

MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY
BRIAN C. CRAWFORD, DIRECTOR

M E M O R A N D U M

TO: Members of the Planning Commission

FROM: Jack Liebster, Principal Planner

RE: Supplement for the January 23, 2012 Staff Report

DATE: January 13, 2012

Dear Members of the Commission:

Enclosed are additional documents for consideration at your Commission's January 23, 2012 hearing on the LCP.

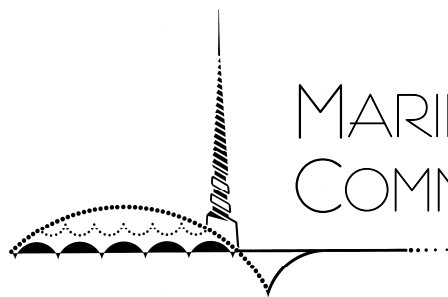
This supplement consists of four enclosures:

Enclosure 1, Completed Programs, contains Land Use Plan programs that have already been implemented in the Draft Development Code will therefore be deleted from the adopted version of the Land Use Plan.

Enclosure 2, Supplemental Maps, contains several maps for addition to the Land Use Plan, per the request of Coastal Commission staff. This includes a set of existing zoning maps for the Coastal Zone, a map of the Stinson Beach Highlands Subdivision, and a map of the FEMA DFIRM Flood Hazard Zones for Stinson Beach.

Enclosure 3, 12-1-11 Decision Table, is the Draft Final Decision Table from the December 1, 2011 Planning Commission Hearing on Natural Systems. This includes additional edits requested by your Commission on January 9, 2012.

Enclosure 4, 1-9-12 Decision Table, is the Draft Tentative Decision Table from the January 9, 2012 Planning Commission Hearing on LCP carryover items. This includes staff's response to changes requested by your Commission at the January 9, 2012 hearing (**highlighted**), in addition to changes proposed in the January 9 staff report.



MARIN COUNTY COMMUNITY DEVELOPMENT AGENCY

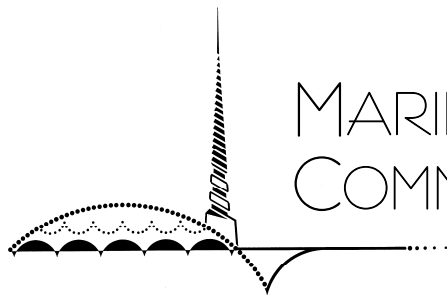
BRIAN C. CRAWFORD, DIRECTOR

ENCLOSURE 1: Completed Programs

As discussed during the January 9th Planning Commission hearing, Land Use Plan programs that have already been completed and implemented in the Draft Development Code will not appear in the PC adopted version of the Land Use Plan. Several of these programs are noted in the Draft Decision Table for the January 9, 2012 hearing (see Enclosure 4). Provided below is a complete list of programs throughout the entire Land Use Plan that are now redundant and will be omitted from future versions of the LUP.

Land Use Plan Program	Implementing Development Code Section
AGRICULTURE	
C-AG-2.b. Develop Implementation Measures for the C-APZ	<ul style="list-style-type: none">• 22.62.060.B.1 C-APZ District• Tables 5-1.a to 5-1.e (Allowed Uses and Permit Requirements for Coastal Agricultural Districts)
C-AG-2.c Agricultural Worker Housing on Agricultural Lands	<ul style="list-style-type: none">• 22.32.028 Agricultural Worker Housing (coastal)
C-AG-2.e Establish Criteria for On-site Agricultural Sales and Processing	<ul style="list-style-type: none">• 22.32.026 Agricultural Processing Uses• 22.32.027 Agricultural Retail Sales and Facilities (coastal)
C-AG-3.a Protect Agriculture Use Where Combined with Residential Use (C-ARP)	<ul style="list-style-type: none">• 22.62.060.B.2 C-ARP District• Tables 5-1.a to 5-1.e (Allowed Uses and Permit Requirements for Coastal Agricultural Districts)• 22.65.050 C-ARP Zoning District Standards
C-AG-4.a Provide for Small Scale Agriculture Combined with Residential (C-R-A)	<ul style="list-style-type: none">• 22.62.070.B.1 C-RA District• Tables 5-2.a to 5-2.d.(Allowed Uses and Permit Requirements for Coastal Residential Districts)

ENVIRONMENTAL HAZARDS	
C-EH-5.a Determine Appropriate Setbacks for Blufftop Development	<ul style="list-style-type: none"> • 22.64.060.A.2 • 22.64.060.B.2
C-EH-5.b Require Developers of Blufftop Parcels to Investigate Geological Hazards	<ul style="list-style-type: none"> • 22.64.060.A.2
C-EH-6.a Require Proper Drainage Plans	<ul style="list-style-type: none"> • 22.64.060.A.3
C-EH-13.a Require Proper Engineering for Shoreline Protective Devices	<ul style="list-style-type: none"> • 22.64.060.A.4
WATER RESOURCES	
C-WR-3.a Require Drainage Plans	<ul style="list-style-type: none"> • 22.64.080.A.1
C-WR-14.b Apply Policy C-WR-14 to Projects with the Highest Risk of Water Quality Impacts	<ul style="list-style-type: none"> • 22.64.080.B.6



MARIN COUNTY COMMUNITY DEVELOPMENT AGENCY

BRIAN C. CRAWFORD, DIRECTOR

ENCLOSURE 2: Supplemental Maps

Staff proposes the following supplemental material for your consideration as part of the January 23, 2012 staff report.

Item 1: Zoning Maps

Zoning maps for the Coastal Zone have now been added to the Land Use Plan. These maps are identified as Map Set 29a – 29I – Zoning Maps and are attached for your reference.

Item 2: Map of Stinson Beach Highlands

Policy C-DES-4 limits the height of new structures to a maximum height of seventeen (17) feet in the Highlands neighborhood in Stinson Beach. Map 17 - Stinson Beach Highlands Subdivision shows the location of this subdivision and the parcels this policy applies. This map is attached for your reference.

Item 3: FEMA DFIRM Flood Hazard Zones for Stinson Beach

Policy C-DES-4 regulates the measurement of height to 15 feet in FEMA special flood hazard (V) zones within the Seadrift Subdivision. Map 18 - Stinson Beach FEMA DFIRM Flood Hazard Zones shows the FEMA flood hazard zones in Stinson Beach. This map is attached for your reference.

Attachments: Map Set 29a – 29I – Zoning Maps
Map 17 – Stinson Beach Highlands Subdivision
Map 18 – Stinson Beach FEMA DFIRM Flood Hazard Zones

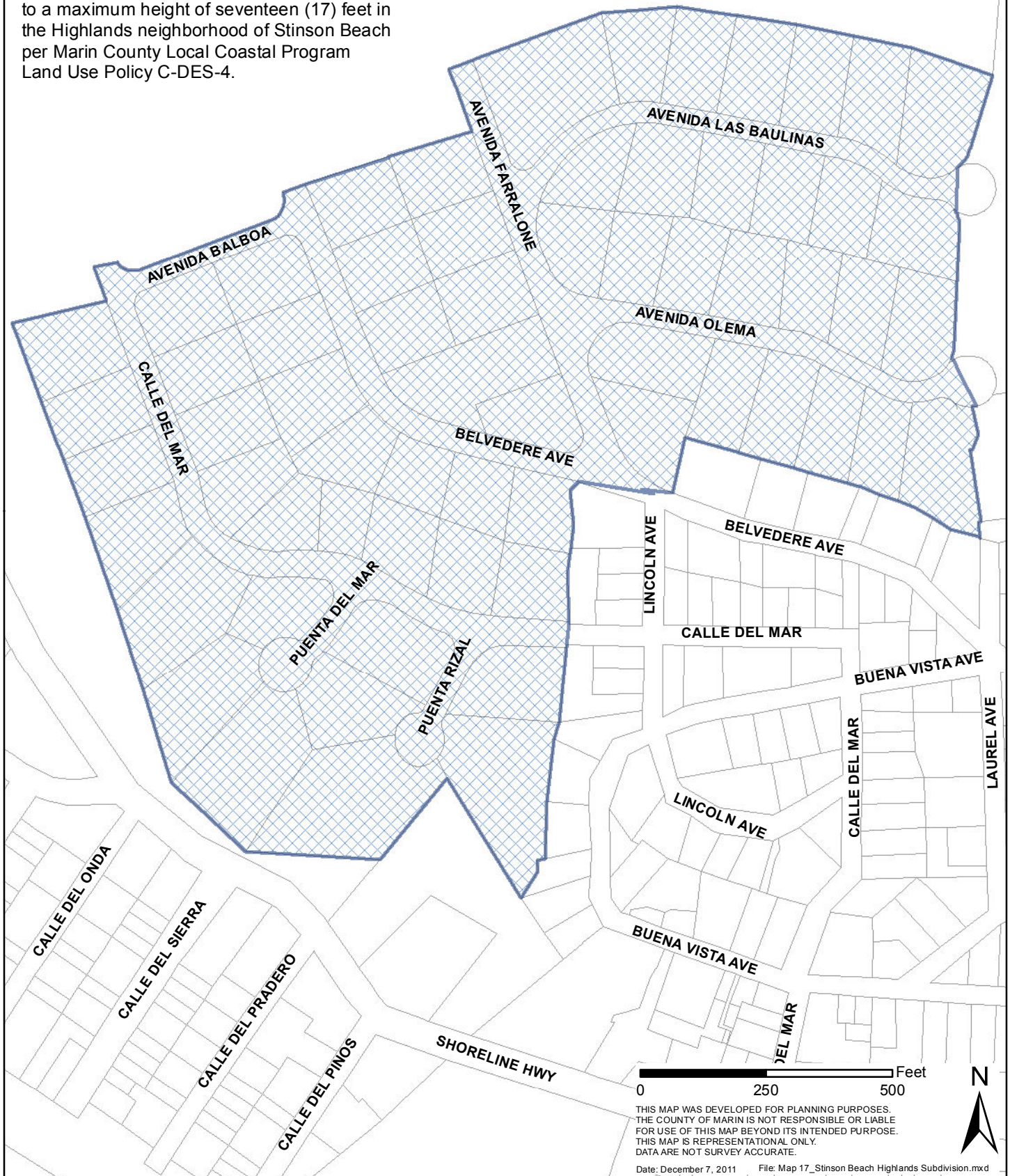
Legend



Stinson Beach Highlands Subdivision





NOTE: The height of new structures is limited to a maximum height of seventeen (17) feet in the Highlands neighborhood of Stinson Beach per Marin County Local Coastal Program Land Use Policy C-DES-4.

MAP 17 STINSON BEACH HIGHLANDS SUBDIVISION



MAP 18 STINSON BEACH FEMA DFIRM FLOOD HAZARDS ZONES

LEGEND

-  County Boundary
-  Coastal Zone Boundary
-  Highways and Major Roads
-  Parcel boundaries

FEMA DFIRM Flood Hazard Zones

-  Zone X: 500-year - 0.2 pct annual chance flood hazard. No Base Flood Elevations or depths are shown for this zone.
-  Zone A: 100-year - 1 pct annual chance flood hazard determined by approximate methods of analysis. No Base Flood Elevations determined.
-  Zone AE: 100-year - 1 pct annual chance flood hazard determined by detailed methods of analysis. Base Flood Elevations determined.
-  Zone AH: 100-year - 1 pct annual chance shallow flooding with a constant water-surface elevation (usually areas of ponding) where average depths are between 1 and 3 feet. Base Flood Elevations determined.
-  Zone AO: 100-year - 1 pct annual chance shallow flooding with a constant water-surface elevation (usually sheet flow on sloping terrain) where average depths are between 1 and 3 feet. For areas of alluvial fan flooding, velocities also determined.
-  Zone V: 100-year - 1 pct annual chance coastal floodplains that have additional hazards associated with velocity hazard (wave action) - approximate hydraulic analyses. No Base Flood Elevations determined.
-  Zone VE: 100-year - 1 pct annual chance coastal floodplains that have additional hazards associated with velocity hazard (wave action) - detailed hydraulic analyses. Base Flood Elevations determined.

Note: In FEMA Special Flood Hazard (V) Zones within the Seadrift subdivision, the maximum building height shall be measured from the minimum floor elevation required by the flood zone designation, per Marin County Local Coastal Program Land Use Policy C-DES-4 - Limited Height of New Structures.

SOURCE: Federal Emergency Management Agency (FEMA),
U.S. Department of Homeland Security.

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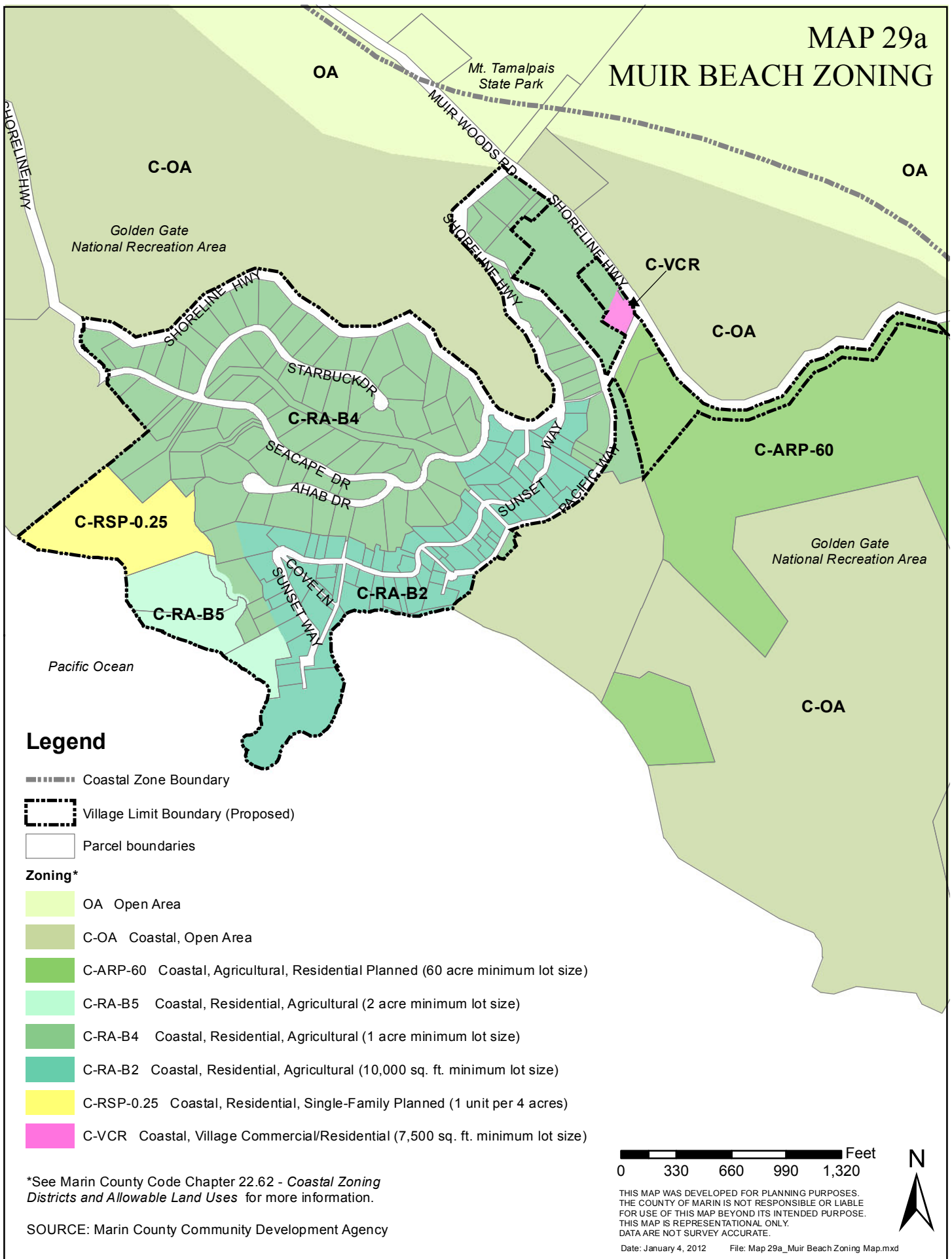
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Date: December 5, 2011

File: Map 18_FEMA DFIRM Flood Hazard Zones_Stinson Beach.mxd



MAP 29a MUIR BEACH ZONING



MAP 29b STINSON BEACH ZONING

Legend

----- Coastal Zone Boundary

----- Village Limit Boundary (Proposed)

----- Parcel boundaries

----- Bolinas - see Map "28c" for zoning

Zoning

OA Open Area

C-OA Coastal Open Area

C-ARP-1.7 Coastal Agricultural, Residential Planned (1 unit per 1.7 acres)

C-RA-B6 Coastal Residential, Agricultural (3 acre minimum lot size)

C-RA-B5 Coastal Residential, Agricultural (2 acre minimum lot size)

C-RA-B4 Coastal Residential, Agricultural (1 acre minimum lot size)

C-RA-B3 Coastal Residential, Agricultural (20,000 sq. ft. minimum lot size)

C-R1-B3 Coastal Single-Family Residential (20,000 sq. ft. minimum lot size)

C-R1-B2 Coastal Single-Family Residential (10,000 sq. ft. minimum lot size)

C-R1 Coastal Single-Family Residential (7,500 sq. ft. minimum lot size)

C-R2 Coastal Residential, Two-Family (7,500 sq. ft. minimum lot size)

C-RSPS-0.346 Coastal Residential, Single-Family Planned, Seadrift Subdivision (1 unit per 2.89 acres)

C-RSPS-0.387 Coastal Residential, Single-Family Planned, Seadrift Subdivision (1 unit per 2.58 acres)

C-RSPS-1.4 Coastal Residential, Single-Family Planned, Seadrift Subdivision (1.4 units per acre)

C-RSPS-2.9 Coastal Residential, Single-Family Planned, Seadrift Subdivision (2.9 units per acre)

C-RSPS-3.5 Coastal Residential, Single-Family Planned, Seadrift Subdivision (3.5 units per acre)

C-RSPS-4.39 Coastal Residential, Single-Family Planned, Seadrift Subdivision (4.39 units per acre)

C-RSPS-4.5 Coastal Residential, Single-Family Planned, Seadrift Subdivision (4.5 units per acre)

C-RSP-2 Coastal Residential, Single-Family Planned (2 units per acre)

C-H1 Coastal Limited Roadside Business (7,500 sq. ft. minimum lot size)

C-VCR Coastal Village Commercial/Residential (7,500 sq. ft. minimum lot size)

*See Marin County Code Chapter 22.62 - Coastal Zoning Districts and Allowable Land Uses for more information.

SOURCE: Marin County Community Development Agency















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Date: January 4, 2012 File: Map 29b Stinson Beach Zoning Map.mxd

MAP 29c BOLINAS ZONING

Legend

-  Coastal Zone Boundary
-  Village Limit Boundary (Proposed)
-  Parcel boundaries
-  Stinson Beach - see Map "28b" for zoning
- Zoning***
-  OA Open Area
-  C-OA Coastal, Open Area
-  C-APZ-60 Coastal, Agricultural Production Zone (60 acre minimum lot size)
-  C-ARP-60 Coastal, Agricultural, Residential Planned (1 unit per 60 acres)
-  C-ARP-20 Coastal, Agricultural, Residential Planned (1 unit per 20 acres)
-  C-ARP-10 Coastal, Agricultural, Residential Planned (1 unit per 10 acres)
-  C-ARP-5 Coastal, Agricultural, Residential Planned (1 unit per 5 acres)
-  C-RA-B4 Coastal, Residential, Agricultural (1 acre minimum lot size)
-  C-RA-B2 Coastal, Residential, Agricultural (10,000 sq. ft. minimum lot size)
-  C-VCR Coastal, Village Commercial/Residential (7,500 sq. ft. minimum lot size)

*See Marin County Code Chapter 22.62 - *Coastal Zoning Districts and Allowable Land Uses* for more information.

SOURCE: Marin County Community Development Agency

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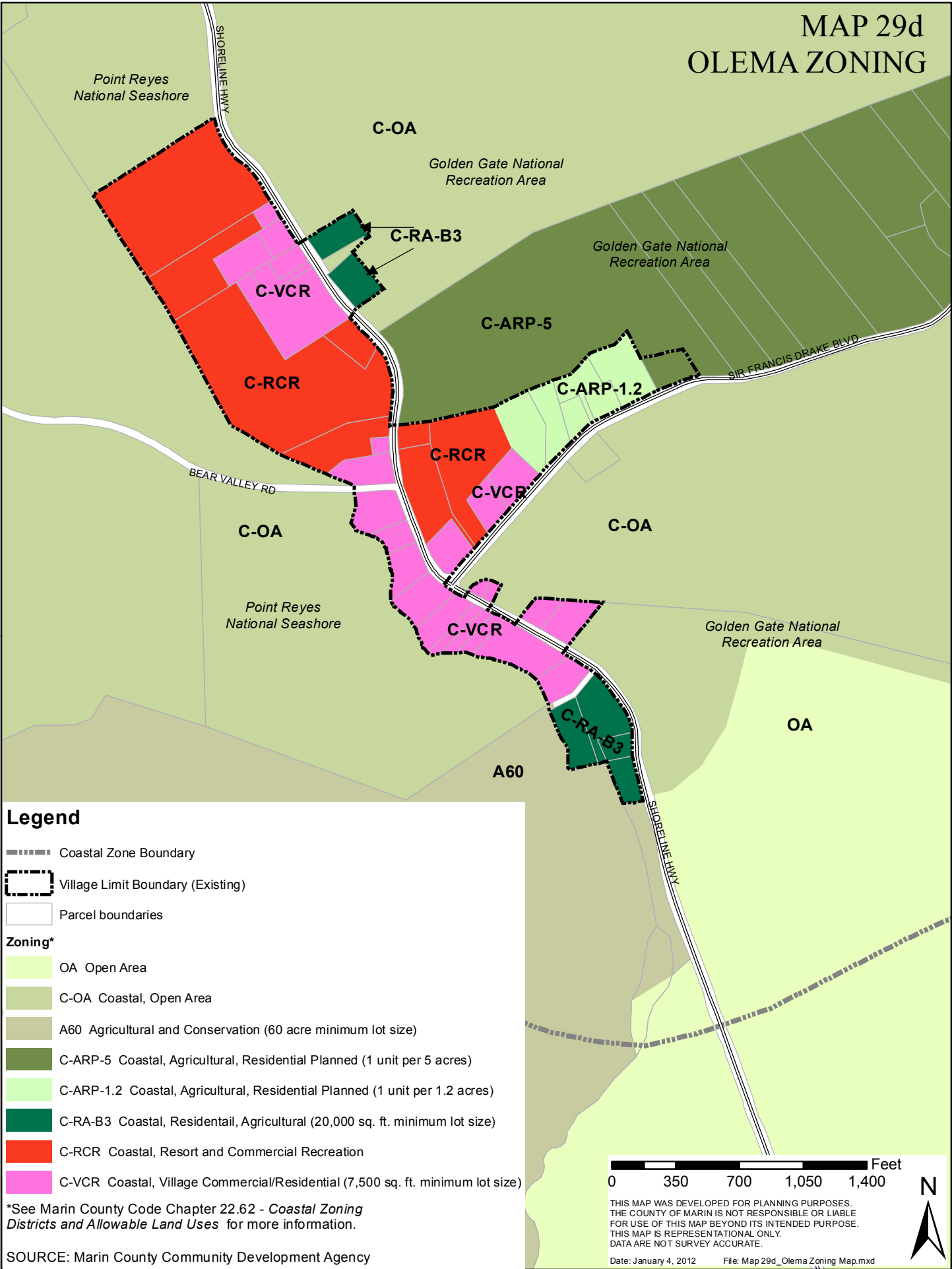
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Date: January 4, 2012

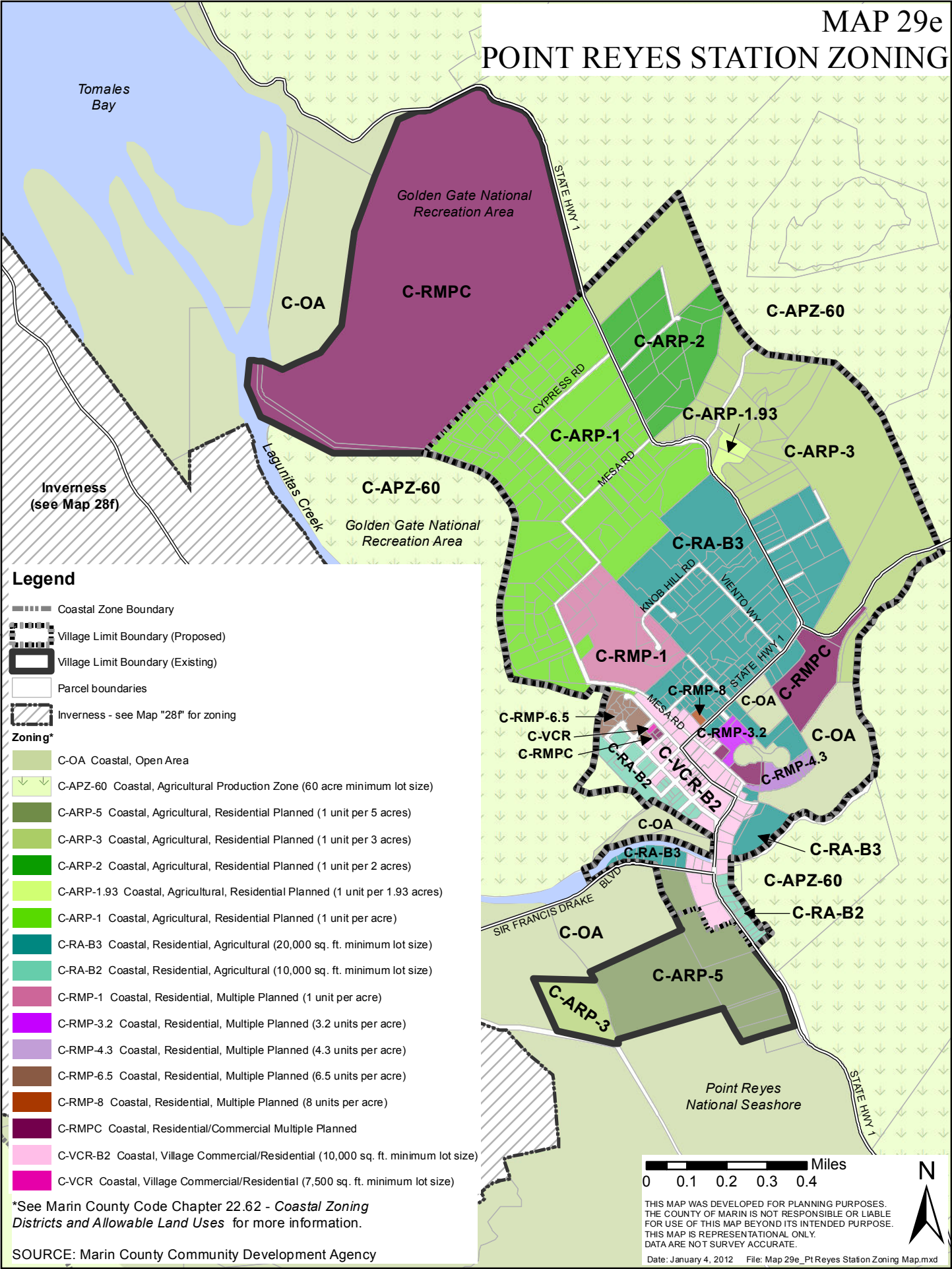
File: Map 29c_Bolinas Zoning Map.mxd



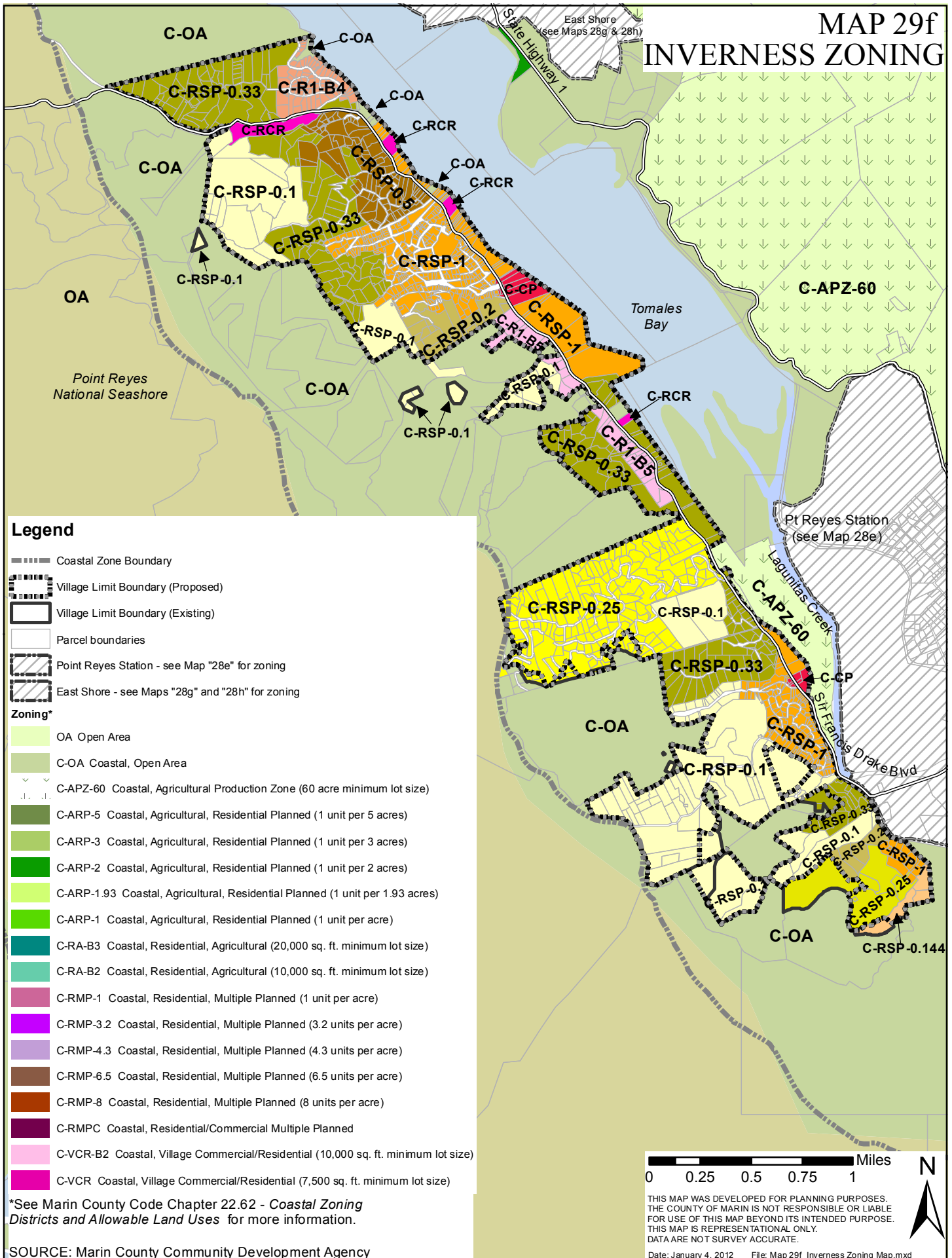
MAP 29d OLEMA ZONING



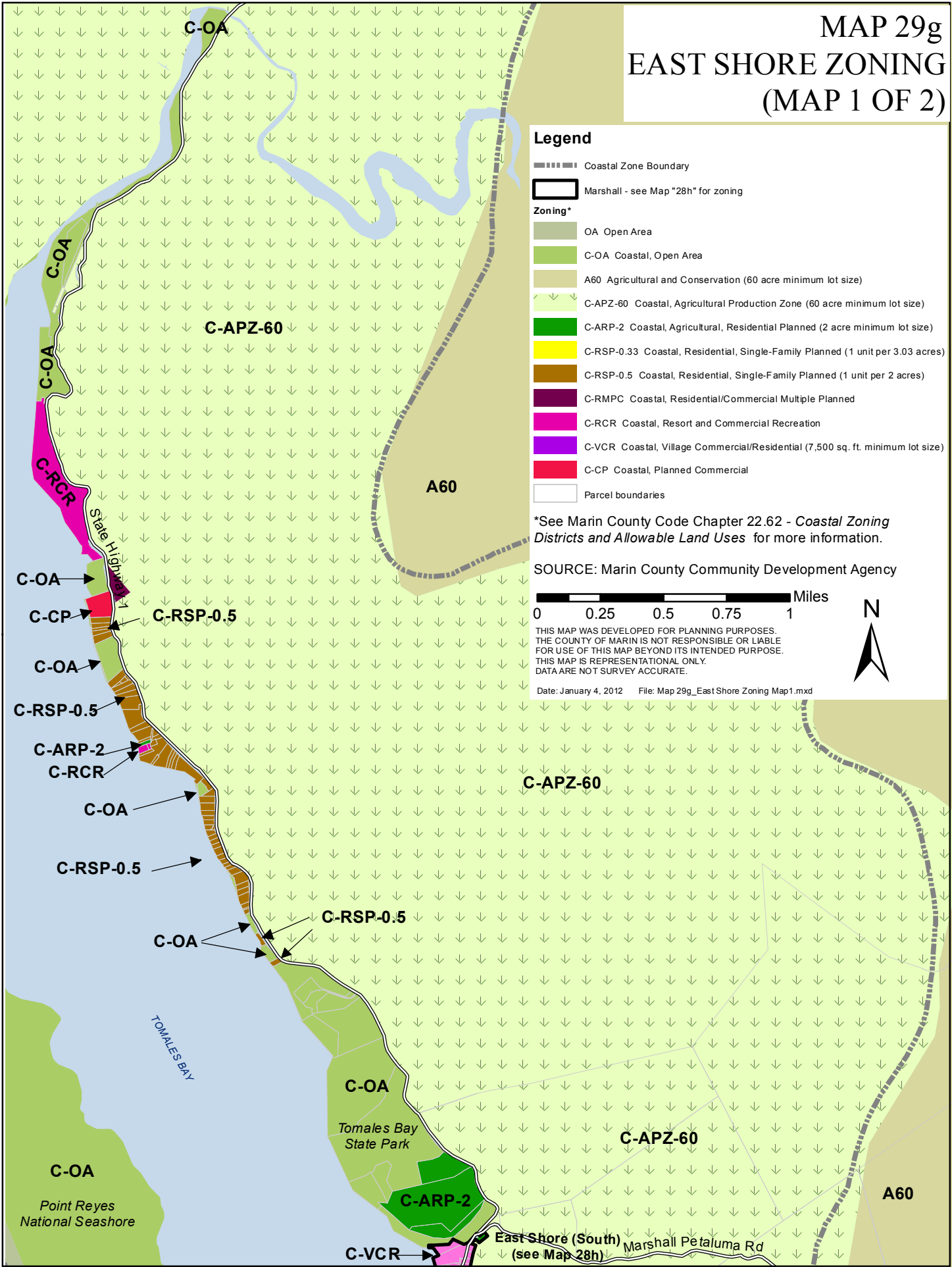
MAP 29e POINT REYES STATION ZONING



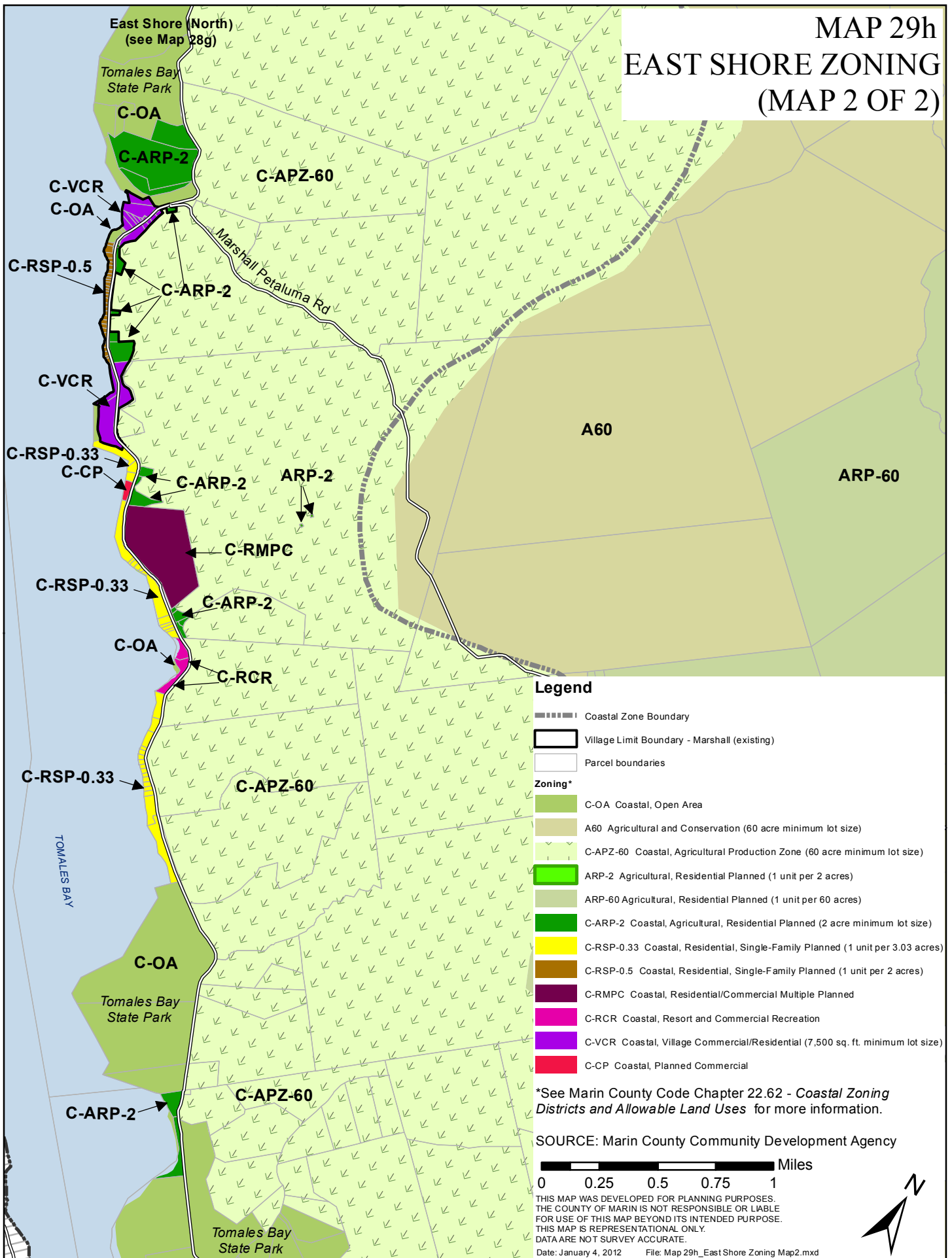
MAP 29f INVERNESS ZONING



MAP 29g EAST SHORE ZONING (MAP 1 OF 2)





MAP 29h EAST SHORE ZONING (MAP 2 OF 2)















MAP 29i DILLON BEACH ZONING

Legend

-  Village Limit Boundary (existing)
-  Parcel boundaries

Zoning*

-  C-APZ-60 Coastal, Agricultural Production Zone (60 acre minimum lot size)
-  C-RA-B5 Coastal, Residential, Agricultural (2 acre minimum lot size)
-  C-R1-B2 Coastal, Residential, Single-Family (10,000 sq. ft. minimum lot size)
-  C-R1 Coastal, Residential, Single-Family (7,500 sq. ft. minimum lot size)
-  C-R1-BD Coastal, Residential, Single-Family (7,500 sq. ft. minimum lot size)
-  C-RSP-0.4 Coastal, Residential, Single-Family Planned (1 unit per 2.5 acres)
-  C-RMP-0.85 Coastal, Residential, Multiple Planned (1 unit per 1.18 acres)
-  C-RMP-1.23 Coastal, Residential, Multiple Planned (1.23 units per acre)
-  C-RMP-2.2 Coastal, Residential, Multiple Planned (2.2 units per acre)
-  C-RMPC-0.7 Coastal, Residential/Commercial Multiple Planned (1 unit per 1.43 acres)
-  C-RMPC-1.2 Coastal, Residential/Commercial Multiple Planned (1.2 units per acre)
-  C-RCR Coastal Resort and Commercial Recreation

*See Marin County Code Chapter 22.62 - *Coastal Zoning Districts and Allowable Land Uses* for more information.

SOURCE: Marin County Community Development Agency

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Date: January 4, 2012 File: Map 29i_Dillon Beach Zoning Map.mxd



Bodega Bay

Pacific Ocean

C-RA-B5

C-RSP-0.4

C-R1

C-RMP-0.85

C-RMP-2.2

C-RMP-1.23

C-APZ-60

C-R1

C-R1-B2

C-R1-BD

C-RCR

C-R1

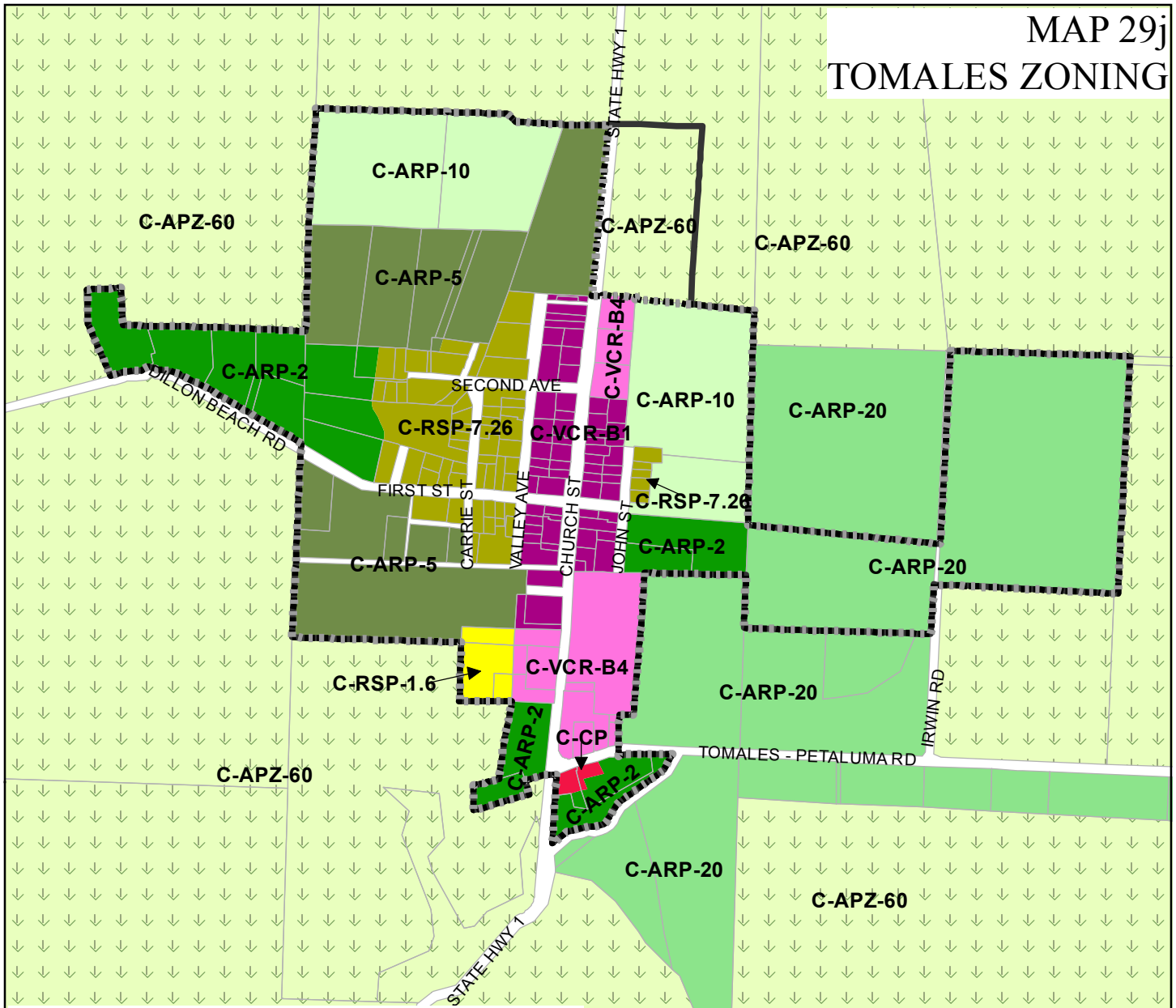
C-RMPC-1.2

C-RMPC-0.7

C-RCR

C-APZ-60

MAP 29j TOMALES ZONING



Legend

- Village Limit Boundary (Existing)
- Village Limit Boundary (Proposed)
- Parcel boundaries

Zoning

- C-APZ-60 Coastal, Agricultural Production Zone (60 acre minimum lot size)
- C-ARP-20 Coastal, Agricultural, Residential Planned (1 unit per 20 acres)
- C-ARP-10 Coastal, Agricultural, Residential Planned (1 unit per 10 acres)
- C-ARP-5 Coastal, Agricultural, Residential Planned (1 unit per 5 acres)
- C-ARP-2 Coastal, Agricultural, Residential Planned (1 unit per 2 acres)
- C-RSP-1.6 Coastal, Residential, Single-Family Planned (1.6 units per acre)
- C-RSP-7.26 Coastal, Residential, Single-Family Planned (7.26 units per acre)
- C-VCR-B4 Coastal, Village Commercial/Residential (1 unit per acre)
- C-VCR-B1 Coastal, Village Commercial/Residential (6,000 sq. ft. minimum lot size)
- C-CP Coastal, Planned Commercial

*See Marin County Code Chapter 22.62 - Coastal Zoning Districts and Allowable Land Uses for more information.

SOURCE: Marin County Community Development Agency

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Date: January 4, 2012 File: Map 29j_Tomales Zoning Map.mxd



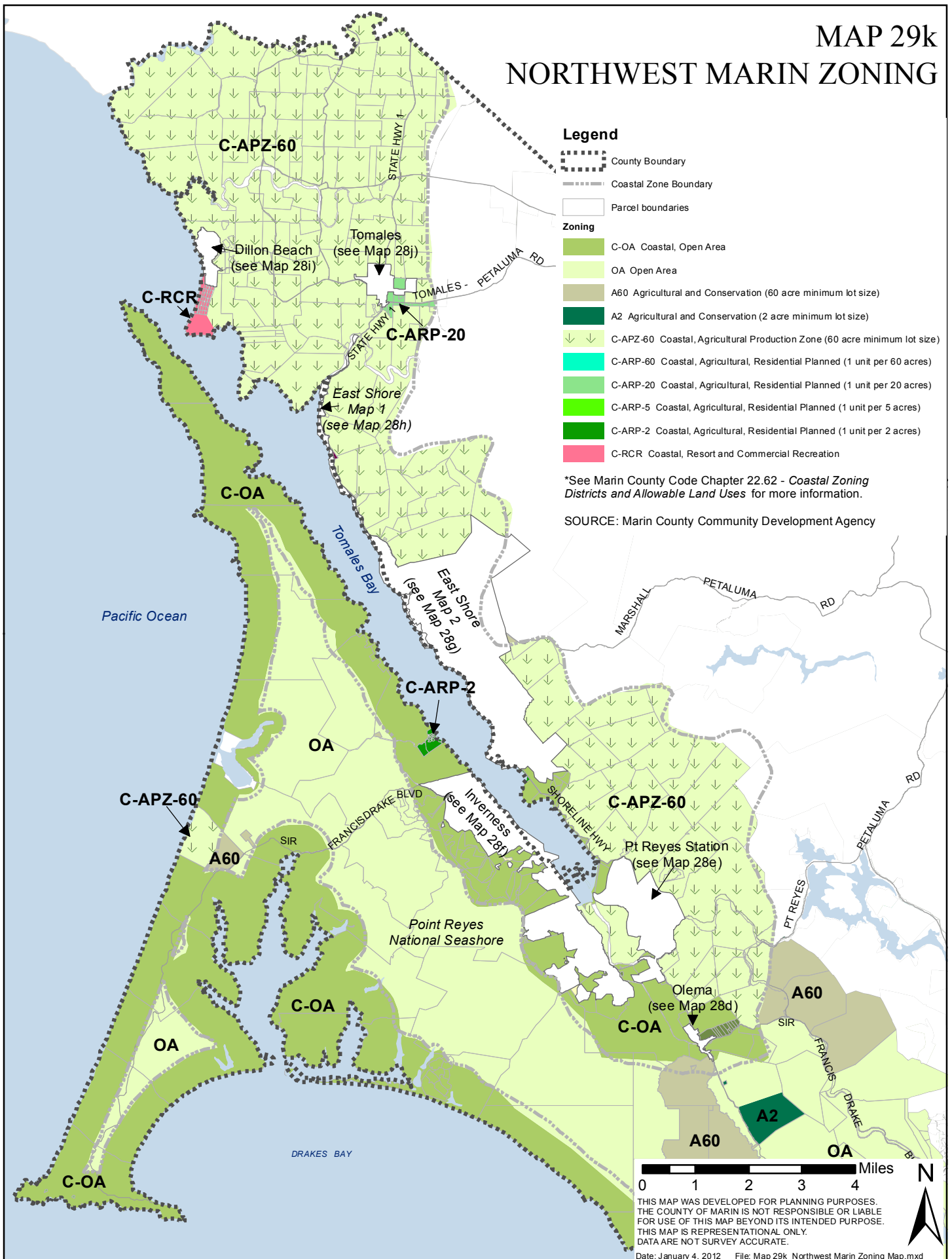
MAP 29k NORTHWEST MARIN ZONING

Legend

- County Boundary
- Coastal Zone Boundary
- Parcel boundaries
- Zoning**
 - C-OA Coastal, Open Area
 - OA Open Area
 - A60 Agricultural and Conservation (60 acre minimum lot size)
 - A2 Agricultural and Conservation (2 acre minimum lot size)
 - C-APZ-60 Coastal, Agricultural Production Zone (60 acre minimum lot size)
 - C-ARP-60 Coastal, Agricultural, Residential Planned (1 unit per 60 acres)
 - C-ARP-20 Coastal, Agricultural, Residential Planned (1 unit per 20 acres)
 - C-ARP-5 Coastal, Agricultural, Residential Planned (1 unit per 5 acres)
 - C-ARP-2 Coastal, Agricultural, Residential Planned (1 unit per 2 acres)
 - C-RCR Coastal, Resort and Commercial Recreation

*See Marin County Code Chapter 22.62 - *Coastal Zoning Districts and Allowable Land Uses* for more information.

SOURCE: Marin County Community Development Agency



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Date: January 4, 2012 File: Map 29k, Northwest Marin Zoning Map.mxd

MAP 291 SOUTHWEST MARIN ZONING

Legend



County Boundary



Coastal Zone Boundary



City Boundaries



Parcel boundaries

Zoning



C-OA Coastal, Open Area



OA Open Area



A60 Agricultural and Conservation (60 acre minimum lot size)



A2 Agricultural and Conservation (2 acre minimum lot size)



C-APZ-60 Coastal, Agricultural Production Zone (60 acre minimum lot size)



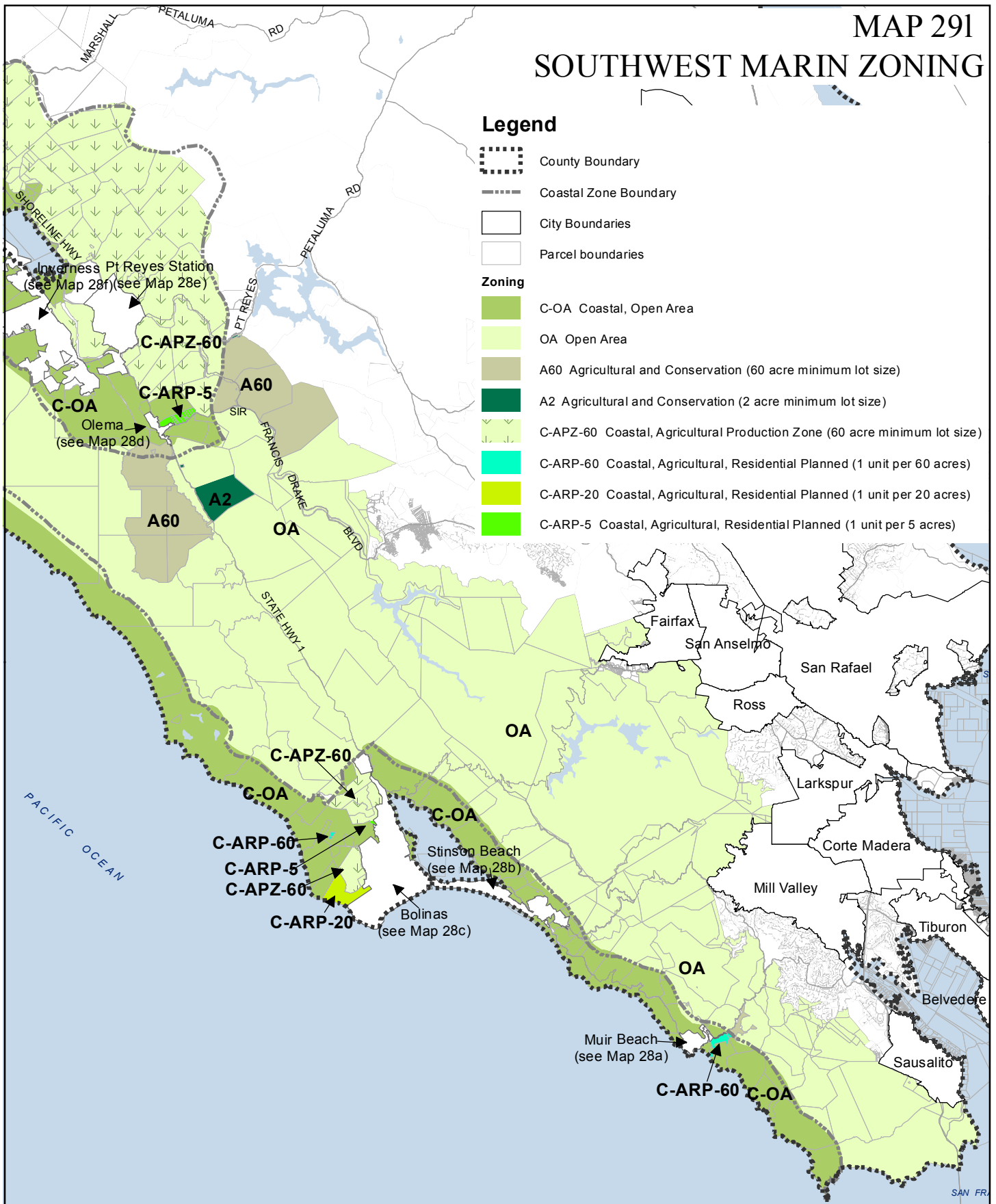
C-ARP-60 Coastal, Agricultural, Residential Planned (1 unit per 60 acres)



C-ARP-20 Coastal, Agricultural, Residential Planned (1 unit per 20 acres)



C-ARP-5 Coastal, Agricultural, Residential Planned (1 unit per 5 acres)



*See Marin County Code Chapter 22.62 - *Coastal Zoning Districts and Allowable Land Uses* for more information.

SOURCE: Marin County Community Development Agency

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Date: January 4, 2012 File: Map 291 Southwest Marin Zoning Map.mxd



DRAFT FINAL

**Planning Commission Decision Table
LCP Hearing on Natural Systems
December 1, 2011
(Includes edits made by the PC on January 9, 2012)**

The Planning Commission (PC) reviewed the Natural Systems section of the June 2011 LCP Public Review Draft (PRD) on December 1, 2011. The Natural Systems section includes the topics of Biological Resources, Environmental Hazards, Mariculture, Water Resources, and related Development Code sections. This table reflects the PC's actions taken at the December 1 hearing, including changes to policy and development code language, as well as other direction given to staff on items requiring further research. Changes to policy and development code language suggested by staff in the 12/1/11 Staff Report and approved by the PC are shown in tracked changes format with single ~~strike-out~~ and underline, without highlighting. Additional changes requested by the PC at the hearing are shown highlighted in double ~~strike-out~~ and double underline. **Please note:** if a policy, program, or development code section is not listed in this table, then it remains approved as proposed in the PRD.

Biological Resources (BIO)

Biological Resources: Background

The PC approved staff's recommended changes to the Background section for Biological Resources, and further requested the following changes:

- In paragraph 8, line 7, replace "The following policies" with "The Policies in this chapter..."
- Confirm that PRBO is still "home" to PRBO, as referenced in paragraph 10. *Note: according to the PRBO website as of 12/5/11, the organization's headquarters is in Petaluma, but their Palomarin Field Station and Wetlands Center are both still located in the southern Coastal Zone of Marin.*
- Incorporate information about non-water resources, the Pacific Flyway, and other significant resources per comments made by Community Marin and the Marin Audubon Society in their November 30, 2011 letters.
- Staff also intends to add references to applicable LCP maps, where appropriate in the background section. This was not discussed at the 12/1/11 hearing, but is noted here for reference.

Status: *Staff will revise and bring back to PC at future carryover hearing.*

Policy C-BIO-1 - Environmentally Sensitive Habitat Areas.

The PC approved staff's recommended changes to Policy C-BIO-1 (tracked changes not highlighted), with the following additional modifications (highlighted tracked changes):

C-BIO-1 Environmentally Sensitive Habitat Areas.

1. An **environmentally sensitive habitat area (ESHA)** means is any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded

by human activities and developments.

24. Protect environmentally sensitive habitat areas against ~~any significant~~ disruption of habitat values, and only allow uses within those areas that are dependent on those resources. ~~Significant d~~Disruption of habitat values occurs when the physical habitat is significantly altered or when species diversity or the abundance or viability of species populations is reduced. The type of the proposed development, the particulars of its design, and location in relation to the habitat area, will affect the determination of ~~significant~~ disruption.

32. In areas adjacent to environmentally sensitive habitat areas and parks and recreation areas, site and design development so as to prevent impacts that would significantly degrade those areas, and to be compatible with the continuance of those habitat and recreation areas.

(PC app. 12/1/11, 01/24/11)

[New policy, not in Unit I or II]

Status: Staff will incorporate changes into Draft LCP.

Policy C-BIO-2 - Development Proposal Requirements in Environmentally Sensitive Habitat Areas.

The PC approved staff's recommended changes to Policy C-BIO-2 (not highlighted), with the following additional modifications (highlighted):

C-BIO-2 Development Proposal Requirements in Environmentally Sensitive Habitat Areas. ~~ESHAs. Only consider a~~ **Allowing** development in or adjacent to an environmentally sensitive habitat area **only** when the type of development proposed is ~~a permitted use under the LUP policy applicable to that habitat type. specifically allowed in the applicable Biological Resources Policies of the LCP. Consistent with Coastal Act Sections 30233 and 30236, development in wetlands, estuaries, streams and riparian habitats, lakes and portions of open coastal waters are limited as provided in C-BIO-14 through C-BIO-26. Additional permitted developments in environmentally sensitive habitat areas are projects which depend on the natural resources in that habitat area and therefore require a site in that particular environmentally sensitive habitat area in order to function.~~

Any permitted use development in an ESHA must also meet the following general requirements:

1. There is no feasible less environmentally damaging alternative.
2. ~~Feasible m~~ Mitigation measures are provided **that will eliminate adverse environmental effects when possible, or, when elimination is not possible, will to** minimize and reduce adverse environmental effects to less than significant levels.
3. ~~Any significant d~~ Disruption of the habitat values of the resource is avoided.

Any development must also be determined to conform ~~to with~~ **to** all applicable Biological Resources policies in order to be permitted. This determination shall be based upon a site assessment which shall confirm the extent of the environmentally sensitive habitat areas, document any site constraints and the presence of other sensitive biological resources, recommend precise required setbacks, provide a site restoration program where necessary, and provide other information, analysis and potential modifications necessary to demonstrate compliance with the LCP.

(PC app. 12/1/11, 6/28/10)

[New policy, not in Unit I or II]

Status: Staff will incorporate changes into Draft LCP.

Policy C-BIO-3 - Environmentally Sensitive Habitats of Rare or Endangered Species and Unique Plant Communities.

The PC approved staff's recommendation to delete Policy C-BIO-3, but asked that the last two sentences (highlighted) be carried forward and incorporated into another policy where appropriate in the draft LCP.

~~**C-BIO-3 Environmentally Sensitive Habitats of Rare or Endangered Species and Unique Plant Communities.**~~ Environmentally sensitive habitats include habitats of rare or endangered species and unique plant communities. Permit development in such areas only when it depends upon the resources of the habitat area and does not significantly disrupt the habitat. Development adjacent to such areas shall be set back a sufficient distance and designed to minimize impacts on the habitat area. **Control public access to sensitive habitat areas, including the timing, intensity, and location of such access, to minimize disturbance to wildlife. Avoid fences, roads, and structures that significantly inhibit wildlife movement, especially access to water.** (PC app. 06/28/10)

[LCP Unit II, Natural Resources Coastal Dunes and Other Sensitive Land Habitats Policy 5.b, page 75]

Status: Staff will find appropriate new place for last two sentences and bring back to PC at future carryover hearing.

Policy C-BIO-4 – Alteration of Land Forms.

The PC requested that staff revise Policy C-BIO-4 to clarify the difference between the alteration of land forms and the removal of major vegetation.

C-BIO-4 Alteration of Land Forms. Require a Coastal Permit for any **significant alteration of land forms** including **removal or placement of vegetation** on a beach, wetland, or sand dune, or within one hundred feet of the edge of a coastal bluff, stream or in areas of natural vegetation designated as environmentally sensitive habitat areas. Agricultural crop management and grazing is not considered to be a significant alteration of land forms. (PC app. 6/28/10)

[County Interim Zoning Code section 22.56.055]

Status: Staff will revise and bring back to PC at future carryover hearing.

Policy C-BIO-5 - Ecological Restoration.

The PC approved staff's recommended changes to Policy C-BIO-5, as reflected in Attachment #2 (p. 6) of the 12/1/11 Staff Report

Status: Staff will incorporate changes into Draft LCP.

Program C-BIO-5.b – ~~Expand Environmentally Sensitive Habitat Areas Allowed Development in an ESHA~~

The PC requested that Program C-BIO-5.b be modified as follows:

Program C-BIO-5.b ~~Expand Environmentally Sensitive Habitat Areas Allowed~~

Development in an ESHA. ~~Encourage the expansion of environmentally sensitive habitat areas by establishing criteria that would~~ allow property owners property owners to remain subject to the buffers from the pre-existing edge of the habitat area rather than from the edge of the expanded habitat area.
(PC app. 12/1/11, 6/28/10)
[New program, not in Unit I or II]

Policy C-BIO-6 - Invasive Plants.

The PC approved staff's recommend changes to Policy C-BIO-6, as reflected in Attachment #2 (p. 7) of the 12/1/11 Staff Report.

Status: *Staff will incorporate changes into Draft LCP.*

Policy C-BIO-8 - Stringline Method of Preventing Beach Encroachment.

The PC approved staff's recommended changes to Policy C-BIO-8 (not highlighted), and further requested the following modifications (highlighted):

C-BIO-8 Stringline Method of Preventing Beach Encroachment. In a developed area, where most lots are developed ~~with residential dwellings~~ and where there are relatively few vacant lots, ~~where new construction is generally infilling~~ no part of a proposed new structure ~~(other than a shoreline protective device)~~, including decks, shall be built farther onto a beachfront than a line drawn between the most seaward portions of the adjoining structures. Enclosed living space in the new unit shall not extend farther seaward than a second line drawn between the most seaward portions of the enclosed living space of the adjoining structures.
(PC app. 12/1/11, 6/28/10)
[New policy, not in Unit I or II]

Status: *Staff will incorporate changes into Draft LCP.*

Policy C-BIO-9 - Stinson Beach Dune and Beach Areas.

The PC approved staff's recommend changes to Policy C-BIO-9, as reflected in Attachment #2 (p. 8) of the 12/1/11 Staff Report.

Status: *Staff will incorporate changes into Draft LCP.*

Policy C-BIO-11 - Development Adjacent to Roosting and Nesting Habitat.

The PC approved staff's recommended changes to Policy C-BIO-11 (not highlighted), and further recommended the following modifications (highlighted):

C-BIO-11 Development Adjacent to Roosting and Nesting Habitat. Development adjacent to wildlife nesting and roosting areas shall be set back a sufficient distance to protect against any significant disruption in nesting and roosting activities and designed to minimize avoid impacts on the habitat area. Time such development activities so that disturbance to nesting and breeding wildlife is minimized and shall, to the extent feasible, use native vegetation for landscaping.
(PC app. 12/1/11, 6/28/10)
[LCP I Habitat Protection policy 23, page 34]

Status: Staff will incorporate changes into Draft LCP.

Policy C-BIO-12 - Grassy Uplands Surrounding Bolinas Lagoon.

The PC approved staff's recommended changes to Policy C-BIO-12, as reflected in Attachment #2 (p. 8) of the 12/1/11 Staff Report.

Status: Staff will incorporate changes into Draft LCP.

Policy C-BIO-13 – Biological Productivity.

The PC requested that staff move Policy C-BIO-13 to the Water Resources chapter, per the request of the CCC.

Status: Staff will incorporate change into Draft LCP.

Policy C-BIO-14 - Wetlands.

The PC approved staff's recommended changes to Policy C-BIO-14 (not highlighted), and further recommended the modifications shown below (highlighted). The PC also asked that clarify the meaning of "presently" as used in the last sentence of the policy, and bring back to the PC with details concerning its applicability and how it would be enforced.

C-BIO-14 Wetlands. Preserve and maintain wetlands in the Coastal Zone, consistent with the policies in this section, as productive wildlife habitats, recreational open space, and water filtering and storage areas, and, as appropriate, recreational open space. Evaluate land uses in wetlands as follows:

1. Permit diking, filling, and dredging of wetlands only in conformance with the policies contained in policy C-BIO-16. Prohibit filling of wetlands for the purposes of residential development.
2. Allow certain resource-dependent activities in wetlands including fishing, recreational clamming, hiking, hunting, nature study, birdwatching and boating.
3. Prohibit grazing or other agricultural uses in wetlands except in those reclaimed areas used for such activities within five years before the date that a Coastal Permit application is accepted for filing, or other agricultural uses in a wetland, except in those reclaimed areas presently used for such activities.

(PC app. 6/28/10)

[LCP II Natural Resources policy 4 A through C, page 74]

Status: Staff will revise and bring back to PC at future hearing.

Policy C-BIO-15 – Diking, Filling, Draining and Dredging; and

Policy C-BIO-16 – Acceptable Purposes for Diking, Filling, and Dredging.

The PC approved staff's recommended changes to Policies C-BIO-15 and C-BIO-16, which includes combining the two policies into one. Approved changes are reflected in Attachment #2 (p. 10) of the 12/1/11 Staff Report.

Status: Staff will incorporate changes into Draft LCP.

Policy C-BIO-18 - Spoils Disposal.

The PC approved staff's recommended changes to Policy C-BIO-18 (not highlighted), and further requested the following modifications (highlighted):

C-BIO-18 Spoils Disposal. Require the disposal of dredged sediments to conform to the following standards:

1. The dredge spoils disposal site has been approved by ~~the Department of Fish and Game and all other~~ relevant agencies.
2. Spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation.
3. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable longshore current systems.
4. The disposal of dredge spoils shall conform to the most recently approved dredging requirements promulgated or adopted by the State or Regional Water Quality Control Board.

(PC app. 12/1/11, 6/28/10)

[LCP II Diking, Filling and Dredging Spoils Disposal policy 4, page 137]

Status: Staff will incorporate changes into Draft LCP.

Policy C-BIO-19 - Wetland Buffers.

The PC approved staff's recommend changes to Policy C-BIO-19, as reflected in Attachment #2 (p. 11) of the 12/1/11 Staff Report.

Status: Staff will incorporate changes into Draft LCP.

Policy C-BIO-20 - Wetland Buffer Adjustments and Exceptions.

The PC approved staff's recommended changes to Policy C-BIO-18 (not highlighted), and further requested the modifications shown below (highlighted) for consistency with changes made to Policy C-BIO-2 and based on suggestions from the CCC. The PC left it up to staff's discretion whether or not to include an additional item per the CCC's suggestion that would "insert additional logical exceptions based on Marin County's permitting experience."

C-BIO-20 Wetland Buffer Adjustments and Exceptions. Consider granting adjustments and exceptions to the wetland buffer width standard identified in policy C-BIO-19 in certain limited circumstances for projects that are implemented in the least environmentally damaging manner, as follows:

1. The County determines that if the applicant has demonstrated that wetland resources would be adequately protected from the impacts of development, including construction and post construction impacts, by a buffer of less than 100 feet in width a 100-foot buffer is unnecessary to protect the resource because, any disruption of the habitat values of the resource is avoided by consistent with the criterion established in policy C-BIO-2(e), measures that will prevent significant degradation of the resource are incorporated into the project and specific proposed protective measures are incorporated into the project. An adjustment to the wetland buffer may be granted only where:

- a. There is no feasible less environmentally damaging alternative;

- b. ~~Feasible measures are provided that will eliminate adverse environmental effects when possible, or, when elimination is not possible, will to minimize and reduce adverse environmental effects to less than significant levels; and~~
 - c. Any significant disruption of the habitat values of the resource is avoided.
2. The wetland is part of a sewage treatment pond. The wetland was artificially created for the treatment and or storage of wastewater, or domestic water.
 4. The wetland was created as a flood control facility, or as an element of a stormwater control plan, or as a requirement of a National Pollutant Discharge Elimination System (NPDES) Permit, and the Coastal Permit for the development incorporates an ongoing repair and maintenance plan to assure the continuing effectiveness of the facility or stormwater control plan.
 5. ~~The wet area wetland is a drainage ditch, defined as a narrow, human-made, non-tidal ditch excavated from dry land.~~
 6. ~~The particular agricultural pond or reservoir that is not defined as a wetland by the LCP.~~
65. The project conforms to one of the purposes identified in policy C-BIO-14 or C-BIO-16.

(PC app. 12/1/11, 06/28/10)
[New policy, not in Unit I or II]

Status: *Staff will incorporate changes shown into Draft LCP, and consider whether to include an item #7 as suggested by CCC. If staff decides to include this additional item, the revised policy will be brought back to the PC at a future hearing.*

Policy C-BIO-21 - Wetland Impact Mitigation.

The PC approved staff's recommended changes to Policy C-BIO-21 (not highlighted), and further requested the following modification (highlighted):

C-BIO-21 Wetland Impact Mitigation. Where any dike and fill development is permitted in wetlands in conformity with this section, require mitigation measures to include, at a minimum, either acquisition of required areas of equal or greater biological productivity or opening up equivalent areas to tidal action; provided, however, that if no appropriate restoration site is available, an in-lieu fee sufficient to provide an area of equivalent productive value or surface areas shall be dedicated to an appropriate public agency, or such replacement site shall be purchased before the dike or fill development may proceed. A minimum ratio of 2:1 in area is required for on-site mitigation, a minimum ratio of 3:1 is required for off-site mitigation, and a minimum ratio of 4:1 is required for an in-lieu fee. Such mitigation measures shall not be required for temporary or short-term fill or diking; provided that a bond or other evidence of financial responsibility is provided to assure that restoration will be accomplished in the shortest feasible time period of time not to exceed 12 months.

(PC app. 06/28/10)
[New policy, not in Unit I or II]

Status: *Staff will incorporate changes into Draft LCP.*

Policy C-BIO-24 - Coastal Streams and Riparian Vegetation.

The PC approved staff's recommend changes to Policy C-BIO-24, as reflected in Attachment #2 (p. 13) of the 12/1/11 Staff Report.

Status: Staff will incorporate changes into Draft LCP.

Policy C-BIO-25 – Stream Buffer Adjustments and Exceptions.

The PC requested that staff revise Policy C-BIO-25 as follows:

C-BIO-25 Stream Buffer Adjustments and Exceptions. Consider granting adjustments and exceptions to the coastal stream buffer standards in policy C-BIO-24 in certain limited circumstances for projects that are undertaken in the least environmentally damaging manner. An adjustment or exception may be granted in any of the following circumstances:

1. The County determines that the applicant has demonstrated that a 100/50-foot buffer (see Policy C-BIO-24(3)) is unnecessary to protect the resource because, consistent with the criteria established in policy C-BIO-2(3), any disruption of the habitat values of the resource is avoided by the project and specific proposed protective measures that will prevent significant degradation of the resource are incorporated into the project. An adjustment to the stream buffer may be granted only where:
 - a. There is no feasible less environmentally damaging alternative;
 - b. Measures are provided that will eliminate adverse environmental effects when possible, or, when elimination is not possible, will minimize and reduce adverse environmental effects to less than significant levels; and
 - c. Any significant disruption of the habitat values of the resource is avoided.
2. Where a finding based upon factual evidence is made that development outside a stream buffer area either is infeasible or would be more environmentally damaging to the riparian habitat than development within the riparian protection or stream buffer area, limited development of principal permitted uses may occur within such area subject to appropriate mitigation measures to protect water quality, riparian vegetation, and the rate and volume of stream flows.
3. Exceptions to the stream buffer policy may be granted for access and utility crossings when it has been demonstrated that developing alternative routes that provide a stream buffer would be infeasible or more environmentally damaging. Wherever possible, shared bridges or other crossings shall be used to provide access and utilities to groups of lots covered by this policy. Access and utility crossings shall be accomplished by bridging, unless other methods are determined to be less damaging, and bridge columns shall be located outside stream channels where feasible.
4. When a legal lot of record is located entirely-substantially within a stream buffer area, development may be permitted but the Coastal Permit shall identify and implement the mitigation measures necessary to protect water quality, riparian vegetation and the rate and volume of stream flows. Only those projects that entail the least environmentally damaging alternative that is feasible may be approved. The Coastal Permit shall also address the impacts of erosion and runoff, and provide for restoration of disturbed areas by replacement landscaping with plant species naturally found on the site.

5. The project conforms to the purposes and standards identified in policy C-BIO-24(1).
(PC app. 12/1/11, 6/28/10)
[New policy, not in Unit I or II]

Status: Staff will incorporate changes into draft LCP.

Policy C-BIO-27 – Federal Projects.

The PC requested that staff revise Policy C-BIO-27 as follows:

C-BIO-27 Federal Projects. ~~Require that~~ Federal projects which ~~involve~~ require the modification or alteration of natural resources shall be evaluated by the Coastal Commission through the consistency review process.

(PC app. 12/1/11, 6/28/10)

[LCP Unit II Federal Parklands Natural Resources Policy 3, page 61]

Status: Staff will incorporate changes into draft LCP.

Section 22.64.050 – Biological Resources

Section 22.64.050.A

The PC approved staff's recommended changes to Section 22.64.050.A, for consistency with changes made to Policy C-BIO-2. Changes are reflected in Attachment #2 (p. 5) of the 12/1/11 Staff Report.

Status: Staff will incorporate changes into Draft LCP.

Section 22.64.050.B.1 and -B.12

The PC approved staff's recommended changes to Sections 22.64.050.B.1 and -B.12, as reflected in Attachment #2 (p. 14) of the 12/1/11 Staff Report.

Status: Staff will incorporate changes into Draft LCP.

Section 22.64.050.B.3

The PC requested that staff revise proposed modifications Section 22.64.050.B.3 to better clarify its applicability.

22.64.050...

B. Biological Resource standards...

3. **Ecological restoration.** ~~Require~~ Encourage restoration of degraded ESHAs ~~that are adversely affected by development~~ per Land Use Policy C-BIO-5.

Status: Staff has revised Section 22.64.050.B.3 as shown above for applicability to Policy C-BIO-5 (as originally proposed in PRD), since C-BIO-2 is already implemented by Section 22.64.050.B.1., and will bring back to PC at future hearing for review.

Section 22.130.030 – DEFINITIONS

“Marine Environment (coastal)”

The PC approved staff’s recommended changes to the definition of “Marine Environment (coastal)” as reflected in Attachment #2 (p. 14) of the 12/1/11 Staff Report.

“Significant Disruption (coastal)”

The PC requested that the defined term “Significant Disruption (coastal)” be changed to “Disruption (coastal)” for consistency with changes made to policies referencing that term.

Significant Disruption (coastal). ~~Significant~~ Disruption of habitat values occurs when the physical habitat is significantly altered or when species diversity or the abundance or viability of species populations is reduced. The type of the proposed development, the particulars of its design, and location in relation to the habitat area, will affect the determination of ~~significant~~ disruption.

“Wetland (coastal)”

The PC approved staff’s recommended changes to the definition of “Wetland (coastal)” (tracked changes not highlighted), and further requested the following modification suggested by the CCC (highlighted tracked changes):

Wetland (coastal). Lands within the Coastal Zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens. “Wetland” shall be defined as:

A. ~~Land~~ where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to, vegetated wetlands or deep-water habitats. For purposes of this section, the upland limit of a wetland shall be defined as:

- ~~(A)~~ 1. the boundary between land with predominantly hydrophytic cover and land with predominantly mesophytic or xerophytic cover;
- ~~(B)~~ 2. the boundary between soil that is predominantly hydric and soil that is predominantly nonhydric; or
- ~~(C)~~ 3. in the case of wetlands without vegetation or soils, the boundary between land that is flooded or saturated at some time during years of normal precipitation, and land that is not.

B. ~~For the purposes of this section, t~~The term "wetland" shall not include wetland habitat created by the presence of and associated with agricultural ponds and reservoirs or by drainage ditches where:

- ~~(A)~~ 1. the pond or reservoir was in fact constructed by a farmer or rancher for agricultural purposes; and
- ~~(B)~~ 2. there is no evidence (e.g., aerial photographs, historical survey, etc.) showing

that wetland habitat pre-dated the existence of the pond or reservoir. Areas with drained hydric soils that are no longer capable of supporting hydrophytes shall not be considered wetlands, or

3. the drainage ditch is a narrow (usually less than 5-feet wide), manmade constructed nontidal ditch excavated from dry land, which is not a replacement for a natural drainage feature.

Status: Staff will incorporate changes into Draft LCP.

Environmental Hazards (EH)

Environmental Hazards: Background

The PC approved staff's recommended changes to the Background section for Environmental Hazards, and further requested the following changes:

- In paragraph 6, lines 1 and 2, delete the word "revised"
- Revise the Background to shorten the entire section and eliminate redundancies.
- Staff also intends to add references to applicable LCP maps, where appropriate in the background section. This was not discussed at the 12/1/11 hearing, but is noted here for reference.

Status: Staff will revise and bring back to PC at future carryover hearing.

Policies C-EH-2, -5, -6, -8, -9, -10, -12, -19, -21, -22, -23, and -24; and Program C-EH-5.a

The PC approved staff's recommended changes to the above-named policies and program, as reflected in Attachment #2 (pp. 15-25) of the 12/1/11 Staff Report.

Status: Staff will incorporate changes into draft LCP.

Program C-EH-10.a – Study Bluff Retreat.

The PC approved staff's recommended changes to Program C-EH-10.a as reflected in Attachment #2 (p. 20) of the 12/1/11 Staff Report, and requested that the Program be appropriately relocated and renumbered in the draft LCP since Policy C-EH-10 has been deleted, which makes this an "orphan" program.

Status: Staff will incorporate changes into draft LCP and relocate Program C-EH-10.a to be linked with Policy C-EH-22, so it will be renumbered as Program C-EH-22.b.

Policy C-EH-13 – Shoreline Protective Devices; and

The PC approved staff's recommended changes to Policy C-EH-13, and further requested that staff revise the policy to incorporate the CCC's suggestion to add language "to authorize shoreline protective devices for 20 years only."

Policy C-EH-13 Shoreline Protective Devices. Discourage shoreline protective devices (i.e., shoreline armoring) in the Coastal Zone due to their visual impacts, obstruction of public access, interference with natural shoreline processes and water circulation, and effects on marine habitats and water quality.

Allow the construction or reconstruction of a shoreline protective device, including revetments, breakwaters, groins, seawalls, or other artificial structures for coastal erosion control, only if each of the following criteria is met:

1. The shoreline protective device is required to serve a coastal-dependent use or to protect a principal structure, residence, or second residential unit in existence prior to the adoption of the Local Coastal Program (May 13, 1982) or a public beach in danger from erosion.
2. No other non-structural alternative, such as sand replenishment, or beach nourishment, or managed retreat, is ~~practical or preferable~~ feasible.
3. The condition causing the problem is site specific and not attributable to a general erosion trend, or the project reduces the need for a number of individual projects and solves a regional erosion problem.
4. It can be shown that a shoreline protective device will successfully eliminate or mitigate its effects on local shoreline sand supply and that the device will not adversely affect adjacent or other sections of the shoreline.
5. The shoreline protective device will not be located in wetlands or other significant resource or habitat area, and will not cause significant adverse impacts to fish or wildlife.
6. There will be no reduction in public access, use, or enjoyment of the natural shoreline environment, and construction of a shoreline protective device will preserve or provide access to related public recreational lands or facilities.
7. The shoreline protective device will not restrict navigation, mariculture, or other coastal use and will not create a hazard in the area in which it is built.

Status: Staff will revise policy and bring back to PC at future hearing.

Program C-EH-13.a – Require Proper Engineering for Shoreline Protective Devices.

The PC approved staff's recommendation to delete Program C-EH-13.a, as proposed in Attachment #2 (p. 21) of the 12/1/11 Staff Report.

Status: Staff will delete program from draft LCP.

Policy C-EH-14 - Design Standards for the Construction of Shoreline Protective Devices.

The PC approved staff's recommended changes to Policy C-EH-14 (not highlighted) and further requested the following modifications (highlighted):

Policy C-EH-14 Design Standards for the Construction of Shoreline Protective Devices. Ensure that the design and construction of any shoreline protective device shall:

1. ~~Make it as~~ Be treated to blend in visually with the natural shoreline ~~unobtrusive as possible~~;
2. Respect natural landforms to the greatest degree possible;
3. Include mitigation measures to offset any impacts on fish and wildlife resources

caused by the project;

4. Minimize and mitigate for the impairment and interference with the natural movement of sand supply and the circulation of coastal waters; ~~and~~
5. Address the geologic hazards presented by construction in or near Alquist-Priolo earthquake hazard zones;
6. Minimize the displacement of beach; and
7. If necessary, be combined with efforts to control erosion from surface and groundwater flows.

Status: Staff will incorporate changes into draft LCP.

Section 22.64.060 – Environmental Hazards

The PC approved staff's recommended changes to Section 22.64.060 as reflected in Attachment #2 (pp. 16-23) of the 12/1/11 Staff Report, with the following further modifications:

- Technical edit in Section 22.64.060.A.3: change "fluff" to "bluff" in the last line.
- Incorporate the following changes to Section 22.64.060.B.4 based on suggestions from the CCC, and confirm that "residential additions" is all-inclusive of the existing development in the area. If not, then revise as appropriate.
 - **Dev. Code Sec. 22.64.060. . .**
 - **B. Environmental Hazard standards...**
 - **4. Bolinas Bluff Erosion Zone setback exceptions and waivers.**

Within established Bluff Erosion Zones on the Bolinas Mesa, no new construction shall be permitted on vacant lots, new and replacement construction and Residential additions ~~amounting to~~ no greater than 10 percent of the ~~internal~~ existing floor area ~~of an existing structure~~ or 120 square feet, (whichever is greater), may be permitted on a one-time basis, ~~per Land Use Policy C-EH-8 and C-EH-9. These limitations may be waived on a case by case basis per Land Use Policy C-EH-10~~ the Bolinas Gridded Mesa Plan.
- Add a new item to Section 22.64.060.B as follows to implement Policy C-EH-17:
 - "~~The~~ ~~e~~Creation of new parcels abutting coastal waters. Creation of new parcels on lands abutting the ocean, bays, lagoons, or other coastal water bodies shall be prohibited unless the new parcel can be developed with structures that will not require a shoreline protective device during their economic life."

Status: Staff will incorporate approved changes into draft LCP, and revise and bring back Section 22.64.060.B.4 to PC at future hearing.

Mariculture (MAR)

Policy C-MAR-2 – Mariculture in Parks.

The PC requested that staff review existing mariculture operations in parks, and consider deleting this policy if appropriate.

Status: *Staff will research and bring back to PC at future hearing.*

Water Resources (WR)

Water Resources: Background

The PC requested that staff incorporate suggestions made by Community Marin in their 11/30/11 letter.

Status: *Staff will revise and bring back to PC at future hearing.*

Policy C-WR-2 – Water Quality Impacts of Development Projects.

The PC approved staff's recommended changes to Policy C-WR-2, with the exception to the reference to LID techniques in paragraph two. The PC requested that staff revise this reference to be consistent with the CCC's suggestion that LID techniques should be applied where appropriate, but not necessarily required in all cases (see 11/30/11 CCC letter).

Policy C-WR-2 Water Quality Impacts of Development Projects. Site and design public and private development and changes in use or intensity of use to prevent, reduce, or remove pollutant discharges and to minimize increases in stormwater runoff volume and rate to prevent adverse impacts to coastal waters to the maximum extent practicable. All coastal permits, for both new development and modifications to existing development, and including but not limited to those for developments covered by the current National Pollutant Discharge Elimination System (NPDES) Phase II permit, shall be subject to this review. Where required by the nature and extent of a proposed project and where deemed appropriate by Public Works staff, projects subject to this review shall have a plan which addresses both temporary (during construction) and permanent (post-construction) measures to control erosion and sedimentation, to reduce or prevent pollutants from entering storm drains, drainage systems and watercourses, and to minimize increases in stormwater runoff volume and rate.

Permanent Best Management Practices (BMPs) that protect water quality and minimize increases in runoff volume and rate shall be incorporated in the project design of developments and shall include Low Impact Development (LID) techniques. The goal of LID is to reduce runoff and mimic a site's pre-development hydrology by minimizing disturbed areas and impervious cover and then infiltrating, storing, detaining, evapotranspiring, and/or biotreating stormwater runoff close to its source. Site design and source control measures shall be given high priority as the preferred means of controlling pollutant discharges and runoff volume and rate.

Typical measures shall include:

1. Minimizing effective impervious area;
2. Limiting disturbance of natural drainage features and vegetation;
3. Protecting areas that are particularly susceptible to erosion and sediment loss, and ensuring that water runoff beyond natural levels is retained on-site whenever possible; and
4. Methods that reduce potential pollutants at their sources and/or avoid entrainment of pollutants in runoff, including schedules of activities, prohibitions of practices, maintenance procedures, managerial practices, or operational practices. Examples are covering outdoor storage areas, use of efficient irrigation, and minimizing the use of landscaping chemicals.

Status: *Staff will revise and bring back to PC at future hearing.*

Policy C-WR-3 – Storm Water Runoff.

The PC requested that staff research whether the “design” storm referred to in Policy C-WR-3 of a 2-to-5 year intensity event should be the same as “design” storms mentioned in other provisions, such as Development Code Section 22.64.080.A.1. The PC also requested that staff research the threshold of 1 acre of impervious surface referenced in the policy, to determine whether that is an appropriate amount, given that most development in the Coastal Zone is of a relatively small scale.

Policy C-WR-3 Storm Water Runoff. Where altered or increased flows from a project site have the potential to accelerate erosion or affect beneficial uses downstream, incorporate drainage controls so that the post-project peak flow (runoff) and velocity rate from the project site for a 2-year intensity storm of and up to at least a 5- 100-year intensity storm does not exceed the peak flow (runoff) and velocity runoff rate from the site in its pre-project (existing) state. Where a drainage problem unrelated to a proposed project already exists, the Department of Public Works should encourage the project applicant and neighboring property owners to develop a solution.

Where a project would add or create 1 acre of impervious surface and the altered or increased flows from the project site have the potential to accelerate erosion or affect beneficial uses downstream, the project plan shall include a hydromodification management element. This element shall be prepared and signed by a California licensed water quality professional and shall include the following:

1. Hydrograph modification management controls designed such that post-project stormwater discharge rates and durations match pre-project discharge rates and durations from 20 percent of the pre-project 2-year peak flow up to the pre-project 10-year peak flow, or;
2. Provide an alternative analysis that includes a completed screening checklist that evaluates the project's potential to accelerate downstream erosion or affect beneficial uses downstream, an analysis of the effects based on the results of the screening tool, and a description of the management measures that

will be implemented in order to prevent downstream erosion and downstream impacts to beneficial uses.

Status: Staff will revise and bring back to PC at future hearing.

Program C-WR-3.a – Require Drainage Plans.

The PC approved staff's recommended changes to Program C-WR-3.a, as proposed in Attachment #2 (p. 28) of the 12/1/11 Staff Report.

Status: Staff will incorporate changes into draft LCP.

Program C-WR-4.a – Require Grading Plans.

The PC requested that staff delete Program C-WR-4.a, since it is already implemented by Section 22.64.080.A.4.

Status: Staff will delete program from draft LCP.

Policy C-WR-11 – Detention or Infiltration Basins and Other Post-construction BMPs.

The PC approved staff's recommendation to delete Policy C-WR-11, as proposed in Attachment #2 (p. 29) of the 12/1/11 Staff Report.

Status: Staff will incorporate changes into draft LCP.

Policy C-WR-13 – Storm Water Pollution Prevention Plans.

The PC approved staff's recommended changes to Policy C-WR-13, as proposed in Attachment #2 (p. 29) of the 12/1/11 Staff Report.

Status: Staff will incorporate changes into draft LCP.

Policy C-WR-14 – Design Standards for High-Impact Projects.

The PC requested that staff re-evaluate items 6 and 7 as well as the exclusions of Policy C-WR-14, and determine whether to include them in the policy going forward. If included, the PC requested that staff reorder the policy by switching sentence 1 and 2 for clarity. The PC also requested that staff clarify what a "licensed water quality professional" is specifically and revise reference as appropriate.

Policy C-WR-14 Design Standards for High-Impact Projects. For developments that have a high potential for generating pollutants (High-Impact Projects), incorporate treatment control Best Management Practices (BMPs) or ensure that the requirements of a revised NPDES Phase II permit are met, whichever is stricter, and submit a plan with a post-construction element signed by a California licensed water quality professional, to address the particular pollutants of concern. Developments to be considered as High-Impact Projects and BMPs required for those types of developments shall include, but are not limited to, the following:

1. Development of automotive repair shops and retail motor vehicle fuel outlets

shall incorporate BMPs to minimize oil, grease, solvents, car battery acid, coolant, petroleum products, and other pollutants from entering the storm water conveyance system from any part of the property including fueling areas, repair and maintenance areas, loading/unloading areas, and vehicle/equipment wash areas.

2. Development of commercial facilities shall incorporate BMPs to minimize polluted runoff from structures, landscaping, parking areas, repair and maintenance areas, loading/unloading areas, vehicle/equipment wash areas, and other components of the project.
3. Development of restaurants and other food service establishments shall incorporate BMPs to minimize runoff of oil, grease, solvents, phosphates, suspended solids, and other pollutants.
4. Outdoor storage areas for materials that contain toxic compounds, oil and grease, heavy metals, nutrients, suspended solids, or other pollutants shall be designed with a roof or awning cover to minimize runoff.
5. Development of uncovered parking lots shall incorporate BMPs to minimize runoff of oil, grease, car battery acid, coolant, petroleum products, sediments, trash, and other pollutants.
6. All development that will occur within 125 feet of the ocean or coastal waters (including estuaries, wetlands, rivers, streams, and lakes), or that will discharge runoff directly to the ocean or coastal waters, if such development results in the creation, addition, or replacement of 5,000 or more square feet of impervious surface area. "Discharge directly" is defined as runoff that flows from the development to the ocean or to coastal waters that is not first combined with flows from any other adjacent areas.
7. Any development that results in the creation, addition, or replacement of 10,000 square feet or more of impervious surface area.
8. Any other development determined by the County to have a high potential for generating pollutants.

Specific exclusions from the above requirements are:

- Interior remodels, and
- Routine maintenance or repair such as:
 - Roof or exterior wall surface replacement,
 - Pavement resurfacing within existing footprint

The applicant for a High-Impact Project shall be required to submit a preliminary plan with a post-construction element in the application and initial planning process. Prior to issuance of a permit the applicant shall submit a final plan with a post-construction element, prepared by a California licensed water quality professional, for approval by the County. The plan shall include the following where applicable (applicability will be determined by the California licensed water quality professional or DPW land development engineering staff):

1. Pre-development and post-project stormwater runoff hydrograph (i.e., volume, flow rate, and duration of flow) calculations for the project, for a 25-year return frequency storm;
2. A description of how the treatment control BMPs (or suites of BMPs) have been sized and designed to treat, infiltrate, or filter stormwater runoff from each storm event, up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, or the 85th percentile, 1-hour storm event (with an appropriate safety factor of 2 or greater) for flow-based BMPs;
3. A description of Low-Impact Development (LID) techniques that will be incorporated into the project in order to minimize stormwater quality and quantity impacts from development;
4. If the applicant asserts that treatment control BMPs are not feasible for the proposed project, the plan shall document why those BMPs are not feasible and provide a description of alternative management practices to protect water quality; and
5. A long-term plan and schedule for the operation and maintenance of all treatment control BMPs specifying that treatment control BMPs shall be inspected, cleaned, and repaired as necessary to ensure their effective operation for the life of the development. In addition:
 - a. Owners of these devices shall be responsible for ensuring that they continue to function properly, and additional inspections should occur after storms as needed throughout the wet season, and
 - b. Repairs, modifications, or installation of additional BMPs, as needed, shall be carried out prior to the next wet season.

Status: *Staff will research and revise, and bring back to PC at future hearing.*

Policy C-WR-15 – Construction-Phase Pollution.

The PC approved staff's recommendation to add new Policy C-WR-15, as proposed in Attachment #2 (p. 33) of the 12/1/11 staff report.

Status: *Staff will incorporate new policy into draft LCP.*

Policy C-WR-16 – Construction Non-Sediment Pollution.

The PC approved staff's recommendation to add new Policy C-WR-16, with the following modification:

Policy C-WR-16 Construction Non-sediment Pollution. Minimize runoff of chemicals pollutants from construction sites (e.g., solvents, adhesives, preservatives, soluble building materials, vehicle lubricant and hydraulic fluids, concrete truck wash-out slurry, and litter).

Status: *Staff will incorporate new policy into draft LCP.*

Policy C-WR-17 – Erosion and Flood Control Facilities.

The PC approved staff's recommendation to add new Policy C-WR-17, as proposed in Attachment #2 (p. 34) of the 12/1/11 Staff Report.

Status: Staff will incorporate new policy into draft LCP.

Section 22.64.080 – Water Resources**Section 22.64.080.A.1**

The PC requested that staff revise Section 22.64.080.A for consistency with changes to Policy C-WR-3.

Section 22.64.080**A. Application requirements.**

1. Drainage plans. Coastal permit applications for development that would alter the land or drainage patterns shall be accompanied by a preliminary drainage plan where appropriate as determined by the Department of Public Works that shows existing and proposed drainage for the site, structures, driveway, and other improvements. The plan must indicate the direction, path, and method of water dispersal for existing and proposed drainage channels or facilities. The drainage plan must also indicate existing and proposed areas of impervious surfaces. The use of existing watercourses and detention basins may be authorized to convey stormwater only if negative impacts to biological resources, water quality, channel stability or flooding of surrounding properties can be avoided. Hydrologic calculations may be required to determine whether there would be any additional surface run-off resulting from the development.

Where a project would add or create 1 acre of impervious surface and the altered or increased flows from the project site have the potential to accelerate erosion or affect beneficial uses downstream, the project plan shall include a hydromodification management element. This element shall be prepared and signed by a California licensed water quality professional and shall include the following:

- a. Hydrograph modification management controls designed such that post-project stormwater discharge rates and durations match pre-project discharge rates and durations from 20 percent of the pre-project 2-year peak flow up to the pre-project 10-year peak flow, or;
- b. Provide an alternative analysis that includes a completed screening checklist that evaluates the project's potential to accelerate downstream erosion or affect beneficial uses downstream, an analysis of the effects based on the results of the screening tool, and a description of the management measures that will be implemented in order to prevent downstream erosion and downstream impacts to beneficial uses.

Status: Staff will revise and bring back to PC at future hearing.

Section 22.64.080.A.3

The PC approved staff's recommended changes to Section 22.64.080.A.3 as proposed

in Attachment #2 (p. 30) of the 12/1/11 Staff Report, for consistency with changes made to Policy C-WR-13.

Status: *Staff will incorporate changes into draft LCP.*

Section 22.64.080.A.7

The PC approved staff's recommendation to add new Section 22.64.080.A.7, but asked that staff revise it for consistency with changes made to Policy C-WR-3.

Section 22.64.080...

A. Application Requirements...

7. Site Plan Contents – Construction Phase. All projects that meet the area threshold for the statewide construction permit (greater than one acre of disturbed area), projects that may impact environmentally sensitive habitat (i.e., projects within, directly adjacent to or discharging directly to an environmentally sensitive area), county-defined high-impact projects or other projects that the county staff finds to be a threat to coastal water quality, shall require a Construction-Phase element in the site plan to specify interim Best Management Practices (BMPs) that will be implemented to minimize erosion and sedimentation during construction and to address construction runoff contaminated with fuels, lubricants, cleaning agents and/or other potential construction-related pollutants.

In the application and initial planning process, the applicant shall submit for review and approval a Construction-Phase element that shall include, at a minimum, a narrative report describing all interim erosion, sedimentation, and polluted runoff control BMPs to be implemented during construction, including the following where applicable:

- a. Controls to be implemented on the amount and timing of grading;
- b. BMPs to be implemented for staging, storage, and disposal of excavated materials;
- c. Design specifications for treatment control BMPs, such as sedimentation basins;
- d. Re-vegetation or landscaping plans for graded or disturbed areas;
- e. Methods to manage affected onsite soils;
- f. Other soil stabilization BMPs to be implemented;
- g. Methods to infiltrate or treat stormwater prior to conveyance off-site during construction;
- h. Methods to eliminate or reduce the discharge of other stormwater pollutants resulting from construction activities (e.g., paints, solvents, vehicle fluids, asphalt and cement compounds, and debris) into stormwater runoff;
- i. Plans for the clean-up of spills and leaks;

- j. BMPs to be implemented for staging, storage, and disposal of construction chemicals and materials;
- k. Proposed methods for minimizing land disturbance activities, soil compaction, and disturbance of natural vegetation;
- l. A site plan showing the location of all temporary erosion control measures; and
- m. A schedule for installation and removal of the temporary erosion control measures.

Status: Staff will revise and bring back to PC at future hearing.

Section 22.64.080.B.4

The PC approved staff's recommendation to delete Section 22.64.080.B.4, for consistency with deletion of Policy C-WR-11.

Status: Staff will delete section from draft LCP.

Section 22.64.080.B.7

The PC approved staff's recommendation to add new Section 22.64.080.B.7 as proposed in Attachment #2 (p. 34) of 12/1/11 Staff Report, to implement new Policy C-WR-16.

Status: Staff will add new section to draft LCP.

Section 22.140.030 – Definitions

“Economic Life (coastal)”

The PC approved staff's recommended change to the definition of “Economic Life (coastal)” as proposed in Attachment #2 (p. 34) of the 12/1/11 Staff Report.

“Existing Structure (coastal)”

The PC approved staff's recommended change to the definition of “Existing Structure (coastal)” as proposed in Attachment #2 (p. 35) of the 12/1/11 Staff Report.

“Height, Structure (coastal)”

The PC approved staff's recommended change to the definition of “Economic Life (coastal)” with the following additional change:

Height, Structure (coastal). The vertical distance from grade to the highest point of a structure. Maximum height shall be measured as the vertical distance from grade to an imaginary plane located the allowed number of feet above and parallel to the grade. The maximum height of buildings located in areas subject to tidal action shall be measured from NGVD. Any structure built prior to April 8, 1980 shall be exempt from becoming nonconforming with respect to height. The height measurement for structures within Seadrift Subdivision in the special Flood hazard (V zone) shall be

measured according to the requirements of LCP Policy C-EH-11.

“Low Impact Development (LID)”

The PC approved staff's recommendation to add a new definition for “Low Impact Development (LID)” as proposed in Attachment #2 (p. 27) of the 12/1/11 Staff Report.

Status: *Staff will incorporate changes into draft LCP.*

Planning Commission Tentative Decision Table (with staff response)
January 9, 2012
LCP Hearing on Carryover Issues

APPROVED by Planning Commission: *[insert date]*

The items in **highlighted strike-out and underline** format below are responses to changes requested by the Planning Commission to the working draft of the revised LCP Amendments at the January 9, 2012 hearing. Other ~~strike-outs~~ and underlines indicate changes proposed in the January 9, 2012 staff report and approved by the PC.

I. DEVELOPMENT CODE STRUCTURE AND PROCESS

CHAPTER 22.68 – Coastal Permit Requirements

Section 22.68.040- Categorically Excluded Projects

The Planning Commission approved staff's recommendation to Section 22.68.040 as follows:

B. The Director shall maintain and regularly transmit to the Coastal Commission a list and summary of projects determined to be categorically excluded from the requirements of this Chapter for a Coastal Permit. The list and summary shall be available for public inspection and shall include the applicant's name, project description and location, and the date of the Director's determination **for each project.**

Section 22.68.060 – Non-Exempt Projects

The Planning Commission approved staff's recommendation to Section 22.68.060 as follows:

Section 22.68.060 – Non-Exempt Projects

Notwithstanding the provisions of Section 22.68.050 – Exempt Projects, a Coastal Permit shall be required for all of the following projects unless the development is categorically excluded or qualifies for a De Minimis Waiver:

...

K. Repair and maintenance activities. Repair and maintenance activities as follows:

1. Any method of repair or maintenance of a seawall revetment (other than ordinary maintenance of the Seadrift Revetment as provided by Section 22.68.050.B), bluff retaining wall, breakwater, groin, culvert, outfall, or similar shoreline work that involves:

(a) Repair or maintenance involving substantial alteration of the foundation of the protective work including pilings and other surface or subsurface structures;

(b) The placement, whether temporary or permanent, of rip-rap, artificial berms of sand or other beach materials, or any other forms of solid materials, on a beach or in coastal waters, streams, wetlands, estuaries and lakes or on a shoreline protective work except for agricultural dikes within enclosed bays or estuaries;

(c) The replacement of 20 percent or more of the materials of an existing structure with materials of a different kind: or

(d) The presence, whether temporary or permanent, of mechanized construction equipment or construction materials on any sand area, bluff, or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams.

2. Any method of routine maintenance dredging that involves:

~~(a) The dredging of 100,000 cubic yards or more within a twelve (12) month period;~~

~~(b) (a) The placement of dredged spoils of any quantity within an environmentally sensitive habitat area, on any sand area, within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams; or~~

~~(c) (b) The removal, sale, or disposal of dredged spoils of any quantity that would be suitable for beach nourishment in an area the Coastal Commission has declared by resolution to have a critically short sand supply that must be maintained for protection of structures, coastal access or public recreational use.~~

3. Any repair or maintenance to facilities or structures or work located in an environmentally sensitive habitat area, any sand area, within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams that includes:

(a) The placement or removal, whether temporary or permanent, of rip-rap, rocks, sand or other beach materials or any other forms of solid materials; or

(b) The presence, whether temporary or permanent, of mechanized equipment or construction materials.

Section 22.68.050 – Exempt Projects

The Planning Commission approved staff's recommendation to Section 22.68.050 as follows:

Section 22.68.050 – Exempt Projects

...

B. Repair and maintenance. Repair and maintenance activities that do not result in the addition to or enlargement or expansion of the object of repair or maintenance. No coastal permit shall be required for ordinary maintenance of the Seadrift Revetment, which is defined to include removal from the beach of any rocks or other material which become dislodged from the revetment or moved seaward from the identified footprint, replacement of such materials on the revetment, minor placement of sand over the revetment from a source other than the Bolinas Sandspit Beach, planting of dune grass on the revetment, and similar activities.

Unless destroyed by a disaster, the replacement of 50 percent or more of a single family residence, seawall, revetment, bluff retaining wall, breakwater, groin or any other structure is not considered solely repair and maintenance, but instead constitutes a replacement structure.

...

Section 22.68.090 – Consolidated Coastal Permit

The Planning Commission approved staff's recommendation to Section 22.68.090 as follows:

Consolidated County-Coastal Commission Coastal Permit. If a proposed development requires a two separate Coastal Permits, one from both the County and one from the Coastal Commission, a consolidated Coastal Permit application may be considered by the Coastal Commission according to the following procedure:

- A. The Director, with agreement by the applicant, may request the Coastal Commission through its executive director to process a consolidated Coastal Permit. The standard of review for a consolidated Coastal Permit application shall follow Chapter 3 of the Coastal Act (commencing with Public Resources Code Section 30200), with the Local Coastal

Program used as guidance. The application fee for a consolidated Coastal Permit shall be determined by reference to the Coastal Commission's permit fee schedule.

- B. Prior to making a request for a consolidated Coastal Permit, the Director shall first determine that public participation would not be substantially impaired by that review process. ~~The Director may require public notice that is reasonably determined necessary to allow public review and comment on the proposed consolidated Coastal Permit.~~

CHAPTER 22.70 – Coastal Permit Administration

Section 22.70.030.B.5 – Coastal Permit Filing, Initial Processing

The Planning Commission approved staff's recommendation for **Section 22.70.030.B.5** as shown below.

Section 22.70.030.B.5 – Coastal Permit Filing, Initial Processing

...

5. **Public hearing waiver.** A public hearing that would otherwise be required for a minor development shall be waived if both the following occur:
- a. Notice as provided in Section 22.70.050 – Public Notice that a public hearing shall be held upon request by any person is provided ~~to all persons who would otherwise be required to be notified of a public hearing as well as any other persons known to be interested in receiving notice, and~~
 - b. No written request for a public hearing is received within 15 working days from the date of sending the notice.

In addition to the requirements of Section 22.70.050 – Public Notice, the notice shall include a statement that the hearing will be cancelled if no person submits a written request for a public hearing as provided above, and a statement that failure by a person to request a public hearing may result in the loss of that person's ability to appeal to the Coastal Commission any action taken by the County of Marin on a coastal permit application.

For purposes of this Section, "minor development" means a development that the County Director determines satisfies all of the following requirements:

- ~~a-~~ (1) Is consistent with the certified Local Coastal Program,
- ~~b2)~~ Requires no discretionary approvals other than a Coastal Permit, and
- (3) Has no adverse effect either individually or cumulatively on coastal resources or public access to the shoreline or along the coast.
- ~~e-~~ Notwithstanding the waiver of a public hearing, any written comments submitted regarding a coastal permit application shall be made part of the permit application record.

II. NATURAL SYSTEMS AND AGRICULTURE

AGRICULTURE (AG)

Program C-AG-2.b Develop Implementation Measures for the C-APZ

As discussed at the 1/9/12 Planning Commission hearing, the programs that have already been completed and implemented in the Draft Development Code will be deleted from the adopted version of the Land Use Plan. Program C-AG-2.b is implemented by Section 22.62.060, including Tables 5-1-a through 5-1-e, and will therefore be deleted from the Land Use Plan. The Commission further requested that staff reorganize Programs C-AG-2.a, -2.c, -2.d, and -2.f and relocate them to each follow the appropriate policy. This reorganization will be done in the revised draft and is not shown here.

Program C-AG-2.b Develop Implementation Measures for the C-APZ

[entire program deleted from the Draft Land Use Plan]

Program C-AG-2.c Agricultural Worker Housing on Agricultural Lands

As explained under Program C-AG-2.b above, Program C-AG-2.c will also be deleted from the adopted version of the Land Use Plan since it has been completed and implemented by Development Code Section 22.32.028.

Program C-AG-2.c Agricultural Worker Housing on Agricultural Lands.

[entire program deleted from the Draft Land Use Plan]

Program C-AG-2.d Amnesty Program for Unpermitted and Legal Non-Conforming Agricultural Worker Units

The Planning Commission approved staff's recommendation for Program C-AG-2.d and to add "written" as follows:

Program C-AG-2.d Amnesty Program for Unpermitted and Legal Non-Conforming Agricultural Worker Units. Support the establishment of an amnesty program for unpermitted and legal non-conforming agricultural worker units in order to increase the legal agricultural worker housing stock and guarantee the health and safety of agricultural worker units. A specific period of time will be allowed for owners of illegal units to register their units and make them legal without incurring fines, along with **written** assurances of the long-term use by agricultural workers and their families. Any such program must be consistent with local coastal program requirements related to the type, location and intensity of land uses as well as applicable resource protection policies.

(PC app. 1/24/11)

[New program, not in Unit I or II]

Program C-AG-2.e Establish Criteria for On-site Agricultural Sales and Processing.

As explained under Program C-AG-2.b above, Program C-AG-2.e will also be deleted from the adopted version of the Land Use Plan, since it has been completed and implemented by Development Code Sections 22.32.026 and 22.32.027. The change requested by the Planning Commission at the 1/9/12 hearing to maintain agricultural processing as a Principal Permitted Use had already been corrected in Section 22.32.026.

Program C-AG-2.e Establish Criteria for On-site Agricultural Sales and Processing.

[entire program deleted from the Draft Land Use Plan]

Policy C-AG-7 Master Plan for Non-Agricultural Development of Agricultural Production Zone (C-APZ) Lands

The Planning Commission approved staff's recommendation for Policy C-AG-7, except for a possible addition to Section A.2, where a member of the Planning Commission suggested considering adding language to require that water diversions or use not adversely impact groundwater levels or existing wells on other properties.

As promised, staff has had preliminary contacts within the time available with County Counsel and Environmental Health Services, as well as reviewing the Coastal Act itself, and has compiled the following information.

1. The County Counsel confirms that regulation of groundwater resources and surface water rights in California is indeed complex, that the County has not been significantly involved in groundwater management to date, and that engaging more substantively in issues related to groundwater could involve major commitments of time and resources.
2. EHS made similar observations. They are not currently charged with the responsibility for managing the groundwater system, such as evaluating the effects of approving new wells on groundwater levels in wells on neighboring properties.
3. The Coastal Act's policies on water resources focus on biological productivity and quality (30231) and habitat values (30240). They do not appear to directly address groundwater water rights impacts between adjacent property owners. Nevertheless, the Coastal Commission 2010 staff guidance for LCP Implementation Plans does suggest that Coastal Permit filing requirements include [2 0.144 .070.D] 5:

h. assessment of the individual and cumulative impacts of the proposed development on the quantity and quality of the groundwater table and local aquifer, specifically addressing nitrates, TDS, and toxic chemicals;

i. assessment of the proposed development's individual and cumulative impact on the aquifer's safe long-term yield level, saltwater intrusion, and long-term maintenance of local coastal-priority agricultural water supplies;

Staff will seek additional information prior to the consideration of this proposed change.

C-AG-7 Master Plan for Non-Agricultural Development Standards for the Agricultural Production Zone (C-APZ) Lands. ~~Prior to approval of non-agricultural development, including a land division, in the Coastal Agricultural Production Zone, require submittal of a Master Plan or other appropriate development applications showing how the development would be consistent with the LCP. Approve a proposed Master Plan or development application and determine the density of permitted residential units only upon making all of the following findings and incorporating the conditions listed below. No Master Plan shall be required for:~~

- ~~1. Agricultural activities that are accessory and incidental to, in support of, and compatible with agricultural use;~~
- ~~2. Development that is Categorically Excluded;~~
- ~~3. Up to two intergenerational homes; or~~
- ~~4. A single family dwelling on a parcel having no residual development potential for additional dwellings, other than agricultural worker housing.~~

Proposed development in the C-APZ Zone shall be designed and constructed to preserve agricultural lands and to be consistent with all applicable standards and requirements of the Local Coastal Program, and in particular the policies of the Natural Systems and Agriculture Element of the LUP.

A. Development Standards for Agricultural Uses in the C-APZ:

All of the following development standards apply:

- ~~1. The development will~~ Permitted development shall protect and enhance continued agricultural use, and contribute to agricultural viability.
- ~~2. The development is necessary because agricultural use of the property would no longer~~

~~be feasible. The purpose of this standard is to permit agricultural landowners who face economic hardship to demonstrate how development on a portion of their land would ease this hardship and enhance agricultural operations on the remainder of the property.~~

- ~~3. The proposed development will not conflict with the continuation or initiation of agricultural uses on that portion of the property that is not proposed for development, on adjacent parcels, or on other agricultural parcels within one mile of the perimeter of the proposed development.~~

- ~~2 4. Development shall be permitted only where Adequate water supply, sewage disposal, road access and capacity and other public services are available to support the proposed development after provision has been made for existing and continued agricultural operations. Water diversions or use for a proposed development shall not adversely impact stream or wetland habitats, or significantly reduce freshwater inflows to water bodies including but not limited to Tomales Bay, either individually or cumulatively, or adversely affect groundwater levels or existing wells on other properties. [See staff note above].~~

- ~~5. Appropriate public agencies are able to provide necessary services (fire protection, police protection, schools, etc.) to serve the proposed development.~~

- ~~36. The proposed development will~~ Permitted development shall have no significant adverse impacts on environmental quality or natural habitats, and shall meet all other applicable policies, consistent with the LCP.

B. Development Standards for Non-Agricultural Uses:

In addition to the standards of Section A of above, All of the following development standards apply to non-agricultural uses, including division of agricultural lands or construction of two or more dwelling units (excluding agricultural worker or intergenerational housing). The County shall determine the density of permitted residential units only upon applying Policy C-AG-6 and the following standards and making all of the findings listed below.

Required Conditions:

1. In order 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 shall be placed in one or more groups on a total of no more than five percent of the gross acreage, to the extent feasible, with the remaining acreage retained in or available for agricultural production or open space. Proposed development shall be located close to existing roads, or shall not require new road construction or improvements resulting in significant impacts on agriculture, natural topography, significant vegetation, or significant natural visual qualities of the site. Proposed development shall be sited to minimize impacts on scenic resources, wildlife habitat and streams, and adjacent agricultural operations, and shall be designed and sited to avoid hazardous areas. Any new parcels created shall have building envelopes outside any designated scenic protection area.
2. The creation of a homeowner's or other organization and/or the submission of an Agricultural Production and Stewardship Plan (APSP) may be required to provide for the proper utilization of agricultural lands and their availability on a lease basis or for the maintenance of the community's roads, septic or water systems.
3. Consistent with State and federal laws, a permanent agricultural conservation easement over that portion of the property not used for physical development or services shall be required for proposed land divisions, non-agricultural development, and multiple residential projects, other than agricultural worker housing or intergenerational housing, to promote the long-term preservation of these lands. Only agricultural and compatible uses shall be allowed under the easement. In addition, the County shall require the execution of a covenant not to divide for the parcels created under this division so that

each will be retained as a single unit and are not further subdivided.

4. Proposed development shall only be approved after making the following findings:

a-2. The development is necessary because agricultural use of the property would no longer be feasible. The purpose of this standard is to permit agricultural landowners who face economic hardship to demonstrate how development on a portion of their land would ease this hardship and enhance agricultural operations on the remainder of the property.

b3. The proposed development will not conflict with the continuation or initiation of agricultural uses on that portion of the property that is not proposed for development, on adjacent parcels, or on other agricultural parcels within one mile of the perimeter of the proposed development.

c4. Appropriate public agencies are able to provide necessary services (fire protection, police protection, schools, etc.) to serve the proposed development without extending urban services.

(PC app. 1/24/11; rev 10/10/11)

[Adapted from Unit II Ag Policies 4 and 5, p. 98-99]

Section 22.65.040 C-APZ Zoning District Standards

The Planning Commission approved staff's recommendation for Section 22.65.040 and requested clarifying that "management plans" are "Agricultural Production and Stewardship Plans".

22.65.040 - C-APZ Zoning District Standards

A. Purpose. This Section provides additional development standards for the C-APZ zoning district that are to preserve productive lands for agricultural use, and ensure that development is accessory and incidental to, in support of, and compatible with agricultural uses.

B. Applicability. The requirements of this Section apply to proposed development in addition to the standards established by Section 22.65.030 (Planned District General Development Standards) and Chapter 22.64 (Coastal Zone Development and Resource Management Standards), and all other applicable provisions of this Development Code.

C. Development standards All development permits in the C-APZ district shall also be subject to the following standards and requirements in addition to section 22.65.030:

~~4. Location of development. Development shall be designed and sited as provided in section 22.65.030.D (Building location).~~

1. Standards for agricultural uses:

a. ~~Permitted~~ development shall protect and enhance continued agricultural use, and contribute to agricultural viability.

b. Development shall be permitted only where adequate water supply, sewage disposal, road access and capacity and other public services are available to support the proposed development after provision has been made for existing and continued agricultural operations. Water diversions or use for a proposed development shall not adversely impact stream or wetland habitats or significantly reduce freshwater inflows to water bodies including but not limited to Tomales Bay, either individually or cumulatively. ~~The proposed development will~~ Permitted development shall have no significant adverse impacts on environmental quality or natural habitats, and shall meet all other applicable policies, consistent with the LCP.

c. ~~The proposed development will~~ Permitted development shall have no significant adverse impacts on environmental quality or natural habitats, and shall meet all other

applicable policies, consistent with the LCP.

2. Standards for Non-Agricultural Uses:

Non-agricultural uses, including division of agricultural lands or construction of two or more dwelling units, (excluding agricultural worker or intergenerational housing) shall meet the requirements of section 22.65.040.C.1 above and the following additional requirements:

- a. **Conservation easements.** Consistent with State and federal laws, the approval of non-agricultural uses, a subdivision, or construction of two or more dwelling units, excluding agricultural worker and intergenerational housing, shall include measures for the long-term preservation of lands proposed or required to remain undeveloped. Preservation shall be accomplished by permanent conservation easements or other encumbrances acceptable to the County. Only agricultural uses shall be allowed under these encumbrances. In addition, the County shall require the execution of a covenant prohibiting further subdivision of parcels created in compliance with this Section and Article VI (Subdivisions), so that ~~they are~~ each is retained as a single unit.
- b. **Agricultural Production and Stewardship Management Plans (APSP) and organization.** The creation of a homeowner's association or other organization and/or the submission of an Agricultural Production and Stewardship Plan (APSP) may be required to provide for the proper use and management of agricultural lands, and their availability for lease, and/or for the maintenance of community roads or mutual water systems. The Director may waive the requirement for a management plan **APSP** for a project involving an existing commercial agricultural production operation or an existing commercial agricultural property.
 - (1) The purpose of an Agricultural Production and Stewardship Plan prepared and submitted for land division or for residential or other non-agricultural development of C-APZ lands is to ensure that long-term agricultural productivity will occur and will substantially contribute to Marin's agricultural industry. Such a plan shall clearly identify and describe existing and planned agricultural uses for the property, explain in detail their implementation, identify on-site resources and agricultural infrastructure, identify product markets and processing facilities (if appropriate), and demonstrate how the planned agricultural uses substantially contribute to Marin's agricultural industry. An Agricultural Production and Stewardship Plan shall provide evidence that at least 95% of the land will remain in agricultural production or natural resource protection and shall identify stewardship activities to be undertaken to protect agriculture and natural resources. An Agricultural Production and Stewardship Plan shall be prepared by qualified professionals with appropriate expertise in agriculture, land stewardship, range management, and natural resource protection. The approval of a development proposal that includes an Agricultural Production and Stewardship Plan shall include conditions ensuring the proper, long-term implementation of the plan.
 - (2) The requirement for an Agricultural Production and Stewardship Plan shall not apply to agricultural worker housing or to permitted intergenerational homes and may be waived for residences and residential accessory buildings or structures to be occupied or used by the property owner(s) or lessee who is directly engaged in the production on the property of agricultural commodities for commercial purposes. It may also be waived for non-agricultural land uses when the County finds that the proposal will enhance current or future agricultural use of the property and will not convert the property to primarily residential or other non-agricultural use, as evidenced by such factors as bona fide commercial

agricultural production on the property, the applicant's history and experience in production agriculture, and the fact that agricultural infrastructure (such as fencing, processing facilities, marketing mechanisms, agricultural worker housing, or agricultural land leasing opportunities) has been established or will be enhanced.

- (3) Projects subject to the potential requirement of preparing an Agricultural Production and Stewardship Plan should be referred to such individuals or groups with agricultural expertise as appropriate for analysis and a recommendation. Such individuals or groups should also be requested to periodically review and evaluate the effectiveness of the Agricultural Production and Stewardship Plan program.

c. **Required findings.** Review and approval of land use permits for non-agricultural development including land divisions and determinations of allowed density in the C-APZ zoning district, shall be subject to the following findings, in addition to others required by this Article:

- (1) The proposed development is necessary because the agricultural use of the property is no longer feasible. The purpose of this standard is to permit agricultural landowners who face economic hardship to demonstrate how development on a portion of their land would ease the hardship and enhance agricultural operations on the remainder of the property.
- (2) The proposed development will not conflict with the continuation or initiation of agricultural uses on the portion of the property that is not proposed for development, on adjacent parcels, or parcels within one mile of the perimeter of the proposed development.
- (3) Appropriate public agencies are able to provide necessary services (fire protection, police protection, schools, etc.) to serve the proposed development without extending urban services.

d. **Transfer of development rights (TDR).** Proposed development within the C-APZ district may use the TDR provisions of Chapter 22.34 (Transfer of Development Rights).

Second Units on C-APZ Parcels

On a 4-1 vote, the Planning Commission affirmed staff's recommendation to continue to prohibit second units in the C-APZ zoning district.

Section 22.32.023 – Agricultural Homestays (Coastal)

The Planning Commission approved staff's recommendation to Section 22.32.023 as follows:

B. Land Use Requirements. An Agricultural Homestay:

.....

2. Provides overnight transient accommodations.

3. Shall offer lodging and meals only to overnight guests only as an incidental, and not as the primary, function of the establishment, and

.....

D. Appearance. The exterior appearance of the structure used for the Agricultural Homestay shall maintain a rural character consistent with farm buildings on the property. ~~single family residential characteristics.~~

- E. Limitation on services provided.** The services provided guests by the Agricultural Homestay shall be limited to the rental of bedrooms and the provision of meals at any time to registered guests. The price of food shall be included in the overnight transient occupancy accommodation. There shall be no separate/additional food preparation facilities for guests. Homestay guests may also participate in agricultural activities at the discretion of the homestay operator.

Section 22.32.025 – Farmhouse (Coastal)

The Planning Commission approved staff's recommendation to delete the following sentence from Section 22.32.025 as follows:

~~The approval of a farmhouse shall ensure that lands designated for agricultural use are not de facto converted to residential use per Land Use Policy C-AG-9.~~

Section 22.32.026 – Agricultural Processing Uses

The Planning Commission approved staff's recommendation to Section 22.32.026 as follows:

A. Limitations on use:

....

4. A Conditional Use Permit shall be required if the processing facility is open routinely to public visitation or if public tours are conducted of the processing facility ~~on a scheduled or regular basis~~ more than 24 times per year.

Section 22.32.027 – Agricultural Retail Sales and Facilities (Coastal)

The Planning Commission approved staff's recommendation to Section 22.32.027 as follows:

...

B. Design Review for a structure used as a sales facility.

1. Design Review shall be required for any structure proposed to be used for retail sales ~~that is within 300 feet of a street or a separate-ownership property line~~, except as provided below.
- ~~2a.~~ 2a. A sales structure that is within 300 feet of a street or a separate-ownership property line, does not exceed ~~500~~ 250 square feet in size, and does not exceed 15 feet in height shall be exempt from Design Review or eligible for Minor Design Review if either (1) the structure has no foundation (and is exempt from building permit), or (2) at least three of the structure's walls are each no more than 50% solid (including sides with no walls).
- ~~3b.~~ 3b. An ~~on-site sales facility structure~~ on-site sales facility structure that does not exceed 500 square feet in size, does not exceed 15 feet in height, and is ~~no~~ more than 300 feet from any street or separate-ownership property line ~~(and is not within a processing facility)~~ shall be exempt from Design Review.

Section 22.32.028 – Agricultural Worker Housing (Coastal)

The Planning Commission approved staff's recommendation to Section 22.32.028 with modifications as follows:

- A. Permitted use, zoning districts.** Agricultural worker housing providing accommodations consisting of no more than 36 beds in group living quarters or 12 units or spaces for agricultural workers and their households shall be considered a principal permitted

<p>agricultural land use and shall not be included in the calculation of residential density in the following zoning districts: A2, A3 to A60, ARP, C-ARP, C-APZ, C-RA , and C-OA, and O-A and are allowed by Articles II (Zoning Districts and Allowable Land Uses) and V (Coastal Zones – Permit Requirements and Development Standards).</p>
<p><u>Section 22.32.115 – Non-Agricultural Uses (Coastal)</u> The Planning Commission approved staff's recommendation to Section 22.32.115 as follows:</p> <p><u>22.32.115 – Determination of Non-Agricultural Uses</u></p> <p>This Section applies only in those instances where Table 2-1 or Table 5-1 expressly refers to this Section. The purpose of applying the following standards is to determine whether a specific non-agricultural land use is accessory and incidental to the primary use of land for agricultural production. The intent of these provisions is to ensure that non-agricultural uses do not become the primary use of agricultural land to the detriment of agricultural production...</p>
<p><u>Table 5-1-d – Allowed Uses in Coastal Agricultural District</u> The Planning Commission approved staff's recommendation to Table 5-1-d, which added "kennels and animal boarding" in the C-APZ district as a Conditional Use (U).</p>
<p><u>General Comment from 22.32 related to Definitions</u> The Planning Commission approved staff's recommendation to not place all defined terms in italic bold font in the Development Code.</p>

III. BUILT ENVIRONMENT AND SOCIOECONOMIC ELEMENTS

COMMUNITY DEVELOPMENT (CD)

C-CD-22 Agricultural Land Use Categories

The Planning Commission approved of staff's recommendation for Policy C-CD-22 with modifications as follows:

C-CD-22 Agricultural Land Use Categories. Establish agriculture land use categories to preserve and protect a variety of agricultural uses, and to enable potential for agricultural production and diversification. Historically, 60 acres has been the minimum parcel size for most agricultural lands in the county. Various policies regarding agricultural productivity, water availability, effects on water quality, and other factors govern the subdivision of such lands, along with the intensities described below. The effect is that subdivisions of agricultural lands are rare. The zoning designations listed are examples of consistent zoning and are not the only possible consistent zoning designations. The following Agricultural land use categories are established:

Agriculture 1 ~~(coastal)~~ (C-AG1). This land use category is established for ~~agricultural uses, including nonresidential structures necessary for agricultural operations at a floor area ratio (FAR) of .01 to .09, and housing with a density of one dwelling unit per 31 to 60 acres.~~ to preserve agricultural lands that are suitable for land intensive or land extensive agricultural productivity, that contain soils capable of supporting production agriculture, or that are currently zoned C-APZ. The principal use of these lands shall be agricultural, and any development shall be accessory and incidental to, in support of, and compatible with agricultural production. A minimum of 60 acres is required for each dwelling unit. A maximum density of one dwelling unit per 60 acres is permitted, and all development shall be consistent with applicable policies of the Coastal Land Use Plan.

Consistent Zoning: C-APZ-60
 C-ARP-31 to C-ARP-60

Agriculture 2 ~~(coastal)~~ (C-AG2). This land use category is established for agricultural uses ~~including nonresidential structures necessary for agricultural operations at a floor area ratio (FAR) of .01 to .09, and housing with a density of one dwelling unit per 10 to 30 acres.~~ on lands adjacent to residential areas, and at the edges of Agricultural Production Zones in the Coastal Zone that have potential for agricultural production and can provide flexibility in lot size and building locations in order to:

1. Promote the concentration of residential and accessory uses to maintain the maximum amount of land available for agricultural use, and
2. Maintain the visual, natural resource and wildlife habitat values of subject properties and surrounding areas. The C-ARP district requires the grouping of proposed development.

Consistent Zoning: C-ARP-10 to C-ARP-30

Agriculture 3 ~~(coastal)~~ (C-AG3). This land use category ~~shall be provided~~ is established for agricultural uses, including nonresidential structures necessary for agricultural operations at a floor area ratio (FAR) of .01 to .09, and housing with a density of one dwelling unit per 1 to 9 acres. for residential use within the context of small-scale agricultural and agriculturally-related uses, subject to the specific development standards of the Coastal Land Use Plan.

Consistent Zoning: C-ARP-1 to C-ARP-9

(PC app. 9/19/11, 10/26/09)

[Adapted from CWP Policy CD-8.5 pg. 3-35]

C-CD-23 Residential Land Use Categories and Densities

The Planning Commission approved of staff's recommendation to modify C-CD-23 and to modify the density range from 16 to 10 units per acre as follows:

Low to Medium Density Residential

The following low to medium density residential land use categories (from 5 to **1046** units per acre) are established where moderate density single-family and multi-family residential development can be accommodated in areas that are accessible to a range of urban services near major streets, transit services, and neighborhood shopping facilities.

Land Use Category	Density Range	FAR	Consistent Zoning
Multi-Family 3 (C-MF3)	5 to 10 du/ac	.1 to .3	C-RMP-5 to C-RMP-10
Multi-Family 3.5 (C-MF3.5)	5 to 16 du/ac	.1 to .3	C-RMP-5 to C-RMP-16

(PC app. 7/29/10)

[Adapted from CWP Policy CD-8.6 pg. 3-35 to 3-39]

C-SB-2 Limited Access in Seadrift.

The Planning Commission approved staff's recommended changes to C-SB-2 as follows:

C-SB-2 Limited Access in Seadrift. Allow only limited public access across the ~~unsubdivided~~ open space area generally located north of Dipsea Road and adjacent to Bolinas Lagoon in the Seadrift subdivision ~~lands fronting Bolinas Lagoon~~ to protect wildlife habitat subject to the Deed of an Open Space and Limited Pedestrian Easement and Declaration of Restrictions as recorded March 26, 1986 as Instrument No. 86-15531. This area includes parcels 195-070-35 and 36; 195-080-29; 195-090-44; 195-320-62 and 78; and 195-340-71, 72, and 73.

(PC app. 7/29/10)

[Concept adapted from Unit I New Development Policy 33, "Lagoon Access," p. 80]

C-SB-3 Density and Location of Development in Seadrift

The Planning Commission approved staff's recommended changes to C-SB-3 as follows:

C-SB-3 Density and Location of Development in Seadrift. ~~For purposes of this policy, the Seadrift subdivision is divided into five sub-areas as follows:~~ Development of the approximately 327 lots within the Seadrift subdivision shall be allowed consistent with the provisions of the July 12, 1983 Memorandum of Understanding for the settlement of the litigation between Steven Wisenbaker and the William Kent Estate Company, and the County of Marin, and consistent with the terms of the March 16, 1994, Settlement Agreement in the litigation titled Kelly et al. v. California Coastal Commission, Marin County Superior Court Case No. 152998 between the Seadrift Association and the County of Marin. Minimum lot sizes shall be as shown on the final subdivision maps approved by Marin County, as modified by the referenced settlement agreements.

Area 1: This area includes lots fronting on the Pacific Ocean and generally south of Seadrift Road. Those properties in Area 1 present the least potential for adverse impacts by new development activities because of their size, location relative to lagoon waters, and build out potential. Development on existing lots in Area 1 may proceed (consistent with other LCP policies) based upon a 15,000 square foot minimum lot size. Lot consolidation (of adjacent lots under like ownership) shall occur only by side by side lot consolidation, if necessary to achieve the minimum lot size.

Area 2: This area includes lots generally between Seadrift Lagoon and Seadrift Road (total lots: 94, Separation of Areas 2 and 4 occurs at lot lines between AP#195-320-19 and 195-320-57 and AP #195-051-24 and 195-051-23, 29). Those properties in Area 2 are smaller lots with a large amount of buildout potential adjacent to the interior Seadrift Lagoon. Development on existing lots in Area 2 may proceed (consistent with other LCP policies) based upon a 30,000 square foot minimum lot size. Contiguous (side-by-side) lots under like ownership shall be consolidated to achieve the minimum parcels size requirement.

Area 3: This area includes lots fronting on Bolinas Lagoon and generally west of Dipsea Road. Development on existing lots in Area 3 may proceed (consistent with other LCP policies) based upon a 30,000 square foot minimum lot size. Contiguous (side-by-side) lots under like ownership shall be consolidated to achieve the minimum parcels size requirement.

Area 4: This area includes lots fronting on Dipsea Road. Area 4 is further divided into Areas 4A and 4B with the division occurring between parcels 195-070-07 and 195-070-08. Development on existing lots in Area 4 may proceed (consistent with other LCP policies) based upon a 112,500 square foot (2.5 acre) minimum lot size. Contiguous properties under like ownership shall be merged to achieve the minimum parcels size requirement.

Based upon a Memorandum of Understanding for the settlement of litigation between the County, Steven Wisenbaker and the William Kent Estate Company, dated July 12, 1983, the portions of area four (4) listed below shall be subject to the following policies:

1. All lots listed herein shall be subject to master plan approval pursuant to Chapter 22.45. Any master plan approval shall include all lots listed herein and be subject to all policies contained herein;
2. Lot 201 of Seadrift Lagoon Subdivision No. 2 shall be designated as a non-building site in the master plan. This lot may be combined with an adjacent developed lot or developable lot; however, the resultant combined lot shall be used as a single lot.
3. Lots 95 through 97 of Seadrift Lagoon Subdivision No. 1 and lots 98 through 102 of Seadrift Lagoon No. 2 shall be consolidated into a maximum of five (5) lots in the master plan. These lots shall be rezoned to C-RSPS-3.5;
4. The master plan and tentative map approvals shall provide that the front property line for lots abutting Dipsea Road shall not be considered property lines for the purposes of establishing setbacks for leach field areas, so that the private road right of way or portions thereof may be used for leach field areas for lots abutting that private roadway. Additionally, the owners of such lots shall retain the right to cross the private right of way to the unsubdivided parcel for the installation of leach field areas. This may only be done in a manner consistent with Marin County Code 18.06 and "Septic Tank and Leach Field Waivers" dated November 27, 1978, Marin County Department of Public Works. Use of the private road right of way and/or the unsubdivided parcel for leach field installation shall only occur if: a) each lot or user has a discrete sewage disposal system; b) each lot or user has a recorded easement over the necessary portion of the unsubdivided parcel; c) no leach fields are located within 100 feet of the mean high tide line of the Bolinas Lagoon; and d) after an

~~opportunity for review and comment has been provided to the Stinson Beach County Water Board.~~

~~Area 5: That unsubdivided land consisting of 26 acres adjacent to the Bolinas Lagoon and the entrance gate of Seadrift.~~

- ~~1. All improvements shall be located a minimum of 100 feet from the waters of Bolinas Lagoon;~~
- ~~2. Development shall be limited to one story in height, not to exceed 18 feet;~~
- ~~3. Development shall be designed to provide future vehicle and pedestrian access over the site as follows:~~
 - ~~a. Pedestrian easements to provide limited public access to and along the Bolinas Lagoon edge.~~

(PC app. 07/29/10)

[Adapted from Unit I, New Development Policy 36, p. 81 and Policy 38, p. 85]

Section 22.65.070 – C-RSPS Zoning District Standards (Seadrift Subdivision)

The Planning Commission approved staff's recommended changes to Section 22.65.070 as follows:

22.65.070 – C-RSPS Zoning District Standards (Seadrift Subdivision)

A. Purpose. This Section provides development standards for the C-RSPS Zoning District Standards (Seadrift Subdivision) that provide for site planning with careful consideration to sensitive site characteristics.

B. Applicability. Proposed development and new land uses shall comply with the provisions of Section 22.65.030 (Planned District General Development Standards) and Chapter 22.64 (Coastal Zone Development and Resource Management Standards).

C. Ocean setbacks. On those lots fronting the ocean and south of Seadrift Road, no development shall be located seaward of the building setback line as shown on the map of Seadrift Subdivision Number One, RM, Bk. 6, Pg. 92 and Seadrift Subdivision Number Two, RM, Bk. 9, Pg. 62, and as described in the subdivision's covenants, conditions and restrictions in effect as of June 19, 1981 (Ordinance 2637).

D. Height limit. Development on all lots in Seadrift shall be limited to a maximum height as follows:

- ~~1. On lots within the In Seadrift Subdivision, which are located in a special flood hazard zone (V-zone) as mapped by Subdivisions One (with the exception of lots 01 through 03) and Two, and lots 01 and 02 of Parcel 1 in the Lands of Sidney J. Hendrick, finished floor elevation shall not exceed 19.14 feet above NAVD (North American Vertical Datum), except on those portions of lots or parcels where the Federal Emergency Management Agency (FEMA), the maximum allowable building height shall be 15 feet as measured from requires minimum finished floor elevations to be set at a higher level. In the areas of lots or parcels where FEMA requires minimum finished floor elevations to be set at levels higher than 19.14 feet above NAVD, minimum floor elevations shall comply with FEMA requirements. The height of any structure shall not exceed 34.14 feet above NAVD, provided that in those portions of lots and parcels where FEMA requires minimum finished floor elevations to be set at a level higher than 19.14 feet above NAVD, the height of any structure shall not be greater than 13.5 15 feet above the level of the minimum finished floor elevation allowed required by the special flood hazard zone designation FEMA.~~
- ~~2. On lots within In Seadrift Lagoon Subdivisions One and Two, and Seadrift Subdivision Three which are not within a mapped FEMA special flood hazard zone, the Norman's Seadrift~~

Subdivision, and Lots 01 through 03 in Seadrift Subdivision One, finished floor elevation shall not exceed 414.14 feet above the National Geodetic Vertical Datum (NGVD) NAVD. Total height of a structure shall not exceed 26.14 feet NGVD 29.14 feet above NAVD.

3. On lots within Seadrift Subdivisions One and Two which are not within a mapped FEMA special flood hazard zone, finished floor elevation shall not exceed 16.14 NGVD. Total height of structure shall not exceed 31.14 NGVD.

E. Public access requirements. The following public access requirements apply in addition to the coastal access provisions in Section 22.64.180 (Public Coastal Access). In the event of any conflict between the following provisions and the requirements of Chapter 22.64 (Coastal Resource Management Standards), the following shall control within the Seadrift Subdivision.

1. Access easements required. Coastal development project approval on ocean front parcels Public access within the Seadrift subdivision and on the ocean beach adjacent to Seadrift shall comply with the provisions of the March 16, 1994 Settlement Agreement between the Seadrift Association and the County of Marin, et al., in Kelly et al. v. California Coastal Commission, Marin County Superior Court Case No. 152998, and as set forth in that certain Deed of Open Space and Limited Pedestrian Easement and Declarations of Restrictions dated November 1, 1985, and recorded March 26, 1986, Marin County Recorder's Office Subdivision shall be conditioned upon an offer of an access easement, or other encumbrances acceptable to the County, as follows. The imposition of encumbrances shall be consistent with Federal and State law.

(a) Location of easement. An offer to the County or other public agency on behalf of the public of a nonexclusive easement for access to and use of the beach. The easement shall include the beach area between the ocean and a line 25 feet seaward of the toe of the Seadrift sand dunes; provided that the easement shall not extend any closer than 100 feet to the rear of the building setback line on each ocean front lot. In addition to the above easement, the grant shall also include provision for a floating five-foot wide lateral access easement to be located landward of any wave run-up, where run-up extends further inland than the above easement. In no case, however, shall the five foot floating easement extend inland beyond the rear building setback line or the toe of the dunes, whichever point is the furthest seaward.

(b) Use of easement area. Use of the easement area shall be limited to low-intensity recreational activities, including strolling, sunbathing, birding, picnicking, fishing and general viewing. Structures, camping, group sports, fires, private recreational vehicles, and horses shall be prohibited in the easement areas. Use of the five-foot lateral access easement as described above shall be limited to strolling and viewing purposes only.

2. Emergency egress. Landowners possessing an interest in Seadrift Road, including the right to preclude the public from using the roads, shall record an agreement allowing the public emergency egress during periods of high water or high tides when the beach is impassable. The County shall provide signing for the emergency egress along the Seadrift Spit, at the end of Walla Vista and the north end of the spit. In applications for new development along the beach fronting the subdivision, the County will ensure emergency vertical egress from the beach to Seadrift Road at the northwest end of the beach and other locations found appropriate.

Section 22.66.040 – Stinson Beach Community Standards

The Planning Commission approved staff's recommended changes to Section 22.66.040 as follows:

22.66.040 – Stinson Beach Community Standards

A. Community character. Maintain the existing character of residential and small-scale commercial development in Stinson Beach (Land Use Policy C-SB-1).

B. Limited access in Seadrift. Allow only limited public access across the unsubdivided Seadrift subdivision lands fronting Bolinas Lagoon open space area generally located north of Dipsea Road and adjacent to Bolinas Lagoon in the Seadrift subdivision to protect wildlife habitat, subject to the Deed of an Open Space and Limited Pedestrian Easement and Declaration of Restrictions as recorded March 26, 1986 as Instrument No. 86-15531. This area includes parcels 195-070-35 and 36; 195-080-29; 195-090-44; 195-320-62 and 78; and 195-340-71, 72, and 73. (Land Use Policy C-SB-2).

DRAFT

ENERGY (EN)

Energy Chapter Introduction (Land Use Plan)

The Planning Commission approved staff's recommended changes to the LUP Energy chapter introduction, with further revisions as follows:

Draft LCP Energy Introduction:

Energy plays a critical role in the function of society. The way it is acquired, produced and utilized can have significant impacts on the health of the economy and community. ~~With mounting concerns about the continued commitment to environmental quality and resource conservation, and mounting concerns about the effects of greenhouse gas emissions on climate change,~~ it is necessary to create a sustainable framework within which energy can serve its purpose with minimal impact.

Most of the energy used in Marin County is imported from outside California, and is drawn from non-renewable resources such as nuclear power, natural gas and coal. The necessity for a shift to renewable energy has grown considerably in recent years. Through increased public awareness of climate change and related energy issues and the establishment of energy-related legislation, the transition to renewable resources is slowly becoming a reality. In addition to shifting energy consumption to more renewable resources, the use of energy continues to become more efficient. Energy efficiency significantly reduces the rate at which limited non-renewable resources are consumed, which consequently reduces negative health and environmental impacts.

The Local Coastal Program (LCP) encourages improved energy efficiency through the implementation of specific energy standards for development, by providing public information about ways to increase energy efficiency, and by offering incentives for practicing energy efficiency and conservation in homes and businesses. The shift to renewable energy resources and the development of energy production facilities are also encouraged as deemed appropriate. While the LCP strongly supports renewable energy, it requires that any production facilities ~~are~~ be carefully designed and sited to avoid and minimize potential impacts.

While the continued support of renewable energy has become a priority both locally and nationwide, there remains a concern that energy production facilities may pose a significant threat to important coastal resources. Nowhere is this more evident than in the Coastal Zone of Marin County, where the abundance of sensitive natural resources creates a delicate setting susceptible to ~~for~~ the potentially harmful effects that some facilities may impose. For instance, facilities such as power plants and those related to oil and gas drilling are known to inflict serious adverse impacts upon the surrounding environment, and therefore may not be appropriate for Marin's Coastal Zone. However, it is recognized that certain renewable energy facilities (example: solar and wind energy conversion) may be necessary for the ~~continued health and economic well-being of the surrounding community~~ greater public benefit, and thus may be allowed where appropriate.

The Coastal Act stresses the protection of coastal resources, although acknowledges that some development of energy facilities and resources may be necessary ~~for the social and economic well-being of the community.~~ Sections 30260 through 30265 of the Act contain provisions for several types of energy development, including oil and gas development, thermal power plants, liquefied natural gas, and other related facilities. Renewable energy facilities such as those ~~necessary~~ for the use of solar and wind resources are not directly addressed, however any proposals for facilities of this nature would be subject to Sections 30250 through 30254, which address development in the Coastal Zone.

The Marin County Coastal Zone currently has no major energy or industrial facilities, although the possibility of two types of major energy development has been considered in the past: power plants and offshore oil development. The Coastal Act requires the Coastal Commission to designate specific areas of the Coastal Zone that are not suitable for siting new power plants or related

facilities. In September 1978, the State Commission adopted “negative designations” for the Coastal Zone (subsequently revised in 1982). In Marin County, non-federal lands generally north of Olema were negatively designated (or excluded) for potential power plant development except those agricultural lands located north of Walker Creek, despite a recommendation from the Regional Commission supporting total exclusion of all lands north of Olema. ~~Thus~~ This would have left these agricultural areas ~~are still potentially open for potential possible development of power plants as far as the State Coastal commission is concerned.~~ However, Current LCP Unit II Policy 7, however, has been in place since the original adoption of the LCP was certified by the CCC as part of the County’s LCP to prohibit “major energy or industrial development” while allowing the development of alternative energy sources such as solar and wind energy.” If not amended, this prohibition will remain in effect, and will continue to be the standard of review for proposals not only for the County, but also for the Coastal Commission on appeal as well.

In addition, the Gulf of the Farallones and Monterey Bay National Marine Sanctuaries have been established to border the Marin County Coastal Zone since the original LCP certification. The Sanctuaries enforce federal regulations that protect the bay and ocean waters adjacent to Marin. These federal regulations (CFR, Title 15, §922) prohibit harmful activities such as “exploring for, developing, or producing oil, gas, or minerals...” within the Sanctuaries to protect the sensitive resources found therein. Given the prohibition of such activities offshore, at least to the seaward extent of the Sanctuaries, it is less highly unlikely there would be any proposals for related on-shore facilities in the Coastal Zone in the near-foreseeable future.

Policy C-EN-4

The Planning Commission requested that staff revise Policy C-EN-4 to include language similar to that proposed by Community Marin in their 1/9/12 letter. Staff recommends the following changes for approval:

Policy C-EN-4 Renewable Energy Resource Priority. Utilize local renewable energy resources and shift imported energy to renewable resources where technically and financially feasible at a scale that is consistent with the sensitivity of coastal resources. Preserve opportunities for development of renewable energy resources only where impacts to people, natural resources and views would be avoided or minimized. Support appropriate renewable energy technologies, including solar and wind conversion, wave and tidal energy, and biogas production through thoughtfully streamlined planning and development rules, codes, processing, rules and other incentives that are all consistent with Policy C-EN-5.

Program C-EN-4.a

The Planning Commission requested that Program C-EN-4.a be modified as shown:

Program C-EN-4.a Study Renewable Energy Resource Potential. Work with other agencies to study the potential for renewable energy generation in the Coastal Zone, and identify areas with the most adequate capacity for renewable resources such as wind and solar power. Within areas identified, specify sites suitable for locating renewable energy facilities with the least possible impact, and evaluate mechanisms for protecting such sites for appropriate renewable energy facilities.

Policy C-EN-6

The Planning Commission approved Policy C-EN-6 as proposed in the 1/9/12 staff report and shown below:

Policy C-EN-6 - Energy and Industrial Development. The ~~Unit II~~ Coastal Zone contains unique natural resources and recreational opportunities of nationwide significance. Because of these priceless resources and the very significant adverse impacts which would result if major energy or industrial development were to occur, such development, both on and offshore, is not appropriate and shall not be permitted. The development of alternative energy sources such as solar or wind

energy shall be exempted from this policy.

[Continued from LCP Unit II New Development and Land Use Policy 7, p. 209]

Section 22.32.161 – Solar Energy Systems (coastal)

The Planning Commission approved staff's recommended changes to Section 22.32.161, except for part B.iii regarding appropriate ground coverage for free-standing solar energy systems. The PC asked staff to revise Section 22.32.161 to incorporate a less restrictive standard that would not limit an applicant's ability to connect to the grid. Staff recommends the following changes for approval (highlighted):

22.32.161 - Solar Energy Systems (coastal).

~~As defined in Section 22.130.030, a solar energy system consists of a photovoltaic solar collector or other photovoltaic solar energy device that has a primary purpose of providing for the collection and distribution of solar energy for the generation of alternating current rated peak electricity or for heating a solar hot water tank.~~ The installation of any solar energy system, as defined in Section 22.130.030, must be sited and designed to be consistent with all required setbacks and height limits of the specific zoning district in which it is proposed. **In addition, ground area coverage of the system shall have no significant impacts on environmental quality or wildlife habitats, and shall meet all other applicable policies and standards of the LCP.**

A. Roof-Mounted Solar Energy System:

- i. Allowed as a Principal Permitted Use in all coastal zoning districts.
- ii. Exempt from the Coastal Permit requirement, consistent with Section 22.68.050.
- iii. May exceed the required height limit of the zoning district in which the project is proposed by no more than two feet. If any part of the solar energy system structure exceeds the required height limit by greater than two feet, then a Use Permit may Design Review shall be required for approval.

B. Free-Standing Solar Energy System:

- i. Allowed as a Principal Permitted Use in all coastal zoning districts.
- ii. Exempt from the minimum setback requirements of the zoning district in which the project is proposed if the structure does not exceed a height of eighteen inches above grade at any point. ~~If any part of the structure exceeds a height of eighteen inches above grade, then a Use Permit may be required for approval.~~
- iii. **Ground area coverage of the system shall not exceed the maximum size required to adequately serve the needs of the permitted use(s) of the lot on which it is located. Exceptions to this standard may be approved by the Director for community-based uses located on adjacent parcels.**

[Adapted from Marin County Building Code Section 19.04.100, and Development Code Sections 22.20.060.E and 22.20.090.D, not in PRD]

Section 22.32.190 – Wind Energy Conversion Systems (WECS) (coastal)

The Planning Commission approved proposed new Development Code Section 22.32.190 with modifications as shown:

22.32.190 – Wind Energy Conversion Systems (WECS) (coastal)

This Section establishes permit requirements for coastal planned district and coastal conventional district zones and standards for the development and operation of Wind Energy Conversion Systems (WECS) in compliance with Marin County policies and State and Federal laws and allows and encourages the safe, effective, and efficient use of WECS in order to reduce consumption of **utility-supplied electricity from non-renewable sources.**

- A. Permit requirements.** Small and Medium Wind Energy Conversion Systems (WECS) are allowed in all coastal zoning districts, subject to the following general requirements. Large WECS are prohibited in all coastal zoning districts.

1. Coastal Zoning Districts.

a. Small Roof-Mounted WECS.

- i. Allowed as a Principal Permitted Use in all coastal zoning districts;
- ii. Exempt from the Coastal Permit requirement, consistent with Section 22.68.050; and
- iii. Subject to development standards in Sections 22.32.190.B.1, **B.2**, and B.4.

~~b. Small Non-Grid-Tied Agricultural WECS.~~

- ~~iv. Allowed as a Permitted Use in all coastal zoning districts; and~~
- ~~v. Subject to development standards in Section 22.32.190.B.2 and Section 22.32.190.B.4.~~

~~c.b. Small Freestanding WECS.~~

- ~~vi. Allowed as a Permitted Use in all coastal zoning districts; and~~
- ~~vii. Subject to development standards in Section 22.32.190.B.2 and Section 22.32.190.B.4.~~

~~d.c. Medium Freestanding WECS (coastal).~~

- ~~viii. Allowed as a Permitted Use in all coastal zoning districts except the Coastal Scenic Corridor “-SC” Combining District;~~
- ~~ix. Prohibited in the Coastal Scenic Corridor “-SC” Combining District; and~~
- ~~x. Subject to development standards in Section 22.32.190.B.3 and Section 22.32.190.B.4.~~

~~e.d. Large Freestanding WECS (coastal).~~

- ~~xi. Prohibited in all coastal zoning districts.~~

2. Summary of Permit Requirements. Small Roof-Mounted WECS shall require a Building Permit approval in all coastal zoning districts. **Small Non-Grid-Tied Agricultural WECS, Small Freestanding WECS, and Medium WECS (coastal) shall require a Coastal Permit and Building Permit approval in all coastal zoning districts.**

3. Time limits. The approval for **a Small WECS or Medium any WECS (coastal)** shall be for an indefinite period, except that an approval shall lapse if **a Small or Medium the WECS** becomes inoperative or abandoned for a period of more than one year.

4. Applicability. In addition to the provisions of Section 22.32.190, all other applicable provisions of this Development Code shall apply to a new WECS (coastal) land use. In the event there is any conflict between the provisions of this section and any other provision of this Development code, the more restrictive provision shall apply.

5. Wind Testing Facilities. For the purpose of Section 22.32.190, wind testing facilities are those facilities or structures which have been temporarily installed to measure wind speed and directions **plus and to collect** other data relevant to siting WECS. Installations of temporary (up to one year) wind testing facilities shall be considered pursuant to Section 22.32.200.

B. Development standards.

1. Small WECS (Ministerial). A Building Permit for a Small Roof-Mounted WECS located on **all a** parcels pursuant to this Section shall be issued by the Agency Director upon submission of a Building Permit application containing the information specified in applicable sections of this Development Code and a determination by the Agency Director that the proposed use and development meets the development standards in Section 22.32.190.B.4 Table 3-10, Section 22.32.190.F, and Sections 22.32.190.G.1, G.2, G.5, G.6, G.7, and G.9.a. Before issuance of a building permit, the County shall record a notice of decision against the title of the property stipulating that the WECS must be dismantled and removed from the premises if it has been inoperative or abandoned for a period of more than one year.

2. **Small WECS (Discretionary).** Small WECS shall be subject to the development standards in Section 22.32.190.B.4, Table 3-10 and shall comply with the development standards and requirements contained in Section 22.32.190.C through 22.32.190.H.

3. **Medium WECS (coastal).** Medium WECS (coastal) shall be subject to the development standards in Section 22.32.190.B.4, Table 3-10 and shall comply with the development standards and requirements contained in Section 22.32.190.C through Section 22.32.190.H.

4. Summary of Development Standards.

TABLE 3-10
WECS (Coastal) Development Standards

	Small			Medium (coastal)	
	Roof-Mounted	Non-Grid-Tied Agricultural		Freestanding	Freestanding
Total Height	≤10 feet (above roof line)	≤40 feet (above grade)	>40 – ≤100 feet (above grade) ¹	≤ 40 feet	>40 - ≤100 feet (above grade) ¹
Min. Height of Lowest Position of Blade Above Grade	Not Applicable	15 feet	15 feet	15 feet	15 feet
Max. Rotor Blade Radius (HAWT)/ Max. Rotor Blade Diameter (VAWT)	7.5 feet/5 feet	0.5 x tower height/5 feet	0.5 x tower height/5 feet	0.5 x tower height/5 feet	0.5 x tower height
Min. Setback from Tip of Blade to Property Line ²	0.5 x total height	0.5 x total height	0.5 x total height	0.5 x total height	1 x total height
Max. Units/Parcel	1	1	1	1	2
Min. Unit Separation	Not Applicable	Not Applicable	Not Applicable	Not Applicable	1 x tower height
Min. Setback from Habitable Structures ²	Not Applicable	1 x total height	1 x total height	1 x total height	1 x total height
Min. Setback from Prominent Ridgeline ²	Not Applicable	Not Applicable	Minimum of 300 feet horizontally or 100 feet vertically	Not Applicable	Minimum of 300 feet horizontally or 100 feet vertically

¹ In the Coastal, Scenic Corridor "-SC" Combining District, all WECS projects are limited to a maximum total height of 40 feet above grade (see Sections 22.62.090 and 22.64.045).

² Exceptions to standards other than height limits in Table 3-10 shall be considered through the Design Review process pursuant to Chapter 22.42 and the Coastal Permit process pursuant to Chapters 22.68 and 22.70.

C. Public notice. Where required, a Notice of the required application(s) shall be provided in compliance with Section 22.70.050 (Public Notice).

Notice of a discretionary permit application for any WECS within five miles of Federal, State, or regional park property shall be provided to the superintendent of the appropriate park.

D. Site and design requirements:

1. General standards. No Small WECS or Medium WECS (coastal) or supporting infrastructure shall be allowed:

- a. Within five times the total height or 300 feet, whichever is greater, of a known nest ~~of~~ or roost of a listed State or Federal threatened or endangered species or California Department of Fish and Game designated bird or bat 'species of special concern' or 'Fully Protected species' (unless siting of the WECS preceded nest or roost establishment) based on the findings and conclusions of the required Bird and Bat Study as defined in Section 22.32.190.G.9.
- b. Within five times the total height or 300 feet, whichever is greater, of a known or suspected avian migratory concentration point based on the findings and conclusions of the required Bird and Bat Study as defined in Section 22.32.190.G.9.
- c. Within 1.5 times the total height or 100 feet, whichever is greater, of an environmentally sensitive habitat area (ESHA), a State or Federal listed special status species habitat area, a designated archaeological or historical site, or a water course, wetland, pond, lake, bayfront area habitat island, or other significant water body with suitable avian habitat based on the findings and conclusions of a Bird and Bat Study as defined in Section 22.32.190.G.9.
- d. Where prohibited by any of the following:
 1. The Alquist-Priolo Earthquake Fault Zoning Act.
 2. The terms of any conservation easement or Williamson Act contract.
 3. The listing of the proposed site in the National Register of Historic Places or the California Register of Historical Resources.

E. Appearance and visibility:

In addition to any conditions which may be required by Coastal Permit approvals, Small WECS and Medium WECS (coastal) shall comply with the following design standards:

1. WECS that exceed 40 feet in total height shall be located downslope a minimum of 300 feet horizontally or 100 feet vertically, whichever is more restrictive, from a visually prominent ridgeline, unless it can be demonstrated through submittal of a County accepted Wind Measurement Study that no other suitable locations are available on the site. If this is the case, then the Wind Measurement Study will be one amongst all other standards that would be evaluated in considering whether and where the WECS application should be approved within the ridge setbacks.
2. WECS shall be designed and located to minimize adverse visual impacts from public viewing areas such as highways, roads, beaches, parks, coastal trails and accessways, vista points, and coastal streams and waters used for recreational purposes."
3. No wind turbine, tower, or other component associated with a WECS may be used to advertise or promote any product or service. Brand names or advertising associated with any WECS installation shall not be visible from offsite locations. Only appropriate signs warning of the WECS installation are allowed.
4. Colors and surface treatments, materials and finishes of the WECS and supporting structures shall minimize visual disruption. Exterior materials, surfaces, and finishes shall be non-

reflective to reduce visual impacts.

5. Exterior lighting on any WECS or associated structure shall not be allowed except that which is specifically required in accordance with Federal Aviation Administration (FAA) regulations. Wind tower and turbine lighting must comply with FAA requirements and be at the lowest intensity level allowed.
 6. WECS shall be located in a manner which minimizes their visibility from any existing Federal parklands.
 7. All new electrical wires and transmission lines associated with WECS shall be placed underground except for connection points to a public utility company infrastructure. This standard may be modified by the Director if the project area is determined to be unsuitable for undergrounding of infrastructure due to reasons of excessive grading, biological impacts, or similar factors.
 8. Construction of on-site access routes, staging areas, excavation, and grading shall be minimized. Excluding the permanent access roadway, areas disturbed due to construction shall be re-graded and re-vegetated to as natural a condition as soon as **feasibly possible feasible** after completion of installation.
 9. All permanent WECS related equipment shall be weather-proof and tamper-proof.
 10. If a climbing apparatus is present on a WECS tower, access control to the tower shall be provided by one of the following means:
 - a. Tower-climbing apparatus located no closer than 12 feet from the ground;
 - b. A locked anti-climb device installed on the tower; or
 - c. A locked, protective fence at least six feet in height that encloses the tower.
 11. WECS shall be equipped with manual and automatic over-speed controls. The conformance of rotor and over-speed control design and fabrication with good engineering practices shall be certified by the manufacturer.
 12. Latticed towers shall be designed to prevent birds from perching or nesting on the tower.
 13. The use of guy wires shall be avoided whenever feasible. If guy wires are necessary, they shall be marked with bird deterrent devices as recommended by the US Fish and Wildlife Service or the California Department of Fish and Game.
- F. Noise.** Small WECS and Medium WECS (coastal) shall not result in a total noise level that exceeds 50 dBA during the daytime (7:00 AM to 10:00 PM) and 45 dBA during the nighttime (10:00 PM to 7:00 AM) as measured at any point along the common property lines of adjacent properties except during short-term events such as utility outages, severe weather events, and construction or maintenance operations, **as verified by per** specifications provided by the manufacturer.
- G. Application submittal requirements.** Small WECS and Medium WECS (coastal) permit applications shall include, by may not be limited to, the following information:
1. Plot Plan. A plot plan of the proposed development drawn to scale showing:
 - a. Acreage and boundaries of the property;
 - b. Location, **dimensions, and use** of all existing structures, **their use and dimensions** within five times the height of the proposed WECS;
 - c. Location within a distance of five times the total height of the proposed WECS of all wetlands, ponds, lakes, water bodies, watercourses, listed State or Federal special status

species habitats, habitat islands, and designated archaeological or historical sites;

- d. Location of all proposed WECS and associated structures, and their designated use, dimensions, and setback distances;
- e. Location of all areas to be disturbed by the construction of the proposed WECS project including access routes, trenches, grading and staging areas; and
- f. The locations and heights of all trees taller than 15 feet within five times the height of the proposed WECS and the locations, heights, and diameters (at breast height) of all trees to be removed.

2. Elevation Details. Elevations of the components of the proposed WECS.

3. Minimized Impacts. A description of the measures taken to minimize adverse noise, transmission interference, and visual and safety impacts to adjacent land uses including, but not limited to, over-speed protection devices and methods to prevent public access to the structure.

4. Post-Installation Plan. A post-installation erosion control, revegetation, and landscaping plan.

5. Engineering Drawings and Analysis. Standard drawings and an engineering analysis of the system's tower, showing compliance with the Uniform Building Code (UBC), the International Building Code (IBC) or the California Building Code and certification by a professional mechanical, structural, or civil engineer licensed by this state. However, a wet stamp shall not be required, provided that the application demonstrates that the system is designed to meet the UBC or IBC requirements for Seismic Zone 4, and the requirements for a soil strength of not more than 1,000 pounds per square foot, or other relevant conditions normally required by a local agency.

6. Electrical Drawing. A line drawing of the electrical components of the system in sufficient detail to allow for a determination that the manner of installation conforms to the National Electric Code.

7. Notice of Intent. Written evidence that the electric utility service provider that serves the proposed site has been informed of the owner's intent to install an interconnected customer-owned electricity generator, unless the owner does not plan, and so states so in the application, to connect the system to the electricity grid.

8. Wind Measurement Study. A wind resource assessment study, prepared by a qualified consultant approved by the Marin County Environmental Coordinator, may be required. The study shall be performed for a minimum 6-month period during prime wind season, at the proposed site prior to the acceptance of an application. The study may require the installation of a wind testing facility, erected primarily to measure wind speed and directions **plus and to collect** other data relevant to appropriate siting. The study shall include any potential impacts on, or in conjunction with, existing WECS within a minimum of two miles of the proposed WECS site.

9. Bird and Bat Study. Before issuance of County building or planning permit approvals:

- a. All WECS projects shall require the submittal of a Bird and Bat Study prepared by a qualified consultant approved by the Marin County Environmental Coordinator using the "California Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Development" (California Energy Commission and California Department of Fish and Game), or any superseding State or Federal Guidelines, the State Natural Diversity Data Base, Partners in Flight Data Base, the Migratory Bird Treaty Act, the Bald and Golden Eagle Protection Act, and field data and counts from local environmental groups. The Bird and Bat Study shall identify any listed State or Federal threatened or endangered

species, California Department of Fish and Game designated bird or bat 'species of special concern' or 'Fully Protected species', or raptors found to nest or roost in the area of the proposed WECS site. The study shall identify any avian migratory concentration points in the area of the proposed WECS site. The study shall identify periods of migration and roosting and assess pre-construction site conditions and proposed tree removal of potential roosting sites. The Community Development Agency will maintain on the Agency's website an inventory of all Bird and Bat Studies that are filed pursuant to the requirements of the WECS ordinance on the Agency's website. If the Bird and Bat Study for a proposed ministerial Small WECS project finds that there is a potential for impacts to any listed State or Federal threatened or endangered species or California Department of Fish and Game designated bird or bat 'species of special concern' or 'Fully Protected species' found to nest or roost in the area of the proposed WECS site, the project will become discretionary and require a Resource Management and Contingency Plan as described in Section 22.32.190.G.9.b.

- b. Small WECS and Medium WECS (coastal) projects, with the exception of Small Roof-Mounted WECS, shall require the Bird and Bat Study to include a Resource Management and Contingency Plan to: (1) provide for pre-approval and post-construction monitoring and reporting; and (2) provide mitigation to reduce bird and bat mortality rates, if necessary.

10. Visual Simulations. Visual simulations taken from off-site views, including from adjacent properties, as determined by the Community Development Agency shall be submitted showing the site location with the proposed WECS installed on the proposed site.

11. Project-Specific Acoustical Analysis. A project-specific acoustical analysis may be required that would simulate the proposed WECS installation to assure acceptable noise levels and, if necessary, provide measures to comply with applicable County noise standards.

H. **Post approval requirements.** Small WECS and Medium WECS (coastal) permit applications shall be subject to the following:

1. Post-Construction Avian and Bat Monitoring Program. A post-construction avian and bat monitoring program shall be required of the owner during periods of nesting, roosting, foraging, and migration, for Small Non-grid-tied Agricultural WECS, Small Freestanding WECS, and Medium WECS (coastal). The application of this requirement shall be in accordance with criteria established by a governmental agency, such as the U. S. Fish and Wildlife Service (USFWS) or the California Department of Fish and Game (CDFG), or by PRBO Conservation Science. The required monitoring program shall be conducted by a professional biologist or an ornithologist approved by the Marin County Environmental Coordinator. Monitoring protocol shall be utilized as set forth in the "California Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Development" (California Energy Commission and California Department of Fish and Game). Operation of a A WECS determined to be detrimental to avian or bat wildlife may be required to cease operation for a specific period of time or may be required to be decommissioned.

2. WECS Decommissioning and Reclamation Plan and Agreement. Before issuance of building permit approval, the owner/operator of any discretionary WECS shall enter into a WECS Decommissioning and Reclamation Plan (Plan) and Agreement with the County, outlining the anticipated means and cost of removing the WECS at the end of its serviceable life or upon becoming a discontinued use if it remains inoperable for a period of more than one year. The owner/operator shall post suitable financial security as determined by the County in order to guarantee removal of any WECS that is non-operational or abandoned. The Plan must include in reasonable detail how the WECS will be dismantled and removed. The WECS must be dismantled and removed from the premises if it has been inoperative or abandoned for a period of more than one year. The Plan shall include removal of all equipment and may require removal of all foundations and other features such as fencing, security barriers, transmission lines, disposal of all solid and hazardous water waste in accordance with local, State and

Federal regulations, and access roads to the satisfaction of the Director. The Plan shall include restoration of the physical state as existed before the WECS was constructed, and stabilization and re-vegetation of the site as necessary to minimize erosion. The owner/operator, at his/her expense, shall complete the removal within 90 days following the one-year period of non-operation, useful life, or abandonment, unless an extension for cause is granted by the Director or a plan is submitted outlining the steps and schedule for returning the WECS to service to the satisfaction of the Director. The WECS Decommissioning and Reclamation Plan Agreement shall be recorded by the Community Development Agency against the title of the property.

3. Encumbrances on Parcel(s). Any encumbrances placed on a parcel or parcels due to the installation of a WECS system shall remain in effect for as long as the WECS is on the site, and these encumbrances shall hold equal weight and be cumulative with respect to other limitations on the development of the parcel or parcels. Such encumbrances may not be the basis for granting any exceptions to the Marin County Development Code or Marin County Local Coastal Program regardless of any other additional development constraints imposed on the parcel or parcels. It is the owner's due diligence responsibility to ensure the siting of the WECS will not impose future development restrictions that are unacceptable to the owner.
4. Construction Monitoring. Construction monitoring of individual projects may be required to include, but not be limited to, surveys and/or inspections as needed, to ensure on-site compliance with all permit requirements, until implementation of requirements is complete.
5. Waste Removal. Upon the completion of construction and before final inspection, solid and hazardous wastes, including, but not necessarily limited to, packaging materials, debris, oils and lubricants, shall be removed promptly from the site and disposed of in accordance with all applicable County, State and Federal regulations. No hazardous materials shall be stored on the WECS site.

Section 22.130.030 – Definitions

The PC approved the new definitions for Section 22.130.030 with modifications as shown:

Avian Migratory Concentration Point. Avian migratory concentration point refers to both the place of departure and the destination of birds from one region to another, especially as a result of seasonal or periodic movement in order to breed, seek food, or to avoid unsuitable weather conditions.

[Note: The PC requested that this term be added to Development Code Section 22.130.030. However, this definition is already part of Section 22.130.030, and was inadvertently left out of the January 2012 Draft LCP. It will be included in the next version of the Draft.]

Endangered Species. An Endangered Species is an animal or plant species in danger of extinction throughout all or a significant portion of its range, as determined by the U.S. Fish and Wildlife Service consistent with the Endangered Species Act of 1973.

Fully Protected Species. Fully Protected species is a classification of fish, amphibians, reptiles, birds and mammals established by the California Department of Fish and Game prior to the Federal Endangered Species Act of 1973, to identify and provide additional protection to those animals that were rare or faced possible extinction at the time. Fully Protected species may not be taken or possessed at any time and no licenses or permits may be issued for their take except for collecting these species for necessary scientific research and relocation of the bird species for the protection of livestock. Species provided this classification are listed under the California Fish and Game Code Sections 3511, 4700, 5050, and 5515, however some of the listed species names are no longer consistent with current scientific nomenclature.

Solar Energy System (coastal).

As used in the Marin County Local Coastal Program, "solar energy system" means either of the following:

- (1) Any solar collector or other solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electricity generation, or water heating.
- (2) Any structural design feature of a building, whose primary purpose is to provide for the collection, storage and distribution of solar energy for electricity generation, space heating or cooling, or for water heating.

[Adapted from California Civil Code Section 801.5]

Special Purpose District or Zone. Any of the special purpose zoning districts established by Section 22.06.020 (Zoning Districts Established), including PF (Public Facilities), and OA (Open Area); and by Section 22.62.030 (Coastal Zoning Districts Established), including the C-OAPE (Coastal, Open Area Public Facilities) zone as defined in Article V (Coastal Zones — Permit Requirements and Development Standards) Section 22.62.090 (Coastal Special Purpose and Combining Districts).

Species of Special Concern. As determined by the California Department of Fish and Game, a Species of Special Concern (SSC) is a species, subspecies, or distinct population of fish, amphibian, reptile, bird, or mammal native to California that currently satisfies one or more of the following (not necessarily mutually exclusive) criteria:

- a. is extirpated from the State or, in the case of birds, in its primary seasonal or breeding role;
- b. is listed as Federally-, but not State-, threatened or endangered;
- c. meets the State definitions of threatened or endangered but has not formally been listed;
- d. is experiencing, or formerly experienced, serious (noncyclical) population declines or range retractions (not reversed) that, if continued or resumed, could qualify it for State threatened or endangered status;
- e. has naturally small populations exhibiting high susceptibility to risk from any factor(s), that if realized, could lead to declines that would qualify it for State threatened or endangered status.

Threatened Species. A Threatened Species is an animal or plant species likely to become endangered within the foreseeable future throughout all or a significant portion of its range, as determined by the U.S. Fish and Wildlife Service consistent with the Federal Endangered Species Act of 1973.

Wind Energy Conversion System (WECS) (coastal) (land use). This land use is defined as any machine that converts and then stores or transfers the kinetic energy in the wind into a usable form of mechanical or electrical energy. The WECS consists of all parts of the system, including the base or foundation, tower, wind turbine, generator, rotor, blades, supports, and transmission equipment. Additional WECS definitions include:

1. Small WECS. This land use is defined as: (1) any small freestanding WECS up to 40 feet in total height above grade; or (2) a roof-mounted WECS; or (3) a non-grid-tied agricultural WECS.
2. Medium WECS (coastal). This land use is defined as any freestanding WECS project between 40 feet and 100 feet in total height above grade, not including Small Non-Grid-Tied Agricultural WECS that exceed 40 feet in total height.
3. Large WECS (coastal). This land use is defined as any WECS project greater than 100 feet in total height above grade.
4. Freestanding WECS. Any WECS project that is a self-supporting, stand-alone structure detached from any other type of structure.
5. Non-Grid-Tied Agricultural WECS. Any Small WECS project used solely to pump water for agricultural uses that does not connect to a public utility grid for distribution of energy, and that does not exceed 100 feet in height above grade.

6.5. Roof-Mounted WECS. Any Small WECS project that is roof-mounted, utilizes a horizontal-axis wind turbine (HAWT) or a vertical-axis wind turbine (VAWT), and does not exceed 10 feet in height above the roof line of the structure.

Wind Testing Facility (coastal). Wind testing facilities are those facilities or structures which that have been temporarily installed to measure wind speed and directions and collect other data relevant to siting WECS.

Chapters 22.62 and 22.64 – Coastal Combining Districts

The PC approved changes to Chapters 22.62 and 22.64 (including new Sections 22.62.090 and 22.64.045) with the following modifications:

- The PC requested that staff apply the new “Coastal Scenic Corridor” Combining District to the area east of Highway One in the Coastal Zone, change the maximum height for WECS to 100 ft in Section 22.64.045.B.1, and rename the new district as appropriate. Staff will revise and bring back to PC at future hearing for review.
- The PC requested that staff add “Small roof-mounted WECS” to Table 5-3-a (Chapter 22.62) as a Principal Permitted (PP) use.
- Staff will remove “Small non-grid-tied agricultural WECS” from Tables 5-1-d, 5-2-b and 5-3-a (Chapter 22.62) for consistency with changes made by PC to Section 22.32.190 for WECS (coastal).

IV. CHAPTER 22.66 – COASTAL ZONE COMMUNITY STANDARDS

The Planning Commission approved staff's recommended changes to Chapter 22.66 as follows:

CHAPTER 22.66 – COASTAL ZONE COMMUNITY STANDARDS	
Sections:	
22.66.010 - Purpose of Chapter 22.66.020 - Applicability 22.66.030 – Muir Beach Community Standards 22.66.040 – Stinson Beach Community Standards 22.66.050 – Bolinas Community Standards 22.66.060 – Olema Community Standards 22.66.070 – Point Reyes Station Community Standards 22.66.080 – Inverness Community Standards 22.66.090 – East Shore Community Standards 22.66.100 – Tomales Community Standards 22.66.110 – Dillon Beach Community Standards	
22.66.010 - Purpose of Chapter	
This Chapter provides development standards for specific communities within the Coastal Zone, where the preservation of unique community character requires standards for development that differ from the general coastal zoning district requirements of this Article.	
22.66.020 - Applicability	
The provisions of this Chapter apply to proposed development and new land uses in addition to the general site planning standards for the coastal zoning districts in Chapter 22.64 (Coastal Zone Development and Resource Management Standards) and all other applicable provisions of this Development Code. In the event of any perceived conflict between the requirements of this Chapter and any other provisions of this Development Code, this Chapter shall control.	
22.66.030 – Muir Beach Community Standards	
A. Community character.	Maintain the small-scale character of Muir Beach as a primarily residential community with <u>recreational, small-scale visitor-serving</u> and limited agricultural and very limited commercial use (Land Use Policy C-MB-1).
22.66.040 – Stinson Beach Community Standards	
A. Community character.	Maintain the existing character of residential and small-scale commercial and visitor-serving recreational development in Stinson Beach (Land Use Policy C-SB-1).
B. Limited access in Seadrift.	Allow only limited public access across the unsubdivided open space area generally located north of Dipsea Road and adjacent to Bolinas Lagoon in the Seadrift subdivision lands fronting Bolinas Lagoon to protect wildlife habitat subject to the Deed of an Open Space and Limited Pedestrian Easement and Declaration of Restrictions as recorded March 26, 1986 as Instrument No. 86-15531. This area includes parcels 195-070-35 and 36; 195-080-29; 195-090-44; 195-320-62 and 78; and 195-340-71, 72, and 73 (Land Use Policy C-SB-2).
C. Density and location of development in Seadrift.	Development within the Seadrift Subdivision shall be subject to the standards contained in Land Use Policy C-SB-3.

- D. Easkoot Creek.** ~~The original channel of Easkoot Creek shall be restored, as feasible, to improve habitat and support natural processes. flow into the lagoon in the vicinity of the old causeway between Calle del Arroyo and Highway 1 to improve the hydraulic action of the lagoon (Land Use Policy C-SB-4).~~
- E. ~~Camping and hostel facilities.~~** ~~Consider the Christmas Tree Ranch site (APN _____) as a potential location for camping and hostel facilities for hikers and bicyclists, consistent with the Golden Gate National Recreation Area General Management Plan (Land Use Policy C-SB-5). (PC deleted, 9/19/11)~~
- F. Height limit in Highlands Subdivision.** In the Highlands Subdivision of Stinson Beach, the maximum height shall be no more than seventeen (17) feet per Land Use Policy C-DES-4.
- G. Height measurement in Seadrift Subdivision.** In FEMA special flood hazard (V) zones within the Seadrift Subdivision, the maximum building height of 15 feet shall be measured from the minimum floor elevation required by the flood hazard zone designation per Land Use Policy C-DES-4 and C-EH-11.
- H. Stinson Beach dune and beach areas.** Development of shorefront lots within the Stinson Beach and Seadrift areas shall be limited per Land Use Policy C-BIO-9.
- I. R-2 zoning.** Existing R-2 zoning in Stinson Beach shall be maintained per Land Use Policy C-SB-6. (PC added 9/19/11)
- J. Repair or Replacement of Structures.** The repair or replacement of existing duplex residential structures shall be permitted per Land Use Policy C-SB-7. (PC added 9/19/11)

22.66.050 – Bolinas Community Standards

- A. Community character.** Maintain the existing character of small-scale residential, commercial, and agricultural uses in Bolinas (Land Use Policy C-BOL-1).
- B. ~~C-RCR zoning district development standards.~~** ~~New construction of, or conversion of existing structures to hotel, motel, hostel, lodge, resort, or campground facilities will be evaluated based on the criteria contained in Land Use Policy C-BOL-2. (PC deleted 9/19/11)~~
- C. New development on the Bolinas Gridded Mesa.** New construction and the redevelopment and rehabilitation of existing structures on the Bolinas Mesa shall be permitted in accordance with the policies of the Bolinas Gridded Mesa Plan which has been certified by the California Coastal Commission (Land Use Policy C-BOL-3).

22.66.060 – Olema Community Standards

- A. Community character.** Maintain Olema's existing mix of residential, commercial, and open space land uses and the small-scale, historic community character. The impacts of future development on the hillside area of Olema shall be minimized through application of the design standards contained in Land Use Policy C-OL-1.

22.66.070 – Point Reyes Station Community Standards

- A. Community character.** Maintain the existing mix of residential and small-scale commercial development and the small-scale, historic community character in Point Reyes Station (Land Use Policy C-PRS-1).

- B. Commercial infill.** Commercial infill development should be promoted within and adjacent to existing commercial uses per Land Use Policy C-PRS-2.
- C. Visitor-serving and commercial facilities.** The development of additional visitor-serving and commercial facilities, especially overnight accommodations, shall be encouraged per Land Use Policy C-PRS-3.
- D. Junction of Highway One and Point Reyes Petaluma Road (APN 119-240-55).** The development of APN 119-240-55 shall comply with standards contained in Land Use Policy C-PRS-4.
- E. New residential development in Point Reyes station.** New residential development in Point Reyes Station shall comply with the building height, building size, and landscaping criteria specified in Land Use Policy C-PRS-5.
- F. Lighting.** Exterior lighting shall comply with Land Use Policy C-PRS-6.
- G. Point Reyes Affordable Homes Project.** Development of the 18.59 acre property consisting of Assessor's parcels 119-260-02 through -06 (formerly 119-240-45) and 119-240-02 through -13 (formerly 119-240-46, 57 and 58) shall conform with the provisions of Land Use Policy C-PRS-7. (PC added 9/19/11)

22.66.080 – Inverness Community Standards

- A. Community character.** Maintain the existing character of residential and small-scale commercial development in the Inverness Ridge communities (Land Use Policy C-INV-1).
- ~~**B. New visitor-serving uses.** New commercial development on Inverness Ridge shall be limited and new visitor-serving uses, particularly lodging facilities, shall be evaluated against the criteria contained in Land Use Policy C-INV-2. (PC deleted 9/19/11)~~
- C. Paradise Ranch Estates design guidelines.** Development in Paradise Ranch Estates should maintain the existing exclusively residential nature of the community and should consider the community's unique factors such as substandard roads and the need to protect viewsheds from adjacent parklands. The guidelines contained in Land Use Policy C-INV-3 regarding protection of visual resources, public services, and tree protection shall apply to development within Paradise Ranch Estates.
- D. Tomales Bay shoreline development standards.** New construction along the shoreline of Tomales Bay shall be limited in height to 15 above grade except as provided for per Land Use Policy C-CD-6.
- E. Road and Path MaintenanceAlternative Transportation.** Existing residential streets and pathways shall be maintained ~~The present roadway system shall be maintained in its present capacity and configuration while providing for alternative means of circulation to complement the roadway system consistent with Land Use Policy C-INV-4.~~

22.66.090 – East Shore Community Standards

- A. Community character.** Maintain the existing character of low-density residential, agriculture, mariculture and fishing or boating-related uses. The expansion or modification of visitor-serving or commercial development on previously developed lots along the east shore of Tomales Bay should be allowed consistent with Land Use Policy C-ES-1.
- B. Tomales Bay shoreline development standards.** New construction along the shoreline of Tomales Bay shall be limited in height to 15 above grade except as provided for per Land Use Policy C-CD-6.
- C. Protection of trees.** Significant stands of trees should be identified and protected (Land Use Policy

C-ES-2).

- D. Prioritization of water-related uses.** Mariculture, boat repair, fishing, water-related recreation and scenic resources shall have priority over other uses along the shoreline (Land Use Policy C-ES-3).
- E. Commercial land use.** The development of commercial and public facilities should be limited to existing activity centers, such as Nick's Cove, historic Marshall or near the Post Office/Marshall Boatworks and Marconi area (Land Use Policy C-ES-4).
- F. Local serving facilities.** Local serving facilities should be incorporated in all new development, where appropriate (Land Use Policy C-ES-5).
- G. New marina development.** New marina developments shall make provisions for the use of the facilities by local commercial and recreational boats (Land Use Policy C-ES-6).

22.66.100 – Tomales Community Standards

- A. Community character.** Maintain the existing character of residential and small-scale commercial development in the community of Tomales consistent with the provisions of Land Use Policy C-TOM-1.

22.66.110 – Dillon Beach Community Standards

- A. Community character.** Maintain the existing character of residential and small-scale commercial development in Dillon Beach and Oceana Marin consistent with the provisions of Land Use Policy C-DB-1 and C-DB-3.
- B. C-R-1:B-D Zoning standards.** The following standards shall apply in those areas of Dillon Beach governed by the C-R1:BD. zoning district.
 - 1. Minimum lot size.** Parcels proposed in new subdivisions shall have a minimum area of 1,750 square feet for each single-family dwelling.
 - 2. Setback requirements.** Structures shall be located in compliance with the following minimum setbacks (See Section 22.20.100, Setback Measurement and Exceptions):
 - (a) Front.** The minimum front yard setback shall be 10 feet.
 - (b) Sides.** The minimum side yard setbacks shall be 5 feet; 10 feet for a street side setback on a corner lot.
 - (c) Rear.** The minimum rear yard setback shall be 10 feet.
 - 3. Height limits.** Structures shall not exceed a maximum height of 20 feet (See Section 22.20.060 Height Measurement and Height Limit Exceptions)
 - 4. Floor area ratio (FAR).** Parcels in this district are exempt from this limitation.
- C. Lawson's Landing.** Lawson's Landing shall be retained as an important lower cost visitor serving facility per Land Use Policy C-DB-2. (PC added 9/19/11)
- D. Dillon Beach Community Plan.** Refer to the Dillon Beach Community Plan, which has been certified by the California Coastal Commission, when reviewing Coastal Permits per Land Use Policy C-DB-4. (PC added 11/7/11)

