



STAFF REPORT TO THE MARIN COUNTY PLANNING COMMISSION Local Coastal Program Amendments and Rezoning			
Recommendation:		Approve Resolutions recommending review by the Marin County Board of Supervisors	
Hearing Date:		April 10, 2023	
Agenda Item:	1	Project Planner:	Kathleen Kilgariff, Planner
Last Date for Action:	N/A	Signature:	

RECOMMENDATION

Staff recommends that the Planning Commission review the administrative record, conduct a public hearing, and approve:

1. A Resolution recommending that the Board of Supervisors rescinds Unit I and II except for the Environmental Hazards and adopts a Resolution adopting the 2021 Local Coastal Program Land Use Plan Technical Edits.
2. A Resolution recommending that the Board of Supervisors adopts an Ordinance that approves the proposed 2021 Local Coastal Program Implementation Plan Technical Edits.
3. A Resolution recommending that the Board of Supervisors adopts an Ordinance that 1) rescinds Title 22I and Title 20I and, 2) replaces Title 20I with the 2021 Local Coastal Program Implementation Plan standards, now referred to as Title 20 the Coastal Zoning Code, codifying the Implementation Plan and associated edits.
4. A Resolution recommending that the Board of Supervisors adopts an Ordinance to amend the Local Coastal Program Map for Assessor’s Parcel Number 109-330-05.

LOCAL COASTAL PROGRAM TERMINOLOGY

For the purpose of this staff report and accompanying resolutions, the following terms shall be used and defined as follows:

1982 Local Coastal Program – The County’s first Local Coastal Program, certified May 1982, comprising of Unit I and Unit II Land Use Plans and Implementation Program - Title 22I (Interim Development Code, applicable only in the Coastal Zone) and Title 20 (Interim Subdivision Code).

Unit I – The boundaries generally consist of the southern portion of Marin County's coastline, including Bolinas, Stinson Beach, and Muir Beach.

Unit II – The coastal area from Olema north to the Sonoma Marin County border. Development is generally confined to six small coastal village areas: Olema, Point Reyes Station, Inverness Ridge, Marshall and nearby shoreline hamlets, Tomales, and Dillon Beach

1982 Local Coastal Program Environmental Hazards – Unit I and Unit II environmental hazards policies and standards outlined in the 1982 Local Coastal Program.

2021 Local Coastal Program – All portions of the Coastal Commission-certified Local Coastal Program Amendments and the 1982 Local Coastal Program policies and regulations related to environmental hazards.

Local Coastal Program – Per the California Coastal Act, "Local Coastal Program" means a local government's (a) land use plans, (b) zoning ordinances, (c) zoning district maps, and (d) within sensitive coastal resources areas, other implementing actions, which, when taken together, meet the requirements of, and implement the provisions and policies of, the Coastal Act at the local level.

Local Coastal Program Amendments – Since 2008 the Community Development Agency has been actively working to update the County's Local Coastal Program, including all aspects of the Land Use Plan and Implementation Plan. These updates are referred to as the Local Coastal Program Amendments. As part of this work, the County submitted a full Local Coastal Program update, comprised of seven separate amendments, for Coastal Commission certification. The seven amendments were identified as follows:

Amendment 1: All LUP chapters except for the Agriculture and Environmental Hazards Chapters

Amendment 2: The LUP's Agriculture Chapter

Amendment 3: The IP's Agriculture sections

Amendment 4: The LUP's Environmental Hazards Chapter

Amendment 5: The IP's Environmental Hazards sections

Amendment 6: The IP's Coastal Permitting and Administration sections

Amendment 7: All remaining LUP and IP components not part of Amendments 1-6 above

To date, Amendments 1, 2, 3, 6, and 7 have been approved by the Marin County Board of Supervisors and certified by the California Coastal Commission. All certified amendments except for those related to environmental hazards are currently used by the County as the standard of review in the Coastal Zone.

Land Use Plan – The County's Land Use Plan details the kinds, location, and intensity of land uses, the applicable resource protection and development policies and, where necessary, a listing of implementing actions.

Implementation Plan – The Implementation Plan is the County’s Coastal Zoning Code (proposed as Title 20 as part of this project) and all associated zoning maps.

Technical Edits – Text corrections and cross indexing clarifications to the 2021 Local Coastal Program. Modifications to both the Land Use Plan and Implementation Plan are proposed. Policies and development standards in the 1982 Local Coastal Program policies and regulations related to environmental hazards are incorporated into the 2021 Local Coastal Program so that all policies and regulations can be found in one document.

PROJECT SUMMARY

On July 13, 2021, the Board of Supervisors took action to place into effect the certified Local Coastal Program Amendments for the County’s most recent update of the Local Coastal Program (first fully certified May of 1982). Note, all portions of the Local Coastal Program Amendments have been approved by the Board of Supervisors and certified by the Coastal Commission, with the exception of chapters related to environmental hazards, which remain the subject of on-going work and public input. As a result, those sections of the 1982 Local Coastal Program related to environmental hazards still apply in the Coastal Zone.

As the Community Development Agency works to complete the Environmental Hazards Update, the County is now applying a hybrid Local Coastal Program, containing all currently applicable documents of the Local Coastal Program, including both the new Land Use Plan and Implementation Plan, as well as the 1982 Local Coastal Program policies and provisions related to environmental hazards.

The Planning Division staff has applied this 2021 Local Coastal Program to new development in the Coastal Zone for over a year now and, in doing so, has identified a number of text corrections and cross indexing clarifications, discussed in the following sections, that should be made to ensure that the 2021 Local Coastal Program is appropriately implemented. A summary of these edits is provided in this Staff Report, while the detailed Technical Edits are included in Attachments 5 (2021 Land Use Plan edits) and 6 (2021 Implementation Plan edits).

As part of the work to bring forward these edits and ensure that policies and standards are accurately applied in the Coastal Zone, Planning staff has identified the following actions that must occur:

1. Certify the Technical Edits to the 2021 Local Coastal Program

As outlined below, staff proposes Technical Edits to the 2021 Local Coastal Program. These edits do not result in substantive changes to the 2021 Local Coastal Program or modify the intention of the Plan.

2. Rescind Unit I and Unit II Local Coastal Program standards, except the environmental hazard policies, which will be copied into the IP (Coastal Zoning Code) without any substantive changes.

These environmental hazard policies and standards from the 1982 Local Coastal Program have been incorporated into the County’s 2021 Local Coastal Program for ease of use to create a single unified Land Use Plan and a single unified Coastal Zoning Code. No substantive changes have been proposed as part of this modification.

3. Rescind Title 22I (Interim)

Title 22I (Interim) contains the coastal development standards associated with the County's 1982 Local Coastal Program. Rescinding this Title effectively removes these standards from the Marin County Code as they no longer apply in the Coastal Zone except for the environmental hazard regulations, which will be copied into the IP.

4. Eliminate the current text of Title 20 (Interim) – Subdivisions

Title 20 (Interim) – Subdivisions contains old, outdated subdivision standards. Under the 2021 Local Coastal Program, subdivision requirements and regulations are established in Title 22, Article VI (Subdivisions).

5. Codify the zoning requirements of the Implementation Plan as Title 20.

The interim development standards (Title 22I) must be rescinded. As a result, the 2021 Local Coastal Program Implementation Plan standards need their own Title of the Marin County Code. Title 20 is used for the location of the Implementation Plan standards as it was previously associated with development standards in the Coastal Zone. This title will be renamed the Coastal Zoning Code.

6. Adopt an Ordinance that rezones Assessor's Parcel Number 109-330-05.

As part of the approved 2021 Local Coastal Program, the County found that APN 109-330-05 was omitted from the Local Coastal Program Zoning Map. To ensure that the final Land Use Plan and Implementation Plan maps reflect a residential zoning designation, on February 6, 2019, the Coastal Commission approved a Local Coastal Program amendment that would modify the certified pending land use designation for this parcel from open space to residential, and the new proposed IP zoning maps would designate the property as part of the Residential Single-Family Planned District. The Board of Supervisors must approve an Ordinance to rezone this property, which to date has not occurred.

TECHNICAL EDITS

Text corrections and cross-indexing clarifications

The proposed corrections and clarifications are summarized below:

- A. Applicable Implementation Plan Title 22 references are changed to Title 20, as well as changes to Chapters, Sections, etc. For example, Chapter 22.62 – Coastal Zoning and Allowable Land Uses would now become Chapter 20.62. This was previously communicated with Coastal Commission planner, Sara Pfeiffer. Specifically, the correspondence states:

The County has retained the original section numbering to facilitate the ability of interested parties to track changes throughout the LCP process, and those numbers are used in this report. After certification the numbering will be amended to reflect the separate status of the LCP. For purposes other than Coastal Permits additional Development Code sections may apply.

- B. Minor edits are proposed so that the IP speaks with a single voice, and also so that the overall format maintains consistency regarding which terms are used, and which sections are cited. For example, “Coastal Permit” is now a “Coastal Development Permit”, the term “Second Unit” is changed to “Accessory Dwelling Unit”, consistent with State law, and the term “Development Code” is now referred to as “Coastal Zoning Code”. Note, “Development Code” is not applicable to Title 20 because there is no subdivision section. Instead, subdivision standards are incorporated by reference into the IP. Because Title 20 only establishes land use and development standards, it is a zoning code.
- C. References to development standards, and antiquated planning entitlements (i.e. Tideland Permits), applicable outside of the Coastal Zone are removed. That said, the Development Code (Title 22) is applicable where noted and unmodified.
- D. Cross references have been added so that when the Code is published online, noted titles, chapters, and sections will be easily accessible. For example, Chapter 20.130 would now be noted as Chapter 20.130 (Coastal Zoning Code Definitions).

Land Use Table Footnotes

The footnotes in the land use tables, contained in Chapter 20.62 (Coastal Zoning Districts and Allowable Land Uses), are no longer consistent with the records associated with both the California Coastal Commission and Board of Supervisor hearings that certified the Local Coastal Program Amendments. Planning staff has reviewed previous IP versions and communications between staff members that identified formatting issues as a result of numerous edits made to the LCP over the history of the County’s LCP Amendments. Based on this review, it is clear that some of the cohesion between the tables was lost during this process. This in turn leads to implementation issues as it can be unclear what entitlements are required, depending on the references identified in the tables.

To ensure consistency among the tables, footnotes have been identified along with their correct corresponding number. They are as follows (and these edits have been incorporated into the IP):

Tables 5-1-a to 5-1-e (Agricultural Land Uses)

- (1) Listed land uses must be consistent with definitions in Chapter 20.130 (Coastal Zoning Code Definitions).
- (2) Design Review requirements are contained in Chapter 22.42 (Design Review) rather than in the LCP and such design review requirements apply independent of, and in addition to, coastal development permit requirements.
- (3) Dairy operations allowed only on a site of 50 acres or larger.
- (7) Only dwellings for teachers or custodial staff, or dwellings clearly accessory to the primary use of the site for agricultural purposes allowed.
- (10) Only allowed as a principally permitted use when the legal lot is zoned C-ARP-10 to C-ARP-60, which provide that the principally permitted use shall be for agriculture.

- (11) Agricultural uses and activities that meet the definition of “Agriculture, Ongoing” in Chapter 20.130 (Coastal Zoning Code Definitions) and “Coastal Development Permit Not Required: Exempt Development” in Section 20.68.A.12 (Ongoing Agricultural Activities) shall be processed consistent with those sections.

Tables 5-2-a to 5-2-d (Coastal Residential Land Uses)

- (1) Listed land uses must be consistent with definitions in Chapter 20.130 (Coastal Zoning Code Definitions).
- (2) Design Review requirements are contained in Chapter 22.42 (Design Review) rather than in the LCP and such design review requirements apply independent of, and in addition to, coastal development permit requirements.
- (4) Allowed only where a maximum density of one unit per three acres or larger is required.

Tables 5-3-a to 5-3-f (Coastal Commercial/Mixed Use Land Uses)

- (1) Listed land uses must be consistent with definitions in Chapter 20.130 (Coastal Zoning Code Definitions).
- (2) Design Review requirements are contained in Chapter 22.42 (Design Review) rather than in the LCP and such design review requirements apply independent of, and in addition to, coastal development permit requirements.
- (3) Within the mapped village commercial core area of the C-VCR zone, Commercial shall be the principal permitted use and Residential shall be a permitted use. In this area Residential 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 provided that the development maintains and/or enhances the established character of village commercial core areas. The maintenance and repair of any legal existing residential use shall be exempt from the above provision and shall be permitted
- (4) Outside of the mapped village commercial core area of the C-VCR zone, Residential shall be principal permitted use.
- (9) Employee housing is permitted with Design Review requirements independent of and in addition to Coastal Permit requirements. See Chapter 22.42 (Design Review). Such housing would be a Conditional Use.

For all tables, if the number was not referenced in the table, the footnote was removed, and vice versa.

IP Edits that are moved within the Code but are not otherwise changed

- Chapter 22.60 – Purpose and Applicability of Coastal Zone Regulations is now Chapter 20.01 so that it introduces Title 20 as a whole.
- Chapter 22.130 – The definition of Second Unit is now included under “Accessory Dwelling Unit”.

- Section 22.64.060 – Environmental Hazards is verbatim identical to the text of all applicable environmental hazard standards. This change was made to ensure that all development standards are located within one single text.

LUP Edits

Similar to the above noted edits, Land Use Plan modifications were made to ensure consistency within the document. Specifically, edits were made to reflect correct nomenclature (“Coastal Development Permit”, “Accessory Dwelling Unit”, etc.), clarify policy cross references, and reflect Title 20 changes. Additionally, the Land Use Plan edits incorporate the currently applicable environmental hazards policies (from the original 1982 Land Use Plan) so that members of the public only need to refer to one policy document, which will improve customer service.

ENVIRONMENTAL HAZARDS

The references to development standards in areas of potential coastal hazards, which the County has not yet adopted, are proposed for removal. However, once the environmental hazard policies are developed, the County will revisit the following sections of the Coastal Zoning Code as part of the Environmental Hazards Update the County is currently undertaking to ensure consistency between policies and regulations:

- Section 20.64.045.3.D.4.a – Property Development and Use Standards
- Section 20.64.060 – Environmental Hazards
- Section 20.65.030.H.4 – Planned District General Development Standards

Environmental hazard sections that will be revisited in the Land Use Plan:

- Text within Policy C-DES-4 – Limited Height of New Structures
- Text within Policy C-DES-11 – Avoidance of Fuel Modification.
- Text within Policy C-TR-3 – Impacts to Highway One from Sea Level Rise
- Text within Policy C-CD-5 – Standards for Development on the Shoreline of Tomales Bay
- The entire Environmental Hazards chapter

ATTACHMENTS:

1. Recommended Resolution – 2021 Local Coastal Program Land Use Plan Technical Edits
2. Recommended Resolution – 2021 Local Coastal Program Implementation Plan Technical Edits
3. Recommended Resolution – Marin County Code Modifications
4. Recommended Resolution – Rezone APN 109-330-05
5. 2021 Local Coastal Program Land Use Plan with Edits
6. 2021 Local Coastal Program Implementation Plan with Edits
7. Public Correspondence

MARIN COUNTY PLANNING COMISSION

RESOLUTION NO. _____

A RESOLUTION RECOMMENDING THE MARIN COUNTY BOARD OF SUPERVISORS REVIEW AND APPROVE TECHNICAL EDITS TO THE MARIN COUNTY LOCAL COASTAL PROGRAM LAND USE PLAN

The Marin County Planning Commission hereby resolves as follows.

SECTION I: FINDINGS

- 1. On April 10, 2023, the Marin County Planning Commission held a duly noticed public hearing to take public testimony and consider the Local Coastal Program Technical Edits.
2. Section 30500 of the Public Resources Code requires each County and City to prepare a Local Coastal Program for that portion of the Coastal Zone within its jurisdiction.
3. For the purpose of this resolution, the following terms shall be used and defined as follows:

1982 Local Coastal Program – The County’s first Local Coastal Program, certified May 1982, comprising of Unit I and Unit II Land Use Plans and Implementation Program - Title 22I (Interim Development Code, applicable only in the Coastal Zone) and Title 20 (Interim Subdivision Code).

Unit I – The boundaries generally consist of the southern portion of Marin County’s coastline, including Bolinas, Stinson Beach, and Muir Beach.

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Local Coastal Program Amendments – Since 2008 the Community Development Agency has been actively working to update the County’s Local Coastal Program, including all aspects of the

Land Use Plan and Implementation Plan. These updates are referred to as the Local Coastal Program Amendments. As part of this work, the County submitted a full Local Coastal Program update, comprised of seven separate amendments, for Coastal Commission certification. The seven amendments were identified as follows:

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To date, Amendments 1,2,3,6, and 7 have been approved/certified by both the Marin County Board of Supervisors and the California Coastal Commission. All certified amendments except for those related to environmental hazards have been approved and are currently used by the County as the standard of review in the Coastal Zone.

Land Use Plan – The County's Land Use Plan details the kinds, location, and intensity of land uses, the applicable resource protection and development policies and, where necessary, a listing of implementing actions.

Implementation Plan – The Implementation Plan is the County's Coastal Zoning Code (proposed as Title 20 as part of this project) and all associated zoning maps.

Technical Edits – Text corrections and cross-indexing clarifications to the 2021 Local Coastal Program. Modifications to both the Land Use Plan and Implementation Plan are proposed. Policies and development standards in the 1982 Local Coastal Program policies and regulations related to environmental hazards are incorporated into the 2021 Local Coastal Program so that all policies and regulations can be found in one document.

4. In October 2008 the Board of Supervisors approved a work program and schedule to prepare amendments to the 1982 Marin County Local Coastal Program. The Local Coastal Program is a planning document that identifies the location, type, densities and other ground rules for future development in the Coastal Zone. The Local Coastal Program is comprised of the Land Use Plan, the Implementation Plan, and all accompanying land use and zoning maps. The purpose of the Local Coastal Program Amendments served to address issues that have arisen since the Local Coastal Program was originally certified and to provide for more efficient and effective management of coastal resources.

5. The 2021 Local Coastal Program Land Use Plan was reorganized into 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.

6. The 2021 Local Coastal Program Implementation Plan code provisions and zoning maps carry out the policies and programs in the Land Use Plan by indicating which land uses are appropriate in each part of the Coastal Zone. The Implementation P also contains specific requirements that apply to development projects and detailed procedures for applicants to follow in order to obtain a Coastal Development Permit.

7. The County process for development, review, and consideration of the Local Coastal Program Amendments included extensive input from the public at all stages. There were over 60 meetings and hearings open to the public regarding the certified 2021 Local Coastal Program Amendments. Comments and participation were sought from County residents, California Native American Indian tribes, public agencies, public utility companies, and various local community groups and organizations. The Local Coastal Program Amendments were specifically referred to the California Coastal Commission, National Park Service, California State Department of Fish and Wildlife, public water agencies, the Federated Indians of Graton Rancheria, and a number of other public agencies.

8. From August 31, 2011 to August 11, 2018, the Marin County Planning Commission held over 10 public hearings to consider the Local Coastal Program Amendments, receive public comments on the proposed policies, and subsequently, recommend the Local Coastal Program Amendments to the Board of Supervisors for review and approval.

9. From October 2, 2012 to December 11, 2018, the Board of Supervisors held over 10 public hearings to consider both the Planning Commission recommended Local Coastal Program Amendments and public testimony. The Board of Supervisors adopted a Resolution (No. 2018-133) approving the Local Coastal Program Amendments on December 11, 2018.

10. After the Board approved the Local Coastal Program Amendments on December 11, 2018, Planning staff submitted the County approved Local Coastal Program Amendments to the California Coastal Commission for review and certification on December 24, 2018.

11. On February 6, 2019, at their regularly scheduled hearing, the California Coastal Commission certified the Local Coastal Program Amendments, completing certification of the updated Local Coastal Program, except for the environmental hazards section.

12. After the February 6, 2019, certification, given that the environmental hazards policies and regulations were not certified, the County continued to use the 1982 Local Coastal Program as the standard of review for development in the Coastal Zone.

13. In April of 2021, the Coastal Commission North Central District Director advised County staff to combine recently certified portions of the Local Coastal Program Amendments with the 1982 Local Coastal Program environmental hazards policies and regulations and submit them so the Coastal Commission could put them into effect through a simple administrative process similar to an "Executive Director" check-off. This would allow both the Coastal Commission and County

take advantage of the years of effort that went into development of a significant majority of the new Local Coastal Program.

14. On July 13, 2021, the Marin County Board of Supervisors held a public hearing to place the 2021 Local Coastal Program into effect so that the newly certified components of Marin's Local Coastal Program can serve as the standard of review for development in the Coastal Zone in combination with those environmental hazard policies and standards from the 1982 Local Coastal Program.

15. On July 23, 2021 the California Coastal Commission held a public hearing and concurred with their district staff recommendation to allow the County to use the a hybrid approach to the 2021 Local Coastal Program, using both the recently certified Local Coastal Program Amendments and the 1982 Local Coastal Program policies and standards related to environmental hazards, authorizing implementation of the many new and improved policies and code provisions designed to protect coastal habitats, preserve Marin's agricultural resources, and clarify permit procedures among other benefits.

16. On August 12, 2021, the 2021 Local Coastal Program went into effect, 30 days after the Board of Supervisors action.

17. Planning staff has applied the hybrid 2021 Local Coastal Program as the standard of review for development in the Coastal Zone since it went into effect on August 12, 2021 and has identified a number of text corrections and cross-indexing clarifications that are required for better use of the 2021 Local Coastal Program. Specifically, edits include changes to the overall numbering of the Implementation Plan (applicable Title 22 references are now shown as Title 20), cross references are clarified, and some terms have been updated. All edits are shown in track changes format in Exhibit A, which is incorporated into this Resolution by reference. All edits will be reflected in Marin County Code, Title 20.

18. These Technical Edits will result in the need for a Local Coastal Program amendment, with proposed changes to both the Land Use Plan and Implementation Plan, in keeping with the requirements of the Coastal Act.

19. Pursuant to Sections 15250 and 15251(f) of the California Environmental Quality Act (CEQA) Guidelines, the preparation, approval, and certification of a Local Coastal Program amendment is exempt from the requirement for preparation of an Environmental Impact Report (EIR) because the California Coastal Commission's review and approval process has been certified by the Secretary of Resources as being the functional equivalent of the EIR process required by CEQA in Sections 21080.5 and 21080.9 of the Public Resources Code.

SECTION II: LEGAL AUTHORITY

The Marin County Planning Commission action on the Marin County Code modifications is intended to carry out the following provisions of the Public Resources Code:

1. Section 30004(a): the Legislature further finds and declares that (a) to achieve maximum responsiveness to local conditions, accountability, and public accessibility, it is necessary to rely heavily on local government and local land use planning procedures and enforcement; and

2. Section 30500(c): The precise content of each local coastal program shall be determined by the local government, consistent with Section 30501, in full consultation with the California Coastal Commission and with full public participation; and
3. Section 30512.1(a): The California Coastal Commission's review of a land use plan shall be limited to its administrative determination that the land use plan submitted by the local government does, or does not, conform with the requirements of Chapter 3 (commencing with Section 30200). In making this review, the Coastal Commission is not authorized by any provision of this division to diminish or abridge the authority of a local government to adopt and establish, by ordinance, the precise content of its land use plan; and
4. Section 30512.2(c): The Commission shall require conformance with the policies and requirements of Chapter 3 (commencing with Section 30200) only to the extent necessary to achieve the basic state goals specified in Section 30001.5.

SECTION III: ACTION

The Marin County Planning Commission recommends that the Board of Supervisors adopts an Resolution that approves the proposed Local Coastal Program Land Use Plan modifications attached hereto as Exhibit A

SECTION IV: VOTE

PASSED AND ADOPTED at a regular meeting of the Marin County Planning Commission, on the 10 day of April, 2023 by the following vote:

AYES: COMMISSIONERS

NOES:

ABSENT:

DON DICKENSON, CHAIR
MARIN COUNTY PLANNING COMMISSION

ATTEST:

Ana Hilda Mosher
Planning Commission Recording Secretary

MARIN COUNTY PLANNING COMISSION

RESOLUTION NO. _____

A RESOLUTION RECOMMENDING THE MARIN COUNTY BOARD OF SUPERVISORS REVIEW AND APPROVE TECHNICAL EDITS TO THE MARIN COUNTY LOCAL COASTAL PROGRAM IMPLEMENTATION PLAN

The Marin County Planning Commission hereby resolves as follows.

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Technical Edits – Text corrections and cross-indexing clarifications to the 2021 Local Coastal Program. Modifications to both the Land Use Plan and Implementation Plan are proposed. Policies and development standards in the 1982 Local Coastal Program policies and regulations related to environmental hazards are incorporated into the 2021 Local Coastal Program so that all policies and regulations can be found in one document.

4. In October 2008 the Board of Supervisors approved a work program and schedule to prepare amendments to the 1982 Marin County Local Coastal Program. The Local Coastal Program is a planning document that identifies the location, type, densities and other ground rules for future development in the Coastal Zone. The Local Coastal Program is comprised of the Land Use Plan, the Implementation Plan, and all accompanying land use and zoning maps. The purpose of the Local Coastal Program Amendments served to address issues that have arisen since the Local Coastal Program was originally certified and to provide for more efficient and effective management of coastal resources.

5. The 2021 Land Use Plan was reorganized into 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.

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7. The County process for development, review, and consideration of the Local Coastal Program Amendments included extensive input from the public at all stages. There were over 60 meetings and hearings open to the public regarding the certified 2021 Local Coastal Program Amendments. Comments and participation were sought from County residents, California Native American Indian tribes, public agencies, public utility companies, and various local community groups and organizations. The Local Coastal Program Amendments were specifically referred to the California Coastal Commission, National Park Service, California State Department of Fish and Wildlife, public water agencies, the Federated Indians of Graton Rancheria, and a number of other public agencies.

8. From August 31, 2011 to August 11, 2018, the Marin County Planning Commission held over 10 public hearings to consider the Local Coastal Program Amendments, receive public comments on the proposed policies, and subsequently, recommend the LCPAs to the Board of Supervisors for review and approval.

9. From October 2, 2012 to December 11, 2018, the Board of Supervisors held over 10 public hearings to consider both the Planning Commission recommended Local Coastal Program Amendments and public testimony. The Board of Supervisors adopted a Resolution (No. 2018-133) approving the Local Coastal Program Amendments on December 11, 2018.

10. After the Board approved the Local Coastal Program Amendments on December 11, 2018, Planning staff submitted the County approved Local Coastal Program Amendments to the California Coastal Commission for review and certification on December 24, 2018.

11. On February 6, 2019, at their regularly scheduled hearing, the California Coastal Commission certified the Marin County Local Coastal Program Amendments, completing certification of the updated Local Coastal Program, except for the environmental hazards section.

12. After the February 6, 2019 certification, given that the environmental hazards policies and regulations were not certified, the County continued to use the 1982 Local Coastal Program as the standard of review for development in the Coastal Zone.

13. In April of 2021, the Coastal Commission North Central District Director advised County staff to combine recently certified portions of the Local Coastal Program with the 1982 Local Coastal Program environmental hazards policies and regulations, and submit them so the Coastal Commission could put them into effect through a simple administrative process similar to an "Executive Director" check-off. This would allow both the Coastal Commission and County take

advantage of the years of effort that went into development of a significant majority of the new Local Coastal Program.

14. On July 13, 2021, the Marin County Board of Supervisors held a public hearing to place the 2021 Local Coastal Program into effect so that the newly certified components of Marin's Local Coastal Program can serve as the standard of review for development in the Coastal Zone in combination with those environmental hazard policies and standards from the 1982 Local Coastal Program.

15. On July 23, 2021 the California Coastal Commission held a public hearing and concurred with their district staff recommendation to allow the County to use the a hybrid approach to the 2021 Local Coastal Program, using both the recently certified Local Coastal Program Amendments and the 1982 Local Coastal Program policies and standards related to environmental hazards, authorizing implementation of the many new and improved policies and code provisions designed to protect coastal habitats, preserve Marin's agricultural resources, and clarify permit procedures among other benefits.

16. On August 12, 2021, the 2021 Local Coastal Program went into effect, 30 days after the Board of Supervisors action.

17. Planning staff has applied the hybrid 2021 Local Coastal Program as the standard of review for development in the Coastal Zone since it went into effect on August 12, 2021, and has identified a number of text corrections and cross-indexing clarifications that are required for better use of the 2021 Local Coastal Program. Specifically, edits include changes to the overall numbering of the Implementation Plan (applicable Title 22 references are now shown as Title 20), cross references are clarified, and some terms have been updated. All edits are shown in track changes format in Exhibit A, which is incorporated into this Resolution by reference. All edits will be reflected in Marin County Code, Title 20.

18. These Technical Edits will result in the need for a Local Coastal Program amendment, with proposed changes to both the Land Use Plan and Implementation Plan, in keeping with the requirements of the Coastal Act.

19. Pursuant to Sections 15250 and 15251(f) of the California Environmental Quality Act (CEQA) Guidelines, the preparation, approval, and certification of a Local Coastal Program amendment is exempt from the requirement for preparation of an Environmental Impact Report (EIR) because the California Coastal Commission's review and approval process has been certified by the Secretary of Resources as being the functional equivalent of the EIR process required by CEQA in Sections 21080.5 and 21080.9 of the Public Resources Code.

SECTION II: LEGAL AUTHORITY

The Marin County Planning Commission action on the Technical Edits is intended to carry out the following provisions of the Public Resources Code:

1. Section 30004(a): the Legislature further finds and declares that (a) to achieve maximum responsiveness to local conditions, accountability, and public accessibility, it is necessary to rely heavily on local government and local land use planning procedures and enforcement; and

2. Section 30500(c): The precise content of each local coastal program shall be determined by the local government, consistent with Section 30501, in full consultation with the California Coastal Commission and with full public participation; and
3. Section 30512.1(a): The California Coastal Commission's review of a land use plan shall be limited to its administrative determination that the land use plan submitted by the local government does, or does not, conform with the requirements of Chapter 3 (commencing with Section 30200). In making this review, the Coastal Commission is not authorized by any provision of this division to diminish or abridge the authority of a local government to adopt and establish, by ordinance, the precise content of its land use plan; and
4. Section 30512.2(c): The Commission shall require conformance with the policies and requirements of Chapter 3 (commencing with Section 30200) only to the extent necessary to achieve the basic state goals specified in Section 30001.5.

SECTION III: ACTION

The Marin County Planning Commission recommends that the Board of Supervisors adopts an Ordinance that rescinds the 1982 Local Coastal Program Unit I and II Implementation Plans except for the Environmental Hazards and approves the proposed 2021 Local Coastal Program Technical Edits attached hereto as Exhibit A.

SECTION IV: VOTE

PASSED AND ADOPTED at a regular meeting of the Marin County Planning Commission, on the 10th day of April, 2023, by the following vote:

AYES: COMMISSIONERS

NOES:

ABSENT:

MARGOT BIEHLE, CHAIR
MARIN COUNTY PLANNING COMMISSION

ATTEST:

Ana Hilda Mosher
Planning Commission Recording Secretary

MARIN COUNTY PLANNING COMMISSION

RESOLUTION NO. _____

A RESOLUTION RECOMMENDING THE MARIN COUNTY BOARD OF SUPERVISORS ADOPT AN ORDINANCE THAT 1) RESCINDS TITLE 22I AND THE TEXT OF TITLE 20 (INTERIM) – SUBDIVISIONS, 2) REPLACES TITLE 20 (INTERIM) – SUBDIVISIONS WITH THE TEXT OF THE 2021 LOCAL COASTAL PROGRAM IMPLEMENTATION PLAN AS WELL AS STANDARDS RELATED TO THE REGULATIONS OUTLINED IN THE 1982 LCP REGARDING ENVIRONMENTAL HAZARDS, AND 3) RENAMES TITLE 20 AS THE COASTAL ZONING CODE

The Marin County Planning Commission hereby resolves as follows.

SECTION I: FINDINGS

- 1. On April 10, 2023, the Marin County Planning Commission held a duly noticed public hearing to take public testimony and consider the Local Coastal Program Technical Edits.
2. Section 30500 of the Public Resources Code requires each County and City to prepare a Local Coastal Program for that portion of the Coastal Zone within its jurisdiction.
3. For the purpose of this resolution, the following terms shall be used and defined as follows:

1982 Local Coastal Program – The County’s first Local Coastal Program, certified May 1982, comprising of Unit I and Unit II Land Use Plans and Implementation Program - Title 22I (Interim Development Code, applicable only in the Coastal Zone) and Title 20 (Interim Subdivision Code).

Unit I – The boundaries generally consist of the southern portion of Marin County's coastline, including Bolinas, Stinson Beach, and Muir Beach.

Unit II – The coastal area from Olema north to the Sonoma Marin County border. Development is generally confined to six small coastal village areas: Olema, Point Reyes Station, Inverness Ridge, Marshall and nearby shoreline hamlets, Tomales, and Dillon Beach

1982 Local Coastal Program Environmental Hazards – Unit I and Unit II environmental hazards policies and standards outlined in the 1982 Local Coastal Program.

2021 Local Coastal Program – All portions of the Coastal Commission certified Local Coastal Program Amendments and the 1982 Local Coastal Program policies and regulations related to environmental hazards.

Local Coastal Program – Per the California Coastal Act, "Local Coastal Program" means a local government's (a) land use plans, (b) zoning ordinances, (c) zoning district maps, and (d) within sensitive coastal resources areas, other implementing actions, which, when taken together, meet

the requirements of, and implement the provisions and policies of, the Coastal Act at the local level.

Local Coastal Program Amendments – Since 2008 the Community Development Agency has been actively working to update the County’s Local Coastal Program, including all aspects of the Land Use Plan and Implementation Plan. These updates are referred to as the Local Coastal Program Amendments. As part of this work, the County submitted a full Local Coastal Program update, comprised of seven separate amendments, for Coastal Commission certification. The seven amendments were identified as follows:

Amendment 1: All LUP chapters except for the Agriculture and Environmental Hazards Chapters

Amendment 2: The LUP’s Agriculture Chapter

Amendment 3: The IP’s Agriculture sections

Amendment 4: The LUP’s Environmental Hazards Chapter

Amendment 5: The IP’s Environmental Hazards sections

Amendment 6: The IP’s Coastal Permitting and Administration sections

Amendment 7: All remaining LUP and IP components not part of Amendments 1-6 above

To date, Amendments 1,2,3,6, and 7 have been approved/certified by both the Marin County Board of Supervisors and the California Coastal Commission. All certified amendments except for those related to environmental hazards have been approved and are currently used by the County as the standard of review in the Coastal Zone.

Land Use Plan – The County’s Land Use Plan details the kinds, location, and intensity of land uses, the applicable resource protection and development policies and, where necessary, a listing of implementing actions.

Implementation Plan – The Implementation Plan is the County’s Coastal Zoning Code (proposed as Title 20 as part of this project) and all associated zoning maps.

Technical Edits – Text corrections and cross-indexing clarifications to the 2021 Local Coastal Program. Modifications to both the Land Use Plan and Implementation Plan are proposed. Policies and development standards in the 1982 Local Coastal Program policies and regulations related to environmental hazards are incorporated into the 2021 Local Coastal Program so that all policies and regulations can be found in one document.

4. In October 2008 the Board of Supervisors approved a work program and schedule to prepare amendments to the 1982 Local Coastal Program. The purpose of the Local Coastal Program Amendments was to address issues that have arisen since the 1982 Local Coastal Program was originally certified and to provide for more efficient and effective management of coastal resources.

5. The 2021 Local Coastal Program Land Use Plan was reorganized into 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.
6. The 2021 Local Coastal Program Implementation Plan code provisions and zoning maps carry out the policies and programs in the Land Use Plan by indicating which land uses are appropriate in each part of the Coastal Zone. The Implementation Plan also contains specific requirements that apply to development projects and detailed procedures for applicants to follow in order to obtain a Coastal Development Permit.
7. From August 31, 2011 to August 11, 2018, the Marin County Planning Commission held over 10 public hearings to consider the Local Coastal Program Amendments, receive public comments on the proposed policies, and subsequently, recommend the Local Coastal Program Amendments to the Board of Supervisors for review and approval.
8. From October 2, 2012 to December 11, 2018, the Board of Supervisors held over 10 public hearings to consider both the Planning Commission-recommended Local Coastal Program Amendments and public testimony. The Board of Supervisors adopted a Resolution (No. 2018-133) approving the Local Coastal Program Amendments on December 11, 2018.
9. After the Board approved the Local Coastal Program Amendments on December 11, 2018, Planning staff submitted the County-approved Local Coastal Program Amendments to the California Coastal Commission for review and certification on December 24, 2018.
10. On February 6, 2019, at their regularly-scheduled hearing, the California Coastal Commission certified the Local Coastal Program Amendments, completing certification of the updated Local Coastal Program, except for an updated environmental hazards section.
11. Since the California Coastal Commission's certification action on February 6, 2019 did not include certifying the amendments to the environmental hazards policies and regulations of the 1982 Local Coastal Program, the environmental hazards policies and regulations of the 1982 Local Coastal Program remain in effect.
12. In April of 2021, the Coastal Commission North Central District Director advised County staff to combine recently certified portions of the Local Coastal Program Amendments with the 1982 Local Coastal Program environmental hazards policies and regulations, and submit them so the Coastal Commission could put them into effect through a simple administrative process similar to an "Executive Director" check-off. This would allow both the Coastal Commission and County take advantage of the years of effort that went into development of a significant majority of the new Local Coastal Program.
13. On July 13, 2021, the Marin County Board of Supervisors held a public hearing to place the 2021 Local Coastal Program into effect so that the newly certified components of the Local Coastal Program can serve as the standard of review for development in the Coastal Zone in

combination with those environmental hazard policies and standards from the 1982 Local Coastal Program.

14. On July 23, 2021 the California Coastal Commission held a public hearing and concurred with their district staff recommendation to allow the County to use a “hybrid approach” to the 2021 Local Coastal Program, using both the recently certified Local Coastal Program Amendments and the 1982 Local Coastal Program Environmental Hazards policies and regulations, authorizing implementation of the many new and improved policies and code provisions designed to protect coastal habitats, preserve Marin’s agricultural resources, and clarify permit procedures among other benefits.

15. On August 12, 2021, the 2021 Local Coastal Program went into effect, 30 days after the Board of Supervisors action.

16. Planning staff has applied the hybrid 2021 Local Coastal Program as the standard of review for development in the Coastal Zone since it went into effect on August 12, 2021, and has identified a number of text corrections and cross-indexing clarifications that are required for better use of the 2021 Local Coastal Program. Specifically, edits include changes to the overall numbering of the Implementation Plan (applicable Title 22 references are now shown as Title 20), cross references are clarified, and some terms have been updated. All edits are shown in track changes format in Exhibit A, which is incorporated into this Resolution by reference. All edits will be reflected in Marin County Code, Title 20.

17. These Technical Edits will result in the need for a Local Coastal Program amendment, with proposed changes to both the 2021 Local Coastal Program Land Use Plan and Implementation Plan, in keeping with the requirements of the Coastal Act.

18. Pursuant to Sections 15250 and 15251(f) of the California Environmental Quality Act (CEQA) Guidelines, the preparation, approval, and certification of a Local Coastal Program Amendment is exempt from the requirement for preparation of an Environmental Impact Report (EIR) because the California Coastal Commission’s review and approval process has been certified by the Secretary of Resources as being the functional equivalent of the EIR process required by CEQA in Sections 21080.5 and 21080.9 of the Public Resources Code.

19. In addition to the process outlined in the Coastal Act for Local Coastal Program Amendments, State law also requires the Board of Supervisors to adopt a local ordinance to incorporate the regulations and edits outlined in Exhibit A as part of the County Code.

20. The 1982 Local Coastal Program regulations contained within Title 22I – Zoning (Interim) and Title 20 (Interim) – Subdivisions no longer apply in the Coastal Zone, with the exception of those standards related to environmental hazards. As such, Title 22I should be rescinded and all text within Title 20 should be deleted and replaced with the text of the 2021 Implementation Plan.

21. Text contained within 2021 Local Coastal Program, consisting of both the recently certified Local Coastal Program Amendments, as well as the 1982 Local Coastal Program text associated with environmental hazards should be incorporated into Title 20, which should be renamed Title 20 – Coastal Zoning Code, as provided in Exhibit A.

22. All development standards and technical edits contained in Exhibit A should serve as the standard of review in the Coastal Zone.

SECTION II: LEGAL AUTHORITY

The Marin County Planning Commission action on the Marin County Code modifications is intended to carry out the following provisions of the Public Resources Code:

1. Section 30004(a): the Legislature further finds and declares that (a) to achieve maximum responsiveness to local conditions, accountability, and public accessibility, it is necessary to rely heavily on local government and local land use planning procedures and enforcement; and
2. Section 30500(c): The precise content of each local coastal program shall be determined by the local government, consistent with Section 30501, in full consultation with the California Coastal Commission and with full public participation; and
3. Section 30512.1(a): The California Coastal Commission's review of a land use plan shall be limited to its administrative determination that the land use plan submitted by the local government does, or does not, conform with the requirements of Chapter 3 (commencing with Section 30200). In making this review, the Coastal Commission is not authorized by any provision of this division to diminish or abridge the authority of a local government to adopt and establish, by ordinance, the precise content of its land use plan; and
4. Section 30512.2(c): The Commission shall require conformance with the policies and requirements of Chapter 3 (commencing with Section 30200) only to the extent necessary to achieve the basic state goals specified in Section 30001.5.

SECTION III: ACTION

The Marin County Planning Commission recommends that the Board of Supervisors adopts an Ordinance that approves the proposed Marin County Code modifications attached hereto as Exhibit A.

SECTION IV: VOTE

PASSED AND ADOPTED at a regular meeting of the Marin County Planning Commission, on the 10th day of April, 2023, by the following vote:

AYES: COMMISSIONERS

NOES:

ABSENT:

DON DICKENSON, CHAIR
MARIN COUNTY PLANNING COMMISSION

ATTEST:

Ana Hilda Mosher
Planning Commission Recording Secretary

MARIN COUNTY PLANNING COMMISSION

RESOLUTION NO. _____

**A RESOLUTION OF THE MARIN COUNTY PLANNING COMMISSION RECOMMENDING
THE BOARD OF SUPERVISORS ADOPT AN ORDINANCE TO AMEND
THE LOCAL COASTAL PROGRAM ZONING MAP FOR
ASSESSOR'S PARCEL 109-330-05**

SECTION I: FINDINGS

1. On April 10, 2023, the Marin County Planning Commission held a duly noticed public hearing to take public testimony and consider the Local Coastal Program Technical Edits.
2. On July 12, 2018, the California Coastal Commission certified a Local Coastal Program amendment (2-MAR-18-0027), which authorized the County to classify a portion of the Moonrise Kingdom property, located at 1055 Vision Road in the unincorporated Inverness Ridge area of Marin County (APN 109-330-05), as residential in the Local Coastal Program. This parcel was zoned A-2, a residential zoning district, and the parcel will remain residentially zoned following the Local Coastal Program Zoning Map correction (to C-RSP-0.1).
3. While this 2018 Coastal Commission action successfully amended the County's Local Coastal Program, the 2016 certified pending Land Use Plan maps still reflected an open space designation on this parcel. To ensure that the final Local Coastal Program maps reflect a residential zoning designation, on February 6, 2019, the Coastal Commission approved a Coastal Permit amendment that would modify the certified pending land use designation for this parcel from open space to residential, and the new proposed IP zoning maps would designate the property as Residential Single-Family Planned District, 1 unit per 10 acres (2-MAR-19-0003-1).
4. The Marin County Planning Commission finds that the appropriate zoning designation for APN 109-330-05 is C-RSP-0.1 (Coastal, Single-Family Residential, Planned, 1 unit per 10 acres). Amending the Local Coastal Program Zoning Map to include Assessor's Parcel 109-330-05 will bring the parcel into conformance with the zoning designation applied to the other portion of the lot, denoted as Assessor's Parcel 109-330-05, which is presently zoned C-RSP-0.1.
5. The Marin County Planning Commission finds that the project is consistent with the goals and policies of the Marin Countywide Plan because the Local Coastal Program Zoning Map will be corrected to acknowledge the subject parcel as a residentially zoned, consistent with the other portion of the lot.
6. The rezoning is consistent with the goals and policies of the Inverness Ridge Communities Plan because the subject parcel comprises a portion of a legal lot of record that is privately owned, with the other portion of the lot zoned for single-family residential development. Both parcels are presently developed with single-family residential development, and through the Local Coastal Program Zoning Map correction, the subject parcel would be consistent with the zoning designation applied to the other portion of the lot, denoted as Assessor's Parcel 109-330-05.

7. The rezoning is Exempt from the requirements of the California Environmental Quality Act (CEQA) because the project constitutes a map correction. Parcel number 109-330-05 is presently zoned A-2, a residential zoning district, and the parcel will remain residentially zoned following the Local Coastal Program Zoning Map correction (to C-RSP-0.1)

SECTION II: ACTION

NOW, THEREFORE, BE IT RESOLVED that the Marin County Planning Commission recommends the Marin County Board of Supervisors adopt an Ordinance that amends the Local Coastal Program Zoning Map to reflect a zoning designation of C-RSP-0.1 on parcel number 109-330-05.

SECTION III: VOTE

PASSED AND ADOPTED at a regular meeting of the Marin County Planning Commission, on the 10 day of April, 2023, by the following vote:

AYES:

NOES:

ABSENT:

DON DICKENSON, CHAIR
MARIN COUNTY PLANNING COMMISSION

Attest:

Ana Hilda Mosher
Planning Commission Recording Secretary