

Interpretation of the Land Use Plan

C-INT-1 Consistency with Other Law

Comment:

The LCP should include a constitutionality clause, and references to the clause should be included in applicable codes and policies where there may be a potential takings implication.

Commenters:

- Paul Beard/Pacific Legal Foundation (letter 2): 7/29/2013
- Dominic Grossi/Marin County Farm Bureau: 3/12/2013
- Paul Beard/Pacific Legal Foundation: 3/18/2013
- Douglas Ferguson: 2/25/2013
- Nichola Spaletta: 11/13/2012
- Marin County Farm Bureau: 10/2/2012
- Dominic Grossi/Marin County Farm Bureau: 9/28/2012

Staff Response:

C-INT-1 provides a clear and robust statement that actions under the LCP must be consistent with state and federal laws and the Constitution.

See: Staff report for 4/16/2013, Att. #1, p. 7

See also LCPA Policy C-INT-1 and Dev Code Sec. 22.70.180, added in response to comments.

C-INT-3 Community Plans.

Comment:

The integrity of all community plans should be preserved in the LCP.

Commenters:

- Stinson Beach Village Association: 11/3/2012
- Stinson Beach Village Association: 11/6/2012

Staff Response:

The LCP explains the relationship of community plans to the LCP; many policies from community plans have been included in the Community Development chapter of the LCP.

See: Staff report for 4/16/2013, Att. #1, p. 7

See also Community Development (CD) policies.

Natural Systems and Agriculture

Agriculture

C-AG-1 Agricultural Lands and Resources. Program C-AG-2.a Allowed Uses

Comment:

The Categorical Exclusions should be applied to all rural ag-zoned lands in the Coastal Zone.

Commenters:

- Paul Beard/Pacific Legal Foundation (letter 1): 7/29/2013
- Margo Parks and Sam Dolcini/California Cattlemen's Association and Marin County Farm Bureau: 7/26/2013
- Jennifer Fry Thompson/Pacific Legal Foundation: 7/26/2013
- Chris Scheuring/California Farm Bureau Federation: 7/26/2013
- Tito Sasaki: 7/25/2013
- Christian Scheuring/California Farm Bureau Federation (CFBF): 7/1/2013
- Sam Dolcini/Marin County Farm Bureau: 4/12/2013
- Paul Beard/Pacific Legal Foundation: 3/18/2013
- Dominic Grossi/Marin County Farm Bureau: 3/12/2013
- Dominic Grossi/Marin County Farm Bureau: 2/19/2013
- Ione Conlan: 2/26/2013
- Nancy Gates/Coastal Landowners for Agricultural Sustainability & Security: 2/25/2013

Staff Response:

Changes to Categorical Exclusion Orders are the authority of the CCC, not the County, under PRC Sec. 30610(e). PRC Sec. 30610.5(b) contains limitations on candidate areas that may be excluded. The County has advocated for the Commission to change the law to be more equitable. The Categorical Exclusion Orders as they exist at the present time are included as Maps #27a to 27j, in Appendix #7 of the LCP Amendment.

See:

- Staff report for 7/30/2013, Att. #1, p. 2
- Staff report for 4/16/2013, Att. #1, p. 5
- Staff report for 2/26/2013, Ex. #1, p. 12

See also LCPA Policy C-AG-2 and Program C-AG-2.a, which provides for possible expansion of the categories of agricultural development that are covered by a Categorical Exclusion Order.

See also Dev. Code Sec. 22.62.060.

See also Comments in Section 22.68.040.B

C-AG-2 Coastal Agricultural Production Zone (C-APZ).

Dev. Code Secs. 22.32.026, 22.32.027, 22.62.060, Table 5-1.a

Comment:

Allowed uses on agricultural land should be sufficiently broad and diverse to make agriculture feasible and economically viable; it should be recognized that agricultural landowners make decisions based on economic and environmental sustainability.

Commenters:

- Ione Conlan: 7/26/2013
- Straus Home Ranch: 7/24/2013
- Calif. Cattlemen's Association/Marin County Farm Bureau: 7/26/2013
- Sam Dolcini/Marin County Farm Bureau: 4/12/2013
- Dominic Grossi/Marin County Farm Bureau: 3/12/2013
- Dominic Grossi/Marin County Farm Bureau: 2/19/2013
- Tito Sasaki/Sonoma County Farm Bureau: 2/22/2013
- Ione Conlan: 2/26/2013
- Marcia Barinaga/Barinaga Ranch: 2/24/2013
- Kerry McGrath/Marin Organic: 2/25/2013
- Margo Parks/California Cattlemen's Association: 2/26/2013
- David Lewis/Cooperative Extension, Marin County: 7/4/2013
- Ione Conlan: 1/11/2013
- Anna Erickson/Valley Ford Young Farmers Association: 4/5/2012
- David Lewis/Cooperative Extension, Marin County: 9/26/2012

Comment:

LCP provisions for agricultural processing and retail sales should be the same as the simple provisions provided for non-coastal areas in Marin County.

Commenter:

- Lori Kyle/East Shore Planning Group: 2/22/2013

Comment:

Coastal permits for agricultural processing and retail sales should be time-limited, and the uses should be subject to periodic review as conditions change.

Commenter:

- Bridger Mitchell/Environmental Action Committee of West Marin: 2/25/2013

Comment:

Program C-AG-2.e calling for community-specific retail sales for agricultural land should be eliminated as it would create an uneven playing field for farmers.

Commenter:

- David Lewis/Cooperative Extension, Marin County: 9/26/2012

Comment:

At a minimum, one farmhouse per legal lot, or one farmhouse per parcel, should be allowed rather than a limitation of one farmhouse per farm.

Commenters:

- Calif. Cattlemen's Association/Marin County Farm Bureau: 7/26/2013
- Ione Conlan: 7/28/2013

Comment:

The proposed definition of "agriculture" is too broad.

Commenter:

- Amy Trainer/Environmental Action Committee of West Marin: 7/29/2013
- Kevin Kahn/Coastal Commission staff: 7/30/2013
- Amy Trainer/Environmental Action Committee: 11/13/2012

Comment:

Residential use on agricultural land should be subordinate to the primary ag use.

Commenter:

- Nona Dennis/Community Marin: 11/12/2012

Comment:

"Agriculture" should be defined to be inclusive of all production, including viticulture.

Commenter:

- Stacey Carlsen/Marin County Agricultural Commissioner: 1/2/2013
- Dominic Grossi/Marin County Farm Bureau: 1/11/2013
- Dominic Grossi/Marin County Farm Bureau: 11/8/2012

Comment:

Viticulture should be removed from Policy C-AG-2 as a principal permitted use and should be included instead in Dev. Code Sec. 22.62.060.B. and Table 5-1-a as permitted use.

Commenter:

- Nona Dennis/Community Marin: 2/26/2013

Comment:

Viticulture would be appropriate as a principal use only if associated impacts such as grading are strictly limited.

Commenters:

- Amy Trainer/Environmental Action Committee: 1/14/2013
- Amy Trainer/Environmental Action Committee: 11/13/2012

Comment:

Wind energy conversion systems and wind testing facilities should be excluded in the C-APZ zone.

Commenter:

- Beverly McIntosh, et al: 7/26/2013

Staff Response: Allowed uses that are included are those that support the continued or renewed feasibility of agriculture. See also LCPA Dev. Code Table 5-1-a for allowed uses on coastal agricultural lands. Places of worship and veterinary facilities would be allowed with a Use Permit on C-ARP lands. Viticulture is included as a principal permitted use on C-APZ-zoned land. Wind energy conversion systems and wind testing facilities are not allowed as an accessory use or allowable use on C-APZ lands or other coastal zone lands. One farmhouse per legal lot is allowed. Agricultural processing and retail sales requirements are very similar to those that apply outside the coastal zone in Marin County. Time limits can be applied as conditions of coastal permits, if appropriate. Program C-AG-2.e calls for further planning efforts, which will be subject to public review prior to adoption.

See:

- Staff report for 7/30/2013, Att. #3, pp. 5-6
- Staff report for 4/16/2013, Att. #2, p. 9
- Staff report for 11/3/2012, Ex. #1, pp. 2-5
- Staff report for 10/2/2012, Att. #2, p. 9; 11-15

See also LUP Policy C-AG-2 and Dev Code Sec. 22.32.026, 22.32.027, 22.62.060, and 22.130.030 Definition of "Agricultural Production (land use) (coastal)."

**C- AG-3 Coastal Agricultural Residential Planned Zone (C-ARP).
Dev Code Sec. 22.62.060**

| |
|--|
| <p>Comment:</p> <p>Development should be clustered on C-ARP lands, which are typically smaller than C--APZ lands.</p> <p>Commenters:</p> <ul style="list-style-type: none">• Amy Trainer/Environmental Action Committee: 7/29/2013 |
| <p>Staff Response: As adopted, the policy calls for clustering of development.</p> <p>See: Staff report for 7/30/2013, Att. #2, p. 3</p> <p>See also .</p> |

**C-AG-5 Intergenerational Housing
Dev. Code Sec. 22.32.024 - Agricultural Intergenerational Homes (Coastal)**

| |
|--|
| <p>Comment:</p> <p>Intergenerational homes should be allowed on agricultural lands up to the zoning density (i.e., more than two intergenerational homes should be allowed).</p> <p>Commenters:</p> <ul style="list-style-type: none">• Dominic Grossi/Marin County Farm Bureau: 2/19/2013• Ione Conlan: 7/26/2013• Dominic Grossi/Marin County Farm Bureau: 9/28/2012• Margo Parks/California Cattlemen’s Association: 10/2/2012 |
| <p>Comment:</p> <p>The “first” intergenerational home should not be a principal permitted use but instead should be subject to both a coastal permit and a use permit; the “second” intergenerational home should be a conditional use.</p> <p>Commenter:</p> <ul style="list-style-type: none">• Nona Dennis/Community Marin: 2/26/2013 |
| <p>Comment:</p> <p>Intergenerational housing is questionable as an agricultural use; if allowed it should be a Principal Use [Permitted Use?] and should be subject to all LCP residential development standards.</p> <p>Commenters:</p> |

- Amy Trainer/Environmental Action Committee: 1/14/2013
- Amy Trainer/Environmental Action Committee: 11/13/2012
- Amy Trainer and Bridger Mitchell/Environmental Action Committee: 10/2/2012

Staff Response:

Marin County is unique in that the majority of its farms and ranches are third and fourth generation family-owned operations. Family farming has been a foundation for the preservation of agriculture on Marin’s Coast. However, the average farm owner in Marin is now over 59 years old. Accordingly, there is an urgent need for additional farm family housing that would enable the younger generation to continue farming while they can retire without having to leave their land. Providing this innovative program for “intergenerational transfer” is a key to long-term agricultural protection and continuity in Marin County consistent with Coastal Act policies to maintain the maximum amount of agricultural land in agricultural production.

See: Staff report for 1/15/2013, Att. #1, p. 6
 Staff report for 11/13/2012, Att. #1, p. 4
 Staff report for 10/2/2012, Att. #2, p. 14

See also Dev. Code Sec. 22.65.040 – C-APZ Zoning District Standards and Chp. 22.130 Definitions, “Intergenerational Home (Coastal)”

C-AG-6 Non-Agricultural Development of Agricultural Lands.

Comment:

It is unreasonable to require “enhancement” of agricultural use, when the goal should be to “maintain” agricultural use.

Commenters:

- Dominic Grossi/Marin County Farm Bureau: 9/28/2012
- Margo Parks/California Cattlemen’s Association: 10/2/2012

Staff Response:

The policy is drawn from the Marin Countywide Plan and represents existing policy (sec.. 22.57.036l).

See:
 Staff report for 10/2/2012, Att.# 2 p. 18

C- AG-7 Development Standards for the Agricultural Production Zone (C-APZ) Lands.

Dev. Code 22.62.060 and 22.65.040

Comment:

Development standards for agricultural lands, including clustering requirements, should support best management practices and be internally consistent, while respecting the rights of farmers and ranchers; conservation easements and covenants not to divide should not be required as conditions for permit approval.

Commenters:

- Paul Beard/Pacific Legal Foundation: 7/29/2013
- Ione Conlan: 7/28/2013
- Ione Conlan: 7/26/2013
- California Cattlemen's Association/Marin County Farm Bureau: 7/26/2013
- Dominic Grossi/Marin County Farm Bureau: 3/12/2013
- Dominic Grossi/Marin County Farm Bureau: 2/19/2013
- Margo Parks/California Cattlemen's Association: 2/26/2013
- Dominic Grossi/Marin County Farm Bureau: 9/28/2012
- Margo Parks/California Cattlemen's Association: 10/2/2012

Comment:

A comprehensive assessment of environmental constraints (ranch plan) should be required at the time of the initial coastal permit filing.

Commenters:

- Amy Trainer/Environmental Action Committee: 1/14/2013
- Amy Trainer and Bridger Mitchell/Environmental Action Committee: 10/2/2012

Staff Response:

The policy supports the goals of continuing agricultural use and protecting agricultural viability. Clustering and conservation easement requirements have been part of the LCP since it was first certified in 1981. Applicants must provide information sufficient to show that LCP policies will be met, such as by minimizing impacts on scenic resources, wildlife habitat and streams, and adjacent agricultural operations.

See:

- Staff report for 10/2/2012, Att. #3, p. 3; 6;
- Staff report for 10/2/2012, Att.#4, p.15
- Staff report for 3/27/2012, Att. #2, p. 3

See also C-AG-2.

**C-AG-8 Agricultural Production and Stewardship Plans.
Dev. Code Sec. 22.65.040**

Comment:

The LCP should support on-farm conservation and stewardship programs, such as those

of the Marin Resource Conservation District.

Commenter:

- David Lewis/Cooperative Extension, Marin County: 7/4/2013

Staff Response:

While it does not specifically mention the stewardship programs of the Marin Resource Conservation District, Policies C-AG-7 and 8 do support the concept of agricultural stewardship.

See: Staff report for 10/12/2012, Att.# 1

**C- AG-9 Residential Development Impacts and Agricultural Use
Dev. Code Sec. 22.62.060.E. – Coastal Agricultural and Resource-Related
Districts**

Comment:

Setting a 7,000-square-foot cap on homes on ag lands is unfair and amounts to an illegal change in zoning to a different density.

Commenters:

- Calif. Cattlemen’s Association/Marin County Farm Bureau: 7/26/2013
- Ione Conlan: 7/28/2013
- Dominic Grossi/Marin County Farm Bureau: 2/19/2013
- Douglas Ferguson: 2/25/2013
- Dominic Grossi/Marin County Farm Bureau: 9/28/2012

Staff Response:

The LCP’s cap on residential development represents a balance of allowable uses, with an emphasis on preserving long-term productivity of agricultural lands.

See:

Staff report for 7/30/2013, Att. #3, pp. 5-6
Staff report for 10/2/2012, Att. #2, pp. 11-15

See also C-AG-2 and C-AG-5.

Biological Resources

C- BIO-1 Environmentally Sensitive Habitat Areas (ESHAs). Dev. Code Sec. 22.64.050

Comment:

Provide appropriate protection for sensitive species and habitats, including special habitats (e.g., coastal prairie).

Commenters:

- Barbara Salzman/Marin Audubon Society: 7/25/2013
- Kevin Kahn/Coastal Commission staff: 7/30/2013
- Barbara Salzman/Marin Audubon Society: 11/12/2012
- Beverly McIntosh: 11/13/2012
- Barbara Salzman/Marin Audubon Society: 9/27/2012

Comment:

Grazing land should not be arbitrarily designated as terrestrial ESHA; any designation should be based on science.

Commenters:

- California Cattlemen's Association/Marin County Farm Bureau: 7/26/2013
- Dominic Grossi/Marin County Farm Bureau: 3/12/2013

Comment:

"ESHA" designations should be removed from the LCP; threatened and endangered species are protected already through other means.

Commenter:

- Margo Parks/California Cattlemen's Association: 2/26/2013

Staff Response:

ESHAs are defined in a manner consistent with the Coastal Act. The Coastal Act contains no separate definition for terrestrial ESHA.

See:

- Staff report for 7/30/2013, Att. #3, pp. 6-7
- Staff report for 10/2/2012, Att. #1, pp. 6-7; 11; 12
- Staff report for 10/2/2012, Att. #2, pp. 21

See also C-BIO-2, C-BIO-3, C-BIO-7, and C-BIO-10.

C- BIO-2 ESHA Protection
Dev. Code Sec. 22.64.050

Comment:

Trails can be destructive and should not automatically be approved in ESHAs; in any case, adequate mitigation should be required.

Commenters:

- Barbara Salzman/Marin Audubon Society: 7/25/2013
- Barbara Salzman and Phil Peterson/Marin Audubon Society: 1/14/2013
- Barbara Salzman/Marin Audubon Society: 11/12/2012
- Barbara Salzman/Marin Audubon Society: 9/27/2012
- Amy Trainer and Bridger Mitchell/Environmental Action Committee: 10/2/2012

Comment:

The policy should not restrict fences and other structures which are necessary for agricultural purposes and also protect habitats and public safety.

Commenters:

- Ione Conlan: 10/1/2012
- Margo Parks/California Cattlemen's Association: 10/2/2012

Staff Response:

The LCP does not provide that all trails in ESHAs shall be approved; only those that protect ESHAs against significant disruption of habitat values can be approved. The policy requires incorporation of any necessary measures to protect ESHAs. As proposed, the policy seeks to avoid the types of fences that might restrict wildlife movement, rather than eliminating fences entirely.

See:

- Staff report for 7/30/2013, Att. #3, p. 7
- Staff report for 2/26/2013, Ex. #1, p. 3
- Staff report for 1/15/2013, Att. #1, p. 8

C- BIO-3 ESHA Buffers
Dev. Code Sec. 22.64.050

Comment:

ESHAs, including terrestrial ESHAs, should be protected with adequate buffers (generally at least 50 feet or more); any variations should be supported by specific criteria.

Commenters:

- Barbara Salzman/Marin Audubon Society: 7/25/2013

- Carolyn Longstreth/California Native Plant Society: 11/13/2012
- Amy Trainer/Environmental Action Committee: 11/13/2012
- Barbara Salzman/Marin Audubon Society: 9/27/2012
- Nona Dennis/Community Marin: 10/1/2012
- Amy Trainer and Bridger Mitchell/Environmental Action Committee: 10/2/2012

Comment:

Arbitrary minimum buffers, such as 25 feet, should not be required; instead buffers should be determined through specific site review and buffer adjustments should be possible

Commenters:

- California Cattlemen’s Association/Marin County Farm Bureau: 7/26/2013
- Dominic Grossi/Marin County Farm Bureau: 3/12/2013
- Dominic Grossi/Marin County Farm Bureau: 2/19/2013
- Margo Parks/California Cattlemen’s Association: 2/26/2013

Staff Response:

Buffers for all types of ESHA, whether terrestrial or others, are required, and any variation to required buffers is allowable only with a biological site assessment and where specified criteria are met.

See:

- Staff report for 7/30/2013, Att. #3, pp. 7-8
- Staff report for 10/2/2012, Att. #1, pp. 6
- Staff report for 1/15/2013, Ex. #1, p. 10

See also C-BIO-19 and C-BIO-24.

**C- BIO-4 Protect Major Vegetation
Dev. Code Sec. 22.64.050**

Comment:

Use the existing tree ordinance to protect heritage trees, because it would be difficult to map heritage trees as proposed by Program C-BIO-4.a.

Commenter:

- Barbara Salzman/Marin Audubon Society: 7/25/2013

Staff Response:

Program C-BIO-4.a has been deleted, and C-BIO-4 provides for protection of major vegetation, including visually significant trees. Additionally, **Chapter 22.27** – the Native Tree Protection and Preservation section of the Development Code has been submitted for certification as part of the IP.

See: Staff report for 7/30/2013, Att.#1, p.2
Staff report for 10/2/2012, Att. #2, pp. 21

Program C- BIO-11.a. Grassy Uplands Surrounding Bolinas Lagoon

Comment:

The term “grazing” (rather than the broader term “agricultural”) should be used in Program C-BIO-11.a, in order to protect resources used by wading shorebirds.

Commenter:

- Nona Dennis/Community Marin: 2/26/2013

Staff Response:

Program C-BIO-11.a is primarily intended to support future study; its provisions do not override the other policies of the LCP. The Program continues the intent of Policy 23 of Unit 1 of the currently certified LCP.

See:

Staff report for 10/2/2012, Att. #5, p.3

C- BIO-14 Wetlands Dev. Code Sec. 22.64.050

Comment:

Grazing in wetlands should be allowed only where it has occurred within, at most, the last five years; even if grazed, wetlands should not lose their wetland status.

Commenters:

- Barbara Salzman/Marin Audubon Society: 7/25/2013
- Barbara Salzman/Marin Audubon Society: 9/27/2012
- Amy Trainer and Bridger Mitchell/Environmental Action Committee: 10/2/2012

Comment:

Grazing in wetlands should be allowed to continue, if such use occurred in the past 10 years.

Commenters:

- Calif. Cattlemen’s Association/Marin County Farm Bureau: 7/26/2013
- lone Conlan: 7/26/2013

Comment:

Grazing in a wetland should be allowed to continue if it took place prior to certification of the Marin County LCP in 1981, and the same provision should be applied to streams and riparian areas.

Commenter:

- Dominic Grossi/Marin County Farm Bureau: 11/8/2012

Staff Response:

The LCPA allows grazing in wetlands only where it occurred historically, i.e., prior to the certification of Marin's LCP in 1981. The Board identified this as an issue to further discuss with the Coastal Commission.

See:

- Staff report for 7/30/2013, Att. #3, pp. 2-4
- Staff report for 10/2/2012, Att. #1, p.2
- Staff report for 10/2/2012, Att. #2, p.2

See also C-BIO-15.

**C- BIO-15 Diking, Filling, Draining and Dredging
Dev. Code Sec. 22.64.050****Comment:**

Wetlands should be protected against inappropriate uses.

Commenter:

- Barbara Salzman/Marin Audubon Society: 7/25/2013

Staff Response:

Policy C-BIO-15 reflects the provisions of PRC Sec. 30233 regarding allowable uses in wetlands.

See:

- Staff report for 7/30/2013, Att. #1, p. 2, 4

See also C-BIO-14.

C- BIO-20 Wetland Buffer Adjustments and Exceptions.
Dev. Code Sec. 22.64.050.A.1.c

Comment:

Wetland buffers should be flexible and appropriate, and based on a site assessment; adjustments should be allowable where necessary to accommodate public services on adjacent property.

Commenters:

- North Marin Water District: 7/17/2013
- Ione Conlan: 7/26/2013
- Dominic Grossi/Marin County Farm Bureau: 1/11/2013
- Dominic Grossi/Marin County Farm Bureau: 9/28/2012
- Margo Parks/California Cattlemen's Association: 10/2/2012

Comment:

Allowing wetland buffer adjustments should be strictly limited; citing a minimum buffer of 50 feet is an invitation to those seeking a minimum solution.

Commenters:

- Amy Trainer/Environmental Action Committee: 7/29/2013
- Nona Dennis/Community Marin: 2/26/2013
- Amy Trainer/Environmental Action Committee: 1/14/2013
- Barbara Salzman and Phil Peterson/Marin Audubon Society: 1/14/2013 [B, C]
- Barbara Salzman/Marin Audubon Society: 11/12/2012
- Amy Trainer/Environmental Action Committee: 11/13/2012
- Nona Dennis/Community Marin: 10/1/2012
- Amy Trainer and Bridger Mitchell/Environmental Action Committee: 10/2/2012

Staff Response:

Policy C-BIO-20 and related implementation measures allow adjustments to wetland buffers in certain specified circumstances, but only if certain requirements (including a biological site assessment) are met.

See:

- Staff report for 7/30/2013, Att. #3, pp. 7-8
- Staff report for 11/13/2012, Ex. #1, pp. 10-12
- Staff report for 10/2/2012, Att. #1, pp. 14-15

See also C-BIO-2, C-BIO-15, and C-BIO-19.

C- BIO-21 Wetland Impact Mitigation

Dev. Code Sec. 22.64.050

Comment:

Off-site mitigation for projects allowed in wetlands should be restricted to make sure such mitigation actually takes place.

Commenter:

- Barbara Salzman/Marin Audubon Society: 7/25/2013

Comment:

Mitigation requirements should not unfairly limit development of stock ponds required for grazing operations.

Commenter:

- California Cattlemen's Association/Marin County Farm Bureau: 7/26/2013

Staff Response:

In order to be approved, wetland mitigation projects must meet specified criteria, including no net loss in wetland acreage, functions, or values.

See: Staff report for 7/30/2013, Att. #3, p. 8
Staff report for 10/2/2013, Att. #2, p. 30-32
Staff report for 10/2/2013, Att. #5, p. 4-5

See also C-BIO-19 and C-BIO-20.

C-BIO-24 Coastal Streams and Riparian Vegetation

Dev. Code Sec. 22.64.050

Comment:

Water supply and flood control projects have adverse impacts and should not be allowed in streams.

Commenter:

- Barbara Salzman/Marin Audubon Society: 9/27/2012

Staff Response:

Coastal Act Sec. 30236 allows such uses.

See:
Staff report for 10/2/2013, Att. #1, p. 8; 13

C-BIO-25 Stream Buffer Adjustments and Exceptions
Dev. Code Sec. 22.64.050

Comment:

Allowing stream buffer adjustments as proposed is unacceptable; allowing adjustments will only encourage consultants to propose them.

Commenters:

- Amy Trainer/Environmental Action Committee: 7/29/2013
- Amy Trainer/Environmental Action Committee: 1/14/2013
- Barbara Salzman and Phil Peterson/Marin Audubon Society: 1/14/2013
- Amy Trainer and Bridger Mitchell/Environmental Action Committee: 10/2/2012

Comment:

Stream buffer adjustments should be allowed if a site assessment proves that 50 feet is unnecessary.

Commenters:

- Dominic Grossi/Marin County Farm Bureau: 1/11/2013
- Margo Parks/California Cattlemen's Association: (undated, for 1/15/2013 Board of Supervisors hearing)

Comment:

It is expensive and probably impossible to require a "net environmental improvement over existing conditions" in order to approve a buffer adjustment.

Commenter:

- Margo Parks/California Cattlemen's Association: (undated, for 1/15/2013 Board of Supervisors hearing)

Comment:

It is appropriate to require a net environmental benefit in connection with a buffer adjustment.

Commenter:

- Amy Trainer/Environmental Action Committee: 11/13/2012

Staff Response:

Policy C-BIO-25 and related implementation measures allow adjustments to stream buffers in certain specified circumstances, but only if certain requirements (including a biological site assessment) are met.

See: Staff report for 11/13/2012, Ex. #1, pp. 16-18

Staff report for 10/2/2012, Att. #1, pp. 14-15

Staff report for 1/15/2013, Ex.. #1, pp. 13-15

See also C-BIO-20

Environmental Hazards

C-EH-22 Sea Level Rise and Marin's Coast.

**Program C-EH-22.a Research and Respond to the Impacts of Sea Level Rise on Marin County's Coastal Zone Shoreline.
Dev. Code Sec. 22.64.060.**

Comment:

Climate change and sea level rise should be addressed using best available science.

Commenter:

- Amy Trainer/Environmental Action Committee: 12/10/2012

Staff Response:

The LCP calls for addressing climate using best available science.

See:

Staff report for 12/11/2012 , Att. #1

See also C-EH-2, C-EH-5, C-TR-3

Mariculture

C-MAR-1 Support Mariculture.

Comment:

All references to commercial uses within Drakes Estero should be deleted.

Commenter:

- Amy Trainer/Environmental Action Committee: 12/10/2012

Staff Response:

Policy C-MAR-1 does not refer to Drakes Estero; the background text notes that commercial use has taken place there.

See:

Staff report for 12/11/2012, Att. #4

Built Environment

Community Design

C-DES-2 Protection of Visual Resources Dev. Code Sec. 22.64.100

Comment

Landowners need flexibility to construct buildings required by agricultural operations; views of agricultural lands do not belong to others.

Commenters:

- Dominic Grossi/Marin County Farm Bureau: 2/19/2013
- California Cattlemen's Association/Marin County Farm Bureau: 7/26/2013
- Chris Scheuring/California Farm Bureau Federation: 2/26/2013
- Dominic Grossi/Marin County Farm Bureau: 9/28/2012

Comment

Visual policies should prohibit impairment and obstruction of views to and along the coast, including Tomales Bay.

Commenters:

- Environmental Action Committee of West Marin: 2/25/2013
- Richard and Brenda Kohn: 7/10/2013
- Amy Trainer/Environmental Action Committee: 7/29/2013
- Bridger Mitchell/Environmental Action Committee of West Marin: 2/25/2013
- Amy Trainer/Environmental Action Committee: 12/10/2012
- Amy Trainer/Environmental Action Committee: 11/13/2012

Staff Response:

Policy DES-2 was revised to use the word "protect," reflecting Coastal Act Sec. 30251. The policy addresses protection of views from public viewing areas, including parks and other places.

See:

- Staff report for 7/30/2013, Att. #2, p. 3
- Staff report for 7/30/2013, Att. #3, p. 6
- Staff report for 2/26/2013, Ex. #1, p. 5
- Staff report for 12/11/2012, Att. #4, p. 10

See also LUP Policy C-AG-7; view protection standards for C-APZ lands apply to non-agricultural development. See also Policy C-DES-2 and C-DES-3.

**C-DES-3 Protection of Ridgeline Views.
Dev. Code Sec. 22.64.100**

Comment:

Ridgelines are often the best places to locate certain agricultural accessory structures.

Commenters:

- Dominic Grossi/Marin County Farm Bureau: 2/19/2013
- Ione Conlan: 7/26/2013

Staff Response:

Per LUP Policy C-AG-7; view protection standards for C-APZ lands apply to non-agricultural development.

See:

- Staff report for 7/30/2013, Att. #2, p. 3
- Staff report for 7/30/2013, Att. #3, p. 10
- Staff report for 2/26/2013, Ex. #1, p. 5
- Staff report for 12/11/2012, Att. #4, p. 10

Community Development

C-SB-1 Community Character of Stinson Dev. Code Sec. 22.64.110

Comment:

There should be an area where mobile food vendors are prohibited in Stinson Beach.

Commenters:

- Stinson Beach Village Association: 4/26/2012

Staff Response:

The policy provides for maintaining the existing character of the community, including small-scale commercial developments. Staff responded with information about varying jurisdiction over food trucks. SBVA continues to study the issue.

Energy

C-EN-5 Energy Production Facility Impacts Dev. Code Tables 5-1-a-e

Comment:

Wind energy conversion systems (WECS) do not belong in Marin County's coastal zone.

Commenters:

- Chips Armstrong: (undated, provided for 2/26/2013 Board of Supervisors hearing)
- West Marin Sonoma Coastal Advocates: 2/25/2013
- Helen Kozoriz, et al: 12/6/2012
- Catherine Bayne: 12/8/2012
- George Wagner: 11/30/2012
- Susie Schlesinger: 11/12/2012
- Beverly McIntosh: 10/2/2012

Comment:

Grading impacts associated with industrial scale wind turbines for agricultural use need to be addressed.

Commenter:

- Susie Schlesinger: 1/15/2013

Comment:

The number of free-standing WECS should be capped on C-ARP lands.

Commenter:

- Amy Trainer/Environmental Action Committee: 12/10/2012

Comment:

Placing stringent permitting requirements on small or medium-sized WECS would be too demanding and costly for landowners to comply with; if the County does not support WECS then it should say so.

Commenter:

- Justin Kudo/Marin Clean Energy: 11/27/2012

Staff Response:

LCP policies support renewable energy sources, but as approved by the Board of Supervisors, the LCP does not provide specifically for WECS. WECS are not included in Tables 5-1-a through e, which show allowable uses.

See:

Staff report for 4/16/2013, Ex. #2, p. 5; Ex. 3
Staff report for 2/26/2013, Ex. #1, p. 8
Staff report for 12/11/2012, Att. #1, pp. 5-8
Staff report for 12/11/2012, Att. #3, pp. 3-5
Staff report for 11/13/2012, Ex. #1, p. 3

Housing

C-HS-5 Second Units

Dev. Code Sec. 22.32.140; Sec. 22.64.130.A.5.; Land Use Tables 5-1, Sec. 22.70.030.B.4.

Comment:

Affordable housing is vital for the community's workforce, residents, and visitors, and the state's Second-Unit Law AB 1866 should be implemented, including the direction to omit public hearings for second units.

Commenters:

- Steve Matson/Bolinas Community Land Trust: 2/21/2013
- Arianne Dar: 2/26/2013

Comment:

Construction of a new structure or residential addition, and its potential use as a second unit, need to be distinguished as two separate things. It is only the separate permit for the use of the structure as a second unit that cannot be required to have a public hearing.

Commenter:

- Bridger Mitchell/Environmental Action Committee of West Marin: 2/25/2013

Staff Response:

LCP policies support provision of second units and address the regulatory requirements that apply to them.

See:

- Staff report for 4/16/2013, Ex. #1, pp. 6-7
- Staff report for 2/26/2013, Ex. #1, pp. 14-16
- Staff report for 12/11/2012, Att. #4, p. 23

C-HS-6 Regulate Short-Term Rental of Primary or Second Units C-HS-6.a Vacation Rental Ordinance

Comment:

Develop effective vacation rental regulations; update the LCP's count of vacation rentals.

Commenters:

- Scott Miller: 7/26/2013
- Scott Miller: 12/6/2012

- Amy Trainer/Environmental Action Committee: 12/10/2012

Staff Response:

The adopted policy calls for regulating short-term rentals, and the accompanying program calls for developing an ordinance to do so. Appropriate criteria will be considered when the ordinance is developed. The number of vacation rentals at any given time is subject to change, and the LCP document cannot be kept always up to date. Nevertheless, additional research on the issue will be done as part of drafting an ordinance, per Program C-HS-6.a.

See:

- Staff report for 7/30/2013, Att. #1, p. 4
- Staff report for 12/11/2012, Att. #1, p. 18
- Staff report for 12/11/2012, Att. #2

Public Facilities and Services

C-PFS-13 New Water Sources Serving Five or More Parcels. Dev. Code Sec. 22.64.140

Comment:

Groundwater sources are problematic; hydrologic studies should be required for new water sources serving two or more, rather than five or more, parcels.

Commenter:

- Amy Trainer/Environmental Action Committee: 12/10/2012

Staff Response:

LCP policies, taken together, require coastal permits for development of new water sources and for assuring that new sources will not have adverse impacts on coastal resources.

See:

Staff report for 12/11/2012, Att. #1

See also C-PFS-14, C-PFS-15

Parks, Recreation, and Visitor-Serving Uses

C-PK-6 Bed and Breakfast Inns Dev. Code Sec. 22.32.040

Comment:

Bed and breakfast inns should be accompanied by limits to ensure that they do not encroach on working agricultural lands.

Commenter:

- Amy Trainer/Environmental Action Committee: 7/29/2013

Staff Response:

The policy and accompanying Dev. Code requirements contain limits on bed and breakfast and homestay uses.

See:

- Staff report for 7/30/2013, Att. #3, p. 5
- Staff report for 1/15/2012, Ex. #1, p. 6
- Staff report for 11/13/2012, Ex. #1, pp. 2-3
- Staff report for 10/2/2012, Att. #2, pp.4-10
- Staff report for 10/2/2012, Att. #3, pp.3-8
- Staff report for 3/27/2012, Att. #2, p. 3

See also

Public Coastal Access

C-PA-2 Public Coastal Access in New Development Dev. Code Sec. 22.64.180

Comment:

Landowners should not be required to donate rights-of-way for recreational trails or other recreational uses as a condition for obtaining any use permit.

Commenter:

- Chris Scheuring/California Farm Bureau Federation: 2/26/2013

Staff Response:

The LCP requires a case-by-case examination of proposed new developments for their impact on public coastal access to the shoreline; creation of recreational trails can only be required where they are necessary to offset the impacts of a project and where other criteria are met, including that a trail not adversely affect agriculture and that legal requirements are met.

See:

Staff report for 7/30/2013, Att. #2, p. 3-4

See also C-PA-3 Exemptions to Public Coastal Access Requirements.

C-PK-14 Appropriate Alignment of the California Coastal Trail. Dev. Code Sec. 22.64.170

Comment:

The Coastal Trail alignment should be along Highway One rather than along Valley Ford-Franklin School Road, and landowners should be contacted before the route is made public.

Commenters:

- Dominic Grossi/Marin County Farm Bureau: 12/6/2012
- Nichola Spaletta: 12/9/2012
- Ione Conlan: 12/10/2012

Staff Response:

The proposed alignment is along Highway One; see Map 25. Policy C-PK-14 provides for working with willing sellers.

See: Staff report for 12/11/2012, Att. #4, p. 19

See also C-DES-2.

Development Code

Chapter 22.32 – Standards for Specific Land Uses

Dev. Code Sec. 22.32.026 – Agricultural Processing Uses

Comment:

The requirements contained in the [previous, now superseded] draft LCPA regarding agricultural processing uses and retail sales are impossible to meet.

Commenters:

- David Lewis/Cooperative Extension, Marin County: 9/26/2012
- Anna Erickson/Valley Ford Young Farmers Association: 4/5/2012
- Margo Parks/California Cattlemen's Association: 10/2/2012

Staff Response:

Revisions were made by the Board of Supervisors to the previous provisions, following public hearings; see adopted text.

See:

- Staff report for 4/16/2013, Ex. #2, p. 9
- Staff report for 2/26/2013, Ex. #1, pp. 17-19
- Staff report for 1/15/2012, Ex. #1, pp.3-4
- Staff report for 10/2/2012, Att. #5, p.7

See also sec. 22.130.030 Definitions - Agricultural Processing (land use).

Chapter 22.64
COASTAL ZONE DEVELOPMENT AND RESOURCE MANAGEMENT STANDARDS

Dev. Code Sec. 22.64.050 - Biological Resources

Comment:

The County, rather than property owners, should pay for required site assessments.

Commenter:

- Dominic Grossi/Marin County Farm Bureau: 9/28/2012

Comment:

A site assessment should consider what actually exists on the site, not what hypothetically might exist.

Commenter:

- Margo Parks/California Cattlemen's Association: 10/2/2012

Staff Response:

Permit applicants are generally responsible for costs associated with their projects. Dev. Code Sec. 22.64.050.A.1.b. refers to "potential presence of an Environmentally Sensitive Habitat Area" only for the purpose of determining whether the site assessment shall be required in the first place; the site assessment, if required, is intended to focus on actual resources on the site, not hypothetical resources.

See:

- Staff report for 1/15/2012, Ex. #1, p. 8;11-14
- Staff report for 11/13/2012, Ex. #1, p. 8; 11-16
- Staff report for 10/2/2012, Att. #1, pp. 8-10; 14
- Staff report for 10/2/2012, Att. #2, pp. 21-37; 47-48
- Staff report for 10/2/2012, Att. #5, p. 4

Chapter 22.68 - Coastal Permit Requirements

Dev. Code Sec. 22.68.030 Coastal Permit Required

Comment:

A minimum of 250 cu. yds. of grading should be allowed on agricultural lands without a coastal permit.

Commenters:

- Dominic Grossi/Marin County Farm Bureau: 1/11/2013
- Margo Parks/California Cattlemen's Association: (undated, for 1/15/2013 Board of Supervisors hearing)

Comment:

A coastal permit should be required for new, as well as expanded, surface water impoundments and for significant expansion of an existing well.

Commenters:

- Amy Trainer/Environmental Action Committee: 7/29/2013
- Amy Trainer/Environmental Action Committee: 1/14/2013
- Susie Schlesinger: 1/15/2013

Comment:

Changes in the intensity of agricultural use and new agricultural uses such as change from grazing to row crops should be subject to a coastal permit.

Commenter:

- Nona Dennis/Community Marin: 11/12/2012

Comment:

On-going agricultural activities, including brush clearing, crop rotation, pasture rotation, etc., should not require a coastal permit.

Commenter:

- Ione Conlan: 10/1/2012

Comment:

The definition of "on-going agricultural operations" should be clarified to include brush clearing as a component of on-going agricultural activities.

Commenters:

- Margo Parks/California Cattlemen’s Association: 2/26/2013
- Margo Parks/California Cattlemen’s Association: (undated, for 1/15/2013 Board of Supervisors hearing)

Staff Response:

The reference to expanded surface water impoundments is provided only as an example; the provision requires a coastal permit for any development of new water sources. Brush clearing may not be a development or change in density or intensity of use of land if it is an on-going agricultural operation and does not trigger a coastal permit for other reasons. The definition of “Grading (coastal)” contained in Sec. 22.130.030 provides a threshold of 150 cubic yards in order to constitute grading; the definition excludes certain routine agricultural practices.

See:

- Staff report for 7/30/2013, Att. #3, pp. 2-4
- Staff report for 1/15/2012, Ex. #1, p. 5
- Staff report for 10/2/2012, Att. #4, p.22
- Staff report for 3/27/2012, Att. #2, p. 28; 45-46

See also Dev. Code Sec. 22.130.030 Definitions for “Grading (coastal)”, Sec. 22.68.040, Categorically Excluded Projects

Dev. Code Sec. 22.68.040 – Categorically Excluded Projects

Comment:

There should be a meaningful period in which to appeal the County’s determination that a project is categorically excluded and thus exempt from a coastal development permit.

Commenters:

- Bridger Mitchell/Environmental Action Committee of West Marin: 2/25/2013
- Amy Trainer/Environmental Action Committee: 12/10/2012

Staff Response:

Dev. Code Sec. 22.68.040.B. provides for public notice of categorically excluded projects, including notice via the County’s website, which is updated continually.

See:

- Staff report for 4/16/2013, Ex. #2, p. 7
- Staff report for 2/26/2013, Ex. #1, pp. 13-14

See also C-AG-1, Dev. Code Sec. 22.68.030

22.68.050.I. – Temporary Events

Comment:

The permit exemption for temporary events should provide reasonable standards for implementation.

Commenter:

- Amy Trainer/Environmental Action Committee: 12/10/2012

Staff Response:

Standards are provided for those temporary events that could qualify for a permit exemption.

See:

- Staff report for 7/30/2013, Att. #3, pp. 12-13
- Staff report for 12/11/2012, Att. #4, p.23

Dev. Code Sec. 22.68.070 De Minimis Waiver of Coastal Permit

Comment:

Local governments are not authorized to issue De Minimis Waivers.

Commenters:

- Richard and Brenda Kohn: 7/10/2013

Comment:

De Minimis Waiver provisions should be included in the LCP.

Commenter:

- Margo Parks and Sam Dolcini/California Cattlemen's Association and Marin County Farm Bureau: 7/26/2013

Comment:

Provide an expedited coastal permitting process for grading of more than 20 cubic yards.

Commenter:

- Amy Trainer and Bridger Mitchell/Environmental Action Committee: 10/2/2012

Staff Response:

Local governments have been advised that De Minimis Waivers could be included in LCPs, as long as the provisions are explicit. Other jurisdictions, such as Humboldt Co., have De Minimis Waiver provisions in a certified LCP. A list of projects potentially subject to a De Minimis waiver is not included because it is not possible to foresee every type of minor project for which a De Minimis Waiver might be suitable. If a grading project qualifies for the De Minimis Waiver process, then expedited permit review would result.

See:

Staff report for 7/30/2013, Att. #2, pp. 7-8

Staff report for 2/26/2013, Ex. #1, p. 14

Staff report for 12/11/2012, Att. #3, p. 7

Staff report for 10/2/2012, Att. #1, p.2

See also Dev. Code Sec. 22.68.070.

Chapter 22.70 - Coastal Permit Administration

Dev. Code Sec. 22.70.030 – Coastal Permit Filing, Initial Processing

Comment:

When filing an application for a coastal permit, the Director should apply substantive standards for determining when contiguous parcels under common ownership will be subject to a single coastal permit.

Commenter:

- Bridger Mitchell/Environmental Action Committee of West Marin: 2/25/2013

Comment:

If all contiguous parcels under common ownership are considered, it could have the effect of eliminating all potential development from one ranch entirely; this would be unfair.

Commenter:

- Dominic Grossi/Marin County Farm Bureau: 9/28/2012

Staff Response:

The LCPA Dev. Code provisions provide that contiguous parcels under common ownership shall be considered so as to achieve the requirements of the LCP.

See:

- Staff report for 4/16/2013, Ex. #2, p. 8
- Staff report for 2/26/2013, Ex. #1, p. 14
- Staff report for 11/13/2012, Ex. #1, p. 6
- Staff report for 10/2/2012, Att. #4, pp. 14-17
- Staff report for 10/2/2012, Att. #3, p.6
- Staff report for 10/2/2012, Att. #2, p.11

22.70.030.B.5. – Public Hearing Waiver

Comment:

If the LCP requires a public hearing, then a public hearing should always be held.

Commenter:

- Amy Trainer/Environmental Action Committee: 12/10/2012

Staff Response:

Consistent with the Coastal Act, the LCPA provides that a public hearing may be waived for a minor development, if no person requests that such a hearing be held.

See: Staff report for 12/11/2012, Att. #4, p.23
Staff report for 3/27/2012, Att. #2, p. 12

Dev. Code Sec. 22.70.180 – Potential Takings Economic Evaluation**Comment:**

The proposed information requirements regarding potential takings conflict with rights to privacy.

Commenters:

- Dominic Grossi/Marin County Farm Bureau: 2/19/2013
- Paul Beard/Pacific Legal Foundation: 10/1/2012

Staff Response:

Where it is asserted that the application of the LCP will constitute a taking of private property in violation of the U.S. or California Constitutions, the Coastal Commission, and other jurisdiction's LCPs have identified information needed to determine the least environmentally damaging feasible alternative that would avoid such a taking. A simplified version of this information requirement was originally proposed, and subsequently reviewed and revised by the Marin County Counsel, which the Board approved as part of Dev. Code. Sec. 22.70.180.

See:

Staff report for 4/16/13, Ex. #1, pp. 7-8
Staff report for 10/2/2012, Att. #1, pp.16-17

See also Dev. Code Sec. 22.70.180.

Chapter 22.130.030- Definitions

“Agricultural activities, Ongoing”

Comment:

Allowing removal of up to one-half acre of native vegetation as an agricultural use is unacceptable.

Commenter:

- Amy Trainer/Environmental Action Committee: 7/29/2013

Staff Response:

The proposed provision was provided in comments by the Coastal Commission staff as part of a definition of “ongoing agricultural activities.” This definition has not been adopted by the Board and is still under discussion with the Coastal Commission.

See: Staff report for 7/30/2013, Att. #3, p. 4

“Environmentally Sensitive Habitat Area (ESHA), Terrestrial (coastal)”

Comment:

The definition should include grassland habitat that supports, for instance, raptors.

Commenter:

- Beverly McIntosh: 1/15/2013

Comment:

Riparian vegetation associated with ephemeral streams should not automatically be considered ESHA.

Commenter:

- Margo Parks/California Cattlemen’s Association: (undated, for 1/15/2013 Board of Supervisors hearing)

Staff Response:

The definitions in the LCP reflect the definition found in the Coastal Act Sec. 30107.5.

See:

Staff report for 7/30/2013, Att. #3, pp. 6-7
Staff report for 1/15/2012, Ex. #1, p. 7-9
Staff report for 11/13/2012, Ex. #1, pp. 10; 13-14; 16-18

Staff report for 10/2/2012, Att. #1, p.6; 9; 11
Staff report for 10/2/2012, Att. #2, pp. 21-24; 35-36;44

See also “Environmentally Sensitive Habitat Area (ESHA) (coastal)”

“Grading (coastal)”

Comment:

A threshold of 150 cubic yards of grading to trigger a coastal development permit is too high. EAC recommends a definition of “grading”, using 50 cubic yards for C-APZ zoning district and 20-30 cubic yards for all other coastal zoning districts, which

Commenters:

- Amy Trainer/Environmental Action Committee: 7/29/2013
- Amy Trainer/Environmental Action Committee: 1/14/2013

Staff Response:

The LCPA clarifies that not all earth movement, especially related to ongoing agriculture, is grading. It continues the certified LCP’s threshold of 150 cubic yards to define grading. However, ongoing discussions have considered a lower threshold, especially if the County could gain De minimis authority to address activities that have no potential for adverse effects, either individually or cumulatively, on coastal resources.

See:

Staff report for 7/30/2013, Att. #3, p. 2
Staff report for 4/16/2013, Ex. #3, p. 14; 58; 63
Staff report for 1/15/2012, Ex. #1, p. 2-3
Staff report for 12/11/2012, Att. #4, p. 7-9
Staff report for 10/2/2012, Att. #1, p.2
Staff report for 10/2/2012, Att. #2, p. 2-3; 28

“Stream (coastal)”

Comment:

The definition should include ephemeral streams that are not mapped by USGS but that support riparian vegetation.

Commenters:

- Barbara Salzman/Marin Audubon Society: 11/12/2012
- Nona Dennis/Community Marin: 11/12/2012
- Nona Dennis/Community Marin: 10/1/2012

Staff Response:

The LCPA continues the definition of stream in the certified LCP in Sec. 22.56.130I.G , with provision for expanding the mapped perennial and intermittent streams through additions to the National Hydrographic Dataset.

See: Staff report for 4/16/2013, Ex. #3, p. 62
Staff report for 1/15/2012, Ex. #1, p. 7; 9
Staff report for 11/13/2012, Ex. #1, p. 16
Staff report for 10/2/2012, Att. #2, p.40; 44

LCP Maps

Map 28a – Appeal Jurisdiction Areas

Comment:

Areas shown on the map where developments are appealable to the Coastal Commission are not consistent with the requirements that the appeals area include property between the sea and the first public road paralleling the sea.

Commenters:

- Inverness Association: 2/22/2013
- Bridger Mitchell/Environmental Action Committee of West Marin: 2/25/2013

Staff Response:

Draft appeal jurisdiction maps provided to the County by the Coastal Commission staff and attached to the LCP Amendment are preliminary only; final maps are subject to adoption by the Coastal Commission, based on criteria in the Coastal Commission's regulations. The County has requested confirmation of the proposed maps from the Coastal Commission staff.

See: Staff report for 12/11/2012, Att. #4, p. 23

Additional Comments

Residential Build-out Analysis (background)

Comment:

The residential built-out analysis of the C-APZ provided in Oct. 2011 should be updated.

Commenter:

- Amy Trainer/Environmental Action Committee: 1/14/2013

Staff Response:

An update had been prepared and was distributed to the Board and the public at the Jan. 15, 2013 Public Hearing

See:

Staff report for 1/15/2012, Supplement, following Ex. #2, p. 5

See also LCPA website:

http://www.co.marin.ca.us/depts/CD/main/lcp/PDF/CAPZdevpotential_Supplement_1-15-2013.pdf

General comments

Comment:

Background information such as in the existing certified LCP that provides context for LCP policies should be retained.

Commenters:

- Amy Trainer/Environmental Action Committee: 1/14/2013
- Amy Trainer/Environmental Action Committee: 11/13/2012
- Amy Trainer and Bridger Mitchell/Environmental Action Committee: 10/2/2012

Staff Response:

Additions of portions of the existing certified LUP informational text have been retained as background documents.

See:

Staff report for 4/16/2013, Ex. #2, p. 4
Staff report for 10/2/2012, Att. #2, p.16

Comment:

The baseline against which the LCP amendment should be measured is the existing certified LCP, in order to avoid weakening resource protection.

Commenter:

- Amy Trainer/Environmental Action Committee: 11/13/2012

Staff Response:

As amended, the LCP would satisfy the requirements of Chapter 3 of the Coastal Act. The standard of review is “substantial ... conformity with the policies of Chapter 3,” per PRC Sec. 30512(2).

See:

California Coastal Act.

Comment:

The LCP should be no less protective of resources than the 2007 Marin Countywide Plan.

Commenter:

- Nona Dennis/Community Marin: 11/12/2012

Staff Response:

The LCP is intended to be fully protective of coastal resources; the standard of review for the LCP is Chapter 3 of the Coastal Act.

See:

California Coastal Act.

Comment:

If the coastal permit is to substitute for the master plan process, the entire property including multiple parcels needs to be addressed.

Commenter:

- Amy Trainer/Environmental Action Committee: 11/13/2012

Staff Response:

Dev. Code Sec. 22.70.030 regarding filing requirements provides for obtaining adequate information to satisfy LCP policies.

See:

Staff report for 2/26/2013, Ex. #1, p. 14

Staff report for 11/13/2012, Ex. #1, p. 6

Staff report for 10/2/2012, Att. #1, p.3; Att. #2, p.8, 19; Att. #3, p.6

Staff report for 10/2/2012, Att. #4, p.14-17; Att. #5, p.2

Staff report for 3/27/2012, Att. #2, pp. 10-11

| LCPA Submittal - List of Commenters | | | | | | | | | |
|--|---------------------------------|------------------|-------|------------|--|--|--------------|---|--|
| Organization / Name | Street | City | State | Zip | Website | Email | Phone | Date of Letter(s) | |
| Armstrong, Chips | | Petaluma | CA | | | | 707-778-7722 | 2/22/2013 | |
| Barinaga Ranch Inc Marcia Barinaga | PO Box 803 | Marshall | CA | 94940 | www.barinagaranch.com | marcia@barinagaranch.com | 415-663-8870 | 2/24/2013 | |
| Bayniche Conservancy Catherine Bayne | | | | | www.bayniche-conservancy.ca | cbayne@bayniche-conservancy.ca | | 12/8/2012 | |
| Bolinas Community Land Trust Lesla Kramer | PO Box 805 | Bolinas | CA | 94924 | www.bolinaslandtrust.org | info@bolinaslandtrust.org | 415-868-8880 | 2/21/2013 | |
| Bergey Windpower & Distributed Wind Energy Association Mike Bergey | 2200 Industrial Blvd | Norman | OK | 73069 | www.bergey.com | mbergey@bergey.com | 405-364-4212 | 12/11/2012 | |
| California Cattlemen's Association Margo Parks | 1221 H Street | Sacramento | CA | 95814-1910 | www.calcattlemen.org | margoparks@gmail.com | 916-444-0845 | 10/2/2012; 1/14/2013; 2/26/2013; 7/26/2013 | |
| California Coastal Commission Kevin Kahn | 45 Fremont Street, Suite 200 | San Francisco | CA | 94105-2219 | www.coastal.ca.gov | kevin.kahn@coastal.ca.gov | 415-904-5260 | 11/9/2012; 1/14/2013; 7/30/2013 | |
| California Farm Bureau Federation Christian Scheuring | 2300 River Plaza Drive | Sacramento | CA | 95833-3293 | www.cfbf.com | cscheuring@cfbf.com | 916-561-5665 | 2/26/2013; 7/1/2013; 7/26/2013 | |
| California Native Plant Society - Marin Chapter Carolyn Longstreth, Amelia Ryan | 1 Harrison Avenue | Sausalito | CA | 94965 | www.marin.edu/cnps | amelia_byrd_ryan@yahoo.com | | 11/13/2012 | |
| Coastal Landowners for Agricultural Sustainability & Security Nancy Gates | n/a | Valley Ford | CA | 94972 | n/a | ndgates@pacbell.net | n/a | 2/25/2013 | |
| Community Land Trust of West Marin Maureen Cornelia | PO Box 273 | Pt Reyes Station | CA | 94956 | www.clam-ptreyes.org | info@clam-ptreyes.org | 415-663-1005 | 2/21/2013 | |
| Community Marin (Marin Conservation League, Marin Audubon Society, Sierra Club Marin Group, and Environmental Forum of Marin) Nona Dennis | 175 N Redwood Dr Suite 135 | San Rafael | CA | 94903 | www.conservationleague.org/comm-marin.html | nbdennis@sbcglobal.net | 415-485-6257 | 10/1/2012; 11/13/2012; 12/1/2012; 2/26/2013 | |
| Conlan, Ione | PO Box 412 | Valley Ford | CA | 94972 | www.conlanranches.com | IConlan@aol.com | 707-876-3567 | 10/1/2012; 12/11/2012; 1/11/2013; 2/23/2013; 7/26/2013; 7/28/2013 | |
| Dar, Arianne | n/a | Bolinas | CA | n/a | n/a | n/a | n/a | 2/26/2013 | |
| Environmental Action Committee of West Marin Amy Trainer | PO Box 609 | Pt Reyes Station | CA | 94956 | www.eacmarin.org | amy@eacmarin.org | 415-663-9312 | 10/2/2012; 11/13/2012; 12/10/2012; 1/14/2013; 2/25/2013; 4/16/2013; 7/29/2013 | |
| East Shore Planning Group Lori Kyle | PO Box 827 | Marshall | CA | 94940 | n/a | lorikyle@sbcglobal.net | 415-663-8184 | 4/1/2012; 9/29/2012; 1/29/2013; 2/22/2013 | |
| Ferguson, Douglas Representing the interests of Marin County Farm Bureau | 300 Drakes Landing Rd Suite 171 | Greenbrae | CA | 94904 | n/a | doug.ferguson@sbcglobal.net | 415-461-9022 | 1/14/2013; 2/25/2013 | |
| Holland, Wade | n/a | Inverness | CA | 94937 | n/a | wade@horizoncable.com | n/a | 12/4/2012 | |
| Inverness Association Bridger Mitchell | PO Box 382 | Inverness | CA | 94937 | www.invernessassociation.org | board@invernessassociation.org | n/a | 10/1/2012; 12/11/2012; 2/22/2013 | |
| Johnston, Robert | PO Box 579 | Pt Reyes Station | CA | 94956 | n/a | rajohnston@ucdavis.edu | 415-663-8305 | 7/29/2013 | |
| Kohn, Richard and Brenda | 5 Ahab Drive | Muir Beach | CA | 94965 | n/a | brendakohn@aol.com | | 7/10/2013; 7/15/2013 | |
| Kudo, Justin | 781 Lincoln Ave Suite 320 | San Rafael | CA | 94901 | www.marincleanenergy.com | jkudo@marinenergy.com | 415-464-6029 | 12/5/2012 | |
| Levin, Ken | PO Box 715 | Pt Reyes Station | CA | 94956 | n/a | klevin@horizoncable.com | n/a | 7/28/2013 | |
| Lish, Chris | PO Box 113 | Olema | CA | 94950 | n/a | lishchris@yahoo.com | n/a | 7/29/2013 | |
| Marin Audubon Society Barbara Salzman | PO Box 599 | Mill Valley | CA | 94942-0599 | www.marinaudubon.org | BSalzman@att.net | n/a | 9/27/2012; 11/12/2012; 1/14/2013; 7/25/2013 | |
| Marin County Agricultural Commissioner Stacey Carlsen | 1682 Novato Blvd #150-A | Novato | CA | 94947 | | scarlsen@marincounty.org | 415-473-6700 | 1/2/2013 | |
| Marin County Farm Bureau Sam Dolcini | PO Box 219 | Pt Reyes Station | CA | 94956 | http://www.cfbf.com/counties/?id=21 | marincfb@svn.net | 415-663-1231 | 9/28/2012; 11/8/2012; 11/9/2012; 12/6/2012; 1/11/2013; 2/19/2013; 3/12/2013; 4/12/2013 | |
| Marin Organic Kerry McGrath | PO Box 962 | Pt Reyes Station | CA | 94956 | www.marinorganic.org | kerry@marinorganic.org | 415-663-9667 | 2/25/2013 | |
| McIntosh, Beverly | 29 Woodland Ave | San Anselmo | CA | 94960 | n/a | beverlymcintosh@hotmail.com | n/a | 11/13/2012; 12/10/2012; 1/15/2013 | |
| Miller, Scott | PO Box 145 | Dillon Beach | CA | 94929 | n/a | emailthefishbowl@gmail.com | 707-878-2167 | 12/6/2012; 7/26/2013 | |
| Muir Beach Community Services District Leighton Hills | 19 Seacape Drive | Muir Beach | CA | 94965 | www.muirbeachcsd.com | leighton.hills@muirbeachcsd.com | 415-388-7804 | 3/27/2013 | |
| National Park Service Wendy Poinot | 1 Bear Valley Rd | Pt Reyes Station | CA | 94956 | www.nps.gov | Wendy_Poinot@nps.gov | 415-218-6551 | 12/6/2012 | |
| North Marin Water District Chris DeGabriele | PO Box 146 | Novato | CA | 94948 | www.nmwd.com | cdegabriele@nmwd.com | 415-897-4133 | 7/17/2013 | |
| Pacific Legal Foundation Paul Beard | 930 G Street | Sacramento | CA | 95814 | www.pacificlegal.org | pjb@pacificlegal.org | 916-419-7111 | 10/2/2012; 3/18/2013; 7/26/2013; 7/29/2013 | |
| Sonoma County Farm Bureau Susie Schlessinger | n/a | n/a | n/a | n/a | n/a | chissosdog@earthlink.net | n/a | 3/2012; 12/11/2012; 1/15/2013 | |
| Sasaki, Tito | 970 Piner Rd | Santa Rosa | CA | 95403 | www.sonomacountyfarmbureau.com | tito@att.net | 707-544-5575 | 2/22/2013; 7/25/2013 10/2/2012; 11/13/2012; 12/9/2012 | |
| Spaletta, Nichola Stinson Beach Village Association Sam Matthews | 22000 Sir Francis Drake Blvd | Point Reyes | CA | 94956 | n/a | n/a | n/a | 4/26/2012; 11/3/2012; 11/6/2012; 1/14/2013 | |
| Straus Home Ranch LLC Vivien Straus | PO Box 706 | Stinson Beach | CA | 94970 | www.stinsonbeachvillage.com | samsmat@gmail.com | n/a | 11/6/2012; 1/14/2013 | |
| University of California Cooperative Extension - Marin David Lewis | 22888 Highway 1 | Marshall | CA | 94940 | n/a | vivienstraus@gmail.com | 213-304-7371 | 7/24/2013 | |
| Valley Ford Young Farmers Association Anna Erickson | 1682 Novato Blvd #150-B | Novato | CA | 94947 | http://www.cemarin.ucdavis.edu | dllewis@ucanr.edu | 415-473-4204 | 9/26/2012; 1/4/2013 | |
| West Marin Sonoma Coastal Advocates Helen Kozoriz | n/a | n/a | n/a | n/a | www.valleyfordyoungfarmers.com | info@valleyfordyoungfarmers.com | n/a | 4/5/2012; 9/26/2012 12/7/2012; 2/25/2013; 4/12/2013; 7/26/2013 | |
| | n/a | n/a | n/a | n/a | n/a | helenkozoriz@sbcglobal.net | 510-336-0499 | 4/12/2013; 7/26/2013 | |