

Planning Commission Hearing
Marin County Local Coastal Program Amendment
9/26/2016

Comment Letters

<u>Name</u>	<u>Date</u>
Ellen McKnight	9/26/2016
EAC	9/26/2016
Scott Miller	9/20/2016
Robert Carrigan	9/19/2016
Susan Nelson	9/19/2016
Ione Conlan	9/17/2016
Louise Gregg	9/17/2016
Alexand875	9/16/2016
Anne Baxter	9/16/2016
Mark Betti	9/16/2016
Andra Brosh	9/16/2016
James Gault	9/16/2016
Michael Linvill	9/16/2016
Ron Mallory	9/16/2016
Gerald Meral	9/16/2016
Jennifer Nichols	9/16/2016
Ed Nute	9/16/2016
Charles Savage	9/16/2016
Pacific Legal Foundation	9/16/2016
Turtle Island Restoration Network	9/16/2016
EAC, Turtle Island and Spawn Petition	9/16/2016
Ken Levin	9/15/2016
California Cattlemen's Association	9/15/2016
Environmental Action Committee of West Marin	9/14/2016
West Marin Sonoma Coastal Advocates	9/14/2016
Randall Fleming	9/14/2016
Chips Armstrong	9/14/2016

Rev. 9/27/16

September 26, 2016

Dear Marin County Planning Commissioners:

I grew up in Marin and still spend much of my time hiking the Marin hills, parks and coast.

I feel I was denied my opportunity to voice my concerns about the Marin County Local Coastal Program amendments to the Planning Commission, because there were no Planning Commission hearings on the complete amendments that are now before the Coastal Commission, including the numerous modifications and the new Environmental Hazards chapter.

There has been no legitimate public process for review and consideration of the amendments.

The Planning Commission and the public have had inadequate time to review the amendments to the Marin County Local Coastal Program. The Board of Supervisors should withdraw its Marin County Local Coastal Program amendment submission to the Coastal Commission in order to give the public its chance to participate in this important process.

The Coastal Commission hearing must be in Marin County.

If the Planning Commission does not withdraw its submission to the Coastal Commission, then at a minimum, the upcoming Coastal Commission hearing must be held in Marin County so that the public can meaningfully voice its concerns on the amendments without undue hardship.

Sincerely,

Ellen McKnight
Glen Ellen CA



property owner in San Anselmo, CA



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Tomales Dunes Consultant

September 26, 2016

Marin County Planning Commission

RE: Public Hearing – Copy of EAC Testimony

Good morning members of the Planning Commission. Morgan Patton, Director of the Environmental Action Committee of West Marin (EAC). Thank you for allowing me to provide comments on the draft Local Coastal Program Amendments today.

EAC has been closely involved throughout the LCP Amendment process over the last eight years whenever a public forum has been made available. We are concerned that this Planning Commission hearing is too late, because the amendments are already before the Coastal Commission.

The last time the Planning Commission met to review the LCP Amendments was in 2012. Since 2012 there have been extensive policy modifications.

Over the last four and half years, there have been broad modifications to the Agriculture and Environmental Hazards chapters of the Land Use Plan (LUP) and changes to the Implementation Plan (IP).

A Planning Commission hearing should have been held before the Board of Supervisors approved the LUP and IP in April 2016, so that the Planning Commission could have allowed for public comment and review and provided recommendations to the Board.

While C-SMART meetings provided a forum for valuable community input, these meetings cannot be substituted for a Planning Commission hearing.

Today, we ask that the Planning Commission consider the Environmental Hazards chapter of the LUP. This is one of the first LCP's in California to address the threat of climate change and sea-level rise. This is an opportunity to create a forward-thinking planning document that provides comprehensive solutions to the serious threats to our coastal resources.

The Hazards chapter fails to comply with the Coastal Act mandate to protect public access, coastal resources, and visual resources.

The LCP amendments lack general strategies and alternatives for sea level-rise adaptation.

- The policies fail to protect the public trust shoreline resources resulting from the landward movement of the public trust boundary due to sea-level rise.
- The policies lack general strategies and recommendations to cope with shoreline erosion, changes to sand supply, loss of beach area and wetlands that may result, as the public trust boundary moves inland and approaches elevated development, armored shorelines, and other hazard mitigations.
- The policies fail to protect coastal resources by exempting an entire class of development from public view and community character provisions and providing a single solution to property owners to elevate their homes with no evaluation of adverse impacts. Such development is deemed to comply with the LCP policies regardless if it actually does comply.
- The policies fail to address impacted infrastructure including Highway One and Sir Francis Drake. Additionally, the LCP amendments fail to provide requirements and standards for homeowners in flood risk areas concerning options for septic tanks. As we all know, septic tanks do not do well under water and will create a biohazard and damage habitats.
- The policies do not adequately protect public access to the coast. Policy C-EH-16 provides for removal of the public access facilities but not for their protection or relocation.
- Finally, policies C-EH-8 and 22 refer to Potential Sea Level Rise Maps for minimum floor elevations in Flood Hazard Areas. The county has stated that these maps would be made available to the public before this hearing but are still not posted.

In addition to providing a forum for reasoned, public discussion of these issues your Commission has three additional statutory responsibilities:

- To hear appeals of zoning decisions by Development Agency staff
- To review and permit major development projects
- To initiate changes and updates to land-use policies and zoning codes

However, the Planning Commission has been sidelined and excluded from developing LCP policies:

- There has been ample opportunity for your Commission to consider the LCP Amendment: this year, 11 meetings have already been cancelled.
- Yet you have not met to consider the LCP Amendment in the 4 ½ years since February 2012.

During that time, your recommendations to the Board of Supervisors have been substantially modified:

- The Development Code requires the Board to refer substantial Amendment modifications back to your Commission before it adopts a revised version.
- The Coastal Commission staff detailed many necessary changes in three letters to the county in August of 2015, and last March, and again in May.

- This month, the Coastal Commission staff sent 343 pages of recommended modifications to the county; they became available to the public only Friday afternoon. [Those documents are too large to submit to you this morning, but they can be reviewed on EAC's website: eacmarin.org]
- Even so, the recommended modifications for the Environmental Hazards chapter are not yet available to the public, or to county staff.

This Planning Commission meeting has no authority to change the Amendment that the county has submitted to the Coastal Commission

- The Board of Supervisors cannot change its April submission.
- Any recommendation for changes you might make will not affect any Board decisions.
- Only after the Amendment has been substantially modified and then certified by the Coastal Commission, possibly in November, will the Board be deciding whether to accept or reject the Amendment.

There is only one action that you can take that can affect the Coastal Commission and Board action on the LCP Amendment:

- To recommend that the Board withdraw the Amendment
- Any other recommendation you might make cannot be acted on.

Withdrawal of the LCP Amendment will be constructive. It will

- allow the public to engage with your Commission on the significant changes since 2012
- enable your Commission to make meaningful, carefully considered recommendations
- greatly increase the likelihood that the county's submitted amendment will be certified by the Coastal Commission without modifications that are unacceptable to Marin County and its residents.

The EAC respectfully urges you to take the one action that can be effective:

- **recommend that the Board withdraw the LCP Amendment and refer it to your Commission for further public discussion and revision.**

Thank you for the opportunity to comment.

Scott Miller
P.O. Box 145
Dillon Beach, CA. 94929
(707) 878-2167

September 20, 2016

Marin County Planning Commission
3501 Civic Center Drive, room #308
San Rafael, Ca. 94903-4157

Re: LCPA Hearing 9/26/2016

Dear Staff and Commissioners,

I can't figure out the purpose of this hearing. The LCPA was submitted to the CCC in April. It is now September. The Planning Commission was kept out of the loop and the decision making process for four years (Feb 2012 through April 2016). Now staff is seeking your input after it's too late.

There's a game, but it doesn't count. It's like the Pro-Bowl in Hawaii Orlando! I'll get out there and throw some Hail Mary's (or fumble):

1st Down: Vacation Rental Ordinance.

Hundreds of them operating in the coastal zone. More opening all the time. Nothing in the IP. Nothing in the last 4 years. No plans to do anything anytime soon. They certainly look nice on Tuesday mornings, though (see photo).

2nd Down: Agricultural Dwelling Units(Intergenerational Homes).

I live near a ranch. It is "Contiguous Lots in Common Ownership (i.e. the "Farm Tract")". It has 7 houses.

Why can't other landowners do what they have done?

3rd Down: Same play as 2nd down.

How many ranchers does it take to run a ranch?

If the kids are taking over the ranch, they are now the ranchers. The parents are retired. Build a "granny unit".

If the parents are still the ranchers, the kids are workers. Build some "agricultural worker housing".

If neither of these are good enough, give one of the contiguous lots to the kids.

Take me out of the game, coach. It's time to punt and I think I have a concussion.

Sincerely,
Scott Miller



AHN: KRISTIN DRUMM

SEP 19 2016 PM 1:20 Planning

ref: BUILDING WITHIN 100 FT OF
EASKOOT CREEK

COUNTY FINDINGS UNDER 22.56.1301.G.3

Would amount to a TAKING if strictly applied to this property

Whereas, the Marin County Board of Supervisors finds that the Mandatory Findings for a Coastal Permit per Section 22.56.1301 of the Marin County Development Code can be made based on the following findings:

A. Water Supply

The project has been reviewed and accepted by the Stinson Beach County Water District. Therefore, the project is consistent with this finding.

B. Septic System Standards

The project has been reviewed and accepted by the Stinson Beach County Water District. The District has found the residence to be appropriate for the approved wastewater system design. In addition, the applicant must ensure that all required setbacks to all components of the septic system have been met. Therefore, the project is consistent with this finding.

C. Grading and Excavation

The property has flat to gentle slope conditions, and construction of the new residence will involve little site disturbance. As such, the project, as designed, will keep new grading to a minimum. Therefore, the project is consistent with this finding.

D. Archaeological Resources

A review of the Marin County Archaeological Sites Inventory indicates that the subject property is considered to be in an area of high archaeological sensitivity. The project site however is in an already highly developed part of Stinson Beach and therefore discovery of archaeological resources on the site is unlikely. A cultural resources evaluation was also performed by Sally Evans, Archaeologist, with the Archaeological Resource Service who found no potentially significant cultural resources on the property. In addition, a standard condition of approval has been applied to the project requiring that in the event cultural resources are uncovered during construction, all work shall be immediately stopped and the services of a qualified consulting archaeologist be engaged to assess the value of the resource and to develop appropriate mitigation measures. Therefore, the project is consistent with this finding.

E. Coastal Access

The project site is not located adjacent to the shoreline and will therefore have no impact upon coastal access. Therefore, the project is consistent with this finding.

F. Housing

The proposed project will have no impact upon the availability of affordable housing stock within the Stinson Beach community because it does not involve removing any existing housing. Therefore, the project is consistent with this finding.

G. Stream and Wetland Resource Protection

As verified by a survey, second biological assessment, and relocation, the structure and site improvements will be located outside of the Easkoot Creek stream buffer and riparian areas. Therefore, the project is not subject to riparian protection policies. The project has also been conditioned to confirm at building permit that required creek and riparian area setbacks have been met. As it stands, the proposed new residence would be located within the same general area that has already been developed with other single-family residences. Therefore, the project will not result in any additional impact upon stream or wetland resources and will comply with the LCP's riparian

CHANGE
BACK TO
50 FT
IS MORE
REASONABLE

NEW BUILDING CURRENTLY DENIED
WITHIN 100 FT OF CREEK

protection policies.

H. Dune Protection

There are no natural dunes in the development area.

I. Wildlife Habitat

The Natural Resources Map for Unit I of the Local Coastal Program indicates that the subject property is located in an area of sensitive wildlife resources. The applicant provided a biological assessment, prepared by Daniel Edelstein, Biologist. While the community of Stinson Beach is known to be home to numerous special status species and wildlife habitats, it was determined that no sensitive wildlife habitat existed on the property. Special status species known to live in the area include the Northern Spotted Owl and the Marin Hesperian. None of these species were found to occur on the property or would otherwise be impacted from the proposed project. Therefore the project is consistent with this finding. **The project would not extend into the dunes or onto the beach past the current area of disturbance.**

J. Protection of Native Plant Communities

Based on the biological site assessment prepared by Daniel Edelstein and review of the California Natural Diversity Database, this property does not contain any recognized protected native plant communities. Therefore, the project is consistent with this finding.

K. Shoreline Protection

The proposed project is not located adjacent to the shoreline or within a bluff erosion zone. Therefore, the project is consistent with this finding.

L. Geologic Hazards

The project site is located within one mile of the San Andreas Fault Zone and would be subjected to strong ground shaking during a proximate seismic event. The Marin County Community Development Agency - Building and Safety Division would determine seismic compliance with the California Building Code. In addition, as a condition of approval, the applicant shall execute and record a waiver of liability holding the County, other governmental agencies, and the public harmless of any matter resulting from the existence of geologic hazards or activities on the subject property.

M. Public Works Projects

The proposed project will not affect any existing or proposed local public works projects in the area. Therefore, the project is consistent with this finding.

N. Land Division Standards

No land division or property line adjustment is proposed as part of this project. Therefore, the project is consistent with this finding.

O. Visual Resources

The primary residence is consistent with the Interim Zoning Code standards for height in this zoning district. The development would not impact public views of coastal scenic resources. The project would not impair or obstruct public views of coastal scenic resources from any public street or public viewing location because it is located away from publicly viewable, visually prominent areas of Stinson Beach and the community. Furthermore, the project, as modified by conditions of approval that reduce the size of the residence and garage, and increase the building's setbacks to property lines, would be compatible with the scale of neighboring residences. The project, as modified by the conditions of approval, allows construction of 1,100 square foot of living area, which is less than the median home size of 1,200 square feet (of living area) for the

patios and calles in Stinson Beach. Therefore, the project would result in a residence that is comparable in living area to the average size of the neighboring residences.

P. Recreation/Visitor Facilities

The project would not have any impact upon recreation or visitor facilities because it would be located within the existing development boundaries on the property and would maintain existing public access to the ocean and beach portion of the property.

Q. Historic Resource Preservation

The project site is not located within any designated historic district boundaries as identified in the Marin County Historic Study for the Local Coastal Program.

Additionally, completion of the proposed work would not affect or impact the character of the community.

From: [Susan Nelson](#)
To: [Drumm, Kristin](#)
Subject: Public Hearing - Marin County Local Coastal Program Amendment
Date: Monday, September 19, 2016 11:30:32 AM

Dear Planning Commissioners:

The September 26, 2016 Planning Commission hearing on the amendments to the Marin County Local Coastal Program is too late. The amendments are already before the Coastal Commission. The Planning Commission should have held more hearings on this important matter much earlier in the process, so that the public's comments could have been incorporated into the drafting process.

There have been no Planning Commission hearings on the fully compiled amendments, which are now before the Coastal Commission. Specifically, there have been no Planning Commission hearings on the Environmental Hazards chapter in the Land Use Plan. C-SMART meetings cannot substitute for Planning Commission hearings.

Furthermore, the Planning Commission and the public have had inadequate time to review the amendments to the Marin County Local Coastal Program. The County has not posted all of the information to its website that is currently being considered by the Coastal Commission.

I have comments on the Marin County Local Coastal Program amendments, and I did not get a meaningful chance to voice them through Planning Commission hearing(s).

The September 26th hearing is not an effective public process. Instead, it will waste everyone's time, since the amendments are already before the Coastal Commission.

The one action the Board of Supervisors can take is to withdraw its submission to the Coastal Commission, so the public and the Planning Commission can fully participate in this important public process.

If the submission goes forward, then the Coastal Commission hearing must be held in Marin County so that the public can effectively participate at this point in the process.

Thank you for your consideration of my concerns on this important local issue.

Respectfully,

Sent from my iPad

From: JConlan@aol.com
To: [Drumm, Kristin](#)
Subject: Planning Commission public hearing
Date: Saturday, September 17, 2016 1:20:14 AM

Hello Dear Kristin,

Please present this email to our Planning Commissioners to read before their meeting on Sept 26, 2016. Ranch satellite just came back in time to meet the Sept 16 deadline. Up here in West Marin we have no cell, and satellite connection is intermittent.

CONLAN RANCHES CALIFORNIA

Mail to PO Box 412, Valley Ford, CA
94972

September 16, 2016

The Marin County Planning Commission
C/o Marin County Community Development Agency
via e-mail Kristin Drumm: kdrumm@marincounty.org

**Subject: Marin County Local Coastal Program Amendment (LCPA):
Planning Commission public hearing September 26, 2016**

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Honorable Commissioners

Conlan Ranches California (hereafter (CRC) is Marin County's oldest (1866) working ranch operating under contract with the 1970's County of Marin's Williamson Agricultural Conservation Contract, and Marin County Community Development Regulations, with Certified Organic Lands, Certified Animal Welfare Approved, American Grass Fed production of rare Wagyu (Kobe) beef cattle, which cattle breed, has been declared a national treasure in Japan, for which no semen, embryos, or cattle may be exported, so that the animals outside Japan are finite and precious.

CRC is not under contract with the Marin Agricultural Land Trust, (MALT) whose Director was heard by this writer, to seek recruiting an additional fifty five thousand remaining farm land acres under the voluminous MALT conservation easement contract, (which contract at last reading, required the landowner to assign the "*exploitation of solar rights to MALT and its Assigns*", without designating metes and bounds which would subject the entire ranch to solar panels)

Two thousand acres in Monterey County were removed from farming, and First Solar (a Wal

Mart heir Corp) has now covered one thousand acres in solar panels, for the ultimate benefit of Apple Corp and PG&E. See *California Flats* project.

This writer understands, that the California Coastal Commission (CCC) Local Coastal Plan (LCP) was partially modeled consistent with MALT contracts, to make the county farm lands “uniform”, with older contract revisited with more compensation for “affirmative farming” and “*exploitation of solar rights to MALT and its Assigns*”.

CRC is operated by the descendants of 1866 settlers, Widow Ione Conlan and her great nephew Guido Frosini. The CRC ranchlands, are composed of three separate legal contiguous parcels.

CRC has the honor of being the only over one thousand acre family preserved ranchlands (under the jurisdiction of the Gerrymandering CCC jurisdiction), which has received numerous environmental awards.

In 2014 CRC was awarded the Western USA Regional Environmental Award winning over six states including Hawaii sponsored by the USDA NRCS, US Fish & Wildlife, National and State Cattlemen’s Association et. al.

In 2015, CRC’s Guido Frosini, was elected by Eco-Farm at its 35th Annual Conference in Asilomar, to present the Eco-Farm “Successful Environmental Farmer” speaker”, as well as workshop leader.

In 2016, CRC’s, Guido Frosini, was elected at the Napa Farm Aid Gala as their environmental “Farm Hero”

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Also on July 13, 2016, at CAL EXPO Sacramento State Fair, CRC received an Award from the prestigious California Agricultural Heritage Club, the oldest Agricultural Club in California, for reaching 150 years in continuous agriculture by the same family on the same lands.

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This 150 year achievement by descendants has not been without enormous personal sacrifices in each generation. Garth and Ione Conlan, suffered ten years of Bankruptcy (1984-1994) paying every creditor in full with interest. Inheritance taxes have purchased the lands ten times over.

CRC has survived drought, floods, lightning strikes, vandalism, fire, thievery, cattle rustling, predators human and animal, and through “*blood sweat tears and toil*” has persevered.

The enormous personal sacrifices that keeps these magnificent lands beautiful and

pristine are beyond what any member of this Planning Commission, Board of Supervisors Members could possibly imagine.

CRC co-exists in harmony with wild habitat, however suffering the CCC gerrymandering land **CCC exemptions** of nearby neighbors who reside on 250 lots, in astonishing homes perched above the cliffs of the bay, with beautiful ocean views within sling shot of CRC's back 40, visible on the ridgeline, within sight of public roads, and harbor their own two open sewer pits with impunity, placed below their own smell and view

These two open surface sewer ponds provide migrant birds a habitat, and they are vectors of undesirable invasive weed seeds and disease. Unfortunately these aerial migrant wildlife vectors land on adjacent farm lands and adversely affect farm lands and livestock, on lands whose landowners have not been so politically privileged to have had their lands carved out of restrictive CCC jurisdictional regulations . One farmer advised this writer has not been outspoken, in fear of retaliation (from an undisclosed source)

CRC Trustee Widow Ione Conlan, has appeared in person before this Commission and Board of Supervisors and has submitted comments and concerns regarding the inequities presented by this LCP including but not limited to:

- (a) Modeling this LCP after MALT contracts, thus usurping by legislation that which MALT has compensated others, with no need to compensate that which legislation has accomplished.
- (b) Merging contiguous legal parcels which is a diminishment of land value, and an unconstitutional taking of property without compensation, which also allows third parties to utilize lands for which the resident owner is forbidden the same privilege.
- (c) Euphemistically naming mandated "day to day work" on the lands or be jettisoned off (Good bye grandma and grandpa who have spent a lifetime working on the farm) assigning an obtuse title of "*Affirmative farming*" to accomplish this end.
- (d) Clustering of buildings, cramming all buildings in a huddle to ostensibly "*save more land for agriculture*" which explanation fails the laugh test.
- (e) Hiding all farm buildings from public road sight, and never on a ridgeline, to avoid offending the occasional passerby arrogant snob, who may be alarmed to observe the hard work that takes place on the farm to provide him that filet mignon with béarnaise sauce
- (f) Restricting buildings to 8,040 sq. ft. including the two allowed intergenerational

homes, if farmer Jones is lucky enough to grab one of those only twenty-seven (27) allowed in the entire coastal jurisdiction areas of Marin County.

- (g) Promoting the audacious notion that “*we don’t want any McMansions up in West Marin*” while allowed in all other areas of Marin County is an arrogant snob based concept that would have farmer Jones remain in the farm ghetto of West Marin, without cell service and other amenities others areas in Marin enjoy.

That farmer Jones who worked a lifetime on his lands cannot have a tennis court, rural recreation, swimming pool or any other hard earned pleasure, without additional expensive and delayed CCC permits, because some affluent parties want the West Marin Farmer to be confined in a farm ghetto part of Marin County, notwithstanding some who already have theirs, using their connections, *wink wink*.

Recall one Planner is reported to have declared, “A DOUBLE WIDE TRAILER IS GOOD ENOUGH FOR THOSE FARMER UP IN WEST MARIN” and “*well they didn’t need generational housing before so why should they have some now*” (check out archive records)

This writer heard another Planner who lived in a four million dollar neighborhood, state with a straight face, West Marin “*farmers don’t have to live on the farm to farm*” and knew some who didn’t live on their farms. Yes, and wanted to be assured that if a generational house was allowed, it would have to be someone working on the farm or be jettisoned off the land.

Who hasn’t heard of the mail box “farmer” who collects USDA subsidies for wheat, sorghum, peanuts, rice, and other commodities? These farmers in West Marin do it the old fashioned way. They earn it the hard way which is difficult for some privileged folks to understand.

- (h) Requiring CCC expensive permits to change crops and perform usual and customary ranch and farm activities.
- (i) Requiring special biological and ground water studies and expensive CCC permits to install irrigation pipes, or replace your old water well, or dig a new one, notwithstanding county requirements and permits already in place

This proposed LCP is designed to remove agriculture from West Marin, which Marin Board of Supervisors may reject rather than trading the old for a new which destroys agriculture, and forces 150 year old heritage farms to split up and disintegrate.

Perhaps these well-meaning but misinformed advocates who proudly display their JD's and PhD's declaring superior and more noble cause for this county have forgotten why they migrated to Marin. They migrated, because the old timer farmers and ranchers kept it in the pristine condition for which they now could become Lords of the Manors of Marin, dictating what they believe to be their more noble, superior knowledge of how this county should operate.

As Trustee of CRC, not on my watch. Any entity that would take CRC lands do so at their legal peril and will rue the day of their arrogant snobbish misinformed, uninformed tyranny.

Ione Conlan, Esquire

Oh Yes, I have a JD too, or as my old law school buddy related when an unknowing arrogant attorney declared, *"Well see here, I'm a lawyer you know"* his response was, *"Aren't we all"*

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Ione Conlan
Conlan Ranches California
Marin T (707) 876-1992 & (831) 462-5974
PO Box 412 Valley Ford, CA 94972

The information contained in this communication is confidential, may be privileged pursuant to the attorney-client privilege and/or the work product doctrine, may constitute inside information, and is intended only for the use of the addressee. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, be advised that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify the sender IConlan@aol.com and delete this communication and all copies, including all attachments.

From: [Louise Gregg](#)
To: [Drumm, Kristin](#)
Subject: Public Hearing - Marin County Local Coastal Program Amendment
Date: Saturday, September 17, 2016 4:20:20 PM

The only thingDear Planning Commissioners: to,

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If the submission goes forward, then the Coastal Commission hearing must be held in Marin County so that the public can effectively participate at this point in the process.

Thank you for your consideration of my concern on this important local issue.

Respectfully, I have already asked that the language discerning our historic villages should be accurate. I want the discription to be "Historic Village". Not "Visitor area" or what ever....."

Sincerely, Louise Gregg

Also Dillion Beach needs to be revisited. Lawson's Landing is a ESHA area and dogs must be on a leash at all times even when they start at Dillion Beach Resort.

Louise Gregg

Sent from my Verizon Wireless 4G LTE DROID

From: alexand875@sbcglobal.net
To: [Drumm, Kristin](#)
Subject: Public Hearing - Marin County Local Coastal Program Amendment
Date: Friday, September 16, 2016 5:20:02 PM

Dear Planning Commissioners: The September 26, 2016 Planning Commission hearing on the amendments to the Marin County Local Coastal Program is too late. The amendments are already before the Coastal Commission. The Planning Commission should have held more hearings on this important matter much earlier in the process, so that the public's comments could have been incorporated into the drafting process. There have been no Planning Commission hearings on the fully compiled amendments, which are now before the Coastal Commission. Specifically, there have been no Planning Commission hearings on the Environmental Hazards chapter in the Land Use Plan. C-SMART meetings cannot substitute for Planning Commission hearings. Furthermore, the Planning Commission and the public have had inadequate time to review the amendments to the Marin County Local Coastal Program. The County has not posted all of the information to its website that is currently being considered by the Coastal Commission. I have comments on the Marin County Local Coastal Program amendments, and I did not get a meaningful chance to voice them through Planning Commission hearing(s). The September 26th hearing is not an effective public process. Instead, it will waste everyone's time, since the amendments are already before the Coastal Commission. The one action the Board of Supervisors can take is to withdraw its submission to the Coastal Commission, so the public and the Planning Commission can fully participate in this important public process. If the submission goes forward, then the Coastal Commission hearing must be held in Marin County so that the public can effectively participate at this point in the process. Thank you for your consideration of my concerns on this important local issue. Respectfully,

From: [Anne W. Baxter](#)
To: [Drumm, Kristin](#)
Subject: Public Hearing - Marin County Local Coastal Program Amendment
Date: Friday, September 16, 2016 11:47:13 AM

Dear Planning Commissioners:

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Respectfully,

Anne W. Baxter
PO Box 1345
Point Reyes, CA 94956
415-663-1222
415-606-2235 (cell)

From: [mark.betti](#)
To: [Drumm, Kristin](#)
Subject: Public Hearing - Marin County Local Coastal Program Amendment
Date: Friday, September 16, 2016 12:38:00 PM

Dear Planning Commissioners:

The September 26, 2016 Planning Commission hearing on the amendments to the Marin County Local Coastal Program is too late. The amendments are already before the Coastal Commission. The Planning Commission should have held more hearings on this important matter much earlier in the process, so that the public's comments could have been incorporated into the drafting process.

There have been no Planning Commission hearings on the fully compiled amendments, which are now before the Coastal Commission. Specifically, there have been no Planning Commission hearings on the Environmental Hazards chapter in the Land Use Plan. C-SMART meetings cannot substitute for Planning Commission hearings.

Furthermore, the Planning Commission and the public have had inadequate time to review the amendments to the Marin County Local Coastal Program. The County has not posted all of the information to its website that is currently being considered by the Coastal Commission.

The one action the Board of Supervisors can take is to withdraw its submission to the Coastal Commission, so the public and the Planning Commission can fully participate in this important public process.

If the submission goes forward, then the Coastal Commission hearing must be held in Marin County so that the public can effectively participate at this point in the process.

Thank you for your consideration of my concerns on this important local issue.

Respectfully,

Mark Betti

From: [Gault, James](#)
To: [Drumm, Kristin](#)
Subject: Public Hearing - Marin County Local Coastal Program Amendment
Date: Friday, September 16, 2016 4:17:32 PM

Dear Planning Commissioners:

My wife and I have reviewed, and we agree with, the position of the Environmental Action Committee of West Marin (EAC) on this matter as follows:

The September 26, 2016 Planning Commission hearing on the amendments to the Marin County Local Coastal Program is too late. The amendments are already before the Coastal Commission. The Planning Commission should have held more hearings on this important matter much earlier in the process, so that the public's comments could have been incorporated into the drafting process.

There have been no Planning Commission hearings on the fully compiled amendments, which are now before the Coastal Commission. Specifically, there have been no Planning Commission hearings on the Environmental Hazards chapter in the Land Use Plan. C-SMART meetings cannot substitute for Planning Commission hearings.

Furthermore, the Planning Commission and the public have had inadequate time to review the amendments to the Marin County Local Coastal Program. The County has not posted all of the information to its website that is currently being considered by the Coastal Commission.

The September 26th hearing is not an effective public process. Instead, it will waste everyone's time, since the amendments are already before the Coastal Commission.

The one action the Board of Supervisors can take is to withdraw its submission to the Coastal Commission, so the public and the Planning Commission can fully participate in this important public process.

If the submission goes forward, then the Coastal Commission hearing must be held in Marin County so that the public can effectively participate at this point in the process.

Thank you for your consideration of our concerns on this important local issue.

Respectfully,

Jim and Margaret Gault

James L. Gault
james.gault@sedgwicklaw.com
415.747.8685 direct

Sedgwick LLP

333 Bush Street, 30th Floor
San Francisco, CA 94104-2834
415.781.7900 phone | 877.547.2780 fax | www.sedgwicklaw.com

The information in this email is intended for the named recipients only. It may contain privileged and confidential matter. If you have received this email in error, please notify the sender immediately by replying to this email. Do not disclose the contents to anyone. Thank you.

From: [michael.linvill](#)
To: [Drumm, Kristin](#)
Subject: Hearings on Amendments to Marin County Local Coastal Program
Date: Friday, September 16, 2016 5:12:16 PM

Planning Commissioners:

From the time I grew up in Marin in the 1970s to a current resident of San Rafael, the protection of Marin's natural heritage has always been critically important to myself, family, and friends. This is a continuous battle, and I ask that the local people be given an adequate opportunity to participate in public policy making that affects Marin.

Specifically, I would like to comment on the Marin County Local Program Coastal Amendment. The September 26, 2016 Planning Commission hearing on the amendments is moot because the amendments have already been submitted to the Coastal Commission. What's the point? I'm concerned that the public hasn't been provided an adequate chance to comment on amendments to the program, and for such comments to be incorporated.

For example, there have been no Planning Commission hearings on the Environmental Hazards chapter in the Land Use Plan. Many local people would like to comment on the Marin County Local Coastal Program amendments, and need to be provided an opportunity to comment through hearings by the Planning Commission held in Marin.

Accordingly, the best short term option is for the Board of Supervisors to withdraw its submission to the Coastal Commission, and hold hearings in Marin. Only in this way can the local public and the Planning Commission fully participate public-policy-formulating process.

Thank you for considering my views on this matter.

Mike Linvill

From: [Ron Mallory](#)
To: [Drumm, Kristin](#)
Subject: Public Hearing - Marin County Local Coastal Program Amendment
Date: Friday, September 16, 2016 2:56:25 PM

Dear Planning Commissioners:

The September 26, 2016 Planning Commission hearing on the amendments to the Marin County Local Coastal Program is too late. The amendments are already before the Coastal Commission. The Planning Commission should have held more hearings on this important matter much earlier in the process, so that the public's comments could have been incorporated into the drafting process.

There have been no Planning Commission hearings on the fully compiled amendments, which are now before the Coastal Commission. Specifically, there have been no Planning Commission hearings on the Environmental Hazards chapter in the Land Use Plan. C-SMART meetings cannot substitute for Planning Commission hearings.

Furthermore, the Planning Commission and the public have had inadequate time to review the amendments to the Marin County Local Coastal Program. The County has not posted all of the information to its website that is currently being considered by the Coastal Commission.

I have comments on the Marin County Local Coastal Program amendments, and I did not get a meaningful chance to voice them through Planning Commission hearing(s).

The September 26th hearing is not an effective public process. Instead, it will waste everyone's time, since the amendments are already before the Coastal Commission.

The one action the Board of Supervisors can take is to withdraw its submission to the Coastal Commission, so the public and the Planning Commission can fully participate in this important public process.

If the submission goes forward, then the Coastal Commission hearing must be held in Marin County so that the public can effectively participate at this point in the process.

Thank you for your consideration of my concerns on this important local issue.

Respectfully,

Ron and Amanda Mallory
Larkspur

Sent from my iPad

From: [Gerald Meral](#)
To: [Drumm, Kristin](#)
Subject: Public Hearing - Marin County Local Coastal Program Amendment
Date: Friday, September 16, 2016 1:27:36 PM

Dear Planning Commissioners:

The September 26, 2016 Planning Commission hearing on the amendments to the Marin County Local Coastal Program is too late. The amendments are already before the Coastal Commission. The Planning Commission should have held more hearings on this important matter much earlier in the process, so that the public's comments could have been incorporated into the drafting process.

There have been no Planning Commission hearings on the fully compiled amendments, which are now before the Coastal Commission. Specifically, there have been no Planning Commission hearings on the Environmental Hazards chapter in the Land Use Plan. C-SMART meetings cannot substitute for Planning Commission hearings.

Furthermore, the Planning Commission and the public have had inadequate time to review the amendments to the Marin County Local Coastal Program. The County has not posted all of the information to its website that is currently being considered by the Coastal Commission.

I have comments on the Marin County Local Coastal Program amendments, and I did not get a meaningful chance to voice them through Planning Commission hearing(s).

The September 26th hearing is not an effective public process. Instead, it will waste everyone's time, since the amendments are already before the Coastal Commission.

The one action the Board of Supervisors can take is to withdraw its submission to the Coastal Commission, so the public and the Planning Commission can fully participate in this important public process.

If the submission goes forward, then the Coastal Commission hearing must be held in Marin County so that the public can effectively participate at this point in the process.

Thank you for your consideration of my concerns on this important local issue.

Respectfully,

Gerald and Barbara Meral

From: [Jennifer Nichols](#)
To: [Drumm, Kristin](#)
Subject: Public Hearing - Marin County Local Coastal Program Amendment
Date: Friday, September 16, 2016 2:07:06 PM

Dear Planning Commissioners:

The September 26, 2016 Planning Commission hearing on the amendments to the Marin County Local Coastal Program is too late. The amendments are already before the Coastal Commission. The Planning Commission should have held more hearings on this important matter much earlier in the process, so that the public's comments could have been incorporated into the drafting process.

There have been no Planning Commission hearings on the fully compiled amendments, which are now before the Coastal Commission. Specifically, there have been no Planning Commission hearings on the Environmental Hazards chapter in the Land Use Plan. C-SMART meetings cannot substitute for Planning Commission hearings.

Furthermore, the Planning Commission and the public have had inadequate time to review the amendments to the Marin County Local Coastal Program. The County has not posted all of the information to its website that is currently being considered by the Coastal Commission.

I have comments on the Marin County Local Coastal Program amendments, and I did not get a meaningful chance to voice them through Planning Commission hearing(s).

The September 26th hearing is not an effective public process. Instead, it will waste everyone's time, since the amendments are already before the Coastal Commission.

The one action the Board of Supervisors can take is to withdraw its submission to the Coastal Commission, so the public and the Planning Commission can fully participate in this important public process.

If the submission goes forward, then the Coastal Commission hearing must be held in Marin County so that the public can effectively participate at this point in the process.

Thank you for your consideration of my concerns on this important local issue.

Respectfully,

Jennifer Nichols, DMH

From: [Ed Nute](#)
To: [Drumm, Kristin](#)
Subject: Public Hearing - Marin County Local Coastal Program Amendment
Date: Friday, September 16, 2016 12:41:59 PM

Dear Planning Commissioners:

The September 26, 2016 Planning Commission hearing on the amendments to the Marin County Local Coastal Program is too late. The amendments are already before the Coastal Commission. The Planning Commission should have held more hearings on this important matter much earlier in the process, so that the public's comments could have been incorporated into the drafting process.

There have been no Planning Commission hearings on the fully compiled amendments, which are now before the Coastal Commission. Specifically, there have been no Planning Commission hearings on the Environmental Hazards chapter in the Land Use Plan. C-SMART meetings cannot substitute for Planning Commission hearings.

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I have comments on the Marin County Local Coastal Program amendments, and I did not get a meaningful chance to voice them through Planning Commission hearing(s).

The September 26th hearing is not an effective public process. Instead, it will waste everyone's time, since the amendments are already before the Coastal Commission.

The one action the Board of Supervisors can take is to withdraw its submission to the Coastal Commission.

Thank you for your consideration.

W. Edward Nute and Marcia Nute

Inverness, CA 415-669-7710

From: [charles.savage](#)
To: [Drumm, Kristin](#)
Subject: Public Hearing - Marin County Local Coastal Program Amendment
Date: Friday, September 16, 2016 2:36:17 PM

Dear Planning Commissioners:

The September 26, 2016 Planning Commission hearing on the amendments to the Marin County Local Coastal Program is too late. The amendments are already before the Coastal Commission. The Planning Commission should have held more hearings on this important matter much earlier in the process, so that the public's comments could have been incorporated into the drafting process.

There have been no Planning Commission hearings on the fully compiled amendments, which are now before the Coastal Commission. Specifically, there have been no Planning Commission hearings on the Environmental Hazards chapter in the Land Use Plan. C-SMART meetings cannot substitute for Planning Commission hearings.

Furthermore, the Planning Commission and the public have had inadequate time to review the amendments to the Marin County Local Coastal Program. The County has not posted all of the information to its website that is currently being considered by the Coastal Commission.

I have comments on the Marin County Local Coastal Program amendments, and I did not get a meaningful chance to voice them through Planning Commission hearing(s). For example the development of alternative energy sources such as solar panels and wind energy installations along the coast should not be exempted from Coastal Commission review and public comment. Similarly, the conversion of grazing lands to vineyards and the construction of wineries, tasting rooms and retail sales operations should be subject to Coastal Commission review and public comment. The pastoral beauty of Marin County's coast should not be degraded by construction of solar panels, wind turbines, wineries and retail sales operations. In addition, little consideration has been given to the significant increase in traffic and pollution should the development of current grazing land take place.

The September 26th hearing is not an effective public process. Instead, it will waste everyone's time, since the amendments are already before the Coastal Commission.

The one action the Board of Supervisors can take is to withdraw its submission to the Coastal Commission, so the public and the Planning Commission can fully participate in this important public process.

If the submission goes forward, then the Coastal Commission hearing must be held in Marin County so that the public can effectively participate at this point in the process.

Thank you for your consideration of my concerns on this important local issue.

Respectfully,
Charles Savage
Novato, CA



PACIFIC LEGAL FOUNDATION

September 16, 2016

Marin County Planning Commission
3501 Civic Center Drive
San Rafael, CA 94903

**VIA EMAIL kdrumm@marincounty.org
AND FIRST-CLASS MAIL**

Re: Comments for September 26, 2016, Public Hearing
on Final Implementation Program for Agriculture

Dear Planning Commissioners:

Pacific Legal Foundation is the nation's oldest public interest property rights foundation. Over the last several years, PLF has closely followed Marin County's Local Coastal Program Amendment process. Foundation attorneys have submitted several comment letters and have appeared in person at hearings to highlight constitutional and other legal infirmities in provisions of the Local Coastal Program Land Use Policy Amendments and the final Implementation Program.

Some of the issues PLF raised have already been addressed. But there remain several problematic provisions in the final Implementation Program for Agriculture that are not addressed within the Staff Report. Several provisions in particular could have substantial negative consequences for property owners in Marin County. First, the Program's mandatory merger of legal lots into farm tracts would significantly limit—and potentially eliminate—landowners' development rights on agricultural land without providing just compensation as required by the Takings Clauses of the United States and California Constitutions. Second, the Program requirements imposing affirmative agricultural easements and restrictive covenants on the division of land as conditions to development permits would likely constitute unconstitutional exactions.

LIMITATION OF DEVELOPMENT RIGHTS

As noted in PLF's August 13, 2015, comment letter in conjunction with the California Cattlemen's Association, the final Implementation Program contains provisions that significantly reduce landowners' development rights. Previously, a landowner could seek a permit for up to three structures per legal lot. Under the existing certified Local Coastal Program, landowners must get approval through a Conditional Use Permit or Master Plan process in order to build residential units. The currently established C-APZ-60 zoning allows for the development of additional units—beyond the primary dwelling—up to one house per 60 acres. Changing the existing zoning requires its own hearing process. But Section 22.32.024(B) of the Program limits the number of potential structures

HEADQUARTERS: 930 G Street | Sacramento, CA 95814 | (916) 419-7111 | Fax: (916) 419-7747
ATLANTIC: 8645 N. Military Trail, Suite 511 | Palm Beach Gardens, FL 33410 | (561) 691-5000 | Fax: (561) 691-5006
DC: 3033 Wilson Boulevard, Suite 700 | Arlington, VA 22201 | (202) 888-6881 | FAX (202) 888-6855
HAWAII: P.O. Box 3619 | Honolulu, HI 96811 | (808) 733-3373 | Fax: (808) 733-3374
NORTHWEST: 10940 NE 33rd Place, Suite 210 | Bellevue, WA 98004 | (425) 576-0484 | Fax: (425) 576-9565
LIBERTY CLINIC: Chapman University, Fowler School of Law | 1 University Drive | Orange, CA 95866 | (714) 591-0490
ALASKA: (907) 278-1731 | **OREGON:** (503) 241-8179

E-MAIL: plf@pacificlegal.org
WEB SITE: <http://www.pacificlegal.org>

to three per “farm tract.” Section 22.130.030 in turn defines “farm tract” as “all contiguous legal lots under common ownership.” For Marin County property owners with larger ranches, the Program could result in a substantial reduction in the development rights of their land. For example, within a single large farm tract, an owner could be left with one or more legal lots deprived of all economically viable use. Regulations that deprive property owners of all economically viable use are a per se taking under *Lucas v. South Carolina Coastal Council*, 505 U.S. 1003 (1992).

Even for lots that retain some economically viable use, the destruction of development rights might still require compensation under *Penn Central Transportation Co. v. City of New York*, 438 U.S. 104 (1978). The California Court of Appeal has recognized that such a significant downzoning of property rights may effect a compensable taking. See *Avenida San Juan Partnership v. City of San Clemente*, 201 Cal. App. 4th 1256 (2011) (finding a regulatory taking where a change in zoning definition reduced development rights of a 2.85-acre parcel from four dwellings per acre to one dwelling per twenty acres).

Some landowners in Marin County have entered into agreements with private entities for conservation easements, voluntarily restricting their development rights in exchange for compensation. This allows landowners to preserve the agricultural use of the land without losing the retained value of their development rights. However, the Program’s definition of farm tract will extinguish these rights for many landowners, potentially subjecting the County to legal liability. Marin County has supported such efforts in the past through partnerships with organizations like the Marin Agricultural Land Trust. It is preferable for the County to continue to encourage these private, voluntary agreements that accomplish the valuable goal of protecting farmland while respecting the property rights and expectations of landowners.

By combining all contiguous legal lots under common ownership the County is injecting itself into the current debate over what constitutes the “parcel as a whole” within a takings analysis. This same issue is currently docketed for review before the United States Supreme Court in the case of *Murr v. Wisconsin*, 859 N.W.2d 628, *review denied*, 862 N.W.2d 899, *cert. granted*, 136 S. Ct. 890 (2016) (determining whether two legally distinct but commonly owned and contiguous parcels must be taken as a whole for the purpose of takings analysis). The outcome of *Murr* could potentially render this provision of the Program unconstitutional before it is even enacted.

These issues are compounded by the fact that the current Implementation Program does not clearly delineate whether the Agricultural Dwellings provisions add to—or completely supplant—any other single-family residential use with the C-APZ zone. Table 5-1-c on page 46 of the Implementing Program Amendments does not contain any symbol conveying whether single-family dwellings will be permitted, conditional, or not allowed. This ambiguity must be resolved. Under the current proposed amendments, residential second unit use is not allowed. If residential single-family dwelling use is similarly restricted, the constitutional concerns raised above become even greater.

The cumulative level of downzoning effected by these changes would likely represent a compensable taking of property rights of the type recognized in *Avenida San Juan Partnership*.

AFFIRMATIVE AGRICULTURAL EASEMENTS AND RESTRICTIVE COVENANTS ON DIVISION OF LAND

Section 22.32.024(A) of the final Implementation Program also contains a requirement that each “agricultural dwelling unit” be “owned by a farmer or operator” that is “directly engaged in agriculture on the property.” To be sure, encouraging agricultural use of property through tax incentives has been upheld. *See Williamson v. Comm’r of Internal Revenue Serv.*, 974 F.2d 1525, 1531-33 (9th Cir. 1992) (discussing provisions of the estate tax law providing special benefits to property used as a family farm). But the Program would go much further and require property owners to *remain* in a commercial agricultural market forever, even if continued commercial agricultural use becomes impracticable.

The Program defines “actively and directly engaged” as “making day-to-day management decisions and being directly engaged in production . . . for commercial purposes,” or “maintaining a least [sic] to a bona fide commercial agricultural producer.” Rather than limiting the use of the land to agricultural purposes, the proposed provision affirmatively requires the landowner’s participation in a commercial agricultural market in perpetuity—either personally or by forced association with a commercial agricultural producer. The requirement therefore prevents the landowners, as well as their successors, from ever exiting the agricultural market, even if allowing the land to lay fallow were necessary to prevent significant economic hardship.

Conditioning a permit for a single dwelling on the perpetual use of the property for commercial agricultural purposes violates *Nollan v. California Coastal Commission*, 483 U.S. 825 (1987), and *Dolan v. City of Tigard*, 512 U.S. 374 (1994). *Nollan* and *Dolan* require an essential nexus and rough proportionality between the permitting condition and the public impact of a proposed development. The affirmative easement requirement likely fails the essential nexus test, because a requirement for perpetual commercial agricultural use is not closely related to the impact of building a single dwelling. This is especially true where potential dwellings might be desired on sites that are not currently in agricultural use, or that may not even be suitable for such use. Similarly, the affirmative easement condition demands far more concessions than those needed to relieve the public impact emanating from the construction of a single dwelling, falling afoul of *Dolan*’s rough proportionality test. Even where a house is sited on an area currently in agricultural use, requiring permanent commercial agricultural use of the property for the relatively minor diminution in agricultural land may still be found to be an unconstitutional condition. *See, e.g., Sterling v. California Coastal Commission*, No. CIV 482448 (Cal. Sup. Ct. June 18, 2010) (an affirmative agricultural easement on 142 acres as a permit condition for the development of a single acre violates *Nollan* and *Dolan*).

As noted in the Staff Report, restrictive covenants against further division of legal lots will also be required as a condition of development. *See* Sections 22.32.024(J)(4) & 22.32.025(B)(4). This binds current and future landowners to the current restrictions under a recorded covenant, even were a future Board of Supervisors to drastically alter the Local Coastal Program. Much like the affirmative agricultural easement—and especially in conjunction with it—this requirement may constitute an unconstitutional exaction. A permanent restrictive covenant against subdivision of land placed on a large legal lot as a condition for construction of a single dwelling would run afoul of the same nexus and proportionality requirements found in *Nollan* and *Dolan*.

CONCLUSION

For over four decades, PLF has fought for the property rights of all Americans. PLF hopes that this Commission will make a strong recommendation to the Board that they should not approve the provisions discussed in this comment letter. They place severe—and potentially unconstitutional—burdens on the property rights of Marin County landowners. In addition, these burdens place Marin County under the risk of future legal liability. PLF urges the Commission to consider their constituents' constitutionally protected property rights during their review of the proposed LCP amendments.

Sincerely,



DAMIEN M. SCHIFF
Principal Attorney



JEREMY TALCOTT
College of Public Interest Law Fellow

cc: Marin County Board of Supervisors: BOS@marincounty.org
Marin County Farm Bureau: marincfb@svn.net
Sam Dolcini, slcdiverse@yahoo.com
Dominic Grossi, dgrossi73@att.net
Kirk Wilbur, California Cattlemen's Association kirk@calcattlemen.org
Christian Scheuring, California Farm Bureau Federation cscheuring@CFBF.com
Tito Sasaki, Sonoma County Farm Bureau tito@att.net
John Azevedo, Sonoma County Farm Bureau, john.azevedo@kjmail.com
Stacy Carlsen, Marin County Agriculture Commissioner, SCarlsen@co.marin.ca.us



September 16, 2016

Marin County Board of Supervisors
Via Electronic Mail

Re: September 26, 2016 Public Hearing: Marin County LCP Amendment

Dear Supervisors,

Turtle Island Restoration Network is concerned that the September 26, 2016 Planning Commission hearing on the amendments to the Marin County Local Coastal Program is too late, because the amendments are already before the Coastal Commission. We are concerned that the Planning Commission should have held more hearings on this important issue much earlier in the process, so that the public's comments could have been incorporated into the drafting process.

There have been no Planning Commission hearings on the fully compiled amendments, which are now before the Coastal Commission. The last Planning Commission hearing on the amendments was held February 13, 2012, when the Planning Commission approved the LCP Public Review Draft. However, there have been so many modifications to the amendments since 2012 that the Local Coastal Plan before the Coastal Commission is essentially an entirely new document.

For example, there have been extensive modifications to the Agriculture and Environmental Hazards chapters of the Land Use Plan, as well as changes to the Implementation Plan and permitting procedures. There have been no Planning Commission hearings on many of these new and/or revised sections, including the Environmental Hazards chapter in the Land Use Plan. While C-SMART meetings provided a forum for valuable community input, these meetings cannot be substituted for Planning Commission hearings.

Furthermore, the Planning Commission and the public have had inadequate time to review the amendments to the Marin County Local Coastal Program, and the County has not posted all of the information to its website that is currently being considered by the Coastal Commission.

Turtle Island Restoration Network is concerned that many members of the public have comments on the Marin County Local Coastal Program amendments and have not had a meaningful chance to voice them through Planning Commission hearings. The September 26th hearing is not an effective public process. Instead, it will waste everyone's time, since the amendments are already before the Coastal Commission. The one meaningful

action the Board of Supervisors can take right now is withdraw its submission to the Coastal Commission, so the public and the Planning Commission can fully participate in this important public process. Thank you for your consideration of Turtle Island Restoration Network's concerns on this important local issue.

Respectfully,

A handwritten signature in blue ink, appearing to read 'C. Burdysaw', with a long, sweeping horizontal line extending to the right.

Cassie Burdysaw
Advocacy & Policy Director
Turtle Island Restoration Network

From: [Morgan](#)
To: [Drumm, Kristin](#)
Cc: ashley@eacmarin.org; [Joanna Nasar](#); [Cassie Burdyslaw](#); [Bridger Mitchell](#)
Subject: September 26, 2016 Public Hearing: Marin County LCP Amendment Comment Letter
Date: Friday, September 16, 2016 1:33:45 PM
Attachments: [Planning Commission Hearing Sept 26 2016 .pdf](#)

Dear Kristin,

Attached you will find a copy of the EAC and Turtle Island/SPAWN action alert letter and 89 signatories who submitted these comments to the County Planning Commission for the September 26, 2016 hearing.

Thank you for your assistance to help figure out why these individual emails were not being received by the County. Pursuant to our conversation this morning I have attached the letter and the names of the signers for the public record. If there is any additional information you need, please let me know.

We look forward to seeing the comments documented on the Planning Commission website.

Best,

Morgan

Morgan Patton | Executive Director
Environmental Action Committee of West Marin (EAC)
PO Box 609 | Point Reyes Station, CA | 94956
Office: (415) 663-9312
Cell: (415) 912-8188
Email: morgan@eacmarin.org

Keeping West Marin Wild Since 1971!

www.eacmarin.org | www.marinmpawatch.org

September 16, 2016

Marin County Planning Commissioners
Via electronic mail kdrumm@marincounty.org

Re: September 26, 2016 Public Hearing: Marin County LCP Amendment

Dear Planning Commissioners:

The September 26, 2016 Planning Commission hearing on the amendments to the Marin County Local Coastal Program is too late. The amendments are already before the Coastal Commission. The Planning Commission should have held more hearings on this important matter much earlier in the process, so that the public's comments could have been incorporated into the drafting process.

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Furthermore, the Planning Commission and the public have had inadequate time to review the amendments to the Marin County Local Coastal Program. The County has not posted all of the information to its website that is currently being considered by the Coastal Commission.

I have comments on the Marin County Local Coastal Program amendments, and I did not get a meaningful chance to voice them through Planning Commission hearing(s).

The September 26th hearing is not an effective public process. Instead, it will waste everyone's time, since the amendments are already before the Coastal Commission.

The one action the Board of Supervisors can take is to withdraw its submission to the Coastal Commission, so the public and the Planning Commission can fully participate in this important public process.

If the submission goes forward, then the Coastal Commission hearing must be held in Marin County so that the public can effectively participate at this point in the process.

Thank you for your consideration of my concerns on this important local issue.

Respectfully,

See attached list of signers from Petition

<u>#</u>	<u>First Name</u>	<u>Last Name</u>	<u>Date Signed</u>
1	Jessica	Reynolds	09/12/16
2	Mike	Durrie	09/12/16
3	Philip	Hoffman	09/12/16
4	Carol	Sweig	09/12/16
5	Christopher	Lish	09/12/16
6	Bobbi	Simpson	09/12/16
7	Cynthia	Lloyd	09/12/16
8	Ann	Gessert	09/12/16
9	Anne Marie	Lebas	09/12/16
10	Gail	Camhi	09/14/16
11	Bridget	Ohare	09/14/16
12	Jay	Rice	09/14/16
13	Diane	Bolman	09/14/16
14	Colleen J	Rose	09/14/16
15	Linda	Klein	09/14/16
16	Mike	Cass	09/14/16
17	Ray	Rodney	09/14/16
18	Alessia	Potovsky	09/14/16
19	Zoe	Harris	09/14/16
20	Rae Ann	Gustafson	09/14/16
21	Pat	Kunstenaar	09/14/16
22	Anne	Barker	09/14/16
23	Sofia	Killion	09/14/16
24	Chris	Gralapp	09/14/16
25	Bryan	Eckert	09/14/16
26	Paul	Sturgis	09/14/16
27	Rhys	Atkinson	09/14/16
28	Susan	Gill	09/14/16
29	Michael	Rubenstein	09/14/16
30	Mai	Magliocco	09/14/16
31	Robert	Ortiz	09/14/16
32	Skot	McDaniel	09/14/16
33	Guadalupe	Killion	09/14/16
34	Adam	Messner	09/14/16
35	Ron	Olson	09/14/16
36	tal	Luther	09/14/16
37	Ionna	richmond	09/14/16
38	Grant	Palmer	09/14/16
39	m.	canter	09/14/16
40	Michele	Egan	09/14/16
41	Corey	Barnes	09/14/16
42	marianne	ewing	09/14/16
43	Alex	Vollmer	09/14/16
44	alison	johnston	09/14/16
45	Julie	Hanft	09/14/16
46	Christopher	Panny	09/14/16
47	Shirley	Soldavini	09/14/16
48	Michelle	Eaton	09/14/16

<u>#</u>	<u>First Name</u>	<u>Last Name</u>	<u>Date Signed</u>
49	Ron & Amanda	Mallory	09/14/16
50	Ora	Hathaway	09/14/16
51	elvis	johnson	09/14/16
52	Annette	Pirrone	09/14/16
53	William	Komoto	09/14/16
54	Maija	Schaefer	09/14/16
55	Catie	Clune	09/14/16
56	Kate	Anderson	09/14/16
57	Erica	Rippe	09/14/16
58	Allison	Ritter	09/14/16
59	Don	Schwartz	09/14/16
60	Anika	Chambers	09/14/16
61	Olivia	Ciafrei	09/15/16
62	Jonathan	Cook	09/15/16
63	Jennifer	Sauer	09/15/16
64	Kathleen	Thurston	09/15/16
65	Stephanie	Ritter	09/15/16
66	Kurt	Ganert	09/15/16
67	Wendy	Dreskin	09/15/16
68	sally	karste	09/15/16
69	Ingrid	Woods	09/15/16
70	Barbara	Rozen	09/15/16
71	Julie	Schiffman	09/15/16
72	Christina	Waldeck	09/15/16
73	ALLAN	YOUNG	09/15/16
74	Richard	Feldon	09/15/16
75	Frederic	Leist	09/15/16
76	Diana	Davis	09/15/16
77	tim	hamilton	09/15/16
78	Allison	Baumsteiger	09/15/16
79	Nancy	Hines	09/15/16
80	Susie	Schlesinger	09/15/16
81	Raymond	Katz	09/15/16
82	Sarah	Millus	09/15/16
83	Nicholas	Plastiras	09/15/16
84	Eva	Karlen	09/15/16
85	Dr. M. K.	Russell	09/15/16
86	Eliezer	Margolis	09/15/16
87	Kristin	Drumm	09/15/16
88	Morgan	Patton	09/16/16
89	Barbara	Benane	09/16/16

15 September 2016

Marin County Planning Commission

Re: Marin County LCP Amendments: Substantive Policy Issues

This letter is in support of the letter of 16 September from Randall Fleming concerning preserving the character of our communities.

In order to protect and support the character of our coastal communities, the way of life of the residents must be appreciated. They are the ones who value and preserve the physical appearance and characteristics of the towns in which they live and to which visitors throng.

Choosing visitor serving facilities and amenities over the needs of the residents of our coastal villages threatens the very nature of our villages. I urge you to address and prioritize the needs of local residents and property owners. Otherwise, the character of our communities will be further disrupted and our towns will no longer be the welcoming havens that locals as well as tourists crave.

Please consider amending Community Specific Policies, Background (LCP page 81) to include wording protecting the cultural and social nature of our coastal community character. I support Randall Fleming's suggested wording as a starting point:

"The Marin County Coastal Zone is home to distinctive towns and villages that have a strong sense of place (see Map 16 – Community Areas). The character and appearance of these communities has been shaped and nurtured by residents and property owners for over a century, and is enhanced by the physical setting and the nature of land uses within them."

Sincerely,

Ken Levin

Box 715
Point Reyes Station,
CA 94956

CALIFORNIA CATTLEMEN'S ASSOCIATION

SERVING THE CATTLE
COMMUNITY SINCE 1917

1221 H STREET - SACRAMENTO, CALIFORNIA - 95814-1910



PHONE: (916) 444-0845
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www.calcattlemen.org

Submitted via email to planningcommission@marincounty.org

September 15, 2016

Marin County Planning Commission
Community Development Agency
3501 Civic Center Drive, Room 328 (Administration Building)
San Rafael, California 94903

Re: Public Hearing; Amendments to the Marin County Local Coastal Program

Dear Planning Commissioners:

The California Cattlemen's Association (CCA) appreciates the opportunity to provide input on the Marin Local Coastal Program (LCP) to the Marin County Planning Commission. CCA represents more than 1,700 cattle ranchers throughout the state of California, including more than 90 ranchers in the Sonoma-Marine Cattlemen's Association, CCA's local affiliate. A significant number of CCA members in Marin County conduct their ranching and farming activities in the Coastal Zone, and coastal issues are of utmost importance to CCA members not only in Marin County, but in coastal counties throughout California.

In the years since the Planning Commission last acted upon the Marin County LCP, CCA has on numerous occasions addressed our outstanding concerns with the LCP to both the Marin County Board of Supervisors and the California Coastal Commission. While some of our concerns have been ameliorated during this time, others persist. Recognizing the Planning Commission's intent to focus on "key substantive policy issues that were addressed by the Board of Supervisors since the Planning Commission's action in 2012," the scope of this letter is limited to those issues addressed in the Staff Report, specifically "Agricultural Dwelling Units on Contiguous Lots in Common Ownership (i.e. the 'Farm Tract')." We will address our remaining concerns at such time as the Coastal Commission and the Board of Supervisors take future action on the LCP.

CCA appreciates the Planning Commission's recognition that the "hearing will...provide an opportunity for the Planning Commission to offer recommendations to the Board of Supervisors before the Board takes final action on the proposed LCP amendments" and the Commission's implicit commitment to continue improving the LCP amendments. To that end, CCA urges the Planning Commission to recommend that the Board of Supervisors take action to rectify problematic elements regarding Agricultural Dwelling Units under the LCP. Specifically, CCA urges amending or striking provisions of the LCP which (1) significantly limit development rights on agricultural land without just compensation, (2) require that each agricultural dwelling unit be "owned by a farmer" and be "directly engaged in agriculture on the property," and (3) require that property owners enter into restrictive covenants.

CCA thoroughly addressed these concerns in an August 13, 2015 letter to the Marin County Board of Supervisors submitted jointly with the Pacific Legal Foundation (which is attached and

BILLY FLOURNOY
PRESIDENT
LIKELY

ROB VON DER LIETH
TREASURER
COPPEROPOLIS

BILLY GATLIN
EXECUTIVE VICE PRESIDENT
HERALD

MIKE WILLIAMS
SECOND VICE PRESIDENT
ACTON

MARK LACEY
SECOND VICE PRESIDENT
INDEPENDENCE

DAVE DALEY
FIRST VICE PRESIDENT
CHICO

BILL BRANDENBERG
FEEDER COUNCIL CHAIR
EL CENTRO

JACK LAVERS
SECOND VICE PRESIDENT
GLENNVILLE

MIKE SMITH
FEEDER COUNCIL VICECHAIR
SELMA

hereby incorporated by reference). Unfortunately, the Board of Supervisors failed to rectify these issues at their August 25, 2015 hearing and these concerns persist in the County's proposed amendments currently under review by California Coastal Commission Staff. CCA urges the Planning Commission to press the Board of Supervisors on these matters, and to recommend that the Board of Supervisors take action to address these concerns should the LCP again come before the Board after the California Coastal Commission takes action on the LCP later this year.

In recent email correspondence with members of the Marin County Farm Bureau, County staff clarified how the proposed LCP amendments differ from the LCP currently in force in Marin County. According to County staff, "in the proposed LCPA... (non-agricultural) single family homes are not listed as an *allowed use*," whereas "the current LCP has been modified by subsequent interpretations of the Coastal Commission[,] which has ruled that a single-family dwelling (that is not an "Agricultural Dwelling") is NOT a *principal permitted use*, and is appealable to the Commission" (emphasis added). The proposed LCP amendments, then, clearly diminish a property owner's existing right to seek a non-agricultural single-family dwelling on their property; whereas previously such dwellings may not have been principally-permitted, a process was nevertheless in place for a property owner meeting certain standards to obtain a permit for such a dwelling. Under the proposed LCP amendment, however, such dwellings are simply *disallowed*.

County staff continued: "It is my understanding that within recent history in the Coastal Zone, the County has not found that any subdivision of C-APZ lands met these requirements [for a non-agricultural single family dwelling], and that in a few cases where a single home was permitted, the balance of the land was placed in a restrictive conservation easement or an 'affirmative agricultural easement.'" While this claim asserts that no subdivision of land has met the requirements for a single-family dwelling *recently*, it also acknowledges that some subdivisions of land *have* been identified as meeting the requirements for a non-agricultural single-family dwelling under the currently-in-force LCP. That there have been no *recent* instances of successful appeals for non-agricultural single-family dwellings does not definitively demonstrate that no *future* cases could arise where such development would be permitted under current regulations but prohibited under the proposed LCP amendment. Rather, it is entirely likely that the change in LCP regulation could represent a downzoning and a diminishment of private property value without compensation.

CCA remains concerned about the severe limitations resulting from the proposed LCP amendment's treatment of Agricultural Dwelling Units, and strongly urges that Planning Commission to recommend that the Board of Supervisors rectify these issues by amending or striking relevant provisions of the proposed LCP amendment.

Sincerely,

A handwritten signature in dark ink, appearing to read "Kirk Wilbur", with a long, sweeping horizontal line extending to the right.

Kirk Wilbur
Director of Government Relations
California Cattlemen's Association



September 14, 2016

Marin County Board of Supervisors
Via Electronic Mail

Re: September 26, 2016 Public Hearing: Marin County LCP Amendment

Dear Supervisors,

As you know, the Environmental Action Committee of West Marin (EAC) has been closely involved throughout the Marin County Local Coastal Program amendment process. EAC is concerned that the September 26, 2016 Planning Commission hearing on the amendments to the Marin County Local Coastal Program is too late, because the amendments are already before the Coastal Commission. EAC has continuously voiced our concerns that the Planning Commission should have held more hearings on this important issue much earlier in the process, so that the public's comments could have been incorporated into the drafting process.¹

There have been no Planning Commission hearings on the fully compiled amendments, which are now before the Coastal Commission. The last Planning Commission hearing on the amendments was held February 13, 2012, when the Planning Commission approved the LCP Public Review Draft. However, there have been so many modifications to the amendments since 2012 that the Local Coastal Plan before the Coastal Commission is essentially an entirely new document. For example, there have been extensive modifications to the Agriculture and Environmental Hazards chapters of the Land Use Plan, as well as changes to the Implementation Plan and permitting procedures.

There have been no Planning Commission hearings on many of these new and/or revised sections, including the Environmental Hazards chapter in the Land Use Plan. While C-SMART meetings provided a forum for valuable community input, these meetings cannot be substituted for Planning Commission hearings.

Furthermore, the Planning Commission and the public have had inadequate time to review the amendments to the Marin County Local Coastal Program, and the County has not posted all of

¹ See EAC's March 30, 2016 letter in which EAC expressed concerns about the Board of Supervisors' approval of the Environmental Hazards chapter of the Land Use Plan without adequate information being provided to the public, nor a forum for the public to voice its concerns.

the information to its website that is currently being considered by the Coastal Commission. EAC is concerned that many members of the public have comments on the Marin County Local Coastal Program amendments and have not had a meaningful chance to voice them through Planning Commission hearings.

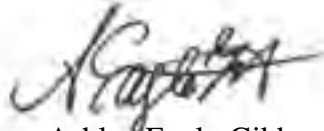
The September 26th hearing is not an effective public process. Instead, it will waste everyone's time, since the amendments are already before the Coastal Commission. The one meaningful action the Board of Supervisors can take right now is withdraw its submission to the Coastal Commission, so the public and the Planning Commission can fully participate in this important public process.

Thank you for your consideration of EAC's concerns on this important local issue.

Respectfully,



Morgan Patton
Executive Director



Ashley Eagle-Gibbs
Conservation Director

cc:

Brian Crawford, Marin County Community Development Agency
Kristin Drumm, Senior Planner

September 14, 2016

Members of the Planning Commission,

Thank you for this opportunity to comment on the current changes in the Marin County Local Coastal program (LCPA).

We have discovered language and modifications to the LCAP which are new and we find contradictory and unacceptable. Our objections follow:

Under the heading Built Environment, we have the following comments:

1. Energy, pg.89, paragraph 4, line 7, beginning with "However, it is recognized that certain small scale energy conversion facilities (example: small scale solar and wind energy conversion) may be necessary for the greater public benefit and thus maybe allowed where appropriate". We have no objection to small scale solar, however, we agree with Section 22.32.180 LCP Amendment, WECS, 2015 #3 2016 #5,6,7, page 36, that clearly states "WECS are not allowed in the Coastal Zone".
2. We support the renewable energy policies as stated in C-EN-1 through 3. Standards, Public Information and Education and Incentives for Energy Efficiency.
3. C-EN-44, Renewable Energy Resource Priority, we question the reference in 6 to "streamlined planning and processing". There are very specific regulations relating to "streamlining" projects. This statement requires clarification. In addition, we request the addition of the definition of "scale" for solar projects and the deletion of the reference to "wind conversion".
4. C-EN-4a and 4b. We have previously submitted to the Planning Commission and Board of Supervisors, maps of Marin County, prepared by the wind industry for the California ~~County~~ ^{ENERGY} Commission (CEC). Those maps, showing wind speeds at 30, 70 and 100 meters, clearly illustrate that there is no truly economically harvestable wind in Marin County. All references to wind projects should be deleted for consistency.
5. C-EN-5 Line 2, add "solar" before "energy production facilities". Delete the words "to avoid where possible, and minimize where avoidance is not possible". Under CEQA, there are no exemptions or exceptions (see Attachment A).
6. C-EN-6 Energy and Industrial Development are not exempt from CEQA. See Attachment A.

In reference to our offshore sanctuaries, the Gulf of Farallones and Monterey Bay National Marine Sanctuaries border the Marin County Coastal Zone, we have a

responsibility to ensure that the viewshed of the shore from the sanctuaries is not compromised by energy projects that defile the coast line. Given the prohibition of such offshore activities at, least to the shoreward extent of the sanctuaries, we request that a statement banning industrial scale on-shore energy installations from the coastal zone be added.

In conclusion, this has been a very long process. WMSCS has been present or responded to each and every hearing. Now, when considering the ongoing negative developments within the Coastal Commission, exposing inappropriate interactions between Commissioners and the representatives of proposed projects, we fear that the wishes of the people of Marin County may be sacrificed to the lobbying efforts of the wind industry.

Respectfully submitted,

West Marin Sonoma Coastal Advocates

<http://ceres.ca.gov/ceqa/guidelines/art19.html> **15300.2. Exceptions**

(a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located -- a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances; except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

(b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

(c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

(d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.

(e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

(f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

Note: Authority cited: Section 21083, Public Resources Code; References: Sections 21084 and 21084.1, Public Resources Code; Wildlife Alive v. Chickering (1977) 18 Cal.3d 190; League for Protection of Oakland's Architectural and Historic Resources v. City of Oakland (1997) 52 Cal.App.4th 896; Citizens for Responsible Development in West Hollywood v. City of West Hollywood (1995) 39 Cal.App.4th 925; City of Pasadena v. State of California (1993) 14 Cal.App.4th 810; Association for the Protection etc. Values v. City of Ukiah (1991) 2 Cal.App.4th 720; and Baird v. County of Contra Costa (1995) 32 Cal.App.4th 1464

Discussion: In McQueen v. Mid-Peninsula Regional Open Space (1988) 202 Cal. App. 3d 1136, the court reiterated that categorical exemptions are construed strictly, shall not be unreasonably expanded beyond their terms, and may not be used where there is substantial evidence that there are unusual circumstances (including future activities) resulting in (or which might reasonably result in) significant impacts which threaten the environment.

Public Resources Code Section 21084 provides several additional exceptions to the use of categorical exemptions. Pursuant to that statute, none of the following may qualify as a categorical exemption: (1) a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources within a scenic highway (this does not apply to improvements which are required as mitigation for a project for which a negative declaration or EIR has previously been adopted or certified; (2) a project located on a site included on any list compiled pursuant to Government Code section 65962.5 (hazardous and toxic waste sites, etc.); and (3) a project which may cause a substantial adverse change in the significance of a historical resource.

September 14, 2016

TO: Marin County Planning Commission

RE: Public Hearing for the Marin County LCP Amendments

Recently I read “Down a Narrow Road” by anthropologist Jay Dautcher, PhD. In the book he talked about government actions to gain influence over communities in order to serve their own interests, especially in those communities where there are strong personal and community identities and where residents are very connected to their land.

Quoting Dautcher: *“Personal and collective attachments to place are critical basis of identity in general, since claims to political entitlement are often understood and advanced through them. If a state can undermine the cognitive and material bases supporting this feeling of belonging, the ability of groups to advance political claims to political entitlement is weakened.”*

It is also interesting that one of the techniques Dautcher cited that governments use to break a people’s connections to place are to convert sacred, important community sites to tourist destinations.

As I have been focused on the Local Coastal Program (LCP) and its influence on our community, I started seeing what is happening through Dautcher’s view. Our coastal towns are not just a place for commercial services. Main Street is the social nexus for the community, and on typical trip to the post office and shops, we will encounter and talk with many friends and visitors, sharing directly in the rich life of a small, rural town. In Point Reyes Station on Friday through Monday however, visitors greatly outnumber residents. Locals avoid coming to town because of the physical displacement and loss of normal town intimacy and sociability. Meanwhile, tourism is promoted in West Marin without managing its impacts. This is breaking our connections to place cognitively as well as physically. I am concerned that this disruption will erode the vitality of our town, leaving a physical setting that is without the spirit and care that locals provide and visitors seek.

While I do feel that the County and Coastal Commission are not consciously undermining the future our coastal communities, their policies and programs are likely to have the same impact. It is important that we look carefully at the language in the LCP, as the policies and programs in the LCP are critical and take precedent over our Community Plans.

I find that the language in the LCP that talks about preserving the character of our communities is comforting, as community character is inclusive with distinguishing physical, social, economic and quality of life aspects. Specific character for each community is not defined however, and is left for the communities to address. Which may be all right, however there is one place that gives an overall statement of what

constitutes character in the mind of the LCP. This is located on Community Specific Policies, Background (LCP page 81)

“The Marin County Coastal Zone is home to distinctive towns and villages that have a strong sense of place (see Map 16 – Community Areas). The character of these communities depends in large part on their physical setting, the nature of land uses within them, and their visual appearance.”

There is no acknowledgment of the role of local populations, their values, quality of life, and their personal connections and contributions that have created and continue to nourish the character of these communities. In effect, to maintain character, the LCP implies that local community populations are without value, ignoring the fact that the local populations, not the County or the Coastal Commission, created and continue to protect life in these communities. I often think about our town as a coral reef, built on layers of local living tissue. Destroy the living coral, and you lose the reef.

To protect the character of each coastal village, I believe the LCP needs to broaden its overall character definition and create one that embodies and protects the true cultural and social nature of coastal community character. Attached is my wording for community character as an illustrative starting point for County planners:

“The Marin County Coastal Zone is home to distinctive towns and villages that have a strong sense of place (see Map 16 – Community Areas). The character and appearance of these communities has been shaped and nurtured by residents and property owners for over a century, and is enhanced by the physical setting and the nature of land uses within them.”

I believe the LCP needs to broaden its overall definition of character and create one that embodies and protects the social and cultural character of our coastal communities. We would appreciate your support of this goal.

Sincerely,

Randall Fleming
Architect
Point Reyes Station Village Association Design Review Chair

36 Cypress Road
Point Reyes Station, CA 94956

9/14/2016

To: The Marin Development Department; The Marin Board of Supervisors; and the California Coastal Commission:

I would directly declare that there has been far too much in the way of internal politics. The ouster of Charles Lester is a very resonant example of that issue. This is yet another very critical matter, and alterations have been made to this incredible document that completely destroy the rhetoric and intent of these policies, as was inferred in prior declarations. A prominent example of this problem is provided in this one statement ...

C-EN-6 Energy and Industrial Development. The 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.** [Continued from LCP Unit II New Development and Land Use Policy 7, p. 209. This policy also carries forward Unit I Public Services Policy 2, p. 48]

This is a very outrageous sentence, highlighted in Red, that was added to the rhetoric and contradicts what is otherwise inferred in the rest of this policy's terms. This is exactly how egregious events can follow if the process is not transparent and public. We are all affected by the decisions of the Coastal Commission and Board of Supervisors. It is their responsibility to reflect the desires and agreed upon terms without this form of fraud in the "renewed" policies. This is veritably a criminal act by some party responsible for composing this phenomenal masterpiece and all the years of work in preparing this document for ratification and ultimately its legislation.

Respectably,

Chips Armstrong
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Petaluma, CA 94952-2178
durward@sonic.net