

**From:** Jean Kapolchok <[jkapolchok@sbcglobal.net](mailto:jkapolchok@sbcglobal.net)>

**Sent:** Friday, June 24, 2022 2:04 PM

**To:** Scott Orr <[Scott.Orr@sonoma-county.org](mailto:Scott.Orr@sonoma-county.org)>; Gary Helfrich <[Gary.Helfrich@sonoma-county.org](mailto:Gary.Helfrich@sonoma-county.org)>

**Subject:** Local Coastal Plan Update

**EXTERNAL**

Hi Scott and Gary,

Attached please find a letter for distribution to the Planning Commissioners regarding the Bill McMaster property identified as E-2: Ocean Cove. Thanks very much.

Jean



**J. Kapolchok**  
**+ Associates**

Land Use Planning  
Urban Design

June 23, 2022

Delivered by email to Scott Orr and Gary Helfrich  
for distribution to the Planning Commissioners

Chair Jacquelynne Ocana and  
Members of the Planning Commission  
County of Sonoma  
Permit Sonoma  
2550 Ventura Avenue  
Santa Rosa, CA 95403

**RE: Local Coastal Plan Update: Ocean Cove – Recommended Change in Coastal Access**

Dear Chair Ocana and Members of the Planning Commission:

On behalf of my client, William A. McMaster, I request that Coastal Access as regards the Ocean Cove property (identified as property E-2 in the Local Coastal Plan Update (LCPU)) remain as is, that is, as previously required and complied with under PRMD (Permit Sonoma) Coastal Permit File CHP 00-0009.

The William A. McMaster Ocean Cove property, which is approximately 185 acres in size, is comprised of three parcels, located on both sides of State Highway One. This property, currently and since the early 1920's, has been/is used for private commercial, recreational, agricultural and residential purposes.

Pages 30 and 31 of [Appendix B: Public Access Plan, Public Review Draft, May 2022](#) of the Local Coastal Plan Update stipulates that previous entitlement approvals associated with said property required offers to dedicate access and trail easements and other improvements and that these agreements remain in dispute. The LCPU then recommends the following:

1500 Manzanita Avenue  
Santa Rosa, CA 95404  
TEL: 707.526.8939  
FAX: 707.526.8985  
eMAIL: [jkapolchok@sbcglobal.net](mailto:jkapolchok@sbcglobal.net)  
eMAIL: [jkapolchok@sonomacountylanduse.com](mailto:jkapolchok@sonomacountylanduse.com)

1. Continue to provide maximum public access to the shoreline including the boat launch.
2. Require the Offer to Dedicate a trail easement for pedestrians and bicyclist to connect Highway 1 with Stillwater Cove Regional Park through the campground.
3. Require the Offer to Dedicate for the boat launch to stipulate that in the event that the boat launch closes to the public, the County can exercise their easement and re-open the facility for public use.

Public access, as required as a condition of Coastal Permit File CHP 00-0009, which allowed construction of Mr. McMaster personal residence, is not in dispute and has been met through the recording of Document 2009099641: OFFER OF DEDICATION OF AN EASEMENT (Recorded 10/16/2009). This document sets forth the following recitals:

- The property is and has been used for private commercial and recreational purposes, which means the facilities and activities are privately owned and the use is offered to the public for a fee.
- Fees have been an integral part of the successful operation of this diversified enterprise over the decades providing jobs and income to the property owners.
- The property is also being used for agricultural purposes. At certain times of the year livestock provide pasture management and fuel management.
- The offered easement is within the existing campground and working ranch and is configured on and over the main campground/ranch road which serves also as access to the McMaster residence, the campground and the boat launch ramp.
- The main septic system is adjacent to the main campground road and this road is relied upon for all campground and ranch maintenance, transfer of livestock, and launching of the property owners commercial and sport fishing boats.
- The offer is a two part offer of public pedestrian access only.<sup>1</sup>
- It is the intention of Sonoma Regional Parks Department to accept, at some point, one or both portions of the dedication.
- It is the intention of the County of Sonoma to avoid and prevent interruption of the private commercial recreational activities now in existence on the property.
- It is the intention of the County of Sonoma that the acceptance of the offer of dedication will result in no liability exposure to the property owner or lessee, and that the County of Sonoma, the Sonoma County Regional Parks Department or such other Sonoma County

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<sup>1</sup> Underline added for emphasis

agency accepting the offer of dedication will indemnify and defend the property owner against any and all claims or causes of action resulting therefrom.

- Part B of the offer of dedication can be accepted only at such time as the private commercial recreational use of the boat ramp and boat launching facility is terminated by the property owner.
- The property owner shall continue to provide public fee access to the shoreline in accordance with the conditions of approval of the private residence.

The existing Offer of Dedication for public access recognizes the historic and existing use of the property and acknowledges that this is an important use to be protected; limits access to pedestrian access only; indemnifies the owner and/or lessee against any and all claims arising out of public use, and prevents acceptance of non-paid public access to the boat launch area until such time as the private commercial recreational use of this area is terminated.

The recommended changes to public access in the draft Local Coastal Plan greatly exceeds the offer of dedication by converting that access from pedestrian access to pedestrians and bicyclists access, expands the access to the shoreline including the boat launch, thereby ignoring the restriction that access to this area should not occur until the private commercial and recreational use of the boat ramp and boat launching facility is terminated and includes no protections against liability exposure or any offer to indemnify.

Public access through the property identified as E-2 Ocean Cove has been publicly debated, determined, accepted and recorded. This publicly negotiated agreement should stand as is and not be undermined through the update of the Local Coastal Plan.

Thank you.

Sincerely,

*Jean A. Kapolchok*

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