon vicinity.</p> <p><b><u>Policy Status</u></b> The concepts of this policy have been carried forward to Policy <b>C-EH-4</b> Seismic Hazard Standards.</p>	<p><i>[Unit I Shoreline Protection and Hazard Policy 2, p. 41]</i></p> <p><b><u>Unit I Shoreline Protection and Hazard Policy 2, p. 41</u></b> Development shall continue to be required to meet the seismic safety standards of the Alquist-Priolo Act (Calif. Public Resources Code Section 2621, et seq.) as it has been implemented by the County.</p> <p><del>The County shall request that the State Geologist's Office review the recent study, "Depositional History and Fault-Related Studies, Bolinas Lagoon, California", by Joel R. Bergquist, U.S.G.S. Open File Report 78-802, to determine if the Alquist-Priolo Special Study Zone should be extended in the Bolinas Lagoon vicinity.</del></p>
<p><b><u>Policy 3, pg. 41</u></b> The County shall seek public funds to contract with the State Division of Mines and Geology to initiate a study to identify lots and/or structures threatened with cliff retreat within their economic life expectancy. The results of this study shall be incorporated into the general restoration program for the Bolinas Mesa as described in Chapter II of the LCP.</p> <p><b><u>Policy Status</u></b> Staff recommends carrying this forward to <b>Program C-EH-10.a Study Bluff Retreat</b>.</p>	<p><b>C-EH-10.a Study bluff retreat.</b> The County shall seek funds for a study to identify lots and/or structures threatened with cliff retreat within their economic life (100 years) and taking into account potential sea level rise. <i>[Adapted from Unit I Shoreline Protection and Hazards Policy 3, p. 41]</i></p> <p><b><u>Unit I Shoreline Protection and Hazards Policy 3, p. 41</u></b> The County shall seek public funds <del>to contract with the State Division of Mines and Geology to initiate</del> <u>for</u> a study to identify lots and/or structures threatened with cliff retreat within their economic life (100 years) and <u>taking into account potential sea level rise expectancy</u>. <del>The results of this study shall be incorporated into the general restoration program for the Bolinas Mesa as described in Chapter II of the LCP.</del></p>
<p><b><u>Policy 4, pg. 41</u></b> Many of the building sites in Unit I are characterized by one or more potential geologic hazards. The development of residential structures on such parcels may be subject to often sudden and destructive geologic phenomenon. The County of Marin does not encourage new residential development of such parcels and expressly states that the issuance of a coastal development permit for such property does not warrant said property's safety from geologic hazards. Further, the County of Marin will not accept liability for subsequent personal or property damage caused by geologic processes on said properties. To assure that the builder and subsequent purchasers are expressly aware of the policy, a "waiver of liability" shall be executed and recorded by said for short-term, emergency food, shelter, and said property owner prior to the issuance of a coastal development permit. Further, the County of Marin will not participate in emergency or disaster relief funding for properties so identified and would recommend such limitations on State and/or federal disaster/emergency grants and/or loans.</p>	<p><b>C-EH-2 Avoidance of Environmental Hazards.</b> Require applicants for development in areas potentially subject to geologic or other hazards as mapped by the County at the time of coastal permit application, including Alquist-Priolo earthquake hazards zones, areas subject to tsunami runup, landslides, liquefaction, beach or bluff erosion, steep slopes averaging greater than 35%, unstable slopes regardless of steepness, or flood hazard areas, to demonstrate that:</p> <ol style="list-style-type: none"> <li>1. The area of construction is stable for development,</li> <li>2. The development will not create a hazard or diminish the stability of the area, and</li> <li>3. The development during its economic life (100 years) will not require the construction of shoreline protective devices.</li> </ol> <p><i>[Adapted from Unit II Hazards Policy 5.a., p. 207]</i></p> <p><b><u>Unit II Policy 5.a., p. 207</u></b> <del>Hazards</del> a. <del>C-EH-2 Avoidance of Environmental Hazards. Require An</del></p>

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### Shoreline Protection and Hazard Areas

Existing geologic information indicates this geologic hazard policy shall apply to new development (excluding improvements to existing structures that would not result in an increase of 50 percent or more of internal floor area of the structure) on lots located in the following areas:

- Lands located in the "Alquist-Priolo" earthquake hazard zones, as said zones may be amended.
- Development within 300 feet of the mean high tide of the sea.
- Development on parcels with slopes averaging over 35 percent.
- All lots within the Seadrift sandspit to include the Patios, Calles and Seadrift Subdivision.

(Those lands covered by this "geologic hazards" policy are shown on the geologic hazard maps on file in the Marin County Planning Department)

#### **Policy Status**

The concepts of this policy is similar to Unit II Hazards policy addressing hazards and requiring applicants to accept liability, which have been carried forward to **Policy C-EH-2 Avoidance of Environmental Hazards** and **C-EH-3 Applicant's Assumption of Risk**.

applicants for development in ~~an~~ areas potentially subject to geologic or other hazards as mapped by the County at the time of coastal permit application, including Alquist-Priolo earthquake hazards zones, areas subject to tsunami runup, landslides, liquefaction, beach or bluff erosion, steep slopes averaging greater than 35%, unstable slopes regardless of steepness, or flood hazard areas, ~~shall be required to demonstrate that:~~

1. the area of construction is stable for development,
2. the development will not create a hazard or diminish the stability of the area, and
3. the development during its economic life (100 years) will not require the construction of shoreline protective devices ~~that would substantially alter natural landforms along bluffs and cliffs~~. The applicant may be required to file a report by a qualified professional evaluating the geologic conditions of the site and the effect of the development. In addition, as a condition of coastal permit approval, the applicant shall be required to sign a waiver of liability exempting the County from liability for any personal or property damage caused by natural hazards on such properties.

**C-EH-3 Applicant's Assumption of Risk.** As a condition of coastal permit approval for development in hazardous areas, require the applicant to record a document exempting the County from liability for any personal or property damage caused by natural hazards on such properties and acknowledging that future shoreline protective devices to protect structures authorized by such coastal permit will not be allowed during the structure's economic life.

#### **Unit II Policy 5.a., p. 207**

- a. ~~An applicants for development in an areas potentially subject to geologic or other hazards as mapped by the County, including Alquist-Priolo earthquake hazards zones, areas subject to tsunami runup, landslides, liquefaction, beach or bluff erosion, steep slopes averaging greater than 35%, or flood hazard areas, shall be required to demonstrate that the area of construction is stable for development, the development will not create a hazard or diminish the stability of the area, and the development will not require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. The applicant may be required to file a report by a qualified professional evaluating the geologic conditions of the site and the effect of the development.~~ **C-EH-3 Applicant's**

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	<p><u><b>Assumption of Risk.</b> In addition, as a condition of coastal permit approval, for development in hazardous areas, require the applicant shall be required to sign record a waiver of liability document exempting the County from liability for any personal or property damage caused by natural hazards on such properties and acknowledging that future shoreline protective devices to protect structures authorized by such coastal permit will not be allowed during the structure's economic life.</u></p>
<p><b><u>Policy 5, pg. 42</u></b>  The following policy from Section 30235 of the Coastal Act is incorporated into the County LCP:  Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline process shall be permitted when required to serve coastal-dependent uses or to protect existing structures (constructed before adoption of the LCP), or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply.</p> <p><b><u>Policy Status</u></b>  The concept of this policy is similar to Unit II Shoreline Structure Policies 1 and 2, p. 132, which has been carried forward to Policy <b>C-EH-13</b> Shoreline Protective Devices. Therefore, this particular policy has been deleted.</p>	<p><b>C-EH-13 Shoreline Protective Devices.</b> Discourage shoreline protective devices (i.e., shoreline armoring) in the Coastal Zone due to their visual impacts, obstruction of public access, interference with natural shoreline processes and water circulation, and effects on marine habitats and water quality.</p> <p>Allow the construction or reconstruction of a shoreline protective device, including revetments, breakwaters, groins, seawalls, or other artificial structures for coastal erosion control, only if each of the following criteria is met:</p> <ol style="list-style-type: none"> <li>1. The shoreline protective device is required to serve a coastal-dependent use or to protect a principal structure, residence, or second residential unit in existence prior to the adoption of the Local Coastal Program (May 13, 1982) or a public beach in danger from erosion.</li> <li>2. No other non-structural alternative, such as sand replenishment or beach nourishment, is practical or preferable.</li> <li>3. The condition causing the problem is site specific and not attributable to a general erosion trend, or the project reduces the need for a number of individual projects and solves a regional erosion problem.</li> <li>4. It can be shown that a shoreline protective device will successfully eliminate or mitigate its effects on local shoreline sand supply and that the device will not adversely affect adjacent or other sections of the shoreline.</li> <li>5. The shoreline protective device will not be located in wetlands or other significant resource or habitat area, and will not cause significant adverse impacts to fish or wildlife.</li> <li>6. There will be no reduction in public access, use, or enjoyment of the natural shoreline environment, and construction of a shoreline protective device will preserve or provide access to related public recreational lands or facilities.</li> <li>7. The shoreline protective device will not restrict navigation, mariculture, or other coastal use and will not create a hazard in the area in which it is built.</li> </ol> <p><i>[Unit II Shoreline Structure Policies 1 and 2, p. 132]</i></p>

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**Unit II Shoreline Structure Policies I and 2, p. 132**

~~Shoreline protective works. The County discourages shoreline protective devices (i.e., shoreline armoring) in the Coastal Zone due to their visual impacts, obstruction of public access, interference with natural shoreline processes and water circulation, and effects on marine habitats and water quality. The construction or reconstruction of revetments, breakwaters, groins, seawalls, or other artificial structures for coastal erosion control shall be allowed only if each of the following criteria is met:~~

- a. ~~The structure protective device is required to serve a coastal-dependent use, or to protect a principal structure, residence, or second residential unit in existence prior to the adoption of the Local Coastal Program (May 13, 1982) coastal-related use in a developed area, or to protect existing development or a public beaches, in danger from erosion.~~
- b. ~~No other non-structural alternative such as sand replenishment or beach nourishment, is practical or preferable.~~
- c. ~~The condition causing the problem is site specific and not attributable to a general erosion trend, or the project reduces the need for a number of individual projects and solves a regional erosion problem.~~
- d. ~~It can be shown that a structure(s) will successfully mitigate the effects of shoreline erosion and will not adversely affect adjacent or other sections of the shoreline.~~
- e. ~~The structure will not be located in wetlands or other significant resource or habitat area, and will not cause significant adverse impacts to fish or wildlife.~~
- f. ~~There will be no reduction in public access, use, and enjoyment of the natural shoreline environment, and construction of a structure will preserve or provide access to related public recreational lands or facilities.~~
- g. ~~The structure will not restrict navigation, mariculture, or other coastal use and will not create a hazard in the area in which it is built.~~

~~Before approval is given for the construction or reconstruction of any protective shoreline structure, the applicant for the project shall submit a report from a registered geologist, professional civil engineer, or certified engineering geologist verifying that the structure is necessary for coastal erosion control and explaining how it will perform its intended function. Such a report shall not be required for emergency permit applications; however, the application shall specifically establish why the need for protective structures was not foreseen.~~

**Unit I Shoreline Protection and Hazards Policy 5, pg. 42**

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	<p>The following policy from Section 30235 of the Coastal Act is incorporated into the County LCP:  <del>Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline process shall be permitted when required to serve coastal dependent uses or to protect existing structures (constructed before adoption of the LCP), or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply.</del></p>
<p><b><u>Policy 6, pg. 42</u></b>  To minimize visual and sand transport impacts on Stinson Beach, any permit granted to construct erosion control structures shall require the re-establishment of the former dune contour and appearance. In case of emergency permits, the property-owner of record shall agree, in writing, that such restoration work will be accomplished within 60 days after the threat of damage has passed.</p> <p><b><u>Policy Status</u></b>  The concept of this policy has been incorporated into <b>Policy C-EH-18</b> Re-Establishment of Dunes in Conjunction with Shoreline Protective Devices.</p>	<p><b>C-EH-18 Re-Establishment of Dunes in Conjunction with Shoreline Protective Devices.</b> To minimize visual and sand transport impacts, require that any permit granted to construct a shoreline protective device shall include the re-establishment of the former dune contour and appearance, where feasible.  <a href="#">[Unit I Shoreline Protection and Hazard Policy 6, p. 42]</a></p> <p><b><u>Unit I Shoreline Protection and Hazard Policy 6, p. 42</u></b>  To minimize visual and sand transport impacts <del>on Stinson Beach,</del> any permit granted to construct erosion control structures shall require the re-establishment of the former dune contour and appearance, <del>where feasible.</del>  <del>In case of emergency permits, the property owner of record shall agree, in writing, that such restoration work will be accomplished within 60 days after the threat of damage has passed.</del></p>
<p><b><u>Policy 7, pg. 42</u></b>  Because revetments, seawalls or other shoreline protective works can be detrimental to maintenance of natural shoreline processes and can interfere with visual enjoyment and coastal access, such works are discouraged. The County of Marin through the LCP and other documentation has identified those coastal areas potentially subject to significant wave and run-off erosion. Because such probable risk areas are identified, sufficient opportunity for private investigation and response to such hazards is available. Therefore, the County of Marin shall not finance or construct emergency shoreline protective devices for the benefit of private developments.</p> <p><b><u>Policy Status</u></b>  The concepts of this policy have been incorporated in <b>Policy C-EH-20</b> Advance Planning for Emergency Shoreline Protection Needs.</p>	<p><b>C-EH-20 Advance Planning for Emergency Shoreline Protection Needs.</b> Encourage property owners subject to ocean-front erosion hazards to develop responses to such hazards prior to emergency conditions. Where contiguous properties are subject to generally similar erosion hazards, joint program development should occur.  <a href="#">[Unit I Shoreline Protection and Hazard Policy 8, p. 42]</a></p> <p><b><u>Unit I Shoreline Protection and Hazard Policy 7, pg. 42</u></b>  <del>Because revetments, seawalls or other shoreline protective works can be detrimental to maintenance of natural shoreline processes and can interfere with visual enjoyment and coastal access, such works are discouraged. The County of Marin through the LCP and other documentation has identified those coastal areas potentially subject to significant wave and run-off erosion. Because such probable risk areas are identified, sufficient opportunity for private investigation and response to such hazards is available. Therefore, the County of Marin shall not finance or construct emergency shoreline protective devices for the benefit of private developments.</del></p>



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#### **Policy 8, pg. 42**

It shall be County policy to encourage property owners subject to ocean-front erosion hazards to develop responses to such hazards prior to emergency conditions. Where contiguous properties are subject to generally similar erosion hazards, joint program development should occur. The County will not finance such engineering studies (or any subsequent construction activities), but will seek aid from Federal and State agencies, colleges and universities to assist private consulting engineers in such review and recommendations. Where existing community organizations or special districts are unable to provide organizational support for such area-wide joint studies, the County, upon request, will assist in the organization and administration of such privately funded studies.

#### **Policy Status**

The concepts of this policy have been incorporated in **Policy C-EH-20** Advance Planning for Emergency Shoreline Protection Needs.

#### **C-EH-20 Advance Planning for Emergency Shoreline Protection Needs.**

Encourage property owners subject to ocean-front erosion hazards to develop responses to such hazards prior to emergency conditions. Where contiguous properties are subject to generally similar erosion hazards, joint program development should occur.

*[Unit I Shoreline Protection and Hazard Policy 8, p. 42]*

#### **Unit I Shoreline Protection and Hazard Policy 8, p. 42**

It shall be County policy to encourage property owners subject to ocean-front erosion hazards to develop responses to such hazards prior to emergency conditions. Where contiguous properties are subject to generally similar erosion hazards, joint program development should occur. ~~The County will not finance such engineering studies (or any subsequent construction activities), but will seek aid from Federal and State agencies, colleges and universities to assist private consulting engineers in such review and recommendations. Where existing community organizations or special districts are unable to provide organizational support for such area-wide joint studies, the County, upon request, will assist in the organization and administration of such privately funded studies.~~

#### **Policy 9, pg. 43**

In the absence of an overall wave hazard/shoreline erosion study, any permit application for seawalls, riprap or other protective structures on beaches, shall be accompanied by engineering reports stating the nature and extent of wave erosion hazard along the beach area and an explanation of how the proposed protective works will mitigate the hazard, both on and off the project site. This policy shall not apply to emergency permit applications applied for within three years of the date of adoption of the LCP. Emergency permit applications after that date shall be subject to report requirement or shall specifically establish why the need for such protective devices was not foreseen.

#### **Policy Status**

This policy has been carried to Program **C-EH-21.a** Proper Engineering of Emergency Shoreline Protective Devices.

#### **Program C-EH-21.a Proper Engineering of Emergency Shoreline Protective Devices.**

Insofar as time allows and based on the nature of the emergency, emergency permit applications for shoreline protective devices shall be accompanied by an engineering report as described in Implementing Program C-EH-13.a. If the applicant is unable to provide all such information due to the nature of the emergency, then the applicant shall provide at a minimum (a) a description of what measures, if any, were taken in advance in order to mitigate the hazard and (b) an analysis of alternatives, including the “no action” alternative. Emergency shoreline protective devices shall be approved on a temporary basis only, and removal of the shoreline protective device shall be required unless a coastal permit is approved for its retention.

*[Adapted from Unit I Shoreline Protection and Hazard Policy 9, p. 43]*

#### **Unit I Shoreline Protection and Hazard Policy 9, pg. 43**

~~In the absence of an overall wave hazard/shoreline erosion study, any permit application for seawalls, riprap or other protective structures on beaches, shall be accompanied by engineering reports stating the nature and extent of wave erosion hazard along the beach area and an explanation of how the proposed protective works will mitigate the hazard, both on and off the project site. This policy shall not apply to emergency permit applications applied for within three years of the date of adoption of the LCP. Emergency permit applications after that date shall be subject to~~



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	<del>report requirement or shall specifically establish why the need for such protective devices was not foreseen.</del>
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Existing Policy	Proposed Policy
<b>General</b>  <b>Policy I, pg. 48</b> Roads, flood control projects and utility service expansions shall be limited to the minimum necessary to serve development as identified by LCP land use policies. All such public works projects shall be reviewed under resource and visual policies of the LCP.  <b>Policy Status</b> This policy has been carried forward with modifications to <b>Policy C-PFS-I, Adequate Services.</b>	<b>C-PFS-I Adequate Services.</b> Ensure that adequate services e.g., water supply, sewage disposal, and transportation, including public transit as well as road access and capacity if appropriate) are available prior to approving new development, including land divisions. Lack of available services shall be grounds for denial of the project or for a reduction in the density otherwise indicated in the land use plan. <i>[Adapted from Unit II Public Services Policy 1, p. 187 and CWP Goal PFS-1, p. 3-198]</i>  <b>Unit II Public Services Policy 1, p. 187</b> <del>1. General policy. Prior to the issuance of a coastal development permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and the applicant, Ensure</del> that adequate public services and resources ( <del>i.e. e.g.</del> water supply, sewage disposal, <u>and transportation, including public transit and as well as road access and capacity if appropriate</u> ) are available <del>to serve the proposed</del> prior to approving new development. Lack of available services or resources shall be grounds for denial of the project or for a reduction in the density otherwise indicated in the land use plan.  <b>Marin Countywide Plan Goal PFS-1, p. 3-198</b> <del>Adequate Public Facilities and Services. Provide basic public facilities to accommodate the level of development planned by cities and towns and the County. Ensure that adequate public services and resources (e.g., water supply, sewage disposal, and transportation, including public transit as well as road access and capacity if appropriate) are available prior to approving new development, including land divisions. Lack of available services or resources shall be grounds for denial of the project or for a</del> reduction in the density otherwise indicated in the land use plan.
	n/a
<b>Policy 2, pg. 48</b> Because of the unique, natural resources and recreational opportunities of the Unit I coastal zone, industrial and energy facilities are not appropriate and shall not be permitted.  <b>Policy Status</b> The land use maps do not provide for industrial and energy facilities. This policy	

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has not been carried forward.	
<b>Water Supply</b>	
<p><b><u>Policy 3, pg. 48</u></b>  Within the service area of a community or mutual system the use of individual domestic water wells to serve new construction shall be permitted provided: a) the community or mutual system is unable or unwilling to provide service, or, b) the distribution system improvements are physically and/or economically unfeasible to construct to the site. Additionally, wells or water sources shall be at least 100 feet from property lines or, a finding shall be made that no development constraints are placed on neighboring properties.</p> <p><b><u>Policy Status</u></b>  This policy has been carried forward to <b>Policy C-PFS-14</b>, Ensure Adequacy of Water Supply Within Water System Service Areas.</p>	<p><b>C-PFS-14 Ensure Adequacy of Water Supply Within Water System Service Areas.</b> Ensure that new development within a water system service area is served with adequate, safe water supplies. Prohibit development of individual domestic water wells or other individual water sources to serve new development, including land divisions, on lots in areas served or within the boundaries of a public or private water system, with the following exceptions:</p> <ol style="list-style-type: none"> <li>1. For agricultural or horticultural use if allowed by the water system operators.</li> <li>2. The community or mutual water system is unable or unwilling to provide service; or,</li> <li>3. The physical distribution improvements are economically or physically infeasible to extend to the proposed project site.</li> </ol> <p>The exceptions specified in 1., 2., or 3. shall not be granted because of a water shortage that is caused by periodic drought. Additionally, wells or water sources shall be at least 100 feet from property lines, or a finding shall be made that no development constraints are placed on neighboring properties  <i>[Adapted from Unit I Public Services Policy 3, p. 48, and Unit II, Public Services Policy 2.a, p. 187]</i></p> <p><b><u>Unit I Public Services Policy 3, pg. 48</u></b>  <b><u>C-PFS-14 Ensure Adequacy of Water Supply Within Water System Service Areas.</u></b> <del>Ensure that new development within a water system service area of a community or mutual system the use of individual domestic water wells to serve new construction shall be permitted provided;</del> is served with adequate, safe water supplies. Prohibit development of individual domestic water wells or other individual water sources to serve new development, including land divisions, on lots in areas served or within the boundaries of a public or private water system, with the following exceptions: a. <del>For agricultural or horticultural use if allowed by the water system operators.</del> b. <del>The community or mutual system is unable or unwilling to provide service, or,</del> b) the <u>physical</u> <del>distribution system</del> improvements are <u>economically or physically</u> <del>and/or economically unfeasible-infeasible</del> to <u>construct-extend</u> to the <u>proposed project</u> site. <del>Additionally, wells or water sources shall be at least 100 feet from property lines or, a finding shall be made that no development constraints are placed on neighboring properties.</del></p> <p><u>The exceptions specified in 1., 2., or 3. shall not be granted because of a water shortage that is caused by periodic drought.</u></p>

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	<p><b>Unit II Public Services Policy 2.a, p. 187</b>  <del>Water supply.</del>  a. <del>Type of service. Except as provided herein, new development, including land divisions, outside the service area of a community or mutual water system may utilize individual wells or other private on-site water sources. Within the Inverness Planning Area, individual wells should not be allowed on parcels less than 2.8 acres in size. Exceptions to the 2.8 acre lot size limitation may be granted pursuant to the issuance of a Coastal Permit. In addition to the findings of Chapters 22.56 and 22.86, the applicant must demonstrate to the satisfaction of the Health Officer that a well can be developed on the substandard size parcel in a completely safe and sanitary manner. <b>C-PFS-14 Adequacy of Water Supply Within Water System Service Areas.</b> Ensure that new development w</del><u>Within the a water system service area of a community or mutual water system, is served with adequate, safe water supplies. Prohibit development the use of individual domestic water wells or other individual water sources to serve for new development, shall be permitted provided including land divisions, on lots in areas served or within the boundaries of a public or private water system, with the following exceptions:</u></p> <ol style="list-style-type: none"> <li><u>1. For agricultural or horticultural use if allowed by the water system operators.</u></li> <li><u>2.a) <del>The</del> community or mutual water system is unable or unwilling to provide service; or,</u></li> <li><u>3.b) <del>The</del> physical distribution improvements are economically or physically infeasible to extend to the proposed project site.</u></li> </ol> <p><u>The exceptions specified in 1., 2., or 3. shall not be granted because of a water shortage that is caused by periodic drought. Additionally, wells or water sources shall be at least 100 feet from property lines, or a finding shall be made that no development constraints are placed on neighboring properties. Within the Inverness Public Utility District (IPUD), individual wells for domestic use should not be permitted in the same watershed, at an elevation higher than the IPUD surface water sources existing as of June 14, 1983. All new development shall be required to incorporate low flow water fixtures and other water-saving devices.</u></p>
<p><b><u>Policy 4, pg. 48</u></b>  New community and mutual water wells serving five or more parcels shall demonstrate by professional engineering studies, including, as necessary, long-term</p>	<p><b>C-PFS-13 New Water Sources Serving Five or More Parcels.</b> Require that coastal permit applications for new water wells or other sources serving 5 or more parcels demonstrate by professional engineering or other studies, including as</p>

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monitoring programs, that such groundwater withdrawal will not adversely affect coastal resources, including groundwater aquifers. Such engineering studies shall provide the basis of establishing safe sustained yields from these wells.

#### **Policy Status**

This policy has been carried forward to policy **C-PFS-13** New Water Sources Serving Five or More Parcels.

necessary, long-term monitoring programs, in-stream flow studies, or hydrologic studies, that such groundwater or stream withdrawals will not have adverse direct or cumulative impacts on coastal resources, including groundwater basins, aquifers, and streams. Such studies shall provide the basis for establishing safe sustained yields from these sources. Wells or water sources shall be at least 100 feet from property lines, or a finding shall be made that no development constraints are placed on neighboring properties.

*[Adapted from Unit I Public Services Policy 4, p. 48, and Unit II Public Services Policies 2.a and 2.e (3), pp. 187-189]*

#### **Unit I Public Services Policy 3, pg. 48**

**C-PFS-13 New Water Sources Serving Five or More Parcels. Require that coastal permit applications for New community and mutual water wells serving five-5 or more parcels shall demonstrate by professional engineering or other studies, including, as necessary, long-term monitoring programs, in-stream flow studies, or hydrologic studies, that such groundwater or stream withdrawal will not have adversely direct or cumulative impacts on affect coastal resources, including groundwater basins, aquifers, and streams. Such engineering studies shall provide the basis for of establishing safe sustained yields from these sources wells. Wells or water sources shall be at least 100 feet from property lines, or a finding shall be made that no development constraints are placed on neighboring properties.**

#### **Unit II Public Services Policy 2.a, p. 187**

a. ~~Type of service.~~ Except as provided herein, new development, including land divisions, outside the service area of a community or mutual water system may utilize individual wells or other private on-site water sources. Within the Inverness Planning Area, individual wells should not be allowed on parcels less than 2.8 acres in size. Exceptions to the 2.8 acre lot size limitation may be granted pursuant to the issuance of a **C-PFS-13 New Water Sources Serving Five or More Parcels. Require that cCoastal pPermit- applications for new water wells or other sources serving 5 or more parcels demonstrate by professional engineering or other studies, including as necessary, long-term monitoring programs, in-stream flow studies, or hydrologic studies, that such groundwater or stream withdrawals will not have adverse direct or cumulative impacts on coastal resources, including groundwater basins, aquifers, and streams. Such studies shall provide the basis for establishing safe sustained yields from these sources. In addition to the findings of Chapters 22.56 and 22.86, the applicant must demonstrate to the satisfaction of the Health Officer that a well**

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	<p>can be developed on the substandard size parcel in a completely safe and sanitary manner. Within the service area of a community or mutual water system, the use of individual domestic water wells for new development shall be permitted provided: a) the community or mutual water system is unable or unwilling to provide service; or, b) the physical distribution improvements are economically or physically infeasible to extend to the proposed project site. Additionally, wells or water sources shall be at least 100 feet from property lines, or a finding shall be made that no development constraints are placed on neighboring properties. Within the Inverness Public Utility District (IPUD), individual wells for domestic use should not be permitted in the same watershed, at an elevation higher than the IPUD surface water sources existing as of June 14, 1983. All new development shall be required to incorporate low flow water fixtures and other water-saving devices.</p> <p><b>Unit II Public Services Policy 2.e.3, p. 189</b></p> <p>e. <del>Development standards for wells and other sources.</del></p> <p>(3) <del>Community sources.</del> <b>C-PFS-13 New Water Sources Serving Five or More Parcels.</b> Require that coastal permit applications for <del>n</del>New community or mutual water wells or other sources serving 5 or more parcels shall demonstrate by professional engineering <u>or other studies</u> studies, including as necessary, long-term monitoring programs, <u>in-stream flow studies, or hydrologic studies</u>, that such groundwater or stream withdrawals will not <u>have adversely affect direct or cumulative impacts on</u> coastal<sup>§</sup> resources, including groundwater basins, aquifers, and streams. <u>Such engineering studies shall provide the basis for establishing safe sustained yields from these sources. Wells or water sources shall be at least 100 feet from property lines, or a finding shall be made that no development constraints are placed on neighboring properties.</u></p>
<p><b>Policy 5, pg. 48</b></p> <p>Prior to the authorization of subdivision or construction of projects utilizing individual water wells, the applicant shall demonstrate that a sustained water yield of at least 1.5 gallons per minute per residential unit. Additional requirements for fire protection, including increased yield rates, water storage facilities and fire hydrants shall be installed as recommended by the applicable fire protection agency.</p> <p><b>Policy Status</b></p>	<p><b>C-PFS-16 Standards for Water Supply Wells and Other Water Sources.</b></p> <ol style="list-style-type: none"> <li>1. In areas where individual water wells or other individual domestic water sources are permitted, require on-site tests that demonstrate a sustained pumping rate, or equivalent, of 1.5 gpm for each residential unit or subdivided parcel. Higher yields, storage and other facilities may be required for fire protection purposes, as recommended by the appropriate fire protection agency.</li> <li>2. Require that well or water sources shall be at least 100 feet from property lines, unless a finding is made that no development constraints are placed on neighboring properties.</li> </ol>

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Carried forward to policy **C-PFS-16** Standards for Water Supply Wells and Other Water Sources.

3. Allow a well only where a finding is made that it will not have adverse direct or cumulative impacts on coastal resources.
4. Within the Inverness Planning Area, allow no individual wells on parcels less than 2.8 acres in size, unless a specific exception is granted based on findings required by the coastal permitting and variance chapters of the Development Code and on a demonstration to the satisfaction of the Health Officer that a well can be developed on the substandard size parcel in a completely safe and sanitary manner.
5. Within the Inverness Public Utility District (IPUD), permit no individual wells for domestic use in the same watershed, at an elevation higher than the IPUD surface water sources existing as of June 14, 1983.

(PC app. 07/29/10)

*[Adapted from Unit I Public Services Policy 5, p. 48, and Unit II Public Services Policies 2.a and 2.e (2), pp. 187-189; and sec. 22.56.1301A]*

#### **Unit I Public Services Policy 5, p. 48**

~~Prior to the authorization of subdivision or construction of projects utilizing~~

#### **C-PFS-16 Standards for Water Supply Wells and Other Water Sources.**

1. ~~In areas where individual water wells or other individual domestic water sources are permitted, the applicant Community Development Agency shall require on-site tests that demonstrate that a sustained water yield pumping rate, or equivalent, of at least 1.5 gallons per minute gpm per for each residential unit or subdivided parcel. Additional requirements for fire protection, including increased Higher yields rates, water storage and other facilities and fire hydrants shall be installed may be required for fire protection purposes, as recommended by the applicable fire protection agency.~~
2. ~~The well or water sources shall be at least 100 feet from property lines, or a finding shall be made that no development constraints are placed on neighboring properties.~~
3. ~~The well shall not have adverse direct or cumulative impacts on coastal resources.~~
4. ~~Within the Inverness Planning Area, individual wells should not be allowed on parcels less than 2.8 acres in size. Exceptions to the 2.8 acre lot size limitation may be granted pursuant to the issuance of a Coastal Permit. In addition to the findings required by the coastal permitting and variance chapters of the Development Code, the applicant must demonstrate to the satisfaction of the Health Officer that a well can be developed on the substandard size parcel in a completely safe and sanitary manner.~~

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5. Within the Inverness Public Utility District (IPUD), individual wells for domestic use should not be permitted in the same watershed, at an elevation higher than the IPUD surface water sources existing as of June 14, 1983.

**Unit II Public Services Policy 2.a, p. 187**

~~2. Water supply.~~

- a. ~~Type of service. Except as provided herein, new development, including land divisions, outside the service area of a community or mutual water system may utilize individual wells or other private on-site water sources. In areas where individual water wells or other individual domestic water sources are permitted, the Community Development Agency shall require on-site tests that demonstrate a sustained pumping rate, or equivalent, of 1.5 gpm for each residential unit or subdivided parcel. Higher yields, storage and other facilities may be required for fire protection purposes, as recommended by the appropriate fire protection agency.~~
- b. The well or water sources shall be at least 100 feet from property lines, or a finding shall be made that no development constraints are placed on neighboring properties.
- c. The well shall not have adverse direct or cumulative impacts on coastal resources.
- d. Within the Inverness Planning Area, individual wells should not be allowed on parcels less than 2.8 acres in size. Exceptions to the 2.8 acre lot size limitation may be granted pursuant to the issuance of a Coastal Permit. In addition to the findings of required by the coastal permitting and variance C chapters 22.56 and 22.86 of the Development Code, the applicant must demonstrate to the satisfaction of the Health Officer that a well can be developed on the substandard size parcel in a completely safe and sanitary manner.  
~~Within the service area of a community or mutual water system, the use of individual domestic water wells for new development shall be permitted provided: a) the community or mutual water system is unable or unwilling to provide service; or, b) the physical distribution improvements are economically or physically infeasible to extend to the proposed project site. Additionally, wells or water sources shall be at least 100 feet from property lines, or a finding shall be made that no development constraints are placed on neighboring properties.~~



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- e. Within the Inverness Public Utility District (IPUD), individual wells for domestic use should not be permitted in the same watershed, at an elevation higher than the IPUD surface water sources existing as of June 14, 1983. ~~All new development shall be required to incorporate low flow water fixtures and other watersaving devices.~~

**Unit II Public Services Policy 2.e(2), p. 189**

**2. Water supply.**

- e. ~~Development standards for wells and other sources.~~

**(2) Individual sources.**

1. In areas where individual water wells or other individual domestic water sources are permitted, the applicant shall demonstrate from on-site tests that demonstrate a sustained water yield pumping rate, or equivalent, of at least 1.5 gpm per for each residential unit or subdivided parcel is available prior to the issuance of a building permit or tentative map. Higher yields, storage and other facilities may be required for fire protection purposes, as recommended by the appropriate fire protection agency.
2. The well or water sources shall be at least 100 feet from property lines, or a finding shall be made that no development constraints are placed on neighboring properties.
3. The well shall not have adverse direct or cumulative impacts on coastal resources.
4. Within the Inverness Planning Area, individual wells should not be allowed on parcels less than 2.8 acres in size. Exceptions to the 2.8 acre lot size limitation may be granted pursuant to the issuance of a Coastal Permit. In addition to the findings required by the coastal permitting and variance chapters of the Development Code, the applicant must demonstrate to the satisfaction of the Health Officer that a well can be developed on the substandard size parcel in a completely safe and sanitary manner.
5. Within the Inverness Public Utility District (IPUD), individual wells for domestic use should not be permitted in the same watershed, at an elevation higher than the IPUD surface water sources existing as of June 14, 1983.

**Policy 6, pg. 48**

In acting on any coastal project permit for expansion of the water facilities of the Bolinas Public Utility District, the County shall determine that adequate water is guaranteed from the expanded facilities to serve VCR-zoned property in the village

**C-PFS-4 High-Priority Visitor-Serving Land Uses.**

In acting on any coastal project permit for the extension or enlargement of community water or community sewage treatment facilities, determine that adequate treatment capacity is available in the system to serve VCR-zoned property and other visitor-serving uses.

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<p>core.</p> <p><b><u>Policy Status</u></b> The concept of this policy has been carried forward to <b>C-PFS-4</b> High-Priority Visitor-Serving Land Uses.</p>	<p><b><u>Unit I Policy 6, pg. 48</u></b> <b><u>C-PFS-4 High-Priority Visitor-Serving Land Uses.</u></b> In acting on any coastal project permit for expansion <u>or enlargement of community the water or community sewage treatment facilities of the Bolinas Public Utility District, the County shall determine that adequate water treatment capacity is guaranteed from the expanded facilities available in the system to serve VCR-zoned property in the village core and other visitor-serving uses.</u></p>
<p><b><u>Septic System Standards</u></b></p> <p><b><u>Policy 7, pg. 48</u></b> All septic systems within the Coastal Zone shall conform with the Minimum Guidelines for the Control of Individual Wastewater Treatment and Disposal Systems adopted by the Regional Water Quality Control Board on April 17, 1979. No waivers shall be permitted except where a public entity has formally assumed responsibility for inspecting, monitoring and enforcing the maintenance of the system in accordance with criteria adopted by the Regional Water Quality Control Board, or where such waivers have otherwise been reviewed and approved under standards established by the Regional Water Quality Control Board.</p> <p><b><u>Policy Status</u></b> Carried forward with adaptations to policy <b>C-PFS-9</b> Require Sewage Disposal Systems to Meet Applicable Requirements.</p>	<p><b><u>C-PFS-9 Require Sewage Disposal Systems to Meet Applicable Requirements.</u></b> Require sewage disposal systems to meet all Regional Water Quality Control Board rules and regulations that are currently in effect, unless that Board approves a waiver from those rules and regulations. Require all sewage disposal systems on newly created lots to comply in all respects, without variance, with applicable regulations. <i>[Adapted from Unit I Public Services Policies 7 and 9, p. 48-49, and County Regulations Sec. 301]</i></p> <p><b><u>Unit I Septic System Standards Policy 7, p. 48</u></b> <b><u>C-PFS-9 Require Sewage Disposal Systems to Meet Applicable Requirements.</u></b> All septic systems within the Coastal Zone shall conform with the Minimum Guidelines for the Control of Individual Wastewater Treatment and Disposal Systems adopted by the <u>Require sewage disposal systems to meet all</u> Regional Water Quality Control Board <del>on April 17, 1979</del> rules and regulations that are currently in effect, unless that Board approves a waiver from those rules and regulations.. No waivers shall be permitted except where a public entity has formally assumed responsibility for inspecting, monitoring and enforcing the maintenance of the system in accordance with criteria adopted by the Regional Water Quality Control Board, or where such waivers have otherwise been reviewed and approved under standards established by the Regional Water Quality Control Board. <u>Require all sewage disposal systems on newly created lots to comply in all respects, without variance, with applicable regulations.</u></p> <p><b><u>Unit I Septic Systems Standards Policy 9, p. 49</u></b> <b><u>C-PFS-9 Require Sewage Disposal Systems to Meet Applicable Requirements.</u></b> Where a Coastal Development permit is necessary for any enlargement or change in type or intensity in use of an existing structure, a septic system that is adequate to conform to current <u>Require sewage</u></p>

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	<p><u>disposal systems to meet all Regional Water Quality Control Board Guidelines or such other program and standards approved by the Board shall be installed; rules and regulations that are currently in effect, unless that Board approves a waiver from those rules and regulations. Require all sewage disposal systems on newly created lots to comply in all respects, without variance, with applicable regulations.</u></p>
<p><b><u>Policy 8, pg. 49</u></b>          Alternate waste disposal systems shall be approved only where a public entity has formally assumed responsibility for inspecting, monitoring and enforcing the maintenance of the system in accordance with criteria adopted by the Regional Water Quality Control Board.</p> <p><b><u>Policy Status</u></b>          The concept of this policy has been carried forward to policy <b>C-PFS-II</b> Alternative On-Site Sewage Disposal Systems.</p>	<p><b>C-PFS-II Alternative On-Site Sewage Disposal Systems.</b> Approve alternative on-site sewage disposal systems where the County Health Officer or designee determines that (a) sewage cannot be disposed of in a sanitary manner by a standard septic system, or (b) that an alternative system will protect the public health in a manner equal to or better than a standard system.</p> <p>Approval of an alternative system shall require, at a minimum:</p> <ol style="list-style-type: none"> <li>1. Design plans signed by a professional who is knowledgeable and experienced in the field of onsite sewage disposal;</li> <li>2. Submittal of a site-specific contingency plan which shall outline the specific actions to be taken to repair, expand, or replace the system, should it fail to operate as planned;</li> <li>3. Operation, maintenance, and monitoring instructions for the system owner; and</li> <li>4. A written statement granting permission to the Health Officer to access the property in order to periodically assess system functioning.</li> </ol> <p>In addition to a construction permit, an operating permit shall be required for all alternative systems. The operating permit shall be renewed annually or as otherwise specified by the Health Officer. The Health Officer has the discretion to exempt from the operating permit requirement alternative systems installed solely for the repair of existing systems.</p> <p><i>[Adapted from Unit I Public Services Policy 8, p. 49, and County Regulations Sections 801, 802, and 803]</i></p> <p><b><u>Unit I Policy 8, pg. 49</u></b>  <b><u>C-PFS-II Alternative On-Site Sewage Disposal Systems.</u></b> Approve <u>alternate on-site sewage waste-disposal systems shall be approved only where a public entity the County Health Officer or designee has formally assumed responsibility for inspecting, monitoring and enforcing determines that the maintenance of the system in accordance with criteria adopted by the Regional Water Quality Control Board. (a) sewage cannot be disposed of in a sanitary manner by a standard septic system, or (b) that an alternative system will protect the public health in a manner equal to or better than a standard system.</u></p>

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<p><b><u>Policy 9, pg. 49</u></b>  Where a Coastal Development permit is necessary for any enlargement or change in type or intensity in use of an existing structure, a septic system that is adequate to conform to current Regional Water Quality Control Board Guidelines or such other program and standards approved by the Board shall be installed.</p> <p><b><u>Policy Status</u></b>  This policy has been carried forward with adaptations to policy <b>C-PFS-8</b> Sewage Disposal Systems Requirements for New Lots.</p>	<p><b>C-PFS-8 Sewage Disposal Systems Requirements for New Lots.</b> Require all sewage disposal systems on newly created lots to comply in all respects, without variance, with applicable regulations.  <i>[Adapted from Unit I Public Services Policies 7 and 9, pp. 48-49, and County Regulations Sec. 301]</i></p> <p><b><u>Unit I Septic Systems Standards Policy 9, p. 49</u></b>  <del>C-PFS-8 Sewage Disposal Systems Requirements for New Lots. Where a Coastal Development permit is necessary for any enlargement or change in type or intensity in use of an existing structure, a septic system that is adequate to conform to current</del> <u>Require sewage disposal systems to meet all Regional Water Quality Control Board Guidelines or such other program and standards approved by the Board shall be installed. rules and regulations that are currently in effect, unless that Board approves a waiver from those rules and regulations. Require all sewage disposal systems on newly created lots to comply in all respects, without variance, with applicable regulations.</u></p>
<p><b><u>Policy 10, pg. 49</u></b>  In order to minimize the generation of wastewater and to encourage the conservation of Coastal water resources, the use of water saving devices shall be required in all new developments.</p> <p><b><u>Policy Status</u></b>  This policy has been carried forward to policy <b>C-PFS-17</b> Conservation of Water.</p>	<p><b>C-PFS-17 Conservation of Water.</b> In order to minimize the generation of wastewater and to encourage the conservation of Coastal water resources, require the use of water saving devices as prescribed by the local water provider in all new developments.  <i>[Adapted from Unit I Public Services Policy 10, p. 49] [Note – may combine with C-PFS-8]</i></p> <p><b><u>Unit I Policy 10, pg. 49</u></b>  <del>C-PFS-17 Conservation of Water.</del> <u>In order to minimize the generation of wastewater and to encourage the conservation of Coastal water resources, require the use of water saving devices as prescribed by the local water provider shall be required in all new developments.</u></p>
<p><b><u>Policy 11, pg. 49</u></b>  The existing water quality monitoring agreement between the North Central Coast Regional Commission, the Stinson Beach County Water District, and the Regional Water Quality Control Board, and conducted by the Water District, shall be continued.</p> <p><b><u>Policy Status</u></b>  This policy has been carried forward to Program <b>C-PFS-10.a</b> Continue Stinson Beach Water Quality Monitoring Program.</p>	<p><b>Program C-PFS-10.a Continue Stinson Beach Water Quality Monitoring Program.</b> Support the existing water quality monitoring program conducted by the Stinson Beach County Water District, consistent with the agreement with the Regional Water Quality Control Board.  <i>[Adapted from Unit I Public Services Policy 11, p. 49]</i></p> <p><b><u>Unit I Public Services Policy 11, pg. 49</u></b>  <del>Program C-PFS-10.a Continue Stinson Beach Water Quality Monitoring Program.</del> <u>Support the existing water quality monitoring agreement between program conducted by the North Central Coast</u></p>

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	<del>Regional Commission, the Stinson Beach County Water District, and the consistent with the agreement with the Regional Water Quality Control Board, and conducted by the Water District, shall be continued.</del>
<b>Bolinas Sewage Disposal System</b>	
<p><b><u>Policy 12, pg. 49</u></b> In acting on any coastal project permit for the extension or enlargement of the sewer treatment facilities of the Bolinas Public Utility District, the County shall determine that adequate treatment capacity is available in the system to serve VCR-zoned property in the village core.</p> <p><b><u>Policy Status</u></b> This policy has been carried forward to <b>C-PFS-4</b> High Priority Visitor-Serving Land Uses.</p>	<p><b>C-PFS-4 High-Priority Visitor-Serving Land Uses.</b> In acting on any coastal project permit for the extension or enlargement of community water or community sewage treatment facilities, determine that adequate treatment capacity is available in the system to serve VCR-zoned property and other visitor-serving uses. <i>[Adapted from Unit I Public Services Policies 6 and 12, pp. 48-49]</i></p> <p><b><u>Unit I Policy 12, pg. 49</u></b> <b><u>C-PFS-4 High-Priority Visitor-Serving Land Uses.</u></b> In acting on any coastal project permit for the extension or enlargement of the <u>community water or community sewer treatment facilities</u>, <del>of the Bolinas Public Utility District, the County shall</del> determine that adequate treatment capacity is available in the system to serve VCR-zoned property <del>in the village core</del> and other visitor-serving uses.</p>
<b>Transportation</b>	
<p><b><u>Policy 13, pg. 49</u></b> Highway 1 provides an important and limited access route to the coastal zone. The narrow, twisting two-lane roadway successfully complements the rugged, open character of this coastal area. Highway 1 shall remain a scenic, two-lane roadway. Roadway improvement projects shall not, either individually or cumulatively distract from the rural scenic characteristics of the present roadway. Improvements (beyond repair and maintenance) shall be limited to minor roadway improvements as identified below:</p> <ul style="list-style-type: none"> <li>• Slope stabilization, drainage control and minor safety improvements such as guardrail placement, signing, etc.</li> <li>• Expansion of roadway shoulder paving to accommodate bicycle/ pedestrian traffic along the highway shoulder.</li> <li>• Creation of slow traffic and vista turnouts, as a safety and convenience improvement.</li> </ul> <p>Other minor selected roadway improvements necessary to adequately accommodate public transit consistent with the goals of the following policy: no filling of streams or wetlands shall be permitted.</p> <p><b><u>Policy Status</u></b> This policy is similar to the concepts in Unit II Public Services policy 4.a p. 191, which has been carried forward to <b>C-TR-2</b> Scenic Quality of Highway One.</p>	<p><b>C-TR-2 Scenic Quality of Highway One.</b> Ensure that Highway One shall remain a scenic two-lane roadway. Ensure that improvements shall not, either individually or cumulatively, detract from the rural scenic characteristics of the highway and shall be limited to improvements necessary for the continued use of the highway: slope stabilization, drainage control, and minor safety improvements such as guardrail placement, signing, etc.; expansion of shoulder paving to accommodate bicycle or pedestrian traffic; creation of slow traffic and vista turnouts, as a safety and convenience improvement; and other minor improvements necessary to adequately accommodate public transit. Avoid incursions and other adverse impacts in Stream Conservation and Wetland Conservation Areas. These improvements shall limit the site alterations to the minimum amount necessary to carry out the project and minimize environmental impacts. <i>[Adapted from Unit II Public Services Policy 4.a, p. 191]</i></p> <p><b><u>Unit II Public Services Policy 4.a, p. 191</u></b> <del>Transportation and road capacity:</del> a. <del>Highway 1. C-TR-2 Scenic Quality of Highway One. Highway 1 provides an important and limited access route to the coastal zone. As required by the Coastal Act, Ensure that Highway 1</del> <b>C-TR-2 Scenic Quality of Highway One.</b> Highway 1 provides an important and limited access route to the coastal zone. As required by the Coastal Act, <u>Ensure that Highway 1</u> <del>One</del> shall remain a scenic two-lane roadway. <u>Ensure that</u> <del>improvements shall not, either individually or cumulatively, detract from the rural scenic characteristics of the highway and , beyond repair and</del></p>

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	<p><del>maintenance</del>, shall be limited to <del>the following minor projects</del> <u>improvements necessary for the continued use of the highway</u>: slope stabilization, drainage control, and minor safety improvements such as guardrail placement, signing, etc.; expansion of shoulder paving to accommodate bicycle or pedestrian traffic; creation of slow traffic and vista turn-outs, as a safety and convenience improvement; and other minor improvements necessary to adequately accommodate public transit <del>consistent with the goals of this policy, provided that no filling of streams or wetlands occurs.</del> <u>Avoid incursions and other adverse impacts in Stream Conservation and Wetland Conservation Areas. These improvements shall limit the site alterations to the minimum amount necessary to carry out the project and minimize environmental impacts.</u></p>
<p><b><u>Policy I4, pg. 49</u></b>  Public transit service to and through Unit I is presently limited to commuter services and selected recreational service routes. The expansion of public and recreational areas and facilities in Unit I will accelerate the need to increase opportunities in providing public access to the coastal areas of Marin. The development of such programs shall rely extensively on public transit as the most appropriate and consistent method of increasing public access and recreational opportunities in Unit I. The development of new transit service routes and associated loading and turn areas is consistent with the policy to utilize public transit in meeting the increased use of coastal access and recreational areas.</p> <p><b><u>Policy Status</u></b>  Staff does not recommend carrying this policy forward; however, the concept to support and provide adequate and affordable public transportation to the coastal zone has been carried forward to policies <b>C-TR-10</b> and <b>C-TR-11</b></p>	<p><b>C-TR-10 Provide Adequate and Affordable Public Transportation.</b>  Provide efficient, affordable public transportation service in and to the Coastal Zone and support expansion of alternative modes of transportation.  <i>[Adapted from CWP Goal TR-3, p. 3-162]</i></p> <p><b>C-TR-11 Reduction of Visitor Traffic Congestion in West Marin.</b> Consult with Caltrans, local, State, and federal parkland agencies, and local communities to provide alternatives to recreational automobile travel to recreational areas in the Coastal Zone.  <i>[Adapted from CWP Policy TR-3.6, p. 3-163]</i></p> <p><i>[A <del>strike out</del> and <u>underline</u> version of the proposed policy and programs are not provided since the proposed policies are an adaptation of the concepts in the existing language and has been significantly rewritten]</i></p>

# Unit I

## Existing and Proposed Policy Comparison

### New Development and Land Uses

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<b>Historic Resources</b>	
<p><b>Policy 15, pg. 64</b></p> <p>In order to protect the unique qualities and character of coastal communities in the Unit I coastal zone, historic structures shall be preserved and restored. The following means shall be used to protect and preserve historic structures:</p> <ol style="list-style-type: none"> <li>“Historic areas” shall be established in Stinson Beach and Bolinas. The boundaries of these areas are described and mapped in Appendix F of the Unit I LCP. Within these historic area boundaries, all new construction shall conform in scale, design, materials and texture with the surrounding community character.</li> <li>Alterations and Additions. Alterations or additions to any structure built prior to 1930 shall require a coastal project permit; except that, maintenance or repair to restore any pre-1930 structure to its original architectural character shall be exempt from the requirement of a coastal permit. Alterations or additions to any pre-1930 structure shall retain the scale and original architectural features of the structure, especially for the front facade.</li> <li>Demolitions. Demolition of any structure built prior to 1930 shall require a Coastal Project Permit; except that, demolition of any secondary or agricultural building built prior to 1930, may be exempted from the requirement for a coastal permit upon a finding by the Planning Director or appropriate hearing body that such structure is not a significant historic resource. Issuance of a Coastal Project Permit for the demolition of any pre-1930 structure may be delayed for a period not to exceed six months. During this period, the property owner or local historic group or society may attempt to find a purchaser or alternate location for the structure. This six month period may be waived by the Planning Director or appropriate hearing body upon a finding that the structure is not historically significant or cannot be rehabilitated.</li> </ol> <p><b>Policy Status</b></p> <p>The concept of this policy has been carried forward, adapted, and divided among policies <b>C-HAR-4</b>, <b>C-HAR-6</b>, <b>C-HAR-7</b>, and <b>C-HAR-8</b>.</p>	<p><b>C-HAR-4 Structures of Special Character and Visitor Appeal.</b> Preserve and restore structures with special character and visitor appeal in coastal communities.  <i>[Adapted from Unit I New Development and Land Use Policy 16(as amended),, p. 64]</i></p> <p><b>C-HAR-6 Alterations and Additions to Structures of Special Character and Visitor Appeal.</b> Require a coastal permit for substantial alterations or additions to any structure built prior to 1930 that would otherwise be exempt from a coastal permit, except for (a) maintenance or repair to any pre-1930's structure consistent with its original architectural character and (b) maintenance or repair that includes replacement-in-kind of building components. Alterations or additions to any pre-1930's structure shall retain the scale and original architectural character of the structure, especially for the front facade.  <i>[Adapted from Unit I New Development and Land Use Policies 15 p. 64 (as amended) and Unit II New Development and Land Use Policy 1.a.(2), p. 206]</i></p> <p><b>C-HAR-7 Proposed Demolition of Structures of Special Character and Visitor Appeal.</b> Review the proposed demolition of any structure built prior to 1930 for its impacts on community character, except that demolition of any secondary or agricultural building built prior to 1930 may be exempted from this requirement upon a finding by the Planning Director or appropriate hearing body that such structure is not a significant resource. Issuance of a coastal project permit for the demolition of any pre-1930 structure may provide for such demolition to be delayed for a period not to exceed six months. During this period, the property owner or local historic group or society may attempt to find a purchaser or alternate location for the structure. This six month period may be waived by the Planning Director or appropriate hearing body upon a finding that the structure is not significant to community character or to visitor appeal or cannot be rehabilitated.  <i>[Adapted from Unit II New Development and Land Use Policy 1.a.(3), p. 206]</i></p> <p><b>C-HAR-8 Villages That Have Special Character and Visitor Appeal.</b> Ensure that within mapped areas having special character and visitor appeal, including historic areas, in Stinson Beach, Bolinas, Tomales, Marshall, Point Reyes Station, Olema, and Inverness all new construction conforms in scale, design,</p>



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	<p>materials and texture with the surrounding community character.  <i>[Adapted from Unit I New Development Policies 15, 16, and 17 (as amended) and Unit II New Development and Land Use Policy 1.a.(1), p. 206]</i></p>
<p><b><u>Policy 16, pg. 64</u></b>  All Coastal Project Permits for projects located within the boundaries of an historic area, and for projects involving pre-1930 buildings, shall be reviewed in accordance with:</p> <ol style="list-style-type: none"> <li>The “design Guidelines For Construction in Historic Areas and For Pre-1930 Structures” and,</li> <li>The “Historic Review Checklist,” both located in Appendix F of the Unit I LCP.</li> </ol> <p><b><u>Policy Status</u></b>  The concept of this policy has been carried forward to policy <b>C-HAR-5</b> Proposed Development that Affects Areas and Structures of Special Character and Visitor Appeal.</p>	<p><b>C-HAR-5 Proposed Development that Affects Areas and Structures of Special Character and Visitor Appeal.</b> Review all coastal project permits for projects that (1) are located within the boundaries of those areas designated as having special character and visitor appeal, including historic areas, and (2) involve pre-1930 buildings to conform to:</p> <ol style="list-style-type: none"> <li>The "Design Guidelines for Construction in Areas of Special Character and Visitor Appeal and for pre-1930 Structures" and,</li> <li>The "Coastal Village Community Character Review Checklist", both located in the Appendix of the Local Coastal Program.</li> </ol> <p><i>[Adapted from Unit I New Development and Land Use Policy 16 (as amended), p. 64]</i></p> <p><b><u>Unit I Policy 16, pg. 64</u></b>  <b><u>C-HAR-5 Proposed Development that Affects Areas and Structures of Special Character and Visitor Appeal.</u></b> Review <del>a</del>All coastal <del>p</del>Project <del>p</del>Permits for projects <del>that (1) are located within the boundaries of an those</del> historic areas; <del>designated as having special character and visitor appeal, including historic areas, and (2) and for projects involving</del> pre-1930 buildings, <del>shall be reviewed in accordance with</del> to conform to:</p> <ol style="list-style-type: none"> <li><del>The “d</del>Design Guidelines <del>F</del>for Construction in <del>Historic Areas of Special Character and Visitor Appeal</del> and <del>F</del>for <del>P</del>pre-1930 Structures” and,</li> <li><del>The “Coastal Village Community Character Historic Review Checklist,” both located in Appendix F of the Unit I LCP Local Coastal Program-</del></li> </ol>
<p><b><u>Policy 17, pg. 64</u></b>  All Coastal Project Permits for historic structures shall be revised by established local planning or design review groups, where these groups exist.</p> <p><b><u>Policy Status</u></b>  The concept of this policy has been carried forward and adapted to policy <b>C-HAR-8</b> Villages That Have Special Character and Visitor Appeal.</p>	<p><b>C-HAR-8 Villages That Have Special Character and Visitor Appeal.</b> Ensure that within areas having special character and visitor appeal, including historic areas, as mapped in Stinson Beach, Bolinas, Tomales, Marshall, Point Reyes Station, Olema, and Inverness all new construction conforms in scale, design, materials and texture with the surrounding community character.</p> <p><b><u>Unit I Policy 17, pg. 64</u></b>  <b><u>C-HAR-8 Villages That Have Special Character and Visitor Appeal.</u></b> Ensure that within areas having special character and visitor appeal, including historic areas, as mapped in Stinson Beach, Bolinas, Tomales, Marshall, Point Reyes Station, Olema, and Inverness <del>a</del>All Coastal Project <del>Permits for historic structures shall be revised by established local planning</del></p>



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	<del>or design review groups, where these groups exist, new construction conforms in scale, design, materials and texture with the surrounding community character.</del>
<b>Archaeological Resources</b>	
<p><b><u>Policy 18, pg. 64</u></b>  The County shall maintain a file, including maps of currently known and probable archaeological sites within the coastal zone of Unit I, in cooperation with the State Office of Historic Preservation. Additional information regarding areas of archaeological significance that becomes available through the Environmental Impact Report process or by other means shall be added to the file. The file shall be kept confidential in order to prevent vandalism of any known or probable archaeological sites that have been recorded</p> <p><b><u>Policy Status</u></b>  The concept of this policy is similar to Unit II New Development Policy 2.a., p. 206, which has been carried forward to policy <b>C-HAR-1</b> Maintenance of Information on Archaeological and Paleontological Resources.</p>	<p><b>C-HAR-1 Maintenance of Information on Archaeological and Paleontological Resources.</b> Maintain a file on known and suspected archaeological and paleontological sites in the Coastal Zone, in cooperation with the area clearinghouse, for use in carrying out Policy C-HAR-2. Additional information on such sites that becomes available through the EIR process or by other means shall be added to the file and forwarded to the Northwest Information Center (NWIC). The file shall be kept confidential in order to prevent vandalism of sites.  <i>[Unit II New Development and Land Use Policy 2.a., p. 206]</i></p> <p><b><u>Unit II New Development and Land Use Policy 2.a, p. 206</u></b>  <del>The County shall</del> maintain a file on known and suspected archaeological and paleontological sites in the coastal zone, in cooperation with the area clearinghouse, <u>for use in carrying out Policy C-HAR-2.</u> Additional information on such sites that becomes available through the EIR process or by other means shall be added to the file and forwarded to the <del>clearinghouse</del> Northwest Information Center (NWIC). The file shall be kept confidential in order to prevent vandalism of sites.</p>
<p><b><u>Policy 19, pg. 64</u></b>  Prior to the approval of any proposed development within an area of known or probable archaeological significance, a limited field survey by a qualified professional at the applicant's expense shall be required to determine the extent of the archaeological resources on the site. Results of such field survey shall be transmitted to the State Historical Preservation Officer or his/her designee for comment</p> <p><b><u>Policy Status</u></b>  The concept of this policy is similar to Unit II New Development Policy 2.b., p. 206, which has been carried forward to policy <b>C-HAR-2</b> Potential Impacts of Development on Archaeological and Paleontological Resources.</p>	<p><b>C-HAR-2 Potential Impacts of Development on Archaeological and Paleontological Resources.</b> Prior to the approval of a coastal project permit for any development proposed within an area of known or likely archaeological or paleontological significance, including sites identified in the file described in Policy C-HAR-1, require a field survey by a State-qualified archaeologist recommended by the Sacred Sites Protection Committee of the Federated Indians of Graton Rancheria or by a qualified paleontologist at the applicant's expense to determine the extent of archaeological or paleontological resources on the site. Where development would adversely impact identified resources, require reasonable mitigation measures, including avoidance and permanent protection as open space, if feasible, as recommended in the field survey.  <i>[Adapted from Unit II New Development and Land Use Policy 2.b., p. 206a and Countywide Plan Programs HAR-1.d and HAR-1.3]</i></p> <p><b><u>Unit II New Development and Land Use Policy 2.b, p. 206</u></b>  <b><u>C-HAR-2 Potential Impacts of Development on Archaeological and Paleontological Resources.</u></b> Prior to the approval of <del>any a coastal project permit for any</del> development proposed within an area of known or <del>suspected</del> <u>likely</u> archaeological or paleontological significance, <u>including</u></p>

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	<p><u>sites identified in the file described in Policy C-HAR-1., the County shall require a field survey by a State-qualified archaeologist recommended by the Sacred Sites Protection Committee of the Federated Indians of Graton Rancheria or by a qualified paleontologist professional shall be required at the applicant's expense to determine the extent of archaeological or paleontological resources on the site. Where development would adversely impact identified resources, reasonable mitigation measures shall be required, including avoidance and permanent protection as open space, if feasible, as recommended in the field survey.</u></p>
<p><b>Policy 20, pg. 65</b>  Where development would adversely impact archaeological resources or paleontological resources which have been identified, reasonable mitigation measures shall be required as may be recommended by the field survey or by the State Historic Preservation officer his/her designee. Such mitigation measures shall include acquisition of unique sites for long-term preservation where feasible, or preservation of the sites by incorporating them into open space areas protected by easement, or a requirement that the site be opened to an approved qualified professional and educational groups for scientific exploration for a specified period of time before development begins. Where construction is permitted, special construction techniques shall be employed to protect the resources intact and reasonably accessible underground.</p> <p><b>Policy Status</b>  The concept of this policy is similar to Unit II New Development Policy 2.b., p. 206, which has been carried forward to policy <b>C-HAR-2</b> Potential Impacts of Development on Archaeological and Paleontological Resources.</p>	<p>See Existing Policy 19, pg. 64 above.</p>
<p><b>Visual Resources</b></p>	
<p><b>Policy 21, pg. 65</b>  Existing development standards and the design review ordinance (Chapter 22.52) shall continue to be enforced. The following explicit standards shall apply to selected areas and projects:</p> <ul style="list-style-type: none"> <li>• All new construction in Bolinas, Stinson Beach and Muir Beach shall be limited to a maximum height of twenty-five (25) feet; except that in the Highlands neighborhood of Stinson Beach, the maximum height shall be seventeen (17) feet, and in the Seadrift section of Stinson Beach, the maximum height shall not exceed fifteen (15) feet.</li> <li>• To the maximum extent feasible, new development shall not impair or obstruct an existing view of the ocean, Bolinas Lagoon, or the national or State parklands from Highway 1 or Panoramic Highway</li> </ul>	<p><b>C-DES-4 Limited height of new structures.</b> Limit all new construction to a maximum height of twenty-five (25) feet with the following exceptions:</p> <ol style="list-style-type: none"> <li>1. In the Highlands neighborhood of Stinson Beach, the maximum height shall be no more than seventeen (17) feet.</li> <li>2. In FEMA special flood hazard (V) zones within the Seadrift Subdivision, the maximum building height of 15 feet shall be measured from the minimum floor elevation required by the flood hazard zone designation (<i>see also Environmental Hazards Policy C-EH-11: In the Flood Velocity Zone at Seadrift, Accommodate Minimum Floor Elevations as Required by FEMA</i>)</li> <li>3. On the shoreline of Tomales Bay, the maximum height shall be fifteen (15) feet. (See also Community Development Policy C-CD-6: Standards for Development on the Shoreline of Tomales Bay)</li> </ol>

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<p><b><u>Policy Status</u></b></p> <p>The policy has been carried forward and modified to <b>Policy C-DES-4</b> Limited Height of New Structures.</p>	<p><i>[Unit I New Development and Land Use Policy 21, p.65]</i></p> <p><b><u>Unit I New Development and Land Use Policy 21, p. 65</u></b></p> <p>Existing development standards and the design review ordinance (Chapter 22.52) shall continue to be enforced. The following explicit standards shall apply to selected areas and projects: <b><u>C-DES-4 Limited height of new structures.</u></b></p> <ul style="list-style-type: none"> <li>• <del>All new construction in Bolinas, Stinson Beach and Muir Beach shall be limited to a maximum height of</del> Limit all new construction to a <u>maximum height</u> of twenty-five (25) feet <u>with the following exceptions:</u> <del>except that</del> 1. In the Highlands neighborhood of Stinson Beach, the maximum height shall be <u>no more than</u> seventeen (17) feet; 2. In FEMA special flood hazard (V) zones within the Seadrift Subdivision, the maximum building height of 15 feet shall be <u>measured from the minimum floor elevation required by the flood hazard zone designation (See also Environmental Hazards C-EH-8 In the Flood Velocity Zone at Seadrift, Accommodate Minimum Floor Elevations as Required by FEMA)</u> and in the Seadrift section of <del>Stinson Beach</del>; 3. On the shoreline of Tomales Bay, the maximum height shall <del>not exceed</del> be fifteen (15) feet.</li> <li>• <del>To the maximum extent feasible, new development shall not impair or obstruct an existing view of the ocean, Bolinas Lagoon, or the national or State parklands from Highway 1 or Panoramic Highway.</del></li> </ul>
<p><b><u>Housing</u></b></p> <p><b><u>Policy 22, pg. 66</u></b></p> <p>In order to protect housing opportunities for persons of low and moderate income (as defined by "HUD" Guidelines), as well as preserve the existing character of coastal villages, existing structures providing such housing opportunities shall be demolished only when:</p> <ul style="list-style-type: none"> <li>• The structure poses an immediate and established health or safety hazard; or</li> <li>• The Planning Commission finds, based upon established procedures, that the rehabilitation of the existing structure is not feasible. (Feasible is defined in Section 30108 of the Coastal Act.); and</li> <li>• Such demolition coupled with subsequent reconstruction would provide replacement housing of comparable rental value either on site or within the immediate coastal zone area.</li> </ul> <p><b><u>Policy Status</u></b></p> <p>The policy has been carried forward with modifications to <b>C-HS-I Protection of Existing Affordable Housing.</b></p>	<p><b>C-HS-I Protection of Existing Affordable Housing.</b> Continue to protect and provide affordable housing opportunities for very low, low, and moderate income households. Prohibit the demolition of existing deed restricted very low, low, and moderate income housing except when:</p> <ol style="list-style-type: none"> <li>1. Demolition is necessary for health and safety reasons; or</li> <li>2. The costs of rehabilitation would be prohibitively expensive and impact the affordability of homes for very low, low and moderate income households.</li> <li>3. The units to be demolished are replaced on a one-for-one basis with units of comparable rental value on site or within the immediate coastal zone area.</li> </ol> <p><i>[Adapted from Unit I New Development and Land Use Policy 22 pg. 66, and Unit II Policy 4, pg. 207]</i></p> <p><b><u>Unit I New Development and Land Use Policy 22, pg. 66</u></b></p> <p><b><u>C-HS-I Protection of Existing Affordable Housing.</u></b> Continue <del>In order to protect and provide</del> housing opportunities for <del>persons of</del> <u>very low, low,</u></p>

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and moderate income households. (as defined by "HUD" Guidelines), as well as preserve the existing character of coastal villages. Prohibit the demolition of existing structures deed restricted very low, low, and moderate income housing except providing such housing opportunities shall be demolished only when:

- 1. The structure poses an immediate and established Demolition is necessary for health or and safety hazard reasons; or
- 2. The Planning Commission finds, based upon established procedures, that the rehabilitation of the existing structure is not feasible. (Feasible is defined in Section 30108 of the Coastal Act.); The costs of rehabilitation would be prohibitively expensive and impact the affordability of homes for very low, low and moderate income households, and
- 3. Such demolition The units to be demolished coupled with subsequent reconstruction would provide replacement housing are replaced on a one-for-one basis with units of comparable rental value either on site or within the immediate coastal zone area.

#### **Unit II New Development and Land Use Policy 4, p. 207**

**4. Housing. C-HS-I Protection of Existing Affordable Housing.**  
Continue to The County of Marin strongly encourages the protection and provide affordable provision of housing opportunities for very low, in its coastal zone for persons of low, and moderate income households. Prohibit the demolition of existing deed restricted very low, low, and moderate income housing except when: (low and moderate income is defined in the County's Housing Element). In order to protect housing opportunities for these groups, the following policies shall apply:

- a. 1. The demolition of existing low and moderate income housing shall be permitted only when such demolition is necessary for health and safety reasons; or ,or the costs of rehabilitation would result in housing costs which would not be affordable to low and moderate income households, or the units to be demolished are replaced- on a one-for-one basis with units of comparable rental value.
- b. The costs of rehabilitation would result in housing costs which would not be affordable to low and moderate households; and County has made a conscious effort to retain small lot zoning (6000 10,000 sq ft) in Tomales, Point Reyes Station, and Olema for the purpose of providing housing opportunities at less expense than available in large lot zones. In Point Reyes Station, densities above the LCP minimum of 10,000 sq. ft. may be

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	<p><del>reconsidered if and when a community sewer is installed</del></p> <p>c. <del>The units to be demolished are replaced on a one-for-one basis with units of comparable rental value on site or within the immediate coastal zone area. County is currently investigating a second unit ordinance for the purpose of expanding the low and moderate income housing stock and providing a legitimate alternative to major new construction.</del></p>
<p><b><u>Policy 23, pg. 66</u></b>  Housing assistance programs that provide moderate-cost housing opportunities in existing units shall continue to be administered in the coastal zone.</p> <p><b><u>Policy Status</u></b>  The County has ongoing housing assistance programs that are applicable throughout the entire County, not just the coastal zone. Therefore, this policy is redundant and not necessary and has not been carried forward.</p>	n/a
<b><u>Grading</u></b>	
<p><b><u>Policy 24, pg. 66</u></b>  Development shall be designed to fit a site's topography and existing soil, geological, and hydrological conditions so that grading, cut and fill operations, and other site preparation are kept to an absolute minimum and natural landforms are preserved. Areas of a site which are not suited to development because of known soil, geologic, flood, erosion or other hazards that exist to a degree that no amount of corrective work consistent with these policies, including but not limited to the protection of natural landforms, can eliminate or substantially reduce the hazards to the property endangered thereby shall remain in open space.</p> <p><b><u>Policy Status</u></b>  The concept of this policy is similar to Unit II New Development and Land Use Watershed and Water Quality Protection Policy 6.a., p. 208, which has been carried forward to <b>Policy C-WR-4 Grading and Vegetation Removal.</b></p>	<p><b>C-WR-4 Grading and Vegetation Removal.</b> Design development to fit a site's topography, soils, geology, hydrology, and any other existing conditions. Orient development so that grading, cut and fill operations, and other site preparation are kept to an absolute minimum. Natural features, landforms, and native vegetation shall be preserved to the maximum extent feasible. Areas of a site which are not suited to development because of known soil, geologic, flood, erosion or other hazards shall be kept undeveloped.  <i>[Unit II New Development and Land Use Watershed and Water Quality Protection/Grading Policy 6.a, p. 208]</i></p> <p><b><u>Unit II New Development and Land Use, Policy 6.a, pg. 208</u></b>  <del>Watershed and water quality protection/grading. In order to ensure the long-term preservation of water quality, protection of visual resources, and the prevention of hazards to life and property, the following policies shall apply to all construction and development, including grading and major vegetation removal, which involve the movement of earth in excess of 150 cubic yards.</del></p> <p>a. <del>C-WR-4 Grading and Vegetation Removal. Design d</del>Development shall be designed to fit a site's topography, soils, geology, hydrology, and any other existing conditions. <del>and be o</del>Oriented development so that grading, cut and fill operations, and other site preparation are kept to an absolute minimum. Natural features, landforms, and native vegetation shall be preserved to the maximum extent feasible. Areas</p>

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	of a site which are not suited to development because of known soil, geologic, flood, erosion or other hazards shall be kept <del>in open space undeveloped</del> .
<p><b><u>Policy 25, pg. 66</u></b>  For necessary grading operations, the smallest practicable area of land shall be exposed at any one time during development and the length of exposure shall be kept to the shortest practicable time. The clearing of land shall be discouraged during the winter rainy season and stabilizing-slopes-shall be in place before the beginning of the rainy season.</p> <p><b><u>Policy Status</u></b>  The concept of this policy is similar to Unit II New Development and Land Use Watershed and Water Quality Protection Policy 6.b., p. 208, which has been carried forward to <b>Policy C-WR-6 Soil Exposure</b></p>	<p><b>C-WR-6 Soil Exposure.</b> Allow any necessary grading operations only such that the smallest practicable area of land shall be exposed at any one time during development and the length of exposure shall be kept to the shortest practicable time. Erosion and sedimentation control measures shall be incorporated in development plans. An erosion and sedimentation control plan, subject to approval by the Department of Public Works, shall be required for development of any site of 1 acre or more in size or, at the discretion of the Department of Public Works, for any site of less than 1 acre because of a high risk of erosion and sedimentation.  <i>[Adapted from Unit II New Development and Land Use Policy 6.b., p. 208]</i></p> <p><b><u>Unit II New Development and Land Use Policy 6(b) p. 208</u></b>  b.—<del>C-WR-6 Soil Exposure.-Allow any</del> For necessary grading operations, <u>only such that</u> the smallest practicable area of land shall be exposed at any one time during development and the length of exposure shall be kept to the shortest practicable time. <u>Erosion and sedimentation control measures shall be incorporated in development plans. An erosion and sedimentation control plan, subject to approval by the Department of Public Works, shall be required for development of any site of 1 acre or more in size or, at the discretion of the Department of Public Works, for any site of less than 1 acre because of a high risk of erosion and sedimentation.</u> <del>The clearing of land shall be avoided during the winter rainy season and all measures for removing sediments and stabilizing slopes shall be in place before the beginning of the rainy season.</del></p>
<p><b><u>Policy 26, pg. 66</u></b>  Development plans shall include sediment, erosion, runoff controls, and revegetation measures. The following measures shall be included in all-cases; additional conditions as required pursuant to Section 23.08.090 of Marin County Code shall also be included where appropriate.</p> <ul style="list-style-type: none"> <li>• Sediment basins (including debris basins, desilting basins, or silt traps), shall be installed at the beginning of grading operations and maintained throughout the development process to remove sediment from runoff waters. All sediment shall be retained on site.</li> <li>• The extent of impervious surfaces shall be minimized to the greatest degree possible. Water runoff beyond natural levels shall be retained on-site whenever possible to facilitate maximum groundwater recharge. In order to prevent on-</li> </ul>	<p><b>C-WR-3 Storm Water Runoff.</b> Where altered or increased flows from a project site have the potential to accelerate erosion or affect beneficial uses downstream, incorporate drainage controls so that the runoff rate from the project site for a storm of up to 100-year intensity does not exceed the runoff rate from the site in its pre-project (existing) state. Where a drainage problem unrelated to a proposed project already exists, the Department of Public Works should encourage the project applicant and neighboring property owners to develop a solution.  <i>[Adapted from Unit I New Development and Land Use Policy #26, paragraph 3 (p. 67)]</i></p> <p><b>Program C-WR-3.a Require Drainage Plans.</b> Coastal permit applications for development that would alter the land or drainage patterns shall be accompanied by a preliminary drainage plan, where appropriate as determined by the Department of Public Works that shows existing and</p>

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## Existing and Proposed Policy Comparison

### New Development and Land Uses

site gullyng and downstream erosion of-existing stream channels, the velocity of runoff on and off the site shall be dissipated through the application of appropriate drainage controls so that the runoff rate does not exceed the storm water runoff from the area in its natural or undeveloped state for all intensities and durations of rainfall. Grassed waterways are preferred to concrete storm drains for runoff conveyance.

- Pollutants such as chemicals, fuels, and other harmful materials shall be collected and disposed of in an approved manner in accordance with the best engineering technology available.
- Temporary vegetation, seeding, mulching, or other suitable stabilization methods shall be used to protect soils which have been exposed during grading or development. Cut and fill slopes shall be permanently stabilized as soon as possible with native plants or other suitable landscaping techniques.
- Where topsoil is removed by grading operations, it shall be stock-piled for reuse and shall be protected from compaction and wind or erosion during stockpiling.
- All debris shall be removed from the site upon the completion of the project.
- Permit applications for grading which involve cut slopes in excess of 8 feet or fill in excess of 5 feet shall include a report from a registered soils or civil engineer.

#### **Policy Status**

The concepts in this policy were adapted and divided among **Policy C-WR-3, Program C-WR-3.a, Policy C-WR-5, Policy C-WR-7, Policy C-WR-8, and Policy C-WR-9.**

proposed drainage for the site, structures, driveway, and other improvements. The plan must indicate the direction, path, and method of water dispersal for existing and proposed drainage channels or facilities. The drainage plan must also indicate existing and proposed areas of impervious surfaces. Hydrologic calculations may be required to determine whether there would be any additional surface run-off resulting from the development.

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

(PC app. 03/16/09)

*[Marin County Code 24.04.640]*

**C-WR-7 Wintertime Clearing and Grading.** Avoid land clearing and grading during the winter rainy season (October 15th through April 15th). Ensure that all measures for removing sediments and stabilizing slopes shall be in place before the beginning of the rainy season. Permit land clearing and grading during the rainy season only upon prior approval by the Department of Public Works of an erosion control plan, which shall demonstrate that at no stage of the work will there be any substantial risk of increased sediment discharge from the site.

*[Adapted from Unit II New Development and Land Use Policy 6.b., p. 208 and from Dev Code 22.70.070.C.3. and Marin County Code 24.04.625]*

**C-WR-8 Disturbed Soils.** Use temporary vegetation, hydroseeding with non-invasive native seeds, seeding, mulching, or other suitable stabilization methods to protect soils that have been exposed during grading or development. Stabilize cut and fill slopes immediately with plantings of native species, appropriate non-native plants, or with accepted landscaping practices.

*[Unit II New Development and Land Use Policy 6.d., p. 209]*

**C-WR-9 Topsoil.** Where topsoil is removed by grading operations, stockpile it for reuse and protect it from compaction and wind or erosion during stockpiling.

*[Unit II, New Development and Land Use Policy 6.e., p. 209]*

*[A ~~strike out~~ and underline version of the proposed policy and programs are not provided since the proposed policies are an adaptation of the concepts in the existing language and has been significantly rewritten]*



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**Existing and Proposed Policy Comparison**  
**Location and Density of New Development**

Unit I Location and Density of New Development	
Existing Policy	Proposed Policy
<b>Muir Beach</b>	
<p><b><u>Policy 27, pg. 79</u></b>  Redesignate residential lot size of parcels along Redwood Creek from 10,000 square feet to 1 acre minimum lot size. (See also Policy 11-8)</p> <p><b><u>Policy Status</u></b>  The recommended rezonings have been implemented via Ordinance 2638. Parcels 199-191-12 &amp; 13, 199-192-10, 11, 12, 13 and 17-20; 199-213-05; 199-212-02, 12, and 15; 199-211-02 were all rezoned from R-A:B-2 to C-R-A:B-4.</p>	n/a
<p><b><u>Policy 28, pg. 79</u></b>  Make no LCP recommendation for agricultural lands of over 60 acres. (See also Policy II - 29)</p> <p><b><u>Policy Status</u></b>  This policy forward since it is no longer relevant.</p>	n/a
<b>Stinson Beach (excluding Seadrift)</b>	
<p><b><u>Policy 29, pg. 79</u></b>  The existing R-2 zoning designation in Stinson Beach shall be retained in order to protect and maintain the existing character of the community, provided, however, that no development other than single-family residences shall be permitted on any parcel of less than 7,500 square feet in area in order to minimize septic tank problems and the cumulative impacts of such development on public access along Calle del Arroyo. All development within these zones shall conform with LCP policies on septic systems and housing. Repair or replacement of existing duplex residential use on a parcel of less than 7,500 square feet damaged or destroyed by natural disaster shall be permitted.</p> <p><b><u>Policy Status</u></b>  The policy was mistakenly left out of the draft document. New language is proposed.</p>	Staff note: see proposed changes to draft document for new language.
<p><b><u>Policy 30, pg. 79</u></b>  The properties presently zoned R-3 along Shoreline Highway shall be rezoned to R-2 in order to minimize flood hazards and the adverse impacts on Easkoot Creek which would result from such development (Easkoot Creek runs across the subject properties). Redesignation of the R-3 properties to R-2 will also assure</p>	n/a



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<p>development consistent with the existing character of the community. Development shall not be permitted within the 100-year floodplain of Easkoot Creek and shall otherwise conform with LCP Policies on septic systems and stream protection</p> <p><b><u>Policy Status</u></b>  Staff does not recommend carrying this policy forward because the rezonings have been implemented.</p>	
<p><b><u>Policy 31, pg. 8</u></b>  The properties presently zoned R-1 on the east side of Calle del Arroyo should be redesignated to a "Resource Management Area" in order to assure protection of the adjacent marsh areas of Bolinas Lagoon. (See also Chapter II.)</p> <p><b><u>Policy Status</u></b>  This area appears to be part of the Area of Deferred Certification. This language has not been carried forward. These areas are still zoned R-1.</p>	n/a
<p><b><u>Policy 32, pg. 8</u></b>  The properties presently zoned R-1 on the seaward side of the paper street Mira Vista should be redesignated to RSP-2.0 in order to assure preservation of the natural sand dunes and sandy beach areas located seaward of Mira Vista</p> <p><b><u>Policy Status</u></b>  All of the seaward parcels on Mira Vista that were zoned R-1 have been rezoned via Ordinance 2638 to C-RSP-2.0. This policy has been implemented and has not been carried forward. The following parcels were rezoned:  195-066-01, 02, 03  195-105-04, 05, 06, 07, 08  195-067-01, 02, 03  195-106-03, 04, 05, 06, 07  195-068-01, 02, 03, 04  195-109-03, 04, 05, 06, 09, 10, 11</p>	n/a
<b><u>Seadrift</u></b>	
<p><b><u>Policy 33, pg. 80</u></b>  <u>Access program.</u> The access program for the land and water surrounding the Seadrift subdivision consists of two separate sub-elements.</p> <p><u>Ocean Beach Access.</u> The LCP establishes continued moderate access and use of selected areas of the Seadrift Beach. Guaranteed public use of this beach and ocean area would be accomplished in one of three ways: (1) an easement agreement with the property owners, (2) public purchase or (3) litigation to establish the public's prescriptive rights gained via historic use. Option #1 presents the preferred</p>	n/a

# Unit I

## Existing and Proposed Policy Comparison

### Location and Density of New Development

approach for achieving this access element.

Lagoon Access. The LCP identifies this section of shoreline as an important wildlife habitat area requiring controlled public access to protect that resource. Therefore, only limited public access across those unsubdivided Seadrift subdivision lands fronting Bolinas Lagoon is proposed. Such access easement (2) shall be required as a condition of development of lands owned by the William Kent Estate Co.

As a condition of future development approval, an open space and limited pedestrian access easement over the strip of Lagoon-front land (20 acres) shall be offered to the County of Marin or other approved agency/organization. This easement shall provide educational and scientific access and use of these lands as subsequently approved by the County of Marin or its designee.

The developer shall deed to the County of Marin a recorded irrevocable offer of a roadway dedication over the general area of the old causeway. Said roadway offer shall have a common boundary with a public street. The developer shall also agree to financially participate in subsequent construction of the causeway, should it be built. Costs of any causeway reconstruction shall be primarily borne by new development in the area.

To provide emergency pedestrian egress from the beach and the Seadrift subdivisions, landowners possessing an interest in the roads, including the right to preclude the public from using the roads, in Seadrift shall record an agreement allowing the public emergency egress during periods of highwater or high tides when the beach is impassable. The County shall cause signing of such emergency access opportunity along the Seadrift Spit. Sign should be placed near the public use area along the Seadrift Spit. Signs should be placed near the public use area at Walla Vista adjacent to Seadrift beach and the northwest end of the Seadrift Spit. The County shall request input from the Seadrift Property Owners Association and the Village Association regarding the exact wording of the signs. The County will through applications for new development ensure emergency vertical egress form the beach to Seadrift Road at the northwest end of the beach and other locations found appropriate.

#### **Policy Status**

This policy, plus Unit I Public Access Policy #13, p. 9 address public access at Seadrift; these policies were both essentially replaced by the Seadrift Settlement Agreement; we need to decide how to incorporate the terms of that agreement into the LCP

# Unit I

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### Location and Density of New Development

#### **Policy 34, pg. 81**

Water Quality. The existing water quality monitoring agreement between the North Central Coast Regional Commission, the Stinson Beach County Water District, and the Regional Water Quality Control Board, and conducted by the Water District, shall be continued. Should such water quality monitoring data warrant, the County would support a moratorium on additional development pending satisfactory improvement in water quality. New septic systems at Seadrift shall be designed in accordance with Marin County Code, Section 18.06, and waivers to that Section shall comply with the technical report accepted by the Regional Water Quality Control Board, adopted January 2, 1979.

#### **Policy Status**

This policy has been carried forward into policy **C-PFS-10** and program **C-PFS-11.a**.

**C-PFS-10 Ensure that Existing Development is Adequately Served by On-Site Sewage Disposal Systems.** Ensure that existing on-site sewage disposal systems function properly by complying with all rules and regulations of the Regional Water Quality Control Board, including any requirements adopted pursuant to AB 885. Where repairs to existing systems are necessary, take corrective action in the following priority order as appropriate:

1. Require connection to a public sewer, if the property is within 400 feet of a public sewer main and it is physically and legally possible to connect to such main; or
2. Require system repair using a standard drainfield; or
3. Require construction of an alternative or innovative system.

*[New policy, not in Unit I or II; adapted from County Regulations Sec. 304]*

#### **C-PFS-10.a Continue Stinson Beach Water Quality Monitoring Program.**

Continue in effect the existing water quality monitoring program conducted by the Stinson Beach County Water District, consistent with the agreement with the Regional Water Quality Control Board.

*[Adapted from Unit I Public Services Policy 11, p. 49]*

#### **Unit I Public Services Policy 11, p. 49**

#### **Program C-PFS-10.a Continue Stinson Beach Water Quality Monitoring Program.**

Support ~~The existing water quality monitoring agreement between the North Central Coast Regional Commission, program conducted by the Stinson Beach County Water District, and consistent with the agreement with the Regional Water Quality Control Board, and conducted by the Water District, shall be continued. Should such water quality monitoring data warrant, the County would support a moratorium on additional development pending satisfactory improvement in water quality. New septic systems at Seadrift shall be designed in accordance with Marin County Code, Section 18.06, and waivers to that Section shall comply with the technical report accepted by the Regional Water Quality Control Board, adopted January 2, 1979.~~

#### **Policy 35, pg. 81**

Visual Resources. Height of new construction at Seadrift shall be restricted to one story. (See Also Policy IV-21.)

#### **Policy Status**

This policy is similar to the requirements contained in New Development and Land Use policy 21, p. 65, which has been carried forward to **C-DES-4**.

**C-DES-4 Limited Height of New Structures.** Limit all new construction to a maximum height of twenty-five (25) feet with the following exceptions:

1. In the Highlands neighborhood of Stinson Beach, the maximum height shall be no more than seventeen (17) feet.
2. In FEMA special flood hazard (V) zones within the Seadrift Subdivision, the maximum building height of 15 feet shall be measured from the minimum floor elevation required by the flood hazard zone designation (*see also Environmental Hazards Policy C-EH-11: In the Flood Velocity*

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	<p><i>Zone at Seadrift, Accommodate Minimum Floor Elevations as Required by FEMA)</i></p> <p>3. On the shoreline of Tomales Bay, the maximum height shall be fifteen (15) feet. (See also Community Development Policy C-CD-6: Standards for Development on the Shoreline of Tomales Bay)</p> <p><i>[Adapted from Unit I New Development and Land Use Policy 21, p.65]</i></p> <p><b>Unit I New Development and Land Use Policy 21, p. 65</b></p> <p><del>21. Existing development standards and the design review ordinance (Chapter 22.52) shall continue to be enforced. The following explicit standards shall apply to selected areas and projects: <u>Limit height of new structures.</u></del></p> <ul style="list-style-type: none"> <li><del>All new construction in Bolinas, Stinson Beach and Muir Beach shall be limited to a maximum height of</del> <u>Limit all new construction to a maximum height of twenty-five (25) feet with the following exceptions; except that</u> In the Highlands neighborhood of Stinson Beach, the maximum height shall be <u>no more than</u> seventeen (17) feet; <u>In FEMA special flood hazard (V) zones within the Seadrift Subdivision, the maximum building height of 15 feet shall be measured from the minimum floor elevation required by the flood hazard zone designation (See also Environmental Hazards C-EH-8 In the Flood Velocity Zone at Seadrift, Accommodate Minimum Floor Elevations as Required by FEMA) and in the Seadrift section of Stinson Beach,</u> <u>On the shoreline of Tomales Bay,</u> the maximum height shall <del>not exceed</del> <u>be</u> fifteen (15) feet.</li> <li><del>To the maximum extent feasible, new development shall not impair or obstruct an existing view of the ocean, Bolinas Lagoon, or the national or State parklands from Highway 1 or Panoramic Highway.</del></li> </ul>
<p><b><u>Policy 36a-d, pg. 81-84</u></b></p> <p><u>Density and Location of Seadrift Development.</u> For purposes of this policy, the Subdivision is divided into sub-areas as follows: (Refer to Figure 4.)</p> <p><u>Area 1:</u> Those lots fronting on the Pacific Ocean and generally south of Seadrift Road (total lots: 123);</p> <p><u>Area 2:</u> Those lots generally between Seadrift Lagoon and Seadrift Road (total lots: 100 94, Separation of Areas 2 and 4 occurs at lot lines between AP #195-320-19 and 195-320-57 and AP #195-090-04, 28 195-051-24 and 195-090-03, 29 195-051-23).</p> <p><u>Area 3:</u> Those lots fronting on Bolinas Lagoon and generally west of Dipsea Road (total lots: 19);</p>	<p><b>C-SB-3 Density and Location of Development in Seadrift.</b> For purposes of this policy, the Seadrift subdivision is divided into five sub-areas as follows:</p> <p><u>Area 1:</u> This area includes lots fronting on the Pacific Ocean and generally south of Seadrift Road. Those properties in Area 1 present the least potential for adverse impacts by new development activities because of their size, location relative to lagoon waters, and build out potential. Development on existing lots in Area 1 may proceed (consistent with other LCP policies) based upon a 15,000 square foot minimum lot size. Lot consolidation (of adjacent lots under like ownership) shall occur only by side-by-side lot consolidation, if necessary to achieve the minimum lot size.</p>

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Area 4: Those lots fronting on Dipsea Road (total lots: 103 109). Area 4 is further divided into Areas 4A and 4B with the division occurring between parcels AP #195-070-07 and 195-070-08.

Area 5: That unsubdivided land consisting of 26 acres adjacent to the Bolinas Lagoon and the entrance gate of Seadrift.

Based upon the present available information and after extensive public hearings and investigation, the following program policies for density reduction and/or location of development at Seadrift are enacted.

- a. Area 1. Those properties in Area 1 present the least potential for adverse impacts by new development activities because of their size, their location relative to lagoon waters, and their build-out potential. Development on existing lots in Area 1 may proceed (consistent with other LCP policies) based upon a new zoning classification of 15,000 square foot minimum lot size. Lot consolidation (of adjacent lots under like ownership) shall occur only by side-by-side lot consolidation, if necessary to achieve the minimum lot size.
- b. Area 2. Those properties in Area 2 are smaller lots with a large amount of build-out potential adjacent to the interior Seadrift Lagoon. Lots in Area 2 shall be rezoned to a 30,000 square foot minimum parcel size. Contiguous (side-by-side) lots under like ownership shall be consolidated to achieve the minimum parcel size requirement.
- c. Area 3. These properties of varying size are located immediately adjacent to Bolinas Lagoon. Development in Area 3 may proceed (consistent with other LCP policies) based upon a new zoning classification establishing 30,000 square foot minimum lot size. Contiguous (side-by-side) lots under like ownership shall be consolidated to achieve minimum building site size established by the rezoning.
- d. Area 4. Except as noted herein, properties in Area 4 shall be rezoned from the existing 75,000 square foot minimum parcel size to a 112,500 square foot (2.5 acre) minimum parcel size. Contiguous properties under the same ownership shall be merged to create building sites totaling up to this lot size, where possible. This Policy shall be implemented by means of a master plan zoning district.

Based upon a Memorandum of Understanding for the settlement of litigation between the County and, Steven Wisenbaker and the William Kent Estate Company, dated July 12, 1983, the portions of area four (4) listed below shall be

Area 2: This area includes lots generally between Seadrift Lagoon and Seadrift Road (total lots: 94, Separation of Areas 2 and 4 occurs at lot lines between AP#195-320-19 and 195-320-57 and AP #195-051-24 and 195-051-23, 29). Those properties in Area 2 are smaller lots with a large amount of buildout potential adjacent to the interior Seadrift Lagoon. Development on existing lots in Area 2 may proceed (consistent with other LCP policies) based upon a 30,000 square foot minimum lot size. Contiguous (side-by-side) lots under like ownership shall be consolidated to achieve the minimum parcels size requirement.

Area 3: This area includes lots fronting on Bolinas Lagoon and generally west of Dipsea Road. Development on existing lots in Area 3 may proceed (consistent with other LCP policies) based upon a 30,000 square foot minimum lot size. Contiguous (side-by-side) lots under like ownership shall be consolidated to achieve the minimum parcels size requirement.

Area 4: This area includes lots fronting on Dipsea Road. Area 4 is further divided into Areas 4A and 4B with the division occurring between parcels 195-070-07 and 195-070-08. Development on existing lots in Area 4 may proceed (consistent with other LCP policies) based upon a 112,500 square foot (2.5 acre) minimum lot size. Contiguous properties under like ownership shall be merged to achieve the minimum parcels size requirement.

Based upon a Memorandum of Understanding for the settlement of litigation between the County, Steven Wisenbaker and the William Kent Estate Company, dated July 12, 1983, the portions of area four (4) listed below shall be subject to the following policies:

1. All of the lots listed herein shall be subject to master plan approval pursuant to Chapter 22.45. Any master plan approval shall include all of the lots listed herein and, be subject to all of the policies contained herein;
2. Lot 201 of Seadrift Lagoon Subdivision No. 2 shall be designated as a non-building site in the master plan. This lot may be combined with an adjacent developed lot or developable lot; however, the resultant combined lot shall be used as a single lot.
3. Lots 95 through 97 of Seadrift Lagoon Subdivision No. 1 and lots 98 through 102 of Seadrift Lagoon No. 2 shall be consolidated into a maximum of five (5) lots in the master plan. These lots shall be rezoned to C-RSPS-3.5;
4. The master plan and tentative map approvals shall provide that the front property line for lots abutting Dipsea Road shall not be considered property lines for the purposes of establishing setbacks for leach field areas, so that the private road right-of-way or portions thereof may be used for leach field areas for lots abutting that private roadway. Additionally,

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subject to the following policies:

1. All of the lots listed herein shall be subject to master plan approval pursuant to Chapter 22.45. Any master plan approval shall include all of the lots listed herein and, be subject to all of the policies contained herein;
2. Lot 201 of Seadrift Lagoon Subdivision No. 2 shall be designated as a non-building site in the master plan. This lot may be combined with an adjacent developed lot or developable lot; however, the resultant combined lot shall be used as a single lot. A lot line adjustment application pursuant to Title 20 of Marin Count Code shall be required to accomplish the combining of a non-buildable lot with a developable lot.
3. Lots 167 through 175 of Seadrift Lagoon Subdivision No. 2 shall be consolidated into seven (7) building sites in the master plan. These lots shall be rezoned to C-RSPS-4.5;
4. Lots 95 through 97 of Seadrift Lagoon Subdivision No. 1 and lots 98 through 102 of Seadrift Lagoon No. 2 shall be consolidated into a maximum of five (5) lots in the master plan. These lots shall be rezoned to C-RSPS-3.5;
5. Lots 104 through 145 of Seadrift Lagoon Subdivision No. 2 shall be consolidated into 32 building sites in the master plan. These lots shall be rezoned to C-RSPS-4.39;
6. Lots 186 and 187 shall be consolidated into one (1) building site in the master plan;
7. The consolidation of all lots shall be accomplished via a tentative and final subdivision map pursuant to Title 20 of Marin County Code;
8. The master plan and tentative map approvals shall provide for a mechanism whereby all of the lots included in the master plan shall be assessed an appropriate share of the cost of developing the proposed access over the old causeway. The appropriate share shall be based upon a consideration of all of the lots that will benefit from the proposed access;
9. The master plan and tentative map approvals shall provide that the front property line for lots abutting Dipsea Road shall not be considered property lines for the purposes of establishing setbacks for leach field areas, so that the private road right-of-way or portions thereof may be used

the owners of such lots shall retain the right to cross the private right-of-way to the unsubdivided parcel for the installation of leach field areas. This may only be done in a manner consistent with Marin County Code 18.06 and "Septic Tank and Leach Field Waivers" dated November 27, 1978, Marin County Department of Public Works. The use of the private road right-of-way and/or the unsubdivided parcel for the installation of leach fields shall only occur if: a) each lot or user has a discrete sewage disposal system; b) each lot or user has a recorded easement over the necessary portion of the unsubdivided parcel; c) no leach fields are located within 100 feet of the mean high tide line of the Bolinas Lagoon; and d) after an opportunity for review and comment has been provided to the Stinson Beach County Water Board.

Area 5: That unsubdivided land consisting of 26 acres adjacent to the Bolinas Lagoon and the entrance gate of Seadrift.

1. All improvements shall be located a minimum of 100 feet from the waters of Bolinas Lagoon;
2. Development shall be limited to one-story in height, not to exceed 18 feet;
3. Development shall be designed to provide future vehicle and pedestrian access over the site as follows:
  - a. Pedestrian easements to provide limited public access to and along the Bolinas Lagoon edge.

*[Adapted from Unit I, New Development Policy 36, p. 81 and Policy 38, p. 85]*

#### **Unit I New Development Policy 36, p. 81**

[adapted for use as part 'b' of draft policy]

~~36-b.~~ **Density and Location of Seadrift Development.** For purposes of this policy, the Seadrift S subdivision is divided into sub-areas as follows: ~~(Refer to Figure 4.)~~

Area 1: ~~Those~~ **This area includes** lots fronting on the Pacific Ocean and generally south of Seadrift Road, ~~(total lots: 123);~~

*[see the section for 'Area 1' below for additional language added to this section]*

Area 2: ~~Those~~ **This area includes** lots generally between Seadrift Lagoon and Seadrift Road (total lots: 94, Separation of Areas 2 and 4 occurs at lot lines between AP #195-320-19 and 195-320-57 and AP #195-051-24 and 195-051-23).

*[see the section for 'Area 2' below for additional language added to this section]*

Area 3: ~~Those~~ **This area includes** lots fronting on Bolinas Lagoon and generally west of Dipsea Road, ~~(total lots: 19);~~

*[see the section for 'Area 3' below for additional language added*

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for leach field areas for lots abutting that private roadway. Additionally, the owners of such lots shall retain the right to cross the private right-of-way to the unsubdivided parcel for the installation of leach field areas. This may only be done in a manner consistent with Marin County Code 18.06 and “Septic Tank and Leach Field Waivers” dated November 27, 1978, Marin County Department of Public Works. The use of the private road right-of-way and/or the unsubdivided parcel for the installation of leach fields shall only occur if: a) each lot or user has a discrete sewage disposal system; b) each lot or user has a recorded easement over the necessary portion of the unsubdivided parcel; c) no leach fields are located within 100 feet of the mean high tide line of the Bolinas Lagoon; and d) after an opportunity for review and comment has been provided to the Stinson Beach County Water Board.

- e. Area 5. This area includes approximately 26 acres consisting of 2 parcels of approximately 6 and 20 acres respectively. This land is unsubdivided; however, portions of the property are improved with underground utility services. Although Area 5 is not an explicit part of the Seadrift Subdivision, it is included in this policy because of the physical relationship, and ownership of the land.

Because of its location and general configuration, development of Area 5 presents potentially significant conflicts with several findings and policy objectives identified in this Seadrift Section. Therefore, proposals for development of Area 5 shall be controlled by a Master Plan development providing the following development standards:

1. Additional development in Area 5 shall be limited to no more than 7 additional single-family, detached dwellings and shall be limited to the 6 acre parcel of Area 5;
2. All improvements shall be located a minimum of 100 feet from the waters of Bolinas Lagoon;
3. Development shall be limited to one-story in height, not to exceed 18 feet from average finished grade;
4. Development shall be designed to provide future vehicle and pedestrian access over the site as follows:
  - a. Roadway dedications to provide possible future connections of the causeway;
  - b. Pedestrian easements to provide limited public access to and along the Bolinas Lagoon edge.

#### Status

This policy has been carried forward with modifications to **C-SB-3 Density and**

*to this section]*

Area 4: ~~Those~~ This area includes lots fronting on Dipsea Road (~~total lots: 109~~). Area 4 is further divided into Areas 4A and 4B with the division occurring between parcels ~~AP~~ #195-070-07 and 195-070-08.

*[see the section for ‘Area 4’ below for additional language added to this section]*

Area 5: That unsubdivided land consisting of 26 acres adjacent to the Bolinas Lagoon and the entrance gate of Seadrift.

*[see the section for ‘Area 5’ below for additional language added to this section]*

~~Based upon the present available information and after extensive public hearings and investigation, the following program policies for density reduction and/or location of development at Seadrift are enacted.~~

~~a. Area 1.~~ *[language was revised as shown and combined with ‘Area 1’ section above]* Those properties in Area 1 present the least potential for adverse impacts by new development activities because of their size, ~~their~~ location relative to lagoon waters, and ~~their~~ build-out potential. Development on existing lots in Area 1 may proceed (consistent with other LCP policies) based upon a new zoning classification of 15,000 square foot minimum lot size. Lot consolidation (of adjacent lots under like ownership) shall occur only by side-by-side lot consolidation, if necessary to achieve the minimum lot size.

~~b. Area 2.~~ *[language was revised as shown and combined with ‘Area 2’ section above]* Those properties in Area 2 are smaller lots with a large amount of build-out potential adjacent to the interior Seadrift Lagoon. Development on existing ~~lots~~ in Area 2 shall be rezoned to may proceed (consistent with other LCP policies) based upon a 30,000 square foot minimum ~~lot~~ size. Contiguous (side-by-side) lots under like ownership shall be consolidated to achieve the minimum parcel size requirement.

~~c. Area 3.~~ *[language was revised as shown and combined with ‘Area 3’ section above]* ~~These properties of varying size are located immediately adjacent to Bolinas Lagoon.~~ Development on existing lots in Area 3 may proceed (consistent with other LCP policies) based upon a new zoning classification establishing 30,000 square foot minimum lot size. Contiguous (side-by-side) lots under like ownership shall be consolidated to achieve the minimum building site parcel size established by the rezoning requirement.

~~d. Area 4.~~ *[language was revised as shown and combined with ‘Area 4’ section above]* ~~Except as noted herein, properties~~ Development on existing lots in Area 4 shall be rezoned from the existing 75,000

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<p><b>Location of Development in Seadrift</b></p>	<p><del>square foot minimum parcel size to</del> <u>may proceed (consistent with other LCP policies) based upon a 112,500 square foot (2.5 acre) minimum parcel lot size.</u> Contiguous properties under <del>the same</del> <u>like</u> ownership shall be merged to <del>create building sites totaling up to this achieve the minimum lot parcel size requirement, where possible.</del> <u>This Policy shall be implemented by means of a master plan zoning district.</u></p> <p>Based upon a Memorandum of Understanding for the settlement of litigation between the County and, Steven Wisenbaker and the William Kent Estate Company, dated July 12, 1983, the portions of area four (4) listed below shall be subject to the following policies:</p> <ol style="list-style-type: none"> <li>1. All of the lots listed herein shall be subject to master plan approval pursuant to Chapter 22.45. Any master plan approval shall include all of the lots listed herein and, be subject to all of the policies contained herein;</li> <li>2. Lot 201 of Seadrift Lagoon Subdivision No. 2 shall be designated as a non-building site in the master plan. This lot may be combined with an adjacent developed lot or developable lot; however, the resultant combined lot shall be used as a single lot. <del>A lot line adjustment application pursuant to Title 20 of Marin Count Code shall be required to accomplish the combining of a non-buildable lot with a developable lot.</del></li> <li><del>3. Lots 167 through 175 of Seadrift Lagoon Subdivision No. 2 shall be consolidated into seven (7) building sites in the master plan. These lots shall be rezoned to C-RSPS-4.5;</del></li> <li><del>4. 3. Lots 95 through 97 of Seadrift Lagoon Subdivision No. 1 and lots 98 through 102 of Seadrift Lagoon No. 2 shall be consolidated into a maximum of five (5) lots in the master plan. These lots shall be rezoned to C-RSPS-3.5;</del></li> <li><del>5. Lots 104 through 145 of Seadrift Lagoon Subdivision No. 2 shall be consolidated into 32 building sites in the master plan. These lots shall be rezoned to C-RSPS-4.39;</del></li> <li><del>6. Lots 186 and 187 shall be consolidated into one (1) building site in the master plan;</del></li> <li><del>7. The consolidation of all lots shall be accomplished via a tentative and final subdivision map pursuant to Title 20 of Marin County Code;</del></li> <li><del>8. The master plan and tentative map approvals shall provide for a mechanism whereby all of the lots included in the master plan shall be assessed an appropriate share of the cost of developing the proposed access over the old causeway. The appropriate share shall be based upon a consideration of all of the lots that</del></li> </ol>
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	<p><del>will benefit from the proposed access;</del></p> <p><del>9- 4.</del> The master plan and tentative map approvals shall provide that the front property line for lots abutting Dipsea Road shall not be considered property lines for the purposes of establishing setbacks for leach field areas, so that the private road right-of-way or portions thereof may be used for leach field areas for lots abutting that private roadway. Additionally, the owners of such lots shall retain the right to cross the private right-of-way to the unsubdivided parcel for the installation of leach field areas. This may only be done in a manner consistent with Marin County Code 18.06 and “Septic Tank and Leach Field Waivers” dated November 27, 1978, Marin County Department of Public Works. The use of the private road right-of-way and/or the unsubdivided parcel for the installation of leach fields shall only occur if: a) each lot or user has a discrete sewage disposal system; b) each lot or user has a recorded easement over the necessary portion of the unsubdivided parcel; c) no leach fields are located within 100 feet of the mean high tide line of the Bolinas Lagoon; and d) after an opportunity for review and comment has been provided to the Stinson Beach County Water Board.</p> <p><del>e. Area 5- [language was revised as shown and combined with ‘Area 5’ section above] This area includes approximately 26 acres consisting of 2 parcels of approximately 6 and 20 acres respectively. This land is unsubdivided; however, portions of the property are improved with underground utility services. Although Area 5 is not an explicit part of the Seadrift Subdivision, it is included in this policy because of the physical relationship, and ownership of the land.</del></p> <p><del>Because of its location and general configuration, development of Area 5 presents potentially significant conflicts with several findings and policy objectives identified in this Seadrift Section. Therefore, proposals for development of Area 5 shall be controlled by a Master Plan development providing the following development standards:</del></p> <p><del>1. Additional development in Area 5 shall be limited to no more than 7 additional single family, detached dwellings and shall be limited to the 6 acre parcel of Area 5;</del></p> <p><del>2-1.</del> All improvements shall be located a minimum of 100 feet from the waters of Bolinas Lagoon;</p> <p><del>3-2.</del> Development shall be limited to one-story in height, not to exceed 18 feet from average finished grade;</p> <p><del>4-3.</del> Development shall be designed to provide future vehicle and pedestrian access over the site as follows:</p>
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	<p><del>(a) Roadway dedications to provide possible future connections of the causeway;</del></p> <p><del>(b)</del>(a) Pedestrian easements to provide limited public access to and along the Bolinas Lagoon edge.</p>
<p><b><u>Policy 37, pg. 85</u></b></p> <p><u>Public Acquisition of Seadrift Subdivision Lands.</u> The Seadrift Subdivision is an existing, subdivided development with approximately one-third of the lots presently developed with single-family houses. Coastal policy issues connected with continued development of this subdivision center upon minimizing of geologic hazards, reducing the possible adverse impacts on water quality, public access to beach and tideland areas, protection of wildlife and habitat resources and maintenance of views along the coast.</p> <p>In review of the Seadrift Subdivision, the County examined these issues and has proposed a regulatory program which successfully acknowledges and addresses the significant aspects of these issues. The County recognizes that public purchase of the lands at the Seadrift Subdivision presents a definitive vehicle for public management of the resource. However, in light of other methods available, the cost of such acquisition would be extremely high in relationship to the needs, principles and goals that have been identified at Seadrift. The proposed program for lot reduction at Seadrift successfully mitigates the coastal issues identified. Only if portions of the program cannot be achieved as envisioned, should public acquisition be considered a program option.</p> <p><b><u>Policy Status</u></b></p> <p>This policy has not been carried forward as the language does not provide specific policy direction, is out of date and no longer relevant.</p>	<p>n/a</p>
<p><b><u>Policy 38, pg. 85</u></b></p> <p><u>Public trust.</u> Portions of the Seadrift Subdivision may be subject to the doctrine of public trust, whereby easements benefiting selected public uses run with the property. The LCP adequately identifies and provides a balanced level of public use on and adjacent to the land of Seadrift. However, to assure thorough consideration of the public trust issues, the following policy is proposed:</p> <p>The County of Marin will notify the State Lands Commission when an application for a coastal development permit is filed with the County on property identified as potentially subject to the public trust. Such notification shall be on lands shown on maps, supplied by the State Lands Commission, as being potentially subject to the trust easement. The State Lands Commission shall be requested to make a</p>	<p><b>C-CD-21 Notify State Lands Commission.</b> Notify the State Lands Commission when an application for a coastal development permit is filed with the County on property identified as potentially subject to the public trust. Such notification shall be on lands shown on maps, supplied by the State Lands Commission, as being potentially subject to the trust easement. The State Lands Commission shall be requested to make a statement as to whether the lands are subject to the public trust, and whether a permit or lease will be required for such proposed development, prior to the issuance of the coastal permit by the County.  <i>[Adapted from Unit I, New Development Policy 38, p. 85]</i></p> <p style="text-align: center;"><b><u>Unit I New Development and Land Use Policy 38, p. 85</u></b>  <u>Public Trust.</u> Portions of the Seadrift Subdivision may be subject to the</p>

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<p>statement as to whether the lands are subject to the public trust, and whether a permit or lease will be required for such proposed development, prior to the issuance of the coastal permit by the County.</p> <p><b><u>Policy Status</u></b>  The content of this policy has been carried forward to <b>C-CD-21</b> Notify State Lands Commission.</p>	<p><del>doctrine of public trust, whereby easements benefiting selected public uses run with the property. The LCP adequately identifies and provides a balanced level of public use on and adjacent to the land of Seadrift. However, to assure thorough consideration of the public trust issues, the following policy is proposed:</del></p> <p><del>The County of Marin will</del> <b>C-CD-21 Notify State Lands Commission.</b>  <del>n</del>Notify the State Lands Commission when an application for a coastal development permit is filed with the County on property identified as potentially subject to the public trust. Such notification shall be on lands shown on maps, supplied by the State Lands Commission, as being potentially subject to the trust easement. The State Lands Commission shall be requested to make a statement as to whether the lands are subject to the public trust, and whether a permit or lease will be required for such proposed development, prior to the issuance of the coastal permit by the County.</p>
<p><b>Bolinas</b></p>	
<p><b><u>Policy 39, pg. 85</u></b>  Those lands designated A-5 and A-10 within the Bolinas Planning Area shall be redesignated to an ARP-5 and ARP-10 zone classification to encourage flexible lot patterns. (See Policy 11-30.)</p> <p><b><u>Policy Status</u></b>  This policy has not be carried forward since it has been implemented. These parcels have been rezoned to C-ARP-5 and C-ARP-10 via Ordinance 2638.</p>	<p>n/a</p>
<p><b><u>Policy 40, pg. 86</u></b>  Redevelopment/rehabilitation of existing structures and new construction on the Bolinas Gridded Mesa shall be permitted in accordance with the adopted policies of the Bolinas Gridded Mesa Plan (original language superseded by Resolution 84-564 adopted by the Board of Supervisors on November 27, 1984).</p> <p><b><u>Policy Status</u></b>  This policy has been carried forward to <b>C-BOL-3</b> New Development on the Gridded Mesa.</p>	<p><b>C-BOL-3 New Development on the Bolinas Gridded Mesa.</b> Permit new construction and the redevelopment and rehabilitation of existing structures on the Bolinas Mesa in accordance with the adopted policies of the Bolinas Gridded Mesa Plan.</p> <p><b><u>Unit I Policy 40, pg. 86</u></b>  <b>C-BOL-3 New Development on the Bolinas Gridded Mesa.</b> Permit new construction and the rRedevelopment/ and rehabilitation of existing structures and new construction on the Bolinas Gridded Mesa <del>shall be permitted</del> in accordance with the adopted policies of the Bolinas Gridded Mesa Plan (original language superseded by Resolution 84-564 adopted by the Board of Supervisors on November 27, 1984).</p>

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The following chart compares policies from the existing Unit II Local Coastal Program to those in the Local Coastal Program Draft LUP Policy Amendments document, dated January 25, 2011. The column on the right shows the existing Unit II policy and its respective status. The column on the left displays the proposed policy language as well as a ~~strike-out~~ and underline version to indicate how the policy was derived. The policies are grouped by topic in numerical order as they appear in Unit II.

Unit II Public Access	
Existing Policy	Proposed Policy
<p><b><u>Policy 1 p. 13</u></b> General policy and elements of Public Access Component. The County of Marin supports and encourages the enhancement of public access opportunities to the coast, in conformance with Sections 30210 through 30214 of the Coastal Act. There are three methods by which the policies of these sections will be implemented in the County's Public Access Component:</p> <p>a. <u>Existing accessways.</u> The LCP recognizes existing public accessways in Unit II, both public and private, as an integral part of the County's overall access program. These accessways, identified in Table 1 on page 6, should be maintained open to the public.</p> <p><b><u>Policy Status</u></b> This policy has been carried forward to <b>C-PA-1</b> Public Coastal Access and <b>C-PA-16</b> Protection of Existing Public Coastal Accessways.</p>	<p><b>C-PA-1 Public Coastal Access.</b> Support and encourage the enhancement of public access opportunities to the coast, in conformance with Sections 30210 through 30214 of the Coastal Act. (PC app. 11/23/09) <i>[Adapted from Unit II Public Access Policy 1, p. 13]</i></p> <p><b><u>Unit II Policy 1 p. 13</u></b> <del>General policy and elements of Public Access Component.</del> <b><u>C-PA-1 Public Coastal Access.</u></b> <del>The County of Marin s</del>Supports and encourages the enhancement of public access opportunities to the coast, in conformance with Sections 30210 through 30214 of the Coastal Act.<del>There are three methods by which the policies of these sections will be implemented in the County's Public Access Component:</del></p> <p>a. <del>Existing accessways. The LCP recognizes existing public accessways in Unit II, both public and private, as an integral part of the County's</del></p>

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	<p><del>overall access program. These accessways, identified in Table 1 on page 6, should be maintained open to the public.</del></p> <p><b>C-PA-16 Protection of Existing Public Coastal Accessways.</b>  Recognize existing public coastal accessways, both public and private, as an integral part of the County's overall access program. Maintain existing public accessways open to the public. Consider closure of existing County-managed accessways only if authorized by a coastal permit and only after the County has offered the accessway to another public or private entity.  (PC app. 11/23/09)  <i>[Adapted from Unit II Public Access Policy 1.a, p. 13]</i></p> <p><b><u>Unit II Policy 1 p. 13</u></b>  <del>General policy and elements of Public Access Component. The County of Marin supports and encourages the enhancement of public access opportunities to the coast, in conformance with Sections 30210 through 30214 of the Coastal Act. There are three methods by which the policies of these sections will be implemented in the County's Public Access Component:</del></p> <p><del>a. <b>C-PA-16 Protection of Existing Public Coastal Accessways.</b> Existing accessways. The LCP recognizes existing public coastal accessways, in Unit II, both public and private, as an integral part of the County's overall access program. These Maintain existing public accessways, identified in Table 1 on page 6, should be maintained open to the public. Consider closure of existing County-managed accessways only if authorized by a coastal permit and only after the County has offered the accessway to another public or private entity.</del></p>
<p><b><u>Policy 1(b) p. 13</u></b>  b. Offered easements. A total of nine offers of public access easements in Unit II have been required as a condition of past permit approvals by the County or the North Central Coast Regional Commission. The LCP recommends that certain of these easements, as specified in Policy #3 below, be accepted by the County or other agency and incorporated into the County's access program.</p> <p><b><u>Policy Status</u></b>  The concept of this policy has been carried forward to <b>C-PA-2</b> Public Coastal Access in New Development.</p>	<p><b>C-PA-2 Public Coastal Access in New Development.</b> Examine proposed new development between the shoreline and the first public road, whether or not it is mapped as the first public road for purposes of coastal permit appeals, for impacts on public access to the coast. Where a nexus exists between the impacts of the proposed development and the provision of public access, require the dedication of a lateral and/or vertical accessway as a condition of development, unless Policy C-PA-3 provides an exemption. Impacts on public access include, but are not limited to, the intensification of land use resulting in overuse of existing public accessways, the creation of physical obstructions or perceived deterrence to public access, and the creation of conflicts between private land uses and public access.  (PC app. 2/8/10)</p>

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	<p><i>[Adapted from Unit II Public Access Policy 1.c., p. 13]</i></p> <p style="text-align: center;"><b>Unit II Policy 1(b) p. 13</b></p> <p><del>b. Offered easements. A total of nine offers of public access easements in Unit II have been required as a condition of past permit approvals by the County or the North Central Coast Regional Commission. The LCP recommends that certain of these easements, as specified in Policy #3 below, be accepted by the County or other agency and incorporated into the County's access program.</del></p>
<p><b>Policy 1(c) p. 13</b>  <u>c. New accessways.</u> The County views public access easements, gained through offers of dedication as a condition of coastal permit approval, as the primary means available to increase public access opportunities in Unit II. Potential areas where such easements could be required have been evaluated based on their desirability and physical suitability, evidence of prescriptive rights, and proximity to other access points and existing uses. Based on these criteria, specific recommendations for new accessways have been developed (Policy #3). In addition to the easements recommended, the County may require additional access in the future as the need arises.</p> <p>If funds become available for acquisition of public accessways, they should be allocated according to the priority recommendations in Policy A.</p> <p><b>Policy Status</b>  The concept of this policy has been carried forward to <b>C-PA-2</b> Public Coastal Access in New Development.</p>	<p><b>C-PA-2 Public Coastal Access in New Development.</b> Examine proposed new development between the shoreline and the first public road, whether or not it is mapped as the first public road for purposes of coastal permit appeals, for impacts on public access to the coast. Where a nexus exists between the impacts of the proposed development and the provision of public access, require the dedication of a lateral and/or vertical accessway as a condition of development, unless Policy C-PA-3 provides an exemption. Impacts on public access include, but are not limited to, the intensification of land use resulting in overuse of existing public accessways, the creation of physical obstructions or perceived deterrence to public access, and the creation of conflicts between private land uses and public access. (PC app. 2/8/10)</p> <p><i>[Adapted from Unit II Public Access Policy 1.c., p. 13]</i></p> <p style="text-align: center;"><b>Unit II Policy 1(c) p. 13</b></p> <p><del>e. New accessways. The County views public access easements, gained through offers of dedication as a condition of coastal permit approval, as the primary means available to increase public access opportunities in Unit II. Potential areas where such easements could be required have been evaluated based on their desirability and physical suitability, evidence of prescriptive rights, and proximity to other access points and existing uses. Based on these criteria, specific recommendations for new accessways have been developed (Policy #3). In addition to the easements recommended, the County may require additional access in the future as the need arises.</del></p> <p>If funds become available for acquisition of public accessways, they should be allocated according to the priority recommendations in Policy A.</p> <p>e. New accessways. The County views public access easements, gained through offers of <u><b>C-PA-2 Public coastal access in new development.</b></u> Examine proposed new development between the shoreline and the</p>

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	<p><u>first public road for impacts on public access to the coast. Where the County determines that a nexus exists between the impacts of the proposed development and the provision of public access, require the dedication of a lateral and/or vertical accessway as a condition of development, unless Policy C-PA-1.3 provides an exemption. Impacts on coastal permit approval, as the primary means available to increase public access include, but are not limited to, the intensification of land use resulting in overuse of existing public accessways, the creation of physical or psychological obstructions to public access, and the creation of conflicts between private land uses and public access. opportunities in Unit II. Potential areas where such easements could be required have been evaluated based on their desirability and physical suitability, evidence of prescriptive rights, and proximity to other access points and existing uses. Based on these criteria, specific recommendations for new accessways have been developed (Policy #3). In addition to the easements recommended, the County may require additional access in the future as the need arises.</u></p> <p style="text-align: center;"><del>If funds become available for acquisition of public accessways, they should be allocated according to the priority recommendations in Policy A.</del></p>
<p><b><u>Policy 2(a) p. 13</u></b> <u>General standards.</u> The following general policies and procedures shall apply to all new accessways in Unit II, including those specifically recommended in the LCP at this time, those not currently recommended but considered in the future, and those which may be acquired by public purchase.</p> <p>a. Prescriptive Rights. Where evidence of prescriptive rights (historic public use) is found in reviewing a coastal permit application, equivalent access easements to protect the types, intensity, and areas subject to prescriptive rights shall be required as a condition of permit approval. Development may be sited in an area of historic public use only if equivalent type, intensity and area of replacement public access is provided on or reasonably adjacent to the project site (parcel).</p> <p>If requirement of access easements to protect areas of historic use would preclude all reasonable private use of the project site, the County, in consultation with the Coastal Commission and the California Attorney General's Office, shall review the existence of prescriptive rights. If the County concludes that convincing evidence of implied dedication or</p>	<p><b>C-PA-7 Protection of Prescriptive Rights.</b> Ensure that development does not interfere with the public's right of access to the sea where acquired through use. Where evidence (including historic public use) of prescriptive rights is found in reviewing a coastal permit application, take one or more of the following actions:</p> <ol style="list-style-type: none"> <li>1. Consider approval of the coastal permit application, while siting development in such a way as to avoid the area potentially subject to prescriptive rights and requiring a public easements to protect the types, intensity and areas of historic use as a condition of project approval.</li> <li>2. If requirement of an access easement to protect areas of historic use would preclude all reasonable private use of the project site, the County or the Coastal Commission and the Attorney General at the request of the County shall, subject to the availability of staff and funds, seek a court determination and confirmation of such public rights.</li> <li>3. In the absence of a final court determination, the County may proceed to consider approval of development on areas potentially subject to prescriptive rights (except those used for lateral access), provided that all impacts on public access are mitigated in the same vicinity substantially in accordance with the Local Coastal Program's Access policies. Such mitigation may include</li> </ol>

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prescriptive rights in favor of the public exists, the County or the Coastal Commission and the Attorney General at the request of the County shall, consistent with the availability of staff and funds, seek a court determination and confirmation of such public rights. If after 60 days the County concludes that such evidence is inconclusive, the County may approve development on such areas (except those used for lateral access), provided that all impacts on public access are mitigated in the same vicinity substantially in accordance with the Local Coastal Program's Access policies. Such mitigation may include securing an accessway on another property in the same vicinity, or providing an in-lieu fee to a public agency or private association approved by the County and Commission for acquisition, improvement, or maintenance of access in the same vicinity. Same vicinity is considered to be within 1,000 feet or less of the project site (parcel).

### **Policy Status**

The concept of this policy has been carried forward to **C-PA-7** Protection of Prescriptive Rights.

securing an accessway on another property in the same vicinity, or providing an in-lieu fee to a public agency or private association approved by the County and Coastal Commission for acquisition, improvement, or maintenance of access in the same vicinity. Same vicinity is considered to be within 1,000 feet of the project site (parcel).

(PC app. 2/8/10)

*[Adapted from Coastal Act Section 30211, Unit I Public Access Policy #3, p. 7, and Unit II Public Access Policy 2.a., p. 13]*

### **Unit II Policy 2(a) p. 13**

~~General standards. The following general policies and procedures shall apply to all new accessways in Unit II, including those specifically recommended in the LCP at this time, those not currently recommended but considered in the future, and those which may be acquired by public purchase.~~

a. ~~————~~ **C-PA-7 Protection of Prescriptive Rights.** Ensure that development does not interfere with the public's right of access to the sea where acquired through use. Where evidence (including historic public use) of Prescriptive Rights. Where evidence of prescriptive rights (historic public use) is found in reviewing a coastal permit application, equivalent access easements to protect the types, intensity, and areas subject to prescriptive rights shall be required as a condition of permit approval. Development may be sited in an area of historic public use only if equivalent type, intensity and area of replacement public access is provided on or reasonably adjacent to the project site (parcel)., take one or more of the following actions:

1. Consider approval of the coastal permit application, while siting development in such a way as to avoid the area potentially subject to prescriptive rights and requiring a public easements to protect the types, intensity and areas of historic use as a condition of project approval.
2. If requirement of access easements to protect areas of historic use would preclude all reasonable private use of the project site, the County, in consultation with or the Coastal Commission and the Attorney General at the request of the County shall, subject to the availability of staff and funds, seek a court determination and confirmation of such public rights. If the County concludes that convincing evidence of implied dedication or prescriptive rights in



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	<p><del>favor of the public exists, the County or the Coastal Commission and the Attorney General at the request of the County shall, consistent with the availability of staff and funds, seek a court determination and confirmation of such public rights. If after 60 days the County concludes that such evidence is inconclusive, the</del></p> <p>3. <u>In the absence of a final court determination, the County may approve development on such areas proceed to consider approval of development on areas potentially subject to prescriptive rights (</u> (except those used for lateral access), provided that all impacts on public access are mitigated in the same vicinity substantially in accordance with the Local Coastal Program's Access policies. Such mitigation may include securing an accessway on another property in the same vicinity, or providing an in-lieu fee to a public agency or private association approved by the Coastal County and Commission for acquisition, improvement, or maintenance of access in the same vicinity. Same vicinity is considered to be within 1,000 feet or less of the project site (parcel).</p>
<p><b>Policy 2(b) p. 14</b></p> <p>b. Types of access. The provision for coastal access through a coastal permit or by purchase may include one or more of the following easements:</p> <p><u>Vertical</u> - from the first public road to the sea. Vertical easements generally should be ten feet in width unless site conditions warrant otherwise. However, in no case should the easement be closer than ten feet to the proposed-structure.</p> <p><u>Lateral</u> - along the shoreline. Lateral easements shall be a minimum of ten feet in width or shall include all of a sandy beach to the first line of terrestrial vegetation, whichever is greater, and shall parallel the mean high tideline. At a minimum, the easement shall allow lateral access during high tide.</p> <p><u>Bluff top</u> - along bluffs for public viewing or hiking. Such easements should run along the edge of the bluff and be of sufficient width to provide safe access along the bluff edge, generally twenty-five feet inland from the current edge.</p> <p><b>Policy Status</b></p> <p>The concept of this policy has been carried forward to <b>C-PA-10</b> Impacts of Public Coastal Accessways on Their Surroundings.</p>	<p><b>C-PA-10 Impacts of Public Coastal Accessways on their Surroundings.</b> Site and design coastal accessways and parking and other support facilities to avoid, if feasible, and only then to minimize significant adverse impacts to sensitive environmental resources, agriculture, and the surrounding community. A vertical accessway should generally be ten feet in width unless site conditions warrant otherwise and should be located at least 10 feet from residential structures. Control public access to sensitive habitat areas, including the timing, intensity, and location of such access, to minimize disturbance to wildlife. (PC app. 2/8/10) <i>[Adapted from Unit II Public Access Policy 2.b., p. 14, and Unit II Natural Resources Policy 5.b., p. 75]</i></p> <p><b><u>Unit II Policy 2(b) p. 14</u></b></p> <p><del>b. Types of access. The provision for coastal access through a coastal permit or by purchase may include one or more of the following easements:</del></p> <p><del>Vertical— from the first public road to the sea.</del> <b><u>C-PA-10 Impacts of Public Coastal Accessways on their Surroundings.</u></b> Site and design coastal accessways and parking and other support facilities to avoid, if feasible, and only then to minimize significant adverse impacts to</p>

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	<p>sensitive environmental resources, agriculture, and the surrounding community. <del>AV</del>vertical easements generally should be ten feet in width unless site conditions warrant otherwise and should be located at least 10 feet from residential structures. Control public access to sensitive habitat areas, including the timing, intensity, and location of such access, to minimize disturbance to wildlife. However, in no case should the easement be closer than ten feet to the proposed structure.</p> <p><del>Lateral</del> along the shoreline. Lateral easements shall be a minimum of ten feet in width or shall include all of a sandy beach to the first line of terrestrial vegetation, whichever is greater, and shall parallel the mean high tideline. At a minimum, the easement shall allow lateral access during high tide.</p> <p><del>Bluff top</del> along bluffs for public viewing or hiking. Such easements should run along the edge of the bluff and be of sufficient width to provide safe access along the bluff edge, generally twenty five feet inland from the current edge.</p>
<p><b>Policy 2(c) p. 14</b></p> <p>c. Acceptance of public access easements or dedications. The County will accept, and as resources permit, open access easements in the following situation:</p> <ol style="list-style-type: none"> <li>(1) The offer to dedicate an easement is made pursuant to evidence of prescriptive rights, or</li> <li>(2) The offered easement is in a developed area (density of one unit per acre or greater) and substantial use could be expected by local residents.</li> </ol> <p>Whenever the County has agreed or agrees to accept an easement, it will be responsible for maintaining that easement and signing where necessary. Signs posted along the shoreline of Tomales Bay shall indicate that no fires or overnight camping is permitted, and that the privacy of homeowners shall be respected. Where appropriate and feasible, parking areas should be provided in conjunction with access easements. The need for parking shall be determined based on existing parking and public transit opportunities in the area. As transit service becomes available, parking capacities should be reduced or eliminated.</p> <p>If the County does not accept an easement, it shall attempt to find appropriate public or private agencies to do so. If no such agency is immediately available, a twenty-year irrevocable offer to dedicate the required easement(s) shall be recorded by the applicant prior to the issuance of a final County permit to commence construction. The County</p>	<p><b>C-PA-5 Acceptance of Offers to Dedicate Public Coastal Accessways.</b> Accept offers to dedicate easements or fee title interests in coastal accessways and, as resources permit, place first priority on opening such accessways when the offer to dedicate is made pursuant to evidence of prescriptive rights or where the offer to dedicate is in a developed area. The County shall accept an offer to dedicate within 9 months of recordation. If the County does not accept an easement within this time period, it shall attempt to find an appropriate public or private agency to do so. Notwithstanding the above, the County may at any time accept a valid offer to dedicate easement that has not been accepted by another entity.</p> <p>(PC app. 2/8/10)</p> <p><i>[Adapted from Unit I Public Access Policy 6, p. 8, and Unit II, Public Access Policy 2.c., p. 14]</i></p> <p><b>Unit II Policy 2(c) p. 14</b></p> <p>e. <del>Acceptance of public access easements or dedications.</del> <b>C-PA-5 Acceptance of Offers to Dedicate Public Coastal Accessways.</b> <del>The County will accept, and as resources permit, open access offers to dedicate easements in the following situation</del> <u>fee title interests in coastal accessways and, as resources permit, place first priority on opening such accessways when :</u></p> <ol style="list-style-type: none"> <li>(1) <del>The offer to dedicate an easement is made pursuant to evidence of prescriptive rights, or</del> <u>where</u></li> </ol>

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<p>shall immediately notify the California Coastal Conservancy of such offers to dedicate. The County may process the irrevocable offers according to the Commission's centralized coastal access program.</p> <p><b>Policy Status</b></p> <p>The concept of this policy has been carried forward to <b>C-PA-5</b> Acceptance of Offers to Dedicate Public Coastal Accessways, <b>C-PA-18</b> Parking and Support Facilities at Public Coastal Accessways, and <b>C-PA-19</b> Explanatory Signs at Public Coastal Accessways.</p>	<p><del>(2) The offered easement to dedicate is in a developed area, (density of one unit per acre or greater) and substantial use could be expected by local residents.</del></p> <p><del>— Whenever the County has agreed or agrees to accept an easement, it will be responsible for maintaining that easement and signing where necessary. Signs posted along the shoreline of Tomales Bay shall indicate that no fires or overnight camping is permitted, and that the privacy of homeowners shall be respected. Where appropriate and feasible, parking areas should be provided in conjunction with access easements. The need for parking shall be determined based on existing parking and public transit opportunities in the area. As transit service becomes available, parking capacities should be reduced or eliminated.</del></p> <p><del>— The County shall accept an offer to dedicate within 9 months of recordation. If the County does not accept an easement, within this time period, it shall attempt to find appropriate public or private agencies to do so. Notwithstanding the above, the County may at any time accept a valid offer to dedicate easement that has not been accepted by another entity. If no such agency is immediately available, a twenty year irrevocable offer to dedicate the required easement(s) shall be recorded by the applicant prior to the issuance of a final County permit to commence construction. The County shall immediately notify the California Coastal Conservancy of such offers to dedicate. The County may process the irrevocable offers according to the Commission's centralized coastal access program.</del></p> <p><b>C-PA-18 Parking and Support Facilities at Public Coastal Accessways.</b> Where appropriate and feasible, provide parking areas for automobiles and bicycles and appropriate support facilities in conjunction with public coastal accessways. The location and design of new parking and support facilities shall be designed to minimize adverse impacts on adjacent residential areas. The need for parking shall be determined based on existing parking and public transit opportunities in the area, balanced with resource protection policies. Consider opportunities for reducing or eliminating parking capacities if transit service becomes available or increases. (PC app. 2/8/10) <i>[Adapted from Unit II Public Access Policy 2.c., p. 14]</i></p>
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**Unit II Policy 2(c) p. 14**

~~e. Acceptance of public access easements or dedications. The County will accept, and as resources permit, open access easements in the following situation:~~

- ~~(1) The offer to dedicate an easement is made pursuant to evidence of prescriptive rights, or~~
- ~~(2) The offered easement is in a developed area (density of one unit per acre or greater) and substantial use could be expected by local residents.~~

~~— Whenever the County has agreed or agrees to accept an easement, it will be responsible for maintaining that easement and signing where necessary. Signs posted along the shoreline of Tomales Bay shall indicate that no fires or overnight camping is permitted, and that the privacy of homeowners shall be respected. Where appropriate and feasible, parking areas should be provided for automobiles and bicycles and appropriate support facilities in conjunction with access easements public coastal accessways. The location and design of new parking and support facilities shall be designed to minimize adverse impacts on adjacent residential areas. The need for parking shall be determined based on existing parking and public transit opportunities in the area, balanced with resource protection policies. As transit service becomes available, parking capacities should be Consider opportunities for reduced or eliminated parking capacities if transit service becomes available or increases.~~

~~— If the County does not accept an easement, it shall attempt to find appropriate public or private agencies to do so. If no such agency is immediately available, a twenty-year irrevocable offer to dedicate the required easement(s) shall be recorded by the applicant prior to the issuance of a final County permit to commence construction. The County shall immediately notify the California Coastal Conservancy of such offers to dedicate. The County may process the irrevocable offers according to the Commission's centralized coastal access program.~~

**C-PA-19 Explanatory Signs at Public Coastal Accessways.** Sign existing and new public coastal accessways, trails, and parking facilities where

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necessary, and use signs to minimize conflicts between public and private land uses. Signs posted along the shoreline shall indicate appropriate restrictions, such as Where public access trails are located adjacent to agricultural lands, signs shall indicate appropriate restrictions against trespassing, fires, camping, and hunting. Where only limited public access or use of an area can be permitted in order to protect resource areas from overuse, such signing should identify the appropriate type and levels of use which are consistent with resource protection. The County and CALTRANS shall, as resources permit, post informational signs at appropriate intersections and turning points along visitor routes, in order to direct coastal visitors to public recreation and nature study areas in the Coastal Zone.  
(PC app. 11/23/09)

*[Adapted from Unit II Public Access Policy 2.c, p. 14]*

**Unit II Policy 2(c) p. 14**

~~e. Acceptance of public access easements or dedications. The County will accept, and as resources permit, open access easements in the following situation:~~

- ~~(1) The offer to dedicate an easement is made pursuant to evidence of prescriptive rights, or~~
- ~~(2) The offered easement is in a developed area (density of one unit per acre or greater) and substantial use could be expected by local residents.~~

~~Whenever the County has agreed or agrees to accept an easement, it will be responsible for maintaining that easement and signing where necessary. Sign existing and new public coastal~~  
accessways, trails, and parking facilities where necessary, and use signs to minimize conflicts between public and private land uses.  
Signs posted along the shoreline of Tomales Bay shall indicate ~~that no fires or overnight camping is permitted, and that the privacy of homeowners shall be respected. Where appropriate and feasible, parking areas should be provided in conjunction with access easements. The need for parking shall be determined based on existing parking and public transit opportunities in the area. As transit service becomes available, parking capacities should be reduced or eliminated.~~ appropriate restrictions, such as Where public access trails are located adjacent to agricultural lands, signs shall indicate appropriate restrictions against trespassing, fires, camping, and hunting. Where only limited public access or use of an area can be permitted in order to

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	<p><u>protect resource areas from overuse, such signing should identify the appropriate type and levels of use which are consistent with resource protection. The County and CALTRANS shall, as resources permit, post informational signs at appropriate intersections and turning points along visitor routes, in order to direct coastal visitors to public recreation and nature study areas in the Coastal Zone.</u></p> <p>— If the County does not accept an easement, it shall attempt to find appropriate public or private agencies to do so. If no such agency is immediately available, a twenty year irrevocable offer to dedicate the required easement(s) shall be recorded by the applicant prior to the issuance of a final County permit to commence construction. The County shall immediately notify the California Coastal Conservancy of such offers to dedicate. The County may process the irrevocable offers according to the Commission's centralized coastal access program.</p>
<p><b><u>Policy 2(d) p. 15</u></b></p> <p>d. <u>Access on developed lots.</u> Public access easements need not be required in a coastal permit for the replacement of, demolition or reconstruction of, or improvements to certain existing structures, as specified in Section 30212(b) of the Coastal Act.</p> <p><b><u>Policy Status</u></b></p> <p>The concept of this policy has been carried forward to <b>C-PA-3</b> Exemptions to Public Coastal Access Requirements.</p>	<p><b>C-PA-3 Exemptions to Public Coastal Access Requirements.</b> Exempt from the public coastal access requirement of Policy C-PA-2 a coastal permit for:</p> <ol style="list-style-type: none"> <li>1. The replacement, demolition or reconstruction of certain existing structures, as specified in Section 30212 (b) of the Coastal Act, and</li> <li>2. Any new development upon specific findings under Section 30212 (a) that (1) public access would be inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or (3) agriculture would be adversely affected.</li> <li>3. Furthermore, upon specific findings that public use of an accessway would seriously interfere with the privacy of adjacent residents, public access may not be required. The findings on any point above shall include a consideration of whether or not (1) design measures such as setbacks from sensitive habitats, trails, or stairways, or (2) management measures such as regulated hours, seasons, or types of use could adequately mitigate potential adverse impacts from access.</li> </ol> <p>(PC app. 2/8/10) [Adapted from Unit II Public Access Policy 2.d., p. 15 and Unit II Public Access Policy 5, p. 23]</p> <p style="text-align: center;"><b><u>Unit II Policy 2(d) p. 15</u></b></p>

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	<p>d. <del>Exempt from the public coastal access requirement of Policy C-PA-2 a coastal permit for:</del></p> <ol style="list-style-type: none"> <li>1. <del>Access on developed lots. Public access easements need not be required in a coastal permit for t</del>The improvement, replacement, demolition or reconstruction of certain existing structures, as specified in Section 30212 (b) of the Coastal Act, <u>and</u></li> <li>2. <u>Any new development upon specific findings under Section 30212 (a) that (1) public access would be inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or (3) agriculture would be adversely affected.</u></li> <li>3. <u>Furthermore, upon specific findings that public use of an accessway would seriously interfere with the privacy of adjacent residents, public access may not be required. The findings on any point above shall include a consideration of whether or not (1) design measures such as setbacks from sensitive habitats, trails, or stairways, or (2) management measures such as regulated hours, seasons, or types of use could adequately mitigate potential adverse impacts from access.</u></li> </ol>
<p><b><u>Policy 2(e) p. 15</u></b></p> <p>e. Proximity to mariculture operations. In siting access easements, the County shall consider the location of mariculture operations offshore and the potential impacts of public access on those operations in terms of vandalism and other disturbances.</p> <p><b><u>Policy Status</u></b></p> <p>This policy was mistakenly excluded. Staff is developing proposed language.</p>	<p>See proposed language – to be developed.</p>
<p><b><u>Policy 3(a)(1) p. 15</u></b></p> <p>Specific recommendations for new accessways in Unit II. The recommendations for new accessways have been divided into three geographic areas: west shore of Tomales Bay, east shore of Tomales Bay, and the area north of Walker Creek. If and when undeveloped parcels on the shoreline of Tomales Bay are purchased by the federal government, access easements by the County on those parcels will no longer be necessary.</p> <p>a. <u>West shore of Tomales Bay.</u> Recommendations for the west shore are listed from north to south, in five segments.</p>	<p><b><i>Program C-PA-6.a Review and Revise List of Recommended Public Coastal Accessways.</i></b> Review and revise as appropriate the priority coastal access sites in the List of Recommended Accessways to reflect current suitability, environmental characteristics, and ownership status.</p> <p><i>[New program, not in Unit I or II]</i></p>

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<p>(1) <u>Location</u>: Tomales Bay State Park to Chicken Ranch Beach.</p> <p>Description: Most of the lots between these two public parks have been developed with single-family dwellings as part of the Teacher's Beach Subdivision. The terrain in this area is generally steep and heavily vegetated. Access is by a narrow winding side road off of Sir Francis Drake Boulevard, used by the public to reach the southern end of Tomales Bay State Park. There appears to be little if any public use of the shoreline in this area, except for Chicken Ranch Beach and the area adjacent to it. An offer of dedication of an easement was required as a condition of permit approval by the Regional Coastal Commission for AP #112-042-03, which abuts Chicken Ranch Beach.</p> <p><u>LCP recommendations</u>: Agricultural use of the public trust portion of AP# 112-042-03, included in the accepted easement, should be permitted to continue until such time as the public easement is opened for public use as determined by the County Director of Parks and Recreation.</p> <p>[Amended pursuant to BOS Resolution No. 84-72 [2/14/84]].</p> <p><b><u>Policy Status</u></b> The concept of this policy has been carried forward to Program <b>C-PA-6.a</b> Review and Revise List of Recommended Public Coastal Accessways.</p>	
<p><b><u>Policy 3(a)(2) p. 15</u></b></p> <p>(2) <u>Location</u>: Chicken Ranch Beach to the Inverness Yacht Club.</p> <p><u>Description</u>: Approximately 50% of the shoreline has been developed between these two points with single-family dwellings and the Golden Hinde Boatel. The Beach and the Boatel are the two formal accessways in this area; however, there is evidence of prescriptive rights on many of the undeveloped parcels, particularly those with sandy beach frontage. The three small parcels south of Chicken Ranch Beach are used by the public as an extension of the Beach, while those immediately south of the Boatel are used by visitors there. Trails and informal parking areas are evident on several undeveloped parcels. An offer of dedication of an easement was required by the Regional Coastal Commission for AP #112-101-16.</p>	<p><b><i>Program C-PA-6.a Review and Revise List of Recommended Public Coastal Accessways.</i></b> Review and revise as appropriate the priority coastal access sites in the List of Recommended Accessways to reflect current suitability, environmental characteristics, and ownership status.</p> <p><i>[New program, not in Unit I or II]</i></p>



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<p><u>LCP recommendations:</u> Lateral access shall be required on the three parcels south of Chicken Ranch Beach, AP #112-091-09, 04, and 06. Lateral access shall be required on the two parcels south of the Golden Hinde Boatel, AP #112-101-05 and 06.</p> <p>Vertical access shall be provided where the existing trail is sited on AP #112-101-09, 10, or 11, or #112-123-01. Lateral access shall be required on all of these parcels to accommodate existing public use. Shoulder parking in this area shall be maintained.</p> <p>Lateral access shall be required in AP #112-123-04, 05, 06, and 07 to ensure public access to the sandy beach along the shoreline in this area. AP #112-151-01 to the south, owned by Audubon Canyon Ranch, should be maintained open to the public. If the use changes, easements shall be required to accommodate existing public use.</p> <p>The offered easement on AP #112-101-16 should be accepted and opened to the public, unless the adjacent undeveloped parcel is purchased by the federal government for public parkland.</p> <p><b><u>Policy Status</u></b> The concept of this policy has been carried forward to Program <b>C-PA-6.a</b> Review and Revise List of Recommended Public Coastal Accessways.</p>	
<p><b><u>Policy 3(a)(3) p. 16</u></b> (3) <u>Location:</u> Inverness Yacht Club to the Inverness Store.</p> <p><u>Description:</u> Development in this section of the shoreline is concentrated primarily around Inverness Yacht Club to the north and Drake's Highway Garage and the Inverness Store to the south. Brock's Boathouse and a number of single-family dwellings are scattered in between. The shoreline south of the Yacht Club is relatively wide and marshy, while that in the vicinity of Brock's Boathouse is narrow and sandy. Formal public access exists at Children's Beach, adjacent to the Boathouse, and the Inverness Store. The area adjacent to the Inverness Library shows heavy use for both vertical and lateral access.</p> <p><u>LCP recommendations:</u> Access shall be maintained at Children's Beach, AP #112-193-03, 112-256-03, and 112-310-04. If the use changes, easements shall be required to accommodate existing public use. Lateral access shall be provided on AP# 112-310-06.</p>	<p><b><i>Program C-PA-6.a Review and Revise List of Recommended Public Coastal Accessways.</i></b> Review and revise as appropriate the priority coastal access sites in the List of Recommended Accessways to reflect current suitability, environmental characteristics, and ownership status. <i>[New program, not in Unit I or II]</i></p>

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<p>Both vertical and lateral access shall be provided on AP #112-310-25, adjacent to the Inverness Library, to accommodate existing public use.</p> <p><b><u>Policy Status</u></b>  The concept of this policy has been carried forward to Program <b>C-PA-6.a</b> Review and Revise List of Recommended Public Coastal Accessways.</p>	
<p><b><u>Policy 3(a)(4) p. 16</u></b>  (4) <u>Location</u>: Inverness Store to the William Page Shields Salt Marsh.</p> <p><u>Description</u>: This section encompasses a very narrow portion of the shoreline between the Store and Willow Point and a wider area from the Point south. The narrow portion consists of a sandy beach, largely undeveloped, while that to the south includes numerous houses. Several informal parking areas are evident, including the parcel south of Inverness Store. Formal public access and parking are available at the William Page Shields Salt Marsh, owned and maintained by Audubon Canyon Ranch. An offer of dedication of an easement was required by the Regional Coastal Commission for AP #114-062-11,12, a freshwater marsh now owned by Audubon Canyon Ranch.</p> <p><u>LCP recommendations</u>: Vertical and lateral access shall be provided on the parcel adjacent to the Inverness Store, AP #112-310-20.</p> <p>The offered easement on AP #114-062-11, 12 is not suitable for access because it is located in an environmentally sensitive area, a marsh. In addition, the easement is not necessary due to the availability of public access on the adjacent parcel, Shields Salt Marsh.</p> <p><b><u>Policy Status</u></b>  The concept of this policy has been carried forward to Program <b>C-PA-6.a</b> Review and Revise List of Recommended Public Coastal Accessways.</p>	<p><b><i>Program C-PA-6.a Review and Revise List of Recommended Public Coastal Accessways.</i></b> Review and revise as appropriate the priority coastal access sites in the List of Recommended Accessways to reflect current suitability, environmental characteristics, and ownership status.  <i>[New program, not in Unit I or II]</i></p>
<p><b><u>Policy 3(a)(5) p. 17</u></b>  (5) <u>Location</u>: William Page Shields Salt Marsh to Inverness Park.</p> <p><u>Description</u>: This area is somewhat different from the other areas on the west shore in that it abuts the Tomales Bay Ecological Reserve, a marsh, rather than Tomales Bay itself. Most of the parcels in this</p>	<p><b><i>Program C-PA-6.a Review and Revise List of Recommended Public Coastal Accessways.</i></b> Review and revise as appropriate the priority coastal access sites in the List of Recommended Accessways to reflect current suitability, environmental characteristics, and ownership status.  <i>[New program, not in Unit I or II]</i></p>

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<p>section, particularly towards the northern end, are quite marshy; consequently, most of the existing structures have been built on earth fill or pilings. This development is not readily visible from Sir Francis Drake Boulevard, due to heavy roadside vegetation. An old levee, running along the marsh or back side of these parcels, forms a viewing trail which shows evidence of public use. The levee is sited well away from existing houses and separated from them by additional marsh area. There is no formal access south of the William Page Shields Salt Marsh; however, an offer of dedication of an easement was required by the Regional Coastal Commission for AP #114-072-23.</p> <p><u>LCP recommendations:</u> The offered easement on AP #114-072-23 should be accepted and opened to the public.</p> <p>The levee trail running south from AP #114-072-23 to AP #119-040-13 should be opened to the public on a limited basis. The trail should be closed during the spring nesting season March 1st - June 30th) to conform with the closure of the Tomales Bay Ecological Reserve. Undeveloped parcels shall be required to offer lateral easements, and such easements should be sought on developed parcels in this area.</p> <p>A vertical access easement shall be provided on AP #114 -082-02 and/or on undeveloped parcels adjacent to it, to connect with the levee trail.</p> <p><b><u>Policy Status</u></b>  The concept of this policy has been carried forward to Program <b>C-PA-6.a</b> Review and Revise List of Recommended Public Coastal Accessways.</p>	
<p><b><u>Policy 3(b)(1) p. 18</u></b>  <u>East shore of Tomales Bay.</u> Recommendations for the east shore are listed from north to south in seven segments.</p> <p>(1) <u>Location:</u> Walker Creek delta to Miller Park.</p> <p><u>Description:</u> The Walker Creek delta, formed by the deposition of sediment where Walker Creek meets Tomales Bay, is a wide, flat, marshy area. Adjacent parcels between the delta and Highway 1 to the south are long, narrow, and fairly heavily vegetated. Audubon Canyon Ranch owns and preserves the delta as a wildlife sanctuary while the</p>	<p><b><i>Program C-PA-6.a Review and Revise List of Recommended Public Coastal Accessways.</i></b> Review and revise as appropriate the priority coastal access sites in the List of Recommended Accessways to reflect current suitability, environmental characteristics, and ownership status.  <i>[New program, not in Unit I or II]</i></p>

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<p>Department of Fish and Game owns several creekside parcels upstream. Access is limited to fishing and picnicking on the upstream parcels. Immediately south of the delta is Jensen's Oyster Beds, a more open 40-acre parcel directly on Tomales Bay. This partially developed property due north of the County-owned Miller Park shows evidence of public use along the shoreline.</p> <p><u>LCP recommendations:</u> Vertical and lateral access should be provided by the Department of Fish and Game and Audubon Canyon Ranch on upstream parcels AP #104-030-02, 05, 08, and #104-040-08 and 12, where consistent with the protection of this sensitive resource area.</p> <p>Vertical and lateral access shall be required on AP #104-110-08, Jensen's Oyster Beds, if it is developed further, to formalize existing public use of the shoreline. Parking shall be maintained in the existing parking area.</p> <p><b><u>Policy Status</u></b> The concept of this policy has been carried forward to Program <b>C-PA-6.a</b> Review and Revise List of Recommended Public Coastal Accessways.</p>	
<p><b><u>Policy 3(b)(2) p. 18</u></b> (2) <u>Location:</u> Miller Park to North Shore Boats.</p> <p><u>Description:</u> This relatively narrow section of shoreline has a variety of visitor-serving, residential, nature preserve, and marine-related uses. Development is concentrated at the northern end near Nick's Cove and at the southern end near North Shore Boats, with a few single-family dwellings scattered in between. Nick's Cove and Miller Park form a popular recreational area used by the public for clamming, boating, and fishing. In addition to public access at this point, limited access is available at North Shore Boats, a boat storage, launching, and repair facility. The undeveloped parcels along the entire shoreline in this area, including that owned by Audubon Canyon Ranch, show evidence of public use for access and parking.</p> <p><u>LCP recommendations:</u> Vertical and lateral access to tidelands shall be maintained in the vicinity of Nick's Cove. The developed parcels, AP #104-150-01 and 02 which constitute the Cove, shall incorporate</p>	<p><b><i>Program C-PA-6.a Review and Revise List of Recommended Public Coastal Accessways.</i></b> Review and revise as appropriate the priority coastal access sites in the List of Recommended Accessways to reflect current suitability, environmental characteristics, and ownership status. <i>[New program, not in Unit I or II]</i></p>

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<p>formal provisions for public access if they are further developed. Access on the undeveloped parcels immediately to the south, AP #104-050-07 and 08 shall be required.</p> <p>Vertical and lateral access and parking shall be required on the Audubon parcel, AP #104-160-01, if its use changes, to guarantee continued public use.</p> <p>Vertical and/or lateral access shall be provided on AP #104-160-15 and 16.</p> <p><b><u>Policy Status</u></b> The concept of this policy has been carried forward to Program <b>C-PA-6.a</b> Review and Revise List of Recommended Public Coastal Accessways.</p>	
<p><b><u>Policy 3(b)(3) p. 19</u></b> (3) <u>Location</u>: North Shore Boats to state parkland at Cypress Grove.</p> <p><u>Description</u>: North Shore Boats is located on a wide peninsula of land which then narrows considerably to the south. Other than the boatworks, the only type of development is single-family residential, most of which is concentrated in the center of this shoreline section. There is no formal public access point on any parcel, but informal public use is evident on virtually all of the lots to the south, adjacent to state parkland. Numerous roadside turnouts exist along Highway 1 in this southern area. Audubon Canyon Ranch owns several undeveloped lots, one of which is due south of the North Shore Boats peninsula. The southern side of the peninsula, developed with two houses, has a long, sandy, scenic beach. An offer of dedication of an easement was made as a condition of coastal permit approval by the Regional Coastal Commission on AP #104-180-15 and 16.</p> <p><u>LCP recommendations</u>: Vertical and lateral access shall be provided on AP #104-190-31 and 32, the latter of which is owned by Audubon. Lateral access shall also be provided on the undeveloped parcels on the southern side of North Shore Boats peninsula, AP #104-180-13, 14, 15, and 16.</p> <p>Shoulder parking for public viewing purposes shall be maintained on AP #104-190-43, 44, 45, and/or 46, and on AP #104-220-01.</p>	<p><b><i>Program C-PA-6.a Review and Revise List of Recommended Public Coastal Accessways.</i></b> Review and revise as appropriate the priority coastal access sites in the List of Recommended Accessways to reflect current suitability, environmental characteristics, and ownership status. <i>[New program, not in Unit I or II]</i></p>

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<p>At least three vertical accessways shall be provided in the section of undeveloped lots from AP #104-220-05 south through AP #104-210-09, at approximately 1/4 mile intervals. Lateral access shall be required on all of these lots. Shoulder parking shall be maintained in at least three locations. The offer of dedication of an easement on AP #104-180-15 and 16 should be accepted and opened to the public.</p> <p><b><u>Policy Status</u></b> The concept of this policy has been carried forward to Program <b>C-PA-6.a</b> Review and Revise List of Recommended Public Coastal Accessways.</p>	
<p><b><u>Policy 3(b)(4) p. 19</u></b> (4) <u>Location</u>: State parkland at Cypress Grove to Marshall Tavern.</p> <p><u>Description</u>: At this point on the shoreline, Highway 1 turns inland, creating a relatively broad coastal terrace, approximately 1/2 mile in width. Public, nature preserve, and private uses are located in this area: the northern third forms a recently acquired state park, the central third includes a marsh and is owned and managed by Audubon Canyon Ranch, and the-southern third is a private agricultural operation. The terrain is fairly level, open and covered with grass. Public access will be available at the park in the future when it is opened. Access is presently available to Audubon lands by appointment. Audubon carefully controls access to and around its marshlands due to their environment sensitivity and value as wildlife habitat.</p> <p><u>LCP recommendations</u>: Limited access should continue to ACR properties. Coordination between ACR programs at Cypress Grove and those on adjacent public parklands to the north should be explored.</p> <p><b><u>Policy Status</u></b> The concept of this policy has been carried forward to Program <b>C-PA-6.a</b> Review and Revise List of Recommended Public Coastal Accessways.</p>	<p><b><i>Program C-PA-6.a Review and Revise List of Recommended Public Coastal Accessways.</i></b> Review and revise as appropriate the priority coastal access sites in the List of Recommended Accessways to reflect current suitability, environmental characteristics, and ownership status. <i>[New program, not in Unit I or II]</i></p>
<p><b><u>Policy 3(b)(5) p. 20</u></b> (5) <u>Location</u>: Marshall Tavern to Marshall Boat Works.</p>	<p><b><i>Program C-PA-6.a Review and Revise List of Recommended Public Coastal Accessways.</i></b> Review and revise as appropriate the priority coastal access sites in the List of Recommended Accessways to reflect current suitability,</p>

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<p><u>Description:</u> This portion of the shoreline constitutes most of the “town” of Marshall. It is extremely narrow and largely built out with single-family residential dwellings on pilings. The few undeveloped lots, used by the public for parking, viewing, and clamming, serve a very important visual access function by providing a break in the long row of developed lots. The state owns two parcels in this section, AP #106-020-31 and 32.</p> <p><u>LCP recommendations:</u> Lateral access shall be maintained on AP #106-020-33, 12, and 17, the first of which is owned by Audubon. Vertical access shall be provided on at least one of these parcels.</p> <p>Vertical and lateral access shall be required on AP #106-030-16, 106-040-01, 02, 03, and 06.</p> <p>Shoulder parking on all of the undeveloped parcels in this section shall be maintained.</p> <p><b><u>Policy Status</u></b> The concept of this policy has been carried forward to Program <b>C-PA-6.a</b> Review and Revise List of Recommended Public Coastal Accessways.</p>	<p>environmental characteristics, and ownership status. <i>[New program, not in Unit I or II]</i></p>
<p><b>Policy 3(b)(6) p. 20</b> (6) <u>Location:</u> Marshall Boat Works to Marconi Cove Marina.</p> <p><u>Description:</u> Except for the boatworks area, the shoreline between the boatworks and the Marina is extremely narrow. Single-family development is grouped in three locations, with long, narrow, undeveloped parcels in between. These undeveloped parcels are regularly used by the public for parking, viewing, clamming, and walking, and provide important visual access to the bay. The three formal access points in this section are located at Marshall Boat Works, Tony’s Seafood, and Marconi Cove Marina. An offer of dedication of an easement was required as a condition of coastal permit approval by the Regional Coastal Commission on AP #106-210-41, adjacent to the Marconi Cove Marina, to protect prescriptive rights. This offer has not yet been made.</p> <p><u>LCP recommendations:</u> Lateral access shall be provided on AP#106-050- 10, to accommodate existing public use. No parking is</p>	<p><b>Program C-PA-6.a Review and Revise List of Recommended Public Coastal Accessways.</b> Review and revise as appropriate the priority coastal access sites in the List of Recommended Accessways to reflect current suitability, environmental characteristics, and ownership status. <i>[New program, not in Unit I or II]</i></p>

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<p>recommended due to the very limited shoulder area.</p> <p>Vertical and lateral access and parking shall be required on AP #106-210-46 and 33 to accommodate existing public use.</p> <p>The required easement on AP #106-210-41 need not be accepted, if offered, due to the availability of access on the adjacent property, Marconi Cove Marina.</p> <p><b><u>Policy Status</u></b> The concept of this policy has been carried forward to Program <b>C-PA-6.a</b> Review and Revise List of Recommended Public Coastal Accessways.</p>	
<p><b><u>Policy 3(b)(7) p. 21</u></b> (7) <u>Location</u>: Marconi Cove Marina to state parklands on Tomasini Point.</p> <p><u>Description</u>: There are sixteen parcels between the Marina and the park, only three of which are developed. The immediate shoreline on all of these lots is quite narrow but sandy in places and suitable for walking. The upland area is fairly steep south of the Marina but towards the park, widens out and shows potential for further development. Ideally, a shoreline trail could connect Marconi Cove Marina with the park on Tomasini Point; however, the presence of two houses on pilings seems to preclude this option. Evidence of prescriptive rights exists on most of the undeveloped parcels. Shoulder parking is available at several points towards the southern end of this section.</p> <p><u>LCP recommendations</u>: Lateral access shall be extended south from Marconi Cove Marina onto AP #106-270-09, 10, 07, 08, and 04</p> <p>Lateral access shall be required on AP #106-280-14, 10, 02, and 03. Although these four lots are located between existing house lateral access easements will maintain the option for a shoreline trail connecting the Marina and the park.</p> <p>Lateral access shall be required on AP #106-280-05, 06, and 07 and on AP #106-290-01. Vertical access shall also be provided on this latter parcel.</p>	<p><b><i>Program C-PA-6.a Review and Revise List of Recommended Public Coastal Accessways.</i></b> Review and revise as appropriate the priority coastal access sites in the List of Recommended Accessways to reflect current suitability, environmental characteristics, and ownership status. <i>[New program, not in Unit I or II]</i></p>



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<p>Shoulder parking at existing locations shall be maintained.</p> <p><b><u>Policy Status</u></b> The concept of this policy has been carried forward to Program <b>C-PA-6.a</b> Review and Revise List of Recommended Public Coastal Accessways.</p>	
<p><b><u>Policy 3(c)(1) p. 21</u></b> <u>North of Walker Creek.</u> Recommendations for the area north of Walker Creek are listed from south to north in two segments.</p> <p>(1) <u>Location:</u> Walker Creek to Dillon Beach.</p> <p><u>Description:</u> This area includes extensive agricultural holdings and the popular recreational areas at Lawson's Landing and Dillon Beach. Public access is available to and along the shoreline north of Tom's Point for recreational clamming, boating, fishing, and walking. Public use south of Tom's Point is less but the shoreline is suitable for walking. There are several small marshes in the vicinity of the Point and three large oyster allotments offshore. An offer of dedication of a lateral easement was required as a condition of coastal permit approval by the Regional Coastal Commission on AP #104-040-25.</p> <p><u>LCP recommendations:</u> The offered easement on AP #104-040-25 should be accepted and opened to the public.</p> <p>Lateral access shall be required on all undeveloped parcels on the shoreline between Dillon Beach, AP #100-100-46, and the Walker Creek delta, AP #104-040-03.</p> <p><b><u>Policy Status</u></b> The concept of this policy has been carried forward to Program <b>C-PA-6.a</b> Review and Revise List of Recommended Public Coastal Accessways.</p>	<p><b><i>Program C-PA-6.a Review and Revise List of Recommended Public Coastal Accessways.</i></b> Review and revise as appropriate the priority coastal access sites in the List of Recommended Accessways to reflect current suitability, environmental characteristics, and ownership status. <i>[New program, not in Unit I or II]</i></p>
<p><b><u>Policy 3(c)(2) p. 22</u></b> (2) <u>Location:</u> Dillon Beach to Estero Americano.</p> <p><u>Description:</u> The Oceana Marina subdivision is located immediately north of the village area in Dillon Beach. There is public use of the shoreline in this area; however, low bluffs make access somewhat difficult. North of the subdivision, the terrain becomes quite steep and vertical access to the water is not possible except in a few places. High coastal bluffs offer impressive views of the ocean and the</p>	<p><b><i>Program C-PA-6.a Review and Revise List of Recommended Public Coastal Accessways.</i></b> Review and revise as appropriate the priority coastal access sites in the List of Recommended Accessways to reflect current suitability, environmental characteristics, and ownership status. <i>[New program, not in Unit I or II]</i></p>

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<p>Esteros. Public pedestrian use has been made of an existing dirt road to reach the Estero de San Antonio. North of this Estero, the land is quite inaccessible.</p> <p><u>LCP recommendations:</u> Lateral and/or bluff top access easements shall be required on all parcels including and north of AP #100-100-46 at Dillon Beach.</p> <p>Vertical access shall be provided on AP #100-100-30, adjacent to the Oceana Marin subdivision.</p> <p>Public pedestrian access to the Estero de San Antonio shall be maintained on the existing dirt road through AP #100-100-57 and 100-040-33.</p> <p><i>[Amended pursuant to BOS Resolution No. 88-333 (Attachment 1, p.1) [12/20/88], approved by CCC with suggested modifications 4/12/89, 2nd BOS Resolution No. 89-216 [8/8/89], CCC ED Checkoff 4/13/90]</i></p> <p><b><u>Policy Status</u></b></p> <p>The concept of this policy has been carried forward to Program <b>C-PA-6.a</b> Review and Revise List of Recommended Public Coastal Accessways.</p>	
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# **Appendix 4** **Unit II** **Existing and Proposed Policies** **Public Access**

## **Policy 4 p. 22**

Priorities for acquisition. If funds become available with which to purchase public access easements, such easement shall be purchased first on the parcels listed below. These parcels were designated because they are heavily used by the public and/or are very important for visual access.

- a. East shore of Tomales Bay, undeveloped parcels. Public access easements are recommended on the following parcels:

<u>Area</u>	<u>AP Number</u>
North of Cypress Grove	104-210-09
North of Cypress Grove	104-230-03, 04
Marshall	106-040-01, 02, 03
Marshall	106-030-16
Marshall	106-020-12, 17
Marconi Cove Marina	106-210-33, 46

- b. West shore of Tomales Bay, undeveloped parcels. Public access easements are recommended on the following parcels:

<u>Area</u>	<u>AP Number</u>
Chicken Ranch Beach	112-091-04, 06, 09

- c. Developed parcels. The one developed parcel most desirable for public access is Jensen's Oyster Beds, AP #104-110-08. The southerly portion of the property, adjacent to Miller Park, is particularly suitable for access.

## **Policy Status**

The concept of this policy has been carried forward to Program **C-PA-6.a** Review and Revise List of Recommended Public Coastal Accessways.

## **Policy 5 p. 23**

Exceptions for parcels not recommended for access at this time. When the County reviews coastal permits for development on parcels not specifically listed in Policy #3, the general standards in Policy #2 shall apply as well as the following exception:

Public access may not be required upon specific findings by the County that,

- (1) It is inconsistent with public safety or the protection of fragile coastal resources, or.

## ***Program C-PA-6.a Review and Revise List of Recommended Public Coastal Accessways.***

Review and revise as appropriate the priority coastal access sites in the List of Recommended Accessways to reflect current suitability, environmental characteristics, and ownership status.

*[New program, not in Unit I or II]*

## **C-PA-6 Acquisition of New Public Coastal Accessways through Suitable Means.**

Acquire additional public coastal accessways in order to enhance opportunities to reach public tidelands, to link publicly accessible beaches via lateral trails, and to avoid the impacts of overuse of any single area. Acquisition shall be pursued through available means including, but not limited to, public purchase, tax default acquisitions, agreements with nonprofit management entities, voluntary donation, or, when permissible, dedication as a condition of a coastal project permit. When available funds or other acquisition opportunities are limited, accessways listed in Appendix 1 shall receive first priority. Acquisition of accessways shall take into account the needs to protect public safety, military

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- (2) Agriculture would be adversely affected, or
- (3) Public use of an accessway would seriously interfere with the privacy of existing homes.

The County's findings on any point above shall include a consideration of whether or not measures such as setbacks from sensitive habitats, trail or stairway development, or regulated hours, seasons, or types of use, could adequately mitigate potential adverse impacts from access.

### **Policy Status**

The concept of this policy has been carried forward to Program **C-PA-6.a** Review and Revise List of Recommended Public Coastal Accessways.

security, fragile coastal resources, and agriculture.

(PC app. 11/23/09)

*[Adapted from Unit I Public Access Policies 9, 11, 12, 13, pp. 8-9; Unit II Public Access Policies 3, 4, 5, pp. 15-22]*

***Program C-PA-6.a Review and Revise List of Recommended Public Coastal Accessways.*** Review and revise as appropriate the priority coastal access sites in the List of Recommended Accessways to reflect current suitability, environmental characteristics, and ownership status.

(PC app. 2/8/10)

*[New program, not in Unit I or II]*

### **Unit II Policy 5 p. 23**

~~Exceptions for parcels not recommended for access at this time. When the County reviews coastal permits for development on parcels not specifically listed in Policy #3, the general standards in Policy #2 shall apply as well as the following exception:~~

~~Public access may not be required upon specific findings by the County that,~~

- ~~(1) It is inconsistent with **C-PA-6 Acquisition of New Public Coastal Accessways through Suitable Means.** Acquire additional public coastal accessways in order to enhance opportunities to reach public tidelands, to link publicly accessible beaches via lateral trails, and to avoid the impacts of overuse of any single area. Acquisition shall be pursued through available means including, but not limited to, public purchase, tax default acquisitions, agreements with nonprofit management entities, voluntary donation, or, when permissible, dedication as a condition of a coastal project permit. When available funds or other acquisition opportunities are limited, accessways listed in Appendix 1 shall receive first priority. Acquisition of accessways shall take into account the needs to protect public safety, military security, ~~or the protection of fragile coastal resources, or and~~~~
- ~~(2) Agriculture would be adversely affected, or~~
- ~~(3) Public use of an accessway would seriously interfere with the privacy of existing homes.~~

~~The County's findings on any point above shall include a consideration of whether or not measures such as setbacks from sensitive habitats, trail or~~

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	<del>stairway development, or regulated hours, seasons, or types of use, could adequately mitigate potential adverse impacts from access.</del>
<p><b><u>Policy 6 p. 23</u></b>  <u>Bike and pedestrian trails.</u> Requirements for access easements to provide for hiking/biking trails in Unit II are described in Policy #4 under Recreation and Visitor-Serving Facilities.</p> <p><b><u>Policy 4 p. 52</u></b>  <u>Recreation and Transportation.</u>  <u>Bike Paths.</u> The County supports the concept of a bike/pedestrian trail network in Unit II, connecting the villages and providing access to public parks. Several proposed routes have been discussed by West Marin residents and planning groups but no final recommendation has been developed. In the absence of such a recommendation, the LCP assumes that the most likely location for a bike trail is along Highway 1 and Sir Francis Drake Boulevard. Therefore, to maintain the option for a roadside trail, coastal development permits for projects on either side of these roads shall require offers of dedication of easements 10 feet in width. When a final route for the bike/trail is agreed upon by the County, community, and concerned agencies and organizations, requirements for offers of roadside easements shall be modified to account for the new route.</p> <p><b><u>Policy Status</u></b>  The concept of this policy has been carried forward to Policy <b>C-PK-14</b> Appropriate Alignment of the California Coastal Trail.</p>	<p><b>C-PK-14 Appropriate Alignment of the California Coastal Trail.</b>  Support completion of the California Coastal Trail through Marin County, working with willing sellers or donors.</p> <p>From Tomales north to the County line, the route should tentatively follow Dillon Beach Rd. and Valley Ford-Franklin School Rd., as and if appropriate.</p> <p>Acquisition, siting, and design of the California Coastal Trail should reflect the following standards:</p> <ol style="list-style-type: none"> <li>1. Seek needed trail segments from willing sellers at fair market value or by donation;</li> <li>2. Locate the trail along or as close to the shoreline as feasible;</li> <li>3. Incorporate a “braided trail” concept, if necessary, in which there are separate routes for different non-motorized users;</li> <li>4. Make the trail continuous and link it to other public trail systems;</li> <li>5. Where not feasible to locate the trail along the shoreline due to natural landforms, sensitive natural resources, or agricultural operations, locate inland bypass segments as close to the shoreline as possible;</li> <li>6. Consider use of interim trail segments that assure a continuous coastal trail in the short-term, while providing for potential realignment to better locations as conditions change in the future, and seek opportunities over time to move such segments closer to the coastline where willing landowners agree;</li> <li>7. Wherever possible, avoid locating the trail along roads with motorized vehicle traffic; if it is necessary to site the trail along roads, provide for separation of the trail from traffic.</li> </ol> <p>(PC app. 2/8/10)  <i>[Adapted from Unit II Recreation and Visitor Serving Facilities Policy 4, p. 52 and Malibu LCP Policy 2.57, pp. 27-8]</i></p> <p><i>[A <del>strike out</del> and <u>underline</u> version of this proposed policy is not provided since the proposed policy is an adaptation of the concepts in the existing language and has been significantly rewritten]</i></p>

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<p><b><u>Policy 1 p. 42</u></b>  <u>General policy.</u> The County of Marin supports and encourages the enhancement of public recreational opportunities and the development of visitor-serving facilities in its coastal zone. Such development must, however, be undertaken in a manner which preserves the unique qualities of Marin's coast and which is consistent with the protection of natural resources and agriculture. Generally, recreational uses shall be low-intensity, such as hiking, camping, and fishing, in keeping with the character of existing uses in the coastal zone. New visitor-serving commercial development shall be compatible in style, scale, and character with that of the community in which it is located and shall be sited and designed to minimize impacts on the environment add on other uses in the area. The County encourages that a diversity of recreational opportunities and facilities be provided, especially those of moderate cost. Facilities for water-oriented recreational uses, such as clamming and boating, are preferred to those which do not require a coastal location.</p> <p><b><u>Policy Status</u></b>  The concept of this policy has been carried forward to Policy <b>C-PK-2</b> Compatible Commercial Recreation Facilities and <b>C-PK-8</b> Appropriate Public Recreational Opportunities.</p>	<p><b>C-PK-2 Compatible Commercial Recreation Facilities.</b> Ensure that new visitor serving and commercial development is compatible in architectural character, scale, and function with the character of the community in which it is located in order to preserve the integrity and special qualities of coastal villages in the Coastal Zone. Site and design visitor serving and commercial development to minimize impacts on the environment and on other uses in the area, and evaluate it for its conformance with LCP policies on natural resources and agriculture, visual quality, public access, and public services, among others.  (PC app. 10/26/09)  <i>[Unit II Recreation and Visitor Serving Facilities Policy 1, p. 42 and 3.a., p. 43]</i></p> <p><b><u>Unit II Policy 1 p. 42</u></b>  <del>General policy. The County of Marin supports and encourages the enhancement of public recreational opportunities and the development of visitor serving facilities in its coastal zone. Such development must, however, be undertaken in a manner which preserves the unique qualities of Marin's coast and which is consistent with the protection of natural resources and agriculture. Generally, recreational uses shall be low-intensity, such as hiking, camping, and fishing, in keeping with the character of existing uses in the coastal zone.</del> <b><u>C-PK-2 Compatible Commercial Recreation Facilities.</u></b> <u>Ensure that</u> <del>A</del><u>new</u> visitor-serving commercial development <del>shall be is</del> compatible in architectural character, scale, and function with the character of the community in-style, scale, and character with that of the community in which it is located and shall be sited and designed to minimize impacts on the environment add <u>which it is located in order to preserve the integrity and special qualities of coastal villages in the Coastal Zone. Site and design visitor serving and commercial development to minimize impacts on the environment and on other uses in the area, and evaluate it for its conformance with LCP policies on natural resources and agriculture, visual quality, public access, and public services, among others. The County encourages that a diversity of recreational opportunities and facilities be provided, especially those of moderate cost. Facilities for water-oriented recreational uses, such as clamming and boating, are preferred to those which do not require a coastal location.</u></p> <p><b>C-PK-8 Appropriate Public Recreation Opportunities.</b> Ensure that public recreational development is undertaken in a manner which preserves the</p>

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	<p>unique qualities of Marin's coast and which is consistent with the protection of natural resources and agriculture. Generally, recreational uses shall be low-intensity, such as hiking, camping, and fishing, in keeping with the character of existing uses in the Coastal Zone. (PC app. 11/23/09) <i>[Adapted from Unit II Recreation and Visitor Serving Facilities Policy 1, p. 42]</i></p> <p><b><u>Unit II Policy 1 p. 42</u></b>  <del>General policy. C-PK-8 Appropriate Public Recreation Opportunities. The County of Marin supports and encourages the enhancement of</del>Ensure that public recreational opportunities and the development of visitor serving facilities in its coastal zone. Such development must, however, be development is undertaken in a manner which preserves the unique qualities of Marin's coast and which is consistent with the protection of natural resources and agriculture. Generally, recreational uses shall be low-intensity, such as hiking, camping, and fishing, in keeping with the character of existing uses in the eCoastal zZone. New visitor serving commercial development shall be compatible in style, scale, and character with that of the community in which it is located and shall be sited and designed to minimize impacts on the environment add on other uses in the area. The County encourages that a diversity of recreational opportunities and facilities be provided, especially those of moderate cost. Facilities for water oriented recreational uses, such as clamming and boating, are preferred to those which do not require a coastal location.</p>
<p><b><u>Policy 2 p. 42-43</u></b>  <u>Public parklands.</u></p> <p>a. Role of public parklands. Federal, state, and county parks provide most of the existing opportunities for public recreation in Unit II, for both local residents and coastal visitors. The LCP assumes that most future recreational needs of the public will be met by these parks as well. The potential for additional recreational development on parklands is substantial and would, in concept, be consistent with the goals of the LCP. The policies listed below provide a framework within which such future development is to be evaluated. (Policies on federal lands are given in a separate section of the LCP on page 61.)</p> <p>b. State parks. The State Department of Parks and Recreation has numerous holdings in Unit II, several of which have not yet been developed. The State will prepare detailed master plans for the development of these parks which shall be subject to review according to the following standards:</p>	<p><b>C-PK-11 State Parks.</b> The State Department of Parks and Recreation has numerous holdings in the Coastal Zone, several of which have not yet been developed. The Department has prepared a General Plan for Tomales Bay State Park, which includes most of the state park land in Marin County's Coastal Zone. The Tomales Bay State Park General Plan states that it "aims to preserve what works well now in the park and only recommends changes to park management, activities, and recreational and administrative facilities that can harmonize with the area's sensitive values and support valuable visitor experiences of Tomales Bay and its surrounding landscape." Support development at Tomales Bay State Park consistent with the adopted General Plan:</p> <ol style="list-style-type: none"> <li>1. Focus and anchor east shore recreation at Marconi Cove and west shore recreation at Heart's Desire Area.</li> <li>2. Manage the greater part of park areas for their habitat, watershed, and aesthetic values and for low-impact and low-density recreation opportunities such as trail use, nature observation, and picnicking.</li> </ol>

## Unit II

### Existing and Proposed Policies

#### Recreation and Visitor Serving Facilities

<p>(1) Inverness Ridge. Development of the 1200-acre Inverness Ridge project should be limited to low-intensity uses such as hiking and nature study. Primitive hike-in campsites are also appropriate in select locations, where the constraints of slope, fire hazard, and water quality impacts can be adequately-addressed. Extreme caution should be taken in siting campsites to minimize fire danger to nearby residential areas. Development of the Inverness Ridge project should be integrated with that of Tomales Bay State Park and the Point Reyes National Seashore. The County encourages the transfer of state parklands on the Inverness Ridge, located between Paradise Ranch Estates and the Inverness Valley Inn, to the federal government for management as part of the Point Reyes National Seashore, as authorized in Public Law 96-199.</p> <p>(2) Tomasini/Millerton Points. This area should be developed both for day and overnight use. Recommended facilities for this park include picnic sites, fishing areas, trails, nature study areas, and campsites. The campsites should be located on the upland side of Highway 1 where they can be screened from view and sited so as not to interfere with adjacent agricultural uses or create a fire hazard. The existing mariculture operation on the property should remain and, if possible, be incorporated into the interpretive facilities of the park. The five existing single-family dwellings on Millerton Point should be removed so that the natural beach landscape in this area can be restored. A bike trail connecting with Highway 1 should be included in the development plan and the construction of a boat launch should be considered. All development on the Points should be carefully sited and designed to protect views to and along Tomales Bay.</p> <p>(3) <u>Cypress Grove project</u>. This property should be a day use area only, due to its small size, high visibility, and exposure. Picnicking, hiking, fishing, and nature study would be appropriate activities for this park. The possibility of incorporating interpretive facilities on this site with those on Cypress Grove properties to the south, owned by Audubon Canyon Ranch, should be explored.</p> <p>c. County parks. The three county parks in Unit II, Miller Park, Whitehouse Pool, and Chicken Ranch Beach, offer boating, fishing, and swimming opportunities in key locations and should remain in operation. If possible, water should be supplied to Miller Park for the benefit of those who use the facility. Existing roadside parking for Chicken Ranch Beach on Sir Francis Drake Boulevard should be maintained in its present configuration. If parcels to the south are purchased as an addition to the Beach, modest expansion of the parking area</p>	<ol style="list-style-type: none"> <li>3. Enhance trail connections with Point Reyes National Seashore in the Heart's Desire and Inverness Areas.</li> <li>4. Improve recreational opportunities along the Highway 1 corridor where recent acquisitions present new opportunities.</li> <li>5. Formalize small-scale camping opportunities in previously developed areas.</li> <li>6. Provide watercraft and sailboard launching opportunities at Marconi Cove and provide hiking and mountain biking recreational opportunities at the proposed trail in the Millerton Uplands.</li> <li>7. Use sustainable design in the siting, construction, and maintenance of park facilities.</li> </ol> <p>Furthermore, the following guidelines shall be applied as standards for coastal project permit review for proposed development in the park:</p> <p><b><u>Heart's Desire Area</u></b></p> <ol style="list-style-type: none"> <li>1. Preserve and enhance the forest structure and age classes of the Jepson Grove/Bishop pine forest and forest growth by improving <i>Pinus muricata</i> growth.</li> <li>2. Continue to manage Heart's Desire Beach as the only "drive-up" beach access in the park.</li> <li>3. Preserve and enhance the Indian Beach estuary and protect its cultural attributes including the midden site.</li> <li>4. Restore the natural outlet of the estuary that was lost when the parking lot was built at Heart's Desire Beach in the 1960s.</li> <li>5. Redesign and relocate picnic facilities to better blend with the natural environment and to provide a sense of seclusion where appropriate.</li> <li>6. Adapt former hike-bike campground to a group campground.</li> <li>7. Develop small walk-in campground (maximum of 15 sites) above the entrance station provided, however, that accommodation may be made for vehicles to provide any necessary disability access.</li> <li>8. Encourage the Point Reyes National Seashore to extend its trail system to help complete the California Coastal Trail in two locations: connect the Indian Beach Trail to Marshall Beach Trail, and connect the Johnstone Trail to the Mount Vision Road and Inverness Ridge Trail.</li> </ol> <p><b><u>Inverness Area</u></b></p> <ol style="list-style-type: none"> <li>1. Manage these parcels as natural watershed, viewshed and wildlife habitat.</li> <li>2. On the North Dream Farm property, consider developing a day-use trailhead, a self-guided nature trail loop, and an extension of the nature trail which would connect with the ridgetop trails of Point Reyes National</li> </ol>
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## Unit II

### Existing and Proposed Policies

#### Recreation and Visitor Serving Facilities

should be considered.

- d. Acquisitions. The undeveloped shoreline on both sides of Tomales Bay has great value for public recreation, public physical and visual access to the water, and natural resource protection. The County strongly encourages public acquisition of these lands so that they may be preserved for public use and protected from the impacts of development. To this end, the County supports recent federal legislation, HR 3757, authorizing purchase of undeveloped lots on Tomales Bay and recommends that purchase be completed as soon as possible. The County also supports the acquisition of all or a portion of the property known as Jensen's Oyster Beds, AP #104-110-08, as an extension of Miller Park if it is not developed for some other visitor-serving use and the acquisition of Tom's Point, AP #104-040-20,21, to protect the significant archaeological and geological resources on the site.

#### Policy Status

The concept of this policy has been carried forward to Policy **C-PK- 11** State Parks and **C-PK-12** Existing County Parks in the Coastal Zone. A strike through and underline version has not been provided for **C-PK-11** since the policy has been significantly rewritten.

Seashore.

3. Consider acquisitions from willing sellers, land exchanges, or land-use agreements to consolidate the park's three discontinuous Inverness Area parcels and make them more usable for public hiking both on the Tomales Bay side and to connect with trails in the Point Reyes National Seashore.
4. Encourage the State Department of Parks and Recreation to consider transferring to the Inverness Public Utilities District the management or ownership of the three Assessors Parcels located around the District's watershed lands.

#### Millerton Area-

1. Preserve and protect the Tomasini Point estuary area as habitat for native plants and animals.
2. Create a Millerton Uplands trail as part of a new segment of the California Coastal Trail.
3. Consider establishment of two trailheads to support the proposed Millerton Uplands trail—a southern trailhead near Millerton Point and a northern trailhead at Tomasini Point, including, if necessary for safety, a modest-sized and sensitively located and screened parking lot and restroom facilities on the east side of the highway near the entrance to Sheep Ranch Road.
4. Encourage the State Department of Parks and Recreation to maintain existing agricultural operations on acquired lands on the east shore of Tomales Bay until such time as the lands are developed for recreational purposes.

#### Marconi Cove Area

1. Provide day-use picnicking and boating facilities at this former marina/campground site.
2. Provide approximately eight walk-in campsites which could accommodate, but would not be limited to, the camping needs of bicyclists, boaters, and future hikers of the California Coastal Trail.
3. Consider adaptation of the bathhouse (potentially historic) along Highway 1 to use as staff or campground host housing or for another park use. The old gas station is less than 50 years old, does not have the potential for historic significance, and can be demolished.
4. Retain natural values where the property is narrowest, on the south end.
5. Ensure that development and operation of recreational facilities at Marconi Cove consider potential impacts to freshwater and baywater quality, wildlife, and to existing state water bottom leases utilized for commercial shellfish aquaculture.

## Unit II

### Existing and Proposed Policies

#### Recreation and Visitor Serving Facilities

##### **North Marshall Area**

1. Preserve the natural resources and open space character of this property and consider future potential for low-intensity public access and use.
2. Since this property is remote from the park's other holdings and has limited recreational potential, explore the environmental and operational benefits that may be available through land exchanges, memoranda of understandings, or other arrangements with interested organizational stakeholders to achieve common goals of protecting and managing the natural resources and open space of this area.

(PC app. 2/8/10)

*[Unit II Recreation and Visitor Serving Facilities Policy 2.b., p. 42]*

*[A ~~strike out~~ and underline version of this proposed policy is not provided since the proposed policy is an adaptation of the concepts in the existing language and has been significantly rewritten]*

**C-PK-12 Existing County Parks in the Coastal Zone.** Continue to operate the six Marin County Parks facilities in the Coastal Zone, Miller Park, Whitehouse Pool, Chicken Ranch Beach, Bolinas Park, Upton Beach, and Agate Beach, which offer boating, fishing, and swimming opportunities in key locations. If possible, supply water to Miller Park for the benefit of those who use the facility. Maintain existing roadside parking for Chicken Ranch Beach on Sir Francis Drake Boulevard, and add handicapped parking, if feasible.

(PC app. 11/23/09)

*[Adapted from Unit II Public Parklands Policy 2.c., p. 43]*

##### **Policy 2 p. 42-43**

e. ~~County parks.~~ **C-PK-12 Existing County Parks in the Coastal Zone.**  
~~Continue to operate the three six Marin eCounty pParks facilities in Unit II, the Coastal Zone, Miller Park, Whitehouse Pool, and Chicken Ranch Beach, Bolinas Park, Upton Beach, and Agate Beach, which offer boating, fishing, and swimming opportunities in key locations and should remain in operation. If possible, supply water should be supplied to Miller Park for the benefit of those who use the facility. Maintain Existing roadside parking for Chicken Ranch Beach on Sir Francis Drake Boulevard, should be maintained in its present configuration. If parcels to the south are purchased as an addition to the Beach, modest expansion of the parking area should be considered and add handicapped parking, if feasible.~~  
Continue to operate the three six Marin eCounty pParks facilities in Unit II, the Coastal Zone, Miller Park, Whitehouse Pool, and Chicken Ranch Beach, Bolinas Park, Upton Beach, and Agate Beach, which offer boating, fishing, and swimming opportunities in key locations and should remain in operation. If possible, supply water should be supplied to Miller Park for the benefit of those who use the facility. Maintain Existing roadside parking for Chicken Ranch Beach on Sir Francis Drake Boulevard, should be maintained in its present configuration. If parcels to the south are purchased as an addition to the Beach, modest expansion of the parking area should be considered and add handicapped parking, if feasible.

## Unit II Existing and Proposed Policies Recreation and Visitor Serving Facilities

### **Policy 3(a) p. 43**

- (a) General standards and zoning. In order to preserve the integrity and special qualities of coastal villages in Unit II, visitor-serving and commercial development shall be compatible in architectural style, scale, and function with the character of the community in which it is located. Such development shall also be evaluated for its conformance with LCP policies on natural resources and agriculture, visual quality, public access, and public services, among others. Existing commercial zoning shall be modified in accordance with policies 3(b) through 3(g) below. Additional LCP rezonings, not related to commercial development, are given in the LCP section on new development, page 209.

### **Policy Status**

The concept of this policy has been carried forward to Policy **C-PK- 2** Compatible Commercial Recreation Facilities.

**C-PK-2 Compatible Commercial Recreation Facilities.** Ensure that new visitor serving and commercial development is compatible in architectural character, scale, and function with the character of the community in which it is located in order to preserve the integrity and special qualities of coastal villages in the Coastal Zone. Site and design visitor serving and commercial development to minimize impacts on the environment and on other uses in the area, and evaluate it for its conformance with LCP policies on natural resources and agriculture, visual quality, public access, and public services, among others.

*[Unit II Recreation and Visitor Serving Facilities Policy 1, p. 42 and 3.a., p. 43]*

### **Unit II Policy 1 p. 42**

General policy. ~~The County of Marin supports and encourages the enhancement of public recreational opportunities and the development of visitor serving facilities in its coastal zone. Such development must, however, be undertaken in a manner which preserves the unique qualities of Marin's coast and which is consistent with the protection of natural resources and agriculture. Generally, recreational uses shall be low-intensity, such as hiking, camping, and fishing, in keeping with the character of existing uses in the coastal zone.~~ **C-PK-2 Compatible Commercial Recreation Facilities.** Ensure that new visitor-serving and commercial development shall be is compatible in style architectural character, scale, and and function with the character-with that of the community in which it is located in order to preserve the integrity and special qualities of coastal villages in the Coastal Zone and shall be sited and designed visitor serving and commercial development to minimize impacts on the environment and on other uses in the area-, and evaluate it for its conformance with LCP policies on natural resources and agriculture, visual quality, public access, and public services, among others. The County encourages that a diversity of recreational opportunities and facilities be provided, especially those of moderate cost. Facilities for water oriented recreational uses, such as clamming and boating, are preferred to those which do not require a coastal location.

### **Unit II Policy 3(a) p. 43**

- (a) General standards and zoning. Ensure that new visitor serving and commercial development is compatible in architectural character, scale, and function with the character of the community in which it is located i~~n~~ order to preserve the integrity and special qualities of coastal villages in Unit II, the Coastal Zone. Site and design visitor-serving and commercial development shall be compatible in architectural style, scale, and function with the character of the

## Unit II Existing and Proposed Policies Recreation and Visitor Serving Facilities

	<p>community in which it is located. Such development shall also be to minimize impacts on the environment and on other uses in the area, and evaluated it for its conformance with LCP policies on natural resources and agriculture, visual quality, public access, and public services, among others. Existing commercial zoning shall be modified in accordance with policies 3(b) through 3(g) below. Additional LCP rezonings, not related to commercial development, are given in the LCP section on new development, page 209.</p>			
<p><b>Policy 3(b) p. 44</b></p> <p>(b) <u>Olema</u>. The town of Olema consists of a small enclave of privately owned lands surrounded by federal parkland, located at the junction of two major coastal access roads. Due to its location and function, Olema is an appropriate site for the expansion of visitor-serving facilities. Specifically, an increase in campsites or trailer sites at the Olema Ranch Campground would be appropriate, provided that sewage disposal and other constraints can be met and that suitable landscaping is provided to screen the trailer storage area. New motel construction and/or the conversion of existing structures to hotels or hostels, as well as the development of other commercial services, is also encouraged.</p> <p>In order to concentrate development, provide for the expansion of visitor-serving facilities, and preserve agriculture, the following rezonings' shall be adopted:</p> <p>(1) The two large agricultural parcels on the east side of Highway 1 currently zoned for strip RCR development, AP #166-030-15 and AP #166-010-27, shall be rezoned to APZ-60. <i>(Staff note: Parcel 166-030-15 has been rezoned to C-OA and is now owned by the GGNRA; Parcel 166-010-27 is also owned by the GGNRA and was rezoned to C-APZ-60.)</i></p> <p>(2) The parcels bounded by Bear Valley Road to the south, Highway 1 to the east, Olema Creek to the west, and adjacent to the Olema Ranch Campground but which are -not a part of the campground, shall be rezoned from A-2:B-2 and RCR to VCR.</p> <p>These parcels include:</p> <table><tr><td>AP number</td><td>Zoning: Existing</td><td>Zoning: LCP</td></tr></table>	AP number	Zoning: Existing	Zoning: LCP	<p><b>C-OL-1 Community Character of Olema.</b> Maintain Olema’s existing mix of residential, commercial, and open space land uses and the small-scale, historic community character. Minimize the impacts of future development in the hillside area of Olema with the following design standards:</p> <ol style="list-style-type: none"><li>1. Cluster structures on the more level areas away from the steep road cuts on Highway One and off the upper grassy slopes, which shall be maintained open to protect their visual character.</li><li>2. Incorporate and reflect the historic character of Olema and existing recreational uses in project design. The height of structures shall be in keeping with the character and scale of the surrounding community to minimize visual impacts on adjacent federal parklands, Highway One, and Sir Francis Drake Boulevard.</li><li>3. Provide pedestrian paths as appropriate to nearby federal park activity areas.</li></ol> <p><i>[Unit II Recreation and Visitor Serving Facilities Policy 3b(5) p. 44 and Public Services Policy 3b, p. 190]</i></p> <p><b>Unit II Policy 3(b) p. 44</b></p> <p><del>(5) The large 13+ acre parcel upland and north of the Old Olema Hotel, AP #166 193 01, 02, and #166 230 05, shall be rezoned from H 1 and A 2:B 2 to RCR. This parcel has potential for development as a motel/resort complex, the only parcel with this potential in Olema. The site is large enough for a 20 to 40 unit motel or cottages, a major addition to the town. In order to minimize the impacts of development on this site, C-OL-1 Community Character of Olema. Maintain Olema’s existing mix of residential, commercial, and open space land uses and the small-scale, historic community character. Minimize the impacts of future development in the hillside area of Olema with the following design standards shall be met:</del></p> <ol style="list-style-type: none"><li><del>1. Structures shall be clustered</del> Cluster structures on the more level areas of the property away from the steep road cuts on Highway 1</li></ol>
AP number	Zoning: Existing	Zoning: LCP		

## Unit II

### Existing and Proposed Policies

#### Recreation and Visitor Serving Facilities

166-181-01,03	RCR	VCR
166-181-04	A-2:B-2	VCR
166-192-01	A-2:B-2	VCR
166-192-02	RCR	VCR
166-220-15,16	RCR	VCR

*Staff note: the parcels in the above table were rezoned to C-VCR via Ordinance 2704. In addition, parcel 166-192-02 is now 166-192-06. Parcel 166-220-15 is now 166-220-18 and 19.*

- (3) The parcels in the center of town bounded by Bear Valley Road to the north, Highway 1 to the east, Olema Creek to the west, and a private road to the south, currently zoned H-1 or A-2:B-2, shall be rezoned to VCR. Two small inholdings south of Sir Francis Drake Boulevard on the east side of Highway 1 zoned H-1 shall also be rezoned to VCR. These parcels include:

AP number	Zoning: Existing	Zoning: LCP
166-191-03,04	H-1	VCR
166-201-06,09,10,13	H-1	VCR
166-201-02,07,08	A-2:B-2	VCR
166-203-02,03	H-1	VCR
166-212-03,04	A-2:B-2	VCR
166-213-01,02	A-2:B-2	VCR

*Staff note: the parcels in the above table were rezoned to C-VCR via Ordinance 2704. In addition, parcel 166-166-201-09 and 10 are now combined into 166-201-14. Also, AP #166-191-04; 166-201-06 and 14; 166-203-02 an, 03; and 166-213-01 and 02 are all inside the Historic Preservation Boundary.*

- (4) The row of four parcels on the northeast corner of Sir Francis Drake Boulevard and Highway 1, uphill from the Old Olema Hotel, shall be rezoned from H-1 and A-2:B-2 to VCR. These parcels include:

AP number	Zoning: Existing	Zoning: LCP
166-202-01	H-1	VCR
166-202-02,03,04	A-2:B-2	VCR

- (5) The large 13+ acre parcel upland and north of the Old Olema Hotel, AP #166-193-01, 02, and #166-230-05, shall be rezoned from H-1 and A-2:B-

and off the upper grassy slopes, which shall be maintained open to protect their visual character.

2. Incorporate and reflect the historic character of Olema and existing recreational uses in project design. ~~Development shall be designed~~The height of ~~permitted~~ structures shall be in keeping with the character and scale of the surrounding development community to minimize visual impacts on adjacent federal parklands, Highway 1, and Sir Francis Drake Boulevard.
3. Provide ~~P~~pedestrian paths ~~shall be established from the site as appropriate~~ to nearby federal park activity areas. ~~Minor improvements may be required to Highway 1 in order to safely accommodate such paths.~~
  - The character of the project shall incorporate and reflect the historic character of Olema and existing recreational uses in the area. Comments from the National Park Service shall be solicited in the process of development plan review by the County.
  - Development shall include adequate on-site sewage disposal

- (1) The two large agricultural parcels on the east side of Highway 1 currently zoned for strip RCR development, AP #166-030-15 and AP #166-010-27, shall be rezoned to APZ-60.

- (2) The parcels bounded by Bear Valley Road to the south, Highway 1 to the east, Olema Creek to the west, and adjacent to the Olema Ranch Campground but which are not a part of the campground, shall be rezoned from A-2:B-2 and RCR to VCR.

These parcels include:

AP number	Zoning: Existing	Zoning: LCP
166-181-01,03	RCR	VCR
166-181-04	A-2:B-2	VCR
166-192-01	A-2:B-2	VCR
166-192-02	RCR	VCR
166-220-15,16	RCR	VCR

- (3) The parcels in the center of town bounded by Bear Valley Road to the north, Highway 1 to the east, Olema Creek to the west, and a private road to the south, currently zoned H-1 or A-2:B-2, shall be rezoned to VCR. Two small inholdings south of Sir Francis Drake Boulevard on the east side of Highway 1 zoned H-1 shall also be rezoned to VCR. These parcels include:

AP number	Zoning: Existing	Zoning: LCP
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## Unit II

### Existing and Proposed Policies

#### Recreation and Visitor Serving Facilities

<p>2 to RCR. This parcel has potential for development as a motel/resort complex, the only parcel with this potential in Olema. The site is large enough for a 20 to 40 unit motel or cottages, a major addition to the town. In order to minimize the impacts of development on this site, the following design standards shall be met:</p> <ul style="list-style-type: none"><li>Structures shall be clustered on the more level areas of the property, away from the steep road cuts on Highway 1 and off of the upper grassy slopes. These upper slopes shall be maintained open to protect their visual character.</li><li>Development shall be designed to minimize visual impacts on adjacent federal parklands, Highway 1, and Sir Francis Drake Boulevard. The height of permitted structures shall be in keeping with the character and scale of surrounding development.</li><li>Pedestrian paths shall be established from the site to nearby federal park activity areas. Minor improvements may be required to Highway 1 in order to safely accommodate such paths.</li><li>The character of the project shall incorporate and reflect the historic character of Olema and existing recreational uses in the area. Comments from the National Park Service shall be solicited in the process of development plan review by the County.</li><li>Development shall include adequate on-site sewage disposal</li></ul> <p><b><u>Policy Status</u></b></p> <p>The concept of this policy has been carried forward to Policy <b>C-OL-1</b> Community Character of Olema.</p>	<table><tr><td>166-191-03,04</td><td>H-1</td><td>VCR</td></tr><tr><td>166-201-06,09,10,13</td><td>H-1</td><td>VCR</td></tr><tr><td>166-201-02,07,08</td><td>A-2:B-2</td><td>VCR</td></tr><tr><td>166-203-02,03</td><td>H-1</td><td>VCR</td></tr><tr><td>166-212-03,04</td><td>A-2:B-2</td><td>VCR</td></tr><tr><td>166-213-01,02</td><td>A-2:B-2</td><td>VCR</td></tr></table>	166-191-03,04	H-1	VCR	166-201-06,09,10,13	H-1	VCR	166-201-02,07,08	A-2:B-2	VCR	166-203-02,03	H-1	VCR	166-212-03,04	A-2:B-2	VCR	166-213-01,02	A-2:B-2	VCR
166-191-03,04	H-1	VCR																	
166-201-06,09,10,13	H-1	VCR																	
166-201-02,07,08	A-2:B-2	VCR																	
166-203-02,03	H-1	VCR																	
166-212-03,04	A-2:B-2	VCR																	
166-213-01,02	A-2:B-2	VCR																	
<p><b><u>Policy 3(c) p. 46</u></b></p> <p>Point Reyes Station. Point Reyes Station is recognized as the commercial center of the Unit II coastal zone because of its available land area, existing commercial services, and location. The development of additional visitor-serving and commercial facilities in the community is encouraged, especially the development of overnight accommodations, of which the town has none. The LCP supports the recommendations of the community plan that overnight accommodations be established in the Grandi Building, AP #119-234-01, and on AP 1f 119-240-05. Because relatively few parcels in town zoned for commercial uses remain undeveloped, the following zoning changes shall be adopted to ensure that adequate land area is available for future commercial development:</p> <p>(1) Village Commercial use shall be expanded to include the southeasterly half of the block bounded by A and B Streets and 5th and 6th Streets. This</p>	<p><b>C-PRS-2 Commercial Infill.</b> Promote commercial infill within and adjacent to existing commercial uses. Consider rezoning the four blocks bounded by B, C, 3rd, and 7th Streets, which are presently zoned C-RA:B2 to Village Commercial Residential (C-VCR), if it is determined that additional areas are necessary for visitor and local serving commercial uses. This area of the town constitutes the most suitable area for visitor and local serving commercial expansion because it is level, has adequate space, is located adjacent to the existing commercial area, and is several blocks removed from Highway One, thus reducing the potential for substantial traffic impacts as development proceeds.</p> <p><i>[Adapted from Unit II Recreation and Visitor Serving Facilities Policy 3c(1) p. 46]</i></p> <p><b><u>Unit II Policy 3(c) p. 46</u></b></p> <p><del>(1) C-PRS-2 Commercial Infill. Village Commercial use shall be expanded to include the southeasterly half of the block bounded by A</del></p>																		



## Unit II Existing and Proposed Policies Recreation and Visitor Serving Facilities

defined commercial area will help to promote commercial infilling within and adjacent to existing commercial uses as recommended by the Community Plan. When the LCP is reviewed in 5 years, further expansion to include the four blocks bounded by B, C, 3rd, and 7th Streets shall be considered if it is determined that additional areas are necessary for visitor servicing and commercial uses. This area of the town constitutes the most suitable area for commercial expansion because it is level, has adequate space, is located adjacent to the existing commercial area, and is several blocks removed from Highway 1, thus reducing the potential for substantial traffic impacts as development proceeds.

- (2) The six acres south of town currently zoned RMPC shall be rezoned to VCR. Because of the lack of a community sewer, additional multiple unit development in this area is not appropriate. Existing multiple units can remain and, if destroyed by natural disaster, may be rebuilt. *Staff note: These parcels appear to be 166-170-12 and 24, which were rezoned to C-VCR:B2 via Ordinance 2704.*
- (3) The 12.7 acre parcel located at the junction of Highway 1 and the Point Reyes-Petaluma Road, AP# 119-240-55, shall be rezoned to permit visitor-serving and commercial uses as a principle permitted use. Under the parcel's current RMP-4 zoning, motels and similar commercial uses are permitted by use permit. The site does appear to have potential for a small 20-unit motel, cottages, hostel, or similar facility. To protect the site's visual and environmental qualities, new development shall be sited and designed to minimize view and traffic impacts on nearby public roads, protect Lagunitas Creek and adjacent riparian vegetation from the impacts of erosion and water quality degradation, and minimize slope disturbance. Development shall be clustered, limited in height to that which is compatible with the surrounding area and scale of development, and shall provide adequate waste disposal on-site. *Staff note: This parcel was rezoned to C-RMPC via Ordinance 2704.*
- (4) The 248-acre parcel known as Martinelli Farms provides a unique opportunity for the development of visitor-serving uses. The parcel has adequate land area, a desirable location, and magnificent views on Tomales Bay. A motel or cottages are recommended along with campsites and day use picnic facilities. The site also has potential for other visitor-serving uses such as a restaurant, on-site fishing area, nature study area, or stables. Due to the large amount of land available in other parts of Point Reyes Station for residential development, Martinelli Farms is not considered a prime residential site. Limited residential development may

~~and B Streets and 5th and 6th Streets. This defined commercial area will help to p~~ Promote commercial infill within and adjacent to existing commercial uses as recommended by the Community Plan.

Consider rezoning When the LCP is reviewed in 5 years, further expansion to include the four blocks bounded by B, C, 3<sup>rd</sup>, and 7<sup>th</sup> Streets, ~~shall be considered~~ which are presently zoned C-RA:B2 to Village Commercial Residential (C-VCR), if it is determined that additional areas are necessary for visitor and local serving commercial uses. This area of the town constitutes the most suitable area for visitor and local serving commercial expansion because it is level, has adequate space, is located adjacent to the existing commercial area, and is several blocks removed from Highway 1, thus reducing the potential for substantial traffic impacts as development proceeds.

- ~~(2) The six acres south of town currently zoned RMPC shall be rezoned to VCR. Because of the lack of a community sewer, additional multiple unit development in this area is not appropriate. Existing multiple units can remain and, if destroyed by natural disaster, may be rebuilt.~~

**C-PRS-3 Visitor Serving and Commercial Facilities.** Encourage the development of additional visitor serving and commercial facilities, especially overnight accommodations. Continue to support the recommendations of the Point Reyes Station Community Plan to establish overnight accommodations in the Grandi Building (Assessor Parcel Number 119-234-01 and Assessor Parcel Number 119-240-55, located at the junction of Highway One and Point Reyes – Petaluma Road (See also PRS-4 Junction of Highway One and Point Reyes-Petaluma Road below).

(PC app. 07/29/10)

*[Adapted from Unit II Recreation and Visitor Serving Facilities Policy 3c p. 46]*

### Unit II Policy 3(c) p. 46

~~Point Reyes Station. Point Reyes Station is recognized as the commercial center of the Unit II coastal zone because of its available land area, existing commercial services, and location.~~ **C-PRS-3 Visitor Serving and Commercial facilities.** The development of additional visitor serving and commercial facilities in the community is eEncouraged, especially the development of overnight accommodations, of which the town has none. ~~the development of additional visitor serving and commercial facilities, especially the development of overnight accommodations, of which the town has none.~~ The LCP Continue to supports the recommendations of the Point Reyes Station eCommunity pPlan that ~~overnight accommodations be~~

## Unit II Existing and Proposed Policies Recreation and Visitor Serving Facilities

be permitted, however, in conjunction with visitor facilities, as a secondary use. Currently, the site is zoned RSP-0.33 for planned residential development. This zoning allows an overall density of 1 unit per 3 acres, or a total of 82 units. The LCP recommends that this density be retained, although the actual density of permitted development may be substantially less, depending on site constraints. To encourage visitor use, the zoning shall be changed to permit mixed commercial and residential use. In addition, a minimum of 50% of the total units constructed shall be visitor-serving. The provisions for visitor-serving units may serve as a trade-off for any inclusionary residential units required by County ordinance.

Prior to the commencement of any project designed for this site, an environmental assessment shall be conducted to identify the environmental resources and constraints of the site. In addition to any development standards proposed as a result of that assessment, the following development standards shall apply:

- Development shall be located out of the most environmentally sensitive areas of the site and shall minimize visual impacts on Highway 1 and other public viewing points. Structures shall be limited in height to that which is compatible with the character of the surrounding area. The site is particularly sensitive visually and must be developed with careful attention to visual factors.
- The option for construction of community sewer facilities on the property shall be retained until an alternative site is selected or until the first review of the LCP in five years. North Marin County Water District shall be consulted on this aspect of the project during the review of development plans by the County.
- Setbacks shall be maintained from the Tomales Bay Ecological Reserve which are adequate to protect wildlife and marsh habitat, as recommended by the State Department of Fish and Game.
- Setbacks from the bluff above the old railroad right of way shall also be required, consistent with LCP policies on bluff-top development.
- The development of an internal vehicular access route to downtown Point Reyes Station to reduce traffic impacts on Highway 1 should be investigated.

*Staff note: The Martinelli Farms property has been purchased for inclusion in the Golden Gate National Recreation Area.*

### **Policy Status**

The concept of this policy has been carried forward to Policy **C-PRS 3** Visitor

~~established to establish overnight accommodations in the Grandi Building (Assessor Parcel Number AP #119-234-01) and on Assessor Parcel Number on AP AP 1f 119-240-05-119-240-55, located at the junction of Highway One and Point Reyes – Petaluma Road (See also C-CD-3.10 Junction of Highway One and Point Reyes-Petaluma Road below). Because relatively few parcels in town zoned for commercial uses remain undeveloped, the following zoning changes shall be adopted to ensure that adequate land area is available for future commercial development:~~

### **C-PRS-4 Junction of Highway One and Point Reyes – Petaluma Road.**

Permit visitor-serving and commercial uses on APN 119-240-55, located at the junction of Highway One and the Point Reyes – Petaluma Road, which has development potential for a small 20-unit motel, cottages, hostel, or similar facility. This site is also a suitable location for up to 15 units of affordable housing. To protect the site's visual and environmental qualities, new development shall be sited and designed to minimize view and traffic impacts on nearby public roads, protect Lagunitas Creek and adjacent riparian vegetation from the impacts of erosion and water quality degradation, and minimize slope disturbance. Development shall be clustered, limited in height to that which is compatible with the surrounding area and scale of development, and shall provide adequate waste disposal on-site. (PC app. 07/29/10)

*[Adapted from Unit II Recreation and Visitor Serving Facilities Policy 3c(3) p. 46]*

### **Unit II Policy 3(c) p. 46**

- (3) **C-PRS-4 Junction of Highway One and Point Reyes – Petaluma Road.** ~~The 12.7 acre parcel located at the junction of Highway 1 and the Point Reyes – Petaluma Road, AP# 119-240-55, shall be rezoned to~~ permit visitor-serving and commercial uses ~~as a principle permitted use on APN 119-240-55, located at the junction of Highway One and the Point Reyes – Petaluma Road. The site does appear to have which~~ has development potential for a small 20-unit motel, cottages, hostel, or similar facility. This site is also a suitable location for up to 15 units of affordable housing. To protect the site's visual and environmental qualities, new development shall be sited and designed to minimize view and traffic impacts on nearby public roads, protect Lagunitas Creek and adjacent riparian vegetation from the impacts of erosion and water quality degradation, and minimize slope disturbance. Development shall be clustered, limited in height to that which is compatible with the surrounding area and scale of development, and shall provide adequate waste disposal on-site.



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<p>Serving and Commercial Facilities and <b>C-PRS-4</b> Junction of Highway One and Point Reyes-Petaluma Road. Section 3(C)2 has been implemented so this portion is not carried forward. Section 3(C)2 is not carried forward because this parcel, known as Martinelli Farms, has since been purchased for inclusion in the Golden Gate National Recreational Area and the language is no longer relevant.</p>	<p>(4) <del>The 248 acre parcel known as Martinelli Farms provides a unique opportunity for the development of visitor serving uses. The parcel has adequate land area, a desirable location, and magnificent views on Tomales Bay. A motel or cottages are recommended along with campsites and day use picnic facilities. The site also has potential for other visitor serving uses such as a restaurant, on-site fishing area, nature study area, or stables. Due to the large amount of land available in other parts of Point Reyes Station for residential development, Martinelli Farms is not considered a prime residential site. Limited residential development may be permitted, however, in conjunction with visitor facilities, as a secondary use. Currently, the site is zoned RSP 0.33 for planned residential development. This zoning allows an overall density of 1 unit per 3 acres, or a total of 82 units. The LCP recommends that this density be retained, although the actual density of permitted development may be substantially less, depending on site constraints. To encourage visitor use, the zoning shall be changed to permit mixed commercial and residential use. In addition, a minimum of 50% of the total units constructed shall be visitor serving. The provisions for visitor serving units may serve as a trade off for any inclusionary residential units required by County ordinance.</del></p> <p>— Prior to the commencement of any project designed for this site, an environmental assessment shall be conducted to identify the environmental resources and constraints of the site. In addition to any development standards proposed as a result of that assessment, the following development standards shall apply:</p> <ul style="list-style-type: none"> <li>• — Development shall be located out of the most environmentally sensitive areas of the site and shall minimize visual impacts on Highway 1 and other public viewing points. Structures shall be limited in height to that which is compatible with the character of the surrounding area. The site is particularly sensitive visually and must be developed with careful attention to visual factors.</li> <li>• — The option for construction of community sewer facilities on the property shall be retained until an alternative site is selected or until the first review of the LCP in five years. North Marin County Water District shall be consulted on this aspect of the project during the review of development plans by the County.</li> <li>• — Setbacks shall be maintained from the Tomales Bay Ecological Reserve which are adequate to protect wildlife and marsh habitat, as recommended by the State Department of Fish and Game.</li> <li>• — Setbacks from the bluff above the old railroad right of way shall also be required, consistent with LCP policies on bluff top</li> </ul>
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**Existing and Proposed Policies**  
**Recreation and Visitor Serving Facilities**

	<p style="text-align: center;"><del>development.</del></p> <ul style="list-style-type: none"> <li><del>• The development of an internal vehicular access route to downtown Point Reyes Station to reduce traffic impacts on Highway 1 should be investigated.</del></li> </ul>
<p><b><u>Policy 3(d) p. 47</u></b>  <u>Inverness Ridge/west shore of Tomales Bay.</u> This area currently provides 70 of the 82 motel rooms or 90% of all such overnight accommodations in the Unit II coastal zone, as well as numerous other commercial services. Very little commercially zoned land is available for further visitor-serving development; however, because of existing visitor-serving uses on the Inverness Ridge and the space provided in Point Reyes Station and Olema for such development, no significant expansion of commercial zoning on the Ridge is recommended. Expansion shall be limited to adjusting the boundaries of commercial zones in Inverness and Inverness Park to coincide with parcel boundaries. These zones shall be changed to planned commercial in order to allow master plan review in addition, the Golden Hinde Boatel and Inverness Motel shall be rezoned to RCR so that any possible future expansion of these facilities will be subject to master plan review.</p> <p><b><u>Policy Status</u></b>  This policy has not been carried forward since the policy has been implemented and is no longer relevant. The specified areas have been rezoned as recommended above.</p>	n/a
<p><b><u>Policy 3(e) p. 48</u></b>  <u>Marshall/east shore of Tomales Bay.</u> There are very few undeveloped parcels on the east shore of Tomales Bay with the potential for visitor-serving or commercial development, and lack of adequate water supply is a major constraint. However, existing uses on several developed or previously developed parcels could be expanded or modified to allow additional opportunities for coastal visitors, provided that such expanded uses are compatible with the small scale and character of existing development along the Bay. Areas with expansion potential include the property known as Jensen's Oyster Beds, Nick's Cove, Synanon, and Marconi Cove Marina. The town of Marshall, C-CP and the Marshall Boatworks are recommended for local serving and limited visitor serving facilities allowed by C-VCR zoning. Recommendations for these parcels are given below, along with recommendations for commercially zoned parcels in the town of Marshall.</p> <p>(1) <u>Jensen's Oyster Beds.</u> The 40-acre parcel north of Miller Park, AP #104-110-08, is currently developed with small cottages and a parking area. This property would be a logical addition to Miller Park or the GGNRA, and/or a suitable location for overnight camping. Zoning on the property,</p>	<p><b>C-ES-1 Community Character of the East Shore of Tomales Bay.</b>  Maintain the existing character of low-density, residential, agriculture, mariculture, and fishing or boating-related uses. Allow the expansion or modification of development for visitor-serving or commercial development on previously developed lots along the east shore of Tomales Bay; provided that such expanded uses are compatible with the small scale and character of existing development along the Bay.</p> <p>1. <u>Nick's Cove.</u> Continue to support visitor-serving uses on this site, which includes a restaurant and overnight guest accommodations. Overnight accommodations, such as bed and breakfast facilities, are encouraged consistent with the availability of water supply, sewage disposal, and parking facilities. Any expansion or reconstruction of Nick's Cove restaurant shall be designed to minimize visual impacts and provide maximum public physical and visual access to the shoreline. Structures on the upland property shall be limited in height to that which is compatible with the scale and character of surrounding development, while that on the bayside of Highway One shall not exceed the height of the existing</p>

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currently A-2, shall be changed to permit low-intensity recreational uses. Any new development shall allow for continued mariculture operations off-shore. *Staff note: This parcel has been acquired by the GGNRA and the small cottages have been demolished. This language is not carried forward as it is no longer relevant.*

- (2) Nick's Cove. Visitor-serving uses on this site should be continued, upgraded, and possibly expanded. Overnight accommodations, such as bed and breakfast facilities, on the contiguously owned parcel on the upland side of Highway 1 are encouraged, consistent with the availability of water supply, sewage disposal, and parking facilities. Existing A-2 zoning on this parcel, AP #104-140-02, shall be changed to allow visitor-serving uses. Any expansion or reconstruction of Nick's Cove restaurant shall be designed to minimize visual impacts and provide maximum public physical and visual access to the shoreline. Structures on the upland property shall be limited in height to that which is compatible with the scale and character of surrounding development, while that on the bayside of Highway 1 shall not exceed the height of the existing restaurant.
- (3) Marshall. Existing commercial zoning in Marshall, C-CP, shall be changed to C-VCR to maintain and encourage the present residential/commercial mixed use and to encourage locally serving commercial uses. The boundaries of the zones shall be adjusted to coincide with parcel boundaries. Reconstruction of the old Marshall Hotel is encouraged, provided that adequate water supply, sewage disposal, and parking facilities can be provided. Commercial zoning on the Tony's Seafood parcel, AP #106-050-05, shall be changed to a planned commercial zone. Commercial zoning on AP #106-040-03, a parcel sited amidst residential uses, shall be changed to a planned residential district. *Staff note: The recommended rezonings have been implemented.*
  - (a) Marshall Boatworks. The Marshall Boatworks/Post Office are shall be rezoned from C-VCR with the Boatworks as a permitted use. This will encourage continuation of this area as a residential/commercial mixed use while supporting its potential as a community activity center and gathering place.

*[Amended pursuant to BOS Resolution No. 87-278 [8/4/87], CCC approved as submitted 9/8/87, 2nd BOS Resolution No. 87-360 [10/13/87] passed to implement changes shown, no CCC ED Checkoff required]*

- (4) Synanon. The 62-acre Tomales Bay Ranch property, owned by the Synanon Foundation, is operated as a drug rehabilitation institution under the auspices of a use permit. The present use or similar institutional uses

restaurant.

2. Marshall. Maintain and encourage the present residential/commercial mixed use and encourage locally serving commercial uses.
3. Marshall Boatworks. Continue to support the Marshall Boatworks area as a residential/commercial mixed use area and as a potential community activity center and gathering place.
4. Marconi Conference Center State Historic Park. Continue to support the Marconi Conference Center and State Historic Park to provide meeting and retreat services for the Bay Area, consistent with historic and natural resource protection guidelines in the Marconi Conference Center State Historic Park General Plan.
5. Marconi Cove Marina. Support visitor and local serving, as well as marine-related, facilities at the Marconi Cove property. Expanded marina facilities, including additional boat slips, fishing pier, and storage space may also be desirable.

*[Unit II Recreation and Visitor Serving Facilities Policy 3.e(1) – (5) p. 48-51]*

#### **Unit II Policy 3(e) p. 48**

~~Marshall/east shore of Tomales Bay. There are very few undeveloped parcels on the east shore of Tomales Bay with the potential for visitor-serving or commercial development, and lack of adequate water supply is a major constraint. However, existing uses on several developed or previously developed parcels could be expanded or modified to allow additional opportunities for coastal visitors, provided that such expanded uses are compatible with the small scale and character of existing development along the Bay. Areas with expansion potential include the property known as Jensen's Oyster Beds, Nick's Cove, Synanon, and Marconi Cove Marina. The town of Marshall, C-CP and the Marshall Boatworks are recommended for local serving and limited visitor serving facilities allowed by C-VCR zoning. Recommendations for these parcels are given below, along with recommendations for commercially-zoned parcels in the town of Marshall.~~

- ~~(1) Jensen's Oyster Beds. The 40-acre parcel north of Miller Park, AP #104-110-08, is currently developed with small cottages and a parking area. This property would be a logical addition to Miller Park or the GGNRA, and/or a suitable location for overnight camping. Zoning on the property, currently A-2, shall be changed to permit low-intensity recreational uses. Any new development shall allow for continued mariculture operations off-shore.~~

**C-ES-1 Community Character of the East Shore of Tomales Bay. Maintain**

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may continue on the property and are encouraged. If such uses are discontinued, then visitor-serving uses shall be supported. The Tomales Bay Ranch offers the best opportunity for major new visitor-serving uses on the entire east side of Tomales Bay. The site has generally had adequate water supply, and has sewage disposal facilities, direct access on Highway 1, and numerous existing structures. Recommended uses include overnight accommodations, a restaurant, and other uses which benefit the traveling public. Additionally, the site offers opportunities for local "cottage" industries such as boatbuilding, arts and crafts, and agriculturally related uses, as well as opportunities for community services and limited residential uses, especially those for low and moderate income households. To encourage visitor-serving and other uses on the property, the existing ARP-2 zoning shall be changed to a planned district permitting mixed commercial and residential uses. No further intensification of uses on the property shall be permitted.

Any conversion or modification of existing facilities shall meet the following development standards:

- The historic Marconi Hotel building shall be preserved, renovated, and restored to accommodate uses for which it was originally built, i.e. a hotel. Designation of the hotel as an historic structure by the state or federal government shall be investigated. If and when an Historic Coastal Preservation Commission is established by the County, as recommended in the Unit I LCP, the Marconi Hotel shall be recommended for designation to the Commission.
- Existing accessory buildings on the site may be retained or eliminated upon private redevelopment as deemed appropriate in the planning review process.
- Development shall minimize potential impacts on adjacent agricultural operations.
- Facilities shall be sited and designed to minimize impacts on public views from Highway 1 and public parklands across Tomales Bay.
- Adequate water supply and sewage disposal shall be demonstrated.
- If shoreline parcels bayward of the Ranch are acquired in combination with the Ranch, water oriented public recreational uses which complement the Ranch should be explored.

*Staff note: this property has since been purchased by the State of California and is now the Marconi Conference Center, which offers a full service meeting and retreat facility and lodging. It has three meeting rooms and the lodging facilities have 40 rooms. The facility is available for business meetings and retreats and for overnight tourists. This parcel was rezoned to C-RMPC via Ordinance 2704. Restoration of*

the existing character of low-density, residential, agriculture, mariculture, and fishing or boating-related uses. Allow the expansion or modification of development for visitor-serving or commercial development on previously developed lots along the east shore of Tomales Bay; provided that such expanded uses are compatible with the small scale and character of existing development along the Bay.

~~(2)~~ 1. Nick's Cove. Visitor-serving uses on this site should be continued, upgraded, and possibly expanded. Continue to support visitor-serving uses on this site, which includes a restaurant and overnight guest accommodations. Overnight accommodations, such as bed and breakfast facilities, on the contiguously owned parcel on the upland side of Highway 1 are encouraged consistent with the availability of water supply, sewage disposal, and parking facilities. Existing A-2 zoning on this parcel, AP #104-140-02, shall be changed to allow visitor-serving uses. Any expansion or reconstruction of Nick's Cove restaurant shall be designed to minimize visual impacts and provide maximum public physical and visual access to the shoreline. Structures on the upland property shall be limited in height to that which is compatible with the scale and character of surrounding development, while that on the bayside of Highway One shall not exceed the height of the existing restaurant.

~~(3)~~ 2. Marshall. Maintain and encourage the present residential/commercial mixed use and encourage locally serving commercial uses. Existing commercial zoning in Marshall, C-CP, shall be changed to C-VCR to maintain and encourage the present residential/commercial mixed use and to encourage locally serving commercial uses. The boundaries of the zones shall be adjusted to coincide with parcel boundaries. Reconstruction of the old Marshall Hotel is encouraged, provided that adequate water supply, sewage disposal, and parking facilities can be provided. Commercial zoning on the Tony's Seafood parcel, AP #106-050-05, shall be changed to a planned commercial zone. Commercial zoning on AP #106-040-03, a parcel sited amidst residential uses, shall be changed to a planned residential district.

~~(a)~~ 3. Marshall Boatworks. The Marshall Boatworks/Post Office are shall be rezoned from C-VCR with the Boatworks as a permitted use. This will encourage continuation of this to support the Marshall Boatworks area as a residential/commercial mixed use area while supporting its and as a potential community activity

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*the historic Marconi Hotel is still in progress. When complete it will provide administration facilities, gift shop, conference services rooms, lounges, and a museum. The entire site has been designated historic. Due to budget constraints it is unclear when the planned restoration will occur. This language is not carried forward and has been updated with language regarding the Marconi State Historic Park.*

- (5) Marconi Cove Marina. The Marconi Cove Marina property is split by Highway 1 into two parts: a 6.5 acre bay front area and a 350+ acre upland area. The bay front portion of the marina has potential for considerable expansion of visitor-serving and marine-related facilities. The site would be suitable for a 20 to 40 unit motel, restaurant, and a small store. Expanded marina facilities, including additional boat slips, fishing pier, and storage space would also be desirable. To allow for these various uses, the bay front parcels, AP #106-260-02 and 03 shall be rezoned from A-2 to RCR. The upland portion of the marina property is presently used for agriculture. The development of campsites in the wooded canyon on the parcel would provide low-cost overnight accommodations to complement uses on the bay front lands and shall be encouraged. Limited residential development, compatible with continued agricultural use of the property, would be acceptable. Existing A-60 zoning shall be changed to APZ-60 to allow continued agricultural use and low-intensity recreational development in the canyon area.

Prior to the commencement of any project designed for this site, an environmental assessment shall be conducted to identify the environmental resources and constraints of the site. In addition to any development standards proposed as a result of that assessment, the following development standards shall apply.

- This site is particularly sensitive visually and must be developed with careful attention to visual factors. Structures shall be limited in height to that which is compatible with the scale and character of the area, and shall be sited to minimize impacts on visual access from Highway 1 to the water. Views from Tomales Bay shall also be considered.
- Landscaping materials shall be selected and planted so as not to significantly interfere with views to and along the water, even when such vegetation is fully grown.
- Adequate waste disposal for the project must be demonstrated. Waste disposal facilities shall also be provided for boats in the marina.
- Expanded berthing facilities shall be sited to minimize potential impacts in this area, including impacts on stream habitats, riparian vegetation, water quality, and mariculture.

center and gathering place-

*[Amended pursuant to BOS Resolution No. 87-278 [8/4/87], CCC approved as submitted 9/8/87, 2nd BOS Resolution No. 87-360 [10/13/87] passed to implement changes shown, no CCC ED Checkoff required]*

- ~~(4) Synanon. The 62 acre Tomales Bay Ranch property, owned by the Synanon Foundation, is operated as a drug rehabilitation institution under the auspices of a use permit. The present use or similar institutional uses may continue on the property and are encouraged. If such uses are discontinued, then visitor serving uses shall be supported. The Tomales Bay Ranch offers the best opportunity for major new visitor serving uses on the entire east side of Tomales Bay. The site has generally had adequate water supply, and has sewage disposal facilities, direct access on Highway 1, and numerous existing structures. Recommended uses include overnight accommodations, a restaurant, and other uses which benefit the traveling public. Additionally, the site offers opportunities for local "cottage" industries such as boatbuilding, arts and crafts, and agriculturally related uses, as well as opportunities for community services and limited residential uses, especially those for low and moderate income households. To encourage visitor serving and other uses on the property, the existing ARP 2 zoning shall be changed to a planned district permitting mixed commercial and residential uses. No further intensification of uses on the property shall be permitted.~~

~~Any conversion or modification of existing facilities shall meet the following development standards:~~

- ~~• The historic Marconi Hotel building shall be preserved, renovated, and restored to accommodate uses for which it was originally built, i.e. a hotel. Designation of the hotel as an historic structure by the state or federal government shall be investigated. If and when an Historic Coastal Preservation Commission is established by the County, as recommended in the Unit I LCP, the Marconi Hotel shall be recommended for designation to the Commission.~~
- ~~• Existing accessory buildings on the site may be retained or eliminated upon private re-development as deemed appropriate in the planning review process.~~
- ~~• Development shall minimize potential impacts on adjacent agricultural operations.~~
- ~~• Facilities shall be sited and designed to minimize impacts on~~

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<p><b>Policy Status</b></p> <p>This policy has been modified and carried forward to <b>C-ES-1</b> Community Character of the East Shore of Tomales Bay.</p>	<p>public views from Highway 1 and public parklands across Tomales Bay.</p> <ul style="list-style-type: none"> <li>• Adequate water supply and sewage disposal shall be demonstrated.</li> <li>• If shoreline parcels bayward of the Ranch are acquired in combination with the Ranch, water oriented public recreational uses which complement the Ranch should be explored.</li> </ul> <p>4. <u>Marconi Conference Center State Historic Park.</u> Continue to support the Marconi Conference Center and State Historic Park to provide meeting and retreat services for the Bay Area, consistent with historic and natural resource protection guidelines in the Marconi Conference Center State Historic Park General Plan.</p> <p><del>(5)</del> 5. <u>Marconi Cove Marina.</u> Support visitor and local serving, as well as marine-related, facilities at the Marconi Cove property. Expanded marina facilities, including additional boat slips, fishing pier, and storage space may also be desirable. The Marconi Cove Marina property is split by Highway 1 into two parts: a 6.5 acre bay front area and a 350+ acre upland area. The bay front portion of the marina has potential for considerable expansion of visitor serving and marine-related facilities. The site would be suitable for a 20 to 40 unit motel, restaurant, and a small store. Expanded marina facilities, including additional boat slips, fishing pier, and storage space would also be desirable. To allow for these various uses, the bay front parcels, AP #106 260 02 and 03 shall be rezoned from A 2 to RCR. The upland portion of the marina property is presently used for agriculture. The development of campsites in the wooded canyon on the parcel would provide low cost overnight accommodations to complement uses on the bay front lands and shall be encouraged. Limited residential development, compatible with continued agricultural use of the property, would be acceptable. Existing A 60 zoning shall be changed to APZ 60 to allow continued agricultural use and low intensity recreational development in the canyon area.</p> <p>Prior to the commencement of any project designed for this site, an environmental assessment shall be conducted to identify the environmental resources and constraints of the site. In addition to any development standards proposed as a result of that assessment, the following development standards shall apply.</p> <ul style="list-style-type: none"> <li>• This site is particularly sensitive visually and must be developed with careful attention to visual factors. Structures shall be limited</li> </ul>
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	<p>in height to that which is compatible with the scale and character of the area, and shall be sited to minimize impacts on visual access from Highway 1 to the water. Views from Tomales Bay shall also be considered.</p> <ul style="list-style-type: none"> <li>• Landscaping materials shall be selected and planted so as not to significantly interfere with views to and along the water, even when such vegetation is fully grown.</li> <li>• Adequate waste disposal for the project must be demonstrated. Waste disposal facilities shall also be provided for boats in the marina.</li> <li>• Expanded berthing facilities shall be sited to minimize potential impacts in this area, including impacts on stream habitats, riparian vegetation, water quality, and mariculture.</li> </ul>
<p><b><u>Policy 3 (f) p. 51</u></b>  <u>Tomales.</u> The town of Tomales has adequate undeveloped land zoned for visitor-serving and commercial development to provide for anticipated future needs. No expansion of commercial zoning is recommended. The development of overnight accommodations such as a motel, cottages, and a hostel, is encouraged, given the limited facilities which currently exist in the community. New development shall reflect the historic character of the town's architecture and shall be set back from the creek which flows through the commercially zoned area. The 1 acre of C-1-H shall be rezoned to a planned commercial district to allow flexibility in siting and design.</p> <p><b><u>Policy Status</u></b>  This policy has been modified and carried forward to <b>C-TOM-1</b> Community Character of Tomales.</p>	<p><b>C-TOM-1 Community Character of Tomales.</b> Maintain the existing character of residential and small-scale commercial development in the community of Tomales. No expansion of commercial zoning is recommended since there is adequate undeveloped land zoned for visitor-serving and commercial development to provide for anticipated future needs. Encourage the development of overnight accommodations such as a motel, cottages, and a hostel. New development shall reflect the historic character of the town's architecture and shall be set back from the creek which flows through the commercially zoned areas.  (PC app. 01/24/11)  <i>[Unit II Recreation and Visitor Serving Facilities Policy 3f, p. 51]</i></p> <p><b><u>Unit II Policy 3 (f) p. 51</u></b>  <del>Tomales. C-TOM-1 Character of Tomales. The town of Tomales has adequate undeveloped land zoned for visitor serving and commercial development to provide for anticipated future needs. Maintain the existing character of residential and small-scale commercial development in the community of Tomales. No expansion of commercial zoning is recommended since there is adequate undeveloped land zoned for visitor-serving and commercial development to provide for anticipated future needs. Encourage</del> (The development of overnight accommodations such as a motel, cottages, and a hostel, is encouraged, given the limited facilities which currently exist in the community. New development shall reflect the historic character of the town's architecture and shall be set back from the creek which flows through the commercially zoned area. The 1 acre of C-1-H shall be rezoned to a planned commercial district to allow flexibility in siting and design.</p>



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##### **Policy 3 (g) p. 51**

Dillon Beach. Lawson's Dillon Beach Resort, located immediately south of old Dillon Beach, and Lawson's Landing, located on Sand Point, shall be retained as public recreational areas. Both facilities have the potential for expanded visitor-serving development, although providing for adequate water supply and sewage disposal may be problematical.

- (1) Lawson's Dillon Beach Resort. Lawson's Dillon Beach Resort, including all properties zoned C-RCR and C-RMPC between Dillon Beach Road and Dillon Creek, would be an appropriate site for new development of a modest scale, including a small motel; cafe, delicatessen, or restaurant; and day-use facilities. Due to the proximity of the site of the former Pacific Marine Station to the shoreline, it is an especially suitable area for facilities where many people can enjoy its prime location. The site offers opportunities, for example, for community services, a conference center, and youth hostel. Limited residential development would be appropriate in Lawson's Dillon Beach Resort, provided it is developed as a secondary use in conjunction with visitor-serving uses. All development shall demonstrate adequate water supply and sewage disposal, and shall be sited out of sand dunes and other environmentally-sensitive areas. Building heights shall be limited to that which is compatible with the scale and character of the area. Existing C-RCR and C-RMPC zoning shall be maintained.
- (2) Lawson's Landing. Lawson's Landing is an appropriate site for limited expansion of boating facilities and overnight accommodations. Any such expansion shall be based on thorough planning studies which identify the environmental resources and constraints of the site, including wildlife, vegetation, and archeological resources, geologic and wave hazards, and public service constraints. Measures to protect the site's resources, particularly sand dunes and dune tansy vegetation, shall be included in any development plan. Any such plan shall also include improvements in sewage disposal facilities, in accordance with the recommendations of the Regional Water Quality Control Board. Existing C-RCR and C-APZ-60 zoning shall be maintained.

*[Amended pursuant to BOS Resolution No. 88-333 (Attachment 1, pp. 5-6) [12/20/88], approved by CCC with suggested modifications 4/12/89, 2nd BOS Resolution No. 89-216 [8/8/89], CCC ED Checkoff 4/13/90]*

##### **Policy Status**

This policy has been modified and carried forward to **C-DB-1 Community**

**C-DB-1 Community Character of Dillon Beach.** Maintain the existing character of residential and small-scale commercial development in Dillon Beach and Oceana Marin. Dillon Beach Resort, including all properties zoned C-RCR and C-RMPC between Dillon Beach Road and Dillon Creek, would be an appropriate site for new development of a modest scale, including a small motel; cafe, delicatessen, or restaurant; and day-use facilities. Due to the proximity of the site of the former Pacific Marine Station to the shoreline, it is an especially suitable area for facilities where many people can enjoy its prime location. The site offers opportunities, for example, for community services, a conference center, and youth hostel. Limited residential development would be appropriate at the Dillon Beach Resort, provided it is developed as a secondary use in conjunction with visitor-serving uses. All development shall demonstrate adequate water supply and sewage disposal, and shall be sited out of sand dunes and other environmentally-sensitive areas. Building heights shall be limited to that which is compatible with the scale and character of the area. Existing C-RCR and C-RMPC zoning shall be maintained.

Maintain existing C-RCR and C-APZ-60 zoning at Lawson's Landing.

(PC app. 07/29/10)

*[Adapted from Unit II Recreation and Visitor Serving Facilities Policy 3.g(1) & (2), pp. 51 – 52 (as amended)]*

##### **Unit II Policy 3 (g) p. 51**

- (1) ~~**C-DB-1 Community Character of Dillon Beach.** Maintain the existing character of residential and small-scale commercial development in Dillon Beach and Oceana Marin.~~ Lawson's Dillon Beach Resort. Lawson's Dillon Beach Resort, including all properties zoned C-RCR and C-RMPC between Dillon Beach Road and Dillon Creek, would be an appropriate site for new development of a modest scale, including a small motel; cafe, delicatessen, or restaurant; and day-use facilities. Due to the proximity of the site of the former Pacific Marine Station to the shoreline, it is an especially suitable area for facilities where many people can enjoy its prime location. The site offers opportunities, for example, for community services, a conference center, and youth hostel. Limited residential development would be appropriate in Lawson's Dillon Beach Resort, provided it is developed as a secondary use in conjunction with visitor-serving uses. All development shall demonstrate adequate water supply and sewage disposal, and shall be sited out of sand dunes and other environmentally-sensitive areas. Building heights shall be limited to that which is compatible with the scale and character of the area.



## Unit II Existing and Proposed Policies Recreation and Visitor Serving Facilities

<p>Character of Dillon Beach. Language for Lawson's Landing is not carried forward; instead a placeholder for new policy language is included pending certification of the existing permit by the California Coastal Commission.</p>	<p>Existing C-RCR and C-RMPC zoning shall be maintained.</p> <p><i>[Placeholder for new policy to address Lawson's Landing; permit expected to be certified by the CCC in near future.]</i></p> <p><del>(2) Lawson's Landing. Lawson's Landing is an appropriate site for limited expansion of boating facilities and overnight accommodations. Any such expansion shall be based on thorough planning studies which identify the environmental resources and constraints of the site, including wildlife, vegetation, and archeological resources, geologic and wave hazards, and public service constraints. Measures to protect the site's resources, particularly sand dunes and dune tansy vegetation, shall be included in any development plan. Any such plan shall also include improvements in sewage disposal facilities, in accordance with the recommendations of the Regional Water Quality Control Board. Existing C RCR and C APZ 60 zoning shall be maintained.</del></p>
<p><b><u>Policy 3 (h) p. 51</u></b>  <b><u>Bed and Breakfast Program.</u></b> The County encourages the continuation and expansion of bed and breakfast facilities in the Unit II coastal zone. A listing of such facilities should be provided at the headquarters of the Point Reyes National Seashore, as information to visitors. In addition, the establishment of a centralized information program is recommended, to coordinate listings of all types of overnight accommodations and provide information on recreational opportunities to coastal visitors.</p> <p><b><u>Policy Status</u></b>  This policy has been modified and carried forward to <b>C-PK-6</b> Bed and Breakfast Inns.</p>	<p><b>C-PK-6 Bed and Breakfast Inns.</b> Support bed and breakfast facilities in the Coastal Zone as a means of providing visitor accommodations, while minimizing their impacts on surrounding communities. Restrict the conversion of second units and affordable housing to bed and breakfast inns. In addition, support the location of bed and breakfast inns in areas that are easily and directly accessible from usual tourist travel routes and where there is adequate off-street parking for guests and where the problem of nearby residents being inconvenienced by noise and increased transient traffic is minimized. Bed and breakfast inns shall be permitted to host or provide facilities for gatherings, such as weddings, receptions, private parties, or retreats if located in the C-APZ, C-ARP or C-R-A. Each bed and breakfast inn must be operated by a householder who is the sole proprietor of the enterprise and whose primary residence is on the premises where the inn accommodations are located.  (PC app. 01/24/11)  <i>[Unit II Recreation and Visitor Serving Facilities Policy 3.h., p. 52]</i></p> <p><b><u>Unit II Policy 3 (f) p. 51</u></b>  <del>Bed and Breakfast Program. C-PK-6 Bed and Breakfast Inns. The County encourages the continuation and expansion of</del> <u>Support</u> <del>bed and breakfast facilities in the Unit II Coastal Zone as a means of providing visitor accommodations, while minimizing their impacts on surrounding communities. Restrict the conversion of second units and affordable housing to bed and breakfast inns. In addition, support the location of bed and breakfast inns in areas that are easily and directly accessible from</del></p>

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	<p><u>usual tourist travel routes and where there is adequate off-street parking for guests and where the problem of nearby residents being inconvenienced by noise and increased transient traffic is minimized. Bed and breakfast inns shall be permitted to host or provide facilities for gatherings, such as weddings, receptions, private parties, or retreats if located in the C-APZ, C-ARP or C-R-A. Each bed and breakfast inn must be operated by a householder who is the sole proprietor of the enterprise and whose primary residence is on the premises where the inn accommodations are located. A listing of such facilities should be provided at the headquarters of the Point Reyes National Seashore, as information to visitors. In addition, the establishment of a centralized information program is recommended, to coordinate listings of all types of overnight accommodations and provide information on recreational opportunities to coastal visitors.</u></p>
<p><b><u>Policy 4 p. 52</u></b>  <b><u>Recreation and Transportation.</u></b>  a. <b><u>Bike Paths.</u></b> The County supports the concept of a bike/pedestrian trail network in Unit II, connecting the villages and providing access to public parks. Several proposed routes have been discussed by West Marin residents and planning groups but no final recommendation has been developed. In the absence of such a recommendation, the LCP assumes that the most likely location for a bike trail is along Highway 1 and Sir Francis Drake Boulevard. Therefore, to maintain the option for a roadside trail, coastal development permits for projects on either side of these roads shall require offers of dedication of easements 10 feet in width. When a final route for the bike/trail is agreed upon by the County, community, and concerned agencies and organizations, requirements for offers of roadside easements shall be modified to account for the new route.</p> <p><b><u>Policy Status</u></b>  This policy has been modified and carried forward to <b>C-PK-14</b> Appropriate Alignment of the California Coastal Trail.</p>	<p><b>C-PK-14 Appropriate Alignment of the California Coastal Trail.</b>  Support completion of the California Coastal Trail through Marin County, working with willing sellers or donors.</p> <p>From Tomales north to the County line, the route should tentatively follow Dillon Beach Rd. and Valley Ford-Franklin School Rd., as and if appropriate.</p> <p>Acquisition, siting, and design of the California Coastal Trail should reflect the following standards:</p> <ol style="list-style-type: none"> <li>1. Seek needed trail segments from willing sellers at fair market value or by donation;</li> <li>2. Locate the trail along or as close to the shoreline as feasible;</li> <li>3. Incorporate a “braided trail” concept, if necessary, in which there are separate routes for different non-motorized users;</li> <li>4. Make the trail continuous and link it to other public trail systems;</li> <li>5. Where not feasible to locate the trail along the shoreline due to natural landforms, sensitive natural resources, or agricultural operations, locate inland bypass segments as close to the shoreline as possible;</li> <li>6. Consider use of interim trail segments that assure a continuous coastal trail in the short-term, while providing for potential realignment to better locations as conditions change in the future, and seek opportunities over time to move such segments closer to the coastline where willing landowners agree;</li> <li>7. Wherever possible, avoid locating the trail along roads with motorized vehicle traffic; if it is necessary to site the trail along roads, provide for separation of the trail from traffic.</li> </ol>

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(PC app. 2/8/10)

*[Adapted from Unit II Recreation and Visitor Serving Facilities Policy 4, p. 52 and Malibu LCP Policy 2.57, pp. 27-8]*

**Unit II Policy 4 p. 52**

**Recreation and Transportation:**

- a. ~~Bike Paths.~~ **C-PK-14 Appropriate Alignment of the California Coastal Trail** ~~The County s~~Supports the concept of a bike/pedestrian trail network in Unit II, connecting the villages and providing access to public parks, completion of the California Coastal Trail through Marin County, working with willing sellers or donors. Several proposed routes have been discussed by West Marin residents and planning groups but no final recommendation has been developed. In the absence of such a recommendation, the LCP assumes that the most likely location for a bike trail is along Highway 1 and Sir Francis Drake Boulevard. Therefore, to maintain the option for a roadside trail, coastal development permits for projects on either side of these roads shall require offers of dedication of easements 10 feet in width. When a final route for the bike/trail is agreed upon by the County, community, and concerned agencies and organizations, requirements for offers of roadside easements shall be modified to account for the new route.

From Tomales north to the County line, the route should tentatively follow Dillon Beach Rd. and Valley Ford-Franklin School Rd., as and if appropriate.

Acquisition, siting, and design of the California Coastal Trail should reflect the following standards:

1. Seek needed trail segments from willing sellers at fair market value or by donation;
2. Locate the trail along or as close to the shoreline as feasible;
3. Incorporate a “braided trail” concept, if necessary, in which there are separate routes for different non-motorized users;
4. Make the trail continuous and link it to other public trail systems;
5. Where not feasible to locate the trail along the shoreline due to natural landforms, sensitive natural resources, or agricultural operations, locate inland bypass segments as close to the shoreline as possible;
6. Consider use of interim trail segments that assure a continuous coastal trail in the short-term, while providing for potential

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	<p><u>realignment to better locations as conditions change in the future, and seek opportunities over time to move such segments closer to the coastline where willing landowners agree;</u></p> <p>7. <u>Wherever possible, avoid locating the trail along roads with motorized vehicle traffic; if it is necessary to site the trail along roads, provide for separation of the trail from traffic.</u></p>
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**Existing and Proposed Policies**  
**Federal Parklands**

Unit II Federal Parklands	
Existing Policy	Proposed Policy
<p><b><u>Policy 1 p. 61</u></b>  <u>Public access and transportation.</u></p> <ul style="list-style-type: none"> <li>a. Additional coastal access trails and bike paths should be provided where feasible and where consistent with the protection of the parks natural resources. Non-vehicular accessways should connect to points accessible by both automobile and transit.</li> <li>b. Frequent and convenient transit service from outside the parks to the most heavily used areas in the parks should be given priority in transit planning and funding. The National Park Service should develop a shuttle system to serve points within the parks.</li> </ul> <p><b><u>Policy Status</u></b>  This policy has been incorporated into <b>C-PK-10</b> Appropriate Uses of Federal Parks.</p>	<p><b>C-PK-10 Appropriate Uses of Federal Parks.</b> The following policies apply to federal parklands within the Coastal Zone.</p> <ul style="list-style-type: none"> <li>1. Public access and transportation. <ul style="list-style-type: none"> <li>a. Provide additional coastal access trails and bike paths where feasible and consistent with the protection of the park's natural resources. Non-vehicular accessways should connect to points accessible by both automobile and transit.</li> <li>b. Give priority to frequent and convenient transit service from outside the parks to the most heavily used areas in the parks in transit planning and funding. Encourage the National Park Service to expand shuttle services within the parks.</li> </ul> </li> </ul> <p><i>(the rest of the policy is not shown)</i></p> <p><b><u>Unit II Policy 1 p. 61</u></b>  <u>1. Public access and transportation.</u></p> <ul style="list-style-type: none"> <li>a. <del>Additional coastal access trails and bike paths should be provided</del> <u>Additional coastal access trails and bike paths where feasible and where consistent with the protection of the park's natural resources. Non-vehicular accessways should connect to points accessible by both automobile and transit.</u></li> <li>b. <del>Give priority to frequent and convenient transit service from outside the parks to the most heavily used areas in the parks should be given priority in transit planning and funding. Encourage the National Park Service should develop a to expand shuttle system services to serve points within the parks.</del></li> </ul>
<p><b><u>Policy 2 p. 61</u></b>  <u>Recreation and visitor-serving facilities.</u></p> <ul style="list-style-type: none"> <li>a. Priority should be given to the development of new facilities in the most heavily used areas of the parks which are close to park interpretive, educational, and other programs and which are easily accessible by transit. The construction of a new visitor center in Bear Valley is encouraged.</li> <li>b. Existing unused buildings within the parks, such as military structures, should be carefully reviewed for potential overnight accommodations before they are converted to other cultural or institutional uses.</li> </ul> <p><b><u>Policy Status</u></b>  This policy has been incorporated into <b>C-PK-10</b> Appropriate Uses of Federal</p>	<p><b>C-PK-10 Appropriate Uses of Federal Parks.</b> The following policies apply to federal parklands within the Coastal Zone.</p> <ul style="list-style-type: none"> <li>1. Public access and transportation. <ul style="list-style-type: none"> <li>a. Provide additional coastal access trails and bike paths where feasible and consistent with the protection of the park's natural resources. Non-vehicular accessways should connect to points accessible by both automobile and transit.</li> <li>b. Give priority to frequent and convenient transit service from outside the parks to the most heavily used areas in the parks in transit planning and funding. Encourage the National Park Service to expand shuttle services within the parks.</li> </ul> </li> <li>2. Recreation and visitor-serving facilities.</li> </ul>

## Unit II Existing and Proposed Policies Federal Parklands

<p>Parks.</p>	<ul style="list-style-type: none"> <li>a. Give priority to the development of new facilities in the most heavily used areas of the parks which are close to park interpretive, educational, and other programs and which are easily accessible by transit.</li> <li>b. If any unused buildings within the parks, such as military structures, still exist, review them for potential overnight accommodations before they are converted to other cultural or institutional uses.</li> </ul> <p><i>(the rest of the policy is not shown)</i></p> <p><b><u>Unit II Policy 2 p. 61</u></b>  <b><u>2. Recreation and visitor-serving facilities.</u></b></p> <ul style="list-style-type: none"> <li>a. <del>Give P</del>riority <del>should be given</del> to the development of new facilities in the most heavily used areas of the parks which are close to park interpretive, educational, and other programs and which are easily accessible by transit. <del>The construction of a new visitor center in Bear Valley is encouraged.</del></li> <li>b. <del>Existing</del> If any unused buildings within the parks, such as military structures <del>still exist, should be carefully reviewed</del> <u>them</u> for potential overnight accommodations before they are converted to other cultural or institutional uses.</li> </ul>
<p><b><u>Policy 3 p. 61</u></b>  <u>Natural resources.</u> Federal projects which involve the modification or alteration of natural resources should be evaluated by the Coastal Commission through the consistency review process.</p> <p><b><u>Policy Status</u></b>  This policy has been carried forward to <b>C-BIO-27</b> Federal Projects.</p>	<p><b>C-BIO-27 Federal Projects.</b> Require that Federal projects which involve the modification or alteration of natural resources should be evaluated by the Coastal Commission through the consistency review process.  (PC app. 06/28/10)  <i>[LCP Unit II Federal Parklands Natural Resources policy 3, page 61]</i></p> <p><b><u>Unit II Policy 3 p. 61</u></b>  <del>Natural resources.</del> <b><u>C-BIO-27 Federal Projects.</u></b> Require that Federal projects which involve the modification or alteration of natural resources <u>should</u> be evaluated by the Coastal Commission through the consistency review process.</p>
<p><b><u>Policy 4 p. 61</u></b>  <u>Agriculture and mariculture.</u></p> <ul style="list-style-type: none"> <li>a The continuation of agricultural land uses in the GGNRA and PRNS is strongly encouraged, where and at a level which is compatible with the protection of natural resources and public recreational use. Agricultural operations should be monitored to ensure that they are compatible with resource carrying capacity. Where conflicts arise between agriculture and resource protection or public access or recreational uses, they should be resolved in such a way as to protect resources and public safety while still allowing the continuation of the agricultural operation.</li> </ul>	<p><b>C-MAR-2 Mariculture in Parks.</b> Existing maricultural operations are encouraged in a manner compatible with natural resource protection and should be permitted to continue. Additional mariculture activities should be considered, provided that they are compatible with other park uses, and do not conflict with public access, recreation, the protection of natural and visual resources, water quality, or National Park Service policies concerning commercial development. New mariculture activities should be subject permit review by the Coastal Commission.  (PC app. 3/8/10)  <i>[Adapted from Unit II Federal Parklands Policy 4.c, p. 62]</i></p>

## Unit II Existing and Proposed Policies Federal Parklands

<p>b Existing agricultural leases and special use permits should be reviewed five years prior to their expiration for their compatibility with park goals. Operators should be notified at that time whether or not their leases will be renewed and what revisions in operating arrangements, if any, are necessary. Automatic lease renewal provisions should be considered if all terms and conditions of a lease are met. The County encourages the National Park Service to develop uniform procedures and standards to use in dealing with all agricultural tenants. Such procedures and standards should provide for long-term lease arrangements.</p> <p>c Existing mariculture operations are encouraged and should be permitted to continue in the parks. Additional mariculture activities should be considered provided that they do not conflict with public access, recreation, or the protection of visual resources. New mariculture activities should be subject to consistency review by the Coastal Commission.</p> <p><b><u>Policy Status</u></b> This policy has been carried forward to <b>C-MAR-2</b> Mariculture in Parks.</p>	<p><b><u>Unit II Policy 3 p. 61</u></b> <del>Agriculture and mariculture.</del></p> <p>e. <del>C-MAR-2</del> <b><u>Mariculture in Parks.</u></b> Existing maricultural operations are encouraged and should be permitted to continue in the parks in a manner compatible with natural resource protection and should be permitted to continue. Additional mariculture activities should be considered, provided that they are compatible with other park uses, and do not conflict with public access, recreation, the protection of natural and visual resources, water quality, or National Park Service policies concerning commercial development. New mariculture activities should be subject permit review by the Coastal Commission.</p>
<p><b><u>Policy 5 p. 62</u></b> <u>Development/historic preservation.</u> New or expanded development should utilize existing structures and be directed to existing developed areas whenever possible. Historic structures should be preserved, restored, and formally designated as historic resources where appropriate. The County should work with the National Park Service to coordinate historic preservation activities in the coastal zone. The majority of park development should be concentrated in the southern GGNRA due to its close proximity to urban population centers, easy accessibility, and availability of existing facilities. New backcountry campgrounds should be developed with minimum impacts on visual and habitat resources.</p> <p><b><u>Policy Status</u></b> This policy has been incorporated into <b>C-PK-10</b> Appropriate Uses of Federal Parks.</p>	<p><b>C-PK-10 Appropriate Uses of Federal Parks.</b> The following policies apply to federal parklands within the Coastal Zone. (...only the relevant portion of policy is shown....)</p> <p>5. Development/historic preservation.</p> <p>a. Whenever possible, utilize existing structures and existing developed areas for new or expanded development. Historic structures should be preserved, restored, and formally designated as historic resources where appropriate. Work with the National Park Service to coordinate historic preservation activities in the Coastal Zone. The majority of park development should be concentrated in the southern GGNRA due to its close proximity to urban population centers, easy accessibility, and availability of existing facilities. New backcountry campgrounds should be developed with minimum impacts on visual and habitat resources.</p> <p><b><u>Unit II Policy 5 p. 62</u></b> 5. <u>Development/historic preservation.</u> Whenever possible, utilize existing structures and existing developed areas for nNew or expanded development, should utilize existing structures and be</p>

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**Existing and Proposed Policies**  
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	<p><del>directed to existing developed areas whenever possible.</del> Historic structures should be preserved, restored, and formally designated as historic resources where appropriate. <del>The County should</del> <u>W</u>ork with the National Park Service to coordinate historic preservation activities in the <del>e</del>Coastal <del>z</del>Zone. The majority of park development should be concentrated in the southern GGNRA due to its close proximity to urban population centers, easy accessibility, and availability of existing facilities. New backcountry campgrounds should be developed with minimum impacts on visual and habitat resources.</p>
<p><b><u>Policy 6 p. 62</u></b>  <u>Public emergency services.</u> The County supports continued financial assistance from the National Park Service for emergency services in coastal areas heavily impacted by visitors to the federal parks. A review of the procedures used by the County to allocate such funds is recommended, along with the establishment of clear priorities and criteria for the granting of funds.</p> <p><b><u>Policy Status</u></b>  This policy has been not been carried forward as it is no longer relevant.</p>	n/a



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**Natural Resources**

Unit II Natural Resources	
Existing Policy	Proposed Policy
<p><b><u>Policy 1 p. 72</u></b>  <u>Marine environment.</u> Tomales Bay is currently being considered for inclusion in a proposed Point Reyes - Farallones Federal Marine Sanctuary. The County of Marin strongly supports the objectives of the proposed Marine Sanctuary which would protect valuable habitat for marine species, and recommends that local Marin County organizations and qualified citizens be represented in any citizens advisory committee that may be established for the Sanctuary.</p> <p><b><u>Policy Status</u></b>  This language has not been carried forward since Tomales Bay is now part of the Gulf of the Farallones National Marine Sanctuary. The sanctuary includes Bolinas Bay, Bolinas Lagoon, most of Tomales Bay, Estero Americano, Estero de San Antonio, and Bodega Bay, but not Bodega Harbor. This area of special significance was designated a national marine sanctuary because these waters provide important marine and nearshore habitats for a diverse array of marine mammals and marine birds, as well as fishery, plant, algae, and benthic resources.</p>	n/a
<p><b><u>Policy 2 p. 72</u></b>  <u>Water quality.</u> The County encourages the Regional Water Quality Control Board, State Department of Health, and other responsible agencies to continue working on identifying sources of pollution in Tomales Bay and to take steps to eliminate them. LCP policies which address specific development-related water quality problems, such as septic system discharges, are contained in the LCP sections on Public Services and New Development. Other LCP policies on the location and concentration of development and protection of riparian habitats address water quality concerns from a broader perspective.</p> <p><b><u>Policy Status</u></b>  This policy has not been carried forward, although the concept has been incorporated into the LCP. The LCP continues to require the monitoring, protection, and enhancement of the quality of coastal waters in <b>C-WR-1</b> Water Quality Protection.</p>	<p><b>C-WR-1 Water Quality Protection.</b> Monitor, protect, and enhance the quality of coastal waters for the benefit of natural communities, human health, recreational users, and the local economy.  (PC app. 01/25/10)  <i>[New policy, not in Unit I or II]</i></p>
<p><b><u>Policy 3 p. 72</u></b>  <u>Streams and riparian habitats.</u> The policies contained in this section shall apply to all streams in the Unit II coastal zone, perennial or intermittent, which are mapped by the United States Geological Survey (U.S.G.S.) on the 7.5 minute quadrangle series.</p>	<p><b>C-BIO-24 Coastal Streams and Riparian Vegetation.</b></p> <ol style="list-style-type: none"> <li>1. <u>Stream alterations.</u> Limit stream impoundments, diversions, channelizations, or other substantial alterations to coastal streams or the riparian vegetation surrounding them to the following purposes: <ol style="list-style-type: none"> <li>a. Necessary water supply projects, including those for domestic or</li> </ol> </li> </ol>

## Unit II Existing and Proposed Policies Natural Resources

a. Stream alterations. Stream impoundments, diversions, channelizations, or other substantial alterations shall be limited to the following purposes:

- (1) Necessary water supply projects, including those for domestic or agricultural purposes;
- (2) Flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development; or
- (3) Developments where the primary function is the improvement of fish and wildlife habitat.

Before any such activities are permitted, minimum flows necessary to maintain fish habitat and water quality, and to protect downstream resources (e.g. riparian vegetation, groundwater recharge areas, receiving waters, spawning habitats, etc.) and downstream users shall be determined by the Department of Fish and Game and the Division of Water Rights of the State Water Resources Control Board. New impoundments which, individually or cumulatively, would decrease streamflows below the minimum shall not be permitted.

- b. Conditions. The alteration of streams allowed for the purposes listed in (a) above shall be held to a minimum to protect streamwater quality and the volume and rate of streamflow. All such developments shall incorporate the best mitigation measures feasible, including erosion and runoff control measures, and revegetation of disturbed areas with native species. Disturbance of riparian vegetation shall be held to a minimum.
- c. Stream Buffers. Buffers to protect streams from the impacts of adjacent uses shall be established for each stream in Unit II. The stream buffer shall include the area covered by riparian vegetation on both sides of the stream and the area 50 feet landward from the edge of the riparian vegetation. In no case shall the stream buffer be less than 100 feet in width, on either side of the stream, as measured from the top of the stream banks.
- d. Development in Stream Buffers. No construction, alteration of land forms or vegetation removal shall be permitted within such riparian protection area. Additionally, such project applications shall identify a stream buffer area which shall extend a minimum of 50 feet from the outer edge of riparian vegetation, but in no case less than 100 feet from the banks of a stream. Development shall not be located within this stream buffer area. When a parcel is located entirely within a stream buffer area; design review shall be required to identify and implement the mitigation measures necessary to protect water quality, riparian vegetation and the rate and volume of stream flows. The

agricultural purposes;

- b. Flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development; or
- c. Developments where the primary function is the improvement of fish and wildlife habitat.

Substantial alterations shall include channelizations, dams, or comparable projects which significantly disrupt the habitat value of a particular river or stream. Before any such activities are permitted, minimum flows necessary to maintain fish habitat and water quality, and to protect downstream resources (e.g. riparian vegetation, groundwater recharge areas, receiving waters, spawning habitats, etc.) and downstream users shall be determined by the Department of Fish and Game and the Division of Water Rights of the State Water Resources Control Board. Prohibit new impoundments which, individually or cumulatively, would decrease streamflows below the minimum.

2. Conditions. Minimize the alteration of streams allowed for the purposes listed in (1.) above in order to protect streamwater quality and the volume and rate of streamflow. Require all such developments to incorporate the best mitigation measures feasible, including erosion and runoff control measures, and re-vegetation of disturbed areas with native species. Minimize the disturbance of riparian vegetation and require revegetation wherever possible.
3. Stream Buffers. Establish buffers to protect streams from the impacts of adjacent uses for each stream in the Coastal Zone. The stream buffer shall include the area 50 feet landward from the outer edge of the riparian vegetation. In no case shall the stream buffer be less than 100 feet in width, on either side of the stream, as measured from the top of the stream banks.
4. Development in Stream Buffers. Prohibit construction, alteration of land forms and vegetation removal within stream buffers unless the project is otherwise designed to be consistent with policy C-BIO-25 Stream Buffer Adjustments and Exceptions.

(PC app. 01/24/11)

*[LCP II Natural Resources Streams and Riparian Habitats policy 3.A through D, page 72]*

### **Unit II Policy 3 p. 72**

~~Streams and riparian habitats.~~

### **C-BIO-24 Coastal Streams and Riparian Vegetation.**

~~The policies contained in this section shall apply to all streams in the Unit II coastal zone, perennial or intermittent, which are mapped by the United~~

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design process shall also address the impacts of erosion and runoff, and provide for restoration of disturbed areas by replacement landscaping with plant species naturally found on-the site. Where a finding based upon factual evidence is made that development outside a riparian protection or stream buffer area would be more environmentally damaging to-the riparian habitat than development within the riparian protection or stream buffer area, development of principal permitted uses may occur within such area subject to design review and appropriate mitigation measures.

- e. Diversions Outside the Coastal Zone. Freshwater inflows to Tomales Bay are critical to the ecology of the Bay. These inflows maintain unique estuarine habitats along the shoreline of the Bay, affect the spawning characteristics of silver salmon and steelhead trout, flush saltwater and accumulated bottom sediments seaward, and influence the distribution of shellfish, including a rare and endangered species of shrimp, *Syncaris pacifica*. Existing dams and reservoirs have already significantly decreased the mean annual net freshwater inflow to Tomales Bay by approximately 25%. There is general recognition that the water quality and marine life of Tomales Bay have been adversely affected by these reduced inflows. The effect of further diversions on the Bay is not known; however, the cumulative effect is generally regarded as significant.

Coastal Act policies 30230 and 30231 provide for the protection of marine resources and water quality. In addition, Section 30402 provides that all state agencies shall carry out their duties and responsibilities in conformance with the policies of the Act. Although most freshwater diversions occur outside the coastal zone and are thus beyond the jurisdiction of the LCP, the important effects of such diversion projects on the coastal zone should be considered by all agencies involved so that conformance to the Coastal Act policies cited above is ensured. The County urges all agencies involved with diversions outside the coastal zone which affect freshwater inflows to Tomales Bay to properly notify the County of any plans for such diversions so that opportunity for local comment is assured.

The LCP recommends that the impacts from diversion projects, especially on the two major tributaries to Tomales Bay, Walker and Lagunitas Creeks, be fully studied through the EIR process before they are permitted to proceed and that in all cases, mitigation and enhancement measures be required to ensure that coastal resources influenced by freshwater inflows are not significantly damaged.

#### Policy Status

~~States Geological Survey (U.S.G.S.) on the 7.5 minute quadrangle series.~~

- a.—1. Stream alterations. ~~Limit S~~stream impoundments, diversions, channelizations, or other substantial alterations ~~shall be limited to coastal streams or the riparian vegetation surrounding them~~ to the following purposes:

- (1)—~~a.~~ Necessary water supply projects, including those for domestic or agricultural purposes;
- (2)—~~b.~~ Flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development; or
- (3)—~~c.~~ Developments where the primary function is the improvement of fish and wildlife habitat.

Substantial alterations shall include channelizations, dams, or comparable projects which significantly disrupt the habitat value of a particular river or stream. Before any such activities are permitted, minimum flows necessary to maintain fish habitat and water quality, and to protect downstream resources (e.g. riparian vegetation, groundwater recharge areas, receiving waters, spawning habitats, etc.) and downstream users shall be determined by the Department of Fish and Game and the Division of Water Rights of the State Water Resources Control Board. Prohibit ~~New~~ impoundments which, individually or cumulatively, would decrease streamflows below the minimum ~~shall not be permitted.~~

- b.—2. Conditions. Minimize ~~The~~ alteration of streams allowed for the purposes listed in (a)—(A) above ~~shall be held to a minimum in order to protect streamwater quality and the volume and rate of streamflow.~~ Require Aall such developments to incorporate the best mitigation measures feasible, including erosion and runoff control measures, and re-vegetation of disturbed areas with native species. Minimize the ~~D~~disturbance of riparian vegetation ~~shall be held to a minimum and require revegetation wherever possible.~~

- e.—3. Stream Buffers. Establish Bbuffers to protect streams from the impacts of adjacent uses ~~shall be established for each stream in Unit II~~ the Coastal Zone. The stream buffer shall include ~~the area covered by riparian vegetation on both sides of the stream and~~ the area 50 feet landward from the outer edge of the riparian vegetation. In no case shall the stream buffer be less than 100 feet in width, on either side of the stream, as measured from the top of the stream banks..

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This policy has been modified and carried forward to **C-BIO-24** Coastal Streams and Riparian Vegetation and **C-BIO-26** Diversions Outside the Coastal Zone.

~~d.—4. Development in Stream Buffers. Prohibit No construction, alteration of land forms and vegetation removal shall be permitted within such riparian protection area stream buffers unless the project is otherwise designed to be consistent with policy C-BIO-25 Stream Buffer Adjustments and Exceptions. Additionally, such project applications shall identify a stream buffer area which shall extend a minimum of 50 feet from the outer edge of riparian vegetation, but in no case less than 100 feet from the banks of a stream. . . . Development shall not be located within this stream buffer area. When a parcel is located entirely within a stream buffer area; design review shall be required to identify and implement the mitigation measures necessary to protect water quality, riparian vegetation and the rate and volume of stream flows. The design process shall also address the impacts of erosion and runoff, and provide for restoration of disturbed areas by replacement landscaping with plant species naturally found on the site. Where a finding based upon factual evidence is made that development outside a riparian protection or stream buffer area would be more environmentally damaging to the riparian habitat than development within the riparian protection or stream buffer area, development of principal permitted uses may occur within such area subject to design review and appropriate mitigation measures.~~

**C-BIO-26 Diversions Outside the Coastal Zone.** Require that the impacts from diversion projects, especially on the two major tributaries to Tomales Bay, Walker and Lagunitas Creeks, be fully studied through the CEQA process before they are permitted to proceed and in all cases, require mitigation and enhancement measures to ensure that coastal resources influenced by freshwater inflows are not significantly damaged.

(PC app. 01/24/11)

*[LCP II Natural Resources Diversions Outside the Coastal Zone policy 3.e., page 73]*

**Unit II Policy 3 p. 72**

~~e.—Diversions Outside the Coastal Zone. C-BIO-26 Diversions Outside the Coastal Zone. Require that the impacts from diversion projects, especially on the two major tributaries Freshwater inflows to to Tomales Bay are critical to the ecology of the Bay. These inflows maintain unique estuarine habitats along the shoreline of the Bay, affect the spawning characteristics of silver salmon and steelhead trout, flush saltwater and accumulated bottom sediments seaward, and~~

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	<p>influence the distribution of shellfish, including a rare and endangered species of shrimp, <i>Sincaia pacifica</i>. Existing dams and reservoirs have already significantly decreased the mean annual net freshwater inflow to Tomales Bay by approximately 25%. There is general recognition that the water quality and marine life of Tomales Bay have been adversely affected by these reduced inflows. The effect of further diversions on the Bay is not known; however, the cumulative effect is generally regarded as significant.</p> <p>Coastal Act policies 30230 and 30231 provide for the protection of marine resources and water quality. In addition, Section 30402 provides that all state agencies shall carry out their duties and responsibilities in conformance with the policies of the Act. Although most freshwater diversions occur outside the coastal zone and are thus beyond the jurisdiction of the LCP, the important effects of such diversion projects on the coastal zone should be considered by all agencies involved so that conformance to the Coastal Act policies cited above is ensured. The County urges all agencies involved with diversions outside the coastal zone which affect freshwater inflows to Tomales Bay to properly notify the County of any plans for such diversions so that opportunity for local comment is assured.</p> <p>The LCP recommends that the impacts from diversion projects, especially on the two major tributaries to Tomales Bay, Walker and Lagunitas Creeks, be fully studied through the <del>EIR</del> <u>EIR-CEQA</u> process before they are permitted to proceed and in all cases, require mitigation and enhancement measures to ensure that coastal resources influenced by freshwater inflows are not significantly damaged.</p>
<p><b><u>Policy 4 p. 74</u></b>  <b><u>Wetlands.</u></b> Wetlands in the Unit II coastal zone shall be preserved and maintained, consistent with the policies in this section, as productive wildlife habitats, recreational open space, and water filtering and storage areas. Land uses in and adjacent to wetlands shall be evaluated as follows:</p> <ol style="list-style-type: none"> <li>a. Diking, filling, and dredging of wetlands shall be permitted only in conformance with the policies contained in the LCP on this subject, presented on page 136. In conformance with these policies, filling of wetlands for the purposes of single-family residential development shall not be permitted.</li> <li>b. Allowable resource-dependent activities in wetlands shall include fishing, recreational clamming, hiking, hunting, nature study, birdwatching and</li> </ol>	<p><b>C-BIO-14 Wetlands.</b> Preserve and maintain wetlands in the Coastal Zone, consistent with the policies in this section, as productive wildlife habitats, recreational open space, and water filtering and storage areas. Evaluate land uses in wetlands as follows:</p> <ol style="list-style-type: none"> <li>1. Permit diking, filling, and dredging of wetlands only in conformance with the policies contained in policy C-BIO-16. Prohibit filling of wetlands for the purposes of residential development.</li> <li>2. Allow certain resource-dependent activities in wetlands including fishing, recreational clamming, hiking, hunting, nature study, birdwatching and boating.</li> </ol>

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<p>boating.</p> <p>c. No grazing or other agricultural uses shall be permitted in wetlands except in those-reclaimed areas presently used for' such activities.</p> <p>d. A buffer strip 100 feet in width, minimum, as measured landward from the edge of the wetland, shall be established along the periphery of all wetlands. Where appropriate, the required buffer strip may be wider based upon the findings of the supplemental report required in (e). Development activities and uses in the wetland buffer shall be' limited to those specified in (a) and (b) above.</p> <p>e. As part of the application for a coastal development permit on any parcel adjacent to Tomales Bay, except where there is no evidence of wetlands pursuant to the Coastal Commission's guidelines, the applicant shall be required to submit supplemental biological information prepared by a qualified ecologist at a scale sufficient to identify the extent of the existing wetlands, based on Section 30121 of the Coastal Act and the area of the proposed buffer areas.</p> <p><b><u>Policy Status</u></b> This policy has been modified and carried forward to <b>C-BIO-14 Wetlands</b> and <b>C-BIO-22 Tomales Bay Shoreline</b>.</p>	<p>3. Prohibit grazing or other agricultural uses in wetlands except in those reclaimed areas used for such activities within five years before the date that a Coastal Permit application is accepted for filing. <i>[LCP II Natural Resources policy 4 a through c, page 74]</i></p> <p><b><u>Unit II Policy 4 p. 74</u></b> <del>Wetlands. C-BIO-14 Wetlands. Preserve and maintain wWetlands in the Unit II Coastal Zone shall be preserved and maintained,</del> consistent with the policies in this section, as productive wildlife habitats, recreational open space, and water filtering and storage areas. <del>Evaluate I-</del>and uses in and adjacent to wetlands shall be evaluated as follows:</p> <p>a. <del>1. Permit D</del>diking, filling, and dredging of wetlands only in conformance with the policies contained in the <del>LCP policy C-BIO-16 on this subject. Prohibit</del> In conformance with these policies, filling of wetlands for the purposes of single-family residential development <del>shall not be permitted.</del></p> <p>b. <del>2. Allow certain resource-dependent activities in wetlands including fishing, recreational clamming, hiking, hunting, nature study, birdwatching and boating.</del></p> <p>e. <del>3. Prohibit No</del> grazing or other agricultural uses in wetlands except in those reclaimed areas <del>presently used for such activities within five years before the date that a Coastal Permit application is accepted for filing.</del></p> <p>d. <del>A buffer strip 100 feet in width, minimum, as measured landward from the edge of the wetland, shall be established along the periphery of all wetlands. Where appropriate, the required buffer strip may be wider based upon the findings of the supplemental report required in (e). Development activities and uses in the wetland buffer shall be' limited to those specified in (a) and (b) above.</del></p> <p><b>C-BIO-22 Tomales Bay Shoreline.</b> As part of the application for a coastal permit on any parcel adjacent to Tomales Bay, except where there is no evidence of wetlands, require the applicant to submit supplemental biological information prepared by a qualified biologist at a scale sufficient to identify the extent of the existing wetlands, based on Section 30121 of the Coastal Act and the area of the proposed buffer areas. <i>[LCP II Natural Resources Wetlands policy 4 e., page 74]</i></p> <p><b><u>Unit II Policy 4 (e) p. 74</u></b> e. <del>C-BIO-22 Tomales Bay Shoreline.</del> As part of the application for a coastal <del>development</del> permit on any parcel adjacent to Tomales Bay, except where there is no evidence of wetlands <del>pursuant to the Coastal</del></p>
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	<p><del>Commission's guidelines, require the applicant to</del> <b>the shall be required to</b> submit supplemental biological information prepared by a qualified biologist at a scale sufficient to identify the extent of the existing wetlands, based on Section 30121 of the Coastal Act and the area of the proposed buffer areas.</p>
<p><b><u>Policy 5 p. 74</u></b>  <u>Coastal Dunes and Other Sensitive Land Habitats</u>. Development in or adjacent to sensitive habitats shall be subject to the following standards:</p> <p>a. <u>Coastal Dunes</u>. No development shall be permitted in coastal dunes in order to preserve dune formations, vegetation, and wildlife habitats. If additional development is proposed at Lawson's Landing, it shall be sited out of the dunes and designed to minimize impacts on adjacent dune vegetation and habitat. Overuse in the dune area shall be prevented by such mechanisms as restricting parking, directing pedestrian traffic to areas capable of sustaining increased use, and fencing. No motor vehicles shall be permitted in beach or dune areas except for emergency purposes. The existing sand quarry operation shall be reviewed in February 1982 when the current permit expires for conformance with LCP policies.</p> <p>b. <u>Other Environmentally Sensitive Habitats</u>. Other sensitive habitats include habitats of rare or endangered-species and unique plant communities. Development in such areas may only be permitted when it depends upon the resources of the habitat area. Development adjacent to such areas shall be set back a sufficient distance to minimize impacts on the habitat area. Public access to sensitive habitat areas, including the timing, intensity, and location of such access, shall be controlled to minimize disturbance to wildlife. Fences,' roads, and structures which significantly inhibit wildlife movement, especially access to water, shall be avoided.</p> <p><b><u>Policy Status</u></b>  This policy has been modified and carried forward to <b>C-BIO-7</b> Coastal Dunes, <b>C-BIO-3</b> Environmentally Sensitive Habitats of Rare or Endangered Species and Unique Plant Communities, and <b>C-PA-10</b> Impacts of Public Coastal Accessways on their Surroundings.</p>	<p><b>C-BIO-7 Coastal Dunes</b>. Prohibit development in coastal dunes in order to preserve dune formations, vegetation, and wildlife habitats. Prevent overuse in dune areas by such mechanisms as restricting parking, directing pedestrian traffic to areas capable of sustaining increased use, and fencing. Prohibit motor vehicles in dune areas except for emergency purposes; prohibit vehicles in non-beach dune areas except for emergency and essential maintenance purposes.  (PC app. 06/28/10)  <i>[LCP Unit II, Natural Resources Coastal Dunes and Other Sensitive Land Habitats policy 5.a, page 74]</i></p> <p><b><u>Unit II Policy 5 (a) p. 74</u></b>  <del>Coastal Dunes and Other Sensitive Land Habitats. Development in or adjacent to sensitive habitats shall be subject to the following standards:</del>  a. <del>Coastal Dunes.</del> <b>C-BIO-7 Coastal Dunes</b>. <del>No development in coastal dunes in order to preserve dune formations, vegetation, and wildlife habitats. Prevent If additional development is proposed at Lawson's Landing, it shall be sited out of the dunes and designed to minimize impacts on adjacent dune vegetation and habitat. Overuse in the dune areas shall be prevented by such mechanisms as restricting parking, directing pedestrian traffic to areas capable of sustaining increased use, and fencing. Prohibit No motor vehicles shall be permitted in beach or dune areas except for emergency purposes; prohibit vehicles in non-beach dune areas except for emergency and essential maintenance purposes.</del></p> <p><b>C-BIO-3 Environmentally Sensitive Habitats of Rare or Endangered Species and Unique Plant Communities</b>. Environmentally sensitive habitats include habitats of rare or endangered species and unique plant communities. Permit development in such areas only when it depends upon the resources of the habitat area and does not significantly disrupt the habitat. Development adjacent to such areas shall be set back a sufficient distance and designed to minimize impacts on the habitat area. Control public access to sensitive habitat areas, including the timing, intensity, and location of such access, to minimize disturbance to wildlife. Avoid fences, roads, and structures that significantly inhibit wildlife movement, especially access to water.  (PC app. 06/28/10)</p>



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*[LCP Unit II, Natural Resources Coastal Dunes and Other Sensitive Land Habitats Policy 5.b, page 75]*

**Policy 5 (b) p. 74**

~~b. Other Environmentally Sensitive Habitats. Other sensitive habitats include habitats of rare or endangered species and unique plant communities. Permit development in such areas only when it depends upon the resources of the habitat area and does not significantly disrupt the habitat. Development adjacent to such areas shall be set back a sufficient distance and designed to minimize impacts on the habitat area. Control public access to sensitive habitat areas, including the timing, intensity, and location of such access, shall be controlled to minimize disturbance to wildlife. Avoid fences, roads, and structures which that significantly inhibit wildlife movement, especially access to water, shall be avoided.~~

**C-BIO-3 Environmentally Sensitive Habitats of Rare or Endangered Species and Unique Plant Communities.** Other environmentally sensitive habitats include habitats of rare or endangered species and unique plant communities. Permit development in such areas only when it depends upon the resources of the habitat area and does not significantly disrupt the habitat. Development adjacent to such areas shall be set back a sufficient distance and designed to minimize impacts on the habitat area. Control public access to sensitive habitat areas, including the timing, intensity, and location of such access, shall be controlled to minimize disturbance to wildlife. Avoid fences, roads, and structures which that significantly inhibit wildlife movement, especially access to water, shall be avoided.

**C-PA-10 Impacts of Public Coastal Accessways on their Surroundings.** Site and design coastal accessways and parking and other support facilities to avoid, if feasible, and only then to minimize significant adverse impacts to sensitive environmental resources, agriculture, and the surrounding community. A vertical accessway should generally be ten feet in width unless site conditions warrant otherwise and should be located at least 10 feet from residential structures. Control public access to sensitive habitat areas, including the timing, intensity, and location of such access, to minimize disturbance to wildlife.  
(PC app. 2/8/10)

*[Adapted from Unit II Public Access Policy 2.b., p. 14, and Unit II Natural Resources Policy 5.b., p. 75]*

**Policy 5 (b) p. 74**

~~b. Other Environmentally Sensitive Habitats. Other sensitive habitats include habitats of rare or endangered species and unique plant communities.~~ **C-PA-10 Impacts of Public Coastal Accessways on their Surroundings.** Site and design coastal accessways and parking and other support facilities to avoid, if feasible, and only then to minimize significant adverse impacts to sensitive environmental resources, agriculture, and the surrounding community. Development in such areas may only be permitted when it depends upon the resources of the habitat area. Development adjacent to such areas shall be set back a sufficient distance to minimize impacts on the habitat area. A vertical accessway should generally be ten feet in width unless site conditions warrant otherwise and should be located at least 10 feet



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	<p>from residential structures. Control pPublic access to sensitive habitat areas, including the timing, intensity, and location of such access, <del>shall be controlled</del> to minimize disturbance to wildlife. <del>Fences, roads, and structures which significantly inhibit wildlife movement, especially access to water, shall be avoided.</del></p>
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## Unit II Existing and Proposed Policies Agriculture

Unit II Agriculture	
Existing Policy	Proposed Policy
<p><b><u>Policy 1 p. 98</u></b>  <u>General policy.</u> Marin County intends to protect the existing and future viability of agricultural lands in its coastal zone, in accordance with Sections 30241 and 30242 of the Coastal Act. The County's LCP policies are intended to permanently preserve productive agriculture and lands with the potential for agricultural use, foster agricultural development, and assure that non-agricultural development does not conflict with agricultural uses or is incompatible with the rural character of the County's coastal zone. These policies are also intended to concentrate development in suitable locations, ensure that adequate public services are available to serve new development, and protect coastal wildlife, habitat, and scenic resources, in accordance with Sections 30240, 20250, and 30251 of the Coastal Act.</p> <p><b><u>Policy Status</u></b>  The content of this policy has been carried forward to <b>C-AG-1</b> Agricultural Lands and Resources.</p>	<p><b>C-AG-1 Agricultural Lands and Resources.</b> Protect agricultural land, continued agricultural uses and the agricultural economy by maintaining parcels large enough to sustain agricultural production, preventing conversion to non-agricultural uses, and prohibiting uses that are incompatible with long-term agricultural production or the rural character of the County's Coastal Zone. Preserve important soils, agricultural water sources, and forage to allow continued agricultural production on agricultural lands.  (PC app. 01/24/11)  <i>[Adapted from Unit II Ag Policy 1, p. 98, and CWP Goal AG-1, p. 2-157]</i></p> <p><b><u>Unit II Policy 1 p. 98</u></b>  <del>General policy.</del> <b>C-AG-1 Agricultural Lands and Resources.</b> <del>Marin County intends to p</del>Protect the existing and future viability of agricultural lands, <del>in its coastal zone, in accordance with Sections 30241 and 30242 of the Coastal Act. The County's LCP policies are intended to permanently preserve productive agriculture and lands with the potential for continued agricultural uses, foster agricultural development, and assure that non-agricultural development does not conflict with agricultural uses or is and the agricultural economy by maintaining parcels large enough to sustain agricultural production, preventing conversion to non-agricultural uses, and prohibiting uses that are incompatible with long-term agricultural production or the rural character of the County's eCoastal zZone. Preserve important soils, agricultural water sources, and forage to allow continued agricultural production on agricultural lands. These policies are also intended to concentrate development in suitable locations, ensure that adequate public services are available to serve new development, and protect coastal wildlife, habitat, and scenic resources, in accordance with Sections 30240, 20250, and 30251 of the Coastal Act.</del></p> <p><b><u>CWP Goal AG-1 p. 2-157</u></b>  <b>C-AG-1 Agricultural Lands and Resources.</b> <u>Preservation of Lands and Resources.</u> Protect agricultural land, by maintaining parcels large enough to sustain agricultural production, preventing conversion to non-agricultural uses, and prohibiting uses that are incompatible with long-term agricultural production. Preserve important soils, agricultural water sources, and forage to allow continued agricultural production on agricultural lands.</p>

## Unit II Existing and Proposed Policies Agriculture

### **Policy 2 p. 98**

Agricultural Production Zone. To implement the goals stated in Policy #1 above, the County shall adopt a planned district zone for all privately owned lands in the Unit II coastal zone currently zoned A-60 or other agricultural zoning district, such as A-20, which are outside of the community expansion boundaries identified in the LCP. Agricultural lands in Unit I which are zoned A-60 shall also be included. The planned district zone shall be known as the Agricultural Production Zone (APZ) and shall have a maximum density of 1 unit per 60 acres. The actual density of permitted development may be less and shall be determined based on the standards in Policy #4 below. The County recognizes that parcel sizes of 60 acres are too small, generally, to independently support existing agricultural operations in the coastal zone. However, 60-acre densities, when combined with the protective standards in Policy #4, do on balance adequately protect agriculture on the coast. The APZ should be reviewed in 5 years to determine its effectiveness, and necessary changes considered at that time.

### **Policy Status**

The content of this policy has been carried forward to **C-AG-2** Coastal Agricultural Production Zone (C-APZ).

**C-AG-2 Coastal Agricultural Production Zone (C-APZ).** Apply the Coastal Agricultural Production Zone (C-APZ) to preserve privately owned agricultural lands that are suitable for land-intensive or land-extensive agricultural productivity, that contain soils classified as Prime Farmland, Farmland of Statewide Importance, Farmland of Local Importance, or Grazing Land capable of supporting production agriculture, or that are currently zoned C-APZ. Ensure that the principal use of these lands is agricultural, and that any development shall be accessory and incidental to, in support of, and compatible with agricultural production.

For the purposes of the C-APZ, the principal permitted use shall be agriculture, defined as uses of land for the breeding, raising, pasturing, and grazing of livestock, the production of food and fiber; the breeding and raising of bees, fish, poultry, and other fowl; the planting, raising, harvesting and producing of agriculture, aquaculture, horticulture, viticulture, vermiculture and forestry crops, substantially similar uses of an equivalent nature and intensity, uses that are accessory and incidental to, in support of, and compatible with the property's agricultural production, including one single-family dwelling per legal lot, up to two intergenerational homes, agricultural worker housing, limited agricultural product sales and processing, non-profit agricultural tours, agricultural homestay facilities and bed and breakfast inns.

Conditional uses in the C-APZ zone include additional agricultural uses and non-agricultural uses including residential development potentially up to the zoning density, consistent with the standards and criteria of Program C-AG-2.b and Policies C-AG-7 and CAG-9.

Development shall not exceed a maximum density of 1 unit per 60 acres. Densities specified in the zoning are maximums that may not be achieved when the standards of the Agriculture policies below, and, as applicable, other LCP policies are applied.

(PC app. 01/24/11)

*[Adapted from Unit II Agriculture Policies 2 and 3, p. 98 and CWP Program AG-1.g, p. 162]*

### **Unit II Policy 2 p. 98**

~~Agricultural Production Zone. To implement the goals stated in Policy #1 above, the County shall adopt a planned district zone for all privately owned agricultural lands in the Unit II coastal zone currently zoned A-60 or other agricultural zoning district, such as A-20, which are outside of the community expansion boundaries identified in the LCP. Agricultural lands in Unit I~~  
**C-AG-2 Coastal Agricultural Production Zone (C-APZ).** Apply the Coastal Agricultural Production Zone. (C-APZ) to preserve

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	<p><del>which are zoned A-60 shall also be included, that are suitable for land-intensive or land-extensive agricultural productivity, that contain soils classified as Prime Farmland, Farmland of Statewide Importance, Farmland of Local Importance, or Grazing Land capable of supporting production agriculture, or that are currently zoned C-APZ. Ensure that the principal use of these lands is agricultural, and that any development shall be accessory and incidental to, in support of, and compatible with agricultural production.</del></p> <p><u>For the purposes of the C-APZ, the principal permitted use shall be agriculture, defined as uses of land for the breeding, raising, pasturing, and grazing of livestock, the production of food and fiber; the breeding and raising of bees, fish, poultry, and other fowl; the planting, raising, harvesting and producing of agriculture, aquaculture, horticulture, viticulture, vermiculture and forestry crops, substantially similar uses of an equivalent nature and intensity, uses that are accessory and incidental to, in support of, and compatible with the property's agricultural production, including one single-family dwelling per legal lot, up to two intergenerational homes, agricultural worker housing, limited agricultural product sales and processing, non-profit agricultural tours, agricultural homestay facilities and bed and breakfast inns.</u></p> <p><u>Conditional uses in the C-APZ zone include additional agricultural uses and non-agricultural uses including residential development potentially up to the zoning density, consistent with the standards and criteria of Program C-AG-2.b and Policies C-AG-7 and CAG-9.</u></p> <p><del>The planned district zone shall be known as the Agricultural Production Zone (APZ) and Development shall have shall not exceed a maximum density of 1 unit per 60 acres. Densities specified in the zoning are maximums that may not be achieved when the standards of the Agriculture policies below, and, as applicable, other LCP policies are applied. The actual density of permitted development may be less and shall be determined based on the standards in Policy #4 below. The County recognizes that parcel sizes of 60 acres are too small, generally, to independently support existing agricultural operations in the coastal zone. However, 60 acre densities, when combined with the protective standards in Policy #4, do on balance adequately protect agriculture on the coast. The APZ should be reviewed in 5 years to determine its effectiveness, and necessary changes considered at that time.</del></p>
<p><b><u>Policy 3 p. 98</u></b>  Intent of the Agricultural Production Zone. The intent of the Agricultural</p>	<p>See Policy 2 above for <b>C-AG-2 Coastal Agricultural Production Zone</b></p>

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Production Zone is to preserve lands within the zone for agricultural use. The principal use of lands in, the APZ shall be agricultural. Development shall be accessory, incidental, or in support of agricultural land uses, and shall conform to the policies and standards in #4 and #5 below.

### **Policy Status**

The content of this policy has been carried forward to **C-AG-2** Coastal Agricultural Production Zone (C-APZ).

(C-APZ).

### **CWP AG-1.g, pg. 2-162**

~~Revise Agricultural Zoning Districts. Modify existing agricultural zoning districts to create a more uniform approach to preservation of agricultural lands, development standards, and allowance of ancillary and compatible non-agricultural uses, and to limit incompatible non-agricultural commercial uses. The principal use of agriculturally zoned land shall be agricultural production, with non-agricultural uses limited to necessary residential uses and compatible ancillary uses that enhance farm income.~~

~~Consolidate suitable agricultural lands in the Inland Rural Corridor into an effective agricultural zoning district similar to the Agricultural Production Zoning District, and create compatible zoning districts to accommodate lands currently zoned for, but not suited for, agriculture as a principal use.~~

~~Agricultural Production Zoning (APZ), or a similar zoning district, **C-AG-2 Coastal Agricultural Production Zone (C-APZ)**, shall Apply the Coastal Agricultural Production Zone (C-APZ) to preserve privately owned agricultural lands in the Inland Rural Corridor that are suitable for land-intensive or land-extensive agricultural productivity, as well as on that contain soils classified as Prime Farmland or Farmland of Statewide Importance capable of supporting production agriculture. The purpose of this zoning district shall be to preserve lands within the zone for agricultural uses and support continued agricultural activities. Farmland of Local Importance, or Grazing Land capable of supporting production agriculture, or that are currently zoned C-APZ. Ensure that tThe principal use of these lands shall be agricultural, and any development shall be accessory, incidental to, and in support of agricultural production.~~

For the purposes of the C-APZ, the principal permitted use shall be agriculture, defined as uses of land for the breeding, raising, pasturing, and grazing of livestock, the production of food and fiber; the breeding and raising of bees, fish, poultry, and other fowl; the planting, raising, harvesting and producing of agriculture, aquaculture, horticulture, viticulture, vermiculture and forestry crops, substantially similar uses of an equivalent nature and intensity, uses that are accessory and incidental to, in support of, and compatible with the property's agricultural production, including one single-family dwelling per legal lot, up to two intergenerational homes, agricultural worker housing, limited agricultural product sales and processing, non-profit agricultural tours, agricultural homestay facilities and bed and breakfast inns.

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	<p><del>Agricultural Residential Planned District Zoning (ARP) shall apply to lands adjacent to residential areas, and at the edges of Agricultural Production Zones in the Inland Rural and Coastal corridors that have potential for agricultural production. This district may also be applied to lands with historic or potential agricultural uses within the City Centered Corridor and in locations that function as community separators or greenbelts. This district is intended to protect agriculture but also allows residential and compatible commercial uses in areas that are transitional between residential and agricultural production uses.</del></p> <p><del>Residential Agricultural Zoning District (RAZ) shall apply in rural areas within the City Centered, Inland Rural, Coastal, and Baylands corridors to accommodate typical rural uses including small scale row crop production, 4H projects and associated uses, along with residential uses and compatible commercial uses.</del></p> <p><u>Conditional uses in the C-APZ zone include additional agricultural uses and non-agricultural uses including residential development potentially up to the zoning density, consistent with the standards and criteria of Program C-AG-2.b and Policies C-AG-7 and CAG-9.</u></p> <p><u>Development shall not exceed a maximum density of 1 unit per 60 acres. Densities specified in the zoning are maximums that may not be achieved when the standards of the Agriculture policies below, and, as applicable, other LCP policies are applied.</u></p> <p><del>Woodland Conservation Zoning District (WCZ) shall apply to selected lands currently in agricultural zoning districts that have a very dense native tree cover. Aerial photography shall be utilized to determine the extent of canopy cover characterizing properties to be included in this zoning district.</del></p>
<p><b>Policy 4 p. 98</b>  <u>Development standards and requirements.</u> All land divisions and developments in the APZ shall require an approved master plan showing how the proposed division or development would affect the subject property. In reviewing a proposed master plan and determining the density of permitted units, the County shall make all of the following findings:</p> <p>a. The development would protect and enhance continued agricultural use and contribute to agricultural viability.</p>	<p><b>C-AG-7 Master Plan for Non-Agricultural Development of Agricultural Production Zone (C-APZ) Lands.</b> Prior to approval of non-agricultural development, including a land division, in the Coastal Agricultural Production Zone, require submittal of a Master Plan or other appropriate development applications showing how the development would be consistent with the LCP. Approve a proposed Master Plan or development application and determine the density of permitted residential units only upon making all of the following findings and incorporating the conditions listed below. No Master Plan shall be required for:</p>

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- b. The development is necessary because agricultural use of the property is no longer feasible. The purpose of this standard is to permit agricultural landowners who face economic hardship to demonstrate how development on a portion of their land would ease this hardship and enhance agricultural operations on the remainder of the property.
- c. The land division or development would not conflict with the continuation of agriculture on that portion of the property which is not developed, on adjacent parcels, or those within one mile of the perimeter of the proposed development.
- d. Adequate water supply, sewage disposal, road access and capacity and other public services are available to service the proposed development after provision has been made for existing and continued agricultural operations. Water diversions or use for a proposed development shall not adversely impact stream habitats or significantly reduce freshwater inflows to Tomales Bay, either individually or cumulatively.
- e. Appropriate public agencies are able to provide necessary services (fire protection, police protection, schools, etc.) to serve the proposed development.
- f. The proposed land division and/or development will have no significant adverse impacts on environmental quality or natural habitats, including stream or riparian habitats and scenic resources. In all cases, LCP policies on streams and natural resources shall be met.
- g. Development consists of permitted and conditional uses as authorized in the APZ.

#### **Policy Status**

The content of this policy has been carried forward to **C-AG-7** Master Plan for Non-Agricultural Development of Agricultural Production Zone (C-APZ) Lands.

- 1. Agricultural activities that are accessory and incidental to, in support of, and compatible with agricultural use;
- 2. Development that is Categorically Excluded;
- 3. Up to two intergenerational homes; or
- 4. A single-family dwelling on a parcel having no residual development potential for additional dwellings, other than agricultural worker housing.

#### **Development Standards:**

All of the following development standards apply:

- 1. The development will protect and enhance continued agricultural use, and contribute to agricultural viability.
- 2. The development is necessary because agricultural use of the property would no longer be feasible. The purpose of this standard is to permit agricultural landowners who face economic hardship to demonstrate how development on a portion of their land would ease this hardship and enhance agricultural operations on the remainder of the property.
- 3. The proposed development will not conflict with the continuation or initiation of agricultural uses on that portion of the property that is not proposed for development, on adjacent parcels, or on other agricultural parcels within one mile of the perimeter of the proposed development.
- 4. Adequate water supply, sewage disposal, road access and capacity and other public services are available to support the proposed development after provision has been made for existing and continued agricultural operations. Water diversions or use for a proposed development shall not adversely impact stream or wetland habitats or significantly reduce freshwater inflows to water bodies including but not limited to Tomales Bay, either individually or cumulatively.
- 5. Appropriate public agencies are able to provide necessary services (fire protection, police protection, schools, etc.) to serve the proposed development.
- 6. The proposed development will have no significant adverse impacts on environmental quality or natural habitats, consistent with LCP.

#### **Required Conditions:**

- 1. In order to retain the maximum amount of land in agricultural production or available for future agricultural use, homes, roads, residential support facilities, and other non-agricultural development shall be placed in one or

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more groups on a total of no more than five percent of the gross acreage, to the extent feasible, with the remaining acreage retained in or available for agricultural production or open space. Proposed development shall be located close to existing roads, or shall not require new road construction or improvements resulting in significant impacts on agriculture, natural topography, significant vegetation, or significant natural visual qualities of the site. Proposed development shall be sited to minimize impacts on scenic resources, wildlife habitat and streams, and adjacent agricultural operations. Any new parcels created shall have building envelopes outside any designated scenic protection area.

2. The creation of a homeowner's or other organization and/or the submission of an Agricultural Production and Stewardship Plan (APSP) may be required to provide for the proper utilization of agricultural lands and their availability on a lease basis or for the maintenance of the community's roads, septic or water systems.
3. Consistent with State and federal laws, a permanent agricultural conservation easement over that portion of the property not used for physical development or services shall be required for proposed land divisions, non-agricultural development, and multiple residential projects, other than agricultural worker housing or intergenerational housing, to promote the long-term preservation of these lands. Only agricultural and compatible uses shall be allowed under the easement. In addition, the County shall require the execution of a covenant not to divide for the parcels created under this division so that each will be retained as a single unit and are not further subdivided.

(PC app. 01/24/11)

*[Adapted from Unit II Ag Policies 4 and 5, p. 98-99]*

### **Unit II Policy 4 p. 98**

~~Development standards and requirements. C-AG-7 Master Plan for Non-~~  
**Agricultural Development of Agricultural Production Zone (C-APZ) Lands.**  
~~All land divisions and developments in the APZ shall require an~~ Prior to  
~~approved approval of non-agricultural development, including a land~~  
~~division, in the Coastal Agricultural Production Zone, require submittal of~~  
~~a Master Plan or other appropriate development applications showing~~  
~~how the proposed division or development would affect the subject~~  
~~property be consistent with the LCP. In reviewing~~ Approve a proposed  
~~Master Plan or development application and determining~~ the density  
of permitted residential units; ~~the County shall only upon~~ making all of  
the following findings and incorporating the conditions listed below. No  
Master Plan shall be required for:

1. Agricultural activities that are accessory and incidental to, in support



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- of, and compatible with agricultural use;
2. Development that is Categorically Excluded;
3. Up to two intergenerational homes; or
4. A single-family dwelling on a parcel having no residual development potential for additional dwellings, other than agricultural worker housing.
- Development Standards:  
All of the following development standards apply:
- a.—1. The development will protect and enhance continued agricultural use, and contribute to agricultural viability.
- b.—2. The development is necessary because agricultural use of the property would no longer be feasible. The purpose of this standard is to permit agricultural landowners who face economic hardship to demonstrate how development on a portion of their land would ease this hardship and enhance agricultural operations on the remainder of the property.
- e.—3. The ~~land division or proposed~~ development will not conflict with the continuation ~~or initiation of~~ agricultural ~~uses on that portion of the property which that~~ is not proposed for development, on adjacent parcels, or ~~those on other agricultural parcels~~ within one mile of the perimeter of the proposed development.
- d.—4. Adequate water supply, sewage disposal, road access and capacity and other public services are available to support the proposed development after provision has been made for existing and continued agricultural operations. Water diversions or use for a proposed development shall not adversely impact stream or wetland habitats or significantly reduce freshwater inflows to water bodies including but not limited to Tomales Bay, either individually or cumulatively.
- e.—5. Appropriate public agencies are able to provide necessary services (fire protection, police protection, schools, etc.) to serve the proposed development.
- f.—6. The proposed ~~division and/or~~ development will have no significant adverse impacts on environmental quality or natural habitats, including stream or riparian habitats and scenic resources. In all cases, LCP policies on streams and natural resources shall be met, consistent with LCP.

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	<p><del>g. Development consists of permitted and conditional uses as authorized in the APZ.</del></p> <p><u>Required Conditions:</u></p> <ol style="list-style-type: none"> <li><u>1. In order to retain the maximum amount of land in agricultural production or available for future agricultural use, homes, roads, residential support facilities, and other non-agricultural development shall be placed in one or more groups on a total of no more than five percent of the gross acreage, to the extent feasible, with the remaining acreage retained in or available for agricultural production or open space. Proposed development shall be located close to existing roads, or shall not require new road construction or improvements resulting in significant impacts on agriculture, natural topography, significant vegetation, or significant natural visual qualities of the site. Proposed development shall be sited to minimize impacts on scenic resources, wildlife habitat and streams, and adjacent agricultural operations. Any new parcels created shall have building envelopes outside any designated scenic protection area.</u></li> <li><u>2. The creation of a homeowner's or other organization and/or the submission of an Agricultural Production and Stewardship Plan (APSP) may be required to provide for the proper utilization of agricultural lands and their availability on a lease basis or for the maintenance of the community's roads, septic or water systems.</u></li> <li><u>3. Consistent with State and federal laws, a permanent agricultural conservation easement over that portion of the property not used for physical development or services shall be required for proposed land divisions, non-agricultural development, and multiple residential projects, other than agricultural worker housing or intergenerational housing, to promote the long-term preservation of these lands. Only agricultural and compatible uses shall be allowed under the easement. In addition, the County shall require the execution of a covenant not to divide for the parcels created under this division so that each will be retained as a single unit and are not further subdivided.</u></li> </ol>
<p><b><u>Policy 5 p. 99</u></b>  <u>Conditions.</u> As part of the approval of a master plan, the following conditions shall be required:</p> <ol style="list-style-type: none"> <li>a. All development shall be clustered to retain the maximum amount of land in agricultural production or available for agricultural use Development, including all land converted from agricultural use such as roads and</li> </ol>	<p><b>C-AG-7 Master Plan for Non-Agricultural Development of Agricultural Production Zone (C-APZ) Lands.</b> Prior to approval of non-agricultural development, including a land division, in the Coastal Agricultural Production Zone, require submittal of a Master Plan or other appropriate development applications showing how the development would be consistent with the LCP. Approve a proposed Master Plan or development application and determine the density of permitted residential units only upon making all of the</p>

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<p>residential support facilities, shall be clustered on no more than five percent of the gross acreage, to the extent feasible, with the remaining acreage to be left in agricultural production and/ or open space. Development shall be located close to existing roads and shall be sited to minimize impacts on scenic resources, wildlife habitat and streams, and adjacent agricultural operations.</p> <p>b. Permanent conservation easements over that portion of the property not used for physical development or services shall be required to promote the long-term preservation of these lands. only agricultural uses shall be allowed under the easements. In addition, the County shall require the execution of a covenant not to divide for the parcels created under this division so that they are retained as a single unit and are not further subdivided.</p> <p>c. The creation of a homeowner's or other organization and/or the submission of agricultural management plans may be required to provide for the proper utilization of agricultural lands and their availability on a lease basis or for the maintenance of community roads or mutual water systems.</p> <p><b><u>Policy Status</u></b></p> <p>The content of this policy has been carried forward to <b>C-AG-7</b> Master Plan for Non-Agricultural Development of Agricultural Production Zone (C-APZ) Lands.</p>	<p>following findings and incorporating the conditions listed below. No Master Plan shall be required for:</p> <ol style="list-style-type: none"> <li>1. Agricultural activities that are accessory and incidental to, in support of, and compatible with agricultural use;</li> <li>2. Development that is Categorically Excluded;</li> <li>3. Up to two intergenerational homes; or</li> <li>4. A single-family dwelling on a parcel having no residual development potential for additional dwellings, other than agricultural worker housing.</li> </ol> <p><b><u>Development Standards:</u></b></p> <p>All of the following development standards apply:</p> <ol style="list-style-type: none"> <li>1. The development will protect and enhance continued agricultural use, and contribute to agricultural viability.</li> <li>2. The development is necessary because agricultural use of the property would no longer be feasible. The purpose of this standard is to permit agricultural landowners who face economic hardship to demonstrate how development on a portion of their land would ease this hardship and enhance agricultural operations on the remainder of the property.</li> <li>3. The proposed development will not conflict with the continuation or initiation of agricultural uses on that portion of the property that is not proposed for development, on adjacent parcels, or on other agricultural parcels within one mile of the perimeter of the proposed development.</li> <li>4. Adequate water supply, sewage disposal, road access and capacity and other public services are available to support the proposed development after provision has been made for existing and continued agricultural operations. Water diversions or use for a proposed development shall not adversely impact stream or wetland habitats or significantly reduce freshwater inflows to water bodies including but not limited to Tomales Bay, either individually or cumulatively.</li> <li>5. Appropriate public agencies are able to provide necessary services (fire protection, police protection, schools, etc.) to serve the proposed development.</li> <li>6. The proposed development will have no significant adverse impacts on environmental quality or natural habitats, consistent with LCP.</li> </ol> <p><b><u>Required Conditions:</u></b></p> <ol style="list-style-type: none"> <li>1. In order to retain the maximum amount of land in agricultural production or available for future agricultural use, homes, roads, and residential support facilities, and other non-agricultural development shall be placed in one or more groups on a total of no more than five percent of the gross acreage, to the extent feasible, with the remaining acreage retained in or available</li> </ol>
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for agricultural production or open space. Proposed development shall be located close to existing roads, and or shall not require new road construction or improvements resulting in significant impacts on agriculture, natural topography, significant vegetation, or significant natural visual qualities of the site. Proposed development shall be sited to minimize impacts on scenic resources, wildlife habitat and streams, and adjacent agricultural operations. Any new parcels created shall have building envelopes outside any designated scenic protection area.

2. The creation of a homeowner's or other organization and/or the submission of an Agricultural Production and Stewardship Plan (APSP) may be required to provide for the proper utilization of agricultural lands and their availability on a lease basis or for the maintenance of the community's roads, septic or water systems.
3. Consistent with State and federal laws, a permanent agricultural conservation easement over that portion of the property not used for physical development or services shall be required for proposed land divisions, non-agricultural development, and multiple residential projects, other than agricultural worker housing or intergenerational housing, to promote the long-term preservation of these lands. Only agricultural and compatible uses shall be allowed under the easement. In addition, the County shall require the execution of a covenant not to divide for the parcels created under this division so that each will be retained as a single unit and are not further subdivided.

(PC app. 01/24/11)

*[Adapted from Unit II Ag Policies 4 and 5, p. 98-99]*

**Unit II Policy 5 p. 99**

**C-AG-7 Master Plan for Non-Agricultural Development of Agricultural Production Zone (C-APZ) Lands.** Prior to approval of non-agricultural development, including a land division, in the Coastal Agricultural Production Zone, require submittal of a Master Plan or other appropriate development applications showing how the development would be consistent with the LCP. Approve a proposed Master Plan or development application and determine the density of permitted residential units only upon making all of the following findings and incorporating the conditions listed below. No Master Plan shall be required for:

1. Agricultural activities that are accessory and incidental to, in support of, and compatible with agricultural use;
2. Development that is Categorically Excluded;
3. Up to two intergenerational homes; or

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4. A single-family dwelling on a parcel having no residual development potential for additional dwellings, other than agricultural worker housing.

Development Standards:

All of the following development standards apply:

1. The development will protect and enhance continued agricultural use, and contribute to agricultural viability.
2. The development is necessary because agricultural use of the property would no longer be feasible. The purpose of this standard is to permit agricultural landowners who face economic hardship to demonstrate how development on a portion of their land would ease this hardship and enhance agricultural operations on the remainder of the property.
3. The proposed development will not conflict with the continuation or initiation of agricultural uses on that portion of the property that is not proposed for development, on adjacent parcels, or on other agricultural parcels within one mile of the perimeter of the proposed development.
4. Adequate water supply, sewage disposal, road access and capacity and other public services are available to support the proposed development after provision has been made for existing and continued agricultural operations. Water diversions or use for a proposed development shall not adversely impact stream or wetland habitats or significantly reduce freshwater inflows to water bodies including but not limited to Tomales Bay, either individually or cumulatively.
5. Appropriate public agencies are able to provide necessary services (fire protection, police protection, schools, etc.) to serve the proposed development.
6. The proposed development will have no significant adverse impacts on environmental quality or natural habitats, consistent with LCP.

Required Conditions: ~~As part of the approval of a master plan, the following conditions shall be required:~~

- a. ~~1. All development shall be clustered~~ In order to retain the maximum amount of land in agricultural production or available for future agricultural use, homes, Development, including all land converted from agricultural use such as roads, and residential support facilities, and other non-agricultural development shall be clustered or placed in one or more groups on a total of no more than five percent of the gross acreage, to the extent feasible, with the remaining acreage retained in or available for agricultural production and/or open space. Proposed Development shall be located close to existing roads, and or shall not require new road construction or improvements resulting

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	<p>in significant impacts on agriculture, natural topography, significant vegetation, or significant natural visual qualities of the site. Proposed development shall be sited to minimize impacts on scenic resources, wildlife habitat and streams, and adjacent agricultural operations. <u>Any new parcels created shall have building envelopes outside any designated scenic protection area.</u></p> <p>b. <u>2. The creation of a homeowner's or other organization and/or the submission of <del>agricultural management plans</del> an Agricultural Production and Stewardship Plan (APSP) may be required to provide for the proper utilization of agricultural lands and their availability on a lease basis or for the maintenance of the community's roads, <u>septic</u> or <del>mutual</del> water systems.</u></p> <p>c. <u>3. Consistent with State and federal laws, a <del>P</del>permanent agricultural conservation easements over that portion of the property not used for physical development or services shall be required for proposed land divisions, non-agricultural development, and multiple residential projects, other than agricultural worker housing or intergenerational housing, to promote the long-term preservation of these lands. Only agricultural and compatible uses shall be allowed under the easement. In addition, the County shall require the execution of a covenant not to divide for the parcels created under this division so that <del>they are</del> each will be retained as a single unit and are not further subdivided.</u></p>
<p><b><u>Policy 6 p. 100</u></b>  Definitions and uses. The definition of agricultural uses in the APZ is given below, along with permitted and conditional uses.</p> <p>a. <u>Definitions.</u> For the purposes of the Agricultural Production Zone, agricultural uses shall be defined as uses of land to grow and/or produce agricultural commodities for commercial purposes, including:</p> <ul style="list-style-type: none"> <li>• Livestock and poultry - cattle, sheep, poultry, goats, rabbits, horses unless they are the primary animals raised.</li> <li>• Livestock and poultry products - milk, wool, eggs.</li> <li>• Field, fruit, nut, and vegetable crops - hay grain, silage, pasture, fruits, nuts, and vegetables.</li> <li>• Nursery products - nursery crops, cut plants.</li> </ul> <p>b. <u>Permitted uses.</u> Permitted uses include the following:</p> <ul style="list-style-type: none"> <li>• Agricultural uses as defined above.</li> <li>• One single-family dwelling per parcel. "Parcel" is defined as all</li> </ul>	<p><b><i>Program C-AG-2.b Develop Implementation Measures for the C-APZ.</i></b> Amend the Development Code to incorporate the following provisions:</p> <p>Permitted Uses in the Agricultural Production Zone.</p> <p>1.. <u>Definitions.</u>  For the purposes of the Coastal Agricultural Production Zone, define agricultural production consistent with Policy C-AG-2, and specifically including uses of land to raise animals used in farming or grow and/or produce agricultural commodities for commercial purposes, including the following and substantially similar uses of an equivalent nature and intensity:</p> <ol style="list-style-type: none"> <li>a. Livestock and poultry - cattle, sheep, poultry, goats, rabbits, , and horses provided that horses are accessory and incidental to, in support of, and compatible with the property's agricultural production.</li> <li>b. Livestock and poultry products (such as milk, wool, eggs).</li> <li>c. Field, fruit, nut, and vegetable crops - hay grain, silage, pasture, fruits, nuts, seeds, and vegetables.</li> <li>d. Nursery products - nursery crops, cut plants.</li> </ol>

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<p>contiguous assessor's parcels under common ownership.</p> <ul style="list-style-type: none"> <li>• Accessory structures or uses appurtenant and necessary to the operation of agricultural uses, other than dwelling units of any kind, but including barns, fences, stables, corrals, coops and pens, and utility facilities.</li> </ul> <p>c. <u>Conditional uses.</u> Conditional uses include the following:</p> <ul style="list-style-type: none"> <li>• Land divisions.</li> <li>• Farmworker housing.</li> <li>• Mobile homes so long as they are used exclusively for employees of the owner who are actively and directly engaged in the agricultural use of the land.</li> <li>• Hog ranch.</li> <li>• Veterinary facilities.</li> <li>• Fish hatcheries and rearing ponds.</li> <li>• Stabling of more than five horses on ranches where horses are the primary or only animals raised.</li> <li>• Raising of other food and fiber producing animals not listed under (a) above.</li> <li>• Planting, raising, or harvesting of trees for timber, fuel, or Christmas tree production.</li> <li>• Facilities for processing or retail sale of agricultural products.</li> <li>• Greenhouses.</li> <li>• Commercial storage and sale of garden supply products.</li> <li>• Water conservation dams and ponds.</li> <li>• Mineral resource production.</li> <li>• Game or nature preserve or refuge.</li> <li>• Public or private recreational activities, such as hunting, fishing, and camping.</li> <li>• Bed and breakfast operations in existing structures up to a maximum of 5 rooms.</li> <li>• Construction, alteration, or maintenance of gas, electric, water, communication, or flood control facilities, unrelated to an agricultural use, as approved by the appropriate governmental agencies.</li> <li>• Dump.</li> </ul> <p><b><u>Policy Status</u></b></p> <p>The contents of this policy have been carried forward to Program <b>C-AG-2.b</b> Develop Implementation Measures for the C-APZ.</p>	<ul style="list-style-type: none"> <li>e. Aquaculture and mariculture</li> <li>f. Viticulture</li> <li>g. Vermiculture</li> <li>h. Forestry</li> <li>i. Commercial gardening</li> <li>j. Beekeeping</li> </ul> <p>2. <b><u>Principal Permitted uses.</u></b></p> <p>Limit Principal Permitted uses in the Coastal Agricultural Production Zone to the following:</p> <ul style="list-style-type: none"> <li>a. Agricultural production as defined in section “a” above;</li> <li>b. One single-family dwelling per legal lot consistent with the limitations on dwelling size contained in Policy C-AG-9.</li> <li>c. Agricultural accessory structures that contain no residential use, but including barns, fences, stables, corrals, coops and pens, and utility facilities.</li> <li>d. Agricultural activities that are accessory and incidental to, in support of and compatible with agricultural production;</li> <li>e. Processing of agricultural products grown principally in Marin County in a processing facility that does not exceed 2500 square feet;</li> <li>f. Retail sales of agricultural products grown principally in Marin County from a sales facility that does not exceed 250 square feet;</li> <li>g. Bed and breakfast inns or agricultural homestay facilities, with three or fewer guest rooms, appurtenant to and compatible with agriculture.</li> <li>h. Agricultural worker housing</li> <li>i. Agricultural tours conducted by non-profit organizations for educational purposes.</li> <li>j. Intergenerational housing - one additional unit as provided in Policy C-AG-5;</li> </ul> <p>3. <b><u>Permitted Uses</u></b></p> <ul style="list-style-type: none"> <li>a. Residential care facilities (six or fewer individuals)</li> <li>b. Group homes (six or fewer individuals);</li> <li>c. Small Family Day Care.</li> </ul> <p>4. <b><u>Conditional Uses.</u></b></p> <p>Limit conditional uses in the Agricultural Production Zone to the following:</p> <ul style="list-style-type: none"> <li>a. Land divisions;</li> <li>b. Second intergenerational housing unit, as provided in Policy C-AG-5.</li> <li>c. Mobile homes so long as they are used exclusively for employees or family members of the owner who are actively and directly engaged in the agricultural use of the land;</li> <li>d. Hog ranches;</li> <li>e. Veterinary facilities;</li> <li>f. Fish hatcheries and rearing ponds;</li> <li>g. Stabling of more than five horses on ranches where horses are the primary</li> </ul>
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	<p>or only animals raised;</p> <ul style="list-style-type: none"> <li>h. Raising of other food and fiber producing animals not listed under “1.a” above;</li> <li>i. Planting, raising, or harvesting of trees for timber, fuel, or Christmas tree production;</li> <li>j. Facilities for agricultural processing that exceed Use Permit waiver criteria;</li> <li>k. Sales of agricultural products that exceed Use Permit waiver criteria;</li> <li>l. Commercial storage and sale of garden supply products;</li> <li>m. Water conservation dams and ponds;</li> <li>n. Mineral resource extraction;</li> <li>o. Nature preserve</li> <li>p. Hunting and fishing clubs.</li> <li>q. Campgrounds;</li> <li>r. Private residential recreational facilities;</li> <li>s. Public parks and playgrounds;</li> <li>t. Equestrian facilities;</li> <li>u. Bed and breakfast operations with 4 or 5 rooms and agricultural homestays with 4-6 rooms;</li> <li>v. Construction, alteration, or maintenance of gas, electric, water, communication, or flood control facilities, unrelated to an agricultural use, as approved by the appropriate governmental agencies;</li> <li>w. Waste disposal sites;</li> <li>x. Water wells or septic systems to serve development on adjoining land;</li> <li>y. Residential care facilities (six or more individuals);</li> <li>z. Group homes (six or more individuals);</li> <li>aa. Large Family Day Care</li> </ul> <p>(PC app. 01/24/11)  <i>[Adapted from Unit II Agriculture Policy 6, p. 100]</i></p> <p><b><u>Unit II Policy 6 p. 100</u></b>  <b><u>Program C-AG-2.b Develop Implementation Measures for the C-APZ.</u></b>  <b><u>Amend the Development Code to incorporate the following provisions:</u></b></p> <p><b><u>Permitted Uses in the Agricultural Production Zone.</u></b></p> <p><b><u>1. Definitions.</u></b></p> <p>For the purposes of the <u>Coastal</u> Agricultural Production Zone, <u>define</u> agricultural <u>production consistent with Policy C-AG-2, and</u> <u>specifically including uses of land to raise animals used in farming or</u> <u>grow and/or produce agricultural commodities for commercial</u> <u>purposes, including the following and substantially similar uses of an</u> <u>equivalent nature and intensity:</u></p> <ul style="list-style-type: none"> <li><u>a. Livestock and poultry - cattle, sheep, poultry, goats, rabbits, and</u></li> </ul>
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	<p>horses <u>provided that horses are accessory and incidental to, in support of, and compatible with the property's agricultural production.</u></p> <p>b. Livestock and poultry products (such as milk, wool, eggs).</p> <p>c. Field, fruit, nut, and vegetable crops - hay grain, silage, pasture, fruits, nuts, seeds, and vegetables.</p> <p>d. Nursery products - nursery crops, cut plants.</p> <p>e. <u>Aquaculture and mariculture</u></p> <p>f. <u>Viticulture</u></p> <p>g. <u>Vermiculture</u></p> <p>h. <u>Forestry</u></p> <p>i. <u>Commercial gardening</u></p> <p>j. <u>Beekeeping</u></p> <p><b>2. <u>Principal Permitted uses.</u></b></p> <p><u>Limit Principal Permitted uses in the Coastal Agricultural Production Zone to the following:</u></p> <p>a. <u>Agricultural production as defined in section "a" above;</u></p> <p>b. <u>One single-family dwelling per legal lot consistent with the limitations on dwelling size contained in Policy C-AG-9.</u></p> <p>c. <u>Agricultural accessory structures that contain no residential use, but including barns, fences, stables, corrals, coops and pens, and utility facilities.</u></p> <p>d. <u>Agricultural activities that are accessory and incidental to, in support of and compatible with agricultural production;</u></p> <p>e. <u>Processing of agricultural products grown principally in Marin County in a processing facility that does not exceed 2500 square feet;</u></p> <p>f. <u>Retail sales of agricultural products grown principally in Marin County from a sales facility that does not exceed 250 square feet;</u></p> <p>g. <u>Bed and breakfast inns or agricultural homestay facilities, with three or fewer guest rooms, appurtenant to and compatible with agriculture.</u></p> <p>h. <u>Agricultural worker housing</u></p> <p>i. <u>Agricultural tours conducted by non-profit organizations for educational purposes.</u></p> <p>j. <u>Intergenerational housing - one additional unit as provided in Policy C-AG-5;</u></p> <p><b>3. <u>Permitted Uses</u></b></p> <p>a. <u>Residential care facilities (six or fewer individuals)</u></p> <p>b. <u>Group homes (six or fewer individuals);</u></p> <p>c. <u>Small Family Day Care.</u></p> <p><b>4. <u>Conditional Uses.</u></b></p> <p><u>Limit conditional uses in the Agricultural Production Zone to the</u></p>
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**Unit II**  
**Existing and Proposed Policies**  
**Agriculture**

	<p>following:</p> <ul style="list-style-type: none"> <li>a. Land divisions;</li> <li>b. <u>Second intergenerational housing unit, as provided in Policy C-AG-5.</u></li> <li>c. Mobile homes so long as they are used exclusively for employees or <u>family members</u> of the owner who are actively and directly engaged in the agricultural use of the land;</li> <li>d. Hog ranches;</li> <li>e. Veterinary facilities;</li> <li>f. Fish hatcheries and rearing ponds;</li> <li>g. Stabling of more than five horses on ranches where horses are the primary or only animals raised;</li> <li>h. Raising of other food and fiber producing animals not listed under "1.a" above;</li> <li>i. Planting, raising, or harvesting of trees for timber, fuel, or Christmas tree production;</li> <li>j. Facilities for <u>agricultural</u> processing <u>that exceed Use Permit waiver criteria;</u></li> <li>k. <u>Sales of agricultural products that exceed Use Permit waiver criteria;</u></li> <li>l. Commercial storage and sale of garden supply products;</li> <li>m. Water conservation dams and ponds;</li> <li>n. Mineral resource extraction;</li> <li>o. <u>Nature preserve</u></li> <li>p. <u>Hunting and fishing clubs.</u></li> <li>q. <u>Campgrounds;</u></li> <li>r. <u>Private residential recreational facilities;</u></li> <li>s. <u>Public parks and playgrounds;</u></li> <li>t. <u>Equestrian facilities;</u></li> <li>u. <u>Bed and breakfast operations with 4 or 5 rooms and agricultural homestays with 4-6 rooms;</u></li> <li>v. Construction, alteration, or maintenance of gas, electric, water, communication, or flood control facilities, unrelated to an agricultural use, as approved by the appropriate governmental agencies;</li> <li>w. <u>Waste disposal sites;</u></li> <li>x. <u>Water wells or septic systems to serve development on adjoining land;</u></li> <li>y. <u>Residential care facilities (six or more individuals);</u></li> <li>z. <u>Group homes (six or more individuals);</u></li> <li>aa. <u>Large Family Day Care</u></li> </ul>
<b>Policy 7 p. 101</b>	<b>C-AG-10 Marin Agricultural Land Trust (MALT) and Other Methods</b>

## Unit II Existing and Proposed Policies Agriculture

<p>Alternative methods of preserving agricultural lands. The County strongly supports the objectives of the Marin Agricultural Land Trust to protect agricultural lands through the transfer, purchase, or donation of development rights or conservation easements on agricultural lands. The County supports and encourages action by the Trust in the coastal zone to preserve agricultural land for productive uses. The County also supports the use of Transfer of Development Rights (TDR) and similar innovative techniques to permanently preserve agricultural lands.</p> <p><b><u>Policy Status</u></b> The contents of this policy have been carried forward to <b>C-AG-10</b> Marin Agricultural Land Trust (MALT) and Other Methods of Preserving Agriculture.</p>	<p><b>of Preserving Agriculture.</b> Support the objectives of the Marin Agricultural Land Trust (MALT) to protect agricultural lands through the transfer, purchase, or donation of development rights or agricultural conservation easements on agricultural lands. Support and encourage action by MALT in the Coastal Zone to preserve agricultural land for productive uses. Support the use of County's adopted model agricultural easement, implementation of Transfer of Development Rights (TDR) programs and similar innovative techniques to permanently preserve agricultural lands. (PC app. 01/24/11) <i>[Adapted from Unit II Agriculture Policy 7, p. 101]</i></p> <p><b><u>Unit II Policy 7 p. 101</u></b> <del>Alternative methods of preserving agricultural lands.</del> <b>C-AG-10 Marin Agricultural Land Trust (MALT) and Other Methods of Preserving Agriculture.</b> <del>The County strongly s</del>Supports the objectives of the Marin Agricultural Land Trust (MALT) to protect agricultural lands through the transfer, purchase, or donation of development rights or <u>agricultural</u> conservation easements on agricultural lands. <del>The County s</del>Supports and encourages action by <del>the Trust</del> MALT in the <del>e</del>Coastal <del>z</del>Zone to preserve agricultural land for productive uses. <del>The County also s</del>Supports the use of <u>County's adopted model agricultural easement, implementation of Transfer of Development Rights (TDR) programs and similar innovative techniques to permanently preserve agricultural lands.</u></p>
<p><b><u>Policy 8 p. 101</u></b> <u>Agriculture on state parklands.</u> State parklands with the potential for agricultural use should be made available for such use, especially during the interim period before the parks are opened for public use. Once opened, the parks should retain agricultural uses unless public recreation or natural resources on the site would be adversely affected. If conflicts between agriculture and public uses occur, they should be resolved in such a way as to protect resources and public safety while still allowing the continuation of the agricultural operation. Agricultural leases with private operators should be reviewed five years prior to expiration for compatibility with park goals. Operators should be notified at that time whether or not their leases will be renewed and what revisions in operating arrangements, if any, are necessary.</p> <p><b><u>Policy Status</u></b> This policy is not carried forward as the language is no applicable.</p>	<p>n/a</p>

**Unit II  
Existing and Proposed Policies  
Mariculture**

<b>Unit II Mariculture</b>	
<b>Existing Policy</b>	<b>Proposed Policy</b>
<p><b><u>Policy 1 p. 114</u></b>  <u>General policy.</u> The County of Marin supports and encourages mariculture in its coastal zone for the purposes of producing food, enhancing and restoring fisheries stocks, and contributing to the State's economy. This policy recognizes, however, that the need for mariculture sites in coastal waters must be balanced with the need to provide for other uses, such as commercial fishing, recreational clamming and boating, and the need to protect coastal wildlife, water, and visual resources.</p> <p><b><u>Policy Status</u></b>  The concept of this policy has been carried forward to <b>C-MAR-1 Support Mariculture</b>.</p>	<p><b>C-MAR-1 Support Mariculture.</b> Supports and encourages mariculture in the Coastal Zone for the purposes of producing food, enhancing and restoring fisheries stocks, and contributing to the economy of the State and Marin County, while providing for other uses, such as commercial fishing, recreational clamming and boating, and the protection of coastal wildlife, water quality, and visual resources. Support provision of onshore facilities necessary to support mariculture operations in coastal waters.  (PC app. 3/8/10)  <i>[Adapted from Unit II Mariculture Policy 1, p. 113]</i></p> <p><b><u>Unit II Policy 1 p. 114</u></b>  <del>General policy.</del> <b>C-MAR-1 Support Mariculture.</b> <del>The County of Marin</del> Supports and encourages mariculture in the Coastal Zone for the purposes of producing food, enhancing and restoring fisheries stocks, and contributing to the State's economy. <del>This policy recognizes, however, that the need for mariculture sites in coastal waters must be balanced with the need to</del> <u>of the State and Marin County, while providing for other uses, such as commercial fishing, recreational clamming and boating, and the need to protect</u> <del>protection of</del> coastal wildlife, water, <del>quality,</del> and visual resources. <u>Support provision of onshore facilities necessary to support mariculture operations in coastal waters.</u></p>
<p><b><u>Policy 2 p. 114</u></b>  <u>General standards.</u> The following standards and procedures shall apply to all mariculture operations:</p> <ol style="list-style-type: none"> <li><u>Acreage limit.</u> In conformance with the recommendations of the Department of Fish and Game, the total acreage designated for mariculture operations in Tomales Bay shall not exceed 900 acres during the five year period following adoption of the LCP. This 900 acres includes 819 acres of existing allotments and leases and a maximum of 81 acres of new allotments and leases. When the LCP is reviewed in five years, additions or reductions in acreage may be considered.</li> <li><u>Size limit on allotments and leases.</u> Mariculture in Tomales Bay has received increasing interest in recent years, as it has statewide. To provide flexibility in responding to new information about the industry, new technology, and changing public needs, allotments and leases considered</li> </ol>	<p><b>C-MAR-3 Apply General Standards to Mariculture Operations.</b> The coastal permitting agency (Coastal Commission and/or Marin County) shall apply the following standards and procedures to all mariculture operations:</p> <ol style="list-style-type: none"> <li><u>Protection of eelgrass beds.</u> The siting of oyster allotments, mariculture leases, and mariculture structures should avoid interference or damage to eelgrass beds in Tomales Bay, in conformance with Section 30.10, Title 14, California Code of Regulations.</li> <li><u>Operator access.</u> Public agencies should be encouraged to consider operator access to mariculture leaseholds.</li> <li><u>Shoreline access.</u> Mariculture operations and onshore support facilities shall incorporate provisions for public access to and along the shoreline unless such access would interfere with mariculture and the impacts from access cannot be mitigated to less than significant levels. In evaluating</li> </ol>

## Unit II Existing and Proposed Policies Mariculture

<p>for development in a coastal permit shall be limited in size to five acres. Applicants shall be required to meet the production requirements of the Department of Fish and Game for each five-acre parcel before being granted a permit to develop additional acreage. Allotments and leases in existence at the time of LCP adoption shall not be subject to this policy. Re-allotted acreage shall be retained and shall be reviewed for appropriate size and location according to LCP policies in this and other sections.</p> <p>c. <u>Time limit on allotments and leases.</u> To increase flexibility in the administration of mariculture activities for the purposes stated in (b) above, the County encourages the Department of Fish and Game to limit new allotments and leases in Tomales Bay to 10 years, subject to renewal up to 25 years as allowed by law.</p> <p>d. <u>Protection of eelgrass beds.</u> The siting of oyster allotments, mariculture leases, and mariculture structures shall avoid interference or damage to eelgrass beds in Tomales Bay, in conformance with Section 165(5), Title 14, of the California Administrative Code.</p> <p>e. <u>Exotic animals.</u> The importation of exotic fish, shellfish, or other marine species shall be carefully reviewed for its potential effect on native organisms in Tomales Bay, in accordance with Sections 130 and 131, Title 14, of the California Administrative Code. Before a coastal permit is granted, persons requesting to cultivate exotic species shall be required to demonstrate that no significant adverse impacts will result from the introduction of such species.</p> <p>f. <u>Shoreline access.</u> Mariculture operations and onshore support facilities shall incorporate provisions for public access to and along the shoreline unless such access would interfere with mariculture and the impacts from access cannot be mitigated. In evaluating coastal permits for mariculture, the County shall consider the location of existing accessways and potential conflicts between mariculture and public use of the shoreline. Areas of State land used by the public for digging clams shall remain open to the public for such digging, in conformance with Sections 6496 and 6523 of the State Fish and Game Code.</p> <p>g. <u>Boating access.</u> The placement of structures within new or existing allotments and leases shall not interfere with public boating access at high-tide to State lands within the leased areas, in conformance with Sections 6497 and 6524 of the State Fish and Game Code. If boat passages are proposed, they shall be spaced at a minimum of one passage per 1/2 mile of shoreline.</p>	<p>coastal permits for mariculture, the County shall consider the location of existing accessways and potential conflicts between mariculture and public use of the shoreline.</p> <p>4. <u>Boating access.</u> The placement of structures within new or existing allotments and leases shall not interfere with public boating access at high tide to State lands within the leased areas. If boat passages are proposed, they shall be spaced at a minimum of one passage per 1/2 mile of shoreline.</p> <p>5. <u>Onshore support facilities.</u> Applicants for a coastal permit shall specify what access points and onshore support facilities (e.g. boat launch, loading dock, etc.) are required for the proposed mariculture operation, where such facilities will be located, and the timing of use. If private lands will be used for access or support facilities, the applicant shall submit a written statement from the property owner(s) agreeing to such use. If public lands will be used for access or support facilities, the applicant shall arrange a lease with the appropriate public agency specifying the type, location, and timing of use which is acceptable.</p> <p>6. <u>Visual impacts.</u> Mariculture structures shall be sited and designed to minimize visual impacts, especially in areas which are highly visible from public roads, parks, or other public viewing places. <i>[Adapted from Unit II Mariculture Policy 2, pp. 113-116]</i></p> <p><b><u>Unit II Policy 2 p. 114</u></b> <del>General standards.</del><b><u>C-MAR-3 Apply General Standards to Mariculture Operations.</u></b> The coastal permitting agency (Coastal Commission and/or Marin County) shall apply the following standards and procedures to all mariculture operations:</p> <p>a. <del>Acreage limit. In conformance with the recommendations of the Department of Fish and Game, the total acreage designated for mariculture operations in Tomales Bay shall not exceed 900 acres during the five year period following adoption of the LCP. This 900 acres includes 819 acres of existing allotments and leases and a maximum of 81 acres of new allotments and leases. When the LCP is reviewed in five years, additions or reductions in acreage may be considered.</del></p> <p>b. <del>Size limit on allotments and leases. Mariculture in Tomales Bay has received increasing interest in recent years, as it has statewide. To provide flexibility in responding to new information about the</del></p>
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## Unit II Existing and Proposed Policies Mariculture

<p>h. <u>Marking of structures.</u> Mariculture structures shall be clearly marked above water in accordance with Sections 6499 and 6526 of the State Fish and Game Code, and the regulations of the Army Corps of Engineers and Coast Guard.</p> <p>i. <u>Onshore support facilities.</u> Applicants for a coastal permit shall specify what access points and onshore support facilities (e.g. boat launch, loading dock, etc.) are required for the proposed mariculture operation, where such facilities will be located, and the timing of use. If private lands will be used for access or support facilities, the applicant shall submit a written statement from the property owner(s) agreeing to such use. If public lands will be used for access or support facilities, the applicant shall arrange a lease with the County or State specifying the type, location, and timing of use which is acceptable.</p> <p>j. <u>Visual impacts.</u> Mariculture structures shall be sited and designed to minimize visual impacts, especially in areas which are highly visible from public roads, parks, or other public viewing places.</p> <p>k. <u>Permit requirements.</u> Coastal permit applications for mariculture operations shall include the following information, submitted as part of the environmental statement on the project required by Public Resources Code Section 833:</p> <ul style="list-style-type: none"> <li>• map of location, scale of 1:2000</li> <li>• presence of eelgrass beds and other resources (e.g. seal haul-outs) on the site</li> <li>• depth of water and type of substrate</li> <li>• species to be cultivated and culture method to be used (e.g. raft, stake, bottom culture)</li> <li>• percent of allotment or lease covered by structures</li> <li>• method of anchoring structures</li> <li>• method of marking structures</li> <li>• provision for shoreline and/or boating access, as necessary</li> <li>• location of access to mariculture operations and of onshore support facilities</li> <li>• list of adjacent property owners and upland property owners within 1/2 mile of proposed activity</li> <li>• list of other permits applied for or granted</li> </ul> <p>1. <u>Notification of property owners.</u> The County shall notify all property owners within 1/2 mile of the proposed mariculture operations and</p>	<p><del>industry, new technology, and changing public needs, allotments and leases considered for development in a coastal permit shall be limited in size to five acres. Applicants shall be required to meet the production requirements of the Department of Fish and Game for each five acre parcel before being granted a permit to develop additional acreage. Allotments and leases in existence at the time of LCP adoption shall not be subject to this policy. Re-allotted acreage shall be retained and shall be reviewed for appropriate size and location according to LCP policies in this and other sections.</del></p> <p><del>e. Time limit on allotments and leases. To increase flexibility in the administration of mariculture activities for the purposes stated in (b) above, the County encourages the Department of Fish and Game to limit new allotments and leases in Tomales Bay to 10 years, subject to renewal up to 25 years as allowed by law.</del></p> <p><u>1.d. Protection of eelgrass beds.</u> The siting of oyster allotments, mariculture leases, and mariculture structures <del>shall</del> <u>should</u> avoid interference or damage to eelgrass beds in Tomales Bay, in conformance with Section 465(5), Title 14, of the California Administrative Code 30.10, Title 14, California Code of Regulations.</p> <p><u>2. Operator access.</u> Public agencies should be encouraged to consider operator access to mariculture leaseholds.</p> <p><del>e. Exotic animals. The importation of exotic fish, shellfish, or other marine species shall be carefully reviewed for its potential effect on native organisms in Tomales Bay, in accordance with Sections 130 and 131, Title 14, of the California Administrative Code. Before a coastal permit is granted, persons requesting to cultivate exotic species shall be required to demonstrate that no significant adverse impacts will result from the introduction of such species.</del></p> <p><u>3.f. Shoreline access.</u> Mariculture operations and onshore support facilities shall incorporate provisions for public access to and along the shoreline unless such access would interfere with mariculture and the impacts from access cannot be mitigated; <del>to less than significant levels.</del> In evaluating coastal permits for mariculture, the County shall consider the location of existing accessways and potential conflicts between mariculture and public use of the shoreline. <del>Areas of State land used by the public for digging clams shall remain open to the public for such digging, in conformance with Sections 6496 and 6523 of the State Fish and Game Code.</del></p>
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## Unit II

### Existing and Proposed Policies

#### Mariculture

interested organizations when a coastal permit is filed with the County for mariculture activities.

#### **Policy Status**

The concepts of this policy have been carried forward to **C-MAR-3** Apply General Standards to Mariculture Operations.

~~4.g. Boating access.~~ The placement of structures within new or existing allotments and leases shall not interfere with public boating access at high tide to State lands within the leased areas, ~~in conformance with Sections 6497 and 6524 of the State Fish and Game Code.~~ If boat passages are proposed, they shall be spaced at a minimum of one passage per 1/2 mile of shoreline.

~~h. Marking of structures.~~ Mariculture structures shall be clearly marked above water in accordance with Sections 6499 and 6526 of the State Fish and Game Code, and the regulations of the Army Corps of Engineers and Coast Guard.

~~5.i. Onshore support facilities.~~ Applicants for a coastal permit shall specify what access points and onshore support facilities (e.g. boat launch, loading dock, etc.) are required for the proposed mariculture operation, where such facilities will be located, and the timing of use. If private lands will be used for access or support facilities, the applicant shall submit a written statement from the property owner(s) agreeing to such use. If public lands will be used for access or support facilities, the applicant shall arrange a lease with the ~~County or State~~ appropriate public agency specifying the type, location, and timing of use which is acceptable.

~~6.j. Visual impacts.~~ Mariculture structures shall be sited and designed to minimize visual impacts, especially in areas which are highly visible from public roads, parks, or other public viewing places.

~~k. Permit requirements.~~ Coastal permit applications for mariculture operations shall include the following information, submitted as part of the environmental statement on the project required by Public Resources Code Section 833:

- ~~• map of location, scale of 1:2000~~
- ~~• presence of eelgrass beds and other resources (e.g. seal haul outs) on the site~~
- ~~• depth of water and type of substrate~~
- ~~• species to be cultivated and culture method to be used (e.g. raft, stake, bottom culture)~~
- ~~• percent of allotment or lease covered by structures~~
- ~~• method of anchoring structures~~
- ~~• method of marking structures~~
- ~~• provision for shoreline and/or boating access, as necessary~~

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	<ul style="list-style-type: none"> <li>• <del>location of access to mariculture operations and of onshore support facilities</del></li> <li>• <del>list of adjacent property owners and upland property owners within 1/2 mile of proposed activity</del></li> <li>• <del>list of other permits applied for or granted</del></li> </ul> <p>1. <del>Notification of property owners. The County shall notify all property owners within 1/2 mile of the proposed mariculture operations and interested organizations when a coastal permit is filed with the County for mariculture activities.</del></p>
<p><b><u>Policy 3 p. 116</u></b>  <u>Technical Advisory Committee.</u> The County shall explore the possibility of establishing a Technical Advisory Committee composed of qualified persons for the purpose of providing technical expertise and assistance to the County in its review of coastal permits for mariculture.</p> <p><b><u>Policy Status</u></b>  This policy has not been carried forward since it is no longer relevant.</p>	n/a
<p><b><u>Policy 4 p. 116</u></b>  <u>Existing allotments and leases.</u> The County of Marin recognizes existing oyster allotments and mariculture leases in Tomales Bay and encourages their development. This policy recognizes, however, that adjustments in allotment size and location may be necessary in the future in response to new information about the mariculture industry, new technology, or changing public needs.</p> <p>Development of existing allotments and leases shall conform to the standards set forth below. The allotments are listed from north to south.</p> <p>a. <u>Allotment #430-03, Int'l Shellfish Enterprises.</u> There are two major concerns with this allotment: the presence of eelgrass beds and the close proximity of the allotment to the Walker Creek delta. To protect the eelgrass, minimize interference with freshwater outflows from Walker Creek, and reduce possible impacts on spawning fish in the creek, mariculture structures shall be located out of eelgrass beds and set back from the delta. Mariculture operations shall allow boating access to and along the shore at high tide.</p> <p>b. <u>Allotment #430-04, Int'l Shellfish Enterprises.</u> The presence of eelgrass beds is the major concern with this allotment. To minimize damage to this resource, structures shall be sited out of eelgrass beds. Boating access to the shoreline at high tide shall be maintained.</p>	n/a



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#### Mariculture

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| <p>c. <u>Allotment #430-01, Jensen Oyster Company.</u> Development on this allotment shall be sited out of eelgrass beds, set back from the Walker Creek delta, and designed to minimize visual impacts on adjacent areas which are visible from Highway 1 and Miller Park. When the allotment terminates in 1980, the siting and development of re-allotted acreage shall take these concerns into account. New development on the upland parcel, AP #104-110-08, shall allow for the continuation of mariculture operations.</p> <p>d. <u>Allotment #430-08, Parcel 2, International Shellfish Enterprises.</u> This allotment is located offshore from state parklands, thus mariculture development should be coordinated with that of the park. Structures shall not interfere with boating access to or with lateral access along the shoreline. Visual impacts from development shall be minimized and structures shall be sited out of eelgrass beds.</p> <p>e. <u>Allotment #430-07, Parcel 2, WHD Enterprises.</u> This allotment is located in a relatively busy area of Tomales Bay. Mariculture development shall be sited and designed to minimize conflicts with commercial fishing activity at Marshall Boat Works and Tony's Seafood and with recreational boating at Marconi Cove Marina. The visual impacts of development on this highly visible site shall be minimized and interference with recreational clamming along the shore shall be avoided.</p> <p>f. <u>Lease #430-06, Morgan Oyster Company.</u> This lease is located adjacent to Marconi Cove Marina and as such appears to present potential conflicts with recreational boating and clamming there, especially if the marina is expanded. Mariculture structures shall be sited to minimize these potential conflicts. Relocation of the lease to the northwest or southwest should be considered, if it appears necessary, when the lease terminates in 1988.</p> <p>g. <u>Allotment #430-09, Parcel 2, Dunn and Johnson.</u> This allotment is located offshore from recreational clamming areas between Marconi Cove Marina and state parklands to the south. The major concerns with its development are visual impacts, and possible interference with recreational clamming and boating. Development shall be designed to minimize visual impacts and sited close to the shoreline to avoid recreational boat traffic.</p> <p>h. <u>Allotment #430-05, American Shellfish Corporation.</u> This allotment, which includes 20 acres of private water bottoms, is the largest in the Bay and wraps around state parklands on Tomasini and Millerton Points. Mariculture development should be incorporated into the interpretive facilities of the park and should proceed with attention to the needs and characteristics of the park. Public access along the shoreline and by boat at high tide shall be maintained at all points. If boat passages are proposed through structures, they shall be provided, at a minimum, on the north side</p> |  |
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#### Mariculture

<p>of Tomasini Point and on the lee side of Tomasini and Millerton Points. Structures shall be sited and designed to minimize visual impacts. Materials used shall be compatible with the park setting.</p> <p>i. <u>Allotments #430-07, Parcel 1, WHD Enterprises, and #430-09, Parcel 1, Dunn and Johnson.</u> These allotments are located at the southern end of the Bay, out of the way of most other uses. Development shall proceed with attention to visual impacts and recreational boat traffic.</p> <p><b><u>Policy Status</u></b></p> <p>This policy has not been carried forward since the mariculture operations are outside of the County's jurisdiction. They are located on State land, subject to the Department of Fish and Game, and located in the permanent coastal permitting area of the Coastal Commission.</p>	
<p><b><u>Policy 5 p. 118</u></b></p> <p><u>New allotments and leases.</u> Based on Section 30411(c) of the Coastal Act, the County has taken the recommendations of the Department of Fish and Game as the starting point for evaluating new allotments and leases in Tomales Bay. The Department has recommended 82 acres of allotments in various locations around the Bay, to be granted in parcels of five acres each. After evaluating this proposal in light of Coastal Act policies, the County has concluded that 82 acres and five acre parcel sites would be appropriate for Tomales Bay. However, the location of this acreage needs adjustment in some cases. In addition, the structural development of allotments needs to be conditioned to ensure that it conforms to the policies of the Coastal Act.</p> <p>To meet these concerns, the following standards on location and development of new allotments and leases are proposed:</p> <p>a. <u>West side of Tomales Bay.</u></p> <p><u>Proposal:</u> The Department of Fish and Game has stated that a maximum of two acres of allotments would be sited between Teacher's Beach and the boundary of Point Reyes National Seashore to the north, between the -1.5 and -8 contour lines (MLW). Fish and Game gives these allotments very low priority because of heavy recreational use in the area and states that great need would have to be demonstrated before they would be considered.</p> <p><u>Description:</u> This area lies adjacent to Tomales Bay State Park. The park and offshore area are heavily used by boaters, clammers, swimmers, and hikers. The main boating channel in the Bay is located near the shore.</p>	n/a

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LCP Recommendations: Because of the heavy use of this area and the potential for conflicts between mariculture operations and other uses, the County does not regard the west shore as appropriate for mariculture and shall not grant coastal permits for such operations there. To maintain the opportunity for mariculture, the two acres shall be relocated to the east side of the Bay.

b. East side of Tomales Bay, Tom's Point to Miller Park.

Proposal: The Department of Fish and Game proposes twenty-five acres of allotments in five-acre parcels between the +1 foot tide level and the -12 foot contour line (MLW).

Description: This area lies out of the most actively used portions of Tomales Bay and would be appropriate for additional mariculture development (.431 acres of allotments already exist). The major concerns in this area are the-presence of eelgrass beds, harbor seal haulouts on Hog Island, freshwater outflow and siltation at the mouth of Walker Creek, public clamming at Nick's Cove and Miller Park. recreational boating from Miller Park, and visual impacts on the Park and Highway 1.

LCP Recommendations: The twenty-five acres shall be sited out of eelgrass beds and set back from the Walker Creek delta. Allotments shall abut existing allotments where possible and shall avoid open water used by boat traffic. Setbacks of 150 yards minimum shall be maintained from identified seal haulout areas and from Nick's Cove and Miller Park. Visual impacts from development on the cove and park shall be minimized.

c. East side of Tomales Bay, Miller Park to Cypress Grove.

Proposal: The Department of Fish and Game recommends thirty acres of allotments in five-acre parcels between the -1.5 and -12 foot contour lines (MLW).

Description: This area of the Bay has 18 acres of existing allotments and appears to represent one of the areas with the greatest potential for mariculture expansion. However, it is quite exposed and somewhat problematical from an industry standpoint. The major concerns include the presence of eelgrass beds near the shore, commercial fishing, numerous recreational clamming sites, public parkland, and visual impacts on public parks, viewing areas, and Highway 1.

LCP Recommendations: Mariculture structures shall be sited out of

## Unit II

### Existing and Proposed Policies

#### Mariculture

eelgrass beds, allow boating access to the shoreline, and be set back a minimum of 150 yards from Miller Park and North Shore Boats. Existing lateral access shall be maintained on public parkland near Cypress Grove and on private lands to the north and south. Allotments shall be sited close in towards the shore to minimize conflicts with commercial fishing and shall be designed to minimize visual impacts on public viewing areas and Highway 1.

d. East side of Tomales Bay, Marshall to the southern end of the Bay.

Proposal: The Department of Fish and Game proposes twenty-five acres of allotments in five-acre parcels between the -1.5 and -8 foot bottom contours (MLW). The allotments would be sited close to existing allotments.

Description: This area of Tomales Bay includes 370 acres of existing allotments and leases, most of which have not yet been developed. There are numerous other uses in this relatively busy area, particularly between Marshall and Tomasini Point, including recreational clamming and boating, commercial fishing, a marina, boat works, and state park. New allotments in this area have the potential to conflict with these uses unless carefully sited.

LCP Recommendations: Mariculture structures shall be set back a minimum of 150 yards from Marshall Tavern, Marshall Boat Works, Tony's Seafood, and Marconi Cove Marina. Structures shall allow boating access to the shoreline at high tide, shall not interfere with lateral access, and shall be designed to minimize visual impacts. Allotments placed to the south of Marconi Cove Marina shall abut existing allotments and be located out of recreational boating lanes.

#### **Policy Status**

This policy has not been carried forward since the mariculture operations are outside of the County's jurisdiction. They are located on State land, subject to the Department of Fish and Game, and located in the permanent coastal permitting area of the Coastal Commission.

**Unit II**  
**Existing and Proposed Policies**  
**Commercial Fishing and Recreational Boating**

Unit II Commercial Fishing and Recreational Boating	
Existing Policy	Proposed Policy
<p><b><u>Policy 1 p. 122</u></b>  <u>General policy.</u> The use of Tomales Bay for commercial fishing and recreational boating shall be supported and protected. Facilities on the shoreline of the Bay which support such uses shall be protected and, where feasible, upgraded. The County particularly encourages continued commercial fishing in Tomales Bay.</p> <p><b><u>Policy Status</u></b>  This policy has been carried forward with modifications to <b>C-PK-15</b> Commercial Fishing and Recreational Boating.</p>	<p><b>C-PK-15 Commercial Fishing and Recreational Boating.</b> Support and protect commercial fishing and recreational boating on Tomales Bay. Protect and, where feasible, upgrade facilities on the shoreline of the Bay which support such uses. Design and locate proposed recreational boating facilities, where feasible, so as not to interfere with the needs of the commercial fishing industry.  (PC app. 10/26/09)  <i>[Unit II Commercial Fishing and Recreational Boating Policy 1, pg. 122 and Coastal Act Section 30234]</i></p> <p><b><u>Unit II Policy 1 p. 122</u></b>  <del>General policy.</del> <b><u>C-PK-15 Commercial Fishing and Recreational Boating.</u></b> <del>The use of Tomales Bay for commercial fishing and recreational boating shall be sSupported and protected.</del> <u>commercial fishing and recreational boating on Tomales Bay. Facilities on the shoreline of the Bay which support such uses shall be pProtected and, where feasible, upgraded.</u> <del>facilities on the shoreline of the Bay which support such uses. Design and locate proposed recreational boating facilities, where feasible, so as not to interfere with the needs of the</del> <u>The County particularly encourages continued commercial fishing industry in Tomales Bay.</u></p> <p><b><u>Coastal Act Section 30234</u></b>  <del>C-PK-15 Commercial Fishing and Recreational Boating facilities.</del> <u>Facilities serving the Support and protect commercial fishing and recreational boating industries shall be protected on Tomales Bay. and, where feasible, upgraded facilities on the shoreline of the Bay which support such uses.</u> <del>Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.</del> <u>Design and locate proposed recreational boating facilities, where feasible, so as not to interfere with the needs of the commercial fishing industry.</u></p>
<p><b><u>Policy 2 p. 122</u></b>  <u>Development standards.</u> Development of new boating facilities on the shoreline shall conform to the following standards:</p>	<p><b>C-PK-16 Standards for New Boating Facilities.</b> Apply the following standards to the development of new boating facilities on the Tomales Bay shoreline:</p>

## Unit II

### Existing and Proposed Policies

#### Commercial Fishing and Recreational Boating

<p>a. New marinas or boat works shall generally be located within or adjacent to existing facilities and where adequate public services (parking, sewage disposal, etc.) exist. New boating facilities in undeveloped areas shall be limited to small-scale facilities such as launching ramps. Adequate waste pump-out facilities shall be provided.</p> <p>b. New or expanded boat works or marinas shall be directed to deeper water areas with good tidal flushing in order to minimize the need for dredging and the risk of water pollution and stagnation. In general, the southern end of Tomales Bay is inappropriate for marina development because it is shallow and poorly flushed by tides.</p> <p>c. In the allocation of berthing spaces in new or expanded marina between commercial fishing and recreational boats, adequate space shall be provided for commercial fishing boats to ensure protection of this coastal-dependent industry.</p> <p>d. The design of marina facilities shall incorporate provisions for public access to and along the shoreline and shall minimize alteration of the natural shoreline, in conformance with LCP policies on public access and wetlands protection.</p> <p>e. Houseboat living on Tomales Bay is not an appropriate use of the Bay's waters.</p> <p><b><u>Policy Status</u></b> This policy has been carried forward with modifications to <b>C-PK-16</b> Standards for New Boating Facilities.</p>	<p>1. Co-locate new marinas or boat works within or adjacent to existing facilities and where adequate public services, such as parking and sewage disposal, exist. Where co-location is not feasible, limit new boating facilities in undeveloped areas to small scale facilities such as launching ramps. In addition, adequate waste pump-out facilities shall be provided.</p> <p>2. Direct new or expanded marinas to deeper water areas with good tidal flushing in order to minimize the need for dredging and the risk of water pollution and stagnation.</p> <p>3. Provide adequate berthing space for commercial fishing boats in new or expanded marina to ensure protection of this coastal dependent industry.</p> <p>4. Incorporate provisions for public access to and along the shoreline in the design of marina facilities, and minimize alteration of the natural shoreline in conformance with LCP policies on public access and wetlands protection.</p> <p>5. Prohibit “live aboards” and houseboats on Tomales Bay.</p> <p>(PC app. 10/26/09) <i>[Unit II Commercial Fishing and Recreational Boating Policy 2a - e, pg. 122]</i></p> <p><b><u>Unit II Policy 2 p. 122</u></b> <del>Development standards.</del> <b>C-PK-16 Standards for New Boating Facilities.</b> <u>Apply the following standards to the d</u><del>Development of new boating facilities on the Tomales Bay shoreline shall conform to the following standards:</del></p> <p><u>1.a.</u> <del>Co-locate n</del><u>New marinas or boat works shall generally be located within or adjacent to existing facilities and where adequate public services, such as (parking, and sewage disposal, etc.) exist. Where co-location is not feasible, limit n</u><del>New boating facilities in undeveloped areas shall be limited to small scale facilities such as launching ramps. In addition, a</del><u>Adequate waste pump-out facilities shall be provided.</u></p> <p><u>2.b.</u> <del>Direct N</del><u>new or expanded boat works or marinas shall be directed to deeper water areas with good tidal flushing in order to minimize the need for dredging and the risk of water pollution and stagnation. In</u><del>general, the southern end of Tomales Bay is inappropriate for marina development because it is shallow and poorly flushed by tides.</del></p> <p><u>3.e.</u> <del>In the allocation of</del> <u>Provide adequate berthing spaces for commercial fishing boats in a</u><del>new or expanded marinas between commercial fishing and recreational boats, adequate space shall be provided for</del></p>
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**Unit II**  
**Existing and Proposed Policies**  
**Commercial Fishing and Recreational Boating**

	<p>commercial fishing boats to ensure protection of this coastal dependent industry.</p> <p><del>4.d. The design of marina facilities shall</del> Incorporate provisions for public access to and along the shoreline <u>in the design of marina facilities, and</u> <del>shall</del> minimize alteration of the natural shoreline in conformance with LCP policies on public access and wetlands protection.</p> <p><del>5.e. Prohibit “live aboards” and Hhouseboats living on Tomales Bay is not an appropriate use of the Bay's waters.</del></p>
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**Unit II**  
**Existing and Proposed Policies**  
**Public Trust Lands**

Unit II Public Trust Lands	
Existing Policy	Proposed Policy
<p><b><u>Policy 1 p. 129</u></b>  <u>Notification of public trust interest.</u> The Coastal Commission retains original permit jurisdiction over public trust lands. Applicants should examine the maps delineating the area of original jurisdiction to determine whether they should apply to the County or Coastal Commission. Specific questions should be referred to the State Office, Mapping Section. Applicants whose land is seaward of the line of Coastal Commission original jurisdiction shall apply to the Coastal Commission for coastal development permits. Before issuing a coastal permit, the Commission will refer the application to the State Lands Commission for a determination whether a State Lands Commission permit or lease is required for the proposed development and whether the State Lands Commission finds it appropriate to exercise the easement over that property. Applicants whose land is landward of that line shall apply to Marin County for coastal permits. County designation of land use on public trust lands is advisory, since the Commission retains original permit jurisdiction over such areas.</p> <p><b><u>Policy Status</u></b>  The language in this policy has been incorporated into the permit review process and, therefore, has not been carried forward.</p>	<p>n/a</p>
<p><b><u>Policy 2 p. 129</u></b>  Reconstruction of existing structures. Existing structures on public trust lands along the shoreline of Tomales Bay may continue and shall be permitted to be rebuilt if damaged or destroyed by natural disaster, in conformance with the development standards specified in Section 30610(g) of the Coastal act, applicable LCP policies and County code requirements.</p> <p><b><u>Policy Status</u></b>  This policy has been carried forward with modifications to <b>C-CD-7</b> Structures on Public Trust Lands.</p>	<p><b>C-CD-7 Structures on Public Trust Lands.</b> Allow existing structures on public trust lands along the shoreline of Tomales Bay to be rebuilt if damaged or destroyed by natural disaster, in conformance with the development standards specified in Section 30610(g) of the Coastal Act and other County policies. The construction of new residential dwellings on public trust lands is not considered an appropriate use and is not allowed.  (PC app. 07/29/10)  <i>[Unit II Public Trust Lands Policy 2 and 3, p. 129]</i></p> <p><b><u>Unit II Policy 2 p. 129</u></b>  <del>Reconstruction of existing structures.</del> <b><u>C-CD-7 Structures on Public Trust Lands.</u></b> <del>Allow Existing structures on public trust lands along the shoreline of Tomales Bay may continue and shall be permitted to be rebuilt if damaged or destroyed by natural disaster, in conformance with the development standards specified in Section 30610(g) of the Coastal act, applicable LCP policies and County code requirements. and other County policies. The construction of new residential dwellings on public trust lands is not considered an appropriate use and is not allowed.</del></p>



**Unit II**  
**Existing and Proposed Policies**  
**Public Trust Lands**

<p><b><u>Policy 3 p. 129</u></b>  <b><u>New residential construction.</u></b> The construction of new single-family dwellings on public trust lands is not considered an appropriate use of such lands by the County of Marin.</p> <p><b><u>Policy Status</u></b>  This policy has been carried forward with modifications to <b>C-CD-7</b> Structures on Public Trust Lands.</p>	<p><b>C-CD-7 Structures on Public Trust Lands.</b> Allow existing structures on public trust lands along the shoreline of Tomales Bay to be rebuilt if damaged or destroyed by natural disaster, in conformance with the development standards specified in Section 30610(g) of the Coastal Act and other County policies. The construction of new residential dwellings on public trust lands is not considered an appropriate use and is not allowed.  (PC app. 07/29/10)  <a href="#"><i>[Unit II Public Trust Lands Policy 2 and 3, p. 129]</i></a></p> <p><b><u>Unit II Policy 3 p. 129</u></b>  <b><u>C-CD-7 Structures on Public Trust Lands.</u></b> Allow existing structures on public trust lands along the shoreline of Tomales Bay to be rebuilt if damaged or destroyed by natural disaster, in conformance with the development standards specified in Section 30610(g) of the Coastal Act and other County policies. The construction of new <del>single family residential</del> dwellings on public trust lands is not considered an appropriate use <del>of such lands by the County of Marin</del> and is not allowed.</p>
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**Unit II  
Existing and Proposed Policies  
Shoreline Structures**

Unit II Shoreline Structures	
Existing Policy	Proposed Policy
<p><b><u>Policy 1 p. 132</u></b>  <u>General policy.</u> The County discourages the proliferation of shoreline structures in the Unit II coastal zone due to their visual impacts, obstruction of public access, interference with natural shoreline processes and water circulation, and effects on marine habitats and water quality. In some cases, however, the County recognizes that the construction of protective works or piers may be necessary or desirable. When piers are allowed, multiple public and private, commercial and recreational uses shall be accommodated, if feasible, to maximize the use of these structures and minimize the need for further construction. Coastal permits for all shoreline structures will be evaluated based on the criteria listed in the policies below.</p> <p><b><u>Policy Status</u></b>  This policy has been carried forward with modifications to <b>C-EH-13</b> Shoreline Protective Devices.</p>	<p><b>C-EH-13 Shoreline Protective Devices.</b> Discourage shoreline protective devices (i.e., shoreline armoring) in the Coastal Zone due to their visual impacts, obstruction of public access, interference with natural shoreline processes and water circulation, and effects on marine habitats and water quality.</p> <p>Allow the construction or reconstruction of a shoreline protective device, including revetments, breakwaters, groins, seawalls, or other artificial structures for coastal erosion control, only if each of the following criteria is met:</p> <ol style="list-style-type: none"> <li>1. The shoreline protective device is required to serve a coastal-dependent use or to protect a principal structure, residence, or second residential unit in existence prior to the adoption of the Local Coastal Program (May 13, 1982) or a public beach in danger from erosion.</li> <li>2. No other non-structural alternative, such as sand replenishment or beach nourishment, is practical or preferable.</li> <li>3. The condition causing the problem is site specific and not attributable to a general erosion trend, or the project reduces the need for a number of individual projects and solves a regional erosion problem.</li> <li>4. It can be shown that a shoreline protective device will successfully eliminate or mitigate its effects on local shoreline sand supply and that the device will not adversely affect adjacent or other sections of the shoreline.</li> <li>5. The shoreline protective device will not be located in wetlands or other significant resource or habitat area, and will not cause significant adverse impacts to fish or wildlife.</li> <li>6. There will be no reduction in public access, use, or enjoyment of the natural shoreline environment, and construction of a shoreline protective device will preserve or provide access to related public recreational lands or facilities.</li> <li>7. The shoreline protective device will not restrict navigation, mariculture, or other coastal use and will not create a hazard in the area in which it is built.</li> </ol> <p>(PC app. 01/25/10)</p>

## Unit II

### Existing and Proposed Policies

#### Shoreline Structures

*[Adapted from Unit II Shoreline Structure Policies 1 and 2, p. 132]*

#### **Unit II Policy 1 p. 132**

**C-EH-13. Shoreline Protective Devices.** General policy. The County discourages the proliferation of shoreline structures in the Unit II protective devices (i.e., shoreline armoring) in the Coastal Zone due to their visual impacts, obstruction of public access, interference with natural shoreline processes and water circulation, and effects on marine habitats and water quality. In some cases, however, the County recognizes that the construction of protective works or piers may be necessary or desirable. When piers are allowed, multiple public and private, commercial and recreational uses shall be accommodated, if feasible, to maximize the use of these structures and minimize the need for further construction. Coastal permits for all shoreline structures will be evaluated based on the criteria listed in the policies below.

Allow the construction or reconstruction of a shoreline protective device, including revetments, breakwaters, groins, seawalls, or other artificial structures for coastal erosion control, only if each of the following criteria is met:

1. The shoreline protective device is required to serve a coastal-dependent use or to protect a principal structure, residence, or second residential unit in existence prior to the adoption of the Local Coastal Program (May 13, 1982) or a public beach in danger from erosion.
2. No other non-structural alternative, such as sand replenishment or beach nourishment, is practical or preferable.
3. The condition causing the problem is site specific and not attributable to a general erosion trend, or the project reduces the need for a number of individual projects and solves a regional erosion problem.
4. It can be shown that a shoreline protective device will successfully eliminate or mitigate its effects on local shoreline sand supply and that the device will not adversely affect adjacent or other sections of the shoreline.
5. The shoreline protective device will not be located in wetlands or other significant resource or habitat area, and will not cause significant adverse impacts to fish or wildlife.
6. There will be no reduction in public access, use, or enjoyment of the

**Unit II**  
**Existing and Proposed Policies**  
**Shoreline Structures**

	<p><u>natural shoreline environment, and construction of a shoreline protective device will preserve or provide access to related public recreational lands or facilities.</u></p> <p><u>7. The shoreline protective device will not restrict navigation, mariculture, or other coastal use and will not create a hazard in the area in which it is built.</u></p>
<p><b><u>Policy 2 p. 132</u></b>  <u>Shoreline protective works.</u> The construction or reconstruction of revetments, breakwaters, groins, seawalls, or other artificial structures for coastal erosion control shall be allowed only if each of the following criteria is met:</p> <ol style="list-style-type: none"> <li>The structure is required to serve a coastal-dependent use, a coastal-related use in a developed area, or to protect existing development or public beaches.</li> <li>No other non-structural alternative is practical or preferable.</li> <li>The condition causing the problem is site specific and not attributable to a general erosion trend, or the project reduces the need for a number of individual projects and solves a regional erosion problem.</li> <li>It can be shown that a structure(s) will successfully mitigate the effects of shoreline erosion and will not adversely affect adjacent or other sections of the shoreline.</li> <li>The structure will not be located in wetlands or other significant resource or habitat area, and will not cause significant adverse impacts to fish or wildlife.</li> <li>There will be no reduction in public access, use, and enjoyment of the natural shoreline environment, and construction of a structure will preserve or provide access to related public recreational lands or facilities.</li> <li>The structure will not restrict navigation, mariculture, or other coastal use and will not create a hazard in the area in which it is built.</li> </ol> <p>Before approval is given for the construction or reconstruction of any protective shoreline structure, the applicant for the project shall submit a report from a registered geologist, professional civil engineer, or certified engineering geologist verifying that the structure is necessary for coastal erosion control and explaining how it will perform its intended function. Such a report shall not be required for emergency permit applications; however, the application shall specifically establish</p>	<p><b>C-EH-13 Shoreline Protective Devices.</b> Discourage shoreline protective devices (i.e., shoreline armoring) in the Coastal Zone due to their visual impacts, obstruction of public access, interference with natural shoreline processes and water circulation, and effects on marine habitats and water quality.</p> <p>Allow the construction or reconstruction of a shoreline protective device, including revetments, breakwaters, groins, seawalls, or other artificial structures for coastal erosion control, only if each of the following criteria is met:</p> <ol style="list-style-type: none"> <li>The shoreline protective device is required to serve a coastal-dependent use, or to protect a principal structure, residence, or second residential unit in existence prior to the adoption of the Local Coastal Program (May 13, 1982) or a public beach in danger from erosion.</li> <li>No other non-structural alternative, such as sand replenishment or beach nourishment, is practical or preferable.</li> <li>The condition causing the problem is site specific and not attributable to a general erosion trend, or the project reduces the need for a number of individual projects and solves a regional erosion problem.</li> <li>It can be shown that a shoreline protective device will successfully eliminate or mitigate its effects on local shoreline sand supply and that the device will not adversely affect adjacent or other sections of the shoreline.</li> <li>The shoreline protective device will not be located in wetlands or other significant resource or habitat area, and will not cause significant adverse impacts to fish or wildlife.</li> <li>There will be no reduction in public access, use, or enjoyment of the natural shoreline environment, and construction of a shoreline protective device will preserve or provide access to related public recreational lands or facilities.</li> </ol>

## Unit II

### Existing and Proposed Policies

#### Shoreline Structures

<p>why the need for protective structures was not foreseen.</p> <p><b><u>Policy Status</u></b></p> <p>This policy has been carried forward with modifications to <b>C-EH-13</b> Shoreline Protective Devices and Program <b>C-EH-13.a</b> Require Proper Engineering for Shoreline Protective Devices.</p>	<p>7. The shoreline protective device will not restrict navigation, mariculture, or other coastal use and will not create a hazard in the area in which it is built.</p> <p>(PC app. 01/25/10)</p> <p><i>[Adapted from Unit II Shoreline Structure Policies 1 and 2, p. 132]</i></p> <p><b><i>Program C-EH-13.a Require Proper Engineering for Shoreline Protective Devices.</i></b> Amend the development code to require that before approval is given for the construction or reconstruction of any shoreline protective device, the applicant for the project must submit a report from a professional civil engineer or certified engineering geologist verifying that the device is necessary for coastal erosion control and explaining how it will perform its intended function.</p> <p>The report shall include an analysis of alternatives that are capable of protecting the existing structure from erosion including, but not limited to:</p> <ol style="list-style-type: none"> <li>a. No action;</li> <li>b. Involvement in regional beach nourishment, and/or</li> <li>c. Relocation of the threatened structure.</li> </ol> <p>The report shall also include the following information:</p> <ol style="list-style-type: none"> <li>1. For the shoreline in question: long-term and seasonal erosion trends, the potential effects of sea level rise, and the potential effects of infrequent storm events, such as a 100-year storm;</li> <li>2. The amount of beach that will be covered by the shoreline protective device;</li> <li>3. The amount of beach that will be lost through passive erosion over the life of the shoreline protective device;</li> <li>4. Total lineal feet of shoreline protective devices within the littoral zone where the device is proposed;</li> <li>5. The cumulative impact of added shoreline protective devices for the littoral cell within which the proposed device will be located; and</li> <li>6. Provisions for future maintenance of the shoreline protective device, for future removal of the shoreline protective device if and when it reaches the end of its economic or functional life, and for changes in the shoreline protective device if needed to respond to alterations in the development for which the device was installed.]</li> </ol> <p>(PC app. 05/26/09)</p> <p><i>[Unit II Shoreline Structure Policy 2, p. 132]</i></p>
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**Unit II**  
**Existing and Proposed Policies**  
**Shoreline Structures**

**Unit II Policy 2 p. 132**

**C-EH-13 Shoreline Protective Devices.** Discourage shoreline protective devices (i.e., shoreline armoring) in the Coastal Zone due to their visual impacts, obstruction of public access, interference with natural shoreline processes and water circulation, and effects on marine habitats and water quality.

~~Shoreline protective works. Allow t~~The construction or reconstruction of a shoreline protective device, including revetments, breakwaters, groins, seawalls, or other artificial structures for coastal erosion control, ~~shall be allowed~~ only if each of the following criteria is met:

1. The ~~structure~~ shoreline protective device is required to serve a coastal-dependent use ~~in a developed area~~, or to protect ~~existing development~~ a principal structure, residence, or second residential unit in existence prior to the adoption of the Local Coastal Program (May 13, 1982) or a public beach in danger from erosion.
2. No other non-structural alternative, such as sand replenishment or beach nourishment, is practical or preferable.
3. The condition causing the problem is site specific and not attributable to a general erosion trend, or the project reduces the need for a number of individual projects and solves a regional erosion problem.
4. It can be shown that a ~~structure(s)~~ shoreline protective device will successfully eliminate or mitigate ~~the its effects of on local shoreline erosion sand supply~~ and that the device will not ~~cause~~ adversely affect adjacent or other sections of the shoreline.
5. The ~~structure~~ shoreline protective device will not be located in wetlands or other significant resource or habitat area, and will not cause significant adverse impacts to fish or wildlife.
6. There will be no reduction in public access, use, or enjoyment of the natural shoreline environment, and construction of a ~~structure~~ shoreline protective device will preserve or provide access to related public recreational lands or facilities.
7. The shoreline protective device will not restrict navigation, mariculture, or other coastal use and will not create a hazard in the area in which it is built.

**Unit II**  
**Existing and Proposed Policies**  
**Shoreline Structures**

	<p><b><u>Program C-EH-13.a Require Proper Engineering for Shoreline Protective Devices.</u></b> Amend the development code to require that <del>B</del>before approval is given for the construction or reconstruction of any shoreline protective <del>structure</del> <u>device</u>, the applicant for the project must submit a report from a <del>registered geologist</del>, professional civil engineer, or certified engineering geologist verifying that the <del>structure</del> <u>device</u> is necessary for coastal erosion control and explaining how it will perform its intended function.</p> <p><del>Such a</del> The report shall <del>not be required for emergency permit applications; however, the application shall specifically establish why the need for protective structures was not foreseen.</del> <u>include an analysis of alternatives that are capable of protecting the existing structure from erosion including, but not limited to:</u></p> <ul style="list-style-type: none"> <li><u>a. No action;</u></li> <li><u>b. Involvement in regional beach nourishment, and/or</u></li> <li><u>c. Relocation of the threatened structure.</u></li> </ul> <p><u>The report shall also include the following information:</u></p> <ul style="list-style-type: none"> <li><u>1. For the shoreline in question: long-term and seasonal erosion trends, the potential effects of sea level rise, and the potential effects of infrequent storm events, such as a 100-year storm;</u></li> <li><u>2. The amount of beach that will be covered by the shoreline protective device;</u></li> <li><u>3. The amount of beach that will be lost through passive erosion over the life of the shoreline protective device;</u></li> <li><u>4. Total lineal feet of shoreline protective devices within the littoral zone where the device is proposed;</u></li> <li><u>5. The cumulative impact of added shoreline protective devices for the littoral cell within which the proposed device will be located; and</u></li> <li><u>6. Provisions for future maintenance of the shoreline protective device, for future removal of the shoreline protective device if and when it reaches the end of its economic or functional life, and for changes in the shoreline protective device if needed to respond to alterations in the development for which the device was installed.]</u></li> </ul>
<p><b><u>Policy 3 p. 133</u></b>  Piers and similar recreational or commercial structures. These structures shall be limited to sites located within existing developed areas or parks. New piers shall be permitted only if each of the following criteria is met:</p>	<p><b>C-CD-8 Shoreline Structures and Piers.</b> Limit the location of piers and other recreational or commercial structures to sites located within existing developed areas or parks. New piers shall be permitted only if all of the following criteria are met:</p>

## Unit II Existing and Proposed Policies Shoreline Structures

- a. The structure will be used to serve a coastal-dependent use or will preserve or provide access to related public recreational lands or facilities.
- b. The structure will not be located in wetlands or other significant resource or habitat area and will not, individually or cumulatively, cause significant adverse impacts on fish or wildlife.
- c. The structure will not interfere with public access, use, and enjoyment of the natural shoreline environment.
- d. The structure will not restrict navigation, mariculture, or other coastal use and will not create a hazard in the area in which it is built.
- e. There is no pier with public access within 1/2 mile, or use of a nearby pier would not be feasible due to its size, location, or configuration.

The reconstruction of existing piers shall be permitted provided that the pier is of the same size and in the same location as the original pier. Enlargements or changes in design or location shall be evaluated based on criteria (a) through (e) above.

### **Policy Status**

This policy has been carried forward with modifications to **C-CD-8** Shoreline Structures and Piers.

1. The structure will be used to serve a coastal-dependent use or will preserve or provide access to related public recreational lands or facilities.
2. The structure will not be located in wetlands or other significant resource or habitat area and will not, individually or cumulatively, cause significant adverse impacts on fish or wildlife.
3. The structure will not interfere with public access, use, and enjoyment of the natural shoreline environment.
4. The structure will not restrict navigation, mariculture, or other coastal use and will not create a hazard in the area in which it is built.
5. There is no pier with public access within 1/2 mile, or use of a nearby pier would not be feasible due to its size, location, or configuration. Allow reconstruction and maintenance of existing piers provided that the pier is of the same size and in the same location as the original pier. Enlargements or changes in design or location shall be evaluated based on criteria stated above.

*[Unit II Shoreline Structures Policy 3, p. 132]*

### **Unit II Policy 3 p. 133**

**C-CD-8 Shoreline Structures and Piers.** ~~Piers and similar recreational or commercial structures. These structures shall be limited the location of~~ piers and other recreational or commercial structures to sites located within existing developed areas or parks. New piers shall be permitted only if all of the following criteria are met:

- ~~a.~~ 1. The structure will be used to serve a coastal-dependent use or will preserve or provide access to related public recreational lands or facilities.
- ~~b.~~ 2. The structure will not be located in wetlands or other significant resource or habitat area and will not, individually or cumulatively, cause significant adverse impacts on fish or wildlife.
- ~~c.~~ 3. The structure will not interfere with public access, use, and enjoyment of the natural shoreline environment.
- ~~d.~~ 4. The structure will not restrict navigation, mariculture, or other coastal use and will not create a hazard in the area in which it is built.



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	<p>e.—<del>5.</del> There is no pier with public access within ½ mile, or use of a nearby pier would not be feasible due to its size, location, or configuration. <u>Allow the reconstruction and maintenance of existing piers shall be permitted</u> provided that the pier is of the same size and in the same location as the original pier. Enlargements or changes in design or location shall be evaluated based on criteria <del>(a) through (e)</del> <u>stated</u> above.</p>
<p><b><u>Policy 4 p. 133</u></b>  <u>Public access requirement.</u> Public access to new piers or similar recreational or commercial structures shall be required unless it can be demonstrated that such access would interfere with commercial fishing or similar operations on the pier or be hazardous to public safety. A public access easement from the first public road across the applicant's property to the pier shall be required as a condition of coastal permit approval.</p> <p><b><u>Policy Status</u></b>  This policy has been carried forward with modifications to <b>C-CD-9</b> Access to Shoreline Structures.</p>	<p><b>C-CD-9 Access to Shoreline Structures.</b> Require public access to new piers or similar recreational or commercial structures unless it can be demonstrated that such access would interfere with commercial fishing or similar operations on the pier or be hazardous to public safety. A public access easement from the first public road across the applicant's property to the pier shall be required.  (PC app. 07/29/10)  <a href="#">[Unit II Shoreline Structures Policy 4, p. 132]</a></p> <p><b><u>Unit II Policy 4 p. 133</u></b>  <del>C-CD-9 Access to Shoreline Structures. Public access requirement.</del> <u>Require</u>  <del>Public access to new piers or similar recreational or commercial structures shall be required unless it can be demonstrated that such access would interfere with commercial fishing or similar operations on the pier or be hazardous to public safety. A public access easement from the first public road across the applicant's property to the pier shall be required as a condition of coastal permit approval.</del></p>
<p><b><u>Policy 5 p. 133</u></b>  <u>Design standards for all shoreline structures.</u> The design and construction of any shoreline structure shall:</p> <ol style="list-style-type: none"> <li>Make it as visually unobtrusive as possible;</li> <li>Respect natural landforms to the greatest degree possible;</li> <li>Include mitigation measures to offset any impacts on fish and wildlife resources caused by the project;</li> <li>Minimize the impairment and movement of sand supply and the circulation of coastal waters; and</li> <li>Address the geologic hazards presented by construction in or near Alquist-Priolo earthquake hazard zones.</li> </ol> <p><b><u>Policy Status</u></b>  This policy has been carried forward with modifications to C-EH-14 Design Standards for the Construction of Shoreline Protective Devices.</p>	<p><b>C-EH-14 Design Standards for the Construction of Shoreline Protective Devices.</b> Ensure that the design and construction of any shoreline protective device shall:</p> <ol style="list-style-type: none"> <li>Make it as visually unobtrusive as possible;</li> <li>Respect natural landforms to the greatest degree possible;</li> <li>Include mitigation measures to offset any impacts on fish and wildlife resources caused by the project;</li> <li>Minimize the impairment and interference with the natural movement of sand supply and the circulation of coastal waters; and</li> <li>Address the geologic hazards presented by construction in or near Alquist-Priolo earthquake hazard zones.</li> <li>Minimize the displacement of beach.</li> </ol> (PC app. 05/26/09) <a href="#">[Unit II Shoreline Structures Policy 5, p. 133]</a>

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**Unit II Policy 5 p. 133**

**C-EH-14 Design Standards for the Construction of Shoreline Protective Devices.** ~~Design standards for all shoreline structures. Ensure that Tthe~~ design and construction of any shoreline ~~structure~~ protective device shall:

- a. ~~1.~~ 1.-Make it as visually unobtrusive as possible;
- b. ~~2.~~ 2.-Respect natural landforms to the greatest degree possible;
- e. ~~3.~~ 3. Include mitigation measures to offset any impacts on fish and wildlife resources caused by the project;
- d. ~~4.~~ 4.-Minimize the impairment and interference with the natural movement of sand supply and the circulation of coastal waters; and
- e. ~~5.~~ 5.-Address the geologic hazards presented by construction in or near Alquist-Priolo earthquake hazard zones.
- f. ~~6.~~ 6. Minimize the displacement of beach.

**Unit II**  
**Existing and Proposed Policies**  
**Diking, Filling, and Dredging**

Unit II Diking, Filling, and Dredging	
Existing Policy	Proposed Policy
<p><b><u>Policy 1 p. 136</u></b>  <u>General policy.</u> Diking, filling, and dredging of coastal areas can have significant adverse impacts on water quality, marine habitats and organisms, and scenic features. The County of Marin intends to strictly limit the purposes for which these potentially damaging activities can occur in the coastal zone, in accordance with Section 30233 of the Coastal Act. For the purposes of the LCP, open coastal waters, wetlands, and other water bodies to which these policies apply shall be defined according to the criteria established by the U.S. Fish and Wildlife Service for marine and estuarine systems. "Fill" shall be defined as "... earth or any other substance or material, including pilings placed for the purpose of erecting structures thereon, placed in a submerged area," as given in Section 30108.2 of the Coastal Act.</p> <p><b><u>Policy Status</u></b>  This policy has been carried forward with modifications to <b>C-BIO-15</b> Diking, Filling, Draining and Dredging.</p>	<p><b>C-BIO-15 Diking, Filling, Draining and Dredging.</b> Diking, filling, draining and dredging of coastal areas can have significant adverse impacts on water quality, marine habitats and organisms, and scenic features. Limit strictly the purposes for which these potentially damaging activities can occur in the Coastal Zone, in accordance with Section 30233 of the Coastal Act. For the purpose of the LCP, define open coastal waters, wetlands and other water bodies to which these policies apply according to the criteria established by the California Coastal Commission for marine and estuarine systems.  (PC app. 06/28/10)  <i>[LCP II Diking, Filling and Dredging General policy 1, page 136]</i></p> <p><b><u>Unit II Policy 1 p. 136</u></b>  <b><u>C-BIO-15 Diking, Filling, Draining and Dredging.</u></b> <del>General policy.</del>Diking, filling, draining and dredging of coastal areas can have significant adverse impacts on water quality, marine habitats and organisms, and scenic features. <del>The County of Marin intends to strictly limit</del> <u>Limit strictly</u> the purposes for which these potentially damaging activities can occur in the <del>eCoastal zZone</del>, in accordance with Section 30233 of the Coastal Act. For the purposes of the LCP, <u>define</u> open coastal waters, wetlands and other water bodies to which these policies apply <del>shall be defined</del> according to the criteria established by the U.S. Fish and Wildlife Service for <del>marine and estuarine systems.</del> "Fill" shall be defined as "<del>...earth or any other substance or material, including pilings placed for the purpose of erecting structures thereon, placed in a submerged area,</del>" as given in <del>Section 30108.2 of the Coastal Act</del> <u>California Coastal Commission for marine and estuarine systems.</u></p>
<p><b><u>Policy 2 p. 136</u></b>  <del>Acceptable purposes.</del>The diking, filling, and dredging of open coastal waters, wetlands, and estuaries shall be limited to the following purposes:</p> <ol style="list-style-type: none"> <li>New or expanded commercial fishing facilities.</li> <li>Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.</li> <li>Incidental public service purposes, including, but not limited to, burying cables</li> </ol>	<p><b>C-BIO-16 Acceptable Purposes for Diking, Filling, and Dredging.</b> Limit the diking, filling, and dredging of open coastal waters, wetlands, and estuaries to the following purposes:</p> <ol style="list-style-type: none"> <li>New or expanded commercial fishing facilities.</li> <li>Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.</li> <li>Incidental public service purposes, including, but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake</li> </ol>

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### Existing and Proposed Policies

#### Diking, Filling, and Dredging

<p>and pipes or inspection of piers and maintenance of existing intake and outfall lines.</p> <p>d. Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.</p> <p>e. Restoration purposes.</p> <p>f. Nature study, aquaculture, or similar resource-dependent activities.</p> <p>g. Excluding wetlands, new or expanded boating facilities may be permitted. Only entrance channels or connecting walkways for new or expanded boating facilities shall be permitted in wetlands.</p> <p>h. In the Esteros Americano and de San Antonio, any alterations shall be limited to those for the purposes of nature study, restoration, or very minor incidental public facilities.</p> <p><b><u>Policy Status</u></b></p> <p>This policy has been carried forward with modifications to <b>C-BIO-16</b> Acceptable Purposes for Diking, Filling, and Dredging.</p>	<p>and outfall lines.</p> <p>4. Mineral extraction, including sand for restoring beaches, except in environmentally sensitive habitat areas.</p> <p>5. Restoration purposes.</p> <p>6. Nature study, aquaculture, or similar resource-dependent activities.</p> <p>7. Excluding wetlands, new or expanded boating facilities and the placement of structural pilings for public recreation piers that provide public access and recreational opportunities may be permitted. Only entrance channels or connecting walkways for new or expanded boating facilities shall be permitted in wetlands.</p> <p>8. In the Esteros Americano and de San Antonio, limit any alterations to those for the purposes of nature study and restoration. <i>[LCP II Diking, Filling and Dredging Acceptable Purposes policy 2, page 136]</i></p> <p><b><u>Unit II Policy 2 p. 136</u></b> <b><u>C-BIO-16 Acceptable Purposes for Diking, Filling, and Dredging.</u></b> <del>Acceptable purposes. Limit t</del>The diking, filling, and dredging of open coastal waters, wetlands, and estuaries to the following purposes:</p> <p><del>a.—</del><u>1.</u> New or expanded commercial fishing facilities.</p> <p><del>b.—</del><u>2.</u> Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.</p> <p><del>e.—</del><u>3.</u> Incidental public service purposes, including, but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.</p> <p><del>d.—</del><u>4.</u> Mineral extraction, including sand for restoring beaches, except in environmentally sensitive habitat areas.</p> <p><del>e.—</del><u>5.</u> Restoration purposes.</p> <p><del>f.—</del><u>6.</u> Nature study, aquaculture, or similar resource-dependent activities.</p> <p><del>g.—</del><u>7.</u> Excluding wetlands, new or expanded boating facilities <u>and the placement of structural pilings for public recreation piers that provide</u></p>
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**Existing and Proposed Policies**  
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	<p>public access and recreational opportunities may be permitted. Only entrance channels or connecting walkways for new or expanded boating facilities shall be permitted in wetlands.</p> <p><del>h.—8.</del> In the Esteros Americano and de San Antonio, <u>limit</u> any alterations <del>shall be limited</del> to those for the purposes of nature study, <u>and</u> restoration, <del>or very minor incidental public facilities.</del></p>
<p><b><u>Policy 3 p. 137</u></b>  <u>Conditions and standards.</u> Diking, filling, or dredging may be permitted for the purposes specified above, provided that the following conditions and standards are met:</p> <ol style="list-style-type: none"> <li>a. There is no feasible less environmentally damaging alternative.</li> <li>b. Where feasible, mitigation measures have been provided to minimize adverse environmental effects.</li> <li>c. The activities are planned, scheduled, and carried out to avoid significant disruption to marine and wildlife habitats, fish and bird breeding and migrations, and water circulation.</li> <li>d. The need for both initial and maintenance dredging shall be minimized by careful design and location of facilities with respect to existing water depths, water circulation, siltation patterns, and by efforts to reduce controllable sedimentation.</li> <li>e. In estuaries and wetlands, the diking, filling, or dredging shall maintain or enhance the functional capacity of the wetland or estuary.</li> <li>f. Dike and fill projects in wetlands shall include mitigation measures specified in Section 30607.1 of the Coastal Act.</li> </ol> <p><b><u>Policy Status</u></b>  This policy has been carried forward with modifications to <b>C-BIO-17</b> Conditions and Standards for Diking, Filling, Draining, and Dredging.</p>	<p><b>C-BIO-17 Conditions and Standards for Diking, Filling, Draining, and Dredging.</b> Diking, filling, draining or dredging may be permitted for the purposes specified in policy C-BIO-16 above, provided that the following conditions and standards are met:</p> <ol style="list-style-type: none"> <li>1. There is no feasible less environmentally damaging alternative.</li> <li>2. Mitigation measures have been provided to minimize adverse environmental effects.</li> <li>3. The activities are planned, scheduled, and carried out to avoid significant disruption to marine and wildlife habitats, fish and bird breeding and migrations, and water circulation.</li> <li>4. The need for both initial and maintenance dredging shall be minimized by careful design and location of facilities with respect to existing water depths, water circulation, siltation patterns, and by efforts to reduce controllable sedimentation.</li> <li>5. In estuaries and wetlands, the diking, filling, or dredging shall maintain or enhance the functional capacity of the wetland or estuary.</li> <li>6. Dike and fill projects in wetlands shall include mitigation measures specified in Policy C-BIO-21.  <i>[LCP II Diking, Filling and Dredging Conditions and Standards policy 3, page 137]</i></li> </ol> <p><b><u>Unit II Policy 3 p. 137</u></b>  <b><u>C-BIO-17 Conditions and Standards for Diking, Filling, Draining, and Dredging.</u></b> <del>Conditions and standards.</del> Diking, filling, draining or dredging may be permitted for the purposes specified <u>in policy C-BIO-16</u> above, provided that the following conditions and standards are met:</p> <ol style="list-style-type: none"> <li><del>a.—1.</del> There is no feasible less environmentally damaging alternative.</li> <li><del>b.—2.</del> Mitigation measures have been provided to minimize adverse</li> </ol>

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	<p>environmental effects.</p> <p>e.—<u>3.</u> The activities are planned, scheduled, and carried out to avoid significant disruption to marine and wildlife habitats, fish and bird breeding and migrations, and water circulation.</p> <p>d.—<u>4.</u> The need for both initial and maintenance dredging shall be minimized by careful design and location of facilities with respect to existing water depths, water circulation, siltation patterns, and by efforts to reduce controllable sedimentation.</p> <p>e.—<u>5.</u> In estuaries and wetlands, the diking, filling, or dredging shall maintain or enhance the functional capacity of the wetland or estuary.</p> <p>f.—<u>6.</u> Dike and fill projects in wetlands shall include mitigation measures specified in <del>Section 30607.1 of the Coastal Act.</del> <u>Policy C-BIO-21.</u></p>
<p><b><u>Policy 4 p. 137</u></b>  <u>Spoils disposal.</u> The disposal of dredged sediments shall conform to the following standards:</p> <ol style="list-style-type: none"> <li>The dredge spoils disposal site has been approved by the Department of Fish and Game.</li> <li>Spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation.</li> <li>Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable longshore current systems.</li> <li>The disposal of dredge spoils shall conform to the most recently approved dredging requirements promulgated or adopted by the State or Regional Water Quality Control Board.</li> </ol> <p><b><u>Policy Status</u></b>  This policy has been carried forward with modifications to <b>C-BIO-18</b> Spoils Disposal.</p>	<p><b>C-BIO-18 Spoils Disposal.</b> Require the disposal of dredged sediments to conform to the following standards:</p> <ol style="list-style-type: none"> <li>The dredge spoils disposal site has been approved by the Department of Fish and Game.</li> <li>Spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation.</li> <li>Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable longshore current systems.</li> <li>The disposal of dredge spoils shall conform to the most recently approved dredging requirements promulgated or adopted by the State or Regional Water Quality Control Board.  (PC app. 06/28/10)  <i>[LCP II Diking, Filling and Dredging Spoils Disposal policy 4, page 137]</i></li> </ol> <p><b><u>Unit II Policy 4 p. 137</u></b>  <b><u>C-BIO-18 Spoils Disposal.</u></b> Require <del>T</del>the disposal of dredged sediments to conform to the following standards:</p> <p>a.—<u>1.</u> The dredge spoils disposal site has been approved by the Department of Fish and Game.</p>

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|  | <ul style="list-style-type: none"><li><del>b.</del> <u>2.</u> Spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation.</li><li><del>e.</del> <u>3.</u> Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable longshore current systems.</li><li><del>d.</del> <u>4.</u> The disposal of dredge spoils shall conform to the most recently approved dredging requirements promulgated or adopted by the State or Regional Water Quality Control Board.</li></ul> |
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**Unit II  
Existing and Proposed Policies  
Public Services**

<b>Unit II Public Services</b>	
<b>Existing Policy</b>	<b>Proposed Policy</b>
<p><b><u>Policy 1 p. 187</u></b>  <u>General policy.</u> Prior to the issuance of a coastal development permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and the applicant, that adequate public services and resources (i.e. water supply, sewage disposal, and road access and capacity) are available to serve the proposed development. Lack of available services or resources shall be grounds for denial of the project or for a reduction in the density otherwise indicated in the land use plan.</p> <p><b><u>Policy Status</u></b>  This policy has been carried forward with modifications to <b>C-PFS-1 Adequate Services</b>.</p>	<p><b>C-PFS-1 Adequate Services.</b> Ensure that adequate services e.g., water supply, sewage disposal, and transportation, including public transit as well as road access and capacity if appropriate) are available prior to approving new development, including land divisions. Lack of available services shall be grounds for denial of the project or for a reduction in the density otherwise indicated in the land use plan.  (PC app. 01/24/11)  <i>[Adapted from Unit II Public Services Policy 1, p. 187 and CWP Goal PFS-1, p. 3-198]</i></p> <p><b><u>Unit II Policy 1 p. 187</u></b>  <b><u>C-PFS-1 Adequate Services.</u></b> <del>General policy. Prior to the issuance of a coastal development permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and the applicant, Ensure</del> that adequate public services and resources (i.e. e.g., water supply, sewage disposal, and transportation, including public transit as well as road access and capacity if appropriate) are available prior to <del>serve the proposed</del> approving new development, including land divisions. Lack of available services <del>or resources</del> shall be grounds for denial of the project or for a reduction in the density otherwise indicated in the land use plan.</p>
<p><b><u>Policy 2 p. 187</u></b>  Water supply.</p> <p>a. <u>Type of service.</u> Except as provided herein, new development, including land divisions, outside the service area of a community or mutual water system may utilize individual wells or other private on-site water sources. Within the Inverness Planning Area, individual wells should not be allowed on parcels less than 2.8 acres in size. Exceptions to the 2.8 acre lot size limitation may be granted pursuant to the issuance of a Coastal Permit. In addition to the findings of Chapters 22.56 and 22.86, the applicant must demonstrate to the satisfaction of the Health Officer that a well can be developed on the substandard size parcel in a completely safe and sanitary manner. Within the service area of a community or mutual water system, the use of individual domestic water wells for new development shall be permitted provided: a) the community or mutual water system is unable or unwilling to provide service; or, b) the physical distribution improvements are economically or physically infeasible to</p>	<p><b>C-PFS-13 New Water Sources Serving Five or More Parcels.</b> Require that coastal permit applications for new water wells or other sources serving 5 or more parcels shall demonstrate by professional engineering or other studies, including as necessary, long-term monitoring programs, in-stream flow studies, or hydrologic studies, that such groundwater or stream withdrawals will not have adverse direct or cumulative impacts on coastal resources, including groundwater basins, aquifers, and streams. Such studies shall provide the basis for establishing safe sustained yields from these sources. Wells or water sources shall be at least 100 feet from property lines, or a finding shall be made that no development constraints are placed on neighboring properties.  (PC app. 07/29/10)  <i>[Adapted from Unit I Public Services Policy 4, p. 48, and Unit II Public Services Policies 2.a and 2.e (3), pp. 187-189]</i></p> <p><b><u>Policy 2 (a) p. 187</u></b>  <del>Water supply.</del></p>



## Unit II Existing and Proposed Policies Public Services

extend to the proposed project site. Additionally, wells or water sources shall be at least 100 feet from property lines, or a finding shall be made that no development constraints are placed on neighboring properties. Within the Inverness Public Utility District (IPUD), individual wells for domestic use should not be permitted in the same watershed, at an elevation higher than the IPUD surface water sources existing as of June 14, 1983. All new development shall be required to incorporate low flow water fixtures and other water-saving devices.

- b. Point Reyes Station area. Water for the Point Reyes Water System, including Point Reyes Station, Olema, Inverness Park, and Paradise Ranch Estates, is provided by North Marin County Water District (NMCWD). The water system is presently adequate to serve a total of 755 residential units in the service area, 354 more than now exist, with generous provisions for current demand and growth in recreational, commercial, agricultural, and governmental uses. The system is not, however, presently capable of supplying the 1355 units possible at maximum buildout. To ensure that adequate water will be available for this development and that visitor-serving and other priority coastal uses will be supplied, the County shall notify NMCWD after 300 additional units have been built in the service area so that water system expansions may be planned. After 354 more units have been built or 755 total, the County shall cease issuing residential building permits unless NMCWD certifies that capacity is available.

- c. Northern Inverness Ridge. Inverness and Seahaven receive water from the Inverness Public Utilities District (IPUD). The Inverness water system has marginal water supplies in dry years and major inadequacies in treatment and distribution facilities. IPUD is in the process of making improvements in its built system, anticipated for completion in 1981, to bring it up to public health standards. No expansion of existing water sources is planned at the present time.

Experience with the water system and available streamflow data indicate that additional development could not reliably be served from IPUD's existing sources. During the 1976-77 drought, water supplies were considerably below the minimum level of consumption, for the system. Although drought year conditions were extreme, the magnitude of the deficiency created indicates that other less dry years will also cause a water shortage, especially if additional units are constructed in the service area. Increasing drought year flows by 25% to account for their infrequency only brings source flows up to a level which is sufficient for current consumption.

- a. ~~Type of service. Except as provided herein, new development, including land divisions, outside the service area of a community or mutual water system may utilize individual wells or other private on-site water sources. Within the Inverness Planning Area, individual wells should not be allowed on parcels less than 2.8 acres in size. Exceptions to the 2.8 acre lot size limitation may be granted pursuant to the issuance of a Coastal Permit. In addition to the findings of Chapters 22.56 and 22.86, the applicant must demonstrate to the satisfaction of the Health Officer that a well can be developed on the substandard size parcel in a completely safe and sanitary manner. Within the service area of a community or mutual water system, the use of individual domestic water wells for new development shall be permitted provided: a) the community or mutual water system is unable or unwilling to provide service; or, b) the physical distribution improvements are economically or physically infeasible to extend to the proposed project site. Additionally, wells or water sources shall be at least 100 feet from property lines, or a finding shall be made that no development constraints are placed on neighboring properties. Within the Inverness Public Utility District (IPUD), individual wells for domestic use should not be permitted in the same watershed, at an elevation higher than the IPUD surface water sources existing as of June 14, 1983. All new development shall be required to incorporate low flow water fixtures and other water saving devices.~~

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- e. ~~Development standards for wells and other sources.~~

~~(3) Community sources. C-PFS-13 New Water Sources Serving Five or More Parcels. Require that coastal permit applications for Nnew community or mutual water wells or other sources serving 5 or more parcels shall demonstrate by professional engineering or other studies, including as necessary, long-term monitoring programs, in-stream flow studies, or hydrologic studies, that such groundwater or stream withdrawals will not have adversely affect direct or cumulative impacts on coastal resources, including groundwater basins, aquifers, and streams. Such engineering studies shall provide the basis for establishing safe sustained yields from these sources. Wells or water sources shall be at least 100 feet from property lines, or a finding shall be made that no development constraints are placed on neighboring properties.~~

**C-PFS-14 Adequacy of Water Supply Within Water System Service Areas.** Ensure that new development within a water system service area is served

## Unit II Existing and Proposed Policies Public Services

Therefore, until IPUD demonstrates reliable flow levels from its present sources or expands those sources, no new development shall be permitted in its service area except in accordance with the other policies in this section. (The water service area is defined as being congruent with that of the fire district). When additional water supply is determined to exist, the County and IPUD should develop procedures to assure that adequate water will be available for visitor-serving and other priority coastal uses.

Development proposals in the service area of Bayside Mutual Water Company shall be evaluated under the same policies as new projects in IPUD's service area.

In the review of a coastal development permit application for expansion of the service facilities or service capacity for the Inverness Public Utilities District, a system should be designed and instituted to reserve a portion of such added capacity for visitor-serving uses. Such reservation should be sufficient to serve the same percentage of the maximum possible expansion of such uses as allowed by the Plan as the portion of total possible residential growth within the service area that would be served by the capacity expansion. At each five year review of the Local Coastal Plan, buildout rates will be reviewed, and any requests for revisions in the capacity reserve will be processed as an amendment of the Local Coastal Program.

- d. Dillon Beach. Due to the lack of recent field testing and uncertainty regarding occupancy trends in Dillon Beach, the availability of water for additional development in residential planned districts that are in the coastal zone in the Dillon Beach Planning Area, which is described in the Dillon Beach Community Plan, must demonstrate that water is available before densities greater than 1 unit per parcel are permitted. Similarly, proposed commercial development in commercial planned districts (C-RMPC and C-RCR) must demonstrate that water is available before additional development is permitted.

*[Amended pursuant to BOS Resolution No. 88-333 (Attachment 1, p.23) [12/20/88], approved by CCC with suggested modifications 4/12/89, 2nd BOS Resolution No. 89-216 [8/8/89], CCC ED Checkoff 4/13/90]*

- e. Development standards for wells and other sources.
- (1) Permit required. A coastal permit shall be required to drill any well, including individual and community wells, and exploratory wells. A permit shall also be required to tap other water sources, such as springs or streams.

with adequate, safe water supplies. Prohibit development of individual domestic water wells or other individual water sources to serve new development, including land divisions, on lots in areas served or within the boundaries of a public or private water system, with the following exceptions:

1. For agricultural or horticultural use if allowed by the water system operators.
2. The community or mutual water system is unable or unwilling to provide service; or,
3. The physical distribution improvements are economically or physically infeasible to extend to the proposed project site.

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

(PC app. 01/24/11)

*[Adapted from Unit I Public Services Policy 3, p. 48, and Unit II, Public Services Policy 2.a, p. 187]*

### **Unit II Policy 2 (a) p. 187**

Water supply:

- a. ~~Type of service. Except as provided herein, new development, including land divisions, outside the service area of a community or mutual water system may utilize individual wells or other private on-site water sources. Within the Inverness Planning Area, individual wells should not be allowed on parcels less than 2.8 acres in size. Exceptions to the 2.8 acre lot size limitation may be granted pursuant to the issuance of a Coastal Permit. In addition to the findings of Chapters 22.56 and 22.86, the applicant must demonstrate to the satisfaction of the Health Officer that a well can be developed on the substandard size parcel in a completely safe and sanitary manner. C-PFS-14 Adequacy of Water Supply Within Water System Service Areas. Ensure that new development within the a water system service area of a community or mutual water system, is served with adequate, safe water supplies. Prohibit development the use of individual domestic water wells or other individual water sources to serve for new development, shall be permitted provided including land divisions, on lots in areas served or within the boundaries of a public or private water system, with the following exceptions:~~

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

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- (2) Individual sources. In areas where individual water wells or other individual domestic water sources are permitted, the applicant shall demonstrate from on-site tests that a sustained water yield of at least 1.5 gpm per residential unit is available prior to the issuance of a building permit or tentative map. Higher yields may be required for fire protection purposes, as recommended by the appropriate fire protection agency.
- (3) Community sources. New community or mutual water wells or other sources serving 5 or more parcels shall demonstrate by professional engineering studies, including as necessary, long-term monitoring programs, that such groundwater or stream withdrawals will not adversely affect coastal\* resources, including groundwater basins, aquifers, and streams. Such engineering studies shall provide the basis for establishing safe sustained yields from these sources.
- f. Fire protection. All proposed building permits and land divisions shall be reviewed by the County Fire Chief or other appropriate fire protection agency prior to the issuance of a coastal development permit so that additional requirements for fire protection, including water storage facilities, sprinkler systems, or fire hydrants, may be added as necessary.

### Policy Status

This policy has been carried forward with modifications to **C-PFS-13** New Water Sources Serving Five or More Parcels, **C-PFS-14** Adequacy of Water Supply Within Water System Service Areas, and **C-PFS-15** Development of Water Sources Including Wells, Streams, and Springs.

- ~~2.a) The community or mutual water system is unable or unwilling to provide service; or,~~  
~~3.b) The physical distribution improvements are economically or physically infeasible to extend to the proposed project site.~~

The exceptions specified in a), b), or c) shall not be granted because of a water shortage that is caused by periodic drought. Additionally, wells or water sources shall be at least 100 feet from property lines, or a finding shall be made that no development constraints are placed on neighboring properties. ~~Within the Inverness Public Utility District (IPUD), individual wells for domestic use should not be permitted in the same watershed, at an elevation higher than the IPUD surface water sources existing as of June 14, 1983. All new development shall be required to incorporate low flow water fixtures and other water-saving devices.~~

**C-PFS-15 Development of Water Sources including Wells, Streams, and Springs.** Require a coastal permit for wells and borings unless otherwise exempt or categorically excluded.  
 (PC app. 07/29/10)

*[Adapted from Unit II Public Services Policies 2.a and 2.e (1), pp. 187-189; recommendation revised by staff at workshop of 7.29.10]*

### Unit II Policy 2 (a) p. 187

Water supply.

- a. ~~Type of service. Except as provided herein, new development, including land divisions, outside the service area of a community or mutual water system may utilize individual wells or other private on-site water sources. Within the Inverness Planning Area, individual wells should not be allowed on parcels less than 2.8 acres in size. Exceptions to the 2.8 acre lot size limitation may be granted pursuant to the issuance of a Coastal Permit. In addition to the findings of Chapters 22.56 and 22.86, the applicant must demonstrate to the satisfaction of the Health Officer that a well can be developed on the substandard size parcel in a completely safe and sanitary manner. Within the service area of a community or mutual water system, the use of individual domestic water wells for new development shall be permitted provided: a) the community or mutual water system is unable or unwilling to provide service; or, b) the physical distribution improvements are economically or physically infeasible to extend to the proposed project site. Additionally, wells or water sources shall be at least 100 feet from property lines, or a finding shall be made that no~~

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development constraints are placed on neighboring properties. Within the Inverness Public Utility District (IPUD), individual wells for domestic use should not be permitted in the same watershed, at an elevation higher than the IPUD surface water sources existing as of June 14, 1983. All new development shall be required to incorporate low flow water fixtures and other water saving devices.

**Unit II Policy 2 (e (1)) p. 187**

~~e. Development standards for wells and other sources.~~

~~(1) Permit Required. A coastal permit shall be required to drill any for wells, including individual and community wells, and exploratory wells. A permit shall also be required to tap other water sources, such as springs or streams, and borings unless otherwise exempt or categorically excluded.~~

**Policy 3 p. 189**

**Sewage disposal.**

a. On-site sewage disposal. All on-site sewage disposal systems in the coastal zone shall be evaluated as follows:

- (1) Septic systems. All septic systems shall meet the standards contained in either the Minimum Guidelines for the Control of Individual Wastewater Treatment and Disposal System adopted by the Regional Water Quality Control Board on April 17, 1979 or the County's revised septic system code, when approved by the Regional Board. No waivers shall be granted unless a public entity has formally assumed responsibility for inspecting, monitoring, and enforcing the maintenance of the system in accordance with criteria adopted by the Regional Board, or such waivers have otherwise been reviewed and approved by the Regional Board. (See Appendix C)
- (2) Expansions or alterations. Where a coastal development permit is necessary for an enlargement or change in the type or intensity of use of an existing structure, the existing or enlarged septic system must meet the Minimum Guidelines of the Regional Water Quality Control Board, or the County's revised septic system code as approved by the Regional Board, before a permit for such enlargement or change can be granted.
- (3) Reconstruction of existing systems. A septic system or other sewage disposal facility which serves a residential dwelling damaged or destroyed by natural disaster may be rebuilt along with the

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reconstruction of the dwelling. If the septic system or other facility is substandard, every effort shall be made to bring it into conformance with County Code.

(4) Alternative systems. The County recommends that provisions be included in the County code to allow alternative sewage disposal systems to be utilized. Until such provisions are incorporated into the code and approved by the Regional Water Quality Control Board however, alternative systems shall only be permitted where a public entity has formally assumed responsibility for inspecting, monitoring, and enforcing the maintenance of the systems in accordance with criteria adopted by the Regional Board.

(5) Maintenance. The County supports the establishment of a septic tank maintenance district (s) in the coastal zone for the purpose of monitoring and inspecting septic systems there. To provide for inspection of existing systems. not now subject to periodic review under County code, the County shall investigate the possibility of adopting a Countywide ordinance requiring the inspection of a septic system upon resale of the associated single-family dwelling.

b. Point Reyes Station and Olema. Due to the potential for cumulative impacts which exists in these communities from buildout on small lots utilizing septic' systems, the County shall revise zoning densities to reflect sewage disposal constraints. In Point Reyes Station, a. minimum lot size of 10,000 square feet shall be maintained in the area zoned VCR, and a minimum of 20,000 sq ft in the area zoned A-2:B-2. In Olema, minimum lot sizes of 20,000 sq ft shall be maintained east of Highway 1, while 1 acre minimums shall be maintained for all lots bordering Olema Creek.

A study to identify and quantify possible sewage disposal problems and cumulative impacts in Point Reyes Station is recommended. If and when a community sewer is constructed, higher zoning densities-may be reconsidered to accommodate housing needs.

c. Inverness Ridge and the shoreline of Tomales Bay. These areas have numerous lots which are less than one acre in size and which, because of soil, slope, and/or groundwater characteristics are problematical for sewage disposal. Development on these lots may proceed only if the standards contained in the Minimum Guidelines of the Regional Board, mentioned in (a) above, or the County's revised septic system code as approved by the Regional Board, are met.

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- d. Tomales. The town of Tomales is served by a community sewer system in the downtown village core and by onsite sewage disposal systems in the outlying areas. Buildout in the outlying areas can apparently proceed without cumulative impacts if County codes on wells and septic systems and the standards of the Regional Water Quality Control Board are met. Sewer capacity in the downtown is adequate to handle all residential, commercial, and other uses anticipated at buildout. No reservation for visitor-serving and other priority uses is necessary due to the large excess capacity.
- e. Dillon Beach. The single-family lots in Oceana Marin are served by a community sewer system operated by North Marin Water District (NMWD). The multi-family parcels are not in NMWD's service area and would have to be annexed to NMWD to receive service. Based on current information, there is remaining system capacity for approximately 30 more units than are built today. Construction of additional phases will be necessary to serve all 252 single-family lots in the present service area. To ensure that sewage will be disposed of adequately as buildout proceeds, the County shall continue to require certification of adequate capacity from NMWD prior to issuing building permits for new units.

Several system expansion alternatives exist, including expanding the existing system on the hilltop above Oceana Marin and constructing a new system in the dunes south of the Village. Neither alternative is considered superior at this time. There are considerable trade-offs between the energy costs associated with pumping uphill and potential environmental impacts of constructing a pipeline from Oceana Marin to the dunes and the leachfield itself. The system expansion must be sited out of environmentally sensitive habitat areas, screened from public view, and sited so as not to interfere with recreational or agricultural uses in the area. The potential growth-inducing impacts would also have to be evaluated.

The village, Lawson's Dillon Beach Resort, Lawson's Landing, and the surrounding agricultural areas rely on individual, onsite septic systems. The combination of sandy soils and seasonal occupancy has so far allowed most septic systems to function effectively. The methods of sewage disposal at Lawson's Landing, however, have caused problems in the past. As part of any expansion or redevelopment plan for Lawson's Landing, improvements in sewage disposal facilities shall be required, in accordance with the recommendations of the Regional Water Quality Control Board. Due to the potential for substantially greater development on the multi-family parcels in Oceana Marin and at Lawson's Dillon

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<p>Beach Resort, proposed development in all planned districts in these areas (C-RMP, C-RMPC, and C-RCR) shall demonstrate prior to approval that safe and environmentally-sound sewage disposal is available.</p> <p><i>[Amended pursuant to BOS Resolution No. 88-333 (Attachment 1, p.24) [12/20/88], approved by CCC with suggested modifications 4/12/89, 2nd BOS Resolution No. 89-216 [8/8/89], CCC ED Checkoff 4/13/90]</i></p> <p><b><u>Policy Status</u></b></p> <p>This policy has not been carried forward, although the concepts have been integrated into the various policies in the Public Facilities and Services section.</p>	
<p><b><u>Policy 4 p. 191</u></b></p> <p><u>Transportation and road capacity.</u></p> <p>a. <u>Highway 1.</u> Highway 1 provides an important and limited access route to the coastal zone. As required by the Coastal Act, Highway 1 shall remain a scenic two-lane roadway. Improvements shall not, either individually or cumulatively, detract from the rural scenic characteristics of the highway and, beyond repair and maintenance, shall be limited to the following minor projects: slope stabilization, drainage control, and minor safety improvements such as guardrail placement, signing etc; expansion of shoulder paving to accommodate bicycle or pedestrian traffic; creation of slow traffic and vista turn-outs, as a safety and convenience improvement; and other minor improvements necessary to adequately accommodate public transit consistent with the goals of this policy, provided that no filling of streams or wetlands occurs.</p> <p>b. <u>Sir Francis Drake Boulevard.</u> Sir Francis Drake Boulevard provides a scenic driving experience for coastal visitors and an important access road for local residents. In order to protect its scenic rural character, the road shall be maintained as a two-lane roadway. Sir Francis Drake has adequate capacity to handle increased recreational and local traffic, although traffic patterns do occasionally create hazardous conditions for pedestrians and bicyclists in the area of Inverness and Inverness Park. Improvements to address these problems, such as traffic control devices, shall be investigated.</p> <p>c. <u>Alternative methods of transportation.</u> The County discourages the excessive use of private automobiles and strongly supports the development of expanded public transit and other alternative methods of transportation in the coastal zone, such as bicycles. Bicycle and pedestrian paths, separated from roads where possible, are especially encouraged.</p>	<p><b>C-TR-2 Scenic Quality of Highway One.</b> Ensure that Highway One shall remain a scenic two-lane roadway. Ensure that improvements shall not, either individually or cumulatively, detract from the rural scenic characteristics of the highway and shall be limited to improvements necessary for the continued use of the highway: slope stabilization, drainage control, and minor safety improvements such as guardrail placement, signing, etc.; expansion of shoulder paving to accommodate bicycle or pedestrian traffic; creation of slow traffic and vista turn-outs, as a safety and convenience improvement; and other minor improvements necessary to adequately accommodate public transit. Avoid incursions and other adverse impacts in Stream Conservation and Wetland Conservation Areas. These improvements shall limit the site alterations to the minimum amount necessary to carry out the project and minimize environmental impacts. (PC app. 04/27/09) <i>[Adapted from Unit II Public Services Policy 4.a, p. 191]</i></p> <p><b><u>Unit II Policy 4 (a) p. 191</u></b></p> <p><u>Transportation and road capacity.</u></p> <p>a. <del>Highway 1.</del> <b>C-TR-2 Scenic Quality of Highway One.</b> <del>Highway 1 provides an important and limited access route to the coastal zone. As required by the Coastal Act, Ensure that Highway 1</del> <del>shall remain a scenic two-lane roadway. Ensure that improvements shall not, either individually or cumulatively, detract from the rural scenic characteristics of the highway and ,beyond repair and maintenance,shall be limited to the following minor projects</del> <u>improvements necessary for the continued use of the highway:</u> slope stabilization, drainage control, and minor safety improvements such as guardrail placement, signing, etc.; expansion of shoulder paving to accommodate bicycle or pedestrian traffic; creation of slow traffic and vista turn-outs, as a safety and convenience improvement; and other minor improvements necessary to adequately accommodate public</p>

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The development of new transit service routes and associated loading and turning areas is also encouraged, consistent with the goal of utilizing public transit to meet current and increased use of coastal access and recreational areas.

### **Policy Status**

This policy has been carried forward with modifications to C-TR-2 Scenic Quality of Highway One, C-TR-10 Adequate and Affordable Public Transportation, and *Program C-TR-10.a Encourage Additional Transit Service*.

~~transit consistent with the goals of this policy, provided that no filling of streams or wetlands occurs. Avoid incursions and other adverse impacts in Stream Conservation and Wetland Conservation Areas. These improvements shall limit the site alterations to the minimum amount necessary to carry out the project and minimize environmental impacts.~~

**C-TR-10 Adequate and Affordable Public Transportation.** Provide efficient, affordable public transportation service in and to the Coastal Zone and support expansion of alternative modes of transportation.

(PC app. 04/27/09)

*[Adapted from CWP Goal TR-3, p. 3-162]*

### ***Program C-TR-10.a Encourage Additional Transit Service.***

Encourage the development of new transit service routes and associated loading and turning areas, consistent with the goal of utilizing public transit to meet current and increased use of coastal access and recreational areas.

(PC app. 04/27/09)

*[Adapted from Unit II Public Services Policy 4.c, p. 192]*

### **Unit II Policy 4 (c) p. 191**

~~e. — Alternative methods of transportation. **C-TR-10 Adequate and Affordable Public Transportation.** The County discourages the excessive use of private automobiles and strongly supports the development of expanded Provide efficient, affordable public transit and other alternative methods of transportation service in and to the eCoastal zZone and support expansion of alternative modes of transportation, such as bicycles. Bicycle and pedestrian paths, separated from roads where possible, are especially encouraged. **Program C-TR-10.a Encourage Additional Transit Service.** Encourage~~  
 {The development of new transit service routes and associated loading and turning areas is also encouraged, consistent with the goal of utilizing public transit to meet current and increased use of coastal access and recreational areas.



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<p><b><u>Policy 1 p. 206</u></b>  <u>Historic resources.</u></p> <p>a. In order to protect the unique qualities and character of coastal communities in the Unit II coastal zone, historic structures shall be preserved and restored. The following means shall be used to protect and preserve historic structures:</p> <p>(1) <u>"Historic areas"</u> shall be established in Tomales, Marshall, Point Reyes Station, Olema and Inverness. The boundaries of these areas are described and mapped in Appendix E of the Unit II LCP. Within these historic area boundaries, all new construction shall conform in scale, design, materials and texture with the surrounding community character.</p> <p>(2) <u>Alterations and Additions.</u> Alterations or additions to any structure built prior to 1930 shall require a coastal project permit; except that, maintenance or repair to restore any pre-1930's structure to its original architectural character shall be exempt from the requirement of a coastal permit. Alterations or additions to any pre-1930 structure shall retain the scale and original architectural features of the structure, especially for the front facade.</p> <p>(3) <u>Demolitions.</u> Demolition of any structure built prior to 1930 shall require a Coastal Project Permit; except that, demolition of any secondary or agricultural building built prior to 1930, may be exempted from the requirement for a coastal permit upon a finding by the Planning Director or appropriate hearing body that such structure is not a significant historic resource. Issuance of a Coastal Project Permit for the demolition of any pre-1930 structure may be delayed for a period not to exceed six months. During this period, the property owner or local historic group or society may attempt to find a purchaser or alternate location for the structure. This six month period may be waived by the Planning Director or appropriate hearing body upon a finding that the structure is not historically significant or cannot be rehabilitated.</p> <p>b. All coastal project permits for projects located within the boundaries of a historic area, and for projects involving pre-1930 buildings, shall be reviewed in accordance with:</p> <p>(1) The "Design Guidelines for Construction in Historic Areas and for pre-1930 Structures" and,</p>	<p><b>C-HAR-7 Proposed Demolition of Structures of Special Character and Visitor Appeal.</b> Review the proposed demolition of any structure built prior to 1930 for its impacts on community character, except that demolition of any secondary or agricultural building built prior to 1930 may be exempted from this requirement upon a finding by the Planning Director or appropriate hearing body that such structure is not a significant resource. Issuance of a coastal roject permit for the demolition of any pre-1930 structure may provide for such demolition to be delayed for a period not to exceed six months. During this period, the property owner or local historic group or society may attempt to find a purchaser or alternate location for the structure. This six month period may be waived by the Planning Director or appropriate hearing body upon a finding that the structure is not significant to community character or to visitor appeal or cannot be rehabilitated. (PC app. 2/8/10)  <i>[Adapted from Unit II New Development and Land Use Policy 1.a.(3), p. 206]</i></p> <p><b><u>Unit II Policy 1 p. 206</u></b>  <u>Historic resources.</u></p> <p><del>a. In order to protect the unique qualities and character of coastal communities in the Unit II coastal zone, historic structures shall be preserved and restored. The following means shall be used to protect and preserve historic structures:</del></p> <p><del>(3) Demolitions.</del> <b>C-HAR-7 Proposed Demolition of Structures of Special Character and Visitor Appeal.</b> Review the proposed <del>Demolition</del> of any structure built prior to 1930 <del>shall require a Coastal Project Permit; for its impacts on community character,</del> except that demolition of any secondary or agricultural building built prior to 1930 may be exempted from <del>the this</del> requirement <del>for a coastal permit</del> upon a finding by the Planning Director or appropriate hearing body that such structure is not a significant <del>historic resource.</del> Issuance of a <del>Ccoastal Project P</del>ermit for the demolition of any pre-1930 structure may <u>provide for such demolition to be delayed for a period not to exceed six months.</u> During this period, the property owner or local historic group or society may attempt to find a purchaser or alternate location for the structure. This six month period may be waived by the Planning Director or appropriate hearing body upon a finding that the structure is not significant <u>to community character or to visitor appeal or cannot be rehabilitated.</u></p>

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<p>(2) The "Historic Review Checklist", both located in Appendix E of the Unit II LCP.</p> <p>c. All coastal project permits for historic structures shall be reviewed by established local planning or design review groups.</p> <p><b><u>Policy Status</u></b>  This policy has been carried forward with modifications to C-HAR-7 Proposed Demolition of Structures of Special Character and Visitor Appeal.</p>	<p>.</p>
<p><b><u>Policy 2 p. 206</u></b>  <u>Archaeological Resources.</u></p> <p>a. The County shall maintain a file on known and suspected archaeological and paleontological sites in the coastal zone, in cooperation with the area clearinghouse. Additional information on such sites that becomes available through the EIR process or by other means shall be added to the file and forwarded to the clearinghouse. The file shall be kept confidential in order to prevent vandalism of sites.</p> <p>b. Prior to the approval of any development proposed within an area of known or suspected archaeological or paleontological significance, a field survey by a qualified professional shall be required at the applicant's expense to determine the extent of archaeological or paleontological resources on the site. Where development would adversely impact identified resources, reasonable mitigation measures shall be required, as recommended in the field survey.</p> <p><b><u>Policy Status</u></b>  This policy has been carried forward with modifications to C-HAR-1 Maintenance of Information on Archaeological and Paleontological Resources and C-HAR-2 Potential Impacts of Development on Archaeological and Paleontological Resources.</p>	<p><b>C-HAR-1 Maintenance of Information on Archaeological and Paleontological Resources.</b> Maintain a file on known and suspected archaeological and paleontological sites in the Goastal Zone, in cooperation with the area clearinghouse, for use in carrying out Policy C-HAR-2. Additional information on such sites that becomes available through the EIR process or by other means shall be added to the file and forwarded to the Northwest Information Center (NWIC). The file shall be kept confidential in order to prevent vandalism of sites.  (PC app. 11/23/09)  <i>[Unit II New Development and Land Use Policy 2.a., p. 206]</i></p> <p><b><u>Policy 2 (a) p. 206</u></b>  <del>Archaeological Resources.</del>  <del>a. The County shall maintain</del> Maintain a file on known and suspected archaeological and paleontological sites in the <del>eGoastal zZone</del>, in cooperation with the area clearinghouse, <u>for use in carrying out Policy C-HAR-2</u>. Additional information on such sites that becomes available through the EIR process or by other means shall be added to the file and forwarded to the <del>clearinghouse</del> <u>Northwest Information Center (NWIC)</u>. The file shall be kept confidential in order to prevent vandalism of sites.</p> <p><b>C-HAR-2 Potential Impacts of Development on Archaeological and Paleontological Resources.</b> Prior to the approval of a coastal project permit for any development proposed within an area of known or likely archaeological or paleontological significance, including sites identified in the file described in Policy C-HAR-1, require a field survey by a State-qualified archaeologist recommended by the Sacred Sites Protection Committee of the Federated Indians of Graton Rancheria or by a qualified paleontologist at the applicant's expense to determine the extent of archaeological or paleontological resources on the site. Where development would adversely impact identified resources, require reasonable mitigation measures, including avoidance and permanent protection as open space, if feasible, as recommended in the field survey.</p>

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	<p>(PC app. 11/23/09)  <i>[Adapted from Unit II New Development and Land Use Policy 2.b., p. 206a and Countywide Plan Programs HAR-1.d and HAR-1.3]</i></p> <p><b><u>Unit II Policy 2 (b) p. 206</u></b>  <del>b.—C-HAR-2 Potential Impacts of Development on Archaeological and Paleontological Resources.</del> Prior to the approval of a coastal project permit for any development proposed within an area of known or <del>suspected likely</del> archaeological or paleontological significance, including sites identified in the file described in Policy C-HAR-1, <del>require</del> a field survey by a <del>qualified professional</del> State-qualified archaeologist recommended by the Sacred Sites Protection Committee of the Federated Indians of Graton Rancheria or by a <del>qualified paleontologist shall be required</del> at the applicant's expense to determine the extent of archaeological or paleontological resources on the site. Where development would adversely impact identified resources, <del>require</del> reasonable mitigation measures <del>shall be required</del>, including avoidance and permanent protection as open space, if feasible, as recommended in the field survey.</p>
<p><b><u>Policy 3(a) p. 206a</u></b>  <u>Visual resources.</u>  a. The height, scale, and design of new structures shall be compatible with the character of the surrounding natural or built environment. Structures shall be designed to follow the natural contours of the landscape and sited so as not to obstruct significant views as seen from public viewing places.</p> <p><b><u>Policy Status</u></b>  This policy has been carried forward with modifications to C-DES-1 Compatible Design.</p>	<p><b>C-DES-1 Compatible Design.</b> Ensure that the height, scale, and design (including materials and color) of new structures are compatible with the character of the surrounding natural or built environment. Structures shall be designed to follow the natural contours of the landscape and shall limit the reflectivity of glass and other surfaces.  (PC app. 10/26/09)  <i>[Unit II New Development and Land Use Policy 3.a p. 206a]</i></p> <p><b><u>Unit II Policy 3(a) p. 206a</u></b>  <del>Visual resources.</del>  a.—<b><u>C-DES-1 Compatible Design.</u></b> <del>Ensure that t</del>The height, scale, and design (including materials and color) of new structures <del>shall be are</del> compatible with the character of the surrounding natural or built environment. Structures shall be designed to follow the natural contours of the landscape and <del>sited so as not to obstruct significant views as seen from public viewing places</del> <u>shall limit the reflectivity of glass and other surfaces.</u></p>
<p><b><u>Policy 3(b) p. 207</u></b>  b. Development shall be screened with appropriate landscaping; however such landscaping shall not, when mature, interfere with public views to and along the coast. The use of native plant material is encouraged.</p>	<p><b>C-DES-2 Protection of Visual Resources.</b> Ensure the appropriate siting and design of structures to protect visual resources and prevent the obstruction of significant views, including views both to and along the coast as seen from public viewing spaces and from Highway One, Panoramic Highway, and Sir Francis</p>

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**Policy Status**

This policy has been carried forward with modifications to C-DES-2 Protection of Visual Resources.

Drake Boulevard. Require development to be screened with appropriate landscaping provided that when mature, such landscaping shall not interfere with public views to and along the coast. The use of drought tolerant, native coastal plant species is encouraged. Continue to keep road and driveway construction, grading, and utility extensions to a minimum, except that longer road and driveway extensions may be necessary in highly visible areas in order to avoid or minimize other impacts.

(PC app. 01/24/11)

*[Unit II New Development and Land Use Policy 3.b p. 207]*

**Unit II Policy 3(b) p. 207**

~~b.—C-DES-2 Protection of Visual Resources. Ensure the appropriate siting and design of structures to protect visual resources and prevent the obstruction of significant views, including views both to and along the coast as seen from public viewing spaces and from Highway One, Panoramic Highway, and Sir Francis Drake Boulevard. Require development shall to be screened with appropriate landscaping; provided that when mature, however such landscaping shall not when mature, interfere with public views to and along the coast. The use of drought tolerant, native coastal plant material species is encouraged. Continue to keep road and driveway construction, grading, and utility extensions to a minimum, except that longer road and driveway extensions may be necessary in highly visible areas in order to avoid or minimize other impacts.~~

**Policy 3(c) p. 207**

- c. Signs shall be of a size, location, and appearance so as not to detract from scenic areas or views from public roads and other viewing points and shall conform to the County's sign ordinance.

**Policy Status**

This policy has been carried forward with modifications to C-DES-5 New Signs.

**C-DES-5 New Signs.** Ensure that new signs are of a size, location, and appearance so as not to detract from scenic areas or views from public roads and other viewing points.

(PC app. 07/29/10)

*[Unit II New Development and Land use Policy 3.c., p. 207]*

**Policy 3(c) p. 207**

~~e.—C-DES-5 New Signs. Ensure that new sSigns shall be are of a size, location, and appearance so as not to detract from scenic areas or views from public roads and other viewing points and shall conform to the County's sign ordinance.~~

**Policy 3(d) p. 207**

- d. Distribution utility lines shall be placed underground in new developments to protect scenic resources except where the cost of undergrounding would be so high as to deny service.

**C-DES-6 Underground Utilities.** Require that utility lines are placed underground in new development to protect scenic resources except where the cost of undergrounding would be so high as to deny service or where undergrounding would result in greater environmental impacts.

(PC app. 10/26/09)

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<p><b><u>Policy Status</u></b>  This policy has been carried forward with modifications to C-DES-6 Underground Utilities.</p>	<p><i>[Unit II New Development and Land use Policy 3.d., p. 207]</i></p> <p><b><u>Policy 3(d) p. 207</u></b>  <del>d. C-DES-6 Underground Utilities.</del> Distribution utility lines shall be placed underground in new developments to protect scenic resources except where the cost of undergrounding would be so high as to deny service.</p>
<p><b><u>Policy 4 p. 207</u></b>  <u>Housing.</u> The County of Marin strongly encourages the protection and provision of housing opportunities in its coastal zone for persons of low and moderate income (low and moderate income is defined in the County's Housing Element). In order to protect housing opportunities for these groups, the following policies shall apply:</p> <ol style="list-style-type: none"> <li>a. The demolition of existing low and moderate income housing shall be permitted only when such demolition is necessary for health and safety reasons, or the costs of rehabilitation would result in housing costs which would not be affordable to low and moderate income households, or the units to be demolished are replaced- on a one-for-one basis with units of comparable rental value.</li> <li>b. The County has made a conscious effort to retain small-lot zoning (6000-10,000 sq ft) in Tomales, Point Reyes Station, and Olema for the purpose of providing-housing opportunities at less expense than available in large-lot zones. In Point Reyes Station, densities above the LCP minimum of 10.000 sq. ft. may be reconsidered if and when a community sewer is installed</li> <li>c. The County is currently investigating a second-unit ordinance for the purpose of expanding the low and moderate income housing stock and providing a legitimate alternative to major new construction.</li> </ol> <p><b><u>Policy Status</u></b>  This policy has been carried forward with modifications to C-HS-1 Protection of Existing Affordable Housing.</p>	<p><b>C-HS-1 Protection of Existing Affordable Housing.</b> Continue to protect and provide affordable housing opportunities for very low, low, and moderate income households. Prohibit the demolition of existing deed restricted very low, low, and moderate income housing except when:</p> <ol style="list-style-type: none"> <li>1. Demolition is necessary for health and safety reasons; or</li> <li>2. The costs of rehabilitation would be prohibitively expensive and impact the affordability of homes for very low, low and moderate income households.</li> <li>3. The units to be demolished are replaced on a one-for-one basis with units of comparable rental value on site or within the immediate coastal zone area</li> </ol> <p><i>[Adapted from Unit I New Development and Land Use Policy 22 pg. 66, and Unit II Policy 4, pg. 207]</i></p> <p><b>LCP Unit I New Development and Land Use Policy 22, pg. 66</b>  <del>In order to protect housing opportunities for persons of low, and moderate income (as defined by "HUD" Guidelines), as well as preserve the existing character of coastal villages, existing structures providing such housing opportunities shall be demolished only when:</del></p> <ul style="list-style-type: none"> <li><del>• The structure poses an immediate and established health or safety hazard; or</del></li> <li><del>• The Planning Commission finds, based upon established procedures, that the rehabilitation of the existing structure is not feasible. (Feasible is defined in Section 30108 of the Coastal Act.); and</del></li> <li><del>• 3. Such demolition The units to be demolished coupled with subsequent reconstruction would provide replacement housing are replaced on a one-for-one basis with units of comparable rental value either on site or within the immediate coastal zone area.</del></li> </ul> <p><b>LCP Unit II New Development and Land Use Policy 4, p. 207</b>  <del>4. Housing. C-HS-1 Protection of Existing Affordable Housing. Continue to The County of Marin strongly encourages the protection and provide affordable provision of housing opportunities for very low, in its coastal zone for persons of low, and moderate income households. Prohibit the demolition of existing deed restricted very low, low, and moderate income housing except when: (low and moderate income is</del></p>

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	<p>defined in the County's Housing Element). In order to protect housing opportunities for these groups, the following policies shall apply:</p> <ol style="list-style-type: none"> <li>a. <del>1. The demolition of existing low and moderate income housing shall be permitted only when such demolition is necessary for health and safety reasons; or ,or the costs of rehabilitation would result in housing costs which would not be affordable to low and moderate income households, or the units to be demolished are replaced- on a one-for-one basis with units of comparable rental value.</del></li> <li>b. <del>The costs of rehabilitation would result in housing costs which would not be affordable to low and moderate households; and County has made a conscious effort to retain small lot zoning (6000-10,000 sq ft) in Tomales, Point Reyes Station, and Olema for the purpose of providing housing opportunities at less expense than available in large lot zones. In Point Reyes Station, densities above the LCP minimum of 10,000 sq. ft. may be reconsidered if and when a community sewer is installed</del></li> <li>c. <del>The units to be demolished are replaced on a one-for-one basis with units of comparable rental value on site or within the immediate coastal zone area. County is currently investigating a second unit ordinance for the purpose of expanding the low and moderate income housing stock and providing a legitimate alternative to major new construction.</del></li> </ol>
<p><b><u>Policy 5 p. 207</u></b>  <b><u>Hazards</u></b></p> <ol style="list-style-type: none"> <li>a. An applicant for development in an area potentially subject to geologic or other hazards as mapped by the County, including Alquist-Priolo earthquake hazards zones, areas subject to tsunami runup, landslides, liquefaction, beach or bluff erosion, steep slopes averaging greater than 35%, or flood hazard areas, shall be required to demonstrate that the area of construction is stable for development, the development will not create a hazard or diminish the stability of the area, and the development will not require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. The applicant may be required to file a report by a qualified professional evaluating the geologic conditions of the site and the effect of the development. In addition, as a condition of coastal permit approval, the applicant shall be required to sign a waiver of liability exempting the County from liability for any personal or property damage caused by natural hazards on such properties.</li> <li>b. In coastal bluff areas, new structures shall be set back a sufficient distance</li> </ol>	<p><b>C-EH-1 Safety of New Development.</b> Ensure that new development during its economic life (100 years) is safe from, and does not contribute to, geologic or other hazards.  (PC app. 03/16/09)  <i>[Adapted from Unit II Hazards Policy 5.a 5.d., p. 207]</i></p> <p><b><u>Unit II Policy 5 (a, d) p. 207</u></b>  <b><u>Hazards</u></b></p> <ol style="list-style-type: none"> <li>a. <del>An applicant for development in an area potentially subject to geologic or other hazards as mapped by the County, including Alquist-Priolo earthquake hazards zones, areas subject to tsunami runup, landslides, liquefaction, beach or bluff erosion, steep slopes averaging greater than 35%, or flood hazard areas, shall be required to demonstrate that the area of construction is stable for development, the development will not create a hazard or diminish the stability of the area, and the development will not require the construction of protective devices that would substantially alter natural landforms</del></li> </ol>



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from the bluff edge to ensure with reasonable certainty that they are not threatened by bluff retreat within their expected economic lifespans (50 years). The County shall determine the required setback based on information submitted by the applicant, staff investigation, and a geologic report which may be required. The setbacks will be of sufficient distance to eliminate the need for shoreline protective works.

- c. Development of any kind beyond the required bluff-top setback shall be constructed to ensure that all surface and subsurface drainage shall not contribute to the erosion of the bluff face or the stability of the bluff itself. Surface water shall be directed away from the top of the bluff or handled in a manner which prevents damage to the bluff by surface and percolating water.
- d. New development shall be sited and designed so that no protective shoreline structures (e.g. seawalls, groins, breakwaters) are or will be necessary to protect the building from erosion or storm damage during its expected economic lifespan (50 years). The applicant may be required to submit a professional geologic report demonstrating that the project conforms to this policy.
- e. The County encourages PG&E to utilize materials for overhead utility lines which minimize fire hazards to surrounding areas.

#### **Policy Status**

This policy has been carried forward with modifications to C-EH-1 Safety of New Development, C-EH-2 Avoidance of Environmental Hazards, and C-EH-6 Proper drainage on Blufftop parcels.

~~along bluffs and cliffs. The applicant may be required to file a report by a qualified professional evaluating the geologic conditions of the site and the effect of the development. In addition, as a condition of coastal permit approval, the applicant shall be required to sign a waiver of liability exempting the County from liability for any personal or property damage caused by natural hazards on such properties.~~

- ~~d. Ensure that new development shall be sited and designed so that no protective shoreline structures (e.g. seawalls, groins, breakwaters) are or will be necessary to protect the building from erosion or storm damage during its economic lifespan (50-100 years); is safe from, and does not contribute to, geologic or other hazards.~~

**C-EH-2 Avoidance of Environmental Hazards.** Require applicants for development in area potentially subject to geologic or other hazards as mapped by the County at the time of coastal permit application, including Alquist-Priolo earthquake hazards zones, areas subject to tsunami runup, landslides, liquefaction, beach or bluff erosion, steep slopes averaging greater than 35%, unstable slopes regardless of steepness, or flood hazard areas, to demonstrate that:

1. the area of construction is stable for development,
2. the development will not create a hazard or diminish the stability of the area, and
3. the development during its economic life (100 years) will not require the construction of shoreline protective devices.

(PC app. 03/16/09)

*[Adapted from Unit II Hazards Policy 5.a., p. 207]*

#### **Unit II Policy 5 (a) p. 207**

##### **Hazards**

- ~~a. Require~~ **Require** Applicants for development in ~~an~~ areas potentially subject to geologic or other hazards as mapped by the County at the time of coastal permit application, including Alquist-Priolo earthquake hazards zones, areas subject to tsunami runup, landslides, liquefaction, beach or bluff erosion, steep slopes averaging greater than 35%, unstable slopes regardless of steepness, or flood hazard areas, ~~shall be required~~ to demonstrate that:

1. the area of construction is stable for development,
2. the development will not create a hazard or diminish the stability of the area, and

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3. the development during its economic life (100 years) will not require the construction of shoreline protective devices, ~~that would substantially alter natural landforms along bluffs and cliffs. The applicant may be required to file a report by a qualified professional evaluating the geologic conditions of the site and the effect of the development. In addition, as a condition of coastal permit approval, the applicant shall be required to sign a waiver of liability exempting the County from liability for any personal or property damage caused by natural hazards on such properties.~~

**C-EH-6 Proper drainage on Blufftop parcels.** Ensure that surface and subsurface drainage associated with development of any kind beyond the required blufftop setback shall not contribute to the erosion of the bluff face or the stability of the bluff itself.

(PC app. 03/16/09)

*[Unit II Hazard Policy 5.c., p. 208]*

***Program C-EH-6.a Require proper drainage plans.*** Amend the development code to require that prior to development of any kind beyond the required blufftop setback, a drainage plan be prepared by a civil engineer showing how rainwater and irrigation runoff will be directed away from the top of the bluff or handled in a manner which prevents damage to the bluff by surface and percolating water. Blufftop landscaping shall be required to use drought tolerant, native species with minimal irrigation.

(PC app. 03/16/09)

*[Unit II Hazard Policy 5.c.,5.b, p. 208]*

**Unit II Policy 5 (b, c) p. 207**

~~b. In coastal bluff areas, new structures shall be set back a sufficient distance from the bluff edge to ensure with reasonable certainty that they are not threatened by bluff retreat within their expected economic lifespans (50 years). The County shall determine the required setback based on information submitted by the applicant, staff investigation, and a geologic report which may be required. The setbacks will be of sufficient distance to eliminate the need for shoreline protective works.~~ **Program C-EH-6.a Require proper drainage plans.** Amend the development code to require that prior to development of any kind beyond the required blufftop setback, a drainage plan be prepared by a civil engineer showing how rainwater and irrigation runoff will be directed away from the top of the bluff or handled in a manner which



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	<p><u>prevents damage to the bluff by surface and percolating water. Blufftop landscaping shall be required to use drought tolerant, native species with minimal irrigation.</u></p> <p><del>e.—C-EH-6 Proper drainage on blufftop parcels. Development of any kind beyond the required bluff top setback shall be constructed to ensure that all</del> <u>Ensure that</u> surface and subsurface drainage <u>associated with development of any kind beyond the required blufftop setback</u> shall not contribute to the erosion of the bluff face or the stability of the bluff itself. <del>Surface water shall be directed away from the top of the bluff or handled in a manner which prevents damage to the bluff by surface and percolating water.</del></p>
<p><b><u>Policy 6 (a) p. 208</u></b>  Watershed and water quality protection/grading. In order to ensure the long-term preservation of water quality, protection of visual resources, and the prevention of hazards to life and property, the following policies shall apply to all construction and development, including grading and major vegetation removal, which involve the movement of earth in excess of 150 cubic yards.</p> <p>a. Development shall be designed to fit a site's topography, soils, geology, hydrology, and any other existing conditions and be oriented so that grading, cut and fill operations, and other site preparation are kept to an absolute minimum. Natural features, landforms, and native vegetation shall be preserved to the maximum extent feasible. Areas of a site which are not suited to development because of known soil, geologic, flood, erosion or other hazards shall be kept in open space.</p> <p><b><u>Policy Status</u></b>  The content of this policy has been carried forward to C-WR-4 Grading and Vegetation Removal and C-DES-8 Protection of Trees.</p>	<p><b>C-WR-4 Grading and Vegetation Removal.</b> Design development to fit a site's topography, soils, geology, hydrology, and any other existing conditions. Orient development so that grading, cut and fill operations, and other site preparation are kept to an absolute minimum. Natural features, landforms, and native vegetation shall be preserved to the maximum extent feasible. Areas of a site which are not suited to development because of known soil, geologic, flood, erosion or other hazards shall be kept undeveloped.  (PC app. 03/16/09)  <i>[Unit II New Development and Land Use, Watershed and Water Quality Protection/Grading Policy 6.a, p. 208]</i></p> <p><b><u>Unit II Policy 6 (a) p. 208</u></b>  a.—<del>C-WR-4 Grading and Vegetation Removal. Design d</del>Development <del>shall be designed</del> to fit a site's topography, soils, geology, hydrology, and any other existing conditions. <del>and be e</del><u>Oriented</u> development so that grading, cut and fill operations, and other site preparation are kept to an absolute minimum. Natural features, landforms, and native vegetation shall be preserved to the maximum extent feasible. Areas of a site which are not suited to development because of known soil, geologic, flood, erosion or other hazards shall be kept <del>in open space</del> <u>undeveloped</u>.</p> <p><b>C-DES-8 Protection of Trees.</b> Site structures and roads so as to avoid the removal of trees that contribute to the scenic and visual resources of the area, except where required to maintain defensible space for structures or eliminate diseased trees that threaten surrounding structures or vegetation. Dead trees may serve as valuable habitat for some species, so avoid complete removal where feasible.  (PC app. 07/29/10)</p>

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*[Unit II New Development and Land use Policy 6.a, p. 208]*

**Unit II Policy 6 (a) p. 208**

~~a. Development shall be designed to fit a site's topography, soils, geology, hydrology, and any other existing conditions and be oriented so that grading, cut and fill operations, and other site preparation are kept to an absolute minimum. Natural features, landforms, and native vegetation shall be preserved to the maximum extent feasible. Areas of a site which are not suited to development because of known soil, geologic, flood, erosion or other hazards shall be kept in open space.~~  
**C-DES-8 Protection of Trees.** Site structures and roads so as to avoid the removal of trees that contribute to the scenic and visual resources of the area, except where required to maintain defensible space for structures or eliminate diseased trees that threaten surrounding structures or vegetation. Dead trees may serve as valuable habitat for some species, so avoid complete removal where feasible.

**Policy 6(b) p. 208**

- b. For necessary grading operations, the smallest practicable area of land shall be exposed at any one time during development and the length of exposure shall be kept to the shortest practicable time. The clearing of land shall be avoided during the winter rainy season and all measures for removing sediments and stabilizing slopes shall be in place before the beginning of the rainy season.

**Policy Status**

The content of this policy has been carried forward to C-WR-6, Soil Exposure and C-WR-7, Wintertime Clearing and Grading.

**C-WR-6 Soil Exposure.** Allow any necessary grading operations only such that the smallest practicable area of land shall be exposed at any one time during development and the length of exposure shall be kept to the shortest practicable time. Erosion and sedimentation control measures shall be incorporated in development plans. An erosion and sedimentation control plan, subject to approval by the Department of Public Works, shall be required for development of any site of 1 acre or more in size or, at the discretion of the Department of Public Works, for any site of less than 1 acre because of a high risk of erosion and sedimentation. (PC app. 03/16/09)

*[Adapted from Unit II New Development and Land Use Policy 6.b., p. 208]*

**Unit II Policy 6(b) p. 208**

~~b. C-WR-6 Soil Exposure.-~~ Allow any ~~For~~ necessary grading operations; only such that the smallest practicable area of land shall be exposed at any one time during development and the length of exposure shall be kept to the shortest practicable time. Erosion and sedimentation control measures shall be incorporated in development plans. An erosion and sedimentation control plan, subject to approval by the Department of Public Works, shall be required for development of any site of 1 acre or more in size or, at the discretion of the Department of Public Works, for any site of less than 1 acre because of a high risk of erosion and sedimentation. ~~The clearing of land shall be avoided during the winter rainy season and all measures for removing sediments and stabilizing slopes shall be in place before the beginning of the rainy season.~~

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	<p><b>C-WR-7 Wintertime Clearing and Grading.</b> Avoid land clearing and grading during the winter rainy season (October 15th through April 15th). Ensure that all measures for removing sediments and stabilizing slopes shall be in place before the beginning of the rainy season. Permit land clearing and grading during the rainy season only upon prior approval by the Department of Public Works of an erosion control plan, which shall demonstrate that at no stage of the work will there be any substantial risk of increased sediment discharge from the site.  (PC app. 03/16/09)  <i>[Adapted from Unit II New Development and Land Use Policy 6.b., p. 208 and from Dev Code 22.70.070.C.3. and Marin County Code 24.04.625]</i></p> <p><b><u>Unit II Policy 6(b) p. 208</u></b>  <del>b. For necessary grading operations, the smallest practicable area of land shall be exposed at any one time during development and the length of exposure shall be kept to the shortest practicable time.</del> <b>C-WR-7 Wintertime Clearing and Grading.</b> Avoid <del>The clearing of land clearing and grading shall be avoided</del> during the winter rainy season (October 15th through April 15th). Ensure that <del>and</del> all measures for removing sediments and stabilizing slopes shall be in place before the beginning of the rainy season. <u>Permit land clearing and grading during the rainy season only upon prior approval by the Department of Public Works of an erosion control plan, which shall demonstrate that at no stage of the work will there be any substantial risk of increased sediment discharge from the site.</u></p>
<p><b><u>Policy 6(c) p. 208</u></b>  c. Sediment basins (including debris basins, desilting basins, or silt traps) shall be installed on the project site in conjunction with initial grading operations and maintained through the development process to remove sediment from runoff waters. All sediment shall be retained on site unless removed to an appropriate dumping location.</p> <p><b><u>Policy Status</u></b>  The content of this policy has been carried forward to C-WR-10 Construction-Phase Sediment Basins.</p>	<p><b>C-WR-10 Construction-Phase Sediment Basins.</b> Install sediment basins (including debris basins, desilting basins, or silt traps) required by erosion control plans or otherwise necessary to control sedimentation during construction on the project site in conjunction with initial grading operations. Maintain sediment basins throughout the development process to remove sediment from runoff waters. All sediment shall be retained on site unless removed to an approved dumping location.  (PC app. 03/16/09)  <i>[Adapted from Unit II New Development and Land Use Policy 6.c., p. 208]</i></p> <p><b><u>Unit II Policy 6(c) p. 208</u></b>  <del>e. C-WR-10 Construction-Phase Sediment Basins. Install S</del>sediment basins (including debris basins, desilting basins, or silt traps) <u>required by erosion control plans or otherwise necessary to control sedimentation during construction</u> <del>shall be installed on the project site in conjunction with initial grading operations, and m</del><u>Maintained sediment basins throughout the development process to remove</u></p>

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	sediment from runoff waters. All sediment shall be retained on site unless removed to an approved dumping location.
<p><b><u>Policy 6(d) p. 208</u></b></p> <p>d. Temporary vegetation, seeding, mulching, or other suitable stabilization methods shall be used to protect soils which have been exposed during grading or development. Cut and fill slopes shall be stabilized immediately with plantings of native species, appropriate non-native plants, or with accepted landscaping practices.</p> <p><b><u>Policy Status</u></b></p> <p>The content of this policy has been carried forward to C-WR-8 Disturbed Soils and C-DES-9 Landscaping</p>	<p><b>C-WR-8 Disturbed Soils.</b> Use temporary vegetation, hydroseeding with non-invasive native seeds, seeding, mulching, or other suitable stabilization methods to protect soils that have been exposed during grading or development. Stabilize cut and fill slopes immediately with plantings of native species, appropriate non-native plants, or with accepted landscaping practices.  (PC app. 03/16/09)  <a href="#">[Unit II New Development and Land Use Policy 6.d., p. 209]</a></p> <p><b><u>Unit II Policy 6(d) p. 208</u></b></p> <p>d.—Use tTemporary vegetation, <u>hydroseeding with non-invasive native seeds</u>, seeding, mulching, or other suitable stabilization methods <u>shall be used</u> to protect soils <u>which that</u> have been exposed during grading or development. <u>Stabilize cCut and fill slopes shall be stabilized</u> immediately with plantings of native species, appropriate non-native plants, or with accepted landscaping practices.</p> <p><b>C-DES-9 Landscaping.</b> Ensure that required landscaping predominantly uses native species of trees and plants and avoids using non-native, invasive trees and plants. (See also <i>Biological Resources Policy C-BIO-6: Invasive Plants, which may require the removal of any non-native invasive plant species</i>).  (PC app. 01/24/11)  <a href="#">[Unit II New Development and Land use Policy 6.d, p. 209]</a></p> <p><b><u>Unit II Policy 6(d) p. 208</u></b></p> <p>d.— <u>Temporary vegetation, seeding, mulching, or other suitable stabilization methods shall be used to protect soils which have been exposed during grading or development. Cut and fill slopes shall be stabilized immediately with plantings of native species, appropriate non-native plants, or with accepted landscaping practices.</u> <b><u>C-DES-9 Landscaping. Ensure that required landscaping predominantly uses native species of trees and plants and avoids using non-native, invasive trees and plants.</u></b></p>
<p><b><u>Policy 6(e) p. 208</u></b></p> <p>e. Where topsoil is removed by grading operations, it shall be stockpiled for reuse and shall be protected from compaction and wind or erosion during stockpiling.</p> <p><b><u>Policy Status</u></b></p>	<p><b>C-WR-9 Topsoil.</b> Where topsoil is removed by grading operations, stockpile it for reuse and protect it from compaction and wind or erosion during stockpiling.  (PC app. 03/16/09)  <a href="#">[Unit II, New Development and Land Use Policy 6.e., p. 209]</a></p> <p><b><u>Unit II Policy 6(e) p. 208</u></b></p>

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<p>The content of this policy has been carried forward to C-WR-9 Topsoil.</p>	<p>e.—<del>C-WR-9 Topsoil.</del> Where topsoil is removed by grading operations, it <del>shall be stockpiled it</del> for reuse and <del>shall be protected it</del> from compaction and wind or erosion during stockpiling.</p>
<p><b><u>Policy 6(f) p. 208</u></b>  f. The extent of impervious surfaces shall be minimized to the greatest degree possible. Provisions shall be made to conduct surface water to storm drains or suitable watercourses to prevent erosion. Drainage devices shall be designed to accommodate increased runoff resulting from modified soil and surface conditions as a result of development. Grassed waterways are preferred to concrete storm drains, where feasible, for runoff conveyance. Water runoff beyond natural levels shall be retained on site whenever possible to facilitate groundwater recharge.</p> <p><b><u>Policy Status</u></b>  The content of this policy has been carried forward to C-WR-2 Water Quality Impacts of Development Projects.</p>	<p><b>C-WR-2 Water Quality Impacts of Development Projects.</b> Site and design public and private development and changes in use or intensity of use to prevent, reduce, or remove pollutant discharges to the maximum extent practicable. All coastal permits, for both new development and modifications to existing development, and including but not limited to those for developments covered by the current National Pollutant Discharge Elimination System (NPDES) Phase II permit, shall be subject to this review.</p> <p>Site design and source control measures shall be given high priority as the preferred means of controlling pollutant discharges. Typical measures shall include:</p> <ol style="list-style-type: none"> <li>1. Minimizing effective impervious area,</li> <li>2. Limiting disturbance of natural drainage features and vegetation,</li> <li>3. Protecting areas that are particularly susceptible to erosion and sediment loss, and ensuring that water runoff beyond natural levels is retained on-site whenever possible.</li> </ol> <p><i>[A—strike out and underline version of this proposed policy is not provided since the proposed policy is an adaptation of the concepts in the existing language and has been significantly rewritten]</i></p>
<p><b><u>Policy 7 p. 209</u></b>  Energy and industrial development. The Unit II coastal zone contains unique natural resources and recreational opportunities of nationwide significance. Because of these priceless resources and the very significant adverse impacts which would result if major energy or industrial development were to occur, such development, both on and offshore, is not appropriate and shall not be permitted. The development of alternative energy sources such as solar or wind energy shall be exempted from this policy.</p> <p><b><u>Policy Status</u></b>  The content of this policy has been carried forward to C-PFS-19 Desalination Facilities.</p>	<p><b>C-PFS-19 Desalination Facilities.</b> Due to the Coastal Zone’s unique natural resources and recreational opportunities of nationwide significance prohibit development of desalination facilities.  (PC app. 01/24/11)  <i>[Adapted from Unit II New Development and Land Use Policy 7, p. 209]</i></p> <p><b><u>Unit II Policy 7 p. 209</u></b>  <del>Energy and industrial development. C-PFS-19 Desalination Facilities. Due to the Unit II Coastal Zone’s unique natural resources and recreational opportunities of nationwide significance prohibit development of desalination facilities. Because of these priceless resources and the very significant adverse impacts which would result if major energy or industrial development were to occur, such development, both on and offshore, is not appropriate and shall not be permitted. The development of alternative energy sources such as solar or wind energy shall be exempted from this policy.</del></p>
<p><b><u>Policy 8(a) p. 209</u></b>  <u>Olema.</u></p>	<p><b>C-CD-12 Describe Village Limit Boundaries.</b> The village limit boundaries are described as follows and shown on the accompanying maps for the following</p>

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- (1) The community expansion boundaries for Olema shall be defined by surrounding federal parklands.
- (2) Changes in commercial land use and zoning as specified in LCP Policy 3(b) on Recreation and Visitor-Serving Facilities, page 44, shall be adopted.
- (3) Additional changes in land use and zoning shall be adopted in order to meet Coastal Act objectives of concentrating new development, protecting visual resources, and ensuring that adequate public services are available. Residential areas permitting 10,000 square foot lots shall be rezoned to 20,000 square feet and agricultural areas shall be rezoned from A-5 to ARP-5, as follows:

A.P. number	Existing Zoning	LCP Zoning
166-182-01	A-20-2	R-A;B-3
166-183-01	A-20-2	R-A;B-3
166-230-04	A-20-2	ARP- 5
166-230-08-10, 12-19	A-5	ARP- 5

#### **Policy Status**

The content of this policy has been carried forward to C-CD-12 Describe Village Limit Boundaries.

communities:

1. Muir Beach. The village limit boundary shall be defined by the surrounding federal and state parklands.
2. Stinson Beach. The village limit boundaries shall be defined by the surrounding state and federal parklands. Bolinas Lagoon, and Pacific Ocean. The beachfront area along Mira Vista owned by the County of Marin is also excluded.
3. Bolinas. The village limit boundary shall be defined by the surrounding federal parklands in addition to County-owned lands adjacent to the Bolinas Lagoon.
4. Olema. The village limit boundaries shall be defined by the surrounding federal parklands.
5. Point Reyes Station. The village limit boundaries shall be defined by the 1976 community plan except that lands acquired by the federal government for inclusion in the GGNRA shall be excluded. These lands shall be rezoned to O-A (open area).
6. Inverness Ridge. The village limit boundaries shall be determined by the location of public parklands to the north, west, and south, and by Tomales Bay to the east.
- g. Marshall/East Side of Tomales Bay. The village limit boundaries shall be 7efined to include the area from the Hog Island Oyster Company to the north and the Marshall Boat Works to the south. On the east of Highway 1, the limit boundary shall include the small existing subdivided parcels abutting Highway 1 between Marshall-Petaluma Road and the Marshall Boat Works.
8. Tomales. The village limit boundaries shall be defined in the community plan of 1977.
9. Dillon Beach/Oceana Marin. The village limit boundaries shall be drawn at the existing boundary of the Oceana Marin subdivision to the north and east at the southerly end of the former Pacific Marine Station to the south.

(PC app. 10/26/09)

*[Unit II New Development and Land Use Policies 8.a(1) through 8.h(1), p. 209-216]*

#### **Unit II Policy 8(a) p. 209**

##### **C-CD-12 Describe Village Limit Boundaries.**

##### **4. Olema.**

- ~~(1) The community expansion village limit boundaries for Olema shall be defined by the surrounding federal parklands.~~
- ~~(2) Changes in commercial land use and zoning as specified in LCP Policy 3(b) on Recreation and Visitor-Serving Facilities, page 44, shall be adopted.~~

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~~(3) Additional changes in land use and zoning shall be adopted in order to meet Coastal Act objectives of concentrating new development, protecting visual resources, and ensuring that adequate public services are available. Residential areas permitting 10,000 square foot lots shall be rezoned to 20,000 square feet and agricultural areas shall be rezoned from A-5 to ARP-5, as follows:~~

<del>A.P. number</del>	<del>Existing Zoning</del>	<del>LCP Zoning</del>
<del>166-182-01</del>	<del>A-20-2</del>	<del>R-A;B-3</del>
<del>166-183-01</del>	<del>A-20-2</del>	<del>R-A;B-3</del>
<del>166-230-04</del>	<del>A-20-2</del>	<del>ARP-5</del>
<del>166-230-08-10, 12-19</del>	<del>A-5</del>	<del>ARP-5</del>

**Policy 8(b) p. 210**

**Point Reyes Station.**

Development of the 18.59-acre property consisting of Assessor's Parcels 119-240-45, -46, -57, and -58 and consisting of Areas A, B, C, D, E and F as depicted on Exhibit E, shall be subject to the following land use designations, as defined in the Marin Countywide Plan and further incorporated as Appendix G to the Local Coastal Program: The land use designation for Areas A and B shall be C-MF-2 (Coastal, Multiple-family, one to four units per acre maximum residential density). The land use designation for Area C shall be C-SF-4 (Coastal, Single-family Residential, one to two units per acre). The land use designation for Areas D and E shall be C-RS (Costal, Residential Commercial, one to 20 units per acre maximum residential density, 30% to 50% commercial floor area ratio). The land use designation for Area F shall be C-OS (Coastal, Open Space).

The site shall be subject to an overall single site development plan for the entire 18.59-acre area that consists of Areas A, B, C, D, E and F. The site development plan shall be subject to the review and approval of the California Coastal Commission as an amendment to the LCP. Any coastal development permit or permits for development of any portion of the site shall be consistent with the approved site development plan. The site development plan shall indicate the kinds, locations, and intensities of uses allowable in accordance with the following requirements:

1. The total number of residential units on the entire 18.6-acre area shall not

n/a



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<p>exceed 36.</p> <ol style="list-style-type: none"> <li>2. Area A shall be developed with a maximum of seven detached affordable and/or market-rate for-sale units ranging in size from approximately 900 to 1,155 square feet.</li> <li>3. Area B shall be developed with a maximum of 27 rental affordable units ranging in size from approximately 1,440 to 1,720 square feet, with a manager's unit/community building of approximately 2,180 square feet.</li> <li>4. No more than two residential dwelling units may be developed within Area C.</li> <li>5. A minimum of 12 public parking spaces shall be provided within Area D.</li> <li>6. A minimum of two acres shall be reserved for a future overnight visitor-serving facility, preferably providing lower cost services to the maximum extent feasible, or an alternative commercial use deemed appropriate by the Coastal Commission within Area E.</li> <li>7. Future use of the approximate 18.59-acre area depicted on Exhibit E, including all wetlands shall be consistent with the Local Coastal Program, including provisions which mandate a 100-foot minimum buffer as measured landward from the edge of the wetlands.</li> </ol> <p><i>[Amended pursuant to BOS Resolution No. 2004-121 [11/9/04], CCC approved as submitted 12/9/04. *Note: see pp. 219-220 of this document for Exhibits "D" and "E" which depict the adopted rezoning and amended land use designations for the Point Reyes Affordable Homes Project]</i></p> <p><b><u>Policy Status</u></b>  This policy refers to the Point Reyes Affordable Homes project, which has been constructed. The policy has not been carried forward.</p>	
<p><b><u>Policy 8(c)(1-3) p. 210</u></b>  <u>Inverness Ridge.</u></p> <ol style="list-style-type: none"> <li>(1) The community expansion boundary for development on the Inverness Ridge shall be determined by the location of public parklands to the north, west, and south, and by Tomales Bay to the east.</li> <li>(2) The boundaries of commercial zones in Inverness and Inverness Park shall be modified to coincide with parcel boundaries and changed to planned commercial zones in order to provide master plan review, as provided in Policy 3(d) on Recreation and Visitor-Serving Facilities, Page 47.</li> <li>(3) Lands on the Inverness Ridge which have been acquired by the federal or state governments for public parkland shall be rezoned to 0-A (open area). Lands owned by the Nature Conservancy shall also be rezoned to 0-A.</li> </ol>	<p><b>C-CD-12 Describe Village Limit Boundaries.</b>  <i>(only a portion of the policy language is shown here)</i></p> <ol style="list-style-type: none"> <li>6. <u>Inverness Ridge.</u> The village limit boundaries shall be determined by the location of public parklands to the north, west, and south, and by Tomales Bay to the east.</li> </ol> <p><b><u>Policy 8(c)(1-3) p. 210</u></b>  <u>Inverness Ridge.</u></p> <p><del>(1) 6. Inverness Ridge. The community expansion-village limit boundary boundaries for development on the Inverness Ridge shall be</del> determined by the location of public parklands to the north, west, and south, and by Tomales Bay to the east.</p>



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<p><b>Policy Status</b> This policy has been carried forward to C-CD-12 Describe Village Limit Boundaries.</p>	<p><del>(2) The boundaries of commercial zones in Inverness and Inverness Park shall be modified to coincide with parcel boundaries and changed to planned commercial zones in order to provide master plan review, as provided in Policy 3(d) on Recreation and Visitor Serving Facilities, Page 47.</del></p> <p><del>(3) Lands on the Inverness Ridge which have been acquired by the federal or state governments for public parkland shall be rezoned to 0-A (open area). Lands owned by the Nature Conservancy shall also be rezoned to 0-A.</del></p>
<p><b>Policy 8(c)(4) p. 210</b> (4) Paradise Ranch Estates.</p> <p>a) <u>Lot Consolidation Plan.</u> The Paradise Ranch Estates Lot Consolidation Plan, map attached, is hereby incorporated in concept into the Marin County Local Coastal Program. This plan would consolidate 24 lots into 11 new building sites and reduce total build-out in the subdivision to 157 units. It is the intent of the Coastal Conservancy and the County of Marin to implement this plan as soon as funds are available. However, in the meantime, the County will process applications in accordance with other policies and standards of the Local Coastal Program, and will notify the Coastal Conservancy whenever applications affecting these lots have been received.</p> <p>A part of this lot consolidation plan would be a road way and drainage plan, to address erosion and siltation control and provision of emergency services, as well as detailing needed roadway improvements. The County and the Coastal Conservancy will prepare this plan, in conjunction with local property owners, as soon as funds become available. Applicants for development permits in Paradise Ranch Estates will be informed that they may be required to make roadway and drainage improvements on their property in the future, in accordance with this plan.</p> <p>b) <u>Additional Park Acquisition.</u> Twenty-eight lots in the subdivision have been authorized by the federal government for inclusion in the Point Reyes National Seashore, but funding for acquisition is not presently available. The County and the Coastal Conservancy will continue to seek sources of funds for acquisition. The County will process applications for development on these lots in accordance with policies of the Local Coastal Program, and will notify the Coastal Conservancy when applications have been received.</p> <p>It should be noted that the federal government would not allow leasebacks on new development on these parcels if acquired.</p>	<p><b>C-INV-3 Paradise Ranch Estates Design Guidelines.</b> Future development in Paradise Ranch Estates should be consistent with maintaining the existing exclusively residential nature of the community, and should consider the community's unique factors such as substandard roads and the need to protect viewsheds from adjacent parklands. Apply the following guidelines for development within Paradise Ranch Estates:</p> <ol style="list-style-type: none"> <li>1. <u>Protection of Visual Resources.</u> <ol style="list-style-type: none"> <li>a. In areas where structures may be seen from the adjacent parklands (primarily the north, south and west sides of the subdivision) structures shall be screened by the existing vegetation to the maximum extent possible. Structures on or near ridgelines shall not be higher than the tree canopy, even if the Zoning Ordinance would otherwise permit taller buildings. The purpose of this measure is to prevent the presently tree-covered silhouette of the ridgeline from being broken up. In addition, the structures will be better-screened. It is noted that the west side is adjacent to the Park Wilderness areas.</li> <li>b. In areas where structures may be visible, dark earth tones shall be used to ensure the least amount of visual intrusion into the landscape.</li> <li>c. To minimize grading and visual impacts from the adjacent parkland, new structures along Pine Crest Road shall be located within 150 feet of the front property line.</li> <li>d. To minimize visual impacts on the adjacent parkland, structures visible from the park on the northwest (Pine Crest and Upper Roberts) and southwest (Elizabeth Place, ends of Sunnyside and Dover) sides of the subdivision shall be oriented such that the narrower end of the structure faces the park, in order to ensure the maximum opportunity to take advantage of the existing tree cover.</li> <li>e. An analysis of the visual impacts from structures that might result from the siting and construction of the septic system shall be included with development applications. The septic system shall be designed and sited to minimize tree removal which could have a visual impact.</li> </ol> </li> </ol>

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Refer to Marin County Local Coastal Program Unit II, page 60.

- c) Design Review Guidelines. In addition to all other standards for development review in the Coastal Program, the following special Design Review Guidelines shall apply to the processing of all development applications in Paradise Ranch Estates:
1. Predevelopment Geotechnical-Engineering Studies. Individual engineering studies will be required for building lots within the Class 3 and Class 4 slope stability zones as mapped in Wagner and Smith, Slope Stability of the Tomales Bay Study Area, 1977, to evaluate slope stability and to engineer foundations and structures to provide for proper grading, siting, structural stability and seismic design. These provisions are required by the LCP and Inverness Ridge Communities Plan, as well.
  2. Protection of Visual Resources.
    - a. In areas where structures may be seen from the adjacent parklands (primarily the north, south and west sides of the subdivision) structures shall be screened by the existing vegetation to the maximum extent possible. Structures shall not be higher than the tree canopy, even if Section 22.47.024(2)(e) of the Zoning Ordinance would otherwise permit taller buildings. The purpose of this measure is to prevent the presently tree-covered silhouette of the ridgeline from being broken up. In addition, the structures will be better-screened. It is noted that the west side is adjacent to the Park Wilderness area.
    - b. In areas where structures may be visible, dark earth-tones shall be used to ensure the least amount of visual intrusion into the landscape.
    - c. To minimize grading and visual impacts from the adjacent parkland, future structures along Pine Crest Road shall be located within 150 feet of the front property line.
    - d. To minimize visual impacts on the adjacent parkland, structures visible from the park on the northwest (Pine Crest and Upper Roberts) and southwest (Elizabeth Place, ends of Sunnyside and Dover) sides of the subdivision shall be oriented such that the shorter end of the structure faces the park, in order to ensure the maximum opportunity to take advantage of the existing tree cover.
    - e. Design Review of structures shall include an analysis of the visual impacts that might result from the siting and construction of the septic

- f. Use of colors and materials consistent with the woodland character of the subdivision and the vernacular building style of the area should be observed to avoid obtrusive visual impact.

2. Public Service Guidelines. Paving and drainage improvements along the road frontage of a property may be required for all-new structures. Off-site improvements may also be required in areas where roadways presently do not meet County standards. These areas include the following:
  - a. Certain segments of Upper Roberts Road.
  - b. Douglas Drive adjacent to Assessor Parcel Numbers 114-130-34 and 114-130-24.
  - c. Dover Drive adjacent to Assessor Parcel Number 114-130-25.
 If parcels that presently are not part of the Paradise Ranch Estates Permanent Road Division acquire access over the roadways in the subdivision in the future, joining the assessment district shall be made a condition of approval.

3. Protection of Trees. Structures and roads should be sited to avoid tree removal. However, where it is necessary to clear existing vegetation, ecological principles of natural plant success should be observed. In some circumstances, removal of dead or older diseased trees may be desirable for siting purposes, thus promoting the success of the younger, vigorous vegetation. However, dead trees also serve as valuable habitat for some species, so a complete removal should be avoided, where feasible.

(PC app. 07/29/10)

*[Unit II New Development and Land Use Policy 8.c (4) (c)(2) p. 212-214]*

#### **Unit II Policy 8(c)(2) p. 210**

Paradise Ranch Estates.

- ~~e) Design Review Guidelines.~~ **C-INV-3 Paradise Ranch Estates Design Guidelines.** Future development in Paradise Ranch Estates should be consistent with maintaining the existing exclusively residential nature of the community, and should consider the community's unique factors such as substandard roads and the need to protect viewsheds from adjacent parklands. ~~In addition to all other standards for development review in the Coastal Program, Apply the following special Design Review Guidelines shall apply to the processing of all for development applications in within Paradise Ranch Estates:~~

#### **2.—1. Protection of Visual Resources.**

- a. In areas where structures may be seen from the adjacent parklands (primarily the north, south and west sides of the subdivision) structures shall be screened by the existing

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<p>system. The septic system shall be designed and sited to minimize tree removal which could have a visual impact.</p> <p>f. Use of colors and materials consistent with the woodland character of the subdivision and the vernacular building style of the area should be observed to avoid obtrusive visual impact.</p> <p>3. <u>Public Service Guidelines</u>. On-site-paving and drainage improvements may be required for all-new structures. Off-site improvements may also be required in areas where roadways presently-do not meet County standards. These areas include, but may not be limited to, the following:</p> <ul style="list-style-type: none"> <li>a. Certain segments of Upper Roberts Road.</li> <li>b. Douglas Drive adjacent to AP 114-130-34 and 114-130-24.</li> <li>c. Dover Drive adjacent to AP 114-130-25.</li> </ul> <p>If parcels that presently are not part of the Paradise Ranch Estates Permanent Road Division acquire access over the roadways in the subdivision in the future, joining the assessment district shall be made a condition of approval.</p> <p>4. <u>Watershed Protection</u>.</p> <ul style="list-style-type: none"> <li>a. All policies in the LCP regarding blue line streams and adjacent lands shall be applicable in Paradise Ranch Estates. Streams affected by this policy include Tomlinson Creek, Fish Hatchery Creek, and the Central Drainage Channel.</li> <li>b. Silt traps or other necessary erosion control measures shall be required for all new grading and construction. (This measure has been suggested by the Department of Fish and Game). (Also see below).</li> <li>c. The policy of no waivers from requirements of the septic tank ordinance will apply in areas proposed for a septic system that exceed 40 percent slope or that are closer than 100 feet to a major drainage channel. This approach will probably prohibit development on some parcels, unless approval for a septic system were obtained from Regional Water Quality Control or a public agency accepted responsibility for monitoring and maintaining the system.</li> </ul> <p>5. <u>Grading and Erosion Control Guidelines</u>. It is essential that grading be minimized in any new building area so that soils which are exposed during the construction process can be adequately revegetated and cuts avoided to minimize erosion. Erosion control practices should address management</p>	<p>vegetation to the maximum extent possible. Structures shall not be higher than the tree canopy, even if Section 22.47.024(2)(e) of the Zoning Ordinance would otherwise permit taller buildings. The purpose of this measure is to prevent the presently tree-covered silhouette of the ridgeline from being broken up. In addition, the structures will be better-screened. It is noted that the west side is adjacent to the Park Wilderness area.</p> <p>b. In areas where structures may be visible, dark earth-tones shall be used to ensure the least amount of visual intrusion into the landscape.</p> <p>c. To minimize grading and visual impacts from the adjacent parkland, future structures along Pine Crest Road shall be located within 150 feet of the front property line.</p> <p>d. To minimize visual impacts on the adjacent parkland, structures visible from the park on the northwest (Pine Crest and Upper Roberts) and southwest (Elizabeth Place, ends of Sunnyside and Dover) sides of the subdivision shall be oriented such that the shorter end of the structure faces the park, in order to ensure the maximum opportunity to take advantage of the existing tree cover.</p> <p>e. <del>Design Review of structures shall include a</del> An analysis of the visual impacts from structures that might result from the siting and construction of the septic system <u>shall be included with development applications</u>. The septic system shall be designed and sited to minimize tree removal which could have a visual impact.</p> <p>f. Use of colors and materials consistent with the woodland character of the subdivision and the vernacular building style of the area should be observed to avoid obtrusive visual impact.</p> <p><del>3.—</del>2. <u>Public Service Guidelines</u>. On-site-paving and drainage improvements may be required for all-new structures. Off-site improvements may also be required in areas where roadways presently-do not meet County standards. These areas include, but may not be limited to, the following:</p> <ul style="list-style-type: none"> <li>a. Certain segments of Upper Roberts Road.</li> </ul>
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<p>of surface water run-off to prevent gully through improper discharge of storm water. from downspouts and paved areas and down-stream transport of eroded sediments. Revegetation practices for erosion control should specify use of indigenous ground covers and seed mixes.</p> <p>6. <u>Protection of Trees.</u></p> <p>a. Structures and roads should be sited to avoid tree removal. However, where it is necessary to clear existing vegetation, ecological principles of natural plant success should be observed. For instance, in some situations, the oak and fir woodland communities have taken over older stands of Bishop Pine, and in some-cases, Madrone. The latter may be diseased and dying, naturally giving way to successful change. In these circumstances, removal of the older diseased trees is desirable for siting purposes, thus promoting the succession of the younger, vigorous vegetation. However, dead trees also serve as valuable habitat for some species, so a complete removal should be avoided.</p> <p>b. Landscaping should make use of indigenous, drought resistant species to the maximum extent possible.</p> <p><b><u>Policy Status</u></b> This policy has been carried forward to C-INV-3 Paradise Ranch Estates Design Guidelines</p>	<p>b. Douglas Drive adjacent to AP 114-130-34 and 114-130-24. c. Dover Drive adjacent to AP 114-130-25.</p> <p>If parcels that presently are not part of the Paradise Ranch Estates Permanent Road Division acquire access over the roadways in the subdivision in the future, joining the assessment district shall be made a condition of approval.</p> <p><del>6.</del> <u>3. Protection of Trees.</u></p> <p>a. Structures and roads should be sited to avoid tree removal. However, where it is necessary to clear existing vegetation, ecological principles of natural plant success should be observed. <del>For instance, in some situations, the oak and fir woodland communities have taken over older stands of Bishop Pine, and in some cases, Madrone. The latter may be diseased and dying, naturally giving way to successful change.</del> In <u>some these</u> circumstances, removal of <del>the dead or</del> older diseased trees <u>is may be</u> desirable for siting purposes, thus promoting the succession of the younger, vigorous vegetation. However, dead trees also serve as valuable habitat for some species, so a complete removal should be avoided, <u>where feasible.</u></p> <p><del>b. Landscaping should make use of indigenous, drought resistant species to the maximum extent possible.</del></p>
<p><b><u>Policy 8(c)(5) p. 214</u></b> <u>Community Participation.</u> The community should play a lead role in the establishment and operation of a local land trust. In addition, the community, through one of its organizations, should serve an advisory role to the Planning Department in reviewing development applications. The local community will be responsible for implementation of the roadway and drainage plan, once it is developed, most logically through continuation of the Permanent Road Division.</p> <p><b><u>Policy Status</u></b> This policy is not carried forward as it is no longer relevant. The Paradise Ranch Estates Road Advisory Board, consisting of residents of Paradise Ranch Estates, advises the Board of Supervisors on road maintenance within the Paradise Ranch Estates subdivision. Further, the Inverness Ridge Association is a non-profit group which is open to all of the owners and residents of Paradise Ranch Estates.</p>	<p>n/a</p>
<p><b><u>Policy 8(c)(6) p. 214</u></b></p>	<p>n/a</p>

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<p><u>County's Regulatory Authority.</u>          Strict application of the County's regulatory authority would include the design review guidelines recommended. In the Design Review section. This approach also assumes strict implementation of LCP policies, including the policy of not allowing waivers from the septic ordinance.</p> <p>Information on development constraints affecting lots in the subdivision is contained in Appendix C of the Paradise Ranch Estates Restoration Plan report, dated April 1981.</p> <p><b><u>Policy Status</u></b>          This policy has not been carried forward.</p>	
<p><b><u>Policy 8(d) p. 215</u></b>  <u>West side of Tomales Bay.</u></p> <p>(1) The Golden Hinde Boatel, Inverness Yacht Club, and Inverness Motel shall be rezoned to. RCR, in accordance with Policy 3(d) on Recreation and Visitor-Serving Facilities, page 47. Also in. accordance with this policy, commercial parcels in Inverness and Inverness Park shall be modified-to coincide with parcel boundaries and changed-to-planned commercial zones in order to provide for master plan review.</p> <p><i>(Staff note: These have been rezoned per ordinance 2704 and 2905)</i></p> <p>(2) County parklands and private nature preserves and beaches shall be rezoned to 0-A (open area). This policy includes Chicken Ranch Beach, owned by the County, the William Page Shields Salt Marsh and other nature-preserve lands, owned by Audubon Canyon Ranch, and Children's Beach, owned by the Inverness Foundation.</p> <p><i>(Staff note: These have been rezoned per ordinance 2704)</i></p> <p>(3) All remaining lots not otherwise mentioned above, both developed and undeveloped, south of-Chicken Ranch Beach up to and including AP #114-012-08 at Willow Point shall be rezoned to RSP-1.0. Lots south of AP #114-012-08 which are currently zoned A-2 shall be rezoned to RSP-0.33. Residential lots in Inverness Park, currently zoned R-10-2 and A-20-2, shall be rezoned to RSP-1. 0.</p> <p><i>(Staff note: Land south of Chicken Ranch Beach up to and including 114-012-08 have all been rezoned per ordinance #2704. Lands south of 114-012-08 have been rezoned to RSP-0.33 per ordinance 2425 &amp; 2704. Residential lots in Inverness park have also been rezoned to RSP-1.0 per ordinance #2704.)</i></p> <p><b><u>Policy Status</u></b></p>	<p>n/a</p>

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<p>This policy has been implemented and has not been carried forward.</p>	
<p><b><u>Policy 8(e) p. 215</u></b>  <u>East Side of Tomales Bay.</u></p> <p>(1) The community expansion boundary for the town of Marshall shall be defined to include the area from the Post Office Building on the north through and including the Marshall Boat Works to the south. On the east side of Highway 1, the expansion boundary shall include the small existing subdivided parcels abutting Highway 1 between Marshall-Petaluma Road and the Marshall Boat Works.</p> <p>(2) Changes in commercial land use and zoning as specified in LCP Policy 3(e) on Recreation and Visitor-Serving Facilities, page 48, shall be adopted. In addition, North Shore Boats shall be rezoned from A-2 to RCR.  <i>(Staff note: This has been done as per ordinance number 2704 &amp; 2957. North shore boats was rezoned to C-ARP-2 and Marshall Boat Works was rezoned to C-VCR.)</i></p> <p><i>[Amended pursuant to BOS Resolution No. 87-278 [8/4/87], CCC approved as submitted 9/8/87, 2nd BOS Resolution No. 87-360 [10/13/87] passed to implement changes shown, no CCC ED Checkoff required]</i></p> <p>(3) Lands on the shoreline which have been acquired by the state government for public parkland or preserve shall be rezoned to 0-A (open area). This policy includes Tomasini and Millerton Points and the Cypress Grove project. Other proper ties owned by the State in the area of Walker Creek and town of Marshall, as well as lands owned by Audubon Canyon Ranch, shall also be rezoned to 0-A.  <i>(Staff note: these have been rezoned per ordinance 2704).</i></p> <p>(4) Agricultural lands in the vicinity of Cypress Grove and the Walker Creek delta, currently zoned A-2, shall be rezoned to APZ-60, with the exception of AP #106-210-57, 60 &amp; 64. Any proposal for the use of this property should be considered in light of the goals of this Plan and the agricultural uses in the vicinity. The small upland lots between the Marshall-Petaluma Road and Marconi Cove Marina which abut Highway 1 and which are currently zoned A-2 shall be rezoned to ARP-2.  <i>(Staff note: these have been rezoned per ordinance 2704).</i></p> <p>(5) All remaining lots bayward of Highway 1, not otherwise mentioned above, both developed and undeveloped, south of Nick's Cove up to the Marshall Boat Works, shall be rezoned RSP-0.5. Lots south of Marshall Boat Works to the state parklands on Tomasini Point, not previously mentioned above, shall be</p>	<p><b>C-CD-12 Describe Village Limit Boundaries.</b> The village limit boundaries are described as follows and shown on the accompanying maps for the following communities:</p> <p>(previous portion of policy not shown)</p> <p>7. <u>Marshall/East Side of Tomales Bay.</u> The village limit boundaries shall be defined to include the area from the Hog Island Oyster Company to the north and the Marshall Boat Works to the south. On the east of Highway One, the limit boundary shall include the small existing subdivided parcels abutting Highway One between Marshall-Petaluma Road and the Marshall Boat Works.  (rest of policy not shown)</p> <p><b><u>Policy 8(e) p. 215</u></b>  <u>C-CD-12 Describe Village Limit Boundaries.</u> The village limit boundaries are described as follows and shown on the accompanying maps for the following communities:</p> <p>e- <u>7. East Side of Tomales Bay.</u>  <del>(1) The community expansion boundary</del> <u>village limit boundaries for the town of Marshall</u> shall be defined to include the area from the <del>Post Office Building on</del> <u>Hog Island Oyster Company to</u> the north <del>through and including</del> the Marshall Boat Works to the south. On the east side of Highway <del>1</del> <u>One</u>, the <del>expansion boundary</del> <u>limit boundary</u> shall include the small existing subdivided parcels abutting Highway <del>1</del> <u>One</u> between Marshall-Petaluma Road and the Marshall Boat Works.</p>

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<p>rezoned to RSP-0.33. <i>(Staff note: these have been rezoned per ordinance 2704. Nick's Cove has been rezoned to C-RMPC).</i></p> <p><b>Policy Status</b> This policy has been implemented and has not been carried forward, except for 8(e)(1), which has been carried forward to C-CD-12 Describe Village Limit Boundaries.</p>	
<p><b>Policy 8(f) p. 216</b> <u>Standards for development in all zoning districts on the shoreline of Tomales Bay.</u></p> <ol style="list-style-type: none"> <li>(1) Existing dwellings shall be permitted to be rebuilt if damaged or destroyed by natural disaster, provided that the floor area, height and bulk of the new structure shall not exceed that of the destroyed structure by more than 10%. Any proposed improvement to an existing house which results in an increase of internal floor area of more than 10% shall require a coastal permit in order to ensure that such improvement is sited and designed to minimize impacts on Tomales Bay.</li> <li>(2) New residential construction shall be limited in height to 15 feet, as measured from natural grade on the highest side of the improvement to the highest point of the roof or any projection therefrom. Exceptions to this height limit may be permitted where the topography, vegetation, or character of existing development is such that a higher structure would not create additional interference with coastal views either to, along, or from the water.</li> <li>(3) A finding shall be made that all new development shall meet all other UP policies, including those on Public Access, Natural Resources and wetland protection, Shoreline Structures, Diking/ Filling/Dredging, Public Services, Hazards, Visual Resources, and New Development, prior to issuance of a coastal permit.</li> </ol> <p><b>Policy Status</b> This policy has been modified and carried forward to C-CD-6 Standards for Development on the Shoreline of Tomales Bay.</p>	<p><b>C-CD-6 Standards for Development on the Shoreline of Tomales Bay.</b> New construction shall be limited in height to 15 feet above grade. Exceptions to this height limit may be permitted where the topography, vegetation, or character of existing development is such that a higher structure would not create additional interference with coastal views either to, along, or from the water. (PC app. 07/29/10) <i>[Adapted from Unit II New Development and Land Use Policy 8,f, p. 216; Marin County Code 22.20.060(a) p. III-8]</i></p> <p><b>Policy 8(f) p. 216</b> <del>Standards for development in all zoning districts on the shoreline of Tomales Bay.</del> <b>C-CD-6 Standards for Development on the Shoreline of Tomales Bay.</b></p> <ol style="list-style-type: none"> <li><del>(1) Existing dwellings shall be permitted to be rebuilt if damaged or destroyed by natural disaster, provided that the floor area, height and bulk of the new structure shall not exceed that of the destroyed structure by more than 10%. Any proposed improvement to an existing house which results in an increase of internal floor area of more than 10% shall require a coastal permit in order to ensure that such improvement is sited and designed to minimize impacts on Tomales Bay.</del></li> <li><del>(2) New residential construction along the shoreline of Tomales Bay shall be limited in height to 15 feet ,as measured from natural above grade on the highest side of the improvement to the highest point of the roof or any projection therefrom. Exceptions to this height limit may be permitted where the topography, vegetation, or character of existing development is such that a higher structure would not create additional interference with coastal views either to, along, or from the water.</del></li> <li><del>(3) A finding shall be made that all new development shall meet all other UP policies, including those on Public Access, Natural Resources and wetland protection, Shoreline Structures, Diking/ Filling/Dredging, Public Services, Hazards, Visual Resources, and New Development, prior to issuance of a coastal permit.</del></li> </ol>

**Unit II**  
**Existing and Proposed Policies**  
**New Development and Land Use**

**Policy 8(g) p. 216**

**Tomales.**

- (1) The community expansion boundary for Tomales shall be as defined in the community plan of 1996.
- (2) With exception to the old high school site, no changes in commercial land use and zoning are recommended. The LCP supports policies of the community plan to rezone the old high school site, as follows:

A.P. Number	Existing Zoning	Proposed Zoning
102-080-04, -06	C-VCR:B-4	C-RSP-1.6
102-080-05, -07	C-VCR:B-3.5	C-VCR:B-4

- (3) The LCP supports policies of the community plan to rezone all land within Tomales that is zoned C-R-A:B-1 to C-RSP-7.26
- (4) The LCP supports policies of the community plan to rezone two large agricultural properties adjacent to the community expansion boundary, as follows:

A.P. Number	Existing Zoning	Proposed Zoning
102-100-06	C-APZ-60/C-ARP-2	C-APZ-60
100-090-17, -18	C-APZ-60/C-ARP-2	C-APZ-60

- (5) In order to promote the concentration of development and encourage greater flexibility in the design of future development in the community, no changes to C-ARP zoning within the community expansion boundary are recommended.  
*[Amended pursuant to BOS Resolution No. 96-140 (Attachment 3, pp. 12-13) [10/1/96], approved by CCC as submitted 2/5/97, 2nd BOS Resolution No. 97-22 [3/11/97], CCC ED Checkoff 5/16/97]*

**Policy Status**

This policy has been implemented and has not been carried forward, with the exception of 8(g)(1), which has been carried forward to **C-CD-12 Describe Village Limit Boundaries**.

**Policy 8(h) p. 216**

**Dillon Beach.**

- (1) The community expansion boundary for Dillon Beach shall be drawn from the northern boundary of the Oceana Marin subdivision on the north to the southern end of Lawson's Dillon Beach Resort on the south, and from the shoreline on the west to the eastern side of Oceana Marin, the Village, and Lawson's Dillon Beach Resort. Lawson's Dillon Beach Resort parcel AP

**C-CD-12 Describe Village Limit Boundaries.** The village limit boundaries are described as follows and shown on the accompanying maps for the following communities:

(previous portion of policy not shown)

8. Tomales. The village limit boundaries shall be defined in the community plan of 1977.

(previous portion of policy not shown)

**Policy 8(g) p. 216**

~~8.~~ **C-CD-12 Describe Village Limit Boundaries.** 8 Tomales.

- ~~(1)~~ ~~The community expansion boundary~~ village limit boundaries for Tomales shall be as defined in the community plan of 1996.

**C-CD-12 Describe Village Limit Boundaries.** The village limit boundaries are described as follows and shown on the accompanying maps for the following communities:

(previous portion of policy not shown)

9. Dillon Beach/Oceana Marin. The village limit boundaries shall be drawn at the existing boundary of the Oceana Marin subdivision to the north and east at the southerly end of the former Pacific Marine Station to the south.



## Unit II

### Existing and Proposed Policies New Development and Land Use

Number 100-100-47 is included within this area.

- (2) Current C-RCR and C-RMPC zoning designations shall be retained, as described in Policy 3g on Recreation and Visitor-Serving Facilities on pages 51 and 52.
- (3) Current C-APZ-60 zoning shall be retained on coastal agricultural lands in the planning area.
- (4) The four multi-family unit parcels known as Parcels J, K, L, and M in Oceana Marin shall be rezoned to a density in keeping with the characteristics of each site, surrounding development, and public service constraints. The densities are as follows:

A.P. Number	Existing Zoning	New Zoning
Parcel J 100-331-19	C-RMP-4	C-RMP-1.5
Parcel K 100-300-02,07	C-RMP-4	C-RMP-0.85
Parcel L 100-300-03	C-RMP-4	C-RMP-0.8
Parcel M 100-311-27	C-RMP-4	C-RMP-0.4

Before any development or division of these parcels can proceed, adequate water supply and sewage disposal shall be demonstrated.

- (5) Densities for C-RMPC parcels in Lawson's Dillon Beach Resort shall be established as follows:

A.P. Number	Existing Zoning	New Zoning
100-141-11	C-RMPC	C-RCR
100-141-13: SW corner only	C-RMPC	C-RCR
100-100-47	C-APZ-60	C-RMPC-1.2
100-141-07,08,10	C-RMPC	C-RMPC-1.2
100-174-03	C-RMPC	C-RMPC-1.2
100-183-02,03	C-RMPC	C-RMPC-1.2
100-184-01	C-RMPC	C-RMPC-1.2
100-185-01	C-RMPC	C-RMPC-1.2
100-186-01	C-RMPC	C-RMPC-1.2

#### **Policy 8(h) p. 216**

##### **Dillon Beach.**

- (1) **C-CD-12 Describe Village Limit Boundaries.** 9. Dillon Beach/Oceana Marin. ~~The community expansion village limit boundaries for Dillon Beach shall be drawn from at the northern existing boundary of the Oceana Marin subdivision on to the north and east at to the southern southerly end of Lawson's Dillon Beach Resort on the south, and from the shoreline on the west to the eastern side of Oceana Marin, the Village, and Lawson's Dillon Beach Resort the former Pacific Marine Station to the south. Lawson's Dillon Beach Resort parcel AP Number 100-100-47 is included within this area.~~

**Unit II**  
**Existing and Proposed Policies**  
**New Development and Land Use**

100-187-01	C-RMPC	C-RMPC-1.2
100-188-01	C-RMPC	C-RMPC-1.2
100-192-01	C-RMPC	C-RMPC-1.2
100-194-01	C-RMPC	C-RMPC-1.2
100-205-02	C-RMPC	C-RMPC-1.2
100-207-02	C-RMPC	C-RMPC-1.2
100-220-05	C-RMPC	C-RMPC-1.2
100-191-03	C-RMPC	C-RMPC-0.7
100-193-01,02,03	C-RMPC	C-RMPC-0.7

- (6) Current land use policy and zoning designations shall be retained for Lawson's Landing.
- (7) The zoning designations for the C-RMP parcels in Oceana Marin and C-RMPC parcels in Lawson's Dillon Beach Resort represent the low end of the residential density ranges specified in the Dillon Beach Community Plan for the respective parcels. Development at higher density ranges may be approved if subsequent studies demonstrate that additional development can be accommodated in accordance with Policies CD-4.6 and CD-10.6 through CD-10.16 of the Community Plan.

*[Amended pursuant to BOS Resolution No. 88-333 (Attachment 1: pp. 27-28) [12/20/88], CCC approved w/ suggested modifications 4/12/89, 2nd BOS Resolution No. 89-216 [8/8/89], CCC ED Checkoff 4/13/90]*

**Policy Status**

This policy has been implemented and has not been carried forward, with the exception of 8(g)(1), which has been carried forward to **C-CD-12** Describe Village Limit Boundaries and 8(g)(7), which is proposed to be carried forward.

## Appendix 5

### List of Recommended Public Coastal Accessways (Arranged by APN)

Sources: Unit I and Unit II Local Coastal Programs,  
CDA/County Parks and Open Space research,  
California Coastal Commission (CCC) records

Unit I/II LCP recommendations for acquiring or maintaining public access (LCP p. #)	Coastal Commission-required Public Access Offers to Dedicate (OTDs) or deed restrictions	APN, if changed	Status/Notes
100-040-33 (Public pedestrian access shall be maintained to Estero de San Antonio on dirt road north of Oceana Marin; Unit II, p. 22; see also 100-100-57)			
100-100-30 (Vertical access shall be provided next to Oceana Marin; Unit II, p. 22)			<i>100-100-30 owned by Saint Antony Monastery. Deed Number 99-072481, Parcel number three carries an easement for general road purposes.</i>
100-100-46 (Lateral and/or blufftop access shall be required on all parcels north of 100-100-46/north of Oceana Marin; Unit II, p. 22; LCP also states that lateral access shall be required on all parcels between 100-100-46 and Walker Creek delta at 104-040-03, p. 21)			<i>All parcels north of 100-100-46 are owned by Saint Antony Monastery.</i>
100-100-48	CCC Permit #1-86-021, Lawson		<i>Lateral public access OTD accepted by Marin Co. 1/22/1998; Document 1998-003901</i>

100-100-57 (Public pedestrian access shall be maintained to Estero de San Antonio on dirt road north of Oceana Marin; Unit II, p. 22; see also 100-040-33)			<i>Owned by Saint Antony Monastery?</i>
104-030-02 (Vertical and lateral access should be provided consistent with resource protection; Unit II, p. 18)			<i>Owned by Audubon Canyon Ranch; no public access</i>
104-030-05 (Vertical and lateral access should be provided consistent with resource protection; Unit II, p. 18)			<i>Owned by State of California as part of Keys Creek Fishing Access (public)</i>
104-030-08 (Vertical and lateral access should be provided consistent with resource protection; Unit II, p. 18)			<i>Owned by State of California as part of Keys Creek Fishing Access (public)</i>
104-040-03 (Lateral access shall be required between 100-100-46 and 104-040-03; Unit II, p. 21)			<i>No public access</i>
104-040-08 (Vertical and lateral access should be provided consistent with resource protection; Unit II, p. 18)			<i>Owned by State of California as part of Keys Creek Fishing Access (public)</i>
104-040-12 (Vertical and lateral access should be provided consistent with resource protection; Unit II, p. 18)			<i>Owned by State of California as part of Keys Creek Fishing Access (public)</i>
104-040-25 (LCP acknowledges previous OTD for lateral access and recommends acceptance; Unit II, p. 21)	CCC Permit #183-77, 3225 Dillon Beach Rd.		<i>Lateral public access OTD accepted by Marin Co. 1/22/1998</i>

104-110-08 (Vertical and lateral access recommended at Jensens Oyster facility; Unit II, p. 18; purchase of easement also recommended by Policy 4, p. 22)			<i>Property apparently owned by GGNRA</i>
104-150-01 (Nick's Cove; vertical and lateral access shall be maintained; Unit II, p. 18)	CCC Permit #A-2-MAR-03-019, 23115 Shoreline Hwy.		<i>Lateral and vertical OTDs have not been accepted</i>
104-150-02 (Nick's Cove; vertical and lateral access shall be maintained; Unit II, p. 18)		Renumbered as 104-150-11	<i>No public access</i>
104-150-07 and 08 (South of Nick's Cove; access shall be required; Unit II, p. 18)			<i>No public access</i>
104-160-01 (Vertical and lateral access plus parking shall be required if use changes; Unit II, p. 19)			<i>Owned by Audubon Cyn. Ranch; no public access</i>
104-160-15 and 16 (Vertical and lateral access shall be provided; Unit II, p. 19)		Parcels merged? Renumbered?	<i>No public access</i>
104-180-13 (Lateral access shall be provided; Unit II, p. 19)	CCC Permit #51-81, 22495 Shoreline Hwy., Tomales Bay		<i>Lateral public access OTD accepted by Marin Co. 4/9/2002; Document 2002-0028221</i>
104-180-14 (Lateral access shall be provided; Unit II, p. 19)	CCC Permit #36-81, 22485 Shoreline Hwy., Tomales Bay		<i>Lateral access OTD accepted by Marin Co. 4/9/2002; Document 2002-0028221</i>
104-180-15 (Existing OTD acknowledged and recommended for acceptance to provide lateral access; Unit II, p. 19)		Renumbered as 104-180-17, perhaps merged with 104-180-16	<i>CCC records do not show this OTD. Perhaps the OTD referred to in the LCP was actually on APN 104-180-13 or 14, as noted above?</i>

104-180-16 (Existing OTD acknowledged and recommended for acceptance to provide lateral access; Unit II, p. 19)			<i>Perhaps the OTD referred to in the LCP was actually on APN 104-180-13 or 14, as noted above?</i>
104-190-31 (Vertical and lateral access shall be provided; Unit II, p. 19)			<i>No public access</i>
104-190-32 (Vertical and lateral access shall be provided; Unit II, p. 19)			<i>Owned by Audubon Cyn. Ranch; public access allowed</i>
104-190-43 (Shoulder parking for viewing purposes shall be maintained; Unit II, p. 19)			<i>No public access</i>
104-190-44 (Shoulder parking for viewing purposes shall be maintained; Unit II, p. 19)			<i>No public access</i>
104-190-45 (Shoulder parking for viewing purposes shall be maintained; Unit II, p. 19)			<i>No public access</i>
104-190-46 (Shoulder parking for viewing purposes shall be maintained; Unit II, p. 19)			<i>No public access</i>
104-210-09 (Purchase of easement recommended, Unit II Policy 4, p. 22; see also Unit II p. 19)			<i>Owned by GGNRA</i>
104-220-01 (Shoulder parking for viewing purposes shall be maintained; Unit II, p. 19)			<i>No public access</i>

104-220-05 (At least three vertical accessways shall be provided from #104-220-05 south through 104-210-90, at one-quarter-mile intervals, plus lateral access shall be required on all these lots and shoulder parking shall be maintained in at least three locations; Unit II, p. 19)			<ul style="list-style-type: none"> <li>• 104-210-09 owned by GGNRA</li> <li>• 104-210-15 owned by Audubon Cyn. Ranch</li> <li>• No public access on 104-220-05;</li> <li>• Marin Co. owns 104-220-06;</li> <li>• No public access on 104-220-07 or 104-230-08;</li> <li>• 104-230-09 owned by GGNRA, but is largely a marsh;</li> <li>• 104-230-10 owned by Pt. Reyes Nat'l. Seashore Assoc. but largely marsh</li> <li>• No public access on 104-230-17, 18</li> <li>• 104-230-21 owned by Audubon Cyn. Ranch</li> <li>• No public access on 104-230-22</li> <li>• 104-230-23 owned by GGNRA; may have informal parking area</li> </ul>
104-230-03 (Purchase of easement recommended, Unit II Policy 4, p. 22)		Renumbered as 104-230-23, together with old 104-230-04	<i>Owned by GGNRA</i>
104-230-04 (Purchase of easement recommended, Unit II Policy 4, p. 22)		See 104-230-03	<i>Owned by GGNRA</i>
106-020-12 (Lateral and maybe vertical access recommended; Unit II, p. 20; purchase of easement also recommended by Policy 4, p. 22)			<i>No public access</i>

106-020-17 (Lateral and maybe vertical access recommended; Unit II, p. 20; purchase of easement also recommended by Policy 4, p. 22)			<i>No public access</i>
106-020-31 and 32 (Marshall area; LCP acknowledges state ownership of two parcels in this area; Unit II, p. 20)			
106-020-33 (Lateral and maybe vertical access recommended; Unit II, p. 20)			<i>Owned by Audubon Cyn. Ranch</i>
106-030-16 (Vertical and lateral access shall be required; Unit II, p. 20; purchase of easement also recommended by Policy 4, p. 22)			<i>No public access</i>
106-040-01 (Vertical and lateral access shall be required; Unit II, p. 20; purchase of easement also recommended by Policy 4, p. 22)			<i>Owned by Marin Co. Open Space District</i>
106-040-02 (Vertical and lateral access shall be required; Unit II, p. 20; purchase of easement also recommended by Policy 4, p. 22)			<i>Owned by Marin Co.</i>
106-040-03 (Vertical and lateral access shall be required; Unit II, p. 20; purchase of easement also recommended by Policy 4, p. 22)			<i>No public access</i>
106-040-06 (Vertical and lateral access shall be required; Unit II, p. 20)			<i>No public access</i>



106-050-10 (Lateral access shall be provided; Unit II, p. 20)			<i>Owned by Audubon Cyn. Ranch; public access allowed</i>
106-210-33 (Vertical and lateral access shall be required; Unit II, p. 20; public purchase also recommended by Policy 4, p. 22)		Renumbered as 106-301-06	<i>Owned by GGNRA</i>
106-210-41 (LCP states that previous CCC permit required an OTD, but that the OTD need not be accepted due to access on adjacent property at Marconi Cove; Unit II, p. 20)		Parcel apparently renumbered as 106-210-72	<i>No record of OTD being recorded or accepted</i>
106-210-46 (Vertical and lateral access shall be required; Unit II, p. 20; purchase of easement also recommended by Policy 4, p. 22)			<i>Owned by GGNRA</i>
106-210-58	CCC Permit #462-74, Cypress Point Farm, Shoreline Hwy., Tomales Bay		<i>Deed restriction allowing public access recorded 11/14/1974</i>
106-270-04 (Lateral access shall be extended south from Marconi Cove; Unit II, p. 21)			<i>No public access</i>
106-270-07 (Lateral access shall be extended south from Marconi Cove; Unit II, p. 21)			<i>Owned by GGNRA</i>
106-270-08 (Lateral access shall be extended south from Marconi Cove; Unit II, p. 21)			<i>No public access</i>

106-270-09 (Lateral access shall be extended south from Marconi Cove; Unit II, p. 21)		Renumbered as 106-270-14	<i>Owned by GGNRA</i>
106-270-10 (Lateral access shall be extended south from Marconi Cove; Unit II, p. 21)			
106-280-02 (Lateral access shall be required; Unit II, p. 21)			<i>No access</i>
106-280-03 (Lateral access shall be required; Unit II, p. 21)			<i>No access</i>
106-280-05 (Lateral access shall be required; Unit II, p. 21)	CCC Permit #2-82-003, 17523 Shoreline Hwy., Tomaes Bay		<i>Lateral access OTD accepted by Marin Co. 9/24/2002; Document 2002-008368</i>
106-280-06 (Lateral access shall be required; Unit II, p. 21)			<i>Public access easement confirmed; Document 2002-008368</i>
106-280-07 (Lateral access shall be required; Unit II, p. 21)		Renumbered as 106-280-16	<i>No public access</i>
106-280-10 (Lateral access shall be required; Unit II, p. 21)			<i>No public access</i>
106-280-14 (Lateral access shall be required; Unit II, p. 21)			<i>No public access</i>
106-290-01 (Lateral and vertical access shall be required; Unit II, p. 21)		Renumbered as 106-290-03?	<i>Owned by GGNRA?</i>

112-042-03 (Chicken Ranch Beach; existing public access OTD acknowledged including possible acceptance; Unit II, p. 15)		Renumbered as 112-042-07	<i>112-042-07 is a developed parcel; nearby parcel 112-142-05 (Chicken Ranch Beach) is owned by State Lands Commission</i>
112-091-04 (Lateral access shall be required; Unit II, p. 15; purchase of easement also recommended by Policy 4, p. 22)			<i>Parcels or easements owned by County of Marin</i>
112-091-06 (Lateral access shall be required; Unit II, p. 15; purchase of easement also recommended by Policy 4, p. 22)			<i>Parcels or easements owned by County of Marin</i>
112-091-09 (Lateral access shall be required; Unit II, p. 15; purchase of easement also recommended by Policy 4, p. 22)			<i>Parcels or easements owned by County of Marin</i>
112-101-01	CCC Permit #2-82-020, Golden Hinde Boatel		<i>Vertical and lateral public access OTDs accepted by Marin Co. on 7/24/2001</i>
112-101-05 (Lateral access shall be required; Unit II, p. 16)	CCC Permit 1-92-33, south of Golden Hinde Boatel		<i>Parcel or easement owned by Inverness Foundation; deed restriction for public access recorded 6/26/1992</i>
112-101-06 (South of Golden Hinde Boatel; lateral access shall be required; Unit II, p. 16)			<i>No public access</i>
112-101-09, 10, or 11 (Vertical access shall be provided over existing trail; Unit II, p. 16)			<i>No public access</i>

112-101-16 (Existing public access OTD acknowledged and recommended for acceptance; Unit II, p. 15)	CCC Permit #657-75, 12000 Sir Francis Drake Blvd., Inverness		<i>Vertical public access OTD accepted by Marin Co. 4/13/1981</i>
112-101-16 (Existing public access OTD acknowledged and recommended for acceptance; Unit II, p. 15)	CCC Permit #657-75, 12000 Sir Francis Drake Blvd., Inverness		<i>Lateral OTD accepted by Marin Co. 4/13/1981; Document 81-00554102</i>
112-123-01 (Vertical access shall be provided over existing trail; Unit II, p. 16; see parcel 112-101-09 above)			<i>No public access</i>
112-123-04, 05, 06, and 07 (Lateral access shall be required; Unit II, p. 16)			<i>Access easement confirmed on 112-123-05; Document 2010-000223; Unclear if 112-123-07 ever existed</i>
112-151-01 (Owned by Audubon Cyn. Ranch; should be maintained open, Unit II, p. 16)		Parcel renumbered to 112-151-21	<i>Open to public use, managed by Audubon Cyn. Ranch</i>
112-193-03 (Children's Beach; access shall be maintained; Unit II, p. 16)			<i>Due to tidal/storm action, public access is virtually nonexistent on this parcel</i>
112-256-03 (Children's Beach; access shall be maintained; Unit II, p. 16)			
112-310-04 (Children's Beach; access shall be maintained; Unit II, p. 16)			
112-310-06 (Children's Beach; lateral access shall be provided; Unit II, p. 16)		112-310-06 and 112-310-05 together were renumbered as 112-310-38, then again renumbered as 112-310-39 and 40, respectively	<i>112-310-39 is owned by the National Park Service</i>

112-310-19 (Inverness Store)	CCC Permit #2-81-50, Inverness Store		<i>Vertical and lateral public access OTDs accepted by Marin Co. 7/24/2001</i>
112-310-20 (Adjacent to Inverness Store; vertical and lateral access shall be provided; Unit II, p. 17)			<i>Owned by Inverness Foundation as Martinelli Park</i>
112-310-25 (Next to former Inverness Library; both vertical and lateral access shall be provided; Unit II, p. 16)			<i>Owned by GGNRA</i>
112-310-33	CCC Permit #1-90-58, 12794 Sir Francis Drake Blvd., Inverness		<i>Vertical and lateral public access OTDS accepted by Marin Co. 7/24/2001</i>
114-062-11 & 12 (Existing public access OTD is acknowledged, but not recommended for access due to sensitive habitat and because Shields Saltmarsh is adjacent; Unit II, p. 17)		The two parcels were renumbered as 114-062-13	<i>Owned by Audubon Cyn. Ranch as part of Shields Saltmarsh public access</i>
114-072-23 (12650 Sir Francis Drake Blvd.; existing public access OTD acknowledged and recommended for acceptance; Unit II, p. 17)	CCC Permit #210-79, 12650-54 Sir Francis Drake Blvd., Inverness	Parcel apparently renumbered as 114-072-24 and 25	<i>Lateral and vertical public access OTDs accepted by Marin Co. on 7/21/2001</i>
114-072-23 to 119-040-13 (Levee trail running between these parcels recommended for limited public use with closure during spring nesting season, Unit II, p. 17)		119-040-13 was renumbered as 119-040-28	<i>Owned by NPS (part of former Giacomini wetlands)</i>
114-082-02 (Vertical easement shall be provided, to connect to levee trail; Unit II, p. 17)			<i>No public access</i>

(114-082-01 and 03) (Vertical access shall be provided as an alternative to 114-082-02 above; Unit II, p. 17)			<i>No public access; Audubon Cyn. Ranch owns 114-082-01</i>
193-142-07	CCC Permit #277-79, 49 Terrace Ave., Bolinas		<i>Lateral public access OTD accepted by Bolinas Public Utilities District, 11/5/1997</i>
193-142-15	CCC Permits #219-79 and #1-88-016, 100 Brighton Ave., Bolinas		<i>Lateral public access OTDs (2) accepted by Bolinas Public Utilities District, 11/5/1997 and 10/4/2001</i>
193-142-24	CCC Permit #2-83-24, 65, 71, 75, 77, 79, 81 Crescente Ave., Bolinas		<i>Combined lateral public access OTD accepted by Bolinas Public Utilities District, 7/11/2006</i>
193-151-04, 11, 16, 17, 18, 19, 20, 21	CCC Permit #2-83-24, 65, 71, 75, 77, 79, 81 Crescente Ave., Bolinas		<i>Combined lateral public access OTD accepted by Bolinas Public Utilities District, 7/11/2006</i>
195-032-52	CCC Permit #2-84-013, Seadrift Rd.		<i>Deed restriction for lateral public access recorded 3/26/1986</i>
195-062-08 (The Unit I LCP states that vertical access at Walla Vista shall be opened and maintained, p. 8)	CCC Permit #179-79, Walla Vista, Stinson Beach		<i>Deed restriction for vertical public access recorded 12/31/79</i>
195-062-09	CCC Permit #180-79, Walla Vista, Stinson Beach		<i>Deed restriction for vertical public access recorded 12/31/79</i>
195-062-11	CCC Permit #182-79, Walla Vista, Stinson Beach		<i>Deed restriction for vertical public access recorded 12/31/79</i>
195-070-36	CCC Permit #2-84-013, Seadrift Rd.		<i>Deed restriction for lateral public access recorded 3/26/1986</i>

195-132-14 (The Unit I LCP states that in addition to Walla Vista an accessway shall be opened and maintained at an unspecified location in the Calles, p. 8)	CCC Permit #82-30, 21 & 29 Calle del Occidente, Stinson Beach.  Note also Marin Co. Permit #96-266 for development at seaward end of Calle del Onda adjacent to Upton Beach which required lateral and vertical public access OTD on AP# 195-162-36 and 37, recorded on March 20, 2000.		<i>Lateral public access OTD required by Permit #82-30 was accepted by Marin Co. 1/22/1998;</i>  <i>Status of OTD required by Permit #96-266 unclear.</i>
195-162-40	CCC (or Marin Co.?) Permit #MAR-85-061, 26 and 28 Calle del Sierra, Stinson Beach		<i>Lateral public access OTD accepted by Marin Co. 1/22/1998</i>
195-163-29	CCC Permit #2-82-31, 33 Calle del Sierra, Stinson Beach		<i>Deed restriction recorded 5/5/1984</i>
??111-042-03 (See Unit I Access Policy #11, p. 9)	CCC Permit #31-78, Commonweal, 451 Mesa Rd., Bolinas	There is no book 111; perhaps this is meant to be APN 188-170-60?	<i>Vertical and lateral OTDs accepted by US Government 1/15/1980</i>

## **Appendix 5**

### **List of Recommended Public Coastal Accessways (Annotated), Units I and II**

*The Public Access policies in the Unit I LCP contain only a limited priority list for creation of new accessways or protection of historic public use, whereas the Unit II LCP contains a much more detailed list of priorities. The priorities for creation or protection of accessways are included or summarized below, along with notes regarding the status of the accessway recommendations based on records of the Community Development Agency, County Parks and Open Space, and Coastal Commission.*

#### **Public Access Priorities, Unit I**

##### **Stinson Beach**

Adequate public access to Stinson Beach currently exists across Federal park lands, County land at Calle Del Sierra and private land at the Calles and Walla Vista. To encourage the continuance of access availability in these areas the County shall post the existing pedestrian access easements along Calle Del Arroyo. On street parking along the northerly side of Calle Del Arroyo shall continue to be available for day-use beach access.

*[Coastal Commission records indicate the following:*

- Deed restrictions were recorded for public access along Walla Vista Rd. (AP #195-062-08, 09, and 11) to the beach, in conjunction with Coastal Commission permits #179-79, 180-79, and 182-79;*
- Offers to dedicate lateral public access as required by Coastal Commission permits #82-30 and MAR-85-061 for developments at 21/29 Calle Del Occidente (AP #195-132-014) and 26/28 Calle Del Sierra (AP #195-162-40) were accepted by Marin County on Jan. 22, 1998; furthermore, a deed restriction required by permit #2-83-31 for development at 33 Calle Del Sierra (AP #195-163-29) was recorded.*

*Marin County records indicate the following:*

- An offer to dedicate both vertical and lateral access as required by Marin County coastal permit #96-266 for development at the end of Calle del Onda adjacent to Upton Beach (AP# 195-162-36 and 37) was recorded on March 20, 2000.]*



## Seadrift

The provision of public access to and use of the Seadrift Beach for low-intensity recreational uses shall be assured.

...

### b. Easement Area

Except as expressly noted herein, the area of the easement ("easement area") shall extend over the Seadrift Sandspit Beach from the easterly end to the westerly end of the last developable beach-front lot and then continue approximately one-half the distance around the headlands (to a precise point to be determined and marked on the ground. [Footnote omitted here]) The width of the easement area is determined as follows:

an area extending along the length of the beach, subject to the public easement end points, which is bounded on the ocean side by the mean high tide line and on the landward side as follows: by the further seaward of (a) a line 60 feet measured perpendicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) a line 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall, and thereafter continuing around the headlands bounded by a line 60 feet measured perpendicularly from the seaward edge of the presently existing vegetation area of the headlands.

The public may pass and repass landward of the easement area during such times and in such locations that high water covers the easement area, provided that, the public shall in no event have the right to pass and repass closer than the further seaward of 25 feet from the top vertical centerline of the seawall or the toe of the sand dunes except in time of emergency, and then only in order to leave the beach.

### c. Permitted Uses

The easement to be granted is a non-exclusive public easement for low intensity, passive recreation uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment [does not apply to fishing gear, surfboards, kayaks, and other non-motorized, water-oriented equipment], audio equipment, animals (other than dogs under the control of their owners),

and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

d. Time of Use

The easement will not be available for public use during the period from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

...

[Remainder of settlement agreement omitted here]

*[Coastal Commission records indicate the following:*

- *Lateral accessways were accepted by Marin County on beachfront properties on Seadrift Rd. at #106, 108, 110, 112, 114, 116, 118, 122, 124, 140, 148, 166, 172, 176, 180, 192, 208, 220, 266, 268, 326, 330, 332, 344, 346; however, the Seadrift settlement agreement reached by Marin County, the Coastal Commission, and Seadrift property owners subsequent to approval of the LCP provides revised public access provisions, including the lateral easement for public use described above. The Seadrift settlement agreement was not incorporated into the LCP, but the grant of easement referred to in the agreement was recorded on July 21, 1994.*
- *Deed restrictions for lateral public access along the Bolinas Lagoon shoreline of the Seadrift sandspit, as required by Coastal Commission permit #2-84-013 (AP #195-070-36, etc.), were recorded.]*

Bolinas area

*[Coastal Commission records indicate the following:*

- *The following accessways were accepted by the Bolinas Public Utilities District:  
--Lateral accessway at 49 Terrace Ave., Bolinas (AP #193-142-07), required by Coastal Commission permit # 277-79, Nov. 5, 1997;  
--Lateral accessway at 100 Brighton Ave., Bolinas (AP #193-142-15), required by Coastal Commission permits #219-79 and 1-88-016, Nov. 5, 1997 and Oct. 4, 2001;*

*--Lateral accessway at 65, 71, 75, 77, 79, 81 Crescente Ave., Bolinas, (APN #193-142-24 and 193-151-04, 11, 16, 17, 18, 19, 20, 21) July 11, 2006.]*

- *Unit I Policy 11, p. 9, refers to Coastal Permit #31-78 approved by the Regional Coastal Commission; Coastal Commission records indicate that offers to dedicate both vertical and lateral access to the shoreline as required by that permit were accepted by the United States on Jan. 15, 1980; Assessors Parcels there have been renumbered since 1980.]*

## Public Access Priorities, Unit II

Recommendations for potential public accessways listed below are based on their desirability and physical suitability, evidence of prescriptive rights, and proximity to other access points and existing uses. Sites located along the undeveloped shoreline of Tomales Bay reflect the County's encouragement of public acquisition of these lands so that they may be preserved for public use and protected from the impacts of development. Potential public accessways include, but are not limited to, the following:

*[Unit II Public Access, p. 15, and Recreation Policy 2.d., p. 43]*

a. West shore of Tomales Bay. Recommendations for the west shore are listed from north to south, in five segments.

(1) Location: Tomales Bay State Park to Chicken Ranch Beach.

Description: Most of the lots between these two public parks have been developed with single-family dwellings as part of the Teacher's Beach Subdivision. The terrain in this area is generally steep and heavily vegetated. Access is by a narrow winding side road off of Sir Francis Drake Boulevard, used by the public to reach the southern end of Tomales Bay State Park. There appears to be little if any public use of the shoreline in this area, except for Chicken Ranch Beach and the area adjacent to it. An offer of dedication of an easement was required as a condition of permit approval by the Regional Coastal Commission for AP #112-042-03, which abuts Chicken Ranch Beach.

LCP recommendations: Agricultural use of the public trust portion of AP# 112-042-03, included in the offered easement, should be permitted to continue until such time as the public access offer is accepted and opened for public use.

*[Board of Supervisors Resolution #84-72 initiated an LCP amendment regarding the above LCP recommendation regarding AP#112-042-03, but Coastal Commission records reviewed to date contain no indication that such an amendment was subsequently approved by the Coastal Commission. The proposed amendment would have substituted the following text: "Agricultural use of the public trust portion of A.P. #112-042-03, included in the accepted easement, should be permitted to continue until such time as the public easement is opened for public use as determined by the County Director of Parks and Recreation."]*

*AP#112-042-03 was renumbered as #112-042-07; nearby parcel #112-042-05 is Chicken Ranch Beach and is owned by the State Lands Commission. Public*

*shoreline access is allowed. There is roadside parking along Sir Francis Drake Blvd. and foot access to Chicken Ranch Beach at this location.]*

(2) Location: Chicken Ranch Beach to the Inverness Yacht Club.

Description: Approximately 50% of the shoreline has been developed between these two points with single-family dwellings and the Golden Hinde Boatel. The Beach and the Boatel are the two formal accessways in this area; however, there is evidence of prescriptive rights on many of the undeveloped parcels, particularly those with sandy beach frontage. The three small parcels south of Chicken Ranch Beach are used by the public as an extension of the Beach, while those immediately south of the Boatel are used by visitors there. Trails and informal parking areas are evident on several undeveloped parcels. An offer of dedication of an easement was required by the Regional Coastal Commission for AP #112-101-16.

*[The offer to dedicate on AP #112-101-16, as well as one on AP #112-101-14, were accepted by Marin County on April 13, 1981.]*

LCP recommendations: Lateral access shall be required on the three parcels south of Chicken Ranch Beach, AP #112-091-09, 04, and 06.

*[AP #112-091-09, 04, and 06 are owned by Marin County and lateral public access along the shoreline is available.]*

Lateral access shall be required on the two parcels south of the Golden Hinde Boatel, AP #112-101-05 and 06.

*[According to Coastal Commission records, vertical and lateral access offers to dedicate required by Coastal Commission permit #2-82-020 for improvements at the Golden Hinde Boatel, 12938 Sir Francis Drake Blvd. (APN #112-101-01), were accepted by Marin County on July 24, 2001.]*

*[Coastal Commission records show a deed restriction for vertical access on AP #112-101-05, 12914 Sir Francis Drake Blvd.; the property is owned by the Inverness Foundation.]*

Vertical access shall be provided where the existing trail is sited on AP #112-101-09, 10, or 11, or #112-123-01. Lateral access shall be required on all of these parcels to accommodate existing public use. Shoulder parking in this area shall be maintained.

*[Preliminary information shows that public access has not been provided on these parcels.]*

Lateral access shall be required in AP #112-123-04, 05, 06, and 07 to ensure public access to the sandy beach along the shoreline in this area. AP #112-151-01 to the south, owned by Audubon Canyon Ranch, should be maintained open to the public. If the use changes, easements shall be required to accommodate existing public use.

*[Access easement was recorded by Document 2010-000223 on AP#112-123-05. AP #112-151-01 is now AP #112-151-21 and is owned by Audubon Canyon Ranch.]*

The offered easement on AP #112-101-16 should be accepted and opened to the public, unless the adjacent undeveloped parcel is purchased by the federal government for public parkland.

*[The easement on AP #112-101-16 was accepted by Marin County on April 13, 1981]*

(3) Location: Inverness Yacht Club to the Inverness Store.

Description: Development in this section of the shoreline is concentrated primarily around Inverness Yacht Club to the north and Drake's Highway Garage and the Inverness Store to the south. Brock's Boathouse and a number of single-family dwellings are scattered in between. The shoreline south of the Yacht Club is relatively wide and marshy, while that in the vicinity of Brock's Boathouse is narrow and sandy. Formal public access exists at Children's Beach, adjacent to the Boathouse, and the Inverness Store. The area adjacent to the Inverness Library shows heavy use for both vertical and lateral access.

LCP recommendations: Access shall be maintained at Children's Beach, AP #112-193-03, 112-256-03, and 112-310-04. If the use changes, easements shall be required to accommodate existing public use. Lateral access shall be provided on AP# 112-310-06.

*[AP #112-310-06 and #112-310-05 were apparently renumbered as 112-310-39 and 40. The National Park Service owns 112-310-39.]*

Both vertical and lateral access shall be provided on AP #112-310-25, adjacent to the Inverness Library, to accommodate existing public use.

*[AP# 112-310-25 is owned by the Golden Gate National Recreation Area. Furthermore, both lateral and vertical public shoreline access at 12794 Sir Francis Drake Blvd., AP #112-310-033, were granted to the County of Marin on July 24, 2001, following up on coastal permit #1-90-58 granted by the Coastal Commission.]*

- (4) Location: Inverness Store to the William Page Shields Salt Marsh.

Description: This section encompasses a very narrow portion of the shoreline between the Store and Willow Point and a wider area from the Point south. The narrow portion consists of a sandy beach, largely undeveloped, while that to the south includes numerous houses. Several informal parking areas are evident, including the parcel south of Inverness Store. Formal public access and parking are available at the William Page Shields Salt Marsh, owned and maintained by Audubon Canyon Ranch. An offer of dedication of an easement was required by the Regional Coastal Commission for AP #114-062-11, 12, a freshwater marsh now owned by Audubon Canyon Ranch.

LCP recommendations: Vertical and lateral access shall be provided on the parcel adjacent to the Inverness Store, AP #112-310-20.

*[Coastal Commission records indicate that both lateral and vertical public shoreline access on AP #112-310-19, at the Inverness Store, were granted to the County of Marin on July 24, 2001. Furthermore, #112-310-20 is owned by the Inverness Foundation as Martinelli Park.]*

*AP #114-062-11 and 12 were renumbered as #114-062-13 and are owned by Audubon Canyon Ranch, as part of the Shields Saltmarsh public access/bay viewpoint.]*

- (5) Location: William Page Shields Salt Marsh to Inverness Park.

Description: This area is somewhat different from the other areas on the west shore in that it abuts the Tomales Bay Ecological Reserve, a marsh, rather than Tomales Bay itself. Most of the parcels in this section, particularly towards the northern end, are quite marshy; consequently, most of the existing structures have been built on earth fill or pilings. This development is not readily visible from Sir Francis Drake Boulevard, due to heavy roadside vegetation. An old levee, running along the marsh or back side of these parcels, forms a viewing trail which shows evidence of public use. The levee is sited well away from existing houses and separated from them by additional marsh area. There is no formal

access south of the William Page Shields Salt Marsh; however, an offer of dedication of an easement was required by the Regional Coastal Commission for AP #114-072-23.

LCP recommendations: The offered easement on AP #114-072-23 should be accepted and opened to the public.

The levee trail running south from AP #114-072-23 to AP #119-040-13 should be opened to the public on a limited basis. The trail should be closed during the spring nesting season (March 1st - June 30th) to conform with the closure of the Tomales Bay Ecological Reserve. Undeveloped parcels shall be required to offer lateral easements, and such easements should be sought on developed parcels in this area.

A vertical access easement shall be provided on AP #114-082-02 and/or on undeveloped parcels adjacent to it, to connect with the levee trail.

*[AP #114-072-23 may have been renumbered #114-072-25; both lateral and vertical public access at this site, 12650 Sir Francis Drake Blvd., were granted to the County of Marin on July 24, 2001.]*

*The National Park Service has acquired the former Giacomini Ranch.]*

- b. East shore of Tomales Bay. Recommendations for the east shore are listed from north to south in seven segments.

(1) Location: Walker Creek delta to Miller Park.

Description: The Walker Creek delta, formed by the deposition of sediment where Walker Creek meets Tomales Bay, is a wide, flat, marshy area. Adjacent parcels between the delta and Highway 1 to the south are long, narrow, and fairly heavily vegetated. Audubon Canyon Ranch owns and preserves the delta as a wildlife sanctuary while the Department of Fish and Game owns several creekside parcels upstream. Access is limited to fishing and picnicking on the upstream parcels. Immediately south of the delta is Jensen's Oyster Beds, a more open 40-acre parcel directly on Tomales Bay. This partially developed property due north of the County-owned Miller Park shows evidence of public use along the shoreline.

LCP recommendations: Vertical and lateral access should be provided by the Department of Fish and Game and Audubon Canyon Ranch on upstream parcels AP #104-030-02, 05, 08, and



#104-040-08 and 12, where consistent with the protection of this sensitive resource area.

*[AP #104-030-02, a 6,202-acre parcel, is owned by Audubon Canyon Ranch and is maintained for habitat protection purposes; there is apparently no public access.]*

*104-030-05, 08 and 104-040-08 and 12 are owned by the State of California as part of the Keys Creek Public Fishing Access area. There is a gravel parking lot with picnic tables and trails to creek.]*

Vertical and lateral access shall be required on AP# 104-110-08, Jensen's Oyster Beds, if it is developed further, to formalize existing public use of the shoreline. Parking shall be maintained in the existing parking area.

*[GGNRA owns Jensen's Oyster farm, and the Point Reyes National Seashore manages it.]*

(2) Location: Miller Park to North Shore Boats.

Description: This relatively narrow section of shoreline has a variety of visitor-serving, residential, nature preserve, and marine-related uses. Development is concentrated at the northern end near Nick's Cove and at the southern end near North Shore Boats, with a few single-family dwellings scattered in between. Nick's Cove and Miller Park form a popular recreational area used by the public for clamming, boating, and fishing. In addition to public access at this point, limited access is available at North Shore Boats, a boat storage, launching, and repair facility. The undeveloped parcels along the entire shoreline in this area, including that owned by Audubon Canyon Ranch, show evidence of public use for access and parking.

LCP recommendations: Vertical and lateral access to tidelands shall be maintained in the vicinity of Nick's Cove. The developed parcels, AP #104-150-01 and 02 which constitute the Cove, shall incorporate formal provisions for public access if they are further developed. Access on the undeveloped parcels immediately to the south, AP #104-050-07 and 08 shall be required.

*[Lateral and vertical access offers-to-dedicate on #104-150-01 were required as part of the Coastal Commission's permit #A-2-MAR-03-019 for renovation of the Nick's Cove property. Those offers have not been accepted.]*

*[AP #104-150-02 appears to have been renumbered as 104-150-11; public access does not appear to have been granted.]*

*[104-050-07 and 08 do not appear to have public access.]*

Vertical and lateral access and parking shall be required on the Audubon parcel, AP #104-160-01, if its use changes, to guarantee continued public use.

*[AP #104-160-01 is owned by Audubon Canyon Ranch and maintained for habitat protection purposes; there is no public access.]*

Vertical and/or lateral access shall be provided on AP #104-160-15 and 16.

*[104-160-15 & 16 were apparently merged with no indication of new development or public access.]*

(3) Location: North Shore Boats to state parkland at Cypress Grove.

Description: North Shore Boats is located on a wide peninsula of land which then narrows considerably to the south. Other than the boatworks, the only type of development is single-family residential, most of which is concentrated in the center of this shoreline section. There is no formal public access point on any parcel, but informal public use is evident on virtually all of the lots to the south, adjacent to state parkland. Numerous roadside turnouts exist along Highway 1 in this southern area. Audubon Canyon Ranch owns several undeveloped lots, one of which is due south of the North Shore Boats peninsula. The southern side of the peninsula, developed with two houses, has a long, sandy, scenic beach. An offer of dedication of an easement was made as a condition of coastal permit approval by the Regional Coastal Commission on AP #104-180-15 and 16.

LCP recommendations: Vertical and lateral access shall be provided on AP #104-190-31 and 32, the latter of which is owned by Audubon. Lateral access shall also be provided on the undeveloped parcels on the southern side of North Shore Boats peninsula, AP #104-180-13, 14, 15, and 16.

*[AP #104-190-31 apparently has no public access.]*

*[AP #104-190-32, a 1,103-acre parcel, is owned by Audubon Canyon Ranch, and limited public access may be available.]*

*[An offer to dedicate a lateral public accessway on AP #104-180-13, 22495 Shoreline Hwy., was accepted by Marin County on April 9, 2002.]*

*[Offers to dedicate a lateral public access easement and a trail easement on AP #104-180-14, 22485 Shoreline Hwy., were accepted by Marin County on April 9, 2002.]*

*[AP #104-180-15 appears to have been renumbered as 104-180-17, and there is no indication of public access. Similarly, there is no indication of public access on AP #104-180-16.]*

Shoulder parking for public viewing purposes shall be maintained on AP #104-190-43, 44, 45, and/or 46, and on AP #104-220-01.

*[Preliminarily, public access does not appear to have been granted on AP # 104-190-43, 44, 45, or 46, or on AP #104-220-01.]*

At least three vertical accessways shall be provided in the section of undeveloped lots from AP #104-220-05 south through AP #104-210-09, at approximately 1/4 mile intervals. Lateral access shall be required on all of these lots. Shoulder parking shall be maintained in at least three locations. The offer of dedication of an easement on AP #104-180-15 and 16 should be accepted and opened to the public.

*[AP #104-220-06 is owned by Marin County, and AP #104-230-09 and 23 are owned by GGNRA.]*

*[AP #104-230-10 appears to be owned by Point Reyes National Seashore Association, but it is unclear whether public access is available or appropriate on the parcel, which is largely marsh.]*

*[AP #104-230-21 and 104-210-15 are owned by Audubon Canyon Ranch.]*

*[AP# 104-210-09 is owned by GGNRA.]*

(4) Location: State parkland at Cypress Grove to Marshall Tavern.

Description: At this point on the shoreline, Highway 1 turns inland, creating a relatively broad coastal terrace, approximately 1/2 mile in width. Public, nature preserve, and private uses are located in this area: the northern third forms a recently acquired state park, the central third includes a marsh and is owned and managed by Audubon Canyon Ranch, and the southern third is a private

agricultural operation. The terrain is fairly level, open and covered with grass. Public access will be available at the park in the future when it is opened. Access is presently available to Audubon lands by appointment. Audubon carefully controls access to and around its marshlands due to their environment sensitivity and value as wildlife habitat.

LCP recommendations: Limited access should continue to ACR properties. Coordination between ACR programs at Cypress Grove and those on adjacent public parklands to the north should be explored.

*[Public access to this property is apparently available by appointment made with Audubon Canyon Ranch.]*

(5) Location: Marshall Tavern to Marshall Boat Works.

Description: This portion of the shoreline constitutes most of the “town” of Marshall. It is extremely narrow and largely built out with single-family residential dwellings on pillings. The few undeveloped lots, used by the public for parking, viewing, and clamming, serve a very important visual access function by providing a break in the long row of developed lots. The state owns two parcels in this section, AP#106-020-31 and 32.

LCP recommendations: Lateral access shall be maintained on AP #106-020-33, 12, and 17, the first of which is owned by Audubon. Vertical access shall be provided on at least one of these parcels.

*[AP # 106-020-33, a 1,519-acre parcel, is owned by Audubon Canyon Ranch.]*

*[Public access is apparently not available on AP# 106-020-12 or 106-120-17.]*

Vertical and lateral access shall be required on AP #106-030-16, 106-040-01, 02, 03, and 06.

*[AP #106-040-01 is owned by Marin County Open Space District. AP# 106-040-02 is owned by Marin County.]*

Shoulder parking on all of the undeveloped parcels in this section shall be maintained.

(6) Location: Marshall Boat Works to Marconi Cove Marina.

Description: Except for the boatworks area, the shoreline between the boatworks and the Marina is extremely narrow. Single-family

development is grouped in three locations, with long, narrow, undeveloped parcels in between. These undeveloped parcels are regularly used by the public for parking, viewing, clamming, and walking, and provide important visual access to the bay. The three formal access points in this section are located at Marshall Boat Works, Tony's Seafood, and Marconi Cove Marina. An offer of dedication of an easement was required as a condition of coastal permit approval by the Regional Coastal Commission on AP #106-210-41, adjacent to the Marconi Cove Marina, to protect prescriptive rights. This offer has not yet been made.

*[There is no indication of additional public access in this area. The former Marconi Cove Marina is no longer there.]*

LCP recommendations: Lateral access shall be provided on AP#106-050-10, to accommodate existing public use. No parking is recommended due to the very limited shoulder area.

*[AP #106-050-10, a 2,211-acre parcel, is owned by Audubon Canyon Ranch, and public access may be available.]*

Vertical and lateral access and parking shall be required on AP #106-210-46 and 33 to accommodate existing public use.

*[AP #106-210-46 is owned by GGNRA; AP #106-210-33 is now 106-301-06, also apparently owned by GGNRA.]*

The required easement on AP #106-210-41 need not be accepted, if offered, due to the availability of access on the adjacent property, Marconi Cove Marina.

*[Coastal Commission records do not show the above-mentioned offered to dedicate; perhaps the parcel was renumbered.]*

(7) Location: Marconi Cove Marina to state parklands on Tomasini Point.

Description: There are sixteen parcels between the Marina and the park, only three of which are developed. The immediate shoreline on all of these lots is quite narrow but sandy in places and suitable for walking. The upland area is fairly steep south of the Marina but towards the park, widens out and shows potential for further development. Ideally, a shoreline trail could connect Marconi Cove Marina with the park on Tomasini Point; however, the presence of two houses on pilings seems to preclude this option. Evidence of prescriptive rights exists on most of the undeveloped parcels.

Shoulder parking is available at several points towards the southern end of this section.

LCP recommendations: Lateral access shall be extended south from Marconi Cove Marina onto AP #106-270-09, 10, 07, 08, and 04

*[AP #106-270-09 has been renumbered as #106-270-14 and is owned by GGNRA. AP# 106-270-07 is owned by GGNRA.]*

Lateral access shall be required on AP #106-280-14, 10, 02, and 03. Although these four lots are located between existing houses, lateral access easements will maintain the option for a shoreline trail connecting the Marina and the park.

*[There is no indication of public access on the specified lots.]*

Lateral access shall be required on AP #106-280-05, 06, and 07 and on AP #106-290-01. Vertical access shall also be provided on this latter parcel.

*[A lateral access offer to dedicate on AP #106-280-05, 17523 Shoreline Hwy., was accepted by Marin County on 9/24/2002.]*

*[AP #106-290-01 appears to have been renumbered as #106-290-03, and it is apparently owned by GGNRA.]*

Shoulder parking at existing locations shall be maintained.

- c. North of Walker Creek. Recommendations for the area north of Walker Creek are listed from south to north in two segments.

(1) Location: Walker Creek to Dillon Beach.

Description: This area includes extensive agricultural holdings and the popular recreational areas at Lawson's Landing and Dillon Beach. Public access is available to and along the shoreline north of Tom's Point for recreational clamming, boating, fishing, and walking. Public use south of Tom's Point is less but the shoreline is suitable for walking. There are several small marshes in the vicinity of the Point and three large oyster allotments offshore. An offer of dedication of a lateral easement was required as a condition of coastal permit approval by the Regional Coastal Commission on AP #104-040-25.

LCP recommendations: The offered easement on AP #104-040-25 should be accepted and opened to the public.

*[The offer to dedicate a lateral easement on AP #104-040-25, 3225 Dillon Beach Rd., was accepted by Marin County on Jan. 22, 1998.]*

*[A lateral access easement on AP #100-100-48, as required by Coastal Commission permit #1-86-021, was accepted by Marin County on Jan. 22, 1998.]*

Lateral access shall be required on all undeveloped parcels on the shoreline between Dillon Beach, AP #100-100-46, and the Walker Creek delta, AP #104-040-03.

*[AP #100-100-46 appears to be agricultural land, as is AP #104-040-03; there is no indication of public access.]*

(2) Location: Dillon Beach to Estero Americano.

Description: The Oceana Marin subdivision is located immediately north of the community of Dillon Beach. There is public use of the shoreline in this area; however, low bluffs make access somewhat difficult. North of the subdivision, the terrain becomes quite steep and vertical access to the water is not possible except in a few places. High coastal bluffs offer impressive views of the ocean and the Esteros. Public pedestrian use has been made of an existing dirt road to reach the Estero de San Antonio. North of this Estero, the land is quite inaccessible.

LCP recommendations: Lateral and/or bluff top access easements shall be required on all parcels north of AP #100-100-46 at Dillon Beach.

Vertical access shall be provided on AP #100-100-30, adjacent to the Oceana Marin subdivision.

Public pedestrian access to the Estero de San Antonio shall be maintained on the existing dirt road through AP #100-100-57 and 100-040-33.

*[Further research is required regarding the above-specified parcels.]*

Appendix 6  
Inventory of Visitor-Serving, Commercial, and Recreational Facilities in the Coastal Zone

Food, Beverage, and Other Commercial Services in the Coastal Zone				
Location, Name	Grocery	Restaurant and/or Bar	Gas and/or auto repair	Other
<b>DILLON BEACH</b> Dillon Beach Resort Dillon Beach Café Link System ATM Post Office	Y	Y		Y Y
<b>TOMALES</b> Diekmann's General Store Tomaes Deli and Café William Tell House Restaurant	Y	Y Y		
<b>MARSHALL/ EAST SHORE</b> Marshall Store Nicks Cove Baring Witness Post Office Link System ATM	- Y	- Y Y	-	- Y Y
<b>INVERNESS</b> Manka's Inverness Lodge Vladimir's Czech Restaurant Golden Hinde Priscilla's Café Barnaby's by the Bay Post Office Inverness Store	Y	Y Y Y Y Y		Y
<b>POINT REYES STATION</b> Palace Market Golden Point Produce Old Western Saloon Whale of a Deli Indian Peach Food Co Stellina Pizza Pine Cone Diner Osteria Stellina Café Reyes Rosie Cowboy Cookhouse Bracken Auto Service Cheda Chevrolet Post Office Wells Fargo First Savings Bank Greater Bay Bank Local ATM	Y Y	Y Y Y Y Y Y Y Y		Y Y Y Y Y
<b>OLEMA</b> Olema Farm House Roundstone Farm Inn Farm House & Deli Lynk Systems ATM RV Resort and Campground Local ATM Post Office		Y Y Y		Y Y Y Y
<b>BOLINAS</b> Bolinas Supermarket Bolinas People Store Blue Heron Inn Restaurant	Y Y	Y		



Appendix 6  
Inventory of Visitor-Serving, Commercial, and Recreational Facilities in the Coastal Zone

Food, Beverage, and Other Commercial Services in the Coastal Zone				
Location, Name	Grocery	Restaurant and/or Bar	Gas and/or auto repair	Other
Coast Café Post Office First Federal Savings Smiley's Saloon and Hotel		Y  Y		Y Y
<b>STINSON BEACH</b> Parkside Snack Bar Parkside Café Post Office First Federal Savings ATM Stinson Beach Grill Sand Dollar Restaurant Stinson Beach Market		Y Y  Y Y		Y Y
<b>MUIR BEACH</b> Pelican Inn		Y		
<b>TOTALS</b>	<b>9</b>	<b>29</b>	<b>0</b>	<b>18</b>

Appendix 6  
Inventory of Visitor-Serving, Commercial, and Recreational Facilities in the Coastal Zone

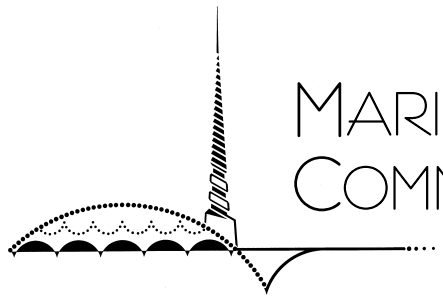
Public Parks and Recreation Facilities in the Coastal Zone						
Name	Park Acres (in CZ)	Park Acres (total)	Shoreline (miles)	Campsites/hostel (sites/beds)	Parking	Other Amenities
<b>Federal</b>						
Golden Gate National Recreation Area (GGNRA)	6,503	24,753	14		1,885 spaces	
Point Reyes National Seashore (PRNS)	27,410	54,717	85	115 hostel rooms; 4 campgrounds (~40 sites)	Y	restrooms, showers, picnic areas, vista points, trails, open space, 3 visitor centers, 2 educational centers
<b>State</b>						
Keys Creek Fishing Area	27	40	0.38	n/a	Lot	restrooms, picnic areas
Marconi Conference Center	58	58	0	40 guestrooms	Lot	restrooms, showers, 4 conference centers, dining
Mount Tamalpais State Park	1,168	6,392	3	9 cabins, 7 campsites	Lot	
Stinson Beach Facility	2	2	0	No	Lot	restrooms, showers, picnic areas
Tomales Bay Fishing Area	50	52	1	No		
Tomales Bay State Park	2,347	2,427	6	No	Lot	
Walker Creek Marsh	11	13	0.3			
<b>County</b>						
Agate Beach	14	14	0.46	No	Lot	restrooms, vista points, trails, open space
Bolinas Lagoon	132	1,107	8	No	Street	
Bolinas Park	1	1	0	No	Street	restrooms, tennis courts, drinking fountain
Chicken Ranch Beach	3	6	0.21	No	Lot	restrooms, vista points, trails, open space, kayak access, benches
Miller Park Boat Launch	3	6	0.14	No	Lot	restrooms, picnic areas, vista points, overnight parking
Point Reyes Playground	1	1	0	No	Street	restrooms, picnic areas, playground
Upton Beach	6	13	0.66	No	Street	
Village Green	0.62	0.62	0	No	Street	picnic areas, trails, benches, drinking fountain, picnic tables, basketball
Whitehouse Pool	23	23	0	No	Lot	restrooms, picnic areas, vista points, trails, open space
Vedanta Trail	n/a	n/a	0	No	Street	
<b>Total</b>	<b>37,757</b>	<b>89,627</b>	<b>118</b>	<b>---</b>	<b>---</b>	<b>---</b>

Appendix 6  
Inventory of Visitor-Serving, Commercial, and Recreational Facilities in the Coastal Zone

Overnight Accommodations in the Coastal Zone				
Location, Name	Hotel/Motel/Inn/Bed and Breakfast (B&B) Rooms	Campsites	Trailer/RV (spaces)	Hostel (beds)
<b>DILLON BEACH</b> Lawson's Resort & RV Park Windmist Cottage	  2	 1000	 see campsites	
<b>TOMALES</b> The Continental Inn Mutton Manor	 10 2			
<b>MARSHALL/EAST SHORE</b> Inn on Tomales Bay Ann's View on Tomales Bay The Mermaids house The Poet's Loft Sea Mist Cottage Nick's Cove & Cottages Ravens View Cottage Bayglow Cottage Marconi Conference Center	 5 2 2 2 2 13 2 2 40			
<b>INVERNESS</b> Blackthorne Inn B&B Ten Inverness Way B&B Bayshore Cottage B&B Dancing Coyote Beach The Tree House Olema Druids Hall Bed & Breakfast Inn and Cottage Seven Grey Foxes Rosemary Cottages B&B Terri's Homestay Inverness Secret Garden Cottage Inverness Valley Inn Tomales Bay Resort Motel Inverness Manka's Inverness Lodge Tomales Bay Resort Inverness Valley Inn	 5 5 1 3 3 4 2 2 2 1 20 35 7 6 35 20			
<b>POINT REYES STATION</b> Windsong Cottage Ferrando's Hideaway Cottages One Mesa Bed and Breakfast Abalone Inn Lingonberry Farm Point Reyes Country Inn & Stables A Neon Rose Knob Hill Point Reyes Vineyard Inn Holly Tree Inn Point Reyes Station Inn Black Heron Inn Thirty-Nine Cypress Bed & Breakfast and Redwing Cottage Old Point Reyes Schoolhouse Compound Morning Glory Cottage	 2 2 6 4 3 10 1 4 3 4 4 3 1 7 1			

Appendix 6  
Inventory of Visitor-Serving, Commercial, and Recreational Facilities in the Coastal Zone

Overnight Accommodations in the Coastal Zone				
Location, Name	Hotel/Motel/Inn/Bed and Breakfast (B&B) Rooms	Campsites	Trailer/RV (spaces)	Hostel (beds)
Annie's Garden Cottage	1			
Bay View Cottage Bed & Breakfast	1			
Berry Patch Cottage	2			
Carriage House Bed & Breakfast	3			
Cherry Tree Cottage	1			
Country House	1			
Cricket Cottage	1			
Horseshoe Farm Cabin	1			
<b>POINT REYES STATION (continued)</b>				
Marsh Cottage Bed & Breakfast	1			
Cottage on the Beach	2			
Glen Camp	12	12		
Point Reyes Seashore Inn (cottage)	2			
Point Reyes Hostel				
<b>OLEMA</b>				
Bear Valley Inn	4			
The Inn at Roundstone Farm	5			
Olema Inn	6			
Olema Cottages	5			
Olema Druids Hall	4			
An English Oak at Ridgetop	8			
Olema Ranch Campground		107	80	
Point Reyes Seashore Lodge	24			
<b>BOLINAS</b>				
Woodville Ranch	1			
Beach Haus	1			
Elfriede Haus	1			
Rose Garden Cottage	2			
Smiley's Schooner Saloon & Hotel	6			
Thomas White House Inn	2			
Blue Heron Inn	2			
The Grand Hotel	2			
<b>STINSON BEACH</b>				
Beach Cottage	2			
Ocean Court Motel	14			
Redwoods Haus Inn Beach Bed & Breakfast	5			
Sandpiper Motel	10			
The Anchorage Inn	1			
Patterson Sand Castle B&B	1			
<b>MUIR BEACH</b>				
Pelican Inn	6			
<b>TOTALS</b>	<b>430</b>	<b>1119</b>	<b>80</b>	<b>0</b>



# MARIN COUNTY COMMUNITY DEVELOPMENT AGENCY

BRIAN C. CRAWFORD, DIRECTOR

## LOCAL COASTAL PROGRAM HISTORIC REVIEW CHECKLIST

This checklist must be completed for all new construction, alterations, and additions in historic areas designated in the Local Coastal Program and for individual pre-1930 structures located in the coastal zone but outside of the boundaries of the historic areas. The checklist applies to all structures, including signs. For more information, please consult the Marin County Local Coastal Program Historic Study.

Please check the appropriate box in applicable categories.

YES   NO   N/A

### A. NEW CONSTRUCTION, ALTERATIONS AND ADDITIONS

Does the Project:

- |                          |                          |                          |  |
|--------------------------|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 1. Preserve distinguishing original qualities or character of the structure or site and its environment?                                       |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 2. Retain or preserve any previous modifications that evidence the history and development of the structure or site?                           |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 3. Retain or preserve distinctive stylistic features or examples of skilled craftsmanship which characterize the building's structure or site? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 4. Has every reasonable effort been made to provide a compatible use for the property in this community?                                       |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 5. Give consideration to harmonizing street furniture and signs?   |

### B. NEW CONSTRUCTION

- |                          |                          |                          |  |
|--------------------------|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 1. Is the roof shape similar to adjacent structures?   |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 2. Is the building height consistent with surrounding structures?  |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 3. Do the front facades give similar directional expressions (vertical or horizontal)?   |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 4. Are building setbacks similar to adjacent structures?   |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 5. Will new landscape features (including parks, gardens, fencing, benches, walkways and signs), be compatible with the character of the neighborhood? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 6. Is the design compatible in scale, design, materials and texture with surrounding structures?   |

**YES**   **NO**   **N/A**

☐   ☐   ☐

7. Will a contemporary design that is compatible with the mood and character of the surrounding neighborhood be used?

☐   ☐   ☐

8. Will mechanical equipment such as air conditioners and television antennae be placed in conspicuous locations?

**C. ALTERATIONS, RESTORATIONS**

☐   ☐   ☐

1. Has the applicant applied for designation of a historic structure?

☐   ☐   ☐

2. Does the State Historic Building Code apply?

Will the proposed project:

☐   ☐   ☐

3. Retain the front of the building to preserve the architectural and historic character of the building?

☐   ☐   ☐

4. Retain distinctive features such as the size, scale, mass and building materials, including roofs, porches and stairways that give the community its character?

☐   ☐   ☐

5. Retain landscape features (including parks, gardens, fencing, benches, signs walkways), that reflect the structure's development and history?

☐   ☐   ☐

6. Place new additions without destroying local point views?

☐   ☐   ☐

7. Preserve or duplicate original details (such as cornices, brackets, windows, doors, shutters, siding, railing) of architectural significance)?

☐   ☐   ☐

8. Repair or stabilize weakened structural members and systems?

☐   ☐   ☐

9. Retain original materials where possible?

☐   ☐   ☐

10. Preserve the original roof shape and material?

☐   ☐   ☐

11. Retain or replace, where necessary, architectural features in the roof such as dormer windows, chimneys, cornices and brackets?

☐   ☐   ☐

12. Improve the thermal performance of the building through weather-stripping without damaging window and door frames?

☐   ☐   ☐

13. Improve or repair drainage to prevent damage to the structure or foundation where necessary?

☐   ☐   ☐

14. Retain any previous modifications that evidence the history and development of the structure?

☐ ☐ ☐

15. Make alterations and new additions in such manner that they can be removed in the future without impairing the essential form and integrity of the structure?

**YES**   **NO**   **N/A**

**D.   RESTORATION**

- |                          |                          |                          |   |
|--------------------------|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 1.   Are any deteriorated architectural features being repaired rather than replaced, where possible?   |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 2.   Where replacement of deteriorated architectural features is necessary, do new materials match the material being replaced in color, texture, composition and design? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 3.   Will cleaning methods undertaken damage the historic building materials?   |

**E.   DEMOLITION**

- |                          |                          |                          |  |
|--------------------------|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 1.   Is the building or structure of such architectural or historic interest that its removal would be to the detriment of public interests?   |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 2.   Is the building or structure of such interest or significance that it could be designated as a National, State or local historic landmark?  |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 3.   Is the building of such old and unusual or uncommon design, texture and/or material that it could not be reproduced or be reproduced only with great difficulty and/or expense?   |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 4.   Would retention of the building or structure help preserve and protect an historic place or area of historic interest in the County?  |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 5.   Would retention of the building or structure promote the general welfare of the community by encouraging study of local history, architecture and design or by developing an understanding of the importance and value of the local culture and heritage? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 6.   Can the structure be converted to another use?  |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 7.   Is the structure in a state of major disrepair?   |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 8.   Has the local historical group or society been contacted?   |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 9.   Has the State Historic Preservation Office been contacted?  |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 10.   Has an attempt been made to locate a purchaser for the property?   |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 11.   Has an alternative site for the structure been researched?   |





## Appendix 8

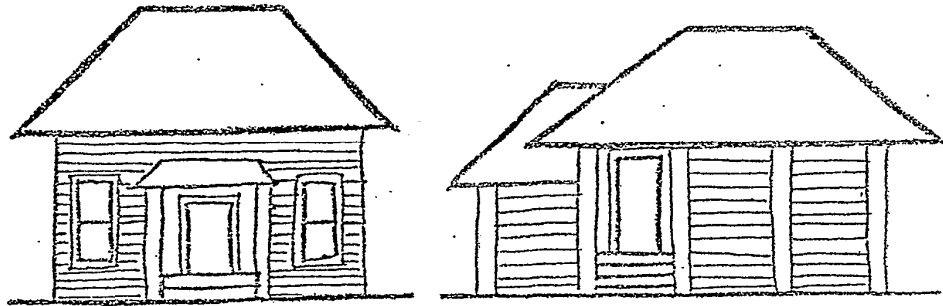
### DESIGN GUIDELINES FOR CONSTRUCTION IN AREAS OF SPECIAL CHARACTER AND VISITOR APPEAL AND FOR PRE-1930'S STRUCTURES

---

Technology has quickened the pace of change and introduced a great variety of building materials and construction methods. Since personal tastes and social attitudes often govern today's choice of materials and methods, design review has been introduced to guarantee carefully executed design solutions.

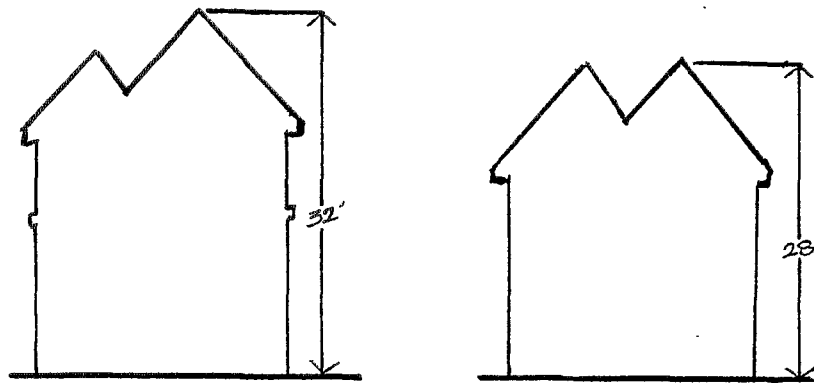
The landscape and buildings of a healthy community exhibit continuity of a community's past and present. In recognition of this concept, a properly instituted design review program aims to insure guided freedom for future growth in historic areas. Design review will vary according to conditions in particular communities, but should insure that new buildings conform in scale, proportions and texture to existing community form.

The design principles and standards below are intended to insure maximum compatibility of remodeling and new construction with older buildings in historic districts.



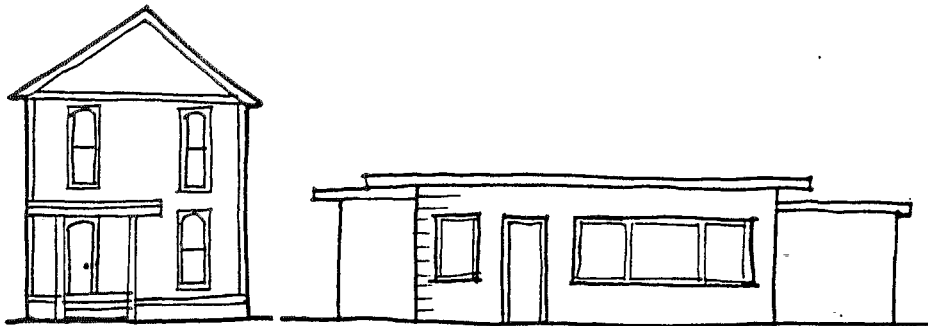
#### REPETITION OF ROOF SHAPE

Similarity of roof shapes is often the most important means for achieving continuity in design between new and old buildings in historic areas. Roofs are an important factor in the overall design of a building to help relate items such as height and scale to those adjacent structures:



### CONSISTENT BUILDING HEIGHT

New buildings should be constructed to a height within a reasonable average height of existing adjacent buildings.



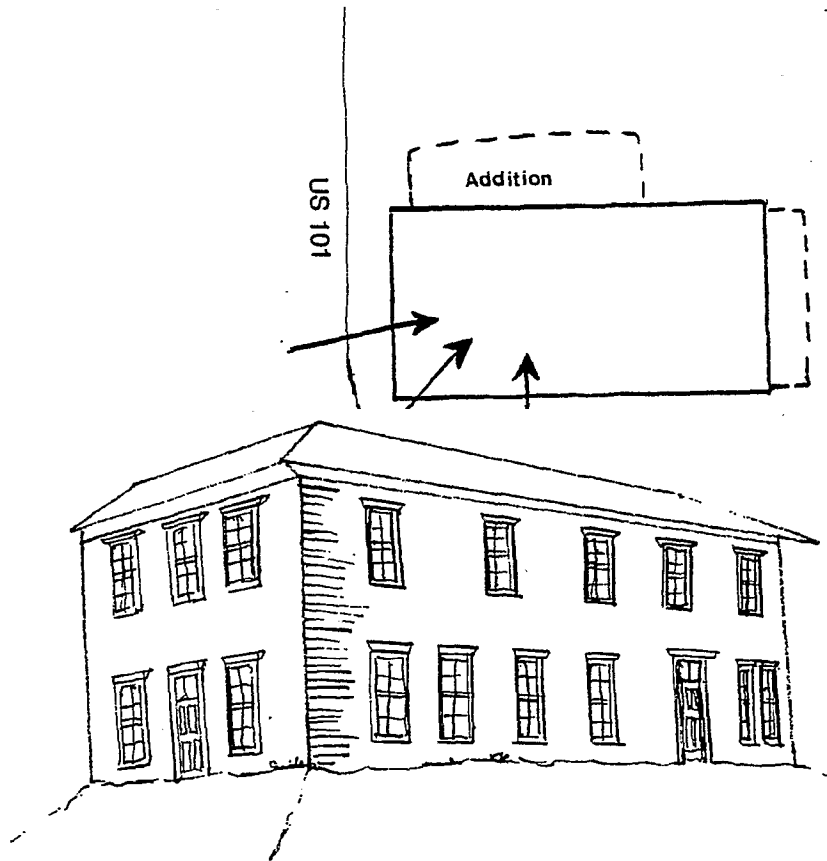
### DIRECTIONAL EXPRESSION OF FRONT ELEVATIONS

Structural shape, placement of openings, and architectural details may give a predominantly vertical, horizontal, or a non-directional character to a building's facade. If buildings in a historic district are predominantly vertical expressions, then new buildings should be vertical expressions also.

19th century buildings tend to be vertical while 20th century buildings often have a horizontal emphasis.

## PLACEMENT OF NEW ADDITIONS TO HISTORIC BUILDINGS

The most important facade of any building is generally the frontal facade; this is particularly true when viewing a streetscape. The front elevation, and side elevation on a corner building, should not have additions added that destroy a building's historic character.

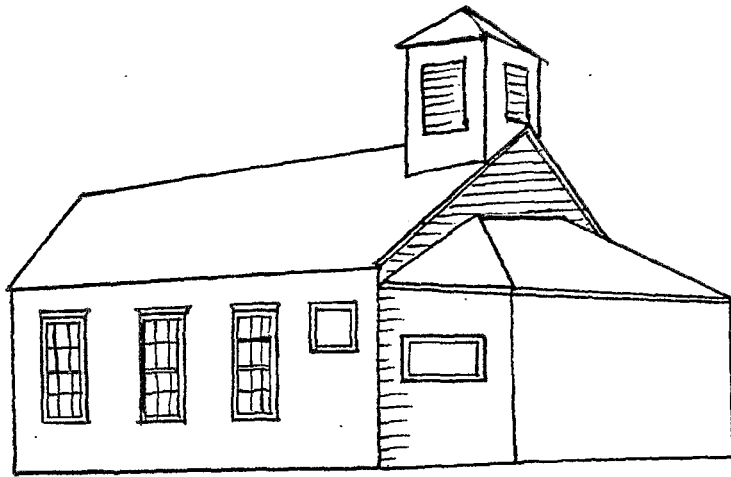


GOOD EXAMPLE  
Focal Points of  
Olema Inn.

Additions were made to  
the Olema Inn, but these  
additions left the focal  
point facades intact.

### BAD EXAMPLE

Greek Revival  
school house with  
addition on front  
facade, destroys the  
focal point view.



### BAD EXAMPLE

Italianate commercial  
structure with front facade  
addition.

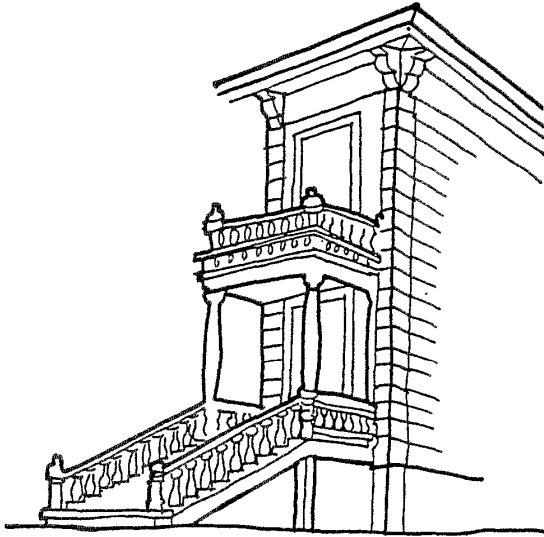


## BUILDING SETBACK

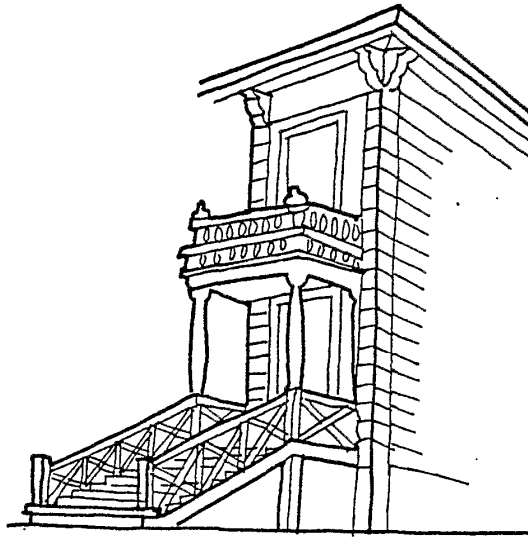
Setback is an important consideration in harmonizing new with old in rural historic areas.



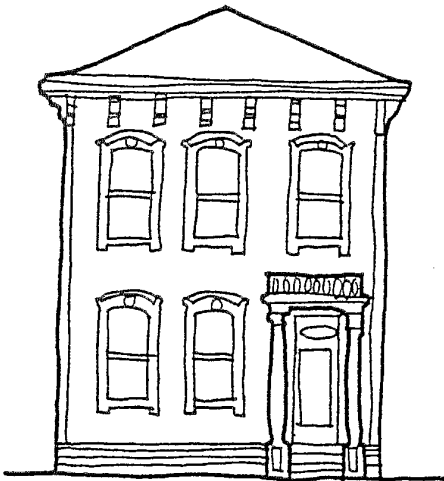
PRESERVE OR REPLICATE HISTORIC DETAILS



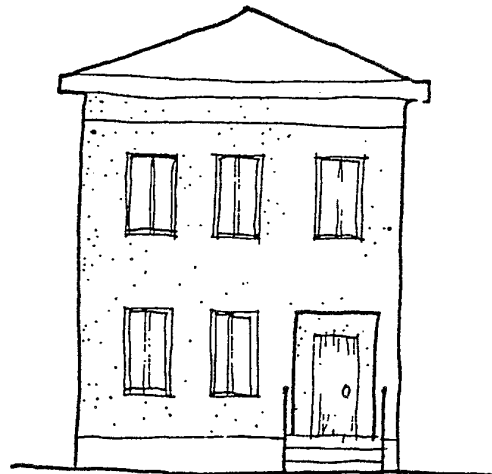
Original: Sympathetic treatment of stairway railing.



Remodeled: Unsympathetic treatment of stairway railing



Original: Precise wooden details around windows, doors, cornice line, at building edges, horizontal lap siding.



Remodeled: Stucco facade destroys integrity of historic structure.



The front facade of the Greek Revival commercial building (in foreground to left) has been "modernized" with the addition of wood shingles and brick. These exterior coverings are not appropriate for Greek Revival. Its next-door neighbor (smaller building to left) retains the Greek Revival feeling.

#### RELATIONSHIP OF TEXTURES

The texture of a building is an important factor in the overall appearance of a neighborhood. The predominant texture may be smooth (stucco), or rough (brick with tooled joints), or horizontal wood siding, or other textures. Whatever texture is used, its appearance must be considered in relation to the neighborhood to insure a compatible blending with other styles.

The front facade on the Greek Revival commercial building (in foreground to left) has been "marinated" with the addition of wood shingles and brick. These exterior coverings are not, appropriate for Greek Revival. Its next-door neighbor (smaller building to right) retains the Greek Revival feeling, with the original horizontal siding.

#### REPETITION OF DETAILS

Repetition of details, such as choice of exterior building materials, proportions of windows and doors, gingerbread porch posts and trim, window and door moldings, cornices, lintels, and arches, is extremely important in insuring compatible appearance in new construction in historic areas.

There has been a general misunderstanding about 19th century styles because of the weather-beaten appearance of many vintage buildings. Greek Revival, Queen Anne, Italianate, and Stick architectural styles are precise in their detailing and consistency of proportions. There is a great difference between these precise, albeit weathered, architectural statements, and contemporary efforts to create vintage-style buildings by constructing badly proportioned, indistinctive, rough-shod buildings of rough-sawn plywood or board and batten.

---

<sup>1</sup> "Marinated" - the fad in Marin County currently is to add wood shingles whether appropriate or not.



## RELATIONSHIP OF COLORS

The proper application of a color scheme to a building or a series of buildings can highlight important features and increase their overall appearance. Accent or blending colors on building details is also desirable in creating compatibility of neighboring structures.

Use of exterior color is of particular importance in the case of a wood frame house where the combination of wall and trim colors usually decides its basic character.

A good color scheme should be neighborly as well as effective in itself, so that both the house and the environment benefit.

## RELATIONSHIP OF LANDSCAPING AND PHYSICAL FEATURES

Landscaping should be placed to emphasize design and should enhance a structure rather than detracting from it or obscuring it. Physical features such as picket fences, building facades, beaches, lamp posts, and signs or combinations of these features provide continuity and cohesiveness to a neighborhood.

Efforts to achieve continuity should not be so restrictive that they force mere imitation. However, the design of new buildings in and adjacent to historic areas, and new additions to old buildings must be carefully executed to achieve harmony between old and new. The challenge, particularly in special design districts, is to create contemporary buildings whose flavor and scale compliments, rather than imitates, the predetermined images of the historic setting.

## SIGNS AND STREET FURNITURE

Commercial signs are an effective tool for enhancing the historic quality and can be designed to harmonize with the structure. All too often, oversized or modernistic signs are used and detract from the overall charm. For this reason, strict design review for signs is recommended.

Similarly, street furniture (benches, light fixtures and litter containers) should be designed to embellish the historic grace and conform to existing architectural styles. Ingenuity may be required, but these details can provide cohesion and grace.

ORIGINAL

Exhibits to Settlement Agreement

- A. Bolinas Sandspit description (from IBLA record).
- B. Seadrift Sandspit description (calling for mean high tide line along Seadrift beach to end of spit, then calling for mean low tide line along Bolinas Lagoon as set forth in 1950 court decree).
- C. Fee title owners of lots on Seadrift Sandspit.
- D. Escrow instructions.
- E. State judgment.
- F. Federal judgment.
- G. Grant of Easement.
- H. County acceptance of easement.
- I. Sign(s).
- J. Permit for seawall.

KES P65

**ORIGINAL**

That certain land commonly known as the Bolinas Sandspit, depicted as "Sand Bar or Arenal" on the Official Plat of the Rancho Las Baulines, a copy of which is attached hereto as Exhibit A-1, and depicted as "Sand Beach" on the Official Plat of the Rancho Sausalito, a copy of which is attached hereto as Exhibit A-2.

EXHIBIT A

K&J PB5

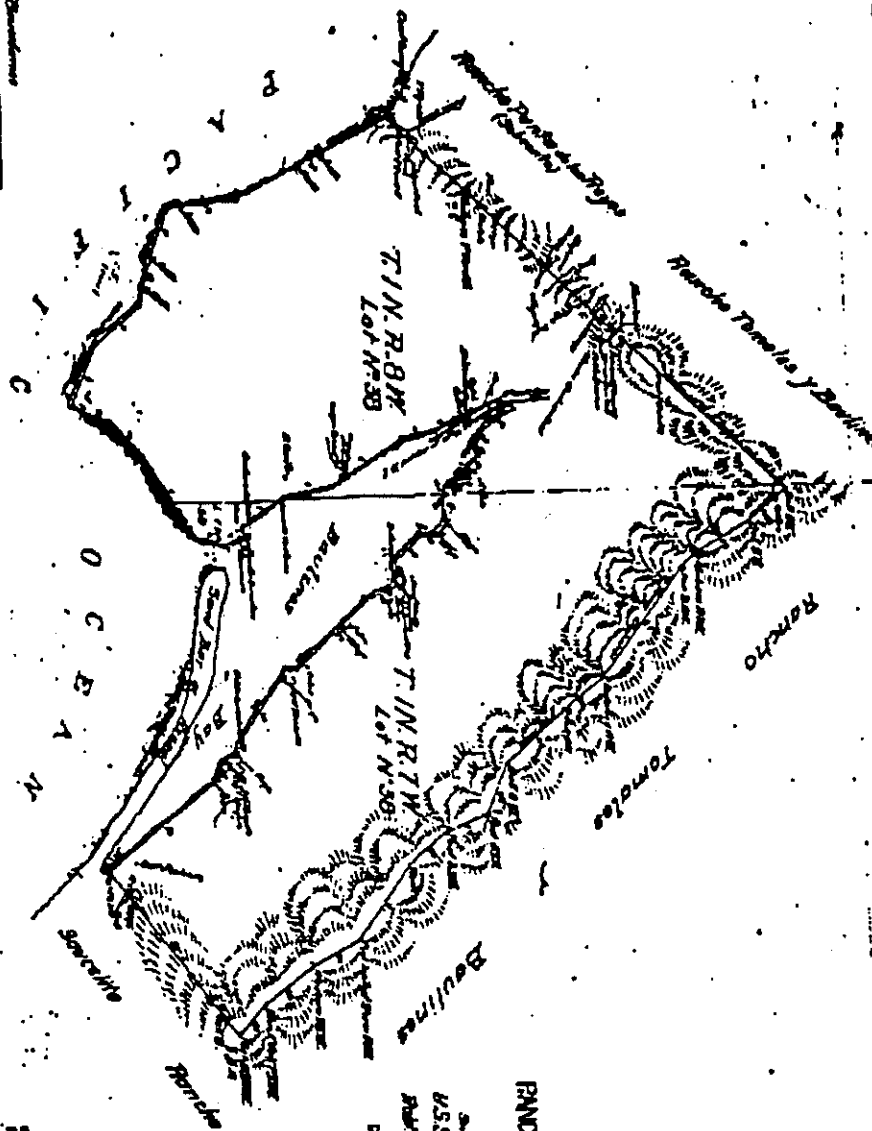
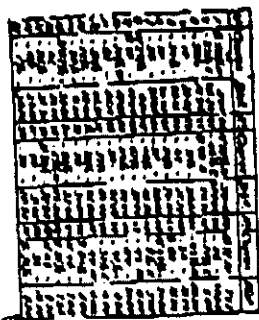
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ORIGINAL

EXHIBIT "A"

428 P85

# ORIGINAL



The field notes of the American Fur Traders and Men who met  
 and have been examined and approved and are for the use of the  
 U. S. Surveyor General's Office.  
 San Francisco, California  
 December, 3<sup>rd</sup> 1853  
 T. J. Kerns, Clerk

U.S. District Court  
U.S. District Court

**PLAT**  
of the  
**RANDO INS BALINES**  
fully insured  
Organized by  
Société Industrielle Française  
U.S. SURVEYOR GENERAL  
by  
RUBIC. MONTGOMERY & SONS  
Sole Agent  
Distributing point: Lima  
Industries related  
Available at: Lima

Attn: Free and correct Copy of the Original  
Not on file in this Office  
U.S. Surveyor General Office  
San Francisco California  
September 9, 1885

*W. J. Jones*

35

**EXHIBIT A-1**

RES 935

ORIGINAL

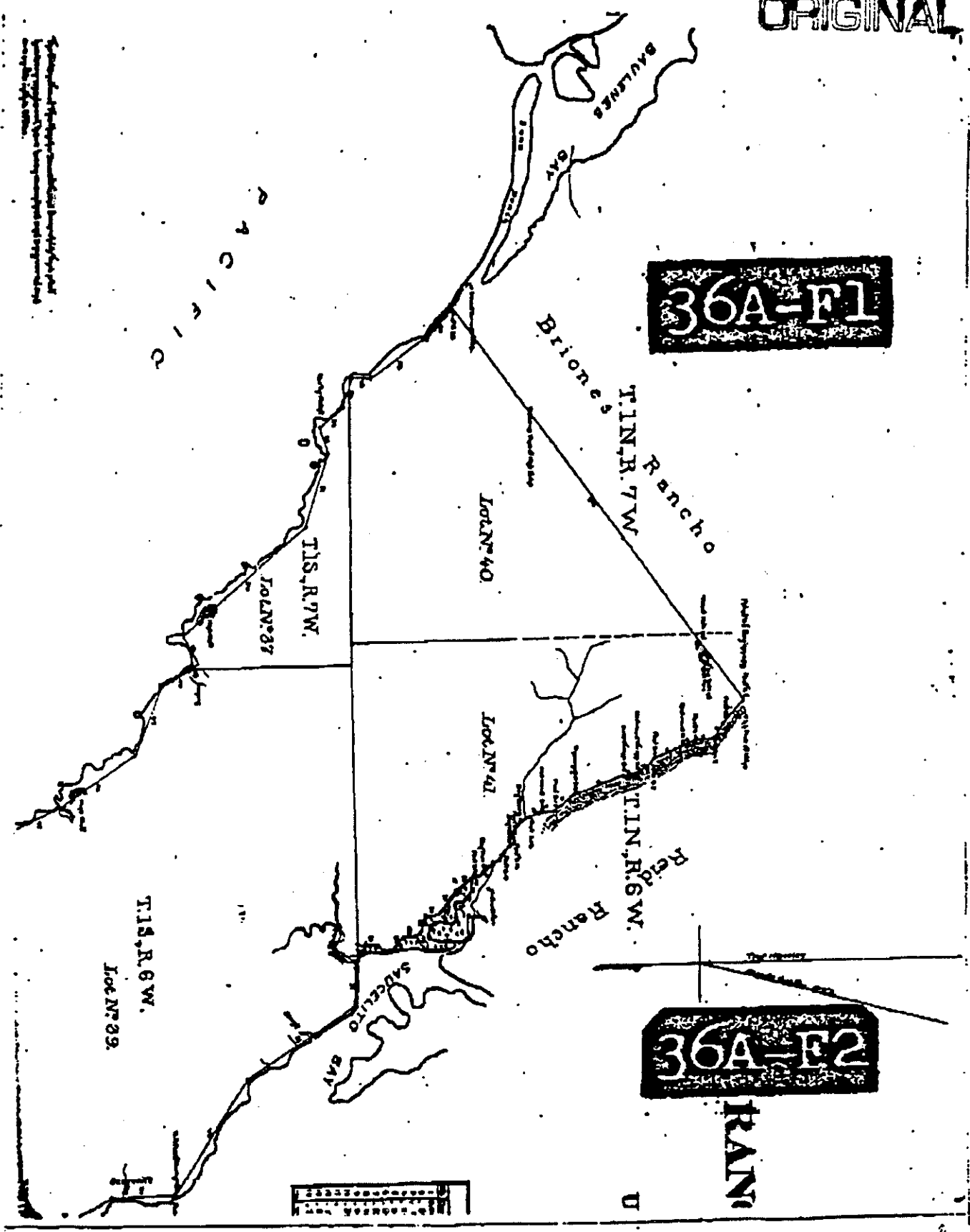


EXHIBIT A-2

KIS pps

ORIGINAL

EXHIBIT "B"

KES P85

**ORIGINAL****EXHIBIT B****SEADRIFT SANDSPIT**

A parcel of land situated in Marin County, State of California on the Bolinas Sandspit in T. 1 N., R. 7 W., M.D.M. known as "Seadrift Sandspit" lying between Bolinas Lagoon and the Pacific Ocean more particularly described as follows:

**BEGINNING** at the northwesterly corner of the exterior boundary of the "Upton Tract" as shown on that map recorded in Volume 5 of Official Maps at page 61 as filed August 11, 1931 in the office of the County Recorder of said County; thence along the northeasterly boundary of said "Upton Tract", South 56° 31' 14" East 41.529 feet; thence leaving said "Upton Tract" North 45° 10' 29" East 507.151 feet to the Mean Low Water Line of Bolinas Lagoon as described in Book 633 at pages 438 and 439 filed Feb. 10, 1950 in the office of the County Recorder of said County; thence westerly and southerly along said Mean Low Water Line of Bolinas Lagoon the following courses and distances:

North	52° 19' 31"	West,	693.79 feet,
North	67° 06' 44"	West,	2789.80 feet,
North	77° 35' 14"	West,	1322.30 feet,
North	80° 29' 18"	West,	1339.85 feet,
South	78° 07' 19"	West,	892.45 feet,
South	73° 28' 27"	West,	413.40 feet,
South	87° 37' 53"	West,	411.35 feet,
North	75° 51' 50"	West,	278.43 feet,
North	62° 27' 50"	West,	395.84 feet,
North	58° 39' 02"	West,	305.62 feet,
North	68° 03' 24"	West,	149.86 feet,
South	86° 19' 19"	West,	140.29 feet,
South	64° 49' 35"	West,	110.49 feet,
South	43° 48' 53"	West,	205.10 feet,
South	05° 09' 20"	East,	133.54 feet,

to STA. 1 shown as on the Mean Low Water Line on that "Survey of the Ordinary High Water Mark and portion of Mean Low Water Line Bolinas Lagoon Sandspit" recorded August 1, 1949 in Book 2 Records of Surveys at page 144 in the office of the County Recorder of said County; thence leaving said Mean Low Water Line of Bolinas Lagoon along an east-west line passing through said STA. 1 to the Line of Mean High Tide of the Pacific Ocean; thence Easterly along said Line of Mean High Tide to its intersection with the Westerly boundary of said "Upton Tract"; thence North 39° 56' 46" East to the Point of Beginning

**END OF DESCRIPTION**

Prepared by California State Lands Commission  
SFB & CC Boundary Unit  
Supervisor Rand La Force, Nov. 8, 1993



KES RBS



**SETTLEMENT AGREEMENT**

**MARCH 16, 1994**

**RE: SEADRIFT SANDSPIT**



ORIGINAL

SETTLEMENT AGREEMENT

This Agreement for settlement of litigation is made between the parties as set forth below.

A. The Property

The property that is the subject of this agreement is a sandspit located in Marin County, California, known as "Bolinas Sandspit" which is more particularly described in Exhibit "A", a portion of which is known as "Seadrift Sandspit," which is more particularly described in Exhibit "B".<sup>1/</sup> The area of the Seadrift Sandspit which immediately adjoins the Pacific Ocean is referred to herein as the "Seadrift Sandspit Beach."

B. Purposes

The purposes of this Agreement are as follows:

1. To resolve the disputes between the parties about the nature and extent of public right, title and interest in and to the Bolinas Sandspit by reason of the following claims:
  - a. that all or a portion of the Bolinas Sandspit is unpatented public domain land owned by the United States; and
  - b. that the public has no rights, title or interest in all or any portion of the Seadrift Sandspit under the doctrine of implied dedication and/or public prescriptive rights,

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<sup>1/</sup> By generally describing the property at issue, the parties do not intend to create or give up substantive rights that they may have in the subject properties. Any such substantive rights created or given up are specifically set forth in the following sections. The general descriptions in this paragraph are made for ease of reference only.

Approved:

*KJS* *PBS*

ORIGINAL

as claimed in the action known as Kelly et al. v. California Coastal Commission, Marin County Superior Court Case No. 152998 (the "State Action");

2. To resolve the administrative appeal now pending before the California Coastal Commission regarding the grant, by the County of Marin, of a permit for installation of a rock revetment seawall on the Seadrift Sandspit Beach;

3. To assure that future use of the Seadrift Sandspit Beach continues to be limited to low intensity, passive recreational uses; and

4. To assure continued protection of the environmentally sensitive dune and sandy beach areas of the Seadrift Sandspit.

This Agreement is not intended to be utilized as precedent for claims in other disputes unrelated to the Bolinas Sandspit, whether between the current parties or others.

C. Parties

The parties to this agreement, which include the parties to the State Action and the action known as California Coastal Commission, State Lands Commission v. United States Department of the Interior, et al., U.S. District Court No. CIV-S-92-0702 GEB GGH (Eastern District of California), (the "Federal Action") are:

1. The United States of America acting by and through the Department of the Interior ("DOI") and approved as to form by

Approved: 

ORIGINAL

the Office of the United States Attorney, Eastern District of California;<sup>2/</sup>

2. The State of California acting by and through:
  - a. The California Coastal Commission ("CCC"),
  - b. The State Lands Commission ("SLC"), and
  - c. The California Attorney General<sup>3/</sup> ("CAG");
3. The County of Marin<sup>4/</sup> by and through its Board of Supervisors;
4. The Seadrift Association on its own account;
5. The record owners of lots and parcels in the Seadrift subdivisions, Stinson Beach, California, which are more particularly listed and described in Exhibit "C" ("Lot Owners");
6. The title insurance companies appearing in the Federal Action: First American Title Insurance Company, Chicago Title Insurance Company, Ticor Title Insurance Company, Fidelity Title Insurance Company, Transamerica Title Insurance Company, Commonwealth Land Title Insurance Company, and Title Insurance Company of Minnesota ("Title Companies").<sup>5/</sup>

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<sup>2/</sup> The United States is not a party to the State Action and disclaims any interest in that Action.

<sup>3/</sup> The CAG appeared in the administrative proceedings leading to the Federal Action, but is a party neither to the Federal Action nor to the State Action.

<sup>4/</sup> The County of Marin is neither a party to the Federal Action nor to the State Action.

<sup>5/</sup> The Title Companies are not a party to the State action and disclaim any interest in the terms and conditions of this Agreement insofar as they apply to or are made in reference to the State Action. The sole purpose for which the Title Companies

Approved:

*[Signature]* R35

ORIGINAL

D. Effective Date and Final Disposition

This Agreement will become effective when executed by the Lot Owners of at least seventy-five percent (75%) of the Seadrift Sandspit beach-front lots and all of the other parties described in Sub-Paragraphs C. 1, 2, 3, 4 and 6 above, when all documents called for by this Agreement have been duly executed and placed in escrow, and when the escrow officer has duly recorded and delivered said documents in accordance with the escrow instructions (Exhibit "D" hereto).

If this Agreement does not become effective, it shall be null and void. No administrative permits or conveyances contemplated by this Agreement shall be issued unless the Agreement becomes effective. In the event that the Agreement does not become effective, the parties shall resume their positions in the Federal and State Actions as if the Agreement had not existed, and any permits, or conveyances issued shall be null and void. In the event that the Agreement does not become effective, with the exception of information that was of public record, or was otherwise not disclosed or generated as a result of settlement negotiations, nothing said or disclosed in connection with this Agreement may be used for any purpose, either in connection with the State Action or the Federal Action or otherwise; and the Agreement and any drafts, correspondence or

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are parties to this Agreement is that of memorializing their commitment and obligation to undertake those actions set forth herein which are intended to and will result in the final adjudication of the Federal Action, and no other.

Approved:

*[Signature]* *[Signature]*

ORIGINAL

other communications related to it shall be deemed to be an offer to compromise pursuant to Section 1152 of the California Evidence Code.

NOW THEREFORE, based upon the foregoing premises, the parties agree as follows:

1. Escrow

An escrow shall be opened with Old Republic Title Insurance Company, and the escrow officer shall be directed to implement this agreement in accordance with the escrow instructions which are attached as Exhibit "D". When all of the documents described in Exhibits "E", "F", "G", "H", and "J" have been executed and placed in escrow, the escrow officer shall record and/or deliver to the appropriate parties the appropriate documents as set forth in the escrow instructions.

2. Judgments

Upon the deposit in escrow of all documents called for by this Agreement (other than the Judgments referred to in this paragraph), the parties in the State Action shall execute a stipulation and proposed judgment (in the form of Exhibit "E"), and submit it to the state court for approval. The proposed form of judgment shall incorporate the provisions of this Agreement, but shall provide that it shall take effect only in the event that the Federal Action is concluded in accordance with the provisions of this paragraph. Upon approval of the proposed judgment by the state court, the parties to the Federal Action shall execute a stipulation that the State parties will not

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 RBS

ORIGINAL

refile (or will withdraw, as appropriate) their Motion for Summary Judgment and their opposition to the motions of Defendants and Intervenor for Summary Judgment in the Federal Action, and the motions of Defendants and Intervenor for Summary Judgment shall thereupon be submitted to the United States District Court for decision. If the Court grants such motions and enters judgment (substantially in the form of Exhibit "F" hereto), the judgment in the State Action shall thereupon automatically become effective and escrow will close in accordance with Exhibit "D". If the United States District Court fails to enter judgment in accordance with Exhibit "F", this Agreement shall thereupon be null and void as provided above, the judgment in the State Action shall be ineffective, the State parties' Motion for Summary Judgment in the Federal Action may be re-noticed, and both the State Action and the Federal Action shall proceed in due course.

3. Public Easement For Low Intensity  
Recreational Purposes

a. General

The Lot Owners of at least seventy-five per cent (75%) of the Seadrift Sandspit beach-front lots and the Association shall execute and place in escrow a grant of easement more particularly described below and in Exhibit "G" and substantially in the form of Exhibit "G". The easement shall define and limit the nature and extent of public right, title and interest in and to the Seadrift Sandspit Beach above the mean

Approved:

*[Signature]* *[Signature]*



high tide line, provided however, nothing in the easement or this Agreement is intended to expand or diminish any rights, if any, the public may have in the area of the Seadrift Sandspit Beach seaward of the mean high tide line.

b. Easement Area

Except as expressly noted herein, the area of the easement ("easement area") shall extend over the Seadrift Sandspit Beach from the easterly end to the westerly end of the last developable beach-front lot and then continue approximately one-half the distance around the headlands (to a precise point to be determined and marked on the ground).<sup>6/</sup> The width of the easement area is determined as follows:

an area extending along the length of the beach, subject to the public easement end points, which is bounded on the ocean side by the mean high tide line and on the landward side as follows: by the further seaward of (a) a line 60 feet measured perpendicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) a line 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall, and thereafter continuing around the headlands bounded by a line 60 feet measured

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<sup>6/</sup> The point shall be located at the Bolinas channel edge of the presently existing vegetation on an East-West line passing through STA. 1 shown on the Mean Low Water Line on that "Survey of the Ordinary High Water Mark and portion of Mean Low Water Line Bolinas Lagoon Sandspit" recorded August 1, 1949 in Book 2 Records of Surveys at page 144 in the office of the County Recorder of Marin County. A State Lands Commission monument bears east 200± feet along said line.

Approved:

*[Signature]* *[Signature]*

ORIGINAL

perpendicularly from the seaward edge of the presently existing vegetation area of the headlands.<sup>7/</sup>

The public may pass and repass landward of the easement area during such times and in such locations that high water covers the easement area, provided that, the public shall in no event have the right to pass and repass closer than the further seaward of 25 feet from the top vertical centerline of the seawall or the toe of the sand dunes except in time of emergency, and then only in order to leave the beach.

c. Permitted Uses

The easement to be granted is a non-exclusive public easement for low intensity, passive recreation uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment,<sup>8/</sup> audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association

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<sup>7/</sup> The border of the vegetation area of the headlands is an approximate, but somewhat irregular, arc of 180 degrees.

<sup>8/</sup> The restriction on recreational equipment does not apply to fishing gear, surfboards, kayaks and other non-motorized, water-oriented equipment.

Approved:

*ALS* *PLS*

ORIGINAL

and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

d. Time of Use

The easement will not be available for public use during the period from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

e. Burden of Easement

In the event that public use of the easement area substantially increases from the historic use of the easement area, the parties agree that the Seadrift parties or their successors shall thereupon be entitled to limit public use of the easement area to the historic use by filing an appropriate action in a court of competent jurisdiction and proving by a preponderance of the evidence such increased use.

4. Acceptance and Recordation of Easement

The County shall execute and place into escrow an acceptance of the grants of public easement in the form of Exhibit "H". The escrow officer shall be directed to record the grants of easement and their acceptance by the County of Marin upon close of escrow.

5. Compliance

The Seadrift Association and its successors, and the fee title owners of the easement area shall be empowered, but not obligated, to monitor the Seadrift Sandspit Beach for compliance

Approved:

*[Signature]* RBS

ORIGINAL

with these easement provisions. The Marin County Sheriff shall have the authority to enforce the easement provisions. The Marin County Department of Public Works shall post and from time to time maintain signs on the Seadrift Sandspit Beach, in form and style and location acceptable to the Seadrift Association and approved by the appropriate governmental agency, communicating the open hours and conditions of use of the easement in accordance with the provisions of this Agreement, together with "no trespassing" as to private property.<sup>9/</sup> Signs may include language making it clear that use of the easement area shall be at sole risk of the user.

6. Agreement Pursuant to Civil Code § 1009

This Agreement, when effective, shall be deemed to constitute an agreement with a public agency within the meaning of Section 1009(f)(3) of the California Civil Code.

7. Attorneys' Fees and Costs

All parties shall bear their own attorneys' fees and costs.

8. Permit for the Seawall

If approved by the CCC after a public hearing in accordance with applicable procedures, the CCC shall place into

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<sup>9/</sup> One or more forms of signs shall be attached as Exhibit "I" to the settlement agreement which sign or signs shall be prepared and posted by the County within 60 days of the effective date of this Agreement. The signs may be revised from time to time as circumstances may warrant, if agreed to in writing by the CCC, the County of Marin, and the Seadrift Association.

Approved:

*[Handwritten signatures]*

escrow a permit authorizing installation and maintenance of the seawall substantially in the form of Exhibit "J".<sup>10/</sup>

9. Cancellation of Offers of Dedication

Any prior offers of dedication to the public, the State of California, or to the County of Marin relating to any part of the Seadrift Sandspit Beach, which offers have not been accepted as of the date this Agreement is effective, shall be deemed extinguished and of no further force or effect. The parties hereby agree to deliver appropriate instructions and any other appropriate documents to the escrow officer in order to accomplish such cancellation. If legally permissible, and in consideration of the Seadrift parties' execution of this Agreement, offers of dedication of public easements on the beach which have previously been accepted will be abandoned and/or reconveyed to the fee title owner as soon as practicable.

10. Agreement to Refrain From Making Other Claims

The parties agree that none of the parties shall in any manner challenge this Agreement nor file or make, or assist or encourage any third party to file or make, any claim or demand in any proceeding, before any public or private entity or agency, including, but not limited to, any court of law or equity,

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<sup>10/</sup> In the event that there is in the future a foreclosure with respect to any Lot which is subject to the easement (Exhibit "G"), the easement shall not be abrogated because it is a condition of the permit for the seawall. The easement shall be binding on all successors in interest, including purchasers at foreclosure sales. Any successor in interest who successfully contests the easement shall not have the benefits of Sections 6, 8, 9, 10 and 11 of this Agreement.

Approved:

*KLS* *ROS*

ORIGINAL

seeking to: impose any condition or requirement that would allow pedestrian, equestrian or vehicular use by members of the public over the internal roads of the Seadrift Sandspit, except in cases of emergencies; provide access by members of the public to any part of the Seadrift Lagoon, or to those portions of the Seadrift Sandspit comprised, as of the effective date hereof, of filled lands, or (other than as specifically provided in this Agreement) to any other part of the Seadrift Sandspit located above the mean high tide line; authorize any increase or change from those agreed to in this Agreement in the permitted uses by the public on the Seadrift Sandspit Beach; or establish that a public prescriptive easement or implied dedication has ever been created or established through adverse possession, adverse use, or otherwise, over all or any portion of the Seadrift Sandspit. So long as the Seadrift subdivisions continue to be substantially used for residential purposes in the form of single family residences, so that the kind and intensity of uses are not substantially changed,<sup>11/</sup> the CCC, SLC and the County of Marin agree that none of them will impose in any permit for improvements to the Seadrift Sandspit any condition which requires greater public access to the Seadrift Sandspit than

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<sup>11/</sup> It is understood and agreed that there are a substantial number of buildable lots remaining within the Seadrift subdivisions. Construction of single family residences on those lots, and remodeling or replacement of single family residences on the lots which presently have such structures, shall not be deemed to constitute a change in "kind and intensity of uses" as such term is used in this Agreement.

Approved:

*[Signature]* *[Signature]*

ORIGINAL

required by this Agreement. Neither the CCC nor the SLC will participate in establishing public transportation facilities or vehicle parking which are designed or intended to increase public use of the Seadrift Sandspit Beach. The parties further agree that, in the event that any agency commences eminent domain proceedings for any portion of the Seadrift Sandspit, the property affected by the condemnation shall be valued as if it were not burdened by the easement established by this Agreement. The State parties agree to use all efforts reasonably within their respective jurisdictions to assure that the channel from the Pacific Ocean into the Bolinas Lagoon remains open, provided that, they do not hereby agree to expend any public funds for the dredging of said channel. Notwithstanding anything in this Paragraph to the contrary, the State Parties reserve the right to assert public prescriptive rights and implied dedication claims over those Seadrift Sandspit beach-front lots whose owners have not conveyed an easement pursuant to paragraph 3 hereof.

11. Enforcement of the Agreement

The state judgment which is to be entered pursuant to this Agreement shall contain a provision providing that the state court shall retain jurisdiction for the purpose of enforcing the terms of this Agreement, provided that, the state court shall have no jurisdiction over the terms or the effect of the judgment in the Federal Action. The parties agree, and the state judgment shall so provide, that the breach by any party of any of the terms and provisions set forth in this Agreement shall be deemed

Approved:

*ALL* *pbs*

to cause irreparable injury to the party seeking enforcement of such terms and provisions, and the parties further agree that no bond or undertaking shall be required in connection with the entry of an order by the court requiring any party to comply with the terms and provisions hereof.

12. Recitals to be Incorporated

The Recitals to this Agreement are incorporated herein by this reference and shall be deemed an integral part of this Agreement.

13. Additional Parties

Additional Lot Owners or others having an interest in the Seadrift Sandspit may become parties to this Agreement by executing a conformed copy of this agreement, provided that, the right of Lot Owners or others under paragraph 14 hereof to become parties to this Agreement shall expire 90 years from the effective date of this Agreement.

14. Lot Owners Not Having Benefits of this Agreement

Any Lot Owner who owns a beach-front lot or lots who has not executed this Agreement and conveyed an easement in accordance with paragraph 3 hereof within one year from the effective date hereof shall be deemed to have waived and relinquished any right and entitlement to the benefits of Sections 6, 8, 9, 10 and 11 of this Agreement, provided that, new purchasers of any such lots shall have one year from the date of purchase to execute this Agreement and such new purchasers shall

Approved:

*KLS* *RB*



**ORIGINAL**

thereupon be entitled to the full benefits of all of the terms and provisions of this Agreement.

15. Counterparts

This Agreement may be executed in counterparts, each one of which shall be deemed an original hereof.

DATED: 8/8/94

UNITED STATES DEPARTMENT  
OF THE INTERIOR

By: Ed Harting  
Title: STATE DIRECTOR, BLM California

DATED: 2/12/94

Approved as to form by:  
OFFICE OF THE U.S. ATTORNEY,  
EASTERN DISTRICT OF CALIFORNIA

By: [Signature]  
Title: \_\_\_\_\_

DATED: \_\_\_\_\_

CALIFORNIA COASTAL COMMISSION

By: \_\_\_\_\_  
Title: \_\_\_\_\_

DATED: \_\_\_\_\_

STATE LANDS COMMISSION

By: \_\_\_\_\_  
Title: \_\_\_\_\_

DATED: \_\_\_\_\_

CALIFORNIA ATTORNEY GENERAL

By: \_\_\_\_\_  
Title: \_\_\_\_\_

ORIGINAL

thereupon be entitled to the full benefits of all of the terms and provisions of this Agreement.

15. Counterparts

This Agreement may be executed in counterparts, each one of which shall be deemed an original hereof.

DATED: \_\_\_\_\_

UNITED STATES DEPARTMENT  
OF THE INTERIOR

By: \_\_\_\_\_  
Title: \_\_\_\_\_

DATED: \_\_\_\_\_

Approved as to form by:  
OFFICE OF THE U.S. ATTORNEY,  
EASTERN DISTRICT OF CALIFORNIA

By: \_\_\_\_\_  
Title: \_\_\_\_\_

DATED: 8/5/94

CALIFORNIA COASTAL COMMISSION

By: Peter Douglas  
Title: Executive Director

DATED: \_\_\_\_\_

STATE LANDS COMMISSION

By: \_\_\_\_\_  
Title: \_\_\_\_\_

DATED: \_\_\_\_\_

CALIFORNIA ATTORNEY GENERAL

By: \_\_\_\_\_  
Title: \_\_\_\_\_

**ORIGINAL**

RECORDING REQUESTED BY

California Coastal Commission  
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name California Coastal Commission  
Attention Legal Dept.  
Street 45 Fremont Street, Suite 2000  
City & State San Francisco, CA 94105-2219

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**GRANT OF EASEMENT**

The undersigned, Seadrift Association, a California non-profit corporation, owner of Parcel 2 and a portion of Parcel 3, Parcel Map, Lands of William Kent Estate Co., filed March 11, 1968 in Book 2 of Parcel Maps at Page 62, Marin County Records, hereby grants to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Parcels for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the owner.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over the seaward or westerly portion of said Parcels 2 and 3 and is bounded on the west or seaward side by the mean high tide line and on the landward side by a line extending

Approved  


ORIGINAL

along the length of the seaward or westerly portion of said Parcels 2 and 3 which line is located 60 feet from and parallel with the seaward or westerly edge of the presently existing vegetation area of said Parcels 2 and 3.

The easement extends from the easterly boundary line of said Parcel 2 to an East-West line passing through STA. 1 shown as on the Mean Low Water Line on that "Survey of the Ordinary High Water Mark and portion of Mean Low Water Line Bolinas Lagoon Sandspit" recorded August 1, 1949 in Book 2 Records of Surveys at page 144 in the office of the County Recorder of Marin County.

DATED:

GRANTOR

SEADRIFT ASSOCIATION, A  
California non-profit  
Corporation

By: \_\_\_\_\_

Its: \_\_\_\_\_

STATE OF CALIFORNIA       )  
                                  ) ss.  
COUNTY OF MARIN        )

On \_\_\_\_\_ before

me, \_\_\_\_\_,  
personally appeared

\_\_\_\_\_  
\_\_\_\_\_  
personally known to me or proved to  
me on the basis of satisfactory evi-  
dence to be the person(s) whose  
name(s) is/are subscribed to the  
within instrument and acknowledged to  
me that he/she/they executed same in  
his/her/their authorized capacity(ies),  
and that by his/her/ their signa-  
ture(s) on the instrument the person(s),  
or the entity upon behalf of which the  
person(s) acted, executed the instrument.  
WITNESS my hand and official seal.

(This area for official notarial seal.)

Signature \_\_\_\_\_

Approved:

*[Handwritten signature]*

RESOLUTION NO. 94-198

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY  
OF MARIN ACCEPTING GRANT OF EASEMENT OVER REAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES  
HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement dated March 16, 1994,  
certain easements for low-intensity recreational purposes have  
been offered to the County; and

WHEREAS, Government Code Section 27281 requires that  
the County indicate its acceptance of said easements prior to  
their recordation; and

WHEREAS, this Board believes that acceptance of said  
easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Grant of  
Easement, to which this Resolution is attached, over that certain  
property described in said Grant and for the purposes set forth  
therein be and the same is hereby accepted, and the County of  
Marin consents to the recordation of said Grant of Easement.

PASSED AND ADOPTED at a regular meeting of the Board of  
Supervisors of the County of Marin held this 13th day of  
September, 1994, by the following vote:

AYES: SUPERVISORS Annette Rose, Harold C. Brown, Jr., Gary Giacomini

NOES: None

ABSENT: SUPERVISORS Bob Romiguere, Brady Bevis

  
CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: 

Deputy CLERK

RECORDING REQUESTED BY

94-069830

California Coastal Commission  
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name California Coastal Commission  
Attention Legal Dept.  
Street 45 Fremont Street, Suite 2000  
City & State San Francisco, CA 94105-2219

---

**GRANT OF EASEMENT**

The undersigned owner(s) of Lot 5, as shown on that certain map entitled "Map of Seadrift subdivision No. One, Marin County, California," filed November 10, 1949, in Map Book 6, Page 92, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

**1. Permitted Uses**

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

**2. Time of Use**

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

**3. Easement Area**

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpen-

dicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:

July 21, 1994

GRANTORS

ROBERT A. MILLS and ROBERT A. SCHLESINGER, Trustees of the EDNAH ROOT REVOCABLE TRUST dated January 9, 1987

BY:

Robert A. Mills, Trustee

ROBERT A. MILLS, Trustee

Robert A. Schlesinger  
ROBERT A. SCHLESINGER, Trustee

STATE OF CALIFORNIA )  
COUNTY OF MARIN ) ss.  
)

On July 21, 1994 before

me, Shirlyn J. S. Kim,  
personally appeared

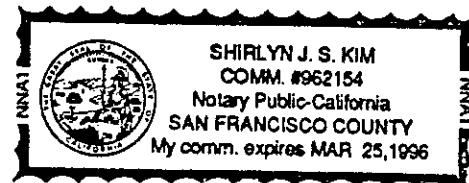
Robert A. Mills

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed same in his/her/their authorized capacity(ies), and that by his/her/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

(This area for official notarial seal.)

WITNESS my hand and official seal.

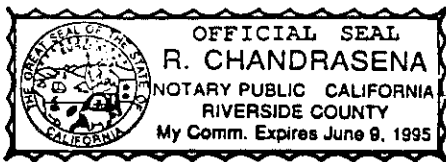
Signature Shirlyn J. S. Kim



STATE OF CALIFORNIA                    )  
  ) ss.  
COUNTY OF RIVERSIDE                )

On July 29, 1994 before me, Rochelle Chandrasena, a Notary Public, personally appeared ROBERT A. SCHLESINGER personally known to me

- OR - \_\_\_ proved to me on the basis of satisfactory evidence to be the person(s) whose name is/are subscribed to the within instrument and acknowledged to me that he/~~she~~/they executed the same in his/~~her~~/their authorized capacity(ies) and that by his/~~her~~/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

R. Chandrasena  
Signature of Notary Public

OPTIONAL SECTION

CAPACITY CLAIMED BY SIGNER

\_\_\_ Individual  
\_\_\_ Corporate Officer(s)  
\_\_\_\_\_  
(Title)  
\_\_\_ Partner(s)   \_\_\_ Limited  
                  \_\_\_ General  
\_\_\_ Attorney-in-Fact  
\_\_\_ Trustee(s)  
\_\_\_ Guardian/Conservator  
\_\_\_ Other \_\_\_\_\_

Title of Type of Document \_\_\_\_\_  
Number of Pages \_\_\_\_\_ Date of Document \_\_\_\_\_  
Signer(s) other Than Named Above \_\_\_\_\_



ORIGINAL

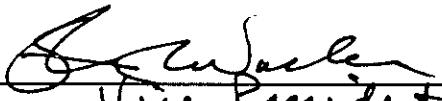
DATED: \_\_\_\_\_

COMMONWEALTH LAND TITLE  
INSURANCE COMPANY

By: \_\_\_\_\_  
Title: \_\_\_\_\_

DATED: 6-15-94

TITLE INSURANCE COMPANY OF  
MINNESOTA

By:   
Title: Vice President

KRS 705

SEADRIFT PROPERTY OWNERS

PRINT NAME

SIGNATURE

DATE \_\_\_\_\_

JAMES C. ALLEN

NANCY P. ALLEN

7/25/94

7/23/94

ORIGINAL

NOTE RE EXHIBIT "C"

THE LIST OF SEADRIFT PROPERTY OWNERS, EXHIBIT "C", SHALL BE REVISED SO AS TO PROVIDE AN ACCURATE LIST OF THE FEE TITLE OWNERS OF EACH PARCEL AND LOT WITHIN THE SEADRIFT SPIT AS OF THE DATE OF CLOSE OF ESCROW. ANY NECESSARY AMENDMENTS TO THE ATTACHED LIST, EXHIBIT "C", SHALL BE MADE ACCORDINGLY AT THAT TIME WITHOUT FURTHER APPROVAL BEING REQUIRED BY ANY PARTY OTHER THAN BY THE ATTORNEYS WHO HAVE EXECUTED THE ESCROW INSTRUCTIONS (EXHIBIT "D" TO THIS AGREEMENT).

EXHIBIT "C"

KES P85

# Seadrift Property Owners

#	Lot #	Sub #	Property Owner(s)	Recorded Easement Instrument Number
1	L 190	SL 2	DENNY ABRAMS	
2	O 053	S 2	JAMES C. ALLEN and NANCY P. ALLEN (See also 63)	94-070896
3	O 048	S 1	THOMAS S. ADAMS and SALLY C. ADAMS, as Trustees of the THOMAS S. AND SALLY C. ADAMS REVOCABLE TRUST dated January 5, 1990	94-069865
4	L 153	SL 2	HAROLD ALSTROM	
5	L 015	SL 1	CLARENCE O. AMONETTE, JR. and MARY J. AMONETTE, Trustees of the AMONETTE REVOCABLE TRUST w/a dated May 18, 1987	
6	O 103	S 2	FREDERICK E. ANDERSON, JR. and PATRICIA D. ANDERSON	94-069909
7	O 112	S 2	JOSEPH ARRIGHI and PATRICIA ARRIGHI	
8	O 051	S 1	PETER R. ARRIGONI and PATRICIA A. ARRIGONI	
9	L 078	SL 1	JOSEPHINE BADALAMENTI	
10	L 067	SL 1	JOHN T. BADHAM, JR.	
11	O 049	S 1	JAMES M. BARRINGTON, Trustee of the 1987 BARRINGTON FAMILY TRUST under the provisions of a Trust Agreement dated June 15, 1987	94-069866
12	L 066	SL 1	PETER A. BARRY and JANICE D. BARRY	
13	L 023	SL 1	THOMAS J. BAUCH and ELLEN BAUCH	
13-A	O 079	S 2	THOMAS J. BAUCH and ELLEN BAUCH	
14	L 019	SL 1	CAROLYN M. BAULSIER	
15	L 070	SL 1	RONNY BAXTER	
16	BL 129	S 3	GARY RIFKIND and JOYCE RIFKIND, ANTHONY COMPAGNO & BEVERLY COMPAGNO; MONARCH BANK CUST. FBO DOMINIC POMILIA #60764901; MONARCH BANK CUSTODIAN FBO SUSAN WEBER POMILIA #60765001; GERALD PIRO CUST. for MARC PIRO; and JAMES PLESSAS INC., PENSION & PROFIT SHARING TRUST	
17	O 096	S 2	NANCY HELLMAN BECHTLE and JOACHIM BECHTLE, Co-Trustees of the BECHTLE REVOCABLE TRUST dated October 18, 1991	94-069903
18	L 158	SL 2	LYNNE A. JONES and ROBERT J. BEGLEY Trustee of the JONES and BEGLEY FAMILY LIVING TRUST (1994), dated May 16, 1994 or Successor Trustee(s)	
19	L 062 Ely 1/2 61	SL 1	WILLIAM J. BELARDI and PATRICIA BELARDI, in trust, as Co-Trustees of the "BELARDI FAMILY 1993 TRUST", dated June 26, 1993	
20	O 008	S 1	BARBARA C. H. BELLAMY, Trustee of the declaration of Trust dated January 23, 1990, DOUGLAS L. HAMILTON, CINDY H. HARDY, H. KIMBALL HAMILTON and WILLIAM L. HAMILTON	94-079426
21	O 080	S 2	SUSAN BENTLY	94-069890
21-A	L 022	SL 2	SUSAN BENTLY	
22	L 059	S 1	ROBERT H. BERRY and JOANE H. BERRY, Trustees OF THE BERRY LIVING TRUST dated May 15, 1992	
23	O 001	PM HENDRICKS	INICE J. BEVERLY and KEITH J. BEVERLY	94-069926
24	L 173	SL R	PAUL A. BISSINGER, JR. and KATHLEEN B. BISSINGER, husband and wife, as Trustees of the PAUL AND KATHLEEN BISSINGER REVOCABLE TRUST dated September 30, 1987	
25	O 088	S 2	W. DOUGLASS SMITH and SANDRA S. MOSBACHAR	94-073026
26	BL 133	S 3	DIANNE FEINSTEIN, Trustee under Declaration of Trust dated June 2, 1978, and RICHARD BLUM	
27	L 003	SL 1	ROGER BOAS and NANCY BOAS, JOHN ROGER BOAS, JR., CHRISTOPHER B. BOAS, ANTHONY L. BOAS, LUCY ANNE BOAS	
27-A	O 099	S 2	ROGER BOAS, NANCY BOAS	94-069905
28	L 197	SL 2	GREGORY BONFILIO and CAROLE L. BRILL	

29	L	201	SL	R	PAULINE H. SECOR and FREDERICK H. BORDEN and DEL. S. BORDEN	
30	O	093	S	2	MARILYN M. BOSWELL, Trustee U/T/A dated April 20, 1990	94-069900
31	L	009	SL	1	JAMIE J. BOSWELL	
		025	SL	1	ELIAS H. BOTVINICK and CARROLL L. BOTVINICK	
33	L	016	SL	1	BARBARA BOUCKE, as Trustee or the successor Trustee or Trustees, U/A/D November 15, 1990, as amended creating the BARBARA BOUCKE SEPARATE PROPERTY TRUST	
33-A	L	017	SL	1	BARBARA BOUCKE also knows as BARBARA BOUCKE RICE, a married woman as her sole and separate property	
34	O	101	S	2	JOHN G. BOWES, FRANCES F. BOWES	94-069907
35	O	095	S	2	WILLIAM K. BOWES, JR., UTE C. BOWES	94-069902
35-A	L	007	SL	1	WILLIAM K. BOWES, JR., UTE C. BOWES	
36	O	116	S	2	GILBERT C. POWERS, Trustee of the Testamentary Trust under the terms of the Will of CHARLES R. BOWMAN, aka, CHUCK BOWMAN, Deceased, as established by Decree of Distribution filed November 1, 1993 in Case Number 36886 Probate, Superior Court of California, County of Marin	94-069920
37	O	078	S	2	JEAN H. BRIGGS, Trustee of the BRIGGS RESIDENCE TRUST U/A/D July 29, 1993, and Successor Trustees thereunder	94-069889
37-A	L	024	SL	1	JEAN H. BRIGGS, Trustee of the JEAN H. BRIGGS REVOCABLE TRUST dated July 15, 1993, and Successor Trustees thereunder	
38	L	082	SL	1	JANE MC ANDREW BROWN	
39	L	128	SL	2	DAWNA PRESNELL	
40	BL	143	S	3	WILLIAM N. BUCKLIN, III, LINDA HALE BUCKLIN	
41	L 1/2 lot	060	SL	1	MAYNARD GARRISON, JR. and MARY SPALDING GARRISON (See also 103)	
42	L	094	SL	1	LOLA G. BUSH	
42-A	L	093	SL	1	LOLA G. BUSH	
	L	055	SL	1	LEWIS H. BUTLER, SHEANA W. BUTLER	
43-A		047	S	1	LEWIS H. BUTLER, SHEANA W. BUTLER	94-069864
44		032	S	1	DAVID WEINSTEIN and DENISE WEINSTEIN (See also 180)	94-069852
45	L	032	SL	1	JOHN E. CAHILL, JR., GERALD K. CAHILL, EDWARD L. CAHILL (See also 46)	
46	L	032	SL	1	JOHN E. CAHILL, JR., GERALD K. CAHILL, EDWARD L. CAHILL (See also 45)	
46-A	O	070	S	2	JOHN E. CAHILL, JR., GERALD K. CAHILL, EDWARD L. CAHILL	94-069883
47	L	149	SL	2	SHARON CALL	
48	O	113	S	2	SHERWOOD B. STOCKWELL and MARY C. STOCKWELL, Trustees of the SHERWOOD B. STOCKWELL and MARY C. STOCKWELL Living Trust Agreement dated March 6, 1992	94-069917
49	L	058	SL	1	CHARLES HUGH CARRUTHERS and MARJORIE S. CARRUTHERS, as Trustees of the CHARLES HUGH CARRUTHERS and MARJORIE S. CARRUTHERS Trust Under Declaration of Trust dated June 28, 1991	
50	L	118	SL	R	REVELS M. CAYTON and MIYE T. CAYTON	
51	O	107	S	2	LILLIAN M. CECIL, Trustee of the LILLIAN CECIL TRUST	94-069913
52	L	002	SL	1	CLAUDIA B. CHAPLINE, Trustee of the CLAUDIA B. CHAPLINE Declaration of Trust dated May 9, 1989	
53	O	017	S	1	BRYAN CHAPMAN and GENEVIEVE H. CHAPMAN, as Trustors and as Trustees of the BRYAN CHAPMAN and GENEVIEVE H. CHAPMAN TRUST under Agreement dated October 10, 1984	94-069840
54	L	013	SL	1	CAROLEE HOBBS CHARLTON	
55	O	021	S	1	ROBERT W. CHEATHAM and KAY C. CHEATHAM as Trustees	94-069844
55-A	L	083	SL	1	LAGOON PARTNERS, A GENERAL PARTNERSHIP	

56	L	203	SL	2	Estate of SHERMAN CHICKERING, deceased and JEAN R. CHICKERING; N.R. CHICKERING, Trustee, NICHOLAS R. CHICKERING REVOCABLE LIVING TRUST dated 12/1/88; A. LAWRENCE CHICKERING III; NANCY C. RHODA; SHERMAN CHICKERING, Trustee, 1987 ANNUAL EXCLUSION TRUST FOR CHRISTOPHER HALL CHICKERING dated 12/17/87; SHERMAN CHICKERING, Trustee, 1987 ANNUAL EXCLUSION TRUST FOR MEREDITH C. RHODA dated 12/17/87; SHERMAN CHICKERING, Trustee, 1987 ANNUAL EXCLUSION TRUST FOR NICHOLAS M. RHODA dated 12/1/87; N.R. CHICKERING, Trustee, NICHOLAS R. CHICKERING, Revocable Living Trust dated 12/1/88; N.R. CHICKERING, and A.L. CHICKERING III, Trustees, 1987 Annual Exclusion Trust for CHRISTOPHER HALL CHICKERING, dated 12/17/87; N.R. CHICKERING and A.L. CHICKERING, III, Trustees, 1987 Annual Exclusion Trust for MEREDITH C. RHODA, dated 12/17/87; N.R. CHICKERING, and A.L. CHICKERING III, 1987 Annual Exclusion Trust for NICHOLAS R. CHICKERING, dated 12/17/87	
57	L	028	SL	1	DENNIS G. CIOCCA. MARY F. CIOCCA	
57-A	L	029	SL	1	ALAMEDA MEDICAL GROUP TTEE FBO BILL LONGWELL, ALAMEDA MEDICAL GROUP TTEE ROBERT N. BOOTH, ALAMEDA MEDICAL GROUP TTEE FBO JAMES GRUMAN	
58	O	097	S	2	CLAIRE B. CLARK; CATHERINE W. PICKERING; CHRISTOPHER C. WILES; JOHN M. WILES; CLAIRE B. CLARK as Trustee of the CLAIRE B. CLARK REVOCABLE TRUST dated 5/22/92	94-070899
58-A	L	044	SL	1	CLAIRE B. CLARK; CATHERINE W. PICKERING; CHRISTOPHER C. WILES; JOHN M. WILES; CLAIRE B. CLARK as Trustee of the CLAIRE B. CLARK REVOCABLE TRUST dated 5/22/92	
59	O	001	RS S I I	14	MARY ANN COBB	
60	O	118	S	2	ROBERT M. COLE and VIRGINIA L. COLE, Trustees under Agreement dated December 30, 1988	94-069922
61	L	172	SL	2	FRANCIS COLLINS and CATHERINE COLLINS	
62	L	106	SL	R	RICHARD J. CARCIONE, or SUCCESSORS IN TRUST, as TRUSTEES OF THE RICHARD J. CARCIONE REVOCABLE TRUST dated September 18, 1991, ALBERT R. COMPAGLLA and DONNA E. COMPAGLLA	
63	O	053	S	2	TOM L. COOK and PATRICIA M. COOK (see also 2)	94-070897
64	O	054	S	2	HAROLD W. COOKSON, JR. and HAROLD W. COOKSON JR. as Trustee of a separate property Trust Agreement dated December 12, 1967; SUSAN KENNEDY COOKSON FESUS; KATHERINE SINNOTT COOKSON SKINNER	
64-A	L	048	SL	1	HAROLD W. COOKSON, JR. and HAROLD W. COOKSON JR. as Trustee of a separate property Trust Agreement dated December 12, 1967; SUSAN KENNEDY COOKSON FESUS; KATHERINE SINNOTT COOKSON SKINNER	
65	O	102	S	2	PHILIP A. CRANE, JR. and ROSEMARY PRATT CRANE, Trustees (and any Successor Trustee) of the "PHILIP A. CRANE, JR. and ROSEMARY PRATT CRANE DECLARATION OF TRUST", dated January 3, 1992	94-069908
66	L	159	S	2	EDWARD A. CUTTER, Trustee of the EDWARD A. CUTTER 1973 TRUST AGREEMENT	
67	L	047	SL	1	ROBERT P. DANIELSON and ANNE KENT DANIELSON as Trustees Under the ROBERT P. and ANNE K. DANIELSON TRUST dated March 21, 1988	
68	L	004	SL	1	THOMAS L. DAVIS and MARDEN N. PLANT	
69	L	069	SL	1	WILFRED A. DE COOK and BOBBYE J. CULLEN	
70	L	125	SL	R	ANDREW DELFINO, Trustee of the DELFINO 1993 TRUST dated June 17, 1993	
71	L	179	SL	2	PAUL A. DILLMAN and FRANCESCA A. DILLMAN	
72	O	115	S	2	JOHN BEVERLY JONES, II, THEODORE A. GRIFFINGER, JR. and MICHAEL S. MONTEITH, as Trustees of JONES DIPSEA TRUST dated December 25, 1976	94-069919
72-A	O	114	S	2	JOHN BEVERLY JONES, II, THEODORE A. GRIFFINGER, JR. and MICHAEL S. MONTEITH, as Trustees of JONES DIPSEA TRUST dated December 25, 1976	94-069918
73	L	034	SL	1	JOSEPH F. DONOHUE, JANE H. DONOHUE	
74	O	009	S	1	JOHN DOUGHTY and WENDY DOUGHTY, Co-Trustees of the JOHN DOUGHTY and WENDY DOUGHTY TRUST dated January 8, 1988	94-069832
75	O	042	S	1	MILLARD S. DREXLER and PEGGY F. DREXLER	94-069859
76	L	115	SL	R	MICHAEL DRIVER and KAREN DRIVER, Co-Trustees of the MICHAEL and KAREN DRIVER FAMILY TRUST w/d/t dated April 11, 1991; f/b/o the MICHAEL and KAREN DRIVER FAMILY	
77	L	087	SL	1	RICHARD B. WARD and ELIZABETH A. LEVY	
78	L	104	SL	R	BRUCE DUNLAP, SUSAN P. DUNLAP	
79	L	160	SL	2	PARKER DUSSEAU and NANCY S. DUSSEAU	
80	L	188	SL	2	CHARLES H. DUTKIN and CYNTHIA WHITSELL DUTKIN, Trustees of the WHITSELL/DUTKIN FAMILY TRUST AGREEMENT dated January 24, 1991	

81	O	010	S	1	RONYA A. EHRLICH, or her successors in trust, not individually but as trustee under the provisions of a declaration of trust known as the "RONYA A. EHRLICH REVOCABLE TRUST dated June 22, 1989, as amended	94-069833
82	L	201	S	2	PAULINE H. SECOR, FREDERICK H. BORDEN and DELANIE S. BORDEN	
	O	108	S	2	WILLIAM G. ELLIOTT, JR. and ROSE E. ELLIOTT, WILLIAM G. ELLIOTT, III, STEPHEN R. ELLIOTT, MICHELE T. (ELLIOTT) PEDERSEN	94-073658
84	L	170	SL	2	GEORGE R. ELWELL, THERESE L. ELWELL	
85	O	038	S	1	FIRST AMERICAN TITLE COMPANY OF MARIN, a California corporation	
85-A	O	040	S	1	MARIE V. ERTOLA and CHADWICK C. ERTOLA, as Trustees of the Testamentary Trust of CHARLES A. ERTOLA, deceased	
86	L	075	SL	1	JOHN A. ERTOLA, SHIRLEY ERTOLA, Vendees, DEPARTMENT OF VETERAN'S AFFAIRS OF THE STATE OF CALIFORNIA, Vendor (Contract #270199)	
87	L	119	SL	2	JACK EDWARD FALVEY and PATRICIA RUSSELL FALVEY, Trustees U/A dated 1/31/88	
88	L	199	SL	2	VIRGINIA CLAYTON AND WILLIAM C. FELCH, JR	
89	L	196	SL	2	ALLEN P. FIELDS and SELMA M. FIELDS	
90	L	107	SL	R	JOSEPH A. FITZPATRICK and PHYLLIS A. FITZPARTICK	
91	O	075	S	2	JOSEPH H. FLAHAVEN, MARY J. FLAHAVEN	94-069887
92	L	085	SL	1	BERNELL V. FLATH, Trustee of the BERNELL V. FLATH REVOCABLE TRUST created by Declaration of Trust dated September 7, 1988	
93	L	165	PM JENCKS	8	JON H. FRANCIS and SANDRA THOMAS FRANCIS	
94	O	019	S	1	KENNETH FRANKEL	94-069842
95	L	137	SL	R	ARTHUR FRASCO AND CAROLYNE B. FRASCO, Husband and Wife as Community Property and ALEXANDER FRASCO and ANN MARIE FRASCO, Husband and Wife as Community Property	
96	L	014	SL	1	MILLER FREEMAN, III and LINDA D. FREEMAN	
	BL	132	S	3	EDWARD C. FRENCH	
98	L	122	SL	R	JONATHAN M. FREUDMAN, JOAN B. COLLINS	
99	L	184	SL	2	EDWIN J. GALLAGHER and PATRICIA J. GALLAGHER, MARY GALLAGHER MC GLYNN, PATRICIA ANNE HELLER, FRANK C. GALLAGHER, EDWIN J. GALLAGHER, JR., JAMES J. GALLAGHER	
100	O (O-B)	002	PM Hendricks	10	LINDA GALLANTER	94-069927
101	L	144	SL	2	RICHARD F. GAMBLE, JOAN R. GAMBLE	
102	O	012	S	1	ANNA GARDNER and RICHARD E. GARDNER, Trustees of the ANNA and RICHARD E. GARDNER REVOCABLE TRUST	94-069835
103	L 1/2 lot	060	SL	1	MAYNARD GARRISON, JR., and MARY SPALDING GARRISON (See also 41)	
104	L	098	SL	1	RICHARD J. ONGARO and DIANE L. ONGARO, LINDA L. GHILOTTI (see also 194)	
105	L	086	SL	1	SUSAN P. GLANDER	
106	O	004	S	1	IDA L. GLASS aka IDA LOU GLASS, an unmarried woman	94-069829
106-A	L	138	SL	2	IDA L. GLASS aka IDA LOU GLASS, an unmarried woman	
107	L	189	SL	2	WILLIAM M. GOODMAN and VICTORIA C. BELCO, as Trustees of the GOODMAN FAMILY LIVING TRUST	
108	O	035	S	1	MARGARET W. GRAHAM, as Trustee of the Trust Created Under Paragraph SIXTH of The Will of CLARK B. GRAHAM, deceased	94-069854
109	L	146	20 PM 97 19		JAMES E. GRANT and NANCY P. GRANT, Trustees of the GRANT FAMILY TRUST, ANTHONY LEIGH GRANT, DEVIN ALEXANDER GRANT	
110	O	037	S	1	JOHN JOSEPH GRAY and FRANCES FAIRCLOTH GRAY, husband and wife	94-069856
111	L	065	SL	1	LAWRENCE E. GREEN and GERALDINE G. GREEN	
112	O	100	S	2	RICHARD B. HAM and LOUISE B. HAM as Trustee of the 1994 HAM FAMILY TRUST	94-069906
113	L	056	SL	2	The WILLIAM WINFRED HARKNESS and SHIRLEY STETSON HARKNESS TRUST	

114	L	057	SL	1	HARLAN WILLIAM HARKNESS and VIRGINIA EDITH HARKNESS, RICHARD STETSON HARKNESS	
115	O	077	S	2	ANTOINETTE HARLEY; DIANE HARLEY RICHTER; KIM ANTOINETTE HARLEY SEEFELD; CHRISTOPHER LUKE HARLEY; CHRISTOPHER LUKE HARLEY (or his Successor in Trust), as Trustee of the MALCOLM MARK HARLEY IRREVOCABLE TRUST dated February 16, 1993	
116	L	049	SL	1	ARTHUR S. HARRIS and EVELYN L. HARRIS, as Trustees of the ARTHUR S. and EVELYN L. HARRIS TRUST, created by Declaration of Trust made on March 10, 1992	
117	BL	128	S	3	MARIA S. HARTMAN and GEORGE F. HARTMAN, Co-Trustees, MARIA and GEORGE HARTMAN REVOCABLE TRUST, dated December 18, 1985	
118	L	076	SL	1	GEORGE T. HASLER and JOANNE F. HASLER, Trustees U.D.T. dated April 25, 1985	
118-A	L	077	SL	1	GEORGE T. HASLER, JR.	
119	BL	138	S	3	ELIZABETH HAZARD and GEOFFREY C. HAZARD, JR., as Trustees of the ELIZABETH HAZARD REVOCABLE TRUST INDENTURE, dated February 21, 1989	
120	L	130	SL	2	JAMES R. HELDMAN, CHRISTINE M. HELDMAN	
121	O	121	S	2	PATRICIA CHRISTINA HELLMAN, as Trustee, or the successor Trustee of the PATRICIA CHRISTINA HELLMAN QUALIFIED PERSONAL RESIDENCE TRUST	
122	O	041	S	1	CECILIA H. HERBERT and JAMES H. HERBERT, II	94-069858
123	BL	134	S	3	JOHN S. HERRINGTON, LOIS H. HERRINGTON	
124	L	182	SL	2	BETTY C. HEWLETT, as Trustee of the BETTY C. HEWLETT TRUST	
125	O	013	S	1	IRA MICHAEL HEYMAN and THERESE THAU HEYMAN, as Trustees of the IRA MICHAEL and THERESE HEYMAN FAMILY TRUST established by Declaration of Trust dated January 7, 1983	94-069836
126	L	054	SL	1	HENRY GAYLORD DILLINGHAM and NICOLE A. DILLINGHAM	
127	L	166	SL	2	DAGGETT H. HOWARD, JR. and SARA G. HOWARD, ANTHONY J. SIMPSON and WENDY W. SIMPSON	
128	L	195	SL	2	JEFFREY M. HOWSON, ANNE K. HOWSON	
129	L	031	SL	1	WILLIAM L. HUDSON, NANCY R. HUDSON	
130	L	110	SL	R	BARBARA M. HUNT, Trustee Under The HUNT DECLARATION OF TRUST dated May 5, 1993	
131	O	015	S	1	JOHN C. HUTCHINSON and BEVERLY F. HUTCHINSON as initial Trustees of the JOHN C. & BEVERLY F. HUTCHINSON REVOCABLE LIVING TRUST of June 22, 1993	94-069838
131-A	L	090	SL	1	JOHN C. HUTCHINSON and BEVERLY F. HUTCHINSON as initial Trustees of the JOHN C. & BEVERLY F. HUTCHINSON REVOCABLE LIVING TRUST of June 22, 1993	
132	L	155	SL	2	NILS INGEMANSSON and DOLORES J. INGEMANSSON, Trustees of INGEMANSSON 1993 TRUST	
133	L	200	SL	2	RICHARD C. JANSON and BETTY M. JANSON	
134	L	001	SL	1	CHARLES L. JENKS and MARGARET M. JENKS, Trustees under the JENKS Declaration of Trust dated March 24, 1994	
135	O	020	S	1	CHARLES K. JOHNSON	94-069843
136	L	121	SL	2	LOT 121 DIPSEA PARTNERS, a California Limited Partnership	
137	O	110	S	2	JOHN LOWELL JONES and CHARLOTTE J. JONES, as Trustees Of Trust Under Agreement dated July 26, 1986	94-069915
137-A	BL	131	SL	2	JOHN LOWELL JONES and CHARLOTTE J. JONES, as Trustees Of Trust Under Agreement dated July 26, 1986	
138	L	193	SL	2	LAWRENCE W. JONES and MARILYN L. JONES	
139	BL	135	SL	2	PROCTOR P. JONES and MARTHA M. JONES	
140	L	176	SL	23	FERNANDO FLORES, Trustee of the FERNANDO FLORES 1994 Irrevocable Personal Resident Trust No. 1 under Declaration of Trust dated October 25, 1994	



141	O	094	S	2	EAMONN P. KEEGAN and DOROTHY L. KEEGAN, Co-Trustees or Successor Trustee of the KEEGAN FAMILY 1992 REVOCABLE TRUST dated 6/15/92	94-069901
142	L	018	SL	1	SUSANNA R. KELHAM also known as SUSANNA KELHAM (See also 185-A)	
	O	085	S	2	JOHN M. KELLY	
144	O	025	S	1	JAMES KELSO and NANCY KELSO, Trustees Under That Revocable Trust Agreement dated June 25, 1979 and Amended June 12, 1981	94-069848
144-A	L	079	SL	1	KELSOLAND PARTNERS	
145	BL	141	S	3	MASON WILLRICH and PATRICIA R. WILLRICH	
146	BL	137	S	3	THEODORA SHAW KING, as Trustee of the KING RESIDENCE 1992 TRUST	
147	L	167	SL	R	WILMA F. LEONARD and MARK LEONARD, also known as MARK G. LEONARD, in Trust, as Trustees of the WILMA F. LEONARD REVOCABLE <i>INTER VIVOS</i> TRUST dated March 31, 1992	
148	L	100	SL	2	STEVEN MAYER and NANCY MAYER	
149	L	053	SL	1	JUNE R. LILIENTHAL	
150	O	034	S	1	KAREN K. LINDFORS; PATRICK A. MOORE; KAREN K. LINDFORS, as Custodian for KENDRA ANN MOORE under the California Uniform Transfers to Minors Act; KAREN K. LINDFORS, as Custodian For JARED LINDFORS MOORE under the California Uniform Transfers to Minors Act;	94-083514
151	O	055	S	2	DAVID E. LOMBARDI, JR., SUZANNE W. LOMBARDI	94-069870
152	L	029	SL	1	ALAMEDA MEDICAL GROUP TTEE FBO BILL LONGWELL, ALAMEDA MEDICAL GROUP TTEE ROBERT N. BOOTH, ALAMEDA MEDICAL GROUP TTEE FBO JAMES GRUMAN	
153	O	090	S	2	MARY R. LOWREY or Her Successor(s), Trustee(s) Under Revocable Trust Agreement dated March 13, 1985 as amended	94-069897
153-A	O	091	S	2	MARY R. LOWREY or Her Successor(s), Trustee(s) Under Revocable Trust Agreement dated March 13, 1985 as amended	94-069898
153-B	O	092	S	2	MARY R. LOWREY or Her Successor(s), Trustee(s) Under Revocable Trust Agreement dated March 13, 1985 as amended	94-069899
153-C	L	010	SL	1	MARY R. LOWREY or Her Successor(s), Trustee(s) Under Revocable Trust Agreement dated March 13, 1985 as amended	
153-D	L	011	SL	1	MARY R. LOWREY or Her Successor(s), Trustee(s) Under Revocable Trust Agreement dated March 13, 1985 as amended	
153-E	L	012	SL	1	MARY R. LOWREY or Her Successor(s), Trustee(s) Under Revocable Trust Agreement dated March 13, 1985 as amended	
154	O	006	S	1	RICHARD S. LOWRY, JR., MOLLY W. LOWRY	94-079425
155	L	136	SL	2	JAMES J. LUDWIG, TRUSTEE, J. and E. LUDWIG TRUST dated November 11, 1988	
156	O	062	S	2	WILLIAM B. Mac COLL, JR. and STEPHANIE C. Mac COLL, as Trustees of the WILLIAM AND STEPHAINE Mac COLL Revocable Trust, IAN COATES Mac CALL, LAUREN Mac COLL	94-082735
156-A	L	040	SL	1	WILLIAM B. Mac COLL, JR. and STEPHANIE C. Mac COLL, as Trustees of the WILLIAM AND STEPHAINE Mac COLL Revocable Trust, IAN COATES Mac CALL, LAUREN Mac COLL	
157	O	065	S	2	RICHARD B. MADDEN and JOAN F. MADDEN, Trustees of the RICHARD MADDEN 1992 LAND TRUST and RICHARD B. MADDEN and JOAN F. MADDEN, Trustees of the JOAN MADDEN 1992 LAND TRUST	94-069878
158	O	111	S	2	RICHARD B. MADIGAN, JEAN R. MADIGAN	94-069916
159	L	143	SL	R	JOE MADRIGALI, GRACE MADRIGALI	
160	O	028	S	1	MARGERY L. MAGNANI, as Trustee of the MARGERY L. MAGNANI 1994 Family Trust dated August 3, 1994	94-069850
161	L	154	SL	2	JAMES W. MANOOGIAN	

162	L	129	SL	2	DANIEL G. MARR and MARCIA J. VALLADARES	
163	O	002	S	1	NANCY J. MC CARTHY, Trustee of That Revocable Living Trust known as the NANCY J. MC CARTHY FAMILY TRUST established by Declaration of Trust executed September 18, 1986	
164	O	003	S	1	HAROLD J. MC CURRY, JR. and BETTY MC CURRY as Co-Trustees of the HAROLD J. MC CURRY, JR. Trust Number 1972-1, established October 9, 1972	
165	L	116	SL	R	GEORGE DOUBLEDAY, II and LUCINDA B. DOUBLEDAY	
166	L	123	SL	2	JAMES R. MC DONALD and MARY-LOUISE MC DONALD	
167	L	131	SL	2	HAROLD J. MC ELHINNY and ELLEN MC ELHINNY	
168	O	083	PM SETRAKIAN	7	JOHN C. MC GUIRE and ELINOR S. MC GUIRE, Co-Trustees of the MC GUIRE LIVING TRUST U/A dated February 10, 1986	94-069893
168-A	L	186	SL	2	JOHN C. MC GUIRE and ELINOR S. MC GUIRE, Co-Trustees of the MC GUIRE LIVING TRUST U/A dated February 10, 1986; DON MC GUIRE; and CLAY MC GUIRE	
169	L	068	SL	1	JEFFREY G. MC KINLEY and CAMERON MC KINLEY	
170	N	006	NORMAN'S SUB	20	MALCOLM E. MC LORG, LINDSEY J. MC LORG (See also 201, 202, 208)	
171	O	011	S	1	JON E. MC MAHON and SUZANNE B. MC MAHON, Trustees, or their Successors in Trust, under the MC MAHON LIVING TRUST, dated January 14, 1994	94-069834
171-A	L	092	SL	1	JON EDWARD MC MAHON; JON E. MC MAHON and SUZANNE B. MC MAHON, Trustees, or their Successors in Trust, under the MC MAHON LIVING TRUST, dated January 14, 1994	
172	L	198	SL	2	JOHN F. MC MAHON and JANET BROUN MC MAHON, Trustees Under Declaration of Trust dated April 13, 1982	
173	L	169	SL	R	J. DENNIS MC QUAID an unmarried man	
174	L	035	SL	1	HELEN L. MC VEA, as General Partner or Her successors-In-Interest Under the EURO-ISLAND INVESTMENT PARTNERS L.P. a Nevada Limited Partnership dated July 28, 1994	
175	L	112	SL	R	LUCINDA W. MEHRAN	
176	L	101	SL	R	F. EUGENE METZ, MARY S. METZ	
177	O	022	S	1	MARJORIE TRYON MICHAEL	94-069845
178	O	058	S	2	EUGENE MIRONOFF, VERONICA C. MIRONOFF	94-069872
179	L	161	SL	2	ALLEN B. MITCHELL and SHIRLEY T. MITCHELL	
180	O	032	S	1	DAVID WEINSTEIN and DENISE WEINSTEIN (See also 44)	94-069852
181	O	050	S	1	JOSEPH A. MOORE and GLADYS GILLIG MOORE, as Trustees under that certain Trust Agreement dated December 14, 1993	94-069867
181-A	L	051	SL	1	JOSEPH A. MOORE and GLADYS GILLIG MOORE, as Trustees under that certain Trust Agreement dated December 14, 1993	94-069868
181-B	L	052	SL	1	JOSEPH A. MOORE and GLADYS GILLIG MOORE, as Trustees under that certain Trust Agreement dated December 14, 1993	
182	O	073	S	2	MARION L. MORGAN and STEVEN D. MORGAN, Trustees of the Marion L. Morgan Trust One	94-069885
183	L	194	SL	2	JANET MORGAN	
184	O	072	S	2	MARVIN MORGENSTEIN	94-069884
185	O	084	S	2	SUSANNE KING MORRISON	
185-A	L	018	SL	1	SUSANNA R. KELHAM, also known as SUSANNA KELHAM (See also 142)	
186	O	069	S	2	THOMAS E. MORTON and ANNE L. MORTON, WILLIAM M. WARA and DIANE W. WARA (See also 265)	94-069882
186-A	L	033	SL	1	THOMAS E. MORTON and ANNE L. MORTON, WILLIAM M. WARA and DIANE W. WARA (See also 265)	

187	O 089	S 2	SANLRA S. MOSBACHER, as Trustee of the MOSBACHER Trust Agreement, dated December 11, 1992, and including any valid amendments or restatements of such Trust Agreement	94-069896
188	BL 130	S 3	SHIRLEY R. MOYCE, Trustee, or her Successor in Trust, under the MOYCE FAMILY TRUST (8/10/93), SHIRLEY R. MOYCE, Trustee, or her Successor in Trust, under the MOYCE MARITAL TRUST (8/10/93)	
189	L 145	SL 2	LAWRENCE E. MULRYAN, ELIZABETH J. MULRYAN	
190	O 060 O 061	S 2	The HERBERT T. NADAI REVOCABLE TRUST, HERBERT T. NADAI, Trustee dated April 29, 1993	94-069874 94-069875
190-A	L 041 L 042	SL 1	The HERBERT T. NADAI REVOCABLE TRUST, HERBERT T. NADAI, Trustee dated April 29, 1993	
191	N 003	NORMAN'S SUB 20	VICKIE NORMAN (See also 226)	
191-A	N 005	NORMAN'S SUB 20	VICKIE L. NORMAN, JANET R. NORMAN (See also 226)	
192	L 095	SL 1	JOSEPH H. OAKEY and BETTY H. OAKEY, Trustees under the Oakey Declaration of Trust dated May 4, 1993	
193	O 045	S 1	WILLIAM H. ORRICK, JR., Trustee u/t/a dated September 26, 1989	94-069862
193-A	O 046	S 1	WILLIAM H. ORRICK, JR., Trustee u/t/a dated September 26, 1989	94-069863
194	L 098	SL 2	RICHARD J. ONGARO and DIANE L. ONGARO, LINDA L. GHILOTTI (see also 104)	
195	BL 125	SL 3 <sup>15</sup>	JOHN S. OSTERWEIS, as Trustee of the OSTERWEIS Revocable Trust	
196	BL 139	S 3	NELLO PACE, Trustee of the NELLO and MARY JO PACE TRUST	
197	L 152	SL 2	JAMES E. PALMER and JEAN LATTNER PALMER, husband and wife, as Trustee of the PALMER Family Revocable Trust (created by an agreement dated April 5, 1991; MARTHA PALMER CALLAN; CAROLINE CLEAVELAND PALMER; SUZANNE ELWELL PALMER; MANUEL FREDRIC PALMER	
198	L 127	SL 2	ERIC A. PEDLEY and JANE L. PEDLEY, Trustees of the E/J PEDLEY FAMILY TRUST	
199	O 052	S 2	GEORGE W. PASHA, III and JANET M. PASHA, Trustees of the GEORGE W. PASHA III, and JANET M. PASHA 1980 LIVING TRUST DATED OCTOBER 31, 1980 AND AMENDED AND RESTATED IN ITS ENTIRETY ON OCTOBER 16, 1987	94-069869
199-A	L 050	SL 1	GEORGE W. PASHA, III and JANET M. PASHA, Trustees of the GEORGE W. PASHA III and JANET M. PASHA 1980 LIVING TRUST DATED OCTOBER 31, 1980 AND AMENDED AND RESTATED IN ITS ENTIRETY ON OCTOBER 16, 1987	
200	L 163	SL 2	HELEN MARIE PEREIRA	
201	N 006	NORMAN'S SUB 20	RICHARD W. PETERSON, JR. and SUSAN E. PETERSON (See also 170, 202, 208)	
202	N 006	NORMAN'S SUB 20	ROBERT M. PETERSON and CYNTHIA L. PETERSON (See also 170, 201, 208)	
203	L 113	SL R	RONALD W. PHARIS and MARY L. PHARIS, Trustees of the PHARIS 1988 TRUST, dated November 16, 1988, as to an undivided 50% interest and ARTHUR ALFREDO GIOVARA and COLLEEN CAROLE GIOVARA Trustees of the GIOVARA FAMILY LIVING TRUST, dated June 17, 1988, as to an undivided 50% interest	
204	L 124	SL R	ANDREA T. PORTER, DICK M. OKADA	
205	O 117	S 2	RICHARD ANTHONY POWELL and KATHLEEN SULLIVAN POWELL, Co-Trustees or Successor Trustee of the POWELL FAMILY 1992 REVOCABLE TRUST dated August 21, 1992	94-069921
206	L 071	SL 1	LAURENCE E. POWER, ELIZABETH L. POWER	
207	L 157	SL 2	MARGARET QUIGLEY, Trustee under that REVOCABLE TRUST AGREEMENT dated June 14, 1993	

208	N	006	NORMAN'S SUB 20	ARTHUR J. QUINN and BARNEY QUINN (See also 170, 201, 202)	
209	O	056	S 2	CHRISTINE RANDEL, AGNES SHAPRIO (See also 235)	94-069871
209-A	L	046	SL 1	CHRISTINE RANDEL, AGNES SHAPRIO (See also 235)	
210	L	030	SL 1	HENRY E. RAAB, CATHERINE R. RAAB, Trustees U.D.T. (Under Declaration of Trust) dated February 29, 1988	
211	O	023	S 1	BETTY RADER	94-069846
212	O	120	S 2	EDWARD L. RATHBUN and LAURIE C. RATHBUN, husband and wife	94-069924
213	BL	126	S 3	DAVID R. RAWSON and ANDREA M. RAWSON, husband and wife as joint tenants	94-069841
214	O	018	S 1	PATRICK G. RILEY and ROBERTA J. SMITH RILEY	94-069841
215	L	183	SL 2	RALPH ROBINSON and LESLY ROBINSON	
216	BL	127	S 3	GERALD C. STERNS and ELIZABETH WALKER STERNS, also known as ELIZABETH STERNS	
217	L	162	SL 2	MICHAEL D. REYNOLDS and ROBIN REYNOLDS	
218	L	073	SL 1	KAREN ROGERS and WALTER I. ROGERS	
219	O	007	S 1	BENSON B. ROE (or his Successor in Trust), as Trustee of the BENSON B. ROE Residence Trust, U/T/A dated January 8, 1993, and JANE ST. JOHN ROE (or her Successor in Trust), as Trustee of the JANE ST. JOHN ROE Residence Trust, U/T/A dated January 8, 1993	94-069831
220	O	005	SL 1	ROBERT A. MILLS and ROBERT A. SCHLESINGER, Trustees of the EDNAH ROOT REVOCABLE TRUST dated January 9, 1987	94-069830
221	L	084	SL 1	EDNA CAILA ROSSENAS	
222	O	016	S 1	CATHERINE P. ROSEN, Trustee U/T/A dated May 12, 1988	94-069839
223	L	109	SL R	SIDNEY J. HENDRICKS; DENNIS R. HORNE	
224	BL	140	S 3	HENRY F. SAFRIT and KARIN C. SAFRIT	
225	L	156	SL 2	PETER B. SANDMAN, PAULINE H. TESLER	
226	N	001	NORMAN'S SUB 20	JANET NORMAN	
226-A	N	002	NORMAN'S SUB 20	JANET NORMAN	
226-B	N	004	NORMAN'S SUB 20	JOHN CORIN TRUSTEE FOR SISTER'S TRUST	
226-C	N	005	NORMAN'S SUB 20	JANET NORMAN	
227	O	057	S 2	FRANCIS J. SCHNUGG and MARY S. SCHNUGG Trustees under the SCHNUGG FAMILY TRUST dated the 14th day of December, 1988; STEPHEN JOSEPH SCHNUGG; MARY SCHNUGG BROWN; PETER HAYDEN SCHNUGG; SUSAN SCHNUGG TAYLOR; NANCY SCHNUGG SCHLATTER; JANE SCHNUGG ALLEN; PATRICIA SCHNUGG TRENKWALDER; SARAH SCHNUGG LAUGHLIN; JOHN MICHAEL SCHNUGG; MARGARET SCHNUGG STEFFENS; THOMAS JEFFREY SCHNUGG; ELIZABETH JANE SCHNUGG	
228	O	039	S 1	ROBERT J. SCHWEITZER, AUDREY SCHWEITZER	94-069857
228-A	L	063	S 2	ROBERT J. SCHWEITZER, AUDREY SCHWEITZER	
229	O	036	S 1	PETER T. DUNN and LAURA E. DUNN, Trustees of the DUNN FAMILY TRUST AGREEMENT dated October 3, 1986	94-069855
230	L	088	SL 1	JOSEPH L. SELIGMAN, JR. and PEGGY VAN HORNE SELIGMAN, husband and wife, as community property	

230-A	L	089	SL	1	JOSEPH L. SELIGMAN, JR. and PEGGY VAN HORNE SELIGMAN, husband and wife, as community property	
230-B	O	014	S	1	JOSEPH L. SELIGMAN, JR. and PEGGY VAN HORNE SELIGMAN Trustees of the SELIGMAN 1986 REVOCABLE TRUST u/v/a August 1, 1986 or Successor Trustee	94-069837
231	O	030	S	1	RONALD A. SELTZER and ADELE W. SELTZER, Co-Trustees of that certain Trust entitled the SELTZER REVOCABLE LIVING TRUST dated September 12, 1984	94-069851
232	O	119	S	2	PORTER SESNON, JR.	94-069923
233	O	082	S	2	ROBERT SETRAKIAN and SCOTT HOWARD SETRAKIAN, Trustees of the ROBERT SETRAKIAN 1987 TRUST dated November 30, 1987	94-069892
233-A	L	020	SL	1	ROBERT SETRAKIAN and SCOTT HOWARD SETRAKIAN, Trustees of the ROBERT SETRAKIAN 1987 TRUST dated November 30, 1987	
234	L	045	SL	1	H. BOYD SEYMOUR and DEBORAH G. SEYMOUR	
235	O	056	S	2	CHRISTINE RANDEL, AGNES SHAPRIO (See also 209)	94-069871
235-A	L	046	S	1	CHRISTINE RANDEL, AGNES SHAPRIO (See also 209)	
236	L	066	S	2	WILLIAM F. SHARON, Trustee of the WILLIAM F. SHARON SEPARATE PROPERTY TRUST	94-069879
237	L	103	SL	2	DAVID SHERBON and EDNA SHERBON	
238	L	008	SL	1	HARRY B. SKINNER	
239	O	123	S	2	ROBERT E. SKJEI, ANN W. SKJEI	94-070900
239-A	O	124	S	2	ROBERT E. SKJEI, ANN W. SKJEI	94-070901
240	L	036	SL	1	JAMES P. SLAUGHTER and BARBARA ADAMS SLAUGHTER	
241	O	104	S	2	CHARLES W. SNOOK and BARBARA R. SNOOK	94-069910
242	L	005	SL	1	STEPHEN V. R. SPAULDING III and ELSA YANNOPOULOS SPAULDING, as Trustees Pursuant to <i>Inter Vivos</i> Trust Agreement dated January 23, 1986	
243	O	067	S	2	LEONARD M. SPERRY, JR. and RITA L. SPERRY, Trustees of the SPERRY FAMILY TRUST UNDER AGREEMENT dated August 5, 1992	94-069880
243-A	O	068	S	2	LEONARD M. SPERRY, JR. and RITA L. SPERRY, Trustees of the SPERRY FAMILY TRUST UNDER AGREEMENT dated August 5, 1992	94-069881
244	L	097	SL	R	HOWARD P. SPINDLER and EDITH H. SPINDLER	
245	O	071	S	2	MYRA MAY STAPLER and DANIEL O. ABBOTT, Trustees of the MYRA MAY STAPLER TRUST dated February 22, 1991	94-070898
246	L	175	SL	R	NORMAN C. STAUB, SR. and EILEEN C. STAUB, Trustees of the NORMAN C. STAUB, SR. and EILEEN C. STAUB 1989 Living Trust created by declaration of trust, dated May 31, 1989	
247	BL	127	S	3	GERALD C. STERNS and ELIZABETH WALKER STERNS, also known as ELIZABETH STERNS, husband and wife	
248	L	091	SL	1	EDWARD A. STEWART, JANET MONTECALVO	
249	O	105	S	2	WILLIAM A. STIMSON, Trustee and Successor Trustee of the WILLIAM A. STIMSON TRUST dated November 7, 1972	94-069911
250	O	113	S	2	SHERWOOD B. STOCKWELL and MARY C. STOCKWELL, Trustees of the SHERWOOD B. STOCKWELL and MARY C. STOCKWELL Living Trust Agreement dated March 6, 1992	94-069917
251	L	185	SL	2	BRIAN A. WIEBER and ROXANNE T. WIEBER	
252	L	140	SL	2	RICHARD STRAUSS and KATHLEEN HONAN STRAUSS, Trustees of the STRAUSS TRUST	
253	L	141	SL	R	G. CRAIG SULLIVAN and MAUREEN O'BRIEN SULLIVAN, Trustee, or the Successor Trustee, of the CRAIG and MAUREEN SULLIVAN LIVING TRUST dated May 27, 1992	
254	O	044	S	1	CHARLES ZOOK F. SUTTON; ANNE C. SUTTON; GARRETT ZOOK SUTTON; AMY PUCCINELLI; JOHN DAVIES SUTTON; MARY PINKUS	94-069861

255	L	135	SL	2	LORRAN C. TARLTON, JR. and MARILYN L. TARLTON	
256	L	006	SL	1	ONNIE WEGMAN TAYLOR, DIANA TAYLOR, PAUL WEGMAN TAYLOR, SETH TAYLOR	
257	L	191	SL	2	ROBERT G. TEMER and JULIANN J. TEMER	
257-A	L	192	SL	2	ROBERT G. TEMER and JULIANN J. TEMER	
258	O	059	S	2	MARTIN TERPLAN and ELIZABETH S. TERPLAN, Trustees of the TERPLAN 1992 FAMILY TRUST, established by Declaration of Trust dated June 8, 1992	94-069873
258-A	L	043	SL	1	MARTIN TERPLAN and ELIZABETH S. TERPLAN, Trustees of the TERPLAN 1992 FAMILY TRUST, established by Declaration of Trust dated June 8, 1992	
259	L	202	SL	2	ALICE PALMER THOMAS	
260	O	033	S	1	NANCY J. THOMPSON	94-069853
261	L	133	SL	R	DAVID K. TODD and CAROLINE L. TODD, Trustees of the TODD TRUST dated May 9, 1979, or Successor Trustee of the TODD ESTATE	
262	O	024	S	1	ROBERT R. TUFTS and JOYCE A. TUFTS, Trustees U/A dated September 18, 1987	94-069847
263	L	134	SL	2	JEFFREY A. VANCE and PATRICIA R. VANCE	
264	O	109	S	2	RICHARD R. VOLK and MARI ANN VOLK	94-069914
265	O	069	S	2	THOMAS E. MORTON and ANNE L. MORTON, WILLIAM M. WARA and DIANE W. WARA (See also 186)	
265-A	L	033	SL	1	THOMAS E. MORTON and ANNE L. MORTON, WILLIAM M. WARA and DIANE W. WARA (See also 186)	
266	O	027	S	1	MURRAY J. WALDMAN, a Trustee of Trust B Under the Will of JEAN WALDMAN, deceased	94-069849
267	L	021	SL	1	BROOKS WALKER, JR. and JOHN CLINTON WALKER as Trustees Under That Certain Agreement dated December 21, 1989	
267-A	L	026	SL	1	BROOKS WALKER, JR. and JOHN CLINTON WALKER as Trustees Under That Certain Agreement dated December 21, 1989	
267-B	L	027	SL	1	BROOKS WALKER, JR. and JOHN CLINTON WALKER as Trustees Under That Certain Agreement dated December 21, 1989	
267-C	O	076	S	2	BROOKS WALKER, JR. and JOHN CLINTON WALKER as Trustees Under That Certain Agreement dated December 21, 1989	94-069888
267-D	O	122	S	2	BROOKS WALKER, JR. and JOHN CLINTON WALKER as Trustees Under That Certain Agreement dated December 21, 1989	94-069925
267-E	O	081	S	2	BROOKS WALKER, JR. and JOHN CLINTON WALKER as Trustees Under That Certain Agreement dated December 21, 1989	94-069891
267-F	BL	142	S	3	BROOKS WALKER, JR. and JOHN CLINTON WALKER as Trustees Under That Certain Agreement dated December 21, 1989	
268	O	098	S	2	EDWARD M. WALSH, GUNILD E. WALSH	94-069904
269	L	080	SL	1	WENDY W. KISTLER and CHARLES G. STEPHENSON, as Trustees of the WEAVER FAMILY TRUST dated November 16, 1989	
269-A	L	081	SL	1	WENDY W. KISTLER and CHARLES G. STEPHENSON, as Trustees of the WEAVER FAMILY TRUST dated November 16, 1989	
269-B	O	086	S	2	WENDY W. KISTLER and CHARLES G. STEPHENSON, as Trustees of the WEAVER FAMILY TRUST dated November 16, 1989	94-069894
269-C	O	087	S	2	CHARLES R. WEAVER and DONNA L. WEAVER, Husband and Wife as their community property	94-069895
270	O	031	S	1	BARRETT H. WEBER, and ELISE BROUN WEBER, Trustees of the WEBER FAMILY REVOCABLE TRUST dated January 19, 1989, PETER B. WEBER, DAVID H. WEBER, ROBERT W. WEBER, BARRETT F. WEBER	94-080407

270-A	L	072	SL	1	BARRETT H. WEBER, and ELISE BROWN WEBER, Trustees of the WEBER FAMILY REVOCABLE TRUST dated January 19, 1989, PETER B. WEBER, DAVID H. WEBER, ROBERT W. WEBER	
271	L	180	SL	2	LENARD G. WEISS and NANCY P. WEISS	
271-A	L	181	SL	2	LENARD G. WEISS and NANCY P. WEISS	
272	L	150	19 PM	85 16	CLARENCE H. WHITBECK and EDWINA WHITBECK	
272-A	L	151	SL	2	CLARENCE H. WHITBECK and EDWINA WHITBECK	
273	O	064	S	2	DONALD F. WILCOX and SHARON K. WILCOX, as Trustees of the DONALD and SHARON WILCOX TRUST dated August 20, 1987	94-069877
274	L	037	SL	1	LYNN P. WILCOX and LISA A. WILCOX, DONALD F. WILCOX and SHARON K. WILCOX, as Trustees of the DONALD and SHARON WILCOX TRUST dated August 20, 1987	
275	L	037	SL	1	LYNN P. WILCOX and LISA A. WILCOX, DONALD F. WILCOX and SHARON K. WILCOX, as Trustees of the DONALD and SHARON WILCOX TRUST dated August 20, 1987	
276	O	026	S	1	JOHN WILLHALM, SR., also known as JOHN A. WILHALM. ROBERT E. WILLHALM, JOHN R. WILLHALM, LAURIE A. WILLHALM, MARY WILLHALM LOPES, LAWRENCE M. WILLHALM	
277	O	074	S	2	STEVEN W. WISENBAKER, Trustee WISENBAKER 1992 TRUST	94-069886
278	O	106	S	2	BARBARA R. WITTER and THOMAS K. WITTER, Trustees of the BARBARA R. WITTER Trust under an agreement dated June 9, 1992	94-069912
279	L	171	SL	2	WARREN WOLFF as Trustee of the WARREN WOLFF 1988 TRUST (A Revocable <i>Inter Vivos</i> Trust)	
280-A	O	063	S	2	CLARENCE J. WOODARD	94-069876
280	L	039	SL	1	CLARENCE J. WOODARD, CLARENCE J. WOODARD as to a Life Estate, SARAH WOODARD and THOMAS WOODARD as to the Remainder	
281	O	043	S	1	AKIHIRO YOSHIKAWA and NANCY DAWN KNAPPENBERGER, Trustees of the YOSHIKAWA 1992 LIVING TRUST dated March 3, 1992	94-069860
282	O	029	S	1	PETER H. ZISCHKE, MARIAN OLIVER ZISCHKE and HUGH W. DITZLER, JR., Trustees Under A Trust Agreement dated April 13, 1988; PETER H. ZISCHKE, MARIAN O. ZISCHKE, MICHAEL H. ZISCHKE, KURT W. ZISCHKE, MARIAN ZISCHKE, KAREN ZISCHKE	
282-A	L	074	SL	1	PETER H. ZISCHKE, MARIAN OLIVER ZISCHKE and HUGH W. DITZLER, JR., Trustees under a Trust Agreement dated April 13, 1988, all of his right and title and interest in and to	
283	L/O	3/4	PM	Kent	SEADRIFT LAGOON PROPERTY OWNERS ASSOCIATION and SEADRIFT BEACH & TENNIS CLUB	
284	L/O	2/3	PM	Kent 17	SEADRIFT ASSOCIATION, a California non-profit corporation	94-069928
285				18	ROBERT A. ROUMIGUIERE, BARBARA N. ROUMIGUIERE, DONALD A. BEACOCK, KATHERINE M. BEACOCK, ROBERT A. ROUMIGUIERE and BARBARA N. ROUMIGUIERE, Trustees of the ROBERT A. ROUMIGUIERE and BARBARA N. ROUMIGUIERE REVOCABLE <i>INTER VIVOS</i> AGREEMENT dated November 7, 1991	

# Footer Key

#	<u>Subdivision</u>		<u>Description</u>
1	S	1	<u>Seadrift Subdivision #1</u> : Reference is made to the Official Map entitled, "Map of Seadrift Subdivision No. One, Marin Country, California", filed November 10, 1949 in Map Book 6 at Page 92, Marin County Records.
2	S	2	<u>Seadrift Subdivision #2</u> : Reference is made to the Official Map entitled, 'Map of Seadrift Subdivision No. Two, in the County of Marin, California", filed for record November 5, 1956 in Volume 9 of Maps, at Page 62, Marin County Records.
3	S	3	<u>Seadrift Subdivision #3</u> : Reference is made to the Official Map entitled, "Map of Seadrift Subdivision No. Three", filed August 20, 1964 in Book 12 of Maps at Page 90, Marin County Records.
4	SL	1	<u>Seadrift Lagoon Subdivision #1</u> : Reference is made to the Official Map entitled, "Map of Seadrift Lagoon Subdivision No. One, recorded January 3, 1961 Map Book 10, Page 95, Marin County Records.
5	SL	2	<u>Seadrift Lagoon Subdivision #2</u> : Reference is made to the Official Map entitled, "Map of Seadrift Lagoon Subdivision No. Two, Marin County, California", recorded in the Office of the County Recorder of said County of Marin on December 3, 1962 in Map Book 11 at Page 51.
6	PM	KENT	<u>Parcel Map, Lands of Wm. Kent Estate Co.</u> : Filed March 11, 1968 in Book 2 of Parcel Map at Page 62.
7	PM	SETRAKIAN	<u>Parcel Map of Setrakian</u> : Reference is made to the Official Map entitled "Parcel Map Lands of Setrakian 1812 O.R. 433" filed May 7, 1980 in Parcel Map Book 18 at Page 8, Marin County Records.
8	PM	JENCKS	<u>Parcel Map of Jencks</u> : Reference is made to the Official Map entitled, "Parcel Map Lands of Jencks, Series No. 81-05488, eliminating the common lot line of Lots 164 and 165 Map of Seadrift Lagoon Subdivision No. Two 11 R.M. 51 Stinson Beach, Marin County, California", filed for record August 12, 1982 in Book 20 of Parcel Maps at Page 61, Marin County Records.
9	SLR		<u>Seadrift Lagoon Re-subdivision</u> : Reference is made to the Official Map entitled, "Map of Re-subdivision of Portions of Seadrift Lagoon Subdivisions No. One and Two" filed for record March 24, 1986 in Volume 19 of Maps at Page 80, Marin County Records.
10	PM	HENDRICK	<u>Parcel Map of Hendrick</u> : Reference is made to the Official Map entitled "Parcel Map of Lands of Sidney J. Hendrick, a Division of Parcel 1, as shown on 2 Parcel Map 62, Seadrift, Stinson Beach, Marin County, California", filed for record October 10, 1985 in Volume 22 of Parcel Maps at Page 91, Marin County Records.
11	PM	ROUMIQUIERE	<u>Parcel Map Lands of Robert A. and Barbara N. Roumiquiere, et al</u> : Reference is made to "Parcel Map Lands of Robert A. Roumiquiere & Barbara N. Roumiquiere, Donald A. & Katherine M. Beacock, James L. Norman & John Corins Trust, Seadrift, Stinson Beach Marin County, California, as described in 592 O.R. 290, 3659 O.R. 619, 3670 O.R. 133 & Document Number 84-059680," filed March 26, 1986 in Book 23 of Parcel Maps at page 25, Marin County Records.
12	O		<u>Ocean</u>
13	L		<u>Lagoon</u>
14	O	1	<u>Record Survey Seadrift Subdivision No. One</u> of said Map of Seadrift Subdivision No. One, as said lot is shown on Record of Survey Lot No. 1, Seadrift Subdivision No. One, filed April 8, 1970 in Book 9 of Surveys at Page 10, Marin County Records.



# Footer Key

#	Subdivision	Description
15	SL 3	<p>Said land is situated in the County of Marin, State of California.</p> <p>BEGINNING at a point on the Northerly line of Lot 125, as said lot is shown on that certain Map entitled "Map of Seadrift Subdivision No. Three in the County of Marin, California", filed August 20, 1964 in Book 12 of Maps at Page 90, Marin County Records, said point being distant thereon South 78 deg 07' 19" West 40.51 feet from the Northeasterly corner thereof; thence along said line South 78 deg 07' 19" West 49.11 feet to the Northwest corner of said Lot 125; thence leaving said line and running along the Westerly line of said lot, South 0 deg 02' West 383.25 feet to the Southwest corner thereof; thence along the Southerly line of said Lot 125, South 89 deg 58' East 50.00 feet; thence leaving said line and running along the arc of a curve to the left with a radius of 20 feet, through a central angle of 87 deg 21' for an arc distance of 30.49 feet; thence along the Easterly line of said Lot, North 2 deg 41' East 176.76 feet; thence leaving said Easterly line and running along the Northwesterly line of Dipsea Road, said road is shown on that certain Map entitled, "Map of Seadrift Lagoon Subdivision No. Two", filed in Book 11 of Maps at Page 51, Marin County Records, along a curve to the right tangent to a line which bears North 2 deg 41' East, having a radius of 200.00 feet, through a central angle of 36 deg 48' 10" an arc length of 128.47 feet; thence leaving said Northwesterly line running North 43 deg 08' 35" West 110.24 feet to the point of beginning. BEING a portion of the above mentioned Lot 125 and a portion of the lands described as "Lands of William Kent Estate Co." and "William Kent Estate Co." which lie Northerly and Northwesterly of Dipsea Road, as said parcels and said road are shown on that certain Map entitled "Map of Seadrift Lagoon Subdivision No. Two", filed December 3, 1962 in Book 11 of Maps at Page 51, Marin County Records.</p>
16	19 PM 85	<p>Lot 150: as shown upon "Parcel Map, Lands of Clarence H. Whitbeck, Serial No. 81-24550", filed for record October 9, 1981 in Book 19 of Parcel Maps at Page 85, Marin County Records.</p>
17	PM KENT	<p>Parcels 1 and 2 as shown on the Parcel Map, Lands of William Kent Estate Co. Lands designated as "Seadrift Lagoon Property Owners Association" on the Seadrift Lagoon Subdivision No. One.</p> <p>Parcel of land bounded by the lands of Seadrift Lagoon Property Owners Association and Lots 1 and 2, as shown on the Map of Seadrift Lagoon Subdivision No. One, and Dipsea Road and Lots 202 and 203, as shown on the Map of Seadrift Lagoon Subdivision No. Two.</p>
18		<p><u>Parcel One:</u> All of that portion of the lands depicted as "Lands of William Kent Estate Co., and "William Kent Estate Co.", which lies Northerly and Northeasterly of Dipsea Road and all of Dipsea Road, as said parcels and road are shown on that certain Map entitled "Map of Seadrift Lagoon Subdivision No. Two", filed December 3, 1962 in Book 11 of Maps at Page 51, Marin County Records.</p> <p>Excepting therefrom a portion of the lands depicted as "Lands of William Kent Estate Co." and "William Kent Estate Co.", as described in the Deed from William Kent Estate Co., a corporation, to Proctor P. Jones, <i>et ux</i>, recorded March 22, 1972 in Book 2551 of Official Records at Page 479, Marin County Records.</p> <p><u>Parcel Two:</u> Seadrift Road, as shown on that certain Map entitled "Map of Seadrift Subdivision No. One, Marin County, California", filed November 10, 1949 in Book 6 of Maps at Page 92, Marin County Records.</p> <p><u>Parcel Three:</u> Seadrift Road, as shown on that certain Map entitled "Map of Seadrift Subdivision No. Two", filed November 5, 1956 in Book 9 of Maps at Page 62, Marin County Records.</p>
19	20 PM 97	<p>Lot 146, as shown upon that certain parcel Map entitled "Parcel Map Lands of Grant 3806 O.R. 361, Eliminating the Common Lot Lines of Lots 146, 147, 148 Map of Seadrift Lagoon Subdivision No. Two 11 R.M. 51, Stinson Beach, Marin County, California", filed for record January 10, 1983 in Book 20 of Parcel Maps, at Page 97, Marin County Records.</p>
20	NORMAN'S SUB	<p>Norman's Subdivision: Reference is made to the Official Map entitled "Map of Norman's Seadrift Subdivision" filed for record March 12, 1987, in Volume 20 of Maps at Page 6, Marin County Records.</p>

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EXHIBIT "D"

YES P35



ORIGINAL

M E M O R A N D U M

DATE: June 1, 1994

TO: Old Republic Title Company  
Attn: Carl Lago  
545 Fourth Street  
San Rafael, CA 94901

FROM: Peter B. Sandmann, Esq.  
Katherine E. Stone, Esq.  
Frederick Ludlow, Esq.

RE: Sandspit Settlement Escrow

-----

We are counsel for the parties in a California Superior Court action known as Kelly et al. v. California Coastal Commission, et al., Civil No. 152 998. The parties to the Action, along with a number of other interested parties, have entered into a Settlement Agreement which calls for the delivery and recordation of certain documents.

This Memorandum constitutes Escrow Instructions for your use with regard to the above referenced escrow. These instructions are to be followed by you unless you receive other instructions, in writing, signed by or on behalf of all of the undersigned.

We will deliver to you the following:

1. A written statement, signed by or on behalf of all of the undersigned, that all necessary parties have executed the Settlement Agreement, a copy of which (unexecuted) is attached to these instructions for your information.
2. Grants of Easement, in the form of Exhibit "G" to the attached Settlement Agreement, duly acknowledged and suitable for recording, and executed by not less than 75% of the owners of beach front lots within the Seadrift development at Stinson Beach, California, and by the Seadrift Association. (Each Grant of Easement is accompanied by an instruction, executed by the Grantor(s), instructing you to record the easement in accordance with these instructions.) The fee title owners of said lots are set forth in Exhibit "C" of the attached Settlement Agreement. All of the undersigned will inform you, in writing, when you are in possession of the requisite number of Grants of Easement. You have no duty or responsibility to make any independent determination regarding the form of the easement, the number of

Approved:

*KEL* *RBS*

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Grants of Easement required under the terms of the Settlement Agreement, nor the effectiveness of the Grants of Easement as legal documents.

3. Acceptance of the Grants of Easement described in paragraph 2 hereof, duly issued by the County of Marin and suitable for recording, substantially in the form of Exhibit "H" to the Settlement Agreement. (The Acceptance of the Grants of Easement are accompanied by instructions, on behalf of the County of Marin, instructing you to record the Acceptances in accordance with these instructions.) All of the undersigned will inform you, in writing, when you are in possession of the necessary Acceptances of Grants of Easement. You have no duty or responsibility to make any independent determination regarding the form of the acceptances, their number, nor the effectiveness of the Acceptances of the Grants of Easement as legal documents.

4. A Permit, duly granted by the California Coastal Commission, substantially in the form of Exhibit "J" to the attached Settlement Agreement. Escrow shall not close until 60 days have elapsed without the filing of an appeal from the grant of Permit being filed in a California Superior Court, provided that, in the event that any such appeal is filed, upon written authorization from the undersigned, escrow shall remain open until such appeal is finally resolved, at which time if the appeal is resolved in favor of the parties to the Settlement Agreement in that the permit is allowed to issue substantially in the form of Exhibit "J", escrow shall forthwith close without the necessity for further action by any of the undersigned. All of the undersigned will inform you, in writing, when said 60 day period has elapsed without such filing of an appeal, or alternatively, when such appeal has been finally resolved.

5. A copy of a Judgment, duly filed and entered by the Superior Court of the State of California, County of Marin, substantially in the form of Exhibit "E" to the attached Settlement Agreement.

6. A copy of a Judgment, duly filed and entered by the United States District Court, Eastern District of California, substantially in the form of Exhibit "F" to the attached Settlement Agreement.

When you have received all of the above-described documents, you are to take the following steps in the following order:

- Record the Grants of Easement in the Marin County Recorder's Office;
- Record the County of Marin Acceptances of the Grants of Easement in the Marin County Recorder's Office; and

Approved:

*Ry RBS*

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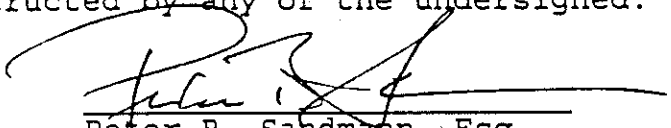
- Deliver the California Coastal Commission Permit to the Seadrift Association, c/o Peter B. Sandmann, 16 Buena Vista, Mill Valley CA 94941.

- Notify all of the undersigned that these steps have been accomplished.

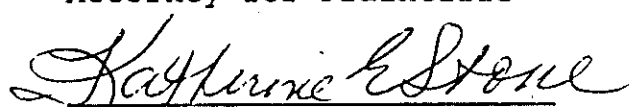
In the event that you have not received all of the above-described documents within six months of the date hereof, or in the event that any one or more of the undersigned instructs you, in writing, to cancel this escrow (regardless of your receipt of contrary instructions from any of the other signatories hereto), you shall cancel the escrow and return the documents in your possession to the party that provided them to you.

Any of the undersigned may designate a person to act on behalf of and/or in the stead of the undersigned by a writing, signed by such undersigned who is making such designation. Thenceforth, you shall follow the instructions of the person so designated, as fully as if instructed by any of the undersigned.

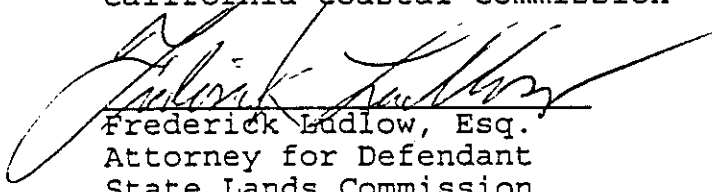
Dated: July 28, 1994

  
Peter B. Sandmann, Esq.  
Attorney for Plaintiffs

Dated: July 28, 1994

  
Katherine E. Stone, Esq.  
Attorney for Defendant  
California Coastal Commission

Dated: July 28, 1994

  
Frederick Ludlow, Esq.  
Attorney for Defendant  
State Lands Commission

Approved:  
XLS PBS

M E M O R A N D U M

DATE: September 23, 1994

TO: Old Republic Title Company  
Attn: Carl Lago  
545 Fourth Street  
San Rafael, CA 94901

FROM: Peter B. Sandmann, Esq.  
Katherine E. Stone, Esq.  
Frederick Ludlow, Esq.

RE: Sandspit Settlement Escrow  
Supplemental Escrow Instructions

-----

These supplemental escrow instructions are supplemental to, where necessary amend the instructions which we previously submitted to you, dated June 1, 1994.

This is to inform you, as called for in our prior escrow instructions to you, that the Settlement Agreement has been executed by all of the necessary parties, that you are now in receipt of the requisite number of Grants of Easement and Acceptances, that the Permit granted by the California Coastal Commission has been delivered to you and there is no legal action pending which restricts issuance of said Permit, that the judgment called for in the Settlement Agreement in the California Superior Court action known as Kelly et al. v. California Coastal Commission, et al., Civil No. 152 998 has now been entered and a copy will be delivered to you under separate cover. As soon as a copy of the judgment in the United States District Court action known as California Coastal Commission v. United States Department of Interior, CIV-S-92-0702 has been delivered to you, you are authorized and instructed to record with the Marin County Records office the Seadrift beach-front lot owners' easements and Marin County acceptances which we delivered to you on Monday, September 19, 1994. Upon the recording by the Marin County Records Office of not less than 93 of those easements and acceptances, you are authorized and instructed to do the following:

1. Deliver the original Settlement Agreement and all of the original signature pages to Frederick Ludlow, Esq.
2. Deliver the original Coastal Commission Permit to Peter B. Sandmann, Esq.

Approved:

— —

1 Peter B. Sandmann, Esq., No. 49012  
2 TESLER, SANDMANN & FISHMAN  
3 16 Buena Vista Avenue  
4 Mill Valley, California 94941  
5 Telephone: (415) 383-5600

6 Attorneys for plaintiffs and petitioners

**FILED**

SEP 21 1994

HOWARD JOHNSON  
MARIN COUNTY CLERK  
BY: E. Keswick, Deputy

7 THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

8 IN AND FOR THE COUNTY OF MARIN

9 JOHN M. KELLY; JAMES M. BARRINGTON;  
10 et al.

) CASE NO. 152988  
)  
)

11 Petitioners and Plaintiffs,

) (~~PROPOSED~~) JUDGMENT  
)  
)

12 vs.

13 THE CALIFORNIA COASTAL COMMISSION,  
14 STATE LANDS COMMISSION, ALL PERSONS  
15 UNKNOWN, CLAIMING ANY LEGAL OR  
16 EQUITABLE RIGHT, TITLE, ESTATE, LIEN  
17 OR INTEREST IN THE PROPERTY DESCRIBED  
18 IN THE COMPLAINT ADVERSE TO PLAINTIFFS'  
19 TITLE, OR ANY CLOUD UPON PLAINTIFFS'  
20 TITLE THERETO, and DOES 1 through 500,  
21 inclusive,

22 Respondents and Defendants.  
23  
24  
25  
26

27 This matter has been submitted to the Court pursuant to a  
28 Settlement Agreement between the parties which has also been  
29 executed by additional parties having an interest in the subject  
30 matter of this and related disputes.

31 Plaintiffs are represented in this action by Peter B.  
32 Sandmann, Tesler, Sandmann & Fishman. Defendant California  
33 Coastal Commission is represented by Katherine E. Stone, Myers,  
34 Widders & Gibson; defendant State Lands Commission is represented  
35 by Frederick Ludlow. No other parties have appeared in this

JUDGMENT



1 action. The Settlement Agreement provides by its own terms that  
2 it shall be effective only upon the entry, in the United States  
3 District Court, of a judgment substantially in the form of  
4 Exhibit "F" to the Settlement Agreement.

5 Good cause appearing, the Court hereby approves the  
6 Settlement Agreement, a copy of which is attached hereto as  
7 Exhibit "A" and incorporated herein by this reference, and hereby  
8 ORDERS, ADJUDGES and DECREES, as follows:

9 1. This Judgment, including the Settlement Agreement  
10 (Exhibit "A" hereto), is hereby entered as the judgment of this  
11 Court in this action;

12 2. The parties shall bear their own costs, including  
13 attorneys' fees;

14 3. This Court shall retain jurisdiction over this matter  
15 to enforce the provisions of the Settlement Agreement in  
16 accordance with its terms; and

17 4. In the event that the United States District Court for  
18 the Eastern District of California, fails to enter judgment in  
19 the action known as California Coastal Commission, et al. v.  
20 United States Department of the Interior, et al., Civil No. S-92-  
21 702 GEB, substantially in the form of Exhibit "F" to the  
22 Settlement Agreement (Exhibit "A" hereto) within 180 days of the  
23 date hereof, any party to this action may, upon noticed motion,  
24 move that this Judgment be vacated, and upon a showing that the  
25 United States District Court has failed to so act, this Judgment  
26 shall be vacated forthwith. In the event that the United States

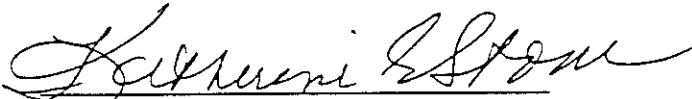
1 District Court does enter judgment as set forth herein, any party  
2 to this action may, upon noticed motion, move that this Judgment  
3 be confirmed, and upon a showing that the United States District  
4 Court has so acted, this Judgment shall be confirmed forthwith,  
5 by re-entry of this Judgment without the condition set forth in  
6 this paragraph, provided that, no such motion to confirm this  
7 judgment shall be required for this judgment to be fully  
8 effective in the event that no timely motion is made to vacate  
9 this judgment within 180 days pursuant to the terms hereof.

10  
11 Dated: SEP 21 1994

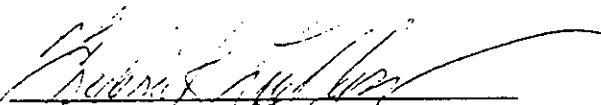
GARY W. THOMAS

Judge, Superior Court  
Signed by the presiding Judge in  
the absence of the hearing Judge

12  
13 APPROVED AS TO FORM:

14  
15 

Katherine E. Stone, Esq.  
Attorney for California Coastal Commission

16  
17  
18 

Frederick Ludlow, Esq.  
Attorney for State Lands Commission



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SETTLEMENT AGREEMENT

This Agreement for settlement of litigation is made between the parties as set forth below.

A. The Property

The property that is the subject of this agreement is a sandspit located in Marin County, California, known as "Bolinas Sandspit" which is more particularly described in Exhibit "A", a portion of which is known as "Seadrift Sandspit," which is more particularly described in Exhibit "B".<sup>1/</sup> The area of the Seadrift Sandspit which immediately adjoins the Pacific Ocean is referred to herein as the "Seadrift Sandspit Beach."

B. Purposes

The purposes of this Agreement are as follows:

1. To resolve the disputes between the parties about the nature and extent of public right, title and interest in and to the Bolinas Sandspit by reason of the following claims:
  - a. that all or a portion of the Bolinas Sandspit is unpatented public domain land owned by the United States; and
  - b. that the public has no rights, title or interest in all or any portion of the Seadrift Sandspit under the doctrine of implied dedication and/or public prescriptive rights,

---

<sup>1/</sup> By generally describing the property at issue, the parties do not intend to create or give up substantive rights that they may have in the subject properties. Any such substantive rights created or given up are specifically set forth in the following sections. The general descriptions in this paragraph are made for ease of reference only.

Approved:

*[Signature]* P35

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as claimed in the action known as Kelly et al. v. California Coastal Commission, Marin County Superior Court Case No. 152998 (the "State Action");

2. To resolve the administrative appeal now pending before the California Coastal Commission regarding the grant, by the County of Marin, of a permit for installation of a rock revetment seawall on the Seadrift Sandspit Beach;

3. To assure that future use of the Seadrift Sandspit Beach continues to be limited to low intensity, passive recreational uses; and



4. To assure continued protection of the environmentally sensitive dune and sandy beach areas of the Seadrift Sandspit.

This Agreement is not intended to be utilized as precedent for claims in other disputes unrelated to the Bolinas Sandspit, whether between the current parties or others.

C. Parties

The parties to this agreement, which include the parties to the State Action and the action known as California Coastal Commission, State Lands Commission v. United States Department of the Interior, et al., U.S. District Court No. CIV-S-92-0702 GEB GGH (Eastern District of California), (the "Federal Action") are:

1. The United States of America acting by and through the Department of the Interior ("DOI") and approved as to form by

Approved:  

ORIGINAL

the Office of the United States Attorney, Eastern District of California;<sup>2/</sup>

2. The State of California acting by and through:
  - a. The California Coastal Commission ("CCC"),
  - b. The State Lands Commission ("SLC"), and
  - c. The California Attorney General<sup>3/</sup> ("CAG");
3. The County of Marin<sup>4/</sup> by and through its Board of Supervisors;
4. The Seadrift Association on its own account;
5. The record owners of lots and parcels in the Seadrift subdivisions, Stinson Beach, California, which are more particularly listed and described in Exhibit "C" ("Lot Owners");
6. The title insurance companies appearing in the Federal Action: First American Title Insurance Company, Chicago Title Insurance Company, Ticor Title Insurance Company, Fidelity Title Insurance Company, Transamerica Title Insurance Company, Commonwealth Land Title Insurance Company, and Title Insurance Company of Minnesota ("Title Companies").<sup>5/</sup>

---

<sup>2/</sup> The United States is not a party to the State Action and disclaims any interest in that Action.

<sup>3/</sup> The CAG appeared in the administrative proceedings leading to the Federal Action, but is a party neither to the Federal Action nor to the State Action.

<sup>4/</sup> The County of Marin is neither a party to the Federal Action nor to the State Action.

<sup>5/</sup> The Title Companies are not a party to the State action and disclaim any interest in the terms and conditions of this Agreement insofar as they apply to or are made in reference to the State Action. The sole purpose for which the Title Companies

Approved:

*[Signature]* R35

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D. Effective Date and Final Disposition

This Agreement will become effective when executed by the Lot Owners of at least seventy-five percent (75%) of the Seadrift Sandspit beach-front lots and all of the other parties described in Sub-Paragraphs C. 1, 2, 3, 4 and 6 above, when all documents called for by this Agreement have been duly executed and placed in escrow, and when the escrow officer has duly recorded and delivered said documents in accordance with the escrow instructions (Exhibit "D" hereto).

If this Agreement does not become effective, it shall be null and void. No administrative permits or conveyances contemplated by this Agreement shall be issued unless the Agreement becomes effective. In the event that the Agreement does not become effective, the parties shall resume their positions in the Federal and State Actions as if the Agreement had not existed, and any permits, or conveyances issued shall be null and void. In the event that the Agreement does not become effective, with the exception of information that was of public record, or was otherwise not disclosed or generated as a result of settlement negotiations, nothing said or disclosed in connection with this Agreement may be used for any purpose, either in connection with the State Action or the Federal Action or otherwise; and the Agreement and any drafts, correspondence or

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are parties to this Agreement is that of memorializing their commitment and obligation to undertake those actions set forth herein which are intended to and will result in the final adjudication of the Federal Action, and no other.

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other communications related to it shall be deemed to be an offer to compromise pursuant to Section 1152 of the California Evidence Code.

NOW THEREFORE, based upon the foregoing premises, the parties agree as follows:

1. Escrow

An escrow shall be opened with Old Republic Title Insurance Company, and the escrow officer shall be directed to implement this agreement in accordance with the escrow instructions which are attached as Exhibit "D". When all of the documents described in Exhibits "E", "F", "G", "H", and "J" have been executed and placed in escrow, the escrow officer shall record and/or deliver to the appropriate parties the appropriate documents as set forth in the escrow instructions.

2. Judgments

Upon the deposit in escrow of all documents called for by this Agreement (other than the Judgments referred to in this paragraph), the parties in the State Action shall execute a stipulation and proposed judgment (in the form of Exhibit "E"), and submit it to the state court for approval. The proposed form of judgment shall incorporate the provisions of this Agreement, but shall provide that it shall take effect only in the event that the Federal Action is concluded in accordance with the provisions of this paragraph. Upon approval of the proposed judgment by the state court, the parties to the Federal Action shall execute a stipulation that the State parties will not

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refile (or will withdraw, as appropriate) their Motion for Summary Judgment and their opposition to the motions of Defendants and Intervenor for Summary Judgment in the Federal Action, and the motions of Defendants and Intervenor for Summary Judgment shall thereupon be submitted to the United States District Court for decision. If the Court grants such motions and enters judgment (substantially in the form of Exhibit "F" hereto), the judgment in the State Action shall thereupon automatically become effective and escrow will close in accordance with Exhibit "D". If the United States District Court fails to enter judgment in accordance with Exhibit "F", this Agreement shall thereupon be null and void as provided above, the judgment in the State Action shall be ineffective, the State parties' Motion for Summary Judgment in the Federal Action may be re-noticed, and both the State Action and the Federal Action shall proceed in due course.

3. Public Easement For Low Intensity  
Recreational Purposes

a. General

The Lot Owners of at least seventy-five per cent (75%) of the Seadrift Sandspit beach-front lots and the Association shall execute and place in escrow a grant of easement more particularly described below and in Exhibit "G" and substantially in the form of Exhibit "G". The easement shall define and limit the nature and extent of public right, title and interest in and to the Seadrift Sandspit Beach above the mean

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*[Signature]* *[Signature]*

high tide line, provided however, nothing in the easement or this Agreement is intended to expand or diminish any rights, if any, the public may have in the area of the Seadrift Sandspit Beach seaward of the mean high tide line.

b. Easement Area

Except as expressly noted herein, the area of the easement ("easement area") shall extend over the Seadrift Sandspit Beach from the easterly end to the westerly end of the last developable beach-front lot and then continue approximately one-half the distance around the headlands (to a precise point to be determined and marked on the ground).<sup>6/</sup> The width of the easement area is determined as follows:

an area extending along the length of the beach, subject to the public easement end points, which is bounded on the ocean side by the mean high tide line and on the landward side as follows: by the further seaward of (a) a line 60 feet measured perpendicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) a line 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall, and thereafter continuing around the headlands bounded by a line 60 feet measured

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<sup>6/</sup> The point shall be located at the Bolinas channel edge of the presently existing vegetation on an East-West line passing through STA. 1 shown on the Mean Low Water Line on that "Survey of the Ordinary High Water Mark and portion of Mean Low Water Line Bolinas Lagoon Sandspit" recorded August 1, 1949 in Book 2 Records of Surveys at page 144 in the office of the County Recorder of Marin County. A State Lands Commission monument bears east 200± feet along said line.

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perpendicularly from the seaward edge of the presently existing vegetation area of the headlands.<sup>7/</sup>

The public may pass and repass landward of the easement area during such times and in such locations that high water covers the easement area, provided that, the public shall in no event have the right to pass and repass closer than the further seaward of 25 feet from the top vertical centerline of the seawall or the toe of the sand dunes except in time of emergency, and then only in order to leave the beach.

c. Permitted Uses

The easement to be granted is a non-exclusive public easement for low intensity, passive recreation uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment,<sup>8/</sup> audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association

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<sup>7/</sup> The border of the vegetation area of the headlands is an approximate, but somewhat irregular, arc of 180 degrees.

<sup>8/</sup> The restriction on recreational equipment does not apply to fishing gear, surfboards, kayaks and other non-motorized, water-oriented equipment.

Approved:

*[Signature]* *[Signature]*

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and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

d. Time of Use

The easement will not be available for public use during the period from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

e. Burden of Easement

In the event that public use of the easement area substantially increases from the historic use of the easement area, the parties agree that the Seadrift parties or their successors shall thereupon be entitled to limit public use of the easement area to the historic use by filing an appropriate action in a court of competent jurisdiction and proving by a preponderance of the evidence such increased use.

4. Acceptance and Recordation of Easement

The County shall execute and place into escrow an acceptance of the grants of public easement in the form of Exhibit "H". The escrow officer shall be directed to record the grants of easement and their acceptance by the County of Marin upon close of escrow.

5. Compliance

The Seadrift Association and its successors, and the fee title owners of the easement area shall be empowered, but not obligated, to monitor the Seadrift Sandspit Beach for compliance

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with these easement provisions. The Marin County Sheriff shall have the authority to enforce the easement provisions. The Marin County Department of Public Works shall post and from time to time maintain signs on the Seadrift Sandspit Beach, in form and style and location acceptable to the Seadrift Association and approved by the appropriate governmental agency, communicating the open hours and conditions of use of the easement in accordance with the provisions of this Agreement, together with "no trespassing" as to private property.<sup>9/</sup> Signs may include language making it clear that use of the easement area shall be at sole risk of the user.

6. Agreement Pursuant to Civil Code § 1009

This Agreement, when effective, shall be deemed to constitute an agreement with a public agency within the meaning of Section 1009(f)(3) of the California Civil Code.

7. Attorneys' Fees and Costs

All parties shall bear their own attorneys' fees and costs.

8. Permit for the Seawall

If approved by the CCC after a public hearing in accordance with applicable procedures, the CCC shall place into

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<sup>9/</sup> One or more forms of signs shall be attached as Exhibit "I" to the settlement agreement which sign or signs shall be prepared and posted by the County within 60 days of the effective date of this Agreement. The signs may be revised from time to time as circumstances may warrant, if agreed to in writing by the CCC, the County of Marin, and the Seadrift Association.

Approved:

Settlement Agreement  
March 16, 1994

escrow a permit authorizing installation and maintenance of the seawall substantially in the form of Exhibit "J".<sup>10/</sup>

9. Cancellation of Offers of Dedication

Any prior offers of dedication to the public, the State of California, or to the County of Marin relating to any part of the Seadrift Sandspit Beach, which offers have not been accepted as of the date this Agreement is effective, shall be deemed extinguished and of no further force or effect. The parties hereby agree to deliver appropriate instructions and any other appropriate documents to the escrow officer in order to accomplish such cancellation. If legally permissible, and in consideration of the Seadrift parties' execution of this Agreement, offers of dedication of public easements on the beach which have previously been accepted will be abandoned and/or reconveyed to the fee title owner as soon as practicable.

10. Agreement to Refrain From Making Other Claims

The parties agree that none of the parties shall in any manner challenge this Agreement nor file or make, or assist or encourage any third party to file or make, any claim or demand in any proceeding, before any public or private entity or agency, including, but not limited to, any court of law or equity,

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<sup>10/</sup> In the event that there is in the future a foreclosure with respect to any Lot which is subject to the easement (Exhibit "G"), the easement shall not be abrogated because it is a condition of the permit for the seawall. The easement shall be binding on all successors in interest, including purchasers at foreclosure sales. Any successor in interest who successfully contests the easement shall not have the benefits of Sections 6, 8, 9, 10 and 11 of this Agreement.

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seeking to: impose any condition or requirement that would allow pedestrian, equestrian or vehicular use by members of the public over the internal roads of the Seadrift Sandspit, except in cases of emergencies; provide access by members of the public to any part of the Seadrift Lagoon, or to those portions of the Seadrift Sandspit comprised, as of the effective date hereof, of filled lands, or (other than as specifically provided in this Agreement) to any other part of the Seadrift Sandspit located above the mean high tide line; authorize any increase or change from those agreed to in this Agreement in the permitted uses by the public on the Seadrift Sandspit Beach; or establish that a public prescriptive easement or implied dedication has ever been created or established through adverse possession, adverse use, or otherwise, over all or any portion of the Seadrift Sandspit. So long as the Seadrift subdivisions continue to be substantially used for residential purposes in the form of single family residences, so that the kind and intensity of uses are not substantially changed,<sup>11/</sup> the CCC, SLC and the County of Marin agree that none of them will impose in any permit for improvements to the Seadrift Sandspit any condition which requires greater public access to the Seadrift Sandspit than

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<sup>11/</sup> It is understood and agreed that there are a substantial number of buildable lots remaining within the Seadrift subdivisions. Construction of single family residences on those lots, and remodeling or replacement of single family residences on the lots which presently have such structures, shall not be deemed to constitute a change in "kind and intensity of uses" as such term is used in this Agreement.

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*[Signature]* *[Signature]*

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required by this Agreement. Neither the CCC nor the SLC will participate in establishing public transportation facilities or vehicle parking which are designed or intended to increase public use of the Seadrift Sandspit Beach. The parties further agree that, in the event that any agency commences eminent domain proceedings for any portion of the Seadrift Sandspit, the property affected by the condemnation shall be valued as if it were not burdened by the easement established by this Agreement. The State parties agree to use all efforts reasonably within their respective jurisdictions to assure that the channel from the Pacific Ocean into the Bolinas Lagoon remains open, provided that, they do not hereby agree to expend any public funds for the dredging of said channel. Notwithstanding anything in this Paragraph to the contrary, the State Parties reserve the right to assert public prescriptive rights and implied dedication claims over those Seadrift Sandspit beach-front lots whose owners have not conveyed an easement pursuant to paragraph 3 hereof.

11. Enforcement of the Agreement

The state judgment which is to be entered pursuant to this Agreement shall contain a provision providing that the state court shall retain jurisdiction for the purpose of enforcing the terms of this Agreement, provided that, the state court shall have no jurisdiction over the terms or the effect of the judgment in the Federal Action. The parties agree, and the state judgment shall so provide, that the breach by any party of any of the terms and provisions set forth in this Agreement shall be deemed

Approved:

*ALL* *pb*



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to cause irreparable injury to the party seeking enforcement of such terms and provisions, and the parties further agree that no bond or undertaking shall be required in connection with the entry of an order by the court requiring any party to comply with the terms and provisions hereof.

12. Recitals to be Incorporated

The Recitals to this Agreement are incorporated herein by this reference and shall be deemed an integral part of this Agreement.

13. Additional Parties

Additional Lot Owners or others having an interest in the Seadrift Sandspit may become parties to this Agreement by executing a conformed copy of this agreement, provided that, the right of Lot Owners or others under paragraph 14 hereof to become parties to this Agreement shall expire 90 years from the effective date of this Agreement.

14. Lot Owners Not Having Benefits of this Agreement

Any Lot Owner who owns a beach-front lot or lots who has not executed this Agreement and conveyed an easement in accordance with paragraph 3 hereof within one year from the effective date hereof shall be deemed to have waived and relinquished any right and entitlement to the benefits of Sections 6, 8, 9, 10 and 11 of this Agreement, provided that, new purchasers of any such lots shall have one year from the date of purchase to execute this Agreement and such new purchasers shall

Approved:

*KS* *RB*

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DATED: \_\_\_\_\_

COUNTY OF MARIN

By: \_\_\_\_\_  
Title: \_\_\_\_\_

DATED: \_\_\_\_\_

SEADRIFT ASSOCIATION

By: \_\_\_\_\_  
Title: \_\_\_\_\_

DATED: \_\_\_\_\_

FIRST AMERICAN TITLE INSURANCE  
COMPANY

By: \_\_\_\_\_  
Title: \_\_\_\_\_

DATED: \_\_\_\_\_

CHICAGO TITLE INSURANCE COMPANY

By: \_\_\_\_\_  
Title: \_\_\_\_\_

DATED: \_\_\_\_\_

TICOR TITLE INSURANCE COMPANY

By: \_\_\_\_\_  
Title: \_\_\_\_\_

DATED: \_\_\_\_\_

FIDELITY TITLE INSURANCE COMPANY

By: \_\_\_\_\_  
Title: \_\_\_\_\_

DATED: \_\_\_\_\_

TRANSAMERICA TITLE INSURANCE  
COMPANY

By: \_\_\_\_\_  
Title: \_\_\_\_\_

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DATED: \_\_\_\_\_

COMMONWEALTH LAND TITLE  
INSURANCE COMPANY

By: \_\_\_\_\_  
Title: \_\_\_\_\_

DATED: \_\_\_\_\_

TITLE INSURANCE COMPANY OF  
MINNESOTA

By: \_\_\_\_\_  
Title: \_\_\_\_\_

KRS 765

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SEADRIFT PROPERTY OWNERS

PRINT NAME

SIGNATURE

DATE \_\_\_\_\_

[illegible]

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Exhibits to Settlement Agreement

- A. Bolinas Sandspit description (from IBLA record).
- B. Seadrift Sandspit description (calling for mean high tide line along Seadrift beach to end of spit, then calling for mean low tide line along Bolinas Lagoon as set forth in 1950 court decree).
- C. Fee title owners of lots on Seadrift Sandspit.
- D. Escrow instructions.
- E. State judgment.
- F. Federal judgment.
- G. Grant of Easement.
- H. County acceptance of easement.
- I. Sign(s).
- J. Permit for seawall.

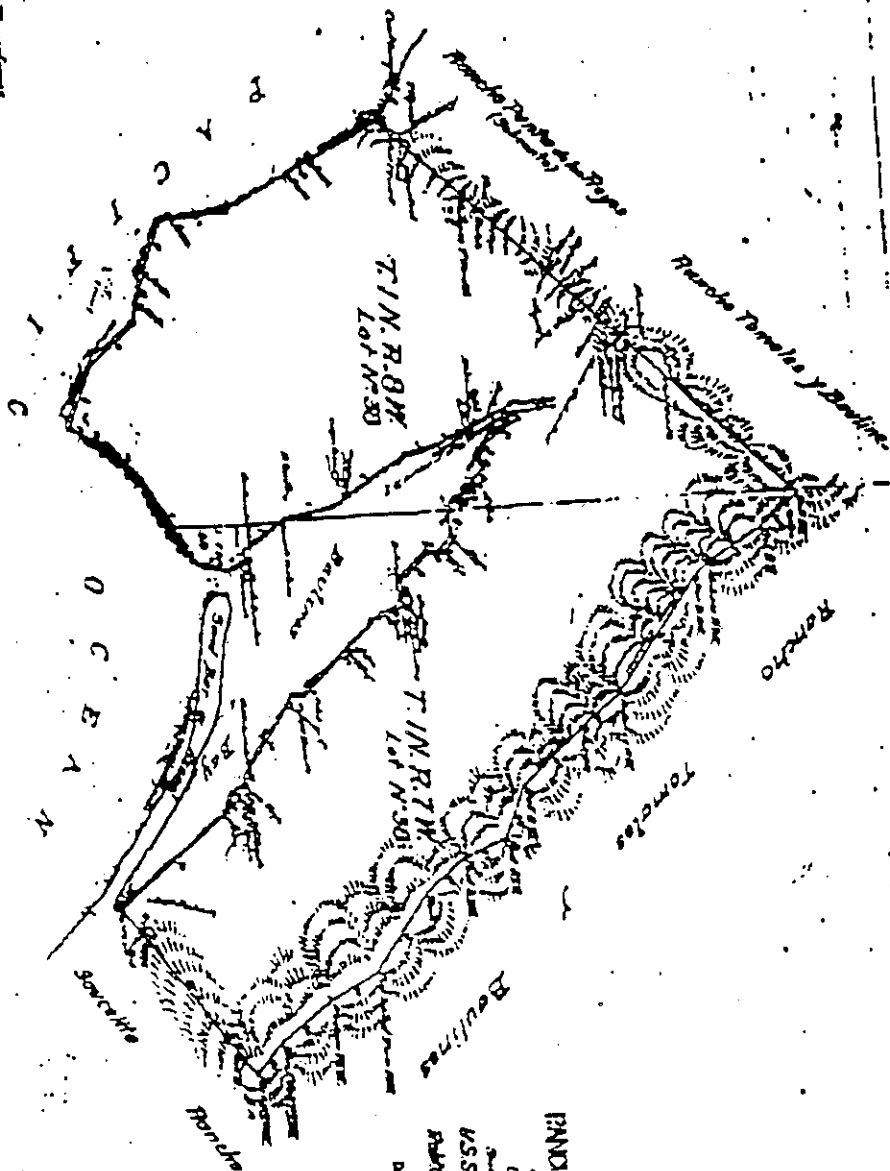
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That certain land commonly known as the Bolinas Sandspit, depicted as "Sand Bar or Arenal" on the Official Plat of the Rancho Las Baulines, a copy of which is attached hereto as Exhibit A-1, and depicted as "Sand Beach" on the Official Plat of the Rancho Sausalito, a copy of which is attached hereto as Exhibit A-2.

EXHIBIT A

KJP OBS



The "Goldsmiths of the Standard" are "Buckingham" and "Pearl" which they find  
has been made up have been examined and approved and one set filed in the office.  
U.S. Savings Bonds Office  
San Francisco, California  
December 9<sup>th</sup> 1869

J.W. Standard  
"Goldsmith"

✓ Mr. Kennedy with  
U.S. Sec. 'Good' Carr

0.5

Not true and name of copy of the Original  
Not on file in this office  
U.S. Surveyor General's Office  
San Francisco California  
September 1905

*W. J. Davis*

85 Bar 1000 01

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کتابخانه - مکتبہ اسلامیہ

PLAT  
of the  
PANAMA CANAL  
by  
the  
Engineering Division  
of the  
U.S. SURVEYOR GENERAL  
for the  
Panama Canal  
Zone  
of the  
Isthmus of Panama  
Colon, Panama  
1914

... of the ...

Wade

EXHIBIT A-1

238 025

The following is a list of the names of the persons who have been appointed to the various positions of the Board of Directors of the City of New York, for the year 1900:

Brionce  
TINR.7W  
Rancho

ATIN. R. 6 W.

# FIN

Kis 005



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EXHIBIT "B"

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EXHIBIT B

SEADRIFT SANDSPIT

A parcel of land situated in Marin County, State of California on the Bolinas Sandspit in T. 1 N., R. 7 W., M.D.M. known as "Seadrift Sandspit" lying between Bolinas Lagoon and the Pacific Ocean more particularly described as follows:

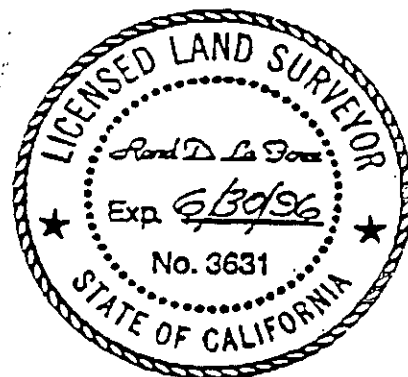
BEGINNING at the northwesterly corner of the exterior boundary of the "Upton Tract" as shown on that map recorded in Volume 5 of Official Maps at page 61 as filed August 11, 1931 in the office of the County Recorder of said County; thence along the northeasterly boundary of said "Upton Tract", South 56° 31' 14" East 41.529 feet; thence leaving said "Upton Tract" North 45° 10' 29" East 507.151 feet to the Mean Low Water Line of Bolinas Lagoon as described in Book 633 at pages 438 and 439 filed Feb. 10, 1950 in the office of the County Recorder of said County; thence westerly and southerly along said Mean Low Water Line of Bolinas Lagoon the following courses and distances:

North	52° 19' 31"	West,	693.79 feet,
North	67° 06' 44"	West,	2789.80 feet,
North	77° 35' 14"	West,	1322.30 feet,
North	80° 29' 18"	West,	1339.85 feet,
South	78° 07' 19"	West,	892.45 feet,
South	73° 28' 27"	West,	413.40 feet,
South	87° 37' 53"	West,	411.35 feet,
North	75° 51' 50"	West,	278.43 feet,
North	62° 27' 50"	West,	395.84 feet,
North	58° 39' 02"	West,	305.62 feet,
North	68° 03' 24"	West,	149.86 feet,
South	86° 19' 19"	West,	140.29 feet,
South	64° 49' 35"	West,	110.49 feet,
South	43° 48' 53"	West,	205.10 feet,
South	05° 09' 20"	East,	133.54 feet,

to STA. 1 shown as on the Mean Low Water Line on that "Survey of the Ordinary High Water Mark and portion of Mean Low Water Line Bolinas Lagoon Sandspit" recorded August 1, 1949 in Book 2 Records of Surveys at page 144 in the office of the County Recorder of said County; thence leaving said Mean Low Water Line of Bolinas Lagoon along an east-west line passing through said STA. 1 to the Line of Mean High Tide of the Pacific Ocean; thence Easterly along said Line of Mean High Tide to its intersection with the Westerly boundary of said "Upton Tract"; thence North 39° 56' 46" East to the Point of Beginning

END OF DESCRIPTION

Prepared by California State Lands Commission  
SFB & CC Boundary Unit  
Supervisor Rand La Force, Nov. 8, 1993



KLS PPS

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NOTE RE EXHIBIT "C"

THE LIST OF SEADRIFT PROPERTY OWNERS, EXHIBIT "C", SHALL BE REVISED SO AS TO PROVIDE AN ACCURATE LIST OF THE FEE TITLE OWNERS OF EACH PARCEL AND LOT WITHIN THE SEADRIFT SPIT AS OF THE DATE OF CLOSE OF ESCROW. ANY NECESSARY AMENDMENTS TO THE ATTACHED LIST, EXHIBIT "C", SHALL BE MADE ACCORDINGLY AT THAT TIME WITHOUT FURTHER APPROVAL BEING REQUIRED BY ANY PARTY OTHER THAN BY THE ATTORNEYS WHO HAVE EXECUTED THE ESCROW INSTRUCTIONS (EXHIBIT "D" TO THIS AGREEMENT).

EXHIBIT "C"

KLP PBS

ALL SEADRIFT PROPERTY OWNERSLOT NUMBER

- |   |   |
|---|---|
| 1. DENNY ABRAMS   | Lot L-190, Seadrift Lagoon Subd. #2                               |
| 2. JAMES ALLEN, NANCY ALLEN<br>Co-owners: Mr. and Mrs. Cook | Lot O-53, Seadrift Subd. #2                                       |
| 3. THOMAS S. ADAMS, SALLY ADAMS                             | Lot O-48, Seadrift Sub. #1  |
| 4. HAROLD ALSTROM   | Lot L-153, Seadrift Lagoon No. 2                                  |
| 5. CLARENCE AMONETTE, MARY AMONETTE                         | Lot L-15, Seadrift Lagoon Subd. #1                                |
| 6. FRED ANDERSON, PAT ANDERSON                              | Lot O-103, Seadrift Subd. #2                                      |
| 7. JOSEPH ARRIGHI, PATRICIA ARRIGHI                         | Lot O-112, Seadrift Subd. #2                                      |
| 8. PETER R. ARRIGONI, PATRICIA ARRIGONI                     | Lot O-51, Seadrift Subd. #1                                       |
| 9. JOSEPHINE BADALAMENTI                                    | Lot L-78, Seadrift Lagoon Subd. #1                                |
| 10. JOHN T. BADHAM, JR.                                     | Lot L-67, Seadrift Lagoon Subd. #1                                |
| 11. JAMES BARRINGTON  | Lot O-49, Seadrift Subd. #1                                       |
| 12. PETER BARRY, JANICE BARRY                               | Lot L-66, Seadrift Lagoon Subd. #1                                |
| 13. THOMAS J. BAUCH, ELLEN L. BURNSTEIN BAUCH               | Lot L-23, Seadrift Lagoon Subd. #1<br>Lot O-79, Seadrift Subd. #2 |
| 14. CAROLYN BAULSIER  | Lot L-19, Seadrift Lagoon Subd. #1                                |
| 15. RONNY B. BAXTER   | Lot L-70, Seadrift Lagoon Subd. #1                                |
| 16. DONALD A. BEACOCK, KATHERINE M. BEACOCK                 | Lot BL-129, Seadrift Subd. #3                                     |
| 17. JOACHIM BECHTLE, NANCY BECHTLE                          | Lot O-96, Seadrift Subd. #2                                       |
| 18. BOB BEGLEY, LYNNE JONES                                 | Lot L-153, Seadrift Lagoon Subd. #2                               |
| 19. WILLIAM BELARDI, PATRICIA BELARDI                       | Lot L-62, Ely 1/4 of 61, Seadrift Lagoon<br>Subd. #1              |

20.	JOHN BELLAMY, BARBARA C. H. BELLAMY	Lot O-08, Seadrift Subd. #1
21.	SUSAN BENTLY	Lot O-80, Seadrift Subd. #2 Lot L-22, Seadrift Lagoon Subd. #1
22.	ROBERT H. BERRY, JOANE H. BERRY	Lot L-59, Seadrift Lagoon Subd. #1
23.	KEITH BEVERLY, INICE BEVERLY	Lot O-A, Seadrift Subd. #1
24.	PAUL A. BISSINGER, JR., KATHLEEN B. BISSINGER	Lot L-173, Seadrift Lagoon Resub.
25.	SIMON J. BLATTNER, JR., KIMBERLY BLATNER	Lot O-83, Seadrift Subd. #2
26.	RICHARD BLUM, DIANNE FEINSTEIN	Lot BL-133, Seadrift Subd. #3
27.	ROGER BOAS, NANCY BOAS	Lot L-03, Seadrift Lagoon Subd. #1 Lot O-99, Seadrift Subd. #2
28.	GREGORY BONFILIO, CAROL BRILL	Lot L-197, Seadrift Lagoon Subd. #2
29.	MR. AND MRS. FREDERICK BORDEN Co-owner: Pauline Elliott	Lot L-201, Seadrift Lagoon Resub.
30.	MARILYN BOSWELL	Lot O-93, Seadrift Subd. #2
31.	JAMIE BOSWELL-SHARP	Lot L-09, Seadrift Lagoon Subd. #1
32.	ELIAS H. BOTVINICK, CARROLL BOTVINICK	Lot L-25, Seadrift Lagoon Subd. #1
33.	BARBARA BOUCKE	Lots L-16, L-17, Seadrift Lagoon Subd. #1
34.	JOHN G. BOWES, FRANCIS F. BOWES	Lot O-101, Seadrift Subd. #2
35.	WILLIAM K. BOWES, JR., UTE C. BOWES	Lot O-95, Seadrift Subd. #2 Lot L-07, Seadrift Lagoon Subd. #1
36.	ESTATE OF CHARLES BOWMAN c/o Mr. E. Craig Moody	Lot O-116, Seadrift Subd. #2
37.	JEAN BRIGGS	Lot O-78, Seadrift Subd. #2 Lot L-24, Seadrift Lagoon Subd. #1

38.	JANE BROWN	Lot L-82, Seadrift Lagoon Subd. #1
39.	DAWNA BRANDON (PRESNELL)	Lot L-128, Seadrift Lagoon Subd. #2
40.	WILLIAM N. BUCKLIN, III, LINDA HALE BUCKLIN	Lot BL-143, Seadrift Subd. #3
41.	DONALD BULL, SUSAN BULL Co-owners: Mr. and Mrs. Maynard Garrison	Lot 1/2 of L-60, Seadrift Lagoon Subd. #1
42.	LOLA BUSH	Lot L-94, L-93, Seadrift Lagoon Subd. #1
43.	LEWIS H. BUTLER, SHEANE W. BUTLER	Lot L-55, Seadrift Lagoon Subd. #1 Lot O-47, Seadrift Subd. #1
44.	ROBERT BUTLER, CAROL BUTLER Co-owners: Mr. and Mrs. Montobbio	Lot O-32, Seadrift Subd. #1
45.	GERALD K. CAHILL, KATHY KING Co-owners: Mr. and Mrs. Cahill	Lot L-32, Seadrift Lagoon Subd. #1 Lot O-70, Seadrift Subd. #2
46.	MR. AND MRS. JOHN CAHILL, JR. Co-owners: Cahill/King	Lot L-32, Seadrift Lagoon Subd. #1 Lot O-70, Seadrift Subd. #2
47.	SHARON CALL (VALLARINO)	Lot L-149, Seadrift Lagoon Subd. #2
48.	MARY C. CAMERON	Lot O-113, Seadrift Subd. #2
49.	CHARLES H. CARRUTHERS MARJORIE J. CARRUTHERS	Lot L-53, Seadrift Lagoon Subd. #1
50.	REVELS CAYTON, MIYE CAYTON	Lot L-113, Seadrift Lagoon Resub.
51.	LILLIAN CECIL	Lot O-107, Seadrift Subd. #2
52.	CLAUDIA CHAPLINE, HAROLD SCHWARM	Lot L-02, Seadrift Lagoon Subd. #1
53.	BRYAN CHAPMAN, GENEVIEVE CHAPMAN	Lot O-17, Seadrift Subd. #1
54.	CAROLEE HOBBS CHARLTON	Lot L-13, Seadrift Lagoon Subd. #1
55.	ROBERT CHEATHAM, KAY CHEATHAM	Lot O-21, Seadrift Subd. #1 Lot L-83, Seadrift Lagoon Subd. #1

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| 56. | MRS. JEAN CHICKERING                                  | Lot L-203, Seadrift Lagoon #2                                     |
| 57. | DENNIS G. CIOCCA, MARY F. CIOCCA                      | Lot L-28, 29, Seadrift Lagoon Subd. #1                            |
| 58. | CLAIRE B. CLARK                                       | Lot O-97, Seadrift Subd. #2<br>Lot L-44, Seadrift Lagoon Subd. #1 |
| 59. | MARY ANN COBB, PETER WILSON                           | Lot O-01 <sup>1</sup>   |
| 60. | ROBERT M. COLE, VIRGINIA L. COLE                      | Lot O-118, Seadrift Subd. #2                                      |
| 61. | MR. AND MRS. FRANCIS D. COLLINS                       | Lot L-172, Seadrift Lagoon Subd. #2                               |
| 62. | MR. & MRS. ALBERT COMPAGLIA<br>MR. RICHARD CARCIONE   | Lot L-106, Seadrift Lagoon Resub.                                 |
| 63. | TOM COOK, PATTI COOK<br>Co-owners: Mr. and Mrs. Allen | Lot O-53, Seadrift Subd. #2                                       |
| 64. | HAROLD COOKSON  | Lot O-54, Seadrift Subd. #2<br>Lot L-48, Seadrift Lagoon Subd. #1 |
| 65. | PHILIP A. CRANE, JR., ROSEMARY PRATT CRANE            | Lot O-102, Seadrift Subd. #2                                      |
| 66. | EDWARD CUTTER, SUSAN CUTTER                           | Lot L-159, Seadrift Subd. #2                                      |
| 67. | THE ROBERT P. AND ANNE DANIELSON TRUST                | Lot L-47, Seadrift Lagoon Subd. #1                                |
| 68. | TOM DAVIS, MS. MARDEN PLANT                           | Lot L-04, Seadrift Lagoon Subd. #1                                |
| 69. | WILFRED A. DECOOK, BOBBYE J. DECOOK                   | Lot L-69, Seadrift Lagoon Subd. #1                                |
| 70. | ANDREW DELFINO  | Lot L-125, Seadrift Lagoon Resub.                                 |
| 71. | PAUL DILLMAN, SONDRAL DILLMAN                         | Lot L-179, Seadrift Lagoon Subd. #2                               |

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<sup>1</sup>Lot 1 of said Map of Seadrift Subd. No. One, as said lot is shown on Record of Survey Lot No. 1, Seadrift Subdivision No. One, filed April 8, 1970 in Book 9 of Surveys at Page 10, Marin County Records.

2.	DIPSEA TRUST, c/o Michael Monteith, Trustee Proctor Jones Trust	Lot O-115, O-114, Seadrift Subd. #2
73.	JOSEPH F. DONOHUE, JANE H. DONOHUE	Lot L-34, Seadrift Lagoon Subd. #1
74.	JOHN S. DOUGHTY, WENDY DOUGHTY	Lot O-09, Seadrift Subd. #1
75.	MILLARD DREXLER, PEGGY F. DREXLER	Lot O-42, Seadrift Subd. #1
76.	MICHAEL DRIVER, KAREN DRIVER	Lot L-115, Seadrift Lagoon Resub.
77.	JOHN DRUM, JR., MR. AND MRS. JEFFREY THOMAS	Lot L-87, Seadrift Lagoon Subd. #1
78.	BRUCE DUNLAP, SUSAN P. DUNLAP	Lot L-104, Seadrift Lagoon Resub.
79.	PARKER DUSSEAU, NANCY DUSSEAU	Lot L-160, Seadrift Lagoon Subd. #2
80.	CHARLES DUTKIN, CYNTHIA DUTKIN	Lot L-133, Seadrift Lagoon Subd. #2
81.	LAWRENCE D. EHRLICH, RONYA EHRLICH	Lot O-10, Seadrift Subd. #1
82.	PAULINE ELLIOTT Co-owners: Mr. and Mrs. Borden	Lot L-201, Seadrift Subd. #2
83.	WILLIAM ELLIOTT	Lot O-108, Seadrift Subd. #2
84.	GEORGE R. ELWELL, THERESE L. ELWELL	Lot L-170, Seadrift Lagoon Subd. #2
85.	MR. AND MRS. CHADWICK ERTOLA	Lot O-33, O-40, Seadrift Subd. #1
86.	JOHN A. ERTOLA, SHIRLEY ERTOLA	Lot L-75, Seadrift Lagoon Subd. #1
87.	JACK FALVEY, PATRICIA FALVEY	Lot L-119, Seadrift Lagoon Subd. #2
88.	WILL FELCH, VIRGINIA FELCH	Lot L-199, Seadrift Lagoon Subd. #2
89.	JUDGE ALLEN P. FIELDS, SELMA FIELDS	Lot L-196, Seadrift Lagoon Subd. #2



90.	JOSEPH FITZPATRICK, PHYLLIS A. FITZPATRICK	Lot L-107, Seadrift Lagoon Resub.
91.	JOSEPH H. FLAHAVEN, MARY J. FLAHAVEN	Lot O-75, Seadrift Subd. #2
92.	BERNELL V. FLATH	Lot L-85, Seadrift Lagoon Subd. #1
93.	JON FRANCIS, SANDRA FRANCIS	Lot L-165, Parcel Map, Lnads of Jencks
94.	KENNETH FRANKEL	Lot O-19, Seadrift Subd. #1
95.	ARTHUR FRASCO, CAROLYNE B. FRASCO	Lot L-137, Seadrift Lagoon Resub.
96.	MILLER FREEMAN, LINDA FREEMAN	Lot L-14, Seadrift Lagoon Subd. #1
97.	EDWARD FRENCH	Lot BL-132, Seadrift Subd. #3
98.	JONATHAN M. FREUDMAN, JOAN B. COLLINS	Lot L-122, Seadrift Lagoon Resub.
99.	EDWIN J. GALLAGHER, PATRICIA A. GALLAGHER	Lot L-134, Seadrift Lagoon Subd. #2
100.	SANFORD GALLANTER, LINDA GALLANTER	Parcel 2 (O-B), Map of Hendricks Seadrift Subd. #1
101.	RICHARD F. GAMBLE, JOAN R. GAMBLE	Lot L-144, Seadrift Lagoon Subd. #2
102.	RICHARD GARDNER, ANNA GARDNER	Lot O-12, Seadrift Subd. #1
103.	MAYNARD GARRISON, MARY S. GARRISON Co-owners: Mr. and Mrs. Donald Bull	Lot ½ of L-60, Seadrift Lagoon Subd. #1
104.	LINDA GHILOTTI Co-owner: Ongaro	Lot L-98, Seadrift Lagoon Subd. #1
105.	SUSAN P. GLANDER	Lot L-86, Seadrift Lagoon Subd. #1
106.	IDA LOU GLASS	Lot O-04, Seadrift Subd. #1 Lot L-139, Seadrift Lagoon Subd. #2
107.	WILLIAM M. GOODMAN, VICTORIA C. BELCO	Lot L-189, Seadrift Lagoon Subd. #2

108.	MARGARET GRAHAM	Lot O-35, Seadrift Subd. #1
109.	JAMES GRANT, NANCY GRANT	Lot L-146, L-147, L-148, Seadrift Lagoon Subd. #2
110.	JOHN GRAY, FRANKIE GRAY	Lot O-37, Seadrift Subd. #1
111.	LARRY GREEN, GERALDINE GREEN	Lot L-65, Seadrift Lagoon Subd. #1
112.	MR. AND MRS. RICHARD B. HAM	Lot O-100, Seadrift Subd. #2
113.	WILLIAM WINFRED HARKNESS, SHIRLEY S. HARKNESS	Lot L-56, Seadrift Lagoon Subd. #1
114.	HARLAN HARKNESS	Lot L-57, Seadrift Lagoon Subd. #1
115.	ANTOINETTE HARLEY	Lot O-77, Seadrift Subd. #2
116.	ARTHUR S. HARRIS, EVELYN HARRIS	Lot L-49, Seadrift Lagoon Subd. #1
117.	GEORGE FULTON HARTMAN, MARIA S. HARTMAN	Lot BL-123, Seadrift Subd. #3
118.	GEORGE HASLER, JOANNE F. HASLER	Lot L-76, L-77, Seadrift Lagoon Subd. #1
119.	MRS. ELIZABETH HAZARD	Lot BL-138, Seadrift Subd. #3
120.	JAMES R. HELDMAN, CHRISTINE M. HELDMAN	Lot L-130, Seadrift Lagoon Subd. #2
121.	F. WARREN HELLMAN, PATRICIA C. HELLMAN	Lot O-121, Seadrift Subd. #2
122.	JAMES H. HERBERT, JR., CECILIA HERBERT	Lot O-41, Seadrift Subd. #1
123.	JOHN S. HERRINGTON, LOIS H. HERRINGTON	Lot BL-134, Seadrift Subd. #3
124.	BETTY HEWLETT ESTATE OF BETTY HEWLETT	Lot L-182, Seadrift Lagoon Subd. #2
125.	IRA MICHAEL HEYMAN AND THERESE THAU HEYMAN,	Lot O-13, Seadrift Subd. #1

126.	ANN K. HOGUE	Lot L-54, Seadrift Lagoon Subd. #1
127.	DAGGETT H. HOWARD, JR., SARA G. HOWARD	Lot L-166, Seadrift Lagoon Subd. #2
128.	JEFFREY M. HOWSON, ANNE K. HOWSON	Lot L-195, Seadrift Lagoon Subd. #2
129.	WILLIAM L. HUDSON, NANCY R. HUDSON	Lot L-31, Seadrift Lagoon Subd. #1
130.	BARBARA HUNT	Lot L-110, Seadrift Lagoon Resub.
131.	JOHN C. HUTCHINSON, BEVERLY F. HUTCHINSON	Lot O-15, Seadrift Subd. #1 Lot L-90, Seadrift Lagoon Subd. #1
132.	NILS A.H. INGEMANSSON, DOLORES J. INGEMANSSON	Lot L-155, Seadrift Lagoon Subd. #2
133.	RICHARD JANSON, BETTY JANSON	Lot L-200, Seadrift Lagoon Subd. #2
134.	CHARLES L. JENKS, MARGARET M. JENKS	Lot L-01, Seadrift Lagoon Subd. #1
135.	CHARLES K. JOHNSON	Lot O-20, Seadrift Subd. #1
136.	ALAN JOHNSTON, KATHERYN JOHNSTON	Lot L-121, Seadrift Lagoon Subd. #2
137.	JOHN L. JONES, CHARLOTTE J. JONES	Lot O-110, Seadrift Subd. #2 Lot BL-131, Seadrift Lagoon Subd. #3
138.	LAWRENCE JONES, MARILYN JONES	Lot L-193, Seadrift Lagoon Subd. #2
139.	PROCTOR JONES, MARTHA M. JONES	Lot BL-135, Seadrift Lagoon Subd. #2
140.	RICHARD KAMIENIECKI, LEAS KAMIENIECKI	Lot L-176, 177, 178 Seadrift Lagoon Subd. #2
141.	EAMONN P. KEEGAN, LOUISE KEEGAN	Lot O-94, Seadrift Subd. #2
142.	RAWSON KELHAM, SUSANNA KELHAM	Lot L-18, Seadrift Lagoon Subd. #1
143.	JOHN M. KELLY	Lot O-85, Seadrift Subd. #2

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| 144. | JAMES KELSO, NANCY KELSO  | Lot O-25, Seadrift Subd. #1<br>Lot L-79, Seadrift Lagoon Subd. #1                 |
| 145. | WILLIAM KENT, III   | Lot BL-141, Seadrift Subd. #3   |
| 146. | THEODORA S. KING  | Lot BL-137, BL-136, Seadrift Subd. #3   |
| 147. | WILMA LEONARD   | Lot L-167, Seadrift Lagoon Resub.   |
| 148. | ROBERT LIEFF, SUSANNAH LIEFF  | Lot L-100, Seadrift Lagoon Subd. #2   |
| 149. | JOHN G. LILIENTHAL, JUNE R. LILIENTHAL                                | Lot L-53, Seadrift Lagoon Subd. #1  |
| 150. | KAREN K. LINDFORS   | Lot O-34, Seadrift Subd. #1   |
| 151. | DAVID E. LOMBARDI, JR., SUZANNE W. LOMBARDI                           | Lot O-55, Seadrift Subd. #2   |
| 152. | BILL LONGWELL, KATHLEEN LONGWELL<br>Co-owners: Jim and Janice Grummon | Lot L-29, Seadrift Lagoon Subd. #1  |
| 153. | MARY R. LOWREY  | Lot O-90, 91, 92, Seadrift Subd. #2<br>Lot L-10, 11, 12, Seadrift Lagoon Subd. #1 |
| 154. | RICHARD S. LOWRY, JR., MOLLY W. LOWRY                                 | Lot O-06, Seadrift Subd. #1   |
| 155. | JAMES J. LUDWIG, EILEEN D. LUDWIG                                     | Lot L-136, Seadrift Lagoon Subd. #2   |
| 156. | WILLIAM B. MACCOLL, STEPHANIE C. MACCOLL                              | Lot O-62, Seadrift Subd. #2<br>Lot L-40, Seadrift Lagoon Subd. #1                 |
| 157. | RICHARD B. MADDEN, JOAN F. MADDEN                                     | Lot O-65, Seadrift Subd. #2   |
| 158. | RICHARD B. MADIGAN, JEAN R. MADIGAN                                   | Lot O-111, Seadrift Subd. #2  |
| 159. | JOE MADRIGALI, GRACE MADRIGALI  | Lot L-143, Seadrift Lagoon Resub.   |
| 160. | MARGERY MAGNANI   | Lot O-28, Seadrift Subd. #1   |
| 161. | JAMES MANOOGIAN   | Lot L-154, Seadrift Lagoon Subd. #2   |

162. DAN MARR

Lot L-129, Seadrift Lagoon Subd. #2

163. NANCY MCCARTHY

Lot O-02, Seadrift Subd. #1

164. HAROLD J. MCCURRY, JR.

Lot O-03, Seadrift Subd. #1

165. MICHAEL MCDEVITT, LYNN MCDEVITT

Lot L-116, Seadrift Lagoon Resub.

166. JAMES MCDONALD, MARY LOUISE MCDONALD

Lot L-123, Seadrift Lagoon Resub.

167. HAROLD MCELHINNY, ELLEN MCELHINNY

Lot L-131, Seadrift Lagoon Subd. #2

168. JOHN MCGUIRE

Lot O-83, Parcel Map Lands of  
Setrakian  
Lot L-186, Seadrift Lagoon Subd. #2

169. JEFFREY G. MCKINLEY, CAMERON C. MCKINLEY

Lot L-68, Seadrift Lagoon Subd. #1

170. MALCOM MCLORG, LINDSEY J. MCLORG  
Co-owners: Petersons, Quinns

Lot N-6, Map of Normans' Seadrift Subd.

171. JON E. MCMAHON, CLARISSA SHORTALL MCMAHON

Lot O-11, Seadrift Subd. #1  
L-92, Seadrift Lagoon Subd. #1

172. JOHN F. MCMAHON, JANET B. MCMAHON

Lot L-198, Seadrift Lagoon Subd. #2

173. JOHN DENNIS MCQUAID, BARBARA L. MCQUAID

Lot L-169, Seadrift Lagoon Resub.

174. MRS. HELEN L. MCVEA

Lot L-35, Seadrift Lagoon Subd. #1

175. LUCINDA MEHRAN

Lot L-112, Seadrift Lagoon Resub.

176. F. EUGENE METZ, MARY S. METZ

Lot L-101, Seadrift Lagoon Resub.

177. MARJORIE TRYON MICHAEL

Lot O-22, Seadrift Subd. #1

178. EUGENE MIRONOFF, VERONICA C. MIRONOFF

Lot O-58, Seadrift Subd. #2

179. ALLEN MITCHELL, SHIRLEY MITCHELL

Lot L-161, Seadrift Lagoon Subd. #2

180.	MARK MONTOBBIO, MADELON MONTOBBIO Co-owners: Mr. and Mrs. Butler	Lot O-32, Seadrift Subd. #1
181.	JOSEPH A. MOORE, JR., GLADYS G. MOORE	Lot O-50, Seadrift Subd. #1 Lot L-51, L-52, Seadrift Lagoon Subd. #1
182.	MRS. MARIAN L. MORGAN	Lot O-73, Seadrift Subd. #2
183.	JANET MORGAN	Lot L-194, Seadrift Lagoon Subd. #2
184.	MARVIN D. MORGENSTEIN	Lot O-72, Seadrift Subd. #2
185.	PETER MORRISON, SUSANNE KING MORRISON	Lot O-84, Seadrift Subd. #2 Lot 18, Seadrift Lagoon Subd. #1
186.	THOMAS E. MORTON, ANNE L. MORTON Co-owners: Mr. and Mrs. Wara	Lot O-69, Seadrift Subd. #2 Lot L-33, Seadrift Lagoon Subd. #1
187.	SANDRA MOSBACHER	Lot O-89, Seadrift Subd. #2
188.	ROBERT W. MOYCE, SHIRLEY R. MOYCE	Lot BL-130, Seadrift Subd. #3
189.	LAWRENCE E. MULRYAN, ELIZABETH J. MULRYAN	Lot L-145, Seadrift Lagoon Subd. #2
190.	HERBERT T. NADAI	Lot O-60, 61, Seadrift Subd. #2 Lot L-41, 42, Seadrift Lagoon Subd. #1
191.	VICKI NORMAN Co-Owner: (N-5) Janet Norman	Lot N-3, Norman's Seadrift Subd. Lot N-5, Norman's Seadrift Subd.
192.	JOSEPH H. OAKLEY, BETTY H. OAKLEY	Lot L-95, Seadrift Lagoon Subd. #1
193.	WILLIAM H. ORRICK, JR., MARION N. ORRICK	Lot O-45, O-46, Seadrift Subd. #1
194.	RICHARD ONGARO, DIANE ONGARO Co-owner: Linda Ghilotti	Lot L-93, Seadrift Lagoon Subd. #2

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| 195. | JOHN OSTERWEIS  | Lot BL-125, Seadrift Lagoon<br>Subd. #3 <sup>2</sup>              |
| 196. | NELLO PACE, MARY JO PACE  | Lot BL-139, Seadrift Subd. #3                                     |
| 197. | JAMES E. PALMER, JEAN L. PALMER   | Lot L-152, Seadrift Lagoon Subd. #2                               |
| 198. | ERIC A. PEDLEY, JANE PEDLEY   | Lot L-127, Seadrift Lagoon Subd. #2                               |
| 199. | GEORGE PASHA, JANET PASHA<br>c/o PASHA GROUP                            | Lot O-52, Seadrift Subd. #2<br>Lot L-50, Seadrift Lagoon Subd. #1 |
| 200. | HELEN PEREIRA   | Lot L-163, Seadrift Lagoon Subd. #2                               |
| 201. | RICHARD PETERSON, SUSAN PETERSON<br>Co-Owners: Peterson, McLorg, Quinns | Lot N-6, Map of Norman's Seadrift Subd.                           |

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<sup>2</sup> Said land is situated in the County of Marin, State of California.

BEGINNING at a point on the Northerly line of Lot 125, as said lot is shown on that certain Map entitled, "Map of Seadrift Sub'd. No. Three in the County of Marin, California", filed August 20, 1964 in Book 12 of Maps at Page 90, Marin County Records, said point being distant thereon South 78 deg 07' 19" West 40.51 feet from the Northeasterly corner thereof; thence along said line South 78 deg 07' 19" West 49.11 feet to the Northwest corner of said Lot 125; thence leaving said line and running along the westerly line of said lot, South 0 deg 02' West 383.25 feet to the Southwest corner thereof; thence along the Southerly line of said Lot 125, South 89 deg 58' East 50.00 feet; thence leaving said line and running along the arc of a curve to the left with a radius of 20 feet, through a central angle of 87 deg 21' for an arc distance of 30.49 feet; thence along the Easterly line of said lot, North 2 deg 41' East 176.76 feet; thence leaving said Easterly line and running along the Northwesterly line of Dipsea Road, said road is shown on that certain Map entitled, "Map of Seadrift Lagoon Sub'd No. Two", filed in Book 11 of Maps at Page 51, Marin County Records, along a curve to the right tangent to a line which bears North 2 deg 41' East, having a radius of 200.00 feet, through a central angle of 36 deg 48' 10" an arc length of 128.47 feet; thence leaving said Northwesterly line running North 43 deg 08' 35" West 110.24 feet to the point of beginning.

BEING a portion of the above mentioned Lot 125 and a portion of the lands described as "Lands of William Kent Estate Co." and "William Kent Estate Co." which lie Northerly and Northwesterly of Dipsea Road, as said parcels and said road are shown on that certain Map entitled, "Map of Seadrift Lagoon Subd. No. Two", filed December 3, 1962 in Book 11 of Maps at Page 51, Marin County Records.

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| 202. | ROBERT PETERSON, CYNTHIA PETERSON<br>Co-owners: Peterson, McLorg, Quinn | Lot N-6, Map of Norman's Seadrift Subd.                           |
| 203. | RONALD W. PHARIS, MARY PHARIS<br>Co-owners: Mr. and Mrs. Giovara        | Lot L-113, Seadrift Lagoon Resub.                                 |
| 204. | ANDREA T. PORTER, DICK M. OKADA   | Lot L-124, Seadrift Lagoon Resub.                                 |
| 205. | RICHARD A. POWELL, KATHLEEN S. POWELL                                   | Lot O-117, Seadrift Subd. #2                                      |
| 206. | LAURENCE E. POWER, ELIZABETH L. POWER                                   | Lot L-71, Seadrift Lagoon Subd. #1                                |
| 207. | MARGARET ALICE QUIGLEY  | Lot L-157, Seadrift Lagoon Subd. #2                               |
| 208. | ARTHUR QUINN, BARNIE QUINN<br>Co-owners: Peterson, Peterson, McLorg     | Lot N-6, Map of Norman's Seadrift Subd.                           |
| 209. | CHRISTINE RANDEL<br>Co-owner: Shapiro                                   | Lot O-56, Seadrift Subd. #2<br>Lot L-46, Seadrift Lagoon Subd. #1 |
| 210. | HENRY RAAB, CATHERINE RAAB  | Lot L-30, Seadrift Lagoon Subd. #1                                |
| 211. | BETTY L. RADER  | Lot O-23, Seadrift Subd. #1                                       |
| 212. | EDWARD RATHBUN, LAURIE C. RATHBUN                                       | Lot O-120, Seadrift Subd. #2                                      |
| 213. | DAVID RAWSON, ANDREA RAWSON   | Lot BL-126, Seadrift Subd. #3                                     |
| 214. | PATRICK RILEY, ROBERTA RILEY  | Lot O-13, Seadrift Subd. #1                                       |
| 215. | MR. AND MRS. R. ROBINSON  | Lot L-133, Seadrift Lagoon Subd. #2                               |
| 216. | GEARY F. REA, LESLIE B. REA   | Lot BL-127, Seadrift Subd. #3                                     |
| 217. | MICHAEL REYNOLDS, ROBIN REYNOLDS  | Lot L-162, Seadrift Lagoon Subd. #2                               |
| 218. | WALT ROGERS, KAREN WEINBERG ROGERS                                      | Lot L-73, Seadrift Lagoon Subd. #1                                |
| 219. | BENSON B. ROE, JANE ST. JOHN ROE  | Lot O-07, Seadrift Subd. #1                                       |



220.	EDNA ROOT ESTATE ROBERT A. SCHLESINGER, ROBERT A. MILLS, TRUSTEES	Lot O-5, Seadrift Subd. #1
221.	EDNA ROSSENAS	Lot L-84, Seadrift Lagoon Subd. #1
222.	CATHERINE PICARD ROSEN, TRUSTEE	Lot O-16, Seadrift Subd. #1
223.	ROBERT A. ROUMIGUIERE BARBARA N. ROUMIGUIERE	Lot L-109, Seadrift Lagoon Resub.
224.	HENRY SAFRIT, KARIN C. SAFRIT	Lot BL-140, Seadrift Subd. #3
225.	PETER B. SANDMANN, PAULINE H. TESLER	Lot L-156, Seadrift Lagoon Subd. #2
226.	JANET SCHACHERL (NORMAN) Co-owner: (N-5) Vicki Norman	Lot N-1, N-2, N-4, Norman's Seadrift Subd. Lot N-5, Norman's Seadrift Subd.
227.	FRANCIS J. SCHNUGG, MARY S. SCHNUGG	Lot O-57, Seadrift Subd. #2
228.	ROBERT J. SCHWEITZER, AUDREY SCHWEITZER	Lot O-39, Seadrift Subd. #1 Lot L-63, Seadrift Lagoon Subd. #1
229.	SEASIDE ASSOCIATES PETER T. DUNN, LAURA E. DUNN	Lot O-36, Seadrift Subd. #1
230.	JOSEPH L. SELIGMAN, JR. AND PEGGY VAN HORNE SELIGMAN, TRUSTEES	Lot L-88, L-89, Seadrift Lagoon Subd. #1 Lot O-14, Seadrift Subd. #1
231.	RONALD A. SELTZER AND ADELE W. SELTZER, CO-TRUSTEES	Lot O-30, Seadrift Subd. #1
232.	PORTER SESNON, JR.	Lot O-119, Seadrift Subd. #2
233.	ROBERT SETRAKIAN	Lot O-82, Seadrift Subd. #2 Lot L-20, Seadrift Lagoon #1
134.	H. BOYD SEYMOUR, DEBORAH SEYMOUR	Lot-L-45, Seadrift Lagoon Subd. #1
235.	AGNES R. SHAPIRO Co-owner: C. Randel	Lot O-56, Seadrift Subd. #2 Lot L-46, Seadrift Subd. #1

236.	WILLIAM F. SHARON	Lot O-66, Seadrift Subd. #2
237.	DR. AND MRS. DAVID SHERBON	Lot L-103, Seadrift Lagoon Subd. #2
238.	DR. HARRY B. SKINNER	Lot L-08, Seadrift Lagoon Subd. #1
239.	ROGER E. SKJEI, ANN W. SKJEI	Lot O-123, O-124, Seadrift Subd. #2
240.	JIM SLAUGHTER, BARBARA SLAUGHTER	Lot L-36, Seadrift Lagoon Subd. #1
241.	CHARLES W. SNOOK, BARBARA R. SNOOK	Lot O-104, Seadrift Subd. #2
242.	STEPHEN V.R. SPAULDING III AND ELSA YANNOPOULOS SPAULDING	Lot L-5, Seadrift Lagoon Subd. #1
243.	LEONARD M. SPERRY, JR., RITA L. SPERRY	Lot O-67, O-68, Seadrift Subd. #2
244.	HOWARD SPINDLER, EDITH SPINDLER	Lot L-97, Seadrift Lagoon Resub.
245.	MYRA MAY STAPLER	Lot O-71, Seadrift Subd. #2
246.	NORMAN STAUB, EILEEN STAUB	Lot L-175, Seadrift Lagoon Resub.
247.	GERALD STERNS, ELIZABETH STERNS	Lot BL-127, Seadrift Subd. #3
248.	EDWARD A. STEWART, JANET MONTECALVO	Lot L-91, Seadrift Lagoon Subd. #1
249.	WILLIAM A. STIMSON, II	Lot O-105, Seadrift Subd. #2
250.	SHERWOOD STOCKWELL, MIMI STOCKWELL Co-owner: Mary Cameron	Lot O-113, Seadrift Subd. #2
251.	STEVE STRAGNOLA	Lot L-185, Seadrift Lagoon Subd. #2
252.	RICHARD STRAUSS, KATHLEEN H. STRAUSS	Lot L-140, Seadrift Lagoon Subd. #2
253.	CRAIG SULLIVAN, MAUREEN SULLIVAN	Lot L-141, Seadrift Lagoon Resub.

254.	JUDGE ZOOK SUTTON	Lot O-44, Seadrift Subd. #1
255.	LORRIN C. TARLTON, JR., MARILYN TARLTON	Lot L-135, Seadrift Lagoon Subd. #2
256.	ONNIE WEGMAN TAYLOR	Lot L-06, Seadrift Lagoon Subd. #1
257.	ROBERT TEMER, JULIANN TEMER	Lot L-191, L-192, Seadrift Lagoon Subd. #2
258.	MARTIN TERPLAN, ELIZABETH TERPLAN	Lot O-59, Seadrift Subd. #2 Lot L-43, Seadrift Lagoon Subd. #1
259.	ALICE P. THOMAS	Lot L-202, Seadrift Lagoon Subd. #2
260.	ROBERT E. THOMPSON	Lot O-33, Seadrift Subd. #1
261.	DAVID K. TODD, CAROLINE TODD	Lot L-133, Seadrift Lagoon Resub.
262.	ROBERT R. TUFTS, JOYCE A. TUFTS	Lot O-24, Seadrift Subd. #1
263.	JEFF VANCE	Lot L-134, Seadrift Lagoon Subd. #2
264.	RICHARD VOLK, MARI ANN VOLK	Lot O-109, Seadrift Subd. #2
265.	WILLIAM WARA, DIANE WARA Co-owners: Mr. and Mrs. Morton	Lot O-69, Seadrift Subd. #2 Lot L-33, Seadrift Lagoon Subd. #1
266.	MURRY J. WALDMAN	Lot O-27, Seadrift Subd. #1
267.	MRS. MARJORY BROOKS WALKER	Lots L-21, 26, 27, Seadrift Lagoon Subd. #1 Lots O-76, 122, Seadrift Subd. #2 Lot O-81, Seadrift Subd. #2 Lot BL-142, Seadrift Subd. #3
268.	EDWARD M. WALSH, GUNILD E. WALSH	Lot O-98, Seadrift Subd. #2
269.	CHARLES R. WEAVER, DONNA L. WEAVER	Lot L-80, L-81, Seadrift Lagoon Subd. #1 Lot O-86, O-87, Seadrift Subd. #2
270.	BARRETT H. WEBER, ELISE B. WEBER	Lot O-31, Seadrift Subd. #1 Lot L-72, Seadrift Lagoon Subd. #1

271.	LEONARD G. WEISS, NANCY P. WEISS	Lot L-180, 181, Seadrift Lagoon Subd. #2
272.	CLARENCE WHITBECK	Lot L-150 <sup>3</sup> Lot L-151, Seadrift Lagoon Subd. #2
273.	DONALD WILCOX, SHARON WILCOX	Lot O-64, Seadrift Subd. #2 Lot L-37, 38, Seadrift Lagoon Subd. #1
274.	LISA WILCOX Co-owner: Lynn .	Lot 1/2 L-38, Seadrift Lagoon Subd. #1
275.	LYNN WILCOX Co-owner: Lisa	Lot 1/2 L-38, Seadrift Lagoon Subd. #1
276.	JOHN A. WILLHALM	Lot O-26, Seadrift Subd. #1
277.	STEVE WILLIE WISENBAKER TERRY KOHLHASE WISENBAKER	Lot O-74, Seadrift Subd. #2
278.	BARBARA WITTER	Lot O-106, Seadrift Subd. #2
279.	WARREN WOLFF	Lot L-171, Seadrift Lagoon Subd. #2
280.	CLARENCE J. WOODARD	Lot O-63, Seadrift Subd. #2 Lot L-39, Seadrift Lagoon Subd. #1
281.	AKIHIRO YOSHIKAWA and NANCY KNAPPENBERGER	Lot O-43, Seadrift Subd. #1
282.	PETER H. ZISCHKE, MARION ZISCHKE	Lot O-29, Seadrift Subd. #1 Lot L-74, Seadrift Lagoon Subd. #1
283.	SEADRIFT BEACH & TENNIS CLUB	Parcels 3 and 4, Parcel Map, Lands of William Kent Estate Co.
284.	SEADRIFT ASSOCIATION <sup>4</sup>	

<sup>3</sup> LOT 150, as shown upon "Parcel Map, Lands of Clarence H. Whitbeck, Ser. No. 81-24550", filed for record October 9, 1981 in Book 19 of Parcel Maps at Page 85, Marin County Records.

<sup>4</sup>Parcels 1 and 2 as shown on the Parcel Map, Lands of William Kent Estate Co. Lands designated as "Seadrift Lagoon Property Owners Association" on the Seadrift Lagoon Subd. #1.

Parcel of land bounded by the lands of Seadrift Lagoon Property Owners Association and Lots 1 and 2, as shown on the map of Seadrift Lagoon Subd. No. One, and Dipsea Road and Lots 202 and 203, as shown on the Map of Seadrift Lagoon Subd. No. Two.

285. ROBERT A. ROUMIGUIERE and BARBARA N. ROUMIGUIERE,  
an undivided one-half interest, and DONALD A.  
BEACOCK, KATHERINE M. BEACOCK, an undivided one-  
half interest

---

PARCEL ONE:

All of that portion of the lands depicted as "Lands of William Kent Estate Co.", and "William Kent Estate Co.", which lies Northerly and Northeasterly of Dipsea Road and all of Dipsea Road, as said parcels and road are shown on that certain Map entitled, "Map of Seadrift Lagoon Sub'd. No. Two", filed December 3, 1962 in Book 11 of Maps at page 51, Marin County Records.

Excepting therefrom a portion of the lands depicted as "lands of William Kent Estate Co." and "William Kent Estate Co.", as described in the Deed from William Kent Estate Co., a corporation, to Proctor P. Jones, et ux, recorded March 22, 1972 in Book 2551 of official records at page 479, Marin County Records.

PARCEL TWO:

Seadrift Road, as shown on that certain Map entitled, "Map of Seadrift Sbd. No. One, Marin Co., Calif.", filed November 10, 1949 in Book 6 of Maps at page 92, Marin County Records.

PARCEL THREE:

Seadrift Road, as shown on that certain Map entitled, "Map of Seadrift Sbd. No. Two", filed November 5, 1956 in Book 9 of Maps at page 62, Marin County Records.

## KEY:

1. Seadrift Subd. #1: Reference is made to the Official Map entitled, "Map of Seadrift Subdivision No. One, Marin County, California", filed November 10, 1949 in Map Book 6 at page 92, Marin County Records.
2. Seadrift Subd. #2: Reference is made to the Official Map entitled, "Map of Seadrift Sub. No. Two, in the County of Marin, California", filed for record November 5, 1956 in Volume 9 of Maps, at Page 62, Marin County Records.
3. Seadrift Subd. #3: Reference is made to the Official Map entitled, "Map of Seadrift Subdivision No. Three", filed August 20, 1964 in Book 12 of Maps at Page 90, Marin County Records.
4. Seadrift Lagoon Subd. #1: Reference is made to the Official Map entitled, "Map of Seadrift Lagoon Subd. No. One, recorded January 3, 1961, Map Book 10, Page 95, Marin County Records.
5. Seadrift Lagoon Subd. #2: Reference is made to the Official Map entitled, "Map of Seadrift Lagoon Subdivision No. 2, Marin County, California", recorded in the Office of the County Recorder of said County of Marin on December 3, 1962 in Map Book 11 at page 51.
6. Parcel Map, Lands of Wm. Kent Estate Co. filed March 11, 1968 in Book 2 of P.M. at Page 62.
7. Parcel Map, Lands of Setrakian: Reference is made to the Official Map entitled, "Parcel Map Lands of Setrakian 1312 O.R. 433" filed May 7, 1980 in Parcel Map book 18 at page 8, Marin County Records.
8. Parcel Map, Lands of Jencks: Reference is made to the Official Map entitled, "Parcel Map, Lands of Jencks, Series No. 81-05488, eliminating the common lot line of Lots 164 and 165 Map of Seadrift Lagoon Subdivision No. Two 11 R.M. 51 Stinson Beach, Marin County, California", filed for record August 12, 1982 in Book 20 of Parcel Maps Page 61, Marin County Records.
9. Seadrift Lagoon Resub: Reference is made to the Official Map entitled, "Map of Resubdivision of Portions of Seadrift Lagoon Subd's No. One and Two" filed for record March 24, 1986 in Volume 19 of Maps at Page 80, Marin County Records.
10. Marin Professional Center: Reference is made to the Official Map entitled, "Map of Marin Professional Center, Unit No. 1, Lands of Commonwealth Development Company," said map being recorded March 3, 1958 in Book 9 of Maps, at Page 94.
11. Parcel Map Lands of Robert A. and Barbara N. Roumiquiere, et al.: Reference is made to "Parcel Map Lands of Robert A. & Barbara N. Roumiquiere, Donald A. & Katherine M. Beacock, James L. Norman & John Corins Trust, Seadrift, Stinson Beach Marin County, California, as described in 592 O.R. 290, 3659 O.R. 619, 3670 O.R. 133 & Doc. No. 84 059680", filed March 26, 1986 in Book 23 of Parcel Maps at page 25, Marin County Records.
12. "O": Ocean
13. "L": Lagoon

ORIGINAL

EXHIBIT "D"

YCS 935

ORIGINAL

M E M O R A N D U M

DATE: May, 31, 1994

TO: Old Republic Title Company  
Attn: Carl Lago  
545 Fourth Street  
San Rafael, CA 94901

FROM: Peter B. Sandmann, Esq.  
Katherine E. Stone, Esq.  
Frederick Ludlow, Esq.

RE: Sandspit Settlement Escrow

-----

We are counsel for the parties in a California Superior Court action known as Kelly et al. v. California Coastal Commission, et al., Civil No. 152 998. The parties to the Action, along with a number of other interested parties, have entered into a Settlement Agreement which calls for the delivery and recordation of certain documents.

This Memorandum constitutes Escrow Instructions for your use with regard to the above referenced escrow. These instructions are to be followed by you unless you receive other instructions, in writing, signed by or on behalf of all of the undersigned.

We will deliver to you the following:

1. A written statement, signed by or on behalf of all of the undersigned, that all necessary parties have executed the Settlement Agreement, a copy of which (unexecuted) is attached to these instructions for your information.

2. Grants of Easement, in the form of Exhibit "G" to the attached Settlement Agreement, duly acknowledged and suitable for recording, and executed by not less than 75% of the owners of beach front lots within the Seadrift development at Stinson Beach, California, and by the Seadrift Association. (Each Grant of Easement is accompanied by an instruction, executed by the Grantor(s), instructing you to record the easement in accordance with these instructions.) The fee title owners of said lots are set forth in Exhibit "C" of the attached Settlement Agreement. All of the undersigned will inform you, in writing, when you are in possession of the requisite number of Grants of Easement. You have no duty or responsibility to make any independent determination regarding the form of the easement, the number of

Approved:

*KSL RDS*



Grants of Easement required under the terms of the Settlement Agreement, nor the effectiveness of the Grants of Easement as legal documents.

3. Acceptance of the Grants of Easement described in paragraph 2 hereof, duly issued by the County of Marin and suitable for recording, substantially in the form of Exhibit "H" to the Settlement Agreement. (The Acceptance of the Grants of Easement are accompanied by instructions, on behalf of the County of Marin, instructing you to record the Acceptances in accordance with these instructions.) All of the undersigned will inform you, in writing, when you are in possession of the necessary Acceptances of Grants of Easement. You have no duty or responsibility to make any independent determination regarding the form of the acceptances, their number, nor the effectiveness of the Acceptances of the Grants of Easement as legal documents.

4. A Permit, duly granted by the California Coastal Commission, substantially in the form of Exhibit "J" to the attached Settlement Agreement. Escrow shall not close until 60 days have elapsed without the filing of an appeal from the grant of Permit being filed in a California Superior Court, provided that, in the event that any such appeal is filed, upon written authorization from the undersigned, escrow shall remain open until such appeal is finally resolved, at which time if the appeal is resolved in favor of the parties to the Settlement Agreement in that the permit is allowed to issue substantially in the form of Exhibit "J", escrow shall forthwith close without the necessity for further action by any of the undersigned. All of the undersigned will inform you, in writing, when said 60 day period has elapsed without such filing of an appeal, or alternatively, when such appeal has been finally resolved.

5. A copy of a Judgment, duly filed and entered by the Superior Court of the State of California, County of Marin, substantially in the form of Exhibit "E" to the attached Settlement Agreement.

6. A copy of a Judgment, duly filed and entered by the United States District Court, Eastern District of California, substantially in the form of Exhibit "F" to the attached Settlement Agreement.

When you have received all of the above-described documents, you are to take the following steps in the following order:

- Record the Grants of Easement in the Marin County Recorder's Office;

- Record the County of Marin Acceptances of the Grants of Easement in the Marin County Recorder's Office; and

Approved:

7-11 925

ORIGINAL

- Deliver the California Coastal Commission Permit to the Seadrift Association, c/o Peter B. Sandmann, 16 Buena Vista, Mill Valley CA 94941.

- Notify all of the undersigned that these steps have been accomplished.

In the event that you have not received all of the above-described documents within six months of the date hereof, or in the event that any one or more of the undersigned instructs you, in writing, to cancel this escrow (regardless of your receipt of contrary instructions from any of the other signatories hereto), you shall cancel the escrow and return the documents in your possession to the party that provided them to you.

Any of the undersigned may designate a person to act on behalf of and/or in the stead of the undersigned by a writing, signed by such undersigned who is making such designation. Thenceforth, you shall follow the instructions of the person so designated, as fully as if instructed by any of the undersigned.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Peter B. Sandmann, Esq.  
Attorney for Plaintiffs

Dated: \_\_\_\_\_

\_\_\_\_\_  
Katherine E. Stone, Esq.  
Attorney for Defendant  
California Coastal Commission

Dated: \_\_\_\_\_

\_\_\_\_\_  
Frederick Ludlow, Esq.  
Attorney for Defendant  
State Lands Commission

Approved:

X28 PBS

ORIGINAL

EXHIBIT "E"

KLP P35



Peter B. Sandmann, Esq., No. 49012  
 TESLER, SANDMANN & FISHMAN  
 16 Buena Vista Avenue  
 Mill Valley, California 94941  
 Telephone: (415) 383-5600

Attorneys for plaintiffs and petitioners

THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF MARIN

JOHN M. KELLY; JAMES M. BARRINGTON;  
 et al.

CASE NO. 152988

Petitioners and Plaintiffs,

(PROPOSED) JUDGMENT

vs.

THE CALIFORNIA COASTAL COMMISSION,  
 STATE LANDS COMMISSION, ALL PERSONS  
 UNKNOWN, CLAIMING ANY LEGAL OR  
 EQUITABLE RIGHT, TITLE, ESTATE, LIEN  
 OR INTEREST IN THE PROPERTY DESCRIBED  
 IN THE COMPLAINT ADVERSE TO PLAINTIFFS'  
 TITLE, OR ANY CLOUD UPON PLAINTIFFS'  
 TITLE THERETO, and DOES 1 through 500,  
 inclusive,

Respondents and Defendants.

This matter came before the Court, the Honorable Richard H. Breiner presiding, on \_\_\_\_\_ (date), pursuant to a Settlement Agreement between the parties which has also been executed by additional parties having an interest in the subject matter of this and related disputes.

Plaintiffs are represented by Peter B. Sandmann, Tesler, Sandmann & Fishman. Defendant California Coastal Commission is represented by Katherine E. Stone, Myers, Widders & Gibson;

Approved:

*KES PDS*

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1 defendant State Lands Commission is represented by Frederick  
2 Ludlow. The Settlement Agreement provides by its own terms that  
3 it shall be effective only upon the entry, in the United States  
4 District Court, of a judgment substantially in the form of  
5 Exhibit "F" to the Settlement Agreement.

6 Good cause appearing, the Court hereby approves the  
7 Settlement Agreement, a copy of which is attached hereto as  
8 Exhibit "A" and incorporated herein by this reference, and hereby  
9 ORDERS, ADJUDGES and DECREES, as follows:

10 1. This Judgment, including the Settlement Agreement  
11 (Exhibit "A" hereto), is hereby entered as the judgment of this  
12 Court in this action;

13 2. The parties shall bear their own costs, including  
14 attorneys' fees;

15 3. This Court shall retain jurisdiction over this matter  
16 to enforce the provisions of the Settlement Agreement in  
17 accordance with its terms; and

18 4. In the event that the United States District Court for  
19 the Eastern District of California, fails to enter judgment in  
20 the action known as California Coastal Commission, et al. v.  
21 United States Department of the Interior, et al., Civil No. S-92  
22 702 GEB, substantially in the form of Exhibit "F" to the  
23 Settlement Agreement (Exhibit "A" hereto) within 180 days of the  
24 date hereof, any party to this action may, upon noticed motion,  
25 move that this Judgment be vacated, and upon a showing that the  
26 United States District Court has failed to so act, this Judgment

Approved:

*[Signature]*

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1 shall be vacated forthwith. In the event that the United States  
2 District Court does enter judgment as set forth herein, any party  
3 to this action may, upon noticed motion, move that this Judgment  
4 be confirmed, and upon a showing that the United States District  
5 Court has so acted, this Judgment shall be confirmed forthwith,  
6 by re-entry of this Judgment without the condition set forth in  
7 this paragraph, provided that, no such motion to confirm this  
8 judgment shall be required for this judgment to be fully  
9 effective in the event that no timely motion is made to vacate  
10 this judgment within 180 days pursuant to the terms hereof.

11

12 Dated: \_\_\_\_\_

Hon. Richard H. Breiner  
Judge, Superior Court

13

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26

Approved:  
*[Signature]* *[Signature]*

ORIGINAL

EXHIBIT "F"

KLS PAS



ORIGINAL

1 EDGAR B. WASHBURN  
SEAN E. MCCARTHY  
2 WASHBURN, BRISCOE & MCCARTHY  
A Professional Corporation  
3 770 L Street, Suite 990  
Sacramento, California 95814  
4 Telephone: (916) 447-0700  
  
5 Attorneys for Intervenor Title  
Insurance Company  
6  
7

8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA

10 CALIFORNIA COASTAL COMMISSION; ) CIV-S-92-702GEB (GGH)  
11 and STATE LANDS COMMISSION, )  
12 Plaintiffs, ) STIPULATION WITHDRAWING MOTION  
13 v. ) BY THE PLAINTIFFS AND  
14 UNITED STATES DEPARTMENT OF ) SUBMITTING MOTIONS BY  
15 THE INTERIOR; INTERIOR BOARD ) DEFENDANTS AND INTERVENORS  
16 OF LAND APPEALS; BUREAU OF )  
LAND MANAGEMENT CALIFORNIA )  
STATE OFFICE; et al., )  
17 Defendants. )  
18  
19 FIRST AMERICAN TITLE INSURANCE )  
COMPANY, etc., )  
20 Intervenor. )  
21  
22 SEADRIFT ASSOCIATION, etc., )  
Intervenor. )  
23

24 The parties to the above-captioned matter, by and through  
25 their respective attorneys, hereby stipulate the plaintiffs shall  
26 withdraw their motion for summary judgment and withdraw their  
27 opposition to the defendants' and intervenors' motions for  
28

1 summary judgment. It is further stipulated that the motions  
2 shall be submitted for decision on the moving papers.

3 Respectfully submitted,

4 DATED:

5  
6 SEAN E. MCCARTHY  
Intervenors First American Title  
Insurance Company, et al.

7 DATED:

8  
9  
10 EDMUND F. BRENNAN  
Assistant U.S. Attorney

11 DATED:

12  
13 PETER L. TOWNSEND  
Seadrift Association

14 DATED:

15  
16  
17 KATHERINE E. STONE  
California Coastal Commission

18 DATED:

19  
20 ROBERT HIGHT  
State Lands Commission

21 IT IS SO ORDERED:

22 DATED:

23  
24  
25 GARLAND E. BURRELL, JR.  
United States District Judge

26  
27  
28

*KS 785*

ORIGINAL

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

CALIFORNIA COASTAL COMMISSION; ) CIV-S-92-702GEB (GGH)  
and STATE LANDS COMMISSION, )  
Plaintiffs, ) SUMMARY JUDGMENT

v. )

UNITED STATES DEPARTMENT OF )  
THE INTERIOR; INTERIOR BOARD )  
OF LAND APPEALS; BUREAU OF )  
LAND MANAGEMENT CALIFORNIA )  
STATE OFFICE; et al., )

Defendants. )

FIRST AMERICAN TITLE INSURANCE )  
COMPANY, etc., )

Intervenors. )

SEADRIFT ASSOCIATION, etc., )

Intervenors. )

This action is before the Court on motions for summary judgment submitted by defendants and intervenors, pursuant to the Administrative Procedures Act, 5 U.S.C. § 701 et seq. (APA). The case presents the question of whether the final decision of the Secretary of the Interior not to reopen the Secretary's 1904

1 decision in the case of John Lawler is an abuse of discretion or  
2 contrary to law. 5 U.S.C. § 706(2)(A). The Secretary's 1904  
3 Lawler decision determined that the United States has no  
4 ownership interest in the Bolinas Sandspit, the land which forms  
5 the basis for the underlying dispute in this action (hereafter  
6 referred to as the "subject lands").

7 The Court has carefully considered the moving papers of the  
8 defendants and intervenors, and good cause appearing therefor,  
9 the Court grants the motions of the defendants and intervenors.  
10 Accordingly,

11 IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

12 1. The decision of the Interior Board of Land Appeals  
13 ("IBLA"), IBLA No. 89-369, which represents the final decision of  
14 the Secretary of the Interior, is not an abuse of discretion, is  
15 not arbitrary or capricious, and is correct as a matter of law;  
16 accordingly, the decision is affirmed.

17 2. The United States has no right, title or interest in the  
18 subject lands except for any federal interest which may have  
19 accrued or attached by donation, purchase or exchange, or by  
20 operation of law not associated with the claims made by the State  
21 parties in this litigation.

22 3. Each party shall bear its own attorneys' fees and costs.

23 DATED:

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GARLAND E. BURRELL, JR.  
United States District Judge

ORIGINAL

EXHIBIT "G"

K18 P35

ORIGINAL

RECORDING REQUESTED BY

California Coastal Commission

[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name California Coastal Commission  
Attention Legal Dept.  
Street 45 Fremont Street, Suite 2000  
City & State San Francisco, CA 94105-2219

---

GRANT OF EASEMENT

The undersigned owner(s) of Lot \_\_\_\_\_, as shown on that certain map entitled "Map of Seadrift subdivision No. One, Marin County, California," filed November 10, 1949, in Map Book 6, Page 92, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on

Approved:

*[Signature]* 9/25

ORIGINAL

the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpendicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:

GRANTORS

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

STATE OF CALIFORNIA       )  
                                  ) ss.  
COUNTY OF MARIN        )

On \_\_\_\_\_ before

me, \_\_\_\_\_,  
personally appeared

\_\_\_\_\_

\_\_\_\_\_

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed same in his/her/their authorized capacity(ies), and that by his/her/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

(This area for official notarial seal.)

WITNESS my hand and official seal.

Signature \_\_\_\_\_

Approved:

*Rif* *LOS*

ORIGINAL

RECORDING REQUESTED BY

California Coastal Commission  
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name California Coastal Commission  
Attention Legal Dept.  
Street 45 Fremont Street, Suite 2000  
City & State San Francisco, CA 94105-2219

---

GRANT OF EASEMENT

The undersigned owner(s) of Lot \_\_\_\_\_, as shown on that certain map entitled "Map of Seadrift, Sub. No. Two, in the County of Marin, California," filed November 5, 1956, in Map Book 9 at Page 62, Marin County Records, hereby grant(s) to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Lot for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the Seadrift Association and the record fee-title owners of the easement area on which such improvements or equipment may be placed.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over that seaward portion of said Lot which is bounded on the ocean side by the mean high tide line and on

Approved:

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ORIGINAL

the landward side as follows: by a line running the width of said Lot and located the further seaward of (a) 60 feet measured perpendicularly from the present location of the top vertical centerline of the seawall which runs the length of the developed and developable area on the Seadrift Sandspit Beach and ends with the start of the headlands, or (b) 25 feet measured perpendicularly from the toe of the sand dunes in locations where sand dunes become established by natural processes on the beach seaward of the seawall.

DATED:

GRANTORS

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

STATE OF CALIFORNIA       )  
                                  ) ss.  
COUNTY OF MARIN        )

On \_\_\_\_\_ before

me, \_\_\_\_\_,  
personally appeared

\_\_\_\_\_

\_\_\_\_\_

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed same in his/her/their authorized capacity(ies), and that by his/her/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

(This area for official notarial seal.)

WITNESS my hand and official seal.

Signature \_\_\_\_\_

Approved:  
RL 105

**ORIGINAL**

RECORDING REQUESTED BY

California Coastal Commission  
[No fees required pursuant to Government Code § 6103]

AND WHEN RECORDED MAIL TO

Name California Coastal Commission  
Attention Legal Dept.  
Street 45 Fremont Street, Suite 2000  
City & State San Francisco, CA 94105-2219

---

**GRANT OF EASEMENT**

The undersigned, Seadrift Association, a California non-profit corporation, owner of Parcel 2 and a portion of Parcel 3, Parcel Map, Lands of William Kent Estate Co., filed March 11, 1968 in Book 2 of Parcel Maps at Page 62, Marin County Records, hereby grants to the County of Marin a non-exclusive public easement in perpetuity across a portion of said Parcels for low intensity recreational uses more particularly described as follows:

1. Permitted Uses

A non-exclusive public easement for low intensity, passive recreational uses such as strolling, jogging, bird watching, fishing and general viewing. Activities and uses which are specifically prohibited from the easement area include: camping, picnicking, alcoholic beverages, littering, excessive noise, fires, vehicles, recreational equipment (other than fishing gear, surfboards, kayaks and other non-motorized water-oriented equipment), audio equipment, animals (other than dogs under the control of their owners), and group sports. No improvements or equipment, including but not limited to toilets and trash receptacles shall be placed in the easement area without the express written consent of the owner.

2. Time of Use

The easement will not be available for public use from 10:00 p.m. at night until one hour before sunrise, during times when the sea and wave conditions prevent people from walking safely within the easement area, nor during other times of declared hazardous conditions.

3. Easement Area

The easement extends over the seaward or westerly portion of said Parcels 2 and 3 and is bounded on the west or seaward side by the mean high tide line and on the landward side by a line extending

Approved: 083

ORIGINAL

along the length of the seaward or westerly portion of said Parcels 2 and 3 which line is located 60 feet from and parallel with the seaward or westerly edge of the presently existing vegetation area of said Parcels 2 and 3.

The easement extends from the easterly boundary line of said Parcel 2 to an East-West line passing through STA. 1 shown as on the Mean Low Water Line on that "Survey of the Ordinary High Water Mark and portion of Mean Low Water Line Bolinas Lagoon Sandspit" recorded August 1, 1949 in Book 2 Records of Surveys at page 144 in the office of the County Recorder of Marin County.

DATED:

GRANTOR

SEADRIFT ASSOCIATION, A  
California non-profit  
Corporation

By: \_\_\_\_\_

Its: \_\_\_\_\_

STATE OF CALIFORNIA     )  
                                  ) ss.  
COUNTY OF MARIN        )

On \_\_\_\_\_ before

me, \_\_\_\_\_,  
personally appeared

\_\_\_\_\_  
\_\_\_\_\_  
personally known to me or proved to  
me on the basis of satisfactory evi-  
dence to be the person(s) whose  
name(s) is/are subscribed to the  
within instrument and acknowledged to  
me that he/she/they executed same in  
his/her/their authorized capacity(ies),  
and that by his/her/ their signa-  
ture(s) on the instrument the person(s),  
or the entity upon behalf of which the  
person(s) acted, executed the instrument.  
WITNESS my hand and official seal.

(This area for official notarial seal.)

Signature \_\_\_\_\_

Approved:

\_\_\_\_\_  
PJS

ORIGINAL

EXHIBIT "H"

PLS 865

**ORIGINAL**

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE  
COUNTY OF MARIN ACCEPTING EASEMENTS OVER REAL PROPERTY**

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES  
HEREBY RESOLVE AS FOLLOWS:

WHEREAS, pursuant to an agreement certain easements for  
low-intensity recreational purposes have been offered to the  
County; and

WHEREAS, Government Code Section 27281 requires that  
the County indicate its acceptance of said easements prior to  
their recordation; and

WHEREAS, this Board believes that acceptance of said  
easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED that the grants of ease-  
ment over that certain real property described in said grant and  
for the purposes outlined therein be and the same are hereby  
accepted, and the County of Marin consents to the recordation of  
said easements.

PASSED AND ADOPTED at a regular meeting of the Board of  
Supervisors of the County of Marin held this \_\_\_\_\_ day of  
\_\_\_\_\_, 1993, by the following vote:

AYES:

NOES:

ABSENT:

---

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: \_\_\_\_\_  
Clerk

*Kel PRS*

ORIGINAL

EXHIBIT "I"

Ms 985

**ORIGINAL**

**Signs:**

[ TO BE PLACED ON WALLA VISTA AT ENTRANCE TO SEADRIFT BEACH  
(WHERE PRESENT SIGN IS LOCATED): ]

**← PUBLIC BEACH**

Picnicking permitted.

**SEADRIFT BEACH →**

Public use of dry beach area  
not closer than 60 feet from top of seawall  
is permitted for uses such as strolling, jogging  
bird watching, fishing and general viewing.

County of Marin

---

[ TO BE PLACED ON THE BEACH, WHERE SEADRIFT BEACH BEGINS, AT BASE  
OF AND ALSO 75' FROM TOP OF ROCK SEAWALL: ]

**SEADRIFT BEACH**

(beyond this point)

Public use of dry beach area  
not closer than 60 feet from top of seawall  
is permitted for uses such as strolling, jogging  
bird watching, fishing and general viewing.

**PUBLIC BEACH**

(up to this point)

Picnicking permitted.

County of Marin

---

TO BE PLACED AT END OF BEACH, WHERE EASEMENT ENDS: ]

**SEADRIFT BEACH**

Public easement ends -- no public use  
above mean high tide line beyond this point.

County of Marin

Approved:

ALL PBS

ORIGINAL

EXHIBIT "J"

ES PPS



## CALIFORNIA COASTAL COMMISSION

NORTH COAST AREA

15 FREMONT, SUITE 2000

SAN FRANCISCO, CA 94105-2219

(415) 904-5260

Page 1 of 4Date: August 31, 1994Permit No. A-1-MAR-87-235-AAMENDED COASTAL DEVELOPMENT PERMITOn March 16, 1994, the California Coastal Commission granted to**SEADRIFT ASSOCIATION**

this permit subject to the Standard and Special conditions (Special Condition #1 later amended on July 13, 1994), for development consisting of

construction of a 7,400-foot long rip-rap revetment,

more specifically described in the application file in the Commission offices.

The development is within the coastal zone in Marin County  
at Seadrift Subdivision, Stinson Beach.

Issued on behalf of the California Coastal Commission by

PETER DOUGLAS  
Executive DirectorBy: STEVEN F. SCHOLLTitle: Assistant District DirectorACKNOWLEDGMENT:

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions thereof.

The undersigned permittee acknowledges that Government Code Section 818.4 which states in pertinent part, that: "A public entity is not liable for injury caused by the issuance. . . of any permit. . ." applies to the issuance of this permit.

IMPORTANT: THIS PERMIT IS NOT VALID UNLESS AND UNTIL A COPY OF THE PERMIT WITH THE SIGNED ACKNOWLEDGEMENT HAS BEEN RETURNED TO THE COMMISSION OFFICE.  
14 Cal. Admin. Code Section 13158(a).September 29, 1994  
DateAlvin J. Smith  
Signature of Permittee  
President, Seadrift Association

AMENDED COASTAL DEVELOPMENT PERMIT

Page 2 of 4  
Permit No. **A-1-MAR-87-235-A**

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

SPECIAL CONDITIONS:

1. The provisions of the Settlement Agreement dated February 8, 1994, as revised, relating to the public use of a portion of the sandy beach area seaward of the rock revetment that is the subject of this permit shall constitute the public access conditions of this permit and shall be incorporated by reference into this permit. This permit shall not be issued unless and until (1) judgment has been entered as called for in the Settlement Agreement in both the state action, Kelly, et al. v. California Coastal Commission, et al., Marin County Superior Court No. 152988, and the federal action, California Coastal Commission, State Lands Commission v. United States Department of the Interior, et al., U.S. District Court No. CIV-S-92-0702 GEB GGH (Eastern District of California), which actions involve public and private rights and interests to the Bolinas Sandspit, and (2) the 60-day statute of

AMENDED COASTAL DEVELOPMENT PERMIT

Page 3 of 4  
Permit No. **A-1-MAR-87-235-A**

limitations relative to the filing of any litigation challenging the approval of this permit has expired or alternatively until any such litigation has been resolved in favor of the parties to the Settlement Agreement such that the permit is allowed to issue substantially in the form herein. However, this requirement (2) above shall not apply with respect to the case of Citizens for Open Access to Sand and Tide, et al. v. California Coastal Commission, Marin County Superior Court No. 160383, so that notwithstanding the pendency of that case, the permit may be issued upon mutual agreement of the applicant and the Executive Director. Any future request to amend this permit shall be accompanied by evidence that the request is consistent with the Settlement Agreement as it relates to public use of the Seadrift Sandspit Beach. This permit shall not be valid as to or inure to the benefit of any Seadrift Sandspit Beach Lot Owner who has not granted the easement provided for in the Settlement Agreement.

2. By signing this permit, the applicants agree to be responsible for future maintenance of the rock revetment which is the subject of this permit. Such future maintenance shall include both "ordinary maintenance" for which no coastal development permit shall be required and "extraordinary maintenance" for which a coastal development permit may be required, pursuant to the provisions of the certified Marin County Local Coastal Program.

"Ordinary maintenance" shall be defined to include the following activities: removal from the beach of any rocks or other material which become dislodged from the revetment or moved seaward from the identified footprint, replacement of such materials on the revetment, minor placement of sand over the revetment from a source other than the Bolinas Sandspit Beach, planting of dune grass on the revetment, and similar activities.

"Extraordinary maintenance" shall be defined to include placement of any material on or adjacent to the seaward face of the revetment (other than replacement of dislodged material as described above) and/or which expands the height or length of the revetment.

In the event any rock is dislodged from the revetment, it shall be replaced on the revetment within two months after the event which caused it to become dislodged.

3. Prior to issuance of the coastal development permit, the applicant shall submit plans of the rock revetment prepared by a registered professional engineer for the review and approval of the Executive Director. Such plans shall indicate the dimensions of the revetment and its footprint in relation to at least two monuments, one to be placed near each end of the rock revetment, for future maintenance and monitoring, as well as in relation to the applicants' property boundaries adjacent to Seadrift Road. The relationship of the monuments to the standard of MSL (Mean Sea Level) or NGVD (National Geodetic Vertical Datum) shall be indicated on the plans. Within three months following issuance of the coastal development permit, the applicants shall establish the monuments as indicated on the plans.

AMENDED COASTAL DEVELOPMENT PERMIT

Page 4 of 4  
Permit No. **A-1-MAR-87-235-A**

4. The applicants shall be responsible for providing to the Executive Director on a regular basis (at least every other year) for the life of the project a monitoring report prepared by a registered professional engineer following the winter storm season which will evaluate the effectiveness of the revetment and the impacts of the revetment on the adjacent beach, including the beach profile. This monitoring report shall also include recommendations for and a schedule for future routine and extraordinary maintenance as well as an assessment of the effectiveness of previous maintenance activities. If storms of magnitude similar to or greater than the 1982/83 storms occur, monitoring and inspection by an engineer as described above shall take place as soon as safely possible following the storm event.

SFS/ltc  
6668p

## CALIFORNIA COASTAL COMMISSION

NORTH COAST AREA

45 FREMONT, SUITE 2000

SAN FRANCISCO, CA 94105-2219

(415) 904-5260

NOTICE OF COMMENCEMENT OF CONSTRUCTION

I/We hereby notify the CALIFORNIA COASTAL COMMISSION that

I/We began the development authorized by Permit Number

A-1-MAR-87-235-A on early 1983 and that  
Date Construction Began

the development will be completed in accordance with any  
conditions imposed in the permit.

A handwritten signature in dark ink, appearing to read "David Johnson", written over a horizontal line.

Signature of Applicant or  
Representative

A handwritten date "September 29, 1994" written over a horizontal line.

Date

Draft Coastal Development Permit Conditions for Seadrift Seawall

[The following draft conditions are provided pursuant to paragraph 8 of the Settlement Agreement and should not be construed as waiving the Coastal Commission's authority to exercise its discretion after public hearing. In addition, details of the conditions set forth below may be further developed and/or modified, and additional conditions may be added depending on the results of a more detailed review of the subject files and after public hearing.]

STANDARD CONDITIONS

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

11/3/93

KES PDS

Draft Coastal Development Permit Conditions for Seadrift Seawall  
(modified paragraph 1)  
Page 2

SPECIAL CONDITIONS

1. The provisions of the Settlement Agreement dated February 8, 1994, as revised, relating to the public use of a portion of the sandy beach area seaward of the rock revetment that is the subject of this permit shall constitute the public access conditions of this permit and shall be incorporated by reference into this permit. This permit shall not be issued unless and until (1) judgment has been entered as called for in the Settlement Agreement in both the state action, Kelly, et al. v. California Coastal Commission, et al., Marin County Superior Court No. 152998, and the federal action, California Coastal Commission, State Lands Commission v. United States Department of the Interior, et al., U.S. District Court No. CIV-S-92-0702 GEB GGH (Eastern District of California), which actions involve public and private rights and interests to the Bolinas Sandspit, and (2) the 60-day statute of limitations relative to the filing of any litigation challenging the approval of this permit has expired or alternatively until any such litigation has been resolved in favor of the parties to the Settlement Agreement such that the permit is allowed to issue substantially in the form herein. Any future request to amend this permit shall be accompanied by evidence that the request is consistent with the Settlement Agreement as it relates to public use of the Seadrift Sandspit Beach. This permit shall not be valid as to or inure to the benefit of any Seadrift Sandspit Beach Lot Owner who has not granted the easement provided for in the Settlement Agreement.

2. By signing this permit, the applicants agree to be responsible for future maintenance of the rock revetment which is the subject of this permit. Such future maintenance shall include both "ordinary maintenance" for which no coastal development permit shall be required and "extraordinary maintenance" for which a coastal development permit may be required, pursuant to the provisions of the certified Marin County Local Coastal Program.

"Ordinary maintenance" shall be defined to include the following activities: removal from the beach of any rocks or other material which become dislodged from the revetment or moved seaward from the identified footprint, replacement of such materials on the revetment, minor placement of sand over the revetment from a source other than the Bolinas Sandspit Beach, planting of dune grass on the revetment, and similar activities.

"Extraordinary maintenance" shall be defined to include placement of any material on or adjacent to the seaward face of the revetment (other than replacement of dislodged material as described above) and/or which expands the height or length of the revetment.

In the event any rock is dislodged from the revetment, it shall be replaced on the revetment within two months after the event which caused it to become dislodged.

3. Prior to issuance of the coastal development permit and in any event within three months of Commission approval of this permit, the applicants shall take the following steps: (1) establish at least two permanent monuments, one near each end of the rock revetment, for future maintenance and monitoring; and (2) submit plans of the rock revetment prepared by a registered professional engineer for the review and approval of the Executive Director. Such plans shall indicate the dimensions of the revetment and its footprint in relation to the monuments as well as to the applicants' property boundaries adjacent to Seadrift Road. The relationship of the monuments to the standard of MSL (Mean Sea Level) or NGVD (National Geodetic Vertical Datum) shall be indicated on the plans.

4. The applicants shall be responsible for providing to the Executive Director on a regular basis (at least every other year) for the life of the project a monitoring report prepared by a registered professional engineer following the winter storm season which will evaluate the effectiveness of the revetment and the impacts of the revetment on the adjacent beach, including the beach profile. This monitoring report shall also include recommendations for and a schedule for future routine and extraordinary maintenance as well as an assessment of the effectiveness of previous maintenance activities. If storms of magnitude similar to or greater than the 1982/83 storms occur, monitoring and inspection by an engineer as described above shall take place as soon as safely possible following the storm event.

11/3/93

6132p

KES P85



ORIGINAL

thereupon be entitled to the full benefits of all of the terms and provisions of this Agreement.

15. Counterparts

This Agreement may be executed in counterparts, each one of which shall be deemed an original hereof.

DATED: \_\_\_\_\_

UNITED STATES DEPARTMENT  
OF THE INTERIOR

By: \_\_\_\_\_  
Title: \_\_\_\_\_

DATED: \_\_\_\_\_

Approved as to form by:  
OFFICE OF THE U.S. ATTORNEY,  
EASTERN DISTRICT OF CALIFORNIA

By: \_\_\_\_\_  
Title: \_\_\_\_\_

DATED: \_\_\_\_\_

CALIFORNIA COASTAL COMMISSION

By: \_\_\_\_\_  
Title: \_\_\_\_\_

DATED: July 22, 1994

STATE LANDS COMMISSION

By: Robert C. Midget  
Title: Executive Officer

DATED: \_\_\_\_\_

CALIFORNIA ATTORNEY GENERAL

By: \_\_\_\_\_  
Title: \_\_\_\_\_

# CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

No. 5907

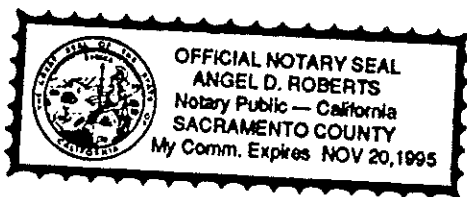
State of California

County of Sacramento

On July 22, 1994 before me, Angel D. Roberts, Notary Public,  
DATE NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"

personally appeared Robert C. Hight \* \* \* \* \*  
NAME(S) OF SIGNER(S)

☒ personally known to me - OR - ☐ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(~~ies~~), and that by his/~~her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Angel D. Roberts  
SIGNATURE OF NOTARY

## OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

### CAPACITY CLAIMED BY SIGNER

- ☐ INDIVIDUAL  
☐ CORPORATE OFFICER

TITLE(S)

- ☐ PARTNER(S) ☐ LIMITED  
☐ GENERAL  
☐ ATTORNEY-IN-FACT  
☐ TRUSTEE(S)  
☐ GUARDIAN/CONSERVATOR  
☒ OTHER: Executive Officer

SIGNER IS REPRESENTING:  
NAME OF PERSON(S) OR ENTITY(IES)

State Lands Commission

### DESCRIPTION OF ATTACHED DOCUMENT

Settlement Agreement - 03/16/94

RE: Seadrift Sandspit

TITLE OR TYPE OF DOCUMENT

19 pages and exhibits

NUMBER OF PAGES

March 16, 1994

DATE OF DOCUMENT

SIGNER(S) OTHER THAN NAMED ABOVE

ORIGINAL

thereupon be entitled to the full benefits of all of the terms and provisions of this Agreement.

15. Counterparts

This Agreement may be executed in counterparts, each one of which shall be deemed an original hereof.

DATED: \_\_\_\_\_

UNITED STATES DEPARTMENT  
OF THE INTERIOR

By: \_\_\_\_\_  
Title: \_\_\_\_\_

DATED: \_\_\_\_\_

Approved as to form by:  
OFFICE OF THE U.S. ATTORNEY,  
EASTERN DISTRICT OF CALIFORNIA

By: \_\_\_\_\_  
Title: \_\_\_\_\_

DATED: \_\_\_\_\_

CALIFORNIA COASTAL COMMISSION

By: \_\_\_\_\_  
Title: \_\_\_\_\_

DATED: \_\_\_\_\_

STATE LANDS COMMISSION

By: \_\_\_\_\_  
Title: \_\_\_\_\_

DATED: May 19, 1994

CALIFORNIA ATTORNEY GENERAL

By: [Signature]  
Title: Assistant Attorney General

ORIGINAL

DATED: June 14, 1994

COUNTY OF MARIN

By: [Signature]

Title: Chairman

MARIN COUNTY BOARD  
OF SUPERVISORS

SEADRIFT ASSOCIATION

DATED: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

DATED: \_\_\_\_\_

FIRST AMERICAN TITLE INSURANCE  
COMPANY

By: \_\_\_\_\_

Title: \_\_\_\_\_

DATED: \_\_\_\_\_

CHICAGO TITLE INSURANCE COMPANY

By: \_\_\_\_\_

Title: \_\_\_\_\_

DATED: \_\_\_\_\_

TICOR TITLE INSURANCE COMPANY

By: \_\_\_\_\_

Title: \_\_\_\_\_

DATED: \_\_\_\_\_

FIDELITY TITLE INSURANCE COMPANY

By: \_\_\_\_\_

Title: \_\_\_\_\_

DATED: \_\_\_\_\_

TRANSAMERICA TITLE INSURANCE  
COMPANY

By: \_\_\_\_\_

Title: \_\_\_\_\_

*Yes P45*

ORIGINAL

DATED: \_\_\_\_\_

COUNTY OF MARIN

By: \_\_\_\_\_  
Title: \_\_\_\_\_

DATED: September 14, 1994

SEADRIFT ASSOCIATION

By: Mark C. Smith  
Title: President

DATED: \_\_\_\_\_

FIRST AMERICAN TITLE INSURANCE  
COMPANY

By: \_\_\_\_\_  
Title: \_\_\_\_\_

DATED: \_\_\_\_\_

CHICAGO TITLE INSURANCE COMPANY

By: \_\_\_\_\_  
Title: \_\_\_\_\_

DATED: \_\_\_\_\_

TICOR TITLE INSURANCE COMPANY

By: \_\_\_\_\_  
Title: \_\_\_\_\_

DATED: \_\_\_\_\_

FIDELITY TITLE INSURANCE COMPANY

By: \_\_\_\_\_  
Title: \_\_\_\_\_

DATED: \_\_\_\_\_

TRANSAMERICA TITLE INSURANCE  
COMPANY

By: \_\_\_\_\_  
Title: \_\_\_\_\_

XLS PAS

ORIGINAL

DATED: \_\_\_\_\_

COUNTY OF MARIN

By: \_\_\_\_\_  
Title: \_\_\_\_\_

DATED: \_\_\_\_\_

SEADRIFT ASSOCIATION

By: \_\_\_\_\_  
Title: \_\_\_\_\_

DATED: June 21, 1994

FIRST AMERICAN TITLE INSURANCE  
COMPANY

By: [Signature]  
Title: Vice President / Regional Counsel

DATED: \_\_\_\_\_

CHICAGO TITLE INSURANCE COMPANY

By: \_\_\_\_\_  
Title: \_\_\_\_\_

DATED: \_\_\_\_\_

TICOR TITLE INSURANCE COMPANY

By: \_\_\_\_\_  
Title: \_\_\_\_\_

DATED: \_\_\_\_\_

FIDELITY TITLE INSURANCE COMPANY

By: \_\_\_\_\_  
Title: \_\_\_\_\_

DATED: \_\_\_\_\_

TRANSAMERICA TITLE INSURANCE  
COMPANY

By: \_\_\_\_\_  
Title: \_\_\_\_\_

YES PAS

ORIGINAL

DATED: \_\_\_\_\_

COUNTY OF MARIN

By: \_\_\_\_\_  
Title: \_\_\_\_\_

DATED: \_\_\_\_\_

SEADRIFT ASSOCIATION

By: \_\_\_\_\_  
Title: \_\_\_\_\_

DATED: \_\_\_\_\_

FIRST AMERICAN TITLE INSURANCE  
COMPANY

By: \_\_\_\_\_  
Title: \_\_\_\_\_

DATED: 6/13/94

CHICAGO TITLE INSURANCE COMPANY

By: *Ronald M. Furd*  
Title: VP & ASST. REGIONAL COUNSEL

DATED: 6/13/94

TICOR TITLE INSURANCE COMPANY

By: *Ronald M. Furd*  
Title: VP & ASST. REGIONAL COUNSEL

DATED: \_\_\_\_\_

FIDELITY TITLE INSURANCE COMPANY

By: \_\_\_\_\_  
Title: \_\_\_\_\_

DATED: \_\_\_\_\_

TRANSAMERICA TITLE INSURANCE  
COMPANY

By: \_\_\_\_\_  
Title: \_\_\_\_\_

*XLS PAS*

ORIGINAL

DATED: \_\_\_\_\_

COUNTY OF MARIN

By: \_\_\_\_\_  
Title: \_\_\_\_\_

DATED: \_\_\_\_\_

SEADRIFT ASSOCIATION

By: \_\_\_\_\_  
Title: \_\_\_\_\_

DATED: \_\_\_\_\_

FIRST AMERICAN TITLE INSURANCE  
COMPANY

By: \_\_\_\_\_  
Title: \_\_\_\_\_

DATED: \_\_\_\_\_

CHICAGO TITLE INSURANCE COMPANY

By: \_\_\_\_\_  
Title: \_\_\_\_\_

DATED: \_\_\_\_\_

TICOR TITLE INSURANCE COMPANY

By: \_\_\_\_\_  
Title: \_\_\_\_\_

DATED: 6/14/94

FIDELITY TITLE INSURANCE COMPANY

By: Scott A. Rothrock  
Title: Vice President & Associate  
Counsel

DATED: \_\_\_\_\_

TRANSAMERICA TITLE INSURANCE  
COMPANY

By: \_\_\_\_\_  
Title: \_\_\_\_\_



ORIGINAL

DATED: \_\_\_\_\_

COUNTY OF MARIN

By: \_\_\_\_\_  
Title: \_\_\_\_\_

DATED: \_\_\_\_\_

SEADRIFT ASSOCIATION

By: \_\_\_\_\_  
Title: \_\_\_\_\_

DATED: \_\_\_\_\_

FIRST AMERICAN TITLE INSURANCE  
COMPANY

By: \_\_\_\_\_  
Title: \_\_\_\_\_

DATED: \_\_\_\_\_

CHICAGO TITLE INSURANCE COMPANY

By: \_\_\_\_\_  
Title: \_\_\_\_\_

DATED: \_\_\_\_\_

TICOR TITLE INSURANCE COMPANY

By: \_\_\_\_\_  
Title: \_\_\_\_\_

DATED: \_\_\_\_\_

FIDELITY TITLE INSURANCE COMPANY

By: \_\_\_\_\_  
Title: \_\_\_\_\_

DATED: 6/22/94

TRANSAMERICA TITLE INSURANCE  
COMPANY

By: [Signature]  
Title: Claims Counsel

ORIGINAL

DATED: 6/22/94

COMMONWEALTH LAND TITLE  
INSURANCE COMPANY

By: [Signature]  
Title: Claims Counsel

DATED: \_\_\_\_\_

TITLE INSURANCE COMPANY OF  
MINNESOTA

By: \_\_\_\_\_  
Title: \_\_\_\_\_