

From: Wade Holland
Sent: Tuesday, December 04, 2012 4:30 PM
To: Liebster, Jack
Subject: Three items for 12/11 LCPA hearing

Attachment #1, p. 5: In the WECS section, one “alternative” for the Board to consider is shown as: “• Allow roof-mounted WECS in all districts (height limit = 10’ above roof line)”. However, as shown near the bottom of p. 6, the PC recommendation already lists such roof-mounted WECS “as a Principal Permitted Use in all coastal zoning districts.”

Attachment #3, pp. 1-2: I’m concerned about a possible future interpretation of intent stemming from the manner in which the words “and visitor-serving” are proposed for insertion into the “community character” policies for the specific communities. Owing to how the commas are used in the sentences, these provisions could be interpreted to require that all commercial development that is approved must be visitor serving. For example, in the case of Bolinas, C-BOL-1 requires (because of the placement of the commas) that three types of “uses” are to be “maintained”: (1) residential; (2) small-scale commercial and visitor-serving; and (3) agricultural. A case might be made that (2) requires that all commercial development must be both small-scale AND visitor-serving. Such an interpretation could be used to exclude, for example, a tax preparer’s office, an insurance agency, a community thrift store, a dentist, etc. I think the problem can be corrected easily, mostly with punctuation changes, as I have shown on the attached Word doc.

Attachment #3, p. 4: Concerning 22.32.190.A.5, I would respectfully disagree that changing wind testing facilities (met towers) from a conditional use (per the PC) to a permitted use (as you are now proposing) qualifies as a “minor correction or clarification.” This is a significant change, and I would hope that the Board is informed of that fact. (I’m not opposed to the change, I just want it to be accurately represented as a substantive change from what the PC proposed.)

Wade B. Holland

Suggested Modifications to “Community Character” Policies in Community Development Section of LCPA (Reference BOS Attachment #3, pp. 1-2, December 11, 2012)

C-BOL-1 Community Character of Bolinas. Maintain the existing character of residential, small-scale commercial, ~~and~~ visitor-serving, and agricultural uses in Bolinas.

C-OL-1 Community Character of Olema. Maintain Olema’s existing mix of residential, small-scale commercial, ~~and~~ visitor-serving, and open space land uses, and its small-scale, historic community character. Minimize impacts of future development in the hillside area of Olema with the following design standards:

C-PRS-1 Community Character of Point Reyes Station. Maintain the existing mix of residential, ~~and~~ small-scale commercial, and visitor-serving development, and the small-scale, historic community character in Point Reyes Station.

C-INV-1 Community Character of Inverness. Maintain the existing character of residential, ~~and~~ small-scale commercial, and visitor-serving development in the Inverness Ridge communities.

C-ES-1 Community Character of the East Shore of Tomales Bay. Maintain the existing character of low-density, residential, agriculture, mariculture, visitor-serving, and fishing or boating-related uses. Allow expansion or modification of...

C-TOM-1 Community Character of Tomales. Maintain the existing character of residential, ~~and~~ small-scale commercial, and visitor-serving development in the community of Tomales.

C-DB-1 Community Character of Dillon Beach. Maintain the existing character of residential, ~~and~~ small-scale commercial, and visitor-serving development in Dillon Beach and Oceana Marin.

C-SB-1 Community Character of Stinson Beach. Maintain the existing character of residential, small-scale commercial, and visitor-serving recreational development in Stinson Beach.

C-MB-1 Community Character of Muir Beach. Maintain the small-scale character of Muir Beach as a primarily residential community, with recreational, ~~small~~ small-scale visitor-serving, and limited agricultural uses.

Wade Holland
December 4, 2012

November 27th, 2012

County of Marin Community Development Agency
3501 Civic Center Drive, #308
San Rafael, CA 94903

RE: WECS Ordinance for the Marin Coastal Zone

Dear Marin County Supervisors,

Marin County CDA staff has requested review of the proposed Wind Energy Conversion Systems (WECS) standards proposed for the LCPA by community members involved in local renewable energy development, particularly wind energy. Given my experience with wind energy development, land use entitlement, renewable energy policy, experience as a city Planning Commissioner, and my current position with the Marin Energy Authority (MEA), I hope that I can provide a helpful perspective as you consider this section of the LCPA.

One of the key goals and policy objectives shared by MEA and the County of Marin is a commitment to the development of local renewable energy resources. To achieve this goal, MEA has developed a Feed-in Tariff (FIT), which provides an opportunity for local renewables to be developed by creating demand for them locally. Through this program the San Rafael Airport was able to create a solar project nearly one megawatt (MW) in size – the largest in Marin County – and secure a 20 year contract to sell the local electricity to MEA. This electricity is then used for Marin Clean Energy residential and commercial customers.

The total program capacity of the FIT program is now 10 MW, representing an offer to Marin County property owners to create ten times the amount of power that is provided through the San Rafael Airport project. Through this MEA Board-approved program, MEA has committed to support locally-sourced power.

Recognizing a need for clarity in policies regarding wind development, County staff drafted a WECS ordinance which sets clear development standards for wind turbines throughout the County. Solano County has had remarkable success in developing wind energy policies which support development while carefully addressing potential environmental impacts, resulting in one of the most productive and safe wind resource areas in California. Marin County's ordinance in contrast sets requirements that strongly discourage even the study of potential wind resources through meteorological towers. No wind turbines have been built in Marin County since the WECS ordinance was enacted.

The proposed LCPA seeks to establish stronger restrictions on WECS than those of the WECS Countywide ordinance by requiring even small or medium-sized WECS to be accompanied by: extensive permitting processes, ridgeline setbacks, a wind measurement study (which in turn requires its own permits), a bird and bat study, visual simulations, acoustical analysis, and more. It is unlikely that any private landowner could have the ability to comply with such demanding and costly requirements. Commercial-scale turbines, which might provide enough value to accommodate such an extensive entitlement process, are prohibited by the Planning Commission's recommended revisions to the LCPA.

Additionally, it is important to evaluate the renewable resources available within Marin, and to that end Marin County policies should encourage research on wind, solar, and other resources. Unfortunately, the proposed LCPA seeks to treat meteorological towers (wind speed measurement devices) with the same permitting and development requirements as WECS themselves. Requirements such as prohibition of guywires, even for temporary towers, are not supported by strong environmental groups like the U.S. Fish and Wildlife Service or the American Bird Conservancy, because they are in fact more harmful to the environment than the land disturbance impacts of constructing unguyed towers. Studies by Curry & Kerlinger, LLC and the Point Reyes Bird Observatory have stated that the impacts of meteorological towers are minimal and eclipsed by wildlife impact from cats, stationary buildings, electrical wires and telephone poles. The County would be better served if such restrictions on meteorological towers were removed.

The best land use ordinances establish a clear path to development so that each project can be reviewed through the public process in place. As approved by the Planning Commission, the LCPA's guidelines for WECS effectively prohibit wind energy development through extensive requirements and restrictions. These policies should be revised for greater clarity, and if possible, to better conform to the goals of the County and its policymakers as follows:

- If the County wants to encourage research and exploration of renewable resources, it should remove excessive permitting requirements on the meteorological towers needed to perform such research.
- If the County seeks to encourage and promote the use of Marin County's renewable resources, it should consider removing the prohibition of large WECS in the coastal zone and should instead create a clear path where potential projects can be reviewed through the public planning and development process.
- If the County's goal is to disallow all wind evaluation and development (except for roof-mounted systems) in the Coastal Zone, the LCPA should be clear about its prohibition of anything but roof-mounted WECS, instead of implementing insurmountable obstacles to such development.
- If the County's goal is to create a process where local landowners can build small wind turbines on their property to supplement their energy usage, the LCPA should be revised because, as proposed, it effectively bans such development. Less taxing requirements, such as those associated with roof-mounted WECS, could once again make small and medium-sized turbines feasible.

Marin County's strong policies in support of addressing environmental issues such as climate change should be tied to uniform policy setting which allows for new renewable local energy supply. With that in mind, the County of Marin should adjust the WECS ordinance and the WECS language included in the LCPA to allow for its wind energy resources to be readily evaluated and utilized by our community.

If the County is not in support of wind development in the West Marin or Marin County as a whole, its policies should state such prohibition clearly rather than enacting land use policies which are ultimately impracticable for landowners.

Thank you for your attention and leadership on this issue.

Sincerely,

A handwritten signature in black ink that reads "Justin Kudo". The signature is written in a cursive style with a large, stylized initial 'J'.

Justin Kudo
Account Manager
Marin Clean Energy