

BOARD OF SUPERVISORS OF THE COUNTY OF MARIN

RESOLUTION NO. 81-238

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING AND AGREEING TO THE CALIFORNIA COASTAL COMMISSION'S CONDITIONS OF APPROVAL FOR CATEGORICAL EXCLUSIONS IN THE UNIT I COASTAL ZONE OF MARIN COUNTY.

WHEREAS, the Marin County Board of Supervisors adopted the Unit I Local Coastal Plan on August 21, 1979, and

WHEREAS, the California Coastal Commission adopted a Resolution of Certification of the Unit I Local Coastal Plan on April 1, 1980, and

WHEREAS, as part of the final certification process of the Unit I Local Coastal Plan, the California Coastal Commission did adopt, on May 6, 1981, Categorical Exclusion Order No. E-81-2 pursuant to Public Resources Code 30610 (d), and

WHEREAS, Categorical Exclusion Order No. E-81-2 sets forth the conditions whereby specific developments are excluded from the permit requirements of the California Coastal Act of 1976.

NOW, THEREFORE, BE IT RESOLVED that the Marin County Board of Supervisors does hereby acknowledge receipt of Categorical Exclusion Order No. E-81-2, including conditions of approval, and accepts and agrees to the terms and conditions to which the categorical exclusions have been made subject.

PASSED AND ADOPTED by the Marin County Board of Supervisors at its regular meeting held on the 4th day of August, 1981, by the following vote, to wit:


AYES: SUPERVISORS - B. Roumiguere, B. Boxer, A. Aramburu, G. Giacomini

NOES: NONE

ABSENT: SUPERVISOR - G. Wilhelm


CHAIRMAN OF THE BOARD OF SUPERVISORS
COUNTY OF MARIN

Attest:


Clerk of the Board

CATEGORICAL EXCLUSION ORDER E-81-2

(NORTH CENTRAL REGION)

The Commission by a two-thirds vote of its appointed members hereby adopts, by regulation, an order, pursuant to Public Resources Code Sections 30610(e) and 30610.5(b), categorically excluding from the permit requirements of the California Coastal Act of 1976 the categories of development within the specifically defined geographic area described below:

I. CATEGORY OF DEVELOPMENT AND GEOGRAPHIC AREA

This order categorically excludes the following development:

(a) On-site signs (as conditioned) advertising available services or products. An on-site sign is defined as an advertising structure which is located on the property or building occupied by the business, product, or services advertised.

(b) Agriculturally-related development (as conditioned) including:

1. Barns, storage, equipment and other necessary buildings.
2. Dairy pollution projects including collection, holding and disposal facilities.
3. Storage tanks and water distribution lines utilized for on-site, agriculturally-related activities.
4. Water impoundment projects in canyons and drainage areas not identified as blue line streams on USGS 7½ Minute Quad Sheets.
5. Electric utility lines.
6. New fencing for farm or ranch purposes, provided no solid fence designs are used.

Agriculture means the tilling of the soil, the raising of crops, horticulture, viticulture, livestock, farming, dairying, and animal husbandry, including all uses customarily incidental and necessary thereto.

(c) Lot line adjustments not resulting in a change in density or the creation of new parcels.

(d) Traffic control signing and minor roadway improvements (as conditioned) including:

1. Culvert replacement.
2. Guard rails, retaining walls.
3. Slope stabilization.

4. Signs for traffic control and guidance including roadway markings and pavement delineation.
5. Drainage course maintenance and cleaning involving less than 50 cubic yards of excavation.

The exclusion area includes the entire coastal zone in Unit I of Marin County (Southern Marin), except that for agriculturally-related development, the exclusion area shall not include the area between the coast (mean high tide line) and the nearest public road paralleling the sea, or 1/4 mile inland from the coast, whichever is less. The exclusion area is shown on the notarized exclusion maps on file with the Commission, North Central Coast Regional Commission and Marin County.

II. FINDINGS

The Commission hereby finds, for the reasons set forth below, that this exclusion, as conditioned, presents no potential for any significant adverse effect, either individually or cumulatively, on coastal resources or on public access to, or along the coast, and that this exclusion will not impair the ability of local government to carry out the certified Local Coastal Program.

The Commission also finds that the categories of development excluded by this order are projects which the Secretary of Resources has determined are categorically exempt from the provisions of the California Environmental Quality Act of 1970 as having no significant effect on the environment.

The sections of the CEQA Guidelines which exempt these categories are listed below:

<u>Category of Development Excluded</u>	<u>14 Cal. Adm. Code sec.</u>
(a) On site signs	15101(g), 15111(a)
(b) Agriculturally-related development	
1. Necessary buildings	15111
2. Dairy Pollution projects	15101(i), 15102(c)
3. Agriculturally-related storage tanks	15101(m), 15104
4. Water impoundment in certain areas	15101(m), 15104
5. Electric Utility lines	15101(d), 15101(c) and (d), 15103(a)
6. New fencing for farm/ranch property	15103(e), 15104
(c) Lot line adjustments	15105(a)

<u>Category of Development Excluded</u>	<u>14 Cal. Adm. Code sec.</u>
(d) Traffic control	
1. Culvert replacement	15101(d) and (f)
2. Guard rails and retaining walls	15101(d) and (f)
3. Slope stabilization	15101(d) and (f)
4. Roadway markers	15101(f)
5. Drainage courses in maintenance	15101(i), 15102(c)

The Commission finds that the categories of development proposed for exclusion are developments which have posed no significant coastal concerns in the past, and do not now require attention as possibly detrimental to coastal resources. On August 2, 1977, the Commission adopted Categorical Exclusion Order no. E-77-7 which found the categories of development now under consideration were exempt from the requirements for a Commission-issued coastal development permit pursuant to section 30610(d) (now subsection (e)) of the Act.

From the date of exclusion to the present, there have been no significant adverse effects, either individually or cumulatively, on coastal resources or on public access to, or along the coast.

On-Site Signs

Marin County has a sign ordinance governing the height, area, design, and other facets of sign development. The local regulations are lengthy, detailed, and specific. The ordinance requires a local sign permit and local design review. The following sections of the local code are relevant:

Marin County: Chapter 22.69 of Title 22 of the Marin County Code (zoning), including sections 22.69.010 through 22.69.110

Agricultural Activities

Marin County's zoning and other local controls which cover the activities recommended for exclusion are:

The "A District" section of the Marin County zoning code (Agricultural and Conservation Districts) permits normal agricultural activities, including barns and other structures necessary to support the agricultural uses. The proposed exclusion projects are adequately covered by this zoning designation.

Water and other utility projects are permitted subject to approval by appropriate governmental agencies. Grading and excavation activities are governed by the Uniform Building Code, and supplemented by a local excavating ordinance and a dam ordinance. Any excavations in drainage courses or those excavations involving more than 500 cubic yards require a permit from the county. The dam ordinance

covers projects up to 50 acre feet of water and up to 25 feet of spillway height. Above those limits, state laws and regulations are applied.

It is recommended that in Marin County's coastal zone the categorical exclusion apply only where local zoning authorities have designated, "A" districts. Thus A-2 districts (limited agriculture) and R-A districts (suburban agriculture) will not be eligible for categorical exclusion.

Lot Line Adjustments, Traffic Control

Lot line adjustments, traffic control, signing, and minor roadway improvements are routine administrative and technical activities which in and of themselves do not normally impact on actual land uses or the use of coastal resources, but actually serve to facilitate or enhance the enjoyment of approved uses and developments. The Coastal Zone Conservation Commission under Proposition 20, predecessor to this Commission, developed a Blanket Permit for roadway projects based on the experience that certain projects did not impact coastal resources.

Impact of Exclusions Upon Coastal Resources

Category a, Signs, is a development category which relates primarily to the visual resources of the coast. Since the exceptions written into the exclusion (I.B. 1-4) strictly limit excluded signs to those of a small scale, and since local controls provide for the review of even these signs, the recommended categorical exclusions will not have any adverse impacts, either individually or cumulatively, upon the visual and scenic resources of the coast.

The agricultural activities proposed for exclusion in recommendation II A. are the only ones in this referral which impact directly on actual land use and development in the coastal zone. The excluded activities involve land use, water use, water quality and visual impact considerations. This Commission finds, however, that the exclusions will not have any individual or cumulative impacts on these resources and may actually serve to enhance them. This finding is based upon Chapter 3 of the California Coastal Act which establishes policies for the preservation of prime agricultural land. Agriculture utilizes soils resources in a manner consistent with the Coastal Act. This Commission further finds that agricultural activities are a major contributor to the scenic resources of the coastal zone, and that the excluded developments will serve to enhance that resource. (Protection against public view blockage has been reserved by the language of the exceptions to the exclusion.) Similarly, the dairy disposal facilities recommended for exclusion will enhance water quality. Water supply projects will further augment agricultural activity in tune with Coastal Act policy.

Lot line adjustments, as proposed, will have no impact at all on coastal resources. The legal adjustment of existing property lines is of no coastal significance.

Category d developments, in a fashion similar to that of category C, will result in a beneficial impact on coastal resources, since they will add to public safety, facilitate access to recreational and visitor-serving uses, provide for proper drainage, limit erosion, and the like.

Impact on Public Access

The recommended categorical exclusions will neither add to nor detract from the number, location, or quality of public access points to public recreation sites or to public tidelands. They will have no effect upon road capacity or any other means of access. They will, however, in the case of category IV (roadway improvements) facilitate the use of existing and future access points by providing for signing and for public safety.

Significant Effect on the Environment

In addition, the Commission finds that, for the same reasons this exclusion will have no potential for any significant adverse effect, either individually or cumulatively, on coastal resources, this exclusion will have no significant effect on the environment for purposes of the California Environmental Quality Act of 1970.

III. CONDITIONS

In order (1) to assure that adoption of the exclusion will cause no significant change in density, height, or nature of uses in the excluded area and (2) to implement the exclusion, this order is subject to the following conditions:

1. Applicable Zoning

Development pursuant to this exclusion shall conform, unless otherwise limited by this order, to the zoning in effect in Marin County on the date this order is adopted by the Commission.

2. Agricultural Development

Agriculturally-related development permitted by this exclusion is only allowed on parcels zoned A on the date this order is adopted by the Commission.

3. Water Impoundment Projects

No impoundment project excluded by this order shall exceed 10 acre feet, either in actual water impounded or in design capacity.

4. Signs

No sign excluded by this order shall exceed 25 square feet; or use artificial lighting; or if free standing, exceed 15 feet in height; or, if attached, exceed the height of the building.

5. Traffic Control and Guidance

No roadway markings subject to this exclusion shall create more traffic lanes than existing previously.

6. Implementation

The County of Marin shall, at an appropriate stage in the local approval process for development subject to this exclusion, distribute to the applicant for such local approval an instruction sheet and form provided by the Executive Director of the Commission. After obtaining final local governmental approval but prior to commencing construction under this exclusion, such applicant shall send the completed form containing a brief description of the excluded development to the Coastal Commission.

7. Any amendment to the certified Local Coastal Program which affects the land area to which this exclusion applies shall require the approval of the California Coastal Commission pursuant to Commission Regulations and the Coastal Act of 1976 (Public Resources Code Section 30514).
8. The County of Marin shall maintain a record for any other permits which may be required for categorically excluded development which shall be made available to the Commission or any interested person upon request, pursuant to Section 00154 of the Commission Local Coastal Program Regulations.
9. This exclusion shall apply to the permit requirements of the Coastal Act of 1976, pursuant to Public Resources Code Section 30610(e) and 30610.5(b), and shall not be construed to exempt any person from the permit requirements of any other federal, state or local government agency.
10. This exclusion shall not apply to tide and submerged land, beaches, and lots immediately adjacent to the inland extent of any beach, or of the mean high tide line of the sea where there is no beach, potential public trust lands as identified by the State Lands Division in the trust claim maps, or wetlands as identified in the power plant siting wetland resource maps.

IV. RESCISSION AND REVOCATION

Pursuant to 14 Cal. Adm. Code 13243(e), the Commission hereby declares that the order granting this exclusion may be rescinded at any time, in whole or in part, if the Commission finds by a majority vote of its appointed membership after public hearing that the terms and conditions of the exclusion order no longer support the findings specified in Public Resources Code Section 30610(d). Further, the Commission declares that this order may be revoked at any time that the terms and conditions of the order are violated.

BOARD OF SUPERVISORS OF THE COUNTY OF MARIN

RESOLUTION NO. 82-162

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF MARIN ACCEPTING AND AGREEING TO THE
CALIFORNIA COASTAL COMMISSION'S CONDITIONS OF
APPROVAL FOR CATEGORICAL EXCLUSIONS IN THE UNIT II
COASTAL ZONE OF MARIN COUNTY

WHEREAS, the Marin County Board of Supervisors adopted the Unit II Local Coastal Plan on December 9, 1980, and

WHEREAS, the California Coastal Commission adopted a Resolution of Certification on the Unit II Local Coastal Plan on April 1, 1981, and

WHEREAS, as part of the final certification process of the Unit II Local Coastal Plan, the California Coastal Commission did adopt, on January 7, 1982, Categorical Exclusion Order No. E-81-6 pursuant to Public Resources Code 30610(e), and

WHEREAS, Categorical Exclusion Order No. E-81-6 sets forth the conditions whereby specific developments are excluded from the permit requirements of the California Coastal Act of 1976.

NOW, THEREFORE, BE IT RESOLVED that the Marin County Board of Supervisors does hereby acknowledge receipt of Categorical Exclusion Order No. E-81-6, including conditions of approval, and accepts and agrees to the terms and conditions to which the categorical exclusions have been made subject.

PASSED AND ADOPTED by the Marin County Board of Supervisors at its regular meeting held on the 11th day of May, 1982, by the following vote, to wit:

AYES: SUPERVISORS: Bob Roumiguere, Barbara Boxer, Al Aramburu, Gail Wilhelm

NOES: SUPERVISORS: -

ABSENT: SUPERVISORS: Gary Giacomini



CHAIRMAN OF THE BOARD OF
SUPERVISORS, COUNTY OF MARIN

ATTEST:



Clerk of the Board

CATEGORICAL EXCLUSION ORDER E-81-6
MARIN COUNTY, UNIT II

(Northern Portion of County)

The Commission by a two-thirds vote of its appointed members hereby adopts, by regulation, an order, pursuant to Public Resources Code Sections 30610(e) and, 30610.5(b), categorically excluding from the permit requirements of the California Coastal Act of 1976 the categories of development within the specifically defined geographic area described below:

I. CATEGORY OF DEVELOPMENT AND GEOGRAPHIC AREA

This order categorically excludes the following development:

1. Construction of single family residences in the community of Point Reyes Station, Marin County;
2. Land divisions in the community of Point Reyes Station, Marin County (See Exhibit 1)
3. (a) On-site signs (as conditioned) advertising available services or products. An on-site sign is defined as an advertising structure which is located on the property or building occupied by the business, product, or services advertised.

(b) Agriculturally-related development (as conditioned) including:
 1. Barns, storage, equipment and other necessary buildings.
 2. Dairy pollution projects including collection, holding and disposal facilities.
 3. Storage tanks and water distribution lines utilized for on-site, agriculturally-related activities.
 4. Water impoundment projects in canyons and drainage areas not identified as blue line streams on USGS 7½ Minute Quad Sheets.
 5. Electric utility lines.
 6. New fencing for farm or ranch purposes, provided no solid fence designs are used.

Agriculture means the tilling of the soil, the raising of crops, horticulture, viticulture, livestock, farming, dairying, and animal husbandry, including all uses customarily incidental and necessary thereto.

- (c) Lot line adjustments not resulting in a change in density or the creation of new parcels.

Approved 2/5/82

(d) Traffic control signing and minor roadway improvements (as conditioned) including:

1. Culvert replacement.
2. Guard rails, retaining walls.
3. Slope stabilization.
4. Signs for traffic control and guidance including roadway markings and pavement delineation.
5. Drainage course maintenance and cleaning involving less than 50 cubic yards of excavation.

This category of development is excluded in the entire coastal zone of Unit II in Marin County (Northern Marin); except that for agriculturally related development, the exclusion shall not include the area between the coast and the nearest public road paralleling the sea, or 1/2 mile inland from the coast, whichever is less. The exclusion area shall be shown on the notarized exclusion maps on file with the Commission and with Marin County.

Limitations on Exclusion:

This exclusion shall apply to the permit requirements of the Coastal Act of 1976, pursuant to Public Resources Code Section 30610(e) and 30610.5(b), and shall not be construed to exempt any person from the permit requirements of any other federal, state or local government or agency.

This exclusion shall not apply to tide and submerged land, beaches and lots immediately adjacent to the inland extent of any beach, or of the mean high tide line of the sea where there is no beach, potential public trust lands as identified by the State Lands Division in the trust claims maps, wetlands as identified in the power plant siting wetland resources maps.

II. CONDITIONS

This order is subject to the following conditions:

1. Category 1: Single family dwellings in the community of Point Reyes Station Marin County, subject to the following terms and conditions:
 - a. For purposes of this Categorical Exclusion, the "community of Point Reyes Station" is defined as that land area which lies within the community expansion boundary recognized by the Commission. The community expansion boundary is indicated on maps on file with the County and with the Commission. Excluded lots are shown in Exhibit 2, 1-10.
 - b. Project height shall not exceed 24 feet from average finished grade. (The term "average finished grade" is defined in Attachment 1) This condition responds to Section 30251 of the Act regarding protection of scenic areas and public views, and maintenance of community character.

- c. The Exclusion shall apply only to those lots of record lying within the specific Exclusion area designated on Exclusion Map Exhibit 1 and to those parcels created pursuant to Category 2 of this Exclusion Order. Coastal permit review of projects in other areas of the community is required due to issues of density, relationship to commercial uses, traffic circulation, and other coastal planning issues.
 - d. Prior to the issuance of a building permit, the County of Marin shall certify to the Executive Director of the Commission that the applicant for a development subject to the terms of this exclusion order has provided evidence that the height limit of the proposed development does not exceed 24 feet from the average finished grade and that the proposed residential dwelling is set back at least 50' (fifty feet) from any active fault trace as shown on the Alquist-Priolo maps on file with the County.
2. Category 2: Land divisions in the community of Point Reyes Station, Marin County, subject to the specific terms and conditions outlined below.
- a. For purposes of this Categorical Exclusion, the "community of Point Reyes Station" is defined as that land area which lies within the community expansion boundary recognized in the Local Coastal Plan. The community expansion boundary is indicated on the implementation maps.
 - b. Where properties divided pursuant to this Exclusion Order have frontage on State Highway One, there shall be recorded by the applicant/landowner an irrevocable offer to dedicate to any public agency, or to an appropriate transportation agency or to a private association approved by the Commission, an easement consisting of a ten-foot strip contiguous with and paralleling Highway One, which shall be made available to the appropriate agency for the development of bicycle routes, intra- and intercommunity trails, and non-automobile alternatives on and through this property. The offer shall be irrevocable for a period of ten years, running from the date of recording and shall run with the land in favor of the people of the State of California, binding successors and assigns of the applicant and/or landowner. Such offer shall be recorded free of prior liens and encumbrances except tax liens. This requirement is essential for the preservation of planning options for provision of nonautomobile transportation and circulation. The requirement addresses Section 30252 of the Coastal Act regarding public access and transportation alternatives and the Transportation and Road Capacity policy under "Public Services and New Development" of the Marin County LCP.
 - c. The size of parcels resulting from a division under this order shall be no less than the minimum acreage allowed for the zone under the County zoning maps in effect at the time this order is adopted by the Commission.
 - d. The County of Marin shall forward copies of the final parcel map(s) for all projects approved pursuant to this Exclusion to the Executive Director.

3. Development pursuant to this exclusion shall conform, unless otherwise limited by this order, to the zoning in effect in Marin County on the date this order is adopted by the Commission or zoning adopted by the County pursuant to the LCP certified by the Commission.
4. Agriculturally-related development permitted by this exclusion is only allowed on parcels zoned for agricultural use on the date this order is adopted by the Commission.
5. No water impoundment project excluded by this order shall exceed 10 acre feet, either in actual water impounded or in design capacity.
6. No sign excluded by this order shall exceed 25 square feet; or use artificial lighting; or if free standing, exceed 15 feet in height; or, if attached, exceed the height of the building.
7. No roadway markings subject to this exclusion shall create more traffic lanes than existing previously.
8. This order shall be of no force and effect until the effective date of the delegation of development review authority to a local government pursuant to Public Resources Code Section 30519.

III. FINDINGS AND DECLARATIONS

The Commission hereby finds, for the reasons set forth below, that this exclusion, as conditioned, presents no potential for any significant adverse effect, either individually or cumulatively, on coastal resources or on public access to, or along the coast.

The Commission finds that for the same reasons that this exclusion will have no potential for any significant adverse effect, either individually or cumulatively, on coastal resources, this exclusion will have no significant effect on the environment for purposes of the California Environmental Quality Act of 1970.

The Commission further finds and declares as follows:

1. Provisions for Categorical Exclusions

Specifically, Public Resources Code Section 30610(d) states that no coastal development permit shall be required for...

"Any category of development or any category of development within a specifically defined geographic area, that the Commission, by regulation, after public hearing, and by two-thirds vote of its appointed members, has described or identified with respect to which the Commission has found that there is no potential for any significant, adverse effect, either individually or cumulatively, on coastal resources or on public access to, or along the coast and that such exclusion will not impair the ability of the local government to prepare a local coastal program."

Public Resources Code Section 30610.5(b) requires:

"Every exclusion granted shall be subject to terms and conditions to assure that no significant change in density, height or nature of uses will occur without further proceedings under this division and an order granting an exclusion under Subdivision (d) of Section

30610 "...may be revoked at any time by the Commission if the conditions of the exclusion are violated."

It is found that provisions for categorical exclusions are appropriately applied to the subject single family residential development and land divisions. The necessary findings are made as outlined in the following material. This is consistent with the requirement that no exclusion shall be granted for specific areas where coastal resources could be adversely impacted.

2. Visual and Scenic Resources

Public Resources Code Section 30251 states:

"The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

Section 30253(5) states:

"Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses."

The protection of the visual and scenic qualities is an important issue identified both in the Marin County Local Coastal Program and in the review of permit applications. In particular, the Coastal Act requires the protection of public views to and along the ocean and in scenic coastal areas. The approval of any significant structure in these areas requires careful consideration of the surrounding topography and the location to the development such that the public views are protected. Therefore, the Commission finds that no exclusion can be granted for certain types of development in areas where public views or scenic coastal areas could be adversely impacted.

As conditioned, this exclusion limits the height of any structure built pursuant to this exclusion within Point Reyes Station to 24 feet from the average finished grade. This condition assures compatibility with existing development structures, maintains the character of development in the area, and protects visual resources. As conditioned, the exclusion will have no potential for adverse impact on visual and scenic coastal resources.

3. Geologic Hazards

Public Resources Code Section 30253 provides:

New development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

The San Andreas Fault runs through a portion of Point Reyes Station, and specifically through the exclusion area. The most damage to life and property would occur if a structure were placed directly over an active fault trace. The lateral or vertical movement along the fault would literally tear apart the structure. Because of this potential for geologic hazard, all single family dwellings subject to this exclusion must be set back a minimum of fifty feet from any active fault trace. While the Alquist-Priolo Act exempts single-story, wood-frame structures from its setback requirements, the Guidelines of the Division of Mines and Geology recommend that such structures be set back as well. As conditioned, the exclusion will have no potential for significant adverse impact and will minimize risks to life and property in areas of geologic instability, in accordance with Section 30253.

4. Location of Development/Adequacy of Services

Public Resources Code Section 30250(a) provides:

- (a) New development, except as otherwise provided in this division shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services, and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

The categorically excluded development within Point Reyes Station is development within the expansion area which the County of Marin has designated in its Local Coastal Program, and which the Commission has certified, with conditions.

Single family homes in Point Reyes Station receive water supply from the North Marin County Water District, and utilize individual septic tank systems for sewage disposal. The Water District presently has the capacity to serve 755 residential units (354 more than those now existing), with generous allocations for current demand and growth in recreational, agricultural, commercial, and governmental uses.

To ensure that the demand for water does not exceed capacity, the Local Coastal Plan requires the County to notify the Water District when 300 more meters have been hooked up in the water district service area. At that point, the Water District may plan its expansion. After a total of 755 units are connected, the County is to cease issuance of building permits. Because the Water District maintains that present capacity is adequate to serve 755 units with generous provision of coastal-priority uses, the exclusion of single-family residences under this order has no potential for adversely affecting uses which are given priority under the Coastal Act.

5. Public Access Traffic

Public Resources Code Section 30210 provides:

In carrying out the requirement of Section 2 of Article XV of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

The exclusion of these projects from coastal permit requirements will not affect significantly public access to or along the coast. Though some of the projects in Point Reyes Station lie between the sea and the first road, they are some distance removed from the water due to the presence of large agricultural holdings which intervene. There are several County and State owned recreation areas in the immediate vicinity of the community, such as White House Pool, Tomales Bay State Park, and Millerton Point.

Pursuant to condition 3 of this exclusion, where properties divided pursuant to this order have frontage on State Highway One, the development shall be accompanied by an offer to dedicate a ten-foot strip contiguous with and paralleling Highway One which shall be made available to an appropriate agency for the possible development of bicycle routes and community trails, and non-automobile transportation alternatives on and through the property. This requirement is essential for the preservation of planning options for provision of non-automobile transportation and circulation. The requirement addresses Section 30252 of the Coastal Act regarding public access and transportation alternatives. The Local Coastal Program anticipates that some traffic on Highway One may be eliminated by use of non-automobile transportation alternatives.

The Marin County LCP concludes, on the basis of the Highway One capacity study, that no more than 350 units are likely to be built in the next 20 years through the Point Reyes-Olema-Inverness Park area, far below buildout maximums. If sewage disposal constraints are considered for this area, the number will probably not go much higher. Thus, excessive traffic volumes are not expected to become a serious problem. Only downtown Point Reyes Station (removed from Highway One by an arterial) may need further attention.

6. The Commission also finds that Category 3 of development excluded by this order consists of projects which the Secretary of Resources has determined are categorically exempt from the provisions of the California Environmental Quality Act of 1970 as having no significant effect on the environment.

The sections of the CEQA Guidelines which exempt these categories are listed below:

<u>Category of Development Excluded</u>	<u>14 Cal. Adm. Code sec.</u>
(a) On site signs	15101(g), 15111(a)
(b) Agriculturally-related development	

- | | |
|---|--------------------------------------|
| 1. Necessary buildings | 15111 |
| 2. Dairy Pollution projects | 15101(i), 15102(c) |
| 3. Agriculturally-related storage tanks | 15101(m), 15104 |
| 4. Water impoundment in certain areas | 15101(m), 15104 |
| 5. Electric Utility lines | 15101(d), 15101(c) and (d), 15103(i) |
| 6. New fencing for farm/ranch property | 15103(e), 15104 |
| (c) Lot line adjustments | 15105(a) |

Category of Development Excluded

14 Cal. Adm. Code sec.

(d) Traffic control

- | | |
|------------------------------------|--------------------|
| 1. Culvert replacement | 15101(d) and (f) |
| 2. Guard rails and retaining walls | 15101(d) and (f) |
| 3. Slope stabilization | 15101(d) and (f) |
| 4. Roadway markers | 15101(f) |
| 5. Drainage course maintenance | 15101(i), 15102(c) |

The Commission finds that the categories of development proposed for exclusion are developments which have posed no significant coastal concerns in the past, and do not now require attention as possibly detrimental to coastal resources. On August 2, 1977, the Commission adopted Categorical Exclusion Order No. E-77-7 which found the categories of development now under consideration were exempt from the requirements for a Commission-issued coastal development permit pursuant to section 30610(d) (now subsection (e)) of the Act.

From the date of exclusion to the present, there have been no significant adverse effects, either individually or cumulatively, on coastal resources or on public access to, or along the coast.

a) On-Site Signs

Marin County has a sign ordinance governing the height, area, design, and other facets of sign development. The local regulations are lengthy, detailed, and specific. The ordinance requires a local sign permit and local design review. The following sections of the local code are relevant:

Marin County: Chapter 22.69 of Title 22 of the Marin County Code (zoning), including sections 22.69.010 through 22.69.110

b) Agricultural Activities

Marin County's zoning and other local controls which cover the activities recommended for exclusion are:

The "A District" section of the Marin County zoning code (Agricultural and Conservation Districts) permits normal agricultural activities, including barns and other structures necessary to support the agricultural uses. The proposed exclusion projects are adequately covered by this zoning designation.

Water and other utility projects are permitted subject to approval by appropriate governmental agencies. Grading and excavation activities are governed by the Uniform Building Code, and supplemented by a local excavating ordinance and a dam ordinance. Any excavations in drainage courses or those excavations involving more than 50 cubic yards require a permit from the county. The dam ordinance covers projects up to 50 acre feet of water and up to 25 feet of spillway height. Above those limits, state laws and regulations are applied.

It is recommended that in Marin County's coastal zone the categorical exclusion apply only where local zoning authorities have designated, "A" districts. Thus A-2 districts (limited agriculture) and R-A districts (suburban agriculture) will not be eligible for categorical exclusion.

c) Lot Line Adjustments, Traffic Control

Lot line adjustments, traffic control, signing, and minor roadway improvements are routine administrative and technical activities which in and of themselves do not normally impact on actual land uses or the use of coastal resources, but actually serve to facilitate or enhance the enjoyment of approved uses and developments. The Coastal Zone Conservation Commission under Proposition 20, predecessor to this Commission, developed a Blanket Permit for roadway projects based on the experience that certain projects did not impact coastal resources.

Impact of Exclusions Upon Coastal Resources

Category a, Signs, is a development category which relates primarily to the visual resources of the coast. Since the exceptions written into the exclusion (I.B. 1-4) strictly limit excluded signs to those of a small scale, and since local controls provide for the review of even these signs, the recommended categorical exclusions will not have any adverse impacts, either individually or cumulatively, upon the visual and scenic resources of the coast.

The agricultural activities proposed for exclusion in recommendation II A. are the only ones in this referral which impact directly on actual land use and development in the coastal zone. The excluded activities involve land use, water use, water quality and visual impact considerations. This Commission finds, however, that the exclusions will not have any individual or cumulative impacts on these resources and may actually serve to enhance them. This finding is based upon Chapter 3 of the California Coastal Act which establishes policies for the preservation of prime agricultural land. Agriculture utilizes soil

resources in a manner consistent with the Coastal Act. This Commission further finds that agricultural activities are a major contributor to the scenic resources of the coastal zone, and that the excluded developments will serve to enhance that resource. (Protection against public view blockage has been reserved by the language of the exceptions to the exclusion.) Similarly, the dairy disposal facilities recommended for exclusion will enhance water quality. Water supply projects will further augment agricultural activity in tune with Coastal Act policy.

Lot line adjustments, as proposed, will have no impact at all on coastal resources. The legal adjustment of existing property lines is of no coastal significance.

Category d, developments, in a fashion similar to that of category 6, will result in a beneficial impact on coastal resources, since they will add to public safety, facilitate access to recreational and visitor-serving uses, provide for proper drainage, limit erosion, and the like.

Impact on Public Access

The recommended categorical exclusions will neither add to nor detract from the number, location, or quality of public access points to public recreation sites or to public tidelands. They will have no effect upon road capacity or any other means of access. They will, however, in the case of category IV (roadway improvements) facilitate the use of existing and future access points by providing for signing and for public safety.

IV. IMPLEMENTATION

1. The order granting a categorical exclusion for these categories of development in Marin County, northern portion, pursuant to Public Resources Code Section 30610(e) shall not become effective until the Executive Director of the Coastal Commission has determined in writing that the local government has taken the necessary action to carry out the exclusion order pursuant to Section 13244 of the Coastal Commission regulations.
2. The County of Marin shall, at an appropriate stage in the local approval process for development subject to this Exclusion, distribute to the applicant for such local approval an instruction sheet and form provided by the Executive Director of the Commission. After obtaining final local governmental approval but prior to commencing construction under this exclusion, such applicant shall send the completed form containing a brief description of the excluded development to the Coastal Commission.
3. Maps shall be submitted for the Executive Director's review and approval before the County may implement this exclusion order. Said maps shall show:
 - a. The appropriate approved zone district,
 - b. areas of actual or potential public trust, and
 - c. boundaries of parcels landward of the first public road paralleling the sea.
4. Prior to the issuance of a building permit for a single family residence subject to this exclusion order, the Planning Director, or appropriate official of the County of Marin shall certify to the Executive Director of the Coastal Commission that the height limit and building setback conditions of this order have been met.

5. The County of Marin shall maintain a record for any other permits which may be required for categorically excluded development which shall be made available to the Commission or any interested person upon request, pursuant to Section 00154 of the Commission Local Coastal Program Regulations.

V. RECISSION AND REVOCATION

Pursuant to 14 California Administrative Code 13243(e), the Commission hereby declares that the order granting this exclusion may be rescinded at any time, in whole or in part, if the Commission finds by a majority vote of its appointed membership after public hearing that the terms and conditions of the exclusion order no longer support the findings specified in Public Resources Code Section 30610(d). Further, the Commission declares that this order may be revoked at any time that the terms and conditions of the order are violated.

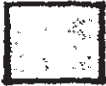

ATTACHMENT I

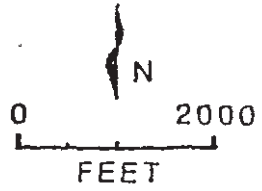
Categorical Exclusion Order

"Average existing grade", as used in this Exclusion, is defined as the median elevation point between the highest and lowest points of existing grade within the building pad. Height shall be measured vertically from this point. The highest elevation of the roofline may not exceed the specified height (i.e. 24 feet in Point Reyes Station) measured along this axis.

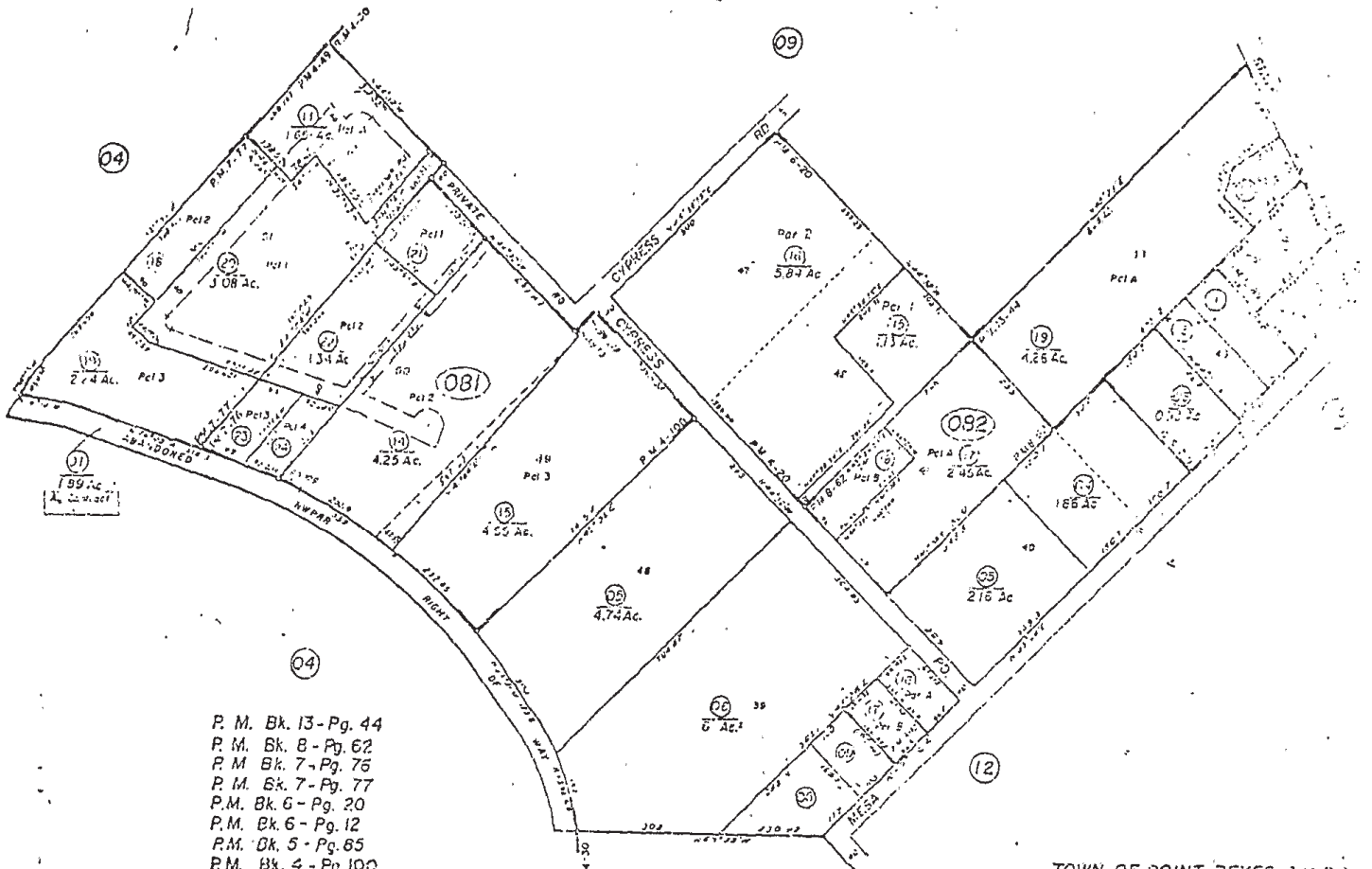


**Categorical Exclusion E-81-6
Marin County Unit II**

-  Exclusion Area
-  Non-excludable Area



 California Coastal Commission



P. M. Bk. 13 - Pg. 44
 P. M. Bk. 8 - Pg. 62
 P. M. Bk. 7 - Pg. 76
 P. M. Bk. 7 - Pg. 77
 P. M. Bk. 6 - Pg. 20
 P. M. Bk. 6 - Pg. 12
 P. M. Bk. 5 - Pg. 65
 P. M. Bk. 4 - Pg. 100
 P. M. Bk. 4 - Pg. 49
 Ptn. Lot 43 Map No. 1 Pt. Reyes Land Co., R.M. Bk. 5, Pg. 7-9
 Map No. 1 Point Reyes Land Co., R.M. Bk. 4, Pg. 35

TOWN OF POINT REYES AND DISTRICT
 Assessor's Map No. 119-02
 County of Marin
 B. A. Drummel - Assessor

EXHIBIT NO. 2
APPLICATION NO. E-81-6
MARIN COUNTY UNIT II CATEGORICAL EXCLUSION

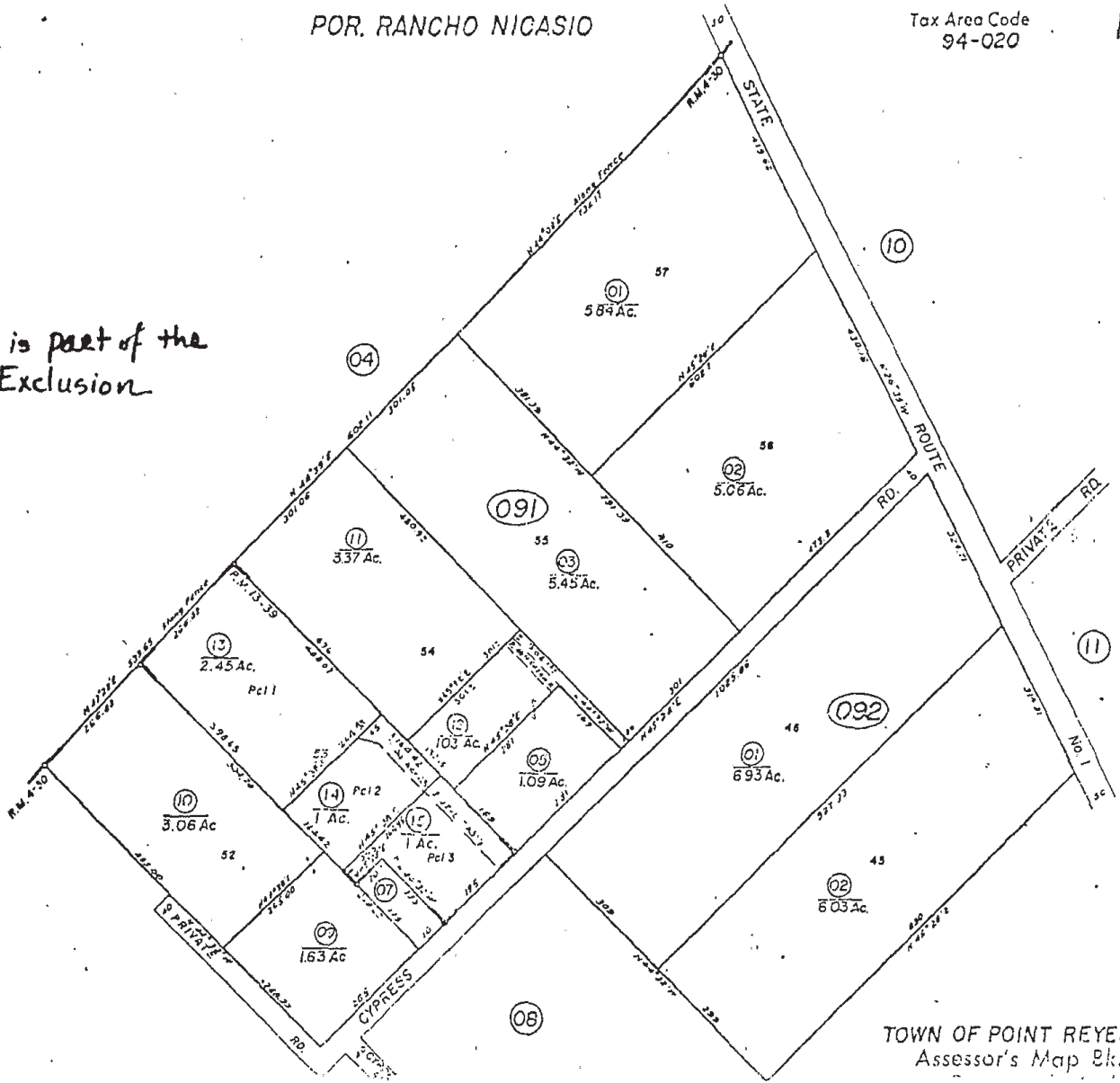
This area is part of the
 Categorical Exclusion

POR. RANCHO NICASIO

Tax Area Code
94-020

119-05

*This area is part of the
Categorical Exclusion*



POR. RANCHO NICASIO

Tax Area Code
94-020

119-10

The unshaded area is
covered by the
Categorical Exclusion

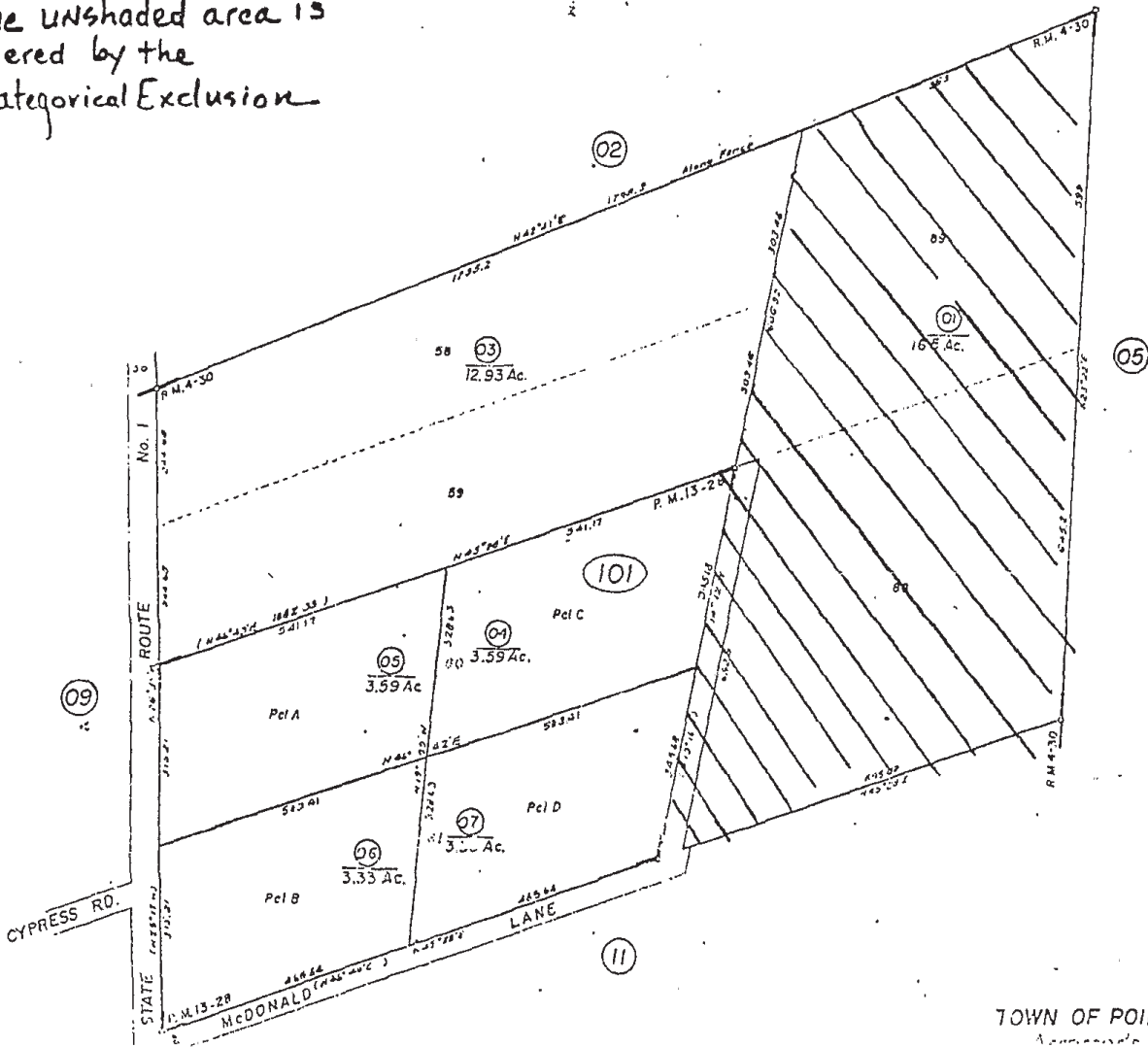
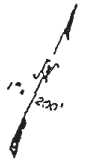


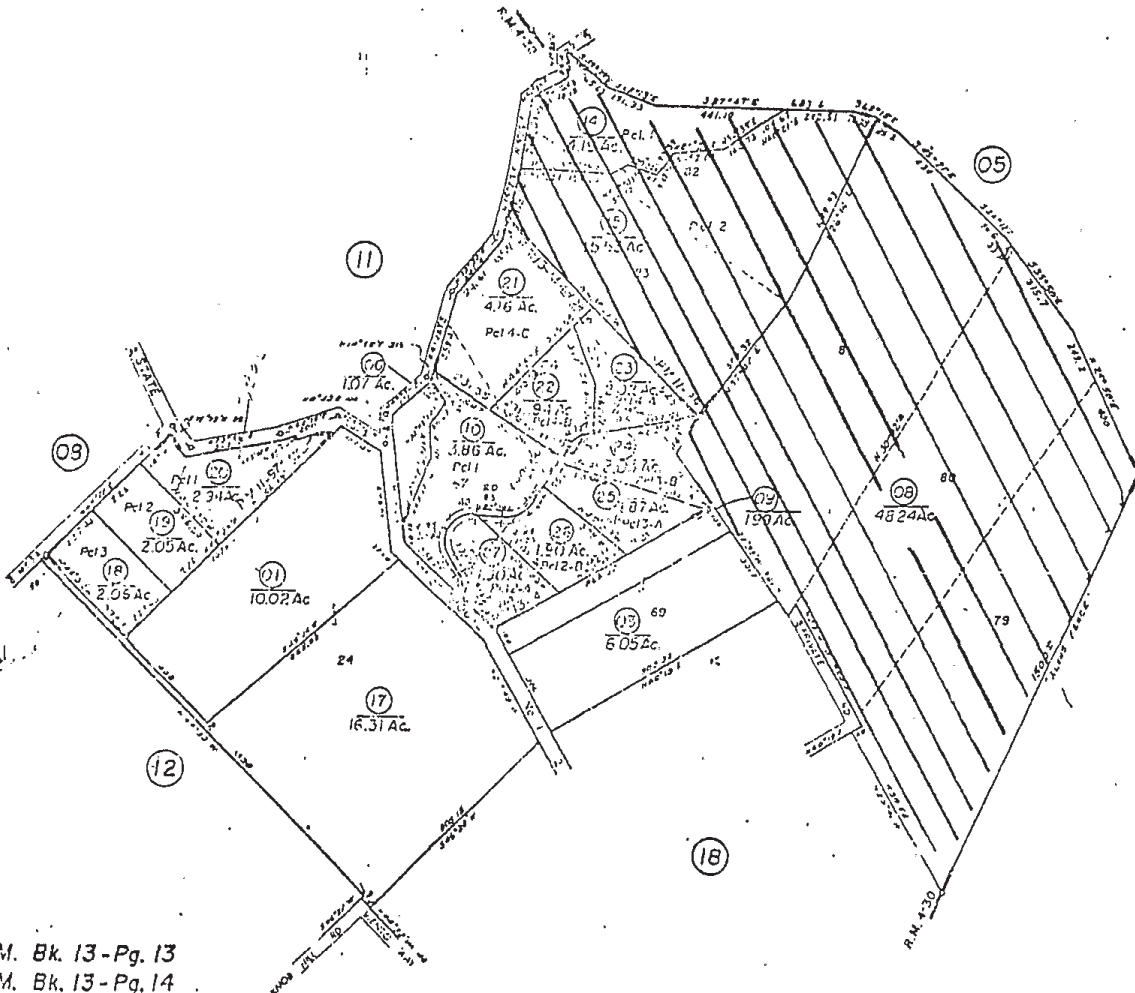
Fig. 28

TOWN OF POINT REYES & VICINITY
Assessor's Map No. 119-10

POR. RANCHO NICASIO

Tax Area Code
94-013
94-020
94-027

119-14



P. M. Bk. 13 - Pg. 13
P. M. Bk. 13 - Pg. 14
P. M. Bk. 11 - Pg. 97
P. M. Bk. 11 - Pg. 29

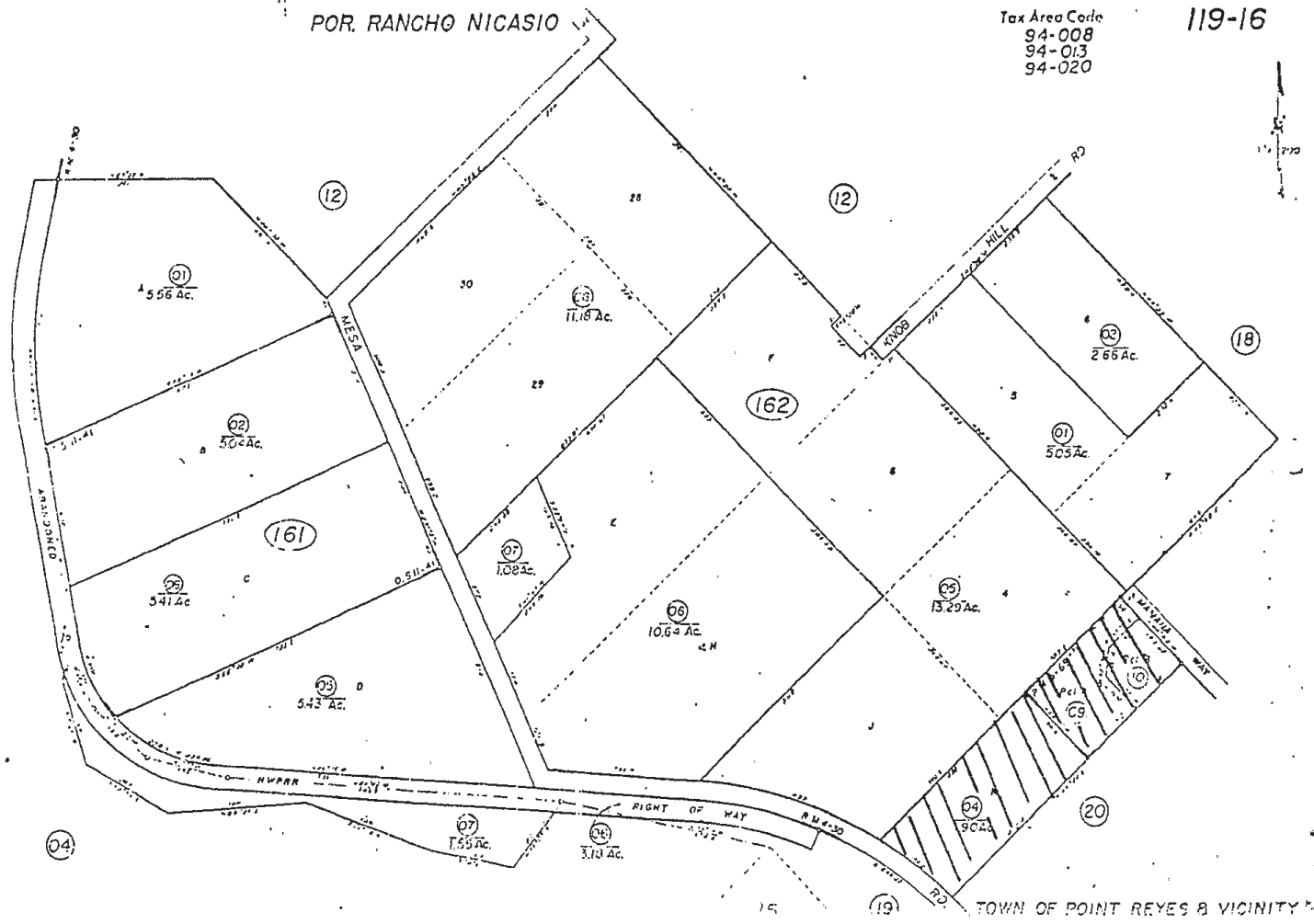
TOWN OF POINT REYES & VICINITY
Assessor's Map Bk. 119 - Pg. 14

The unshaded area is covered by the Categorical Exclusion

POR. RANCHO NICASIO

Tax Area Code
94-008
94-013
94-020

119-16

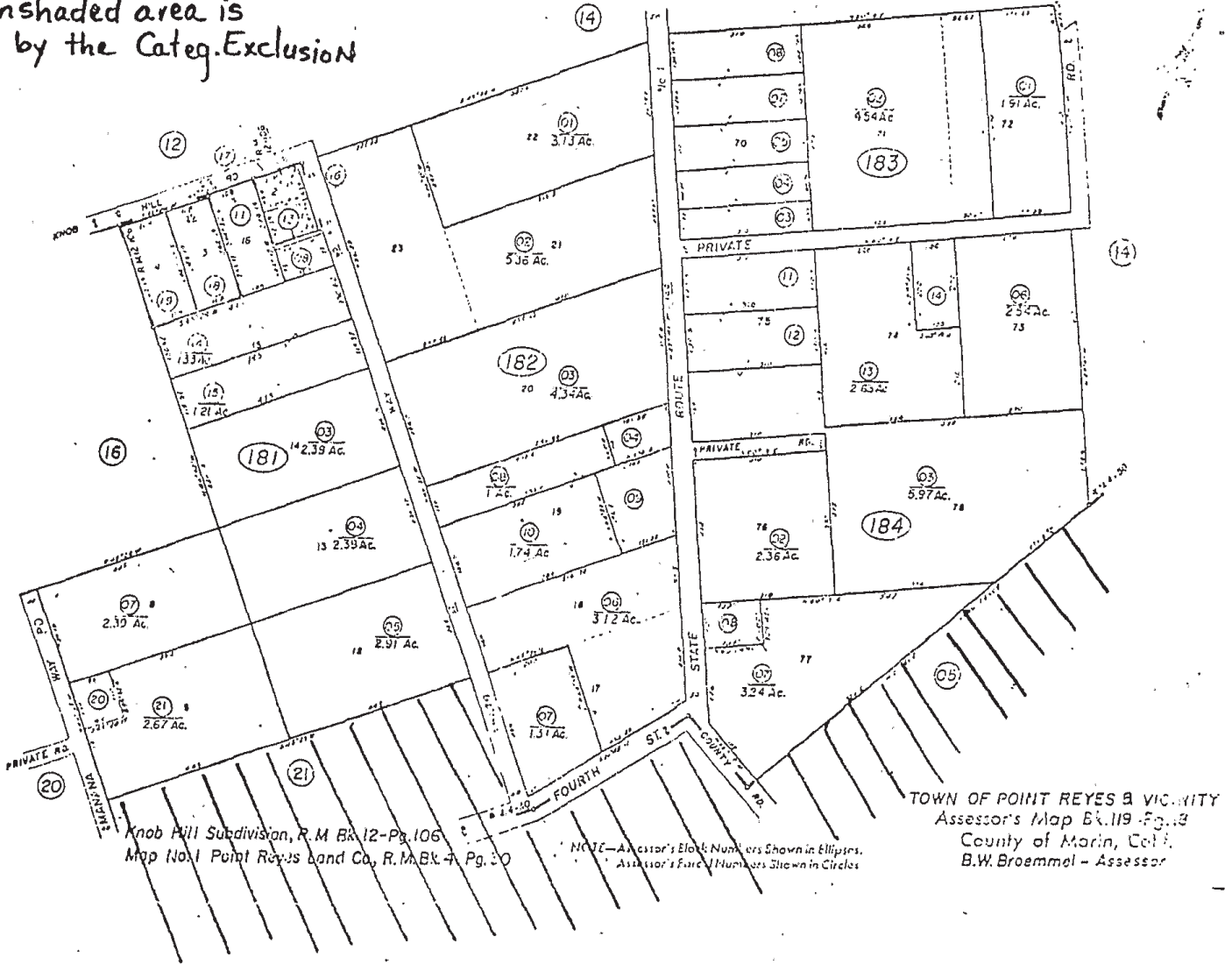


POR. RANCHO NICASIO

94-027, 94-008, 94-020

119-18

The unshaded area is covered by the Categ. Exclusion



Knob Hill Subdivision, R.M. BK. 12-Pg. 106
Map No. 1 Point Reyes Land Co., R.M. BK. 7-Pg. 20

NOTE - Assessor's Block Numbers Shown in Ellipses.
Assessor's Parcel Numbers Shown in Circles

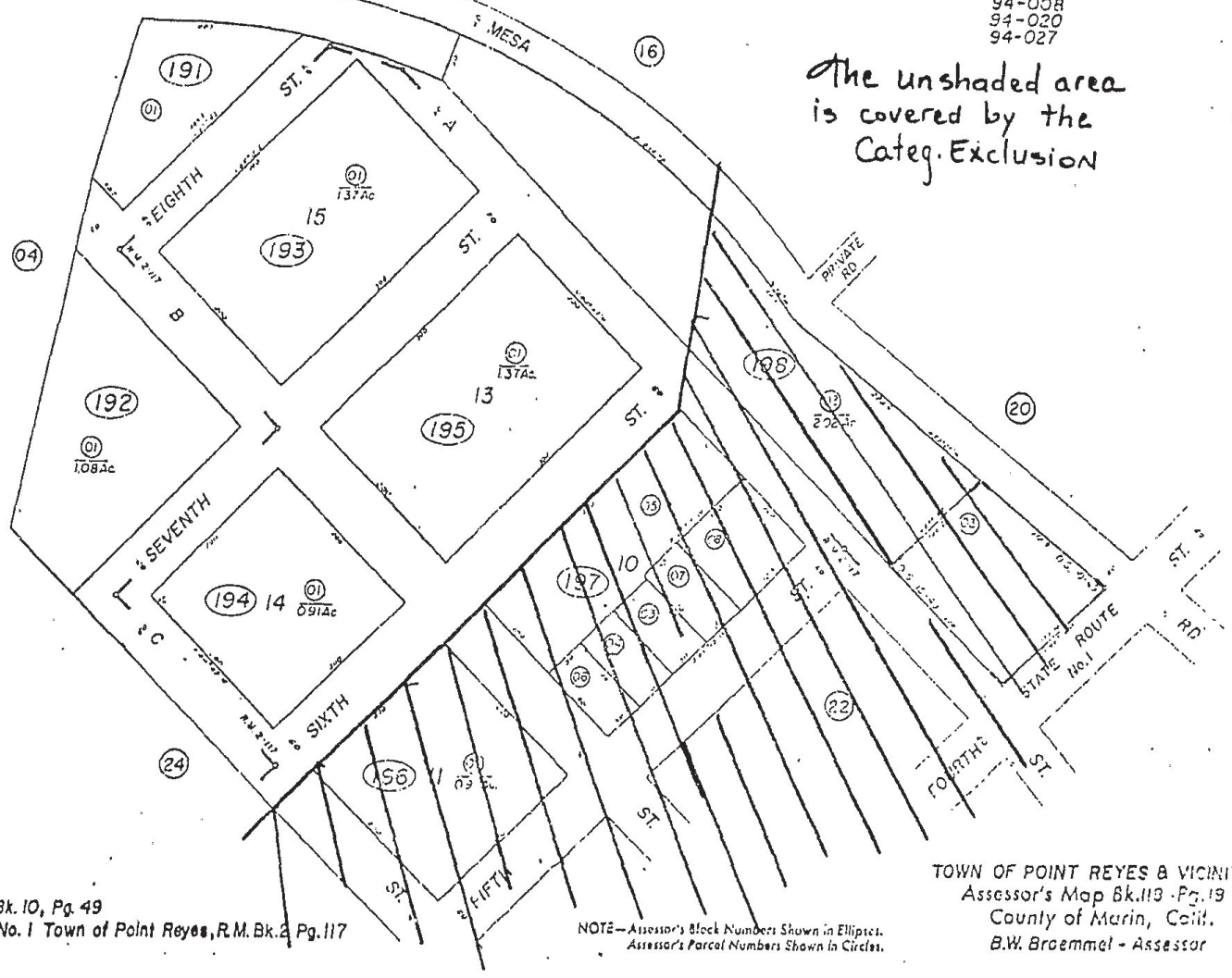
TOWN OF POINT REYES & VICINITY
Assessor's Map Bk. 119-Fg. 13
County of Marin, Cal.
B.W. Broemmel - Assessor

PUR. RANCHO NICASIO

Tax Area Code
94-008
94-020
94-027


119-19

The unshaded area
is covered by the
Categ. Exclusion

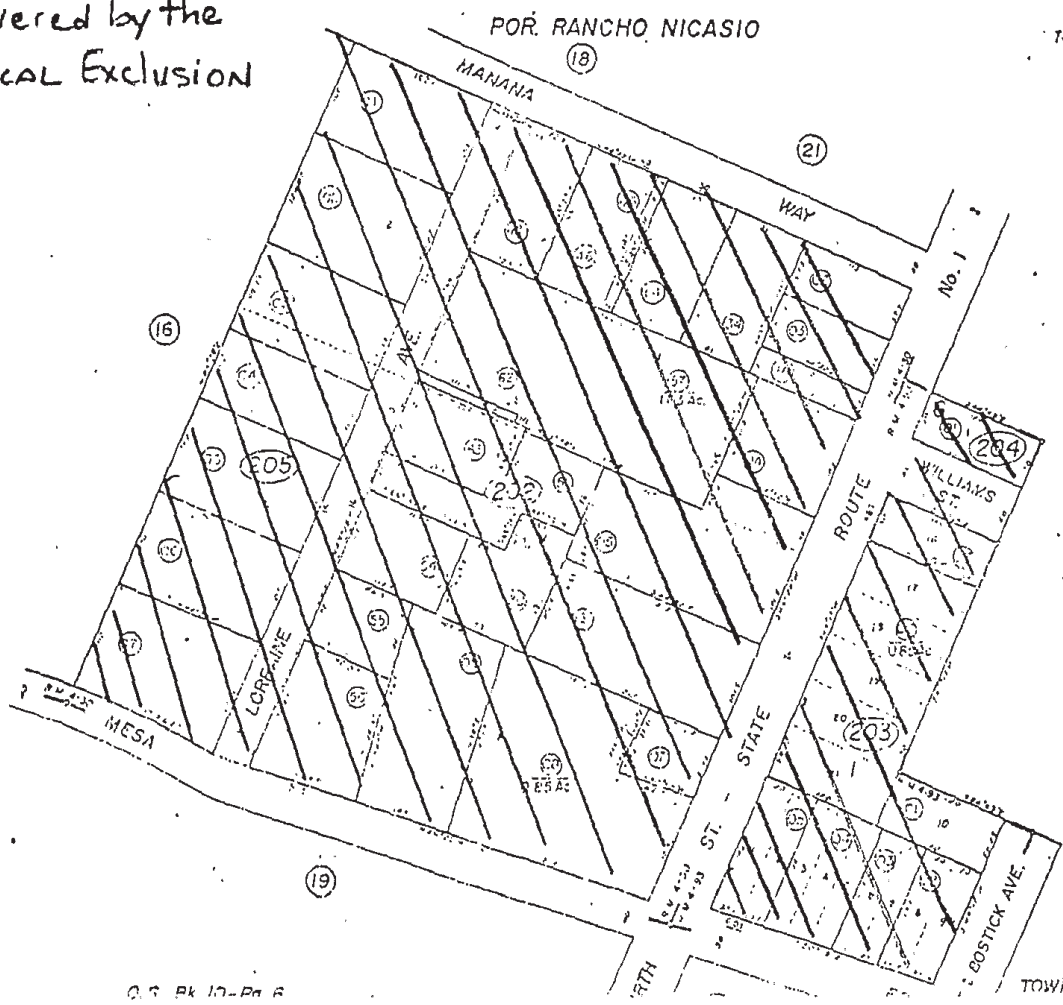


O.S. Bk. 10, Pg. 49
Map No. 1 Town of Point Reyes, R.M. Bk. 2 Pg. 117

TOWN OF POINT REYES & VICINITY
Assessor's Map Bk. 119 - Pg. 19
County of Marin, Calif.
B.W. Braemmel - Assessor

Legend :  = not part of the Exclusion

This area is
not covered by the
Categorical Exclusion



POR. RANCHO NICASIO

Tax Area Code
94-008

119-20

C.S. Bk 10-Pg 6

TOWN OF POINT REYES & VICINITY

BOARD OF SUPERVISORS OF THE COUNTY OF MARIN

RESOLUTION NO. 82-330

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ACCEPTING AND AGREEING TO THE CALIFORNIA COASTAL COMMISSION'S CONDITIONS OF APPROVAL FOR CATEGORICAL EXCLUSIONS IN THE UNIT II COASTAL ZONE OF MARIN COUNTY

WHEREAS, the Marin County Board of Supervisors adopted the Unit II Local Coastal Plan on December 9, 1980, and

WHEREAS, the California Coastal Commission adopted a Resolution of Certification on the Unit II Local Coastal Plan on April 1, 1981, and

WHEREAS, as part of the final certification process of the Unit II Local Coastal Plan, the California Coastal Commission did adopt, on January 7, 1982, Categorical Exclusion Order No. E-81-6 pursuant to Public Resources Code 30610(e), and

WHEREAS, at the request of the County of Marin, the California Coastal Commission did amend Categorical Exclusion Order No. E-81-6, and

WHEREAS, Categorical Exclusion Order No. E-81-6, as amended on August 12, 1982, sets forth the conditions whereby specific developments are excluded from the permit requirements of the California Coastal Act of 1976.

NOW, THEREFORE, BE IT RESOLVED that the Marin County Board of Supervisors does hereby acknowledge receipt of Categorical Exclusion Order No. E-81-6, as amended, including conditions of approval, and accepts and agrees to the terms and conditions to which the categorical exclusions have been made subject.

PASSED AND ADOPTED by the Marin County Board of Supervisors at its regular meeting held on the 17th day of August, 1982, by the following vote, to wit:

AYES: Supervisors: Bob Roumiguere, Al Aramburu, Gary Giacomini, Gail Wilhelm

NOES: Supervisors: None

ABSENT: Supervisors: Barbara Boxer



CHAIRMAN OF THE BOARD OF SUPERVISORS,
COUNTY OF MARIN

ATTEST:

ORDER AMENDING
CATEGORICAL EXCLUSION ORDER E-81-6

I. DESCRIPTION OF EXCLUSION

The Commission by a two-thirds vote of its appointed members hereby adopts an order, pursuant to Public Resources Code Section 30610(e) and 30610.5(b), which categorically excludes from the permit requirements of the California Coastal Act of 1976 the categories of development within the specifically defined geographic area described below:

The geographic area is the coastal zone known as Unit II of the County of Marin, except for tide and submerged lands, beaches, and lots immediately adjacent to the inland extent of any beach, or of the mean high tide line of the sea where there is no beach, and all lands and waters subject or potentially subject to the public trust. Within this area the Commission hereby orders that the following developments within the specific area shall not require a coastal development permit:

The construction of single family residences located within the community expansion boundaries of Dillon Beach (except for lots within the Oceana Marin subdivision), Tomales, and Olema, but only as previously identified for exclusion by the California Coastal Commission pursuant to section 30610.1 of the Coastal Act.

The geographic area of exclusion is shown on Exhibit 1 (Map 49, Area 4: Dillon Beach Marin Co.) Exhibit 2 (Map 50, Area 5: Tomales, Marin Co.) Exhibit 3 (Map 51, Area 7: Olema, Marin Co.).

Only developments which meet all applicable policies and criteria of the Marin County Local Coastal Program, Unit II, are proposed for exclusion. Applications for development which are not consistent with the certified local coastal program remain subject to the requirement of a coastal development permit.

II. SPECIAL CONDITIONS

Notwithstanding the provisions of the certified Local Coastal Program for Marin County, the development of single family dwellings on parcels zoned CARP within the exclusion area is exempt from the requirements of a coastal development permit only if the developer complies with the master plan provisions of Chapters 22.45 and 22.47.100 of the Marin County zoning ordinance. Compliance with the master plan provisions is required notwithstanding the language of Marin Zoning Ordinance, Chapter 22.56.020.

III. CONDITIONS

1. This order of categorical exclusion shall not be implemented until the County submits to the Executive Director of the Coastal Commission and the Executive Director approves, in writing, a map depicting all of the following:
 - a. The geographic area excluded by Commission order,
 - b. The zoning designations of the excluded area,
 - c. The areas of potential public trust (areas subject to the public trust are seaward of the line of potential public trust and will be adequately depicted),
 - d. All coastal bodies of water, riparian corridors, and wetlands as may be shown on any Land Use Plan Resources Maps, or Background Studies,
 - e. The boundaries of all lots immediately adjacent to the inland extent of any beach, or of the mean high tide line of the sea where there is no beach,
 - f. A map note which clearly indicates that the written terms of this order should be consulted for a complete listing of non-excludable developments. The note shall, to the maximum extent practicable, indicate the topical areas which are non-excludable. It shall state that no development within one hundred feet from the upland limit of any stream, wetland, marsh, estuary, or lake, is excluded by the terms of this order, regardless of whether such coastal waters are depicted on the exclusion map, or not. The map note shall further state that where the natural resource, environmentally sensitive habitat, open space or other similar policies of the certified Local Coastal Program specify a geographically larger area of concern for natural resources, then no development shall occur in the area described in the Local Coastal Program unless authorized by a coastal development permit.
2. The order granting a categorical exclusion for these categories of development in the County of Marin, pursuant to Public Resources Section 30610, shall not become effective until the Executive Director of the State Coastal Commission has determined in writing that the local government has taken the necessary action to carry out the exclusion order pursuant to Section 13244 of the Coastal Commission regulations.
3. This exclusion shall apply to the permit requirements of the Coastal Act of 1976, pursuant to Public Resources Code Section 30610(e) and 30610.5(b), and shall not be construed to exempt any person from the permit requirements of any other federal, state or local government agency.

4. The County shall maintain a record of any other permits which may be required for categorically excluded development which shall be made available to the Commission or any interested person upon request, pursuant to Section 13248.
5. Within five (5) working days of the issuance of a permit in conformity with this order of categorical exclusion the County shall provide notification of such issuance on a form containing the following information to the office of the North Central Coast District Office, and to any persons who in writing requested such notice. Unless the County provides such notification to the District Office, the development will not be exempted from coastal development permit requirements under this order.
 - i) developer's name,
 - ii) street address and assessor's parcel number of property on which development is proposed
 - iii) brief description of development
 - iv) date of application for other local permit(s)
 - v) all terms and conditions of development imposed by local government in granting its approval.
6. Development under this exclusion shall conform with the County of Marin Local Coastal Program in effect on the date this exclusion is adopted by the Commission or to the terms and conditions of this exclusion where such terms and conditions specify more restrictive development criteria.
7. In the event an amendment of the Local Coastal Program of the County of Marin is certified by the Coastal Commission pursuant to section 30514 of the Coastal Act, development under this order shall comply with the amended Local Coastal Program, except where the terms and conditions of this order specify more restrictive development criteria. However, such amendment shall not authorize the exclusion of any category of development not excluded herein, nor shall such amendment alter the geographic areas of the exclusion.
8. This order does not exempt any development within one hundred feet, measured horizontally, from the high water mark of any coastal body of water, stream, wetland, estuary, or lake, regardless of whether such coastal waters are depicted on the exclusion map, or not.
9. Any development not falling within this exclusion remains subject to the coastal development permit requirements of the Coastal Act of 1976.

IV. RESCISSION AND REVOCATION

Pursuant to Title 14 of the California Administrative Code Section 13243(e) the Commission hereby declares that the order granting this exclusion may be rescinded at any time, in whole or in part, if the Commission finds by a majority vote of its appointed membership after public hearing that the terms and conditions of the exclusion order no longer support the findings specified in Public Resources Code Section 30610(e). Further, the Commission declares that this may be revoked at any time that the terms and conditions of the order are violated.

A RESOLUTION OF THE BOARD OF SUPERVISORS OF
THE COUNTY OF MARIN ACCEPTING AND AGREEING
TO THE CALIFORNIA COASTAL COMMISSION'S CONDI-
TIONS OF APPROVAL FOR CATEGORICAL EXCLUSIONS
IN THE COASTAL ZONE OF MARIN COUNTY

WHEREAS, the County of Marin has a certified Land Use Plan for the Coastal Zone of Marin County, and

WHEREAS, the County has assumed permit authority in the Coastal Zone of Marin County, and

WHEREAS, through the administration of the Coastal Permit process the County has determined that minor additions to single family dwellings generally have no potential for any significant, adverse effect, either individually or cumulatively, on coastal resources or on public access to, or along the coast, and

WHEREAS, the limitations on sewer capacity in the Ocean Marin Subdivision, as stated in Policy 3(e), page 191 for the Unit II LCP, have been addressed by the expansion of the North Marin County Water District's Community sewer system, and

WHEREAS, the Marin County Board of Supervisors did adopt Resolution 82-415 requesting the California Coastal Commission to approve a Categorical Exclusion Order for such development, and

WHEREAS, at the request of the County of Marin, the California Coastal Commission did adopt Categorical Exclusion Order No. E-82-6, and

WHEREAS, Categorical Exclusion Order No. E-82-6, as adopted on March 11, 1983, sets forth the conditions whereby specific developments are excluded from the permit requirements of the California Coastal Act of 1976.

NOW, THEREFORE, BE IT RESOLVED that the Marin County Board of Supervisors does hereby acknowledge receipt of Categorical Exclusion Order No. E-82-6, including conditions of approval, and accepts and agrees to the terms and conditions to which the categorical exclusions have been made subject.

PASSED AND ADOPTED by the Marin County Board of Supervisors at its regular meeting held on the 15th day of March, 1983, by the following vote, to wit:

AYES: Supervisors: Stockwell, Aramburu, Roumiguere

NOES: Supervisors: None

ABSENT: Supervisors: Giacomini, Brown



CHAIRMAN OF THE BOARD OF SUPERVISORS
COUNTY OF MARIN

ATTEST:



CALIFORNIA COASTAL COMMISSION
631 Howard Street, San Francisco 94105 — (415) 543-8555

CATEGORICAL EXCLUSION ORDER E-82-6

Marin County

The Commission by a two-thirds vote of its appointed members hereby adopts an order, pursuant to Public Resources Code Section 30610(e) and 30610.5(b), categorically excluding from the permit requirements of the California Coastal Act of 1976 the categories of development within the specifically defined geographic area described below:

I. BACKGROUND

Section 30610 of the Coastal Act allows the State Commission to adopt a Categorical Exclusion for a specific type of development within a defined geographic area.

Section 30610(e) states:

"Any category of development, or any category of development within a specifically defined geographic area, that the Commission, after public hearing, and by two-thirds vote of its appointed members, has described or identified and with respect to which the Commission has found that there is no potential for any significant adverse effect, either individually or cumulatively, on coastal resources or on public access to, or along, the coast and, where such exclusion precedes certification of the applicable local coastal program, that such exclusion will not impair the ability of local government to prepare a local coastal program."

Public Resources code Section 30610.5(b) additionally requires that the following findings and provisions must be made.

Section 30610.5(b) states in part:

"Every exclusion granted...shall be subject to terms and conditions to assure that no significant change in density, height, or nature of uses will occur without further proceedings under this division and an order granting an exclusion under Subdivision (e) of Section 30610...may be revoked at any time by the Commission if the conditions of the exclusion are violated..."

The County of Marin seeks the exclusion from coastal permit requirements of the categories of development described below. The geographic area for category A is the entire coastal zone, with exceptions as provided by Coastal Act Section

30610.5(b), and for Category B, the Oceana Marin Subdivision as shown in Exhibit 1.

II. CATEGORIES OF DEVELOPMENT, GEOGRAPHIC AREAS, AND CONDITIONS

A. Category of Development

Additions to existing single-family dwellings which would result in an increase of no more than 50% of the floor area of the dwelling before the addition or 1,000 square feet, whichever is less.

Geographic Area of Exclusion

The entire coastal zone, except: tide and submerged lands, beaches, and lots immediately adjacent to the inland extent of any beach, or of the mean high tide line of the sea where there is no beach, and all lands and waters subject to the public trust.

Condition

- 1) Additions shall meet all zoning and development standards of the Marin County Code, including but not limited to the provisions of the Historic Zoning Ordinance.

B. Category of Development

Single-family dwellings in Oceana Marin Subdivision in Dillon Beach.

Geographic Area of Exclusion

Existing parcels in the Oceana Marin subdivision as shown in Exhibit 1.

Conditions

- 1) The exclusion shall apply only to vacant legal lots of record existing on the date of adoption of this exclusion order.
- 2) The applicant shall submit an engineered foundation and site-specific development recommendation prepared by a licensed soils engineer.
These recommendations shall demonstrate that the soils and geologic character of the site can support grading and construction without causing undue hazards to the site or to adjacent sites. The plan shall also include specific provisions for drainage and continuity of the natural landform.
- 3) The project shall have design approval from the Bodega Bay Preserve Design Committee.
- 4) The North Marin County Water District shall certify that sewage treatment capacity exists to serve the proposed residence.

EXHIBIT 1

"Exhibit 1", as used in this document, refers to the map of exclusion areas prepared by the County of Marin for #E-81-2 and E-81-6 and incorporated herein by this reference. The map is on file with both the County and the Commission. The map will be amended to show excludable and non-excludable areas for #E-81-2, E-81-6 and E-82-6. The map shows areas exempted from this request for categorical exclusion under Section 30610.5(b) of the Coastal Act, namely:

Tide and submerged lands, beaches, and lots immediately adjacent to the inland extent of any beach, or of the mean high tide line of the sea where there is no beach, and all lands and waters subject to the public trust.

III. FINDINGS

The findings below support the conclusions that the exclusion has no potential for significant adverse effects, either individually or cumulatively, on coastal resources or on public access to or along the coast and that such exclusion will not result in a significant change in density, height, or nature of uses, as required by Section 30610(e) and 30610.5(b) of the Coastal Act.

A. Minor Additions to Single-Family Dwellings

The coastal zoning ordinance adopted by Marin County to implement its Local Coastal Program contains a provision which exempts from coastal permit requirements very small additions to existing structures, including single-family dwellings (except where sensitive coastal resources could be affected by the addition). To be exempt under this provision, an addition must result in an increase of no more than 10% of the interior floor area of the existing structure. This limit means that even the addition of one or two rooms to a modest-sized home requires a coastal permit. This Categorical Exclusion would eliminate the coastal permit requirement for somewhat larger but still modest-sized additions to single-family dwellings (up to 50% additions). Additions to buildings other than single-family dwellings would not be affected by this Exclusion.

1. Visual Resources. The Marin County coastal zone is a highly scenic area where construction of a dwelling may affect public views or visual quality. Protection of views and visual quality is addressed by the Local Coastal Program zoning ordinance through establishment of height limits for new construction and general policies requiring compatibility of new construction with the character of its surroundings, appropriate landscaping, and other measures. In some zoning districts, design review is required in order to allow case-by-case consideration of potential visual impacts of new construction.

The Categorical Exclusion is subject to a condition requiring that all zoning and development standards of the Marin County Code be met. Therefore, even though an addition to a single-family dwelling may be exempt from the requirement of a coastal permit, the addition must meet all height and design standards of the Marin County Code. These standards serve to protect coastal visual resources.

The historic zoning provisions of the LCP and Zoning ordinance require a coastal permit for additions to structures built prior to 1930 and to structures in designated historic communities. Standards for review of such additions are incorporated in the LCP in order to assure compatibility of new additions with existing historic structures. An addition to a house which is exempt from the requirement of a coastal permit under this Exclusion must, nevertheless, meet the requirements of the historic zoning provisions of the Marin County Code. Therefore, scenic resources based on historic value will be protected under this Categorical Exclusion. As proposed and conditioned, the exclusion of additions to single-family dwellings will not have an adverse impact, either individually or cumulatively, on coastal visual resources.

To be excluded, additions must be modest in size, measuring no more than 50% of the existing floor area or 1000 square feet, whichever is less. No change in

use is allowed by the Exclusion, and only additions to single-family dwellings are covered. Height limits of the existing zoning ordinance must be met. Therefore, this Exclusion will not result in a significant change in density, height, or nature of uses.

2. Adequacy of Services. This Exclusion applies to additions to dwellings, but not to construction of new separate dwelling units. Second, dwelling units on one lot are not covered by the Exclusion. The additional demand on water and other services that would be presented by new households would not result from this Exclusion.

Much of the residential development in the coastal zone is served by on-site sewage disposal systems. Where additions of bedrooms to existing houses are proposed, additional leachfield area for sewage disposal may be required under the Marin County Code. As conditioned, this Exclusion requires that additions to houses meet all development standards of the Marin County Code, including sewage disposal requirements. Therefore, even if a project is excluded from coastal permit requirements, sewage disposal standards must be met. As conditioned, the Exclusion will not have a potential for significant adverse effect, either individually, or cumulatively, on water quality or other resources affected by sewage disposal.

B. Single-Family Dwellings in Oceana Marin.

Under a categorical exclusion in effect prior to the takeover of coastal permit authority by Marin County (E-79-5), construction of single-family dwellings in the Oceana Marin Subdivision at Dillon Beach were exempt from Coastal permits. The County requested that this exemption be extended when the LCP was finally certified. However, limitation on sewage treatment capacity identified in the LCP prevented the Commission from approving the exclusion.

1. Sewage Treatment

Sewage treatment at Oceana Marin is the responsibility of the North Marin County Water District which operates treatment and storage ponds to dispose of sewage through evaporation. When the Unit II LCP was certified, capacity in the evaporation ponds was established to be 125 houses, or 31 houses more than the 94 sewer connections which existed at that time. Since certification of the LCP, permits have been issued for approximately 125 houses. The LCP states that improvements to the system would be necessary to handle more than 125 connections. The North Water NMCWD states as of January, 1983 that the sewage disposal system now has the capacity to safely serve at least 164 homes. The expansion in capacity has occurred through installation of irrigation facilities which accelerate the evaporation process. (Irrigation disposal has been approved for this location by the Regional Water Quality Control Board.) Irrigation was accomplished in the dry season of 1982 (from early August through mid-October) and resulted in a drawdown of the storage ponds sufficient to accommodate all sewage until the next dry season as well as rainfall collected in the ponds. On the basis of this experience, modified by projections of a one in 100 rainfall year, the Water District has calculated that sufficient reserve exists in the system to accommodate 39 additional houses besides the 125 cited in the LCP, or a total of 164 houses.

A total of 252 single-family lots exists at Oceana Marin. Therefore, sewage treatment capacity does not exist at this time to serve all subdivided lots. The Water District states that study of a long-range means of sewage disposal is continuing and that "any solution considered will provide adequate sewage disposal capacity to allow development of all currently annexed lots."

As conditioned, the Exclusion requires that the North Marin County Water District certify that sewage treatment capacity exists in order for new houses to be excluded from permit requirements. The District has so certified for a total of 164 connections. If and when the time comes that 164 connections have been made, additional certification by the District must be made in order to continue this exclusion in effect (assuming that additional improvements to the sewage disposal system have been made by that time). If the additional certification has not taken place at that time, the Exclusion shall cease to have effect, and construction of a single-family dwelling at Oceana Marin shall be subject to individual coastal permit review.

The certified LCP zoning recognized a total of 252 lots for single-family dwellings at Oceana Marin. The findings of certification of the LCP adopted by the Commission concluded that potential build-out of Oceana Marin would be consistent with protection of coastal resources, assuming sewage disposal constraints could be met. This Exclusion covers additional build-out only to the level for which sewage disposal capacity has been determined to exist. Although build-out of the subdivision will continue under this order, the development will continue to consist of a single-family dwelling on each lot. Therefore, the Exclusion will not result in a significant change in density, height or nature of land uses. Construction of a single-family dwelling is allowed by right at Oceana Marin.

2. Geological Hazards. The Oceana Marin subdivision is located on steep slopes and erodible soils where construction of houses could potentially present hazards to life and property. As conditioned, the Exclusion requires that a soils engineer investigate each building site and prepared an engineered foundation plan. The engineer's recommendation shall demonstrate that the site can support grading and construction without causing undue hazards to the site or to adjacent sites. This condition will assure that construction of additional single-family dwellings will minimize risks to life and property, consistent with Section 30253 of the Coastal Act. As proposed and conditioned, the Exclusion has no potential for significant adverse effects, either individually or cumulatively, on coastal resources or on public access to or along the coast.

3. Visual Quality. The Oceana Marin subdivision is located on steep hills where construction is visible from the beach and surrounding areas. As conditioned, the Exclusion requires design review approval by the local property owners' association. That review will assure that new construction is compatible in size and scale with existing development.

IV. CONDITIONS

1) Maps showing excluded areas with:

a. the appropriate approved zoning district,

- b. areas of actual or potential public trust, and
- c. boundaries of parcels immediately adjacent to the inland extent of any beach or of the mean high tide line of the sea where there is no beach, shall be submitted for the review and concurrence of the Executive Director of the Commission before the County may implement the Exclusion.

A map note which clearly indicates that the written terms of this order should be consulted for a complete listing of non-excludable developments. The note shall, to the maximum extent practicable, indicate the topical areas which are non-excludable. The map note shall state that where the natural resource, environmentally sensitive habitat, open space or other similar policies of the certified Local Coastal Program specify a geographically larger area of concern for natural resources, then no development shall occur in the area described in the Local Coastal Program unless authorized by a coastal development permit.

2) The County of Marin shall, at an appropriate stage in the local approval process for development subject to this Exclusion, distribute to the applicant for such local approval an instruction sheet and form provided by the Executive Director of the Commission. After obtaining final local governmental approval but prior to commencing construction under this exclusion, such applicant shall send the completed form containing a brief description of the excluded development to the Coastal Commission.

3) The County of Marin shall maintain a record for any other permit which may be required for categorically excluded development which shall be made available to the Commission or any interested person upon request, pursuant to Section 00154 of the Commission Local Coastal Program Regulations.

4) The order granting a categorical exclusion for these categories of development in Marin County pursuant to Public Resources Code Section 30610(e) shall not become effective until the Executive Director of the Coastal Commission has determined in writing that the local government has taken the necessary action to carry out the exclusion order pursuant to Section 13244 of the Coastal Commission Administrative Regulations.

5) Development under this exclusion shall conform with the County of Marin Local Coastal Program in effect on the date this exclusion is adopted by the Commission or to the terms and conditions of this exclusion where such terms and conditions specify more restrictive development criteria.

6) In the event an amendment of the Local Coastal Program of the County of Marin is certified by the Coastal Commission pursuant to section 30514 of the Coastal Act, development under this order shall comply with the amended Local Coastal Program, except where the terms and conditions of this order specify more restrictive development criteria. However, such amendment shall not authorize the exclusion of any category of development not excluded herein, nor shall such amendment alter the geographic areas of the exclusion.