

MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY
ALEX HINDS, DIRECTOR

March 5, 2007

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

SUBJECT: Public Hearing on Draft Marin Countywide Plan Update

Dear Planning Commission Members:

RECOMMENDATIONS:

1. Review the administrative record and conduct a public hearing
2. Recommend approval of technical corrections
3. Identify technical issues changes on pages not recommended for deliberation at a future hearing on Natural Systems and Agriculture topics
4. Continue the public hearing to Monday, March 12, 2007 at 1:00 p.m.

Today's meeting is the third public hearing on the Draft Marin Countywide Plan (CWP) Update. This hearing will focus on the Baylands Corridor topic in the *Natural Systems and Agriculture* Element. Subsequent meetings will continue to progress through the document sequentially with four hearings scheduled for the *Natural Systems and Agriculture* Element. The dates and major topics of discussion include:

<u>Date</u>	<u>Topic</u>
March 12, 2007	Agricultural home sizes, Agricultural regulations, and Trails
March 19, 2007	Sea level rise, and remainder of Natural Systems and Agriculture Element

Following today's public hearing, it will be necessary to continue the public hearing to a specific date and time. In order to keep to the schedule to the extent possible, staff is recommending that each topic area be reviewed as follows:

1. Open time for public expression for items not on the day's agenda
2. Staff presentation and introduction of topics of discussion from previous hearing
3. Commission review and confirmation of tentative decisions
4. Public testimony (no more than three minutes per individual or 6 minutes per organization)
5. Close public testimony and conduct Commission deliberations
6. Conduct straw votes on staff recommendations. Straw votes are non binding and provide direction to staff to return with specific material to present for the Commission's final recommendation.

A tentative decision is requested from the Commission as each topic is addressed in order for staff to prepare for the finalization of the Commission's recommendation on the CWP and FEIR by July 23, 2007.

DISCUSSION

Technical Corrections

Technical corrections have been made to the Introduction section as well as the Natural Systems & Agriculture Element of the draft Countywide Plan, August 2005 version. The changes were identified by the Planning Commission and Community Development Agency staff. In general they address: grammatical or typographical errors, data corrections, text changes to improve consistency throughout the document, sentence clarification or simplification, and defining key terms. All changes have now been incorporated into a current version of the CWP and appear in track-changes mode as an attachment to the staff report. While these changes are not scheduled to be reviewed during the course of the public hearings, specific changes that warrant discussion may be called out by the Commission for discussion as time allows.

Overview – Baylands Corridor

The Baylands Corridor is discussed in the Biological Resources section of the Natural Systems and Agriculture Element. The County is currently divided into three environmental corridors. The Draft 2005 CWP update would establish a fourth corridor currently included in a portion of the City-Centered Corridor. In the Draft CWP, the Baylands Corridor extends along the shoreline of San Francisco Bay and San Pablo Bay (as depicted on Map 2-5, options 1,2, and 3). Portions of parcels 2 acres or less in size not subject to tidal action are not included in the Baylands Corridor (and would remain in the City Centered Corridor) unless the parcel is in public ownership and designated for open space purposes. Although the tidal portion of small parcels would be located in the Baylands Corridor, this would not subject them to additional county regulations above what is currently required in the Bayfront Conservation Zone. Furthermore, the draft Plan acknowledges that existing dredging operations may continue in developed areas such as Strawberry and Paradise Cay waterfront parcels.

The boundary line of the Baylands Corridor was also drawn utilizing the following principles:

1. Large parcels (over 2 acres in size, whether developed or undeveloped) which are publicly owned open space lands and partially or wholly in baylands are included in the Baylands Corridor. These include: Days Island, Deer Island Preserve, Rush Creek Open Space, China Camp State Park, Bothin Marsh, and Richardson Bay.
2. On the San Quentin State Prison and the San Rafael Rock Quarry sites, the Baylands Corridor generally extends 100 feet landward from the mean high tide consistent with the Bay Conservation and Development Commission jurisdiction boundary. On the quarry property, the Baylands Corridor follows the San Francisco Estuary Institute boundary where existing wetlands remain.
3. On small parcels (2 acres or smaller in size, whether developed or undeveloped) the Baylands Corridor includes only the area that is submerged or subject to inundation by tidal action.

Baylands are defined as areas between historic high and low tide elevations, form a complex ecosystem of aquatic and upland habitats. The baylands ecosystem in Marin forms a varied pattern of open water, tidal marshes and mudflats, rocky shoreline, seasonal wetlands, and adjacent uplands.

Baylands ecosystems vital to the health of San Pablo, San Francisco, and Tomales Bays have undergone tremendous change as historical tidal areas were diked for agricultural use, marshes filled and drained for development, and channels dredged and straightened for navigation. The baylands ecosystem consists of the baylands themselves, together with a buffer on the remaining undeveloped uplands and the open waters of the deep bay and channels. The remaining agricultural baylands, used primarily for dryland

farming and livestock grazing, support grassland cover and provide important winter habitat for shorebirds and waterfowl attracted to wet season ponding in fields.

Three options are presented in the Draft 2005 CWP Update (see Attachment 1 –Map 2-5, options 1, 2, and 3) with major differences between them related to the inclusion or exclusion of lands on the St. Vincent's and Silveira properties and the vicinity of Gness Field. Establishment of a Baylands Corridor would recognize the importance and environmental sensitivity of historic baylands and large, adjacent essential uplands would receive additional protection. Habitat restoration and enhancement efforts would also be encouraged. For parcels larger than two acres in size, proposed development would be subject to development setback standards for areas qualifying for protection under the SCA and WCA. Greater setback distances could be provided as necessary to ensure that hydrologically isolated features such as seasonal wetlands and freshwater marsh are adequately linked to permanently protected habitat. These additional development setbacks are intended to prevent fragmentation and preserve essential upland buffers in the Baylands Corridor. Policies and implementing programs for the Baylands Corridor would also serve to prioritize land for restoration and open space acquisition.

Goal **Bio-5** in the Draft 2005 CWP is to preserve and enhance the diversity of the baylands ecosystem, including tidal marshes and adjacent uplands, seasonal marshes and wetlands, rocky shorelines, lagoons, agricultural lands, and low-lying grass lands overlying historic marshlands. This is important because the loss of critical, sensitive biological resources is well documented and it is necessary to identify remaining sensitive resources and their habitats to protect them from the adverse impacts of development.

The Baylands policies in the Plan addressing the goal of Baylands conservation include:

- **BIO-5.1**, Protect the Baylands Corridor,
- **BIO-5.2**, Limit Development and Access,
- **BIO-5.3**, Leave Tidelands in Their Natural State,
- **BIO-5.4**, Restore Marshlands,
- **BIO-5.5**, Protect Freshwater Habitats
- **BIO-5.6**, Use Flood Basins for Seasonal Habitat,
- **BIO-5.7**, Limit Access to Wetlands
- **BIO-5.8**, Control Shoreline modification,
- **BIO-5.9**, Allow Limited Agricultural Use
- **BIO-5.10**, Encourage Acquisition of Essential Baylands

The programs in the Plan to implement these policies include:

- **BIO-5.a**, Establish Criteria for Upland Setbacks in the Baylands Corridor
- **BIO-5.b**, Provide Landowner Education
- **BIO-5.c**, Update Development Code
- **BIO-5.d**, Enforce Tidelands Restrictions
- **BIO-5.e**, Enforce Diked Bay Marshlands Requirements
- **BIO-5.f**, Control Public Access
- **BIO-5.g**, Identify Baylands as a Priority for Open Space Acquisition
- **BIO-5.h**, Encourage Baylands Protection in Cities

Discussion of Major Baylands Corridor Issues

This section focuses on the discussion of major issues identified for the Baylands Corridor. Each issue will include a discussion about key concerns, impacts identified in the Environmental Impact Report, and staff recommendation(s). These issues are as follows:

Issue 1: How does the Baylands Corridor relate to the existing Bayfront Conservation Zone?

Discussion

As proposed the Baylands Corridor would become one of four environmental corridors that serve as fundamental building blocks of the Countywide Plan and thus provide heightened acknowledgement of the importance and environmental sensitivity of historic baylands. The draft Countywide Plan also includes goals, policies, programs, and maps pertaining to these Baylands to guide implementation. Implementation of the plan will be accomplished through updating the Bayfront Conservation Zone and modifications will be made to boundaries of the current Bayfront Conservation Zone where appropriate to provide for more consistent mapping criteria and to exclude non-tidal portions of small, privately-owned parcels from the Baylands Corridor. Implementation of the Plan will also occur through the discretionary review of proposed projects within the Bayfront Conservation Zone. The Draft 2005 CWP Update carries forward the existing Bayfront Conservation Zone policies with greater emphasis on the restoration and enhancement of large contiguous bayland areas. The Baylands Corridor encompasses most of the current Bayfront Conservation Zone along the entire shoreline of San Francisco Bay and San Pablo Bay, the Tidelands Subzone, the Diked Bay Marshland and Agricultural Subzone, and the Shoreline Subzone, as defined in the 1994 Countywide Plan. The existing Bayfront Conservation Zone would be modified where necessary to reflect this new corridor and related regulatory policies and programs. Establishment of a Baylands Corridor along Tomales Bay may be considered during the update of the Marin County Local Coastal Program.

Program **BIO-5.c** requires the Development Code to be updated to redefine the Bayfront Conservation Zone to reflect the Baylands Corridor policies as well as including relevant aspects from the current Bayfront Conservation Zone. The updated Development Code shall identify criteria to be used in evaluating proposed development projects, and appropriate development restrictions necessary to protect sensitive biological and wetland resources.

Recommendation

Continue to propose the Baylands as a fourth corridor and that the Development Code will be updated to redefine the BFC.

ISSUE 2: Does the proposed Baylands Corridor preclude development?

Discussion

As stated above, the Baylands Corridor designation does not preclude development. It does, however, require (unless waived) more detailed assessment of the environmental constraints of a site and impacts caused by a proposal. Most of the existing Bayfront Conservation Zone policies have been retained, although it is important to note that wetland, flooding and view-corridor policies are separated from baylands and apply countywide. See Policy **BIO-2.1** – *Include Resource Preservation in Environmental Review*, as well as Programs **BIO-2a** - *Require Site Assessments*, and **BIO-2.b** – *Conduct Habitat Connectivity*,

Recommendation

Continue to propose the Baylands as a new corridor, using the Bayfront Conservation Zone as an implementing zone. If deemed necessary, provide additional clarification that the Baylands Corridor does not preclude development.

ISSUE 3: How does the Baylands Corridor (and 3 options) enhance wildlife habitat and movement opportunities?

Discussion

Numerous policies in the Natural Systems & Agriculture Element would serve to avoid or minimize adverse impacts to sensitive biological resources, and would require adequate mitigation of impacts during review of individual development applications. Policy **BIO-2.5** would require that important wildlife movement corridors be protected as a condition of discretionary permits, and Policy **BIO-2.4** would require protection of ecotones or natural transitions between habitat types. Policy **BIO-2.6** would restrict disturbance in sensitive habitat during the nesting season. Program **BIO-2.b** would provide for a comprehensive assessment of habitat fragmentation and connectivity loss, and would include recommendations for policies to protect essential habitat corridors and linkages, and to restore and improve opportunities for native plant and animal dispersal.

Options 1, 2 and 3 for treatment of the Baylands Corridor on the St. Vincent's and Silveira properties (see Exhibit 3.0-3) would provide varying opportunities to protect and enhance wildlife habitat on this approximately 1,230-acre site. Under Option 2, linkages could be provided between the mapped biological features on the properties, serving to maintain wildlife connectivity between the scattered seasonal wetlands, Miller Creek corridor, and oak woodlands, and possibly extending to the protected baylands to the east (see Exhibits 4.6-6 and 4.6-7).

However, the Baylands Corridor designation under Options 1 and 3 does not extend westward to U.S. 101, and Program **BIO-5.a**, which would call for essential linkages between important features such as seasonal wetlands, freshwater marsh, and roosting and nesting areas would not apply to any development application on this portion of the property.

Under Option 1, the western edge of the Baylands Corridor would extend approximately 300 feet landward from the edge of the historic bay marshlands based on mapping prepared by the San Francisco Estuary Institute (see Exhibit 4.6-7). The inclusion of the above referenced 300-foot distance is consistent with the minimum setback recommendations from tidelands contained in the *Baylands Ecosystem Habitat Goals* [1] report, and would provide additional protection for sensitive baylands.

Under Option 3 the railroad right-of-way would form the western edge of the Baylands Corridor, which under this option would not include the entire boundary of the historic bay marshlands or include the 300-foot buffer as recommended in the *Baylands Ecosystem Habitat Goals*. This option could limit the effectiveness of the proposed Baylands Corridor.

By extending the Baylands Corridor to U.S. 101 under Option 2, greater attention would be given to the interrelationship of the scattered biological and wetland features and how they contribute to the overall habitat values of the entire property and larger baylands ecosystem, as called for in Implementation **BIO-5a**, *Establish Criteria for Upland Setbacks in the Baylands Corridor*. Adoption of Option 2 would not

preclude additional development on the St. Vincent's and Silveira properties. Potential impacts to wildlife habitat and movement opportunities would depend on specific development plans. Impacts to wildlife will also be affected by the degree to which sensitive resources are avoided and buffered from possible direct and indirect impacts, both for the St. Vincent's and Silveira properties and other largely undeveloped sites in the County.

The other location where the boundary of the proposed Baylands Corridor varies is in the vicinity of Gness Field, where Options 1 and 2 in Exhibit 3.0-3 would extend westward to U.S. 101. Option 3 would end at the eastern edge of the airfield. The existing airport and related industrial uses would be encompassed within the Baylands Corridor under Options 1 and 2. This would allow for greater consideration of the importance of the remaining seasonal wetlands and other biological resources on the west side of the airport. This could also prevent these sensitive features from becoming further isolated from the extensive tidelands along the edge of San Pablo Bay. Option 3 would not provide for this additional consideration.

EIR Consideration

Impact 4.6-4 in Section 4.6 Biological Resources in the EIR (page 4.6-42) states that development and land use activities consistent with the Draft 2005 CWP Update would result in a reduction of existing natural habitat, contribute to habitat fragmentation, and result in obstruction of movement opportunities. Aspects of the applicable policies contained in Draft 2005 CWP Update would serve to partially address these impacts, but the conversion, fragmentation, and obstruction would be a significant impact.

The Environmental Impact Report (EIR) of the Draft 2005 CWP Update includes mitigation measures to reduce significant impacts of the Plan. The EIR recommends two mitigation measures to address the wildlife habitat and movement opportunities impacts. The proposed mitigation measures are as follows:

Mitigation Measure 4.6-4(a): Adopt Option 2 in Map 2-5a of the Draft 2005 CWP Update to provide for greater consideration of the remaining sensitive biological features on larger undeveloped properties including the St. Vincent's and Silveira properties and in the vicinity of Gness Field. By extending the boundary of the proposed Baylands Corridor on the St. Vincent's and Silveira properties to U.S. 101, additional emphasis would be given on providing essential linkages between the entire Miller Creek corridor, the scattered seasonal wetlands within the Miller Creek watershed, and the oak woodlands along Pacheco Ridge. The Baylands Corridor under Option 2 would also encompass the entire 300-foot distance landward of the historic bay marshlands on the St. Vincent's and Silveira properties recommended as a minimum setback distance from historic tidelands in the *Baylands Ecosystem Habitat Goals* report.

Mitigation Measure 4.6-4(b): In order to reduce impacts to wildlife habitat and movement opportunities, the County should obtain additional funding for Program **BIO-2.b** (*Conduct Habitat Connectivity Assessment*) and revise the timeframe of its implementation to the medium-term or sooner.

Recommendation

Adoption of CWP Option 2 and EIR Mitigation Measure 4.6-4(a) and (b), together with effective implementation of relevant programs, oversight by regulatory agencies responsible for enforcement of State and federal regulations addressing the protection and management of wildlife resources, and the proposed Baylands Corridor would partially mitigate potential adverse impacts to wildlife habitat and movement opportunities associated with the Draft 2005 CWP Update.

However, while the relevant policies and programs would serve to identify and protect important wildlife habitat, define necessary restrictions and standards for their preservation, and improve public

understanding of sensitive resources in Marin County, they collectively do not fully address or mitigate potential impacts of land uses and development and land use activities on existing natural habitat. Future development and land use activities could result in the conversion of existing habitat to urban and suburban uses, construction of new roadways and other infrastructure improvements, and the expansion of public trail and recreational facilities among other activities, all of which would still contribute to substantial adverse effects on wildlife habitat and movement opportunities in the county. Therefore, this would remain a significant unavoidable project and cumulative impact.

Staff recommends that CWP Option 2 and Mitigation Measure 4.6-4 as proposed in the EIR be considered in whole or in part in the Commission's recommendation to the Board of Supervisors. Alternately, while Option 1 is less protective of the surrounding environment it still provides environmental protections consistent with the 1995 San Francisco Estuary Institute (SFEI) study, is consistent with other CWP policies and has also been evaluated in the EIR. Furthermore, sensitive resources would continue to be evaluated and protected on a case by case basis under either Options 1 or 2.

Additional opportunities to review or modify this approach will occur at the public hearing addressing the St. Vincents and Silveira properties

ISSUE 4: Should the Baylands Corridor include small lots with existing development?

Discussion

Modifications have been made to the boundaries of the Bayfront Conservation Zone where appropriate to provide for more consistent mapping criteria and to exclude non-tidal portions of small, developed, privately-owned parcels from the Baylands Corridor. Non-tidal portions of small parcels were excluded because development of these parcels has typically resulted in greatly reduced biological value. However, small, privately owned lots often contain important tidelands and adjacent uplands utilized by listed species and more common wildlife, including parcels along the shoreline of Richardson Bay and along tidal sloughs such as Gallinas Creek. Often times, the tidelands and adjacent uplands on private lands provide important corridors and essential links between the open waters of the bay and permanently protected foraging and nesting areas. Implementing Program **BIO-5.b** from the CWP Update is intended to provide landowner education regarding the presence of nearby sensitive resources where minimum upland setback distances are not provided.

Recommendation

Continue to propose the Baylands Corridor as a fourth corridor but exclude the portion of small lots not subject to tidal action. Provide clarifying language that approval of the Baylands Corridor does not add additional County regulations on small properties 2 acres or less in size. The Development Code and the Bayfront Conservation Zone should be updated accordingly. Alternately, even if the tidal portions of these small parcels were removed from the Baylands Corridor, sensitive tidal resources would continue to be evaluated and protected on a case by case basis by a variety of federal, state, regional, and county agencies.

ISSUE 5: Since the adoption of the 1994 General Plan, what scientifically adequate data have been developed to justify replacing the Bayfront Conservation Zone with a Baylands Corridor?

Discussion

The San Francisco Estuary Institute line was established through a 1995 project called the San Francisco Bay Area Wetlands Ecosystem Goals Project, which used available scientific knowledge to identify the

types, amounts, and distribution of wetlands and related habitats needed to sustain diverse and healthy communities of fish and wildlife resources in the San Francisco Bay Area. The Report is intended to be a vision and guide for restoring and improving the baylands and adjacent habitats of the San Francisco Estuary. The geographic scope of the Goals Project included the portion of the San Francisco Bay-Delta estuary downstream of the Sacramento-San Joaquin Delta. Within this area, the Project designated four primary subregions: Suisun, North Bay, Central Bay, and South Bay. The final recommendations represent the culmination of more than three years of work by over 100 scientists, resource managers, and other participants of the San Francisco Bay Area Wetlands Ecosystem Goals Project. The *Baylands Ecosystem Habitat Goals* report produced in 1999 recommends that a minimum 300-foot wide setback be provided from tidelands on large undeveloped parcels to serve as a buffer between sensitive habitat and potential future development. The results of the recent SFEI report, *Ecological Connections between Baylands and Uplands: Examples from Marin County*, clearly shows that the uplands and baylands are intimately connected to each other, to other landscapes on the Bay Area, and to other regions by the natural movements of wildlife.

Recommendation

Continue to propose the Baylands as a fourth corridor and that the Development Code will be updated accordingly.

ISSUE6 : How does the proposed Baylands Corridor protect sensitive natural communities?

Discussion

Several policies and programs in the *Draft 2005 CWP Update* call for protection of sensitive resources, including sensitive natural communities. Policies in the *Draft 2005 CWP Update* would create a Baylands Corridor over baylands, serving to protect much of the important sensitive natural community types in the County, including coastal salt marsh, brackish water marsh, and associated seasonal wetlands. Creation of a Baylands Corridor is intended to inform interested parties earlier in the process of the importance and environmental sensitivity of historic baylands. Policy **BIO-5.1** would establish the protection of the Baylands Corridor through specified criteria based primarily on parcel size and proximity to mean high tide. Policy **BIO-5.2** would serve to limit development so that it does not encroach into sensitive resources and requires an environmental assessment where development is proposed within the Baylands Corridor. Other policies would require that tidelands be left in their natural state, that marshlands be restored, preservation of freshwater habitat, restrictions on access, and would encourage open space acquisition of larger parcels. Implementing programs would call for establishing criteria for upland setbacks, providing landowner education, updating the Development Code, enforcing Tidelands and Diked Bay Marshlands restrictions, controlling public access, and other provisions.

EIR Considerations

Impact 4.6-2 in Section 4.6 Biological Resources in the EIR (page 4.6-35) states that land uses and development consistent with the Draft 2005 CWP Update could result in loss of sensitive natural communities. This is a significant impact.

The EIR includes mitigation measures to reduce significant impacts of the Plan. The EIR recommends the prioritized funding and timeframe for Policy **BIO-1.b** in the Draft 2005 CWP Update in the Biological Resources section to address potential impacts to sensitive natural communities, which includes those found in Baylands. The resulting mitigation measure is as follows:

If funded, **Mitigation Measure 4.6-2** would reduce the impact to sensitive natural communities to a less-than-significant level, by implementation of Program **BIO-1.b** (Develop Habitat Monitoring Programs).

Recommendation

Implementation of Mitigation Measure 4.6-2 would be dependent upon adequate funding to develop Habitat Monitoring Programs. Together with effective implementation of relevant programs and oversight by regulatory agencies entrusted with enforcement of state and federal regulations addressing the protection and management of sensitive natural communities associated with the Draft 2005 CWP update to a less-than-significant level and the project's contribution to cumulative impacts would be less than cumulatively considerable. Staff recommends adoption of the Mitigation Measure 4.6-2.

ISSUE 7: Why doesn't Baylands Corridor Option 2 include all of the Corda and other properties that may contain uplands?

Discussion

As shown in Map 2-5a and described under Baylands Option 2 on page 2-39 of the CWP Update, Option 2 does extend over the entire vicinity of Gness Field to Highway 101. Portions of the Corda property are located in the Inland Rural Corridor and currently zoned A-60 and a portion of this property is located within lands identified as historic Baylands currently within the City Centered Corridor and proposed in the draft Countywide Plan to be within the Baylands Corridor.

The Inland Rural Corridor includes a belt of inland valleys and upland meadows, where farms, ranches, rural villages, and water reserves are located. It is primarily designated for agriculture and compatible uses and for preservation of small communities with the prevailing residential density of one unit per 60 acres. As part of the Inland Rural Corridor, the Corda property is designated by the draft Countywide Plan as an Agriculture 1 Land Use Category. In the A-60 Zoning District that implements this land use category, the Development Code requires that non-agricultural development be clustered to retain the maximum amount of land in agricultural production or available for future agricultural use. Homes, roads, residential support facilities, and other non-agricultural development, are also required to be clustered on no more than five percent of the gross acreage, to the extent feasible, with the remaining acreage retained in agricultural production and/or open space. Since proposed development must be located close to existing roads, or not require new road construction or improvements resulting in significant vegetation, and degradation of the natural visual qualities of the site, biological resources are more substantially protected than in other zoning districts. Proposed development is also required to be sited to minimize impacts on scenic resources, wildlife habitat and streams, and adjacent agricultural operations in the A-60 district.

Since wildlife habitat is prioritized and extensive subdivision and development is unlikely to occur in the Agriculture 1 Land Use Category within the Inland Rural Corridor designations, potential impacts to upland habitat were considered minimal on the Corda property. The baylands portion of northern Novato is proposed to be included in the Baylands Corridor in all three options, and the surrounding properties are not adversely threatened due to strict land use designations. Therefore, the Baylands Corridor boundary in northern Novato as proposed in the Draft 2005 CWP (SFEI line plus 300 feet) is sufficient to address Baylands and uplands protection.

Recommendation

As noted above, the Baylands Corridor was not proposed on lands within the Inland Rural Corridor designated Agriculture as they already are subject to agricultural land use limitations and adequate environmental protections. Alternately, although not considered necessary by staff, placement of the entire Corda property within the Baylands Corridor would provide additional environmental assessment requirements included in the Bayfront Conservation Zone and still provide for continued agricultural uses.

ISSUE 8: How does global warming sea level rise affect recommendation for Baylands Corridor?

Discussion

The topic of climate change and sea-level rise has been included both in the draft Countywide Plan and in the DEIR. This topic is new to the general plan context in California, and currently, Marin's draft Countywide Plan has addressed the topic more thoroughly than any other general plan known in the State. Sea level rise will have multiple effects, not only on buildings and infrastructure, but also on local ecosystems. For example, there will be increased flooding of buildings, roads and other infrastructure, while wetlands will need room to migrate inland to continue providing ecosystem and flood protection functions.

Sea level rise is discussed in the 'key trends' portion of the Environmental Hazards and Atmosphere & Climate sections in the Plan. It is also addressed in specific policies and programs in three main subject areas: 1. Preparing for the hazardous impacts of sea-level rise, 2. Reducing our contributions to greenhouse gases (GHG), and 3. Adapting to sea-level rise.

Specific policies and programs to prepare for the hazardous impacts of sea level rise include: Monitor Environmental Change: Consider potential for sea-level rise (**EH 3-3**), Update Maps to show flood inundation hazards (**EH 3.b**), Restrict Development in Flood Prone Areas (**EH 3.e**), and Anticipate sea-level rise (**3.k**).

To reduce Marin's contribution to GHG emissions and the resulting sea level rise, policies include: Reduce GHG Emissions (**AIR-4.1**), and Foster Absorption of Greenhouse Gases (**AIR 4-2**). Implementing programs range from carbon reduction strategies like energy efficiency, renewable energy and waste reduction to carbon absorbing strategies like tree planting, and concentrating urban development to protect open space (**AIR 4.a-4.n**).

To adapt to climate change, policies and programs include **AIR 5.1**, Determine Marin-Specific Climate Change (**AIR 5.1**), Prepare Response Strategies for Impacts (**AIR 5.2**), Study the Effects of Climate Change (**AIR 5.b**), Prepare Response Strategies (**AIR-5.c**) and Conduct Public Outreach & Education (**AIR 5.g**).

The National Oceanic and Atmospheric Association (NOAA) has circulated some recommendations including updating maps and collaborating with regional and coastal agencies in developing best practices. Both of these recommendations are already in the draft Plan. A report released by the BCDC after the preparation of the Draft CWP and EIR includes policy recommendations to further address sea level rise, primarily constructing and/or raising levees, and adding fill to low-lying areas.

EH-3.j *Review and Inspect Dams.* Maintain permit authority over and continue to oversee construction of dams too small to be regulated by the State or federal government.

EH-3.k *Anticipate Sea Level Rise.* Work with the U.S. Geological Survey, the San Francisco Bay Conservation and Development Commission, and other monitoring agencies to track bay and ocean levels; utilize estimates for mean sea level rise to map potential areas subject to future inundation (including by updating information about watershed channel conditions and levee elevations) and amend the Development Code to incorporate construction standards or other applicable mitigation for any areas subject to increased flooding from a rise in sea level.

EH-3.1 *Limit Seawall Barriers* Limit repair, replacement, or construction of coastal sea walls and erosion barriers consistent with Local Coastal Program requirements, and as demonstrated to be necessary to protect persons and properties from rising sea level.

In addition, as the result of public input and concerns raised specifically regarding levee reconstruction in Santa Venetia, the following program was deleted from the 2005 Draft Plan. Program EG-3.1 *Seek Levee Assistance*. Pursue federal funding for levee reconstruction in the Santa Venetia area.

The policies contained in the CWP Update and the analysis in the EIR are based on existing conditions. Recent projections on anticipated sea level rise are unlikely to fully occur within the Countywide Plan horizon to 2030 which is the purview of this document. Recent information released by San Francisco Bay Conservation and Development Commission (BCDC) expands on the extensive policy discussion of sea level rise included in the draft Countywide Plan and EIR. This information projects possible future sea levels in the bay that could have implications on existing habitat over a 100 year time frame. The Intergovernmental Panel on Climate Change and the 2006 California Climate Action Team Report project that mean sea level will rise between 12 and 36 inches by the year 2100, which could have major implications on baylands habitat. As existing tidal elevations increase, a corresponding upward shift in the shoreline of the bay would occur and zonation characteristic of the existing tidelines would change. Depending upon the magnitude of an increase in sea level, mudflats currently exposed at low tides could be permanently covered by open water. Existing stands of coastal salt marsh, brackish water marsh, and associated seasonal wetlands could be inundated to depths that prevent the continued growth of emergent and marshland vegetation, and these areas could become mudflats. Marshland vegetation could only become established at higher elevations if currently undeveloped uplands remain available to allow for future colonization and spread. If buffers and setbacks from the existing shoreline are inadequate, insufficient land area will be available to accommodate a future increase in sea level that would allow for a natural shift in the location of mudflats, marshland, and critical upland buffer essential to the functioning of the baylands ecosystem. If development is allowed at or near the existing shoreline on the remaining larger undeveloped parcels, the future shoreline could become a narrow band of emergent vegetation with severely compromised habitat values due to limited cover, diversity, and size, and the proximity to human activity and disturbances. Much of the existing shoreline along Marin County has already been severely compromised, with just a narrow band of natural habitat remaining.

EIR Considerations

The EIR discusses sea level rise in Impact 4.5-7 Exposure of People or Structures to Flood Hazards in Section 4.5 Hydrology, Water Quality, and Flood Hazards. Impact 4.5-7 states “implementation of the Draft 2005 CWP Update could result in the development of residential or commercial structures in floodplains, and expose occupants and / or structures to flood hazards. Similar development could occur in shoreline areas and would be subject to flooding due to extreme high tides or coincident high tides and watershed flooding. Sea level rise associated with the warming of the earth’s atmosphere would exacerbate these risks.”

The following mitigations would reduce the exposure of people and structures to flooding to a less-than-significant impact and the project’s contribution to cumulative impacts would be less than cumulatively considerable:

Mitigation Measure 4.5-7 In order to reduce the exposure of people or structures to flood hazards to a less-than-significant level, the County would need to address issues related to channel stability, and sea level rise.

Mitigation Measure 4.5-7(a) Implement Mitigation Measures 4.5-3(b) of *Impact 4.5-3 Groundwater Recharge*, and 4.5-4(a) and 4.5-4(b) of *Impact 4.5-4 Drainage – On-Site and Downstream Erosion and Sedimentation* upon adoption of the *Draft 2005 CWP Update*.

Mitigation Measure 4.5-7(b) Obtain additional funding necessary to implement Program **AIR-5.c**. In addition, County staff would amend the Marin County Development Code to include construction standards for areas threatened by future sea level rise.

Mitigation Measure 4.5-7(c) Continue to implement County ordinances that regulate floodplain development to ensure that project related and cumulative impacts to flooding are minimized or avoided through conditions on project approval as required by the ordinances.

Recommendations:

1. Consider revising and reinstating language regarding maintenance and reconstructing levees in prior draft of plan for programs: EH-j, k and l as well as the previously deleted EH-l.
2. Consider removing sites from the Housing Overlay Designation in areas of potential inundation from sea level rise.
3. Consider adding the following new program to the Countywide Plan:

EH-3.(new). Plan for Sea Level Rise. Consider sea level rise in future countywide and community plan efforts. Consider revising Marin County Development Code standards for new construction and substantial remodels to limit building or require elevated buildings and infrastructure or other applicable mitigations in areas that may be threatened by future sea level rise as shown on maps released by the San Francisco Bay Conservation and Development Commission in February 2007.

4. In the future, consider adjusting the limits of the potential Baylands Corridors and associated setbacks from the historic bay marshlands on large parcels as mapped by the San Francisco Estuary Institute in Maps 2-5a from the CWP Update.

ISSUE 9: What is the Baylands Corridor potential effect on SMART?

Discussion

Approval of the Baylands Corridor is not intended to affect the SMART commuter rail project. The SMART project would be located on the existing Northwestern Pacific Railroad right-of-way. Any future modifications or expansion of this existing right-of-way would require detailed site assessment to ensure sensitive resources are identified and adequate mitigation is provided if disturbance is unavoidable.

Recommendation

No change. Although, clarifying language could be added as described in the discussion above.

Respectfully Submitted,

Alex Hinds
Agency Director

Kris Krasnove
Planner

Attachments:

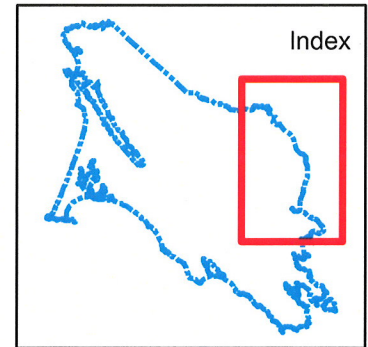
1. Countywide Plan Map 2-5(a and b), options 1, 2, and 3
2. Countywide Plan pages 2-35 – 2-40 (Goal BIO-5, policies and programs)
3. Letter from Joseph Walsh, dated February 13, 2007
4. Letter from Tirrell Graham, date February 20, 2007
5. Letter from Carl Duda, dated February 22, 2007
6. Letter from John and Catherine Yee, dated February 23, 2007
7. Letter from Sharon Bale, dated February 23, 2007
8. Technical Corrections for the Introduction and Natural Systems and Agriculture Element Elements

V:\CWP Update\BOS-PC\Staff Reports\PC 3-5-07\3.5.07 staff report v9.doc

MAP 2-5a (Option 1) BAYLANDS CORRIDOR

Legend

-  County Boundary
-  City Boundary
-  Highways and Major Roads
-  Baylands Corridor



SAN PABLO BAY

0 0.250.5 1 1.5 2 Miles

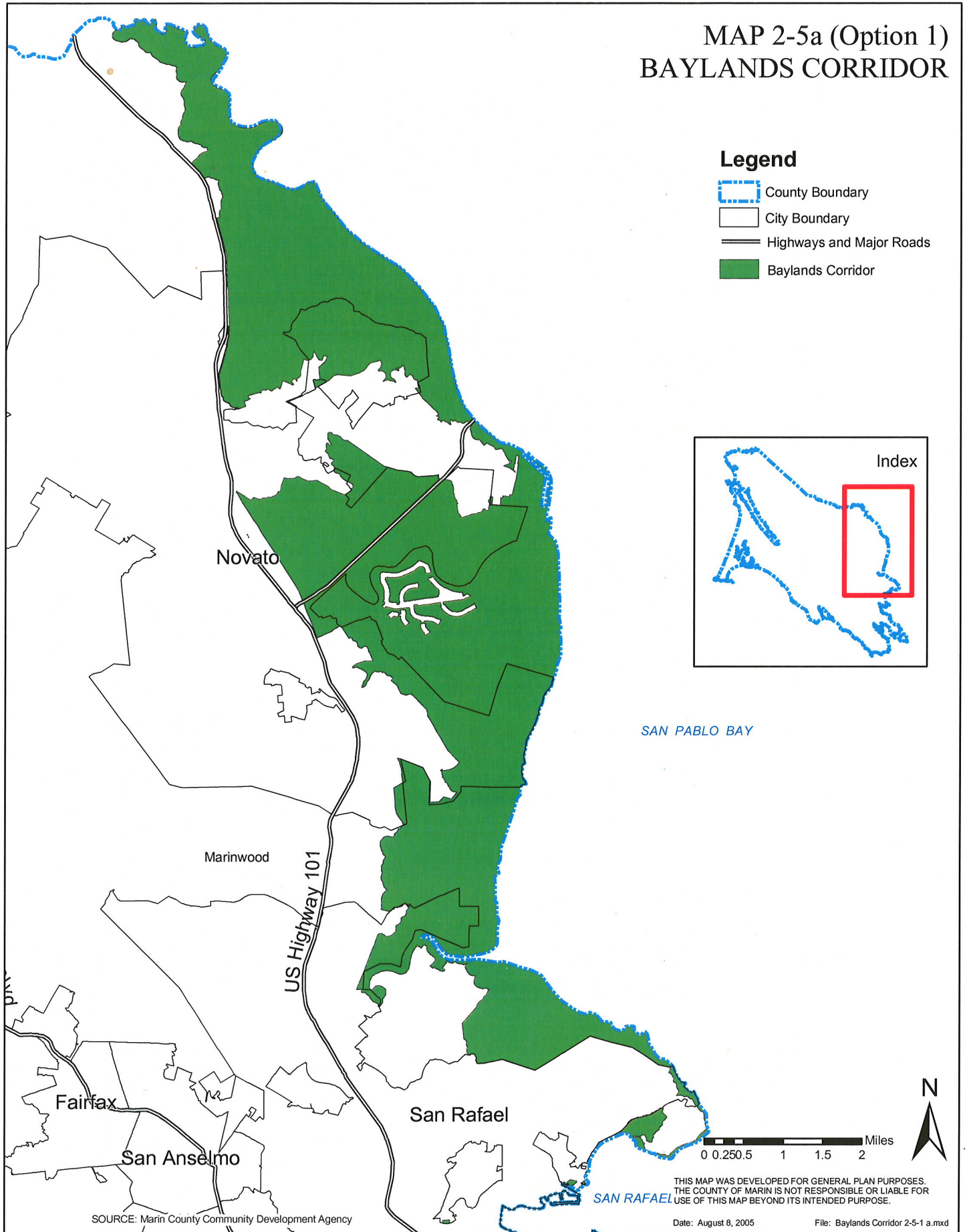


THIS MAP WAS DEVELOPED FOR GENERAL PLAN PURPOSES.
THE COUNTY OF MARIN IS NOT RESPONSIBLE OR LIABLE FOR
USE OF THIS MAP BEYOND ITS INTENDED PURPOSE.

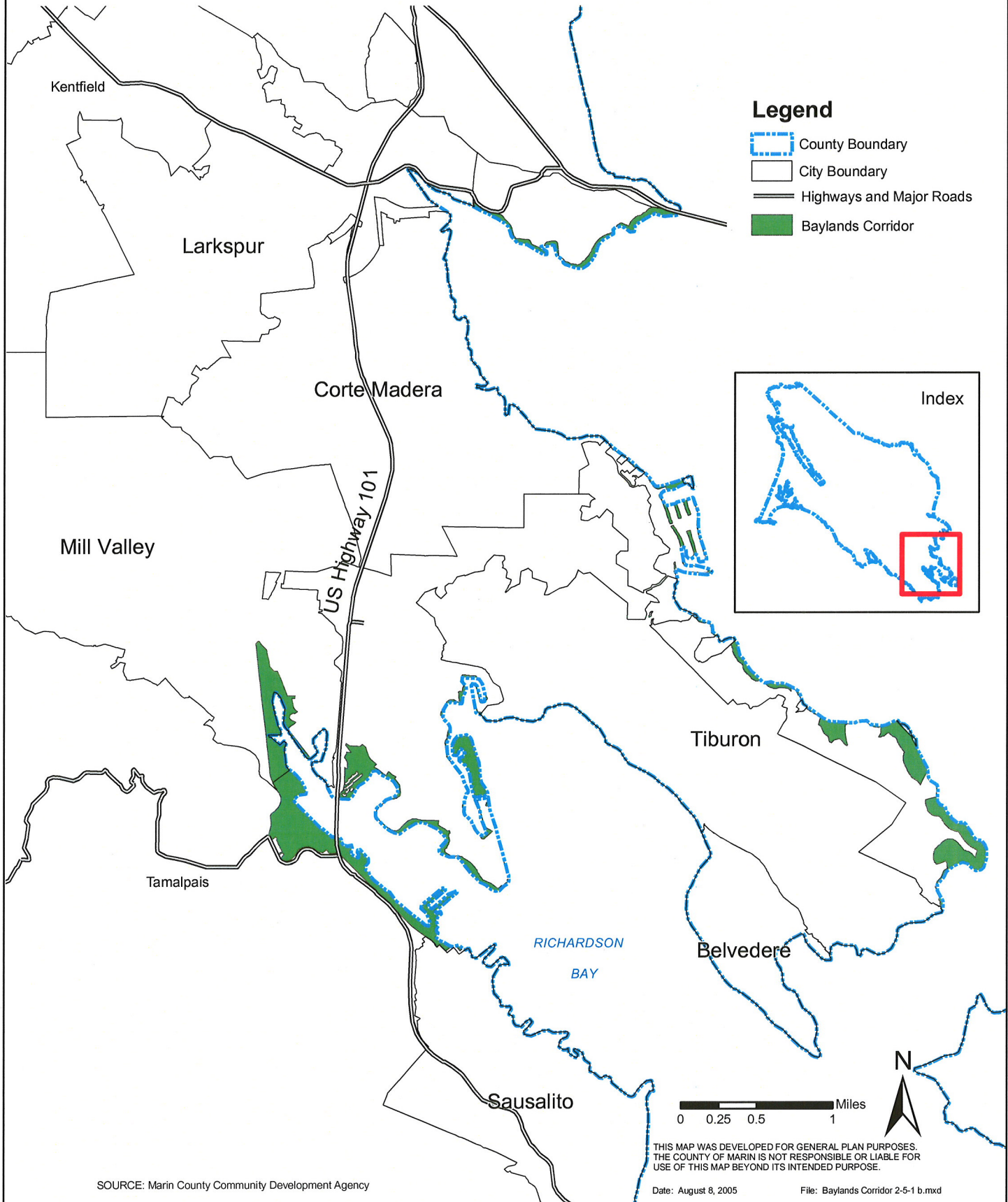
Date: August 8, 2005

File: Baylands Corridor 2-5-1 a.mxd

SOURCE: Marin County Community Development Agency



MAP 2-5b (Option 1) BAYLANDS CORRIDOR



SOURCE: Marin County Community Development Agency


THIS MAP WAS DEVELOPED FOR GENERAL PLAN PURPOSES.
THE COUNTY OF MARIN IS NOT RESPONSIBLE OR LIABLE FOR
USE OF THIS MAP BEYOND ITS INTENDED PURPOSE.

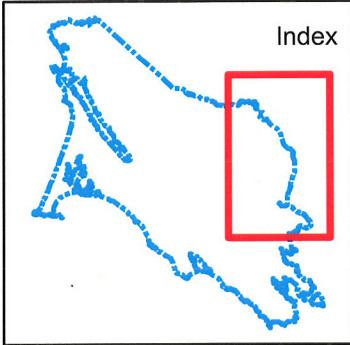
Date: August 8, 2005

File: Baylands Corridor 2-5-1 b.mxd

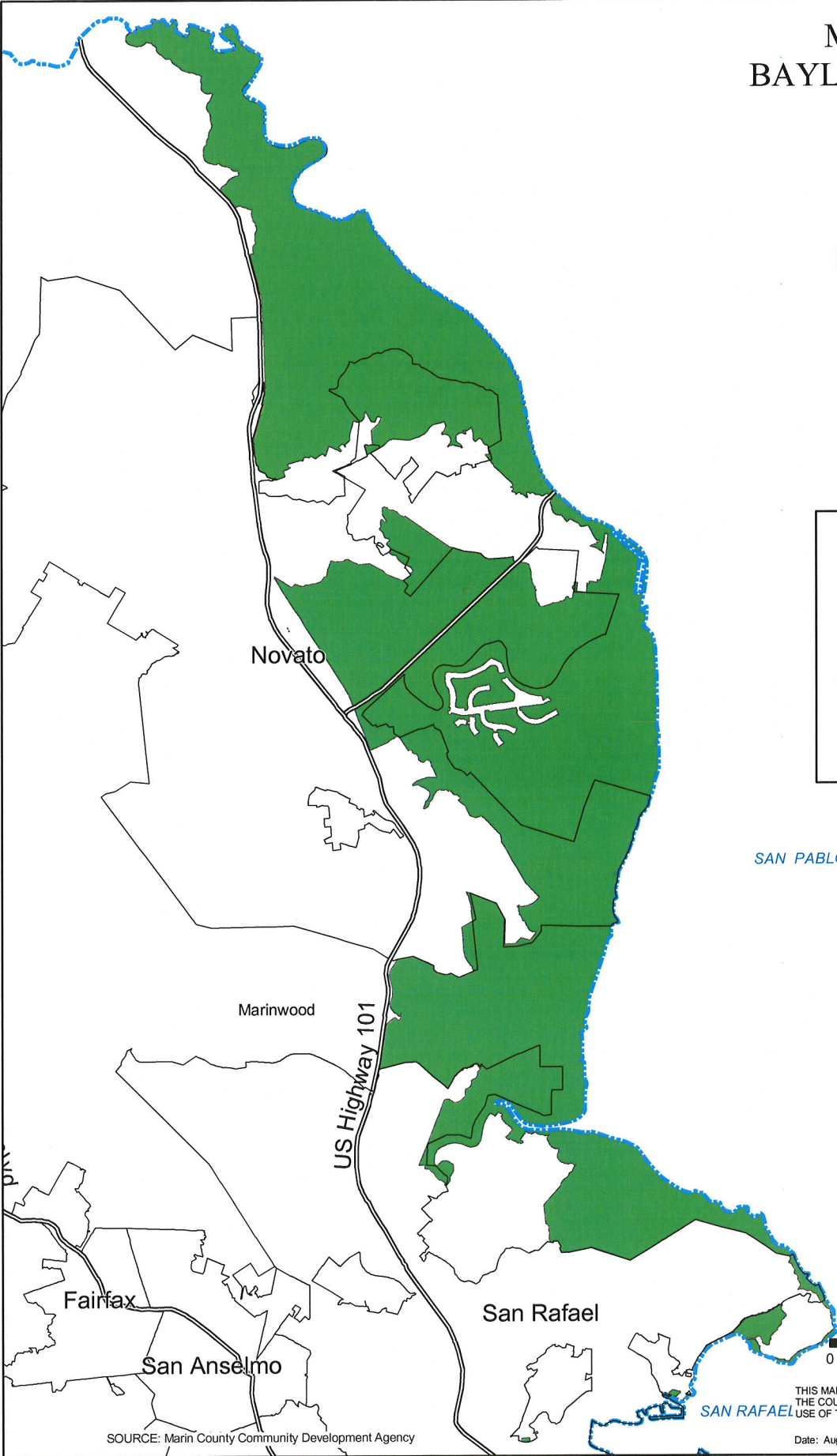
MAP 2-5a (Option 2) BAYLANDS CORRIDOR

Legend

-  County Boundary
-  City Boundary
-  Highways and Major Roads
-  Baylands Corridor



SAN PABLO BAY



SOURCE: Marin County Community Development Agency

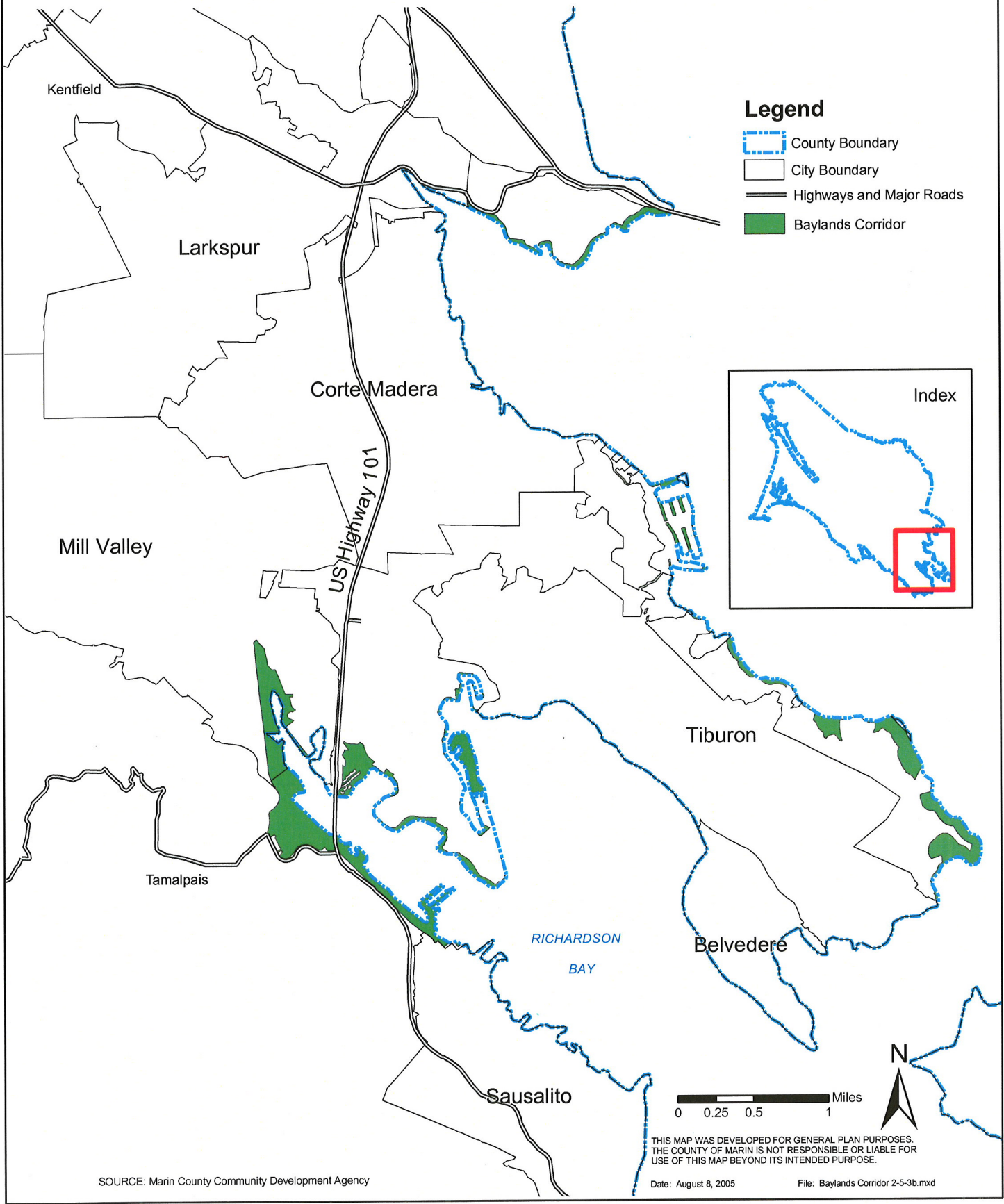
Date: August 8, 2005

File: Baylands Corridor 2-5-3a.mxd

THIS MAP WAS DEVELOPED FOR GENERAL PLAN PURPOSES.
THE COUNTY OF MARIN IS NOT RESPONSIBLE OR LIABLE FOR
USE OF THIS MAP BEYOND ITS INTENDED PURPOSE.

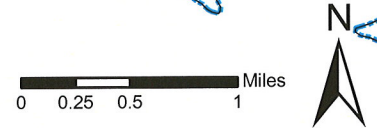
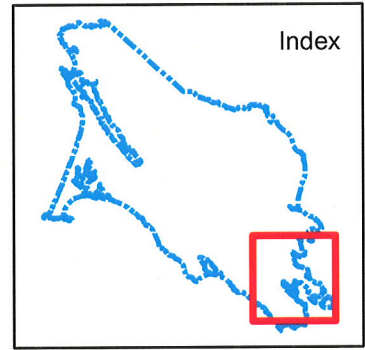


MAP 2-5b (Option 2) BAYLANDS CORRIDOR



Legend

- County Boundary
- City Boundary
- Highways and Major Roads
- Baylands Corridor



THIS MAP WAS DEVELOPED FOR GENERAL PLAN PURPOSES.
THE COUNTY OF MARIN IS NOT RESPONSIBLE OR LIABLE FOR
USE OF THIS MAP BEYOND ITS INTENDED PURPOSE.



SOURCE: Marin County Community Development Agency

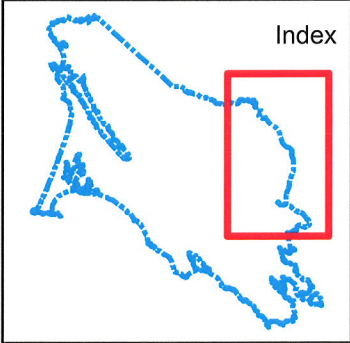
Date: August 8, 2005

File: Baylands Corridor 2-5-3b.mxd

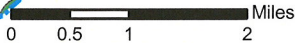
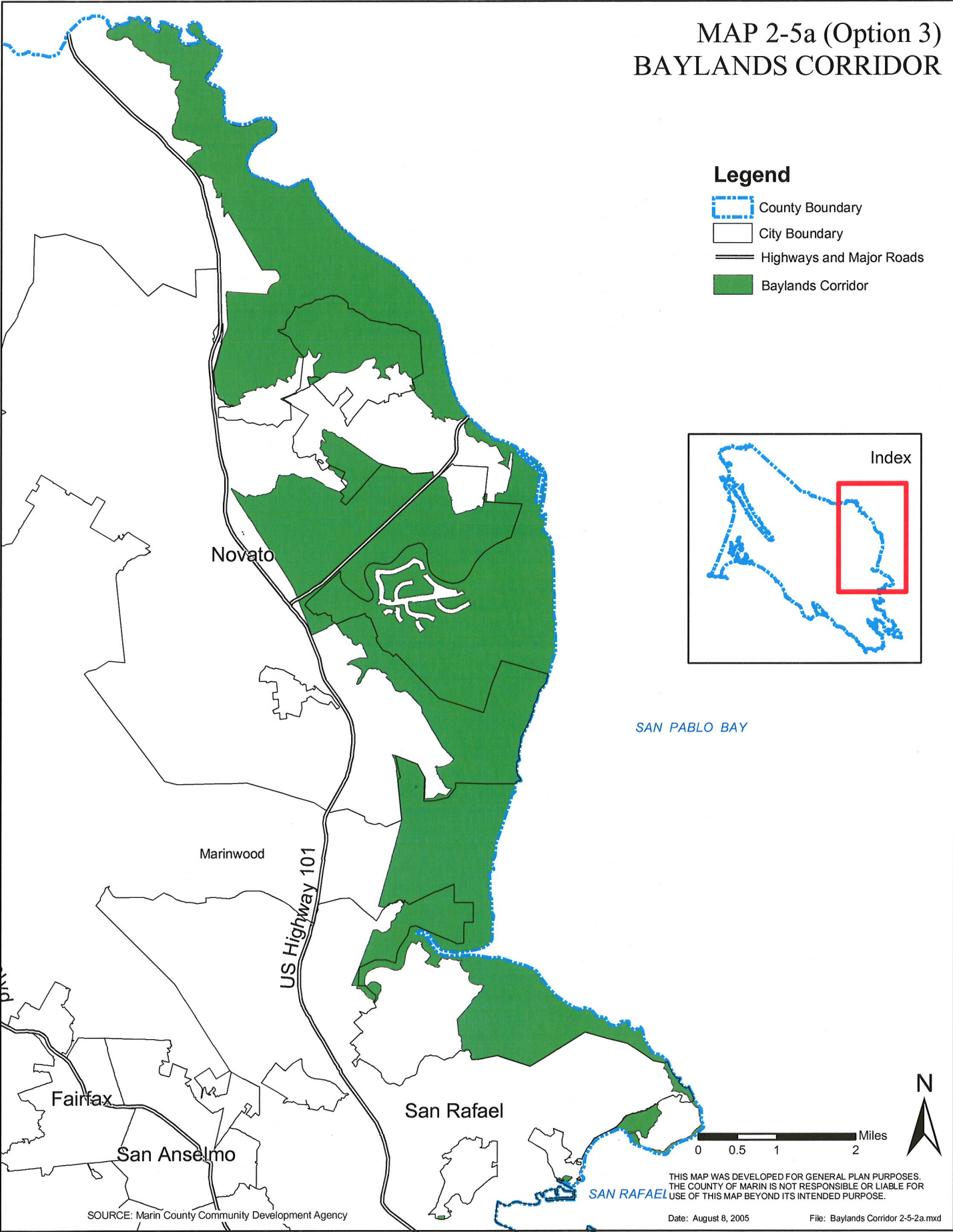
MAP 2-5a (Option 3) BAYLANDS CORRIDOR

Legend

-  County Boundary
-  City Boundary
-  Highways and Major Roads
-  Baylands Corridor



SAN PABLO BAY



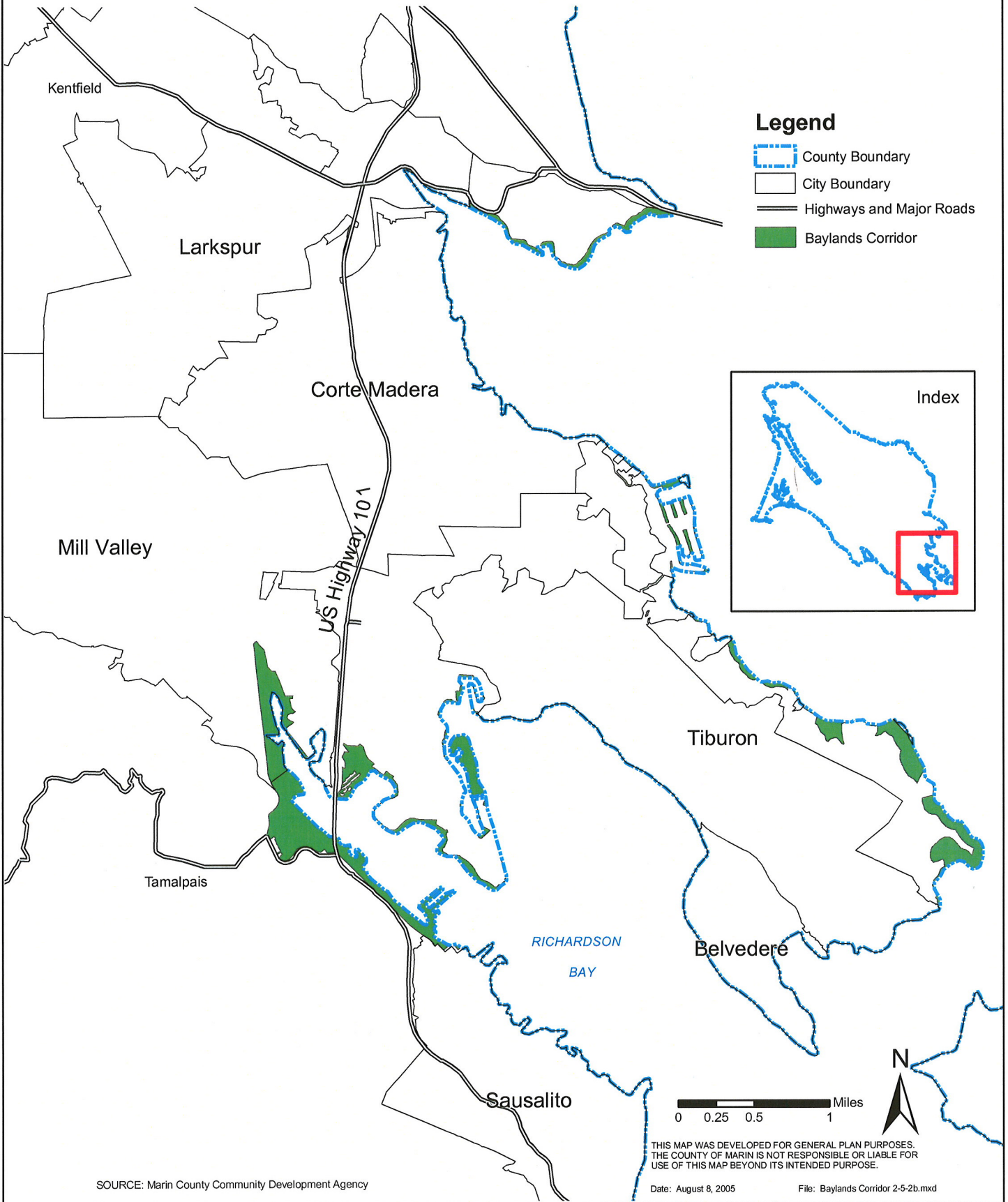
THIS MAP WAS DEVELOPED FOR GENERAL PLAN PURPOSES.
THE COUNTY OF MARIN IS NOT RESPONSIBLE OR LIABLE FOR
USE OF THIS MAP BEYOND ITS INTENDED PURPOSE.

SOURCE: Marin County Community Development Agency

Date: August 8, 2005

File: Baylands Corridor 2-5-2a.mxd

MAP 2-5b (Option 3) BAYLANDS CORRIDOR



SOURCE: Marin County Community Development Agency

THIS MAP WAS DEVELOPED FOR GENERAL PLAN PURPOSES.
THE COUNTY OF MARIN IS NOT RESPONSIBLE OR LIABLE FOR
USE OF THIS MAP BEYOND ITS INTENDED PURPOSE.

Date: August 8, 2005

File: Baylands Corridor 2-5-2b.mxd

Goal BIO-5 *Baylands Conservation and Enhancement*

Baylands Conservation. Preserve and enhance the diversity of the baylands ecosystem, including tidal marshes and adjacent uplands, seasonal marshes and wetlands, rocky shorelines, lagoons, agricultural lands, and low-lying grasslands overlying historical marshlands.

The **Baylands Corridor** extends along the shoreline of San Francisco Bay and San Pablo Bay (as depicted on Map 2-5*, Options 1, 2, and 3, and the Land Use Policy Map Set 3-37). Portions of small parcels not subject to tidal action are not included in the Baylands Corridor unless the parcel is in public ownership and designated for open space purposes.

For purposes of finalizing the map, the following options are provided:

BAYLANDS OPTION 1 (SFEI including setback)

Portions of large undeveloped parcels (over 2 acres in size, unless determined otherwise based on specific characteristics of the site), generally consisting of the area from 300 feet landward of the historic bay marshlands based on maps prepared by the San Francisco Estuary Institute. The inclusion of an additional 300-foot distance for large undeveloped parcels adjacent to baylands is consistent with the minimum setback recommendations from tidelands contained in the 1999 *Baylands Ecosystem Habitat Goals*. This portion of the Baylands Corridor serves to both recognize the heightened sensitivity of uplands adjacent to remaining tidelands and the opportunity to improve habitat values as part of future restoration of historic tidelands. The mapped Baylands Corridor does not extend west of Highway 101, or over developed lands on privately-owned parcels.

BAYLANDS OPTION 2 (to Highway 101 in Las Gallinas Planning Area)

Portions of large undeveloped parcels (over 2 acres in size, unless determined otherwise based on specific characteristics of the site), generally consisting of the area from 300 feet landward of the historic bay marshlands based on maps prepared by the San Francisco Estuary Institute, although in the Las Gallinas Planning Area the Corridor includes lands to Highway 101. The inclusion of an additional 300-foot distance for large undeveloped parcels adjacent to baylands is consistent with the minimum setback recommendations from tidelands contained in the 1999 *Baylands Ecosystem Habitat Goals*. This portion of the Baylands Corridor serves to both recognize the heightened sensitivity of uplands adjacent to remaining tidelands and the opportunity to improve habitat values as part of future restoration of historic tidelands. The mapped Baylands Corridor does not extend west of Highway 101, or over developed lands on privately-owned parcels.

BAYLANDS OPTION 3 (to the railroad in Las Gallinas Planning Area; Gness Field excluded)

Portions of large undeveloped parcels (over 2 acres in size, unless determined otherwise based on specific characteristics of the site), generally consisting of the area from 300 feet landward of the historic bay marshlands based on maps prepared by the San Francisco Estuary Institute, although in the Las Gallinas Planning Area the boundary follows the Northwestern Pacific Railroad. Gness Field and the lands between the airport and the railroad are excluded. The inclusion of an additional 300-foot distance for large undeveloped parcels adjacent to baylands is consistent with the minimum setback recommendations from tidelands contained in the 1999 *Baylands Ecosystem Habitat Goals*. This portion of the Baylands Corridor serves to both

* For illustrative purposes only; for actual location, see land use maps.

recognize the heightened sensitivity of uplands adjacent to remaining tidelands and the opportunity to improve habitat values as part of future restoration of historic tidelands. The mapped Baylands Corridor does not extend west of Highway 101, or over developed lands on privately-owned parcels.

The boundary line of the Baylands Corridor was also drawn utilizing the following principles:

1. Large parcels (over 2 acres in size, whether developed or undeveloped) which are publicly owned open space lands and partially or wholly in baylands are included in the Baylands Corridor. These include: Days Island, Deer Island Preserve, Rush Creek Open Space, China Camp State Park, Bothin Marsh, and Richardson Bay.
2. On the San Quentin State Prison and the San Rafael Rock Quarry sites, the Baylands Corridor generally extends 100 feet landward from the mean high tide consistent with the Bay Conservation and Development Commission jurisdiction boundary. On the quarry property, the Baylands Corridor follows the San Francisco Estuary Institute boundary where existing wetlands remain.
3. On small parcels (under 2 acres in size, whether developed or undeveloped) the Baylands Corridor includes only the area that is submerged or subject to inundation by tidal action.

Policies

BIO-5.1 Protect the Baylands Corridor. Ensure that baylands and large, adjacent essential uplands are protected and encourage enhancement efforts of baylands, including those in the Baylands Corridor. The following criteria shall be used to evaluate proposed development projects that may impact the Baylands Corridor:

- ◆ For large parcels (over 2 acres in size) adhere to development setback standards for areas qualifying for protection under the WCA and SCA, but increase setback distances as necessary to ensure that hydrologically isolated features such as seasonal wetlands and freshwater marsh are adequately linked to permanently protected habitat. These additional development setbacks shall serve to prevent fragmentation and preserve essential upland buffers in the Baylands Corridor.
- ◆ The Baylands Corridor and specified setbacks do not extend over non-tidal portions of smaller parcels (2 acres or less in size) which border or partially extend over tidelands. Where suitable habitat exists, up to ten feet landward of mean high tide should be preserved as a species refuge area for high water events. Site constraints, opportunities for avoidance of sensitive biological resources, and options for alternative mitigation will be considered in lieu of fixed setbacks on these properties.
- ◆ Minor redevelopment involving less than 25 percent of a structure on a residential or industrial parcel that is already filled and at least 50 percent developed may be exempted from the requirements for a site assessment provided no additional filling or modification to wetlands occurs. (See BIO-5.2.)

BIO-5.2 Limit Development and Access. Ensure that development does not encroach into sensitive vegetation and wildlife habitats, damage fisheries or aquatic habitats, limit

normal wildlife range, or create barriers that cut off access to food, water, or shelter for wildlife. Require an environmental assessment where development is proposed within the Baylands Corridor.

- BIO-5.3 Leave Tidelands in Their Natural State.** Require that all tidelands are left in their natural state to respect their biological importance to the estuarine ecosystem. Any modifications should be limited to habitat restoration or enhancement plans approved by regulatory agencies.
- BIO-5.4 Restore Marshlands.** Enhance wildlife and aquatic habitat value of diked bay marshlands, and encourage land uses that provide or protect wetland or wildlife habitat and do not require diking, filling, or dredging.
- BIO-5.5 Protect Freshwater Habitats.** Preserve and, where possible, expand habitats associated with freshwater streams, seasonal wetlands, and small former marshes to facilitate the circulation, distribution, and flow of fresh water and to enhance associated habitat values.
- BIO-5.6 Use Flood Basins for Seasonal Habitat.** Utilize natural or manage man-made flood basins to provide seasonal habitat for waterfowl and shorebirds, and prohibit development in these basins to protect habitat values.
- BIO-5.7 Limit Access to Wetlands.** Design public access to avoid or minimize disturbance to wetlands, necessary buffer areas, and associated important wildlife habitat while facilitating public use, enjoyment, and appreciation of bayfront lands.
- BIO-5.8 Control Shoreline Modification.** Ensure that any modifications to the shoreline do not result in a loss of biodiversity or opportunities for wildlife movement. Possible modifications may include construction of revetments, sea walls, and groins, as permitted by State and federal agencies.
- BIO-5.9 Allow Limited Agricultural Use.** Encourage only those agricultural uses that are compatible with protection of wetlands and other sensitive resources to remain in baylands. Conversion of non-agricultural lands to agriculture should occur only if wetlands or other sensitive biological resources would not be lost or adversely affected. Where possible, wetlands should be enhanced and restored as part of agricultural use or conversion.
- BIO-5.10 Encourage Acquisition of Essential Baylands.** Continue to acquire large, essential baylands for open space and habitat restoration purposes, and support public and private partnerships working to acquire baylands.

Why is this important?

An estimated 82 percent of the historic tidal marshlands along the edge of the San Francisco Bay-Delta Estuary have been filled or altered. The remaining baylands continue to be threatened by increasing human populations and associated pollution and disturbance to sensitive habitat; continued dredging, filling, and urban development; major water diversion projects; and other factors.

Environment: Adequate building setbacks and some restrictions on public access are needed to maintain the buffers that protect the sensitive habitat of the baylands.

Economy: As with all wetlands, maintaining and enhancing baylands protect the long-term health of the County, and its attractiveness as a desirable location for business and commerce. Protecting the natural water filtration and recharge functions of baylands reduces the costs of flood damage, water pollution, and habitat degradation.

Social Equity: Protecting and restoring baylands provide for improved human and wildlife habitat at the fringe of urban areas where population densities are highest and the need for open space and recreational opportunities are greatest.

How Will Results Be Achieved?

Implementing Programs

BIO-5.a *Establish Criteria for Upland Setbacks in the Baylands Corridor.* Establish criteria to be used in the review of individual development applications for determining an adequate setback distance in adjacent uplands to serve as a buffer zone between development and remaining or historic tidelands and wetlands. Setbacks should provide for at least the minimum distances necessary to avoid adverse effects of increased human activity and potential disturbance to sensitive biological resources, and to provide essential linkages between important features such as seasonal wetlands, freshwater marsh, and roosting and nesting areas.

BIO-5.b *Provide Landowner Education.* Landowner education will be provided regarding the sensitivity of baylands and adjacent upland buffer areas as part of the Natural Resource Information Program called for in Program BIO-1.c. An emphasis will be placed on educating owners of developed properties adjacent to baylands where minimum upland setback distances are not provided. Information on regulations protecting baylands should be available, together with general methods to minimize disturbance and improve habitat values. An updated list of regulatory agencies and their contact information should be maintained as part of the Natural Resource Information Program.

BIO-5.c *Update Development Code.* Update the Development Code redefining the Bayfront Conservation Zone to reflect Baylands Corridor policies as well as including relevant aspects from the current Bayfront Conservation Zone. The updated Development Code shall identify criteria to be used in evaluating proposed development projects, and appropriate development restrictions necessary to protect sensitive biological and wetland resources.

BIO-5.d *Enforce Tidelands Restrictions.* Ensure the Development Code prohibits diking, filling, or dredging in tidelands, unless the area is already developed and currently being dredged. Current dredging operations for maintenance purposes may continue subject to environmental review, if necessary. In some cases, exceptions may be made for areas that are isolated or limited in productivity. In tidal areas, only land uses that are water-dependent shall be permitted, as consistent with federal, State, and regional policy. These include, but are not limited to:

- ◆ ports
- ◆ water-dependent industry and utilities
- ◆ essential water conveyance
- ◆ wildlife refuge and habitat restoration
- ◆ water-oriented recreation

Exemptions may be granted for emergency or precautionary measures taken in the public interest, such as protection from flooding or other natural hazards. Removal of native vegetation shall be discouraged and secondary effects evaluated such as potential reduction in available surface water and water quality degradation due to non-point discharge. Alteration of hydrology should only be allowed when it can be demonstrated that the impact will be beneficial or insignificant.

BIO-5.e *Enforce Diked Bay Marshlands Requirements.* Ensure the updated Development Code allows only those land uses in diked bay marshlands that protect wetland or wildlife habitat and do not require diking, filling, or dredging, including:

- ◆ restoration to tidal status
- ◆ restoration to seasonal wetlands
- ◆ appropriate agricultural use
- ◆ flood basins
- ◆ wastewater reclamation areas
- ◆ maintenance and minor expansion of existing development located landward of existing dikes

Other uses that do not require diking, filling, or dredging may be allowed consistent with zoning if it can be demonstrated that impacts to baylands are minimized and adequately mitigated. Land uses that provide protection from flood or other natural hazards may be allowed if necessary to protect public health and safety. Existing dredging operations in developed areas may continue, subject to environmental review, if necessary. Priority shall be given to water-oriented uses, such as public access and low-intensity passive recreational and educational opportunities that include habitat protection and enhancement components.

BIO-5.f *Control Public Access.* Design public use areas to be clearly marked, to minimize possible conflicts between public and private uses, to provide continuous ten-foot-wide walkways from the nearest roads to the shoreline and along the shoreline, to be set back at least ten feet from any proposed structure, and to be buffered from wetlands. Restrict access to environmentally sensitive marshland and adjacent habitat, especially during spawning and nesting seasons.

BIO-5.g *Identify Baylands as a Priority for Open Space Acquisition.* Designate regionally significant baylands, including tidelands, diked marshlands, and adjacent uplands, as a priority for open space acquisition, particularly in areas known to support essential habitat for special-status species, wetlands, and important habitat linkages for wildlife (see policies and programs in the Open Space and Trails Sections of this Element).

BIO-5.h *Encourage Baylands Protection in Cities.* Work with the cities and towns of Corte Madera, Larkspur Mill Valley, Novato, San Rafael, Sausalito, and Tiburon to protect tidelands and remaining undeveloped, diked historic saltmarsh areas.

11/10/07

11

*Kristin
Dawson
Jammy
Rachal*

Comments to the Marin County Planning Commission – February 12, 2007

Good afternoon. My name is Joe Walsh. I have lived in unincorporated Marin County for more than 40 years. I am a housing advocate and belong to several housing groups but I'm here today representing only myself.

I have a few questions, but first a little background:

We have heard references several times today to the Three Corridor Policy for Marin County land use. This policy was created in the 1973 County Wide Plan to preserve farm lands, recreational lands and other "open space", by setting up A-60 zoning in the western and central corridors. Development was to be moved to the eastern or "City Centered" corridor adjacent to Highway 101.

I think we can all agree that this policy was and is highly successful.

Now the anti-housing elements want to cheat on that deal by restricting the Eastern Corridor with a Baylands Corridor and ignoring the St. Vincents/Silveira Task Force's recommendations. I spent 20 months on that task force, appointed by the County of Marin and the City of San Rafael, and we set the housing development parameters at a range of 500 to 1800 units, the two outer limits of which could only be adopted by finding substantial subsidies. On the high end, housing advocates would have to find financing to make the high percentage number development financially feasible. At the low end, housing opponents would be required to compensate the property owners and the public for losses of value and public amenities. The recommendations by the task force, which were signed by all the members of the Task Force, including the environmental representatives, were accepted by the County, do not seem to be anywhere in the draft CWP. What is the rationale explaining how the unit count for both the St. Vincents and Silveira properties was restricted to 500 units at the most?

What are the possible consequences of these actions?

The A-60 zoning was challenged by a developer in a case that went all the way to the California Supreme Court. The zoning was upheld by the court, specifically because of the agreement that was made in 1973 transferring development to the Eastern Corridor. Even if there were no challenge to the zoning, this land use policy, if adopted, will surely be challenged as a taking.

As a life-long environmentalist, I worry about what would happen to Marin if the A-60 zoning were overturned. As a taxpayer, I am concerned about the money that would be spent defending such an onerous policy.

Have you considered this danger? Will it be addressed in the County Wide Plan?

Joseph F. Walsh
P.O. Box 500
Lagunitas, CA 94938

- 1978 Founding member, San Geronimo Valley Senior Housing Association
Three time chairman. Built and operates 6 units of low cost senior housing.
- 1990 Founder and first chairman of the San Rafael Chamber of Commerce Affordable Housing Committee (now the Consortium for Workforce Housing, whose members include the County of Marin, all the cities of Marin, all the chambers of commerce and a host of businesses, large and small).
- 1992 Chairman of the Board of the San Rafael Chamber of Commerce, the first Chamber in the United States to emphasize the creation of Workforce Housing.
- 1996 - Present - Board Member (chair for five years) of EAH, a non-profit housing developer based in San Rafael. EAH owns and operates more than 6,000 units of low cost housing in California and Hawaii.
- 1999-2000 - Member of the St. Vincents/Silveira Task Force. Spent twenty months studying the environmental constraints and economic interests of all aspects of the two properties.
- 2002 – Present – Board member of the San Geronimo Valley Housing Association, formed to build affordable family housing in the Valley.
- 2003 - Present - Member of the Finance Committee of the Workforce Housing Trust, a non-profit set up to provide bridge funding for affordable housing projects in Marin. Members include the County of Marin, the Marin Community Foundation and many leading Marin County business.
- 2005 - Present – Member of the Marin Environmental/Housing Collaborative, a non-profit advocacy group promoting environmentally sensitive affordable housing and social justice.

SOUTHERN MARIN BAY ACCESS COALITION

P.O. Box 1186
Tiburon, CA 94920

2007 FEB 22 4 12:50

February 20, 2007
COMMUNITY MEETING

Marin County Planning Commission
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

RE: Countywide Plan

Dear Planning Commissioners:


I recently learned that you may not have received all of the correspondence regarding the Countywide Plan that we have sent to the Community Development Agency during the last three years. Because my neighbors and I have spent hundreds of hours writing letters and attending meetings, we want to ensure that you are fully aware of our views. I have included eight representative documents in reverse chronological order that summarize our key concerns:

- The recreational use, dredging and protection of our (i.e., Strawberry and Paradise Cay) waterfront is an important part of our communities' character and must be preserved.
- There is no incremental ecological value in including our small, developed, privately-owned, tidal properties in the Baylands Corridor. We are already part of the Bayfront Conservation Zone and are subject to the regulations of several agencies, including the Bay Conservation and Development Commission.
- Our opinions have been largely ignored. None of our residents were members of the Working Groups that created the Baylands Corridor. None of the major changes we requested in our letter of September 22, 2004, (i.e., exclusion from the Baylands Corridor or exemption from its unnecessary restrictions) were incorporated in the August 2005 CWP draft.

Strawberry and Paradise Cay's lack of representation contradicts the Plan's stated goals. The Introduction, page 1-1 states "*While the law establishes specific requirements for the contents of the general plan, within that framework each community has the latitude to design its own future. Through extensive public participation, individual residents and representatives of many organizations have contributed to the creation of this document.*" In fact, because we were not members of the Working Groups, we had no input to the first draft of the plan. And, although we subsequently participated in many meetings and wrote many letters, we were not successful in creating much in the second draft either. We have not designed our own future and are now faced once again with attempting to change a document etched in stone that is someone else's design. That design appears to be the 2001 National Wildlife Refuge proposal, repackaged with a new name, Baylands Corridor.

I recognize that you have read volumes of material regarding the Baylands Corridor. However, I hope you will be able to review the attached documents prior to the March 5 meeting. If you have any questions, please contact me (383-4773 or jyacht@comcast.net).

Sincerely,


Tirrell B. Graham
Director

THE HISTORY OF THE UNITED STATES

1776-1863

1776-1863

1776-1863

1776-1863

1776-1863

1776-1863

1776-1863

1776-1863

1776-1863

1776-1863

1776-1863

1776-1863

1776-1863

1776-1863

1776-1863

1776-1863

1776-1863

1776-1863

1776-1863

1776-1863

1776-1863

1776-1863

1776-1863

1776-1863

1776-1863

1776-1863

1776-1863

1776-1863

1776-1863

1776-1863

1776-1863

1776-1863

1776-1863

1776-1863

1776-1863

1776-1863

1776-1863

1776-1863

1776-1863

1776-1863

1776-1863

1776-1863

1776-1863

1776-1863

1776-1863

SOUTHERN MARIN BAY ACCESS COALITION

P.O. Box 1186
Tiburon, CA 94920

February 7, 2007

Mr. Tim Haddad
Marin County Community Development Agency – Planning Division
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

RE: Draft Environmental Impact Report

Dear Mr. Haddad:

We have reviewed the Draft Environmental Impact Report and have the following comments.

1. Inadequate Response to the Strawberry Recreation District Letter of September 20, 2005

The Strawberry Recreation District letter expressed concern that small, developed, tidal parcels were included in the Baylands Corridor. The DEIR supposedly addresses this concern by stating on Page 3 of Appendix 2-B (2) that “Section 4.6 Biological Resources will discuss the Baylands Corridor.” Section 4.6 does “discuss” the Baylands Corridor. However, the Impacts and Mitigations Section dwells on the alternatives for St. Vincent’s/Silveira properties. It does not specify the implications of or mitigations for small, developed, privately-owned, tidal properties.

2. Section 2.2 Summary of Impacts and Mitigation Measures – Biological Resources
Impacts 4.6-1 – 4.6-6; Pages 2.0-21 – 2.0-22

This section references the policies (BIO series) outlined in the draft Countywide Plan (CWP) in the Natural Systems and Agriculture Section. While these BIO policies may be appropriate for resource protection in undeveloped parcels, they are inappropriate for our small, developed waterfront lots. We have specified our objections to these policies being applied to our properties in detailed letters to the Community Development Agency during the last two years of hearings on the CWP, but no recognition or mitigation of those objections appears in the document.

3. Section 2.2 Summary of Impacts and Mitigation Measures - Community Character
Impact 4.12-2; Page 2.0-43

We support policy DES 1a that seeks to maintain “community character.” As we have mentioned in previous letters to the Community Development Agency, recreational use of our (Strawberry and Paradise Cay) waterfront properties is an important part of our “community character.” Therefore, any additional restrictions on our use, dredging, maintenance, or protection of our waterfront properties will adversely impact our communities’ character.

4. Section 2.5 Baylands Corridor an Area of Controversy

We agree with the statement on page 2.0-50 that the Baylands Corridor is an “area of controversy”. However, most of the emphasis seems to be on selecting one of the three

alternatives for the St. Vincent's /Silveira properties. No one has sufficiently reviewed the consequences for small tidal properties that are *unfairly included in all alternatives*. Proposing the same mitigations for all waterfront properties regardless of size or level of development only exacerbates the problem. These diverse properties cannot fairly be subjected to a broad-brush planning approach. This is a major inadequacy of both the DEIR and CWP that must be remedied before the CWP is finalized.

5. Section 2.6 Effects of No Significance

The listing of items requiring no further analysis on page 2.0-51 includes a statement in item 1 e that there is a less than significant impact that would "result in substantial alteration of the character or functioning of the community, or present or planned use of an area." As we mentioned above, given that no one has fully detailed the implications of Strawberry and Paradise Cay being in the Baylands Corridor, we fear a potential loss of dredging and bank protection rights or recreational water use that could significantly alter our communities. These impacts can be mitigated by exempting the tidal as well as the dry land portions of small developed waterfront parcels from the Baylands Corridor.

6. Section 2.7 Issues to Be Resolved; Section 3.0 Project Description Page 2.0-55; Page 3.0-1

Both these items state that decision makers need to make a determination as to the boundary of the Baylands Corridor. Although there are important implications in choosing among the three St. Vincent's/Silveira boundaries, it is important to remember that the small, developed waterfront properties are *unfairly included in all alternatives*. Therefore, there is another very important boundary decision to be made. Exclusion of small non-tidal portions is not sufficient; small developed tidal portions need to be excluded as well.

7. Section 3.3 Description of the Draft 2005 CWP Update – Framework

We are intrigued by the statement on page 3.0-8 that states "The Baylands Corridor would extend along the shoreline of San Francisco Bay and San Pablo Bay excluding only small privately owned parcels not subject to tidal action and *developed lands on privately owned parcels* (emphasis added)." We are hopeful that the intent of this language is to exclude any privately owned, developed tide lots from the additional restrictions of the Baylands Corridor. However, to our knowledge, this phrase does not appear in the 2005 Draft Countywide Plan.

Thank you for your attention. If you have any questions, please contact either of us at the addresses below.

Sincerely,

Tirrell B. Graham
Director
383-4773
jyacht@comcast.net

Robert T. Mott
Director
435-3952
robtmott@comcast.net

Robert T. Mott

From: "Robert T. Mott" <robtmott@comcast.net>
To: <kshine@co.marin.ca.us>; "Drumm-CDA, Kristin" <kdrumm@co.marin.ca.us>
Cc: "Mulligan, Penny" <p.mulligan@comcast.net>; "Graham, Terry" <jyacht@comcast.net>
Sent: Monday, February 12, 2007 5:52 PM
Attach: SMBAC Position on CWP_DEIR.pdf
Subject: Southern Marin Bay Access Coalition's position on the Bay Corridor

To: Marin County Planning Commission
Kristin Drumm, CDA

From: Robert Mott, Director, SMBAC

The attached document was prepared for the waterfront residents of Paradise Cay, Strawberry and neighboring small developed properties in southern Marin to explain some issues we have with certain provisions of the proposed Baylands Corridor in the CWP Update and its Draft EIR. At this afternoon's session of the Planning Commission's hearing on the CWP (Monday, Feb. 12) I presented a condensed version of the paper that focused on our objections to the policy of including the tidal portions of developed waterfront properties on small (i.e., two acres or less) parcels in the Baylands Corridor. Specifically, we disagree with the presumption of the CWP that the tidal portions of our lots contain significant biological values (notably marshlands and high water refuge areas) that either support the wildlife species that require such habitat or provide continuity for such species between adjacent undeveloped wetlands. The assumption is flawed because the ecological conditions that characterize the undeveloped tideland areas along San Pablo Bay are not to be found in the developed bayside communities.

Inclusion of the tidal portions of small developed waterfront parcels in the Baylands Corridor would not improve wetland conditions in the county. It would, however, add an unnecessary layer of government regulation and expense on a group of homeowners that is already heavily regulated. All we want to do is to be able to continue to maintain the physical integrity of the waterside portions of our lots, as we have been doing for decades under existing ordinances, codes and regulations. Please take these thoughts into account when you weigh up the benefits and burdens and fairness of the Plan Update. Exemption of all portions of small developed waterfront parcels from the Baylands Corridor would not detract from the public benefits of the CWP.

Thank you.

Robert Mott

**SOUTHERN MARIN BAY ACCESS COALITION
P.O. Box 1186, TIBURON, CA 94920**

**THE BAYLANDS CORRIDOR ISSUE IN THE DRAFT
COUNTYWIDE PLAN UPDATE AND DEIR**

**Introduction: The Baylands Corridor and What the
DEIR Says About Its Impacts**

The Baylands Corridor policy is all about biology – specifically the biological resources of Marin County's tidelands along San Pablo and San Francisco Bays. These resources, notably wetlands and adjacent upland areas, contain wildlife habitat with flora and fauna (some of which are listed as threatened or endangered species) that are at risk of degradation or destruction from residential, commercial, industrial or public service development.

Among the impact mitigation measures presented in the DEIR addressing biological resources, two have particular relevance to developed waterfront communities in the county:

- Impact 4.6-3 (*Wetlands and Other Waters*) states that if development and land use activities are consistent with the Draft 2005 CWP Update their impacts on wetlands would be less than significant and no further mitigation would be required.¹
- Impact 4.6-4 (*Wildlife Habitat and Movement Opportunities*) states that development and land use activities consistent with Draft 2005 CWP Update would result in a reduction of existing natural habitat, contribute to habitat fragmentation, and result in obstruction of wildlife movement opportunities.²

Baylands Corridor policies contained in the 2005 Draft Countywide Plan Update (the "CWP") would serve to partially address these impacts, notably the limitation of development on large portions of lands in the St. Vincent's/Silveira properties and in the vicinity of Gness Field in northern Marin. However, conversion, fragmentation and obstruction of habitats as a result of permissible development would still be a significant impact (the habitat "connectivity" issue). **Implicit in these measures is the presumption that all waterfront lands under County jurisdiction – not just the St. Vincent's/Silveira and Gness Field properties – have critical biological and wildlife habitat connectivity values and therefore merit more stringent restrictions on development and land use activities.**

As the Baylands Corridor policies are presently drafted in the CWP, the tidal portions of all unincorporated county lands would fall into the Corridor

and extend inland for varying distances. Unless development activities are carefully regulated in these lands, according to the Draft Environmental Impact Report (DEIR), significant adverse impacts on wetlands biological resources and wildlife habitats would occur. With adoption of the CWP (which requires prior certification of the finalized version of the EIR), land use ordinances and regulations would be instituted which would reduce the impacts of developments on unincorporated lands of Marin County to "less than significant" levels, and no further actions would need to be taken to protect environmental values.

Policies to preserve or enhance wetlands on large tracts of undeveloped shoreline lands can impose unanticipated burdens on developed waterfront communities like Paradise Cay and Strawberry. This is the key issue: policies that may be appropriate for large undeveloped tracts of shoreline lands are not equally applicable to small developed parcels in waterside communities. **By stating that adoption of the Baylands Corridor provisions of the CWP would reduce impacts of development in shoreline areas to "less than significant" levels the DEIR implies that the impacts of restrictions on small developed tidal parcels would also be "less than significant." This is wrong. We fundamentally disagree with this finding, and present below our arguments that the DEIR is inadequate in this respect, and that corrections to it and the underlying CWP are necessary to protect small developed parcels in unincorporated county lands.**

Analysis and Critique of the DEIR's Findings

There are two fundamental errors in the assumptions underlying Baylands Corridor policies: 1) that suitable marshlands or upland habitat areas uniformly occur on small (two acres or less), developed tidal parcels; and 2) that the developed waterfront parcels provide continuity between wetland areas adjacent to the developed areas.³ The Paradise Cay and Strawberry developments in particular, as well as numerous neighboring developed parcels, are not pristine areas. The developed parcels provide no corridors of salt or freshwater marshes or adjacent upland areas connecting to undeveloped tracts. There are no marshlands to provide habitat for such species as clapper rails and salt marsh harvest mice. There are no native wildlife refuge areas above the high water mark. Individual parcels have varied levels of

³These are science issues. "High biological values" of tidelands in the waterfront developments have been cited in hearings on the CWP as findings of the Community Development Agency's biology consultant to justify inclusion of the submerged and tidal portions of small developed waterfront parcels in the Baylands Corridor. No surveys of shoreline habitats or inventories of sensitive species specifically in the developed waterfront communities are cited in the DEIR or CWP or its reference materials, however, to support this contention.

¹ DEIR, p. 2.0-20.

² DEIR, p. 2.0-21

landscaping with non-native plants and bushes above the rip-rap. Household pets, feral cats, rats and raccoons frequent the banks. Boat traffic in and out of canals and marina areas is continuous during the daytime, and public use of fishing and shoreline park areas is popular. It is not a congenial environment for wildlife seeking sanctuary.

Development of these waterfront communities involved diking and filling, cutting and dredging of channels and revetment of side slopes with rip-rap or concrete bulkheads extending several feet above the high water line. Decks, bulkheads, piers, gangways and docks extend from waterside lots over and out into tidal waters. Maintenance dredging of channels and mooring areas, replacement of rip-rap, construction and repair of bulkheads, and maintenance of decks, piers, gangways and docks are ongoing property preservation activities that have gone on for decades, which the natural environment has long accommodated and adapted to.

Although the non-tidal portions of small (two acres or less in size), developed, privately-owned parcels are excluded from the Baylands Corridor,⁴ there are two conditional provisions in the CWP that appear to erode the exemption of dry-land areas of waterside parcels from the Baylands Corridor:

- "Where suitable habitat exists, up to ten feet landward of mean high tide should be preserved as a species refuge area for high water events."⁵
- "Minor redevelopment involving less than 25 percent of a structure on a residential or industrial parcel that is already filled and at least 50 percent developed may be exempted from the requirements for a site assessment provided no additional filling or modification to wetlands occurs."⁶

These conditions are unnecessary and inappropriate for the kinds of property comprising waterfront communities like Strawberry and Paradise Cay: single-family detached homes and townhouses on small waterside parcels in built-out neighborhoods. As indicated earlier, these developments' shoreline embankments are protected by rip-rap and concrete bulkheads topped by decks and landscaping; there are no marshes or uplands to provide refuge from high water events. Finally, the latter provision is unnecessarily restrictive on the scope and scale of what an owner of a small developed parcel in a built-out development can execute on his property. Remodeling projects often involve more than 25

⁴ DEIR, pp. 3.0-8; 4.6-29. CWP, p. 2-37.

⁵ CWP, pp. 2-37. A particular concern of property owners is what would be required to verify the existence or suitability of wildlife habitat when bank maintenance or backyard remodeling is necessary. A multi-thousand dollar environmental assessment?

⁶ CWP, p. 2-37

percent of the square footage of a house, and placing small developed waterside properties under this Baylands Corridor provision for purposes of wetlands protection creates a needless overlap and redundancy with the jurisdiction of the Bay Conservation and Development Commission.

Summary of Arguments Against Inclusion in the Baylands Corridor

We fundamentally disagree with the finding in the DEIR that, with the prescribed mitigations, the impacts of adopting the Baylands Corridor policies would be less than significant. This finding is inappropriate because it ignores significant adverse environmental effects on small developed waterfront properties that could result from adoption of Baylands Corridor policies, as they are currently drafted. These include potential damage to channels, side slopes and structures from wave and tidal action, and loss of access to water-related recreation opportunities. These damages could occur as a result of imposition of onerous and unnecessary permitting requirements on and, therefore, deferral of normal maintenance activities on existing shoreline structures, embankments and channels. Cumulatively, extended over scores of waterfront properties, the effects of deferred maintenance could lead to physical degradation of environmental resources and values. These environmental impacts would fall within the scope of the California Environmental Quality Act (CEQA), and therefore need to be addressed in the DEIR.

Inclusion of the tidal portions of Paradise Cay, Strawberry and similar communities of small, developed waterfront parcels in the Baylands Corridor makes no environmental sense. Inclusion of these tidal parcels adds no additional protection to, or enhancement of, the county's wetlands or wildlife refuges. Existing ordinances and permitting requirements provide adequate protection to shoreline environmental values in developed waterfront communities and neighborhoods.

All property maintenance, repair and improvement activities on small already-developed shoreline parcels should be categorically exempt from the Baylands Corridor. Correction of the relevant portions of the DEIR and the underlying County-wide Plan Update is indicated, and requests for specific changes in both the DEIR and the CWP have been provided to the Community Development Agency.

Robert T. Mott
Director
435-3952
robtmott@comcast.net

Tirrell B. Graham
Director
383-4773
jyacht@comcast.net

April 6, 2006

Mr. Alex Hinds
Director, Community Development Agency
3501 Civic Center Drive, #308
San Rafael, CA 94903

Subject: Suggested Modifications to the Draft of the August 2005 Marin Countywide Plan

Dear Alex:

As you recall, on January 6, 2006, you, I, Supervisor McGlashan, Michele Rodriguez, and several members from Strawberry and Paradise Cay met to discuss our opposition to our respective neighborhoods' inclusion in the Baylands Corridor. At that meeting, Supervisor McGlashan suggested three generic revisions to the draft of the August 2005 Marin Countywide Plan:

1. State in clear language that the Baylands Corridor creates no regulations different from what currently exists in the Bayfront Conservation Zone.
2. "Scrub out" any words that could be used as lawsuit "hooks" by persons wishing to curtail dredging or water recreation. Add words as appropriate.
3. Add language that recognizes the waterfront communities in District 3, including but not limited to Strawberry and Paradise Cay.

A fourth objective was stated: expanding efforts to streamline the dredging permit process by working with groups such as the Bay Planning Coalition. However, that is not within the scope of this letter.

Also, this letter focuses merely on our concerns about the Baylands Corridor. It does not address other issues affecting Strawberry (e.g., housing density, traffic, tree ordinance, etc.) We will reserve additional comment on those until the publication of the Environmental Impact Report.

Attached are several proposed modifications to the current version of the plan designed to achieve the three objectives listed above. As we discussed on January 6, the Strawberry Recreation District Board suggested several detailed modifications in its letter to the Planning Commission dated August 16, 2004. None of these were incorporated into the current draft. We anticipate that the following suggestions will meet with more success.

We appreciate your assistance. Please contact me if you need more information (415-383-4773).

Sincerely,

Tirrell B. Graham
Director, Strawberry Recreation District

cc: Supervisor Charles McGlashan
Commissioner Randy Greenberg
Michele Rodriguez
Robert Mott, Paradise Cay Homeowners Association

Suggested Revisions to August 2005 Countywide Plan
Baylands Corridor Provisions

Introduction

- Page 1-2. Add the following to the end of the last paragraph: *“Tidal portions of small, privately-owned parcels that were previously in the Bayfront Conservation Zone will be subject to no additional regulation as part of the Baylands Corridor. The Baylands Corridor creates nothing different from what exists under the Bayfront Conservation Zone.”*
- Page 1-14. A High-Quality Built Environment. Insert after “community character”: *“including coastal water recreational opportunities,”*

Natural Systems & Agriculture Element

- Page 2-13. Add after last sentence of first full paragraph ending in “Non-tidal portions of small, developed, privately-owned parcels have not been included in the Baylands Corridor.”: *“Tidal portions of small, privately-owned parcels that were previously in the Bayfront Conservation Zone will be subject to no additional regulation as part of the Baylands Corridor. The Baylands Corridor creates nothing different from what exists under the Bayfront Conservation Zone.”*
- Page 2-13. Add toward the end of second paragraph after “and to exclude non-tidal portions of small, developed, privately-owned parcels from the Baylands Corridor.”: *“Tidal portions of small, privately-owned parcels that were previously in the Bayfront Conservation Zone will be subject to no additional regulation as part of the Baylands Corridor.”*
- Page 2-23. Add to end of paragraph in BIO-2.1: *“Maintenance dredging permits undergo a thorough review by multiple agencies and are exempt from the additional site assessments and habitat connectivity specified below.”*
- Page 2-25. Add to end of setback exceptions 1: *“This includes small, developed, privately-owned, tidal waterfront properties in Strawberry and Paradise Cay.”*
- Page 2-27. BIO-3.a. Add after first sentence ending in “WCA policies.”: *“Such ordinance should state that Strawberry and Paradise Cay waterfront properties will be subject to no more restrictions as part of the Baylands Corridor than they were as part of the Bayfront Conservation Zone.”*
- Page 2-29. BIO-3.f. Add in middle of paragraph after “Baylands Corridors.”: *“Note that BIO-3.1 exempts Strawberry and Paradise Cay from this requirement.”*
- Page 2-31. Add to end of first bullet under “Coastal, Inland rural, and Baylands Corridors” ending in “as shown in Figure 2-24.”: *“Small, privately-owned waterfront parcels in Strawberry and Paradise Cay are exempt from this requirement.”*
- Page 2-31. Add to first bullet under “Allowable uses...” after “structures or improvements”: *“(including docks.)”*
- Page 2-31. Add a sixth bullet under “Allowable uses...” *“Recreational boating, fishing, and swimming in waterfront communities such as Strawberry and Paradise Cay.”*
- Page 2-39. Add to the end of the paragraph beginning “The Baylands Corridor”: *“Tidal portions of small, privately-owned parcels that were previously in the Bayfront Conservation Zone will be subject to no additional regulation as part of the Baylands Corridor.”*

- Page 2-40. Add to end of principle 3: *“The small, developed, privately-owned, tidal waterfront properties in Strawberry and Paradise Cay are exempt from any setback provisions. Also, Strawberry and Paradise Cay waterfront properties will be subject to no more restrictions as part of the Baylands Corridor than they were as part of the Bayfront Conservation Zone.”*
- Page 2-41. Add to end of paragraph beginning with “The Baylands Corridor”: *“The small, developed, privately-owned, tidal waterfront properties in Strawberry and Paradise Cay are exempt from any setback provisions. Also, Strawberry and Paradise Cay waterfront properties will be subject to no more restrictions as part of the Baylands Corridor than they were as part of the Bayfront Conservation Zone.”*
- Page 2-43. BIO-5.d. Insert in the second sentence after “Current dredging”: *“and bank protection”*. Add after “subject to environmental review, if necessary”: *“Being part of the Baylands Corridor (instead of the Bayfront Conservation Zone) will not impose additional requirements in obtaining maintenance dredging permits.”*
- Page 2-44. Add to fifth bullet at top of page “water-oriented recreation”: *“, including boats and docks”*

Built Environment Element

- Page 3-8. Add to end of paragraph beginning “The Baylands Corridor”: *“Tidal portions of small, privately-owned parcels that were previously in the Bayfront Conservation Zone will be subject to no additional regulation as part of the Baylands Corridor.”*
- Page 3-9. Insert in paragraph beginning “Implementation tools” after “the policies in the Plan.”: *“Nothing in this Plan will be construed to imply required rezoning of small, privately owned properties subject to tidal action in Strawberry or Paradise Cay.”*
- Page 3-13. Add to end of CD-1.b “Preserve Resources in the Baylands Corridor.”: *“Preserve and protect existing water recreational opportunities in Strawberry and Paradise Cay.”*
- Page 3-245. Add bullet under “Key Trends” *“The Strawberry and Paradise Cay Communities are water-oriented and have had boats, docks and dredged channels since the 1950s. Currently there are approximately 50 boat docks (including 1 public dock) in Strawberry and 115 docks in Paradise Cay. Members of the communities’ dredging districts (named Zone IV in Strawberry and County Service Area 29 in Paradise Cay) tax themselves to fund periodic maintenance dredging. The latest dredging in Strawberry began in 2005 and will be completed in 2006. Paradise Cay’s next maintenance dredging will occur in 2006.”*

Comments for EIR Scoping Session
October 26, 2005

Good Evening. I am Tirrell Graham, Chair of the Strawberry Recreation District. You should have in your possession a copy of our Board's letter dated September 20, 2005.

I would like to summarize two areas of concern for Strawberry.

First, we are concerned about the impact of adding 269 – 362 additional housing units in Strawberry, most likely at the Strawberry Shopping Center. The County needs to study the parking and traffic implications of this proposal. It would be naïve to assume that none of these individuals would have cars and would rely solely on public transportation. Also, the impact on basic services, such as water, fire, sanitation, and police protection, must be evaluated.

Our second major concern is Strawberry's continued inclusion in this newly created Baylands Corridor. We have been protesting our inclusion for the past two years, most recently at the September, 2004 joint meeting between the Planning Commission and the Board of Supervisors. At that meeting, in response to the tremendous public outcry from throughout Marin, several supervisors and planners spoke in favor of removing the small waterfront communities, such as Strawberry, Paradise Cay, Santa Venetia, and Bel Marin Keys, from this corridor. Subsequently, there was also considerable printed commentary in local newspapers that removal from the corridor was likely.

However, the revised draft (and the website www.future-marin.org) indicates that all of these small neighborhoods, including Strawberry, are still in it. In fact, several neighborhoods relied on the public comments about being excluded and have only recently learned that they are still in the Corridor. The revised plan indicates that the Corridor has evidently been shrunk down to the waterfront, presumably in response to public comments. However, this is no solution. It is the waterfront that is most affected and it was the waterfront residents that wrote letters and appeared at meetings. Inclusion of our waterfront in the Baylands Corridor is unnecessary and unacceptable.

When we obtain dredging permits, we must receive approval and permits from approximately nine agencies. We are also subject to BCDC regulation within 100 feet of the shoreline. We do not need or want another layer of regulation.

Further, the methodology of how the boundaries of the Corridor were drawn is unclear. In Strawberry, the boundary is irregular, with some lots largely in and others scarcely at all. At best, this is confusing. Of course, if our waterfront is removed from the corridor, this point is moot.

Some of my neighbors recently asked me, "if several supervisors and planning commissioners thought we should be removed from the Corridor, why are we still in it?" I have asked myself the same question many times during the last several months and still have no answer. Who is the driving force behind this Corridor? For the last two years, we have written letters and spoken to planning staff, planning commissioners and supervisors. Whom have we left out? We can only assume that there is an ulterior motive for creating this Corridor. If the County wishes to control development in northern Marin, it should do so directly, not create some pseudo-corridor to give the appearance of equanimity. Thank you.

September 20, 2005

Mr. Tim Haddad
Marin County Community Development Agency – Planning Division
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

RE: Notice of Preparation of an EIR for the Marin Countywide Plan Update

Dear Mr. Haddad:

At our September 14, 2005 Board Meeting, the Directors of the Strawberry Recreation District voted unanimously to reply to the Notice of Preparation. As the following comments indicate, we are very concerned that all of Strawberry's waterfront is still included in the Baylands Corridor. We are also very concerned about the traffic impact of additional housing being imposed upon Strawberry and have comments regarding the Richardson Bay Heliport.

Baylands Corridor

We strongly disagree with Item VI 1e in the Land Use and Planning Section (page 9) of the Notice of Preparation. In response to the question "Result in substantial alteration of the character or functioning of the community, or present or planned use of an area?" it states that there is a "Less Than Significant Impact." The NOP offers this rationale: "The Draft 2005 CWP would retain established community patterns. Further, the plan was developed with considerable public participation and adoption of the plan incorporates public input and acceptance through the public review process. Therefore, the adoption of this plan would not result in substantial alteration or conflict with the functioning of the community."

We strongly disagree. Although there was considerable public participation (for some of us, only *after* this new Baylands Corridor was conceived), participation certainly does not imply acceptance. Our residents attended hours of meetings and provided written and public comment. Yet, our waterfront, including privately owned tide lots with docks, is still included in this Corridor, the purpose of which is to "provide for increased protection of environmental characteristics."

We feel that the adoption of this plan has the potential to restrict our access to our channel and our dredging rights (already subject to rigorous environmental review by multiple agencies) and will result "in substantial alteration and conflict with the functioning" of the Strawberry Community. Therefore, the proper answer to this question, for Strawberry, is "Potentially Significant Unless Mitigated" and by "mitigated" we mean all Strawberry waterfront should be removed from the Baylands Corridor.

Strawberry's inclusion in the Baylands Corridor is also potentially impacted under Item 13a Aesthetics/Visual Resources (p. 23), so it should be reviewed for Strawberry. This section states "Substantially reduce, obstruct, or degrade a scenic vista open to the public..." and includes a rating of "Potentially Significant Unless Mitigated." We agree with this rating. The Strawberry Recreation

District owns a public dock on the dredged Strawberry Channel. Should inclusion in the Baylands Corridor preclude the Strawberry Community from dredging, the public will be denied its opportunity to launch and operate small boats.

At the September 28, 2004 joint meeting of the Planning Commissioners and Supervisors several Planners and Supervisors stated that developed waterfront communities, such as Strawberry, Paradise Cay, Bel Marin Keys, and Santa Venetia, should be excluded from the Baylands Corridor. One year later, it appears that these sentiments have either changed or have been ignored because the waterfront and docks in these neighborhoods *are still in the Corridor*. Who is listening to us or, more to the point, who is listening to us and correcting the problem?

Additional Housing Units

We agree with Item 2b in the Population and Housing Section (page 10) that the shifting of housing units could be "Potentially Significant Unless Mitigated." According to the Housing Overlay, Strawberry would be allocated a minimum of 169 additional units and an additional 100 – 193 units, depending upon the density option selected for the Silveira property. Strawberry already has traffic congestion and speeding problems so it is imperative that the EIR analyze the impact of this housing on Strawberry's northbound and southbound freeway exits and major roads including the Frontage Road, East Strawberry Drive, Belvedere Drive, Reed Boulevard, and Ricardo Road.

We also agree with Item 6a in the Transportation/Circulation Section (page 14) that the increase in vehicle trips or traffic congestion could be "Potentially Significant Unless Mitigated." This needs to be studied for Strawberry.

Regarding Item 6d in the Transportation/Circulation Section, Insufficient parking capacity on-site or off-site (page 15), we feel that the "Less Than Significant Impact" understates the problem. We feel that, for Strawberry, the correct response is "Potentially Significant Unless Mitigated." Any additional housing in Strawberry, including second units, should require sufficient off street parking.

In addition, there must also be sufficient infrastructure within Strawberry to support additional units (Item 11a – 11e Public Services and Item 12a – 12f Utilities and Service Systems).

Richardson Bay Heliport

Our Board finds the noise level of the Richardson Bay Heliport to be minimal. The draft of the Countywide Plan assumes use of this heliport at its current level. We wish to be notified if the use estimates are changed so we can comment on potential impacts.

We appreciate the tremendous effort you and your staff have put into this planning effort. Please contact me (383-4773) or jyacht@aol.com if you need additional information.

Sincerely,

Tirrell B. Graham
Chair

RICHARDSON BAY ACCESS COALITION

c/o Graham
P.O. Box 1186
Tiburon, CA 94920
September 22, 2004

Planning Commission
Marin County Civic Center
San Rafael, CA 94901

Dear Commissioners:

We oppose the inclusion of Strawberry's waterfront in the proposed Baylands Corridor as outlined in the draft of the Countywide Plan. You may recall that our coalition was very active in protesting our inclusion in the Marin Baylands National Wildlife Refuge in 2001. After months of attending meetings and writing letters to Federal agencies, as of March, 2002, we were successful, based on information contained in the *Proposed Marin Baylands National Wildlife Refuge Planning Update 3*, in removing the Strawberry Channel and bordering lands and the waterfront lands on Greenwood Beach Road from *any* of the four Refuge alternatives. Now, several years later, it appears that all that history has been forgotten and we find that we must once again protect our property rights and waterfront access.

We agree with several points raised by the Directors of the Strawberry Recreation District in their letter, dated August 19, 2004, to members of the Planning Commission. These are repeated below.

There are three critical waterfront issues that need to be addressed:

- Strawberry's lack of representation in the drafting of the 2004 Countywide Plan
- Negligible incremental value of creating a new environmental designation, "Baylands Corridor"
- The inappropriateness of including Strawberry in the proposed "Baylands Corridor"

These will be discussed in greater detail below. Also, attached to this letter is a list of specific additions or modifications we feel should be made to the Countywide Plan.

Strawberry's Lack of Representation

Although there are 57 total members divided among the four Working Groups, none of them are from Strawberry. There are no current or former Recreation District Board members, no current or former Design Review Board members, no Richardson Bay Access Coalition members and no Strawberry "community activists" who have spoken out on various issues affecting Strawberry.

Interestingly, several individuals who gave public testimony at the December 5, 2000 and/or July 17, 2001 Board of Supervisor meetings in favor of the proposed Wildlife Refuge are members of

the Working Groups. One of these, Charles McGlashan, is a member of two Working Groups. Another speaker in favor of the Wildlife Refuge, Don Dickenson, is now a Marin County Planning Commissioner. None of the many speakers against the Wildlife Refuge from any neighborhood (e.g., Strawberry, Bel Marin Keys, Santa Venetia) are members of the Working Groups. Neither Planning staff nor Supervisor Rose's staff are able to say how Working Group members were selected.

Strawberry's lack of representation contradicts the Plan's stated goals. In the Introduction, page 1-1 is the statement "*While the law establishes specific requirements for the contents of the general plan, within that framework each community has the latitude to design its own future. Through extensive public participation, individual residents and representatives of many organizations have contributed to the creation of this document.*" In fact, Strawberry has had little or no initial input to this document. Strawberry has not designed its own future and is now faced with attempting to change a document that is partially etched in stone.

Negligible Incremental Value of an Additional Environmental Corridor, the "Baylands Corridor"

The draft of the Countywide Plan creates a new environmental corridor, the "Baylands Corridor" in addition to the existing Bayfront Conservation Zone. This corridor bears a striking resemblance to the "Baylands Protection Corridor" contained in the document entitled *Community Marin 2003* prepared by the Marin Conservation League, Environmental Forum of Marin, Marin Audubon, and the Marin Sierra Club. Most Marin citizens did not have the opportunity to provide input to or comment on this document, which seems to have heavily influenced the current Countywide Plan.

Furthermore, there is no "value added" by this new designation. In fact, the Planning Commission minutes of May 3, 2004 reveal confusion among the Commissioners themselves as to the need for and purpose of a "Baylands Corridor." Comments made by Commissioners and staff at the Planning Commission hearing of May 3, subsequent Planning Commission hearings, and our Recreation District Board meeting with Alex Hinds and Michele Rodriguez on May 12 indicate that there is currently no consensus on where the geographic boundaries should be. Margaret Jones who represented the League of Women Voters at the March 30 Planning Commission Hearing said (according to the minutes) "*They believed the protection of Baylands habitat provided by the current plans Bayfront Conservation Zone has served the County well.*"

Inappropriateness of Including Strawberry in the proposed "Baylands Corridor"

Strawberry should not be included in the proposed "Baylands Corridor." The term "corridor" implies a continuous link from one geographic area to another. Strawberry's waterfront is basically self-contained. Moreover, most of its waterfront consists of small, fully developed, privately owned properties. The remainder is owned by the Strawberry Recreation District with a small portion (half of Strawberry Cove, Aramburu Island) owned by the County of Marin. As Director Graham mentioned in her letter of May 3, 2004 to Alex Hinds and Michele Rodriguez, pages 3-14 and 3-16 of the draft Countywide Plan state that "Baylands" are a priority for "open space acquisition and restoration," none of which is appropriate for relatively small, privately owned properties. Many other Strawberry residents have also written letters protesting Strawberry's inclusion. There is no large, undeveloped waterfront in Strawberry that would benefit from such a classification. The

Strawberry Recreation District already owns and maintains two waterfront parks plus numerous waterside paths.

The proposed "Baylands Corridor" bears a striking resemblance to the wildlife refuge corridor proposed by the Department of Fish and Wildlife to the Board of Supervisors in November, 2000. Many of our residents vigorously protested by voicing their opinions at meetings, writing letters, and forming the Richardson Bay Access Coalition. This new classification appears to be a prequel to another overture by the Federal government.

On April 16, 2004 the Planning Commissioners visited several areas proposed for inclusion in the Baylands Corridor. However, the closest area to Strawberry that they visited was the Richardson Bay Helipad.

The RBAC is very concerned that a relatively small group of citizens is attempting to superimpose its wishes on the Strawberry waterfront community. Much of our Strawberry waterfront was developed, with both houses and docks, in the 1950s. Several years ago waterfront property owners formed Zone IV, funded through property taxes, to pay for periodic maintenance dredging. Our waterfront access is extremely important to us and clearly affects both the enjoyment and value of our property. It is curious that we are included in a Baylands Corridor while newer communities in other areas, such as waterfront properties on West Shore Drive in Belvedere, are not.

We have heard comments from some Planning Commissioners and Planning Staff that the Bayfront Corridor is not "intended" for Southern Marin. If that is the case, Strawberry should be excluded. The debatable legitimacy of creating a Bayfront Corridor for properties north of Point San Pedro (e.g., Silveira Property) is not improved by adding Southern Marin properties that are entirely inappropriate. Such inclusion only exacerbates the appearance of favoring ideology over reasonableness.

Furthermore, Director Graham recently learned, only in response to her direct question at a Planning Commission hearing, that the Countywide Plan will supercede the Strawberry Community Plan. This is outrageous, given that no Strawberry citizens have helped shape the draft plan in any way.

Please contact us if you need more information. We would be happy to participate in a process that provides an appropriate plan for our wonderful, unique Strawberry community.

Sincerely,

RBAC Directors

Miriam Doody
388-7846

Cathy Dunlap
388-2068

Tirrell B. Graham
383-4773

Countywide Plan

List of Specific Changes/Additions:

- Page 2-10: The heading on page 2-10 should read “Baylands,” not “Baylands Corridor.” “Baylands” is a term that is parallel to the two previous discussion items, “Wetlands” and “Riparian Habitat,” whereas “Baylands Corridor” is a geographic designation. As mentioned above, Strawberry, with no waterfront open space, should not be included in the “Baylands Corridor,” given that the policies “*serve to prioritize land for restoration and open space acquisition.*” In fact, we question whether it is necessary anywhere in Marin. However, if the Commission decides to keep this terminology, then this section should state that the smaller shorefront areas, such as Strawberry, are included in the Bayfront Conservation Zone, while the larger shorefront areas, to be defined by the Commission, are also included in the “Baylands Corridor.”
- Map 2-5: Modify map 2-5 to exclude Strawberry from the “Baylands Corridor.” Also, this map needs to be larger. It is virtually impossible to understand the color shading for small areas such as Strawberry.
- Page 2-13, BIO-1.2: Acquire Habitat. This goal is inappropriate for Strawberry for all the reasons mentioned above.
- Pages 2-18 and 2-19, BIO 2-1, 2-2, 2.3, and 2.5. As previously mentioned, Strawberry’s shorefront is fully developed. There are approximately 48 docks, many of which date from the 1950s. These sections of the plan relate to various environmental assessments and permits. There should be a reference to the Richardson Bay Dock and Boat Study conducted by Greg R. Zitney of Zitney & Associates and adopted on October 31, 2000 by the Marin County Board of Supervisors. This study was requested by the Planning Commission and is designed to serve as an environmental impact report for all future Strawberry dock applications. There are approximately 7 remaining possible dock sites.
- Page 2-25. Establish Criteria for Buffer Zones. Because Strawberry’s waterfront is fully developed, we feel that we should be exempt from any buffer zone requirements. We are already subject to the requirements of BCDC and the Bayfront Conservation Zone.
- Page 2-36. Eliminate paragraph 1. It is unnecessary to have an overlap between the proposed “Baylands Corridor” and the existing Bayfront Conservation Zone.
- Page 2-90, OS-3.b, first bullet, “Richardson Bay.” Eliminate “Strawberry Cove” from the first sentence. The second sentence should read, “*The County has acquired half of Strawberry Cove; the other half is owned by the Strawberry Recreation District.*”
- Page 3-10, “Baylands Corridor.” As already mentioned, we feel this classification is unnecessary. At a minimum, the general description should be reworded to exclude Strawberry.
- Page 3-10, last paragraph. “*Countywide planning requires coordination with cities and regional agencies.*” Add “, *special districts (e.g., Strawberry Recreation District)*” after cities.
- Map 3-1. Remove Strawberry from the “Baylands Corridor.” Also, this map needs to be larger. It is impossible to tell how Strawberry is coded.
- Page 3-11, paragraph beginning “Implementation tools”. We take exception to the statement that “*Some of the policies and programs in the Countywide Plan will require rezoning of individual properties for them to be consistent with the land use designations*

and the policies in the plan.” We do not wish to have any of our properties rezoned which appears to be an inherent danger in being reclassified as part of the Baylands Corridor. As the latter part of this paragraph states, we instead wish to be guided by our current mechanisms, including our Strawberry Community Plan.

- Map 3-2b. Remove Strawberry from the “Baylands Corridor.” Also, this map needs to be larger. It is impossible to tell how Strawberry is coded.
- Figure 3-2. Create another column entitled “Bayfront Conservation Zone” or replace “Baylands Corridor” with “Bayfront Conservation Zone”
- Page 3-14, CD-1.b. Preserve Resources in the Baylands Corridor. Once again, Strawberry does not wish to be included in this corridor, nor do we wish “*to expand protection of sensitive resources.*” We are already covered by the “Bayfront Conservation Zone.” We have no baylands suitable for “*open space acquisition and restoration.*” Instead we propose item CD-1.f: “*Protect the Quality of Life in the Bayfront Conservation Zone. Work with local and state officials to preserve the small town character, community facilities, public parks, and recreational opportunities in Strawberry and other areas in the Bayfront Conservation Zone.* If maintaining community character and recreational opportunities is an appropriate goal for west Marin, it is an appropriate goal for Strawberry as well.
- Page 3-20, CD-4.1, Update Community Plans. To date, the draft Countywide Plan has been prepared with no input from Strawberry residents. It has been a “top down”, not a “bottom up” approach. To call the “Bayside Corridor” designation part of Strawberry’s Community Plan would be a misstatement.
- Map 3-19. Remove Strawberry from Tiburon’s sphere of influence.
- Add Map 3-36 to the Built Environment Element. This should be Figure 4 entitled “Land Uses & Geographic Features” contained in the Richardson Bay Dock and Boat Study. This map clearly shows the developed nature of the Strawberry shorefront, the channel cut through Strawberry Spit, and the boundaries of the Audubon Wildlife Sanctuary. A color copy was supplied to Alex Hinds in Director Graham’s letter of May 12, 2004.
- Add Map 3-37 to the Built Environment Element. This should be Figure 5 entitled “Existing and Potential Dock Sites” contained in the Richardson Bay Dock and Boat Study. This map clearly shows existing docks, the Strawberry Channel, the boundaries of the Audubon Wildlife Sanctuary, and the ownership of land and tidelands. A color copy was supplied to Alex Hinds in Director Graham’s letter of May 12, 2004.
- Page 3-231. Add the following bullet point to Key Trends. *The Strawberry Community has had boats, docks, and a channel since the 1950s. Currently, there are approximately 48 boat docks. In 1991, waterfront residents created Zone IV, a dredging district. Members of Zone IV tax themselves to periodically fund maintenance dredging.*
- Page 3-231. Add the following bullet point to Key Trends. *The Strawberry Recreation District owns and operates several recreational facilities including: main building including a gymnasium and meeting rooms, tennis courts, pool, baseball fields, waterfront parks, waterfront paths, and a public dock on the channel maintained by Zone IV.*
- Page 3-233. Add PA-6.3. *Maintain Strawberry’s Character. Proposed business establishments should have business hours, operating characteristics, and services or products consistent with a residential neighborhood.*
- Map 6.2.0 and Map 6.2.1. Both maps should show the channel that has been cut through the spit. Also the north section of the spit is County-owned open space.

Planning Commission Hearing July 6, 2004

Good Afternoon, Commissioners.

I am Tirrell Graham. I have lived in Marin County for over 35 years and at 235 East Strawberry Drive for more than 18 years. I am serving my 10th year and third term as an elected Director of the Strawberry Recreation District. I am also a co-founder of the Richardson Bay Access Coalition.

I am here today to summarize some of the concerns I have regarding how Strawberry is included in the current version of the Countywide Plan.

First, some background. I obtained my copy of the Countywide Plan in March and immediately noticed that much of Strawberry's privately owned shorefront was inappropriately classified as "Baylands Corridor." I and several of my neighbors met with Dan Dawson and Kristin Drumm to get additional information. Subsequently, several of us wrote letters expressing our concerns. You should have two letters from me sent to the attention of Alex Hinds in your files. The first, dated May 3, lists a series of questions and suggests specific additions and corrections. The second, dated May 12, supplied colored copies of the two maps that I had suggested be included in the plan in my May 3 letter. Also on May 12, Alex Hinds and Michelle Rodriguez attended our Recreation District Board meeting and spoke about the Countywide Plan and answered some of our questions. We appreciate the time they spent with us. I understand that our remaining questions will be answered by October. Hopefully, we will get the answers sooner than that.

Briefly, here are my major concerns, several of which were raised at the May 12 Strawberry Recreation District meeting that Alex Hinds attended. In the interest of time, I am omitting the minor concerns contained in my letter.

1. Are any Strawberry residents members of the Working Groups? If so, who are they, how were they selected, and to which groups are they assigned? None of the people I have talked to recognize any of the names.
2. A substantial part of Strawberry would be newly classified as "Baylands Corridor." This nomenclature is inappropriate. Most of Strawberry's waterfront is fully developed and privately owned. Many of us own two contiguous, taxable parcels: one dry land and one tide lot. These parcels are not suitable for "open space acquisition and restoration," which is one of the stated goals for the "Baylands Corridor." Alex Hinds stated at our May 12 meeting that the intent of the Countywide Plan for the "Baylands Corridor" was not to acquire developed land but was meant primarily for land north of Point San Pedro. As one of our Recreation District Board directors pointed out, such intent needs to be clearly stated.

Many of you probably remember the 2001 debacle in which our neighborhood waterfront was proposed for inclusion in the Wildlife Refuge. The initial approval by the Board of Supervisors was done without any notification to Strawberry waterfront property owners.

Only after our residents attended several meetings, wrote many letters, formed the Richardson Bay Access Coalition, and provided a waterfront tour for Federal staff were we able to remove the Strawberry shorefront from this plan. It is important that Strawberry be classified correctly so that we don't waste Supervisors', Commissioners', planning staff's and residents' time. It seems as if every few years we are writing the same letters.

3. Strawberry includes a maintenance dredging district, known as "Zone IV." Zone IV property owners tax themselves to maintain the viability of the Strawberry Channel. There should be a reference to Zone IV in the Countywide Plan. As one of our Recreation District Board members stated, all of Zone IV should be specifically removed from the Baylands Corridor. Furthermore, the maps I included in my letter of May 12 should be included in the Countywide Plan. One map clearly illustrates the developed nature of the Strawberry shorefront, the channel cut through Strawberry Spit, and the boundaries of the Audubon Wildlife Sanctuary. The other map shows existing and potential dock sites. These maps were a product of the *Richardson Bay Dock and Boat Study* written by Greg Zitney in October, 2000. The study was funded and adopted by the Board of Supervisors.
4. At our initial meeting with planning staff in March, we were told that the "Bayfront Corridor" classification for much of Strawberry might stem from Ordinance No. 2760, passed in 1983, that reclassifies parcels within the Bayfront Conservation District. No property owners were informed of this reclassification. Furthermore, no one has been able to explain the reason for the change.
5. It appears that Goal PA-6 on page 3-233 indicates that specified "land use policies" are only for unincorporated areas not subject to a community plan. What is the relationship of this Countywide Plan to our Strawberry Community Plan of 1973 and the amended plan of 1982? Which has priority?

Thank you for your attention. Strawberry is a unique community. We want to be sure that those making decisions and plans affecting it have complete information. If you need any more information, please let me know.

Sincerely,

Tirrell B. Graham

235 E. Strawberry Drive
Mill Valley, CA 94941
May 3, 2004

Mr. Alex Hinds, Director
Ms. Michelle Rodriguez, Planner
Marin County Community Development Agency
Civic Center
San Rafael, CA 94903

Subject: Marin County Community Plan

Dear Mr. Hinds and Ms. Rodriguez:

The following letter contains questions I would like answered about the Marin County Community Plan and some suggested additions/corrections to the Community Plan.

Questions

1. Are any Strawberry residents members of the Working Groups? If so, who are they, how were they selected, and to which groups are they assigned?
2. Please summarize the implications for Strawberry of the goals, outcomes, etc. in each of the major sections: Natural Systems, Built Environment, and Socioeconomic.
3. A substantial part of Strawberry is classified in the Countywide Plan as "Baylands Corridor." I question the appropriateness of this nomenclature because most of Strawberry's baylands are fully developed and privately owned. Pages 3-14 and 3-16 state that "Baylands" are a priority for "open space acquisition and restoration," none of which is appropriate for relatively small, privately owned properties. Please summarize the other implications for Strawberry's so-called "Baylands Corridor", as defined in this Plan, of the goals, outcomes, etc. in each of the major sections: Natural Systems, Built Environment, and Socioeconomic. *Note that we do not wish to encourage another ill-advised attempt to include our private property in a wildlife refuge such as that proposed by the Department of Fish and Wildlife and approved by the Board of Supervisors (with no notice to waterfront owners) in 2001. Only after our residents attended several meetings, wrote many letters, and formed the Richardson Bay Access Coalition, were we able to remove the Strawberry shoreline from this plan. See Item 3 below under Additions and Changes.*
4. Page 2-90, paragraph OS-3.b refers to "Strawberry Cove" as an area that should be acquired by County or city agencies for recreational use. There is occasionally a misunderstanding of cove names, locations, and ownership. Please indicate on a map the location and size of what the Countywide Plan considers to be "Strawberry Cove" so that we may comment on this statement.

5. What are the implications of this plan for the southbound 101 exit for Mill Valley/Tiburon?
6. Map 3-19 shows Strawberry as part of Tiburon's sphere of influence. It is my understanding that LAFCO recently voted to remove Strawberry from Tiburon's sphere of influence. Please explain.
7. It appears that Goal PA-6 on page 3-233 indicates that specified "land use policies" are only for unincorporated areas not subject to a community plan. What is the relationship of this Countywide Plan to our Strawberry Community Plan of 1973 and the amended plan of 1982? Which has priority?
8. Ordinance 2760, passed in 1983, changed the zoning of certain Strawberry parcels reclassifying them as part of the "Bayfront Conservation District." Please explain why this occurred and the relationship between and the implications of this zoning designation and the proposed Countywide Plan.

Additions and Changes

1. All County maps depicting the Strawberry Spit need to be revised to show the cut for the Strawberry Channel. The northern section of the spit, preserved as open space, should be labeled Aramburu Island (unless the County has renamed it.)
2. Strawberry should be removed from Tiburon's Sphere of Influence on Map 3-19.
3. The term "Baylands Corridor" is misleading as applied to Strawberry. Another classification, such as "Waterfront Properties" should be created. Most of the Strawberry properties classified as "Baylands Corridor" are privately owned and fully developed. The word "Corridor" implies a strip of contiguous, undeveloped land. Furthermore, the "Implementing Programs" section, page 3-14, item CD-1.b states as a goal: "Preserve Resources in the Baylands Corridor. Amend the Development Code and Zoning Maps as necessary to expand protection of sensitive resources in the Baylands Corridor, and identify baylands as priority for open space acquisition and restoration." Many waterfront owners in Strawberry own two taxable parcels: one dry land and one tide lot. These acquisition goals are not appropriate for a fully developed neighborhood and will only encourage misguided, unilateral government action as mentioned above in Item 3 under Questions.
4. The Countywide Plan needs to include a map which indicates the location of what it is calling Strawberry Cove (see Item 4 above under Questions.)
5. Because the Countywide Plan of 2004 will be a reference document for several years, it is important that it be as complete as possible. A discussion of Strawberry's "Built Environment" is not complete and correct without mention of the Richardson Bay Dock and Boat Study conducted by Greg R. Zitney of Zitney & Associates and adopted on October 31, 2000 by the Marin County Board of Supervisors. This study was requested by the Planning Commission and is designed to serve as an environmental impact report for all Strawberry dock applications.

6. The Countywide Plan should include Figure 4 entitled "Land Uses & Geographic Features" contained in the Richardson Bay Dock and Boat Study. This colored map clearly shows the developed nature of the Strawberry shorefront, the channel cut through Strawberry Spit, and the boundaries of the Audubon Wildlife Sanctuary.
7. The Countywide Plan should include Figure 5 entitled "Existing and Potential Dock Sites" contained in the Richardson Bay Dock and Boat Study. This colored map clearly shows existing docks, the Strawberry Channel, the boundaries of the Audubon Wildlife Sanctuary, and the ownership of land and tidelands.
8. The "Built Environment" section should mention that the waterfront residents of Strawberry created Zone IV, a dredging district, in 1991. We tax ourselves to fund maintenance dredging. A map illustrating the extent and location should be included in this report. One such map is "Strawberry Recreation District - Strawberry Point Channel Dredging." This map, consisting of four pages, was certified on June 2, 1992 and was used in obtaining our dredging permits. ."

I appreciate your taking the time to speak to Strawberry citizens about the Countywide Plan. It is important that we understand its contents and implications so that we can make appropriate comments. I will send you colored copies of the maps I mentioned above in Items 6 – 8. Please call me (415-383-4773) if you have any questions.

Sincerely,

Tirrell B. Graham
Director, Strawberry Recreation District

2185 Las Gallinas
San Rafael, Calif
February 21, 07

Marin County Planning Commission
3501 Civic Center Dr.
San Rafael, Ca.

Dear Sir:

The future planning of land use
is crucial to the quality of life
in Marin

Option 2 is the only choice
for the protection of our natural
resources, public health & safety.

One has only to look at 101 congestion
with gridlock on the horizon. What about
availability of water & the strain on public
resources.

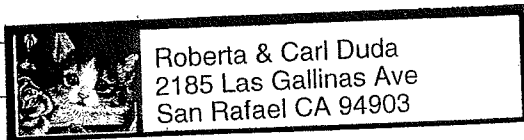
What use is there for development of
the wetlands in St. Vincent & Sitona?

Did you see the maps of
rising water in the Bay? Who
will build the Levees to keep
the water from inundating development
of St. Vincent & Felicia

main me^oless is saturated
with development based on rainfall,
flooding, & traffic congested.

Whats wrong with keeping the land
open for beauty, hiking and absorption
of water.

Please think about the future
in your Decision



415 479-0719

Respectfully,
Carl Duda
Roberta Duda

Kris

February 23, 2007

20
Marin County Planning Commission
3501 Civic Center Drive, Room 308
San Rafael, CA. 94903

VIA FACSIMILE 499-7880

Dear Sir or Madam,

The Commission has scheduled a hearing on March 5, 2007 on the revised Countywide Plan and the consideration of a Baylands Corridor.

We are writing to ask the Commission to approve Option 2 which has been recommended by the planning staff.

We understand that Option 2 is the only one that includes all of St. Vincent's and Silveira lands.

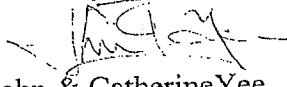
20
There are many reasons for why the preservation of the open corridor to include St. Vincent's and Silveira is important.

For us, the preservation of the open corridor to include these parcels is extremely important when considering that such open habitat and view corridors that remain are one of the last to remain, and represent only a small percentage of what once existed. Once it is developed, it is forever removed and further diminishes the "treasure" of what makes our county unique and special. While it is not like a "sound wall", any development would only detract from the natural characteristics that are enjoyed by all that travel by.

We believe that while prudent planning involves intelligent choices, it seems that to leave a parcel alone, would maximize the concept of a true Baylands Corridor.

We could certainly go into the public safety issues, or the history or habitat issues. But it seems that sometimes responsible planning must protect scarce resources without compromise.

20
Sincerely,


John & Catherine Yee
100 Saddle Wood Dr.
Novato, CA. 94945

Marin County Planning Commission

I am writing to request that you endorse the addition of a fourth 'strip' of land, designated to protect the bay side of Marin County as much as possible. The bay marshlands from San Rafael north hold the LARGEST population of Clapper Rails (an Endangered Species) in the ENTIRE Bay Area. We need to protect this precious resource we have in Marin and expand it's habitat as much as possible.

I believe Option 2 of the Baylands Corridor proposal includes the most land to do this so I am asking you to vote for this option.

I also believe the Human Species needs protecting---from over-development, urban sprawl, and further traffic problems and road rage which development leads to. Many people within the county, as well as a fair number of people outside the county, see Marin as a still beautiful place with a fair amount of open and green spaces—that's what makes it beautiful!! Why cover up all the beauty with buildings? What makes you think our grandchildren will enjoy nature and the respite it gives to us, any less than we do?

PLEASE VOTE FOR THE BAYLANDS CORRIDOR AND
OPTION 2.

Sharon Bale
37 Sailmaker Court
San Rafael

