

# MARIN COUNTY LOCAL COASTAL PROGRAM Land Use Plan ~~Amendments~~

Board of Supervisors Adopted ~~Draft~~

**July 30, 2013**

**Important Note:**

~~These amendments are not yet certified by the  
California Coastal Commission~~

1. The changes approved by the California Coastal Commission on May 15, 2014 are shown in black, with ~~strikeout~~ and (single) underline

2. CDA staff additions to the changes approved by the California Coastal Commission on May 15, 2014 are in blue, double-underlined

*3. CDA staff ~~deletions~~ to the changes approved by the California Coastal Commission on May 15, 2014 are in blue, italicized, and (single) ~~crossout~~ [also marked the same way are a handful of CDA staff deletions of County-proposed text]*

4. Comments in right margin show some key reasons for CDA changes.

5. Margin notes are explanatory.

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This report is funded in part with qualified outer continental shelf oil and gas revenues by the Coastal Impact Assistance Program, Bureau of Ocean Energy Management, Regulation, and Enforcement, U.S. Department of the Interior.

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These documents are bound separately and are available for reference from the Marin County Community Development Agency and on the Local Coastal Program website at [www.MarinLCP.org](http://www.MarinLCP.org)





### Introduction

~~This proposed Land Use Plan document and the accompanying materials described below present proposed changes to the Marin County Local Coastal Program (LCP). The proposed amendments were recommended by the Marin County Planning Commission on February 13, 2012, and adopted by the Board of Supervisors with further modifications on July 30, 2013. The proposed amendments are the result of nearly five years of public, agency and individual involvement, formal hearings, and extensive deliberation by the Planning Commission followed by the Marin County Board of Supervisors.~~

The ~~proposed amendments to the Marin County Local Coastal Program (LCP) are contained in~~ is made up of the following documents. These documents are available online at: [www.MarinLCP.org](http://www.MarinLCP.org).

- The ~~proposed “Land Use Plan (LUP) Amendments”~~ document includes policies and programs, as well as background and introductory text for each policy section.
- The ~~proposed “Development Code Amendments”~~ document is a means of implementing the policies and programs of the LCP Land Use Plan. ~~Coastal Zone specific portions of the Marin County Development Code are included in this document, along with the full Definitions chapter.~~
- Policy maps and zoning maps for the Coastal Zone.
- Appendices. ~~The following Appendices constitute parts of the Local Coastal Program:~~
  - Appendix 1: List of Recommended Public Coastal Accessways
  - Appendix 2: Inventory of Visitor-Serving, Commercial, and Recreation Facilities in the Coastal Zone
  - Appendix 3: Coastal Village Community Character Review Checklist (Local Coastal Program Historic Review Checklist)

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- Appendix 4: Design Guidelines for Construction in Areas of Special Character and Visitor Appeal and For Pre-1930's Structures
- Appendix 5: Seadrift Settlement Agreement
- Appendix 6: 1977 Wagner Report "Geology for Planning, Western Marin County"
- Appendix 7: Categorical Exclusions Orders and Maps
- Appendix 8: Certified Community Plans
  - a. Dillon Beach Community Plan
  - b. Bolinas Gridded Mesa Plan

The remaining materials (Background Reports 1 through 5) are presented for background only and do not constitute parts of the LCP.

The proposed Land Use Plan Amendments and the Development Code documents are entitled "Board of Supervisors Adopted Draft." Before endorsing these documents, the Marin County Board of Supervisors held two public workshops and seven public hearings from March 2012 through July 2013, each focusing on particular policy areas, to review and provide direction to staff on the policies, programs, Development Code provisions, and other contents contained in the draft LCP amendments.

Prior to review by the Board of Supervisors, the Marin County Planning Commission held nine public hearings from August 2011 through February 2012 to evaluate the proposed LCP amendments. In preparation for these public hearings, the Planning Commission conducted nineteen public workshops from March 2009 through January 2011. These workshops also focused on particular policy areas and resulted in revisions that were reflected in a June 2011 Public Review Draft of the entire Local Coastal Program. Furthermore, the Board of Supervisors and Planning Commission held a joint meeting on June 28, 2011 to adopt a schedule for further review of the LCP amendments and to accept public comments.

In addition to the public hearings and workshops conducted by the Planning Commission, staff of the Community Development Agency conducted four public meetings in West Marin communities during 2008 and 2009, at which time the process of updating the Local Coastal Program was introduced. Four additional community workshops were held during 2011, following publication of the June 2011 Public Review Draft of the LCP. Finally, staff has conducted numerous meetings with community groups, interested organizations, other agencies, and California Coastal Commission staff. At each public workshop, hearing, and meeting, public testimony and comments were accepted. A significant number of other written and electronic communications have also been received by the Planning Commission. Valuable feedback and input was gathered during this process and has been very helpful in facilitating the development of the policies, programs, and other provisions contained in these documents.

During the public hearings held on the proposed LCP amendments during 2011-13, the Planning Commission followed by the Board of Supervisors reviewed the entire Local Coastal Program, including those provisions proposed to be changed as well as those existing provisions proposed to be maintained as is. In reviewing LCP provisions, the Planning Commission and Board have taken into account the comments provided by members of the public and by community groups and agencies. The package of LCP amendments adopted by the Board of Supervisors on July 30, 2013, including the proposed Land Use Plan and Development Code, Maps, Appendices, and other referenced provision will be submitted to the California Coastal Commission for final review and certification.

### The Local Coastal Program (LCP)

The Marin County Coastal Zone is a landscape of unsurpassed variety and beauty. Much of the area is encompassed within federal, state, and county parks, which provide habitat protection and opportunities

for public recreation. The Coastal Zone also includes several small villages, productive agriculture and mariculture areas, scattered residences, bed-and-breakfast inns, and significant amounts of open space. The Marin County Local Coastal Program (LCP) is designed to preserve the unique environment of the Coastal Zone and to encourage the protection and restoration of its coastal resources, while encouraging public enjoyment of its coastal recreation opportunities.

The LCP is the primary document that governs land development in the Marin County Coastal Zone. The LCP guides both public and private activities that constitute “development” on land or in water. In general, constructing a dwelling, a commercial building, a road, a boat dock, or other improvements constitutes a “development” that requires a coastal permit, with specific exceptions. Furthermore, “development” includes changes in the use of land or water, even where construction is not involved. The definition of “development” in its entirety is as follows:

**Development.** On land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land except where the land division is brought about in connection with the purchase of such land by a public agency for public



recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973(commencing with Section 4511 of the Public Resources Code).

As used in this section, “structure” includes any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

Any activity meeting the definition of development within the Coastal Zone requires a Coastal Permit, unless the development is categorically excluded, exempt, or qualifies for a de minimis waiver, consistent with Chapter 22.68.

~~“Development” does not mean a “change of organization,” as defined in California Code Section 56021 or a “reorganization,” as defined in California Code Section 56073.~~

### The Coastal Zone

The Marin County Coastal Zone is a strip of land and water defined by the California Coastal Act of 1976 that extends along the Pacific Ocean coastline. The Coastal Zone extends seaward from the shore a

## **Marin County Local Coastal Program**

distance of three miles, and a variable distance landward, depending on topography (see Map 2 - Marin County Coastal Zone; only the land portion of the Coastal Zone is shown on Map 2).



### Purpose of the Local Coastal Program

The purpose of the LCP is to carry out the coastal resource protection policies of the California Coastal Act of 1976. Each coastal city and county in California is required by that law to prepare and implement an LCP for its portion of the Coastal Zone. Like other counties in California, Marin County has also adopted a comprehensive land use plan for its entire jurisdiction area, which extends landward well beyond the Coastal Zone boundary. Adopted in 2007, the Marin Countywide Plan and its related Community Plans guide land development throughout the County. However, in the Coastal Zone, the LCP takes precedence over these plans. Where the LCP contains specific provisions applicable to land and water development, such LCP provisions govern development activities. Policies of the Countywide Plan that are not addressed by the Coastal Act and the LCP (e.g. policies that address education, diversity, and public health) apply throughout the entire County, both within and outside the Coastal Zone.



### Components of the Local Coastal Program

~~For purposes of submittal to the California Coastal Commission, as~~ As required by Coastal Act Section 30500, an LCP comprises a Land Use Plan, an Implementation Program, accompanying land use and zoning maps, and, where necessary, other implementing actions including those represented in the Appendices. The Land Use Plan contains written policies that indicate which land uses are appropriate in the various parts of the Coastal Zone. The LUP policies and programs also guide how natural resources shall be protected when land is developed, how public access to the coast shall be preserved, and how other coastal resources shall be maintained and enhanced.

Marin County's LCP Land Use Plan contains three major sections: Natural Systems and Agriculture, Built Environment, and Socioeconomic. The Natural Systems and Agriculture section contains the policy chapters of Agriculture; Biological Resources; Environmental Hazards; Mariculture; and Water Resources. The Built Environment section contains the policy chapters of Community Design; Community Development; Community Specific Policies; Energy; Housing; Public Facilities and Services; and Transportation. Finally, the Socioeconomic section contains the policy chapters of Historical and Archaeological Resources; Parks, Recreation and Visitor-Serving Uses; and Public Coastal Access. The Land Use Policy maps (Map Set 19a–19m) also form part of the Land Use Plan.

~~A second major component of an LCP is referred to by the Coastal Commission as the~~ Marin County's LCP Implementation Program (IP). ~~In Marin County's case, this component~~ consists of the coastal zone-specific portion of the Marin County Development Code and the zoning maps for the Coastal Zone (Map Set 29a–29l). The IP plays a central role in carrying out the policies and programs of the Land Use Plan by indicating which land uses are appropriate in each part of the Coastal Zone. Furthermore, the Code provisions of the IP contain specific requirements that apply to development projects, as well as detailed procedures for applicants to follow in order to obtain a coastal permit.

Finally, Marin County's LCP includes the resource and other maps found in the published set of maps and Appendices 1 through 8, as described above.

## The Coastal Permit

The primary tool for implementing the LCP is the “coastal permit.” Most types of ~~land~~-development activities require that a coastal permit be issued by Marin County. Certain projects, such as those that involve work on tidelands around the margin of Tomales Bay, require a coastal permit from the California Coastal Commission (a state agency) rather than from the ~~County-County, although other Marin County~~ non-coastal permit requirements may still apply.

The Marin County Community Development Agency (CDA) is responsible for implementing the LCP and for reviewing coastal permit applications. The CDA assists property owners and developers to determine whether their proposed project requires a coastal permit, whether the coastal permit should be obtained from Marin County or the Coastal Commission, and whether other types of permits from the County may also be required. Certain coastal permits approved by Marin County are appealable to the California Coastal Commission by an interested party who does not agree with the County’s decision regarding the permit. Such permits are known as ~~permits for “appealable” permitsdevelopment~~ (see appeal and permit jurisdiction areas on Maps 28a and 28b ~~and Section 30603 of the Coastal Act~~).

## Appendices

As noted previously, Appendices 1 through 8 constitute part of the LCP. These Appendices contain elements that are essential to the interpretation and application of Land Use Plan policies. For instance, Appendix 1 contains the list of recommended Public Coastal Accessways referred to in Land Use Plan Policy C-PA-6 “Acquisition of New Public Coastal Accessways through Suitable Means.” To improve readability of the Land Use Plan, this detailed list has been placed in an Appendix rather than in the body of the Land Use Plan itself.

~~The remaining material (Background Reports 1 through 5) contains background and supporting information that is intended to assist permit applicants and members of the public. The materials contained in the Background Reports are not part of the LCP for purposes of the California Coastal Act.~~

Additional historical and background information is available on the [www.marinlcp.org](http://www.marinlcp.org) website. This information is not part of the LCP.

The Appendices are as follows:

- Appendix 1: List of Recommended Public Coastal Accessways
- Appendix 2: Inventory of Visitor-Serving, Commercial, and Recreation Facilities in the Coastal Zone
- Appendix 3: Coastal Village Community Character Review Checklist (Local Coastal Program Historic Review Checklist)
- Appendix 4: Design Guidelines for Construction in Areas of Special Character and Visitor Appeal and For Pre-1930’s Structures
- Appendix 5: Seadrift Settlement Agreement
- Appendix 6: 1977 Wagner Report “Geology for Planning, Western Marin County”
- Appendix 7: Categorical Exclusions Orders and Maps
- Appendix 8: Certified Community Plans:
  - a. Dillon Beach Community Plan
  - b. Bolinas Gridded Mesa Plan

## Marin County Local Coastal Program

The Background Reports are as follows:

1. Policies of Chapter 3 of the California Coastal Act of 1976
2. Local Coastal Program Framework, including background information about the history of the LCP, how coastal permit requirements are implemented, and related materials
3. Biological Text Excerpts from Unit I and II LCP
4. Land Use Analysis
5. Agricultural Land Analysis





## Interpretation of the Land Use Plan (INT)

### Background

The Marin County Local Coastal Program (LCP) is the primary document that governs land development in the Marin County Coastal Zone. However, the policies of the LCP must be applied and interpreted within the context of other applicable Local, State, and Federal laws, as well as other local plans, policies and regulations. The following policies apply to the interpretation of the LCP all policies within the Natural Systems and Agriculture, Built Environment, and Socioeconomic Sections of the Land Use Plan.

### Policies

**C-INT-1 Consistency with Other Law.** The policies of the Local Coastal Program are bound by all applicable ~~Local~~, State and Federal laws, and none of the provisions of the LCP will be interpreted by the County in a manner which violates those laws. In particular, as required by the Coastal Act, Public Resources Code Section 30010, Marin County shall not grant or deny a permit in a manner that ~~would~~ will take or damage private property for public use, without the payment of just compensation ~~therefore~~. This policy is not intended to increase or decrease the rights of any property owner under the Constitutions of the State of California or the United States. When Marin County acts on a coastal development permit application pursuant to its certified LCP, it is implementing a statewide statute governing development by any person, including other state agencies.

**C-INT-2 Precedence of LCP.** In the coastal zone, the LCP supersedes and takes precedence over other local plans, policies and regulations, including any conflicting provisions of the Countywide Plan, Community Plans and relevant sections of the Marin County Code. Provisions that are not addressed by the Coastal Act and the LCP (e.g., policies that address education, diversity, public health, etc.) that apply throughout the County, also apply within the Coastal Zone, but not in a coastal permit context. Broader

policies which, for example, serve to concentrate development in close proximity to urban and employment centers may be more protective, overall, than specific wildlife habitat and other similar resource policies. The introductory background text in each chapter provides some broad context for each chapter, but shall not be used as the legal standard of review for coastal permit decisions.

**C-INT-3 Community Plans.** Community plans are part of the Marin Countywide Plan (CWP), and are implemented through measures such as Design Review and Use Permits. When separate from the LCP, community plans remain as important and relevant guides for development in their respective communities. The existing Dillon Beach and Bolinas Gridded Mesa community plans have been certified by the Coastal Commission and made part of the LCP; all other community plans have not. ~~However, the public LCP process identified many community plan policies that have been directly incorporated into, and will be implemented through, the LCP. Only the policies of the LUP, IP, and the two certified community plans in Dillon Beach and Bolinas Gridded Mesa can be used as legal standards of review for the issuance of coastal permits. Although separate from the LCP, community plans remain as important and relevant policy guides for development in their respective communities.~~

**C-INT-4 Terminology.** The following rules of interpretation shall apply, consistent with Marin County Development Code Sec.20.02.020.

1. ~~1.~~ Where the imperative form of a verb is used to start a policy, the policy will be interpreted as being a mandatory requirement which, if written in a "subject-verb" format, would incorporate the term "shall."
2. ~~When used in the Land Use Plan, the~~ The words "shall," "must," "will," "is to," and "are to" are always mandatory.
3. "Should" is not mandatory but is strongly recommended; and
4. "May" is permissive.
5. The present tense includes the past and future tenses; and the future tense includes the present.
6. The singular number includes the plural number, and the plural the singular, unless the natural construction of the word indicates otherwise.
7. "Including" means ". . . including but not limited to. . .".
8. ~~2.~~ Policy headings and titles are provided for convenience only. To the degree that these headings or titles conflict with the text they accompany, the text shall govern.



# Natural Systems and Agriculture

## Introduction

In the Marin County Coastal Zone, development is closely intertwined with the natural environment. Villages, homes, farms, and parks co-exist with natural communities of plants and animals. Water and biological resources are abundant, providing sustenance to wildlife as well as beauty and pleasure to residents and visitors. Agriculture, mariculture and open space are mainstays of both community character and the local economy. Yet these resources are vulnerable. Poorly planned land development and construction can degrade or eliminate the values of sensitive habitat areas, agricultural productivity, and the open, unspoiled character of the Marin County Coastal Zone. The Local Coastal Program (LCP) therefore includes strong policies requiring that new development is undertaken in a way that assures the protection of natural resources.

The Natural Systems and Agriculture section addresses the following subjects:

- ◆ Agriculture (AG)
- ◆ Biological Resources (BIO)
- ◆ Environmental Hazards (EH)
- ◆ Mariculture (MAR)
- ◆ Water Resources (WR)







## Agriculture (AG)

### Background

The rolling coastal hills and stream valleys of the Marin County Coastal Zone provide an exceptional environment for a distinctive type of agriculture that takes advantage of high quality grasslands sustained by the cool, moist conditions that prevail much of the year. Animal agriculture makes up the greatest part of the County's total agricultural production. This includes beef cattle, sheep, poultry and eggs, as well as dairy cows and the milk, yogurt, and cheese they yield. While the hilly terrain, pervasiveness of non-prime soils, and scarcity of dependable water sources limit intensive row crop cultivation through most of the Coastal Zone, a number of farms, many of them organic, raise fruits, vegetables, flowers, nuts and other crops.

In Marin County, coastal agriculture is important as an essential livelihood, a foundation for regional economic activity, and a wholesome, local source of food for residents of the Bay Area and beyond. It is estimated that every dollar of agricultural production yields a multiple of 2.5 additional dollars contributed to the local economy in employment opportunities, support industries, and tourism. In addition to economic benefits, agricultural land use also provides crucial ecosystem services such as the maintenance of soil fertility and structure, wildlife habitat and biodiversity, watershed benefits, nutrient cycling, and carbon sequestration. Finally, the working agricultural landscape provides world-class views, a pastoral frame for Marin's distinctive coastal villages, and an extraordinary open space backdrop for the myriad of recreational activities offered throughout the Coastal Zone. For all these reasons, the Local Coastal Program (LCP) policies seek to preserve viable agriculture as a permanent part of the fabric of coastal Marin for the benefit of residents, visitors, and the environment itself (see Map 3 - Protected Agricultural Lands).

The Coastal Act protects coastal agriculture as a high priority coastal resource ~~and, Toward this end, the Act~~ supports the renewal and continuation of agriculture on suitable lands in Sections 30241, 30241.5,

and 30242. The conversion of land with prime agricultural soils to non-agricultural uses, such as residential or commercial development, is strictly limited by the Act; however, very little of the land in Marin County's Coastal Zone is classified as prime (see Map 4 - Agricultural Land). The Coastal Act mandates that all other lands suitable for agricultural use shall not be converted to make past tense nonagricultural uses unless continued or renewed agricultural use is not feasible, or such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250.



Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.

Achieving these goals depends on interdependent resources: the land itself, and the people and systems that make it agriculturally productive. Marin is fortunate to have a strong community dedicated to agriculture and its future, comprised of hard-working, experienced, and resourceful people. However, some important trends point to the need ~~to adjust for~~ certain LCP provisions to help assure that future.

In an era of corporate, industrialized agriculture, the great majority of Marin farms and ranches are family owned and operated, with most of those the third or fourth generation working the land. Fluctuating commodity prices, the expense of investments needed to stay competitive, and the rising cost of farmland are only some of the challenges casting doubt over the future viability of coastal agriculture. One clear need is the ability to pass the reins to the younger generation, while providing for the retiring one. In 1997 the average age of Marin's principal agricultural operators was 55.7 years. By 2002 it had risen to 58.4, and in 2007, to 59.7. At the same time, the family unit itself is a critical part of maintaining agriculture. More than 85% of Marin farms had between one and four family members involved in their operation, and 71% had a family member interested in continuing ranching or farming. Providing policies that support current agriculture while responding to these important trends ~~was~~ is one of the key objectives of the ~~2015 Amendments 2014 revisions to the changes proposed to the LCP, especially including the provisions for intergenerational homes (Policy C-AG-5).~~

Other policies similarly provide for the essentials sustaining agriculture. Over half our farms and ranches report hiring farm labor, but securing additional farmworker housing has been a challenge. Many agricultural activities, especially dairying, require workers close at hand. As with other commercial and visitor-serving support workers, the lack of suitable housing leads to longer commutes with attendant traffic congestion, pollution and greenhouse gas emissions. The LCP recognizes that farmworker housing is an of ~~many the principal permitted use of agricultural operationse~~ (Programs C-AG-2.b and 2.c). integral part

Prices for commodities such as milk and beef are notoriously volatile and unreliable, often placing Marin's relatively small producers in jeopardy. Recently, one of Marin's historical dairies had to go out of business. Marin agriculture has responded with innovation and creativity to secure its future. Responding to a Cooperative Extension survey, 29% of Marin operations report having added new productions or enterprises to their farm or ranch over recent years, and 24% are making value-added products. ~~Proposed This LCP's policies would will~~ help support such agricultural diversification, including making it easier for small scale direct to consumer sales (Program C-AG-2.e).

## Natural Systems and Agriculture

While strengthening the economic vitality and long-term protection of agriculture, LCP policies work equally hard to deter the incursion of non-agricultural uses that would convert agricultural land and ~~erode~~impair agricultural productivity ~~on now and in the future~~. A key measure to continue the preservation of agriculture is the Agricultural Production Zone (C-APZ), which limits the use of land to agriculture, or uses that are accessory to, in support of, ~~and~~-compatible with, or and ~~necessary~~ for agricultural ~~production~~. Additional LCP policies protect the land itself, by limiting ~~land~~ subdivisions and non-agricultural uses, providing for long-term agricultural and stewardship plans, and by controlling the size of ~~private~~residences agricultural dwelling units. Together, the LCP agricultural policies shape a balanced strategy to assure the protection of agricultural lands and to continue agricultural uses throughout the Marin County Coastal Zone for generations into the future.

### Policies

**C-AG-1 Agricultural Lands and Resources.** Protect agricultural land, continued agricultural uses, family farming, and the agricultural economy by maintaining parcels large enough to sustain agricultural production, preventing conversion to non-agricultural uses, providing for diversity in agricultural development, facilitating multi-generational operation and succession, ~~and~~ prohibiting uses that are incompatible with long-term agricultural production or the rural character of the County's Coastal Zone, ~~and~~ other innovative means. Preserve important soils, agricultural water sources, and forage to allow continued agricultural production on agricultural lands.

~~{BOS app. 7/30/2013} (PC app. 10/10/11, 1/24/11)~~

~~[Adapted from Unit II Agriculture Policy 1, p. 98, and CWP Goal AG-1, p. 2-157]~~

~~[Adapted from Unit II Agriculture Policy 1, p. 98, and CWP Goal AG-1, p. 2-157]~~



**Comment [CDA1]:** Maintains amendment history and internal consistency for each policy. Reference restored throughout document.

**C-AG-2 Coastal Agricultural Production Zone (C-APZ).** Apply the Coastal Agricultural Production Zone (C-APZ) to preserve ~~privately-owned~~ agricultural lands that are suitable for land-intensive or land-extensive agricultural productivity, that contain soils classified as Prime Farmland, Farmland of Statewide Importance, Farmland of Local Importance, or Grazing Land capable of supporting production agriculture, or that are currently zoned C-APZ. Ensure that the principal use of these lands is agricultural, and that any development shall be accessory and incidental to, in support of, ~~and~~-compatible with, or and ~~necessary~~ agricultural production.

A. In the C-APZ zone, the principal permitted use shall be agriculture, ~~limited to the following as follows:~~

1. ~~A~~ 1. Agricultural Production:

- a. ~~1.~~ Uses of land for the breeding, raising, pasturing, and grazing of livestock;
- b. ~~2.~~ The production of food and fiber;
- c. ~~3.~~ The breeding and raising of bees, fish, poultry, and other fowl;

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- d. ~~4.~~ The planting, raising, harvesting and producing of agriculture, aquaculture, mariculture, horticulture, viticulture, vermiculture, forestry crops, and plant nurseries;
- e. ~~5.~~ Substantially similar uses of an equivalent nature and intensity; and

~~2-6-2)~~ Agricultural Accessory Structures;

~~3. 3)~~ Agricultural Accessory Activities; or uses

4. Agricultural Dwelling Units, consisting of:

- a. ~~4)~~ One farmhouse or a combination of one farmhouse and one intergenerational home per legal lot/farm tract, consistent with C-AG-5, including combined total size limits;

- b. ~~5)~~ Agricultural worker housing, providing accommodations consisting of no more than 36 beds in group living quarters per legal parcel or 12 units or spaces per legal lot for agricultural workers and their households;

~~5-6)~~ Other Agricultural Uses, ~~if~~ appurtenant or necessary to the operation of agricultural uses, limited to: including one farmhouse per legal lot, one intergenerational home, agricultural worker housing, limited agricultural product sales and processing, educational tours, agricultural homestay facilities with three or fewer guest rooms, barns, fences, stables, corrals, coops and pens, and utility facilities (not including wind energy conversion systems and wind testing facilities).

- a. Agricultural product sales and processing of products grown within the farmshed, provided that for sales, the building(s) or structure(s), or outdoor areas used for sales do not exceed an aggregate floor area of 500 square feet, and for processing, the building(s) or structure(s) used for processing activities do not exceed an aggregate floor area of 5,000 square feet;

- b. ~~Not for profit~~ e Educational tours.

B. Conditional uses in the C-APZ zone include a second intergenerational home per legal lot, for-profit educational tours operated by a third party, agricultural homestay facilities, agricultural worker housing above 12 units per legal lot, and additional agricultural uses and non-agricultural uses including residential development potentially up to the zoning density, consistent with Policies C-AG-5, 6, 7, 8 and 9.

Residential development (as opposed to Agricultural Dwelling Units) shall not be permitted in the C-APZ until specific provisions and standard conditions consistent with the Agriculture Chapter of the certified Land Use Plan are adopted by the Marin County Board of Supervisors and certified as an LCP Amendment by the California Coastal Commission. No residential development is permitted on the same legal lot where an Agricultural Dwelling or Dwelling Unit Cluster is located.

Development shall not exceed a maximum density of 1 agricultural dwelling or residential residential unit per 60 acres. Densities specified in the zoning are not entitlements but rather maximums that may not be achieved when the standards of the Agriculture policies below and other relevant LCP policies are applied. The County (and the Coastal Commission on appeal) may include all contiguous properties under the same ownership when reviewing a Coastal Permit application.

{BOS app. 10/2/2012, 11/13/2012, 1/15/2013} {PC app. 10/10/11, 1/24/11}

**Comment [CDA2]:** The CCC staff report did not delete "legal lot" in this instance, leaving "legal lot" in the Adopted Modifications. This was apparently an oversight inconsistent with other CCC Modifications, as in C-AG-5.A. Compromise language, agreed to by both staffs, limits farmhouse/intergenerational units to one newly-named "agricultural dwelling cluster" for all contiguous lots in common ownership (now defined as a "farm tract.")

**Comment [CDA3]:** As further detailed in IP Sec. 22.32.062, these tours include those operated by non-profit organizations or the owner/operator of the agricultural operation.

**Comment [CDA4]:** Tours operated by a 3<sup>rd</sup>-party are conditional and appealable to the CCC

**Comment [CDA5]:** "Residential development" is distinguished from "Agricultural Dwelling Units," and would only be potentially permitted if a separate LCP Amendment providing for it is certified by the CCC. The current certified LCP allows residential as conditional use as a means of restoring and ensuring agricultural viability. Residential dev cannot be located on legal lots where Ag dwellings exist, nor where an owner wishes to establish an Agricultural Dwelling Cluster. The program to be developed will create incentives promoting Ag dwellings (see proposed new Program C-AG-2.b). Consistent changes throughout.



[Adapted from Unit II Agriculture Policies 2 and 3, p. 98, and CWP Program AG-1.g, p. 2-162]

[Adapted from Unit II Agriculture Policies 2 and 3, p. 98, and CWP Program AG-1.g, p. 2-162]

**Program C-AG-2.a Allowed Uses:**

**No permit required.** Seek to clarify for the agricultural community those agricultural uses for which no permit is required. These include the Agricultural Exclusions from the existing ~~CCC~~-adopted Categorical Exclusion Orders. Review aspects of agricultural operations that are not currently excluded from coastal permit requirements to determine if there are additional categories of agricultural developments, either in



type or in specific geographic areas, that have no potential for any significant adverse effect, either individually or cumulatively, on coastal resources or on public access and, hence, could be eligible additions to the categorical exclusion. ~~[BOS app. 10/2/2012, 7/30/2013] (PC app. 10/10/11, 1/24/11)~~ [New program, not in Unit I or II]

**Program C-AG-2.b Option to Secure Affirmative Agricultural Easements Through Restricted Residences.** Evaluate the efficacy of permitting limited non-agricultural residential development within the C-APZ zone as a means of securing permanent affirmative agricultural easements over the balance of the legal lot. Characteristics of the program could include (a) prohibiting residential development on a legal lot where an Agricultural Dwelling or Dwelling Unit Cluster is located, (b) restricting the development envelope to the minimum feasible size (e.g. 10,000 sq. ft) (c) limiting house size to less than amount allowed for agricultural dwellings, but permitting transfer of development credits to increase allowable house size by securing affirmative agricultural easements on additional agricultural lands. The program and associated policies have no effect until certified as an LCP Amendment by the Coastal Commission.



**Program C-AG-2.e Community-Specific Retail Sales Policies.**

Policies should be developed in the LCP's Community Development section, as appropriate, to address the concerns of specific communities with respect to retail sales (roadside especially). As necessary, greater constraints on these activities could be specified for individual communities or roadway segments than the general

provisions in the LCP's Agriculture section (up to and including, for example, the possibility of specifying an outright prohibition of roadside agricultural sales in a particular area or along a particular stretch of roadway).

~~(PC app. 1/9/12, 10/10/11, 1/24/11)~~

~~[New program, not in Unit I or III]~~

**Program C-AG-2.f Facilitate Agricultural Tourism.** Review agricultural policies and zoning provisions and consider seeking to add educational tours, homestays and minor facilities to support them as a Categorical Exclusion.

~~(PC app. 10/10/11, 1/24/11)~~

~~[New program, not in Unit I or III]~~

**C-AG-3 Coastal Agricultural Residential Planned Zone (C-ARP).** Apply the Coastal Agricultural Residential Planned Zone (C-ARP) designation to lands adjacent to residential areas, ~~and at the edges of Agricultural Production Zones~~ in the Coastal Zone that have potential for agricultural production but do not otherwise qualify for protection under Policy C-AG-2. The intent of the C-ARP Zone is to 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 proposed development to be clustered ~~in a group or groups~~ to avoid or minimize impacts to environmental and other coastal resources, such as natural topography, native vegetation and public views of the coast.

Residential use shall be the principal permitted use in all parcels with the land use designation of C-AG3. Agriculture shall be the principal permitted use in all parcels with the C-AG1 and C-AG2 land use designations.

~~[BOS app. 7/30/2013] (PC app. 10/10/11, 1/24/11)~~

~~[Adapted from Interim County Code Section 22.57.040. This policy also carries forward the concept of Unit I Agriculture Policy 30, p. 35]~~

~~[Adapted from Interim County Code Section 22.57.040. This policy also carries forward the concept of Unit I Agriculture Policy 30, p. 35]~~

**C-AG-4 C-R-A (Coastal, Residential, Agricultural) District.** Apply the C-R-A zoning district to provide areas for residential use within the context of small-scale agricultural and agriculturally-related uses, subject to specific development standards.

~~(PC app. 10/10/11, 1/24/11)~~

~~[Adapted from Interim County Code Section 22.57.020]~~

~~[Adapted from Interim County Code Section 22.57.020]~~

**C-AG-5 Agricultural Dwelling Units (Farmhouses, Intergenerational Housing, and Agricultural Worker Housing).** Support the preservation of family farms by facilitating multi-generational operation and succession.

A. Agricultural dwelling units may be permitted on C-APZ lands subject to the policies below, as well as any applicable requirement in C-AG-6, 7, 8, and 9, ~~and all other applicable requirements in the LCP.~~ Agricultural dwelling units must be owned by a farmer or operator actively and directly engaged in agricultural use of the property. No more than a combined total of 7,000 sq ft ~~(plus 540 square feet of garage space and 500 square feet of office space in the~~

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farmhouse used in connection with the agricultural operation) may be permitted ~~used~~ as an agricultural dwelling per farm tract, by the farm owner or operator, whether in a single farmhouse or in a combination of a farmhouse and intergenerational homes(s). ~~Only a single farmhouse or a combination of a farmhouse and intergenerational home(s) with the combined total of 7,000 square feet may be allowed for each farm owner or operator actively and directly engaged in agriculture, regardless of the number of legal lots each farm owner or operator owns. In addition to the farmhouse, up to two additional dwelling units per legal lot may be permitted in the C-APZ designation.~~ for members of the farm operator's or owner's immediate family. ~~Such intergenerational family farm homes~~ may only be occupied by persons authorized by the farm owner or operator

**Comment [CDA6]:** Replaced with concept of "farm tract" consistent with C-AG-2

shall not be subdivided from the rest of the primary agricultural legal lot, and shall be consistent with the standards of LCP Policy C-AG-7 and the building size limitations of Policy C-AG-9. Such intergenerational homes shall not be subject to the requirement for an Agricultural Production and Stewardship Plan (C-AG-8), or permanent agricultural conservation easement (C-AG-7), nor shall occupants be required to be actively and directly engaged in the agricultural use of the land. An equivalent density of 60 acres per unit shall be required for each home-farmhouse and intergenerational house (i.e. at least 60 acres for a farmhouse, 120 acres for a farmhouse and an intergenerational house, and 180 acres required for a farmhouse and two intergenerational homes), including any existing homes. ~~The reviewing authority shall consider all contiguous properties under the same ownership to achieve the requirements of the LCP.~~ No Use Permit shall be required for the first intergenerational home on a qualifying lot, but a Use Permit shall be required for a second intergenerational home. No more than 27 intergenerational homes may be allowed in the County's coastal zone.

**Comment [CDA7]:** Redundant with last sentence of C-AG-2.

**B.** Agricultural worker housing providing accommodations consisting of no more than 36 beds in group living quarters per legal parcel or 12 units or spaces per legal parcel for agricultural workers and their households shall not be included in the calculation of density in the following zoning districts: C-ARP, C-APZ, C-RA, and C-OA. Additional agricultural worker housing above 36 beds or 12 units shall be subject to the density requirements applicable to the zoning district. An application for agricultural worker housing above 36 beds or 12 units shall include a worker housing needs assessment and plan, including evaluation of other available worker housing in the area. The amount of approved worker housing shall be commensurate with the demonstrated need. Approval of agricultural worker housing shall require recording a restrictive covenant running with the land for the benefit of the County ensuring that the agricultural worker housing will continuously be maintained as such, or, if no longer needed, for non-dwelling agricultural production related uses.

(PC app. 2/13/12, 10/10/11, 1/24/11)

~~[New policy, not in Unit I or II]~~

**C-AG-6 Non-Agricultural Development of Agricultural Lands.** Non-agricultural development is defined to include division of agricultural lands and any development not classified as Agriculture. Require that non-agricultural development, ~~including division of agricultural lands,~~ shall only be allowed upon demonstration that long-term agricultural productivity, ~~including on each parcel created in the case of a land division,~~ would be maintained and enhanced as a result of such development, on the subject parcel and any new ~~each~~ parcel created, and that agricultural productivity on adjacent parcels would be maintained. In considering divisions of agricultural lands in the Coastal Zone, the County may approve fewer parcels than the maximum number of parcels allowed by the Development Code, based on site characteristics such as topography, soil, water availability, environmental constraints and the capacity to sustain viable agricultural operations.

**Comment [CDA8]:** Awkward phrasing corrected

(PC app. 10/10/11, 1/24/11)

[Adapted from CWP Policy AG-1.5, p. 2-158, and consistent with Coastal Act Policy 30241 and 30242]

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*[Adapted from CWP Policy AG-1.5, p. 2-158, and consistent with Coastal Act Policy 30241 and 30242]*

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

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 LCP, and in particular the policies of the Natural Systems and Agriculture Element of the LUP. In addition to the requirements applicable to a specific land use and all other applicable requirements specified in the LCP, the following requirements shall apply to development in the C-APZ:

**Comment [CDA9]:** Redundant with previous sentence.

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

All of the following development standards apply:

1. Permitted development shall protect and maintain renewed and continued agricultural production use and contribute to agricultural viability on site and shall not impact on adjacent agricultural lands. Development of agricultural facilities shall be sited to avoid agricultural land (i.e., prime agricultural land or other land suitable for agriculture) whenever possible, consistent with the operational needs of agricultural production. If use of agricultural such land is necessary, prime agricultural land shall not be converted utilized if it is possible to utilize other lands suitable for agricultural use. In addition, as little agricultural land as possible shall be converted used for structural development.
2. Development shall be permitted only where adequate water supply, sewage disposal, road access and capacity and other services are available to support the proposed development after provision has been made for existing and continued agricultural operations production. Water diversions or use for a proposed development shall not adversely impact stream or wetland habitats, have significant effects on groundwater resources, or significantly reduce freshwater inflows to water bodies, including Tomales Bay, either individually or cumulatively.
3. 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.
4. In order to retain the maximum amount of land in agricultural production or available for future agricultural uses production, farmhouses, intergenerational homes, agricultural worker housing, permitted residential development, agricultural homestay or bed and breakfast facilities, farmhouses, intergenerational homes, and agricultural homestay facilities all infrastructure and structural development (e.g. agricultural accessory structures, and agricultural product processing facilities other agricultural uses, and roads) shall be placed in one or more groups along with any non agricultural development on within a clustered development area. of 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. All new structural development shall be clustered within existing developed areas except when:

**Comment [CDA10]:** Inclusion of roads and other infrastructure in "clustered area" confuses "cluster" with overall limit of 5% of gross acreage. Unclear how roads (which do count against the 5%,) would fit within a "cluster". IP specifies types of farm facilities that could reasonably be outside a cluster, but would still be counted against the 5% limit.

**Comment [CDA11]:** Redundant with paragraph below.

(a) placement outside such areas is necessary for agricultural operations (e.g. when a more remote barn is required in a different part of the property to allow for efficient agricultural operations); or

(b) when placement inside such areas would be inconsistent with applicable LCP standards (e.g. when such placement would be within a required stream setback area). In this the latter case, new development shall be placed as close as possible to the existing clustered development area in a way that also meet applicable LCP standards.

The clustered development area, in combination with roads, agricultural product sales facilities and all other structural development, shall total of no more than five percent of the gross acreage,



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to the extent feasible, with the remaining acreage retained in or available for agricultural production or open space.

Development shall be located close to existing roads, and shall not require new road construction or improvements resulting in significant impacts on agriculture, natural topography, major vegetation, or significant natural visual qualities of the site. Development shall be sited to minimize impacts on coastal resources and adjacent agricultural operations and shall be designed and sited to avoid hazardous areas.

### **B. Standards for Non-Agricultural Non-Principally Permitted Uses:**

In addition to the standards of Section A. above, all of the following development standards apply to ~~non-principally permitted uses 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 agricultural dwelling and residential ~~residential~~ units or land divisions only upon applying Policy C-AG-6 and the following standards and making all of the findings listed below.

- ~~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, major 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.~~

1. Non-principally permitted uses shall only be allowed when such uses will serve to maintain and enhance agricultural production.
2. The creation of a homeowners' 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, including and their availability on a lease basis or for the maintenance of the community's roads, septic or water systems.

### **C. Standards for Non-Agricultural Conditional Uses:**

In addition to the standards of Sections A and B above, all of the following development standards apply to non-agricultural conditional uses.

- ~~31. Where 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 otherwise permissible land divisions, residential development, and other non-agricultural development, and residential projects, other than a farmhouse, agricultural worker housing, or intergenerational housing, to promote the long-term preservation of these lands. Only~~

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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 will not be further subdivided.

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

- a. 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 or enhance agricultural operations on the remainder of the property.
- b. 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 structural development, on adjacent parcels, or on other agricultural parcels within one mile of the perimeter of the proposed development.
- c. Appropriate public agencies are able to provide necessary services (fire protection, police protection, schools, etc.) to serve the proposed development without extending urban services.

~~{BOS app. 10/2/2012, 11/13/2012, 2/26/2013}~~

~~{PC app. 2/13/12, 1/9/11, 1/24/11}~~

~~[\[Adapted from Unit II Agricultural Policies 4 and 5, pp. 98-99. This policy also carries forward Unit I Agriculture Policy 30, p.35.\]](#)~~

~~[\[Adapted from Unit II Agricultural Policies 4 and 5, pp. 98-99. This policy also carries forward Unit I Agriculture Policy 30, p.35.\]](#)~~

### **C-AG-8 Agricultural Production and Stewardship Plans.**

1. Submission of an Agricultural Production and Stewardship Plan (APSP) shall be required for approval of land division or other non-agricultural development of Agricultural Production Zone (C-APZ) lands, except as provided for in (3) below.
2. The purpose of an APSP prepared and submitted for land division or ~~for residential-~~ ~~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 APSP 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 APSP 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 APSP shall include conditions ensuring the proper, long-term implementation of the plan.
3. The requirement for an APSP shall not apply to ~~the farmhouse, agricultural worker housing or to~~ ~~intergenerational homes using units.~~ ~~The APSP 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 of agricultural commodities for commercial purposes on the~~ ~~property.~~ ~~# The APSP 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

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facilities, marketing mechanisms, agricultural worker housing, or agricultural land leasing opportunities) has been established or will be enhanced.

4. Projects subject to the potential requirement of preparing an APSP ~~should~~ shall be referred to such individuals or groups with agricultural expertise as appropriate for analysis and a recommendation. Such individuals or groups ~~should~~ shall also be requested to periodically review and evaluate the effectiveness of the APSP program.

~~[BOS app. 10/2/2012]~~

~~(PC app. 2/13/12, 10/10/11, 1/24/11)~~

~~[Adapted from CWP Program AG-1.b, pp. 2-160 and 2-161]~~

~~[Adapted from CWP Program AG-1.b, pp. 2-160 and 2-161]~~

**Program C-AG-8.a Commercial Agricultural Production.** Develop criteria and standards for defining commercial agricultural production so that APSPs can differentiate between commercial agricultural production and agricultural uses accessory to residential or other non-agricultural uses.

~~(PC app. 10/10/11, 1/24/11)~~

~~[New program, not in Unit I or II]~~

**C-AG-9 Residential Development and ~~Residential Development-Agricultural Dwelling Unit Impacts and Agricultural Use.~~** Ensure that lands designated for agricultural use are not de facto converted to residential use, thereby losing the long-term productivity of such lands, by the following means:-

1. ~~Residential development~~ Residential development ~~Agricultural dwelling units, other than principally permitted agricultural dwelling units, shall be reviewed to ensure they do not be allowed to diminish current or future agricultural production on use of the property or convert it to primarily residential use.~~
2. Any proposed residential development, agricultural dwelling unit and related residential development subject to a Coastal Permit shall comply with LCP policies including ensuring that the mass and scale of new or expanded structures respect environmental site constraints and the character of the surrounding area. Such development must be compatible with ridge protection policies and avoid tree-cutting and grading wherever possible. All such development shall be clustered with existing structures and development on the farm, pursuant to C-AG-7, and shall be sited and designed to protect significant public views.

When considering proposed residential development, and agricultural dwelling units, other than principally permitted agricultural dwelling units, the County reviewing authority shall exercise its discretion in light of some or all of the following criteria and for the purpose of ensuring that the parcel land does not de facto convert to residential use:

- a. The applicant's history of production agriculture.
- b. How long term agricultural use of the property will be preserved — for example, whether there is an existing or proposed dedication or sale of permanent agricultural easements or other similar protective agricultural restrictions such as Williamson Act contract or farmland security zone.
- c. Whether long term capital investment in agriculture and related infrastructure, such as fencing, processing facilities, market mechanisms, agricultural worker housing or agricultural leasing opportunities have been established or are proposed to be established.

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- d. Whether sound land stewardship practices, such as organic certification, riparian habitat restoration, water recharge projects, fish-friendly farming practices, or erosion control measures, have been or will be implemented.
  - e. Whether the proposed ~~residence development~~ will facilitate the ongoing viability of agriculture such as through the intergenerational ~~intergenerational~~ transfer or lease of existing agricultural operations.
3. In no event shall a single-family residence or ~~a single family residence~~ agricultural dwelling, subject to these provisions exceed 7,000 square feet in size. Where a farmhouse and one or two intergenerational residence units are allowed in the C-APZ zone, the aggregate ~~residential development of all homes~~ on the subject legal lot shall not exceed 7,000 square feet.
  4. However, agricultural worker housing, up to 540 square feet of garage space for each farmhouse ~~residence unit~~, agricultural accessory structures, and up to 500 square feet of office space in the farmhouse used in connection with the agricultural operation on the property shall be excluded from the 7,000 square foot limitation.
  5. The square footage limitations noted in the above criteria represent ~~potential~~ maximum residence or residence agricultural dwelling unit sizes and do not establish a mandatory entitlement or guaranteed right to development; rather, site constraints and resource protection standards may require reduced size limits in any particular case.
  6. Agricultural homestays, bed & breakfasts, home occupations, care facilities, group homes and similar uses allowed in the C-APZ zone may only occur within otherwise allowable agricultural dwelling units and not within additional separate structures.

**Comment [CDA12]:** Term restored as this is a major criterion for allowing IG units.

(PC app. 10/10/11, 1/24/11)

[Adapted from CWP Program AG-1.a, pp.2-159 and 2-160]

~~[Adapted from CWP Program AG-1.a, pp.2-159 and 2-160]~~

**C-AG-10 Marin Agricultural Land Trust (MALT) and Other Methods of Preserving Agriculture.** Support the objectives of the Marin Agricultural Land Trust (MALT) to protect agricultural lands through the transfer, purchase, or donation of development rights or agricultural conservation easements on agricultural lands. Support and encourage action by MALT in the Coastal Zone to preserve agricultural land for productive uses. Support the use of the County's adopted model agricultural easement, implementation of Transfer of Development Rights (TDR) programs and similar innovative techniques to permanently preserve agricultural lands.

(PC app. 10/10/11, 1/24/11)

[Adapted from Unit II Agriculture Policy 7, p. 101]

~~[Adapted from Unit II Agriculture Policy 7, p. 101]~~



## Biological Resources (BIO)

### Background

The Marin County Coastal Zone contains a broad range of estuarine and marine environments, tidal marshes, freshwater wetlands, stream corridors, upland forests, chaparral, and grasslands.

Much of the Coastal Zone in Marin County is managed by the National Park Service, California Department of Parks and Recreation, and California Department of Fish and Game. These agencies place a high priority on resource stewardship along with serving recreation purposes. Various state and federal laws and regulations govern the definition and protection of biological resources, including the state and federal Endangered Species Acts and the federal Migratory Bird Treaty Act.

Despite a wealth of protections, biological resources remain vulnerable. Land development, if not well-planned and executed, can result in degradation of resources through loss or fragmentation of wildlife habitat, filling of crucial wetlands, and displacement of plant communities.

The Coastal Act places a high priority on the protection of biological resources. Strict limits are placed on development in environmentally sensitive habitat areas (ESHA). The Act defines such areas to encompass habitats that 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. ~~In general, only~~ land uses that are dependent on the habitat resources are allowable within ESHAs.

Wetlands are one class of ESHA and in California approximately 92 percent of our wetlands have been lost. The Coastal Act defines wetlands broadly and addresses both areas of substantial size, such as Bolinas Lagoon, and smaller, isolated wetlands, such as those formed by seeps or springs. Very limited types of development are allowed in wetlands and then only where there is no feasible less environmentally damaging alternative and feasible mitigation measures have been adopted.



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Streams are another type of ESHA. Many species of animals and plants are dependent on them and on their associated riparian corridors, which are especially valuable as habitat connectors. The Coastal Act allows very limited types of development within streams, including necessary water supply projects, flood control projects, and habitat improvement projects.

Other sensitive biological resources in the County's coastal zone include dunes and beaches, salt marshes, fresh water marshes, tidal freshwater wetlands, riparian corridors, chaparral, and grasslands, which are fragile habitats that are

easily disturbed, as well as communities of rare plants, and essential habitats for protected species of fish and wildlife such as Snowy Plover (*Charadrius alexandrinus nivosus*), Myrtle's silverspot butterfly (*Speyeria zerene myrtilae*), California red-legged frog (*Rana draytonii*) and Central California coast steelhead (*Oncorhynchus mykiss*). This list is not exhaustive, but is meant to highlight those habitats that are prevalent in the Coastal Zone (see Map 5 – Vegetation, Map 6 – Special-status Species and Sensitive Natural Communities, and Map 7 – Wetlands and Streams).

The biological resources of Marin County include unique habitat areas that support wildlife and plants that maintain the function and integrity of the ecosystem. These areas not only serve an important ecological function, but they also have an intrinsic and aesthetic value to residents and visitors. The ecological importance of these areas has been recognized, such as the special designation of Bolinas Lagoon and Tomales Bay as "Wetlands of International Significance" by the Convention on Wetlands of International Importance, called the Ramsar Convention. This intergovernmental treaty provides the framework for national action and international cooperation for the conservation and wise use of wetlands and their resources. Bolinas Lagoon received its recognition on September 1, 1998, and Tomales Bay on September 30, 2002.

Bolinas Lagoon and Tomales Bay are part of a larger, relatively undisturbed complex of wetlands along the Marin/Sonoma coast that includes Drakes and Limantour Esteros, Abbotts Lagoon, Estero Americano, Estero de San Antonio, and Bodega Harbor. Tomales Bay, Bolinas Lagoon, and the waters along much of the County's ocean shoreline are also part of the Gulf of the Farallones National Marine Sanctuary. The area is within the Pacific flyway and supports approximately 20,000 wintering shorebirds, seabirds, and waterbirds both seasonally and year-round. Subtidal areas and extensive mudflats support diverse populations of invertebrates and provide nursery and feeding habitat for resident and migratory fish, while steelhead and coho salmon access streams in the watershed.

In Tomales Bay, eelgrass beds occur within the shallow waters at the northern end of the Bay that are critical for particular species of migratory birds, and for fish species such as Pacific herring. The rocky points, intertidal areas, and shoreline substrate in Tomales Bay provide habitat for many distinct invertebrate communities. The wetlands areas in Tomales Bay also serve as corridors to valuable spawning nurseries for the Coho salmon and Steelhead. Estero Americano and Estero de San Antonio are "seasonal estuaries" and their unique morphology result in a fjord-like quality which is not found in other California wetlands and results in a wide variety of species diversity and habitats.

The Coastal Zone also includes unique terrestrial habitats such as serpentine grasslands, chaparral habitat that contain endemic plants such as Mount Tamalpais Manzanita (*Arcostaphylos hookeri montana*), and

coastal terrace prairie grasslands. In California, there has been a loss of 99% of native grasslands which offer valuable foraging and dispersal habitat for many wildlife species. The coastal dune communities provide habitat for several species of plants and animals that have adapted to the harsh environment of the shoreline and provide protection to inland areas from wave run-up generated by prolonged storms and high seas. The list of unique species and habitats of the Coastal Zone is extensive, which is evident in the amount of literature and research that has been produced in the region, as highlighted in the 1980 Marin County Local Coastal Programs, Unit I and Unit II.

In 1980 and 1981, respectively, the Marin County Local Coastal Program, Unit I and Unit II were certified by the State Coastal Commission. These original plans contain important information regarding the natural resources, geology, and historical development of the Coastal Region. This plan is a continuation of the direction and foundation of knowledge established in the original plans. Since approval of the original LCPs, certain programs have been completed and new knowledge gained; yet, there is still much more to learn. The policies in this chapter are based on the foundation of the original LCP's commitment to conservation and protection of our biological resources, while providing for development that is allowed under the Coastal Act and preserving the function and values of these areas. These policies are to be implemented in light of the best available science, including reports, studies, or plans that are now available or may be available in the future regarding environmental findings, such as:

- Bolinas Lagoon Ecosystem Restoration Project: Recommendations for Restoration and Management, Gulf of the Farallones National Marine Sanctuary Advisory Council, Bolinas Lagoon Restoration Project Working Group, 2008.
- Fisheries Assessment for Bolinas Lagoon Tributaries within the Golden Gate Area, Golden Gate National Park Service, 2002.
- Projecting the Future Evolution of Bolinas Lagoon, Marin County Open Space District, 2006
- Tidal Marsh Birds of the San Francisco Bay Region, Status, Distribution and Conservation of 5 Category 2 Taxa, USGS, 1997.

Implementation of the Local Coastal Program (LCP) is carried out, in part, through the use of mapped data. Maps of biological resources, including special status species, wetlands, and streams, are included in the LCP document. While these maps are important indicators of the presence of significant resources that require protection under LCP policies, additional information regarding such resources will become available through site-specific review of proposed projects, through future map updates, and through other means. Thus, protection of biological resources is not limited to those that are mapped in this document. Furthermore, LCP policies address areas adjacent to ESHAs and parks and recreation areas, and as knowledge about those areas increases or as park boundaries change through land acquisitions, the LCP policies will be applied accordingly.

This region is also home to nonprofit research organizations and institutions such as the Audubon Canyon Ranch and PRBO Conservation Science (formerly the Point Reyes Bird Observatory) Palomarin Field Station and Wetland Center that actively contribute to the growing body of research on conservation science which can be used to address problems related to watershed protection, habitat management, recreational pressures, invasive species, and other coastal management issues, and these databases of knowledge should be included in relevant discussion related to ESHAs.

Marin County's biological resources are intertwined with villages, farms, homes, and roads. LCP policies are designed to support the protection and enhancement of biological resources, while also allowing the activities of coastal residents and visitors continue to flourish.

## Policies

### C-BIO-1 Environmentally Sensitive Habitat Areas (ESHAs).

1. An environmentally sensitive habitat area (ESHA) 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.
2. ESHA consists of three general categories: wetlands, streams and riparian vegetation, and terrestrial ESHAs. Terrestrial ESHA ~~refers to those~~ includes non-aquatic habitats that support rare and endangered species; coastal dunes as referenced in C-BIO-7 (Coastal Dunes); roosting and nesting habitats as referenced in C-BIO-10 (Roosting and Nesting Habitats); and riparian vegetation that is not associated with a perennial or intermittent stream. The ESHA policies of C-BIO-2 (ESHA Protection) and C-BIO-3 (ESHA Buffers) apply to all categories of ESHA, except where modified by the more specific policies of the LCP.

{BOS app. 10/2/2012, 11/13/2012, 1/15/2013}

{PC app. 1/23/12, 12/1/11, 1/24/11}

*{Adapted from Unit I Habitat Protection Policies 24 and 25, p. 34, and Unit II Natural Resources Policy 5, p. 74}*

### C-BIO-2 ESHA Protection.

1. Protect ESHAs against disruption of habitat values, and only allow uses within those areas that are dependent on those resources or otherwise specifically provided in C-BIO-14 (Wetlands), C-BIO-15 (Diking, Filling, Draining and Dredging) or C-BIO-24 (Coastal Streams and Riparian Vegetation). Disruption of habitat values ~~occurs~~ includes when the physical habitat is significantly altered or when species diversity or the abundance or viability of species populations is reduced. The type of proposed development, the particulars of its design, and its location in relation to the habitat area, will affect the determination of disruption.
2. Accessways and trails that are fundamentally associated with the interpretation of the resource are resource dependent uses that shall be sited and designed to protect ESHAs against significant disruption of habitat values in accordance with Policy C-BIO-2.1. Where it is not feasible to avoid ESHA, the design and development of accessways and trails shall minimize intrusions to the smallest feasible area ~~and~~ ~~or~~ least impacting routes. As necessary to protect ESHAs, trails shall incorporate measures to control the timing, intensity or location of access (e.g., seasonal closures, placement of boardwalks, limited fencing, etc.).
3. Avoid fence types, roads, and structures that significantly inhibit wildlife movement, especially access to water.
4. Development proposals within or adjacent to ESHA will be reviewed subject to a biological site assessment prepared by a qualified biologist hired by the County and paid for by the applicant. The purpose of the biological site assessment is to confirm the extent of the ESHA, document any site constraints and the presence of other sensitive biological resources, recommend buffers, development timing, mitigation measures including ~~or~~ precise required setbacks, provide a site restoration program where necessary, and provide other information, analysis and modifications appropriate to protect the resource.

{BOS app. 10/2/2012, 11/13/2013, 1/15/2013, 2/26/2013}

{PC app. 12/1/11, 6/28/10}

*{Adapted from the concept of Unit II Natural Resources Policy 5.b, p. 74}*



**C-BIO-3 ESHA Buffers.**

1. In areas adjacent to ESHAs and parks and recreation areas, site and design development to prevent impacts that would significantly degrade those areas, and to be compatible with the continued viability of those habitat and recreation areas.
2. Provide buffers for wetlands, streams and riparian vegetation in accordance with C-BIO-19 and C-BIO-24, respectively.
3. Establish buffers for terrestrial ESHA to provide separation from development impacts. Maintain such buffers in a natural condition, allowing only those uses that will not significantly degrade the habitat. Buffers for terrestrial ESHA shall be 50feet, a width that may be adjusted by the County as appropriate to protect the habitat value of the resource, but in no case shall be less than 25 feet. Such adjustment shall be made on the basis of a biological site assessment supported by evidence that includes but is not limited to:
  - a. Sensitivity of the ESHA to disturbance;
  - b. Habitat requirements of the ESHA, including the migratory patterns of affected species and tendency to return each season to the same nest site or breeding colony;
  - c. Topography of the site;
  - d. Movement of stormwater;
  - e. Permeability of the soils and depth to water table;
  - f. Vegetation present;
  - g. Unique site conditions;
  - h. Whether vegetative, natural topographic, or built features (e.g., roads, structures) provide a physical barrier between the proposed development and the ESHA; and
  - i. The likelihood of increased human activity and disturbance resulting from the project relative to existing development.

~~{BOS app. 10/2/2012, 11/13/2012}~~

**C-BIO-4 Protect Major Vegetation.** Require a Coastal Permit for the removal or harvesting of major vegetation other than for agricultural purposes. ~~Coastal Permits shall allow the management or removal of major vegetation where necessary to minimize risks to life and property or to promote the health and survival of surrounding vegetation native to the locale. Such major vegetation removal shall while avoiding adverse impacts to an ESHA, or its buffer, coastal waters, and public views, and shall not conflict with prior conditions of approval, and shall be consistent with Policy C-DES-11 (Minimization of Fuel Modification) and Policy C-EH-25 (Vegetation Management in an ESHA).~~

~~{BOS app. 10/2/2012}~~

~~{PC app. 2/13/12, 1/23/12, 6/28/10}~~

~~*{Adapted from Unit I Habitat Protection Policy 22, p. 34, and Interim County Code Section 22.56.055}*~~

**Program C-BIO-4.b Integrated Planning for Fire Risk, Habitat Protection, and Forest Health.** Develop a Coastal Permit process that protects coastal resources and allows for expedited review of projects related to the management or removal of major vegetation to minimize risks to life and property or to promote the health and survival of surrounding vegetation native to the locale.

~~{PC app. 1/23/12}~~

~~*{New Program, not in Unit I or II}*~~

**C-BIO-5 Ecological Restoration.** Encourage the restoration and enhancement of degraded ESHAs and the creation of new ESHAs, and streamline regulatory processes whenever possible to facilitate the successful completion of restoration projects.

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

~~*[New policy, not in Unit I or II]*~~

**Program C-BIO-5.a Determine Locations**

**of ESHAs.** Continue to update the process for determining whether projects are within or adjacent to ESHAs. The process shall continue to be based on the best available scientific and geographic information and assure an adequate level of review commensurate with the nature and scope of the project and the potential existence of an ESHA.

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

~~*[New program, not in Unit I or II]*~~

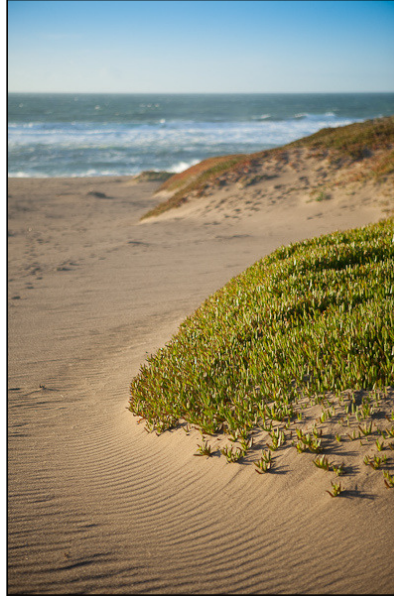
**Program C-BIO-5.b “Safe Harbor” for Expansion**

**of ESHA.** Consider a future work item to encourage the expansion of ESHAs by establishing policies, procedures and criteria that would allow such enhancements and protect sensitive resources while maintaining pre-existing buffers. The size of any buffer designated as a result of this program would not be a precedent for the size of any buffer on any other development site. This program would lead to policies and implementing measures that would be subject to review and certification as an amendment to the LCP.

~~{BOS app. 10/2/2012, 11/13/2012}~~

~~(PC app. 1/23/12, 12/1/11, 6/28/10)~~

~~*[New program, not in Unit I or II]*~~



**C-BIO-6 Invasive Plants.** Where feasible, require the removal of non-native, invasive plant species such as pampas grass, brooms, iceplant, thistles and other invasive plant species on the list maintained by the California Invasive Plant Council in the areas of development and revegetate those areas with native plants as specified in Coastal Permit approvals. Ensure that required landscaping avoids use of non-native, invasive trees and plants in accordance with Policy C-DES-9 Landscaping. This policy does not apply to agricultural crops and pastures.

~~{BOS app. 10/2/2012}~~

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

~~*[Adapted from Unit I Habitat Protection Policy 28, p. 34]*~~

**C-BIO-7 Coastal Dunes.** Prohibit development in coastal dunes to preserve dune formations, vegetation, and wildlife habitats. Prevent overuse in dune areas by mechanisms such as restricting parking, and directing pedestrian traffic through signage and sand fencing to areas capable of sustaining increased use. Prohibit motor vehicles in dune areas except for emergency purposes, and prohibit motor vehicles in non-dune beach areas except for emergency and essential maintenance purposes and where previously coastal permitted.

~~{BOS app. 10/2/2012, 11/13/2012, 1/15/2013}~~

~~(PC app. 2/13/12, 12/1/11, 6/28/10)~~

~~*[Adapted from Unit II Natural Resources Policy 5.a, p. 74]*~~

**C-BIO-8 Stringline Method of Preventing Beach Encroachment.** In a developed area where most lots are developed and where there are relatively few vacant lots, no part of a proposed new development (other than an allowable shoreline protective device), including decks, shall be built farther onto a beachfront than a line drawn between the most seaward portions of the adjacent structures. Enclosed living space in a new unit or addition shall not extend farther seaward than a second line drawn between the most seaward portions of the enclosed living space of the adjacent structures.

[BOS app. 10/2/2012]

*[New policy, not in Unit I or II]*

**C-BIO-9 Stinson Beach Dune and Beach Areas.** Prohibit development that would adversely impact the natural sand dune formation and sandy beach habitat in the areas west of the paper street Mira Vista and the dry sand areas west of the Patios. Prohibit development west of Mira Vista, including erection of fences, signs, or other structures, to preserve the natural dune habitat values, vegetation and contours, as well as the natural sandy beach habitat. Continue to pursue a land trade between the lots seaward of Mira Vista and the street right-of-way to more clearly establish and define the public beach boundaries ~~between public and private beach areas.~~

Site development of other shorefront lots within the Stinson Beach and Seadrift areas outside of the natural sand dune formations, consistent with LUP Policy C-BIO-7 (Coastal Dunes). Where no dunes are evident, any new development on shorefront lots shall be set back behind the first line of terrestrial vegetation ~~to the maximum extent feasible~~ as far as is necessary to demonstrate required stability and hazards protection per Policy C-EH-2, in order to minimize avoid the need for protective works, protect sandy beach habitat, and provide a buffer area between private and public use areas to protect both the scenic and visual character of the beach, and the public right of access to the use and enjoyment of ~~dry~~ sand areas.

~~[BOS app. 11/13/2012, 1/15/2013]~~

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

*~~[Adapted from Unit I Natural Dune and Sandy Beach Protection Policies 19 and 20, p. 29]~~*



**C-BIO-10 Roosting and Nesting Habitat.**

Prohibit the alteration or removal of groves of trees that provide colonial nesting and roosting habitat for monarch butterflies or other wildlife, except where the trees pose a threat to life or property.

[BOS app. 10/2/2012]

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

*~~[Adapted from Unit I Habitat Protection Policy 22, p. 34]~~*

**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 disruption in nesting and roosting activities and designed to avoid impacts on the habitat area. Time such development activities so that disturbance to nesting and breeding wildlife is ~~minimized~~ avoided. To the extent feasible, use native vegetation for landscaping.

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

*~~[Adapted from Unit I Habitat Protection Policy 23, p. 34]~~*

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**Program C-BIO-11.a Grassy Uplands Surrounding Bolinas Lagoon.** Collect and evaluate data and studies to determine the habitat values of upland grassland feeding areas around Bolinas Lagoon for shorebirds, and develop effective policies to protect these areas against significant disruption of habitat values. Limited agricultural use of these lands may be permitted consistent with all other applicable policies.

~~{BOS app. 10/2/2012}~~

~~{PC app. 12/1/11, 1/24/11}~~

~~*{Adapted from Unit I Habitat Protection Policy 26, p. 34}*~~

**C-BIO-14 Wetlands.** Preserve and maintain wetlands in the Coastal Zone as productive wildlife habitats and water filtering and storage areas, and protect wetlands against significant disruption of habitat values. Prohibit grazing or other agricultural uses in a wetland, except for ongoing agricultural activities in those areas used for such activities prior to April 1, 1981, the date on which Marin's LCP was first certified.

~~Where there is evidence that a wetland emerged primarily from agricultural activities (e.g., livestock management, tire ruts, row cropping) and does not provide habitat for any species that meet the definition of ESHA, such wetland may be used and maintained for agricultural purposes and shall not be subject to the buffer requirements of C-BIO-19 (Wetland Buffers).~~

~~{BOS app. 10/2/2012, 11/13/2012}~~

~~{PC app. 2/13/12, 1/23/12, 6/28/10}~~

~~*{Adapted from Unit II Natural Resources Policy 4 (a—c), p. 74}*~~

**C-BIO-15 Diking, Filling, Draining and Dredging.** Diking, filling, draining and dredging of coastal waters can have significant adverse impacts on water quality, marine habitats and organisms, and scenic features. Limit strictly the diking, filling, and dredging of open coastal waters, wetlands, and estuaries to the following purposes:

1. New or expanded commercial fishing facilities.
2. Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.
3. Incidental public service purposes, including burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.
4. Mineral extraction, including sand for restoring beaches, except in ESHAs.
5. Restoration purposes.
6. Nature study, aquaculture, or similar resource-dependent activities.
7. Excluding wetlands, new or expanded boating facilities and the placement of structural pilings for public recreation piers that provide public access and recreational opportunities may be permitted.
8. In the Esteros Americano and de San Antonio, limit any alterations to those for the purposes of scientific study and restoration.

~~{BOS app. 11/13/2012, 7/30/2013}~~

~~{PC app. 12/1/11, 1/24/11}~~

~~*{Adapted from Unit II Diking, Filling and Dredging Policies 1 and 2, p. 136}*~~

**C-BIO-17 Conditions and Standards for Diking, Filling, Draining, and Dredging.** Diking, filling, draining or dredging may be permitted for the purposes specified in policy C-BIO-15 above provided that all of the following conditions and standards are met:

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1. There is no feasible less environmentally damaging alternative.
2. Mitigation measures have been provided in accordance with Policy C-BIO-21 (Wetland Impact Mitigation) in order to minimize adverse environmental effects.
3. The activities are planned, scheduled, and carried out to avoid significant disruption to marine and wildlife habitats, fish and bird breeding and migrations, and water circulation.
4. The need for both initial and maintenance dredging shall be minimized by careful design and location of facilities with respect to existing water depths, water circulation, siltation patterns, and by efforts to reduce controllable sedimentation.
5. In estuaries and wetlands, the diking, filling, or dredging shall maintain or enhance the functional capacity of the wetland or estuary.

~~{BOS app. 10/2/2012}~~

~~{PC app. 12/1/11, 6/28/10}~~

~~*{Adapted from Unit II Diking, Filling and Dredging Policy 3, p. 137}*~~

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

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

~~{BOS app. 10/2/2012}~~

~~{PC app. 12/1/11, 6/28/10}~~

~~*{Adapted from Unit II Diking, Filling and Dredging Policy 4, p. 137}*~~

**C-BIO-19 Wetland Buffers.** Consistent with Policy C-BIO-3.1 (ESHA Buffers), maintain a buffer area, a minimum of 100 feet in width, in a natural condition along the periphery of all wetlands. A wider buffer may be required based on the results of a site assessment, ~~if such an assessment is determined to be necessary, and the site assessment concludes that evidences~~ that a buffer greater than 100 feet in width is necessary to protect wetland resources from the impacts of the proposed development, including construction and post-construction impacts. No development shall be permitted within the wetland buffer, unless such development is authorized by C-BIO-2 (ESHA Protection), C-BIO-14 (Wetlands), C-BIO-15 (Diking, Filling, Draining and Dredging), or C-BIO-20 (Wetland Buffer Adjustments).

~~{BOS app. 10/2/2012, 11/13/2012}~~

~~{PC app. 12/1/11, 6/28/10}~~

~~*{Adapted from Unit I Lagoon Protection Policy 18, p. 28, and Unit II Natural Resources Policy 4.d, p. 74}*~~

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

1. A Coastal Permit that requires a buffer adjustment to less than 100 feet may be considered only if it conforms with zoning and:

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- a. It is proposed on a legal lot of record located entirely within the buffer; or
  - b. It is demonstrated that permitted development cannot be feasibly accommodated entirely outside the required buffer; or
  - c. It is demonstrated that the permitted development outside the buffer would have greater impact on the wetland and the continuance of its habitat than development within the buffer; or
  - d. The wetland was constructed out of dry land for the treatment, conveyance or storage of water, its construction was authorized by a coastal permit (or pre-dated coastal permit requirements), it has no habitat value, and it does not affect natural wetlands.
2. A buffer adjustment may be granted only if supported by the findings of a site assessment which demonstrate that the adjusted buffer, in combination with incorporated siting, design or other mitigation measures, will prevent impacts that significantly degrade the wetland and will be compatible with the continuance of the wetland ESHA.
3. A Coastal Permit authorizing a buffer adjustment shall require measures that create a net environmental improvement over existing conditions, in addition to what is otherwise required by minimum applicable site development standards. Such measures shall be commensurate with the nature and scope of the project and shall be determined at the site level, supported by the findings of a site assessment or other technical document. Work required in accordance with this Policy shall be completed prior to occupancy. Appropriate measures may include but are not limited to:
- a. Retrofitting existing improvements or implementing new measures to reduce the rate or volume of stormwater run-off and improve the quality of stormwater run-off (e.g., use of permeable “hardscape” materials and landscape or site features designed to capture, absorb and filter stormwater; etc.);
  - b. Elimination of on-site invasive species;
  - c. Increasing native vegetation cover (e.g., expand continuous vegetation cover; reduce turf areas; provide native groundcover, shrubs and trees; etc.);
  - d. Reduction in water consumption for irrigation (e.g., use of drought-tolerant landscaping or high efficiency irrigation systems, etc.); and
  - e. Other measures that reduce overall similar site-related environmental impacts.
1. The buffer shall not be adjusted to a distance of less than 50 feet in width from the edge of the wetland.

~~{BOS app. 10/2/2012, 11/13/2012, 1/15/2013, 2/26/2013}~~

~~{PC app. 12/1/11, 6/28/10}~~

~~[New policy, not in Unit I or II]~~

**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. Mitigations shall meet the following criteria:

- 1. No net losses shall occur in wetland acreage, functions, or values. This ~~should~~ includes both direct impacts on wetlands and essential buffers, and consideration of potential indirect effects of



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development due to changes in available surface water and nonpoint water quality degradation. Detailed review of the adequacy of a proposed mitigation plan shall be performed as part of any ~~required~~ environmental and permit review of the proposed development project to allow for a thorough evaluation of the anticipated loss, as well as the replacement acreage, functions, and values.

2. Restoration of degraded wetlands is generally preferred to creation of new replacement wetlands, due to the greater likelihood of success.
3. Mitigation shall be implemented prior to and/or concurrently with the project activity causing the potential adverse impact to minimize any short-term loss and modification to wetlands.
4. An area of adjacent upland habitat shall be protected to provide an adequate buffer for wetland functions and values. Development shall be set back the minimum distance specified in Policy C-BIO-19 (Wetland Buffers) to create this buffer, unless an adjustment is allowed and appropriate mitigation is provided where necessary, pursuant to Policy C-BIO-20 (Wetland Buffer Adjustments).
5. Mitigation sites shall be permanently protected and managed for open space and wildlife habitat purposes.
6. Mitigation projects must to the extent feasible minimize the need for ongoing maintenance and operational manipulation (e.g., dredging, artificial water-level controls, etc.) to ensure long-term success. Self-sustaining projects with minimal maintenance requirements constitute the primary objective and are encouraged.
7. All plans to mitigate or minimize adverse impacts to wetland environments shall include provisions to monitor the success of the restoration project. The measures taken to avoid adverse impacts may be modified if the original plans prove unsuccessful. Performance bonds shall be required for all mitigation plans involving habitat creation or enhancement, including the cost of monitoring for at least five years post-completion, or as long as necessary to ensure success criteria are achieved.
8. Mitigation must be commensurate with adverse impacts of the wetland alteration and consist of providing similar values and greater wetland acreage than those of the wetland area adversely affected. All restored or created wetlands shall be provided at the minimum replacement ratio specified in this Policy (C-BIO-21) and shall have the same or increased habitat values as the wetland proposed to be ~~destroyed~~ impacted.

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 period of time not to exceed 12 months.

~~{BOS app. 10/2/2012}~~

~~{PC app. 12/1/11, 6/28/10}~~

~~*{New policy, not in Unit I or II}*~~

**C-BIO-22 Tomales Bay Shoreline.** As part of the application for a coastal permit on any parcel adjacent to Tomales Bay, except where there is no evidence of wetlands, require the applicant to submit supplemental



biological information prepared by a qualified biologist at a scale sufficient to identify the extent of the existing wetlands, based on Section 30121 of the Coastal Act and the area of the proposed buffer areas.

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

~~*{Adapted from Unit II Natural Resources Policy 4.e, p. 74}*~~

**C-BIO-23 Marine Resources.** Maintain, enhance, and, where feasible, restore marine resources. Provide special protection to areas and species of special biological or economic significance. Carry out uses of the marine environment in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

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

~~*{New policy, not in Unit I or II}*~~

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

1. Stream alterations. Limit channelizations, diversions, dams, or similar substantial alterations of coastal streams to the following purposes:
  - a. Necessary water supply projects where no other less environmentally damaging method of water supply is feasible;
  - b. Flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development; or
  - c. Developments where the primary function is the improvement of fish and wildlife habitat.

Before any such substantial alterations that would significantly disrupt the habitat value of a stream are permitted, minimum flows necessary to maintain fish habitat and water quality, and to protect downstream resources (e.g. riparian vegetation, groundwater recharge areas, receiving waters, spawning habitats, etc.) and downstream users shall be determined by the Department of Fish and Wildlife and the Division of Water Rights of the State Water Resources Control Board. Prohibit new impoundments which, individually or cumulatively, would decrease streamflows below the minimum.

2. Access and Utility Crossings. Access and utility crossings shall be accomplished by clear span bridging, unless other methods are determined to be less disruptive to the stream and/or riparian ESHA. Wherever possible, shared bridges or other crossings shall be used to provide access and utilities to groups of lots covered by this policy. Bridge abutments shall be located outside stream channels and designed to minimize disturbance of riparian vegetation.
3. Conditions. Minimize the alteration of streams allowed for the purposes listed in (1) and (2) above in order to protect streamwater quality and the volume and rate of streamflow. Require all developments to incorporate the best mitigation measures feasible, including erosion and runoff control measures, and re-vegetation of disturbed areas with native species. Minimize the disturbance of riparian vegetation and require revegetation.

~~{BOS app. 10/2/2012, 11/13/2012}~~

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

~~*{Adapted from Unit I Stream Protection Policies 1 and 2, p. 19, and Unit II Natural Resources Policy 3, p. 72}*~~

**C-BIO-“TBD” Coastal Stream and Riparian Vegetation Buffers.** Consistent with Policy C-BIO-3.1 (ESHA Buffers), establish buffers to protect streams from the impacts of adjacent uses including development impacts from construction and post-construction activities, and maintain such buffers in a



natural condition. The buffer shall be the wider of the following on both sides of the stream: (a) the area 50 feet landward from the outer edge of the riparian vegetation, or (b) the area 100 feet landward from the top of the stream banks, or (c) as recommended by the biological site assessment per C-BIO-2. No development shall be permitted in the stream or riparian vegetation buffer unless such development is authorized by C-BIO-2 (ESHA Protection), C-BIO-24 (Coastal Streams and Riparian Vegetation) or C-BIO-25 (Stream and Riparian Buffer Adjustments).

[BOS app. 10/2/2012, 11/13/2012]

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

[Adapted from Unit I Stream Protection Policy 3, p. 19, and Unit II Natural Resources Policy 3, p. 72]

#### **C-BIO-25 Stream Buffer Adjustments and Exceptions.**

1. A ~~Coastal Permit that requires a~~ buffer adjustment to less than that required by C-BIO-TBD may be considered only if it conforms with zoning and:
  - a. It is proposed on a legal lot of record located entirely within the buffer; or
  - b. It is demonstrated that permitted development cannot be feasibly accommodated entirely outside the required buffer; or
  - c. It is demonstrated that the permitted development outside the buffer would have greater impact on the stream or riparian ESHA and the continuance of its habitat than development within the buffer.
2. A buffer adjustment may be granted only if supported by the findings of a site assessment which demonstrate that the adjusted buffer, in combination with incorporated siting, design or other mitigation measures, will prevent impacts that significantly degrade the stream or riparian vegetation, and will be compatible with the continuance of the stream/riparian ESHA.
3. A Coastal Permit authorizing a buffer adjustment shall require measures that create a net environmental improvement over existing conditions, in addition to what is otherwise required by minimum applicable site development standards. Such measures shall be commensurate with the nature and scope of the project and shall be determined at the site level, supported by the findings of a site assessment or other technical document. Work required in accordance with this Policy shall be completed prior to occupancy. Appropriate measures may include but are not limited to:
  - a. Retrofitting existing improvements or implementing new measures to reduce the rate or volume of stormwater run-off and improve the quality of stormwater run-off (e.g., permeable “hardscape” materials and landscape or site features designed to capture, absorb and filter stormwater);
  - b. Elimination of on-site invasive species;
  - c. Increasing native vegetation cover (e.g., expand continuous riparian vegetation cover; reduce turf areas; provide native groundcover, shrubs and trees; etc.);
  - d. Improvement of streambank or in-stream conditions (e.g., ~~replace-remove hard bank~~ armoring, slope back streambanks, create inset floodplains, install large woody debris structures, etc.), in order to restore habitat and more natural stream conditions;
  - e. Reduction in water consumption for irrigation (e.g., use of drought-tolerant landscaping or high efficiency irrigation systems, etc.);
  - f. Other measures that reduce overall similar site-related environmental impacts.
4. The buffer shall not be adjusted to a distance of less than 50 feet in width from the edge of the stream/riparian ESHA.

[BOS app. 10/2/2012, 11/13/2012, 1/15/2013, 2/26/2013]

(PC app. 2/13/12, 12/1/11, 6/28/10)

[Adapted from Unit I Stream Protection Policy 4, p. 19]

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**C-BIO-26 Diversions Outside the Coastal Zone.** Require that the impacts from diversion projects, especially on the two major tributaries to Tomales Bay, Walker and Lagunitas Creeks, be fully studied through the CEQA and coastal permit process before they are permitted to proceed and in all cases, require mitigation and enhancement measures to ensure that coastal resources influenced by freshwater inflows are not significantly damaged.

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

~~*[Adapted from Unit II Natural Resources Policy 3.e, p. 73]*~~

**C-BIO-27 Federal Projects.** Federal projects which 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)~~

~~*[Adapted from Unit II Federal Parklands Policy 3, p. 61]*~~

**C-BIO-28 California Parks and Recreation.** Support and encourage the environmental conservation, land and easement acquisition, and habitat restoration efforts of the California Department of Parks and Recreation.

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

~~*[New policy, not in Unit I or II]*~~

**C-BIO-29 Marin County Parks.** Support and encourage the environmental conservation, land and easement acquisition, and habitat restoration efforts of the Marin County Parks Department. In particular, conservation activities related to beach areas, lagoons, wetlands, streams, existing and potential boat launching sites, recreational areas, and Tomales Bay and its shoreline are considered a high priority in the Coastal Zone.

~~[BOS app. 10/2/2012]~~

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

~~*[New policy, not in Unit I or II]*~~







### Mariculture (MAR)

#### Background

Mariculture represents an important economic activity in the Marin County Coastal Zone, and its products such as oysters and other shellfish provide an important source of protein. Locally raised shellfish, along with local agricultural products, draw visitors to the area and makes the Coastal Zone a more desirable place to live and visit. Oyster farms in Marin County are abundant and expansive, providing local jobs and acting as a major source of local food production. Mariculture exists as a vital component of the Coastal Zone community, as an essential element in local food production and a significant provider of visitor-serving uses, and should thus be protected and supported to ensure its continued vitality.

There is increasing interest in sustainable food production methods in California and beyond, including mariculture operations. The use of coastal waters for food production also heightens interest in protecting the quality of coastal waters, because healthy shellfish depend in part on unpolluted waters. According to the California Department of Fish and Game, Drakes Estero and Tomales Bay are among California's leading mariculture settings. Although the shucked weight of oysters raised has fluctuated widely over past decades, their dollar value has climbed steadily, reflecting increased consumer interest in oysters produced for the half-shell trade rather than shucked and jarred product.<sup>1</sup>

Coastal Act policies place a high priority on coastal-dependent land uses such as aquaculture, and protect oceanfront lands suitable for such uses. Aquaculture facilities that require diking, filling, or dredging of coastal waters are allowed under Coastal Act policies, which in general strictly limit such activities. In cases where such activities are allowed, they are required to be carried out in a way that minimizes or avoids potentially harmful impacts.

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<sup>1</sup> California Department of Fish and Game (2008). *Marine Status Report*. Retrieved from <http://www.dfg.ca.gov/marine/status/report2008/entire.pdf>

LCP policies support food production, including mariculture, while protecting other resources such as wildlife, water quality, and visual resources. Because existing mariculture operations in Marin County take place in submerged areas that are under the permit jurisdiction of agencies such as the Coastal Commission and the Department of Fish and Game, the LCP emphasizes general support for mariculture, while avoiding site-specific policy provisions.

### Policies

**C-MAR-1 Support Mariculture.** Support and encourage mariculture in the Coastal Zone for the purposes of producing food, enhancing and restoring fisheries stocks, and contributing to the economy of the state and Marin County, ~~while providing for consistent with the protection of other priority uses, such as commercial fishing, coastal recreational such as clamming and boating, and the protection of coastal wildlife marine biological resources,~~ water quality, and visual resources. Support provision for onshore facilities necessary to support mariculture operations in coastal waters.

(PC app. 12/1/11, 3/8/10)

[\*\[Adapted from Unit II Mariculture Policy I, p. 113\]\*](#)

**C-MAR-3 Apply General Standards to Mariculture Operations.** ~~The coastal permitting agency (Coastal Commission and/or Marin County)~~ shall apply the following standards and procedures to all mariculture operations:

1. Protection of eelgrass beds. The siting of oyster allotments, mariculture leases, and mariculture structures ~~should~~ shall avoid ~~interference disturbance~~ or damage to eelgrass beds ~~in Tomales Bay, in conformance with Section 30.10, Title 14, California Code of Regulations.~~
2. Operator access. Public agencies should be encouraged to consider operator access to mariculture leaseholds.
3. Shoreline access. Mariculture operations and onshore support facilities shall incorporate provisions for public access to and along the shoreline unless such access would interfere with mariculture and the impacts from access cannot be mitigated to less than significant levels. In evaluating coastal permits for mariculture, the County shall consider the location of existing accessways and potential conflicts between mariculture and public use of the shoreline.
4. Boating access. The placement of structures within new or existing allotments and leases shall not interfere with public boating access at high tide to state lands within the leased areas. If boat passages are proposed, they shall be spaced at a minimum of one passage per 1/2 mile of shoreline.



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5. Onshore support facilities. Applicants for a coastal permit shall specify what access points and onshore support facilities (e.g., boat launch, loading dock, etc.) are required for the proposed mariculture operation, where such facilities will be located, and the timing of use. If private lands will be used for access or support facilities, the applicant shall submit a written statement from the property owner(s) agreeing to such use. If public lands will be used for access or support facilities, the applicant shall arrange a lease with the appropriate public agency specifying the type, location, and timing of use which is acceptable.
6. Visual impacts. Mariculture structures shall be sited and designed to minimize visual impacts, especially in areas which are highly visible from public roads, parks, or other public viewing areas.

(PC app. 12/1/11, 3/8/10)

*[Adapted from Unit II Mariculture Policy 2, pp. 113-116]*









## Water Resources (WR)

### Background

Coastal residents and visitors depend on healthy watersheds, as do wildlife and plant communities. Drinking water in the Marin County Coastal Zone comes from local springs, streams, and wells. Wildlife depends on uncontaminated water sources for healthy growth and reproduction. Coastal visitors provide significant economic benefits to coastal communities and are drawn by the unspoiled nature of the County's resources, including its lakes, streams, bays, and other waters (see Map 8 – Major Watersheds).

Past and present development practices and land uses have created adverse impacts to water quality and water resources. Tomales Bay, Walker Creek, and Lagunitas Creek have been designated by the State Water Resources Control Board as impaired water bodies, based on the presence of pollutants such as sediments and nutrients. Other pollutants, such as oil, grease, and heavy metals, are also present in the watersheds of the Coastal Zone. Land development and construction activities are key contributors to sedimentation and nutrient inputs to coastal waterways, and consequently land use regulations are an important way of reducing those pollutants. Furthermore, sewage disposal methods may contribute to nutrient loads in waterways, and parking and transportation facilities can contribute oil, grease, and heavy metals to coastal waters.

The predominant land use in the coastal zone is agriculture. Stormwater discharge from poorly managed grazing operations may contain pathogens, ammonia, salts, and excess sediment. The State and Regional Water Quality Control Boards regulate various aspects of agricultural wastewater management, and a variety of programs are available for ranchers to minimize impacts on water quality. The San Francisco Bay Regional Water Quality Control Board received a status report in June 2011 that shows that substantial progress was being made in implementation of the Tomales Bay Watershed Grazing Waiver. The Grazing Waiver implements the Tomales Bay pathogen Total Maximum Daily Load (TMDL) and the Walker Creek Mercury TMDL, adopted by the Regional Board, and the State Water Board's Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program. The goals of the Grazing Waiver are to improve and protect water quality and biological resources while promoting sustainable grazing. According to the report to the Regional Board, nearly all active grazing lands in the

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Tomales Bay watershed are now covered by the Grazing Waiver. A partnership of entities in the watershed is providing valuable compliance assistance to the ranchers, and grant and contract funds have been awarded to assist the ranchers.

Upstream diversions, some of them outside the coastal zone, of coastal streams such as Lagunitas Creek have reduced vital freshwater inflows to both Tomales Bay and Bolinas Lagoon. Malfunctioning septic systems form a source of pollution for coastal waters.

The Coastal Act mandates protection and, where feasible, the restoration of biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health. In January 2000, the Coastal Commission, along with the State Water Resources Control Board, adopted the Nonpoint Source Program Strategy and Implementation Plan 1998-2013. The Plan states that nonpoint source pollution is the leading cause of water quality impairment in California and elsewhere in the nation, and that land use activities are a primary contributor to nonpoint source pollution in California. The Coastal Commission has emphasized the incorporation of land use measures into Local Coastal Programs to address the impacts of polluted runoff and to protect coastal water quality.

The Local Coastal Program (LCP) aims to improve the protection of coastal waters by addressing all phases of development, including design, construction, and post-construction maintenance of facilities. LCP policies ~~would~~ incorporate the concept of Best Management Practices, in order to acknowledge continuing improvements in technology and development practices.

## Policies

**C-WR-1 Water Quality Protection and Biological Productivity.** Monitor, protect, and enhance the quality of coastal waters for the benefit of natural communities, human health, recreational users, and the local economy. Maintain and, where feasible, restore the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health through means such as minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alterations of natural streams.

~~(PC app. 2/13/12, 12/1/11, 1/25/10)~~

~~[New policy, not in Unit I or II]~~

**C-WR-2 Water Quality Impacts of Development Projects.** Site and design ~~public and private~~ development, ~~including 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 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 County staff, a project 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.

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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. 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 impervious area;
2. Limiting site disturbance;
3. Protecting areas that are particularly susceptible to erosion and sediment loss, ensuring that water runoff beyond pre-project levels is retained on site whenever possible, and using other Low Impact Development (LID) techniques; and
4. Methods that reduce potential pollutants at their sources and/or avoid entrainment of pollutants in runoff. Such methods include scheduling construction based on time of year, prohibiting erosion-causing practices, and implementing maintenance and operational procedures. Examples include covering outdoor storage areas, using efficient irrigation, and minimizing the use of landscaping chemicals.

~~(PC app. 1/23/12, 12/1/11, 1/25/10)~~

~~[Adapted from Unit II New Development and Land Use Policy 6, p. 208]~~

### **Program C-WR-2.a Apply Appropriate Best Management Practices to Coastal Permits.**

The Community Development Agency shall conduct a review with the Department of Public Works to determine appropriate water quality design standards, performance criteria, and Best Management Practices (BMPs), which shall be incorporated in applicable coastal permits.

~~(PC app. 12/1/11, 1/25/10)~~

~~[New program, not in Unit I or II]~~

**C-WR-3 Storm Water Runoff.** Where a project would add or create a total of 10,000 square feet or more of impervious surface (collectively over the entire project site) or 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 and velocity of runoff from the project site for 2- and 10-year intensity storms do not exceed the peak flow and velocity of runoff from the site in its pre-project (existing) state. Where a drainage problem unrelated to a proposed project already exists, the project applicant and neighboring property owners shall be encouraged to develop a solution.

~~(PC app. 1/23/12, 1/25/10)~~

~~[Adapted from Unit I New Development and Land Use Policy 26, p. 67, and Unit II New Development and Land Use Policy 6.f, p. 208]~~

**C-WR-4 Grading and Vegetation Removal.** Design development to fit a site's topography, soils, geology, hydrology, and any other existing conditions. Orient development so that grading, cut and fill operations, and other site preparation are kept to an absolute minimum. Natural features, landforms, and native vegetation shall be preserved to the maximum extent feasible. Areas of a site which are not suited to development because of known soil, geologic, flood, erosion or other hazards shall be kept undeveloped.

~~(PC app. 12/1/11, 3/16/09)~~

~~[Adapted from Unit I New Development and Land Use Policy 24, p. 66, and Unit II New Development and Land Use Policy 6.a, p. 208]~~

**C-WR-5 Cut and Fill Slopes.** Design cut and fill slopes so that they are no steeper than is safe for the subject material or necessary for the intended use. A geotechnical report may be required.

~~(PC app. 12/1/11, 3/16/09)~~

*[Adapted from County Code Section 24.04.640]*

**C-WR-6 Soil Exposure.** Allow any necessary grading operations only such that the smallest practicable area of land shall be exposed at any one time during development and the length of exposure shall be kept to the shortest practicable time. Erosion and sedimentation control measures shall be incorporated in development plans. An erosion and sedimentation control plan, subject to approval by the Department of Public Works, shall be required for development of any site of 1 acre or more in size or, at the discretion of the Department of Public Works, for any site of less than 1 acre because of a high risk of erosion and sedimentation. Such plan is also required for projects listed under Policy C-WR-14 that involve grading.

~~(PC app. 12/1/11, 3/16/09)~~

~~*[Adapted from Unit I New Development and Land Use Policy 25, p. 66, and Unit II New Development and Land Use Policy 6.b, p. 208]*~~

**C-WR-7 Wintertime Clearing and Grading.** Avoid land clearing and grading during the winter rainy season (*i.e.*, October 15th through April 15th). Ensure that all measures for removing sediments and stabilizing slopes shall be in place before the beginning of the rainy season. Permit land clearing and grading during the rainy season only upon prior approval by the Department of Public Works of an erosion control plan, which shall demonstrate that at no stage of the work will there be any substantial risk of increased sediment discharge from the site.

~~(PC app. 12/1/11, 3/16/09)~~

~~*[Adapted from Unit I New Development and Land Use Policy 25, p. 66, Unit II New Development and Land Use Policy 6.b, p. 208, and from County Code Sections 22.70.070.C.3 and 24.04.625]*~~

**C-WR-8 Disturbed Soils.** Use temporary vegetation, seeding or hydroseeding with non-invasive native seeds, mulching, or other suitable stabilization methods to protect soils that have been exposed during grading or development. Stabilize cut and fill slopes immediately with plantings of native species, ~~appropriate non-native plants,~~ or with accepted landscaping practices.

~~(PC app. 2/13/12, 12/1/11, 3/16/09)~~

~~*[Adapted from Unit I New Development and Land Use Policy 26, p. 66, and Unit II New Development and Land Use Policy 6.d, p. 209]*~~



**C-WR-9 Topsoil.** Where topsoil is removed by grading operations, stockpile it for reuse and protect it from compaction and wind or erosion during stockpiling.

~~(PC app. 12/1/11, 3/16/09)~~

~~*[Adapted from Unit I New Development and Land Use Policy 26, p. 66, and Unit II New Development and Land Use Policy 6.e, p. 209]*~~

**C-WR-10 Construction-Phase Sediment Basins.** Install sediment basins (including debris basins, desilting basins, or silt traps) required by erosion control plans or otherwise necessary to control sedimentation during construction on the project site in conjunction with initial grading operations. Maintain sediment basins throughout the development process to remove sediment from runoff waters. All sediment shall be retained on site unless removed to an approved dumping location.

(PC app. 12/1/11, 3/16/09)

*[Adapted from Unit II New Development and Land Use Policy 6.e, p. 208]*

**C-WR-12 Maintenance of Water Quality Control Facilities.** If structural and/or treatment control facilities are incorporated in a project, require the applicant to submit a monitoring and maintenance plan indicating how such facilities will be adequately maintained by the applicant and any subsequent property owner after construction is complete. Where a proposed development project involves a land subdivision or homeowners' association, require assignment of responsibility for maintenance of structural and treatment control measures to a homeowners' association or other appropriate entity.

(PC app. 12/1/11, 3/16/09)

*[New policy, not in Unit I or II]*

**C-WR-13 Site Plan Contents – Post-Construction Element.** At the discretion of the Department of Public Works based on the scale or potential water quality impacts of a proposed project, require that a coastal permit application for new development be accompanied by a site plan containing a Post-Construction Element. This Post-Construction Element shall detail how storm water and polluted runoff will be managed or mitigated following project construction, utilizing both source control and treatment control measures, and both structural and non-structural measures.

(PC app. 12/1/11, 3/16/09)

*[New policy, not in Unit I or II]*

**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 the current NPDES Municipal Stormwater permit are met, whichever is stricter. The applicant shall submit a preliminary plan with a post-construction element prepared by an appropriately licensed California professional. The plan shall address erosion, sedimentation, and pollutants of concern. Developments to be considered as High-Impact Projects shall include the following:

1. 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.
2. 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 storm water runoff from any part of the property including fueling areas, repair and maintenance areas, loading/unloading areas, and vehicle/equipment wash areas.
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. Development of 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. Development that will:
  - a. Result in the creation, addition, or replacement of 5,000 square feet or more of impervious surface, and

## Natural Systems and Agriculture

- b. Occur within ~~±200~~ feet of the ocean, ~~or~~ coastal ~~waters~~ wetlands or streams, or ESHA, or discharge runoff directly to the ocean, coastal waters, or to a stream or wetland buffer as defined by the Biological Resource policies of the LCP.

“Discharge runoff directly” is defined as runoff that flows from the development to the ocean, coastal waters, or to a stream or wetland buffer that is not first combined with flows from any other adjacent areas.

7. Development that will result in the creation, addition, or replacement of 10,000 square feet or more of impervious surface area, regardless of its location.
8. Any other development determined by the County to have a high potential for generating pollutants.

The applicant for a High-Impact Project shall be required to submit a preliminary plan with a post-construction element with the application during the initial planning process. Prior to issuance of a building or grading permit the applicant shall submit a final plan with a post-construction element prepared by an appropriately licensed California professional for approval by the County. The plan shall include the following where applicable (applicability will be determined by County staff):

1. Pre-project and post-project stormwater runoff hydrograph (runoff flow rate plotted as a function of time) for the project site for 2- and 10-year storm events;
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 85<sup>th</sup> percentile, 24-hour storm event for volume-based BMPs, or the 85<sup>th</sup> 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 negative impacts to stormwater quality and quantity from the project 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.
6. Where feasible and appropriate, development shall include connections to sanitary sewer systems as a means of treating particularly polluted runoff not readily addressable by more typical BMPs, and so as to not allow such polluted runoff to make its way into coastal waters, streams, and wetlands.

(PC app. 2/13/12, 1/23/12, 1/25/10)

~~[New policy, not in Unit I or II]~~



**Program C-WR-14.a Participate in Broad-Based Efforts to Improve Coastal Water Quality.** Provide information to applicants and the public, including materials prepared by the Marin County Stormwater Pollution Prevention Program (MCSTOPPP), to address developments both large and small for potential impacts to the quality of coastal waters. Applicants shall be encouraged to incorporate in proposed developments measures to minimize effective impervious area and landform alteration and to maximize use of natural vegetation, along with other measures as provided by Marin County programs and codes. The Community Development Agency shall encourage retrofit of existing development through measures such as the removal of existing impermeable surfaces and replacement with permeable surfaces and the creation of drainage features or landscaping that incorporate natural infiltration mechanisms, with the goal of enhancing water quality in existing developed areas.

~~(PC app. 12/1/11, 1/25/10)~~

~~*[New program, not in Unit I or II]*~~

**Program C-WR-14.b Apply Policy C-WR-14 to Projects with the Highest Risk of Water Quality Impacts.** Amend the Development Code to include guidelines that define types of developments that have a high potential for generating pollutants in order to supplement the development types that are regulated by the revised NPDES Phase II permit.

~~(PC app. 12/1/11, 1/25/10)~~

~~*[New program, not in Unit I or II]*~~

**C-WR-15 Construction-Phase Pollution.** Manage construction sites to prevent contact between runoff and chemicals, fuel and lubricants, cleansers, and other potentially harmful materials.

~~(PC app. 12/1/11)~~

~~*[New policy, not in Unit I or II]*~~

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

~~(PC app. 12/1/11)~~

~~*[New policy, not in Unit I or II]*~~

**C-WR-17 Erosion and Flood Control Facilities.** Consider placement of sediments collected by erosion and flood control facilities at appropriate points on the shoreline where these sediments will enhance shoreline access and characteristics, will not cause adverse impacts to coastal resources, and the placement can be accomplished in accordance with other applicable provisions of this chapter. Before issuing a coastal development permit for these purposes, consider the physical, chemical, and biological qualities of the sediment, the proposed method of placement, time of year of placement, and sensitivity of the placement area.

~~(PC app. 12/1/11)~~

~~*[New policy, not in Unit I or II]*~~







## Built Environment

### Introduction

In the Marin County Coastal Zone, the built environment is subordinate to the natural environment. Natural landforms, streams, forests, and grasslands are dominant. Yet the residential, agricultural, and commercial buildings, as well as the community services that support them, have particular significance, both as the scene of daily life and for their potential impacts on natural resources. The pattern and intensity of development are inextricably linked with protection of coastal resources, energy use, and recreational opportunities, all of which are addressed by the Local Coastal Program (“LCP”).

The Built Environment section addresses the following subjects:

- ♦ Community Design (DES)
- ♦ Community Development (CD)
  - ♦ Community Specific Policies
  - ♦ Muir Beach (MB)
  - ♦ Stinson Beach (SB)
  - ♦ Bolinas (BOL)
  - ♦ Olema (OL)
  - ♦ Point Reyes Station (PRS)
  - ♦ Inverness (INV)
  - ♦ East Shore/ Marshall (ES)
  - ♦ Tomales (TOM)
  - ♦ Dillon Beach (DB)

## **Built Environment**

- ♦ Energy (EN)
- ♦ Housing (HS)
- ♦ Public Facilities and Services (PFS)
- ♦ Transportation (TR)

## Built Environment



## Community Design (DES)

### Background

The Marin County Coastal Zone is a place of singular beauty. It is also the home of small-scale communities, farms, scattered residences, and businesses. Visitors enjoy coming to Marin's coast because of its balance of natural and built environments. Maintaining that balance, and maintaining the character of existing communities while accommodating economic activity, is the focus of the Community Design policies of the Local Coastal Program (LCP).

Rising land values in many parts of California have led to an increase in the scale of new development, accompanied by ever-greater impacts on the surrounding community. Such trends also impact local visual resources that are enjoyed by residents and visitors. Furthermore, new development is increasingly proposed in visually sensitive locations, such as on ridgelines, as well as within already developed communities.

The Coastal Act mandates that scenic and visual qualities of the coast shall be considered and protected as a resource of public importance. In particular, views to and along the coast shall be protected. New development shall be visually compatible with the character of surrounding areas. In addition, those communities that are visitor destinations because of their unique characteristics shall be protected. The villages of the Marin County Coastal Zone are among such communities that are desirable to visitors, as well as to residents.

LCP policies ensure that new structures are compatible with the height, scale, and design of existing buildings. Significant views to and along the coast continue to be protected by LCP policies, and the preservation of visually prominent ridgelines is also addressed. The LCP protects the existing character of the Coastal Zone, while still accommodating compatible new development.

## Policies

**C-DES-1 Compatible Design.** Ensure that the siting, height, scale, and design (including materials and color) of new structures are compatible with the character of the surrounding natural ~~or~~ and built environment. Structures shall be designed to follow the natural contours of the land and shall limit reflectivity of glass and other surfaces.

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

*[Adapted from Unit II New Development and Land Use Policy 3.a, p. 207]*

**C-DES-2 Protection of Visual Resources.** ~~Ensure appropriate~~ Development shall be sited and designed ~~of structures~~ to protect significant views, including views both to and along the ocean and scenic coastal areas ~~east~~ as seen 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. The intent of this policy is the protection of significant public views rather than coastal views from private residential areas. Require development to be screened with appropriate landscaping provided that when mature, such landscaping shall not interfere with public views to and along the coast. The use of drought tolerant, native coastal plant species is encouraged. Continue to keep road and driveway construction, grading, and utility extensions to a minimum, except that longer road and driveway extensions may be necessary in highly visible areas in order to avoid or minimize other impacts.

{BOS app. 7/30/2013}

(PC app. 11/7/11, 1/24/11)

*[Adapted from Unit I New Development and Land Use Policy 21, p. 65, and Unit II New Development and Land Use Policy 3.b, p. 207]*

**C-DES-3 Protection of Ridgeline Views.** Require new development proposed on or near visually prominent ridgelines to be grouped below the ridgeline on the least visually prominent portion of the site. Prohibit new development on top of, within 300 feet horizontally, or within one hundred feet vertically of visually prominent ridgelines, whichever is more restrictive, if other suitable locations are available on the site. If structures must be placed within this restricted area because of site size or similar constraints, they shall be in locations that are least visible from public viewing areas, shall be sited and designed to limit public view impacts to the maximum extent feasible (including through landscaping and screening), and shall not exceed 18 feet in height.

(PC app. 9/19/11, 7/29/10)

*[Adapted from CWP Program DES 4.d, p. 3-67, and Interim County Code Section 22.57.020.1.b]*

**Program C-DES-3.a Map Visually Prominent Ridgelines.** Work with key community groups to identify and map visually prominent ridgelines, both developed and undeveloped, and identify Ridge and Upland Greenbelt Areas as appropriate.

(PC app. 9/19/11, 7/29/10)

*[Adapted from CWP Program DES 4.e, p. 3-67]*

**C-DES-4 Limited Height of New Structures.** Limit all new construction to a maximum height of twenty-five (25) feet with the following exceptions:

1. In the Highlands neighborhood of Stinson Beach, the maximum height shall be no more than seventeen (17) feet (see Map 17 – Stinson Beach Highlands Subdivision).
2. 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

## Built Environment

hazard zone designation (see also *Environmental Hazards Policy C-EH-11: Minimum Floor Elevations in the Flood Velocity Zone at Seadrift*).

3. On the shoreline of Tomales Bay, the maximum height shall be fifteen (15) feet. (See also *Community Development Policy C-CD-6: Standards for Development on the Shoreline of Tomales Bay*).
4. Telecommunications facilities, spires, water tanks, and similar structures may exceed such height limits above. However, any structure that exceeds the 25 foot height limit shall only be authorized upon specific findings of consistency with other applicable policies of the LCP, including C-DES-1, 2, and 3.

In all cases, the height limits specified in this policy are maximums and not entitlements. Heights may be limited to less than the maximum allowed if necessary to achieve consistency with LCP policies, including in relation to the protection of public views and community character.

~~(PC app. 9/19/11, 7/29/10)~~

~~*[Adapted from Unit I New Development and Land Use Policy 21, p. 65. This policy also carries forward the concept of Unit I Location and Density of New Development Policy 35, p. 81]*~~

**C-DES-5 New Signs.** Ensure that new signs (including reconstructed and/or modified signs) are of a size, location, and appearance so they do not detract from scenic areas or views from public roads and other viewing points.

~~(PC app. 9/19/11, 7/29/10)~~

~~*[Adapted from Unit II New Development and Land Use Policy 3.e, p. 207]*~~

**Program C-DES-5.a Develop A-Frame Sign Standards.** Consider amending the sign ordinance to allow limited use of A-frame signs within village areas subject to standards related to number, location, size, height and design.

~~(PC app. 9/19/11, 7/29/10)~~

~~*[New program, not in Unit I or II]*~~

**C-DES-6 Underground Utilities.** Require that utility lines are placed underground in new development to protect scenic resources except where costs of undergrounding would be so high as to deny service or where undergrounding would result in greater environmental impacts.

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

~~*[Adapted from Unit II New Development and Land Use Policy 3.d, p. 207]*~~

**C-DES-7 Minimized Exterior Lighting.** Exterior lighting shall be the minimum consistent with safety and shall be low wattage, hooded, and downcast to prevent glare and limit impacts on public views as much as possible.

~~(PC app. 9/19/11, 7/29/10)~~

~~*[New policy, not in Unit I or II]*~~

**C-DES-8 Protection of Trees.** Site structures and roads to avoid removal of trees that contribute to the area's scenic and visual resources, except where required to maintain defensible space for structures or eliminate diseased trees that threaten surrounding structures or vegetation and where removal is otherwise consistent with LCP policies. Dead trees may serve as valuable habitat for some species, so avoid complete removal where appropriate.

~~(PC app. 9/19/11, 7/29/10)~~

~~*[Adapted from Unit II New Development and Land Use Policy 6.a, p. 208]*~~

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**C-DES-9 Landscaping.** Ensure that required landscaping ~~predominantly~~ uses native species of trees and plants and avoids using non-native, invasive trees and plants. (*See also Biological Resources Policy C-BIO-6: Invasive Plants*, which may require the removal of any non-native invasive plant species).

~~(PC app. 9/19/11, 1/24/11)~~

~~*[Adapted from Unit II New Development and Land Use Policy 6.d, p. 209]*~~

**C-DES-10 Prohibition of Gated Communities.** Prohibit the establishment of gated communities.

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

~~*[Adapted from CWP Policy DES 3.e, p. 3-65]*~~

**C-DES-11 Minimization of Fuel Modification.** Site and design new development to ~~minimize~~ avoid required initial and future fuel modification and brushing ~~clearance~~ in general, and ~~to avoid such activities in particular, within ESHAs and ESHA buffers, to the maximum extent feasible,~~ in order to ~~minimize~~ avoid habitat disturbance or destruction, removal or modification of natural vegetation, and irrigation of natural areas, ~~while providing for fire safety.~~

~~(See also Policies C-BIO-3, C-BIO-19 and C-BIO-24 (ESHA, Wetland, Stream Buffers), C-BIO-4 (Protect Major Vegetation) and C-EH-25 (Vegetation Management in Environmentally Sensitive Habitat Areas).)~~

~~[BOS app. 1/15/2013]~~

~~(PC app. 9/19/11, 7/29/10)~~

~~*[Adapted from Malibu LCP Policy 3.59]*~~



## Community Development (CD)

### Background

In the Marin County Coastal Zone, the built environment is subordinate to the natural surroundings. Agricultural lands and open space are the predominate features of the area, whereas coastal communities are small and few in number (see Map 16 – Community Areas). Development of homes, farms, and commercial buildings, along with the community services that support them, can nevertheless have significant impacts on their surroundings, and community development is therefore inextricably linked with the protection of coastal resources.

The pace of land development in recent decades throughout the Marin County Coastal Zone has been relatively modest in comparison to that of coastal communities in other parts of California. Limitations on public service availability and the existence of extensive public land holdings in the Coastal Zone have undoubtedly played a part in that result, along with strong LCP policies that encourage agriculture and protection of community character.

Coastal Act policies provide that new residential, commercial, or industrial development, in general, shall be located within, contiguous with, or in close proximity to existing developed areas. If existing developed areas are not able to accommodate it, then development may be located elsewhere as long as adequate public services are available and significant adverse effects on coastal resources will not result. Furthermore, Coastal Act policies set certain priorities and standards for new development, for instance by limiting strictly the types of land uses that may be allowed in wetlands or other sensitive areas.

The Coastal Act defines “development” broadly, to include not only construction of houses and commercial buildings, but also changes in intensity of use of land or water, including the division of land into separate lots, and changes in public access to the shoreline. The LCP addresses the wide range of



## Built Environment

development activities in the Coastal Zone that have the potential to affect coastal resources, including ~~or~~ shoreline access, and requires that all new development comply with LCP standards and policies. The number of commercial and other non-residential projects in the area over the past few decades has been modest in comparison with the number of residential projects. Among the residential projects considered in the past three decades, fewer than half involved new dwellings on vacant sites. The remaining residential projects included additions and repairs/replacements, which can generally involve fewer impacts to coastal resources than new construction on vacant property.

The community character of Marin County's coastal villages is important to both residents and visitors. The LCP continues to guide proposed development toward existing villages in an effort to preserve the natural landscape. LCP policies ensure that new development is consistent with the character of the surrounding community and maintains village limit boundaries in order to concentrate development and avoid sprawl. In addition, service constraints and the large amount of publicly owned land will act as a natural constraint to future development.



The pace of residential development in recent decades has been generally modest and remains well within the estimated ultimate residential buildout for the Coastal Zone. Provisions for the siting and intensity of new development are reflected in the LCP land use policy maps (see Maps 19a – 19m). In addition, LCP policies in other chapters provide for improved resource protection that, taken together, will reduce impacts of the built environment on Coastal Zone resources.

## Policies

**C-CD-2 Location of New Development.** Locate new development within, next to, or in close proximity to existing developed areas with adequate public services and where it will not have significant adverse impacts, either individually or cumulatively, on environmental and natural resources, including coastal resources.

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

~~[Adapted from Coastal Act Section 30250(a)]~~

**C-CD-3 Appropriate New Development.** Ensure that the type and intensity of new development, including land divisions, conform to the land use categories and ~~residential~~ density provisions of the LCP and Land Use Policy Maps. Allowable densities are stated as maximums and do not establish an entitlement to buildout potential. In addition, land divisions outside village limit boundaries shall only be permitted where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels. Land divisions shall be prohibited if the resulting lots cannot be developed consistent with the LCP. (See also C-PFS-1: Adequate Services)

~~(PC app. 9/19/11, 7/29/10)~~

~~[New policy, not in Unit I or II]~~

**C-CD-4 Protection of Open Lands, Existing Communities, and Recreational Opportunities.** Work with individual landowners; local, state, and federal agencies; and non-



governmental organizations to preserve rural character, agriculture, and open lands, and protect existing communities and recreational opportunities in the Coastal Zone.

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

*[Adapted from CWP Program CD 1.d, p. 3-13]*

**C-CD-5 Non-Conforming Structures and Uses.** Allow existing, lawfully established non-conforming structures or uses to be maintained or continued, provided that such structures or uses are not enlarged, intensified, or moved to another site, ~~or redeveloped, as defined by Policy C-EH-5.~~ Structures or uses that are enlarged, intensified, moved to another site ~~or redeveloped as defined in C-EH-5~~ must be brought into conformance with the LCP. If a nonconforming use of land or a nonconforming use of a conforming structure is discontinued for a continuous period of one year, the use shall be deemed to have been abandoned and shall lose its legal nonconforming status.

(PC app. 11/7/11, 7/29/10)

*[Adapted from County Code Section 22.112.020]*

**C-CD-6 Standards for Development on the Shoreline of Tomales Bay.** New construction along the shoreline of Tomales Bay shall be limited in height to 15 feet above grade. Exceptions to this height limit may be permitted where topography, vegetation, or character of existing development is such that a higher structure would not create additional interference with coastal views either to, along, or from the shoreline or water.

(PC app. 9/19/11, 7/29/10)

*[Adapted from Unit II New Development and Land Use Policy 8.f, p. 216, and County Code Section 22.20.060.a]*

**C-CD-7 Structures on Public Trust Lands.** Allow existing structures on public trust lands along the shoreline of Tomales Bay to be rebuilt if ~~damaged or~~ destroyed by natural disaster, in conformance with development standards specified in Section 30610(g) of the Coastal Act and other County policies. Construction of new residential dwellings on public trust lands is not considered an appropriate public trust use and is not allowed. It should be noted that development on public trust lands is within the Coastal Permit jurisdiction of the California Coastal Commission. However, other County permit requirements (such as Design Review or Tidelands Permit approval) may also apply.

(PC app. 9/19/11, 7/29/10)

*[Adapted from Unit II Public Trust Lands Policies 2 and 3, p. 129]*

**C-CD-8 Shoreline Structures and Piers.** Limit the location of piers and other recreational or commercial structures to sites located within existing developed areas or parks. New piers shall be permitted only if all of the following criteria are met:

1. The structure will be used to serve a coastal-dependent use or will preserve or provide access to related public recreational lands or facilities.
2. The structure will not be located in wetlands or other significant resource or habitat area and will not, individually or cumulatively, cause significant adverse impacts on fish or wildlife.
3. The structure will not interfere with public access, use, and enjoyment of the natural shoreline environment.
4. The structure will not restrict navigation, mariculture, or other coastal use and will not create a hazard in the area in which it is built.
5. There is no pier with public access within ½ mile, or use of a nearby pier would not be feasible due to its size, location, or configuration.

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Allow reconstruction and maintenance of existing piers provided that the pier is of the same size and in the same location as the original pier. Enlargements or changes in design or location shall be evaluated based on criteria stated above.

(PC app. 9/19/11, 7/29/10)

*[Adapted from Unit II Shoreline Structures Policy 3, p. 132]*

**C-CD-9 Access to Shoreline Structures.** Require public access to new piers or similar recreational or commercial structures unless it can be demonstrated that such access would significantly interfere with commercial fishing or similar operations on the pier or be hazardous to public safety, in which case alternative and commensurate public access shall be provided. A public access easement from the first public road across the applicant's property to the pier shall be required.

(PC app. 9/19/11, 7/29/10)

*[Adapted from Unit II Shoreline Structures Policy 4, p. 132]*

**C-CD-10 ~~Sub~~Division of Beachfront Lots.** No ~~land additional sub~~division of beachfront lots shall be permitted in recognition of the cumulative negative impacts such divisions would have on both public and private use of the beach, except if a finding is made that such a land subdivision will be consistent with the development of shoreline lots within the Stinson Beach and Seadrift areas in Biological Resources Policy C-BIO-9. Similarly, the erection of fences, signs, or other structures seaward of any existing or proposed development and the modification of any dune or sandy beach area shall not be permitted except as provided in the Environmental Hazards policies in order to protect natural shoreline processes, the scenic and visual character of the beach, and the ~~public and private~~ use of dry sand areas in accordance with Section 30211 of the Coastal Act.

(PC app. 9/19/11, 7/29/10)

*[Adapted from Unit I Natural Dune and Sandy Beach Protection Policy 21, p. 30]*

**C-CD-11 Maintenance of Village Limit Boundaries.** Maintain existing village limit boundaries to preserve existing agricultural lands for agricultural use while allowing for reasonable growth and infill within the village limit boundaries. These boundaries depict existing developed areas for purposes of Section 30250 (a) of the Coastal Act. The following issues ~~should~~ shall be considered if changes in village limit boundaries are proposed:

- Boundaries of existing developed areas. In some cases, infilling within these areas is the only expansion recommended.
- Boundaries within which villages should be allowed to expand in the future. Criteria for setting these boundaries are described below.

Criteria used in setting village limit boundaries:

1. Boundaries of existing and proposed public open space (e.g. Golden Gate National Recreation Area, Point Reyes National Seashore);
2. Boundaries used in studies by the Community Development Agency and local planning groups;
3. Areas under agricultural zoning and/or use;
4. Service area boundaries of utility districts;
5. Watershed boundaries;
6. Natural barriers including: terrain, water, cliffs, and open space separating developed areas;
7. Man-made barriers including: roads, dikes;
8. Existing subdivisions;

## Built Environment

9. Floodplains and areas subject to seismic hazards.

10. Potential impacts to coastal resources (including public views, public service capacities, environmentally sensitive habitat, and agriculture) due to buildout under expanded boundary.

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

*[Adapted from CWP Policy PA 7.4, p. 3-242]*

**C-CD-12 Describe Village Limit Boundaries.** The village limit boundaries are described as follows and shown on the accompanying maps for the following communities:

1. Muir Beach. Village limit boundary shall be defined by surrounding federal and state parklands, as shown on the Muir Beach Land Use Policy Map 19a.
2. Stinson Beach. Village limit boundary shall be defined by surrounding state and federal parklands, Bolinas Lagoon, and Pacific Ocean, as shown on the Stinson Beach Land Use Policy Map 19b. The beachfront area along Mira Vista owned by the County of Marin is also excluded.
3. Bolinas. Village limit boundary shall be defined by surrounding federal parklands in addition to County-owned lands adjacent to the Bolinas Lagoon, as shown on the Bolinas Land Use Policy Map 19c.
4. Olema. Village limit boundary shall be defined by surrounding federal parklands, as shown on the Olema Land Use Policy Map 19d.
5. Point Reyes Station. Village limit boundary shall be defined as shown on the Point Reyes Station Land Use Policy Map 19e except that lands acquired by the federal government for inclusion in the GGNRA shall be excluded. These lands shall be rezoned to C-OA (Coastal Open Area).
6. Inverness Ridge. Village limit boundary shall be determined by the location of public parklands to the north, west, and south, and by Tomales Bay to the east as shown on the Inverness Land Use Policy Map 19f.
7. Marshall/East Side of Tomales Bay. Village limit boundary shall be defined to include the area from the Hog Island Oyster Company to the north and the Marshall Boat Works to the south. On the east of Highway One, the village limit boundary shall include the small existing subdivided parcels abutting Highway One between Marshall-Petaluma Road and the Marshall Boat Works, as shown on the East Shore Land Use Policy Map 19h.
8. Tomales. Village limit boundary shall be defined as shown on the Tomales Land Use Policy Map 19j.
9. Dillon Beach/Oceana Marin. Village limit boundary shall be drawn from the northern boundary of the Oceana Marin subdivision on the north to the southern end of Lawson's Dillon Beach Resort on the south, and from the shoreline on the west to the eastern side of Oceana Marin, the Village, and Lawson's Dillon Beach Resort, as shown on the Dillon Beach Land Use Policy Map 19i. Lawson's Dillon Beach Resort parcel 100-100-47 is included within this area.

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

*[Adapted from Unit II New Development and Land Use Policies 8.a(1) through 8.h(1), pp. 209-216]*

**C-CD-13 Chain Store Operations.** Discourage the establishment of chain store operations that are not consistent with the existing character and scale of the surrounding community.

(PC app. 9/19/11, 7/29/10)

*[Adapted from the Stinson Beach Community Plan, 1983, Land Use Policy E, p. 33]*

**C-CD-14 Limited Conversion of Overnight Visitor-Serving Enterprises.** Visitor-serving enterprises, particularly those which offer and provide places of overnight accommodation, shall remain available to any prospective guest on a space available basis. ~~Proposed C~~conversion of such places of overnight accommodations into a more limited type of occupancy shall be discouraged. (See also Parks, Recreation and Visitor-Serving Uses Policies C-PK-1 through C-PK-8)

(PC app. 9/19/11, 07/29/10)

~~[Adapted from the Inverness Ridge Communities Plan, Commercial Land Use Policy 2.01.C, p. 38]~~

**C-CD-15 Residential Character in Villages.** ~~Discourage the conversion of residential to commercial uses in coastal villages. If conversion of a residence to commercial uses is allowed under applicable zoning code provisions, the architectural style of the home should be preserved.~~

(PC app. 9/19/11, 7/29/10)

~~[Adapted from the Point Reyes Station Community Plan, Policy PA 2.4, p. 13]~~

**C-CD-16 Maintenance of the Rural Character of Roadways.** Roadways and accessways ~~should~~ shall reflect the character of coastal communities and ~~should~~ shall be context and location sensitive. The primary areas to be considered for sidewalks, curbs, and similar roadway improvements shall be within designated village boundaries.

(PC app. 9/19/11, 7/29/10)

~~[Adapted from Point Reyes Station Community Plan, Circulation and Transportation Policies T 1.1 and T 3.1, pp. 50-51; and Tomales Community Plan, Policy TR 1.1, p. IV-16]~~

**C-CD-18 Visitor Notification.** Provide real-time information of highway congestion and parking conditions in coastal communities to coastal visitors before they commit to Highway One. Use electronic signs located near Highway 101 or other appropriate locations, a regularly updated website, and other telecommunication methods.

(PC app. 9/19/11, 7/29/10)

~~[Adapted from the Stinson Beach Community Plan, 1983, Circulation Policy D, p. 16]~~

**C-CD-19 Windbreaks.** Discourage new wind breaks along Highway One to preserve ~~public coastal~~ views. Consider the effects of proposed wind breaks at initial planting as well as at maturity on sunlight, coastal views, and traffic safety related to visibility.

(PC app. 9/19/11, 7/29/10)

~~[Adapted from Point Reyes Station Community Plan, Policy PA 3.9, p. 14]~~

**C-CD-20 Lighting for Recreational Use.** Prohibit night lighting for privately-owned recreational facilities such as tennis courts, sport courts, and other similar outdoor recreational activity areas to avoid glare and noise intrusion from the nighttime use of such areas and to minimize disruption of the natural ecology. Allow night lighting for publicly-owned facilities subject to a use permit, only if such lighting can be designed to protect against impacts to coastal resources, including biological and visual resources, as required by the LCP.

(PC app. 9/19/11, 7/29/10)

~~[Adapted from the Point Reyes Station Community Plan, Program RL 3.4b, p. 34]~~

**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 ~~sub~~division of such lands, along with the intensities described below. The effect is that land subdivisions of agricultural lands are rare. The zoning designations listed are examples

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of consistent zoning and are not the only possible consistent zoning designations. The following Agricultural land use categories are established:

**Agriculture 1 (C-AG1).** This land use category is established to preserve agricultural lands that are suitable for agricultural productivity, that contain soils capable of supporting production agriculture, or that are currently zoned C-APZ. The principal permitted use of these lands shall be agriculture, and any development shall be accessory and incidental to, in support of, and compatible with agricultural production. A maximum density of one dwelling unit per 60 acres is permitted, and all development shall be consistent with applicable LCP policies.

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

**Agriculture 2 (C-AG2).** The principal permitted use of these lands shall be agriculture. This land use category is established for agricultural uses 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 subject to the standards of the LCP 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 (C-AG3).** The principal permitted use of these lands shall be residential. This land use category is established for residential use within the context of small-scale agricultural and agriculturally-related uses, subject to the standards of the LCP.

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

~~(PC app. 1/9/12, 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.** Establish residential land use categories for residential development at a full range of densities, with emphasis on providing more affordable housing including incentives for low and very low income units, while also recognizing that physical hazards, fire risk, development constraints, protection of natural resources, and availability of public services and facilities can limit housing development in most areas.

The following categories are established for residential land uses. Standards of population density and building intensity are established for each category. Density ranges expressed as dwelling units per acre are provided for residential uses. For nonresidential uses permitted in a residential land use category, the FAR established for that land use category shall apply.

Some examples of zoning designations that are consistent with various residential land use designations are provided below (these may not be the only possible consistent zoning designations). Zoning maps and the Development Code provide additional details regarding allowed uses and development standards. Other uses that may be permitted in residential land use designations include, but are not limited to, parks, playgrounds, crop and tree farming, nurseries and greenhouses, home occupations, schools, libraries, museums, community centers, places of worship, hospitals, retreats, educational institutions,

## Built Environment

philanthropic and charitable institutions, facilities for nonprofit organizations, cemeteries, golf courses, country clubs, stables and riding academies, and family day care homes.

### Very Low Density Residential

The following very low density residential land use categories (minimum lot sizes of 5 to 60 acres) are established for single-family residential development on large properties in rural areas where public services are very limited or nonexistent and on properties where significant physical hazards and/or natural resources significantly restrict development.

Land Use Category	Minimum Lot Size	<u>Maximum FAR</u>	Consistent Zoning
<b>Single-Family 1 (C-SF1)</b>	20 to 60 acres	.01 to .09	C-RSP-0.05 to C-RSP-0.016
<b>Single-Family 2 (C-SF2)</b>	5 to 19 acres	.01 to .09	C-RSP-0.02 to C-RSP-0.05

### Rural/Residential

The following Rural/Residential land use categories (minimum lot sizes of 20,000 square feet to 5 acres) are established for single-family residential development in areas where public services are limited and on properties where physical hazards and/or natural resources may restrict development.

Land Use Category	Minimum Lot Size/ Density Ranges	<u>Maximum FAR</u>	Consistent Zoning
<b>Single-Family 3 (C-SF3)</b>	1 to 5 acres	.01 to .09	C-R1:B4 C-R1:B5 C-RA:B4 C-RA:B5 C-RA:B6 C-ARP-2 C-RSP-0.2 to C-RSP-1 C-A2:BD C-A2:B4
<b>Single-Family 4 (C-SF4)</b>	20,000 sq. ft. to 1 acre (1–2 du/ac)	.01 to .15	C-RA:B3 C-RSP-1.1 to C-RSP-2 C-R1:BD C-R1:B3 C-RR:B3 C-RE:B3
<b>Planned Residential (C-PR)</b>	1 unit per 1 to 10 acres	.01 to .09	C-RMP-0.1 to C-RMP-1

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### Low Density Residential

The following low density residential land use categories (minimum lot sizes of 20,000 square feet or less) are established for single-family and multi-family residential development in areas where public services and some urban services are available and where properties are not typically limited by physical hazards or natural resources.

Land Use Category	Minimum Lot Size/ Density Ranges	Maximum FAR	Consistent Zoning
<b>Single-Family 5 (C-SF5)</b>	10,000 to 20,000 sq. ft. (2–4 du/ac)	.01 to .25	C-R1:B2 C-RA:B2 C-RR:B2 C-RSP-2.1 to RSP-4 C-A2:B2
<b>Single-Family 6 (C-SF6)</b>	Less than 10,000 sq. ft. (4–7 du/ac)	.01 to .3	C-R1 C-R1:B1 C-RA:B1 C-RSP-4.1 to C-RSP-0.5
<b>Multi-Family 2 (C-MF2)</b>	1 to 4 du/ac	.01 to .3	C-R2 C-RMP-1 to C-RMP-4

### Low to Medium Density Residential

The following low to medium density residential land use categories (from 5 to 10 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	Maximum FAR	Consistent Zoning
<b>Multi-Family 3 (C-MF3)</b>	5 to 10 du/ac	.1 to .3	C-RMP-5 to C-RMP-10

(PC app. 1/9/12, 9/19/11, 7/29/10)

*[Adapted from CWP Policy CD 8.6, pp. 3-35 to 3-39]*

**C-CD-24 Commercial/Mixed-Use Land Use Categories and Intensities.** Establish commercial/mixed-use land use categories to provide for a mix of retail, office, and industrial uses, as well as mixed-use residential development, in a manner compatible with public facilities, natural resource protection, environmental quality, and high standards of design. Mixed-use developments are intended to incorporate residential units on commercial properties, including on-site housing for employees, thereby contributing to affordable housing and reduced commutes. The following criteria shall apply to any mixed-use development:

1. For parcels larger than 2 acres in size, no more than 50% of the new floor area may be developed for commercial uses, and the remaining new floor area shall be developed for new housing.

For parcels 2 acres and less in size, no more than 75% of the new floor area may be developed for commercial uses, and the remaining new floor area shall be developed for new housing.

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2. Projected peak-hour traffic impacts of the proposed mixed-use development are no greater than that for the maximum commercial development permissible on the site under the specific land use category.
3. Priority shall be given to the retention of existing visitor and neighborhood serving commercial uses.
4. The site design fits with the surrounding neighborhood and incorporates design elements such as podium parking, usable common/open space areas, and vertical mix of uses, where appropriate. In most instances, residential uses ~~should~~ shall be considered above the ground floor or located in a manner to provide continuity of store frontages, while maintaining visual interest and a pedestrian orientation.
5. For projects consisting of low income and very low income affordable units, the FAR may be exceeded to accommodate additional units for those affordable categories. For projects consisting of moderate income housing, the FAR may only be exceeded in areas with acceptable traffic levels of service — but not to an amount sufficient to cause an LOS standard to be exceeded. In all cases, FAR may only be exceeded if coastal resources are otherwise protected, consistent with applicable LCP policies.

Renovations not resulting in additional square footage will be exempt from the above requirements if consistent with the requirements of the Marin County Jobs-Housing Linkage Ordinance, Chapter 22.22 of the Development Code. The following categories shall be established for commercial land uses:<sup>1</sup>

**General Commercial/Mixed Use (C-GC).** The General Commercial mixed-use land use category is established to allow for a wide variety of commercial uses, including retail and service businesses, professional offices, and restaurants, in conjunction with mixed-use residential development. The Development Code includes permitted and conditional uses and development standards for the zoning districts consistent with this designation. The Land Use Policy Maps provide maximum floor area ratio (FAR) standards for this designation. Residential development located in a mixed-use development within this designation shall be included in the permissible amount of development under these maximum FARs. For projects consisting of low and very low income affordable units, the maximum FAR may be exceeded to accommodate additional units for those affordable categories. For projects consisting of moderate income housing, the maximum FAR may be exceeded in areas with acceptable traffic levels of service – but not to an amount sufficient to cause an LOS standard to be exceeded. Any maximum FAR exceedances shall only be allowed if coastal resources are otherwise protected, as indicated above.

Consistent Zoning: C-CP  
C-H-1  
C-RMP-.1 to C-RMP-30

**Neighborhood Commercial/Mixed Use (C-NC).** The Neighborhood Commercial/Mixed Use land use category is established to encourage smaller-scale retail and neighborhood and visitor-serving office and service uses in conjunction with residential development oriented toward pedestrians and located in close proximity to residential neighborhoods. The Development Code includes permitted and conditional uses and development standards for the zoning districts consistent with this designation. The Land Use Policy Maps provide for maximum floor area ratio (FAR) standards for this

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<sup>1</sup>Note that the zoning designations listed in each category are examples of consistent zoning and are not the only possible consistent zoning designations. A complete list of permitted and conditional uses and development standards can be found in the Development Code. Educational, charitable, and philanthropic institutions such as schools, libraries, community centers, museums, hospitals, child care centers, and places of worship may be permitted in any commercial area.



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designation. Residential development located in a mixed-use development within this designation shall be included in the permissible amount of development under these maximum FARs. For projects consisting of low and very low income affordable units, the maximum FAR may be exceeded to accommodate additional units for those affordable categories. For projects consisting of moderate income housing, the maximum FAR may be exceeded in areas with acceptable traffic levels of service – but not to an amount sufficient to cause an LOS standard to be exceeded. Any maximum FAR exceedances shall only be allowed if coastal resources are otherwise protected, as indicated above.

Consistent Zoning: C-VCR  
C-RMPC  
C-VCR:B2

**Recreational Commercial (C-RC).** The Recreational Commercial land use category is established to provide for resorts, lodging facilities, restaurants, and privately owned recreational facilities, such as golf courses and recreational boat marinas. See the Development Code for a complete list of permitted and conditional uses and development standards. Refer to the Land Use Policy Maps for commercial maximum Floor Area Ratio (FAR) standards. For projects consisting of low and very low income affordable units, the maximum FAR may be exceeded to accommodate additional units for those affordable categories. For projects consisting of moderate income housing, the maximum FAR may be exceeded in areas with acceptable traffic levels of service – but not to an amount sufficient to cause an LOS standard to be exceeded. Any maximum FAR exceedances shall only be allowed if coastal resources are otherwise protected, as indicated above.

Consistent Zoning: C-RCR

(PC app. 2/13/12, 11/7/11, 10/26/09)

*[Adapted from CWP Policy CD 8.7, pp. 3-39 to 3-41]*

**C-CD-25 Public Facility, Quasi-Public Facility, and Open Space Land Use Categories.** Lands used for public facilities and quasi-public institutional purposes, including airports, schools, hospitals, cemeteries, government facilities, correctional facilities, power distribution facilities, sanitary landfills, and water facilities, are designated Public Facility or Quasi-Public Facility, depending on the nature of their use. The Public Facility category is established for land owned by a governmental agency and used as a public institution. The Quasi-Public Facility category is provided for land owned by a nongovernmental agency that is used as an institution serving the public. A Public Facility or Quasi-Public Facility designation may be combined with another land use designation. In such instances, the applicable standard of building intensity is that for Public or Quasi-Public Facility, as depicted on the Land Use Policy Maps. Lands in public ownership for open space purposes, such as recreation, watershed, and habitat protection and management, are designated Open Space. In addition, private lands may be designated Open Space when subject to deed restrictions or other agreements limiting them to open space and compatible uses. Lands designated Open Space are subject to a maximum FAR of .01 to .09. The following categories shall be established for public and quasi-public land use. The zoning designations listed are examples of consistent zoning and are not the only possible consistent zoning designations.

Public (C-PF) Consistent zoning: PF  
PF-RSP-.05 to PF-RSP-7  
PF-RMP-.01 to PF-RMP-16  
PF-ARP-20  
C-PF-ARP-20

Quasi-Public (C-QPF) Consistent zoning: C-RMP-.1

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C-RA:B-1

Open Space (C-OS) Consistent zoning: C-OA

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

*[Adapted from CWP Policy CD 8.9, pp. 3-45 to 3-46]*

**C-CD-26 Multi-family Residential Development in Multi-family Zones.** Require multi-family development in certain multi-family zoning districts consistent with the C-MF2, C-MF3 and C-NC land use designations, including the C-R2, C-RMP and C-RMPC zoning districts, if parcel size and density permit. Prohibit development of single-family dwellings in multi-family zones unless the Director finds that multi-family development is infeasible or impractical based on physical site constraints, environmental constraints, or significant incompatibility with neighborhood character.

(PC app. 11/7/11, 7/29/10)

*[Adapted from November 2009 Draft Housing Element Program 1.f, p. V-3]*

## Built Environment



## Community Specific Policies

### Background

The Marin County Coastal Zone is home to distinctive towns and villages that have a strong sense of place (see Map 16 – Community Areas). The character of these communities depends in large part on their physical setting, the nature of land uses within them, and their visual appearance. The desire to maintain local community character is reflected in the various Community Plans that have been prepared for these communities with strong resident participation. The Community Specific policies that follow have been drawn from the County-adopted Community Plans, and their inclusion here is a means of ensuring that applicable land use policies of the Plans are firmly rooted in the Local Coastal Program (LCP). In this way, these policies will be applied to the review of coastal permits for development proposed within the Coastal Zone.

Although Marin County's coastal communities reflect a long-standing commitment to maintain the characteristics that draw residents and visitors to them, changing economics and land development practices could threaten community character. Achieving a balance between local- and visitor-serving businesses continues to be a challenge in Marin County, as elsewhere along California's coast. At the same time, the Coastal Act places a high priority on visitor-serving facilities, particularly lower-cost facilities, and visitors as an important part of the local economy.

The Coastal Act provides that permitted development shall be visually compatible with the character of surrounding areas. Furthermore, special communities and neighborhoods that are popular visitor destination points are to be protected. Marin County's coastal villages draw visitors because of their special characteristics, beautiful natural surroundings, and close proximity to the coast. The protection of such features is an important goal of Coastal Act policies.

The character of Marin County's coastal villages is an important factor in their desirability as places to live and visit. The LCP strongly protects community character, in part through the policies drawn from the Community Plans, some of which are highly specific to particular neighborhoods or sites. Protection is also provided through more general Community Development policies, which are applicable throughout the entire Coastal Zone.

## Policies

### Muir Beach:

**C-MB-1 Community Character of Muir Beach.** Maintain the small-scale character of Muir Beach as a primarily residential community with recreational, small scale visitor, and limited agricultural use.

~~(PC app. 11/7/11, 7/29/10)~~

~~*[New policy, not in Unit I or II]*~~

### Stinson Beach:

**C-SB-1 Community Character of Stinson Beach.** Maintain the existing character of residential, small-scale commercial and visitor-serving recreational development in Stinson Beach. New development must be designed to be consistent with community character and protection of scenic resources.

~~{BOS app. 7/30/2013}~~

~~(PC app. 9/19/11, 7/29/10)~~

~~*[Adapted from Unit I New Development and Land Use Policy 29, p. 79]*~~

**C-SB-2 Limited Access in Seadrift.** Allow only limited public access across the 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.

~~(PC app. 1/9/12, 9/19/11, 7/29/10)~~

~~*[Concept adapted from Unit I New Development and Land Use Policy 33, p. 80]*~~

**C-SB-3 Density and Location of Development in Seadrift.** 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. See Appendix 5: Seadrift Settlement Agreement.

~~{BOS app. 7/30/2013}~~

~~(PC app. 1/9/12, 9/19/11, 07/29/10)~~



## Built Environment

*[Adapted from Unit I Location and Density of New Development Policy 36, p. 81]*

**C-SB-4 Easkoot Creek.** Restore Easkoot Creek to improve habitat and support natural processes.

~~(PC app. 11/7/11, 10/26/09)~~

~~*[Adapted from Stinson Beach Community Plan, 1983, Environmental Land Use Policy D, p. 28]*~~

**C-SB-6 R-2 Zoning.** Maintain the existing R-2 zoning in Stinson Beach in order to protect and maintain the existing character of the community. Site and design development so as to minimize septic tank problems and the cumulative impacts of such development on public access.

~~(PC app. 9/19/11)~~

~~*[Adapted from Unit I Location and Density of New Development Policy 29, p. 79]*~~

**C-SB-7 Repair or Replacement of Structures.** Allow the repair or replacement of existing duplex residential uses on parcels less than 7,500 square feet in the R-2 zoning district that are damaged or destroyed by natural disaster in Stinson Beach, so long as such repair/replacement is consistent with other applicable LCP policies.

~~(PC app. 9/19/11)~~

~~*[Adapted from Unit I Location and Density of New Development Policy 29, pg. 79]*~~

### **Bolinas**

**C-BOL-1 Community Character of Bolinas.**

Maintain the existing character of residential, small-scale commercial and visitor-serving, and agricultural uses in Bolinas.

~~[BOS app. 12/11/2012]~~

~~(PC app. 9/19/11, 7/29/10)~~

~~*[Adapted from the Bolinas Community Plan, Tourist Accommodations Policy I, p. 12]*~~

**C-BOL-3 New Development on the Bolinas Gridded Mesa.**

Permit new construction and redevelopment and rehabilitation of existing structures on the Bolinas Mesa where consistent with the LCP and in accordance with adopted policies of the Bolinas Gridded Mesa Plan, which has been certified by the California Coastal Commission.

~~(PC app. 11/7/11, 7/29/10)~~

~~*[Adapted from Unit I Location and Density of New Development Policy 40, p. 86]*~~



### **Olema**

**C-OL-1 Community Character of Olema.** Maintain Olema's existing mix of residential, small-scale commercial and visitor-serving, and open space land uses and small-scale, historic community character. Minimize impacts of future development in the hillside area of Olema with the following design standards:

1. Cluster structures on more level areas away from steep road cuts on Highway One and off upper grassy slopes, which shall be maintained open to protect their visual character.



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2. Incorporate and reflect the historic character of Olema and existing recreational uses in project design. The height of structures shall be in keeping with the character and scale of the surrounding community to minimize ~~visual~~ impacts on public views, including those associated with adjacent federal parklands, Highway One, and Sir Francis Drake Boulevard.
3. Provide pedestrian paths as appropriate to nearby federal park activity areas.

{BOS app. 12/11/2012}

{PC app. 9/19/11, 7/29/10}

*{Adapted from Unit II Recreation and Visitor-Serving Facilities Policy 3.b(5), p. 45}*

### **Point Reyes Station**

**C-PRS-1 Community Character of Point Reyes Station.** Maintain the existing mix of residential and small-scale commercial and visitor-serving development and small-scale, historic community character in Point Reyes Station.

{BOS app. 12/11/2012}

{PC app. 9/19/11, 7/29/10}

*{New policy, not in Unit I or II}*

**C-PRS-2 Commercial Infill.** Promote commercial infill within and adjacent to existing commercial uses.

{BOS app. 2/26/2013}

{PC app. 2/13/12, 9/19/11, 7/29/10}

*{Adapted from Unit II Recreation and Visitor-Serving Facilities Policy 3.c, p. 46}*

**C-PRS-3 Visitor-Serving and Commercial Facilities.** Encourage development of additional visitor-serving and commercial facilities, especially overnight accommodations. ~~Continue to support the recommendations of the Point Reyes Station Community Plan to~~ establish overnight accommodations in the Grandi Building (Assessor Parcel Number 119-234-01) and Assessor Parcel Number 119-240-55, located at the junction of Highway One and Point Reyes – Petaluma Road (See also C-PRS-4 below).

{PC app. 9/19/11, 7/29/10}

*{Adapted from Unit II Recreation and Visitor-Serving Facilities Policy 3.c, p. 46}*



**C-PRS-4 Junction of Highway One and Point Reyes – Petaluma Road.** Permit visitor-serving and commercial uses on APN 119-240-55, located at the junction of Highway One and the Point Reyes – Petaluma Road, which appears to have ~~has~~ development potential for up to a small 20-unit motel, cottages, hostel, or similar facility. This site ~~is also~~ may be a suitable location for up to 15 units of affordable housing. To protect the site's visual and environmental qualities, new development shall be sited and designed to minimize view and traffic impacts on nearby public roads, protect Lagunitas Creek and adjacent riparian vegetation from the impacts of erosion and water quality degradation, and minimize slope disturbance. Development shall be clustered, limited in height and scale to that which is compatible with the surrounding area, and shall provide adequate waste disposal on site.

(PC app. 9/19/11, 7/29/10)

~~[Adapted from Unit II Recreation and Visitor-Serving Facilities Policy 3.e, p. 46]~~

**C-PRS-5 Criteria for New Development in Point Reyes Station.** New residential development in Point Reyes Station shall meet the following criteria:

1. **Building Height.** The height limit for residential structures shall be regulated as follows: In areas other than ridgeline lots, no part of a primary building shall exceed 25 feet above natural grade and no part of an accessory building shall exceed 15 feet above natural grade. New development near ridgelines shall be sited and designed so that rooflines are below the visual plane of ridges when viewed from Point Reyes-Petaluma Road or Highway One. Where a ridge lot is too flat to allow placement of new construction below the visual plane of the ridge, up to a maximum of 18 feet above natural grade shall be imposed.
2. **Building Size.** The maximum floor area allowed on any lot located in the planning area shall be 4,000 square feet. For purposes of this community-specific policy, “floor area” includes the sum of the gross horizontal areas of all floors of the building or buildings measured from exterior faces of exterior walls excluding only unenclosed horizontal surfaces, such as balconies, courts, decks, porches, and terraces. To clarify the intent of the preceding two sentences, “floor area” is defined to include the total floor area of any detached structures and the total floor area of any garage. It is not the intention of this program to make any existing building, which complied with building regulations at the time of its construction, nonconforming with respect to floor area limitations (see Development Code Chapter 22.130 for definitions of “floor area” and “building area” applicable outside of the Point Reyes Station Community Area).
3. **Building Size Exceptions.** Exceptions to maximum permitted floor area may be permitted upon a determination by the Community Development Agency Director, in consultation with the Point Reyes Station Community, that the proposed development:
  - a. Maintains adequate setbacks from property lines and surrounding development;
  - b. Is located on a parcel which is large enough (generally greater than one acre) to accommodate the additional floor area while maintaining consistency with the surrounding built environment with respect to height, mass, and bulk;
  - c. Is adequately screened by existing and proposed vegetation;
  - d. Is adequately screened by the topography of the property or of surrounding properties; and
  - e. Would not significantly limit or reduce sun and light exposure to adjacent properties.
  - f. Protects significant public views and is compatible with the natural and built environment, including through siting and design.
4. **Landscaping.** Require landscape and irrigation plans for all new developments or major modifications to existing buildings. Where applicable, preservation of natural habitats and installation of additional plants native to the Point Reyes Station area is encouraged. Proposed trees and shrubs, when mature, should not deprive adjoining properties of views or sunlight. Weedy and/or invasive plants such as Eucalyptus, Acacia, Monterey Pine and Pampas Grass are discouraged. ~~The choice of plants should be native and non-invasive species generally similar to native species in the area guided by the Point Reyes Station Landscaping Guide in the Point Reyes Station Community Plan.~~ Non-native trees and shrubs which traditionally have been grown in the developed portions of Point Reyes Station are allowed. By incorporating these plants in new landscaping plans, owners can achieve a pleasing continuity with the existing landscape pattern of the community. These non-native species include:

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<u>Common name</u>	<u>Scientific name</u>
<u>Black locust</u>	<u>Robinia pseudoacacia</u>
<u>California black walnut</u>	<u>Juglans hindsii</u>
<u>Fruit trees (particularly apple, plum, persimmon)</u>	
<u>Hawthorn</u>	<u>Crataegus laevigata</u>
<u>Magnolia</u>	<u>Magnoliaceae (several species)</u>
<u>Shrub roses</u>	<u>Rosa spp.</u>

(PC app. 9/19/11, 7/29/10)

*[Adapted from the Point Reyes Station Community Plan Programs RL 3.3b, c and e, pp. 32–33]*

**C-PRS-6 Lighting.** Light fixtures shall be mounted at low elevations (eight feet or less) and fully shielded to direct lighting downward. Lighting along walkways should be mounted on low elevation bollards or posts. Floodlighting shall be discouraged. Exterior lighting fixtures should complement the architectural style of structures and be the minimum necessary for public safety.

(PC app. 9/19/11, 7/29/10)

*[Adapted from the Point Reyes Station Community Plan Policy CL 4.1.o, p. 21, and Program RL 3.4a, p. 34]*

**C-PRS-7 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), 119-240-02 through 13 (formerly 119-240-46, 57 and 58) and consisting of Areas A, B, C, D, E and F as depicted on Exhibit E, shall be subject to the following land use designations, ~~as defined in the Marin Countywide Plan and further incorporated as shown in~~ Appendix G to the LCP: The land use designation for Areas A and B shall be C-MF-2 (Coastal, Multiple-Family, one to four units per acre maximum residential density). The land use designation for Area C shall be C-SF-4 (Coastal, Single-family Residential, one to two units per acre). The land use designation for Areas D and E shall be C-NC (Coastal, Neighborhood Commercial, one to 20 units per acre maximum residential density, 30% to 50% commercial floor area ratio). The land use designation for Area F shall be C-OS (Coastal, Open Space).

The entire 18.59 acres shall be subject to a single site development plan consisting of Areas A, B, C, D, E and F. The site development plan shall be subject to review and approval by the California Coastal Commission as an amendment to the LCP. Any coastal development permit or permits for development of any portion of the site shall be consistent with the approved site development plan. The site development plan shall indicate the kinds, locations, and intensities of uses allowable in accordance with the following requirements:

1. Total number of residential units on the entire 18.6 acre site shall not exceed 36.
2. Area A shall be developed with a maximum of seven detached affordable and/or market rate for-sale units ranging in size from approximately 900 to 1,155 square feet.
3. Area B shall be developed with a maximum of 27 rental affordable units ranging in size from approximately 1,440 to 1,720 square feet and a manager's unit/community building of approximately 2,180 square feet.
4. No more than two residential units may be developed within Area C.
5. A minimum of 12 public parking spaces shall be provided within Area D.
6. A minimum of two acres shall be reserved for a future community-serving use or project that provides a significant public benefit, as demonstrated by the Review Authority within Area E.
7. Future use of the approximate 18.59 acre area depicted on Exhibit E, including all wetlands shall be consistent with the LCP, including provisions which mandate a 100-foot minimum buffer as measured landward from the edge of the wetlands.

*[BOS app. 2/26/2013]*



## Built Environment

(PC app. 9/19/11)

*[Adapted from Unit II New Development and Land Use Policy 8.b, p. 210]*

## **Inverness**

**C-INV-1 Community Character of Inverness.** Maintain the existing character of residential and small-scale commercial and visitor-serving development in the Inverness Ridge communities.

[BOS app. 12/11/2012]

(PC app. 9/19/11, 7/29/10)

*[New policy, not in Unit I or II]*

**C-INV-3 Paradise Ranch Estates Design Guidelines.** Future development in Paradise Ranch Estates should be consistent with maintaining the existing exclusively residential nature of the community, and should consider the community's unique characteristics such as substandard roads and the need to protect public viewsheds from adjacent parklands and other public areas. Apply the following guidelines for development within Paradise Ranch Estates:

### **1. Protection of Visual Resources.**

- a. In areas where structures may be seen from adjacent parklands (primarily the north, south and west sides of the subdivision) structures shall be screened by existing vegetation to the maximum extent possible. Structures on or near ridgelines shall not be higher than the tree canopy, even if the Zoning Ordinance would otherwise permit taller buildings. The purpose of this measure is to prevent the presently tree-covered silhouette of the ridgeline from being visually disrupted. In addition, the structures will be better-screened. It is noted that the west side is adjacent to Park Wilderness areas.
- b. In areas where structures may be visible, dark earth tones shall be used to ensure the least amount of visual intrusion into the landscape.
- c. To minimize grading and visual impacts from adjacent parkland, new structures along Pine Crest Road shall be located within 150 feet of the front property line.
- d. To minimize visual impacts on adjacent parkland, structures visible from the park on the northwest (Pine Crest and Upper Roberts) and southwest (Elizabeth Place, ends of Sunnyside and Dover) sides of the subdivision shall be oriented such that the narrower end of the structure faces the park to ensure the maximum opportunity to take advantage of the existing tree cover.
- e. An analysis of the visual impacts from structures that might result from the siting and construction of the septic system shall be included with development applications. The septic system shall be designed and sited to minimize tree removal which could have a visual impact.
- f. Use of colors and materials consistent with the woodland character of the subdivision and the vernacular building style of the area should be observed to avoid obtrusive visual impact.



## Built Environment

2. Public Service Guidelines. Paving and drainage improvements along the road frontage of a property may be required for all-new structures. Off-site improvements may also be required in areas where roadways presently do not meet County standards. These areas include the following:
  - a. Certain segments of Upper Roberts Road.
  - b. Douglas Drive adjacent to Assessor Parcel Numbers 114-130-34 and 114-130-24.
  - c. Dover Drive adjacent to Assessor Parcel Number 114-130-25.

If parcels that presently are not part of the Paradise Ranch Estates Permanent Road Division acquire access over subdivision roadways in the future, joining the assessment district shall be a condition of approval.

3. Protection of Trees. Structures and roads should be sited to avoid tree removal. However, where it is necessary to clear existing vegetation, ecological principles of natural plant success should be observed. In some circumstances, removal of dead or older diseased trees may be desirable for siting purposes, thus promoting success of younger, more vigorous vegetation. However, dead trees also serve as valuable habitat for some species, so their complete removal should be avoided as appropriate. Such tree removal is only allowed consistent with other LCP policies.
4. Lot Consolidation and Acquisition. The County shall process coastal permit applications affecting lots identified for consolidation in the Paradise Ranch Estates Lot Consolidation Plan and lots identified for acquisition into Point Reyes National Seashore in accordance with all applicable policies and standards of the LCP, and will notify the Coastal Conservancy and Point Reyes National Seashore of such development proposals, respectively.

~~(PC app. 7/29/10)~~

~~{Adapted from Unit II New Development and Land Use Policy 8.c(4)(c)(2), pp. 212-214}~~

**C-INV-4 Road and Path Maintenance in Inverness.** Maintain existing residential streets at current improvement standards. Unimproved residential roadways should be improved to minimal all-weather travel standards such as crushed rock by owners of land whose frontages abut such roadways. Continue to maintain existing paths and encourage new pathways.

~~(PC app. 11/7/11, 10/26/09)~~

~~{Adapted from Inverness Community Plan, Policy 7.00, p. 102-103}~~

## East Shore

**C-ES-1 Community Character of the East Shore of Tomales Bay.** Maintain the existing character of low-density, residential, agriculture, mariculture, visitor-serving, and fishing or boating-related uses. Allow expansion or modification of development for visitor-serving or commercial development on previously developed lots along the east shore of Tomales Bay, provided that such expanded uses are compatible with the small scale and character of existing development along the Bay.



## Built Environment

1. Nick's Cove. Continue to support visitor-serving uses on this site, which includes a restaurant and overnight guest accommodations. Overnight accommodations, such as bed and breakfast facilities, are encouraged consistent with availability of water supply, sewage disposal, and parking facilities. Any expansion or reconstruction of Nick's Cove restaurant shall be designed to minimize visual impacts and provide maximum public physical and visual access to the shoreline. Structures on the upland property shall be limited in height to that which is compatible with the scale and character of surrounding development, while those on the bayside of Highway One shall not exceed the height of the existing restaurant.
2. Marshall. Maintain and encourage the present residential/commercial mixed use and encourage locally serving commercial uses.
3. Marshall Boatworks. Continue to support the Marshall Boatworks area as a residential/commercial mixed use area and as a potential community activity center and gathering place.
4. Marconi Conference Center State Historic Park. Continue to support the Marconi Conference Center and State Historic Park to provide meeting and retreat services for the Bay Area, consistent with historic and natural resource protection guidelines in the Marconi Conference Center State Historic Park General Plan.
5. Marconi Cove Marina. Support visitor- and local-serving, as well as marine-related, facilities at the Marconi Cove property. Expanded marina facilities, including additional boat slips, fishing pier, and storage space may also be desirable.

~~{BOS app. 12/11/2012}~~

~~{PC app. 9/19/11, 1/24/11}~~

~~{Adapted from Unit II Recreation and Visitor Serving Facilities Policy 3.e, pp. 48-51}~~

**C-ES-2 Protection of Trees.** Identify and protect significant stands of trees in the Planning Area.

~~{PC app. 9/19/11, 7/29/10}~~

~~{Adapted from the East Shore Community Plan, Program EQ-2-1, p. 48}~~

**C-ES-3 Prioritization of Water-Related Uses.** Prioritize mariculture, boat repair, fishing, water-related public recreation and scenic resources over other uses along the shoreline.

~~{PC app. 9/19/11, 7/29/10}~~

~~{Adapted from the East Shore Community Plan, Policy CD-7, p. 51}~~

**C-ES-4 Commercial Land Use.** Limit development of commercial and public facilities to existing activity centers, such as Nick's Cove, historic Marshall or near the Post Office/Marshall Boatworks and Marconi area.

~~{PC app. 9/19/11, 7/29/10}~~

~~{Adapted from the East Shore Community Plan, Policy CD-21, p. 55}~~

**C-ES-5 Local-Serving Facilities.** Consider incorporating local-serving facilities in new development, where appropriate.

~~{PC app. 9/19/11, 7/29/10}~~

~~{Adapted from the East Shore Community Plan, Policy CD-24, p. 56}~~

**C-ES-6 New Marina Development.** New marina development shall make provision for use of facilities by local commercial and recreation boats.

~~{PC app. 9/19/11, 7/29/10}~~

~~{Adapted from the East Shore Community Plan Program CD-24-2, p. 56}~~



## **Tomales**

**C-TOM-1 Community Character of Tomales.** Maintain the existing character of residential and small-scale commercial and visitor-serving development in the community of Tomales. No expansion of commercial zoning is recommended since there is adequate undeveloped land zoned for visitor-serving and commercial development for anticipated future needs. Encourage development of overnight accommodations such as a motel, cottages, and a hostel. New development shall reflect the historic character of the town's architecture and shall be set back from the creek which flows through commercially zoned areas.



{BOS app. 12/11/2012}

{PC app. 9/19/11, 1/24/11}

*{Adapted from Unit II Recreation and Visitor-Serving Facilities Policy 3.f, p. 51}*

## **Dillon Beach**

**C-DB-1 Community Character of Dillon Beach.** Maintain the existing character of residential and small-scale commercial and visitor-serving development in Dillon Beach and Oceana Marin. Dillon Beach Resort, including all properties zoned C-RCR and C-RMPC between Dillon Beach Road and Dillon Creek, would be an appropriate site for new development of a modest scale, ~~including a small~~ motel, cafe, delicatessen, or restaurant, and/or day-use facilities. Due to its proximity to the shoreline, the former Pacific Marine Station is an especially suitable area for facilities where many people can enjoy its prime location. The site offers opportunities, for example, for community services, a conference center, and/or a youth hostel. Limited residential development would be appropriate at the Dillon Beach Resort, provided it ~~is~~is were developed as a secondary use in conjunction with visitor-serving uses. All development shall demonstrate adequate water supply and sewage disposal, and shall be sited out of sand dunes and other environmentally-sensitive areas. Building heights shall be limited to that which is compatible with the scale and character of the area. Existing C-RCR and C-RMPC zoning shall be maintained. Maintain existing C-RCR and C-APZ-60 zoning at Lawson's Landing.

{BOS app. 12/11/2012}

{PC app. 11/7/11, 7/29/10}

*{Adapted from Unit II Recreation and Visitor-Serving Facilities Policy 3.g(1) & (2), pp. 51—52}*

**C-DB-2 Lawson's Landing.** Retain Lawson's Landing as an important source of lower cost visitor serving access and recreational opportunities, including coastal-dependent water oriented activities such as boating and fishing. Pursuant to the Dillon Beach Community Plan and project approvals, require Sand Haul Road to be evaluated as a means to provide primary vehicular access to Lawson's Landing and to provide relief from traffic congestion in Dillon Beach Village, subject to full environmental review.

{PC app. 11/7/11, 09/19/11}

*{Adapted from the Coastal Commission staff report for Lawson's Landing Appeal No. A-2-MAR-08-028}*

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**C-DB-3 Oceana Marin.** The zoning designations for the C-RMP parcels in Oceana Marin represent the low end of the residential density ranges specified in the Dillon Beach Community Plan for the respective parcels. Development at higher density ranges may be approved if subsequent studies demonstrate that additional development can be accommodated in accordance with Policies CD-4.6 and CD-10.6 through CD-10.16 of the Dillon Beach Community Plan, which has been certified by the California Coastal Commission.

~~(PC app. 11/7//11)~~

~~*[Adapted from Unit II New Development and Land Use Policy 8.h(7), p. 218]*~~

**C-DB-4 Dillon Beach Community Plan.** Refer to the Dillon Beach Community Plan, which has been certified by the California Coastal Commission, when reviewing Coastal Permits in the Dillon Beach area.

~~(PC app. 11/7//11)~~

~~*[New policy, not in Unit I or II]*~~





## Built Environment



## Energy (EN)

### Background

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 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 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 setting susceptible to 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 are not be appropriate for Marin's Coastal Zone. However, it is recognized that certain small scale renewable

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energy facilities (example: small scale solar and wind energy conversion) may be necessary for the greater public benefit, and thus may be allowed where appropriate.

The Coastal Act stresses the protection of coastal resources, although it acknowledges that some development of energy facilities and resources may be necessary. 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 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~~ Chapter 3 of the Coastal Act, 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. This would have left these agricultural areas potentially open for possible development of power plants. ~~However, current LCP Unit II Policy 7 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. The LCP maintains its previously certified prohibition on major energy and industrial development in the Coastal Zone.~~

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 likely there would be any proposals for related on-shore facilities in the Coastal Zone in the foreseeable future.

## Policies

**C-EN-1 Energy Efficiency Standards.** Integrate energy efficiency and conservation, and renewable energy requirements into the development review and building permit process where technically and financially feasible.

(PC app. 11/7/11, 4/27/09)

~~[Adapted from CWP Policies EN 1.1 and EN 2.2, pp. 3-82 and 3-85]~~

**C-EN-2 Public Information and Education on Energy Efficiency.** Provide information, marketing, training, and education to support energy efficiency and conservation, and renewable resource use. (PC app. 11/7/11, 4/27/09)

~~[Adapted from CWP Policies EN 1.3 and EN 2.4, pp. 3-82 and 3-85]~~

**C-EN-3 Incentives for Energy Efficiency.** Continue to offer incentives that encourage energy efficiency and conservation, and renewable energy practices.

(PC app. 11/7/11, 4/27/09)

~~{Adapted from CWP Policy EN 1.2, p. 3-82}~~

**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 processing, rules and other incentives that are all consistent with Policy C-EN-5.

(PC app. 1/9/12, 11/7/11, 1/24/11)

~~{Adapted from CWP Goal EN 2 and CWP Policies EN 2.1, 2.2 and 2.3, p. 3-85}~~

**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 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.

(PC app. 1/9/12, 11/7/11, 1/24/11)

~~{Adapted from CWP Policy BIO 1.a, p. 2-16, and CWP Program AG 1.f, p. 2-162}~~

**Program C-EN-4.b Consider Policy to Allow the Creation of Local-Serving Renewable Energy Systems.** Evaluate the future implementation of a policy that would allow local-serving renewable energy systems in the Coastal Zone. Such systems would provide energy service exclusively from renewable energy resources such as solar or wind power to one or more coastal communities.

(PC app. 9/19/11)

~~{New program, not in Unit I or II}~~

**C-EN-5 Energy Production Facility Impacts.** Ensure through siting, design, scale, and other measures that all energy production facilities are constructed to avoid where possible, and minimize where avoidance is not possible, impacts on public health, safety and welfare, public views, community character, natural resources, agricultural resources, and wildlife, including threatened or endangered species, bat populations, and migratory birds.

(PC app. 11/7/11, 1/24/11)

~~{Adapted from CWP Program PFS 5.d, p. 3-209}~~

**C-EN-6 Energy and Industrial Development.** The 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.

(PC app. 1/9/11, 11/7/11)

~~{Continued from LCP Unit II New Development and Land Use Policy 7, p. 209. This policy also carries forward Unit I Public Services Policy 2, p. 48}~~





## Housing (HS)

### Background

Housing is a vital component of Marin's coastal communities. ~~While the Local Coastal Program (LCP) is not required by the Coastal Act to address housing, it remains~~, and it is important to respond to current and future housing needs in the Coastal Zone, particularly in planning for sustainable communities by supplying housing affordable to the full range of the Coastal Zone's diverse community and workforce.

Provision of affordable and diverse housing opportunities in the Coastal Zone is important to provide decent housing for residents. The challenge of providing new housing compatible with existing community character and quality, as well as environmental constraints and resources, is ever-present. At the same time, the ~~LCP~~County is required to meet federal and state law with respect to providing low- and moderate-income housing, replacement housing, or any other obligation related to housing imposed by existing laws.

Assuring housing choices at prices within reach is also important indirectly in carrying out Coastal Act resource protection goals. The Coastal Act places a high priority on maintaining agriculture and mariculture as viable land uses in the Coastal Zone, and encourages provision of visitor-serving facilities including overnight accommodations. These land uses depend on the availability of local labor, and pay scales for workers in these industries tend to be relatively low. Provision of housing opportunities for those employed in the Coastal Zone is thus essential if these high-priority land uses are to be maintained.

The Coastal Act addresses housing in several ways. Section 30500.1 provides that the LCP is not required to include housing policies and programs. However, Section 30007 states that local governments are not exempt from meeting requirements of state and federal law with respect to providing low- and moderate-income housing or other obligations related to housing. Furthermore, as defined in Section 30108.5, the Coastal Act requires that the land use plan component of the LCP indicates types, location, and intensity of land uses and applicable resource protection and development policies.

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Because the adopted Marin County Housing Element and Development Code include measures such as density bonuses and reduction in site development standards, which affect the intensity of land uses that can be allowed in the Coastal Zone, the LCP contains select housing policies. These policies ~~balance~~ achieve compliance with housing-related requirements of the Government Code and the Marin Countywide Plan's Housing Element, and with the Coastal Act requirement to specify the potential density of future development in the Coastal Zone, including residential development.

The LCP provides several measures to address low and moderate income housing needs in the Coastal Zone, such as affordable housing provisions and retention of zoning for small lots of 6,000 to 10,000 square feet. These needs are also addressed by LCP policies that support development of second units and agricultural worker housing where appropriate. To protect existing lower income units, the LCP also limits conditions under which such units can be demolished, although hazardous structures may be demolished even if no replacement housing is built. Finally, it should be noted that the County's draft Housing Element identifies several sites in the Coastal Zone that could potentially accommodate affordable housing.

## Policies

**C-HS-1 Protection of Existing Affordable Housing.** Continue to protect and provide affordable housing opportunities for very low, low, and moderate income households. Prohibit demolition of existing deed restricted very low, low, and moderate income housing except when:

1. Demolition is necessary for health and safety reasons; or
2. Costs of rehabilitation would be prohibitively expensive and impact affordability of homes for very low, low and moderate income households; and
3. Units to be demolished are replaced on a one-for-one basis with units of comparable rental value on site or within the immediate Coastal Zone area.

~~(PC app. 9/19/11, 7/29/10)~~

~~[Adapted from Unit I New Development and Land Use Policy 22, p. 66, and Unit II New Development and Land Use Policy 4.a, p. 207]~~

**C-HS-2 Density for Affordable Housing.** Allow the maximum range of density for deed-restricted housing developments that are affordable to extremely low, very low or low income households and that have access to adequate water and sewer services.

~~(PC app. 9/19/11, 7/29/10)~~

~~[Adapted from the November 2009 Draft Housing Element Program 1.d]~~

**C-HS-3 Affordable Housing Requirement.** Require residential developments in the Coastal Zone consisting of 2 or more units to provide 20 percent of the total number of units to be affordable by households of very low or low income or a proportional "in-lieu" fee to increase affordable housing construction, ~~consistent with the County's inclusionary housing policy.~~

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

~~[Adapted from the November 2009 Housing Element Policy H3.19, and County Code Section 22.22.020]~~

**C-HS-4 Retention of Small Lot Zoning.** Preserve small lot zoning (6,000 – 10,000 square feet) in Tomales, Point Reyes Station, and Olema for the purposes of providing housing opportunities at less expense than available in large-lot zones.

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

*[Adapted from Unit II New Development and Land Use Policy 4.b, p. 207]*

**C-HS-5 Second Units.** Consistent with the requirements of California Government Code Section 65852.2, continue to enable construction of well-designed second units in both new and existing residential neighborhoods as an important way to provide workforce and special needs housing. Ensure that adequate services and resources, such as water supply and sewage disposal, are available consistent with Policy C-PFS-1 Adequate Services.

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

*[Adapted from the November 2009 Draft Housing Element Program 1.i]*

**C-HS-6 Regulate Short-Term Rental of Primary or Second Units.** Regulate the use of residential housing for short term vacation rentals.

~~[BOS app. 7/30/2013]~~

~~(PC app. 9/19/11, 7/29/10)~~

*[Adapted from the November 2009 Draft Housing Element Program 1.j]*

**Program C-HS-6.a Vacation Rental Ordinance**

1. Work with community groups to develop an ordinance regulating short-term vacation rentals.
2. Research and report to the Board of Supervisors on the feasibility of such an ordinance, options for enforcement, estimated program cost to the County, and the legal framework associated with rental properties.

~~[BOS app. 7/30/2013]~~

~~(PC app. 9/19/11, 7/29/10)~~

*[Adapted from the November 2009 draft Housing Element Program 1.j]*

**C-HS-7 Williamson Act Modifications to the Development Code.** Allow farm owners in a designated agricultural preserve to subdivide up to 5 acres of the preserved land for sale or lease to a nonprofit organization, a city, a county, a housing authority, or a state agency in order to facilitate the development and provision of agricultural worker housing. Section 51230.2 of the Williamson Act requires that the parcel to be sold or leased must be contiguous to one or more parcels that allow residential uses and developed with existing residential, commercial, or industrial uses. The parcel to be sold or leased shall be subject to a deed restriction that limits the use of the parcel to agricultural laborer housing facilities for not less than 30 years. That deed restriction shall also require that parcel to be merged with the parcel from which it was subdivided when the parcel ceases to be used for agricultural laborer housing.

~~(PC app. 9/19/11, 7/29/10)~~

*[Adapted from the November 2009 Draft Housing Element Program 2.j and Government Code Section 51230.2]*

**C-HS-8 Development of Agricultural Worker Housing Units in Agricultural Zones.** Support policy changes that promote development of agricultural worker units in agricultural zones.

~~(PC app. 9/19/11, 7/29/10)~~

*[Adapted from the November 2009 Draft Housing Element Program 2.l]*

**Program C-HS-8.a Administrative Review for Agricultural Worker Housing Units.**

Establish an administrative Coastal Permit review process for applications for agricultural worker units in order to expedite the permitting process and facilitate development of legal agricultural worker units.

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~~(PC app. 11/7/11, 7/29/10)~~

~~*[Adapted from the November 2009 Draft Housing Element Program 2.1]*~~

**C-HS-9 Density Bonuses.** Provide density bonuses for affordable housing in the Coastal Zone consistent with Government Code Section 65915 and Coastal Act Section 30604(f), ~~and the County's density bonus provisions in Chapter 22.24 (Affordable Housing Incentives)~~ to the extent that such increases in density are consistent with the provisions of the LCP.

~~(PC app. 11/7/11, 10/26/09)~~

~~*[New policy, not in Unit I or II]*~~



## Built Environment



## Public Facilities and Services (PFS)

### Background

The villages of Marin County's Coastal Zone are surrounded by extensive public open space and agricultural land, with scattered farm-related housing. Most development in the Coastal Zone receives water and sewage services through individual property-specific systems managed by private landowners, since community water supply and sewage disposal systems are limited and exist only in some of the villages. This limited community service capacity is largely due to the local soil conditions and aquifer characteristics. Maintaining a balance between level of development and capacity of public services is essential to preserve service quality and avoid provision shortages. Without this balance, communities can experience such impacts as water pollution that could result from inadequate on-site sewage disposal, as well as public safety problems associated with an inadequate water supply.

Availability of water to support development in Marin's Coastal Zone depends on a variety of interrelated factors, including annual weather patterns, long-term climate trends, development of new facilities, as well as water conservation and management practices. Much of the water supply within the Coastal Zone is provided by public and private entities not under the direct jurisdiction of the County (see Map 20 – Public Facility Service Areas). Small water districts provide service in a number of areas, including Bolinas Community Public Utility District (BCPUD), Stinson Beach County Water District (SBCWD), Inverness Public Utility District (IPUD), and Muir Beach Community Services District (MBCSD). The community of Dillon Beach is served by two small independent water companies: the California Water Service Company (formerly Coast Springs Water Company) and the Estero Mutual Water System (EMWS).

SBCWD, MBCSD, and the Dillon Beach area primarily use groundwater for their water supplies while IPUD and BCPUD rely mainly on surface water. Beyond the current water service district boundaries, private wells or small mutual water systems rely on individual groundwater wells, surface water, or small

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spring-based sources. Many of these sources occur in the limited areas of high water-yielding sediments in alluvial valleys, while much of the rest of the area is characterized by low-permeability fractured bedrock and thin alluvial deposits with too little saturated thickness to produce meaningful supplies of water.

Water supplies in some areas are currently constrained, including those served by the BCPUD and California Water Service Company (CWSC), where connection moratoria are in place. Other systems have frequent summer peaking problems in dry years, as do some individual wells. Most of the water service areas are projected to experience water supply deficits during extreme droughts, according to the Marin Countywide Plan environmental documents.

Sewage disposal is generally provided by individual on-site systems in much of the Coastal Zone, including along the East Shore of Tomales Bay, Point Reyes Station, Inverness Ridge, Olema, Stinson Beach, and Muir Beach, parts of Dillon Beach, and most of Bolinas. Other areas are served by community sewer facilities, or in a few cases, small package treatment plants. Soil and groundwater conditions can affect the feasibility of new on-site systems or, in some cases, the functioning of existing systems.

The Coastal Act connects the amount of new residential, commercial, and industrial development with the availability of adequate services. New development is directed by the Coastal Act to existing developed areas that are able to accommodate it or to other locations outside developed areas where adequate public services are available. Thus, whether within or outside existing developed areas, new development must be supported by adequate public services. Furthermore, the Coastal Act requires that public works facilities shall be designed and limited to accommodate needs generated by development permitted consistent with the Act. In other words, such facilities should be sized so as to provide adequate service to development, but not sized in such a way as to create growth-inducing effects. Where public works facilities can accommodate only limited new development, high priority should be accorded to coastal-dependent land uses, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, agriculture, and visitor-serving land uses.

The LCP proposes no new sewage treatment plants, water production facilities, or other public services or facilities. Instead, new development shall continue to rely on existing community service facilities, where capacity is adequate, or on new on-site water and sewage facilities, where those are feasible and can be developed consistent with LCP policies.

## Policies

**C-PFS-1 Adequate Public Services.** Ensure that adequate public services (that is, water supply, on-site sewage disposal or sewer systems, and transportation including public transit as well as road access and capacity if appropriate) are available prior to approving new development, including land divisions. In addition, ensure that new structures and uses are provided with adequate parking and access. Lack of available public services, or adequate parking and access, shall be grounds for project denial or for a reduction in the density otherwise indicated in the land use plan.

~~{BOS app. 2/26/2013}~~

~~{PC app. 11/7/11, 1/24/11}~~

~~*[Adapted from Unit II Public Services Policy 1, p. 187, and CWP Goal PFS 1, p. 3-198]*~~

**C-PFS-2 Expansion of Public Services.** Limit new or expanded roads, flood control projects, utility services, and other public service facilities, whether publicly owned or not, to the minimum necessary to adequately serve development as identified by LCP land use policies, including existing development.

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Take into account existing and probable future availability of other public services so that expansion does not accommodate growth which cannot be handled by other public service facilities. All such public service projects shall be subject to the LCP.

(PC app. 11/7/11, 9/19/11, 7/29/10)

*[Adapted from Unit I Public Services Policy 1, p. 48]*

**C-PFS-3 Formation of Special Districts.** Ensure that special districts are formed or expanded only where assessment for, and provision of, service would not induce new development inconsistent with policies of the LCP.

(PC app. 9/19/11, 7/29/10)

*[Adapted from Coastal Act Section 30254]*

**C-PFS-4 High-Priority Visitor-Serving and other Coastal Act Priority Land Uses.** In acting on any coastal project permit for the extension or enlargement of community water or community sewage treatment facilities, determine that adequate treatment capacity is available and reserved in the system to serve VCR- and RCR-zoned property, and other visitor-serving uses, and other Coastal Act priority land uses (i.e. coastal-dependent uses, agriculture, essential public services, and public recreation). *In areas with limited service capacity (including limited water, sewer and/or traffic capacity), new development for a non-priority use, including land divisions, not specified above shall only be allowed if adequate capacity remains for visitor-serving and other Coastal Act priority land uses, including agricultural uses.*

(PC app. 11/7/11, 7/29/10)

*[Adapted from Unit I Public Services Policies 6 and 12, pp. 48-49]*

**C-PFS-5 Community Sewer Systems.** Require new development within a village limit boundary to connect to a public sewer system if the sewer system is within 400 linear feet of the parcel on which development is proposed, unless the County Health Officer or applicable sewer service provider finds that such connection is legally prohibited, physically impossible, or otherwise infeasible.

(PC app. 9/19/11, 7/29/10)

*[Adapted from County Code Section 18.06.050]*

**C-PFS-6 Sewage Disposal Systems and Protection of Water Quality.** Require new and expanded sewage disposal systems to be designed, constructed, and maintained so as to protect the biological productivity and quality of coastal streams, wetlands, and other waters.

(PC app. 9/19/11, 7/29/10)

*[New policy, not in Unit I or II]*

**C-PFS-7 Adequately Sized Sewage Disposal Systems.** Require new and expanded sewage disposal systems to be sized adequately to meet the needs of proposed development, including any changes in type or intensity in use of an existing structure.

(PC app. 9/19/11, 7/29/10)

*[Adapted from Unit I Public Services Policy 9, p. 49]*

**C-PFS-8 Sewage Disposal Systems Requirements for New Lots.** Require all sewage disposal systems on newly created lots to comply in all respects, without variance, with applicable County and state septic system regulations.

(PC app. 9/19/11, 1/24/11)

*[Adapted from Unit I Public Services Policies 7 and 9, pp. 48-49, Unit II Public Services Policy 3.a, p. 189, and County Regulations Section 301]*

**C-PFS-9 Preference for On-Site Individual Sewage Disposal Systems.** Require an individual sewage disposal system serving a building or buildings to be located on the same building site, lot, or parcel as the building(s). Where an existing legal parcel is found by the County Health Officer or designee to be unsuitable for an onsite sewage disposal system, the system may be located on a contiguous lot (provided the contiguous lot has sufficient replacement area) or parcel within a non-revocable easement specifically designated for such sewage disposal system. The non-revocable easement shall be surveyed and recorded with the County Recorder, and the easement shall provide for access to the site for maintenance of the sewage disposal system.

~~(PC app. 9/19/11, 7/29/10)~~

~~*[Adapted from County Regulations Section 306]*~~

**C-PFS-10 Adequate On-Site Sewage Disposal Systems for Existing Development.** Ensure that existing on-site sewage disposal systems function properly by complying with all rules and regulations of the Regional Water Quality Control Board, including any requirements adopted pursuant to AB 885. Where repairs to existing systems are necessary, take corrective action in the following priority order as appropriate:

1. Require connection to a public sewer, if the property is within 400 feet of a public sewer main and it is physically and legally possible to connect to such main; or
2. Require system repair using a standard drainfield; or
3. Require construction of an alternative or innovative system.

~~(PC app. 9/19/11, 7/29/10)~~

~~*[Adapted from Unit I Public Services Policy 7, p. 48, and County Regulations Section 304]*~~

**Program C-PFS-10.a Continue Stinson Beach Water Quality Monitoring Program.**

Support the existing water quality monitoring program conducted by the Stinson Beach County Water District, consistent with the agreement with the Regional Water Quality Control Board.

~~(PC app. 9/19/11, 7/29/10)~~

~~*[Adapted from Unit I Public Services Policy 11, p. 49, and Unit I Location and Density of New Development Policy 34, p. 81]*~~

**Program C-PFS-10.b Support Septic Inspection, Monitoring, and Maintenance District(s) other than Stinson Beach.**

Support establishment of one or more Septic Inspection, Monitoring and Maintenance District(s), drawing from the successful performance of the Stinson Beach County Water District that would include all or portions of unincorporated areas with septic systems. Modify applicable codes to enable inspection and monitoring of on-site septic systems in a risk-based, comprehensive, and cost-effective way.

~~(PC app. 9/19/11, 7/29/10)~~

~~*[Adapted from CWP Program WR 2.i, p. 2-61]*~~

**Program C-PFS-10.c Update Septic Standards.** Consider revising County septic regulations to streamline the regulatory process, prioritize monitoring of on-site wastewater systems, and provide incentives (such as reduced permit fees) for homeowners to repair their systems.

~~(PC app. 9/19/11, 7/29/10)~~

~~*[Adapted from CWP Program PFS 3.c, p. 3-206]*~~

**C-PFS-11 Alternative On-Site Sewage Disposal Systems.** Approve alternative on-site sewage disposal systems where the County Health Officer or designee determines that (a) sewage cannot be

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disposed of in a sanitary manner by a standard septic system, or (b) that an alternative system will protect the public health in a manner equal to or better than a standard system.

Approval of an alternative system shall require, at a minimum:

1. Design plans signed by a professional who is knowledgeable and experienced in the field of on-site sewage disposal;
2. Submittal of a site-specific contingency plan which shall outline specific actions to be taken to repair, expand, or replace the system, should it fail to operate as planned;
3. Operation, maintenance, and monitoring instructions for the system owner; and
4. A written statement granting permission to the Health Officer to access the property to periodically assess system functioning.

In addition to a construction permit, an operating permit shall be required for all alternative systems. The operating permit shall be renewed annually or as otherwise specified by the Health Officer. The Health Officer has discretion to exempt from the operating permit requirement alternative systems installed solely for repair of existing systems.

~~(PC app. 9/19/11, 1/24/11)~~

~~[Adapted from Unit I Public Services Policy 8, p. 49, Unit II Public Services Policy 3.a, p. 189, and County Regulations Sections 801, 802, and 803]~~

**Program C-PFS-11.a Continue Alternative Septic System Monitoring.** Monitor the operation of alternative systems and recommend use of new innovative systems if they perform well.

~~(PC app. 9/19/11, 7/29/10)~~

~~[Adapted from CWP Program WR 2.f, p. 2-61]~~

**Program C-PFS-11.b Research And Implement Safe, Effective, And Innovative Waste Water Disposal Options.** Research the potential to expand the use of innovative waste water disposal methods—such as pretreatment drip dispersal septic systems, gray water systems, waterless urinals, and other techniques—and community systems to help reduce potential for contaminants and nutrients to pollute water bodies, create human health hazards, and cause algal blooms. Continue to allow carefully monitored demonstration projects for experimental systems to ensure consistency with local public health protection standards. Revise applicable Codes to permit technologies and practices that prove safe and effective. As soon as innovative waste water disposal options are approved, allow their use as appropriate.

~~(PC app. 9/19/11, 7/29/10)~~

~~[Adapted from CWP Program WR 2.c, p. 2-60]~~

**C-PFS-12 Limited Use of Off-Site Septic Systems.** Allow construction of an off-site individual or community septic system (that is, on a site other than as allowed by LCP Policy C-PFS-9) only where the system would:

1. Provide for correction of one or more failing sewage disposal systems that serve existing development where the County Health Officer has determined that no other reasonable corrective action exists, or
2. Serve one of the following land uses that cannot be constructed feasibly in any other way: coastal-dependent land use, shoreline public access facility, or affordable housing within a village limit boundary.

Approval of an off-site septic system requires voluntary participation by property owners and findings that (1) it would comply with all applicable provisions of the LCP, including that it would not interfere substantially with existing or continued agricultural operations, and (2) that legal and funding mechanisms are in place to ensure proper future operation of the system, and (3) that proposed development would either avoid or minimize and fully mitigate impacts. Use of an off-site septic system for development other than as provided by this policy, is not allowed.

(PC app. 2/13/12, 11/7/11, 4/27/09)

*[New policy, not in Unit I or II]*

**C-PFS-13 New Water Sources Serving Five or More Parcels.** Professional engineering or other studies are required for coastal permit applications for new water wells or other sources serving 5 or more parcels. These studies must demonstrate that such groundwater or stream withdrawals will not have adverse direct or cumulative impacts on coastal resources, including groundwater basins, aquifers, and streams, and shall include as necessary, long-term monitoring programs, in-stream flow studies, or hydrologic studies. Such studies shall provide the basis for establishing safe sustained yields from these sources. Wells or water sources shall be at least 100 feet from property lines, or a finding shall be made that no development constraints are placed on neighboring properties.

(PC app. 9/19/11, 7/29/10)

*[Adapted from Unit I Public Services Policy 4, p. 48, and Unit II Public Services Policies 2.a and 2.c (3), pp. 187-189]*

**C-PFS-14 Adequacy of Water Supply Within Water System Service Areas.** Ensure that new development within a water system service area is served with adequate, safe water supplies. Prohibit development of individual domestic water wells or other individual water sources to serve new development, including land divisions, on lots in areas served or within the boundaries of a public or private water system, with the following exceptions:

1. For agricultural or horticultural use if allowed by the water system operators;
2. The community or mutual water system is unable or unwilling to provide service; or,
3. Extension of physical distribution improvements to the project site is economically or physically infeasible.

The exceptions specified in 1, 2, or 3 shall not be granted because of a water shortage that is caused by periodic drought. Additionally, wells or water sources shall be at least 100 feet from property lines, or a finding shall be made that no development constraints are placed on neighboring properties.

(PC app. 9/19/11, 1/24/11)

*[Adapted from Unit I Public Services Policy 3, p. 48, and Unit II Public Services Policy 2.a, p. 187]*

**C-PFS-15 Development of Water Sources including Wells, Streams, and Springs.** Require a coastal permit for wells and borings unless otherwise exempt or categorically excluded.

(PC app. 9/19/11, 7/29/10)

*[Adapted from Unit II Public Services Policies 2.a and 2.c(1), pp. 187-189]*

**C-PFS-16 Standards for Water Supply Wells and Other Water Sources.**

1. In areas where individual water wells or other individual domestic water sources are permitted, require on-site tests that demonstrate a sustained pumping rate, or equivalent, of 1.5 gpm for each residential unit or subdivided parcel. Higher yields, storage and other facilities may be required for fire protection purposes, as recommended by the appropriate fire protection agency.

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2. Require that well or water sources shall be at least 100 feet from property lines, unless a finding is made that no development constraints are placed on neighboring properties.
3. Allow a well only where a finding is made that it will not have adverse direct or cumulative impacts on coastal resources.
4. Within the Inverness Planning Area, allow no individual wells on parcels less than 2.8 acres in size, unless a specific exception is granted based on findings required by the coastal permitting chapter of the Development Code and on a demonstration to the satisfaction of the Health Officer that a well can be developed on the substandard size parcel in a completely safe and sanitary manner.
5. Within the Inverness Public Utility District (IPUD), permit no individual wells for domestic use in the same watershed, at an elevation higher than the IPUD surface water sources existing as of June 14, 1983.

~~(PC app. 2/13/12, 9/19/11, 7/29/10)~~

~~{Adapted from Unit I Public Services Policy 5, p. 48, Unit II Public Services Policies 2.a and 2.e(2), pp. 187-189; and Interim County Code Section 22.56.130.A}~~

**C-PFS-17 Conservation of Water.** To minimize generation of wastewater and encourage conservation of Coastal water resources, require use of water saving devices, including as prescribed by the local water provider in all new developments.

~~(PC app. 9/19/11, 7/29/10)~~

~~{Adapted from Unit I Public Services Policy 10, p. 49}~~

**C-PFS-18 Desalination Facilities.** Due to the Coastal Zone's unique natural resources and recreational opportunities of nationwide significance, prohibit development of desalination facilities, consistent with the limitations of Public Resources Code Sections 30260 and 30515. This policy applies to the desalination of ocean water and is not intended to prohibit the treatment of existing surface or ground water supplies for purposes of maintaining water quality.

~~(PC app. 11/7/11, 1/24/11)~~

~~{Adapted from Unit II New Development and Land Use Policy 7, p. 209}~~

**C-PFS-19 Telecommunications Facilities.** Require a coastal permit, in addition to any other required permit, for all telecommunications facilities, unless exempt per Section 22.68. Require facilities to be consistent with all provisions of certified LCP unless denial would be prohibited by federal law. Ensure through siting, co-location, "stealth" design and other measures that telecommunications facilities are designed and constructed to minimize impacts on coastal views, community character, natural resources, wildlife, and public safety. To the extent feasible, such facilities shall be located outside of significant public views.

~~(PC app. 9/19/11, 1/24/11)~~

~~{Adapted from CWP Goal PFS 5, p. 3-208}~~

## Built Environment





## **Transportation (TR)**

### **Background**

Transportation networks and facilities are important not only for the efficient movement of people and goods but also in establishing the character of a community. The scenic character of the Marin County Coastal Zone is based in part on the small-scale, winding nature of Highway One and other rural coastal roads. As one progresses along these roads, incredible and often dramatic views of the ocean, beaches, mountains, and baylands come into view. To preserve the visual quality of the coast, it is necessary to maintain Highway One as a two-lane scenic road and to minimize the impacts of roads on wetlands, streams, and the scenic resources of the Coastal Zone.

In order to carry out the Coastal Act priority to maximize public coastal access while still protecting these resources, it is necessary to maintain and expand alternatives to auto transportation in the Coastal Zone. Public transit, especially services oriented to recreation sites that draw heavy visitation, is an essential component in a balanced transportation network (see Map 21 – Transit Corridors). Bicycle and pedestrian facilities are not only an alternative to auto-dependent transportation but also are compatible with maintaining the rural, scenic character of the Coastal Zone (see Maps 26a and 26b – Bikeways). Bicycles and pedestrians can be accommodated with smaller facilities, and those on foot or bicycle experience more of the sights and sounds of the coastal environment around them.

Since 1997, Highway One has operated at Level of Service ‘A.’ The Level of Service (LOS) measure is used to evaluate the adequacy of a given transportation feature, typically highways, by determining the level of traffic congestion and corresponding safety of driving conditions. A rating of ‘LOS A’ is the most ideal score a highway can receive, and is generally given when there exists a steady free flow of traffic and no approach area is fully utilized by traffic. This evaluation reflects a minimal level of traffic congestion and would not justify any widening of Highway One or other coastal roads. Furthermore, the rural character in which the natural environment predominates throughout the area would be changed

## Built Environment

irrevocably by such alterations. Therefore, road widening is not a viable option for enhancing transportation capacity in the Coastal Zone.

Section 30254 of the Coastal Act establishes that Highway One shall remain a scenic two-lane road in rural areas of the Coastal Zone. However, Section 30210 requires maximizing access to the coast. Helping to reconcile these policies, Section 30252 encourages measures such as providing non-automobile circulation and minimizing the use of coastal access roads. Also related to the preservation of existing roads is Coastal Act Section 30251, which provides for the protection of the scenic and visual qualities of coastal areas, and 30253(5), which protects special communities that are popular visitor destination points for recreational users because of their unique characteristics.



The policies and programs of the Local Coastal Program (LCP) are consistent with the Coastal Act in that they prohibit the construction of additional highway lanes and ensure that road improvements are limited and undertaken in a way that respects their scenic environment. Instead of providing for an increase in vehicular traffic, the LCP encourages reduction of congestion through alternative means, such as limiting local parking and providing shuttle service to popular destinations. This goal is furthered by policies encouraging the expansion of the bicycle and pedestrian and supporting facilities. As a condition of new development, the LCP also encourages the procurement of new trails, roadways or paths. To further maximize coastal access, LCP policies encourage the expansion of trails and bikeways on National Park Service lands. Transportation policies of the LCP also recognize and attempt to minimize the impacts of sea level rise on Highway One using the least environmentally damaging means.

## Policies

**C-TR-1 Roads in the Coastal Zone.** Limit roads in the Coastal Zone to two lanes. Work with state and federal agencies and local communities to enhance road safety, improve pedestrian, bicycle, and transit access, and stabilize or reduce congestion through means such as limiting local parking, creating a multipurpose path from West Marin to the City-Centered Corridor, and providing shuttle service to popular destinations. Shoulder widening for bicycles, turn lanes at intersections, turnouts for slow-moving traffic or at scenic vistas, traffic calming measures, and similar improvements ~~would be~~ are permitted, provided that such improvements are consistent with the coastal resource protection policies of the LCP. However, projects will not be undertaken to increase the motorized vehicular capacity of these roads. (PC app. 2/13/12, 9/19/11, 1/24/11)

*[Adapted from Unit II Public Services Policy 4.a, p. 191, and CWP Program TR 1.o, p. 3-157]*

**C-TR-2 Scenic Quality of Highway One.** Ensure that Highway One shall remain a scenic two-lane roadway throughout Marin's Coastal Zone. Maintain the existing narrow, twisty two-lane roadway that successfully complements the rugged, open character unique to the coastal area from the southern boundary of Marin's Coastal Zone northward to the Bolinas Lagoon. Ensure that improvements shall not, either individually or cumulatively, detract from the rural scenic characteristics of the highway throughout the Coastal Zone, shall minimize encroachment into parklands to the maximum extent feasible, and shall

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be limited to improvements necessary for the continued use of the highway: e.g., slope stabilization, drainage control, and minor safety improvements such as guardrail placement, signing, etc.; expansion of shoulder paving to accommodate bicycle or pedestrian traffic; creation of slow traffic and vista turn-outs, as a safety and convenience improvement; and other minor improvements necessary to adequately accommodate public transit. Avoid incursions and other adverse impacts in ESHAs and their buffers. These improvements shall limit the site alterations to the minimum amount necessary to carry out the project, ~~and~~ minimize environmental impacts and incorporate related compensatory visual or landform restorations where feasible.

{BOS app. 12/11/2012}

{PC app. 2/13/12, 9/19/11, 4/27/09}

*{Adapted from Unit I Public Services Policy 13, p. 49, and Unit II Public Services Policy 4.a, p. 191}*

**Program C-TR-2.a State Route 1 Repair Guidelines Within Marin County.** Coordinate with Caltrans, National Park Service and other appropriate entities in refining and implementing State Route 1 Repair Guidelines Within Marin County consistent with these policies.

**C-TR-3 Impacts to Highway One from Sea Level Rise.** Consult with the California Department of Transportation to protect access to the coast and to minimize impacts of sea level rise on Highway One. Identify areas that will regularly be inundated by the ocean or are at risk of periodic inundation from storm surge and sea level rise. A combination of structural and non-structural measures should be considered with a preference towards non-structural solutions, including relocating the Highway, unless the structural solutions are less environmentally damaging. *(See also Environmental Hazards Program C-EH-22.a: Research and Respond to the Impacts of Sea Level Rise on Marin County's Coastal Zone Shoreline)*

{PC app. 9/19/11, 05/26/09}

*{New policy, not in Unit I or II}*

**C-TR-4 Expansion of Bicycle and Pedestrian Access.** Expand bicycle and pedestrian facilities and access in and between neighborhoods, employment centers, shopping areas, schools, public lands, and recreational sites.

{PC app. 9/19/11, 4/26/10}

*{Adapted from Unit II Public Services Policy 4.a, p. 191, and CWP Goal TR 2, p. 3-159}*

**C-TR-5 Bicycle and Pedestrian Network.** Ensure that the Coastal Zone has adequate bicycle and pedestrian links, both internally and to other parts of the county, and that streetscape improvements and standards are safe and pedestrian and bicycle friendly. Consistent with LCP natural resource policies, avoid incursions into environmentally sensitive areas unless such incursions are dependent on the resource and the environmentally sensitive area is protected from significant disruption of habitat values. In addition, minimize impacts to active agricultural lands or operations. *(See also Policy C-PK-14 Appropriate Alignment of the California Coastal Trail).*

{PC app. 11/7/11, 4/26/10}



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~~[Adapted from CWP Policy TR 2.1, p. 3-150]~~

**Program C-TR-5.a Add Bicycle Lanes.** Identify roads with shoulders wide enough to be designated as bicycle lanes and where feasible, stripe and sign appropriate roadway segments as bike lanes and bike routes.

~~(PC app. 9/19/11, 5/26/09)~~

~~[Adapted from CWP Policy TR 2.1, p. 3-150]~~

**C-TR-6 New Bicycle and Pedestrian Facilities.** Encourage, and where appropriate, require new development to provide trails or roadways and paths for use by bicycles and/or on-street bicycle and pedestrian facilities. Consider facilities that achieve the following:

1. Connect to the existing bikeway or trail system, including linkages to and between communities and recreation areas.
2. Link to federal and state park trail systems, where feasible.
3. Include trails designed to accommodate multiple use (hiking, biking, and/or equestrian) where multiple use can be provided safely for all users and where impacts to coastal resources are minimized.
4. Allow for flexible, site specific design and routing to minimize impacts on adjacent development and fragile habitat. In particular, ensure that trails located within or adjacent to Environmentally Sensitive Habitat Areas are designed to protect fish and wildlife resources.
5. Provide connections with populated areas.
6. Provide diverse recreational and aesthetic experiences.

~~(PC app. 9/19/11, 4/26/10)~~

~~[Adapted from CWP Policy TR 2.2, p. 3-159, and Malibu LCP Policy 2.45]~~

**C-TR-7 New Bicycle Storage Facilities.** Where appropriate, encourage the installation of bike racks, lockers, or other devices for securing bicycles in convenient locations at beach parks, parking lots, trailheads and other staging areas.

~~(PC app. 9/19/11, 5/26/09)~~

~~[New policy, not in Unit I or II]~~

**C-TR-8 Expansion of the Countywide Trail System.** Acquire additional trails to complete the proposed countywide trail system, providing access to or between public lands and enhancing public trail use opportunities for all user groups, including multi-use trails, as appropriate.

~~(PC app. 9/19/11, 4/26/10)~~

~~[Adapted from CWP Policy TR 1.2 p. 2-136]~~

**C-TR-9 Bikeways on National Park Service Lands.** Consult with the National Park Service (NPS) regarding the feasibility of bikeways on county-maintained roads within NPS park lands.

~~(PC app. 9/19/11, 4/26/10)~~

~~[New policy, not in Unit I or II]~~

**C-TR-10 Adequate and Affordable Public Transportation.** Provide efficient, affordable public transportation service in and to the Coastal Zone and support expansion of alternative modes of transportation.

~~(PC app. 9/19/11, 4/27/09)~~

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~~*[Adapted from Unit I Public Services Policy 14, p. 49, Unit II Public Services Policy 4.e, p. 191, and CWP Goal TR-3, p. 3-162]*~~

**Program C-TR-10.a Encourage Additional Transit Service.** Encourage programs, such as the development of new transit service routes and associated loading and turning areas, parking management and enforcement, and other programs as listed below, consistent with the goal of utilizing public transit to meet current and future increased use of coastal access and recreational areas. Develop stable funding streams for such programs, potentially including congestion or parking fees, in cooperation with appropriate county, regional, state and federal agencies.

1. Support continuation and expansion of Marin Transit's Stagecoach service to West Marin;
2. Seek installation of transit waiting shelters as appropriate;
3. Post transit schedules at transit stops; and
4. Consider utilizing the principle of "flag stops" to receive or discharge transit patrons along the transit route as a further inducement to transit patronage.

~~*[BOS app. 2/26/2013]*~~

~~*(PC app. 11/7/11, 4/27/09)*~~

~~*[Adapted from Unit I Public Services Policy 14, p. 49, and Unit II Public Services Policy 4.e, p. 192]*~~

**C-TR-11 Reduction of Visitor Traffic Congestion in West Marin.** Consult with Caltrans, local, state, and federal parkland agencies, and local communities to provide alternatives to private automobile travel to recreational areas in the Coastal Zone.

~~*(PC app. 9/19/11, 4/27/09)*~~

~~*[Adapted from Unit I Public Services Policy 14, p. 49, Unit II Public Services Policy 4.e, p. 191, and CWP Policy TR-3.6, p. 3-163]*~~

**C-TR-12 Consultation with Regional, State, and Federal Agencies.** Consult with nearby counties, state and federal agencies, and special districts regarding regional land use and transportation planning. Encourage transit providers to minimize service gaps by linking services, such as the West Marin Stagecoach and shuttle services provided by the National Park Service, where feasible. *(See also C-PK-9 "Coordinate with Federal and State Parks Agencies" in the Parks, Recreation and Visitor-Serving Uses section)*

~~*(PC app. 9/19/11, 1/24/11)*~~

~~*[New policy, not in Unit I or II]*~~







## Socioeconomic

### Introduction

The people of Marin County enjoy a high quality of life, due in part to the abundance of natural and cultural resources found throughout the area. Residents and visitors in the Coastal Zone have tremendous opportunity to learn about the history of the area, as well as to take advantage of the extensive variety of parks, beaches and other recreation areas. Protection and enjoyment of coastal resources and recreational opportunities are essential components in continuing and enhancing the quality of the Marin County Coastal Zone experience. The Local Coastal Program (LCP) seeks to protect resources that reflect the history of the coast, to preserve recreational opportunities for both coastal residents and visitors, and to maintain and expand opportunities for the public to access the ocean shoreline and other coastal water bodies.

The Socioeconomic section addresses the following subjects:

- ◆ Historical and Archaeological Resources (HAR)
- ◆ Parks, Recreation and Visitor-Serving Uses (PK)
- ◆ Public Coastal Access (PA)







## Historical and Archaeological Resources (HAR)

### Background

Coastal Marin has played a significant role in California's extensive history. Before the first arrival of Europeans in the 1500s, the local coast experienced thousands of years of Native American settlement by the Coast Miwok. The 1849 California Gold Rush brought an influx of people seeking their fortune to San Francisco. To support the rapid growth of the area, the North Pacific Coast Railway was completed in 1875, connecting Tomales to San Quentin and Sausalito, and ensuring efficient transport of lumber, dairy, and other agricultural products. During this hasty transformation of Marin County, the Coast Miwok culture collapsed and a new kind of society began to emerge. Families established new roots throughout the Coastal Zone, building homes in a variety of architectural styles including Greek Revival, Italianate, Queen Anne and Mission Revival. By the late nineteenth century, half of Marin County's population lived in or near the village of Tomales. This growth began to slow following the abandonment of the railroad in the 1930s. The rich history of Marin County serves as an important record of the past and should be preserved through the protection of local historical and archaeological resources.

Today, the Marin County coastal landscape is dotted with small rural communities, many of which are historically important and aesthetically unique (refer to Map 22 - Historic Resources to see properties in the Coastal Zone that are on the National or California Register). These communities have remained substantially intact due to their rural, isolated locations throughout the Coastal Zone and the strong historical preservation policies that protect their distinctive character. The historic architecture and village character of these communities are not only important historically, but also contribute to their attractive quality for visitors and residents alike. Improper land development activities can damage if not destroy such qualities, and should not be left unregulated.

The Coastal Act does not ~~directly-explicitly~~ address protection of historical resources; however Sections 30244 and 30253(5) of the Act mandate protection of archaeological and paleontological resources as well as protection of coastal communities that draw visitors because of their special characteristics.

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including in terms of the way in which historic resources contribute to an area's character. Similarly, Section 30251 protection for visual resources extends to the manner in which history affects and informs such resources. The Local Coastal Program (LCP) carries out ~~this~~ these requirements, in part, through policies that protect key historical, archaeological, and paleontological resources. These policies accommodate future development in a way that preserves the area's unique historical character.

The LCP provides for protection of key Coastal Zone resources that reflect the legacy of the past. In furtherance of this goal, LCP policies protect historic buildings and ensure that new development will be compatible with the existing character of the surrounding community (see Maps 23a through 23g). The success of these measures relies on broad public participation, as well as use of design-review groups to evaluate coastal ~~project~~ permits involving or affecting historic structures.

The LCP also protects archaeological and paleontological resources when development projects that might affect them are proposed, by requiring development applications to be reviewed for potential impacts to archaeological and paleontological resources. If potential impacts are found during the review, the LCP requires their avoidance through means such as re-siting the proposed development. When construction activity is allowed at archaeologically sensitive sites, the LCP requires that such activities be carefully monitored and any mitigation measures be properly implemented in the event that archaeological resources are discovered during construction.

## Policies

### **C-HAR-1 Maintenance of Information on Archaeological and Paleontological Resources.**

Maintain a file on known and suspected archaeological and paleontological sites in the Coastal Zone, in cooperation with the area clearinghouse, for use in carrying out Policy C-HAR-2. Additional information on such sites that becomes available through the EIR process or by other means shall be added to the file and forwarded to the Northwest Information Center (NWIC). The file shall be kept confidential in order to prevent vandalism of sites.

(PC app. 9/19/11, 11/23/09)

*[Adapted from Unit I New Development and Land Use Policy 18, p. 64, and Unit II New Development and Land Use Policy 2.a, p. 206]*

### **C-HAR-2 Potential Impacts of Development on Archaeological and Paleontological Resources.**

Prior to the approval of a coastal ~~project~~ permit for any development proposed within an area of known or likely archaeological or paleontological significance, including sites identified in the file described in Policy C-HAR-1, require a field survey by a state-qualified archaeologist recommended by the Sacred Sites Protection Committee of the Federated Indians of Graton Rancheria or by a qualified paleontologist at the applicant's expense to determine the extent of archaeological or paleontological resources on the site. Where development would adversely impact identified resources, require mitigation measures, as appropriate, including avoidance and permanent protection as open space, if feasible, as recommended in the field survey.

(PC app. 11/7/11, 11/23/09)

*[Adapted from Unit I New Development and Land Use Policy 19, p. 64, Unit II New Development and Land Use Policy 2.b, p. 206, and Countywide Plan Programs HAR 1.d and HAR 1.3]*

**C-HAR-3 Monitoring of Construction on Archaeological Sites by Appropriate Experts.** As a condition of coastal ~~project~~ permit approval, require that new development on sites identified as archaeologically sensitive include on-site monitoring by a qualified archaeologist(s) and appropriate Native American consultant(s) of all grading, excavation, and site preparation that involves earth moving. Provide for implementation of mitigation measures if significant resources are discovered by on-site monitors.

(PC app. 9/19/11, 11/23/09)

*[New policy, not in Unit I or II]*

**C-HAR-4 Structures of Special Character and Visitor Appeal.** Preserve and restore structures with special character and visitor appeal in coastal communities.

(PC app. 9/19/11, 2/8/10)

*[Adapted from Unit I New Development and Land Use Policy 15, p. 64, and Unit II New Development and Land Use Policy 1.a, p. 206]*

**C-HAR-5 Proposed Development that Affects Areas and Structures of Special Character and Visitor Appeal.** Review all coastal permits for projects that (1) are located within the boundaries of those areas designated as having special character and visitor appeal, including historic areas, and (2) involve pre-1930 buildings, to ensure that such projects conform to:

1. "Design Guidelines for Construction in Areas of Special Character and Visitor Appeal and for pre-1930 Structures" and,
2. "Coastal Village Community Character Review Checklist", both located in the Appendix of the LCP.

(PC app. 9/19/11, 2/8/10)

*[Adapted from Unit I New Development and Land Use Policy 16, p. 64, and Unit II New Development and Land Use Policy 1.b, p. 206]*

**C-HAR-6 Alterations and Additions to Structures of Special Character and Visitor Appeal.**

Require a coastal permit for substantial alterations or additions to any structure built prior to 1930 that would otherwise be exempt from a coastal permit, except for (a) maintenance or repair to any pre-1930's structure consistent with its original architectural character and (b) maintenance or repair that includes replacement-in-kind of building components. Alterations or additions to any pre-1930's structure shall retain the scale and original architectural character of the structure, especially for the front facade.

(PC app. 9/19/11, 2/8/10)

*[Adapted from Unit I New Development and Land Use Policy 15.b, p. 64, and Unit II New Development and Land Use Policy 1.a(2), p. 206]*

**C-HAR-7 Proposed Demolition of Structures of Special Character and Visitor Appeal.**

Review the proposed demolition of any structure built prior to 1930 for its impacts on community character, except that demolition of any secondary or agricultural building built prior to 1930 may be exempted from this requirement upon a finding by the Planning Director or appropriate hearing body that such structure is not a significant resource. Issuance of a coastal ~~project~~ permit for the demolition of any pre-1930 structure may provide for such demolition to be delayed for a period not to exceed six months. During this period, the property owner or local historic group or society may attempt to find a purchaser or alternate location for the structure. This six month period may be waived by the Planning Director or

appropriate hearing body upon a finding that the structure is not significant to community character or to visitor appeal or cannot be rehabilitated.

~~(PC app. 9/19/11, 2/8/10)~~

~~{Adapted from Unit I New Development and Land Use Policy 15.c, p. 64, and Unit II New Development and Land Use Policy 1.a(3), p. 206}~~

**C-HAR-8 Village Areas with Special Character and Visitor Appeal.** Ensure that all new ~~construction~~ development conforms in siting, scale, design, materials and texture with surrounding community character within areas having special character and visitor appeal including mapped historic areas in Stinson Beach, Bolinas, Tomales, Marshall, Point Reyes Station, Olema, and Inverness.

~~(PC app. 9/19/11, 2/8/10)~~

~~{Adapted from Unit I New Development and Land Use Policy 15.a, p. 64, and Unit II New Development and Land Use Policy 1.a(1), p. 206}~~



## Parks, Recreation and Visitor-Serving Uses (PK)

### Background

The spectacular Marin County coast is distinguished by its windswept rolling hills, coastal bluffs, dense redwood forests, tidal flats, rural communities and cool, frequently foggy weather. The Coastal Zone is home to a myriad of protected natural communities and some of the region's most popular national, state and county parks, including Point Reyes National Seashore and the Golden Gate National Recreation Area (see Map 24 – Open Space and Parks).

Provision of recreational opportunities in the Coastal Zone is important as a means to preserve the natural landscape, as well as to enable the public to use and enjoy its many parks and recreation areas. Enjoyment of coastal resources increases public knowledge about the value of the natural environment and the need to protect it. Overnight accommodations are a key element in the provision of coastal recreational opportunities, since many coastal visitors travel long distances to reach the variety of recreation options found throughout the County. By supporting lower cost overnight facilities and public recreation, the Local Coastal Program (LCP) is helping to ensure that everyone, regardless of economic status, can take advantage of such opportunities.

Communities in the southern part of the Coastal Zone are in close proximity to the City of San Francisco, and tend to generally have higher demand for day-use opportunities and lower demand for overnight accommodations than communities farther north. As the population of the Bay Area grows, demand for local recreational opportunities rises. Availability of both private and public recreational opportunities ensures that these growing demands may be met in a variety of ways. Parks throughout the County are critical in providing access to these activities and represent a low-cost option for recreational pursuits, allowing all people an equal opportunity to participate. Commercial visitor-serving facilities provide much of the supply of overnight accommodations throughout the Coastal Zone, and generally consist of small inns and bed and breakfast facilities in villages and rural areas.

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The Coastal Act places a high priority on the provision of recreation and visitor-serving facilities, especially lower cost and public facilities, including as reflected in Sections 30213, 30220, 30221, 30222, 30223, and 30224 of the Act. Section 30222 states that use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industries. Regarding development of recreational facilities within state parks, as well as those maintained by the County and special districts, the Coastal Act establishes that it is the responsibility of the County to review coastal permits for such development.



The LCP encourages provision of a wide range of recreational opportunities, while balancing recreational use with protection of natural resources and community character. The LCP addresses growing demand for coastal recreational opportunities through policies and programs that support both public recreational and commercial facilities, including overnight accommodations of low or moderate cost. Furthermore, the LCP discourages conversion of visitor-serving enterprises, particularly those that provide overnight accommodation, into time-sharing, club, condominium or similarly restricted or limited access type of occupancy. The LCP also restricts conversion of second units and affordable housing to bed and breakfast inns.

Federal park projects in the Coastal Zone are not subject to County-issued coastal permits. LCP policies regarding recreational uses within Point Reyes National Seashore and Golden Gate National Recreation Area simply provide guidance to both the National Park Service and California Coastal Commission, which typically review federal projects under what is known as the federal consistency review authority. Although federal park activities are not within the County's coastal permit authority, the County does have the responsibility to review non-federal projects that take place within the boundaries of National Park Service lands. For instance, private development that occurs on a leasehold within Point Reyes National Seashore is subject to ~~County~~ coastal development permit review.

## Policies

**C-PK-1 Opportunities for Coastal Recreation.** Provide high priority for development of visitor-serving and commercial recreational facilities designed to enhance public opportunities for lower-cost coastal recreation. On land designated for visitor-serving commercial and/or recreational facilities, ensure that higher priority shall be given to such uses over private residential or general commercial development. New visitor-serving uses shall not displace existing lower-cost visitor-serving uses unless an equivalent replacement is provided.

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

~~*[Adapted from Unit II Recreation and Visitor Serving Facilities Policy 1, p. 42, and Malibu LCP Policy 2.33]*~~

**C-PK-2 Compatible Commercial Recreation Facilities.** Ensure that new visitor-serving and commercial development is compatible in architectural character, scale, and function with the character of



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the community in which it is located, including to preserve the integrity and special qualities of coastal villages in the Coastal Zone. Site and design visitor-serving and commercial development to minimize impacts on the environment and other uses in the area, and ~~evaluate it for~~ assure its conformance with LCP policies on natural resources, agriculture, visual quality, public access, and public services, among others.

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

~~[Adapted from Unit II Recreation and Visitor Serving Facilities Policies 1, p. 42, and 3-a, p. 43]~~

**C-PK-3 Mixed Uses in the Coastal Village Commercial/Residential Zone.** Continue to permit a mixture of residential and commercial uses in the C-VCR zoning district to maintain the established character of village commercial areas. Principal permitted use of the C-VCR zone shall include commercial ~~and residential~~ uses. ~~Require a Use Permit for~~ In the village commercial core area, residential uses shall be limited to: (a) the upper floors, and/or (b) the lower floors if not located on the road-facing side of the property. Residential uses on the ground floor of a new or existing structure of the road-facing side of the property shall only be allowed subject to a use permit where a finding can be made that the development maintains and/or enhances the established character of village commercial areas. Existing legally established residential uses in the C-VCR zone on the ground floor and road-facing side of the property can be maintained. proposed on the ground floor of a new or existing structure on the road-facing side of the property. Replacement, maintenance and repair of any legal existing residential use shall be exempt from the above provision and shall be permitted.

(PC app. 9/19/11, 7/29/10)

~~[Adapted from Unit I Recreation and Visitor Serving Facilities Policy 14, p. 13]~~

**C-PK-4. Balance of Visitor-Serving and Local-Serving Facilities.** Support a level of local-serving facilities such that an adequate infrastructure can be maintained to ensure the health, vitality, and survival of the visitor-serving segment of the coastal economy.

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

~~[New policy, not in Unit I or II]~~

**C-PK-5 Small-Scale Tourist Facilities.** Permit small-scale tourist-oriented businesses, rather than large tourist facilities, within coastal villages. Small-scale uses that serve visitors to major public recreation areas include campgrounds, hotels, shops, and restaurants. Ensure that the siting height, scale, intensity, and design are compatible with surrounding community character.

(PC app. 9/19/11, 7/29/10)

~~[Adapted from CWP Policy PA 7.8, p. 3 243]~~

**C-PK-6 Bed and Breakfast Inns.** Support bed and breakfast facilities in the Coastal Zone as a means of providing visitor accommodations, while minimizing their impacts on surrounding communities. Restrict the conversion of second units and affordable housing to bed and breakfast inns. In addition, support the location of bed and breakfast inns in areas that are easily and directly accessible from usual tourist travel routes and where there is adequate off-street parking for guests and where the problem of nearby residents being inconvenienced by noise and increased transient traffic is minimized. Bed and breakfast inns shall be permitted to host or provide facilities for gatherings, such as weddings, receptions, private parties, or retreats if located in the C-APZ, C-ARP or C-R-A and if such activities are otherwise LCP consistent. Each bed and breakfast inn must be operated by a householder who is the sole proprietor of the enterprise and whose primary residence is on the premises where the inn accommodations are located.

(PC app. 9/19/11, 1/24/11)

~~[Adapted from Unit I Recreation and Visitor Serving Facilities Policy 15, p. 14, and Unit II Recreation and Visitor Serving Facilities Policy 3-h, p. 52]~~

**C-PK-7 Lower Cost Recreational Facilities.** Protect and retain existing lower cost visitor and recreational facilities. Prohibit conversion of an existing lower-cost overnight facility unless replaced in kind. Prohibit conversion of an existing visitor serving facility on public land to private membership use. Ensure that new development of overnight visitor-serving accommodations (other than bed and breakfast inns), ~~or conversion to private membership use of an existing lower cost overnight facility,~~ provides a component of lower cost overnight visitor accommodations open to the public, such as a campground, RV park, hostel, or lower cost hotel. The required component of lower cost overnight accommodations should be equivalent to at least 20 percent of the number of high-cost or private membership overnight accommodations. This requirement may be met on site, off site, or by means of payment of an in lieu fee to the County for deposit into a fund to subsidize the construction of lower-cost overnight facilities in the Coastal Zone.

(PC app. 9/19/11, 11/23/09)

~~[Adapted from Malibu LUP Policy 2.35]~~

**C-PK-8 Appropriate Public Recreation Opportunities.** Ensure that public recreational development is undertaken in a manner which preserves the unique qualities of Marin's coast and is consistent with the protection of natural resources and agriculture. Generally, recreational uses shall be low-intensity, such as hiking, camping, and fishing, in keeping with the character of existing uses in the Coastal Zone.

(PC app. 9/19/11, 11/23/09)

~~[Adapted from Unit II Recreation and Visitor Serving Facilities Policy 1, p. 42]~~

**C-PK-9 Coordination with Federal and State Parks Agencies.** Encourage coordination between the County and federal and state parks agencies in planning and maintaining parks, recreation areas, and coastal accessways within the Coastal Zone. Coordinate with the National Park Service in the development of a Transportation Demand Management Program designed to reduce commute traffic generated by tenants and employees located within park facilities.

(PC app. 9/19/11, 11/23/09)

~~[New policy, not in Unit I or II]~~

**C-PK-10 Appropriate Uses of Federal Parks.** The following policies shall be advisory for development on federal parklands within the Coastal Zone.

1. Public access and transportation.
  - a. Provide additional coastal access trails and bike paths where feasible and consistent with protection of the park's natural resources. Non-vehicular accessways should connect to points accessible by both automobile and transit.
  - b. Give priority to frequent and convenient transit service from outside the parks to the most heavily used areas in the parks in transit planning and funding. Encourage the National Park Service to expand shuttle services within the parks.
2. Recreation and visitor-serving facilities.





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- a. Give priority to development of new facilities in the most heavily used areas of the parks which are close to park interpretive, educational, and other programs and which are easily accessible by transit.
- b. If any unused buildings within the parks, such as military structures, still exist, review their potential for overnight accommodations before they are converted to other cultural or institutional uses.

### 3. Natural resources.

Encourage evaluation of federal projects which involve the modification or alteration of natural resources by the Coastal Commission through the consistency review process using the LCP as a guide.

### 4. Agriculture and mariculture.

- a. Encourage continuation of agricultural land uses in the Golden Gate National Recreation Area and Point Reyes National Seashore, at locations and levels compatible with protection of natural resources and public recreational use. Agricultural operations should be monitored to ensure that they are compatible with resource carrying capacity. Where ~~conflicts~~ issues arise between agriculture and resource protection or public access or recreational uses, they should be resolved to protect resources and public ~~safety~~ access while still allowing the continuation of the agricultural operation.
- b. Encourage the National Park Service to develop uniform procedures and standards to use in dealing with all agricultural tenants, including use of long-term lease arrangements of at least ten years. Encourage review of existing agricultural leases and special use permits for compatibility with park goals five years prior to their expiration. Operators should be notified at that time whether or not their leases will be renewed and what revisions in operating arrangements, if any, are necessary. Provisions for automatic lease renewals should be supported.

### 5. Development/historic preservation.

Whenever possible, utilize existing structures and existing developed areas for new or expanded development. Historic structures should be preserved, restored, and formally designated as historic resources where appropriate. Work with the National Park Service to coordinate historic preservation activities in the Coastal Zone. The majority of park development should be concentrated in the southern GGNRA due to its proximity and accessibility to urban population centers, and availability of existing facilities. New backcountry campgrounds should be developed with minimum impacts on visual and habitat resources.

(PC app. 2/13/12, 9/19/11, 2/8/10)

[\*\[Adapted from Unit II Federal Parkland Policies 1 through 6, pp. 61-62\]\*](#)



**C-PK-11 State Parks.** The State Department of Parks and Recreation has numerous holdings in the Coastal Zone, several of which have not been developed. Collectively, these holdings form Tomales Bay State Park and limited portions of Mount Tamalpais State Park. The Department has prepared a general Plan for both Tomales Bay State Park, which includes most of the state park lands in Marin County's Coastal Zone, as well as Mount Tamalpais State Park.

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Development within the state parks should be consistent with their adopted General Plans as described below, as long as such development is fully consistent with all applicable LCP policies.

**Mount Tamalpais State Park.** The development of additional recreational and visitor services on those portions of the Mount Tamalpais State park within the ~~e~~Coastal ~~z~~Zone, including hiking trails, equestrian trails, a “primitive” hostel at the Steep Ravine Cabins and improved parking and support facilities at Red Rock are ~~consistent with the LCP policies recommended~~. Such facilities shall be similar in design, size and/or location as those proposed by the Mount Tamalpais State Park Plan as long as such facilities can be found fully consistent with applicable LCP standards. Consistent with the protection of significant resources, additional trail development to improve access to public tidelands is encouraged.

**Tomales Bay State Park.** The Tomales Bay State Park General Plan states that it “aims to preserve what works well now in the park and only recommends changes to park management, activities, and recreational and administrative facilities that can harmonize with the area’s sensitive values and support valuable visitor experiences of Tomales Bay and its surrounding landscape.” Support the following development at Tomales Bay State Park, so long as such development can be found fully consistent with applicable LCP standards consistent with the adopted General Plan:

1. Focus and anchor east shore recreation at Marconi Cove and west shore recreation at Heart’s Desire area.
2. Manage the greater part of park areas for their habitat, watershed, and aesthetic values and for low-impact and low-density recreation opportunities such as trail use, nature observation, and picnicking.
3. Enhance trail connections with Point Reyes National Seashore in the Heart’s Desire and Inverness areas.
4. Improve recreational opportunities along the Highway One corridor where recent acquisitions present new opportunities.
5. Formalize small-scale camping opportunities in previously developed areas.
6. Provide watercraft and sailboard launching opportunities at Marconi Cove and provide hiking and mountain biking recreational opportunities at the proposed trail in the Millerton Uplands.
7. Use sustainable design in siting, construction, and maintenance of park facilities. Furthermore, apply the following guidelines ~~shall be applied as standards for coastal project permit review for proposed development in the park:~~

### Heart’s Desire Area

1. Preserve and enhance the forest structure and age classes of the Jepson Grove/Bishop pine forest and forest growth by improving *Pinus muricata* growth.
2. Continue to manage Heart’s Desire Beach as the only “drive-up” beach access in the park.
3. Preserve and enhance the Indian Beach estuary and protect its cultural attributes including the midden site.
4. Restore the natural outlet of the estuary that was lost when the parking lot was built at Heart’s Desire Beach in the 1960s.

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5. Redesign and relocate picnic facilities to better blend with the natural environment and to provide a sense of seclusion where appropriate.
6. Adapt former hike-bike campground to a group campground.
7. Develop small walk-in campground (maximum of 15 sites) above the entrance station provided, however, that accommodation may be made for vehicles to provide any necessary disability access.
8. Encourage the Point Reyes National Seashore to extend its trail system to help complete the California Coastal Trail in two locations: connect the Indian Beach Trail to Marshall Beach Trail, and connect the Johnstone Trail to the Mount Vision Road and Inverness Ridge Trail.

### Inverness Area

1. Manage these parcels as natural watershed, viewshed and wildlife habitat.
2. On the North Dream Farm property, consider developing a day-use trailhead, a self-guided nature trail loop, and an extension of the nature trail which would connect with the ridgetop trails of Point Reyes National Seashore.
3. Consider acquisitions from willing sellers, land exchanges, or land-use agreements to consolidate the park's three discontinuous Inverness Area parcels and make them more usable for public hiking both on the Tomales Bay side and to connect with trails in the Point Reyes National Seashore.
4. Encourage the State Department of Parks and Recreation to consider transferring to the Inverness Public Utility District the management or ownership of the three Assessors Parcels located around the District's watershed lands.

### Millerton Area

1. Preserve and protect the Tomasini Point estuary area as habitat for native plants and animals.
2. Create a Millerton Uplands trail as part of a new segment of the California Coastal Trail.
3. Consider establishment of two trailheads to support the proposed Millerton Uplands trail—a southern trailhead near Millerton Point and a northern trailhead at Tomasini Point, including, if necessary for safety, a modest-sized and sensitively located and screened parking lot and restroom facilities on the east side of the highway near the entrance to Sheep Ranch Road.
4. Encourage the State Department of Parks and Recreation to maintain existing agricultural operations on acquired lands on the east shore of Tomales Bay until such time as the lands are developed for recreational purposes.

### Marconi Cove Area

1. Provide day-use picnicking and boating facilities, including boat launch ramp, at this former marina/campground site.
2. Provide environmental campsites which could accommodate, but would not be limited to, camping needs of bicyclists, boaters, and ~~future hikers~~ users of the California Coastal Trail.
3. Consider adaptation of the bathhouse (potentially historic) along Highway One to use as staff or campground host housing or for another park use.
4. Provide parking facilities, park entrance, restrooms, landscaping, interpretive signage, pathways, fencing, lighting, and campground amenities such as fire rings, tables, and food lockers.

5. Retain natural values, especially where the property is narrowest, on the south end.
6. Ensure that development and operation of recreational facilities at Marconi Cove consider potential impacts to freshwater and baywater quality, wildlife, and to existing state water bottom leases utilized for commercial shellfish aquaculture.

#### North Marshall Area

1. Preserve the natural resources and open space character of this property and consider future potential for low-intensity public access and use.
2. Since this property is remote from the park's other holdings and has limited recreational potential, explore the environmental and operational benefits that may be available through land exchanges, memoranda of understandings, or other arrangements with interested organizational stakeholders to achieve common goals of protecting and managing the natural resources and open space of this area.

[BOS app. 12/11/2012]

(PC app. 11/7/11, 9/19/11, 2/8/10)

*[Adapted from Unit II Recreation and Visitor-Serving Facilities Policy 2.b, p. 42]*

**C-PK-12 Existing County Parks in the Coastal Zone.** Continue to operate the eight Marin County Parks facilities in the Coastal Zone, Miller Park, Whitehouse Pool, Chicken Ranch Beach, Bolinas Park, Upton Beach, Agate Beach, and Village Green I and II, which offer boating, fishing, swimming, and recreational opportunities in key locations. If possible, supply water to Miller Park for the benefit of those who use the facility. Maintain existing roadside parking for Chicken Ranch Beach on Sir Francis Drake Boulevard, and add handicapped parking, if feasible.

(PC app. 9/19/11, 11/23/09)

*[Adapted from Unit II Public Parklands Policy 2.c, p. 43]*

**C-PK-13 Future Acquisition of County Coastal Parks through the County Parks Master Plan.** In preparing a future Countywide Parks Master Plan, identify any potential coastal parks that would be of particular value to Marin County residents, for inclusion in the LCP through an LCP amendment. A future Marin County Parks Master Plan Update may include an implementation schedule and plan, incorporating means of acquisition such as public purchase, voluntary donation, tax default sale, or others.

(PC app. 9/19/11, 11/23/09)

*[New policy, not in Unit I or II]*

**C-PK-14 Appropriate Alignment of the California Coastal Trail.** Support completion of the California Coastal Trail system through Marin County, including as shown generally on Map 25, and including through working with willing sellers or donors and other entities. To the extent that an interim inland bypass is necessary for the route from Tomales north to the County line, that route should follow Highway One, as appropriate.

Acquisition, siting, and design of the California Coastal Trail should reflect the following standards:

1. Seek needed trail segments from willing sellers at fair market value, by donation, or through the regulatory process, including pursuant to Policy C-PA-2;
2. Locate ~~the~~ trail segments along or as close to the shoreline as feasible;
3. Incorporate a "braided trail" concept, if necessary, in which there are separate routes for different non-motorized users;

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4. Make the trail continuous and link it to other public trail systems;
5. Where not feasible to locate the trail along the shoreline due to natural landforms, sensitive natural resources, or agricultural operations, locate inland bypass segments as close to the shoreline as possible;
6. Consider use of an inland bypass trail, including braided trail segments where opportunities exist to create them, that assures a continuous coastal trail in the short-term, while providing for potential realignment to better locations as conditions change in the future. Seek opportunities over time to move such segments closer to the ~~coastline~~ shoreline, including where willing landowners agree;
7. Wherever possible, avoid locating ~~the trail segments~~ along roads with motorized vehicle traffic. If it is necessary to site ~~the trail segments~~ along such roads, provide for separation of the trail from traffic as much as possible.

(PC app. 11/7/11, 2/8/10)

*[Adapted from Unit II Recreation and Visitor Serving Facilities Policy 4, p. 52, and Malibu LCP Policy 2.57]*

### **Program C-PK-14.a Collaborate to Complete the California Coastal Trail.**

1. Collaborate with state and federal parkland agencies, coastal communities, Caltrans, Transportation Authority of Marin, the Coastal Conservancy, the Coastal Commission, and other organizations to identify gaps in the California Coastal Trail located within Marin County;
2. Working with public agencies, non-governmental organizations, and private landowners, propose methods to complete identified gaps in the California Coastal Trail; and
3. Identify and strengthen links from the California Coastal Trail to other paths contained in the Marin County Unincorporated Bicycle and Pedestrian Master Plan.

(PC app. 9/19/11, 2/8/10)

*[New program, not in Unit I or II]*

**C-PK-15 Commercial Fishing and Recreational Boating.** Support and protect commercial fishing and recreational boating on Tomales Bay. Protect and, where feasible, upgrade facilities on the shoreline of the Bay which support such uses. Design and locate proposed recreational boating facilities, where feasible, so as not to interfere with the needs of the commercial fishing industry.

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

*[Adapted from Unit II Commercial Fishing and Recreational Boating Policy 1, p. 122, and Coastal Act Section 30234]*

**C-PK-16 Standards for New Boating Facilities.** Apply the following standards to the development of new boating facilities on the Tomales Bay shoreline:

1. Co-locate new marinas or boat works within or adjacent to existing facilities and where adequate public services, such as parking and sewage disposal, exist. Where co-location is not



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feasible, limit new boating facilities in undeveloped areas to small scale facilities such as launching ramps. In addition, adequate waste pump-out facilities shall be provided.

2. Direct new or expanded marinas to deeper water areas with good tidal flushing in order to minimize the need for dredging and the risk of water pollution and stagnation.
3. Provide adequate berthing space for commercial fishing boats in new or expanded marinas to ensure protection of this coastal dependent industry.
4. Incorporate provisions for public access to and along the shoreline in the design of marina facilities, and minimize alteration of the natural shoreline in conformance with LCP policies on public access and wetlands protection.
5. Prohibit “live aboards” and houseboats on Tomales Bay.

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

~~*[Adapted from Unit II Commercial Fishing and Recreational Boating Policy 2, p. 122]*~~



## Public Coastal Access (PA)

### Background

Physical access to the ~~ocean~~ shoreline is necessary to allow residents and visitors full enjoyment of California's coast. Much of the Marin County Coastal Zone lies within federal, state, or County parks and recreation areas. Coastal parks provide numerous opportunities for public access to the coast, in addition to providing public recreation and protecting wildlife habitats, open space and cultural resources. In addition to extensive shoreline parks, limited areas of the Coastal Zone are held by non-governmental entities, such as Audubon Canyon Ranch, that also provide opportunities for public coastal access, while protecting wildlife habitat and open space.

The shoreline from Point Bonita near the Golden Gate extending north around the Point Reyes Peninsula to Point Reyes Station is largely public parkland. Within this stretch of the Coastal Zone are the small communities of Muir Beach, Stinson Beach, Bolinas, Inverness, Olema and Point Reyes Station. Within most of these communities, some private land adjoins the shoreline, but even so there are locations at which public shoreline access is available. From Point Reyes Station north along the east shore of Tomales Bay to the Sonoma County line lies a patchwork of public and private land, some of which is within the coastal communities of East Shore/Marshall, Tomales, and Dillon Beach. Within this northern reach of the Coastal Zone, shoreline access opportunities are available at only limited locations, and the dominant land use is agriculture.

The California coast and its beaches are popular destinations for both residents and visitors, and the Marin County Coastal Zone is no exception. While the statewide population of California continues to expand, so do the number of out-of-state visitors, who serve as an important contributor to the state's economic well-being. Although visitation is already high and expected to grow, the length of California's shoreline remains fixed. Providing additional sites for coastal access fulfills several purposes, including lessening the impacts of overuse of any one public coastal access site, affording visitors a variety of coastal experiences, and increasing healthy outdoor recreational opportunities.

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The Coastal Act of 1976 places a high priority on the provision of opportunities for public access to and along the coast, including requiring that such opportunities be maximized. Protection of existing access opportunities and the creation of new ones are also encouraged. Each Local Coastal Program (LCP) is required to include a specific public access component, in order to assure that maximum public access to the coast is provided and that public recreation areas are available to everyone.

Coastal public accessways are generally of two types: lateral, meaning an accessway that runs parallel to the shoreline, and vertical, meaning an accessway that leads from Highway One or other public road to the shoreline. Public accessways are owned and managed in several different ways. Some are on public land and thus owned in fee by a government entity, whereas others consist of a government-held easement over private land. Still others are managed by non-governmental entities that provide coastal access opportunities for the general public.

LCP policies support protection of existing public coastal accessways. Policies are designed to protect public rights of access where acquired through use (where prescriptive rights may exist), as well as accessways that are managed as part of existing parks and recreation areas. LCP policies also address restoration of existing public coastal accessways that may become degraded through use, as well as the protection of existing coastal access where it might be affected by construction of new shoreline protective devices (e.g., seawalls).

Opportunities for creating new public coastal accessways are limited in Marin County, given that much of the ocean shoreline is already under public ownership. Nevertheless, LCP policies support the creation of new opportunities for public access to and along the shoreline. Key elements of the LCP require the provision of public access in new development projects ~~on private land~~, where warranted and where consistent with the protection of other coastal resources. Additional policies encourage acquisition of public coastal accessways through a variety of means, including public purchase and voluntary donation.

## Policies

**C-PA-1 Public Coastal Access.** Support and encourage the enhancement of public access opportunities to and along the coast, including in conformance with Sections 30210 through 30214 of the Coastal Act.

(PC app. 9/19/11, 11/23/09)

[\*\[Adapted from Unit II Public Access Policy 1, p. 13\]\*](#)

**C-PA-2 Public Coastal Access in New Development.** Examine proposed new development between the shoreline and the first public road, whether or not it is mapped as the first public road for purposes of coastal permit appeals, for impacts on public access to the coast. Where ~~a nexus exists between impacts of proposed development and~~ the provision of public access is related in nature and extent to the impacts of the proposed development, require dedication of a lateral and/or vertical accessway, including segment(s) of the California Coastal Trail as provided by Policy C-PK-14, as a condition of development, unless Policy C-PA-3 provides an exemption. Impacts on public access include, but are not limited to, intensification of land use resulting in overuse of existing public



accessways, creation of physical obstructions or perceived deterrence to public access, and creation of conflicts between private land uses and public access.

(PC app. 11/7/11, 2/8/10)

*[Adapted from Unit II Public Access Policy 1, p. 13]*

**C-PA-3 Exemptions to Public Coastal Access Requirements.** The following are Exempt from the public coastal access requirements of Policy C-PA-2 ~~a coastal permit for only if access design measures (such as setbacks from sensitive habitats, trails, or stairways) or management measures (such as regulated hours, seasons, or types of use) cannot adequately mitigate potential adverse impacts associated with public coastal access requirements:~~

1. Improvement, replacement, demolition or reconstruction of certain existing structures, as specified in Section 30212 (b) of the Coastal Act, and
2. Any new development upon specific findings under Section 30212 (a) that (1) public access would be inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate public access exists nearby, or (3) agriculture would be adversely affected.

~~Upon specific findings that public use of an accessway would seriously interfere with the privacy of adjacent residents, public access need not be required. The findings on any point above shall include a consideration of whether or not (1) design measures such as setbacks from sensitive habitats, trails, or stairways, or (2) management measures such as regulated hours, seasons, or types of use could adequately mitigate potential adverse impacts from access.~~

[BOS app. 7/30/2013]

(PC app. 9/19/11, 2/8/10)

*[Adapted from Unit II Public Access Policies 2.d, p. 15, and 5, p. 23]*

**C-PA-4 Direct Dedication of Public Coastal Access, if Feasible.** If a coastal accessway is required as a condition of development pursuant to Policy C-PA-2, require, if feasible, direct dedication of an easement or fee title interest to the County, another public agency, or other suitable entity. If direct dedication is not feasible, require that a twenty-year irrevocable offer to dedicate the required easement(s) shall be recorded by the applicant prior to the issuance of a final County permit to commence construction. Upon recordation, immediately notify the California State Coastal Conservancy of such offers to dedicate. The County may process irrevocable offers according to the Coastal Commission's centralized coastal access program. In the event that a property owner is willing to accept responsibility for public use of a defined area of the property, and such public use can be assured in the future, a deed restriction may be required, rather than direct dedication of access or an offer to dedicate access.

(PC app. 9/19/11, 2/8/10)

*[New policy, not in Unit I or II]*

**C-PA-5 Acceptance of Offers to Dedicate Public Coastal Accessways.** Accept offers to dedicate easements or fee title interests in coastal accessways and, as resources permit, place first priority on opening such accessways when the offer to dedicate is made pursuant to evidence of prescriptive rights or where the offer to dedicate is in a developed area. The County shall accept an offer to dedicate within 9 months of recordation. If the County does not accept an easement within this time period, it shall attempt to find an appropriate public or private agency to do so. Notwithstanding the above, the County may at any time accept a valid offer to dedicate an easement that has not been accepted by another entity.

(PC app. 9/19/11, 2/8/10)

*[Adapted from Unit I Public Access Policy 6, p. 8, and Unit II, Public Access Policy 2.c, p. 14]*

**C-PA-6 Acquisition and Location of New Public Coastal Accessways through Suitable Means.**

Acquire additional public coastal accessways in order to enhance opportunities to reach public tidelands, to link publicly accessible beaches via lateral trails, and to avoid impacts of overuse of any single area. Acquisition shall be pursued through available means including, public purchase, tax default acquisitions, agreements with nonprofit management entities, voluntary donation, or, when permissible, dedication as a condition of a coastal ~~project~~ permit. When available funds or other acquisition opportunities are limited, accessways listed in the Appendix shall receive first priority. Acquisition and location of accessways shall take into account the need to protect public safety, military security, fragile coastal resources, and agriculture.

~~{BOS app. 12/11/2012}~~

~~{PC app. 9/19/11, 11/23/09}~~

~~{Adapted from Unit I Public Access Policies 9, 11, 12, and 13, pp. 8-9, and Unit II Public Access Policies 3, 4, and 5, pp. 15-22}~~

**Program C-PA-6.a Review and Revise List of Recommended Public Coastal Accessways.**

Review and revise as appropriate priority coastal access sites in the List of Recommended Accessways to reflect current suitability, environmental characteristics, and ownership status.

~~{PC app. 9/19/11, 2/8/10}~~

~~{New program, not in Unit I or II. The current detailed list of recommended accessways is now contained in "Appendix 5" of the LCPA.}~~

**C-PA-7 Protection of Prescriptive Rights.** Ensure that development does not interfere with the public's right of access to the sea where acquired through use. Where evidence (including historic public use) of prescriptive rights is found in reviewing a coastal permit application, take one or more of the following actions:

1. Consider approval of the coastal permit application, while siting development to avoid the area potentially subject to prescriptive rights and/or by requiring public easements to protect the types and intensities of historic/prescriptive use and ~~areas of historic interest~~ as a condition of project approval.
2. If requirement of an access easement to protect areas of historic/prescriptive use would preclude all reasonable private use of the project site, the County or the Coastal Commission and the Attorney General at the request of the County shall, subject to the availability of staff and funds, seek a court determination and confirmation of such public rights.
3. In the absence of a final court determination, the County may proceed to consider approval of development on areas potentially subject to prescriptive rights (except those used for lateral access), ~~provided that all impacts on~~ if alternative access is provided equivalent in time place and manner so as to assure that potential rights of public access are mitigated in the same vicinity substantially protected in accordance with the LCP's Access policies. Such mitigation may include securing an accessway on another property in the same vicinity, or providing an in-lieu fee to a public agency or private association approved by the County and Coastal Commission for acquisition, improvement, or maintenance of access in the same vicinity. Same vicinity is considered to be within 1,000 feet of the project site (parcel).

~~{PC app. 9/19/11, 2/8/10}~~

~~{Adapted from Unit I Public Access Policy 3, p. 7, Unit II Public Access Policy 2.a, p. 13, and Coastal Act Section 30211}~~

**C-PA-8 Bolinas Mesa.** Public use of the two access trails across Bolinas Mesa to the RCA beach and the beach area itself shall be protected and shall be limited to the level and character of the historic use of

the property (including use for beach access, hiking, swimming, and horseback riding) to protect the natural resources of Duxbury Reef. Limited signing shall be provided to identify the access trails and caution trail users of the fragile coastal resources of the area.

(PC app. 11/7/11, 11/23/09)

*[Adapted from Unit I Public Access Policy 11, p. 9]*

**C-PA-9 Variety of Public Coastal Accessways.** When requiring public coastal access, include any of the following types of accessways, either singularly or in combination:

1. Vertical accessways to the ocean or shoreline;
2. Lateral accessways along the ocean or shoreline that extend in width from the ambulatory mean high tide line landward to a defined line, such as the intersection of the sand with the toe of a revetment, vertical face of a seawall, toe of a bluff, or other feature;
3. Bluff top accessways along bluffs for public viewing or trail purposes or where no continuous sandy beach exists.

(PC app. 9/19/11, 11/23/09)

*[Adapted from Unit I Public Access Policy 2, p. 7, and Unit II Public Access Policy 2.b, p. 14]*

**C-PA-10 Impacts of Public Coastal Accessways on their Surroundings.** Site and design coastal accessways and parking and other support facilities to avoid, ~~if feasible, and only then to minimize~~ significant adverse impacts to sensitive environmental resources, agriculture, and the surrounding community. A vertical accessway should generally be ten feet in width unless site conditions warrant otherwise and should be located at least 10 feet from residential structures. Control public access to sensitive habitat areas, including timing, intensity, and location of such access, to minimize disturbance to wildlife.

(PC app. 9/19/11, 2/8/10)

*[Adapted from Unit II Public Access Policy 2, p. 14, and Unit II Natural Resources Policy 5.b, p. 75]*

**C-PA-11 Privacy of Neighbors.** In determining appropriate management measures for public coastal accessways, including hours of operation, the Marin County Parks department or other managing entity should take into account the need to respect the privacy of neighboring residents.

{BOS app. 12/11/2012}

(PC app. 9/19/11, 11/23/09)

*[Adapted from Unit I Public Access Policy 1, p. 7]*

**C-PA-12 Agreements for Maintenance and Liability Before Opening Public Coastal Accessways.** Open dedicated coastal accessways to public use only upon agreement of a public agency or private association to accept responsibility for restoration, maintenance and liability for the accessway.

(PC app. 9/19/11, 11/23/09)

*[New policy, not in Unit I or II]*

**C-PA-13 Needs of Persons with Disabilities.** Ensure that new public coastal accessways are compliant with California Title 24 and accessible to persons with disabilities, to the maximum extent feasible.

(PC app. 9/19/11, 11/23/09)

*[New policy, not in Unit I or II]*

**C-PA-14 Consultation with Appropriate Land Management Agencies.** Refer new development proposals adjacent to existing public coastal accessways to appropriate federal, state, county, and other managing entities for review and comment.

(PC app. 9/19/11, 11/23/09)

*[New policy, not in Unit I or II]*

**C-PA-15 Impacts of New Development on Public Use of Coastal Accessways.** Site and design new development so as to avoid, if feasible, and, if unavoidable, ~~or~~ to minimize impacts to users of public coastal access and recreation areas. Measures to mitigate impacts to users of public coastal access and recreation areas shall be implemented prior to or concurrent with construction of the approved development.

(PC app. 9/19/11, 11/23/09)

*[New policy, not in Unit I or II]*

**C-PA-16 Protection of Existing Public Coastal Accessways.** Recognize existing public coastal accessways, both public and private, as an integral part of the County's overall access program. Maintain existing public accessways. Consider closure of existing County-managed accessways only if authorized by a coastal permit and only after the County has offered the accessway to another public or private entity.

(PC app. 9/19/11, 11/23/09)

*[Adapted from Unit II Public Access Policy 1, p. 13]*

**C-PA-17 Restoration of Public Coastal Access Areas, Where Necessary.** The Marin County Parks department should restore areas under its control that become degraded through public access use, including by such means as revegetation, trail improvements, installation of boardwalks, and informational signing, as funds and staffing or volunteer support permit.

(BOS app. 12/11/2012)

(PC app. 9/19/11, 11/23/09)

*[New policy, not in Unit I or II]*

**C-PA-18 Parking and Support Facilities at Public Coastal Accessways.** Where appropriate and feasible, provide parking areas for automobiles and bicycles and appropriate support facilities in conjunction with public coastal accessways. The location and design of new parking and support facilities shall minimize adverse impacts on any adjacent residential areas. The need for parking shall be determined based on existing parking and public transit opportunities in the area, ~~balanced with taking into account~~ resource protection policies. Consider opportunities for reducing or eliminating parking capacities if transit service becomes available or increases.

(PC app. 9/19/11, 2/8/10)

*[Adapted from Unit I Public Access Policies 5 and 9, pp. 7-8, and Unit II Public Access Policy 2.c, p. 14]*

**C-PA-19 Explanatory Signs at Public Coastal Accessways.** Sign existing and new public coastal accessways, trails, and parking facilities where necessary, and use signs to minimize conflicts between public and private land uses. ~~Where appropriate, S~~signs posted along the shoreline shall indicate ~~appropriate~~ restrictions, such as that no fires or overnight camping are permitted, and that the privacy of homeowners shall be respected. Where public access trails are located adjacent to agricultural lands, signs shall indicate appropriate restrictions against trespassing, fires, camping, and hunting. Where only limited public access or use of an area can be permitted to protect resource areas from overuse, such signing should identify the appropriate type and levels of use consistent with resource protection. The County and CALTRANS shall, as resources permit, post informational signs at appropriate intersections and turning

points along visitor routes, in order to direct coastal visitors to public recreation and nature study areas in the Coastal Zone.

~~(PC app. 9/19/11, 11/23/09)~~

~~*[Adapted from Unit I Public Access Policies 7 and 8, p. 8, and Unit II Public Access Policy 2.e, p. 14]*~~

**C-PA-20 Effects of Parking Restrictions on Public Coastal Access Opportunities.** When considering a coastal permit for any development application that could result in reducing public parking opportunities near beach access points or parklands, including any changes in parking timing and availability, and any signage reducing public access, evaluate options that consider both the needs of the public to gain access to the coast and the need to protect public safety and fragile coastal resources, including finding alternatives to reductions in public parking and ways to mitigate any potential loss of public coastal access.

~~[BOS app. 7/30/2013]~~

~~(PC app. 9/19/11, 4/26/10)~~

~~*[New policy, not in Unit I or II]*~~

**C-PA-21 Shoreline Structures on or Near Public Coastal Accessways.** Ensure that construction of shoreline protection measures otherwise permitted by LCP policies maintains the same or similar shoreline access as previously existed.

~~(PC app. 9/19/11, 11/23/09)~~

~~*[Adapted from Unit I Public Access Policy 4, p. 7]*~~

**C-PA-22 Protection Against Encroachments on Public Coastal Accessways and Offers to Dedicate Easements.** Seek assistance from the Coastal Commission or other entities as appropriate in order to enforce the terms of public access easements and/or offers to dedicate easements that have been blocked by private development.

~~(PC app. 9/19/11, 2/8/10)~~

~~*[New policy, not in Unit I or II]*~~